

**AGENDA SECOND UPDATE
APRIL 29, 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: Apr 29, 2021 07:00 PM Central Time (US and Canada)

Topic: Full Commission (Planning & Zoning)

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81999521772?pwd=YWl1NTE4TzNCZzZwelk4eXFFL0lDUT09>

Passcode: 067957

Or One tap mobile :

US: +12532158782,,81999521772# or +13462487799,,81999521772#

Or Telephone:

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

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

Webinar ID: 819 9952 1772

International numbers available: <https://us02web.zoom.us/j/81999521772?pwd=YWl1NTE4TzNCZzZwelk4eXFFL0lDUT09>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY COMMISSIONER HAROLD JOHNSON, FAITH DELIVERANCE CHURCH OF GOD IN CHRIST**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, APRIL 29, 2021 AGENDA**
Standing Committees' Agenda: New Item No. 1 – 21781...GRANT: HEALTHY, RESILIENT, AND SUSTAINABLE MATERIALS (per blue sheet)

Mayor's Agendas: New Item No. 1 – 21811...RESOLUTION: AMENDING LOCAL HEALTH ORDER 3/25/2021 (per pink sheet)
- VI. CLERK'S STATEMENT**
(Anyone wishing to speak about a particular item on the Planning & Zoning Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Planning & Zoning Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Planning & Zoning Consent Agenda are viewed as a single group and voted on with one vote.)
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**

- IX. MAYOR'S AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**
- XIII. ADMINISTRATOR'S AGENDA**
- XIV. COMMISSIONERS' AGENDA**
- XV. LAND BANK BOARD OF TRUSTEES' AGENDA**
- XVI. PUBLIC ANNOUNCEMENTS**
- XVII. ADJOURN**

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. COZ3233 - ALICIA ELLINGSWORTH WITH KC FARM SCHOOL AT GIBBS ROAD

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for a community garden at 4223 and 4225 Gibbs Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21784

2. COZ2021-006 - SCANNELL PROPERTIES #459, LLC

Synopsis: Change of Zone from CP-1 Planned Limited Business and MP-2 Planned General Industrial Districts to MP-2 Planned General Industrial District to remove light manufacturing restriction from previous approval (Woodlands Phase 2) at 9700 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21786

B. SPECIAL USE PERMIT APPLICATIONS

1. SP-2020-97 - RIAD BAGHDADI WITH RB ARCHITECTURE/ENGINEERS

Synopsis: Special Use Permit for auto sales, repair and body work at 927 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 21793

2. SP2021-001 - TIMOTHY PAXTON

Synopsis: Special Use Permit for a storage container for tools at 3319 North 59th

Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 21787

3. **SP2021-003 - SHEILA A. OHRENBERG WITH WESTER HOLDINGS, LLC**

Synopsis: Special Use Permit for a beer hall (in former foundry) at 101 Central Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 21788

4. **SP2021-008 - LEXI MCDANIEL**

Synopsis: Special Use Permit for a banquet facility in the evenings and weekends at 1000 North 82nd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 21789

5. **SP2021-012 - MICHAEL AND ANDREA GEKAS**

Synopsis: Renewal of a Special Use Permit (SP-2019-26 - expired 4/25/2021) for a Short-Term Rental/AirBnB at 2716 North 119th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 21782

6. **SP2021-019 - JOSH AND ALLYSON BRANDON WITH BEAUTIFULLY BARE LP D/B/A THE BAR**

Synopsis: Special Use Permit for live entertainment in conjunction with bar at 6720 1/2 Kaw Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 21790

7. **SP2021-020 - BRYAN RUOFF WITH 3F30 ARCHITECTS**

Synopsis: Renewal and expansion of a Special Use Permit (SP-2019-56 - expires 5/30/2021) for a liquor store with packaged liquor sales at 3801 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 21783

8. **SP-2020-105 - MONSERRATT PEREZ-MERA**

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

Tracking #: 21683

C. VACATION APPLICATIONS

1. VAC2021-001 - BOB BECKER WITH LEGENDS 267, LLC

Synopsis: Vacation of electrical easement 1 at 1879 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21794

2. VAC2021-002 - BOB BECKER WITH LEGENDS 267, LLC

Synopsis: Vacation of electrical easement 2 at 1879 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21796

3. VAC2021-003 - BOB BECKER WITH LEGENDS 267, LLC

Synopsis: Vacation of sanitary sewer easement at 1879 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21797

4. VAC2021-004 - BOB BECKER WITH LEGENDS 267, LLC

Synopsis: Vacation of utility easement at 1879 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21798

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

1. AN ORDINANCE AUTHORIZING MASTER PLAN AMENDMENT MP-2020-6 (Industrial to Mixed Use), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. (RECOMMENDED FOR APPROVAL)

Tracking #: 21775

2. AN ORDINANCE rezoning property at 200 South James Street (COZ-0007) from M-3 Heavy Industrial District to TND (T-6) Traditional Neighborhood Design District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. (RECOMMENDED FOR APPROVAL)

Tracking #: 21803

3. AN ORDINANCE rezoning property at 1825 North 94th Street (COZ2021-001) from A-G Agriculture District to R-1 Single Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. (RECOMMENDED FOR APPROVAL)

Tracking #: 21804

4. AN ORDINANCE rezoning property at 1841 North 94th Street (COZ2021-002) from A-G Agriculture District to R-1 Single Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21805

5. AN ORDINANCE authorizing a Special Use Permit (SP2020-100) for a car audio installation shop at 1315 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21806

6. AN ORDINANCE authorizing a Special Use Permit (SP2021-009) for a short-term rental/AirBnb at 1127 Southwest Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21807

7. AN ORDINANCE authorizing a Special Use Permit (SP2021-010) for a kennel for ten (10) dogs at 3440 North 131st Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21808

8. AN ORDINANCE repealing Ordinance No. 0-29-21 and enacting a new ordinance for Vacation Application S-2020-12 at 1 Woodswether Road and 1R Woodswether Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21809

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. SPECIAL USE PERMIT APPLICATIONS

1. **SP-2020-100 - MARK MURDICK WITH SULLIVAN PALMER ARCHITECTS**

Synopsis: Special Use Permit for an outdoor event space (structure built without permits) for Chateau Avalon at 701 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS - 7/1 VOTE)**

Tracking #: 21795

2. **SP2021-016 - BRYANT PARKER**

Synopsis: Special Use Permit (previous renewal SP-2019-84 was denied on August 29, 2019) for a used car dealership at 1010 Merriam Lane, submitted by Gunnar H. Hand,

AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS - 7/1 VOTE)**

Tracking #: 21791

TAX STATUS REPORT
BOARD OF COMMISSIONERS AGENDA FOR APRIL 29, 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. NOMINATIONS: BOARDS & COMMISSIONS

Synopsis: Nominations for Boards & Commissions:

Irene Caudillo to Law Enforcement Advisory Board (Reappointment), 4/29/2021-12/13/2021, submitted by Sheriff Ash

Mary Hopkins to Law Enforcement Advisory Board (Reappointment), 4/29/2021-12/13/2021, submitted by Sheriff Ash

Kimberly Weaver to Law Enforcement Advisory Board, 4/29/2021-12/13/2021, submitted by Sheriff Ash

Tracking #: 21785

2. ORDINANCE: 2018-2019 PRIORITY TRAFFIC SIGNAL PROJECT CMIP 0117

Synopsis: An ordinance directing the Chief Counsel to commence legal proceedings to acquire property for the 2018-2019 Priority Traffic Signal Project, CMIP 0117, at 10th Street & State Avenue, submitted by E. James Bain, Assistant Counsel.

On November 5, 2020, the Commission unanimously adopted Resolution No. R-78-20 declaring the project to be a valid public improvement and authorizing a survey of land for said project.

Tracking #: 21799

3. MINUTES

Synopsis: Minutes from regular sessions of January 7 and March 11, 2021; and special sessions of March 25 and April 8, 2021.

Tracking #: MINUTES

4. WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated April 8, 15 and 22, 2021.

Tracking #: WEEKLY BUSINESS MATERIAL

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

1. ORDINANCE: PREMIER INVESTMENTS, LLC WAREHOUSE PROJECT (1101 SOUTH 5TH ST.)

Synopsis: An ordinance authorizing the UG to issue industrial revenue bonds for the Premier Investments, LLC Warehouse Project (1101 South 5th St.) in an amount not to exceed \$5.5 million, submitted by Patrick Waters, Senior Attorney.

Tracking #: 21800

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, APRIL 29, 2021**

XII. STANDING COMMITTEES' AGENDA

NEW ITEM

ITEM NO. 1 – 21781...GRANT: HEALTHY, RESILIENT, AND SUSTAINABLE MATERIALS

Synopsis: Request authorization to apply for the EPA, Region 7, Healthy, Resilient, and Sustainable Materials Management Grant, submitted by Melissa Sieben, Assistant County Administrator. No match required.

*On April 26, 2021, the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve and fast track to the April 29, 2021 full commission meeting.*



Staff Request for Commission Action

Tracking No. 21781

Full Commission Meeting Date: 5/13/21

Committee: Public Works & Safety

Date of Standing Committee Action: 4/26/21

(If none, please explain):

Publication Required: No

<u>Date:</u> 4/22/2021	<u>Contact Name:</u> Melissa Sieben	<u>Contact Phone:</u> x5017	<u>Contact Email:</u> msieben@wycokck.org	<u>Department/Division:</u> Administrator's Office
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Item Description:

About the grant:

The U.S. Environmental Protection Agency, Region 7 (EPA) is soliciting applications from eligible entities to improve community health, resiliency, and sustainability through source reduction, reuse, and recycling, key pillars of the EPA's Sustainable Materials Management (SMM) hierarchy. SMM (<https://www.epa.gov/smm>) is a systemic approach to using materials more productively over their life cycles. It represents a change in how our society thinks about the use of natural resources and environmental protection. The EPA anticipates making three to six (3-6) individual awards ranging from \$50,000 to \$200,000, each with a project period of up to two (2) years. Awards will be incrementally funded in FY 2021 and FY 2022 subject to funding availability, satisfactory performance, and other applicable considerations.

Proposed Project Summary:

The goal of this project is to develop a sustainable organics management system that addresses multiple waste streams currently being landfilled from the Unified Government: biosolids, tree and yard debris, and food waste. The project would include a formal feasibility study of a compost facility to analyze the use of WWTP biosolids, BPU tree trimmings, residential yard trimmings, and food waste. The study will also evaluate the end use of the compost for citizen use, Parks and Recreation beautification projects, Public Works projects, a potential County tree nursery, and marketability for land application. The feasibility study will include planning level capital and operating costs for development and operation of proposed facility and a site evaluation. The proposed project would include stakeholder engagement and the exploration of a public/private partnership for shared accountability toward a more sustainable future.

Additional statistics:

Through evaluating the feasibility of a composting facility, Unified Government would identify the number of recyclable tons of biosolids from its facilities, number of tons of yard trimmings from the community, and provide a solution for food waste in the waste stream. Composting food waste, rather than landfilling it, would elevate the sustainability of the material up the EPA Food Waste Hierarchy by creating a nutrient rich soil amendment, reducing methane gas production in landfills, and save resources.

Action Requested:

Approve

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Blue Sheet

**AGENDA SECOND UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, APRIL 29, 2021**

IX. MAYOR'S AGENDA

NEW ITEM

**ITEM NO. 1 – 21811... RESOLUTION: AMENDING LOCAL HEALTH ORDER
3/25/2021**

Synopsis: A resolution amending Local Health Order 3/25/2021 by repealing the social distancing provisions and amending the section pertaining to mask wearing, submitted by Misty Brown, Chief Counsel



Staff Request for Commission Action

Tracking No. 21811

Full Commission Meeting Date: 4/29/2021

Committee: Full Commission

Date of Standing Committee Action: N/A

(If none, please explain):

Publication Required: No

<u>Date:</u> 4/29/2021	<u>Contact Name:</u> Misty Brown	<u>Contact Phone:</u> x5067	<u>Contact Email:</u> mbrown@wycokck.org	<u>Department/Division:</u> Health Department
<u>Item Description:</u> A resolution amending Local Health Order 3/25/2021 by repealing the social distancing provisions and amending the section pertaining to mask wearing.				
<u>Action Requested:</u> Adopt resolution.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Pink Sheet, LHO 4-29-21 Amendment Reso				

(Published _____)

RESOLUTION NO. _____

A RESOLUTION amending LHO 3/25/21.

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 308,510 reported positive cases of COVID-19 spread among all 105 counties, including 4,978 deaths; and

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

WHEREAS, on March 25, 2021, the Unified Government Board of County Commissioners rescinded 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; and

WHEREAS, on March 25, 2021, the Unified Government Board of County Commissioners amended LHO 6/27/20 to require social distancing and the wearing of masks subject to certain exceptions; 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, on April 27, 2021, the CDC issued new guidelines which relaxed recommendations regarding mask usage outdoors; and

WHEREAS, the new CDC guidance provides that fully vaccinated individuals no longer need to wear masks when outdoors alone or in small groups; and

WHEREAS, Wyandotte County residents are strongly encouraged to be vaccinated against COVID-19; and

WHEREAS, on March 29, 2021 all Wyandotte County residents ages 16 and older can receive their vaccine at one of three mass vaccination sites operated by the Unified Government Health department; 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. All persons are encouraged to limit exposure, to the extent possible, by obtaining a federally-approved vaccine or properly wearing face coverings or masks when applicable and maintaining social distancing when not wearing face coverings or masks indoors.
2. That the Unified Government Board of Commissioners hereby amends LHO 3/25/21 as follows:

Section I regarding Social Distancing Provisions is repealed.

Section II regarding Wearing of Masks or Other Face Coverings is amended to read:

1. All employees or visitors to any **indoor** public accommodation must properly wear a face covering or mask in an area or while performing an activity which will necessarily involve close contact or proximity to co-workers or the public where six feet of separation is not feasible. These spaces include, but are not limited to, grocery and other retail stores, indoor events, and public transit. Exceptions:

- 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. Any interaction or gathering, per CDC guidance, in which the parties have knowledge that all persons present indoors are fully vaccinated by federally-approved vaccine(s) to prevent the spread of COVID-19.

2. "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.

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 at 12:01 am on April 30, 2021 and 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 May 28, 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 4/29/21.
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



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: April 29, 2021

Re: COZ 3233

GENERAL INFORMATION

Applicant:

Alicia Ellingsworth

Status of Applicant:

Representative
KC Farm School at Gibbs Road
4223 Gibbs Road
Kansas City, Kansas 66109

Requested Actions:

Approval of a Change of Zone.

Date of Application:

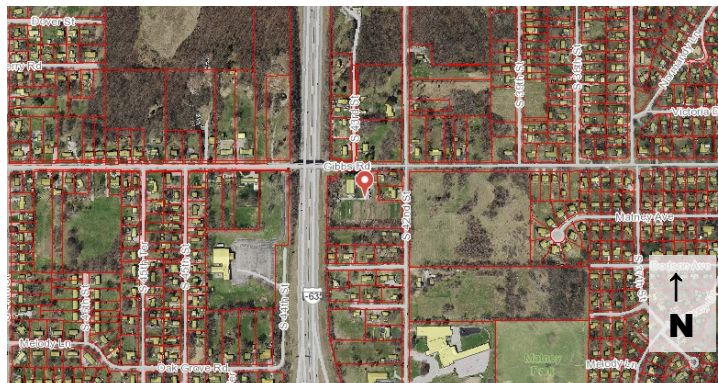
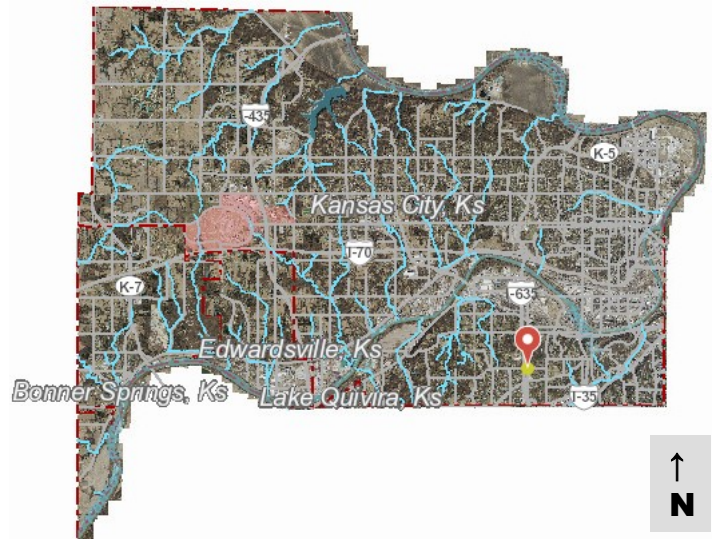
December 28, 2020

Purpose:

To change the zoning district from
R-1 Single-Family District to AG
Agriculture District.

Property Location:

4223 & 4225 Gibbs Road,
Kansas City, KS 66106



Commission District:	Commissioner At Large: Tom Burroughs District #6 Commissioner: Angela Markley
Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District; R-2 Two Family District South: R-1 Single Family District East: R-1 Single Family District West: None (Interstate 635 right-of-way)
Adjacent Uses:	North: Single-family residences South: Single-family residence East: Single-family residences; Undeveloped lot West: Interstate 635
Code Enforcement History:	There are no outstanding violations recorded at this property.
Total Tract Size:	3.47 Acres
Master Area Plan:	City Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates this property as Low-Density Residential. Low-Density Residential allows institutional issues such as schools, as well as parks and open spaces.
Major Street Plan:	The Major Street Plan classifies Gibbs Road/Avenue as a Collector Street.
Required Parking:	R-1 District (current zoning district): Section 27-454(e) requires two (2) parking spaces for each single-family residence, at least one (1) of which must be in a garage or carport. The property has sufficient available paved spaces for parking, although no parking spaces are marked nor covered. AG District (proposed zoning district): Section 27-452(e) requires two (2) off-street parking spaces to be provided on the premises for each single-family dwelling. The property has sufficient available paved spaces for parking, although no parking spaces are marked.

Advertisement:	<u>The Wyandotte Echo</u> – January 14, 2021, Letters to Property Owners – January 15, 2021, February 12, 2021, March 19, 2021 and April 23, 2021
Public Hearings:	April 12, 2021 and April 29, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Alicia Ellingsworth with KC Farm School at Gibbs Road, has requested a Change of Zone for 4223 & 4225 Gibbs Road, a sole parcel, from R-1 Single-Family District to AG Agriculture District to continue to operate the property for agricultural uses.

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

Change of Zone

1. Character of the Neighborhood.

The subject property is within the Argentine Statistical Neighborhood and is within the Getty Grove Neighborhood Group boundary. The local neighborhood is a mix of large lots and a single-family housing development. The large lots range in size from five (5) to 12 acres in size. Some of the large lots have a primary residence while others are undeveloped or have agricultural uses. The single-family neighborhoods were built in the immediate post-war era, from 1946 to the late 1950s. Regardless of the lot size or use, almost every lot is zoned R-1 Single-Family.

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

According to the applicant, the property has supported agricultural uses for over 30 years, and there is little indication that such uses have not be compatible with the nearby properties. Unless the applicant intends to expand the agricultural uses beyond the uses, it is unlikely that a rezoning and the continued use of the parcel for agriculture would not be compatible with the nearby properties.

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 parcel is 3.1 acres, which is 1.9 acres less than the minimum requirement for a parcel zoned AG Agriculture. The applicant is requesting a variance to the minimum size requirement simultaneous with this rezoning request. Aside from the minimum size, the parcel is arranged in a manner that makes it suitable for agricultural uses.

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

The subject property is not vacant. According to the applicant it has been operating as an educational farm for over 30 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 applicant states that the property has been used by several different non-profit organizations over the past 30 years to grow food for Wyandotte County and to teach agriculture and gardening skills to the community. Utilizing undeveloped or vacant lots of land as urban farms or urban gardens is reasonably necessary for neighborhoods that are in food deserts—areas where people have limited access to a variety of healthy and affordable food—and for the promotion of sustainable and local food cultivation in any neighborhood. The property has been used as a farm for the past 30 years; there is no indication that continued use will permanently injure the appropriate use, visual quality, or marketability of the nearby properties.

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

Depending on the number of staff and volunteers that will be working on the property, as well as any distributors or members of the community coming to pick up food, there may be a slight increase in traffic. While this increase in traffic will not likely have an adverse effect on the road capacity, safety, or create parking problems, the applicant should provide more information about hours of operation, number of staff/volunteers, and the food distribution process.

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

The subject property is under the City-Wide Master Plan, which designates this property as Low-Density Residential. Low-Density Residential land use designation allows institutional uses such as schools, as well as “parks, open spaces, etc.”. The “etc.” indicates that allowed uses are not limited to just parks and open spaces, but also to similar uses, such as an educational farm. Therefore, the proposed use closely conforms with the City-Wide Master Plan.

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

The applicant should provide information on the use of pesticides or herbicides on the property, and the disposal plan for biological waste from plants and/or animals (if applicable).

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

a. *Water service*

Water service is likely available to the subject property.

b. *Sanitary sewer service*

It is not clear if a sanitary sewer fitting or control valve is available to the subject property.

c. *Storm water control*

A storm water discharge point is present on Gibbs Road, adjacent to the northwest corner of the subject property.

d. *Police*

Police service is provided by South District, #331.

e. *Fire*

Fire service is provided by Fire Station #17.

f. *Transit*

No public transit effectively serves this property. The closest public transit stop is 0.8 miles away at the Douglas Heights Bus Stop (South 40th street & Lawrence Avenue) on the 104 (Argentine) route.

g. *Schools*

Junction Elementary School, Turner Middle School, and Turner High School are provided by Turner USD #202.

h. *Streets*

The subject property is accessible by Gibbs Road. The subject property is also adjacent to South 42nd Street but there is no access from the property to the right-of-way.

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

While the property is and will be operated by a non-profit organization, and thus there will not be any direct economic impacts, the success of the educational farm can have indirect positive economic impacts on the community by providing access to fresh and local produce, as well as teaching gardening skills and resources to the community.

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

The Change of Zone is occurring simultaneously with a variance request to comply with all ordinance requirements.

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

There are a variety of benefits to an urban farm/educational farm, including access to fresh and local food, productive uses of otherwise vacant properties, and the proliferation of gardening skills throughout the community. These benefits outweigh any hardships imposed on the individual landowner or landowners.

PREVIOUS ACTIONS

- SP-2014-73 (Special Use Permit for a green house, storage container, and office)
- SP-2015-49 (Special Use Permit for three (3) storage containers)
- SP-2016-98 (renewal and consolidation of SP-2014-73 and SP-2015-49 to be used for cold storage, vegetable processing, and packaging)
- DRC-10700 (new cell tower site, 2001)

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 18, 2021 at 4223 Gibbs Road. 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

Landscape Plans
Sanitary Sewer Service
Water Service

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application #3233, subject to:

- 1) 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;
- 2) Submittal of a farmers' market agreement to the Department of Planning and Urban Design;
- 3) The parking lot must be striped in compliance with Section 27-669;
- 4) Employee and guest parking on the public right-of-way is prohibited;
- 5) Rumble strips must be installed on the paved driveway apron to catch gravel from the rest of the driveway and drive aisle and prevent the gravel from tracking onto Gibbs Road;
- 6) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 7) A building permit is required for the construction of the deck. Please contact the Building Inspection Department to begin that process;
- 8) A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process; and,
- 9) Site improvements that include land disturbance activity on greater than 1 (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, Section 8-610 through Section 8-618]. Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works department, 701 N.7th Street, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

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 #3233, subject to all comments and suggestions outlined in this staff report and summarized by the minutes and conditions of the City Planning Commission.

ATTACHMENTS

April 12, 2021 City Planning Commission Minutes
Land Use Map
Aerial Map
Zoning Map
Photos of Property Provided by Staff, Dated January 14, 2021
Additional Information from the Applicant
Site and Landscape Plan of the Property
Neighborhood Meeting Materials, March 18, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Change of Zone	April 12, 2021 Approval	April 29, 2021

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#3233** 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 **#3233**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

April 12, 2021 City Planning Commission Minutes:

Hearing starts at 52:52:

CHANGE OF ZONE APPLICATION 3233 – ALICIA ELLINGSWORTH WITH KC FARM SCHOOL AT GIBBS ROAD - SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District for a community garden at 4223 and 4225 Gibbs Road.

Detailed Outline of Requested Action: The applicant, Alicia Ellingsworth with KC Farm School at Gibbs Road, has requested a Change of Zone for 4223 & 4225 Gibbs Road, a sole parcel, from R-1 Single-Family District to AG Agriculture District to continue to operate the property for agricultural uses.

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

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 April 12, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony from the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Alicia Ellingsworth, applicant, Co-Founder and Executive Director of KC Farm School at Gibbs Road at 4223 Gibbs Road, Kansas City, Kansas, 5720 Lowell Street, Mission, Kansas
- Jennifer Thomas, Co-Founder and Board Chairman

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 58:04: Planning Director Hand stated that this case is associated with the Appeal that was approved by the Board of Zoning Appeals earlier this evening that allowed the Change of Zone to agriculture for property less than five (5) acres. He stated that he discussed the conditions at the Board of Zoning Appeals meeting but would like to summarize these conditions and other conditions for the

record. Staff has asked that the parking be striped, no parking occur in the public right-of-way, and if there is future signage, they will need to apply for a sign permit at that time. When the zoning code update is approved, Staff will work with the applicant on the correct zoning district correlation if necessary. Director Hand stated that there have been no Notices of Violations and Staff has received neither letters of support nor opposition. Staff recommends approval subject to the conditions in the staff report.

Vice Chairman Jones asked for clarification of the address as in some places it is 4223 and in some of the documentation it is 4223 and 4225 Gibbs Road. Director Hand stated that it is both addresses: 4223 and 4225 Gibbs Road.

Motion and Vote starts at 1:01:35:

On motion by Mr. Ernst, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application 3233**:

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

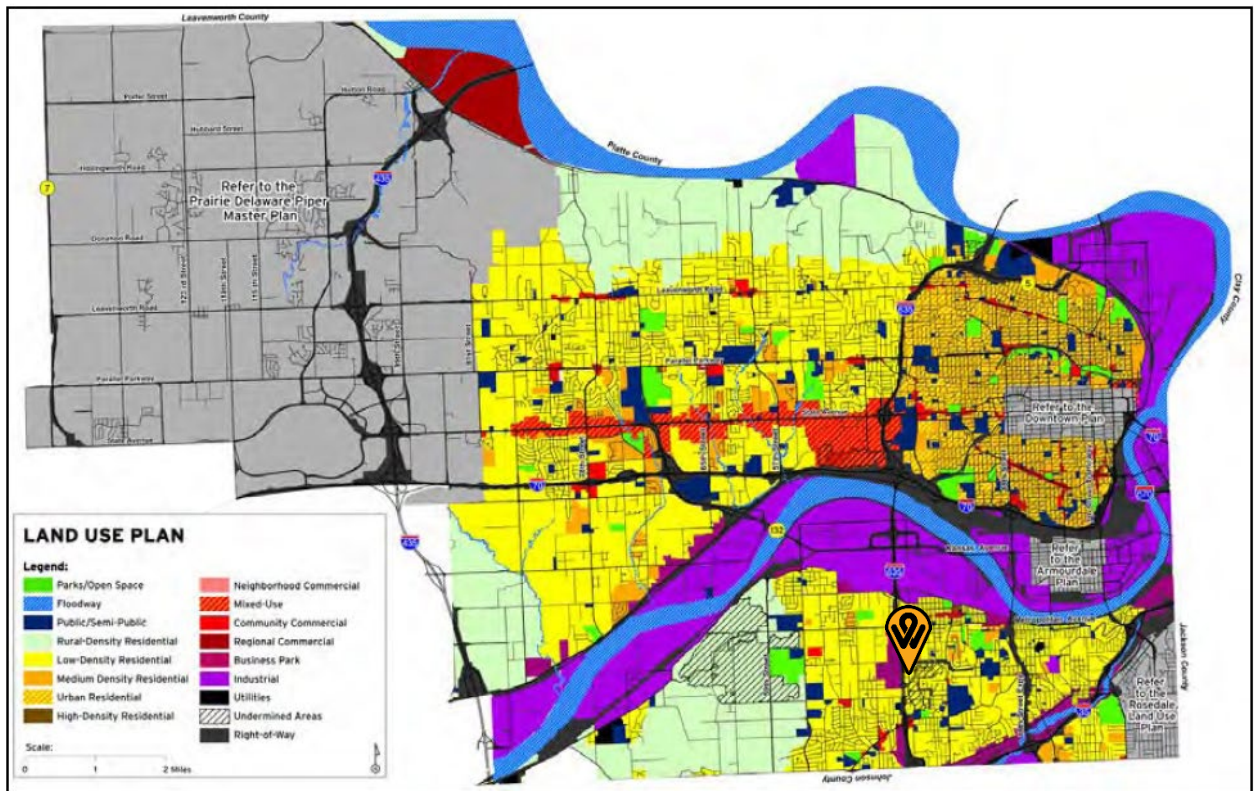
Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

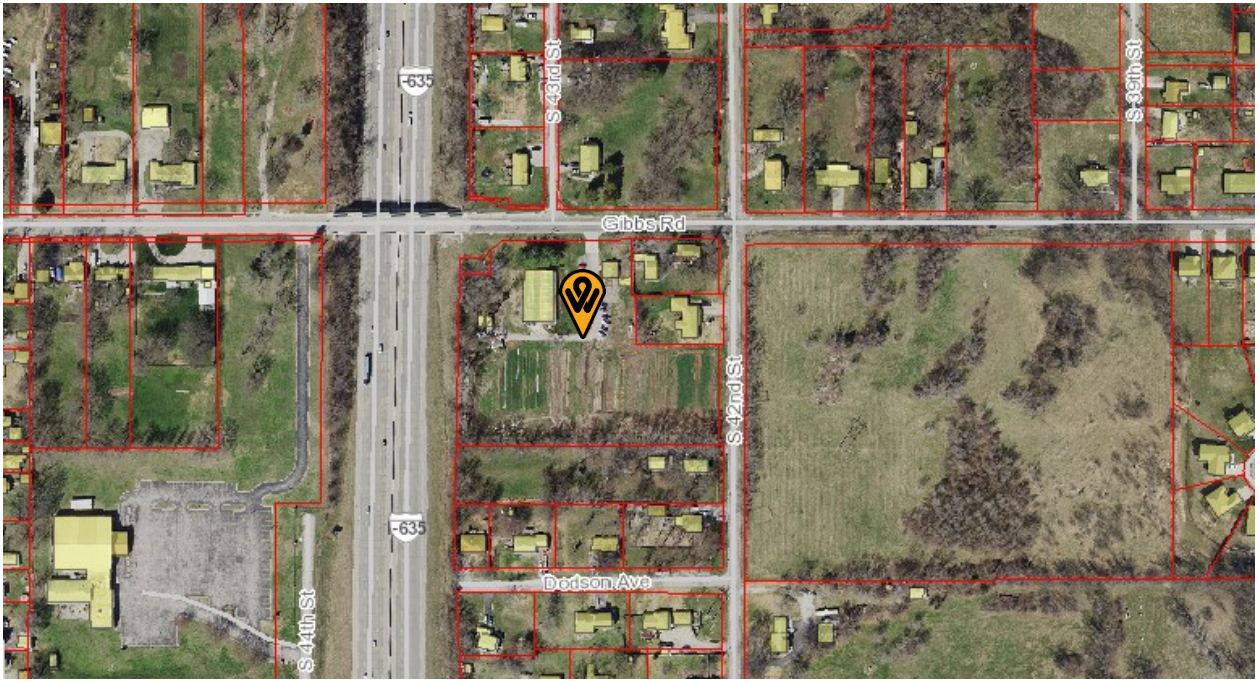
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- 2) Submittal of a farmers' market agreement to the Department of Planning and Urban Design;
- 3) The parking lot must be striped in compliance with Section 27-669;
- 4) Employee and guest parking on the public right-of-way is prohibited;
- 5) Rumble strips must be installed on the paved driveway apron to catch gravel from the rest of the driveway and drive aisle and prevent the gravel from tracking onto Gibbs Road;
- 6) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 7) A building permit is required for the construction of the deck. Please contact the Building Inspection Department to begin that process;
- 8) A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process; and,

- 9) Site improvements that include land disturbance activity on greater than 1 (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, Section 8-610 through Section 8-618]. Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works department, 701 N.7th Street, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.**

LAND USE MAP



AERIAL MAP



ZONING MAP



PHOTOS OF PROPERTY PROVIDED BY STAFF, DATED JANUARY 14, 2021



PHOTOS OF PROPERTY PROVIDED BY STAFF, DATED JANUARY 14, 2021, CONT.



ADDITIONAL INFORMATION FROM THE APPLICANT

9. Additional Information Please note any additional information that may assist staff in reviewing this request.

This property has no residential structures. No one has lived on this property for at least 30 years. For thirty years, three different not-for-profits have grown food, taught others to grow, and have fed the WyCo community. In 2019, we grew 5000+lbs produce and provided 3000+hrs job skills training to KCK students.

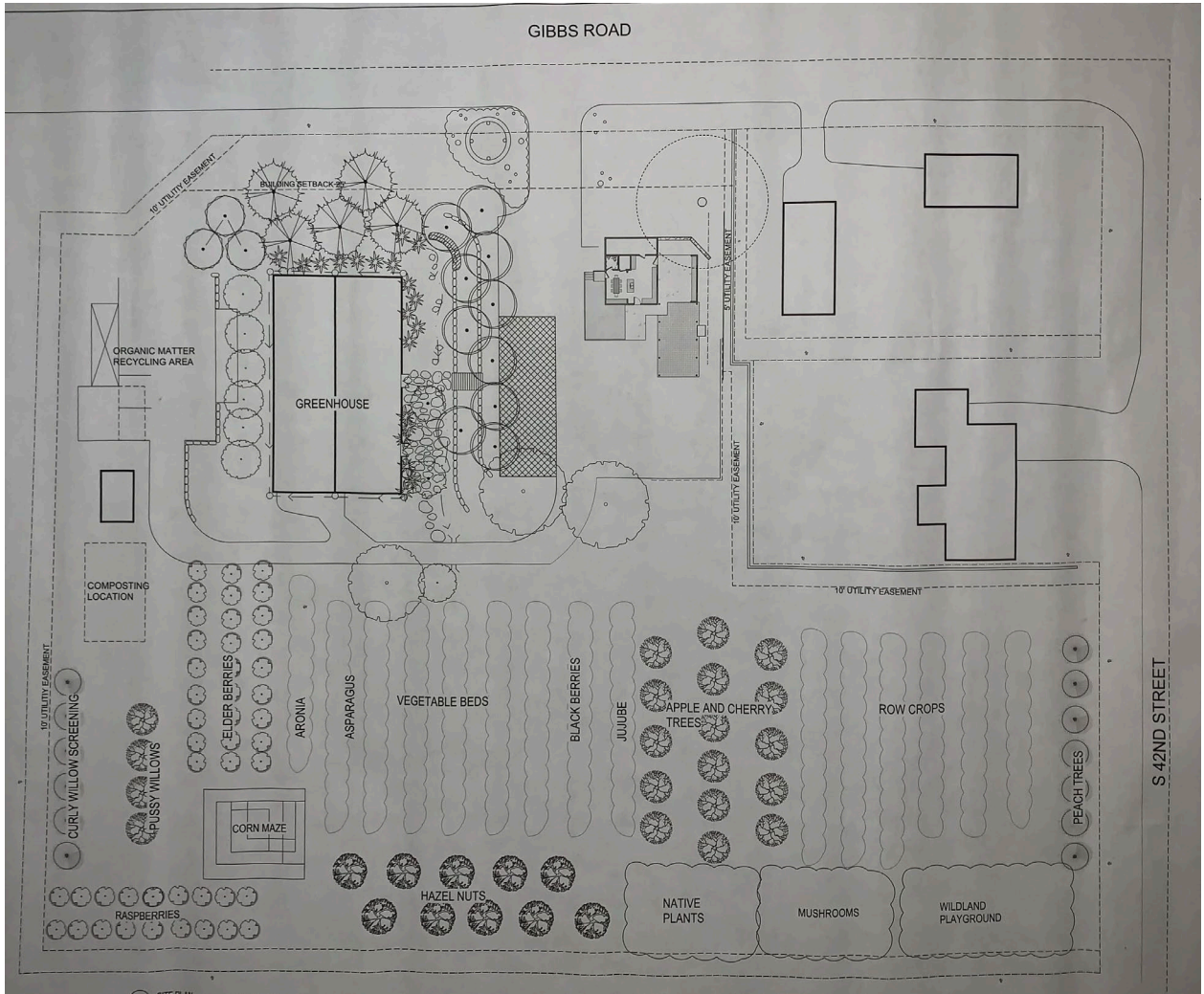
In addition to the above questions and answers, I'd like to include that we do have economic impact to Wyandotte County even though we are a 501(c)3 organization. Two of our five full-time permanent staff members are WyCo residents. Our contracted grant writer resides in Wyandotte County. At least one of our summer farm crew lives in the county. Additionally, the service we provide to the twenty market growers who use our greenhouse each spring is tremendous. The income they bring in because of getting started at our site is huge to their families and for some is the only source of income that family has.

Our youth education and job skills training programs have great impact and provide field trips to Turner and KCK school districts provides outdoor education, STEM, and physical education opportunities to our youth. We have an MOU with Turner School District to work together in a variety of ways including these field trips but also includes getting fresh farm food to the schools. Our ag education programming is supported through the Growing Growers program led by Kansas State University and provides hands-on opportunities for learning to adults going into careers in agriculture.

We continue to develop programming and jobs on the farm for youth in Wyandotte ages 15-18 to provide skills training and alternative career opportunities.

We have contracted to purchase the eleven acres to the east of our current farm. We are engaging the community to learn what they'd like to see as we develop it though it will largely remain open space with some vegetable and fruit production, some composting, and perhaps additional animals.

SITE AND LANDSCAPE PLAN OF THE PROPERTY



NEIGHBORHOOD MEETING MATERIALS, MARCH 18, 2021



March 8, 2021

KC Farm School at Gibbs Road
4223 Gibbs Road
Kansas City, KS 66106

Dear Neighbor,

The purpose of this letter is to let you know that we have filed an application with the Unified Government of Wyandotte County Department of Urban Planning and Land Use to change the zoning of our land. We filed case # COZ3233 and because we are under the five acre requirement, we also needed to file a request for variance, APPEAL BOZA2020-048.

We invite you to comment, join us in person to talk over the details, or email me any questions you may have.

We'd love to share more about what we do, so I'm reaching out to invite you to join us on Thursday, March 18 between 4 and 6pm to discuss our operation and the details of our request to change the zoning of our property at 4223 Gibbs Road.

We don't plan to change what we do, we just want to change the zoning to match what we do. We are a farm and the land has been farmed for the thirty years. The land will continue to be a community farm. We will hold this neighborhood meeting to share what we do.

We would love to see you in person. If you plan to come to the farm, then please wear a mask and practice social distancing. Please come to the little blue house. You could also call me at 913-313-8456. I would be happy to talk through any questions you might have. You can also reach me through email at alicia@kcfarmschool.org.

We thank you for your interest in what we do. I look forward to seeing you on the farm and getting to know a little bit about you.

Alicia Ellingsworth
Co-founder and Executive Director

KC Farm School at Gibbs Road is a 501(c)(3) nonprofit organization empowering individuals through on-farm, hands-on experiences and vocational education connecting them to the land and soil, food, themselves and their communities.

info@kcfarmschool.org 4223 Gibbs Road, KCKS, 66106 (913) 313-8456
www.kcfarmschool.org



Sign In Sheet

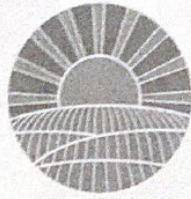
Application Number:

CHANGE OF ZONE COZ3233 and APPEAL BOZA2020-048

Date and Location: March 18, 2021

Names of people in attendance:

Name	Address	Phone	Email
1 Mary Jan Grindel	3419 Gibbs Rd KCK 66106	913-593-3211	grindelmj@gmail.com
2 Dennis Grindel	3419 Gibbs Rd KCK 66106	913-907-5658	dmggrindel@gmail.com



**KCFARM
SCHOOL**
AT GIBBS ROAD

COZ Meeting at KC Farm School 03/14/2021

Application Number: COZ3233 and BOZA2020-048

Attendees

Mary Grindel, Dennis Grindel, Alicia Ellingsworth, Melinda Dillon, Olivia Moore

Agenda

- 4:00 pm Meet and Greet
- 4:15 pm Meeting is called to order
- 4:20 pm Introductions
- 4:30 pm Open the floor to questions

1. Is the newly acquired acres part of the rezoning?(Dennis)
No, just the 3 acres on the west side of 42nd. (Alicia)
2. What do you like about the rezoning of this land? (Alicia)
We like the idea of a little farm in the city. (Mary)
3. When you work with kids, what do you do? (Mary)
We have a Saturday program for age 4-8 called Ag Explorers. Teaching real farm work at a level the kids can understand. We also have puppet making workshops for the month of March. (Alicia)
4. We offer to buy \$100 of tools for a local organization. Is there anything you need?(Dennis)
We are always in need of educational materials for our programs. (Olivia)
5. What happens at your Getty community meetings? (Alicia)
We are not meeting right now but will start up soon. Next meeting we plan on talking about home security with cameras. (Dennis)
6. What are you promoting now? (Mary)
Transplants and our programs like Let's Grow Wyandotte and Summer camp. (Alicia)
7. Can we see the property? (Mary)
Yes, lets show you around! (Alicia)
8. How are you funded? (Dennis)
Through grants, donations and sales. (Melinda)
We make about 25% of our income from sales. We are also funded through the Hollywood Casino Grant and USDA Farm to School Grant. (Alicia)

5:30 pm Meeting Adjourned

Meeting Minutes were taken by Melinda Dillon



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: April 29, 2021
Re: COZ2021-006

GENERAL INFORMATION

Applicant:
Scannell Properties #459, LLC

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

Requested Actions:
Change of Zone from CP-1 Planned
Limited Business and MP-2 Planned
General Business Districts to MP-2
Planned General Industrial District

Date of Application(s):
February 26, 2021

Purpose:
To amend a condition of approval
removing the prohibition of manufacturing
uses on the property

Property Location: 9700 Leavenworth Road



Commission Districts:	Commissioner At-Large: Melissa Bynum District #5 Commissioner: Michael (Mike) Kane		
Existing Zoning:	CP-1 Planned Limited Business and MP-2 Planned General Industrial Districts		
Adjacent Zoning:	North:	A-G Agriculture and R-1 Single Family Districts	
	South:	A-G Agriculture District	
	East:	R-1 Single Family, CP-1 Planned Limited Business and CP-2 Planned General Business Districts	
	West:	A-G Agriculture, R-1 Single Family and CP-2 Planned General Business Districts	
Adjacent Uses:	North:	Single family homes (across Hurrelbrink Road)	
	South:	Large lot single family homes (across Leavenworth Road)	
	East:	Wyandotte County Lake Park, a commercial event center and single-family homes	
	West:	Single family homes (across North 99 th Street)	
Total Tract Size:	431.75 Acres		
Master Plan Area:	Prairie Delaware Piper Master Plan		
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Business Park, which allows manufacturing, light industrial uses, distribution-warehouse, trucking, and other employment activity.		
Major Street Plan:	The Major Street Plan classifies Leavenworth Road as a Class A Thoroughfare.		
Advertisement:	<u>The Wyandotte Echo</u> – March 18, 2021 Letters to Property Owners – March 19, 2021 and April 23, 2021		
Public Hearings:	April 12, 2021 and April 29, 2021		
Public Support:	One person appeared at the April 12, 2021 City Planning Commission meeting.		
Public Opposition:	Staff received e-mails of concern from residents on 99 th Street from the construction of Building A. Staff received e-mails and phone calls in opposition to the change of zone, however, none to date regarding the final development plan. Three (3) persons spoke at the April 12, 2021 City Planning Commission meeting.		

PROPOSAL

Detailed Outline of Requested Action: The applicant, Scannell Properties #459, LLC, applied for a change of zone from CP-1 Planned Limited Business and MP-2 Planned General Industrial District to MP-2 Planned General Industrial District, preliminary plat (approved) seven (7) industrial lots and build six (6) warehouse and distribution buildings totaling 3,552,985 square feet and final plan review (approved) to build an internal road network for access to Leavenworth Road on 431.75 acres at 9700 Leavenworth Road. The applicant also wants to amend a condition of approval of the original change of zone restricting manufacturing uses on the property.

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

FACTORS TO BE CONSIDERED

1. Neighborhood character

The area is dominated by the vacant Woodlands facility, which is currently being developed. Other prominent features include large lot residences to the north and south, an established single-family neighborhood to the west and Wyandotte County Lake Park to the east.

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

The zoning and uses of properties nearby are set out above. The proposed industrial warehouse and distribution center is not compatible with the residential properties in the area. Removing the manufacturing restriction from the development is not compatible with the adjacent properties unless the uses are not visible, cannot be heard or smelled by the public, specifically the residents in the vicinity and guests at Wyandotte County Lake Park.

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

The property is suitable for the industrial uses that it has been restricted. The removal of the restrictions may affect nearby property if the specific performance standards are not strictly followed. While this site was formerly the Woodlands, operating from 1987 to 2008, the vehicles that frequented the racetrack were not over-the-road trucks that shipped goods throughout the country. The racetrack had peak times during the evenings and weekends only. This distribution hub will be operating 24 hours a day, 7 days a week, 365 days a year. Additionally, industrial land along Leavenworth Road must be screened from view accordingly.

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

The buildings on the property have been demolished and Building A is currently under construction.

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

Distribution uses support the economy but provide an increasing smaller share of jobs due to automation. Additionally, the number of jobs by Wyandotte County residents is not guaranteed. The business park's proximity to residential homes may injure the visual quality or marketability of nearby property if the site is not fully screened from public view (99th Street, Leavenworth Road, Hurrelbrink Road and 91st Street). The type of use will induce development that will increase and could significantly impact the visual quality of existing character along 99th Street, Leavenworth Road and Wyandotte County Lake if the perimeter of the site is not fully screened from public view.

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

The proposed development will significantly increase passenger vehicles and over-the-road trucks in ways that could adversely affect the road capacity of both North 99th Street and Leavenworth Road. Public Works is reviewing the revised Traffic Impact Study and their comments are forwarded ahead of this report.

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

The proposed use conforms to the Prairie Delaware Piper Master Plan, which is designated a Business Park.

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

The proposed use should not cause environmental harm because a detention pond is proposed to the west, which will capture runoff before it is discharged into the storm sewer. The developer has deeded over acres of land around Bennett Lake to Wyandotte County Lake Park.

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

a. *Water service*

Available

b. Sanitary sewer service

Available

c. Storm water control

To be designed to meet City Code.

d. Police

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

e. Fire

Fire service is provided by Fire Station #4 located at 81st Street and Leavenworth Road.

f. Transit

Kansas City ATA provides service along Leavenworth Road, Route #113 with a transit stop proposed at the entrance of the business park.

g. Schools

Public education is provided by Piper USD 203.

h. Streets

To be designed to meet Public Works standards.

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

The proposed use will have a beneficial economic impact on the community by turning a vacant property into a tax generating use.

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

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

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

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

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

The development can be used safely without danger to health, flood, or erosion. Excessive noise, parking lot and building lighting, and headlights will be further mitigated by an increased berm, landscaping and lowering the buildings into the development site.

Stormwater detention basins are being created in between the main private street and the proposed right-in/right-out road onto Leavenworth Road to control and capture stormwater runoff. As a result, the berm around the perimeter of Leavenworth Road needs to be raised to effectively screen Buildings E and F from public view.

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

The Major Street Plan classifies Leavenworth Road as a Class A Thoroughfare and the Master Plan classifies North 99th Street as a Major Arteria. Internal streets will be designed to provide a safe, convenient, and functional system for vehicular traffic, and having such width, gradient, location, and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

There remains only an emergency ingress/egress on North 99th Street, however, that serpentine road will be gated and not be accessible by the public. The southern entrance on 99th Street has been removed completely from the project, shifting all access points to Leavenworth Road, which should aid concerns about congestion for the adjacent residents.

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

The building and streets will be arranged as to afford adequate light and open space to facilitate fire protection because substantial screening vegetation will be planted, and kept, and existing ridgelines and trees stands preserved along Leavenworth Road and the western, southern, and northern property lines.

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

Staff had previous conversations with the applicant to shield and screen the distribution center from Leavenworth Road, 99th Street, Hurrelbrink Road and 91st Street by using the existing topography and berms on site based on the existing racetrack. Based on the plans, due regard to topography was thought about with

Bennett Lake, the buildings should not be visible from Leavenworth Road.

With the amended change of zone and preliminary development plan, the same level of detail and regard to protecting the natural features of the land and preserving as much of the 250-foot berm along North 99th Street as possible. Buildings B, C, D, E, and F shall be screened from public view along Leavenworth Road, hidden from residences along North 99th Street and Hurrelbrink Road.

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

The southeast corner of the development site around Bennett Lake and Marshall Creek is in the initial discussions will be dedicated to the Parks Department as a linkage to Wyandotte County Lake Park with trails on all four sides as a part of the development agreement.

The remaining perimeter of the development have trails that comply with the Sidewalk and Trails Master Plan with trails along Leavenworth Road, North 99th Street and Hurrelbrink Road all linking towards Wyandotte County Lake Park.

PREVIOUS ACTIONS

The amended preliminary plan review (PR2020-34) and preliminary plat were referred back to the City Planning Commission by the Unified Government Board of Commissioners on January 28, 2021, which has been continued until May 2021.

The change of zone (#3226) and Woodlands Redevelopment Preliminary Plat and master plan amendment (M-2020-5) were approved by the City Planning Commission on July 13, 2020 and Unified Government Board of Commissioners on July 30, 2020.

The final development plan (#PR-2020-34) and final plat for Building A was approved by the City Planning Commission on September 14, 2020.

The site was approved to be a pari-mutuel racing facility in 2016, after a change in ownership which was initially approved in 1987.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 25, 2021. The minutes for the meeting are attached.

KEY ISSUES

Preservation of Ridge Lines and Natural Features
Noise, Smell, and Visual Impacts
Compliance with the Sidewalk and Trails Master Plan
Building Design
Landscaping and Screening
Wetlands Protection
Traffic
Lighting and Glare
Construction Traffic, Noise, Glare and Staging
Industrial Use Conflicts

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2021-006, **with amendment to Condition 29 that the staff will continue to work with the applicant on advance notification of information through electronic communication to the neighbors** subject to:

1. The applicant wants to remove the condition of approval prohibiting manufacturing uses in the business park. Provide examples of the proposed manufacturing businesses that could operate within the development. Manufacturing operations cannot be visible, audible, or odorous for surrounding property owners and guests at Wyandotte County Lake Park.
2. Staff proposed the following manufacturing stipulation: Manufacturing uses are permitted on the property that are restricted to the MP-1 use regulations and shall comply with Sec. 27-468(c)(3) No use shall be permitted or so operated as to produce or emit:
 - a. Smoke, dust, fly ash, gas, or odorous emission not in compliance with Chapter 3 (Code of the Unified Government of Wyandotte County/Kansas City, Kansas, Chapter 3 – Air Pollution).
 - b. Vibration or concussion perceptible without instruments at the property line.
 - c. Noise greater than 75dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night noise level average to exceed 65 dB(A) for any residence for a sustained period.
 - d. Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line;
3. The height and area standards and permitted uses of MP-1 Planned Light Industrial and Industrial Park District shall be limited on the MP-2 Planned General Business District lots;
4. To match the zoning of Wyandotte County Lake Park, Lot 7 shall be rezoned from MP-2 Planned General Industrial District to R-1 Single Family when a final plat is submitted for the that lot;

5. With each phase, the Final Development Plans will need to be submitted with an updated Traffic Impact Study (TIS);
The City Planning Commission previously approved constructing a five (5) foot trail along the north property line along Hurrelbrink Road from North 99th Street to the western entrance into Wyandotte County Lake Park as the Sidewalk and Trails Master Plan designates Hurrelbrink Road as a local trail.

The five (5) foot trail surface will be decomposed limestone which will cause less disturbance to the existing tree line;

6. A five (5) foot sidewalk is required to be constructed along 99th Street and a ten (10) foot sidewalk is required to be constructed along Leavenworth Road (Regional Trail);
7. Sidewalks shall be installed on both sides of the streets throughout the development. For reference, see the Turner Logistics Center industrial business park;
8. Truck traffic on North 99th Street is not permitted. Additional signage shall be posted. Coordination with truck drivers to the distribution center is required;
9. The north access off North 99th Street shall be serpentine, gated and restricted for emergency vehicles and personnel only. The ingress/egress is not available to the public;
10. Staff suggests retrofitting solar arrays on the building's rooftops in the future. Solar collectors shall not extend more than three feet above the highest point of the roof;
11. Per Business Licensing Division:
 - a. If approved, Tenants will need to file and maintain a current occupation tax application;
12. Downspouts shall be internalized;
13. The 250-foot berm along North 99th Street and Building C, D, E, and F shall be preserved during construction to the maximum extent possible. Cutting into the berm's slope will most definitely affect the visibility of Building B, C, D, E and F for the residents west of North 99th Street. Per the applicant's representative, the follows berm height and widths are as follows:
 - Lot 3 Building D:
Berm Width varies from 77 feet to 270 feet wide.
Berm Height from the centerline grade 99th Street varies from 14 feet to 32 feet high.
 - Lot 2 Building E:
Berm Width varies from 100 feet to 170 feet wide.
Berm Height from the centerline grade 99th Street varies from 11 feet to 18 feet high.
 - Lot 6 Building F:
Berm Width varies from 180 feet to 190 feet wide.
Berm Height from the centerline grade of 99th Street varies from 8 feet to 22 feet high.
14. The grades along Leavenworth Road, including the top of the berm range between 940 – 990 feet. The finished floor elevation of Building F is 955.00 feet, and the height of the building is 48 feet. The building is between 13 –

63 feet taller than the surrounding berms on Leavenworth Road. This building will be clearly visible from Leavenworth Road.

There is a heavy focus on screening the site from the west side of 99th Street, however the sight line cross sections do not include views from Leavenworth Road (both on the east and west sides of the main entrance) looking west and northwest towards Buildings E and F. The berm is significantly lower and needs to be raised to screen the trucks and buildings from public view;

- 15. Continue coordination with Planning and Urban Design, Public Works and KDOT to find screening solutions in the median of the frontage road adjacent to 9731 and 9745 Leavenworth Road that screens truck and employee traffic exiting from the site;**
- 16. Ms. Joy Gardiner, property owner at 9625 Leavenworth Road has contacted staff throughout this process about the impacts of this development on her home, as she is directly across the street from the main entrance on Leavenworth Road.**

A mitigation measure that has been agreed upon and staff believe will be a benefit to both parties. The applicant shall fully screen her front yard along Leavenworth Road from vehicle headlights exiting the property. The screening shall be a combination of berming, fencing, landscaping and/or retaining walls, if necessary. The zoning district only permits a four (4) foot open fence in the front yard, so a variance from the Board of Zoning Appeals is required if the proposed fence is taller than four (4) feet or is solid (i.e., privacy fencing);

- 17. Coordination with Kansas City Area Transit Authority (KCATA) should continue regarding the exact location of the transit stop and shelter for eastbound buses on Leavenworth Road;**
- 18. No building, trailer parking or employee parking shall be visible from the perimeter of the development as the adjacently zoned properties are A-G Agriculture and R-1 Single Family Districts;**
- 19. Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six (6) foot high architectural screening in combination with a buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every thirty-two (32) feet on center. No fences shall be on top of berms or seen from street to maintain the wood character.
The site for the proposed development is 202.55 acres, excluding Building A site, 882 trees are required based on acreage and exclusive of the street tree and parking lot island tree requirements for the lots zoned MP-2 Planned General Industrial District;**
- 20. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;**
- 21. All landscaping shall be irrigated;**

22. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
23. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
24. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen (not perforated);
25. 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;
26. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way;
27. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
28. Shall comply with the sign ordinance.
 - a. No billboards shall be erected within the development;
29. Hours of operation for construction shall be during daylight hours. Exceptions shall be made for small-scale after-hours deliveries and equipment maintenance, interior construction within the enclosed building, and construction worker access to the site. Occasional large-scale construction operations may be required to occur after hours, such as concrete or asphalt placements and site grading operations due to weather conditions and suitable temperatures. Contractor/Developer shall provide 24-hour advance notice to the Unified Government Planning & Urban Design office of any large-scale after-hours operations. Staff will continue to work with the applicant on advance notification of information through electronic communication to the neighbors;
30. No construction heavy truck traffic other than employee parking traffic (i.e., restrict) off North 99th Street;
31. No glare off lights on adjacent houses and towards public rights-of-way;
32. Job trailer laydown areas should serve multiple phases of construction. The construction job trailers, and associated parking should remain in its

- current location and not to relocate with construction of each subsequent phase of development. No storage of materials is to be located at the lay down area on 99th Street, and all material storage areas must be screened from view of adjacent properties and the public right-of-way;
33. Batch plant is hidden from view by the existing berms within the development;
 34. Staff has received complaints from adjacent residents about the dust, trash, noise, glare, hours of construction with the construction of Building A. For the remaining buildings yet to be constructed within the project site, dust/dirt, trash, noise, glare must be minimized to not be intrusive in the single-family residences that border the site to the north, west and south;
 35. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable;
 36. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec.8-610 through Sec.8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
 37. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2021-006** subject to all comments in the staff report and summarized by the minutes and conditions of the City Planning Commission.

ATTACHMENTS

April 12, 2021 City Planning Commission Minutes
Prairie Delaware Piper Master Plan Development Policies and Guidelines for Area 1
Sidewalk and Trails Master Plan Trail Cross-Sections
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
South Drive Road Site Plan
Site Plan
Grading Plan
Photometric Plan
Landscape Plan
Sight Line Cross Sections
Building Elevations
Site Photography provided by Staff Dated June 17, 2020

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	April 12, 2021	April 29, 2021
Rezoning	Approval	

Public Hearing	April 12, 2021	TBD
Preliminary Plat Approval		

Public Hearing	April 12, 2021	Not required
Plan Review	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-006** 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 **COZ2021-006** 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.

April 12, 2021 City Planning Commission Minutes:

Hearing starts at 1:02:50:

CHANGE OF ZONE APPLICATION COZ2021-006 – SCANNELL PROPERTIES 459, LLC - SYNOPSIS: Change of Zone from CP-1 Planned Limited Business and MP-2 Planned General Industrial District to MP-2 Planned General Industrial District to remove light manufacturing restriction from previous approval (Woodlands Phase 2) at 9700 Leavenworth Road.

PLAT2021-005 – SCANNELL PROPERTIES #459, LLC – SYNOPSIS: Preliminary Plat to remove commercial lots from previous Woodlands Phase 2 Plan at 9700 Leavenworth Road.

PLAN REVIEW APPLICATION PR2021-007 – SCANNELL PROPERTIES #459, LLC – SYNOPSIS: Final Plan Review to amend the southern drive for Woodlands Phase 2 at 9700 Leavenworth Road.

Detailed Outline of Requested Action: The applicant, Scannell Properties #459, LLC, applied for a change of zone from CP-1 Planned Limited Business and MP-2 Planned General Industrial District to MP-2 Planned General Industrial District, preliminary plat seven (7) industrial lots and build six (6) warehouse and distribution buildings totaling 3,552,985 square feet and final plan review to build an internal road network for access to Leavenworth Road on 431.75 acres at 9700 Leavenworth Road. The applicant also wants to amend a condition of approval of the original change of zone restricting manufacturing uses on the property.

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

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 April 12, 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:

- Korb Maxwell, attorney representing the applicant, Polsinelli Law Firm
- Shaun Cofer, Development Coordinator
- Seth Reece, Olsson Associates, 7301 West 133rd Street, Suite 200, Overland Park, Kansas 66213
- Greg Kindle, WYEDC, 727 Minnesota Avenue, Kansas City, Kansas 66101

Present in Opposition:

- Laurie Torrez, 9828 Donahoo Road, Kansas City, Kansas 66109
- Megan Leduc, 9635 Leavenworth Road, Kansas City, Kansas 66109
- Mary Jane and Richard Smith, 3140 North 99th Street, Kansas City, Kansas 66109

Staff Recommendation starts at 1:52:25: Planning Director Hand stated that the applicant did a good job explaining the proposal and the revisions. Due to the changes, to access, number of buildings, removal of an approved condition, increase in square footage both collectively and individually, the threshold for re-review was met. Director Hand stated that the approval of the project including all the infrastructure being built in Phase 1 is to be built by the end of September 2021. He further stated that the construction and development of the rest of the site is unknown. Each time a new developer or tenant proposes a project, a final plan review will be required. At that time everything will be reviewed, including the conditions of approval to ensure that everything is moving forward as approved. The access was adjusted from 99th Street to Leavenworth Road; there is an existing curb cut on Leavenworth Road that the applicant will use this second entrance. Right now, they are using it as a second construction entrance. There is a lot of activity taking place on the main road and that is why they are building the road for the second entrance while they improve the main road and entrance. Berming will take place down 99th Street to Leavenworth Road and over to the main entrance. All the construction conditions of approval have been added to the conditions, which is unprecedented. This is a large development located in a suburban single-family neighborhood. Director Hand stated staff listened to the concerns of the neighbors and included conditions of approval in the staff report accordingly. The conditions of approval from the original application have been carried over to this application. It is important to note that construction conditions are not usually applied, and it is expanded protection of the neighboring properties. He further stated that the property will be MP-2 Planned General Industrial District. The retail portion is being rezoned to MP-2 District. The MP-2 District allows for the height requirements and the outside storage, this is conditioned to restrict those uses to MP-1 Planned Light Industrial District. There was an original condition that no manufacturing uses would be allowed, which the developers want to amend. That condition has been modified to uses that cannot be heard, seen, or smelled inside the building, including steam. The use would be fully screened from public view. Director Hand stated that staff worked with Legal Counsel and believes this condition meets the intent of the original condition and combined with the required covenants for the MP-1 Planned District should keep all the "dirty industrial uses" out of this redevelopment. There was a seventh lot for Bennett Lake rezoned to MP-2 (he showed the Commission on the

map) and because that property has been deeded to the Unified Government, it is now our responsibility to rezone that parcel. He stated staff has talked with Parks and Recreation, and when the new zoning code is adopted, staff will change the zoning on that parcel to the appropriate classification for park land. Director Hand stated that Conditions 29 through 34 in the staff report relate to the construction of the site. Condition 29 relates to the hours of operation. Occasionally large-scale construction operations may be required to occur after hours, as concrete or asphalt placements can go on for days. Staff worked with Scannell and the construction company on this condition. Site grading may also be required after hours. The contractor/developer shall provide 24-hour advance notice to the Unified Government and there are numerous outlets that staff can use to communicate to the neighborhood. He further stated that there is an email used by Woodland's Redevelopment that gives a weekly update. He stated that he thinks this notification email would best. Condition 30 is no construction heavy truck traffic on 99th Street and Donahoo; however, there will always be errant drivers and staff has continued to reinforce with the applicant this condition. Comments have been made about glare of lights and Condition 31 states "No glare of lights on adjacent houses and towards public rights-of-way." Mr. Maxwell also stated that there are things that they can do while meeting OSCHA standards when they are working at night. Condition 32 addresses job trailer laydown areas and Staff worked with the developer, so the job trailers will remain at their present location when they are working on other buildings. He would recommend no storage of materials; the construction company can build a fence for the materials. This job trailer area will be there through September and potentially longer. Another condition is the batch plant will be hidden from view. If it can be seen, even slightly, it needs to be moved. Condition 34 relates to the dust issue; it has been dry recently, and staff tried to address this issue with the applicant. In the original approval, one of the conditions was staff would work with the developers to screen the main entryway from Mrs. Gardiner's property. He stated that he believes Mrs. Gardiner and Mrs. Leduc share a driveway. He stated that the mitigation that was agreed upon should also screen Mrs. Leduc's entryway from the applicant's second main entryway. He showed the driveways, berming and detention pond on the map. All of that should screen the property from Mrs. Gardiner and Mrs. Leduc. The Unified Government is working through the improvement of this intersection and at one time, had planned for a traffic signal; however, KDOT determined that a signal at this location was not yet warranted. As the new plans come in for the different buildings, the traffic studies will be updated accordingly. At some point, one (1) of those developments will trigger the needs of the traffic signal at this intersection. As such Phase 1 will include the bus stop improvements and a crosswalk for pedestrians crossing Leavenworth Road including all the required screening. Mrs. Gardiner reached out to Staff about the location of the bus stop. It has been moved from the west side of the main entrance to the east side. Staff is working with the developer on the design of that bus stop. He stated that these improvements must be completed by September of 2021. Director Hand stated that staff will work with Mrs. Gardiner and Mr. Leduc on the location of this bus stop along with Planner Byron Toy and Engineer Martin Ntonjira. Staff has asked that the frontage road for the second entrance have a mitigation measure whether it is a fence or berming. Both of these issues need to be reviewed and approved by KDOT. As this mitigation is to occur in a front yard setback, the developer will have to meet the code requirement and may need to request a variance if the screening method is fencing.

Director Hand stated staff recommends approval subject to the conditions in the staff report.

Chairman Carson stated that he appreciates staff working with the neighbors and the developer. Director Hand stated as soon as staff receives complaints, Staff works with the developer to address the issue.

Planning Commissioner Jones asked for clarification on Condition 29 as the neighbors expressed concern about notification of late-night working. Director Hand stated that the developer has set up an email notification (for people that have signed up) and they send out a weekly update as well as ad hoc updates concerning activities on the property. The Commission could amend that condition to include notification via email that has been set up for 24-hour notice of late-night working. He stated staff can use Facebook, Next Door and Twitter to further boost this communication. When staff has been notified of any complaints by a neighbor, staff has advised of the list that has been set up by the developer to keep the UG and neighborhood advised of the progress of the project.

Motion and Vote starts at 2:16:48 :

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2021-006 with amendment to Condition 29 that the staff will continue to work with the applicant on advance notification of information through electronic communication to the neighbors. On Condition 32 the applicant will not use the laydown yard for storage, and that additional screening for the access for the new entrance be added to other mitigation measures to buffer residential uses south of Leavenworth Road.**

Before the vote Planning Commissioner Reasons stated that he has personally been to the site multiple times and has driven through there. He is probably the only one on the Commission that does commercial construction. Regarding materials being exposed, the only way that anyone would have seen those materials exposed was if they had driven through the “trailer park”. He has been there, you have to check in, your temperature is taken, and they write down who you are and your point of being there. He further stated that it is gated where the materials are located. This is a construction site, and it will be this way for some time. He does not know why the stipulation on the storage of materials needs to be in the conditions. He leaves for work at 6:00 a.m. and the applicant’s team is already street sweeping so conditions are safe for the drivers.

Director Hand stated that this is a construction site; materials next to a trailer tend to get lost with everything else. It has been a persistent comment from the public that they do not want to see more “junk” when they already have to see construction trailers.

Mrs. Jones stated that she is willing to remove the condition on the storage of materials if Director Hand feels that he has developed a good enough repour with the developer. Director Hand stated that he feels that he has, and this will not be an issue if there is something that needs to be addressed. This is a construction site, and they need every foot of ground for construction so storage of materials will not be a problem.

Mrs. Jones made a motion to amend her original motion and remove the revision to Condition 32 in the staff report and Mr. Connelly made a second to the amendment to the motion. The Planning Commission voted as follows on the amendment to the motion:

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

Motion to APPROVE the Amendment to the original motion Passed: 7 to 0

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2021-006 with amendment to Condition 29 that the staff will continue to work with the applicant on advance notification of information through electronic communication to the neighbors:**

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

Motion to APPROVE the Amendment to the original motion Passed: 7 to 0

Subject to:

- 1. The applicant wants to remove the condition of approval prohibiting manufacturing uses in the business park. Provide examples of the proposed manufacturing businesses that could operate within the development. Manufacturing operations cannot be visible, audible, or odorous for surrounding property owners and guests at Wyandotte County Lake Park.**
- 2. Staff proposed the following manufacturing stipulation: Manufacturing uses are permitted on the property that are restricted to the MP-1 use regulations and shall comply with Sec. 27-468(c)(3) No use shall be permitted or so operated as to produce or emit:**

- a. Smoke, dust, fly ash, gas, or odorous emission not in compliance with Chapter 3 (Code of the Unified Government of Wyandotte County/Kansas City, Kansas, Chapter 3 – Air Pollution).
 - b. Vibration or concussion perceptible without instruments at the property line.
 - c. Noise greater than 75dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night noise level average to exceed 65 dB(A) for any residence for a sustained period.
 - d. Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line;
3. The height and area standards and permitted uses of MP-1 Planned Light Industrial and Industrial Park District shall be limited on the MP-2 Planned General Business District lots;
 4. To match the zoning of Wyandotte County Lake Park, Lot 7 shall be rezoned from MP-2 Planned General Industrial District to R-1 Single Family when a final plat is submitted for the that lot;
 5. With each phase, the Final Development Plans will need to be submitted with an updated Traffic Impact Study (TIS);
The City Planning Commission previously approved constructing a five (5) foot trail along the north property line along Hurrelbrink Road from North 99th Street to the western entrance into Wyandotte County Lake Park as the Sidewalk and Trails Master Plan designates Hurrelbrink Road as a local trail.

The five (5) foot trail surface will be decomposed limestone which will cause less disturbance to the existing tree line;

6. A five (5) foot sidewalk is required to be constructed along 99th Street and a ten (10) foot sidewalk is required to be constructed along Leavenworth Road (Regional Trail);
7. Sidewalks shall be installed on both sides of the streets throughout the development. For reference, see the Turner Logistics Center industrial business park;
8. Truck traffic on North 99th Street is not permitted. Additional signage shall be posted. Coordination with truck drivers to the distribution center is required;
9. The north access off North 99th Street shall be serpentine, gated and restricted for emergency vehicles and personnel only. The ingress/egress is not available to the public;
10. Staff suggests retrofitting solar arrays on the building's rooftops in the future. Solar collectors shall not extend more than three feet above the highest point of the roof;
11. Per Business Licensing Division:
 - a. If approved, Tenants will need to file and maintain a current occupation tax application;
12. Downspouts shall be internalized;
13. The 250-foot berm along North 99th Street and Building C, D, E, and F shall be preserved during construction to the maximum extent possible. Cutting into the berm's slope will most definitely affect the visibility of Building B,

C, D, E and F for the residents west of North 99th Street. Per the applicant's representative, the follows berm height and widths are as follows:

- **Lot 3 Building D:**
Berm Width varies from 77 feet to 270 feet wide.
Berm Height from the centerline grade 99th Street varies from 14 feet to 32 feet high.
- **Lot 2 Building E:**
Berm Width varies from 100 feet to 170 feet wide.
Berm Height from the centerline grade 99th Street varies from 11 feet to 18 feet high.
- **Lot 6 Building F:**
Berm Width varies from 180 feet to 190 feet wide.
Berm Height from the centerline grade of 99th Street varies from 8 feet to 22 feet high.

14. The grades along Leavenworth Road, including the top of the berm range between 940 – 990 feet. The finished floor elevation of Building F is 955.00 feet, and the height of the building is 48 feet. The building is between 13 – 63 feet taller than the surrounding berms on Leavenworth Road. This building will be clearly visible from Leavenworth Road.

There is a heavy focus on screening the site from the west side of 99th Street, however the sight line cross sections do not include views from Leavenworth Road (both on the east and west sides of the main entrance) looking west and northwest towards Buildings E and F. The berm is significantly lower and needs to be raised to screen the trucks and buildings from public view;

15. Continue coordination with Planning and Urban Design, Public Works and KDOT to find screening solutions in the median of the frontage road adjacent to 9731 and 9745 Leavenworth Road that screens truck and employee traffic exiting from the site;
16. Ms. Joy Gardiner, property owner at 9625 Leavenworth Road has contacted staff throughout this process about the impacts of this development on her home, as she is directly across the street from the main entrance on Leavenworth Road.

A mitigation measure that has been agreed upon and staff believe will be a benefit to both parties. The applicant shall fully screen her front yard along Leavenworth Road from vehicle headlights exiting the property. The screening shall be a combination of berming, fencing, landscaping and/or retaining walls, if necessary. The zoning district only permits a four (4) foot open fence in the front yard, so a variance from the Board of Zoning Appeals is required if the proposed fence is taller than four (4) feet or is solid (i.e., privacy fencing);

17. Coordination with Kansas City Area Transit Authority (KCATA) should continue regarding the exact location of the transit stop and shelter for eastbound buses on Leavenworth Road;
18. No building, trailer parking or employee parking shall be visible from the perimeter of the development as the adjacently zoned properties are A-G Agriculture and R-1 Single Family Districts;

- 19. Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six (6) foot high architectural screening in combination with a buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every thirty-two (32) feet on center. No fences shall be on top of berms or seen from street to maintain the wood character.**
- The site for the proposed development is 202.55 acres, excluding Building A site, 882 trees are required based on acreage and exclusive of the street tree and parking lot island tree requirements for the lots zoned MP-2 Planned General Industrial District;**
- 20. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;**
- 21. All landscaping shall be irrigated;**
- 22. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.**
- a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;**
- 23. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;**
- 24. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen (not perforated);**
- 25. 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;**
- 26. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way;**
- 27. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;**
- 28. Shall comply with the sign ordinance.**

- a. No billboards shall be erected within the development;
29. Hours of operation for construction shall be during daylight hours. Exceptions shall be made for small-scale after-hours deliveries and equipment maintenance, interior construction within the enclosed building, and construction worker access to the site. Occasional large-scale construction operations may be required to occur after hours, such as concrete or asphalt placements and site grading operations due to weather conditions and suitable temperatures. Contractor/Developer shall provide 24-hour advance notice to the Unified Government Planning & Urban Design office of any large-scale after-hours operations. Staff will continue to work with the applicant on advance notification of information through electronic communication to the neighbors;
30. No construction heavy truck traffic other than employee parking traffic (i.e., restrict) off North 99th Street;
31. No glare off lights on adjacent houses and towards public rights-of-way;
32. Job trailer laydown areas should serve multiple phases of construction. The construction job trailers, and associated parking should remain in its current location and not to relocate with construction of each subsequent phase of development. No storage of materials is to be located at the lay down area on 99th Street, and all material storage areas must be screened from view of adjacent properties and the public right-of-way;
33. Batch plant is hidden from view by the existing berms within the development;
34. Staff has received complaints from adjacent residents about the dust, trash, noise, glare, hours of construction with the construction of Building A. For the remaining buildings yet to be constructed within the project site, dust/dirt, trash, noise, glare must be minimized to not be intrusive in the single-family residences that border the site to the north, west and south;
35. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable;
36. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec.8-610 through Sec.8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
37. 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 **APPROVE PLAT2021-005 (Woodlands Phase 2)**:

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0
Subject to the above conditions

On motion by Mrs. Jones, seconded by Mr. Reasons, the Planning Commission voted as follows to **APPROVE PLAN REVIEW APPLICATION PR2021-007**:

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0
Subject to the above conditions

Development Policies and Guidelines for Area 2

Intent: These parcels are more suited for lower density development due to factors such as varying slopes, limited but potential flooding, scattered vegetation stand, and soils that may not be conducive to basement, foundations or high-density development.

Land Use Type	Average Square Footage Guidelines	Allowed	Minimum Acreage	Open Space	Amenities	Landscape	Architectural / Building Design Review
Low Density Residential	See Table 7	Yes	None	12%	• Gazebo and lot lot • Trails • Barbecue and picnic areas		No
Suburban Residential	See Table 7	Yes	-	17%	-		Yes, if buildings are less than recommended square footage
Mixed Residential	-	No	-	-	-		-
Small Commercial	5,000-25,000 sf per center	Yes	5-10-Acres	12%	• Landscape buffer • Trail		Yes
Neighborhood Commercial	100,000-150,000 sf per center	Yes	15-35-Acres	20%	• Landscape buffer • Trail • Outdoor sitting area		Yes
Regional Commercial	150,000-40,000 sf per center	No	-	-	-		-
Office	Sites along I-70, I-435, K-7	No	5-10 Acres (10-Acre maximum)	-	• Landscape buffer • Trail • Outdoor sitting area		-
Light Industry/Business Park	Sites along I-70, I-435, K-7	No	-	-	-		-

Table 4

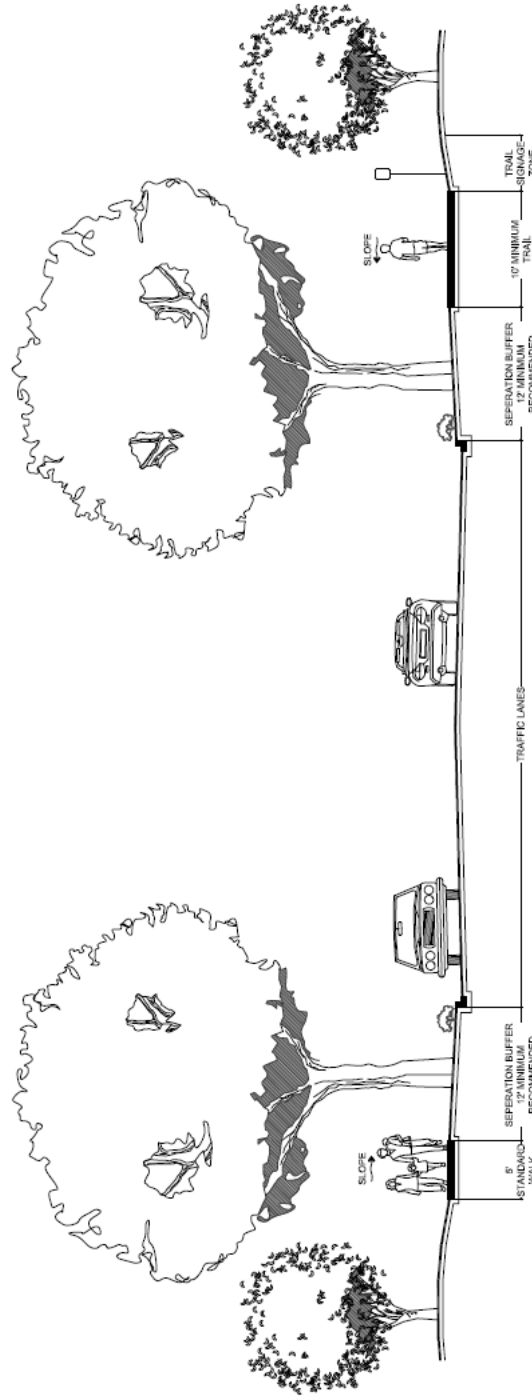
Development Policies and Guidelines for Area 1

Intent: Low development risk factors including minimal slopes, little or no flood capabilities, no significant stands of vegetation, and soils most conducive to development.

Land Use Type	Average Square Footage Guidelines	Allowed	Minimum Acreage	Open Space	Amenities	Landscape	Architectural / Building Design Review
Low Density Residential	See Table 7	Yes	40-Acres: lots clustered lots with open space	10%	See Table 7		No
Suburban Residential	See Table 7	Yes	None	15%	See Table 7		Yes, if buildings are less than recommended square footage
Mixed Residential	See Table 7	Yes	25-Acres	See Mixed Residential Guidelines	See Table 7		Yes
Small Commercial	5,000-25,000 sf per center	Yes	5-10-Acres	10%	• Landscape buffer • Trail		Yes
Neighborhood Commercial	100,000-150,000 sf per center	Yes	15-35-Acres	15%	• Landscape buffer • Trail • Outdoor sitting area		Yes
Regional Commercial	150,000-40,000 sf per center	Yes	20-100-Acres	15%	• Landscape buffer • Trail • Outdoor sitting area		Yes
Office	Sites along I-70, I-435, K-7	Yes	5-25-Acres	20%	• Landscape buffer • Trail • Outdoor sitting area		Yes
Light Industry/Business Park	Sites along I-70, I-435, K-7	Yes	40-Acres	25%	• Landscape buffer • Trail • Outdoor sitting area		Yes

Table 5

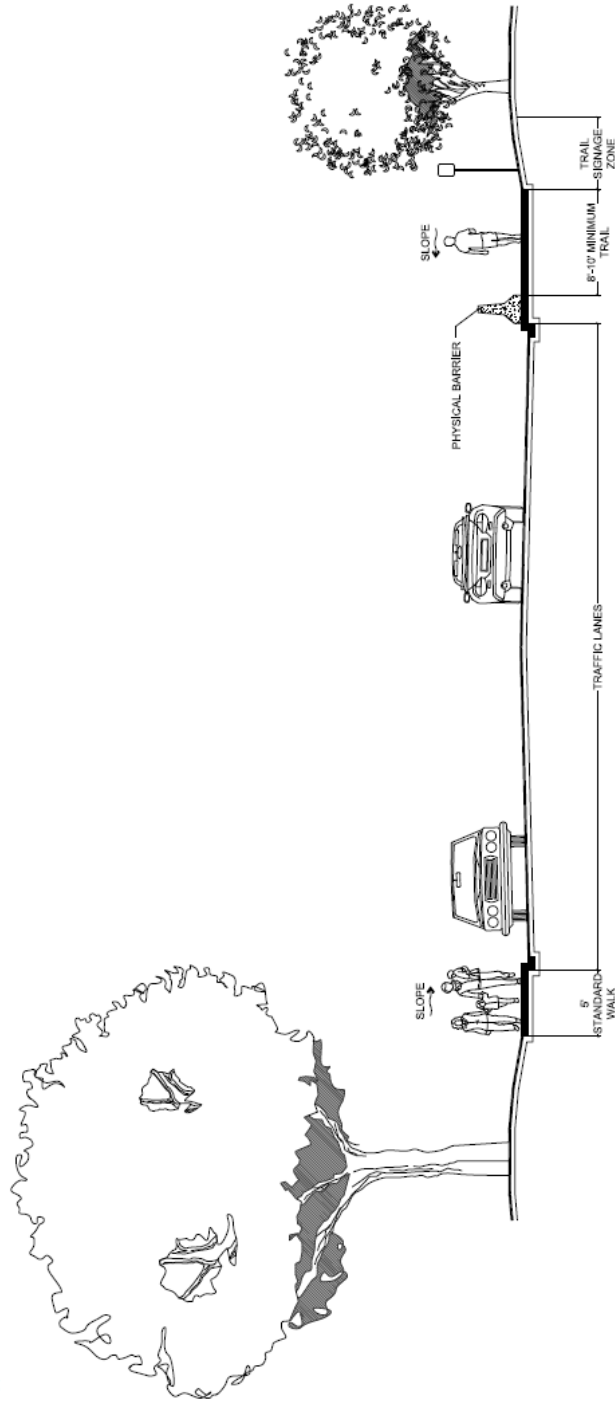
Figure 7.3: Regional Trail
Typical Cross Section



Regional trails provide cross-county connections and linkages to regional trails outside of Wyandotte County. These trails are recommended to be at least 10-feet wide to accommodate pedestrians and less-experienced cyclists who do not feel comfortable riding in the street. More experienced cyclists are likely to ride in the street with vehicular traffic along designated bike routes.



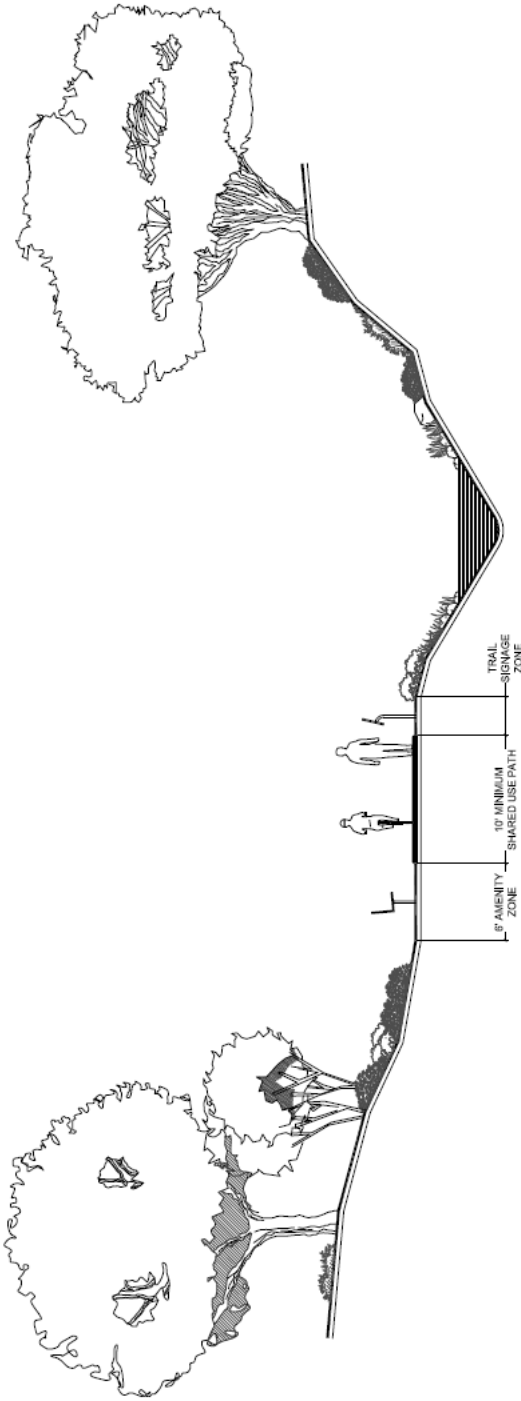
Figure 7.4: Local Trail Adjacent to Existing Road
Typical Cross Section



Local trails provide connections to neighborhoods and local destinations. For the most part, these trails are adjacent to existing roads in developed areas with limited right-of-way. Like regional trails, a width of 10-feet is preferred to accommodate pedestrians and less experienced cyclists. In sections with limited right-of-way, 8-feet may be accepted. A green space buffer is preferred between the roadway and trail, however, where space is limited, a physical barrier or railing should be considered.



Figure 7.5: Greenway Trail
Typical Cross Section



The primary setting for greenway trails is in undeveloped or sparsely populated areas; however, there are opportunities within urbanized areas as well. Greenway trails generally follow streams, providing a unique setting for trails and immersing the user in nature. In Wyandotte County, greenways provide a departure from the rigid grid pattern of streets and offer a more natural recreational setting. Care must be exercised to protect environmentally sensitive areas, yet, trails adjacent to these areas can provide educational opportunities and conservation.



WOODLANDS REDEVELOPMENT CHANGE OF ZONE, PRELIMINARY DEVELOPMENT PLAN AND FINAL PLAT COMMENTS

Change of Zone Petition COZ2021-006, Woodlands Redevelopment Final Plat and PR2021-007

Resubmitted on 03/30/21: Responses are in **blue, bolded** text.

URBAN PLANNING AND LAND USE COMMENTS:

General Planning:

- 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. **RESPONSE: Acknowledged.**
- 2) The applicant wants to remove the condition of approval prohibiting manufacturing uses in the business park. Provide examples of the proposed manufacturing businesses that could operate within the development. Manufacturing operations cannot be visible, audible, or odorous for surrounding property owners and guests at Wyandotte County Lake Park. **RESPONSE: The project is designed to accommodate a wide range of potential MP-1 manufacturing uses including, without limitation, manufacturing, processing, fabrication, assembling, disassembling, packaging, repairing, cleaning, servicing or testing of any commodity, and other manufacturing uses permitted by the MP-1 use regulations. Examples of the proposed manufacturing businesses that could potentially operate within the development include, but are not limited to, water bottling facilities, food processing facilities, small auto component manufacturing facilities, computer chip manufacturing facilities, and other light manufacturing uses. The foregoing is not an exhaustive list, however, as new technologies are constantly emerging, and flexibility is needed to accommodate other manufacturing uses permitted by the MP-1 use regulations to enable the project to adapt with industry trends and attract the best and most desirable users to the UG.**

The project will be Class A in terms of design, construction and elevations, and will comply with the UG code requirements that govern landscaping, screening and the emission of noise and odors.

Staff proposed the following manufacturing stipulation: Manufacturing uses are permitted on the property that are restricted to the MP-1 use regulations and cannot be visible (including steam venting), odorous and audible from public view that would affect adjacent property owners, included, but not limited to visitors at Wyandotte County Lake Park.

RESPONSE: The Applicant proposes the following manufacturing stipulation: "Manufacturing uses are permitted on the property that are restricted to the MP-1 use regulations."

The project will be Class A in terms of design, construction and elevations, and will comply with the UG code requirements that govern landscaping, screening and the emission of noise and odors.

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- 3) The height and use restrictions of MP-1 Planned Light Industrial and Industrial Park District shall be limited on the MP-2 Planned General Business District lots. **RESPONSE: Manufacturing use restrictions are already addressed in General Planning comment #2 above. The Applicant requests that this comment be revised to read as follows: "The height restrictions of MP-1 Planned Light Industrial and Industrial Park District shall apply to the MP-2 Planned General Business District lots."**
- 4) To match the zoning of Wyandotte County Lake Park, Lot 7 shall be rezoned from MP-2 Planned General Industrial District to R-1 Single Family when a final plat is submitted for the that lot. **RESPONSE: The Applicant agrees to support (i.e. not object to) the UG's efforts in rezoning Lot 7 to R-1 and final platting of the same. As discussed with Staff, however, the Lot 7 rezoning and final platting cannot be a stipulation of approval, as Lot 7 has been dedicated to the UG and the Applicant does not have any control over when or if the rezoning and final platting will occur or be approved.**
- 5) With each phase, the Final Development Plans will need to be submitted with an updated Traffic Impact Study (TIS). **RESPONSE: Acknowledged.**
- 6) The City Planning Commission previously approved constructing a five (5) foot trail along the north property line along Hurrelbrink Road from North 99th Street to the western entrance into Wyandotte County Lake Park as the Sidewalk and Trails Master Plan designates Hurrelbrink Road as a local trail.

The five (5) foot trail surface will be decomposed limestone which will cause less disturbance to the existing tree line. **RESPONSE: Acknowledged, this trail will be constructed.**
- 7) A five (5) foot sidewalk is required to be constructed along 99th Street and a ten (10) foot sidewalk is required to be constructed along Leavenworth Road (Regional Trail). **RESPONSE: Acknowledged, the sidewalk on the east side of 99th Street and trail on the north side of Leavenworth Road will be constructed.**
- 8) Sidewalks shall be installed on both sides of the streets throughout the development. For reference, see the Turner Logistics Center industrial business park. **RESPONSE: Acknowledged.**
- 9) Truck traffic on North 99th Street is not permitted. Additional signage shall be posted. Coordination with truck drivers to the distribution center is required. **RESPONSE: Acknowledged.**
- 10) The building orientation and layout have changed from the original preliminary development plant. Provide an updated photometric plan. **RESPONSE: Acknowledged, photometric plans are included in the change of zoning documents.**
- 11) The north access off North 99th Street shall be serpentine, gated and restricted for emergency vehicles and personnel only. The ingress/egress is not available to the public. **RESPONSE: Acknowledged.**
- 12) Staff recommends retrofitting solar arrays on the building's rooftops in the future. Solar collectors shall not extend more than three feet above the highest point of the roof. **RESPONSE: The Applicant is sensitive to environmental-related issues and has incorporated green design elements into the plans, including native plantings to reduce water consumption, LED site lighting, and stormwater filtering via basin and plantings.**

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The buildings have also been designed to accommodate solar panels to be installed in the Applicant's discretion if and when requested by specific users.

13) Per Business Licensing Division.

- a. If approved, Tenants will need to file and maintain a current occupation tax application. **RESPONSE: Acknowledged.**

Building Architecture:

1) Downspouts shall be internalized. **RESPONSE: Acknowledged.**

Landscaping and Screening:

1) The 250-foot berm along North 99th Street and Building C, D, E, and F shall be preserved during construction. The berm does not affect the screening of Building A, but cutting into the berm's slope will most definitely affect the visibility of Building B, C, D, E and F for the residents west of North 99th Street. Per the applicant's representative, the follows berm height and widths are as follows:

- **Lot 2 Building D:**
Berm Width varies from 77 feet to 270 feet wide.
Berm Height from the centerline grade 99th Street varies from 14 feet to 32 feet high.
- **Lot 2 Building E:**
Berm Width varies from 100 feet to 170 feet wide.
Berm Height from the centerline grade 99th Street varies from 11 feet to 18 feet high.

- **Lot 6 Building F:**
Berm Width varies from 180 feet to 190 feet wide.
Berm Height from the centerline grade of 99th Street varies from 8 feet to 22 feet high.

RESPONSE: As discussed with Staff, the existing berm along 99th Street will be reduced in width, and the existing 250 feet wide berm will be reworked as outlined in the proposed plans. The height will be as noted above in the staff comments to help screen the development from public view.

2) Protect existing ridge lines within the development to further assist in screening the development from Leavenworth Road, in addition to preserving existing trees stands and underlying vegetation on site. The berm that wraps the 99th Street and Leavenworth Road intersection shall screen Building F from public view. The proposed berm in between the main entrance and the proposed right-in/right-out is at a height that will allow Buildings E and F to be highly visible for westbound traffic on Leavenworth Road. **RESPONSE: The property will be graded to accommodate the proposed development with careful consideration to the views into the development. Undisturbed ridge lines and vegetation will be preserved to further screen the development.**

3) The grades along Leavenworth Road, including the top of the berm range between 940 – 990 feet. The finished floor elevation of Building F is 955.00 feet, and the height of the building is 48 feet. The building is between 13 – 63 feet taller than the surrounding berms on Leavenworth Road. This building will be clearly visible from Leavenworth Road.

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There is a heavy focus on screening the site from the west side of 99th Street, however the sight line cross sections do not include views from Leavenworth Road (both on the east and west sides of the main entrance) looking west and northwest towards Buildings E and F. The berm is significantly lower and needs to be raised to screen the trucks and buildings from public view. **RESPONSE: As requested by Staff, additional cross sections have been added along Leavenworth Road into the development to show the sight lines into the development. The berm along Leavenworth Road has been designed to soften the views into the development and help screen the trucks and buildings from public view.**

- 4) Similar screening for the property owner who is across the street from the main entrance into Building A shall be implemented, as truck and employee traffic will exit westbound from the site. Shrubs and berming in the median of the frontage road adjacent 9731 and 9745 Leavenworth Road will provide screening while minimizing the conflict with overhead utilities. Coordination with KDOT is required. **RESPONSE: A screen wall will be constructed on the property owner's property south of the main entrance as was originally stipulated with the original rezoning. Additional plantings have been added to the plan on the northeast side of the main entry to help soften the views into the development.**

As discussed with Staff, the existing grades for the public utilities directly east of the main entry of the development do not allow for berming to occur in this area.

Regarding adding shrubs and berming on the frontage road adjacent to 9731 and 9745 Leavenworth Road, the north side of the frontage road is KDOT right of way and KDOT has informed that berming and plantings will not be allowed in that area. However, the Applicant agrees to continue discussions with Staff and KDOT in pursuit of a mutually-agreeable solution to this issue.

- 5) What is the height of the perspective taken for the sight line cross sections? Is the height based on the walking public, sitting standard passenger car, SUV, or truck? No building, trailer parking or employee parking shall be visible from the perimeter of the development as the adjacently zoned properties are A-G Agriculture and R-1 Single Family Districts. **RESPONSE: The sight line cross sections provided in the plans is taken from a height of 6 feet above the ground. The project will be Class A in terms of design, construction and elevations, and will comply with the UG code requirements that govern landscaping and screening.**
- 6) Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six (6) foot high architectural screening in combination with a buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every thirty-two (32) feet on center. No fences shall be on top of berms or seen from street to maintain the wood character.

The site for the proposed development is 202.55 acres, excluding Building A site, 882 trees are required based on acreage and exclusive of the street tree and parking lot island tree requirements for the lots zoned MP-2 Planned General Industrial District. **RESPONSE: See the landscaping and screening requirements table on sheet L1.00. Tree quantities meet UG requirements. No fencing is proposed as part of this application.**

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- 7) All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted. **RESPONSE: Acknowledged.**
- 8) All landscaping shall be irrigated. **RESPONSE: Landscape beds around buildings that are not natives will be irrigated.**
- 9) Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
- a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times. **RESPONSE: Acknowledged, all parking areas and service entries have been screened from the public street with berms and landscaping. See detail 8/L1.90 for typical trash receptacle screen detail.**
- 10) BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer. **RESPONSE: Acknowledged, see detail 7/L1.90 for typical ground mounted equipment screen detail.**
- 11) All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen (not perforated). **RESPONSE: Acknowledged, all utility boxes will be screened with landscaping. See detail 7/L1.90.**
- 12) 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. **RESPONSE: Acknowledged, all utility boxes will be screened with landscaping. See detail 7/L1.90.**
- 13) Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. **RESPONSE: Acknowledged.**
- 14) All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. **RESPONSE: Acknowledged.**

Signage:

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- 1) Shall comply with the sign code. **RESPONSE: Acknowledged.**

Construction:

- 1) Hours of operation for construction shall be during daylight hours. Exceptions shall be made for small-scale after-hours deliveries and equipment maintenance, interior construction within the enclosed building, and construction worker access to the site. Occasional large-scale construction operations may be required to occur after hours, such as concrete or asphalt placements and site grading operations due to weather conditions and suitable temperatures. Contractor/Developer shall provide 24-hour advance notice to the Unified Government Planning & Urban Design office of any large scale after hours operations. **RESPONSE: Acknowledged.**
- 2) No construction heavy truck traffic other than employee parking traffic (i.e. restrict) off North 99th Street. **RESPONSE: Acknowledged.**
- 3) No glare off lights on adjacent houses and towards public rights-of-way. **RESPONSE: Acknowledged.**
- 4) The construction job trailers, and associated parking shall remain in its current location, as not to relocate with construction of each subsequent phase of development. **RESPONSE: The construction job trailers and associated parking related to construction of Building A shall remain in their current location until Building A is completed. The Applicant acknowledges that the location of construction job trailers and associated parking related to construction of the remaining buildings will be reviewed with the final development plans for such buildings.**
- 5) Batch plant is hidden from view by the existing berm. **RESPONSE: Acknowledged. The batch plant for Building A is hidden from view by the existing berm. The Applicant acknowledges that the location of any batch plants for the remaining buildings will be reviewed with the final development plans for such buildings.**
- 6) Staff has received complaints from adjacent residents about the dust, trash, noise, glare, hours of construction with the construction of Building A. For the remaining buildings yet to be constructed within the project site, dust/dirt, trash, noise, glare must be minimized to not be intrusive in the single-family residences that border the site to the north, west and south. **RESPONSE: Acknowledged. For the remaining buildings yet to be constructed within the project site, dust/dirt, trash, noise, and glare will be minimized to not be unreasonably intrusive in the single-family residences that border the site.**

Planning Engineering:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments. **RESPONSE: Acknowledged, the Applicant has been worked with engineering staff to address comments on the project.**

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2) The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments. **RESPONSE: Acknowledged. The Applicant has been in contact with the county surveyor and has addressed his comments.**

3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition. **RESPONSE: Acknowledged.**

B) Items that are conditions of approval:

1) None.

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

1) None.

ENGINEERING COMMENTS:

RESPONSE: None received.

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**Scannell Properties #459, LLC– Woodlands Redevelopment
NEIGHBORHOOD MEETING MINUTES**

Application Numbers: COZ2021-006, PLAT2021-005 & PR2021-007 – 9700 Leavenworth Road

Date: March 25, 2021

Location: National Agricultural Center and Hall of Fame, Theatre Room, 630 N. 126th Street, Bonner Springs, KS 66012

Meeting Called to Order at: 6:30pm

Applicant Representatives in Attendance:

- Shaun Cofer, Scannell Properties
- Seth Reece, Olsson
- Luke Moore, Olsson
- Korb Maxwell, Polsinelli PC
- Brittany Moore, Polsinelli PC

The above representatives are sometimes hereinafter collectively referred to as the “Applicant.”

City Representatives in Attendance:

- None

Others in Attendance:

- Please refer to the sign-in sheets attached hereto as Exhibit A and incorporated herein by reference.
- Please also find copies of the neighborhood meeting notice and affidavit attached hereto as Exhibit B and Exhibit C, respectively, both of which are incorporated herein by reference.

Introduction and Project Description:

The Applicant introduced the Applicant representatives present at the neighborhood meeting, and presented a full and accurate description of the proposed development plans, including the plans’ evolution as compared to previous submittals and past neighborhood meetings (and reasoning for the same), described projected impacts of development and plans to mitigate or off-set the same, and informed that the Application is currently scheduled to go before the UG Planning Commission on April 12, 2021. The Applicant then facilitated a discussion of neighborhood questions and comments, as summarized below along with the Applicant’s responses.

Questions and Comments:

77366800.2

1. Q: A member of the public asked where on the plans the curb cut that is moving east is located, and expressed concerns about whether he would need to make an illegal U-turn to exit his driveway.

A: The Applicant pointed out the location of the curb cut in question, explained that the positioning is intended to prevent trucks heading eastbound on Leavenworth Road from turning left into the project, and clarified that the median will still be split so as not to impact anything related to how he enters and exits his driveway.

2. Q: A member of the public asked about the proposed building heights and elevations as compared to previous submittals.

A: The Applicant explained that the original building was approximately 76' tall, whereas the smaller buildings are now proposed to be approximately 38' high and the larger buildings approximately 45' to 48' in height, a reduction of approximately 30' as compared to the previous submittal. The Applicant further explained that the elevations are stepped down to provide as much screening as possible.

3. Q: A member of the public asked whether the building on the former retail area will be at a lower elevation than the retail would have been.

A: The Applicant explained that it will likely be at a lower elevation since the retail was proposed to be right up on Leavenworth Road, and further explained that there will also be a landscaped berm to help screen the area.

4. Q: Following from the question above, a member of the public asked what the height would be for the berm in question.

A: The Applicant responded that the berm is proposed to be approximately 18' high.

5. Q: A member of the public asked how tall the building proposed in the former retail area would be, and whether it would be visible above the berm.

A: The Applicant responded that the building in question is proposed to be approximately 40' tall, and—because of the way the sightlines work—will barely be visible from outside of the development.

6. Q: A member of the public asked whether the berm by the emergency exit slopes in and gets lower, and if so, whether that would be adjusted.

A: The Applicant explained that it currently slopes in and gets lower, but will ultimately be steeper and more serpentine to the extent possible while still preserving access for emergency vehicles.

7. Q: A member of the public expressed concern over the hours of operation for the batch plant associated with Building A.

A: The Applicant responded that he would look into it and ensure the batch plant is only operated during permitted hours.

8. Q: A member of the public asked whether the batch plant will be removed after Building A is completed?

A: The Applicant confirmed that the batch plant will be removed after the completion of Building A.

9. Q: A member of the public asked about timing for the completion of Building A (and in turn removal of the batch plant)?

A: The Applicant responded that, weather pending, Building A is anticipated to be completed in September 2021.

10. Q: A member of the public asked how many daily truck trips there will be when the project is 100% completed?

A: The Applicant responded that, based on the traffic impact study, total daily trips for trucks and cars are estimated at approximately 5,769 at full development, which is compared to 8,850 in connection with the original plan. The Applicant also informed that the UG is requiring an updated traffic impact study with each phase of the development.

11. Q: A member of the public expressed concern regarding her perceived evolution of the project from a nice business park with increased property values, to then adding retail and now manufacturing.

A: The Applicant responded that the intent has always been to develop for MP-1 uses on site, but that MP-2 zoning is needed (with a use restriction limiting manufacturing to MP-1 use regulations) in order to meet the height and parking requirements for potential users.

12. Q: A member of the public asked if there is a reason why all if the trees along the corner and fown 99th Street have to be cut down immediately.

A: The Applicant responded that the trees and brush had to be removed from the area in question to allow the berm work to occur.

13. Q: Following from the question above, a member of the public asked when the berm work would be completed.

A: The Applicant responded that the goal is to finish the berm work around the time that Building A is completed.

14. Q: A member of the public asked whether the building on the former retail area has been sold yet.

A: The Applicant responded that the building in question is still speculative and does not yet have any identified users.

15. Q: A member of the public asked when the berm in the corner by her house would be completed.

A: The Applicant explained that the plan is to start moving that dirt around when the site dries out a bit from all of the inclement weather, with a goal to have it completed around the time that Building A is done.

16. Q: A member of the public asked for an example of what constitutes "light" manufacturing.

A: The Applicant explained that it has already had to turn away specific users because of the original use restriction on manufacturing, including a pretzel bakery and water bottling company; those are a couple of examples, and another would be companies that put together small

components for motor vehicles (e.g. dashboards etc.) and other light manufacturing uses that involve skilled jobs.

17. Q: Following from the question above, a member of the public commented that the concern with light manufacturing is any accompanying harm to the environment.

A: The Applicant explained that the MP-1 use restriction on manufacturing is intended to prevent those type of heavier manufacturing and industrial uses that could potentially have an impact to the environment.

18. Q: A member of the public asked about parking lot lighting and commented that the lighting associated with the former Woodlands racetrack was a concern.

A: The Applicant explained that the proposed parking lot lighting will be a substantial improvement from the former Woodlands racetrack, and—as part of the required photometric plan—will produce zero bleed over at the property lines and utilize fixtures that incorporate LED lighting and project the light downwards.

19. Q: A member of the public asked why the Applicant is requesting a change of zone to MP-2 at this point if there are not yet any identified users for the proposed building on the former retail area.

A: The Applicant explained that (i) the retail industry is in bad shape and there is a lot of concern that, if built, the retail pads would remain empty without users, and (ii) given that retail can't survive without full access, that component has been removed from the plans to address the concerns expressed by the neighbors, Planning Commission and Board of Commissioners related to traffic on 99th Street. Removing the retail component also allows for the additional berm to be installed that will further screen and buffer the development from the surrounding properties.

20. Q: A member of the public asked if there are plans to clean up the existing berm on Hurrelbrink.

A: The Applicant responded that a crushed limestone trail is going in along Hurrelbrink that will weave through the existing trees and be accessible from 99th Street. The existing berm will be cleaned up in places to enable construction of the trail.

21. Q: A member of the public asked if there will still be new sidewalks installed on the east side of 99th Street.

A: The Applicant responded in the affirmative; that those sidewalks are still a part of the plans.

22. Q: A member of the public asked if there will be any impact to the existing bus stop near the former retail area.

A: The Applicant responded that it's rebuilding the main entry and does not anticipate any adverse impacts to bus traffic, and that it's working with the transit authority regarding the potential installation of new bus stops as well as KDOT on potential signal improvements.

23. Q: A member of the public asked when the entire project will be complete?

A: The Applicant responded that it varies by project and will depend on market trends and demand, but a similar project in Indianapolis took approximately 3 years from start to finish, by way of example.

24. Q: A member of the public asked if the Applicant will retain ownership of the buildings or if they can be sold to manufacturers, expressing concern about the potential for heavier manufacturers coming in.

A: The Applicant responded that users typically lease the property/improvements, and that the zoning approvals (including use restrictions etc.) will run with the land and be binding on future owners, such that additional changes would require review and approval of the UG.

25. Q: A member of the public commented that the bus stop at the Leavenworth road entrance is far away from the buildings, such that workers will have a hike to get to the buildings and won't ride the bus. He commented that he was not in favor of having a bus stop directly across the neighborhood if it isn't needed for the workers.

A: The Applicant responded that the transit authority will not allow the bus stop to be internalized within the development.

26. Q: A member of the public expressed concern regarding street sweeping.

A: The Applicant responded that it would look into it further.

Conclusion: The Applicant confirmed that there were no further questions or comments, and thanked everyone for coming.

Meeting Adjourned at: 7:30pm

Minutes Taken By: Brittany Moore, Polsinelli PC

NEIGHBORHOOD MEETING SIGN-IN SHEET

Project: Woodlands Redevelopment

Meet Date: Thursday, March 25, 2021,
6:30 p.m.

Facilitator: Scannell Properties, Olsson,
Polsinelli

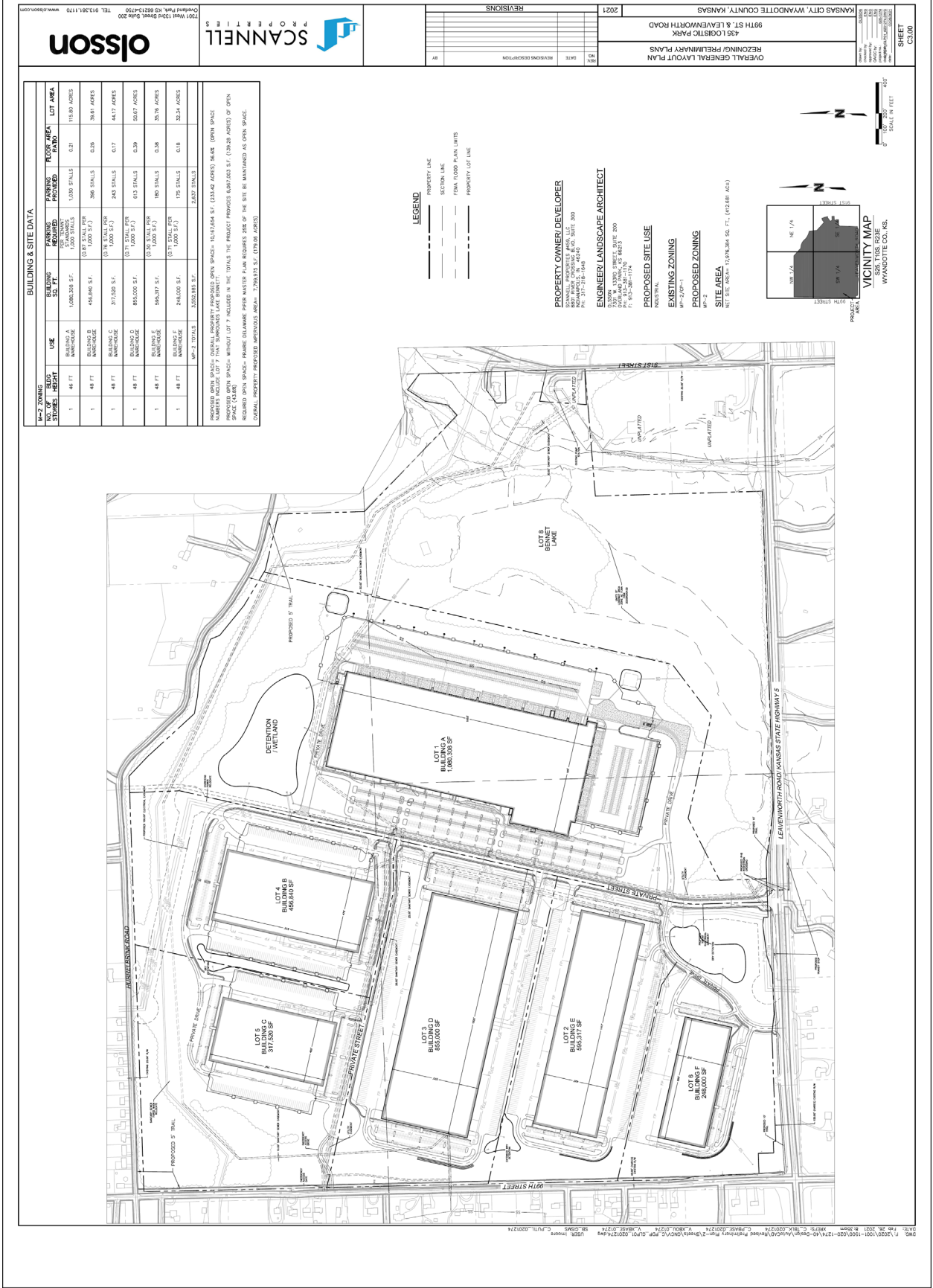
Place/Room: National Agricultural
Center and Hall of Fame, Theatre Room,
630 N. 126th Street, Bonner Springs, KS
66012

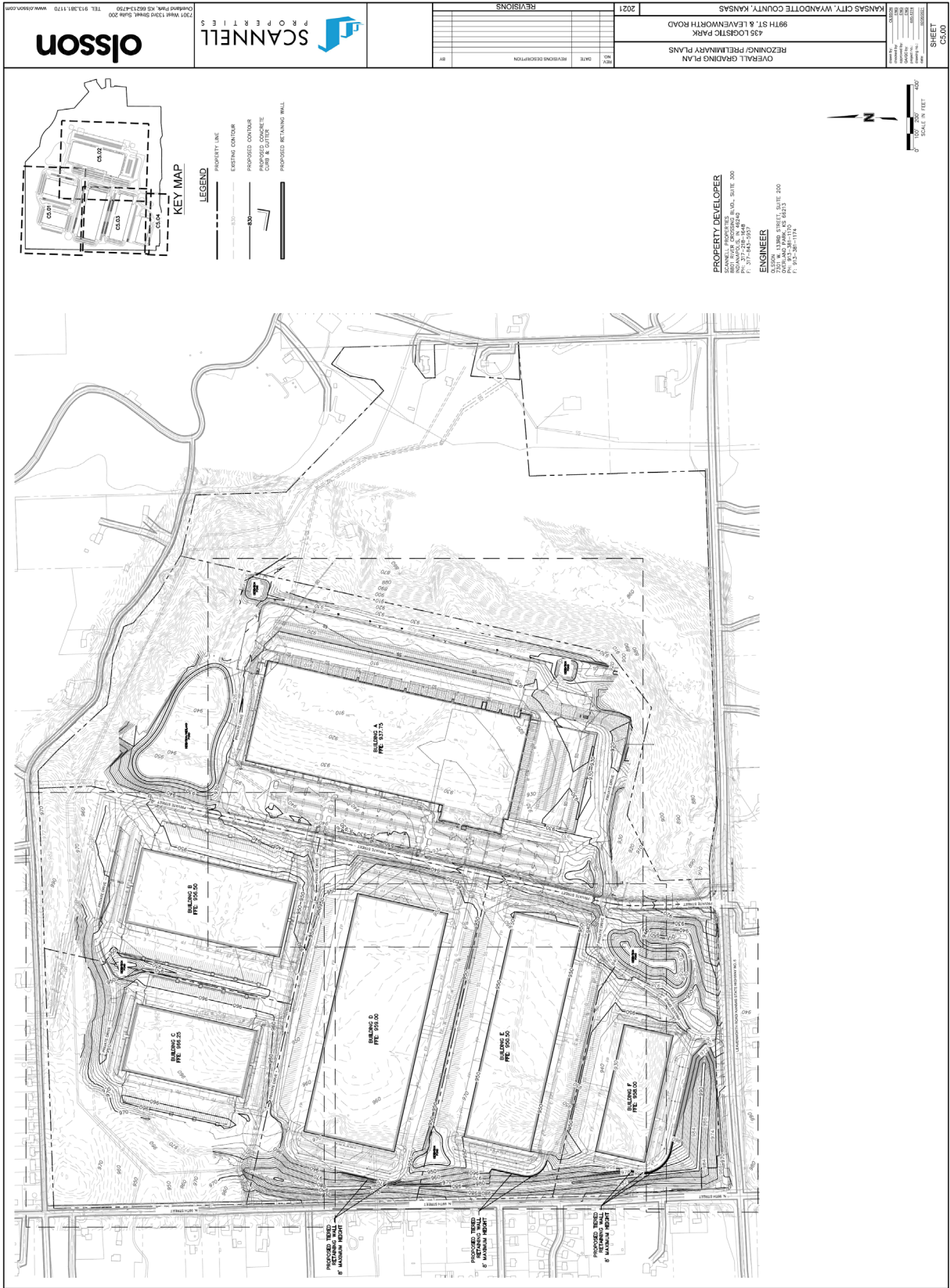
Application #: COZ2021-006, PLAT2021-
005 & PR2021-007 - 9700 Leavenworth
Road

Name	Address	Email Address
ADRIAN & LAURIE TORRES	9828 Donahoo Rd	
Nela Bruner	9745 Leavenworth Rd	bruners05@aol.com
Karen & Greg Lumber	3120 N. 99 th & 66109	kstaub57@gmail.com
Taylor & Mandy Aykan	3500 N 99 th	mandymaylock@hotmail.com
Shirley Hill	3424 N 99 th	ghill11@ksa.com
Anita Andrews	9620 Hurrelbrink	22kdgn@yahoo
Greg Vaught	9345 Leavenworth Rd	
Jamie Brann	3124 N 99 th St.	jamiebrann@gmail.com
Harold Reeves	9899 Leavenworth Rd	Harold-Reeves1@gmail.com
JOE VAUGHT	9231 Leavenworth Rd	JoeVaught@gmail.com
Joy Gardner	9625 Leavenworth Rd	joyg09@gmail.com
Bob Harris	9625 Leavenworth Rd	

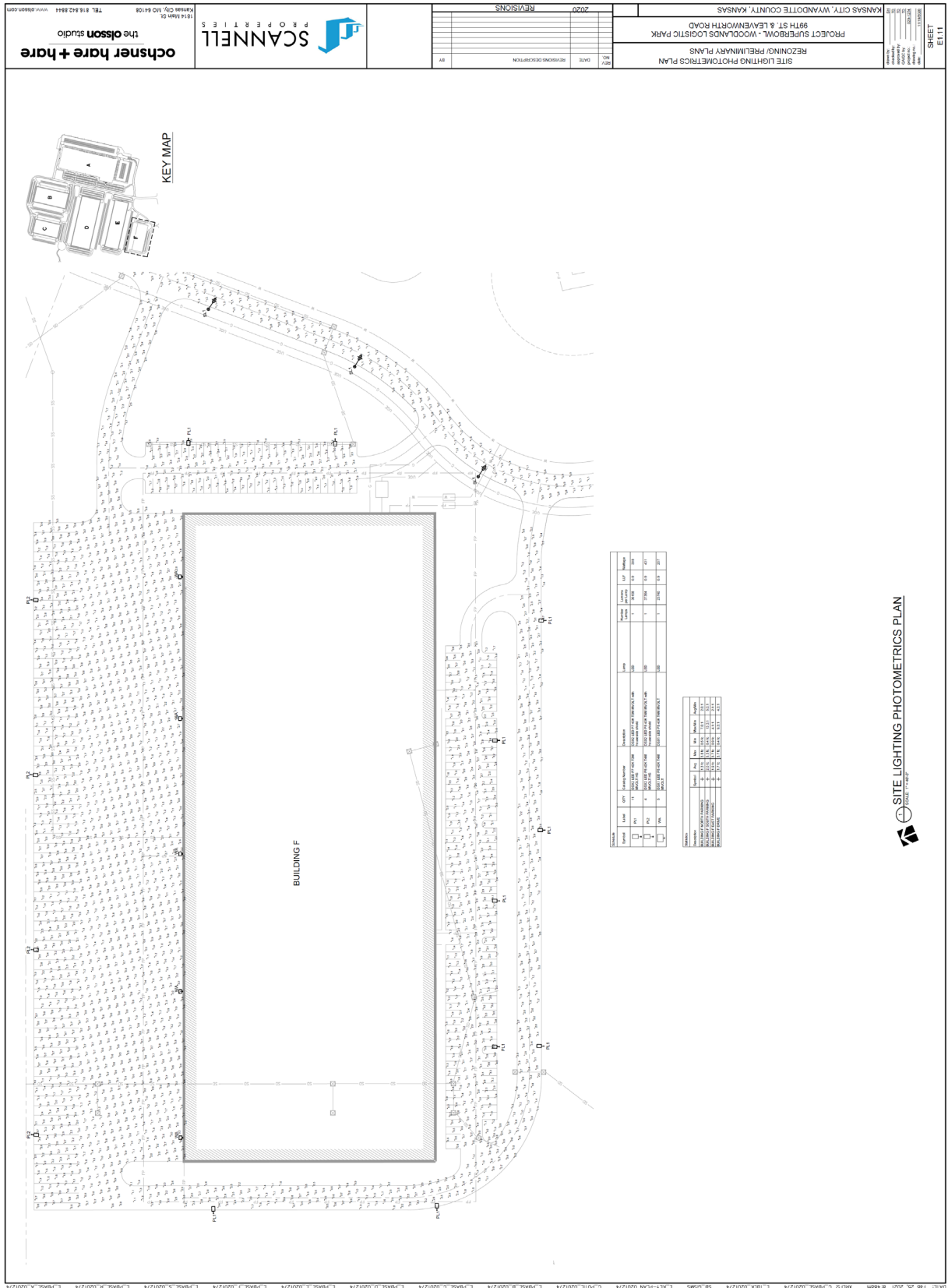
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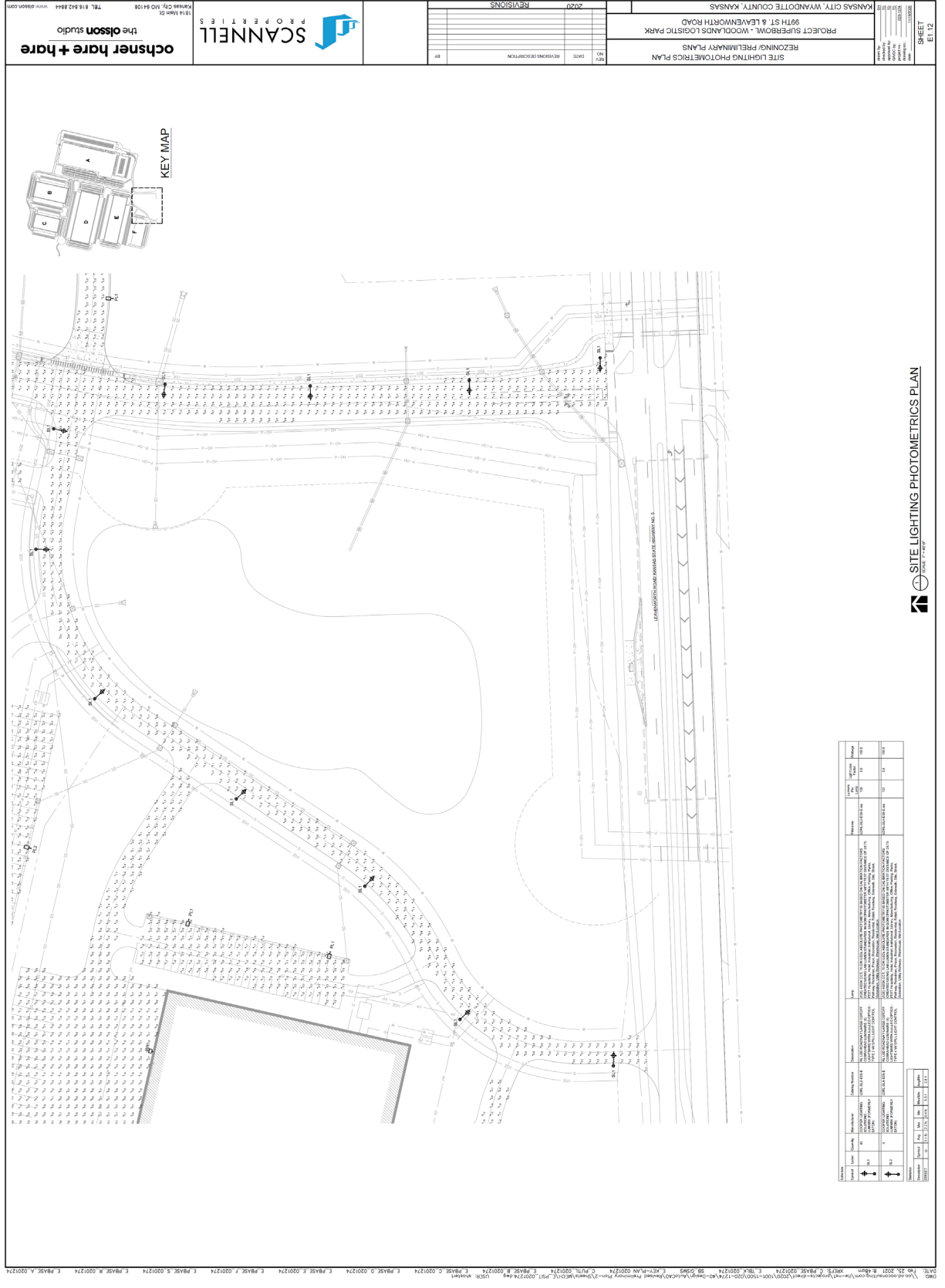


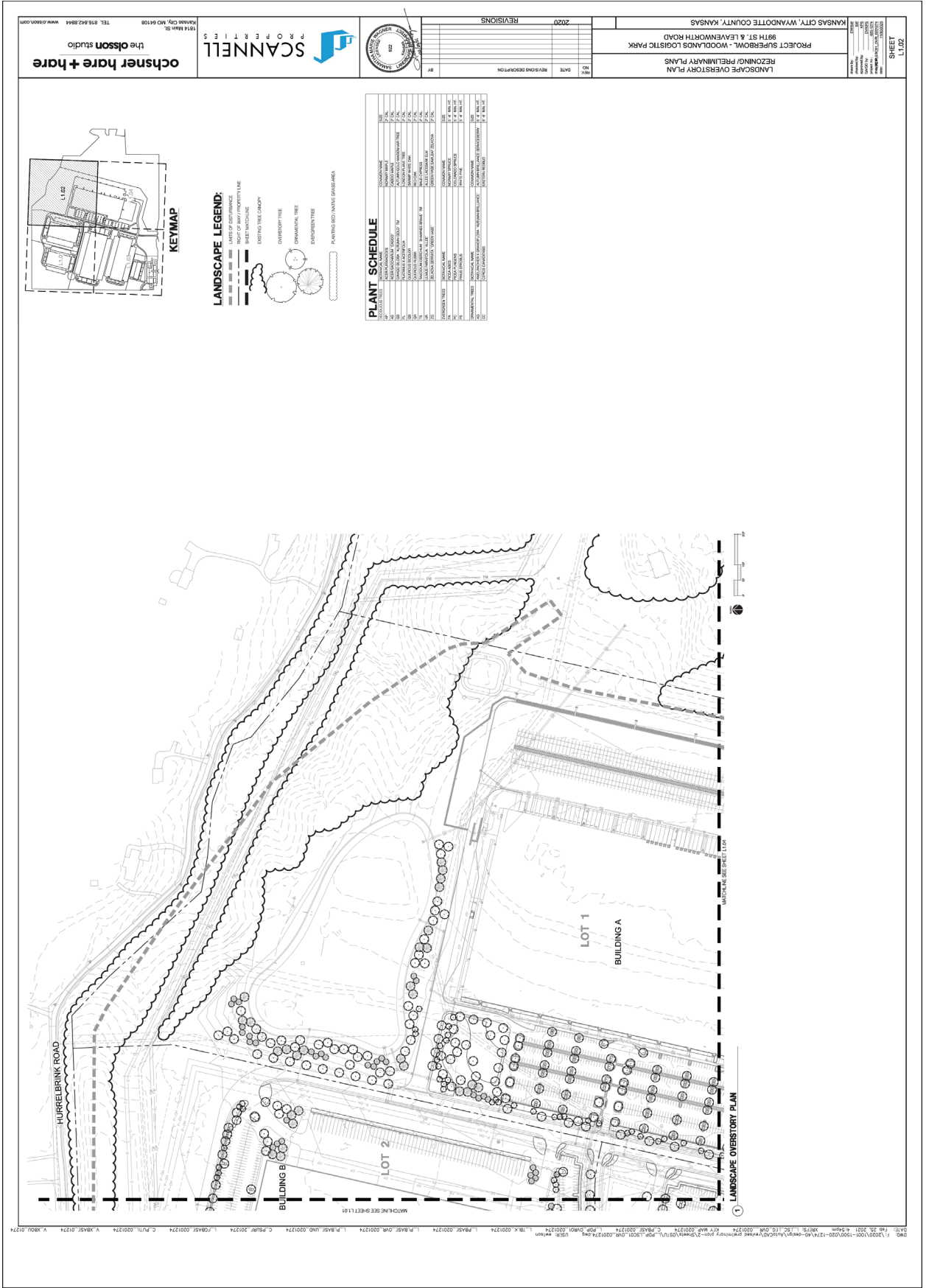




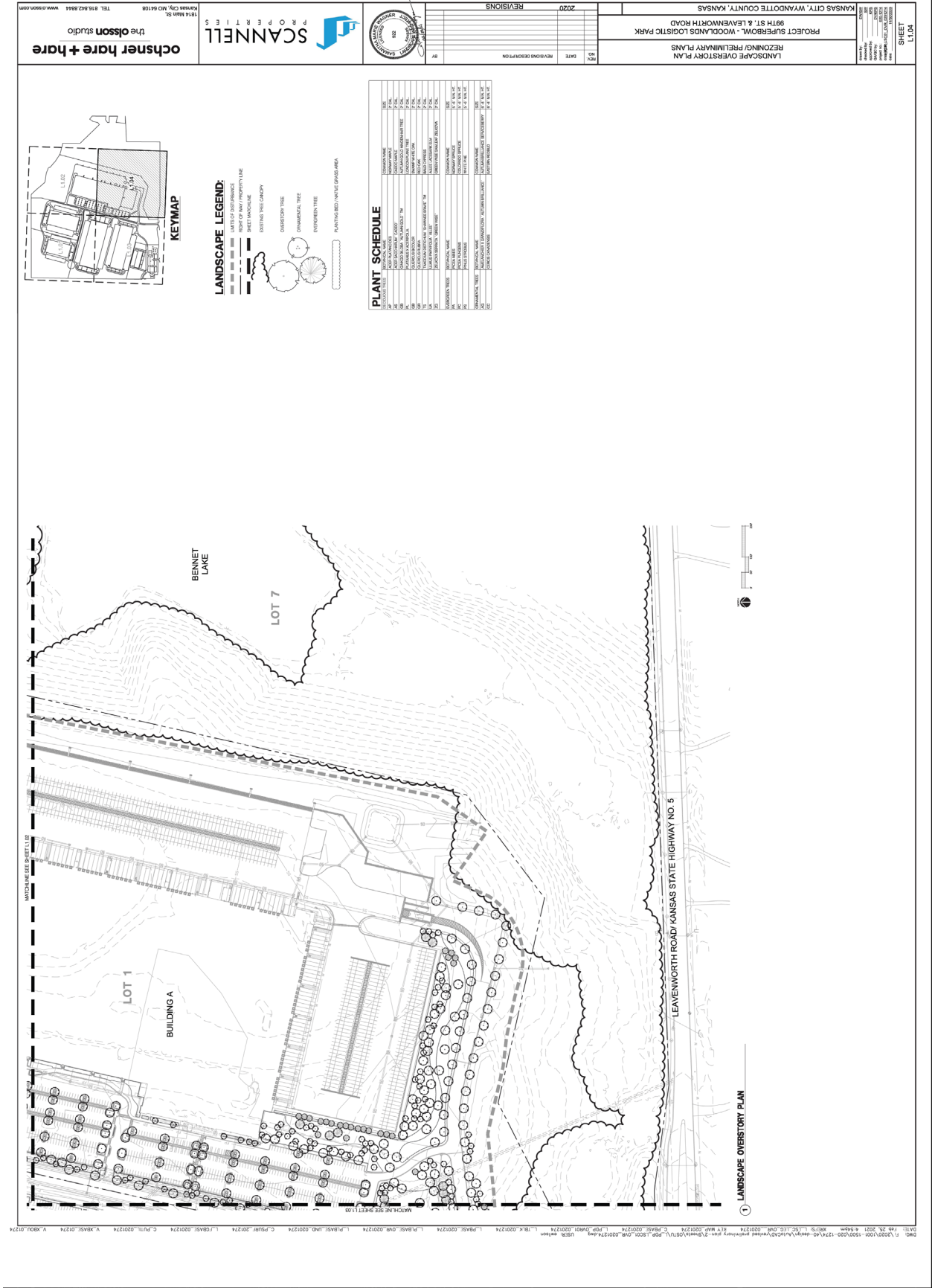




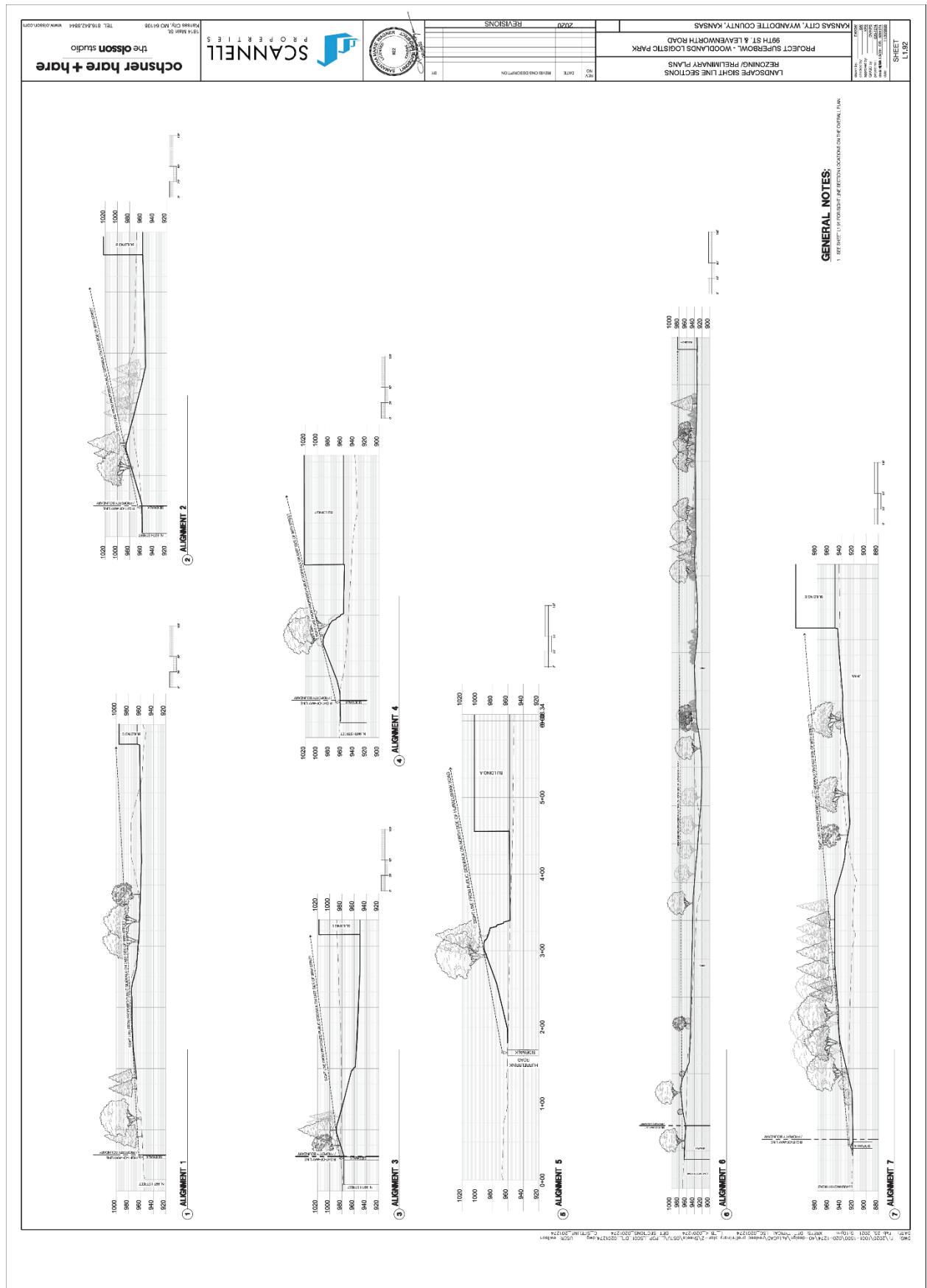


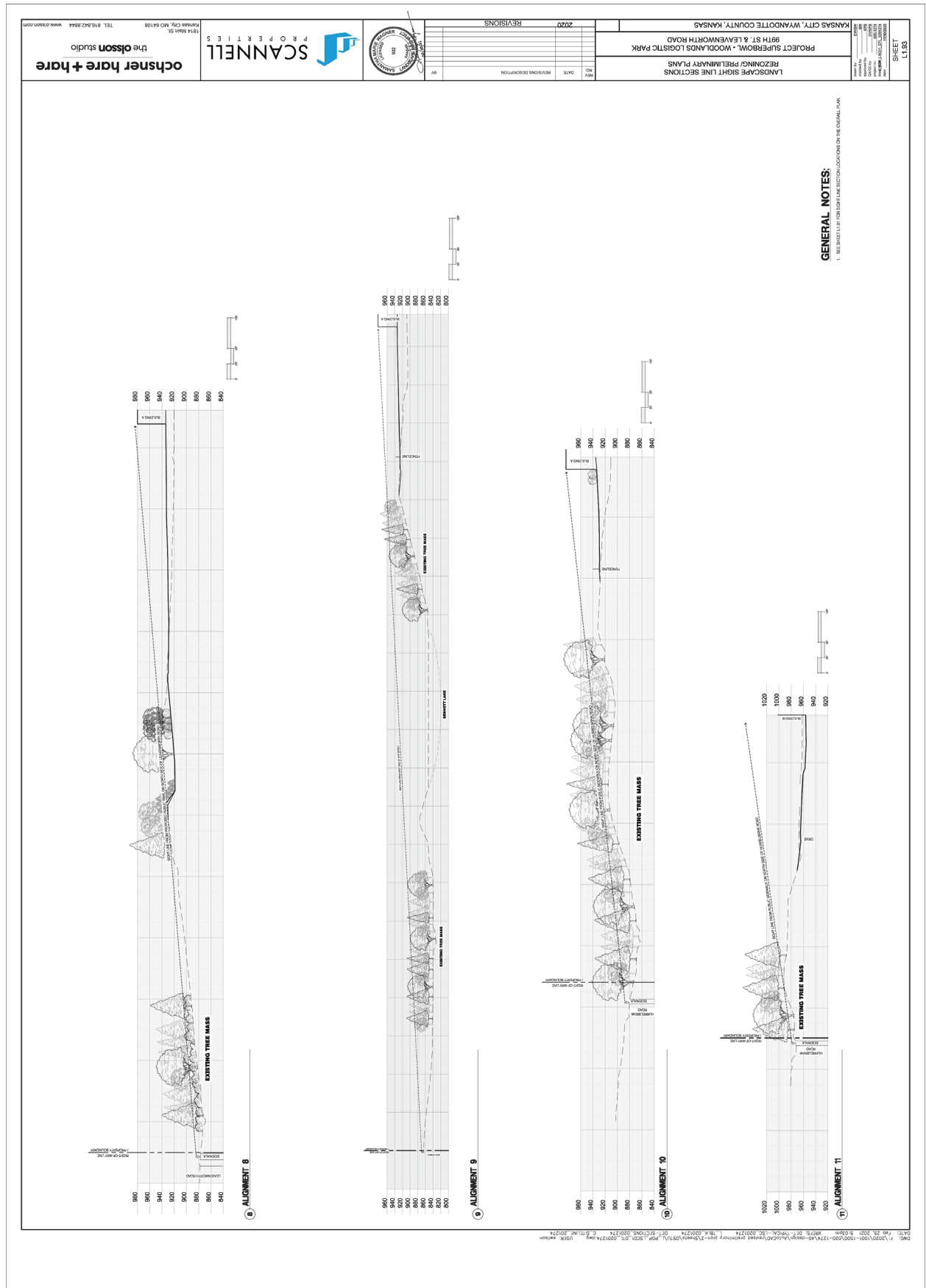


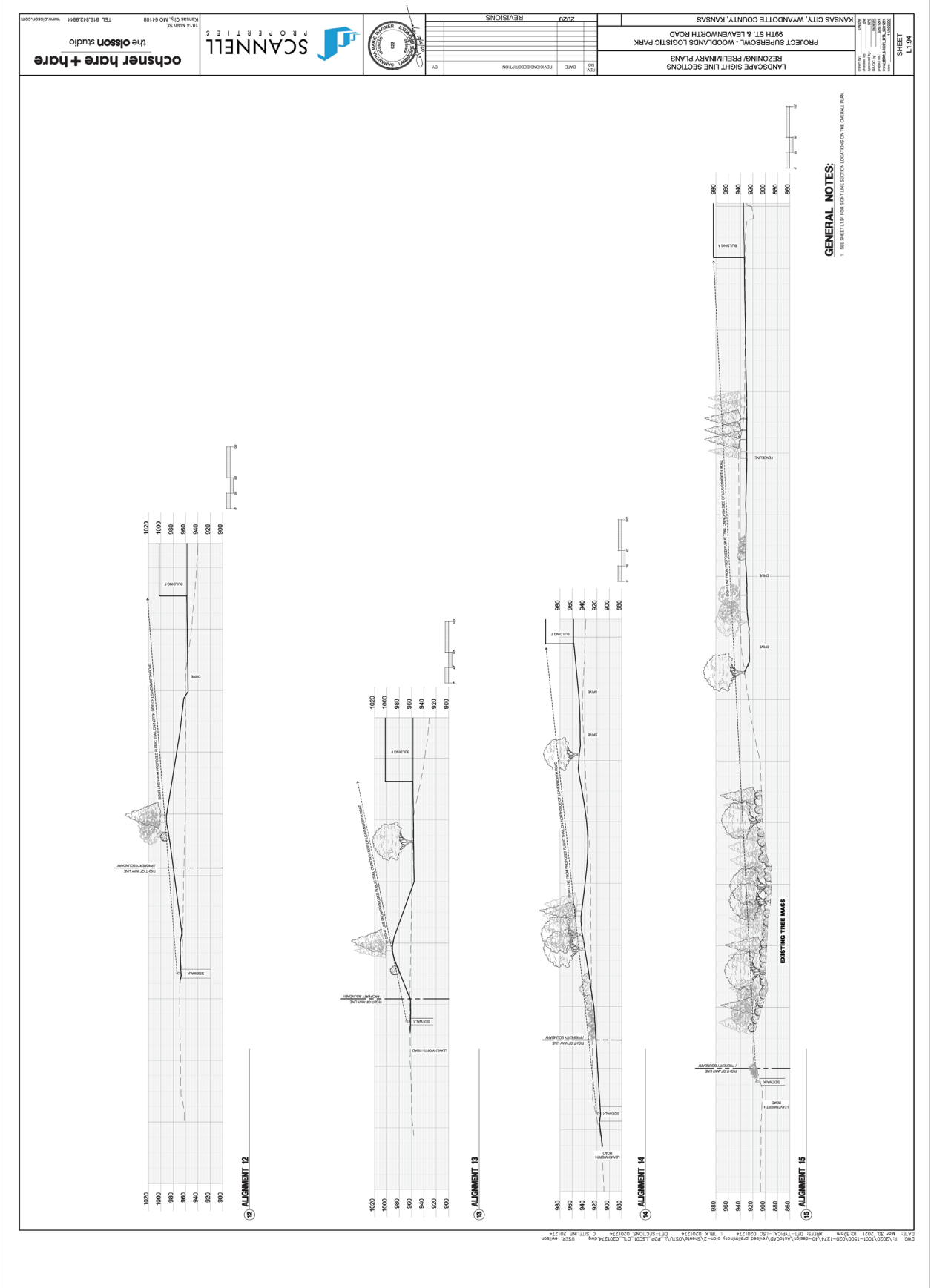














Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: April 29, 2021

Re: Petition #SP-2020-97

GENERAL INFORMATION

Applicant:
Riad Baghdadi

Status of Applicant:
Architect
RB Architecture Engineering
Construction
11661 College Blvd
Overland Park, KS 66210

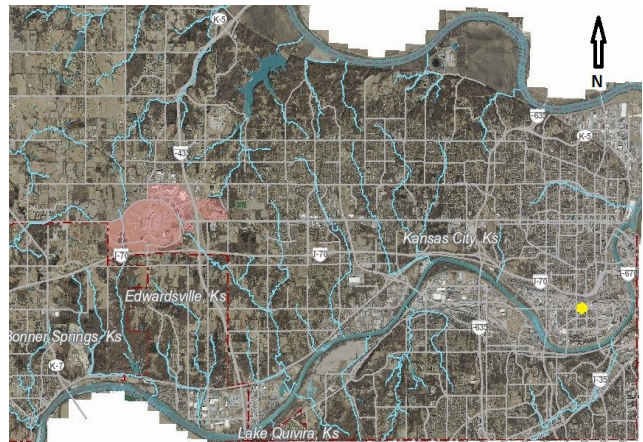
Requested Action:
Approval of a Special Use Permit.

Date of Application:
September 25, 2020

Purpose:
To operate a new automotive repair, auto body, and used car sales business.

Property Location:
927 Kansas Avenue

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



Existing Zoning:	M-2 General Industrial District
Adjacent Zoning:	North: R-2(B) Two Family District South: R-2(B) Two Family District East: R-2(B) Two Family District West: M-2 General Industrial District
Adjacent Uses:	North: Single Family Houses and commercial building South: Single Family House East: Vacant residential lot West: Used automotive dealership and Automotive service
Total Tract Size:	0.32 Acre
Master Plan Area:	Armourdale Master Plan
Master Plan Designation:	The Armourdale Master Plan designates this property as Commercial.
Major Street Plan:	The Major Street Plan classifies Kansas Avenue as a Class B 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.
Advertisement:	<u>The Wyandotte Echo</u> – October 15, 2020 Letters to Property Owner – October 14, 2020, November 3, 2021, December 18, 2020, February 1, 2021, March 16, 2021 and April 23, 2021
Public Hearings:	April 12, 2021 and April 29, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Riad Baghdadi, on behalf of the property owner, is requesting a Special Use Permit to develop the property to operate a new automotive repair, auto body, and used car sales business. The applicant and the property that is to contain the proposed use received a Notice of Violation in 2018 for a property maintenance violation.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is comprised of single-family homes, duplexes and commercial businesses. Kansas Avenue is one of the major east/west commercial and industrial thoroughfares in Armourdale. It is a mixed-use, urban neighborhood with industrial, commercial, and residential uses.

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

The zoning and uses of properties nearby are set out above. The proposed use is considered to be compatible with the nearby uses if the development includes all the required property upgrades and is managed properly.

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

The property is not ideally suitable for automotive uses given the existing surrounding uses of single-family residences on the north, east, and south. This is a new establishment of a new automotive related business that has the potential to detrimentally affect nearby property. By ordinance, a Special Use Permit is required.

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

The property has been vacant since 2012. The previous business use was retail sales of truck toppers and accessories. The property is an existing lot and unfit building in a built-out industrial and residential area.

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 Armourdale Master Plan designates the land at 927 Kansas Avenue for Commercial uses, and further specifies that those commercial uses are to be a buffer to prevent the encroachment of Light Industrial uses into the Residential neighborhoods on the south side of Kansas Avenue. The Armourdale Master Plan further elaborates that a large portion of the existing commercial development along Kansas Avenue between Mill Street and 14th Street tends to be "neighborhood oriented".

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 uses inherently result in the increase of vehicular traffic. There is a preponderance of frequent on-street parking in this area due to a reduced availability of off-street parking. This reduces Kansas Avenue frequently from a width of 4 lanes down to 2 usable lanes. The additional vehicular traffic created by the proposed use is expected to result in the increase of traffic to the point where it would impact the capacity of the Class B thoroughfare. There is also the included question about the possibility of larger vehicles, tow trucks, and trash trucks needing to access the property for vehicle delivery or trash servicing. There is already a preponderance of issues with non-compliant vehicle parking and storage in the Armourdale area. There is a history of overflow vehicle storage in adjacent yards near this property.

There is not presently a proposal to add a traffic signal at this location or add other improvements to Kansas Avenue. Additional questions are being addressed in the Planning Engineering Review of this proposal, including the requirement for a right-in/right-out type of entrance off of Kansas Avenue and the requirement to improve and/or upgrade the alley to the south if the proposed use expects to use the alley for any access.

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

The proposed use is not reasonably necessary for the convenience nor welfare of the public. The proposed use will likely substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property if not managed properly.

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

Noise, vibration, dust, and illumination are normally associated with the proposed uses, especially with auto body work, and it may be an issue given the number of surrounding residential uses. The proposed use will likely create problems for nearby properties.

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

The proposed use should not pollute the air, land or water if managed properly. The proposed use is often associated with the potential for chemical leaks, hazardous waste, and runoff. If managed properly and cleaned in a timely manner, groundwater contamination will not be a problem.

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

The proposed use should not result in the damage or destruction of an irreplaceable natural resource as it is located in an existing, built-out industrial area with mixed uses.

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

If this Special Use Permit is denied, the applicant will have to find another location for the proposed auto sales, auto maintenance, and auto body businesses. The relative gain to the public health, safety, and welfare as compared to hardship imposed on the landowners is minimal.

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

The proposed use should not result in the overcrowding of land if it is properly managed and operates within the required conditions. The parking of cars on site may become an issue if not managed properly. The proposed use will not cause undue concentrations of population as it is a commercial use.

PREVIOUS ACTIONS

This application is being submitted along with BOZA 2401 (application was approved).

NEIGHBORHOOD MEETING

The applicant held a virtual neighborhood meeting on October 29, 2020 by offering to receive any comments by either telephone or email up to October 29, 2020 at 5:00 PM. By affidavit, the applicant stated that there were no comments and zero persons attended.

KEY ISSUES

Inventory management
Site management and control of wastes
Parking
Building upgrades, parking lot upgrades, and property upgrades compliant with Commercial Design Guideline standards
Conformance with Armourdale Master Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP-2020-97, for two (2) years, subject to:

1. **Preserve and restore the original architectural features of the original building, especially the marquee, clay tile caps on the roofline, brick face and window ledges. The concrete block remaining as part of the original store front must be stripped of any surface paint and recovered in stucco of a secondary color. The brick for the north façade of the building addition shall be a secondary color different from the original brick;**
2. **The east, south, and west facades must be finished in the secondary or tertiary color. Concrete masonry units are not allowed to be the finish material. The facades must be 100% covered in a masonry material, either brick, stone, or stucco. The lower third of the building on all sides must have stone or brick wainscoting using material to match the primary brick of the original storefront façade;**
3. **This business is proposing to locate adjacent to Morrie's Auto Sales and Service, an existing use. This Special Use Permit will apply only to 927 Kansas Avenue. There cannot be any shared work, inventory, storage, or property access with another business or another property under this Special Use Permit;**
4. **If vehicles at this business will be shipped from offsite, Applicant shall identify this "other location", and if it is located in Kansas City, Kansas that it is also compliant with, or exempt from, all requirements of Ordinance 27-593(b)(19) or 27-593(b)(20). If that "other location" is located in Kansas City, Kansas, a shared parking agreement may be required to show that this activity will not overwhelm the parking or storage at that "other location";**
5. **Plans revised on 3/05/2021 show eight (8) parking stalls designated for customers and nine (9) parking stalls designated for vehicles for sale;**
6. **Hour of operation shall be from 8:00 AM to 6:00 PM, six (6) days a week;**
7. **Must plant two (2) shade trees in the parking lot islands, in addition to other landscape elements and property upgrades to comply with the commercial design guideline standards. All landscape elements must be served by an automatic irrigation system. Applicant does not show trees in the parking lot islands and has instead provided additional trees in the property landscape areas along Boeke Street;**
8. **Applicant must install a ten (10) foot wide concrete sidewalk in the public right of way of Kansas Avenue along the entire length of the property, and a five (5) foot wide concrete sidewalk in the public right of way of the west side of Boeke Street for the entire length of the property from the corner to the alley to the south. The entire remaining eastern portion of the property between the building and the sidewalk along Boeke Street must be improved with a landscape bed that is planted to meet the increased requirements of the commercial design guidelines standards for number and variety of size and species. Applicant is responsible for acquiring all required construction and right-of-way permits;**

9. Must install an open metal fence with columns on the north side and solid metal privacy fence with columns on the south side of the property that complies with the commercial design guideline standards;
10. Must maintain a business license with the Business Licensing Department;
11. Staff Response (to plan revised on 3/05/2021): Applicant has revised their variance application #BOZA 2401, to now require only eight (8) parking stalls for this building. The Site Plan was revised on 3/05/2021 to show eight (8) required parking stalls in the northern half and nine (9) parking stalls in the southern half for display of vehicles for sale. The maximum number of vehicles on the property for sales inventory is limited to nine (9) vehicles, which must be parked only in the parking stalls designated for vehicles for sale, or stored inside the building, but not to exceed nine (9) vehicles for sale at any time;
12. No on-street parking of vehicles for sale. All vehicles on-site for repairs or maintenance must be stored on the property;
13. No auto repair or servicing is allowed outside or in public view;
14. Must install and maintain proper parking lot striping and ADA requirements. The center drive aisle in the parking lot shall not be less than 22 feet to accommodate two-way traffic utilizing the right-in/right-out entrance drive. The details for improvements to the south alley will be reviewed by Public Works and Planning Engineering Staff during the development application and will be resolved before the issuing of a building permit;
15. Must obtain a sign permit for all signage;
16. 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).
Staff Response (to Plans revised on 3/05/2021): Applicant has not proposed any screened parking areas; therefore, inoperable vehicles cannot be stored outside of the enclosed building at any time;
17. No storage or warehousing of salvaged or wrecked automobile parts on the property. Storage of salvage parts requires M-3 Zoning and a separate Special Use Permit;
18. 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;
19. Vehicles shall not be parked on the right of way of Kansas Avenue in front of the property. *Vehicles shall not park on Kansas Avenue or Boeke Street at any time;*
20. 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;
21. 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;
22. 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; and,
23. 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.

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-2020-97** subject to all comments and suggestions outlined in this staff report and summarized in the minutes and conditions of the City Planning Commission.

ATTACHMENTS

April 12, 2021 City Planning Commission Minutes

Site Plan

Photographs Provided by Applicant (Dated 9/23/20).

Photographs Provided by Staff (Dated 10/13/20).

Revised Plan Sheets revision 5, provided by Applicant (Dated 3/05/2021).

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 12, 2021	April 29, 2021
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#SP-2020-97** 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-2020-97**, 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.

April 12, 2021 City Planning Commission Minutes:

Hearing starts at 4:07:09:

SPECIAL USE PERMIT APPLICATION SP-2020-97 – RIAD BAGHDADI WITH RB ARCHITECTURE ENGINEERING CONSTRUCTION - SYNOPSIS: Special Use Permit for auto sales, repair and body work at 927 Kansas Avenue.

Detailed Outline of Requested Action: The applicant, Riad Baghdadi, on behalf of the property owner, is requesting a Special Use Permit to develop the property to operate a new automotive repair, auto body, and used car sales business. The applicant and the property that is to contain the proposed use received a Notice of Violation in 2018 for a property maintenance.

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 April 12, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony from the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Riad Baghdad, applicant representing Abdul Mazid, RB Architecture Engineering Construction, 11661 College Boulevard, Overland Park, Kansas 66210

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 4:09:28: Planning Director Hand stated that an associated variance (#2401) was heard and approved earlier this evening by the Board of Zoning Appeals. He further stated that staff is trying to have standard conditions for these types of uses. As stated at the Board of Zoning Appeals hearing, Staff has working extensively with the applicant on this project and recommends approval for two (2) years, subject to the conditions in the staff report.

Motion and Vote starts at 4:10:08:

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL** of Special Use Permit **SP-2020-97**:

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

1. **Preserve and restore the original architectural features of the original building, especially the marquee, clay tile caps on the roofline, brick face and window ledges. The concrete block remaining as part of the original store front must be stripped of any surface paint and recovered in stucco**

- of a secondary color. The brick for the north façade of the building addition shall be a secondary color different from the original brick;
2. The east, south, and west facades must be finished in the secondary or tertiary color. Concrete masonry units are not allowed to be the finish material. The facades must be 100% covered in a masonry material, either brick, stone, or stucco. The lower third of the building on all sides must have stone or brick wainscoting using material to match the primary brick of the original storefront façade;
 3. This business is proposing to locate adjacent to Morrie's Auto Sales and Service, an existing use. This Special Use Permit will apply only to 927 Kansas Avenue. There cannot be any shared work, inventory, storage, or property access with another business or another property under this Special Use Permit;
 4. If vehicles at this business will be shipped from offsite, Applicant shall identify this "other location", and if it is located in Kansas City, Kansas that it is also compliant with, or exempt from, all requirements of Ordinance 27-593(b)(19) or 27-593(b)(20). If that "other location" is located in Kansas City, Kansas, a shared parking agreement may be required to show that this activity will not overwhelm the parking or storage at that "other location";
 5. Plans revised on 3/05/2021 show eight (8) parking stalls designated for customers and nine (9) parking stalls designated for vehicles for sale;
 6. Hour of operation shall be from 8:00 AM to 6:00 PM, six (6) days a week;
 7. Must plant two (2) shade trees in the parking lot islands, in addition to other landscape elements and property upgrades to comply with the commercial design guideline standards. All landscape elements must be served by an automatic irrigation system. Applicant does not show trees in the parking lot islands and has instead provided additional trees in the property landscape areas along Boeke Street;
 8. Applicant must install a ten (10) foot wide concrete sidewalk in the public right of way of Kansas Avenue along the entire length of the property, and a five (5) foot wide concrete sidewalk in the public right of way of the west side of Boeke Street for the entire length of the property from the corner to the alley to the south. The entire remaining eastern portion of the property between the building and the sidewalk along Boeke Street must be improved with a landscape bed that is planted to meet the increased requirements of the commercial design guidelines standards for number and variety of size and species. Applicant is responsible for acquiring all required construction and right-of-way permits;
 9. Must install an open metal fence with columns on the north side and solid metal privacy fence with columns on the south side of the property that complies with the commercial design guideline standards;
 10. Must maintain a business license with the Business Licensing Department;
 11. Staff Response (to plan revised on 3/05/2021): Applicant has revised their variance application #BOZA 2401, to now require only eight (8) parking stalls for this building. The Site Plan was revised on 3/05/2021 to show eight (8) required parking stalls in the northern half and nine (9) parking stalls in the southern half for display of vehicles for sale. The maximum

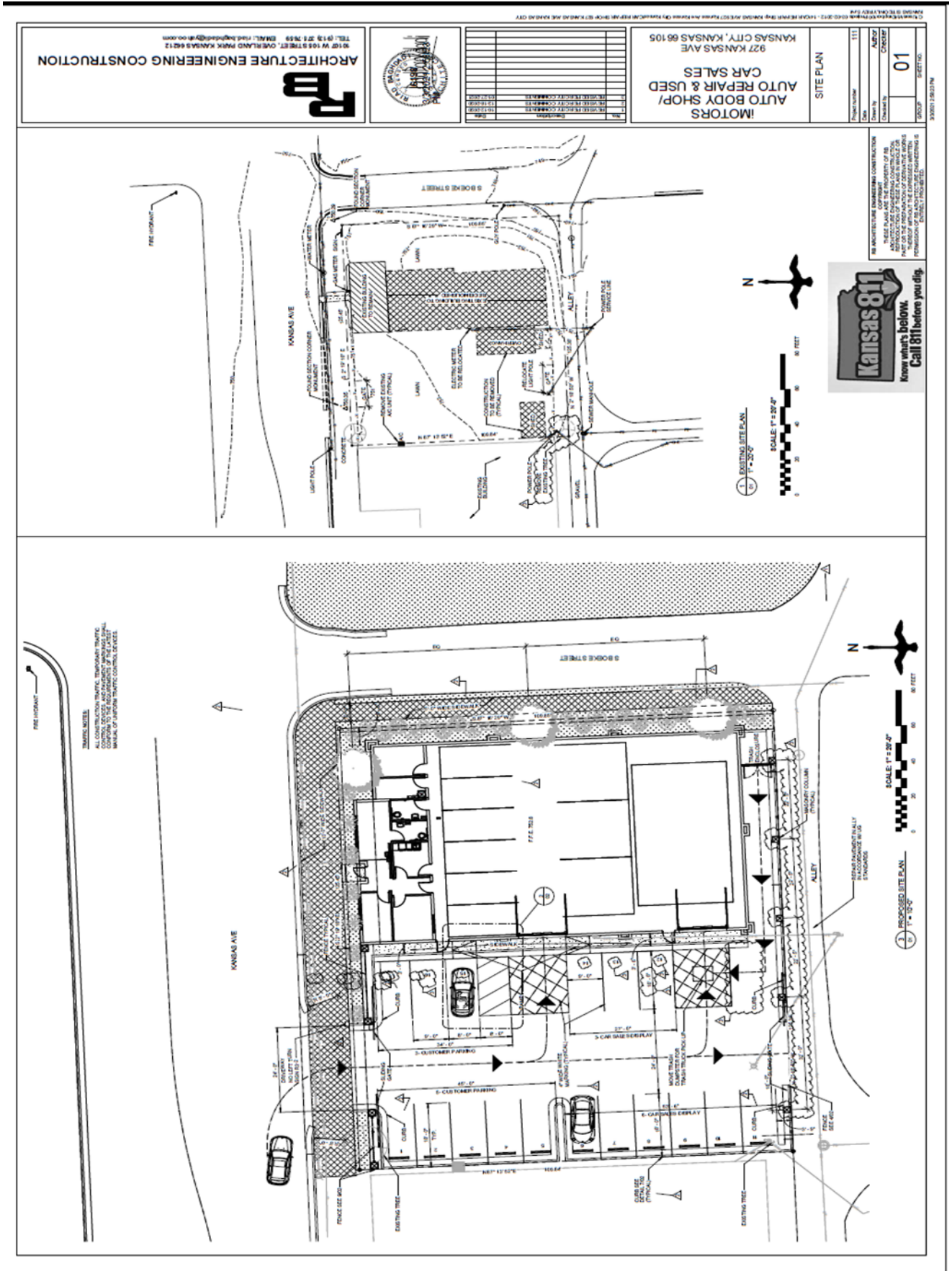
- number of vehicles on the property for sales inventory is limited to nine (9) vehicles, which must be parked only in the parking stalls designated for vehicles for sale, or stored inside the building, but not to exceed nine (9) vehicles for sale at any time;
12. No on-street parking of vehicles for sale. All vehicles on-site for repairs or maintenance must be stored on the property;
 13. No auto repair or servicing is allowed outside or in public view;
 14. Must install and maintain proper parking lot striping and ADA requirements. The center drive aisle in the parking lot shall not be less than 22 feet to accommodate two-way traffic utilizing the right-in/right-out entrance drive. The details for improvements to the south alley will be reviewed by Public Works and Planning Engineering Staff during the development application and will be resolved before the issuing of a building permit;
 15. Must obtain a sign permit for all signage;
 16. 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).
Staff Response (to Plans revised on 3/05/2021): Applicant has not proposed any screened parking areas; therefore, inoperable vehicles cannot be stored outside of the enclosed building at any time;
 17. No storage or warehousing of salvaged or wrecked automobile parts on the property. Storage of salvage parts requires M-3 Zoning and a separate Special Use Permit;
 18. 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;
 19. Vehicles shall not be parked on the right of way of Kansas Avenue in front of the property. *Vehicles shall not park on Kansas Avenue or Boeke Street at any time;*
 20. 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;
 21. 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;

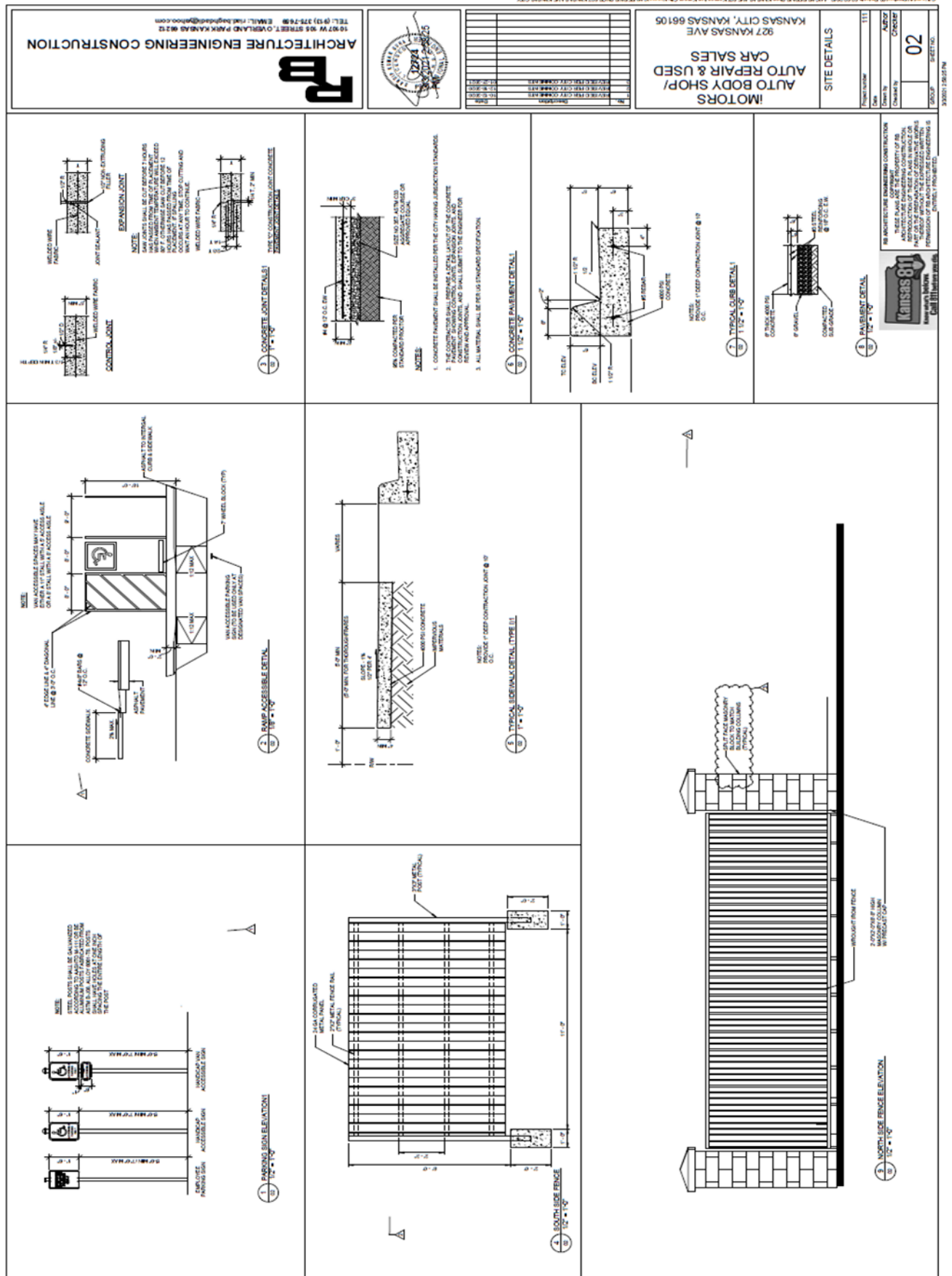
- 22. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration 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; and,**
- 23. 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.**



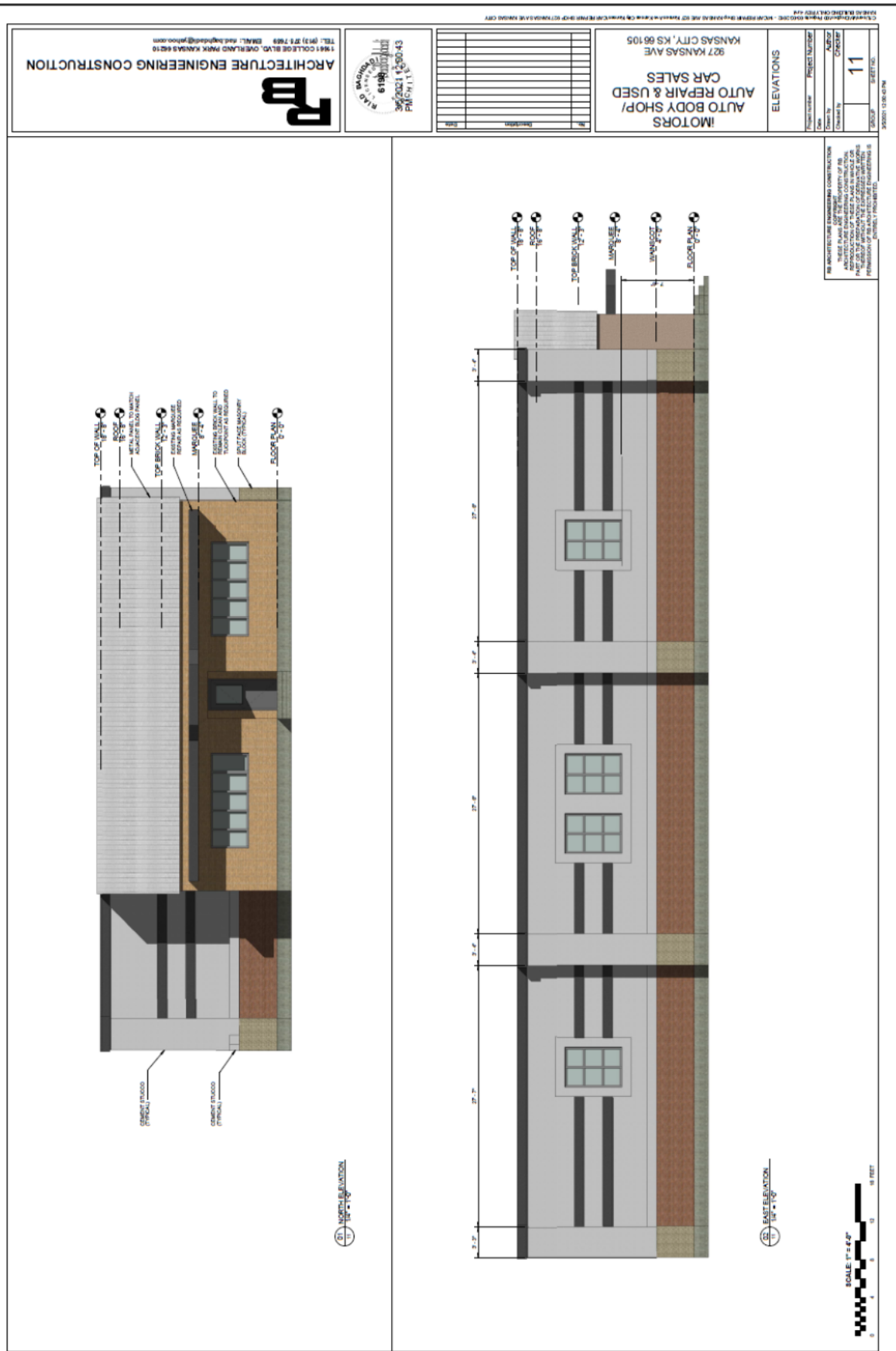












21



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: April 29, 2021

Re: SP2021-001

GENERAL INFORMATION

Applicant:
Tim Paxton

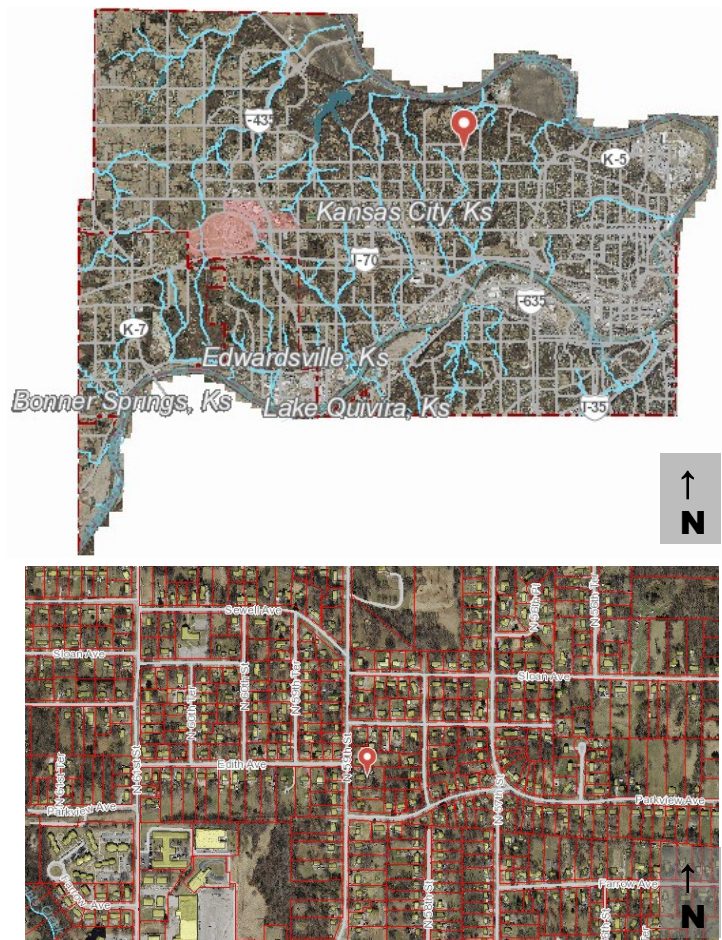
Status of Applicant:
Homeowner
3319 North 59th Street,
Kansas City, Kansas 66104

Requested Action:
Approval of a Special Use Permit.

Date of Application:
January 2, 2021

Purpose:
Special Use Permit for storage of
commercial tools on the property.

Property Location:
3319 North 59th Street,
Kansas City, Kansas 66104



Commission District:	Commissioner At Large: Melissa Bynum District #1 Commissioner: Gayle Townsend
Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single-family residence South: Single-family residences East: Single-family residences West: Single-family residence
Total Tract Size:	0.68 Acre
Master Area Plan:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Area Master Plan designates the property as Low-Density Residential. The Low-Density Residential land use designation allows single-family residences, institutional uses such as schools, small places of worship, and libraries, and parks or other open spaces. All industrial uses, business parks, adult-oriented businesses, and night clubs are discouraged.
Major Street Plan:	The Major Street Plan classifies North 59 th Street as a Class B Thoroughfare.
Required Parking:	Section 27-454(e) requires two (2) parking spaces for each single-family dwelling, one (1) of which must be a garage or carport. The property has paved parking on the driveway, but there is not a garage on the property.
Advertisement:	<u>The Wyandotte Echo</u> – February 11, 2021 Letters to Property Owners – February 12, 2021, March 19, 2021 and April 23, 2021
Public Hearings:	April 12, 2021 and April 29, 2021
Public Support:	One (1) neighbor has expressed support for the Special Use Permit.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Tim Paxton, is requesting a Special Use Permit for storage of commercial tools on a private residence. The tools will be stored in a detached accessory structure that has been proposed to be built on the property sole for this purpose. There are currently no other detached accessory structures on the property.

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

Code Enforcement History: A Notice of Violation for environmental/junk was issued to the property on November 5, 2020. As of January 8, 2021, the applicant has requested an extension on the removal deadline due to the snow. Code Enforcement records show that as of February 9, 2021 all inoperable vehicles have been removed from the property, but it is unclear if the noted junk (trash, old appliances, etc.) were still present on the property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Bethel-Welborn Statistical Neighborhood and within the Field of Dreams Neighborhood Group. The property is located within a single-family residential neighborhood, a few blocks north of Leavenworth Road.

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

Most nearby parcels are approximately one-quarter (0.25) acre in size. While the subject property is larger than average at 0.68 acre, the relative density of the area magnifies the effect that accessory uses have upon neighboring properties. In this instance, use of a storage container, in addition to the several vehicles already on the property, the storage container may have an aesthetic and physical imposition that is incompatible with the zoning and uses of the single-family residences that surround the subject property.

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

Special Use Permits for storage containers are not uncommon. However, the context of the property is important when determining the effects that a storage container will have on the nearby properties. In this instance, the residential nature of the neighborhood tends to make garages and shed suitable and generally acceptable, while storage containers in such neighborhoods are less appropriate. The question of whether the storage container will have any detrimental effects on the property is not a hypothetical one—the storage container is already on the property.

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

The property is currently occupied.

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

Special Use Permits are not addressed in the City-Wide Master Plan. The Low-Density Residential land use designation does not address the storage of commercial tools but does discourage all industrial uses. While storage of the tools is not the same as a full industrial use, the storage of tools in an area designated as Low-Density Residential should still be regulated. The proposed special use conforms to an extent with the City-Wide Master Plan.

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

The applicant has given no indication that customers will be coming to the property. Therefore, the proposed use will not result in increasing 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 of the storage container is to securely hold tools for the applicant's business. Have a secure place to hold tools, and continuing a business, is on its face necessary for the convenience and welfare of the public. However, Staff questions as to whether use of the storage container will substantially or permanently 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.*

It appears that the storage container in question is already on the property, so there is no concern about noise, dust, or vibrations from moving the container on site. The applicant has stated that there will be no exterior lights.

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

The applicant has stated that basic work tools will be stored in the storage container. Such tools will not pollute the air, land or water.

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

There are no irreplaceable natural resources that would be damaged by the proposed and continued use of a storage container in the rear yard, provided that there are no chemicals or gases that could escape and leech into the ground, the groundwater, or the air.

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

The public will gain little in the way of having a storage container continue to sit on the property. Hardships to the surrounding landowners—and to the public—include a less aesthetically pleasing view from the public right-of-way and greater overcrowding on the property.

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

Based on aerial photographs and those provided by the applicant, the current presence of the storage container and the several other vehicles on the property already creates an atmosphere of overcrowding. The presence of inoperable vehicles must be addressed before a Special Use Permit can be granted.

PREVIOUS ACTIONS

N/A

NEIGHBORHOOD MEETING

The applicant accepted emails and phone calls through February 22, 2021. 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

Alternative Storage Solutions
Notices of Violation
Screening
Temporary Use of Storage Container
Tools to be Stored

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2021-001, for two (2) years, subject to:

- 1) Keeping a container is not in line with the SOAR goals, which is to reduce blight and degradation in neighborhoods. The Unified Government Board of Commissioners has repeatedly stated this goal at multiple public hearings. A permanent detached accessory structure shall be constructed to keep tools and ancillary items within two (2) years of this permit;
- 2) Driveway must be paved, per nexus of planning entitlements and the relevant Director's Interpretation;
- 3) The applicant has filed and maintained a current business occupation tax application;
- 4) A fence must be fully erected and screening the storage container before the Special Use Permit can go into effect;
- 5) No chemicals or otherwise combustible or flammable material may be stored within the storage container;
- 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 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; and,
- 8) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF 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 **SP2021-001** subject to all comments and suggestions outlined in this staff report and summarized by the minutes and conditions of the City Planning Commission.

ATTACHMENTS

April 12, 2021 City Planning Commission Minutes
Land Use Map
Aerial Map
Zoning Map
Site Plan Submitted by the Applicant
Photos of Property Provided by the Applicant
Neighborhood Meeting Materials, Dated February 22, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Commission</u>
Public Hearing		
Special Use	April 12, 2021 Approval	April 29, 2021

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-001** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2021-001**, 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.

April 12, 2021 City Planning Commission Minutes:

Hearing starts at 3:10:21:

SPECIAL USE PERMIT APPLICATION SP2021-001 – TIMOTHY PAXTON -

SYNOPSIS: Special Use Permit for a storage container for storage of tools at 3319 North 59th Street.

Detailed Outline of Requested Action: The applicant, Tim Paxton, is requesting a Special Use Permit for storage of commercial tools on a private residence. The tools will be stored in a detached accessory structure that has been proposed to be built on the property sole for this purpose. There are currently no other detached accessory structures on the property.

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

Code Enforcement History: A Notice of Violation for environmental/junk was issued to the property on November 5, 2020. As of January 8, 2021, the applicant has requested an extension on the removal deadline due to the snow. Code Enforcement records show that as of February 9, 2021 all inoperable vehicles have been removed from the property, but it is unclear if the noted junk (trash, old appliances, etc.) were still present on 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 April 12, 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. Planning Commissioner Reasons stated that he spoke with the applicant Mr. Paxton concerning this project.

Present in Support:

- Timothy Paxton, applicant, 3319 North 59th Street, Kansas City, Kansas 66104

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:21:43: Planning Director Hand stated that this is a Special Use Permit request for Temporary Use of Land for commercial purposes on a residential property. Staff noted that as per the code, a Temporary Use of Land

Special Use Permit has a two (2) year maximum timeframe for the applicant to find a permanent solution. These Special Use Permits are not intended to be renewed. This request comes before the Commission as the applicant received a Notice of Violation in November of 2020 for the shipping container and some issues with the yard. Mr. Paxton has been cleaning up the property during this process. The applicant can have one (1) accessory building that is 1,000 square feet. Anything larger would require a variance. One of the conditions in the staff report is a fence must be erected screens the storage container before the Special Use Permit can go into effect. Staff received a letter in support from the applicant's neighbor and no letters in opposition have been submitted. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 3:24:37:

On motion by Mr. Connelly, seconded by Mr. Reasons, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2021-001 for two (2) years:**

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

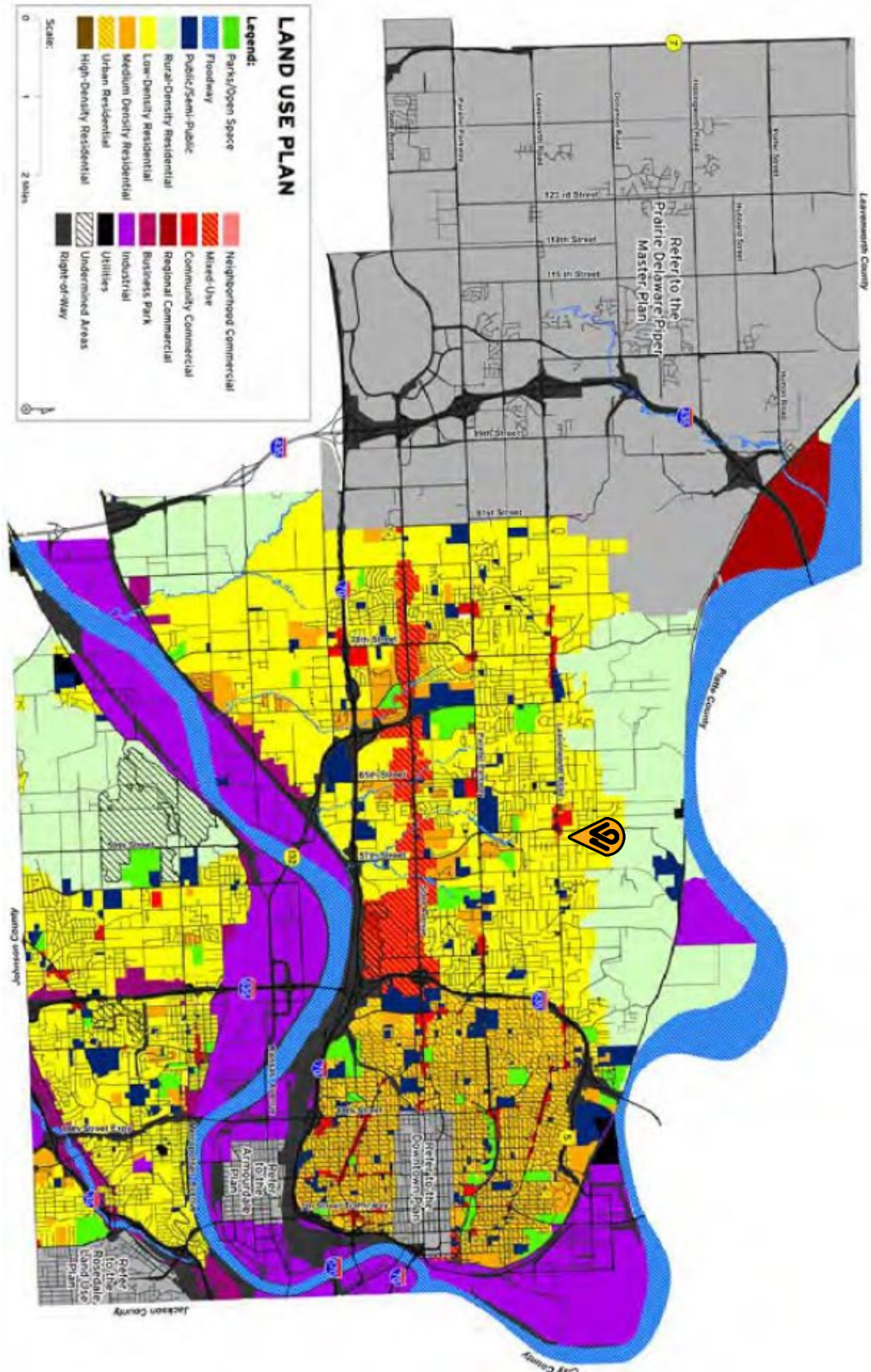
Subject to:

- 1) Keeping a container is not in line with the SOAR goals, which is to reduce blight and degradation in neighborhoods. The Unified Government Board of Commissioners has repeatedly stated this goal at multiple public hearings. A permanent detached accessory structure shall be constructed to keep tools and ancillary items within two (2) years of this permit;**
- 2) Driveway must be paved, per nexus of planning entitlements and the relevant Director's Interpretation;**
- 3) The applicant has filed and maintained a current business occupation tax application;**
- 4) A fence must be fully erected and screening the storage container before the Special Use Permit can go into effect;**
- 5) No chemicals or otherwise combustible or flammable material may be stored within the storage container;**
- 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**

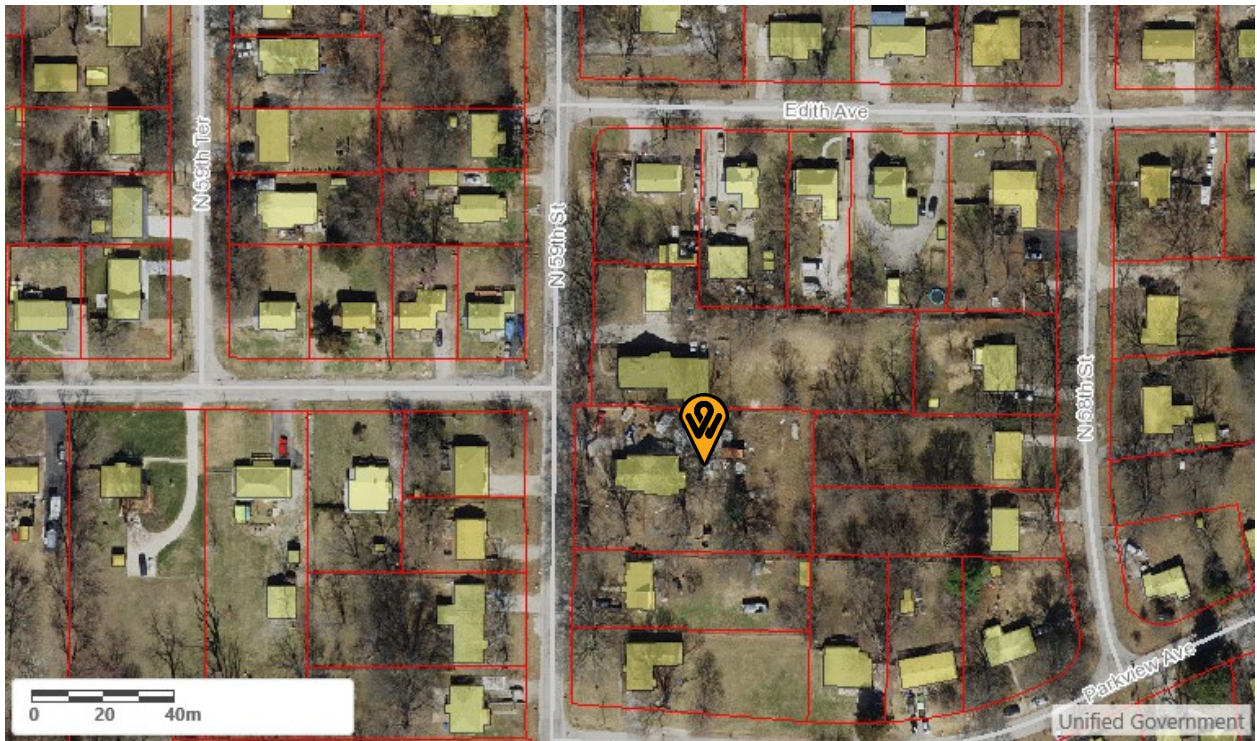
property may also be subject to enforcement actions and administrative citations;

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

LAND USE MAP



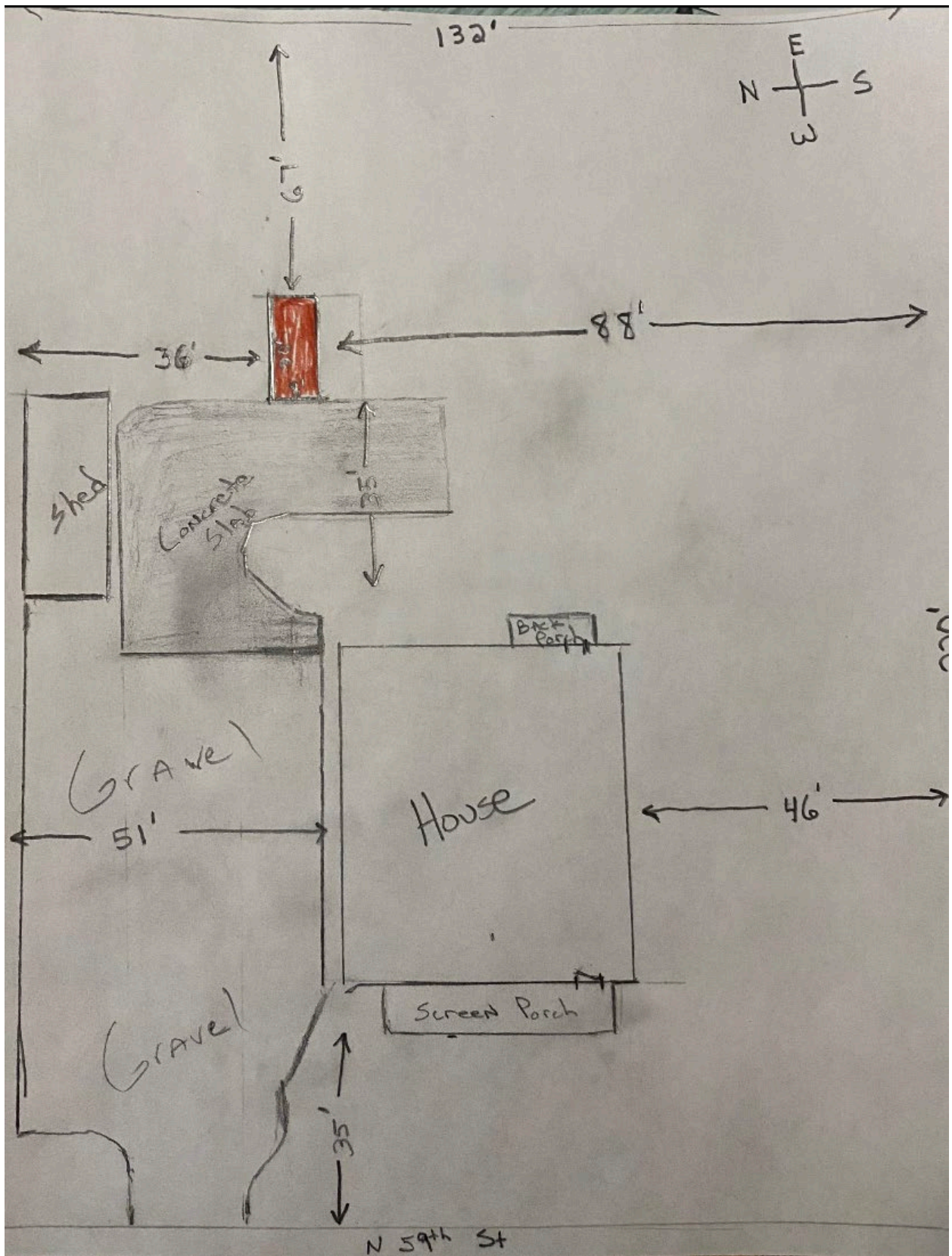
AERIAL MAP



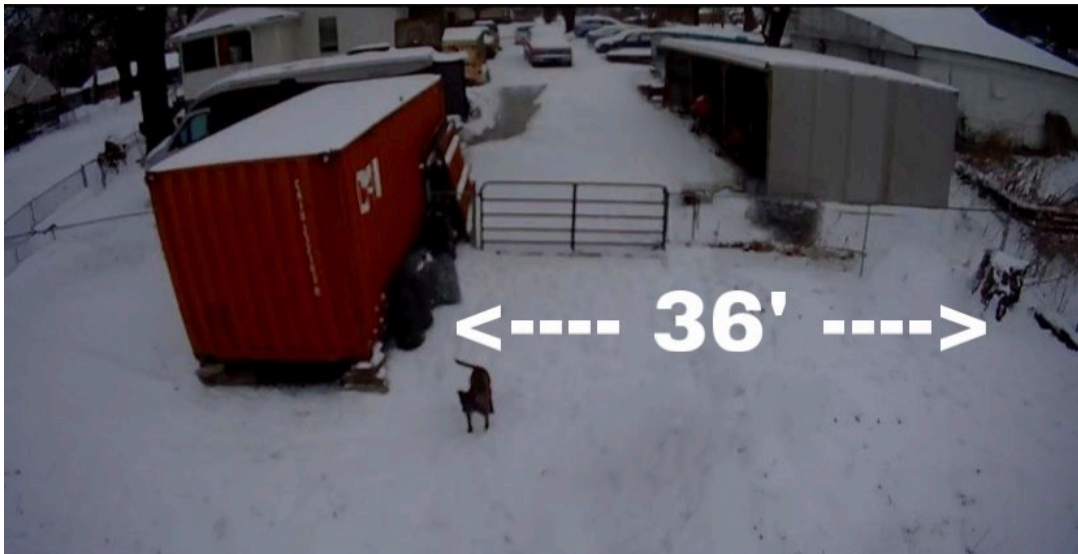
ZONING MAP



SITE PLAN SUBMITTED BY THE APPLICANT



PHOTOS OF PROPERTY PROVIDED BY THE APPLICANT



NEIGHBORHOOD MEETING MATERIALS, DATED FEBRUARY 22, 2021

February 10, 2021

Tim Paxton

3319 N. 59th St.

Kansas City, Kansas 66104

Subject: Neighborhood Meeting

I/we have filed an application with the Department of Urban Planning and Land Use #SP2021-001-3319 NORTH 59TH STREET. The purpose for this is a special use permit at 3319 N. 59th St., Kansas City, KS 66104. We are asking to use a 20 ft. shipping container on concrete pillars located behind our house. This structure is intended to be a semi-permanent addition to securely house tools used by our business, Alpha Omega Home Solutions, that currently do not have an alternate secure location in which to be stored. The structure's location is in adherence to city regulations by being well off property lines and located almost in the middle of our property, behind the northeast back corner of the house (see drawing). No increase in noise or traffic will occur due to use of this structure.

Due to Covid-19 restrictions, we are holding this meeting in an email question/comment format. All inquiries must be submitted no later than February 22, 2021 @ 7pm. All questions /comments may be directed to: m.pax2000@yahoo.com. Please use the reference #SP2021-001-3319 NORTH 59TH STREET in the subject line. Thank you.

Sincerely,

Tim Paxton

property is maintained that the owner should be able to do as he/she pleases on their own property.

Respectfully,

Keith W. Herdman

5801 Edith Avenue

KC, Ks.

Our response was: Thank you for your support!

I have spoken in person with several neighbors, explaining the situation to them and the responses were all positive showing encouragement and support of the container to continue to be used as tool storage.

As requested, letters were mailed out with an email enclosed to answer any questions or concerns. One response was received. It was from Keith Herdman [email address redacted]. It said the following: This is in response to the letter I received in reference to the special permit request. I feel this permit should be approved for the said use of the 20' shipping container on said property. It is also my opinion that anything that doesn't violate current property code and the upkeep of the



Planning and Urban Design

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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: April 29, 2021
Re: SP2021-003

GENERAL INFORMATION

Applicant:

Sheila Ohrenberg of
Schwester Holdings, LLC

Status of Applicant:

Representative
101 Central Avenue
Kansas City, Kansas 66118

Requested Action:

Approval of a Special Use Permit.

Date of Application:

January 22, 2021

Purpose:

To operate a beer hall.

Property Location:

101 Central Avenue
Kansas City, Kansas 66118



Commission Districts:	Commissioner At Large: Tom Burroughs District #2 Commissioner: Brian McKiernan
Existing Zoning:	M-3 Heavy Industrial District
Adjacent Zoning:	North: M-3 Heavy Industrial District South: M-3 Heavy Industrial District East: M-3 Heavy Industrial District West: M-3 Heavy Industrial District
Adjacent Uses:	North: Industrial Businesses South: Industrial Businesses East: Industrial Businesses West: Industrial Businesses
Total Tract Size:	0.45 Acre
Master Plan Area:	This property is outside of the boundaries of an Area Plan. Should be City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates this area as Industrial. This allows for industries featuring industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage.
Major Street Plan:	The Major Street Plan classifies Central Avenue as a Class C Thoroughfare.
Parking Requirements:	Section 27-470 states that uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. The ratio will vary among occupants and will be determined by the director of planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one (1) space for each 500 square feet of building area be provided. For buildings larger than 20,000 square feet, only one (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning. Shouldn't we use the parking ratio of one (1) space per 50 square feet of seating area, plus one (1) space per 300 square feet of seating area because at the end of the day, a beer hall is a drinking establishment?

Parking availability will be determined once a site plan is provided by applicant.

Advertisement:	<u>The Wyandotte Echo</u> – March 18, 2021 Letters to Property Owner – March 19, 2021 and April 23, 2021
Public Hearings:	April 12, 2021 and April 29, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Sheila Ohrenberg, is seeking the approval of a Special Use Permit to allow for the operation of a beer hall in a former foundry at 101 Central Avenue.

City Ordinance Requirements: 27-592 through 27-606

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is industrial in nature, comprised of industrial businesses near the Central Avenue Bridge and the Kansas River.

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. Operating this property as a beer hall has the potential to create issues related to noise, parking, and other concerns related to overcrowding. The neighborhood is industrial in nature and nearby businesses operate during the day. The proposed use is expected to be compatible with neighboring properties if properly managed and if it is open in the evenings and on the weekends.

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 an abandoned foundry. The property could be suitable for use as a beer hall if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise, and overcrowding.

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

The last recorded Business License for this property was issued on January 20, 2020 and expired on December 31, 2020. The license was for use as a foundry for TC Industries, Inc.

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

Special Use Permits are not addressed in the Master Plan. The City-Wide Master Plan designates this property as Industrial. This allows for industries featuring industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage. The proposed use does not conform to the Master Plan because it is not industrial in nature. It is not expected, however, to create issues for neighboring properties if properly managed.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of the Class C Thoroughfare to accommodate it if managed properly, while it functions as a beer hall. Parking availability will be determined once a site plan is provided by applicant.

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

The proposed use provides a convenience to the public in the form of a beer hall. If managed properly, the proposed use will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as it is for a beer hall in an industrial neighborhood.

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 illumination are potential issues that could be caused by the proposed use. These are not expected to be problems for adjacent properties because the neighborhood is zoned for heavy industrial uses.

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

The proposed use is not expected to pollute the air, land, or water because it takes place in an existing building in a built-out industrial neighborhood.

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

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

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal as it only provides the convenience of a beer hall with some economic benefit. If denied, the landowner could not use the property as a drinking establishment but may still use the property as another type of business or sell the property.

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

The proposed use may create issues of overcrowding of land or cause undue concentrations of population if not managed properly.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 29, 2021 at 101 Central Avenue. 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

Parking
Traffic
Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2021-003, for two (2) years **which included the amended condition to acquire a right-of-way permit**, subject to:

- 1. Hours of operation are limited to the following: Sunday to Thursday – 11:00 AM to 7:00 PM; Friday and Saturday – 11:00 AM to 9:00 PM;**

2. All food trucks serving food on site must have a business license, sign agreement with the applicant, and comply with all other relevant ordinances regulating food trucks or prepared food vending vehicle;
3. Any future live entertainment will require either a Special Event Permit or a Special Use Permit for live entertainment;
4. The applicant must comply with the submitted landscaping plan;
5. The property must maintain the current number of parking spaces, which is 26 total spaces, four (4) of which are ADA compliant, except if an amendment is allowed by the City Planning Commission and approved by the Board of Commissioners;
6. Business License (new business): If approved, the applicant will need to file and maintain a current business occupation tax application with this office;
7. A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process;
8. Applicant acquires a right-of-way agreement from UG Public Works to add the recommended parking they are requesting on 1st Street.
9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
10. 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; 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 Petition **SP2021-003** subject to all comments and suggestions outlined in this staff report and summarized in the minutes and conditions of the City Planning Commission.

ATTACHMENTS

April 12, 2021 City Planning Commission Minutes
Zoning Map
Aerial Map
Land Use Map
Site and Landscaping Plan
Floor Plan
Sanitary Sewer Service Exhibit
Site Photographs Provided by Staff, Dated March 24, 2021
Site Photographs Provided by the Applicant
Neighborhood Meeting Materials, March 29, 2021

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 12, 2021	April 29, 2021
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-003** 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 **SP2021-003** 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.

April 12, 2021 City Planning Commission Minutes:

Hearing starts at 3:26:50:

SPECIAL USE PERMIT APPLICATION SP2021-003 – SHEILA OHRENBURG WITH SCHWESTER HOLDINGS, LLC. - SYNOPSIS: Special Use Permit for a beer hall (in former foundry) at 101 Central Avenue.

Detailed Outline of Requested Action: The applicant, Sheila Ohrenberg, is seeking the approval of a Special Use Permit to allow for the operation of a beer hall in a former foundry at 101 Central Avenue.

City Ordinance Requirements: 27-592 through 27-606

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 12, 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:

- Sheila Ohrenberg, applicant, 25468 West 150th Terrace, Olathe, Kansas 66061

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 3:30:22: Planning Director Hand stated that this is an old industrial building, and the intent is to keep the hanger and do improvements to the site. This is in the Kansas portion of the Historic West Bottoms under the now closed Central Avenue Viaduct. He further stated that the street has been vacated just

south of the property line of the property in question. There is a drive to access the batch plant from the point of that vacation. Director Hand stated that this would be a destination location. Staff has reviewed the site plan and staff would request an additional condition in any motion for approval that the applicant will need a right-of-way agreement with Public Works to add the recommended parking they are requesting on 1st Street. Staff recommends approval for two (2) years subject to the revised staff conditions.

Motion and Vote starts at 3:32:25:

On motion by Ms. Pauley, seconded by Mr. Mohler, the Planning Commission voted as follows to **recommend APPROVAL** of Special Use Permit **SP2021-003** which included the amended condition to acquire a right-of-way permit:

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

- 1. Hours of operation are limited to the following: Sunday to Thursday – 11:00 AM to 7:00 PM; Friday and Saturday – 11:00 AM to 9:00 PM;**
- 2. All food trucks serving food on site must have a business license, sign agreement with the applicant, and comply with all other relevant ordinances regulating food trucks or prepared food vending vehicle;**
- 3. Any future live entertainment will require either a Special Event Permit or a Special Use Permit for live entertainment;**
- 4. The applicant must comply with the submitted landscaping plan;**
- 5. The property must maintain the current number of parking spaces, which is 26 total spaces, four (4) of which are ADA compliant, except if an amendment is allowed by the City Planning Commission and approved by the Board of Commissioners;**
- 6. Business License (new business): If approved, the applicant will need to file and maintain a current business occupation tax application with this office;**
- 7. A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process;**
- 8. Applicant acquires a right-of-way agreement from UG Public Works to add the recommended parking they are requesting on 1st Street.**
- 9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant**

acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

- 10. 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; 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.**

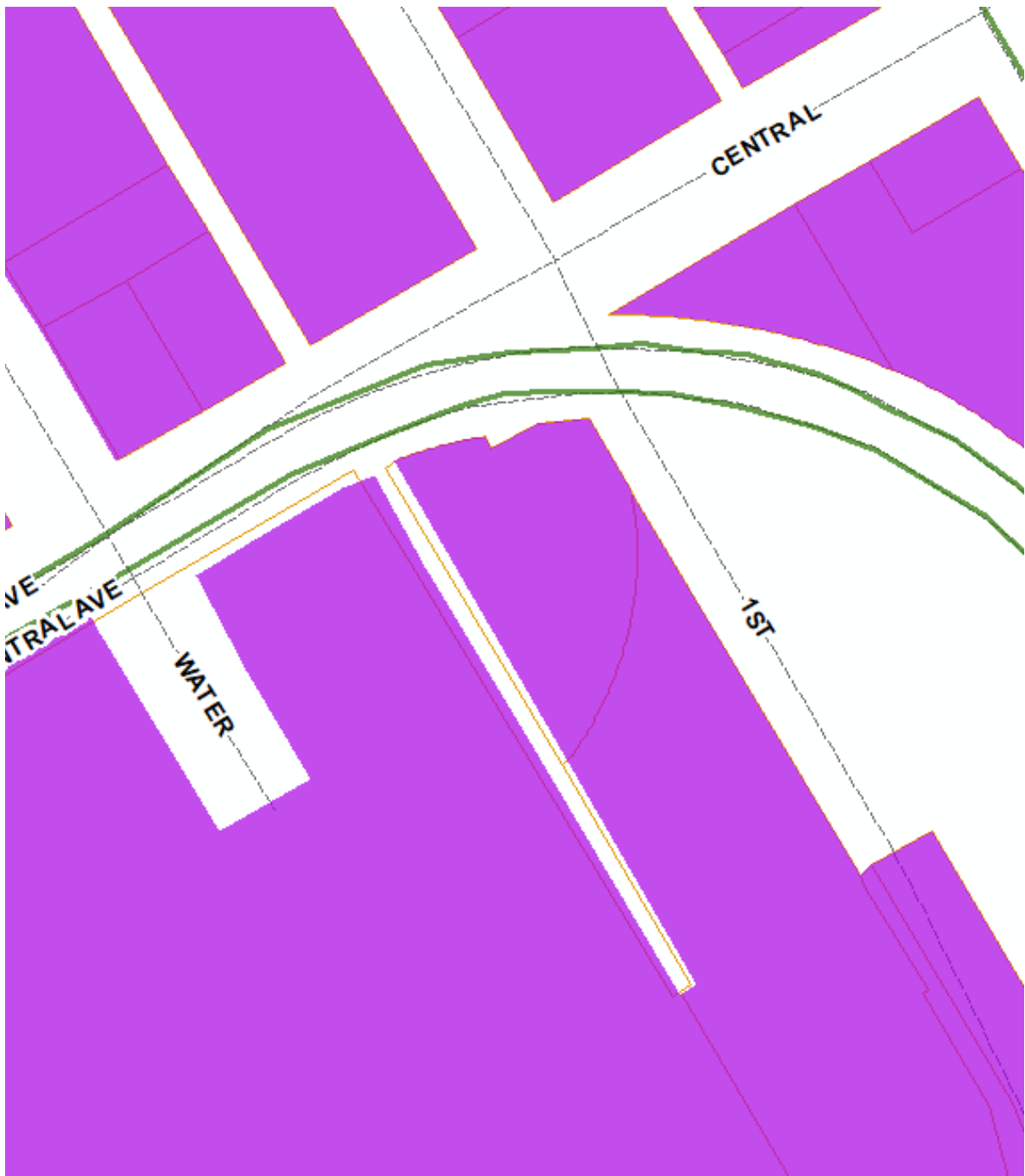
Zoning Map:



Aerial Map:



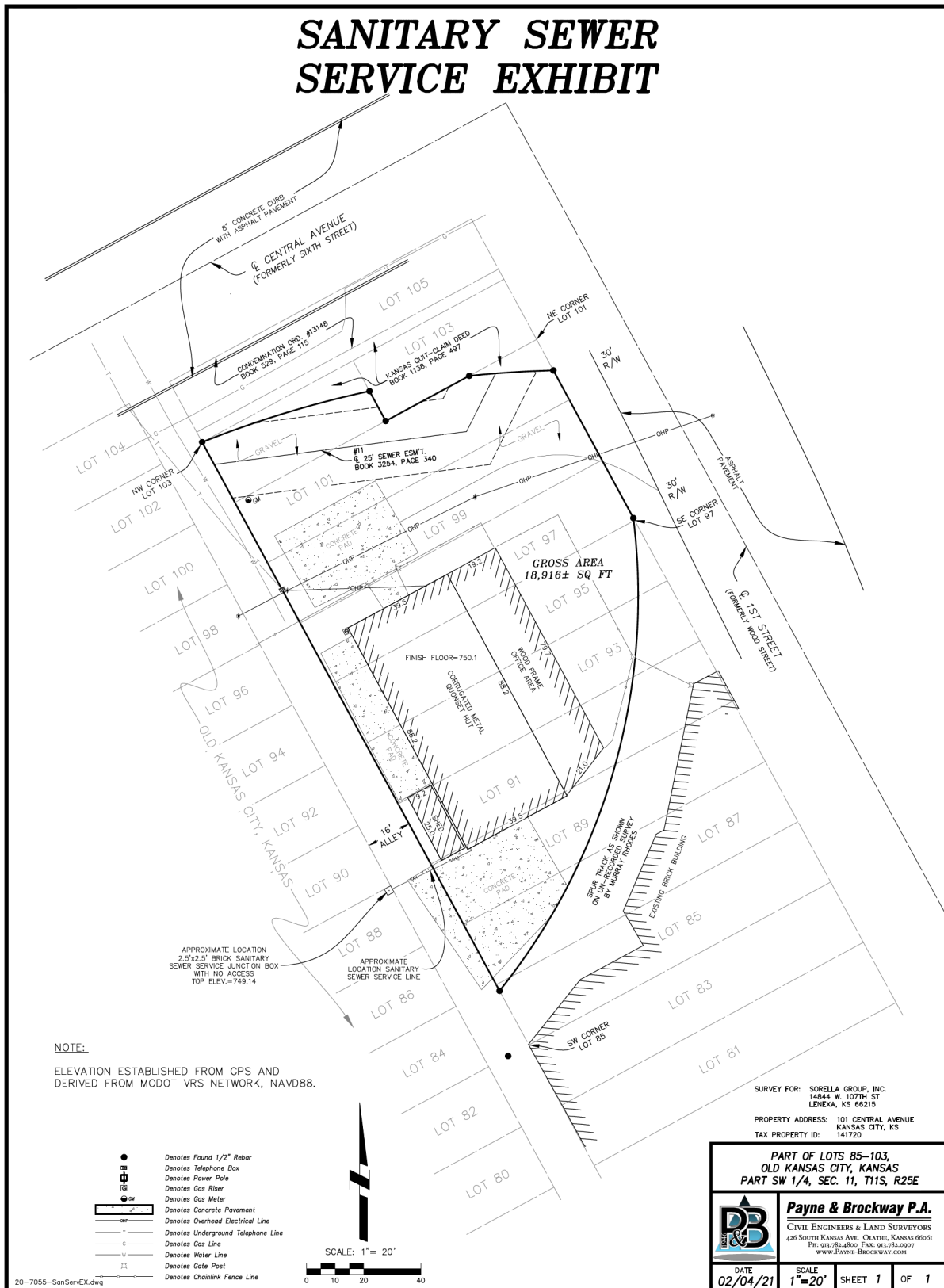
Land Use Map:

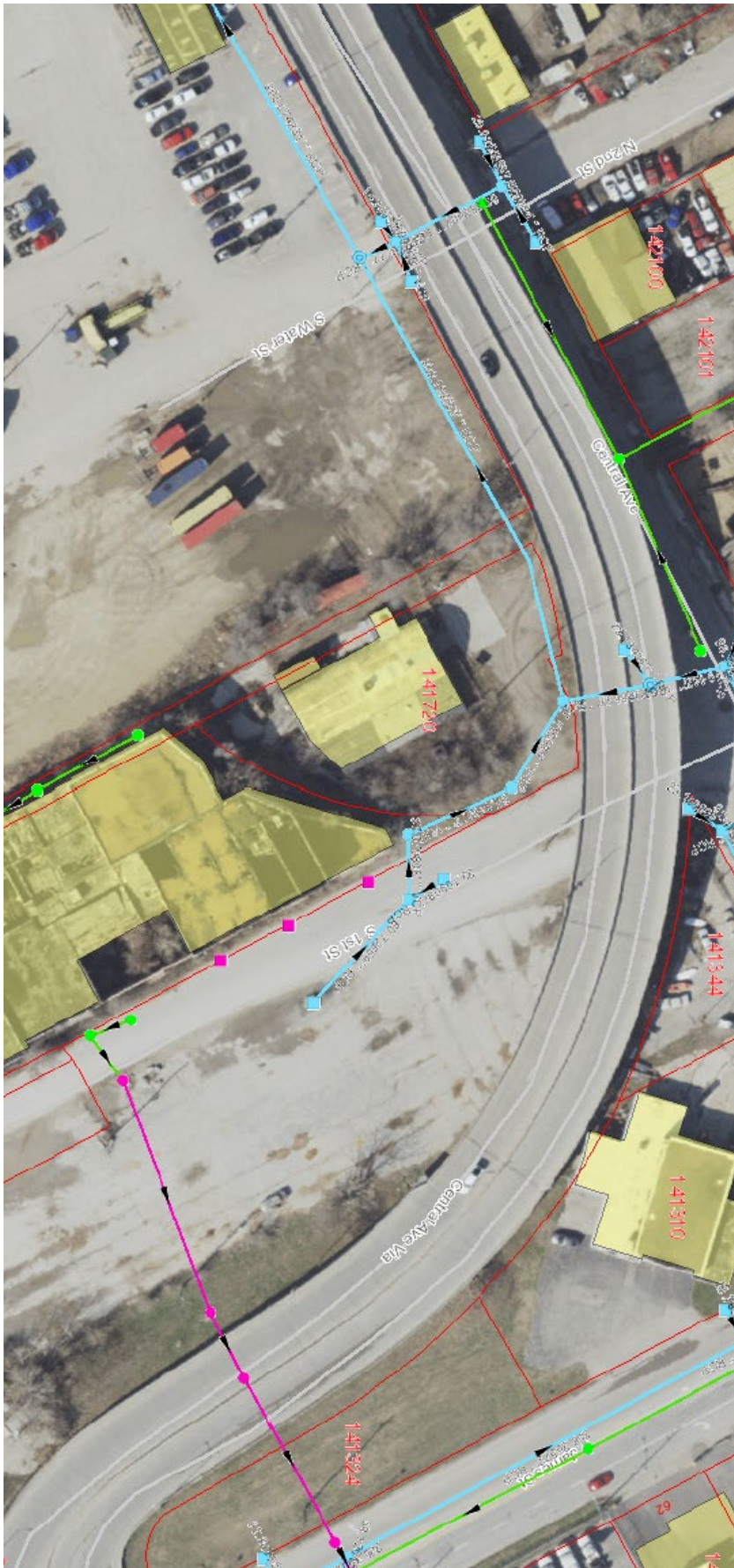


Site and Landscaping Plan:



Sanitary Sewer Service Exhibit:





Currently located in the Northwest portion of the property. Per 101 Central Preliminary Layout A100 Future Handicap parking stalls. This meter is outdated, oversized and in desperate need of repair. KPL has removed a portion of the meter and plans to abandon in place the piping which is no longer used.

KPL plans to relocate the meter to the Northwest side of the building. Design will be after the use of the property is determined.



Site Photographs Provided by Staff, Dated March 24, 2021:









Site Photographs Provided by the Applicant:



Upper Left: Inside the building.

Upper Right: Front of the building with lean that will be removed.

Left: Front of building.

Neighborhood Meeting Materials, March 29, 2021:

March 15, 2021

Commissioner Brian McKiernan
701 North 7TH Street, 9th Floor
Kansas City, KS 66101

SUBJECT: Neighborhood Meeting 101 Central

We have filed an application with the Department of Urban Planning and Land Use. Special use permit # SP2021-003. The purpose of this permit is to convert the following address: 101 Central Avenue, Kansas City, KS 66118 to a Beer Hall.

We are having a neighborhood meeting on Monday, March 29th, 2021 at 3:00 p.m. at the following address: 101 Central Avenue, Kansas City, KS 66118.

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 email/phone number listed below.

Sincerely,

Sheila A Ohrenberg
Schwester Holdings, LLC
913-488-5785
Sheila@sorellagroup.com

NEIGHBORHOOD MEETING AGENDA

- If no one shows up for the neighborhood meeting at the scheduled time it is recommended that the applicant wait 30 minutes before leaving.
- Presentation:
 - Provide accurate details/photos/plans for review
 - Answer/address questions and concerns
 - Detail who will be involved (clients, customers, buyers, etc.) Sorella Group, Schwester Holdings, 101 Central
 - Detail operational activity (residential, use, noise, traffic, etc) Hours of Operations- food trucks, craft beer etc.

101 Central Beer Hall Neighborhood Meeting -Sign In

SP2021-003 March 29, 2021, 3:00pm

First/Last Name

Email

Sheila Ohrenberg

sheila@sorellagroup.com

Kalie Ohrenberg

kalie@sorellagroup.com

101 Central Beer Hall Meeting Minutes:

Application Number SP2021-003

Meeting was not called to order as there was no one in attendance.

Sheila Ohrenberg and Kalie Ohrenberg remained at the meeting location until 3:45pm.



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: April 29, 2021

Re: SP2021-008

GENERAL INFORMATION

Applicant:
Lexi McDaniel

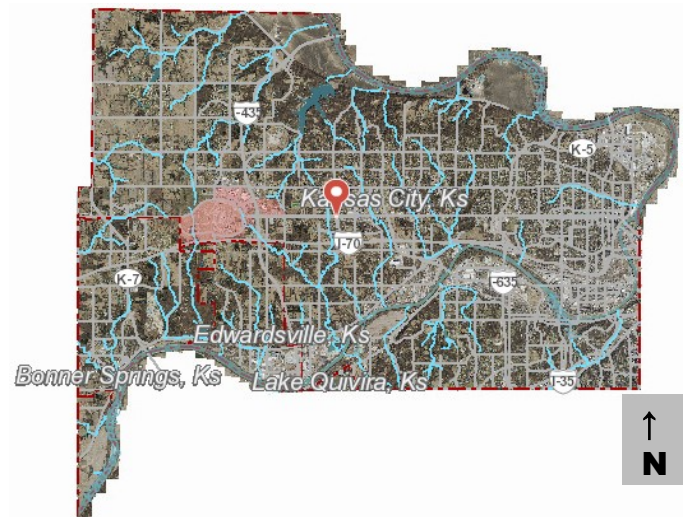
Status of Applicant:
Representative
Lexxis Salon
1000 North 82nd Street,
Kansas City, Kansas 66112

Requested Action:
Approval of a Special Use Permit.

Date of Application:
January 22, 2021

Purpose:
Special Use Permit for a banquet
facility in the evenings and weekends

Property Location:
1000 North 82nd Street
Kansas City, Kansas 66112



Commission District:	Commissioner At Large: Melissa Bynum District #8 Commissioner: Jane Philbrook
Existing Zoning:	CP-1 Planned Limited Business District
Adjacent Zoning:	North: CP-1 Planned Limited Business District South: R-1 Single Family District East: CP-1 Planned Limited Business District; CP-2 Planned General Commercial District West: CP-1 Planned Limited Business District
Adjacent Uses:	North: Commercial building South: Single-family residence East: Westfield Shopping Center West: Bowling alley
Total Tract Size:	0.22 Acre
Master Area Plan:	The subject property is not within an Area Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates the property as Mixed-Use. The Mixed-Use land use designation should be located at major arterial intersections and within traditional neighborhood design (TND) developments; ideal uses include integrating retail, offices, small businesses, and mixed-use residential.
Major Street Plan:	The Major Street Plan classifies North 82 nd Street as a Collector Street.
Required Parking:	Section 27-464(e) requires four (4) parking spaces for every 1,000 square feet of building space in a CP-1 District. Section 27-668(a)(11) requires places of assembly to have one (1) parking space for every four (4) seats. A parking plan of the property has not been provided, so Staff does not know how much parking is currently available on the site, nor can Staff calculate how much space is needed.
Advertisement:	<u>The Wyandotte Echo</u> – February 11, 2021 Letters to Property Owners – February 12, 2021, March 1, 2021 and April 23, 2021
Public Hearings:	April 12, 2021 and April 29, 2021
Public Support:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Lexi McDaniel with Lexxis Salon, is requesting a Special Use Permit for a mixed-use facility that will serve as an education/job skill training facility during the day for adults with learning disabilities (which is not part of this Special Use Permit request). On nights and weekends the applicant proposes to convert the facility into a banquet hall.

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

Code Enforcement History: There are no outstanding Notices of Violation attached to this property. The subject property has been previously cited by Code Enforcement:

June 3, 2020- Environment/Weed
May 21, 2020- Graffiti
October 15, 2020- Graffiti
September 24, 2020- Graffiti
June 26, 2019- Graffiti
October 24, 2018- Trash, 14-Day Abatement
October 23, 2018- Other Multiple Violations
November 14, 2017- Tall grass, weeds, and debris
October 30, 2017- Exterior structure in need of repainting
January 4, 2017- Boarded Structure, 14-Day Abatement
January 3, 2017- Other Multiple Violations
July 10, 2015- Exterior structure in need of repainting
April 8, 2013- Graffiti
May 31, 2012- Other Multiple Violations
December 1, 2010- Environment/Trash
July 19, 2010- Environment/Weed
September 23, 2009- Other Multiple Violations
February 24, 2009- Other Multiple Violations
October 13, 2008- Graffiti
January 23, 2008- Graffiti
July 10, 2007- Stop Work Order
March 27, 2007- Graffiti

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Victory Hills Statistical Neighborhood and within the Stony Point/Hunters Glen Neighborhood Group. The property is located just south of State Avenue, serving as a transition between the commercial uses of State Avenue and the single-family residences to the south.

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

Nearby uses to the north, east, and west are all commercial. The use to the east—Westfield Shopping Center—is a significantly more intense commercial use than the proposed uses of the subject property. Although there is a single-family neighborhood to the south, the mixed uses of training facility and banquet facility are not so intense as to be incompatible with the surrounding properties.

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 subject property is suitable as a mixed-use training facility and a banquet facility because the uses will occur at distinct, separate times of the day and the week. The property is located adjacent to State Avenue and all other properties on the block are zoned as CP-1 Planned Limited Business District. The additional uses will not detrimentally affect nearby properties.

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

Staff does not know how long the property has been vacant.

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

Special Use Permits are not addressed in the City-Wide Master Plan. According to the City-Wide Master Plan, the Mixed-Use land use designation should be located at major arterial intersections and integrate complimentary uses of retail, offices, small businesses, and mixed-use residential. The proposed uses integrate education and training with commercial and semi-private dining. Through the applicant's business model, both uses are quite complimentary to each other, both in terms of skill building and development, as well as timing of the uses. The proposed uses conform well with the City-Wide Master Plan.

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

A banquet hall will bring in a substantial amount of people to a parcel that is less than one-quarter (0.25) acre in size. The applicant must submit a parking plan to ensure that all parking requirements have been met. This use may need a parking agreement with adjacent property or properties. If the applicant cannot reach a sufficient parking agreement, then they will need to receive a variance to the parking requirement, due to the small size of the lot.

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 uses provide valuable on-site training and real-world experience in the same building, perhaps even in the same day. Job skill programs for adults with learning disabilities are often overlooked and underfunded. The applicant is providing a need service to an underserved population but is also running a banquet facility that can be utilized by the general public. The proposed uses are reasonably necessary for the convenience and welfare of the public. The small parking lot, however, will result in the need for spillover parking, which will have a direct effect on any property that the applicant makes a shared parking agreement with, and indirectly this parking spillover will cause some degree of injury to the substantial or permanent injury to the appropriate use, visual quality, or marketability of adjoining properties.

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.*

Guests attending the banquet facility may cause noise and spillover parking. The subject property's proposed evening uses and its proximity to a residential neighborhood raises concerns over lighting issues from both cars' headlights and on-site, exterior lighting. To address these concerns, the applicant should provide either the capacity of the building or the proposed limit of guests in order to better assess the risk of noise pollution. Furthermore, the parking lot must be properly screened and landscaped in order to reduce the amount of light escaping the premises.

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

Staff has several concerns related to air, land, or water pollution. The first concern is the recycling, composting, and disposal of food waste and trash on the property. The applicant must show where an exterior dumpster, recycling unit, and/or composting unit will be on site; all such units must be properly screened. There is also the concern of runoff from the parking lot surface. The applicant must provide open air spaces that are green and permeable, as per the Commercial Design Guidelines Overlay District requirements. The applicant must also provide a parking plan to show the parking lot and any subsequent changes to its size, shape, material, or number of parking spaces as a result of development on the property.

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

There are no irreplaceable natural resources that would be damaged by the proposed uses in a pre-existing building in a built-out commercial area with no proposed expansion of the building's space or footprint.

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 well outweighs any hardships that may be imposed on the individual landowner or landowners. The services provided, both to the community at large and to specific demographics within the community, promotes public welfare. At the same time, the proposed uses may produce noticeable amounts of pollution, noise, or light, and will increase traffic and parking to the site, especially on evening and/or weekends when a banquet is being held.

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

The applicant should provide staff with the proposed number of training staff, trainees, and banquet attendees, so Staff can make a better assessment to factors such as parking, traffic, and undue concentrations of population. Staff does note that a banquet hall by its very nature has the potential to cause both an overcrowding of land, especially on such a small lot, and causing undue concentrations of population at night (and across the street from a single-family neighborhood, no less).

PREVIOUS ACTIONS

N/A

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 29, 2021 via Go to Meeting. 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

Commercial Development Guidelines Overlay District
Landscaping
Lights
Noise
Parking
Sidewalks
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2021-008, subject to:

- 1) **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;**
- 2) **Per Business Licensing Division: If approved, the applicant will need to file and maintain a current business occupation tax application with this office;**
- 3) **Per Building Inspection Department: A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process;**
- 4) **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;**
- 5) **The applicant has provided a floor plan configuration demonstrating 40 seats. No banquet seating arrangement may exceed 40 seats;**
- 6) **Conformance with the Commercial Development Guidelines Overlay District—unless a deviation is requested—as outlined in the “Staff Comments” section of this report;**
- 7) **Conformance with all parking lot and landscaping requirements, as outlined in the “Staff Comments” section of this report;**
- 8) **Conformance with all building element requirements, as outlined in the “Staff Comments” section of this report;**
- 9) **Conformance with all exterior screening requirements, as outlined in the “Staff Comments” section of this report;**
- 10) **At least 10 parking spaces must be provided;**
- 11) **Any signage must comply with the sign code and be permitted through the Department of Planning and Urban Design;**
- 12) **ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;**
- 13) **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;**
- 14) **A parking agreement is to be filed with the Register of Deeds for the parking provided by the training facility owned by the applicant next to this property to be used for the event space;**
- 15) **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;**

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

STAFF 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 **SP2021-008** subject to all comments and suggestions outlined in this staff report and summarized by the minutes and conditions of the City Planning Commission.

ATTACHMENTS

April 12, 2021 City Planning Commission Minutes
Land Use Map
Aerial Map
Zoning Map
Site Plan Submitted by the Applicant
Parking Plan Submitted by the Applicant
Elevations Submitted by the Applicant
Floor Plan Submitted by the Applicant
Photos of Property Provided by the Applicant
Neighborhood Meeting Materials, March 29, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Commission</u>
Public Hearing		
Special Use	April 12, 2021 Approval	April 29, 2021

STAFF CONTACT: Michael Farley
mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-008** 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 **SP2021-008**, 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.

APRIL 12, 2021 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 3:33:25:

SPECIAL USE PERMIT APPLICATION SP2021-008 – LEXI MCDANIEL -

SYNOPSIS: Special Use Permit for a banquet facility in the evenings and weekends at 1000 North 82nd Street.

Detailed Outline of Requested Action: The applicant, Lexi McDaniel with Lexxis Salon, is requesting a Special Use Permit for a mixed-use facility that will serve as an education/job skill training facility during the day for adults with learning disabilities. On nights and weekends the applicant proposes to convert the facility into a banquet hall.

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

Code Enforcement History: There are no outstanding Notices of Violation attached to this property. The subject property has been previously cited by Code Enforcement:

- June 3, 2020- Environment/Weed
- May 21, 2020- Graffiti
- October 15, 2020- Graffiti
- September 24, 2020- Graffiti
- June 26, 2019- Graffiti
- October 24, 2018- Trash, 14-Day Abatement
- October 23, 2018- Other Multiple Violations

November 14, 2017- Tall grass, weeds, and debris
October 30, 2017- Exterior structure in need of repainting
January 4, 2017- Boarded Structure, 14-Day Abatement
January 3, 2017- Other Multiple Violations
July 10, 2015- Exterior structure in need of repainting
April 8, 2013- Graffiti
May 31, 2012- Other Multiple Violations
December 1, 2010- Environment/Trash
July 19, 2010- Environment/Weed
September 23, 2009- Other Multiple Violations
February 24, 2009- Other Multiple Violations
October 13, 2008- Graffiti
January 23, 2008- Graffiti
July 10, 2007- Stop Work Order
March 27, 2007- Graffiti

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

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 April 12, 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.

Present in Support:

- Lonnie Shanks, representing the applicant, owner of JCA Architects
- Lexi McDaniel, applicant

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 3:38:59: Planning Director Hand stated that as a point of clarification this is a Special Use Permit for the event space only. The current zoning allows the adult training facility by right. He further stated that Staff worked with the applicant on the Commercial Design Guidelines review and the drawings match the intent of the guidelines and the code. Director Hand stated that parking was calculated for the event space use which is the higher standard. There are 40 chairs in the event space, so 10 parking spaces are required with six (6) spaces provided on-site and four (4) spaces provided on Ms. McDaniel's property directly adjacent to this location for the training facility. The training facility is open during the day and the event space will be open in the evenings and weekends so the parking would be available. There have been numerous Notices of Violation which have all been addressed by the applicant

since purchasing the property. Staff has not received any letters in support nor opposition. Director Hand stated that staff would request an amendment to the conditions to add that Ms. McDaniel file a parking agreement for the off-site parking spaces.

Motion and Vote starts at 3:41:55:

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL** of Special Use Permit **SP2021-008**:

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

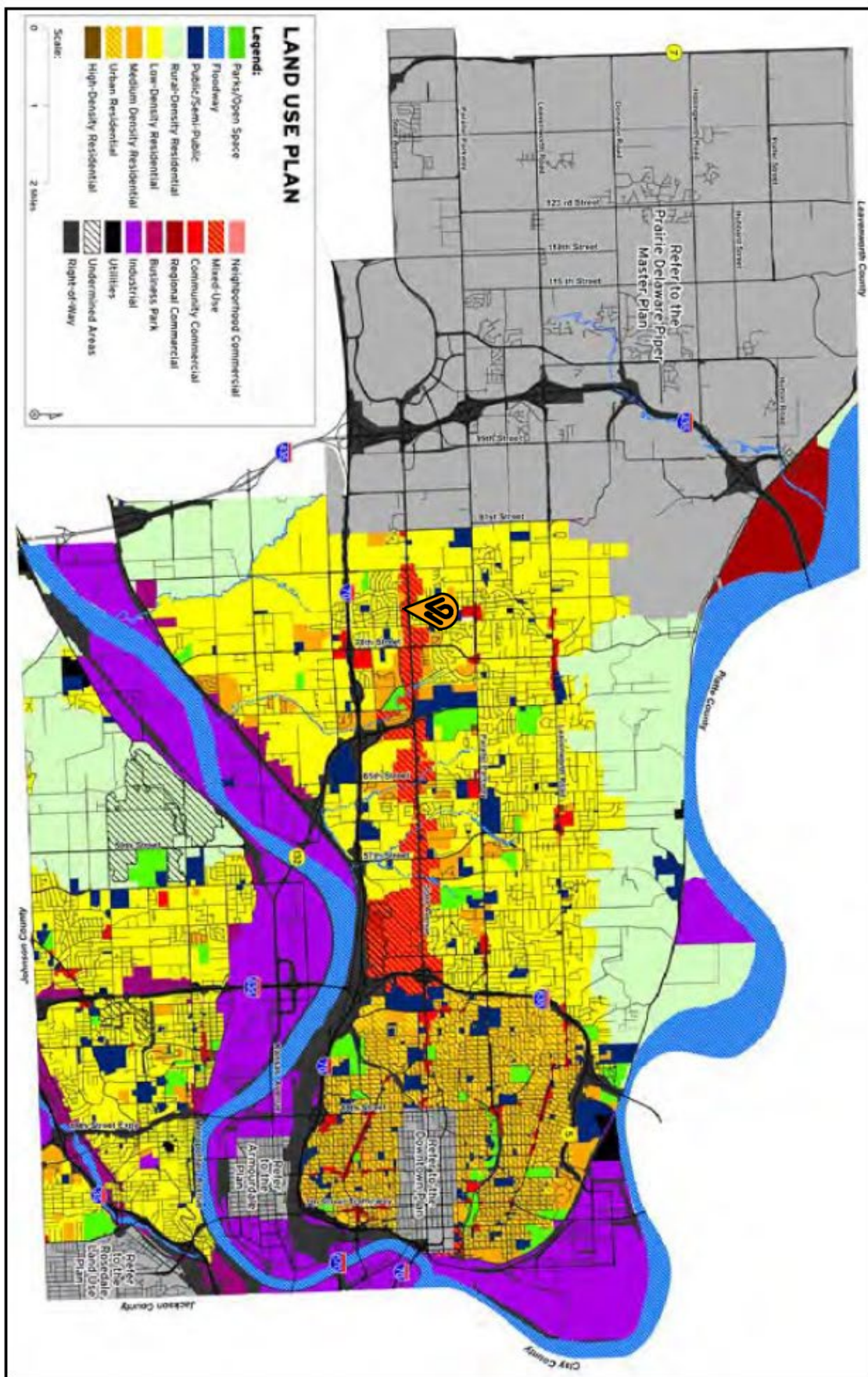
Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

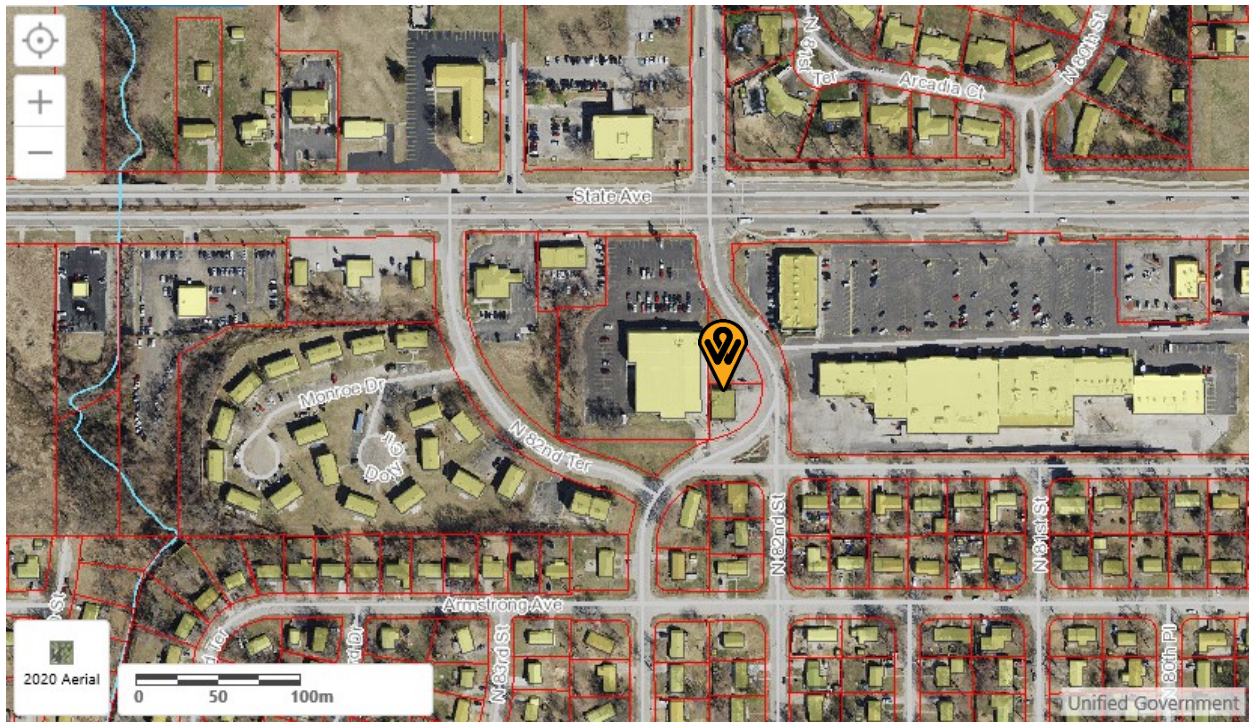
- 1) Sec. 27-464(c)(9) Retail businesses with parking areas or other outside customer-oriented areas within 100 feet of any residence shall restrict hours of operation to between 6:00 AM and 1:00 AM of the following day;**
- 2) Per Business Licensing Division: If approved, the applicant will need to file and maintain a current business occupation tax application with this office;**
- 3) Per Building Inspection Department: A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process;**
- 4) 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;**
- 5) The applicant has provided a floor plan configuration demonstrating 40 seats. No banquet seating arrangement may exceed 40 seats;**
- 6) Conformance with the Commercial Development Guidelines Overlay District—unless a deviation is requested—as outlined in the “Staff Comments” section of this report;**
- 7) Conformance with all parking lot and landscaping requirements, as outlined in the “Staff Comments” section of this report;**
- 8) Conformance with all building element requirements, as outlined in the “Staff Comments” section of this report;**

- 9) **Conformance with all exterior screening requirements, as outlined in the “Staff Comments” section of this report;**
- 10) **At least 10 parking spaces must be provided;**
- 11) **Any signage must comply with the sign code and be permitted through the Department of Planning and Urban Design;**
- 12) **ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;**
- 13) **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;**
- 14) **A parking agreement is to be filed with the Register of Deeds for the parking provided by the training facility owned by the applicant next to this property to be used for the event space;**
- 15) **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;**
- 16) **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; and,**
- 17) **Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

LAND USE MAP



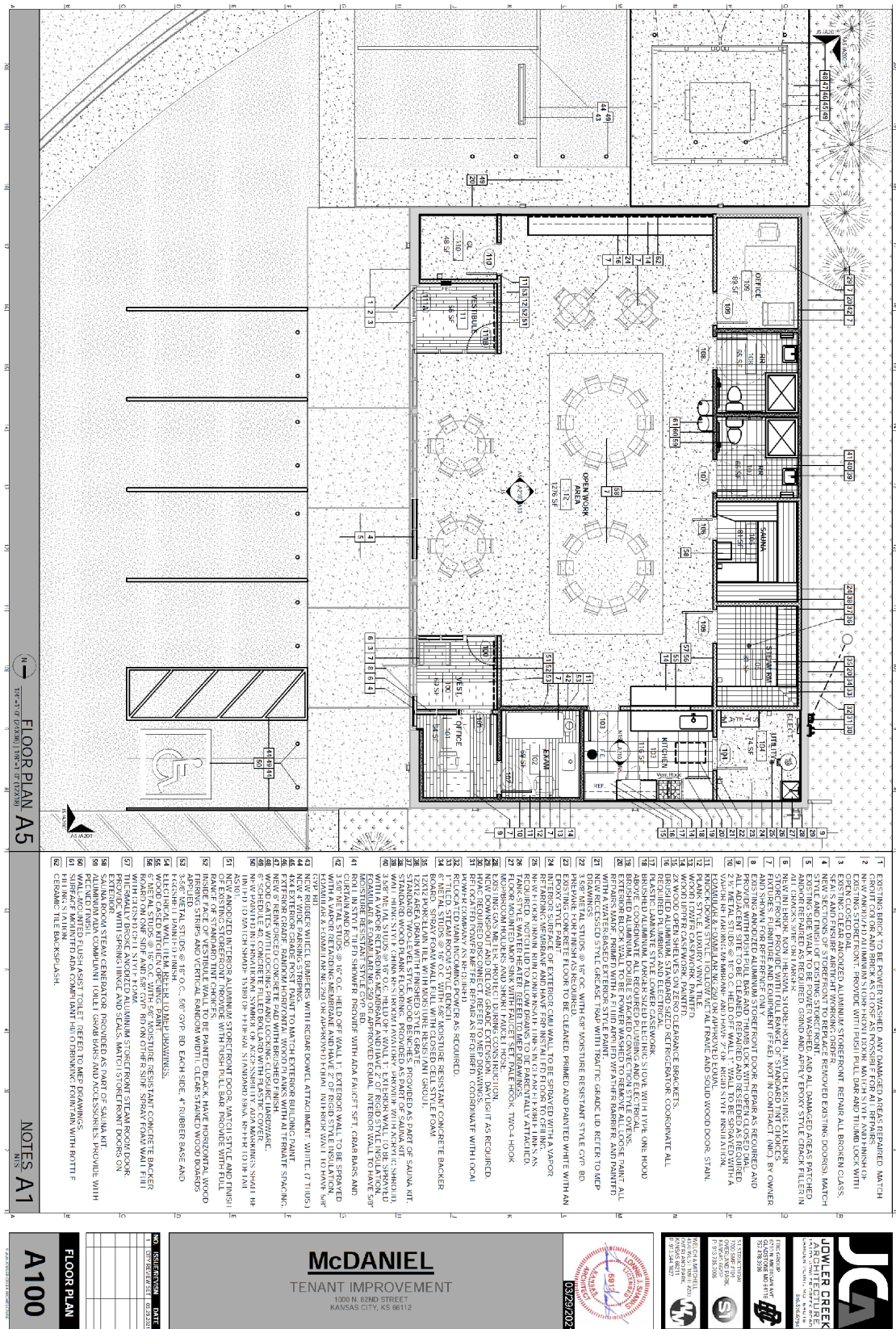
AERIAL MAP

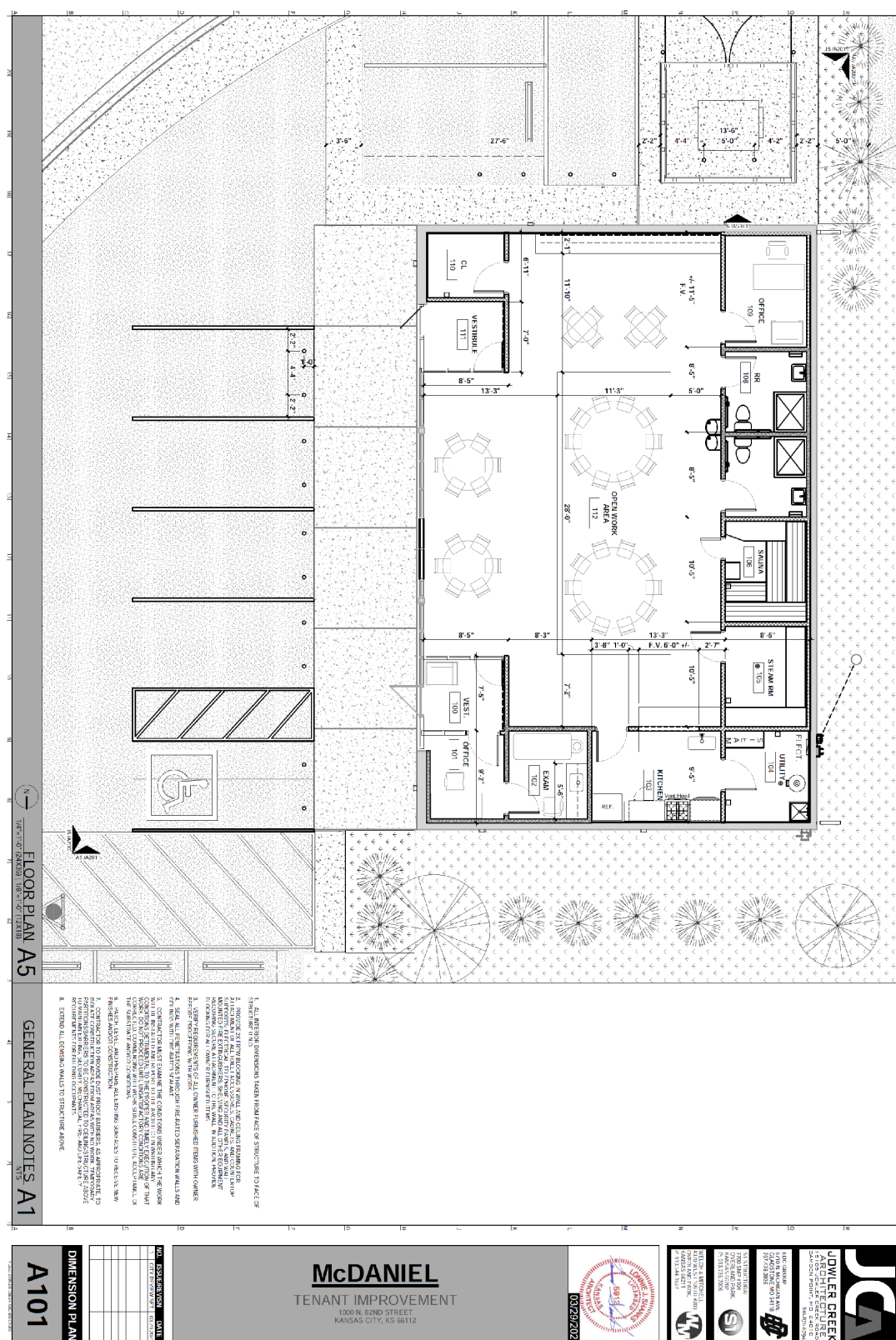


ZONING MAP

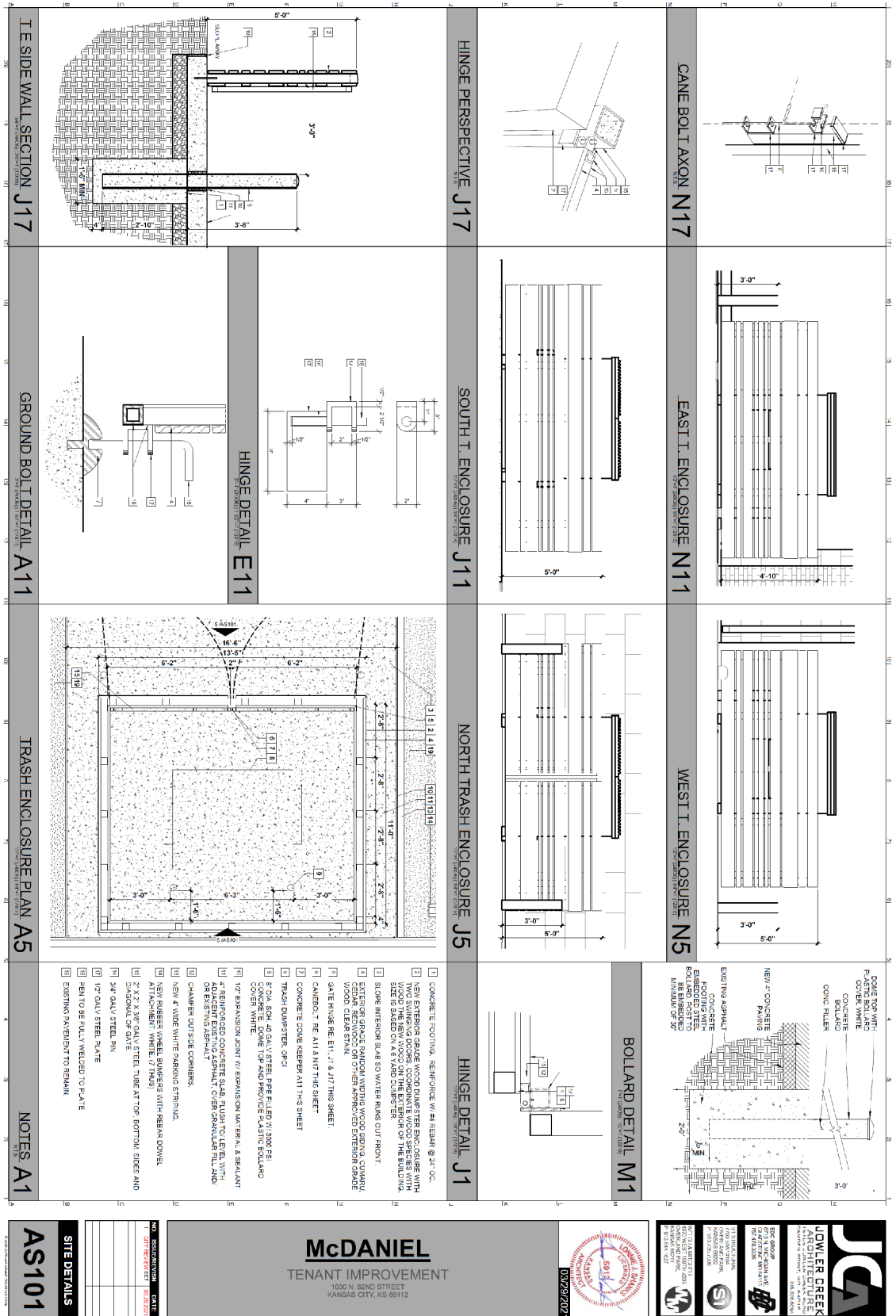


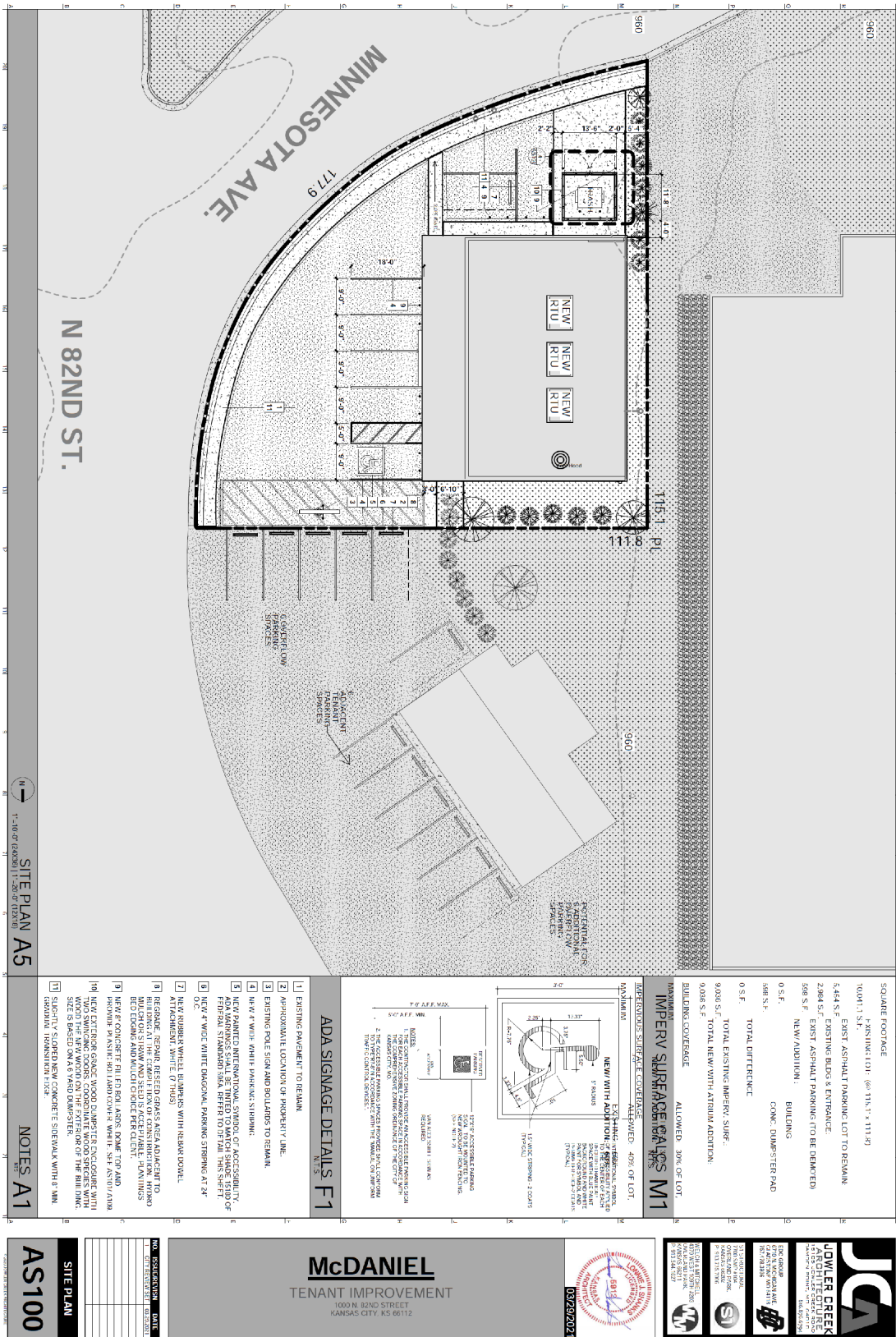
SITE PLAN SUBMITTED BY THE APPLICANT



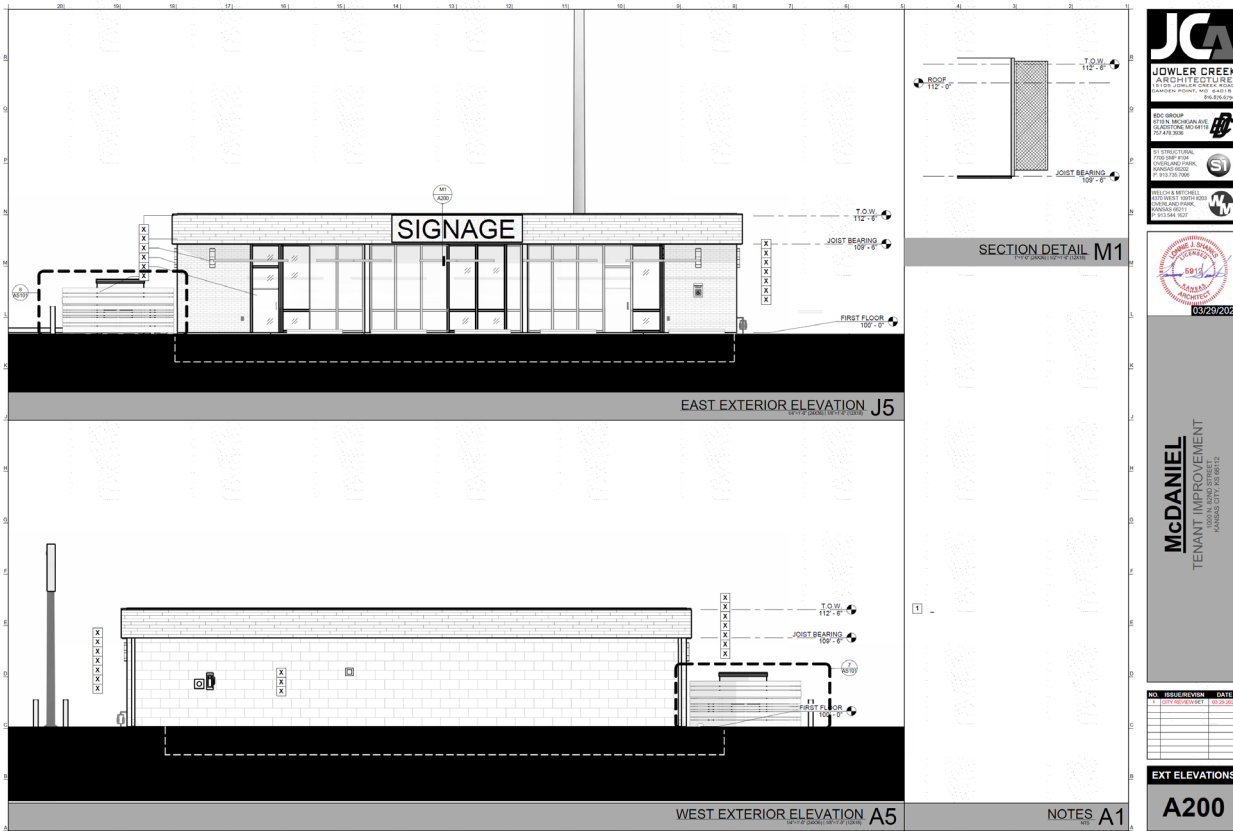
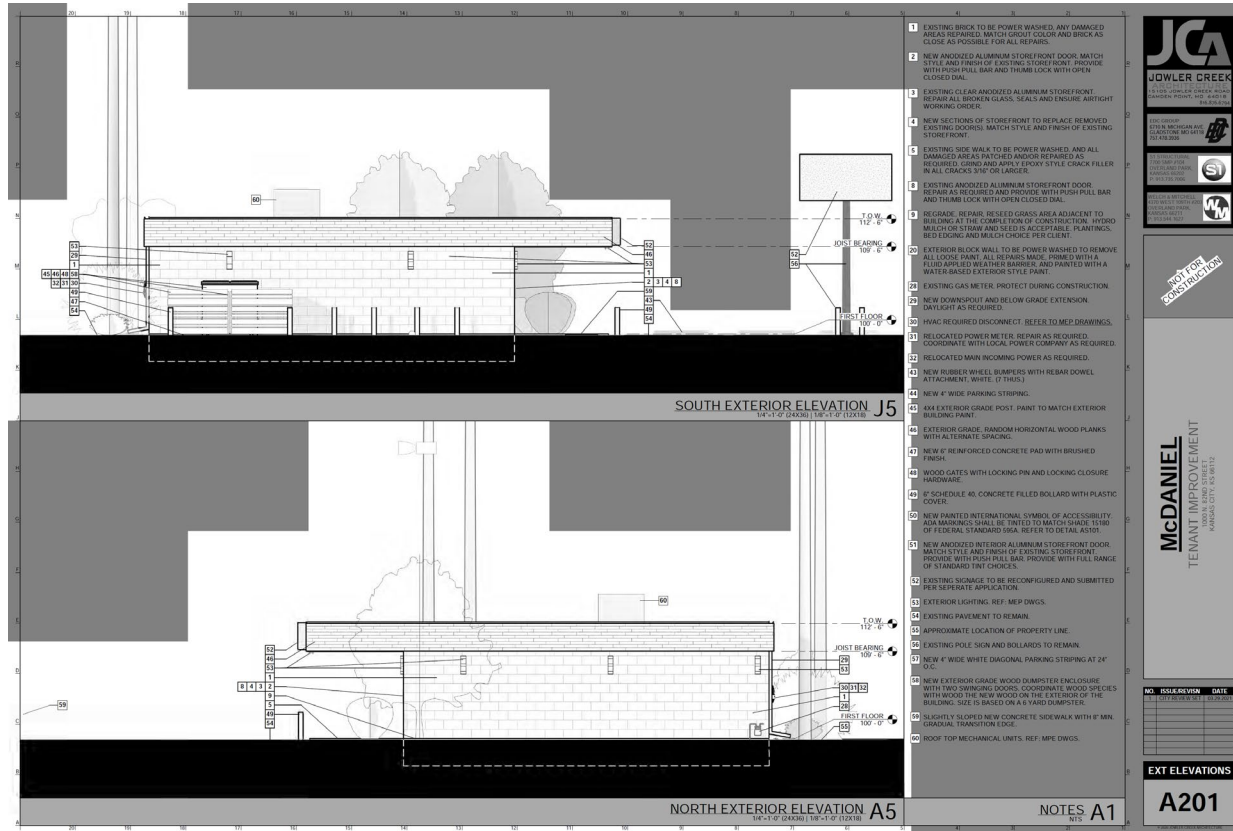


SITE PLAN SUBMITTED BY THE APPLICANT, CONT.

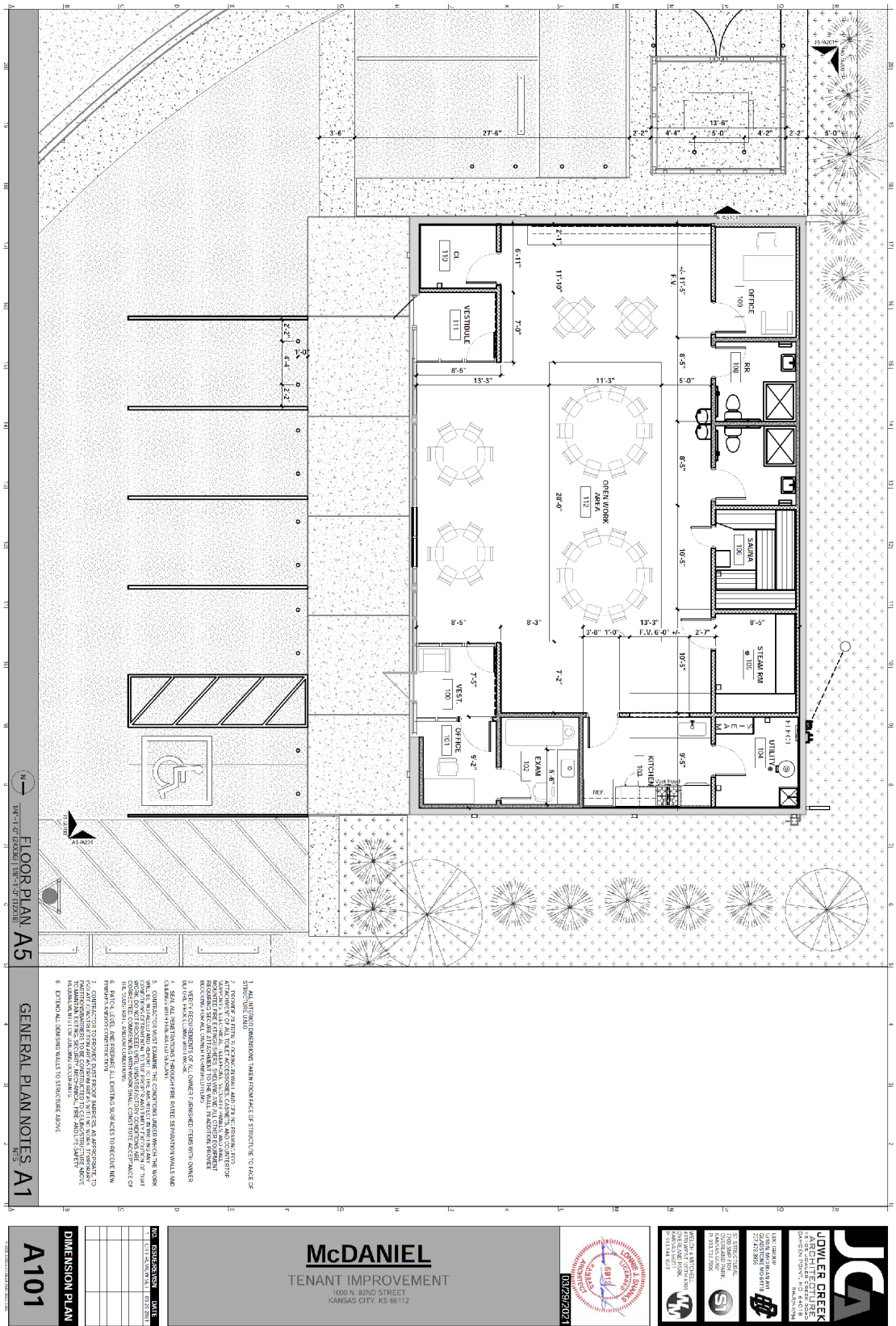




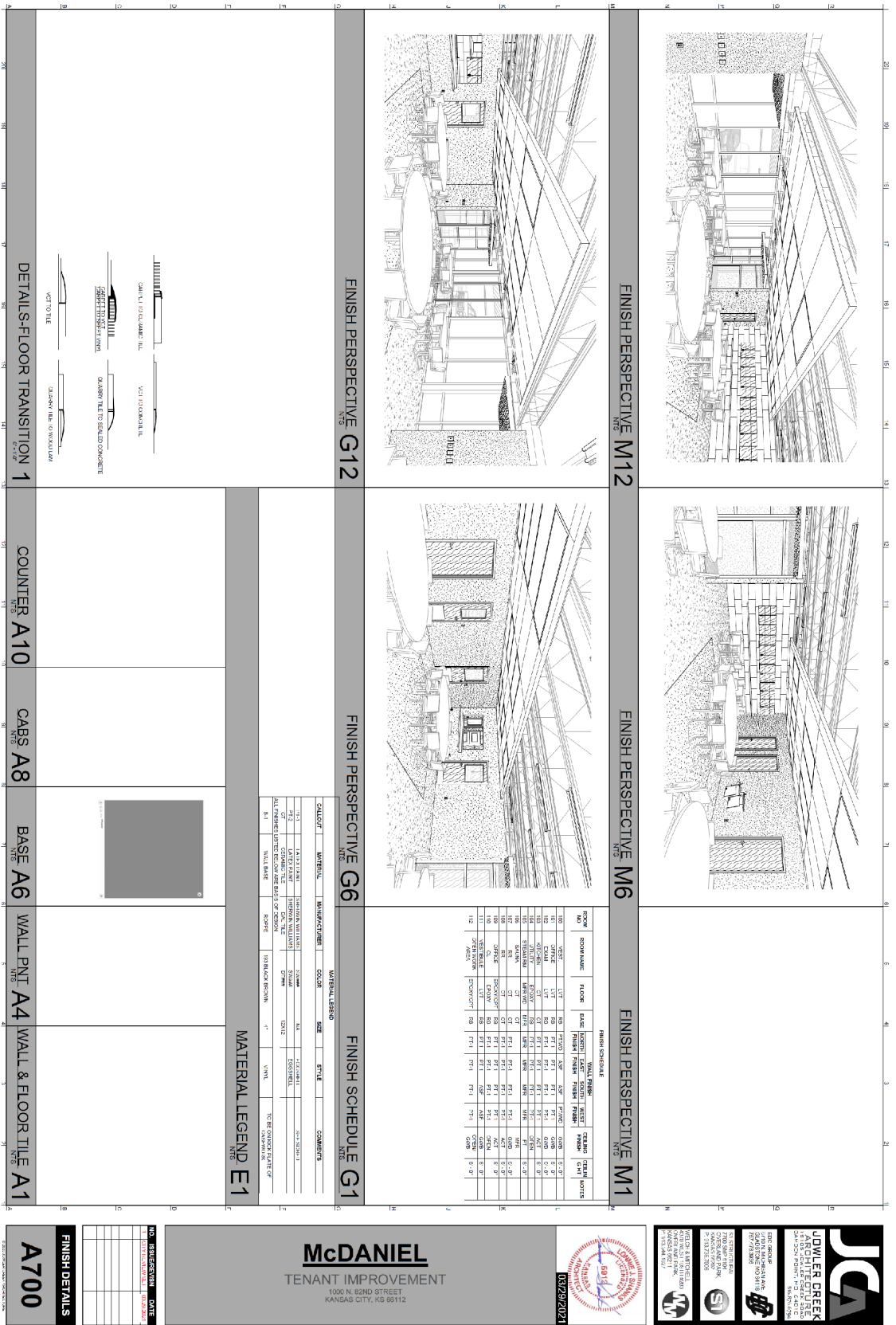
ELEVATIONS SUBMITTED BY THE APPLICANT



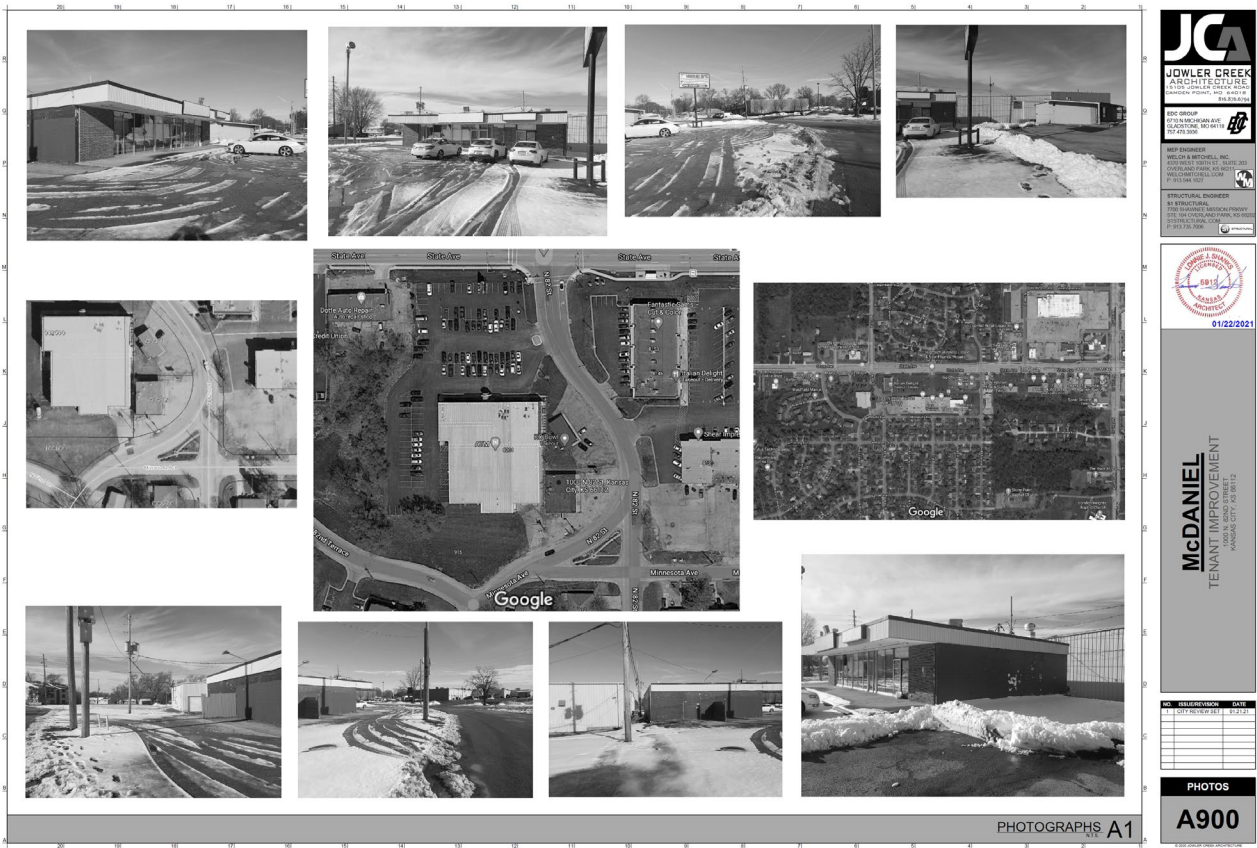
FLOOR PLAN SUBMITTED BY THE APPLICANT



FLOOR PLAN SUBMITTED BY THE APPLICANT



PHOTOS OF PROPERTY PROVIDED BY THE APPLICANT



JCA
JOWLER CREEK
ARCHITECTS & ENGINEERS
4100 JOWLER CREEK RD. SUITE 100
KANSAS CITY, MO 64111
TEL: 816.451.1000
WWW.JOWLERCREEK.COM

ENGINEER
WELCH & MITCHELL, INC.
1000 N. GARDEN ST. SUITE 200
KANSAS CITY, MO 64108
TEL: 816.451.1000
WWW.WELCHANDMITCHELL.COM

STRUCTURAL ENGINEER
WELCH & MITCHELL, INC.
1000 N. GARDEN ST. SUITE 200
KANSAS CITY, MO 64108
TEL: 816.451.1000
WWW.WELCHANDMITCHELL.COM

McDANIEL
TENANT IMPROVEMENT
1000 N. GARDEN ST. SUITE 200
KANSAS CITY, MO 64108
TEL: 816.451.1000
WWW.MCDANIEL.COM

McDANIEL
TENANT IMPROVEMENT
1000 N. GARDEN ST. SUITE 200
KANSAS CITY, MO 64108
TEL: 816.451.1000
WWW.MCDANIEL.COM

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	01/22/2021

PHOTOS
A900

NEIGHBORHOOD MEETING MATERIALS, MARCH 29, 2021

McDaniel Special Permit Request Meeting

Application Number SP2021-008

Date and Location: Monday March 29, 2021, Go to Meeting

Meeting called to order at: 6:30pm (connection issues due to high winds, was on without interruption from 6:30 – 7:30pm)

Names of people in attendance: No one logged in or called the meeting number. I also provided my mobile number, but no one contacted me prior to, during or after the meeting.

Introductions: Good evening, by Lexi McDaniel

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

Questions and answers (include the following): **N/A**, no one in attended

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

Meeting adjourned at: 7:30pm

Minutes taken by: Stacia Bradley

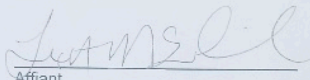
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas _____) SS:
COUNTY OF Wyandotte

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

1. That I am the petitioner for Petition # SP2021-008.
2. That I conducted a neighborhood meeting on March 29, 2021.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

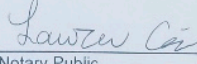
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31st day of March, 2021.

My commission expires 03-13-24 of March, 2024.

LAUREN CUSICK
Notary Public-State of Kansas
My Appt. Expires 03/13/24


Notary Public



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: April 29, 2021

Re: **SP2021-012**

GENERAL INFORMATION

Applicant:
Michael and Andrea Gekas

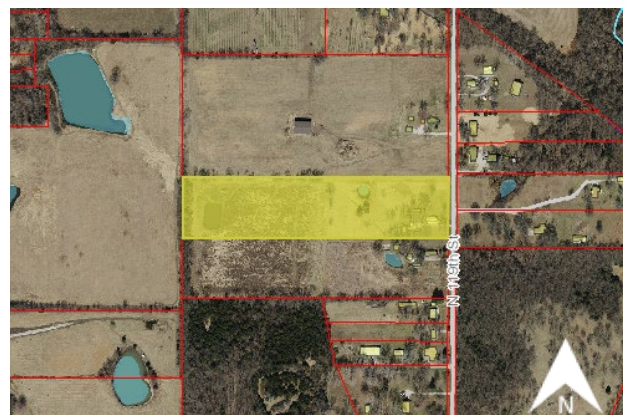
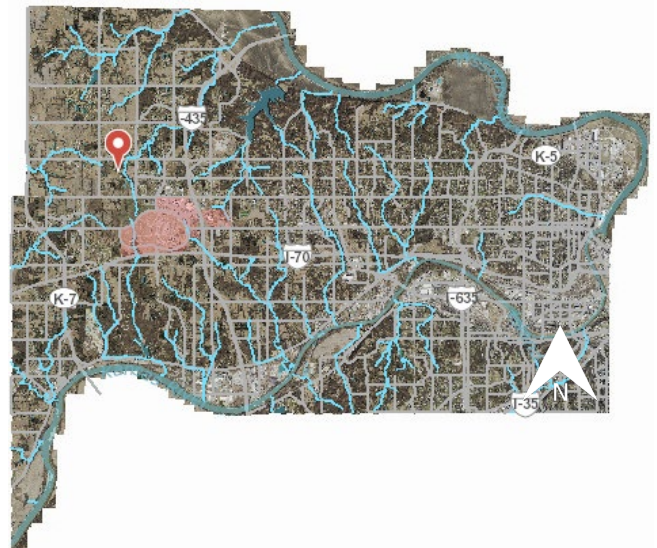
Status of Applicant:
Property Owners
2716 North 119th Street
Kansas City, Kansas 66109

Requested Action:
The renewal of Special Use Permit
SP-2019-26, which expired on
4/25/2021.

Date of Application:
February 26, 2021

Purpose:
To continue to operate a short-term
rental. This is not the applicants'
primary residence.

Property Location:
2716 North 119th Street
Kansas City, Kansas 66109



Commission Districts:	Commissioner At Large: Melissa Bynum District #5 Commissioner: Mike Kane
Existing Zoning:	R (WYCO) Rural Residential District
Adjacent Zoning:	North: AG (WYCO) Agriculture District South: R (WYCO) Rural Residential District East: R (WYCO) Rural Residential District West: AG (WYCO) Agriculture District
Adjacent Uses:	North: Single Family Homes and Farming South: Single Family Homes East: Single Family Homes West: Single Family Homes and Farming
Total Tract Size:	8.87 Acres
Master Plan Area:	Prairie Delaware Piper Master Plan
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Mixed Residential which allows for a variety of residential densities and unit types. These areas could be developed with patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses.
Major Street Plan:	The Major Street Plan classifies 119 th Street as a Collector Street.
Parking Requirements:	The Piper Area Annex Zoning states that R Rural Residential districts must have two (2) spaces per dwelling unit, plus two (2) spaces for any accessory house occupation or principal agriculture use. The total number of required parking spaces on this property for the proposed use is two (2).
Advertisement:	<u>The Wyandotte Echo</u> – March 18, 2021 Letters to Property Owner – March 19, 2021 and April 23, 2021
Public Hearings:	April 12, 2021 and April 29, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Michael and Andrea Gekas, are seeking the renewal of SP-2019-26, which expires on 4/25/2021. The Special Use Permit allows for the operation of a short-term rental at 2716 North 119th Street. This is not the applicants' primary residence. They live on the adjacent property.

City Ordinance Requirements: 27-592 through 27-606

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is rural in nature, comprised of large single-family homes and farming operations.

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

The zoning and uses are set out above. The proposed use is compatible if properly managed. Operating this property as a short-term rental has the potential to create issues related to noise, parking, and other concerns related to overcrowding. There have been no noise complaints during the time this property has been used as a short-term rental.

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

This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise, and overcrowding.

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

This property is not vacant. It is an existing single-family residence being used as a short-term rental.

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

Special Use Permits are not addressed in the Master Plan. The Prairie Delaware Piper Master Plan designates this property as Mixed-Use Residential. A variety of residential uses are allowed, but each require a Special Use Permit to function as a business.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of the Collector Street to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing single-family residence.

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

Noise is an issue that is related to short-term rentals. There have been no noise complaints during the time the property has been used as such. Vibration and dust are not expected to be issues. Illumination could be an issue in a rural area if headlights from traveling cars are not managed properly.

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

The proposed use will not pollute the air, land, or water as it is an existing, permitted single family residence.

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

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

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests will be determined by staff once more information is provided. If the applicants abide by this condition, overcrowding of land and undue concentrations of population will not be issues.

PREVIOUS ACTIONS

SP-2019-26 expires on April 25, 2021.

NEIGHBORHOOD MEETING

The applicants held a neighborhood meeting on March 24, 2021 via Zoom. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicants (see the “Attachments” section of this report).

KEY ISSUES

Noise
Parking
Illumination

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2021-012 for two (2) years, subject to:

1. **No more than six (6) guests are allowed to stay at the short-term rental at once;**
2. **As the property managers, the applicants must provide and maintain their current contact information with their neighbors, as defined as property owners within 200 feet of the subject property, and must update said neighbors if any contact information changes;**
3. **All parking must be off-street, maximum number of vehicles is two (2);**
4. **The applicants must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
5. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented;**
6. **Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government**

enforces this policy and must include the contact information for Host Compliance: 913-246-5133 www.hostcompliance.com/tips;

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2021-012** subject to all comments and suggestions outlined in this staff report, summarized by the minutes and conditions of the City Planning Commission.

ATTACHMENTS

April 12, 2021 City Planning Commission Minutes
Zoning Map
Aerial Map
Land Use Map
Site Photographs Provided by the Applicant
Site Photographs Provided by Staff, Dated March 24, 2021
Occupation Tax Application
Floor Plan
Parking Plan
Neighborhood Meeting Materials, March 24, 2021

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 12, 2021	April 29, 2021
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-012** 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 **SP2021-012** 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.

April 12, 2021 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2021-012 – MICHAEL AND ANDREA GEKAS – SYNOPSIS: Renewal of a Special Use Permit (#SP-2019-26 – expires 4/25/2021) for a Short-Term Rental/AirBNB at 2716 North 119th Street.

Detailed Outline of Requested Action: The applicants, Michael and Andrea Gekas, are seeking the renewal of SP-2019-26, which expires on 4/25/2021. The Special Use Permit allows for the operation of a short-term rental at 2716 North 119th Street. This is not the applicants' primary residence. They live on the adjacent property.

City Ordinance Requirements: 27-592 through 27-606

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

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 12, 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 publications in The Echo for the Special Use Permits; and,
7. The notices to property owners.

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

Chairman Carson asked if anyone wanted to remove an item from the Consent Agenda. Planning Commissioner Connelly requested that Plan Review Application PR2021-006 for Ben Stephens with Copart of Kansas at 8410 Gibbs Road be removed from the Consent Agenda.

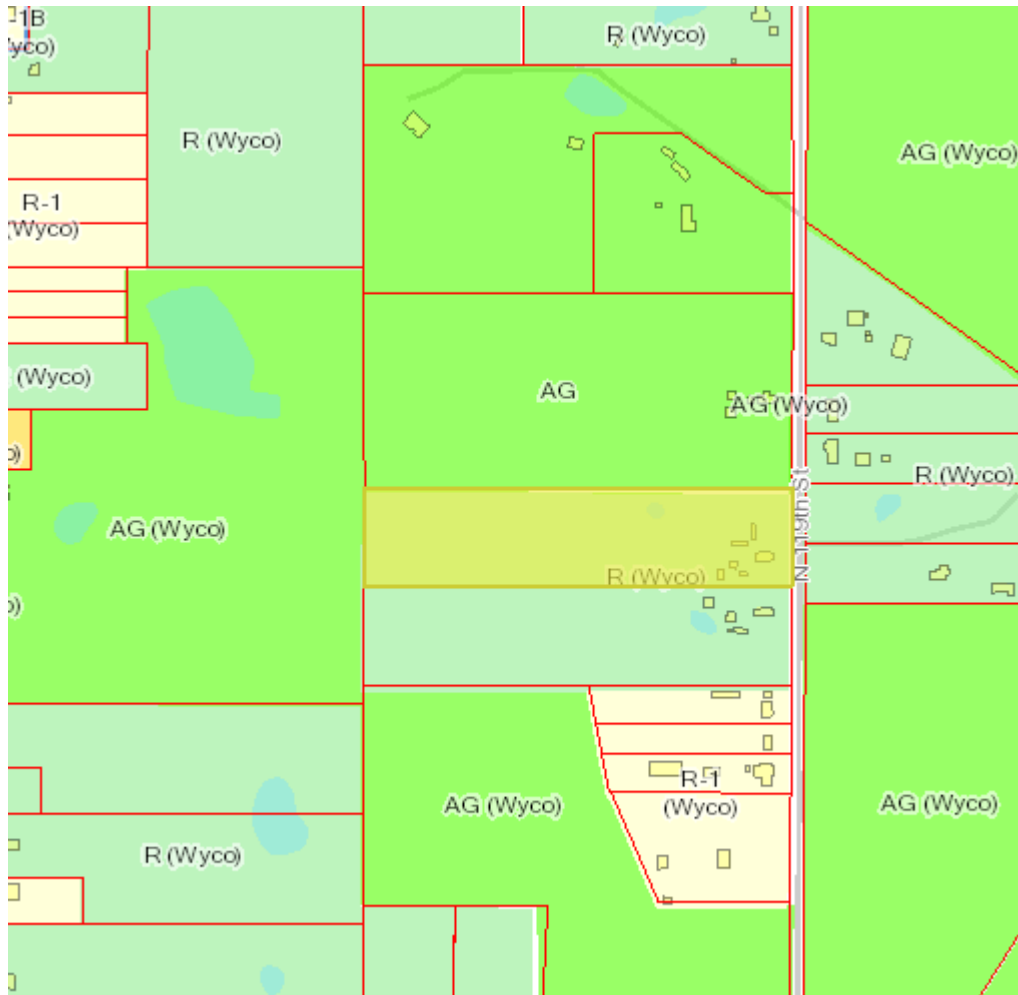
On motion by Mrs. Jones seconded by Mr. Mohler, the Planning Commission voted as follows to **APPROVE** the remaining items on the Consent Agenda:

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

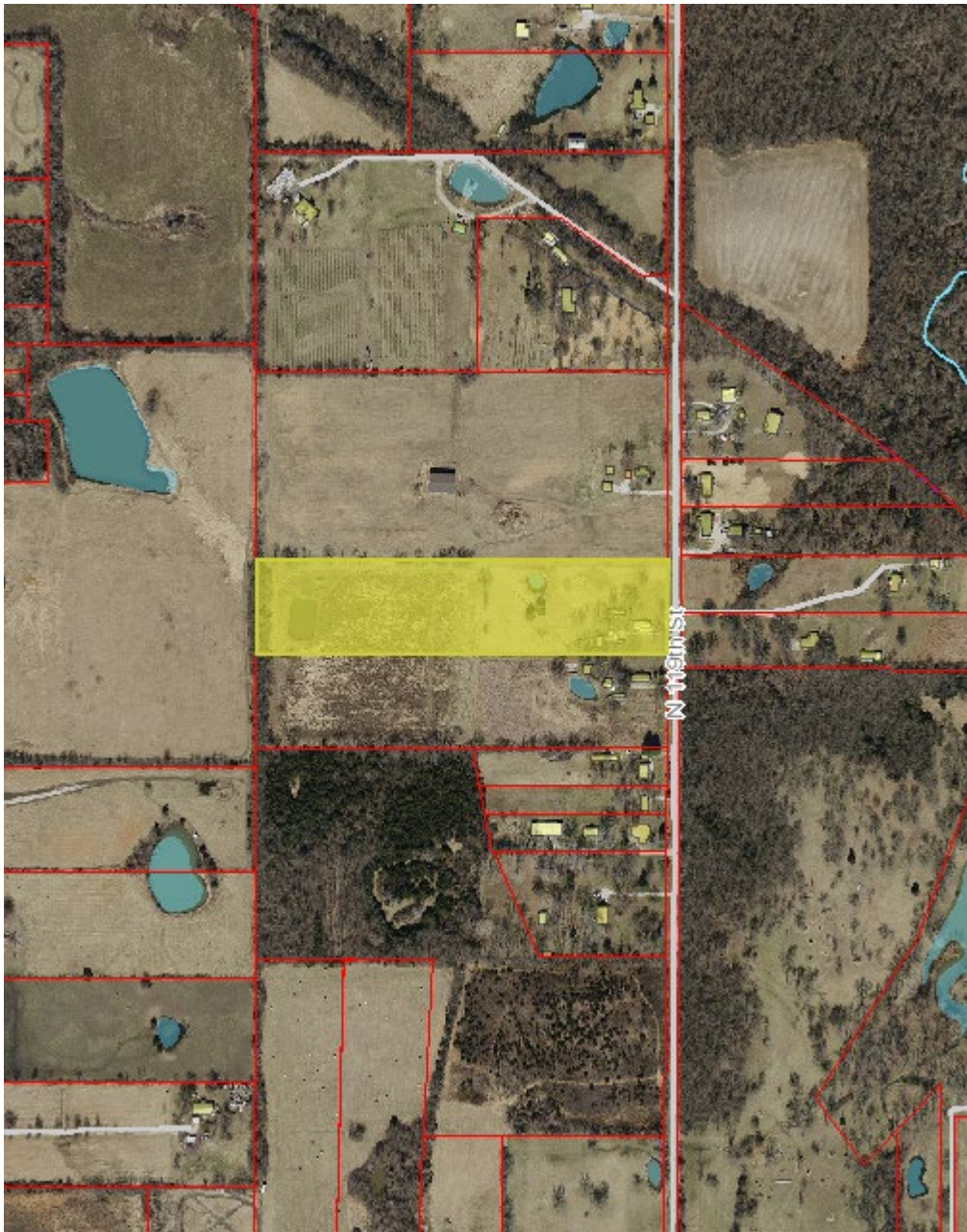
Pauley Aye
Reasons Aye
Motion to APPROVE Passed: 8 to 0
Subject to:

1. No more than six (6) guests are allowed to stay at the short-term rental at once;
2. As the property managers, the applicants must provide and maintain their current contact information with their neighbors, as defined as property owners within 200 feet of the subject property, and must update said neighbors if any contact information changes;
3. All parking must be off-street, maximum number of vehicles is two (2);
4. The applicants must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 www.hostcompliance.com/tips;
7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
8. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

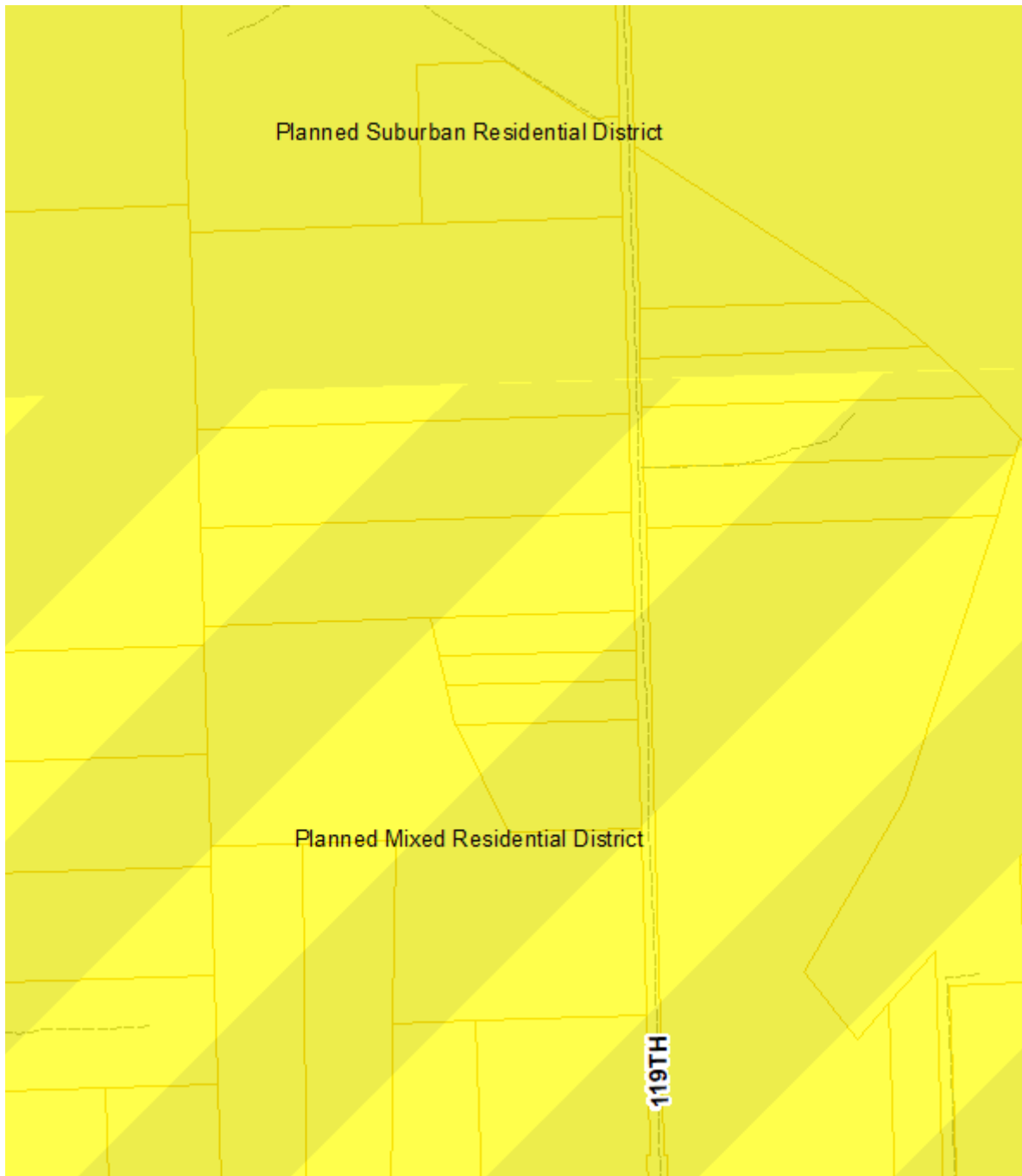
Zoning Map:



Aerial Map:



Land Use Map:



Site Photographs Provided by the Applicant:



Upper Left: Front view of the primary residence.

Upper Right: Back view of the primary residence.

Below: Side view of the primary residence.



Site Photographs Provided by Staff, Dated March 24, 2021:







Occupation Tax Receipt:

HOME OCCUPATION PERMIT UNIFIED GOVERNMENT, WYANDOTTE COUNTY - KANSAS CITY, KS

Pursuant to the provisions of Chapter 27 of the Code of Ordinances of Kansas City, Kansas, the following petition for a home occupation permit is submitted.

NAME: Michael and Andrea Gekas

ADDRESS: 2624 N. 119th Street Kansas City, KS 66109

HOME PHONE: _____ BUSINESS PHONE: _____ FAX: _____

ADDRESS OF PROPERTY: 2716 N. 119th Street Kansas City, KS 66109

PRESENT USE OF PROPERTY: Our home

CURRENT ZONING CLASSIFICATION OF PROPERTY: R (Wyco) Rural Residence District

BRIEF DESCRIPTION OF INTENDED HOME OCCUPATION:

What is the business activity? Short-term rental

What will be done in the home? Short-term rental

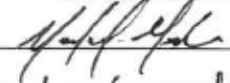
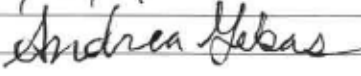
I hereby certify that the proposed home occupation is to be conducted wholly within my home located at the above-mentioned address and I will not violate any restrictions of the city of Kansas City, Kansas or those set forth as follows:

- (1) No exterior advertising or identification signs will be erected
- (2) Only members of the immediate family residing on the premises will participate in the business
- (3) No outside display showing any non-residential use will be present on the property
- (4) No machinery will be used that will interfere with adjacent neighbor's radios or televisions
- (5) No heavy equipment or trucks of greater than 10,000 pounds GVWR shall be stored on the premises (only a single such truck) other than customary passenger vans or pick-up trucks shall be permitted
- (6) There will be no noise or odors that will adversely affect neighbors
- (7) Only a phone number will be used for advertising, if any
- (8) No sales of merchandise will be conducted on premises, and no services rendered that will require customer presence
- (9) That no inventory or storage other than immediate samples, are stored on the premises

LEGAL DESCRIPTION OF PROPERTY (WITH TRACT SIZE IN ACRES)

Beginning at a point 11 feet South of the Northwest corner
of the East Half of the Southwest Quarter of Section 33,
Township 10 South, Range 23 East of the 6 th P.M.,
thence East 1320 feet, thence South 297 feet, thence West
1320 feet, thence North 297 feet to the point of beginning,
containing 9 acres more or less.

SIGNATURE OF PROPERTY OWNER(S)

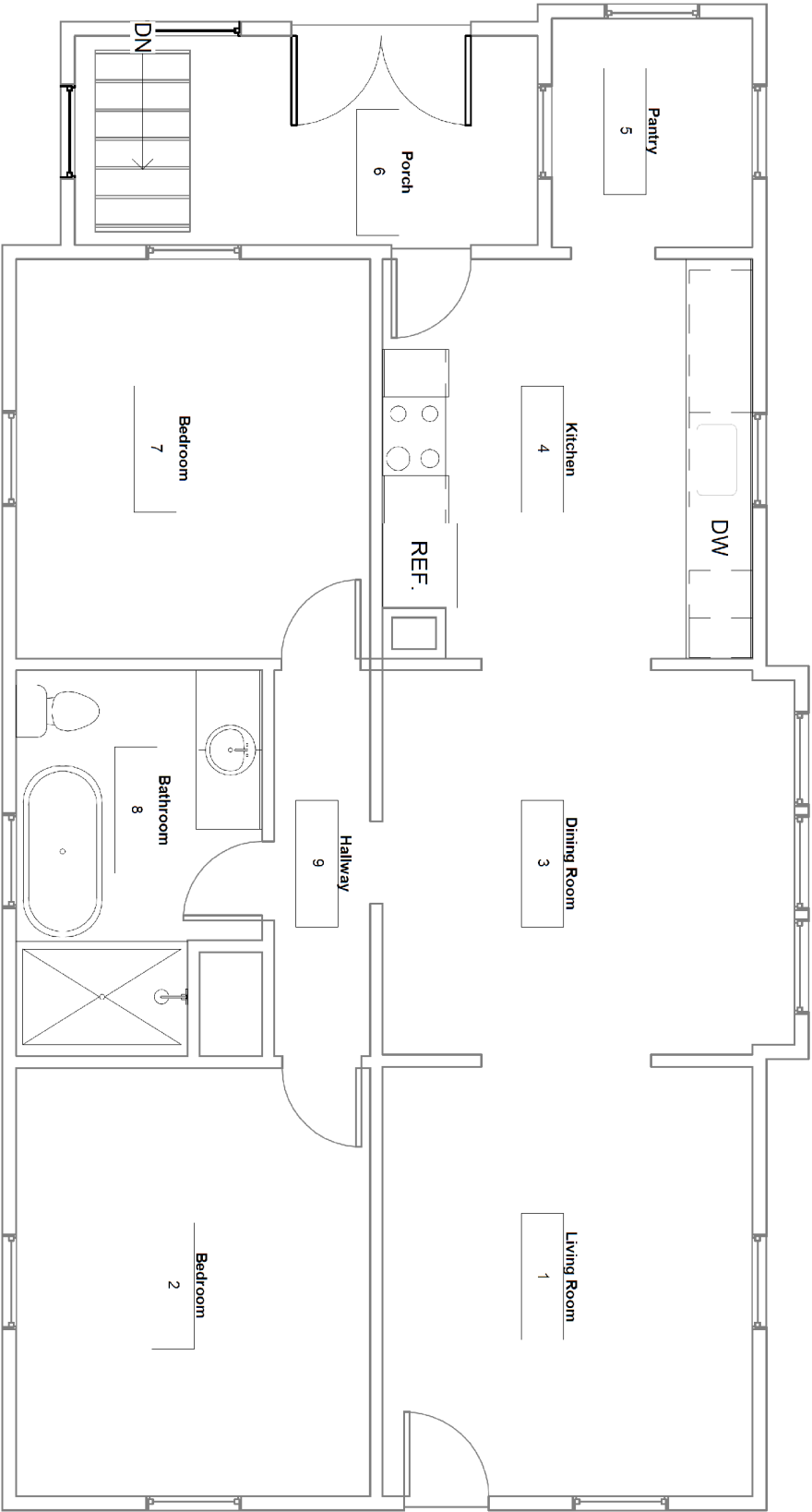



PLANNING AND ZONING STAFF:

APPROVED BY _____

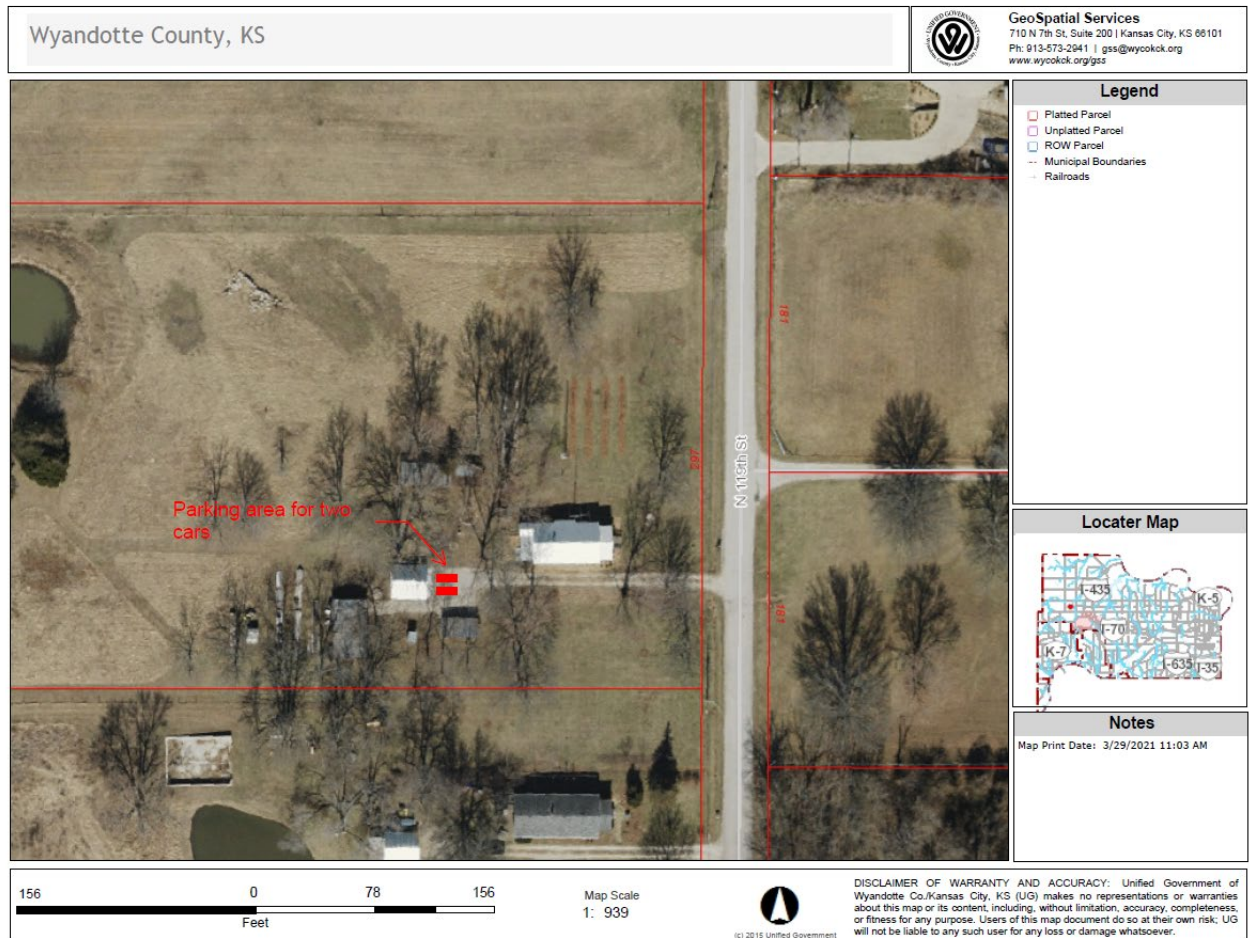
DATE: _____

Floor Plan:



Scale: 3/16" = 1'-0"

Parking Plan



Neighborhood Meeting Materials, March 24, 2021:

Meeting Minutes

Application number: #SP-2021-012

Date and Location: 3/24/21, 6:00 pm, Zoom online video call

Meeting called to order at: 6:00pm

Names of people in attendance:

Michael Gekas

Andrea Gekas

There were no attendees other than the property owners/meeting hosts.

Meeting adjourned at: 6:30pm

Minutes taken by: Michael Gekas

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP-2021-012
2. That I conducted a neighborhood meeting on 3/24/21.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Affiant 

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

My commission expires _____ of _____, 200_.

Notary Public



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: April 29, 2021

Re: SP2021-019

GENERAL INFORMATION

Applicant:

Josh and Allyson Brandon
of The Bar

Status of Applicant:

Representatives
6720½ Kaw Drive
Kansas City, Kansas 66111

Requested Action:

Approval of Special Use Permit.

Date of Application:

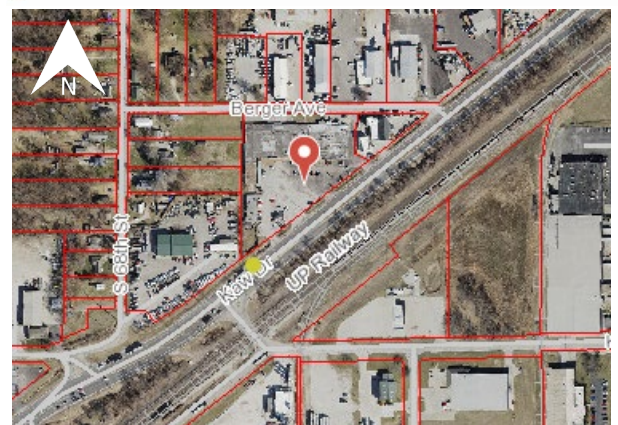
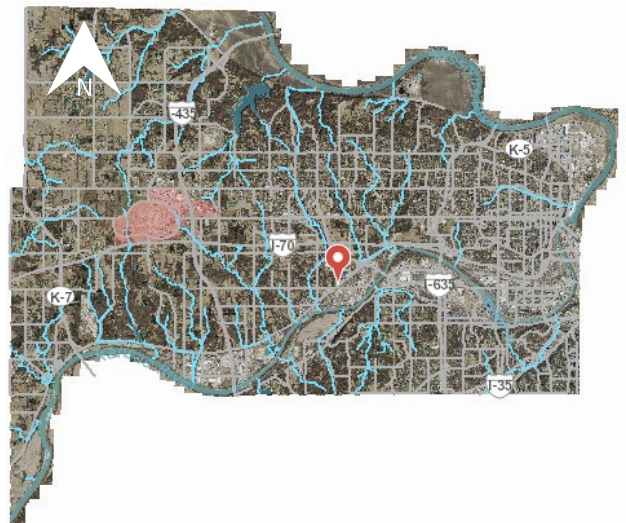
February 26, 2021

Purpose:

For live entertainment in
conjunction with an existing,
legal non-conforming drinking
establishment.

Property Location:

6720½ Kaw Drive
Kansas City, Kansas 66111



Commission Districts:	Commissioner At Large: Melissa Bynum District #8 Commissioner: Dr. Jane Winkler Philbrook
Existing Zoning:	M-2 General Industrial District
Adjacent Zoning:	North: MP-2 Planned General District South: M-3 Heavy Industrial District East: M-3 Heavy Industrial District West: R-1 Single Family and MP-2 Planned General Districts
Adjacent Uses:	North: Industrial Businesses and Single-Family Homes South: Industrial Businesses East: Commercial Businesses West: Industrial Businesses and Single-Family Homes
Total Tract Size:	3.88 Acres
Master Plan Area:	This property is outside of the boundaries of an Area Plan.
Master Plan Designation:	The City-Wide Master Plan designates this area as Business Park. This allows for light industrial uses such as warehouse, distribution, office and limited retail and office (compatible with light industrial uses). Light industries are small-scale and non-polluting. Other uses may include business/research parks and medical facilities.
Major Street Plan:	The Major Street Plan classifies Kaw Drive as a Class A Thoroughfare.
Parking Requirements:	Section 27-469 states that uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. The ratio will vary among occupants and will be determined by the director of planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one space for each 500 square feet of building floor area be provided. For buildings larger than 20,000 square feet, only one (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet.

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

The building is approximately 3,800 square feet. This requires 12 parking spaces. Available parking will be determined once a site plan is received. If the site is unable to meet the parking requirement, the applicant will need to obtain a variance.

Advertisement:	<u>The Wyandotte Echo</u> – March 18, 2021 Letters to Property Owner – March 19, 2021 and April 23, 2021
Public Hearings:	April 12, 2021 and April 29, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Josh and Allyson Brandon, are seeking the approval of a Special Use Permit for live entertainment at an existing drinking establishment known as The Bar. The applicants state that they wish to have small-scale shows and will not exceed the maximum occupancy of the establishment, which is 63 people. This property has been continuously operating as a drinking establishment, under various ownerships, for over 20 years. Because it has been continuously operated as a drinking establishment without interruption, no Special Use Permit is required for serving of alcoholic beverages, however, the code does require the approval of a Special Use Permit for live entertainment.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There has been one (1) Notice of Violation on this property in 2009 for unpermitted signage.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is both industrial and residential in nature, comprised of industrial and businesses to the North, South, East, and West, and single-family homes to the Northwest. The business a tenant in an existing commercial strip mall on Kaw Drive, a Class A Thoroughfare.

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

The zoning and uses are set out above. The proposed use is compatible if properly managed. The proposed use has the potential to create issues related to noise, parking, and other concerns related to overcrowding, including unpermitted signage.

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

This property is suitable for use as a bar or other small commercial business. The property could be suitable for the addition of live entertainment to the existing bar if properly managed. Noise and crowds could be an issue for the single-family homes in the area. The property is adjacent to a Class A Thoroughfare and in a neighborhood that is primarily industrially zoned, but adhering to the sign code, including any outdoor advertising of events is imperative.

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

This property is not vacant. It is an existing commercial business being used as a bar.

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

Special Use Permits are not addressed in the Master Plan. The City-Wide Master Plan designates this property as Business Park. This allows for light industrial uses such as warehouse, distribution, office and limited retail and office (compatible with light industrial uses). Light industries are small-scale and non-polluting. The proposed use does not conform to the Master Plan because it is not a light industrial or office use. The proposed use is to add live entertainment to an existing bar.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of the Class A Thoroughfare to accommodate it if managed properly while it hosts live entertainment. The applicants state that they will not allow more patrons than the maximum capacity of the building allows, which is 63 people.

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 necessary for the welfare of the public but provides a convenience in the form of entertainment. The addition of live entertainment has the potential to create issues of noise and traffic for the adjacent single-family homes and businesses if not managed properly.

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

Noise, vibration, and illumination are issues that are related to live entertainment and could create problems for nearby residents and businesses. Dust is not expected to be an issue.

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 addition of live entertainment in an existing bar.

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

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

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal as it only provides the convenience of entertainment with some economic benefit. If denied, the landowner could not use the property to host live entertainment but could continue to use the property as a drinking establishment, so long as the sales of alcoholic beverages are greater than restaurant food sales, other commercial/retail business, or sell the property.

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

The proposed use could create issues of overcrowding and undue concentrations of population if it is not managed properly. The maximum number of patrons allowed at one time is 63. If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

SP-2010-12 For Live Entertainment in an Existing Bar

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via letter/email on March 15, 2020. Documentation is attached below.

KEY ISSUES

Noise
Parking
Traffic
Illumination
Unpermitted Signage

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2021-019, for one (1) year, subject to:

- 1) Applicants have stated that they will not allow more than the maximum occupancy of the building, which is 63;
- 2) The applicants shall successfully obtain and/or maintain a proper liquor license through the Kansas Department of Revenue Alcoholic Beverage Control;
- 3) The applicant shall comply with all local laws pertaining to the sale, distribution, and consumption of alcohol on and off tavern premises;
- 4) Live events shall not exceed more than three (3) per calendar week;
- 5) Noise from normal activity and from live entertainment shall not disturb the neighboring properties. Regardless, the noise level shall not be greater than 80 decibels at repeated intervals for a sustained length of time at any point on the property line and the day-night noise level average shall not exceed 65 decibels for any residence for a sustained period, per Section 27-469(c)(1)c;
- 6) The windows and doors shall remain closed during any live entertainment events that increase the noise volume above normal bar operations;
- 7) The applicants are required to produce an acceptable security plan by April 21, 2021 before being granted approval by the Board of Commissioners **(This has been completed)**;
- 8) A scale parking plan demonstrating compliance with minimum parking standards must be provided and verified by Staff by April 21, 2021. If the applicants cannot demonstrate that the minimum number of striped and paved parking spaces can be provided, then a variance from the parking minimum will be required **(This has been completed)**;
- 9) According to Section 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;

- 10) Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 11) The applicant must file and maintain a current business occupation tax application and entertainment license;
- 12) 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;
- 13) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
- 14) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2021-019** subject to all comments and suggestions outlined in this staff report, summarized in the minutes and conditions of the City Planning Commission.

ATTACHMENTS

April 12, 2021 City Planning Commission Minutes
Zoning Map
Aerial Map
Land Use Map
Neighborhood Meeting Documentation
Site Photographs Provided by Staff, Dated March 24, 2021
Site Photographs Provided by the Applicants
Floor Plan and Rear Yard Plan Provided by the Applicants
Security Plan
Parking Plan

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 12, 2021	April 29, 2021
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-019** 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 **SP2021-019**, 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.

April 12, 2021 City Planning Commission Minutes:

Hearing starts at 4:01:05:

SPECIAL USE PERMIT APPLICATION SP2021-019 – JOSH AND ALLYSON BRANDON WITH BEAUTIFULLY BARE LP DBA THE BAR - SYNOPSIS: Special Use Permit for live entertainment at 6720 Kaw Drive.

Detailed Outline of Requested Action: The applicants, Josh and Allyson Brandon, are seeking the approval of a Special Use Permit for live entertainment at an existing drinking establishment known as The Bar. The applicants state that they wish to have small-scale shows and will not exceed the maximum occupancy of the establishment, which is 63 people. This property has been continuously operating as a drinking establishment, under various ownerships, for over 20 years. Because it has been continuously operated as a drinking establishment without interruption, no Special Use Permit is required for serving of alcoholic beverages, however, the code does require the approval of a Special Use Permit for live entertainment.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There has been one (1) Notice of Violation on this property in 2009 for unpermitted signage.

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 April 12, 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:

- Joshua Brandon, applicant, 22160 West 97th Terrace, Lenexa, Kansas 66220

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 4:03:55: Planning Director Hand stated that the bar has been in operation since before a Special Use Permit was required for a drinking establishment. This Special Use Permit is for live entertainment. In the conditions of approval staff included a maximum three (3) events per calendar week, and a parking and security plan must be submitted by April 21st before being granted approval by the

Board of Commissioners. There was an old Notice of Violation for signage which has been resolved and closed. Staff has not received any letters in support nor in opposition. Staff recommends approval for one (1) year subject to the conditions in the staff report.

The applicant had a question concerning the security plan and Director Hand asked the applicant to contact staff tomorrow.

Motion and Vote starts at 4:06:10:

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL** of Special Use Permit **SP2021-019** for one (1) year:

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

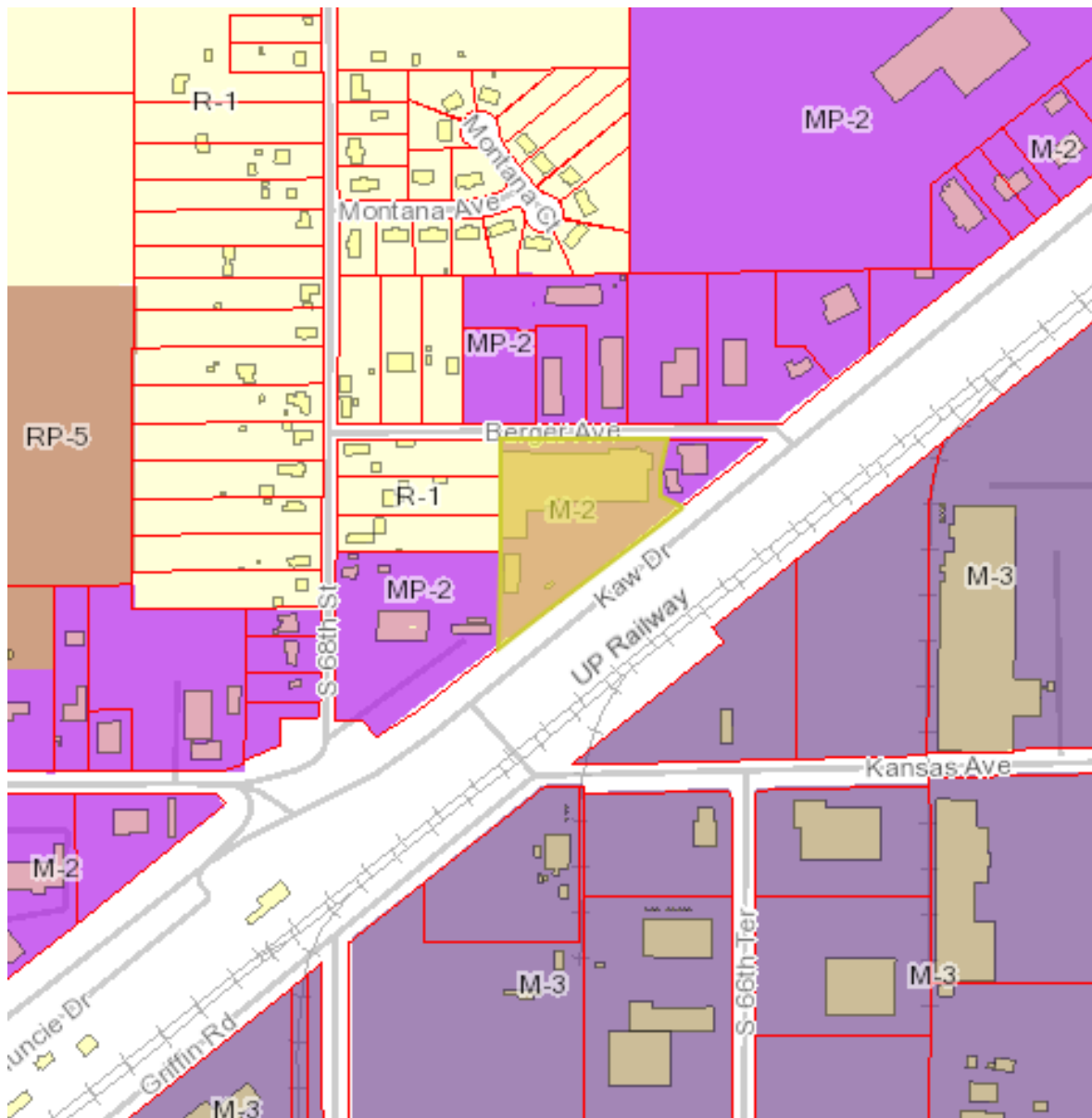
Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

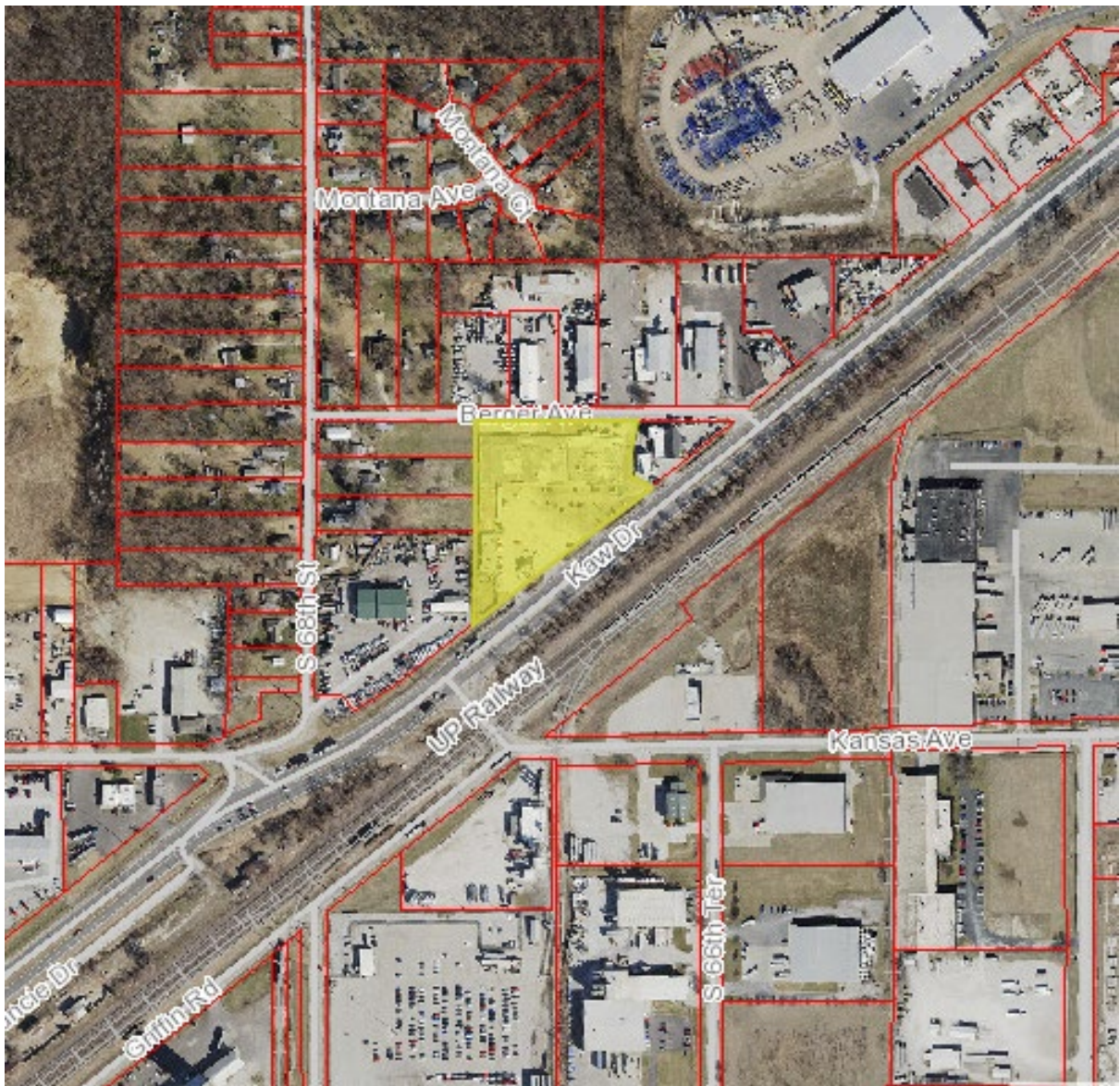
- 1) Applicants have stated that they will not allow more than the maximum occupancy of the building, which is 63;**
- 2) The applicants shall successfully obtain and/or maintain a proper liquor license through the Kansas Department of Revenue Alcoholic Beverage Control;**
- 3) The applicant shall comply with all local laws pertaining to the sale, distribution, and consumption of alcohol on and off tavern premises;**
- 4) Live events shall not exceed more than three (3) per calendar week;**
- 5) Noise from normal activity and from live entertainment shall not disturb the neighboring properties. Regardless, the noise level shall not be greater than 80 decibels at repeated intervals for a sustained length of time at any point on the property line and the day-night noise level average shall not exceed 65 decibels for any residence for a sustained period, per Section 27-469(c)(1)c;**
- 6) The windows and doors shall remain closed during any live entertainment events that increase the noise volume above normal bar operations;**
- 7) The applicants are required to produce an acceptable security plan by April 21, 2021 before being granted approval by the Board of Commissioners;**
- 8) A scale parking plan demonstrating compliance with minimum parking standards must be provided and verified by Staff by April 21, 2021. If the applicants cannot demonstrate that the minimum number of striped and**

- paved parking spaces can be provided, then a variance from the parking minimum will be required;
- 9) According to Section 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;
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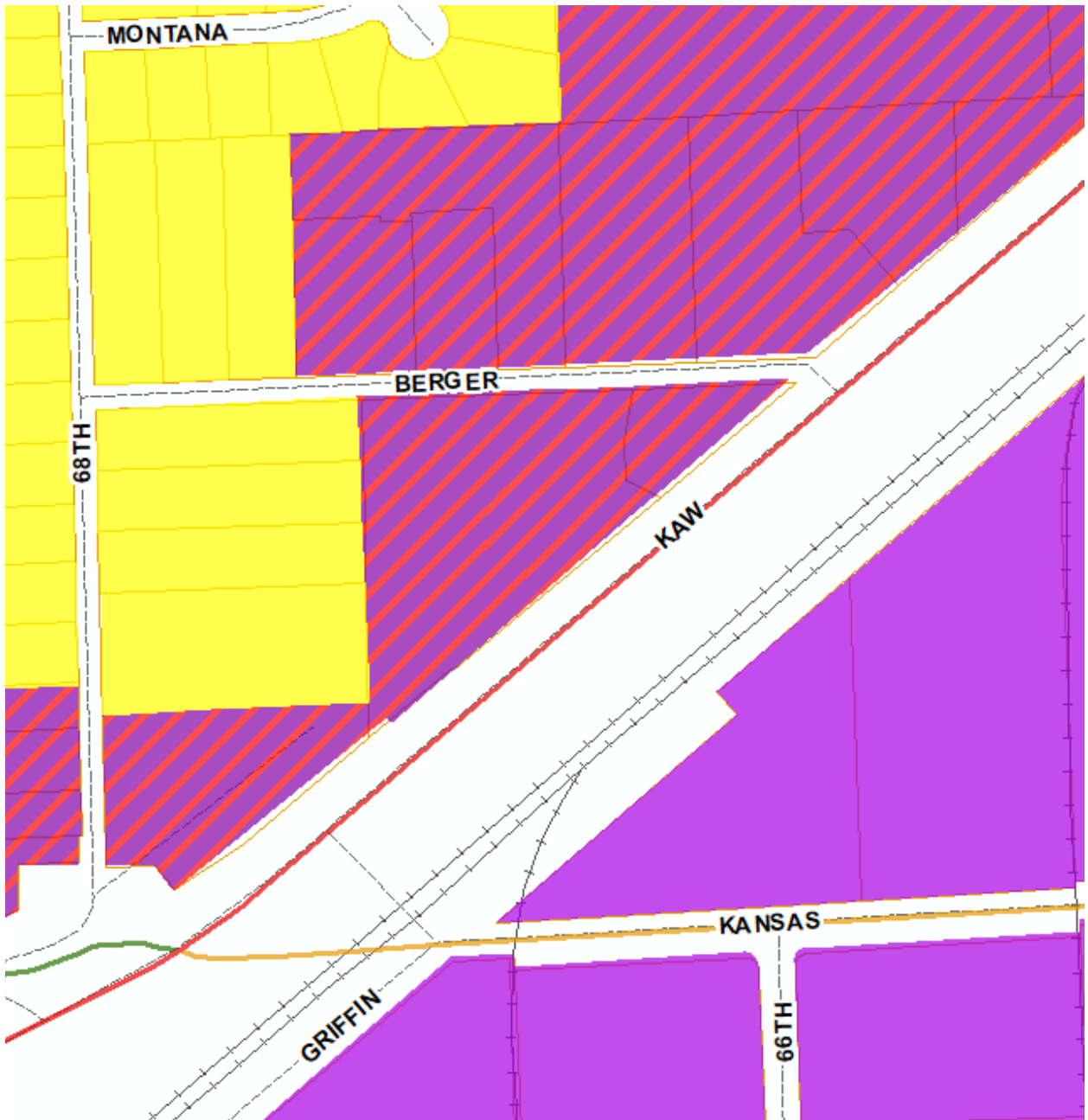
Zoning Map:



Aerial Map:



Land Use Map:



Neighborhood Meeting Documentation:

Date: 03-15-2021

Name Beautifully Bare DBA The BAR

Address 6720 ½ Kaw Drive

City/State/Zip Kansas City, KS 66111

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and

Land Use #SP2021-019-6720 ½ Kaw Drive. The purpose of this:

(please use all that applies)

☒ special use permit

is for a Live entertainment license, which would include DJs, Karaoke, and small local band performances. Security will be provided as necessary based on expected attendance numbers.

at the following address: 6720 ½ Kaw Drive KCKS 66111.

We are having a submission period for questions and comments from 03-19-2021 until 03-28-2021 all questions comments and requests for information must be submitted by 03-28-2021 using either email: thebarkck@gmail.com or phone via 913-626-8079

The purpose of the special use permit is to allow live entertainment at The BAR.

The purpose of this submission period is to answer any questions/concerns you may have.

I look forward to hearing from you if you have any questions or comments regarding this request.

Contact information is:

thebarkck@gmail.com

Phone Number 913-626-8079

Sincerely,

Joshua, and Allyson Brandon

Owners of The BAR.

Site Photographs Provided by Staff, Dated March 24, 2021:

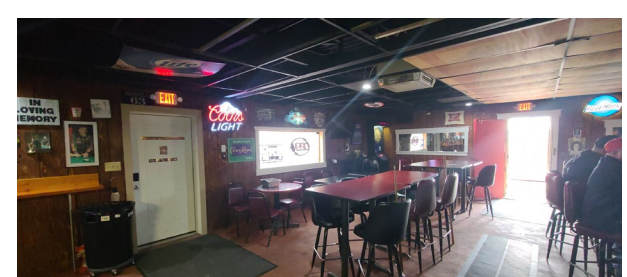
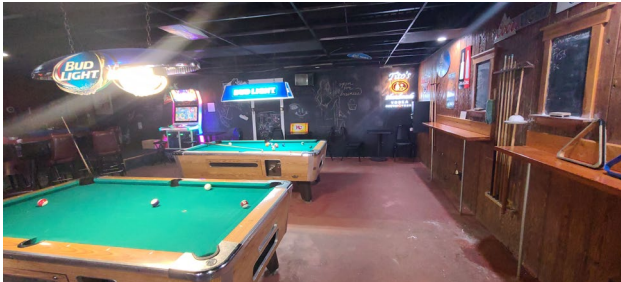




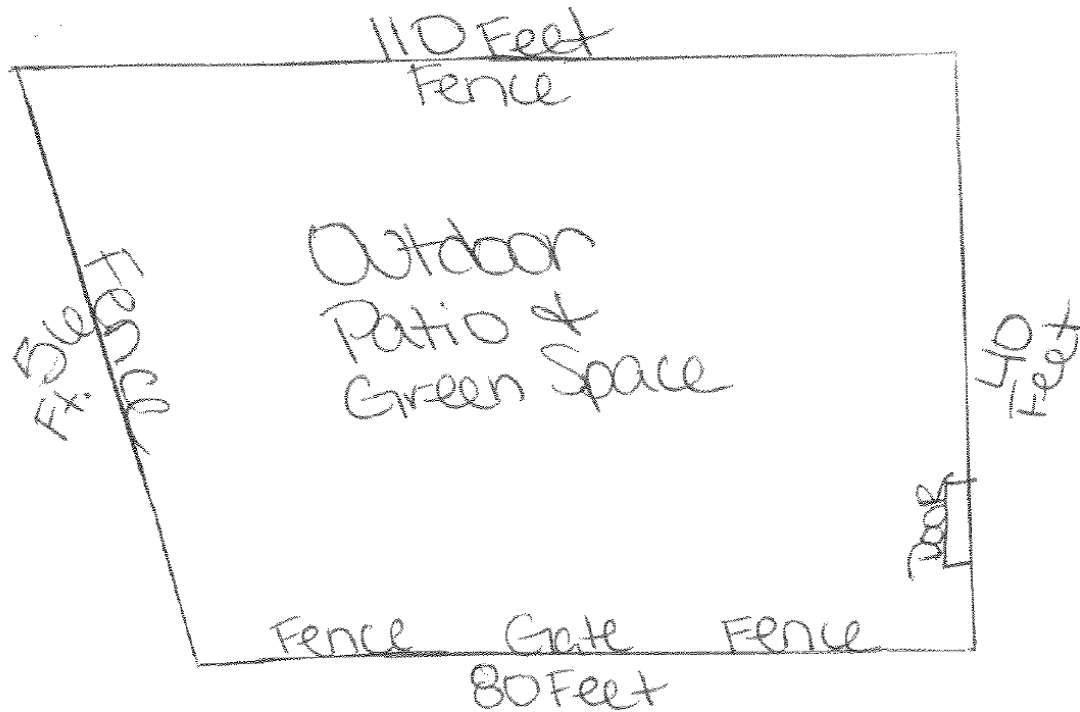
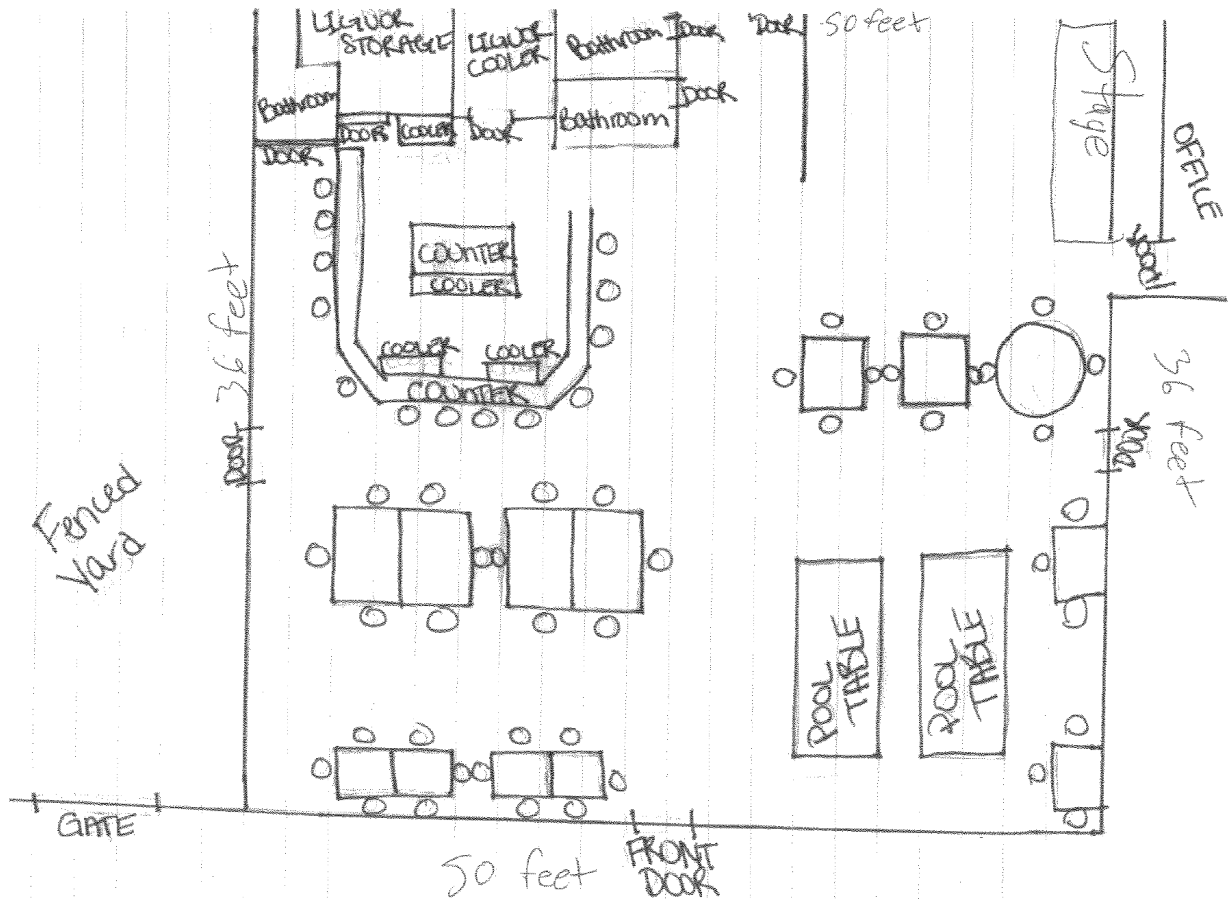
Note:
Banner signs must be
properly permitted.



Site Photographs Provided by the Applicant:



Floor Plan and Rear Yard Plan Provided by the Applicants:



Just wanted to pass along that we now have 28 striped and marked parking spaces including 2 handicap parking spaces. We also have plenty of additional space for more parking if required (we will likely stripe the remaining parking area in the near future just ran out of time before the commission meeting)

Also see below for our current security plan.

And attached for a picture of the parking spaces in progress(I'm not sure how to get a better view without a drone photo or something).

Security plan:

We hope that this information displays our intent to keep all of customers safe and secure as well as to protect our surrounding neighbors. Our current security plan in relation to live entertainment will be very similar to our normal operating process. Currently we have a 10 camera ultra HD camera system that includes motion sensing, face recognition, dvr recordings and remote viewing. In addition during busy times we will have at minimum one member of staff functioning as door security to scan photo IDs using an application that is available on all models of cell phone which verifies DOB, name, and current age using the barcode provided on the back of all US IDs. If necessary we will invest in a stand alone Id scanner, however we feel this application meets the intended requirement of ID verification. Also during live entertainment events that we expect to be busier than average we plan to increase door security to two people to assist with maintaining order in the bar, and surrounding areas. If we ever have an exceptionally busy event planned we also have been in contact with a retired KCK police officer that now handles all of the security needs for Rogers wholesale liquor store and have the capability to bring in outside security when and if it is deemed necessary. Please let me know ASAP if staff feels there is any other information or requirements that need to be met in order to recommend approval of our requested special use permit.





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: April 29, 2021
Re: SP2021-020

GENERAL INFORMATION

Applicant:
Bryan Ruoff

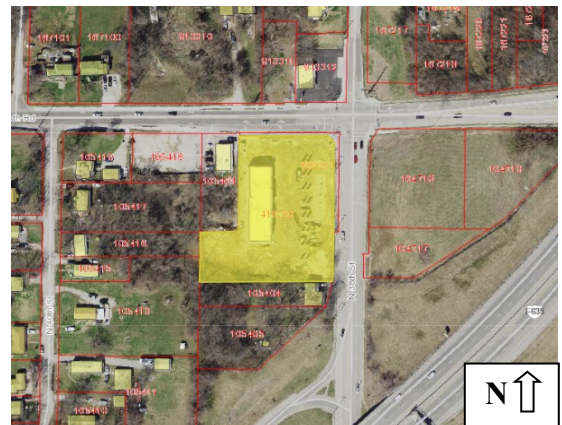
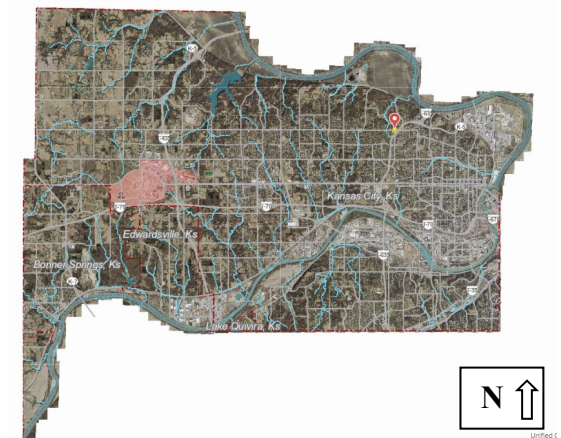
Status of Applicant:
Representative
3F30 Architects
7501 Northwest Tiffany Springs Parkway
Kansas City, MO 64153

Requested Action:
Approval of a Special Use Permit (renewal expires on May 31, 2021).

Date of Application:
February 26, 2021

Purpose:
To continue and expand a liquor store with packaged liquor sales.

Property Location:
3801 Leavenworth Road
Kansas City, KS 66104



Commission Districts:	Commissioner At Large: Melissa Bynum District #1 Commissioner: Gayle Townsend
Existing Zoning:	CP-2 Planned General Business District
Adjacent Zoning:	North: C-1 Limited Business District South: C-1 Limited Business District East: CP-2 Planned General Business District West: C-1 Limited Business District
Adjacent Uses:	North: Restaurant South: Single-family home East: Vacant, undeveloped commercial property West: Convenience store
Total Tract Size:	1.54 Acres
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The Master Plan designates this property as Community Commercial, which allows grocery stores, medium sized box stores, commercial centers with sit-down restaurants, drive-through restaurants, banks, drug stores, service stations, convenience stores, auto-supply stores, general services, etc., car lots, auto body and repair shops and other auto-oriented uses are allowed but will be required to meet additional site design standards.
Major Street Plan:	The Major Street Plan classifies Leavenworth Road as a Class B Thoroughfare and North 38 th Street as a Collector.
Required Parking:	Sec. 27-466(e) 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. Twenty-six (26) spaces are required based on the 6,495 interior square feet. Twenty-nine (29) spaces are provided.
Advertisement:	<u>The Wyandotte Echo</u> – March 18, 2021 Letters to Property Owner – March 19, 2021 and April 23, 2021
Public Hearings:	April 12, 2021 and April 29, 2021
Public Support:	None to date.
Public Opposition:	One letter has been received.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Bryan Ruoff with 3F30 Architects on behalf of the owner, has applied for a special use permit to renew and expand the liquor store by removing a shared tenant wall. The liquor store will be 2,495 square feet located at 3801 Leavenworth Road.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: From 2005 to 2008, there were a series of Code Enforcement violations included illegal dumping and equipment siting on site, weeds and trash, vehicles parked on unimproved surfaces, vehicles improperly licensed and graffiti on the building. The current owner was not the owner during this period.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This is a commercial property on Leavenworth Road near the on and off-ramps for Interstate 635. The property serves as a gateway to western Leavenworth Road and is surrounded by most single-family residential to the north and south of Leavenworth.

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

The surrounding area is zoned commercial, and the proposed use is compatible with the surrounding properties. The shell of the building will not change, so there will be no disruption regarding the interior remodel.

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

Removal of restrictions will not detrimentally affect nearby commercial property, as the liquor store is a continuation of the existing use for the past two (2) years.

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

This property is not vacant and is currently operating as a convenience store/gas station and liquor store.

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

Special Use Permits are not addressed in the Master Plan; however, a retail business conforms to the Community Commercial Land Use designation.

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

The proposed use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it because the site is currently built-out to the maximum extent possible. Expanding the liquor store removes another business that would generate additional vehicular traffic to the site.

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 will provide a convenience for their customers and will not substantially injure the appropriate use, visual quality, or marketability of adjoining property as the building's footprint is remaining the same.

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 or illumination that would normally be associated with the proposed use is not likely to be a problem for near-by property because the exterior of the building is not changing.

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

The proposed use will not create substantial air, land, or water pollution as this proposal is to continue and expand the liquor into a currently vacant tenant space.

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

The proposed use would not damage or destroy an irreplaceable natural resource as all sales are conducted within the building.

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

There is no gain to the public health, safety, or welfare that would result from the approval of this application. The individual landowner would not be able to operate a liquor store if the application is denied but could use the property for various other commercial uses allowed in a CP-2 Planned General Business District.

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

The proposed use would not result in overcrowding of the land or cause undue concentrations of population as there is code compliant parking and proper maneuvering and circulation area on site.

PREVIOUS ACTIONS

- Special Use Permit (#SP-2019-56) renewal was approved by the Board of Commissioners on May 30, 2019.
- Change of Zone (COZ #3159), 38Leavenworth Road Final Plat and Plan Review (#PR-2018-8) for a convenience store and fueling station was approved in January 2019.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 25, 2021 by In-person meeting at 3801 Leavenworth Road, Suite B in the existing liquor store.

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

KEY ISSUES

State requirements for the sale of alcohol
Lighting

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2021-020, for five (5) years, subject to:

1. **Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales.**
If sales of other goods and services from a licensed retailer premise exceeds 20% of total gross sales, all sales of other goods and services exceeding 20% will have to be made from a separate, unlicensed premises. If each premise does not have a separate outside entrance, a vestibule is required;
2. **The hours of operation will remain the same and are per the hours allowed by the State;**

3. Employees will be one (1) or two (2) per shift;
4. Security will remain the same with multiple cameras in operation;
5. If the property is sold, the associated Special Use Permit cannot be transferred;
6. Per 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. Per the Business License Division:
 - a. The business has filed and maintained a current occupation tax application;
8. Per Building Inspection Department:
 - a. A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process;
9. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable;
10. The 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 (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; and,
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.

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 **SP2021-020** subject to all comments and suggestions outlined in this staff report and summarized by the minutes and conditions of the City Planning Commission.

ATTACHMENTS

April 12, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Floor Plan
Site Photographs Provided by Staff dated March 18, 2021
Letter in opposition

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	April 12, 2021	April 28, 2021
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-020** 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 **SP2021-020**, 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.

April 12, 2021 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2021-020 – BRYAN RUOFF WITH 3F30 ARCHITECTS – SYNOPSIS: Renewal and expansion of a Special Use Permit (SP-2019-56 – expired 5/30/2021) for a liquor store with packaged liquor sales at 3801 Leavenworth Road.

Detailed Outline of Requested Action: The applicant, Bryan Ruoff with 3F30 Architects on behalf of the owner, has applied for a special use permit to renew and expand the liquor store by removing a shared tenant wall. The liquor store will be 2,495 square feet located at 3801 Leavenworth Road.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: From 2005 to 2008, there were a series of Code Enforcement violations included illegal dumping and equipment siting on site, weeds and trash, vehicles parked on unimproved surfaces, vehicles improperly licensed and graffiti on the building. The current owner was not the owner during this period.

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 12, 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 publications in The Echo for the Special Use Permits; and,
7. The notices to property owners.

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

Chairman Carson asked if anyone wanted to remove an item from the Consent Agenda. Planning Commissioner Connelly requested that Plan Review Application PR2021-006 for Ben Stephens with Copart of Kansas at 8410 Gibbs Road be removed from the Consent Agenda.

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

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

Motion to APPROVE Passed: 8 to 0

Subject to:

1. **Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales.**
If sales of other goods and services from a licensed retailer premise exceeds 20% of total gross sales, all sales of other goods and services exceeding 20% will have to be made from a separate, unlicensed premises. If each premise does not have a separate outside entrance, a vestibule is required;
2. **The hours of operation will remain the same and are per the hours allowed by the State;**
3. **Employees will be one (1) or two (2) per shift;**
4. **Security will remain the same with multiple cameras in operation;**
5. **If the property is sold, the associated Special Use Permit cannot be transferred;**
6. **Per 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. **Per the Business License Division:**
 - a. **The business has filed and maintained a current occupation tax application;**
8. **Per Building Inspection Department:**
 - a. **A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process;**
9. **Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable;**

- 10. The 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 (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; and,**
- 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.**



Figure 1. Aerial Map of 3801 Leavenworth Road as outlined in yellow (provided by UG Maps).

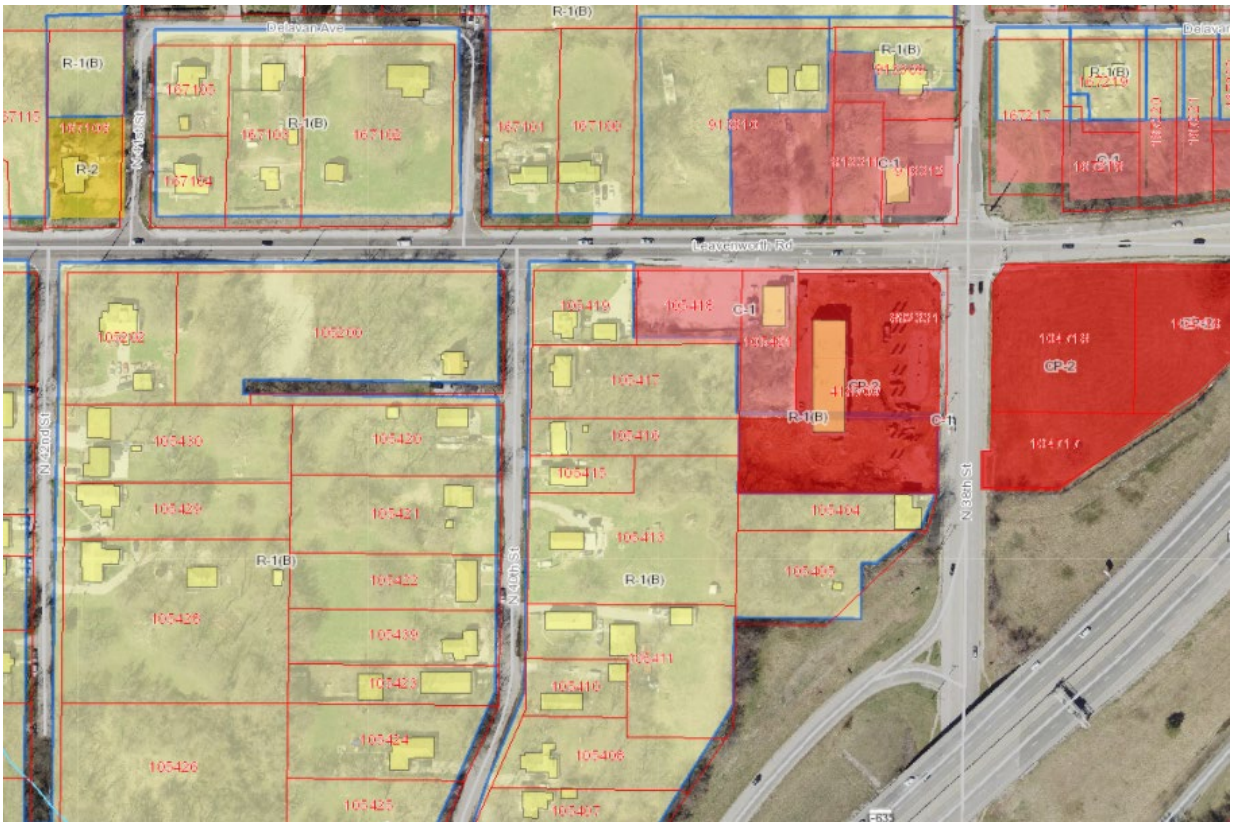


Figure 2. Zoning Map of 3801 Leavenworth Road as outlined in blue (provided by UG Maps).



7501 NW Tiffany Springs Pkwy, Suite 240, Kansas City, MO 64153 – (p) 816-801-7070 (f) 816-801-7074

March 30, 2021

Byron Toy, AICP
Unified Government
701 N. 7th St, Suite 423
Kansas City, KS 66101

Re: Xpress Liquor, 3801 Leavenworth Rd
SP2021-020
Response to Staff Report - draft

Byron,

The draft Staff Report has been received and reviewed by both the owner and me. My comments below.

1. Acknowledged
2. Acknowledged
3. Acknowledged. Note, there is a wall in the hallway separating the convenience store from the liquor store.
4. The hours of operation will remain the same and are per the hours allowed by the state. Employees will be 1 or 2 per shift. Lighting will be as existing. Security will remain the same with multiple cameras in operation.
5. Acknowledged
6. The wall sign is existing and will not be changed.
7. Agreed
8. Acknowledged

The owner respectfully requests the longest renewal period that the Planning Commission feels comfortable with.

Thank you for your assistance on this project,



Bryan Ruoff

3F30 Architects
7501 NW Tiffany Springs Pkwy
Suite 240
Kansas City, MO 64153



7501 NW Tiffany Springs Pkwy, Suite 240, Kansas City, MO 64153 – (p) 816-801-7070 (f) 816-801-7074

Neighborhood Meeting

March 25, 2021

Xpress Liquor
3801 Leavenworth Road

The meeting was started at 6:00 PM at the project site 3801 Leavenworth Rd, Ste b.

In attendance were Bryan Ruoff, 3F30 Architects and Jay Jamal, Xpress Marts. After waiting until after 7:00 and no one arrived for the meeting, it was officially adjourned.

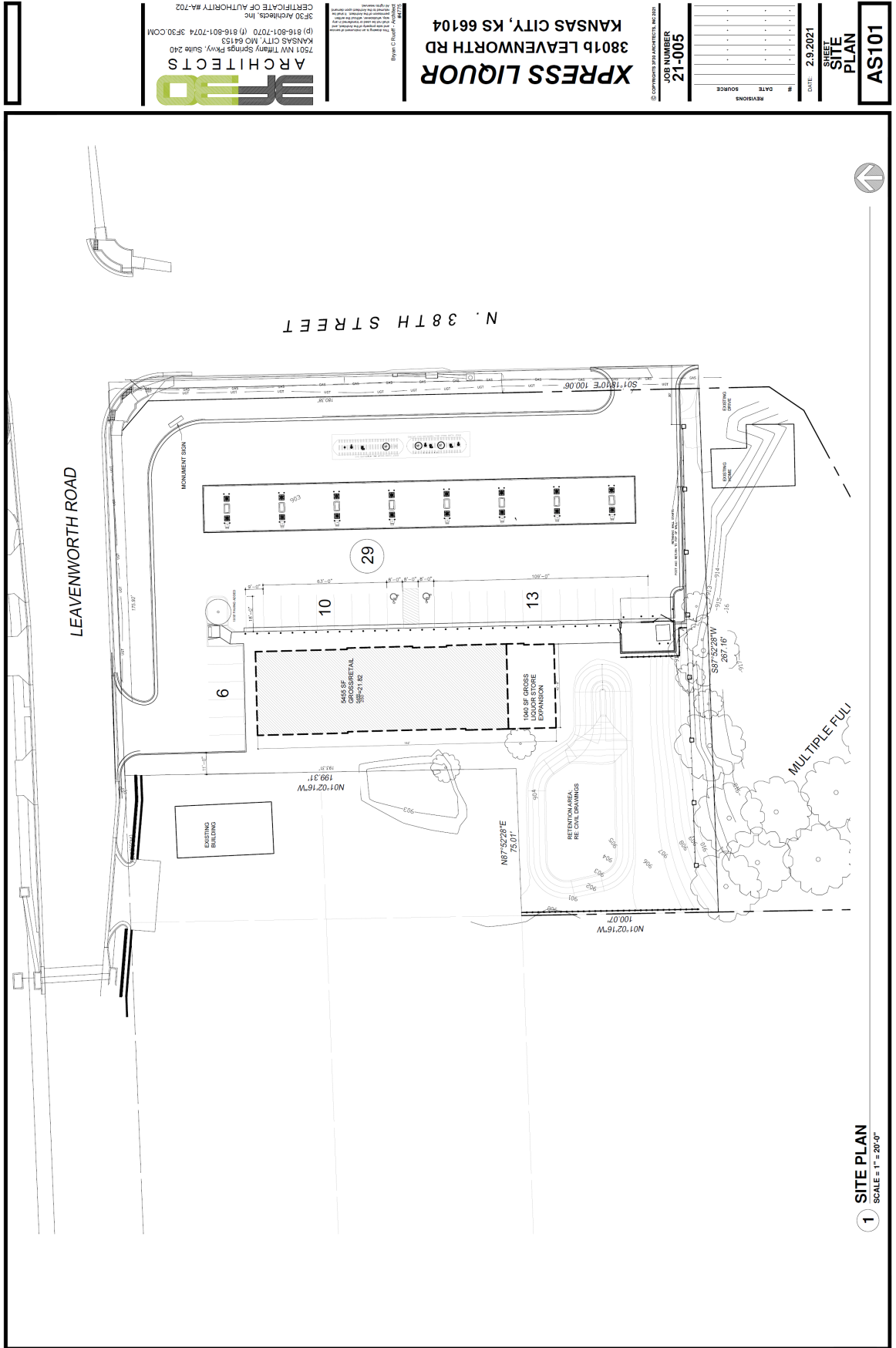
Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Bryan Ruoff', is written over the typed name.

Bryan Ruoff
AIA, CSI, LEED AP, CDT, NCARB

President

3F30 Architects



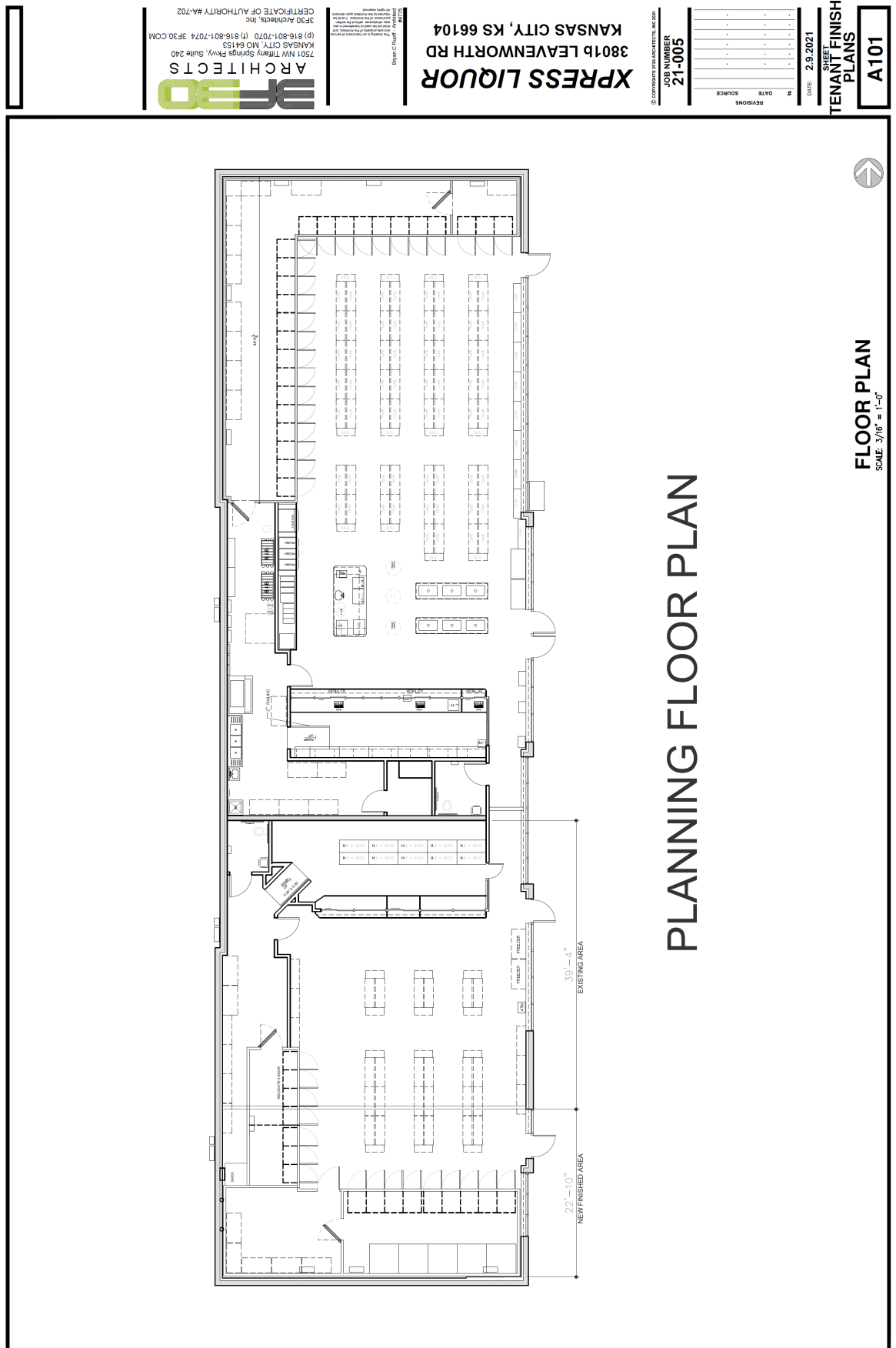




Figure 3. Site Photograph of 3801 Leavenworth Road taken on March 18, 2021.



Figure 4. Site Photograph of 3801 Leavenworth Road taken on March 18, 2021.

5/29/2021

The newest planning and in the
Urban Design at the Express Mart
in Kansas City, Kansas and Bryan Ruoff

Petitioner: Christine Allen

In my call to the Owner of Express Mart,
I expressed from my observance of his operation
of the Express Mart. When he opens the
next part of operation, will the traffic
go out from a Leavenworth Road Exit
or will traffic go out 33rd street on the South
at 38th street. The 38th Road is unacceptable
at this time because of traffic and there is
such a lack of yielding as customers leave the
Express Mart now. In addition, Jay as the owner needs
have Foundation Repair checks I believe the
horrible house shaking is happening and one tree has
fallen on petitioner's property within the 1st 2 weeks
of the owner's construction. The city or Highway on
the Southside have been called about tree on the South
side, my hopes will be that this will ^{be} handled, as
I am now a widow and I need understanding and
the death of me or another family member can now
happen the wind can cause this with the Spring Storms.
Other trees need to go please, and a sign placed on the
South end to yield for customers sake. I have not been
driving out but I would like to drive out of my
Driveway, thank you Department of Planning and
Urban Design 701 North 7th street K.C.K

Christine L. Allen
Petitioner



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: April 29, 2021

Re: Petition SP-2020-105

GENERAL INFORMATION

Applicant:
Monserratt Perez-Mera

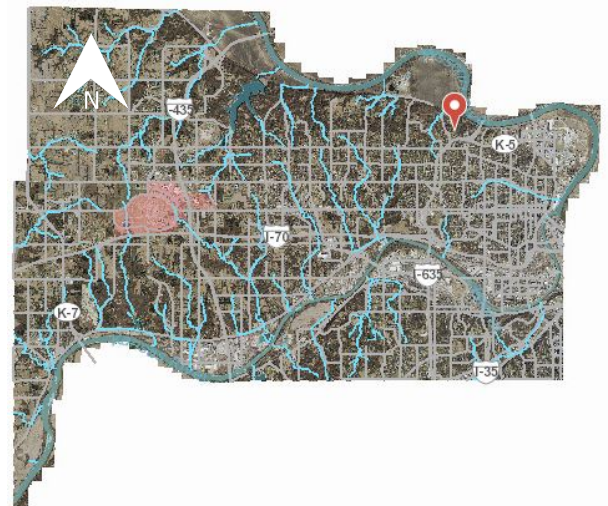
Status of Applicant:
Property Owner
3500 North 32nd Terrace
Kansas City, Kansas 66104

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, February 26, 2021 and April 23, 2021
Public Hearings:	January 11, 2021, February 8, 2021, February 25, 2021, March 25, 2021 and April 29, 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.

The Board of Commissioners held over this application at the March 25, 2021 meeting for further discussion with the applicant. The applicant has not responded to emails or phone calls from staff.

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 minutes and 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	Held Over March 25, 2021
	Approval	Held Over April 29, 2021

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

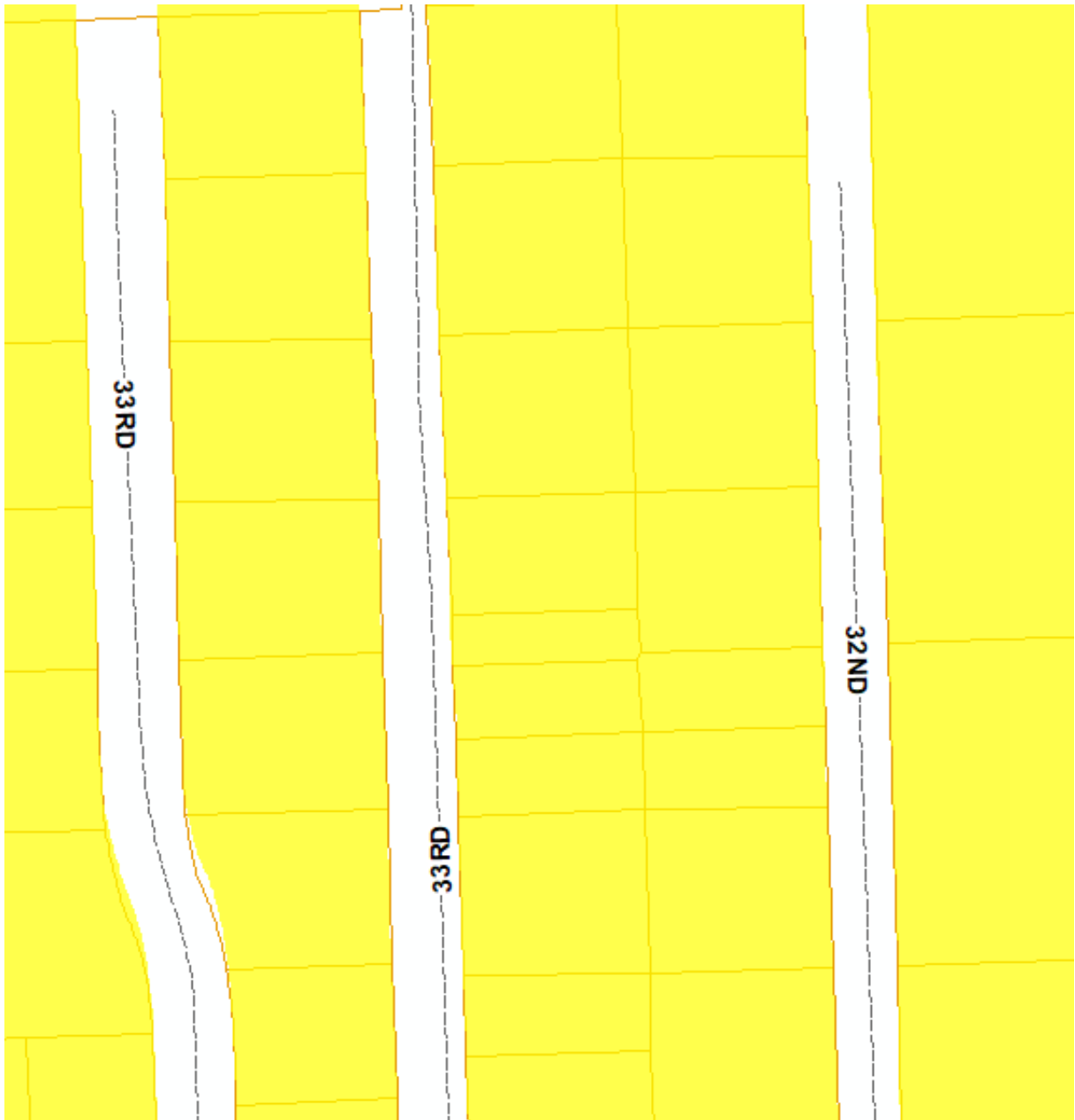
Motion to RECOMMEND APPROVAL Passed: 9 to 0

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.

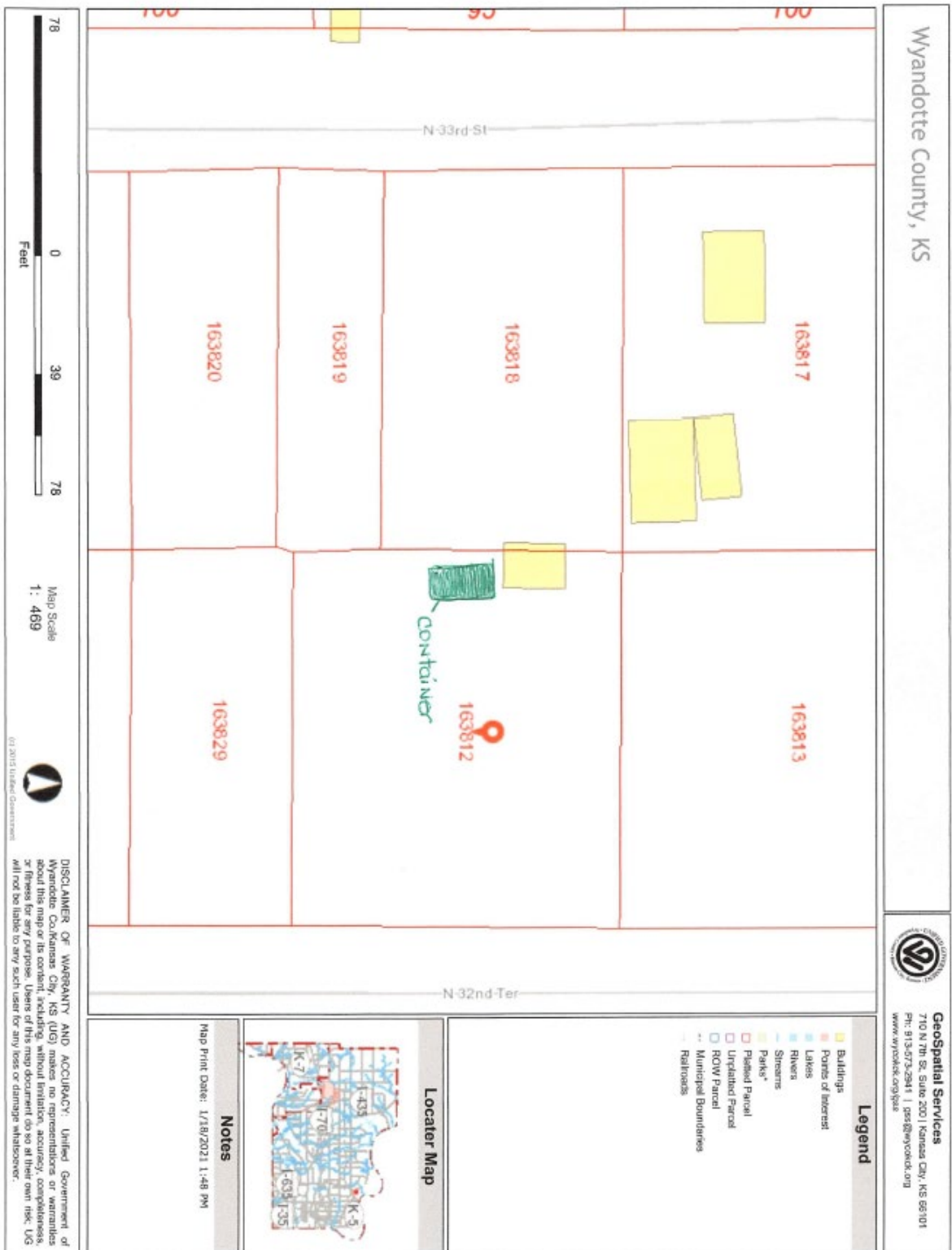
If there are any questions or concerns, feel free to contact me by phone or email.

Tel: 913-206-7896

Email: donguero913@gmail.com

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

Diagram:



Site Photographs Provided by Applicant:







Conservation District Comments:



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

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

November 17, 2020

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

Dear Mr. Hand:

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

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

MAPS AND REPORTS

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

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

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

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures



MAP 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 (K_{sat}), content of organic matter, and depth to the water table are the most important factors considered in evaluating the potential for frost action. It is assumed that the soil is not insulated by vegetation or snow and is not artificially drained. Silty and highly structured, clayey soils that have a high water table in winter are the most susceptible to frost action. Well drained, very gravelly, or very sandy soils are the least susceptible. Frost heave and low soil strength during thawing cause damage to pavements and other rigid structures.

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

Report—Soil Features

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

Data Source Information

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



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: April 29, 2021

Re: VAC2021-001

GENERAL INFORMATION

Applicant:
Bob Becker

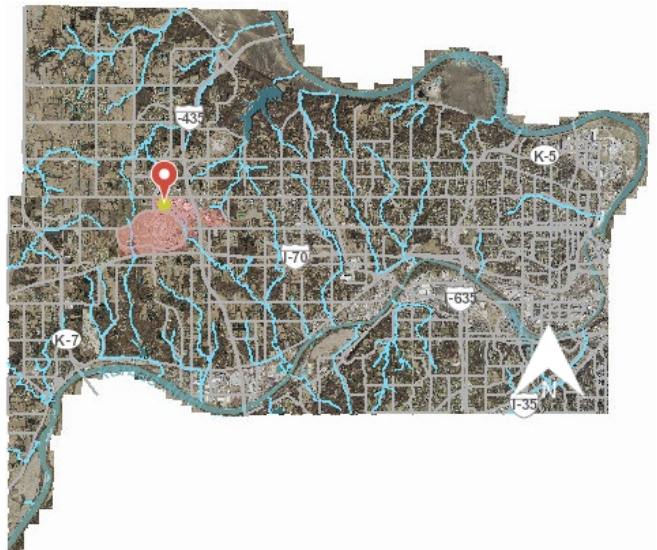
Status of Applicant:
Representative
Legends 267, LLC.

Requested Action:
Approval to Vacate an Electrical
Easement.

Date of Application:
February 26, 2021

Purpose:
To vacate the rights of the electrical
easement.

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



Commissioner Districts:	Commissioner At Large: Tom Burroughs District #7 Commissioner: James F. (Jim) Walters		
Existing Zoning:	RP-6 Planned High Rise Apartment District		
Adjacent Zoning:	North:	CP-2 Planned General Business District	
	South:	CP-2 Planned General Business District	
	East:	CP-2 Planned General Business District	
	West:	CP-2 Planned General Business District	
Adjacent Uses:	North:	Commercial Businesses	
	South:	Commercial Businesses	
	East:	Commercial Businesses/The Legends Mall	
	West:	Commercial Businesses	
Neighborhood Characteristics:	The neighborhood is commercial in nature, with several retail businesses and professional offices along major thoroughfares. The Legends Mall is to the East.		
Total Tract Size:	2.45 Acres		
Master Plan Area:	Prairie Delaware Piper Master Plan after amendment was approved.		
Master Plan Designation:	This property has recently been approved for a Master Plan Map Amendment. The City-Wide Master Plan designates this property as High Density Residential. This allows for attached owner and renter occupied mid-rise and high-rise residential developments.		
Major Street Plan:	The Major Street plan classifies Parallel Parkway as a Class A Thoroughfare and Village West Parkway as a Class B Thoroughfare.		
Parking Requirement:	Section 27-461 states that one (1) parking space shall be provided for each dwelling unit that has one (1) bedroom or less; provided, however, that buildings designed solely for senior and retired persons need provide no more than one (1) parking space for each three dwelling units. One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more; provided, however, that buildings designed solely for senior and retired persons shall provide parking as required by the Planning Commission.		

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

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

Advertisement:	<u>Wyandotte Echo</u> – March 18, 2021 Letters to Property Owners – March 19, 2021 and April 23, 2021
Public Hearings:	April 12, 2021 and April 29, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Bob Becker of Legends 267, LLC, is requesting the vacation of an electrical easement at 1879 Village West Parkway. This property was recently approved for a Change of Zone to RP-6 High Rise Apartment District and a Master Plan Amendment for High Density Residential for the purpose of developing a 267-unit apartment building. The building will have three (3) stories of parking and five (5) stories of residential space. The electrical easement vacation is necessary to begin construction of the project. This vacation request is being heard in conjunction with **VAC2021-002**, **VAC2021-003**, and **VAC2021-004**.

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

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

FACTORS TO BE CONSIDERED

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

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

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

- a. Water service***

Municipal water service is provided.

b. Sanitary sewer service

To be designed to meet City Code.

c. Storm water control

Municipal storm water control is provided.

d. Police

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

e. Fire

Fire service provided by Station #12.

f. Transit

KCATA provides transportation to this location on the 101 State Avenue line. The nearest stop on the Eastbound line is 1875 Village West Parkway. The nearest stop on the Westbound line is located at 1800 Village West Parkway. Both are approximately 0.13 miles away.

g. Schools

Public education is provided by Piper USD 203.

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

Streets will be designed to provide a safe, convenient, and functional system for vehicular traffic, and having such width, gradient, location, and structural quality as to accommodate prospective traffic.

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

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

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

and enhanced.

The site is currently being used as a paved surface parking lot. The proposed apartment complex development includes plans for landscaping the area.

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

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

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

This will be determined.

PREVIOUS ACTIONS

COZ #2583
COZ-0004
PR2020-33
MPL-2020-014
VAC2021-002, VAC2021-003, & VAC2021-004 (simultaneous vacation requests)

KEY ISSUES

Undefined Utility Conflicts

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Vacation Application VAC2021-001, subject to:

- 1) Approval of simultaneous vacation cases VAC2021-002, VAC2021-003, and VAC2021-004;**
- 2) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,**
- 3) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petition **VAC2021-001** subject to all comments and suggestions outlined in this staff report and the minutes and conditions of the City Planning Commission.

ATTACHMENTS

April 12, 2021 City Planning Commission Minutes
Zoning Map
Aerial Map
Land Use Map
Electric Easement Vacation Exhibit A
Electric Easement Vacation Exhibit B

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 12, 2021	April 29, 2021
Vacation	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **VAC2021-001**, as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **VAC2021-001**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

April 12, 2021 City Planning Commission Minutes:

Hearing starts at 4:25:13:

VACATION APPLICATION VAC2021-001 – BOB BECKER WITH LEGENDS 267, LLC SYNOPSIS: Vacation of electrical easement 1 at 1879 Village West Parkway.

VACATION APPLICATION VAC2021-002 – BOB BECKER WITH LEGENDS 267, LLC SYNOPSIS: Vacation of electrical easement 2 at 1879 Village West Parkway.

VACATION APPLICATION VAC2021-003 – BOB BECKER WITH LEGENDS 267, LLC SYNOPSIS: Vacation of a sanitary sewer easement at 1879 Village West Parkway.

VACATION APPLICATION VAC2021-004 – BOB BECKER WITH LEGENDS 267, LLC SYNOPSIS: Vacation of utility easement at 1879 Village West Parkway.

Detailed Outline of Requested Action: The applicant, Bob Becker of Legends 267, LLC, is requesting the vacation of an electrical easement at 1879 Village West Parkway. This property was recently approved for a Change of Zone to RP-6 High Rise Apartment District and a Master Plan Amendment for High Density Residential for the purpose of developing a 267-unit apartment building. The building will have three (3) stories of parking and five (5) stories of residential space. The electrical easement vacation is necessary to begin construction of the project. This vacation request is being heard in conjunction with VAC2021-002 (electrical easement 2), VAC2021-003 (sanitary sewer easement), and VAC2021-004 (utility easement).

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

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 12, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notices in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 4:28:07: Planning Director Hand stated that these applications are in conjunction with the recently approved multi-family apartment project on an existing Legends surface parking lot. There was a replat associated with the Change of Zone for that project that did not include these utility vacations at that time. These easements now need to be vacated. Staff has received no letters in support or opposition and recommends approval of the Vacation applications subject to the conditions in the staff report.

Motion and Vote starts at 4:29:35:

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Vacation Application VAC2021-001:**

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

- 1) Approval of simultaneous vacation cases VAC2021-002, VAC2021-003, and VAC2021-004;**
- 2) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,**
- 3) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

On motion by Ms. Huey, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL** of **Vacation Application VAC2021-002**:

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

- 1) **Approval of simultaneous vacation cases VAC2021-001, VAC2021-003, and VAC2021-004;**
- 2) **Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,**
- 3) **Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

On motion by Ms. Huey, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL** of **Vacation Application VAC2021-003**:

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

- 1) **Approval of simultaneous vacation cases VAC2021-001, VAC2021-002, and VAC2021-004;**
- 2) **Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,**

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

On motion by Ms. Huey, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL of Vacation Application VAC2021-004:**

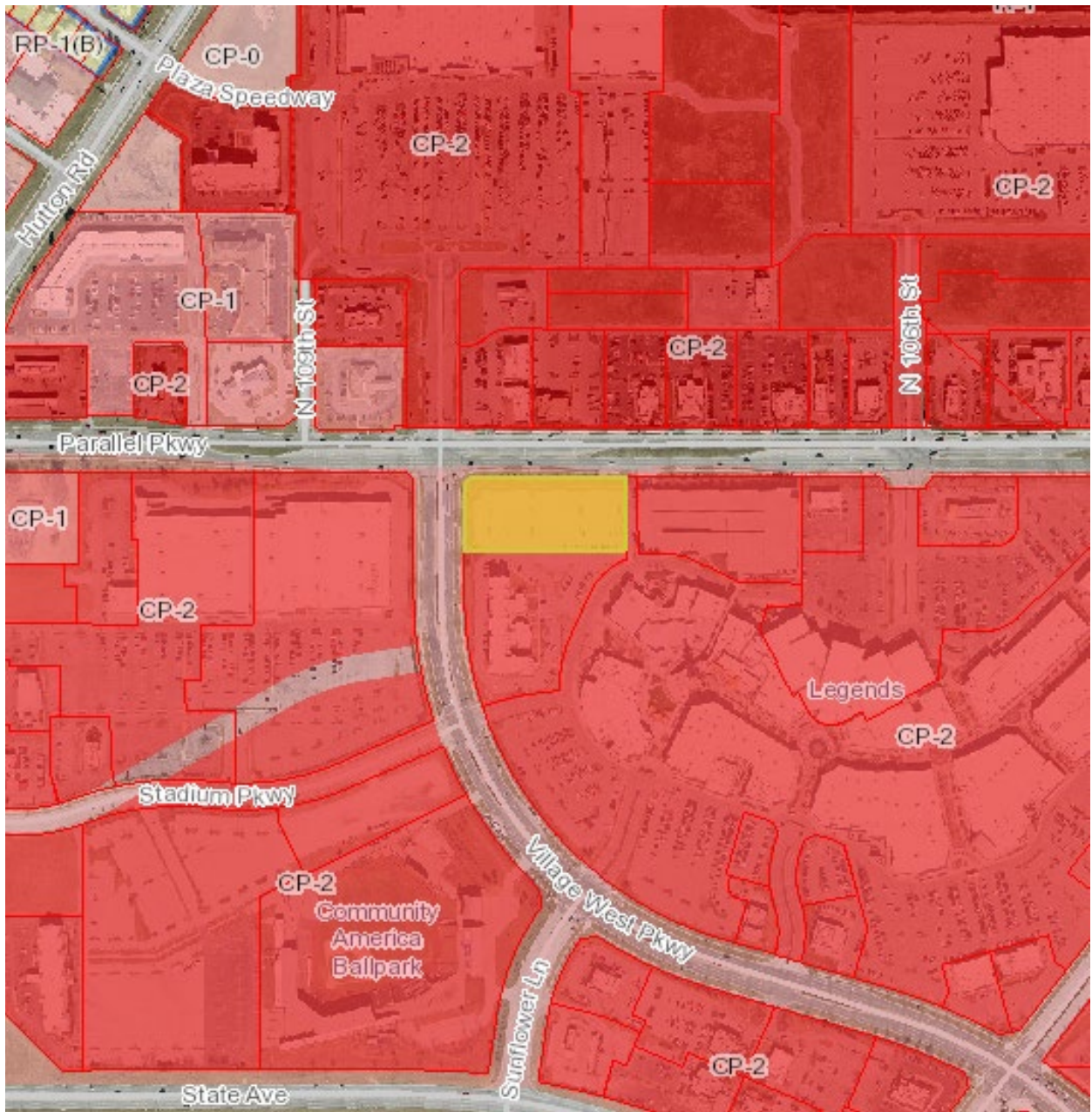
Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Reasons	Aye

Motion to RECOMMEND APPROVAL Passed: 8 to 0

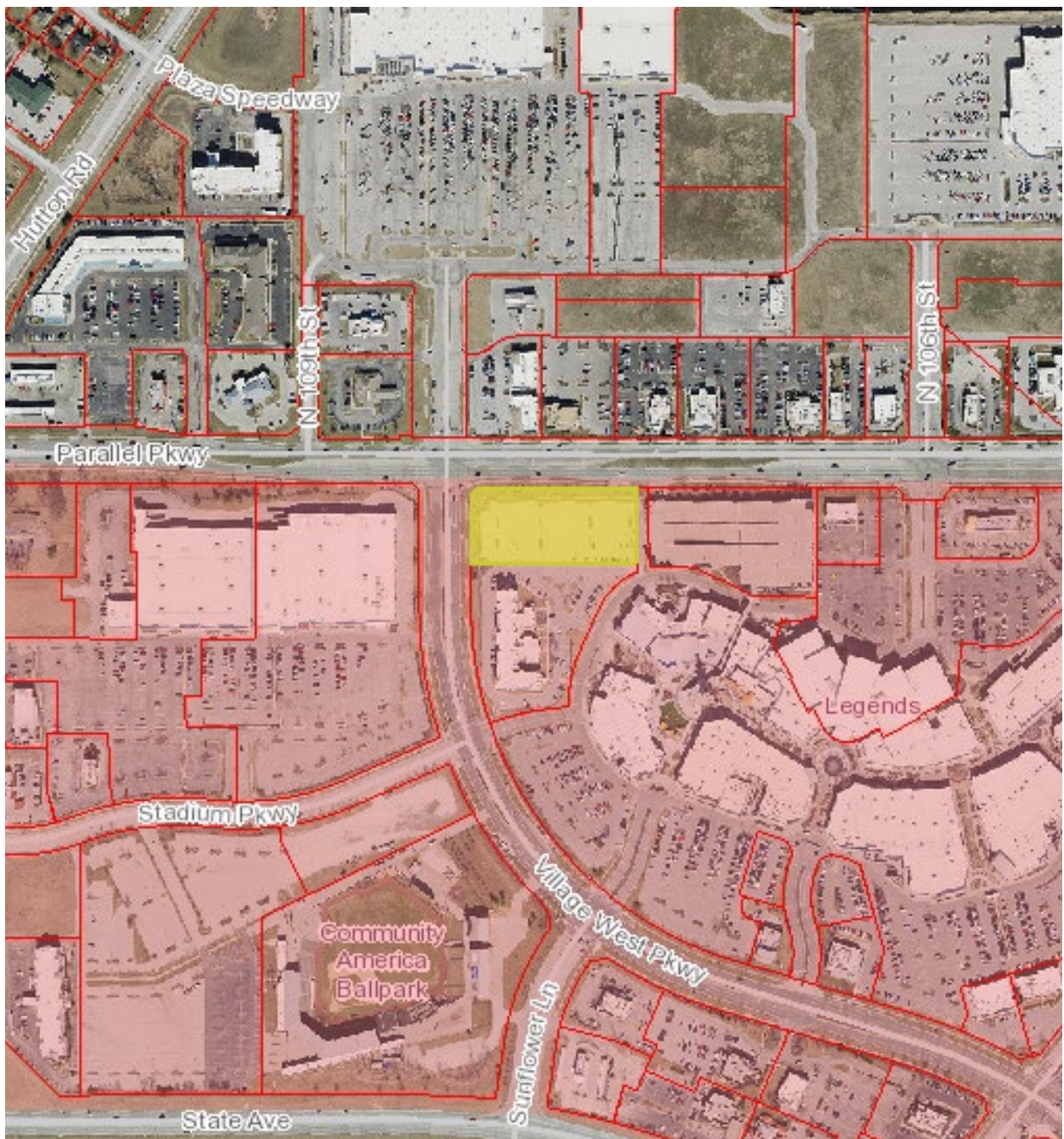
Subject to:

- 1) Approval of simultaneous vacation cases VAC2021-001, VAC2021-002, and VAC2021-003;
- 2) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
- 3) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

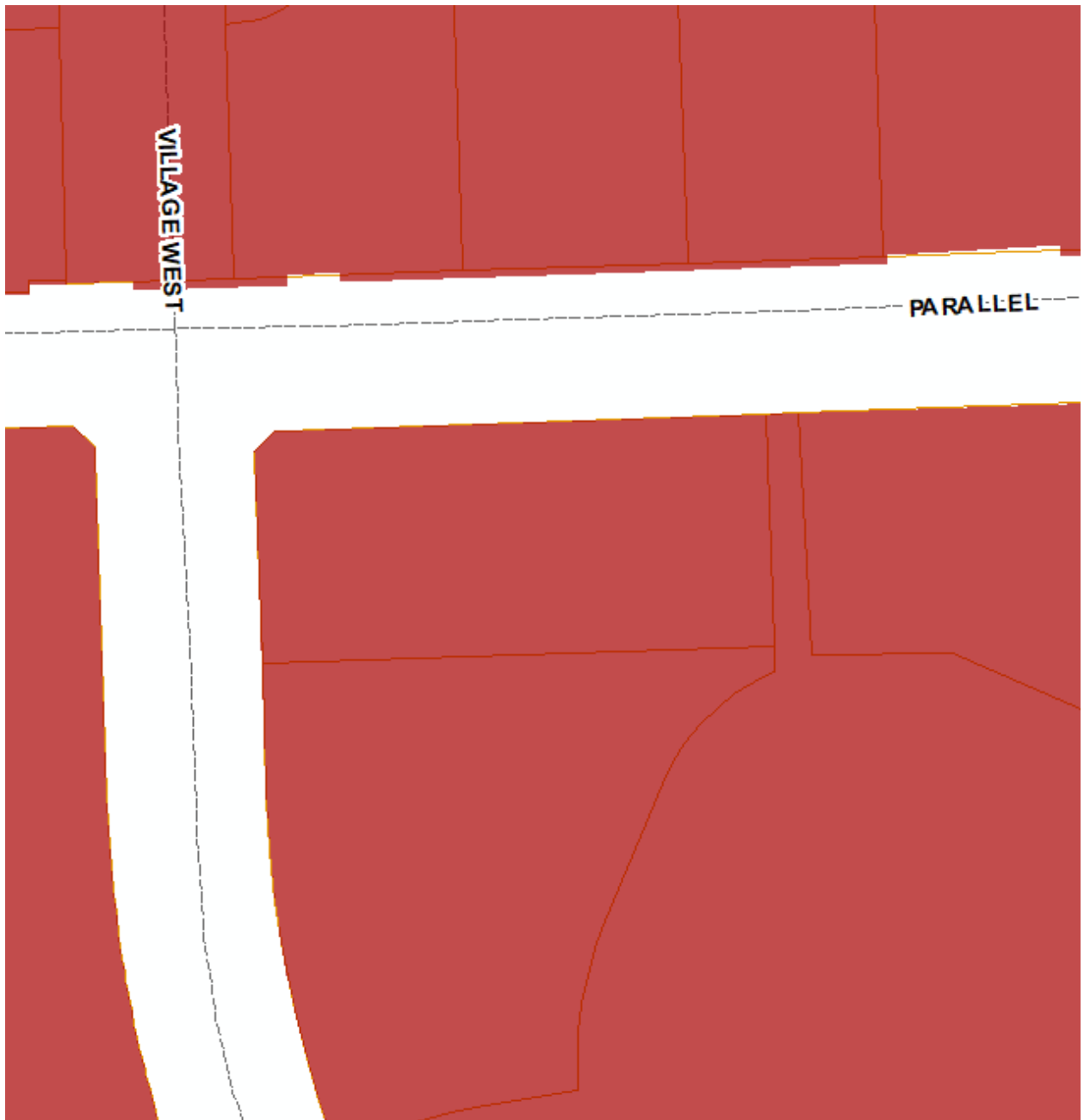
Zoning Map:



Aerial Map:



Land Use Map:



Electric Easement Vacation Exhibit A:

EXHIBIT A

PERMANENT ELECTRIC EASEMENT VACATION

A VACATION OF A PERMANENT ELECTRIC EASEMENT RECORDED AS DOCUMENT NO. 2010R-05012 IN BOOK 5684 PAGE 308 ACROSS LOT 33, THE LEGENDS AT VILLAGE WEST, FIFTH PLAT, DOCUMENT NUMBER 2014R-14291 BOOK 44 PAGES 76 AND 77, A SUBDIVISION OF LAND IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 11 SOUTH, RANGE 23 EAST OF THE 6TH PRINCIPAL MERIDIAN IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 33, THE LEGENDS AT VILLAGE WEST, FIFTH PLAT; THENCE ALONG THE SOUTHERLY LOT LINE OF SAID LOT 33, SOUTH 88 DEGREES 02 MINUTES 00 SECONDS WEST, A DISTANCE OF 238.90 FEET; THENCE NORTH 01 DEGREES 58 MINUTES 00 SECONDS WEST, A DISTANCE OF 87.58 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 25 DEGREES 34 MINUTES 03 SECONDS EAST, A DISTANCE OF 14.67 FEET;
THENCE NORTH 55 DEGREES 26 MINUTES 22 SECONDS EAST, A DISTANCE OF 66.91 FEET;
THENCE NORTH 13 DEGREES 39 MINUTES 47 SECONDS WEST, A DISTANCE OF 10.70 FEET;
THENCE SOUTH 55 DEGREES 26 MINUTES 22 SECONDS WEST, A DISTANCE OF 75.08 FEET;
THENCE NORTH 64 DEGREES 25 MINUTES 57 SECONDS WEST, A DISTANCE OF 5.05 FEET;
THENCE SOUTH 25 DEGREES 34 MINUTES 03 SECONDS WEST, A DISTANCE OF 15.88 FEET;
THENCE SOUTH 64 DEGREES 25 MINUTES 57 SECONDS EAST, A DISTANCE OF 15.89 FEET TO THE POINT OF BEGINNING.

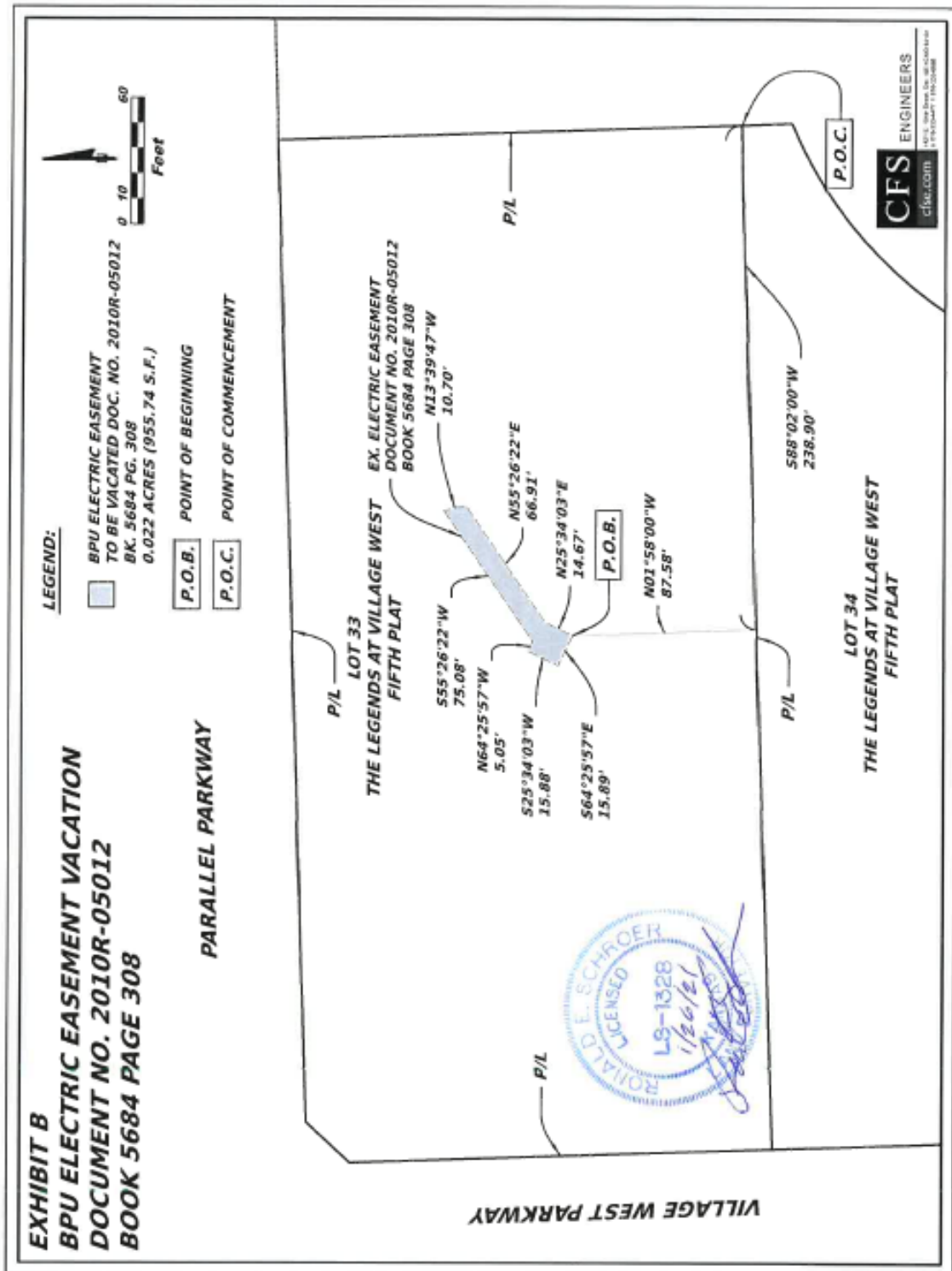
CONTAINING 0.022 ACRES (955.74 SQ. FT.), MORE OR LESS.

I, RONALD E. SCHROER, DO HEREBY CERTIFY THAT THIS REAL PROPERTY DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORD WITH K.S.A. 74-7001 ET SEQ., AND AMENDMENTS THERETO OR THE RULES AND REGULATIONS PROMULGATED BY THE KANSAS BOARD OF TECHNICAL PROFESSIONS.



RONALD E. SCHROER, PS 1328
CFS ENGINEERS
1421 E. 104TH STREET, SUITE 100
KANSAS CITY, MISSOURI 64131
PH: 816-333-4477

Electric Easement Vacation Exhibit B:



25549-ST-SH-BPU-Easement-Vacation.dgn 1/26/2021 11:04:42 AM



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: April 29, 2021

Re: VAC2021-002

GENERAL INFORMATION

Applicant:
Bob Becker

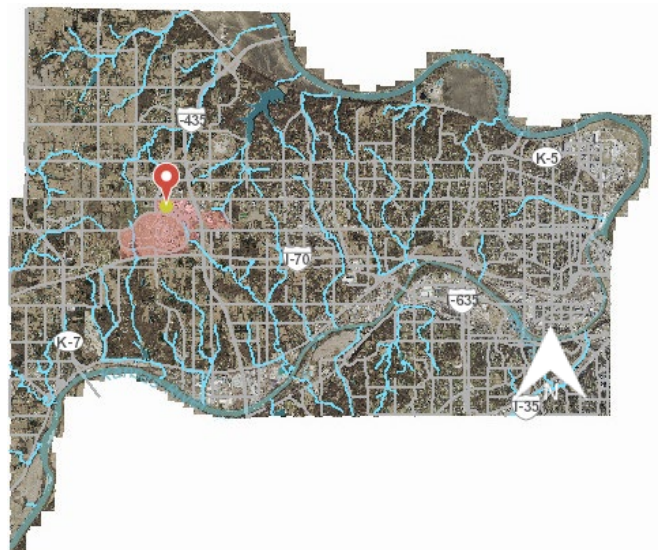
Status of Applicant:
Representative
Legends 267, LLC.

Requested Action:
Approval to Vacate an Electrical
Easement.

Date of Application:
February 26, 2021

Purpose:
To vacate the rights of the electrical
easement.

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



Commissioner Districts:	Commissioner At Large: Tom Burroughs District #7 Commissioner: James F. (Jim) Walters	
Existing Zoning:	RP-6 Planned High Rise Apartment District	
Adjacent Zoning:	North:	CP-2 Planned General Business District
	South:	CP-2 Planned General Business District
	East:	CP-2 Planned General Business District
	West:	CP-2 Planned General Business District
Adjacent Uses:	North:	Commercial Businesses
	South:	Commercial Businesses
	East:	Commercial Businesses/The Legends Mall
	West:	Commercial Businesses
Neighborhood Characteristics:	The neighborhood is commercial in nature, with several retail businesses and professional offices along major thoroughfares. The Legends Mall is to the East.	
Total Tract Size:	2.45 Acres	
Master Plan Area:	City-Wide Master Plan after Master Plan Amendment	
Master Plan Designation:	This property has recently been approved for a Master Plan Map Amendment. The City-Wide Master Plan designates this property as High Density Residential. This allows for attached owner and renter occupied mid-rise and high-rise residential developments.	
Major Street Plan:	The Major Street plan classifies Parallel Parkway as a Class A Thoroughfare and Village West Parkway as a Class B Thoroughfare.	
Parking Requirement:	Section 27-461 states that one (1) parking space shall be provided for each dwelling unit that has one (1) bedroom or less; provided, however, that buildings designed solely for senior and retired persons need provide no more than one (1) parking space for each three dwelling units. One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more; provided, however, that buildings designed solely for senior and retired persons shall provide parking as required by the planning commission.	

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

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

Advertisement:	<u>Wyandotte Echo</u> – March 18, 2021 Letters to Property Owners – March 19, 2021 and April 23, 2021
Public Hearings:	April 12, 2021 and April 29, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Bob Becker of Legends 267, LLC, is requesting the vacation of an electrical easement at 1879 Village West Parkway. This property was recently approved for a Change of Zone to RP-6 High Rise Apartment District and a Master Plan Amendment for High Density Residential for the purpose of developing a 267-unit apartment building. The building will have three (3) stories of parking and five (5) stories of residential space. The electrical easement vacation is necessary to begin construction of the project. This vacation request is being heard in conjunction with **VAC2021-001**, **VAC2021-003**, and **VAC2021-004**.

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

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

FACTORS TO BE CONSIDERED

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

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

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

- a. ***Water service***

Municipal water service is provided.

b. Sanitary sewer service

To be designed to meet City Code.

c. Storm water control

Municipal storm water control is provided.

d. Police

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

e. Fire

Fire service provided by Station #12.

f. Transit

KCATA provides transportation to this location on the 101 State Avenue line. The nearest stop on the Eastbound line is 1875 Village West Parkway. The nearest stop on the Westbound line is located at 1800 Village West Parkway. Both are approximately 0.13 miles away.

g. Schools

Public education is provided by Piper USD 203.

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

Streets will be designed to provide a safe, convenient, and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic.

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

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

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

The site is currently being used as a paved surface parking lot. The proposed apartment complex development includes plans for landscaping the area.

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

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

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

This will be determined.

PREVIOUS ACTIONS

COZ #2583

COZ-0004

PR2020-33

MPL-2020-014

VAC2021-001, VAC2021-003, & VAC2021-004 (simultaneous vacation requests)

KEY ISSUES

Undefined Utility Conflicts

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Vacation Application VAC2021-002, subject to:

- 1) **Approval of simultaneous vacation cases VAC2021-001, VAC2021-003, and VAC2021-004;**
- 2) **Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,**
- 3) **Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petition **VAC2021-002** subject to all comments and suggestions outlined in this staff report and the minutes and conditions of the City Planning Commission.

ATTACHMENTS

April 12, 2021 City Planning Commission Minutes
Zoning Map
Aerial Map
Land Use Map
Electric Easement Vacation Exhibit A
Electric Easement Vacation Exhibit B

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 12, 2021	April 29, 2021
Vacation	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **VAC2021-002**, as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **VAC2021-002**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

April 12, 2021 City Planning Commission Minutes:

Hearing starts at 4:25:13:

VACATION APPLICATION VAC2021-001 – BOB BECKER WITH LEGENDS 267, LLC SYNOPSIS: Vacation of electrical easement 1 at 1879 Village West Parkway.

VACATION APPLICATION VAC2021-002 – BOB BECKER WITH LEGENDS 267, LLC SYNOPSIS: Vacation of electrical easement 2 at 1879 Village West Parkway.

VACATION APPLICATION VAC2021-003 – BOB BECKER WITH LEGENDS 267, LLC SYNOPSIS: Vacation of a sanitary sewer easement at 1879 Village West Parkway.

VACATION APPLICATION VAC2021-004 – BOB BECKER WITH LEGENDS 267, LLC SYNOPSIS: Vacation of utility easement at 1879 Village West Parkway.

Detailed Outline of Requested Action: The applicant, Bob Becker of Legends 267, LLC, is requesting the vacation of an electrical easement at 1879 Village West Parkway. This property was recently approved for a Change of Zone to RP-6 High Rise Apartment District and a Master Plan Amendment for High Density Residential for the purpose of developing a 267-unit apartment building. The building will have three (3) stories of parking and five (5) stories of residential space. The electrical easement vacation is necessary to begin construction of the project. This vacation request is being heard in conjunction with **VAC2021-002 (electrical easement 2)**, **VAC2021-003 (sanitary sewer easement)**, and **VAC2021-004 (utility easement)**.

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

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 12, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notices in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 4:28:07: Planning Director Hand stated that these applications are in conjunction with the recently approved multi-family apartment project on an existing Legends surface parking lot. There was a replat associated with the Change of Zone for that project that did not include these utility vacations at that time. These easements now need to be vacated. Staff has received no letters in support or opposition and recommends approval of the Vacation applications subject to the conditions in the staff report.

Motion and Vote starts at 4:29:35:

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Vacation Application VAC2021-001:**

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

- 1) Approval of simultaneous vacation cases VAC2021-002, VAC2021-003, and VAC2021-004;**
- 2) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,**
- 3) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

On motion by Ms. Huey, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Vacation Application VAC2021-002:**

Carson	Chairman
---------------	-----------------

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

- 1) Approval of simultaneous vacation cases VAC2021-001, VAC2021-003, and VAC2021-004;
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On motion by Ms. Huey, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL** of **Vacation Application VAC2021-003**:

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

- 1) Approval of simultaneous vacation cases VAC2021-001, VAC2021-002, and VAC2021-004;
- 2) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
- 3) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board

of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Ms. Huey, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL of Vacation Application VAC2021-004:**

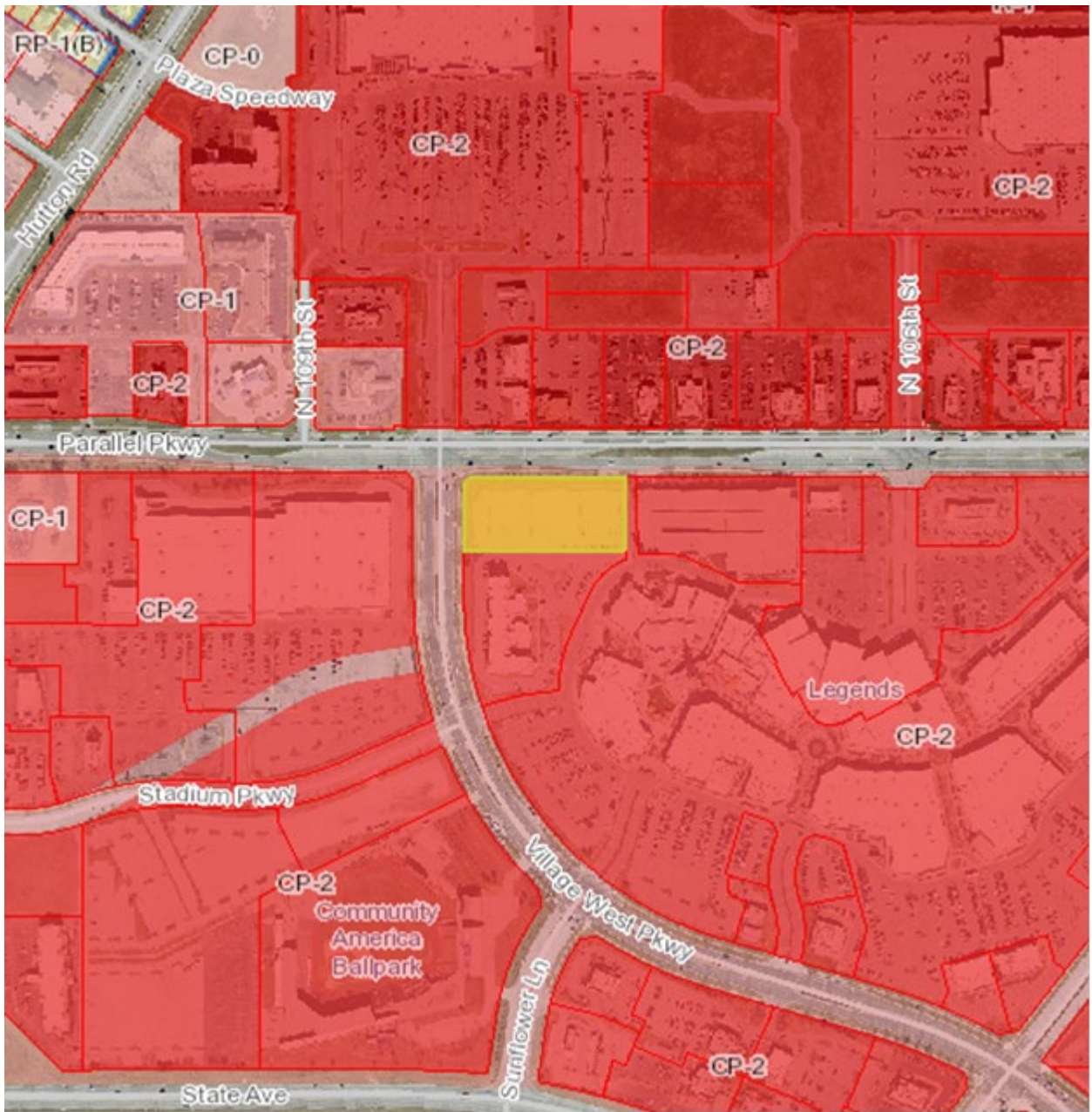
Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Reasons	Aye

Motion to RECOMMEND APPROVAL Passed: 8 to 0

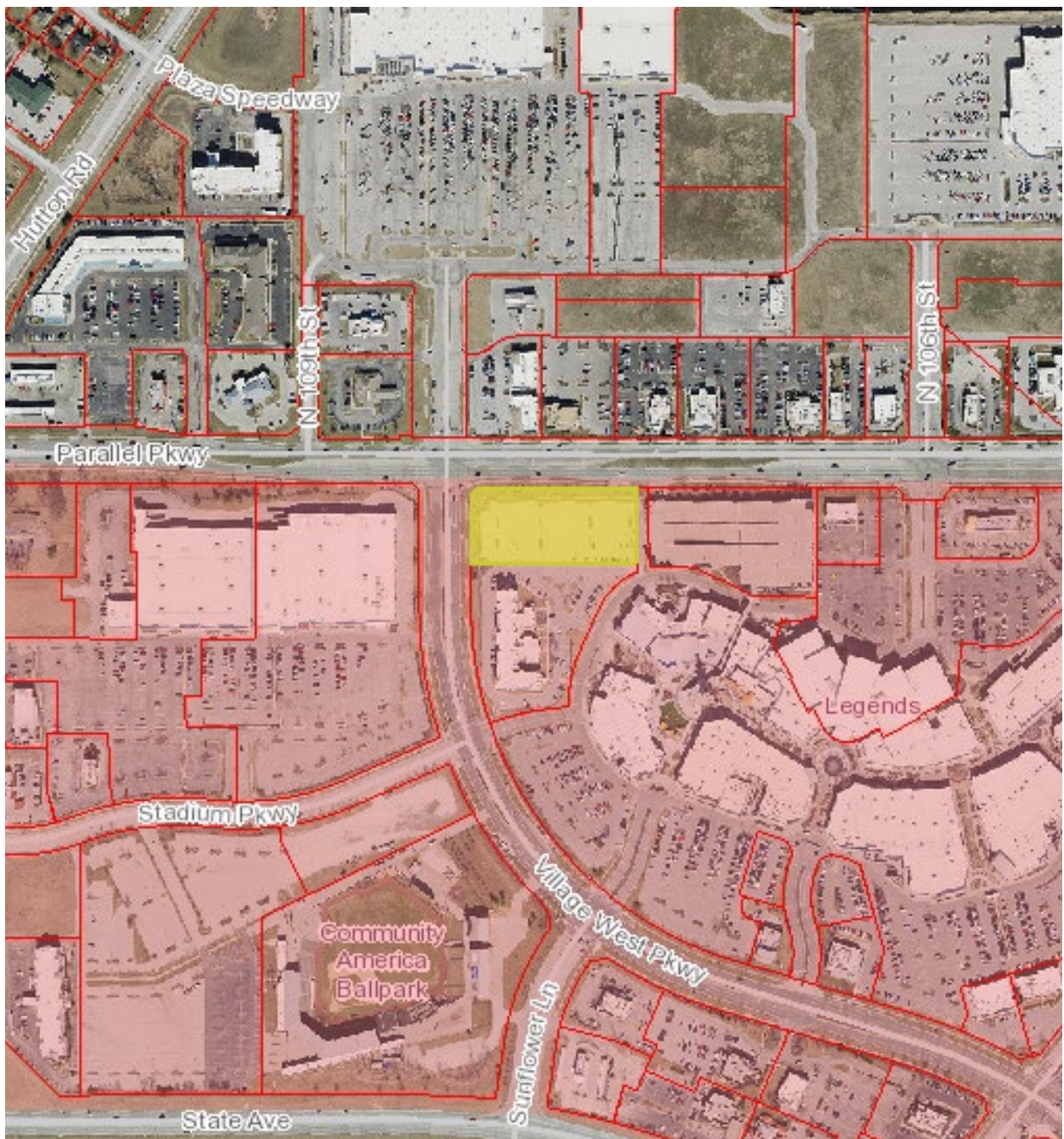
Subject to:

- 1) Approval of simultaneous vacation cases VAC2021-001, VAC2021-002, and VAC2021-003;**
- 2) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,**
- 3) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

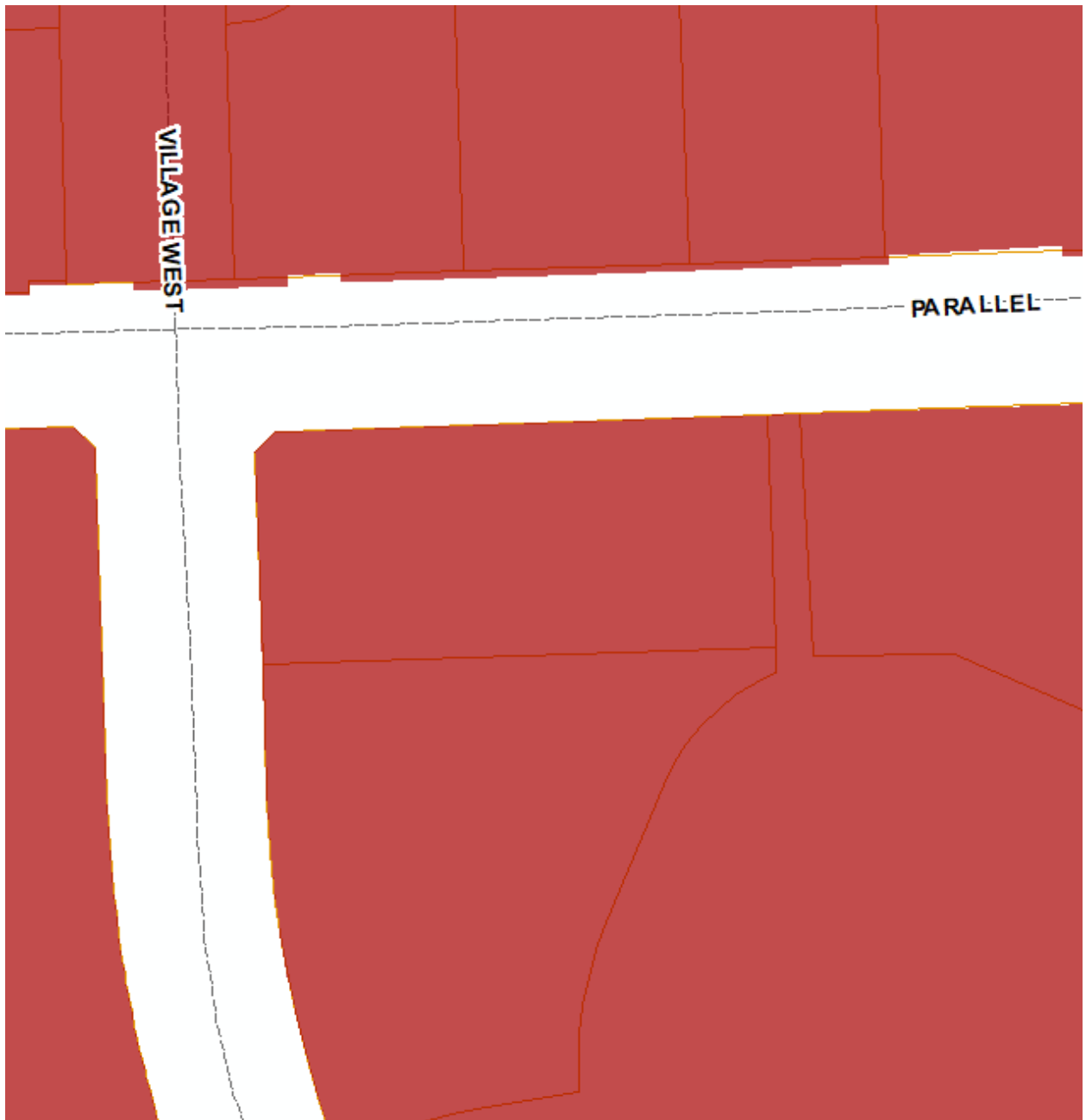
Zoning Map:



Aerial Map:



Land Use Map:



Electric Easement Vacation Exhibit A:

EXHIBIT A

PERMANENT ELECTRIC EASEMENT VACATION

A VACATION OF A PERMANENT ELECTRIC EASEMENT RECORDED ACROSS LOT 33, THE LEGENDS AT VILLAGE WEST, FIFTH PLAT, DOCUMENT NUMBER 2014R-14291 BOOK 44 PAGES 76 AND 77, A SUBDIVISION OF LAND IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 11 SOUTH, RANGE 23 EAST OF THE 6TH PRINCIPAL MERIDIAN IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 33, THE LEGENDS AT VILLAGE WEST, FIFTH PLAT; THENCE ALONG THE SOUTHERLY LOT LINE OF SAID LOT 33, SOUTH 88 DEGREES 02 MINUTES 00 SECONDS WEST, A DISTANCE OF 53.72 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 53 DEGREES 51 MINUTES 36 SECONDS WEST, A DISTANCE OF 95.48 FEET;

THENCE NORTHWESTERLY ALONG A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 60.00 FEET, FOR AN ARC LENGTH OF 42.09 FEET, A CHORD BEARING OF NORTH 33 DEGREES 45 MINUTES 42 SECONDS WEST, AND A CHORD DISTANCE OF 41.24 FEET;

THENCE NORTH 13 DEGREES 39 MINUTES 47 SECONDS WEST, A DISTANCE OF 63.25 FEET;

THENCE SOUTH 76 DEGREES 20 MINUTES 13 SECONDS WEST, A DISTANCE OF 16.00 FEET;

THENCE SOUTH 13 DEGREES 39 MINUTES 47 SECONDS EAST, A DISTANCE OF 63.24 FEET;

THENCE SOUTHEASTERLY ALONG A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 76.00 FEET, FOR AN ARC LENGTH OF 53.33 FEET, A CHORD BEARING OF SOUTH 33 DEGREES 45 MINUTES 24 SECONDS EAST, AND A CHORD DISTANCE OF 52.25 FEET;

THENCE SOUTH 53 DEGREES 51 MINUTES 36 SECONDS EAST, A DISTANCE OF 75.08 FEET TO A POINT ON THE SOUTHERLY LOT LINE OF SAID LOT 33;

THENCE ALONG THE SOUTHERLY LOT LINE OF SAID LOT 33, NORTH 88 DEGREES 02 MINUTES 00 SECONDS EAST, A DISTANCE OF 25.93 FEET TO THE POINT OF BEGINNING.

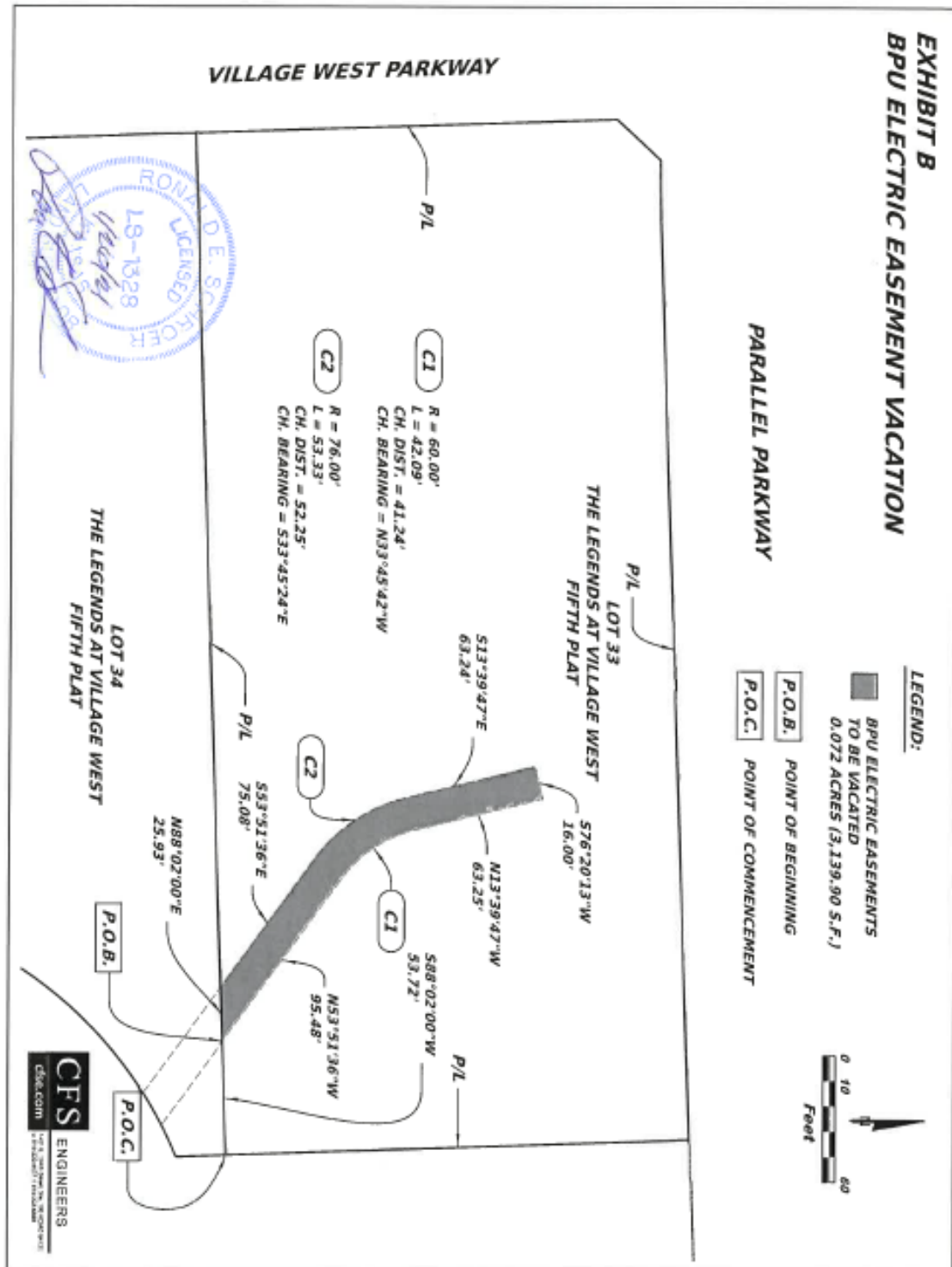
CONTAINING 0.072 ACRES (3,139.90 SQ. FT.), MORE OR LESS

I, RONALD E. SCHROER, DO HEREBY CERTIFY THAT THIS REAL PROPERTY DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORD WITH K.S.A. 74-7001 ET SEQ., AND AMENDMENTS THERETO OR THE RULES AND REGULATIONS PROMULGATED BY THE KANSAS BOARD OF TECHNICAL PROFESSIONS.



RONALD E. SCHROER, PS 1328
CFS ENGINEERS
1421 E. 104TH STREET, SUITE 100
KANSAS CITY, MISSOURI 64131
PH: 816-333-4477

Electric Easement Vacation Exhibit B:



205549-ST-SH-BPU-Easement-Vacation.dgn 1/20/2021 1:50:03 PM



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: April 29, 2021

Re: VAC2021-003

GENERAL INFORMATION

Applicant:
Bob Becker

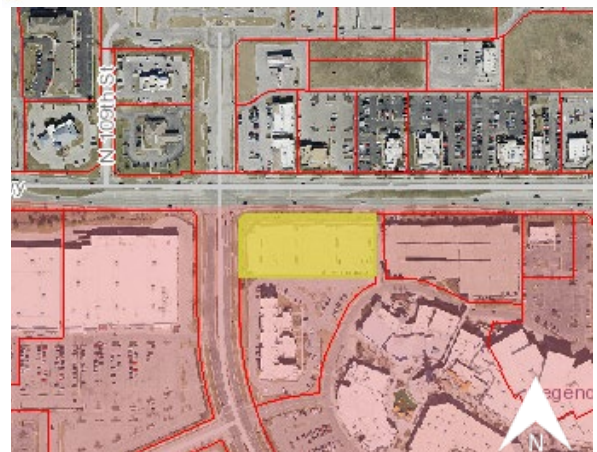
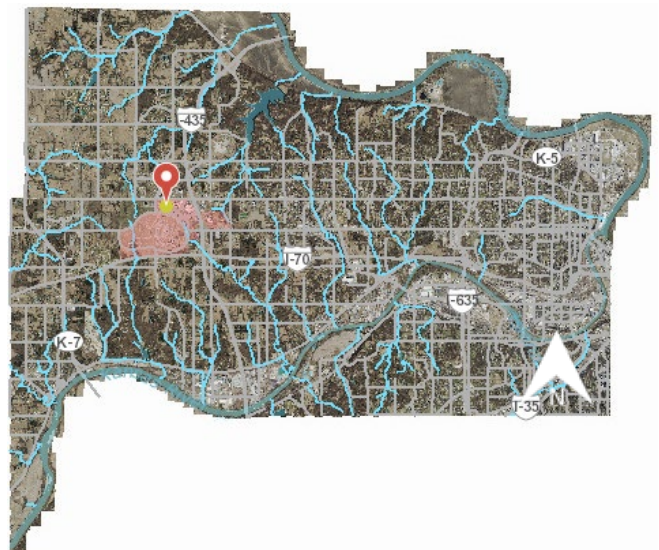
Status of Applicant:
Representative
Legends 267, LLC.

Requested Action:
Approval to Vacate a Sanitary
Sewer Easement.

Date of Application:
February 26, 2021

Purpose:
To vacate the rights of the
sanitary Sewer easement.

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



Commissioner Districts:	Commissioner At Large: Tom Burroughs District #7 Commissioner: James F. (Jim) Walters		
Existing Zoning:	RP-6 Planned High Rise Apartment District		
Adjacent Zoning:	North:	CP-2 Planned General Business District	
	South:	CP-2 Planned General Business District	
	East:	CP-2 Planned General Business District	
	West:	CP-2 Planned General Business District	
Adjacent Uses:	North:	Commercial Businesses	
	South:	Commercial Businesses	
	East:	Commercial Businesses/The Legends Mall	
	West:	Commercial Businesses	
Neighborhood Characteristics:	The neighborhood is commercial in nature, with several retail businesses and professional offices along major thoroughfares. The Legends Mall is to the East.		
Total Tract Size:	2.45 Acres		
Master Plan Area:	City Wide Master Plan		
Master Plan Designation:	This property has recently been approved for a Master Plan Map Amendment. The City-Wide Master Plan designates this property as High Density Residential. This allows for attached owner and renter occupied mid-rise and high-rise residential developments.		
Major Street Plan:	The Major Street plan classifies Parallel Parkway as a Class A Thoroughfare and Village West Parkway as a Class B Thoroughfare.		
Parking Requirement:	Section 27-461 states that one (1) parking space shall be provided for each dwelling unit that has one (1) bedroom or less; provided, however, that buildings designed solely for senior and retired persons need provide no more than one (1) parking space for each three dwelling units. One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more; provided, however, that buildings designed solely for senior and retired persons shall provide parking as required by the planning commission.		

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

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

Advertisement:	<u>Wyandotte Echo</u> – March 18, 2021 Letters to Property Owners – March 19, 2021 and April 23, 2021
Public Hearings:	April 12, 2021 and April 29, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Bob Becker of Legends 267, LLC, is requesting the vacation of a sanitary sewer easement at 1879 Village West Parkway. This property was recently approved for a Change of Zone to RP-6 High Rise Apartment District and a Master Plan Amendment for High Density Residential for the purpose of developing a 267-unit apartment building. The building will have three (3) stories of parking and five (5) stories of residential space. The sanitary sewer easement vacation is necessary to begin construction of the project. This vacation request is being heard in conjunction with **VAC2021-001**, **VAC2021-002**, and **VAC2021-004**.

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

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

FACTORS TO BE CONSIDERED

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

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

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

- a. ***Water service***

Municipal water service is provided.

b. Sanitary sewer service

To be designed to meet City Code.

c. Storm water control

Municipal storm water control is provided.

d. Police

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

e. Fire

Fire service provided by Station #12.

f. Transit

KCATA provides transportation to this location on the 101 State Avenue line. The nearest stop on the Eastbound line is 1875 Village West Parkway. The nearest stop on the Westbound line is located at 1800 Village West Parkway. Both are approximately 0.13 miles away.

g. Schools

Public education is provided by Piper USD 203.

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

Streets will be designed to provide a safe, convenient, and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic.

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

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

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

The site is currently being used as a paved surface parking lot. The proposed apartment complex development includes plans for landscaping the area.

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

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

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

This will be determined.

PREVIOUS ACTIONS

COZ #2583
COZ-0004
PR2020-33
MPL-2020-014
VAC2021-001, VAC2021-002, & VAC2021-004 (simultaneous vacation requests)

KEY ISSUES

Undefined Utility Conflicts

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Vacation Application VAC2021-003, subject to:

- 1) **Approval of simultaneous vacation cases VAC2021-001, VAC2021-002, and VAC2021-004;**
- 2) **Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,**
- 3) **Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petition **VAC2021-003** subject to all comments and suggestions outlined in this staff report and the minutes and conditions of the City Planning Commission.

ATTACHMENTS

April 12, 2021 City Planning Commission Minutes
Zoning Map
Aerial Map
Land Use Map
Sanitary Sewer Easement Vacation Exhibit A
Sanitary Sewer Easement Vacation Exhibit B

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 12, 2021	April 29, 2021
Vacation	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **VAC2021-003**, 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 **VAC2021-003**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

April 12, 2021 City Planning Commission Minutes:

Hearing starts at 4:25:13:

VACATION APPLICATION VAC2021-001 – BOB BECKER WITH LEGENDS 267, LLC SYNOPSIS: Vacation of electrical easement 1 at 1879 Village West Parkway.

VACATION APPLICATION VAC2021-002 – BOB BECKER WITH LEGENDS 267, LLC SYNOPSIS: Vacation of electrical easement 2 at 1879 Village West Parkway.

VACATION APPLICATION VAC2021-003 – BOB BECKER WITH LEGENDS 267, LLC SYNOPSIS: Vacation of a sanitary sewer easement at 1879 Village West Parkway.

VACATION APPLICATION VAC2021-004 – BOB BECKER WITH LEGENDS 267, LLC SYNOPSIS: Vacation of utility easement at 1879 Village West Parkway.

Detailed Outline of Requested Action: The applicant, Bob Becker of Legends 267, LLC, is requesting the vacation of an electrical easement at 1879 Village West Parkway. This property was recently approved for a Change of Zone to RP-6 High Rise Apartment District and a Master Plan Amendment for High Density Residential for the purpose of developing a 267-unit apartment building. The building will have three (3) stories of parking and five (5) stories of residential space. The electrical easement vacation is necessary to begin construction of the project. This vacation request is being heard in conjunction with **VAC2021-002 (electrical easement 2)**, **VAC2021-003 (sanitary sewer easement)**, and **VAC2021-004 (utility easement)**.

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

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 12, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notices in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 4:28:07: Planning Director Hand stated that these applications are in conjunction with the recently approved multi-family apartment project on an existing Legends surface parking lot. There was a replat associated with the Change of Zone for that project that did not include these utility vacations at that time. These easements now need to be vacated. Staff has received no letters in support or opposition and recommends approval of the Vacation applications subject to the conditions in the staff report.

Motion and Vote starts at 4:29:35:

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Vacation Application VAC2021-001:**

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

- 1) Approval of simultaneous vacation cases VAC2021-002, VAC2021-003, and VAC2021-004;**
- 2) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,**
- 3) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

On motion by Ms. Huey, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Vacation Application VAC2021-002:**

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

- 1) Approval of simultaneous vacation cases VAC2021-001, VAC2021-003, and VAC2021-004;**
- 2) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,**
- 3) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

On motion by Ms. Huey, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL of Vacation Application VAC2021-003:**

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

- 1) Approval of simultaneous vacation cases VAC2021-001, VAC2021-002, and VAC2021-004;**
- 2) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,**
- 3) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to**

the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Ms. Huey, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL of Vacation Application VAC2021-004:**

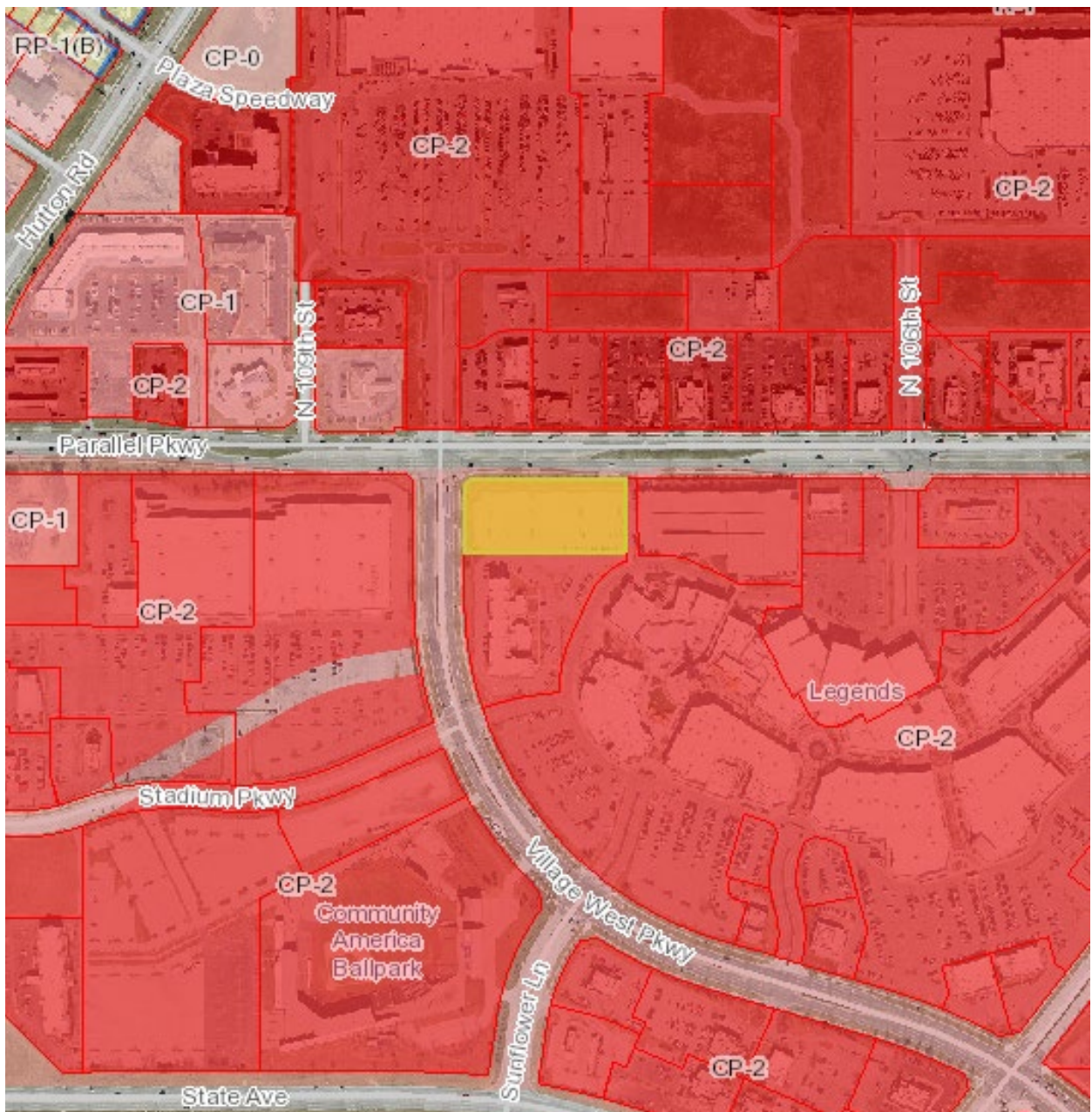
Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Reasons	Aye

Motion to RECOMMEND APPROVAL Passed: 8 to 0

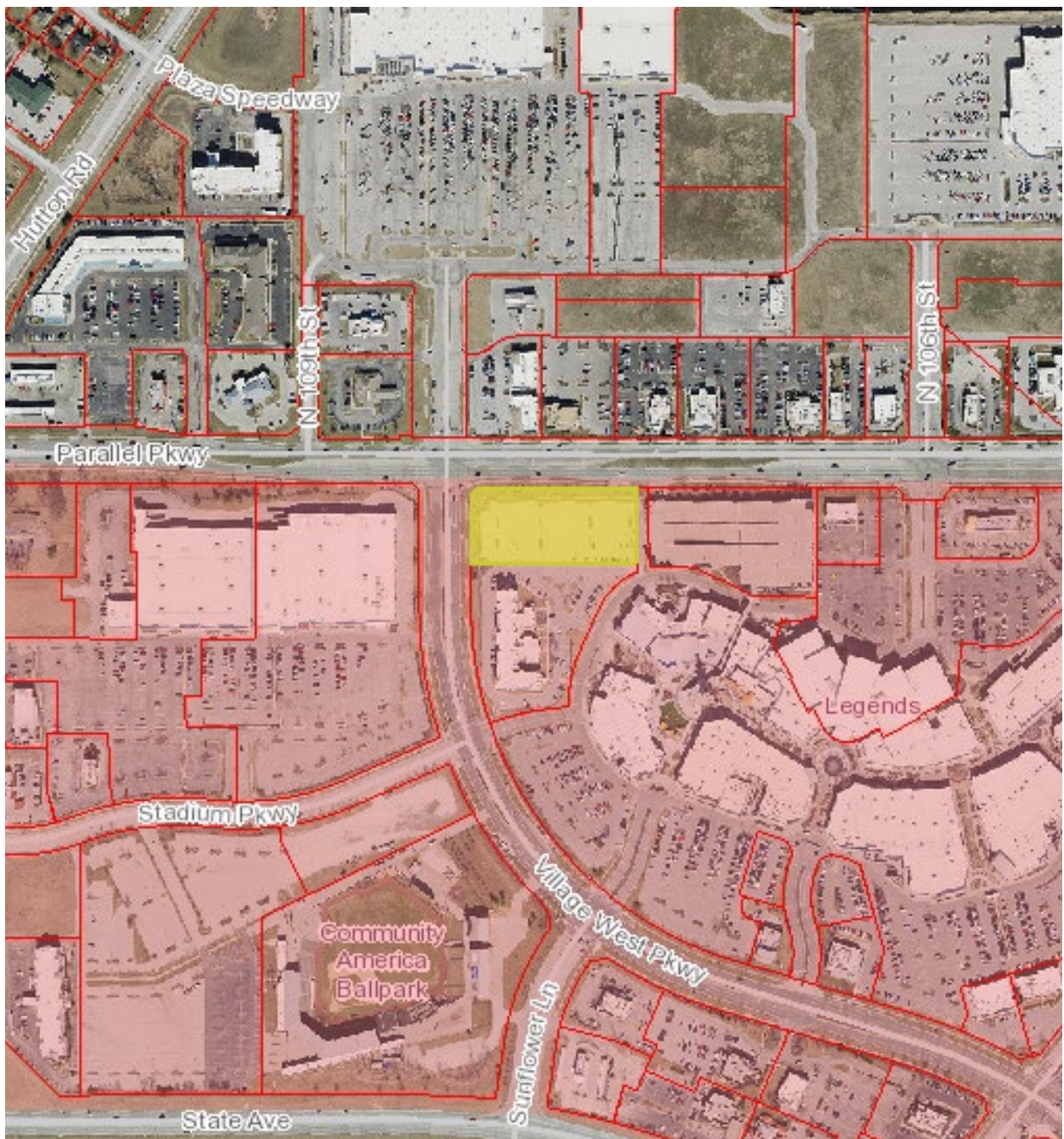
Subject to:

- 1) Approval of simultaneous vacation cases VAC2021-001, VAC2021-002, and VAC2021-003;**
- 2) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,**
- 3) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

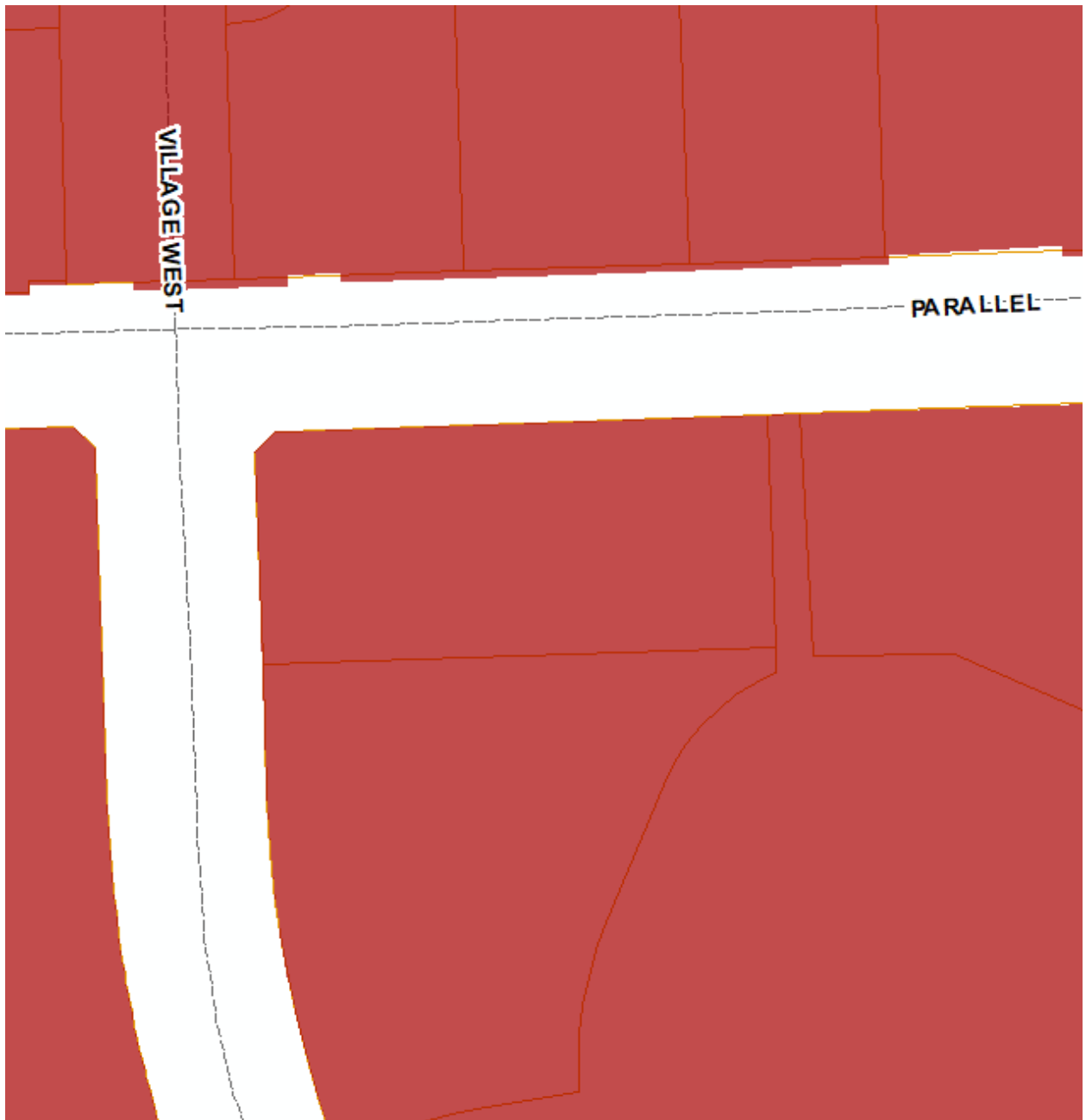
Zoning Map:



Aerial Map:



Land Use Map:



Sanitary Sewer Easement Vacation Exhibit A:

EXHIBIT A

PERMANENT SANITARY SEWER EASEMENT VACATION

A VACATION OF A 15 FOOT WIDE PERMANENT SANITARY SEWER EASEMENT LYING 7.5 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE AND WHOSE SIDELINES ARE EITHER LENGTHENED OR SHORTENED TO TERMINATE AT THE RESPECTIVE PROPERTY LINES, RECORDED ACROSS LOT 33, THE LEGENDS AT VILLAGE WEST, FIFTH PLAT, DOCUMENT NUMBER 2014R-14291 BOOK 44 PAGES 76 AND 77, A SUBDIVISION OF LAND IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 11 SOUTH, RANGE 23 EAST OF THE 6TH PRINCIPAL MERIDIAN IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 33, THE LEGENDS AT VILLAGE WEST, FIFTH PLAT; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 33, NORTH 88 DEGREES 02 MINUTES 00 SECONDS EAST, A DISTANCE OF 199.57 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 01 DEGREES 52 MINUTES 19 SECONDS WEST, A DISTANCE OF 23.67 FEET TO THE POINT OF TERMINATION.

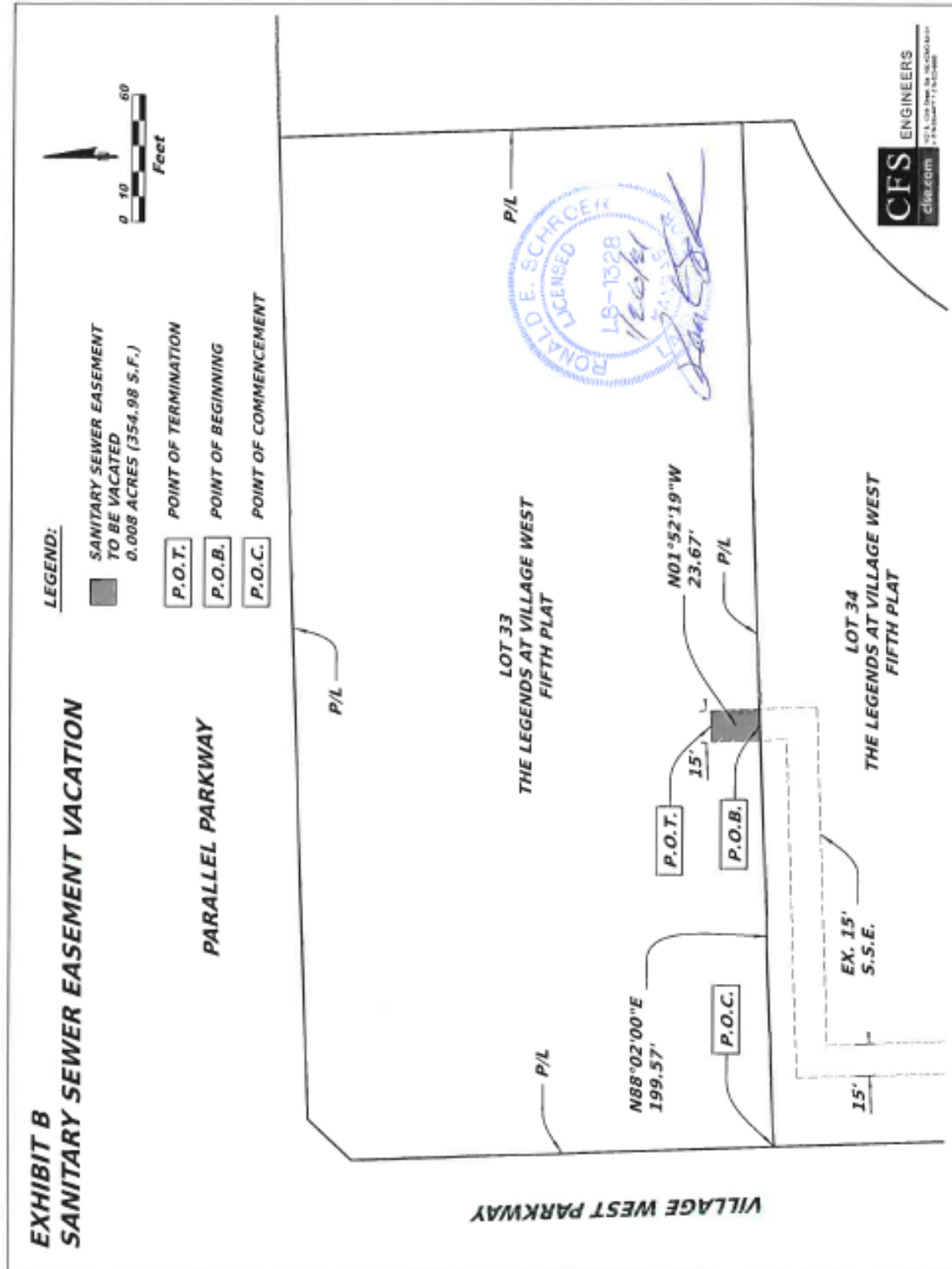
CONTAINING 0.008 ACRES (354.98 SQUARE FEET), MORE OR LESS.

I, RONALD E. SCHROER, DO HEREBY CERTIFY THAT THIS REAL PROPERTY DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORD WITH K.S.A. 74-7001 ET SEQ., AND AMENDMENTS THERETO OR THE RULES AND REGULATIONS PROMULGATED BY THE KANSAS BOARD OF TECHNICAL PROFESSIONS.



RONALD E. SCHROER, PS 1328
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KANSAS CITY, MISSOURI 64131
PH: 816-333-4477

Sanitary Sewer Easement Vacation Exhibit B:



205549-ST-SH-Sewer-Easement-Vacation.dgn 1/20/2021 1:50:07 PM



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: April 29, 2021

Re: Vacation Petition VAC2021-004

GENERAL INFORMATION

Applicant:
Bob Becker

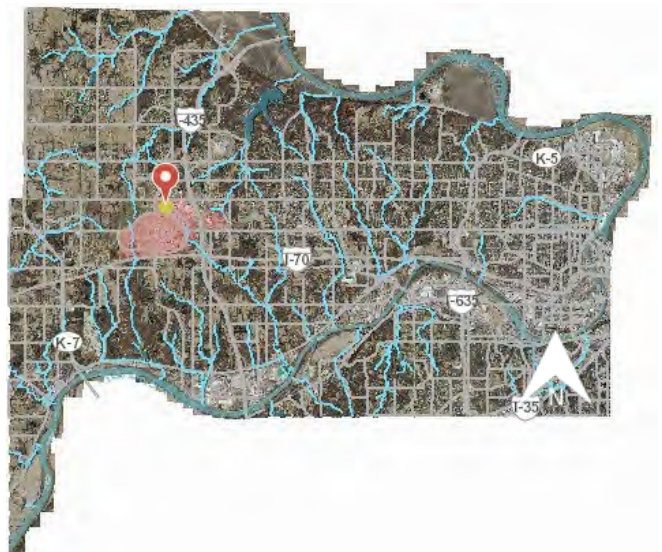
Status of Applicant:
Representative
Legends 267, LLC.

Requested Action:
Approval to Vacate a Utility
Easement.

Date of Application:
February 26, 2021

Purpose:
To vacate the rights of the
utility easement.

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



Commissioner Districts:	Commissioner At Large: Tom Burroughs District #7 Commissioner: James F. (Jim) Walters	
Existing Zoning:	RP-6 Planned High Rise Apartment District	
Adjacent Zoning:	North:	CP-2 Planned General Business District
	South:	CP-2 Planned General Business District
	East:	CP-2 Planned General Business District
	West:	CP-2 Planned General Business District
Adjacent Uses:	North:	Commercial Businesses
	South:	Commercial Businesses
	East:	Commercial Businesses/The Legends Mall
	West:	Commercial Businesses
Neighborhood Characteristics:	The neighborhood is commercial in nature, with several retail businesses and professional offices along major thoroughfares. The Legends Mall is to the East.	
Total Tract Size:	2.45 Acres	
Master Plan Area:	City-Wide Master Plan	
Master Plan Designation:	This property has recently been approved for a Master Plan Map Amendment. The City-Wide Master Plan designates this property as High Density Residential. This allows for attached owner and renter occupied mid-rise and high-rise residential developments.	
Major Street Plan:	The Major Street plan classifies Parallel Parkway as a Class A Thoroughfare and Village West Parkway as a Class B Thoroughfare.	
Parking Requirement:	Section 27-461 states that one (1) parking space shall be provided for each dwelling unit that has one (1) bedroom or less; provided, however, that buildings designed solely for senior and retired persons need provide no more than one (1) parking space for each three dwelling units. One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more; provided, however, that buildings designed solely for senior and retired persons shall provide parking as required by the planning commission.	

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

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

Advertisement:	<u>Wyandotte Echo</u> – March 18, 2021 Letters to Property Owners – March 19, 2021 and April 23, 2021
Public Hearings:	April 12, 2021 and April 29, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Bob Becker of Legends 267, LLC, is requesting the vacation of a utility easement at 1879 Village West Parkway. This property was recently approved for a Change of Zone to RP-6 High Rise Apartment District and a Master Plan Amendment for High Density Residential for the purpose of developing a 267-unit apartment building. The building will have three (3) stories of parking and five (5) stories of residential space. The utility easement vacation is necessary to begin construction of the project. This vacation request is being heard in conjunction with **VAC2021-001**, **VAC2021-002**, and **VAC2021-003**.

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

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

FACTORS TO BE CONSIDERED

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

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

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

- a. ***Water service***

Municipal water service is provided.

b. Sanitary sewer service

To be designed to meet City Code.

c. Storm water control

Municipal storm water control is provided.

d. Police

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

e. Fire

Fire service provided by Station #12.

f. Transit

KCATA provides transportation to this location on the 101 State Avenue line. The nearest stop on the Eastbound line is 1875 Village West Parkway. The nearest stop on the Westbound line is located at 1800 Village West Parkway. Both are approximately 0.13 miles away.

g. Schools

Public education is provided by Piper USD 203.

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

Streets will be designed to provide a safe, convenient, and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic.

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

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

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

The site is currently being used as a paved surface parking lot. The proposed apartment complex development includes plans for landscaping the area.

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

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

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

This will be determined.

PREVIOUS ACTIONS

COZ #2583
COZ-0004
PR2020-33
MPL-2020-
014

VAC2021-001, VAC2021-002, & VAC2021-003 (simultaneous vacation requests)

KEY ISSUES

Undefined Utility Conflicts

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Vacation Application VAC2021-001, subject to:

- 1) **Approval of simultaneous vacation cases VAC2021-001, VAC2021-002, and VAC2021-003;**
- 2) **Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,**
- 3) **Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petition **VAC2021-004** subject to all comments and suggestions outlined in this staff report and the minutes and conditions of the City Planning Commission.

ATTACHMENTS

April 12, 2021 City Planning Commission Minutes
Zoning Map
Aerial Map
Land Use Map
Utility Easement Vacation Exhibit A
Utility Easement Vacation Exhibit B
Site Photographs Provided by Staff, Dated March 18, 2021

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 12, 2021	April 29, 2021
Vacation	Approval	

STAFF CONTACT: Shana Kelly
skelly@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **VAC2021-004**, 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 **VAC2021-004**,
VAC2021-004 April 29, 2021 6

as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Hearing starts at 4:25:13:

VACATION APPLICATION VAC2021-001 – BOB BECKER WITH LEGENDS 267, LLC

SYNOPSIS: Vacation of electrical easement 1 at 1879 Village West Parkway.

VACATION APPLICATION VAC2021-002 – BOB BECKER WITH LEGENDS 267, LLC

SYNOPSIS: Vacation of electrical easement 2 at 1879 Village West Parkway.

VACATION APPLICATION VAC2021-003 – BOB BECKER WITH LEGENDS 267, LLC

SYNOPSIS: Vacation of a sanitary sewer easement at 1879 Village West Parkway.

VACATION APPLICATION VAC2021-004 – BOB BECKER WITH LEGENDS 267, LLC

SYNOPSIS: Vacation of utility easement at 1879 Village West Parkway.

Detailed Outline of Requested Action: *The applicant, Bob Becker of Legends 267, LLC, is requesting the vacation of an electrical easement at 1879 Village West Parkway. This property was recently approved for a Change of Zone to RP-6 High Rise Apartment District and a Master Plan Amendment for High Density Residential for the purpose of developing a 267-unit apartment building. The building will have three (3) stories of parking and five (5) stories of residential space. The electrical easement vacation is necessary to begin construction of the project. This vacation request is being heard in conjunction with VAC2021-002 (electrical easement 2), VAC2021-003 (sanitary sewer easement), and VAC2021-004 (utility easement).*

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

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 12, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notices in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 4:28:07: Planning Director Hand stated that these applications are in conjunction with the recently approved multi-family apartment project on an existing Legends surface parking lot. There was a replat associated with the Change of Zone for that project that did not include these utility vacations at that time. These easements now need to be vacated. Staff has received no letters in support or opposition and recommends approval of the Vacation applications subject to the conditions in the staff report.

Motion and Vote starts at 4:29:35:

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Vacation Application VAC2021-001:**

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

- 1) Approval of simultaneous vacation cases VAC2021-002, VAC2021-003, and VAC2021-004;**
- 2) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,**
- 3) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

On motion by Ms. Huey, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Vacation Application VAC2021-002:**

Carson	Chairman
Armstrong	Aye

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

- 1) Approval of simultaneous vacation cases VAC2021-001, VAC2021-003, and VAC2021-004;
- 2) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
- 3) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Ms. Huey, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL of Vacation Application VAC2021-003:**

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

- 1) Approval of simultaneous vacation cases VAC2021-001, VAC2021-002, and VAC2021-004;
- 2) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
- 3) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the

petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Ms. Huey, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL of Vacation Application VAC2021-004:**

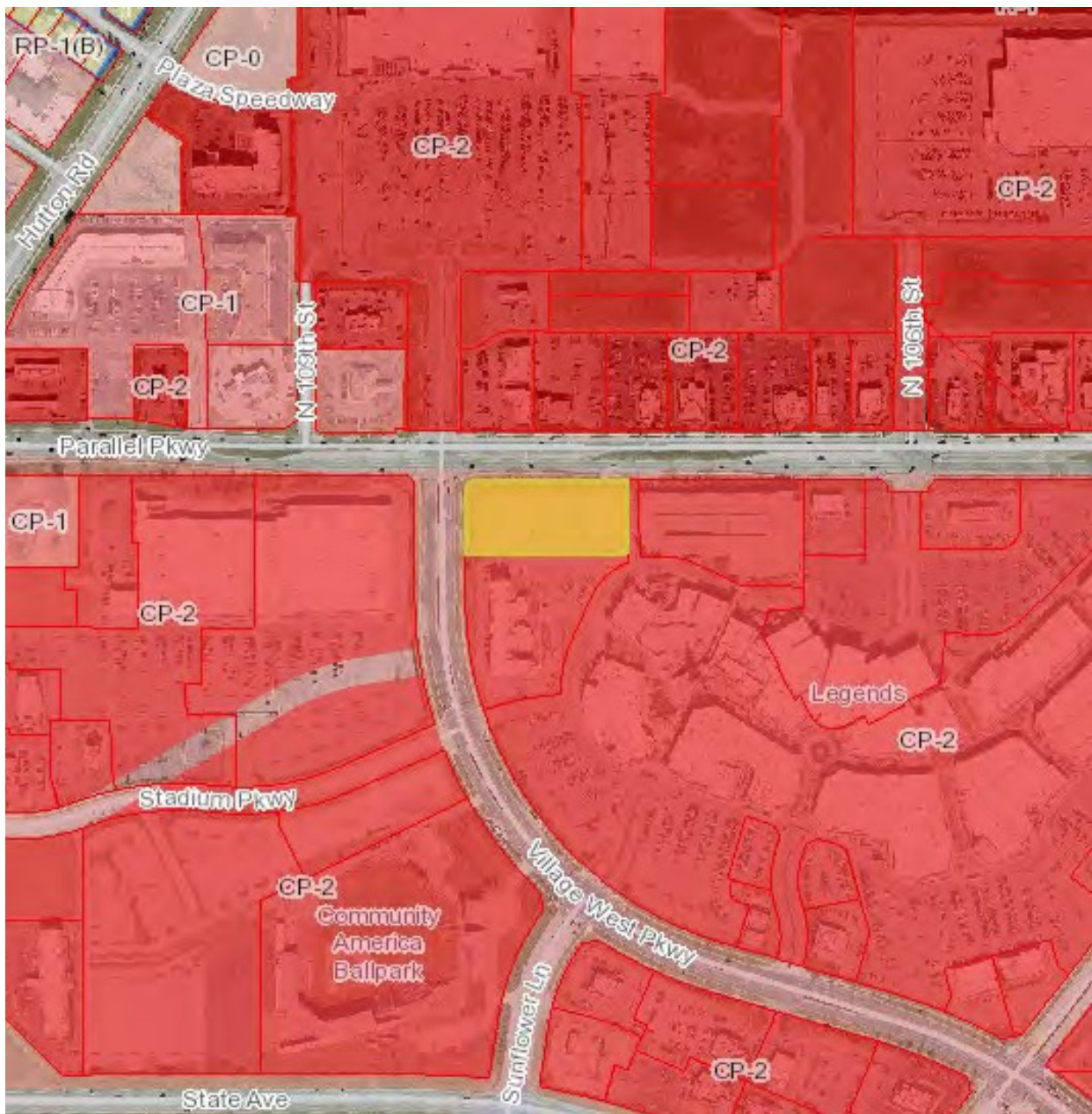
Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Reasons	Aye

Motion to RECOMMEND APPROVAL Passed: 8 to 0

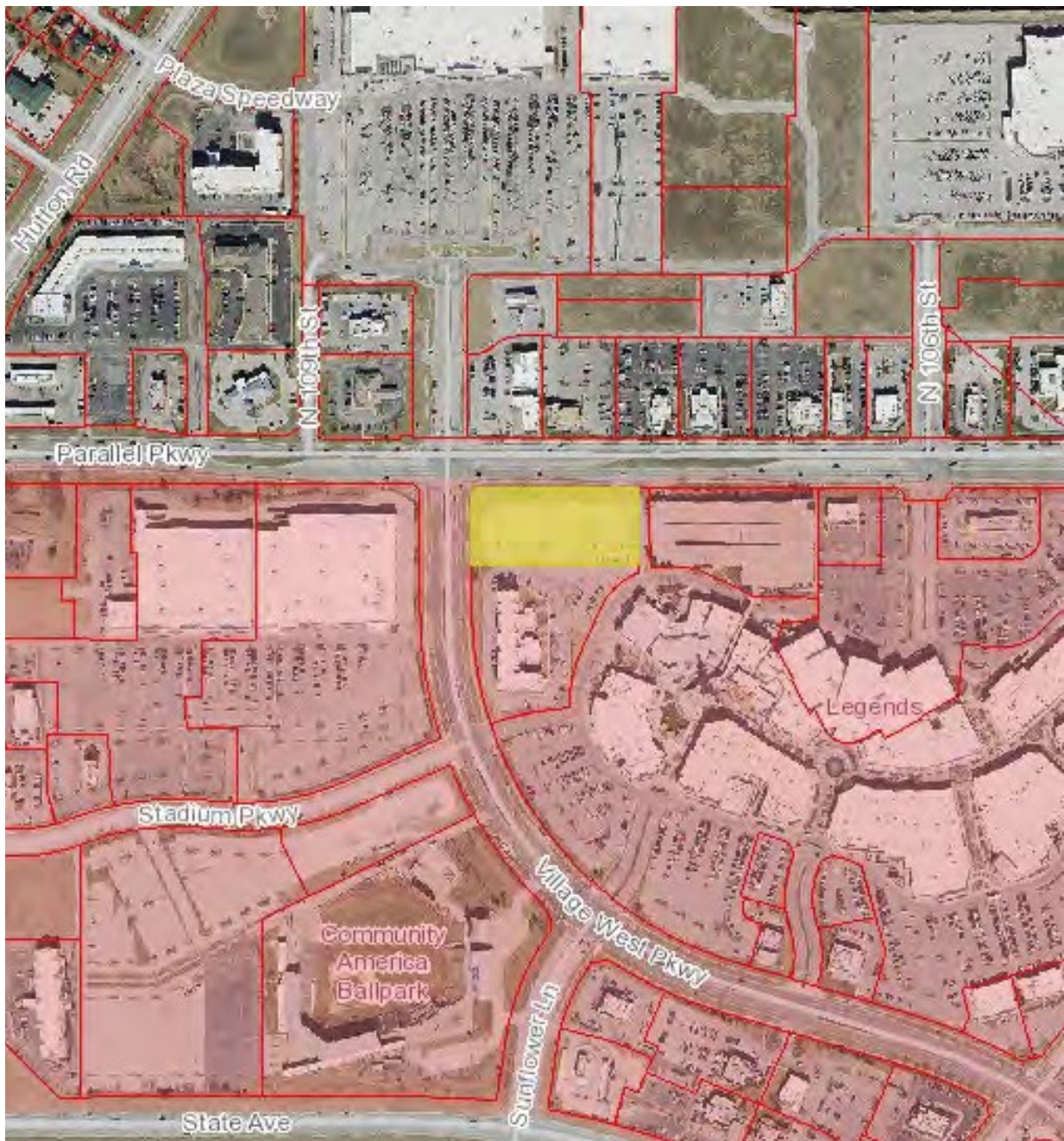
Subject to:

- 1) Approval of simultaneous vacation cases VAC2021-001, VAC2021-002, and VAC2021-003;**
- 2) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,**
- 3) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

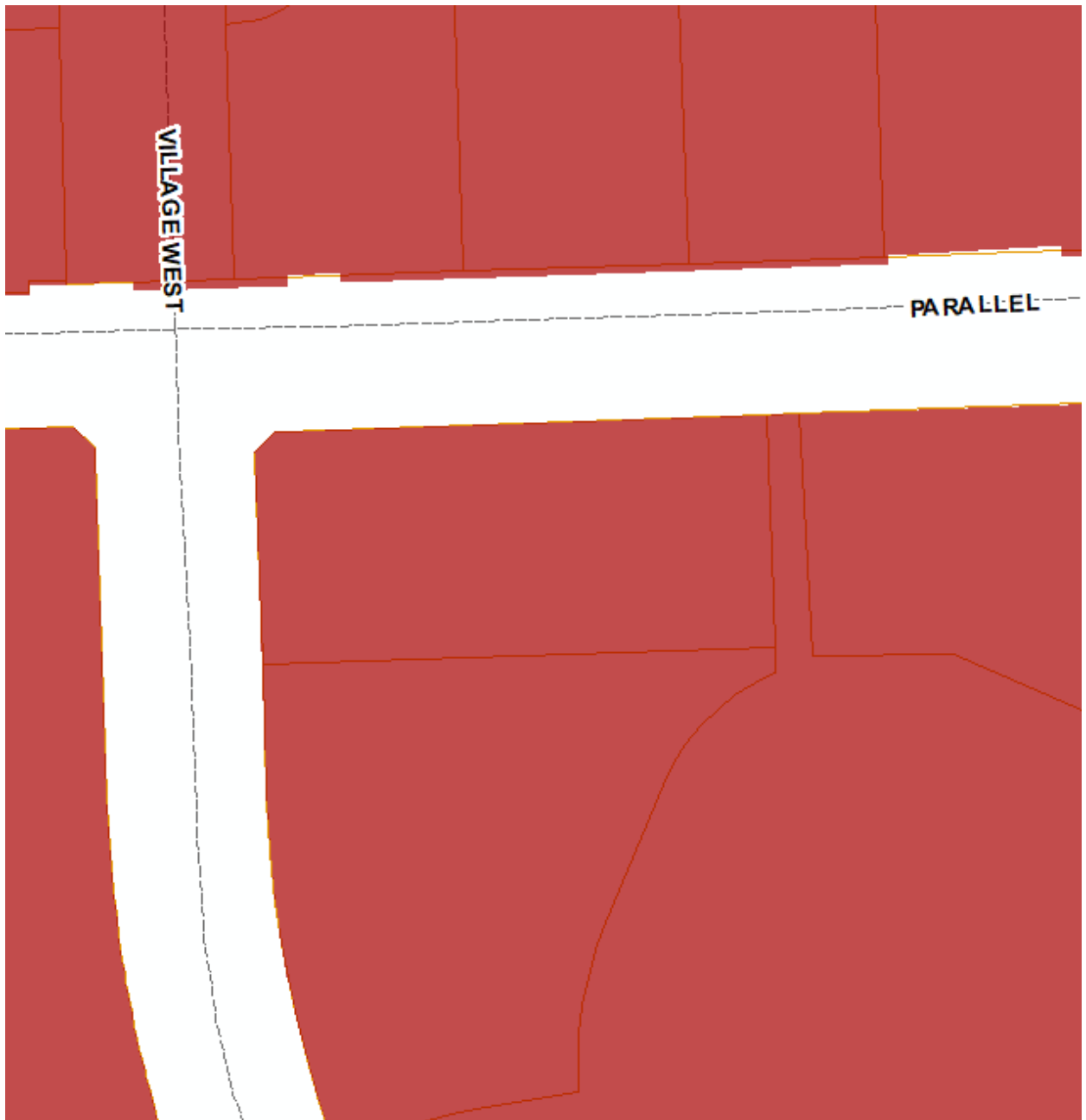
Zoning Map:



Aerial Map:



Land Use Map:



Utility Easement Vacation Exhibit A:

EXHIBIT A

UTILITY EASEMENT VACATION

A VACATION OF A 5 FOOT WIDE UTILITY EASEMENT, RECORDED ACROSS LOT 33, THE LEGENDS AT VILLAGE WEST, FIFTH PLAT, DOCUMENT NUMBER 2014R-14291 BOOK 44 PAGES 76 AND 77, A SUBDIVISION OF LAND IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 11 SOUTH, RANGE 23 EAST OF THE 6TH PRINCIPAL MERIDIAN IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

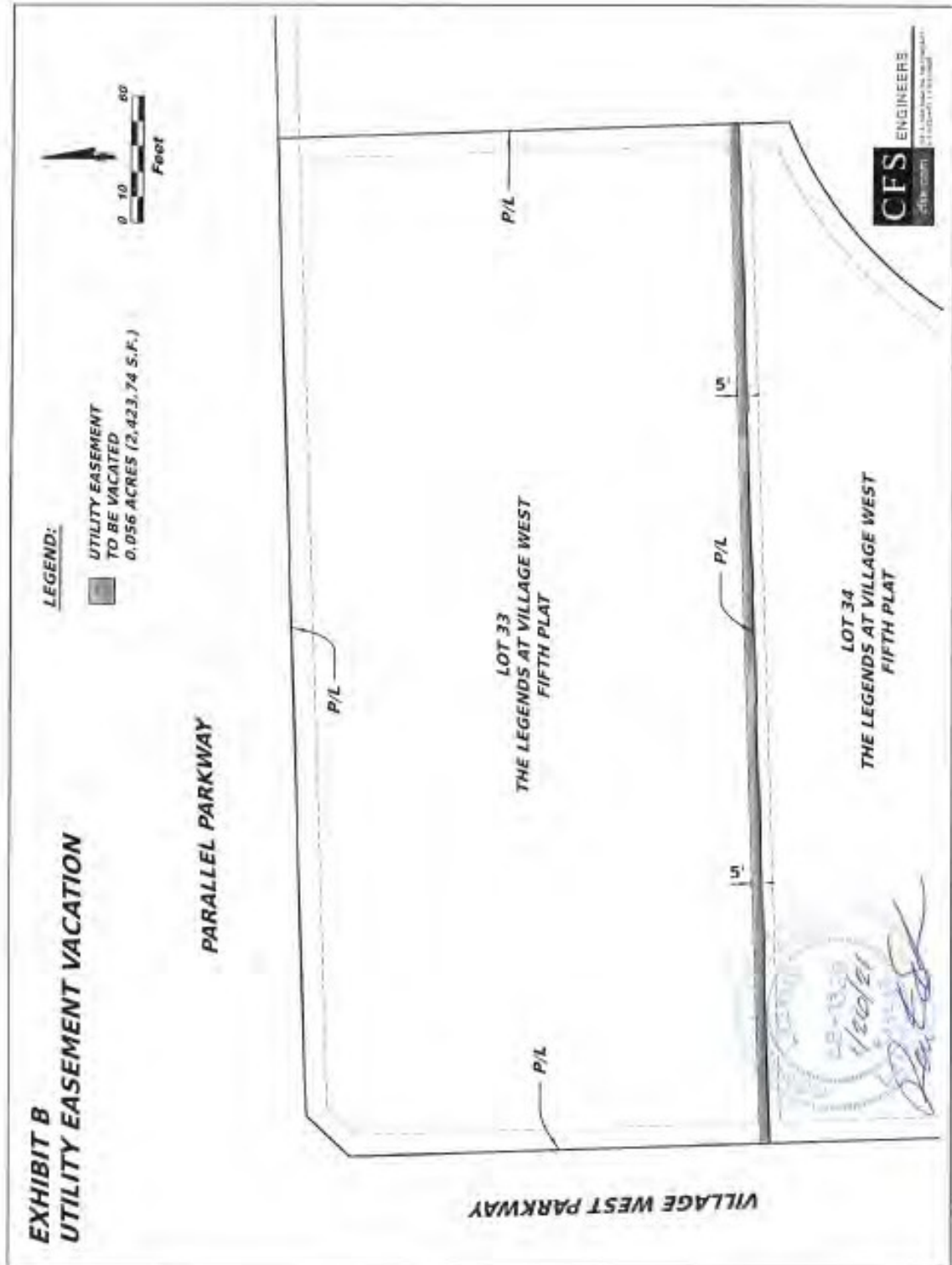
THE SOUTHERLY 5 FEET OF LOT 33, THE LEGENDS AT VILLAGE WEST, FIFTH PLAT,
CONTAINING 0.056 ACRES (2,423.74 SQUARE FEET), MORE OR LESS.

I, RONALD E. SCHROER, DO HEREBY CERTIFY THAT THIS REAL PROPERTY DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORD WITH K.S.A. 74-7001 ET SEQ., AND AMENDMENTS THERETO OR THE RULES AND REGULATIONS PROMULGATED BY THE KANSAS BOARD OF TECHNICAL PROFESSIONS.



RONALD E. SCHROER, PS 1328
CFS ENGINEERS
1421 E. 104TH STREET, SUITE 100
KANSAS CITY, MISSOURI 64131
PH: 816-333-4477

Utility Easement Vacation Exhibit B:



205549-ST-SH-Utility-Easement-Vacation.dgn 1/20/2021 1:50:10 PM

(Published in *The Wyandotte Echo*)

ORDINANCE NO. O-____-21

**AN ORDINANCE AUTHORIZING CITY-WIDE MASTER PLAN AMENDMENT
MP-2020-6 PURSUANT TO CHAPTER 27 OF THE UNIFIED GOVERNMENT CODE.**

WHEREAS, pursuant to Section 27-213 of the Unified Government Code, the Governing Body of the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") has the power to amend the comprehensive plan, neighborhood plans, corridor plans, area plans or other functional plans and relevant maps following receipt of a recommendation by the Planning Commission; and

WHEREAS, Ryan Cronk, on behalf of KC The Yards 2, LLC, a Kansas limited liability company ("Applicant"), submitted an application to the UG to request the City-Wide Master Plan be amended from Industrial to Mixed Use for property generally located at 200 South James Street in Kansas City, Wyandotte County, Kansas, as legally described on Exhibit A attached hereto (the "Property"); and

WHEREAS, on August 10, 2020, the Planning Commission held a properly-noticed public hearing on the Applicant's request for the City-Wide Master Plan amendment and considered the matters set forth in Section 27-213(g)(5) of the Unified Government Code; and

WHEREAS, the Planning Commission submitted a recommendation of approval of the Applicant's request for the City-Wide Master Plan amendment and the reasons therefore to the Governing Body; and

WHEREAS, on August 27, 2020, the Governing Body considered the matters set forth in Section 27-213(g)(5) of the Unified Government Code, reviewed all testimony and evidence submitted for the request, and adopted the Planning Commission's recommendation to approve the City-Wide Master Plan Amendment MP-2020-6 for the Property.

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

Section 1. City-Wide Master Plan Amendment. The Governing Body hereby adopts MP-2020-6 and amends the City-Wide Master Plan for the Property from Industrial to Mixed Use.

Section 2. Take Effect. This Ordinance shall take effect as of the date of its publication as provided by law.

**PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS 29TH DAY OF APRIL, 2021.**

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

EXHIBIT A

Legal Description of the Property

A PORTION OF LOT 1 OF FRACTIONAL SECTION 14, TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, AS LOCATED BY SILAS ARMSTRONG, ACCORDING TO THE OFFICIAL GOVERNMENT PLAT FILED IN THE DISTRICT LAND OFFICE AT LECOMPTON, KANSAS TERRITORY IN FEBRUARY 1858; SAID LAND ALSO BEING PORTIONS OF TRACTS 1, 2, 3 AND 4 AS SHOWN ON THE PLAT OF PARTITION IN DISTRICT COURT CASE NO. 911 IN 1867 AND A PORTION OF THE NORTH 40 ACRE TRACT AS SHOWN ON THE PLAT OF PARTITION IN DISTRICT COURT CASE NO. 1066 IN 1869, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NOTE: BEARINGS STATED IN THE FOLLOWING DESCRIPTION ARE ORIENTED TO GRID NORTH, MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM 1983.

BEGINNING AT A POINT ON THE KANSAS/MISSOURI STATE LINE, SAID POINT BEING 2162.94 FEET SOUTH OF THE NORTHEAST CORNER OF SAID FRACTIONAL SECTION 14 AND 1016.21 NORTH OF THE SOUTHWEST CORNER OF FRACTIONAL SECTION 6, TOWNSHIP 49 NORTH, RANGE 33 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN KANSAS CITY, JACKSON COUNTY, MISSOURI, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF GATEWAY 2000 - KANSAS, A SUBDIVISION OF LAND IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS; THENCE NORTH 87 DEGREES 58 MINUTES 19 SECONDS WEST 835.11 FEET, ALONG THE SOUTH LINE OF SAID GATEWAY 2000 - KANSAS, TO A POINT ON THE UNITED STATES HARBOR LINE WHICH IS A CURVE CONCAVE TO THE EAST AND TO WHICH POINT A RADIAL LINE BEARS NORTH 66 DEGREES 17 MINUTES 58 SECONDS EAST; THENCE SOUTHERLY 149.84 FEET, ALONG SAID HARBOR LINE AND SAID CURVE TO THE LEFT HAVING A RADIUS OF 2570.20 FEET AND A CENTRAL ANGLE OF 3 DEGREES 20 MINUTES 25 SECONDS; THENCE SOUTH 27 DEGREES 02 MINUTES 27 SECONDS EAST 314.59 FEET, ALONG SAID HARBOR LINE, TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE SOUTHERLY 1021.96 FEET, ALONG SAID HARBOR LINE AND SAID CURVE TO THE RIGHT HAVING A RADIUS OF 5729.68 FEET AND A CENTRAL ANGLE OF 10 DEGREES 13 MINUTES 10 SECONDS; THENCE SOUTH 16 DEGREES 49 MINUTES 25 SECONDS EAST 262.70 FEET, ALONG SAID HARBOR LINE, TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE SOUTHERLY 288.90 FEET, ALONG SAID HARBOR LINE AND SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1910.08 FEET AND A CENTRAL ANGLE OF 8 DEGREES 39 MINUTES 69 SECONDS, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD (NOW ABANDONED); THENCE SOUTH 87 DEGREES 27 MINUTES 18 SECONDS EAST 98.27 FEET, ALONG SAID NORTH RIGHT-OF-WAY LINE, TO A POINT ON THE KANSAS/MISSOURI STATE LINE AND THE WEST RIGHT-OF-WAY LINE OF AMERICAN ROYAL DRIVE, AS NOW ESTABLISHED; THENCE NORTH 00 DEGREES

17 MINUTES 16 SECONDS EAST 854.18 FEET, ALONG SAID STATE LINE, TO THE SOUTHWEST CORNER OF SAID FRACTIONAL SECTION 6, TOWNSHIP 49 NORTH, RANGE 33 WEST; THENCE NORTH 00 DEGREES 17 MINUTES 41 SECONDS EAST 1016.21 FEET, ALONG SAID STATE LINE, TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED.

(First published _____)

COZ-0007

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at 200 South James Street, in Kansas City, Kansas, by changing the same from its present zoning of M-3 Heavy Industrial District to TND (T-6) Traditional Neighborhood Design 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 M-3 Heavy Industrial District to TND (T-6) Traditional Neighborhood Design District.

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

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

A PORTION OF LOT 1 OF FRACTIONAL SECTION 14, TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, AS LOCATED BY SILAS ARMSTRONG, ACCORDING TO THE OFFICIAL GOVERNMENT PLAT FILED IN THE DISTRICT LAND OFFICE AT LECOMPTON, KANSAS TERRITORY IN FEBRUARY 1858; SAID LAND ALSO BEING PORTIONS OF TRACTS 1, 2, 3 AND 4 AS SHOWN ON THE PLAT OF PARTITION IN DISTRICT COURT CASE NO. 911 IN 1867 AND A PORTION OF THE NORTH 40 ACRE TRACT AS SHOWN ON THE PLAT OF PARTITION IN DISTRICT COURT CASE NO. 1066 IN 1869, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: NOTE: BEARINGS STATED IN THE FOLLOWING DESCRIPTION ARE ORIENTED TO GRID NORTH, MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM 1983. COMMENCING AT A POINT ON THE KANSAS/MISSOURI STATE LINE, SAID POINT BEING 2162.94 FEET SOUTH OF THE NORTHEAST CORNER OF SAID

FRACTIONAL SECTION 14 AND 1016.21 NORTH OF THE SOUTHWEST CORNER OF FRACTIONAL SECTION 6, TOWNSHIP 49 NORTH, RANGE 33 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN KANSAS CITY, JACKSON COUNTY, MISSOURI, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF GATEWAY 2000 - KANSAS, A SUBDIVISION OF LAND IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS; THENCE NORTH 87 DEGREES 58 MINUTES 19 SECONDS WEST 835.11 FEET, ALONG THE SOUTH LINE OF SAID GATEWAY 2000 - KANSAS, TO A POINT ON THE UNITED STATES HARBOR LINE WHICH IS A CURVE CONCAVE TO THE EAST AND TO WHICH POINT A RADIAL LINE BEARS NORTH 66 DEGREES 17 MINUTES 58 SECONDS EAST; THENCE SOUTHERLY 149.84 FEET, ALONG SAID HARBOR LINE AND SAID CURVE TO THE LEFT HAVING A RADIUS OF 2570.20 FEET AND A CENTRAL ANGLE OF 3 DEGREES 20 MINUTES 25 SECONDS; THENCE SOUTH 27 DEGREES 02 MINUTES 27 SECONDS EAST 314.59 FEET, ALONG SAID HARBOR LINE, TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE SOUTHERLY 331.67 FEET, ALONG SAID HARBOR LINE AND SAID CURVE TO THE RIGHT HAVING A RADIUS OF 5729.68 FEET AND A CENTRAL ANGLE OF 3 DEGREES 19 MINUTES 0 SECONDS TO THE POINT OF BEGINNING; THENCE NORTH 86 DEGREES 14 MINUTES 26 SECONDS EAST 481.79 FEET, TO A POINT ON THE WEST RIGHT OF WAY OF STATE LINE ROAD ON THE MISSOURI/KANSAS STATE LINE, THENCE SOUTH 3 DEGREES 45 MINUTES 41 SECONDS EAST ALONG SAID MISSOURI/KANSAS STATE LINE A DISTANCE OF 328.20 FEET, THENCE SOUTH 3 DEGREES 46 MINUTES 57 SECONDS EAST ALONG SAID MISSOURI/KANSAS STATE LINE A DISTANCE OF 657.31 FEET, THENCE NORTH 20 DEGREES 45 MINUTES 34 SECONDS WEST A DISTANCE OF 380.45 FEET, THENCE SOUTH 86 DEGREES 14 MINUTES 17 SECONDS WEST A DISTANCE OF 135.90 FEET TO THE UNITED STATES HARBOR LINE, THENCE NORTHERLY AONG SAID UNITED STATES HARBOR LINE WHICH IS A CURVE CONCAVE TO THE EAST AND TO WHICH POINT A RADIAL LINE BEARS NORTH 68 DEGREES 52 MINUTES 9 SECONDS EAST, THENCE NORTHERLY A DISTANCE OF 664.95 FEET ALONG SAID HARBOR LINE AND SAID CURVE TO THE LEFT HAVING A RADIUS OF 5729.68 FEET AND A CENTRAL ANGLE OF 5 DEGREES 49 MINUTES 48 SECONDS TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED, Located at approximately 200 South James Street, Kansas City, Kansas,

be changed from its present zoning of M-3 Heavy Industrial District to TND (T-6) Traditional Neighborhood Design District.as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-471, 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 TND (T-6) Traditional Neighborhood Design District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

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

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(First published _____)

COZ2021-001

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 1825 North 94th Street, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to R-1 Single Family 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 January 15, 2021, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture District to R-1 Single Family 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:

Sec-Twp-Range: 06-11-24, BEG 583.07FT S & 67FT E OF NW COR; E 1114.73FT, S 371.69FT, W 786.54FT, N 221FT, W 337.31FT, N01E-150.94FT TO POB CONTG 1825 North 94th Street, Kansas City, Kansas,

be changed from its present zoning of A-G Agriculture District to R-1 Single Family 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 R-1 Single Family 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 _____)

COZ2021-002

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 1841 North 94th Street, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to R-1 Single Family 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 January 15, 2021, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture District to R-1 Single Family 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:

Sec-Twp-Range: 06-11-24, BEG 583.07FT S & 67FT E OF NW COR;
E 1114.73FT, S 371.69FT, W 786.54FT, N 221FT, W 337.31FT, N01E-
150.94FT TO POB CONTG, located at approximately 1841 North 94th
Street, Kansas City, Kansas,

be changed from its present zoning of A-G Agriculture District to R-1 Single Family 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 R-1 Single Family 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 SP2020-100, commonly known as 1315 State Avenue, Kansas City, Kansas, legally described as:

WYANDOTTE CITY, BLOCK 123, LOTS 0009-0016, B123 L9 TO L15, E 435FT L16, located at approximately 1315 State Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a car audio installation shop.

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) **Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste**

- tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
- 2) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 - 3) According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
 - 4) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 - 5) Vehicles shall not be parked on the right of way of State Avenue in front of the property. Vehicles shall not park on State Avenue at any time;
 - 6) In order to comply with the district's performance standards, auto installation or servicing is not allowed outside or in public view. All work shall be performed totally within an enclosed building;
 - 7) Inoperable vehicles are only allowed to be stored inside the enclosed building. Any inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with regulations in Section 27-467(c);
 - 8) Must comply with Commercial Design Standards including;
 - a. The site must have street trees. These either need to be planted on the property by cutting the existing asphalt, or in the planting them in the sidewalk right-of-way with tree wells/grates. This would require a Right-Of-Way Agreement from the Public Works Department. Contact them to begin this process;
 - b. Main entrance shall be enhanced by architectural details. Such details may include recessed or slightly protruding entrances, building material variations, color variations, or artistic elements and other special treatments;
 - c. Awnings or canopies are encouraged on facades to provide weather protection and shade to pedestrians, and to add visual appeal;
 - 9) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all

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

- 10) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
- 11) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

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 SP2021-009, commonly known as 1127 Southwest Boulevard, Kansas City, Kansas, legally described as:

ROLLING MILL RES. ROSEDALE E. S27, T11, R25, ACRES .011, B2 L17 & PT L18: BEG S COR: NWLY-59.8FT ALG SWLY LN, NELY-2.8FT, SELY-59.91FT TO SELY LN, SWLY-3.8FT TO POB, Located at approximately 1127 Southwest Boulevard, Kansas City, Kansas

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

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

1. Maximum number of guests, which has been deemed appropriate for the available accommodations shall be five (5);
2. Guest parking must be provided off-street. Maximum number of guest parking shall be four (4);

3. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy. Include the contact information for Host Compliance:
913-246-5133 www.hostcompliance.com/tips;
6. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
7. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
8. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

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 SP2021-010, commonly known as 3440 North 131st Street, Kansas City, Kansas, legally described as:

Lot 2, Saxton's Acres, a subdivision of land in Kansas City, Wyandotte County, Kansas, located at approximately 3440 North 131st Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a kennel for ten (10) dogs.

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) Subject to approval, the maximum number of dogs is ten (10);
- 2) Signage is not allowed on the property;
- 3) Applicant must keep a current annual Business License/Occupation Tax Receipt;
- 4) A maximum of three (3) off-street parking spaces will be provided.
- 5) Hours of operation shall be 8:00 a.m. to 6:00 p.m.

- 6) According to Section 27-675, for existing single-family dwellings, a driveway ten feet in width or less extending directly from the street or alley to the garage, or from the street or alley to the house if there is no garage, or to the rear yard, can be paved in its entirety, or as continuous concrete wheel paths, or improved in its entirety with a minimum four (4) inch depth of gravel or its equivalent. Any other parking, loading, or maneuvering areas must be paved with a minimum of two (2) inches of asphalt over six inches of compacted gravel or its equivalent, as subject to the provisions of subsection (a) of this section. If the parking, loading or maneuvering area is in the rear yard it may be improved with a minimum four-inch depth of gravel so long as it includes less than 40 percent of the rear yard and less than 1,000 square feet in area;
- 7) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 8) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
- 9) The Special Use Permit shall be valid for ten (10) 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

**AN ORDINANCE REPEALING ORDINANCE NO. 0-29-21 AND ENACTING A NEW
ORDINANCE NO. _____**

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

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

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

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

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

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

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

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY:

DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK



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2021R-03637

NANCY BURNS
REGISTER OF DEEDS
WYANDOTTE COUNTY, KS
03/02/2021 12:58:05 PM

(Published March 4, 2021)

#S-2020-12

PAGES: 2

ORDINANCE NO. O-29-21

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

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

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

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

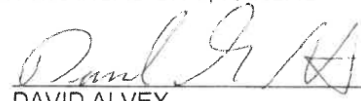
Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

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

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS 25 DAY OF
FEB, 2021

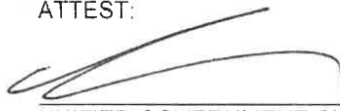
UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

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: April 29, 2021
Re: SP-2020-100

GENERAL INFORMATION

Applicant:
Mark Murdick

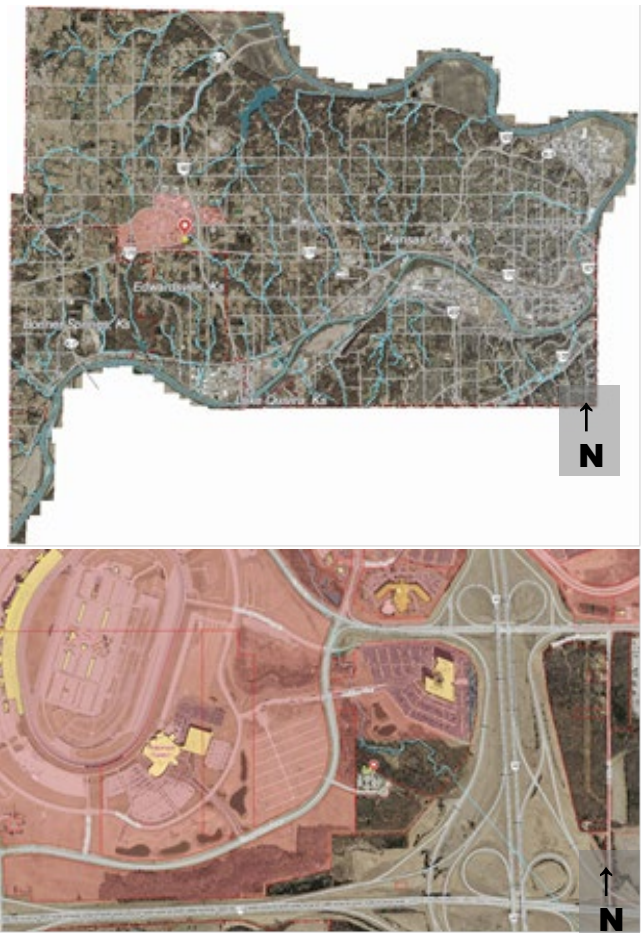
Status of Applicant:
Representative
Sullivan Palmer Architect
8621 Johnson Drive
Merriam, Kansas 66202

Requested Action:
Approval of a Special Use Permit.

Date of Application:
October 30, 2020

Purpose:
Special Use Permit for a special event space.

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



Commission District:	District #7 Commissioner: Jim Walters Commissioner At Large: Tom Burroughs, At-Large District 2
Existing Zoning:	CP-2 Planned General Commercial District
Adjacent Zoning:	North: AG Agriculture District South: CP-2 Planned General Commercial District East: CP-2 Planned General Commercial District West: CP-2 Planned General Commercial District
Adjacent Uses:	North: Undeveloped land South: Agriculture land East: Single-family homestead West: Undeveloped agriculture land
Total Tract Size:	3.91 Acres
Master Plan Area:	Piper-Delaware-Piper Master Plan Area
Master Plan Designation:	The Prairie-Delaware-Piper Master Plan designates the property as Entertainment.
Major Street Plan:	The Major Street Plan classifies Village West Parkway as a Class C Thoroughfare.
Required Parking:	Section 27-466(e) requires four (4) spaces per 1,000 square feet of floor area in the building. Section 27-668(a)(8) requires one (1) space per guest room plus one (1) space for every two (2) employees on the largest shift, plus adequate parking for banquet rooms, meeting rooms, restaurants, and lounge areas. Section 27-676(a) requires a minimum of three (3) ADA-accessible spaces for parking lots with 51 to 75 total parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – November 19, 2020 Letters to Property Owners – November 18, 2020, December 18, 2020, January 15, 2021, February 12, 2021, March 19, 2021 and April 23, 2021
Public Hearing2:	April 12, 2021 and April 29, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Mark Murdick with Sullivan Palmer Architect, is requesting a Special Use Permit allow for a special event space. The space has already been built and the applicant is retroactively requesting the Special Use Permit. The capacity of the space is 250 people and will operate in conjunction with SP-2019-63, a Special Use Permit for live entertainment.

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

Code Enforcement History: There is one (1) outstanding violation recorded at this property. The subject was cited on October 21, 2020 for work without a building permit from the Development Review Committee (DRC), which will be addressed by approval of this Special Use Permit and the simultaneous variance, BZA-2406.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Legends/Kansas Speedway area. The neighborhood is defined by large commercial buildings, business campuses, hotels, sports and entertainment facilities, parking lots, and close proximity to two (2) interstates (I-435 and I-70) and two (2) major roadways (State Avenue and Parallel Parkway).

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

The subject property is zoned CP-2 Planned General Business District, and so are all adjacent properties except to the west, where undeveloped land is zoned AG Agriculture but is undeveloped and serves as a buffer between the subject property and the Kansas Speedway campus, which lies across Village West Parkway. The property to the north of the subject property is a Cerner building and so hours of operation between a special event space and an office building will overlap very little, if at all.

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 subject property is suitable for a special event space. Such spaces are common accessory uses in hotels; the subject property is home to Chateau Avalon. The only potential issues arrive from the required parking, which is being addressed by BZA-2406, and the fact that the event space was constructed without all the proper permits.

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

The subject property is the current site of Chateau Avalon and is not vacant.

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

Special Use Permits are not addressed in the Prairie-Delaware-Piper Master Plan, nor are event spaces specifically addressed. The Prairie-Delaware-Piper Master Plan, however, does state the following in the Entertainment land use designation section: "Because of the number of visitors and users of these [entertainment] facilities, there is a need to plan for support commercial and entertainment uses." A hotel serves as a support commercial use, and a special event space further serves as support entertainment use to both the hotel and to the Legends area at large.

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 applicant has stated that the capacity for the special event space is 250, guests and staff combined. The applicant is addressing the on-site parking issue that may arise from having both a hotel and special event space both at capacity by applying for a simultaneous variance to the on-site parking requirement. The applicant has provided a license agreement and shuttle routine that will allow special event guests to park in the Legends Outlet Mall parking lot and be transported to the subject property by the designated shuttle. This variance request, BZA-2406, if granted, will sufficiently address, and mitigate any issues of vehicular traffic exceeding 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 event space serves an accessory and complementary use to both the hotel and the Legends/Speedway area as an entertainment district. While not deeply necessary to the convenience and welfare of the public, businesses like hotels and event spaces do bring in business from outside the county and the state. Such patronage is therefore advantageous to the county and State.

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 from the event space is a concern, depending on the size of the crowd, soundproofing of the structure, and time of day. While there are few neighbors adjacent to the property, the applicant's clients should still take care to keep noise to an acceptable level for the area. Illumination could also be a potential issue.

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

As a shuttle is proposed to be used to transport guests from off-site parking, carbon emissions from guests' vehicles may actually decrease ever so slightly. Increased water runoff from the construction of additional impermeable space in the form of the event space may also be a concern.

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

The construction of the event space has increased the amount of impermeable surface area on the property. The increased impermeable areas may therefore increase runoff and could present a potential threat to the natural state of the area.

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

Event spaces allow community, family, and social organizations to gather. In normal circumstances, there would be no further concern from Staff. With the ongoing and future threats of COVID-19, however, it is best practice for Staff to also consider the epidemiological aspects of public health and an event space's impact on the state of public health. If the applicants were granted the Special Use Permit to operate an event space, they should be aware of the great impact their venue can have on the community—for the better and for worse. Staff encourages the applicants to impose crowd maximums and social distancing measures that are stricter than the applicable guidelines, whatever those may be at any given time.

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

The applicant has requested a variance from Section 27-672, which states that required off-street parking shall be within 100 feet of the principal use served. With the event space, the subject property does not currently have enough parking spaces to meet the total spaces required by the property's zoning district and uses. Granting this variance (BZA-2406) would address the overcrowding issue. The applicant's clients must comply with all local, state, and federal regulations controlling gatherings, including but not limited to, fire codes and measures passed to address COVID-19.

PREVIOUS ACTIONS

- SP-2015-19 (Special Use Permit for live entertainment on the property)
- SP-2017-29 (renewal of Special Use Permit for live entertainment on the property)
- SP-2019-63 (renewal of Special Use Permit for live entertainment on the property)

- PR2021-005 (2021) (simultaneous application for a variance to use-to-parking space maximum distance)

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 30, 2020 in person, at 701 Village West Parkway. 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

Lights
Noise
Parking
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Special Use Permit Application SP-2020-100, **for two (2) years including the addition of a condition of the sale of the property that the proposed parking is on** subject to:

- 1) 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;
- 2) Music or amplification will not be allowed between 11:00 PM and 9:00 AM;
- 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) During special events, the parking space directly south of the three (3) ADA parking spaces at 701 Village West Parkway must be designated a temporary ADA parking space;
- 6) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 7) Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 8) The applicant has filed and must maintain a current business occupation tax application and entertainment license;
- 9) Successful purchase of the property that the proposed parking will be located;
- 10) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin and/or complete that process. The applicant should note that fees may be applied to the building permit due to construction of the structure initially without permits;

- 11) 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.
- 12) Special Use Permit is conditioned upon the sale of the property from the Unified Government to be used for parking
- 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;
- 14) 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; and,
- 15) 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 recommend **APPROVAL** of Petition **SP-2020-100** subject to all comments and suggestions outlined in this staff report and summarized by the minutes and conditions of the City Planning Commission.

ATTACHMENTS

April 12, 2021 City Planning Commission Minutes
Land Use Map
Aerial Map
Zoning Map
Photos of Property Provided by Staff, Dated November 21, 2020
Site Plan of the Property
Photos of Property Provided by the Applicant
Neighborhood Meeting Materials, November 30, 2020

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Commission</u>
Public Hearing		
Special Use	April 12, 2021 Approval	April 29, 2021

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#SP-2020-100** 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-2020-100**, 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.

April 12, 2021 City Planning Commission Minutes:

Hearing starts at 4:11:07:

SPECIAL USE PERMIT APPLICATION SP-2020-100 – MARK MURDICK WITH SULLIVAN PALMER ARCHITECTS - SYNOPSIS: Special Use Permit for an outdoor event space (structure built without permits) for Chateau Avalon at 701 Village West Parkway.

PLAN REVIEW APPLICATION PR2021-005 – MARK MURDICK WITH SULLIVAN PALMER ARCHITECTS – SYNOPSIS: Final Plan Review for parking at 701 Village West Parkway.

Detailed Outline of Requested Action: The applicant, Mark Murdick with Sullivan Palmer Architect, is requesting a Special Use Permit allow for a special event space. The space has already been built and the applicant is retroactively requesting the Special Use Permit. The capacity of the space is 250 people and will operate in conjunction with SP-2019-63, a Special Use Permit for live entertainment.

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

Code Enforcement History: There is one (1) outstanding violation recorded at this property. The subject was cited on October 21, 2020 for work without a building permit from the Development Review Committee (DRC), which will be addressed by approval of this Special Use Permit and the simultaneous variance, BZA-2406.

Detailed Outline of Requested Action: The applicant, Mark Murdick with Sullivan Palmer Architect, is requesting a Final Plan Review for a special event space and the expansion of the existing parking lot. The site plan includes one (1) special event space detached from the existing hotel building. The space had been previously constructed and the applicant is retroactively requesting the Special Use Permit. The special event space is approximately 3,925 square feet and the applicant has stated that capacity of the space will not exceed 250 persons in total, including all guests and staff. The Final Plan Review for the special event space, PR2021-005, will operate in conjunction with SP-2020-100, a Special Use Permit for live entertainment.

City Ordinance Requirements: Article VI Sections 27-196 – 27-209, 27-212

Zoning Enforcement Issues: There is one (1) outstanding violation recorded at this property. The subject was cited on October 21, 2020 for work without a building permit from the Development Review Committee (DRC). The applicant must retroactively obtain the proper permits for the construction of the banquet hall.

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 April 12, 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 Special Use Permit; 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:

- Mark Murdick, applicant, Sullivan Palmer Architects, 8621 Johnson Drive, Merriam, Kansas 66202

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 4:15:45: Planning Director Hand stated that staff has worked with the property owner on this proposal. Events can be held four (4) times a year, through the Business License Department, without a Special Use Permit. Staff worked out an agreement that they could have up to four (4) events while pursuing this Special Use Permit.

Assistant Counsel Waters stated that the sale of the property is being handled through the Economic Development Department and Legal Department. It is on a separate track and does not need to be factored into this Special Use Permit. If the sale of the property for parking does not go through, the Special Use Permit would be moot.

Planning Commissioner Connelly asked if anyone has inspected the structure that was built without permits to determine it is safe. Planning Director Hand stated that Building Inspection Department has been there several times and has determined that the building can remain erected through this entitlement process. The building does not have a Certificate of Occupancy so no one can be in the building. There will be one (1) more review by Building Inspection, and a retroactive building permit will need to be acquired.

Director Hand stated that there was a variance last January as they were hoping to have off-street parking at The Legends and shuttle people to Chateau Avalon and that case was denied. Staff has since worked with Mr. Murdick and the property owner on locations for parking and have determined that this proposed location is best. The proposed parking area complies with the Commercial Design Guidelines with regard to landscaping and pedestrian access. There is a pedestrian walkway that connects to the event space building and the existing sidewalk that goes to the hotel. There is also ADA compliant parking in proximity to the entrance. Director Hand stated that one of

the conditions is that there is no music between 11:00 p.m. and 9:00 a.m. as the applicant in his response had said there would be no event after 11:00 p.m. Staff would add a condition of approval that this Special Use Permit is conditioned upon the sale of the property from the Unified Government to be used for parking.

Motion and Vote starts 4:22:40:

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL** of Special Use Permit **SP-2020-100 for two (2) years including the addition of a condition of the sale of the property that the proposed parking is on:**

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

Motion to RECOMMEND APPROVAL Passed: 7 to 1

Subject to:

- 1) 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;**
- 2) Music or amplification will not be allowed between 11:00 PM and 9:00 AM;**
- 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) During special events, the parking space directly south of the three (3) ADA parking spaces at 701 Village West Parkway must be designated a temporary ADA parking space;**
- 6) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
- 7) Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 8) The applicant has filed and must maintain a current business occupation tax application and entertainment license;**
- 9) Successful purchase of the property that the proposed parking will be located;**
- 10) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin and/or complete that process. The applicant should note that fees may be**

- applied to the building permit due to construction of the structure initially without permits;
- 11) 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.
 - 12) Special Use Permit is conditioned upon the sale of the property from the Unified Government to be used for parking
 - 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;
 - 14) 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; and,
 - 15) 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. Connelly, the Planning Commission voted as follows to **APPROVE Plan Review Application PR2021-005:**

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

Mohler Aye
Pauley Aye
Reasons No

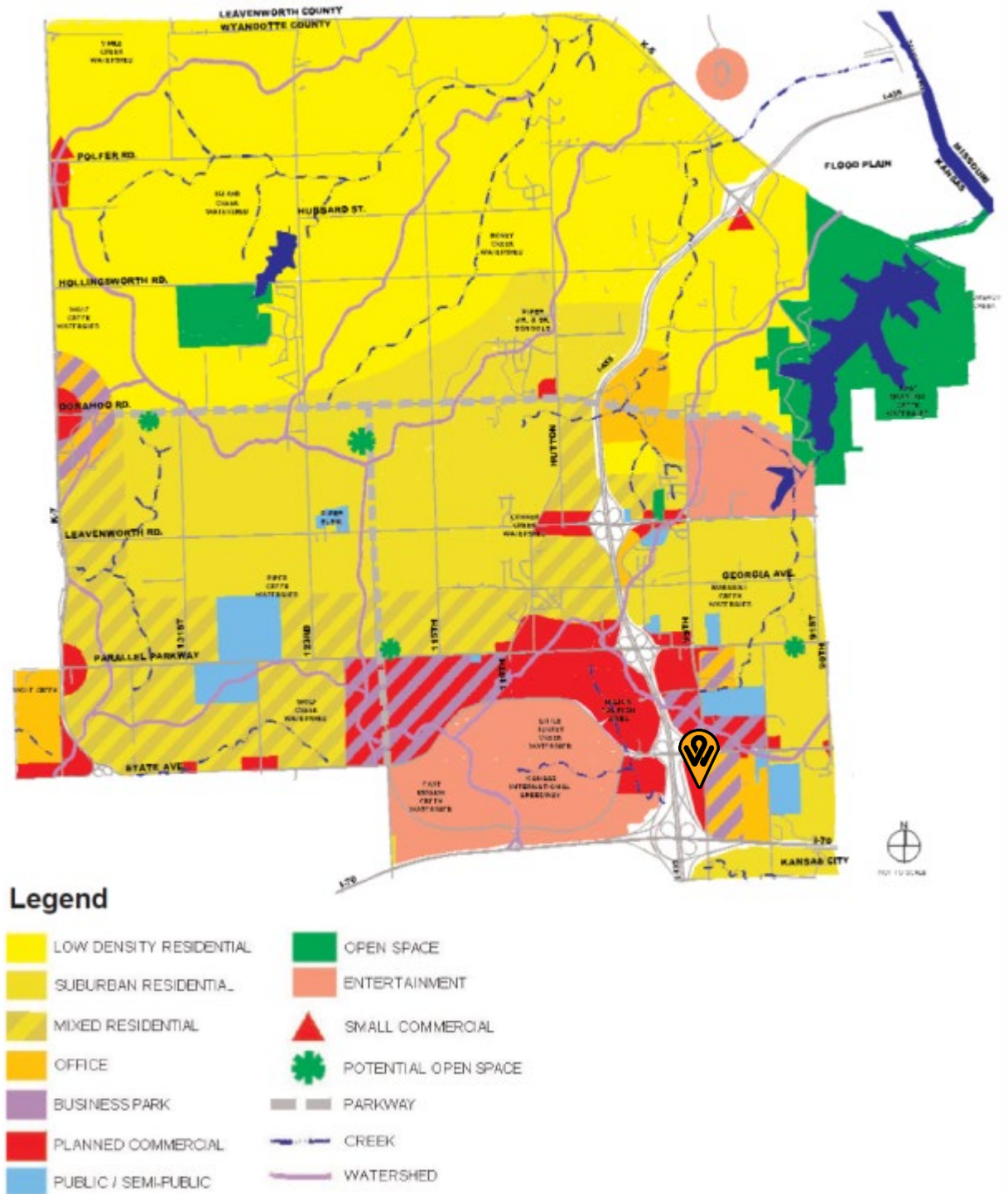
Motion to RECOMMEND APPROVAL Passed: 7 to 1

Subject to:

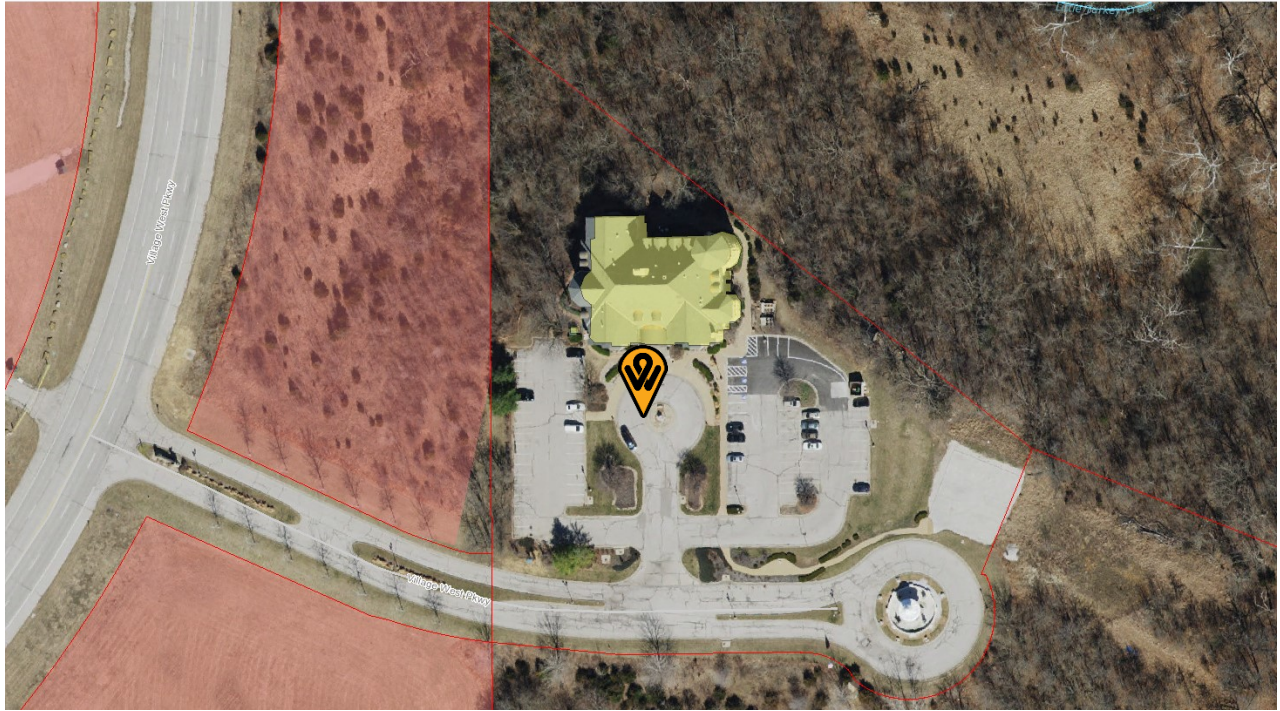
- 1) Any signage must comply with the sign code and be permitted through the Department of Planning and Urban Design, separate from this planning action. No signs may be erected without proper permits;**
- 2) Applicant is responsible for ensuring that all contractors are issued all necessary permits from the Unified Government departments, including right-of-way and electrical permits;**
- 3) If approved, the applicant will need to file and maintain a current business occupation tax application with this office;**
- 4) One or more building permit(s) is required for the proposed construction. Please contact the Building Inspection Department to begin that process. A retroactive permit fee may be incurred;**
- 5) Development and construction are subject to the submitted plans, included site, parking, landscaping, and lighting plans, provided by the applicant;**
- 6) All lighting, whether mounted on the building(s) or installed in the parking lot shall have 90-degree cutoff fixtures;**
- 7) The applicant has stated that the narrowest width of the pedestrian walkway between the proposed parking lot expansion and the entrance of the special event structure is four (4) feet, two (2) inches. This is in compliance with ADA regulations, which requires designated pedestrian access of at least four (4) feet;**
- 8) At least 43 trees must remain on the subject property, per Section 27-577(a)(5);**
- 9) Landscaping in parking lot islands shall be irrigated;**
- 10) Per Section 27-673(c), the City Planning Commission may require that a parking area be screened on any side where it may adversely affect adjacent property, by a wall, screen planting, or fence of a height that the commission deems adequate. Staff encourages the City Planning Commission to require sufficient landscape screening along the north and south sides of the new proposed parking lot;**
- 11) Per Section 27-575(g)(3), all trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;**
- 12) Due to the topography of the subject property and the expansion of the parking lot, there is a greater need to conform to grading and drainage requirement. All grading and drainage resulting from the parking lot expansion must comply with Section 27-575(c), which states the following:
“(1) Where possible, new development should maintain the natural topography of the existing site. Extensive grading (more than 70 percent of the site) or unusual site improvements are strongly discouraged. (2) Site drainage patterns shall be designed to prevent surface drainage from collecting on and/or flowing across pedestrian areas. (3) Use of stepped**

retaining walls is where necessary along public streets and other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six feet in height must be "stepped." Four feet of terrace is required for every eight feet of wall....".

Map 11: Future Land Use



AERIAL MAP



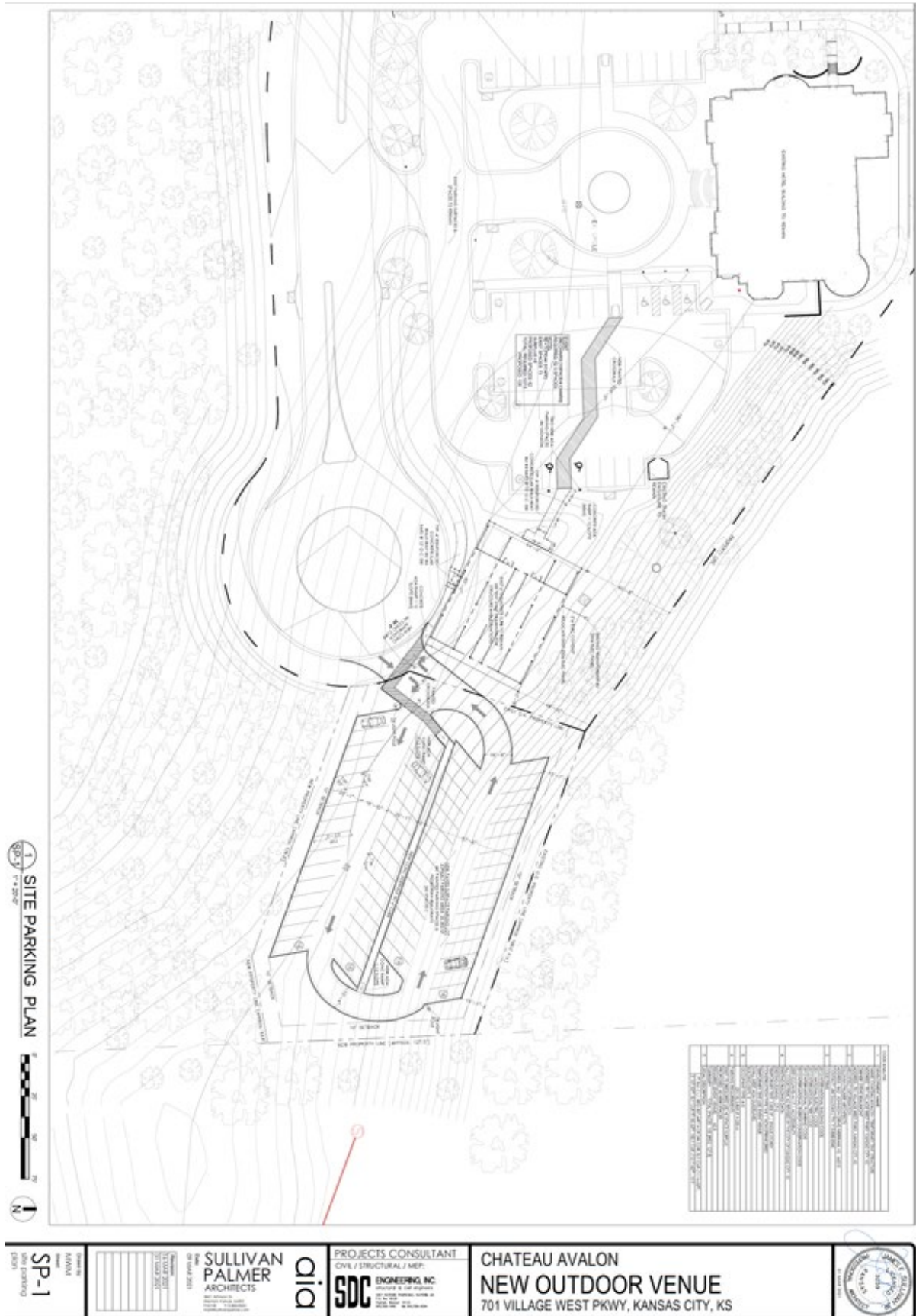
ZONING MAP



PHOTOS OF PROPERTY PROVIDED BY STAFF, DATED NOVEMBER 21, 2020

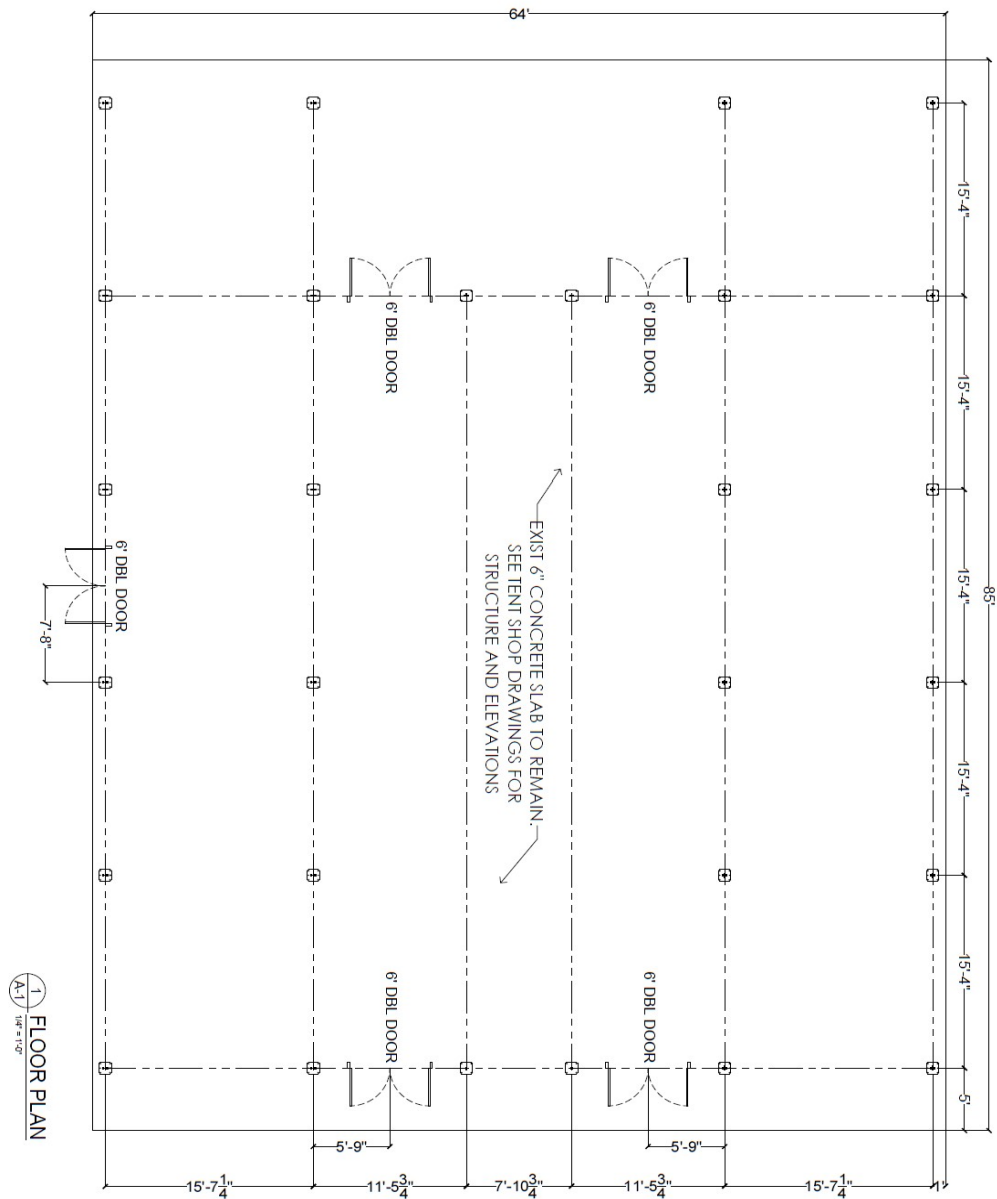


SITE PLAN OF THE PROPERTY



SITE PLAN OF THE PROPERTY, CONT.

Floor plan of the special event space at 701 Village West Parkway.



SHEET A-1 FLOOR PLAN	DRAWN BY MMW CHECKED BY [] DATE 1/15/2021	SULLIVAN PALMER ARCHITECTS 3001 S. W. 10th St., Suite 100, Oklahoma City, OK 73106 (405) 521-1111 www.sullivanpalmer.com	PROJECTS CONSULTANT CIVIL / STRUCTURAL / MEP	CHATEAU AVALON NEW OUTDOOR VENUE 701 VILLAGE WEST PKWY, KANSAS CITY, KS	

PHOTOS OF THE PROPERTY PROVIDED BY THE APPLICANT



NEIGHBORHOOD MEETING MATERIALS, NOVEMBER 30, 2020

NEIGHBORHOOD MEETING MINUTES

SPECIAL USE PERMIT #: SP-2020-100

DATE AND LOCATION: 30 November 2020 / Chateau Avalon, 1737 N 82 St, Kansas City, KS

[Conference room]

Meeting called to order at: 4:00 PM

In attendance: (also see attached sign-in sheet)

- Mark Murdick
 - Steve Beaumont
-

Introductions:

Mark Murdick (applicant) opened the meeting. Proposed plan packets which included site plan, floor plan, and event space operations narrative were available. Mr. Murdick then presented the scope of work to the group and explained the purpose of the meeting. Minutes below:

Meeting minutes:

- The meeting started promptly at 4:00pm. None of the attendance included the neighborhood meeting letter recipients. The owner of the project and the applicant were the only two in attendance. The meeting doors were open until 4:30 before the applicant called the meeting to a close.
 - There was no discussion due to lack of attendance by neighborhood meeting letter recipients
-

Meeting adjourned: 4:35 PM

Minutes taken by Mark Murdick (applicant)

CHATEAU AVALON NEIGHBORHOOD MEETING SIGN-IN

NAME	ASSOCIATION	TIME
1. MARK MURDICK	SULLIVAN PALMER ARCHITECTS	3:45 PM
2. <u>Steve Beaumont</u>	<u>Chateau Avalon</u>	<u>3:59 PM</u>
3.		

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

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

1. That I am the petitioner for Petition # SP-2020-100
2. That I conducted a neighborhood meeting on Dec 1, 2020.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Steve Beaumont
Affiant

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

My commission expires _____ of _____, 200_.

Notary Public



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: April 29, 2021

Re: Petition SP2021-016

GENERAL INFORMATION

Applicant:
Abdul Mazid

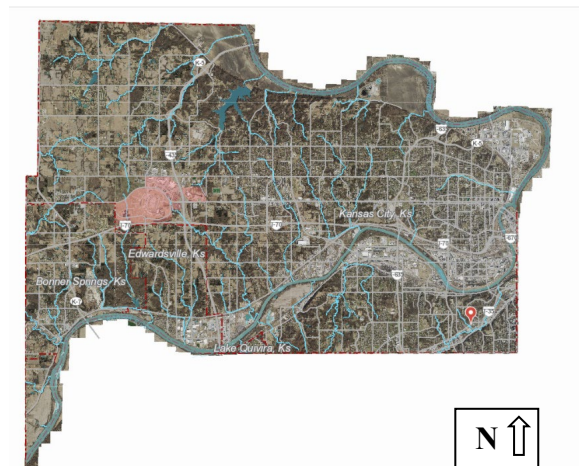
Status of Applicant:
Property Owner
A+ Auto Sales
1010 Merriam Lane
Kansas City, KS 66103

Requested Action:
Approval of a Special Use Permit (renewal denied on August 29, 2019).

Date of Application:
February 26, 2021

Purpose:
To operate a used car dealership.

Property Location:
1010 Merriam Lane
Kansas City, KS 66103



Commission Districts:	Commissioner At Large: Tom Burroughs District #3 Commissioner: Christian Ramirez
Existing Zoning:	C-3 Commercial District
Adjacent Zoning:	North: R-1(B) Single Family District South: C-3 Commercial District East: C-3 Commercial District West: C-3 Commercial and R-1(B) Single Family Districts
Adjacent Uses:	North: Single family residence (across Ball Lane) South: Retail business (Quick's Guns and Transfers) East: Commercial buildings West: Used car dealership (Chilitos Auto Sales) and single-family residence
Total Tract Size:	0.19 Acre
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The Master Plan designates this property as Business Park, which allows warehouse (non-hazardous materials), distribution (non-hazardous materials), Business/research parks, related commercial and service uses such as wholesale stores, outlet stores, office supply stores, service stations, convenience stores, hotels, motels, supporting restaurants, etc., and medical facilities.
Major Street Plan:	The Major Street Plan classifies Merriam Lane as a Class C Thoroughfare.
Required Parking:	Sec. 27-467(e) 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. Nine (9) spaces are required based on the 2,270 interior square feet. Ten (10) spaces are provided. Only one (1) space is permitted for used vehicle display.
Advertisement:	<u>The Wyandotte Echo</u> – March 18, 2021 Letters to Property Owner – March 19, 2021 and April 23, 2021
Public Hearings:	April 12, 2021 and April 29, 2021
Public Support:	None to date.

Public Opposition:

Erin Stryka with Rosedale Development Association appeared in opposition at the April 12, 2021 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Abdul Mazid, has applied for a special use permit (renewal was denied on August 29, 2019) to operate a used car dealership at 1010 Merriam Lane. This property was operated as an antique car sales business from 1987 to 2001. Since that time, it has been operated as a variety of businesses, including an automobile repair business from 2004 – 2005 and a retail market (Kimo’s Market) from 2005 – 2008. In September 2017, Mr. Mazid was issued a Special Use Permit, and A+ Auto Sales Inc was opened in April 2018. The site has been cleaned and maintained; new landscaping has been implemented in accordance with the plans submitted in 2017. The property was listed for sale, but there were no prospective buyers.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There is one (1) open Notice of Violation on the property (ZONE2020-0002) for operation of auto sales without a Special Use Permit. Six (6) vehicles were parking in front of the building without license plates.

In 2016, the property was issued a court summons for being a residential retail property without a rental permit. This case was dismissed. The property has received numerous code citations for graffiti, trash, and abandoned vehicles in the past, prior to Mr. Mazid’s ownership.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This section of Merriam Lane is in the Rosedale neighborhood. It is a mixed-use, urban neighborhood with commercial, residential, and entertainment uses (Rosedale Drive-In Theater). Southwest Boulevard and Merriam Lane have received significant public investment, including new bike lanes and sidewalks.

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

The proposed use may create a compatibility issues with nearby residential uses to the north and east.

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 has a prominent location on the “S” curve where Southwest Boulevard becomes Merriam Lane (great visibility). It is well suited to be a

commercial business. Removal of the restrictions on used car dealerships may detrimentally affect nearby property by creating a use that does not maximize the potential of the site, as the aesthetic is undesirable and proximity to similar services does not necessitate this desired use.

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

This property has had various businesses and uses in the past; see the detailed outline of requested action in the proposal section for more information.

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

The City-Wide Master Plan designates this property as Business Park. The Master Plan designates this property as Business Park, which allows warehouse (non-hazardous materials), distribution (non-hazardous materials), Business/research parks, related commercial and service uses such as wholesale stores, outlet stores, office supply stores, service stations, convenience stores, hotels, motels, supporting restaurants, etc., and medical facilities. The Business Park district does not address used car dealerships specifically, but it is not in conformance with the other enumerated uses listed above.

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 would not likely result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it. The eastern most curb cut could be shortened, which would improve circulation within the site.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public. There is already an abundance of used car dealerships in the immediate vicinity and access city. The proposed use could negatively affect the visual quality and marketability of adjoining property.

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

Noise, vibration, dust or illumination that would normally be associated with the proposed use is not likely to be a problem for near-by property. If automobiles are being serviced on site, this could create an issue for nearby residential properties. Repair is not allowed and is not requested per this request for a

Special Use Permit.

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

The proposed use will not create substantial air, land, or water pollution provided that all cars kept on site are in good repair and are not leaking fluids. Auto service and repairs are not allowed on site.

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

The proposed use would not damage or destroy an irreplaceable natural resource as it is an existing building in a mostly built-out urban area.

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

There is no gain to the public health, safety, or welfare that would result from the approval of this application. The individual landowner would not be able to operate a used car dealership if the application is denied, but could use the property for various other commercial uses allowed in a C-3 Commercial District or rezone the property to allow mixed-use (i.e., TND)

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

The proposed use would not result in overcrowding of the land or cause undue concentrations of population as it is a commercial use. The parcel is very small and providing the required parking improvements and off-street parking could cause overcrowding of the land.

PREVIOUS ACTIONS

- Special Use Permit (#SP-2019-84) renewal was denied on August 29, 2019.
- Special Use Permit (#SP-2017-28) was approved by the Board of Commissioners for two (2) years on September 28, 2017.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 29, 2021 by Virtual Meeting (via Zoom).

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

KEY ISSUES

Conformance to the Master Plan
Site and building improvements
Compliance with previous conditions
Parking
Screening from residential uses

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Special Use Permit Application SP2021-016 for two (2) years, subject to:

1. **Previously, the applicant's representative has asked staff, the City Planning Commission and Board of Commissioners to delay constructing the sidewalk as originally approved due to economic hardship. The sidewalk shall be constructed prior to re-opening his business and comply with their initial approval in 2017 (SP-2017-28).**
2. **Because there is no trash receptacle on site, the applicant shall remove all trash for disposal offsite. Trash bags shall not be left on-site for pickup;**
3. **If the property is sold, the associated Special Use Permit cannot be transferred;**
4. **BOZA 2268, approved on December 17, 2017 was for Mr. Abdul Mazid and this specific used car sales lot only. If there is a change of use, that use must meet the zoning district's parking regulations;**
5. **Because the variance was approved to reduce off-street parking, the second floor shall remain unused;**
6. **No inoperable vehicles allowed on site;**
7. **Per the Business License Division:**
 - a. **The auto dealer at this location has filed the required occupation tax application and is current and renewed for this calendar year. Has been registered since 4/18/2018;**
8. **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;**
9. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The**

property may also be subject to enforcement actions and administrative citations;

10. 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;
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.

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 **SP2021-016** subject to all comments and suggestions outlined in this staff report and summarized in the minutes and conditions of the City Planning Commission.

ATTACHMENTS

April 12, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Site Photographs Provided by Staff dated in January 2021.
Site Photographs Provided by Staff dated March 30, 2021.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	April 12, 2021	April 28, 2021
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-016** 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 **SP2021-016**, 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.

April 12, 2021 City Planning Commission Minutes:

Hearing starts at 3:42:51:

SPECIAL USE PERMIT APPLICATION SP2021-016 – BRYANT PARKER -

SYNOPSIS: Special Use Permit (previous renewal SP-2019-84 was denied on August 29, 2019) for a used car dealership at 1010 Merriam Lane.

Detailed Outline of Requested Action: The applicant, Abdul Mazid, has applied for a special use permit (renewal was denied on August 29, 2019) to operate a used car dealership at 1010 Merriam Lane. This property was operated as an antique car sales business from 1987 to 2001. Since that time, it has been operated as a variety of businesses, including an automobile repair business from 2004 – 2005 and a retail market (Kimo's Market) from 2005 – 2008. In September 2017, Mr. Mazid was issued a Special Use Permit, and A+ Auto Sales Inc was opened in April 2018. The site has been cleaned and maintained; new landscaping has been implemented in accordance with the plans submitted in 2017. The property was listed for sale, but there were no prospective buyers.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There is one (1) open Notice of Violation on the property (ZONE2020-0002) for operation of auto sales without a Special Use Permit. Six (6) vehicles were parking in front of the building without license plates.

In 2016, the property was issued a court summons for being a residential retail property without a rental permit. This case was dismissed. The property has received numerous code citations for graffiti, trash, and abandoned vehicles in the past, prior to Mr. Mazid's ownership.

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 April 12, 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:

- Bryant Parker, attorney for Abdul Mazid, 9909 Roe Avenue, Overland Park, Kansas with offices in Corporate Woods

Present in Opposition:

- Erin Stryka, Rosedale Development Association, 1403 Southwest Boulevard, Kansas City, Kansas

Staff Recommendation starts at 3:55:12: Planning Director Hand stated that in December 2017 this property received a variance for parking (#2268), and in that approval it stated that if the use ever changed on this property the variance was moot and any future use would have to go back to the original parking requirement. In August of 2019 this renewal was denied. The applicant waited 1 ½ years to come back with the same request. One of the conditions is that they will build the sidewalk before reopening, and if the use changes, the parking requirements will also change, and they will need to meet those requirements. He further stated that the upstairs was never intended to be used and cannot be used as a condition of this approval due to the parking constraints. This is a corner lot between two (2) streets with different grading levels. Because of the grade levels, the site plan was not able to include a trash enclosure and one of the conditions is that all trash must be removed and not kept on the site. No letters of opposition nor support have been received except for the testimony in opposition by Ms. Stryka tonight. There is a Notice of Violation from several months ago because the cars were left on the lot as though they were being sold. The applicant's representative indicated that the cars were not for sale. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 3:58:46:

On motion by Mr. Ernst, seconded by Mr. Reasons, the Planning Commission voted as follows to **recommend APPROVAL** of Special Use Permit **SP2021-016**:

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

Motion to RECOMMEND APPROVAL Passed: 7 to 1

Subject to:

- 1. Previously, the applicant's representative has asked staff, the City Planning Commission and Board of Commissioners to delay constructing the sidewalk as originally approved due to economic hardship. The sidewalk shall be constructed prior to re-opening his business and comply with their initial approval in 2017 (SP-2017-28).**
- 2. Because there is no trash receptacle on site, the applicant shall remove all trash for disposal offsite. Trash bags shall not be left on-site for pickup;**

3. If the property is sold, the associated Special Use Permit cannot be transferred;
4. BOZA 2268, approved on December 17, 2017 was for Mr. Abdul Mazid and this specific used car sales lot only. If there is a change of use, that use must meet the zoning district's parking regulations;
5. Because the variance was approved to reduce off-street parking, the second floor shall remain unused;
6. No inoperable vehicles allowed on site;
7. Per the Business License Division:
 - a. The auto dealer at this location has filed the required occupation tax application and is current and renewed for this calendar year. Has been registered since 4/18/2018;
8. 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;
9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
10. 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;
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.



Figure 2. Zoning Map of 1010 Merriam Lane as outlined in blue (provided by UG Maps).

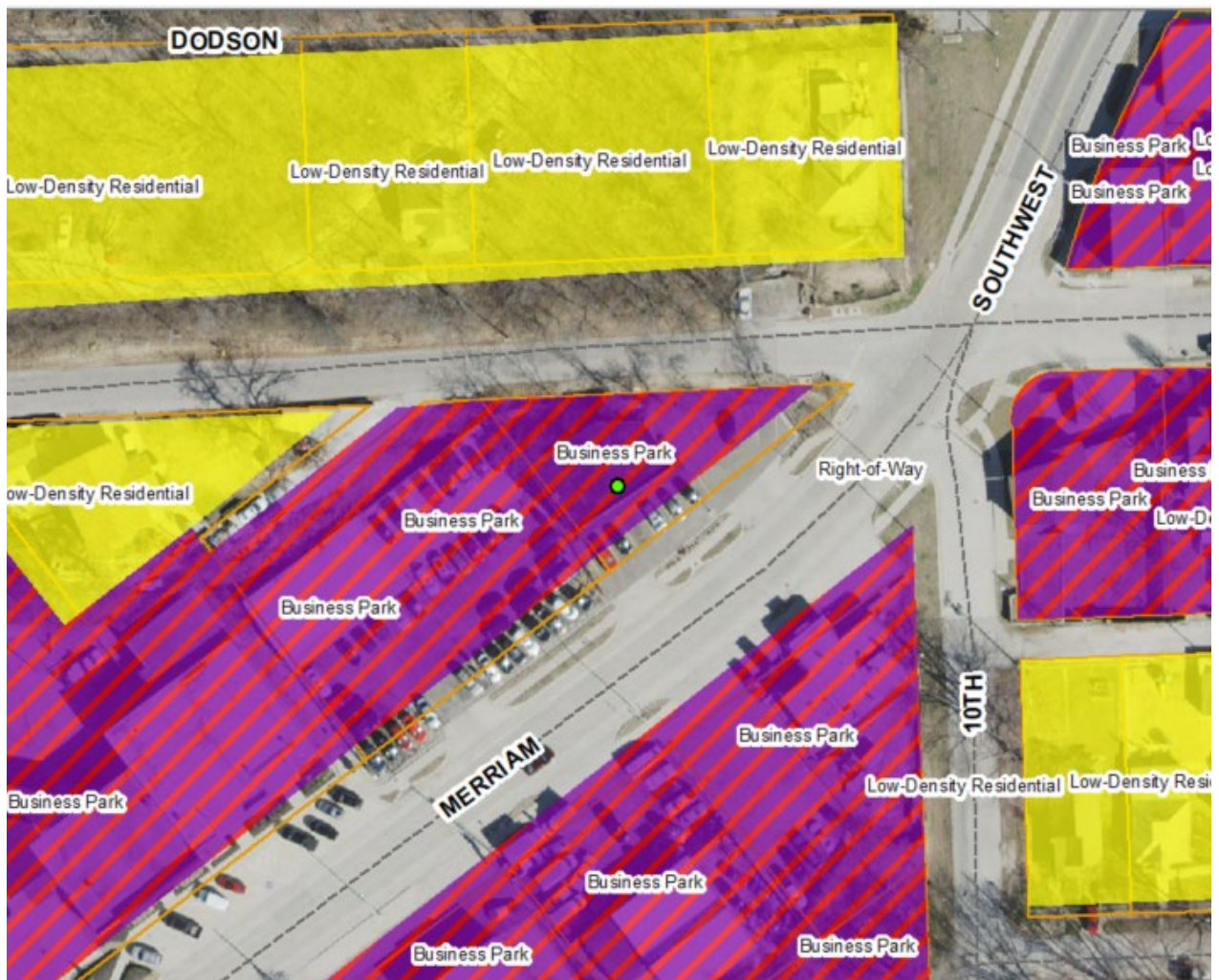


Figure 3. Land Use Map for 1010 Merriam Lane (provided by ArcMap).

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY – KANSAS CITY, KANSAS

PETITION SP2021-016

MARCH 30, 2021

APPLICANT ABDUL MAZID'S RESPONSE TO DRAFT STAFF REPORT RESPONSE TO FACTORS:

Factor 1: Applicant would expand staff's explanation of the Character of the Neighborhood to include the existing used car sales lot directly adjacent to the SUP Property, the U-Haul moving truck neighborhood dealer and gun store directly across the street from the SUP Property. The entire Merriam Lane corridor is dominated by automobile-oriented uses and/or heavy industrial uses, including Boulevard Drive-In Theater, KC Home Trailer mobile home dealer, Modified by KC Racing Car Parts Store, Rhodes Chemical, Payless Building Surplus, Amerhart Building Materials Store, and what appears to be an automobile junkyard behind the Sol Jarocho store.

Factor 2: Applicant respectfully disagrees with staff's suggestion that the proposed SUP creates any compatibility problems with nearby residential uses. There is at least as much (if not more) distance between Applicant's automobile-oriented use and nearby residential areas as there is between many of the other automobile-oriented and heavy industrial users along the Merriam Lane corridor and nearby residential areas. Additionally, the topography of the SUP site creates a natural buffer between the residential neighborhood to the west of the SUP property.

Factor 3: Applicant respectfully disagrees with Staff's suggestions that approval of the SUP will have any detrimental effect on nearby properties and that use of the SUP property for used car sales is not maximizing the potential of the SUP Site. As noted in Applicant's responses to Factors 1 and 2, the entire Merriam Lane corridor is devoted to automobile-oriented uses and/or heavy industrial uses. Additionally, Applicant has repeatedly unsuccessfully marketed the SUP property for sale without even the expression of any interest in purchase for any other commercial use besides used car sales.

Factor 4: Applicant respectfully points out that staff's report fails to mention the SUP site sat vacant for the better part of a decade prior to the Applicant's purchase of the site and operation of the SUP site as a Used Car Sales business under the previously-granted SUP permit. During this time the SUP site was known for being an eyesore that attracted graffiti, littering and crime. Applicant has no alternative plan for use of the SUP Property if this SUP is not approved, and thus would be forced to abandon the SUP Site to foreclosure, where it will return to being a vacant property that is not maintained and which sponsors crime and graffiti, with negative overflow effects upon surrounding property.

Factor 5: Applicant respectfully disagrees with staff's statement that use of the SUP site for used car sales does not comply with the City-Wide Master Plan. There is no basis for considering a used car sales use as any different from other, specifically allowed warehouse and distribution uses, or wholesale stores or even automobile service stations. The City-Wide Master Plan specifically does not attempt to

enumerate every allowed use, opting instead to describe the types of uses envisioned for each area. Used Car Sales fit squarely as a use envisioned and recommended within Business Parks under the City-Wide Master Plan.

Factor 6: Applicant agrees that the proposed SUP will not have any negative impact on traffic flow. This is evident from Applicant's prior use of the SUP Site for Used Car Sales.

Factor 7: Applicant respectfully disagrees with Staff's conclusion that use of the site for Used Car Sales is not reasonably necessary for the convenience and welfare of the public and that it will have any negative affect the visual quality or marketability of adjoining property. The sale and purchase of automobiles is an essential activity within any modern city, and it is inherently more convenient to the citizens of Kansas City, Kansas and Wyandotte County for used car sales lots to be located near one another. This SUP Application is for the approval of a used car sales lot that is adjacent to another, much larger used car sales lot, as well as other automobile-related uses. Therefore, using this location for used car sales is by definition convenient for used car shoppers in Kansas City, Kansas and Wyandotte County. Additionally, Applicant has invested substantially in improving the exterior of the SUP property so that it looks more kept than the next door used car sales lot or many other nearby properties along the Merriam Lane corridor.

Factor 8: Applicant agrees with staff's conclusion that this SUP is not likely to cause any problems for nearby properties involving noise, vibration, dust or illumination.

Factor 9: Applicant agrees with staff's conclusion that this SUP will not create substantial air, land, or water pollution.

Factor 10: Applicant agrees with staff's conclusion that this SUP would not damage or destroy an irreplaceable natural resource.

Factor 11: Applicant respectfully disagrees with Staff that there is no gain to the public health, safety and welfare resulting from the approval of this application. As noted in Applicant's response to Factor 7, the sale and purchase of automobiles is an essential activity within any modern city, and it is inherently more convenient for the citizens of Wyandotte County and Kansas City, Kansas for used car sales lots to be located adjacent to one another, which would be the result of approving this special use permit. The hardship imposed upon Applicant by denying this SUP is extreme, as it will directly result in the loss of the SUP Property by Applicant to foreclosure because of the complete lack of any other alternate commercial tenant in using the site due to the prohibitively large investment that would be required to convert the building to be able to be used for any other purpose and the comparative lack of other non-

automobile-oriented or heavy industrial uses along this stretch of the Merriam Lane corridor at this time.

Factor 12: Applicant agrees with Staff's conclusion that this SUP would not result in overcrowding of the land or cause undue concentrations of population.

APPLICANT'S RESPONSE TO STAFF'S NUMBERED COMMENTS AND SUGGESTIONS:

1. Economics prohibited Applicant from installing the sidewalk as required by the expiration of the previous SUP. Since that time, Applicant has leveraged other resources and is able to install the sidewalk within 5 months of approval of this SUP application. Applicant still notes that the sidewalk requirement is overly financially burdensome and completely unnecessary to serve any pedestrian purpose as it would be impractical, if not impossible, to extend any sidewalk beyond Applicant's property to the residential areas to the west due to cost prohibitions and inappropriate terrain.
2. The second floor is unused and will remain unused.
3. The variance that was previously approved for the prior SUP should be recognized and applied to this SUP so that this SUP is approved under the same terms as the prior SUP. There was no mention during the prior SUP application process (that was approved) that the variance would expire, and variances that are not issued with an expiration date remain in force indefinitely under Kansas law. Because this SUP application seeks to do nothing more than reinstate the prior SUP that was approved, no new variance is needed.
4. There is no way to move the vehicles for sale inside of the building. That defeats the entire purpose of a used car sales lot. Additional cars for sale will be stored inside the building and staff will park inside the building, and the original customer parking spaces dedicated in the exterior parking lot under the original SUP were more than adequate for customer traffic and would be kept as customer parking under this SUP.
5. No, the number of dedicated customer parking spaces has not changed since the prior granted SUP and is allowed per the approved variance.
6. Will be provided separately.
7. Applicant removes all trash for disposal offsite. Prior to Applicant's purchase of this SUP Property, it was consistently plagued by accumulated litter. Since Applicant has owned the SUP Property it has been maintained and all trash has been properly removed and disposed of.
8. Nothing is changing from the original approved SUP.
9. Unknown, they did not keep a visitor log.
10. Applicant has repeatedly listed the SUP Property for sale and is happy to do so again as a condition to granting the SUP.
11. Understood.
12. Understood.
13. Yes, Applicant maintained his auto dealer business license to avoid having to reapply for business licensure BUT NO CARS HAVE BEEN SOLD AT THE SUP LOCATION SINCE THE ORIGINAL SUP FOR USED CAR SALES EXPIRED.

14. Agreed. Applicant does not regularly dispose of used tires. The requested SUP is for a used car sales lot, not an automobile service lot.
15. Understood.
16. Understood.

NEIGHBORHOOD MEETING MINUTES

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS

Application Number **SP2021-016**

Date and Location: **Monday, March 29, 2021 @ 6:00 PM VIA ZOOM**

Meeting called to order at: **6:01 PM**

Names of people in attendance: **Ms. Erin Stryka, Executive Director of the Rosedale Development Association; Mr. Bryant Parker, Applicant's Attorney**

Introductions: **Mr. Parker and Ms. Stryka have previously met concerning the prior special use permit granted for used car sales on the SUP Property at 1010 Merriam Lane, Kansas City, Kansas.**

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said): **Due to Ms. Stryka's familiarity with the SUP Property and the terms of the prior special use permit allowing used car sales at the SUP Property, Mr. Parker explained that the SUP application was to allow the sale of used cars on the SUP Property under the same terms and conditions as the prior approved SUP. Ms. Stryka explained that, as before, the Rosedale Development Association was not able to support the use of the SUP Property for used car sales. I replied that I understood their position, but explained that my client/the Applicant has 1) unsuccessfully marketed the SUP property for sale, 2) the Applicant has no other economically feasible use of the SUP Property other than for used car sales, and 3) the reason why the SUP Property sat vacant for so long before the Applicant purchased it was because to make the SUP Property usable for an alternate commercial use would require investment of several hundred thousand dollars (I estimated at least \$750,000.00) and there is currently no commercial use that could feasibly locate along the Merriam Lane corridor that could either pay enough rent to a landlord or afford the mortgage payments required to self-fund the cost of those improvements.**

Following this discussion and waiting for several minutes for others to join the neighborhood meeting, the neighborhood meeting adjourned at 6:16 PM.

Questions and answers (include the following):

- Who asked question or gave comment: **Ms. Erin Stryka**
- What was the question or comment: **See Summary Above**
- Who answered the question/comment: **Mr. Bryant Parker**
- What was the answer given: **See Summary Above**

Meeting adjourned at: **6:16 PM**

Minutes taken by: **Mr. Bryant Parker**

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF JOHNSON)

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

1. That I am the petitioner's attorney for Petition # SP2021-016 - 1010 Merriam Lane.
2. That I conducted a neighborhood meeting on Monday, March 29, 2021.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31st day of March, 2021.

My commission expires 7th of October, 2023

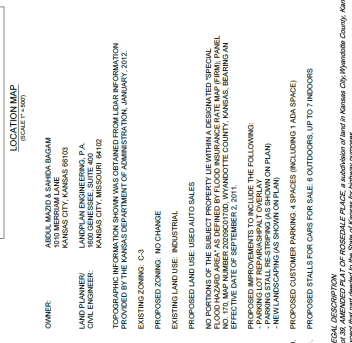


Rachel L. Sylvester
Notary Public

	LANDPLAN ENGINEERING LAWRENCE, KS • Kansas City, MO • The Woodlands, TX (781) 221-1100 • (913) 221-1100 • (281) 221-1100 www.landplan-engineering.com	ROARK SURVEYING 9414 GERRARD LANE LENEXA, KS 66215 913-889-4239 RoarkSurveying@aol.com	PRELIMINARY DEVELOPMENT PLAN KANSAS CITY, KANSAS 66103
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REV	DATE	DESCRIPTION
1	08/07/16	REVIEWED KSH CITY COMMENTS
2	08/07/16	REVISED PER KSH COMMENTS
3	08/07/16	REVISED PER KSH COMMENTS
4	08/07/16	REVISED PER KSH COMMENTS
5	08/07/16	REVISED PER KSH COMMENTS
6	08/07/16	REVISED PER KSH COMMENTS
7	08/07/16	REVISED PER KSH COMMENTS
8	08/07/16	REVISED PER KSH COMMENTS
9	08/07/16	REVISED PER KSH COMMENTS
10	08/07/16	REVISED PER KSH COMMENTS

DATE: 08/07/16	SCALE: AS SHOWN	SHEET: 1 OF 1
DESIGNED BY: J. ROARK	CHECKED BY: J. ROARK	DATE: 08/07/16



PLANT SCHEDULE					
TREES		BOTANICAL NAME	COUNT	GAL.	QTY.
(+)	2N	Zamia serrata "Machino" Coastal Rainforest	5 B&B	2 1/2"	5
SHRUBS		BOTANICAL NAME	COUNT	GAL.	QTY.
(+)	JN	Unipetala procumbens Nand Shore Juniper	5 GAL.		4
(+)	JO	Unipetala virginiana Grey Owl Eastern Redcedar	5 GAL.		3

1. NAME _____
 2. DATE _____
 3. GRADE _____
 4. TEACHER _____
 5. SCHOOL _____
 6. CITY _____
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 214. HOME _____
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 219. TELEFAX _____
 220. INTERNET _____





Figure 4. Site Photograph of 1010 Merriam Lane taken on November 20, 2020.



Figure 5. Site Photograph of 1010 Merriam Lane taken on January 22, 2021.



Figure 6. Site Photograph of 1010 Merriam Lane taken on March 30, 2021.



Figure 7. Site Photograph of 1010 Merriam Lane taken on March 30, 2021.



Staff Request for Commission Action

Tracking No. 21785

Full Commission Meeting Date: 4/29/21

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 4/22/2021	<u>Contact Name:</u> Alley Porter	<u>Contact Phone:</u> x5101	<u>Contact Email:</u> aporter@wycokck.org	<u>Department/Division:</u> Commission Liaison
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Item Description:

Nominations for Boards & Commissions:

Irene Caudillo to Law Enforcement Advisory Board (Reappointment), 4/29/2021-12/13/2021, submitted by Sheriff Ash

Mary Hopkins to Law Enforcement Advisory Board (Reappointment), 4/29/2021-12/13/2021, submitted by Sheriff Ash

Kimberly Weaver to Law Enforcement Advisory Board, 4/29/2021-12/13/2021, submitted by Sheriff Ash

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



Staff Request for Commission Action

Tracking No. 21799

Full Commission Meeting Date: 4/29/21

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: Yes 5/6/2021

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
4/22/2021	James Bain	x5077	jbain@wycokck.org	Legal

Item Description:

Project Name: 2018-2019 Priority Traffic Signal Project CMIP 0117

The Commission adopted Resolution No. R-78-20, declaring the project to be necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired. This project is to replace the traffic signals at 10th Street & State Ave. Other improvements included traffic signal cabinets, new sidewalks, curbs and gutter installations, submitted by E. James Bain, Assistant Counsel. The Ordinance directs the Chief Counsel to commence legal proceedings to acquire the property described in the survey and necessary for project.

Action Requested:

To approve the ordinance.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

3. Ordinance.2018-2019 Traffic signal, 10th and Minnesota ROW, 10th and State ROW

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE condemning land for the construction, maintenance, operation, reconstruction, and improvements of the **2018-2019 Priority Traffic Signal Project CMIP 0117**, all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE COUNTY/KANSAS CITY KANSAS

Section 1. The following described land is hereby condemned and appropriated to the Unified Government of Wyandotte County/Kansas City Kansas for the construction, maintenance, operation, reconstruction and improvements. This project is to replace the traffic signals at 10th Street & State Ave. Other improvements included traffic signal cabinets, new sidewalks, curbs and gutter installations, all in Wyandotte County, Kansas to-wit:

Tract No. 3 – Parcel ID No. 082141

**Fee Owner: Kwik Start, LLC
954 State Avenue
Kansas City, Kansas 66102**

Permanent Right-Of-Way Easement:

All that part of the vacated State Avenue right-of-way, lying South of and adjacent to Lot 29, Block 106, WYANDOTT CITY, a subdivision in Kansas City, Wyandotte County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Lot 29, said point being on the East right-of-way line of N. 10th Street, as now established;

thence S 2° 18' 51" E, along the East right-of-way line of said N. 10th Street, a distance of 10.00 feet;

thence S 47° 15' 01" E, along the East right-of-way line of said N. 10th Street, a distance of 10.60 feet, to the point of beginning;

thence N 87° 48' 49" E, a distance of 10.88 feet;

thence S 2° 18' 51" E, a distance of 2.51 feet, to a point on the North right-of-way line of State Avenue, as now established;

thence S 87° 48' 49" W, along the North right-of-way line of said State Avenue, a distance of 8.37 feet, to a point on the East right-of-way line of said N. 10th Street;

thence N 47° 15' 01" W, along the East right-of-way line of said N. 10th Street, a distance of 3.56 feet, to the point of beginning.

The above described tract of land contains 24 square feet, more or less.

AND

Temporary Construction Easement (TCE):

All that part of the vacated State Avenue right-of-way, lying South of and adjacent to Lot 29, Block 106, WYANDOTT CITY, a subdivision in Kansas City, Wyandotte County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Lot 29, said point being on the East right-of-way line of N. 10th Street, as now established;

thence S 2° 18' 51" E, along the East right-of-way line of said N. 10th Street, a distance of 10.00 feet;

thence S 47° 15' 01" E, along the East right-of-way line of said N. 10th Street, a distance of 7.08 feet, to the point of beginning;

thence continuing S 47° 15' 01" E, along the East right-of-way line of said N. 10th Street, a distance of 3.52 feet;

thence N 87° 48' 49" E, a distance of 10.88 feet;

thence S 2° 18' 51" E, a distance of 2.51 feet, to a point on the North right-of-way line of State Avenue, as now established;

thence N 87° 48' 49" E, along the North right-of-way line of said State Avenue, a distance of 4.91 feet;

thence N 2° 11' 11" W, a distance of 5.00 feet;

thence S 87° 48' 49" W, a distance of 18.28 feet, to the point of beginning.

The above described tract of land contains 55 square feet, more or less.

Tract No. 5 – Parcel ID No. 080588

Fee Owner: CVS

954 Minnesota Avenue

Kansas City, Kansas 66101

Permanent Right-Of-Way Easement:

All that part of the vacated State Avenue right-of-way, lying North of and adjacent to Lot 28, Block 119, WYANDOTT CITY, a subdivision in Kansas City, Wyandotte County, Kansas, more particularly described as follows:

Commencing at the Northwest corner of said Lot 28, said point being on the East right-of-way line of N. 10th Street, as now established;

thence N 2° 14' 27" W, along the East right-of-way line of said N. 10th Street, a distance of 3.66 feet, to the point of beginning;

thence continuing N 2° 14' 27" W, along the East right-of-way line of said N. 10th Street, a distance of 6.34 feet;

thence N 42° 47' 11" E, along the East right-of-way line of said N. 10th Street, a distance of 14.14 feet, to a point on the South right-of-way line of State Avenue, as now established;

thence N 87° 48' 49" E, along the South right-of-way line of said State Avenue, a distance of 13.00 feet;

thence S 2° 14' 27" E, a distance of 5.00 feet;

thence S 87° 48' 49" W, a distance of 11.66 feet;

thence S 42° 47' 11" W, a distance of 16.03 feet, to the point of beginning.

AND ALSO

All that part of Lot 29, Block 119, WYANDOTT CITY, a subdivision in Kansas City, Wyandotte County, Kansas, more particularly described as follows:

The West 4.00 feet of the South 13.00 feet of said Lot 29.

The above described tracts of land contain 181 square feet, more or less.

Permanent Utility Easement

All that part of the vacated State Avenue right-of-way, lying North of and adjacent to Lot 28, Block 119, WYANDOTT CITY, a subdivision in Kansas City, Wyandotte County, Kansas, more particularly described as follows:

Commencing at the Northwest corner of said Lot 28, said point being on the East right-of-way line of N. 10th Street, as now established;

thence N 2° 14' 27" W, along the East right-of-way line of said N. 10th Street, a distance of 3.66 feet;

thence N 42° 47' 11" E, a distance of 0.48 feet, to the point of beginning;

thence continuing N 42° 47' 11" E, a distance of 15.55 feet;

thence N 87° 48' 49" E, a distance of 11.66 feet;

thence S 2° 14' 27" E, a distance of 11.00 feet;

thence S 87° 48' 49" W, a distance of 22.66 feet, to the point of beginning.

The above described tract of land contains 189 square feet, more or less.

Temporary Construction Easement

All that part of Lot 28, Block 119, WYANDOTT CITY, a subdivision in Kansas City, Wyandotte County, Kansas, and part of the vacated State Avenue right-of-way, lying North of and adjacent thereto, more particularly described as follows:

Beginning at the Northwest corner of said Lot 28, said point also being on the East right-of-way line of N. 10th Street, as now established;

thence N 2° 14' 27" W, along the East right-of-way line of said N. 10th Street, a distance of 3.66 feet;

thence N 42° 47' 11" E, a distance of 0.48 feet;

thence N 87° 48' 49" E, a distance of 4.66 feet;

thence S 2° 14' 27" E, a distance of 10.00 feet;

thence S 87° 48' 36" W, a distance of 5.00 feet, to a point on the East right-of-way line of said N. 10th Street;

thence N 2° 14' 27" W, along the East right-of-way line of said N. 10th Street, a distance of 6.00 feet, to the point of beginning.

AND ALSO

All that part of Lot 29, Block 119, WYANDOTT CITY, a subdivision in Kansas City, Wyandotte County, Kansas, more particularly described as follows:

The West 5.00 feet of the South 17.90 feet, and the South 5.00 feet of the East 11.90 feet of the West 16.90 feet of said Lot 29, except the West 4.00 feet of the South 13.00 feet thereof.

The above described tracts of land contain 147 square feet, more or less.

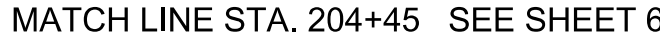
- | | |
|------------|--|
| Section 2. | It is hereby found that the costs of this project will be paid from <u>CMIP 0117</u> . |
| Section 3. | The Chief Counsel of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby ordered and directed forthwith to commence proceedings for the acquisition of the above described property and to do and perform all things which might be necessary and required by law to acquire the aforementioned rights in and to said property. |
| Section 4. | This ordinance shall take effect and be in force after its passage, approval and publication in the official County, newspaper, The Wyandotte Echo. |

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

Mayor David Alvey

Unified Government Clerk

Approved as to form:
E. James Bain
Assistant Counsel



0 10 20 30

SCALE FEET

1" = 10'

MATERIAL LEGEND	
	ASPHALT PAVEMENT
	CONCRETE DRIVEWAY
	CONCRETE SIDEWALK
	CURB & GUTTER
	SODDING
	STAMPED CONCRETE
	MILL & OVERLAY

SUITE 400
KANSAS CITY, MO 64108
PHONE: 816-329-8600
FAX: 816-329-8601

PRIORITY
TRAFFIC SIGNALS
UNIFIED GOVERNMENT
AND KANSAS CITY, KANSAS
OF WYANDOTTE COUNTY
GOVERNMENT

[illegible]

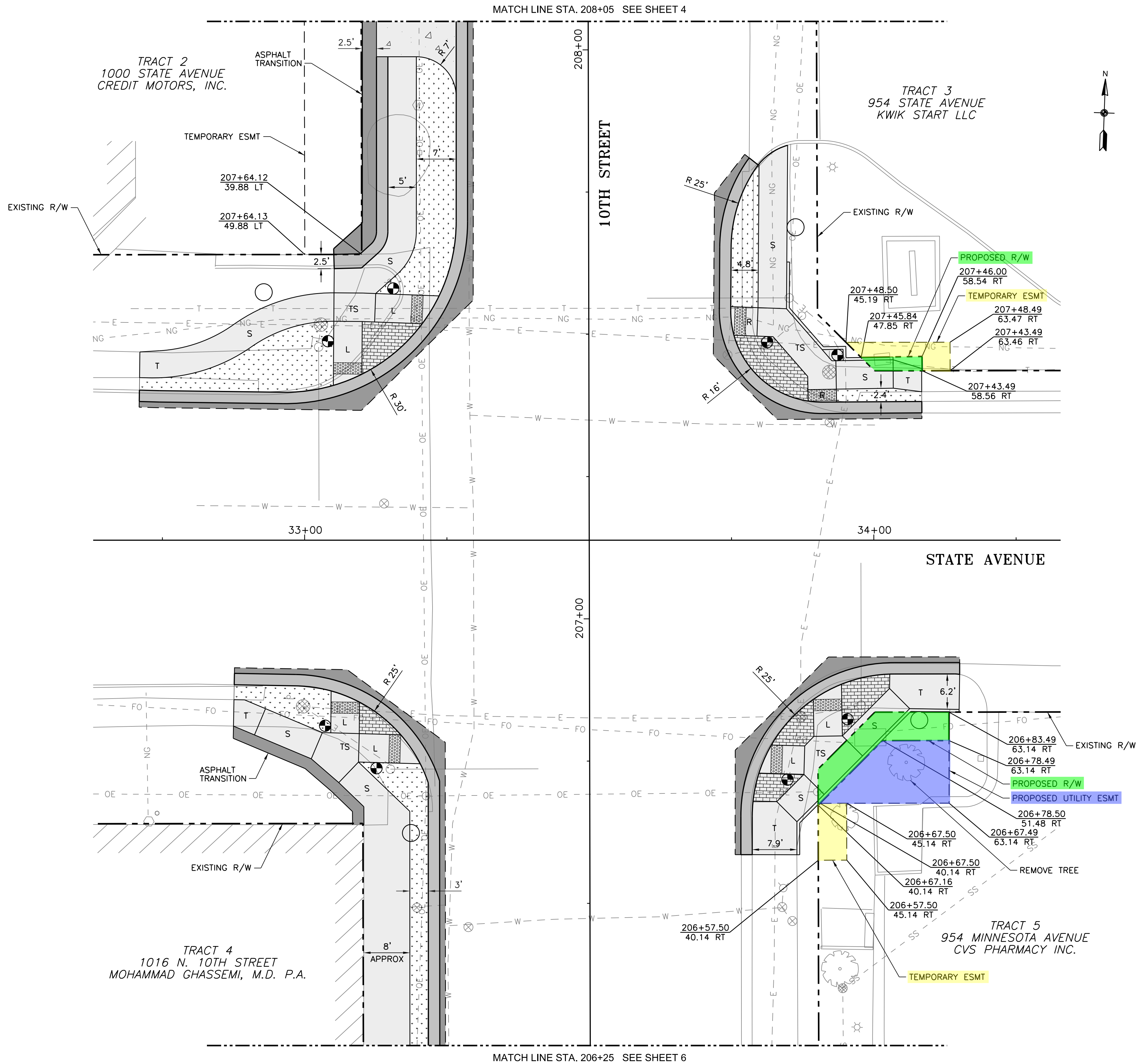
PROJ NO: P101190333
SCALE: 1" = 10'
DATE: 9/2/2020
DESIGNED BY: IMD
DRAWN BY: IMD
CHECKED BY: JJW

SHEET TITLE:

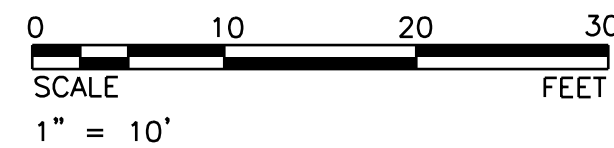
SIDEWALK PLAN
MINNESOTA
AVENUE
AT 10TH STREET

SHEET NO. 7

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RIGHT-OF-WAY PLANS
9/2/2020
NOT FOR CONSTRUCTION



RAMP LEGEND	
L	LANDING
R	RAMP
S	SIDEWALK
T	TRANSITION
TS	TURN SPACE

MATERIAL LEGEND	
	ASPHALT PAVEMENT
	CONCRETE DRIVEWAY
	CONCRETE SIDEWALK
	CURB & GUTTER
	SODDING
	STAMPED CONCRETE

CONSULTANTS:

PRIORITY
TRAFFIC SIGNALS
UNIFIED GOVERNMENT
AND KANSAS CITY, KANSAS
OF WYANDOTTE COUNTY

REVISIONS:

MARK	DATE	DESCRIPTION

PROJ NO: P101190333
SCALE: 1" = 10'
DATE: 9/2/2020
DESIGNED BY: IMD
DRAWN BY: IMD
CHECKED BY: JJW

SHEET TITLE:
SIDEWALK PLAN
STATE AVENUE
AT 10TH STREET

SHEET NO.
5
SHEET 5 OF 12

TranSystems
2400 PERSHING ROAD
SUITE 400
KANSAS CITY, MO 64108
PHONE: 816-329-9800
FAX: 816-329-9801

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

**PLANNING & ZONING AND
REGULAR SESSION
JANUARY 7, 2021**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, January 7, 2021, with eleven members present via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; Bridgette Cobbins, UG Clerk; Misty Brown, Acting Chief Counsel; Gunnar Hand, Director of Planning and Urban Design; Troy Shaw, County Engineer; Kathleen VonAchen, Chief Financial Officer; Juliann VanLiew, Director of Health Department; James Bain, Assistant Counsel; and Michael York, Acting Police Chief.

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

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

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

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

Mayor Alvey asked the Clerk, are there any revisions to tonight's agenda? **Bridgette Cobbins, UG Clerk**, said yes, Mr. Mayor. There's a blue that was distributed. Under the Planning and Zoning Consent Agenda, we have a correction. It's regarding Item No. A2 and Item No. E1. There's a stipulation under No. 7 that was corrected to read the sidewalk and Trail Master Plan designates Marshall Creek Streamway as a greenway trail. The staff and the applicant will continue to work together on finding a mutually agreeable solution to address the intent of such designation. That is the correction for those two items.

Under Section VIII, Planning and Zoning Non-Consent Agenda, Item No. A2-Change of Zone Application No. #3243 and Item No. B1-Master Plan Application #MP-2020-8 have both been requested to be held over until the January 28th meeting. Under the Regular Consent Agenda, we have a new item, Item No. 11 on the Consent Agenda. It's a plat for the Urban Outfitters.

The final item on the blue sheet tonight is under the Administrator's Agenda. We have a new item; it's Item No. 1. It's a resolution regarding the CVB Budget and Marketing Plan. Those are all the items on the blue sheet for tonight.

Mayor Alvey said unfortunately I think I did not bring some of those items, so if I get off track, Bridgette, get me back on track. Thank you. **Ms. Cobbins** said I will.

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

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

PLANNING AND ZONING CONSENT AGENDA

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

January 7, 2021

Ms. Cobbins asked if any member of the Commission wished to disclose any contact with proponents or opponents on any items on the agenda. **Commissioner Walters** said yes, I have received contact from an opponent. Hold on, let me get the number correct; #3243 and Master Plan Application #2020-8.

Mayor Alvey asked for Legal, those will be held over to the January meeting, I mean (inaudible 10:36), correct? Right. Those are being held over. **Misty Brown, Deputy Chief Counsel**, said yes. That's correct, Mayor. **Mayor Alvey** said all right, so they will not be part of the voting of the Consent Agenda today other than to holdover. Is that right? **Misty Brown, Acting Chief Counsel**, said correct.

Commissioner Philbrook said on #3235, I had contact with most everybody around this one.

Comment [BM1]:

Ms. Cobbins said if those are all the disclosures, Mr. Mayor, I will now read the Consent Agenda items.

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

Mayor Alvey asked, does any member of the Commission, the County Administrator, or public wish to set aside any item on the Planning and Zoning Consent Agenda? If an item is not set-aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission. **Commissioner Burroughs** said a point of clarification. If I have questions on one of these items, if we approve these, they go through without an opportunity to question the details within the item. Do I need to pull that item for discussion purposes? **Mayor Alvey** asked, Legal? **Misty Brown**, said yes, that's correct. You'd need to pull it, Commissioner.

Commissioner Burroughs said thank you. Item #3244, I have a few questions. **Ms. Cobbins** asked, is that Change of Zone Item No. 2, Item #3244? **Commissioner Burroughs** said yes, ma'am. **Ms. Cobbins** said okay, thank you.

January 7, 2021

Mayor Alvey asked, are there any others? Is there any from the public? Not seeing any, I would entertain a motion.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the Planning and Zoning Consent Agenda, excluding the set-aside.** Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 20646...CHANGE OF ZONE APPLICATION #3242 - WIL ANDERSON WITH BHC RHODES

Synopsis: Change of Zone from R-1 Single Family District to MP-3 Planned Heavy Industrial District for an existing industrial use and construction of a new metal storage building at 6600 Thorn Drive, submitted by Gunnar Hand, Director of Planning and Urban Design. This will result in a split-zoned property. The property has been used for railcar repair and reclamation since 1961 and will continue to be used for this purpose. This change of zone will conform to the existing use. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3242, subject to:

1. ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
2. A building permit is required for any permanent structure greater than 120 square feet. If any new structures are proposed to be constructed, please contact the Building Inspection Department to begin this process;
3. 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;
4. 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;
5. The applicant submits a lot split creating two (2) lots on this property; and,
6. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

January 7, 2021

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Change of Zone Application #3242, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 2 – 20649...CHANGE OF ZONE APPLICATION #3244 - KORB MAXWELL WITH POLSINELLI PC

Synopsis: Change of Zone from A-G Agriculture District to RP-5 Planned Apartment District for 270 multi-family residential units at 1111 North 98th Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

Mayor Alvey said, Commissioner Burroughs, you pulled this. Your questions to Mr. Hand. **Commissioner Burroughs** said thank you and I appreciate that, Mayor. And, colleagues, I beg your patience.

Bridgette Cobbins, UG Clerk, said excuse me, Commissioner Townsend, I think, Mr. Mayor, we will need to also pull the Master Plan Amendment if we’re going to pull this item off from the Consent Agenda, #MP-2020-9, as well. Is that correct, Legal? **Misty Brown, Acting Chief Counsel**, said one moment, Bridgette, I’m looking. I believe so, but I want to verify. **Commissioner Burroughs** said I believe that would be correct. Thank you, Bridgett.

ITEM NO. 1 – 20675...MASTER PLAN AMENDMENT #MP-2020-9, KORB MAXWELL WITH POLSINELLI PC

Synopsis: Master Plan Amendment from Entertainment to Medium Density Residential at 1111 North 98th Street, submitted by Gunnar Hand, Director of Planning and Urban Design. The applicant, Korb Maxell on behalf of Milhaus Properties LLC, wants to rezone a portion of 1111 North 98th Street from A-G Agriculture District to RP-5 Planned Apartment District and amend the master plan from Planned Mixed Entertainment/Commercial District (Prairie Delaware Piper Master Plan) to Medium Density Residential (City-Wide Master Plan) to build a 270-unit apartment complex on 18.34 redeveloped acres. The complex consists of nine (9) buildings,

including garages and a clubhouse. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3244 and Master Plan Amendment #MP-2020-9, subject to:

1. 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. There shall be a connection point to future development to the west in between Building 4 and the trash enclosure;
3. Staff wants to continue to work with the applicant to distribute the amenities throughout the site;
4. The existing six (6) foot sidewalk on the west side of 94th Street will remain as constructed by the Unified Government;
5. Per the Multi-Family Residential Design Guidelines, pedestrian walkways and sidewalks shall be a minimum of six-feet (6') wide;
6. 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. A crosswalk shall be constructed across the entrance drive between the dog park and the clubhouse that will connect sidewalk adjacent to the dog park and the front doors of the clubhouse;
7. The Sidewalk and Trails Master Plan designates Marshall Creek streamway as a greenway trail. This greenway trail shall connect to the internal circulation and connect to North 94th Street to the south and the follow the creek to the north terminating at the property line. Future Homefield development to the northwest will connect to the trail and continue north along Marshall Creek and North 98th Street and ultimately, Wyandotte County Lake Park;
8. All amenities shall be built within the first phase of the development;
9. 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(s) itself;
10. Downspouts shall be painted to match the building and recessed into the corners of building as not to be in plain view of the public;
11. The site is 18.34 acres, which requires 178 trees, exclusive of the thirty-eight (38) street trees, thirty-four (34) additional trees per the zoning district and twenty-three (23) parking lot island trees;
12. All overstory trees shall be at least 2" caliper when planted. All ornamental trees shall be at least 2" caliper when planted. All evergreens shall be at least six (6') feet when planted. All shrubs shall be five (5) gallons when planted;
13. All landscaping shall be irrigated;
14. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
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. All electrical meter banks, typically on the side of the building shall be screened from public view;
17. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
18. 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;
19. 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;
20. Shall comply with the sign ordinance; and,
21. Shall comply with Planning Engineering and Public Works comments.

Commissioner Burroughs said my question is really dealing with—and this is more for staff. I apologize. I tried to get ahold of staff earlier today in reference to a few things, but I'm looking at page 4, Item No. 8, The extent to which a proposed use could cause environmental harm or enhance the environment. Then it says it should not cause environmental harm through runoff because a retention pond is proposed to the north.

I know my fellow commissioners have been kind enough to listen to when I talk about the retention ponds that we presently have in parts of our community that are overgrown and become really a spot for trash collection and weeds. I would hope that within that, that staff would be willing to encourage our developer to ensure that that is not the case in future developments. That retention ponds will become an environmentally esthetic part of the development and not just a hole in the ground that collects weeds, trash, and water. I'm very concerned about that as we move forward in our community. We should be concerned about the quality of water that goes into our waterways. That was one I would hope the staff would be able to answer or at least comment on, Mayor.

Gunnar Hand, Director of Planning and Urban Design, said as it relates to that, Commissioner Burroughs, I'd say a couple of things. In the Code it is required to maintain those retention ponds. It's also required that they're designed to look not rectilinear, I believe is the word in the Code. So, they're meant to look like natural features as apart of the landscape.

If it suits you, I think what we could do is this has to come back for a final development plan and we could add a condition of approval in the final development plan that addresses the maintenance of those further, if you feel necessary.

Commissioner Burroughs said, Gunnar, thank you for that explanation. I have had the opportunity to view some of those retention ponds in our community, as I'm sure many of our residents have. Those retention ponds become our responsibility even though they're in the development and at times, they can be, as I stated, overgrown and become a receptacle for debris.

I would hope that as developers give consideration to retention ponds or natural waterway that they would give strong consideration to making sure they're aesthetically pleasing and that they are environmentally complementary to our local water streams and to the development itself, whether it be lighting, a solid barrier around the area, something that would be aesthetically pleasing to the development.

Mr. Hand said understood.

Mr. Hand said I think there's another opportunity here; I'd just chime in really quick, Commissioner Burroughs. When we're updating the zoning code, which will happen sometime this year in the next hopefully six months, it does sort of rethink how we review projects and it has updated that specific portion of the Code as it relates to sight planning. So, I think that there's room, and when we get to the point where we introduce you the draft for review, I'll make sure that we touch on that point specifically. We can always, again, adjust the Code if you feel like it's not strong enough.

Commissioner Burroughs said great, and I appreciate that, Gunnar. I just thank for those developers that want to do business in our community, we should hold those standards high in reference to the environmental impact their development may have on our community. So, thank you.

Commissioner Burroughs said the next question I would have would be page 6, Item 15. It talks about the buildings and streets. It's the assurance of buildings, lots, and parcels. The last part of that sentence is the KCK Fire Department may have further comments. Do we know if they were consulted at all to kind of give us some guidance of the layout of that particular development? I want to ensure that the residents that should choose to live and rent or lease in that area are assured

that they will have public safety personnel and respectful to their personal safety. I was just curious, is there a record that the KCK Fire Department was consulted? **Mr. Hand** said absolutely.

All multifamily cases start at the Development Review Committee, which is a collection of UG departments, at the beginning of the application process. Kansas City, Kansas Fire Department has been involved in this review of this project from day one. **Commissioner Burroughs** said great, and I appreciate that. I guess the word that concerned me was the word may and shall not. Just work smithing there, but I'm pleased to know that, Gunnar, that you are giving strong consideration to the safety of our residents and future residents.

Mr. Hand said primarily, from a site planning standpoint, the KCK Fire Department wants to make sure that there's more than one way in and out of a project but, obviously, this goes all the way down to building permits. When we get—if it gets approved tonight, they still have to go through final development plans. We still have a round of review with them. When they finish that round with the Planning Commission, they have to go back to the DRC to get building permits and KCK Fire Department is right there with them and that's when it gets a little more detailed into the actual like building code stuff.

Commissioner Burroughs said thank you, Gunnar. I think that's extremely important for us to know that.

Commissioner Burroughs said the last question I would have deals with the next part of this, the addition to the master plan. I know we can't approve one without approving the other, so I do appreciate staff pulling that. Those are the only questions I had. So, Gunnar, I just want to have some comfort in knowing that those issues will be carried forward. Should they be agreed upon, that we can move that on into the master plan. **Mr. Hand** said absolutely.

Mayor Alvey said if there are no other questions, I'd entertain a motion. **Ms. Cobbins** asked, Mr. Mayor, do we open it up to the public? **Mayor Alvey** said I suppose so. Is there any comment from the public on this item, on either of these items?

Mr. Hand said the applicants are here if you wanted to ask them questions. **Mayor Alvey** said I think we've got the answers; just some questions that the commissioner had.

Mayor Alvey asked, are there any public comments, Bridgette? **Ms. Cobbins** said the Clerk's Office did not receive any request for this item, Mr. Mayor.

Mayor Alvey asked, does anyone have their hand up? **Ms. Cobbins** said no one in attendance is needing to request to speak on this item, Mr. Mayor.

Mayor Alvey said I'll now close the public hearing and I'd entertain a motion.

Action: **Commissioner Walters made a motion, seconded by Commissioner Markley, to approve Change of Zone Application #3244, subject to the stipulations.** Roll call was taken on the motion and there were ten "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

(Action on Master Plan Amendment #MP-2020-9 was taken later in the meeting shown on page 38.)

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 20650...SPECIAL USE PERMIT APPLICATION #SP-2020-90 - TERESA BRENTS

Synopsis: Home Occupation Special Use Permit for arts and crafts production and storage at 2909 North 74th Street, submitted by Gunnar Hand, Director of Planning and Urban Design. The applicant will design wreaths and crafts, store deco-mesh, wreath frames and small bottles of paint. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-90, subject to:

1. No external employees on the premises;
2. Since all crafts will be made within the home, the hours of operation are non-traditional, as the applicant will make crafts as requested when she has time, which may occur during the evening hours on weekdays or morning hours on weekends.
3. Orders will be delivered directly to vendors for shipping.
4. The applicant will need to file the occupation tax application with the Business License Division for the business activity;
5. No signage advertising the business shall be posted on the property;
6. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately

following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;

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

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2020-90 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 2 – 20653...SPECIAL USE PERMIT APPLICATION #SP-2020-99 - KIRK MARCUSON WITH INTERNATIONAL FOOD PRODUCTS CORPORATION

Synopsis: Special Use Permit for a temporary office trailer (#SP-2016-89 - expired on 12/1/2018) at 6721 Kansas Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design. The trailer is 24’ x 56’. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application for one (1) year, subject to:

1. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
2. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

3. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
4. If approved, the Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. At the expiration of one (1) year, the office trailer must be removed from the premises. At this time, if the existing building is insufficient for necessary office space, the applicant must construct a permanent office. Contact the Building Inspection Department to begin this process.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2020-99 for one year, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 3 – 20651...SPECIAL USE PERMIT APPLICATION #SP-2020-103 - MEGAN PAINTER WITH CHWC, INC.

Synopsis: Special Use Permit for a Short-Term Rental/AirBNB (above EPIC Clay Studio) at 611 North 6th Street, submitted by Gunnar Hand, Director of Planning and Urban Design. The rental unit is one (1) of two (2) apartment units located on the second floor above a commercial space. The commercial space is currently occupied by EPIC Clay Studio. The rental unit has one (1) bedroom and the applicant has stated that up to two (2) guests will be allowed at a time. The applicant has also stated that the short-term rental will be used for visiting “dignitaries”. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-103, subject to:

- 1) Maximum number of guests shall be two (2);
- 2) All parking must be off-street, maximum number of vehicles is one (1);
- 3) Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 4) The applicant must provide a guest manual indicating how they will maintain the property in a safe and sanitary manner, including all questions in the “Attachments” section;
- 5) Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented;

- 6) Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance:
 - a) Phone number: (913) 246-5133
 - b) Online tips webpage: www.hostcompliance.com/tips;
- 7) A point of contact from the management company must be available 24 hours a day, and the applicant must provide contact information for this point(s) of contact to nearby neighbors;
- 8) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 9) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 10) A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process;
- 11) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
- 12) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
- 13) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2020-103 for one year, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 4 – 20652...SPECIAL USE PERMIT APPLICATION #SP-2020-104 - BRIAN CURTIN WITH NATIONAL BEEF

January 7, 2021

Synopsis: Special Use Permit for a temporary trailer to take employee temperatures during inclement weather (related to COVID-19) at 100 Osage Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design. An allowed Special Use Permit would be retroactive, as the applicant has already established the office trailer in the north parking lot of the subject property. The trailer is being utilized as a pre-screening and temperature-taking facility for employees prior to entering the plant. This pre-screening facility is part of the applicant's response to the COVID-19 pandemic. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-104 for two (2) years, subject to:

- 1) The office trailer must match the color and material of the primary structure;
- 2) Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 3) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 4) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 5) Any signage must comply with the sign code and be permitted through the Department of Planning and Urban Design;
- 6) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
- 7) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
- 8) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and
- 9) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2020-104 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

VACATION APPLICATION

ITEM NO. 1 – 20654...STREET VACATION APPLICATION #S-2020-12 - CHARLES J. LAMOTHE WITH MWT BULK SERVICES, LLC

Synopsis: Vacation of a street at 1 Woodswether Road and 1R Woodswether Road, submitted by Gunnar Hand, Director of Planning and Urban Design. The applicant is requesting the vacation of a public street to allow the road to become private access for the existing properties. The applicant states that because the street is a gravel road that dead ends underneath overhead interstate I-70 Lewis & Clark Viaduct Bridge the street is not likely to be needed as a public street. They are requesting that the street be vacated and be dedicated as a private access easement between two (2) properties in lieu of a public street. The Planning Commission voted 8 to 0 to recommend approval of Street Vacation Application #S-2020-12, 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 Johnson, to approve Street Vacation Application #S-2020-12, subject to the stipulation. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

PLAN REVIEW APPLICATIONS

ITEM NO. 1 –20655...PLAN REVIEW APPLICATION #PR-2020-30 – LANCE SCOTT WITH CFS ENGINEERS

Synopsis: Preliminary and Final Plan Review for a warehouse for Precision Cutting and Coring, LLC at 4520 and 4600 Shearer Road, submitted by Gunnar Hand, Director of Planning and Urban

Design. The purpose is to establish three (3) lots for a relocation and expansion of Precision Cutting & Coring business. The Planning Commission voted 8 to 0 to recommend approval of Plan Review Application #PR-2020-30, subject to:

1. Six (6) foot high architectural screening is to be provided along the perimeter of the lots;
2. Six (6) foot high architectural screening in combination with a buffer area that is 15 feet in width is to be provided alongside property lines zoned for residential;
3. An architectural and landscape buffer is to be placed along the edge of the property adjacent to the public right-of-way;
4. One (1) row of shade trees spaced not more than 40 feet on center and one (1) row of large shrubs spaced not more than eight (8) feet on center;
5. Lights used to illuminate the parking area shall be so arranged, located or screened as to direct light away from any adjoining or abutting residential district. The source of lights shall be hooded or controlled. Base incandescent light bulbs shall not be permitted in view of adjacent property of public right-of-way. Any light case on adjacent residential property shall not exceed one (1) foot candle as measured from said property line;
6. All parking surfaces must be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel; and,
7. 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.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Plan Review Application #PR-2020-30, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 2 – 20656...PLAN REVIEW APPLICATION #PR-2020-31– JAMES KOOP WITH JE REAL ESTATE

Synopsis: Preliminary and Final Plan Review for fueling station and convenience store at 3104 Metropolitan Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design. The site plan includes one (1) primary building to serve as the convenience store and eight (8) gas pumps. Under Section 27-576(i) of the Commercial Development Guidelines Overlay District, auto-centric facilities must be located on the side or rear of primary structures to minimize views from public streets. The proposed plan places the parking lot and gas pump kiosks be built in front

of the primary building, adjacent to Metropolitan Avenue. This requires the City Planning Commission to allow an exception to the Commercial Design Guidelines Overlay District. There are no outstanding Notices of Violation associated with the property. The Planning Commission voted 8 to 0 to recommend approval of Plan Review Application #PR-2020-31, subject to:

- 1) Compliance with the site plan as submitted to Staff;
- 2) Compliance with the building and gas pump elevations as submitted to Staff (deviation from the Commercial Design Guidelines);
- 3) Compliance with the landscaping plan as submitted to Staff;
- 4) Compliance with the grading plan as submitted to Staff;
- 5) Compliance with the erosion control plan as submitted to Staff;
- 6) Compliance with the lighting plan as submitted to Staff;
- 7) Compliance with all C-2/CP-2 General Business District/Planned General Business District regulations, Section 27-466 of the Unified Government Code of Ordinances;
- 8) Continuation of sidewalks along Metropolitan Avenue in the right-of-way adjacent to the subject property and repair to any portion of the sidewalk damaged by construction;
- 9) Installation of internal sidewalks to allow access from the public sidewalk and parking lot to the front of the primary structure; and
- 10) Compliance with all Commercial Development Guidelines Overlay District, Sections 27-573 – 27-591 of the Unified Government Code of Ordinances.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Plan Review Application #PR-2020-31, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 3 – 20657...#PR-2020-34 - JOHN MARTIN WITH CHRISTIE DEVELOPMENT ASSOCIATES

Synopsis: Preliminary Plan Review for Kansas City, Kansas Community College student housing project at 7340 State Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design. The Planning Commission voted 9 to 0 to recommend approval of Preliminary Plan Review Application #PR-2020-34, subject to:

- 1) Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
- 2) Submit an erosion control plan;
- 3) One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for a dwelling unit that has two

- (2) bedrooms or more. As proposed, based on the dwelling count of the 73 units, 110 parking spaces are required;
- 4) One (1) out of every 25 parking spaces are required to be ADA. One (1) out of every six (6) spaces are required to be van-accessible;
 - 5) Parking and other paved areas shall be not less than 25 feet from any street line and not less than six (6) feet from any other property line;
 - 6) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space;
 - 7) The maximum length of the multi-family residential building shall be 200 feet;
 - 8) 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;
 - 9) All pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - a. The primary entrance or entrances to each principal multi-family building;
 - b. To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development; and,
 - c. Any adjacent public park, greenway, or other public/semi-public use, including, but not limited to schools, libraries, churches, parks, etc.
 - 10) All amenities shall be built within the first phase of the development;
 - 11) To the maximum extent feasible, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from the arterial or collector street frontage;
 - 12) 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;
 - 13) All multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco;
 - 14) Downspouts shall be painted to match the building and recessed into the corners of building as not to be in plain view of the public.
 - 15) 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 (1) per 4,500 square feet of site area.
 - 16) All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6') feet when planted. All shrubs shall be five (5) gallons when planted.
 - 17) All landscaping shall be irrigated.
 - 18) Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.
 - 19) All utility connections, this includes green electrical boxes and free-standing electrical meters

must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;

- 20) All electrical meter banks, typically on the side of the building shall be screened from public view;
- 21) 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; and,
- 22) 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.
- 23) If the property every changed ownership, a Change of Zone would be required.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Plan Review Application #PR-2020-34, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

MASTER PLAN AMENDMENT

ITEM NO. 1 – 20675...#MP-2020-9 - KORB MAXWELL WITH POLSINELLI PC

Synopsis: Master Plan Amendment from Entertainment to Medium Density Residential at 1111 North 98th Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: This item was previously heard with Change of Zone Application #3244.

MISCELLANEOUS - ORDINANCES

ITEM NO. 1 – 20660...AN ORDINANCE

Synopsis: An ordinance rezoning property at approximately 815 Southwest Boulevard (#3239), from M-2 General Industrial District to R-2(B) Two Family District, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-1-21**, “An ordinance rezoning property hereinafter described located at approximately 815 Southwest Boulevard, in Kansas City, Kansas, by changing the same from its present zoning of M-2 General Industrial District to R-2(B) Two Family District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 2 – 20661...AN ORDINANCE

Synopsis: An ordinance rezoning property at approximately 2951 North 115th Street (#3240) from AG Agriculture District to R-1 Single Family District, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-2-21**, “An ordinance rezoning property hereinafter described located at approximately 2951 North 115th Street, in Kansas City, Kansas, by changing the same from its present zoning of AG Agriculture District to R-1 Single Family District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 3 – 20662...AN ORDINANCE

Synopsis: An ordinance rezoning property at approximately 2025 South 51st Street (#3230) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-3-21**, “An ordinance rezoning property hereinafter described located at approximately 2025 South 51st Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there

were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 4 – 20663...AN ORDINANCE

Synopsis: An ordinance rezoning property at approximately 1959 South 51st Street (#3229) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-4-21**, “An ordinance rezoning property hereinafter described located at approximately 1959 South 51st Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 5 – 20665...AN ORDINANCE

Synopsis: An ordinance rezoning property at approximately 4811 Parallel Parkway (#3234) from C-1 Limited Business District to CP-2 Planned General Business District, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-5-21**, “An ordinance rezoning property hereinafter described located at approximately 4811 Parallel Parkway in Kansas City, Kansas, by changing the same from its present zoning of C-1 Limited Business District to CP-2 Planned General Business District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 6 – 20668...AN ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (#SP-2020-65) for continuation of a Short-Term Rental/AirBNB at 433 Ann Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-6-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 7 – 20669...AN ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (#SP-2020-66) for continuation of a Short-Term Rental/AirBNB at 709 North 5th Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-7-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 8 – 20670...AN ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (#SP-2020-68) for continuation of a Temporary Use of Land to park a work vehicle at 2903 Shearer Road, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-8-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve**

the ordinance. Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 9 – 20673...AN ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (#SP-2020-82) for minor auto repair at 4811 Parallel Parkway, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-9-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 10 – 20676...AN ORDINANCE

Synopsis: An ordinance authorizing a Home Occupation Special Use Permit (#SP-2020-88) for personal training at 419 Armstrong Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-10-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 11 – 20677...AN ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (#SP-2020-93) for continuation of a day care center at 1030 Orville Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-11-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 12 – 20678...A RESOLUTION

Synopsis: A resolution adopting the Central Area Master Plan, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **RESOLUTION NO. O-1-21**, “A resolution adopting the Central Area Master Plan.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 13 – 20679...AN ORDINANCE

Synopsis: An ordinance rezoning property at 11501 Parallel Parkway (#3223) from A-G Agriculture District to RP-5 Planned Apartment District, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-12-21**, “An ordinance rezoning property hereinafter described located at approximately 11501 Parallel Parkway, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to RP-5 Planned Apartment District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 14 – 20680...AN ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (#SP-2020-94) for continuation of staff parking lot at John Fiske Elementary School at 616 South Valley Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-13-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 15 – 20681...AN ORDINANCE

Synopsis: An ordinance rezoning property at 10901 State Avenue (#3236) from A-G Agriculture District to MP-2 Planned General Industrial District, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-14-21**, “An ordinance rezoning property hereinafter described located at approximately 10901 State Avenue, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to MP-2 Planned General Industrial District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 16 – 20682...AN ORDINANCE

Synopsis: An ordinance vacating an alley (#A-2020-11) at 1041 Berger Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-15-21**, “An ordinance vacating Parcel #071525, Block 2, Lot 54, Morris & McAlpine Addition, located at approximately 1041 Berger Avenue, Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 17 – 20683...AN ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (#SP-2020-92) for the continuation of farm animals (chickens, goats and cows) at 1700 South 38th Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-16-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 18 – 20684...AN ORDINANCE

Synopsis: An ordinance rezoning property at 809 Southwest Boulevard (#3238) from M-2 General Industrial District to R-2(B) Two Family District, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-17-21**, “An ordinance rezoning property hereinafter described located at approximately 809 Southwest Boulevard, in Kansas City, Kansas, by changing the same from its present zoning of M-2 General Industrial District to R-2(B) Two Family District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll

call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 20645...#3235 - ALBERT HERMANS WITH SDC ENGINEERING

Synopsis: Change of zone from C-1 Limited Business District to CP-3 Planned Commercial District to allow a fourth gas island pump at 6863 State Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design. The plans also include the demolition of one building, renovation of another existing building, and additional parking. The Planning Commission voted 7 to 1 to recommend approval of Change of Zone Application #3235, subject to:

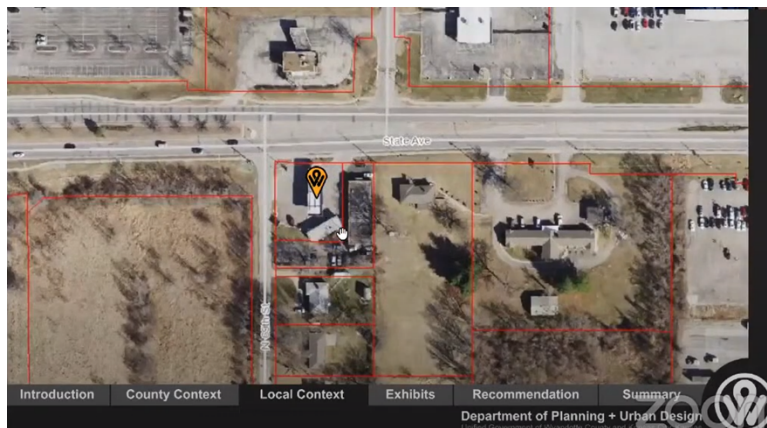
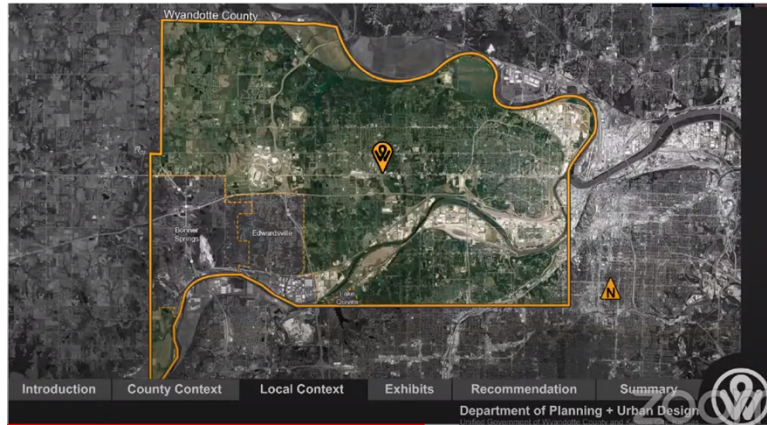
1. The second entrance must be enhanced with the addition of pilasters and stepped overhangs, similar to the main entrance.
2. A special use permit is required for auto repair or maintenance.
3. Any automotive-related business in Wyandotte County that is required to obtain any special use permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request.
4. Liquor stores: Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales. If sales of other goods and services from a licensed retailer premise exceeds 20% of total gross sales, all sales of other goods and services exceeding 20% will have to be made from a separate, unlicensed premises. If each premise does not have a separate outside entrance, a vestibule is required.

Case	
COZ 3235	
Petitioner	Address
Albert Hermans	6863 and 6865 State Avenue
Synopsis	
The applicant, Albert Hermans, is seeking the approval of a Change of Zone from C-1 Limited Business District to CP-3 Planned Commercial District. This Change of Zone is requested in order to increase the number of gas pumps from three (3) to four (4). The plans also include the demolition of one building, renovation of another existing building, and additional parking.	
Introduction	County Context
Local Context	Exhibits
Recommendation	Summary

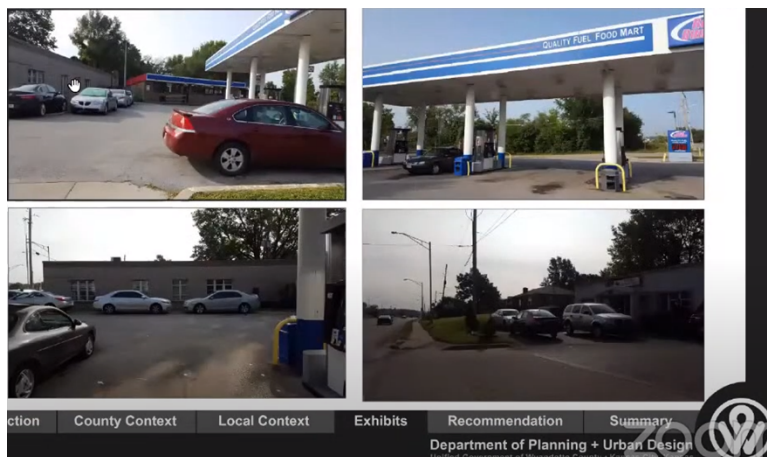
Gunnar Hand, Director of Planning and Urban Design, said this is a change of zone from C-1 to CP-3 to add additional gas pumps to an existing gas station right there at N. 69th & State Ave. We went through a couple of rounds of review with this case and applicant regarding the commercial design guidelines. We believe we've gotten into a place that adheres to those guidelines. We did a lot of work. Because State Ave. is our transit corridor, there was some pedestrian connectivity things that we worked with them on as well as pedestrian scale.

Commercial design guidelines, as I've said before, is all about sort of announcing where those entrances are so that it's intuitive for folks, whether they're in a car or a pedestrian, quite frankly. So, we went through all that, a couple of rounds with them, and we felt that that went really well.

There have been quite a few notices of violation in the past on this property. Some of them related to a now expired SUP for a former auto repair and sales business. So, some of our conditions of approval because we weren't 100% sure or we weren't—it wasn't clear what the end use other than a gas station was going to be in this convenience store. It's designed currently to have two entrances. I'll just flip through this screen here really quick.

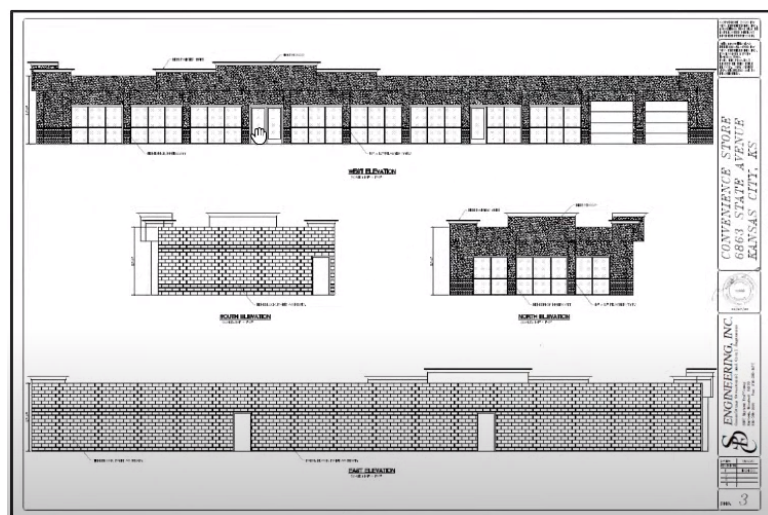
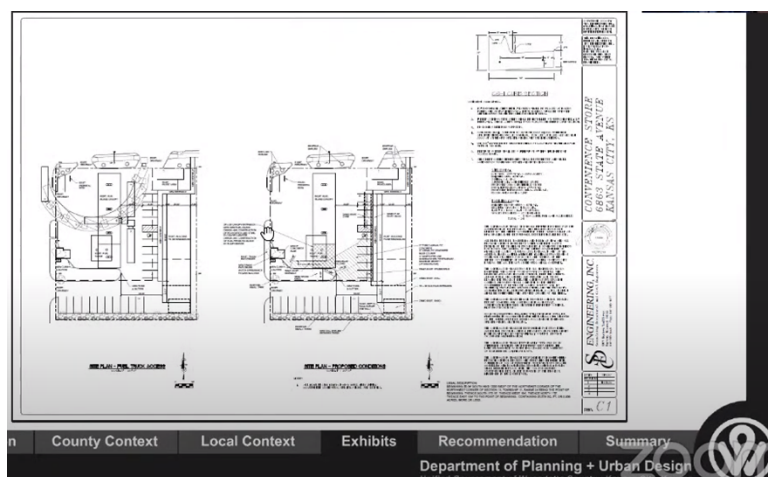


There's that on State Ave. Essentially what they're going to do, is they're going to demolish this existing building and remodel this and expand this building to be the new sort of shop, convenience store, as well as a second business that appears to be something that could be an auto repair or sales facility.



That one will be demolished. This one will be renovated and expanded.

January 7, 2021



The best picture, you can kind of see it right here. This is facing the building essentially from the gas pumps. This is the existing building. This is where the existing convenience store, a gas station entrance will be. Then there's the second—this is part of the expansion, a second business which we're, again, not 100% sure what the final use was. So, part of our conditions of approval is to confirm with the applicant that if they were to move forward either with a liquor store or an auto repair sales business, they would have to come back and get a SUP. But with that, we recommend approval.

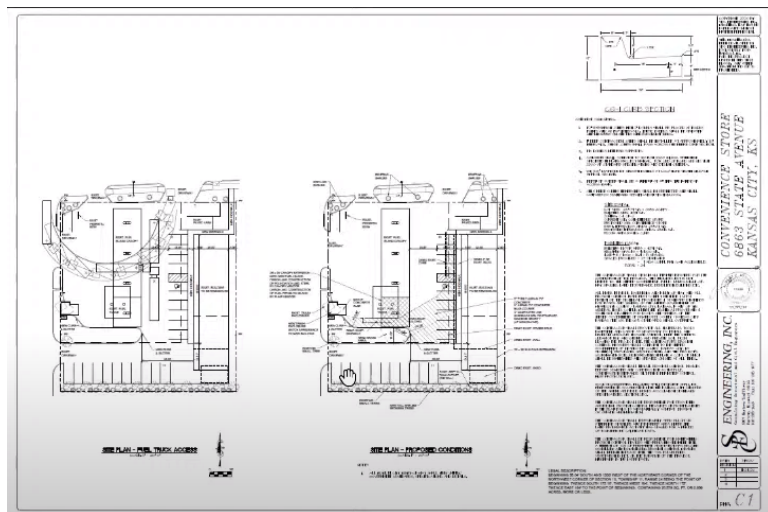
Mayor Alvey said I'd ask the applicant to present the application. Please state your name and address for the record. **Bridgette Cobbins, UG Clerk**, said, Mr. Mayor, I do not see an Albert Hermans in the attendees for tonight, unless it's another name that will be representing this item.

January 7, 2021

Mayor Alvey asked, is the applicant or someone representing the applicant, present? Hearing no one, I'll open up the public hearing for anyone who would like to speak in favor of Change of Zone Application #3235. **Ms. Cobbins** said I did not see anyone with their hands up, Mr. Mayor. **Mayor Alvey** said thank you. **Mayor Alvey** asked, have we received any notification by mail? **Ms. Cobbins** said no notifications were submitted to the Clerk's Office for this item.

Mayor Alvey asked, is there anyone in opposition who would like to speak to this item? **Ms. Cobbins** said I do not see any hands raised, Mr. Mayor. **Mayor Alvey** said thank you. Have we received any notification of opposition from the public? **Ms. Cobbins** said no letters of opposition. **Mayor Alvey** said thank you. I'll now close the public hearing. Do any members of the Commission have any questions or comments?

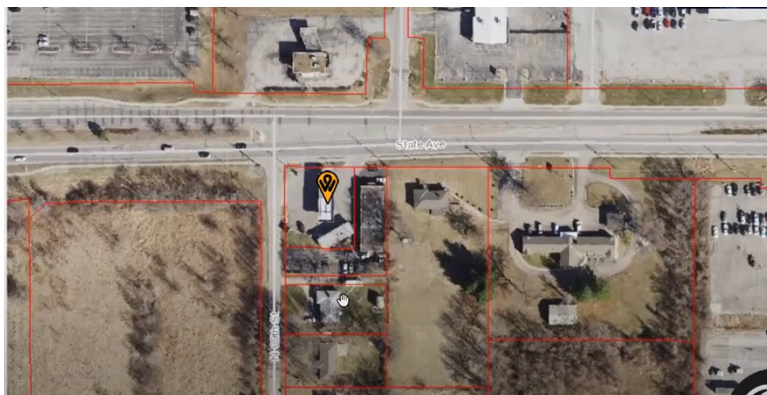
Commissioner Philbrook said I'm looking at—what I'm seeing now—and I hope that this would be a significant improvement to what's there presently. Does that mean that they would have to clean up that parking spot that's now enclosed if they have some cars parked in the back to the south side, Mr. Hand?



Mr. Hand said the footprint, here I'll show you. It essentially takes that building all the way to the back end of the property. All the parking had been moved essentially in a perpendicular stance right here at the back. So, yes. **Commissioner Philbrook** said but right now, it doesn't

look exactly great. I see you have in there some foliage or something to block from—there's still a house left there.

Mr. Hand said all right. So, this is where it gets a little tricky. We had this conversation at the Planning Commission as well.



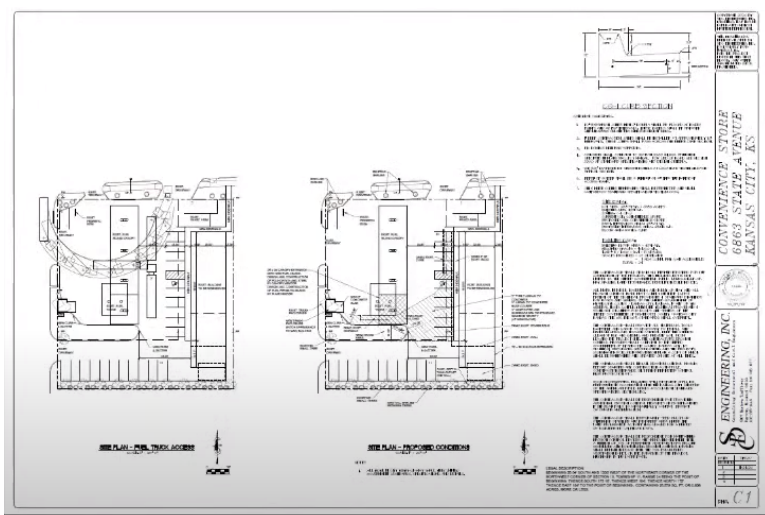
Let me bring this one up so you can see it. This sliver of land is what abuts the property and it's zoned C-1. The way the ordinance is written is that anything that abuts a residential zone is what has to have that extra 15-foot buffer between the uses. So, technically, they don't abut residential property, but we did recognize that and we did ask them to add that screening as you can see on the site plan as a part of our design review.

Commissioner Philbrook said now, and in part of all the conversation, I know that with NorthPoint being just to the south of this that there's a lot of conversation going on about the possibility of maybe this gentleman not doing it there but doing a little bit different location and then swapping some property and just a whole bunch of stuff going on with this. I'm just trying to figure out what the heck's happening, you know what I mean, Gunnar? It's kind of like, okay. What is really happening? What's really going to happen?

What are they going to have to bring back to us? What is Albert Hermans going to have to bring back to us before they move forward with this work, anything, or is this okey-doke?

Mr. Hand said this will be the last zoning entitlement. They will have to come back through DRC to get a building permit. At that point, that's when they'll go back to this staff report, essentially, look through the conditions of approval, and make sure that they meet all of these as well as all the other requirements. **Commissioner Philbrook** said okay.

Mr. Hand said and then, again, depending on what type of business they want to—**Commissioner Philbrook** said put on that south end. **Mr. Hand** said get into these buildings, yes. Again, I think, as is demonstrated tonight by the lack of Mr. Hermans, or any other person from the case showing up, we've had some communication issues. It has been asked—we have asked and it has been unclear what those specific uses, other than a gas station, will be.



If you look at the site plans, you can see—it's not included in my presentation, but if you look in the application, there's a floor plan with a big cooler, walk-in cooler, here which looks like it would be a liquor store, but we never got a clear answer from him. **Commissioner Philbrook** said oh boy. **Mr. Hand** said, again, if they have to get a business license to do business, we can catch them then for a SUP. We can catch them at building. We'll ask them, again, at building permit what the intended use is.

Commissioner Philbrook said just to make sure that they're going to follow through on what they're saying they're going to do. **Mr. Hand** said well, I mean you can get the entitlement and decide not to do the project, if that's what you're asking. I know that NorthPoint is still acquiring property around this, around this, up and down N. 69th St. I'm not 100% sure if they're in negotiations or not with this. **Commissioner Philbrook** said well, I'm not in the middle of that either. **Mr. Hand** said right. **Commissioner Philbrook** said right. I'm just talking to you about this particular project.

So, as it sits and as the development person that you are now, or a planning development, right; do you have any particular opinion on this other than just you approve it? (inaudible)

opinion? **Mr. Hand** said no. I think it'll be a dramatic improvement of the site. **Commissioner Philbrook** said say that again. **Mr. Hand** said I think it will be a dramatic improvement of the site if they build it to the way they've designed it in this case. **Commissioner Philbrook** said okay.

Do you see that? So, right now, I mean, the in and out on that can be kind of iffy and dangerous. I don't know what all is going to happen with 69th St. and all that other stuff that's going on and all that conversation. I don't know how that's going to affect any of that, if it is.

I guess what I want to say is, Gunnar, okay. I'm going to go by your direction, but I want you to keep me in the middle of what else is going on around there because that can be a very dangerous area with the way the traffic is handled there, and that other stoplight right there in front of the Lowes was supposed to be a temporary stoplight. **Mr. Hand** said right. **Commissioner Philbrook** said okay.

Mr. Hand said and you'll see if it moves forward from the Planning Commission next week, later this month, you'll see something from NorthPoint that we'll talk about the extension of 69th St. The plan is to not to go through as of right now because they haven't acquired the property to do it.

Commissioner Philbrook said I just have concerns around safety, that sort of thing right there. **Mr. Hand** said sure. **Commissioner Philbrook** said okay. If you can just kind of keep letting me know what's going on or tell me I need to pay attention, one or the other, okay. I appreciate it. That's all my questions. Thank you.

Commissioner Bynum said I am curious, Mr. Hand. The two buildings. One is the gas station and one is the car lot building, correct? **Mr. Hand** said currently on the site, yes. This is the gas station and this was an auto repair and used car sales. You can see it in the image here. I'm not 100% sure what this business is. Nope, that's auto sales, too. Yes, you are correct. **Commissioner Bynum** said yes, but has this gentleman acquired both buildings now? He owns both? He owns the whole thing? **Mr. Hand** said both, yes; the two parcels here, correct.

Commissioner Bynum asked, and his proposal is that the small gas and convenience building there will be demoed? **Mr. Hand** said correct. **Commissioner Bynum** said and then the other site will be converted to a larger, better convenience store.

Commissioner Bynum said I had thought there had been conversation about aligning 69th St. as well. I think I'm hearing you say that some resolution on that might be coming forward later in another manner. **Mr. Hand** said well, in regard to N. 69th St., somewhat unrelated to this project, as I understand it, NorthPoint still doesn't own these two residences. The application that we've reviewed with them, or the most recent application I should say that we just reviewed with them, includes a building, another building on the west side of N. 69th, a little farther south from this image. What they're planning on doing is essentially just below this house, there will be a cul-de-sac at which point an emergency vehicle only could access the other north, not 69th St. That no longer runs in this alignment. **Commissioner Bynum** said right. **Mr. Hand** said and so that will only serve the Turner East Industrial Park.

You'll see when you get a chance to review that plan either this month or later, depending on what happens with Planning Commission, there's like a dotted line for one day maybe it could connect and align N. 69th to here. **Commissioner Bynum** said okay. I mean that answers my question. Thank you. **Mr. Hand** said sure.

Commissioner Burroughs said my question is also of Gunnar. Gunnar, I'm looking through the information presented to us. Is there a timeline for buildout on this property that has been presented by the developer or the owner? **Mr. Hand** asked i.e., when they want to finish this project, like construction? **Commissioner Burroughs** said yes. **Mr. Hand** said no, there's nothing. **Commissioner Burroughs** said there's nothing. So, we could approve the fourth gas pump and nothing is going to determine or mandate that he continue to buildout and renovate the properties that he's proposing. **Mr. Hand** said, again, he can get the entitlement and choose not to do the project. **Commissioner Burroughs** said great. Thank you.

Commissioner Philbrook said quick question again, Gunnar. If he could not add the fourth pump without completing the project the way he's presented it. Is that correct? **Mr. Hand** said he would get a change of zone. If approved right now, that would allow him to buildout the fourth pump, yes. **Commissioner Philbrook** said but not until he makes the other changes. He can't just add a fourth pump without doing anything else. **Mr. Hand** said well. **Commissioner**

Philbrook said uh-huh. **Mr. Hand** said I mean he has essentially, after entitlement, he basically has two years to pull the permit, so there's clarification on that point. Otherwise, he has to come back and redo a final plan.

Let me, Mr. Toy, are you on the call tonight? I would defer to Mr. Toy on that question, I think. **Commissioner Philbrook** said there's not enough room there, we all know, for him to put a fourth pump. **Mr. Hand** said he'd still have to come in and get a permit. **Commissioner Philbrook** said yeah, but.

Bryon Toy, Lead Planner, said, Commissioner Philbrook, he would have to come back through and amend his plan if he stopped, for example, at just a pump. He would not be implementing the plan that was approved. **Commissioner Philbrook** said okay. **Mr. Toy** said we have to come back through the Planning Commission to amend the final plan to just do the phase that he wants to do. **Commissioner Philbrook** said okay, thank you, Byron, I appreciate that answer.

Mr. Hand said, Mr. Toy, just a point of clarification. That would get triggered if he came back to get a building permit for the pump or just for the demo. We'd sort of, we'd recognize that at that point. **Mr. Toy** said yes. **Commissioner Philbrook** said okay.

Commissioner Philbrook said now another question around the extension of 69th St., just to the east side of this property. If it were to come down behind this property, how would that affect coming back in behind that property because that property is only seven feet from the property line, that building? **Mr. Hand** said yes, it's a very tight geometry. Again, I think, quite frankly, Commissioner, a lot of that's speculative just because the land hasn't been acquired.

Commissioner Philbrook said I know, but I'm just asking you a question because we have to look at the future, you know, Gunnar. I'm just trying to get a feel for what that would mean. How much space does there have to be between that street and his property line if it were to go further south, you know, go straight south and it couldn't go exactly straight south? **Mr. Hand** said right. It would be, I mean that's the whole intent was to, I mean, and that's part of the Code. We like to match up in 90-degree angles for intersections like this. **Commissioner Philbrook** said I know. **Mr. Hand** said the intent would be for it to be direct.

In all honesty, I think we have a better chance of Lowes, something happening on the

Lowes' side. I know it's currently a Lowes, but there's been talks about that. I think the redevelopment of that sight would probably happen before we connect 69th here and if that happened, that's where we could correct the temporary traffic light. **Commissioner Philbrook** asked, you mean making it permanent? Okay. **Mr. Hand** said whatever that means, depending on that development parcel.

I think there's two ways that we could essentially align all these traffic lights at this intersection in regard to your comment on safety, either on the north side with the redevelopment of Lowes or here depending on how this plays out at this intersection. It's definitely tight and I think there would definitely potentially be a need to acquire some land there if you wanted to align...**Commissioner Philbrook** said it sounds like everything is really up in the air. So, I await the moving parcels to come together to figure out what the heck is happening. Okay, Gunnar. Thanks again.

Mr. Hand said if I may, Commissioner Philbrook, just one last thing. Essentially what's going to happen is you're going to have two N. 69th streets that don't touch for a while. **Commissioner Philbrook** said so what else is new. Sorry, Gunnar, so what else is new.

Action: **Commissioner Walters made a motion, seconded by Commissioner Philbrook, to approve Change of Zone Application #3235, subject to the stipulations.** Roll call was taken on the motion and there were ten "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Mr. Hand said, Mr. Mayor, point of order really quick. Before we pull the apartment complex off the apartment complex off the Consent Agenda, we pulled both the change of zone and the master plan amendment. We technically need two votes; one for each. **Mayor Alvey** said thank you. So, that passed. I would entertain a motion for—the change of plat for change of zone? What was the second one? **Mr. Hand** said I believe you motioned for the change of Zone. This would be for the master plan. **Mayor Alvey** said I would entertain a motion for the master plan amendment.

Action: Commissioner Walters made a motion, seconded by Commissioner Philbrook, to approve Master Plan Amendment #MP-2020-9, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 2 – 20647...#3243 - WILLIAM BUCK WITH BHC RHODES

Synopsis: Change of Zone from R-1 Single Family, C-1 Limited Business and CP-1 Planned Limited Business Districts to R-4 Garden Apartment District for a multi-family development (Tower View Apartments) at 5115 and 5125 Gibbs Road, submitted by Gunnar Hand, Director of Planning and Urban Design. This Change of Zone is needed in order to increase the number of gas pumps from three to four. The plans also include the demolition of one building, renovation of another existing building, and additional parking. The Planning Commission voted 7 to 1 to recommend approval of Change of Zone Application #3235, subject to:

1. The second entrance must be enhanced with the addition of pilasters and stepped overhangs, similar to the main entrance;
2. A Special Use Permit is required for auto repair or maintenance;
3. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
4. Liquor stores: Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales. If sales of other goods and services from a licensed retailer premise exceeds 20% of total gross sales, all sales of other goods and services exceeding 20% will have to be made from a separate, unlicensed premises. If each premise does not have a separate outside entrance, a vestibule is required.

Action: HELD OVER TO FULL COMMISSION MEETING ON 1/28/2021.

MASTER PLAN APPLICATION

ITEM NO. 1 – 20648...#MP-2020-8 - WILLIAM BUCK WITH BHC RHODES

Synopsis: Master Plan Amendment from Community Commercial and Low Density Residential to Medium Density Residential at 5115 and 5125 Gibbs Road, submitted by Gunnar Hand,

Director of Planning and Urban Design. The applicant is requesting a Change of Zone from R-1 Single-Family District and C-1 Limited Business District to R-4 Garden Apartments District. The applicant is requesting a Master Plan Amendment of the City-Wide Master Plan land use designation from Community Commercial and Low-Density Residential to Medium-Density Residential. The applicant has submitted a Preliminary Plat for the TOWER VEIW APARTMENTS Plat. The multi-family development will consist of five multi-family structures containing 10 one-bedroom units and 31 two-bedroom units. The development will also retain a pre-existing single-family residence to be used as both an office and residence for a live-in apartment manager, a storage facility, and a water retention pond. The Planning Commission voted 5 to 4 to recommend approval of Change of Zone Application #3243 to RP-4 Planned Garden Apartment District and Master Plan Amendment #MP-2020-8, subject to:

- 1) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
- 2) Compliance with the Multi-Family Residential Guidelines;
- 3) Rearrangement of the trees south of Gibbs Road and west of the driveway to Gibbs Road in order to reduce visibility issues;
- 4) Include a sidewalk along Gibbs Road adjacent to the property. The sidewalk must be at least six (6) feet wide, include curb cuts at intersections with driveways, and comply with all other UG standards;
- 5) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 6) The applicant has not provided proposed amenities for the development. All amenities shall be built within the first phase of the development. For a subdivision of this size, two (2) amenities are required;
- 7) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 8) Applicant will need to file and maintain a current business occupation tax application with the Business License Division;
- 9) A building permit is required. Please contact the Building Inspection Department to begin that process;
- 10) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
- 11) The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated; and

- 12) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations [Article XIV, Sec.8-610 through Sec.8-618]. Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works department ,701 N.7th Street, KS 66101, 913-573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, 913-573-8620.

Action: HELD OVER TO FULL COMMISSION MEETING ON 1/28/2021.

REGULAR CONSENT AGENDA

Mayor Alvey asked does any member of the Commission or County Administrator wish to set aside any item on the Regular Consent Agenda. If an item is not set aside, all items on the Regular Consent Agenda will be voted on by one vote.

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

ITEM NO. 1 – 20524... GRANT/AGREEMENT: RADX-UP

Synopsis: An agreement with KUMCRI (University of Kansas Medical Center Research Institute, Inc.) entitled RADx-UP related to COVID testing, submitted by Juliann VanLiew, Director of Public Health. The grant amount is \$187,877 with no match required. On December 14, 2020, the Administration & Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to advance to full commission.

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

ITEM NO. 2 – 20521...RESOLUTION: PUMP STATION 15 ABANDONMENT - CMIP 0520

Synopsis: A resolution declaring the necessity and authorizing a survey of lands necessary for the Pump Station 15 Abandonment Project, North 106th Street & Georgia Avenue, CMIP 0520, submitted by James Bain, Assistant Counsel. On December 14, 2020, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-2-21**, “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 Pump Station 15 Abandonment – (CMIP 0520), 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 ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 3 – 20571...RESOLUTION: 7TH AND CENTRAL INTERSECTION IMPROVEMENTS

Synopsis: A resolution declaring the necessity and authorizing a survey of lands for the 7th and Central Intersection Improvement Project (KDOT Project No. 105 KA-5148-01), submitted by James Bain, Assistant Counsel. On December 14, 2020, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-3-21**, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the reconstruction of 7th Street Trafficway from Homer Avenue to Reynolds Avenue, including the intersection of 7th Street Trafficway and Central Avenue, including construction of new through lanes and turning lanes, curbs, gutters, sidewalks, storm sewers, medians, street lighting, and traffic signals (KDOT Project No. 105

KA-5148-01) all in Kansas City, 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 ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 4 – 20570...ORDINANCE: AMENDING CHAPTER 35 TRAFFIC, ARTICLE III – VEHICLE TOWING, IMPOUNDMENT, ETC.

Synopsis: An ordinance relating to Chapter 35 Traffic, Article III – Vehicle Towing, Impoundment, etc., adding new Sections 35-202 to 35-206 addressing the towing or immobilization of motor vehicles from privately owned property and creating a criminal violation for failure to comply with the provisions, submitted by Michael York, Acting Police Chief. On December 14, 2020, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-18-21**, “An ordinance relating to Chapter 35 Traffic, Article III – Vehicle Towing, Impoundment, etc., adding new Division 3. Sections 35-202 to 35-206; Private Property of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 5 – 20685...ORDINANCE: VILLAGE EAST PROJECT AREAS 2B, 3 AND 5 (HOMEFIELD) STAR BONDS

Synopsis: An ordinance authorizing the issuance of sales tax special obligation revenue bonds (Village East Project Areas 2B, 3 and 5) Series 2020, submitted by Kathleen VonAchen, Chief Financial Officer. On December 17, 2020, the full Commission unanimously approved Ordinance No. O-119-20 authorizing the issuance of the bonds. The ordinance is being resubmitted since the 12/17/20 electronic agenda did not have the updated version of the ordinance; however, hard copies of the agenda packets did.

Action: **ORDINANCE NO. O-19-21**, “An ordinance authorizing the issuance of Sales Tax Special Obligation Revenue Bonds (Village East Project Areas 2b, 3 and 5) Series 2021 in an aggregate original principal amount not to exceed \$130,000,000; authorizing and approving the execution of certain documents in connection with the issuance of said bonds; and authorizing certain other actions in connection with the issuance of said bonds.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 6 – 20671...PLAT: REPLAT OF WEST EDEN ESTATES

Synopsis: Plat of replat of West Eden Estates located at 2619 N. 123rd St., being developed by Bridgette Jobe, 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 ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 7 – 20672...PLAT: ROTTINGHAUS ADDITION

Synopsis: Plat of Rottinghaus Addition located at K-7 (139th St.) 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 ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 8 – 20672...PLAT: RUFFINS LOTS

Synopsis: Plat of Ruffins Lots located at Kansas Avenue & Interstate 635, being developed by Phillip G. Ruffin, 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 ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 9 – MINUTES

Synopsis: Minutes from regular session of November 5, 2020; and special sessions of November 19, December 3, 10, and 17, 2020.

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

ITEM NO. 10 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated December 17 and 24, 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 ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 11 – 21003...PLAT: URBAN OUTFITTERS

Synopsis: Plat of Urban Outfitters located at State Avenue and Speedway Boulevard, being developed by Urban Outfitters FC, 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 ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ADMINISTRATOR’S AGENDA

ITEM NO. 1 – 21004...RESOLUTION: CVB BUDGET & MARKETING PLAN

Synopsis: A resolution adopting the 2021 Convention & Visitors Bureau (CVB) Budget and Marketing Plan, submitted by Kathleen VonAchen, Chief Financial Officer.

Doug Bach, County Administrator, said as noted earlier, the Convention & Visitors Bureau, or under their new name Visit KCK, annually submits to us their budget for our review. As noted, we have two members of our governing body, Commissioners Markley and Burroughs, who sit on that, as well as myself, and Maureen Mahoney is a representative of the Mayor’s Office. We go through the annual presentation, see where they’re working through items and such on this, but as a formality to this process, we do require them to submit it to the full governing body so you see this and request their approval.

I would open this up if the commissioners would like to make any comment prior to recommending approval.

Commissioner Burroughs said I think the benefit of having Alan Carr with our organization has been a benefit. I believe the proposed projects that are coming forward and those that have booked with us moving forward, will be of great benefit to our community. I know the budget is a very small increase. I don’t know the exact percentage. I tried to do that in my head really quick, but I am supportive of the budget proposal.

Commissioner Markley said I agree. We are headed in the right direction with that organization. Alan has been a great addition and his new staff has been also welcomed. As soon as we’re able to travel more, I think we’re going to see some things take off that we have been hoping for these past few years. So, I think the budget is fine, and I also think the organization is thriving.

Action: **RESOLUTION NO. R-4-21**, “A resolution adopting and approving the 2021 CVB Budget and Marketing Plan.” **Commissioner Burroughs made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

MAYOR ALVEY
ADJOURNED THE MEETING AT 7:54 P.M.
January 7, 2021

Brett A. Deichler, PMP | CPM
Unified Government Clerk

mbb

January 7, 2021

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

REGULAR SESSION
MARCH 11, 2021

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, March 11, 2021, with ten members present via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First 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. Commissioner McKiernan was absent. The following officials were also in attendance: Doug Bach, County Administrator; Emerick Cross and Bridgette Cobbins, Assistant County Administrators; Angela Lawson, Acting Chief Counsel; Brett Deichler, Interim Unified Government Clerk; Ashley Hand, Director of Strategic Communication; Lynn Melton, Assistant to the Mayor's Office; Patrick Waters, Senior Attorney; Alley Porter, Commission Liaison; Kathleen VonAchen, Chief Financial Officer; Katherine Carttar, Director of Economic Development; Jud Knapp, Interim Land Bank Manager, Juliann VanLiew, Director of Health Department; Debbie Jonscher, Deputy Chief Financial Officer; Maureen Mahoney, Chief of Staff in Mayor's Office; Reginald Lindsey, Budget Manager; Wilba Miller, Director of Community Development; Stephanie Stauffer, Community Development Program Coordinator; Carol Godsil, Deputy Unified Government Clerk; and Allie Facio, Unified Government Clerk's Office.

Mayor Alvey said, before I call the meeting to order, I want to announce that due to COVID-19, commissioners, staff, and the public are attending remotely via Zoom or by phone. All participants joining by phone should mute their phones when not speaking to avoid background noise.

During the meeting, please make sure that you announce yourself by name and title every time you speak so the public 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, those comments are included in the record of this meeting. I'd ask the Clerk to please call the roll.

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

Invocation was given by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ.

Mayor Alvey asked the Clerk, are there any revisions to tonight's agenda? **Brett Deichler, Interim Unified Government Clerk**, said there were none.

MAYOR'S AGENDA

Item No. 1 – 21719...RECOGNITION: PARKS' HEROES

Synopsis: Recognition of Parks' heroes.

Mayor Alvey said, our first order of business is the recognition of Parks Heroes. Jeff Miles, Public Works Fleet Manager, and several fleet team members are joining us tonight at the recently completed new fleet campus training room. Mr. Miles would like to share an update and recognize the actions of several of UG team members and their response to an incident that occurred at the fleet campus late last year. This recognition, they're calling it Heroes Work Here.

Jeff Miles, Public Works Fleet Manager, said, thank you for this opportunity to present this evening. On October 1st this past year, an accident occurred at the fleet campus that injured a team member, Tim Saint. I'm pleased to report that Tim is out of the hospital and continues his recovery. We expect Tim to return full-time to our team as a master fabricator, a welder, senior technician, and leader. Tim and his wife, Leeann, are here with us tonight.

Before tonight's presentation, there is a story I'd like to share with you. Prior to the accident, Tim took the initiative to build a new fleet campus sign. As a focal point of the sign, Tim used his skill to hand-cut a saying that I believe applies to all public servants. The sign reads, heroes work here. The goal in creating the sign wasn't just to thank his Fleet, Street, Parks, and Transit teammates. His goal was to remind everyone that came in and out of the fleet campus that work they do daily matters. His goal was to remind each and every one of us that we play an important role in improving the quality of life in our community. Tim believes in public service, and he

believes in his team. As a testament to his dedication and his resiliency, Tim and his wife, Leeann, are here with us tonight.

The reason we are gathered here this evening is directly related to the Heroes Work Here sign that Tim created. Following the incident, the fleet team worked closely with the HR safety team to analyze every detail leading up to the accident, every detail during the accident, and every detail immediately following the accident. Through this review, we discovered that several people responded immediately to the accident, but two individuals' actions really stood out as both exceptional and heroic.

On the day Tim was injured, Chance Thoman and Ryan Teel, members of the Parks and Recreation Department, saw something that caught their attention, and they took immediate proactive action to both investigate and render assistance. Through their proactive response, through their quick action, and through their selfless behavior, Chance and Ryan called for help, rendered aid, and changed what might have been. Their actions embody the essence of public service, and they're living representatives of Tim's Heroes Work Here sign.

For those reasons, on behalf of our team, I extend my thanks to Chance and Ryan for their heroic efforts on October 1, 2020. Our fleet team is honored to present them with these plaques recognizing their service and selflessness. As I do that, I'm going to join them in the training room, but lastly, we would like to thank all the KCK Fire Department team members that also responded, followed up, and rooted for Tim's recovery following the accident. Thank you. Those in attendance were Jeff Miles, Public Works Fleet Manager; Jeff Fisher, Jack Webb, Chance Thoman, Ryan Teel, Tony Riley, Cindy Bailey, Samantha Saysoff, Ricky Ledgerwood, Tim Saint, Leeann Saint, Russ Owens, and Eric Yeager, Public Works

Mayor Alvey said, thank you, Jeff. Thank you, gentlemen. Thank you all for your selfless sacrifice, for really attending to your fellow worker. Heroes do work here day in and day out, and on behalf of the people of Wyandotte County, we say thank you and just keep up the great work.

Item No. 2 – 21720...PROCLAMATION: COVID HEROES

Synopsis: Proclamation proclaiming March 7 – 13, 2021, as COVID Heroes Week in Wyandotte County.

March 11, 2021

Doug Bach, County Administrator, said, we've launched COVID Heroes to mark this moment in our history, to pause and reflect on what we've lost, and celebrate the many COVID heroes in our midst, which is the entire Unified Government staff. While vaccine distribution has scaled quickly, we're still awaiting critical doses to make our entire community safe. We are tired and ready to move forward, but now it is more important than ever for us to persevere in our response. On this somber anniversary, we celebrate the incredible people of the Unified Government that have kept us moving even when we were safest at home.

COVID Heroes is an employee recognition program to thank the nearly 2,300 neighbors/employees that have worked tirelessly this past year to provide essential services and respond to the devastating pandemic. COVID Heroes is also an opportunity to look ahead as a community by convening our staff in a conversation about what is next for the Unified Government. Accepting the status quo of life before COVID-19 is not sustainable for us, as an organization or as a community. We are honored to look to our own staff for their inspiration, ideas, and heroism. So, I am asking you please nominate COVID heroes by sharing how the staff of the Unified Government has made a difference. Thank you.

Mayor Alvey said, I would like to begin first with just a moment of silence in remembrance of all those who have died through the pandemic, those who have suffered loss, and let's also remember in our silence those who stepped forward to continue to protect and promote the health and safety of our people. So, if you would, please join me in a moment of silence.

Mayor Alvey read the following proclamation:

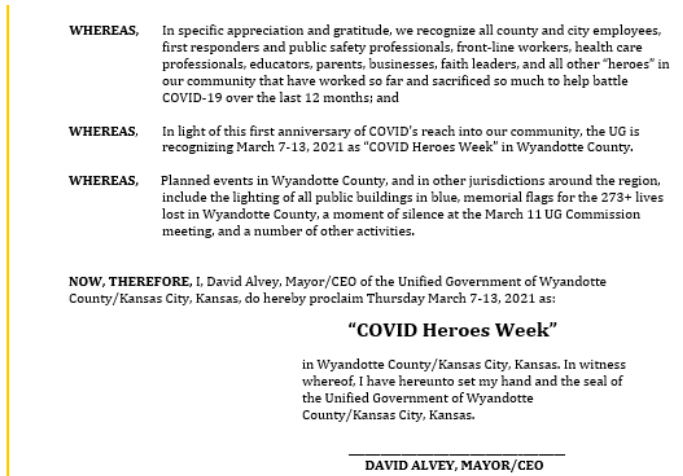


Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

- WHEREAS,** The COVID-19 pandemic has had a significant impact on our nation, state, and Wyandotte County, disrupting the day-to-day world we once took for granted, and taking a toll on human life, physical and mental health, and financial security for so many; and
- WHEREAS,** The first reported death from COVID-19 in Wyandotte County, and the state of Kansas, occurred on March 11, 2020; and
- WHEREAS,** On March 13, 2020, a State of Emergency/Disaster Emergency Proclamation was declared in Wyandotte County. Since then, the Unified Government (UG), the Unified Government Public Health Department (UGPHD), and the entire community has come together working hard and sacrificing to protect its vulnerable, initiating a public health education campaign, extensive testing capabilities, and more recently putting in place a comprehensive vaccination program; and
- WHEREAS,** We honor and offer our condolences to all of the victims of this disease and those touched by it, as well as those whose heroic actions have helped fight this pandemic preventing even more death, sickness, and disruption to our lives; and

March 11, 2021



One year ago today, I recall receiving a call from Governor Kelly's office asking for me to come to Topeka to be with the governor and with Dr. Lee Norman and others to announce the first death of a Kansan, who was a Wyandotte County citizen, from COVID-19. At that moment, we were just learning about what COVID was and how it was moving. We were just trying to figure out how we might adapt to stop the spread. We were searching from the region and from the nation and from worldwide any kind of evidence, any kind of data that might show to us how we needed to respond to this public health crisis and kind of had to feel our way through this, because we had not experienced anything like this since the Spanish Flu Pandemic of 1917 through 1919.

What we have found throughout this time in the past year is that yes, we have lost 273 lives and we have had many of our loved ones, people we work with, neighbors, friends, fellow churchgoers suffer, some severely, from the disease and many died. Yet throughout all this, we have shown our resiliency. We have shown that the goodwill of so many people in our community, and as employees in the Unified Government, as first responders, as members of the Public Health Department, our faith leaders throughout the community, those who provide social services, our next-door neighbors who would reach out to their neighbors. So many people have committed so much to preventing this from becoming an even greater pandemic, a greater threat to our life and well-being, and so it's a great opportunity to remember everyone who has suffered, but also those who have done so much to prevent even greater suffering and death.

So, one year ago today, I recall being with the governor to announce the first death in a very sad occasion. We have had 273-plus more since that time. We want to keep working to prevent any more, but let's continue our efforts, take this seriously, and follow what we must do to protect our fellow citizens. At this time, I'd ask Mr. Bach, if you would please introduce COVID Heroes.

March 11, 2021

Mr. Bach said, I believe I'm going to have to recognize someone else on the program who has that piece.

Mayor Alvey said, I believe when they reference the COVID Heroes in my notes here, it is really the proclamation of what we'll be doing this coming week. I'd ask any member of the Commission who would like to offer just a few remarks on this occasion.

Commissioner Philbrook said, I want to say that you said everything very eloquently, Mayor, but I want to tell you that I'm so impressed by our CARES Act team that got together to help figure out how to disseminate the millions of dollars we were given through the state to us from the feds. It's just amazing. That team did so much work and all of the heads of all of our departments and everybody came together to make it work like clockwork. Those who are naysayers of our government, this act by itself should pull that down a few notches.

This is just amazing, and I can't say good enough things about how they operated, under pressure, and 80% of them from home, that's just a guess at the amount, but I'd guess that's pretty average, the average of what we did. I know that my CARES Act team that I was involved with, they know how I feel about it, but people need to understand out in our public that they were working 80-hour weeks and that's saying it nicely.

I'm looking over at Alan Howze right now, who looks halfway rested compared to what he did while we were really active in the middle of the CARES Act. So, our county, the Unified Government with the other two burgs, you know, Edwardsville and Bonner Springs, we all came together and worked like a team to take care of our community. I just want to thank them for that. I want to thank them, and our community.

Commissioner Bynum said, I do want to echo Commissioner Philbrook's comments, but I think in the larger scheme, I just want to thank our community because I feel like the community did what we do here in Wyandotte County and we really came together. I saw so much outpouring of generosity among our members of the community and our organizations. I've really never witnessed anything quite like that over such a sustained period, and it continues today, and it will continue for a good long while here in Wyandotte because of the economic and social situations that we face here. And for us to also look honestly at ourselves, both internally and externally, at

the challenges that we were facing, and sincerely and honestly try to handle those in an equitable manner.

I think my thanks mostly belong with the residents and the business owners and the churches, nonprofits here because I feel like everyone just really stepped forward to try to do something to be helpful and it was—I'll never forget it. As long as I live, I'll never forget what we saw, so thank you.

Commissioner Ramirez said, I want to mirror my comments of Commissioner Bynum. A big thank you to our community. You showed how resilient and adaptable we are as a community. We just had our strategic budget meeting and one of the things was what are you most proud of, and I said our community's resiliency. Because no matter what's thrown at us, we work together to overcome it, and that's what we definitely did with COVID-19 and everything that was going on during last year.

The next big thanks, of course, is to all of our employees for their resiliency and adaptability, and of course the number one, our Public Health Department. Our Health Department, which is a department that, usually, we never really hear about a lot. We know that they're there, they're doing good work in our community, but last year they were front and center. They were the most important part of this, they were the one guiding us, giving us all the data, and the updates on everything that was happening and, of course, it was data and information that was changing every minute. I thank you for your resiliency and adaptability to the crisis that we were going through and continue to do.

So, thank you to everyone, to all the UG staff, to administration, to our Public Health Department and, of course, like Commissioner Bynum said, our community. We see a light down a long tunnel. We're getting there, but let's continue to work together so that we can get back to some normalcy. Thank you, Mr. Mayor.

Item No. 3 – 21710...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 County of Wyandotte, Kansas, through June 15, 2021, submitted by Jeff Conway, Assistant Counsel.

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Doug Bach, County Administrator, said, I don't know if Julianne has much to present at this time. The recognition of the emergency order at this time for us is that this will really essentially keep us in line with federal disaster declarations so that if there is additional funding, we can collect through the FEMA program by continuing it through June. Additional costs that we are not able to recover through the federal funds that are coming down through the Recovery Act, we would be able to apply and potentially get partial reimbursement back through FEMA for some of those additional expenses. So, that's why we're bringing this forward and requested the Commission advance it for approval.

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

Action: **RESOLUTION NO. R-16-21**, "A resolution extending the state of local health emergency for the COVID-19 pandemic for the County of Wyandotte, Kansas, through June 15, 2021." **Commissioner Bynum made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley.

Item No. 4 – 21716...RESOLUTION: NATIONWIDE STEPPING UP INITIATIVE

Synopsis: A resolution authorizing participation of the Unified Government in the nationwide Stepping Up initiative, a collaborative approach to reduce the number of people with mental illnesses in jails, submitted by Maureen Mahoney, Chief of Staff in Mayor's Office.

Randy Callstrom, Wyandotte Behavioral Health, said, thank you for the opportunity to present to you tonight the Stepping Up initiative. The Stepping Up initiative is a national initiative launched by the Council of State Governments, Justice Center, the National Association of Counties, and the American Psychiatric Association Foundation in May of 2015 to rally counties to achieve a measurable reduction in the number of people in jail who have mental illness. Stepping Up counties are encouraged to collect accurate, accessible baseline data on the prevalence of serious mental illnesses in their jails, a crucial step that helps county leaders identify key drivers of the problem and create an action plan tailored to their jurisdiction's most critical needs.

Over 500 counties across the country have become Stepping Up counties. Ironically, Wyandotte County has been doing this work for nearly a decade. Some of the accomplishments achieved here in Wyandotte County include the sequential intercept mapping, which helped identify all the touch points between the justice system and mental health, the CIT training of over 90% of law enforcement officers in the Kansas City, Kansas Police Department, the creation of a jail liaison, the creation of behavioral health court, the launching of a co-responder program, and having mental health clinicians embedded in community corrections. Each of these initiatives are already consistent with some of the activities of being a Stepping Up county.

In January of this year, Governor Kelly announced the launching of the Kansas Stepping Up Technical Assistance Center, which will provide Kansas counties with baseline data regarding the number of people with mental illnesses and substance abuse disorders in jails. Counties will also receive expert support to set reduction targets, measure progress, and achieve results. In addition to TA Center, we'll provide counties connections with sites across the state and country to facilitate peer learning and provide concrete examples of successful strategies and policies, access to national experts and essential information bank on best practices, and guidance on high-impact strategies and policies that achieve lasting results.

The benefits of a Stepping Up county include state and national recognition for the work already accomplished here in Wyandotte County, access to the Kansas TA Center resources, opportunities to help enhance the services and access to services for people experiencing mental health crisis, and further reduce the number of individuals in the county jail due to their mental illness. There is no cost to the county in declaring Wyandotte County a Stepping Up county. I encourage you to adopt the resolution that I believe is being proposed this evening and thank you for this opportunity.

Mayor Alvey asked, does any member of the commission have any comments or questions?

Action: **RESOLUTION NO. R-17-21**, “A resolution adopting the Stepping Up initiative to reduce the number of people with mental illnesses in jails.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley.

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CONSENT AGENDA

Mayor Alvey asked, does any member of the Commission or the County Administrator wish to set aside any item on the Consent Agenda? If an item is not set aside, all items on the Consent Agenda will be voted on by one vote.

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

Item No. 1 – 21678...RESOLUTION: FIRST AMENDMENT TO THE 18TH STREET EXPRESSWAY MENARDS DEVELOPMENT AGREEMENT

Synopsis: A resolution approving the first amendment to the 18th Street Expressway Menards development agreement, submitted by Katherine Carttar, Director of Economic Development. This consists mainly of minor clean up edits to the development agreement, including the developer's right to self-insure. On March 1, 2021, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-18-21,** “A resolution adopting the first amendment to the 18th Street Expressway Menards development agreement.” **Commissioner Ramirez made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley.

Item No. 2 – 21672...RESOLUTION: MASTER LEASE/PURCHASE AGREEMENT

Synopsis: A resolution authorizing the Unified Government to enter into a master equipment lease/purchase agreement with Banc of America Public Capital Corp, submitted by Debbie Jonscher, Deputy Chief Financial Officer. On March 1, 2021, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

March 11, 2021

Action: **RESOLUTION NO. R-19-21**, “A resolution authorizing the Unified Government to enter into a master equipment lease/purchase with Banc of America Public Capital Corp, the proceeds of which will be used to pay the costs of acquiring and installing certain equipment and approving the execution of certain documents in connection therewith.” **Commissioner Ramirez made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley.

Item No. 3 – 21711...APPOINTMENT: BOARDS AND COMMISSIONS

Synopsis: Appointment of Erica M. Simpson to the Wyandotte County Library Board, 3/11/21 - 12/13/21, submitted by Commissioner Kane.

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

Item No. 4 - MINUTES

Synopsis: Minutes from regular session of November 19, 2020; and special session of February 11, 2021.

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

Item No. 5 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated February 25, 2021.

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

PUBLIC HEARING AGENDA

Item No. 1 – 21718...PUBLIC HEARING: 2022 UNIFIED GOVERNMENT BUDGET PRIORITIES AND 2021 ANNUAL ACTION PLAN

Synopsis: Conduct a public hearing on the 2022 Unified Government Budget priorities and the 2021 Annual Action Plan, submitted by Kathleen VonAchen, Chief Financial Officer; Reginald Lindsey, Budget Director; and Wilba Miller, Community Development Director.

Doug Bach, County Administrator, said, this item officially kicks off our budget process.



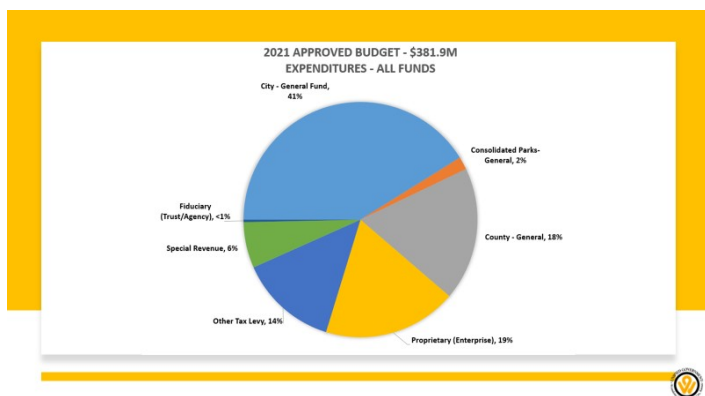
I guess one notch further than we did some strategic planning last week, but at this point, we're ready to solicit the input of the residents and businesses in our community as we go through the preparation process in building our budget and preparing our Community Development Block Grant Program for the coming year. So, with that, I ask Mr. Reginald Lindsey, with our Budget Department, to lead the presentation.

**2022 PROPOSED BUDGET PROCESS CALENDAR
FOR 2021**

Board of Commission 2022 Budget Planning	
February 25, 2021 (Thursday)	5 Year CMIP Special Session
March 4, 2021 (Thursday)	Commissioner Budget Retreat
March 11, 2021 (Thursday)	1 st Public HearingCommunity Development/Budget Office (7PM)
County Administrator's Budget Workshops/Proposed 2022 Budget Presentation	
April 2021	CMIP- Committee of the Whole Workshops
May 6, 2021 (Thursday)	1 st Budget Workshop
May 20, 2021 (Thursday)	2 nd Budget Workshop
June 24, 2021 (Thursday)	County Administrator's Budget Presentation (SPM)
July 1, 2021(Thursday)	3 rd Budget Workshop/Commission Set Maximum Mill Levy
July 2, 2021 (Friday)	Publish Maximum Mill Levy
July 12, 2021 (Monday)	2 nd Public HearingCommunity Development/Budget Office (SPM)
July 15, 2021 (Thursday)	Budget Adoption (7PM)

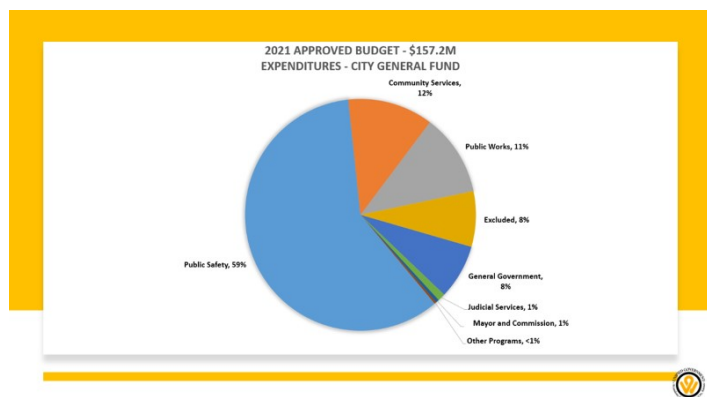
March 11, 2021

Reginald Lindsey, Budget Manager, said, our 2022 proposed budget process calendar is on the screen right now. We've already started that process. On February 25th, we had a five-year CMIP special session. On March the 5th we just had a commissioner budget retreat; and today, March 11th, we're having our first public hearing. After this, we go into CMIP Committee of the Whole workshops in the month of April, and then we have our first budget workshop May the 6th. Then May the 20th, we have our second budget workshop, and then after those workshops, County Administrator Doug Bach will present his budget on June the 24th. July 1st, we will reconvene and have a third budget workshop, Commission will set the maximum mill levy, and then on July 2nd, we'll publish that maximum mill levy. On July 12th, we'll be back here again to have another public hearing, and that will be our second and final one. Then July 15th, the Commission will cast a vote on the budget.

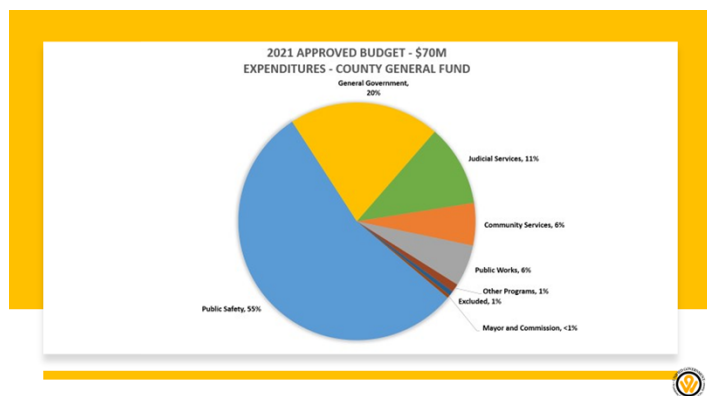


Our 2021 approved budget of \$382 million balance budget where revenues and expenditures are accounted for. It funds 29 state-certified funds and provides over 200 services to the community. Some of the large funds within the \$382 million budget are the City General Fund, which is a \$157

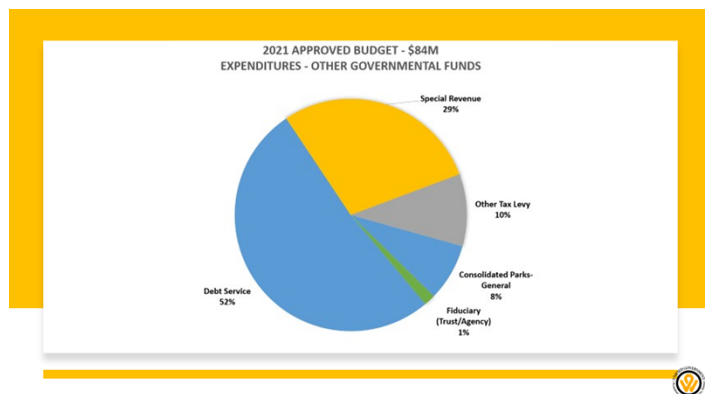
million budget, then also the County General Fund which is a \$70 million budget. Then the Sewer System, which is a \$52 million budget.



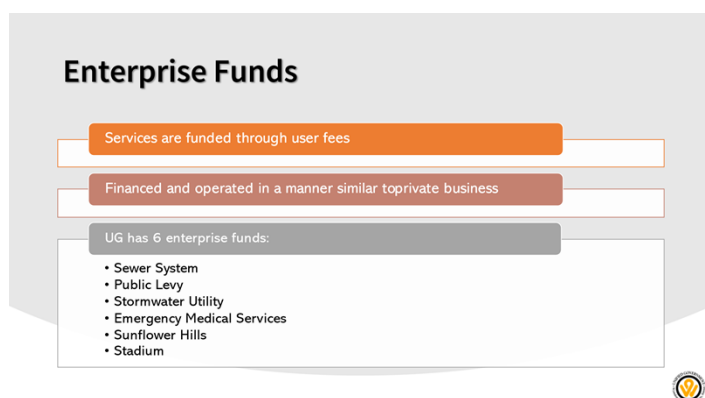
Now, I want to drill down into the \$157 million City General Fund and look at the different functional areas there. Public Safety is 59% of the pie, and it's a \$92 million budget. That includes departments such as the Police and the Fire Department. The second largest functional area is Community Services. This portion of the pie is 12%, which is about \$19 million. Some of the services over there from departments that are provided are Transit, Neighborhood Resource Center, and Urban Planning. Then the third largest functional area there is Public Works.



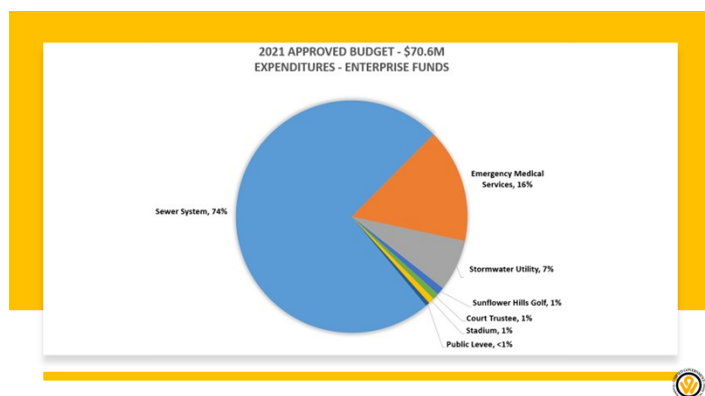
Now, I want to go into the \$70 million balance budget for the County General Fund. Public Safety is the largest functional area there at \$39 million. The largest departments there are the Sheriff's Department, Community Corrections, and Emergency Management. The second largest functional area is Legal, then Appraisers, then the Finance Department. The third largest functional area is Judicial Services, and that's \$8 million. There we have District Courts and District Attorney.



This current chart breaks out 20 other funds that equal \$84 million. The largest one is the Debt Service Fund at \$42 million. Then, the other largest revenue functional area is our Special Revenue Funds, which total \$24 million. An example of a fund over there is our Dedicated Sales Tax, which is \$10 million. Then, our Consolidated Parks Fund is our third largest functional area over there at \$6.8 million.



The Unified Government also has six enterprise funds, and these are funds that provide services through user fees and they run much like a private business where they finance all their own expenses based on the service fees that they bring in.



This chart breaks out the six Enterprise Funds, there's \$70 million. You see the large one is the Sewer Fund, which is a \$52 million fund. Then, the second largest one is the Emergency Medical Service Fund, which is \$11.2 million. Then the third one is our Storm Utility Fund at \$5 million.



Please scan the code that's currently on the screen. This year, the Budget Office has created a new survey that will allow citizens and stakeholders the ability to provide feedback on community priorities and initiatives, which will directly shape the budget process this year. With the QR code that's on the screen, you can scan it with your mobile device, your tablet, or you can enter it from your phone and submit it right from all those devices. So, please scan the QR code. We want to hear from you. The deadline for this is April the 1st. I'm going to turn it over to Community Development now.



Community Development Highlights: Barrier Removal



Wilba Miller, Director of Community Development, said, the Unified Government receives an annual allocation of entitlement funds from the U.S. Department of Housing and Urban Development for the following programs: the Community Development Block Grant Program, known as CDBG; Home Investment Partnership, or HOME; and the Emergency Solutions Grant Program, called ESG. HUD provides these resources for the purpose of meeting the needs of low and moderate-income citizens.

I would like to take a minute to introduce Stephanie Stauffer, a program coordinator in our staff who will make a brief presentation on what we've been working on and accomplished in the last year.

Stephanie Stauffer, Community Development Program Coordinator, said Wilba said, we use these grants to fund a variety of programs and activities. The CDBG Emergency Home Repair Program assists income-qualified homeowners in maintaining safe and accessible housing through repair of critical systems such as plumbing, electrical, heating, roofing, and the removal of architectural barriers. You can see here an example of an architectural barrier removal program project.

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Community Development Highlights: Emergency Home Repair



This is a roof project where we replaced the roof on a home with the Emergency Home Repair Program.

Community Development Highlights: CDBG



This is a house that we used CDBG for to rehabilitate, and it was sold to a low to moderate-income household. It was rehabilitated by a community partner, Community Housing of Wyandotte County.



Community Development Highlights: HOME Program



- Community Housing Development Organizations (CHDO's) and other subrecipients receive sub-grants to rehabilitate or construct affordable housing
- Right: Habitat for Humanity
- Left: Community Housing of Wyandotte County (CHWC)



Here you can see a couple of recent home projects that we used the HOME Grant for. So, we use HOME funds for rehab of existing housing and construction of new homes to be purchased by low

to moderate-income families. Our tentative goal for the next year is to fund the construction of seven new affordable housing units and rehab one unit. This actual number will depend on the cost of materials and labor. HOME also funds CDs—CHIP Down-Payment Assistance Program, which provides assistance to low to moderate-income homebuyers. Our third grant is ESG, and those funds were awarded to partner agencies to assist and support for our at-risk homeless neighbors through activities such as homeless prevention, rapid rehousing, essential services, and data collection.

**Park Drive
Neighborhood
Revitalization
Strategy Area
(NRSA)
Highlights: City
Park**

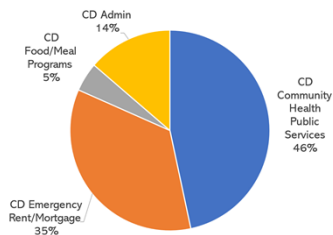


Additionally, this coming year will be the final year of the current Park Drive Neighborhood Revitalization Strategy Area Plan, or NRSA. This is a five-year plan to focus resources and engage in partnerships in the target area. The neighborhood was identified as a tipping-point neighborhood, or an area where strategic investment and attention could catalyze other development or private investments.

Last year, in partnership with Parks and Rec, CDBG funds were used for various revitalization projects at City Park, and you can see those pictures here. This work included the addition of two bathroom buildings at City Park, one at the bottom towards the ball fields, and another at the top of the park, new sidewalks, and a new service road. All of this work was done in compliance with ADA to make the park more accessible to residents. There have been numerous groups involved in the NRSA process thus far, some of the UG/NRSA partners have been SOAR, which I know you had a presentation from recently, Code Enforcement and Public Works.

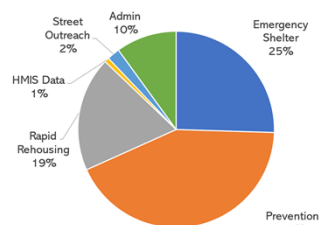
Another goal of the NRSA was to explore affordable infill housing, and in the coming year, three of the seven new home affordable housing units will be in the NRSA. So, this reflects our strategic investment into the area. This work would be impossible without our UG and community partners, so we're really thankful for their help in this strategic plan.

CARES Act CDBG/ Grants	Total
CDBGCV Administration	\$293,980
CDBGCV Community Health	\$1,000,000
CDBGCV Emergency	0
Rent/Mortgage	\$750,000
CDBGCV Food/Meals Programs	\$100,000
Grand Total	\$2,143,980



I know we've had a lot of presentations about this, but this is just a reminder about our CDBGCV CARES Act grants that we received in addition to our regular annual grants. So, here is just a breakdown of those approved projects. We are currently working out the recipient grant details and trying to get the installers out in the community.

CARES Act ESG Grants	Total
Emergency	\$609,605.56
Shelter	\$1,023,410.24
Prevention	\$450,956.00
Rapid Rehousing	\$18,447.50
HMIS Data	\$50,000.00
Street Outreach	\$239,157.70
Administration	
Grand Total	\$2,391,577



This is our CARES Act ESG grants. You can see here the projects that were submitted and approved by our community partners and the breakout of different activities there. With that, I'm going to turn it back over to Wilba.

2021 Annual Action Plan: Program Year October 2021-September 2022

- Allocation amounts for 2021 (Total: ~~\$3,407,553~~)
 - CDBG: ~~\$2,328,634~~
 - HOME: ~~\$882,359~~
 - ESG: ~~\$196,560~~
- A public hearing is required before the Community Development 2021 Annual Action Plan and budget can be drafted. This allows for community feedback at the beginning of the process.
- Annual Action Plan must be submitted to HUD no later than August 15, 2021.



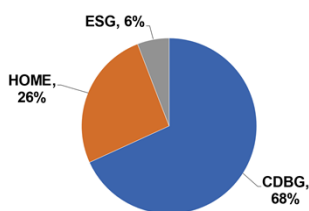
Ms. Miller said, in order to receive these grant funds, we are required to submit an annual action plan. This Program 2021 will be the fifth and final year of our current 2017 through 2021 Five-Year Plan. 2021 will also be the final year of our current Park Drive Neighborhood, as Stephanie

said. This evening we are fulfilling the HUD requirement to hold a public hearing to obtain comments from citizens and other stakeholders before developing our budget and the draft annual action plan.

We are seeking to assure citizens that they can participate and understand that the proposed plan will address housing and community development needs, the development of proposed activities, and review of program performance.

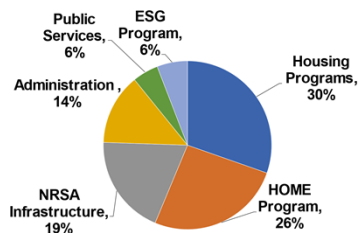
We have recently received our formula allocation amounts for the 2021 program year. CDBG will receive \$2,328,000, HOME at \$882,000, and ESG at \$196,000. These funds are—the amounts are fairly consistent with last year's allocations.

**2020 COMMUNITY DEVELOPMENT
ALLOCATION: \$3,378,858**



The following graphs will show the allocations and approved expenditures for last year's entitlement grants. The pie chart shows sources of support reflects \$2.3 million for CDBG, \$876,000 for HOME, and \$198,000 for ESG for a total of \$3,378,000.

**2020 COMMUNITY DEVELOPMENT APPROVED
EXPENDITURES TOTAL \$3,378,858**



As you can see, the approved expenditures pie chart reflects the following activities: CDBG housing programs, NRSA infrastructure, administration, public services, and the Emergency Solutions Grant and HOME programs, totaling the \$3.3 million. HOME activities do include down

payment assistance and construction or rehab of affordable housing. ESG activities does include homeless prevention, central services, rapid rehousing, and the homeless management information system.

A draft of the 2021 Annual Action Plan will be published in early June to allow citizens to review the plan and provide feedback for a 30-day period. A second public hearing is scheduled to be held in July, along with the adoption of the budget. The adoption of the 2021 Annual Action Plan is also scheduled to take place in July. The final annual action plan must be submitted to HUD no later than August 15th. According to federal regulations, failure to meet the requirement will automatically result in a loss of our CDBG funds. This does conclude our portion of the presentation. Thank you.



Mayor Alvey asked, do any members of the Commission have any questions or comments for Wilba or staff?

Commissioner Townsend said, good evening, Ms. Miller. I don't have any questions for you. Thank you for your presentation. I see how it has developed over the last four or five years, great. So, you've answered the questions that you know I look for. These home renovation funds are always so important to a lot of the constituents in my area and others as well, so thank you.

My question is really for Mr. Lindsey. I appreciate his very organized, as always, presentation tonight. My question deals specifically with the survey that he talked about. Since this is the first opportunity tonight for members of the public to have input into the 2022 Budget, my question is, if citizens respond to the survey, will that be equivalent to them having the opportunity to put forward specific uses of budget funds that they'd like to see, or is it merely a survey about what they like or don't like? That's really what I wanted to be clear about.

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Mr. Lindsey said, it does allow them to put forward input to the budget. On May 20th, I believe, we will come back to the Commission with a report on all the surveys that we've received and give a report. I think it's May 6th, I'm sorry.

Commissioner Townsend said, okay. So, they can, by responding to the survey, identify specific projects that they may be interested in. **Mr. Lindsey** said, yes. There's a section there where you can do two things. You can offer your opinion or you can submit a project. I talk about the form being on that QR code, but you can also get it from the Unified Government's website and it would be on the first—when you land on the Unified Government's webpage.

Commissioner Townsend said, okay. Is there another way that someone may be able to call in to one of our departments and merely request a form if they don't have access to...**Mr. Lindsey** said, yes, they can. They can call the Budget Office or email the Budget Office. **Commissioner Townsend** asked, and the number for the Budget Office is? **Mr. Lindsey** said, it is 573-5271. There's also an email address, ugbudget@wycokck.org.

Commissioner Townsend said, well, you answered my questions for the evening. Thank you very much.

Mayor Alvey said, I will now open the public hearing. Before I take public comments, I'd ask Mr. Deichler to read the statement governing the public hearing.

Brett Deichler, Interim UG Clerk, said, we would like to welcome all present to this public meeting of the Unified Government of Wyandotte County, Kansas City Kansas, regarding the 2022 Unified Government budget priorities and the 2021 Community Development One-Year Action Plan. We appreciate the attendance of everyone here this evening, and we recognize the importance of your views. We would, however, remind you that there are five individuals signed up to speak. Each person will be allowed three minutes to speak. Should you reach the two-minute mark, I will announce that you have one minute remaining, which will allow you time to wrap up your comments. As your name is called, please state your name and city for the record. On deck means that you will be next to speak. We would appreciate your efforts to be considerate to all during their comments and ask that your devices are muted so you will not disturb the hearing for recording purposes and those joining virtually.

There are five people scheduled. First up will be Mr. Dustin Hare followed on deck by Ms. Carolyn Wyatt.

Dustin Hare said, I am the cofounder of Wyco Mutual Aid. When the pandemic struck, our organization knew that there was going to be a lot of need in our community, and we immediately started doing boots-on-the-ground outreach to our most economically vulnerable residents. We helped folks who are food-insecure get access to food, we helped find rides for people who didn't have transportation, we provided cell phones to people who had become unemployed and unsheltered.

Unfortunately, in the category of homelessness, we had trouble fulfilling our community's needs. Some nonprofits were able to provide temporary solutions to folks experiencing housing insecurity, but the UG is largely ignoring the issue. There is no homeless shelter in our town, and instead of spending money to assist people experiencing homelessness, money is instead spent to police these folks to make sure they are uncomfortable in any area where they attempt to congregate. I, myself, have witnessed this on more than one occasion.

Over the last several months, I've been communicating with people who have become homeless as a result of the pandemic. On some occasions, we've been able to patch together money from mutual aid and support from nonprofits to provide hotels for single mothers who have lost their jobs and lost their housing. On other occasions, we've been unable to find resources, and I've had to tell people that I'm sorry I cannot help them, and they will have to sleep in their cars tonight, or on the ground. Throughout the cold winter months, this was a nightly occurrence for me. Our lack of a safety net exacerbates issues for our residents and turn short-term situations into long-term ones.

In reviewing the 900-page proposed 2021 Budget, I see the word homeless appear in only three different places throughout the document and a total of \$198,000 dedicated to solving the problem. This amount is woefully insufficient. In the short-term, we need to be dedicating millions to this issue. We need water stations and sanitation facilities in our congregant areas, we need a year-round shelter for people experiencing homelessness. We need to rehab Land Bank properties to support our housing-insecure residents. (**Mr. Deichler** said, you have one minute remaining.) We need to pay stipends to homeowners who are providing rooms to help community members who are without a home. This is just scratching the surface.

I don't purport to have all the answers about how to solve this crisis, which means we need to be hiring outreach workers to talk with folks who are struggling economically to better understand what the long-term needs are. Long-term, we're going to need to pump tens of millions of dollars into communities that we've been neglecting. I'm sure the response will be that there's no money for any of this stuff, but I would dispute that. Somehow, we continue to come up with money to police the very populations that I'm speaking about. Between the 2019 Budget and the proposed 2021 Budget, an additional \$8 million is being proposed for policing on top of the \$92 million per year that we're already spending. Where is this additional \$8 million coming from? I would like to see the entirety of that \$8 million shifted to programs and services that provide assistance. (**Mr. Deichler** said, your time has expired, Mr. Hare.) **Mr. Hare** said, ...to hire mental health professionals and social workers to respond. We need community advocates for the residents instead of policing them. Thank you.

Mr. Deichler said, next up is Ms. Carolyn Wyatt. On deck is Ms. Marge Gasnick

Carolyn Wyatt said, I want to say good evening to County Administrator Doug Bach, Mayor Alvey, and the commissioners. I live at 359 Troup, Kansas City Kansas. I'm a member of the Park Board.

Last week I visited Eisenhower Community Center on 72nd Street. I observed and was informed that the number of persons working at the center, a recreation specialist, a program coordinator, and a custodian. I would like to see each center functioning in the same capacity for our youth and seniors as well. The decision-makers can make this happen — County Administrator Doug Bach, the commissioners, and the park staff. It would be great if each six community centers had its own funds.

I know that for the last two years, Sunflower Golf was given a large amount of money, I think it's \$747,000, something like that. It's not a community center. Our community centers are sitting empty — well, except Eisenhower. They're running like a community center should run. So, we have five more centers in the Wyandotte County, and most of them don't have any programs for the youth or for the seniors. I know that for a fact that there's money available for our youth. They have a correctional center that I'm sure they would like to fill up, but if we were proactive, we would be having youth in the centers. A safe zone for them, something for them to do.

So, that's the main thing I was trying to say, is that I've been talking a lot about this center and having it fulfilled. (**Mr. Deichler** said, you have one minute remaining.) I don't know how many years I have been coming to the meetings and talking about this, and I'll probably continue talking like this until I don't have a voice anymore. So, I'm hoping the commissioners and administrators will come together and say that our youth are important. That the whole city is important, our seniors are important, and that they will have the centers operating like centers should operate. Youth centers, community centers. Thank you very much.

Mr. Deichler said, next up is Ms. Marge Gasnick. Ms. Dorothy McField is on deck.

Marge Gasnick said, I live at 3322 North 54th Street. I appreciate the opportunity to make a comment tonight about the budget. My comment tonight is based on some research I've done on the 2021 Unified Government Budget, as well as the budgets of some peer cities in our region. What I have learned is that in 2021, the city of Overland Park Fire Department budget is \$27.2 million. The city of Olathe's Fire Department budget is \$25.5 million. The Kansas City, Kansas Fire Department budget is \$62.3 million. The difference here is around \$35 million.

I next looked at the Police Department budgets. Overland Park's Police Department budget is just under \$43 million. Olathe's Police Department budget is \$31.4 million. The Kansas City, Kansas Police Department budget is \$60.2 million. The difference in this case is about \$17.2 million. These numbers give me pause and make me think about the size of Wyandotte County and Kansas City, Kansas, and the tax base that we have here to support all the different departments. I have to ask, why the budgets for these two departments are so outsized in comparison with the other two cities? I ask this question knowing that there are so many needs in Wyandotte County. Street repairs, sidewalks, transit service, parks and rec, housing and neighborhood services, just to name a few, not to mention, tax relief. I am a homeowner whose property taxes have increased 11% this year. (**Mr. Deichler** said, you have one minute remaining.)

Now, I want the Fire and Police departments to be adequately funded, but these current funding levels in proportion to our tax base and in comparison, with similarly sized cities strike me as way out of balance. Just not right and quite frankly, unsustainable. Thank you for your time.

Mr. Deichler said, next up is Dorothy McField followed by Marcia Rupp. Dorothy McField? She is not present. Ms. Marcia Rupp is up next.

Marcia Rupp said, I just want to start by saying that I think at this time—I know that we’ve talked about this for years because I’ve been at most of the budgets there in person and we’ve talked about lowering taxes. If we could help all the people in any way at all at this trying time, would be trying to lower the taxes. To look at everybody’s taxes and try, even if it’s a little bit, to lower it. Or if nothing else, to keep it the same and try to lower it some. The only thing—I know this is hard to do when you have things that you need done to the city.

I know we have a lot of road issues, roads that need to be repaired, but I’m really still looking at Parallel and I’m going to just tell you from 78th Street if you’re going in east to 72nd, that there needs to be looked at. From 51st Street to 55th, from east going west on both sides, from west going east and east going west, needs to—from 51st to 55th was never taken care of as far as mending those seams like they have been doing, which has really done a lot to help Parallel. So, if I could just ask for maybe that to have some attention.

Please remember police. We need more police officers. That’s not something that you want to defund or get less of, especially since we’re so close to Kansas City, Missouri, and our crime is slow right now, (**Mr. Deichler** said, you have one minute remaining.) but it won’t be being so close to them because it all seems to trickle down over here. So, please keep the police coming in, keep our fire department and sheriff department strong, and all of you take care. Thank you.

Mr. Deichler said, I will call Ms. Dorothy McField one more time and ask if she is present to at least raise her hand, to see if our staff can recognize her. No hands were raised. That concludes our speakers, Mayor.

Mayor Alvey said, if there is anyone who did not sign up who wished to speak on this item, just raise your hand at this time to be recognized. **Mr. Deichler** said, no hands were raised, Mayor.

Mayor Alvey said, I will now close the public hearing. Thank each of you for joining us tonight. Obviously, we have competing desires here, that’s why we have the budget process.

Action: The public hearing was held.

Item No. 2 – 21679...PUBLIC HEARING/RESOLUTION: INTENT TO ISSUE IRBs FOR MILHAUS MULTIFAMILY PROJECT

Synopsis: Conduct a public hearing to consider a resolution of intent to issue industrial revenue bonds in the amount not to exceed \$45,000,000 to finance the costs of acquiring, constructing, and equipping a commercial multifamily facility for the benefit of Milhaus Properties LLC, submitted by Katherine Carttar, Director of Economic Development. On March 1, 2021, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Public Hearing:
Resolution

A resolution of intent to issue industrial revenue bonds in the amount not to exceed \$45,000,000 to finance the costs of acquiring, constructing, and equipping a commercial multifamily facility for the benefit of Milhaus Properties LLC.

Katherine Carttar, Director of Economic Development, said, I'm going to give a brief presentation about this property. This was the same presentation that was given at the Economic Development and Finance Committee back on the 1st of March. The request is a—this is actually a resolution of intent to issue industrial revenue bonds in an amount not to exceed \$45 million for a multifamily facility.



1 Site Plan

March 11, 2021

Here is the location. So you've got 94th Street on the east, and then this is just a little bit raised up just north of State Avenue. This is part of the larger Homefield project. This is actually a project that has been approved by the Commission, kind of in concept, as part of the Homefield development agreement. This was referenced as the only other project that would receive any kind of industrial revenue bond incentive besides the actual homefield project itself. All the rest of the development, as part of Homefield, would be—kind of all the other retail would be fully taxable starting in year one. You can see the layout. You've got a nice trail here that would actually connect this kind of up north, which would actually go through the entire Homefield property.



These are rendering what they're anticipating.

Project Description

The Homefield project is a 274-unit, garden-style, luxury apartment development seated in Wyandotte County, adjacent the old Schlitterbahn Waterpark. The project contains 9-unit buildings and 1 clubhouse, distributed across the 18.34-acre site, whereas roughly 7-acres will remain untouched to keep an existing, natural forested area to the northeast corner of the site. Unit offerings will include studios (or dark one-bedroom), one-bedroom, two-bedroom, and three-bedroom units.

Amenity List

- + Amazon Package Delivery/Pickup
- + Indoor Bike Storage + Bike Repair
- + Pet Wash
- + Pet Park
- + Coffee Bar
- + Fitness Center
- + Resident Lounge and Co-Working
- + Conference
- + Event Space/Club Room
- + Pool with Sun Deck and Outdoor Lounge
- + Outdoor Kitchen with Gas Grills
- + Outdoor Firepits



So, it's a 274-unit, garden-style, luxury apartment. As you can see, they've got a number of different buildings, nine different buildings, and would really try to take advantage of this space. Right now, you do have a decent amount that has some good trees on it, and it has some wooded aspects, so really trying to keep that natural forested area as an amenity. You can see here the amenity list, highly-amenitized. It's kind of everything that people anticipate now as part of their market-rate living, so including pool, bike storage, fitness center, etcetera.

March 11, 2021

Construction Timeline

- Construction Start – July/Aug 2021
- First Units Delivered – Aug 2022
- Construction Completion – March/April 2023
- Total Construction Duration – ~20 Months

Industrial Revenue Bond financing

- 10 year, 100% PILOT based on a projected per unit value of \$53,719 (equal to \$970 annual PILOT per door)
- Starts at \$262,089 annual PILOT with a 1% annual escalator
- UG will collect a total of \$2.9 million in PILOT over 10 years
- LBE/MBE/WBE goals are in place with a 1% annual penalty
- Additional tax payments (8 mills) for the statutorily required school district's capital outlay levy will be paid separately

Their anticipation would be to start construction this summer, so July or August. They would do a couple of buildings first, then kind of slowly start bringing them on as they're completed. So, with the entirety of all nine buildings being complete, March/April of 2023.

Now, as part of the development agreement, it was contemplated an industrial revenue bond financing. So, this would be what we call a certainty bond. So, yes, it is a 100% property tax abatement, but there is a payment in lieu of taxes which really provides nearly 100% of what that property tax would be. The goal there is to provide certainty; provide certainty to the developer so they know they can put it into their model. They'll know exactly how much they're paying in property taxes for that first ten years. It also provides certainty to the Unified Government and other taxing jurisdictions so we know exactly how much we can expect.

So, you can see the projected per-unit value is \$53,000 which is equal to about \$978 of property tax per door. So that would be, again, paid as a payment in lieu of taxes as a PILOT. There would be an annual escalator, so we would be receiving, through that PILOT, just over a quarter of a million dollars to start, and then that, of course, would over time continue to escalate for a total of just about \$3 million over the ten years.

There are LMW goals in place. I know the developer has already met with our Procurement Office, and he's getting that process started. Then finally, the additional tax payment, the eight mills that are statutorily required for the school district, capital outlay would be paid separately on top of the PILOT agreement.

PILOT SCHEDULE					
Value/Unit	# of Units	Projected Value	2020 mill rate	PILOT	PILOT per floor
\$53,719.19	2700	\$14,504,181.30	167.470438	\$262,089.00	\$970.70

Year	With L/M/W		Without L/M/W	
	Per Unit	Annual PILOT Payment	Per Unit	Annual PILOT Payment
1	\$970.70	\$262,089.00	\$970.70	\$262,089.00
2	\$979.76	\$264,535.20	\$990.10	\$267,327.00
3	\$1,009.83	\$272,648.70	\$1,036.29	\$279,798.30
4	\$1,040.77	\$281,007.90	\$1,084.50	\$292,839.30
5	\$1,072.64	\$289,618.20	\$1,135.08	\$306,471.60
6	\$1,105.54	\$298,499.80	\$1,187.49	\$320,750.30
7	\$1,139.41	\$307,640.70	\$1,243.11	\$335,639.70
8	\$1,174.11	\$317,063.70	\$1,300.89	\$351,229.50
9	\$1,209.57	\$326,772.90	\$1,361.27	\$367,529.40
10	\$1,247.82	\$336,776.40	\$1,424.35	\$384,574.50
Total		\$2,956,648.50		\$3,168,228.60

Participation Percentage Goal - Percentage of Total Construction Cost for the Project	
Business Category	
LBE	22%
MBE	6%
WBE	4%

Here's just a snapshot of the amount of PILOT. If for some reason, again, we would not anticipate that they would not reach their LMW goals but there is a penalty, so they would have to pay more. You can see the goals there down at the bottom of the slide. With that, any questions? We do have someone from the development team if there are any questions I can't answer.

Mayor Alvey said, I'm not seeing any questions, so I would now open the public hearing and ask the Clerk if he has received any notification from the public who wish to express comments in favor of this item? **Brett Deichler, Interim UG Clerk**, said, no notifications from the public were received by the Clerk, sir. **Mayor Alvey** asked, anyone present who would like to speak in favor of this item? If so, please raise your hand to be recognized. **Mr. Deichler** said, no hands, sir.

Mayor Alvey asked, seeing no one else in favor, have we received any notification from the public who wish to express their comments in opposition? **Mr. Deichler** said, no notifications from the public were received by the Clerk as well, sir. **Mayor Alvey** asked, anyone present who would like to speak in opposition? **Allie Facio, UG Clerk's Office**, said, I see no hands raised.

Mayor Alvey said, I will now close the public hearing. Do any members of the Commission have any questions or comments?

Commissioner Ramirez said, thank you, Katherine, for the presentation and for the project. The question I have is more so for the community, for the people who are watching. When a development or developer are paying PILOT payments, and we receive the PILOT payments, where do the PILOT payments go? Do they go to the General Fund?

Doug Bach, County Administrator, said, yes. I mean, the money comes back to us, we collect it, and then we distribute it back out into each taxing jurisdiction just as we would normally to each one. So, it doesn't just — the Unified Government gets our share as a city/county, school district gets their share, community college. So, it just comes in as normal tax dollars would.

Commissioner Ramirez said, that was something I did not know. That's very good to know. I wanted to make sure that I answered that question because I know with our community, the biggest thing that we talk about is PILOT, but then there's the BPU PILOT and then this PILOT is different from that BPU PILOT. So, I just wanted to make sure the community understands the difference with that. Thank you, Mr. Bach, for that explanation. I did not know. That's very interesting.

Action: **RESOLUTION NO. R-20-21**, "A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas, to issue its industrial revenue bonds in the amount not to exceed \$45,000,000 to finance the costs of acquiring, constructing, improving and equipping a commercial multifamily facility for the benefit of Milhaus Properties LLC, and its successors and assigns."
Commissioner Philbrook made a motion, seconded by Commissioner Markley, to adopt the resolution. Roll call was taken and there were nine "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley.

Item No. 3 – 21680...PUBLIC HEARING/RESOLUTION: INTENT TO ISSUE IRBs FOR LEGENDS 267 MULTIFAMILY PROJECT

Synopsis: Conduct a public hearing to consider a resolution of intent to issue industrial revenue bonds in the amount not to exceed \$54,820,000 to finance the costs of acquiring, constructing, improving and equipping a commercial multifamily facility for the benefit of Legends 267, LLC, submitted by Katherine Carttar, Director of Economic Development. On March 1, 2021, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Public Hearing:
Resolution

A resolution of intent to issue industrial revenue bonds in the amount not to exceed \$54,820,000 to finance the costs of acquiring, constructing, and equipping a commercial multifamily facility for the benefit of Legends 267, LLC.

Katherine Carttar, Director of Economic Development, said, this is a very similar in concept idea here. Again, this is something that this Commission has already seen the development agreement come through about two months ago maybe, and now we're really excited to hear that they are ready and gearing up to start building. So, the plan is to start that work here this month, so that's really exciting. So, again, this is kind of another procedural type of action—resolution of intent to issue industrial revenue bonds in the amount not to exceed \$54,820,000, again, for a multifamily project.



Just as kind of a bit of a refresher, I know you saw a lot of this just recently. This is the project site here, the corner of Village West Parkway and Parallel, just next to the public parking garage for the Legends. This is a project that has been a long time coming. So, this is something that was originally approved about five years ago, and there have been a number of issues. It's a challenging site; it's a challenging project.



Part of the reason that it is challenging is because there is actually parking underneath, so there is about a few levels of parking and then the apartment complex on top. So, with this, there is public parking involved. There's a number of different things happening here, so we are—feel really good about Beck Cal Development and Luke Drailey Construction who have come in, they have purchased the ground; and as I mentioned, they are gearing up to get going.



So, kind of a quick overview of the project, 267 units. Class A style, one/two bedrooms. Again, parking garage, which would be fully covered, and then a very nice, long list of amenities. This would be a great place to live. You just leave your front door and basically cross the street and you've got shopping and restaurants and everything you could really want there just right at the Legends. I think it'll be a really popular destination, a place to live.

Project Details:

- Newly-constructed first-class apartment complex and structured parking garage
- \$53.7 million overall project budget (approximately \$13.3 M of improvements are to be paid for with the CID bonds)
- 267 units (original Development Agreement called for no less than 265 units)
- 620 parking spaces
 - 350 must be public spaces
- Parking Garage completed by March 1, 2022
- Apartment building completed by August 1, 2024
- Additional public benefit:
 - Vehicular bridge connection to current parking garage
 - Sidewalk construction in the vicinity

So, as I mentioned, there will be built 620 parking spaces as part of the original agreement and we have kept this through all of the various iterations, but 350 of those must be public spaces. They will be connected to the other parking garage, the current parking garage, and they are going to get going here in the next month and anticipate that parking garage will be complete within the year. The apartment complex will be completed about a year and a half after that.

Project Deal Terms:

- CID bond proceeds of approximately \$13.3 M that can be used to pay eligible expenses (land, sidewalks, and the Parking Garage)
- Industrial Revenue Bond financing
 - 10 year, 100% PILOT based on a projected per unit value of \$65,000 (equal to \$1,317.89 annual PILOT per door)
 - Starts at \$351,877 annual PILOT with a 1% annual escalator
 - UG will collect a total of \$3.7 million in PILOT over 10 years
 - LBE/MBE/WBE goals are in place with a 1% annual penalty and a reduction of \$400,000 in CID proceeds available to the developer if not met
- Developer will provide for a guaranteed maximum price and payment and performance bonds for the Improvement

So, there is a portion of this that is CID. It's not what we're really talking about today, but just wanted to remind you of the full project. That portion was approved a couple of years ago and is solely to focus on the public parking spaces and the parking garage.

What you are looking at tonight is the industrial revenue bond financing, very similar to the last one. We're talking about a certainty IRB, so this is a structure again where we have the projected value of the unit. This one is about \$65,000. That equates to just over \$1,300 per door, annually. So, we'll have just about—just over \$350,000 in annual payment in lieu of taxes, again with an escalator. So, that would be about \$3.7 million over the course of ten years.

LMW goals are in place, and actually are quite strict. Not only the penalty will be a penalty on the PILOT payment, but also a reduction in the CID proceeds. Just like the last developer, this developer has also already had conversations with our Procurement Department, are well aware of that process and what they need to do.

PILOT Schedule					
Value/unit	# of units	Projected Value	2020 mill rate	PILOT	PILOT per door
\$65,000.00	265	\$19,500,000.00	\$70.061285	\$349,240.85	\$1,317.89
*Includes \$9,142 fixed land cost					
Annual Increase					1%
Annual Increase if Failure on L/M/WBE					2%
Year	Annual PILOT	Annual PILOT if L/M/WBE Failure			
1	\$349,241	\$349,241			
2	\$352,733	\$356,226			
3	\$356,261	\$363,350			
4	\$359,823	\$370,617			
5	\$363,421	\$378,030			
6	\$367,056	\$385,590			
7	\$370,726	\$393,302			
8	\$374,433	\$401,168			
9	\$378,178	\$409,191			
10	\$381,960	\$417,375			
	\$3,653,832	\$3,824,090			

So, here is just kind of a snapshot of what that PILOT schedule looks like. And with that, any questions?

Mayor Alvey said, I'm going to ask, is there anyone present who would like to speak in favor of this item? **Brett Deichler, Interim UG Clerk**, said, it doesn't appear so. **Mayor Alvey** asked, did we have any notification from the public who wished to express their comments in favor of this item? **Mr. Deichler** said, no notifications from the public were received by the Clerk, sir.

Mayor Alvey asked, did we have anyone present who would like to speak in opposition to this item? **Allie Facio, UG Clerk's Office**, said, there are no hands raised. **Mayor Alvey**, said, since there are no further comments from the public, I'll close the public hearing. Any members of the Commission have any questions or comments?

Commissioner Philbrook said, I just want to say thank you for getting this out of the ground soon. We've been looking at this option for quite a while, and it'll be nice to see something happen. So, thank you to those who are deciding to build.

Action: **RESOLUTION NO. R-21-21**, "A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas, to issue its industrial revenue bonds in the amount not to exceed \$54,820,000 to finance the costs of acquiring, constructing, improving and equipping a commercial multifamily facility for the benefit of Legends 267, LLC, and its successors and assigns." **Commissioner Johnson made a motion, seconded by Commissioner Bynum, to**

adopt the resolution. Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley.

ADMINISTRATOR’S AGENDA

Item No. 1 – 21712...RESOLUTION: EXPEND FUNDS FOR HEALTH DEPARTMENT TO COMBAT COVID-19

Synopsis: A resolution approving a 2021 Budget revision for the City General Fund to support costs associated with the Health Department's county-wide COVID-19 pandemic vaccination effort, submitted by Kathleen VonAchen, Chief Financial Officer; and Juliann VanLiew, Health Department Director. On March 1, 2021, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission. Due to some modifications, the item is not placed on the Consent Agenda.

Doug Bach, County Administrator, said, this item appeared before standing committee earlier on March 1st. The item was presented to them as a movement to transfer the money over to the Health Department Fund to help us cover costs of operating in that area. It was approved by the standing committee by a unanimous vote. It would otherwise be on Consent Agenda; however, upon further review with the Finance Department and the Legal Department, we determined that we did not want to transfer the monies between funds. We would keep it in the General Fund accounts where it currently is, and then allow the Health Department to have access to spend these dollars up to the point needed, though there might be money available from the federal government. So, there’s really no change in the operational spend which we did. It’s really an accounting measure of how we plan to keep this. Our departments are here and prepared to give the presentation they gave to standing committee, which was voted on if you would like. But at this, I would recommend for approval as it is.

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

Commissioner Burroughs said, Administrator Bach, I do sincerely appreciate you bringing that forward because the question I was going to raise this evening is if the Budget Subcommittee or the committee that this appeared in front of, had the authority to transfer those \$2 million without

consent of the full agenda, or the full Commission. So, I was very concerned about that, and I had asked about keeping the money in the General Fund and only utilizing it when needed. So, I am pleased to see that Legal went back and that the decision has been made to handle the funds that way. It puts me at much more ease. So, thank you, Administrator Bach, for clarification.

Commissioner Philbrook asked, Mr. Bach, do you mind just giving the rest of us who weren't present at that meeting a little bit of a nutshell of how that went and how the monies look? **Mr. Bach** said, we certainly will. I will turn this over to Ms. VonAchen and Ms. VanLiew to go through parts of the presentation. I don't know that you need to give it all, Juliann or Kathleen, but you can go through and kind of give them, like she said, a snapshot of what we're talking about.

Amendment to 2021 Health Levy Fund for Wyandotte COVID response

March 11, 2021, 5:00pm, Board of Commissioners

Kathleen VonAchen, Chief Financial Officer
Juliann Van Liew, UGPHD Director
Wesley McKain, UGPHD COVID Resources Manager (acting)

Unified Government Public Health Department

CARES/ SPARK Committee Public Safety Reimbursement (2020)

Kathleen VonAchen

Credits against Personnel Cost Accounts

FUND	REIMBURSEMENT
City General Fund	\$ 5,900,226
County General Fund	805,070
SUBTOTAL: GENERAL FUND	\$6,705,296
Dedicated Sales Tax Fund	348,431
Emergency Medical Services Fund	493,895
GRAND TOTAL	\$ 7,547,622



Kathleen VonAchen, Chief Financial Officer, said, at the end of fiscal year 2020, we determined that given the reimbursement amount that the state CARES/SPARK committee provided us in terms of public safety reimbursement, that some of those funds were reducing the amount of personnel in our City/County General Funds and in our Dedicated Sales Tax and Emergency

Services Funds. So, as a result, these are the amounts that were reimbursed or reduced our personnel costs because of the reimbursements.

Reimbursements Used to Cover COVID-Related Needs	
CITY GENERAL FUND	Item/Project
	Reimbursement Redirected
	COVID Communications (Citizen)
	\$ 500,000
	Open Cities Web Re-Design
	52,500
	HVAC Building Systems Improvements
	334,000
	FIBER Improvements (grant match)
	250,000
	Bathrooms – Parks & Recreation
	800,000
	SCOUT - Procurement Module (remote processing)
	289,064
	Adaptive insights (data analysis)
	284,300
	ERP Duration UG Team (18-mos)
	442,177
	SUBTOTAL - PROJECTS
	\$ 2,952,041
	Remaining Funds for Health Department 2021 Vaccinations Project
	2,948,186
	GRAND TOTAL-Redirected Reimbursements
	\$ 5,900,226

So, with those funds, we identified a variety of projects that we felt would further in the fight against COVID. So those all projects are listed here. They total \$2.9 million. That left another 2.9 million. This is just the City General Fund. That left another 2.9 million of the total that was reimbursed available for us to do other COVID-fighting activities such as helping the Health Department with their 2021 vaccination project.

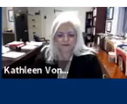
Proposed 2021 Expenditure Authorization	
Year-End 2020 City General Fund Resources Available for Health Department	
Transfer Description	Amount
Re-Direct CARES Reimbursement	\$ 2,948,186
Additional City General Fund \$	2,000,000
TOTAL FOR HEALTH DEPARTMENT	\$ 4,948,186
- Affordability - Combined General Fund estimated to end 2020 with a reserve that's 20% of operating expenditures (including this \$4.9 M for Health Department) - Minimum target reserve policy = 16.67% or 2-months expenditures - Formal approval - During Amended 2021/Proposed 2022 Budget 2nd Public Hearing (July 2021)	

So those funds between the 2.9 and then later on we—because the City's General Fund performed better than we anticipated in 2020. As you know, sales tax came in better than we projected, we identified another 2 million that was available that we could dedicate to assist the Health Department with the vaccination effort. So, the combination of this 2.9 and the 2 million totals 4.9 million that we want to provide to the Health Department to help them with the vaccination effort.

I do want to remind the Commission that this is kind of a cashflow issue, because at the time or at the moment, we don't know when federal funds will be made available, and the (inaudible) really needs those monies. So, this is more to address the cashflow issue and, of course, once federal funds do start coming in, these funds will be backfilled. I did want to just point out there that the General Fund, even given this \$2 million dedication, the General Fund expects to end the year above the two-month operating reserve target, minimum reserve target.



Objectives



Kathleen Von...

- **Review goals:** Review of UGPHD COVID response goals and success
- **Preview costs:** Preview major cost categories for 2021 UGPHD COVID response, including vaccination
- **Review funding opportunities:** Describe upcoming 2021 federal funding opportunities for COVID response
- **Prioritize funding:** Describe funding source prioritization– federal dollars before local dollars



Then lastly, I just wanted to point out that as part of the upcoming 2021 Amended Budget and Proposed '22 Budget process, we expect to bring forward to the Commission a formal approval of this expenditure difference or the budget revision. I'd like to go ahead and pass this off to either Juliann or Wes to talk a little bit about their plans for these funds and the objectives.

Juliann VanLiew, Director of Health Department, said, Commission, is that something you all would like to see? I'm happy to do that. I don't know that you are interested in seeing kind of a review of our COVID goals and what we've accomplished and what we plan in the next few months. I'm happy to do that, but it really is a cashflow issue that I think maybe we could stay focused on.

Mr. Bach asked, Commissioner Philbrook, did this answer the question to what you were after? **Commissioner Philbrook** said, yeah, I appreciate that because that gives me a better feeling for what the mindset was and how the money had been now directed to flow, and so I do appreciate that. Thank you so much. I think that pretty much answers my questions. If I have any more, I'll be sure to let you know.

Mr. Bach said, unless there are no other questions, Mayor, I would recommend for approval.

Action: **RESOLUTION NO. R-22-21**, “A resolution authorizing the expenditure of CARES Act reimbursement funds and reserve funds in the amount of \$4.9 million for purposes of combating the COVID-19 pandemic.” **Commissioner Burroughs made a motion, seconded by Commissioner Philbrook to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley.

Item No. 2 – 21714...RESOLUTION: AUTHORIZING THE ADDITION OF A PLANNING AND ZONING AGENDA TO THE APRIL 8, 2021 FULL COMMISSION MEETING

Synopsis: A resolution authorizing the addition of a Planning and Zoning Agenda to the April 8, 2021 Full Commission meeting in order to hear the items placed on the March 15, 2021 Planning Commission Special Session, submitted by Patrick Waters, Senior Attorney.

Doug Bach, County Administrator, said, we had a publication miss in our earlier items that were going forward on the Planning & Zoning Agenda. Our hope was made that we could move those forward. We had a hearing on them; have them scheduled coming up for Monday. That would not meet the statutory time to put it on our next regular scheduled Planning & Zoning meeting, so instead of making the parties that were going forward for that meeting wait a full another month, we’re requesting to just add to the current April 8th Commission meeting and make that also a Planning & Zoning meeting so those items can be heard at that time, as well and move those items along if the Commission is so inclined.

Mayor Alvey said, so again, this is because there was a miss in getting it published. Some people would be left waiting for their items to come before the full Commission, so we’re asking this to come before the full Commission at our next meeting. April 8th, I’m sorry.

Action: **RESOLUTION NO. R-23-21**, “A resolution to add certain Planning Commission items to the full Commission meeting of the Unified Government Board of

Commissioners that is scheduled for April 8, 2021.” **Commissioner Bynum made a motion, seconded by Commissioner Philbrook, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley.

Mayor Alvey said, that concludes the regular portion of our meeting. We are adjourned in that capacity. I now call us back to order as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES’ CONSENT AGENDA

Mayor Alvey asked, does any member of the Commission or County Administrator wish to set aside any item on the Land Bank Consent Agenda?

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

Item No. 1 - 21673...LAND BANK OPTION APPLICATIONS

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

1 Single Family Home

- 2630 N. 102nd St. - 147223 - Dr. Dana Jackson

1 Garage

- 1310 Troup Ave. - 213733 & 2000 N. 13th St. – 213732

On March 1, 2021, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

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

Item No. 2 – 21676...LAND BANK PROPERTY TRANSFERS

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

Yard Extension

- 923 Pacific Ave - 069246 - Mark Sappington

Land Bank to UG / BPU ownership

- 258602 – 605 N. 110th St. – Communication Tower
- 263403 – 10301 Troup Ave. – Water Tower
- 923420 – 6543 Riverview Ave. – Service Center Complex
- 923419 - 6617 Riverview Ave. – Service Center Complex
- 923508 – 6632 R Riverview Ave. – Service Center Complex
- 923422 – 6539 Riverview Ave. – Service Center Complex
- 923423 – 6515 Riverview Ave. – Service Center Complex
- 923421 – 6541 Riverview Ave. – Service Center Complex
- 003801 – 5535 Parallel Pkwy. – Water Reservoir and Pump Station
- 920713 – 4139 Brenner Dr. – Water Production
- 917403 – 4151 Nearman Dr. – Water Production
- 061454 – 1415 N. 40th St. – Water Tower
- 124801 – 2206 Vernon Ave. - Communication Tower
- 098097 – 1817 N. 11th St. – Substation
- 195265 – 375 S. 11th St. - Part of parking lot
- 074906 – 300 Shawnee Ave. - Substation
- 143244 – 1734 S. 16th St. – Substation, Transmission, Google Hut
- 143245 – 1740 S. 16th St. – Substation Transmission
- 125814 – 2116 S. 11th Pl. - Communication Tower
- 905603 – 1839 S. 10th St. – Transmission

(This is mainly an administrative process to move these properties to the current owner and out of the Land Bank's inventory.)

On March 1, 2021, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

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

March 11, 2021

**MAYOR ALVEY
ADJOURNED THE MEETING AT 8:34 P.M.
MARCH 11, 2021**

Brett A. Deichler, PMP|CPM
Interim Unified Government Clerk

af

March 11, 2021

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

SPECIAL SESSION, THURSDAY, MARCH 25, 2021

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, March 25, 2021, with ten members present online. 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; Bridgette Cobbins, Interim Assistant County Administrator; Melissa Sieben, and Alan Howze, Assistant County Administrator's; Brett Deichler, Interim Unified Government Clerk; Misty Brown, Chief Legal Counsel; Juliann VanLiew, Director of the Health Department; Alley Porter, Commission Liaison; Kathy Briney, County Appraiser; Stephanie Moore, Management Analyst for Economic Development; Chris Cooley, GIS Director; Rick Mikesic, Director of Revenue/County Treasurer; Windy Green, Assistant Counsel; Nancy Burns, Director of Register of Deeds; and Hattie Smith, Tax Levy Manager.

MAYOR ALVEY said before I call the meeting to order, I want to announce that due to COVID-19, individuals are attending remotely as well as on-site. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, please make sure that you announce yourself by name and title every time you speak so 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: Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Markley, Alvey.

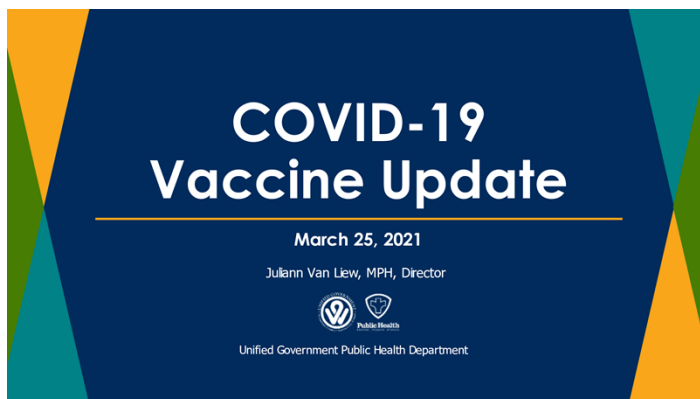
NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, March 25, 2021, at 5:00 p.m. by way of Zoom for: COVID vaccination update, presentation by the Youth Fatality Review Board, and an update by the Tax Administration Coordination Committee.

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

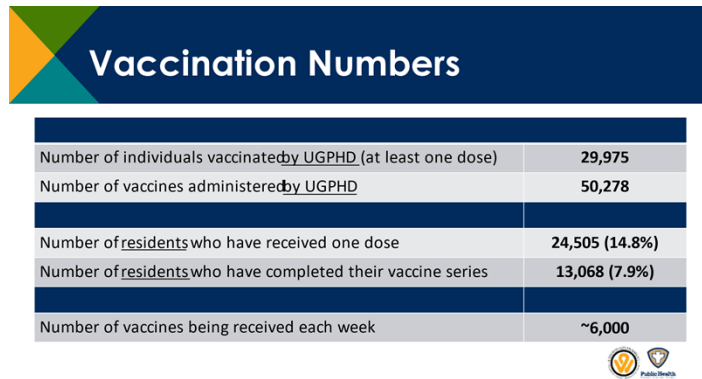
CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and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

Mayor Alvey said we have three items tonight. First is a COVID-19 vaccine update. I'll turn it over to Mr. Bach to introduce staff.

Doug Bach, County Administrator, said as we have been rolling out a lot of vaccines in the community we just wanted to take a few minutes in the special session to give you an update on our progress in this area. I'll introduce Juliann VanLiew, our Director of Health.



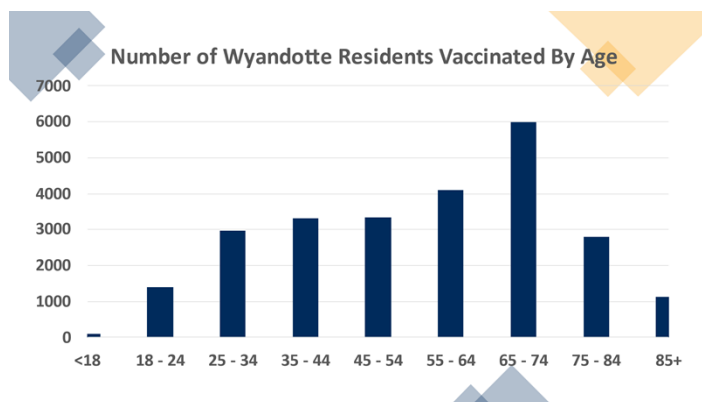
Juliann VanLiew, Director of the Health Department, said I've got just about a 10 minute update for you on the vaccine front.



To start off here, the first couple of numbers are specific to what the Health Department has done in terms of vaccinations, and so we have vaccinated folks with at least one dose, just shy of 30,000 of those folks. Yesterday we hit our 50,000 actual shots that we administered which was a nice milestone to hit. The second couple numbers here pertain to residents across our entire county so whether or not they received their vaccines through us or someone else, that's what these numbers here are, so number of residents who live here who have received one dose is about 24,500 which represents just shy of 15% of our community.

Our number of residents who are completely vaccinated that would be two doses of a two dose series or one dose of a one dose series is just shy of 8%. Our numbers are not where we want them to be. We're working really hard to vaccinate as fast as we can to get folks in who are eligible.

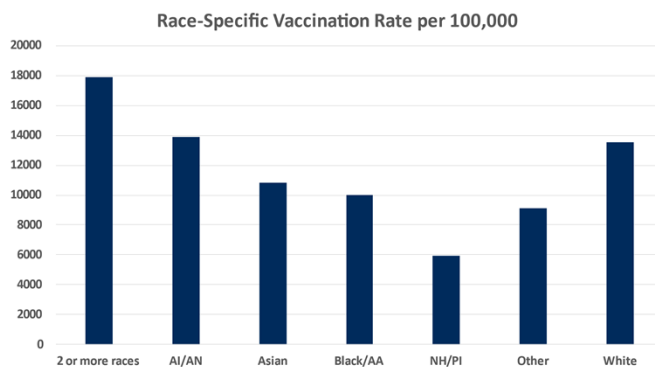
The good news is that we are receiving about 6,000 doses of vaccine a week which is allowing us to get a lot more people in than we were even just 4 or 6 weeks ago, but we are having a little bit of trouble reaching some of the folks that we need to reach which we'll see here in some of these next slides.



March 25, 2021

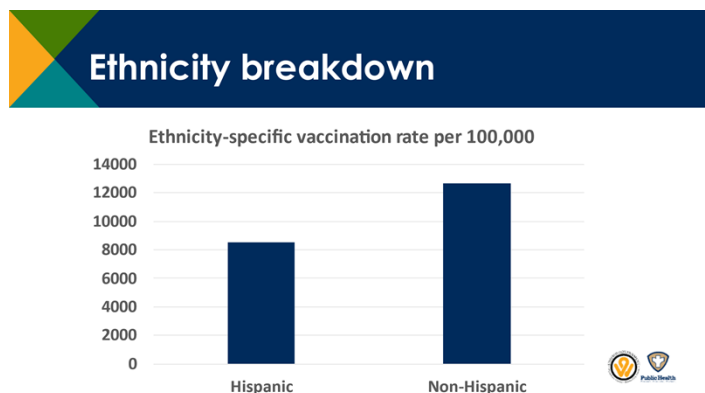
When we look at our break down by age, again, these are residents who have been vaccinated. This graph looks a whole lot different than it did 3 or 4 weeks ago. There is a significant uptick in our older population who has been vaccinated, which is great. About a month ago, that 65-74 and 75-84 groups were much lower and we've been highly prioritizing them. They are now eligible to walk-in to any of our vaccine sites. Unfortunately, though, our 65 and older population in Wyandotte County, only about 50% of them have received their first dose.

We're doing everything we can to outreach to this population to make sure that they know what's available to them and to make it as easy as possible.

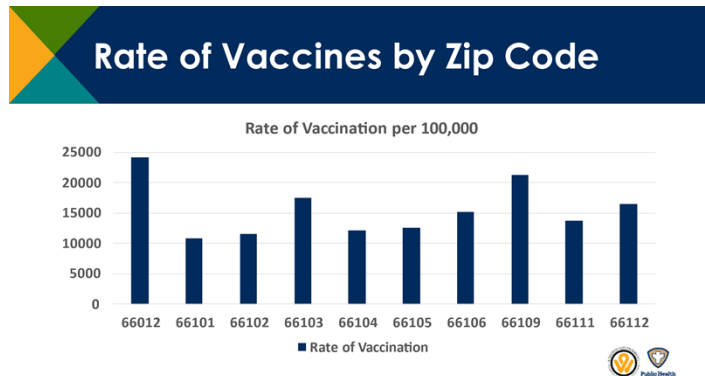


When we break it down around race-specific vaccination rate, it's a bit interesting. Folks who identify as two or more races are actually the largest rate per 100,000 which is surprising to me. These are the folks who maybe perhaps identify as White and Asian or as Black and American/Native, so all those folks that are in that two or more category. Of course, you can see here, our Asian rate and Black/African-American rate and our Native Hawaiian/Pacific Islander are all lower than our White race, so we are working hard to try to get those up as well.

Honestly, the race variation or inequities are not as steep as I would have thought they would be.

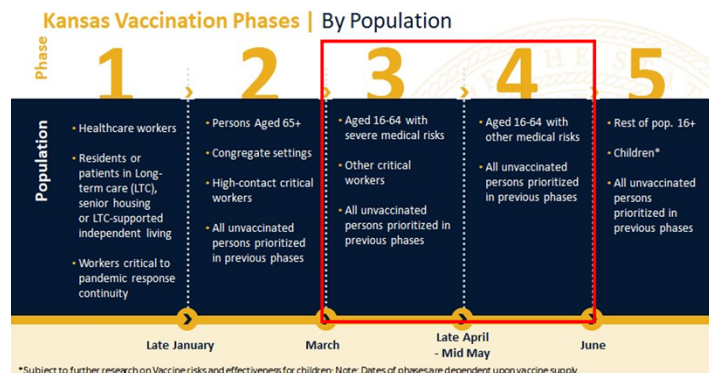


What I'm most concerned about here is the ethnicity disparity. You can see that our non-Hispanic rate of vaccination is significantly higher than our Hispanic rate of vaccination. We're doing a lot of stuff to try to target that community via media, via getting Spanish speakers out into the community knocking on doors with this kind of community. We're trying to ramp-up our mobile vaccines to bring those to churches where Hispanic folks often congregate, so we're trying to reach this community as best we can, but I think this is going to be a pretty long-term effort for us over the next 6 to 12 months.



Lastly, here our last bit of data, just kind of an update on where we are across zip codes. We continue to see some disparities. 66012 has now outpaced 66109 in terms of rate of vaccination, but, of course, you'll see here 66101, 102, 104, 105 remain significantly behind. Some of these at half the rate of our highest rated zip codes. Again, we're putting every effort toward reaching these communities. We are bringing on a number of canvassers who will be going door-to-door signing folks up, getting people appointments, helping them get transportation. Those folks will be deployed specifically to these most high-risk underperforming zip codes which we hope will

help. We've, obviously, opened the Armory site which is more accessible to some of these zip codes as well, but we just have a lot of work to do to continue to reduce barriers for people.



Let's talk eligibility here a little bit. Most of you have probably heard the state as a whole—KDHE, the Governor's office, moved us all to Phase 3 and 4 beginning earlier this week on Monday. We moved to Phase 3 and 4 simultaneously which was interesting and quicker than we thought it would be, but we were glad to do so.

Eligibility: phases 1 - 4

- Can WALK IN to any site (beginning Monday)

OR

- Make your own appointment (beginning Monday)
 - Online: www.WycoVaccines.org
 - 3-1-1



What this means for us is that beginning next Monday—so we're already vaccinating folks in Phase 3 or 4 but beginning next Monday anyone from Phase 1 through 4 can begin walking into any of our sites. Again, we're trying to reduce barriers here. People can also make an appointment online on our website by themselves without calling our call center beginning Monday as well. So, Phases 1 through 4, kind of open across the board, not restricting any zip codes at this time for those four phases.

March 25, 2021

PHASES 3 & 4: employment sectors

- Agricultural workers
- Critical manufacturing
- Utility workers
- Social service and government workers
- Logistics, truck transportation, couriers, etc.
- Water and wastewater workers
- Shelter and housing workers (e.g. construction)
- Finance (e.g. bank tellers)
- Information technology and communications workers



I'll give you a little bit more here on what is new in Phase 3 and 4. Phase 3 and 4 adds a number of employment sectors who are now eligible for their vaccine. You can see them here: agricultural, social services, so all of our non-profit kind of networks, really increasing transportation.

Previously, we were vaccinating transportation related to public transit and people transporting people and now that expands to transporting goods as well, shelter and housing workers so that adds construction workers. We're also including like plumbers and electricians, and anybody who is in your home making sure you can stay in your home safely would be eligible; finance sectors, bank tellers, information technology and communication, so you can see here there is really an expansion of the types of employees that are now eligible for their vaccine. Frankly, we're trying to find ways to say yes. We're trying to get people into these sectors so they are eligible for their vaccine because we have the vaccine and we have the capacity.

Again, as a reminder, beginning Monday any folks from any of these employment sectors can either go online and get themselves an appointment or they can walk-in to our centers.

PHASES 3 & 4: medical risks

- Cancer
- Chronic Kidney disease
- COPD
- Down Syndrome
- Heart conditions (such as cardiomyopathies)
- Immunocompromised state
- Type 1 & 2 diabetes
- Sickle cell disease
- Pregnancy
- Asthma
- Cerebrovascular disease
- Cystic fibrosis
- Neurologic conditions (such as dementia)
- Liver disease
- Pulmonary fibrosis
- Thalassemia
- Obesity and severe obesity



The last and very large group in Phase 3 and 4 that's new for us this week is our folks with medical risks. Previously, these medical risks were broken into different categories, some in Phase 3 and some in Phase 4. It's one of the nice reasons why we're moving to Phase 3 and 4 simultaneously, it just pushes everybody with medical risks to the top of the line. I won't read through all of these but it's a fairly exhaustive list. A lot of our community will fall eligible under, you know, Type 1 & 2 diabetes, we have a lot of those folks. We have a lot of folks with heart disease and cancer, so these are some really big buckets that will bring eligibility to, quite frankly, the majority of our adult population.

What to bring

- Proof of residency
 - Piece of mail
 - ID with address
- Proof of employment
 - ID badge
 - Pay stub
 - Uniform



We do want to make sure people know at this point in time we are only vaccinating our residents. This is a shift for us. Earlier on in late December, January, we were vaccinating people who live or work here and that was really about safety because we were vaccinating our health care professionals, our public safety folks, our teachers, etc. who are at high-risk by virtue of their job. We just had to vaccinate those who only work here and don't live here, but at this point in time with the communities surrounding us, the counties surrounding us, are able to step-up their own residents, kind of on par with us at this point. We are able to restrict it just to residents. This may change in a couple of months. We may be able to go back to vaccinating anybody who lives or works here but right now we need to keep it to residents.

One of the main reasons we need to do that is because we are third to last in the state for our percent of our population that is vaccinated. Again, you saw earlier, only about 8% of our community is fully vaccinated. This is not a reflection, I don't believe, of our vaccination efforts or the number of folks we are vaccinating. Again, it's a reflection of those first couple of months

when we were vaccinating a lot of folks who worked here but didn't live here. We're just really trying to, at this point in time, prioritize our own residents.

If you do come for a vaccine whether it's an appointment or a walk-in, you need to bring proof of residency, a piece of mail, an ID with an address; whatever works for you. If you are eligible by virtue of your employment, you need to bring proof of that as well and we're really flexible on what constitutes proof of employment. So, an ID badge, come in your work uniform, bring a pay stub, or bring a letter from your employer; whatever it takes to let us know that you do work in transportation or you do work in construction or whatever it is.

We don't want these to be barriers for people, but we do still need to do our due-diligence in making sure that we're vaccinating our residents who are eligible.



We have one last plug on the vaccine front, a reminder for folks that homebound folks can get the vaccine for free delivered to them in their home and that we are also providing free transportation to and from all vaccine sites. Folks can go online to our website. There's an easy form to request either a homebound vaccination or transportation or they can call 3-1-1 to get connected to a community health worker that will arrange all that for them. Both of those initiatives are going very well and we're getting really positive feedback from the community, so just hoping to continue to expand those.

Ms. VanLiew said, Mayor, perhaps we should pause here and take vaccine questions before we move into the other part of my presentation.

Mayor Alvey said, Juliann, I just have one comment. I read an article, I think, over the weekend that interestingly enough stated that those places that were in the lead in bringing vaccination sites online and were very aggressive as we were and able to get that, but not able to get the vaccines to fully utilize the sites, are actually having more difficulty getting their numbers. Those places that came on later when the vaccine was more available, are actually having more effectiveness and their speculation is that because we were frustrated and we were very clear about our frustration to the Governor and to, you know, Senator Marshall and Representative Davids, we were very clear that if we could get more vaccines, we could fully utilize our vaccination site, the early one. That message then was received by the public, that okay, they're not available and so they might have gone elsewhere, right? When they started allowing the people to go to CVS or someplace to get it. I know people who—because we could not get the vaccine here went to other jurisdictions, other places to get the vaccine even though they had to pay for it.

I think it's interesting, no good deed goes unpunished, I guess, but the speculation, at least on this one piece, was that those places that were most effective in rolling out a vaccination clinic could not get the vaccines because there was not ample supply ended up getting behind the curve because people believed it was not available and they went elsewhere.

Ms. VanLiew said we've certainly seen, especially in our older population, when we hadn't opened up 65 and older, quite a few of our surrounding counties that some of our older population were able to get it elsewhere or via their pharmacy. At this point we're just really ramping-up our communications work. We're moving to kind of old school stuff. We're moving to door knockers; we're moving to being out in the entry areas of grocery stores to get the word out. We're planting community health workers at different neighborhood sites so that they are actively letting people know that they can sign-up immediately for an appointment.

You are probably correct. It is unfortunate we are seeing not as much hunger for the vaccine as we would like to see at this point, but all that said, we've still got 100,000 adults to be vaccinated in Wyandotte County, so we've got a lot of work kind of ahead of us.

Commissioner Ramirez said as always, Juliann, thank you for all that you do for your department and all your staff, all our Public Health Department, everyone who has joined to help, so thank you for all you do. I know I've had several constituents reach out and give good words of

encouragement to all of you and remarking how efficient you have made the vaccination process, so thank you for all that you have done.

I just have two quick things and one of them goes with the proof of residency or proof of employment. I would just say, you know, whoever; if you have people going out into largely Hispanic communities just caution of how we talk about that and ask that they bring that because the word proof is going to be a trigger word for them. I just ask that we at the Health Department make sure that they explain that this is just for the vaccine just to clarify that you live here in this county. That's just something I want to make sure that we clarify when we talk to people in the community who are from Hispanic portions of our county.

Also, the other point I wanted to—I was curious to see your thoughts on—my line of thinking was that maybe once we get to Phase 5 or I think—I believe it's Phase 5, when the vaccine opens to everyone, do you believe that we may have more of an influx of Hispanic members coming in because they may not understand the phases and all the different—which family member goes now or no, you don't go yet. Maybe once it's open to everyone more Hispanic people will come. That's my line of thinking and I'm hoping that's what happens.

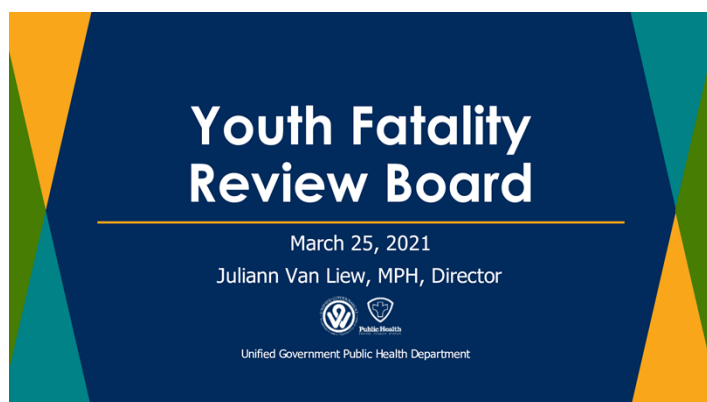
Ms. VanLiew said absolutely. To your first point, Commissioner, I completely agree. We are nervous about making sure that we are approaching your community in the right way. That's largely why the vast majority of people who will be put out in this community are community health workers, many of whom are from the Spanish speaking community and know how to guide them through that kind of official government paperwork and all that sort of stuff that they need to do for health insurance and that sort of thing. We're trying to make sure it's the right messengers out there helping them understand what kind of documentation they need. So, that's first.

The other piece in regard to Phase 5, we do anticipate a big surge when we get to Phase 5 because it is very difficult for people to stay up-to-date on who is eligible, when, and where. Where can I go, when is it my turn. We have kind of a short lead time on knowing what's coming so we just found out late last week that Phase 3 and 4 were going to open up on Monday which doesn't give us weeks to kind of prime the communication pump and all that sort of thing.

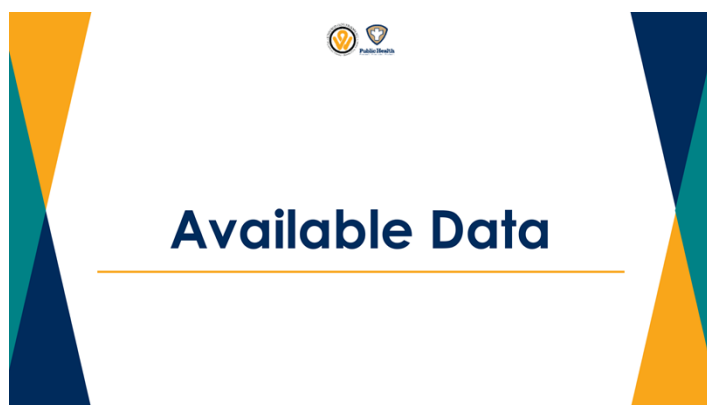
I do think once we can put the message out there that this is available to anyone who works here on a walk-in basis or by appointment, whatever your preference is, I think we will see that uptick. I have let KDHE know that we are in support of moving to Phase 5 for that very reason

and they have let me know that Phase 5 is probably coming much sooner than we initially thought, so I would not be surprised if that happens in the next couple of weeks. **Commissioner Ramirez** said that's great. Like I said, thank you for the information and all the operations that you do and like I said, I've had several constituents reach out and comment on the efficiency and what we've done, so thank you for all that you've done.

Mayor Alvey said if you want to go to your next presentation on the Youth Fatality Review Board.



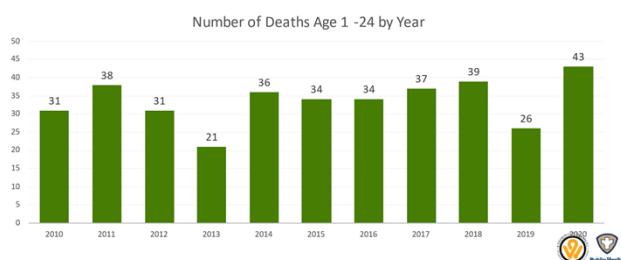
Juliann VanLiew, Director of the Health Department, said you have all seen a very brief introduction to this when we met last fall. We just gave you a couple of introductory slides.



Tonight I'm going to go a little more in-depth into the data that we have available, what this is about, what next steps are and what you can anticipate from us. This data I'm going to dive into here quickly is vital statistics data. This is data that is based on the death certificates of the youth who have died in Wyandotte County and it is what coroners put on those death certificates. I want

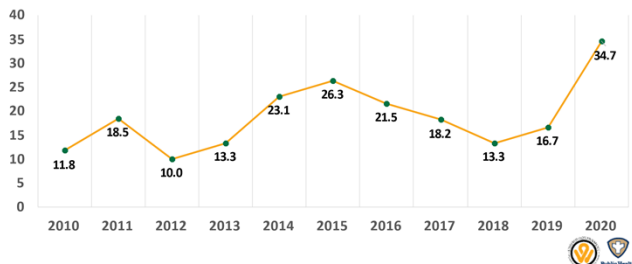
people to understand that we have limited access to data and the data that we do have is very specific to just what is on the death certificate.

Overview of All Youth Deaths, 2010-2020



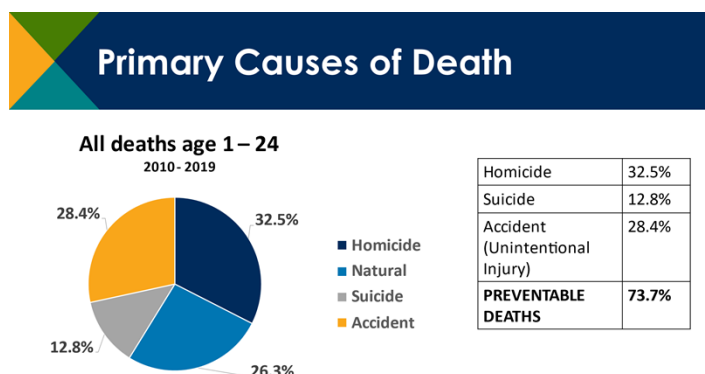
What we can tell you today is on average over the last 10 years, about 33 youth have died per year in Wyandotte County which sounds like a small number, but we are a small community.

Homicide Trend: Rates Per 100,000 Among Ages 1-24 Across The Decade



One of the things that is pretty concerning and surprising to us is when we look at the trend of the rate of youth death over the last 10 years, you can see here starting in the middle that from 2015 to 2018 we were seeing a nice steady decline and now in the last two years here, we're seeing a 200% uptick.

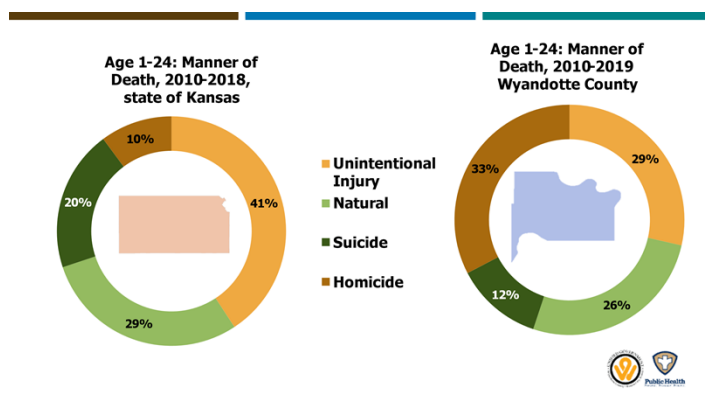
Obviously, 2020 we hope is bit of an anomaly year for us, but we are really invested in making sure that significant upward trend does not continue in that direction with that level of severity in coming years.



When we break down these deaths and I first want to explain that we are considering youth deaths to be anybody age 1-24 who lives in Wyandotte County we include those 20-24—that 19-24 range because, quite frankly, the cognitive development of a 19-24 year old more closely mirrors a 15, 16, 17, 18 year old than it does a 30-year old in terms of their development. Our 20-24 year old's are still in the stage of their youth and in their cognitive development they are not where we want them to be to be considered an adult in kind of these circumstances.

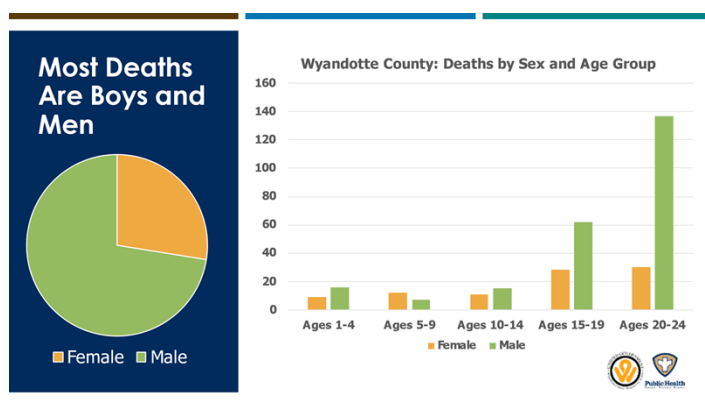
Based on the death certificate, as I mentioned, we can break down primary causes of death into four buckets. One of them, the largest one, unfortunately, there in the navy being homicide. About a third of our youth are attributable to homicide. About a quarter, 26% are deemed natural and those are really just youth illnesses, oftentimes cancer unfortunately. Just shy of 13% being suicide and about 28% being accident.

When we approach this from a public health perspective we consider homicide, suicide and accident or unintentional injury to all be preventable which really means that almost 3 out of 4 youth deaths in our community are preventable if we know where and when to intervene these to be most effective.



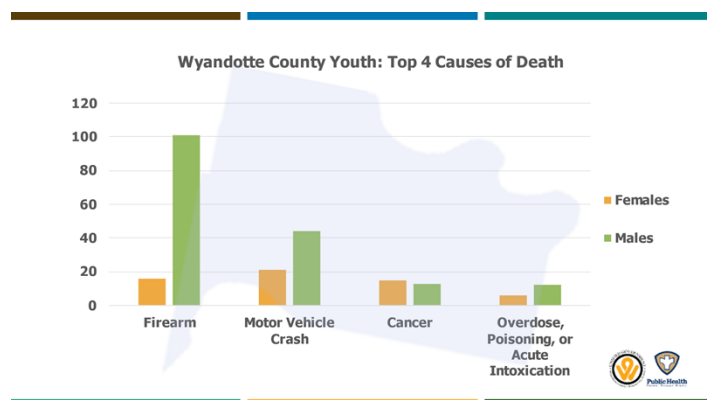
What you're looking at here is on the left side, a representation of youth death by category for Kansas and on the right side for Wyandotte County. You'll see there are some differences, but the main difference is the difference I wanted you to take home with you is in the brown category there of homicide.

In the state of Kansas for the last 10 years for youth deaths, age 1-24, 10% of those are attributable to homicide. In Wyandotte County it's 33%. There is a drastic disparity between where we are and where the rest of the state is. We'll talk about this later but this is part of one of the reasons why we need a Youth Fatality Review Board.



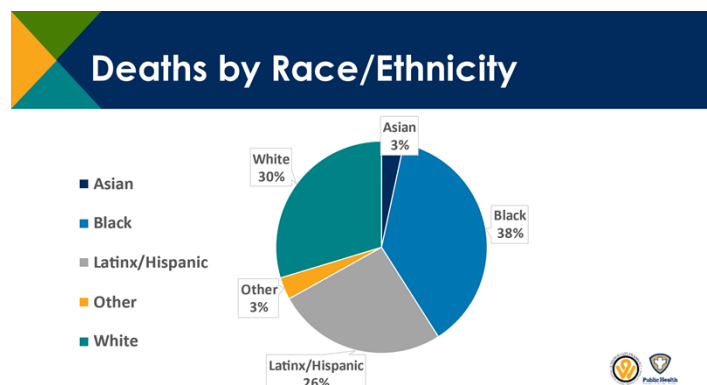
There are also striking disparities between sexes in Wyandotte County and who is experiencing youth death. You can see here, females are represented in the yellowish-orange color and males in the green color and the male deaths far outpace the females deaths, so they are attributable to almost 75% of our death.

Again, you can see here in the green for ages 15-19 and 20-24 it really is our young men who, unfortunately, are experiencing this death on such a disproportionate level.



When you break it down a little bit further by sex between male and female, you can see here the top four causes of death. The primary one there, unfortunately, being firearm. Actually, if you look at all causes of death across all youth deaths for the last 10 years, about 35% of them are attributable to guns, of homicide 89% are attributable to a firearm. We have a serious firearm issue here in Wyandotte County that is really flagging not only the entire community, but our youth especially.

Motor vehicle crashes as the second leading cause of death is not surprising. That is typical for youth. Generally speaking, the leading cause of death oftentimes for youth and similar with cancer, we would expect that to be there as well.



The last piece of data here before we talk a little bit more about kind of the makeup of the board, is of course, by race/ethnicity. What you see here is interesting. It's surprising to us the Latinx/Hispanic portion of deaths is actually pretty representative of our community that those folks make up, so about 25-26% is Latinx/Hispanic. Of course, here, the real outlier is our Black community. They only represent about a quarter of our population and yet they represent about

38% of youth death. So, some serious disparity here along racial lines which, of course, is not surprising in Wyandotte County.



So, that's some of the data. Again, all I have is kind of those high level statistics that we can pull from the death records and part of the initial piece of this conversation of why a local Youth Fatality Review Board is necessary is that we do not have more grandeur level data than that. We do not have access to understand these kiddo's stories, understand their lives, their risks, their protective factors, why it is they ended up passing away unfortunately.

There are different sectors of our community that have access to that. Obviously, our public safety officials have access to case files in their work, the schools have access to their school files, so there are different pieces to understand different pieces of this problem of youth death in our community. Unfortunately, nobody is bringing all of those pieces together to take a really comprehensive look and really can contextualize these deaths to better understand why they're happening and how we can prevent them.



- There is a lot we don't know
- State review board fails to meet our current needs
 - Need access to Wyandotte-specific information
- Currently no multi-sector group operating in this way



As I mentioned, there is a lot we don't know. We really only have this high level data. There is a State of Kansas Youth Fatality Review Board. It is ran out of the Attorney General's Office at the State. Unfortunately, it does not meet our current needs. They convene regularly, they review deaths and they put out an annual report about trends of youth deaths in the state of Kansas, but there is nothing in those reports that is county specific.

Again, if you look at, as we did a moment ago, the portion of our deaths that are attributable to homicide compared to the state, you can see right out the gate that our youth are dying in different ways from different causes than youth perhaps in the frontier county in western Kansas. So, for that reason, specifically, we really need to have access to our Wyandotte information around our youth deaths so we can look at it from a local context.

As I mentioned, there is currently no real multi-sector group. We're looking at this data kind of across organizations at a county level.

What is a Youth Fatality Review Board?

- A diverse group of stakeholders with the goal of reducing youth death by:
 1. Conducting comprehensive reviews of individual youth deaths to better understand **why** they died.
 2. Provide analysis and evaluation of **trends** in deaths.
 3. Provide **recommendations for intervention** and community-supported action that can prevent future deaths.

*The YFRB's review does **NOT** assess fault by a victim, particular agency, or childcare professional.



What is a Youth Fatality Review Board and what do they do? The purpose, again, is to bring together a diverse group of stakeholders and we'll talk in a moment about who the people are, but they have this kind of overarching goal of reducing youth death by doing three things. First, doing comprehensive reviews of individual youth deaths to understand why they died, so we're talking very specific.

We're talking bringing together—let's say they went to Children's Mercy; we'll bring together their health record. If they had a caseworker and if they have information on file with DCF, if they were with one of our school districts and they have school truancy data, if they've had interaction with law enforcement, there's law enforcement data, it's bringing that altogether to one place so we can understand the full situation of how and why this young person died.

As we're doing that and kind of reviewing individual youth deaths and they'll start to kind of accumulate, it is the job of the Youth Fatality Review Board to provide an analysis and evaluation of trends. I was able to show you some trends tonight. I can tell you we've had an increase in the last two years, but I can't tell you we're seeing trends in the number of gun deaths down to a neighborhood level, you know, in a certain way and a certain place and a certain time. I can't tell you real specifics about which intersections in our community we are seeing traffic fatalities specific for our youth. Some of this stuff is just much more grandeur. I can't tell you today because I don't have access to that data, so that's a piece of this as well making sure we're keeping our fingers on the direction things are moving.

Thirdly, and of course, most importantly, to take all of these findings that they have, the trends and the evaluation that they conduct and provide recommendations for intervention. So that's what this is all about. Let's take the data, do the analysis that we can do and let's make recommendations to people who are on the ground and can put intervention into place within our community.

The review board is not in and of itself a board that will implement a program, so if the review board decides we need more after school youth programming for our male youth, for example, this review board will not raise funds and implement that program. This review board will report out to you all with relative frequency, I hope, will report out to our CHIP Violence Prevention Committee, we'll report out to our ThrYve Youth Violence Prevention Project that we partner with. We will report out to a number of community groups and stakeholders to provide them with data and information to identify the best interventions for our community.

This is really a data gathering and an understanding board and a board that needs to communicate to the community about the direction we can move.

The one thing I want to make sure people also understand is what this Youth Fatality Review Board is not going to do and that is assess fault by a victim, an agency, a teacher, a childcare professional, an officer of the law. This board is not interested in fault because that's not helpful to us. This board is interested in understanding how are these things happening in our community and how can we intervene to fix them. Sometimes, yes, this will mean individual organizations need to change policies or practices.

The Health Department, we serve you. We may need to change policies and practices so some of that will happen at the organizational level, but even more impactful will be the

interventions that need to happen across silent sectors in our community and in a collaborative and joint way they can serve our youth in reducing some of these deaths.

Goals identified by the community

1. To **inform community strategies to prevent youth deaths** in ages 1-24 in Wyandotte County
2. To **reduce intentional and unintentional injury deaths** in all youth ages 1-24 in Wyandotte County
3. To **reduce racial and ethnic disparities** in youth deaths, specifically caused by **homicide and suicide**, ages 1-24 in Wyandotte County



We surveyed a large number of our community partners, I think almost a couple hundred, last fall to put out this idea of a Youth Fatality Review Board of what they would like to see in this board, who they think should be on it, what they think the goals should be.

What they told us is that they want this review board, obviously, to inform community strategies so a lot of them would be on the receiving end of the recommendations that this board would make and they signal to us that they are ready to receive those strategies in order to inform the work that they're doing. To reduce intentional and unintentional injury deaths which is a pretty specific piece of this and then thirdly, pretty illuminating, of course, to reduce racial and ethnic disparities in youth deaths specifically caused by homicide and suicide. So, interesting to us that our community partners honed in on some of these disparities right out the gate without us providing them with any of the data because they know this is happening. They've seen it happen for many years now.

So, these are the goals that the community identified. The Youth Fatality Review Board in and of itself will formally adopt goals that they will refine as they begin to meet next week and we'll talk about that.

Membership – core partners

- Health Department
- Coroner's Office
- District Attorney's Office
- Kansas City, KS Police Department
- Sheriff's Office
- University of Kansas Health System
- ThrYve Violence Prevention Project
- Wyandotte Behavioral Health Network
- Providence Medical Center
- USD500
- Children's Mercy Health System
- Kansas Department of Children & Families
- MOCSA
- Parent representative
- Department of Community Corrections
- Avenue of Life
- UG Administration



We cannot have this Youth Fatality Review Board be successful if we do not have very strong participation by a number of core partners. I'm excited to say today that all of the partners listed on this slide have fully committed to being a part of this board and the majority of these already have data-sharing agreements in place with us which is fantastic.

USD 500 has stepped up. We got a data MOU with them; we've got one with KU and with Providence. Wyandotte Behavioral Health Network is at the table, so these big, large entities that have access to this data that we can't get anywhere else are willing to kind of lean into this with us and I think that's very telling about the shared understanding that we are already beginning with across the community of what a serious issue we have in front of us.

Membership – potential members

- Adhoc Group Against Crime
- Project Eagle
- YouthBuild KCK
- Groundwork NRG
- Community Health Council
- Faith-based representation
- Mount Carmel Redevelop. Corp
- Heartland 180 Inc.
- KCKHA
- PREP-KC
- Young Women on the Move



This isn't the entire list, though we are working on rounding it out to make sure that this group represents our community racially, ethnically, in terms of type of service delivery. We need this to be a diverse group so that, again, this isn't just us in an ivory tower getting together and looking at this and dictating to the community. This needs to be a community participatory group and so a couple of the initial meetings will really hone in on rounding out the group and making sure we have diverse representation.

You can see here a number of other organizations under consideration who have signaled to us that they would like to participate if they're able. We plan on bringing a number of these into the fold as well.

You'll see on the previous slide that a parent who has suffered the loss of a child is already going to be a member of the board. That is, of course, a paramount viewpoint to have among us.

Next Steps

- First formal convening: March 31st
- Priorities:
 - Continue to push for legislative modifications at state level
 - Continue finalizing data sharing agreements of core members
 - Solidify membership
 - Reach consensus on by-laws



Lastly, to wrap-up here, what's going to happen in the next few months is very exciting, actually our very first formal convening of the Youth Fatality Review Board is next week. We are bringing in an outside consultant to lead that first meeting and we'll likely maintain the use of a consultant over the course of the next year. We're doing that because it's really important to have an outside unbiased non-partisan agency or individual lead us through what are going to be some very challenging and difficult conversations. It's a difficult conversation that can be had that's facilitated by an outside entity than could be had by, for example, even the Health Department. We like to think of ourselves as unbiased and kind of outside of some of that, but of course, we all have our biases and so we're excited to bring an outside facilitator to help us have a very kind of coherent and agenda setting meeting starting next week.

We are working to continue to push for legislative modifications at the state level. Things are unfolding there as we speak. We're trying to get access to even more data that we should have access to that the State Youth Fatality Review Board has access to but we do not, so there's a little more data kind of work to embark upon and finishing data-sharing agreements with our core members, solidifying membership, as I mentioned. Then getting our bylaws in place and really putting into practice what are the concrete next steps, how many cases are we going to review

annually, what is the report out structure going to look like, what is the annual report going to look like, how often are we going to come before all of you to provide updates. All those kind of logistical things we're honing in on now as we look towards the second half of spring.



There's a lot happening and I know that was a lot and I went through it pretty quickly but I feel very energetic and excited about the momentum that we have, about the number and the strength of our partners who have stepped up with us and about people leaning into this new public health approach to violence prevention. That's a little bit different than what we've done before here in Wyandotte County. I'm just appreciative that our partners want to be in this with us and we would love to hear all your comments and ideas for how we can keep you all informed.

Mayor Alvey said thank you, Juliann.

Commissioner Ramirez said thank you, Juliann, for that. I strongly support this. This is something that is very needed here based on the data, the high level data that you provided. It shows that this board is very needed for our community. This subject hits home to my district. There was an increase in youth violence in my district and I believe it was Rosedale. That's something that has been a very important topic to a lot of my constituents is the violence, but most importantly, the youth violence. My background is working with the youth, so this is something that I'm very excited about and so thank you for bringing it forward, and as always, if I can assist in any way, please let me know. **Ms. VanLiew** said absolutely. Thank you Commissioner.

Mayor Alvey said thank you Juliann. That now takes us to the Tax Administration Coordination Committee.

TAG Tax Administration Group

A MULTI-DEPARTMENT COLLABORATION

March 25, 2021



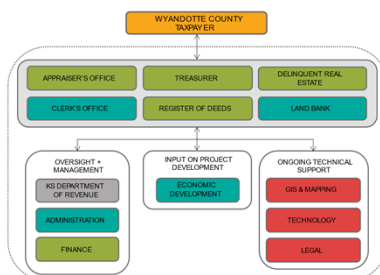
Doug Bach, County Administrator, said for several years we've had staff members from various departments that come together and are commonly referred to as the Tag Committee to coordinate different things that we look at in our tax administration as the title calls out. We're ready to present to this Commission because I think this is an activity that goes on that kind of flies below the radar that not everyone is aware about and what they do. So, we're going to present that to you this evening.

I will recognize Chris Cooley who is over our Base Mapping Department who is going to lead off the presentation tonight.

TAG TAX ADMINISTRATION GROUP

Our Mission

To coordinate and streamline cross-departmental activities and workflows essential for the efficient and accurate administration of property taxation in Wyandotte County.



Chris Cooley, GIS Director, said as Doug mentioned, The Tax Administration group is a multi-department collaboration. Our focus is on coordinating and streamlining cross-departmental activities and workflows essential for the efficient and accurate administration of property taxation in Wyandotte County. This includes both personal property and real property taxes.

March 25, 2021

This group has existed in one form or another probably since the 80's. The group used to actually meet on a weekly basis. With technology, we don't have to meet as frequently and we can exchange quite a bit more things through email and solve issues, but it really is a way for us to collaborate and communicate on common issues that exists around tax administration and everything that has to do with the entire tax cycle. The assessment and appraisal and identification of property to sending out tax bills, sending out distributions, delinquent tax as well as things dealing with exceptions and special tax incentives. It touches many departments. There is no one department, no single department that is responsible for all phases and all aspects of property taxation in Wyandotte County. That is why it's very important for us to come together in this way.

There are a couple of us that have even worked for other counties and having this kind of collaboration doesn't exist in some of those other counties in Kansas. It is kind of difficult at times for them to get things done. We like to celebrate our ability to communicate and talk with each other and solve problems together and really work on this stuff as a group.

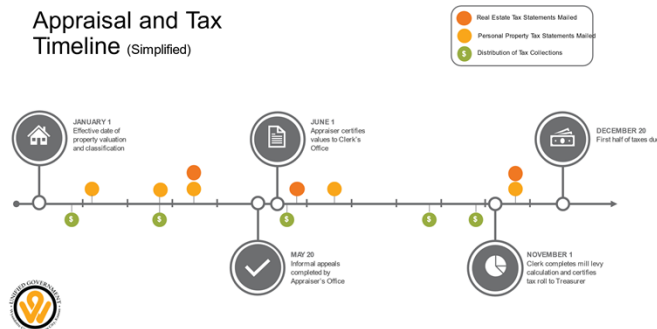
Primary stakeholders in this: Clerk, Appraiser, Treasurer as well as myself in the Mapping Department. We all fulfill some sort of statutory obligations when it comes to administration of taxes.

Generally, we also have some guidance and oversight regulations coming to us from the Kansas Department of Revenue. Other departments that you see on here that are certainly stakeholders because of their interest in the tax cycle would be, you know, groups like Economic Development, Land Bank, Register of Deeds, they're the custodianship of all of our land records, Delinquent Real Estate, certainly Technology and then the Legal Departments all have supporting roles and stake in what we do in our collaboration.

I'll let Kathy Briney, the County Appraiser, speak to the next couple of slides.

T&O TAX ADMINISTRATION GROUP

Appraisal and Tax Timeline (Simplified)



Kathy Briney, County Appraiser, said you probably saw a timeline similar to this when I did my 2021 valuation report. What this basically shows is that it starts with the Appraiser's Office because our effective date of valuation is January 1 in classification but as you can see, and I'm going to use 2021 as an example here, January 1 is that magic valuation date. What happens right now is we're in the appeal process. By May 20th we have to get those appeals out and we have to certify them. We kind of pass that baton to the Clerk's Office, then Hattie over in the Clerk's Office takes that baton and she has to work with the taxing entities and create her mill levies and she—you know, between June and November, she is trying to do this so it's kind of ongoing. She communicates, I know, with many of you on this as well and when she is done it's typically around November 1, is her statutory date that she has to basically hand her baton then over to the Treasurer's Office. The Treasurer's Office then distributes those tax bills and so December 20th is when the first half, for instance, the January 1, 2021 taxes are due. You will see all these dots down here. It's just kind of an ongoing process.

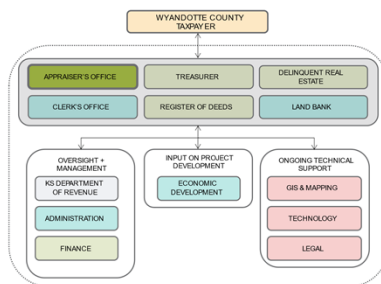
Back in June when we—after we certify we start working on 2022 but when you see the dots from the January 1 to November 1 dots, those are all from the 2020s. We have three years' worth of years we're working on—I mean tax years we're working in a given year so appraisals would be 2021, then 2022, and Treasurer is working in 2020 and 2021 and it's just always a constant.

It shows throughout the year that the Treasurer will send out different tax statements on real estate three times a year. For personal property tax statements up to five times a year and then they have just kind of different distributions they have to do as well. It's a moving phase. It's just basically a phase delineation that we have to go through every year.

TAG TAX ADMINISTRATION GROUP

TAG Functions
Appraiser's Office

- Discover, list and value property
- Defend values at all appeal levels
- Certify values to the UG Clerk
- Exemption processing /tracking
- Coordinate TAG meetings
- Coordinate LandsWeb replacement



With us the TAG operation, I was glad to see that because I'm kind of one of those—I've been in different counties too so when Chris was talking about the communication part of it, a lot of counties don't have that communication, and I was really glad to see those silos down and there was some communication and that this TAG group existed.

When I started to go to the TAG meetings it was very eye-opening to me. Part of our function is to discover, list and value of the property both real and personal property, so we've got 68,000 parcels to worry about and then we have the 7,500, so to not communicate with these other offices is just, on our scale, would not be good.

We have to defend those appeals and I know that the Legal Department helps us out a lot with that. I give the kudos to Wendy there. Then we have to certify to the Clerk and during that time period the TAG group does do a calendar. We have a very, very detailed calendar that we work through and all the TAG group works on that to make sure we have everything; dates down, we hold each other accountable pretty much through that process.

We also have the exemption processing and we have to work with multiple departments with just processing exemptions. We do coordinate TAG meetings. I'll give a shoutout to Matt in my office. He has been the facilitator for the last several years and he keeps our team site going, sends out agendas and keeps us on track that way.

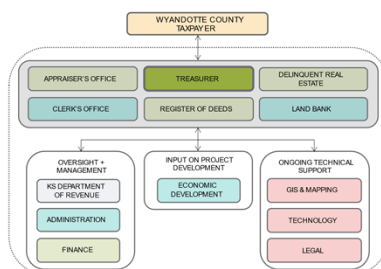
One thing the Appraiser's Office has done for TAG as well is we've helped coordinate the new LandsWeb replacement and we'll talk about that in just a little bit. Those are just some functions that without the TAG we would really be lost without them.

I will pass it on to Rick Mikesic the Treasurer.

TAG TAX ADMINISTRATION GROUP

TAG Functions
Treasurer

- Delivery of tax bills / unpaid notices
- Collection of taxes
- Distribution of taxes
- Collection of delinquent real estate taxes



Rick Mikesic, Director of Revenue/County Treasurer, said we have a few main functions as it pertains to this group. One is the delivery of the tax bills and unpaid notices. Kathy had mentioned that briefly. In three separate mailings we send out over 100,000 real estate tax statements and in five separate mailings we send out over 11,000 personal property statements. Whether a person gets one or multiple statements has a lot to do with how much they pay and the timing of when they make the payments. Some payments may require additional mailings depending on how they make their payments.

With regard to collection of taxes, we're collecting motor vehicle, personal property, and real estate taxes throughout the entire year. Payment options include cash, check, credit card, debit card and ACH and in processing options for those payments include myWyco app online, drop box out at the Annex, mail and in-person and it can vary a little bit according to the exact type of payment being made, but those are all included in how we will collect the taxes throughout the year.

On the distribution of the taxes, as it was noted in the timeline, there are five different distributions during the year. The one in January is the largest one. We distribute over \$130M in the January distribution and then we have a March, June, September, and October distribution. Combined we will distribute probably about \$300M in a given year, so there's a lot of activity that goes through here as far as the collection of taxes. When we do those distributions, those five times annually, it includes real estate, motor vehicle, commercial motor vehicle, heavy truck, recreational vehicle, motor vehicle excise tax, special city/county and highway and pilot payments and that's probably way more than you wanted to know, but that's all included in those distributions.

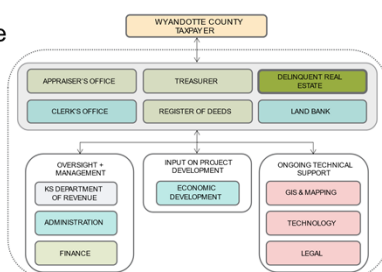
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Finally, the collection of delinquent real estate taxes. We accept full or partial real estate tax payments. The only time we might turn a payment away is if that parcel has been marked as being in the next tax sale. At that point in time, they have to make arrangements with the Delinquent Real Estate Tax Office and when we do collect delinquent real estate taxes, they are collected in the same method as regular taxes as far as that goes and we include those in the distributions as well. That is a great segue into the next presenter which is Wendy Green.

TAG TAX ADMINISTRATION GROUP

TAG Functions Delinquent Real Estate

- Determine tax sale eligible properties
- Host three public auctions annually to sell property
- Coordinate with TAG on properties sold



Wendy Green, Assistant Counsel, said I'm going to talk about delinquent real estate briefly because you just had a presentation in January in the tax sale process from Jenna Hillyer so I'm not going to bore you with how the tax sale actually works again. This department is responsible for collecting the delinquent real estate taxes through the tax sale process. It also coordinates with the Clerk's Office, the Treasurer's Office, and the Appraiser's Office because once we have a tax sale if properties aren't purchased, they go to the UG and so that means these departments are getting a huge list of properties that they then have to transfer within their systems to the Unified Government and then on to the Land Bank. It's nice for us to be able to give them all a heads up when this huge workload is going to hit them and we try to make it as painless as possible for them.

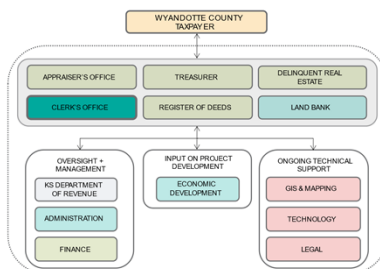
The Delinquent Real Estate Office works very well with the Treasurer's Office as well because although we do give people whose properties are marked for the tax sale their options, the Delinquent Real Estate Office does not collect any money whatsoever. They can't and, hopefully, they never will and it'll stay with the Treasurer's Office. We do coordinate with them when we give somebody their options we make sure the Treasurer's Office employees know what options these people have to get their properties out of a tax sale.

I apologize, I don't know who is next.

TAG TAX ADMINISTRATION GROUP

TAG Functions Clerk's Office

- Receipt of certified assessed value for real property, personal property, and exempt appraisals
- Receipt of certified state assessed values' memorandum
- Receive all county and municipal budget requests for funding
- Determine and calculate county and municipality mill levies based on valuations
- Provide 7-day rate notification to each municipality prior to creation of tax roll
- Certify to Treasurer



Hattie Smith, Tax Levy Manager, said the Clerk's Office, we're sort of in the middle of all the groups that are involved in taxing, and what we do is once we receive the certified numbers from the Appraiser's Office as well as the State, then we start our process in putting together what will end up being the tax bills in November. However, we do start as early as June. June 15th we do have to have all the municipalities of Wyandotte County, we have to have an estimated budget sent to them that they will base their budgets on and return back to us by August 25th. We do have that information that we're starting to work on because we try to give each municipality a letter, a communication that will help them understand what we need, what the timeframes are, what the deadlines are from a statutory perspective and we get that sent out to them in May. Starting in June when we get the numbers back again from the Appraiser's Office and from the State giving us all the numbers associated with real estate, personal property, and then from the State we get the State assessed utility. Once we get all these numbers back, then we're able to start to put together numbers that we will formulate into another communication so then the entities or the municipalities will be able to form their actual budgets and send back to us.

Receipt of certified budgets from each of the municipalities is very important. That is due to us by August 25th. After we get those numbers in, we begin to set that information up but we're also going to receive numbers from across the Unified Government that will give us anything associated with special assessments. Things that have been billed or charged and they haven't been paid, they become liens and they will show up on the annual tax statements. That's a one-time situation. Once we get them, we will apply them to the tax statement and that's what you'll see as special assessment.

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We determine and calculate county and municipal mill levies based on their individual valuations. When they send their budgets in, they will project what their mill levy is, but we will actually do the calculation based on the funds that they requested to support their particular municipality.

For the municipalities, I did want to just mention that we do get them from the Unified Government, the county itself, from KCKCC, the only college that we have, and every tax unit across the Unified Government will support both the county and the KCKCC, the college. There are four cities and one township, Bonner Springs, Delaware Township, Edwardsville, Kansas City, and Lake Quivira. Those are our cities. School districts: there are four, USD 202, 203, 204 which is Bonner, USD 500 KCKPS. We have two libraries that are supported by the budgets. Wyandotte County Library and then KCK—Kansas City, Kansas Public School Library. We have three Drainage Districts; Fairfax, Kaw Valley and Wolcott Drainage and then we have one Self-Supporting Municipal Improvement District, our SSMID. They are all requesting funds based on their budgets.

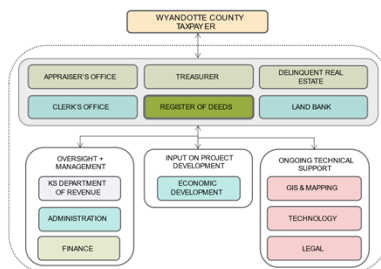
We determine and calculate that information and then around October—we try to get it out about the 19th of October. We give them a 7-day window, give them an opportunity to review the numbers, their valuations and the mill levies that will be driven based on the numbers they're given. We wait seven days before we move forward. During that 7-day window we freeze all activity. You may have seen notifications across the UG, but we freeze all activity until they come back and say that everything is good or they don't say anything because silence is consent at that point. After the 7-day window we will proceed to actually push those numbers into our tax administration system that we utilize. They will then become collectable dollars which Treasury can then collect funds on. Once they're pushed through our system, even if they haven't received their statements, Treasury can then collect money on those amounts that have been generated within the tax administration system.

That's pretty much what I have.

TAG TAX ADMINISTRATION GROUP

TAG Functions
Register of Deeds

- Record all real estate transactions
- Record and preserve all land records
- Data is basis of an accurate tax roll



Nancy Burns, Director of Register of Deeds, said our records here—well first, I cover the whole county and it is an elected position. We cover the whole county and I feel that the Register of Deeds is also the core of all these entities that I'm with on the TAG team. Without us filing the documents, none of these other people would work on getting their jobs done. Last year, just FYI, we filed over almost 23,000 documents here. A lot of those are e-filing. We are the core. We not only serve this TAG team; our office does work with other entities. For instance, we have so many people that subscribe to our documents here and we collect revenue that way and that's probably 23 people outside the external people. Internally, we do serve not just codes—Code Enforcement, which is not part of that TAG team, but there are many, many entities out there that need our documents and to know who is ownership of those documents.

We preserve all of the land records here clear back to the 1800s. I do welcome any of you to come to our office and look at those documents, ask questions, see how we e-file, but we are the basis of the accurate tax roll. Without us nothing else could really—all the entities could not function very well.

I don't really have too much else. I would love to take questions. Again, you, Commissioners, the Mayor, everybody is welcome here but we do work very well together as a team.

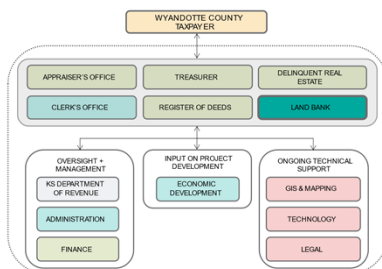
County Clerk: when we file documents, we have issues, we call her or vice-versa. The Clerk's Office works with us very well. The Land Bank files documents here. We file about 110 types of documents here from mortgages, from liens, state tax liens, so we're just not real estate. We do a lot of liens. People come in to search and genealogy people, I do help them. My staff doesn't have that time to go back in the books but we're very—my staff and me, myself, as many

of you know me, are people persons and we are here to be customer friendly. I don't know, that's about it.

TAG TAX ADMINISTRATION GROUP

TAG Functions Land Bank

- Maintain inventory of vacant improved properties acquired through judicial foreclosure process and donations
- Goal is to put delinquent tax properties back on the tax roll through various strategies that benefit the community
- Collaborate with other UG departments and external entities to assist with revitalization efforts for properties in Land Bank

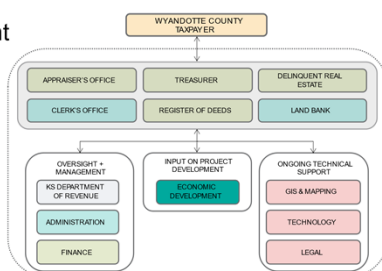


Stephanie Moore, Management Analyst for Economic Development, said I will talk about Land Bank which I'm sure you guys are familiar with. You see with Judd quite frequently, but like Wendy was saying, when we have one of the tax sales, those properties go to the Land Bank so we have maintaining that inventory and we do work with Nancy a lot to record those deeds and to just get those properties back on the tax rolls and to help those neighborhoods out so they don't have vacant lots and overgrown lots. We work with real estate, Legal, it's just a great collaboration, a great group of folks working in the community.

TAG TAX ADMINISTRATION GROUP

TAG Functions Economic Development

- Coordination and notification on the creation or amendment of any Tax Increment Financing (TIF) districts and other tax incentives
- Tracking and support of applications for consideration and participation in the Neighborhood Revitalization Act (NRA)



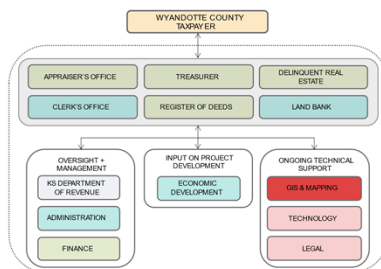
Economic Development: anything working with taxes and tax districts, so we work with the Tax Increment Financing Districts and also the Industrial Revenue Bonds. Anytime there is going to be something going on with taxes and also with the Neighborhood Revitalization Act, so that's a property tax rebate, so anything you think of like development and taxes, Economic Development is there representing at the TAG meetings.

March 25, 2021

TAG TAX ADMINISTRATION GROUP

TAG Functions
GIS & Mapping

- Update and maintain all land records and parcel mapping
- Update aerial photography and other database imagery
- Verify any changes to mapping with the Clerk and Appraiser's Office



Mr. Cooley said I will speak to my office, the Mapping Department, and I really do thank Nancy for preserving and being the custodian of all those land records. That really is the basis of the mapping that my office produces. We mentioned the 68,000 land parcels, real estate that we're mapping. It is our responsibility to maintain those. We originally created them decades ago in the early 80s, we created that mapping and we've been maintaining them today. Approximately 2.5 staff members work on parcel mapping as well other TAG related activities. One of those being the parcel mapping.

The other big one is the maintenance of all taxing unit boundaries. Hattie listed off all those taxing entities. Each one of those, in many cases, has its own unique geography and where they overlap it creates a unique taxing unit. We have to look at the legal descriptions of those and where they intersect and each one of those then creates a new taxing unit, so we're considering all the city limits, boundaries, school districts, drainage districts, the TIF's and even the SSMIDs. That's one of those mapping efforts that we do that really drives and identifies those things because otherwise Rick wouldn't know where or which taxing entities to distribute those taxes that are collected, which entities to distribute those taxes to.

Customer service is one of our key things that we have in mapping. We really are kind of the go-to subject matter experts when it comes to land records. My staff and myself are always dealing with customers walking in with questions about property ownership and the mapping of their property and questions related to the ownership lines and so forth.

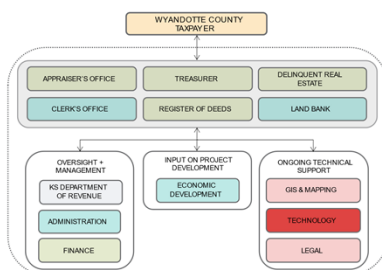
One of the biggest public facing ways we deal with that also is through our DotMaps, mapping application. That application we've had for quite a while and we've had plenty of good comments from the Commission as well as the public that use it and they utilize it and the information that it contains. I know it's importance because when we have a problem and it's

unavailable, I'm generally getting calls and emails rather quickly. It is one of our easiest electronic self-service kind of gateways for anything dealing with property ownership and taxes. We understand its importance.

TAG TAX ADMINISTRATION GROUP

TAG Functions Technology

- Support of the frontline applications that are used for appraisal assessment and taxation systems
- Maintain (as best as possible) the existing outdated LandsWeb platform
- Assist with implementation and future maintenance of the Enhanced Parcel Search, which will replace LandsWeb



Next I will go on to talk about technology. The Technology Department has had a long history with the TAG group as well. Going back to the days before when we had in-house systems for our tax administration, we had a system called Lands. It was actually on a mainframe many decades ago and the calendar that Kathy spoke of that has very detailed responsibilities and passing of the baton during tax season is an evolution of a calendar that was used when we had to worry about running mainframe jobs. We had to do things like, well, we've got to make sure we put the paper in the server room so it acclimates to, you know, so it can be printed on, so there's a lot of things that technology did over the years.

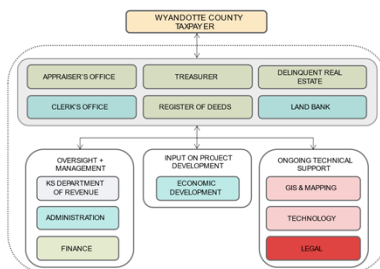
The role has changed and they don't do that kind of level support of running jobs like they used to. Now they support our primary information systems for the tax side and real estate ownership side, it's a product called Tax Administration Solution from Computer Information Concepts out of Colorado, CIC is the name of the company. CIC and TAS or TAS and CIC are synonyms for us and then there is certainly the Orion CAMA system and CAMA stands for Computer Assisted Mass Appraisal. It's from the Tyler Company. That's the primary system the Appraisers are using when they're doing that.

The Technology Department has a very strong role in supporting the servers, the backend, the backups, integrating updates and things that are coming from the vendors and the software manufactures on those. It's a very important kind of role that they play in making sure that we don't have any problems in what we have to do in getting the tax bills out.

TAG TAX ADMINISTRATION GROUP

TAG Functions
Legal

- Advise on general legal matters, including collection of real and personal property taxes and transfer of ownership of real property
- Represent the Unified Government at upper-level appeals, and in all court matters pertaining to tax foreclosure actions



Ms. Green said the Legal Department doesn't have as many functions as all these other departments within the TAG group, but we're here for support for all of the other departments within the TAG group. The Legal Department, specifically me, handles all the tax sale matters as well as the upper level tax appeals. I also answer general questions that the TAG group itself might have when we're at our meeting. I'm assigned as the attorney for the Treasurer's Office, Delinquent Real Estate, Land Bank, Appraiser's Office, and the Clerk's Office, so it helps very much to help coordinate everybody's efforts to try to get these taxes out there and keep the properties maintained and also to get these taxes collected especially during the trying time that we're having right now.

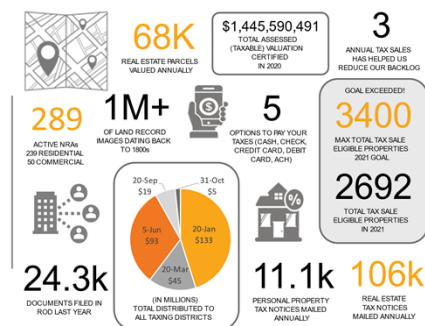
We may not be as active, but we are always here for support.

Ms. Briney said can I interject something? Without Wendy all of us would be lost. I have to give kudos to her, and I know Doug Bach is on here, do not take her away from us.

TAG TAX ADMINISTRATION GROUP

Group Activities

- Collaboration and planned replacement of LandsWeb with a unified an Enhanced Parcel Search solution
- Collaboration for use of online forms across multiple departments



Ms. Briney said I'm going to kind of cover this next slide. To the right you'll see like all the different collaboration, and Chris will talk about that here in a second, but on the collaboration of

planned replacement of the LandsWeb, we have kind of—I guess over the years we’ve been looking at a LandsWeb replacement. We have poor Greg Miller who has been trying to crutch along our LandsWeb system that—I don’t even know when that was actually put in place, but it is a very useful tool. They’ve tried to collaborate all the, you know, the Appraiser and tax and Clerk—I know that a lot of you commissioners and probably others on this and maybe even the Mayor has used our LandsWeb out on the web, but unfortunately, it is broken. We have been searching for an enhanced—or an alternative and we’ve come up with an enhanced parcel search solution.

I know that Commissioner McKiernan had reached out to me a while back too. I don’t know if you remember this, but you were, why isn’t the photo showing up on LandsWeb. Where did they go and basically just—this system is broken and so years ago, I think it’s been several years ago, DOTS came to us, the TAG group, because it is a tax software and said you need to—we can’t support this anymore. We have collectively been working on a viable solution to replace and on the next slide, here in a minute, we’ll talk about that is a win and it will be in place really soon. We’ll talk about that here in a second.

I guess I’ll go ahead and talk about it. What we’re getting ready to do and we get to see kind of a preview with the vendor is, we currently have what’s called a parcel search and I don’t know if you looked out on ours but it does have all of our appraisal information. You can pull up the property record card, you can see a photo of the property, you can call up your comp sheet. They enhanced our parcel search to where it’s more of a—it’s a nicer view, more user-friendly and it’s more of a nice web presence. What this will do is they’ve changed it to where it’s kind of going to be a one-stop shop for all of the real estate business that one can come to this one site, this enhanced parcel search, and it’s a TAG solution instead of it just being the Appraiser’s. We’re making it a TAG solution and we have actually—where you can go to this site and it will have all the links to it if you want to pay your taxes online if you want to change your address. The Clerks and the Appraiser’s Office, it’s going to have basically everything in one stop so we’re really excited to roll that out and that will be coming probably in the next several weeks.

When you go in there it will be an enhanced experience, I believe, for the users to where they don’t have to go searching because it will have the mapping, it will have all of our Appraiser and all of the Clerk’s and Treasurer information in there. This has been a long-haul trying to get to this point but we’re just about there so we’re really excited.

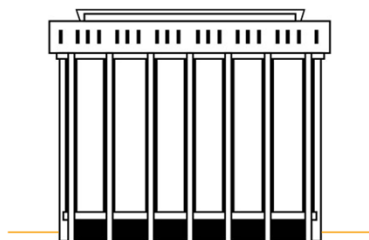
Mr. Cooley said that's the really exciting one. It really does become a customer service portal for the entire TAG group. You know one place where anybody dealing with any kind of TAG kind of interest whether it be Mapping, whether it be Clerk, Appraiser, Treasurer. It won't replace the department websites in any way, but it will certainly be a one-stop shop where you can link to those other things depending upon the tax related activity that you may have.

We're starting to collaborate more on the use of forms making digital transformation of our workflows, we're working on that. All the numbers on the right-hand side of the screen are different things that different people have mentioned throughout the presentation today, the amount of dollars collected, the matter of assessed value you know about, the number of parcels that we have, the number of records that Nancy has in her office. It's just a lot of things that we're all doing together and it's all tied together.

TAG TAX ADMINISTRATION GROUP

Lessons Learned...

- Create a stronger understanding of the entire process for all parties involved, even if indirectly
- Streamline processes and improve overall coordination between internal stakeholders
- Collaborate to improve customer service and overall quality of work



Certainly, our lessons learned is that you know this and creating a stronger understanding of the entire process by all parties. We aren't just in our silos and sitting at our own desks doing our own thing, we care about how something in the process impacts the other office, the other department. We want to ultimately have better customer service. We all strive within the TAG group to try to answer the questions that come to us no matter what they are. I will frequently answer Appraiser questions as best I can, to the extent that I can until it really is becoming a question about appraisal that needs to be answered by an appraiser. If they just ask me what's the value, I'm happy to provide that and I'm sure many of the other people are happy to do that same information for somebody, but when they need to get into the appeal, then yes, that's where Kathy needs to take over.

If they just want to know how much their tax bill is, I can tell them that and any of us can tell them that. They need to come in and actually make a payment then they go to Rick. If they need to record a deed on their property, then they go down to Nancy's office. We all know what each other does and we all want to help the citizens, the customers and other UG Departments out as much as we can. That collaboration and having the workflow that flows between us is always very, very helpful.

TAG TAX ADMINISTRATION GROUP

Questions?



16

At this time I would like to open it up and see if there are any questions and welcome those for any of the people that have spoken today and see how we can help you.

Mayor Alvey said thank you Chris, thank you everyone for the presentation.

Commissioner Bynum said I really appreciate the team and all of the collaboration that you do. I think that is fantastic. I have two very specific questions for two of the presenters and I'm asking them because they pertain to a couple of things that I've dealt with as an elected official.

My first question is for Wendy Green and my second question is for Register of Deeds, Nancy Burns.

Wendy, with regard to the legal process of letting a property owner know that their parcel that shows them as the owner is going to be moved into a tax sale, when we talk about giving them personal service of that notification, what specifically does that mean? **Ms. Green** said the tax sale process is actually a civil lawsuit so when we talk about giving them notification, we are actually talking about serving them papers like they would be served if it was any other kind of lawsuit. We have the Process Servers Office over there on the 5th floor of the Courthouse serve

all of our addresses that we have in Wyandotte County. The only thing we have to go by is what they have told us, their addresses, so we always have the property address we can try to serve. If they have told us their mailing address is different, we have that we can try to serve and then we also use a product called LexisNexis or Accurate Person Search. It comes up with all different kinds of addresses, so there might be two owners but there could be ten addresses that we have found associated with those two. So every address we can find, we send them some type of notice.

If it's in the county, we have our process server send it to them. If it's in the state of Kansas, we send it to the Sheriff's Office for those counties and have them try to personally hand it to them and then if it's outside the state, we do it by certified mail.

Commissioner Bynum said so, in county, generally to me, personal service is going to mean a process server handed that person directly in-person the notification. **Ms. Green** said if they can find them, they hand it to them directly. If they can't, the law also allows us to leave it at the property or leave it with anybody who happens to be at the property that will accept service on behalf of that person. **Commissioner Bynum** said thank you very much.

Commissioner Bynum said Nancy, with regard to your work in the Register of Deeds Office, when a parcel changes ownership, is there a timeframe? **Ms. Burns** said no, there's no timeframe. I mean if the deed is filled out and they bring it in—I've seen where—it's very interesting, sometimes people come in, they've held on to this deed and they've never transferred it not knowing where to go. A lot of people get very, very confused on what to do and, unfortunately, it costs money to create a deed and do it the proper way. I'm finding, and Wendy can speak to this too, we have a lot of title people—title companies, they want the money. They don't help the smaller people that need to do a proper deed and to do a search with a title company, it's costly to a lot of people.

When they bring that deed in, it could be an old deed and we'll file it as long—if it's never been filed here, we'll file it. **Commissioner Bynum** said with regard to us having good records of who owns what, if the parcel changed hands and the deed was never filed, then we aren't going to have that. Would that be true? **Ms. Burns** said that would be true, we wouldn't have that. Unless it's filed here we have no knowledge of it. I will say what we're seeing a lot of is that people, and I think Commissioner Ramirez might speak to this and other people, because a lot of the Hispanic community, they do not understand that they need to file a document here and

they've done contracts out there with an individual and never filed anything here even an affidavit. A lot of them don't understand that and then they will come in here, they've done a contract, nothing has been filed, they've paid them off and they're coming in here wanting their deed to their property. We have to send them away and tell them to go back and have them sign it over. They don't understand that and a lot of times they are being taken for a lot of money.

I had one lady I think it was like \$45,000 and she paid him cash and that was it. She didn't get a deed signed over but that's the scary part and that is a very sad part of not going to a proper title person, but not very many will do that quit claim deed or warranty deed because they want to do the title search because that is more money for them. Am I making any sense, Melissa? **Commissioner Bynum** said yes, I really appreciate it. I mean you've brought up a really important point as far I think people—you know it's almost as if the Unified Government should hold a special session with you just to talk about contract for deed. We've grappled with that for a long time.

In addition to that information, if I've done my transaction for sale by owner, then I may or may not have used a title company, correct? **Ms. Burns** said that is correct. I will tell you when they do bring their documents in, what we do and Wendy might yell at me about this, but we do look at everything. We go back to the prior deed to make sure the legal description is correct. I know I'm not—I should just file the document, but what I have a problem with, if we do not do our diligence and say this isn't what was on there prior to them deeding it over to you, this really needs to be corrected but I can't legally not file it. We do our diligence and tell them that is wrong or you don't own that or you're going to have to go back and correct this and a lot of times, I will tell you, the issue we're having is very poor people that get nabbed with bad notaries, then we have to send them back away and they have to create a whole new deed.

On the contract for deed, Melissa, unless you want to go up and down the street saying if you have a contract for deed, you probably need to file it here, how do you reach those people is the question. **Commissioner Bynum** said exactly.

Ms. Burns said I would be more than happy to come in front of the Commission to just talk. **Commissioner Bynum** said I think it would be a really good idea and I think it would be one where we would want to encourage the public to be present because people do not understand at all. **Ms. Burns** said no, they don't. You're absolutely right. People have had contract for deeds and a lot of them are good and they've paid them off, this person, then the person does deed it over

to them, but it's that little piece of that group of people or anyone, I shouldn't say group of people, but a lot of them just don't understand you've got to have something on file to cloud that title so they don't sell it out from underneath you. Does that make sense? **Commissioner Bynum** said yes. Thank you so much.

Mayor Alvey asked, any other questions or comments from the Commission? Seeing none, thank you all for the presentation. It was very informative. Go out and get those tax revenues so we can pay our bills.

MAYOR ALVEY ADJOURNED

THE MEETING AT 6:22 p.m.

Brett Deichler
Interim Unified Government Clerk

dt

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

SPECIAL SESSION, THURSDAY, APRIL 8, 2021

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, April 8, 2021, with eight members present: Bynum, Commissioner At-Large 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. Townsend, Commissioner First District; Burroughs, Commissioner At-Large Second District; and Kane, Commissioner Fifth District; were absent. The following officials were also in attendance: Doug Bach, County Administrator; Misty Brown, Chief Legal Counsel; Bridgette Cobbins, Interim Assistant County Administrator; and Brett Deichler, Interim Unified Government Clerk.

MAYOR ALVEY called the meeting to order.

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

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, April 8, 2021 at 5:00 p.m. in the 5th floor conference room for an Executive Session regarding the Administrator's quarterly evaluation and a personnel matter.

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 asked do we have a motion for Executive Session for the County Administrator's review and a personnel matter?

Commissioner McKiernan made a motion, seconded by Commissioner Markley, for the Commission to go into Executive Session until no later than 6:50 p.m. to allow the Commission to discuss the quarterly evaluation of the County Administrator and a confidential matter regarding a different employee, which are private personnel matters related to specific non-elected employees, as permitted by the Kansas Open Meetings Act; and that staff designated by the County Administrator be present to participate in the discussion, and that we return in open session for the 7:00 p.m. Full Commission meeting. Roll call was taken on the motion and there were seven “Ayes,” Philbrook, Bynum, McKiernan, Ramirez, Johnson, Markley, Walters.

Present for the Executive Session regarding a personnel matter: Bynum, Commissioner At-Large 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. **Staff present:** Doug Bach, County Administrator; and Misty Brown, Chief Legal Counsel.

**MAYOR ALVEY ADJOURNED
THE MEETING AT 6:22 p.m.**

Brett Deichler
Unified Government Clerk

dt

December 10, 2020



701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Unified Government Clerk's Office

Brett A. Deichler, PMP | CPM
Interim Unified Government Clerk

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Brett Deichler
Interim UG Clerk

Date: April 8, 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 April 8, 2021

1. PUBLIC NOTICE:

Alandon Tow, 6224 Kansas Avenue, held a public auto auction on April 6, 2021 at 10:00 a.m.

Action: Received and filed.

2. COMMUNICATION:

Pam Kahao, Accounting Manager, regarding a warrant cancellation:

<u>Warrant #</u>	<u>Reissue?</u>	<u>Date Issued</u>	<u>AMOUNT</u>	<u>FUND / ACD</u>	<u>Vendor Name/Number</u>	<u>Reason for void</u>
875149	Yes	3/13/2020	\$ 25,467.77	790 1157	PayIt, LLC #25276	Stale dated

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED APRIL 6, 2021:

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Charity A Bond	Police/Comm	4/1/21	Public Safety Dispatcher	Part Time 911 Call Operator
Mark D Burnau	Fire	3/25/21	Fire Driver	Fire Captain
David W Doherty	Fire	3/25/21	Fire Driver	Fire Captain
Wendell N Henderson	Parking Control	4/1/21	School Crossing Guard	School Crossing Guard
Justin P Hildebrandt	Fire	3/25/21	Sr Firefighter/MICT	Fire Driver
Jason L Jenkins	Fire	3/25/21	Sr Firefighter/MICT	Fire Driver
Nick J Jennings	Fire	3/25/21	Sr Firefighter	Fire Driver
Daniel E Zimmermann	Fire	3/25/21	Sr Firefighter/MICT	Fire Driver

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Douglas S Beam	PW/WPC	3/19/21	Construction Worker III
Ashley L Chavez-Scott	Police/Animal	4/2/21	Animal Services Officer
Kaitlynn A Hardison	Comm Corr	3/30/21	ISO

Section IV - Leave of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Broderick T Henderson	Parking Control	3/28/21	4/27/21	unpaid

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Chimere T Boyd	Transit	4/1/21	Transit Operator
Tyrone A Hooks	Fire	3/27/21	Firefighter III
Arturo D Mora	Fire	3/27/21	Firefighter III
Tyler J Nicholson	Fire	3/27/21	Firefighter III
John R Simma	Fire	3/27/21	Firefighter III
Blake E Swan	Fire	3/27/21	Firefighter III

Action: Received and filed.

4. PERSONNEL ACTION COMMUNICATION, DATED APRIL 8, 2021

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Kelsey A Bartell	Sheriff/Detention	4/1/21	Deputy
Brian A Briones	PW/Street	4/1/21	General Laborer
Jonathan J Burrion Keymolon	Sheriff/Detention	4/1/21	Deputy
Glen C Fernandez	PW/Street	4/1/21	General Laborer
Carlos D Merriman	DOTS	4/1/21	Manager
Shane J Stoafer	Sheriff/Detention	4/1/21	Deputy
Gregg E Suttington	PW/Street	4/1/21	General Laborer

Section II-Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Misty S Brown-Polo	Legal	3/22/21	Deputy Chief Counsel	Chief Legal Counsel

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Jeanette M Brown	Transit	4/16/21	Transit Operator
Giovanni Garcia-Chavarria	Sheriff/Detention	4/8/21	Deputy
Liliana S Gomez	Finance/Treasury	3/26/21	Fiscal Supt Asst
Timothy A Gulley	Sheriff/Detention	4/7/21	Deputy
Anthony J Riley	PW/Fleet	4/14/21	Prog Supervisor Sewer Maint
Beau M Stoker	PW/WPC	4/9/21	Worker I

Section IV - Leave of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Chad C Brown	Fire	3/17/21	unknown	unpaid

Section V - Increase per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Juanita P Smith	B&L	4/4/21	Caretaker

Action: Received and filed.

5. CLAIMS FOR DAMAGES:

Marvin M. Bowens, Sr., 1914 N. 76th Dr., KCK, alleging damage to his rim and tire due to hitting a pot hole on 77th & Washington Ave. on April 4, 2021.

Isabella Corum, 3654 N. 59th St., KCK, alleging damage to her wheel and tire due to hitting a pot hole on 59th Street, between Leavenworth Road and Parallel Parkway on March 19, 2021.

Action: Received and filed. Copies previously forwarded to Legal.

6. MOTION FOR SET ASIDE SALE:

Unified Government vs. Jose C. Mejia Benitez, Case No. 2020PT000002 COA#10.

Action: Received and filed. Copy previously forwarded to Legal.

7. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Ciaran Molloy/Thomas Richard Rehorn, III DBA The Woodyard Bar-B-Que, 3001 Merriam Lane.

Action: Referred to License.



701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Unified Government Clerk's Office

Brett A. Deichler, PMP | CPM
Interim Unified Government Clerk

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Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Brett Deichler
Interim UG Clerk

Date: April 15, 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 April 15, 2021

1. PERSONNEL ACTION COMMUNICATION, DATED APRIL 13, 2021:

Section I – Appointment

Name	Department/Division	Eff. Date	Job Title
Lisa A Jenicke	Health	4/1/21	Prof Asst

Section III - Separation

Name	Department/Division	Eff. Date	Job Title
Travis E Toms	Police	3/26/21	Master Patrolman I

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Kyle R Cook	Fire	4/13/21	Firefighter II
Jacob A Esparza-Hoskins	Fire	4/13/21	Firefighter II
John T Harris	Fire	4/13/21	Firefighter II
Lisa E Lister	Fire	4/13/21	Firefighter II
Alex W McGinnis	Fire	4/13/21	Firefighter II
Megan M Miller	Fire	4/13/21	Firefighter II
Shawn W Ortego	Fire	4/14/21	Sr Captain
Marcos C Ramirez	Fire	4/13/21	Firefighter II
Brian N Romo-Florez	Fire	4/13/21	Firefighter II
Mallory A Super	Fire	4/13/21	Training Instructor I

Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
Andrew J Wainscott	PW/Fleet	Amend PAC 3/16/21 efft. 2/6/21

Action: Received and filed. Copy previously forwarded to Payroll.

2. PERSONNEL ACTION COMMUNICATION, DATED APRIL 15, 2021

Section II-Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Deasiray A Bush	Aging	4/1/21	Mgt Analyst	Fiscal Officer

Action: Received and filed. Copy previously forwarded to Payroll.

3. CLAIM FOR DAMAGES:

Andrain Muldrw (sp), 1217 Quindaro Blvd., KCK, alleging damage to rim and tire.

Action: Received and filed. Copy previously forwarded to Legal.

4. MOTION FOR SET ASIDE SALE:

Unified Government of Wyandotte vs Jaime Reyes, Case No. 2020 PT 000002, COA335.

Unified Government of Wyandotte vs Jaime Reyes, Case No. 2020 PT 000002, COA338.

Action: Received and filed. Copies previously forwarded to Legal.

5. TRAVEL REQUESTS:

Adriane Ferrer, Narcotics DEA KCITF, travel to Stafford, VA, April 11 – 17, 2021, to attend the DEA Task Force Officer School, Employee Training & Travel.

Elaine Moore and Heron Santana, KCKPD/Internal Affairs Unit, to travel to Las Vegas, NV, August 8 - 12, 2021, to attend the 2021 National Internal Affairs Annual Training Conference, Employee Training & Travel.

Lucas Pruitt and Kevin Wells, KCKPD, travel to Jacksonville, FL, June 13 – 19, 2021, to attend the Homicide Investigation – IPTM, Employee Training & Travel.

Mark Palmerin, II and John Varriano, KCKPD/Criminal Intel Unit, travel to San Diego, CA, October 9 – 13, 2021, to attend the OSMOSIScon Conference, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

6. CERTIFICATES OF INSURANCE:

Harvey Brothers Trucking & Wrecking Co., Inc.
Lakeside Speedway, Inc. dba Lakeside Speedway

Action: Referred to License.

7. BUSINESS BONDS:

Electrical Contractor's Bonds
Anderson Electrical
Brunner Electric, Inc.
Facility Solutions Group, Inc.
Genesis 1 Electric
Jason Wright Inc. dba Jason Wright Electric
Kaw Valley Companies, Inc.
Mish Electric, LLC

PEGC, LLC DBA PEGC, LLC
Porter Electrical Co., LLC
Scott Booz DBA Scott The Electrician
Shane Teter DBA T3 Electric
Shogren Electric Service, LLC
Sparks Electrical, LLC
The Ceiling Fan Man Electrical Service, LLC

HVAC Bond
P & L Mechanical, LLC

Mechanical/HVAC Bonds
All About Comfort Heating & Cooling, LLC
Deem, LLC
Kruse Corporation
Shawnee Heating & Cooling, Inc.
Transform SR Home Improvement Products, LLC dba Sears Home Improvement Products

Plumber's Bonds
Action Plumbing, Inc.
All About Comfort Heating & Cooling, LLC
Anthony Henderson
B & D Contracting, LLC
Darren Rew
Glenn Roney DBA Delta Plumbing
J&S Plumbing and Heating, LLC
Kruse Corporation
Pachecos Plumbing, LLC
Poor John's Plumbing, LLC

Second Hand and Junk Dealer's Bond
Jeff Pearson DBA Pearson Restorations

Action: Referred to License.

8. CONTINUATION CERTIFICATES:

Electrical Contractor's Bonds
Bryan Law dba Power Home Solar, LLC
Clayco Electric Company
Custom Lighting Services, LLC DBA Black & McDonald
M & J Electric of Wichita, LLC
Steve's Electric, Inc.

HVAC Bond
Santa Fe Air Conditioning & Refrigeration, Inc.

Mechanical Contractor Bond
McCarty Mechanical, Inc.

Mechanical/HVAC Contractor's Bonds
John E. Briscoe dba Briscoe Air & Heating

Transform SR Home Improvement Products, LLC dba Sears Home Improvement Products
Miscellaneous Bonds
Brad Darnell of Deem, LLC
Epic Electric Service Corp.
Faith Technologies, Inc.
Kasa Electric, LLC
Trademark Electric, Inc.

Plumber's Bonds
Arnaldo Electric, LLC
Essential Plumbing, LLC
Master's Touch Construction, Inc.
The Plumbing Pro, Inc.
Triton Plumbing, Inc.

Sign Hanger's Bond
Infinity Sign Systems

Action: Referred to License.

9. CANCELLATION NOTICES:

Electrical Contractor's Bonds
Alan Allio DBA AA Electrical
Brightside Electric, LLC
Flow Electric, LLC
Gale Krohn DBA Gale Krohn Electric

Miscellaneous Bond
John E. Briscoe dba Briscoe Air & Heating

Plumber's Bonds
Poor John's Plumbing
The Flow Doctor, LLC

Sign Hanger's Bond
Full Bright Maintenance, Inc. dba Full Bright Sign & Lighting

Action: Referred to License.

10. REINSTATEMENT NOTICES:

Electrical Contractor's Bonds
Project Group 2000, LLC
T. D. Electric Service, LLC

Miscellaneous Bonds
John E. Briscoe dba Briscoe Air & Heating
Madden Rentals, LLC

Action: Referred to License.

11. Land Use and Construction Surety Bond:

Power Home Solar, LLC

Action: Referred to License.

12. RIDER:

Miscellaneous Bond
Staley, Inc.

Action: Referred to License.

13. VERIFICATION CERTIFICATE:

Outfront Media, LLC

Action: Referred to License.

14. APPLICATION FOR CMB LICENSE (PKG):

Value Grocers, LLC/Teresa Russell DBA Save-A-Lot, 2815 State Ave.

Action: Referred to License.

15. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Club El Paraiso, Inc./Maria Nevarez DBA Club El Paraiso, 6550 Kaw Dr.

Action: Referred to License.

16. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:

Andy Frain Services, Inc./CT Corp. DBA Andy Frain Services, Inc., 761 Shoreline Dr., Aurora, IL

Vets Securing America/Terrence Brown DBA Vets Securing America, 505 S. Broadway Ave.,
Wichita, KS

Whelan Event dba BEST Crowd Management/Joseph Smith DBA Whelan event dba BEST Crowd
Management, 1699 S. Handley Rd., Ste. 350, St. Louis, MO

Action: Referred to License.



701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Unified Government Clerk's Office

Brett A. Deichler, PMP | CPM
Interim Unified Government Clerk

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Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Brett Deichler
Interim UG Clerk

Date: April 22, 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.

tk

Attachment

Weekly Business Material for April 22, 2021

1. GRANT AWARD:

Acknowledgement of a grant awarded in the amount of \$200,000 from the Marion and Henry Bloch Family Foundation for the UGPHD's COVID Rapid Response, submitted by Juliann VanLiew, Director of Public Health. No match.

Action: Received and filed.

2. COMMUNICATION:

Communication from Stephanie Moore, Economic Development, advising of public hearing on May 13, 2021, regarding Riverfront Redevelopment District.

Action: Received and filed.

3. 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>
887898	Yes	3/12/2021	\$ 154.58	790 2113	Birdsong, Jeffery #9255Z	Lost warrant
"	"	"	\$ 15.00	160 2125	"	
888828	Yes	4/9/2021	\$ 150.00	110 65100035599	Edwards, Fredonia #C1300	Wrong mailing address
"	"	"	\$ 124.08	110 65100195599	"	
875764	Yes	3/24/2020	\$ 65.84	790 2113	Gray, Jennifer Christine #8183Z	Stale dated
"	"	"	\$ 7.50	160 2125	"	
887440	Yes	2/26/2021	\$ 76.28	110 65100035599	Walters, Frances M #C1518	Lost warrant
"	"	"	\$ 77.88	110 65100195599	"	Stale dated

Action: Received and filed.

4. PERSONNEL ACTION COMMUNICATION, DATED APRIL 20, 2021:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Alvino Alvarez-Hernandez	Police/Comm	4/15/21	Public Safety Dispatcher
Eric Avalos	PW/WPC	4/15/21	General Maint Worker
Katelyn A Blann	NRC	4/15/21	Inspector I
Michael L Bryant	PW/WPC	4/15/21	General Maint Worker
Kaylin C Groneman	Fire/Comm	4/15/21	Fire Comm Dispatcher
Augustine J Oropeza	Police	4/15/21	Info Systems

Coordinator

Angela A Rodgers	Election Office	4/15/21	Admin Supt Specialist
Monic M Smith	Fire/Comm	4/15/21	Fire Comm Dispatcher
Lloyd L Thomas	PW/WPC	4/15/21	General Maint Worker

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Chase D Cook	Legal	4/16/21	Attorney Environmental
Jaclyn A Brown	Health	4/14/21	Scientist
Paris N Winchester	Health	4/14/21	Program Supervisor

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Amy L Coon	Sheriff	5/29/21	Deputy
Maria I Johnson	Finance/Treasury	3/24/21	Fiscal Supt Assistant
Brittany N Perry	Finance/Treasury	4/8/21	Fiscal Supt Assistant
Billy J Tuia	Sheriff	5/16/21	Deputy
Dazha S White	Sheriff	5/16/21	Deputy

Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
Anthony J Riley	PW/Fleet	Amend PAC 4/8/21 to reflect no action taken on separation effective 4/14/21

Action: Received and filed. Copy previously forwarded to Payroll.

5. PERSONNEL ACTION COMMUNICATION, DATED APRIL 20, 2021

Section I - Appointment

Name	Department/Division	Eff. Date	Job Title
Damon M Cole	Sheriff/Admin	4/15/21	Court Security Officer

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Lisa D. Bailey-Carr	Police/Comm	4/15/21	Public Safety Dispatcher	Part Time 911 Call Operator
Joshua D Jakes	PW/WPC	4/15/21	Plant Maint Worker	Plant Operator I
Robert L Lankford	PW/WPC	4/15/21	Sewer Mint Worker I	Sewer Maint Worker II
Ruby C Watkins	Comm Corr	4/15/21	Prof Progs Asst	Prog Coordinator

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Kenneth W Anderson	PW/Street	5/12/21	Equipment Operator I
Arielle J Monroe	Appraiser's Office	4/9/21	RE Appraiser
Miguel A Prieto	Sheriff/Detention	4/22/21	Deputy

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Debbie J Boyd	Transit	4/29/21	Transit Operator

Action: Received and filed. Copy previously forwarded to Payroll.

6. MOTION FOR SET ASIDE SALE:

Unified Government of Wyandotte vs Vere Fay Peters, Case No. 2020 PT 000002, COA536.
Unified Government of Wyandotte vs Carl G. Lopp, Case No. 2020 PT 000002, COA533.

Action: Received and filed. Copies previously forwarded to Legal.

7. CLAIM FOR DAMAGES:

Jessica Dunn, 2945 N. 57th St., alleging damage to tire after running over a sewer lid that popped up.

Action: Received and filed. Copies previously forwarded to Legal.

8. SUMMONS:

Quiana Rieves vs. Kansas City Public Schools USD 500, et al, Case No. 2021CV000137-A
Quiana Rieves vs. Kansas City Public Schools USD 500, et al, Case No. 2021CV000137-B
Anthony Garner, Jr. vs. Unified Government of Wyandotte County, Case No. 2:21CV02154

Action: Received and filed. Copies previously forwarded to Legal.

9. TRAVEL REQUESTS:

Kent Anderson and George Sims , Police/Services, travel to Orlando, FL, August 1 – 20, 2021, for SMIP training, FY19 JAG.

Kelly Herron, Police, Chief's Office, travel to Orlando, FL, July 5 – 24, 2021, for CMIP training, FY17 JAG.

Jeff Irwin, Police, travel to Jacksonville, FL, June 13 – June 19, 2021, for Homicide Investigation-IPTM training, Employee Training & Travel.

Raymond Nunez, Police/Services, travel to Orlando, FL, July 31 – August 19, 2021, for CMIP training, FY17 JAG.

Action: Approved by Administrator's Office and received and filed.

10. CERTIFICATES OF INSURANCE:

Amazing Tree Care, LLC
CHWC, Inc.
Community Construction, LLC
Wright Tree Service, Inc.

Action: Referred to License.

11. BUSINESS BONDS:

Electrical Contractor's Bonds
Artisun Solar, LLC
Barrett Solar LLC
Integrity Electric
Morning Star Industries LLC
Power Up Electric, LLC
Velocity Electric and Automation, LLC

Mechanical/HVAC Bond
Henry Miller Mechanical, LLC

Plumber's Bonds
Best Plumbing LLC
Fazel Plumbing, LLC
Plumber Time, LLC

Action: Referred to License.

12. CONTINUATION CERTIFICATES:

Electrical Contractor's Bonds
Angell Electrical Services, LLC
Edison Electric, LLC

License Bond
Pryor Mechanical, LLC
Victory Air, Inc.

Action: Referred to License.

13. CANCELLATION NOTICES:

Electrical Contractor's Bonds
All-Spark Electric

License Bond
Zarda Electric

Plumber's Bond

Fireman Plumbing LLC

Action: Referred to License.

14. APPLICATION FOR CMB LICENSE (OP):

TBB Hospitality, LLC/William Hutton DBA KC Monarchs Hospitality, 1800 Village West Parkway

Action: Referred to License.

15. APPLICATIONS FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Greg Cyrier-MMG Kansas LLC/Thomas Rehorn III DBA Chili's Grill & Bar, 1710 Village West Parkway

Mark Brandmeyer/Bill W. Hutton DBA KC Monarchs Hospitality, 1800 Village West Parkway

Action: Referred to License.

16. APPLICATION FOR CATERER:

Marisa Damron Roberts DBA Olive Events, 3150 N. 91st St.

Action: Referred to License.

17. APPLICATIONS FOR DRINKING ESTABLISHMENT/HOTEL:

GWL KC Beverage, Inc./Thomas R. Rehorn DBA Great Wolf Lodge, 10401 Cabela Drive
Michael Johnson DBA 7th Street Event Center, 735 Minnesota Avenue

Action: Referred to License.

18. APPLICATION FOR PRIVATE SECURITY BUSINESS:

Norred & Associates, Inc./CT Corp, DBA Norred & Associates, Inc., 1003 Virginia Ave., Ste. 200, Atlanta, GA

Action: Referred to License



Staff Request for Commission Action

Tracking No. 21800

Full Commission Meeting Date: 4/29/21

Committee: Full Commission

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

Publication Required: Yes 5/6/2021

<u>Date:</u> 4/22/2021	<u>Contact Name:</u> Patrick Waters	<u>Contact Phone:</u> x5079	<u>Contact Email:</u> patrickwaters@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> An Ordinance authorizing the UG to issue Industrial Revenue Bonds for the Premier Investments, LLC Warehouse Project (1101 South 5th St.) in an amount not to exceed \$5.5 million. The supporting documents referenced in the Ordinance can be accessed at the following link. https://xfer.wycokck.org/public/folder/UqplENHupkOkThnx1iGTpw/Premier%20Investments%20IRB%20(April%2029th%20Ordinance)				
<u>Action Requested:</u> Approve.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Ordinance (Premier Investments)				

ORDINANCE NO. O-____-21

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (PREMIER INVESTMENTS, L.L.C. PROJECT), SERIES 2021, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$5,500,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A WAREHOUSE FACILITY PROJECT INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE ISSUER TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Issuer”), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the governing body of the Issuer has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Revenue Bonds (Premier Investments, L.L.C. Project), Series 2021 (the “Bonds”), in a principal amount not to exceed \$5,500,000, for the purpose of acquiring, purchasing, constructing, installing, furnishing, and equipping an approximately 80,000 square foot warehouse facility for Premier Investments, L.L.C., a Kansas limited liability company (the “Company”), including land, buildings, structures, improvements, fixtures, machinery and equipment (the “Project”); and

WHEREAS, the Bonds will be issued under a Bond Trust Indenture dated as of the date set forth therein (the “Indenture”), by and between the Issuer and Security Bank of Kansas City, as Trustee (the “Trustee”); and

WHEREAS, the Company will lease the Project to the Issuer pursuant to the Base Lease Agreement dated as of the date set forth therein (the “Base Lease Agreement”) between the Company and the Issuer; and

WHEREAS, simultaneously with the execution and delivery of the Indenture, the Issuer will enter into a Lease Agreement dated as of the date set forth therein (the “Lease Agreement”), by and between the Issuer, as lessor, and the Company, as lessee, pursuant to which the Project will be acquired, constructed, furnished, and equipped, and pursuant to which the Issuer will lease the Project to the Company, and the Company will agree to pay the rental payments due under the Lease Agreement sufficient to pay the principal of and premium, if any, and interest on, the Bonds; and

WHEREAS, the governing body of the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of these bonds that the Issuer enter into certain agreements, and that the Issuer take certain other actions and approve the execution of certain other documents as herein provided;

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

Section 1. Authorization for the Acquisition, Purchase, Construction, Installation and Equipping of the Project. The Issuer is hereby authorized to provide for the acquisition, purchase, construction, installation, furnishing, and equipping of the Project, all in the manner and as more particularly described in the Indenture and the Lease hereinafter authorized.

Section 2. Authorization of and Security for the Bonds. The Issuer is hereby authorized to issue and sell the Bonds in a principal amount not to exceed \$5,500,000 (the “Bonds”), for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing, furnishing, and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the Issuer from the Project, and the Project and the net earnings derived by the Issuer from the Project shall be pledged and assigned to the Trustee as security for payment of the Bonds as provided in the Indenture.

Section 3. Authorization of Documents. The Issuer is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the governing body of the Issuer (copies of which documents, upon execution thereof, shall be filed in the office of the Clerk of the Issuer), with such changes therein as shall be approved by the officers of the Issuer executing such documents (the “Bond Documents”), such officers’ signatures thereon being conclusive evidence of their approval thereof:

- (a) Trust Indenture, between the Issuer and the Trustee;
- (b) Base Lease Agreement, between the Company and the Issuer.
- (c) Lease Agreement, between the Issuer and the Company;
- (d) Bond Purchase Agreement dated the date set forth therein, among the Issuer, the Company and the Company, as Purchaser; and
- (e) Performance Agreement, between the Issuer and the Company.

Section 4. Execution of Bond and Documents. The Mayor/CEO of the Issuer is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor/CEO (or, in the Mayor/CEO’s absence, the acting Mayor/CEO) of the Issuer is hereby authorized and directed to execute the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Issuer. The Clerk of the Issuer is hereby authorized and directed to attest to and affix the seal of the Issuer to the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary.

Section 5. Pledge of the Project and Net Lease Rentals. The Issuer hereby pledges the Project and the net rentals generated under the Lease Agreement to the payment of the Bonds in accordance with K.S.A. 12-1744. The lien created by the pledge will be discharged when all of the Bonds are paid or deemed to have been paid under the Indenture.

Section 6. Further Authority. The Issuer shall, and the officers, employees and agents of the Issuer and the Issuer’s Bond Counsel, Gilmore & Bell, P.C. are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary

or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Bond Documents.

Section 7. Effective Date. This Ordinance shall take effect and be in force from and after its passage by the governing body, approval by the Mayor/CEO and publication of the Ordinance or a summary thereof in the official Issuer newspaper.

PASSED by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas on April 29, 2021 and **APPROVED AND SIGNED** by the Mayor/CEO.

David Alvey, Mayor/CEO

[SEAL]

ATTEST:

Brett Deichler, Unified Government Clerk

(Published in *The Wyandotte Echo* on May 6, 2021)

SUMMARY OF ORDINANCE NO. O-____-21

On April 29, 2021 the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (PREMIER INVESTMENTS, L.L.C. PROJECT), SERIES 2021, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$5,500,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A WAREHOUSE FACILITY PROJECT INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE ISSUER TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

The Bonds approved by the Ordinance are being issued in the maximum principal amount of \$5,500,000, for the purpose of acquiring, constructing, furnishing, and equipping a warehouse facility for Premier Investments, L.L.C., a Kansas limited liability company, and constitute limited obligations of the Unified Government payable solely from the sources and in the manner as provided in the Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Trustee and in favor of the owners of the Series 2021 Bonds, as provided in the Indenture. In connection with the issuance of the Bonds, the Issuer approves a 10-year exemption from ad valorem property taxes for the Project, subject to certain payments in lieu of taxes. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the Unified Government Clerk, 701 North 7th Street, Kansas City, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.wycokck.org.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: April 29, 2021.

Angela Lawson, Interim Chief Counsel