

UPDATE
MARCH 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: Mar 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/87392652938?pwd=ZTILMEVUUUlowUHA4dXRUCDNjdXRSZz09>

Passcode: 112360

Or One tap mobile :

US: +13462487799,,87392652938# or +16699009128,,87392652938#

Or Telephone:

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

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

Webinar ID: 873 9265 2938

International numbers available: <https://us02web.zoom.us/j/87392652938?pwd=ZTILMEVUUUlowUHA4dXRUCDNjdXRSZz09>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY REVEREND COMMISSIONER HAROLD JOHNSON, FAITH DELIVERANCE CHURCH OF GOD IN CHRIST**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, MARCH 25, 2021 AGENDA**

Planning & Zoning Consent Agenda

New Item No. B2 - 21683...Special Use Permit Application #SP-2020-105- Monserratt Perez-Mera for a shipping container at 3500 North 32nd Terrace.

Planning & Zoning Non-Consent Agenda

Clerical Error on Item No. B1 – 21732...Master Plan Amendment MPL2021-001 – Enrique Gomez with Gomez Appliances. Application number should read: Master Plan Amendment MPL2021-003.

Mayor's Agenda

New Item No. 1 – 21749...A resolution revoking certain Local Health Orders and amending Local Health Order 6/27/2020 pertaining to the mask and social distancing requirements.

Administrator's Agenda

New Item No. 3 – 21751...Resolution: Painters District Council No. 3 MOU, 1/1/20 – 12/31/21.

New Item No. 4 – 21752...Resolution: United Brotherhood of Carpenters Union MOU, 1/1/20-12/31/21.

VI. CLERK'S STATEMENT

(Anyone wishing to speak about a particular item on the Planning and Zoning Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Planning and Zoning Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Planning and 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-0007 - RYAN CRONK WITH KC WITH YARDS 2, LLC

Synopsis: Change of Zone from M-3 Heavy Industrial District to TND (T-6) Traditional Neighborhood Design District for a mixed use residential and commercial development at 200 South James Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21729

B. SPECIAL USE PERMIT APPLICATION

1. **SP-2020-51 - DIEGO I. TOTO WITH XM AUTOMOTIVE**

Synopsis: Renewal of a Special Use Permit (#SP-2017-72 - expired 5/31/2020) for an automotive repair business at 4439 Shawnee Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR DENIAL)**

Tracking #: 21731

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

1. AN ORDINANCE vacating right-of-way (VAC2020-001) at 9700 Leavenworth Road (east and west of main entrance), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21737

2. AN ORDINANCE vacating right-of-way (VAC2020-002) at 9700 Leavenworth Road (main entrance), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21738

3. AN ORDINANCE rezoning property at 3834 Bell Crossing (COZ-0005) from R-1(B) 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 #: 21739

4. AN ORDINANCE rezoning property at 12525 Leavenworth Road (COZ-0003) from AG (WyCo) Agriculture District to A-G Agriculture (City) District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21740

5. AN ORDINANCE authorizing a Special Use Permit (SU20-00096) to keep two (2) goats at 411 and 415 Stine Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21741

6. AN ORDINANCE authorizing a Special Use Permit (SP-2020-98) for continuation of a drinking establishment with live entertainment at 4220 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21742

7. AN ORDINANCE rezoning property at 915 North 69th Street (COZ-0008) from R-1 Single Family District to MP-2 Planned General Industrial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. CHANGE OF ZONE APPLICATION

1. COZ-0001 - ENRIQUE GOMEZ WITH GOMEZ APPLIANCES

Synopsis: Change of Zone from R-1 Single Family District to C-3 Commercial District for the sale of appliances at 837 Central Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL TO CP-1 PLANNED LIMITED BUSINESS DISTRICT - 7/1 VOTE)**

Tracking #: 21730

B. MASTER PLAN AMENDMENT

1. MPL2021-001 - ENRIQUE GOMEZ WITH GOMEZ APPLIANCES

Synopsis: Master Plan Amendment from Urban Density to Commercial (City-Wide Master Plan), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21732

TAX STATUS REPORT
BOARD OF COMMISSIONERS AGENDA FOR MARCH 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 December 3, 2020, and Special Session of February 25, 2021.

Tracking #: MINUTES

2. **WEEKLY BUSINESS MATERIAL**

Synopsis: Weekly business material dated March 4, 11, and 18, 2021.

Tracking #: WEEKLY BUSINESS MATERIAL

XI. PUBLIC HEARING AGENDA

1. **PUBLIC HEARING/ORDINANCE: CONSIDER THE CREATION OF A REDEVELOPMENT DISTRICT AT 6700 KAW DRIVE**

Synopsis: Conduct a public hearing to consider the ordinance creating a redevelopment district at 6700 Kaw Drive, submitted by Katherine Carttar, Director of Economic Development.

*On February 11, 2021, the **Unified Government Commission** unanimously adopted Resolution No. R-11-21 setting the public hearing date of March 25, 2021.*

Tracking #: 2112

XII. STANDING COMMITTEES' AGENDA

1. **GRANT: ELEC COVID-19 INFRASTRUCTURE EXPANSION**

Synopsis: Grant application to KDHE in the amount of \$923,365 KDHE ELC COVID-19 Infrastructure Expansion, submitted by Juliann VanLiew, Public Health Department Director. This grant funding is intended to provide critical resources in a broad range of COVID-19 testing and epidemiologic surveillance related activities. These awards will support testing, contract tracing, surveillance, containment, and mitigation to monitor and suppress the spread of COVID-19. Awards are based on county population but also include a base amount of \$100,000 for each health department. No match required.

This item was scheduled to appear before the **Administration and Human Services Standing Committee**, chaired by Commissioner Markley, on March 22, 2021. It was requested, and approved by the Mayor, to fast track this item to the March 25, 2021 full commission meeting.

Tracking #: 21743

XIII. ADMINISTRATOR'S AGENDA

1. **RESOLUTION: ACKNOWLEDGMENT AND ASSUMPTION AGREEMENT WITH LEGEND HOTEL, LLC**

Synopsis: A resolution authorizing the Unified Government to enter into an acknowledgment and assumption agreement with Legend Hotel, LLC for the purpose of developing an 87 room hotel, submitted by Katherine Carttar, Director of Economic Development. On November 19, 2020, the Unified Government and HFS KCK entered into a development agreement which authorized this assignment.

Tracking #: 21747

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

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

VII. PLANNING AND ZONING CONSENT AGENDA

NEW ITEM

B. SPECIAL USE PERMIT APPLICATIONS

Item No. 2 – 21683...SPECIAL USE PERMIT APPLICATION #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)**

This item was held over from the February 25, 2021 meeting at the request of Commissioner Townsend to discuss options with the applicant.

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

CLERICAL ERROR

Item No. B1 – 21732...MASTER PLAN AMENDMENT: MPL2021-001 – ENRIQUE GOMEZ WITH GOMEZ APPLIANCES

Synopsis: Master Plan Amendment from Urban Density to Commercial (City-Wide Master Plan), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL 8:0)**

The application number should read: Master Plan Amendment MPL2021-003.

IX. MAYOR'S AGENDA

NEW ITEM

Item No. 1 – 21749...HEALTH ORDER REVOCATION

Synopsis: A resolution revoking certain Local Health Orders and amending Local Health Order 6/27/2020 pertaining to the mask and social distancing requirements.

XIII. ADMINISTRATOR'S AGENDA

NEW ITEMS

Item No. 2 – 21751... RESOLUTION: PAINTERS DISTRICT COUNCIL NO. 3 MOU

Synopsis: A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with Painters District Council No. 3 International Brotherhood

of Painters and Allied Trades, effective January 1, 2020, through December 31, 2021, submitted by Misty Brown, Chief Counsel.

Item No. 3 – 21752... RESOLUTION: UNITED BROTHERHOOD OF CARPENTERS UNION MOU

Synopsis: A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with United Brotherhood of Carpenters and Joiners of America, St. Louis-Kansas City, Carpenters Regional Council, effective January 1, 2020, through December 31, 2021, submitted by Misty Brown, Chief Counsel.



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: March 25, 2021

Re: Petition SP-2020-105

GENERAL INFORMATION

Applicant:
Monserratt Perez-Mera

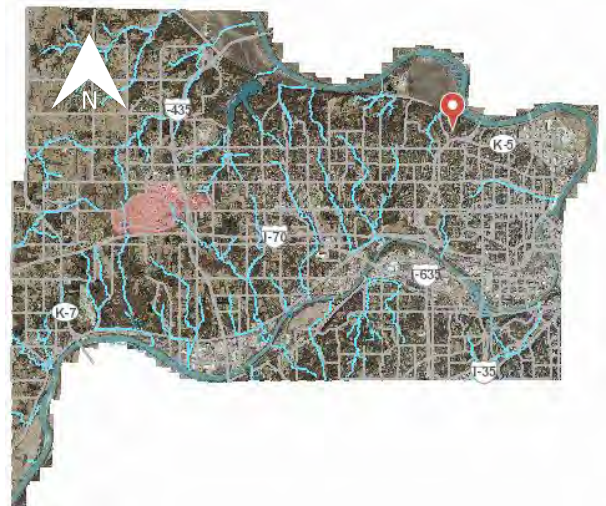
Status of Applicant:
Property Owner
3500 North 32nd Terrace
Kansas City, Kansas 66104

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:	<u>The Wyandotte Echo</u> – January 15, 2021 Letters to Property Owners – November 19, 2020, January 20, 2021, February 19, 2021 and February 26, 2021.
Public Hearings:	January 11, 2021, February 8, 2021, February 25, 2021 and March 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.

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

The Board of Commissioners held over this application at the February 25, 2021 meeting for further discussion with the applicant.

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

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.

STAFF RECOMMENDATION

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

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	January 11, 2021	February 25, 2021
Special Use	Held Over February 8, 2021 Approval	Held Over

STAFF CONTACT: Shana Kelly
 skelly@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP-2020-105** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP-2020-105** 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 **HOILD OVER Special Use Permit Application #SP-2020-105 until the February 8, 2021 meeting:**

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

Motion to 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:**

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

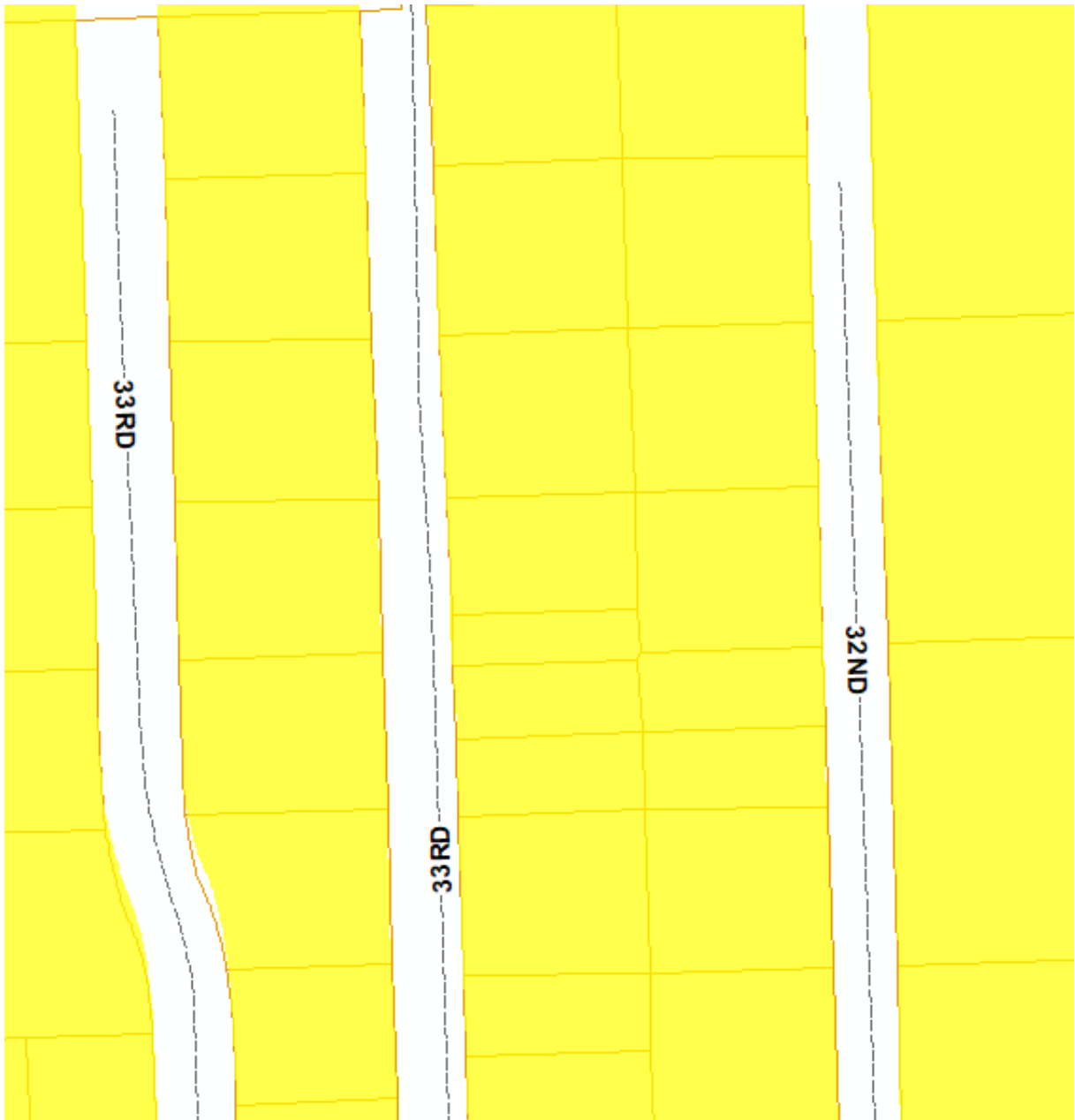
Motion to RECOMMEND APPROVAL Passed: 9 to 0

Subject to:

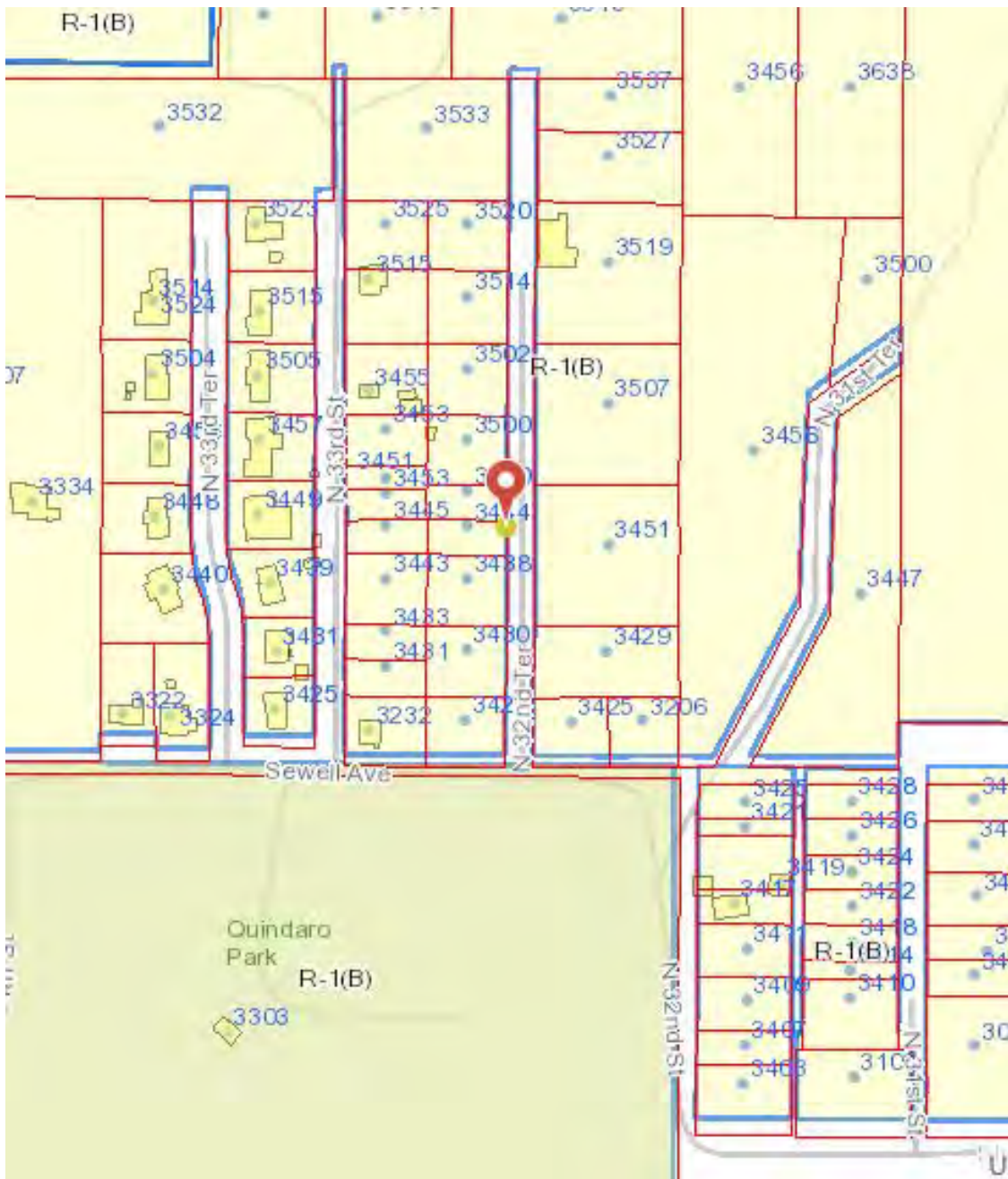
- 1) Shipping containers are temporary in nature and a permanent solution for the storage of personal items shall be sought within the next two (2) years (i.e. a detached accessory structure on a foundation);**
- 2) Container must be placed on an improved surface. All parking, loading and maneuvering 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.**

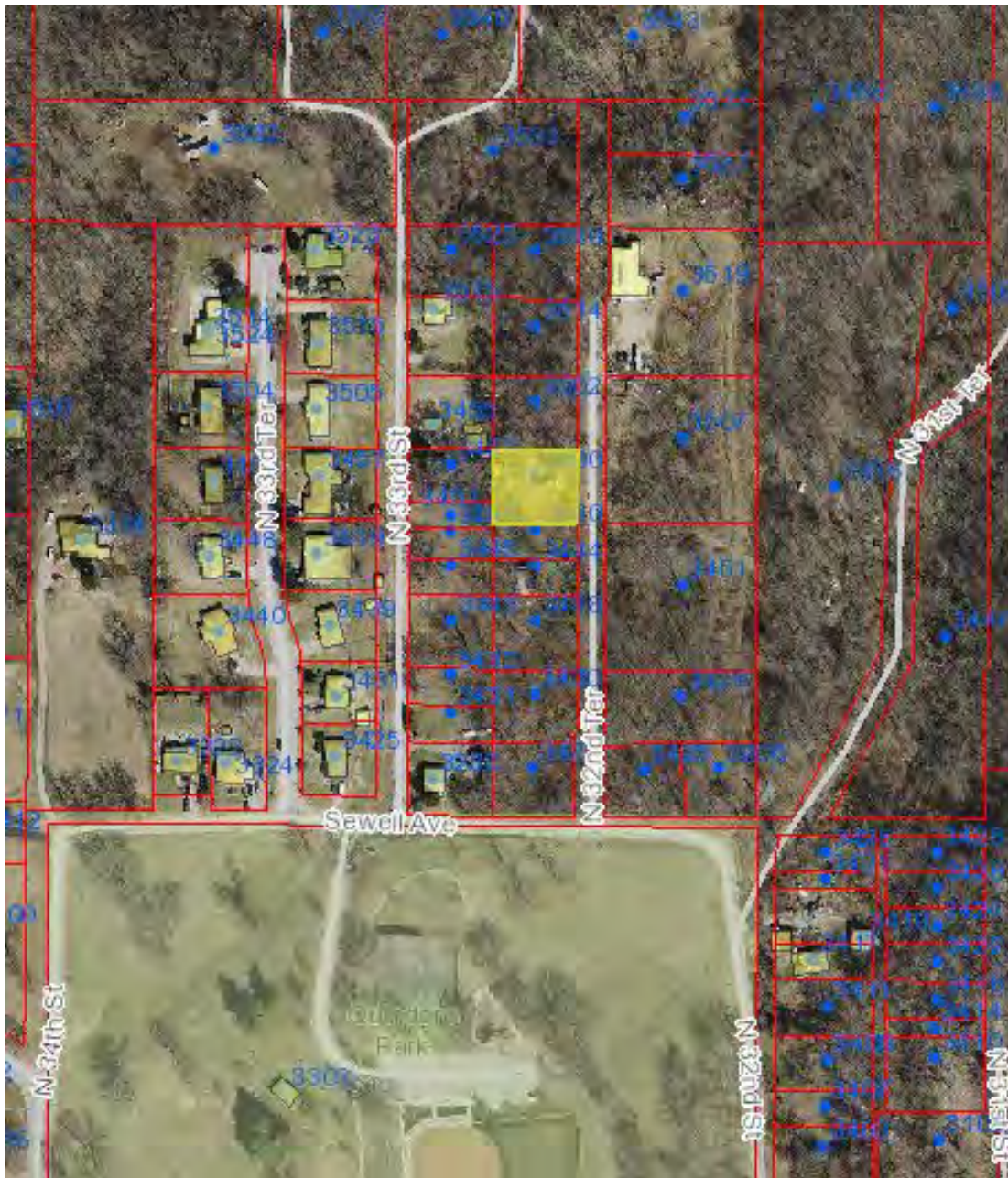
Land Use Map:



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.

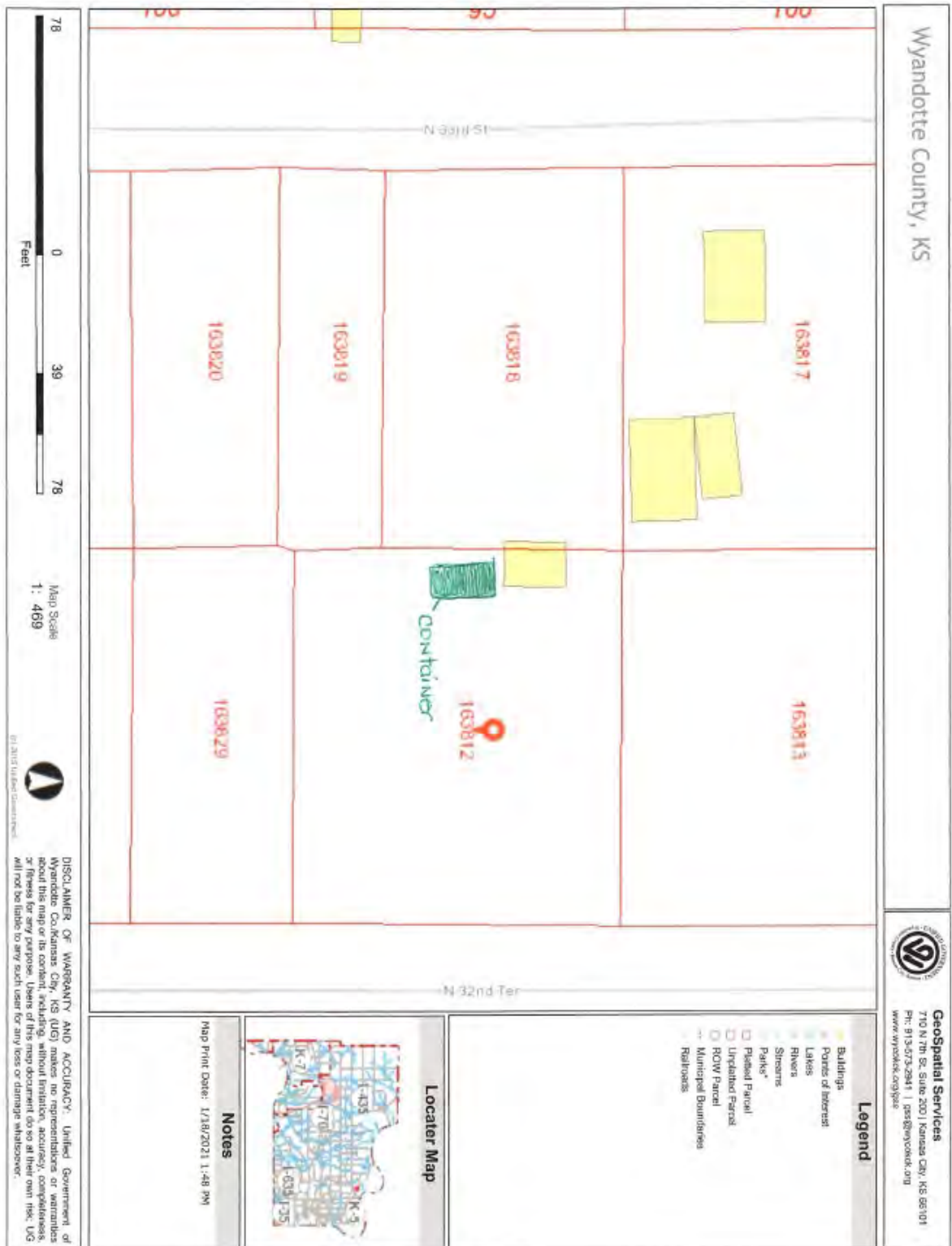
If there are any questions or concerns, feel free to contact me by phone or email.

Tel: 913-206-7896

Email: donguero913@gmail.com

Thank you,
Monseratt Perez-Mera and Hilar 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.conservations@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 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



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



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

11/9/2020
Page 2 of 2



Staff Request for Commission Action

Tracking No. 21749

Full Commission Meeting Date: 3/25/21

Committee:

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

Publication Required: No

<u>Date:</u> 3/25/2021	<u>Contact Name:</u> Juliann VanLiew	<u>Contact Phone:</u> x6707	<u>Contact Email:</u> jvanliew@wycokck.org	<u>Department/Division:</u> Health Department
<u>Item Description:</u> A Resolution revoking certain Local Health Orders and amending Local Health Order 6/27/2020 pertaining to the mask and social distancing requirements.				
<u>Action Requested:</u> Adopt resolution				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> LHO 6-27-20 Amendment Reso(Final)				

(Published _____)

RESOLUTION NO. _____

A RESOLUTION amending LHO 6/27/20 and revoking LHO 4/30/20, LHO 6/18/20, LHO 7/14/20, LHO 11/13/20, LHO 11/20/20, LHO 2/25/21, LHO 2/26/21, and LHO 3/11/21.

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

WHEREAS, the worldwide outbreak of COVID-19 and the resulting epidemic in Kansas and Wyandotte County continue to threaten the life and health of our citizens and visitors as well as the economy and remains a public disaster affecting life, health, property and the public peace; and

WHEREAS the Federal Government, the State of Kansas and the Unified Government of Kansas City/Wyandotte County, Kansas have all entered declarations that a disaster had occurred, acknowledging the threat within Wyandotte County, Kansas as a result of the Coronavirus pandemic (COVID-19) and the confirmed outbreak and person-to-person spread of COVID-19 in the United States, State of Kansas and Wyandotte County; and

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, has been confirmed in Kansas and that in Wyandotte County the number of confirmed cases, related deaths and positivity rates exceed that of other counties in the State as well as the metro area, and the steps necessary to prevent its spread vary based upon the locality thereby requiring a specific, measured and phased approach determined by data applicable to Wyandotte County, Kansas; and

WHEREAS, as of this date, in Kansas there have been 300,125 reported positive cases of COVID-19 spread among all 105 counties, including 4,850 deaths; and

WHEREAS, the spread of COVID-19 endangers the health, safety, and welfare of persons and property within Wyandotte County, Kansas; and

WHEREAS, to reduce the spread of COVID-19, measures that are recommended and considered effective by the Centers for Disease Control and Prevention (“CDC”) include, among other measures, avoiding close contact with other people and covering one’s mouth and nose with a cloth face cover when in public settings; and

WHEREAS, the increased spread of COVID-19 also presents a serious threat to the continued effective operation of the local economy within Wyandotte County; and

WHEREAS, wearing a mask or other whole face covering in public venues reduces transmission of the virus, helps keep our businesses open and our economy running, and gets and keeps children in school; and

WHEREAS, wearing a face covering is an effective means to protect each other and mitigate the spread the of COVID-19; and

WHEREAS, continuation of mandatory use of masks or face coverings in public settings is necessary to promote and secure the health, safety and welfare of Wyandotte County; and

WHEREAS, the intent of this amended Order is not to deprive any person or entity of any rights protected by the United States Constitution, the Kansas Constitution, or any other law, but merely to set forth restrictions which would best protect Wyandotte County residents against the community spread of COVID-19; and

WHEREAS, there are certain activities where the wearing of masks and face coverings is exempted pursuant to the terms of this amended Order where customers may be in the proximity of others for extended periods of time (such as when customers may be eating or drinking), which means such activities present a heightened risk of a person infected with COVID-19 transmitting it to another person; and

WHEREAS, new variants of COVID-19 are emerging that are more contagious and virulent than the initial strain of COVID-19; and

WHEREAS, the majority of Wyandotte County residents have yet to be vaccinated against COVID-19; and

WHEREAS, Wyandotte County residents are strongly encouraged to be vaccinated against COVID-19 when they are eligible under the Kansas Department of Health and Environment's Vaccination Prioritization Plan; and

WHEREAS, wearing face masks and maintaining physical distancing will protect the health of Wyandotte County residents while they are awaiting vaccinations; and

WHEREAS, the recent plateau in COVID-19 cases in parts of the United States advises against lowering COVID-19 restrictions such as face masks and physical distancing;

WHEREAS, the CDC continues to recommend that all unvaccinated individuals, as well as vaccinated individuals while visiting with certain unvaccinated persons, wear masks, maintain physical distance, and practice other prevention measures; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the County's responsibility to provide for and ensure the health, safety, security, and welfare of the people of Wyandotte County, requiring that masks or other face coverings be worn in public, ensuring physical distancing, and placing certain other restrictions on activities are all measures that can be taken to slow and reduce the spread of COVID-19; and

WHEREAS, on March 24, 2021 the Governor of the State of Kansas signed into law Senate Bill 40 which restricts local health orders to include only narrowly tailored mandates which use the least restrictive means possible to achieve the orders purpose; and

WHEREAS, the science and medical research suggests the measures taken in previous local health orders continue to be effective in slowing the spread of COVID-19; and

WHEREAS, pursuant to the provisions of K.S.A 65-201 of the Kansas Statutes Annotated, the Board of Commissioners shall have the power to review, amend, or revoke any order issued by the local health officer.

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

1. That the Unified Government Board of Commissioners hereby revokes LHO 4/30/20, LHO 6/18/20, LHO 7/14/20, LHO 11/13/20, LHO 11/20/20, LHO 2/25/21, LHO 2/26/21, and LHO 3/11/21.
2. That the Unified Government Board of Commissioners hereby amends LHO 6/27/20 to read as follows:

Section I. Social Distancing Provisions.

1. Individuals within a public space shall maintain 6 feet of physical distancing from other individuals, unless such individuals reside together, or an exception of this amended Order applies. "Public space" means any indoor or outdoor space or area that is open to the public but does not include private residential property or private offices or workplaces that are not open to customers or public visitors.
2. Within a public space where a business or organization operates, such business or organization shall ensure that 6 feet of physical distancing is maintained between individuals and groups of individuals, unless such individuals reside together, or an exception of this amended Order applies.
3. Exceptions to the 6 feet of physical distancing requirements shall include:
 - a. Businesses and organizations that provide services that intrinsically require staff from the business or organization to be within less than 6 feet from one another or the customer, such as dentists, hair salons, barber shops, nail salons, chiropractors, massage services, tattoo parlors, medical services providers, and similar services, provided that staff wear protective face coverings as directed by this amended Order.
 - b. Businesses where tasks completed by employees require such employees to work within 6 feet of one another.
 - c. While seated at a restaurant, bar, night club, or other business licensed to sell alcohol for on-premises consumption, individuals at the same table may be located within 6 feet of one another. Also, all tables and individuals seated at a table shall be located at least 6 feet from any other tables and individuals seated at such tables. Individuals seated in a bar area shall be located at least 6 feet from any other individuals seated in that area. Congregating of standing individuals in bar or waiting areas is prohibited.
 - d. Persons who have one or more physical barrier(s) between them and any other persons. "Physical barriers" shall be defined as a partition or wall at least 3' in height above the head of the persons so separated, and impervious to air circulation, e.g. a Plexiglas shield
4. The following are exempt from the 6 feet of physical distancing requirements of this amended Order, and are instead encouraged to maintain physical distancing as much as is feasible and to maintain 6 feet of physical distance between individuals who do not reside together, when feasible:
 - a. Religious institutions, facilities and activities;

- b. Election polling places;
- c. Licensed childcare facilities;
- d. Schools and activities within the purview of school's governing body;
- e. Court facilities;
- f. Wedding and funeral ceremonies;
- g. Public transportation;
- h. Health care, hospitals, and medical facilities;
- i. Law enforcement, jails, and correctional facilities;
- j. Long term care and assisted living facilities; and
- k. Public protest activities.

Section II. Wearing of Masks or Other Face Coverings

1. Any person within Wyandotte County shall wear a mask or other face covering when they are in the following situations:

- a. Inside, or in line to enter, any indoor public space;
- b. Obtaining services from the healthcare sector in settings including, but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, vaccination site, COVID-19 testing site, veterinary clinic, or blood bank (unless otherwise directed by an employee or healthcare provider);
- c. Waiting for or riding on public transportation or while in a taxi, private car service, or ride-sharing vehicle; and
- d. While outdoors in public spaces and unable to maintain a 6-foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.

2. All businesses or organizations in Wyandotte County must require all employees, customers, visitors, members, or members of the public to wear a mask or other face covering when:

- a. Employees are working in any space visited by customers or members of the public, regardless of whether anyone from the public is present at the time;
- b. Employees are working in any space where food is prepared or packaged for sale or distribution to others;
- c. Customers, members, visitors, or members of the public are in a facility managed by the business or organization; or
- d. Employees are in any room or enclosed area where other people (except for individuals who reside together) are present and are unable to maintain a 6-foot distance except for infrequent or incidental moments of closer proximity.

3. The following individuals are exempt from wearing masks or other face coverings pursuant to the provisions of this amended Order:

- a. Persons age five years or under are exempt from wearing masks. Children age two years and under in particular should not wear a face covering because of the risk of suffocation;
- b. Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;

- c. Persons who are deaf or hard of hearing, or communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication;
- d. Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines;
- e. Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
- f. Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided they maintain a 6-foot distance between any other tables and individuals seated at such tables;
- g. Athletes actively engaged in an organized sport activity;
- h. Persons who are engaged in an activity that a professional or recreational association, regulatory entity, medical association, or other public-health-oriented entity has determined cannot be safely conducted while wearing a face covering;
- i. Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary except as directed or required by the court or Kansas Judiciary;
- j. Persons engaged in any lawful activity during which wearing a face covering is prohibited by law; and
- k. Persons engaged in religious services, ceremonies or activities; and
- l. Individuals who are in the same space if all individuals present have been fully vaccinated against COVID-19.

4. "Mask or other face covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. A mask or other face covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. A mask or other face covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels.

Section III. Lawful Order

1. Schools and activities under the purview of a school's governing body are exempted from this amended Order.
2. This amended Order becomes effective upon approval of the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, KS in accordance with K.S.A. 65-201 and remains in effect until 11:59 pm on June 10, 2021.
3. This amended Order may be supplemented or modified as required for the effective and efficient management and control of the Coronavirus epidemic in the County by further order or direction of the Wyandotte County Board of Public Health.
4. Pursuant to K.S.A. 65-129b, any health inspector, sheriff, deputy sheriff or other law enforcement officer of any political subdivision within Wyandotte County, Kansas is hereby ordered to assist in the execution or enforcement of this amended Order, as amended or modified.
5. Violation of this amended Order is a violation of Ordinance 17-7 and is a Class C Misdemeanor punishable by a maximum fine of \$500 and a 30-day jail sentence.

6. This amended Order shall be known and referred to as LHO 3/25/21.

7. The Mayor, the County Administrator, and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, as may be necessary or desirable to carry out and comply with the intent of this Resolution.

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

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 21751

Full Commission Meeting Date: 3/25/21

Committee:

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

Publication Required: No

<u>Date:</u> 3/25/2021	<u>Contact Name:</u> Misty Brown	<u>Contact Phone:</u> x5067	<u>Contact Email:</u> mbrown@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with Painters District Council No. 3 International Brotherhood of Painters and Allied Trades, 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> painters no. 3 reso authorize MOU 2020-2021_, iupat3scans@gmail.com_20210311_082752				

RESOLUTION NO. _____

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

That the County Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby authorized and directed to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, and the Unified Government Clerk is hereby authorized and directed to attest the signature of said County Administrator and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government to the Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the Painters District Council No. 3 International Brotherhood of Painters and Allied Trades 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 March, 2021.**

David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to Form:

**Misty S. Brown
Chief Counsel**

MEMORANDUM OF UNDERSTANDING

BETWEEN

**THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

AND

**PAINTERS DISTRICT COUNCIL NO. 3
INTERNATIONAL BROTHERHOOD OF PAINTERS
AND ALLIED TRADES**

January 1, 2020 – DECEMBER 31, 2021

MEMORANDUM OF UNDERSTANDING

ARTICLE I – INTENT AND PURPOSE.

This **MEMORANDUM OF UNDERSTANDING**, dated this ____ day of _____, 2021 by and between the Unified Government, Wyandotte County, Kansas City, Kansas, and the Painters District Council No. 3, International Brotherhood of Painters and Allied Trades, 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 Builder’s Association of Missouri and the Union, 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 Painters District Council (hereunto the “Union”) as the exclusive bargaining representative pursuant to the Public Employee Relations Act for all Painters 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 and the department to which 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 placed upon the U.G. and the applicants successful completion of a drug screen and physical examination.

ARTICLE V – WAGES.

Section 1. During the term of this Memorandum of Understanding, the employees covered by this MOU shall receive the following wages in lieu of those wages provided for under the Agreement:

	1/1/20	1/1/21
Wage Rate	\$27.65	\$27.65

Section 2. The parties recognize that the wage rate reflected above was frozen at the 2019 rate for both 2020 and 2021. The parties agree that they shall meet during the month of October in 2021 to re-open negotiations on compensation adjustments dependent upon economic feasibility. In addition to the wage rate above, the U.G. will pay for the entire term of this Memorandum of Understanding one hundred percent (100%) of the fringe benefits specified in the Agreement, with the exception of the following: CISAP, STAR and Market Dues. The health and welfare rate shall be \$5.18/hr. in 2017 and \$5.60/hr. beginning in 2018 provided that such program is qualified under the Affordable Care Act. The pension rate shall be \$8.43/hr. in 2017 and 2018 and \$8.73/hr. in 2019. Any contributions to the health and welfare and/or pension plans exceeding these rates shall be borne by the Employee. Employer shall not be required to obtain a surety bond under Article VI of the Agreement.

Section 3. As wage rates change under the Agreement, the craft shall obtain from the contracting association a written statement of changes and the effective date thereof, and shall provide by registered mail, to the County Administrator and the Human Resources Department a copy thereof.

Section 4. No person subject to this Memorandum shall be eligible to purchase, receive or participate in any health, vision and/or dental 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.

ARTICLE VII – 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 VIII – 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 IX – 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 and 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 X – 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 XI – WORKING RULES.

Paragraphs 1,2,4,5,6,7,8,11,13,14,15,17,19,21 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.

Article XII – 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 XIII – 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 XIV - SUBCONTRACTING.

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

Article XV - NEW EMPLOYEES.

The parties agree that in the event a current bargaining unit member of District Council 3 is no longer employed by the Employer as a bargaining unit member, the contract will be reopened. In the event that the 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.

Article XVI - DURATION.

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 December 31, 2021, (expiration date) or January 1 of any subsequent contract year. This Agreement shall replace the Memorandum previously executed by the parties set to expire on December 31, 2019 which shall be of no further legal effect from January 1, 2020 through December 31, 2021. 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 December 31, 2021, (expiration date) or January 1 of any subsequent contract year, advising that such party desires to revise or change terms or conditions of such Memorandum.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this
_____ day of _____, 2021.

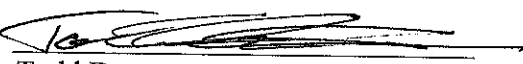
EMPLOYER

UNION

THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS
CITY, KANSAS

DISTRICT COUNCIL NO. 3
INTERNATIONAL UNION OF
PAINTERS AND ALLIED TRADES,
AFL-CIO

By: _____
Douglas G. Bach
County Administrator

By:  _____
Todd Doree
Business Manager

Renee Ramirez
Director of Human Resources

ATTEST:

Unified Government Clerk

Approved as to form:

Misty S. Brown Deputy Chief Counsel



Staff Request for Commission Action

Tracking No. 21752

Full Commission Meeting Date: 3/25/21

Committee:

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

Publication Required: No

<u>Date:</u> 3/25/2021	<u>Contact Name:</u> Misty Brown	<u>Contact Phone:</u> x5067	<u>Contact Email:</u> mbrown@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with United Brotherhood of Carpenters and Joiners of America, St. Louis-Kansas City, Carpenters Regional Council, 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> Carpenters reso authorize MOU 2020-2021_, UG KCK MOU 1-1-20 THRU 12-31-21				

RESOLUTION NO. _____

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

That the County Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby authorized and directed to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, and the Unified Government Clerk is hereby authorized and directed to attest the signature of said County Administrator and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government to the Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the United Brotherhood of Carpenters and Joiners of America, St. Louis – Kansas City, Carpenters Regional Council 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 MARCH, 2021.**

David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to Form:

Misty S. Brown, Chief Counsel

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS

AND

UNITED BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA, ST. LOUIS – KANSAS CITY
CARPENTERS REGIONAL COUNCIL

January 1, 2020 – December 31, 2021

MEMORANDUM OF UNDERSTANDING

ARTICLE 1 – INTENT AND PURPOSE.

This MEMORANDUM OF UNDERSTANDING by and between the Unified Government of Wyandotte County/Kansas City, Kansas and the United Brotherhood of Carpenters and Joiners of America, St. Louis – Kansas City Carpenters Regional Council, is entered into for the purpose of establishing rates of wages and specified working conditions. The Local Union Working Agreement or “Construction Agreement” (Joint Agreement between Builders’ Association of Missouri and the Union, effective May 1, 2013 marked Exhibit “A” and attached hereto) shall be recognized except as amended, deleted, modified or supplemented by the provisions of this Memorandum.

ARTICLE 2 – RECOGNITION.

The Unified Government of Wyandotte County/Kansas City, Kansas, (hereinafter the “U.G.”) recognizes and acknowledges the above-stated Carpenters Regional Council (hereinafter the “Union”) as the exclusive bargaining representative pursuant to the Public Employee Relations Act for all carpenters employed by the Building and Logistics Department of said Unified Government.

ARTICLE 3 – 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.

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 that Union members 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 U.G., 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 4 – FILLING OF VACANT POSITIONS.

When any 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 posts 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 and the department which 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 the Human Resources Department within the specified guidelines.
- (c) Such vacancies shall be awarded to the best qualified applicant considering the applicant's training, education, experience, ability, and past performance as long as such selection does not contravene any affirmative legal responsibility placed upon the U.G. and the applicant's successful completion of a drug screen and physical examination.

ARTICLE 5 – WAGES.

Section 1. During the term of this Memorandum of Understanding, the employees covered by this MOU shall receive the following wages in lieu of those wages provided for under the Agreement:

	1/1/20	1/1/21		
Carpenter and Lather	\$32.31	\$32.31		
Foreman Carpenter and Lather	\$36.21	\$36.21		

All wages include one dollar (\$1.00) per hour vacation benefit contribution and twenty cents (\$.20) per hour Market Recovery Fund contribution. In addition, all wages include supplemental dues, which are calculated by dividing the U.G. straight-time wage by the Kansas City Area 1 Commercial outside journeyworker straight-time wage, and multiplying the quotient by the supplemental dues amount specified in the Kansas City Area 1 Commercial outside agreement for journeyworker carpenters.

The parties recognize that the wage rate reflected above was frozen at the 2019 rate for both 2020 and 2021 . The parties agree that they shall meet during the month of October in 2021 to re-open negotiations on compensation adjustments dependent upon economic feasibility. In the event that the Unified Government agrees to a wage rate increase in excess of two percent (2%) for either 2018 or 2019 with any of the other trade unions (Plumbers Union, L. No. 8, Construction and General Laborers L. No. 1290, Service Employees Int'l Union L. No. 1, and/or District Council No. 3 of the International Union of Painters and Allied Trades), then the bargaining unit members represented by the Union shall receive the same wage rate increase.

Section 2. In addition to the wage rate above mentioned, the U.G. will pay one hundred percent (100%) of the fringe benefits specified in the Agreement.

Section 3. Fringe benefits change under the Agreement, the craft shall obtain from the contracting association a written notice sent by registered mail, to the County Administrator and the Human Resources Department, the U.G. will adjust 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. The U.G. agrees that members of the carpenters craft employed as regular part-time employees shall be paid one hundred percent (100%) of the wage rate specified in this MOU and one hundred percent (100%) of the proportionate fringe benefits of the applicable carpenters craft and time for the purposes of this Memorandum part-time employees who are employed for a future specified limited period of time not to exceed ninety (90) calendar days.

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 not be eligible to participate, receive or purchase any dental or vision insurance provided by the U.G.

ARTICLE 6 – 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 7 – STRIKES AND LOCKOUTS.

Section 1. There shall be no stoppage of work either by strike or lockout 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 8 – 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, 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 9 – 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 agreement or funds set out in the Agreement in Article V, then the U.G.'s obligation to continue its commitment hereunder shall cease.

ARTICLE 10 – WORKING RULES.

Article XI of the Agreement was previously s deleted and the subjects expressed therein shall be governed by the provisions of the Human Resources Guide.

ARTICLE 11 – SPECIAL MILLWRIGHT WORK RULES.

Article XI of the Agreement was previously deleted.

ARTICLE 12 – PAYDAY AND PAYROLL CHECKS.

The U.G. has adopted a bi-weekly payroll system. Represented employees are paid each two (2) 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 13 – 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 the 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 receipt 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 or designee within five (5) days after receipt of the department

head's written decision. The County Administrator or designee shall render a decision in writing within ten (10) days thereafter.

Step 6. If the County Administrator's or designee's decision is not satisfactory 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 are 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 the parties have selected an arbitrator, the parties shall act with all deliberate speed to schedule a hearing date 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 U.G. and the Union shall share the cost of the arbitrator equally.

ARTICLE 14 – NEW EMPLOYEES

The parties agree that in the event a current bargaining unit member of United Brotherhood of Carpenters and Joiners of America, St. Louis – Kansas City Carpenters Regional Council is no longer employed by the Employer as a bargaining unit member, the contract will be reopened. In the event that the 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.

ARTICLE 15 – DURATON.

Article 16 of the Agreement is 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) days and not more than ninety (90) days prior to December 31, 2021, (expiration date) or January 1 of any subsequent contract year. 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 desires to negotiate changes or revisions in this Memorandum, either party may serve upon the other a written notice not less than thirty (30) days and not more than ninety (90) days prior to December 31, 2021, (expiration date) or January 1 of any subsequent contract year, advising that such party desires to revise or change terms and conditions of such Memorandum.

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

EMPLOYER

THE UNIFIED GOVERNMENT

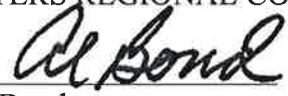
By: _____
Douglas G. Bach
County Administrator

Date: _____

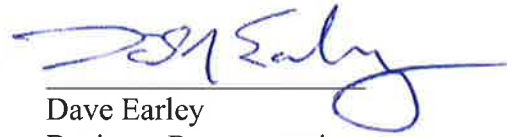
By: _____
Renee Ramirez
Director of Human Resources

UNION

ST. LOUIS – KANSAS CITY
CARPENTERS REGIONAL COUNCIL

By: 
Al Bond
Executive Secretary-
Treasurer

Date: 3/8/2021

By: 
Dave Earley
Business Representative

Approved as to form:

Misty S. Brown, Deputy Chief Counsel

6RY8616.DOC

ATTEST:

Unified Government Clerk



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 25, 2021

Re: Petition COZ-0007

GENERAL INFORMATION

Applicant:
Ryan Cronk

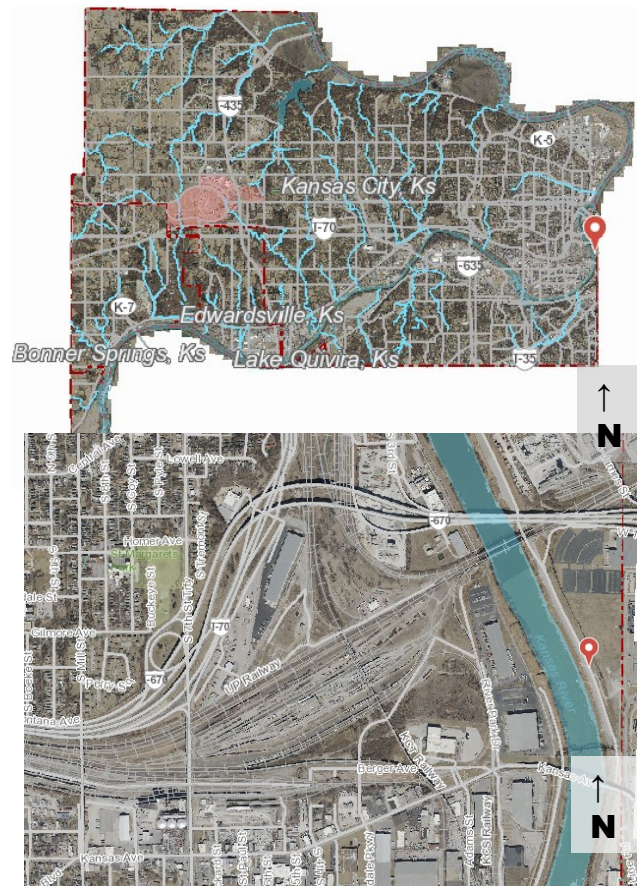
Status of Applicant:
Representative
KC The Yards II, LLC
One Indiana Square, Suite 3000
Indianapolis, Indiana 46202

Requested Actions:
Approval of a Change of Zone.

Date of Application:
November 30, 2020

Purpose:
To change the zoning district from M-3
Heavy Industrial District to TND (T-6)
Traditional Neighborhood Design District.

Property Location:
200 South James Street
Kansas City, Kansas 66118



Commission Districts:	Commissioner At Large: Tom Burroughs District #2 Commissioner: Brian McKiernan
Existing Zoning:	M-3 Heavy Industrial District
Existing Zoning:	M-3 Heavy Industrial District
Adjacent Zoning:	North: M-3 Heavy Industrial District South: M-3 Heavy Industrial District East: Kansas City, Missouri West: Kansas River
Adjacent Uses:	North: Business campus parking South: Industrial business East: Parking lots and garage (Missouri) West: Kansas River
Total Tract Size:	17.37 Acres
Master Plan Area:	The subject property is not within an Area Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this property as Mixed-Use. Mixed-Use allows specialty retail, sit-down restaurants, convenience retail, parks/plazas/open space, and mixed-density residential uses.
Major Street Plan:	The City-Wide Master Plan designates James Street as a Class B Thoroughfare. The subject property, however, can only be accessed by a portion of State Line Road that lies completely within Kansas City, Jackson County, Missouri.
Required Parking:	Section 27-470(f) requires no less than one (1) space per 500 square feet of building area provided in the M-3 District. However, more specific parking requirements will be determined by the Director of Planning after receipt of a summary of parking needs and characteristics from the applicant. Section 27-471(j) requires different parking standards depending on the transect zone(s) within the TND District.
Advertisement:	<u>The Wyandotte Echo</u> – December 17, 2020; February 11, 2021 Letters to Property Owners – December 18, 2020; February 12, 2021 and March 17, 2021

Public Hearings:	March 8, 2021 and March 25, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ryan Conk with KC The Yard II, LLC, has submitted a preliminary plat for one (1) mixed-use lot created from the current Parcel #901400. The applicant has also requested a Change of Zone from M-3 Heavy Industrial District to TND Traditional Neighborhood Design District in order to allow for a 225-unit, mixed-use development in connection with the proposed establishment of the Riverfront Tax Increment Financing (TIF) District.

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

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

FACTORS TO BE CONSIDERED

1. Character of the Neighborhood.

The neighborhood includes properties both in Kansas and in Missouri. While the entire area has been traditionally industrial, heavy commercial, distribution, and stockyards—as dictated by the area’s proximity to the downtowns of Kansas City, Kansas and Kansas City, Missouri, regional and national highways, and the Kansas and Missouri Rivers—there has been more recent mixed-use development, mainly multi-family residential and light commercial, on the Missouri side of the West Bottoms District. The subject property lies at the southern edge of this emerging mixed-use district.

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

The subject property is only adjacent to zoned properties within Kansas City, Kansas on its north and south boundaries. While both of these adjacent properties are zoned M-3, the current development in the portion of the neighborhood in Missouri to the east, as well as the development plans of the applicant, show increasing compatibility between the subject property and its neighbors as more mixed-use development occurs.

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

There only concern that Staff has is with flooding. A small portion of the property is located within a floodplain. However, a combination of improving levees and

appropriate building design can address any flooding concerns. The property is suitable for its current and future allowed uses.

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

It is not clear how long the property has been vacant.

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

New multi-family housing, especially in a historically overlooked area of the city, is important to continued growth and options for current and potential Kansas City residents. The mixed-use nature of the TND District will encourage a diversity of commercial options close to home, which allows for greater access by the apartment residents and less reliance on cars.

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

There is an adjacent parking structure, a surface lot to the north, and additional parking adjacent to Hy-Vee (formerly Kemper) Arena. As State Line Road is the only point of access to the property, and as State Line Road itself ends at Butler Way/Genessee Street to the north and at American Royal Drive to the south, a future traffic study will be necessary to address issues caused by such limited access to the property. Mixed uses on the property will require a mix of transportation and parking options, which should be creatively designed and highlighted in a future Plan Review application.

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

The existing land use designation for the property in the City-Wide Master Plan is Mixed-Use. A land use designation defined by the City-Wide Master Plan, Mixed-Use allows and encourages the support of special and convenience retail, sit-down restaurants, and mixed-density residential. These are use that will better serve the adjacent neighborhood in Missouri and proposed levee enhancements adjacent to the property. The Mixed-Use land use designation also calls for the integration of a central gathering space and associated amenities. The current site plan does show a central gathering space and open public space, but no amenities as of now.

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

Development of the property will lead to an increase of impermeable surfaces, parking needs, traffic at peak times, and risk of standing water or runoff. The exact impact of these changes on surrounding properties cannot be completely

known at this time—especially without more detailed development plans—but Staff does recognize there will be issues that will need to be addressed. The development's proximity to the Corps of Engineers levee along the Kansas River must also be taken into account. Therefore, the applicant should be aware that additional studies (traffic, floodplain, soil conservation) may need to be conducted before future planning actions can be approved.

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

a. *Water service*

Water service needs to be connected to the subject property.

b. *Sanitary sewer service*

A sanitary sewer line is adjacent to the property on the north and northeast/east boundary of the property.

c. *Storm water control*

A storm water line is available in the property to the north.

d. *Police*

Police service is provided by South District, #333.

e. *Fire*

Fire service is provided by Fire Headquarters.

f. *Transit*

No public transit serves this property.

g. *Schools*

John Fiske Elementary School, Rosedale Middle School, and Harmon High School are provided by Kansas City USD #500.

h. *Streets*

The property is accessible by State Line Road, running north-south, and Butler Way to the east.

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

The applicant property is linked to a proposed Riverfront TIF District. Staff will reach out to other Departments involved in the economic development of this

project, such as the Economic Development Department, for future costs, revenues, and market impact.

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

The applicant must submit more information in order for Staff to determine if compliance has been met in regard to all aspects of the TND District design requirements.

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

The applicant property is linked to a proposed Riverfront TIF District. Staff will reach out to other Departments involved in the economic development of this project, such as the Economic Development Department, for future costs, revenues, and market impact.

PREVIOUS ACTIONS

MP-2020-6 (Master Plan Amendment from Industrial to Mixed Use)
Preliminary Plat

NEIGHBORHOOD MEETING

The applicant held a virtual neighborhood meeting on December 22, 2020 on Zoom. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant (see the “Attachments” section of this report).

KEY ISSUES

Access
District Designation
Landscaping
Multi-Family Design Guidelines
Sidewalks and Trails
Stormwater Management

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application COZ-0007, subject to:

- 1) Per the Mixed-Use Design Guidelines, on-site parking will be located behind the buildings. As the current site plan shows the majority of on-site parking located to the side of the primary building façade, such a deviation may only be allowed by the City Planning Commission;**

- 2) Per the Mixed-Use Design Guidelines, a minimum of 75% of all buildings should have a zero (0)-foot setback. As the current site plan does not demonstrate this for reasons stated in the applicant's response, such a deviation may only be allowed by the City Planning Commission;
- 3) Per the Mixed-Use Design Guidelines, high-quality masonry building materials approved for this district are stone, brick, cast stone and stucco. Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials shall be required on 65% of the sum total of all building façades, except single-family houses, which shall have 25% of the sum total of all facades. As the current site plan demonstrates a different mix of materials for reasons stated in the applicant's response, such a deviation may only be allowed by the City Planning Commission;
- 4) Per the City-Wide Master Plan Medium Density Residential standards, sidewalk/trails shall be a minimum of eight-feet (8') wide along Class A, B, or C Thoroughfares and Boulevards and six-feet (6') wide along Collectors;
- 5) In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
- 6) All interior and public sidewalks and trails must comply with the Sidewalk and Trails Master Plan. A sidewalk should be constructed along Stale Line Road right-of-way to provide pedestrian access as part of furthering multi-modal transportation;
- 7) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 8) 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;
- 9) A building permit is required. Please contact the Building Inspection Department to begin that process;
- 10) 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; and,
- 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.

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 **COZ-0007**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

March 8, 2021 City Planning Commission Minutes
Land Use Map
Aerial Map
Zoning Map
Photos of Property Provided by Staff, Dated December 20, 2020
Preliminary Plat Submitted by the Applicant
Landscape Plan Submitted by the Applicant
Traditional Neighborhood Design District Design Manual
Residential Amenity Reference Table, City-Wide Master Plan
Mixed-Use Design Guidelines, City-Wide Master Plan
Neighborhood Meeting Materials, December 22, 2020

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing Change of Zone	March 8, 2021 Approval	March 25, 2021

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ-0007** 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-0007**, 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.

March 8, 2021 City Planning Commission Minutes:

Hearing starts at 1:34:39:

CHANGE OF ZONE APPLICATION COZ-0007 – RYAN CRONK WITH KC THE YARDS 2, LLC – SYNOPSIS: Change of Zone from M-3 Heavy Industrial District to TND (T-6) Traditional Neighborhood Design District for a mixed use residential and commercial development at 200 South James Street.

PLAT2020-002 – RYAN CRONK WITH KCK THE YARDS 2, LLC – SYNOPSIS: Preliminary Plat for one (1) lot at 200 South James Street.

Detailed Outline of Requested Action: The applicant, Ryan Conk with KC The Yard II, LLC, has submitted a preliminary plat for one (1) mixed-use lot created from the current Parcel #901400. The applicant has also requested a Change of Zone from M-3 Heavy Industrial District to TND Traditional Neighborhood Design District in order to allow for a 225-unit, mixed-use development in connection with the proposed establishment of the Riverfront Tax Increment Financing (TIF) District. **Zoning Enforcement Issues:** There are no outstanding Notices of Violation associated with the property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 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 for the Change of Zone Application; and,
7. The Notices to property owners.

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

Present in Support:

- Aaron March, attorney representing the applicant, Rouse Frets White Goss Gentile Rhodes, PC, 4510 Belleview Avenue, Suite 300, Kansas City, Missouri 64111
- Kellee Madinger, Rouse Frets White Goss Gentile Rhodes, PC, 4510 Belleview Avenue, Suite 300, Kansas City, Missouri 64111
- Kurt Mitscher, engineer, Taliaferro and Browne

- David Wingerson, representing the developer
- Brad Satterwhite, Project Architect

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 1:56:19: Planning Director Hand stated that the applicant adequately outlined the proposal and staff has worked closely with the applicant on this project, includes, but not limited to how it relates to the Levee Trails Project. This project is indicative of the catalytic redevelopment of the Kansas River that is currently emerging from the ongoing Armourdale Area Master Plan process. Staff agrees with all proposed deviations from the Mixed Use Design Guidelines and requests Condition #7 regarding the permission of a shared parking agreement be removed as no off-street parking is required. Staff recommends approval, subject to the conditions in the staff report.

Motion and Vote starts at 1:58:35:

On motion by Ms. Pauley, seconded by Mr. Reasons, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ-0007:**

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

- 1) Per the Mixed-Use Design Guidelines, on-site parking will be located behind the buildings. As the current site plan shows the majority of on-site parking located to the side of the primary building façade, such a deviation may only be allowed by the City Planning Commission;
- 2) Per the Mixed-Use Design Guidelines, a minimum of 75% of all buildings should have a zero (0)-foot setback. As the current site plan does not demonstrate this for reasons stated in the applicant's response, such a deviation may only be allowed by the City Planning Commission;
- 3) Per the Mixed-Use Design Guidelines, high-quality masonry building materials approved for this district are stone, brick, cast stone and stucco. Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials shall be required on 65% of the sum total of all building

- façades, except single-family houses, which shall have 25% of the sum total of all facades. As the current site plan demonstrates a different mix of materials for reasons stated in the applicant's response, such a deviation may only be allowed by the City Planning Commission;
- 4) Per the City-Wide Master Plan Medium Density Residential standards, sidewalk/trails shall be a minimum of eight-feet (8') wide along Class A, B, or C Thoroughfares and Boulevards and six-feet (6') wide along Collectors;
 - 5) In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
 - 6) All interior and public sidewalks and trails must comply with the Sidewalk and Trails Master Plan. A sidewalk should be constructed along Stale Line Road right-of-way to provide pedestrian access as part of furthering multi-modal transportation;
 - 7) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
 - 8) 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;
 - 9) A building permit is required. Please contact the Building Inspection Department to begin that process;
 - 10) 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; and,
 - 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.

On motion by Mrs. Jones, seconded by Mr. Reasons, the Planning Commission voted as follows to **recommend APPROVAL of PLAT2020-002:**

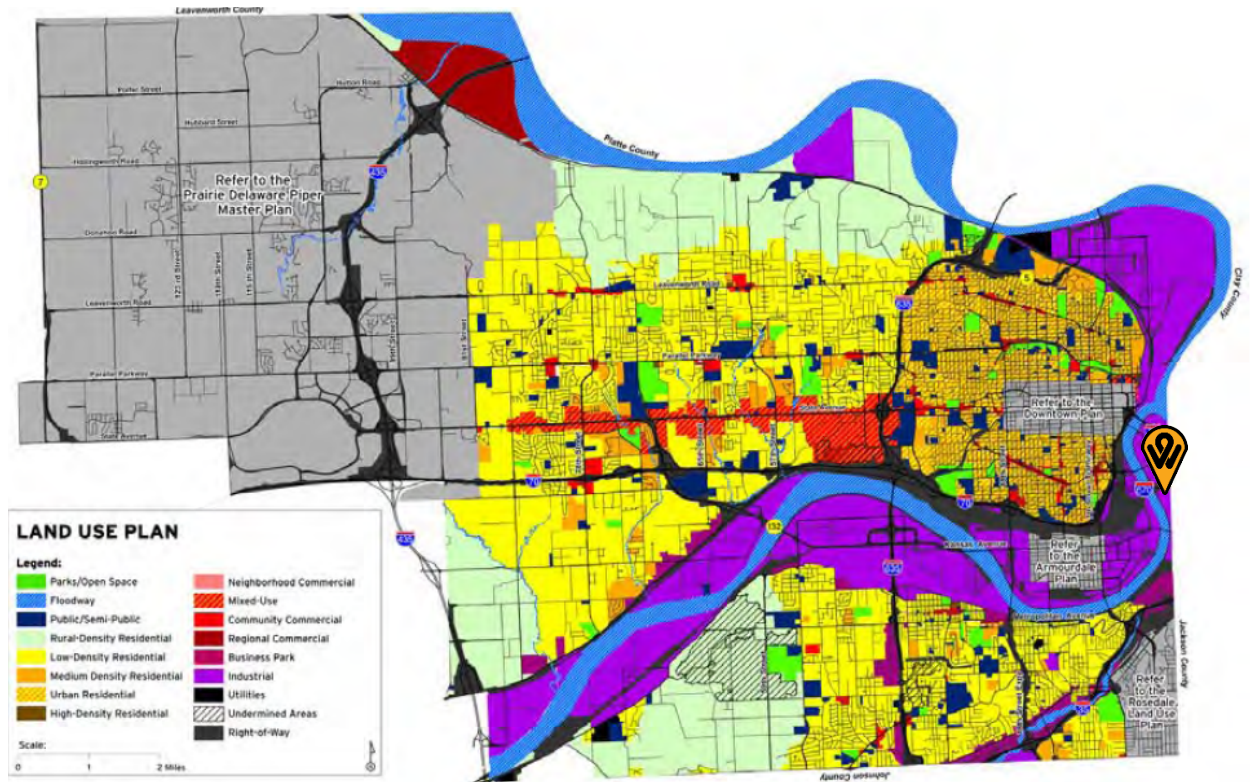
Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Not Present
Jones	Aye
Miller	Aye
Mohler	Aye
Pauley	Aye
Reasons	Aye

Motion to APPROVE Passed: 8 to 0

Subject to:

- 1) Per the City-Wide Master Plan, landscaping is required as follows: a) establish a 22-foot landscape easement for a 3-foot berm and a row of evergreen trees every 30 feet and a row of three (3)-gallon evergreen shrubs every four (4) feet on center, b) establish a 16-foot landscape easement for a 2-foot berm and a row of evergreen trees every 30 feet, c) establish a 10-foot landscape easement for a six (6)-foot high solid wood fence or masonry wall and a row of evergreen trees every 30 feet, and d) provide a landscape plan that adequately addresses softening the development, buffering traffic sound, headlight glare, and identifies how the landscaping would be maintained and who is responsible for that maintenance. As the current landscape plan fails to show these buffers, for reasons stated in the applicant's response, such a deviation may only be allowed by the City Planning Commission;
- 2) All interior and public sidewalks and trails must comply with the Sidewalk and Trails Master Plan. A sidewalk should be constructed along Stale Line Road right-of-way to provide pedestrian access as part of furthering multi-modal transportation;
- 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) A building permit is required. Please contact the Building Inspection Department to begin that process;
- 6) 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;
- 7) If approved, occupying businesses will need to file and maintain a current business occupation tax application with this office;
- 8) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations [Article XIV, Section 8-610 through Section 8-618]. Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works department, 701 N.7th Street, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
- 9) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable.

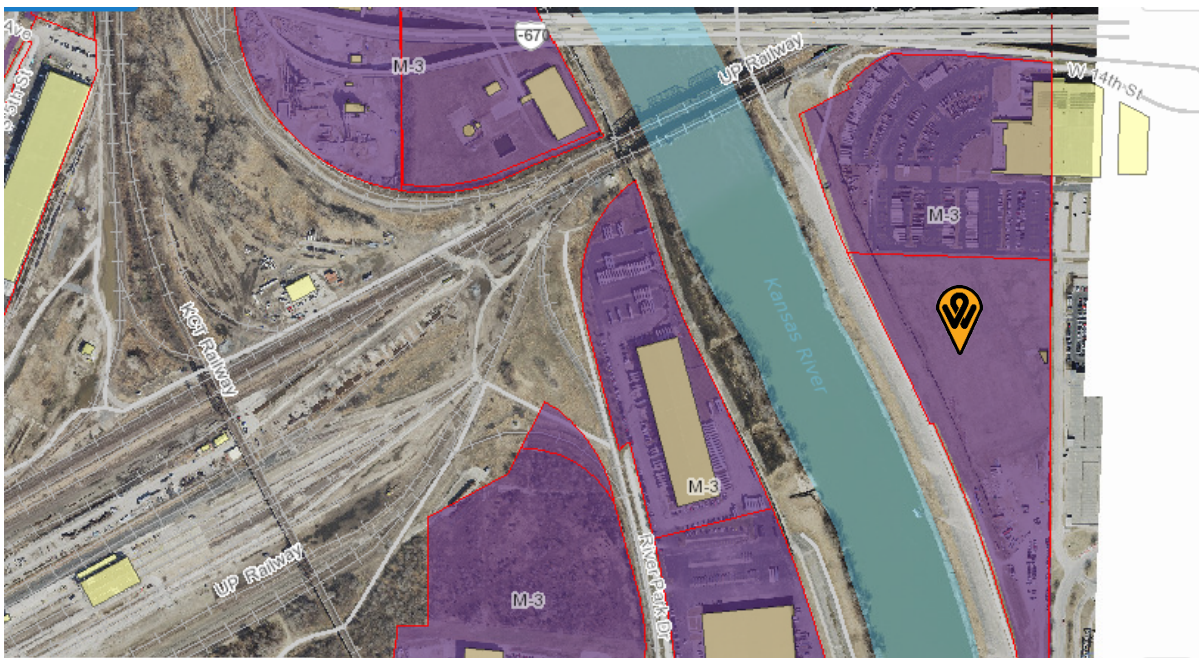
LAND USE MAP



AERIAL MAP



ZONING MAP



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





[illegible]

TRADITIONAL NEIGHBORHOOD DESIGN DISTRICT DESIGN MANUAL

Z06: TRADITIONAL NEIGHBORHOOD DESIGN DISTRICT [TND] - DESIGN MANUAL

NOTES

- THIS DESIGN MANUAL IS APPLICABLE TO PROJECT AREA 1 (THE YARDS - PHASE II PARCEL) OF THE RIVERFRONT REDEVELOPMENT DISTRICT.
- THIS DESIGN MANUAL SHOULD BE CONSIDERED IN CONJUNCTION WITH THE UNIFIED GOVERNMENT'S CITY-WIDE MASTERPLAN, THE MASTER PLAN AMENDMENT MP-2020-6 FOR THE RIVERFRONT REDEVELOPMENT DISTRICT, THE REDEVELOPMENT PROJECT PLAN FOR PROJECT AREA 1, AND THE REZONING, PRELIMINARY DEVELOPMENT PLAN, AND PRELIMINARY PLAT APPLICATIONS SUBMITTED FOR PROJECT AREA 1 TO THE UNIFIED GOVERNMENT ON NOVEMBER 30, 2020.

1	Detailed summary of project	Consistent with the Redevelopment Project Plan for Project Area 1 of Riverfront Redevelopment District, the Project contemplates the construction of a 225-unit market rate multi-family residential development, with potential for a multi-level retail/restaurant/commercial component located at the south-most portion of the Project, and surface parking, a central private residential courtyard, landscaping, public landscaped area facing the future levee recreation trail, lighting, utilities, and other infrastructure.
2	Scope and vision of project	Consistent with the Redevelopment Project Plan for Project Area 1 of Riverfront Redevelopment District, the intent of the Project is to promote the general and economic welfare of the Stockyards district and larger municipality of the Unified Government. At its unique location within both the Stockyards district and the newly-established Riverfront Redevelopment district, The Yards - Phase II capitalizes on pedestrian connectivity of the Stockyards district to the new Riverfront Redevelopment district and levee access. The Project acknowledges its unique location at the intersection of State Line Road and American Royal Drive by accommodating commercial/retail/restaurant tenant exposure at the south, oriented to significant vehicular activity along both thoroughfares. And the Project aims to provide residential opportunities adjacent to existing commercial, retail, and recreational amenities and continuously increasing amenities provided by other developments and improvements in the Stockyards and adjacent districts.
3	Detailed analysis of existing and surrounding zoning	Refer to the General Information portion of Master Plan Amendment MP-2020-6.
4	Detailed analysis of existing site and development patterns at the neighborhood level	Refer to Master Plan Amendment MP-2020-6, which describes neighborhood character, the difference between the existing and proposed Master Plan, and provides an analysis of the impact of the Master Plan Amendment on surrounding properties.
5	Plan illustrating location of T-zones contained in the project	As the Project consists of only a single building on an approximately 5-acre lot, the entire Project is designated as a T-6 Urban Core.
6	Illustrations of building types contained in the project	The Project consists of only a single building. Please refer to sheets A01 and A02 'Preliminary Exterior Facade and Signage Elevations' in the Preliminary Development Plan and Plat application submissions for a demonstration of the intended elevation profile, facade articulation, and material types and their application on the building facades.
7	Illustrated thoroughfare standards	Refer to sheets SP1 'Preliminary Site Plan' and G03 'Preliminary Roadway Plan & Profile' in the Preliminary Development Plan and Plat application submissions.
8	Landscape standards	Refer to sheets L01 'Landscape Plan' and Irr01 'Irrigation Plan' in the Preliminary Development Plan application submission for typical landscape strategies, planting materials, and site furnishing materials.
9	Architectural standards	Refer to SP1 'Preliminary Site Plan' and A01 and A02 'Preliminary Exterior Facade and Signage Elevations' sheets and Z03 'Exterior Finish Material Samples' and Z04 'Project Precedent' supporting documents in the Preliminary Development Plan application submission for typical massing, site relationship, facade pattern, and material finish strategies.
10	Phasing diagram	There are no construction phases for this project.
11	Unit count	225-240 residential units
12	Illustrations of preliminary grading	Refer to sheet G01 'Preliminary Site Grading and Lot Dimension Plan' in the Preliminary Development Plan and Plat application submissions.
13	Illustrations of pedestrian sheds	Refer to sheet SP1 'Preliminary Site Plan' in the Preliminary Development Plan and Plat application submissions. Within The Yards - Phase II project, the pedestrian nexus is at the south dooryard where the pedestrian Levee Portal, apartment main entry, and commercial main entry intersect off of the surface parking lot and drop-off area. The primary pedestrian crossing at the south edge of the new Riverfront Redevelopment district coming from West Bottoms Garage and the Stockyards district to the east across State Line is located on axis with this location and is coordinated to lead directly to the Levee Portal, designed to transport pedestrians up approximately thirteen feet to the new levee recreation trail connecting to other significant developments within the Riverfront Redevelopment district. Publicly-accessible pedestrian pathways connect across the site providing clear and easy access within the project and to it from future development. From the central pedestrian nexus, pedestrian pathways are within 560'-0" at any point within the parcel. Pedestrian mobility is a significant priority for the project in accommodating both the private multifamily residents as well as the general public and visitors attracted by the existing and future amenities accommodated by the riverfront and future development - the Levee Portal serves as a district landmark and gateway encouraging pedestrian mobility and access.
14	Illustrations of parks, open space, block patterns, street network	Refer to SP1 'Preliminary Site Plan' and L01 'Landscape Plan' in the Preliminary Development Plan application submission.
15	Illustrations of the overall masterplan layout	Refer to sheet SP1 'Preliminary Site Plan' in the Preliminary Development Plan and Plat application submissions for the masterplan of The Yards - Phase II project.
16	Performance standards	Refer to zoning code section 27-471 TND Traditional Neighborhood Design District, sub-section (d) Performance Standards. Generally, the project shall demonstrate fidelity to these standards, where applicable and consistent with the project scope and vision. Within the residential portion of the project a variety of apartment unit types are provided.
17	Parking standards	For zone T-6, there are no parking requirements for the usage types in the project. However, on-street and off-street parking should be explored and provided where practical and demonstrating an overall enhancement of the project.

RESIDENTIAL AMENITY REFERENCE TABLE, CITY-WIDE MASTER PLAN

Amenity Guidelines

Amenities within residential developments are an important factor when potential home buyers consider purchasing a home. Amenities enhance the overall value of a neighborhood and allow residents to meet and get to know one another.

Single-Family Residential Amenity Guidelines

Amenities are required for each residential subdivision. The requirements are based on the number of units within the subdivision. Residential developments of any unit type with fewer than 50 dwelling units are required to have one (1) Small Amenity. Residential developments with 50-to-200 dwelling units are required to have two (2) Amenities. Only one (1) of the required amenities may be a Small Amenity. Residential developments with more than 200 dwelling units are required to have three (3) Amenities, of which one (1) amenity may be considered a Small Amenity. All amenities will be built in the first phase of the development.

Multi-Family Residential Amenity Guidelines

Multi-family developments shall incorporate recreational amenities based on the number of units within the development. Multi-family developments with less than 25 dwelling units are required to have one (1) Small Amenity. Multi-family developments with 25-to-150 dwelling units are required to have two (2) amenities. Only one (1) of the required amenities may be a Small Amenity. Multi-family development projects with more than 150 dwelling units are required to have three (3) amenities, of which one (1) amenity may be considered a Small Amenity. All amenities will be built in the first phase of the development.

Residential Amenity Reference Table

Small:	
	Basketball, volleyball, or other court sport.
	Open play area of at least 15,000 square feet with maximum of three (3) percent slope and low benches and one play structure.
	One picnic area with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter, and one (1) barbeque grill/pit per area.
	Option provided by owner, but must be considered equal to one of the other small options.
Regular:	
	Swimming pool.
	Golf Course.
	Residential Clubhouse.
	Two (2) basketball, volleyball, or other court sports.
	Two (2) tot lots with a minimum size of four-thousand (4,000) square feet per area, one (1) play structure per lot, one (1) bench per lot.
	Two (2) picnic areas with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter, and one (1) barbeque grill/pit per area.
	Trail(s) for pedestrians and/or bicycles that connect(s) to the overall trail network within the area. This trail may be within preserved natural corridor.
	Option provided by owner, but must be considered equal to one of the other regular options.

Mixed-Use Design Guidelines

The following design guidelines apply to all new mixed-use developments.

- Each development will have an identifiable center that includes defined “people places” for residents, shoppers, workers and visitors to gather, interact and recreate.
- Housing choices will be provided by offering a diversity of product types and price points to meet the needs of multiple demographic groups.
- Transit connections and facilities will be included within the overall design of the site. Development densities for commercial, office and residential uses will be greater within these areas to encourage transit use.
- Streets within these areas will be designed to be low-speed and bicycle and pedestrian friendly through provision of wide sidewalks and pedestrian amenities such as street trees, landscaping, benches, trash receptacles, etc.
- When practical, parking requirements should be decreased within these areas to encourage transit ridership.
- Auto-oriented uses such as drive-through restaurants and banks will be discouraged.
- A minimum of 75% of buildings should have a zero foot setback.
- Primary building facades should be parallel to the sidewalk.
- Where buildings are set back from the right-of-way, the open areas should be enhanced and used as public spaces such as a plaza or courtyard.
- The frontage of all mixed-use buildings should include pedestrian-oriented elements such as:
 - Transparent display windows
 - Outdoor seating for dining areas
 - Public art and pedestrian amenities such as fountains, benches, etc.
- On-site parking will be located behind the buildings.
- In multi-tenant, single-story buildings, each use should have at least one ground floor entrance directly visible and accessible from the street.
- In multi-tenant, multi-story buildings, at least one, lobby entrance at the ground floor should be provided having direct visibility and access from the street.
- Landscape is required to screen all parking areas and service entries.
- Trees are required in the public right-of-way along streets, at a minimum of one (1) shade tree every forty (40) feet.



City-Wide Master Plan

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS

43



- Buffers will be provided as a necessary transition when a mixed-use development is located adjacent to an existing lower-intensity or higher-intensity use and/or when fronting a highway or expressway by one or a combination of the following:
 - Establish a 22-foot landscape easement for a 3-foot berm and a row of evergreen trees every thirty (30) feet and a row of three (3) gallon evergreen shrubs every four (4) feet on center.
 - Establish a 16-foot landscape easement for a 2-foot berm and a row of evergreen trees every thirty (30) feet.
 - Establish a 10 foot landscape easement for a 6-foot high solid wood fence or masonry wall and a row of evergreen trees every thirty (30) feet.
 - The applicant submits a landscape plan that adequately addresses softening the development, buffering traffic sound, headlight glare, and identifies how the landscaping would be maintained and who is responsible for that maintenance.
- High quality masonry building materials approved for this district are stone, brick, cast stone and stucco. Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials shall be required on 65% of the sum total of all building façades, except single-family houses, which shall have 25% of the sum total of all façades.
- Stucco in a mixed-use development shall mean traditional stucco or gypsum concrete/plaster materials with a smooth sand finish. Cement board siding may be used to fulfill the masonry requirement but the percentage of masonry becomes 100% excluding trim. Exterior Insulation and Finish Systems (EIFS) or pre-manufactured panels are not permitted.
- All accessory units and garages shall be constructed from the same materials as the main structure.
- Commercial uses shall be permitted one (1) wall sign and one (1) monument sign. Within a development, consolidation of signage is highly encouraged.
- Freestanding pole/pylon signs are not permitted.
- Signs should be made of high quality and durable materials such as concrete, brick, stone, metal panels or heavy-weight plastic panels. Materials such as plywood or painted masonry are not permitted.
- Low-scale signs such as wall signs, awning signs and building signs should be used for retail and office uses.
- The size and look of the sign shall be governed by the Sign Chapter of the Unified Government Zoning Code. The applicant or Development Review Board may create more restrictive regulation. Less restrictive regulation may only be approved by the Unified Government Board of Commissioners through a separate Special Use Permit.

44

LAND USE PLAN

NEIGHBORHOOD MEETING MATERIALS, DECEMBER 22, 2020

**ROUSE FRETS WHITE GOSS
GENTILE RHODES, P.C.**

AARON G. MARCH
amarch@rousepc.com
816.502.4701

December 10, 2020

VIA U.S. MAIL

Adjacent Neighbors

Re: The Yards II - Neighborhood Meeting

Dear Adjacent Neighbors:

We represent KC The Yards 2, LLC concerning an approximately 6 acre tract known as 200 S. James Street, Kansas City, Kansas, which is generally located between State Line Road on the east, Kansas River on the west, Butler Way on the north and Rock Island Bridge on the south.

We have filed applications with the Department of Urban Planning and Land Use of the Unified Government of Wyandotte County and Kansas City, Kansas, Cases #COZ-0007 and PLAT2020-0002, to: 1) approve a preliminary plat for a 5.56 acre tract and 2) rezone from M-3, heavy industrial district, to TND T-6, Traditional Neighborhood Design District – Urban Core and 3) approve a site plan to allow for a mixed use development including high-density multifamily residential and a retail, restaurant and commercial space.

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

We are holding a neighborhood meeting on Tuesday, December 22, 2020 at 5:30 p.m. to be held via Zoom to answer any questions you might have. Join the Zoom Meeting at <https://zoom.us/join> using the following information:

Meeting ID: 823 1873 5362
Passcode: 770745

Or dial: 312-626-6799

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

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

{32483 / 68272; 903304.2 }

Attorneys at Law || 4510 Belleview Avenue, Suite 300 || Kansas City, MO 64111 || rousepc.com



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: March 25, 2021
Re: Petition #SP-2020-51

GENERAL INFORMATION

Applicant:
Diego I. Toto

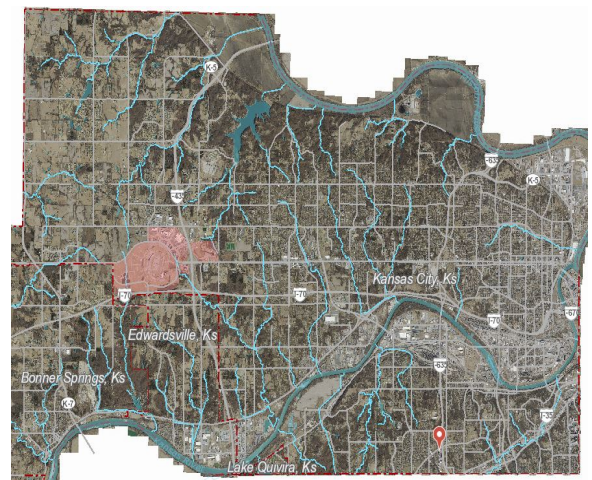
Status of Applicant:
Owner of XM Automotive
4439 Shawnee Drive
Kansas City, KS 66106

Requested Action:
Renewal of Special Use Permit 2017-71
(Expired 5/31/2020).

Date of Application:
April 24, 2020

Purpose:
To continue operation of XM
Automotive, a Repair Shop at
4439 Shawnee Drive.

Property Location:
4439 Shawnee Drive



Commission District: **Commissioner Markley** District 6
 Commissioner Burroughs At-Large District 2

Existing Zoning: MP-1 Planned Light Industrial and Industrial Park District

Adjacent Zoning: **North:** R-1 Single Family District
 South: MP-1 Planned Light Industrial and Industrial Park District
 East: CP-2 Planned General Business and MP-1
 Planned Light Industrial and Industrial Park
 District
 West: R-1 Single Family District

Adjacent Uses: **North:** Single-family homes (across Shawnee Drive).
 South: Self-storage facility.
 East: Gas Station and small commercial office building.
 West: Single-family homes.

Total Tract Size: 3.24 Acres

Master Plan Area: The City-Wide Master Plan

Master Plan Designation: The City-Wide Master Plan designates this property as Business Park. Business Park allows light industrial uses such as warehouse, distribution, office, and limited retail and office. Other uses may include business/research parks and medical facilities.

Major Street Plan: The City-Wide Master Plan designates Shawnee Drive as a Class C Thoroughfare.

Parking Requirement: Section 27-469(e) requires the use of off-street parking with Commercial uses meeting the requirements in 27-467(e) for a C-3 Commercial District with a ratio of four (4) spaces per 1000 square feet of total building area. Required spaces for the entire site is 65 spaces, including 11 spaces specifically for this business use. The property proposes 93 parking spaces for the entire site, including 11 spaces reserved for this applicant.

Advertisement: The Wyandotte Echo – May 14, 2020
 Letters to Property Owner – May 14, 2020, June 1, 2020, July 9, 2020,
 August 19, 2020, October 6, 2020, December 18, 2020, January 21,
 2021 and March 17, 2021

Public Hearings: January 11, 2021, March 8, 2021 and March 25, 2021

Public Opposition: Urban Planning has received reports of damaged and missing screening fence along the west property boundary.

Public Support: None to date.

PROPOSAL

Detailed Outline of Requested Action: Diego Toto with XM Automotive is requesting to continue to operate a mechanic and heavy automotive repair shop at 4439 Shawnee Drive.

City Ordinance Requirements: 27-468, 27-592 through 27-606, 27-699 through 27-704

Code Enforcement History: The property has not received a Notice of Violation.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is very mixed. There are single family homes to the west that abut the rear of this large multi-tenant building and commercial businesses to the south and east.

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

The zoning and their uses of properties nearby are set out above. This space was formerly a detail shop and is one (1) of 7 leasable tenant spaces in the 27,000 square foot building.

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

The removal of the restrictions could affect nearby property. The damaged and missing fence is affecting the adjacent residential properties.

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

Based on Business License records, this business has been registered at this location since late 2015. There was a previous automotive business in 2013.

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

Special Use Permits are not addressed in the Master Plan. New establishment, expansion, or relocation of Automotive uses require a Special Use Permit prior to operation pursuant to Ordinance O-42-15 as specified in 27-593(b)(19-20). The City-Wide Master Plan designates the land at 4439 Shawnee Drive for Business Park uses. Business Parks are light industrial uses such as warehouse, distribution, office, and limited retail and office space. The Business Park use further specifies that those light industrial uses are to be small scale and non-polluting.

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 but that increase will not increase to the point where it exceeds the capacity of the Class C thoroughfare to accommodate it.

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

The use is not reasonably necessary for the convenience and welfare of the public. Given the lack of screening fence to the west, and due to the multi-tenant building on the property, continuing the proposed use is likely to injure the appropriate use, visual quality, or marketability of adjoining property.

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

Noise, vibration, and dust are normally associated with automotive uses. Because there are garage doors on the rear of the building, noise that is often associated with mechanic shops may be a nuisance to the residences that abut the property on the west side, especially if not mitigated by the use of a screening fence and landscaping buffer.

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

If spills are contained and cleaned up quickly, the proposed use will not pollute the land or water.

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

The proposed use will not damage or destroy an irreplaceable natural resource because it is inside an existing industrial property 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. If this application is denied, the applicant will have to find an alternate location and apply for another Special Use Permit.

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

The proposed use will not result in overcrowding of land as it is an existing use and as it is commercial in nature. The existing use has shown a pattern history of having a large number of vehicles on the property. Such an undue concentration of vehicles does not add to the overcrowding of land if parking and storage are properly managed and kept compliant with all ordinances. The proposed use will not lead to undue concentrations of population because it is a commercial use.

PREVIOUS ACTIONS

Special Use Permit SP-2015-67 (Expired 12/11/2017).
Special Use Permit SP-2017-72 (Expired 5/31/2020).

This application was held over from the January 11, 2021 City Planning Commission meeting for the owner to make a determination as to whether he wanted to move forward with the requested improvements to the property. Staff met with the applicant and the owner following the January meeting and has received no further communication. The applicant was not present at the March 8, 2021 City Planning Commission.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on May 27, 2020 by **email and/or phone call**. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise, Dust, Vibration, and Glare
Management of oil and fluid spills
Congested parking lot, overflow parking in or along a drive aisle
Outside storage of inoperable or wrecked vehicles in a MP-1 District
Missing/damaged required perimeter screening fence
Screening and buffering to adjacent residential properties

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **DENIAL** of Special Use Permit Application SP-2020-51 **due to failure to communicate or comply with the requirements/requests set forth by staff**.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

If approved, Staff recommends the following conditions be applied accordingly:

- 1) This Special Use Permit may be approved for one (1) year subject to the conditions. The business owner and property owner must complete the fence repairs in three (3) months from the date of approval. The property owner must complete the ordinance required property upgrades in six (6) months from the date of approval;
- 2) Applicant must acknowledge the following information:
The Property Owner and the Business Owner are collectively responsible to ensure that the use of this property complies all UG Ordinances, Stipulations,

and Requirements. Failure to ensure compliance may result in revocation of this Special Use Permit, Code and Zoning Enforcement, and Administrative Citations;

- 3) Automotive Uses have by their nature, the tendency to outgrow their physical spaces. This may lead to overflow parking and overcrowding of the property. Required drive aisles must remain clear at all times to allow for emergency vehicle access. There cannot be parallel parking along the west wall when there are parking spaces along the west curb. There cannot be double row parking on the southern drive. All vehicles associated with this business must be parked in striped parking spaces. Inoperable/wrecked/damaged vehicles may not be stored outside of the building. It is the responsibility of the business operator to ensure compliance with all Ordinances, Stipulations, and Requirements.
- 4) The western perimeter fence must be repaired to provide the required screening from the Residential properties to the west. A MP-1 District property is required to provide and maintain a six (6) foot tall architectural screening fence and a landscape buffer along both side and rear property lines when adjacent to or across an alley from a Residential use. This applies to the entire western property line.
- 5) The parking lot shall be upgraded to current standards and regulations including medians, landscaping, screening, parking lot striping, and drive aisle striping with "No Parking" areas marked where required for emergency vehicle access.
- 6) Provide a current site plan of the property showing parking lot layout, parking spaces, parking lot islands, and drive aisles. Include any details or changes since 2015:
 - a) 11 minimum parking spaces are required, based on 2700 square foot portion of the building used by this business. Show the parking that is exclusive to XM Automotive;
 - b) Each vehicle must be parked in a striped designated parking stall;
 - c) Salvage or wrecked vehicles are not allowed on the property as this is not a salvage yard operation;
 - d) Inoperable vehicles are not allowed to be stored outside without a required screening fence installed; and,
 - e) In order to have parallel parking spaces on the south of the building, show on the site plan how those spaces will meet the required dimensions and still allow the required drive aisle.
- 7) Provide a scaled site plan indicating designated parking. Every vehicle must be in a designated, striped parking space. How many spaces for employee and customer parking? Where will vehicles in various states of repair/disrepair be stored? The parking lot shall be shown with standard parking stall dimensions of nine (9) feet wide by eighteen (18) feet long.
- 8) No auto repair or servicing is allowed outside or in public view.
- 9) Must plant one (1) shade tree in each of the parking lot islands, in addition to other landscape elements and property upgrades to comply with the standards for Special Use Permits related to this proposed use in the zoning code. All landscape elements must be served by an automatic irrigation system.

- 10) 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 27-469(c)(2).
- 11) No storage or warehousing of salvage or wrecked automobile parts on the property. Storage of salvage parts requires M-3 Zoning and a separate Special Use Permit.
- 12) The Special Use Permit requires final site plans prepared by a Professional Engineer licensed in the State of Kansas. Provide a final site plan showing property lines, existing buildings, proposed parking spaces, drive aisles, building elevations, fence elevations, gate details, trash enclosure details, etc., as applicable in accordance with UG standards and criteria.
- 13) Must maintain a business license with the Business Licensing Department.
- 14) 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.
- 15) 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.
- 16) 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.
- 17) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
- 18) 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.

- 19) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

STAFF RECOMMENDATION

Staff recommends that the City Planning Commission make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition **#SP-2020-51** subject to all comments in the staff report **and lack of response from the owner/applicant**.

ATTACHMENTS

January 11, 2021 City Planning Commission Minutes
March 8, 2021 City Planning Commission Minutes
Land Use Map
Aerial Maps
Site Photos (Provided by Planning Staff, dated 5/06/2020).
Zoning Map
Neighborhood Meeting Minutes
Draft Site Plan (Provided by Applicant, 12/29/2020).

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 11, 2021	March 25, 2021
Special Use	Held Over March 8, 2021 Approval	

STAFF CONTACT: **Jason Faust**
jfaust@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition **#SP-2019-51**, 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.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **#SP-2019-51**, as it is in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 11, 2021 City Planning Commission Minutes:

Hearing starts at 3:13:05:

SPECIAL USE PERMIT APPLICATION #SP-2020-51 – DIEGO TOTO WITH XM

AUTOMOTIVE - SYNOPSIS: Renewal of a Special Use Permit (#SP-2017-12 – expired 5/31/2020) for an automotive repair business at 4439 Shawnee Drive. ***Detailed Outline of Requested Action:*** Diego Toto with XM Automotive is requesting to continue to operate a mechanic and heavy automotive repair shop at 4439 Shawnee Drive. Code Enforcement History: The property has not received a Notice of Violation.

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

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

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

Present in Support:

- Diego Toto, applicant, 4439 Shawnee Drive, Kansas City, Kansas
- Richard Dillion, 8117 Parkhill Street, Lenexa, Kansas, managing partner of the LLC that owns the property.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:22:11: Planning Director Hand stated that this application was submitted late in the Spring of 2020. There have been discussions back and forth between staff and the applicant. This application was heard in November by the Commission and held over for 60 days in order for a site plan to be submitted by the applicant, which is the plan before the Commission tonight. Director Hand further stated that there remains several staff comments regarding this site plan. One of the issues is the

buffer between the M-2 zoning and the residential property is not shown. The fence does not meet the requirement for the landscaping buffer. In 2015, the Board of Commissioners updated the Special Use Permit requirements and this is one of the requirements from the Commercial Design Guidelines that has to be applied to this use/property. This is a complicated issue as the requirements for parking, landscaping, etc. impede on the other uses on this property. Staff does not recommend approval of this application with the site plan submitted as a variance would be required for this property and not a deviation from the guidelines because the use of the property (automotive) requires compliance with certain guidelines. Director Hand stated that the decision is either denial or hold over this application for 60 days for revisions to the site plan to be submitted. He stated that the property owner has become involved in this application only in the last four (4) weeks.

Planning Commissioner Jones asked the applicant if he is agreeable to a 60-day hold over. Mr. Toto stated yes.

Planning Commissioner Connelly asked staff if the applicant is allowed to continue his business if this application is held over. Planning Director Hand stated yes, as long as this application is active.

Motion and Vote starts at 3:28:56:

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to **HOLD OVER** Special Use Permit **#SP-2020-51 as recommended by staff and agreed to by the applicant:**

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

Motion to HOLD OVER Passed: 7 to 0

March 8, 2021 City Planning Commission Minutes:

Hearing starts at 2:08:06:

SPECIAL USE PERMIT APPLICATION SP-2020-51 – DIEGO TOTO WITH XM

AUTOMOTIVE – SYNOPSIS: Renewal of a Special Use Permit (#SP-2017-72 – expired 5/31/2020) for an automotive repair business at 4439 Shawnee Drive. **Detailed Outline of Requested Action:** Diego Toto with XM Automotive is requesting to continue to operate a mechanic and heavy automotive repair shop at 4439 Shawnee Drive. Code Enforcement History: The property has not received a Notice of Violation.

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 March 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:

- No one appeared.

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 2:10:00: Planning Director Hand stated that after the January meeting (in which this application was held over) the staff had an extensive conversation with the applicant and owner. There was discussion about variances that might be needed, but the applicant and owner were not sure what they were going to do. The owner stated that they needed to go back and discuss the variances and whether or not they wanted to move forward. Mr. Toto's business occupies the last bay in this building. Since that meeting staff has not received any communication from the owner or applicant and staff recommends denial of this application. He stated that this is a tough situation as the applicant is in many ways at the mercy of the property owner.

Motion and Vote starts at 2:12:14:

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit SP-2020-51 due to failure to communicate or comply with the requirements/requests set forth by staff:**

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

Motion to RECOMMEND DENIAL Passed: 8 to 0





AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wagoner) SS:

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

1. That I am the petitioner for Petition # SP-2000-51
2. That I conducted a neighborhood meeting on _____.
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.

Dean Toto
Affiant

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

My commission expires _____ of _____, 200_.

Notary Public

Diego Toto - XM Automotive LLC.
Sample Minutes

App # SP-2020-51

No one contacted us regarding the renewal.

XM Automotive LLC
4439 Shawnee Dr.
Kansas City, Ks 66106
(913)999-1790

Dear Neighbor:

We are *XM Automotive LLC*, located at 4439 Shawnee Dr. Kansas City, KS 66106. We have been doing business as an auto repair shop from the most basic to complex auto services needed in the community. We have been established at this location since 2017 and hope to continue doing so with your support.

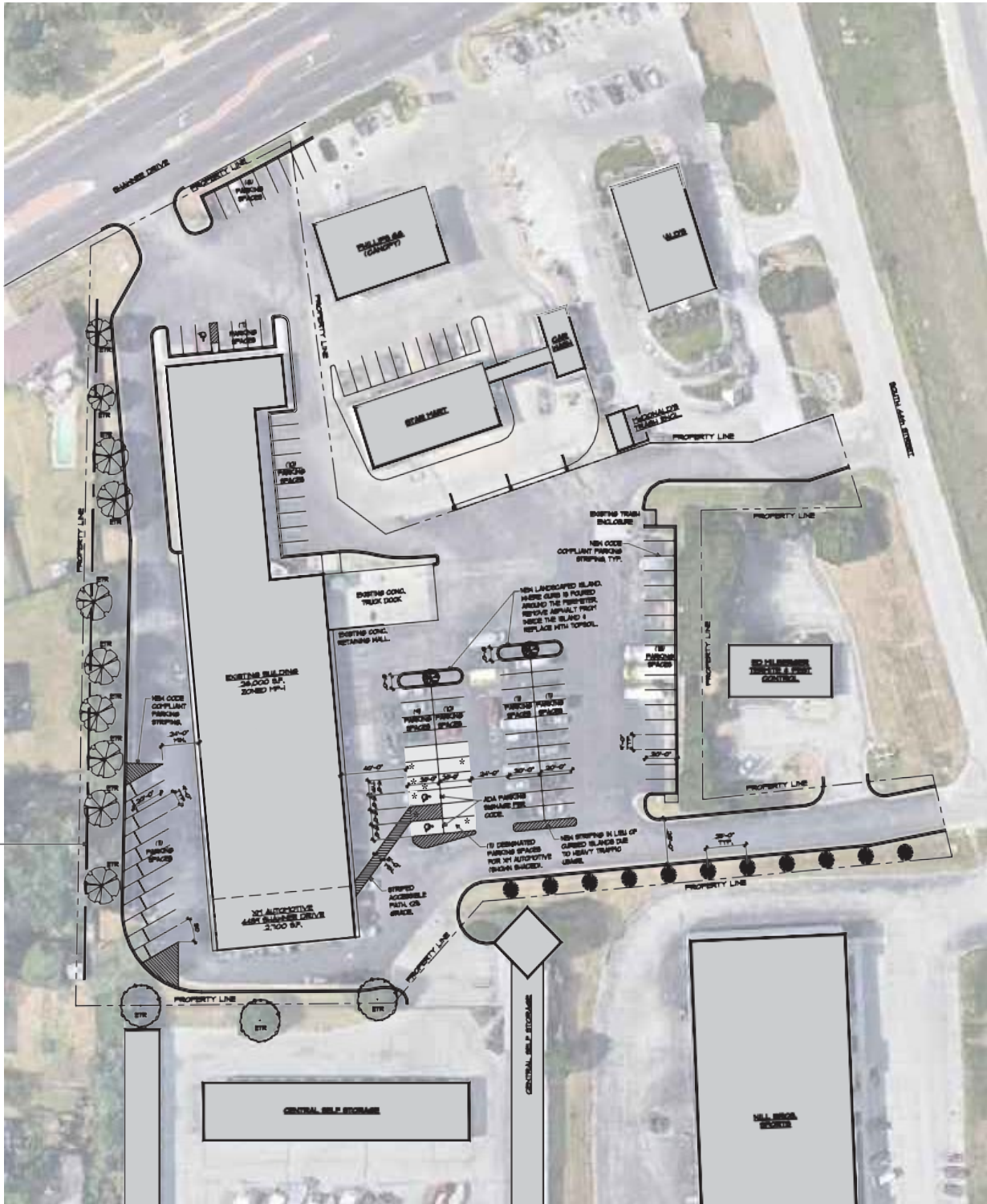
This letter is to give you information and give us the opportunity to reach out to you with contact information in case you have any comments, questions or concerns regarding our renewal of a special use permit (#sp-20017-72) for XM Automotive which will be renewing 06/01/2020.

This year we are unable to hold our neighborhood meeting for this renewal but would be more than happy to answer any questions you might have as a person of interest in the area via phone at 913 999-1790, email xmautoworks@gmail.com or if you prefer a video call as well don't hesitate to reach out.

We thank you for your time. Hope we can answer any questions you might have regarding our renewal and services and/or business.

Sincerely,

Diego Toto



1 SITE PLAN
7' = 80'-0" 12-06-2020

0 30 FEET

NORTH

XM AUTOMOTIVE

ORDINANCE NO. _____

AN ORDINANCE vacating All that part of Leavenworth Road right of way, as established in Book 3355, Page 619, lying in the South Half of Section 25, Township 10 South, Range 23 East, in Kansas City, Wyandotte County, Kansas, described as follows: COMMENCING at the Southeast corner of the Southwest Quarter of Section 25, Township 10 South, Range 23 East; thence South 88 degrees 00 minutes 25 seconds West, on the South line of said Southwest Quarter, a distance of 378.94 feet to a point; thence North 01 degree 59 minutes 35 seconds West, departing said South line, a distance of 101.03 feet to a point on the South line of Leavenworth Road right of way, as established in Book 3355, Page 619, said point being hereby designated as Point "A", the POINT OF BEGINNING 1; thence North 82 degrees 05 minutes 36 seconds West, on said South line, a distance of 191.74 feet to a point; thence South 88 degrees 00 minutes 25 seconds West, continuing on said South line, a distance of 109.28 feet to a point; thence North 01 degree 59 minutes 35 seconds West, departing said South line, a distance of 27.64 feet to a point on the North line of said Leavenworth Road right of way; thence North 86 degrees 05 minutes 55 seconds East, on said North line, a distance of 101.05 feet to a point; thence South 83 degrees 26 minutes 52 seconds East, continuing on said North line, a distance of 100.95 feet to a point; thence South 65 degrees 17 minutes 26 seconds East, continuing on said North line, a distance of 108.97 feet to the POINT OF BEGINNING, containing 7,594 Square Feet or 0.1743 Acres, more or less. Also, COMMENCING at aforementioned Point "A"; thence South 82 degrees 05 minutes 36 seconds East, on the North line of said Leavenworth road right of way, a distance of 6.02 feet to the POINT OF BEGINNING 2; thence North 88 degrees 00 minutes 25 seconds East, on said North line, a distance of 373.90 feet to a point; thence North 87 degrees 59 minutes 57 seconds East, continuing on said North line, a distance of 521.79 feet to a point; thence North 76 degrees 42 minutes 40 seconds East, continuing on said North line, a distance of 204.35 feet to a point; thence North 87 degrees 59 minutes 57 seconds East, continuing on said North line, a distance of 118.00 feet to a point; thence South 61 degrees 09 minutes 19 seconds East, continuing on said North line, a distance of 117.02 feet to a point; thence North 82 degrees 45 minutes 18 seconds East, continuing on said North line, a distance of 382.93 feet to a point; thence North 87 degrees 59 minutes 57 seconds East, continuing on said North line, a distance of 470.00 feet to a point; thence North 65 degrees 09 minutes 18 seconds East, continuing on said North line, a distance of 39.59 feet to a the Northeast corner of said right of way; thence South 01 degree 40 minutes 31 seconds East, on the East line of said right of way, a distance of 55.37 feet to the Southeast corner of said right of way; thence South 87 degrees 59 minutes 57 seconds West, on the South line of said right of way, a distance of 1829.06 feet to a point; thence South 88 degrees 00 minutes 25 seconds West, continuing on said South line, a distance of 229.75 feet to a point; thence North 82 degrees 05 minutes 36 seconds West, continuing on said South line, a distance of 145.41 feet to the POINT OF BEGINNING, containing 69,917 Square Feet or 1.6051 Acres, more or less.

The above-described parcels contain an aggregate total of 77,511 Square Feet or 1.7794 Acres, more or less. (As depicted on EXHIBIT "A" (Page 2 of 2), attached and incorporated herein.) Located at approximately 9700 Leavenworth Road (east and west of main entrance) 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 right-of-way in Kansas City, Kansas be and the same is hereby vacated: All that part of Leavenworth Road right of way, as established in Book 3355, Page 619, lying in the South Half of Section 25, Township 10 South, Range 23 East, in Kansas City, Wyandotte County, Kansas, described as follows: COMMENCING at the Southeast corner of the Southwest Quarter of Section 25, Township 10 South, Range 23 East; thence South 88 degrees 00 minutes 25 seconds West, on the South line of said Southwest Quarter, a distance of 378.94 feet to a point; thence North 01 degree 59 minutes 35 seconds West, departing said South line, a distance of 101.03 feet to a point on the South line of Leavenworth Road right of way, as established in Book 3355, Page 619, said point being hereby designated as Point "A", the POINT OF BEGINNING 1; thence North 82 degrees 05 minutes 36 seconds West, on said South line, a distance of 191.74 feet to a point; thence South 88 degrees 00 minutes 25 seconds West, continuing on said South line, a distance of 109.28 feet to a point; thence North 01 degree 59 minutes 35 seconds West, departing said South line, a distance of 27.64 feet to a point on the North line of said Leavenworth Road right of way; thence North 86 degrees 05 minutes 55 seconds East, on said North line, a distance of 101.05 feet to a point; thence South 83 degrees 26 minutes 52 seconds East, continuing on said North line, a distance of 100.95 feet to a point; thence South 65 degrees 17 minutes 26 seconds East, continuing on said North line, a distance of 108.97 feet to the POINT OF BEGINNING, containing 7,594 Square Feet or 0.1743 Acres, more or less.

Also,

COMMENCING at aforementioned Point "A"; thence South 82 degrees 05 minutes 36 seconds East, on the North line of said Leavenworth road right of way, a distance of 6.02 feet to the POINT OF BEGINNING 2; thence North 88 degrees 00 minutes 25 seconds East, on said North line, a distance of 373.90 feet to a point; thence North 87 degrees 59 minutes 57 seconds East, continuing on said North line, a distance of 521.79 feet to a point; thence North 76 degrees 42 minutes 40 seconds East, continuing on said North line, a distance of 204.35 feet to a point; thence North 87 degrees 59 minutes 57 seconds East, continuing on said North line, a distance of 118.00 feet to a point; thence South 61 degrees 09 minutes 19 seconds East, continuing on said North line, a distance of 117.02 feet to a point; thence North 82 degrees 45 minutes 18 seconds East, continuing on said North line, a distance of 382.93 feet to a point; thence North 87 degrees 59 minutes 57 seconds East, continuing on said North line, a distance of 470.00 feet to a point; thence North 65 degrees 09 minutes 18 seconds East, continuing on said North line, a distance of 39.59 feet to the Northeast corner of said right of way; thence South 01 degree 40 minutes 31 seconds East, on the East line of said right of way, a distance of 55.37 feet to the Southeast corner of said right of way; thence South 87 degrees 59 minutes 57 seconds West, on the South line of said right of way, a distance of 1829.06 feet to a point; thence South 88 degrees 00 minutes 25 seconds West,

continuing on said South line, a distance of 229.75 feet to a point; thence North 82 degrees 05 minutes 36 seconds West, continuing on said South line, a distance of 145.41 feet to the POINT OF BEGINNING, containing 69,917 Square Feet or 1.6051 Acres, more or less. The above-described parcels contain an aggregate total of 77,511 Square Feet or 1.7794 Acres, more or less. (As depicted on EXHIBIT "A" (Page 2 of 2), attached and incorporated herein.) Located at approximately 9700 Leavenworth Road (east and west of main entrance) 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 vacating All that part of Leavenworth Road right of way, as established in Book 3355, Page 619, lying in the Southwest Quarter of Section 25, Township 10 South, Range 23 East, in Kansas City, Wyandotte County, Kansas, described as follows: COMMENCING at the Southeast corner of the Southwest Quarter of Section 25, Township 10 South, Range 23 East; thence South 88 degrees 00 minutes 25 seconds West, on the South line of said Southwest Quarter, a distance of 827.10 feet to a point; thence North 01 degree 59 minutes 35 seconds West, departing said South line, a distance of 134.00 feet to a point on the South line of Leavenworth Road right of way, as established in Book 3355, Page 619, the POINT OF BEGINNING; thence North 01 degree 59 minutes 35 seconds West, departing said South line, a distance of 22.64 feet to a point on the North line of said Leavenworth Road right of way; thence North 86 degrees 05 minutes 55 seconds East, on said North line, a distance of 150.08 feet to a point; thence South 01 degree 59 minutes 35 seconds East, departing said North line, a distance of 27.64 feet to a point on said South line; thence South 88 degrees 00 minutes 25 seconds West, on said South line, a distance of 150.00 feet to the POINT OF BEGINNING, containing 3,770 Square Feet or 0.0865 Acres, more or less. (As depicted on EXHIBIT "A" (Page 2 of 2), attached and incorporated herein.) Located at approximately 9700 Leavenworth Road (main entrance) 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 right-of-way in Kansas City, Kansas be and the same is hereby vacated: All that part of Leavenworth Road right of way, as established in Book 3355, Page 619, lying in the Southwest Quarter of Section 25, Township 10 South, Range 23 East, in Kansas City, Wyandotte County, Kansas, described as follows: COMMENCING at the Southeast corner of the Southwest Quarter of Section 25, Township 10 South, Range 23 East; thence South 88 degrees 00 minutes 25 seconds West, on the South line of said Southwest Quarter, a distance of 827.10 feet to a point; thence North 01 degree 59 minutes 35 seconds West, departing said South line, a distance of 134.00 feet to a point on the South line of Leavenworth Road right of way, as established in Book 3355, Page 619, the POINT OF BEGINNING; thence North 01 degree 59 minutes 35 seconds West, departing said South line, a distance of 22.64 feet to a point on the North line of said Leavenworth Road right of way; thence North 86 degrees 05 minutes 55 seconds

East, on said North line, a distance of 150.08 feet to a point; thence South 01 degree 59 minutes 35 seconds East, departing said North line, a distance of 27.64 feet to a point on said South line; thence South 88 degrees 00 minutes 25 seconds West, on said South line, a distance of 150.00 feet to the POINT OF BEGINNING, containing 3,770 Square Feet or 0.0865 Acres, more or less. (As depicted on EXHIBIT "A" (Page 2 of 2), attached and incorporated herein.) Located at approximately 9700 Leavenworth Road (main entrance) 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

(First published _____)

COZ-0005

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 3834 Bell Crossing Drive in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) 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 30, 2020, by the owners of property to have the zoning of said property changed from its present zoning of R-1(B) 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:

BEG NW COR; N 285FT, E 330FT, S 55FT, E 165FT, S 845FT, W 495FT, N 615FT TO POB; ASO JENKINS, GEORGE TRACT SUB: L3 T, Located at approximately 3834 Bell Crossing Drive, Kansas City, Kansas,

be changed from its present zoning of R-1(B) 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-0003

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 12525 Leavenworth Road in Kansas City, Kansas, by changing the same from its present zoning of AG (WyCo) Agriculture District to A-G Agriculture (City) 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 25, 2020, by the owners of property to have the zoning of said property changed from its present zoning of AG (WyCo) Agriculture District to A-G (City) 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 2

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE 6TH P.M. IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST QUARTER OF SAID SECTION 32; THENCE S01°45'45"E, ALONG THE EAST LINE OF SAID SECTION 32, A DISTANCE OF 735.49 FEET; THENCE S88°14'15"W, A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF N 123RD STREET AS IT NOW EXISTS, ALSO KNOWN TO BE THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT; THENCE N85°43'45"W, A DISTANCE OF 453.77 FEET; THENCE S88°15'32"W, A DISTANCE OF 218.99 FEET; THENCE N01°45'45"W, A DISTANCE OF 365.74 FEET TO A POINT ON THE APPROXIMATE CENTER LINE OF PIPER CREEK AS IT NOW EXISTS; THENCE N64°14'02"E, ALONG SAID CENTER LINE, A DISTANCE OF 29.35 FEET; THENCE N81°17'09"E, CONTINUING ALONG SAID CENTER LINE, A DISTANCE OF 44.95 FEET; THENCE S78°38'13"E, CONTINUING ALONG SAID

CENTER LINE, A DISTANCE OF 71.92 FEET; THENCE S69°24'01"E, CONTINUING ALONG SAID CENTER LINE, A DISTANCE OF 170.19 FEET; THENCE N70°53'25"E, CONTINUING ALONG SAID CENTER LINE, A DISTANCE OF 63.90 FEET; THENCE S81°59'55"E, CONTINUING ALONG SAID CENTER LINE, A DISTANCE OF 55.39 FEET; THENCE S61°52'54"E, CONTINUING ALONG SAID CENTER LINE, A DISTANCE OF 57.90 FEET; THENCE S51°17'24"E, CONTINUING ALONG SAID CENTER LINE, A DISTANCE OF 44.47 FEET; THENCE N88°49'29"E, CONTINUING ALONG SAID CENTER LINE, A DISTANCE OF 171.78 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF N 123RD STREET AS IT NOW EXISTS; THENCE S01°45'45"E, ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING. Located at approximately 12525 Leavenworth Road, Kansas City, Kansas,

be changed from its present zoning of AG Agriculture (WyCo) District to A-G Agriculture (City) 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 (City) 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

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 SU20-00096, commonly known as 411 and 415 Stine Avenue, Kansas City, Kansas, legally described as:

POTOMAC HEIGHTS, BLOCK 3, LOTS 18 TO 24, located at approximately 411 and 415 Stine Avenue, Kansas City, Kansas.

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

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. **BOZA 2020-0046 must be approved (approved by the Board of Zoning Appeals on January 11, 2021);**
2. **The maximum number of goats allowed is two (2);**
3. **A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin that process;**

4. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
6. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

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-2020-98, commonly known as 4220 Leavenworth Road, Kansas City, Kansas, legally described as:

TRACT 9140, S25, T10, R24, ACRES 0.63, BEG 30FT N OF SE COR; W 100FT, N 264FT, N 100FT, S 264FT TO POB; ALSO, NEIDHARTS SUB: PT L8: BEG SW COR; N 104FT ALG W LN, S69E42.08FT, S02E-89FT TO S LN, W 44.5FT TO POB; CONTG 0.7AC M/L, located at approximately 4220 Leavenworth Road, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a drinking establishment with live entertainment.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. Per the applicant – the updated security plan will basically be the same plan we have used since the lounge opened. Two (2) security outside no more allowed in their car in the parking lot over two (2) minutes. Come in or you are asked to leave. No standing around before or after. No loud music, and park where directed. Everyone that enters will be searched and at this**

- time, temperatures are taken. Inside there is one (1) security personnel at the door, one (1) controlling the flow of people and one (1) monitoring all other areas. At the end of the night, all security members start from a designated area moving people to the exit and then out to their vehicles;
2. All special events must comply with local, state and federal regulations addressing or responding to COVID-19, including, but not limited to, crowd numbers, social distancing, cleaning, and proper use of masks;
 3. Any and all signs posted must conform with the Sign Code, and must satisfactorily receive a sign permit, if required;
 4. ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
 5. All exterior lighting on the building or in the parking lot shall be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 6. Build a trash enclosure to screen the dumpster from public view. The enclosure shall be comprised of wood with masonry columns on the corner and shall remained closed at all times when not in service;
 7. Doors and windows will remain closed when entertainment is provided in order to mitigate noise;
 8. No outside noise, amplified music, projected sound;
 9. Applicant shall employ a card scanner for live entertainment events;
 10. Sec. 27-464(c)(9) Retail businesses with parking areas or other outside customer-oriented areas within 100 feet of any residence shall restrict hours of operation to between 6:00 AM and 1:00 AM of the following day. The business shall close at 1:00 AM;
 - a. Hours of operation shall be Friday and Saturday from 8:00 PM to 1:00 AM, and every third Thursday of the month for the KC Blue and Jazz Society;
 11. The business must maintain a current occupation tax application, drinking establishment license and entertainment license;
 12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
 13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and,
 14. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for

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

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 _____)

COZ-0008

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 915 North 69th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to MP-2 Planned General Industrial District.

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 R-1 Single Family District 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:

Commencing at the Northeast Corner of Lot 1, Turner Logistics Center Third Plat, a subdivision in the City of Kansas City, Wyandotte County, Kansas, thence North 89 degrees 46 minutes 05 seconds West, with the north line of said Lot 1, a distance of 430.18 feet; thence North 00 degrees 09 seconds 51 minutes East, continuing with the north line of said Lot 1, a distance of 56.54 feet; thence North 89 degrees 50 minutes 09 seconds West, continuing with the north line of said Lot 1, a distance of 760.13 feet to the northwest corner of said Lot 1, said point being the point of beginning; thence South 00 degrees 05 minutes 07 seconds West, with the west line of said Lot 1, a distance of 689.10 feet; thence South 89 degrees 58 minutes 51 seconds West, a distance of 145.80 feet; thence North 89 degrees 58 minutes 17 seconds West, a distance of 178.21 feet; thence South 00 degrees 07 minutes 15 seconds East, a distance of 436.43 feet; thence South 89 degrees 52 minutes 45 seconds West, a

distance of 598.37 feet to a point on the west line of Lot 3, Turner Logistics Center Third Plat and the east right-of-way line of College Parkway; thence North 10 degrees 06 minutes 01 second West, with the west line of said Lot 3 and the east right-of-way line of College Parkway, a distance of 444.93 feet; thence South 89 degrees 58 minutes 17 seconds East, continuing with the west line of said Lot 3 and no longer with the east right-of-way line of College Parkway, a distance of 244.64 feet; thence North 00 degrees 06 minutes 15 seconds East, continuing with the west line of said Lot 3, a distance of 1034.45 feet; thence North 89 degrees 50 minutes 59 seconds East, and no longer with the west line of said Lot 3, Turner Logistics Center Third Plat, a distance of 406.77 feet; thence South 00 degrees 07 minutes 15 seconds East, a distance of 127.33 feet; thence South 89 degrees 53 minutes 53 seconds East, a distance of 345.10 feet; thence South 00 degrees 05 minutes 07 seconds West, a distance of 218.74 feet to the point of beginning. The above described tract contains 1,015,552 square feet or 23.31 acres. Located at approximately 915 North 69th Street, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District 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



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: March 25, 2021

Re: Change of Zone Petition **COZ-0001** and **Master Plan Amendment MPL2021-003**

GENERAL INFORMATION

Applicant:
Enrique Gomez

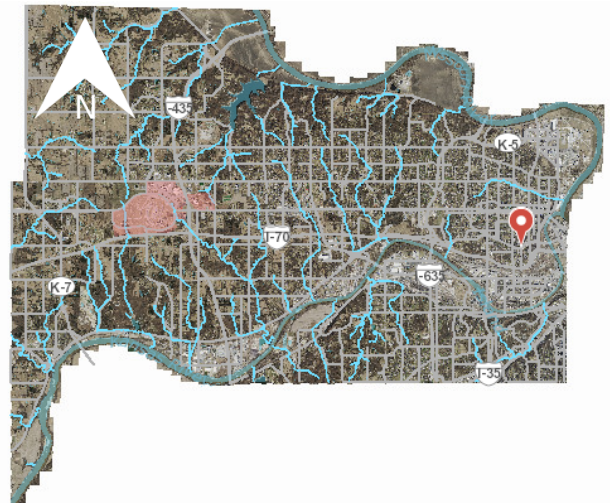
Status of Applicant:
Property Owner
837 Central Avenue
Kansas City, Kansas 66101

Requested Actions:
The approval of a Change of Zone.

A Master Plan Amendment from Urban Density to Commercial (City-Wide Master Plan).

Date of Application:
November 30, 2020

Purpose:
To change zoning from R-1 Single Family District to C-3 Commercial District.



A Master Plan Amendment from Urban Density to Commercial (City-Wide Master Plan).

Property Location:	837 Central Avenue Kansas City, Kansas 66101
Commission Districts:	Commissioner At Large: Tom Burroughs District #2 Commissioner: Brian McKiernan
Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: C-3 Commercial District South: R-1(B) Single Family District East: R-1(B) Single Family and C-3 Commercial District West: R-1(B) Single Family District
Adjacent Uses:	North: Commercial Businesses South: Single Family Homes East: Commercial Businesses West: Commercial Businesses
Total Tract Size:	0.06 Acre
Master Plan Area:	Central Area Master Plan
Master Plan Designation:	The Central Area Master Plan designates this property as Urban Density.
Major Street Plan:	The Major Street Plan classifies Central Avenue as a Class C Thoroughfare.
Parking Requirement:	Section 27-455 states that in R-1(B) Zoning Districts, two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. Section 27-467 states that in C-3 Commercial Districts, 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 building is approximately 2,200 square feet. This requires eight (8) parking spaces. A Variance is required. This case is being heard in conjunction with BOZA2021-004 to reduce the off-street parking requirement.
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone - December 17, 2020; January 14, 2020 Master Plan Amendment January 14, 2021,

Letters to Property Owners – Change of Zone - December 18, 2020; January 7, 2021 and March 17, 2021; Master Plan Amendment – January 7, 2021 and March 17, 2021.

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

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Enrique Gomez, is applying for a Change of Zone from R-1(B) Single Family District to C-3 Commercial District. The building was built in 1920 and is designed for commercial use. It was previously used as an auto mechanic shop. After the applicant purchased the property and attempted to obtain a business license, they discovered that it is zoned for Single Family Homes. The applicant would like to obtain a change of zone to use the store to sell home appliances. This proposal will require a Master Plan Amendment in order to accommodate commercial use. This case is being heard in conjunction with BOZA2021-004 for minimum parking requirements.

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

Code Enforcement History: This property has received seven (7) Notices of Violation from 2008 to the present. Five (5) for graffiti, and two (2) for trash, debris, and miscellaneous violations.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is commercial and residential in nature, with businesses and residential properties along a Class C Thoroughfare and single-family homes behind and adjacent to the commercial businesses.

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

The zoning and uses of nearby properties are set out above. The zoning is expected to be compatible with them because there are several commercial businesses in the area along Central Avenue adjacent to residential uses.

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

The building was built in 1920 and has always been used as a commercial building. If the application is denied, the property owner will not be able to use the building for commercial use but may use the property as a home if the structure meets the requirements for a residence or sell the property.

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

The last business license for this property was for a waterproofing contractor, which expired in 2017. Because there is a lapse in licensure, the nonconforming use of the building expired. The building has been vacant for over three (3) years.

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

The proposed use is for a Change of Zone so that the property owners may provide a service to the public in the form of a home appliance store. The proposed use will not injure the appropriate use, visual quality or marketability of nearby property because it is a commercial building along a Class C Thoroughfare and has been since 1920.

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 in the area and may adversely affect road capacity, safety, or create parking problems. The current business does not have the required parking available. The applicant is currently seeking a variance for minimum parking requirements.

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

The proposed use does not conform to the current Master Plan because it is for commercial use rather than residential. The Change of Zone is being heard in conjunction with a Master Plan Amendment from Urban Density to Commercial (City-Wide Master Plan). The proposed use does conform to the proposed designation.

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

The proposed use could cause environmental harm if appliances are not stored correctly or waste is not properly disposed of.

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

a. *Water service*

Municipal water service is provided.

b. *Sanitary sewer service*

Municipal sanitary sewer service is provided.

c. *Storm water control*

Municipal storm water control is provided.

d. *Police*

Police service is provided by East Patrol, District #115.

e. *Fire*

Fire service is provided by Station #9.

f. *Transit*

KCATA provides transportation to this location on the 402 Johnson-Quivira line. The nearest stop is across the street at the corner of North 9th Street and Central Avenue.

g. *Schools*

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

h. *Streets*

See item #6 above.

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

The proposed use has a minimal increase on the economic benefit on the community because it is a small commercial business.

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

The proposed use is not capable of meeting the parking ordinance requirements. This case is being heard in conjunction with BOZA2021-004 to waive the minimum parking requirement.

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

The gain to the public is likely to be minimal as it provides a service of a home appliance store. If denied, the property owner would not be able to use the facility as a business, but could use it as a residential property, as long as the building meets the requirements for residential use.

NEIGHBORHOOD MEETING

The applicant held an online neighborhood meeting via Zoom on December 28, 2020. Seven (7) neighbors attended the meeting. Documentation is attached below.

KEY ISSUES

Approval of BOZA2021-004
Commercial Design Guidelines
Non-Permitted Signage
Screening/Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Master Plan Amendment MPL2021-003.

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Change of Zone Application COZ-0001, subject to:

- 1) **This property will be zoned to CP-1 Planned Limited Business District rather than C-3 Commercial District;**
- 2) **All repairs of appliances and sales shall be conducted within the building;**
- 3) **If approved, the applicant will need to file and maintain a current business occupation tax application with the Business License Department;**
- 4) **All signage must be properly permitted. To obtain a sign permit, please contact the Planning and Urban Design Department. Current signage that was not properly permitted and does not comply with the sign code must be removed.**
- 5) **Must adhere to the Commercial Design Guidelines, which include:**
 - a) **Must remove exterior bars from the windows;**
 - b) **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 Use Agreement from the Public Works Department. Contact them to begin this process;**
 - c) **If there are no utility conflicts along Central Avenue, two (2) street trees shall be placed in the public right-of-way. This will require a lease agreement to be obtained through Public Works. If there are utility**

conflicts, the Planning Commission can move to allow a deviation to the street tree requirement along a major street;

- d) 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;
 - e) We recommend sandblasting the front to show the exposed brick;
 - f) Awnings and canopies are encouraged on facades to provide weather protection and shade to pedestrians; and,
 - g) Façade lighting is encouraged. Façade lighting shall be shielded so that the light source is applied to the building and does not provide any direct light or glare on sidewalks or streets.
- 6) Screening will be applied as available;
 - 7) Trash and recycling containers shall be screened and located behind the building within a trash enclosure;
 - 8) Meter and utility boxes shall be painted to match the building and screened with shrubs;
 - 9) Rooftop mechanical equipment shall be screened from public view by the parapet of the building;
 - 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ-0001** and **MPL2021-003** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

March 8, 2021 City Planning Commission Minutes
Land Use Map
Zoning Map
Aerial Map
Photographs Provided by Staff, Dated December 16, 2020
Neighborhood Meeting Documentation
Photographs Provided by Applicant

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	March 8, 2021	March 25, 2021
Rezoning	Approval	
Master Plan		
Amendment	March 8, 2021	March 25, 2021
	Approval	

STAFF CONTACT: **Shana Kelly**
 skelly@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2021-003** 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 **MPL2021-003** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ-0001** 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-0001** 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.

March 8, 2021 City Planning Commission Minutes:

Hearing starts at 1:24:00:

MASTER PLAN AMENDMENT MPL2021-001– ENRIQUE GOMEZ WITH GOMEZ APPLIANCES, Master Plan Amendment from Urban Density to Commercial (City-Wide Master Plan) at 837 Central Avenue.

CHANGE OF ZONE APPLICATION COZ-0001 – ENRIQUE GOMEZ WITH GOMEZ APPLIANCES – SYNOPSIS: Change of Zone from R-1 Single Family District to C-3 Commercial District for the sale of appliances at 837 Central Avenue.

Detailed Outline of Requested Action: The applicant, Enrique Gomez, is applying for a Change of Zone from R-1(B) Single Family District to C-3 Commercial District. The building was built in 1920 and is designed for commercial use. It was previously used as an auto mechanic shop. After the applicant purchased the property and attempted to obtain a business license, they discovered that it is zoned for Single Family Homes. The applicant would like to obtain a change of zone to use the store to sell home appliances. This proposal will require a Master Plan Amendment in order to accommodate commercial use. This case is being heard in conjunction with BOZA2021-004 for minimum parking requirements. **Code Enforcement History:** This property has received seven (7) Notices of Violation from 2008 to the present. Five (5) for graffiti, and two (2) for trash, debris, and miscellaneous violations.

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 March 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 decision from the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- No one appeared.

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 1:26:15: Planning Director Hand stated that the staff has worked closely with the applicant on this application. As he stated at the Board of Zoning Appeals meeting earlier this evening, this building was built in the 1920s and has always been a commercial use. Businesses have operated at this location with a Special Use Permit accordingly. There has been a two (2) year gap in business operations; the last business, as auto repair shop, operated under a Special Use Permit. Mr. Gomez is in agreement to change the zoning of the property and request a Master Plan Amendment so he can conduct a commercial business on the property in property and in accordance with historical development patterns. Staff has added a couple of conditions of approval. The repair and sale of appliances has to be operated inside the building and as much as possible the applicant will conform to the Commercial Design Guidelines. As mentioned in the Board of Zoning Appeals meeting, there is little room on the property as the building footprint takes up the entire property. Many of these items that will be worked out at the Development Review Committee level. There is a mural on the side of the building that is not allowed by ordinance and the façade restoration will include the removal of the mural. There can be a mural, but not at the front façade of the building. Staff requests the revision of Condition 6 in the staff report that relates to a landscape buffer, which there is not enough room for it to be installed. Staff would request the following condition: Screening will be applied as available, which will be determined through the Development Review Committee process. Director Hand stated that there were numerous Notices of Violations with the previous auto body use and most of those have been addressed except for the ones relating to the security has on the front windows. Staff received no letters of support nor opposition. Staff recommends approval subject to the revised conditions in the staff report; the applicant requested C-3 Commercial which would allow auto related uses and would require variances, etc. Staff is recommending approval to CP-1 Planned Limited Business District.

Motion and Vote starts at 1:32:15:

On motion by Mr. Ernst, seconded by Mr. Reasons, the Planning Commission voted as follows to recommend **APPROVAL** of **Master Plan Amendment MPL2021-001:**

Carson

Chairman

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

On motion by Mr. Ernst, seconded by Mr. Reasons, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ-0001 to CP-1 Planned Limited Business District:**

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	No
Ernst	Aye
Huey	Not Present
Jones	Aye
Miller	Aye
Mohler	Aye
Pauley	Aye
Reasons	Aye

Motion to RECOMMEND APPROVAL Passed: 7 to 1

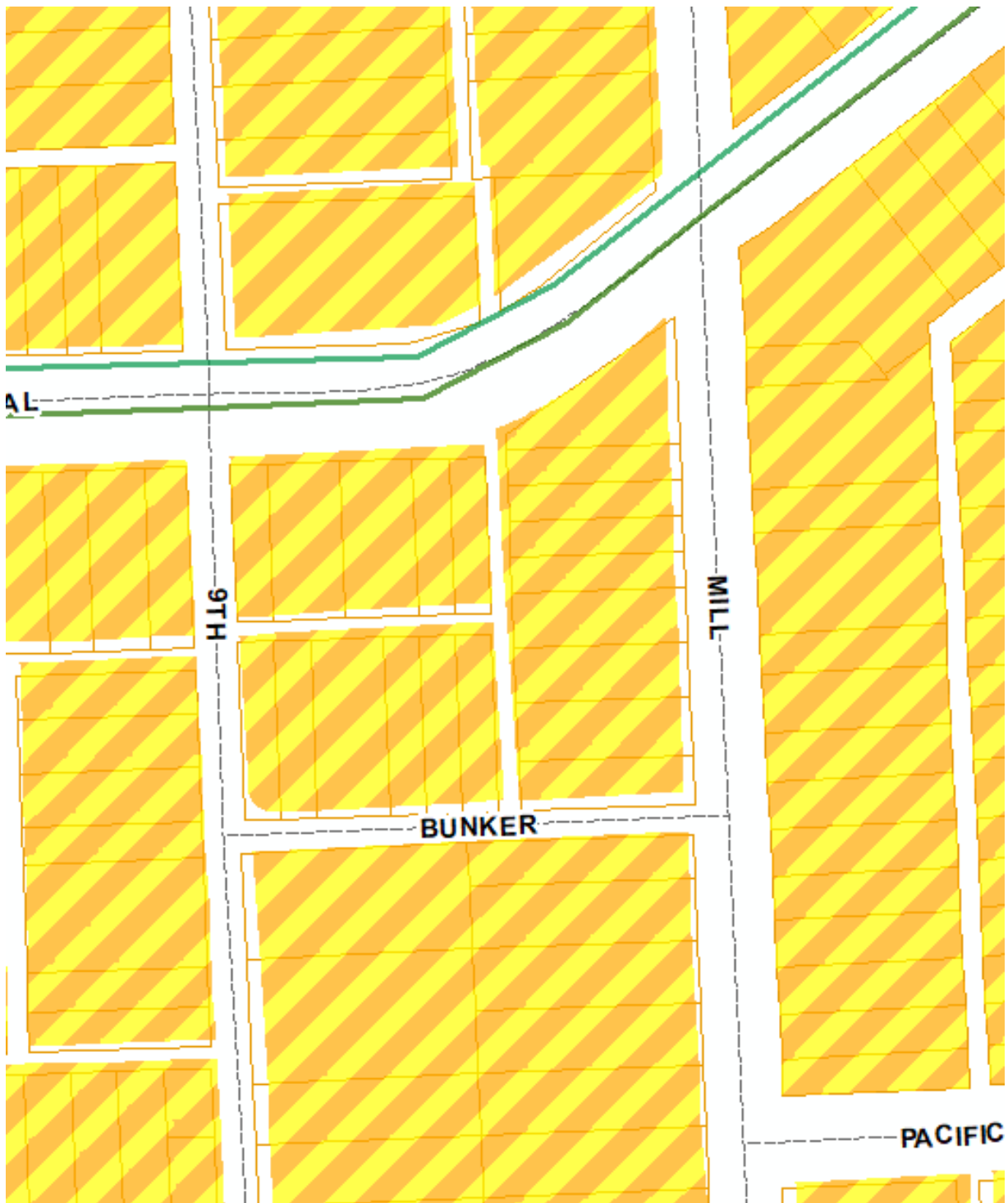
Subject to:

- 1) This property will be zoned to CP-1 Planned Limited Business District rather than C-3 Commercial District;
- 2) All repairs of appliances and sales shall be conducted within the building;
- 3) If approved, the applicant will need to file and maintain a current business occupation tax application with the Business License Department;
- 4) All signage must be properly permitted. To obtain a sign permit, please contact the Planning and Urban Design Department. Current signage that was not properly permitted and does not comply with the sign code must be removed.
- 5) Must adhere to the Commercial Design Guidelines, which include:
 - a) Must remove exterior bars from the windows;
 - b) 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 Use Agreement from the Public Works Department. Contact them to begin this process;
 - c) If there are no utility conflicts along Central Avenue, two (2) street trees shall be placed in the public right-of-way. This will require a lease agreement to be obtained through Public Works. If there are utility

conflicts, the Planning Commission can move to allow a deviation to the street tree requirement along a major street;

- d) 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;
 - e) We recommend sandblasting the front to show the exposed brick;
 - f) Awnings and canopies are encouraged on facades to provide weather protection and shade to pedestrians; and,
 - g) Façade lighting is encouraged. Façade lighting shall be shielded so that the light source is applied to the building and does not provide any direct light or glare on sidewalks or streets.
- 6) Screening will be applied as available;
 - 7) Trash and recycling containers shall be screened and located behind the building within a trash enclosure;
 - 8) Meter and utility boxes shall be painted to match the building and screened with shrubs;
 - 9) Rooftop mechanical equipment shall be screened from public view by the parapet of the building;
 - 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.

Land Use Map:



Zoning Map:



Aerial Map:



Photographs Provided by Staff, Dated December 16, 2020:





Neighborhood Meeting Documentation:

Susana Zavala
2016 Darby St
Kansas City, KS 66101

Subject: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use # C007-001-837 Central Avenue. The purpose of this is for a change of zone at the following address: 837 Central Ave Kansas City, KS 66102. I am having a neighborhood meeting on 12/28/2020 at 6:00 p.m. via Zoom at the following web address:

Topic: Neighborhood Meeting

Time: Dec 28, 2020 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us05web.zoom.us/j/84756636545?pwd=VUxHU0dRWmV2SVdpNTBRUGd6R3NIdz09>

Meeting ID: 847 5663 6545

Passcode: 19cZej

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

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

Sincerely,

Enrique Gomez
22 S. Mill St
Kansas City, KS 66101
(913) 963-1813

Neighborhood Meeting Minutes

Application Number COZ-001-837 Central

Date: 12/28/202 via Zoom

Meeting called to order at: 6:15 p.m. CST

Names of people in attendance:

Domitilo Alcala
Jennifer Banda
Gabriel Garcia
Carmen Villegas
Ana K Marcos Elizondo
Lumbreras
Dagoberto Ocampo

Introductions:

Meeting was held in Spanish since most of the neighbors only spoke Spanish. Enrique Gomez gave a presentation on the purpose of the meeting.

Wanting to change zoning for 837 Central Ave from Residential to Commercial.

Neighbors were surprised the building was zoned residential since it does not look like a house and has always been in use by a business prior to this zoning change request.

Neighbors were in agreement that zoning should be changed from residential to commercial as it is not a residential building.

Questions and answers:

No questions were presented by the neighbors.

Meeting adjourned at: 6:30 p.m.

Minutes taken by: Nubia Gomez

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

From: Planning and Urban Design Staff

Date: March 25, 2021

Re: Change of Zone Petition **COZ-0001** and **Master Plan Amendment MPL2021-003**

GENERAL INFORMATION

Applicant:
Enrique Gomez

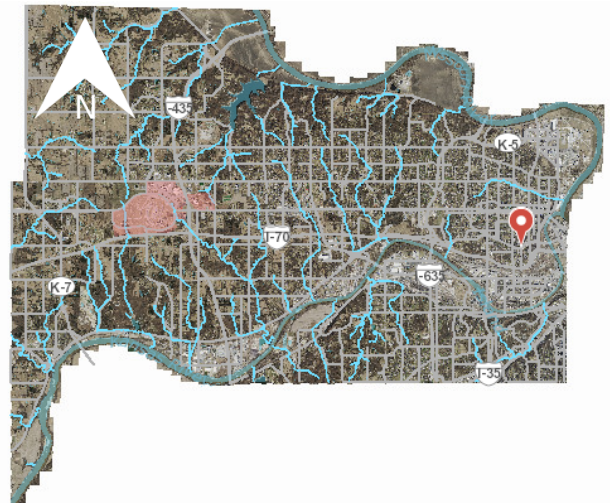
Status of Applicant:
Property Owner
837 Central Avenue
Kansas City, Kansas 66101

Requested Actions:
The approval of a Change of Zone.

A Master Plan Amendment from Urban Density to Commercial (City-Wide Master Plan).

Date of Application:
November 30, 2020

Purpose:
To change zoning from R-1 Single Family District to C-3 Commercial District.



A Master Plan Amendment from Urban Density to Commercial (City-Wide Master Plan).

Property Location:	837 Central Avenue Kansas City, Kansas 66101
Commission Districts:	Commissioner At Large: Tom Burroughs District #2 Commissioner: Brian McKiernan
Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: C-3 Commercial District South: R-1(B) Single Family District East: R-1(B) Single Family and C-3 Commercial District West: R-1(B) Single Family District
Adjacent Uses:	North: Commercial Businesses South: Single Family Homes East: Commercial Businesses West: Commercial Businesses
Total Tract Size:	0.06 Acre
Master Plan Area:	Central Area Master Plan
Master Plan Designation:	The Central Area Master Plan designates this property as Urban Density.
Major Street Plan:	The Major Street Plan classifies Central Avenue as a Class C Thoroughfare.
Parking Requirement:	Section 27-455 states that in R-1(B) Zoning Districts, two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. Section 27-467 states that in C-3 Commercial Districts, 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 building is approximately 2,200 square feet. This requires eight (8) parking spaces. A Variance is required. This case is being heard in conjunction with BOZA2021-004 to reduce the off-street parking requirement.
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone - December 17, 2020; January 14, 2020 Master Plan Amendment January 14, 2021,

Letters to Property Owners – Change of Zone - December 18, 2020; January 7, 2021 and March 17, 2021; Master Plan Amendment – January 7, 2021 and March 17, 2021.

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

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Enrique Gomez, is applying for a Change of Zone from R-1(B) Single Family District to C-3 Commercial District. The building was built in 1920 and is designed for commercial use. It was previously used as an auto mechanic shop. After the applicant purchased the property and attempted to obtain a business license, they discovered that it is zoned for Single Family Homes. The applicant would like to obtain a change of zone to use the store to sell home appliances. This proposal will require a Master Plan Amendment in order to accommodate commercial use. This case is being heard in conjunction with BOZA2021-004 for minimum parking requirements.

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

Code Enforcement History: This property has received seven (7) Notices of Violation from 2008 to the present. Five (5) for graffiti, and two (2) for trash, debris, and miscellaneous violations.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is commercial and residential in nature, with businesses and residential properties along a Class C Thoroughfare and single-family homes behind and adjacent to the commercial businesses.

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

The zoning and uses of nearby properties are set out above. The zoning is expected to be compatible with them because there are several commercial businesses in the area along Central Avenue adjacent to residential uses.

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

The building was built in 1920 and has always been used as a commercial building. If the application is denied, the property owner will not be able to use the building for commercial use but may use the property as a home if the structure meets the requirements for a residence or sell the property.

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

The last business license for this property was for a waterproofing contractor, which expired in 2017. Because there is a lapse in licensure, the nonconforming use of the building expired. The building has been vacant for over three (3) years.

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

The proposed use is for a Change of Zone so that the property owners may provide a service to the public in the form of a home appliance store. The proposed use will not injure the appropriate use, visual quality or marketability of nearby property because it is a commercial building along a Class C Thoroughfare and has been since 1920.

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 in the area and may adversely affect road capacity, safety, or create parking problems. The current business does not have the required parking available. The applicant is currently seeking a variance for minimum parking requirements.

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

The proposed use does not conform to the current Master Plan because it is for commercial use rather than residential. The Change of Zone is being heard in conjunction with a Master Plan Amendment from Urban Density to Commercial (City-Wide Master Plan). The proposed use does conform to the proposed designation.

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

The proposed use could cause environmental harm if appliances are not stored correctly or waste is not properly disposed of.

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

a. *Water service*

Municipal water service is provided.

b. *Sanitary sewer service*

Municipal sanitary sewer service is provided.

c. *Storm water control*

Municipal storm water control is provided.

d. *Police*

Police service is provided by East Patrol, District #115.

e. *Fire*

Fire service is provided by Station #9.

f. *Transit*

KCATA provides transportation to this location on the 402 Johnson-Quivira line. The nearest stop is across the street at the corner of North 9th Street and Central Avenue.

g. *Schools*

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

h. *Streets*

See item #6 above.

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

The proposed use has a minimal increase on the economic benefit on the community because it is a small commercial business.

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

The proposed use is not capable of meeting the parking ordinance requirements. This case is being heard in conjunction with BOZA2021-004 to waive the minimum parking requirement.

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

The gain to the public is likely to be minimal as it provides a service of a home appliance store. If denied, the property owner would not be able to use the facility as a business, but could use it as a residential property, as long as the building meets the requirements for residential use.

NEIGHBORHOOD MEETING

The applicant held an online neighborhood meeting via Zoom on December 28, 2020. Seven (7) neighbors attended the meeting. Documentation is attached below.

KEY ISSUES

Approval of BOZA2021-004
Commercial Design Guidelines
Non-Permitted Signage
Screening/Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Master Plan Amendment MPL2021-003.

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Change of Zone Application COZ-0001, subject to:

- 1) **This property will be zoned to CP-1 Planned Limited Business District rather than C-3 Commercial District;**
- 2) **All repairs of appliances and sales shall be conducted within the building;**
- 3) **If approved, the applicant will need to file and maintain a current business occupation tax application with the Business License Department;**
- 4) **All signage must be properly permitted. To obtain a sign permit, please contact the Planning and Urban Design Department. Current signage that was not properly permitted and does not comply with the sign code must be removed.**
- 5) **Must adhere to the Commercial Design Guidelines, which include:**
 - a) **Must remove exterior bars from the windows;**
 - b) **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 Use Agreement from the Public Works Department. Contact them to begin this process;**
 - c) **If there are no utility conflicts along Central Avenue, two (2) street trees shall be placed in the public right-of-way. This will require a lease agreement to be obtained through Public Works. If there are utility**

conflicts, the Planning Commission can move to allow a deviation to the street tree requirement along a major street;

- d) 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;
 - e) We recommend sandblasting the front to show the exposed brick;
 - f) Awnings and canopies are encouraged on facades to provide weather protection and shade to pedestrians; and,
 - g) Façade lighting is encouraged. Façade lighting shall be shielded so that the light source is applied to the building and does not provide any direct light or glare on sidewalks or streets.
- 6) Screening will be applied as available;
 - 7) Trash and recycling containers shall be screened and located behind the building within a trash enclosure;
 - 8) Meter and utility boxes shall be painted to match the building and screened with shrubs;
 - 9) Rooftop mechanical equipment shall be screened from public view by the parapet of the building;
 - 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ-0001** and **MPL2021-003** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

March 8, 2021 City Planning Commission Minutes
Land Use Map
Zoning Map
Aerial Map
Photographs Provided by Staff, Dated December 16, 2020
Neighborhood Meeting Documentation
Photographs Provided by Applicant

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	March 8, 2021	March 25, 2021
Rezoning	Approval	
Master Plan		
Amendment	March 8, 2021	March 25, 2021
	Approval	

STAFF CONTACT: **Shana Kelly**
 skelly@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2021-003** 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 **MPL2021-003** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ-0001** 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-0001** 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.

March 8, 2021 City Planning Commission Minutes:

Hearing starts at 1:24:00:

MASTER PLAN AMENDMENT MPL2021-001– ENRIQUE GOMEZ WITH GOMEZ APPLIANCES, Master Plan Amendment from Urban Density to Commercial (City-Wide Master Plan) at 837 Central Avenue.

CHANGE OF ZONE APPLICATION COZ-0001 – ENRIQUE GOMEZ WITH GOMEZ APPLIANCES – SYNOPSIS: Change of Zone from R-1 Single Family District to C-3 Commercial District for the sale of appliances at 837 Central Avenue.

Detailed Outline of Requested Action: The applicant, Enrique Gomez, is applying for a Change of Zone from R-1(B) Single Family District to C-3 Commercial District. The building was built in 1920 and is designed for commercial use. It was previously used as an auto mechanic shop. After the applicant purchased the property and attempted to obtain a business license, they discovered that it is zoned for Single Family Homes. The applicant would like to obtain a change of zone to use the store to sell home appliances. This proposal will require a Master Plan Amendment in order to accommodate commercial use. This case is being heard in conjunction with BOZA2021-004 for minimum parking requirements. **Code Enforcement History:** This property has received seven (7) Notices of Violation from 2008 to the present. Five (5) for graffiti, and two (2) for trash, debris, and miscellaneous violations.

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 March 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 decision from the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- No one appeared.

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 1:26:15: Planning Director Hand stated that the staff has worked closely with the applicant on this application. As he stated at the Board of Zoning Appeals meeting earlier this evening, this building was built in the 1920s and has always been a commercial use. Businesses have operated at this location with a Special Use Permit accordingly. There has been a two (2) year gap in business operations; the last business, as auto repair shop, operated under a Special Use Permit. Mr. Gomez is in agreement to change the zoning of the property and request a Master Plan Amendment so he can conduct a commercial business on the property in property and in accordance with historical development patterns. Staff has added a couple of conditions of approval. The repair and sale of appliances has to be operated inside the building and as much as possible the applicant will conform to the Commercial Design Guidelines. As mentioned in the Board of Zoning Appeals meeting, there is little room on the property as the building footprint takes up the entire property. Many of these items that will be worked out at the Development Review Committee level. There is a mural on the side of the building that is not allowed by ordinance and the façade restoration will include the removal of the mural. There can be a mural, but not at the front façade of the building. Staff requests the revision of Condition 6 in the staff report that relates to a landscape buffer, which there is not enough room for it to be installed. Staff would request the following condition: Screening will be applied as available, which will be determined through the Development Review Committee process. Director Hand stated that there were numerous Notices of Violations with the previous auto body use and most of those have been addressed except for the ones relating to the security has on the front windows. Staff received no letters of support nor opposition. Staff recommends approval subject to the revised conditions in the staff report; the applicant requested C-3 Commercial which would allow auto related uses and would require variances, etc. Staff is recommending approval to CP-1 Planned Limited Business District.

Motion and Vote starts at 1:32:15:

On motion by Mr. Ernst, seconded by Mr. Reasons, the Planning Commission voted as follows to recommend **APPROVAL** of **Master Plan Amendment MPL2021-001:**

Carson

Chairman

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

On motion by Mr. Ernst, seconded by Mr. Reasons, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ-0001 to CP-1 Planned Limited Business District:**

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	No
Ernst	Aye
Huey	Not Present
Jones	Aye
Miller	Aye
Mohler	Aye
Pauley	Aye
Reasons	Aye

Motion to RECOMMEND APPROVAL Passed: 7 to 1

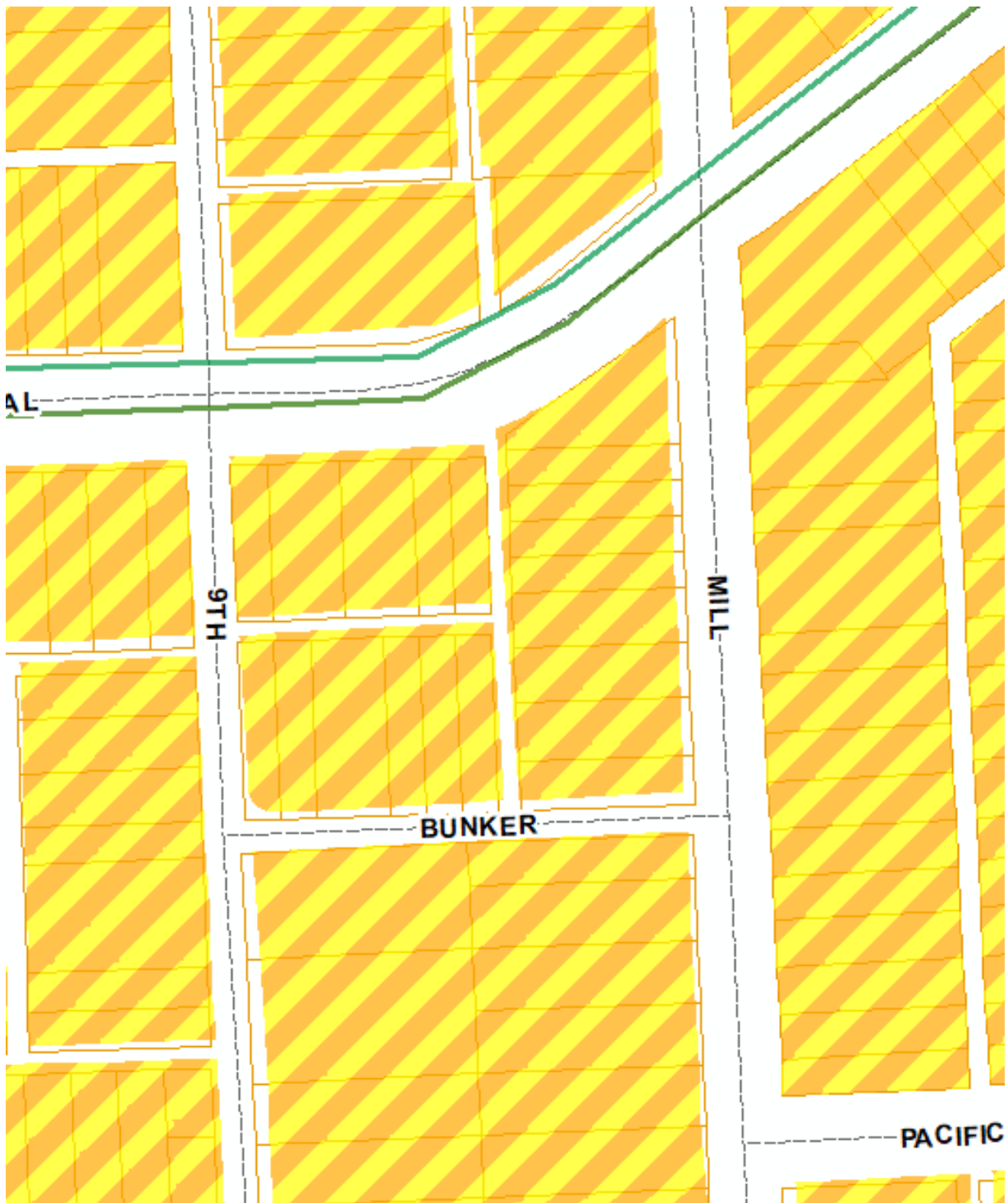
Subject to:

- 1) This property will be zoned to CP-1 Planned Limited Business District rather than C-3 Commercial District;
- 2) All repairs of appliances and sales shall be conducted within the building;
- 3) If approved, the applicant will need to file and maintain a current business occupation tax application with the Business License Department;
- 4) All signage must be properly permitted. To obtain a sign permit, please contact the Planning and Urban Design Department. Current signage that was not properly permitted and does not comply with the sign code must be removed.
- 5) Must adhere to the Commercial Design Guidelines, which include:
 - a) Must remove exterior bars from the windows;
 - b) 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 Use Agreement from the Public Works Department. Contact them to begin this process;
 - c) If there are no utility conflicts along Central Avenue, two (2) street trees shall be placed in the public right-of-way. This will require a lease agreement to be obtained through Public Works. If there are utility

conflicts, the Planning Commission can move to allow a deviation to the street tree requirement along a major street;

- d) 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;
 - e) We recommend sandblasting the front to show the exposed brick;
 - f) Awnings and canopies are encouraged on facades to provide weather protection and shade to pedestrians; and,
 - g) Façade lighting is encouraged. Façade lighting shall be shielded so that the light source is applied to the building and does not provide any direct light or glare on sidewalks or streets.
- 6) Screening will be applied as available;
 - 7) Trash and recycling containers shall be screened and located behind the building within a trash enclosure;
 - 8) Meter and utility boxes shall be painted to match the building and screened with shrubs;
 - 9) Rooftop mechanical equipment shall be screened from public view by the parapet of the building;
 - 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.

Land Use Map:



Zoning Map:



Photographs Provided by Staff, Dated December 16, 2020:





Neighborhood Meeting Documentation:

Susana Zavala
2016 Darby St
Kansas City, KS 66101

Subject: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use # C007-001-837 Central Avenue. The purpose of this is for a change of zone at the following address: 837 Central Ave Kansas City, KS 66102. I am having a neighborhood meeting on 12/28/2020 at 6:00 p.m. via Zoom at the following web address:

Topic: Neighborhood Meeting

Time: Dec 28, 2020 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us05web.zoom.us/j/84756636545?pwd=VUxHU0dRWmV2SVdpNTBRUGd6R3NIdz09>

Meeting ID: 847 5663 6545

Passcode: 19cZej

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

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

Sincerely,

Enrique Gomez
22 S. Mill St
Kansas City, KS 66101
(913) 963-1813

Neighborhood Meeting Minutes

Application Number COZ-001-837 Central

Date: 12/28/202 via Zoom

Meeting called to order at: 6:15 p.m. CST

Names of people in attendance:

Domitilo Alcala
Jennifer Banda
Gabriel Garcia
Carmen Villegas
Ana K Marcos Elizondo
Lumbreras
Dagoberto Ocampo

Introductions:

Meeting was held in Spanish since most of the neighbors only spoke Spanish. Enrique Gomez gave a presentation on the purpose of the meeting.

Wanting to change zoning for 837 Central Ave from Residential to Commercial.

Neighbors were surprised the building was zoned residential since it does not look like a house and has always been in use by a business prior to this zoning change request.

Neighbors were in agreement that zoning should be changed from residential to commercial as it is not a residential building.

Questions and answers:

No questions were presented by the neighbors.

Meeting adjourned at: 6:30 p.m.

Minutes taken by: Nubia Gomez

Photographs Provided by Applicant:









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

**PLANNING & ZONING AND
REGULAR SESSION
DECEMBER 3, 2020**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, December 3, 2020, with ten members present via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District, Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. Kane, Commissioner Fifth District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Emerick Cross and Melissa Sieben, Assistant County Administrators; Carol Godsil, Deputy UG Clerk; Gunnar Hand, Director of Planning and Urban Design; Janet Parker, Administrative Assistant; Alley Porter, Commission Liaison; Juliann VanLiew, Director of Public Health Department; Dr. Allen Greiner, Health Officer; Dr. Erin Corriveau, Deputy Local Health Officer; Angel Obert, Assistant Director of Parks & Recreation; 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 committee members, staff, and public are attending remotely via Zoom as well as on site. All participants joining by phone should mute their phones when not speaking to avoid background noise.

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

Due to COVID-19 requirements, in person public comment has been suspended unless otherwise required by law. The public is allowed to participate by Zoom or submit comments by email prior to the meeting and those comments will be included in the record of this meeting.

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

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

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

Mayor Alvey asked the Clerk, are there any revisions to tonight's agenda? **Carol Godsil, UG Deputy Clerk**, said no, there are no revisions this evening.

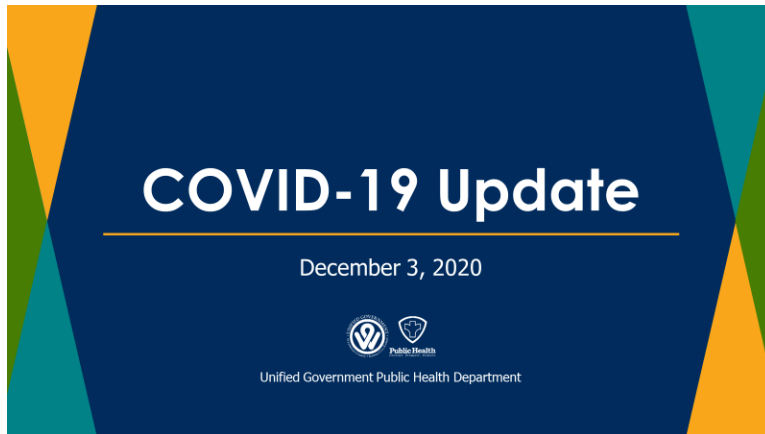
Mayor Alvey said alright, so we have two parts to our meeting. The Planning and Zoning followed by the Regular Commission meeting, but first we will take action on the Mayor's Agenda before we move into Planning and Zoning.

MAYORS AGENDA

ITEM NO. 1 – 20541...RESOLUTION: EXTENDING THE STATE OF LOCAL HEALTH EMERGENCY FOR THE COVID-19 PANDEMIC

Synopsis: A resolution extending the state of local health emergency for the COVID-19 pandemic for the County of Wyandotte, Kansas through March 15, 2021, submitted by Jeff Conway, Assistant Counsel.

Mayor Alvey said our first order of business is a resolution extending the state of local health emergency for the Covid-19 pandemic for the county of Wyandotte, Kansas. I'd recognize Juliann VanLiew, Public Health Director and ask that she provide an update on Covid here in Wyandotte County.



Juliann VanLiew, Director of Health Department, said I am going to preemptively apologize. I have a toddler who's currently having a massive meltdown so please forgive me if you hear screams in the background. I'm doing my best. I appreciate your time this evening, Dr. Greiner and Dr. Corriveau are here with me for kind of a bit of a standard update for us.

Agenda

- COVID data update
- Hospital update
- Health orders enforcement
- CDC Recommendation changes
- Some good news

We will go ahead and dive in with our data update, talk about our health orders and some CDC recommendations you may have heard about, and what's on the horizon for us.

COVID-19 Update				
INDICATOR	KANSAS	JOHNSON COUNTY	KANSAS CITY, MO	WYANDOTTE COUNTY
Positive cases	162,061	24,796	23,066	11,180
Case rate (per 100,000)	5,571	4,235	4,791	6,803
Deaths	1,679	293	294	180
Death rate (per 100,000)	58	50	61	110



Our standard kind of table that we tend to look at here shows that we are just a bit over 11,000 cases currently. Our case rate per 100,000 is nearing 7,000. Although, if you remember presentations past, are Johnson County and Kansas City, Missouri, were previously about half of our rate, so they are catching up to us which means cases are accelerating in some of the jurisdictions around us a little bit quicker than what we are experiencing here, which is obviously a positive for our population. Our deaths are still sitting at 180 as they have been for a few days now, but our death rate does remain significantly higher than those around us.

Wyandotte County Situational Update

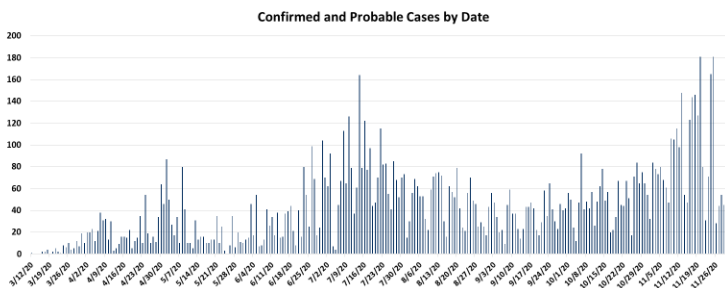
Rolling 7-day average

- New cases per day: **75**
- Deaths: **0**
- Percent positivity (entire county – symptomatic and asymptomatic): **38%**

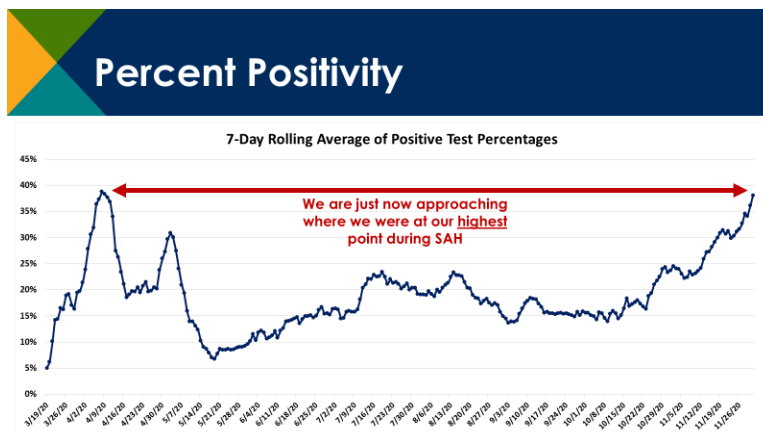


When we look at our 7-day rolling average, we are at about 75 new cases a day. I'll talk a little bit more about why I think that's a slightly false number because of what the last week has shown us. Our deaths are at zero for the last seven days, which is fantastic, although as we've mentioned before, it's often a two, three or even four-week lag before deaths catch-up when we have case spikes. Lastly, our percent positivity is just very, very high at the moment at 38%.

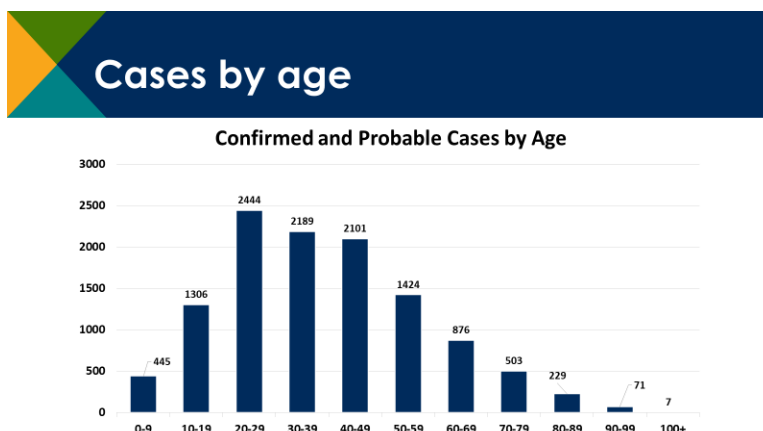
Cases by Date



So you can see here at the graph of cases over time. Obviously, if you look at the right portion of this, you can see the major uptick we've seen in recent weeks. I would caution you to read too much into the last four, five, or six days that you can see there where there's a drop off. We did not test out at our Kmart site on Thanksgiving Day, or the Friday after, or the weekend. Four days, where we did not test at our site, which is the largest testing site in the county, means that we just simply didn't test enough to see those cases popping up. Just want to make sure folks know that that rebound is going to happen quickly and that decrease there really did not reflect reality.



I mentioned our percent positivity around 38%. As you can see here on the left-hand side, we're nearing the percent positivity that we saw at the height of our stay-at-home order back in April, which is obviously problematic. The big difference between now and then is that at that point when our percent was 38% positivity, we were testing about 100 folks a day. Now we're testing between 650 and 700 folks a day. So, a 38% percent positivity means way, way, way more cases now than it did then.



Lastly before I pass it off here, just a reminder that we continue to see growth within our case rates for our younger demographic. Even just a month ago, our zero to nine and our 10 to 19 demographics had much lower numbers. Those continue to rise as well as our 20 to 29 and our 30 and 40-year old's, our middle-aged folks as well. We are not continuing to see massive upticks in our older population in terms of their number of cases.

I'm going to pass it off now to our Health Officer Dr. Greiner.

Health Order Enforcement

- Visits to date: 103 since 11/9 (4-5 per day)
- Response time: < 1 Day
- Common visits include **restaurants** (29), **gas stations** (15), and **grocery/large retail** (12)
- 95 first visits, 6 second visits, 1 third visits
- Most businesses comply after one visit
- Current focus is on education; no citations written



Dr. Allen Greiner, Health Officer, said we wanted to tell you a little bit about what's going on with our relatively new safety inspectors. You may have heard us talk previously about how we were going to move into hiring a couple of retired police officers who wanted to get involved in COVID and that's happened now. They've been going since the 9th of November. Basically, following up on reports we get on the 311 line or complaints that get called into the Police Department or the Sherriff's Office. You can see that they've made a bunch of visits. They're making four to five visits to places of business, or other entities in the counties, per day. They're doing that in about a 24 hour or less turnaround time. You can see most of the places have been restaurants, gas stations, grocery stores, etcetera.

What they're doing is going out and its education first just like what we did in the stay-at-home order way back when with cooperation from the Police Department. When they make a first visit, it's all about talking to ownership/management trying to figure out what's going on and provide education on the importance of mask use and social distancing and setting things up so that folks are safe.

They've made six-second visits and only one-third visit. They've not issued any citations. If that happens, they would have to coordinate with us at the Health Department as well as PD

who is aware of that. That could happen, but so far, we feel like people are really complying. The education is well received and the businesses, as well as individuals in those environments, are making changes which we think is really good. This has been a really positive program so far and we hope that continues in the coming weeks and months.

COVID Compliance Inspections

Main findings

- Employee screening is poor
 - 56/102 (54.9%) businesses screen for symptoms and/or fever
- Employee mask compliance is moderate
 - 29/102 (28.4%) businesses had at least 1 employee with no mask
- Customer mask compliance is moderate
 - 19/76 (25%) reports for public-facing businesses had 1 customer with no mask
- Social distancing is good, but we can make more signs available
 - 69/87 (79.3%) relevant reports indicate distancing can be maintained
 - 29/87 (33.3%) indicate business use floor markers



This is more about the inspections. We are, you know, with the data they're collecting, some of it's good, some it's not so good. Employee screening in businesses is a little lower than we'd like. We want all businesses asking their employees when they arrive for the day whether they've got any symptoms; getting their temperature taken on arrival. Over 50% are doing that, but we'd like to see that rise.

Mask compliance is moderate. They're looking at all the employees in a situation and documenting whether a 100% of those employees are wearing masks or not. Many of the businesses have at least one employee that has no mask, but that's lower. Customer mask compliance is also moderate and they're looking at is there one customer in there with no mask. About a quarter are seeing that situation, but social distancing is good.

They're seeing pretty good social distancing. They're taking a bunch of signs and floor stickers out and providing those to businesses and that stuff seems to be well received, so we think that that's something that we can continue to work on.

Contact Tracing

- HD Contact Tracing Team
 - 30 full time contact tracers, 20 part time student volunteers, 7 volunteer UG employees
- Behind on cases
 - Prioritizing new cases and individuals age 0 – 30
 - Encouraging individuals to assist in conducting their own contact tracing



What's going on with contact tracing. Well, with the major spike in cases we've had since the beginning of November and having it many times hundreds and hundreds of new cases each day, we've fallen behind. Even with 57 contact tracers, right? Now we've got 30 full-time contact tracers, 20 part-time student volunteers, and 7 volunteers that are UG employees that have been redeployed. We've talked about this before. A case can take anywhere from 45 minutes to 3 or 4 hours sometimes just to talk to one positive person and figure out who all they've been in contact with.

We're back to where we're 600 or 700 cases behind now and trying to really get on top of that and prioritize what this workforce can do and what we might need additional help for. Right now what we're doing is new cases that roll in, we're trying to prioritize them and not worry so much about a case that may be six, seven, nine days old. Then we're trying to focus in on individuals that are younger, ages 0 to 30. The reason for that is we think those individuals are more likely to be more active in the community. Maybe it's school, maybe it's in other environments and they're more likely to spread to multiple people. We will keep that focus and we may be asking the State again for some assistance in the other groups or looking for other strategies. This is not just us. This is really a nationwide problem we're seeing with this huge increase in cases that's happened this fall.

We also have encouragement for people to do their own contact tracing. We have a great flyer for that as well.

New CDC Recommendations

- CDC's new guidance published 12/2/20: reduce quarantine period of individuals exposed to COVID to 7 or 10 days (depending on testing).
- "KDHE continues to recommend the 14-day quarantine and monitoring after being exposed to COVID-19. The incubation period for this disease is still 14 days"
-Dr. Lee Norman, KDHE Secretary
- **UGPHD will NOT be adopting new CDC guidance as it is not evidence based**

<https://www.cdc.gov/coronavirus/2019-ncov/more/scientific-brief-options-to-reduce-quarantine.html>



You may have heard this week about the Centers for Disease Control new guidance on quarantine. We're not sure what motivated this. The Kansas Department of Health and Environment is continuing to recommend a 14-day quarantine period for those who have a close contact to a positive case. We looked at all the evidence and the documents CDC put out. We just don't feel like the scientific evidence is there to justify this at this time. They put some data out about how people's chance of transmitting the virus after 10 days in quarantine is anywhere from 1 to 5.5%, I think were the numbers they put out there.

It's got two tiers to it. A person who doesn't get tested for COVID and is in quarantine, can do a 10-day quarantine, under their guidance, and then come out of that quarantine. But they acknowledged there's some risk that that person can transmit after day 10. They've also said a person could come out of quarantine if they go 7 days and then they get a PCR test that's negative; and they've said well, in that case, the chance of the person transmitting it after day 7 is a little higher, maybe 5 to 12%.

We just don't understand why they've done this, so we are going to go along with the Kansas Department of Health and Environment for now and stick with our 14-day quarantine number. We think that evidence is strong, and we think the public knows that number right now. So, we feel like okay, we'll re-look at this after the holidays are over, but to me, it seems like this should have waited until after the holidays are over anyway. We'll see. Some other counties across our region are going to change to this reduced quarantine but we're not, at least at this point.

Hospital Capacity

- Capacity challenges **significant** and continuing to grow
 - ~20% of all patients at KU hospital have COVID-19
 - 170 COVID-19 patients total in KU hospital
 - 55 COVID-19 in ICU, 35 COVID-19 on ventilators (57% of total vented patients)
 - Nursing ratios changing due to staff shortages/exhaustion
 - Elective surgeries have halted
 - Patients being housed/treated at the Indian Creek location to expand hospital bed capacity
 - Another ward converted to house ICU patients



So, this goes to Dr. Corriveau. I will turn it over to her from here.

Dr. Erin Corriveau, Deputy Local Health Officer, said I want to share with you some news about hospital capacity. I'm sure that many of you have seen on the national news that unfortunately, as a nation, now over a 100,000 people are hospitalized with COVID-19 in the United States. We're also having some pretty significant challenges still in Wyandotte County. I just wanted to point out some numbers here and some of the changes that are occurring within KU Hospital.

Of course, as you know, Dr. Greiner and I are both staff there. About 20% of all the patients at KU, at this point in time, have COVID-19, which is pretty significant. This morning, 170 patients within the hospital were COVID-19 positive.

As far as our ICU capacity, 55 patients with COVID are in the ICU and 35 of those are currently on ventilators. Just to give you a sense of this, so the great majority of people who are on ventilators in the hospital right now have COVID-19.

Unfortunately, nursing ratios are starting to change at this point such that in the ICU setting especially, we generally have one nurse for every two patients. At this point in time, we're needing to change that one nurse for three patients. We know that that type of ratio change does have unfortunate consequences, potentially.

Elected surgeries have really slowed down and in some cases halted all together. Patients are also being treated at our Indian Creek location. We needed to essentially open up a new space away from the main hospital to house patients, and those are patients who do not have COVID-19. We're also in the process of converting another ward within KU Hospital to serve ICU patients.

Hospital Capacity

- ICU ethics team continues to work should rationing of care become necessary
- Preparation at KU to shift staffing as needed
 - ICU/ED, FM/ED, resident physicians, etc.
- Continued difficulty with transfers and rationing of care occurring now in rural Kansas
 - Wichita, Oklahoma City, Tulsa, etc. desperate for beds/staff



Our ICU Ethics Committee continues to talk about how we would distribute care should rationing be necessary in the future. We are also kind of concerned that there may be some staff shifting that needs to happen. What I mean by that is, for instance, if we need more people tending to ICU patients, it may be potentially needed for some of our emergency room doctors to go to the ICU to work. Perhaps maybe our family medicine doctors may need to staff the emergency room and that sort of thing.

We're also having really continued difficulty with transferring patients really all around the region. Dr. Greiner and I are part of a group where we get together with our rural health officers and we're learning that there's still significant issues with transferring patients, of course, from rural areas into bigger cities. It's not just in Kansas City, the whole region, you know, including Wichita, Oklahoma City, Tulsa, etcetera. We're just having a rough time because there's not many beds available.

Some Good News

A new data-driven model shows that wearing masks saves lives – and the earlier you start, the better

- Counties were assigned a mask-wearing score (0-5)
 - Wyandotte County score = 3.4 (relatively high)
 - National average = 2.98
- If Wyandotte County had a mask score that was the national average from June 1 – Oct. 1: **"Wyandotte County would have had 101.5% more cases and 150 more deaths"**.

<https://theconversation.com/a-new-data-driven-model-shows-that-wearing-masks-saves-lives-and-the-earlier-you-start-the-better-149621>



Despite some bad news to report, I do want to say that there was some really cool news this morning. There was an article written, I believe in Great Britain, that gave a really nice shoutout

to Wyandotte County. I want to say to the community and to all of you, thank you so much for wearing your masks. I mean, we got a really high what they call, mask wearing score and so they looked at a lot of different communities. Looking between the months of June to October, they said boy, Wyandotte County really had some great guidance there. They wore their masks and it looks like because of that, we were able, as a community, to save probably as many as 150 lives, which is really quite incredible. So, kudos to all of you.

What's Next?

- Thank you, WyCo for adhering to new Health Orders
- We are all in this together

Despite working hard, we fear that even with full compliance these measures will not sufficiently decrease spread of COVID-19 during the current surge



Again, we've been in our new health orders now for almost two weeks. Tomorrow will mark the two-week point for our current health orders. Of course, mask wearing, social distancing, and our gathering limitations to ten are what are currently in place. We appreciate how well all of you guys are doing. As Dr. Greiner pointed out, many of our businesses are complying just beautifully with that and, you know, complying after just one educational visit, which is great.

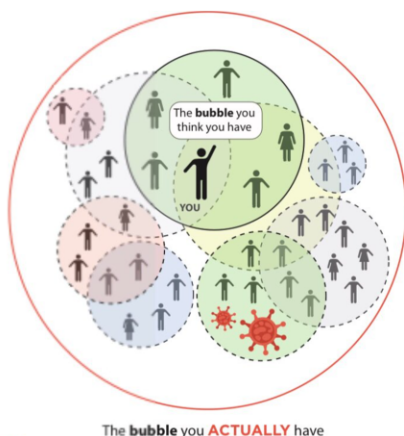
However, you know, I do want to make the point that we're in quite a surge right now. At the Health Department, we're beginning to wonder that even if we're complying with the current orders, if that is actually going to be enough to decrease the spread of this virus and help save that hospital capacity that we're really thinking we're going to be needing, especially after this Thanksgiving holiday.

Reminder: Define your "bubble"

- The holidays are an important time to re-commit strongly to a small "bubble" of individuals who you may be around without a mask
- We recommend **limiting your bubble** to immediate members of your household
 - Talk to your family seriously about mask wearing around EVERYONE else beyond your bubble. No exceptions!
 - Make a plan with those in your "bubble" about next steps if a member is exposed.



One thing that we're thinking about that I want to remind everybody about is defining your bubble. We think that the holidays and really right now is a really important time because of this surge in COVID cases to recommit to a really tight bubble. What that is, is it's those individuals that you trust. You've talked to them about how they're keeping their masks on. They're not needlessly interacting with others. They're not taking trips to multiple stores and that sort of thing, if they don't absolutely have to, that you trust those individuals to make good choices and wear masks when they're outside of the house. We're asking all of you please, limit your social bubble right now, really tightly, to only those who are in your immediate household.



We think that this is going to be incredibly important, and we wonder if we're having trouble getting the point across about what your bubble actually is. This schematic just makes the point that the bubble that you think you have there, which is the black circle, may actually be much larger. You can see that that person thinks that they have that small little bubble, however, all those people in that person bubble, they actually have these really big bubbles around them too and suddenly that one person has all these people that they're interacting with through those people

who they thought were in their bubble. It's time for us to really talk with our household members and get really serious about this.

Goals:

- We intend to **keep children in school** for as long as possible.
- We know that **mask wearing** around every single person outside your immediate household **stops the spread of COVID-19 and saves lives.**
- We know that it will be hard to stay at home without **economic relief.** We are pressing leaders for economic support for families and businesses.
- We are committed to continued **coordination with metro leaders** with the goal of preventing illness and saving lives in Wyandotte County.



Just a final slide here. We're talking about some big goals that we've got in the Health Department and we just want to put it all out there for you. We intend to keep children in school for as long as we possibly can. We think that the things that we can do to keep them in school is to drive down that infection rate within our community, but we've still been in really close touch with our superintendents and teachers and our school nurses and we just think that it's really important for them to stay in school.

Also, we really are trying to emphasis masks wearing. Just like I said, when you get outside of your bubble, you've got to put a mask on. We know that that stops the spread of COVID-19 and we know that it saves lives. We saw that awesome article that came out today that mentioned Wyandotte County. All of you know how to do it, so we're asking that that mask wearing thing just really keep that at the core of what we do to stop the spread of this virus.

We also understand at the Health Department that this is really a difficult time. We think that it's going to be really difficult to do much more in terms of we don't want to shutdown businesses, we don't want to shutdown schools, or other things that we need. Those things are going to have to keep going until we've got some economic relief, whether that be at the federal level, or state level, or whatever. We are pushing for that so that we can hopefully help stop the spread of this virus, but we understand that this is a difficult time. We are trying to support our businesses and our families by advocating for that type of economic relief.

The last thing that I want to say is that we're continuing to stay in close touch with other metro leaders, with health officers, and with directors of health departments. A shoutout to Mayor

Alvey and how well he's been communicating with other elected officials in the county. We are really committed, I think, to moving together also with our colleagues around these initiatives to stop the spread of COVID. With that I believe that's our last slide.



I will kick it back to Mayor Alvey for questions.

Mayor Alvey said we do have a resolution to extend the state of local health emergency. Do we have a copy of that available? Do we have the language for that? **Ms. Godsil** said it should be in the agenda packet, electronically even. Did you want me to get that and read that? **Mayor Alvey** said right.

Mayor Alvey asked, questions or comments from the Commission, otherwise, I'd entertain a motion.

ACTION: **RESOLUTION NO. R-83a-20**, "A resolution extending the state of local health emergency for the COVID-19 pandemic for the county of Wyandotte, Kansas, through March 15, 2021." **Commissioner Markley made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken on the motion and there were eight "Ayes," Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez. (Commissioner Townsend did not vote due to connectivity issues.)

Mayor Alvey said thank you Doctors Corriveau and Greiner and Julianne. Thank you for all your hard work, continually keeping us updated and being at the forefront really in efforts in the Metropolitan area. The leadership that you have exhibited is widely known and we appreciate what you're doing to lead us, so thank you.

PLANNING AND ZONING CONSENT AGENDA

Mayor Alvey said we'll now hear the Planning and Zoning matters next. I'd ask the Clerk to read the statement, required by state law, governing the Planning and Zoning portion of our meeting, followed by the items on the Planning and Zoning Consent Agenda.

Ms. Godsil read the statement, required by law, governing the Planning and Zoning portion of the meeting.

Ms. Godsil asked if any member of the Commission wished to disclose any contact with proponents or opponents on any item on the agenda. **Mayor Alvey** said seeing none.

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

Mayor Alvey asked, does any member of the Commission, Administrator, or public wish to set-aside any item on the Planning and Zoning Consent Agenda? If an item is not set-aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission. (There were no set-asides.) **Mayor Alvey** asked the Clerk if we received any requests from the public to set-aside an item. **Ms. Godsil** said no requests from the public had been received.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve the Planning and Zoning Consent Agenda.** Roll call was taken on the motion and there were nine "Ayes," Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Townsend. (**Ms. Cobbins** stated, Commissioner Townsend just notified the Clerk's Office that her vote is a yes.)

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 20540...CHANGE OF ZONE APPLICATION #3229 - CHASE THOMPSON

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural purposes at 1959 South 51st Street, submitted by Gunnar Hand, Director of Planning and Urban Design. The applicant would like to grow trees and have crops on the property someday but does not intend to operate a commercial farm. There have been three notices of violation on this property. One in 2003 for vehicles on an unimproved surface. One in 2012 for debris and weeds, another in 2012 for fire damage and debris and another in 2013 for a shed that needed to be torn down. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application #3229, subject to:

1. A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin that process.
2. Site improvements that include land disturbance activity on greater than one 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 permit and all applicable 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.
3. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified government Board of Commissioners meeting. If the check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Change of Zone Application #3229, subject to the stipulations.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Townsend.

ITEM NO. 2 – 20542....CHANGE OF ZONE APPLICATION #3230 - CHASE THOMPSON

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for gardening, raising flocks, pond and growing trees at 2025 South 51st Street, submitted by Gunnar

Hand, Director of Planning and Urban Design. No commercial activity is proposed for this property. There have been no notices of violation on this property. There is a home on the property and it is currently the applicant's primary residence. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application #3230, subject to:

1. A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin that process.
2. Site improvements that include land disturbance activity on greater than one 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 permit and all applicable 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.
3. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified government Board of Commissioners meeting. If the check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Change of Zone Application #3230, subject to the stipulations.** Roll call was taken on the motion and there were nine "Ayes," Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Townsend.

ITEM NO. 3 – 20543...CHANGE OF ZONE APPLICATION #3238 - NEAL DAZEY AND LAUREN TWEEDIE

Synopsis: Change of Zone from M-2 General Industrial District to R-2(B) Two Family District for an existing home at 809 Southwest Boulevard, submitted by Gunnar Hand, Director of Planning and Urban Design. The applicants are requesting to change the zoning to align with the use of the property. The adjacent property owners at 815 Southwest Boulevard are also applying for a change of zone from M-2 General Industrial District to R-2(B) Two Family District. One other home on the block has already changed zoning from M-2 General Industrial District to R-2(B) Two-Family District. There has been 9 notices of violations on the property between the

years 2001 and 2018 for trash, inoperable vehicles, vehicles with expired tags, and vehicles on an unimproved surface. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application #3238, 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.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Change of Zone Application #3238, subject to the stipulations.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Townsend.

ITEM NO. 4 – 20544...CHANGE OF ZONE APPLICATION #3239 - MICHAEL J. COONS AND CHRISTINE SCIOLARO

Synopsis: Change of Zone from M-2 General Industrial District to R-2(B) Two Family District for an existing home at 815 Southwest Boulevard, submitted by Gunnar Hand, Director of Planning and Urban Design. The property is a single-family home and has always been used as such. The applicants are requesting to change the zoning to align with the use of the property. The adjacent property owners at 809 Southwest Boulevard are also applying for a change of zone from M-2 General Industrial District to R-2(B) Two Family District. One other home on the street has already changed zoning from M-2 General Industrial District to R-2(B) Two-Family District. There have been 2 notices of violations on this property. One in the year 2014 for chipped paint and one in 2011 for repair needed on the retaining wall. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application #3239, 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.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Change of Zone Petition #3239, subject to the**

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

ITEM NO. 5 – 20545...CHANGE OF ZONE APPLICATION #3240 - ANDREA WEISHAUBT WITH ATLAS SURVEYORS

Synopsis: Change of Zone from A-G Agriculture District to R-1 Single Family District for a single-family subdivision at 2951 North 115th Street, submitted by Gunnar Hand, Director of Planning and Urban Design. The applicant with Atlas Surveyors, has submitted a preliminary plat for 63 residential lots created from the current Parcel #949408; the applicant has also requested a Change of Zone for Parcel #949408, from AG Agriculture District to R-1 Single-Family District. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application #3240, subject to:

1. Comply with the following landscaping requirements.
 - a. Per the Prairie-Delaware-Piper Area Master Plan, all residential lots shall have two- trees per 5,000 square feet per lot, up to five trees per lot. One tree shall be in the front or corner side of the lot. (This exceeds the city-wide landscaping ordinance, Section 27-700(a), which requires one shade tree per dwelling in the front or side yard.)
 - b. Per Section 27-700(a) requires one tree per 7,000 square feet for uses other than residences.
 - c. Per the Prairie-Delaware-Piper Area Master Plan, landscaping and buffering between residential units, non-residential buildings and/or adjacent developments that exceed minimum requirements are required for planned development and encouraged for all other developments.
2. The plat must be in compliance with the following requirements from the Prairie-Delaware-Piper Area Master Plan:
 - a. “Table 6: Residential Unit Size” of the Prairie-Delaware-Piper Area Master Plan states that subdivisions in Area 1 of Prairie-Delaware-Piper, which includes the subject property, must have no less than 80% of all parcels with a lot width of 70 feet or greater and no more than 20% of all parcels with a lot width of no less than 50 feet. Regardless, all single-family residences must have a minimum of 1,600 square feet of useable space.
 1. If compliance with this requirement produces a revised plat showing “significant changes” as defined by Section 27-210(g)(1) a.-k., then the revised plat and plan must be separately approved. “Significant changes” include any of the following relevant changes, as defined by the Code of Ordinances:
 - a. Increases in density or intensity of residential uses by more than five percent.
 - b. Increases of lot coverage by more than five percent.
 - c. Decreases of areas devoted to open space of more than five percent (5%) or the substantial relocation of such areas.

- d. Changes of traffic circulation patterns that will affect traffic outside of the project boundaries.
 - e. Modification or removal of conditions or stipulations to the preliminary development plan approval.
- b. All residential developments to have entry features. These features may include a neighborhood name within a landscape feature, monuments, a special lighting feature, an enhanced bus stop, a fountain, or special landscaping.
- c. 15% of the proposed development must be open space.
- 3. Per the Prairie-Delaware-Piper Area Master Plan, the applicant is encouraged to do the following:
 - a. Design and construct a variety of unit types within each neighborhood.
 - b. Implement mixed uses and mixed densities with the subdivision.
 - c. Establish landscape standards that provide an overall theme for the development.
- 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 Markley, to approve Change of Zone Application #3240, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Townsend.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 20546...SPECIAL USE PERMIT APPLICATION #SP-2020-72 - KAREN AND NATHANIEL SCHOTANUS WITH RANGE 23 BREWING

Synopsis: Special Use Permit for a microbrewery at 13400 Donahoo Road, submitted by Gunnar Hand, Director of Planning and Urban Design. The microbrewery would brew and serve both beer and non-alcoholic beverages. The microbrewery may operate on the property in conjunction with an event space, for which a Special Use Permit is simultaneously being requested. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2020-72, subject to:

- 1. Approval of BZA-2400, which would allow a variance from Section 27-675(a), requiring that all parking spaces, drive aisles, and driveways that serve a commercial business be paved (NOTE: Appeal was approved).

2. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
3. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
4. The Special Use Permit shall be valid for two 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.
5. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable.
6. The applicants should work to recycle the brewery waste it can and properly dispose of the waste it cannot recycle. Regardless, the applicants must comply with all local, county, state, and federal waste disposal regulations.
7. Provide at least as many ADA-compliant parking spaces as required by Section 27-676(a). Based on the most recently submitted parking plan, there are 68 planned parking spaces, at least three of which must be ADA-compliant, which includes paving those parking spaces, the access aisles, and the path from the parking spaces to an ADA-accessible door at the event space;
8. All parking, paved or not, must be striped to dimensions compliant with Section 27-669.
9. The special event space and brewery may share parking lots, subject to a review in the event of an increase in capacity, seating, or building footprint by either use.
10. All relevant building permits and flatwork work permits for constructing or expanding structures and for paving parking spaces must be satisfactorily issued.
11. Landscape screening must be planted along the eastern neighboring property, as it may adversely affect the adjacent property, per the City Planning Commission's discretion.
12. Per Section 27-673(a), any lights used to illuminate the parking area shall be so arranged, located or screened as to direct light away from any adjoining or abutting residential district.
13. Parking shall be limited to designated paved or gravel areas as allowed through this variance, but no parking on the grass is allowed.
14. Install or maintain rumble strips at the entrance of the driveway from Donahoo Road, in order to prevent gravel from being carried or spilled into the right-of-way.
15. The special event space and brewery may share parking lots, subject to a review in the event of an increase in capacity, seating, or building footprint by either use.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application #SP-2020-72 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Townsend.

ITEM NO. 2 – 20547...SPECIAL USE PERMIT APPLICATION #SP-2020-73 - BILL AND MARY BASLER

Synopsis: Special Use Permit for an event space with live entertainment at 13400 Donahoo Road, submitted by Gunnar Hand, Director of Planning and Urban Design. The event space would help Due West Ranch be more successful by opening an additional revenue stream and by raising more awareness for the ranch and its offering. The event space may operate on the property in conjunction with a microbrewery, for which a Special Use Permit is simultaneously being requested. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2020-73, subject to:

1. Approval of BZA-2400, which would allow a variance from Section 27-675(a), requiring that all parking spaces, drive aisles, and driveways that serve a commercial business be paved (NOTE: Appeal was approved);
2. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
3. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
4. The Special Use Permit shall be valid for two 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.
5. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable.

6. Provide at least as many ADA-compliant parking spaces as required by Section 27-676(a). Based on the most recently submitted parking plan, there are 68 planned parking spaces, at least three of which must be ADA-compliant, which includes paving those parking spaces, the access aisles, and the path from the parking spaces to an ADA-accessible door at the event space.
7. All parking, paved or not, must be striped to dimensions compliant with Section 27-669.
8. The special event space and brewery may share parking lots, subject to a review in the event of an increase in capacity, seating, or building footprint by either use.
9. All relevant building permits and flatwork work permits for constructing or expanding structures and for paving parking spaces must be satisfactorily issued.
10. Landscape screening must be planted along the eastern neighboring property, as it may adversely affect the adjacent property, per the City Planning Commission's discretion.
11. Per Section 27-673(a), any lights used to illuminate the parking area shall be so arranged, located or screened as to direct light away from any adjoining or abutting residential district.
12. Parking shall be limited to designated paved or gravel areas as allowed through this variance, but no parking on the grass is allowed.
13. Install or maintain rumble strips at the entrance of the driveway from Donahoo Road, in order to prevent gravel from being carried or spilled into the right-of-way.
14. The special event space and brewery may share parking lots, subject to a review in the event of an increase in capacity, seating, or building footprint by either use.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application #SP-2020-73 for two years, subject to the stipulations.** Roll call was taken on the motion and there were nine "Ayes," Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Townsend.

ITEM NO. 3 – 20548...SPECIAL USE PERMIT APPLICATION #SP-2020-88 - PAUL RIDGWAY

Synopsis: Home Occupation Special Use Permit for a personal trainer at 419 Armstrong Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design. The applicant intends to instruct one client at a time. Sessions will be temporarily held on a raised wooden deck in the back of the home. Support has been expressed by one neighbor, John Headrick. In the future, the applicant intends to remove the existing deck, pour a new driveway, and build a new garage with a rooftop deck. This garage will be used to store one vehicle and train clients. Staff notes that the home is within the Environs of two historic districts. Any new construction or alteration to the exterior of the home and/or accessory structure must go through the historical review process. There have been seven Notices of Violation issued on the property between the years of 2010 and

2019. The applicant states that they were for yard maintenance, painting upkeep, and debris and that they have all been taken care of. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2020-88, subject to:

1. Maximum number of clients at one time shall be one.
2. All classes must take place between the hours of 6:00a.m. and 10:00p.m.
3. No classes are allowed to be conducted outside and must be held within new garage when construction is complete.
4. A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin that process.
5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
6. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
7. The Special Use Permit shall be valid for one year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application #SP-2020-88 for one year, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Townsend.

ITEM NO. 4 – 20549...SPECIAL USE PERMIT APPLICATION #SP-2020-92 - TREBOR AND ELIZABETH ROSS

Synopsis: Special Use Permit for farm animals (chickens, goats and cows) at 1700 South 38th Street, (previous Special Use Permit expired 1/2/2020), submitted by Gunnar Hand, Director of Planning and Urban Design. The current owner lives at the property, and the applicant will

continue to keep livestock on the property with the owner's permission. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2020-92, subject to:

1. This special use permit is for four goats, for cows and thirty chickens.
2. Any future accessory structure requires a variance because there is already a detached garage on the property:
 - a. A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin that process.
3. Animal waste shall be picked up weekly on site and added to the compost as described by the applicant or properly disposed that complies with local, State and Federal regulations and standards.
4. Ground cover shall be continuously maintained, and grazing areas shall be rotated quarterly to so no one specific area is overgrazed.
5. The applicant shall contact the Conservation District at (913) 334-6329 to ensure soils to not become eroded and affect the stream.
6. Electric fences are not permitted.
7. All animal enclosures and compost areas must be at least 100 feet from the north property line.
8. All animals must be totally enclosed at all times and shall not be at large on the property or neighboring properties.
9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
11. 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 Markley, to approve Special Use Permit Application #SP-2020-92 for five years., subject to the stipulations. Roll call was taken on the motion

and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Townsend.

ITEM NO. 5 – 20538...SPECIAL USE PERMIT APPLICATION #SP-2020-93 - DANIEL CHANG WITH EVERGREEN DAYCARE

Synopsis: Renewal of a Special Use Permit for a day care center at 1030 Orville 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 Application #SP-2020-93, subject to:

1. The hours of operation shall be Monday through Friday, 6:30 AM to 6:00 PM.
2. All signage posted on-site shall comply with the sign code, which may require a sign permit. Prior to installing any signage, contact the Department of Planning and Urban Design.
3. Continue to maintain the occupation tax application with the Business License Division.
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. The Special Use Permit shall be valid for ten years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
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.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application #SP-2020-93 for ten years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Townsend.

ITEM NO. 6 – 20550...SPECIAL USE PERMIT APPLICATION #SP-2020-94 - DOUG CLEMENTS WITH USD #500

Synopsis: Special Use Permit for a staff parking lot at John Fiske Elementary School at 616 South Valley Street, (previous Special Use Permit expired 1/11/2020), submitted by Gunnar Hand, Director of Planning and Urban Design. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2020-94, subject to:

1. The parking lot fencing shall be maintained and replaced or repaired where necessary to remain to good condition.
2. The parking lot will be open strictly during the hours that John Fiske Elementary is open.
3. Although no lights are installed on the property, any parking lot lighting, in the future shall have 90-degree cutoff fixtures. One-foot candle shall not be exceeded at the property line.
4. No junk, untagged, salvaged and/or inoperable vehicles may be brought to and kept on this property. Additionally, vehicles shall not be stored overnight on this property.
5. Trees shall be continuously maintained and replaced as necessary.
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 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 Markley, to approve Special Use Permit Application #SP-2020-94 for five years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Townsend.

ITEM NO. 7 – 20551...SPECIAL USE PERMIT APPLICATION #SP-2020-95 - TRENT GADDY WITH JULES BOREL AND COMPANY

Synopsis: Special Use Permit to allow the 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. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2020-95, subject to:

1. Hours of operation shall be Monday through Friday from 8:00 AM to 5:30 PM.
2. All storage shall be within the building.
3. Truck deliveries shall occur during the normal hours of operation.
4. No box trucks or freight trucks may be parked overnight on the property.
5. No customers are permitted to come and pick up orders or inventory.
6. The parking lot shall be repaved and restriped.
7. All signage shall comply with the sign code.
8. File an occupation tax application with the Business License Division prior to opening.
9. A building permit may be required for a change of occupancy. Please contact the Building Inspection Department for further details and to begin that process.
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
12. 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 Markley, to approve Special Use Permit Application #SP-2020-95 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Townsend.

ITEM NO. 8 – 20552...SPECIAL USE PERMIT APPLICATION #SP-2020-96 - RYAN DENK WITH MCANANY VAN CLEAVE & PHILLIPS, P.A.

Synopsis: Renewal of a Special Use Permit to allow tractor trailer truck parking at 7949 Splitlog Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design. The continuation of the proposed use includes seven truck trailer parking spaces in the southeast corner of the parking lot at 7949 Splitlog Avenue. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2020-96, subject to:

1. Tractor trailer trucks are to be parked only in the seven designated parking spaces in the south east corner of the parking lot.
2. All parking lot lighting shall have 90-degree cutoff fixtures on them, as not to exceed one foot-candle at the property line.
3. The eight-foot fence was constructed on the west side of the property and all truck parking and access is located in the southeast corner of the property (where it was originally designated) as recommended by staff with #SP-2018-45 in 2018;
4. The applicant will need to file and maintain a current business occupation tax application with the Business License Division.
5. No outside storage on site.
6. No inoperable vehicles kept on site.
7. Restripe the seven truck trailer parking spaces.
8. If conditions are not adhered to this Special Use Permit may be brought to the Unified Government Board of Commissioners for revocation.
9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
10. The Special Use Permit shall be valid for two years for the temporary use of land or commercial or industrial purposes of land from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two 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 Markley, to approve Special Use Permit Application #SP-2020-96 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Townsend.

MISCELLANEOUS – ORDINANCES

ITEM NO. 1 – 20554...An ordinance authorizing a Special Use Permit (#SP-2020-48) for continuation of an auto body shop at 5015 Gibbs Road, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-107-20**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve ordinance.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Townsend.

ITEM NO. 2 – 20555...An ordinance authorizing a Special Use Permit (#SP-2020-75) for continuation of a group home/emergency shelter at 1634 South 29th Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-108-20**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve ordinance.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Townsend.

ITEM NO. 3 – 20556...An ordinance authorizing a Special Use Permit (#SP-2020-76) for continuation of a day care center at 2605 West 39th Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-109-20**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner**

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

ITEM NO. 4 – 20558...An ordinance authorizing a Special Use Permit (#SP-2020-81) for temporary lodging for families of patients at The University of Kansas Health System at 4146 State Line Road, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-110-20**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve ordinance.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Townsend.

ITEM NO. 5 – 20559...An ordinance authorizing a Special Use Permit (#SP-2020-83) for continuation of live entertainment at 11255 Leavenworth Road, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-111-20**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve ordinance.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Townsend.

ITEM NO. 6 – 20562...An ordinance authorizing a Special Use Permit (#SP-2020-84) for the continuation of a Short-Term Rental/AirBNB at 4112 Booth Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-112-20**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve ordinance.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Townsend.

ITEM NO. 7 – 20563...An ordinance authorizing a Special Use Permit (#SP-2020-85) for an earthen fill at 732 North 57th Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-113-20**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve ordinance.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Townsend.

ITEM NO. 8 – 20568...An ordinance authorizing a Special Use Permit (#SP-2020-87) for the temporary use of land for a modular classroom for M. E. Pearson Elementary School at 310 North 11th Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-114-20**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner**

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

ITEM NO. 9 – 20569...An ordinance rezoning property at 13635 Hollingsworth Road (#3232) from AG (WYCO) Agriculture District to R-1 Single Family District, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-115-20**, “An ordinance rezoning property hereinafter described located at approximately 13635 Hollingsworth Road, in Kansas City, Kansas, by changing the same from its present zoning of AG (WYCO) Agriculture District to R-1 Single Family District.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve ordinance.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Townsend.

PLANNING AND ZONING NON-CONSENT AGENDA

Mayor Alvey said now we have two items under the Planning and Zoning Non-Consent Agenda. These items are related, they’ll be heard together. Change of Zone Petition #3223, Brad Haymond with Northpoint Development. Seeking a Change of Zone from AG Agricultural District to RP-5 Planned Apartment District for future apartment complex development at 11501 Parallel Parkway. Planning Commission voted 6 to 1 for approval. The companion item Master Plan Amendment MP-2020-4, Brad Haymond with Northpoint Development to amend the Master Plan from Planned Commercial and Business Park to High Density Residential at 11501 Parallel Parkway. Planning Commission votes seven to zero, recommend approval, I’d ask staff to make some opening remarks. Mr. Hand.

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 20539...CHANGE OF ZONE APPLICATION#3223 - BRAD HAYMOND WITH NORTHPOINT DEVELOPMENT

Synopsis: Change of Zone from A-G Agriculture District to RP-5 Planned Apartment District for future apartment complex development at 11501 Parallel Parkway,
and

ITEM NO. 1 – 20553...MASTER PLAN AMENDMENT #MP-2020-4 – BRAD HAYMOND WITH NORTHPOINT DEVELOPMENT

Synopsis: Master Plan Amendment from Planned Commercial and Business Park (Prairie Delaware Piper Master Plan) to High Density Residential (City-Wide Master Plan) at 11501 Parallel Parkway, submitted by Gunnar Hand, Director of Planning and Urban Design. The applicant wants to rezone a portion of 1921 North 118th Street from A-G Agriculture District to RP-5 Planned Apartment District and amend the master plan from Planned Mixed Business Park/Commercial (Prairie Delaware Piper Master Plan) to High Density Residential (City-Wide Master Plan) to build a 323-unit apartment complex on 15.92 undeveloped acres. The complex consists of four buildings, including garages and carports and a clubhouse. The Planning Commission voted 7 to 0 to recommend approval of Master Plan Amendment #MP-2020-4. The Planning Commission voted 6 to 1 to recommend approval of Change of Zone Application #3223, subject to:

1. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
2. Per the Multi-Family Residential Design Guidelines, the applicant has agreed to relocate the detached garages along Parallel Parkway to another location on-site, its placement can be determined by the applicant.
3. Per the City-Wide Master Plan High-Density Residential standards, sidewalk/trails shall be a minimum of eight-feet wide.
4. All pedestrian walkways shall be designed to provide direct access and connections to and from the primary entrances to each principal multi-family building, sidewalks on adjacent properties that extend to the boundaries shared with this development, and any public park, greenway or other public/semi-public use.
5. The northeast corner of Building 1 should be emphasized from a pedestrian-scale due to its relationship and proximity to Parallel Parkway, as this is the primary entrance for residents and prospective tenants with the leasing office, mail room and clubhouse amenities are located in this corner of the building.
6. Site amenities shall comply with those approved in the City-Wide Master Plan Multi-Family Residential Design Guidelines.

7. Safe rooms shall be determined at the final plan review level; however, all residents must have access to shelters whether in the clubhouse or within the building itself.
8. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, all sides of a multi-family building shall display a similar level of quality and architectural interest. Most a building's architectural features and treatments shall not be restricted to a single façade.
9. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, on buildings where flat roofs are the predominant roof type, parapet walls shall vary in height and/or shape at least every fifty-feet (50') of building wall length.
10. Downspouts shall be internalized.
11. Sec. 27-460(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one per 4,500 square feet of site area. The site is 12.838 acres, including Lot 1 and Tract A, which requires 124 trees, exclusive of the street trees and parking lot island trees requirements.
12. All overstory trees shall be at least 4" caliper when planted. All ornamental trees shall be at least 2" caliper when planted. All evergreens shall be at least six feet when planted. All shrubs shall be five gallons when planted.
13. All landscaping shall be irrigated.
14. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - (b) 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;
15. 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;
16. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building.
17. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public.
18. Shall comply with the sign ordinance.
19. Shall comply with Planning Engineering and Public Works comments.

Gunnar Hand, Director of Planning and Urban Design, this is tied to the Master Plan Amendment for the same property. The Planning Commission approved the plat that created the parcel for this at our Commission hearing in November. It's for a 323-unit apartment complex. Thus far, on the property, there's been no NOV's. There was no opposition to the case.

Staff worked with the applicant in regard to the design of the project as it relates to the Planning Commission's Multifamily Design Guidelines. We did work through some issues related to pedestrian circulation. There's a condition of approval associated with that as well as pedestrian orientation at the Planning Commission hearing. The Planning Commission struck one of the conditions of approval.

Based on the Multifamily Design Guidelines, there's a general intent of those guidelines to be pedestrian oriented, and staff felt that the building was situated in a way that was too far away from Parallel Parkway. We ask that the building be moved closer to Parallel Parkway. Commission struck that condition of approval but left in place other conditions as it relates to pedestrian circulation, both externally and internally, as well as providing certain pedestrian facilities.

We believe that we can use those conditions of approval if approved tonight by the Board of Commissioners to work with the applicant as they finalize some of the details of this project in their final plan moving forward. With that, we recommend approval.

Mayor Alvey asked, is the applicant available to present application? Please state your name and address for the record please.

Brad Hayman, NorthPoint Development, 4825 NW 41st St., Riverside MO, said I just wanted to run through just a quick overview of the plans. For those of you who aren't familiar with this, we're the developer on the first two phases, just to the east of this site. Both of those are approximately \$50M investments in the community. It's just gone extremely well for us and we're back here for a third time to hopefully continue that great streak and provide some great communities and opportunity for residents to come and live in Wyandotte County.

What we're proposing here is similar to the first two phases but a slightly difference in appearance. It's 323 units in 4 different buildings. Similar to the second phase, if you've been out there, so it is a little bit more dense. It has an internal clubhouse that's integrated into the main building on the north side there that is up towards Parallel Parkway. So, that's one difference is that this one will really kind of have some presence off of Parallel Parkway and stretch all the way down to Delaware Parkway, where we'll be doing an extension of Delaware Parkway in conjunction with this development as well too; access off of both roads there.

It has a, ultimately, it's kind of got parking around the parameters with a courtyard that's in the middle of the property. Those amenities will consist of: heated saltwater pools, even have a couple of bocce ball courts and a pickle ball court planned in kind of middle terraced courtyard.

So, similar to the first two projects, it is a four-story project and kind of a combination of studio, one-bedroom and two-bedrooms with den units that are kind of mixed throughout the community.

In this elevation, you can kind of see that integrated clubhouse here on the corner. It's kind of distinct there as you come in and offers a great opportunity for people that live within that building to be able to pull right in, to whether a garage or a parking stall, go into their unit, go pick up their mail, and enjoy amenities without ever leaving the building in inclement weather; which has just been a great accommodation that we did in the second phase that has gone over extremely well.

That's pretty well the synopsis of the project. We're just looking forward to having another opportunity to work with the community there and continue the streak of great success.

Mayor Alvey said now I'll open the public hearing. Clerk have we received any notification from the public who wished to express comments in favor of this item? **Ms. Godsil** said no public comments for or against were received. **Mayor Alvey** said okay.

Mayor Alvey asked, is there anyone online from the public who would like to speak in favor of Change of Zone Petition #3223 or Master Plan Amendment #MP-2020-4? If so, please raise your hand to be acknowledged. **Ms. Cobbins** said, Mr. Mayor, I do not see anyone raising their hands as an attended.

Mayor Alvey asked, have we received any notification of opposition? **Ms. Godsil** said the Clerk's Office has not received any notice of opposition from the public.

Mayor Alvey asked, is there anyone from the public who would like to speak in opposition? If so, please raise your hand. **Ms. Cobbins** said no one is requesting to speak in opposition, Mr. Mayor.

Mayor Alvey said thank you. I'll now close the public hearing.

Mayor Alvey asked, Mr. Haymond, do you have any closing comments? **Mr. Haymond** said no, sir. I think it was a great overview given my Mr. Hand. We're just looking forward to an opportunity to continue to invest and bring another great project and successful project out to this part of Wyandotte. **Mayor Alvey** said thank you.

Mayor Alvey said I'll entertain a motion for Change of Zone Petition #3223. **Ms. Cobbins** said, Mr. Mayor, Commissioner Bynum has her hand up. **Mayor Alvey** said I was going to bring that after we get the motion and second. That's okay, Commissioner Bynum.

Commissioner Bynum asked, are these two items going to be voted together or separate? **Mayor Alvey** said separately. **Commissioner Bynum** said okay, thanks. I would make a motion for approval of this item. I do support the project. I was a little confused by Mr. Hand's comment about orientation of the buildings more toward Parallel. I'm not sure I understood that. But my only point to that is I don't believe there's any sidewalks on Parallel at that location.

Mr. Hand said, again, the applicant submitted this project as the most urban of their projects. As the Multifamily Design Guidelines layout, there's sort of a great emphasis on pedestrian orientation and scale as it addresses the street frontage. This is the project as proposed. It has since changed as a condition of approval. That's included today. For instance, it will build a sidewalk for this section of Parallel Parkway. This is typical in these parts of Wyandotte County where we're sort of piecing together a sidewalk network as we move along and develop projects. It would essentially go from curb to sidewalk to garages to drive isles to parking to eternal sidewalk to building. So, we were hoping that they could move the building closer to Parallel Parkway so it felt like it was on Parallel Parkway as opposed to sit back from Parallel Parkway.

Instead, we worked through the site design with the applicant. As you can see right here, originally it proposed there were three garages, detached garages along Parallel Parkway that would have blocked that sort of pedestrian connection. So, they have agreed to remove those from the northern part of the property and they would move them somewhere else. I think they said they were going to move them on the western property line. Again, that's something that we'll

see in the final plan development, but it is a part of the condition of approval here to move those specifically. So, between that and some other pedestrian circulation issues, we think that we can address a lot of them at final planning. **Commissioner Bynum** said okay, excellent, thank you.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Walters, to approve Change of Zone Application #3223, subject to the stipulations.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend (**Ms. Cobbins** said Commissioner Townsend has contacted the Clerk’s Office and her vote is an aye), McKiernan, Ramirez.

Action: **Commissioner Walters made a motion, seconded by Commissioner Bynum, to approve Master Plan Amendment #MP-2020-4, subject to the stipulations.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend (**Ms. Cobbins** said Commissioner Townsend’s vote is an aye), McKiernan, Ramirez.

REGULAR CONSENT AGENDA

Mayor Alvey asked, does any member of the Commission, or the County Administrator, wish to set-aside any item on the regular Consent Agenda? If an item is not set-aside, all items on the regular Consent Agenda will be voted on by one vote. (There were no set-asides.)

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve all items as submitted.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend (**Ms. Cobbins** said Commissioner Townsend is voting aye), McKiernan, Ramirez.

ITEM NO. 1 – 20522...ORDINANCE: KANSAS CITY LEVEES PROJECT ALONG ARGENTINE, ARMOURDALE AND CID LEVEE SYSTEM – CMIP 5057

Synopsis: An ordinance directing the Chief Counsel to institute eminent domain proceedings to acquire land for the Kansas Cities Levees Flood Risk Management Project along the Kansas River, CMIP 5057, submitted by James Bain, Assistant Counsel. On August 15, 2019, the Commission unanimously adopted Resolution No. R-52-19, declaring the project to be a necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired.

Action: **ORDINANCE NO. O-116-20**, “An ordinance condemning interests in real property for the Kansas Cities Levees Flood Risk Management Project along the Kansas River, and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the real property interests from the tracts and parcels of land described herein.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend (**Ms. Cobbins** said Commissioner Townsend is voting aye), McKiernan, Ramirez.

ITEM NO. 2 – 20557... ADOPTION: 2021 STATE LEGISLATIVE PROGRAM

Synopsis: Adoption of the 2021 State Legislative Program, submitted by Mike Taylor, Public Relations Director. The legislative program was presented to the Commission and the Wyandotte County Legislative Delegation during a special session on November 19, 2020.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend (**Ms. Cobbins** said Commissioner Townsend is voting aye), McKiernan, Ramirez.

ITEM NO. 3 – 20495...RESOLUTION: SAFE ROUTES TO SCHOOL, PHASE G, CARL B. BRUCE MIDDLE SCHOOL AND CARUTHERS ELEMENTARY SCHOOL (CMIP NO. 3037)

Synopsis: A resolution declaring Safe Routes to School, Phase G, Carl B. Bruce Middle School and Caruthers Elementary School (CMIP No. 3037) to be a necessary and valid improvement

project and authorizing a survey of lands for said project, submitted by James Bain, Assistant Counsel. On November 16, 2020, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-84-20**, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, use and repair of the Safe Routes to School, Phase G, Carl B. Bruce Middle School and Caruthers Elementary School (CMIP No. 3037) all in Wyandotte County, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend (**Ms. Cobbins** said Commissioner Townsend is voting aye), McKiernan, Ramirez.

ITEM NO. 4 – 20498...RESOLUTION: ADDENDUM TO AGREEMENT WITH BONNER SPRINGS FOR SERVICES TO UNINCORPORATED AREA OF LORING

Synopsis: A resolution authorizing the Mayor to sign an addendum to the Interlocal Cooperation Agreement between the Unified Government and the City of Bonner Springs, Kansas, to provide street maintenance and emergency services to the unincorporated area of Loring in 2021, submitted by Chase Cook, Assistant Counsel. On November 16, 2020, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-85-20**, “A resolution authorizing the Mayor of the Unified Government of Wyandotte County/Kansas City, Kansas, to execute in the name of the Unified Government and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government as Addendum to the Interlocal Cooperation Agreement among the Unified Government of Wyandotte County/Kansas City, Kansas and Bonner Springs, Kansas for street maintenance and emergency services to the unincorporated area of Loring.” **Commissioner**

McKiernan made a motion, seconded by Commissioner Ramirez, to adopt the resolution. Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend (**Ms. Cobbins** said Commissioner Townsend is voting aye), McKiernan, Ramirez.

ITEM NO. 5 – 20564... PLAT: PIPER LAKE NORTH

Synopsis: Plat of Piper Lake North located at 124th and Meadow Lane, being developed by Mutual Savings Association FSA, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve and authorize the Mayor to sign said plat.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend (**Ms. Cobbins** said Commissioner Townsend is voting aye), McKiernan, Ramirez.

ITEM NO. 6 – 20565... PLAT: COPART II

Synopsis: Plat of COPART II located at 88th and Gibbs Road, being developed by Copart of Kansas, Inc., submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve and authorize the Mayor to sign said plat.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend (**Ms. Cobbins** said Commissioner Townsend is voting aye), McKiernan, Ramirez.

ITEM NO. 7 – 20567...PLAT: ROTTINGHAUS ADDITION

Synopsis: Plat of Rottinghaus Addition located at 139th (K-7) and Hollingsworth Road, being developed by Tom Rottinghaus, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve and authorize the Mayor to sign said plat. Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend (Ms. Cobbins said Commissioner Townsend is voting aye), McKiernan, Ramirez.

ITEM NO. 8 – 20566... PLAT: KAW VALLEY DRAINAGE DISTRICT FIRST REPLAT

Synopsis: Plat of Kaw Valley Drainage District First Replat located at 24th Street and Cheyenne Avenue, being developed by Kaw Valley Drainage District, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve and authorize the Mayor to sign said plat. Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend (Ms. Cobbins said Commissioner Townsend is voting aye), McKiernan, Ramirez.

ITEM NO. 9 – MINUTES

Synopsis: Minutes from special session of November 5, 2020.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve. Roll call was taken on the motion and there were nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend (Ms. Cobbins said Commissioner Townsend is voting aye), McKiernan, Ramirez.

ITEM NO. 10 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated November 19, 2020.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to receive and file. Roll call was taken on the motion and there were

nine “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend (Ms. Cobbins said Commissioner Townsend is voting aye), McKiernan, Ramirez.

STANDING COMMITTEES AGENDA

ITEM NO. 1 – 20507...PRESENTATION/ACTION: TRAIL NETWORK DEVELOPMENT PROGRAM

Synopsis: Presentation on the Trail Network Development Project, submitted by Angel Obert, Assistant Director of Parks & Recreation. Staff is looking to the Commission to determine which trail to fund. On November 16, 2020, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to advance to full commission for a decision regarding which trail to fund in Phase 1.

Mayor Alvey said our final item, Trail Network Development project. This item was presented last Monday to the Public Works and Safety Standing Committee. It was approved unanimously to move to the full Commission. This is for a decision regarding which trail to fund in Phase 1. I’d ask Commissioner Bynum, who chaired that standing committee meeting, for any additional comments before I call on staff.

Commissioner Bynum said it’s a great opportunity for a trail, beginning of a Trail Network Program. I believe there are four parks under consideration. We had a really good discussion and at the end of the day, decided it was a better discussion for our entire Commission. So, that is why we moved it forward to full Commission. Thank you for that. I’ll hand it back to you.

Trail Network and Development Program

UNIFIED GOVERNMENT
PARKS AND RECREATION DEPARTMENT



Angel Obert, Assistant Director of Parks & Recreation, said as Commissioner Bynum said, this is a Trail Network and Development Program. I just want to start off by saying, you know we're really excited about this program. We just had a soft ribbon cutting, socially distance, of the Jersey Creek Trail resurfacing. As we all know, our parks have been used a lot throughout this pandemic and trails now more than ever. This is something that is very important to our community, and we're just really excited to be able to move this project forward.

PROJECT INTRODUCTION

The Trail Network and Development Program was implemented to facilitate the development and implementation of a more robust trails network throughout Wyandotte County that will allow for connection points to neighboring communities through the use of sidewalk improvements, on-street trails/bike paths, off-road trails, and other mixed-use forms of trails.

The new trail will be funded by the Tourism & Convention Fund, a special revenue fund used to improve, promote or generate additional tourism into Kansas City, KS and is distributed between the Convention and Visitors' Bureau and the Unified Government. Funding has been allocated annually for this project.

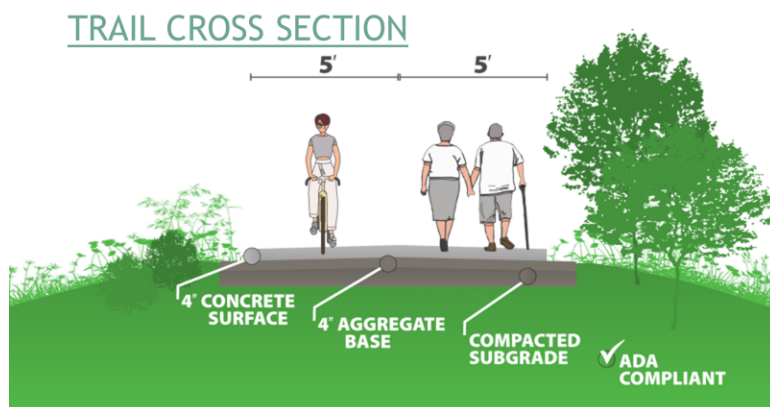


A little bit about the project introduction. This is a Trail Network and Development Program. It was implemented to facilitate the development and implementation of a more robust trails network throughout Wyandotte County that will allow for connection points to neighboring communities through the use of sidewalk improvements, on-street trails, bike paths, off-road trails, and other mixed-use of trails.

This new trail will be funded by the Tourism and Convention Fund. A special revenue fund used to improve, promote, and regenerate additional tourism in Kansas City, Kansas; and is distributed between the Convention and Visitor's Bureau and the Unified Government. Funding has been allocated annually for this project.

As part of this project, we want to work with the Commission to help determine which park will receive a new trail, which is why we will be presenting the four park recommendations here tonight that we'll walk through.

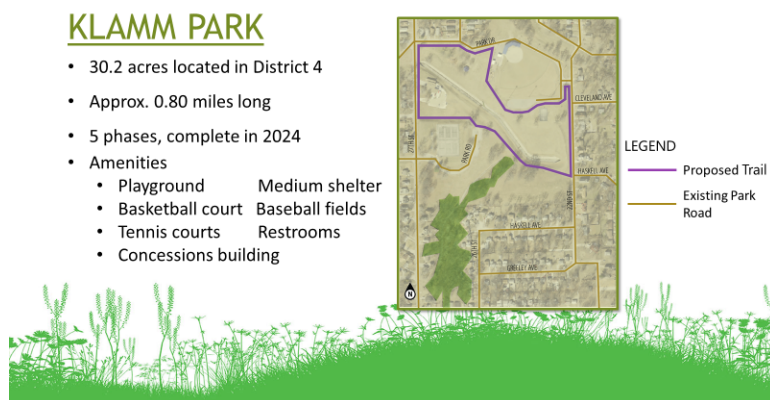
The recommendation—we came to these four park recommendations through information from the 2017 Master Plan, so we've been referring to that and getting a lot of our guidance from there and also working with the professionals at Benesch.



This picture here is a depiction of what to expect what the trail will look like. The trail will be ten foot wide. It will be ADA compliant and made with four inches of pavement on top of four inches of gravel. The Master Plan in 2017 did recommend and refer that building ADA accessible, paved trail networks throughout the four parks that we will walk through was recommended.



The first park we'll walk through is Klam Park. Klam Park is a 30.2-acre park.



The picture here in the purple is the proposed trail route. It's approximately .80 miles long. This trail would take five phases to complete and slated completion date of 2024. Klamm Park has some great amenities: playground, basketball court, tennis courts, a medium shelter there, baseball fields, and restrooms.

Some positive comments about Klamm Park. This was the Park Board's first recommendation, so we did take this presentation to the Park Board back in October. Out of the four parks, Klamm Park was their first recommendation. This park has easy access. It is a flat open area. Some challenges with Klamm Park are that there is limited parking; lighting is an issue. Also, you can see on this map that it is split in half by a drainage ditch.



The next recommendation is Rosedale. Rosedale is a 72.9-acre park.



You can see here in purple the proposed trail within the park. It would be approximately .65 miles long. Since it is a shorter trail, it would only take three phases and would be slated to be completed in 2023.

As most of you know, Rosedale is one of our most used parks. It has great amenities: playgrounds, baseball fields, skate parks, tennis courts, restrooms. There's a big disc golf population here at Rosedale, shelters and ball fields.

For some positive comments. The Park Board did favor Rosedale Park as their second recommendation. It's a highly used park. As you can see, it has great amenities. It's only a three phase project so the turnaround time and completion would be pretty quick on that one.

Some challenges with Rosedale are that it can get pretty crowded, which is sometimes a good problem to have, that means people are out using our parks. This trail could impose on the frisbee golf and there's also limited parking here, especially during times when the park is being highly used.



A third recommendation is Pierson Park. Pierson Park is 113.5 acres.

PIERSON PARK

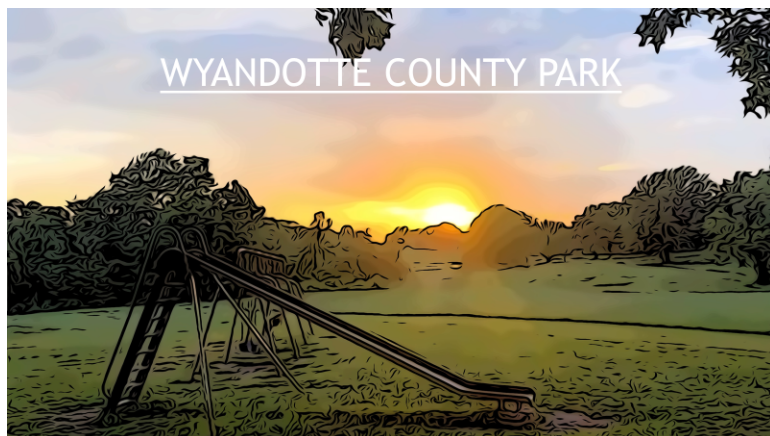
- 113.5 acres located in District 6
- Approx. 1.05 miles long
- 7 phases, complete in 2027
- Amenities
 - Playgrounds Tennis courts
 - Large shelters Skate park
 - Dock Fishing Lake
 - Viewing tower Restrooms



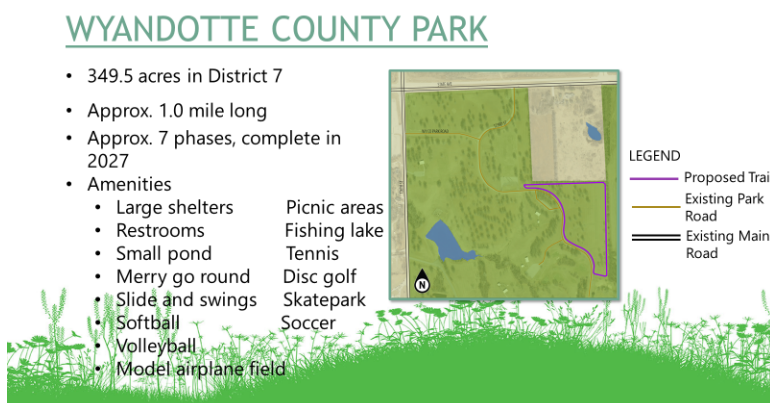
The proposed trail you see here in purple is actually split almost into two loops. It would be approximately 1.05 miles total between the two. This would be a larger project, a longer project with seven phases to be completed in 2027.

The amenities at Pierson are great. You know, playgrounds, large shelters, small fishing lake, tennis court, skate park, also some restrooms located here. Some positive comments for Pierson Park are: it is highly used, there's great parking here at Pierson, and it has really good connectivity between the schools and the neighborhoods.

Some challenges with Pierson, as you'll see, it is split into two because the topography of Pierson can be very challenging to create trails. If anyone's been to Pierson, a lot of brush. There's some small rolling hills. So, it wouldn't be a consistent pathway; it would be split into two.



The fourth recommendation would be Wyandotte County Park. Wyandotte County Park is a 349.5-acre park; one of our larger parks.



The proposed trail here in purple would be approximately one mile long. It would take roughly seven phases also to be completed in 2027. Wyandotte County Park has a lot of amenities as one of our larger parks. There are many things to do there: large shelters, small playgrounds, slides, swings, soft ball, baseball fields, you have tennis; pretty much anything you'd like to do, you can come to Wyandotte County Park.

Some positive comments. As you know, we have our first inclusive playground here that we just opened earlier this Spring. There's lots of momentum here at Wyandotte County Park. It has potential to be a destination park. We do get the most feedback from our community that they'd really like some safe areas to walk. We see a lot of walkers here in Wyandotte County Park just out on the road.

Some challenges with Wyandotte County Park is that there is limited lighting. It's not directly connected to a neighborhood, so driving to the park would be essential. This would be staff and also the professional's recommendation of where to begin our first trail project out of the four.

QUESTIONS OR COMMENTS



Those would be the four recommendations. Happy to take any questions or field any comments.

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

Ms. Obert said what we're looking for tonight is just some guidance and a decision on where the Commission would like to invest the first round or invest the funds for the first project. Ideally, we'd like to do all four down the road, but we got to start with one. We were advised to come to the Commission and get some guidance.

Mayor Alvey said, Angel, I have a question. I'm assuming that Klamm Park, the greatest density surrounds Klamm Park, and then would the second most residential density be at Rosedale? **Ms. Obert** said yes, that's correct. However, we did do some data tracking as far as movement and activity within the city, and Wyandotte County Park did have a lot and Rosedale had showed up as the most movement and activity throughout the city in regard to location of parks.

Commissioner Johnson said thank you, Mayor. You kind of gave me my lead in, in the sense of the density of the area surrounding Klamm Park. Obviously, Klamm Park is near and dear to my heart, but as we continue to talk about health equity and health access, we're glad and thankful for the work that's been done.

Mayor Alvey said I'm afraid we lost Commissioner Johnson. While we wait for him to come back on, we'll go to Mr. Ramirez and then we'll come back to Commissioner Johnson when he comes back on.

Commissioner Ramirez said I think what Commissioner Johnson was going to say is, I do support what he was saying. I do support the recommendation of the Park Board for Klamm Park. Rosedale is in my district. I would love to have a trail in that park. Like I said at a committee, I would like to see trails in all our parks, but we have to do them one by one. I believe for this first round, for this first time, I would support the recommendation that Klamm Park be the first one that we provide funding for.

I would want to thank Angel and our Parks Department for wanting to put this together. Advancing our parks—everyone knows parks and rec is true and dear to my heart. I want to thank them for all the work they've done for bringing these four recommendations together, and I hope that we can continue to do advancements and improvements to our parks like these. Again, I would support the Park's Board recommendation.

Commissioner Walters said I was really going to kind of echo what had previously been said. I think we should put the first walking trail where it could do the most good, and I support the Klamm Park recommendation.

Commissioner Bynum said I support Klamm Park as well. Commissioner Johnson started speaking about health equity and health access, and those were the points that I was going to bring. I think it's an opportunity to add a nice amenity in an underserved area. It's Klamm Park for me, thanks.

Mayor Alvey said, Commissioner Johnson, you came back on. **Commissioner Johnson** said if first you don't succeed, just find another device. Again, I think it's already been indicated in terms of the density, the opportunity to access and provide access to a nerd that has not historically received it. I support the Klamm Park and with that, would like to make a motion that we would approve that as the first park for this process.

Action: **Commissioner Johnson made a motion, seconded by Commissioner Bynum, to approve Klamm Park for the first trail.**

Commissioner Markley said, Mayor, I was just going to ask; staff indicated that Klamm Park was recommended by the Park's Board. Staff's recommendation was for Wyandotte Park, so I was just curious for staff to provide a little bit of reasoning for that difference.

Ms. Obert said the further data that we ended up collecting, like I said, was part of the movement and activity mapping that came up. Unfortunately, we didn't incorporate that into here, but Wyandotte County Park area did have more activity and movement in that park location. The way that they gathered that data, our GIS mapping within the UG also can do the same thing, but it's based off of GPS tracking.

You go to that area. As you drive around that area, if you're tracking your run, or you're using maps on your phone, it's all gathered through a data system. **Commissioner Markley** asked, so the idea being to track, like is this going to be used if we build it here. **Ms. Obert** said yes. You could build the argument around that, yes. In that data that was collected and how we looked at it from that point of view was it was just a more active area. If you took those four parks and you were to see these four maps, you would really see Wyandotte County Park light up as far as movement and activity. Klamm Park, not so much, but again, that's not the same comparison as the density of the population around that area. **Commissioner Markley** said okay.

Commissioner Philbrook said I understand why the Parks Committee wants Klamm Park. I understand that. We're in a great need for good walking locations for both. As Commissioner Johnson mentioned, our health rankings, we need to do whatever we can to help that.

I also want to make a comment that, of course, these monies come from the Convention and Visitors Bureau funding to increase tourism, and that's also another reason why I can see they picked Wyandotte Park out toward Bonner, but I am in support of Klamm Park, but I almost have to lean as to number two being Wyandotte. I just thought I'd throw my two cents worth in there.

Commissioner Burroughs asked, is there anything else proposed besides just the walking path itself? Will there be benches or water available along the pathway to allow those that are challenged mobility to have a place to sit and rest? Was that discussed while the trails were being discussed for these parks? **Ms. Obert** said I could also let Jack speak to that, but for this particular project where we are bringing forward is just the trail and typically we do like to add benches along the way. Jack, correct me if I'm wrong, but I believe we just put a new restroom there and the new restrooms that we install now have water fountains.

Jack Webb, Deputy Director of Parks & Recreation, said yes. All new restrooms we install will now have a water fountain feature to it. We do, on most of these big walking trails, we do place benches throughout it. We do that in house, though.

Commissioner Burroughs said great. Thank you, Jack.

Commissioner Bynum said just another quick comment. I think to Ms. Obert's point about activity; this is an opportunity for Klamm to have increased activity. That's it.

Commissioner McKiernan said, Angel, I know that it would be significantly shorter than any of the rest of these and it wouldn't really connect necessarily with other trails, we've been talking for several years about the possibility of a walking path at St. Margaret's Park. I would just be curious; does it even enter this discussion as to the possibility of getting a similarly constructive path because I'm guessing it would only be about a half mile long. It looks like the shortest of these is a mile. There are some differences, but would it qualify for consideration in the future?

Ms. Obert said absolutely, Commissioner McKiernan. I know you and I have discussed that before. It would absolutely qualify for the trail network development funding so that's something that we can consider, absolutely.

Rocki Mayes, Program Supervisor in County Administrator's Office, said Commissioner Townsend has contacted the Clerk's Office and said that she is in support of Klam Park.

Mayor Alvey said thank you so much.

Commissioner Johnson said I'm glad you mentioned that. Thank you, Rocki. I will just finally say that you all are aware, some of you all are aware that we've received funding through Mid-America Regional Council for a northeast heritage trail. This is a trail that we're hoping that will lead us from the Kaw Point, from Kaw Point rather all the way to the ruins at Quindaro. So, I think that this is a good connection point between both parts, or between the trail itself and the park itself, I'm sorry, that will be really complimentary and will encourage more walking in areas that we've not had the opportunities to do so. Just wanted to make that acknowledgment as well.

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

Roll call was taken on the motion and there were nine "Ayes," Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend (**Ms. Cobbins** said Commissioner Townsend's voting aye), McKiernan, Ramirez.

MAYOR ALVEY

ADJOURNED THE MEETING AT 8:17 P.M.

December 3, 2020

Bridgette D. Cobbins
Unified Government Clerk

mbb

December 3, 2020

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

SPECIAL SESSION, THURSDAY, FEBRUARY 25, 2021

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, February 25, 2021, with ten members present online. 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; Bridgette Cobbins, Interim Assistant County Administrator; Melissa Sieben, Alan Howze and Emerick Cross, Assistant County Administrator's; Ashley Hand, Director of Strategic Communication; Brett Deichler, Interim Unified Government Clerk; Angela Lawson, Deputy Chief Counsel; Kathleen VonAchen, Chief Financial Officer; Angel Obert, Assistant Director of Parks & Recreation; Greg Talkin, Neighborhood Resource Director; Jeff Fisher, Executive Director of Public Works; Rob Anderson, Public Works Asset Manager; Troy Shaw, County Engineer; Chris Cooley, GIS Director; Logan Masenthin, SOAR Coordinator in General Services; Jenna Hillyer, Delinquent Real Estate Manager; Rob Richardson, Director in Administrator's Office; Patrick Holton, Code Enforcement Division Manager; Cheryl Martel, Neighborhood Resource Center; and Officer Joseph Caiharr, KCK Police Department.

MAYOR ALVEY said before I call the meeting to order, I want to announce that due to COVID-19, individuals are attending remotely. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, please make sure that you announce yourself by name and title every time you speak so that the public participating knows who is speaking. This is critical given the number of remote participants in his current guidance from the Kansas Attorney General.

MAYOR ALVEY called the meeting to order.

ROLL CALL: Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Alvey.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, February 25, 2021, at 5:00 p.m. by way of Zoom regarding the 5-Year CMIP followed by a SOAR Update.

Due to COVID-19 the public will be able to observe or listen to the meeting live on YouTube or UGTV or through Zoom.

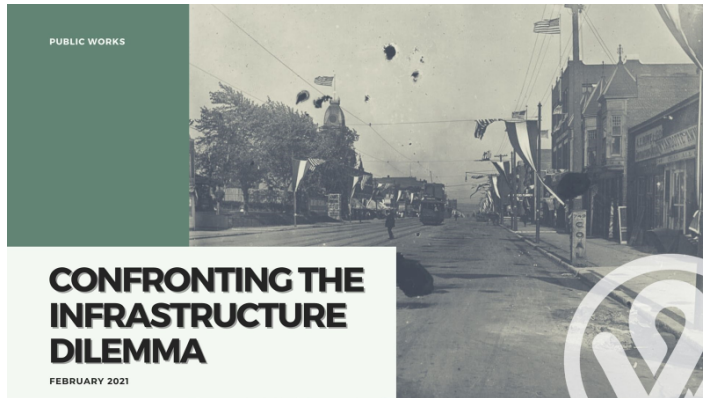
CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Alvey said as the Clerk stated, we have two items tonight. The first is the 5-Year CMIP. I will turn it over to Mr. Bach to introduce staff.

Doug Bach, County Administrator, said every year as we go through our CMIP Projects, it's really an extended process that continues out through many months of the year. In the fall months we appear before the Commission and standing committee levels and go through and talk to them about what projects are coming up in the coming year that we built into our budget and then we start to structure what we're looking at for our next five years and work those through a priority. Then, as we move into the new year, we start trying to pair up those high priority projects with our current budget. Then, of course, as we go through the coming months after this, we will continue to strategize about what all we can fund and try to get done.

Tonight, we want to talk about what those projects that are in the 5-Year Plan and, of course, we think about the many projects that we have and the need that we have for the next 20 years.

I'm going to turn this over to Jeff Fisher, Director of Public Works, and his team to present this item this evening.



Jeff Fisher, Executive Director of Public Works, said since Doug has given the intro and explained the process, I'll just start by saying over the last couple of years staff has been working closely with the County Administrator's Office and Commission to evaluate and understand the needs around infrastructure and assets and begin to determine how we go about developing strategies and solutions.

I don't have good news. We have a daunting problem before us, but it is a problem we can solve with a sustained commitment over many years. The problem didn't occur overnight, and it won't be solved overnight. The last three years has been a period of data collection and analysis. Data regarding the condition of streets, bridges, stormwater systems and facilities, and the data and condition assessments when projected out over the next decade tells us that we will face serious conditions. We're experiencing this already with poor street conditions, failing bridges like Central Avenue that recently shutdown. Failing storm boxes like on 91st Street and buildings that require big dollars to maintain year after year like City Hall and the court system facilities. It should not be news that cities across the country are struggling to meet these challenges just like KCK. It may be news to some in KCK though that a crisis is looming, and we are at a crossroads.

The questions before us are what kind of community do we want to be going forward, what kind of community do we want to hand down to the next generation and how do we want to support our business community. The path we're on currently will not be good for either. This will require bold thinking and bold actions in my opinion.

Before we get into the presentation, I would like to introduce Rob Anderson, the UG's Asset Manager and Angel Obert, Assistant Director of Parks & Recreation. They will play a part in this presentation.



The projects that will take place in '21 and '22 was included in the CMIP in most cases 3+ years ago and all were determined to be important to improve quality of life in some way or another.

2021 Projects

- 01 Wolcott Treatment Plan**
\$52M investment
- 02 Kaw Point Biosolids**
\$62.6M investment
- 03 Asset Management**
\$12M investment
- 04 7th & Central**
\$2.5M Total investment: \$1M grant & \$1.5M local
- 05 Hutton & Leavenworth**
\$7M investment
- 06 Safe Routes to School**
\$2.2M total investment: \$1.7M grant & \$500K local

There are very large investments that span multiple years like Wolcott and Kaw Point projects. Those are treatment plants that are funded by wastewater rates. It's relatively small vital projects like 7th & Central that's funded by the General Fund, taxes.

2021 Projects

- 07 Courthouse**
\$4.4M investment
- 08 Parking Lot Upgrades**
\$900K investment
- 09 City Hall Stabilization**
\$2.5M investment
- 10 NRSA Improvements**
\$650K investment
- 11 WyCo Lake Water Line**
\$400K investment
- 12 Trail Network**
\$100K investment

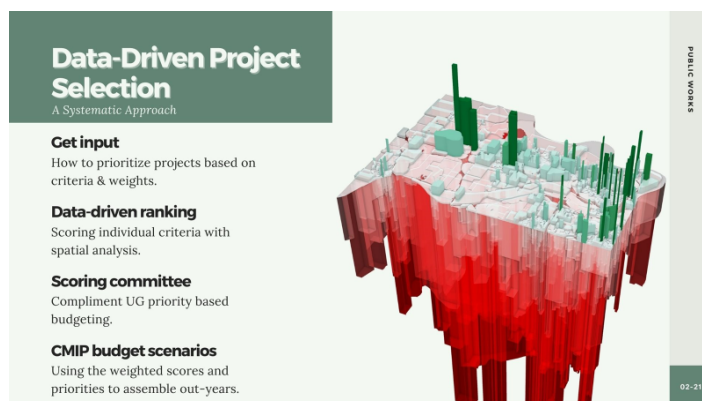
There are dollars allocated each year to maintain and improve public buildings and assets and dollars spent to improve public health, and then neighborhoods each year.



Improving quality of life doesn't have to be a guessing game. The UG has improved greatly in its efforts recently to utilize data to target needs.

I'll now hand it over to Rob to describe how we're using data in a systematic approach to make smart investments.

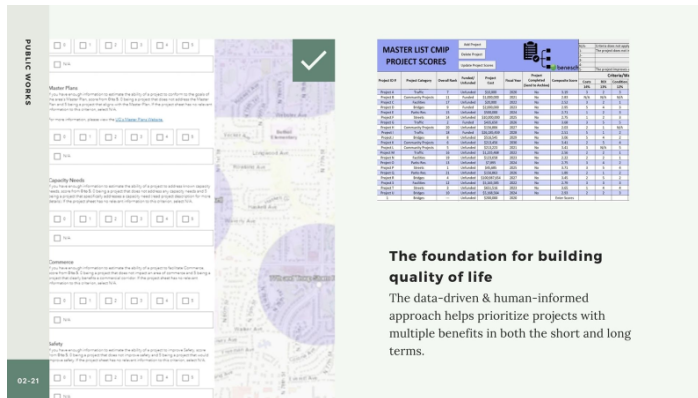
Rob Anderson, Public Works Asset Manager, said I want to first start by saying thank you for your support of the asset condition collection process and all the different versions of that for different asset classes. We've collected information around our streets, our bridges, our buildings, and several other asset classes. We use that information to drive how we prioritize the needs.



A year ago we reached out to you for modifications to the CMIP Capital Maintenance Policy and we gathered information that we thought was able to be produced into a data-driven model that

was a way to get and capture your priorities for the community so that weighted criteria is what drives this system.

On the right you can see it extended upwards. What that looks like—what that landscape that you gave to us looks like. Extending downwards is the cost of infrastructure on each of those blocks.



By using that information to drive the process, we can produce the best quality of life outcomes for our community.

RANKED PRIORITY LIST

Rank	Project Name	Score	Rank	Project Name	Score
1	Police Station Area Maint Program	4.84	32	Parlier Trafficway Repair	3.63
2	Fiber Connectivity Projects	4.67	33	Kay Lane- Douglas Ave. to Gibbs Rd.	3.63
3	6th Street Improvements, Ave Ave to Central Ave	4.50	34	Central Ave. and Grandview Blvd. Intersection Improvements	3.63
4	Memorial Hall Facility Improvements	4.42	35	18th Street Lighting Improvements	3.53
5	Annual Elevator Operator	4.41	36	86th Street Improvements - State Ave. to Parallel Pkwy	3.47
6	Storm Sewer Repairs/Replacement	4.40	37	Dorahood Road - Hutton Rd. to 15th St.	3.44
7	Stadbury Hill Complex Streets Project	4.29	38	Trail Project: Kamen Park	3.42
8	IPBC Jail	4.28	39	Hollinworth Road Improvements, 15th St. to 123rd St.	3.37
9	Parks Restrooms	4.28	40	Douglas Ave - Hwy Ln to 15th St.	3.35
10	District Court Carpet replacement	4.20	41	58th St. Everett to Parallel Pkwy	3.32
11	SRTS Phase C (Northwest Middle and Caruthers Elem.)	4.20	42	38th St - 2nd St. - Metropolitan Ave. to Merriam Ln.	3.31
12	Salt Dome	4.18	43	Museum HVAC	3.31
13	W. 36th Ave Improvements, Rainbow Blvd to State Line Rd.	4.11	44	10th St./McDowell Ln. Improvements	3.26
14	72nd St. - Parallel Parkway to Leavenworth Rd	4.02	45	Museum Roof	3.23
15	Kansas Ave - 72nd Street to K-32	3.96	46	10th Street Bridge over Jersey Creek	3.23
16	NISA Improvements (City Park)	3.94	47	10th St. and Riverview Ave. Intersection Improvements	3.21
17	Chrysler Road Mill and Overlay Option	3.90	48	At-Grade Intersection at 68th St. and Turner Diagonal	3.12
18	IPBC West Annex	3.85	49	Davis Hall Renovations	3.10
19	47th St. - Parallel Parkway to Leavenworth Rd	3.81	50	White Hills Capacity 82nd & Hadwell	3.09
20	Leavenworth Road - 78th St. to 52nd St.	3.81	51	Hutton Rd. and Leavenworth Rd. Intersection Improvement	3.07
21	Facility Annual main/Rep	3.78	52	Relocation of SHD Facility	3.07
22	7th St. to 4th and Central Ave Reconstruction	3.76	53	20th St. China Storm Sewer	3.05
23	Trail Project: Riverside Park	3.76	54	83rd & Ella Capacity Enhancements	3.02
24	Kan Point Deer Front Park	3.74	55	Trail Project: Pearson Park	2.97
25	Village W. Infrastructure Improvements	3.71	56	Wilderberger & McCormick Paving	2.95
26	Annex Parking Lot Improvements	3.72	57	Kaw Point Biosolids Digestion	2.95
27	K-32 Quiet Zone	3.70	58	18th St. and Metropolitan Ave. Reconstruction	2.90
28	34th St. Woodland Ave. Metropolitan Ave. to Merriam Ln.	3.68	59	Hollinworth Rd. 15th St to 123rd St	2.82
29	Chrysler Road - Full Concrete Replacement Option	3.67	60	I-32 Bridges over Kaw Dr and LP Railroad	2.82
30	IPBC - Courthouse	3.67	61	Trail Project: Wyandotte County Park	2.76
31	Central Ave. and Grandview Blvd. Intersection Improvements	3.65			

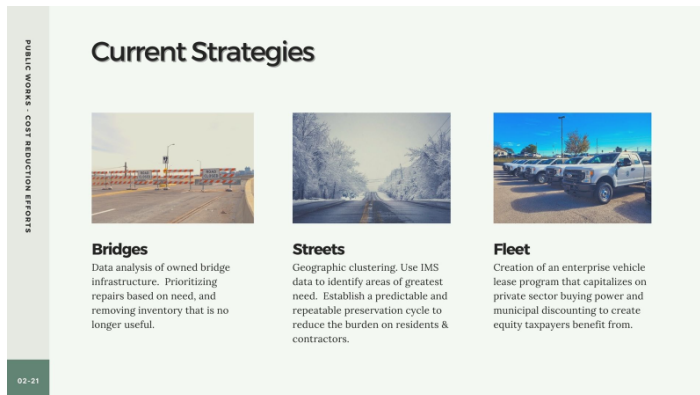
Here is the current list of projects and their ranking in relation to your criteria that you outlined for us. This list might look longer than it did the last time. The reason for that is that we've added some annual maintenance line items from the budget just to illustrate how impactful the maintenance activities that Public Works does are for the community. So, using your weighted criteria matrix we have shown that our regular maintenance operations are impactful.

I want us to also think more broadly and ask ourselves what if every block, what if every street in our community was considered an unfunded project.



Now, I'm going to pass it back to Jeff to cover our current and future strategies that Public Works employs.

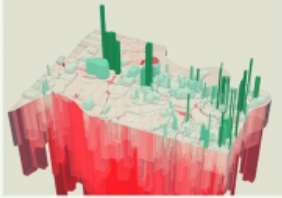
Mr. Fisher said understanding that the community has high expectations, the UG has been working diligently to identify strategies with a continuous improvement mindset that will result in streamline processes, more efficient services, economic opportunities, and cost savings. Good work has been done and there is a lot ahead of us.



Some examples of that include reducing assets, modifying assets to create opportunities and long-term maintenance using new techniques to stretch the dollars farther and maximizing return on investments.

PUBLIC WORKS - COST REDUCTION EFFORTS

Current Strategies



Asset management
Understanding the full extent of the Unified Government's assets and using data to make better maintenance and improvement decisions.



Parks
Leverage the available grants to improve local parks through renovations, maintenance, and improvements like those performed at City Park.



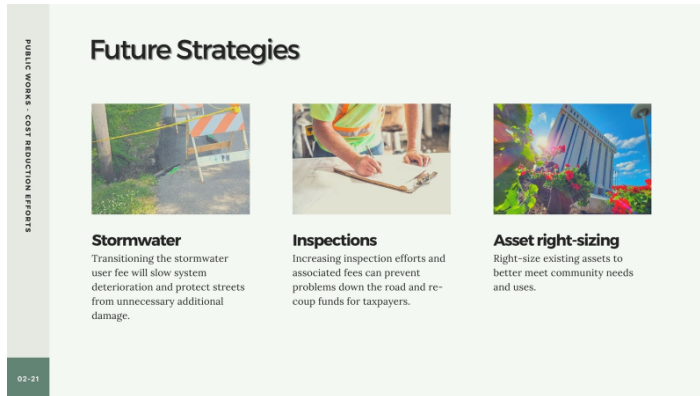
Buildings review
Full-scale review of public building conditions and associated assets.

02-21

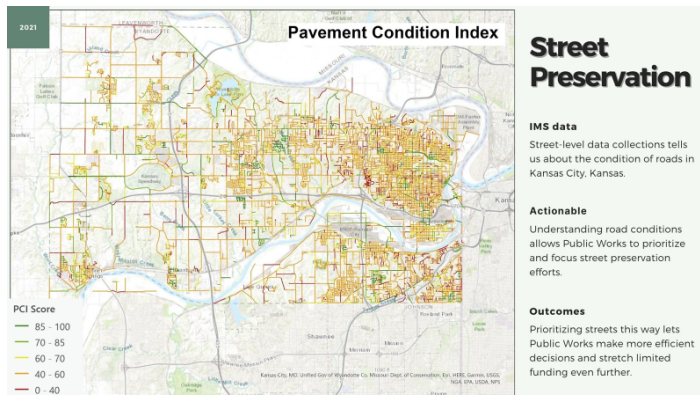
Much of the discussion we've had recently around infrastructure and assets has been the philosophy of asset management, one of the most important initiatives, in my opinion, for the UG and certainly Public Works. Asset Management is simply put understanding needs and conditions very accurately so that the UG can make the smartest decisions possible. The buildings inventory is much like streets, bridges, and stormwater. The large portfolio and many buildings require a lot of attention and investment.

The most important first step has been completed, additional assessment of much of the inventory. The next step is to develop a plan to reduce that portfolio and hence the burden on the financial health of the UG long-term.

It appears to me much like the buildings issue, the Parks & Rec system presents similar issues; therefore, it seems to warrant the same consideration. The idea on both fronts could be that focusing dollars and investments on less reduces burden and will result in great services as opposed to maybe mediocre services.



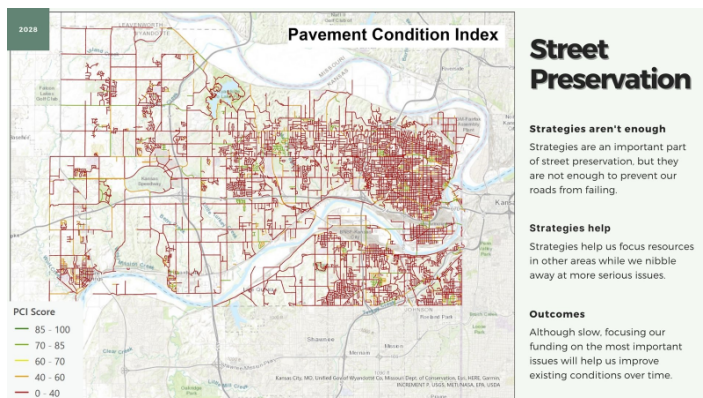
There has been some discussion already about strategies to consider as we move forward. There are right sizing opportunities in the areas of buildings and fleet. Steps are already being taken in the area of fleet. Increasing oversight in the area of development and redevelopment is critical in controlling long-term costs of infrastructure. Again, I must recommend that the UG take a step in the right direction on stormwater rates in this budget cycle this year. The stormwater fund is becoming insolvent and incapable of funding the needs. There are a lot of emergencies, road closures and delays. It will inevitably, if not corrected, result in the use of tax dollars.



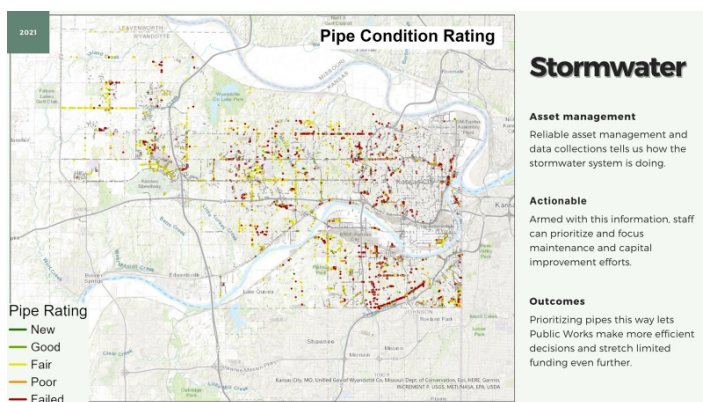
I have some visuals here to show you. I'll first say candidly, this may one of the more difficult presentations I have made in my career for one reason, I find it hard to tell you that we are nearing a real crisis. It feels dramatic and I know there's already enough of that in our world, so I don't want folks to tune out. The problems are serious, they're real. The visuals I'm about to show are based on current conditions, the age of material type, and projections based on current levels and standard deterioration curves.

This is street preservation, for example. We've talked about this program off and on for quite a while. You see a lot of yellow and zero to 100 the average pavement condition in KCK is

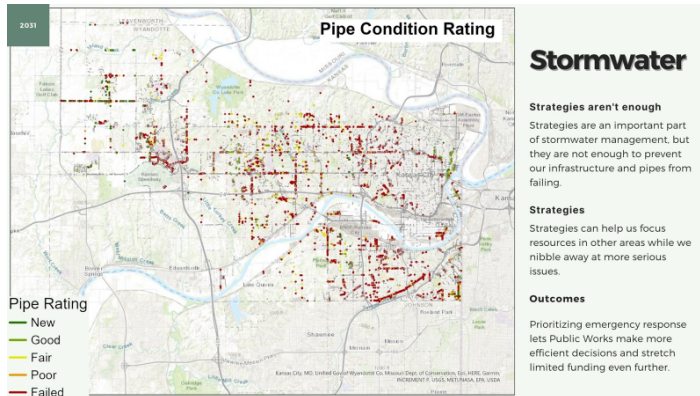
a 53. Three years ago when we collected the data, it was about 56 so it's declining, and it will continue to decline at current spending levels.



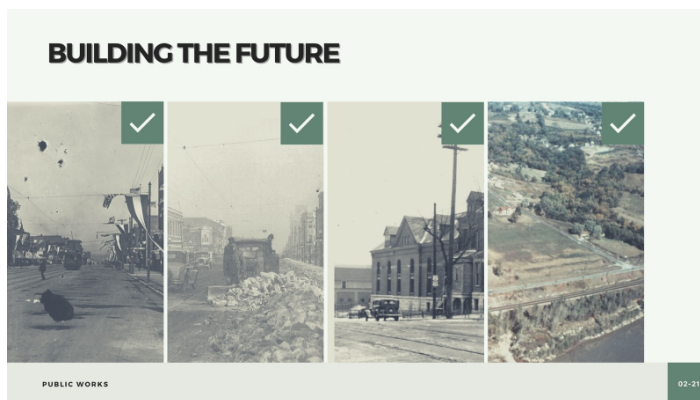
Now you see seven years of projections. You see a lot of red and that means a 60-65% of the system will below a score of 40, poor and failed.



The stormwater system is very similar. Its current condition, you see a lot of fair to poor and some red and we project that out 10 years.

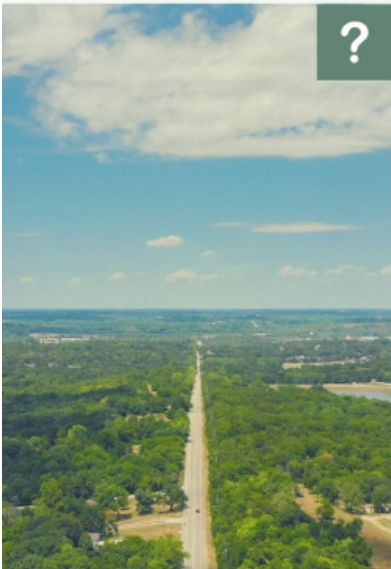


Due to the material types in this system, which are a lot of concrete and pipe, if not maintained appropriately, and they aren't right now because of funding levels, even areas like the Legend's you start to see go red because 10 years from now much of that infrastructure will be 20 to 30 years old. If not maintained appropriately, they will begin to move into that poor and failed condition.



There are serious infrastructure problems to confront. A long-term strategy and systematic approach will be instrumental and reimagine the future of building. Robbie is going to walk back through the work of the Commission and staff over the last 60 days.

Mr. Anderson said, again, I want to thank the Commission for their time meeting with us one-on-one and in teams covering, you know, a lot of difficult material around what asset classes we need to be funded at and what they're currently funded at.



25-Year Vision

- 01 Thinking deeply**
Minnesota Avenue was constructed more than 100 years ago, and it is still used today. What can we do to help future generations?
- 02 Understanding needs**
How do we balance our current and future desires with our current and future needs?
- 03 Prioritizing our direction**
How can prioritization and clear objectives help us plan for future generations?

PUBLIC WORKS

02-21

Every year you get together and approve a CMIP and it might look like it's just next years' project that you're focused on or maybe if you're thinking a little further down the road, it's two or three years. In reality, for society, what matters is a long-term vision. What does that look like when reproduced out over and over again into the future say 25 years, so we need to think deeply about these questions. We need to have an accurate assessment of all the conditions so that we can calculate the needs and then we need to prioritize what kind of direction and which way we want to go in the future and what kind of world we want to leave behind for the next generation.

PUBLIC WORKS

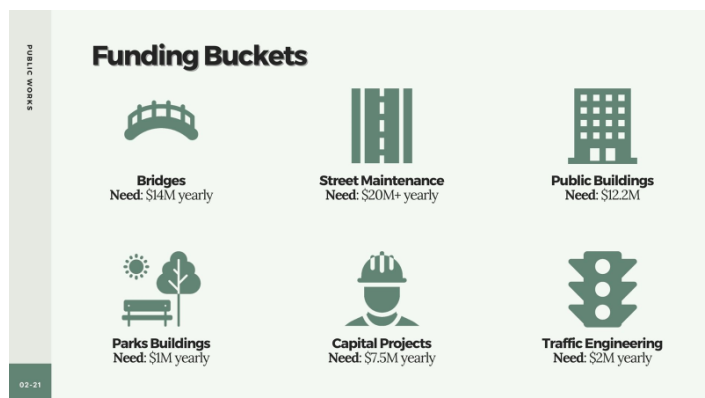
Funding Buckets

 Bridges	 Street Maintenance	 Public Buildings
 Parks Buildings	 Capital Projects	 Traffic Engineering

02-21

In order to do that, what we did was take the current budget and break it down into some understandable categories to the layperson and the individual project might have a name that really

doesn't make sense to the public, but we've collected that information into categories here and that's what we did in our engagement with the Commission. So, you have bridges, street maintenance, public buildings, a subset of those public buildings being parks buildings, capital projects and traffic engineering.



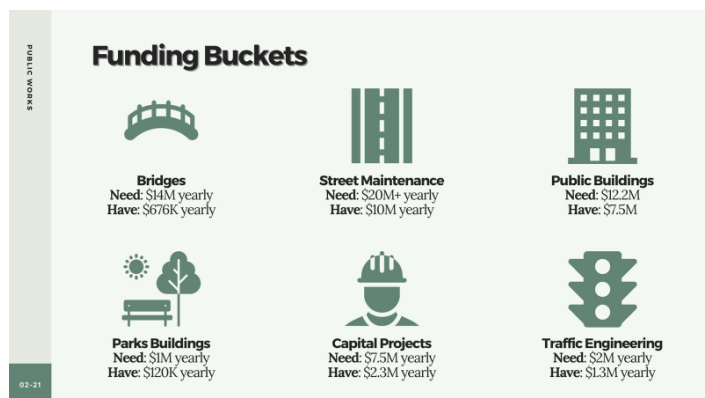
We'll walk through the needs first. The needs here are outlined from bridge inspection, so based on bridge inspections for legal, legal bridges and short span bridges we estimate a need of around \$14M a year. That does not include long bridges like ones crossing the river, so the recently closed Central Avenue Bridge is not included in this assessment for our annual needs here.

Our street maintenance, we have been pushing this repeatedly. We need around \$20M annually in pavement preservation to adequately improve the PCI score of our roads as Jeff spoke to earlier.

Public buildings information, we got a really high quality Ameresco walkdown of our buildings. That gave us a good calculation to say we need around \$12M annually for our UG public buildings and, again, that subset of parks buildings being around \$1M annually of needs.

Capital projects here include things—in this estimate here includes a streetlight modernization project spread out over multiple years. By funding these capital projects what other communities might consider traditional capital improvements as opposed to maintenance, you have things also like Leavenworth Road or a true reconstruction of a road.

Traffic Engineering might be our least pinned down asset condition class but based on our rough estimates we need around \$2M annually for traffic improvements.



Then, we get to the half. So, currently, for bridges we fund that at around \$700K a year, clearly that comes up very short of the needs. We have about \$10M annually for the street maintenance. We have about \$7.5M for public buildings which speaks to the need for possible examination of contracting. We have parks buildings as a subset, and they have about \$120K annually.

For Capital Projects which typically go to the match projects like Leavenworth Road, we have around \$2.3M for those types of projects.

Traffic Engineering, we spend around \$1.3M annually but that also includes some other technology improvements to our fiber optic network.



Now I'm going to pass it over to Angel Obert to cover some parks capital and maintenance items.

Angel Obert, Assistant Director of Parks & Recreation, said like Robbie said, these are the four funding buckets that we have identified for Parks & Recreation. We have our capital projects, our park maintenance, our recreation, and programming, and also our trails. What you will see here, these figures are estimates and data that we gathered from the recent master plan we did in 2017.

Starting with Capital Projects, so annually we have about \$250K to attack those capital projects that we have in our department when really we need roughly \$3M. A good example of this and we get asked often about the Beatrice Lee Community Center. So, for example, to bring that center up to code, it would be about \$2.2M.

Our Park Maintenance funding bucket, we have \$2.5M yearly, \$5M would be more comfortable for us to maintain everything that we do here in parks, and this is anything including our buildings, shelters, playgrounds, beautification. We have roughly 200 playground systems within our parks and the average age of the equipment is anywhere from 12 to 15 years.

Recreation/Programming, we have \$1.5M. More programs require more staff. That's a large deficit we see there to be able to bring more programming to our community and quality services and programs for our youth.

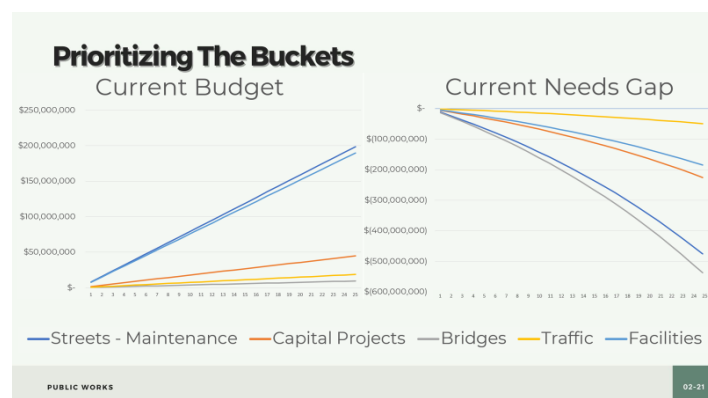
Our Trails funding bucket, we recently took this over from Public Works budget and it's \$100K every year. This is exciting for us because it is a big need for our community. They came out and ranked us as one of the top five features they would like to see more of in parks. We are moving forward with our first project here, Klamm Park, but with only \$100K a year this will be a multi-phase project, so five phases being completed in 2025.

The next statistic on the master plan to reference our budget and our operations is we maintain over twice as much park land per 1,000 residents than other municipalities similar population to us, 100K to 200K. That data is also tracked by the National Recreation and Parks Association Performance metrics.

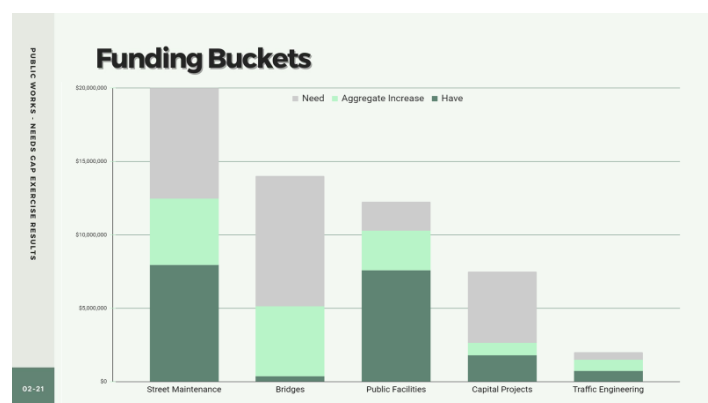


Mr. Anderson said so to bring it back big picture to the exercise that we reached out to the Commission on. We wanted to gather—based on this needs data and the needs gap information,

we wanted to not only get information around what you might like to see those funded at, we wanted also to gather where you might place emphasis within each of those individual asset classes. So, if you have roads and parks, how would you split that up if you were having to decide how you would do that.



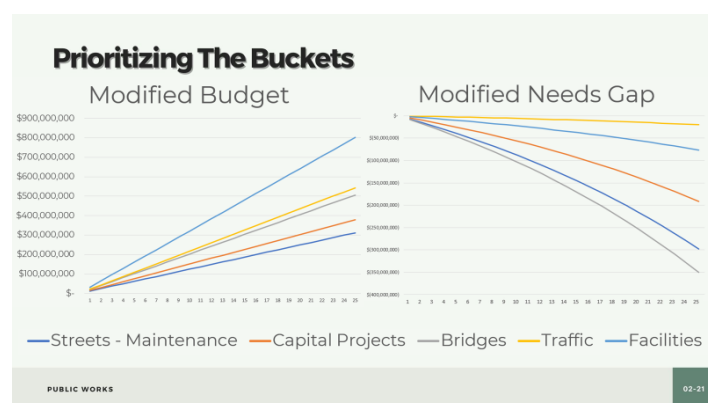
In that tool we also created some projections for 25 years of what this ongoing CMIP funding gap deficit for maintaining infrastructure would look like. So, projecting out the current rate of spending for each of these funding buckets, 25 years from now you can see how much we would have spent on each of those categories, but you also see the current needs gap. Twenty-five years from now we're looking at around half a billion dollars in deferred maintenance debt for both streets and bridges. When you add that up with the other funding buckets, you're looking at around \$1.5B worth of deferred maintenance gap that the next generation will have to figure out how to pay for it.



When we reached out to you we got information around how you might increase that in a theoretical environment, not a real-world budget, just as an exercise.

To walk you through this little bar graph here, you can see color. The dark green represents what we currently fund each of these categories at, the light green represents the aggregate change or the average change that was accumulated in our interactions with you on the tool. The remaining gray box on top represents the total needs for each of those funding buckets, so even after our engagement process, we came up short in the majority of these categories.

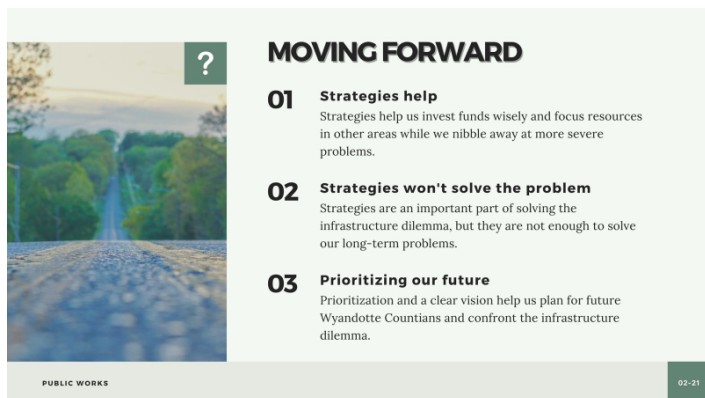
I think it's interesting to note, bridges here which represents obviously maybe a knee-jerk reaction to some fresh data from the Commission around the condition and annual funding for our bridges. What does that look like if we project it out 25 years in the future.



Clearly we have increased the total amount of money spent 25 years from now in this theoretical modified budget, but we still come up short 25 years on the modified needs gap. To bring this home to an individual level, right now at the current rate, every resident would have around \$260 of deferred maintenance debt annually now, today, and 25 years from now our future residents would have \$10K in deferred maintenance debt per person.

So, what do we want to be, how do we want to look to both goods, services and our community and what kind of life and quality of life do we want to provide for society? To me, public spaces are the seam that pulls us all together and makes society function.

I'm going to pass it back to Jeff to round out this discussion and start a discussion with you here today.



MOVING FORWARD

01 Strategies help
Strategies help us invest funds wisely and focus resources in other areas while we nibble away at more severe problems.

02 Strategies won't solve the problem
Strategies are an important part of solving the infrastructure dilemma, but they are not enough to solve our long-term problems.

03 Prioritizing our future
Prioritization and a clear vision help us plan for future Wyandotte Countians and confront the infrastructure dilemma.

PUBLIC WORKS 02-21

Mr. Fisher said in conclusion, staff believes there are two most important actions to leave here with is one, adopt a stormwater rate that is a step in the right direction in this budget cycle this year. Staff and our consultant have been working on an alternative plan. I mentioned on-three's. We would be ready to engage the next few weeks and then together to build up—probably more importantly, to build up written long-term strategies. Strategies, of course, are not going to solve the problems establishing priority action plans that are routinely reviewed and updated and acted upon over a long period of time are going to be necessary.

Again, I believe we will need to be bold to change the trajectory this community is currently on. Whatever the strategies may look like, I would suggest that we will need to—they will need to result in substantial shifts and capital investments to manage the crisis and build the future.

Staff is prepared to be part of those discussions and strategies.

Mr. Bach said with this, Mayor, I think we set out where we are. Not a pretty picture when it comes out to looking at. It's a major investment area as you can see the numbers that it has. We do spend a lot of money in this area every year, but we are an older community with aging infrastructure which causes us to have a continual need that continues to grow each year and I think that's what staff is really trying to underline to the governing body as we think about our priorities in the future. There are some things we look at that I think were mentioned. I mean in some areas maybe some of our public buildings and things we saw with changes with virtual environments that we don't need as much of and there may be some changes we can go to, but there is a big issue out here if we look at our overall infrastructure. I think that's the path you want to discuss this evening with the Commission.

Mayor Alvey said thank you Doug, thank you Jeff, thanks to everyone who had a hand in this, to the Commission for your input during the on-three's and clearly when I first saw this, and as we've seen over the past several years, this can feel overwhelming. I describe it as trying to climb Mt. Everest with a daypack instead of a backpack. I think moving forward what we really need to do as suggested, and I hear this from the Commission so often, it's hard for us to take constituent calls who have a complaint about road deterioration or simple things like curbs out of repair, stormwater running through a yard and flooding someone's basement. I can tell that story myself. I've seen streets, roads that are on ditches that clearly we cannot and are not maintaining them sufficiently and so we end up having washouts that then require even emergency repair which are far more expensive than just maintenance.

The totality of it I think can really be overwhelming to us because we have to explain to constituents why things are not getting done and we don't want to have to tell constituents why things are not getting done. We want to tell them thank you for bringing that to our attention, for reporting that, we will push that on, and they will get that fixed. Too often we're just—most often we're not able to do that. I think Jeff Fisher had told me they have a stormwater review committee so that when there is an issue report on stormwater and some damage done or some deterioration, that then they take it to the committee and the committee looks at it and 70% of the time they have to say no, we don't have the resources to do anything about it. That's the message none of us want to tell our constituents, it's not the message that we want Kansas City, Kansas to have to tell.

What we want to be able to say is that we understand the full range, the entire panoply of infrastructure needs of capital improvements, of building maintenance of streets and stormwater. We understand those, we understand where we are, what their current state is and we know where we want to be and ultimately we want to create a community that when people visit us or we drive people around we are proud to point out to say this is a well-maintained city that invites you to be here, to live here, to establish a business here. And that we are so committed to our city that we are investing in these capital needs so you should invest your own capital whether it's purchasing a home, whether it's establishing a business, that's the dynamic for growth for moving us into the future.

When I listen to this the trajectory I see that we are on is on decline and that we're not even able to fund up adequate maintenance to prevent things from getting worse and, in fact, at our current levels they are necessarily going to deteriorate even further and it's going to create

even more costs for future generations. So, I think sometimes if my own children were to watch this presentation and they began to make decisions about where they want to build, where they want to settle, why would they if they thought we were not going to take this into consideration and really come up with a long-term vision, a long-term plan.

The other thing I will say is, again, we had a two year process of looking at stormwater and then we look at our street conditions, and then we look at really what we need to do for our street lights, and then we look at our Parks Department, our buildings. We will take those buckets and we look at them in isolation and we might increase funding for one bucket thinking we're doing some good but that means then there's not money for the other buckets. You know if we take money from streets, okay, and to put it to parks, good, but we're taking money from streets and it's getting worse or if we put money into—we've already seen it on our mowing of lots for blight remediation. We've had to pull people from Parks & Rec to go and cut the lots for the blight remediation, which is a good thing, but again, it means our parks are not being cut as often.

We don't have the resources at this point to do what we need to do, and so part of the vision is where do we want to be in 25 years because we're not going to climb Mt. Everest in one year, two years or five years using CMIP. We've really got to extend 25 years and we really have to come as a Commission with a commitment to a vision of where we can in 25 years and commit to developing a strategy that will last beyond my term, beyond any of our terms, that it becomes a commitment of our electorate, our communities to say this is who we can become in 25 years if we follow the strategy. We know it's going to require tremendous discipline that is discipline means saying these are the things we must say yes to and these are the things we say no to if we're going to attain the vision, the greater place we need to be.

I have to say it's a little overwhelming, it can be discouraging only if we say that we're powerless and we are not powerless. We have to use the power that we have to tell the story to our constituents, to engage them, and to really make the commitment to say we can improve the quality of life. In fact, we must improve the quality of life if we want to continue to grow this community and that's going to be our responsibility I think. We have to come up with a process that engages the entire Commission in looking at these problems, describing the vision we want to get to and describing the strategies we're going to use to get there and then as a whole taking that to the electorate telling the story and engaging them and leading them on the way, encouraging them so that we can become the city that our residents and our businesses deserve.

I want to thank again Jeff and Rob and the team for putting this together. I will not be discouraged by this; I will not be defeated. I'm resolved to working with the Commission, working with staff, working with our electorates to really putting together a 25-year plan that is going to significantly move us forward and help us climb that mountain.

Commissioner Markley said I think the big takeaway for me from this presentation is that we have to take our first step and we aren't going to climb Mt. Everest with a daypack, but maybe the daypack can get us to the base camp, I don't know, then we can see from there where do we go next, but I think over the years this problem is so big that we said we don't have enough budget to solve the problem and we kind of backed away from taking the first step. We've got to take a first step and we've got to take a step in the right direction, and then next year we're going to take another step, and the year after that we're going to take another step, but we've got to stop waiting to have enough money to take those steps because that day is not going to come. It's just like in your home budget, if you're like waiting for that day when you're going to win the lottery and you're going to get to do that big project, it's not going to come. You better start putting money in your piggybank because that's the way you're going to get there.

We've got to start taking those small steps deciding how much money is going to go in our Public Works piggybank and we've just got to take it, you know, little by little and know that we're not going to win the lottery. It would be nice if we did but we're not going to win the lottery. We've just got to decide how much we're going to commit and take those first steps and the sooner the better. It's been put off long enough.

Commissioner McKiernan said to Jeff, to Robbie, to Angel, to everybody who has participated in doing this assessment and bringing us the sobering reality I thank you. I agree with the Mayor, I agree with Commissioner Markley that we are going to need to simply take the steps to start the process of improving our infrastructure.

This is a question I started with Robbie the other day and I would like maybe to pursue a little bit further, not tonight, but in the weeks to come. So, Angel, you said that we maintain about twice the square area of park land compared to peer cities on a per capita basis. **Ms. Obert** said, yes Commissioner, according to the NRPA data from 2017.

Commissioner McKiernan said, Jeff, I think you have mentioned in the past that we maintain, or we have and need to maintain many more lane miles of roadway than peer cities. Would that be accurate? **Mr. Miles** said the system is large and we spend about a third per year of peer cities per lane miles. **Commissioner McKiernan** said one of the questions that I think we need to discuss is, for example, with parks. Why do we maintain double the square area on a per capita basis? What's the advantage to us of doing that? Is the advantage to us compelling enough to spend the additional money? Can we learn some lessons from other cities and shrink maybe our square area and still provide all the amenities that our constituents want and need? So, a question we're not going to answer tonight, but I think questions we need to consider, what lessons can we learn from other cities? For example, if we took peer cities of similar geographic size, similar population, similar age of infrastructure, how do we compare in terms of CMIP spending on a per capita basis with them, do we spend more, do we spend less, are there strategies that they are using that can inform our program going forward? I would love to know how we compare to peer cities in terms of both our assets and their condition and our plan for moving forward with the repair of those.

Finally, do I understand, and I see Kathleen is on, do I understand that at the moment at least we're contemplating that the majority of any increase that we would devote toward improving our assets would come from cash and not from debt? **Kathleen VonAchen, Chief Financial Officer**, said that's correct. It would have to come from cash because our debt is already pretty much at its limit considering our current assessed value. The credit rating agencies do a ratio analysis then and given our current debt load compared with their assessed value we're up there, so it wouldn't be advisable to issue more debt than we currently do.

Commissioner McKiernan said thank you so much. I just wanted to confirm that because I think that, again, informs the strategies that we might use going forward because it does color how we're going to end up paying for the improvement process.

Commissioner Philbrook said just to tail end on everything that everybody else has said, this is just one more thing that I do have a question about, and I know we have a lot of building assets, that sort of thing, and it was mentioned earlier that we're not necessarily needing all of that and there may be some things that we're taking care of that we could sell and, therefore, not spend money on taking care of them and handle things a little differently. I'm just, you know, going

down the road of streamlining like if you can't afford the bass boat right now, even though you love to go fishing, you may have to fish bank once in a while now instead of owning the bass boat because if you can't make the payments and take care of your kids and your home and make it work, then you go without the bass boat and just make it to the edge of the pond. Just making a suggestion on that.

I really think that I appreciate all the hard work everybody has put into this because this has been very painful for all of us to admit as stewards of our community we really need to just dig in and work on it and just have to be tough and do it.

Commissioner Johnson said thank you Jeff and to all that took part in this discussion. It's quite a sobering dialogue. I think I would like to just piggyback on Commissioner Philbrook with regards to our facilities. It seems to me that might be what one might consider low-hanging fruit in the sense that if we could streamline things as she has suggested, it might help us to save money that could then be transferred to the maintenance and continued building of infrastructure. That might be that small first step that Commissioner Markley and Commissioner McKiernan were alluding to. We just have to be diligent, and as Jeff has said, we have to be bold, and it could be that is the first step that we need to take and something that we can control relatively easy in terms of identifying facilities that are not needed right now that we might be able to sell or however we need to remedy that. I would like to offer that as a potential starting point and I'm sure there are some other ideas that will come along as well from my colleagues.

Thank you for all the work that you all have done. It's a necessary conversation and we're just going to have to put on our big boy, big girl pants and make some tough decisions.

Mayor Alvey said that seems to be it on the hands up. I'm going to recommend that if any commissioner would like—I would like to create let's say a steering committee that would work for the Commission to put together the strategy for how we might take on and tackle this problem. It's not something I think that's going to happen overnight obviously. It's going to be something that would be coming over time. Honestly, this is going to take us a year or two to put together a 25-year plan to fully explore what our options are. I mean perhaps we can reduce our assets. Obviously, we're going to continue to move forward and some of this funding could be accessed perhaps by the federal government—through the federal government. There is talk about bringing

earmarks back and if we specify things that we would really like to be funded, we can work with our congressional delegation on that.

The entire cost may not come directly only from us but there may be other sources. Either reduce our cost and/or find other sources but be very strategic but it's really going to take discipline. You don't have to say now. Just send me an email that you would like to be considered to be part of that and we will put together a steering committee.

Commissioner Bynum said I was just going to volunteer for your committee since I chair the Public Works & Safety Standing Committee. **Mayor Alvey** said you aren't going to be able to not volunteer Commissioner. Thank you very much.

Mayor Alvey said that takes us to our next item on the special session and that is a SOAR Update.



Melissa Sieben, Assistant County Administrator, said I want to say thank you for letting us be here again tonight. I know that the first presentation was probably a little more challenging to follow than our typical SOAR presentation starts, but we're back here tonight with our Stabilization, Occupation and Revitalization update. We're going to be looking at what happened last year which was a very tough year for all of us in a whole variety of ways and that was no different for our SOAR work. Also, we're going to be talking about what we're working on currently and some of the things we've already achieved in '21.

Typically, when I come to you to do these updates we have a ton of folks with us and have them rotate through. I was trying to simplify things tonight. We have a limited set of guests,

but I can tell you there is an audience of folks out there listening that work in this every day and are very interested in what we're all doing in this area across all of our departments.



Just to remind you, SOAR is about improving the quality of life in Wyandotte County working in three main areas: appearance, safety, and communication. Our program tonight, we will go through a variety of these focusing on appearance, safety, and communication but not in our normal typical way we've done this.

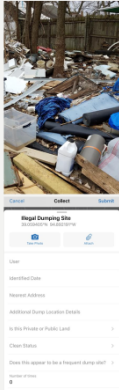
Hopefully, as we go through this, you'll kind of learn about the interdependencies of a lot of the work that our groups are doing, and our team is engaging in across all of our departments and with the community.



The first area we're going to address tonight was the big kickoff that we had last year on litter and illegal dumping. This has been a challenging project for all parties involved.

2020 LITTER & ILLEGAL DUMPING

- SOAR engaged 13 departments, the Mayor's Office, and a Commissioner to develop systems to address litter and illegal dumping
 - Commenced work in December 2019
 - Met biweekly all of 2020
- Improvements so far include:
 - Increased collaboration between departments
 - Starting to streamline tracking and data collection of dumpsites through an internally develop GIS app
 - Began requiring automotive businesses to maintain record of proper disposal of tires
 - Increased fines and focus on enforcement
 - violators can face fines up to \$2,500
 - **\$250 reward available for eligible witnesses**
 - SOAR utilized an AmeriCorps VISTA Summer Associate to help with data and mapping efforts last summer



I would like to highlight we have 13 different departments working on litter and illegal dumping or our LID program. That also includes assistance from the Mayor's Office. We want to thank Lynn Melton for her time and devotion to that group and really helping us understand to what's going on as well as Commissioner Angela Markley who also has been a very key person to listening to what we're talking about, you know, helping us maybe throw some things into the hopper that we might not have considered or throwing some things out that we were thinking might work. That work started really in the end of 2019 and has continued to meet bi-weekly all of 2020 and continues now into '21.

What we're trying to achieve here and obviously increase collaboration as well as streamlining the way we're tracking and collecting data in this area. With so many different departments having hands in this work, we've actually worked really hard to develop an app that we can all put information into and track what's happening and that is actually the bottom right side is what you would see on your phone when you're out in the field.

Also, one of the big things that we also accomplished was changing our SUP standards through Planning and working with the Police Department as well on requiring automotive businesses to maintain a record of how they're properly disposing of tires. We think that's going to be a big way of starting to help track what's happening with tires in our community.

We've also talked a lot about this this year as well. We've increased fines for violators and rewards for eligible witnesses. Just like last year, we paid out our first \$250 reward which was wonderful. A lot of this work was started and kicked off last summer with AmeriCorps VISTA which we are very happy to have helping us.



2020 LITTER & ILLEGAL DUMPING, CONT.

- Communication efforts:
 - No funds for a specific campaign in 2020 or 2021
 - COVID-19 was priority for all UG communications
 - Launched webpage in 2021! – wycokck.org/Litter
 - Webpage includes resources on where to properly dispose of unwanted items
 - Signage now available to community groups to sponsor
 - \$60 per sign, with the option of including a sponsor name for \$20
 - Citizen newsletter and E-news included related articles

Here on this page you can see on the left-hand side a copy of one of the signs that we are now offering to our community groups and they can actually sponsor these. We kind of studied the impact of signage on repeat dump sites and there is some correlation we feel to asking people not to do it which seems kind of odd, but we're hoping that some more folks get engaged and purchase these signs to put out in their neighborhoods to stop that kind of activity.

We didn't have any specific dollars for communications through this whole program for this year and last year, but we are able to say that we have put some stuff in the newsletter. We'll show you a bit of that on the next slide, but also with the help of our SOAR Coordinator we were able to launch a webpage right at the start of this year about littering so it kind of gives people the resources of where to take this stuff that they might otherwise be depositing somewhere they shouldn't.

2020 LITTER & ILLEGAL DUMPING, CONT.

Don't Trash Your Neighborhood (or Anyone Else's!)



The WCMC Initiative (Solidification, Organization, and Remediation) is working hard to make our neighborhoods safer and more beautiful. Proper disposal of trash is the first step to keeping your property and your neighborhood looking great. Here are some tips to help with that.

- Put your trash and recycling out no earlier than 6:00 p.m. on the day before your trash day and bring your cans back in by 7:00 a.m. the day after.
- Subscribe to the Unified Government's Dispatch or follow us on social media to keep up on schedule changes due to extreme weather or holidays.
- If there is an issue with your trash pick-up, report it to 3-1-1, online at myWyo.wy.gov or using the myWyo mobile app (search "myWyo" whenever you download apps).

• Put your trash in bags and put these bags in containers with tightly fitting lids.
• Do not bring your trash cans to the rear of your house where they are out of sight. Put your trash cans where they can be seen or accompanied with. Place trash cans near to the curb and make sure they are visible between cars parked on the street. Do not place them behind vehicles where they cannot be seen by Trash Management Team members.
• The Recycling and Reuse Center is located at 1415 Park Drive, Kansas City, Mo.
• The Household Hazardous Waste Collection Site is located at 2443 S. 10th Street, Kansas City, Mo.
• Call 3-1-1 to ask wycokck.org/How to learn more.

LITTER AND ILLEGAL DUMPING: You Can Help Stop It!

Littering and illegal dumping are significant problems throughout Wyandotte County. People who either litter or ignore litter allow our community to look dirty and unattractive. Fortunately, there are many ways we can work together to minimize littering and illegal dumping and make Wyandotte County a cleaner, better place to live!

Illegal dumping is a problem we can fix – affordably! There are many ways to dispose of trash items that are very affordable or even free. The Unified Government's SOAR Initiative (Solidification, Organization, and Remediation) and Mayor David Abney are asking for your help in tackling litter and illegal dumping.

Reduce the amount of litter by making sure your trash and recycling are set out properly:

- Put your trash and recycling out no earlier than 6 p.m. on the day before your trash day and bring your cans back in by 7 a.m. the day after.
- Set up your trash as late as possible, especially when weather will be a factor.
- Put your trash in bags and put the bags in containers with tight-fitting lids to ensure it is not accessible by animals and does not blow in the breeze on a windy day.
- If you feel uncomfortable doing so, encourage your neighbors to follow these guidelines as well.
- Pick up trash or recycling that is blowing in your neighborhood, along the street in front of your home, and on your way to and from the park or a local restaurant.
- Lastly, report littering to 3-1-1 or on the myWyo app.

If everyone in the community takes the extra effort to pick up litter, even if it's not yours!, that extra effort will improve the appearance of our community.

If you find illegally dumped materials or large amounts of litter, take these steps:

- Contact 3-1-1 or report it on the myWyo app.
- The City will determine next steps in remediation of the dumping. Depending on the time of the year, it may be weeks before items are removed due to the City's ability to deploy resources.

If you catch someone in the act of illegally dumping:

- Call 311 and provide as much detail as possible.
- If you feel comfortable, take pictures that might help identify the violator. This could include their vehicle, license plate, or face.
- If you identify a violator and they are convicted of illegal dumping, you are eligible for a \$250 reward.
- A \$250 reward is also available if you catch someone vandalizing an area with graffiti and there are removed of the crime. Follow the same process for this.

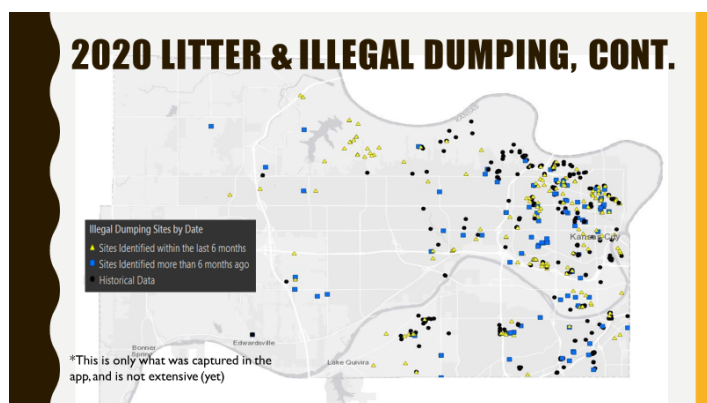
If you know of an area that collects a lot of litter, consider adopting it! Learn more at wycokck.org/SOAR/Howto.

Here's just a couple of things that we were able to get into the *Citizen* this year which we are very proud of. One about how to properly dispose of your trash. It probably needs to be a repeat item for all of us and then how to handle illegal dumping and what you can do.

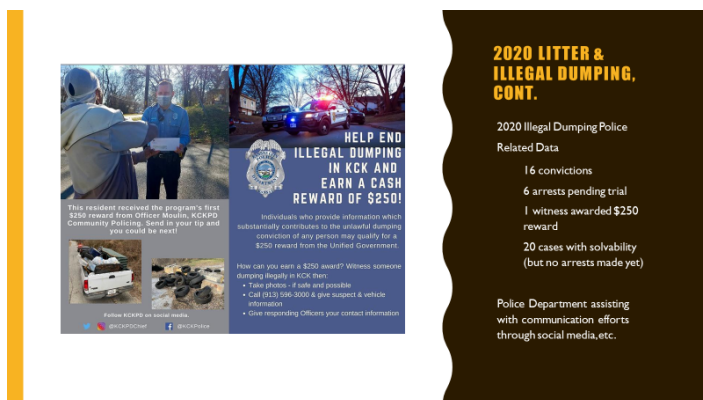


On this slide we have some data. I will say there are some asterisks here on this data. It's really important we understand we started in this work the middle of 2020 and as we went along we realized data lived in other places, so we tried to get some cost totals of what the cost impacts of illegal dumping are on our community. What I can tell you, what you see here, is only a portion of the information that actually occurred but just in the Street Division we dealt with almost 750 tires which if you think about that, and then you look at what Parks dealt with, another 80 and we're going to have another slide here with Officer Caiharr who is going to show even more.

You start adding this up across the Unified Government, imagine if we didn't have to deal with these and also imagine that we didn't even begin to touch the tip of the iceberg of what's out there to address.



We have a map that our VISTA who is on this tonight has put together for us to kind of show you where we're tracking these. We have some historical data that was actually on kind of a paper map out at NRC and then we pulled stuff in from other departments and started to plot it to kind of have an idea to see if there was some pattern out of it that we might assess. Probably not as much of a pattern as we hoped.

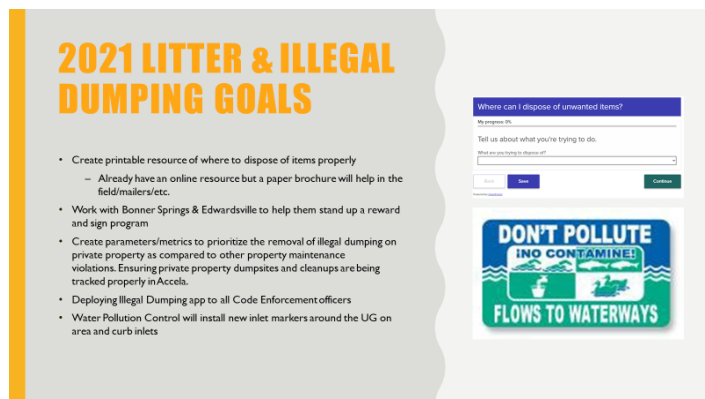


Officer Joseph Caiharr, KCK Police Department, said the data that we have for the Police Department for 2020 in regard to illegal dumping, we had 16 convictions, 6 arrests that were pending trial, we had one witness that was awarded a \$250 reward on the left side of the screen. You'll see Officer Moulin is presenting that check to our witness and the pile of tires that you see underneath him is actually the tires that were dumped, and he witnessed. There are 20 more cases with solvability, but no arrests have been made on those just yet. Then, our Police Department is actually assisting with the communication efforts through social media, citizen contacts and various other areas.



In 2020 we also had our Police Department clean up six illegal dumpsites. That's fewer than we normally do. Just with the COVID-19 it kind of interfered with how we typically do things. SOAR assisted in developing and sharing a calendar for Community Police cleanups and Community Corrections can provide community service opportunities for system-involved youth where we can have them actually come out and assist us in doing some of these cleanups.

Ms. Sieben said I just want to state here for the Commission and the Mayor that this partnership that we're forging, this team that we're forging on this between the Police Department, Community Policing, and other departments within the UG has been really valuable because of the increasability to communicate out through their channels as well as the UG's other formal channels.



This last slide here on illegal dumping is what we're working on in '21 and I just want to say that we do have the litter sites that's out there but we're also looking at some printable resources and talking with our different departments that are working this area, we found that was a lot of need amongst them to be able to have something to handout. You know, a resident or someone they're seeing utilizing our vacant properties for managing their waste needs, what can we give them so we're working on some of that to help them understand what options they have and also what really the norm should be for how they handle that.

Additionally, we've been talking with Bonner Springs and Edwardsville. They are part of our Adopt-A-Spot Program that we will talk about a little later. We're also looking at trying to get them to bring in a reward-based system as well so that across Wyandotte County we have sort of a consistent messaging approach to handling illegal dumping.

The other thing we're working on is prioritization of illegal dumping on private properties and trying to ensure that private dumpsites and cleanups are being tracked properly. Again, trying to kind of get an understanding of the totality of the impact that illegal dumping is having on our community and also on the workload for the Unified Government.

The last item here is not really related to illegal dumping but is one thing that we will be working on which is illegal dumping in a different form. It's when people dump pollutants into

our stormwater system and helping to try to educate the public by doing inlet markers around the community about what happens when it drains to the lake, it drains to the river and so that was another contribution from our team as well.



Logan Masenthin, SOAR Coordinator in General Services, said our Adopt-A-Spot program did get a little bit of a rough start in 2020 as we cancelled all of our cleanups in the spring, but despite that, we still had 26 cleanups held. We do have 25 spots adopted currently with 113 still available. Then, some more information on the cleanups, a total of 287 trash bags collected as well as two tires, 212 volunteers and a total of almost 400 manhours going towards those cleanups, so that was pretty exciting.

We also had some pretty good process improvements this year. We started to utilize Lucy to track our cleanups and get the folks out there to pick up the trash bags after those events which is helping with recording as well.

For 2021 goals we have actually already launched a dynamic map of spots on the website. That happened this month and that includes the adopters and the date of last cleanup, so it helps folks who want to adopt, and it also helps get recognition for those who have adopted. Our plan for 2021 is to create and implement a marketing plan for the program and aim to get at least 50% of the spots adopted.

Ms. Sieben said you'll see here the tires are another theme throughout the conversation, but also the communication component and we could desperately use the Commission's help in helping us promote this valuable program. On the left-hand side of the screen you'll see that our first ever

Rotaract Club is working on Fisher Park which was great to see them get involved in the community in that way.



Ms. Masenthin said there are other efforts going on for cleanups as well. The Mayor launched his Flash Trash Mob last year and there is a Facebook group you can join to keep up with those events. There are 115 members and counting and they were able to hold four events. We just launched it in the fall as you can see there, but they're already having really good success around 12 to 15 volunteers at each one. You can see Commissioner Markley and the Mayor and the cute kids on Halloween there.

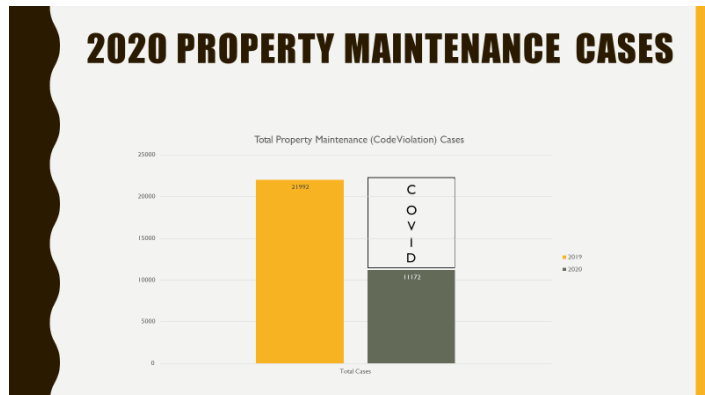


We want to do more to bulk up these cleanups and to make the collaboration more efficient. We're looking to utilize Lucity in the same way we are for Adopt-A-Spot for all of our other cleanups. If we can include Adopt-A-Spot, the Flash Trash Mob, Neighborhood Cleanups, and Community Policing cleanups all on Lucity, we will all have it in one place where we can track and report really easily. That will also help us communicate those efforts with the public.

We also learned of this cool opportunity, a company called Budget Dumpster has a donation program and so we're working with them to get more dumpsters out to cleanup events in the community as well. The Livable Neighborhoods letter—annually they send out to talk about cleanups with neighborhood groups and that goes out next month and it will mention this donation program.



Ms. Sieben said now on to property maintenance.



Greg Talkin, Director of NRC, said this slide here is not one that I wish I was bringing in front of you, but these are number of cases that we had in 2020 for property maintenance cases. If you compare those to the previous year, you'll see that we're just barely over 50% of what we did in 2019. There's a number of reasons. The biggest reason is COVID. COVID really introduced a new learning curve to us. Of course, we worked day in and day out with customers and those conversations sometimes are already challenging with the work we're in, let alone introducing COVID, and trying to keep distancing and things along that line. We've got a lot of our staff

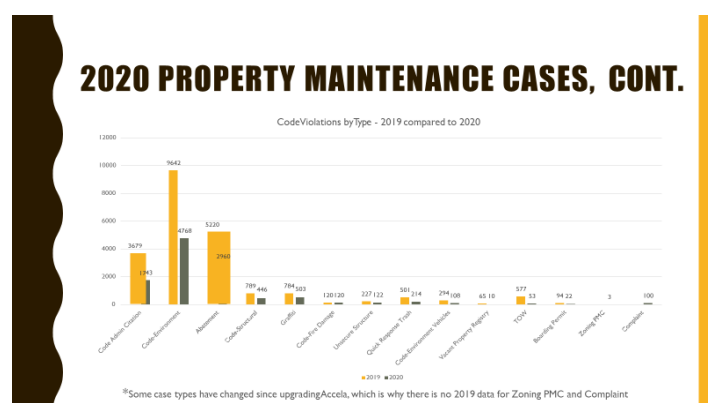
working remotely, all of our staff working remotely for a while, and we still have some working remotely.

We had to put in new safety protocols, we had to question all the things we did and how we operated, what we needed to do differently. The remote equipment we were using, at least initially, was a hodgepodge of things we could put together, so technology problems also existed throughout that.

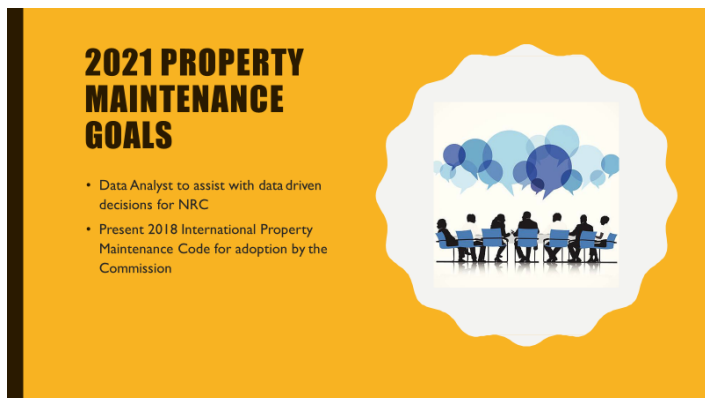
Some of our support systems were interrupted. PD and COPPS unit that we work very closely with, they had some new tasks they had to take on. We weren't sure what we were doing for a little while. We also had approximately 1,500 hours of staff time that they took off with COVID related reasons during that year.

We also had staff assigned and the implementation of Accela. That's a big task that we have, a very important task and we had a lot of staff assisting with the upgrade, doing testing which we still kind of have going on right now, just not quite as extreme. We're trying to tidy things up, but that took a lot of time. We also were operating with an average of five vacancies during that year, four inspectors and one supervisor. The other thing, not that it should have really mattered in these numbers, but the complaints we received during that time, it's obvious people were shut-up in their houses. They had other concerns. We didn't receive near as many complaints as we normally do. It seemed to drop off the priority list. A lot of people were worried about putting food on the table and paying their mortgages, so that also dropped.

Once again, this is not something I wish occurred, but we are looking forward to this year and moving forward.

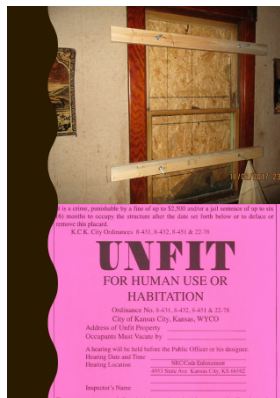


This basically is just a breakdown of the types of cases comparing 2020 to 2019. I'm not going to go over each one of those individually.



Moving on to 2021. We did a reorganization at the beginning of 2020 and just were trying to get it off the ground when COVID hit. We had a number of things that occurred and mainly there was a hiring freeze for the most part. In our reorganization that we started we realigned a position; an existing position and we were proposing a data analyst. That got put on hold. We've now been released. We're working on the job description trying to get it specific and we'll be advertising for that position. I think data analytics is something that we really need to get into. A lot of the other UG departments are doing that and it's showing great benefit and we want to be on that board, and we believe we have a lot of benefit from that too.

One other thing we're working on in Property Maintenance, not just Property Maintenance, across the board for all building codes and property maintenance codes we're in the process of getting those codes updated and here in 30 to 45 days we will be hoping—we are planning on posting that online for public comment and at some point later this year we will be bringing that to the governing body with information and a request for approval of the new standards.



2021 PROPERTY MAINTENANCE GOALS, CONT.

NRC Data Management

- Update unit data by reinspecting all unfit properties
- Enter unfit structures in Accela
 - Stop historic tracking methods (i.e. pen and paper)
- Create list of boarded structures, including whether they were boarded to UG standards.
 - Use this list to evaluate boarded structures
- Develop prioritization criteria for the re-boarded of structures considering
 - Location
 - Proximity to other structures
 - Historic environs, etc.

Patrick Holton, Code Enforcement Division Manager, said this year, as Greg mentioned, we updated our software and we're hoping to use that software to especially pinpoint some problem issues we've had, especially the unfit properties we have throughout the city. We want to use our software to better track our data and make the unfit properties and things of that nature—make that information available in real time to the Police Department and the Fire Department.

2021 PROPERTY MAINTENANCE GOALS, CONT.

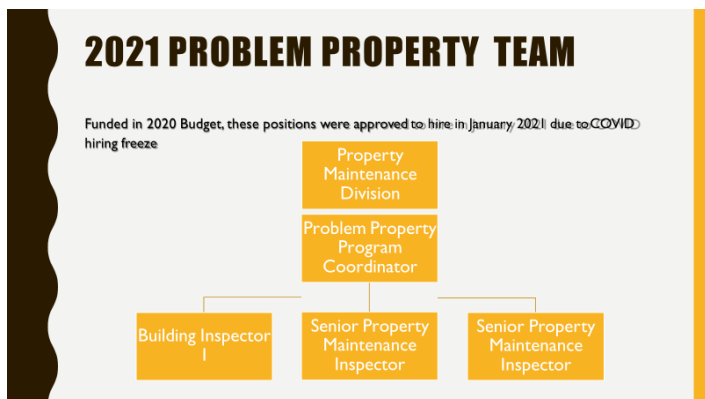
- Conduct a vehicle blitz in each area of the City
 - Focusing on vehicles parked on unimproved surfaces
- Communications Articles
 - Vehicles
 - Grass/weeds
 - Pools and fencing
 - Vacant Property Registry



On top of that, another goal we have in 2021 is we have not done a citywide vehicle blitz since 2018. We are planning to do that this year. We're going to do that in four phases. The first blitz will be scheduled at the end of March and the last blitz will be scheduled for November and we have put forth efforts to get a communication piece out to the public before going out and addressing these vehicles. We also want to say we're doing this with the understanding that there are issues with people getting vehicles registered and tagged at this time, so we want to put our emphasis on addressing people who are parking on unimproved surface and who have vehicles that are inoperable sitting on their property.

That combined with a few other communication pieces we have ready to go out for grass and weeds before the weed and grass abatement season starts and we did see an uptick in pools on

people's properties probably because of the public pools being closed so we are wanting to put out a communication piece dealing with the proper fencing you need to have to keep those pools on your property.



Mr. Talkin said in 2021 we were able to move forward with something that we tried to kickoff in 2020 and, once again, due to the hiring freeze we weren't able to go forward. We are in the process of hiring and filling all of our positions that we currently have vacant in the Property Maintenance Compliance Division. For those that may not be aware, the Property Maintenance Compliance Division formally used to be Code Enforcement. We're changing the name to give a different tone but also to make it more clear the type of ordinances we are actually enforcing.

The Problem Property Team is a concept that basically is going to go out and enforce a number of issues that are problems and take a load off of our general staff. It's going to compose of a Manager and one building inspector will be involved and then two senior property maintenance inspectors. Those two senior property maintenance inspectors are the two positions ultimately we've got to get filled here in the very near future to complete the team.

2021 PROBLEM PROPERTY TEAM, CONT.

Duties of Problem Property Team

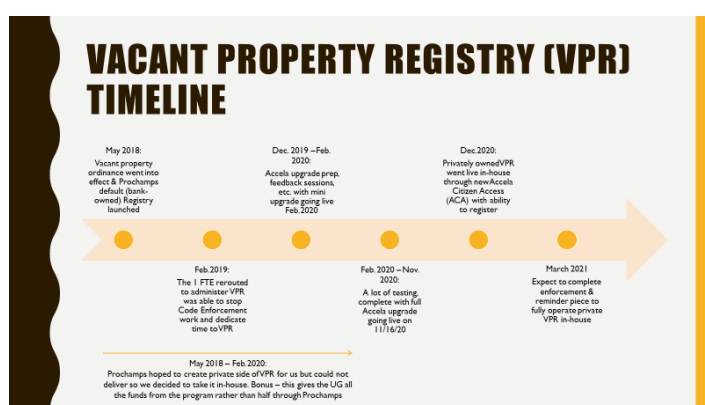
- **Priorities:**
 - Structures close to schools, parks, major streets
 - Located within Historic/Landmark Environs
 - Unsafe/police requests
 - Tipping point neighborhoods
 - Tax Delinquent & Vacant
- **Problem Property Criteria:**
 - Unfit, vacant, and/or boarded
 - On Dangerous Buildings/Demo list
 - Damaged by fire
 - Habitual offenders with more than \$1000/5th admin citation assessed



Duties of this and priorities; we're going to try to tackle those properties that are more critical, and more safety related: schools, parks, major streets. We're also trying to make an effort to save a lot of our historical and landmarks in the community. We have not done a good job on that in the past. We'll work with the Police Department on a lot of unsafe issues. We'll continue to work on tipping point neighborhoods and tax delinquent and vacancy.

The problem property criteria right now that we're developing so we know to try to have some triggers in place for when we kick the team in. That will be unfit, vacant and/or boarded properties, dangerous buildings. One thing I want to comment here is that the team effort under SOAR has made such a difference in the demolition program. I think everybody realizes that most properties that we used to tear down we couldn't get ownership, we didn't have a tax sale process and so we had to tear them down, that was our only option. Now we're finding that demand and the only properties we're really having to get involved in are those major fires and those major structurally compromised properties which are dangerous buildings now. We're looking to start tailoring back towards dangerous buildings as far as the naming of that program.

We're going to combine the dangerous buildings with the Problem Property Team of course and just so everybody is aware, it's our plan that Erin Downing who is head of the program for demolition will be heading up the Problem Property Team. We're also going to concentrate on habitual violators that have at least five administrative citations or at that level that staff has already put enough time in the regular property maintenance effort that we need to kick this up a notch.



Cheryl Martel, Neighborhood Resource Center, said I won't go through and read the timeline, but the vacant property ordinance began in May 2018 and I just want to simply say with the Accela upgrade it has given us a better ability to track the vacant in-house structures and that is what our goal is, to bring that private side into where we manage it instead of a third party.

2020 VACANT PROPERTY REGISTRY (VPR) NUMBERS

Vacant Property Type	Count
Total Mortgage Held Vacant Properties as of 12/31/20	446
Registered Mortgage Held Vacant Properties as of 12/31/20	330 (74%)
Total Privately Owned Vacant Properties as of 12/31/20	607
Registered Privately Owned Vacant Properties as of 12/31/20	10 (1.6%)

*These numbers are likely lower than 2019 due to federal & state eviction & foreclosure moratoriums

This is just a little bit of the numbers. Of course, 2020 with the moratorium there was—the numbers were lower for what was collected for the mortgage held properties, but on the private

side, more of the properties are being identified. That 607 number today is actually 634 so the potential is growing for us to understand what's out there and what needs to be done.

Ms. Sieben said, Cheryl, you might just mention a little bit the fact that we work with Pro Champs on the bank owned properties. The privately held, we really haven't even started any effort into because Pro Champs wasn't able to track those like we thought they might be able to and the Accela upgrade allowed that.

I'm going to talk a little bit about what we intend to do if you do have some next steps. We starting doing some tracking of this last year, correct? **Ms. Martel** said correct. With the Accela vacant property was the last to come over with the upgrade, so by, I want to say next week, we expect to be able to start addressing these properties on a larger scale so I will be able to—everything is in place for me to be able to start sending out notifications and for people that do not register we will, of course, be fining with the citation. The Pro Champs they handled the mortgage held and they do that very well. At first we had to have them—people had to register their privately owned through Pro Champs and now with Accela as of December, they can actually register online through our department. So, that was a huge win.

Ms. Sieben said there is a lot of communication to do around the privately held, but I can tell you with the mortgage held ones we were doing really well, but I think this next layer staff started sometime even in 2019 trying to gather where the privately held vacants were. The more we know about that, that translates into some of the stuff that our Delinquent Real Estate office partners with NRA on, so there's still a lot of opportunity here as we stand this up with Accela. I can't convey how important this is to the Commission and how excited we are because Cheryl has been leading up this effort at least from the data side in-house to get it into the system as opposed to in an Excel file. I'm pretty excited to see where we can head with this and, hopefully, you'll see the results of this work going forward.

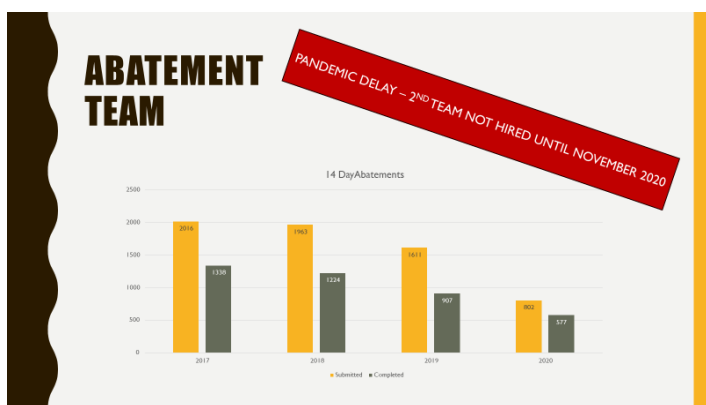
Are there any other things you want to say Greg or Patrick on that?

Mr. Talkin said I would just like to comment ditto what you said Melissa. This private side vacant registry that we haven't completely been able to get off the ground yet, I think it's going to be one of the biggest steps we take and it's going to make an impact because we have a lot of people just

sitting on properties that don't want to do anything with them. They're holding them to do something else or they are just continuing to like the community and I think us getting this into Accela and handling it ourselves, because we have the data for that, Pro Champs does not, I think is going to be a win-win.



Ms. Sieben said now we're going to transition back over to my presentation. We've lost our coordinator over our Abatement Team, but we do have some information that we wanted to present from them tonight. I just want to first note that this first slide says 2021 and that's kind of what Greg was talking about with our 2020 setback with hiring. The second Abatement Team the Commission approved for the 2020 budget was also not fully staffed until late, late, late '20.



We're really excited that they're on board and they're going to be hitting the streets to help out with what NRC is working on. We have the data here on the number of abatements. Abatements are down, though not as down as you would anticipate when you look at the data that Greg presented early on his property maintenance violations. There's a lot more capacity here for this

team now that we're up and off to the races under our new Accela platform and with all the work that we're going to be doing looking at boarding and also looking at vacant structures.

2021 ABATEMENT TEAM GOALS

- Determine what can be legally removed from private property during an Abatement. Bring together core staff within UG to come to set of defined parameters that can be legally defended and provide reassurance to those who are doing the work. Create cheat sheet for Abatement team staff.
- Resubmit budget request for AbatementTeam dump truck.



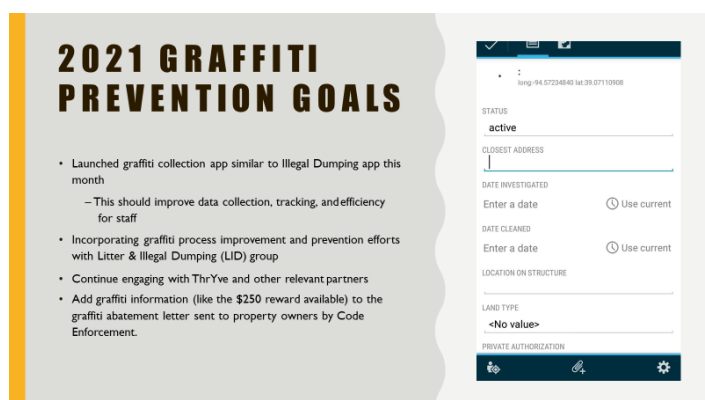
I also want to thank the Commission again on behalf of the Parks & Rec Department and the Abatement Team whose very proud to show off and I think we put this in a Friday note sometime last year, their brand new equipment that they finally got their own equipment to do these abatements on property. They're thrilled to have this stuff and it's helping them do their job more efficiently and we do want to thank you from the SOAR Team as well.

I'm going to turn this over to Officer Caiharr I believe.





Officer Caiharr said the 2020 Graffiti Prevention, some things that we did we conducted CPTED analyses on several of the parks that we have the most problems with graffiti in. We utilized the free AmeriCorps VISTA Summer Associate. Then, we added to existing CPTED analysis conducted by the Sheriff's Office in some of our other parks. We engaged with ThrYve Youth Development Empowerment program to partner with youth on graffiti cleanup and prevention efforts.



In 2021 the graffiti prevention goals we launched a graffiti collection app similar to the illegal dumping app this month and if you look over on the right side of the screen, it kind of shows you an example of what that will look like. This should improve the data collection, the tracking, and the efficiency for all the staff. We are incorporating graffiti process improvement and prevention efforts with the litter and illegal dumping, the LID group. We are continuing to engage with ThrYve and other relevant partners and then we are also going to add graffiti information, like the \$250 reward that's available if somebody turns somebody in, on the graffiti abatement letter that is sent to property owners who have their properties, somebody spray painting something on their property, then they get a letter in the mail and you'll have that information that there is an award

available to them so we're going to give them more information on how they can possibly make some money on turning somebody in.

Ms. Sieben said I want to say that this one is particularly challenging for all of our teams to try to figure out along with illegal dumping, but it is, obviously, something very critical that we're looking at. Since so many of the processes overlap in some way with the illegal dumping and litter stuff we felt it was best to do those together.

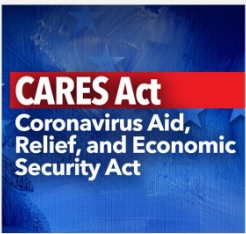


Rob Richardson, Director in Administrator's Office, said we're going to talk about Community Development for a little bit. I'm filling in for some folks in that department tonight. The first thing we want to talk about is the HOME Repair Program. We did 51 projects for just under \$300K and spent about \$5,600 for project and you can see some of the nice results there in the pictures, some interior work, and some exterior work.

2020 COMMUNITY DEVELOPMENT, CONT.

CARESAct

- Community Development Block Grant - The UG received 2 allocations totaling \$2,143,980 of CARES Act CDBG funds from HUD to "prevent, prepare, and respond to Coronavirus"
- Emergency Grant (ESG) - The UG received 2 allocations totaling \$2,391,577
 - Round 1 - RFP and review process awarded 7 non-profit agencies
 - Funded activities include emergency shelter, prevention, rapid re-housing, and data collection
 - Round 2 - RFP and review, waiting on 1st round to be spent before its awarded
 - Funded activities include same as before, as well as street outreach



CDBG also received a couple of very large CARES Act funding grants. The first one was \$2.1M for prevention, preparation, and response to the COVID related issues. The second one—it's actually two additional, but they're lumped into one here for \$2.3M. The first round is going to seven not-for-profit agencies for emergency shelters, prevention, and rapid rehousing as well as the data collection. Once that money is spent, the second round will be spent on similar activities.

2021 COMMUNITY DEVELOPMENT GOALS



- Apply to Federal Home Loan Grant
- Develop agreement between UG and AltCap for them to administer the Rehab Loan Program.
- Develop RFP for 5-year Consolidated Plan. Include Analysis of Impediment to fair housing.
- Work with Health Department to apply for second lead-based paint grant.

Ms. Sieben said this one here we're, as Community Development, they will be also working again with the Health Department to apply for another round of the Lead Paint program and we're also looking at a couple other things that are mentioned here on possible Federal Home Loan Grants which is helping with that GAP funding between appraisal and the actual cost to repair some of our properties here in town and possibly working with AltCap on that. Those are things we need to work on and doing a lot of support for infill housing.



Now onto Planning and I'm going to cover that tonight as well because our Director is on vacation.



2020 Planning, they did start the Armourdale Master Plan which most of you are aware of, kind of in-house for most of 2020 and just kicked off their more public side of the planning process here in the first part of '21. We did start our new Director, Gunner Hand, this last year and he is quickly engaging in our SOAR efforts which is wonderful to see. We did report out some zoning case numbers. Those are also, I believe, down from '19 as well 35 different zoning cases and of those, about half are closed and then our Zoning Enforcement Officer also does inspections for Development Review, so about 36 of those this last year.



2021 PLANNING & ZONING GOALS

- Adopt new Zoning Code
 - Transition from old Zoning code to new Zoning code.
 - Produce to UG website a how-to video for users of new Zoning code with consultant.
- Create an annual report of Zoning Enforcement activities/metrics
- Process map Zoning Enforcement officer standard operating procedures
- AmeriCorps VISTA to augment Zoning Enforcement capabilities
- Investigate Accela reporting features to better utilize Zoning enforcement activity data and regularly report to the Planning Director.
- Request additional Zoning Enforcement Officer for 2022

In 2021 we are going to be adopting a new Zoning Code. I know we've been talking about this for a while but that will be coming before you and along with that comes some how-to videos for folks who want to interact with the new code. We will be looking at how we transition between the old and the new code and sort of what the time period is for folks to engage with one or the other. We're also going to be working on an annual report that we will do for our Zoning Enforcement Officer. That's been one of the dreams of mine since we started having zoning enforcement activities with the Planning Department again.

We are also in the process of on board here shortly with AmeriCorps VISTA to help with some of the kind of in-house work around zoning enforcement help. One inspector will be out there more on the streets instead of in-house doing so much of the admin work. We are also using more features in Accela this year and we are going to be seeking a request to the governing body for another zoning enforcement officer for '22 if that's possible.

2021 PLANNING & ZONING GOALS

- Fully implement Accela & Project Docs to eliminate redundancies
- Narrow Lot Design Competition - Assist private developer with competition to build his house on a narrow lot - determine which designs would work best for us and use that as a template moving forward
- Conduct Armourdale Area Master Plan



The last one here, we are as the Planning Department, working with the team at NRC and in Public Works on Accela & Project Docs to help kind of improve our efficiencies in that area. One of the other exciting things that has come forward here this year for '21 is a private developer who is

interested in doing a narrow lot design competition and kind of looking at how we might be able to provide some information to future folks wanting to do that when we have come forward interested as well as with what we call ADUs or accessory dwelling units. I think this could be a really interesting one for the governing body as we move forward and sort of how that impacts how we think about our small lots.



2021 PLANNING & ZONING COMMUNICATIONS GOALS

- Create a list of the Top 10 Zoning violations to share in the Citizen newsletter. Share on the web/social media/E-news as well.
- Write Citizen newsletter article related to public safety and Planning issues for all 3 issues of Citizen. Share on the web/social media/E-news as well.



I believe the last one here is working on communication pieces for the zoning infractions that we see most common in the community and getting those out working with our strategic communication department and in several *Citizen* newsletters.



Mr. Talkin said let's talk a little bit about the Land Bank and 2020 results.



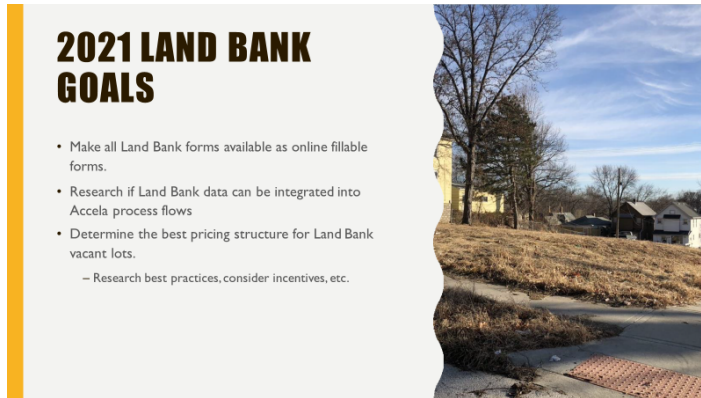
2020 LAND BANK

- Land Bank Rehab Program as of December 31, 2020
 - 62 total rehabs complete
 - 15 in 2020
 - 57 houses currently in the program inventory
 - Zero houses with no offers!
 - 243 rehabbers in rehab pool
- Total value added to property appraisals through Land Bank Rehab Program – **\$3,099,330!**
- 7 property transfers, not including the 6 transferred for the levee project

The Land Bank Rehab Program as of December 31st of last year had 62 total rehabs that were completed. They had 15 in the prior year, 57 houses currently in the program inventory, they have zero houses right now in the inventory that have—they at least have an offer right now and they have 243 rehabbers in the rehab pool right now. Total value added to the property appraisals through Land Bank Rehab Program is a little over \$300M or \$3B, not \$300M, sorry. They have seven properties that have been transferred and that doesn't include the six transferred to the Levee project.

Ms. Sieben said quick note here, there's some synergy that we are exploring between what Cheryl and Greg's team were presenting on the privately held and that 243 rehabbers. I think we will be, and I know we will be, trying to pair those folks up because we think there's an opportunity to move those vacants into an inhabited status and start our revitalization efforts in that way.

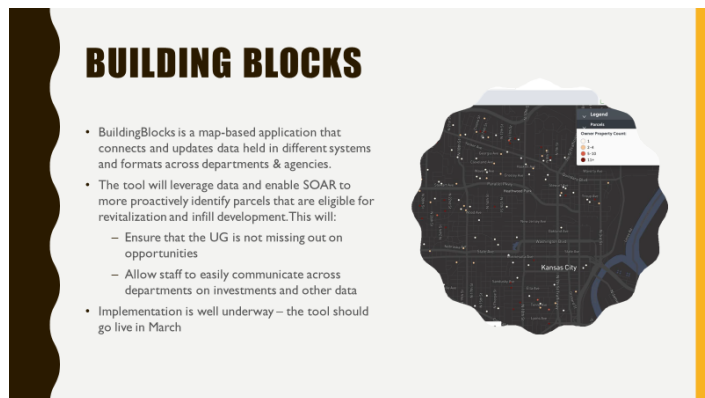
Mr. Richardson said, Melissa, we might say one other thing about that and that is we now have competition to buy those houses out of the tax sale with people that are actually wanting to do it. **Ms. Sieben** said yes, that will come up later for sure. **Mr. Richardson** said it's just so exciting.



Mr. Talkin said the 2021 Land Bank goals, make all Land Bank forms available as online fillable forms. We're going to do some research if the Land Bank data can be integrated into the Accela process flows which would be great for all of us using Accela because we always have to communicate of where processes are from what we're doing compared to what the Land Bank is doing. Determine the best practice pricing structure for Land Bank vacant lots and just continue to do research, a lot of best practices, consider incentives, etc.

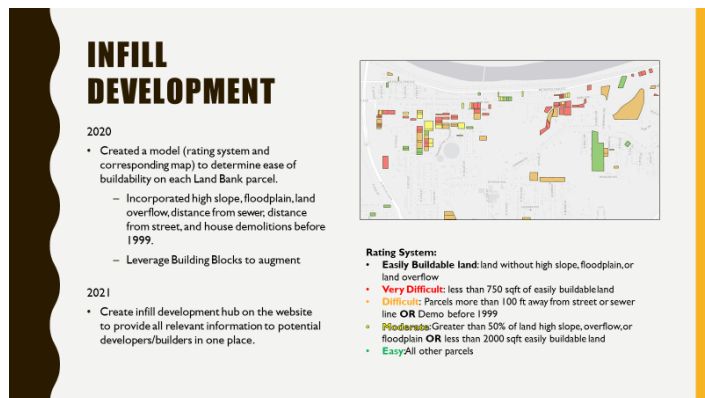


Ms. Sieben said this is our Land Team. Our Land Asset Management Team is trying to fix all of the issues with our land records.



Mr. Richardson said this is going to greatly appeal to a couple of our commissioners that love data. I won't name you, but you'll probably smile when I say that. The Building Blocks software takes data that we provide to them and integrates it and analyzes it and outputs it in a form that is useless to us. In this case, like I'll talk about tonight, how do we not miss opportunities. The software takes our Accela data, our GIS data and a couple other data sources and puts them together and does the analysis so that we can leverage that data and SOAR applications and Property Maintenance applications predicting in some cases where we might have issues. For instance, when we have shutoff data in there, it will start to be a predictive mode about how we can proactively look for properties that become property maintenance issues and address those very early in the process before they get so bad that they have to go into the rehab program. It also allows us to communicate with each other more effectively and I think it will also be a tool that will help the staff and Commission to communicate very effectively in terms of what properties should we focus on and how do we focus on them most effectively.

We're hoping that this will be live in March. We're well on our way. We've had some great support from our IT team to get that going and then get access to that data through our firewalls and that's all about to be completed.



Mr. Richardson said I have to thank our VISTA Nick Rebovich. I hope I got that right Nick. Nobody else tried it but I did. For a while, the Commission will know that we have been working on these vacant properties and well, that one is not developable because the basement was dug out, the house is just crushed into the basement and we put dirt over it, you've got to dig that out and it's an extra cost. That one looks developable, but you would think there would be a sewer in that alley because there are houses on it but they're all on the other end of the alley and there's no sewer on that one.

What Nick has done is taken all of our GIS data and looked at, is this lot easy to build on or is it hard to build on. Right now we have—you can see some of the results of that in the picture there. For 2021 we want to develop this into a hub or website where this can be easily accessed for folks that will actually work with the Land Bank and I think even in the future it will work with privately held properties because now that we are seeing demand, like we said, in the tax sale to buy a structure out of the tax sale; I think we will see people wanting to buy private land and so it will be important for them to have this information on the private land as well and we will apply this formula to vacant private properties as well.

As you see there, the very difficult means that it's less than 750 sq. ft. of easily buildable land and so easily buildable you talk about where are the sewer lines, what's the grade, what's the slope, many other factors in that.

Difficult is parcels that are more than 100 ft. away from the street and all the parcels are by a street, but there might be flat spot on the parcel and that part is like 100 ft. away from the street or the developable part of the parcel that's out of the floodplain is 100 ft. away or something like that. So, we really analyzed where is that buildable area on the property.

Moderate, it's a 50% land slope or it's in the land overflow where the rainwater goes, floodplain or it doesn't have at least 2,000 sq. ft. of buildable area and basically everything else would be considered easy.

It's just an incredible tool, something we've been working for, for a long and Nick has been able to take that and create the analysis tool that tells us this is a developable property. If the Land Bank is selling someone a property and it's green, there is not going to be any issues with that. They can go get their plot plan developed, get their house plans done and build on it. That's going to be a big step forward for that part of it as well. I can't sing Nick's praises enough because several of us intuitively thought this is what we need but we didn't have the technical ability to get there, so now we have this. Like I said, this will also supplement the Building Blocks program that we're working on as well. This data will go in there as well.

Ms. Sieben said that's very exciting, and this is definitely something that as far as our infill playbook that we're working on internally as well with our Land Asset Management group that we will be bringing forward more significant synergies between all of this information that we're talking to you about right now.

2020 LAND ASSET MANAGEMENT TEAM

- Resolve issues with UG properties that had taxes prior to UG acquisition
 - 1st piece complete – pay off the taxes for parcels owing \$500 or less
- Treasury is now able to clear taxes before putting new parcels into the Land Bank with one easy step
- Identified Land Bank lots in overland flow paths
- Presented to the Landmarks Commission on SOAR and specifically boarding efforts
- Removed unbuildable parcels in the Central Area from the Land Bank rolls/for sale lists

TAX PAID

easy

Ms. Masenthin said some accomplishments for that Land Asset Management Team other than Building Blocks and infill last year we were able to resolve some issues with UG properties that had taxes prior to UG acquisition. We haven't done all of the yet, but what we did was pay off the taxes for those owing \$500 or less. Another huge win was that Treasury was now able to clear taxes before putting new parcels into the Land Bank with one easy step, so this used to be a really complicated and time-consuming process and we had this huge backlog when the tax sale started processing more parcels, so the fact that they figured this out with one easy step was huge.

We also identified Land Bank lots in overland flow paths. We presented to the Landmarks Commission on SOAR and boarding efforts and removed unbuildable parcels in the Central area from the Land Bank rolls.



Ms. Sieben said one of the other things that we're looking at in '21 with the Land Asset Management Team is trying to ensure that we cleared all of the Land Bank lots that don't belong in the Land Bank. This has been a source of frustration for the governing body for a number of years and at the last standing committee meeting the Land Bank was at, you saw the start of that effort happening and I was over there having, you know, just like a cheering section myself and I think there are others that are feeling the same way. We're working on that as a group. This is a definite cross-departmental problem that we all face including also our BPU partners as well. We're working on this and pretty soon when you see it as a Land Bank lot, it is truly for sale and isn't going to be something that is some other type of asset within our portfolio.

We are also looking as we do this the excessive rights-of-way. In many cases when we've done different infrastructure projects over the years we had to buy more property than we needed so we're trying to look at what we have in that realm and then turn that into separated out parcels and possibly put more property that's publicly held and non-taxable back into the tax rolls where someone might develop on it.

Another issue if you've used our data at all and I think a few of you commissioners is that you will notice that there is about, I don't know, 30 different ways we name ourselves and that comes from consolidation and certain past practices in how we name things and we're working on a consistent nomenclature and what can be cleaned up and changed or what shouldn't be changed

at all. That's been an interesting project that we started a couple years ago and kind of sidestepped it for some other things but we're coming back to that this year.

One of the other ones that we mentioned already that's the last one here is the overland flow paths conversation and kind of making sure that we're not putting things back out for people to build on that are inherently going to have problems with overland flooding on their property.

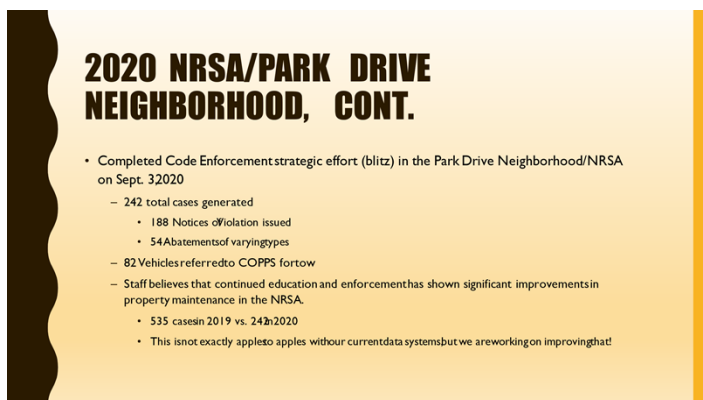
The one here that is kind of new that we haven't talked about is something that I think a lot of us have experienced if we live in more of a suburban development that has some amenities or supposed to have some amenities built. What we have seen is that developers are not coming through on their promises and that's creating kind of a blighted situation and so SOAR is wanting to work with NRC, Planning and possibly some others on how we manage the situation going forward so that we're not as a Unified Government left holding the bag say on a small park within a subdivision that does not have anyone to maintain it, formal structures weren't established, so on and so forth, or amenities weren't brought to bear that were promised. We need to get a better handle on that and handle that more efficiently for everyone.



Ms. Sieben said I'm going to turn this over to Logan and she is going to quickly run through our NRSA Program. Logan, we have about ten minutes or less.



Ms. Masenthin said some Park Drive neighborhood improvements we completed last year. We did a lot in City Park, restrooms, new service road, a concrete apron and ADA sidewalks. We also completed the Central Area Plan and that was adopted in October.



Mr. Holton said these are the numbers that compare 2019 blitz of the Park Drive area to 2020. The one thing that really showed us is that we need a better way of keeping our data, especially our blitz data, to assess our successes and/or failures. We believe these efforts to be successful as you can see by the significantly lower number of cases started in 2020 as opposed to 2019, but at this point that is anecdotal. That is not a full story as to how successful that program has been, but we're working on it and we're just going to keep at it.

2021 NRSA/PARK DRIVE NEIGHBORHOOD GOALS

- Park Improvements
 - Reconstruct parking lot at Clifton Park
 - Install safety net over playground at City Park ball field.
 - Complete walking trail around Clifton Park that will connect it to City and Regan Park.
 - Replace Clifton Park playground in different location



Ms. Masenthin said we have more park improvements coming this year. We're reconstructing the parking lot at Clifton, installing a safety net over the playground at City Park ballfield, completing a walking trail around Clifton Park that will connect it to City and Regan Park and replacing that playground in a different location.

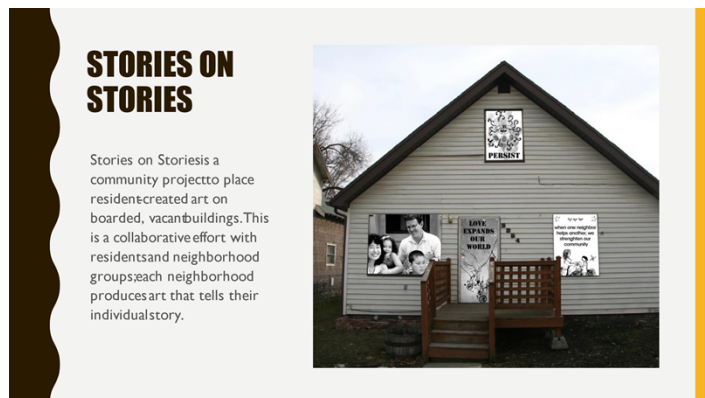


2021 NRSA/PARK DRIVE NEIGHBORHOOD GOALS, CONT.

- Assess whether or not the Code Enforcement communications offered throughout 2018 and blitz in 2019 have made visible improvements in property maintenance in Park Drive.
- Analyze metrics from original KU Census Tract report for tipping point neighborhoods. Determine if metrics have moved in either direction for Park Drive Neighborhood/Census Tract 422
- Analyze Census Tracts including those from the original KU report on tipping point neighborhoods, to determine ideal area for next NRSA.
 - Use analysis to select next NRSA and create goals.

Moving forward we're going to look at the Park Drive neighborhood and the NRSA more big pictures. We want to assess whether the code enforcement communications we offered have made visible improvements in property maintenance and then we also want to analyze the metrics from the original KU Census Tract report for tipping point neighborhoods to see if we've really moved the needle or not in census tract for '22.

Again, big picture, we want to analyze our census tracts including those from the original report and ideally pick a new area for an NRSA.



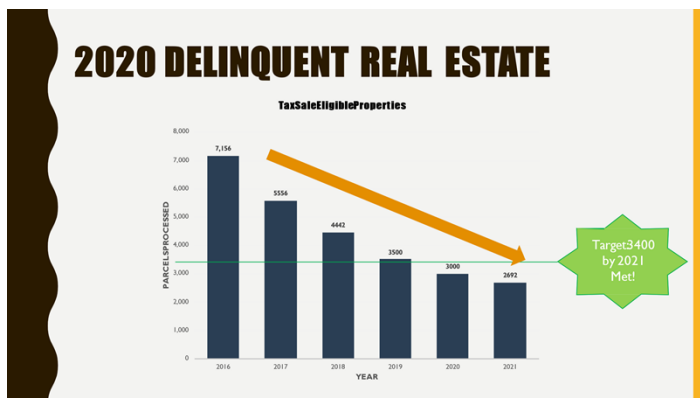
The Stories on Stories project ties in with the NRSA because of the location we chose this year. This is a community project to place resident created art on boarded vacant buildings. It's pretty complex and has a lot of collaborative partners but the mission is to connect communities and prevent crime while improving appearance.



Our 2020 project site would be the Historic Bathhouse in Clifton Park. We were able to do a lot of engagement. I will say it was definitely very challenging in 2020, but we were able to utilize those AmeriCorps VISTA Summer Associates and our existing community network to get a bunch of feedback from the residents in that area on what type of art they would like to see.

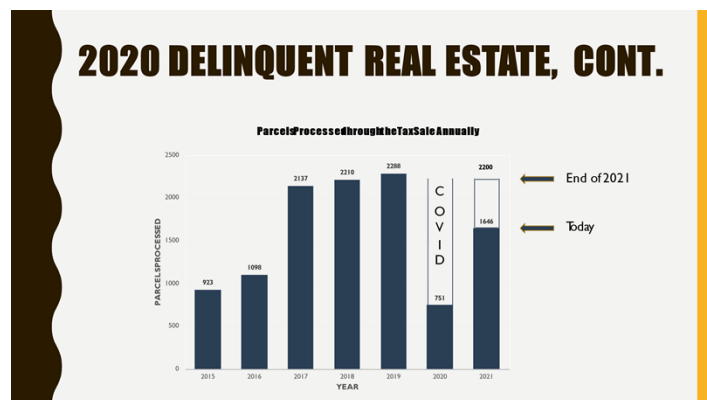


We were also able to partner with Habitat for Humanity. They repainted the building which badly needed it. They also repainted the shelter, put fresh mulch down and, again, this process was a lot more challenging due to the pandemic and a lot more time-consuming than we thought it might be, so we were hoping to install last year, but at this point we're aiming for April.

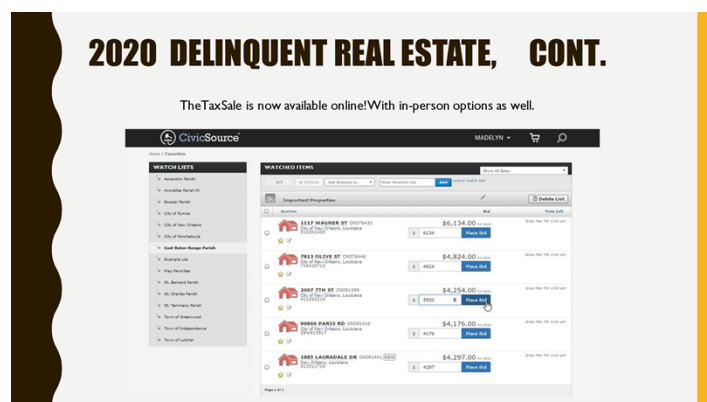


Jenna Hillyer, Delinquent Real Estate Manager, said here's where we started in 2016 with SOAR with 7,000 properties that had delinquent taxes that were tax sale eligible which is a huge

backlog and our goal in 2016 was to hit 3,400 which we have met and exceeded. We are on point to stay that way, so things are going really well with getting caught up with the backlog. It's the simple form.



We consider a property all the way through the tax sale process like actually once it's gone through the tax sale we continued to abstract through COVID which means we were working at properties for a sale, but we were only actually able to hold one. When added in an additional sale per year instead of just two and added in a third one, we were able to add in more properties by 1,000 actually so our production rate is up and it's continuing to be that way. Even though we had COVID we're back on track for hitting that number again thanks to being able to do an online tax sale which looks like this....



We started an online tax sale in December, and it does have an online component—an in-person component, sorry, obviously, it has an online one. This is actually Louisiana. We're working on getting some snapshots of Kansas City, but that has been wildly successful and we're continuing to work on improvements with that.

2020 DELINQUENT REAL ESTATE, CONT.

Success Story at \$31 Orville

- Extensive Fire Damage
- Reasons not to Demolish:
 - Proximity of neighboring homes "expensive demolition"
 - Would become missing tooth otherwise improving block
 - Exterior structure still intact
- Originally did not want to put in TaxSale because of costly interior damage
 - Fix Included interior photos of damage the first time in TaxSale
- Success – Property was sold in the TaxSale and staff has seen improvements underway!

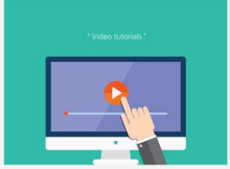


One of our wins, we had this house which you have seen previously in this presentation on Orville. It was one that we looked at demoing. It has huge fire damage as you can see. The significance with this house is that it is the first house in this neighborhood that would have been torn down, so essentially, by being able to—this house actually sold in the December tax sale online to a gentleman who has put a lot of effort into restoring the inside, the interior of it. So, not only is this house being saved, but by not tearing it down we actually were able to preserve the integrity of the neighborhood and the historic value of it. So, that's a big win for the rehabbers in general and the tax sale.

Mr. Richardson asked, Jennifer, how much did that sale for. **Ms. Hillyer** said about \$30K. **Mr. Richardson** said somewhere in the neighborhood of \$30K. **Ms. Hillyer** said yes, right above it. I don't remember the exact number.

Ms. Sieben said this was my test case and I want to thank Doug Bach for letting me push this one because I firmly believed this was possible, so I look forward to seeing more work when spring hits on this property, but this was truly a defining moment in the SOAR program.

2021 DELINQUENT REAL ESTATE GOALS



- Improve and monitor online TaxSales for efficiency
- Create online tutorials for how Wyandotte County TaxSales work
- Assess Vacant Property Registry data for tax currency through CIC.
- Promote the ability to make regular tax payments, rather than one large payment, in the PayIt mobile app or in person. Send this information in letters going to property owners who are 1 or 2 years delinquent and not yet tax sale eligible.
- Research options for contacting previous owners (whose properties were sold in the TaxSale) about how they can receive the overages for their properties sold in the TaxSale.

Ms. Hillyer said this is our list of things we're looking for in 2021. It's largely communication. We're going to continue to monitor how the online tax sale goes and look for improvements. We're working with CivicSource on ways we can improve it and the interface and a lot of outreach with the community and instruction tutorials and whatnot on how it works for Wyandotte. Our language is a little bit different. If you look for tutorials now, what you find is a lot of things from Louisiana and they do things a little bit different. Every City Hall, you know, they have burrows and whatnot, and we don't have that here so it's a little bit different.

We do continue to work closely with NRC and Codes with the vacant property registry. If a home is actually vacant, we can get into a tax sale faster than if it's occupied so that information is really valuable for us, so if we have access to it through CIC, it's a lot easier for our abstractors. Right now we've done a great job working with the code enforcement officers, NRC, but there are ways we can improve that.

We're also working with CivicSource and investigating ways to reach out to people who are just one or two years tax delinquent and also ways we can remind them to pay monthly. A lot of people don't plan for a long-term, that giant bill at the end of the year. It's easier to budget for once a month we have to pay x amount of dollars to make our taxes, so if we can prevent delinquent taxes from happening, that's one of our goals.

Also, just informing the public on what their rights are. People who have had houses sold in the tax sale are entitled to the overages past what was paid for their delinquent taxes so being able to inform the public on what that process is would be really helpful I think. Just good community, good customer service and community outreach for our department.





Mr. Talkin said in 2020 Livable Neighborhoods has always been a partner when it comes to communication. They try to do any type of communication for neighborhood groups and getting information out to them. This is kind of a great fit with a lot of what's going on with the UG right now and trying to improve communications.

In 2020 Livable Task Force, their meetings went online through Zoom. They held their third meeting on Zoom today actually. They've made improvements to their website, reviewed 2019 NBR reports for all four quarters with the Mayor and Assistant County Administrator, worked with the SOAR Team to create an Outstanding Neighborhood Award including nomination process to recognize community members who go above and beyond to improve the community particularly when it comes to appearance and safety.

I apologize, I can't remember the lady's name that got that award, but—**Ms. Sieben** said I'll take it home for you here. **Ms. Masenthin** said Gabbie Martino.



Ms. Masenthin said some additional content we helped push in 2020 that made it in the *Citizen*. I don't need to read them all for the sake of time and for 2021 we're going to promote some Police Department initiatives.



We revamped and reorganized our dashboard. **Ms. Sieben** said which you can find online. With that, I will stop sharing my screen and stand for any questions.

Commissioner Bynum said just one question that's way back on the illegal dumping. I wonder if I could request that the SOAR Team discuss the possibility of impounding any vehicle that is associated with illegal dumping and could they look into the possibility of doing that and bring that back to us sometime in the future. I believe right now the answer is probably we can't do that and the question that I'm asking is, what would it take for us to be able to do that. I think impounding vehicles associated with illegal dumping might go a long way. **Ms. Sieben** said absolutely. We would love to look into that and if it's something we can put in our tool kit, I think Officer Caiharr is smiling, I think he would be excited to have something like that in his tool kit.

Commissioner Johnson said wonderful presentation tonight, very thorough. I just want to put this out there also. If in some bazaar reality we're able to find some cost savings somewhere in our budget, if we could consider maybe increasing the reward amount for those that are vandalizing and also dumping trash, it's absolutely deplorable what people are doing in our community. I've had a chance to go out with Community Policing and it's just absolutely mind-boggling what people do in terms of dumping in different areas. It just blows my mind. I don't know if there is any data out there that would suggest that increasing the reward amount might work or not, but it's just something I would like to continue to put out in the ethers as a potential possibility. **Ms. Sieben** said we can actually talk to you about that further offline, Commissioner, because we are running up against a hard stop, but we have looked at that.

Commissioner Philbrook said real quick, thank you. I don't know how the heck you're doing all this work during the last year but I'm just amazed at what you guys have accomplished. Thanks so much and I do know that we have so much more work to do, but there is no way I can express my thanks for the work, everybody working so well together. Keep up the good work folks. Thanks so much.

Mayor Alvey said we need to probably end now. Thank you for the presentation.

**MAYOR ALVEY ADJOURNED
THE MEETING AT 6:51 p.m.**

Brett Deichler
Interim Unified Government Clerk

dt



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: March 4, 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 March 4, 2021

1. PUBLIC NOTICE:

Alandon Tow, 6224 Kansas Avenue, held a public auto auction on March 2, 2021 at 10:00 a.m.

Action: Received and filed.

2. 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/Vendor #</u>	<u>Reason for void (dropdown)</u>
873316	No	2/14/2020	\$ 1,019.97	791 98150015571	Harris, Shyrea #T1068	Wrong vendor
878812	No	7/2/2020	\$ 1,019.98	791 98150015571	Harris, Shyrea #T1068	Wrong vendor
885484	No	1/15/2021	\$200.00	160 26000015299	Kansas Register of Deeds Association #20942	Class Canceled
			\$275.00	160 26000015259	Kansas Register of Deeds Association #20942	Class Canceled
883225	Yes	11/20/2020	\$190.55	162 19000025269	French, Karen B#E3121	Stale dated
887511	No	2/26/2021	\$497.62	750 2009	Norris, Todd A, Attorney #PA014	Garnishment Released Reissue to Georgia Bryant

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED MARCH 2, 2021:

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Robert A Angell	Police	3/11/21	Captain
Mychael W Burns	Sheriff/Juv	2/25/21	Juv Care Worker I
Julie R Jun	Health/PHS	3/3/21	Dietitian
Michael J Roe	Fire	2/17/21	Firefighter/MICT
Tarrence T Stokes	Police	2/23/21	Patrolman III
Dennis J Vallejo	Police	3/11/21	Sr Master Patrolman
Jill M Warrick	Police/Comm	3/5/21	Public Safety Dispatcher

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Manuel A Deleon	Police/Comm	2/18/21	Prog Supervisor
Brooke A Koberlein	Police/Comm	2/18/21	Admin Coordinator
Ana L Quimby	Mayor's Office	2/18/21	Professional Asst
Sasche M Robinson	Police/Comm	2/18/21	Admin Coordinator

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Cecil Alvis	PW/WPC	ACD code change effective 3/4/21

Scott Banister	PW/WPC	ACD code change effective 3/4/21
De'Ya Barnett	Public Works	Dept change to 311 operations and ACD change effective 2/18/21
Douglas Beam	PW/WPC	ACD code change effective 3/4/21
Richard Bird	PW/WPC	ACD code change effective 3/4/21
Deasiray Bush	Budget	Amend PAC 2/25/21 reflect change in ACD code effective 2/25/21
Kyle Creten	PW/WPC	ACD code change effective 3/4/21
Michael Davis	PW/WPC	ACD code change effective 3/4/21
Gary Everhart	PW/WPC	ACD code change effective 3/4/21
Trenton Foglesong	PW/WPC	ACD code change effective 3/4/21
Morgan Fotovich	PW/WPC	ACD code change effective 3/4/21
Nicole Garner	Health	ACD code change effective 2/18/21
Chester Hansford	PW/WPC	ACD code change effective 3/4/21
Jacob Harris	PW/WPC	ACD code change effective 3/4/21
Sheldon Harris	PW/WPC	ACD code change effective 3/4/21
Tammy Head	PW/WPC	ACD code change effective 3/4/21
Paul Hernandez	PW/WPC	ACD code change effective 3/4/21
Corey Hill	PW/WPC	ACD code change effective 3/4/21
Jessica Keane	Health	ACD code change effective 2/18/21
Cory Kraft	PW/WPC	ACD code change to [560-049-0021] effective 3/4/21
Steve Lemonds	PW/WPC	ACD code change effective 3/4/21
Roland Macan	PW/WPC	ACD code change effective 3/4/21
Wesley McKain	Health	ACD code change effective 2/18/21
Scott McMannus	PW/WPC	ACD code change effective 3/4/21
Chad Mooberry	PW/WPC	ACD code change effective 3/4/21
Steven Mortell	PW/WPC	ACD code change effective 3/4/21
David Reno	Public Works	Amend PAC 2/25/21 to reflect change in ACD code effective 2/25/21
Kyle Ring	PW/WPC	ACD code change effective 3/4/21
James Stimetz	PW/WPC	ACD code change effective 3/4/21
Stevin Summers	PW/WPC	ACD code change effective 3/4/21
Joshua Terry	PW/WPC	ACD code change effective 3/4/21
Vacant PIN 3389	PW/WPC	ACD code change effective 3/4/21
Vacant PIN 3319	PW/WPC	ACD code change effective 3/4/21
Vacant PIN 3317	PW/WPC	ACD code change effective 3/4/21
Vacant PIN 3177	PW/WPC	ACD code change effective 3/4/21
Vacant PIN 3177	PW/WPC	ACD code change effective 3/4/21
Vacant PIN 3367	PW/WPC	ACD code change effective 3/4/21
Christina VanCleave	Health	ACD code change effective 2/18/21
Andrew Wetchensky	PW/WPC	ACD code change effective 3/4/21
Jeremy Willis	PW/WPC	ACD code change effective 3/4/21
Kurt Winters	PW/WPC	ACD code change effective 3/4/21
Jack Xiong	PW/WPC	ACD code change effective 3/4/21
Robert Ziesler	PW/WPC	ACD code change effective 3/4/21
Zac Zimmerman	PW/WPC	ACD code change effective 3/4/21

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED MARCH 4, 2021:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
------	---------------------	-----------	-----------

Kirsten B Carter	Sheriff/Admin	3/4/21	Clerk
Kevin M. Steele	Sheriff/Admin	3/4/21	Lieutenant Colonel

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Stephen R Merkys	Fire	2/18/21	Firefighter/MICT	Firefighter/MICT
Kalven T Thorne	Police	3/11/21	Detective	Captain

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Matthew H Brewer	Fire	2/18/21	Firefighter
Travis D Mohler	Fire	2/19/21	Paramedic Trainee

Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
Jill M Warrick	Police/Comm	Amend PAC 3/2/21 in effective date of separation to 3/3/21

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIM FOR DAMAGES:

Elcelia Brownlee, 6524 Tauronee Ave., through attorney Dave Johnson, 4050 Pennsylvania Ave., Ste. 121, KCMO, alleging bodily injuries and damage to vehicle after being hit by Wyandotte County vehicle.

Action: Received and filed. Copy previously forwarded to Legal.

6. MOTION TO SET ASIDE:

Unified Government of Wyandotte County/Kansas City, Kansas vs David Zavala, Case No. 2020 PT000002 COA 125.

Action: Received and filed. Copy previously forwarded to Legal.

7. SUMMONS:

Enterprise Bank & Trust vs. Cesar Sanchez et. al, Case No. 2021-CV-000126.

Action: Received and filed. Copy previously forwarded to Legal

8. CERTIFICATE OF INSURANCE:

Allied Universal Topco, LLC (89 additional names)

Action: Referred to License.

9. BUSINESS BONDS:

Electrical Contractor's Bonds

Anthony PHCE
Designed Electrical Integrator, Inc.
Family Held III, LLC
Ferris Electric, LLC
Hasenohr Electric, LLC
Indiana Industrial Services, LLC
Indiana Industrial Services, LLC
JRAD Electric, LLC
Lyric Enterprises Ltd dba L&M Electric
MD Electric, Inc.
P1 Construction, LLC
P1 Service, LLC
Ragsdale Electric, LLC
Rising Sun Epc, LLC DBA Rising Sun Solar
Shogren Electric Service, LLC
Timothy S. Gates

General Contractor's Bond

City Wide Solutions, LLC

Mechanical Contractor's Bonds

P1 Construction, LLC
P1 Service, LLC

Mechanical/HVAC Contractor's Bonds

Ameripure Water Company, Inc.
Harrington Brothers, Inc. Heating & Cooling
MJ Interiors
Timothy S. Gates

Plumber's Bonds

Ameripure Water Company, Inc.
Anthony Ficara Quick Relief Plumbing
Murray Plumbing
P1 Construction, LLC
P1 Service, LLC
Service Pro Plumbing and Gas L.L.C.

Sign Installation/Erecting Bond

Sign Craft, Inc.

Action: Referred to License.

10. CONTINUATION CERTIFICATES:

Electrical Contractor's Bonds

Al's Electrical Maintenance
Clayco Electric Company
Anthony Nguyen
Fred Roberts II, Inc. dba Suburban Electric
JMC Services, Inc.
Mag-Tronics Industrial, Inc.
Nabholz Construction Corporation

HVAC Contractor's Bond
Apex Heating & Air Conditioning, Inc. (3)

Mechanical Contractor's Bonds
Anthony Nguyen
Ryan Peugeot dba American Residential Services, LLC dba 4 Eco Services

Miscellaneous Bond
Allen Strausbaugh DBA Allen's Electric

Plumber's Bonds
Anthony Nguyen
Willie Jones

Action: Referred to License.

11. CANCELLATION NOTICES:

Electrical Contractor's Bonds
AD's Team Electric, LLC
Gerald Brungardt

HVAC Contractor's Bond
Malik Heating and Cooling, Inc. DBA Malik Heating/Cooling

Mechanical Contractor's Bond
Able Air Heating and Cooling, LLC

Miscellaneous Bonds
Clockwork Electric, LLC
Express Electric, LLC
Metalcraft, Inc.

Action: Referred to License.

12. REINSTATEMENT NOTICE:

Electrical Contractor's Bonds
Arnaldo Electric, LLC
SunSmart Technologies, LLC

Action: Referred to License

13. APPLICATIONS FOR CMB LICENSE (PKG):

ALDI, Inc. (Kansas)/Martin Clardy DBA ALDI #13, 1945 N. 110th St.
Zayn Commercials, LLC/Abu Taher DBA Legend Cenex, 8535 State Ave.

Action: Referred to License.

14. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Lori L. Gomez DBA Tequila KC Bar, 1013 Central Ave.

Action: Referred to License.

15. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:

Celtic Hills Security Services, LLC/Robert J. Denzel DBA Celtic Hills Security Services, LLC, 127 W. 10th St. #103

Semper Securus, LLC dba Signal 88 Security DBA Semper Securus, LLC dba Signal 88 Security, 13753 S. Walnut View Dr., Olathe, KS

Titan Protection & Consulting, Inc. DBA Titan Protection & Consulting, Inc., 9350 Metcalf Ave., Ste. 210, 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: March 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 March 11, 2021

1. PUBLIC NOTICES:

All City Tow Service, 1015 S. Bethany, held a public auto auction at 10:00 a.m. on January 14, and February 11, 2021.

Action: Received and filed.

2. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

<u>Warrant #</u>	<u>Reissue?</u>	<u>Date Issued</u>	<u>AMOUNT</u>	<u>FUND / ACD</u>	<u>Vendor Name/Number</u>	<u>Reason for void</u>
884480	Yes	12/18/2020	\$154.58 \$15.00	790 2113 160 2125	Birdsong, Jeffery W #9255Z	Lost warrant
887004	Yes	2/19/2021	\$1,314.35	791 98150015571	Regmi, Shiva & Bishnu #T1182	Other Check shredded in error
885614	YES	1/22/2021	\$400.00	262 42830205201	POSTMASTER #25292	Lost warrant Sent to wrong post office/post office did not receive

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED MARCH 9, 2021:

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Terry M Allen	Fire	2/25/21	Master Firefighter	Fire Driver
James A Bailey	Fire	2/25/21	Sr Firefighter	Fire Driver
Joshua B Bosley	Fire	2/25/21	Firefighter/MICT II	Firefighter/MICT II
Justin E Brown	Fire	2/25/21	Sr Firefighter	Fire Driver
Juan J Camacho	PW/Street	3/4/21	Equipment Operator I	Equipment Operator II
Jason A Coleman	Fire	2/25/21	Sr Firefighter	Fire Driver
Dean L Galvan	Fire	2/25/21	Sr Firefighter	Fire Driver
Patrick Guerra	Fire	2/25/21	Sr Firefighter	Fire Driver
Jonathan L Gutierrez	PW/Solid Waste	3/4/21	Environmental Scientist	Program Supervisor
Darren L Haddock	PW/Street	3/4/21	Equipment Operator III	Equipment Operator IV
MacKenzie D Hattesohl	Fire	2/25/21	Firefighter/MICT III	Firefighter/MICT III
Andrew C Heimann	Fire	2/25/21	Firefighter/MICT II	Firefighter/MICT II
Brian M Houser	Fire	2/25/21	Firefighter/MICT III	Firefighter/MICT III
Brandon E Jackson	Fire	2/25/21	Firefighter V	Firefighter V
Jason E Kimm	Fire	2/25/21	Sr Firefighter/MICT	Fire Driver
Justin K Kozol	Fire	2/25/21	Firefighter/MICT II	Firefighter/MICT II

Kevin M Kurta	Fire	2/25/21	Firefighter/MICT II	Firefighter/MICT II
Anne M Lindsey	Fire	2/25/21	Sr Firefighter	Fire Driver
John D Lobner	Sheriff/Admin	3/4/21	Deputy	Deputy
Daniel A Lopez	Fire	2/25/21	Firefighter/MICT	Firefighter/MICT
John G Lumley	Fire	2/25/21	Sr Firefighter	Fire Driver
Toni Malic	PW/Street	3/4/21	Equipment Operator II	Equipment Operator III
Tyler J McCarty	Fire	2/25/21	Sr Firefighter	Fire Driver
Daniel L McGinnis	Fire	2/25/21	Sr Firefighter/MICT	Fire Driver
James E Mendenhall	PW/Street	3/4/21	Equipment Operator III	Equipment Operator IV
Martin M Ntonjira	PW/Engineering	3/4/21	Lead Eng/Proj Mr	Lead Eng/Proj Mr
Efren Nunez	PW/Traffic Eng	3/4/21	Equipment Operator I	Equipment Operator II
Brandon L Penegar	PW/WPC	3/4/21	Plant Operator I	Plant Operator II
Tyler R Romero	Fire	2/25/21	Firefighter/MICT III	Firefighter/MICT III
Nicolas A Root	Fire	2/25/21	Sr Firefighter	Fire Driver
John D Schmidt	PW/Street	3/4/21	Equipment Operator I	Equipment Operator II
Joseph W Slaughter	PW/Street	3/4/21	Equipment Operator III	Equipment Operator IV
Karl S Tsen	Fire	2/25/21	Sr Firefighter/MICT	Fire Driver
Andrew Y Xiong	Fire	2/25/21	Firefighter V	Firefighter V
Semian U Vanderpool	Fire	2/25/21	Firefighter V	Firefighter V
Brandon V Wayne	PW/Street	3/4/21	Equipment Operator II	Equipment Operator III

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Lori E Flack	Del Real Estate	12/21/20	Real Estate Abstractor
Grady A McWilliams	Police/Comm	3/5/21	Part Time 911 Call Operator

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED MARCH 11, 2021:

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Lawrence J Barnett	Parking Control	3/5/21	School Crossing Guard
Kenneth L Mack	PW/Solid Waste	3/17/21	Program Coordinator
Eduardo E Madrigal	Fire	3/10/21	Fire Driver
Kristie L Morgan	Comm Corr/Adult	3/12/21	ISO
Jeffrey C Payne	Sheriff/Admin	3/18/21	Deputy
Gregory E Walker	Fire	3/10/21	Master Fire Driver

Section IV - Leave of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Broderick T Henderson	Parking Control	2/28/21	3/27/21	unpaid

Section IV - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Dalton A Alas	Fire	3/1/21	Firefighter II
Blake R Hachinsky	Fire	3/1/21	Firefighter II
Kaisone Inthavong	Fire	3/1/21	Firefighter II
Shannon B Murphy	Parks/Rec	2/9/21	Groundskeeper I
Erin D Riley	HR	2/6/21	HR Analyst/Safety Coord
Anthony J Tucker	Fire	3/1/21	Firefighter II
Angel M Villanueva-Nava	Parks/Rec	2/6/21	Groundskeeper I
Gary D Wayne	Fire	3/1/21	Firefighter II
David J Whaley	Fire	3/1/21	Firefighter II

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIMS FOR DAMAGES:

Chris L. Bayne, 15 C & B Ln., Stuttgart, AR, alleging a Kohr 9mm was stolen from his home in 2010 and recovered by the Police Department. After being promised it would be returned it was never been returned after many attempts of calling over the years with no return, to find out it was sold.

Bernard Weston, 2730 N. 76th St., KCK, through attorney Michael W. Wharton, 12 Corporate Woods Ste. 370/10975 Benson Dr., Overland Park, KS, alleging bodily injuries due to falling after stepping on a water meter lid not properly secured at Villa Bella Townhomes, 1404 N. 55th St., KCK, on December 16, 2020.

Action: Received and filed. Copies previously forwarded to Legal.

6. AMENDED NOTICE OF CLAIM:

Rose Borst, 4611 Gibbs Rd., KCK, through attorney Vance C. Preman, P.C., 11805 W. 179th St., Bucyrus, KS, alleging personal injuries due to dangerous condition of sidewalk while approaching the intersection of 8th & Seminary on September 3, 2020.

Action: Received and filed. Copy previously forwarded to Legal.

7. MOTIONS FOR SET ASIDES:

Unified Government vs. Elizabeth Gonzalez Rojas, Case No. 2020 PT 000002 Tax Sale #347, COA #153.

Unified Government of Wyandotte County vs. Edwin E. Majano-Parada, Case No. 20-PT-000002 347/207

Action: Received and filed. Copies previously forwarded to Legal.

8. TRAVEL REQUESTS:

Richard Harris, Dustin Dierenfeldt, Steven Super, Dallas Thompson and Chad Williams, KCKPD, travel to Washington, DC, May 11 – 16, 2021, for National Police Week 2021, Employee Training & Travel.

Josh Cromwell, Jamie Miller, Christopher O'Neill and Nicolay Pleshka, KCKPD, travel to Johnston, IA, May 9 – 14, 2021, to attend Advanced Physical Surveillance for Counternarcotic Missions, Employee Training & Travel.

Angel Silvestre and Phillip Trusskey, KCKPD, travel to Johnston, IA, May 10 – 14, 2021, to attend Advanced Physical Surveillance for Counternarcotic Missions, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

9. APPLICATION FOR CMB LICENSE (OP):

Donna Marrs/Patti Clark DBA Lakeside Speedway, Inc., 5615 Wolcott Dr.

Action: Referred to License.

10. MASSAGE THERAPIST LICENSE:

Karen Leigh Walker DB/with Do or Dye Salon & Spa, 2100 Hutton Rd. Suite 104

Action: Referred to License.

11. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:

G4S Secure Solutions/Susan Hostetler DBA G4S Secure Solutions, 1251 NW Briarcliff Pkwy, Ste. 85, KCMO

Ward Guard Security/Michael Bradford DBA Ward Guard Security, 17215 S Benton, Belton, MO

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: March 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 March 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>
885705	Yes	1/22/2021	\$ 500.00	110 11300025533	Turtle Hill Community Assoc. #29725	Wrong mailing address
884205	Yes	12/11/2020	\$293.67	790 2113	Cromwell, David Blake #9137Z	Stale dated
886110	Yes	1/29/2021	\$56.77	790 2113	Soto-Jimenez, Maria Del Lucero #9771Z	Lost warrant
			\$30.00	790 2113		

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED MARCH 16, 2021:

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Michael G Abbott	Election	3/1/21	Prog Coordinator	Election Commissioner
Paul J Hernandez	PW/WPC	3/18/21	Plant Operator II	Plant Operator II
Maria Ortiz	DA's Office	3/18/21	Admin Supt	Admin Supt
Cody K Petterson	Sheriff/Juv	4/1/21	Specialist	Supervisor
Shelia J Smith	DA's Office	3/18/21	Court Security Officer	Juv Care Worker I
			Surveillance Officer	Admin Supt Specialist

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Kyle J Custer	DA's Office	3/9/21	ADA I
Charles E Ettinger	Parks/Rec	3/19/21	Golf Course Supervisor
Samantha J Ramirez	Election	7/24/17	Election Tech

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Janessa A Bejarano	Police/Comm	4/30/21	Public Safety Dispatcher
Stephen C Dyer	Sheriff/Admin	4/26/21	Deputy
Wallrine Freeman	Sheriff/Detention	4/1/21	Court Liaison Officer
William C. Green	Sheriff/Admin	4/26/21	Deputy
Ta'Nae S Locke	Sheriff/Juv	4/1/21	Juv Care Worker I
Alanzo A McIntosh Jr	Sheriff/Admin	4/4/21	Clerk
John P Valdez	Sheriff/Admin	4/4/21	Deputy
Erick T Verser	Finance/Treasury	3/21/21	Fiscal Supt Specialist
LeeJamahl A. Washington	Fire	3/22/21	Master Firefighter

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Jacklyn Aboytes	NRC/Admin	ACD code change effective 12/24/20
Stanley Bartley	NRC/Bldg Inspection	ACD code change effective 12/24/20
Chad E Watskey	Fire	3/22/21 Master Firefighter
Thomas L Williams Jr	Sheriff/Admin	4/26/21 Deputy

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Kristie L. Morgan	Comm Corr	Amend PAC 3/11/21 to reflect change in sick time effective 3/12/21
Regina D Robinson	Municipal Court	Out of class pay from oc code 0104 to 1615 and rg/stp effective 1/14/21
Andrew J Wainscott	PW/Fleet	Certification pay effective 2/18/21

Action: Received and filed. Copy previously forwarded to Payroll.

3. PERSONNEL ACTION COMMUNICATION, DATED MARCH 18, 2021:

Section II-Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Diana B Villescascas-Flores	Police/Comm	3/18/21	Public Safety Dispatcher	Part Time A Call Taker

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
William J Feden	Fire	3/11/21	Sr Fire Captain
Carlos Pacheco	Fire	3/11/21	Master Fire Captain
Angela A Rodgers	Election	3/10/21	Temp Election Worker
Cody E Wallace	Fire	3/11/21	Firefighter/MICT I

Section IV - Leave of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
MacKenzie D Hattesoil	Fire	3/1/21	4/28/21	unpaid

Section VII - Reclassifications

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Vacant PIN 3322	PW/WPC	3/4/21	General Maint Worker	Plant Operator I
Vacant PIN 3179	PW/WPC	3/4/21	Admin Supt Specialist	Plant Maint Worker

Marcus Bass	NRC/Bldg Inspection	ACD code change effective 12/24/20
Melissa Bazert	NRC/Admin	ACD code change effective 12/24/20
Devon Bryant	NRC/Bldg Inspection	ACD code change effective 12/24/20
Jesse Castro	NRC/Codes	ACD code change effective 12/24/20
Maria Castro	NRC/Codes	ACD code change effective 12/24/20
Bret Charboneau	NRC/Bldg Inspection	ACD code change effective 12/24/20
Rhonda Cruz	NRC/Admin	ACD code change effective 12/24/20
Cassandra Daniels	NRC/Codes	ACD code change effective 12/24/20
Lela Dantzler	NRC/Admin	ACD code change effective 12/24/20
Leomia Davis	NRC/Admin	ACD code change effective 12/24/20
Francisco Del Pozo	NRC/Codes	ACD code change effective 12/24/20
Erin Downing	NRC/Codes	ACD code change effective 12/24/20
Scott Douglas Fee	NRC/Admin	ACD code change effective 12/24/20
Richard Felix	NRC/Codes	ACD code change effective 12/24/20
Lora Ferguson	NRC/Codes	ACD code change effective 12/24/20
Joy Frazier	NRC/Admin	ACD code change effective 12/24/20
Jason Haworth	NRC/Bldg Inspection	ACD code change effective 12/24/20
Jeffrey Hollinshed	NRC/Bldg Inspection	ACD code change effective 12/24/20
Patrick Holton	NRC/Codes	ACD code change effective 12/24/20
Anthony Hutchinson	NRC/Bldg Inspection	ACD code change effective 12/24/20
Shelby Johnson	NRC/Codes	ACD code change effective 12/24/20
Cynthia Kampmeier	NRC/Admin	ACD code change effective 12/24/20
Gina Lane	NRC/Codes	ACD code change effective 12/24/20
Nancy J Laughlin	PW/WPC	Certification pay effective 11/10/20
Cheryl Martel	NRC/Admin	ACD code change effective 12/24/20
Rachel Miskec	NRC/Admin	ACD code change effective 12/24/20
Sierra Miskec-Hays	NRC/Codes	ACD code change effective 12/24/20
Robert Morgan	NRC/Codes	ACD code change effective 12/24/20
William Nagle	NRC/Bldg Inspection	ACD code change effective 12/24/20
James Neath	NRC/Bldg Inspection	ACD code change effective 12/24/20
Valerie Nelson	NRC/Admin	ACD code change effective 12/24/20
Darla Norwood	NRC/Admin	ACD code change effective 12/24/20
Jesus Ortiz-Applin	NRC/Codes	ACD code change effective 12/24/20
Joy Overton	NRC/Codes	ACD code change effective 12/24/20
July Sandoval	NRC/Codes	ACD code change effective 12/24/20
Melinda Saucedo	NRC/Bldg Inspection	ACD code change effective 12/24/20
Julie Simmons	NRC/Admin	ACD code change effective 12/24/20
Ashley Smith	NRC/Codes	ACD code change effective 12/24/20
Matthew Smith	NRC/Codes	ACD code change effective 12/24/20
Megan Smith	NRC/Admin	ACD code change effective 12/24/20
Tina Terrazas	NRC/Admin	ACD code change effective 12/24/20
Ninoslava Tomasic	NRC/Admin	ACD code change effective 12/24/20
Orlando Washington	NRC/Codes	ACD code change effective 12/24/20
William E Weaver Jr	PW/WPC	Reinstatement effective 7/28/1988
Lori Wilson	NRC/Admin	ACD code change effective 12/24/20
Todd Yergovich	NRC/Bldg Inspection	ACD code change effective 12/24/20
Megan Ziesler	NRC/Codes	ACD code change effective 12/24/20
Vacant PIN 3729	NRC/Codes	ACD code change effective 12/24/20
Vacant PIN 3742	NRC/Codes	ACD code change effective 12/24/20
Vacant PIN 3739	NRC/Codes	ACD code change effective 12/24/20

Action: Received and filed. Copy previously forwarded to Payroll.

4. CLAIM FOR DAMAGES:

Luis Duperon, 3316 N 111th St., alleging damage to yard from the city snow plow.
Kelli Littlefield, 9855 Meeks Rd, alleging damage to mailbox due to the city truck hitting it.
Magdalena Mumphrey 1904 N. 90th St., alleging damage to mailbox due to city snow plow.

Action: Received and filed. Copy previously forwarded to Legal.

5. MOTION TO SET ASIDE:

Unified Government of Wyandotte County/Kansas City, Kansas vs Leifus Bradley Jr., 2020-PT-000001, 349/419 (COA).

Unified Government of Wyandotte County/Kansas City, Kansas vs Rev. Carl Dozier, 2020-PT-000002, 347/133 (COA).

Unified Government of Wyandotte County/Kansas City, Kansas vs Clara Morales, 2020-PT-000002, 684,685 (COA).

Action: Received and filed. Copy previously forwarded to Legal.

6. TRAVEL REQUESTS:

Maya Banks, Victim Services Unit, travel to Orlando, FL, September 11 – 15, 2021, to attend the NOVA (Nat'l Org for Victim Assistance), 100% VOCA.

Jamie Miller, Christopher O'Neill and Nicolay Pleshka, Police/Community Support/VCTF, travel to Johnston, IA, May 9 – 14, 2021, to attend the Advanced Physical Surveillance, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

7. APPLICATION FOR PRIVATE SECURITY BUSINESS:

Crown Systems, Inc./Jill Bergerhofer DBA Crown Systems, Inc., 4050 Pennsylvania Ave., Ste. 111, KCMO

Daniels Security Service, Inc. DBA Daniels Security Service, Inc., P.O. Box 12354, KCK

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 2112

Full Commission Meeting Date: 2/11/21 & 3/25/21 - for public hearing

Committee: Economic Development & Finance

Date of Standing Committee Action: 2/1/21

(If none, please explain):

Publication Required: Yes

<u>Date:</u> 3/19/2021	<u>Contact Name:</u> Katherine Carttar	<u>Contact Phone:</u> x5176	<u>Contact Email:</u> kcarttar@wycokck.org	<u>Department/Division:</u> Economic Development
---------------------------	---	--------------------------------	---	---

Item Description:

Conduct a public hearing to consider an ordinance for the creation of a redevelopment district at 6700 Kaw Drive.

Action Requested:

Approval and Public Hearing on March 25

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Ordinance Creating District (6700 Kaw Drive)

(Published in *The Wyandotte Echo* on April 1, 2021)

ORDINANCE NO. O-____-21

**AN ORDINANCE MAKING FINDINGS AND ESTABLISHING A
REDEVELOPMENT DISTRICT PURSUANT TO K.S.A. 12-1770 ET SEQ., AND
AMENDMENTS THERETO.**

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 *et seq.*, as amended (the “Act”), the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) is authorized to establish redevelopment districts within a defined area of the Unified Government which is an area within the Unified Government that was designated as an enterprise zone prior to July 1, 1992, and is therefore an “eligible area” as said term is defined in the Act; and

WHEREAS, the Board of Commissioners of the Unified Government (the “Governing Body”) adopted Resolution No. R-11-21 on February 11, 2021, calling for a public hearing considering the establishment of a redevelopment district to be held by the Governing Body on March 25, 2021 and

WHEREAS, notice of the public hearing was given as required by the Act; and

WHEREAS, the public hearing was held on March 25, 2021 and closed on the same day.

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

SECTION 1. The Governing Body hereby finds that the real property described in **Exhibits A and B** (the “Redevelopment District”) attached hereto is an eligible area for being designated as a redevelopment district pursuant to the Act because the real property is an area within the Unified Government that was designated as an enterprise zone prior to July 1, 1992.

SECTION 2. The Governing Body hereby finds that the real property described in **Exhibits A and B** includes only areas designated in the notice of public hearing given as required by the Act and Resolution No. R-11-21, and that all required notices under the Act were properly and timely given.

SECTION 3. The Governing Body hereby finds that the conservation, development or redevelopment of the Redevelopment District is necessary to promote the general and economic welfare of the Unified Government.

SECTION 4. The Governing Body hereby establishes the Redevelopment District, which shall consist of one project area depicted on the map attached hereto as **Exhibit B**. The district plan is hereby approved as follows, without limitation: commercial uses, mixed use commercial retail, restaurant uses, and any other commercial structure or use (including but not limited to, office, non-profit, governmental, or community use), and including such associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities (including parking garages), courtyards, other associated and appurtenant structures and facilities, and any other items allowable under the Act.

SECTION 5. The Mayor/CEO, County Administrator, and other officers, agents and employees of the Unified Government are hereby further authorized and directed to take such further action as may be appropriate or desirable to accomplish the purpose of this Ordinance.

SECTION 6. This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

**PASSED BY THE UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS THIS 25th DAY OF MARCH, 2021.**

(SEAL)

Mayor/CEO

Unified Government Clerk

TIF District Ordinance (6700 Kaw Drive)

EXHIBIT A

LEGAL DESCRIPTION OF REDEVELOPMENT DISTRICT

TRACT B

All of Lots 22, 23, 24, 25, and part of Lot 26, VALLEY CENTER, a subdivision of land in the Southeast Quarter of the Southwest Quarter of Section 15, Township 11 South, Range 24 East of the Sixth Principle Meridian, in Kansas City, Wyandotte county, Kansas, and more particularly described as follows:

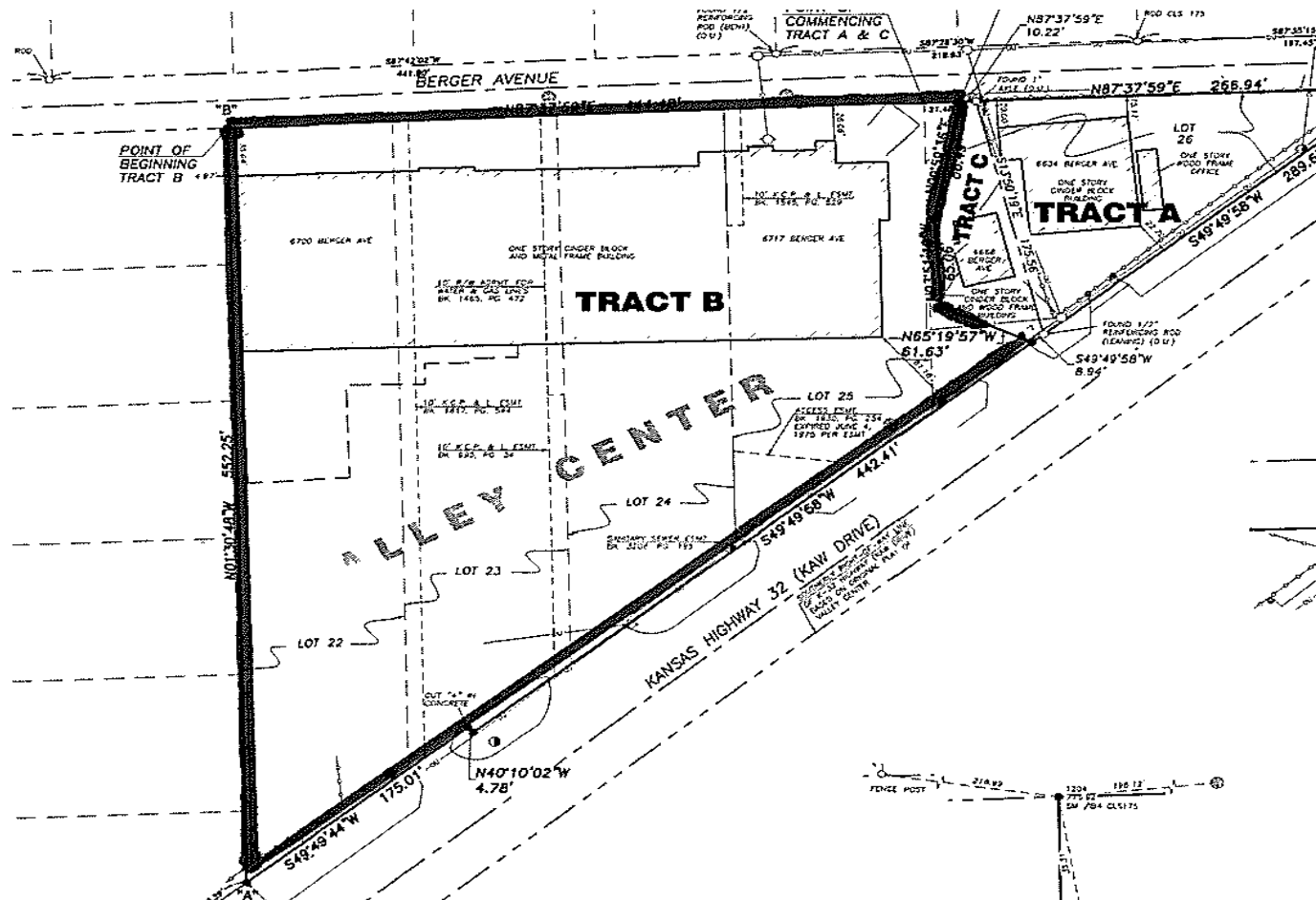
(Basis of Bearings: South 02° 16' 58" East along the East line of the Northeast Quarter of Fractional Section 3, Township 11 South, Range 23 East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone (NAD83).

Beginning at the Northwest corner of said Lot 22, VALLEY CENTER, thence North 87° 37' 59" East on the North line of said Lots 22, 23, 24, 25, and 26, being the South Right-of-Way line of Berger Avenue as said road now exist, 444.48 feet to a point on the North line of said lot 26 and said South Right-of-Way line of Berger Avenue, said point being North 87° 37' 59" East and 21.48 feet from the Northeast corner of said Lot 25; Thence South 09° 59' 36" West, 86.49 feet; Thence South 03° 51' 19" East, 65.06 feet; Thence South 65° 19' 57" East, 61.63 feet to the Southeast line of said Lot 26, being the Northwestern right-of-way line of Kansas Highway 32 as said road now exist, also known as Kaw Drive; Thence South 49° 49' 58" West along the Southeast line of said Lots 26, 25, 24, 23 and said Northwestern right-of-way line of Kansas Highway 32, 442.41 feet; Thence North 40° 10' 02" West, along the Southeast line of said Lot 23 and said Northwestern right-of-way line of Kansas Highway 32, 4.78 feet; Thence South 49° 49' 44" West along the Southeast line of said Lot 23 and 22 and said Northwestern right-of-way line of Kansas Highway 32, 175.01 feet to the Southwest corner of said Lot 22; Thence North 01° 30' 48" West on the west line of Lot 22, being the East line of Lots 16, 17, 18, 19, 20, and 21, of said VALLEY CENTER, 552.25 feet to the Point of Beginning; Less that part in street right-of-ways. Said portion of Lot 26, VALLEY CENTER, contains 169,037 square feet or 3.88 acres. Subject to survey and all easements, covenants, conditions and restrictions of record.

and all adjacent right-of-way, all as depicted on the map on Exhibit B.

EXHIBIT B

MAP OF PROPOSED REDEVELOPMENT DISTRICT





Staff Request for Commission Action

Tracking No. 21743

Full Commission Meeting Date: Fast track to 3/25/21

Committee: Administration & Human Services

Date of Standing Committee Action: 3/22/21

(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
3/19/2021	Juliann VanLiew	x6707	jvanliew@wycokck.org	Public Health

Item Description:

Grant application to KDHE in the amount of \$923,365.00 KDHE ELC COVID-19 Infrastructure Expansion. This grant funding is intended to provide critical resources in a broad range of COVID-19 testing and epidemiologic surveillance related activities. These awards will support testing, contract tracing, surveillance, containment, and mitigation to monitor and suppress the spread of COVID-19. Awards are based on county population but also include a base amount of \$100,000 for each health department. No match required.

The UGPHD first learned about this funding opportunity on 2/22 from KDHE, and submitted the application 3/15. Because the funding is an allocation of federal funds, we are confident in the award. We do not know when KDHE will notify us of the final funding award, or make the funds available. The funds will pay for COVID-related testing, surveillance, and vaccination support; costs that would otherwise come from UG/local sources. UG Commission approval of the funding, will allow us to utilize the funding source when it becomes available to us, should KDHE move quickly. This will save UGPHD and Budget the considerable labor of using General Fund expenses now for COVID grant-funded projects, and having to reimburse those costs later on to the General Fund through the grant. Therefore UGPHD requests this item be fast-tracked to the Administration Human & Services Standing Committee on 3/22. And pending approval from that Standing Committee, UGPHD also requests the item then be fast-tracked to the Full Commission for final approval on 3/25. Thank you for your consideration, and for the extra work of those involved to expedite this action.

Action Requested:

Approve and fast-track to Full Commission meeting March 25, 2021

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Copy of SFY2021-2023 ELC Expanding Infrastructure

External Grantee: Unified Government of Wyandotte County

Grant: COVID-19 ELC Expanding Infrastructure

Category Type	Category	Description	Request Cost	Request Quantity	Request Total
Expenditure	Special Salary Adjustment SFY2021	One-time pay adjustments	\$373,763.00	1.00000	\$373,763.00
Expenditure	Other	Contractual Services	\$549,602.00	1.00000	\$549,602.00
TOTALS			\$923,365.00		\$923,365.00



Staff Request for Commission Action

Tracking No. 21747

Full Commission Meeting Date: 3/25/21

Committee: Economic Development & Finance

Date of Standing Committee Action:

(If none, please explain): This action is authorized by the development agreement

Publication Required: No

<u>Date:</u> 3/19/2021	<u>Contact Name:</u> Katherine Carttar	<u>Contact Phone:</u> x5176	<u>Contact Email:</u> kcarttar@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> A resolution authorizing the Unified Government to enter into an acknowledgment and assumption agreement with Legend Hotel, LLC for the purpose of developing an 87 room hotel.				
<u>Action Requested:</u> Approve				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution Approving Hotel AA (Marriott Fairfield Inn) - FINAL, Legends Hotel Acknowledgment and Assumption Agreement				

RESOLUTION NO. R-____-21

**A RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT TO
ENTER INTO AN ACKNOWLEDGMENT AND ASSUMPTION
AGREEMENT WITH LEGEND HOTEL, LLC**

WHEREAS, on November 19, 2020, the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") and HFS KCK, LLC ("HFS") entered into that certain Assignment, Assumption and Amended and Restated Development Agreement (the "Development Agreement"), whereby HFS proposed to design, develop, and construct certain new facilities on certain real property located in Wyandotte County, Kansas, which is generally bounded on the North by Parallel Parkway, on the West by I-435, on the South by State Avenue and on the East by North 94th Street (the "Project Site"); and

WHEREAS, the Development Agreement authorizes HFS to make sales of portions of the Project Site upon securing a fully-executed acknowledgment and assumption agreement among the UG, HFS and the proposed transferee; and

WHEREAS, HFS desires to sell a portion of the Project Site to LEGEND HOTEL, LLC, a Kansas limited liability company (the "Hotel") for the development of an approximately eighty-seven (87) room nationally-flagged limited service hotel (the "Hotel Project"); and

WHEREAS, the Governing Body has determined that it is advisable to enter into the Acknowledgment and Assumption Agreement (Hotel), attached hereto as **Exhibit A** (the "A&A"), with HFS and the Hotel pursuant to which the Hotel shall acknowledge, assume and agree to perform certain obligations, covenants and agreements of HFS under the Development Agreement as the same pertain to the design, construction and operation of the Hotel Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

Section 1. The Governing Body hereby approves the A&A in substantially the form attached hereto.

Section 2. The County Administrator is hereby authorized to execute in the name of the UG, the A&A, and other officials and representatives of the UG, including special counsel, are hereby further authorized and directed to take such actions and to execute any other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3. This Resolution shall be effective upon adoption by the Governing Body.

[Remainder of page intentionally left blank; signatures follow.]

**ADOPTED BY THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS
THIS _____ DAY OF _____, 2021.**

David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk

(Seal)

EXHIBIT A

A&A

[To be attached.]

(Space above reserved for Register of Deeds certification)

1. Title of Document: Acknowledgment and Assumption Agreement (Hotel)
 2. Date of Document: _____, 2021
 3. Assignor: HFS KCK, LLC, a Kansas limited liability company
 4. Assignee: LEGEND HOTEL, LLC, a Kansas limited liability company
 5. Statutory Mailing Address(s):

LEGEND HOTEL, LLC
11921 Gillette Street, Overland Park, Kansas 66213
 6. Legal Description: See attached Exhibits A (Project Site) and B (Hotel Lot)
-

ACKNOWLEDGMENT AND ASSUMPTION AGREEMENT
(Hotel)

THIS ACKNOWLEDGMENT AND ASSUMPTION AGREEMENT (this "Agreement"), is made and entered into as of this ____ day of _____, 2021 (the "Effective Date") by and between the **UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS** (the "UG"); **LEGEND HOTEL, LLC**, a Kansas limited liability company ("Assignee"); and **HFS KCK, LLC**, a Kansas limited liability company ("HFS," and with the UG and/or Assignee, the "Parties").

RECITALS:

A. On November 19, 2020, the UG and HFS entered into that certain Assignment, Assumption and Amended and Restated Development Agreement (the "Development Agreement"), whereby HFS proposed to design, develop, and construct certain new facilities (the "Project"), on certain real property located in Wyandotte County, Kansas, which is generally bounded on the North by Parallel Parkway, on the West by I-435, on the South by State Avenue and on the East by North 94th Street, and legally described on **Exhibit A** attached hereto (the "Project Site" or "District"). All capitalized terms which are not otherwise defined in this Agreement shall have the meanings assigned to them in the Development Agreement.

B. Among other things, Project Area 2B of the District was intended to include a hotel, which Assignee wishes to be an approximately eighty-seven (87) room nationally-flagged limited service hotel, and to which the UG hereby consents (the "Hotel Project"), on that portion of the Project Site legally described on **Exhibit B** attached hereto (the "Hotel Lot").

C. Pursuant to that certain Purchase and Sale Agreement dated December 18, 2018 by and between SVV I, LLC and Leisure Hospitality LLC, as amended and assigned to HFS and Assignee, respectively, Assignee intends to purchase the Hotel Lot from HFS and design, construct, and operate the Hotel Project, and this Agreement will be recorded against the Hotel Lot in connection with that conveyance.

D. The Parties desire to enter into this Agreement so that Assignee shall acknowledge, assume and agree to perform certain obligations, covenants and agreements of HFS under the Development Agreement as the same pertain to the design, construction and operation of the Hotel Project, and that upon conveyance of the Hotel Lot to Assignee, those particular obligations specific to the Hotel Lot referenced herein will no longer apply to HFS, but rather will run with the land. As set forth in Section 3 below, it is also the intent of the Parties that Assignee will not assume or be required to perform (and is hereby released from) any obligations under the Development Agreement that are not expressly assumed by Assignee pursuant to this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. Incorporation of Recitals. The Parties understand and agree that the Recitals set forth above are hereby incorporated as though more fully set forth herein.

2. Term of Agreement. This Agreement shall commence upon the Effective Date and shall terminate upon the earlier of (a) expiration or earlier termination of the Development Agreement or (b) twenty (20) years from the Effective Date (the "Term"). This Agreement shall amend the Development Agreement as to the Hotel Lot. If there are any conflicts between the Development Agreement and this Agreement, the terms of this Agreement shall control.

3. General Acknowledgment and Assumption. Assignee hereby acknowledges, assumes and agrees to perform each and every obligation, covenant and agreement of "Developer" under the Development Agreement, except as modified below, but only to the extent that the same pertain to the design, construction, completion and operation of the Hotel Project on the Hotel Lot, each of which is referenced below and hereby incorporated. Assignee does not assume and is not required to perform (and is hereby released from) all other obligations under the Development Agreement. Assignee hereby understands and agrees that the UG may enforce the same directly against Assignee as the owner of Hotel Lot; provided, however, that in no event will Assignee have any obligations or liabilities under the Development Agreement except to the extent specifically set forth herein and only insofar as the foregoing obligations, covenants and agreements pertain to the Hotel Lot.

4. Release of HFS. Upon recording of this Agreement or a memorandum of this Agreement, HFS shall be fully and completely released from any and all obligations under the Development Agreement (excluding any defaults or violations occurring prior to the execution of this Agreement) with respect to the Hotel Lot which are specifically assumed by Assignee hereunder, after which time the UG's remedies for an Assignee default hereunder shall be directly against Assignee pursuant to the terms hereof, and in no event shall the UG's enforcement against Assignee affect HFS's rights under the Development Agreement. HFS shall remain liable for all other obligations under the Development Agreement, including the obligations pertaining to the Hotel Lot which are not specifically assumed by Assignee hereunder, and in no event shall the UG's enforcement against HFS affect Assignee's rights under this Agreement.

5. Specific Acknowledgment and Assumption. Assignee hereby specifically acknowledges, assumes and agrees to perform the following (and no other) obligations, covenants and agreements set forth in the Development Agreement, as modified in certain instances below:

(a) **Section 2.2(e) – Design Criteria.** Assignee's development, design and construction of any Improvements shall comply with the Design Criteria attached as Exhibit 14 to the Development Agreement.

(b) **Section 2.4 – Site Restrictions.** In addition to the restrictions set forth in Section 2.4 of the Development Agreement, Assignee understands and agrees that during the Term, the Hotel Lot may not be used for any purpose other than an approximately eighty-seven (87) room nationally flagged limited service hotel without prior written consent and approval from the UG.

(c) **Article 4 – No Public Financing.** Assignee hereby acknowledges and agrees that it has no right, title or interest in or to any of the Public Financing described in Article 4 of the Development Agreement, and Assignee hereby waives, releases and disclaims any right, title or interest to same.

(d) **Section 6.5(a) – Infrastructure Improvements.** Assignee hereby understands and agrees that all of the infrastructure improvements on the Hotel Lot that are necessary for the Hotel Project – including, without limitation, all site work, utility installation and relocation, sewers, drainage facilities, traffic control, streets, sidewalks, drives, etc. (the "Infrastructure Improvements") – will be designed, developed and constructed by Assignee at its sole cost and expense when the improvements dependent on such Infrastructure Improvements move forward. Whether any given infrastructure improvement is necessary for a given portion of the Hotel Project and thus an "Infrastructure Improvement" for purposes of this Agreement shall be determined in normal course during the Development Plan approval process.

(e) **Section 7.2(a)(ii)-(iii) – Use and Operation.** Assignee covenants that at all times during the Term, it will, at its expense:

(1) Conduct its business in a dignified quality manner and in conformity with the first-class industry standards and in such manner as to maximize sales and to help establish and maintain a high reputation for the Hotel Project.

(2) Occupy the Hotel Project as soon as possible upon completion and continuously operate and conduct business in 100% of the Hotel Project, and without interruption, use, occupy and operate all of the same, other than such minor portions thereof as are reasonably required for maintenance, storage and office purposes; use such storage and office space only in connection with the business conducted by Assignee in the Hotel Project; furnish and install all trade fixtures and permitted signs; maintain an adequate number of trained personnel for efficient service to customers; open for business and remain open during the entire Term from at least the hours that are customary in conformance with first-class industry standards and in such manner as to maximize sales and to help establish and maintain a high reputation for the Hotel Project. Notwithstanding the foregoing, the Parties hereby agree as follows:

(A) (i) the Hotel Project or any portion thereof may be closed temporarily for periods during Casualty and/or reconstruction; (ii) portions of the Hotel Project may be temporarily closed during remodeling; and (iii) the Hotel Project may be closed during other unusual circumstances which would preclude Assignee from conducting business as usual, including but not limited to health and safety reasons if Assignee reasonably believes the same to be prudent and necessary.

(B) Assignee hereby agrees with the UG that it shall secure a binding agreement from each tenant, owner, user or operator of a store, restaurant or other use in the Hotel Project (each, a "Store Operator"), which

agreement(s) (each, a "Store Operator Agreement" and collectively, the "Store Operator Agreements") shall contain normal and customary provisions. Assignee hereby agrees to use commercially reasonable efforts to include a continuous operations covenant in each of the Store Operator Agreements consistent with the terms of Section 5(e)(2), and Assignee shall use its commercially reasonable efforts to enforce any such provision, provided that in no event will Assignee be required to commence any legal actions as part of such enforcement obligation. The UG hereby understands and agrees that for the portion of the Hotel Project that will be occupied by Store Operators, Assignee's performance of the obligations set forth in this subsection (B) shall fully satisfy the requirements set forth in Section 5(e).

(f) **Section 7.4 – Maintenance and Use.** During the Term, Assignee shall cause the Hotel Project to be maintained, preserved and kept in good repair and working order and in a safe condition, consistent at all times with other comparably-situated lodging facilities, and will make all repairs, renewals, replacements and improvements necessary for the safe, efficient, and advantageous conduct of its business and operations on the Hotel Lot. Nothing herein shall obligate Assignee to preserve, repair, renew or replace portions of the improvements on the Hotel Lot no longer used or no longer useful in the conduct of its business or prevent Assignee from removing or demolishing any building(s), if in its reasonable judgment, such discontinuance is desirable in the conduct of its business and not disadvantageous in any material respect to the owners of the STAR Bonds, and as long as the same does not materially adversely affect the value of the Hotel Project or Assignee's ability to (a) perform its obligations under this Agreement, or (b) as long as the STAR Bonds are outstanding, generate sales or sales taxes from the Hotel Project. Assignee may make additions, alterations and changes to the Hotel Project so long as such additions, alterations and changes are made in compliance with all Applicable Laws and Requirements, and as long as the same do not materially adversely affect Assignee's ability to (x) perform its obligations under this Agreement, or (y) as long as the STAR Bonds are outstanding, generate sales or sales taxes from the Hotel Project. Assignee agrees to set aside on its books reasonable reserves for future maintenance and capital expenditures.

(g) **Section 7.5 – Compliance.** Assignee shall conduct its affairs and carry on its business and operations in such a manner as to comply with all Applicable Laws and Requirements, and to observe and conform to all valid orders, regulations or requirements (including, but not limited to, those relating to safety and health) of any Government Authorities applicable to the conduct of its business and operations and the ownership of the Hotel Project; provided, however, that nothing contained in this Agreement shall require Assignee to comply with, observe and conform to any such law, order, regulation or requirement of any Government Authorities so long as the validity thereof shall be contested by Assignee in good faith by appropriate proceedings, and provided that Assignee shall have set aside on its books adequate reserves in accordance with GAAP or secured adequate bonding with respect to such contest and such contest shall not materially impair the ability of Assignee to meet its obligations under this Agreement. Assignee agrees to promptly pay any and all fees and expenses associated with any safety, health or other inspections required under this Agreement or imposed by Applicable Laws and Requirements, unless contested in good faith with the assurances provided in the preceding

sentence. Assignee also agrees that it will fully comply with the terms and conditions of the Declaration of Covenants and Restrictions Affecting Land recorded in the Office of the Wyandotte County Register of Deeds as Document No. 2014R-14964.

(h) **Section 7.6 – Payment of Taxes and Other Charges.** During the Term of this Agreement, Assignee and its Affiliates shall pay when due all real estate taxes and assessments on the property it owns within the City of Kansas City, Kansas and/or Wyandotte County. Notwithstanding the foregoing, nothing contained in this Agreement shall prohibit Assignee or its Affiliates from contesting the classification and/or assessed value of the properties, improvements or the taxes thereon in good faith by appropriate proceedings; provided, however, that each such party shall pay any and all amounts when due and payable that are contested under protest while any such proceedings are pending. Assignee shall promptly notify the UG in writing of a protest of real estate taxes or valuation of the Hotel Lot.

(i) **Section 7.7 – Payment of Obligations.** During the Term, Assignee shall promptly pay or otherwise satisfy and discharge all of its obligations and all demands and claims against it as and when the same become due and payable, unless the validity, amount or collectability thereof is being contested in good faith or unless the failure to comply or contest would not materially impair its ability to perform its obligations under this Agreement nor subject any material part of the Hotel Project to loss or forfeiture.

(j) **Section 7.8 – Liens and Encumbrances.** During the Term, except for any mortgage placed on the Hotel Lot or any part thereof in connection with any construction or permanent financing of the Hotel Project or portion thereof, including any refinancing of the Hotel Project or portion thereof at any time, as well as any financing related to operating the Hotel Project (each, a "Permitted Mortgage"), Assignee shall not create or incur or permit to be created or incurred or to exist any mortgage, lien, security interest, charge or encumbrance upon the Hotel Project, or any part thereof, excluding any utility or other easements typically found in developments of this type, and shall promptly cause to be discharged or terminated all mortgages, liens, security interests, charges and encumbrances that are not a Permitted Mortgage. Notwithstanding the foregoing, any Permitted Mortgage shall be subject to the terms and conditions of this Agreement, including without limitation, Section 5(e) of this Agreement.

(k) **Section 7.9 – Licenses and Permits.** During the Term, Assignee shall procure and maintain all licenses and permits, and allow all inspections and/or investigations required by Applicable Laws and Requirements or otherwise necessary in the operation of its business and affairs in, on or about the Hotel Project; provided, however, that Assignee shall not be required to procure or maintain in effect any right, license or accreditation that Assignee and the UG shall have determined in good faith and subject to Applicable Laws and Requirements, is not in the best interests of Assignee and is no longer necessary in the conduct of its business and that lack of such compliance will not materially impair the ability of Assignee to pay or perform its obligations under this Agreement.

(l) **Section 7.10 – Insurance.** During the Term, Assignee shall maintain or caused to be maintained on the Hotel Lot and the Hotel Project insurance on property and operations covering such risks that are of an insurable nature and of the character customarily insured against by organizations operating similar properties and engaged in similar operations (including but not limited to property and casualty, worker's compensation, general liability and employee dishonesty) and in such amounts as, in the reasonable judgment of the UG, are adequate to protect Assignee, the UG and such Hotel Lot and Hotel Project, but in no event in an amount less than that required by the Insurance Specifications attached hereto as Exhibit C. Each policy or other contract for such insurance shall: (i) name the UG as an additional insured with respect to liability insurance (but only in an amount equal to \$500,000), and (ii) contain an agreement by the insurer that, notwithstanding any right of cancellation reserved to such insurer, such policy or contract shall continue in force for at least thirty (30) days after written notice of cancellation to Assignee and each other insured, additional insured, loss payee and mortgage payee named therein. Throughout the Term, Assignee shall ensure the UG is provided with a current and accurate certificate of insurance for each coverage applicable to the Hotel Lot and Hotel Project, and for all coverages required herein. Each certificate of insurance shall be on ACORD forms or on other forms which the UG may approve in writing.

(m) **Section 7.11 – Damage, Destruction or Condemnation.**

(1) In the event of damage to or destruction of any portion of the Hotel Project resulting from fire or other Casualty during the Term, or in the event any portion of the Hotel Project is condemned or taken for any public or quasi-public use or title thereto is found to be deficient during the Term, the net proceeds of any insurance available to Assignee relating to such damage or destruction, the net proceeds of such condemnation or taking or the net proceeds of any realization on title insurance shall be paid into, and used in accordance with a construction escrow agreement satisfactory to the UG, Assignee and any Permitted Mortgagee ("Casualty Escrow").

(2) If, at any time during the Term, any portion of the Hotel Project shall be damaged or destroyed by a Casualty (the "Damaged Facilities"), Assignee, to the extent of any insurance proceeds made available to Assignee, shall commence at its sole cost and expense and thereafter proceed as promptly as possible to repair, restore and replace the Damaged Facilities as nearly as possible to their condition immediately prior to the Casualty and shall be entitled to draw upon the Casualty Escrow for payment of said costs.

(3) If at any time during the Term, title to the whole or substantially all of the Hotel Project shall be taken in condemnation proceedings or by right of eminent domain, Assignee, at its sole discretion, may terminate this Agreement as of the date of such taking. For purposes of this Section 5(m), "substantially all of the Hotel Project" shall be deemed to have been taken if the UG and Assignee, each acting reasonably and in good faith, determine that the untaken portion of the Hotel Project, including any parking improvements located on the Hotel Lot, cannot be

practically and economically used by Assignee for the purposes and at the times contemplated by this Agreement.

(4) In the event of condemnation of less than the whole or substantially all of the Hotel Project during the Term, Assignee, at its sole cost and expense, shall commence and thereafter proceed as promptly as possible to repair, restore and replace the remaining part of the Hotel Project as nearly as possible to its former condition, and shall be entitled to draw upon the Casualty Escrow for payment of said costs.

(n) **Section 7.12 – Indemnification.** Assignee shall pay and indemnify and save the UG and its governing body members, directors, officers, employees and agents harmless from and against all loss, liability, damage or expense arising out of the following that occur on or after the Effective Date: (1) the acquisition of the Hotel Lot; (2) the design, construction and completion of the Hotel Project by Assignee; (3) the use or occupation of the Hotel Project by Assignee or anyone acting by, through or under it; (4) damage or injury, actual or claimed, of whatsoever kind or character occurring to persons or property occurring or allegedly occurring in, on or about any portion of the Hotel Lot; (5) any breach, default or failure to perform by Assignee under this Agreement; and (6) any act by an employee of the UG at the Hotel Lot which is within or under the control of Assignee or pursued for the benefit of or on behalf of Assignee. Assignee shall also pay and indemnify and save the UG and its governing body members, directors, officers, employees and agents harmless of, from and against, all costs, reasonable counsel fees, expenses and liabilities incurred by them or by Assignee in any action or proceeding brought by reason of any such claim, demand, expense, penalty or fine. If any action or proceeding is brought against the UG or its governing body members, directors, officers, employees or agents by reason of any such claim or demand, Assignee, upon written notice from the UG, covenants to resist and defend such action or proceeding on demand of the UG or its governing body members, directors, officers, employees or agents. Notwithstanding the foregoing, no party benefited by this indemnity shall be indemnified against liability for damage arising out of (i) bodily injury to persons or damage to property caused by such party's own respective willful and malicious acts or omissions or negligence; or (ii) the acts or omissions of the UG's agents or employees. The foregoing covenants contained in this Section 5(n) shall be deemed continuing covenants, representations and warranties for the benefit of the UG and any successors and assigns of the UG, and shall survive the termination, satisfaction or release of this Agreement, or any other instrument, but only with respect to liability that arises during the Term.

(o) **Section 7.17 – Power of the UG.** Notwithstanding anything set forth herein to the contrary, no provision contained herein shall in any manner diminish or usurp the inherent rights and powers of the UG to act in its capacity as a public body. Further, nothing herein shall relieve Assignee from complying with all Applicable Laws and Requirements.

(p) **Section 8.5 – Sales Tax Information; Continuing Disclosures.**

(1) Reporting of Sales and Use Taxes.

(A) Subject to the ability to comply with Applicable Laws and Requirements, Assignee shall not take any actions or adopt any practices or procedures which are designed to, or which may or will have the effect of, eliminating, reducing or diverting in any way any sales taxes, use taxes and/or transient guest taxes payable to the UG or the State in connection with sales made or services from, in or on and about the Hotel Lot. In connection therewith, Assignee recognizes, stipulates and agrees that such sales shall include any private parties, banquets and/or catering conducted by Assignee, excluding special charity and "no charge" events.

(B) Assignee agrees that it will itself provide, and that it will use commercially reasonable efforts, by appropriate agreement, to require all parties holding or operating by, through or under it, or otherwise operating on or from the Hotel Lot, to provide, to the UG and/or the escrow agent under the Transaction Documents true and correct copies of all sales tax, use tax and transient guest tax returns filed with the State with respect to sales in, on or from the Hotel Lot, the same to be provided simultaneously with, or within ten (10) days after such filing. Assignee agrees to use commercially reasonable efforts to include a provision to this effect in any Store Operator Agreement with any party holding or operating by, through or under it pursuant to Section 5(e)(ii) above, or otherwise operating on or from the Hotel Lot, and Assignee will use its commercially reasonable efforts to enforce such provision, provided that Assignee shall not be required to file legal actions as part of any such enforcement or to terminate such Store Operator Agreements in the event of non-compliance and Assignee shall not be in default hereunder for any such failure by a Store Operator. Assignee shall, to the extent allowed by Applicable Laws and Requirements, provide to the UG, the Kansas Department of Revenue and the escrow agent under the Tax Distribution Agreement the names of all vendors operating in, on or from the Hotel Lot, their Kansas sales tax identification number and their dates of operation. Assignee agrees to cause all assignees, purchasers, tenants, subtenants or any other entity acquiring property or occupancy rights from Assignee in the Hotel Lot to be obligated by written contract (Store Operator Agreement, lease agreement or other enforceable document) to provide to the UG simultaneously with submission to the Kansas Department of Revenue the monthly sales tax returns for their facilities in the Hotel Lot. This obligation shall be a covenant running with the land and shall be enforceable against all such businesses operating in the Hotel Lot and shall only terminate upon the passage by the UG of an ordinance terminating the District. Assignee hereby agrees that each such contract or other agreement shall provide that the UG is an intended third-party beneficiary of such provisions and has a

separate and independent right to enforce such provisions directly against such tenant or purchaser.

(C) Pursuant to K.S.A. 12-17,174(a), the UG shall request that all of the sales, use and transient guest tax returns filed with the Kansas Department of Revenue in connection with the District be provided to the Bond Trustee, the Escrow Agent or their agents, and the Bond Trustee and Escrow Agent are required to keep all such information confidential pursuant to the terms and conditions of K.S.A. 12-17,174(a). Assignee hereby understands and agrees that the UG shall have a right to interact with the Kansas Department of Revenue and/or the Bond Trustee and the Escrow Agent about such information, but the UG otherwise agrees to keep information provided to the UG confidential, except to the extent of Applicable Laws and Requirements and except as compelled by a court order.

(D) Assignee shall provide the UG written notice of all current tenants of the Hotel Project within ten (10) days after Assignee receives knowledge of the opening or closing for business of any business within the Hotel Project, and at all other times upon the written request of the UG.

(E) To the extent it may legally do so, information obtained pursuant to this Section 5(p) shall be kept confidential by the UG in accordance with K.S.A. 79-3657.

(F) Assignee hereby consents to the release by the UG of aggregate sales tax revenues generated within the District and within Project Area 2B, even if Assignee is the only retailer operating within Project Area 2B at any given time, throughout the Term of this Agreement. Assignee agrees to use best efforts to obtain waivers consenting to such release from all assignees, purchasers, tenants, subtenants or any other entity acquiring property or occupancy rights in the Hotel Lot throughout the Term of this Agreement contemporaneously with the acquisition of such property or occupancy rights. Assignee will use best efforts to cause each lease, sublease, purchase contract, or other document granting property or occupancy rights from Assignee in the Hotel Lot to incorporate the provisions of this Section 5(p)(1)(F).

(2) Continuing Disclosure.

(A) The UG understands and agrees that the UG will be required to execute and deliver continuing disclosure agreements with the dissemination agent named therein in connection with the STAR Bonds, in which the UG will agree to provide information during the Term of this Agreement about the sales and use tax receipts, the application of such receipts to the payment of debt service on the applicable bonds and comparable matters.

(B) Assignee understands and agrees that Assignee will be required to execute and deliver continuing disclosure agreements with the dissemination agent named therein in connection with the STAR Bonds, in which Assignee will agree to provide information during the Term of this Agreement about the construction and development of each phase of the Hotel Project, leases of retail space including such information as identity and nature of business of tenants, lease terms and square footage of leased space, sales of retail space, retailers operating in the Hotel Lot and comparable matters as required by any continuing disclosure agreement.

(q) **Section 9.1 – Default Provisions.** Assignee shall be in default under this Agreement if:

(1) Assignee fails to make any of the payments of money required by the terms of this Agreement, and Assignee fails to cure or remedy the same within thirty (30) days after the UG has given Assignee written notice specifying such default; or

(2) Assignee fails to keep or perform any covenant or obligation herein contained on Assignee's part to be kept or performed, and Assignee fails to remedy the same within sixty (60) days after the UG has given Assignee written notice specifying such failure and requesting that it be remedied; provided, however, that if any event of default shall be such that it cannot be corrected within such period, it shall not constitute an event of default if corrective action is instituted by Assignee within such period and diligently pursued until the default is corrected; or

(3) Assignee or any Affiliate of Assignee shall file a voluntary petition under any bankruptcy law or an involuntary petition under any bankruptcy law is filed against any such party in a court having jurisdiction and said petition is not dismissed within sixty (60) days; or Assignee or any Affiliate of Assignee generally is not paying its debts as such debts become due; or Assignee or any Affiliate of Assignee makes an assignment for the benefit of its creditors; or a custodian, trustee or receiver is appointed or retained to take charge of and manage any substantial part of the assets of Assignee or any Affiliate of Assignee and such appointment is not dismissed within sixty (60) days; or any execution or attachment shall issue against Assignee whereupon the Hotel Project, or any part thereof, or any interest therein of Assignee under this Agreement shall be taken and the same is not released prior to judicial sale thereunder (each of the events described in this subparagraph being deemed a default under the provisions of this Agreement); or

(4) Assignee breaches the representations and warranties set forth in this Agreement and fails to cure or correct same within thirty (30) days of written notice from the UG.

In the event of any default, the UG may take such actions, or pursue such remedies, as exist hereunder, or at law or in equity, and Assignee covenants to pay and to indemnify the UG against all reasonable costs and charges, including attorneys' fees, lawfully and reasonably

incurred by or on behalf of the UG in connection with the enforcement of such actions or remedies, but only to the extent the Person against whom the UG initiated the enforcement action actually violated the requirements of this Agreement.

(r) **Section 9.2 – Rights and Remedies.** The rights and remedies reserved by the UG hereunder and those provided by law shall be construed as cumulative and continuing rights, no one of which shall be exhausted by the exercise of any one or more of such rights or remedies on any one or more occasions. Whenever any default by Assignee shall have occurred and be continuing, subject to applicable cure periods as set forth above, the UG may exercise any rights or remedies available to the UG at law or equity. The UG shall be entitled to specific performance and injunctive or other equitable relief (other than to compel construction) for any breach or threatened breach of any of the provisions of this Agreement, notwithstanding the availability of an adequate remedy at law, and each party hereby waives the right to raise such defense in any proceeding in equity. Notwithstanding anything in this Agreement to the contrary, under no circumstances shall Assignee be liable for remote or consequential damages (including, but not limited to, lost tax revenues) in connection with this Agreement. Failure by the UG to enforce any such rights shall not be deemed a waiver thereof. The Parties further agree as follows:

(1) Any payment of the Assignee to the UG which is required hereunder which is not received by the UG within the cure period set forth in Section 5(q)(1) above shall bear interest from the date originally due at the Prime Rate plus 4%, or, if less, the maximum rate permitted by law.

(2) In the event of any default by Assignee hereunder, the UG may take such actions, or pursue such remedies, as exist hereunder, or at law or in equity; and if the UG is the prevailing party in an action to enforce its remedies hereunder, the UG shall be entitled to reasonable costs and charges, including attorneys' fees, lawfully and reasonably incurred by or on behalf of the UG in connection with the enforcement of such actions or remedies, but only if a court determines that Assignee did default beyond any applicable cure period.

(s) **Section 10.1 – Waiver of Breach.** No waiver of any breach of any covenant or agreement herein contained shall operate as a waiver of any subsequent breach of the same covenant or agreement or as a waiver of any breach of any other covenant or agreement, and in case of a breach by either party of any covenant, agreement or undertaking, the non-defaulting party may nevertheless accept from the other any payment or payments or performance hereunder without in any way waiving its right to exercise any of its rights and remedies provided for herein or otherwise with respect to any such default or defaults which were in existence at the time such payment or payments or performance were accepted by it.

(t) **Section 10.2 – Force Majeure.** In the event either party hereto shall be delayed or hindered in or prevented from the performance of any act required under this Agreement by reason of acts of God, strikes, lockouts, unavailability of sufficient trade laborers or materials, global pandemic such as COVID-19 or similar local health

emergency, failure of power or other insufficient utility service, riots, insurrection, environmental remediation required by the appropriate Government Authorities, discovery of cultural, archeological or paleontological resources or endangered species, any lawsuit seeking to restrain, enjoin, challenge or delay construction, failure of the UG to timely approve the Plans and Specifications/Construction Documents, war, terrorism or other reason of a like nature not the fault of the party delayed in performing work or doing acts required under the terms of this Agreement ("Force Majeure"), then performance of such act shall be excused for the period of the delay, and the period for the performance of any such act shall be extended for a period equivalent to the period of such delay. The provisions of this Section 5(t) shall not be applicable to delays resulting from the inability of a party to obtain financing or to proceed with its obligations under this Agreement because of a lack of funds.

(u) **Section 10.3(a) – Representations and Warranties of Assignee.** Assignee hereby represents and warrants to the UG as follows:

(1) Organization. Assignee is a limited liability company duly formed and validly existing under the laws of the State. Assignee is duly authorized to conduct business in each other jurisdiction in which the nature of its properties or its activities requires such authorization. Assignee shall: (1) preserve and keep in full force and effect its corporate or other separate legal existence and (2) remain qualified to do business and conduct its affairs in the State and each jurisdiction where ownership of its property or the conduct of its business or affairs requires such qualification.

(2) Authority. The execution, delivery and performance by Assignee of this Agreement are within Assignee's powers and have been duly authorized by all necessary action of Assignee.

(3) No Conflicts. Neither the execution and delivery of this Agreement, nor the consummation of any of the transactions herein or therein contemplated, nor compliance with the terms and provisions hereof or thereof, will contravene the organizational documents of Assignee or any provision of law, statute, rule or regulation to which Assignee is subject, or to any judgment, decree, license, order or permit applicable to Assignee, or will conflict or be inconsistent with, or will result in any breach of any of the terms of the covenants, conditions or provisions of any indenture, mortgage, deed of trust, agreement or other instrument to which Assignee is a party, by which Assignee is bound, or to which Assignee is subject.

(4) No Consents. No consent, authorization, approval, order or other action by, and no notice to or filing with, any court or Government Authorities or regulatory body or third party is required for the due execution and delivery by Assignee of this Agreement. No consent, authorization, approval, order or other action by, and no notice to or filing with, any court or Government Authorities or regulatory body or third party is required for the performance by Assignee of this Agreement or the consummation of the transactions contemplated hereby except

for zoning, building and other customary permits to be obtained from the UG or other Government Authorities.

(5) Valid and Binding Obligation. This Agreement is the legal, valid and binding obligation of Assignee, enforceable against Assignee in accordance with the terms hereof.

(v) **Section 10.4 – Amendments.** This Agreement may be amended, changed or modified only by a written agreement duly executed by the UG and Assignee.

(w) **Section 10.5 – Construction and Enforcement.** This Agreement shall be construed and enforced in accordance with the laws of the State.

(x) **Section 10.6 – Invalidity of Any Provisions.** If for any reason any provision hereof shall be determined to be invalid or unenforceable, the validity and effect of the other provisions hereof shall not be affected thereby.

(y) **Section 10.7 – Headings.** The section and subsection headings shall not be treated as a part of this Agreement or as affecting the true meaning of the provisions hereof.

(z) **Section 10.8 – Execution of Counterparts.** This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

(aa) **Section 10.9 – Time.** Time is of the essence in this Agreement.

(bb) **Section 10.10 – Consents and Approvals.** Wherever in this Agreement it is provided that the UG or Assignee shall, may or must give its approval or consent, the UG or Assignee shall not, unless specifically herein provided otherwise, unreasonably withhold, condition, delay or refuse to give such approvals or consents. It is agreed, however, that the sole right and remedy for Assignee or the UG in any action concerning the other's reasonableness will be action for declaratory judgment and/or specific performance, and in no event shall either such party be entitled to claim damages of any type or nature in any such action.

(cc) **Section 10.11 – Notices.** All notices required or desired to be given hereunder shall be in writing and all such notices and other written documents required or desired to be given hereunder shall be deemed duly served and delivered for all purposes if (i) delivered by nationally recognized overnight delivery service; (ii) delivered by electronic mail (with follow up within two (2) business days by United States Mail or nationally recognized overnight delivery service); or (iii) delivered in person, in each case if addressed to the Parties set forth below:

To the UG at:

The Unified Government Clerk
The Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Suite 323

Kansas City, Kansas 66101
Telephone: (913) 573-5260
Email: bcobbins@wycokck.org

with a copy to:

Chief Counsel
The Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Suite 961
Kansas City, Kansas 66101
Telephone: (913) 573-5060

and a copy to:

Douglas G. Bach
County Administrator
The Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Suite 945
Kansas City, Kansas 66101
Telephone: (913) 573-5030
Email: dbach@wycokck.org

and a copy to:

Todd A. LaSala
Stinson LLP
1201 Walnut Street, Suite 2900
Kansas City, Missouri 64106
Telephone: (816) 842-8600
Email: todd.lasala@stinson.com

and a copy to:

Gina Riekhof
Gilmore & Bell, P.C.
2405 Grand Boulevard, Suite 1100
Kansas City, Missouri 64108
Telephone: (816) 221-1000
Email: griekhof@gilmorebell.com

and a copy to:

Bond Trustee

To HFS at:

HFS KCK, LLC
Attn: Robb Heineman

411 Nichols Road, Suite 225
Kansas City, Missouri 64112
Email: Robb@gohomefield.com
with a copy to:

Korb Maxwell
Polsinelli, PC
900 West 48th Place, Suite 900
Kansas City, Missouri 64112
Telephone: (816) 360-4327
Email: kmaxwell@polsinelli.com

To Assignee at:

Vimal Ranat
LEGEND HOTEL, LLC
11921 Gillette Street
Overland Park, Kansas 66213
Telephone: (913) 636-1301
Email: vimalranat@gmail.com

with a copy to:

Rubin Ranat
LEGEND HOTEL, LLC
335 S. Via Montanera
Anaheim Hills, California 92807
Telephone: (714) 747-0676
Email: rubin.ranat@gmail.com

and a copy to:

Joshua Hill
Foulston Siefkin, LLP
32 Corporate Woods
9225 Indian Creek Parkway, Suite 600
Telephone: (913) 253-2139
Email: jhill@foulston.com

All notices given by: (i) nationally recognized overnight delivery service, or (ii) electronic mail, and followed up by regular United States mail or nationally recognized overnight delivery service in accordance with the above procedures, shall be deemed duly given one (1) business day after they are so delivered. All notices given in person shall be deemed duly given when delivered.

(dd) **Section 10.12 – Real Estate Commissions.** Assignee hereby agrees to indemnify and hold harmless the UG from and against any and all losses, liens, claims, judgments, liabilities, reasonable costs, expenses or damages (including reasonable

attorneys' fees and court costs) of any kind or character arising out of or resulting from (i) any duty or responsibility to pay any commission or make any other payment by Assignee, or (ii) any agreement, arrangement or understanding alleged to have been made by Assignee or on its behalf with any other broker, agent or finder in connection with this Agreement or the transactions contemplated hereby. Notwithstanding anything to the contrary contained herein, this Section 5(dd) shall survive any termination of this Agreement.

(ee) **Section 10.14 – Run with the Land.** Subject to Section 5(e)(2) which limits the obligations hereunder that a Store Operator will have by virtue of owning land within the District, this Agreement shall be binding on and inure to the benefit of the Parties hereto and their respective heirs, successors and assigns and shall run with the land (i.e., the Hotel Lot). At closing on the Hotel Lot, the Parties shall record a memorandum describing this Agreement in the land records of Wyandotte County, Kansas.

(ff) **Section 10.15 – Tax Implications.** HFS and Assignee acknowledge and agree that: (a) neither the UG nor any of its officials, employees, consultants, attorneys or other agents has provided to HFS or Assignee any advice regarding the federal or state income tax implications or consequences of this Agreement, and the transactions contemplated hereby; and (b) HFS and Assignee are relying solely upon their own tax advisors in this regard.

6. Definitions. Any capitalized term used herein that is not specifically defined herein shall have the meaning provided in the Development Agreement.

[Remainder of page intentionally left blank. Signature pages follow.]

IN WITNESS WHEREOF, the Parties have duly executed this Agreement pursuant to all requisite authorizations as of the date first above written.

UG:

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

Douglas G. Bach, County Administrator

STATE OF KANSAS)
) ss.
COUNTY OF WYANDOTTE)

This instrument was acknowledged before me on _____, 2021, by Douglas G. Bach as County Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas.

Notary Public in and for said State
Printed Name: _____
Commissioned in _____ County

My commission expires:

IN WITNESS WHEREOF, the Parties have duly executed this Agreement pursuant to all requisite authorizations as of the date first above written.

HFS:

HFS KCK, LLC, a Kansas limited liability company

By: _____

Name: _____

Title: _____

STATE OF _____)
) ss.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2021, by _____ as _____ of HFS, KCK, LLC, a Kansas limited liability company.

Notary Public in and for said State

Printed Name: _____

Commissioned in _____ County

My commission expires:

IN WITNESS WHEREOF, the Parties have duly executed this Agreement pursuant to all requisite authorizations as of the date first above written.

ASSIGNEE:

LEGEND HOTEL, LLC, a Kansas limited liability company

By: _____
Name: _____
Date: _____

STATE OF _____)
) ss.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2021, by _____ as _____ of LEGEND HOTEL, LLC, a Kansas limited company.

Notary Public in and for said State
Printed Name: _____
Commissioned in _____ County

My commission expires:

LIST OF EXHIBITS

- | | |
|-----------|----------------------------------|
| Exhibit A | Project Site – Legal Description |
| Exhibit B | Hotel Lot – Legal Description |
| Exhibit C | Minimum Insurance Requirements |

EXHIBIT A

PROJECT SITE – LEGAL DESCRIPTION

Overall Star Bond Project Areas 1 thru 5 Description:

Part of platted and unplatted land in Section 01, Township 11 South, Range 23 East, Section 02, Township 11 South, Range 23 East, Section 11, Township 11 South, Range 23 East, Section 12, Township 11 South, Range 23 East, Section 35, Township 10 South, Range 23 East, Section 36, Township 10 South, Range 23 East, Section 6, Township 11 South, Range 24 East, and Section 7, Township 11 South, Range 24 East, all being in Kansas City, Wyandotte County, Kansas and being more particularly described as follows:

Star Bond Project Area 1:

Part of Lot 1, Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas, along with a portion of unplatted land, all being in the Southeast Quarter of Section 1, Township 11 South, Range 23 East, being more particularly described as follows:

BEGINNING at the Northwest corner of the Southeast Quarter of said Section 1, Township 11 South, Range 23 East; thence North 87 degrees 30 minutes 09 seconds East, along the North line of said Southeast Quarter, a distance of 1,003.58 feet; thence South 00 degrees 00 minutes 00 seconds East, departing the North line of said Southeast Quarter, a distance of 685.13 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 696.01 feet; thence South 69 degrees 44 minutes 32 seconds East, a distance of 730.33 feet, to a point on the Easterly line of said Lot 1; thence North 87 degrees 45 minutes 28 seconds, along the Easterly line of said Lot 1, a distance of 272.37 feet to a point on the West Right-of-Way line of N. 94th Street, as now established; thence South 02 degrees 14 minutes 32 seconds East, continuing along the Easterly line of said Lot 1, and along the West Right-of-Way line of said N. 94th Street, a distance of 910.24 feet; thence South 87 degrees 45 minutes 28 seconds West, continuing along the Easterly line of said Lot 1, and along the West Right-of-Way line of said N. 94th Street, a distance of 15.00 feet; thence South 02 degrees 14 minutes 32 seconds East, continuing along the Easterly line of said Lot 1, and along the West Right-of-Way line of said N. 94th Street, a distance of 645.04 feet to the point of intersection of the West Right-of-Way line said N. 94th Street and the North Right-of-Way line of State Avenue, as now established; thence South 53 degrees 02 minutes 04 seconds West, continuing along the Easterly line of said Lot 1, and along the North Right-of-Way line of said State Avenue, a distance of 61.51 feet; thence South 87 degrees 42 minutes 57 seconds West, along the South line of said Lot 1 and along the North Right-of-Way line of said State Avenue, a distance of 881.99 feet; thence North 64 degrees 52 minutes 17 seconds West, continuing along the South line of said Lot 1 and along the North Right-of-Way line of said State Avenue, a distance of 13.73 feet; thence in a Westerly direction, departing the South line of said Lot 1, and continuing along the North Right-of-Way line of said State Avenue, to a point of intersection of the South Right-of-Way line of said State Avenue and the South line of said Lot 1; thence South 87 degrees 42 minutes 57 seconds West, along the South line of said Lot 1 and continuing along the North Right-of-Way line of said State Avenue, a distance of 61.75 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the Northeasterly Right-of-Way line of N. 98th Street, as now established; thence North 02 degrees 18 minutes 50 seconds West, departing the North Right-of-Way line of said State Avenue and along the Northeasterly Right-of-Way line of said N. 98th Street and continuing along the Southerly line of said Lot 1, a distance of 65.74 feet, to a point of curvature; thence Northerly, Northwesterly and Westerly, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Southerly line of said Lot 1 and along a curve to the left, having a radius of 575.00 feet and a central angle of 96 degrees 39 minutes 25 seconds, an arc length of 970.01 feet; thence North 00 degrees 00 minutes 00 seconds East, departing the Northeasterly Right-of-Way line of said N. 98th Street and the Southerly line of said Lot 1, a distance of 681.26 feet; thence North 78 degrees 38 minutes 12 seconds West, a distance of 570.99 feet, to a point on the West line of the Southeast Quarter of said Section 1; thence North 02 degrees 20 minutes 41 seconds West, along the West line of the Southeast Quarter of said Section 1, a distance of 1,102.14 feet to the POINT OF BEGINNING.

AND ALSO:

Project Area 2A Description:

All of Lots 1, 3, 4-A, 4-B & 7, along with part of Tracts A & B and Lots 5, & 6, Legends Auto Plaza, a subdivision in Kansas City, Wyandotte County, Kansas, being more particularly described as follows.

Tract 1:

All of Lots 1, 4-A & 4-B of said Legends Auto Plaza.

AND ALSO:

Tract 2:

BEGINNING at the Northeast corner of said Lot 3, said point also being the point of intersection of the South Right-of-Way line of Parallel Parkway and the West Right-of-Way line of N. 98th Street, as established with said Legends Auto Plaza; thence Southerly, along the East line of Lot 3, Tract B. and Lot 6, and along the West Right-of-Way line of said N. 98th Street, and along a curve to the left, whose initial tangent bearing of South 02 degrees 13 minutes 58 seconds East, having a radius of 5,804.58 feet and through a central angle of 05 degrees 58 minutes 07 seconds, an arc length of 604.68 feet; thence South 81 degrees 30 minutes 09 seconds West, departing the East line of said Lot 6 and the West Right-of-Way line of said N. 98th Street, a distance of 0.08 feet, to a point of curvature; thence Westerly, along a curve to the right, having a radius of 220.00 feet and through a central angle of 17 degrees 18 minutes 38 seconds, an arc length of 66.47 feet, to a point of tangency; thence North 81 degrees 11 minutes 14 seconds West, a distance of 138.78 feet, to a point of curvature; thence Westerly, along a curve to the left, having a radius of 280.00 feet and through a central angle of 17 degrees 48 minutes 27 seconds, an arc length of 87.02 feet, to a point on the Southerly prolongation of the West line of said Lot 3; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 3 and its Southerly Prolongation, a distance of 576.20 feet, to the Northwest corner of said Lot 3, said point also being on the South Right-of-Way line of said Parallel Parkway; thence North 89 degrees 14 minutes 17 seconds East, along the North line of said Lot 3 and along the South Right-of-Way line of said Parallel Parkway, a distance of 175.43 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the North line of said Lot 3 and the South Right-of-Way line of said Parallel Parkway, a distance of 59.91 feet, to the POINT OF BEGINNING.

AND ALSO:

Tract 3:

BEGINNING at the Southwest corner of said Lot 5, said point also being on the Easterly line of said Tract B; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 5 and along the Easterly line of said Tract B, a distance of 559.99 feet, to a point of curvature; thence Northerly, Northeasterly and Easterly, continuing along the West line and along the North line of said Lot 5, and continuing along the Easterly line and along the Southerly line of said Tract B, and along a curve to the right, having a radius of 15.00 feet and through a central angle of 90 degrees 01 minutes 50 seconds, an arc length of 23.57 feet, to a point of tangency; thence South 89 degrees 59 minutes 00 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, a distance of 79.87 feet, to a point of curvature; thence Easterly and Northeasterly, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, and along a curve to the left, having a radius of 330.00 feet and through a central angle of 23 degrees 15 minutes 39 second, an arc length of 133.97 feet, to a point of tangency; thence North 66 degrees 45 minutes 21 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, and their Easterly prolongation, a distance of 256.87 feet, to a point of curvature; thence Northeasterly, Easterly and Southeasterly, along a curve to the right, having a radius of 185.00 feet and through a central angle of 38 degrees 46 minutes 48 seconds, an arc length of 125.22 feet, to a point of reverse curvature; thence Southeasterly and Easterly, along a curve to the left, having a radius of 515.00 and through a central angle of 06 degrees 50 minutes 11 seconds, an arc length of 61.45 feet, to a point of tangency; thence South 81 degrees 18 minutes 03 seconds East, a distance of 74.97 feet, to a point of curvature; thence Easterly, along a curve to the left, having a

radius of 290.00 feet and through a central angle of 17 degrees 11 minutes 48 seconds, an arc length of 87.04 feet, to a point of tangency; thence North 81 degrees 30 minutes 09 seconds East, a distance of 0.14 feet, to a point on the East line of said Lot 6, said point also being on the West Right-of-Way line of said N. 98th Street, said point also being on a non-tangent curve; thence Southerly and Southeasterly, along the East line of Lots 6 and 7 and the Easterly line of said Tract B, and along a curve to the left, whose initial tangent bearing is South 08 degrees 53 minutes 33 seconds East, having a radius of 5,804.58 feet and through a central angle of 04 degrees 46 minutes 23 seconds, an arc length of 483.54 feet, to the Northeasterly corner of said Tract A; thence South 76 degrees 23 minutes 16 seconds West, departing the West Right-of-Way line of said N. 98th Street, a distance of 60.00 feet; thence North 82 degrees 31 minutes 36 seconds West, a distance of 330.64 feet; thence South 89 degrees 59 minutes 10 seconds West, a distance of 184.56 feet; thence South 00 degrees 01 minutes 03 seconds West, a distance of 241.90 feet, to a point on the South line of said Lot 5, said point also being on the North line of Lot 9 of said Legends Auto Plaza; thence North 89 degrees 58 minutes 57 seconds West, along the South line of said Lot 5 and along the North line of said Lot 9 a distance of 328.41 feet, to the POINT OF BEGINNING.

AND ALSO:

Project Area 2B Description:

Part of Tract A, Lot Line Adjustment Survey, Lots 1 & 2, Schlitterbahn Vacation Village; All of Tract B, and all of that part of France Family Drive, Slate Avenue and N. 98th Street Right-of-Ways as established within Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas; All of Legends Auto Plaza, a subdivision in Kansas City, Wyandotte County, Kansas; along with a portion of unplatted land, lying in Section 1, Township 11 South, Range 23 East, and Section 12, Township 11 South, Range 23 East, all being more particularly described as follows:

BEGINNING at the Northeast corner of the Southwest Quarter of said Section 1, Township 11 South, Range 23 East; thence South 02 degrees 20 minutes 41 seconds East, along the East line of said Southwest Quarter, a distance of 49.99 feet, to a point on the South Right-of-Way line of France Family Drive, as now established; thence South 87 degrees 20 minutes 51 seconds West, along the South Right-of-Way line of said France Family Drive, a distance of 281.92 feet, to a point on a non-tangent curve; thence Southwesterly, departing the South Right-of-Way line of said France Family Drive, and along the Northeasterly prolongation of the Northerly line of Tract B of said Lot Line Adjustment Survey, and along a curve to the right, whose initial tangent bearing is South 44 degrees 08 minutes 09 seconds West, having a radius of 650.00 feet, and a central angle of 28 degrees 36 minutes 27 seconds, an arc length of 324.54 feet, to a point of tangency; thence South 72 degrees 44 minutes 36 seconds West, continuing along the Northerly line of said Tract B, a distance of 346.32 feet, to a point of curvature; thence Southwesterly, Southerly and Southeasterly, continuing along the Northerly line and along the Westerly line of said Tract B, and along a curve to the left, having a radius of 500.00 feet and a central angle of 92 degrees 50 minutes 42 seconds, an arc length of 810.22 feet, to a point on the Northeasterly Right-of-Way line of N. 98th Street, as now established, said point also being on the Westerly line of said Tract B, said point also being a point of tangency; thence South 20 degrees 06 minutes 06 seconds East, along the Northeasterly Right-of-Way line of said N. 98th Street and along the Westerly line of said Tract B, and along the Westerly Line of Tract A of said Lot Line Adjustment Survey, a distance of 253.32 feet, to a point of curvature; thence Southeasterly, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Westerly line of Tract A, of said Lot Line Adjustment Survey, and along a curve to the left, having a radius of 725.00 feet and a central angle of 27 degrees 18 minutes 33 seconds, an arc length of 345.56 feet, to a point of tangency; thence South 47 degrees 24 minutes 39 seconds East, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Westerly and Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 624.55 feet, to a point of curvature; thence Southeasterly, Easterly and Northeasterly, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Southerly line of Tract A, of said Lot Line Adjustment Survey, and along a curve to the left, having a radius of 675.00 feet and a central angle of 76 degrees 58 minutes 27 seconds, an arc length of 906.83 feet, to a point of reverse curvature; thence Northeasterly, Easterly, Southeasterly and Southerly, continuing along the Northeasterly Right-of-Way line of said N.

98th Street and along the Southerly line of Tract A, of said Lot Line Adjustment Survey, and along a curve to the right, having a radius of 575.00 feet and a central angle of 122 degrees 03 minutes 50 seconds, an arc length of 1,224.99 feet, to a point of tangency; thence South 02 degrees 19 minutes 17 seconds East, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Southerly line of Tract A, of said Lot Line Adjustment Survey,

a distance of 65.73 feet, to the point of intersection of the Northeasterly Right-of-Way line of said N. 98th Street and the North Right-of-Way line of State Avenue, as now established; thence North 87 degrees 42 minutes 57 seconds East, continuing along the Southerly line of Tract A, of said Lot Line Adjustment Survey, and along the North Right-of-Way line of said State Avenue, a distance of 61.74 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, lying on the West side of an unplatted piece of land; thence Southerly, departing the Southerly line of Tract A, of said Lot Line Adjustment Survey, and continuing along the North Right-of-Way line of said State Avenue; thence Easterly, continuing along the North Right-of-Way line of said State Avenue, to the point of intersection of the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, lying on the East side of an unplatted piece of land; thence South 64 degrees 52 minutes 17 seconds East, continuing along the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 13.73 feet; thence North 87 degrees 42 minutes 57 seconds East, continuing along the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 881.99 feet; thence North 53 degrees 02 minutes 04 seconds East, continuing along the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 61.51 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the West Right-of-Way line of N. 94th Street, as now established; thence Southerly, departing the North Right-of-Way line of said State Avenue, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the South Right-of-Way line of said State Avenue; thence Westerly, along the South Right-of-Way line of said State Avenue to the point of intersection of the South Right-of-Way line of said State Avenue and the Easterly Right-of-Way line of Interstate Highway No. 435, as now established; thence Northerly, departing the South Right-of-Way line of said State Avenue and along the Easterly Right-of-Way line of said Interstate Highway No. 435 to the point of intersection of the Easterly Right-of-Way line of said Interstate Highway No. 435 and the North Right-of-Way line of said State Avenue, said point also being the Southwesterly corner of Tract A of said Schlitterbahn Vacation Village; thence South 86 degrees 36 minutes 43 seconds East, along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 246.20 feet; thence South 77 degrees 39 minutes 21 seconds East, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 92.23 feet; thence North 87 degrees 42 minutes 57 seconds East, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, and along the South line of Lot 3 of said Schlitterbahn Vacation Village, a distance of 925.88 feet to a point of curvature, said point also being the point of intersection of the North Right-of-Way line of said State Avenue and the Southwesterly Right-of-Way line of said N. 98th Street; thence Northeasterly, Northerly and Northwesterly, departing the North Right-of-Way line of said State Avenue, and along the Southwesterly Right-of-Way line of said N. 98th Street, and along the Easterly and Northeasterly line of said Lot 3, and along a curve to the left, having a radius of 182.00 feet and a central angle of 118 degrees 41 minutes 03 seconds, an arc length of 377.00 feet, to a point of compound curvature; thence Northwesterly, Westerly and Southwesterly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and along the Easterly and Northerly line of said Lot 3, and along a curve to the left, having a radius of 425.00 feet and a central angle of 93 degrees 25 minutes 01 seconds, an arc length of 692.93 feet, to a point of reverse curvature; thence Southwesterly, Westerly and Northwesterly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Lot 3 and along the Northerly line of said Tract A, and along a curve to the right, having a radius of 825.00 feet and a central angle of 76 degrees 58 minutes 28 seconds, an arc length of 1,108.35 feet, to a point of tangency; thence North 47 degrees 24 minutes 39 seconds West, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Tract A, a distance of 29.19 feet, to the Southeast corner of Tract B of said Schlitterbahn Vacation Village; thence South 42 degrees 35 minutes 21 seconds West, departing the Southwesterly Right-of-Way line of said N. 98th Street, along the Southeasterly line of said Tract B, and continuing along the Northerly line of said Tract A, a distance of 25.00 feet, to a point on the Easterly Right-of-Way line of said Interstate Highway No. 435, said point also being on the Westerly line of said Tract B; thence North 47 degrees 24 minutes 39 seconds West, along the Easterly Right-of-Way line of said Interstate Highway No. 435 and the Westerly line of said Tract B, a distance of 814.00 feet; thence North 20 degrees 07 minutes 39 seconds West, continuing along the Easterly Right-of-Way line of said Interstate Highway No. 435 and the Westerly line of said Tract B, a distance of 1,498.22 feet to a point on the South line of the Northwest Quarter of said Section 1, said point also being the Southwest corner of said Legends Auto Plaza; thence North 15 degrees 56 minutes 18 seconds West, continuing along the Easterly Right-of-Way line of said Interstate Highway No. 435 and along the West line of said Legends Auto Plaza, a distance of 938.56 feet; thence North 13 degrees 58 minutes 29 seconds East, continuing along the Easterly Right-of-Way line of said Interstate Highway No. 435, and along the West line of said Legends Auto Plaza, a distance of 568.70 feet; thence North 74 degrees 54 minutes 27 seconds West, departing the Easterly Right-of-Way line of said Interstate Highway No. 435 and the West line of said Legends Auto Plaza, a

distance of 130.08 feet; thence North 01 degrees 35 minutes 51 seconds West, a distance of 255.72 feet to the Westerly prolongation of the South Right-of-Way line of Parallel Parkway, as now established; thence North 88 degrees 01 minutes 07 seconds East, along the Westerly prolongation of the South Right-of-Way line of said Parallel Parkway, a distance of 370.61 feet, to the point of intersection of the Easterly Right-of-Way line of said Interstate Highway No. 435 and the South Right-of-Way line of said Parallel Parkway, said point also being the Northwest corner of said Legends Auto Plaza; thence North 88 degrees 01 minutes 07 seconds East, along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 150.00 feet; thence South 01 degrees 58 minutes 53 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 10.00 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 140.02 feet; thence North 54 degrees 20 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and along the North line of said Legends Auto Plaza, and their Northeasterly prolongation, a distance of 72.12 feet; thence North 88 degrees 01 minutes 07 seconds East, a distance of 61.99 feet; thence South 02 degrees 22 minutes 58 seconds East, a distance of 10.00 feet, to a point on the Westerly prolongation of the South Right-of-Way line of said Parallel Parkway and of the North line of said Legends Auto Plaza; thence North 88 degrees 01 minutes 07 seconds East, along said Westerly prolongation and along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 451.28 feet; thence North 89 degrees 11 minutes 40 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and along the North line of said Legends Auto Plaza, a distance of 243.64 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 84.91 feet; thence North 82 degrees 59 minutes 09 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 170.99 feet, to a point on the North line of Tract A of said Lot Line Adjustment Survey; thence North 88 degrees 01 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and along the North line of Tract A of said Lot Line Adjustment Survey, a distance of 173.97 feet; thence North 88 degrees 00 minutes 23 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of Tract A of said Lot Line Adjustment Survey, a distance of 183.19 feet; thence South 00 degrees 55 minutes 56 seconds East, departing the South Right-of-Way line of said State Avenue and the North line of Tract A of said Lot Line Adjustment Survey, a distance of 582.69 feet; thence South 89 degrees 01 minutes 58 seconds West, a distance of 148.05 feet; thence North 29 degrees 19 minutes 48 seconds West, a distance of 62.94 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 190.36 feet, to a point on a non-tangent curve; thence Southerly, along a curve to the left, whose initial tangent bearing is South 07 degrees 20 minutes 18 seconds East, having a radius of 5,654.58 feet, and a central angle of 06 degrees 19 minutes 32 seconds, an arc length of 624.28 feet, to a point on a non-tangent line; thence North 89 degrees 03 minutes 39 seconds East, a distance of 264.66 feet; thence South 01 degrees 01 minutes 01 seconds East, a distance of 295.50 feet; thence South 89 degrees 01 minutes 58 seconds West, a distance of 195.18 feet, to a point on a non-tangent curve; thence Southerly, along a curve to the right, whose initial tangent bearing is South 13 degrees 19 minutes 19 seconds East, having a radius of 5,804.58 feet and a central angle of 02 degrees 43 minutes 40 seconds, an arc length of 276.34 feet, to a point on a non-tangent line, said point also being on the East line of the Northwest Quarter of said Section 1; thence South 02 degrees 19 minutes 21 seconds East, along the East line of said Northwest Quarter, a distance of 57.88 feet, to the POINT OF BEGINNING.

EXCEPTING therefrom, all of the following described tracts;

All of Lots 1, 3, 4-A, 4-B & 7, along with part of Tracts A & B and Lots 5, & 6, Legends Auto Plaza, a subdivision in Kansas City, Wyandotte County, Kansas, being more particularly described as follows:

Tract 1:

All of Lots 1, 4-A & 4-B of said Legends Auto Plaza.

AND ALSO:

Tract 2:

BEGINNING at the Northeast corner of said Lot 3, said point also being the point of intersection of the South Right-of-Way line of Parallel Parkway and the West Right-of-Way line of N. 98th Street, as established with said Legends

Auto Plaza; thence Southerly, along the East line of Lot 3, Tract B, and Lot 6, and along the West Right-of-Way line of said N. 98th Street, and along a curve to the left, whose initial tangent bearing of South 02 degrees 13 minutes 58 seconds East, having a radius of 5,804.58 feet and through a central angle of 05 degrees 58 minutes 07 seconds, an arc length of 604.68 feet; thence South 81 degrees 30 minutes 09 seconds West, departing the East line of said Lot 6 and the West Right-of-Way line of said N. 98th Street, a distance of 0.08 feet, to a point of curvature; thence Westerly, along a curve to the right, having a radius of 220.00 feet and through a central angle of 17 degrees 18 minutes 38 seconds, an arc length of 66.47 feet, to a point of tangency; thence North 81 degrees 11 minutes 14 seconds West, a distance of 138.78 feet, to a point of curvature; thence Westerly, along a curve to the left, having a radius of 280.00 feet and through a central angle of 17 degrees 48 minutes 27 seconds, an arc length of 87.02 feet, to a point on the Southerly prolongation of the West line of said Lot 3; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 3 and its Southerly prolongation, a distance of 576.20 feet, to the Northwest corner of said Lot 3, said point also being on the South Right-of-Way line of said Parallel Parkway; thence North 89 degrees 14 minutes 17 seconds East, along the North line of said Lot 3 and along the South Right-of-Way line of said Parallel Parkway, a distance of 175.43 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the North line of said Lot 3 and the South Right-of-Way line of said Parallel Parkway, a distance of 59.91 feet, to the POINT OF BEGINNING.

AND ALSO:

Tract 3:

BEGINNING at the Southwest corner of said Lot 5, said point also being on the Easterly line of said Tract B; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 5 and along the Easterly line of said Tract B, a distance of 559.99 feet, to a point of curvature; thence Northerly, Northeasterly and Easterly, continuing along the West line and along the North line of said Lot 5, and continuing along the Easterly line and along the Southerly line of said Tract B, and along a curve to the right, having a radius of 15.00 feet and through a central angle of 90 degrees 01 minutes 50 seconds, an arc length of 23.57 feet, to a point of tangency; thence South 89 degrees 59 minutes 00 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, a distance of 79.87 feet, to a point of curvature; thence Easterly and Northeasterly, continuing along the North line of said Lot S and along the Southerly line of said Tract B, and along a curve to the left, having a radius of 330.00 feet and through a central angle of 23 degrees 15 minutes 39 second, an arc length of 133.97 feet, to a point of tangency; thence North 66 degrees 45 minutes 21 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, and their Easterly prolongation, a distance of 256.87 feet, to a point of curvature; thence Northeasterly, Easterly and Southeasterly, along a curve to the right, having a radius of 185.00 feet and through a central angle of 38 degrees 46 minutes 48 seconds, an arc length of 125.22 feet, to a point of reverse curvature; thence Southeasterly and Easterly, along a curve to the left, having a radius of 515.00 and through a central angle of 06 degrees 50 minutes 11 seconds, an arc length of 61.45 feet, to a point of tangency; thence South 82 degrees 18 minutes 03 seconds East, a distance of 74.97 feet, to a point of curvature; thence Easterly, along a curve to the left, having a radius of 290.00 feet and through a central angle of 17 degrees 11 minutes 48 seconds, an arc length of 87.04 feet, to a point of tangency; thence North 81 degrees 30 minutes 09 seconds East, a distance of 0.14 feet, to a point on the East line of said Lot 6, said point also being on the West Right-of-Way line of said N. 98th Street, said point also being on a non-tangent curve; thence Southerly and Southeasterly, along the East line of Lots 6 and 7 and the Easterly line of said Tract B, and along a curve to the left, whose initial tangent bearing is South 08 degrees 53 minutes 33 seconds East, having a radius of 5,804.58 feet and through a central angle of 04 degrees 46 minutes 23 seconds, an arc length of 483.54 feet, to the Northeasterly corner of said Tract A; thence South 76 degrees 23 minutes 16 seconds West, departing the West Right-of-Way line of said N. 98th Street, a distance of 60.00 feet; thence North 82 degrees 31 minutes 36 seconds West, a distance of 330.64 feet thence South 89 degrees 59 minutes 10 seconds West, a distance of 184.56 feet; thence South 00 degrees 01 minutes 03 seconds West, a distance of 241.90 feet, to a point on the South line of said Lot 5, said point also being on the North line of Lot 9 of said Legends Auto Plaza; thence North 89 degrees 58 minutes 57 seconds West, along the South line of said Lot 5 and along the North line of said Lot 9 a distance of 328.41 feet, to the POINT OF BEGINNING.

Project Area 3 Description:

Part of Lots 1 and 2, and all of Lot 3 and Tract A, Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas; being in Section 1, Township 11 South, Range 23 East, being more particularly described as follows:

COMMENCING at the Northeast corner of the Southwest Quarter of said Section 1, Township 11 South, Range 23 East; thence South 02 degrees 20 minutes 41 seconds East, along the East line of said Southwest Quarter, a distance of 49.99 feet, to the POINT OF BEGINNING; thence South 02 degrees 20 minutes 41 seconds East, continuing along the East line of said Southwest Quarter, a distance of 1,052.15 feet; thence South 78 degrees 38 minutes 12 seconds East, departing the East line of said Southwest Quarter, a distance of 570.99 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 681.26 feet, to a point on a non-tangent curve, said point also being on the Southerly line of said Lot 1, said point also being on the Northeasterly Right-of-Way line of N. 98th Street, as now established; thence Southwesterly, along the Southerly line of said Lot 1 and the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the left, whose initial tangent bearing is South 81 degrees 01 minutes 18 seconds West, having a radius of 575.00 feet, and a central angle of 25 degrees 24 minutes 25 seconds, an arc length of 254.98 feet, to a point of reverse curvature; thence Southwesterly, Westerly and Northwesterly, continuing along the Southerly line of said Lot 1 and the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the right, having a radius of 675.00 feet and a central angle of 76 degrees 58 minutes 27 seconds, an arc length of 906.83 feet, to a point of tangency, said point hereinafter referred to as Point "A"; thence North 47 degrees 24 minutes 39 seconds West, continuing along the Southerly line of said Lot 1 and the Northeasterly Right-of-Way line of said N. 98th Street, and along the Southwesterly line of said Lot 2, a distance of 624.55 feet, to a point of curvature; thence Northwesterly, continuing along the Southwesterly line of said Lot 2 and the Northeasterly Right-of-Way line of said N. 98th Street and along a curve to the right, having a radius of 725.00 feet and a central angle of 27 degrees 18 minutes 33 seconds, an arc length of 345.56 feet, to a point of tangency; thence North 20 degrees 06 minutes 06 seconds West, continuing along the Southwesterly line of said Lot 2 and the Northeasterly Right-of-Way line of said N. 98th Street, a distance of 253.32 feet, to a point of curvature; thence Northwesterly, Northerly and Northeasterly, departing the Southwesterly line of said Lot 2 and the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the right, having a radius of 500.00 feet and a central angle of 92 degrees 50 minutes 42 seconds, an arc length of 810.22 feet, to a point of tangency; thence North 72 degrees 44 minutes 36 seconds East, a distance of 346.32 feet, to a point of curvature; thence Northeasterly, along a curve to the left, having a radius of 650.00 feet and a central angle of 28 degrees 36 minutes 27 seconds, an arc length of 324.54 feet, to a point on the South Right-of-Way line of France Family Drive, as now established; thence North 87 degrees 20 minutes 51 seconds East, along the South Right-of-Way line of said France Family Drive, and its Easterly prolongation, a distance of 281.92 feet, to the POINT OF BEGINNING.

AND ALSO:

COMMENCING at the aforementioned Point "A"; thence South 53 degrees 36 minutes 09 seconds West, a distance of 152.81 feet, to a point on the Southwesterly Right-of-Way line of said N. 98th Street, said point also being on the Northerly line of said Tract A, said point also being the POINT OF BEGINNING; thence South 47 degrees 24 minutes 39 seconds East, along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Tract A, a distance of 29.19 feet to a point of curvature; thence Southeasterly, Easterly and Northeasterly, along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Tract A and the Northerly line of said Lot 3, and along a curve to the left, having a radius of 825.00 feet and a central angle of 76 degrees 58 minutes 28 seconds, an arc length of 1,108.35 feet, to a point of reverse curvature; thence Northeasterly, Easterly and Southeasterly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly and Northeasterly line of said Lot 3, and along a curve to the right, having a radius of 425.00 feet and a central angle of 93 degrees 25 minutes 01 seconds, an arc length of 692.93 feet, to a point of compound curvature; thence Southeasterly, Southerly Southwesterly, and Westerly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Easterly line of said Lot 3, and along a curve to the right, having a radius of 182.00 feet and a central angle of 118 degrees 41 minutes 03 seconds, an arc length of 377.00 feet, to a point of tangency, said point also being the point of intersection of the Southwesterly Right-of-Way line of said N. 98th Street and the North Right-of-Way line of State Avenue, as now established; thence South 87 degrees 42 minutes 57 seconds West, along the North Right-of-Way line of said State Avenue and the South line of said Lot 3 and Tract A, a distance of 925.88 feet; thence North 77 degrees 39 minutes 21 seconds West, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 92.23 feet; thence North 86 degrees 36 minutes 43 seconds

West, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 246.20 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the Easterly Right-of-Way line of Interstate Highway No. 435; thence North 27 degrees 56 minutes 39 seconds West, departing the North Right-of-Way line of said State Avenue, and along the Easterly Right-of-Way line of said Interstate Highway No. 435 and the Westerly line of said Tract A, a distance of 549.00 feet; thence North 42 degrees 35 minutes 21 seconds East, departing the Easterly Right-of-Way line of said Interstate Highway No. 435, and along the Westerly line of said Tract A, a distance of 25.00 feet, to the POINT OF BEGINNING.

AND ALSO:

Project Area 4 Description:

Part of platted and unplatted land in Section 01, Township 11 South, Range 23 East, Section 02, Township 11 South, Range 23 East, Section 11, Township 11 South, Range 23 East, Section 12, Township 11 South, Range 23 East, Section 35, Township 10 South, Range 23 East, Section 36, Township 10 South, Range 23 East, Section 6, Township 11 South, Range 24 East, and Section 7, Township 11 South, Range 24 East, all being in Kansas City, Wyandotte County, Kansas and being more particularly described as follows:

COMMENCING at the Northwest corner of the Northeast Quarter of said Section 1, Township 11 South, Range 23 East; thence South 01 degrees 58 minutes 52 seconds East, a distance of 50.00 feet, to a point on the South Right-of-Way line of Parallel Parkway, as now established, said point also being on the North line of Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas, said point also being the POINT OF BEGINNING; thence South 88 degrees 01 minutes 07 seconds West, along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 173.97 feet; thence South 82 degrees 59 minutes 09 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 170.99 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 84.91 feet; thence South 89 degrees 14 minutes 18 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 234.91 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, and along the North line of Laffoons Lakeview, a subdivision in Kansas City, Wyandotte County, Kansas, a distance of 460.02 feet; thence North 02 degrees 22 minutes 58 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 10.00 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 42.17 feet; thence South 54 degrees 19 minutes 23 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 72.10 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 325.52 feet, to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the East Right-of-Way line of Interstate Highway No. 435, as now established; thence Westerly to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the West Right-of-Way line of said Interstate Highway No. 435; thence Southeasterly, along the West Right-of-Way line of said Interstate Highway No. 435, to the point of intersection of the West Right-of-Way line of said Interstate Highway No. 435 and the Northerly Right-of-Way line of State Avenue, as now established; thence Southerly, continuing along the West Right-of-Way line of said Interstate Highway No. 435, to the point of intersection of the West Right-of-Way line of said Interstate Highway No. 435 and the South Right-of-Way line of said State Avenue; thence Westerly, along the South Right-of-Way line of said State Avenue, to the point of intersection of the South Right-of-Way line of said State Avenue and the Easterly Right-of-Way line of Village West Parkway, as now established; thence Northwesterly to the point of intersection of the Southwesterly Right-of-Way line of said State Avenue and the Westerly Right-of-Way line of said Village West Parkway; thence Northeasterly to the point of intersection of the Northeasterly Right-of-Way line of said State Avenue and the Westerly Right-of-Way line of said Village West Parkway; thence Northwesterly then Westerly, along the Northeasterly and Northerly Right-of-Way line of said State Avenue, to the point of intersection of the Northerly Right-of-Way line of said State Avenue and the East Right-of-Way line of 110th Street, as now established; thence Northerly, along the East Right-of-Way line of said 110th Street, to the point of intersection of the East Right-of-Way line of said 110th Street and the South Right-of-Way line of said Parallel Parkway; thence Easterly, along the South Right-of-Way line of said Parallel Parkway, to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the Southerly prolongation of the East line of Parallel Heights, a subdivision in Kansas City, Wyandotte

County, Kansas; thence Northerly, along said Southerly prolongation and along the East line of said Parallel Heights, to the point of intersection of the North Right-of-Way line of said Parallel Parkway and the West Right-of-Way line of said Interstate Highway No. 435; thence Easterly, to the point of intersection of the North Right-of-Way line of said Parallel Parkway and the East Right-of-Way line of said Interstate Highway No. 435; thence Easterly, along the North Right-of-Way line of said Parallel Parkway, to the point of intersection of the North Right-of-Way line of said Parallel Parkway and the Northerly prolongation of the East Right-of-Way line of N. 94th Street, as now established; thence Southerly, along said Northerly prolongation and along the East Right-of-Way line of said N. 94th Street, to the point of intersection of the East Right-of-Way line of said N. 94th Street and the North line of the Southwest Quarter of said Section 6, Township 11 South, Range 24 East; thence Easterly, along the North line of said Southwest Quarter to the point of intersection of the North line of said Southwest Quarter and the West Right-of-Way line of N. 90th Street, as now established; thence Southerly, along the West Right-of-Way line of said N. 90th Street, to the Northeast corner of Parcel No. 938501; thence Westerly, along the North line of said Parcel No. 938501, to the Northwest corner thereof; thence Southerly, along the West line of Parcel Nos. 938501 thru 938508, to the Southwest corner of said Parcel No. 938508, said point also being on the North Right-of-Way line of said State Avenue; thence Easterly, along the North Right-of-Way line of said State Avenue, to the point of intersection of the North Right-of-Way line of said State Avenue and the West Right-of-Way line of said N. 90th Street; thence Easterly to the point of intersection of the North Right-of-Way line of said State Avenue and the East Right-of-Way line of said N. 90th Street; thence Southerly, to the point of intersection of the East Right-of-Way line of said N. 90th Street and the South Right-of-Way line of said State Avenue; thence Westerly, along the South Right-of-Way line of said State Avenue, to the point of intersection of the Westerly prolongation of the South Right-of-Way line of said State Avenue and the West Right-of-Way line of said N. 94th Street; thence Northerly, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the South Right-of-Way line of said State Avenue; thence Northerly, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the North Right-of-Way line of said State Avenue, said point also being on the East line of said Schlitterbahn Vacation Village; thence North 02 degrees 14 minutes 32 seconds West, along the West Right-of-Way line of said N. 94th Street and the East line of said Schlitterbahn Vacation Village, a distance of 645.04 feet; thence North 87 degrees 45 minutes 28 seconds East, continuing along the West Right-of-Way line of said N. 94th Street and the East line of said Schlitterbahn Vacation Village, a distance of 15.00 feet; thence North 02 degrees 14 minutes 32 seconds West, continuing along the West Right-of-Way line of said N. 94th Street and the East line of said Schlitterbahn Vacation Village, a distance of 910.24 feet, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street at the Southeast corner of an unplatted tract of land; thence Northerly, departing the East line of said Schlitterbahn Vacation Village, and continuing along the West Right-of-Way line of said N. 94th Street, and along the East line of an unplatted tract of land and along the East line of Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street; thence North 02 degrees 11 minutes 59 seconds West, along the East line of said Schlitterbahn Vacation Village and continuing along the West Right-of-Way line of said N. 94th Street, a distance of 50.00 feet, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street; thence Northerly, departing the East line of said Schlitterbahn Vacation Village, and continuing along the West Right-of-Way line of said N. 94th Street, and along the East line of Replat of Lots 5 to 37, Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, and along the East line of unplatted tracts of land, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the South Right-of-Way line of said Parallel Parkway; thence Westerly, along the South Right-of-Way line of said Parallel Parkway, to the point of intersection of South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village at the Northwest corner of an unplatted tract of land; thence South 02 degrees 11 minutes 59 seconds East, departing the South Right-of-Way line of said Parallel Parkway, and along the East line of said Schlitterbahn Vacation Village, a distance of 245.05 feet; thence South 62 degrees 48 minutes 12 seconds West, departing the East line of said Schlitterbahn Vacation Village, a distance of 301.92 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 181.85 feet; thence South 34 degrees 59 minutes 43 seconds West, a distance of 207.82 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 492.40 feet; thence South 75 degrees 42 minutes 31 seconds West, a distance of 930.96 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 770.80 feet; thence North 01 degrees 01 minutes 01 seconds West, a distance of 258.55 feet; thence South 89 degrees 03 minutes 39 seconds West 264.66 feet, to a point on a non-tangent curve; thence Northerly, along a curve to the right, whose initial tangent bearing is North 13 degrees 39 minutes 50 seconds West, having a radius of 5,654.58 feet and a central angle of 06 degrees 19 minutes 32 seconds, an arc length of 624.28 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 190.36 feet; thence South 29 degrees 19 minutes 48 seconds East, a distance of 62.94 feet; thence North 89 degrees 01 minutes 58 seconds East, a distance of 148.05 feet; thence North 00 degrees 55 minutes 56

seconds West, a distance of 582.69 feet, to a point on the North line of said Schlitterbahn Vacation Village, said point also being on the South Right-of-Way line of said Parallel Parkway; thence South 88 degrees 00 minutes 23 seconds West, along the North line of said Schlitterbahn Vacation Village and the South Right-of-Way line of said Parallel Parkway, a distance of 183.19 feet, to the POINT OF BEGINNING.

EXCEPTING therefrom Lots 1 thru 16, Lots 23 thru 34 and Lot 107, San Marcos Village Addition, a subdivision in Kansas City, Wyandotte County, Kansas, AND ALSO EXCEPTING Parcel Nos. 938509 and 938510.

AND ALSO:

Project Area 5 Description:

Part of Lot 1, Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas, along with a portion of unplatted land, all being in Section 1, Township 11 South, Range 23 East, being more particularly described as follows:

BEGINNING at the Southwest corner of the Northeast Quarter of said Section 1, Township 11 South, Range 23 East; thence North 02 degrees 19 minutes 21 seconds West, along the West line of said Northeast Quarter, a distance of 57.88 feet; thence North 11 degrees 57 minutes 29 seconds West, departing the West line of said Northeast Quarter, a distance of 276.31 feet; thence North 89 degrees 01 minutes 58 seconds East, a distance of 195.18 feet; thence North 01 degrees 01 minutes 01 seconds West, a distance of 36.96 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 770.80 feet; thence North 75 degrees 42 minutes 31 seconds East, a distance of 930.96 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 492.40 feet; thence North 34 degrees 59 minutes 43 seconds East, a distance of 207.82 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 181.85 feet; thence North 62 degrees 48 minutes 12 seconds East, a distance of 301.92 feet, to a point on the Easterly line of said Schlitterbahn Vacation Village; thence North 02 degrees 11 minutes 59 seconds West, along the Easterly line of said Schlitterbahn Vacation Village, a distance of 245.05 feet, to the point of intersection of the Easterly line of said Schlitterbahn Vacation Village and the South Right-of-Way line of Parallel Parkway, as now established; thence Easterly, along the South Right-of-Way line of said Parallel Parkway, to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the West Right-of-Way line of N. 94th Street, as now established; thence Southerly, along the West Right-of-Way line of said N. 94th Street and along the East line of an unplatted tract of land and along the East line of Replat of Lots 5 to 37, Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the Easterly line of said Schlitterbahn Vacation Village; thence South 02 degrees 11 minutes 59 seconds East, continuing along the West Right-of-Way line of said N. 94th Street, and along the East line of said Schlitterbahn Vacation Village, a distance of 50.00 feet, to the point of intersection of the Easterly line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street; thence Southerly, departing the East line of said Schlitterbahn Vacation Village, and continuing along the West Right-of-Way line of said N. 94th Street and along the East line of Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, and along an unplatted tract of land, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street, at the Southeast corner of an unplatted tract of land; thence South 87 degrees 45 minutes 28 seconds West, departing the West Right-of-Way line of said N. 94th Street, and along the Easterly line of said Schlitterbahn Vacation Village, a distance of 272.37 feet; thence North 69 degrees 44 minutes 32 seconds West, departing the Easterly line of said Schlitterbahn Vacation Village, a distance of 730.33 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 696.01 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 685.13 feet to a point on the North line of the Southeast Quarter of said Section 1; thence South 87 degrees 30 minutes 09 seconds West, along the North line of the Southeast Quarter of said Section 1, a distance of 1,003.58 feet, to the POINT OF BEGINNING.

EXHIBIT B

HOTEL LOT – LEGAL DESCRIPTION

All of Lot 8-E, Schlitterbahn Vacation Village, Fifth Plat, a subdivision in Kansas City, Wyandotte County, Kansas.

EXHIBIT C

MINIMUM INSURANCE REQUIREMENTS

1. Worker's Compensation. Assignee may self-insure, to the extent allowed by applicable law. The self-insured retention shall be that which is standard in the industry. Assignee will then purchase excess Worker's Compensation Insurance with statutory limits over the self-insured retention. If self-insurance is not available under applicable state law, coverage will be purchased in accordance with the statutory requirements.
2. Comprehensive General Liability. Assignee will purchase and maintain with primary limits of \$3,000,000.
3. Automobile Liability. Assignee will purchase and maintain with primary limits of \$1,000,000.
4. Excess Liability. Assignee will purchase and maintain excess liability insurance in an amount not less than \$5,000,000.
5. Special Perils Form Property Insurance. Assignee will purchase on a replacement cost basis. Deductibles and limits will be standard to those in the industry, and the policy shall include an "Agreed Amount" endorsement. Earthquake and flood insurance will be included if required and if available at a reasonable cost, fired vessel, boiler and machinery, and underground collapse may be required by the UG as additional perils.