

UPDATE
FEBRUARY 25, 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: Feb 25, 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/89165357488?pwd=VXRlOU1xUHpDNUdBN21sdWFEZDVlQT09>

Passcode: 721089

Or iPhone one-tap :

US: +16699009128,,89165357488# or +12532158782,,89165357488#

Or Telephone:

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

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

Webinar ID: 891 6535 7488

International numbers available: <https://us02web.zoom.us/j/89165357488?pwd=VXRlOU1xUHpDNUdBN21sdWFEZDVlQT09>

- 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, FEBRUARY 25, 2021 AGENDA**

New Items

Announcement Agenda Item No. 1 – 21708...Lifting the health order that has been in place due to the COVID-19 pandemic.

Announcement Agenda Item No. 2 – 21707...Recognition of Bruce Newby for his years of public service as the Wyandotte County Election Commissioner.

Regular Agenda Item No. 3 – 21704...Turner Logistics Center Third Plat located at College Parkway and Orville Avenue, being developed by NP Turner Industrial, LLC.

Regular Agenda Item No. 4 – 21705...Turner Logistics Center Fourth Plat located at College Parkway and Orville Avenue, being developed by NP Turner Industrial, LLC.

Administrator's Agenda Item No. 4 – 21706... A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with the Plumbers Local Union No. 8, effective January 1, 2020, through December 31, 2021.

VI. CLERK'S STATEMENT

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

VII. PLANNING AND ZONING CONSENT AGENDA

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

IX. MAYOR'S AGENDA

X. REGULAR CONSENT AGENDA

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

PLANNING AND ZONING AGENDA

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATION

1. COZ-0008 - NP TURNER INDUSTRIAL, LLC

Synopsis: Change of Zone from R-1 Single Family District to MP-2 Planned General Industrial District for additional property for the Turner Logistics Center for warehousing, distribution and light manufacturing businesses at 915 North 69th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21681

B. SPECIAL USE PERMIT APPLICATIONS

1. SP2020-100 - WENDY OROZCO

Synopsis: Special Use Permit for a car audio installation shop at 1315 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 21682

2. SP-2020-105 - MONSERRATT PEREZ-MERA

Synopsis: Special Use Permit for a shipping container at 3500 North 32nd Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 21683

C. VACATION APPLICATIONS

1. **VAC2020-001 - SHAUN COFER WITH SCANNELL PROPERTIES, LLC**

Synopsis: Vacation of right-of-way at 9700 Leavenworth Road (East and West of the main entrance), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21684

2. **VAC2020-002 - SP BENNETT LAKE DEVELOPMENT, LLC**

Synopsis: Vacation of right-of-way at 9700 Leavenworth Road (main entrance), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21685

D. PLAN REVIEW APPLICATION

1. **PR2020-035 - KURT YODER WITH BHC RHODES**

Synopsis: Preliminary and Final Plan Review revising previously approved drive entry to Tidal Wave Auto Spa car wash at 10762 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21686

E. MASTER PLAN AMENDMENT

1. **MPL2021-002 - NP TURNER INDUSTRIAL, LLC**

Synopsis: Master Plan Amendment from Low Density Residential and Mixed Use (City-Wide Master Plan) to Industrial (City-Wide Master Plan) at 915 North 69th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21701

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

1. AN ORDINANCE rezoning property at 4520 and 4600 Parkview Avenue (#3211) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED**

FOR APPROVAL)

Tracking #: 21690

2. AN ORDINANCE rezoning property at 615 North 69th Street (COZ-0010) from None (former KDOT right-of-way) to MP-2 Planned General Industrial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 21691
3. AN ORDINANCE vacating a portion of a street (#S-2020-12) at 1 Woodswether Road and 1R Woodswether Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 21692
4. AN ORDINANCE authorizing a Special Use Permit (SU20-00092) for continuation of 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 #: 21693
5. AN ORDINANCE authorizing a Special Use Permit (SU20-00095) to keep 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 #: 21694
6. AN ORDINANCE authorizing a Home Occupation Special Use Permit for arts and crafts production and storage (SP-2020-90) at 2909 North 74th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 21695
7. AN ORDINANCE authorizing a Special Use Permit for the Temporary Use of Land for the continuation of an office trailer at 6721 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**
Tracking #: 21696
8. AN ORDINANCE authorizing a Special Use Permit for a short-term rental (SP-2020-103) at 611 H North 6th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**
Tracking #: 21697
9. AN ORDINANCE authoring a Special Use Permit for a temporary trailer to take employee temperatures during inclement weather (COVID) (SP-2020-104) at 100 Osage Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751, **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 21698

10. AN ORDINANCE rezoning property at 6863 State Avenue (3235) from C-1 Limited Business District to CP-3 Planned Commercial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 21699
11. AN ORDINANCE rezoning property at 1879 Village West Parkway (COZ-0004) from CP-2 Planned General Business District to RP-6 Planned High Rise Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 21700

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

TAX STATUS REPORT **BOARD OF COMMISSIONERS AGENDA FOR FEBRUARY 25, 2021**

None of the properties included in applications to be considered on the Planning & Zoning agenda have delinquent taxes prior to 2020.

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

REGULAR AGENDA **IX. MAYOR'S AGENDA**

X. REGULAR CONSENT AGENDA

1. **MINUTES**
Synopsis: Minutes from regular session of January 28, 2021.
Tracking #: MINUTES
2. **WEEKLY BUSINESS MATERIAL**
Synopsis: Weekly business material dated February 11 and 18, 2021.
Tracking #: WEEKLY BUSINESS MATERIAL

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

1. **RESOLUTION: SALE OF MUNICIPAL TEMPORARY NOTES, SERIES 2021-I**

Synopsis: A resolution authorizing and directing the sale and delivery of General Obligation Improvement Municipal Temporary Notes, Series 2021-I, estimated amount \$50.3 million, submitted by Kathleen VonAchen, Chief Financial Officer.

On December 30, 2020, the Commission unanimously adopted Resolution No. R-88-20, authorizing the sale of said notes and bonds.

Tracking #: 21687

2. **ORDINANCE AND RESOLUTION: SALE OF CITY GENERAL OBLIGATION BONDS, SERIES 2021-A**

Synopsis: Requesting approval of the following, submitted by Kathleen VonAchen, Chief Financial Officer.

- An ordinance authorizing and providing for the issuance of City General Obligation Improvement Bonds, Series 2021-A
- A resolution authorizing and directing the sale and delivery of City General Obligation Improvement Bonds, Series 2021-A, estimated amount \$45.7 million

On November 30, 2020, the Commission unanimously adopted Resolution No. R-88-20, offering for sale said bonds and notes.

Tracking #: 21688

3. **RESOLUTION: SECOND SUPPLEMENTAL LEASE FOR COURTHOUSE AND ADULT JAIL FACILITY**

Synopsis: Request approval of a resolution authorizing the Unified Government to enter into a base lease/lease structure with the Public Building Commission for the purpose of constructing certain capital improvements to the existing courthouse and adult jail (supplemental), submitted by Kathleen VonAchen, Chief Financial Officer.

On November 30, 2020, the Commission unanimously adopted Resolution No. R-88-20, authorizing the sale of said notes and bonds.

Tracking #: 21689

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, FEBRUARY 25, 2021**

XVI. ANNOUNCEMENTS

NEW ITEMS

Item No. 1 – 21708... HEALTH ORDER

Synopsis: Lifting the health order that has been in place due to the COVID-19 pandemic.

Item No. 2 – 21707... RECOGNITION: BRUCE NEWBY, ELECTION COMMISSIONER

Synopsis: Recognition of Bruce Newby for his years of public service as the Wyandotte County Election Commissioner.

Announcements will take place prior to the Planning and Zoning Agenda.

X. REGULAR CONSENT AGENDA

NEW ITEMS

Item No. 3 – 21704...PLAT: TURNER LOGISTICS CENTER THIRD PLAT

Synopsis: Turner Logistics Center Third Plat located at College Parkway and Orville Avenue, being developed by NP Turner Industrial, LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Item No. 4 – 21705...PLAT: TURNER LOGISTICS CENTER FOURTH PLAT

Synopsis: Turner Logistics Center Fourth Plat located at College Parkway and Orville Avenue, being developed by NP Turner Industrial, LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

XII. ADMINISTRATOR'S AGENDA

NEW ITEM

Item No. 4 – 21706... RESOLUTION: MEMORANDUM OF UNDERSTANDING (MOU) WITH PLUMBERS LOCAL UNION NO. 8

Synopsis: A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with the Plumbers Local Union No. 8, effective January 1, 2020, through December 31, 2021, submitted by Misty Brown, Deputy Chief Counsel.



Staff Request for Commission Action

Tracking No. 21708

Full Commission Meeting Date: 2/25/21

Committee:

Date of Standing Committee Action: NA

(If none, please explain):

Publication Required: No

<u>Date:</u> 2/25/2021	<u>Contact Name:</u> David Alvey	<u>Contact Phone:</u> 573-5010	<u>Contact Email:</u> dalvey@wycokck.org	<u>Department/Division:</u> Mayor's Office
<u>Item Description:</u> Lifting the health order that has been in place due to the COVID-19 pandemic.				
<u>Action Requested:</u> For information only				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Blue Sheet				



Staff Request for Commission Action

Tracking No. 21707

Full Commission Meeting Date: 2/25/21

Committee:

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u> 2/25/2021	<u>Contact Name:</u> Doug Bach	<u>Contact Phone:</u> x5027	<u>Contact Email:</u> dbach@wycokck.org	<u>Department/Division:</u> Administrator's Office
<u>Item Description:</u> Recognition of Bruce Newby for his years of public service as the Wyandotte County Election Commissioner.				
<u>Action Requested:</u> No action required				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				

21704



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

February 17, 2021

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **TURNER LOGISTICS CENTER THIRD PLAT**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of TURNER LOGISTICS CENTER THIRD PLAT located at College Parkway and Orville Avenue and being developed by NP Turner Industrial, LLC

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

 Date:
2021.02.17
15:56:05-06'00'

Brent E. Thompson, P.S.
County Surveyor

 Digitally signed by Troy
Shaw
Date: 2021.02.17 16:29:18
-06'00'

Troy Shaw, P.E.
County Engineer

FILED 
FEB 24 2021
UNIFIED GOVERNMENT CLERK

Attachments

FINAL PLAT

[illegible][illegible]

NOTES:

1. Zones A and B are to be designated as Open Space / Landscape Tracts.

2. The subject property lies in Zone C, areas determined to be outside the 0.2% chance annual floodplain, as shown on Flood Insurance Rate Map 22090Q01H, revised September 2, 2005.

3. The site of basing for the following and property description is the Kansas Regional Coordinate System, Zone 11.

the use of all laws and covenants in this subdivision shall hereafter be subject to the covenants and restrictions which are recorded in the Register of Deeds of the State of Wisconsin in the County of _____, on the _____ day of _____, 20____, and which covenants and restrictions heretofore formed a part of the dedication of _____.

© 2010 National Instruments. All rights reserved. National Instruments is a registered trademark of National Instruments Corporation. All other trademarks are the property of their respective owners.

If Institutional Negation, Authorized Person _____
STATE OF _____
CITY OF _____

On JUNE 26, 1987, I have happily let my hand offend my official seal, the day and

The dedications shown below, if any, are accepted this _____ day of _____, 20____.

_____	Should share _____	Mayor/CEO _____
-------	--------------------	-----------------

 Brigette D. Calabro
 Unified Clerk
 Recommended for approval by the Unified Government of Wyandotte County/Kansas City, Kansas Engineer. 10/15

Tony Stone, P.E. County Engineer

This plat of **TURNER LOGGING CENTER SECOND PLAT**, has been submitted to and approved by the United Government of Wyandotte County/Kansas City, Kansas Planning Commission.

Dated this _____ day of _____, 20____.

AREA TABLE		SQUARE FEET	ACRES
LOT 1		899,212	19.50
LOT 2		1,524,971	35.12

*N30S 20S27E 22S
R23S NE 1/4 Section 11, LLC
823 NE 1st Street
Suite 500
Olathe, KS 66061

By _____	Chairman	3,659,418	\$8.11
_____	101M		
_____	102M	160,142	5.69
_____	103M	160,142	5.69
_____	104M	160,142	5.69
_____	105M	160,142	5.69
_____	106M	160,142	5.69
_____	107M	160,142	5.69
_____	108M	160,142	5.69
_____	109M	160,142	5.69
_____	110M	160,142	5.69
_____	111M	160,142	5.69
_____	112M	160,142	5.69
_____	113M	160,142	5.69
_____	114M	160,142	5.69
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_____	117M	160,142	5.69
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_____	120M	160,142	5.69
_____	121M	160,142	5.69
_____	122M	160,142	5.69
_____	123M	160,142	5.69
_____	124M	160,142	5.69
_____	125M	160,142	5.69
_____	126M	160,142	5.69
_____	127M	160,142	5.69
_____	128M	160,142	5.69
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_____	183M	160,142	5.69
_____	184M	160,142	5.69
_____	185M	160,142	5.69
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_____	1		

[illegible]

Reviewed by _____ Date _____

Bruce E. Thompson, M.S. #2777

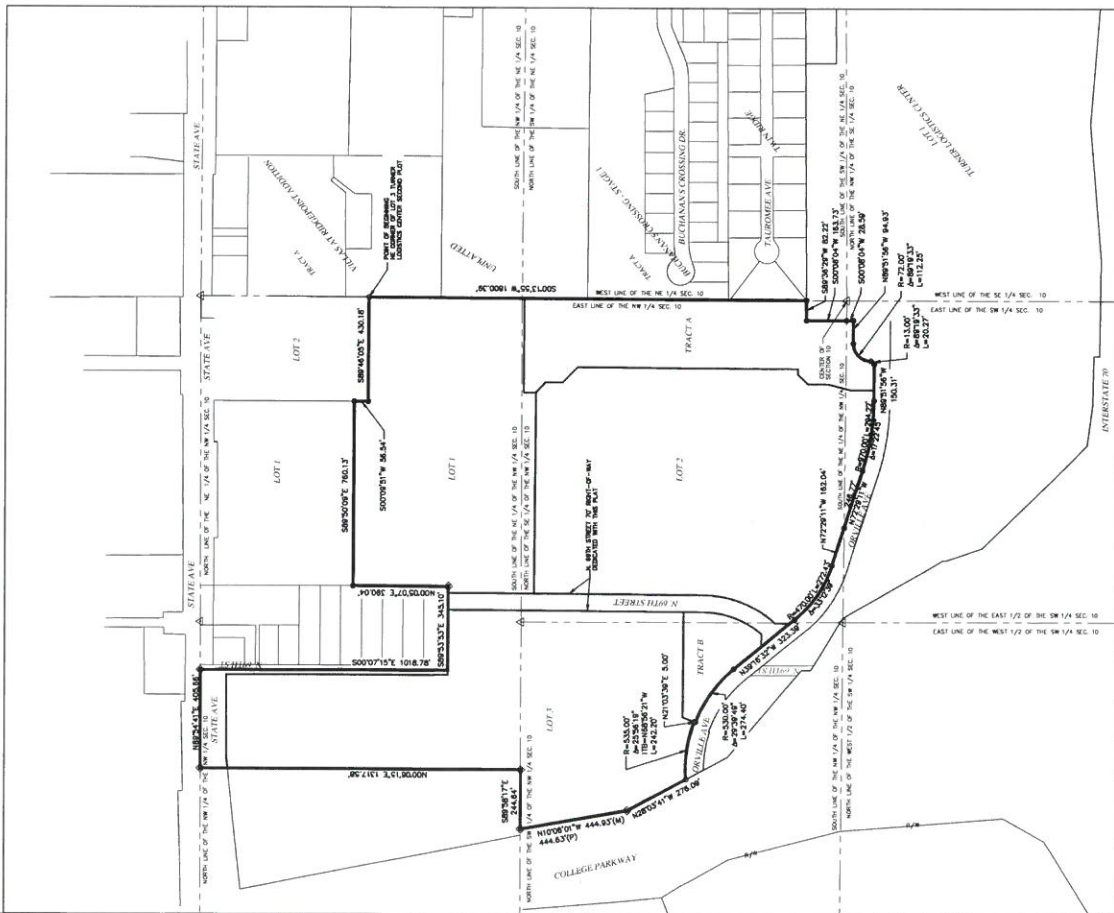
Nancy W. Brown, Registrar of Courts

No.	Date	Notes/Comments

J. Allen P.C.

[illegible]

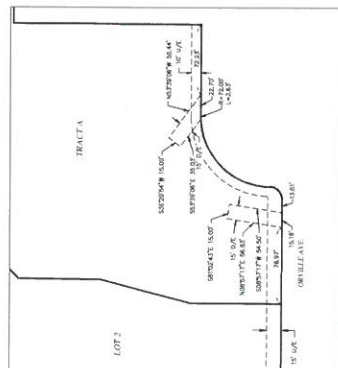
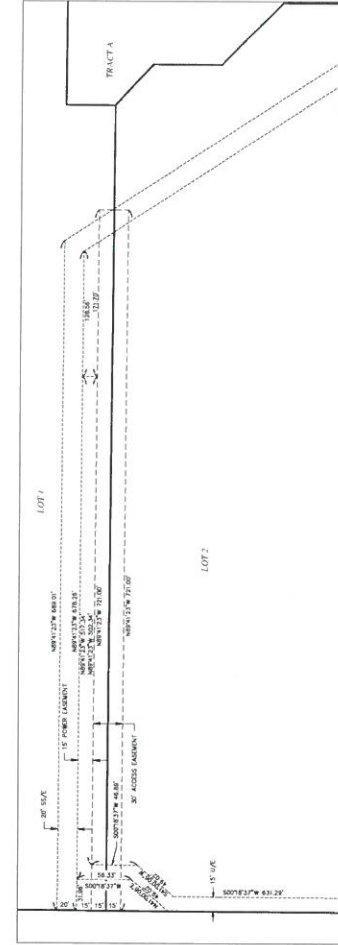
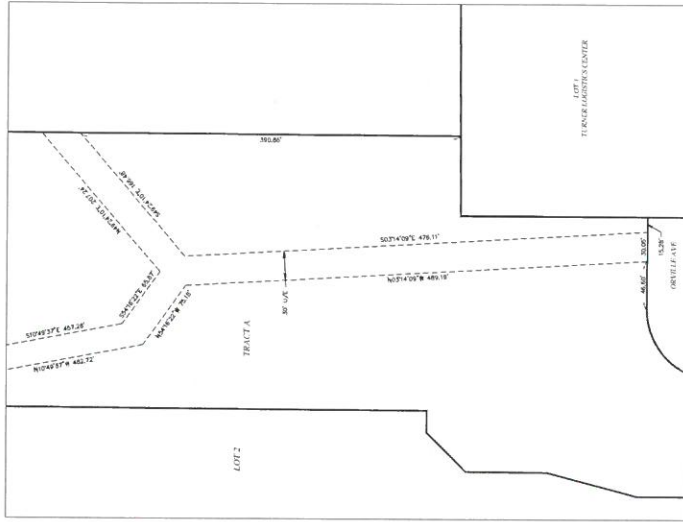
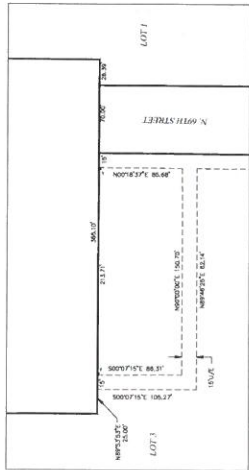
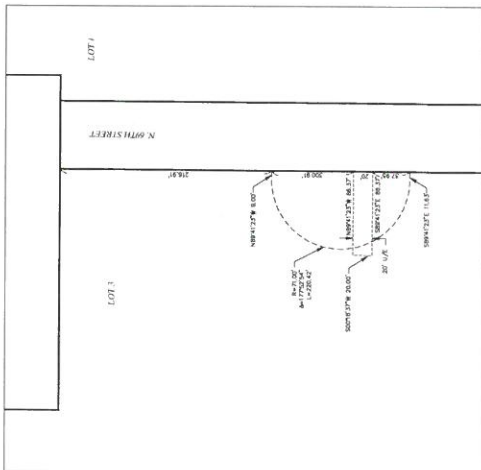
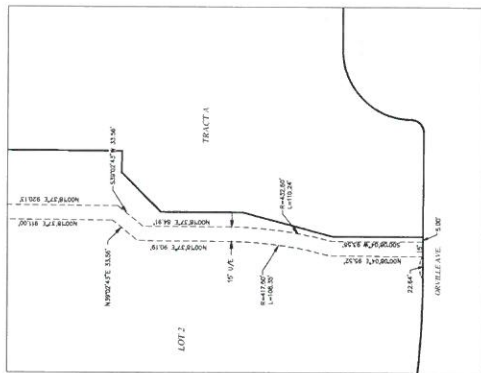
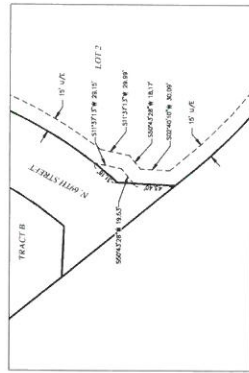
225 PINEBARK COUNTRY LANE, SUITE 200
 OFFICE: (910) 487-1000
 FAX: (910) 487-1001
 10000 PINEBARK COUNTRY LANE, SUITE 200
 OFFICE: (910) 487-1000
 FAX: (910) 487-1001
 10000 PINEBARK COUNTRY LANE, SUITE 200
 OFFICE: (910) 487-1000
 FAX: (910) 487-1001



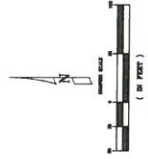
FINAL PLAT

TURNER LOGISTICS CENTER THIRD PLAT

A REPLAT OF LOT 3 TURNER LOGISTICS CENTER SECOND PLAT AND PART OF SECTION 10, TOWNSHIP 11 SOUTH, RANGE 24 EAST IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS



RECORDS SECTION
KANSAS CITY, MISSOURI
RECEIVED
JUL 15 2009
PLAT NO. 1000
BOOK 1000
PAGE 1000



No.	Date	Notes/Comments	By	Appr.
1	06/23/09	FINAL PLAT		
2	06/23/09	APPROVED		
3	06/23/09	APPROVED		
4	06/23/09	APPROVED		
5	06/23/09	APPROVED		
6	06/23/09	APPROVED		
7	06/23/09	APPROVED		
8	06/23/09	APPROVED		
9	06/23/09	APPROVED		
10	06/23/09	APPROVED		



FINAL PLAT
TURNER LOGISTICS CENTER THIRD PLAT
KANSAS CITY, WYANDOTTE COUNTY, KANSAS

21705



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

February 17, 2021

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **TURNER LOGISTICS CENTER FOURTH PLAT**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of TURNER LOGISTICS CENTER FOURTH PLAT located at College Parkway and Orville Avenue and being developed by NP Turner Industrial, LLC

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

 Date:
2021.02.17
15:56:29-06'00'

Brent E. Thompson, P.S.
County Surveyor

 Digitally signed by Troy
Shaw
Date: 2021.02.17 16:28:49
-06'00'

Troy Shaw, P.E.
County Engineer

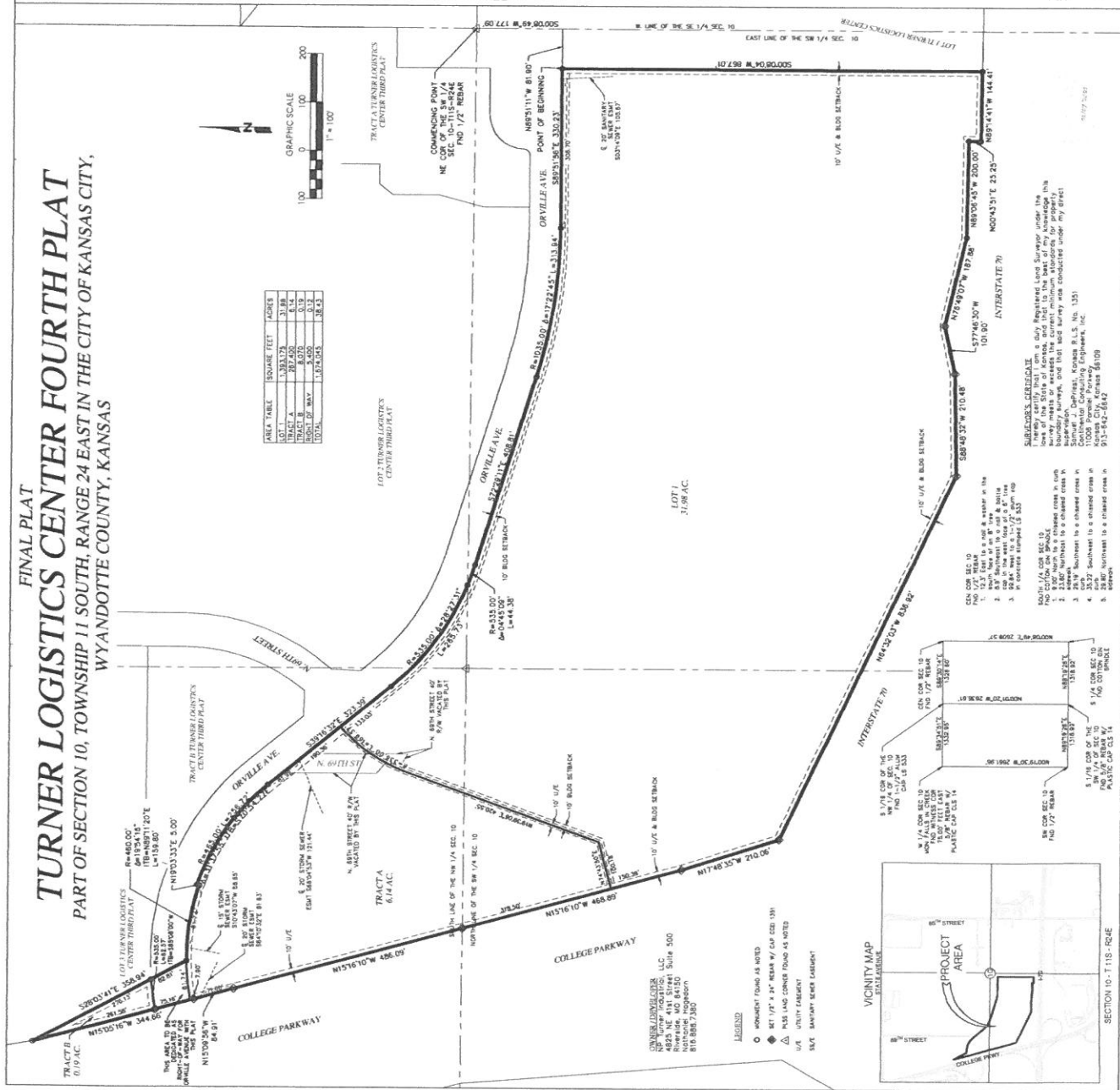
FILED 

FEB 24 2021

UNIFIED GOVERNMENT CLERK

Attachments

FINAL PLAT TURNER LOGISTICS CENTER FOURTH PLAT PART OF SECTION 10, TOWNSHIP 11 SOUTH, RANGE 24 EAST IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS



LOT	ACREAGE	FEET
LOT 1	31.58	1,331.23
LOT 2	0.19	82.45
LOT 3	0.19	82.45
LOT 4	0.19	82.45
LOT 5	0.19	82.45
LOT 6	0.19	82.45
LOT 7	0.19	82.45
LOT 8	0.19	82.45
LOT 9	0.19	82.45
LOT 10	0.19	82.45

SUBJECT'S CERTIFICATE
I, the undersigned, being a duly Licensed Land Surveyor under the laws of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original survey as the same appears in the records of the County Clerk of Wyandotte County, Kansas, and that the same is a true and correct copy of the original survey as the same appears in the records of the County Clerk of Wyandotte County, Kansas.

NOTICE TO THE PUBLIC
This plat is subject to the provisions of the Kansas Real Estate Act, Chapter 60-201, and the provisions of the Kansas Real Estate Act, Chapter 60-201, and the provisions of the Kansas Real Estate Act, Chapter 60-201.

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PROPERTY 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, containing 31.58 acres, more or less, as shown on the plat hereunto annexed, and as the same appears in the records of the County Clerk of Wyandotte County, Kansas, and as the same appears in the records of the County Clerk of Wyandotte County, Kansas.

The subject property is located in the City of Kansas City, Wyandotte County, Kansas, and is bounded by the 0.38 acre parcel owned by the City of Kansas City, and by the 0.38 acre parcel owned by the City of Kansas City.

The subject property is located in the City of Kansas City, Wyandotte County, Kansas, and is bounded by the 0.38 acre parcel owned by the City of Kansas City, and by the 0.38 acre parcel owned by the City of Kansas City.

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No.	Iss. Date	Notes/Comments	By	App.

FINAL PLAT
TURNER LOGISTICS CENTER FOURTH PLAT
KANSAS CITY, WYANDOTTE COUNTY, KANSAS

Drawn:	ASD
Reviewed:	SD/25
Date:	09/24/20
Proj.:	1710-21

Continental
CONCRETE & ASPHALT



Staff Request for Commission Action

Tracking No. 21706

Full Commission Meeting Date: 2/25/21

Committee:

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u> 2/25/2021	<u>Contact Name:</u> Misty Brown	<u>Contact Phone:</u> x5067	<u>Contact Email:</u> mbrown@wycokck.org	<u>Department/Division:</u> Administrator's Office
<u>Item Description:</u> A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with the Plumbers Local Union No. 8, effective January 1, 2020, through December 31, 2021.				
<u>Action Requested:</u> Adopt resolution				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> plumbers local 8 reso authorize MOU 2020-2021_, Plumbers Local No. 8 Proposed MOU 2020-21				

RESOLUTION NO. R- -21

**BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

That the County Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby authorized and directed to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, and the Unified Government Clerk is hereby authorized and directed to attest the signature of said County Administrator and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government to the Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the Plumbers Local Union No. 8 for the period from January 1, 2020, through December 31, 2021.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS 25TH DAY OF FEBRUARY, 2021.**

David Alvey, Mayor/CEO

ATTEST:

Brett A. Deichler
Interim Unified Government Clerk

Approved as to Form:

Angela J. Lawson
Acting Chief Counsel

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE UNIFIED GOVERNMENT OF

WYANDOTTE COUNTY,

KANSAS CITY, KANSAS

AND

PLUMBERS LOCAL UNION NO. 8

JANUARY 1, 2020 – December 31, 2021

MEMORANDUM OF UNDERSTANDING

ARTICLE I – INTENT AND PURPOSE.

This **MEMORANDUM OF UNDERSTANDING**, by and between the Unified Government, Wyandotte County, Kansas City, Kansas, and the Plumbers and Gas Fitters Local No. 8, Kansas City and Vicinity, is entered into for the purpose of establishing rates of wages and specified working conditions. The Local Union Working Agreement or "Agreement" (Joint Agreement between Mechanical Contractors Association and Plumbers Local Union No. 8, marked exhibit A and attached hereto) shall be recognized except as amended, deleted, modified or supplemented by the provisions of this Memorandum.

ARTICLE II – RECOGNITION.

The Unified Government of Wyandotte County, Kansas City, Kansas, (hereunto the U.G.) recognizes and acknowledges the above stated Plumbers and Gas Fitters Local No. 8, Kansas City and Vicinity, (hereunto the "Union") as the exclusive bargaining representative pursuant to the Public Employee Relations Act for all Plumbers employed by the Building and Logistics Department of said U.G.

ARTICLE III – EMPLOYER'S RESPONSIBILITY.

Section 1. Except as specifically set out herein, nothing in this Memorandum shall be construed as divesting the U.G. of any of its management rights vested by the Kansas Public Employee Relations Act or as delegating to others the authority conferred by law on the U. G. or in any way abridging or reducing such authority.

Section 2. The right to hire, promote, layoff, assign, transfer, discharge or discipline for cause and to maintain discipline and efficiency of employees is the sole responsibility of the U.G., except the Union member shall not be discriminated against due to their Union membership. Persons subject to this agreement shall be considered as employees of the U.G. and subject to all policies, orders, and directives, written or oral, of the Unified Government, Wyandotte County, Kansas City, Kansas, the Commissioners, the County Administrator and such other persons designated as supervisors of said employees except as modified or provided elsewhere herein. In the case of promotion, the U.G. agrees to recognize qualifications (including training, education, experience, ability and past performance) of the affected employee and then recognize standard seniority rules and practices. In the case of layoff the U.G. shall use seniority as the determining factor in selecting the employees to be laid off.

Section 3. The U.G. may adopt additional reasonable rules and regulations and amend the Human Resources Guide and other policies, orders and directives from

time to time, and the U.G. and the Union will agree that any such changes, additions or amendments not in conflict with this Memorandum of Understanding shall be in full force and effect. Disputes concerning the application or interpretation of any changes, additions or amendments as provided in this section may be submitted by the Union to arbitration as provided hereunder. To the extent practical, the U.G. will give prior notification of such rules and regulations to the Union.

Section 4. This memorandum shall be construed as requiring the employees to follow the provisions herein in the exercise of the authority conferred upon the U.G. by law.

ARTICLE IV – FILLING OF VACANT POSITIONS.

When a permanent job vacancy exists in a bargaining unit position, the U.G. may determine within forty-five (45) days from the declaration of the vacancy by the U.G., whether such position shall be filled. If it is determined that the position is to be filled, it shall be posted within sixty (60) working days from the determination to fill it or within a reasonable time thereafter. However, even if the U.G. initially determines not to fill a position, the U.G. expressly reserves the right, at any time, to determine that such a position should be permanently filled and then post the same for bid.

If the U.G. determines that a position is to be filled, the following procedure shall govern:

- (a) Such job vacancies shall be posted for ten (10) working days along with the information related to the qualifications required for the position is assigned. The affected bargaining unit local will be sent a copy of the job vacancy posting.
- (b) Applicants desiring to apply for a job vacancy may do so by being qualified and/or certified. In order for an applicant to be considered, a U.G. employment application and related application materials must be submitted to Human Resources within the specified guidelines.
- (c) Such vacancies shall be awarded to the best qualified applicant considering the applicants training, education, experience, ability and past performance as long as such selection does not contravene any affirmative legal responsibility place upon the U.G. and the applicants successful completion of a drug screen and physical examination.

ARTICLE V – WAGES.

Section 1. The basic rate of pay for the Plumbers as enumerated in the Agreement shall be:

Effective Date	Wage Rate/Hour
1/1/20	\$34.40
1/1/21	\$34.40

Section 2. Employer shall be responsible to pay the full cost of fringe benefits and supplementary dues in accordance with the current Master Agreement entered into by the Local Union and Mechanical Contractors Association of Greater Kansas City. The parties agree that in the event the two current bargaining unit members of the union are no longer employed by the Employer as bargaining unit members, the contract will be reopened. In the event that a current bargaining unit member is no longer employed as a bargaining unit member for disciplinary reasons, the contract will not be reopened until any grievance is resolved. If the grievance results in the current bargaining unit member being reinstated, then the contract remains in effect. If not, then the contract will be reopened.

Section 3. As fringe benefits change under the Agreement, the craft shall obtain from the Plumbers Union Local #8 a written statement of the changes and the effective date thereof, and upon written notice sent by registered mail, to the County Administrator and the Human Resources Department, the U.G. will adjust the fringe benefits to conform to the changes in the Agreement provided the notice of the change is received within forty-five (45) days of the effective date of the pay and fringe benefit change.

Section 4. Bargaining unit members shall be permitted to contribute up to \$10.00 per hour to the defined contribution plan of the Union.

Section 5. No person subject to this Memorandum shall be eligible to purchase, receive or participate in any health insurance contract, program or benefit provided to other U.G. employees, including all preferred provider organizations, health maintenance organizations or indemnity policies and coverage unless said person bears the cost of said insurance or coverage without any U.G. contribution. All such persons shall be eligible to participate, receive or purchase any dental insurance provided by the U.G.

ARTICLE VI – WORKING CONDITIONS.

All working conditions including vacations, paid holidays, sick leave, jury duty, maternity leave, injury leave, discharge, discipline and all other matters constituting working conditions shall be subject to and regulated by the policies of the U.G. as

expressed in the Human Resources Guide, and amendments thereof except as may be inconsistent with the terms of this Memorandum of Understanding.

ARTICLE VII – STRIKES AND LOCKOUTS.

Section 1. There shall be no stoppage of work either by strike or lock out because of any dispute over matters relating to this Memorandum.

Section 2. There shall be no work stoppage in the event of any construction industry strike or problems or lockouts.

ARTICLE VIII – UNION SECURITY.

Notwithstanding any provisions of the attached Agreement and specifically Article IV of said Agreement, to the contrary, the Union recognizes and acknowledges that the Kansas Constitution at Article 15, Section 12 and K.S.A. 75-4324 provide and guarantee an employee the right to work regardless of union membership or affiliation and the parties hereto are bound thereby. Under the provisions of said law, the Union recognizes that the U.G. cannot require as a condition of employment that all employees of the U.G. covered by the attached Agreement will be members of the Union in good standing while so employed by the U.G.

Article IX – FRINGE BENEFIT PROGRAM.

If it is held by a Court of competent jurisdiction that the U.G. is prohibited from entering into or becoming a party to the provided trust agreements or funds set out in the Agreement at Article V, then the U.G.'s obligation to continue its commitment hereunder shall cease.

Article X – HOURS OF WORK, OVERTIME, AND SHIFTWORK.

Sections 1-10 of Article IX of the Agreement were previously deleted and the subjects expressed therein shall be governed by the provisions of the U.G.'s Human Resources Guide.

Eight hours constitute a day's work. Any time worked in excess of eight (8) hours per day or any work performed on a Saturday or Sunday shall be paid at the rate of one and one-half (1 1/2) times the actual hourly rate.

An employee called in to perform services related to the job shall be paid in accordance with the Agreement. In no event shall an employee receive less than two (2) hours compensation at the overtime rate of pay for every call-in on days off, furlough days, holidays or other scheduled leave time. Management retains the right to schedule the employees in accordance with the best interest of the Unified Government. Employees designated to be "on-call" on a weekend day (Saturday or Sunday) or on a

holiday shall receive two hours "on-call" pay at the overtime rate in addition to any hours actually worked.

No foreman shall be required on any project unless three (3) or more fulltime plumbers are employed by the Unified Government. If three (3) fulltime plumbers are so employed, the Unified Government shall designate one (1) person as a fulltime foreman.

Article XI – PAYDAY AND PAYROLL CHECKS.

The U.G. has adopted a bi-weekly payroll system. Represented employees are paid each two weeks, as opposed to weekly. This practice shall in no way modify the amount of compensation to be received by the represented employees as provided herein.

Article XII – GRIEVANCE AND ARBITRATION PROCEDURE.

In the event of any dispute or grievance arising under the terms and provisions of the Memorandum or of any difference between the parties as to the interpretation or application of this Memorandum, it shall be processed through the grievance procedure. The parties shall make sincere and determined efforts to settle meritorious grievances at the voluntary steps of the grievance procedure and to keep the procedure free from any unmeritorious grievances. A union representative may be present during any step of the grievance procedure.

Step 1: Within ten (10) days of the occurrence or events giving rise to the grievance or dispute, or within ten (10) days of when the affected employee or employees became aware of such occurrences or event, whichever is longer, the matter must be taken up between the involved employee or employees and their supervisor. First, the employee shall verbally explain to his supervisor the nature of the grievance. The supervisor must communicate his decision to the grievant verbally within five (5) days of the Step 1 meeting.

Step 2: If the grievance is not satisfactorily adjusted under step 1, a written grievance shall be submitted to employee's supervisor within five (5) days after the supervisor has provided his verbal decision pursuant to Step 1. Within five (5) days thereafter, the supervisor must submit a written answer to the grievance.

Step 3: If the supervisor's written answer does not resolve the matter, a written appeal shall be made to the division head within five (5) days after the U.G. receives the supervisor's written report pursuant to step 2. The division head shall attempt to resolve the matter and shall give a written answer within five (5) days after receiving the written appeal.

Step 4: If the division head's written answer does not resolve the grievance, a written appeal shall be taken to the department head within five (5) days after the receipt of the division head's written response. The department head shall attempt to resolve the

matter in a meeting of the concerned parties and shall give a written answer within five (5) days after the receipt of the written appeal of the division head's decision.

Step 5: If the matter has not been resolved in Steps 1-4, it may be submitted to the County Administrator within five (5) working days after receipt of the department head's written decision. The County Administrator shall render a decision in writing within ten (10) days thereafter.

Step 6: If the County Administrator's decision is not satisfactorily to the Union, or if the parties are otherwise unable to satisfactorily resolve the dispute, arbitration may be requested by the U.G. or the Union, in the following manner:

- (a) Notice in writing of intent to arbitrate shall be delivered by the party seeking arbitration to the opposing party within fifteen (15) calendar days following the decision of Step 5.
- (b) Within fifteen (15) calendar days after the notice is delivered, the parties will mutually agree upon an arbitrator or jointly obtain a list of seven (7) arbitrators from the Federal Mediation and Conciliation Service (FMCS), and the parties will alternately and independently strike unacceptable arbitrators from such a list with the last remaining arbitrator being selected. If the party upon whom a properly executed FMCS panel request is served fails to execute and send such request within fifteen (15) calendar days of service thereof, then the grievance shall be found in favor of the non-defaulting party.
- (c) The arbitrator shall have the authority to determine the procedural rules of arbitration and shall have the ability to make such binding orders as necessary to enable him to act effectively. He shall observe the rules of evidence, and his decision shall be final and binding on all parties.
- (d) Once an arbitrator has been selected by the parties, the parties shall act with all deliberate speed to schedule a hearing for the arbitration.
- (e) The arbitrator shall have no power to add to, subtract from or modify any of the terms of this Memorandum.
- (f) The cost of the arbitrator shall be shared equally by the U.G. and the Union.

Article XIII – SUBCONTRACTING.

Article XVI of the Agreement related to subcontracting was previously deleted.

Article XIV – DURATION.

Article XV of the Agreement was previously deleted. This Memorandum shall be in full force and effect from January 1, 2020, (effective date), to and including December 31, 2021, (expiration date), and shall continue from year to year thereafter unless written notice of desire to cancel or terminate the Memorandum is served by either party upon the other not less than thirty (30) and not more than ninety (90) days prior to the expiration date. The attached agreement shall be deemed a part of this Agreement.

When no such cancellation or termination notice is served and the parties desire to continue said Memorandum, but also desire to negotiate changes or revisions in this Memorandum, either party may serve the other a written notice not less than thirty (30) and not more than ninety (90) days prior to the expiration date advising that such party desires to revise or change terms or conditions of such Memorandum. The parties agree that they shall meet during the month of October in 2021 to re-open negotiations on compensation adjustments dependent on economic feasibility.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals below.

EMPLOYER

UNION

THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY, KANSAS
CITY, KANSAS

PLUMBER'S LOCAL UNION NO. 8

By: _____
Douglas G. Bach
County Administrator

By:  _____
Matthew Harris
Business Representative

Date: _____

Date: 2/15/2021

By: _____
Renee Ramirez
Director of Human Resources

By: _____
John Kelly
Director of Buildings & Logistics

Approved as to form:

Misty S. Brown
Deputy Chief Counsel

ATTEST:

Unified Government Clerk



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 25, 2021

Re: **Change of Zone Petition COZ-0008 and Master Plan Amendment MPL2021-002**

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
R-1 Single Family District to MP-2 Planned
General Industrial District.

Master Plan Amendment from Low Density
Residential and Mixed Use to Industrial (City-
Wide Master Plan).

Date of Application:
November 30, 2020

Purpose: To rezone and create three (3)
industrial lots to build three (3) buildings, two
(2) proposed and one (1) future for the
warehouse and distribution center.

Property Location: 915 North 69th Street



Commission Districts:	Commissioner At Large: Melissa Bynum District #8 Commissioner: Jane Winkler Philbrook		
Existing Zoning:	R-1 Single Family District		
Surrounding Zoning:	North:	R-1 Single Family and CP-2 Planned General Business Districts	
	South:	MP-2 Planned General Industrial District	
	East:	R-1 Single Family and RP-4 Planned Garden Apartment Districts	
	West:	None (no zoning on former KTA right-of-way and College Parkway right-of-way)	
Existing Uses:	North:	Single family homes and a home improvement store (across State Avenue)	
	South:	Industrial business park (currently under construction)	
	East:	Single family homes and senior living apartments	
	West:	Undeveloped land and right-of-way	
Total Tract Size:	49.30 Acres		
Master Plan Area:	City-Wide Master Plan		
Master Plan Designation:	The City-Wide Master Plan designates this property as Low Density Residential and Mixed Use. Low Density Residential allows single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries and parks, open space, etc. Mixed Use allows specialty retail, sit-down restaurants, convenience retail uses such as banks, drug stores, professional and office services, institutional uses such as churches, schools, libraries, etc., parks, plaza, open space, and mixed-density residential uses.		
Major Street Plan:	The Major Street Plan classifies I-70 Highway as a freeway, State Avenue as a Class A Thoroughfare, North 72 nd Street (College Parkway) as a Class C Thoroughfare, and North 69 th Street as a Local Street.		
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. Building 4 proposes 238 parking spaces and Building 5 proposes 177 parking spaces.

Advertisement:

The Wyandotte Echo – Change of Zone - December 17, 2020 and January 14, 2021; Master Plan Amendment – December 17, 2020 and January 14, 2021
Letters to Property Owners – Change of Zone – December 16, 2020 and January 9, 2021; Plat – December 16, 2020, January 9, 2021 and February 18, 2021; Master Plan Amendment – December 16, 2020, January 9, 2021 and February 18, 2021

Public Hearings: February 8, 2021 and February 25, 2021

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, NP Turner Industrial, LLC wants to rezone from R-1 Single Family District to MP-2 Planned General Industrial District, preliminary plat three (3) lots and amend the City-Wide Master Plan from Low Density Residential to Industrial to build two (2) industrial buildings (Building 4 – 259,000 square feet and Building 5 – 173,800 square feet) and one (1) future building at 915 North 69th Street on 49.30 acres.

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

Code Enforcement History: There is no history of Notice of Violations for this property.

FACTORS TO BE CONSIDERED

1. Neighborhood character

This project spans a large area with several uses. The site area is primarily undeveloped land with existing thick tree stands and a small residential neighborhood with detached, single-family homes. There are residential homes abutting the project area to the north and east. 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 adjacent the southern property line of Building 3, College Parkway to the west and State Avenue to the north. Appropriate screening is essential.

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 not compatible with the residences to the north and east, however, the prospective uses are compatible with the zoning and uses to the south within the currently under development industrial business park.

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 the developer to continue with the industrial business park. Removal of the restrictions will detrimentally affect the remaining single-family homes on 69th Street, even though there is some distance from Building 4 to the southeast.

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

Portions of the properties along North 69th Street have been vacant for a few months, as Northpoint Development has purchased residences on the block for the business park.

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 will produce social economic activity, however the proposed use is not reasonably necessary for the convenience and welfare of the public as there will be an industrial building abutting the property line to the north and a future building site to the west, across North 69th Street and will substantially injure the appropriate use, visual quality and marketability of the remaining single family homes.

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 and parking demand; however, all traffic shall enter from Orville Avenue, and continue north of 69th Street internal to the development. There shall be no access to/from State Avenue, which is the County's primary transit corridor.

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

The proposed use does not conform to the Master Plan. An amendment has been submitted by the applicant.

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

The majority of the site has been graded from the previous construction phases of the expanding industrial business park. There are extensive established tree stands to the north and east which are being preserved with the construction of Building 4 that will assist in screening the building and truck trailers from the residences to the northeast.

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*

To be designed to meet City Code.

d. *Police*

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

e. *Fire*

Fire service is provided by Fire Station #11.

f. *Transit*

Kansas City ATA provides transit service along College Parkway and I-70, Route #114 and State Avenue, Route #101.

g. *Schools*

Public education service provided by Turner USD 202.

h. *Streets*

See item #6 above.

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

The proposed use will have a positive economic impact on the community by turning fairly low density residential and uncut vacant lots into taxable lots with industrial buildings.

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

With revisions to public improvements, landscaping, berming and fencing, 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.

There is no relative gain to the public health, safety and welfare, especially those homeowners that remain on 69th Street, as their side and rear yards will abut the industrial business park.

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

Development can be used safely without danger to health or peril from fire, flood, and erosion. There will be excessive noise associated with this industrial development, even though Building 4 is southeast of the single-family homes and the truck docks are on the south side of the building rather than the north side which is for employee parking.

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

The conversation with Planning Engineering and Public Works shall continue regarding the public or privatization of streets within the development. The primary entrance will be off Orville Avenue via Turner Diagonal/College Parkway with an extension of North 69th Street and cul-de-sac. There is no access into the development from State Avenue, so heavy trailer and truck traffic should not become a nuisance for those remaining residences on 69th Street.

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, lots, blocks, parcels and streets will be arranged so as to afford adequate light, open space, or air to facilitate protection, and to provide for long-term sustained real estate values provided proper berming, fencing and screening is constructed and continuously maintained.

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

Development patterns have been designed with minimal due regard to topography, much of the site has been graded flat. Most of the natural vegetation has been removed except for the existing tree stands around the perimeter for residential screening. Berms with complete screening must be built around the perimeter adjacent to residential properties and right-of-way to screen the use from public view.

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.

This is an industrial development and as such does not have the amenities stated above, although staff has made recommendations to improve walkability and non-vehicular transportation and transit by coordinating with KCATA to have a transit stop on College Parkway/Turner Diagonal just north of Orville Avenue and pedestrian access via sidewalks throughout the development to State Avenue and 65th Street via emergency only entrances.

PREVIOUS ACTIONS

Change of Zone Petition #3213 was approved by the City Planning Commission and Unified Government Board of Commissioners on January 13, 2020 and January 30, 2020, respectively for Turner Logistics Center.

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

Pedestrian and Transit Access
Screening from College Parkway/Turner Diagonal, State Avenue and residences
Truck Noise
Lighting / Glare
Existing Access onto State Avenue
Existing Topographic and Natural features

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Change of Zone Application COZ-0008 and Master Plan Amendment #MPL2021-002, subject to:

1. **Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;**
2. **Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;**
3. **Utility easements shall connect with easements established in adjoining properties;**
4. **Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**
5. **Provide an enhanced screening plan more in line with that done for Plaza at the Speedway as the truck trailers will be highly visible from State Avenue and College Parkway;**
6. **Downspouts shall be recessed in corners of the building and in locations that do not draw a person's eye visually. The downspouts shall be painted to match the building;**
7. **The sidewalk shall be a minimum the (10) feet in width along the west side of North 69th Street. A five (5) foot sidewalk is required along the east side of the North 69th Street;**
8. **The connection to State Avenue shall be access for emergency vehicles only. The drive shall be landscaped and meander from State Avenue to North 69th Street, as not to attract attention as a public entrance;**
9. **Similar to the emergency only access on 65th Street, a sidewalk shall be constructed to connect State Avenue to 69th Street;**
10. **The developer shall create a separate parcel along State Avenue for non-industrial use (multi-family, commercial or mixed-use development);**
11. **The loading dock doors shall be painted to match the building or a complimentary color as the primary building;**
12. **Maintain existing tree stands where possible, as existing trees provide an enhanced buffer between the right-of-way and single-family homes;**
13. **The landscaping and site lines north of Building 4, the remaining single-family homes and the senior living apartments to the east (sight lines not provided) must be screened at the time the Temporary Certificate of Occupancy is issued. Creative solutions are warranted with berms, fencing and landscaping. A variance will be required if the building and outside trailer parking is not screened from public view;**
 - a. **Staff Response: The applicant is asking for a deviation from the Commercial Design Guidelines that requires retaining walls to be terraced four (4) for every eight (8) feet of rise. The proposed retaining wall will be between twenty (20) and twenty-four (24) feet in height.**

By not tiering the retaining wall, the eleven (11) foot berm can be raised along with the eight (8) foot privacy fence, allowing a steeper slope on the back side of the berm. All of this will allow for the sight line to be taller, effectively screening the top of Building 4 from the back of the residence at The Villas Ridge Point. Staff would like to continue to work on the eight (8) foot, ten (10) inch screening deficit that should be resolved by raising the height of the berm and increasing the steepness of the slope. If the deficit cannot be resolved during the final development plan, a variance must be applied for by the applicant and approved by the Board of Zoning Appeals;

14. The Board of Zoning Appeals denied Appeal #2365 for reduced landscaping except for the following:

- a. The development needs a landscaping plan similar to Amazon and Plaza at the Speedway. Where there are rows of houses, they need more than evergreen trees; they need berms, fencing and evergreens; a considerable landscape buffer of single-family residences is required to make sure that the industrial neighbor that moves in does not interfere with the residential homes. The presentation event said that the trees that are evergreens do not suffice here. Only leaving those trees that are there will not screen this effectively; it will help, but the trees have leaves for the most part. Staff wants to ensure that the residences adjacent to project cannot see it; if they are up high and the residents are down low then they need to work on how to prevent the noise. It needs to be fully screened and they need to make sure that the noise from the trucks and the lights do not interfere with the residential living. Director Richardson further stated that this use is coming to this neighborhood where people have been living for a very long time and it is no different than what has been done where a business moved next to a residence and had lots of trucks and noise related to them. They will have to screen the property a little beyond The Salvation Army because of the residential senior living community. With the exception of the area adjacent to the Gables motel and the truck company (Apex), staff recommends denial.

A sight line cross section has been provided for the residences to the north, but not the senior living to the east. Provide a sight line cross section of what the remaining residences and business will see looking south towards Buildings #4 because it does not appear that a six (6) foot architectural screen wall with masonry columns every 32 feet on center will properly screen the site from the residences that are northwest and northeast of this phase of the development.

When abutting residential zoning districts, the entire development must be screened from public view, not simply the trailer screening. Staff recommends constructing a taller berm with fencing and landscaping to screen the entire development from public view;

15. Trash compactors shall be screened from public view;

16. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;
17. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
18. Sec. 27-469(g) Trees are required to be provided at not less than one per 10,000 square feet of site area. Based on the total tract size, 215 trees are required to be planted. This does not include the street trees to be planted along North 69th Street and College Parkway;
19. Sec. 27-700(3) A buffer area shall be provided alongside and rear property lines common to or across an alley from residentially zoned property and shall consist of an area fifteen (15) feet in width improved with a six (6) foot architectural screen wall adjacent to the property line and one row of shade trees spaces not more than forty (40) feet on center and one row of large shrubs spaced not more than eight (8) feet on center;
20. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each twenty (20) parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;
21. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted;
22. Throughout the development, there shall be variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
23. All landscaping shall be irrigated;
24. Shall comply with the sign ordinance; and,
25. 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 **COZ-0008** and **MPL2021-002** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

February 8, 2021 City Planning Commission Minutes
Zoning Map
Land Use Map
Aerial Photography
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Site Plan
Grading Plan
Landscape Plan
Sight Lines
Building Elevations
Site Photographs taken by Staff on December 16, 2020

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	February 8, 2021	February 25, 2021
Rezoning	Approval	
Public Hearing	February 8, 2021	TBD
Preliminary Plat	Approved	
Public Hearing	February 8, 2021	February 25, 2021
Master Plan	Approval	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition MPL2021-002 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 MPL2021-002, 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-0008 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-0008 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.

February 8, 2021 City Planning Commission Minutes:

Hearing starts at 1:31:01:

MASTER PLAN AMENDMENT MPL2021-002 – NP TURNER INDUSTRIAL, LLC, Master Plan Amendment from Low Density Residential and Mixed Use (City-Wide Master Plan) to Industrial (City-Wide Master Plan) at 915 North 69th Street.

CHANGE OF ZONE APPLICATION COZ-0008 – NP TURNER INDUSTRIAL, LLC – SYNOPSIS: Change of Zone from R-1 Single Family District to MP-2 Planned General Industrial District for additional property for the Turner Logistics Center for warehousing distribution and light manufacturing businesses at 915 North 69th Street.

PLAT2020-004 – NP TURNER INDUSTRIAL, LLC – SYNOPSIS: Preliminary Plat for five (5) lots at 915 North 69th Street.

Detailed Outline of Requested Action: The applicant, NP Turner Industrial, LLC wants to rezone from R-1 Single Family District to MP-2 Planned General Industrial District, preliminary plat three (3) lots and amend the City-Wide Master Plan from Low Density Residential to Industrial to build two (2) industrial buildings (Building 4 – 259,000 square feet and Building 5 – 173,800 square feet) and one (1) future building at 915 North 69th Street on 49.30 acres. City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339. Code Enforcement History: There is no history of 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 February 8, 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 Kraatz, applicant, Northpoint Development, 4825 Northwest 41st Street, Riverside, Missouri 64150

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:40:02: Planning Director Hand stated that the request is for a Master Plan Amendment, Change of Zone and Plat. Staff has listed

several conditions in the staff report and would like to discuss the screening and buffering for the project. There is a dense canopy around Building 4 and staff would encourage the preservation of the trees as much as possible to support screening and buffering efforts. He further stated that a variance was previously approved for much of the screening and buffering for this project and anything less than conditioned would require another variance. Staff worked with the applicant on the screening at the corner of Building 4. Staff has been diligent in reviewing the sight distance triangles for all the properties. The conditions from the previous applications have been carried over to the Change of Zone, along with a few additional conditions. Throughout the process Staff has not wanted industrial zoning on State Avenue and he showed the Commission the parcel that is the buffer to the industrial zoning further south of State Avenue. That parcel could be used for commercial or apartments in the future. There have been no Notices of Violation and Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 1:43:51:

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of **Master Plan Amendment MPL2021-002:**

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

Motion to RECOMMEND APPROVAL Passed: 9 to 0

On motion by Mr. Miller, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ-0008:**

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

Motion to RECOMMEND APPROVAL Passed: 9 to 0

Subject to:

1. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
2. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
3. Utility easements shall connect with easements established in adjoining properties;
4. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
5. Provide an enhanced screening plan more in line with that done for Plaza at the Speedway as the truck trailers will be highly visible from State Avenue and College Parkway;
6. Downspouts shall be recessed in corners of the building and in locations that do not draw a person's eye visually. The downspouts shall be painted to match the building;
7. The sidewalk shall be a minimum the (10) feet in width along the west side of North 69th Street. A five (5) foot sidewalk is required along the east side of the North 69th Street;
8. The connection to State Avenue shall be access for emergency vehicles only. The drive shall be landscaped and meander from State Avenue to North 69th Street, as not to attract attention as a public entrance;
9. Similar to the emergency only access on 65th Street, a sidewalk shall be constructed to connect State Avenue to 69th Street;
10. The developer shall create a separate parcel along State Avenue for non-industrial use (multi-family, commercial or mixed-use development);
11. The loading dock doors shall be painted to match the building or a complimentary color as the primary building;
12. Maintain existing tree stands where possible, as existing trees provide an enhanced buffer between the right-of-way and single-family homes;
13. The landscaping and site lines north of Building 4, the remaining single-family homes and the senior living apartments to the east (sight lines not provided) must be screened at the time the Temporary Certificate of Occupancy is issued. Creative solutions are warranted with berms, fencing and landscaping. A variance will be required if the building and outside trailer parking is not screened from public view;
 - a. Staff Response: The applicant is asking for a deviation from the Commercial Design Guidelines that requires retaining walls to be terraced four (4) for every eight (8) feet of rise. The proposed retaining wall will be between twenty (20) and twenty-four (24) feet in height.

By not tiering the retaining wall, the eleven (11) foot berm can be raised along with the eight (8) foot privacy fence, allowing a steeper slope on the back side of the berm. All of this will allow for the sight line to be taller, effectively screening the top of Building 4 from the back of the residence at The Villas Ridge Point. Staff would like to

continue to work on the eight (8) foot, ten (10) inch screening deficit that should be resolved by raising the height of the berm and increasing the steepness of the slope. If the deficit cannot be resolved during the final development plan, a variance must be applied for by the applicant and approved by the Board of Zoning Appeals;

14. The Board of Zoning Appeals denied Appeal #2365 for reduced landscaping except for the following:

- a. The development needs a landscaping plan similar to Amazon and Plaza at the Speedway. Where there are rows of houses, they need more than evergreen trees; they need berms, fencing and evergreens; a considerable landscape buffer of single-family residences is required to make sure that the industrial neighbor that moves in does not interfere with the residential homes. The presentation event said that the trees that are evergreens do not suffice here. Only leaving those trees that are there will not screen this effectively; it will help, but the trees have leaves for the most part. Staff wants to ensure that the residences adjacent to project cannot see it; if they are up high and the residents are down low then they need to work on how to prevent the noise. It needs to be fully screened and they need to make sure that the noise from the trucks and the lights do not interfere with the residential living. Director Richardson further stated that this use is coming to this neighborhood where people have been living for a very long time and it is no different than what has been done where a business moved next to a residence and had lots of trucks and noise related to them. They will have to screen the property a little beyond The Salvation Army because of the residential senior living community. With the exception of the area adjacent to the Gables motel and the truck company (Apex), staff recommends denial.

A sight line cross section has been provided for the residences to the north, but not the senior living to the east. Provide a sight line cross section of what the remaining residences and business will see looking south towards Buildings #4 because it does not appear that a six (6) foot architectural screen wall with masonry columns every 32 feet on center will properly screen the site from the residences that are northwest and northeast of this phase of the development.

When abutting residential zoning districts, the entire development must be screened from public view, not simply the trailer screening. Staff recommends constructing a taller berm with fencing and landscaping to screen the entire development from public view;

15. Trash compactors shall be screened from public view;

16. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;

17. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
18. Sec. 27-469(g) Trees are required to be provided at not less than one per 10,000 square feet of site area. Based on the total tract size, 215 trees are required to be planted. This does not include the street trees to be planted along North 69th Street and College Parkway;
 19. Sec. 27-700(3) A buffer area shall be provided alongside and rear property lines common to or across an alley from residentially zoned property and shall consist of an area fifteen (15) feet in width improved with a six (6) foot architectural screen wall adjacent to the property line and one row of shade trees spaces not more than forty (40) feet on center and one row of large shrubs spaced not more than eight (8) feet on center;
 20. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each twenty (20) parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;
 21. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted;
 22. Throughout the development, there shall be variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
 23. All landscaping shall be irrigated;
 24. Shall comply with the sign ordinance; and,
 25. 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 Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE** Preliminary Plat **PLAT2020-004**:

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

Jones Aye
Miller Aye
Mohler Aye
Pauley Aye
Reasons Aye
Motion to APPROVE Passed: 9 to 0
Subject to the above conditions.

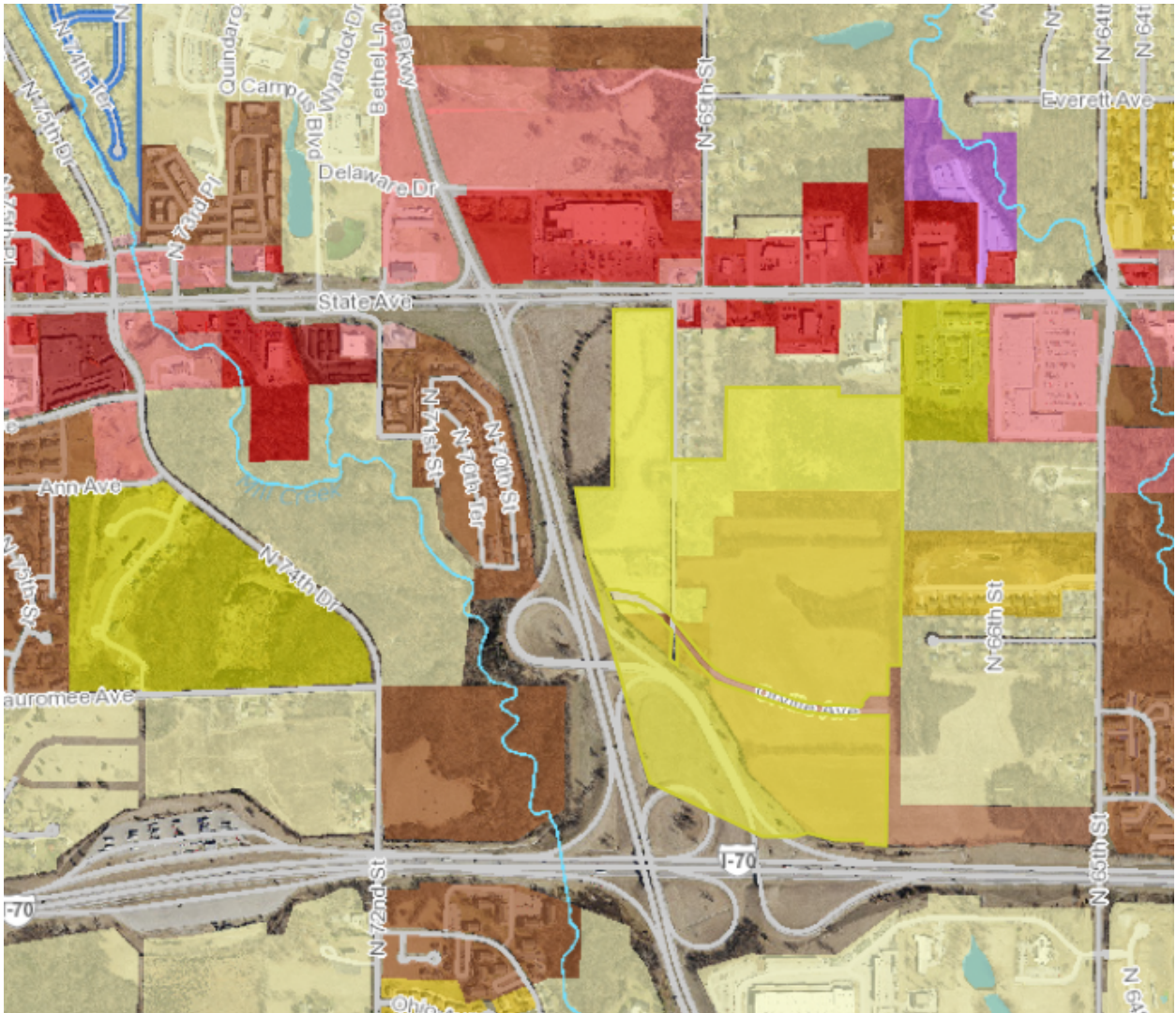


Figure 1. Zoning Map of Turner Logistics Center (provided by UG Maps).

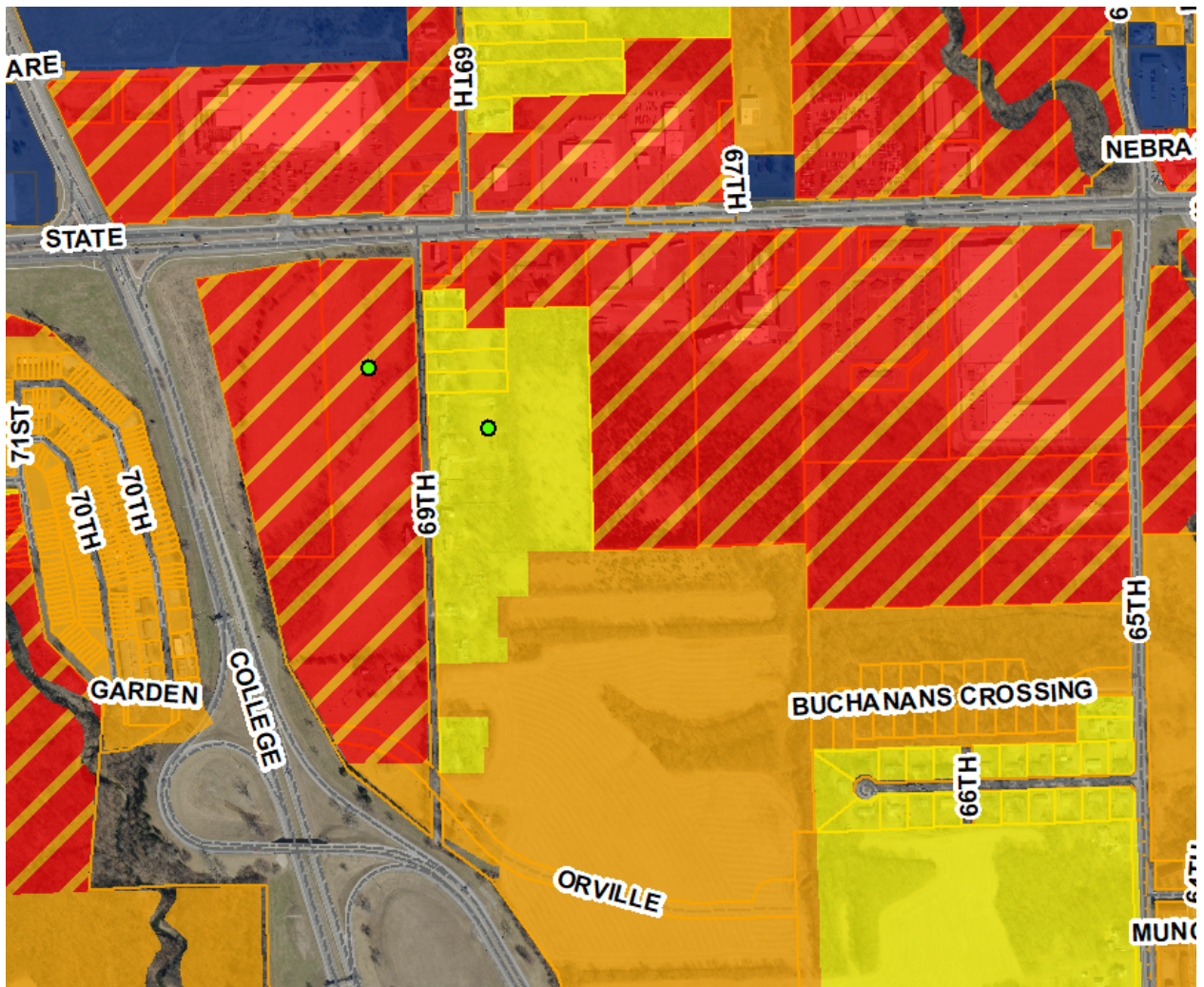


Figure 2. City-Wide Master Plan Land Use Map of Turner Logistics Center (provided by ArcMap).

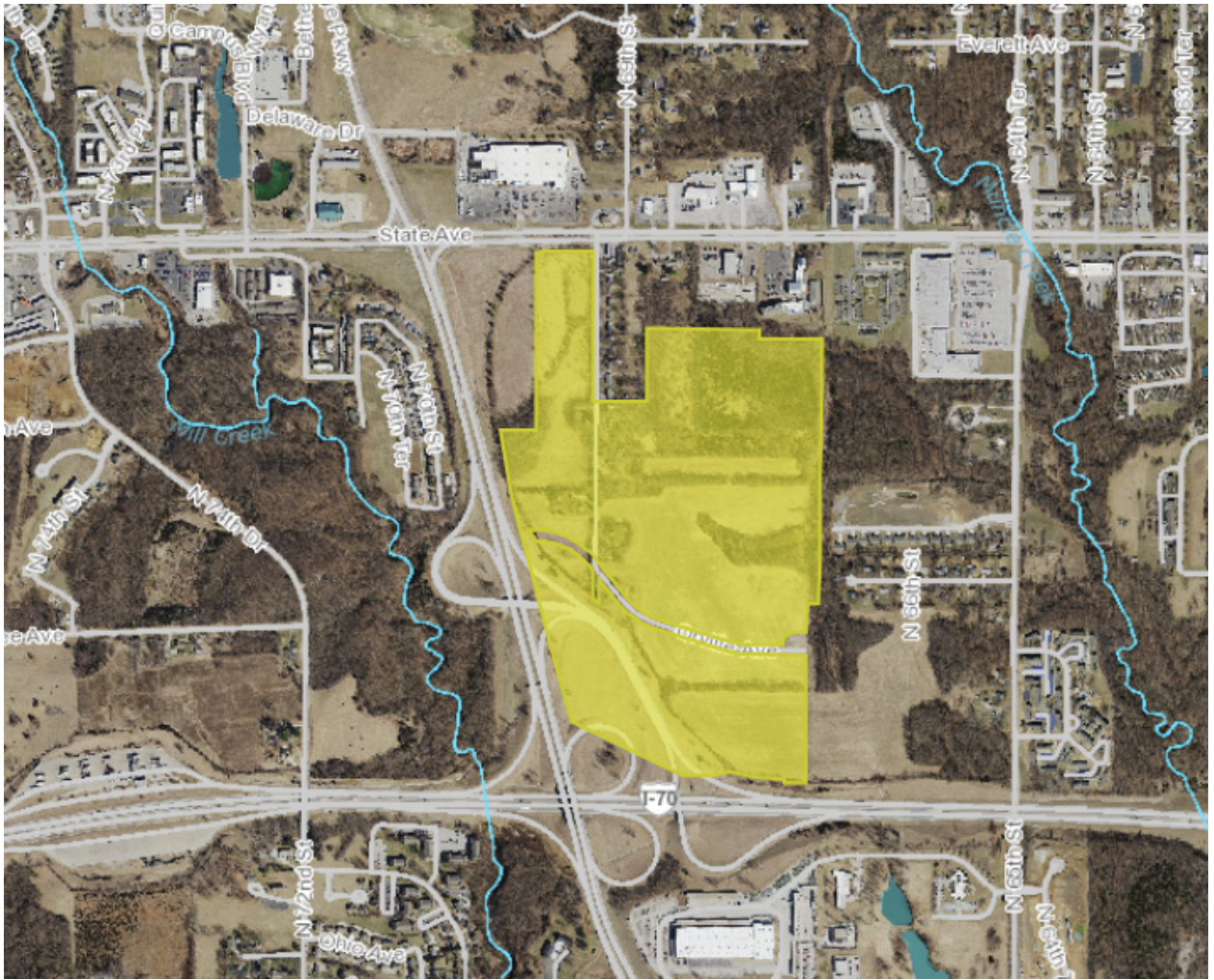


Figure 3. Aerial photograph of Turner Logistics Center (provided by UG Maps).

We understand.

7) Construction plans shall be reviewed and approved prior to UG final approval and construction permit acquisition.

We understand that construction plans need to be approved prior to obtaining building permits.

8) Retaining walls greater than 3'-6" in height shall be designed by a State of Kansas Professional Engineer. Retaining walls taller than 6' in height shall be tiered per planning requirements or UG approval of a design variance. Construction plans shall include retaining wall calculations, details, and final plans, including pre-manufactured or modular block type retaining walls, which shall be reviewed and approved prior to UG approval and construction permit acquisition.

Retaining wall construction plans containing the indicated information and will be submitted for approval and may be a deferred submittal.

9) See Erosion Control comments. **See responses above.**

10) See Storm Drainage comments. **See responses above.**

11) See Sanitary Sewer Comments. **See responses above.**

12) See Stormwater Quality comments. **See responses above.**

13) Please explain the reasoning behind having Tract A on the proposed lot 3. Is this a detention area?

Tract A is a detention area that provides detention for a future Building 6 to the north.

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

We will incorporate County Surveyor comments and will coordinate with the county surveyor.

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

We have submitted Preliminary drawings. We understand that final development plans will need to be approved prior to obtaining permits. The submittal will include all required information.

Urban Planning and Land Use Comments

1. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity.

This will primarily be the responsibility of our tenant but we will assist them in meeting this requirement.

2. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat.

Easements will be provided as requested above.

3. Utility easements shall connect with easements established in adjoining properties.
Easements will be provided as requested above.
4. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.
New wiring will be provided underground.
5. Provide an enhanced screening plan more in line with that done for Plaza at the Speedway as the truck trailers will be highly visible from State Avenue and College Parkway.
We have requested a meeting with U/G staff to discuss screening and landscaping.
6. Downspouts shall be recessed in corners of the building and in locations that do not draw a person's eye visually. The downspouts shall be painted to match the building.
Acknowledged.
7. The sidewalk shall be a minimum the (10) feet in width along the west side of North 69th Street. A five (5) foot sidewalk is required along the east side of the North 69th Street.
Our plans as currently presented reflect the sidewalks as noted.
8. The connection to State Avenue shall be access for emergency vehicles only. The drive shall be landscaped and meander from State Avenue to North 69th Street, as not to attract attention as a public entrance.
An emergency access drive is currently planned from existing 69th Street to our development. Grade differentials will dictate the path. A permanent swing gate will be installed at the emergency entry with a Knox lock to prevent public access. The configuration will be similar to the emergency access that we provided at 65th Street.
9. Similar to the emergency only access on 65th Street, a sidewalk shall be constructed to connect State Avenue to 69th Street.
We will provide a connection from 69th Street to State Avenue similar to what we provided at 65th Street.

Building Architecture

1. The loading dock doors shall be painted to match the building or a complimentary color as the primary building.
Acknowledged.

Landscaping and Screening:

1. Maintain existing tree stands where possible, as existing trees provide an enhanced buffer between the right-of-way and single-family homes.
Existing trees will be left where possible.
2. How will the appearance of the rear of Buildings 4 and 5 be softened College Parkway and State Avenue? There is minimal effort to save existing tree lines within the development, as sties for Buildings 1 and 3 were grubbed and graded to the property line.
The rear of Buildings 4 and 5 will not be visible from College Parkway and State Avenue.

Building 4

- a. We rotated Building 4 180°, so the front of the building faces the adjacent residential uses.**
- b. Existing trees will be preserved along the property adjacent to The Salvation Army.**
- c. The Finish floor of Building 4 is approximately 17' below the grade of State Avenue at The Salvation Army and 29' below the grade of State Avenue at The Gables Motel.**
- d. The front of the Building 4 is approximately 820' south of State Avenue.**
- e. The existing buildings along State Avenue; Road Runners Convenience Store, Quick Auto Sales (to be renovated as a convenience store), the residence at 6855 State Ave., Gables Motel, Apex CDL Institute, The Salvation Army, and The Villas at Ridge Point.**
- f. Proposed landscaping at the front of the building.**

The combination of these will screen and soften the view of Building 4 from State Avenue

Building 5

- a. The front of Building 5 faces College Parkway.**
- b. Existing trees will be preserved along the draw along the northern portion of the building**
- c. The front of Building 5 is approximately 380' (at the south end) and 550' (at the north end) east of College Avenue.**
- d. Proposed landscaping at the front of the building.**

The combination of these will screen and soften the view of Building 4 from College Avenue.

- 3. The landscaping and site lines north of Building 4, the remaining single-family homes and the senior living apartments to the east (sight lines not provided) must be screened at the time the Temporary Certificate of Occupancy is issued. Creative solutions are warranted with berming, fencing and landscaping. A variance will be required if the building and outside trailer parking is not screened from public view.

We have requested a meeting with U/G staff to discuss screening and landscaping.

- 4. The Board of Zoning Appeals denied Appeal #2365 for reduced landscaping except for the following:
 - a. The development needs a landscaping plan similar to Amazon and Plaza at the Speedway. Where there are rows of houses, they need more than evergreen trees; they need berms, fencing and evergreens; a considerable landscape buffer of single-family residences is required to make sure that the industrial neighbor that moves in does not interfere with the residential homes. The presentation event said that the trees that are evergreens do not suffice here. Only leaving those trees that are there will not screen this effectively; it will help, but the trees have leaves for the most part. Staff wants to ensure that the residences adjacent to project cannot see it; if they are up high and the residents are down low then they need to work on how to prevent the noise. It needs to be fully screened and they need to make sure that the noise from the trucks and the lights do not interfere with the residential living. Director Richardson further stated that this use is coming to this neighborhood where people have been living for a very long time and it is no different than what has been done where a business moved next to a residence and had lots of trucks and noise related to them. They will have to screen the property a little beyond The Salvation Army because of the

residential senior living community. With the exception of the area adjacent to the Gables motel and the truck company (Apex), staff recommends denial.

A sight line cross section has been provided for the residences to the north, but not the senior living to the east. Provide a sight line cross section of what the remaining residences and business will see looking south towards Buildings #4 because it does not appear that a six (6) foot architectural screen wall with masonry columns every 32 feet on center will properly screen the site from the residences that are northwest and northeast of this phase of the development.

When abutting residential zoning districts, the entire development must be screened from public view, not simply the trailer screening. Staff recommends constructing a taller berm with fencing and landscaping to screen the entire development from public view.

We have requested a meeting with U/G staff to discuss screening and landscaping.

5. Trash compactors shall be screened from public view.
Trash compactors will be located in the dock area and are connected to the buildings.
6. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials.
Acknowledged.
7. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.
Acknowledged.
8. Sec. 27-469(g) Trees are required to be provided at not less than one per 10,000 square feet of site area. Based on the total tract size, 215 trees are required to be planted. This does not include the street trees to be planted along North 69th Street and College Parkway.
We will provide trees at a ratio of 1 tree per 10,000 square feet of site area.
9. Sec. 27-700(3) A buffer area shall be provided along side and rear property lines common to or across an alley from residentially zoned property and shall consist of an area fifteen (15) feet in width improved with a six (6) foot architectural screen wall adjacent to the property line and one row of shade trees spaces not more than forty (40) feet on center and one row of large shrubs spaced not more than eight (8) feet on center.
We have requested a meeting with U/G staff to discuss screening and landscaping.
10. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider

than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each twenty (20) parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue.

The current drawings meet this requirement.

11. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted.

The current drawings meet this requirement.

12. All landscaping shall be irrigated.

An irrigation plan will be provided with final development plans for approval.

Signage:

1. Shall comply with the sign ordinance.

Understood.

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)

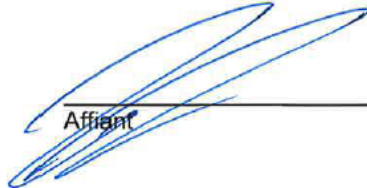
) SS:

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 24 of November, 2022

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



Notary Public



studioNorth
ARCHITECTURE
1000 PARKWAY 100, SUITE 100
ANN ARBOR, MI 48106
TEL: 734.769.1234
WWW.STUDIONORTHARCH.COM

OWNER: CONTINENTAL CONTAINER TERMINAL, INC.
ARCHITECT: CONTINENTAL CONTAINER TERMINAL, INC.

CONSULTANTS

STRUCTURAL

PLUMBING

Mechanical

ELECTRICAL

FIRE PROTECTION

CONSTRUCTION



811
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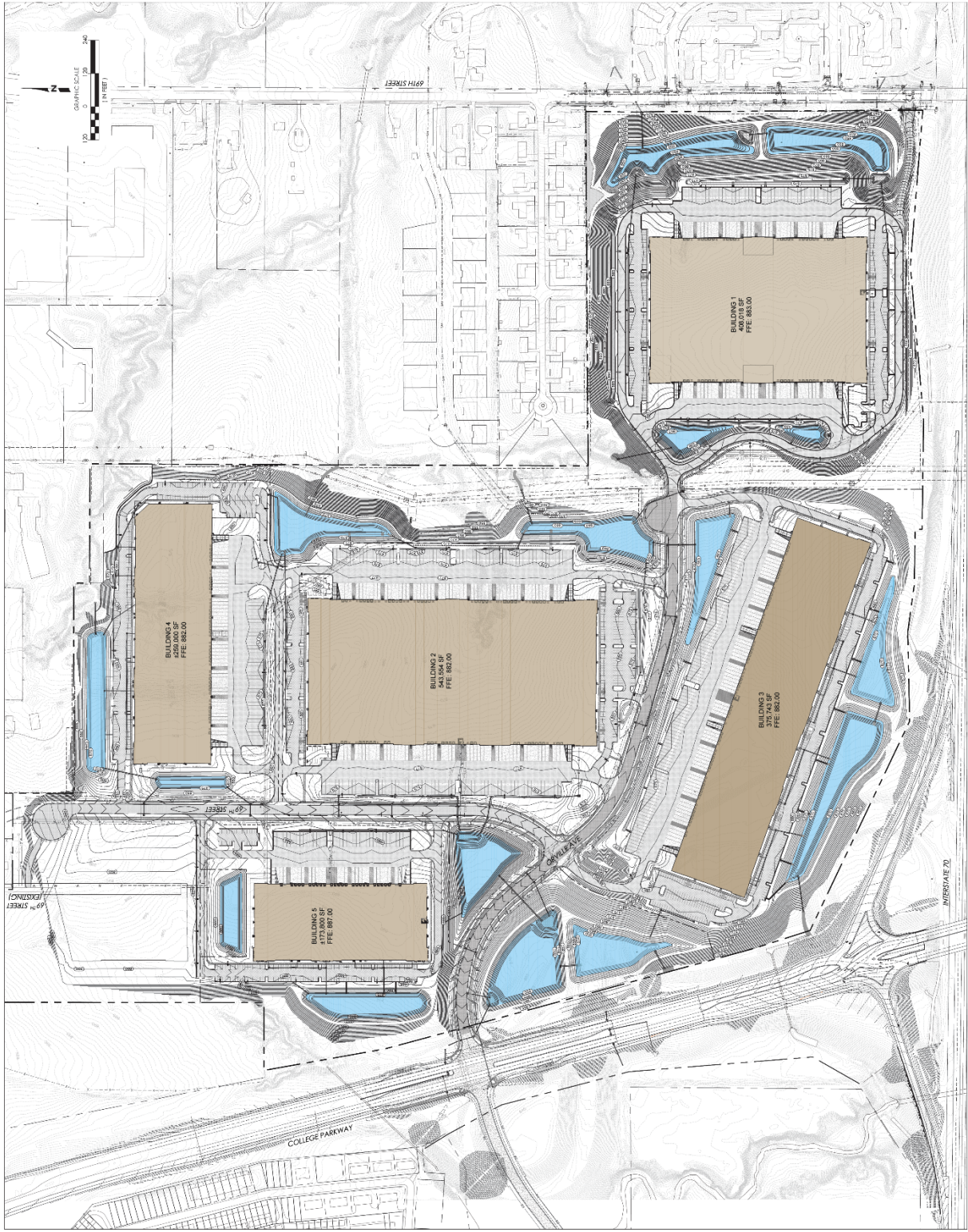


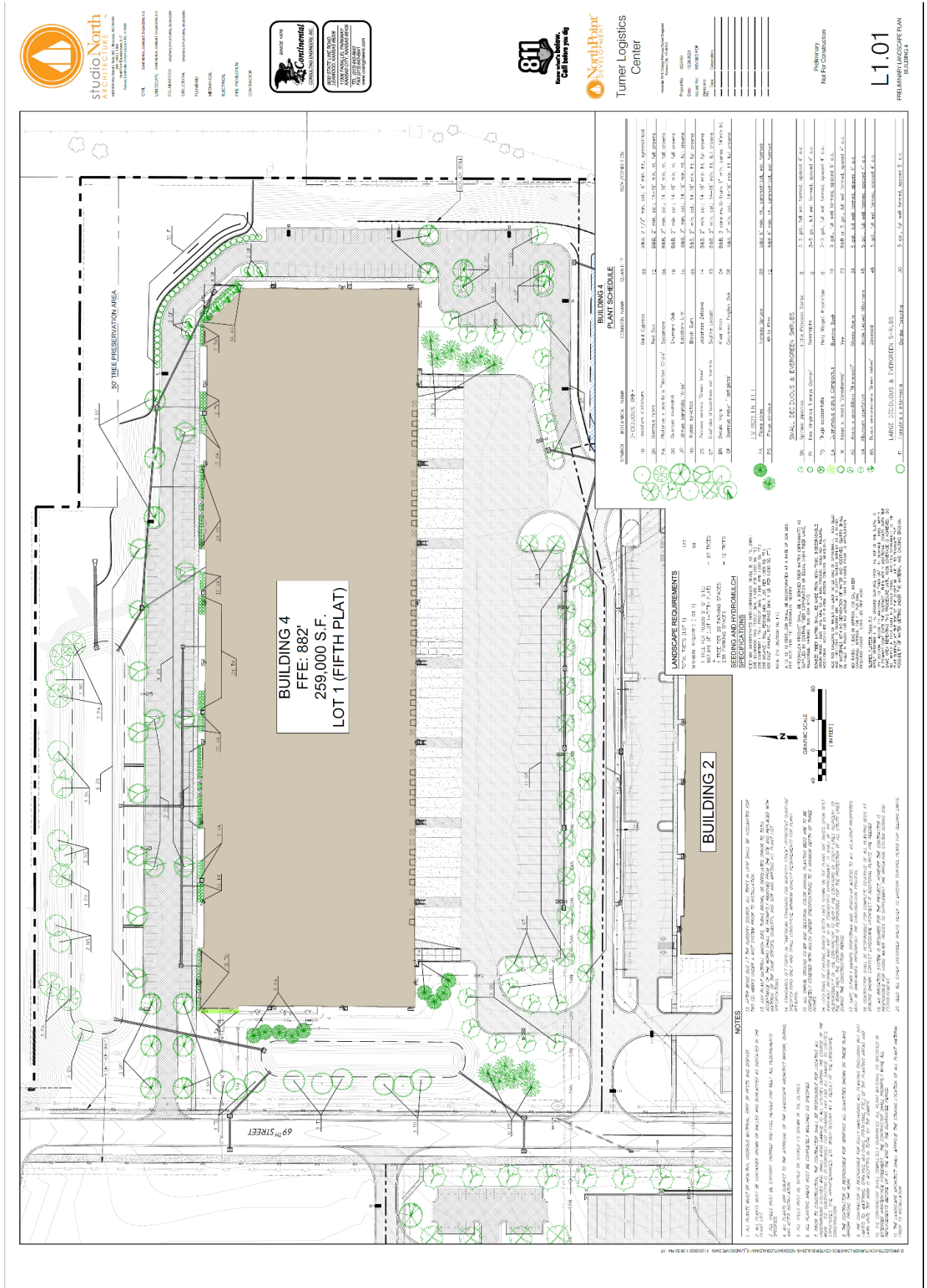
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Project No. 100-000000
Revision No. 000-0000
Revision Description
Revision Date
Revision By



C3.01
OVERALL GRADING PLAN

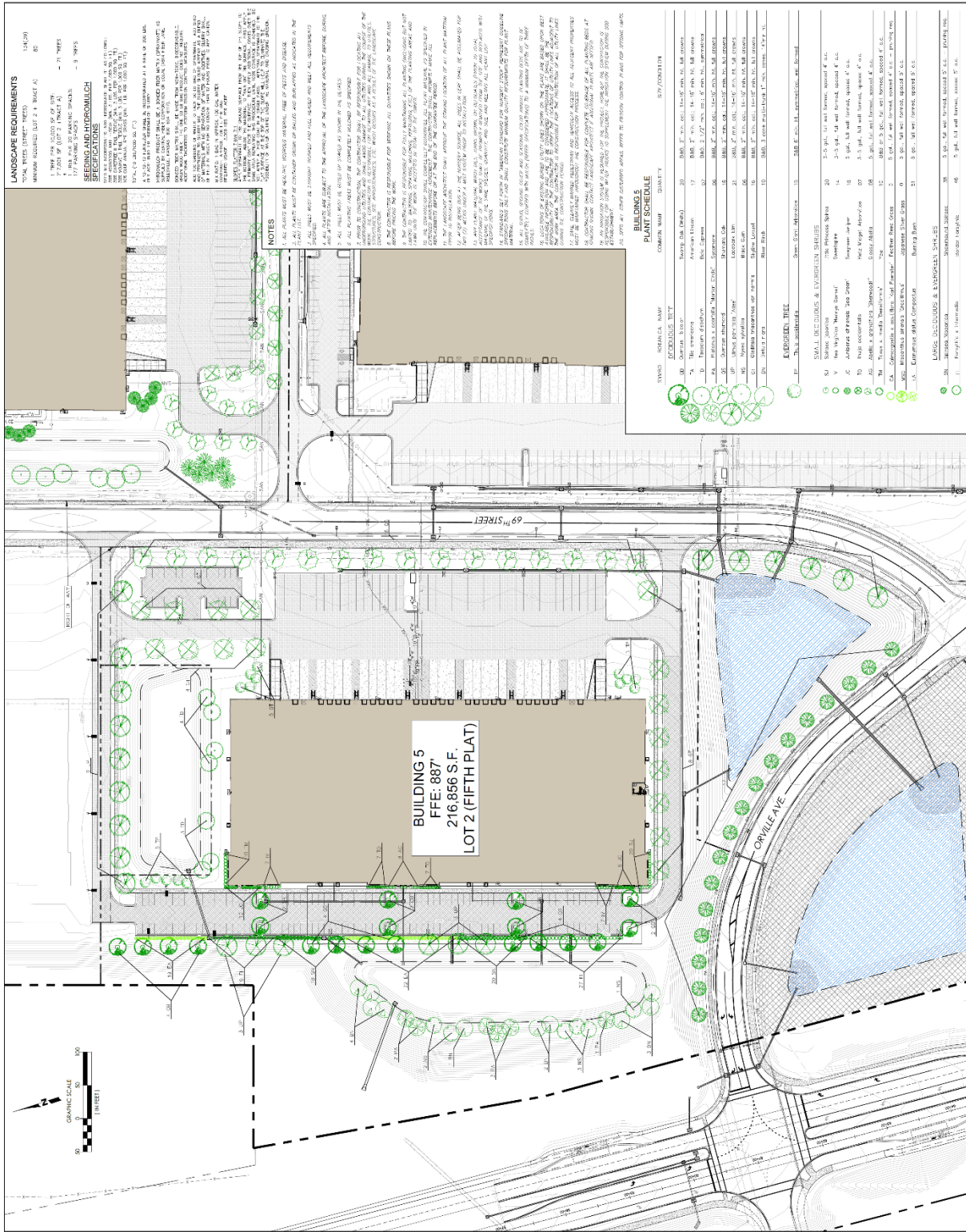
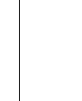
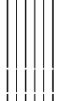






studioNorth
ARCHITECTURE
1000 PINE STREET, SUITE 200
SAN FRANCISCO, CA 94109
TEL: 415.774.8888
WWW.STUDIONORTHARCH.COM

GENERAL CONTRACTOR: [REDACTED]
LANDSCAPE ARCHITECT: [REDACTED]
STRUCTURAL: [REDACTED]
MECHANICAL: [REDACTED]
ELECTRICAL: [REDACTED]
PLUMBING: [REDACTED]
CONCRETE: [REDACTED]





studio North
ARCHITECTURE
10000 W. 10th Avenue, Suite 100
Denver, CO 80231
Tel: 303.733.1100
www.studiobn.com

OWNER: TURNER LOGISTICS CENTER, INC.
ARCHITECT: STUDIO NORTH ARCHITECTURE
ENGINEER: CONTINENTAL ENGINEERING, INC.
PLANNING: STUDIO NORTH ARCHITECTURE
LANDSCAPE: CONTINENTAL ENGINEERING, INC.
INTERIOR: STUDIO NORTH ARCHITECTURE
MECHANICAL: CONTINENTAL ENGINEERING, INC.
ELECTRICAL: CONTINENTAL ENGINEERING, INC.
FIRE PROTECTION: CONTINENTAL ENGINEERING, INC.
CONTRACTOR: CONTINENTAL ENGINEERING, INC.



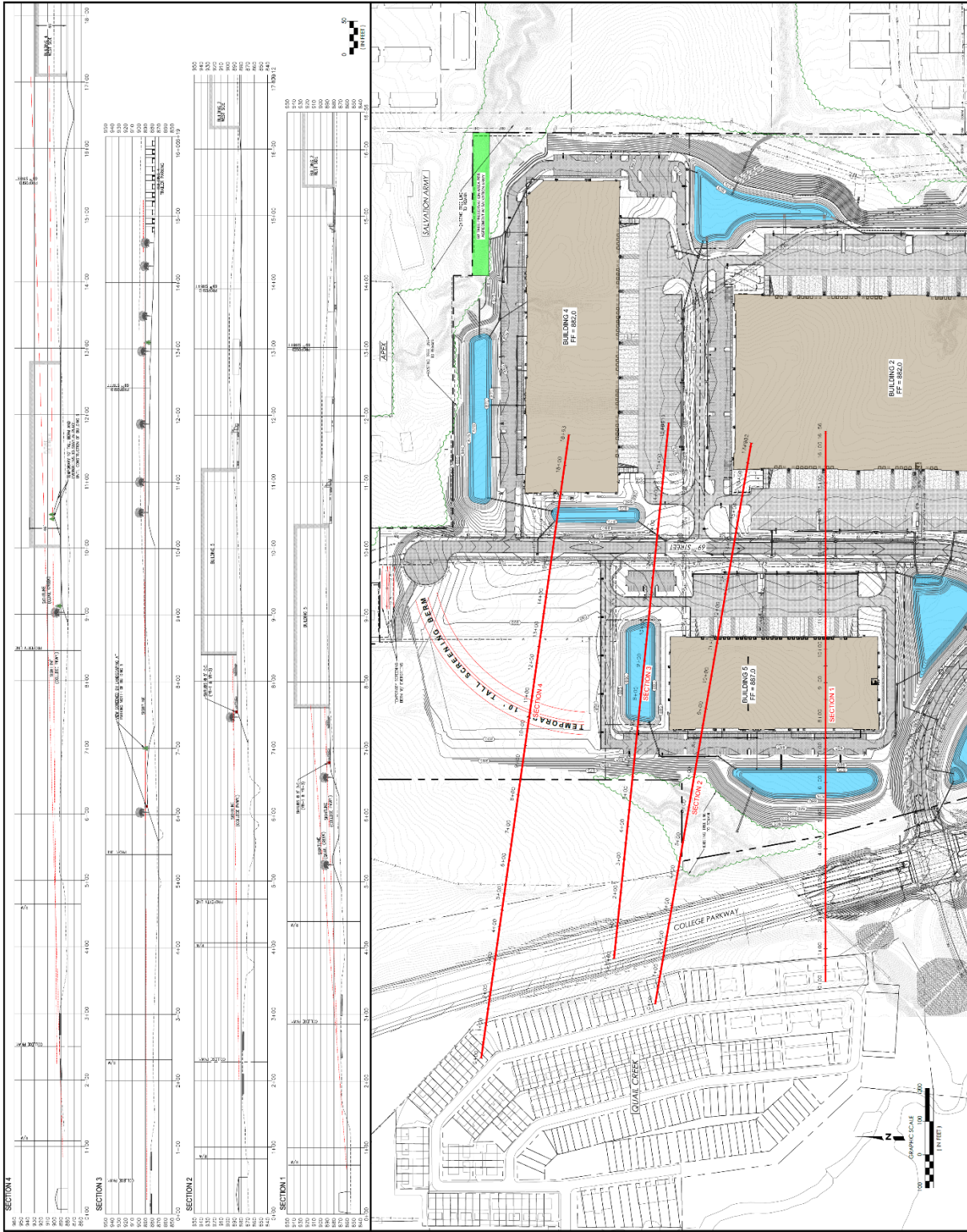
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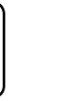




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INTERIOR DESIGN
LANDSCAPE ARCHITECTURE
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LANDSCAPE ARCHITECTURE
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MECHANICAL
ELECTRICAL
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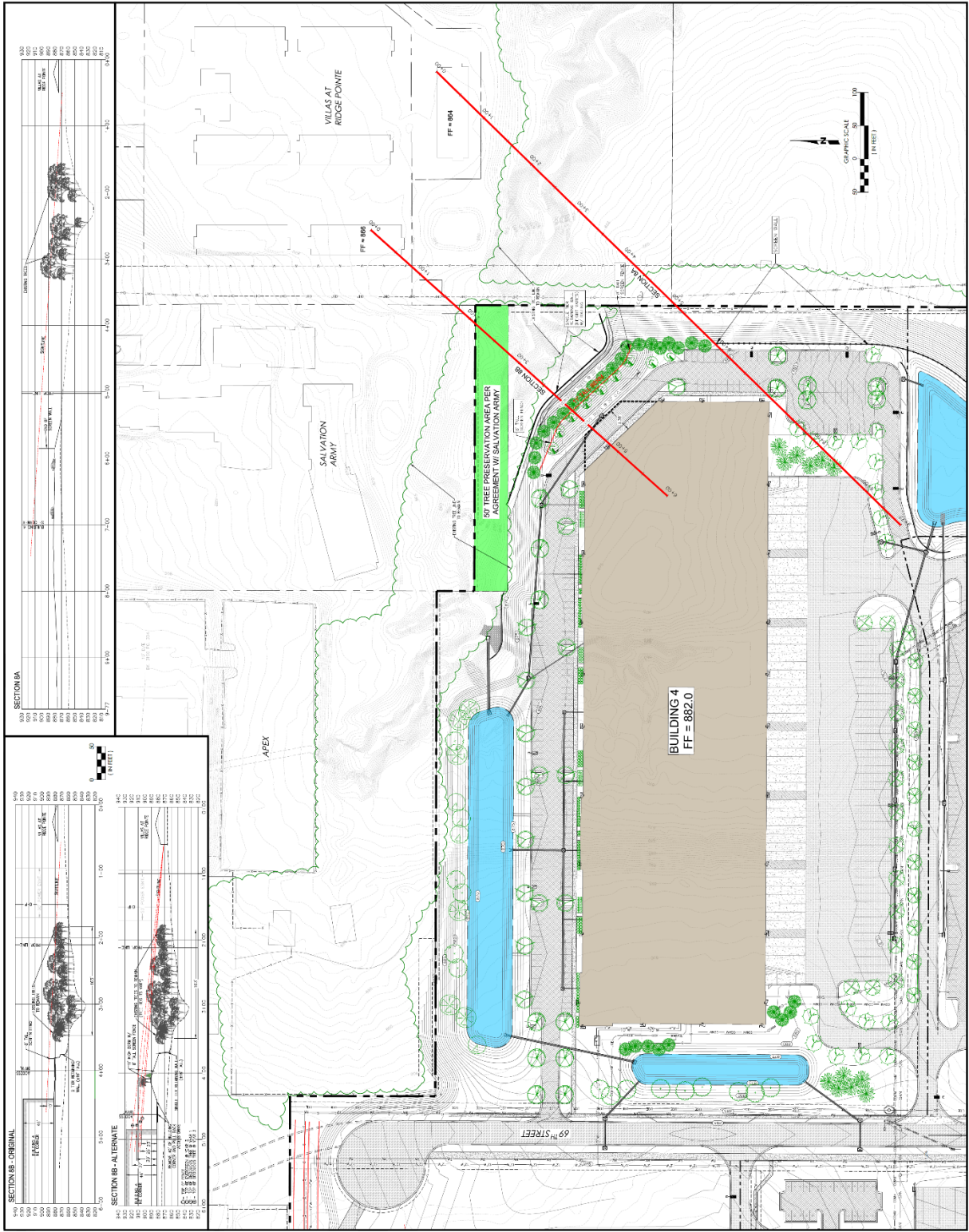
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PRELIMINARY
SIGHT LINE SECTIONS



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ARCHITECT

LANDSCAPE ARCHITECT

INTERIOR DESIGNER

GRAPHIC DESIGNER

STRUCTURAL

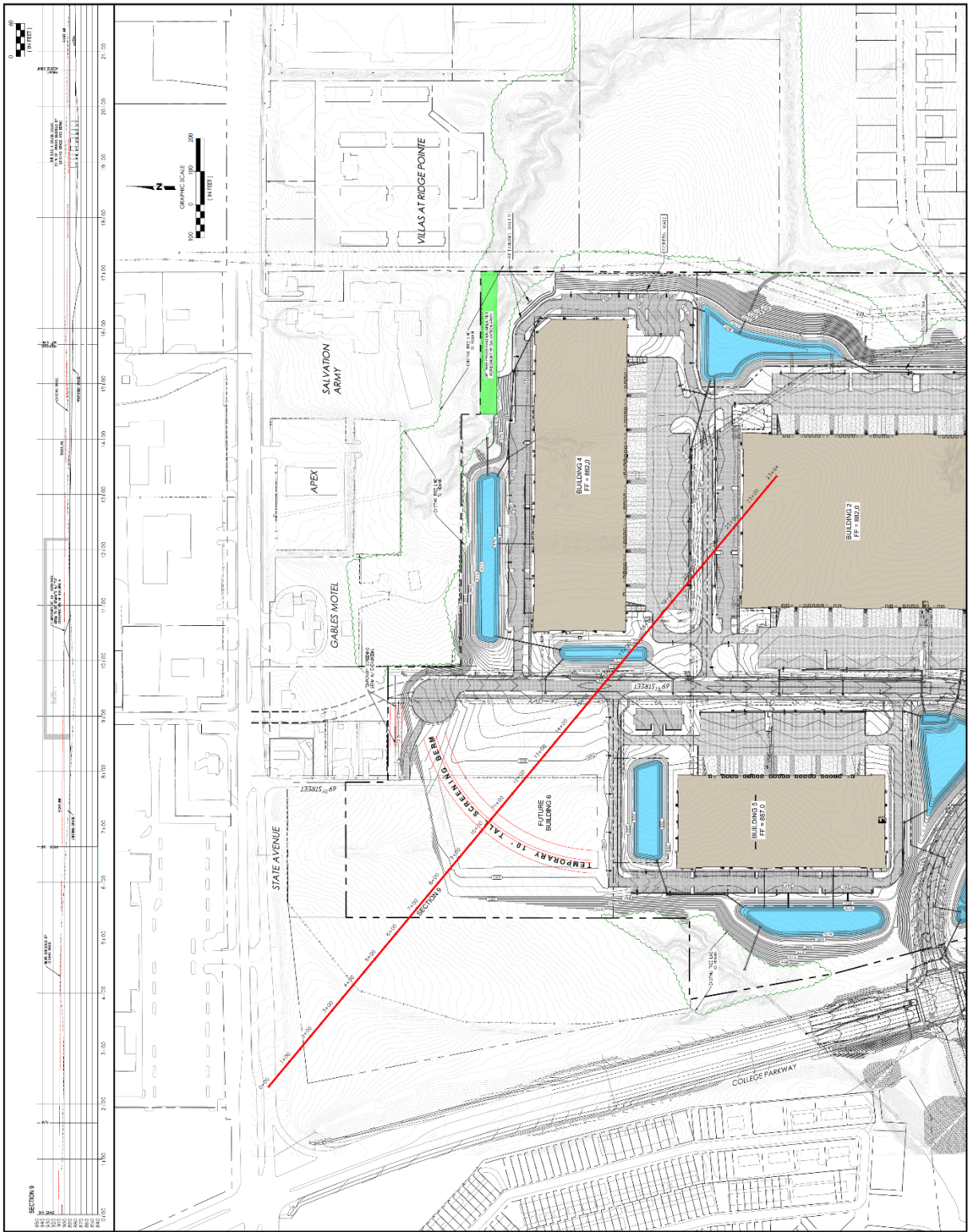
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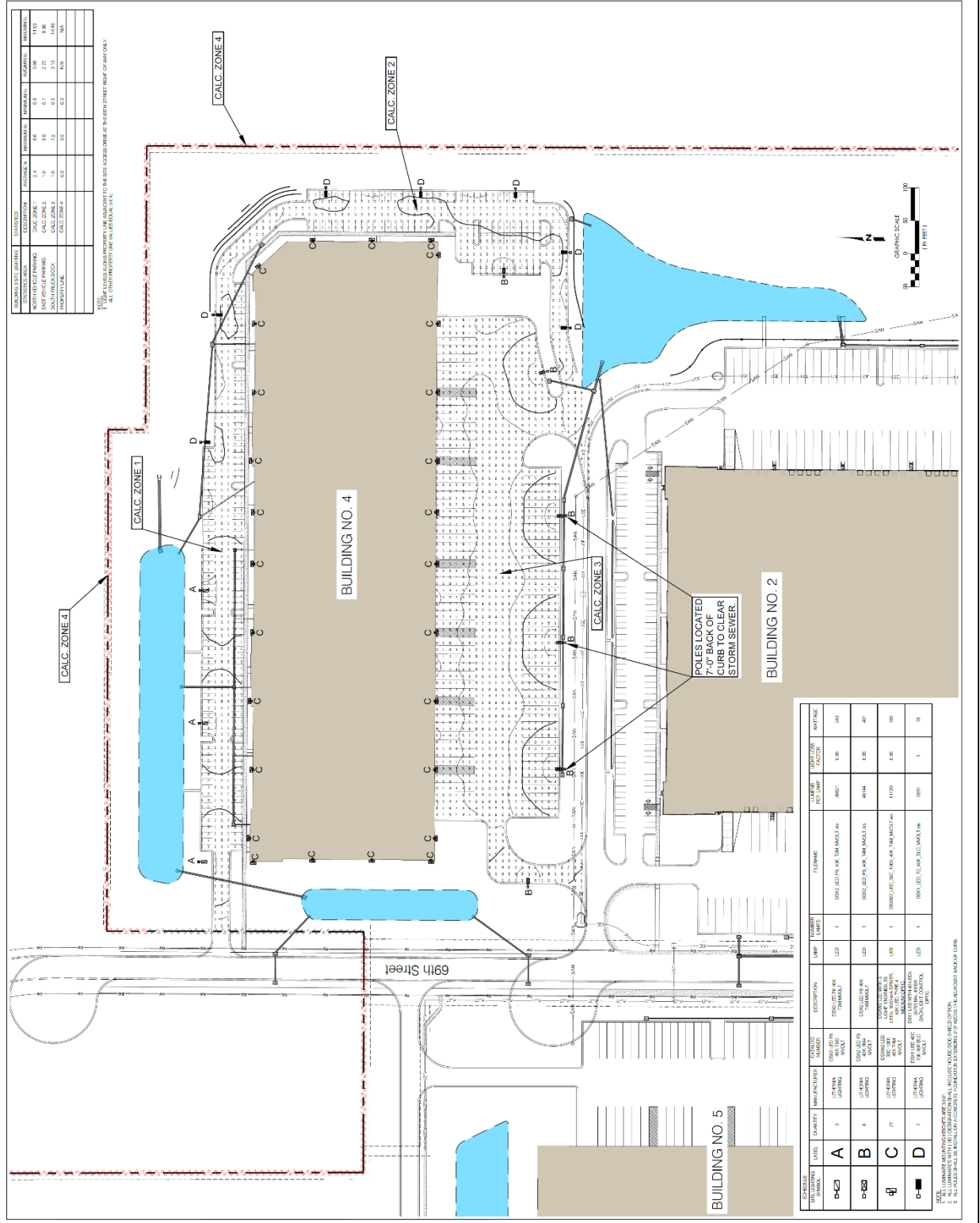






Figure 4. Site photograph on College Parkway looking east at Turner Logistics Center (provided by Planning Staff).



Figure 5. Site photograph on State Avenue looking southeast at Turner Logistics Center (provided by Planning Staff).



Figure 6. Site photograph on North 69th Street looking southeast at Turner Logistics Center (provided by Planning Staff).



Figure 7. Site photograph on North 69th Street looking southwest at Turner Logistics Center (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 City Planning
Commission

From: Planning and Urban Design Staff

Date: February 25th, 2021

Re: Petition SP2020-100

GENERAL INFORMATION

Applicant:
Wendy Orozco

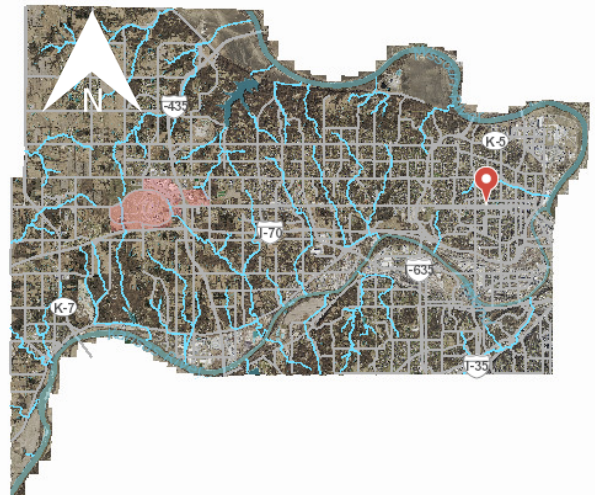
Status of Applicant:
Representative of
Property Owner
1315 State Avenue
Kansas City, Kansas 66102

Requested Action:
The approval of a Special Use Permit.

Date of Application:
December 28, 2020

Purpose:
A Special Use Permit for a car audio
installation shop.

Property Location:
1315 State Avenue
Kansas City, Kansas 66102



Commission Districts: Commissioner At Large: Tom Burroughs
District #2 Commissioner: Brian McKiernan

Existing Zoning: C-3 Commercial District

Adjacent Zoning: **North:** C-3 Commercial District
 South: C-3 Commercial District
 East: C-3 Commercial District
 West: C-3 Commercial District

Adjacent Uses: **North:** Commercial Businesses
 South: Commercial Businesses
 East: Commercial Businesses
 West: Commercial Businesses

Total Tract Size: 0.52 Acre

Master Plan Area: Downtown Master Plan

Master Plan Designation: The Downtown Master Plan designates this property as Urban Residential. This allows for higher density residential, typically attached units such as townhomes or stacked flats.

Major Street Plan: The Major Street Plan classifies State Avenue as a Class B Thoroughfare.

Parking Requirement: Uses in this district 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. One (1) per every 25 spaces must be ADA accessible. One (1) out of every six (6) ADA spaces must be van-accessible. The approximate size of the building is 1,205 square feet. Based on this assessment, four (4) spaces are required.

Advertisement: The Wyandotte Echo – January 14, 2021
Letters to Property Owner – January 15, 2021 and February 19, 2021

Public Hearings: February 8, 2021 and February 25, 2021

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Wendy Orozco, is seeking the approval of a Special Use Permit for the purpose of operating a car audio installation shop. This building has previously been used for car audio ~~installation, but~~ installation ~~but~~ has most recently been used as a window installation glass company.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There have been eight (8) Notices of Violation between the years of 2003 and 2011 for abandoned building, weeds, trash, debris/junk, and inoperable vehicles.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is commercial in nature with several businesses along a Class B Thoroughfare State Avenue. This portion of State Avenue is the commercial corridor between 7th Street Trafficway and 18th Street.

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 laid out above. The proposed use is expected to be compatible with them because the property is near several other commercial businesses.

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 the use to which it has been restricted because it is in a commercial area along a Class B Thoroughfare. The removal of the restrictions will not detrimentally affect nearby property as long as the noise is properly maintained.

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

The most recent business license for this property expired in March of 2019.

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

The Downtown Master Plan designates this area as Urban Residential. The proposed use does not conform to the Master Plan because it is for higher-density residential uses. The proposed use is commercial in nature.

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 traffic in the area but will not exceed the capacity of the street network 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 provides the convenience of a car audio installation shop but is not reasonably necessary for the welfare of the public. It may substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property if noise is not kept at a reasonable level and if waste materials are not disposed of properly.

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

The proposed use may cause issues of noise, vibration, or illumination. Dust is not expected to be an issue with the associated use.

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

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

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 building in a built-out neighborhood.

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

The relative gain to the public health, safety, and welfare is minimal as it only provides the benefit of car audio services. If denied, the applicant would not be able to use the property as a car audio installation shop but could use the property for a different type of business.

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

The proposed use could result in the overcrowding of land if there are too many vehicles on the property at a time. The proposed use will not result in undue concentrations of population as it is commercial in nature.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via letter on January 14, 2021.
Documentation is attached below.

KEY ISSUES

Noise
Vibration
Code Enforcement History

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2020-100, subject to:

- 1) 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;
- 2) 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;
- 3) According to Sec. 27-723(a), 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;
- 4) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure

- to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 5) Vehicles shall not be parked on the right of way of State Avenue in front of the property. Vehicles shall not park on State Avenue at any time;
 - 6) In order to comply with the district's performance standards, auto installation or servicing is not allowed outside or in public view. All work shall be performed totally within an enclosed building;
 - 7) Inoperable vehicles are only allowed to be stored inside the enclosed building. Any inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with regulations in Section 27-467(c);
 - 8) Must comply with Commercial Design Standards including;
 - a. The site must have street trees. These either need to be planted on the property by cutting the existing asphalt, or in the planting them in the sidewalk right-of-way with tree wells/grates. This would require a Right-Of-Way Agreement from the Public Works Department. Contact them to begin this process;
 - b. Main entrance shall be enhanced by architectural details. Such details may include recessed or slightly protruding entrances, building material variations, color variations, or artistic elements and other special treatments;
 - c. Awnings or canopies are encouraged on facades to provide weather protection and shade to pedestrians, and to add visual appeal;
 - 9) 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;
 - 10) 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,
 - 11) 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

Planning and Urban Design Comments:

General Planning:

~~Is Staff concurs with the recommendation of the City Planning Commission.
this site currently being used as a business? If so, what type of commercial activity is
this for?~~

Applicant Response: ~~No, this business is not currently being used as a
business.~~

~~How many vehicles will be on the property at a time?~~

Applicant Response: ~~Around five (5) — six (6) cars.~~

~~Provide a site plan indicating parking. Please note that Uses in this district 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. The approximate size of the building is
1,205 square feet. Based on this assessment, four (4) spaces are required.~~

Staff Comment: ~~Applicant has provided a diagram. It is attached below.~~

~~Provide site pictures.~~

Staff Comment: ~~Applicant has provided pictures. They are attached below.~~

~~What are the intended hours of operation?~~

Applicant Response: ~~9:00am to 7:00pm Monday through Friday and 9:00am-
5:00pm Saturday.~~

~~How many vehicles do you intend to service per week?~~

Applicant Response: ~~10-12~~

~~How do you propose to dispose of waste materials?~~

Applicant Response: ~~We will be renting a large dump truck.~~

Planning Engineering Comments:

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

~~None.~~

~~Items that are conditions of approval:~~

~~None.~~

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

Business License Comments:

If approved applicant will need to file the an occupation tax application with our office for the occupying business activity.

STAFF RECOMMENDATION

Staff recommends that the ~~City Planning Commission~~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 **SP2020-100** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.:

~~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;~~

~~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;~~

~~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;~~

~~**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;**~~

~~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;~~
~~According to Sec. 27-723(a), 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;~~
~~Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit; Vehicles shall not be parked on the right of way of State Avenue in front of the property. Vehicles shall not park on State Avenue at any time;~~
~~In order to comply with the district's performance standards, aAuto installation or servicing is not allowed outside or in public view. All work shall be performed totally within an enclosed building;~~
~~Inoperable vehicles are only allowed to be stored inside the enclosed building. Any inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with regulations in Section 27-467(c);~~
~~Must comply with Commercial Design Standards including;~~
~~The site must have street trees. These either need to be planted on the property by cutting the existing asphalt, or in the planting them in the sidewalk right-of-way with tree wells/grates. This would require a Right-Of-Way Agreement from the Public Works Department. Contact them to begin this process;~~
~~Main entrance shall be enhanced by architectural details. Such details may include recessed or slightly protruding entrances, building material variations, color variations, or artistic elements and other special treatments; and,~~
~~Awnings or canopies are encouraged on facades to provide weather protection and shade to pedestrians, and to add visual appeal;~~
~~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;~~

~~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, 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,~~

ATTACHMENTS

February 8, 2021 City Planning Commission Minutes

Land Use Map

Zoning Map

Aerial Map

Neighborhood Meeting Documentation

Photographs Provided by Staff, Dated January 18, 2021

Parking Diagram

Photographs Provided by Applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 8, 2021	February 25, 2021
Special Use	<u>Approval</u>	

STAFF CONTACT:

Shana Kelly

skellyshanteau@wycokck.org

MOTIONS

I move the ~~Unified Government Board of Commissioners Kansas City, Kansas City Planning Commission~~ **RECOMMEND APPROVAL** of Petition **SP2020-100** to the ~~Unified Government Board of Commissioners~~ 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 ~~of the Kansas City, Kansas City Planning Commission:~~

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

OR

I move the ~~Unified Government Board of Commissioners Kansas City, Kansas City Planning Commission~~ **RECOMMEND DENYIAL** of Petition **SP2020-100**, ~~to the Unified Government Board of Commissioners~~ 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.

February 8, 2021 City Planning Commission Minutes:

Hearing starts at 1:46:40:

SPECIAL USE PERMIT APPLICATION SP2020-100 – WENDY OROZCO -

SYNOPSIS: Special Use Permit for a car audio installation shop at 1315 State Avenue.

Detailed Outline of Requested Action: The applicant, Wendy Orozco, is seeking the approval of a Special Use Permit for the purpose of operating a car audio installation shop. This building has previously been used for car audio installation but has most recently been used as a window installation glass company.

City Ordinance Requirements: 27-592 through 27-606. Code Enforcement History:

There have been eight (8) Notices of Violation between the years of 2003 and 2011 for abandoned building, weeds, trash, debris/junk, and inoperable vehicles.

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 February 8, 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:

- Lester Gonzalez, representing the applicant, 1315 State Avenue, Kansas City, Kansas 66102

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:49:16: Planning Director Hand stated that staff has applied numerous conditions to this proposed Special Use Permit, including compliance with the Commercial Design Guidelines. There can be no inoperable vehicles or storage of materials outside the building and no parking of vehicles on the street. Staff is confident that many of the details will be worked out in the Development Review Process when a site plan and elevations must be submitted for review. There have been numerous Notices of Violations at this site and in the general vicinity. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 1:51:20:

On motion by Mr. Miller, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2020-100:**

<u>Carson</u>	<u>Chairman</u>
<u>Armstrong</u>	<u>Aye</u>
<u>Cho</u>	<u>Not Present</u>
<u>Connelly</u>	<u>Aye</u>
<u>Ernst</u>	<u>Aye</u>
<u>Huey</u>	<u>Aye</u>
<u>Jones</u>	<u>Aye</u>
<u>Miller</u>	<u>Aye</u>
<u>Mohler</u>	<u>Aye</u>
<u>Pauley</u>	<u>Aye</u>
<u>Reasons</u>	<u>Aye</u>

Motion to RECOMMEND APPROVAL Passed: 9 to 0

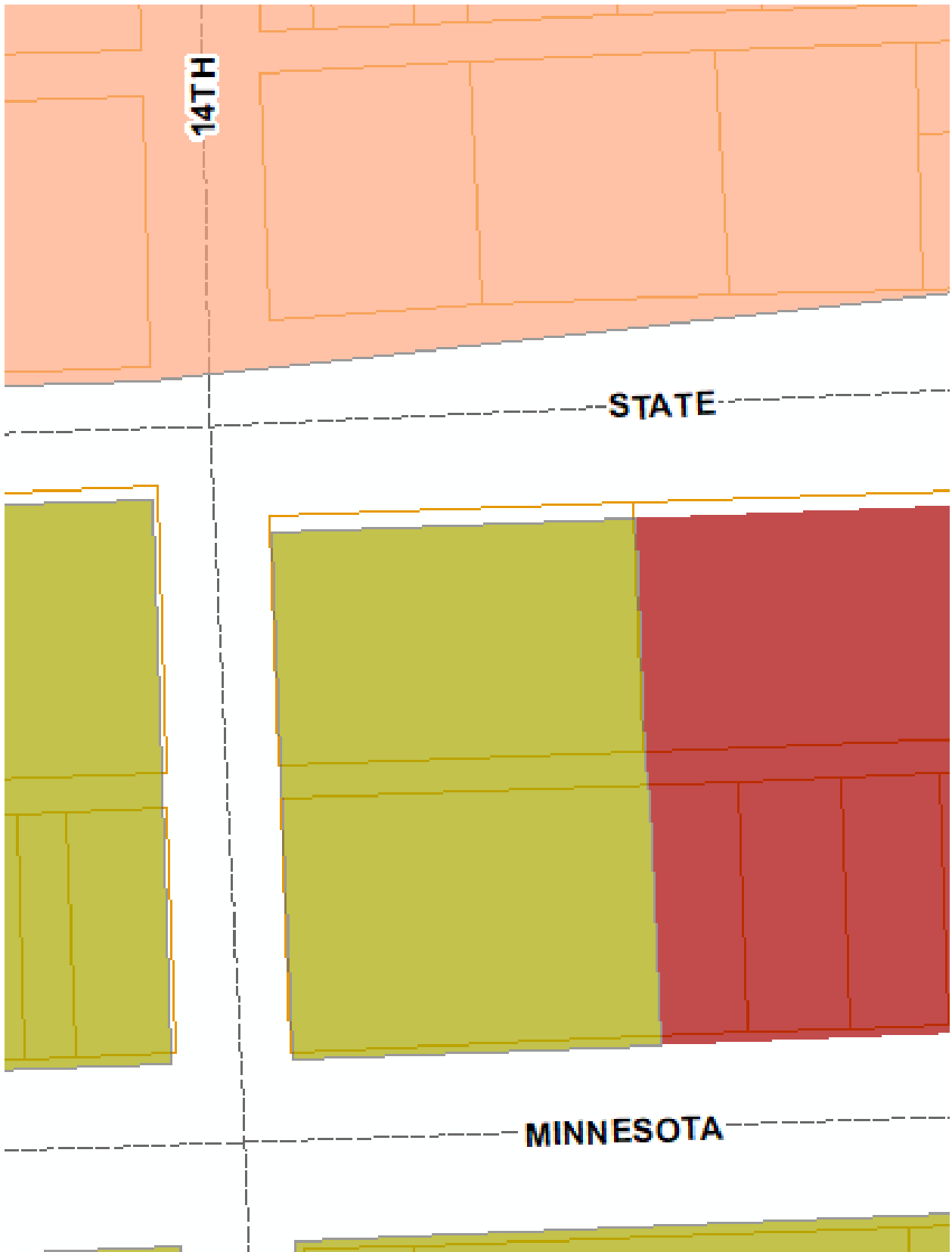
Subject to:

- 1) 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;
- 2) 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;
- 3) According to Sec. 27-723(a), 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;
- 4) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 - 5) Vehicles shall not be parked on the right of way of State Avenue in front of the property. Vehicles shall not park on State Avenue at any time;
 - 6) In order to comply with the district's performance standards, auto installation or servicing is not allowed outside or in public view. All work shall be performed totally within an enclosed building;
 - 7) Inoperable vehicles are only allowed to be stored inside the enclosed building. Any inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with regulations in Section 27-467(c);
 - 8) Must comply with Commercial Design Standards including:
 - a. The site must have street trees. These either need to be planted on the property by cutting the existing asphalt, or in the planting them in the sidewalk right-of-way with tree wells/grates. This would require a Right-Of-Way Agreement from the Public Works Department. Contact them to begin this process;
 - b. Main entrance shall be enhanced by architectural details. Such details may include recessed or slightly protruding entrances, building material variations, color variations, or artistic elements and other special treatments;
 - c. Awnings or canopies are encouraged on facades to provide weather protection and shade to pedestrians, and to add visual appeal;
 - 9) 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;
 - 10) 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,

- 11) 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.

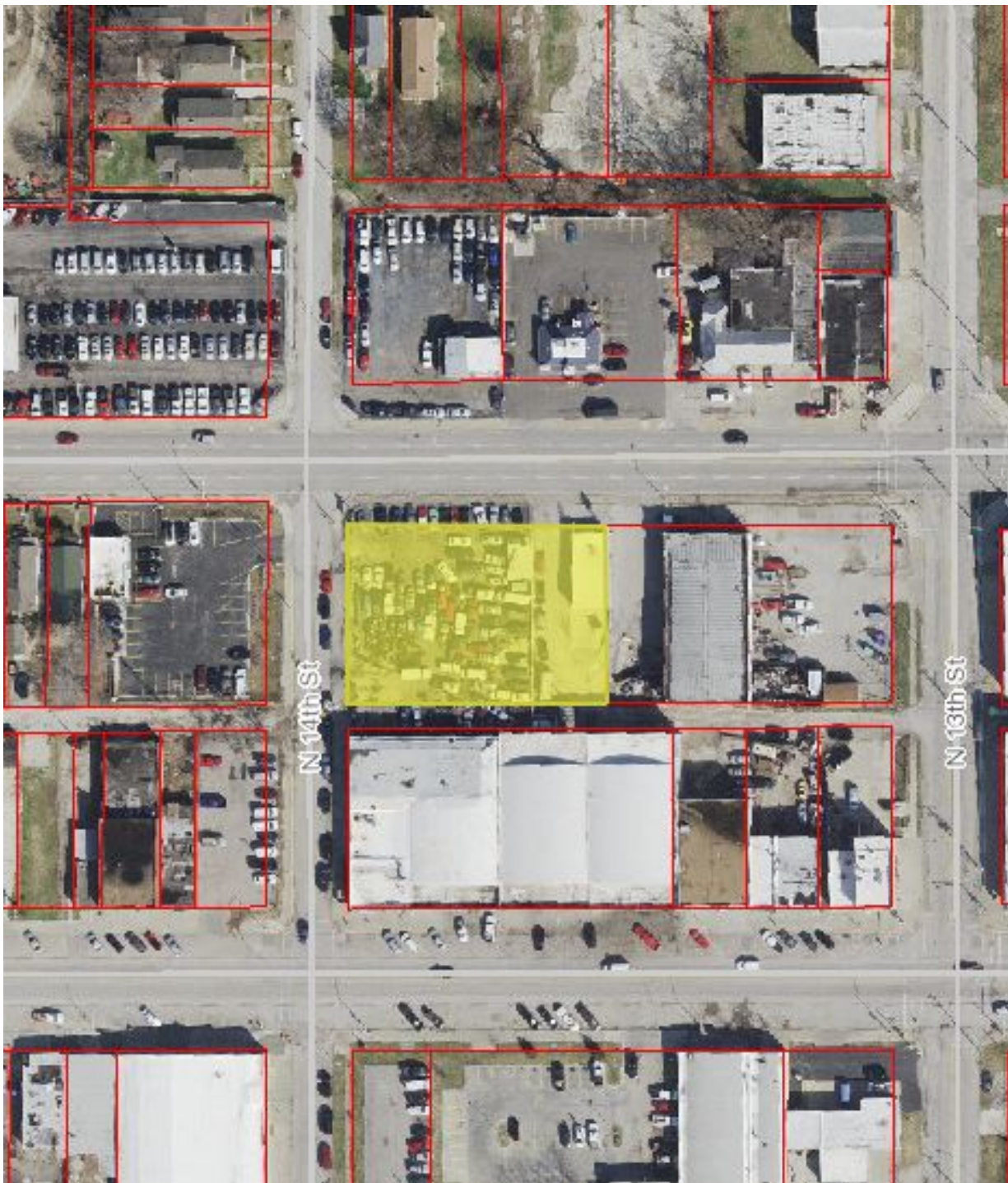
Land Use Map:



Zoning Map:



Aerial Map:



Neighborhood Meeting Documentation:

January 14, 2021

To Whom It May Concern:

I, Wendy Orozco, have filed an application with the Department of Urban Planning and Land Use # SP2020-100. The purpose of this special use permit is to open a car audio installation shop at the following address: 1315 State Ave Kansas City, KS 66102. I would like to reach out to all neighboring businesses, properties and homeowners to inform you of the plans to open up this business. As much as an in-person meeting would be best to give you further details and to answer any questions, due to COVID-19 it is not the most ideal thing to do. For this reason, I will be providing you with different options to contact me if you have any questions, comments or concerns. Please reach out to me by January 24, 2021 and I will be happy to answer any questions you may have. The case will appear before the City Planning Commission on February 8, 2021 at 6:30 PM via Zoom and you are welcomed to attend. Please reach out to me for the link to listen to the meeting. Thank you for taking the time to read this letter and I look forward to hearing from you soon,

Sincerely,

Wendy Orozco
Elite Car Audio
1315 State Ave,
Kansas City, KS
Contact Phone Number: (913) 406-6196
Email: ublestergonzalez@yahoo.com

Application Number SP2020-100

Date and Location: Letters were sent out on January 14th and recipients were told to contact me by January 24, 2021

Meeting called to order at: Through phone or email

Names of people in attendance:

Ruble William:

This Attendee welcomed us to the neighborhood and said there were no concerns or questions that he had. He just wanted to wish us good luck. I thanked him and kept his contact information. Meeting lasted 2-3 minutes via telephone.

Mark Shapiro:

This Attendee called and mentioned that he has been in this neighborhood since the 1980s and that he had actually rented this location in the past. He told us he had no problems with us opening this business. He did warn us that there was a neighbor that usually has a problem with any business that has ever been in this location and that this is the reason why most businesses don't last. He welcomed us and wished us good luck. I thanked him for taking the time to call and let us know about the neighborhood. This meeting lasted about 4 minutes.

John Reed:

This Attendee called and told us that he would not tolerate anyone coming near or parking in his property. He said that he would report any "illegal" activity if he suspected of anything because prior businesses here apparently had participated in illegal activities. He spoke very strongly about the owner of this property in a negative manner. He also mentioned that he was going to attend the zoom meeting on February 8th and let the city know all of this himself. He did welcome us but at the same time threatened us and told us that if any problems arose he would not hesitate to pull his gun. I thanked him for taking the time to contact me and told him that I was not the type of person to participate in any illegal activity. He told me that is what they all say. This meeting lasted about 7 minutes.

Meeting adjourned via phone

Minutes taken by: 14 minutes

AFFIDAVIT – NEIGHBORHOOD MEETING. 1/25/2021

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition #SP2020-100.
2. That I conducted a neighborhood meeting through letters that were sent to all contacts on the list I was provided with. I provided them with my contact information and gave them ample time to contact me with any questions/concerns.
3. Attached are the minutes/summary of the people that contacted me 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.

Wendy Orozco
Affiant

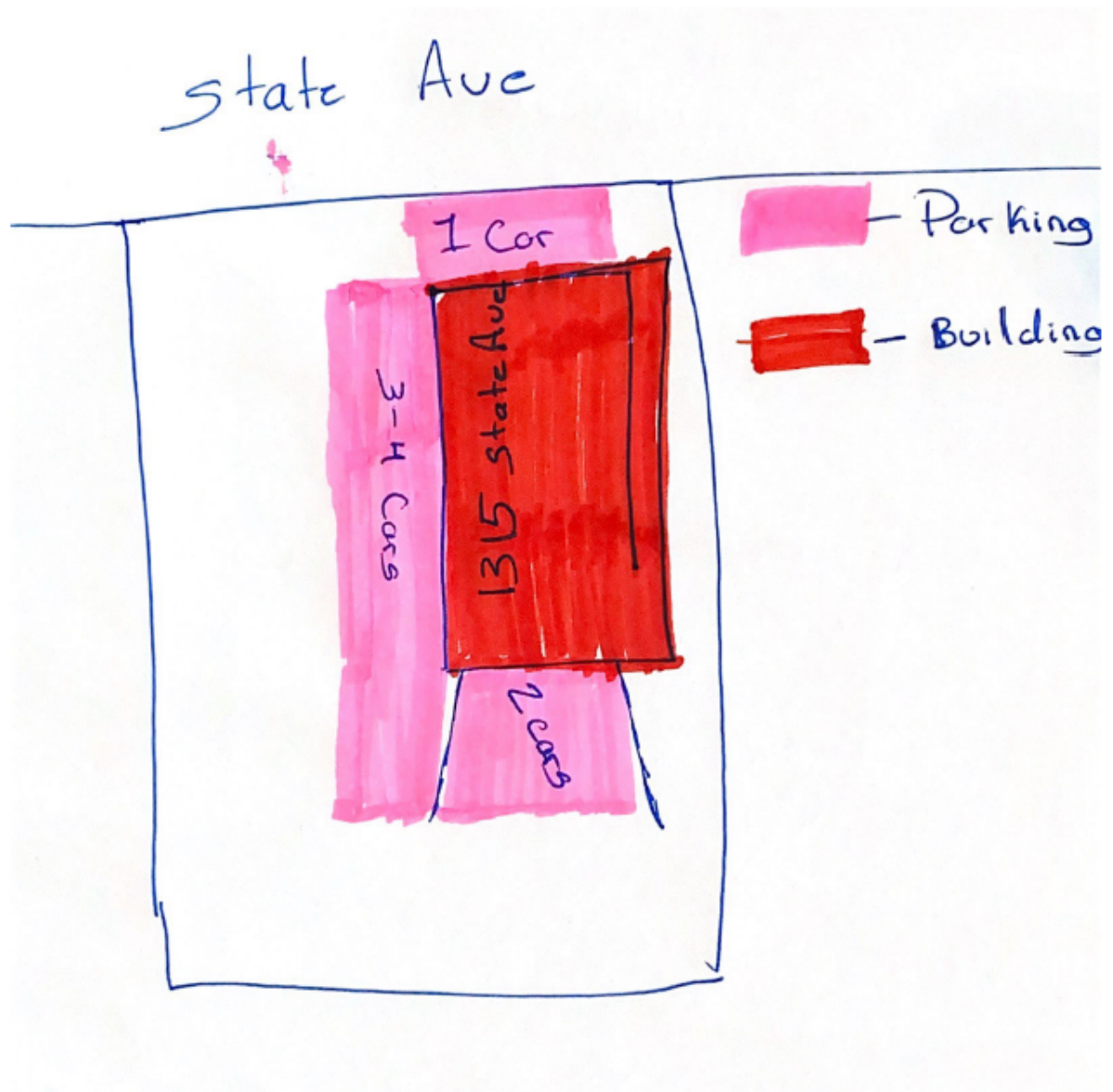
Application Number SP2020-100

Photographs Provided by Staff, Dated January 18, 2021:





Diagram of Parking:



Site Photographs, 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 City Planning
Commission

From: Planning and Urban Design Staff

Date: February 258, 2021

Re: **Petition SP-2020-105**

GENERAL INFORMATION

Applicant:
Monserratt Perez-Mera

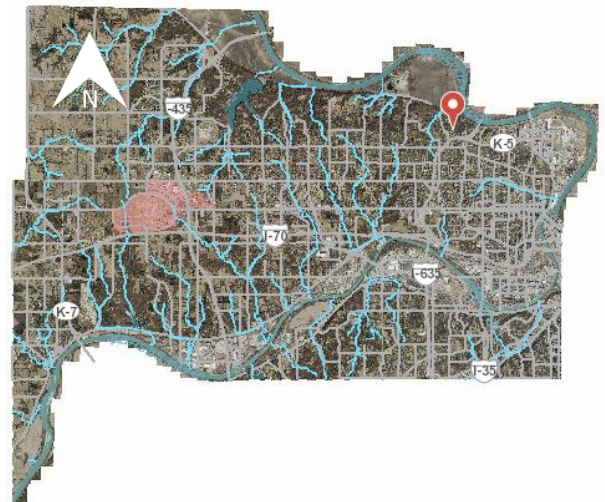
Status of Applicant:
Property Owner
3500 North 32nd Terrace
Kansas City, Kansas 66104

Requested Action:
The approval of a Special Use Permit.

Date of Application:
October 30, 2020

Purpose:
To allow a shipping container to be used as storage on the property. This is not the applicant's primary residence.

Property Location:
3500 North 32nd Street
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(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: Vacant Land South: Vacant Land East: Vacant Land West: Vacant Land
Total Tract Size:	0.26 Acre
Master Plan Area:	Northeast Area Master Plan
Master Plan Designation:	The Northeast Area Master Plan designates this area as Single Family. Single Family allows for single family homes.
Major Street Plan:	The Major Street Plan classifies 32 nd Street as a Local Street.
Parking Requirements:	Section 27-455 requires two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. The applicant is not constructing a dwelling unit.
Advertisement:	The Wyandotte Echo – January 15, 2021 Letters to Property Owners – November 19, 2020, January 20, 2021 and February 19, 2021. December 18, 2020
Public Hearings:	_____ January 11, 2021, February 8, 2021 and February 25, 2021
Public Support:	None to date.
Public Opposition:	Opposition was expressed at the January 11, 2021 Board of Zoning Appeals meeting. This application was held over until the February 8, 2021 meeting as the Appeal was held over by the Board of Zoning Appeals. No one appeared at the February 8, 2021 City Planning Commission meeting. None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Monserratt Perez-Mera, is seeking the approval of a Special Use Permit for the purpose of using a shipping container as a storage unit on the property. The structure is a used container from Transport Specialist, LTD. The container was previously used to store furniture. The Special Use Permit is being sought in conjunction with a Variance, BOZA 2407, to have 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 2020 for a camper on the vacant lot. The property owner has stated that no one lives in the camper.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential in nature, comprised of single-family homes and several undeveloped parcels of 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 not compatible with them. The Northeast Area Master Plan designates this area as a Single Family District. The proposed use does not involve the construction of a 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?

This property is suitable for the development of a single-family home. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as an overcrowding of storage units on the property.

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

There is no record of a building being constructed 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 Northeast Area Master Plan designates this area as a Single-Family District. The proposed use

does not conform to the Master Plan because it does not involve the development of a single-family home 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 involves the use of a shipping container for the storage of recreational vehicles for the property owners. Therefore, it will not increase the amount of vehicular traffic to the point where it exceeds the capacity of the street network 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 public as it only provides a service to the property owners. It may affect the appropriate use, visual quality, and marketability of neighboring properties because the proposed action does not increase property value.

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 not pollute the air, land, or water because it is for the placement of a shipping container on the land.

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

The proposed use will not damage or destroy an irreplaceable natural resource.

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

The proposed use does not provide a benefit to the public health, safety, and welfare. The proposed use provides a convenience to the property owners in the form of a storage unit. If denied, the property owners could not place the shipping container on the land but could build a home on the land and use it as their primary residence or rent it out.

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 only for the placement of an accessory structure on the property. The proposed use will not cause undue concentrations of population.

PREVIOUS ACTIONS

In conjunction with BOZA 2407, which was held over at the January 11, 2021 Board of Zoning Appeals meeting. (Approved on February 8, 2021 meeting.)

This Special Use Permit was held over at the January 11, 2021 City Planning Commission meeting.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 4, 2020 via letter. The applicant states that no one responded. Documentation is attached below.

KEY ISSUES

~~The~~ Approval of BOZA 2407
Unimproved Surface

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application SP-2020-105, subject to:

- 1) Shipping containers are temporary in nature and a permanent solution for the storage of personal items shall be sought within the next two (2) years (i.e. a detached accessory structure on a foundation);
- 2) Container must be placed on an improved surface. All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel;
- 3) Only personal items such as recreational vehicles and items for property maintenance are allowed to be stored in the container. Storage of commercial inventory or equipment is not allowed;
- 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) If approved, the Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.~~Planning and Urban Design Comments:~~

~~Is the structure brand new?~~

~~**Applicant Response:** No.~~

~~If not, where is it from?~~

~~**Applicant Response:** Transport Specialist, LTD 5646 Kansas Avenue Kansas City, Kansas 66106~~

~~What was the container used for previously?~~

~~**Staff Comment:** The applicant states that the container was previously used to store furniture.~~

~~Do you intend to build a house on the property?~~

~~**Applicant Response:** No.~~

~~What will be stored in the container?~~

~~**Applicant Response:** Recreational Vehicles such as ATV.~~

The container must be placed on an area that has an improved surface. Improved surface must not exceed 40% of the yard.

Planning Engineering Comments:

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

None.

Items that are conditions of approval:

None.

Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

None.

STAFF RECOMMENDATION

Staff recommends that the Board of City Planning Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP-2020-105** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission, summarized by the following conditions:

Shipping containers are temporary in nature and a permanent solution for the storage of personal items shall be sought within the next two (2) years (ie. a detached accessory structure on a foundation);

Container must be placed on an improved surface. All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel;

Only personal items such as recreational vehicles and items for property maintenance are allowed to be stored in the container. Storage of commercial inventory or equipment is not allowed;

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;

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,

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

ATTACHMENTS

January 11, 2021 City Planning Commission Minutes

February 8, 2021 City Planning Commission Minutes

Land Use Map

Zoning Map

Aerial Map

Site Photographs Provided by Staff, Dated November 25, 2020

Neighborhood Meeting Documentation

Diagram

Site Photographs Provided by Applicant

Conservation District Comments

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 8, 2021 <u>January 11, 2021</u>	February 25, 2021
Special Use	Held Over February 8, 2021 <u>Approval</u>	

STAFF CONTACT:

Shana Kelly

skellyshanteau@wycokck.org

MOTIONS

I move the ~~Unified Government Board of Commissioners Kansas City, Kansas City Planning Commission~~ **RECOMMEND APPROVAL** of Petition **SP-2020-105** to the ~~Unified Government Board of Commissioners~~ 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 ~~of the Kansas City, Kansas City Planning Commission:~~

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

OR

I move the ~~Unified Government Board of Commissioners, Kansas City, City Planning Commission~~ **RECOMMEND DENIAL** of Petition **SP-2020-105** ~~to the Unified Government Board of Commissioners,~~ 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:

SPECIAL USE PERMIT APPLICATION #SP-2020-105 – MONSERRATT PEREZ-MERA - SYNOPSIS: Special Use Permit for a shipping container at 3500 North 32nd Street. **Detailed Outline of Requested Action:** The applicant, Monserratt Perez-Mera, is seeking the approval of a Special Use Permit for the purpose of using a shipping container as a storage unit on the property. The Special Use Permit is being sought in conjunction with a Variance, BOZA #2407, to have an accessory structure without a primary structure. This is not the applicant's primary residence. Code Enforcement History: There has been one (1) Notice of Violation issued on this property in January of 2020. It is not documented what it is for.

On motion by Ms. Huey, seconded by Ms. Armstrong, the Planning Commission voted as follows to **HOLD OVER Special Use Permit Application #SP-2020-105 until the February 8, 2021 meeting:**

<u>Carson</u>	<u>Chairman</u>
<u>Armstrong</u>	<u>Aye</u>
<u>Cho</u>	<u>Not Present</u>
<u>Connelly</u>	<u>Aye</u>
<u>Ernst</u>	<u>Aye</u>
<u>Huey</u>	<u>Aye</u>
<u>Jones</u>	<u>Aye</u>
<u>Miller</u>	<u>Not Present</u>
<u>Mohler</u>	<u>Aye</u>
<u>Pauley</u>	<u>Aye</u>
<u>Reasons</u>	<u>Not Present</u>

Motion to HOLD OVER Passed: 7 to 0

February 8, 2021 City Planning Commission Minutes:

Hearing starts at 1:52:15:

SPECIAL USE PERMIT APPLICATION SP-2020-105 – MONSERRATT PEREZ-MERA – SYNOPSIS:

Special Use Permit for a shipping container at 3500 North 32nd Terrace. **Detailed Outline of Requested Action:** The applicant, Monserratt Perez-Mera, is seeking the approval of a Special Use Permit for the purpose of using a shipping container as a storage unit on the property. The structure is a used container from Transport Specialist, LTD. The container was previously used to store furniture. The Special Use Permit is being sought in conjunction with a Variance, BOZA 2407, to have 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 2020 for a camper on the vacant lot. The property owner has stated that no one lives in the camper.

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 February 8, 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 at the Board of Zoning Appeals meeting 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:

- No one appeared (Applicant was present at the Board of Zoning Appeals meeting)

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:53:40: Planning Director Hand stated that the request is for a shipping container on the property. The Board of Zoning Appeals approved the variance application earlier this evening. He stated that staff considered this request to be a temporary request and the applicant should look for a permanent solution over the next two (2) years. He stated that staff will contact the applicant concerning that condition since she is not present this evening. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 1:54:20:

On motion by Mrs. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2020-105:**

<u>Carson</u>	<u>Chairman</u>
<u>Armstrong</u>	<u>Aye</u>
<u>Cho</u>	<u>Not Present</u>
<u>Connelly</u>	<u>Aye</u>
<u>Ernst</u>	<u>Aye</u>
<u>Huey</u>	<u>Aye</u>
<u>Jones</u>	<u>Aye</u>
<u>Miller</u>	<u>Aye</u>
<u>Mohler</u>	<u>Aye</u>
<u>Pauley</u>	<u>Aye</u>
<u>Reasons</u>	<u>Aye</u>

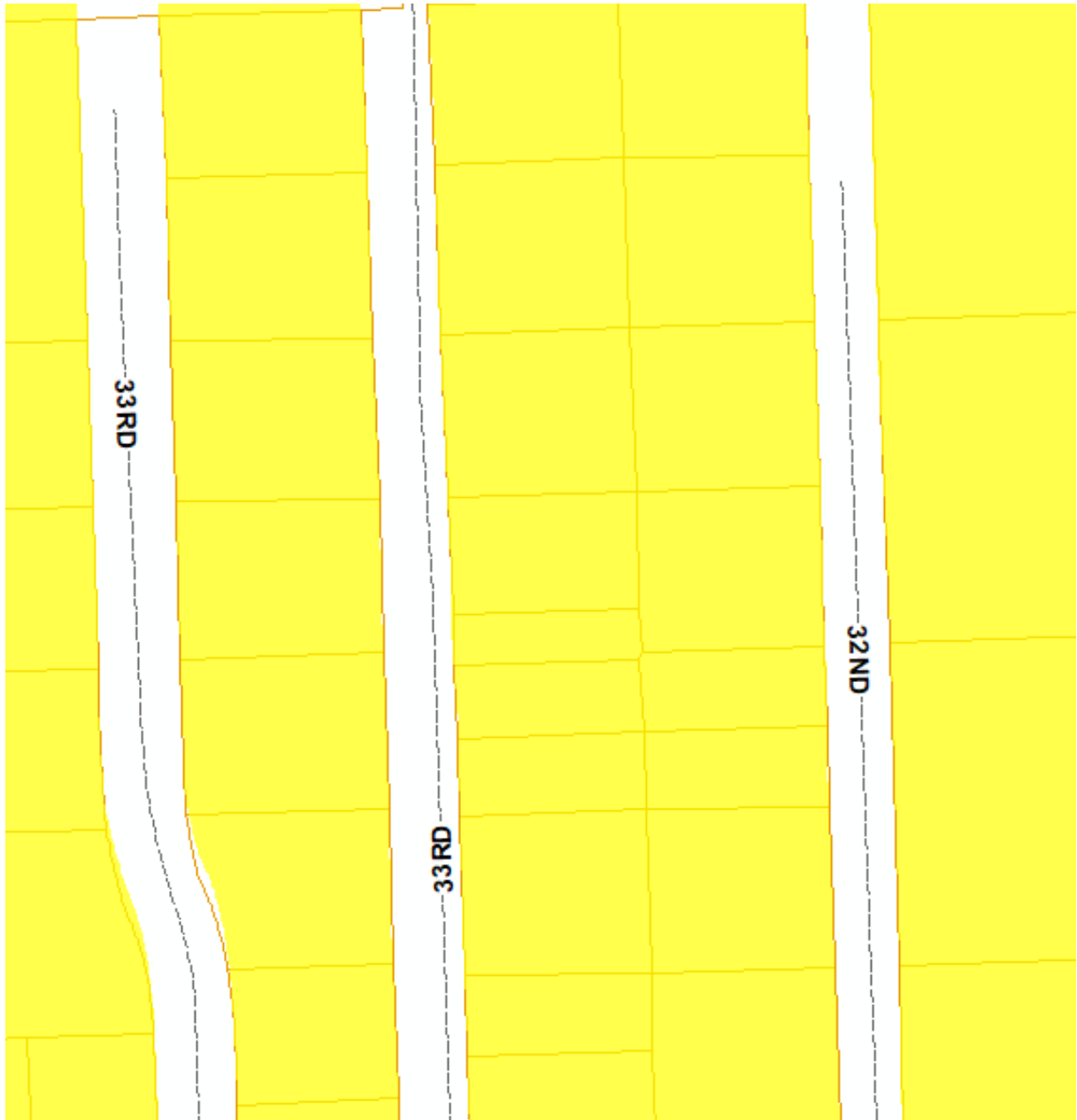
Motion to RECOMMEND APPROVAL Passed: 9 to 0

Subject to:

- 1) Shipping containers are temporary in nature and a permanent solution for the storage of personal items shall be sought within the next two (2) years (i.e. a detached accessory structure on a foundation);
- 2) Container must be placed on an improved surface. All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel;
- 3) Only personal items such as recreational vehicles and items for property maintenance are allowed to be stored in the container. Storage of commercial inventory or equipment is not allowed;
- 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) If approved, the Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application

fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Land Use Map:



Zoning Map:



Aerial Map:



Site Photographs Provided by Staff, Dated November 25, 2020:





Neighborhood Meeting Documentation:

December 4, 2020

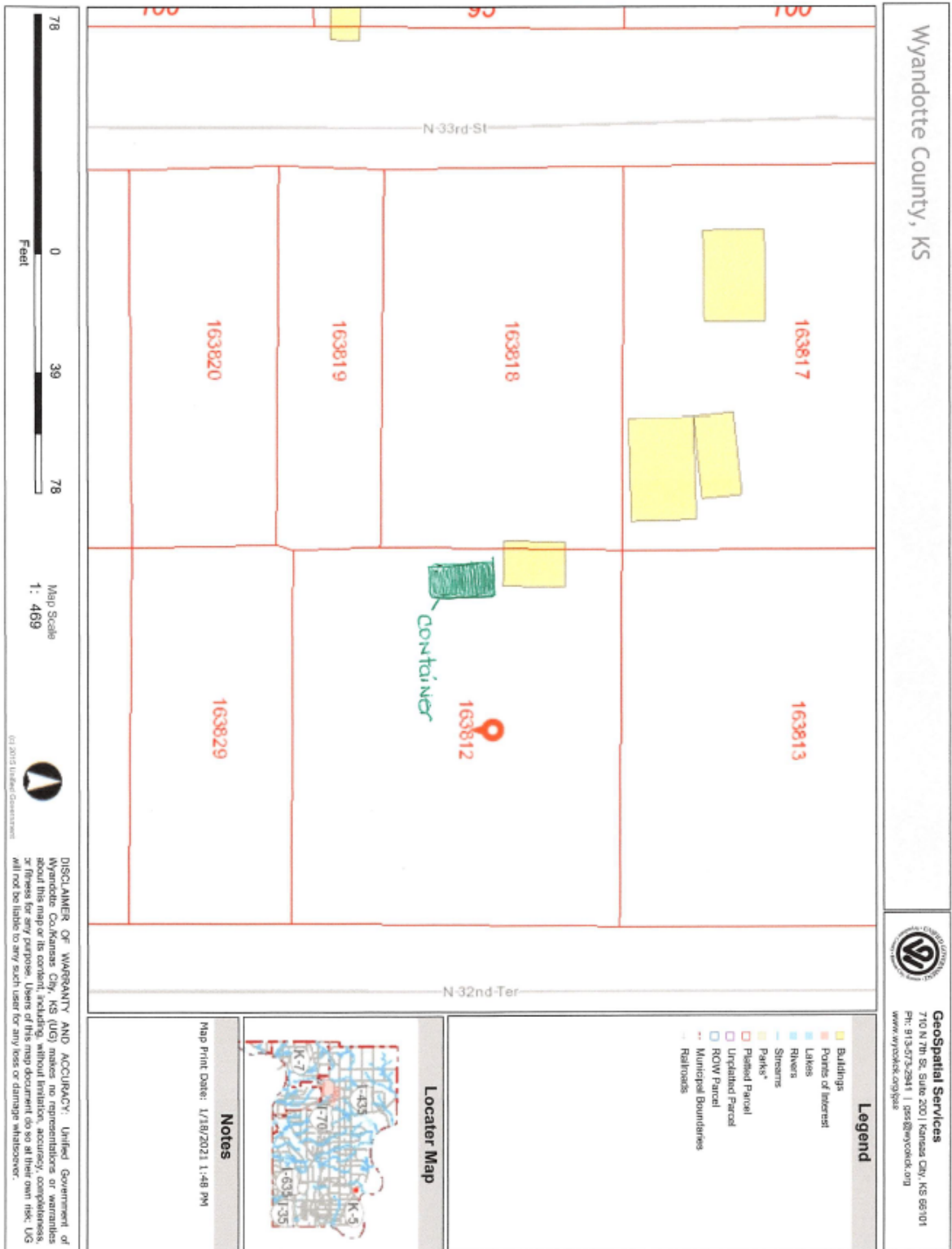
WYANDOTTE COUNTY LANDBANK
701 N 7TH STREET 421
KANSAS CITY, KS 66101

We have filed an application with the Department of Urban Planning and Land Use
SP-2020-105/BOZA 2407. The purpose of this is for a special use permit at the following address:
3500 North 32nd Street.
If there are any questions or concerns, feel free to contact me by phone or email.

Tel: 913-206-7896
Email: donguero913@gmail.com

Thank you,
Monseerratt Perez-Mera and Hilbar Perez-Mera

Diagram:



Site 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

November 17, 2020

RE: SP2020-105/BOZA 2407 3500 North 32nd Terrace for Monserratt Perez-Mera
special use for shipping container on property.

Dear Mr. Hand:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the Special Use Permit for a shipping container at 3500 North 32nd terrace.

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 types identified: Knox silt loam, 7 to 12 percent slopes. This soil type is considered very erodible when the surface is denuded of a protective cover.
- This site has an area with very little ground cover to prevent soil erosion. The area is probably compacted as well, this causing increased runoff and can create gullies on the side slopes. Care needs to be taken to prevent the gully erosion from occurring.

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
(SP2020-105 3200 N. 32nd Terr)

39° 09' N
M.DS 6E 46

39° 09' N
M.DS 6E 46



MAP LEGEND

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

MAP INFORMATION

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

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

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

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

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

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

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

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

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

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

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

Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7955	Knox silt loam, 7 to 12 percent slopes	Knox silt loam, 7 to 12 percent slopes	0.3	100.0%
Totals for Area of Interest			0.3	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



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

11/9/2020
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: 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.

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.

Report—Soil Features

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

Data Source Information

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



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: February 25, 2021

Re: Vacation Petition VAC2020-001

GENERAL INFORMATION

Applicant:
Scannell Properties #459, LLC

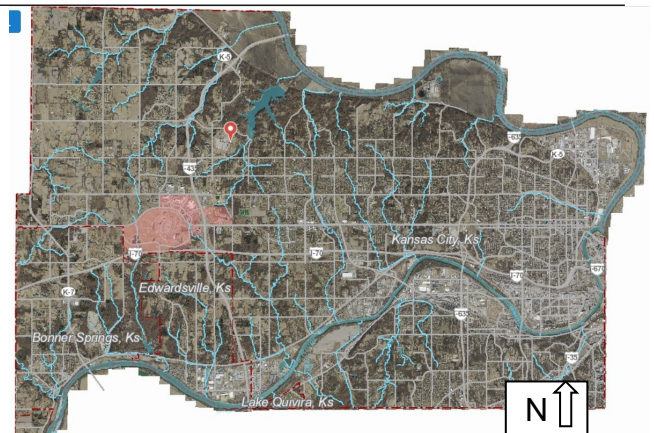
Status of Applicant:
Representative
Seth Reece with Olsson Associates
7301 West 133rd Street, Suite 200
Overland Park, KS 66213

Requested Action:
To approve a right-of-way vacation.

Date of Application:
December 28, 2020

Purpose:
To align the property line along
Leavenworth Road and clear up a
discrepancy between the survey and plat.

Property Location:
9700 Leavenworth Road
Kansas City, KS 66109



Commission District:	Commissioner At Large: Melissa Bynum District #5 Commissioner: Michael (Mike) Kane
Existing Zoning:	MP-2 Planned General Industrial District
Adjacent 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
Adjacent 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)
Neighborhood Characteristics:	The area is dominated by the vacant Woodlands facility, which is currently being developed into a warehouse and distribution center. 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 north and east.
Total Tract Size:	1.77 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 99th Street as a Major Arterial.
Required Parking:	Not applicable.
Advertisement:	<u>Wyandotte Echo</u> – January 14, 2021 Letters to Property Owners – January 13, 2021 and February 19, 2021

Public Hearings: February 8, 2021 and February 25, 2021.

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Scannell Properties #459, LLC is developing an industrial business park with Building A under construction at 9400 Leavenworth Road. Scannell Properties #459, LLC wants to vacate a portion of right-of-way along the north side of Leavenworth Road to straighten the property line and clear up a discrepancy between the survey and plat.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

Code Enforcement History: None.

FACTORS TO BE CONSIDERED

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

Development is of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity because the portion of right-of-way along Leavenworth Road will align with the existing right-of-way as it is currently illustrated on the plat.

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

- a. ***Water service***

Available

- b. ***Sanitary sewer service***

Available

- c. ***Storm water control***

To be designed to meet City Code.

- d. ***Police***

Police service provided by 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 at 99th Street and Leavenworth Road.

g. Schools

Public education is provided by Piper USD 203.

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

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

Vehicle access is prohibited at the northern most drive on North 99th Street and is reserved for emergency response vehicles only. The southern drive is a secondary entrance and exit for patrons of the retail node and employees. Truck traffic is strictly limited to Leavenworth Road.

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

Buildings are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values as the majority of the site will be screened by landscaping and berms.

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

Development patterns are existing with single family homes bordering the property to the north, south, and west and Wyandotte County Lake to the northeast. The proposed industrial park development will be developed with due regard to topography, so the natural features, existing ridge lines and tree stands will be preserved around Bennett Lake, Wyandotte

County Lake and the perimeter of the site to screen the buildings from the adjacent single-family homes.

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.***

There are sidewalks and trails around the perimeter of the property that are part of the Sidewalk and Trails Master Plan and will make a connection to Wyandotte County Lake Park, which is a significant benefit to all neighborhoods and Wyandotte County residents.

7. ***Vacation will not create utility conflicts.***

The Kansas Department of Transportation and Public Works Department are determining any conflicts with existing infrastructure in the right-of-way.

KEY ISSUES

Kansas Department of Transportation (KDOT) Review

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Vacation Application VAC2020-001, subject to:

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petition **VAC2020-001** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

February 8, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Vacation Exhibit
Site Photographs taken by Staff dated July 2020

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 8, 2021	February 25, 2021
Vacation	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **VAC2020-001** 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 **VAC2020-001**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 8, 2021 City Planning Commission Minutes:

Hearing starts at 1:56:00:

VACATION APPLICATION VAC2020-001 – SHAUN COFER WITH SCANNELL PROPERTIES #459 – SYNOPSIS: Vacation of right-of-way at 9700 Leavenworth Road (East and West of the main entrance). ***Detailed Outline of Requested Action:*** The applicant, Scannell Properties #459, LLC is developing an industrial business park with Building A under construction at 9400 Leavenworth Road. Scannell Properties #459, LLC wants to vacate a portion of right-of-way along the north side of Leavenworth Road to straighten the property line and clear up a discrepancy between the survey and plat. *City Ordinance Requirements:* Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b. *Code Enforcement History:* None.

VACATION APPLICATION VAC2020-002 – SP BENNETT LAKE DEVELOPMENT, LLC – SYNOPSIS: Vacation of right-of-way at 9700 Leavenworth Road (main entrance). **Detailed Outline of Requested Action:** The applicant, SP Bennett Lake Development, LLC is developing an industrial business park with Building A under construction at 9400 Leavenworth Road. SP Bennett Lake Development, LLC wants to vacate a portion of right-of-way along the north side of Leavenworth Road to straighten the property line and clear up a discrepancy between the survey and plat. City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b. **Code Enforcement History:** None.

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 February 8, 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 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:

- Seth Reece, representing the applicants, Olsson Associates, 7301 West 133rd Street, Suite 200, Overland Park, Kansas 66213

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:01:36: Planning Director Hand stated that because of different ownerships, the two (2) vacation applications are separate. He further stated that the staff ensured that the vacations did not impede the 10' wide trail related to the larger Woodlands project along Leavenworth Road. Staff has standard conditions that are applied to all vacation applications. Planning Engineering and the County Engineer have reviewed and approved the applications. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 2:02:37:

On motion by Mr. Miller, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL** of Vacation Application **#VAC2020-001**:

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

Motion to APPROVE Passed: 9 to 0

Subject to:

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

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of Vacation Application **#VAC2020-002**:

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

Motion to APPROVE Passed: 9 to 0

Subject to:

1. 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;
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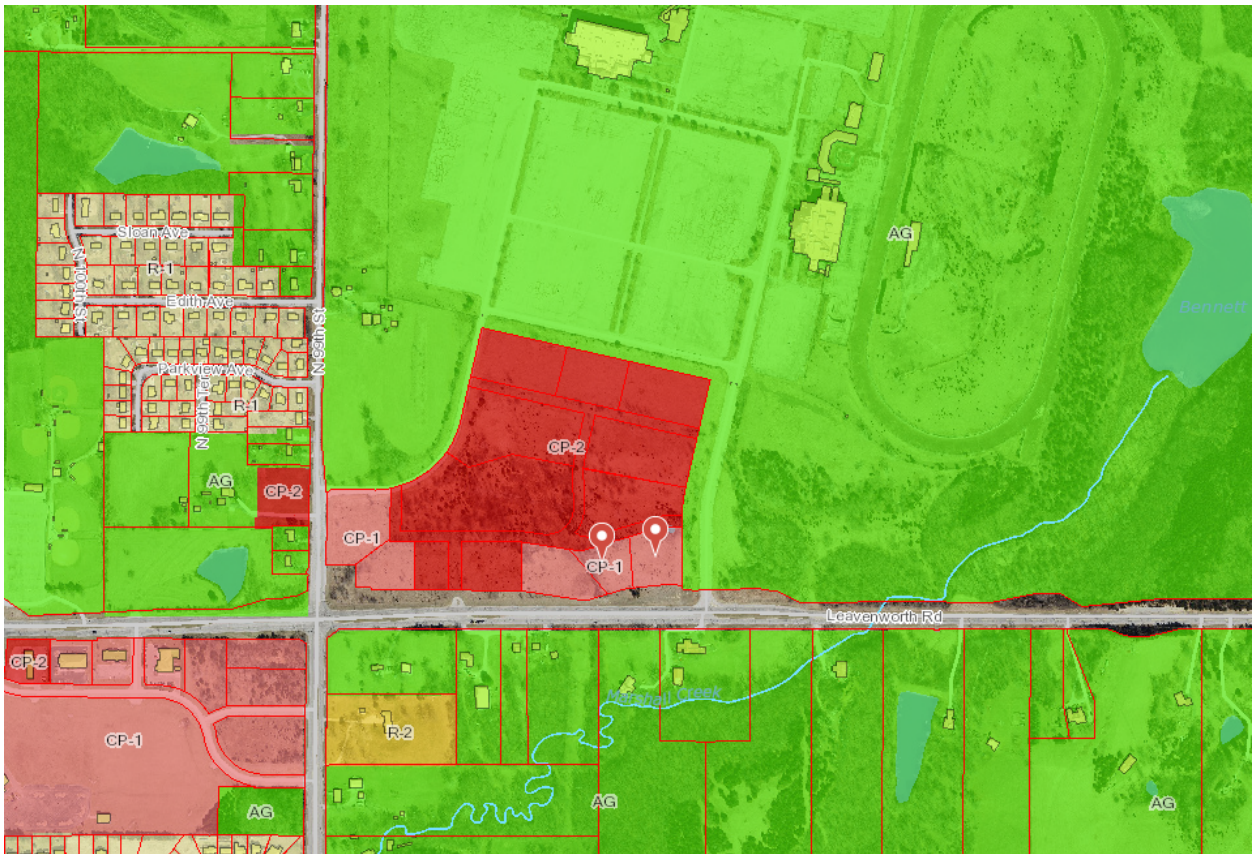


Figure 1. Zoning Map for 9700 Leavenworth Road (provided by UG Maps). Note: The zoning map has not officially changed due to current map editing.



Figure 2. Aerial photograph of 9700 Leavenworth Road (provided by UG Maps).

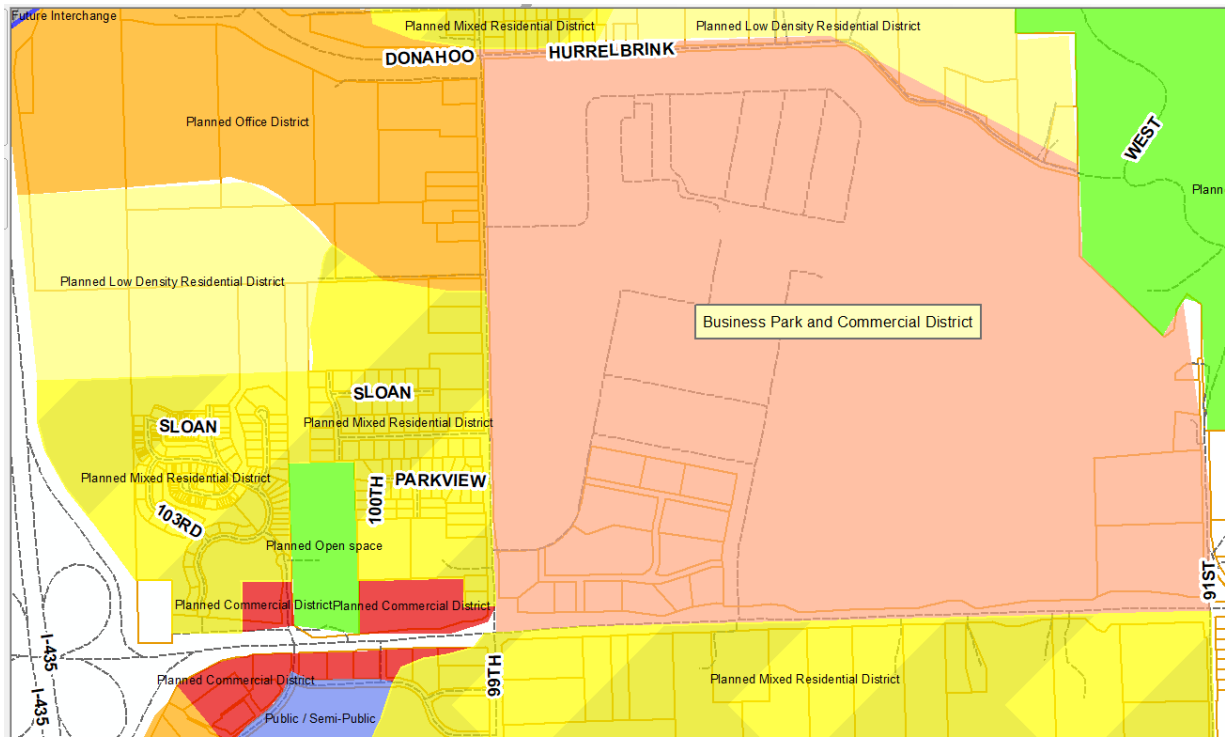


Figure 3. Prairie Delaware Piper Master Plan Land Use Map (provided by ArcMap).

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

The R/W vacation does not impact the sidewalk and pedestrian crossing on Leavenworth Road.

Acknowledged, the applicant will pay the necessary fees.

Acknowledged.

Acknowledged.

1. Does this vacation request impact the sidewalk on Leavenworth Road or the pedestrian crossing at the main entrance?
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.
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4. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets,

#VAC2020-001

February 8, 2021

5

and Retaining Walls, as applicable.

Planning Engineering Comments:

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

Acknowledged. We have worked with staff to address questions and comments.

Acknowledged. We have worked with the county surveyor to address questions and comments.

Acknowledged.

- 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
 - 2) 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.
 - 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.





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: February 25, 2021

Re: **Vacation Petition VAC2020-002**

GENERAL INFORMATION

Applicant:
SP Bennett Lake Development, LLC

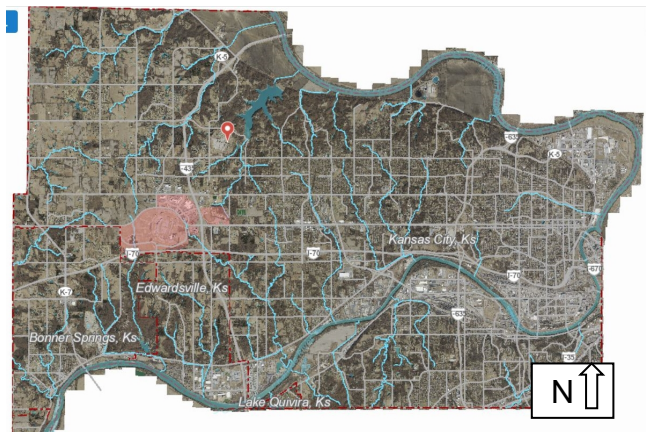
Status of Applicant:
Representative
Seth Reece with Olsson Associates
7301 West 133rd Street, Suite 200
Overland Park, KS 66213

Requested Action:
To approve a right-of-way vacation.

Date of Application:
December 28, 2020

Purpose:
To align the property line along
Leavenworth Road and clean up a
discrepancy between the survey and plat.

Property Location:
9700 Leavenworth Road
Kansas City, KS 66109



Commission District:	Commissioner At Large: Melissa Bynum District #5 Commissioner: Michael (Mike) Kane
Existing Zoning:	MP-2 Planned General Industrial District
Adjacent 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
Adjacent 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)
Neighborhood Characteristics:	The area is dominated by the vacant Woodlands facility, which is currently being developed into a warehouse and distribution center. 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 north and east.
Total Tract Size:	0.053 Acre
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 99th Street as a Major Arterial.
Required Parking:	Not applicable.
Advertisement:	<u>Wyandotte Echo</u> – January 14, 2021 Letters to Property Owners – January 13, 2021 and February 19, 2021

Public Hearings: February 8, 2021 and February 25, 2021

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, SP Bennett Lake Development, LLC is developing an industrial business park with Building A under construction at 9400 Leavenworth Road. SP Bennett Lake Development, LLC wants to vacate a portion of right-of-way along the north side of Leavenworth Road to straighten the property line and clear up a discrepancy between the survey and plat.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

Code Enforcement History: None.

FACTORS TO BE CONSIDERED

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

Development is of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity because the portion of right-of-way along Leavenworth Road will align with the existing right-of-way as it is currently illustrated on the plat.

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

- a. ***Water service***

Available

- b. ***Sanitary sewer service***

Available

- c. ***Storm water control***

To be designed to meet City Code.

- d. ***Police***

Police service provided by 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 at 99th Street and Leavenworth Road.

g. Schools

Public education is provided by Piper USD 203.

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

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

Vehicle access is prohibited for the northern most drive on North 99th Street and is reserved for emergency response vehicles only. The southern drive is a secondary entrance and exit for patrons of the retail node and employees. Truck traffic is strictly limited to Leavenworth Road.

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

Buildings are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values as the majority of the site will be screened by landscaping and berms.

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

Development patterns are existing with single family homes bordering the property to the north, south, and west and Wyandotte County Lake to the northeast. The proposed industrial park development will be developed with due regard to topography, so the natural features, existing ridge lines and tree stands will be preserved around Bennett Lake, Wyandotte

County Lake and the perimeter of the site to screen the buildings from the adjacent single-family homes.

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.***

There are sidewalks and trails around the perimeter of the property that are part of the Sidewalk and Trails Master Plan and will make a connection to Wyandotte County Lake Park which is a significant benefit to all neighborhoods and Wyandotte County residents.

7. ***Vacation will not create utility conflicts.***

The Kansas Department of Transportation and Public Works Department are determining any conflicts with existing infrastructure in the right-of-way.

KEY ISSUES

Kansas Department of Transportation (KDOT) Review

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Vacation Application VAC2020-002, subject to:

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petition **VAC2020-002** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

February 8, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Vacation Exhibit
Site Photographs taken by Staff on July 2020

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 8, 2021	February 25, 2021
Vacation	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **VAC2020-002** 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 **VAC2020-002**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 8, 2021 City Planning Commission Minutes:

Hearing starts at 1:56:00:

VACATION APPLICATION VAC2020-001 – SHAUN COFER WITH SCANNELL PROPERTIES #459 – SYNOPSIS: Vacation of right-of-way at 9700 Leavenworth Road (East and West of the main entrance). ***Detailed Outline of Requested Action:*** The applicant, Scannell Properties #459, LLC is developing an industrial business park with Building A under construction at 9400 Leavenworth Road. Scannell Properties #459, LLC wants to vacate a portion of right-of-way along the north side of Leavenworth Road to straighten the property line and clear up a discrepancy between the survey and plat. ***City Ordinance Requirements:*** Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b. ***Code Enforcement History:*** None.

VACATION APPLICATION VAC2020-002 – SP BENNETT LAKE DEVELOPMENT, LLC – SYNOPSIS: Vacation of right-of-way at 9700 Leavenworth Road (main entrance). **Detailed Outline of Requested Action:** The applicant, SP Bennett Lake Development, LLC is developing an industrial business park with Building A under construction at 9400 Leavenworth Road. SP Bennett Lake Development, LLC wants to vacate a portion of right-of-way along the north side of Leavenworth Road to straighten the property line and clear up a discrepancy between the survey and plat. ***City Ordinance Requirements:*** Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b. **Code Enforcement History:** None.

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 February 8, 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 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:

- Seth Reece, representing the applicants, Olsson Associates, 7301 West 133rd Street, Suite 200, Overland Park, Kansas 66213

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:01:36: Planning Director Hand stated that because of different ownerships, the two (2) vacation applications are separate. He further stated that the staff ensured that the vacations did not impede the 10' wide trail related to the larger Woodlands project along Leavenworth Road. Staff has standard conditions that are applied to all vacation applications. Planning Engineering and the County Engineer have reviewed and approved the applications. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 2:02:37:

On motion by Mr. Miller, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL** of Vacation Application **#VAC2020-001**:

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Pauley	Aye
Reasons	Aye
Motion to APPROVE Passed: 9 to 0	
Subject to:	

1. 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;
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On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of Vacation Application **#VAC2020-002**:

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

Motion to APPROVE Passed: 9 to 0

Subject to:

1. 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;
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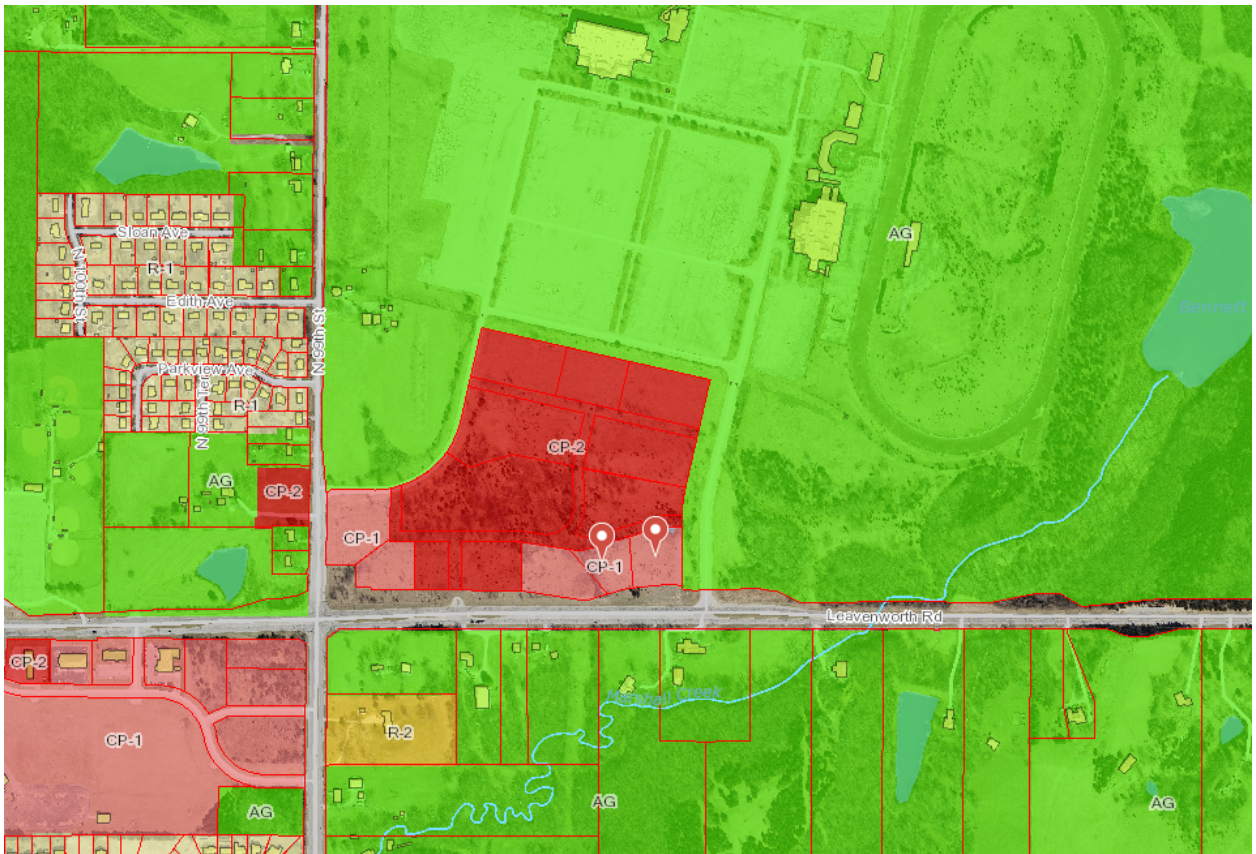


Figure 1. Zoning Map for 9700 Leavenworth Road (provided by UG Maps). Note: The zoning map has not officially changed due to current map editing.



Figure 2. Aerial photograph of 9700 Leavenworth Road (provided by UG Maps).

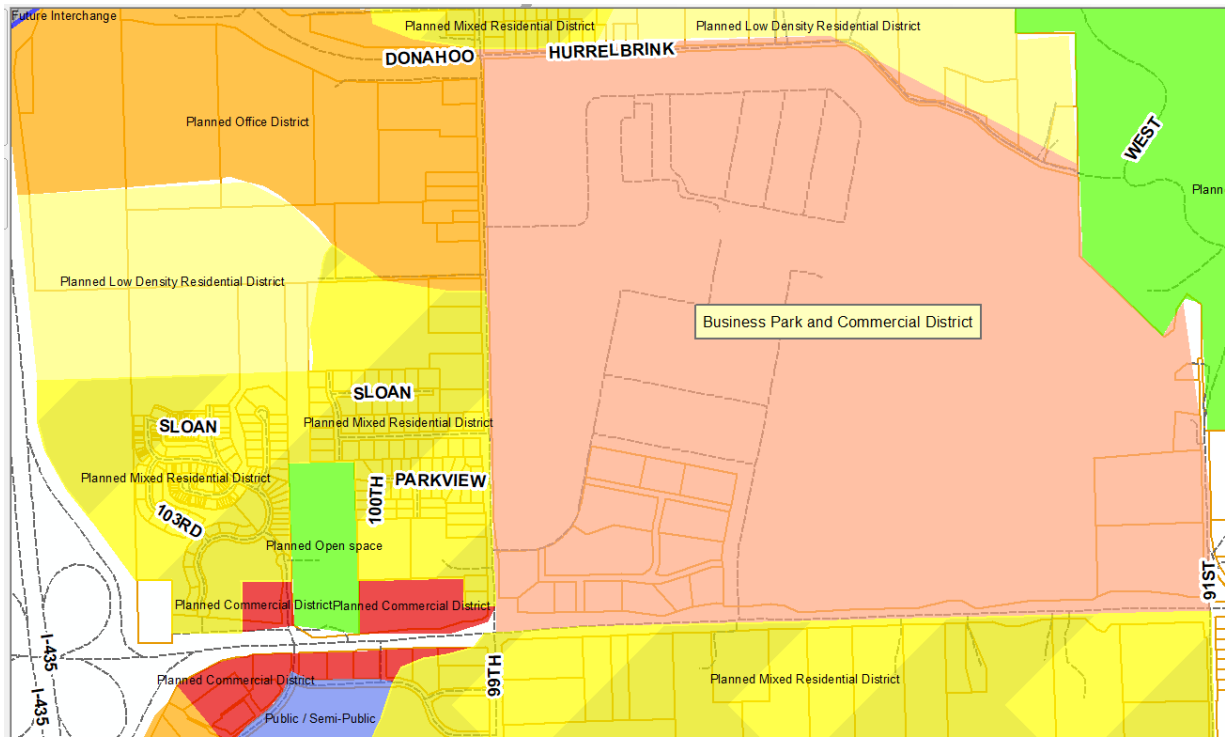


Figure 3. Prairie Delaware Piper Master Plan Land Use Map (provided by ArcMap).

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

The R/W vacation does not impact the sidewalk and pedestrian crossing on Leavenworth Road.

Acknowledged, the applicant will pay the necessary fees.

Acknowledged.

Acknowledged.

1. Does this vacation request impact the sidewalk on Leavenworth Road or the pedestrian crossing at the main entrance?
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.
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4. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets,

#VAC2020-002

February 8, 2021

5

and Retaining Walls, as applicable.

Planning Engineering Comments:

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

Acknowledged. We have worked with staff to address questions and comments.

Acknowledged. We have worked with the county surveyor to address questions and comments.

Acknowledged.

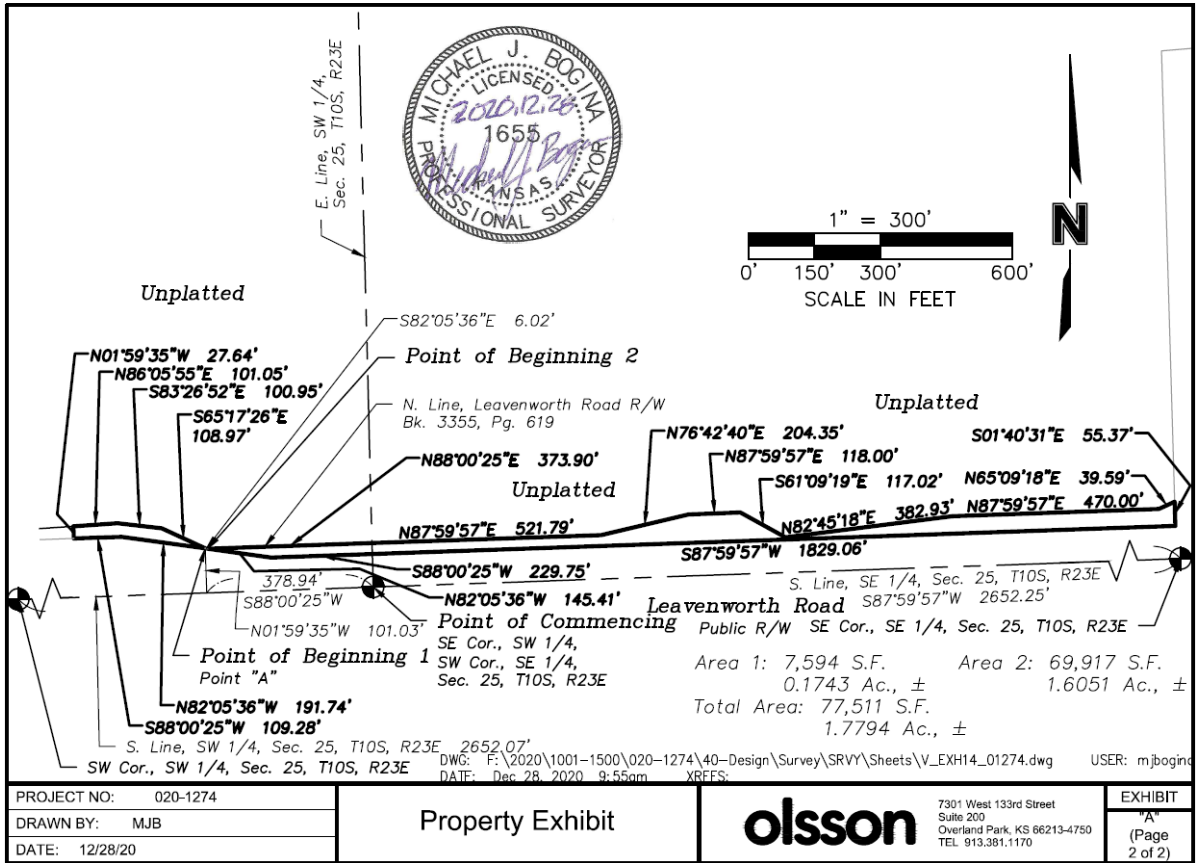
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- 2) The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.
- 3) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.

- B) Items that are conditions of approval:

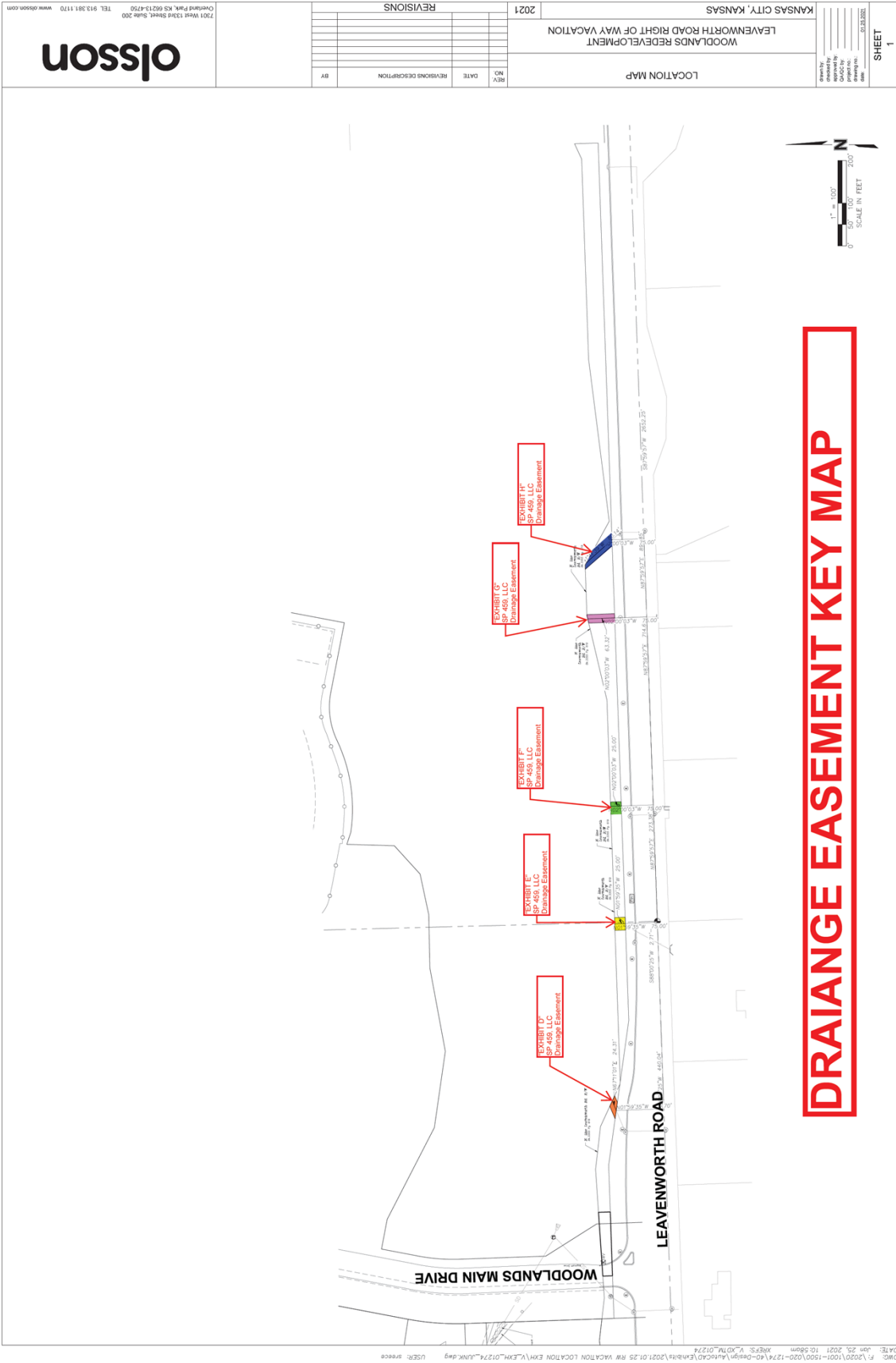
- 1) None.

- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

- 1) None.











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 City Planning
Commission

From: Planning and Urban Design Staff

Date: February 25⁸, 2021

Re: Petition PR2020-35

GENERAL INFORMATION

Applicant:
Kurt Yoder

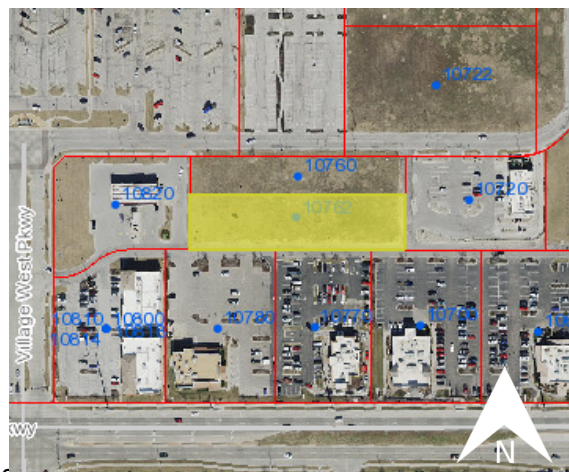
Status of Applicant:
Representative
BHC Rhodes
7101 College Boulevard, Suite 400
Overland Park, Kansas 66210

Requested Action:
The approval of a Preliminary and Final Plan Review.

Date of Application:
December 28, 2020

Purpose:
To approve a Preliminary and Final Plan Review revising previously approved drive entry.

Property Location:
10762 Parallel Parkway
Kansas City, Kansas 66109



Commission Districts:	Commissioner At Large: Melissa Bynum District #5 Commissioner: Mike Kane
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
Existing Uses:	North: Commercial Businesses South: Commercial Businesses/Legends Outlet Mall East: Commercial Businesses West: Commercial Businesses
Total Tract Size:	1.03 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 which allows large discount stores currently called big box centers and have stores that service large populations.
Major Street Plan:	Parallel Parkway is classified as a Class A Thoroughfare.
Parking Requirement:	Section 27-466 states that all auto-services businesses shall provide no less than four (4) off-street parking spaces for each 1,000 square feet of building floor area. One (1) for every 25 spaces shall be ADA accessible. One (1) for every six (6) spaces of ADA parking shall be van-accessible. The proposed building is 3,475 square feet. This requires a total of 14 parking spaces. The proposed plan shows 26 parking spaces, an excess of 12 spaces.
Advertisement:	_____Property Owner Letters – January 14, 2021 and February 19, 2021 Wyandotte Echo – Not required
Public Hearings:	February 8, 2021 and February 25, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Kurt Yoder with BHC Rhodes, is requesting a preliminary and final plan review for revisions to a previously approved drive entry to Tidal Wave Auto Spa car wash at 10762 Parallel Parkway. Plan Review PR-2019-6 was previously approved for a 3,475 square foot express tunnel car wash. The site was originally proposed with a driveway that oriented to the west. The plans are now revised to orient the driveway towards the south.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

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

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

The neighborhood is commercial in nature with several commercial businesses along [Parallel Parkway a Class A Thoroughfare](#) and the Legends Outlet Mall to the south. [This development is within Plaza at Speedway shopping center.](#)

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

The proposed use will increase traffic to the site but will not exceed the capacity of the Class A Thoroughfare per the revised Traffic Memorandum.

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

The Prairie Delaware Piper Master Plan designates this area as Planned Commercial District. Planned Commercial District allows for a variety of commercial business ranging from neighborhood commercial businesses such as convenience stores, to larger “big-box” type stores. The proposed use conforms to the Master Plan because it is a commercial business.

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

a. *Water service*

Municipal water service is available.

b. Sanitary sewer service

Municipal sanitary sewer service is available.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by the West Patrol, District #223.

e. Fire

Fire service is provided by Station #12.

f. Transit

KCATA provides a transit stop approximately 600 feet west near Walmart, Route #116.

g. Schools

Public education is provided by Piper USD 203.

5. The capability of the proposed use to meet applicable ordinance and other requirements.

The proposed use is capable of meeting the applicable ordinances and other requirements.

PREVIOUS ACTIONS

#COZ 2883
#PR-2008-43
Preliminary and Final Plat - The Plaza at the Speedway
#PR-2019-6

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on January 25, 2021.
Documentation is attached below.

KEY ISSUES

Traffic Circulation
Noise

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Plan Review Application PR20920-35, subject to:

- 1) **Must comply with all previously outlined conditions such as:**
 - a. **A 4' sidewalk shall be constructed on the East side of Lot 45 to connect to the shopping center's internal sidewalk.**
 - b. **All roof slopes and configurations are subject to Landlord approval. No standing seam metal or asphalt shingles will be allowed;**
 - c. **All downspouts will be internalized. Overflow drains shall be at grade and not at the roof line;**
 - d. **The steel vacuum canopy columns shall be wrapped in masonry to match the building;**
 - e. **The painted steel columns along the East and West elevations shall be wrapped in masonry;**
 - f. **The overhead doors shall match the building;**
 - g. **Parking lot islands shall be landscaped with two (2)" caliper shade trees;**
 - h. **All shrubs shall be at least five (5) gallons when planted;**
 - i. **All landscaping shall be irrigated;**
 - j. **All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building;**
 - k. **All lighting, whether mounted on the wall or installed in the parking lot shall have 90-degree cutoff fixtures. Light fixtures mounted on the wall shall be decorative, including those above egress doors;**
 - l. **All trash enclosures and service areas shall be appropriately screened to reasonably hide them entirely from public view. All trash enclosures and service areas shall utilize the appropriate and approved masonry materials to match shopping center standards. All gates shall be metal/steel construction. All trash enclosures shall meet the City codes and planning criteria and approvals; and,**
 - m. **All proposed signage shall comply with the sign code; and,**
- 2) **If approved, the applicant will need to file and maintain a current business occupation tax application.**

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

~~Explain the proposed changes and the reason for them.~~

Staff Comment: The applicant has stated that the plan was previously approved for a 3,475 square foot express tunnel car wash. The site was originally proposed with a driveway that oriented to the west. The plans are now revised to orient the driveway towards the south. They have elected to revise these plans in order to avoid conflict with neighboring businesses.

Is the property currently still vacant?

Staff Comment: The applicant states that the site is currently under development and approximately eighty (80) percent % completed.

Have you been in compliance with all conditions and comments outlined in the PR-2019-6 such as:

- ~~A 4' sidewalk shall be constructed on the North side of Lot 45 to connect the internal sidewalk within the Plaza at the Speedway;~~
- ~~All roof slopes and configurations are subject to Landlord approval. No standing seam metal or asphalt shingles will be allowed;~~
- ~~All downspouts will be internalized. Overflow drains shall be at grade and not at the roof line;~~
- ~~The steel vacuum canopy columns shall be wrapped in masonry to match the building;~~
- ~~The painted steel columns along the East and West elevations shall be wrapped in masonry;~~
- ~~The overhead doors shall match the building;~~
- ~~Parking lot islands shall be landscaped with two (2)" caliper shade trees;~~
- ~~All shrubs shall be at least five (5) gallons when planted;~~
- ~~All landscaping shall be irrigated;~~
- ~~All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building;~~
- ~~All lighting, whether mounted on the wall or installed in the parking lot shall have 90-degree cutoff fixtures. Light fixtures mounted on the wall shall be decorative, including those above egress doors;~~
- ~~All trash enclosures and service areas shall be appropriately screened to reasonably hide them entirely from public view. All trash enclosures and service areas shall utilize the appropriate and approved masonry materials to match shopping center standards. All gates shall be metal/steel construction. All trash enclosures shall meet the City codes and planning criteria and approvals; and,~~
- ~~All proposed signage shall comply with the sign code.~~

Staff Comment: Applicant has indicated that they have been compliant with all conditions with the exception of condition "a" regarding the installation of a sidewalk on the North side of the Lot 45. They will, instead, install the sidewalk on the East side of Lot 45 to connect to the shopping center's internal sidewalk. This change was approved by the Development Review Committee. Documentation is attached below.

Planning Engineering Comments:

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

~~None.~~

~~Items that are conditions of approval:~~

~~Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.~~

~~Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:~~

~~None.~~

Business License Comments:

~~All contractors and sub-contractors need to file the occupation tax application with our office when working in Kansas City, Kansas.——~~

Staff concurs to the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the ~~City Planning Commission~~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 **PR2020-35** subject to all comments and suggestions outlined ~~in~~ ined in this staff report, and the conditions of the City Planning Commission.

~~summarized by the following conditions::~~

~~**Must comply with all previously outlined conditions such as:**~~

~~**A 4' sidewalk shall be constructed on the East side of Lot 45 to connect to the shopping center's internal sidewalk.**~~

~~**All roof slopes and configurations are subject to Landlord approval.**~~

~~**No standing seam metal or asphalt shingles will be allowed;**~~

~~**All downspouts will be internalized. Overflow drains shall be at grade and not at the roof line;**~~

~~**The steel vacuum canopy columns shall be wrapped in masonry to match the building;**~~

~~**The painted steel columns along the East and West elevations shall be wrapped in masonry;**~~

~~**The overhead doors shall match the building;**~~

~~**Parking lot islands shall be landscaped with two (2)" caliper shade trees;**~~

~~**All shrubs shall be at least five (5) gallons when planted;**~~

~~**All landscaping shall be irrigated;**~~

~~All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building;~~
~~All lighting, whether mounted on the wall or installed in the parking lot shall have 90-degree cutoff fixtures. Light fixtures mounted on the wall shall be decorative, including those above egress doors;~~
~~All trash enclosures and service areas shall be appropriately screened to reasonably hide them entirely from public view. All trash enclosures and service areas shall utilize the appropriate and approved masonry materials to match shopping center standards. All gates shall be metal/steel construction. All trash enclosures shall meet the City codes and planning criteria and approvals; and,~~
~~All proposed signage shall comply with the sign code; and,~~
~~If approved, the applicant will need to file and maintain a current business occupation tax application.~~

ATTACHMENTS

February 8, 2021 City Planning Commission Minutes

Land Use Map

Zoning Map

Aerial Map

Site Plan

Utility Plan

Landscape Plan

Floor Plan

Building Elevations

Neighborhood Meeting Documentation

Site Pictures Provided by Staff, Dated January 18, 2021

Development Review Committee Documentation

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	February 8, 2021	<u>February 25, 2021</u> No consideration required
<u>Pre and</u> Final Plan	<u>Approval</u>	

STAFF CONTACT:

Shana Kelly

skellyshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners Kansas City, City Planning Commission ~~APPROVE~~ Petition **PR2020-35** 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 ~~of the Kansas City, City Planning Commission:~~

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

OR

I move the Unified Government Board of Commissioners Kansas City, City Planning Commission ~~DENY~~ Petition **PR2020-35**, 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.

February 8, 2021 City Planning Commission Minutes:

Hearing starts at 2:04:34:

PLAN REVIEW APPLICATION PR2020-035 – KURT YODER WITH BHC RHODES – SYNOPSIS: Preliminary and Final Plan Review revising previously approved drive entry to Tidal Wave Auto Spa car wash at 10762 Parallel Parkway. **Detailed Outline of Requested Action:** The applicant, Kurt Yoder with BHC Rhodes, is requesting a preliminary and final plan review for revisions to a previously approved drive entry to Tidal Wave Auto Spa car wash at 10762 Parallel Parkway. Plan Review PR-2019-6 was previously approved for a 3,475 square foot express tunnel car wash. The site was originally proposed with a driveway that oriented to the west. The plans are now revised to orient the driveway towards the south. City Ordinance Requirements: *Article VIII Sections 27-340 – 27-765*. **Code Enforcement History:** There have been no Notices of Violation issued on this property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 8, 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:

- Kurt Yoder, applicant, BHC Rhodes, 7101 College Boulevard, Suite 400, Overland Park, Kansas 66210

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:08:40: Planning Director Hand stated that the zoning on this property is CP-2 Planned General Business District and as the applicant is requesting a change in the approved site plan for the driveway entrance, the plan is again before the Planning Commission. All of the previously approved conditions are included in the staff report. A 4' sidewalk shall be constructed on the East side of Lot 45 to connect to the shopping center's internal sidewalk network. When Parcel A is developed a sidewalk will be required to connect to this sidewalk. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 2:22:20:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL** of Plan Review Application **PR2020-35**:

<u>Carson</u>	<u>Chairman</u>
<u>Armstrong</u>	<u>Aye</u>
<u>Cho</u>	<u>Not Present</u>
<u>Connelly</u>	<u>Aye</u>
<u>Ernst</u>	<u>Aye</u>
<u>Huey</u>	<u>Aye</u>
<u>Jones</u>	<u>Aye</u>
<u>Miller</u>	<u>Aye</u>
<u>Mohler</u>	<u>Aye</u>
<u>Pauley</u>	<u>Aye</u>
<u>Reasons</u>	<u>Aye</u>

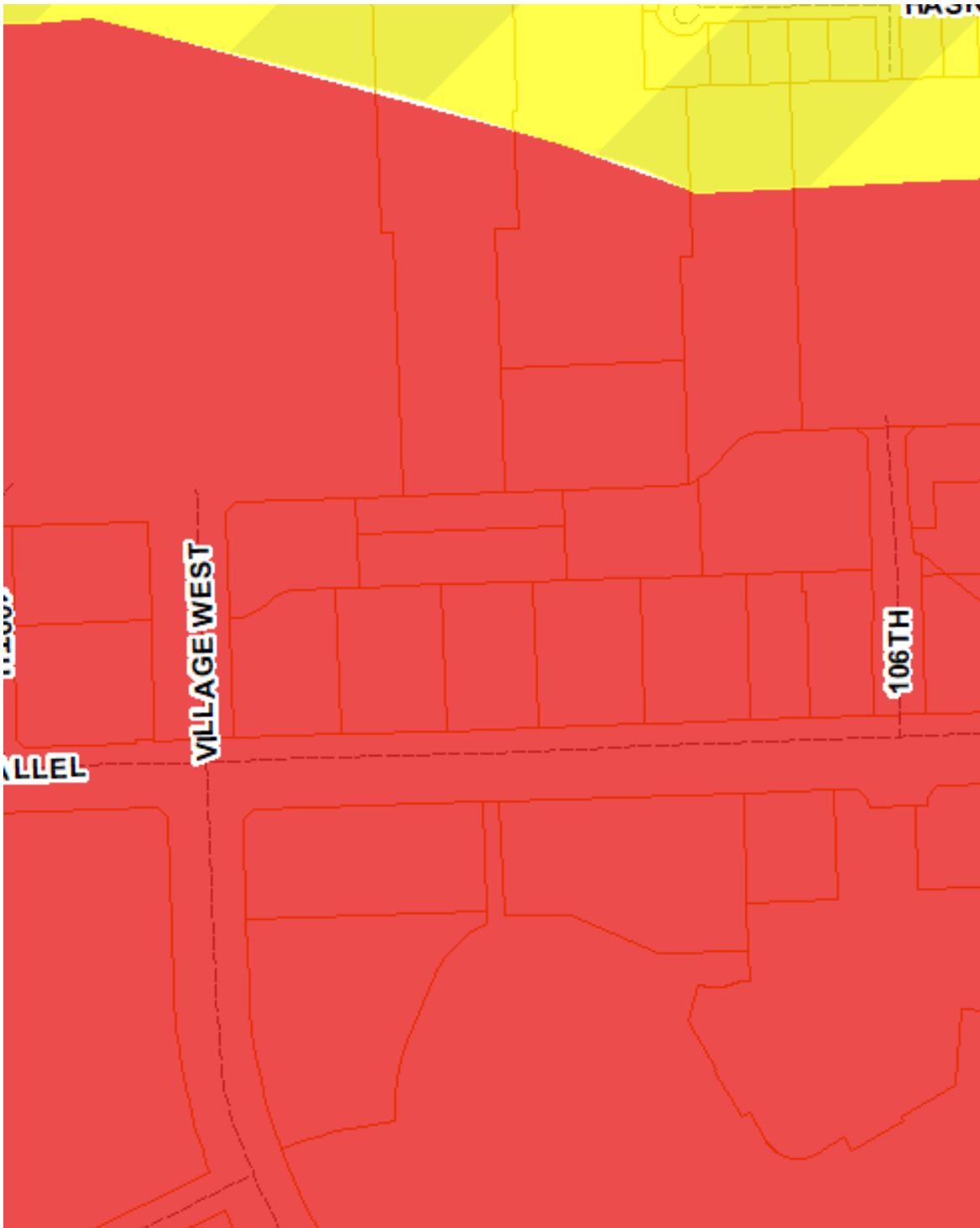
Motion to RECOMMEND APPROVAL Passed: 9 to 0

Subject to:

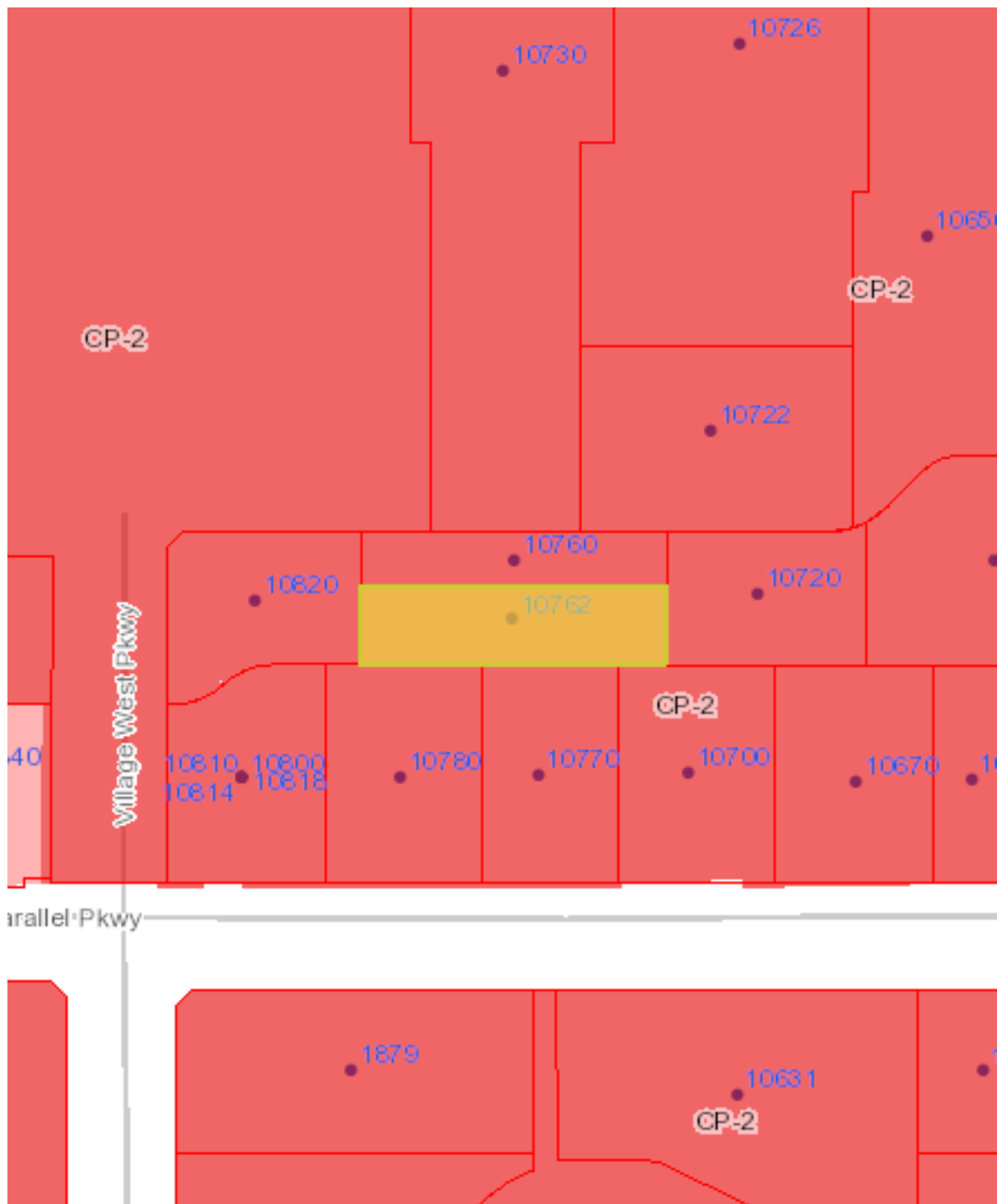
- 1) **Must comply with all previously outlined conditions such as:**
 - a. **A 4' sidewalk shall be constructed on the East side of Lot 45 to connect to the shopping center's internal sidewalk.**
 - b. **All roof slopes and configurations are subject to Landlord approval. No standing seam metal or asphalt shingles will be allowed;**
 - c. **All downspouts will be internalized. Overflow drains shall be at grade and not at the roof line;**
 - d. **The steel vacuum canopy columns shall be wrapped in masonry to match the building;**
 - e. **The painted steel columns along the East and West elevations shall be wrapped in masonry;**
 - f. **The overhead doors shall match the building;**
 - g. **Parking lot islands shall be landscaped with two (2)" caliper shade trees;**
 - h. **All shrubs shall be at least five (5) gallons when planted;**
 - i. **All landscaping shall be irrigated;**

- j. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building;
 - k. All lighting, whether mounted on the wall or installed in the parking lot shall have 90-degree cutoff fixtures. Light fixtures mounted on the wall shall be decorative, including those above egress doors;
 - l. All trash enclosures and service areas shall be appropriately screened to reasonably hide them entirely from public view. All trash enclosures and service areas shall utilize the appropriate and approved masonry materials to match shopping center standards. All gates shall be metal/steel construction. All trash enclosures shall meet the City codes and planning criteria and approvals; and,
 - m. All proposed signage shall comply with the sign code; and,
- 2) If approved, the applicant will need to file and maintain a current business occupation tax application.

Land Use Map:



Zoning Map:

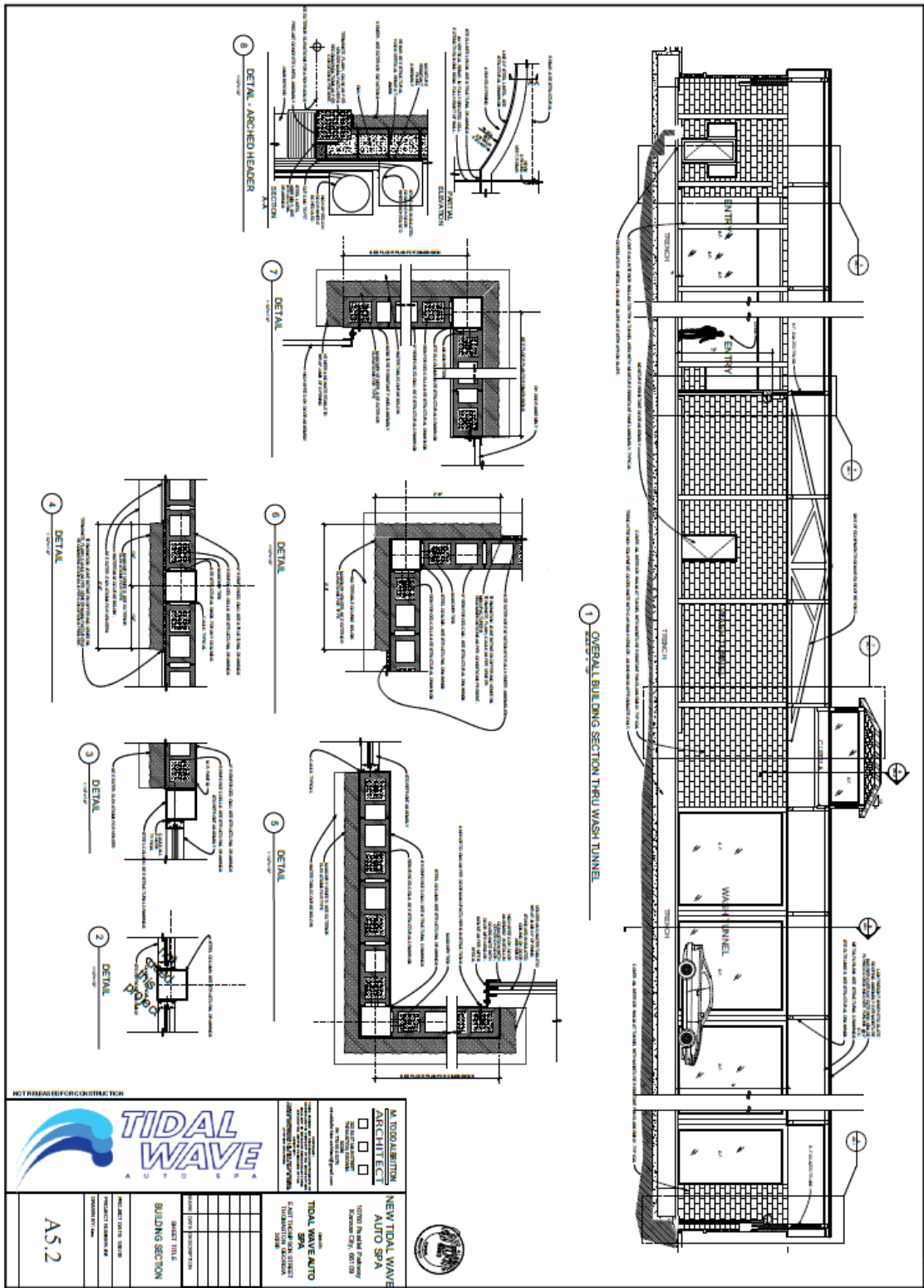


[illegible]

Site Plan:

Building Elevations:





Neighborhood Meeting Documentation:



January 13, 2021

Janet Parker
701 North 7th Street, Suite 423
Kansas City, KS 66101

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use #PR2020-035. The purpose of this preliminary and final plan review is for the revision of a previously approved drive entry at an express car wash at the following address: 10760 Parallel Parkway, Kansas City, KS.

We are having a neighborhood meeting on Monday, January 25, 2021, at 6:00 pm. The meeting will be held virtually via zoom conference.

The meeting code is **848 6349 8192**.

Or join by browser at <https://ibhc.zoom.us/j/84863498192>

The purpose of this meeting is to explain the plan revision and to answer any questions/concerns you may have. A copy of the site plan is attached.

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

Sincerely,

Kurt Yoder, P.E. – BHC Rhodes
kurt.yoder@ibhc.com
913-905-1567

BHC RHODES is a Trademark of Brungardt Honamichi & Company, P.A.

7101 College Blvd., Suite 400 • Overland Park, KS 66210 • P: (913) 663-1900 • ibhc.com

Tidal Wave Neighborhood Meeting Minutes:

Application Number: PR-2020-35

Date and Location: 01/25/2021 – Zoom Meeting

Meeting called to order at: 6:00 PM

Names of people in attendance: Kurt Yoder, Pettey Hardin, Rick Weiser

INTRODUCTION:

The site plan was shared on screen. Kurt mentioned that the primary change to the development plan was the location of the drives. The drives now access the south access drive. The previous development plan accessed the west access drive. Rick is familiar with the project, so there was not any other introduction to the site plan.

QUESTIONS AND ANSWERS:

Rick asked about the potential that cars may back up out of the site driveway and clog up traffic around the shopping center. Kurt brought up that a traffic letter has been created and addressed that possibility. There is a very low probability that traffic backs up into the private drives. Pettey mentioned they have other car washes with less stacking and never have issues with cars backing up into the street. Rick mentioned that he was not actually worried and just wanted to make sure we had considered the possibility.

Rick asked about schedule of the development plan amendment. Our planning commission meeting is on February 8th. The Board of Commissioner's meeting is on February 25th. Rick also asked projected opening date for the car wash. Pettey mentioned opening should be mid-March.

Rick mentioned he supported our project and looks forward to the opening.

Meeting adjourned at: 6:25 pm

Minutes taken by: Kurt Yoder

[illegible]

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF _____)
) SS:
COUNTY OF _____)

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

1. That I am the petitioner for Petition # PR-2020-35.
2. That I conducted a neighborhood meeting on 01/25/2021.
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.

Kurt Yoder
Affiant

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

My commission expires _____ of _____, 200_.

Notary Public

Site Pictures Provided by Staff, Dated January 18, 2021:







Development Review Committee Documentation:

DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/Kansas City, Kansas



URBAN PLANNING AND LAND USE DEPARTMENT

701 N. 7TH Street, Suite 423
Kansas City, Kansas 66101

(913) 573-5750
(913) 573-5796 fax

DEPARTMENTAL REQUIREMENTS AND RECOMMENDATIONS

DRC No. 19300-00588 Address: 10760 Parallel Parkway

Development Name: Tidal Wave Auto Spa (v2) Description: New Building

STAFF ONLY: ☐ A ☐ D/C ☐ F & F ☐ H/C ☒ R/A

Ordinance Requirements (for plans sealed as on August 16, 2019):

Before this Department can approve the issuance of a building permit for the above-named project, the developer, owner or contractor must submit plans detailing how the following requirements will be accomplished.

- 1) As indicated on the landscape plan, Canadian Serviceberry, Black Gum, and American Hophornbeam shall be at least 2" caliper when planted. Riverside Serbian Spruce shall be at least 6' in height when planted. All shrubs shall be at least 5 gallons when planted.
 - a) A final certificate of occupancy will not be issued until all landscaping is installed and has taken root.
 - b) Landscaping shall be irrigated.
- 2) Mechanical equipment or other utilities whether on the ground or mounted to the building shall be painted to match the building and 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.
 - a) Rooftop mechanical equipment shall be completely screened from public view by a parapet.
- 3) The trash enclosure shall be comprised on the same materials as the primary building. Gate shall be metal or wood and opaque.
- 4) Downspouts shall be internalized.
- 5) The BPU transformer pad located on sheet C09 shall be completely screened on all sides with 6-foot junipers setback 10 feet from the door opening and 3 feet from the remaining three sides of the pad. 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.

Revisions are forthcoming per Kurt Yoder, P.E. after our conversation on August 9, 2019.

- 6) All lighting, whether mounted on the wall or installed in the parking lot shall have 90-degree cutoff fixtures. Light fixtures mounted on the wall shall be decorative, including those above egress doors as required by the International Building Code (IBC).
- 7) Parking lot islands shall be curbed and landscaped.
- 8) Parking lot shall be paved and striped.
 - a) Accessible spaces shall be ADA compliant.
 - i) Symbols shall be painted on the ground.
 - ii) Sign placards shall be installed in front of the stall at 60" above the finished floor or ground surface measured to the bottom of the sign.
 - iii) Access aisle shall be a minimum of 60" wide and extend the full length of the parking stall.
 - iv) One (1) in every six (6) accessible spaces shall be designated as "Van Accessible".
- 9) In order to have legitimate signage, a sign permit must be filed with the Urban Planning and Land Use Department. For assistance, please call (913) 573-5750.
 - a) Please have the licensed and bonded sign company review the sign code regulations prior to applying for the permit.
- 10) Shall comply with stipulations approved by the City Planning Commission and Unified Government Board of Commissioners on April 8, 2019 and April 25, 2019, respectively.
 - a) A 4' sidewalk shall be constructed on the north side of Lot 45 to connect the internal sidewalk with Plaza at the Speedway.

The sidewalk will be constructed on the east side of Lot 45 and at such time the northern half is developed, a sidewalk will be constructed along the north property line.

DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/Kansas City, Kansas



URBAN PLANNING AND LAND USE DEPARTMENT

701 N. 7th Street, Suite 423
Kansas City, Kansas 66101

(913) 573-5750
(913) 573-5796 fax

- b) The Landlord helped create the Plaza at the Speedway Design Manual, so unless the design criteria are going to be amended by submitted a new manual requiring its own plan review, the roofing material that will be used shall be tile or slate similar to Red Lobster or vacant building south of the proposed development.
- c) All downspouts will be internalized.
- d) The steel vacuum canopy columns shall be wrapped in masonry that matches the building.
- e) The painted steel columns along the east and west elevations shall be wrapped in masonry.
- f) The overhead doors shall be painted to match the building.
- g) Parking lot islands shall be landscaped with 2" caliper shade trees.
- h) All shrubs shall be at least 5 gallons when planted.
- i) All landscaping shall be irrigated.
- j) All rooftop mechanical equipment shall be screened from public view by the parapet. The public view extends to the boundary of the property line and public right-of-way.
- k) All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building.
- l) The BPU transformer pad located on sheet C09 shall be completely screened on all sides with 6-foot junipers setback 10 feet from the door opening and 3 feet from the remaining three sides of the pad. 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.
- m) All lighting, whether mounted on the wall or installed in the parking lot shall have 90-degree cutoff fixtures. Light fixtures mounted on the wall shall be decorative, including those above egress doors.
- n) Per the Design Criteria, all trash enclosures and service areas shall be approximately screened to reasonably hide them entirely from public view. All trash enclosure and service areas shall utilize the appropriate shopping center standards. All gates shall be metal/steel construction. All trash enclosures shall meet the City codes and planning criteria and approvals.
- o) All proposed signage shall comply with the sign code.

NOTE: Items highlighted in BOLD must be addressed prior to departmental approval.

Byron Toy,
AICP

Digitally signed by Byron Toy, AICP
DN: cn=Byron Toy, AICP, ou=Urban Planning
and Land Use Department, ou=Principal
Planners, email=byrontoy@wyandotte.org, c=US
Date: 2020.02.26 13:43:09 -0500

Attending DRC Member: Byron Toy, AICP
(913) 573-5757

Date _____

I, _____, as _____ of the above referenced project, do hereby certify that I will comply with all of the above ordinance requirement(s), and give consideration to the recommendation(s) above.

Signature and Date _____

Contact Phone Number and Email Address _____

Mailing Address, City, State, and Zip Code _____



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 25, 2021

Re: **Change of Zone Petition COZ-0008 and Master Plan Amendment MPL2021-002**

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
R-1 Single Family District to MP-2 Planned
General Industrial District.

Master Plan Amendment from Low Density
Residential and Mixed Use to Industrial (City-
Wide Master Plan).

Date of Application:
November 30, 2020

Purpose: To rezone and create three (3)
industrial lots to build three (3) buildings, two
(2) proposed and one (1) future for the
warehouse and distribution center.

Property Location: 915 North 69th Street



Commission Districts:	Commissioner At Large: Melissa Bynum District #8 Commissioner: Jane Winkler Philbrook		
Existing Zoning:	R-1 Single Family District		
Surrounding Zoning:	North:	R-1 Single Family and CP-2 Planned General Business Districts	
	South:	MP-2 Planned General Industrial District	
	East:	R-1 Single Family and RP-4 Planned Garden Apartment Districts	
	West:	None (no zoning on former KTA right-of-way and College Parkway right-of-way)	
Existing Uses:	North:	Single family homes and a home improvement store (across State Avenue)	
	South:	Industrial business park (currently under construction)	
	East:	Single family homes and senior living apartments	
	West:	Undeveloped land and right-of-way	
Total Tract Size:	49.30 Acres		
Master Plan Area:	City-Wide Master Plan		
Master Plan Designation:	The City-Wide Master Plan designates this property as Low Density Residential and Mixed Use. Low Density Residential allows single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries and parks, open space, etc. Mixed Use allows specialty retail, sit-down restaurants, convenience retail uses such as banks, drug stores, professional and office services, institutional uses such as churches, schools, libraries, etc., parks, plaza, open space, and mixed-density residential uses.		
Major Street Plan:	The Major Street Plan classifies I-70 Highway as a freeway, State Avenue as a Class A Thoroughfare, North 72 nd Street (College Parkway) as a Class C Thoroughfare, and North 69 th Street as a Local Street.		
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. Building 4 proposes 238 parking spaces and Building 5 proposes 177 parking spaces.

Advertisement:

The Wyandotte Echo – Change of Zone - December 17, 2020 and January 14, 2021; Master Plan Amendment – December 17, 2020 and January 14, 2021
Letters to Property Owners – Change of Zone – December 16, 2020 and January 9, 2021; Plat – December 16, 2020, January 9, 2021 and February 18, 2021; Master Plan Amendment – December 16, 2020, January 9, 2021 and February 18, 2021

Public Hearings: February 8, 2021 and February 25, 2021

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, NP Turner Industrial, LLC wants to rezone from R-1 Single Family District to MP-2 Planned General Industrial District, preliminary plat three (3) lots and amend the City-Wide Master Plan from Low Density Residential to Industrial to build two (2) industrial buildings (Building 4 – 259,000 square feet and Building 5 – 173,800 square feet) and one (1) future building at 915 North 69th Street on 49.30 acres.

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

Code Enforcement History: There is no history of Notice of Violations for this property.

FACTORS TO BE CONSIDERED

1. Neighborhood character

This project spans a large area with several uses. The site area is primarily undeveloped land with existing thick tree stands and a small residential neighborhood with detached, single-family homes. There are residential homes abutting the project area to the north and east. 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 adjacent the southern property line of Building 3, College Parkway to the west and State Avenue to the north. Appropriate screening is essential.

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 not compatible with the residences to the north and east, however, the prospective uses are compatible with the zoning and uses to the south within the currently under development industrial business park.

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 the developer to continue with the industrial business park. Removal of the restrictions will detrimentally affect the remaining single-family homes on 69th Street, even though there is some distance from Building 4 to the southeast.

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

Portions of the properties along North 69th Street have been vacant for a few months, as Northpoint Development has purchased residences on the block for the business park.

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 will produce social economic activity, however the proposed use is not reasonably necessary for the convenience and welfare of the public as there will be an industrial building abutting the property line to the north and a future building site to the west, across North 69th Street and will substantially injure the appropriate use, visual quality and marketability of the remaining single family homes.

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 and parking demand; however, all traffic shall enter from Orville Avenue, and continue north of 69th Street internal to the development. There shall be no access to/from State Avenue, which is the County's primary transit corridor.

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

The proposed use does not conform to the Master Plan. An amendment has been submitted by the applicant.

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

The majority of the site has been graded from the previous construction phases of the expanding industrial business park. There are extensive established tree stands to the north and east which are being preserved with the construction of Building 4 that will assist in screening the building and truck trailers from the residences to the northeast.

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*

To be designed to meet City Code.

d. *Police*

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

e. *Fire*

Fire service is provided by Fire Station #11.

f. *Transit*

Kansas City ATA provides transit service along College Parkway and I-70, Route #114 and State Avenue, Route #101.

g. *Schools*

Public education service provided by Turner USD 202.

h. *Streets*

See item #6 above.

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

The proposed use will have a positive economic impact on the community by turning fairly low density residential and uncut vacant lots into taxable lots with industrial buildings.

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

With revisions to public improvements, landscaping, berming and fencing, 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.*

There is no relative gain to the public health, safety and welfare, especially those homeowners that remain on 69th Street, as their side and rear yards will abut the industrial business park.

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

Development can be used safely without danger to health or peril from fire, flood, and erosion. There will be excessive noise associated with this industrial development, even though Building 4 is southeast of the single-family homes and the truck docks are on the south side of the building rather than the north side which is for employee parking.

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

The conversation with Planning Engineering and Public Works shall continue regarding the public or privatization of streets within the development. The primary entrance will be off Orville Avenue via Turner Diagonal/College Parkway with an extension of North 69th Street and cul-de-sac. There is no access into the development from State Avenue, so heavy trailer and truck traffic should not become a nuisance for those remaining residences on 69th Street.

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, lots, blocks, parcels and streets will be arranged so as to afford adequate light, open space, or air to facilitate protection, and to provide for long-term sustained real estate values provided proper berming, fencing and screening is constructed and continuously maintained.

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

Development patterns have been designed with minimal due regard to topography, much of the site has been graded flat. Most of the natural vegetation has been removed except for the existing tree stands around the perimeter for residential screening. Berms with complete screening must be built around the perimeter adjacent to residential properties and right-of-way to screen the use from public view.

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.

This is an industrial development and as such does not have the amenities stated above, although staff has made recommendations to improve walkability and non-vehicular transportation and transit by coordinating with KCATA to have a transit stop on College Parkway/Turner Diagonal just north of Orville Avenue and pedestrian access via sidewalks throughout the development to State Avenue and 65th Street via emergency only entrances.

PREVIOUS ACTIONS

Change of Zone Petition #3213 was approved by the City Planning Commission and Unified Government Board of Commissioners on January 13, 2020 and January 30, 2020, respectively for Turner Logistics Center.

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

Pedestrian and Transit Access
Screening from College Parkway/Turner Diagonal, State Avenue and residences
Truck Noise
Lighting / Glare
Existing Access onto State Avenue
Existing Topographic and Natural features

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Change of Zone Application COZ-0008 and Master Plan Amendment #MPL2021-002, subject to:

1. **Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;**
2. **Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;**
3. **Utility easements shall connect with easements established in adjoining properties;**
4. **Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**
5. **Provide an enhanced screening plan more in line with that done for Plaza at the Speedway as the truck trailers will be highly visible from State Avenue and College Parkway;**
6. **Downspouts shall be recessed in corners of the building and in locations that do not draw a person's eye visually. The downspouts shall be painted to match the building;**
7. **The sidewalk shall be a minimum the (10) feet in width along the west side of North 69th Street. A five (5) foot sidewalk is required along the east side of the North 69th Street;**
8. **The connection to State Avenue shall be access for emergency vehicles only. The drive shall be landscaped and meander from State Avenue to North 69th Street, as not to attract attention as a public entrance;**
9. **Similar to the emergency only access on 65th Street, a sidewalk shall be constructed to connect State Avenue to 69th Street;**
10. **The developer shall create a separate parcel along State Avenue for non-industrial use (multi-family, commercial or mixed-use development);**
11. **The loading dock doors shall be painted to match the building or a complimentary color as the primary building;**
12. **Maintain existing tree stands where possible, as existing trees provide an enhanced buffer between the right-of-way and single-family homes;**
13. **The landscaping and site lines north of Building 4, the remaining single-family homes and the senior living apartments to the east (sight lines not provided) must be screened at the time the Temporary Certificate of Occupancy is issued. Creative solutions are warranted with berms, fencing and landscaping. A variance will be required if the building and outside trailer parking is not screened from public view;**
 - a. **Staff Response: The applicant is asking for a deviation from the Commercial Design Guidelines that requires retaining walls to be terraced four (4) for every eight (8) feet of rise. The proposed retaining wall will be between twenty (20) and twenty-four (24) feet in height.**

By not tiering the retaining wall, the eleven (11) foot berm can be raised along with the eight (8) foot privacy fence, allowing a steeper slope on the back side of the berm. All of this will allow for the sight line to be taller, effectively screening the top of Building 4 from the back of the residence at The Villas Ridge Point. Staff would like to continue to work on the eight (8) foot, ten (10) inch screening deficit that should be resolved by raising the height of the berm and increasing the steepness of the slope. If the deficit cannot be resolved during the final development plan, a variance must be applied for by the applicant and approved by the Board of Zoning Appeals;

14. The Board of Zoning Appeals denied Appeal #2365 for reduced landscaping except for the following:

- a. The development needs a landscaping plan similar to Amazon and Plaza at the Speedway. Where there are rows of houses, they need more than evergreen trees; they need berms, fencing and evergreens; a considerable landscape buffer of single-family residences is required to make sure that the industrial neighbor that moves in does not interfere with the residential homes. The presentation event said that the trees that are evergreens do not suffice here. Only leaving those trees that are there will not screen this effectively; it will help, but the trees have leaves for the most part. Staff wants to ensure that the residences adjacent to project cannot see it; if they are up high and the residents are down low then they need to work on how to prevent the noise. It needs to be fully screened and they need to make sure that the noise from the trucks and the lights do not interfere with the residential living. Director Richardson further stated that this use is coming to this neighborhood where people have been living for a very long time and it is no different than what has been done where a business moved next to a residence and had lots of trucks and noise related to them. They will have to screen the property a little beyond The Salvation Army because of the residential senior living community. With the exception of the area adjacent to the Gables motel and the truck company (Apex), staff recommends denial.

A sight line cross section has been provided for the residences to the north, but not the senior living to the east. Provide a sight line cross section of what the remaining residences and business will see looking south towards Buildings #4 because it does not appear that a six (6) foot architectural screen wall with masonry columns every 32 feet on center will properly screen the site from the residences that are northwest and northeast of this phase of the development.

When abutting residential zoning districts, the entire development must be screened from public view, not simply the trailer screening. Staff recommends constructing a taller berm with fencing and landscaping to screen the entire development from public view;

15. Trash compactors shall be screened from public view;

- 16. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;**
- 17. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;**
- 18. Sec. 27-469(g) Trees are required to be provided at not less than one per 10,000 square feet of site area. Based on the total tract size, 215 trees are required to be planted. This does not include the street trees to be planted along North 69th Street and College Parkway;**
- 19. Sec. 27-700(3) A buffer area shall be provided alongside and rear property lines common to or across an alley from residentially zoned property and shall consist of an area fifteen (15) feet in width improved with a six (6) foot architectural screen wall adjacent to the property line and one row of shade trees spaces not more than forty (40) feet on center and one row of large shrubs spaced not more than eight (8) feet on center;**
- 20. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each twenty (20) parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;**
- 21. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted;**
- 22. Throughout the development, there shall be variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);**
- 23. All landscaping shall be irrigated;**
- 24. Shall comply with the sign ordinance; and,**
- 25. 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 **COZ-0008** and **MPL2021-002** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

February 8, 2021 City Planning Commission Minutes
Zoning Map
Land Use Map
Aerial Photography
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Site Plan
Grading Plan
Landscape Plan
Sight Lines
Building Elevations
Site Photographs taken by Staff on December 16, 2020

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	February 8, 2021	February 25, 2021
Rezoning	Approval	
Public Hearing	February 8, 2021	TBD
Preliminary Plat	Approved	
Public Hearing	February 8, 2021	February 25, 2021
Master Plan	Approval	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition MPL2021-002 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 MPL2021-002, 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-0008 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-0008 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.

February 8, 2021 City Planning Commission Minutes:

Hearing starts at 1:31:01:

MASTER PLAN AMENDMENT MPL2021-002 – NP TURNER INDUSTRIAL, LLC, Master Plan Amendment from Low Density Residential and Mixed Use (City-Wide Master Plan) to Industrial (City-Wide Master Plan) at 915 North 69th Street.

CHANGE OF ZONE APPLICATION COZ-0008 – NP TURNER INDUSTRIAL, LLC – SYNOPSIS: Change of Zone from R-1 Single Family District to MP-2 Planned General Industrial District for additional property for the Turner Logistics Center for warehousing distribution and light manufacturing businesses at 915 North 69th Street.

PLAT2020-004 – NP TURNER INDUSTRIAL, LLC – SYNOPSIS: Preliminary Plat for five (5) lots at 915 North 69th Street.

Detailed Outline of Requested Action: The applicant, NP Turner Industrial, LLC wants to rezone from R-1 Single Family District to MP-2 Planned General Industrial District, preliminary plat three (3) lots and amend the City-Wide Master Plan from Low Density Residential to Industrial to build two (2) industrial buildings (Building 4 – 259,000 square feet and Building 5 – 173,800 square feet) and one (1) future building at 915 North 69th Street on 49.30 acres. City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339. **Code Enforcement History:** There is no history of 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 February 8, 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 Kraatz, applicant, Northpoint Development, 4825 Northwest 41st Street, Riverside, Missouri 64150

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:40:02: Planning Director Hand stated that the request is for a Master Plan Amendment, Change of Zone and Plat. Staff has listed

several conditions in the staff report and would like to discuss the screening and buffering for the project. There is a dense canopy around Building 4 and staff would encourage the preservation of the trees as much as possible to support screening and buffering efforts. He further stated that a variance was previously approved for much of the screening and buffering for this project and anything less than conditioned would require another variance. Staff worked with the applicant on the screening at the corner of Building 4. Staff has been diligent in reviewing the sight distance triangles for all the properties. The conditions from the previous applications have been carried over to the Change of Zone, along with a few additional conditions. Throughout the process Staff has not wanted industrial zoning on State Avenue and he showed the Commission the parcel that is the buffer to the industrial zoning further south of State Avenue. That parcel could be used for commercial or apartments in the future. There have been no Notices of Violation and Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 1:43:51:

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of **Master Plan Amendment MPL2021-002:**

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

Motion to RECOMMEND APPROVAL Passed: 9 to 0

On motion by Mr. Miller, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ-0008:**

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

Motion to RECOMMEND APPROVAL Passed: 9 to 0

Subject to:

1. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
2. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
3. Utility easements shall connect with easements established in adjoining properties;
4. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
5. Provide an enhanced screening plan more in line with that done for Plaza at the Speedway as the truck trailers will be highly visible from State Avenue and College Parkway;
6. Downspouts shall be recessed in corners of the building and in locations that do not draw a person's eye visually. The downspouts shall be painted to match the building;
7. The sidewalk shall be a minimum the (10) feet in width along the west side of North 69th Street. A five (5) foot sidewalk is required along the east side of the North 69th Street;
8. The connection to State Avenue shall be access for emergency vehicles only. The drive shall be landscaped and meander from State Avenue to North 69th Street, as not to attract attention as a public entrance;
9. Similar to the emergency only access on 65th Street, a sidewalk shall be constructed to connect State Avenue to 69th Street;
10. The developer shall create a separate parcel along State Avenue for non-industrial use (multi-family, commercial or mixed-use development);
11. The loading dock doors shall be painted to match the building or a complimentary color as the primary building;
12. Maintain existing tree stands where possible, as existing trees provide an enhanced buffer between the right-of-way and single-family homes;
13. The landscaping and site lines north of Building 4, the remaining single-family homes and the senior living apartments to the east (sight lines not provided) must be screened at the time the Temporary Certificate of Occupancy is issued. Creative solutions are warranted with berms, fencing and landscaping. A variance will be required if the building and outside trailer parking is not screened from public view;
 - a. Staff Response: The applicant is asking for a deviation from the Commercial Design Guidelines that requires retaining walls to be terraced four (4) for every eight (8) feet of rise. The proposed retaining wall will be between twenty (20) and twenty-four (24) feet in height.

By not tiering the retaining wall, the eleven (11) foot berm can be raised along with the eight (8) foot privacy fence, allowing a steeper slope on the back side of the berm. All of this will allow for the sight line to be taller, effectively screening the top of Building 4 from the back of the residence at The Villas Ridge Point. Staff would like to

continue to work on the eight (8) foot, ten (10) inch screening deficit that should be resolved by raising the height of the berm and increasing the steepness of the slope. If the deficit cannot be resolved during the final development plan, a variance must be applied for by the applicant and approved by the Board of Zoning Appeals;

14. The Board of Zoning Appeals denied Appeal #2365 for reduced landscaping except for the following:

- a. The development needs a landscaping plan similar to Amazon and Plaza at the Speedway. Where there are rows of houses, they need more than evergreen trees; they need berms, fencing and evergreens; a considerable landscape buffer of single-family residences is required to make sure that the industrial neighbor that moves in does not interfere with the residential homes. The presentation event said that the trees that are evergreens do not suffice here. Only leaving those trees that are there will not screen this effectively; it will help, but the trees have leaves for the most part. Staff wants to ensure that the residences adjacent to project cannot see it; if they are up high and the residents are down low then they need to work on how to prevent the noise. It needs to be fully screened and they need to make sure that the noise from the trucks and the lights do not interfere with the residential living. Director Richardson further stated that this use is coming to this neighborhood where people have been living for a very long time and it is no different than what has been done where a business moved next to a residence and had lots of trucks and noise related to them. They will have to screen the property a little beyond The Salvation Army because of the residential senior living community. With the exception of the area adjacent to the Gables motel and the truck company (Apex), staff recommends denial.

A sight line cross section has been provided for the residences to the north, but not the senior living to the east. Provide a sight line cross section of what the remaining residences and business will see looking south towards Buildings #4 because it does not appear that a six (6) foot architectural screen wall with masonry columns every 32 feet on center will properly screen the site from the residences that are northwest and northeast of this phase of the development.

When abutting residential zoning districts, the entire development must be screened from public view, not simply the trailer screening. Staff recommends constructing a taller berm with fencing and landscaping to screen the entire development from public view;

15. Trash compactors shall be screened from public view;

16. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;

17. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
18. Sec. 27-469(g) Trees are required to be provided at not less than one per 10,000 square feet of site area. Based on the total tract size, 215 trees are required to be planted. This does not include the street trees to be planted along North 69th Street and College Parkway;
 19. Sec. 27-700(3) A buffer area shall be provided alongside and rear property lines common to or across an alley from residentially zoned property and shall consist of an area fifteen (15) feet in width improved with a six (6) foot architectural screen wall adjacent to the property line and one row of shade trees spaces not more than forty (40) feet on center and one row of large shrubs spaced not more than eight (8) feet on center;
 20. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each twenty (20) parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;
 21. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted;
 22. Throughout the development, there shall be variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
 23. All landscaping shall be irrigated;
 24. Shall comply with the sign ordinance; and,
 25. 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 Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE** Preliminary Plat **PLAT2020-004**:

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

Jones Aye
Miller Aye
Mohler Aye
Pauley Aye
Reasons Aye
Motion to APPROVE Passed: 9 to 0
Subject to the above conditions.

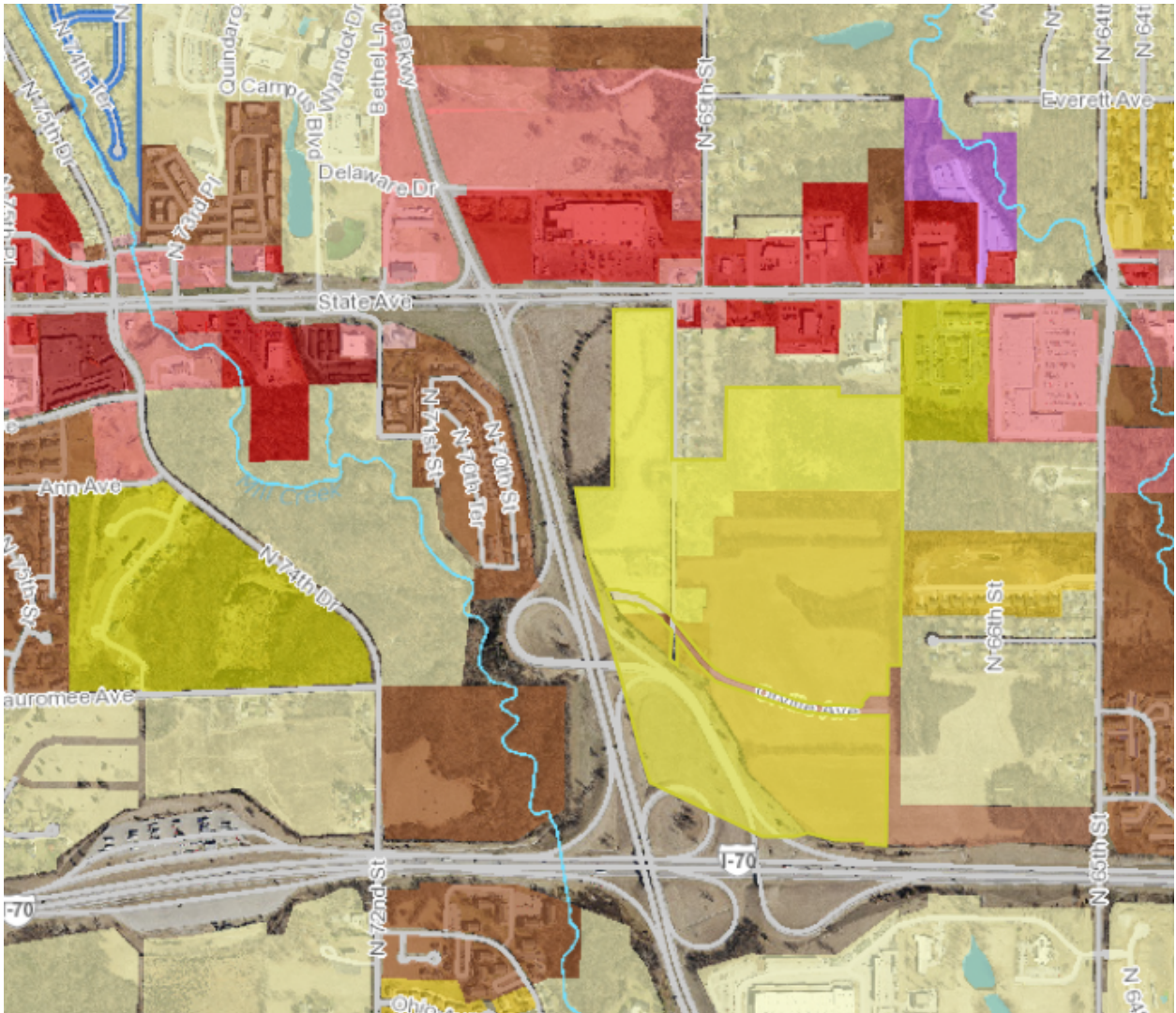


Figure 1. Zoning Map of Turner Logistics Center (provided by UG Maps).

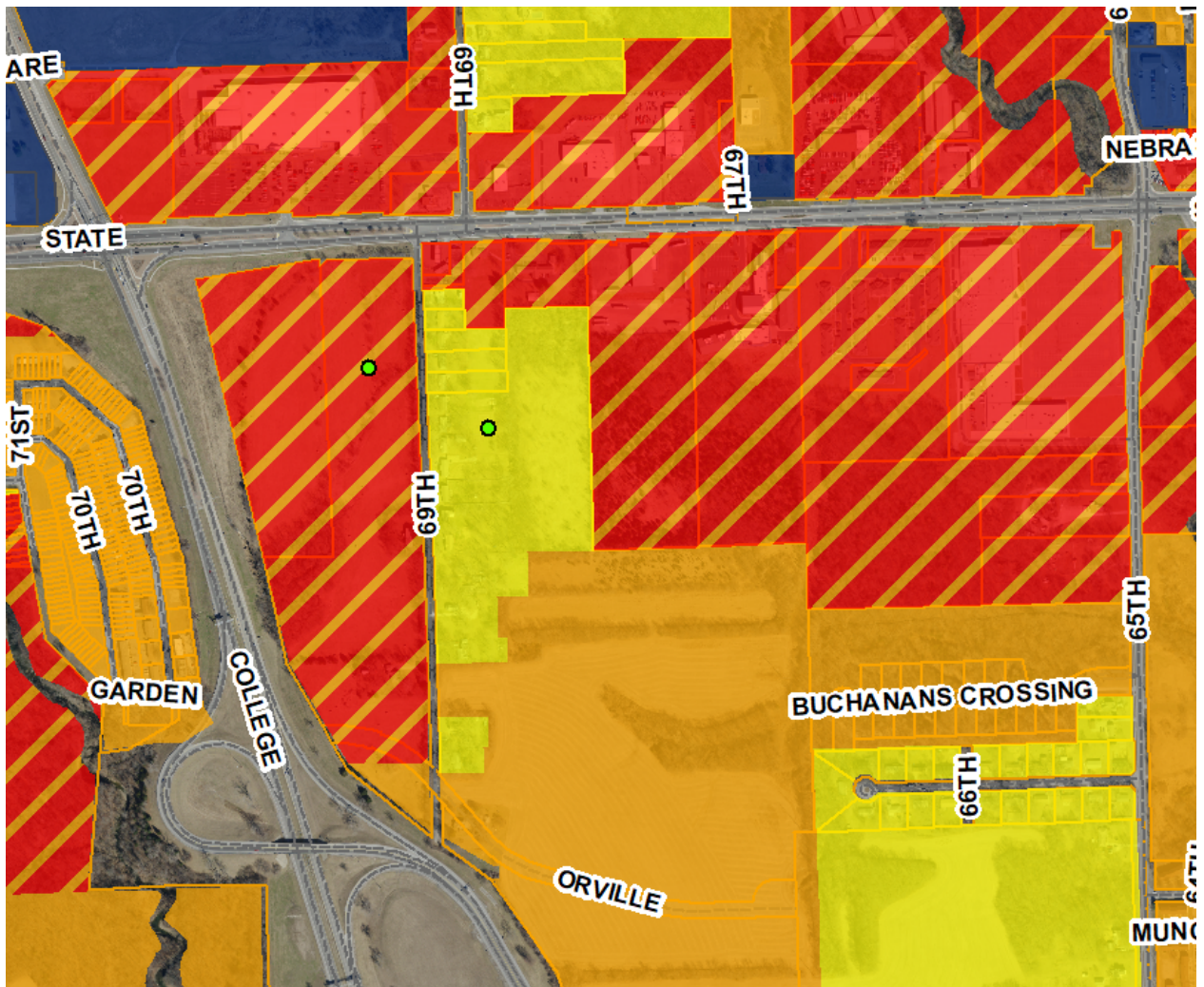


Figure 2. City-Wide Master Plan Land Use Map of Turner Logistics Center (provided by ArcMap).

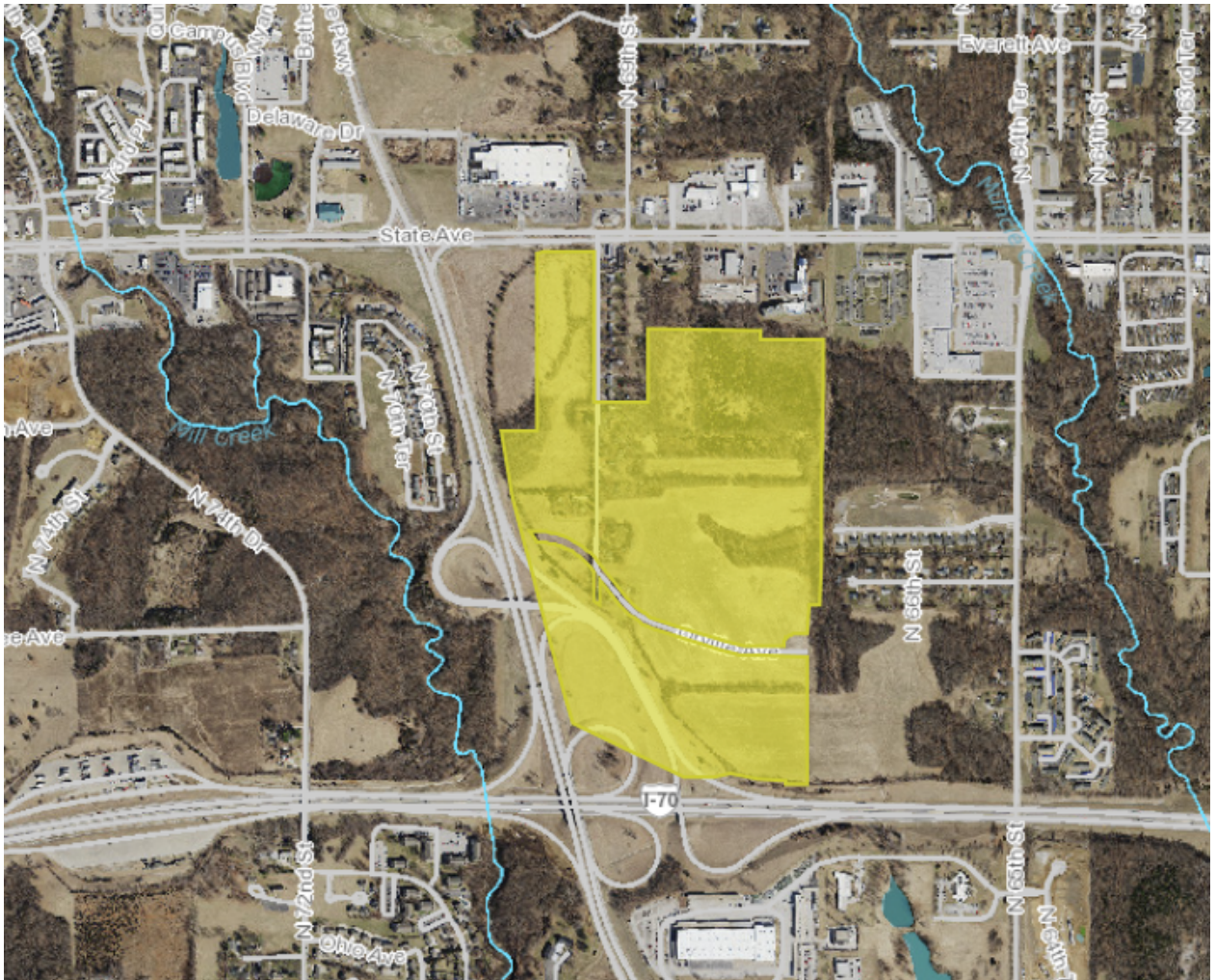


Figure 3. Aerial photograph of Turner Logistics Center (provided by UG Maps).

We understand.

7) Construction plans shall be reviewed and approved prior to UG final approval and construction permit acquisition.

We understand that construction plans need to be approved prior to obtaining building permits.

8) Retaining walls greater than 3'-6" in height shall be designed by a State of Kansas Professional Engineer. Retaining walls taller than 6' in height shall be tiered per planning requirements or UG approval of a design variance. Construction plans shall include retaining wall calculations, details, and final plans, including pre-manufactured or modular block type retaining walls, which shall be reviewed and approved prior to UG approval and construction permit acquisition.

Retaining wall construction plans containing the indicated information and will be submitted for approval and may be a deferred submittal.

9) See Erosion Control comments. **See responses above.**

10) See Storm Drainage comments. **See responses above.**

11) See Sanitary Sewer Comments. **See responses above.**

12) See Stormwater Quality comments. **See responses above.**

13) Please explain the reasoning behind having Tract A on the proposed lot 3. Is this a detention area?

Tract A is a detention area that provides detention for a future Building 6 to the north.

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

We will incorporate County Surveyor comments and will coordinate with the county surveyor.

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

We have submitted Preliminary drawings. We understand that final development plans will need to be approved prior to obtaining permits. The submittal will include all required information.

Urban Planning and Land Use Comments

1. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity.

This will primarily be the responsibility of our tenant but we will assist them in meeting this requirement.

2. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat.

Easements will be provided as requested above.

3. Utility easements shall connect with easements established in adjoining properties.
Easements will be provided as requested above.
4. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.
New wiring will be provided underground.
5. Provide an enhanced screening plan more in line with that done for Plaza at the Speedway as the truck trailers will be highly visible from State Avenue and College Parkway.
We have requested a meeting with U/G staff to discuss screening and landscaping.
6. Downspouts shall be recessed in corners of the building and in locations that do not draw a person's eye visually. The downspouts shall be painted to match the building.
Acknowledged.
7. The sidewalk shall be a minimum the (10) feet in width along the west side of North 69th Street. A five (5) foot sidewalk is required along the east side of the North 69th Street.
Our plans as currently presented reflect the sidewalks as noted.
8. The connection to State Avenue shall be access for emergency vehicles only. The drive shall be landscaped and meander from State Avenue to North 69th Street, as not to attract attention as a public entrance.
An emergency access drive is currently planned from existing 69th Street to our development. Grade differentials will dictate the path. A permanent swing gate will be installed at the emergency entry with a Knox lock to prevent public access. The configuration will be similar to the emergency access that we provided at 65th Street.
9. Similar to the emergency only access on 65th Street, a sidewalk shall be constructed to connect State Avenue to 69th Street.
We will provide a connection from 69th Street to State Avenue similar to what we provided at 65th Street.

Building Architecture

1. The loading dock doors shall be painted to match the building or a complimentary color as the primary building.
Acknowledged.

Landscaping and Screening:

1. Maintain existing tree stands where possible, as existing trees provide an enhanced buffer between the right-of-way and single-family homes.
Existing trees will be left where possible.
2. How will the appearance of the rear of Buildings 4 and 5 be softened College Parkway and State Avenue? There is minimal effort to save existing tree lines within the development, as sties for Buildings 1 and 3 were grubbed and graded to the property line.
The rear of Buildings 4 and 5 will not be visible from College Parkway and State Avenue.

Building 4

- a. We rotated Building 4 180°, so the front of the building faces the adjacent residential uses.
- b. Existing trees will be preserved along the property adjacent to The Salvation Army.
- c. The Finish floor of Building 4 is approximately 17' below the grade of State Avenue at The Salvation Army and 29' below the grade of State Avenue at The Gables Motel.
- d. The front of the Building 4 is approximately 820' south of State Avenue.
- e. The existing buildings along State Avenue; Road Runners Convenience Store, Quick Auto Sales (to be renovated as a convenience store), the residence at 6855 State Ave., Gables Motel, Apex CDL Institute, The Salvation Army, and The Villas at Ridge Point.
- f. Proposed landscaping at the front of the building.

The combination of these will screen and soften the view of Building 4 from State Avenue

Building 5

- a. The front of Building 5 faces College Parkway.
- b. Existing trees will be preserved along the draw along the northern portion of the building
- c. The front of Building 5 is approximately 380' (at the south end) and 550' (at the north end) east of College Avenue.
- d. Proposed landscaping at the front of the building.

The combination of these will screen and soften the view of Building 4 from College Avenue.

- 3. The landscaping and site lines north of Building 4, the remaining single-family homes and the senior living apartments to the east (sight lines not provided) must be screened at the time the Temporary Certificate of Occupancy is issued. Creative solutions are warranted with berming, fencing and landscaping. A variance will be required if the building and outside trailer parking is not screened from public view.

We have requested a meeting with U/G staff to discuss screening and landscaping.

- 4. The Board of Zoning Appeals denied Appeal #2365 for reduced landscaping except for the following:
 - a. The development needs a landscaping plan similar to Amazon and Plaza at the Speedway. Where there are rows of houses, they need more than evergreen trees; they need berms, fencing and evergreens; a considerable landscape buffer of single-family residences is required to make sure that the industrial neighbor that moves in does not interfere with the residential homes. The presentation event said that the trees that are evergreens do not suffice here. Only leaving those trees that are there will not screen this effectively; it will help, but the trees have leaves for the most part. Staff wants to ensure that the residences adjacent to project cannot see it; if they are up high and the residents are down low then they need to work on how to prevent the noise. It needs to be fully screened and they need to make sure that the noise from the trucks and the lights do not interfere with the residential living. Director Richardson further stated that this use is coming to this neighborhood where people have been living for a very long time and it is no different than what has been done where a business moved next to a residence and had lots of trucks and noise related to them. They will have to screen the property a little beyond The Salvation Army because of the

residential senior living community. With the exception of the area adjacent to the Gables motel and the truck company (Apex), staff recommends denial.

A sight line cross section has been provided for the residences to the north, but not the senior living to the east. Provide a sight line cross section of what the remaining residences and business will see looking south towards Buildings #4 because it does not appear that a six (6) foot architectural screen wall with masonry columns every 32 feet on center will properly screen the site from the residences that are northwest and northeast of this phase of the development.

When abutting residential zoning districts, the entire development must be screened from public view, not simply the trailer screening. Staff recommends constructing a taller berm with fencing and landscaping to screen the entire development from public view.

We have requested a meeting with U/G staff to discuss screening and landscaping.

5. Trash compactors shall be screened from public view.
Trash compactors will be located in the dock area and are connected to the buildings.
6. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials.
Acknowledged.
7. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.
Acknowledged.
8. Sec. 27-469(g) Trees are required to be provided at not less than one per 10,000 square feet of site area. Based on the total tract size, 215 trees are required to be planted. This does not include the street trees to be planted along North 69th Street and College Parkway.
We will provide trees at a ratio of 1 tree per 10,000 square feet of site area.
9. Sec. 27-700(3) A buffer area shall be provided along side and rear property lines common to or across an alley from residentially zoned property and shall consist of an area fifteen (15) feet in width improved with a six (6) foot architectural screen wall adjacent to the property line and one row of shade trees spaces not more than forty (40) feet on center and one row of large shrubs spaced not more than eight (8) feet on center.
We have requested a meeting with U/G staff to discuss screening and landscaping.
10. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider

than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each twenty (20) parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue.

The current drawings meet this requirement.

11. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted.

The current drawings meet this requirement.

12. All landscaping shall be irrigated.

An irrigation plan will be provided with final development plans for approval.

Signage:

1. Shall comply with the sign ordinance.

Understood.

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)

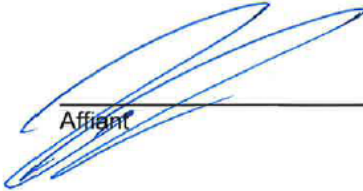
) SS:

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

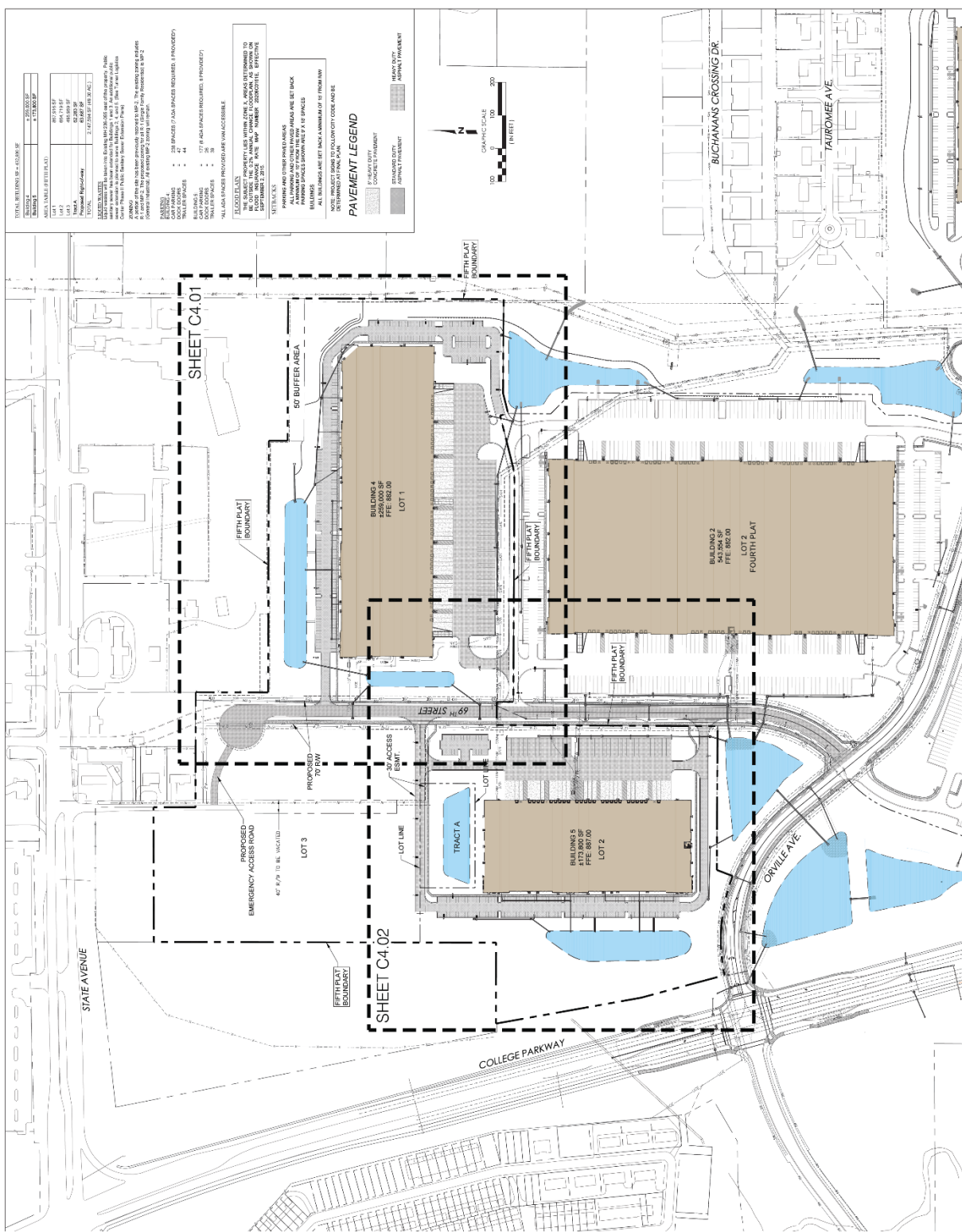
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29th day of December, 2020.

My commission expires 24 of November, 2022

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



Notary Public





studio North
ARCHITECTURE

1000 UNIVERSITY AVENUE, SUITE 200
ANN ARBOR, MI 48106
TEL: 734.769.1234
WWW.STUDIONORTHARCH.COM

OWNER: TURNER LOGISTICS CENTER
DESIGNER: STUDIO NORTH ARCHITECTURE
DATE: 01/20/2021
PROJECT NO: 2020-008

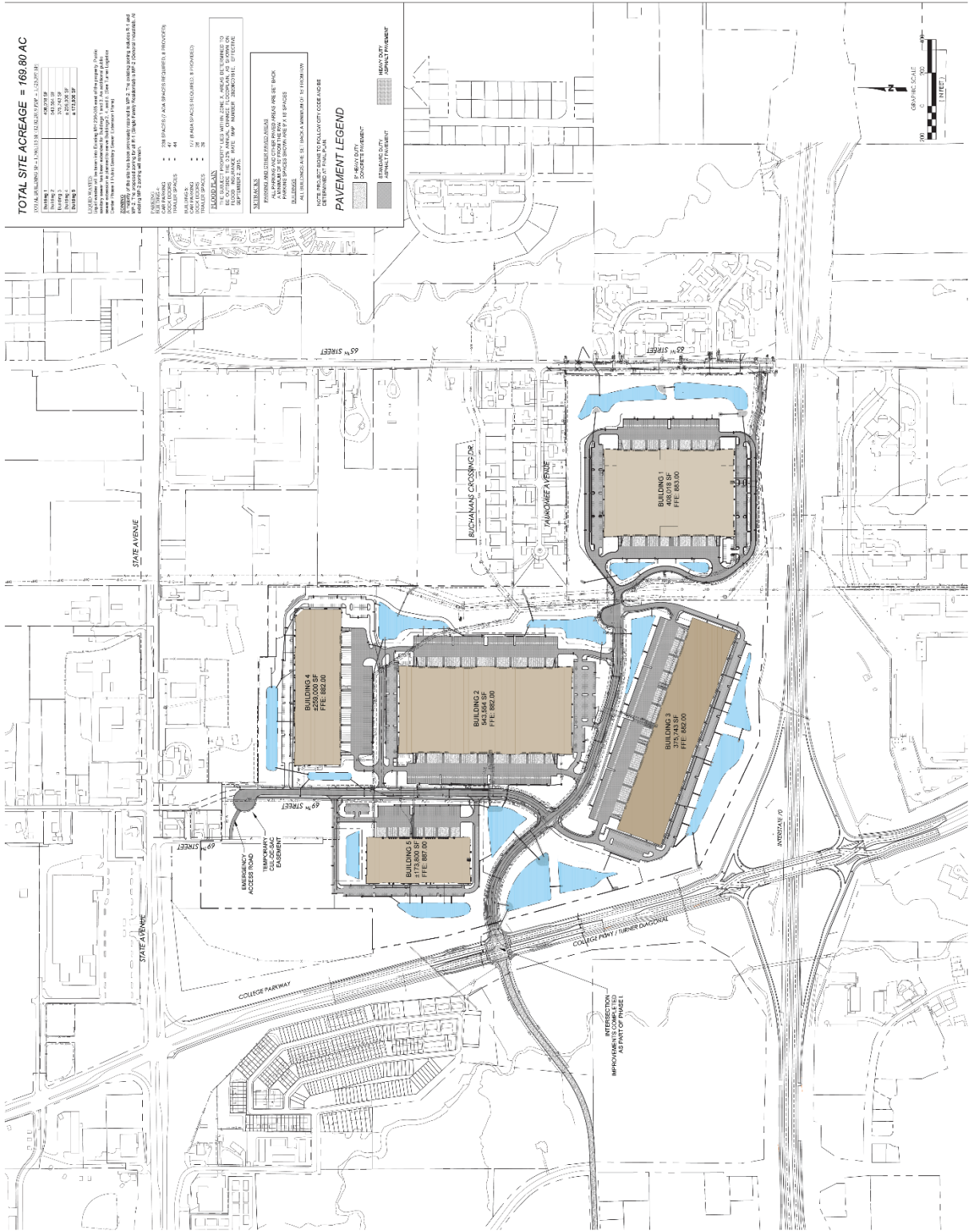


TURNER LOGISTICS CENTER

PAGE NO: 2020-008
REVISION: 01/20/2021
DATE: 01/20/2021
PROJECT NO: 2020-008



C2.01
PRELIMINARY SITE PLAN



ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM STUDIO NORTH ARCHITECTURE.



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ARCHITECTURE
1000 PARKWAY 10
SUITE 100
ANN ARBOR, MI 48106
TEL: 734.769.1234
WWW.STUDIONORTHARCH.COM

OWNER: CONTINENTAL CONTAINER TERMINAL LLC
ARCHITECT: CONTINENTAL CONTAINER TERMINAL LLC

DISCIPLINES

STRUCTURAL

PLUMBING

Mechanical

ELECTRICAL

FIRE PROTECTION

CONSTRUCTION



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LOGISTICS
CENTER

Project No. 2008-03

Sheet No. PPT-PLANNING PLAN

Revision

Description

Quantity

Unit

Notes

Comments

Drawn By

Checked By

Approved By

Date

Scale

Sheet

Project

Client

Location

Phase

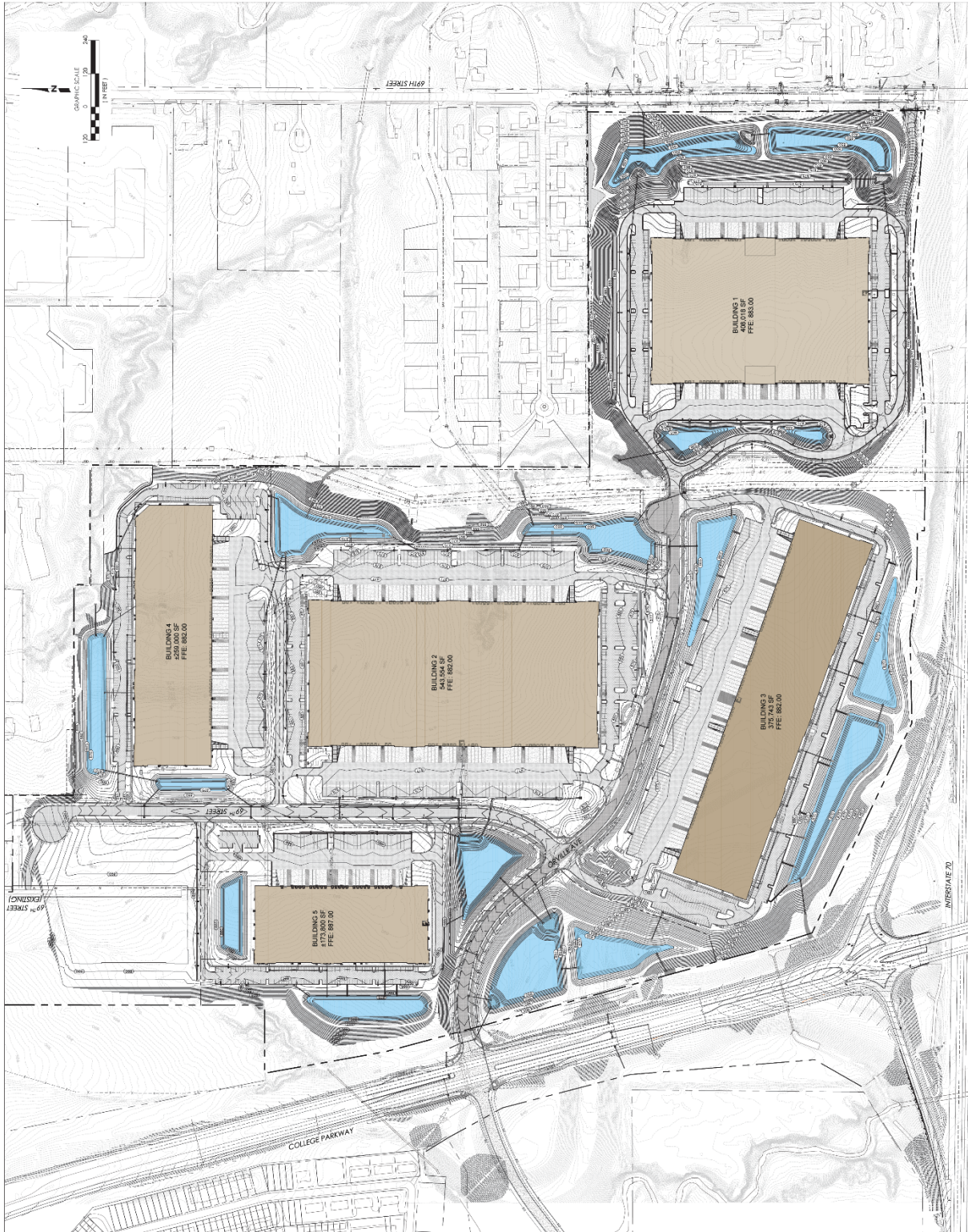
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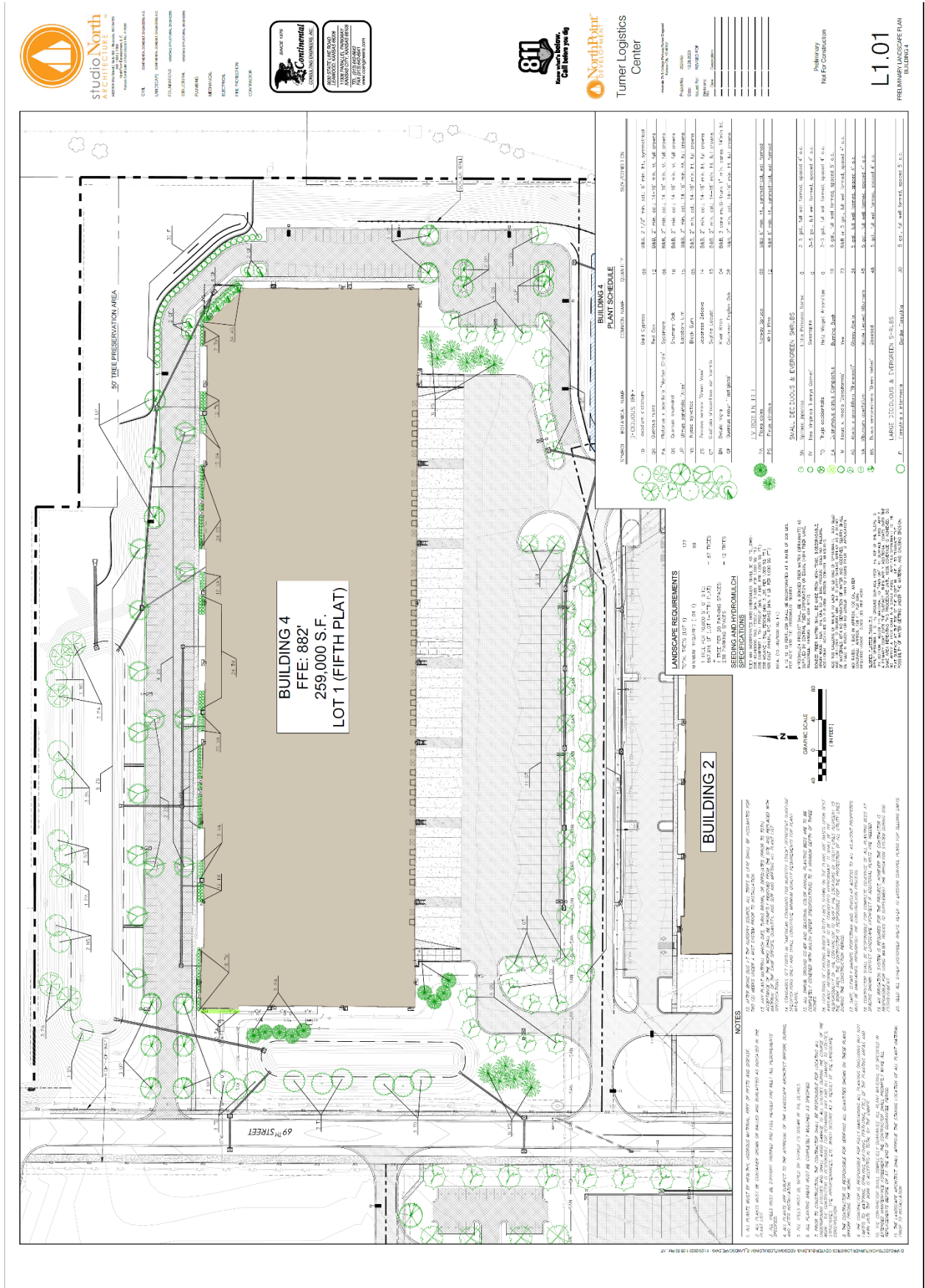
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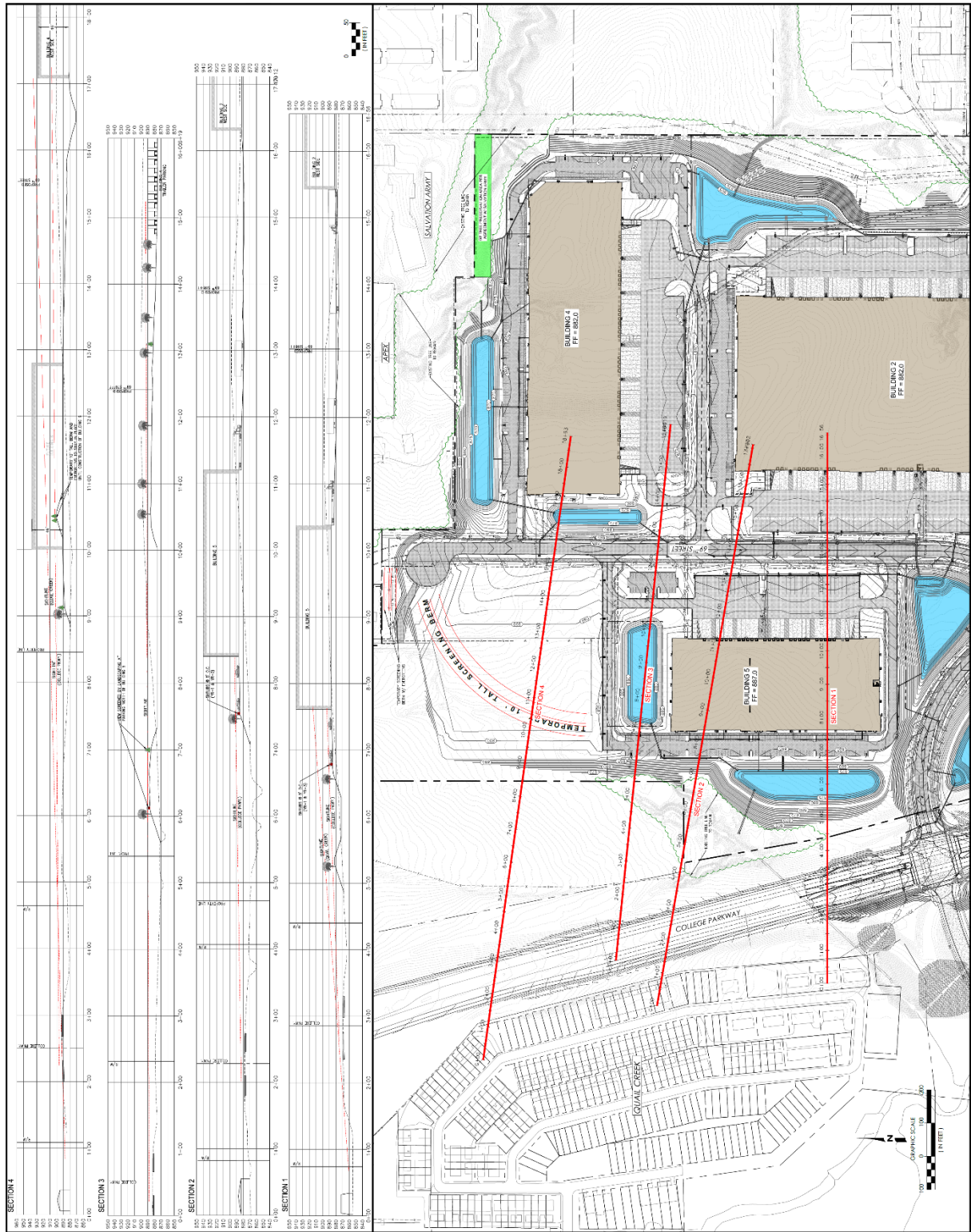
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OVERALL GRADING PLAN







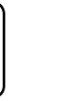
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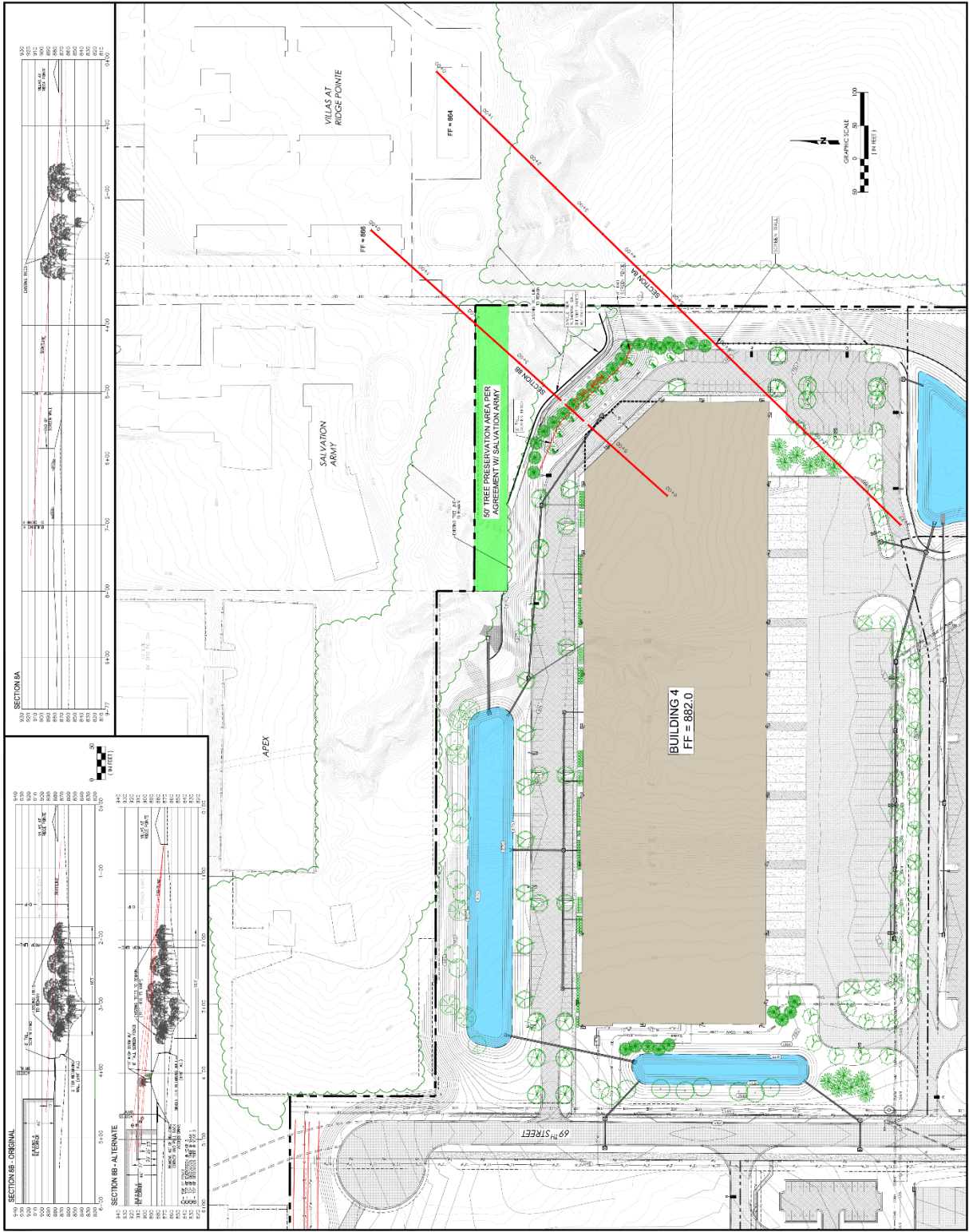
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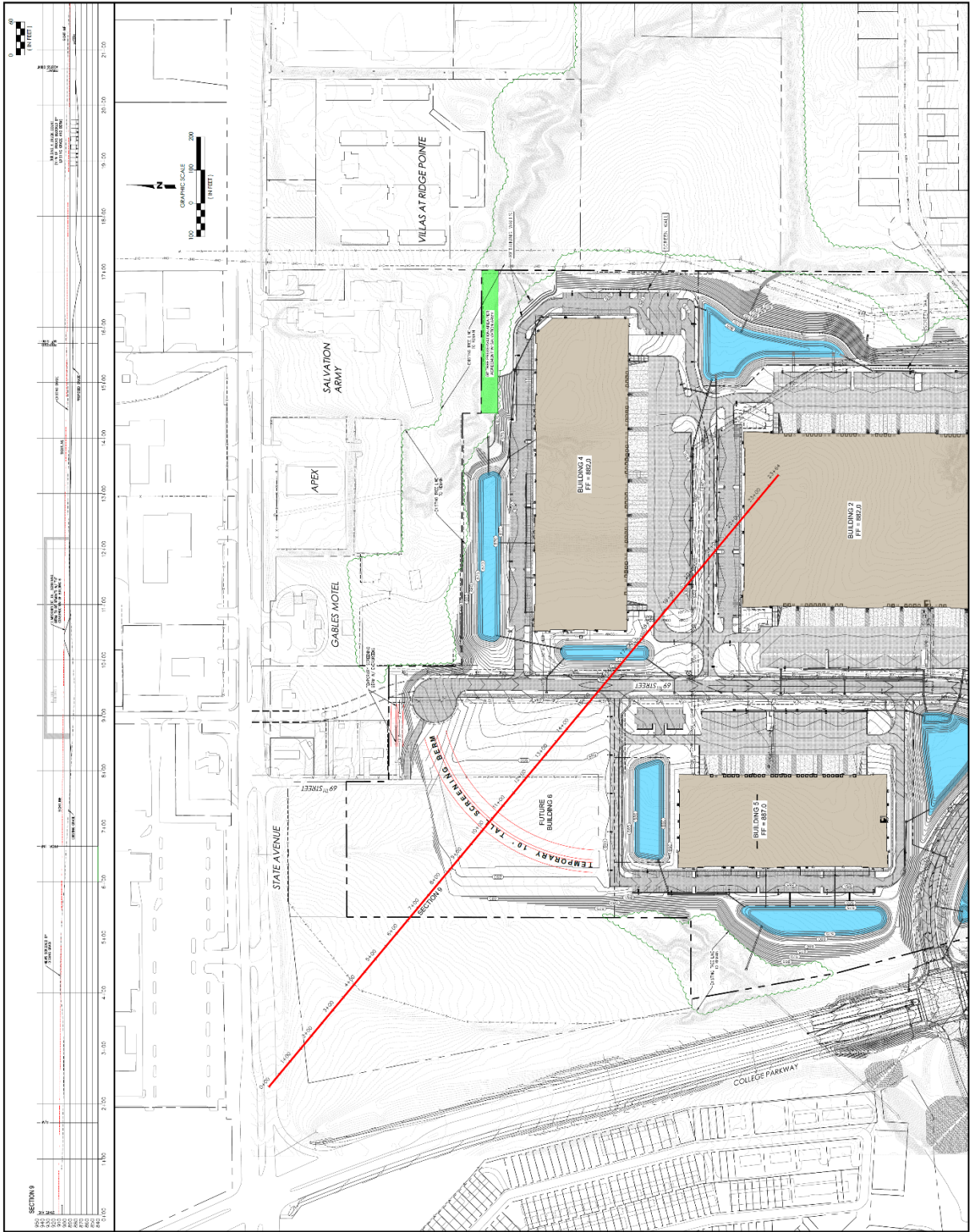
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C5.03

PRELIMINARY
SIGHT LINE SECTIONS



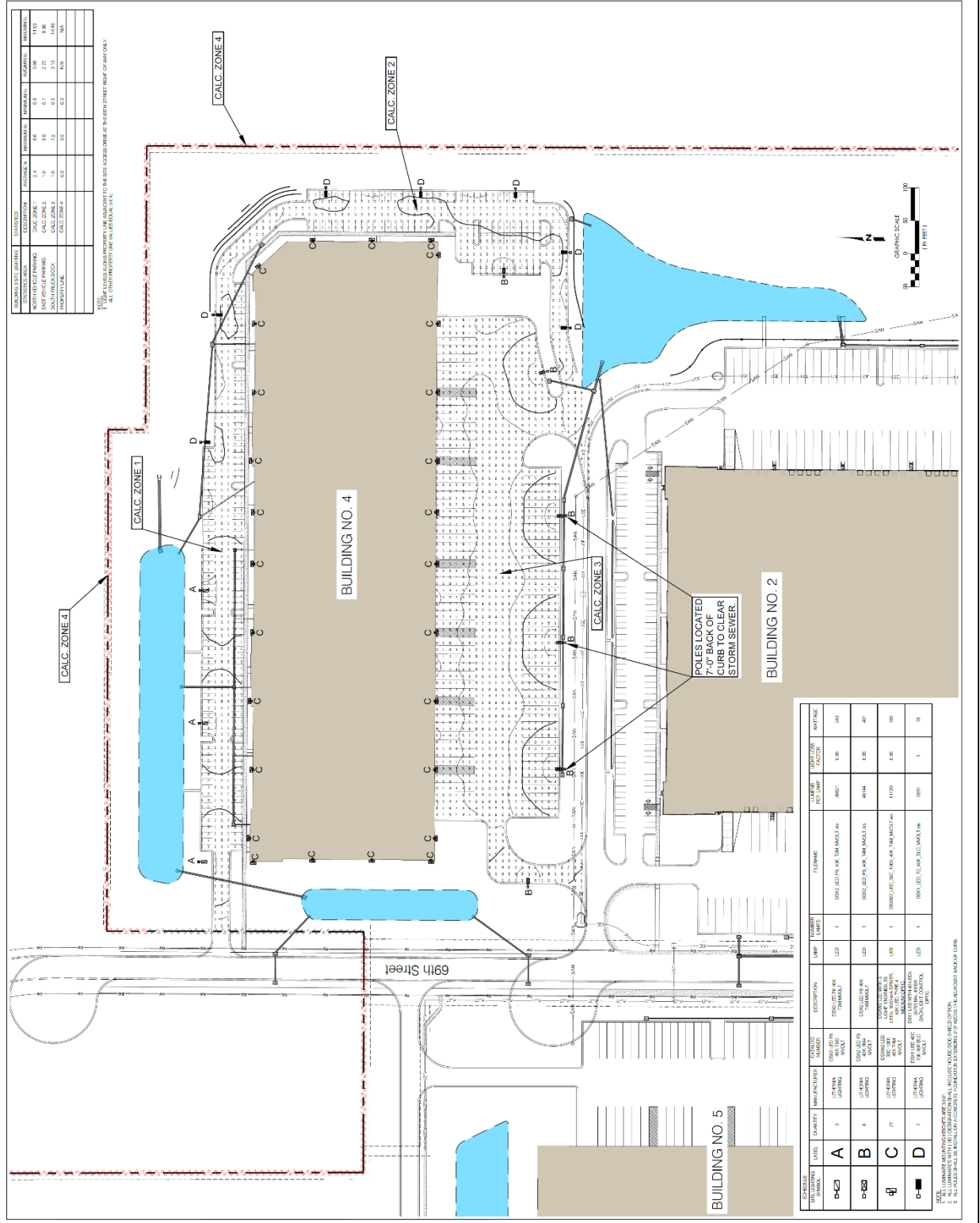






Figure 4. Site photograph on College Parkway looking east at Turner Logistics Center (provided by Planning Staff).



Figure 5. Site photograph on State Avenue looking southeast at Turner Logistics Center (provided by Planning Staff).



Figure 6. Site photograph on North 69th Street looking southeast at Turner Logistics Center (provided by Planning Staff).



Figure 7. Site photograph on North 69th Street looking southwest at Turner Logistics Center (provided by Planning Staff).

(First published _____)

#3211

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 4520 and 4600 Parkview Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on November 13, 2019, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to A-G Agriculture District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

CUTLER FARMS, a subdivision of land in Kansas City, Wyandotte County, Kansas, S25, T10, R24, ACRES 1.5 L11, located at approximately 4520 and 4600 Parkview Avenue, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to A-G Agriculture District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2021.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(First published _____)

COZ-0010

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 615 North 69th Street in Kansas City, Kansas, by changing the same from its present zoning of None (former KDOT right-of-way) to MP-2 Planned General 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 November 30, 2020, by the owners of property to have the zoning of said property changed from its present zoning of None (former KDOT right-of-way) to MP-2 Planned General 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:

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 00 degrees 08 minute s49 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 minute s41 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 West, continuing with the north right-of-way line of Interstate 70, a distance of 25.25 feet; thence North 89 degrees 06 minute 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 210.48 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 74 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 10 minutes 47 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 156,343 square feet, or 3.59 acres. The basis of bearing for the above real property description in the Kansas Regional Coordinate System, Zone 11, Located at approximately 615 North 69th Street, Kansas City, Kansas,

be changed from its present zoning of None (former KDOT right-of-way) to MP-2 Planned General Industrial District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-469, 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-2 Planned General 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

ORDINANCE NO. _____

AN ORDINANCE vacating all of Lots 1, 2, 3, 4, and 5, and all that part of Lots 25, 26, 27, 28, and 29 lying Northerly of the Northerly line of Right of Way of the Missouri Pacific Railroad Company, and that part of Lot 16 lying Easterly of a line drawn from the Southwest corner of Lot 5 to the Northwest corner of Lot 25, all in Block 14, in WOODSWETHER INDUSTRIAL DISTRICT, a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, except that part taken for Intercity Viaduct, containing 58,238.77 square feet or 1.3370 acres, more or less. Located at approximately 1 Woodswether Road and 1R Woodswether Road, Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the following described street in Kansas City, Kansas be and the same is hereby vacated:

All of Lots 1, 2, 3, 4, and 5, and all that part of Lots 25, 26, 27, 28, and 29 lying Northerly of the Northerly line of Right of Way of the Missouri Pacific Railroad Company, and that part of Lot 16 lying Easterly of a line drawn from the Southwest corner of Lot 5 to the Northwest corner of Lot 25, all in Block 14, in WOODSWETHER INDUSTRIAL DISTRICT, a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, except that part taken for Intercity Viaduct, containing 58,238.77 square feet or 1.3370 acres, more or less. Located at approximately 1 Woodswether Road and 1R Woodswether Road, Kansas City, Kansas.

Section 2. 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, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY 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

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 SU20-00092, commonly known as 1610 North 51st Street, Kansas City, Kansas, legally described as:

Block 11, the East 40' of the North 90' of Lot 7, the North 16.15' of Lot 8, the South 103.85' of Lot 9, East 40' of the South 30' of Lot 2, Springvale Subdivision, a subdivision of land in Kansas City, Wyandotte County, Kansas, located at approximately 1610 North 51st Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of Temporary Use of Land to park a dump truck on the property.

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) **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.

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 SU20-00095, commonly known as 7640 Tauromee Avenue, Kansas City, Kansas, legally described as:

SEC-09 TWP-11 RNG-24, T11, R24, ACRES 1.260000, 269-1A BEG 2115.625FT S & 770.81FT E OF NW COR; S 493.875FT, E 75.69FT, N 231.93FT, E 70FT, N 261.945FT, W 145.69FT TO POB CONTG 1.279AC M/L, located at approximately 7640 Tauromee Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to keep three (3) goats on the property.

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) **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.

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-2020-90, commonly known as 2909 North 74th Street, Kansas City, Kansas, legally described as:

Malott's 1st Subdivision, the North ½ of Lot 24, and the South 5 feet of Lot 25, located at approximately 2909 North 74th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Home Occupation Special Use Permit for arts and crafts production and storage.

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. **No external employees on the premises;**
2. **Since all crafts will be made within the home, the hours of operation are non-traditional, as the applicant will make crafts as requested when she has time, which may occur during the evening hours on weekdays or morning hours on weekends.**
3. **Orders will be delivered directly to vendors for shipping.**

4. The applicant will need to file the occupation tax application with the Business License Division for the business activity;
5. No signage advertising the business shall be posted on the property;
6. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) 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;
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. 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-2020-99, commonly known as 6721 Kansas Avenue, Kansas City, Kansas, legally described as:

A tract of land in the West half of Section 22, Township 11, Range 24, in Kansas City, Wyandotte County, Kansas, being more particularly described as follows: Beginning at a point on the North line of the Northwest Quarter of said Section 22, said point being 748.8 feet South 89°55' West, of the Northeast corner of the Northwest Quarter of said Section 22; thence South 0°19'40" West 431.87 feet to a point on the South line of Griffin Road, said point being the true point beginning of the tract herein described; thence North 51°52'30" East, 667.95 feet; thence North 89°55' East 92.10 feet; thence South 0°19'40" West, 411.626 feet; thence South 89°55' West 641.199 feet of the true point of beginning, subject to any part thereof, in street, road or public rights of way. EXCEPT A triangular parcel of land situated in the Northeast ¼ of the Northwest ¼ of Section 22, Township 11 South, Range 24 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, bounded and described as follows: Commencing at the North quarter corner of said Section 22; thence South 89°55'00" West along the North line of said Section 22 a distance of 748.8 feet; thence South 0°19'40" West a distance of 431.87 feet to a point on the South line of Griffin Road at the Southwest corner of that certain tract of land which was heretofore conveyed by Union Pacific Railroad Company to the Amalgamated Sugar Company by warranty Deed dated April 24, 1969, which is the True Point of Beginning, of the parcel of land hereby described; thence North 89°55' East along the South boundary line of said tract heretofore conveyed to the Amalgamated Sugar Company a distance of 201.50 feet; thence North 0°19'40" East a distance 158.56 feet, more or less to a point in the Northwesterly boundary line of said tract heretofore conveyed; thence South 51°52'30" West along said Northwesterly

boundary line of said tract heretofore conveyed to the Amalgamated Sugar Company a distance of 257.3 feet, more or less, to the True Point of Beginning, less any part thereof in street, road or public rights of way, located at 6721 Kansas Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for the Temporary Use of Land for the continuation of an office trailer.

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. 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;**
- 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; and,**
- 4. If approved, the Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. At the expiration of one (1) year, the office trailer must be removed from the premises. At this time, if the existing building is insufficient for necessary office space, the applicant must construct a permanent office. Contact the Building Inspection Department to begin this process.**

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-2020-103, commonly known as 611 H North 6th Street, Kansas City, Kansas, legally described as:

Parcel 117722, Lots 20, 21, 22 and 23, Fowlers 2nd Addition, a subdivision of land in Kansas City, Wyandotte County, Kansas, located at approximately 611 H North 6th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a short-term rental.

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) **Maximum number of guests shall be two (2);**
- 2) **All parking must be off-street, maximum number of vehicles is one (1);**
- 3) **Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**

- 4) The applicant must provide a guest manual indicating how they will maintain the property in a safe and sanitary manner, including all questions in the “Attachments” section;
- 5) Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented;
- 6) Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance:
 - a) Phone number: (913) 246-5133
 - b) Online tips webpage: www.hostcompliance.com/tips;
- 7) A point of contact from the management company must be available 24 hours a day, and the applicant must provide contact information for this point(s) of contact to nearby neighbors;
- 8) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 9) 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;
- 10) A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process;
- 11) 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;
- 12) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
- 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.

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-2020-104, commonly known as 100 Osage Avenue, Kansas City, Kansas, legally described as:

BEG NE COR L6: ARMOURDALE EAST; N34E-23.99FT, E 323.37FT, SELY CUR- 381.53FT, S 136.53FT, W 107.18FT, S 120FT, W 763.8, located at approximately 100 Osage Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a temporary trailer to take employee temperatures during inclement weather (COVID).

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) **The office trailer must match the color and material of the primary structure;**
- 2) **Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**

- 3) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 4) 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;
- 5) Any signage must comply with the sign code and be permitted through the Department of Planning and Urban Design;
- 6) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
- 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;
- 8) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and
- 9) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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 _____)

#3235

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 6863 State Avenue, in Kansas City, Kansas, by changing the same from its present zoning of C-1 Limited Business District to CP-3 Planned Commercial 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 August 28, 2020, by the owners of property to have the zoning of said property changed from its present zoning of C-1 Limited Business District to CP-3 Planned Commercial 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:

Beginning 55.04 feet South and 1356 feet West of the Northeast corner of the Northwest corner of Section 10, Township 11, Range 24 being the Point of Beginning; thence South 175.16 feet, thence West 164 feet, thence North 175 feet, thence East 164 feet to the Point of Beginning. Containing 28,579 square feet or 0.656 Acres, more or less, Located at approximately 6863 State Avenue, Kansas City, Kansas.

be changed from its present zoning of C-1 Limited Business District to CP-3 Planned Commercial District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-467, 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 CP-3 Planned Commercial 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

(First published _____)

COZ-0004

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 1879 Village West Parkway, in Kansas City, Kansas, by changing the same from its present zoning of CP-2 Planned General Business District to RP-6 Planned High Rise Apartment 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 November 30, 2020 by the owners of property to have the zoning of said property changed from its present zoning of CP-2 Planned General Business District to RP-6 Planned High Rise Apartment 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:

LOT 33, THE LEGENDS AT VILLAGE WEST, FIFTH PLAT A
SUBDIVISION OF LAND LYING IN SECTION 2, TOWNSHIP II SOUTH,
RANGE 23 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN THE CITY
OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS. CONTAINING
2.45 ACRES (106,828 SQUARE FEET), MORE OR LESS. Located at
approximately 1879 Village West Parkway, Kansas City, Kansas,

be changed from its present zoning of CP-2 Planned General Business District to RP-6 Planned High Rise Apartment District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-461, 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 RP-6 Planned High Rise Apartment 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

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

**PLANNING & ZONING AND
REGULAR SESSION
JANUARY 28, 2021**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, January 28, 2021, with ten members present via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. Townsend, Commissioner First District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Emerick Cross and Bridgette Cobbins, Assistant County Administrator; Misty Brown, Acting Chief Counsel; Brett Deichler, Interim Unified Government Clerk; Gunnar Hand, Director of Planning and Urban Design; Janet Parker, Administrative Assistant; Alley Porter, Commission Liaison; and Rocki Mayes, Program Supervisor in County Administrator's Office.

Mayor Alvey said before I call the meeting to order, I want to announce that due to COVID-19, some commissioners, staff, and public are attending remotely via Zoom 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.

Due to COVID-19 requirements, the public is allowed to participate by Zoom or submit comments by email prior to the meeting and those comments will be included in the record of the meeting.

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

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

Mayor Alvey said the invocation is being given by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ.

Mayor Alvey asked the Clerk, are there any revisions to tonight's agenda? **Brett Deichler, Interim Unified Government Clerk**, said there are not.

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

PLANNING AND ZONING CONSENT AGENDA

Mr. Deichler read the statement, required by law, governing the Planning and Zoning portion of the meeting.

Mr. Deichler asked if any member of the Commission wished to disclose any contact with proponents or opponents on any items on the agenda. **Commissioner Philbrook** said COZ2210 for and against and the Change of Zone Application 3243 and the Master Plan Amendment MP2020.8, both of those for and against. **Commissioner Kane** said COZ3243, MP2028, and PR2020-34, and I want to pull that one when we get the opportunity. **Commissioner Markley** said all of the same three listed by Commissioner Kane. **Commissioner Bynum** said PR2020-34 opponents and proponents and on Non-Consent, Item A, the change of zone, and B, the master plan amendment, proponents, and opponents. **Commissioner McKiernan** said on Non-Consent VIIIA and VIIIB proponents and opponents. That's Change of Zone 3243 and Master Plan Amendment MP2020-8. **Commissioner Walters** said exactly the same as Commissioner McKiernan. **Commissioner Burroughs** said 3243 and 2020-8 and 2020-34. **Mayor Alvey** said I report Change of Zone 3243 and Master Plan Amendment 2020-8. **Commissioner Johnson** said let's make it a full house, the same 3243 and MP2020-8. **Mayor Alvey** said I should clarify. I was contacted by opponents of 3243 and Master Plan 2020-8. **Commissioner Johnson** said likewise. **Commissioner Ramirez** said opponents of MP2020-8.

Mr. Deichler read the items on the Planning and Zoning Consent Agenda.

Mayor Alvey asked, does any member of the Commission, the County Administrator, or public wish to set-aside any item on the Planning and Zoning Consent Agenda? If an item is not set-aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission. **Commissioner Kane** said, Mayor, PR2020-34, please.

Commissioner Burroughs asked, Mayor, will we have a chance to discuss the 3243 and 2020-8? **Mayor Alvey** said only if you take it off the Consent Agenda. **Commissioner Burroughs** said I would ask that those be pulled, please. **Mayor Alvey** said all right. Give me those numbers again. **Doug Bach, County Administrator**, said Mayor, I believe those are the Non-Consent. **Mayor Alvey** said I'm sorry. **Commissioner Burroughs** said thank you for that clarification. I was trying to catch up with my notes.

Mayor Alvey asked are there any others?

Action: **Commissioner McKiernan made a motion to approve all other items as submitted.**

Mayor Alvey asked, was there any request from the public to set-aside an item. **Ms. Godsil** said we do have three hands up. We will call upon them to ask if they have set-aside items. **Mayor Alvey** said Korb Maxwell. Please state your name and city of residency. **Korb Maxwell, Polsinelli Law Firm**, appearing on behalf of Scannell Properties. We would ask that PR202034, that I believe Commissioner Kane has already called upon. Before this, we'd ask for that to be remanded to the Planning Commission.

Mayor Alvey asked, Gunnar, would you explain to me what would be the action then if we would—does that go back on the Consent Agenda or do we have to bring that back to public comment? **Gunnar Hand, Director of Planning and Urban Design**, said no. We have to pull it off Consent and then determine if we remand it. I think the applicant is just asking that they understand that there're some issues that they'd like to work through at Planning Commission. **Mayor Alvey** said, so we would go through normal process and ask for public comment. Correct? Thank you.

Mayor Alvey said I see someone; Grindel. **Mary Jean Grindel, 3419 Gibbs Rd.,** said I am here to say a little bit along with Rusty Quick, a resident who lives right there by the proposed apartment site, and also my husband Dennis Grindel. **Mayor Alvey** said, Mary Jane, we just need to know, do you have anything to pull from the Consent Agenda? **Ms. Grindel** said yes, #3243 under the Change of Zone Application, and Master Plan 2020-8. **Mayor Alvey** said thank you.

Mayor Alvey asked, are there any others? (There were none.)

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

Mayor Alvey said I just need to be clear. 3243 is already on the Non-Consent Agenda so, that’s going to be discussed. Mary Jane and Rusty, it’s going to be discussed separately anyway.

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 21643...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, submitted by Gunnar Hand, Director of Planning and Urban Design. 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 addresses, 3410 and 3412, and separate gas utility units. The second gas unit was installed in December of 2006. The property has two parking spaces available in the driveway and a garage that fits two cars. The property meets the required parking. 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.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Change of Zone Application COZ-002, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Kane, Markley, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Walters.

ITEM NO. 2 – 21644...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, submitted by Gunnar Hand, Director of Planning and Urban Design. The applicant has submitted a preliminary plat for two 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. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application COZ-0003, subject to:

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.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Change of Zone Application COZ-003, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Kane, Markley, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Walters.

ITEM NO. 3 – 21645...CHANGE OF ZONE APPLICATION 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

and

ITEM NO. 1 – 21651...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 and

ITEM NO. 1 – 21653...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, submitted by Gunnar Hand, Director of Planning and Urban Design. 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 stories of parking and five stories of residential space.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Change of Zone Application COZ-0004, Master Plan Amendment MPL2020-014, and Plan Review Application PR2020-33, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Kane, Markley, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Walters.

ITEM NO. 4 – 21646...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, submitted by Gunnar Hand, Director of Planning and Urban Design. 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. 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.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Change of Zone Application COZ-0005, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Kane, Markley, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Walters.

ITEM NO. 5 – 21647...CHANGE OF ZONE APPLICATION 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
and

ITEM NO. 2 – 21648...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, submitted by Gunnar Hand, Director of Planning and Urban Design. 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. 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.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Change of Zone Application COZ-0010 and Master Plan Amendment MPL2020-015, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Kane, Markley, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Walters.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 21642...SPECIAL USE PERMIT 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, submitted by Gunnar Hand, Director of Planning and Urban Design. 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 times in the years of 2014, 2016, and 2018. 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 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 year from the publication of the associated Ordinance. Within one 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.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit SU20-00092 for one year, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 2 – 21649...SPECIAL USE PERMIT APPLICATION SU20-00095 - BETH LEON

Synopsis: Special use permit to keep three goats at 7640 Tauromee Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit SU20-00095, subject to:

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

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit SU20-00095 for two years, subject to the stipulations.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Walters.

ITEM NO. 3 – 21650...SPECIAL USE PERMIT APPLICATION SU20-00096 - BLAIR THEDINGER

Synopsis: Special use permit to keep two goats at 411 and 415 Stine Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design. This case is being heard in conjunction with #BOZA 2020-0046 for an accessory structure without a primary structure. 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;

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

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit SU20-00096 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Kane, Markley, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Walters.

ITEM NO. 4 – 21654...SPECIAL USE PERMIT APPLICATION 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 Hand, Director of Planning and Urban Design. 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. 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 security outside no more allowed in their car in the parking lot over two 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 are one security personnel at the door, one controlling the flow of people and 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 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;
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 years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit SU20-00098 for five years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Kane, Markley, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Walters.

MASTER PLAN AMENDMENT APPLICATION

ITEM NO. 1 – 21651...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, submitted by Gunnar Hand, Director of Planning and Urban Design

Action: This item was previously heard with Change of Zone Petition #COZ-0004 and Plan Review Application #PR2020-33.

ITEM NO. 2 – 21648...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, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: This item was previously heard with Change of Zone Petition #COZ-0010.

PLAN REVIEW APPLICATION

ITEM NO. 1 – 21653...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, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: This item was previously heard with Change of Zone Petition #COZ-0004 and Master Plan Amendment Application #MPL2020-014.

ITEM NO. 2 – 21655...PLAN REVIEW APPLICATION 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 Hand, Director of Planning and Urban Design. The applicant applied for an amended preliminary development plan and preliminary plat for six 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 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 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-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-foot trail surface will be decomposed limestone which will cause less disturbance to the existing tree line;

4. A five-foot sidewalk is required to be constructed along 99th Street and a ten-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 plan. Provide an updated photometric plan;
8. There are two 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 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 per 10,000 square feet of site area. Six-foot-high architectural screening in combination with a buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every 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-inch caliper when planted. All ornamental trees shall be at least two-inch caliper when planted. All evergreens shall be at least six feet when planted. All shrubs shall be five gallons when planted;

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.

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

17. BPU transformer pad shall be completely screened on three sides with 6-foot junipers setback feet from the pad and ten feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
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 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-foot open fence, in the front yard, so a variance is required if the proposed fence is taller than four feet or is solid or opaque; 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.

Case	
PR2020-34	
Petitioner	Address
Scannell Properties #459, LLC	9700 Leavenworth Road
Synopsis	
Scannell Properties #459, LLC wants to amend the preliminary development plan to build six (6) distribution and warehouse buildings totaling 3,392,985 square feet and multiple commercial retail buildings totaling 49,290 square feet on 431.75 acres. 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 City Planning Commission approved Plat2020-003 on 1/11/2021.	
Introduction County Context Local Context Exhibits Recommendation Summary Department of Planning + Urban Design United Government of Wyandotte County • Kansas City, Kansas	

Gunnar Hand, Director of Planning and Urban Design, said this is the preliminary development plan for the Woodlands Redevelopment Project, which was approved last fall. The applicant has submitted an amendment to that application for three primary reasons. One, it's going from a total of five buildings to now six buildings. They have increased their square footage and they've also augmented one of their access points. There was a former access. There's currently an improved access on 99th Street closer to Leavenworth Road that currently only accesses the retail node. They are proposing to extend that to connect to the entire distribution center site.

There's a little bit of confusion about this one just in how the Planning Commission moved their recommendation. So, the Planning Commission's recommendation is for approval, but the motion they made was to approve it with the existing access on 99th Street. So, they agreed with the increase in buildings, the increase in square footage, but not the change to the access. So, that's the motion before the Board of Commissioners today.

I believe the applicant would like to have it remanded back down to Planning Commission to address the access issue only. But just as a sort of quick reminder also, as part of this preliminary development plan amendment, we worked with the applicant to add additional conditions of approval that were on top of the ones that are related to the change of zone. The original change of zone property that address some of the issues we have encountered during the construction process. So, I think its important for those to be noted here today.

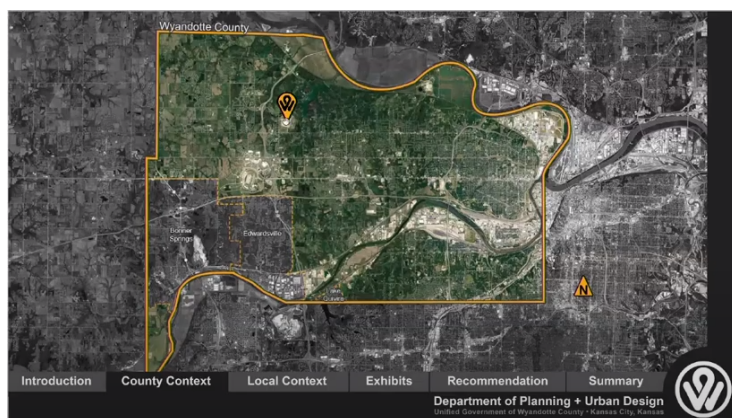
With that, we still recommend approval, but we believe that we can address any issues and potentially come up with a design solution for the Planning Commission as we think that addresses community concerns.

Mayor Alvey said, Gunnar, if you would, just state specifically what would be voted on. They're asking for the increase in space, but they're asking for the question regarding the change in access, additional access to be remanded back to the Planning and Zoning. **Mr. Hand** said that is correct. A motion to, just to kind of go over the different decisions, the Board of Commissioners could approve the project, approve as recommended by the Planning Commission, which would mean the access would stay the same on 99th, as was approved last fall, although it would change, again, some of the square footage inside the distribution center.

You could deny the recommendation and overturn it, or you could send it back to Planning Commission and request to change 99th related to the access. **Mayor Alvey** said okay. All right.

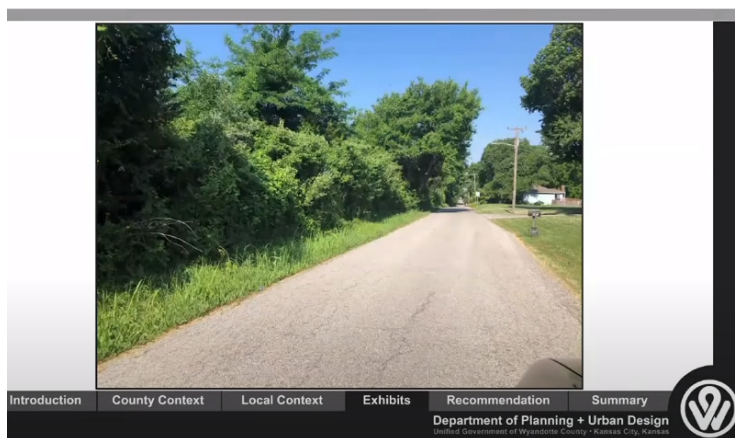
Mayor Alvey said I'd ask the applicant to present his application. Please state your name and address for the record.

Korb Maxwell, Polsinelli Law Firm, 900 W. 48th St., KCMO, said I'm appearing today on behalf of Scannell Properties. I would agree with everything that Gunnar said. The Planning Director said we are asking for this to be remanded down to the Planning Commission. This was taken up very late at night on the Planning Commission after a very long agenda. I think there was a little confusion at the end.

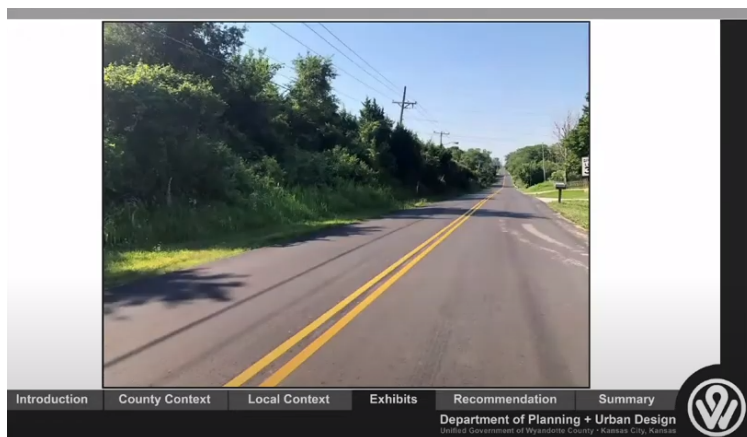




We would like to work with staff and the Planning Commission regarding the issues of access.

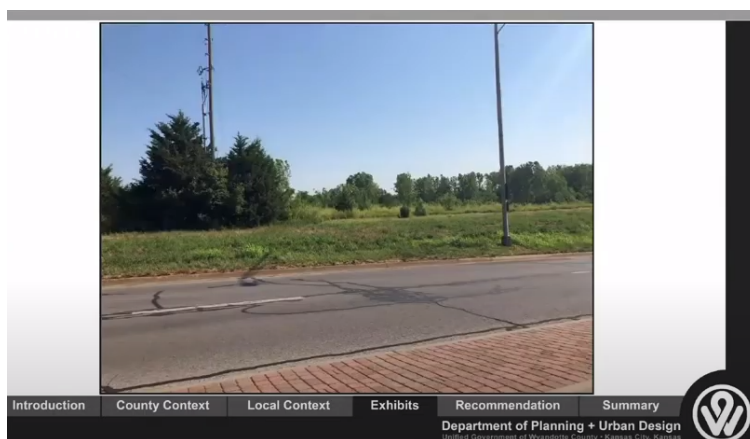
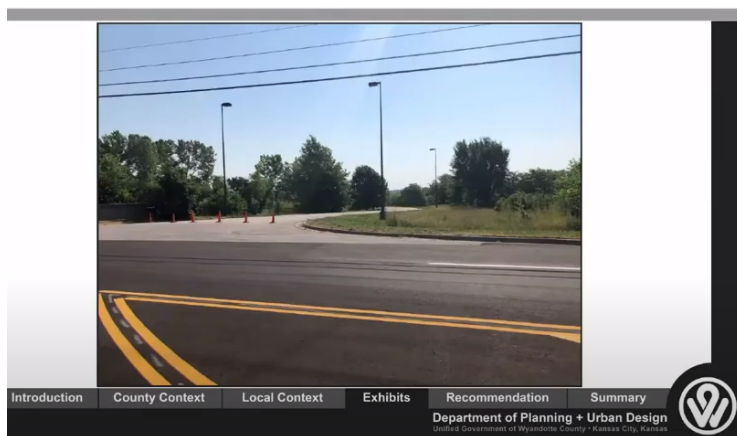


We do not think on that access issue this is right for a decision by the Board of Commissioners at this time.

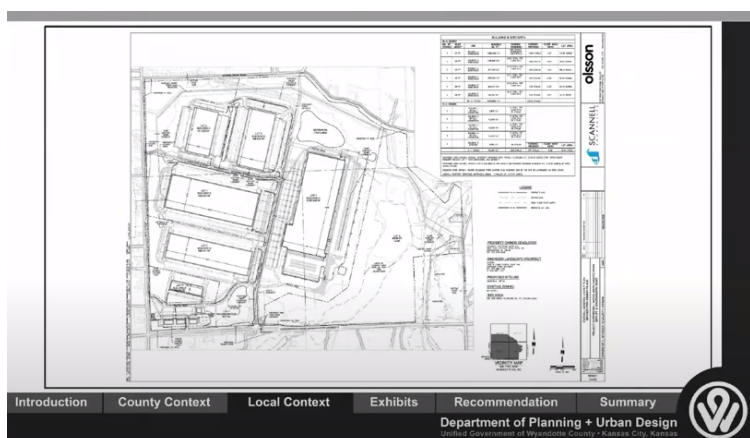


We would very much like to work with the Planning staff and the Planning commissioners on a design solution for access issues on 99th.

January 28, 2021



We think we can address a lot of the concerns that were heard at the Planning Commission and we can make sure this is the best application for this Woodlands site.



We can make sure that we create a great employment center here but that it's also very, very respectful of the neighbors' concerns that have been brought up in this process.

January 28, 2021

So, we would ask for the members of the Commission to remand this back down to the Planning Commission so we can work harder on it and bring up an application that we will believe will be ready for approval by this Board of Commissioners.

I'd stand for any questions, Mayor, or members of the Commission, and appreciate your time and attention to this and ask to remand.

Commissioner Kane asked, can I speak? Can somebody show 99th St., please, where the houses are going to set? **Mayor Alvey** said, Commissioner Kane, just me just follow the process. We'll ask for public comment and then there'll be plenty of opportunity for Commission. **Commissioner Kane** said okay.

Mayor Alvey said I will now open the public hearing. Has the Clerk received any notification from the public who wish to express their comments in favor of this item? **Mr. Deichler** said, Mayor, the Clerk has not received any. **Mayor Alvey** asked, is there anyone from the public present tonight who would like to speak in favor of this? If so, please raise your hand to be acknowledged. **Ms. Godsil** said there are no hands raised, Mayor.

Mayor Alvey said I'd ask the Clerk, have you received any notification from the public who wish to express their comments in opposition? **Mr. Deichler** said, Mayor, the Clerk's Office has not received any opposition. **Mayor Alvey** asked, is there anyone present from the public who would like to speak in opposition?

Karen Lauber said I am interested to see what Polsinelli and Scannell come back with for a revision. But, as this was presented at the last meeting, this is a pretty big change compared to what was approved in the fall. The original plan only had a 99th St. access to the retail node only, as Gunnar brought up. What was presented was a through access through the entire project which the two-lane road at 99th St., and I am at 3120 N. 99th. I am the second house from the corner.

All of the neighbors were very concerned about people coming up and down 99th St. and the amount of congestion and traffic and the road just not being able to take that. I think we were resolved that having that just come into the retail piece would be one thing but having 24/7

employees coming in and out of this development through the entire project on 99th St. was not something that the neighborhood bought into nor was what was approved in the original plan.

Mayor Alvey asked, are there any other public comments? **Ms. Godsil** said I see no other hands raised.

Mayor Alvey asked, would the petitioner have any closing comments before I bring it to the Commission? **Mr. Maxwell** said, Mr. Mayor, we do not think this is right at this time and would like to go back down to the Planning Commission to work it further with your Planning staff.

Mayor Alvey asked, members of the Commission, questions or comments? **Commissioner Kane** asked, on the very first page of today, it shows the neighborhood across the street. Can we pull that up, please? Can you show on your screen where 99, there you go, and then go back a little bit? Right there. You've got the entrance. Come up to where their entrance is at. You've got your entrance and exit right there. Then I want you to go a little bit north. Right there. Stop.

There are four buses that go down there every day, three times a day: AM, noon, PM and pick up a total of 50 students just in that little bitty section right there. Now, you all know I worked in safety for 21 years. They're picking up little kids. What we told the neighbors was that that would not be an access. They would not be allowed to go down there. The next thing you know, I mean, and a hundred people didn't want it, 20 people wanted it and they said this is the way it's going to be. Don't worry about it. So, they get the first project. Life's good. They come back and say, you know what, we don't like that. We're going to change it to the way we want it. I don't care if he takes it back or not, this is a serious safety issue for our kids. The road is not designed to have—how many people, Korb, how many people are going to be employed there total?

Mr. Maxwell said there will be hundreds of people that will be employed in this with three million square feet; hundreds to thousands of people that will be employed in this. So, it will be a major employment center for the county. **Commissioner Kane** said right. He just said a thousand, thousands of people. General Motors is designed. There're no kids down there when they get out of school. Fiberglass, none of the places down in Fairfax. That's why I didn't want the industrial park there in the first place. The concern is, all right, they're going to come back again. And then

they're going to build another building. Then, they're going to come back again. We need to set the guidelines for these folks to say, here's what's approved. You need to live by it.

It would be in my mind extremely hard to make 99th St. safe for that many buses, that many kids, and that much traffic running down there. He just said it, thousands of employees. So, these are things to consider, not just today, but when this comes back because it looks like—and I'm going to tell you exactly what the neighbors told me, like a bait and switch. I want everyone to think about this as he takes it back. And when it comes back to us, I want you to think about it again. That's my comment.

Mr. Maxwell said, Commissioner, I fully appreciate those comments. We understand that we have a burden to carry with you and the rest of the Commission. We would just like at this time not to get into all of those points. I don't think we're prepared for them, but I do think we can be prepared for them to present to this Commission, to present to your Planning staff, you, the Mayor, and all, what our design solutions are. How it can work. How we can make it safe. We understand that's a burden we have to carry as the applicant. We'd just like to go back down and be able to work on it with the planners and the Planning Commission a little bit more to try to prove that burden. I understand that it's a high burden for you and those neighbors, but we ask for the chance to be able to do it.

Commissioner Kane said so the Commission knows, it's a little more than 60 yards on that opening. That's pretty damn close. That's my comment, Mayor.

Commissioner Ramirez said I believe my comment is moot at this point. It was more a question on process. I am still learning the process, but for future Planning and Zoning meetings that we have, this might be a question either for you, Mayor, or for our counsel. If an applicant is wanting to remand their application back to Planning and Zoning, are we still required to go through the public hearing process?

Mr. Hand asked, do you mean like tonight? **Commissioner Ramirez** said you could say for tonight or let's say for in the future, another applicant wants their application remanded back and we know they want it remanded back to get it fixed. Does it still need to go through the public hearing process because they're going to come back again with a revised application? I'm just wanting a clarification.

Mr. Hand said I think I understand your question. As a way of using this project as an example, if the Commission decides to remand it back to the Planning Commission, we have to re-notice it so that everybody within 200 feet knows that it's going to be heard again at the Planning Commission. As it was noted by the City Clerk at the onset of the meeting, anything that's remanded must be remanded back for a reason so that we focus on that reason alone. So, back at Planning Commission, if you say you want to remand this to discuss the access issue, all the other points that we've already had a public meeting on will not be heard again. So, we're not going to talk about the six buildings versus five or the increase in square footage.

There was a comment at the last Planning Commission about the trail to the north, all that stuff's already been discussed. We'll only just talk about this issue at Planning Commission and if and when the Planning Commission hears it and decides to send it back to the Board of Commissioners with whatever recommendation at that time, then you'll have another full hearing.

Commissioner Ramirez said thank you for the explanation because I was getting a little confused on process, so thank you very much.

Commissioner McKiernan said I just want to echo Commissioner Kane's concern. Mr. Maxwell, I understand. You really do want to take this back and I appreciate the fact that you want to take this back to Planning Commission and work through these issues. But I just want to echo what Commissioner Kane just said because what I heard way back when we approved this was that the biggest concerns I heard were the spillover potentially negative effects outside of the boundary of this development on those neighbors who live around it. I thought we were pretty clear that we were going to do our best to minimize those spillover negative effects. There'd be a berm on the west side. There'd be limited access. We'd leave the access up at K-5, which is Leavenworth Road, which is already a state highway and heavily traveled.

I am concerned that after hearing all of that, we're back here saying, you know what let's do, let's change the access. So, I appreciate the fact that you're going to take this back to Planning Commission and I certainly hope to have a modified request that respects the fact that we pretty much promised we'd minimize the spillover effects to the best of our ability. So, thank you.

Commissioner Bynum said I would concur with Commissioner Kane and McKiernan. That's a serious concern.

Action: Commissioner Bynum said I’m willing to make a motion to send the item back to Planning and Zoning for the purpose of discussing the 99th St. entrance and exit to the project, if that’s the appropriate motion. Commissioner Philbrook seconded the motion. Roll call was taken on the motion and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

MISCELLANEOUS - ORDINANCES (Final action on previously approved items)

ITEM NO. 1 – 21658...ORDINANCE

Synopsis: 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.

Action: **ORDINANCE NO. O-20-21**, “An ordinance authorizing a special use permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, as set forth in #SP-2020-59 for continuation of a salvage yard at 1124 Pawnee Avenue.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Walters.

ITEM NO. 2 – 21657...ORDINANCE

Synopsis: 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 Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-21-21**, “An ordinance authorizing a special use permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, as set forth in #SP-2020-95 for receiving of inventory at the dock, storage within the building

interior and shipping at 1223 Meadowlark Lane.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Walters.

ITEM NO. 3 – 21656...ORDINANCE

Synopsis: 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 Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-22-21**, “An ordinance authorizing a special use permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, as set forth in #SP-2020-96 for continuance of tractor trailer truck parking at the American Motel, 7949 Splitlog Avenue.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Walters.

ITEM NO. 4 – 21659...ORDINANCE

Synopsis: An ordinance authorizing a special use permit (#SP-2020-72) to operate a microbrewery at 13400 Donahoo Road, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-23-21**, “An ordinance authorizing a special use permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, as set forth in #SP-2020-72 to operate a microbrewery at 13400 Donahoo Road.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Walters.

ITEM NO. 5 – 21660...ORDINANCE

Synopsis: An ordinance authorizing a special use permit (#SP-2020-73) for an event space with live entertainment at 13400 Donahoo Road, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-24-21**, “An ordinance authorizing a special use permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, as set forth in #SP-2020-73 for an event space with live entertainment at 13400 Donahoo Road.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Walters.

ITEM NO. 6 – 216601...ORDINANCE

Synopsis: 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 Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-25-21**, “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 District to MP-3 Planned Heavy Industrial District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Walters.

PLANNING AND ZONING NON-CONSENT AGENDA**VACATION APPLICATION****ITEM NO. 1 – 20647...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
and

MASTER PLAN AMENDMENT ITEM NO. 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 Hand, Director of Planning and Urban Design. 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 View Apartments plat. The multi-family development will consist of five multi-family structures containing 10 one-bedroom units and 31 two-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.

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).

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:

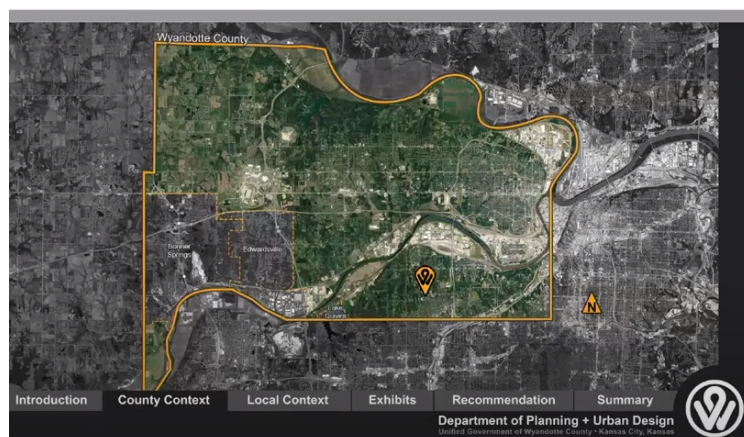
1. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition 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;

January 28, 2021

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 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 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.

Case	
COZ-3243 & MP-2020-8	
Petitioner	Address
William Buck	5115 and 5125 Gibbs Road
Synopsis	
The applicant, William Buck with BHC Rhodes, 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 also 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 project includes a multi-family development consisting 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.	
Introduction County Context Local Context Exhibits Recommendation Summary Department of Planning + Urban Design United Government of Wyandotte County - Kansas City, Kansas	

Gunnar Hand, Director of Planning and Urban Design, these two cases will be heard simultaneously. They will need a vote, an independent vote for each action. This is for a 40-unit apartment complex, again, on 5115, 5125 Gibbs Road.



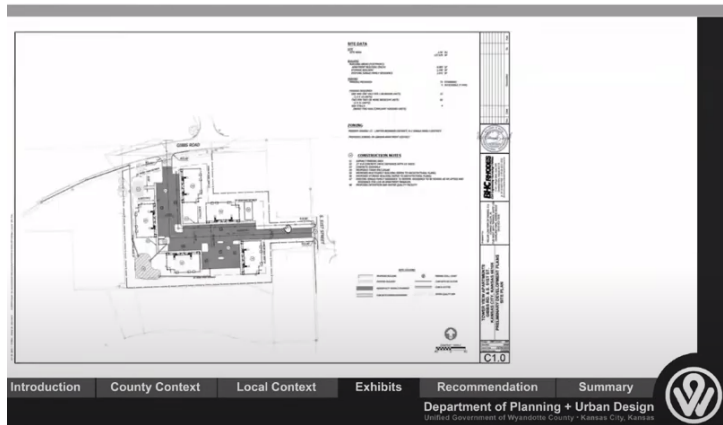
It's also a conversion of an existing single-family home along Gibbs Road into the office for the complex.

There are two amenities that are required of a development of this size. If and when it moves to final development plan, we were going to work through what those amenities specifically are and where they are with the applicant.

Part of our conditions of approval included the amendment of a sidewalk along Gibbs Road as well as providing evidence that they have been working with the Land Bank.



This is the existing single-family home that will be converted as the office.



You can see the project here.

As currently reported, part of life safety requirements for a project like this is to have two entrances and exits for essentially fire trucks and emergency services. They're in negotiations with the Land Bank to acquire rights of this property to provide their—to get that second access off of South 51st Street.



In between the Planning Commission and the Board of Commissioners, the applicant sent us some additional materials to clarify some of the look and feel of the development, which were part of the comments that were obtained during the Planning Commission hearing.

For this property, there have been no notices of violation. There was limited support, but predominately opposition to this project at Planning Commission and what we've received since that time. Staff recommends approval of both.

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

Michael Mikris, BHC Rhodes, 7101 College Blvd., Suite 400, Overland Park, KS, said along with Conrad Miller, who is the attorney and landowner. I do have a brief slide deck to share.



I'll go ahead and get started to give an overview of some of the design, engineering, and land use to compliment the staff report.

EXISTING SITE

Starting with the existing site, as Gunnar had described, there are three properties that kind of tie together to make our development. The first and the largest property being the C-1 Commercial site. That was the location of a former bowling alley that burned down in the mid-2000s. And the neighboring R-1 Residential property, along with a small piece of Land Bank property to make that secondary access work.

A quick zoning overview. East of our project site and along Gibbs Road, there are a number of commercial uses and are existing. One of our existing parcels is a C-1 Limited Business District site. We're looking to downzone that parcel and combine it with the R-1 to create our R-4 District that would allow us to create a low-density multi-family development, which would consist of 5 multi-family structures, each with 8 units to give us 40 multi-family units, and then the one single-family home that will be retained on the project site with that access to South 51st Street and Gibbs Road.

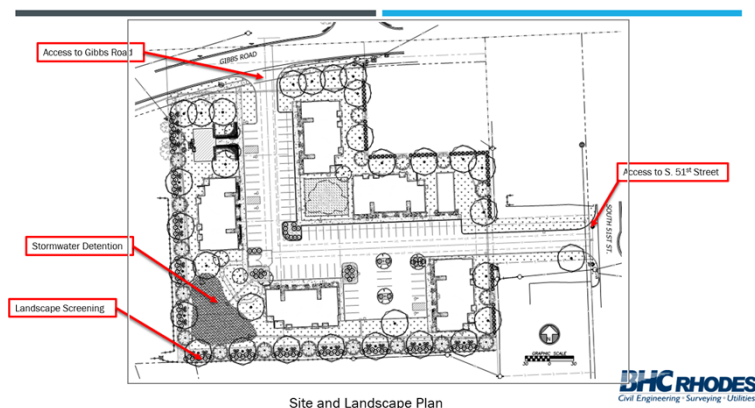


Going ahead and doing kind of a quick overview of the architectural feel of the new structures Gunnar had already shared. These are our front elevations and rear elevations. We'll have a combination of brick and painted or excuse me, colored siding for the project.

January 28, 2021



Just showing some side elevations quickly as well.



A quick overview of the site design. We are, as I mentioned, we'll have two locations of access on South 51st Street and Gibbs Road. Then we will have our five 8-unit multi-family structures. The residential property will be retained to use as an office space and live-in residence for the property manager, and then we'll have an accessory, small accessory structure that will be matched to the architecture of the buildings to allow for some additional storage space that could be rented out by residents.

On the amenities side, we will plan for a small playground area in the center of the property and a dog walk at the southwest of the property near the detention pond. We'll continue to work these items out with staff as we get further along into the planning process.

Now, Gunnar did mention the request to have a sidewalk along Gibbs Road. We are agreeable to that and have it shown and have updated the plan since the Planning Commission.

I want to touch on some of the landscape screening of the project. To have an enhanced buffer between the neighboring properties, we are planning to have a substantial amount of

plantings that will be above code requirements to give us that landscape buffer between our development and our neighboring properties.

TRAFFIC AND STORMWATER MANAGEMENT

Traffic

- Previous 15,000 sqft Bowling Alley: 17 PM Peak Trips (No Data Available for Trips Per Day)
- Proposed Multi-Family Development: 22 Total PM Peak Trips (293 Trips Per Day)
- Alternate Development – 8,000 sqft Restaurant: 78 PM Peak Trips (897 Trips Per Day)
- Alternate Development – 10,000 sqft Variety Store (i.e. Dollar General): 68 PM Peak Trips (635 Trips Per Day)

Stormwater Management

- Existing Condition – No Detention – Sheet Flows to the west and southern neighbors' properties
- Proposed Development – Detention Added – ~87% reduction in discharge to neighbors' properties

Now, speaking to some of the engineering items of our proposed case. First, on traffic. The project is at the location of a previous bowling alley. It's about 15,000 square feet. Using the Institute of Transportation Engineers' traffic data, in the PM peak hour, that project would create roughly 17 peak hour trips. We don't have too much data available on bowling alleys as they've kind of been phased out over the past couple of decades.

But on a proposed multi-family, we'd have a slight PM peak hour trip to 22 total trips and 293 trips per day. BHC Rhodes has been working with Mr. Miller considering a number of development schemes for this project. As we mentioned, we're looking to take that C-1 Limited District parcel and downzone it to the R-4 for this multi-family development and remove certain opportunities that exist today for development for potentially higher generating traffic usages.

Something like an 8,000 square foot restaurant could generate 78 PM peak hour trips or 897 trips per day, or a 10,000 square foot variety store, something in the nature of a Dollar General, could create 68 PM peak hour trips or 65 trips per day. That's usages typically allowed in a C-1 District. We're looking to change that zoning so we'd eliminate higher traffic generating uses and take it down to a multi-family use.

Another comment I wanted to mention. At the Planning Commission meeting, we had a number of residents speak to folks speeding around the curve on Gibbs Road. With our development and proximity to that curb, we don't see our trips entering and exiting the site adding to that problem as folks entering the site would be slowing down as they make the turn into the site or accelerating as they leave and not speeding through that curve. That was just an item that was of multiple folks brought up at our Planning Commission.

The next engineering item I wanted to speak to is stormwater management. In our existing condition, the C-1 site has a heavy amount of impervious area but was constructed without detention. As such, water and stormwater are sheet flowing to the west and southern neighboring properties. With our proposal, we are looking to—or will add detention in conformance with present UG requirements. That detention, once water is retained in it, it will be piped to the city's public storm sewer system. That's going to result in an 87, roughly 87% reduction in that direct discharge to neighboring properties and help alleviate some of that problem that exists today.

With that, I want to hand it over to Mr. Miller who will speak to some of the ownership and management facts of our project.

OWNERSHIP AND MANAGEMENT

- Owners are all in the Kansas City area and are experienced landlords
- Strict screening of tenants for previous rental activity and financial responsibility
- There will be an onsite manager who will live at the property
- Will have Rules of Conduct that will be strictly enforced
 - Including noise controls, limitations on recreational activities on the property and assigned parking
- Security cameras at the property
- Security fencing around perimeter of property to prevent access to neighbor's property.

Conrad Miller said I just wanted to tell the Commission that we did have a meeting back in November with the neighbors. We had a couple of people that came to that. We listened to their concerns. Took those, turned concerns into account and that's why we've upgraded the landscaping and made sure that the stormwater detention was directed away from the other neighbors to eliminate that from our neighbor directly to the west.

We also had several others along with the traffic and we had some privacy issues. Again, that was why we are planning to do the privacy fencing around to protect the neighbors from any intrusion from anybody coming onto their property from our property.

Specifically, with the ownership and management, everyone, anyone who's involved with this is in the Kansas City area. There is no outside ownership. While they have Conrad Miller as the owner on this, I think Mike put that on there to make me feel good or feel important, but there are several—there are a couple of people that are involved in this. I'm involved, but not in a majority.

We looked around. This place burned down in 2007. We looked around for years to find something to put there other than a vacant lot or something like a car dealership or parking or a

bar or Dollar General, something that would fit into and buffer the neighborhood. That's why we've come up with this. Again, we've looked for years and years and maintained the property and paid the taxes for 13 years. I think Mr. Chuckey (sp), who is the main person involved in this, he's a good manager. He has other rental properties so he's got experience.

There was some concern about crime being generated from the project. I think that most people will let you know that the way to prevent crime in an apartment complex is to have strict screening of your tenants to make sure that they're financially responsible and that they don't have poor rental histories. The worse thing that could happen is when you start just putting people into the project because they've got cash in their hand. So, that's one of the things that we took into consideration.

We left the house there because we wanted to have an on-site manager who lives at the property on a 24/7 basis so that anybody who has a problem with any one of the tenants, knows where they can go, that someone will be there. They live there. They're going to be part of the neighborhood. I don't think many 40-unit apartment complexes actually do that, but we thought it was important to make sure that the neighbors felt safe and could have somebody to actually go talk to. They all have my cell phone number so I'm available at any time.

The other thing that we talked about was the rules strictly enforced, you know, code of conduct. No activity outside. No basketball games in the, or any other kind of activities in areas that aren't assigned for that. Security cameras. We committed to putting the security cameras up to be monitored so that we know what's going on, on the premises and what's going on around the premises and do the security fencing, again, to protect anything from any overflow and to protect the privacy of our neighbors.

That's basically what my take is on it. It's very personal to me because it's been my family for 60 years. We did the bowling center. We were there for years. Would still be doing it even though Mike says they're disappearing. We would have been happy to keep that going but it just couldn't work out.

We think this is a nice development for the area. It's a downzoning from what we could put there. Again, we got the extra land to make it larger, not less intense use. So, the downzoning, the screening and buffering, it's a classic buffer zone from commercial uses that are all around there to residential uses. It's one of those things that you go to school and that's what you see. Here's a buffer zone. This is what you put there.

So, we think it's a nice development. We would just ask that you give us an approval of that. Let us work with staff and make sure that it's as good as it can be. That's what our goal is.

If there are any questions, I would take those after any kind of public comment.

Mayor Alvey said, Gunnar, would you please explain where we are on the protest petition. **Mr. Hand** said there is a valid protest petition so it will require nine votes to approve.

Mayor Alvey said I will now open the public hearing. First, I'll ask—I know there are folks in attendance. We will begin to recognize those and give you an opportunity to speak. Is there anyone here who would like to speak in favor of this proposal? Do we have anybody present who would like to speak in favor? Any hands raised? **Ms. Facio** said I see no hands raised. **Mayor Alvey** asked, have we received any comments in writing from the public in favor? **Mr. Deichler** said the Clerk's Office has not received any in favor, Mayor.

Public Opposition	Public Support
Staff has received emails from several neighbors and neighborhood groups in opposition to the development. Multiple people expressed opposition to the project at the 12/14/2020 City Planning Commission hearing.	Staff has received emails from one (1) neighbor in support of the development.
Staff Recommendation Approval	
Introduction County Context Local Context Exhibits Recommendation Summary	
Department of Planning + Urban Design Unified Government of Reynolds County • Kansas City, Kansas	

Mayor Alvey said I know we have people in opposition. We'll begin to recognize those folks. Who is handling that? The Clerk or Bridgette or Carol? **Mr. Deichler** said we will be handling the transition of the people who want to speak in opposition. There will be one email that needed to be read as well. It's a total of eight counting seven that want to actually speak and one read. **Mayor Alvey** said, would you please give directions to those who'd like to speak.

Ms. Godsil said as your name is called, we request that you state your name and your address for the record. You'll be given up to three minutes to state your comments. Should you go to the two-minute mark, the Clerk will tell you, you have one-minute remaining to summarize

your comments. At the three-minute mark, the Clerk will tell you that your time is up. At this time, the Clerk will read the first person to speak.

Mary Jean Grindel said first of all, I am the President of the Turner Community Connection. I'd like to first of all thank Conrad Miller for the letter that he sent to my husband and I on Monday. That letter, along with his presentation this evening, was very helpful. I would still have to say that I am opposed to the whole apartment idea. Specifically, I still need to know after our December 14th meeting, how many people will be allowed in the one-bedroom unit and the two-bedroom unit. We need occupancy limits there so that we don't have eight people crammed into a one-bedroom apartment.

I was very pleased to hear about the rigorous screening that's going to be done and also the code of conduct, the rules. I'm hoping that those rules will be gone over in person and not just given to the person on a piece of paper so that the tenant would understand completely.

I'm still wondering if there would be any chances given. For example, if a person is not able to make their rent for one month, are they given a second chance? How's that going to work? Then, also, as far as both paying their rent and breaking a rule, are there going to be second chances or how would that be handled? I still have that in the back of my mind.

I'm still wondering about maintenance and inspections on the complex also. I know at our last meeting, December 14th (Mr. Deichler said you have one-minute remaining) everyone spoke in opposition to it, but yet the vote passed. So, we didn't understand that either.

Mike, I yield the rest of my time. There are two other people here at this residence. One. Okay, just one other person. My husband will not speak, but Rusty Quick does want to speak also.

Mayor Alvey said, Mary Jean, you don't have to yield your time. Each person will have three minutes. **Ms. Grindel** said I'm done. Thank you.

Dennis Grindel's name was called to speak. **Ms. Grindel** said he is saying he will not speak. His questions were answered tonight.

Rusty Quick, 2437 South 53rd Lane, said I'm about three doors down from this project. I have some major concerns with this project. One of them is traffic. One of the main things in traffic, I

know they were talking about this and all the increase in the cars. But what they have not come up to saying is, where this project is going to be at is a keystone cop of intersections. There are like eight entrances and exists within a 200-foot perimeter of this property. You've got Key Lane that's in there. You've got Gibbs going north and south. You've got 51st Street, which does not line up at all. You've got three businesses that's got entrances and exists that go in and out of this, and you also got the Fire Department that goes in and out of all this. Now, you're going to put another 80 cars into this keystone cop of intersections.

Then, in this keystone cop of intersections, you want to put a sidewalk. Okay. But the sidewalk for this property, for this area, is on the opposite side of the street. So, anybody coming out of this complex is going to have to go through all this mess of intersections to get to the other side of the street where the sidewalks are. They're going to put a sidewalk in front. I see that on their plans, but that's a sidewalk to nowhere because the sidewalks of the city are on the opposite side of the street. How are people, children especially, going to get, like Mike Kane said on the last one up there on Leavenworth Road, to the other side safely without getting ran over because there's no place in this 200 feet where that complex is at to get a crosswalk to get to the other side of that street.

Another thing that I have, I have on a development was on the piece of property that they were talking about getting from the Land Bank, (Mr. Deichler said you have one-minute remaining.) that piece of property from the Land Bank. When I was doing the petition for that, I noticed that property is also on the same parcel as the Fire Department, this fire station. If you give that piece of parcel away to them to use, what is the future plan for the firehouse, even though it is scheduled to be closed? When that does get closed, what happens to that building afterwards or what does the city use that building for later? It really limits the use of the city's accessibility to that building for anything. If you want to put a Street Department complex in there or anything else because there's no parking there for anybody, any employees or there's no driveway other than the garage door that goes in there for the fire truck right now. You would lose all that accessibility in the future, whatever the city would want to use that piece of property for.

The other thing was the drainage on the property, I noticed on the grading (Mr. Deichler said your time is up.)

Mayor Alvey said I'd like to move that we grant an additional minute to Mr. Quick.

Mr. Quick said I was also noticing on the grading; they were grading all the property back toward this retention pond. You get a big flash flood type thing; you know storm sewers on the streets clog up. That retention pond is like 50 feet from people's houses that are behind them. If that would overflow, you're flooding people's houses back there, which is not a good thing. Why can't they put storm sewers in the parking lots and grade that to run to the storm sewer instead of grading everything to one spot? What do you with that?

Right now, we're in winter. Where do you push the snow to? You're going to push it out on Gibbs Road across the street on the sidewalk? You're going to push the snow. They've got very limited greenspace to do that. A four- or five-inch snow creates a lot of—you've got a lot of parking lot there that you're pushing that. Where's that going to go? Where you going to push it to? You've got no—if you put it in the parking spots, now you don't have parking for your tenants. Where are they going to park at?

So, these are my major concerns on this project. (Mr. Deichler said your time is up.)

Mayor Alvey said I failed to ask for a roll call on the extension in time. Are there other speakers?

Shandra Ward, 5124 Lakewood St., said that's here in Turner. I'm speaking on behalf of the Turner Communities Connection. We are the NBR for the Turner area and we are opposed to this development for the following reasons. We are opposed to the 40-unit apartment complex because it does not create long-term residency in Turner. We are concerned about property values for the neighboring homes that they will decrease with having an apartment complex right next to them.

We're also concerned about safety. As it's been mentioned, the increase in traffic for both foot and vehicles. Gibbs St. is kind of a blind street. It curves. So not so much the folks going in and out, but as people are coming around Gibbs, it's an accident waiting to happen. There are often times the police will sit down at the church parking lot. It's a speed trap. Like it was already mentioned, the numerous intersections that are over there, it is a safety concern that we see.

During the Planning and Zoning meeting that was back in December, it was mentioned repeatedly, and has been mentioned tonight, that this apartment complex would serve as a buffer for Turner. Nobody is asking for a buffer in Turner. What we want is long-term residency and houses for Turner.

It was also mentioned at that meeting in December, we had brought up the idea of single-family houses being built there as opposed to the 40-unit apartment complex. The answer that we were given was that homes don't sell in Turner for more than \$250,000. (Mr. Deichler said you have one-minute remaining.) I'm also a licensed realtor so I can tell you as of yesterday, in the MLS there were only eight homes for sell in Turner. Of those, only one was a three-bedroom, two bath house. In the last 180 days, ten homes in Turner sold for over \$250,000.

TCC is opposed to this development, but we fully support the development of housing for long-term residency in Turner. Thank you.

Sheri Johnson, 2531 South 53rd St., said I oppose this project for many reasons. I know Mr. Conrad said that he sent a letter out to a meeting to notify the neighbors. I know that I have lived here since 1986 and I did not receive a letter in November to tell us about this project.

Then, also, to go into some of the other things, speeding. Speeding s a huge, huge issue on South 53rd St. where it turns into Gibbs as well. People run the stoplight or stop sign at Oak Grove Road. I've called the police. They've sat and done speed traps. So, my thing is, I know that the developer and Mr. Conrad did a traffic study. I read that traffic study but it just said that it was going to have, I think, increased traffic. I would suggest that we—I actually called the County Engineer today to see if we could do some type of tube collecting of information to see what kind of car, what type of, what the volume of vehicles through here. They said that they couldn't probably do a speed limit sign but that would be awful helpful if they could do something like that just to be able to see the data about how many vehicles are actually going up and down 53rd Street and also what the speed limit is. I know those systems can collect the data. That would be very interesting.

Now, when I talked to the County Engineer, I talked to Devin Titbout. He said it was too cold to do the tubing collection now but he would have to wait until the spring (Mr. Deichler said you have one-minute remaining.) and that it would be 14 days. They do it from 47th St. to 55th St. down County Line or down Oak Grove Road to get a good view of what the traffic level is.

Then also, home values. I've lived here since 1986 and the home values, it's going to go down. I don't care what you say, that's what's going to happen.

I think that's all I have but I hope I've covered everything. Thanks for letting me talk.

Alex Craddock, 3009 South 53rd St., said I'm the secretary of the South Turner Neighborhood Association. I'm a member of the Turner Community Connection Board and I'm a retired Turner teacher.

I attended the previous Zoom meeting in December, but I was not made aware of a meeting in November. None of our South Turner Neighborhood officers were nor was the Turner Community Connection.

The property on Gibbs Road is part of our neighborhood boundary area; is in this area. Our South Turner Neighborhood Association was established in 1996 with Livable Neighborhoods Task Force. We have always encouraged home ownership over rental ownership. We have found in most cases ownership of one's property tends to lead to better care of the property. It is unfortunate that this proposal is not for single-family homeowner dwellings.

We also look at quality of life for our neighborhood over individual profit. We do not see a 40-apartment complex improving our quality of life in our neighborhood.

For these reasons, we of the South Turner Neighborhood Association and the Turner Community Connection strongly ask that the Board of Commissioners deny the request for the development of these apartments.

Also, I have a request from our Senator Pat Pettey. I don't know if she contacted you, but she wanted to speak (Mr. Deichler said you have one-minute remaining.) **A woman** said she's in her car. **Ms. Craddock** said our Senator Pat Pettey would like to also speak. She's on her phone in her car at this time if she could be recognized.

That's all, I just would ask that you take these things into consideration.

(Staff tried to make contact with Senator Pettey.)

Mayor Alvey asked, Clerk, is there anyone else before we call on Senator Pettey? **Mr. Deichler** said, Mayor, the only thing left would be the email from Karen Schibi. **Mayor Alvey** said, let's go ahead and then we can come back to Senator Pettey.

Mr. Deichler, Interim UG Clerk, read the following email from Karen Schibi.

I am opposed to the current plan for 40 apartments at this location unless they are senior living. The other option is single-family residential. The reasons are that I drive this area almost daily

coming from my home on 54th to my daughter on Key Lane and on down into Turner for many other reasons. I've driven this at all hours, and there is always traffic, no sidewalks, and there's an assumption based on the rent required to live there that we will have cars and have no need of buses, which are not available.

If I take my family into consideration my daughter, husband, and two teenage sons have 4 cars. That would be just one apartment. There simply isn't infrastructure there, in my opinion, to support apartments. I would go as far as saying it would be irresponsible to allow this as I am sincerely concerned for accidents or someone walking getting hit. We know the accidents and deaths at Shawnee Drive and that's two lanes with sidewalks and stoplights.

In addition, everyone downhill, for example, Key Lane will have more water runoff. More concrete, more water. They're all on septic with basically ditches that handle runoff. These ditches have filled and come up close to homes before. In addition, more traffic on that road may lead to even more accidents there. My daughter has twice had cars go off in her yard and thankfully the gas meter was moved closer to her home because one car almost hit it.

Finally, considering all of the development going off Douglas and 55th tells us, there is interest in new single-family homes in this area.

I know people are very disappointed in the lack of community communication from Mr. Buck who lives in Overland Park but said he lived in Turner for, I think he mentioned, several years. He said he sent letters but no one around the area received any. I think someone who lived in Turner would know we are a close-knit community. I personally would love to see Mr. Buck treating the community with respect and be open minded and considerate of our concerns. Thank you and Sincerely, Karen Schibi.

Mayor Alvey asked, is Senator Pettey available at this point? **Mr. Deichler** said, Mayor, I'm not sure why Senator Pettey is not responding. **Mayor Alvey** said I'm going to ask the petitioner if he has any closing comments, if we have no other remarks to add, we'll close the public hearing. Would the petitioner like to make any closing comments?

Mr. Miller said I would, Mayor. There were several questions that were brought up. I think the big issue is why aren't we putting single-family homes there. I think a lot of people say that/s what it should be. Unfortunately, this area, there's less than—to the commercial portion is less

than two acres. With the commercial property around it, trying to put single-family with the amount of infrastructure that has to be put in, you have to put in really small little houses or duplexes, which would probably turn out to be rentals which would just exacerbate the situation anyway. We've looked at single-family. We've looked at townhomes. We've looked at the senior living. We've looked at a lot of these options but the infrastructure, the amount that it's going to take, it just can't single family.

My comment in December was that if we sold single-family houses, we'd have to charge \$250,000 for the lot. That's before you put up a house. So, it's just a very tense usage to get that infrastructure in.

As far as the occupancy, I mean we will be community standard. I think that's probably 2 people per room so there's not going to be 8 people or 20 people in a room.

Maintenance and upkeep, that's always the issue and it's something that has to be done and it's something that has to be done by the manager. That's why the manager is on site and is living there.

Those are a couple of the issues we've had. The buffer zone, buffer, really, you're utilizing people, moving people into the area into these, into apartments in nice apartments in the area will enhance your single-family housing because when they graduate or where they going to locate? They're going to locate where they were. So, that's going to enhance the single-family properties in the area and the sell of those. So, I disagree that it's going to hurt the value. I'm not only a lawyer, but I'm a real estate broker, so I understand a lot about that. The transition from—everybody's not moving into a \$250,000 house. People start their families in apartments and then move to houses. They start in that area. So, we think the use is a less intense use it can be. Something's going to develop there. Land develops. Something will go there and we think this is the least intrusive use that's going to be made in the neighborhood. It gets a vacant lot back into being a productive part of the community. That's all I have.

If anybody has any questions, I'd be happy to answer any questions too.

Ms. Facio, said, Mayor, we have Senator Pettey on the phone. **Mayor Alvey** said I've closed the public hearing. I'd entertain a motion to reopen the public hearing.

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

Senator Pat Pettey, 5316 Lakewood St., said I’m sorry you had to reopen the public hearing. I actually listened to—I’ve been listening to the hearing the whole time and then *6 wouldn’t let me in. Although I want to commend Conrad Miller for the information they’ve provided, I would say that there’s a number of issues that do not work in favor of this project. One was referred to as low density. I think that all of us that live in that area would syllabus as high density for that area. Concerning the housing that’s already close at hand. When you add 40 apartment units, which was mentioned earlier, which on the average would be two cars per unit so now we’re talking about 80 cars that would then be there.

The second thing is that is a blind curve. Rusty Quick, who lives close by, mentioned it has multiple access into that one point which makes it pretty unyielding for anyone. Then you add a higher density of use.

The third thing I would mention is that I was disappointed to learn that the petitioner did not use the process that I understand was in place for contacting not only the neighbors but the neighborhood groups that are in the area. KCC, Turner Community Connection, is not a new NBR. It’s been in place for a very long time so there’s no reason why that information would not be available as well as established (Mr. Deichler said you have one-minute remaining.) neighborhood group. So, I would hope that in the future that any petitioner for any property has to have meetings with the neighborhood groups.

Lastly, there are 19 new homes that are going to be going up right by me that are in the process of being built right off of Douglas and 55th, as we refer to. So, there is a demand for quality single-family homes in Turner. So, I see that as a much higher use for this property. Thank you very much.

Mayor Alvey closed the public hearing.

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

Mr. Hand said there's a couple of things, yes. There are a couple of questions that I thought I could potentially help answer as well. **Mayor Alvey** said go ahead. **Mr. Hand** said some of these are squarely in the field of the applicant, but I just wanted to say a couple of things related to the sidewalks on Gibbs Road. I think staff's thought in terms of adding that sidewalk was this happens all over the UG. We sort of implement an incremental sidewalk expansion program. We did recognize that all of the sidewalks on the north side of Gibbs Road, we thought that we could begin an incremental sidewalk network for this little commercial node off Gibbs Road, starting with the multi-family, and then overtime, whatever that might be, kind of moving down the road a little bit.

As it relates to some of the comments about permanent residency in Turner, it was noted at the Planning Commission, and it's been noted on several other projects, some studies that have occurred that say that people who buy property outside of usually buy within a mile of where they previously rented a property. So, I think part of the comment that was—the conversation that was had by the Planning Commission was that this would, in fact, encourage and become a steppingstone for permanent residency within the neighborhood of Turner.

I'm not exactly sure what happened with the meeting notice for the neighborhood meeting. The applicant is required to notify all of the properties on the noticing list, which is everything within 200 feet, as well as the neighborhood groups. I'm not exactly sure why that didn't go to everybody. We do have proof that they sent out a notice. We also have, obviously, the minutes from that meeting. I will admit, will note, that meeting only had two people in attendance. So, that must have been an issue. I can't speak to that. But they are required to do that notice and if they wanted to reach out on that and confirm that they did send out all noticing requirements.

Then the other note that I would make is in our conversations with Planning Engineering and the County Engineer, again, the review of the traffic impact study and the project itself did not encumber any roadway expansion or improvements as it relates to this project. Although, I will say some of the things that have been noted today, if the Commission recommends approval and this does then move into final development plan, it sounds like there's a couple of things that we could address in terms of public improvements, whether they be additional signage and/or a crosswalk on Gibbs and then potentially redirecting some of the traffic within the site as well. So, I think that there's still room for improvement.

The other thing I just wanted to note, similar to the previous case that we heard, if for whatever reason the Board of Commissioners feels like this needs to be sent back down to the

Planning Commission, I will make the note that within the zoning code for master plan amendment projects, the Planning Director can require additional neighborhood meetings so, we could potentially send this back for redesign if you all felt that was a potential path forward.

With that, I'm happy to answer any questions.

Commissioner Markley said I have a comment and then I have sort of a process question. So, comment wise, I do want to make one clarification and it comes out of some emails that came to me that I think resulted from some of the dialogue around single family housing. So, I got a few emails that asked me to vote on single family housing tonight. So, I just want to make clear for those who might be watching sort of what the process is.

So, really the options on the table tonight are apartment zoning or staying with current zoning, which is commercial. The applicant did reference that a little bit in his presentation. But I just wanted to make that clear because I don't want to have disappointment on the backend, well, why didn't you vote for single family housing. That's how Planning works. We can tell people what they can't do on a piece of land. We can't force them to do what we'd like to do. Don't get me wrong, I'd love to have single family housing there, but that's just not something this Board has the power to do. So, the option on the table tonight is to change the zoning from Commercial to Apartment zoning or to leave the zoning as is, which would be commercial. So, just sort of my comment and clarification.

Then, I don't know if this is for Gunnar or for Legal. Ordinarily, in these planning situations, we make a motion to approve or deny the Planning Commission's action. Does that change because of this protest petition or would we still set out the motion in those same terms?

Misty Brown, Acting Chief Counsel, said I would say you'd still make the motion to either approve or deny, just understanding that to approve it would take nine and deny it would take eight.

Commissioner Markley said I will yield to any other comments and if there are none, I'm prepared to make a motion.

Commissioner Ramirez said I've read all the emails that all of the commissioners have received. I've read all the documents. This particular project reminds me of a project that came through my district just a couple of months ago where the developer was very adamant on wanting to build a

certain type but went against what the community wanted. My stance then is my stance now, any project that the community doesn't want or doesn't believe fits there, we need to go back and look at it. If the project was in the Mission Cliffs area, it didn't fit the context or the character of that neighborhood. This, from what I've heard, I'm going to go with the people who have lived in Turner for many years who believe that it doesn't fit—that this project doesn't fit the character of the neighborhood. So, I personally am going to not support this project. Thank you.

Commissioner Burroughs said I, too, have some concerns. I lived in that neighborhood for 15 years and raised my family in that area and have gotten to know a lot of the neighbors all the way through the Highland Crest area as well as the Turner area, Oak Grove Park there. I do remember going to Tower Lanes and remembering the vibrancy of that area at the time. But what we see now is a need. I appreciate Commissioner Markley bringing forward how we're supposed to vote on this this evening because I think it's extremely important.

The corner there needs so much more than just the apartments. People that have lived along that corridor have dealt with a number of accidents, a number of challenges and how the road has once been reconstructed to hopefully eliminate some of the accidents. What it did was increase the speed around the corner.

There is a tremendous amount of east and north, sorry, east and west driveways as well as roads that feed into 53rd Street. There's a major school right around the corner from this proposed project, right at the crest of the curve.

Mayor, the other aspect that I would bring into comment is the stormwater detention area. I can't disagree with the comment made by the resident. We so sorely need to address our storm water detention ponds. They become overgrown. They become a trash pit. We no longer need to continue to put those in residential areas. They need to be hooked to a sewer so that we can at least address proper development.

I'm going to stand with the residents on this and I appreciate the comments of my fellow commissioners. I'll relinquish my time to Commissioner Markley to make her motion.

Commissioner Markley said assuming there are no other comments or hands raised, I didn't look at the list, Mayor. I don't want to step on anybody's toes, but I would make a motion.

Action: **Commissioner Markley made a motion to deny this application which would be to go in opposition to what was recommended by the Planning Commission.**

Commissioner Markley asked, Misty, if I say aye, what am I saying aye for? I think it's confusing. **Mayor Alvey** said I think what has to happen here is, the motion comes forward, two motions come forward, I guess, and it will require nine votes to move it forward. Is that correct, Misty? **Mr. Brown** said so I'm hearing a motion basically to deny the approval from the Planning Commission so that would take eight votes to move it forward. If you were voting to deny it, your vote would be aye in support of your motion of denial. Then it would require a separate vote on the master plan amendment.

Mayor Alvey said but to be clear, if we simply voted on the motion that came, the recommendation from the Planning and Zoning, it would require nine votes to be approved, correct? **Ms. Brown** said I'm sorry. I misunderstood, Mayor. Yes. If you were voting to approve the Planning Commission's recommendation, it would take nine votes. **Mayor Alvey** said thank you.

Mayor Alvey said I guess what I'm saying is, Commissioner Markley, if we simply voted to accept the recommendation of the Planning Commission, it will require nine votes to be approved. **Ms. Brown** said correct. **Commissioner Kane** said she voted to deny Planning and Zoning.

Commissioner Markley said if you think it would be clearer to vote to approve and then have it not—I'm not sure.

Doug Bach, County Administrator, said, Mayor, if I may. I believe the proper—she did make the proper motion in this regard. You can—if you were to just vote, and I think the confusion comes, if you were just to vote to approve and that failed, then it would still require action. So, in this case, she has made a motion to deny the applicant to go forward. That is the motion on the floor. That is the appropriate one and you can vote aye to approve it if you agree to deny the application or no if you don't agree to deny it.

Commissioner Kane seconded Commissioner Markley's motion to deny the recommendation of the Planning Commission.

Commissioner Markley said and to be clear, Mayor, that motion is just with regard to the change of zone because then we'll need a second motion for the master plan amendment.

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

Action: **Commissioner Markley said, Mayor, I'd make the same motion, a motion to deny the approval as sent forward by the Planning Commission to overturn the Planning Commission with regard to the master plan amendment. Commissioner Ramirez seconded the motion.**

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

REGULAR AGENDA

MAYOR'S AGENDA

No items

REGULAR CONSENT AGENDA

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

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

ITEM NO. 1 – 20634...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.

Action: **RESOLUTION NO. R-5-21**, “A resolution adopting the second amendment to multi-sport specific venture agreement with Kansas Unified Development, LLC, to increase the ticket tax on Sporting KC tickets from \$2.25 to \$3.50 per ticket.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

ITEM NO. 2 – 20636...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.

Action: **RESOLUTION NO. R-6-21**, “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, to accept and implement a \$600,000 Brownfields assessment coalition grant funded by a cooperative agreement with the EPA.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

ITEM NO. 3 – 20637...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.

Action: **RESOLUTION NO. R-7-21**, “A 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).” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

ITEM NO. 4 – 20510...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.

Action: **RESOLUTION NO. R-8-21**, “A resolution adopting the Unified Government of Wyandotte County and Kansas City, Kansas Cash Management and Investment Policy.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

ITEM NO. 5 – MINUTES

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

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

ITEM NO. 6 – WEEKLY BUSINESS MATERIAL

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

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

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES’ AGENDA

No items

ADMINISTRATOR’S AGENDA

No items

COMMISSIONERS’ AGENDA

No items

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

January 28, 2021

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

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

ITEM NO. 1 – 20639...LAND BANK OPTION APPLICATIONS

Synopsis: Request consideration of the following Land Bank option applications, submitted by Jud Knapp, Interim Land Bank Manager. On January 4, 2021, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

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)

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

ITEM NO. 2 – 20640...LAND BANK PROPERTY TRANSFERS

Synopsis: Request consideration of the following Land Bank yard extension, submitted by Jud Knapp, Interim Land Bank Manager. On January 4, 2021, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

1-yard extension request

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

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

PUBLIC ANNOUNCEMENTS

No items

MAYOR ALVEY

ADJOURNED THE MEETING AT 8:44 P.M.

January 28, 2021

cg

Brett A. Deichler
Interim Unified Government Clerk

January 28, 2021



701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Unified Government Clerk's Office

Brett A. Deichler, PMP | CPM
Interim 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: February 11, 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

Weekly Business Material for February 11, 2021

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</u>	<u>Reason for void</u>
885399	Yes	1/15/2021	\$100.00	110 67200015291	Johnson & Wyandotte Counties 12314	Other (Explain)

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED FEBRUARY 9, 2021:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Travis W. Adamson	Fire	1/28/21	Firefighter V
Steven M Alexander	Fire	1/28/21	Firefighter V
MacKenzie L Barnes	Fire	1/28/21	Firefighter/MICT III
Darrick M Diehl	Fire	1/28/21	Firefighter V
Jeramie J Fischer	Fire	1/28/21	Firefighter V
Micah J Hydeman	Fire	1/28/21	Firefighter V
Brandon D Kerns	Fire	1/28/21	Firefighter V
Dalen W Reed	Transit	2/18/21	Transit Operator
Nathaniel T Sanderson	Fire	1/28/21	Firefighter V
Bryce T Scott	Fire	1/28/21	Firefighter V
Tyler R Walters	Fire	1/28/21	Firefighter/MICT III
Garrett M Weaver	Fire	1/28/21	Firefighter V

Section II-Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Dalton K Ash	Sheriff/Court Security	1/21/21	Security Officer Armed	Security Officer Armed

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Serena R Escobar	Parks/Rec	1/29/21	Rec Specialist
George A Groneman	Municipal Court	2/2/21	Judge Pro Tem
Eric D Jones	Police	2/10/21	Sr Master Patrolman
Mary A Kancel	Municipal Court	2/2/21	Judge Pro Tem
William R Martin	PW/WPC	2/17/21	Plant Operator II

Matthew A Matheis	Emer Mgt	2/17/21	Mgt Analyst Election
Bruce L Newby	Election Office	2/1/21	Commissioner
Claudia A O'Connell	County Admin	1/20/21	Mgt Intern
Larry E Roland	Sheriff/Admin	2/3/21	Undersheriff Fire Comm
Connie L Worrell	Fire/Comm	1/26/21	Dispatcher

Section IV - Leave of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Broderick T Henderson	Parking Control	1/28/21	2/27/21	unpaid

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Olivia M Jones	Fire/Comm	1/11/21	Fire Comm Dispatcher
Scott W Lidtke	PW/WPC	12/31/19	Sewer Maint Worker II

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Robert C Anderson	PW	ACD code change effective 2/4/21
Thomas J Leerar	Police	Amend PAC 1/19/21 to reflect change in rg/stp effective 1/14/21
Tina L Wall	Finance/Treasury	Out of class pay from oc code 0203 to 0223 and rg/stp effective 2/2/21

Action: Received and filed. Copy previously forwarded to Payroll.

3. PERSONNEL ACTION COMMUNICATION, DATED FEBRUARY 11, 2021:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Jorge G. Barajas	Fire	1/28/21	Firefighter V
Matthew H. Brewer	Fire	1/28/21	Firefighter V
Benjamin D. Collins	Fire	1/28/21	Firefighter V
Emmanuel J. Harris	Fire	1/28/21	Firefighter V
Jacob P. Jones	Fire	1/28/21	Firefighter V Firefighter
Tanner C. Lynn	Fire	1/28/21	Paramedic III

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Brista Anderson	Finance/Treasury	2/2/21	Fiscal Support Assistant

Catherine R. Curtis	District Attorney's Office	12/27/21	Admin Support Specialist
Carmela Derritt	District Attorney's Office	2/3/21	Admin Support Supervisor
Adrian C. Jennings	PW/WPC	2/26/21	General Maint. Worker
Jessica R. McKinney	District Attorney's Office	2/3/21	Admin Support Specialist

Section V - Increase per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Amanda M. Fant	Municipal Court	1/16/21	Court Clerk I

Section VII - Reclassification

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Shawn W. Ortego	Fire	5/18/2020	Medical Transport Supervisor	Captain (EMS Supervisor)

Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
Nicholas R. Higbee	PW/WPC	Amend 2/2/21 PAC to reflect correct separation date of 2/9/21

Action: Received and filed. Copy previously forwarded to Payroll.

4. CLAIM FOR DAMAGES:

Roxann Brown, 3400 Rowland Ave., KCK, alleging property damage to fencing and railing.

Action: Received and filed. Copy previously forwarded to Legal.

5. MOTION TO SET ASIDE:

Unified Government Wyandotte County vs. Erika Guzman, Case No. 2020 PT 000002 COA 344.

Action: Received and filed. Copy previously forwarded to Legal.

6. TRAVEL REQUESTS:

David Hopkins, Michael Eckel and Jefferson Jacobs, Special Investigations Unit, online, FETI Training, Employee Training & Travel.

Elaine Moore and Heron Santana, KCKPD, travel to Plano, TX, April 11 – 16, 2021, to attend Professional Standards & Ethics, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

7. CERTIFICATE OF INSURANCE:

Strategos International, L.L.C./Clarence M. Kelley & Associates of Kansas City, Inc

Action: Referred to License.

8. BUSINESS BONDS:

Electrical Contractor's Bonds:

Crockett Electric Company, Inc.
Marc Jones Construction, LLC DBA Sunpro Solar
K E West Electric, Inc.

Mechanical Contractor's Bonds:

Ares Holdings, LLC DBA CMS/Nextech
MMC Contractors National, Inc.

Mechanical/HVAC Bonds:

Deem, LLC
Timothy Garrett Phipps DBA Little River Heat and Air
Ladd Service Company, LLC
Polestar Plumbing, Inc.

Plumber's Bonds:

Accent Home Services, LLC DBA Ben
Ladd Service Company, LLC
MMC Contractors National, Inc.

Action: Referred to License.

9. CONTINUATION CERTIFICATES:

Electrical Contractor's Bonds:

Amf Electrical Contractors, Inc.
Brad Darnell of DEEM, LLC
Steve's Electric, Inc.

Miscellaneous Bond:

Rockhill Electric & Technology LLC

Plumber's Bond:

Hendrick Grzybowski DBA Homemeister, LLC

Septic Tank and Cess Pool Installer and Cleaner Bond:

Koontz Construction, LLC DBA Koontz Septic

Action: Referred to License.

10. CANCELLATION NOTICES:

Electrical Contractor's Bonds:

BEC, LLC

Big Electric, Inc.

Lynch Electrical, Inc.

SunSmart Technologies, LLC

T. D. Electric Service, LLC

Mechanical Contractor's Bond:

Todco Mechanical, LLC

Mechanical/HVAC Bond:

McGrath Heating & Cooling, LLC

Miscellaneous Bonds:

Baxter Mechanical Contractors Inc.

Regal Plumbing, LLC

Plumber's Bonds:

Capital Plumbing Heating & Cooling

Genesis Plumbing Enterprise, Inc.

Harrisonville Electric LLC

Stine-Nichols Plumbing, Inc.

David L. Varner DBA D & J Plumbing

Sign Hanger's Bond:

Sign Here Inc.

Action: Referred to License.

11. REINSTATEMENT NOTICES:

Mechanical Contractor's Bond:

Todco Mechanical, LLC

Miscellaneous Bond:

Regal Plumbing, LLC

Action: Referred to License.

12. APPLICATIONS FOR CMB LICENSE (PKG):

Kaw Fresh Market, LLC/Michael J. Davis DBA Fresh Market, 6700 Kaw Dr.

TAJ 1, LLC/William Hutton DBA Stop & Shop, 6433 State Ave.

Action: Referred to License.

13. APPLICATIONS FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Nareerat Lekphaijit DBA Naree Kitchen Thai & Sushi, 7933 State Ave., Suite 105
Joyce Stehney/Peggy Aguilar DBA Joe's Kansas City Bar-B-Que, 3002 W. 47th Ave.

Action: Referred to License.

14. APPLICATION FOR PRIVATE SECURITY BUSINESS:

Twin City Security, Inc./Corporation Service Company DBA Twin City Security, Inc., 6340
Glenwood St. #109, Overland Park, KS

Action: Referred to License.



Unified Government Clerk's Office

Brett A. Deichler, PMP | CPM
Interim Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Brett Deichler
Interim UG Clerk

Date: February 18, 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

Weekly Business Material for February 18, 2021

1. COMMUNICATION:

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 (dropdown)</u>
886548	NO	2/5/2021	\$4,211.00	160 7600015244	North Point Boiler & Combustion Co. #23056	Issued in error Duplicate Payment

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED FEBRUARY 16, 2021:

Section II-Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Dalton K Ash	Sheriff/Admin	1/21/21	Court Security Officer	Court Security Officer

Section VII - Reclassifications

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Bernardo Cacho	Fire	2/5/20	Medical Transport Supervisor	Captain (EMS Supervisor)
Joseph P Casey	Fire	5/18/20	Medical Transport Supervisor	Captain (EMS Supervisor)

Action: Received and filed. Copy previously forwarded to Payroll.

3. PERSONNEL ACTION COMMUNICATION, DATED FEBRUARY 18, 2021:

Section II-Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Abrianna M Huggins	Appraiser	3/4/21	RE Appraiser	Admin Coordinator

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Racheal D Ontiveros	Police/Comm	3/5/21	Public Safety Dispatcher
Crystal L Sprague	CAO	2/17/21	Manager
Diana B Villegas-Flores	Police/Comm	3/5/21	Public Safety Dispatcher

Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
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Action: Received and filed. Copy previously forwarded to Payroll.

4. SUMMONS:

Unified Government of Wyandotte County/Kansas City, Kansas vs Steven D. Acinger, et al, Case No. 2021-CV-000026.

Action: Received and filed. Copy previously forwarded to Legal.

5. CERTIFICATES OF INSURANCE:

ABC Professional Tree Services, Inc.
Alex Tree Service
Allied Universal Topco, LLC (89 additional names)
Elite Tree Service, Inc.
KC Sign Express, Inc.
Maderos Lawn & Landscaping, LLC
Strategos International
Twin City Security

Action: Referred to License.

6. BUSINESS BONDS:

Electrical Contractor's Bonds

A.B. May Company
Alpha Energy and Electric, Inc.
Crown Electrical Services, LLC
Eric Hoge dba Commonwealth Electric Company of the Midwest
Four Star Electric, Inc.
Grover Robinson DBA Unique Building & Home Maintenance
H & S Electric, LLC
Kdm Electrical Contractors, LLC
Kansas City Community Electric
Mike Busby DBA Total Home Service
M.C. Electric, Inc.
One Time Electrical Construction, LLC
Pat Ryan dba Ryan Electric
Shavers Electric, LLC

Mechanical/HVAC Contractor's Bond

A.B. May Company
Anthony PHCE
Environmental Mechanical Contractors, Inc.
JAP HVAC Services, LLC
Max Rovira

Miscellaneous Bonds
Madden Rentals, LLC

Plumber's Bonds
Anthony PHCE
Fireman Plumbing, LLC
Grover Robinson DBA Unique Building & Home Maintenance
James Burlingame DBA Piper Plumbing & Drain Service
John Wareham
N & E Plumbing, LLC
Osage Construction Services, LLC DBA Moose's Plumbing

Sign Hanger's Bond
KC Custom Signs, LLC

Action: Referred to License.

7. STIPULATION:

Miscellaneous
Sterling Owens DBA Owens Electric, LLC

Action: Referred to License.

8. CONTINUATION CERTIFICATES:

Electrical Contractor's Bonds
Action Electric Corporation (4)
Jay-Mar Electric, LLC
Mike Hagen Electric, Inc.
RW Electrical and Construction, Inc.
Virgal Williams

Miscellaneous Bonds
Environmental Temperature Control, Inc.
Pro Metals, LLC

Plumber's Bonds
Bill's Plumbing Service, LLC
Jim Glover DBA Jim Glover Plumbing

Sign Hanger's Bonds
K.C. Sign Express, Inc. & Steele Manufacturing Corp.
Northern Ventures, Inc.

Action: Referred to License.

9. CANCELLATION NOTICES:

Electrical Contractor's Bonds
Arnaldo Electric, LLC
Rodina Company, Inc.
T.D. Electric, LLC

Mechanical Contractor's Bonds
Donald K. Beal DBA Efficient Comfort Heating and Cooling
Rodina Company, Inc.

Mechanical/HVAC Contractor's Bonds
Anthony Plumbing Heating and Cooling
Max Rovira

Miscellaneous Bonds
Coenen Enterprises, Inc. dba Coenen Electric
Zarda Electric

Plumbing Contractor's Bonds
Anthony Plumbing Heating and Cooling
Steve the Plumber, Inc.

Sign Hanger's Bond
Ballard Two LLC d/b/a – Precision Image Conversions

Action: Referred to License.

10. RESCIND CANCELLATION NOTICE:

Mechanical/HVAC Contractor's Bond
Baxter Mechanical Contractors, Inc.

Action: Referred to License.

11. REINSTATEMENT NOTICES:

Electrical Contractor's Bond
Lynch Electrical, Inc.

Mechanical/HVAC Bond
Max Rovira

Miscellaneous Bond
Empowered Electric, Inc.

Sign Hanger's Bond
Northern Ventures, Inc.

Action: Referred to License

12. APPLICATIONS FOR DRINKING ESTABLISHMENTS/PUBLIC VENUE CATERER:

Matt Brentano/James Hendricks DBA Tanner's Bar & Grill, 3900 Rainbow Blvd.
Ryan Cash/Lindsey Alt DBA Sammy's Tavern, 222 N. 6th St.

Action: Referred to License.

13. APPLICATIONS FOR CATERER/DRINKING ESTABLISHMENT/HOTEL:

R.I. Heritage Inn of KC, LLC/Thomas R. Rehorn III DBA Residence Inn Kansas City at the Legends, 1875 Village West Pkwy.
Tejas R. Desai/William W. Hutton DBA Homewood Suites by Hilton Kansas City Speedway, 10922 Parallel Pkwy.

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 21687

Full Commission Meeting Date: 2/25/21

Committee: Full Commission

Date of Standing Committee Action: 11/30/20

(If none, please explain):

Publication Required: No

<u>Date:</u> 2/18/2021	<u>Contact Name:</u> Kathleen VonAchen	<u>Contact Phone:</u> x5186	<u>Contact Email:</u> kvonachen@wycokck.org	<u>Department/Division:</u> Finance
<u>Item Description:</u> A resolution authorizing and directing the sale and delivery of general obligation improvement municipal temporary notes, Series 2021-I, presented by Kathleen VonAchen, Chief Financial Officer.				
<u>Action Requested:</u> Approval				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Note Resolution (UG GOTN 2021-I)				

[BASIC DOCUMENTS - REGISTERED NOTES]

- A. Excerpt of Minutes of Meeting approving Note Resolution
 - B. Note Resolution
-

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
HELD ON FEBRUARY 25, 2021**

The governing body met in regular session at the usual meeting place in the Unified Government, at 7:00 p.m., the following members being present and participating, to-wit:

Present: _____.

Absent: _____.

The Mayor/CEO declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

The Chief Financial Officer reported that pursuant to the Notice of Note Sale, bids for the purchase of Municipal Temporary Notes, Series 2021-I, of the Unified Government had been received. A tabulation of said bids is set forth as **EXHIBIT A** hereto.

Thereupon, the governing body reviewed and considered the bids and it was found and determined that the bid of Morgan Stanley & Co, LLC, New York, New York, was the best bid for the Notes, a copy of which is attached hereto as **EXHIBIT B**.

Thereupon, there was presented a Resolution entitled:

A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF MUNICIPAL TEMPORARY NOTES, SERIES 2021-I, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX, IF NECESSARY, FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID NOTES AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

Thereupon, Commissioner _____ moved that said Resolution be adopted. The motion was seconded by Commissioner _____. The Resolution was duly read and considered, and upon being put, the motion for the adoption of the Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: _____.

Nay: _____.

Thereupon, the Mayor/CEO declared the Resolution duly adopted and the Resolution was then duly numbered Resolution No. R-12-21 and was signed by the Mayor/CEO and attested by the Clerk.

* * * * *

(Other Proceedings)

On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Clerk

EXHIBIT A
BID TABULATION

EXHIBIT B

BID OF PURCHASER

RESOLUTION NO. R-12-21

OF

THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

ADOPTED

FEBRUARY 25, 2021

**MUNICIPAL TEMPORARY NOTES
SERIES 2021-I**

TABLE OF CONTENTS

ARTICLE I DEFINITIONS

Section 101.	Definitions	of	Words	and	Terms.
	3				

ARTICLE II AUTHORIZATION AND DETAILS OF THE NOTES

Section 201.	Authorization	of	the	Notes.
	10			
Section 202.	Description	of	the	Notes.
	10			
Section 203.	Designation	of	Paying Agent	and Note Registrar.
	10			
Section 204.	Method	and	Place of Payment	of the Notes.
	10			
Section 205.	Payments	Due	on Saturdays, Sundays	and Holidays.
	11			
Section 206.	Registration,	Transfer	and	Exchange of Notes.
	11			
Section 207.	Execution,	Registration,	Authentication	and Delivery of Notes.
	12			
Section 208.	Mutilated,	Lost,	Stolen	or Destroyed Notes.
	13			
Section 209.	Cancellation	and	Destruction	of Notes Upon Payment.
	13			
Section 210.	Book-Entry	Notes;	Securities	Depository.
	13			
Section 211.	Nonpresentment		of	Notes.
	14			
Section 212.	Preliminary	and	Final	Official Statement.
	15			
Section 213.	Sale	of	the	Notes.
	15			

ARTICLE III REDEMPTION OF NOTES

Section 301.	Redemption		by	Issuer.
	15			
Section 302.	Selection	of	Notes	to be Redeemed.
	16			
Section 303.	Notice	and	Effect of Call	for Redemption.
	16			

ARTICLE IV SECURITY FOR NOTES

Section 401.	Security	for	the	Notes.
	18			

Section 402. Levy and Collection of Annual Tax.
18

ARTICLE V ESTABLISHMENT OF FUNDS AND ACCOUNTS

DEPOSIT AND APPLICATION OF NOTE PROCEEDS

Section 501. Creation of Funds and Accounts.
18

Section 502. Deposit of Note Proceeds.
19

Section 503. Application of Moneys in the Improvement Fund.
19

Section 504. Substitution of Improvements; Reallocation of Proceeds.
19

Section 505. Application of Moneys in Debt Service Account.
19

Section 506. Application of Moneys in the Rebate Fund.
20

Section 507. Deposits and Investment of Moneys.
20

ARTICLE VI DEFAULT AND REMEDIES

Section 601. Remedies.
21

Section 602. Limitation on Rights of Owners.
21

Section 603. Remedies Cumulative.
21

ARTICLE VII DEFEASANCE

Section 701. Defeasance.
22

ARTICLE VIII TAX COVENANTS

Section 801. General Covenants.
22

Section 802. Survival of Covenants.
22

ARTICLE IX CONTINUING DISCLOSURE REQUIREMENTS

Section 901. Disclosure Requirements.
23

Section 902. Failure to Comply with Continuing Disclosure Requirements.
23

ARTICLE X MISCELLANEOUS PROVISIONS

Section 1001.	Annual	Audit.
	23	
Section 1002.	Amendments.	
	23	
Section 1003.	Notices, Consents and Other Instruments by Owners.	
	24	
Section 1004.	Notices.	
	25	
Section 1005.	Electronic	Transactions.
	25	
Section 1006.	Further	Authority.
	25	
Section 1007.	Severability.	
	25	
Section 1008.	Governing	Law.
	25	
Section 1009.	Effective	Date.
	25	

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RESOLUTION NO. R-12-21

A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF MUNICIPAL TEMPORARY NOTES, SERIES 2021-I, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX, IF NECESSARY, FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID NOTES AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Issuer”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State as a consolidated city-county having all the powers, functions and duties of a county and a city of the first class; and

WHEREAS, pursuant to the provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the Issuer has caused the following improvements (collectively the “Improvements”) to be made in the Unified Government, to-wit:

ACD	Project Name	Improvement Fund Deposit*
9410321	Annual Concrete Repair Program, 2021	\$1,772,000.00
9410919	Fairfax Industrial Area Improvements, 2019	101,474.36
9410920	Fairfax Industrial Area Improvements, 2020	5,000.00
9411121	Annual Pavement Preservation Program, 2021	3,000,000.00
9411221	Annual Alley Improvement Program, 2021	300,000.00
9420119	Annual Emergency Bridge Repair, 2019	101,474.36
9420120	Annual Emergency Bridge Repair, 2020	40,589.75
9430118	Priority Traffic Signal Replace, 2018	316,284.41
9430119	Priority Traffic Signal Replace, 2019	5,000.00
9430120	Priority Traffic Signal Replacements, 2020	5,000.00
9480220	Facility/Parking Annual Maintenance/Repair, 2020	701,032.06
9480221	Facility/Parking Annual Maintenance/Repair, 2021	5,000.00
9480319	Annual ADA Modif-UG Facilities, 2019	10,147.43
9480320	Annual ADA Modif-UG Facilities, 2020	5,000.00
9622141	Holiday Drive Bridge Replacements	421,712.53
9622169	Bridge #223 (36th and Ohio Ave.) Replacement	25,899.98
9622170	Bridge #210 (18th St.) over Turkey Creek	50,737.19
9698176	City Hall Structure and Stabilization	70,000.00
9698212	Police Tow Lot	3,392,000.00
9701054	Fiber Connectivity Projects	5,000.00
9701072	6th St. Improvements, Ann Ave. to Central Ave.	101,474.36
9701073	7th St./US-69 and Central Ave. Reconstruction	233,391.05
9701609	Hutton & Leavenworth Road Intersection	300,000.00
9701612	Leavenworth Road, 78th - 63rd Street	5,112.80
9701618	Hutton & Donahoo Rd Intersection Improvements	350,000.00
9703037	Safe Routes to Schools-Phase G (Northwest Middle and	528,294.87

	Caruthers Elem.)	
9714253	WyCo County Park Road Repairs	5,179.99
9714425	WyCo Lake Waterline Study & Repair	1,581,926.10
9788096	Future Fire Station 2021	3,580,000.00
9460520	System Capacity Upgrades 2020	1,500,000.00
9636039	Relocation of Sewer Maintenance Facilities	2,007,371.86
9636045	Kaw Point Bio Solids Digestion	6,000,000.00
9636047	Plant 20 Biosolids Dewatering	1,036,016.03
9636048	Green Infrastructure Improvements	518,008.03
9636056	Wolcott Expansion/Conner Creek	20,036,933.02
9636125	CID Dump Station Improvements /Relocation	5,000.00
9636131	Pump Station 18, 5, 4 Upgrade	1,000,000.00
9636132	Plant 20 & 3 Equipment and Structural Rehab	5,000.00
9636213	Lombardy Dr Sanitary Sewer Improvements	608,846.23
9636354	Pump Stations SCDA	5,000.00
9635057	Kansas Levee Betterment	10,000.00
	Series 2021-I Total Improvement Fund Deposit =	\$49,750,906.41

** Excludes \$154,093.59 to be used to pay costs of issuance and capitalized interest.*

; and

WHEREAS, the governing body of the Issuer is authorized by law to issue general obligation bonds to pay a portion of the costs of the Improvements; and

WHEREAS, it is necessary for the Issuer to provide cash funds (from time to time) to meet its obligations incurred in constructing the Improvements prior to the completion thereof and the issuance of the Issuer's general obligation bonds, and it is desirable and in the interest of the Issuer that such funds be raised by the issuance of temporary notes of the Issuer pursuant to the Act; and

WHEREAS, all aspects of the Improvements will not be completed prior to the maturity date of the Refunded Notes and it is necessary for the Issuer to provide cash funds to meet its obligations on a portion of the Refunded Notes by the issuance of additional temporary notes of the Issuer; and

WHEREAS, the Issuer proposes to issue its temporary notes to pay a portion of the costs of the Improvements and to retire a portion of the Refunded Notes; and

WHEREAS, the governing body of the Issuer has advertised the sale of the Notes and hereby awards the sale of such Notes to the best bidder; and

WHEREAS, the governing body of the Issuer hereby finds and determines that it is necessary for the Issuer to authorize the issuance and delivery of the Notes in the principal amount of \$49,905,000 to pay a portion of the costs of the Improvements, refund the Refunded Notes and to pay certain costs of issuing the Notes.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms as used in this Note Resolution shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“Act” means the Constitution and statutes of the State including K.S.A. 10-101 *et seq.*, specifically including K.S.A. 10-123, K.S.A. 10-620 *et seq.*, Charter Ordinance No. CO-03-09 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas, all as amended and supplemented from time to time.

“Authorized Denomination” means \$5,000 or any integral multiples thereof.

“Beneficial Owner” of the Notes includes any Owner of the Notes and any other Person who, directly or indirectly has the investment power with respect to any of the Notes.

“Bond and Interest Fund” means the Bond and Interest Fund of the Issuer for its general obligation bonds.

“Bond Counsel” means the firm of Gilmore & Bell, P.C., or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the Issuer.

“Business Day” means a day other than a Saturday, Sunday or holiday on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

“Cede & Co.” means Cede & Co., as nominee of DTC.

“Clerk” means the duly appointed and/or elected Clerk or, in the Clerk’s absence, the duly appointed Deputy Clerk, Acting Clerk or Interim Clerk of the Issuer.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder by the United States Department of the Treasury.

“Costs of Issuance” means all costs of issuing the Notes, including but not limited to all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code, and all expenses incurred in connection with receiving ratings on the Notes.

“Dated Date” means March 25, 2021.

“Debt Service Account” means the Debt Service Account for Municipal Temporary Notes, Series 2021-I (within the Bond and Interest Fund) created pursuant to **Section 501** hereof.

“Debt Service Requirements” means the aggregate principal payments and interest payments on the Notes for the period of time for which calculated; provided, however, that for purposes of calculating such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company located in the State and having full trust powers.

“Defaulted Interest” means interest on any Note which is payable but not paid on any Interest Payment Date.

“Defeasance Obligations” means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) such obligations are rated in a rating category by Moody’s or Standard & Poor’s that is no lower than the rating category then assigned by that Rating Agency to United States Government Obligations.

“Derivative” means any investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

“Disclosure Undertaking” means the Continuing Disclosure Undertaking dated as of the Issue Date relating to certain obligations contained in the SEC Rule.

“DTC” means The Depository Trust Company, a limited-purpose trust company organized under the laws of the State of New York, and its successors and assigns, including any successor securities depository duly appointed.

“DTC Representation Letter” means the Blanket Letter of Representation from the Issuer and the Paying Agent to DTC which provides for a book-entry system, or any agreement between the Issuer and Paying Agent and a successor securities depository duly appointed.

“Event of Default” means each of the following occurrences or events:

(a) Payment of the principal and of the redemption premium, if any, of any of the Notes shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise;

(b) Payment of any installment of interest on any of the Notes shall not be made when the same shall become due; or

(c) The Issuer shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Notes or in this Note Resolution (other than the covenants relating to continuing disclosure requirements) on the part of the Issuer to be performed, and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the Issuer by the Owner of any of the Notes then Outstanding.

“Federal Tax Certificate” means the Issuer’s Federal Tax Certificate dated as of the Issue Date, as the same may be amended or supplemented in accordance with the provisions thereof.

“Financeable Costs” means the amount of expenditure for an Improvement which has been duly authorized by action of the governing body of the Issuer to be financed by general obligation bonds, less: (a) the amount of any temporary notes or general obligation bonds of the Issuer which are currently Outstanding and available to pay such Financeable Costs; and (b) any amount of Financeable Costs which has been previously paid by the Issuer or by any eligible source of funds unless such amounts are entitled to be reimbursed to the Issuer under State or federal law.

“Fiscal Year” means the twelve month period ending on December 31.

“Funds and Accounts” means funds and accounts created by or referred to in *Section 501* hereof.

“Improvement Fund” means the Improvement Fund for Municipal Temporary Notes, Series 2021-I created pursuant to *Section 501* hereof.

“Improvements” means the improvements referred to in the preamble to this Note Resolution and any Substitute Improvements.

“Independent Accountant” means an independent certified public accountant or firm of independent certified public accountants at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Independent Accountant by this Note Resolution.

“Interest Payment Date(s)” means the Stated Maturity of an installment of interest on any Note which shall be October 1, 2021 and the Maturity of the Notes.

“Issue Date” means the date when the Issuer delivers the Notes to the Purchaser in exchange for the Purchase Price.

“Issuer” means the Unified Government and any successors or assigns.

“Maturity” when used with respect to any Note means the date on which the principal of such Note becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for redemption or otherwise.

“Mayor/CEO” means the duly elected and acting Mayor/CEO, or in the Mayor/CEO’s absence, the duly appointed and/or elected Vice Mayor/CEO or Acting Mayor/CEO of the Issuer.

“Moody’s” means Moody’s Investors Service, a corporation organized and existing under the laws of the State of Delaware, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Moody’s” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“Note Payment Date” means any date on which principal of or interest on any Note is payable.

“Note Register” means the books for the registration, transfer and exchange of Notes kept at the office of the Note Registrar.

“Note Registrar” means the Treasurer and its successors and assigns.

“Note Resolution” means this resolution relating to the Notes.

“Notes” means the Municipal Temporary Notes, Series 2021-I, authorized and issued by the Issuer pursuant to this Note Resolution.

“Notice Address” means with respect to the following entities:

(a) To the Issuer at:

Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street
Kansas City, Kansas 66101
Fax: (913) 573-5003
Attn: General Counsel

(b) To the Paying Agent at:

Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street
Kansas City, Kansas 66101
Fax: (913) 573-5003
Attn: Treasurer

(c) To the Purchaser:

Morgan Stanley & Co, LLC
1585 Broadway, 2nd Floor
New York, New York 10036

(d) To the Rating Agency(ies):

Moody's Municipal Rating Desk
7 World Trade Center
250 Greenwich Street
23rd Floor
New York, New York 10007

S&P Global Ratings, a division of S&P Global Inc.
55 Water Street, 38th Floor
New York, New York 10004

"Notice Representative" means:

- (a) With respect to the Issuer, the Clerk.
- (b) With respect to the Note Registrar and Paying Agent, the Treasurer.
- (c) With respect to any Purchaser, the manager of its Municipal Bond Department.
- (d) With respect to any Rating Agency, any Vice President thereof.

"Official Statement" means Issuer's Official Statement relating to the Notes.

"Outstanding" means, when used with reference to the Notes, as of a particular date of determination, all Notes theretofore authenticated and delivered, except the following Notes:

- (a) Notes theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;
- (b) Notes deemed to be paid in accordance with the provisions of *Article VII* hereof; and
- (c) Notes in exchange for or in lieu of which other Notes have been authenticated and delivered hereunder.

"Owner" when used with respect to any Note means the Person in whose name such Note is registered on the Note Register. Whenever consent of the Owners is required pursuant to the terms of this Note Resolution, and the Owner of the Notes, as set forth on the Note Register, is Cede & Co., the term Owner shall be deemed to be the Beneficial Owner of the Notes.

"Participants" means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

"Paying Agent" means the Treasurer, and any successors and assigns.

"Permitted Investments" shall mean the investments hereinafter described, provided, however, no moneys or funds shall be invested in a Derivative: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the Issuer's temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing

time deposits in commercial banks or trust companies located in the Issuer; (f) obligations of the federal national mortgage association, federal home loan banks, federal home loan mortgage corporation or government national mortgage association; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements 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 or Standard & Poor's; (i) investments and shares or units of a money market fund or trust, the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any municipality of the State as defined in K.S.A. 10-1101 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 securities described in (c) or (f), all as may be further restricted or modified by amendments to applicable State law.

"Person" means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

"Purchase Price" means the principal amount of the Notes plus accrued interest to the date of delivery.

"Purchaser" means Morgan Stanley & Co, LLC, New York, New York, the original purchaser of the Notes, and any successors and assigns.

"Rating Agency" means any company, agency or entity that provides financial ratings for the Notes.

"Rebate Fund" means the Rebate Fund for Municipal Temporary Notes, Series 2021-I created pursuant to *Section 501* hereof.

"Record Dates" for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

"Redemption Date" when used with respect to any Note to be redeemed means the date fixed for the redemption of such Note pursuant to the terms of this Note Resolution.

"Redemption Price" when used with respect to any Note to be redeemed means the price at which such Note is to be redeemed pursuant to the terms of this Note Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

"Refunded Notes" means a portion of the Series 2020-I Notes maturing on April 1, 2021 in the aggregate principal amount of \$7,851,795.67.

"Refunded Notes Paying Agent" means the paying agent for the Refunded Notes as designated in the Refunded Notes Resolution, and any successor or successors at the time acting as paying agent of the Refunded Notes.

"Refunded Notes Redemption Date" means April 1, 2021.

"Refunded Notes Resolution" means the resolution which authorized the Refunded Notes.

“Replacement Notes” means Notes issued to the Beneficial Owners of the Notes in accordance with *Article II* hereof.

“SEC Rule” means Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934.

“Securities Depository” means, initially, DTC, and its successors and assigns.

“Series 2020-I Notes” means the Unified Government’s Municipal Temporary Notes, Series 2020-I, dated February 27, 2020.

“Special Record Date” means the date fixed by the Paying Agent pursuant to *Article II* hereof for the payment of Defaulted Interest.

“Standard & Poor’s” or “S&P” means S&P Global Ratings, a division of S&P Global, Inc., a corporation organized and existing under the laws of the State of New York, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, Standard & Poor’s shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“State” means the state of Kansas.

“State Treasurer” means the duly elected Treasurer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the State.

“Stated Maturity” when used with respect to any Note or any installment of interest thereon means the date specified in such Note and this Note Resolution as the fixed date on which the principal of such Note or such installment of interest is due and payable.

“Substitute Improvements” means the substitute or additional improvements of the Issuer described in *Article V* hereof.

“Treasurer” means the duly appointed and/or elected Treasurer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the Issuer.

“Unified Government” means the Unified Government of Wyandotte County/Kansas City, Kansas.

“United States Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the Issuer.

ARTICLE II

AUTHORIZATION AND DETAILS OF THE NOTES

Section 201. Authorization of the Notes. There shall be issued and hereby are authorized and directed to be issued the Municipal Temporary Notes, Series 2021-I, of the Issuer in the principal amount of \$49,905,000, for the purpose of providing funds to: (a) pay a portion of the costs of the Improvements; (b) retire the Refunded Notes; and (c) pay Costs of Issuance.

Section 202. Description of the Notes. The Notes shall consist of fully registered notes in Authorized Denominations, and shall be numbered in such manner as the Note Registrar shall determine. All of the Notes shall be dated as of the Dated Date, shall become due in the amounts on the Stated Maturity, subject to redemption and payment prior to the Stated Maturity as provided in **Article III** hereof and shall bear interest at the rates per annum as follows:

Stated Maturity	Principal	Annual Rate
<u>April 1</u>	<u>Amount</u>	<u>of Interest</u>
2021	\$49,905,000	0.3000%

The Notes shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid on the Interest Payment Dates in the manner set forth in **Section 204** hereof.

Each of the Notes, as originally issued or issued upon transfer, exchange or substitution, shall be printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as **EXHIBIT A** or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq.*

Section 203. Designation of Paying Agent and Note Registrar. The Treasurer is hereby designated as the Paying Agent for the payment of principal of and interest on the Note and Note Registrar with respect to the registration, transfer and exchange of Notes.

The Issuer will at all times maintain a Paying Agent and Note Registrar meeting the qualifications herein described for the performance of the duties hereunder. The Issuer reserves the right to appoint a successor Paying Agent or Note Registrar by (a) filing with the Paying Agent or Note Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Note Registrar and appointing a successor, and (b) causing notice of appointment of the successor Paying Agent and Note Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Note Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Note Registrar.

Every Paying Agent or Note Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 *et seq.* and K.S.A. 10-620 *et seq.*, respectively.

Section 204. Method and Place of Payment of the Notes. The principal of, or Redemption Price, if any, and interest on the Notes shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Note shall be paid at Maturity to the Person in whose name such Note is registered on the Note Register at the Maturity thereof, upon presentation and surrender of such Note at the principal office of the Paying Agent. The interest payable on each Note on any Interest Payment Date shall be paid to the Owner of such Note as shown on the Note Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Note Register or at such other address as is furnished to the Paying Agent in writing by such Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Notes, by electronic transfer to such Owner upon written notice given to the Note Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Note shall cease to be payable to the Owner of such Note on the relevant Record Date and shall be payable to the Owner in whose name such Note is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The Issuer shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Note and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the Issuer of such Special Record Date and, in the name and at the expense of the Issuer, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, by first class mail, postage prepaid, to each Owner of a Note entitled to such notice at the address of such Owner as it appears on the Note Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Notes and at least annually shall forward a copy or summary of such records to the Issuer.

Section 205. Payments Due on Saturdays, Sundays and Holidays. In any case where a Note Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Note Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Note Payment Date, and no interest shall accrue for the period after such Note Payment Date.

Section 206. Registration, Transfer and Exchange of Notes. The Issuer covenants that, as long as any of the Notes remain Outstanding, it will cause the Note Register to be kept at the office of the Note Registrar as herein provided. Each Note when issued shall be registered in the name of the Owner thereof on the Note Register.

Notes may be transferred and exchanged only on the Note Register as provided in this Section. Upon surrender of any Note at the principal office of the Note Registrar, the Note Registrar shall transfer or exchange such Note for a new Note or Notes in any Authorized Denomination of the same Stated Maturity and in the same aggregate principal amount as the Note that was presented for transfer or exchange.

Notes presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Note Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Notes is exercised, the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Note Resolution. The Issuer shall pay the fees and expenses of the Note Registrar for the registration, transfer and exchange of Notes provided for by this Note Resolution and the cost of printing a reasonable supply of registered note blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Note Registrar, are the responsibility of the Owners of the Notes. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Section 3406 of the Code, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Notes.

The Issuer and the Note Registrar shall not be required (a) to register the transfer or exchange of any Note that has been called for redemption after notice of such redemption has been mailed by the Paying Agent pursuant to *Article III* hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Note during a period beginning at the opening of business on the day after receiving written notice from the Issuer of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to this *Article II*.

The Issuer and the Paying Agent may deem and treat the Person in whose name any Note is registered on the Note Register as the absolute Owner of such Note, whether such Note is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Note and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Note Registrar, the Note Register may be inspected and copied by the Owners (or a designated representative thereof) of 10% or more in principal amount of the Notes then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Note Registrar.

Section 207. Execution, Registration, Authentication and Delivery of Notes. Each of the Notes, including any Notes issued in exchange or as substitutions for the Notes initially delivered, shall be executed for and on behalf of the Issuer by the manual or facsimile signature of the Mayor/CEO, attested by the manual or facsimile signature of the Clerk and the seal of the Issuer shall be affixed thereto or imprinted thereon. The Mayor/CEO and Clerk are hereby authorized and directed to prepare and execute the Notes in the manner herein specified, and to cause the Notes to be registered in the office of the Clerk, which registration shall be evidenced by the manual or facsimile signature of the Clerk with the seal of the Issuer affixed thereto or imprinted thereon. The Notes shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. The Notes shall be countersigned by the manual or facsimile signature of the Clerk and the seal of the Issuer shall be affixed or imprinted adjacent thereto following registration of the Notes by the Treasurer of the State of Kansas. In case any officer whose signature appears on any Notes ceases to be such officer before the delivery of such Notes, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Note may be signed by such persons who at the actual time of the execution of

such Note are the proper officers to sign such Note although at the date of such Note such persons may not have been such officers.

The Mayor/CEO and Clerk are hereby authorized and directed to prepare and execute the Notes as herein specified, and when duly executed, to deliver the Notes to the Note Registrar for authentication.

The Notes shall have endorsed thereon a certificate of authentication substantially in the form attached hereto as **EXHIBIT A** hereof, which shall be manually executed by an authorized officer or employee of the Note Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Notes that may be issued hereunder at any one time. No Note shall be entitled to any security or benefit under this Note Resolution or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Note Registrar. Such executed certificate of authentication upon any Note shall be conclusive evidence that such Note has been duly authenticated and delivered under this Note Resolution. Upon authentication, the Note Registrar shall deliver the Notes to the Purchaser upon instructions of the Issuer or its representative.

Section 208. Mutilated, Lost, Stolen or Destroyed Notes. If (a) any mutilated Note is surrendered to the Note Registrar or the Note Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Note, and (b) there is delivered to the Issuer and the Note Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the Issuer or the Note Registrar that such Note has been acquired by a bona fide purchaser, the Issuer shall execute and, upon the Issuer's request, the Note Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Note, a new Note of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Note has become or is about to become due and payable, the Issuer, in its discretion, may pay such Note instead of issuing a new Note.

Upon the issuance of any new Note under this Section, the Issuer may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Note issued pursuant to this Section shall constitute a replacement of the prior obligation of the Issuer, and shall be entitled to all the benefits of this Note Resolution equally and ratably with all other Outstanding Notes.

Section 209. Cancellation and Destruction of Notes Upon Payment. All Notes that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Notes so cancelled and destroyed and shall file an executed counterpart of such certificate with the Issuer.

Section 210. Book-Entry Notes; Securities Depository. The Issuer and Paying Agent have entered into a DTC Representation Letter with DTC. The Notes shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no Beneficial Owner will receive certificates representing their respective interests in the Notes, except in the event the Note Registrar issues Replacement Notes as provided in this Section. It is anticipated that during the term of the Notes, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Notes to the Participants until and unless the Note Registrar

authenticates and delivers Replacement Notes to the Beneficial Owners as described in the following paragraph.

The Issuer may decide, subject to the requirements of the Operational Arrangements of DTC (or a successor Securities Depository), and the following provisions of this section to discontinue use of the system of book-entry transfers through DTC (or a successor Securities Depository):

(a) If the Issuer determines (1) that the Securities Depository is unable to properly discharge its responsibilities, or (2) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (3) that the continuation of a book-entry system to the exclusion of any Notes being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Notes; or

(b) if the Note Registrar receives written notice from Participants having interests in not less than 50% of the Notes Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Notes being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Notes, then the Note Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Note Registrar shall register in the name of and authenticate and deliver Replacement Notes to the Beneficial Owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (a)(1) or (a)(2) of this paragraph, the Issuer, with the consent of the Note Registrar, may select a successor securities depository in accordance with the following paragraph to effect book-entry transfers.

In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Note. Upon the issuance of Replacement Notes, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Note Registrar, to the extent applicable with respect to such Replacement Notes. If the Securities Depository resigns and the Issuer, the Note Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with the following paragraph, then the Note Registrar shall authenticate and cause delivery of Replacement Notes to Owners, as provided herein. The Note Registrar may rely on information from the Securities Depository and its Participants as to the names of the Beneficial Owners of the Notes. The cost of printing, registration, authentication, and delivery of Replacement Notes shall be paid for by the Issuer.

In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the Issuer may appoint a successor Securities Depository provided the Note Registrar receives written evidence satisfactory to the Note Registrar with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Note Registrar upon its receipt of a Note or Notes for cancellation shall cause the delivery of Notes to the successor Securities Depository in appropriate denominations and form as provided herein.

Section 211. Nonpresentment of Notes. If any Note is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Note have been made available to the Paying Agent all liability of the Issuer to the Owner thereof for the payment of such Note shall

forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Note, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Note Resolution or on, or with respect to, said Note. If any Note is not presented for payment within four (4) years following the date when such Note becomes due at Maturity, the Paying Agent shall repay, without liability for interest thereon, to the Issuer the funds theretofore held by it for payment of such Note, and such Note shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Issuer, and the Owner thereof shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 212. Preliminary and Final Official Statement. For the purpose of enabling the Purchaser to comply with the requirements of Section (b)(1) of the SEC Rule, the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be “final” as of its date, except for the omission of such information as is permitted by Section (b)(1) of the SEC Rule, and the Mayor/CEO or chief financial officer of the Issuer are hereby authorized, if requested, to provide the Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the SEC Rule.

The Official Statement is hereby authorized to be prepared by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor/CEO or chief financial officer of the Issuer are hereby authorized to execute the final Official Statement as so supplemented, amended and completed, and the use and public distribution of the final Official Statement by the Purchaser in connection with the reoffering of the Notes is hereby authorized. The proper officials of the Issuer are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the Issue Date.

The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Notes sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of the SEC Rule and Rule G-32 of the Municipal Securities Rulemaking Board.

Section 213. Sale of the Notes. The sale of the Notes to the Purchaser is hereby approved and confirmed. The Mayor/CEO and Clerk are hereby authorized to execute the official bid form submitted by the Purchaser. Delivery of the Notes shall be made to the Purchaser on the Issue Date (which shall be as soon as practicable after the adoption of this Note Resolution), upon payment of the Purchase Price.

ARTICLE III

REDEMPTION OF NOTES

Section 301. Redemption by Issuer.

Optional Redemption. At the option of the Issuer, the Notes will be subject to redemption and payment prior to maturity on October 1, 2021, and thereafter, as a whole or in part (selection of the amount of Notes to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time, at the redemption price of 100% (expressed as a percentage of the principal amount), plus accrued interest thereon to the Redemption Date.

Section 302. Selection of Notes to be Redeemed. Notes shall be redeemed only in an Authorized Denomination. When less than all of the Notes are to be redeemed and paid prior to their Stated Maturity, such Notes shall be redeemed in such manner as the Issuer shall determine. Notes of less than a full Stated Maturity shall be selected by the Note Registrar in a minimum Authorized Denomination of principal amount in such equitable manner as the Note Registrar may determine.

In the case of a partial redemption of Notes by lot when Notes of denominations greater than a minimum Authorized Denomination are then Outstanding, then for all purposes in connection with such redemption each minimum Authorized Denomination of face value shall be treated as though it were a separate Note of the denomination of a minimum Authorized Denomination. If it is determined that one or more, but not all, of a minimum Authorized Denomination of face value represented by any Note is selected for redemption, then upon notice of intention to redeem a minimum Authorized Denomination, the Owner or the Owner's duly authorized agent shall forthwith present and surrender such Note to the Note Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of a minimum Authorized Denomination of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Note or Notes of the aggregate principal amount of the unredeemed portion of the principal amount of such Note. If the Owner of any such Note fails to present such Note to the Paying Agent for payment and exchange as aforesaid, such Note shall, nevertheless, become due and payable on the redemption date to the extent of a minimum Authorized Denomination of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. In the event the Issuer desires to call the Notes for redemption prior to maturity, written notice of such intent shall be provided to the Note Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Note Registrar shall call Notes for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Note Registrar at least 45 days prior to the Redemption Date of written instructions of the Issuer specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Notes to be called for redemption. The Paying Agent may in its discretion waive such notice period so long as the notice requirements set forth in this **Section** are met.

Unless waived by any Owner of Notes to be redeemed, if the Issuer shall call any Notes for redemption and payment prior to the Stated Maturity thereof, the Issuer shall give written notice of its intention to call and pay said Notes to the State Treasurer and the Note Registrar. In addition, the Issuer shall cause the Note Registrar to give written notice of redemption to the Owners of said Notes. Each of said written notices shall be deposited in the United States first class mail not less than 20 days prior to the Redemption Date.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Notes are to be redeemed, the identification (and, in the case of partial redemption of any Notes, the respective principal amounts) of the Notes to be redeemed;
- (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Note or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and

(e) the place where such Notes are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the Issuer shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Notes or portions of Notes that are to be redeemed on such Redemption Date.

For so long as the Securities Depository is effecting book-entry transfers of the Notes, the Note Registrar shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the Beneficial Owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a Beneficial Owner of a Note (having been mailed notice from the Note Registrar, the Securities Depository, a Participant or otherwise) to notify the Beneficial Owner of the Note so affected, shall not affect the validity of the redemption of such Note.

Official notice of redemption having been given as aforesaid, the Notes or portions of Notes to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the Issuer defaults in the payment of the Redemption Price) such Notes or portion of Notes shall cease to bear interest. Upon surrender of such Notes for redemption in accordance with such notice, the Redemption Price of such Notes shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Note, there shall be prepared for the Owner a new Note or Notes of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Notes that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

In addition to the foregoing notice, the Issuer shall provide such notices of redemption as are required by the Disclosure Undertaking. Further notice may be given by the Issuer or the Note Registrar on behalf of the Issuer as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed:

(a) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (1) the CUSIP numbers of all Notes being redeemed; (2) the date of issue of the Notes as originally issued; (3) the rate of interest borne by each Note being redeemed; (4) the maturity date of each Note being redeemed; and (5) any other descriptive information needed to identify accurately the Notes being redeemed.

(b) Each further notice of redemption shall be sent at least one day before the mailing of notice to Owners by first class, registered or certified mail or overnight delivery, as determined by the Note Registrar, to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Notes and to one or more national information services that disseminate notices of redemption of obligations such as the Notes.

(c) Each check or other transfer of funds issued for the payment of the Redemption Price of Notes being redeemed shall bear or have enclosed the CUSIP number of the Notes being redeemed with the proceeds of such check or other transfer.

The Paying Agent is also directed to comply with any mandatory standards then in effect for processing redemptions of municipal securities established by the State or the Securities and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Note.

ARTICLE IV

SECURITY FOR NOTES

Section 401. Security for the Notes. The Notes shall be general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes as the same become due.

Section 402. Levy and Collection of Annual Tax. The governing body of the Issuer shall annually make provision for the payment of principal of, premium, if any, and interest on the Notes as the same become due, if necessary, by levying and collecting the necessary taxes upon all of the taxable tangible property within the Issuer (excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated areas of the Unified Government) in the manner provided by law.

The taxes referred to above shall be extended upon the tax rolls and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the Issuer are levied and collected. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund, shall be kept separate and apart from all other funds of the Issuer shall thereafter be deposited in the Debt Service Account and shall be used solely for the payment of the principal of and interest on the Notes as and when the same become due, and the fees and expenses of the Paying Agent.

If at any time said taxes are not collected in time to pay the principal of or interest on the Notes when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the Issuer and to reimburse said general funds for money so expended when said taxes are collected.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF NOTE PROCEEDS

Section 501. Creation of Funds and Accounts. Simultaneously with the issuance of the Notes, there shall be created within the Treasury of the Issuer the following funds and accounts:

- (a) Improvement Fund for Municipal Temporary Notes, Series 2021-I; and
- (b) Debt Service Account for Municipal Temporary Notes, Series 2021-I; and
- (c) Rebate Fund for Municipal Temporary Notes, Series 2021-I.

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Note Resolution so long as the Notes are Outstanding.

Section 502. Deposit of Note Proceeds. The net proceeds received from the sale of the Notes shall be deposited simultaneously with the delivery of the Notes as follows:

(a) All accrued interest (if any) received from the sale of the Notes shall be deposited in the Debt Service Account.

(b) The remaining balance of the proceeds derived from the sale of the Notes shall be deposited in the Improvement Fund.

Section 503. Application of Moneys in the Improvement Fund. Moneys in the Improvement Fund shall be used for the sole purpose of: (a) paying the costs of the Improvements, in accordance with the plans and specifications therefor approved by the governing body of the Issuer and on file in the office of the Clerk, including any alterations in or amendments to said plans and specifications deemed advisable and approved by the governing body of the Issuer; (b) retiring the Refunded Notes; (c) paying interest on the Notes during construction of the Improvements; (d) paying Costs of Issuance; and (e) transferring any amounts to the Rebate Fund required by this *Article V*.

Upon completion of the Improvements, any surplus remaining in the Improvement Fund shall be deposited in the Debt Service Account.

Section 504. Substitution of Improvements; Reallocation of Proceeds.

(a) The Issuer may elect for any reason to substitute or add other public improvements to be financed with proceeds of the Notes provided the following conditions are met: (1) the Substitute Improvement and the issuance of general obligation bonds to pay the cost of the Substitute Improvement has been duly authorized by the governing body of the Issuer in accordance with the laws of the State; (2) a resolution authorizing the use of the proceeds of the Notes to pay the Financeable Costs of the Substitute Improvement has been duly adopted by the governing body of the Issuer pursuant to this Section, (3) the Attorney General of the State has approved the amendment made by such resolution to the transcript of proceedings for the Notes to include the Substitute Improvements; and (4) the use of the proceeds of the Notes to pay the Financeable Cost of the Substitute Improvement will not adversely affect the tax-exempt status of the Notes under State or federal law.

(b) The Issuer may reallocate expenditure of Note proceeds among all Improvements financed by the Notes; provided the following conditions are met: (1) the reallocation shall not cause the proceeds of the Notes allocated to any Improvement to exceed the lesser of the Financeable Costs of the Improvement or the amount of the Improvement authorized to be financed with general obligation notes and/or bonds as set forth in Resolution R-47-20/Ordinance No. O-37-20 of the Issuer; and (2) the reallocation will not adversely affect the tax-exempt status of the Notes under State or federal law. If the Issuer desires to reallocate Note proceeds to Improvements in an amount in excess of the lesser of the Financeable Costs of the Improvement or the amount of the Improvement authorized to be financed with general obligation notes and/or bonds as set forth in Resolution R-47-20/Ordinance No. O-37-20 of the Issuer, then the Issuer shall follow the procedures set forth in subparagraph (a) of this Section prior to such reallocation of Note proceeds.

Section 505. Application of Moneys in Debt Service Account. All amounts paid and credited to the Debt Service Account shall be expended and used by the Issuer for the sole purpose of paying the principal or Redemption Price of and interest on the Notes as and when the same become due and the usual

and customary fees and expenses of the Note Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Debt Service Account sums sufficient to pay both principal or Redemption Price of and interest on the Notes and the fees and expenses of the Note Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent, if other than the Issuer, in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, interest and fees of the Note Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Notes are no longer entitled to enforce payment of the Notes or the interest thereon, the Paying Agent shall return said funds to the Issuer. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Note Resolution and shall be held by the Paying Agent for the benefit of the Owners of the Notes entitled to payment from such moneys.

Any moneys or investments remaining in the Debt Service Account after the retirement of the indebtedness for which the Notes were issued shall be transferred and paid into the Bond and Interest Fund.

Section 506. Application of Moneys in the Rebate Fund.

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Federal Tax Certificate. All money at any time deposited in the Rebate Fund shall be held in trust, to the extent required to satisfy the Rebate Amount (as defined in the Federal Tax Certificate), for payment to the United States of America, and neither the Issuer nor the Owner of any Notes shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Federal Tax Certificate.

(b) The Issuer shall periodically determine the arbitrage rebate, if any, under Code § 148(f) of the Code in accordance with the Federal Tax Certificate, and the Issuer shall make payments to the United States of America at the times and in the amounts determined under the Federal Tax Certificate. Any moneys remaining in the Rebate Fund after redemption and payment of all of the Notes and payment and satisfaction of any Rebate Amount, or provision made therefor, shall be deposited into the Bond and Interest Fund.

(c) Notwithstanding any other provision of this Note Resolution, including in particular *Article VII* hereof, the obligation to pay arbitrage rebate to the United States of America and to comply with all other requirements of this Section and the Federal Tax Certificate shall survive the defeasance or payment in full of the Notes.

Section 507. Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be deposited in accordance with laws of the State, in a bank, savings and loan association or savings bank organized under the laws of the State, any other state or the United States which has a main or branch office located in the Issuer. All such depositaries shall be members of the Federal Deposit Insurance Corporation, or otherwise as permitted by State law. All such deposits shall be invested in Permitted Investments as set forth in this Article or shall be adequately secured as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the Issuer so that there shall be no commingling with any other funds of the Issuer.

Moneys held in any Fund or Account may be invested in accordance with this Note Resolution and the Federal Tax Certificate in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any Fund or Account shall accrue to and become a part of such Fund or Account; provided that, during the period of construction

of the Improvements, earnings on the investment of such funds may be credited to the Debt Service Account.

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies. The provisions of the Note Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Issuer and the Owners of the Notes. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Notes at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Notes similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the Issuer and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Note Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the Issuer, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Notes.

Section 602. Limitation on Rights of Owners. The covenants and agreements of the Issuer contained herein and in the Notes shall be for the equal benefit, protection, and security of the Owners of any or all of the Notes, all of which Notes shall be of equal rank and without preference or priority of one Note over any other Note in the application of the funds herein pledged to the payment of the principal of and the interest on the Notes, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Note Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Outstanding Notes.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Note shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Notes by this Note Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the Issuer and the Owners of the Notes shall, subject to any determination in action or proceeding or applicable law of the State, be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Notes, redemption premium, if any, or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Note Resolution and the pledge of the Issuer's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Notes or scheduled interest payments thereon so paid and discharged. Notes, redemption premium, if any, or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Note Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Notes or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of or Redemption Price of said Notes and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments. If the amount to be so deposited is based on the Redemption Price of any Notes, no such satisfaction shall occur until (a) the Issuer has elected to redeem such Notes, and (b) either notice of such redemption has been given, or the Issuer has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Note Registrar to give such notice of redemption in compliance with *Article III*. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the Issuer, for the purpose of paying and discharging any of the Notes, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Notes, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Note Resolution.

ARTICLE VIII

TAX COVENANTS

Section 801. General Covenants. The Issuer covenants and agrees that: it will comply with (a) all applicable provisions of the Code necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes; and (b) all provisions and requirements of the Federal Tax Certificate. The Mayor/CEO, chief financial officer and Clerk are hereby authorized and directed to execute the Federal Tax Certificate in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Notes will remain excluded from federal gross income, to the extent any such actions can be taken by the Issuer.

Section 802. Survival of Covenants. The covenants contained in this Article and in the Federal Tax Certificate shall remain in full force and effect notwithstanding the defeasance of the Notes pursuant to *Article VII* hereof or any other provision of this Note Resolution until such time as is set forth in the Federal Tax Certificate.

ARTICLE IX

CONTINUING DISCLOSURE REQUIREMENTS

Section 901. Disclosure Requirements. The Mayor/CEO and Clerk are hereby authorized and directed to execute the Disclosure Undertaking in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer hereby covenants with the Purchaser and the Beneficial Owners to provide and disseminate such information as is required by the SEC Rule and as further set forth in the Disclosure Undertaking, which are incorporated herein by reference. Such covenant shall be for the benefit of and enforceable by the Purchaser and the Beneficial Owners.

Section 902. Failure to Comply with Continuing Disclosure Requirements. In the event the Issuer fails to comply in a timely manner with its covenants contained in the preceding section, the Purchaser and/or any Beneficial Owner may make demand for such compliance by written notice to the Issuer. In the event the Issuer does not remedy such noncompliance within 10 days of receipt of such written notice, the Purchaser or any Beneficial Owner may in its discretion, without notice or demand, proceed to enforce compliance by a suit or suits in equity for the specific performance of such covenant or agreement contained in the preceding section or for the enforcement of any other appropriate legal or equitable remedy, as the Purchaser and/or any Beneficial Owner shall deem effectual to protect and enforce any of the duties of the Issuer under such preceding section.

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1001. Annual Audit. Annually, promptly after the end of the Fiscal Year, the Issuer will cause an audit to be made of the financial statements of the Issuer for the preceding Fiscal Year by an Independent Accountant. Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Clerk. Such audit shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, any Owner of any of the Notes, or by anyone acting for or on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or prospective Owner. As soon as possible after the completion of the annual audit, the governing body of the Issuer shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Note Resolution, the Issuer shall promptly cure such deficiency.

Section 1002. Amendments. The rights and duties of the Issuer and the Owners, and the terms and provisions of the Notes or of this Note Resolution, may be amended or modified at any time in any respect by resolution of the Issuer with the written consent of the Owners of not less than a majority in principal amount of the Notes then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Note;
- (b) effect a reduction in the amount which the Issuer is required to pay as principal of or interest on any Note;
- (c) permit preference or priority of any Note over any other Note; or

(d) reduce the percentage in principal amount of Notes required for the written consent to any modification or alteration of the provisions of this Note Resolution.

Any provision of the Notes or of this Note Resolution may, however, be amended or modified by resolution duly adopted by the governing body of the Issuer at any time in any legal respect with the written consent of the Owners of all of the Notes at the time Outstanding.

Without notice to or the consent of any Owners, the Issuer may amend or supplement this Note Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity herein, to grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners, to more precisely identify the Improvements, to reallocate proceeds of the Notes among Improvements, to provide for Substitute Improvements, to conform this Note Resolution to the Code or future applicable federal law concerning tax-exempt obligations, or in connection with any other change therein which is not materially adverse to the interests of the Owners.

Every amendment or modification of the provisions of the Notes or of this Note Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution adopted by the governing body of the Issuer amending or supplementing the provisions of this Note Resolution and shall be deemed to be a part of this Note Resolution. A certified copy of every such amendatory or supplemental resolution, if any, and a certified copy of this Note Resolution shall always be kept on file in the office of the Clerk, and shall be made available for inspection by the Owner of any Note or a prospective purchaser or owner of any Note authorized by this Note Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental resolution or of this Note Resolution will be sent by the Clerk to any such Owner or prospective Owner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the resolution of the Issuer hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Owners of the Notes then Outstanding. It shall not be necessary to note on any of the Outstanding Notes any reference to such amendment or modification.

The Issuer shall furnish to the Paying Agent a copy of any amendment to the Notes or this Note Resolution which affects the duties or obligations of the Paying Agent under this Note Resolution.

Section 1003. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Notes, if made in the following manner, shall be sufficient for any of the purposes of this Note Resolution, and shall be conclusive in favor of the Issuer and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Notes, the amount or amounts, numbers and other identification of Notes, and the date of holding the same shall be proved by the Note Register.

In determining whether the Owners of the requisite principal amount of Notes Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Note Resolution, Notes owned by the Issuer shall be disregarded and deemed not to be Outstanding under this Note Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Notes which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Notes so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's right so to act with respect to such Notes and that the pledgee is not the Issuer.

Section 1004. Notices. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Note Resolution shall be in writing, given to the Notice Representative at the Notice Address and shall be deemed duly given or filed if the same shall be: (a) duly mailed by registered or certified mail, postage prepaid; or (b) communicated via fax, with electronic or telephonic confirmation of receipt. Copies of such notices shall also be given to the Paying Agent. The Issuer, the Paying Agent and the Purchaser may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

All notices given by: (a) certified or registered mail as aforesaid shall be deemed duly given as of the date they are so mailed; (b) fax as aforesaid shall be deemed duly given as of the date of confirmation of receipt. If, because of the temporary or permanent suspension of regular mail service or for any other reason, it is impossible or impractical to mail any notice in the manner herein provided, then such other form of notice as shall be made with the approval of the Paying Agent shall constitute a sufficient notice.

Section 1005. Electronic Transactions. The issuance of the Notes and the transactions related thereto and described herein may be conducted and documents may be stored by electronic means.

Section 1006. Further Authority. The officers and officials of the Issuer, including the Mayor/CEO and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Note Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1007. Severability. If any section or other part of this Note Resolution, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Note Resolution.

Section 1008. Governing Law. This Note Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 1009. Effective Date. This Note Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

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ADOPTED by the governing body of the Issuer on February 25, 2021.

(SEAL)

Mayor/CEO

ATTEST:

Clerk

**EXHIBIT A
(FORM OF NOTES)**

**REGISTERED
NUMBER R-1**

**REGISTERED
\$**

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York Corporation (“DTC”), to the Issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

**UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF WYANDOTTE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY
MUNICIPAL TEMPORARY NOTE
SERIES 2021-I**

Interest	Maturity	Dated	CUSIP:
Rate: 0.3000%	Date: April 1, 2022	Date: March 25, 2021	

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PERSONS BY THESE PRESENTS: That the Unified Government of Wyandotte County/Kansas City, in the County of Wyandotte, State of Kansas (the “Issuer”), for value received, hereby acknowledges itself to be indebted and promises to pay to the Registered Owner shown above, or registered assigns, but solely from the source and in the manner herein specified, the Principal Amount shown above on the Maturity Date shown above, unless called for redemption prior to said Maturity Date, and to pay interest thereon at the Interest Rate per annum shown above (computed on the basis of a 360-day year of twelve 30-day months), from the Dated Date shown above, or from the most recent date to which interest has been paid or duly provided for, payable on October 1, 2021 (the “Interest Payment Date”), and at maturity or earlier redemption until the Principal Amount has been paid.

Method and Place of Payment. The principal or redemption price of this Note shall be paid at maturity or upon earlier redemption to the person in whose name this Note is registered at the maturity or redemption date thereof, upon presentation and surrender of this Note at the principal office of the Treasurer of the Unified Government, Kansas City, Kansas (the “Paying Agent” and “Note Registrar”). The interest

payable on this Note on any Interest Payment Date shall be paid to the person in whose name this Note is registered on the registration books maintained by the Note Registrar at the close of business on the Record Date(s) for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding the Interest Payment Date. Such interest shall be payable (a) by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Note Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Notes, by electronic transfer to such Owner upon written notice given to the Note Registrar by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Registered Owner wishes to have such transfer directed. The principal or redemption price of and interest on the Notes shall be payable in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts. Interest not punctually paid will be paid in the manner established in the within defined Note Resolution.

Definitions. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the hereinafter defined Note Resolution.

Authorization of Notes. This Note is one of an authorized series of Notes of the Issuer designated “Municipal Temporary Notes, Series 2021-I,” aggregating the principal amount of \$49,905,000 (the “Notes”) issued for the purposes set forth in the Resolution of the Issuer authorizing the issuance of the Notes (the “Note Resolution”). The Notes are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including K.S.A. 10-101 *et seq.*, specifically including K.S.A. 10-123, K.S.A. 10-620 *et seq.*, Charter Ordinance No. CO-03-09 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas, as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

General Obligations. The Notes constitute general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes as the same become due.

Redemption Prior to Maturity. The Notes are subject to redemption prior to maturity, as set forth in the Note Resolution.

Book-Entry System. The Notes are being issued by means of a book-entry system with no physical distribution of note certificates to be made except as provided in the Note Resolution. One Note certificate with respect to each date on which the Notes are stated to mature or with respect to each form of Notes, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Notes by the Securities Depository’s participants, beneficial ownership of the Notes in Authorized Denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The Issuer and the Note Registrar will recognize the Securities Depository nominee, while the Registered Owner of this Note, as the owner of this Note for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Note, (ii) notices and (iii) voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal, interest and any redemption premium payments to beneficial owners of the Notes by participants of the

Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer and the Note Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Note, notwithstanding the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Note shall be made in accordance with existing arrangements among the Issuer, the Note Registrar and the Securities Depository.

Transfer and Exchange. EXCEPT AS OTHERWISE PROVIDED IN THE NOTE RESOLUTION, THIS GLOBAL NOTE MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY. This Note may be transferred or exchanged, as provided in the Note Resolution, only on the Note Register kept for that purpose at the principal office of the Note Registrar, upon surrender of this Note together with a written instrument of transfer or authorization for exchange satisfactory to the Note Registrar duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Note or Notes in any Authorized Denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Note Resolution and upon payment of the charges therein prescribed. The Issuer shall pay all costs incurred in connection with the issuance, payment and initial registration of the Notes and the cost of a reasonable supply of note blanks. The Issuer and the Paying Agent may deem and treat the person in whose name this Note is registered on the Note Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes. The Notes are issued in fully registered form in Authorized Denominations.

Authentication. This Note shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the hereinafter defined Note Resolution until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Note Registrar.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Note have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that the total indebtedness of the Issuer, including this series of notes, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the Issuer has caused this Note to be executed by the manual or facsimile signature of its Mayor/CEO and attested by the manual or facsimile signature of its Clerk, and its seal to be affixed hereto or imprinted hereon.

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS**

[(Facsimile Seal)]

By: _____ (manual or facsimile)
Mayor/CEO

ATTEST:

By: _____ (manual or facsimile)
Clerk

This Municipal Temporary Note shall not be negotiable unless and until countersigned below following registration by the Treasurer of the State of Kansas.

(Facsimile Seal)

_____ (manual or facsimile)
Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Note is one of a series of Municipal Temporary Notes, Series 2021-I, of the Unified Government of Wyandotte County/Kansas City, Kansas, described in the within-mentioned Note Resolution.

Registration Date: _____

Office of the Treasurer of the Unified
Government of Wyandotte County/Kansas City,
Kansas, Kansas City, Kansas, as Note Registrar
and Paying Agent

Registration Number: _____

By: _____

CERTIFICATE OF CLERK

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

The undersigned, Clerk of the Unified Government of Wyandotte County/Kansas City, Kansas, does hereby certify that the within Note has been duly registered in my office according to law as of March 25, 2021.

WITNESS my hand and official seal.

(Facsimile Seal)

(facsimile)
Clerk

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

LYNN ROGERS, Treasurer of the State of Kansas, does hereby certify that a transcript of the proceedings leading up to the issuance of this Note has been filed in the office of the State Treasurer, and that this Note was registered in such office according to law on _____.

WITNESS my hand and official seal.

(Seal)

By: _____
Treasurer of the State of Kansas

NOTE ASSIGNMENT

FOR VALUE RECEIVED, the undersigned do(es) hereby sell, assign and transfer to

(Name and Address)

(Social Security or Taxpayer Identification No.)

the Note to which this assignment is affixed in the outstanding principal amount of \$_____, standing in the name of the undersigned on the books of the Note Registrar. The undersigned do(es) hereby irrevocably constitute and appoint _____ as agent to transfer said Note on the books of said Note Registrar with full power of substitution in the premises.

Dated _____

Name

Social Security or
Taxpayer Identification No.

Signature (Sign here exactly as name(s)
appear on the face of Certificate)

Signature guarantee:

By _____

LEGAL OPINION

The following is a true and correct copy of the approving legal opinion of Gilmore & Bell, P.C., Bond Counsel, which was dated and issued as of the date of original issuance and delivery of such Notes:

GILMORE & BELL, P.C.

Attorneys at Law
2405 Grand Boulevard
Suite 1100
Kansas City, Missouri 64108

(PRINTED LEGAL OPINION)



Staff Request for Commission Action

Tracking No. 21688

Full Commission Meeting Date: 2/25/21

Committee: Full Commission

Date of Standing Committee Action: 11/30/20

(If none, please explain):

Publication Required: Yes 3/4/2021

<u>Date:</u> 2/18/2021	<u>Contact Name:</u> Kathleen VonAchen	<u>Contact Phone:</u> x5186	<u>Contact Email:</u> kvonachen@wycokck.org	<u>Department/Division:</u> Finance
<u>Item Description:</u> An ordinance authorizing and providing for the issuance of General Obligation Improvement Bonds, Series 2021-A. A resolution authorizing and directing the sale and delivery of General Obligation Improvement Bonds, Series 2021-A.				
<u>Action Requested:</u> Approval				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Bond Ordinance and Resolution (UG GOB 2021-A)				

[G.O. BASIC DOCUMENTS]

- A. Excerpt of Minutes of Meeting approving sale, approving Ordinance/Bond Resolution
- B. Ordinance
- C. Summary Ordinance
- D. Bond Resolution

**EXCERPT OF MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS HELD
ON FEBRUARY 25, 2021**

The governing body met in regular session at the usual meeting place in the Unified Government, at 7:00 p.m., the following members being present and participating, to-wit:

Present:

Absent:

The Mayor/CEO declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

The Chief Financial Officer reported that pursuant to the Notice of Bond Sale, bids for the purchase of General Obligation Improvement Bonds, Series 2021-A, of the Unified Government had been received. A tabulation of said bids is set forth as **EXHIBIT A** hereto.

Thereupon, the governing body reviewed and considered the bids and it was found and determined that the bid of [PURCHASER], [CITY, STATE], was the best bid for the Bonds, a copy of which is attached hereto as **EXHIBIT B**.

Thereupon, there was presented an Ordinance entitled:

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF
GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2021-A, OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL
TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON
SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER
DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING
CERTAIN COVENANTS WITH RESPECT THERETO.**

Thereupon, Commissioner _____ moved that said Ordinance be passed. The motion was seconded by Commissioner _____. Said Ordinance was duly read and considered, and upon being put, the motion for the passage of said Ordinance was carried by the vote of the governing body, the vote being as follows:

Yea: _____.

Nay: _____.

Thereupon, the Mayor/CEO declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. O-____-21 was signed and approved by the Mayor/CEO and attested by the Clerk, and the Ordinance or a summary thereof was directed to be published one time in the official newspaper of the Unified Government.

Thereupon, there was presented a Resolution entitled:

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2021-A, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. O-____-21 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

Thereupon, Commissioner _____ moved that said Resolution be adopted. The motion was seconded by Commissioner _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: _____.

Nay: _____.

Thereupon, the Mayor/CEO declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. R-____-21 and was signed by the Mayor/CEO and attested by the Clerk.

* * * * *

(Other Proceedings)

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On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Clerk

EXHIBIT A

BID TABULATION

**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
GENERAL OBLIGATION IMPROVEMENT BONDS
SERIES 2021-A**

EXHIBIT B

BID OF PURCHASER

ORDINANCE NO. O-____-21

OF

THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

PASSED

FEBRUARY 25, 2021

**GENERAL OBLIGATION IMPROVEMENT BONDS
SERIES 2021-A**

ORDINANCE NO. O-____-21

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2021-A, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State as a consolidated city-county having all the powers, functions and duties of a county and a city of the first class; and

WHEREAS, pursuant to Charter Ordinance No. CO-03-09 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas, as amended, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the Unified Government has authorized certain improvements to be made in the Unified Government (such improvements and any Substitute Improvements are further described in a resolution adopted by the governing body of the Unified Government on this date, and are hereinafter referred to as the “Improvements”); and

WHEREAS, the governing body of the Unified Government is authorized by law to issue general obligation bonds of the Unified Government to pay a portion of the costs of the Improvements; and

WHEREAS, the governing body of the Unified Government has advertised the sale of the Bonds in accordance with the law and hereby awards the sale of such Bonds to the best bidder.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms in this Ordinance shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“Act” means the Constitution and statutes of the State including K.S.A. 10-101 *et seq.*, K.S.A. 10-620 *et seq.*, Charter Ordinance No. CO-03-09 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas, all as amended and supplemented from time to time.

“Bond and Interest Fund” means the Bond and Interest Fund of the Unified Government for its general obligation bonds.

“Bond Resolution” means the resolution to be adopted by the governing body of the Unified Government prescribing the terms and details of the Bonds and making covenants with respect thereto.

“Bonds” means the Unified Government’s General Obligation Improvement Bonds, Series 2021-A, dated March 25, 2021, authorized by this Ordinance.

“Clerk” means the duly appointed and acting Clerk of the Unified Government or, in the Clerk’s absence, the duly appointed Deputy Clerk or Acting Clerk.

“Improvements” means the improvements referred to in the preamble to this Ordinance and any Substitute Improvements.

“Mayor/CEO” means the duly elected and acting Mayor/CEO of the Unified Government or, in the Mayor/CEO’s absence, the duly appointed and/or elected Vice Mayor/CEO or Acting Mayor/CEO of the Unified Government.

“Ordinance” means this Ordinance authorizing the issuance of the Bonds.

“Refunded Notes” means a portion of the Series 2020-I Notes maturing on April 1, 2021 in the aggregate principal amount of \$38,990,667.98.

“Series 2020-I Notes” means the Unified Government’s Municipal Temporary Notes, Series 2020-I, dated February 27, 2020.

“State” means the State of Kansas.

“Substitute Improvements” means the substitute or additional improvements of the Unified Government authorized in the manner set forth in the Bond Resolution.

“Unified Government” means the Unified Government of Wyandotte County/Kansas City, Kansas.

Section 2. Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued the General Obligation Improvement Bonds, Series 2021-A, of the Unified Government in the principal amount of \$[PRINCIPAL AMOUNT] for the purpose of providing funds to: (a) pay a portion of the costs of the Improvements; (b) pay costs of issuance of the Bonds; and (c) retire the Refunded Notes.

Section 3. Security for the Bonds. The Bonds shall be general obligations of the Unified Government payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Unified Government, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Unified Government. The full faith, credit and resources of the Unified Government are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 4. Terms, Details and Conditions of the Bonds. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued and delivered in the manner prescribed and

subject to the provisions, covenants and agreements set forth in the Bond Resolution hereafter adopted by the governing body of the Unified Government.

Section 5. Levy and Collection of Annual Tax. The governing body of the Unified Government shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes upon all of the taxable tangible property within the Unified Government, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira and excluding the unincorporated area of the Unified Government, in the manner provided by law.

The taxes above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the general ad valorem taxes of the Unified Government are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and the fees and expenses of the Paying Agent. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the Unified Government and to reimburse said general funds for money so expended when said taxes are collected.

Section 6. Further Authority. The Mayor/CEO, Clerk and other Unified Government officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 7. Governing Law. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 8. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the Unified Government, approval by the Mayor/CEO and publication of the Ordinance or a summary thereof in the official Unified Government newspaper.

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PASSED by the governing body of the Unified Government on February 25, 2021 and **APPROVED AND SIGNED** by the Mayor/CEO.

(SEAL)

Mayor/CEO

ATTEST:

Clerk

(PUBLISHED IN THE *WYANDOTTE ECHO* ON FEBRUARY __, 2021)

SUMMARY OF ORDINANCE NO. O-____-21

On February 25, 2021, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2021-A, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

The Series 2021-A Bonds approved by the Ordinance are being issued in the principal amount of \$[PRINCIPAL AMOUNT], to finance certain internal improvements in the Unified Government, and constitute general obligations of the Unified Government payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Unified Government, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Unified Government. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the Clerk of the Unified Government, 701 N. 7th Street, Kansas City, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at <http://public.wycokck.org/sites/ugordinancesresolutions/Pages/default.aspx>.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: February 25, 2021.

Chief Counsel

RESOLUTION NO. R-____-21

OF

THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

ADOPTED

FEBRUARY 25, 2021

**GENERAL OBLIGATION IMPROVEMENT BONDS
SERIES 2021-A**

TABLE OF CONTENTS

ARTICLE I DEFINITIONS

Section 101.	Definitions of Words and Terms.....	3
---------------------	-------------------------------------	---

ARTICLE II AUTHORIZATION AND DETAILS OF THE BONDS

Section 201.	Authorization of the Bonds	11
Section 202.	Description of the Bonds.....	11
Section 203.	Designation of Paying Agent and Bond Registrar	12
Section 204.	Method and Place of Payment of the Bonds.	12
Section 205.	Payments Due on Saturdays, Sundays and Holidays.....	13
Section 206.	Registration, Transfer and Exchange of Bonds.	13
Section 207.	Execution, Registration, Authentication and Delivery of Bonds.	14
Section 208.	Mutilated, Lost, Stolen or Destroyed Bonds.....	15
Section 209.	Cancellation and Destruction of Bonds Upon Payment.....	15
Section 210.	Book-Entry Bonds; Securities Depository	15
Section 211.	Nonpresentment of Bonds.....	17
Section 212.	Preliminary and Final Official Statement	17
Section 213.	Sale of the Bonds.	17

ARTICLE III REDEMPTION OF BONDS

Section 301.	Redemption by Issuer.....	18
Section 302.	Selection of Bonds to be Redeemed.	19
Section 303.	Notice and Effect of Call for Redemption	19

ARTICLE IV SECURITY FOR BONDS

Section 401.	Security for the Bonds.....	21
Section 402.	Levy and Collection of Annual Tax; Transfer to Debt Service Account.....	21

ARTICLE V ESTABLISHMENT OF FUNDS AND ACCOUNTS

DEPOSIT AND APPLICATION OF BOND PROCEEDS

Section 501.	Creation of Funds and Accounts.....	21
Section 502.	Deposit of Bond Proceeds.....	22
Section 503.	Application of Moneys in the Improvement Fund.	22
Section 504.	Substitution of Improvements; Reallocation of Proceeds.....	22
Section 505.	Application of Moneys in Debt Service Account	23
Section 506.	Application of Moneys in the Rebate Fund.	23
Section 507.	Deposits and Investment of Moneys.....	23

ARTICLE VI DEFAULT AND REMEDIES

Section 601.	Remedies.....	24
Section 602.	Limitation on Rights of Owners.	24

Section 603.	Remedies Cumulative	24
Section 604.	Control of Remedies Upon an Event of Default and Event of Insolvency.....	25

ARTICLE VII DEFEASANCE

Section 701.	Defeasance.	25
---------------------	------------------	----

ARTICLE VIII TAX COVENANTS

Section 801.	General Covenants.	26
Section 802.	Survival of Covenants.....	26

ARTICLE IX CONTINUING DISCLOSURE REQUIREMENTS

Section 901.	Disclosure Requirements.	25
Section 902.	Failure to Comply with Continuing Disclosure Requirements.	26

ARTICLE X MISCELLANEOUS PROVISIONS

Section 1001.	Annual Audit.....	26
Section 1002.	Amendments.	26
Section 1003.	Notices, Consents and Other Instruments by Owners.....	27
Section 1004.	Notices	28
Section 1005.	Electronic Transactions.....	28
Section 1006.	Further Authority	28
Section 1007.	Severability	28
Section 1008.	Governing Law	28
Section 1009.	Effective Date.	28

<i>EXHIBIT A</i> – FORM OF BONDS	A-1
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RESOLUTION NO. R-____-21

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2021-A, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. O-____-21 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

WHEREAS, the Issuer has previously passed the Ordinance authorizing the issuance of the Bonds;
and

WHEREAS, the Ordinance authorized the governing body of the Issuer to adopt a resolution prescribing certain details and conditions and to make certain covenants with respect to the issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms as used in this Bond Resolution shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“Act” means the Constitution and statutes of the State including K.S.A. 10-101 *et seq.*, K.S.A. 10-620 *et seq.*, Charter Ordinance No. CO-03-09 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas all as amended and supplemented from time to time.

“Authorized Denomination” means \$5,000 or any integral multiples thereof.

“Beneficial Owner” of the Bonds includes any Owner of the Bonds and any other Person who, directly or indirectly has the investment power with respect to such Bonds.

“Bond and Interest Fund” means the Bond and Interest Fund of the Issuer for its general obligation bonds.

“Bond Counsel” means the firm of Gilmore & Bell, P.C., or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the Issuer.

“Bond Payment Date” means any date on which principal of or interest on any Bond is payable.

“Bond Register” means the books for the registration, transfer and exchange of Bonds kept at the office of the Bond Registrar.

“Bond Registrar” means the State Treasurer, and any successors and assigns.

“Bond Resolution” means this resolution relating to the Bonds.

“Bonds” or **“Bond”** means the General Obligation Improvement Bonds, Series 2021-A, authorized and issued by the Issuer pursuant to the Ordinance and this Bond Resolution.

“Business Day” means a day other than a Saturday, Sunday or any day designated as a holiday by the Congress of the United States or by the Legislature of the State and on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

“Cede & Co.” means Cede & Co., as nominee of DTC and any successor nominee of DTC.

“Clerk” means the duly appointed and/or elected Clerk or, in the Clerk’s absence, the duly appointed Deputy Clerk, Acting Clerk or Interim Clerk of the Issuer.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder by the United States Department of the Treasury.

“Costs of Issuance” means all costs of issuing the Bonds, including but not limited to all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code, all expenses incurred in connection with receiving ratings on the Bonds, and any premiums or expenses incurred in obtaining municipal bond insurance on the Bonds.

“Dated Date” means March 25, 2021.

“Debt Service Account” means the Debt Service Account for General Obligation Improvement Bonds, Series 2021-A created within the Bond and Interest Fund pursuant to **Section 501** hereof.

“Debt Service Requirements” means the aggregate principal payments (whether at maturity or pursuant to scheduled mandatory sinking fund redemption requirements) and interest payments on the Bonds for the period of time for which calculated; provided, however, that for purposes of calculating such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company located in the State and having full trust powers.

“Defaulted Interest” means interest on any Bond which is payable but not paid on any Interest Payment Date.

“Defeasance Obligations” means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) evidences of ownership of proportionate interests in future interest and principal payments on United States Government Obligations held by a bank or trust company as custodian, under which the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor and the underlying United States Government Obligations are not available to any person claiming through the custodian or to whom the custodian may be obligated; or

(c) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) such obligations are rated in a rating category by Moody's or Standard & Poor's that is no lower than the rating category then assigned by that Rating Agency to United States Government Obligations.

"Derivative" means any investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

"Disclosure Instructions" means the Continuing Disclosure Instructions dated as of the Issue Date relating to certain obligations contained in the SEC Rule.

"DTC" means The Depository Trust Company, a limited-purpose trust company organized under the laws of the State of New York, and its successors and assigns, including any successor securities depository duly appointed.

"DTC Representation Letter" means the Blanket Letter of Representation from the Issuer and the Paying Agent to DTC which provides for a book-entry system, or any agreement between the Issuer and Paying Agent and a successor securities depository duly appointed.

"Event of Default" means each of the following occurrences or events:

(a) Payment of the principal and of the redemption premium, if any, of any of the Bonds shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise;

(b) Payment of any installment of interest on any of the Bonds shall not be made when the same shall become due; or

(c) The Issuer shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Bond Resolution (other than the covenants relating to continuing disclosure requirements contained herein and in the Disclosure Instructions) on the part of the Issuer to be performed, and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the Issuer by the Owner of any of the Bonds then Outstanding.

“Federal Tax Certificate” means the Issuer’s Federal Tax Certificate dated as of the Issue Date, as the same may be amended or supplemented in accordance with the provisions thereof.

“Financeable Costs” means the amount of expenditure for an Improvement which has been duly authorized by action of the governing body of the Issuer to be financed by general obligation bonds, less:

(a) the amount of any temporary notes or general obligation bonds of the Issuer which are currently Outstanding and available to pay such Financeable Costs; and (b) any amount of Financeable Costs which has been previously paid by the Issuer or by any eligible source of funds unless such amounts are entitled to be reimbursed to the Issuer under State or federal law.

“Fiscal Year” means the twelve month period ending on December 31.

“Funds and Accounts” means funds and accounts created pursuant to or referred to in *Section 501* hereof.

“Improvement Fund” means the Improvement Fund for General Obligation Improvement Bonds, Series 2020-A created pursuant to *Section 501* hereof.

“Improvements” means the following improvements and any Substitute Improvements:

ACD	Project Name	Improvement Fund Deposit*
9430116	Priority Traffic Signal Replacements, 2016	360,000.00
9411220	Annual Alley Improvement Program, 2020	304,423.10
9480218	Facilities/Parking Annual Maintenance/Repair, 2018	579,854.71
9622142	North 34th Street Box Culvert	401,760.70
9698212	Police Tow Lot	2,759,599.67
9701054	Fiber Connectivity Projects	1,159,315.42
9701071	90 th Street Parallel - Brune Elementary Road Improvements	2,036,714.35
9701225	Route 107 Bus Stop & Station Upgrades	251,652.33
9701612	Leavenworth Road, 78th - 63rd Street	5,624,086.88
9701614	Metropolitan Bikeway Improvement	355,575.56
9701615	131st St and Leavenworth Rd Intersection Reconstruction	1,116,643.19
9701619	Minnesota Ave., from 6th St. to 7th St. Improvements	1,250,897.99
9701620	Interstate 70 and Turner Diag. Interchange Reconstruction	7,556,500.49
9703334	Safe Routes to School, Group D	320,536.16
9739232	Maintenance Facility KS Ave	2,017,719.50

9636045	Kaw Point Bio Solids Digestion	4,122,791.82
9636056	Wolcott Expansion/Conner Creek	8,117,949.79
9636131	Pump Station 18, 5, 4 Upgrade	1,265,056.61
9636132	Plant 20 & 3 Equipment and Structural Rehab	948,792.43
9636354	Pump Stations SCDA	3,181,751.60
9635045	51st N of Cleveland RCB Replacement	741,515.36
9635046	Stream Bank Stabilization Improvements, 2017-19	101,474.36
0007301	Technology Projects	486,000.00
0463304	Pavement Marking & Signing Program	50,000.00
0007308	Infrastructure Migration	75,000.00
0007404	Bonded Equipment	1,297,500.00
0767847	Hardscaping/Landscaping	100,000.00
0218419	Police Station Annual Maintenance Program	50,000.00
0218420	Police Station Major Facility Improvements	50,000.00
0768513	Facilities/Parking Annual Maintenance and Repair, 2021	200,000.00
	Total	\$46,883,112.02

* Excludes \$[] to be used to pay costs of issuance.

“Independent Accountant” means an independent certified public accountant or firm of independent certified public accountants at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Independent Accountant by this Bond Resolution.

“Interest Payment Date(s)” means the Stated Maturity of an installment of interest on any Bond which shall be February 1 and August 1 of each year, commencing February 1, 2022.

“Issue Date” means the date when the Issuer delivers the Bonds to the Purchaser in exchange for the Purchase Price.

“Issuer” means the Unified Government and any successors or assigns.

“Maturity” when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for redemption or otherwise.

“Mayor/CEO” means the duly elected and acting Mayor/CEO, or in the Mayor/CEO’s absence, the duly appointed and/or elected Vice Mayor/CEO or Acting Mayor/CEO of the Issuer.

“Moody’s” means Moody’s Investors Service, a corporation organized and existing under the laws of the State of Delaware, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Moody’s” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“Notice Address” means with respect to the following entities:

(a) To the Issuer at:

Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street

Kansas City, Kansas 66101
Fax: (913) 573-5003
Attn: Chief Counsel

(b) To the Paying Agent at:

State Treasurer of the State of Kansas
Landon Office Building
900 Southwest Jackson, Suite 201
Topeka, Kansas 66612-1235
Fax: (785) 296-6976

(c) To the Purchaser:

[Purchaser]
[Address]
[City, State] [Zip]

(d) To the Rating Agency(ies):

Moody's Municipal Rating
Desk 7 World Trade Center
250 Greenwich
Street 23rd Floor
New York, New York 10007

S&P Global Ratings, a division of S&P Global Inc.
55 Water Street, 38th Floor
New York, New York 10004

or such other address as is furnished in writing to the other parties referenced herein.

"Notice Representative" means:

- (a) With respect to the Issuer, the Clerk.
- (b) With respect to the Bond Registrar and Paying Agent, the Director of Bond Services.
- (c) With respect to any Purchaser, the manager of its Municipal Bond Department.
- (d) With respect to any Rating Agency, any Vice President thereof.

"Official Statement" means Issuer's Official Statement relating to the Bonds.

"Ordinance" means Ordinance No. O-[]-21 of the Issuer authorizing the issuance of the Bonds, as amended from time to time.

"Outstanding" means, when used with reference to the Bonds, as of a particular date of determination, all Bonds theretofore authenticated and delivered, except the following Bonds:

(a) Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;

(b) Bonds deemed to be paid in accordance with the provisions of *Article VII* hereof; and

(c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered hereunder.

“Owner” when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register. Whenever consent of the Owners is required pursuant to the terms of this Bond Resolution, and the Owner of the Bonds, as set forth on the Bond Register, is Cede & Co., the term Owner shall be deemed to be the Beneficial Owner of the Bonds.

“Participants” means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

“Paying Agent” means the State Treasurer, and any successors and assigns.

“Permitted Investments” shall mean the investments hereinafter described, provided, however, no moneys or funds shall be invested in a Derivative: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the Issuer’s temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks or trust companies located in the county or counties in which the Issuer is located which are insured by the Federal Deposit Insurance Corporation or collateralized by securities described in (c); (f) obligations of the federal national mortgage association, federal home loan banks, federal home loan mortgage corporation or government national mortgage association; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements 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 or Standard & Poor’s; (i) investments and shares or units of a money market fund or trust, the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any municipality of the State as defined in K.S.A. 10-1101 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 securities described in (c) or (f); or (m) other investment obligations authorized by the laws of the State, all as may be further restricted or modified by amendments to applicable State law.

“Person” means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

“Purchase Price” means the principal amount of the Bonds plus accrued interest to the date of delivery, plus a bid premium of \$[_____].

“Purchaser” means [Purchaser], [City, State], the original purchaser of the Bonds, and any successor and assigns.

“Rating Agency” means any company, agency or entity that provides, pursuant to request of the Issuer, financial ratings for the Bonds.

“Rebate Fund” means the Rebate Fund for General Obligation Improvement Bonds, Series 2021-A created pursuant to *Section 501* hereof.

“Record Dates” for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

“Redemption Date” means, when used with respect to any Bond to be redeemed, the date fixed for the redemption of such Bond pursuant to the terms of this Bond Resolution.

“Redemption Price” means, when used with respect to any Bond to be redeemed, the price at which such Bond is to be redeemed pursuant to the terms of this Bond Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

“Refunded Notes” means a portion of the Series 2020-I Notes maturing on April 1, 2021 in the aggregate principal amount of \$38,990,667.98.

“Refunded Notes Paying Agent” means the paying agent for the Refunded Notes as designated in the Refunded Notes Resolution, and any successor or successors at the time acting as paying agent of the Refunded Notes.

“Refunded Notes Redemption Date” means April 1, 2021.

“Refunded Notes Resolution” means the resolution which authorized the Refunded Notes.

“Replacement Bonds” means Bonds issued to the Beneficial Owners of the Bonds in accordance with *Section 210* hereof.

“SEC Rule” means Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934.

“Securities Depository” means, initially, DTC, and its successors and assigns.

“Series 2020-I Notes” means the Unified Government’s Municipal Temporary Notes, Series 2020-I, dated February 27, 2020.

“Special Record Date” means the date fixed by the Paying Agent pursuant to *Article II* hereof for the payment of Defaulted Interest.

“Standard & Poor’s” or “S&P” means S&P Global Ratings, a division of S&P Global, Inc., a corporation organized and existing under the laws of the State of New York, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, Standard & Poor’s shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“State” means the state of Kansas.

“State Treasurer” means the duly elected Treasurer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the State.

“Stated Maturity” when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Bond Resolution as the fixed date on which the principal of such Bond or such installment of interest is due and payable.

“Substitute Improvements” means the substitute or additional improvements of the Issuer described in *Article V* hereof.

“Term Bonds” means the Bonds scheduled to mature in the year 20____.]

“Treasurer” means the duly appointed and/or elected Treasurer of the Issuer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the Issuer.

“Unified Government” means the Unified Government of Wyandotte County/Kansas City, Kansas.

“United States Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the Issuer.

ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

Section 201. Authorization of the Bonds. The Bonds have been previously authorized and directed to be issued pursuant to the Ordinance in the principal amount of \$[PRINCIPAL AMOUNT], for the purpose of providing funds to: (a) pay a portion of the costs of the Improvements; (b) pay Costs of Issuance; and (c) retire the Refunded Notes.

Section 202. Description of the Bonds. The Bonds shall consist of fully registered bonds in an Authorized Denomination, and shall be numbered in such manner as the Bond Registrar shall determine. All of the Bonds shall be dated as of the Dated Date, shall become due in the amounts, on the Stated Maturities, subject to redemption and payment prior to their Stated Maturities as provided in *Article III* hereof, and shall bear interest at the rates per annum as follows:

SERIAL BONDS

<u>Stated Maturity</u> <u>August 1</u>	<u>Principal</u> <u>Amount</u>	<u>Annual Rate</u> <u>of Interest</u>	<u>Stated Maturity</u> <u>August 1</u>	<u>Principal</u> <u>Amount</u>	<u>Annual Rate</u> <u>of Interest</u>
2022	\$	%	2032	\$	%
2023			2033		

2024	2034
2025	2035
2026	2036
2027	2037
2028	2038
2029	2039
2030	2040
2031	2041

[TERM BONDS]

Stated Maturity	Principal	Annual Rate
<u>August 1</u>	<u>Amount</u>	<u>of Interest</u>
20__	\$	%]

The Bonds shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid on the Interest Payment Dates in the manner set forth in **Section 204** hereof.

Each of the Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as **EXHIBIT A** or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq.*

Section 203. Designation of Paying Agent and Bond Registrar. The State Treasurer is hereby designated as the Paying Agent for the payment of principal of and interest on the Bonds and Bond Registrar with respect to the registration, transfer and exchange of Bonds. The Mayor/CEO of the Issuer is hereby authorized and empowered to execute on behalf of the Issuer an agreement with the Bond Registrar and Paying Agent for the Bonds.

The Issuer will at all times maintain a Paying Agent and Bond Registrar meeting the qualifications herein described for the performance of the duties hereunder. The Issuer reserves the right to appoint a successor Paying Agent or Bond Registrar by (a) filing with the Paying Agent or Bond Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Bond Registrar and appointing a successor, and (b) causing notice of appointment of the successor Paying Agent and Bond Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Bond Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Bond Registrar.

Every Paying Agent or Bond Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 *et seq.* and K.S.A. 10-620 *et seq.*, respectively.

Section 204. Method and Place of Payment of the Bonds. The principal of, or Redemption Price, and interest on the Bonds shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Bond shall be paid at Maturity to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the principal office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Owner of such Bond on the relevant Record Date and shall be payable to the Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The Issuer shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the Issuer of such Special Record Date and, in the name and at the expense of the Issuer, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore to be mailed, by first class mail, postage prepaid, to each Owner of a Bond entitled to such notice at the address of such Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and at least annually shall forward a copy or summary of such records to the Issuer.

Section 205. Payments Due on Saturdays, Sundays and Holidays. In any case where a Bond Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Bond Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for the period after such Bond Payment Date.

Section 206. Registration, Transfer and Exchange of Bonds. The Issuer covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Bond Registrar as herein provided. Each Bond when issued shall be registered in the name of the Owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal office of the Bond Registrar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any Authorized Denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange.

Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Bond Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Bond Resolution. The Issuer shall pay the fees and expenses of the Bond Registrar for the registration, transfer and exchange of Bonds provided for by this Bond Resolution and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the Owners of the Bonds. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Code § 3406, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Bonds.

The Issuer and the Bond Registrar shall not be required (a) to register the transfer or exchange of any Bond that has been called for redemption after notice of such redemption has been mailed by the Paying Agent pursuant to **Article III** hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the Issuer of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to this **Article II**.

The Issuer and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute Owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Bond and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Bond Registrar, the Bond Register may be inspected and copied by the Owners (or a designated representative thereof) of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Bond Registrar.

Section 207. Execution, Registration, Authentication and Delivery of Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be executed for and on behalf of the Issuer by the manual or facsimile signature of the Mayor/CEO, attested by the manual or facsimile signature of the Clerk, and the seal of the Issuer shall be affixed thereto or imprinted thereon. The Mayor/CEO and Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner herein specified, and to cause the Bonds to be registered in the office of the Clerk, which registration shall be evidenced by the manual or facsimile signature of the Clerk with the seal of the Issuer affixed thereto or imprinted thereon. The Bonds shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the

proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Mayor/CEO and Clerk are hereby authorized and directed to prepare and execute the Bonds as herein specified, and when duly executed, to deliver the Bonds to the Bond Registrar for authentication.

The Bonds shall have endorsed thereon a certificate of authentication substantially in the form attached hereto as **EXHIBIT A** hereof, which shall be manually executed by an authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Bond Resolution or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Bond Registrar. Such executed certificate of authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Bond Resolution. Upon authentication, the Bond Registrar shall deliver the Bonds to the Purchaser upon instructions of the Issuer or its representative.

Section 208. Mutilated, Lost, Stolen or Destroyed Bonds. If (a) any mutilated Bond is surrendered to the Bond Registrar or the Bond Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the Issuer and the Bond Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the Issuer or the Bond Registrar that such Bond has been acquired by a bona fide purchaser, the Issuer shall execute and, upon the Issuer's request, the Bond Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the Issuer, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the Issuer and the Paying Agent may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the Issuer, and shall be entitled to all the benefits of this Bond Resolution equally and ratably with all other Outstanding Bonds.

Section 209. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the Issuer.

Section 210. Book-Entry Bonds; Securities Depository. The Issuer and Paying Agent have entered into a DTC Representation Letter with DTC. The Bonds shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no Beneficial Owner will receive certificates representing their respective interests in the Bonds, except in the event the Bond Registrar issues Replacement Bonds as provided in this Section. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Bonds to the Participants until and unless the Bond Registrar

authenticates and delivers Replacement Bonds to the Beneficial Owners as described in the following paragraph.

The Issuer may decide, subject to the requirements of the Operational Arrangements of DTC (or a successor Securities Depository), and the following provisions of this section to discontinue use of the system of book-entry transfers through DTC (or a successor Securities Depository):

(a) If the Issuer determines (1) that the Securities Depository is unable to properly discharge its responsibilities, or (2) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (3) that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds; or

(b) if the Bond Registrar receives written notice from Participants having interests in not less than 50% of the Bonds Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds, then the Bond Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Bond Registrar shall register in the name of and authenticate and deliver Replacement Bonds to the Beneficial Owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (a)(1) or (a)(2) of this paragraph, the Issuer, with the consent of the Bond Registrar, may select a successor securities depository in accordance with the following paragraph to effect book-entry transfers.

In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Bond Registrar, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the Issuer, the Bond Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with the following paragraph, then the Bond Registrar shall authenticate and cause delivery of Replacement Bonds to Owners, as provided herein. The Bond Registrar may rely on information from the Securities Depository and its Participants as to the names of the Beneficial Owners of the Bonds. The cost of printing, registration, authentication, and delivery of Replacement Bonds shall be paid for by the Issuer.

In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the Issuer may appoint a successor Securities Depository provided the Bond Registrar receives written evidence satisfactory to the Bond Registrar with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Bond Registrar upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of Bonds to the successor Securities Depository in an Authorized Denominations and form as provided herein.

Section 211. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent all liability of the Issuer to the Owner thereof for the payment of such Bond shall

forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Bond Resolution or on, or with respect to, said Bond. If any Bond is not presented for payment within four (4) years following the date when such Bond becomes due at Maturity, the Paying Agent shall repay, without liability for interest thereon, to the Issuer the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Issuer, and the Owner thereof shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 212. Preliminary and Final Official Statement. For the purpose of enabling the Purchaser to comply with the requirements of Section (b)(1) of the SEC Rule, the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be “final” as of its date, except for the omission of such information as is permitted by Section (b)(1) of the SEC Rule, and the appropriate officers of the Issuer are hereby authorized, if requested, to provide the Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the SEC Rule.

The Official Statement is hereby authorized to be prepared by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor/CEO and chief financial officer of the Issuer are hereby authorized to execute the Official Statement as so supplemented, amended and completed, and the use and public distribution of the Official Statement by the Purchaser in connection with the reoffering of the Bonds is hereby authorized. The proper officials of the Issuer are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the Issue Date.

The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Bonds sufficient copies of the Official Statement to enable the Purchaser to comply with the requirements of the SEC Rule and Rule G-32 of the Municipal Securities Rulemaking Board.

Section 213. Sale of the Bonds. The sale of the Bonds to the Purchaser is hereby approved and confirmed. The Mayor/CEO and Clerk are hereby authorized to execute the official bid form submitted by the Purchaser. Delivery of the Bonds shall be made to the Purchaser on the Issue Date (which shall be as soon as practicable after the adoption of this Bond Resolution), upon payment of the Purchase Price.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Redemption by Issuer.

Optional Redemption. At the option of the Issuer, Bonds maturing on August 1 in the years 2030, and thereafter, will be subject to redemption and payment prior to their Stated Maturity on August 1, 2029, and thereafter, as a whole or in part (selection of maturities and the amount of Bonds of each maturity to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time, at the Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued interest to the Redemption Date.

[Mandatory Redemption. The Term Bonds shall be subject to mandatory redemption and payment prior to Stated Maturity pursuant to the mandatory redemption requirements of this Section at a Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date. The taxes levied in **Article IV** hereof which are to be deposited into the Debt Service Account shall be sufficient to redeem, and the Issuer shall redeem on August 1 in each year, the following principal amounts of such Term Bonds:

<u>Principal Amount</u>	<u>Year</u>
------------------------------------	--------------------

*Final Maturity

At its option, to be exercised on or before the 45th day next preceding any mandatory Redemption Date, the Issuer may: (1) deliver to the Paying Agent for cancellation Term Bonds subject to mandatory redemption on said mandatory Redemption Date, in any aggregate principal amount desired; or (2) furnish the Paying Agent funds, together with appropriate instructions, for the purpose of purchasing any Term Bonds subject to mandatory redemption on said mandatory Redemption Date from any Owner thereof whereupon the Paying Agent shall expend such funds for such purpose to such extent as may be practical; or (3) receive a credit with respect to the mandatory redemption obligation of the Issuer under this Section for any Term Bonds subject to mandatory redemption on said mandatory Redemption Date which, prior to such date, have been redeemed (other than through the operation of the mandatory redemption requirements of this subsection) and cancelled by the Paying Agent and not theretofore applied as a credit against any redemption obligation under this subsection. Each Term Bond so delivered or previously purchased or redeemed shall be credited at 100% of the principal amount thereof on the obligation of the Issuer to redeem Term Bonds of the same Stated Maturity on such mandatory Redemption Date, and any excess of such amount shall be credited on future mandatory redemption obligations for Term Bonds of the same Stated Maturity as designated by the Issuer, and the principal amount of Term Bonds to be redeemed by operation of the requirements of this Section shall be accordingly reduced. If the Issuer intends to exercise any option granted by the provisions of clauses (1), (2) or (3) above, the Issuer will, on or before the 45th day next preceding each mandatory Redemption Date, furnish the Paying Agent a written certificate indicating to what extent the provisions of said clauses (1), (2) and (3) are to be complied with, with respect to such mandatory redemption payment.]

Section 302. Selection of Bonds to be Redeemed. Bonds shall be redeemed only in an Authorized Denomination. When less than all of the Bonds are to be redeemed and paid prior to their Stated Maturity, such Bonds shall be redeemed in such manner as the Issuer shall determine. Bonds of less than a full Stated Maturity shall be selected by the Bond Registrar in a minimum Authorized Denomination of principal amount in such equitable manner as the Bond Registrar may determine.

In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than a minimum Authorized Denomination are then Outstanding, then for all purposes in connection with such redemption a minimum Authorized Denomination of face value shall be treated as though it were a separate Bond of the denomination of a minimum Authorized Denomination. If it is determined that one or more, but not all, of a minimum Authorized Denomination of face value represented by any Bond is selected for redemption, then upon notice of intention to redeem a minimum Authorized Denomination, the Owner or the Owner's duly authorized agent shall forthwith present and surrender such Bond to the Bond Registrar:

(1) for payment of the Redemption Price and interest to the Redemption Date of a minimum Authorized Denomination of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent of a minimum Authorized Denomination of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. In the event the Issuer desires to call the Bonds for redemption prior to maturity, written notice of such intent shall be provided to the Bond Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Bond Registrar shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Bond Registrar at least 45 days prior to the Redemption Date of written instructions of the Issuer specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Bonds to be called for redemption. [The foregoing provisions of this paragraph shall not apply in the case of any mandatory redemption of Term Bonds hereunder, and Term Bonds shall be called by the Paying Agent for redemption pursuant to such mandatory redemption requirements without the necessity of any action by the Issuer and whether or not the Paying Agent holds moneys available and sufficient to effect the required redemption.]

Unless waived by any Owner of Bonds to be redeemed, if the Issuer shall call any Bonds for redemption and payment prior to the Stated Maturity thereof, the Issuer shall give written notice of its intention to call and pay said Bonds to the Bond Registrar and the Purchaser. In addition, the Issuer shall cause the Bond Registrar to give written notice of redemption to the Owners of said Bonds. Each of said written notices shall be deposited in the United States first class mail not less than 30 days prior to the Redemption Date.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;
- (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and
- (e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the Issuer shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on such Redemption Date.

For so long as the Securities Depository is effecting book-entry transfers of the Bonds, the Bond Registrar shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the Beneficial Owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a Beneficial Owner of a Bond (having been mailed notice from the Bond Registrar, the Securities Depository, a Participant or otherwise) to notify the Beneficial Owner of the Bond so affected, shall not affect the validity of the redemption of such Bond.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the Issuer defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price of such Bonds shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

In addition to the foregoing notice, the Issuer shall provide such notices of redemption as are required by the Disclosure Instructions. Further notice may be given by the Issuer or the Bond Registrar on behalf of the Issuer as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed:

(a) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (1) the CUSIP numbers of all Bonds being redeemed; (2) the date of issue of the Bonds as originally issued; (3) the rate of interest borne by each Bond being redeemed; (4) the maturity date of each Bond being redeemed; and (5) any other descriptive information needed to identify accurately the Bonds being redeemed.

(b) Each further notice of redemption shall be sent at least one day before the mailing of notice to Owners by first class, registered or certified mail or overnight delivery, as determined by the Bond Registrar, to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

(c) Each check or other transfer of funds issued for the payment of the Redemption Price of Bonds being redeemed shall bear or have enclosed the CUSIP number of the Bonds being redeemed with the proceeds of such check or other transfer.

The Paying Agent is also directed to comply with any mandatory standards then in effect for processing redemptions of municipal securities established by the State or the Securities and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

ARTICLE IV

SECURITY FOR BONDS

Section 401. Security for the Bonds. The Bonds shall be general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 402. Levy and Collection of Annual Tax; Transfer to Debt Service Account. The governing body of the Issuer shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by, to the extent necessary, levying and collecting the necessary taxes upon all of the taxable tangible property within the Issuer, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer, in the manner provided by law.

The taxes referred to above shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the Issuer are levied and collected. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund, shall be kept separate and apart from all other funds of the Issuer shall thereafter be transferred to the Debt Service Account and shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due, taking into account any scheduled mandatory redemptions, and the fees and expenses of the Paying Agent.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the Issuer and to reimburse said general funds for money so expended when said taxes are collected.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF BOND PROCEEDS

Section 501. Creation of Funds and Accounts. Simultaneously with the issuance of the Bonds, there shall be created within the Treasury of the Issuer the following Funds and Accounts:

- (a) Improvement Fund for General Obligation Improvement Bonds, Series 2021-A; and
- (b) Debt Service Account for General Obligation Improvement Bonds, Series 2021-A (within the Bond and Interest Fund); and
- (c) Rebate Fund for General Obligation Improvement Bonds, Series 2021-A.

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Bond Resolution so long as the Bonds are Outstanding.

Section 502. Deposit of Bond Proceeds. The net proceeds received from the sale of the Bonds shall be deposited simultaneously with the delivery of the Bonds as follows:

(a) All accrued interest (if any) received from the sale of the Bonds, plus proceeds of the amounts in the amount of \$[_____], shall be deposited in the Debt Service Account.

(b) The remaining balance of the proceeds derived from the sale of the Bonds shall be deposited in the Improvement Fund.

Section 503. Application of Moneys in the Improvement Fund. Moneys in the Improvement Fund shall be used for the sole purpose of: (a) paying the costs of the Improvements, in accordance with the plans and specifications therefor approved by the governing body of the Issuer and on file in the office of the Clerk, including any alterations in or amendments to said plans and specifications deemed advisable and approved by the governing body of the Issuer; (b) paying interest on the Bonds during construction of the Improvements; (c) paying Costs of Issuance; (d) retiring the Refunded Notes; and (e) transferring any amounts to the Rebate Fund required by this *Article V*.

Upon completion of the Improvements, any surplus remaining in the Improvement Fund shall be deposited in the Debt Service Account.

Section 504. Substitution of Improvements; Reallocation of Proceeds.

(a) The Issuer may elect for any reason to substitute or add other public improvements to be financed with proceeds of the Bonds provided the following conditions are met: (1) the Substitute Improvement and the issuance of general obligation bonds to pay the cost of the Substitute Improvement has been duly authorized by the governing body of the Issuer in accordance with the laws of the State; (2) a resolution or ordinance authorizing the use of the proceeds of the Bonds to pay the Financeable Costs of the Substitute Improvement has been duly adopted by the governing body of the Issuer pursuant to this Section, (3) the Attorney General of the State has approved the amendment made by such resolution or ordinance to the transcript of proceedings for the Bonds to include the Substitute Improvements; and (4) the use of the proceeds of the Bonds to pay the Financeable Cost of the Substitute Improvement will not adversely affect the tax-exempt status of the Bonds under State or federal law.

(b) The Issuer may reallocate expenditure of Bond proceeds among all Improvements financed by the Bonds; provided the following conditions are met: (1) the reallocation shall not cause the proceeds of the Bonds allocated to any Improvement to exceed the lesser of the Financeable Costs of the Improvement or the amount of the Improvement authorized to be financed with general obligation notes and/or bonds as set forth in Resolution R-47-20/Ordinance No. O-37-20 of the Issuer; and (2) the reallocation will not adversely affect the tax-exempt status of the Bonds under State or federal law. If the Issuer desires to reallocate Bond proceeds to Improvements in an amount in excess of the lesser of the Financeable Costs of the Improvement or the amount of the Improvement authorized to be financed with general obligation notes and/or bonds as set forth in Resolution R-47-20/Ordinance No. O-37-20 of the Issuer, then the Issuer shall follow the procedures set forth in subparagraph (a) of this Section prior to such reallocation of Bond proceeds.

Section 505. Application of Moneys in Debt Service Account. All amounts paid and credited to the Debt Service Account shall be expended and used by the Issuer for the sole purpose of paying the principal or Redemption Price of and interest on the Bonds as and when the same become due and the usual and customary fees and expenses of the Bond Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Debt Service Account sums sufficient to pay both principal or Redemption Price of and interest on the Bonds and the fees and expenses of the Bond Registrar and Paying Agent as

and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, interest and fees of the Bond Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the Issuer. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Bond Resolution and shall be held in trust by the Paying Agent for the benefit of the Owners of the Bonds entitled to payment from such moneys.

Any moneys or investments remaining in the Debt Service Account after the retirement of the Bonds shall be transferred and paid into the Bond and Interest Fund.

Section 506. Application of Moneys in the Rebate Fund.

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Federal Tax Certificate. All money at any time deposited in the Rebate Fund shall be held in trust, to the extent required to satisfy the Rebate Amount (as defined in the Federal Tax Certificate), for payment to the United States of America, and neither the Issuer nor the Owner of any Bonds shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Federal Tax Certificate.

(b) The Issuer shall periodically determine the arbitrage rebate, if any, under Code § 148(f) in accordance with the Federal Tax Certificate, and the Issuer shall make payments to the United States of America at the times and in the amounts determined under the Federal Tax Certificate. Any moneys remaining in the Rebate Fund after redemption and payment of all of the Bonds and payment and satisfaction of any Rebate Amount, or provision made therefor, shall be deposited into the Bond and Interest Fund.

(c) Notwithstanding any other provision of this Bond Resolution, including in particular *Article VII* hereof, the obligation to pay arbitrage rebate to the United States of America and to comply with all other requirements of this Section and the Federal Tax Certificate shall survive the defeasance or payment in full of the Bonds.

Section 507. Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be deposited in accordance with laws of the State, in a bank, savings and loan association or savings bank organized under the laws of the State, any other state or the United States which has a main or branch office located in the Issuer. All such depositories shall be members of the Federal Deposit Insurance Corporation, or otherwise as permitted by State law. All such deposits shall be invested in Permitted Investments as set forth in this Article or shall be adequately secured as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the Issuer so that there shall be no commingling with any other funds of the Issuer.

Moneys held in any Fund or Account may be invested in accordance with this Bond Resolution and the Federal Tax Certificate in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any Fund or Account shall accrue to and become a part of such Fund or Account; provided that, during the period of construction of the Improvements, earnings on the investment of such funds may, at the discretion of the Issuer, be credited to the Debt Service Account.

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies. The provisions of the Bond Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Issuer and the Owners of the Bonds. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the Issuer and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Bond Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the Issuer, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Bonds.

Section 602. Limitation on Rights of Owners. The covenants and agreements of the Issuer contained herein and in the Bonds shall be for the equal benefit, protection, and security of the Owners of any or all of the Bonds, all of which Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Bond Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Outstanding Bonds.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Bonds by this Bond Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the Issuer and the Owners of the Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Bonds, redemption premium, if any, or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Bond Resolution and the pledge of the Issuer's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds, redemption premium, if any, or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Bond Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of or Redemption Price of said Bonds and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments. If the amount to be so deposited is based on the Redemption Price of any Bonds, no such satisfaction shall occur until (a) the Issuer has elected to redeem such Bonds, and (b) either notice of such redemption has been given, or the Issuer has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Bond Registrar to give such notice of redemption in compliance with *Article III* hereof. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the Issuer, for the purpose of paying and discharging any of the Bonds, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Bond Resolution.

ARTICLE VIII

TAX COVENANTS

Section 801. General Covenants. The Issuer covenants and agrees that it will comply with: (a) all applicable provisions of the Code necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bonds; and (b) all provisions and requirements of the Federal Tax Certificate. The Mayor/CEO, chief financial officer of the Issuer and Clerk are hereby authorized and directed to execute the Federal Tax Certificate in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the Issuer.

Section 802. Survival of Covenants. The covenants contained in this Article and in the Federal Tax Certificate shall remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to *Article VII* hereof or any other provision of this Bond Resolution until such time as is set forth in the Federal Tax Certificate.

ARTICLE IX

CONTINUING DISCLOSURE REQUIREMENTS

Section 901. Disclosure Requirements. The Mayor/CEO and Clerk are hereby authorized and directed to execute the Disclosure Instructions in a form approved by Bond Counsel, for and on behalf of

and as the act and deed of the Issuer. The Issuer hereby covenants with the Purchaser and the Beneficial Owners to provide and disseminate such information as is required by the SEC Rule and as further set forth in the Disclosure Instructions, which are incorporated herein by reference. Such covenant shall be for the benefit of and enforceable by the Purchaser and the Beneficial Owners.

Section 902. Failure to Comply with Continuing Disclosure Requirements. In the event the Issuer fails to comply in a timely manner with its covenants contained in the preceding section, the Purchaser and/or any Beneficial Owner may make demand for such compliance by written notice to the Issuer. In the event the Issuer does not remedy such noncompliance within 10 days of receipt of such written notice, the Purchaser or any Beneficial Owner may in its discretion, without notice or demand, proceed to enforce compliance by a suit or suits in equity for the specific performance of such covenant or agreement contained in the preceding section or for the enforcement of any other appropriate legal or equitable remedy, as the Purchaser and/or any Beneficial Owner shall deem effectual to protect and enforce any of the duties of the Issuer under such preceding section. Notwithstanding any other provision of this Bond Resolution, failure of the Issuer to comply with its covenants contained in the preceding section shall not be considered an Event of Default under this Bond Resolution.

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1001. Annual Audit. Annually, promptly after the end of the Fiscal Year, the Issuer will cause an audit to be made of the financial statements of the Issuer for the preceding Fiscal Year by an Independent Accountant. Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Clerk. Such audit shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, any Owner of any of the Bonds, or by anyone acting for or on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or prospective Owner. As soon as possible after the completion of the annual audit, the governing body of the Issuer shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Bond Resolution, the Issuer shall promptly cure such deficiency.

Section 1002. Amendments. The rights and duties of the Issuer and the Owners, and the terms and provisions of the Bonds or of this Bond Resolution, may be amended or modified at any time in any respect by ordinance or resolution of the Issuer with the written consent of the Owners of not less than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Bond;
- (b) effect a reduction in the amount which the Issuer is required to pay as principal of or interest on any Bond;
- (c) permit preference or priority of any Bond over any other Bond; or
- (d) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Bond Resolution.

Any provision of the Bonds or of this Bond Resolution may, however, be amended or modified by ordinance or resolution duly adopted by the governing body of the Issuer at any time in any legal respect with the written consent of the Owners of all of the Bonds at the time Outstanding.

Without notice to or the consent of any Owners, the Issuer may amend or supplement this Bond Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity herein, to grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners, to more precisely identify the Improvements, to reallocate proceeds of the Bonds among Improvements, to provide for Substitute Improvements, to conform this Bond Resolution to the Code or future applicable federal law concerning tax-exempt obligations, or in connection with any other change therein which is not materially adverse to the interests of the Owners.

Every amendment or modification of the provisions of the Bonds or of this Bond Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution or ordinance adopted by the governing body of the Issuer amending or supplementing the provisions of this Bond Resolution and shall be deemed to be a part of this Bond Resolution. A certified copy of every such amendatory or supplemental ordinance or resolution, if any, and a certified copy of this Bond Resolution shall always be kept on file in the office of the Clerk and shall be made available for inspection by the Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Bond Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental ordinance or resolution or of this Bond Resolution will be sent by the Clerk to any such Owner or prospective Owner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the ordinance or resolution of the Issuer hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The Issuer shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Bond Resolution which affects the duties or obligations of the Paying Agent under this Bond Resolution.

Section 1003. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Bond Resolution, and shall be conclusive in favor of the Issuer and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Bond Resolution,

Bonds owned by the Issuer shall be disregarded and deemed not to be Outstanding under this Bond Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's right so to act with respect to such Bonds and that the pledgee is not the Issuer.

Section 1004. Notices. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Bond Resolution shall be in writing, given to the Notice Representative at the Notice Address and shall be deemed duly given or filed if the same shall be: (a) duly mailed by registered or certified mail, postage prepaid; or (b) communicated via fax, with electronic or telephonic confirmation of receipt. Copies of such notices shall also be given to the Paying Agent. The Issuer, the Paying Agent and the Purchaser may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

All notices given by: (a) certified or registered mail as aforesaid shall be deemed duly given as of the date they are so mailed; (b) fax as aforesaid shall be deemed duly given as of the date of confirmation of receipt. If, because of the temporary or permanent suspension of regular mail service or for any other reason, it is impossible or impractical to mail any notice in the manner herein provided, then such other form of notice as shall be made with the approval of the Paying Agent shall constitute a sufficient notice.

Section 1005. Electronic Transactions. The issuance of the Bonds and the transactions related thereto and described herein may be conducted and documents may be stored by electronic means.

Section 1006. Further Authority. The officers and officials of the Issuer, including the Mayor/CEO and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Bond Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1007. Severability. If any section or other part of this Bond Resolution, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Bond Resolution.

Section 1008. Governing Law. This Bond Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 1009. Effective Date. This Bond Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

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ADOPTED by the governing body of the Issuer on February 25, 2021.

(SEAL)

Mayor/CEO

ATTEST:

Clerk

EXHIBIT A
(FORM OF BONDS)

REGISTERED
NUMBER R-__

REGISTERED
\$

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York Corporation ("DTC"), to the Issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA STATE OF KANSAS
COUNTY OF WYANDOTTE
UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS
GENERAL OBLIGATION IMPROVEMENT BOND
SERIES 2021-A

Interest
Rate:

Maturity
Date:

Dated
Date: March 25, 2021

CUSIP:

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PERSONS BY THESE PRESENTS: That the Unified Government of Wyandotte County/Kansas City, in the County of Wyandotte, State of Kansas (the "Issuer"), for value received, hereby acknowledges itself to be indebted and promises to pay to the Registered Owner shown above, or registered assigns, but solely from the source and in the manner herein specified, the Principal Amount shown above on the Maturity Date shown above, unless called for redemption prior to the Maturity Date, and to pay interest thereon at the Interest Rate per annum shown above (computed on the basis of a 360-day year of twelve 30-day months), from the Dated Date shown above, or from the most recent date to which interest has been paid or duly provided for, payable semiannually on February 1 and August 1 of each year, commencing February 1, 2022 (the "Interest Payment Dates"), until the Principal Amount has been paid.

Method and Place of Payment. The principal or redemption price of this Bond shall be paid at maturity or upon earlier redemption to the person in whose name this Bond is registered at the maturity or redemption date thereof, upon presentation and surrender of this Bond at the principal office of the Treasurer of the State of Kansas, Topeka, Kansas (the "Paying Agent" and "Bond Registrar"). The interest payable on this Bond on any Interest Payment Date shall be paid to the person in whose name this Bond is registered on the registration books maintained by the Bond Registrar at the close of business on the Record Date(s)

for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding the Interest Payment Date. Such interest shall be payable (a) by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Bonds by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Registered Owner wishes to have such transfer directed. The principal or redemption price of and interest on the Bonds shall be payable in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts. Interest not punctually paid will be paid in the manner established in the within defined Bond Resolution.

Definitions. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the hereinafter defined Bond Resolution.

Authorization of Bonds. This Bond is one of an authorized series of Bonds of the Issuer designated “General Obligation Improvement Bonds, Series 2021-A,” aggregating the principal amount of \$[Principal Amount] (the “Bonds”) issued for the purposes set forth in the Ordinance of the Issuer authorizing the issuance of the Bonds and the Resolution of the Issuer prescribing the form and details of the Bonds (collectively, the “Bond Resolution”). The Bonds are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including K.S.A. 10-101 *et seq.*, K.S.A. 10-620 *et seq.*, Charter Ordinance No. CO-03-09 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas, as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

General Obligations. The Bonds constitute general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Redemption Prior to Maturity. The Bonds are subject to redemption prior to maturity, as set forth in the Bond Resolution.

Book-Entry System. The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Bond Resolution. One Bond certificate with respect to each date on which the Bonds are stated to mature or with respect to each form of Bonds, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the Securities Depository’s participants, beneficial ownership of the Bonds in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The Issuer and the Bond Registrar will recognize the Securities Depository nominee, while the Registered Owner of this Bond, as the owner of this Bond for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Bond, (ii) notices and (iii) voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal,

interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer and the Bond Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Bond, notwithstanding the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Bond shall be made in accordance with existing arrangements among the Issuer, the Bond Registrar and the Securities Depository.

Transfer and Exchange. EXCEPT AS OTHERWISE PROVIDED IN THE BOND RESOLUTION, THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY. This Bond may be transferred or exchanged, as provided in the Bond Resolution, only on the Bond Register kept for that purpose at the principal office of the Bond Registrar, upon surrender of this Bond, together with a written instrument of transfer or authorization for exchange satisfactory to the Bond Registrar duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Bond or Bonds in any Authorized Denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Bond Resolution and upon payment of the charges therein prescribed. The Issuer shall pay all costs incurred in connection with the issuance, payment and initial registration of the Bonds and the cost of a reasonable supply of bond blanks. The Issuer and the Paying Agent may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes. The Bonds are issued in fully registered form in Authorized Denominations.

Authentication. This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the hereinafter defined Bond Resolution until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that the total indebtedness of the Issuer, including this series of bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be executed by the manual or facsimile signature of its Mayor/CEO and attested by the manual or facsimile signature of its Clerk, and its seal to be affixed hereto or imprinted hereon.

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

[(Facsimile Seal)]

By: _____ (facsimile)
Mayor/CEO

ATTEST:

By: _____ (facsimile)
Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of a series of General Obligation Improvement Bonds, Series 2021-A, of the Unified Government of Wyandotte County/Kansas City, Kansas, described in the within-mentioned Bond Resolution.

Registration Date _____

Office of the State Treasurer,
Topeka, Kansas,
as Bond Registrar and Paying Agent

Registration Number _____

By _____

CERTIFICATE OF CLERK

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

The undersigned, Clerk of the Unified Government of Wyandotte County/Kansas City, Kansas, does hereby certify that the within Bond has been duly registered in my office according to law as of March 25, 2021.

WITNESS my hand and official seal.

(Facsimile Seal)

By: _____ (facsimile)
Clerk

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

LYNN ROGERS, Treasurer of the State of Kansas, does hereby certify that a transcript of the proceedings leading up to the issuance of this Bond has been filed in the office of the State Treasurer, and that this Bond was registered in such office according to law on _____.

WITNESS my hand and official seal.

(Seal)

By: _____
Treasurer of the State of Kansas

BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned do(es) hereby sell, assign and transfer to

(Name and Address)

(Social Security or Taxpayer Identification No.)

the Bond to which this assignment is affixed in the outstanding principal amount of \$_____, standing in the name of the undersigned on the books of the Bond Registrar. The undersigned do(es) hereby irrevocably constitute and appoint _____ as agent to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated _____

Name

Social Security or
Taxpayer Identification No.

Signature (Sign here exactly as name(s)
appear on the face of Certificate)

Signature guarantee:

By _____

LEGAL OPINION

The following is a true and correct copy of the approving legal opinion of Gilmore & Bell, P.C., Bond Counsel, which was dated and issued as of the date of original issuance and delivery of such Bonds:

GILMORE & BELL, P.C.

Attorneys at Law
2405 Grand Boulevard
Suite 1100
Kansas City, Missouri 64108

(PRINTED LEGAL OPINION)



Staff Request for Commission Action

Tracking No. 21689

Full Commission Meeting Date: 2/25/21

Committee: Full Commission

Date of Standing Committee Action: 11/30/20

(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>
2/18/2021	Kathleen VonAchen	x5186	kvonachen@wycokck.org	Finance

Item Description:

A resolution authorizing the Unified Government to enter into a base lease/lease structure with the Public Building Commission, all for the purposes of constructing certain capital improvements to the existing courthouse and adult jail (supplemental).

Submitted by Kathleen VonAchen, Chief Financial Officer

Action Requested:

Approval

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

UG Bond Approval Resolution (UG PBC 2021-A), Second Supplemental Lease (UG PBC Courthouse and Adult Jail Facility 2021-A)

**EXCERPT OF MINUTES OF A MEETING
OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS
HELD ON FEBRUARY 25, 2021**

The Commission (the "Commission") of the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government"), met in regular session at the Commission Meeting Room at 7:00 p.m. The Mayor/CEO presided and the following members of the Commission were present:

_____.

The following members were absent: _____.

* * * * *

(other matters)

* * * * *

Thereupon, Commissioner _____ moved, seconded by Commissioner _____, that the Commission adopt the following resolution:

A RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO ENTER INTO A SECOND SUPPLEMENTAL LEASE WHEREBY THE UNIFIED GOVERNMENT WILL CONTINUE TO LEASE FROM THE PUBLIC BUILDING COMMISSION CERTAIN PUBLIC FACILITIES AND BUILDINGS FOR USE BY THE UNIFIED GOVERNMENT; APPROVING THE FORM OF SAID SECOND SUPPLEMENTAL LEASE; AND AUTHORIZING THE EXECUTION THEREOF AND CERTAIN RELATED DOCUMENTS, ALL FOR THE PURPOSES OF CONSTRUCTING CERTAIN CAPITAL IMPROVEMENTS TO THE EXISTING COURTHOUSE.

The motion was approved and the Resolution was adopted by the following roll call vote:

Aye: _____.

Nay: _____.

Thereupon, the Resolution having been adopted by a majority vote of the members of the Commission, was given No. R-14-21, and was directed to be signed by the Mayor/CEO and attested by the Unified Government Clerk; and the Unified Government Clerk was further directed to cause a copy of the Resolution to be delivered to the Secretary of the Public Building Commission of the Unified Government of Wyandotte County/Kansas City, Kansas.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the Unified Government of Wyandotte County/Kansas City, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(Seal)

Unified Government Clerk

RESOLUTION NO. R-14-21

A RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO ENTER INTO A SECOND SUPPLEMENTAL LEASE WHEREBY THE UNIFIED GOVERNMENT WILL CONTINUE TO LEASE FROM THE PUBLIC BUILDING COMMISSION CERTAIN PUBLIC FACILITIES AND BUILDINGS FOR USE BY THE UNIFIED GOVERNMENT; APPROVING THE FORM OF SAID SECOND SUPPLEMENTAL LEASE; AND AUTHORIZING THE EXECUTION THEREOF AND CERTAIN RELATED DOCUMENTS, ALL FOR THE PURPOSES OF CONSTRUCTING CERTAIN CAPITAL IMPROVEMENTS TO THE EXISTING COURTHOUSE.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) under the authority of K.S.A. 12-1757 *et seq.* (the “Act”), has previously created the Public Building Commission of the Unified Government of Wyandotte County/Kansas City, Kansas, a municipal corporation of the State of Kansas (the “PBC”); and

WHEREAS, the PBC has the power and authority under the Act to issue revenue bonds to provide funds for the purpose of acquiring, erecting, equipping, repairing, maintaining and operating buildings and other facilities; and

WHEREAS, on February 22, 2018, the PBC adopted Resolution No. 15, authorizing the issuance of its Revenue Bonds (Courthouse and Adult Jail Facility), Series 2018-B in the principal amount of \$8,710,000 (the “Series 2018-B Bonds”); and

WHEREAS, the Series 2018-B Bonds were issued for the purpose of acquiring a leasehold interest in certain real property and paying all or a portion of the costs of engineering, designing, and constructing certain capital improvements to the existing courthouse and adult jail facility (the “2018 Improvements”); and

WHEREAS, in connection with the issuance of the Series 2018-B Bonds, the Unified Government and the PBC entered into:

(a) a Base Lease dated as of March 1, 2018 (the “Original Base Lease”), whereby the Unified Government (as lessor) leased the Land and the Improvements (collectively, the “Facility”) to the PBC (as lessee); and

(b) a Lease dated as of March 1, 2018 (the “Original Lease”), whereby the PBC (as lessor) leased the Facility to the Unified Government (as lessee) to provide for the acquisition of a leasehold interest in the Land, the acquisition, renovation, construction, furnishing and equipping of the Improvements and the leasing of the Facility, in consideration of rentals which are intended to be sufficient to provide for the payment of the principal of, premium, if any, and interest on the Series 2018-B Bonds as the same become due; and

WHEREAS, on February 27, 2020, the PBC adopted Resolution No. 19 authorizing the issuance of its Revenue Bonds (Courthouse and Adult Jail Facility), Series 2020-B in the principal amount of \$4,435,000 (the “Series 2020-B Bonds”); and

WHEREAS, the Series 2020-B Bonds were issued for the purpose of paying costs to acquire, design, engineer, and construct certain improvements to the courthouse and adult jail facility (the “2020 Improvements”); and

WHEREAS, in connection with the issuances of the Series 2020-B Bonds, the Unified Government and PBC entered into:

(a) a First Supplemental Base Lease, dated March 1, 2020 (the “First Supplemental Base Lease”), whereby the Unified Government leased the Facility to the PBC (as lessee); and

(b) a First Supplemental Lease, dated March 1, 2020 (the “First Supplemental Lease”), whereby the PBC (as lessor) leased the Facility to the Unified Government (as lessee) to provide for the construction, furnishing and equipping of the Improvements with proceeds of the Series 2020-B Bonds, in consideration of rentals which are intended to be sufficient to provide for the payment of the principal of, premium, if any, and interest on the Series 2018-B Bonds and Series 2020-B Bonds as the same become due; and

WHEREAS, on December 17, 2020, the PBC adopted Resolution No. 21 declaring an intent to issue revenue bonds in an aggregate principal amount not to exceed \$5,065,000 plus related reserves and financing costs, for the purpose of (i) elevator rehabilitation, plumbing improvements, window improvements and continued masonry rehab as further described in PBC Resolution No. 21 (the “2021 Improvements” referred together herein with the 2018 Improvements and 2020 Improvements as the “Improvements”), and (ii) paying costs of issuance of said revenue bonds; and

WHEREAS, PBC Resolution No. 21 was published on December 24, 2020 and subsequently on December 31, 2020, in *The Wyandotte Echo*, and no petitions in opposition were filed with the Unified Government Clerk within 30 days after the last date of publication of said resolution; and

WHEREAS, upon the request of the Unified Government, the PBC has advertised the PBC Series 2021-A Bonds for sale and has received bids therefor; and

WHEREAS, in order to secure the repayment of the PBC’s Series 2021-A Bonds (as defined herein), the Unified Government hereby determines that it is in the best interest of the Unified Government that the PBC and the Unified Government enter into a Second Supplemental Lease (the “Second Supplemental Lease,” the Original Lease, the First Supplemental Lease and the Second Supplemental Lease collectively referred to herein as the “Lease”), to provide for the construction, furnishing and equipping of the 2021 Improvements with proceeds of the Series 2021-A Bonds, in consideration of rentals which are intended to be sufficient to provide for the payment of the principal of, premium, if any, and interest on the Series 2018-B Bonds, the Series 2020-B Bonds and the Series 2021-A Bonds as the same become due.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

SECTION 1. Findings; Approval of PBC Series 2021-A Bonds. The Unified Government hereby finds and determines, pursuant to the Act, that: (a) acquiring, designing, constructing and equipping the Improvements; (b) leasing the Facility to the PBC pursuant to the Base Lease; (c) leasing the Facility from the PBC under the terms and provisions set forth in the Lease; and (d) the PBC’s issuance of its Leasehold Revenue Bonds, Series 2021-A (the “Series 2021-A Bonds”) at the interest rates and terms received by the PBC and presented to the governing body on this date to finance the costs of the 2021 Improvements, are all necessary, convenient and in furtherance of the governmental purposes of the Unified Government.

SECTION 2. Approval of Second Supplemental Lease. The Second Supplemental Lease, in substantially the form presented to this meeting, is in all material respects approved, authorized and confirmed. The Mayor/CEO and the Unified Government Clerk are hereby authorized and directed to affix their

signatures and the seal of the Unified Government to the Second Supplemental Lease, for and on behalf of the Unified Government, with such changes therein as the Chief Counsel of the Unified Government may deem necessary or appropriate.

SECTION 3. Further Action. The Mayor/CEO, Unified Government Clerk and Chief Financial Officer are hereby authorized to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the intent of this Resolution. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Unified Government or the officials of the Unified Government, directed toward the acquisition, construction and equipping of the Facility, or the leasing of the Facility from the PBC, are hereby ratified, approved and confirmed.

SECTION 4. Effective Date. This resolution shall be effective from and after its adoption.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED AND APPROVED by the Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas, on February 25, 2021.

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS**

(Seal)

Mayor/CEO

ATTEST:

Unified Government Clerk

**SECOND SUPPLEMENTAL LEASE
(Courthouse and Adult Jail Facility)**

Dated: As of March 1, 2021

GRANTOR:	PUBLIC BUILDING COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS City Hall 701 North 7th Street Kansas City, Kansas 66101 Attn: Secretary
GRANTEE:	UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS (successor by consolidation to The County of Wyandotte, in the State of Kansas , also known as the Board of County Commissioners of Wyandotte County, State of Kansas , and also successor by consolidation to the City of Kansas City, in the State of Kansas) City Hall 701 North 7 th Street Kansas City, Kansas 66101 Attn: Chief Financial Officer
LEGAL DESCRIPTION:	See the attached Schedule 1 .

SECOND SUPPLEMENTAL LEASE

(Courthouse and Adult Jail Facility)

THIS SECOND SUPPLEMENTAL LEASE dated as of March 1, 2021 (this “Second Supplemental Lease”), by and between the **Public Building Commission of the Unified Government of Wyandotte County/Kansas City, Kansas**, a municipal corporation of the State of Kansas, as lessee (the “PBC”), as Lessor, and the **Unified Government of Wyandotte County/Kansas City, Kansas** (successor by consolidation to The County of Wyandotte, in the State of Kansas, also known as the Board of County Commissioners of Wyandotte County, State of Kansas) (the “Unified Government”), a political subdivision, duly organized and existing under the constitution and laws of the state of Kansas as a consolidated city-county having all the powers, functions and duties of a county and a city of the first class (but acting in its capacity as a county for purposes of this Lease), as Lessee.

RECITALS

1. Pursuant to its Resolution No. 15, adopted February 22, 2018 (the “Series 2018-B Bond Resolution”), the PBC issued its Revenue Bonds (Courthouse and Adult Jail Facility), Series 2018-B, in the aggregate principal amount of \$8,710,000 (the “Series 2018-B Bonds”), for the purpose of providing funds to acquire a leasehold interest in the real property described on the attached **Schedule 1** and the improvements thereon (the “Land”) for the purpose of constructing certain Improvements, as described in the 2018-B Bond Resolution, and leasing the Land and Improvements (collectively the “Facility”) to the Unified Government.

2. By a Base Lease, dated as of March 1, 2018, and recorded March 16, 2018, as Document No. 2018R-03483, in the office of the Wyandotte County, Kansas, Register of Deeds (the “Original Base Lease”), the Unified Government, leased the Facility to the PBC, the entire consideration for which was the leasing of the Facility back to the Unified Government by the PBC upon the terms of an unrecorded Lease, dated as of March 1, 2018, notice of which is provided by a Memorandum of Lease recorded as Document No. 2018R-03484 (the “Original Lease”).

3. The Series 2018-B Bond Resolution authorizes the issuance of Additional Bonds on a parity with the Series 2018-B Bonds and any other Additional Bonds Outstanding at any time and from time to time, as those terms are defined therein, to provide funds for certain purposes, including the acquisition, purchase, or construction of additions, improvements, extensions, alterations, expansions, or modifications of all or any part of the Facility.

4. Pursuant to its Resolution No. 19, adopted February 27, 2020 (the “Series 2020-B Bond Resolution”), the PBC issued its Revenue Bonds (Courthouse and Adult Jail Facility), Series 2020-B, in the aggregate principal amount of \$4,435,000 (the “Series 2020-B Bonds”) and used the proceeds thereof to fund a portion of the costs of the improvements to the Facility (the “2020 Improvements”).

5. The PBC and the Unified Government entered into a First Supplemental Lease, dated March 1, 2020, and recorded on March 24, 2020, as Document No. 2020R-04229, in the office of the Wyandotte County, Kansas, Register of Deeds (the “First Supplemental Lease” referred to herein collectively with the Original Lease as the “Lease”) to amend certain provisions of the Original Lease in connection with the issuance of the Series 2020-B Bonds.

6. Pursuant to its Resolution No. [], adopted February 25, 2021 (the “Series 2021-A Bond Resolution”), the PBC is issuing its Revenue Bonds (Courthouse and Adult Jail Facility), Series 2021-A,

in the aggregate principal amount of \$1,830,000 (the “Series 2021-A Bonds”) and using the proceeds thereof to fund a portion of the costs of the improvements to the Facility (the “2021 Improvements”).

7. The PBC and the Unified Government desire to enter into this a Second Supplemental Lease, dated March 1, 2021 (the “Second Supplemental Lease” referred to herein collectively with the Original Lease and the First Supplemental Lease as the “Lease”) to amend certain provisions of the Original Lease in connection with the issuance of the Series 2021-A Bonds.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements herein set forth, the PBC and the Unified Government do hereby covenant and agree as follows:

Section 1. Amendments to Section 1.1 of the Original Lease.

(a) The following definitions are added to Section 1.1 of the Lease:

“**Basic Rent**” means the semi-annual amount of rent due and payable under the Lease which when added to Basic Rent Credits, will be sufficient to pay, on any Bond Payment Date, all principal of, redemption premium, if any, and interest on all Bonds which is due and payable on such Bond Payment Date.

“**Facility**” means the Land (including existing Improvements thereon) and the Improvements acquired, constructed or installed thereon with the proceeds of the Bonds, together with any Facility Additions.

“**Improvements**” means the Improvements described in the recitals hereto, the acquisition, design, engineering and construction of which is funded from the proceeds of the Bonds.

(b) The following definitions contained in Section 1.1 of the Original Lease are hereby revised as follows:

“**Bond**” or “**Bonds**” means the Series 2018-B Bonds, the Series 2020-B Bonds, the Series 2021-A Bonds and any Additional Bonds.

“**Bond Resolution**” means collectively, Resolution No. 15 of the PBC authorizing the issuance of the Series 2018-B Bonds, as amended and supplemented; Resolution No. 19 of the PBC authorizing the issuance of the Series 2020-B Bonds as amended and supplemented; Resolution No. [] of the PBC authorizing the issuance of the Series 2021-A Bonds, as amended and supplemented; and any Supplemental Resolutions adopted in accordance with the provisions of such resolutions.

“**Lease**” means the Lease dated as of March 1, 2018, as supplemented and amended by the First Supplemental Lease, dated as of March 1, 2020, as further supplemented and amended by the Second Supplemental Lease, dated as of March 1, 2021 between the PBC and the Unified Government, as from time to time supplemented and amended in accordance with the provisions of the Lease and the Bond Resolution.

Section 2. Representations and Covenants by the Unified Government. In addition to the representations and covenants of the Unified Government contained in the Original Lease and the First Supplemental Lease, the Unified Government further represents and covenants as follows:

(a) The Unified Government hereby agrees to execute and deliver the Disclosure Instructions related to the Series 2021-A Bonds and will take all actions reasonable required by the Unified Government in order to comply with all applicable requirements of the Disclosure Instructions related to the Series 2021-A Bonds until such Series 2021-A Bonds are no longer outstanding.

(b) The Unified Government will comply with the Tax Compliance Agreement related to the Series 2021-A Bonds. The Unified Government will comply with and will take all action reasonably required of the Unified Government in order to comply with all applicable requirements of the Code until the Series 2021-A Bonds are no longer outstanding.

(c) Upon completion of the Improvements to be financed with the Series 2021-A Bonds, the Unified Government will provide to the PBC a Certificate of Completion in substantially the form attached to the Original Lease as **Appendix B**. In the event funds remain on hand in the Improvement Fund related to the Series 2021-A Bonds on the date such Certificate of Completion is furnished, such remaining funds shall be transferred to the Principal and Interest Payment Account established with respect to the Series 2021-A Bonds and shall be applied in accordance with the Series 2021-A Bond Resolution.

(d) The responsible financial officer of the Unified Government shall do all things lawfully within their power to obtain and maintain funds from which Rental Payments may be made, including making provision for such Rental Payments to the extent necessary in each proposed annual budget submitted for approval in accordance with applicable procedures of the Unified Government and to exhaust all available reviews and appeals in the event such portion of the budget is not approved.

Section 3. Representations and Covenants by the PBC. In addition to the representations and covenants of the PBC contained in the Original Lease and the First Supplemental Lease, the PBC further represents and covenants as follows:

(a) The PBC has duly authorized the execution and delivery of this Second Supplemental Lease and the Series 2021-A Bond Resolution, and the issuance, execution and delivery of the Series 2021-A Bonds.

(b) The PBC will comply with the Tax Compliance Agreement related to the Series 2021-A Bonds. The PBC will comply with and will take all action reasonably required of the PBC in order to comply with all applicable requirements of the Code until the Series 2021-A Bonds are no longer outstanding.

Section 4. Lease of Facility; Applicability of Original Lease. The PBC hereby has rented, leased and let and does hereby rent, lease and let the Facility to the Unified Government, and the Unified Government has rented, leased and hired and does hereby rent, lease and hire the Facility from the PBC, for the Rental Payments (including the aggregate of Basic Rent and Additional Rent) and upon the terms and conditions set forth in the Lease. Except as specifically or by necessary implication amended by this Second Supplemental Lease, the Original Lease remains in full force and effect and as so amended is hereby ratified, approved and confirmed.

Section 5. Unified Government Rights Upon PBC Event of Default. Following an Event of Default by the PBC under this Lease or the Base Lease, the Unified Government shall not have the right to terminate this Lease.

Section 6. No Merger. There shall be no merger of this Lease or of the leasehold estate created hereby with the fee title to the Facility.

Section 7. Execution in Counterparts. This Second Supplemental Lease may be executed simultaneously in several counterparts, each of which shall be deemed to be an original and all of which shall constitute but one and the same instrument.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the PBC and the Unified Government have caused this Second Supplemental Lease to be executed by their respective authorized officials and officers, all as of the day and year first above written.

**PUBLIC BUILDING COMMISSION OF
WYANDOTTE COUNTY/
KANSAS CITY, KANSAS,
as PBC**

(Seal)

By: _____
President

ATTEST:

By: _____
Secretary

ACKNOWLEDGMENT

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

This instrument was acknowledged before me on _____, 2021, by **David Alvey**, President of the **Public Building Commission of Wyandotte County/Kansas City, Kansas**, a municipal corporation organized under the laws of the State of Kansas.

(Seal)

Notary Public

My Commission Expires: _____

IN WITNESS WHEREOF, the PBC and the Unified Government have caused this Second Supplemental Lease to be executed by their respective authorized officials and officers, all as of the day and year first above written.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

(SEAL)

Mayor/CEO

ATTEST:

Unified Government Clerk

ACKNOWLEDGMENT

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

This instrument was acknowledged before me on _____, 2021, by **David Alvey**, Mayor/CEO of the **Unified Government of Wyandotte County/Kansas City, Kansas**, a political subdivision duly organized and existing under the constitution and laws of the State of Kansas.

(Seal)

Notary Public

My Commission Expires: _____

SCHEDULE 1

LEGAL DESCRIPTION

All of Lots 1 through 21, both inclusive, and Lots 28 through 48, both inclusive, and the vacated 18-foot east-west alley between the southerly sides of said Lots 1 through 21 and the northerly sides of said Lots 28 through 48, and the vacated 25' strip of land, known as "Allis Court" as established by City Ordinance 8643, extending south from the south right-of-way line of Ann Avenue to the north right-of-way line of Barnett Avenue, all in Block 150, NORTHRUP'S PART OF WYANDOTTE CITY, now in and a part of Kansas City, Wyandotte County, Kansas; AND the 5 foot wide vacated portion of Ann Avenue adjoining the northerly side of said Lots 1 through 21, Block 150; AND the 10 foot wide vacated portion of Barnett Avenue adjoining the southerly side of said Lots 28 through 48, Block 150.