

**MAY 27, 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: May 27, 2021 07:00 PM Central Time (US and Canada)

Topic: Full Commission Meeting - Planning and Zoning

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/82211692628?pwd=YmhMTk1GNGFUSUEwNDBTY1hpb0xLZz09>

Passcode: 254659

Or One tap mobile :

US: +13462487799,,82211692628# or +16699009128,,82211692628#

Or Telephone:

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

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

Webinar ID: 822 1169 2628

International numbers available: <https://us02web.zoom.us/j/82211692628?pwd=YmhMTk1GNGFUSUEwNDBTY1hpb0xLZz09>

- 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, MAY 27, 2021 AGENDA**
- VI. CLERK'S STATEMENT**
(Anyone wishing to speak about a particular item on the Planning & Zoning Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Planning & Zoning Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Planning & Zoning Consent Agenda are viewed as a single group and voted on with one vote.)
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR'S AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**
- XIII. ADMINISTRATOR'S AGENDA**
- XIV. COMMISSIONERS' AGENDA**

- XV. LAND BANK BOARD OF TRUSTEES' AGENDA
- XVI. PUBLIC ANNOUNCEMENTS
- XVII. ADJOURN

PLANNING AND ZONING AGENDA

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **COZ2021-008 - OLIVIA DYAN MOORE**

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for horses and chickens at 3860 Bell Crossing, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL)

Tracking #: 21852

2. **COZ2021-011 - KATELYN WOLF WITH BARTLETT AND WEST**

Synopsis: Change of Zone from previously approved MP-2 Planned General Industrial District to remove the 45 foot landscape buffer at 6716 and 6720 Berger Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21857

3. **COZ2021-012 - RAY L. SAWYER**

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for horses at 3726 North 47th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21858

B. SPECIAL USE PERMIT APPLICATIONS

1. **SP2021-015 - DANIEL CASTILLO WITH THE MOCKINGBIRD LOUNGE**

Synopsis: Renewal of a Special Use Permit (SP-2019-21) for a drinking establishment and live entertainment at 204 Orchard Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL FOR 5 YEARS)

Tracking #: 21848

2. **SP2021-024 - BRODY SHERAR WITH NORTHPOINT DEVELOPMENT**
Synopsis: Special Use Permit for the Temporary Use of Land for the existing commercial truck driving training facility (amendment of SP-2019-28) at 6801 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 21860
3. **SP2021-025 - JORGE SALAZAR WITH JIAJ, INC.**
Synopsis: Renewal of a Special Use Permit (SP-2019-42) for live entertainment in conjunction with restaurant at 151 South 18th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.
(RECOMMENDED FOR APPROVAL FOR 5 YEARS)
Tracking #: 21853
4. **SP2021-030 - REID AND MARISA ROBERTS**
Synopsis: Special Use Permit for the continuation of an event venue with live entertainment at 3150 North 91st Street (SP-2015-65 expired 12/10/2020), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 10 YEARS)**
Tracking #: 21862
5. **SP2021-031 - RICHARD AND MARY LESLIE**
Synopsis: Special Use Permit for the continuation of a kennel for four (4) dogs at 334 North Thorpe Street (SP-2015-63 expired 12/10/2020), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.
(RECOMMENDED FOR APPROVAL FOR 5 YEARS)
Tracking #: 21863
6. **SP2021-032 - ROBERTA LAIRD**
Synopsis: Renewal of a Special Use Permit (SP-2019-40) for a commercial specialty shop at 3704 North 99th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 21854
7. **SP2021-033 - STEVE BEAUMONT FOR CHATEAU AVALON**
Synopsis: Renewal of a Special Use Permit (SP-2019-63) for live entertainment 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)**
Tracking #: 21855

8. **SP2021-036 - JAMES M. VIENS**

Synopsis: Special Use Permit for 20 chickens at 9350 Nelson Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 21864

9. **SU20-00097 - CABRIN MILLS**

Synopsis: Special Use Permit for a transitional/group home at 933 Quindaro Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 21859

10. **SP-2020-77 - FELIX ADOLFO CRUZ WITH CENTRAL AMERICA AUTO SALES AND REPAIR**

Synopsis: Special Use Permit for auto salvage, auto mechanic, used auto sales and import/export business at 900 South 66th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL FOR 2 YEARS)

Tracking #: 21866

11. **SP-2020-101 - WATHIQ KASSIM WITH KCK AUTOMOTIVE**

Synopsis: Renewal of a Special Use Permit (SP-2019-76 expired 1/9/2021) for a body shop at 744 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 21867

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

1. AN ORDINANCE rezoning property at 1111 North 98th Street (#3244) from A-G Agriculture District to RP-5 Planned Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL)

Tracking #: 21829

2. AN ORDINANCE rezoning property at approximately 9700 Leavenworth Road (COZ2021-006) from CP-1 Planned Limited Business and MP-2 Planned General Industrial Districts to MP-2 Planned General Industrial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL)

Tracking #: 21830

3. AN ORDINANCE rezoning property at 4223 and 4225 Gibbs Road (#3233) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.
(RECOMMENDED FOR APPROVAL)
Tracking #: 21831
4. AN ORDINANCE vacating an electrical easement (VAC2021-001) at 1879 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 21834
5. AN ORDINANCE vacating an electrical easement (VAC2021-002) at 1879 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 21835
6. AN ORDINANCE vacating a sanitary sewer easement (VAC2021-003) at 1879 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 21836
7. AN ORDINANCE vacating a utility easement (VAC2021-004) at 1879 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 21837
8. AN ORDINANCE authorizing a Special Use Permit (SP2021-005) for a doggie day care for ten (10) dogs at 7714 Rowland Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.
(RECOMMENDED FOR APPROVAL)
Tracking #: 21838
9. AN ORDINANCE authorizing a Special Use Permit (SP2021-012) 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)**
Tracking #: 21839
10. AN ORDINANCE rezoning property at 3410 and 3412 Metropolitan Avenue (COZ-0002) from R-1(B) Single Family District to R-2(B) Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 21840

11. AN ORDINANCE authorizing a Special Use Permit (SP2021-001) for a storage container for storage of tools at 3319 North 59th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.
(RECOMMENDED FOR APPROVAL)
Tracking #: 21841
12. AN ORDINANCE authorizing a Special Use Permit (SP-2020-100) for an outdoor event space at 701 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.
(RECOMMENDED FOR APPROVAL)
Tracking #: 21842
13. AN ORDINANCE authorizing a Special Use Permit (SP2021-007) for the Temporary Use of Land for a parking lot at 4620 Mission Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.
(RECOMMENDED FOR APPROVAL)
Tracking #: 21843
14. AN ORDINANCE authorizing a Special Use Permit (SP2021-003) for a beer hall in a former foundry at 101 Central Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 21844
15. AN ORDINANCE authorizing a Special Use Permit (SP2021-016) 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)**
Tracking #: 21845
16. AN ORDINANCE authorizing a Special Use Permit (SP2021-019) for live entertainment in conjunction with existing bar at 6720 1/2 Kaw Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.
(RECOMMENDED FOR APPROVAL)
Tracking #: 21846
17. AN ORDINANCE authorizing a Special Use Permit (SP2021-020) for continuation and expansion of a liquor store with packaged liquor at 3801 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 21847

18. AN ORDINANCE authorizing a Special Use Permit (SP2021-008) for a banquet facility in the evening and weekend at 1000 North 82nd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 21848

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. CHANGE OF ZONE APPLICATION

1. **COZ2021-010 - LOLA THOMASSON**

Synopsis: Change of Zone from R-1 Single Family District to R-2 Two Family District to bring an existing duplex into compliance at 2716 and 2718 South 53rd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL TO RP-2 PLANNED TWO FAMILY DISTRICT - 5/2 VOTE)**
Tracking #: 21856

B. SPECIAL USE PERMIT APPLICATIONS

1. **SP2021-028 - MEGAN DUMA**

Synopsis: Special Use Permit for the continuation of a Short-Term Rental/AirBnB at 2706 Espenlaub Lane (SP-2019-105 expired 12/5/2020), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR DENIAL - 5/1 VOTE)**
Tracking #: 21861

2. **SP2021-037 - MIKE AND TAMI HAYES WITH TM HAYES MANAGEMENT, LLC**

Synopsis: Special Use Permit for a Short-Term Rental/AirBnB at 2904 Eaton Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR - 6/1 VOTE)**
Tracking #: 21865

TAX STATUS REPORT BOARD OF COMMISSIONERS AGENDA FOR MAY 27, 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. **RESOLUTION: SET PUBLIC HEARING FOR ROCK ISLAND BRIDGE PROJECT**

Synopsis: A resolution setting July 1, 2021, for a public hearing to consider the adoption of a Redevelopment Project Plan for the Rock Island Bridge project, submitted by Patrick Waters, Senior Attorney.

*On May 3, 2021, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 21779

2. **MINUTES**

Synopsis: Minutes from regular session of March 25, 2021; and special sessions of April 22 and 29, 2021.

Tracking #: MINUTES

3. **WEEKLY BUSINESS MATERIAL**

Synopsis: Weekly business material dated April 29, May 13 and May 20, 2021.

Tracking #: WEEKLY BUSINESS MATERIAL

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

1. **RESOLUTION: ESTABLISHING A PUBLIC HEARING REGARDING SECOND EXPANSION AND AMENDMENT TO THE STAR BOND DISTRICT PLAN FOR THE VILLAGE EAST STAR BOND DISTRICT**

Synopsis: A resolution establishing a public hearing date of June 10, 2021, to consider establishing the 2021 Expanded Village East STAR Bond District and the Seconded Amended STAR Bond District Plan, submitted by Patrick Waters, Senior Counsel.

Tracking #: 21817

2. **RESOLUTION: AUTHORIZING ACKNOWLEDGEMENT AND ASSUMPTION AGREEMENT TO MILHAUS MULTI-FAMILY PROJECT**

Synopsis: A resolution authorizing the Unified Government to enter into the Acknowledgement and Assumption Agreement pertaining to the Milhaus Multi-Family Project, submitted by Patrick Waters, Senior Counsel.

Tracking #: 21869

XIV. COMMISSIONERS' AGENDA

1. **UPDATE: COVID HEALTH ORDERS**

Synopsis: Update on COVID 19 Health Orders, submitted by Mayor Alvey.

A continuation of the May 17, 2021 discussion of existing Health Orders that the Commission voted to table until May 27, 2021. Existing Health Orders expire at 11:59 P.M. on May 28, 2021, and action will be taken as directed.

Tracking #: 21828

XV. LAND BANK BOARD OF TRUSTEES' AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 27, 2021

Re: COZ2021-008

GENERAL INFORMATION

Applicant:
Olivia Dylan Moore

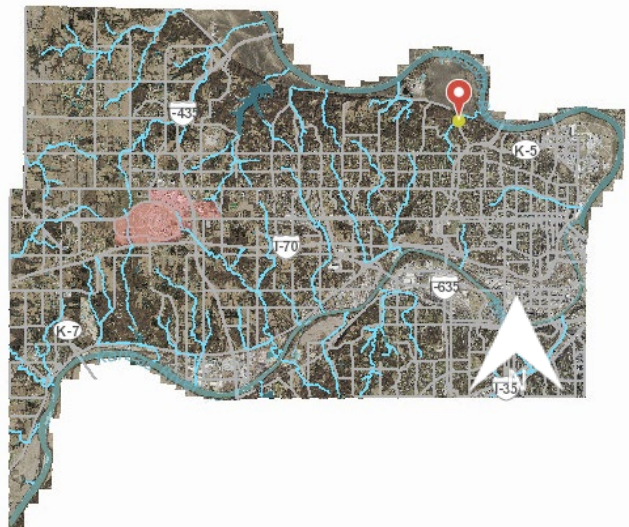
Status of Applicant:
Property Owner
3860 Bell Crossing Drive
Kansas City, Kansas 66104

Requested Action:
Approval of a Change of Zone.

Date of Application:
March 26, 2021

Purpose:
Change of Zone from R-1 Single Family District to A-G Agriculture District.

Property Location:
3860 Bell Crossing Drive
Kansas City, Kansas 66104



Commission Districts:	Commissioner At Large: Melissa Bynum District #1 Commissioner: Gayle E. Townsend
Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: A-G Agriculture District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Undeveloped Land South: Undeveloped Land East: Undeveloped Land West: Undeveloped Land
Total Tract Size:	29.19 Acres
Master Plan Area:	The City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates this area as Rural-Density Residential. This allows for agriculture, ranches, and large lot residential development.
Major Street Plan:	The Major Street Plan classifies Bell Crossing Drive as a Local Street.
Parking Requirement:	Section 27-454 states that in districts that are zoned R-1 Single Family District, two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport. The property currently has no paved parking areas. Section 27-452 states that in districts that are zoned AG Agriculture District, two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling.
Advertisement:	<u>The Wyandotte Echo</u> – April 15, 2021 Letters to Property Owner – April 16, 2021 and May 20, 2021
Public Hearings:	May 10, 2021 and May 27, 2020
Public Support:	One (1) neighbor has expressed support.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Olivia Dyan Moore, is seeking the approval of a Change of Zone from R-1 Single Family District to A-G Agriculture District for the purpose of keeping four (4) horses and 24 chickens at 3860 Bell Crossing Drive on 29.19 acres.

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

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

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

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

The property is suitable for Agricultural Zoning because it is 29.19 acres and the minimum acreage requirement for the zoning district is five (5) acres. Removal of the restrictions will not detrimentally affect nearby property if properly managed.

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

There is no record of a home being built on the property.

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

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

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

The proposed use will not increase traffic to the area because no development is being proposed.

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

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

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

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

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

a. *Water service*

Municipal water service is not available.

b. *Sanitary sewer service*

Municipal sanitary sewer services are not available.

c. *Storm water control*

Municipal storm water control is available.

d. *Police*

Police services is provided by Midtown Patrol, District #443.

e. *Fire*

Fire service is provided by Station #14.

f. *Transit*

KCATA does not provide transportation to this location.

g. Schools

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

h. Streets

See item #6 above.

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

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

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

Based on aerial imagery, it appears that there are two (2) accessory structures on the property and no primary structure. Approval of a Change of Zone to Agricultural District will bring these structures into compliance with the ordinance.

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

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

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held an in-person neighborhood meeting on April 19, 2021. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Animal Best Management
Conservation of the Creek

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2021-008, subject to:

- 1) **Must adhere to the Conservation Department comments for Best Practices, which are:**
 - a. **Seeding of pastureland; and,**
 - b. **Pasture areas need to be completely fenced to protect the woodland area;**
- 2) **No buildings or trees are allowed to be located on the ground above the existing gas easement;**
- 3) **Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable;**
- 4) **A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department 913-573-8620 if construction is proposed;**
- 5) **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 at 913-573-5750;**
- 6) **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, 7th Floor 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,**
- 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.**

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 **COZ2021-008** subject to all comments and suggestions outlined in this staff report and the recommendation of the City Planning Commission.

ATTACHMENTS

May 10, 2021 City Planning Commission Minutes
Zoning Map
Land Use Map
Aerial Map
Conservation District Comments
Site Photographs Provided by Staff, Dated April 20, 2021
Neighborhood Meeting Documentation
Site Diagram
Site Photographs Provided by Applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	May 10, 2021	May 27, 2021
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-008** 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 **COZ2021-008**, 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.

May 10, 2021 City Planning Commission Minutes:

Hearing starts at 1:24:27:

CHANGE OF ZONE APPLICATION COZ2021-008 – OLIVIA DYAN MOORE -

SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District for horses and chickens at 3860 Bell Crossing.

Detailed Outline of Requested Action: The applicant, Olivia Dyan Moore, is seeking the approval of a Change of Zone from R-1 Single Family District to A-G Agriculture District for the purpose of keeping four (4) horses and 24 chickens at 3860 Bell Crossing Drive on 29.19 acres.

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 May 10, 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:

- Olivia Dyan Moore, applicant, 2860 Bell Crossing, Kansas City, Kansas 66104

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:26:25: Planning Director Hand stated that this is a Change of Zone to A-G Agriculture District for four (4) horses and 24 chickens. There are two (2) accessory structures on the property without a primary structure; this Change of Zone to A-G would correct this current zoning code violation. He stated that the property is approximately 30 acres. He showed the Commission on the slide the location of the gas line pipe through the property and that staff added a condition that the applicant cannot build or fence that area. The Conservation District has stated that

this is a wooded property, and this area is not the best for the horses. They have stated that the area where the horses are located should be fenced off from the wooded areas. Director Hand stated that there has been support expressed by some of the neighbors, no opposition has been submitted and there are no Notices of Violation on the property. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 1:27:58:

On motion by Mr. Ernst, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2021-008**

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

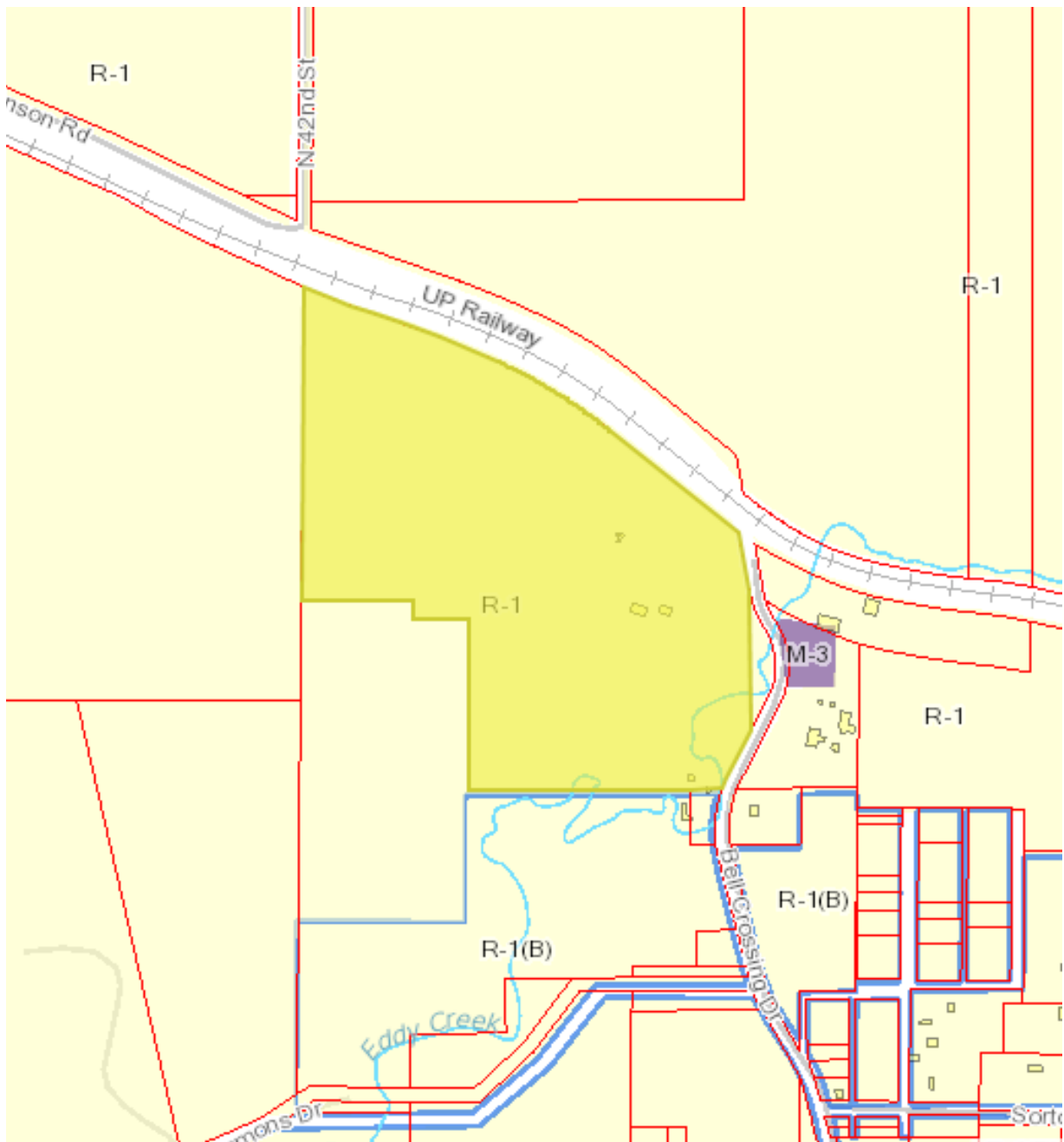
Motion to RECOMMEND APPROVAL Passed: 7 to 0

Subject to:

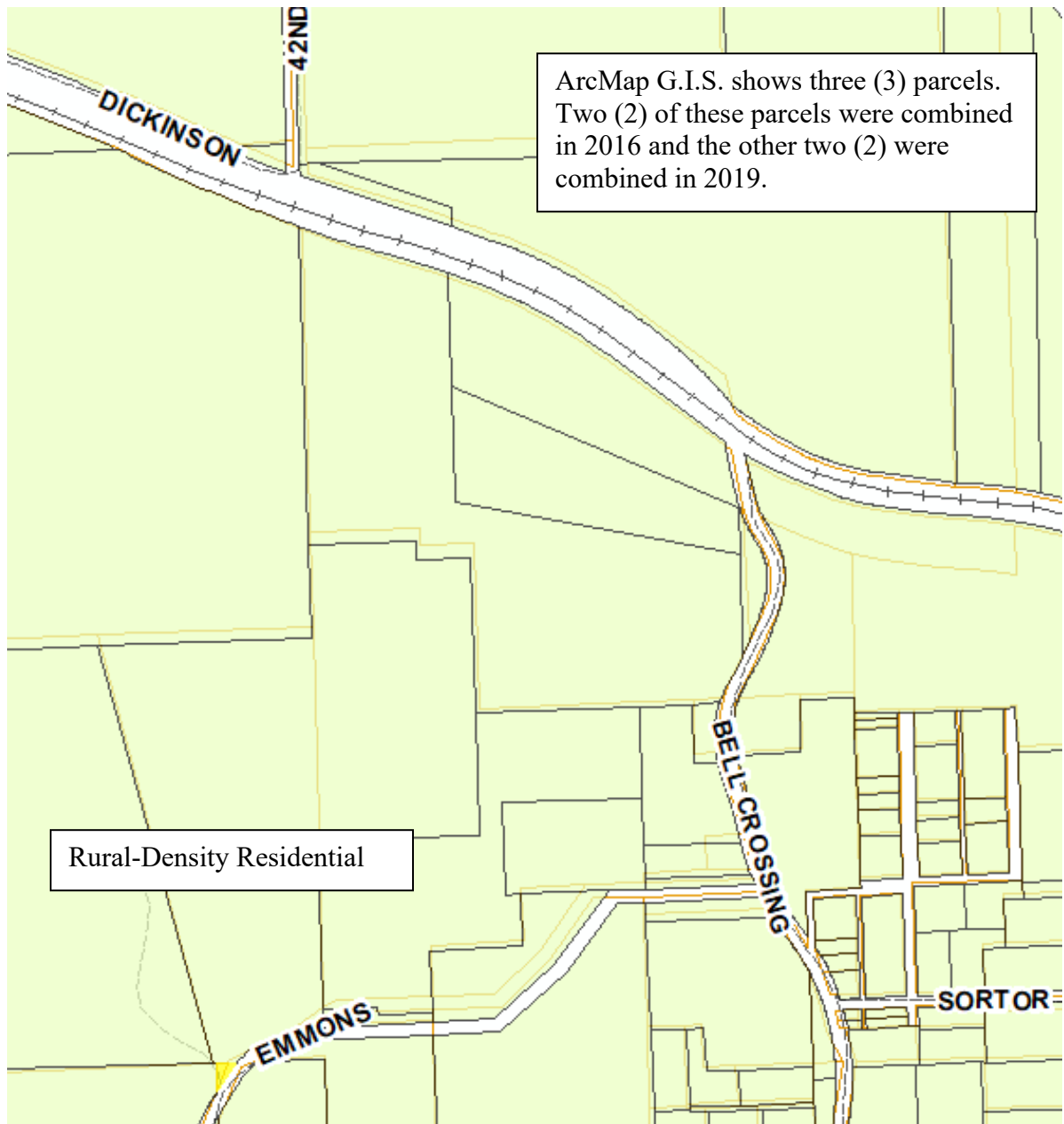
- 1) **Must adhere to the Conservation Department comments for Best Practices, which are:**
 - a. **Seeding of pastureland; and,**
 - b. **Pasture areas need to be completely fenced to protect the woodland area;**
- 2) **No buildings or trees are allowed to be located on the ground above the existing gas easement;**
- 3) **Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable;**
- 4) **A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department 913-573-8620 if construction is proposed;**
- 5) **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 at 913-573-5750;**
- 6) **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, 7th Floor 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,**
- 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.**

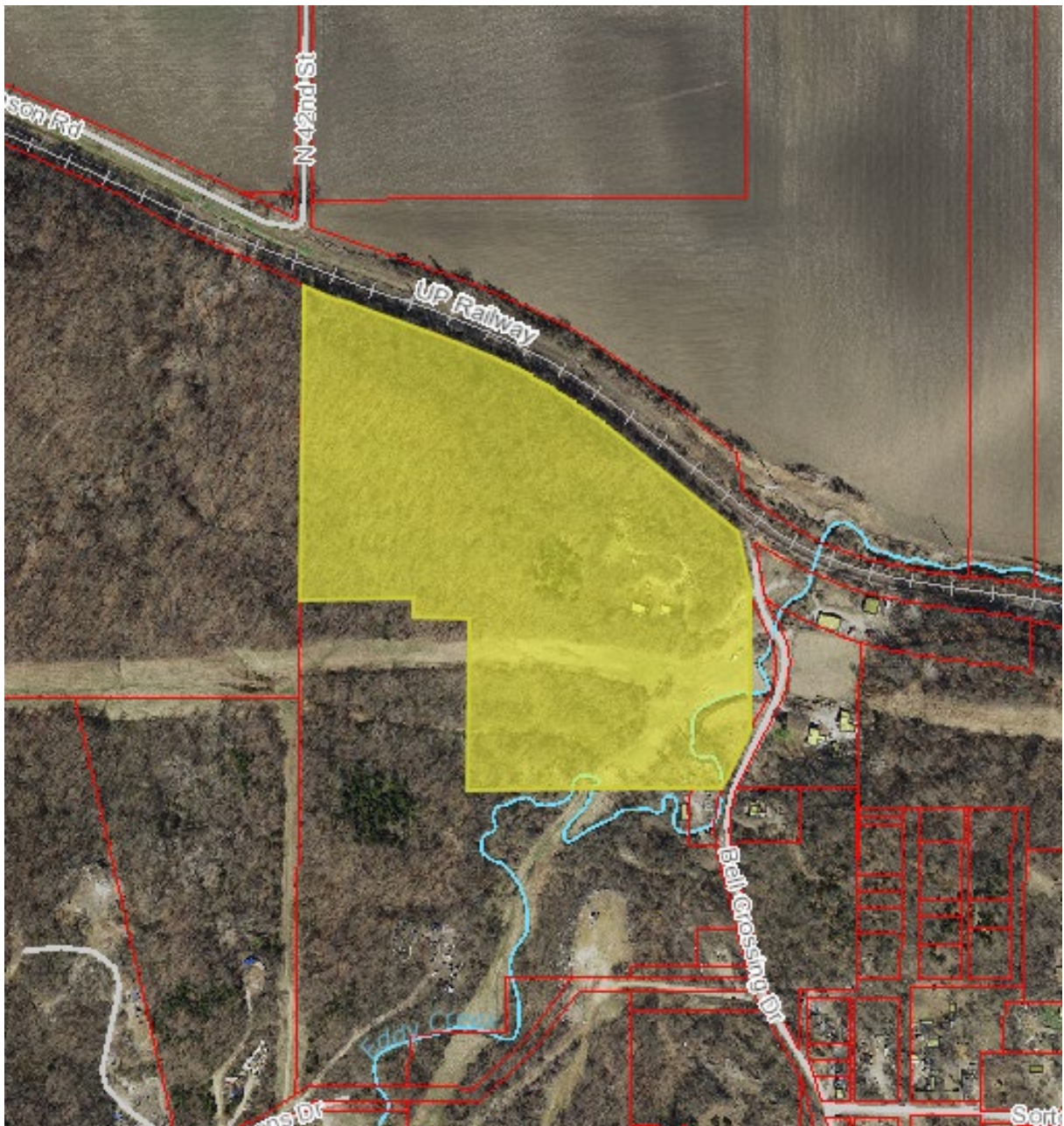
Zoning Map:



Land Use Map:



Aerial Map:



Conservation District Comments:



Wyandotte County Conservation District

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

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

April 13, 2021

RE: COZ2021-008 Olivia Dyan Moore for horses and chickens Bell Crossing Drive

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2021-008 Olivia Dyan Moore for horses and chickens Bell Crossing Drive.

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

MAPS AND REPORTS

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

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

- There are four major soil types identified: Kennebec silt loam, occasionally flooded, Gosport-Sogn complex, 7 to 35 percent slopes, Knox silt loam, 7 to 12 percent slopes and Knox silt loam, 18 to 30 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- This area is currently being used for agricultural.
- Practices to help make the property sustainable include:
 - Seeding of pasture land
 - Pasture areas need to be completely fenced to protect the woodland area.
 - There is a potential for timber stand improvement to enhance the value of the timber resource. There may be funds available for help with timber stand improvement.

- Technical help with timber stand improvement is available through the Conservation District.

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

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

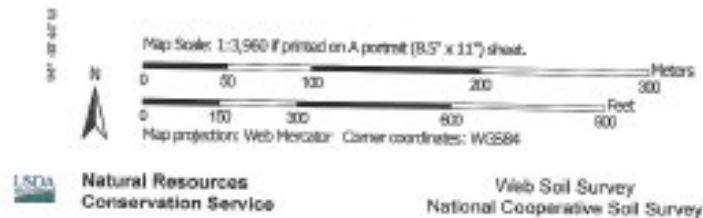
If you have any comments or questions, please do not hesitate to call me.

Sincerely,

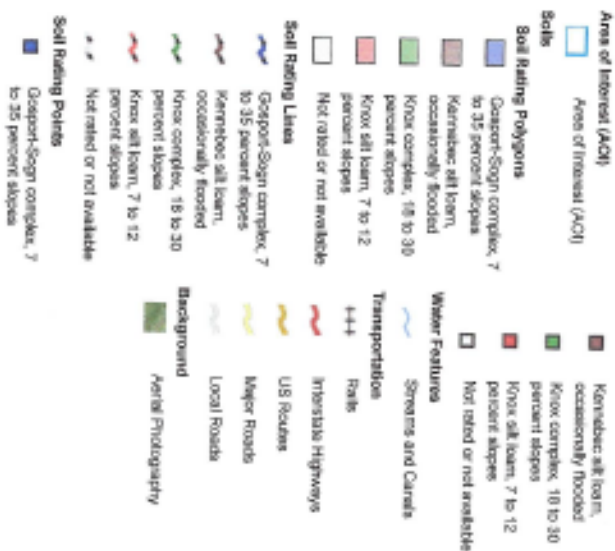
Cheri Miller
District Manager

enclosures

Map Unit Name—Wyandotte County, Kansas
(COZ2021-005 3860 Bell Crossing)



MAP LEGEND



MAP INFORMATION

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

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

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

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

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:

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.

Digital aerial images were photographed: Jul 17, 2019—Sep 25, 2019

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

Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7050	Kennebec silt loam, occasionally flooded	Kennebec silt loam, occasionally flooded	2.3	7.8%
7250	Gosport-Sogn complex, 7 to 35 percent slopes	Gosport-Sogn complex, 7 to 35 percent slopes	4.1	14.1%
7955	Knox silt loam, 7 to 12 percent slopes	Knox silt loam, 7 to 12 percent slopes	6.5	22.1%
7957	Knox complex, 18 to 30 percent slopes	Knox complex, 18 to 30 percent slopes	16.4	56.0%
Totals for Area of Interest			29.3	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: 7050—Kennebec silt loam, occasionally flooded

Component: Kennebec (85%)

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

Component: Muscotah (5%)

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

Component: Wabash (3%)

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

Component: Reading (3%)

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

Component: Colo (2%)

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

Component: Olmitz (2%)

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

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

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

Component: Sogn (35%)

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

Component: Oska (5%)

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

Component: Elmont (5%)

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

Component: Martin (5%)

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

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

Component: Knox (80%)

The Knox component makes up 80 percent of the map unit. Slopes are 7 to 12 percent. This component is on hillslopes on uplands. The parent material consists of fine-silty loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107BY003MO Deep Loess Exposed Backslope Savanna Quercus Macrocarpa-quercus Alba/amorpha Canescens/schizachyrium Scoparium-ales Candida Bur Oak-white Oak/leadplant/little Bluestem-white Prairie Clover, Deep Loess Protected Backslope Woodland Quercus Rubra-tilia Americana/asmirina 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 is a minor component.

Component: Ladoga (5%)

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

Component: Welda (5%)

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

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

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

Component: Sogn (35%)

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

Data Source Information

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

Prime and other Important Farmlands

This table lists the map units in the survey area that are considered important farmlands. Important farmlands consist of prime farmland, unique farmland, and farmland of statewide or local importance. This list does not constitute a recommendation for a particular land use.

In an effort to identify the extent and location of important farmlands, the Natural Resources Conservation Service, in cooperation with other interested Federal, State, and local government organizations, has inventoried land that can be used for the production of the Nation's food supply.

Prime farmland is of major importance in meeting the Nation's short- and long-range needs for food and fiber. Because the supply of high-quality farmland is limited, the U.S. Department of Agriculture recognizes that responsible levels of government, as well as individuals, should encourage and facilitate the wise use of our Nation's prime farmland.

Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Slope ranges mainly from 0 to 6 percent. More detailed information about the criteria for prime farmland is available at the local office of the Natural Resources Conservation Service.

For some of the soils identified in the table as prime farmland, measures that overcome a hazard or limitation, such as flooding, wetness, and droughtiness, are needed. Onsite evaluation is needed to determine whether or not the hazard or limitation has been overcome by corrective measures.

A recent trend in land use in some areas has been the loss of some prime farmland to industrial and urban uses. The loss of prime farmland to other uses puts pressure on marginal lands, which generally are more erodible, droughty, and less productive and cannot be easily cultivated.

Unique farmland is land other than prime farmland that is used for the production of specific high-value food and fiber crops, such as citrus, tree nuts, olives, cranberries, and other fruits and vegetables. It has the special combination of soil quality, growing season, moisture supply, temperature, humidity, air drainage, elevation, and aspect needed for the soil to economically produce sustainable high yields of these crops when properly managed. The water supply is dependable and of adequate quality. Nearness to markets is an additional consideration. Unique farmland is not based on national criteria. It commonly is in areas where there is a special microclimate, such as the wine country in California.

In some areas, land that does not meet the criteria for prime or unique farmland is considered to be *farmland of statewide importance* for the production of food, feed, fiber, forage, and oilseed crops. The criteria for defining and delineating farmland of statewide importance are determined by the appropriate State agencies. Generally, this land includes areas of soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some areas may produce as high a yield as prime farmland if conditions are favorable. Farmland of statewide importance may include tracts of land that have been designated for agriculture by State law.

In some areas that are not identified as having national or statewide importance, land is considered to be *farmland of local importance* for the production of food, feed, fiber, forage, and oilseed crops. This farmland is identified by the appropriate local agencies. Farmland of local importance may include tracts of land that have been designated for agriculture by local ordinance.

Report—Prime and other Important Farmlands

Prime and other Important Farmlands—Wyandotte County, Kansas		
Map Symbol	Map Unit Name	Farmland Classification
7050	Kennebec silt loam, occasionally flooded	All areas are prime farmland
7250	Gosport-Sogn complex, 7 to 35 percent slopes	Not prime farmland
7955	Knox silt loam, 7 to 12 percent slopes	Farmland of statewide importance
7957	Knox complex, 18 to 30 percent slopes	Not prime farmland

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.

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

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

Report—Soil Features

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

Data Source Information

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



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

4/7/2021
Page 3 of 3

Site Photographs Provided by Staff, Dated April 20, 2021:





Neighborhood Meeting Documentation:

Patrick Dunn contacted me on April 17, 2021 in support of my petition to change zoning from R1 to AG.

No one showed at the community meeting held April 19, 2021.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Olivia Dyan Moore, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #COZ2021-008.
2. That I conducted a neighborhood meeting on April 19, 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.

Olivia Dyan Moore

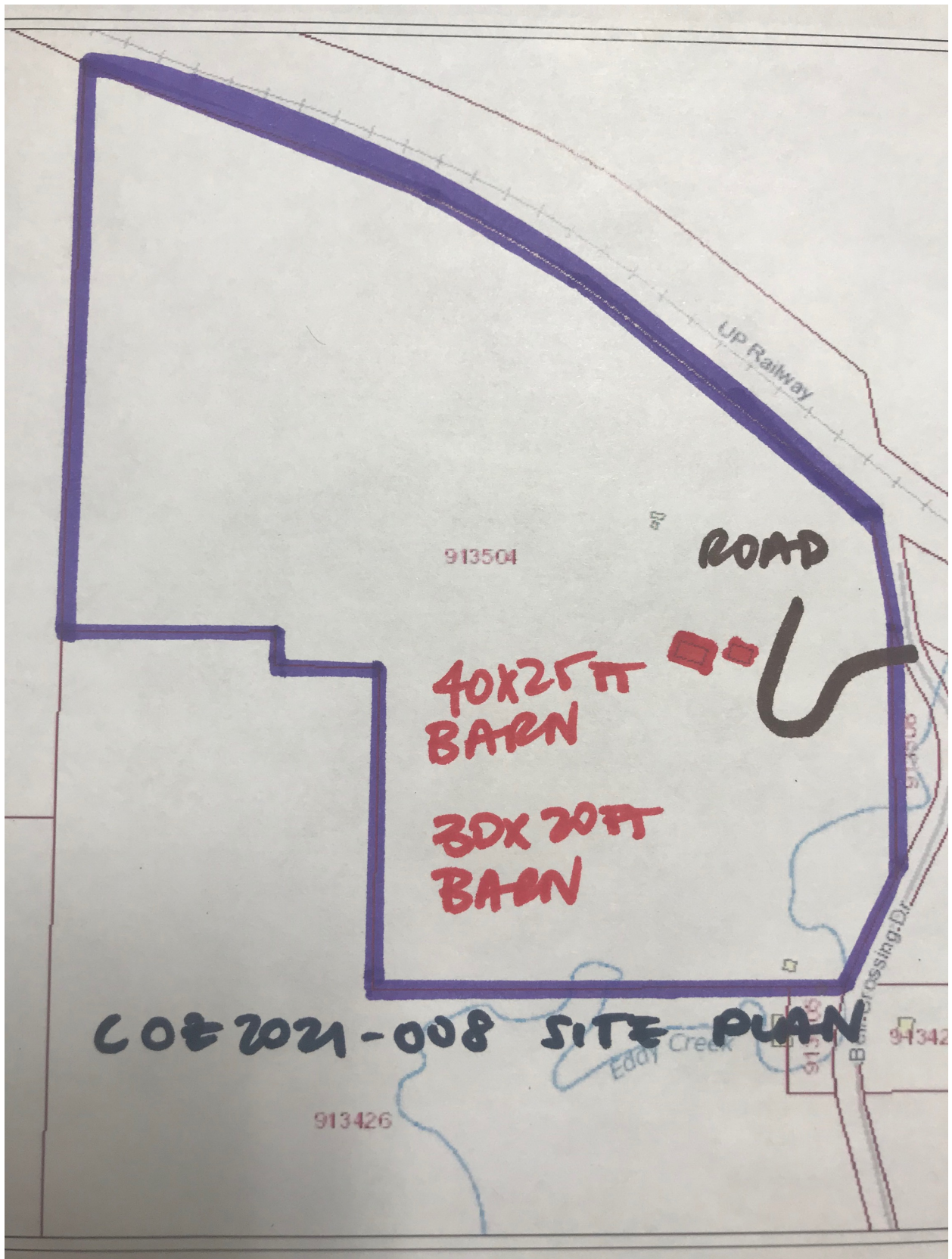
Affiant

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

My commission expires _____ of _____, 200__.

Notary Public

Site Diagram:



Site Photographs Provided by Applicant:













Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 27, 2021

Re: COZ2021-011

GENERAL INFORMATION

Applicant:
Katelyn Wolf

Status of Applicant:
Representative
Bartlett & West
544 Columbia Drive
Lawrence, KS 66049

Requested Actions:
Change of Zone from MP-2 Planned General
Business District to MP-2 Planned General
Business District (to remove a recorded
covenant from Change of Zone Petition
#2161).

Date of Application(s):
March 26, 2021

Purpose:
To amend a covenant restriction from COZ
#2161 in 1988 removing a 45-foot landscape
buffer to build a 12,134 square foot
maintenance building for Key Equipment.



To approve an amended site plan in a planned zoning district.

Property Location: 6716 and 6720 Berger Avenue

Commission Districts: Commissioner At-Large: Melissa Bynum
District #8 Commissioner: Dr. Jane W. Philbrook

Existing Zoning: MP-2 Planned General Business and M-2 General Industrial Districts

Adjacent Zoning:

North:	MP-2 Planned General Business and M-2 General Business Districts
South:	MP-2 Planned General Business and R-1 Single Family Districts
East:	M-2 General Business District
West:	R-1 Single Family District

Adjacent Uses:

North:	Industrial business
South:	Commercial retail strip center and a single-family home (across Berger Avenue)
East:	Industrial business
West:	Single family home

Total Tract Size: 1.86 Acres

Master Plan Area: City-Wide Master Plan

Master Plan Designation: The City-Wide Master Plan designates this property as Business Park, which allows warehousing (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 Berger Avenue as a Local Street.

Required Parking: Sec. 27-469(e) 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 space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. Thirty-nine (39) parking spaces are required. Forty-six (46) parking spaces are provided.

Advertisement:	<u>The Wyandotte Echo</u> – April 15, 2021 Letters to Property Owners – April 16, 2021 and May 20, 2021
Public Hearings:	May 10, 2021 and May 27, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Katelyn Wolf with Bartlett & West on behalf of the owner, Steven Hyink, wants to remove a 45-foot landscape buffer that was recorded as a covenant restriction in 1988 on the west property line from Change of Zone Petition #2161 to build a 12,134 square foot maintenance building including a code compliant 15-foot landscaped buffer at 6716 and 6720 Berger Avenue.

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

Code Enforcement History: There is no history of violations on this property.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The area is dominated by single family homes to the west and north and industrial business to the east, a commercial retail strip center to the south and single-family homes to the south and west.

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 property is already industrially zoned, and the maintenance building's overhead doors are facing Berger Avenue rather than the single-family homes. Removing the landscape buffer restriction from the development is not compatible with the adjacent properties unless the building and storage is not visible and noise buffering/mitigation measures are taken from the adjacent resident's property or the public street.

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

The removal of the 45-foot landscape buffer from the west property line may negatively impact the neighbors. The screening requirements, which include fencing and landscaping may offset these impacts.

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

The property is not vacant. The property has an existing office building and storage yard.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public. The use is convenient for the owner because they can maintain their own equipment. It is debatable if the expansion of the industrial use will permanently injure adjacent properties. What is not debatable is the potential auditory impact the maintenance building will have on the quality of life of the adjacent neighbors if the overhead doors are not closed when equipment is being serviced.

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 not increase the traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems because equipment will be repaired inside and improve circulation patterns within the storage lot.

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

The proposed use conforms to the City-Wide Master Plan, which is designated a Business Park.

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

If the owner continues to operate in business in the same manner, where there are no neighbor complaints or Property Maintenance Compliance citations, this will not be an issue. Maintaining the existing slope along the west property line is important for the aesthetics of the abutting property owner.

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

a. Water service

BPU provides water service.

b. Sanitary sewer service

UG provides sanitary sewer service.

c. Storm water control

To be designed to meet City Code.

d. Police

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

e. Fire

Fire service is provided by Fire Station #20 located at 78th Street and Kansas Avenue.

f. Transit

Kansas City ATA does not provide transit service near this property.

g. Schools

Public education is provided by Turner USD 202.

h. Streets

To be designed to meet Public Works standards.

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

If the proposal is approved, the City will receive additional property tax revenue because of the improvements made to the property.

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.

There must be a balance between the adjacent and nearby residential property owners' quality of life is protected and a business that is thriving to the point where they need to expand.

PREVIOUS ACTIONS

The City Council approved a change of zone (Petition #2161) from R-1 Single Family District to MP-2 Planned General Industrial District on August 25, 1988. A covenant restriction was placed on 6720 Berger Avenue to maintain a 45-foot landscape buffer along the west property line, abutting the single family home zoned R-1 Single Family District at 6740 Berger Avenue.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on April 26, 2021 by e-mail and/or phone calls. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Reduction of Landscape Buffer
Noise and Visual Impacts

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of COZ2021-011, subject to:

- 1. The applicant wants to remove the 1988 covenant restriction establishing a 45-foot landscape buffer along the west property line. The applicant intends to install the code required MP-2 Planned General Industrial District 15-foot landscape buffer between 6720 Berger Avenue and 6740 Berger Avenue. The buffer will be a combination of eight (8) foot privacy fence with masonry columns every 32 feet on center (if the existing privacy fence is removed) and enhance the existing landscaping along the west property by installing eight (8) additional evergreen trees to ensure year-round screening. The architectural screen (either a privacy fence or landscaping) should continue along the south property line to the gated entry to screen the front yard of Key Equipment from the single-family residence's side**

- and rear yards, across Berger Avenue and minimize future zoning enforcement actions. This will be finalized with the Final Development Plan;
2. Hours of operation are Monday through Friday, 8:00 AM to 5:00 PM;
 3. Parking lot shall be resurfaced, where necessary and restriped;
 4. Staff understands there is not enough surface parking outside, on-site, so the applicant has proposed to park ten (10) vehicles inside the building, which will comply with the district requirement for parking;
 5. Truck traffic to and from this site, for the delivery of equipment or materials should be restricted to Berger Avenue and Kaw Drive (Kansas Highway 32). Truck traffic should not be allowed in the single-family neighborhood directly to the west;
 6. Per Business Licensing Division:
 - a. If approved, Tenants will need to file and maintain a current occupation tax application;
 7. All screening is to be maintained to minimize impacts of conflicting uses;
 8. When equipment is being serviced or repaired, the doors shall remain closed to prevent sound from projecting west and south towards the single-family residences;
 9. 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 landscaped 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;
 10. 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;
 11. All landscaping shall be irrigated;
 12. 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;
 13. BPU transformer pad shall be completely screened on three (3) sides with six (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;
 14. 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);
 15. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall

- either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building;
16. 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;
 17. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
 18. Shall comply with the sign code;
 19. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
 20. 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 Commission make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2021-011** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 10, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Applicant Letter
Site Plan
Grading Plan
Landscape Plan
Building Elevations
Site Cross Section
Site Photography provided by Staff dated April 15, 2021.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	May 10, 2021	May 27, 2021
Rezoning	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-011** 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 **COZ2021-011** 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.

MAY 10, 2021 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 2:15:00:

CHANGE OF ZONE APPLICATION COZ2021-011 – KATELYN WOLF WITH BARTLETT & WEST - SYNOPSIS: Change of Zone from previously approved MP-2 Planned General Industrial District to remove the 45-foot landscape buffer at 6716 and 6720 Berger Avenue.

Detailed Outline of Requested Action: The applicant, Katelyn Wolf with Bartlett & West on behalf of the owner, Steven Hyink, wants to remove a 45-foot landscape buffer that was recorded as a covenant restriction in 1988 on the west property line from Change of Zone Petition #2161 to build a 12,134 square foot maintenance building including a code compliant 15-foot landscaped buffer at 6716 and 6720 Berger Avenue.

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

Code Enforcement History: There is no history of violations on this property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 10, 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:

- Katelyn Wolf, applicant for Key Equipment, Bartlett & West, 544 Columbia Drive, Lawrence, Kansas 66049

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:19:01: Planning Director Hand stated that this Change of Zone is to remove the covenant condition of a 45-foot landscape buffer from the previously approved MP-2 Change of Zone. This property is located in the Riverview neighborhood. Staff and the applicant worked together on this project and there will be a fully screened fence and landscaping between this property and the single-family home to the west. There is a single-family residence across Berger Avenue from this use, and staff worked with the applicant to wrap the fully screened fence and landscaping along Berger Avenue to screen that property. There is a large tree that will be removed, but the applicant has gone above what is required for landscaping. Director Hand stated that some of the required parking has been moved inside the building. He stated that there are conditions concerning hours of operation, so they do not interfere with the adjacent single-family residences. There are no Notices of Violation on the property and no letters in support nor opposition have been submitted. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 2:20:47:

On motion by Ms. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2021-011:**

Carson	Chairman
Armstrong	Aye
Cho	Not Present

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0

Subject to:

1. The applicant wants to remove the 1988 covenant restriction establishing a 45-foot landscape buffer along the west property line. The applicant intends to install the code required MP-2 Planned General Industrial District 15-foot landscape buffer between 6720 Berger Avenue and 6740 Berger Avenue. The buffer will be a combination of eight (8) foot privacy fence with masonry columns every 32 feet on center (if the existing privacy fence is removed) and enhance the existing landscaping along the west property by installing eight (8) additional evergreen trees to ensure year-round screening. The architectural screen (either a privacy fence or landscaping) should continue along the south property line to the gated entry to screen the front yard of Key Equipment from the single-family residence's side and rear yards, across Berger Avenue and minimize future zoning enforcement actions. This will be finalized with the Final Development Plan;
2. Hours of operation are Monday through Friday, 8:00 AM to 5:00 PM;
3. Parking lot shall be resurfaced, where necessary and restriped;
4. Staff understands there is not enough surface parking outside, on-site, so the applicant has proposed to park ten (10) vehicles inside the building, which will comply with the district requirement for parking;
5. Truck traffic to and from this site, for the delivery of equipment or materials should be restricted to Berger Avenue and Kaw Drive (Kansas Highway 32). Truck traffic should not be allowed in the single-family neighborhood directly to the west;
6. Per Business Licensing Division:
 - a. If approved, Tenants will need to file and maintain a current occupation tax application;
7. All screening is to be maintained to minimize impacts of conflicting uses;
8. When equipment is being serviced or repaired, the doors shall remain closed to prevent sound from projecting west and south towards the single-family residences;
9. 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 landscaped 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;
10. 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;
11. All landscaping shall be irrigated;
12. 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;
13. BPU transformer pad shall be completely screened on three (3) sides with six (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;
14. 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);
15. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building;
16. 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;
17. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
18. Shall comply with the sign code;
19. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.



Figure 1. Aerial Map of 6716 & 6720 Berger Avenue (provided by UG Maps).



Figure 2. Zoning Map of 6716 & 6720 Berger Avenue (provided by UG Maps).

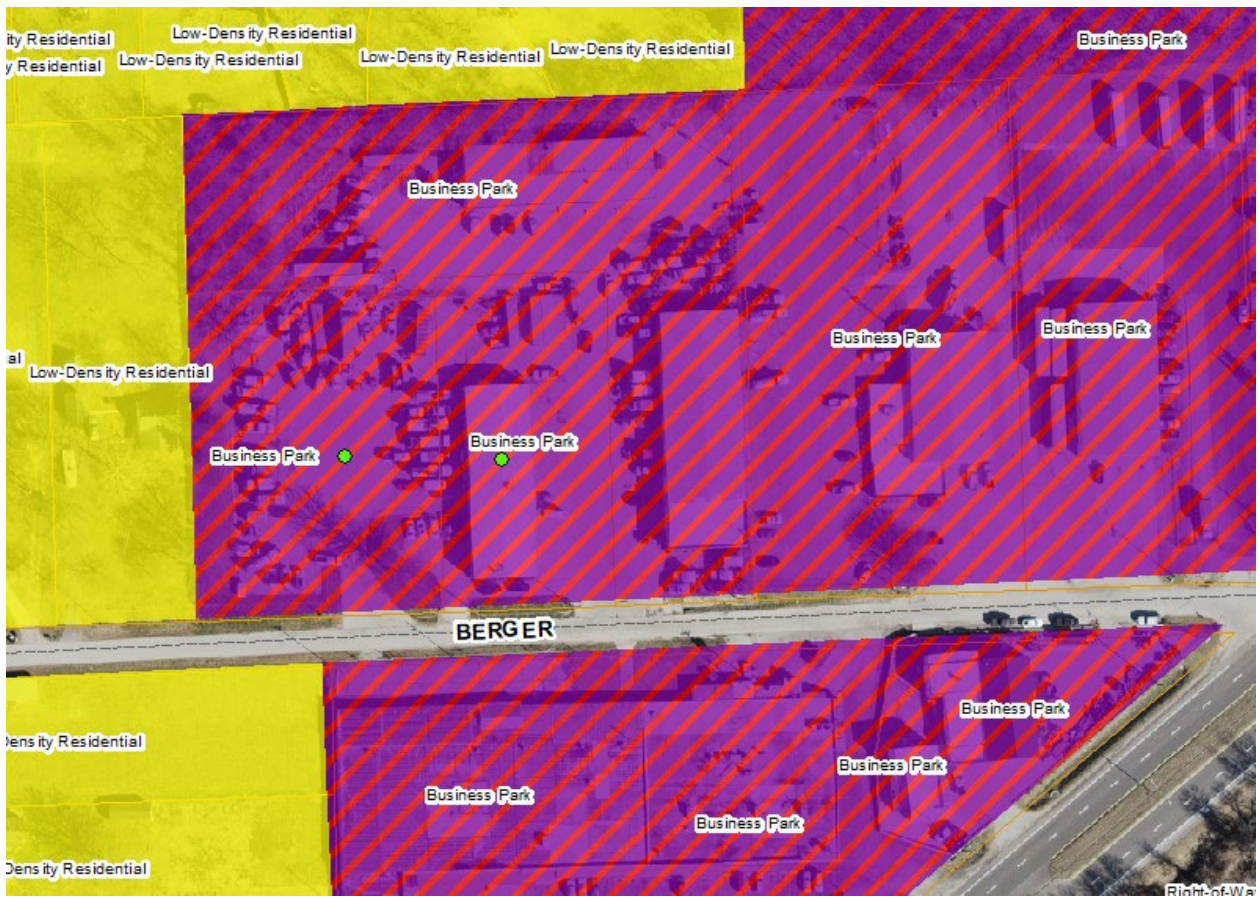


Figure 3. City-Wide Master Plan Land Use Map of 6716 & 6720 Berger Avenue (provided by Arc Map).

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. *Acknowledged.*
2. The applicant wants to remove the 1988 covenant restriction establishing a 45-foot landscape buffer along the west property line. The applicant intends to install the code required MP-2 Planned General Industrial District 15-foot landscape buffer between 6720 Berger Avenue and 6740 Berger Avenue. The buffer will be a combination of eight (8) foot privacy fence with masonry columns every 32 feet on center (if the existing privacy fence is removed) and enhance the existing landscaping along the west property by installing eight (8) additional evergreen trees to ensure year round screening. *Existing Privacy fence on West Side is remaining in place.*

The architectural screen fence should continue along the south property line and gates.

3. What are the proposed hours of operation for Key Equipment? *8 AM - 5 PM Monday-Friday*
4. Parking lot shall be resurfaced, where necessary and restriped. *Acknowledged.*
5. Staff understands there is not enough surface parking outside, on-site, so the applicant has proposed to park ten (10) vehicles inside the building, which will comply with the district requirement for parking.
6. Truck traffic to and from this site, for the delivery of equipment or materials should be restricted to Berger Avenue and Kaw Drive (Kansas Highway 32). Truck traffic should not be allowed in the single family neighborhood directly to the west. *Key Equipment and all of their vendors/suppliers who come through/to the site know to both enter and exit from the East, and not to drive through the residential area to the west. They have had no problems to date and do not intend to change their traffic patterns.*
7. Per Business Licensing Division:
 - a. If approved, Tenants will need to file and maintain a current occupation tax application. *Acknowledged.*
8. Keep existing full growth tree on Berger Avenue. *This tree is not feasible to keep, as it is directly in the path of many utilities that are needed for the new building & would hinder access into the service bay if we made an island around it. Instead, we are providing additional new trees to make up for the existing tree.*
9. All screening is to be maintained to minimize impacts of conflicting uses. *Acknowledged.*

Building Architecture:

1. When equipment is being serviced or repaired, the doors shall remain closed to prevent sound from projecting west and south towards the single-family

residences. Acknowledged.

Landscaping and Screening:

1. The existing privacy fence on the west side of the property shall extend along the south property line to the eastern entry/exit so the storage area in front of the maintenance building is not visible from the public street, but also from the single-family home to the south. The architectural screen fence shall be eight (8) feet on the west property line transitioning to six (6) feet architectural fence on Berger Avenue with screened entry gates. Please provide elevations accordingly.

Privacy fence on west & north property line is remaining in place, 6' black coated vinyl fence will be used on south side, with Evergreen landscape screening on the south west corner to screen from residentially zoned property.

2. 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 landscaped 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.

Privacy fence on west & north property line is remaining in place, 6' black coated vinyl fence will be used on south side, with Evergreen landscape screening on the south west corner to screen from residentially zoned property.

The site for the proposed development is 1.15 acres, five (5) trees are required based on acreage and exclusive of the screening requirements for the lots zoned MP-2 Planned General Industrial District adjacent to residentially zoned properties. Acknowledged, see landscape plan for updated tree count.

3. 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. Acknowledged. All trees specified as 2" caliper.
4. All landscaping shall be irrigated. Acknowledged, notes on landscape plan indicate landscape contractor to provide irrigation.
5. 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. Acknowledged.
6. BPU transformer pad shall be completely screened on three (3) sides with six (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. We are using a pole mounted transformer on the existing power pole.
7. 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). *Acknowledged.*

8. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building. *Acknowledged.*
9. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. *Acknowledged.*
10. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. *Acknowledged.*

Signage:

1. Shall comply with the sign code. *Acknowledged.*

Planning Engineering Comments:

- 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.
 - 2) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- B) Items that are conditions of approval:
 - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

STAFF RECOMMENDATION

Staff recommends that the City Planning Commission make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommend of Petition **COZ2021-011** and **PR2021-011** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. No recommendations on draft report.

Change of Zone Petition COZ2021-011 and PR2021-011

9

May 10, 2021



544 Columbia Drive
Lawrence, KS 66049
ph (785) 749-9452
www.bartlettwest.com

SUBJECT: Neighborhood Meeting for COZ2021-011 AND PR2021-011

As explained in the letter sent to all residents on the mailing list for this project, we gave a 10-day period in which they could call or email with questions or concerns. We did not receive any calls or emails related to this property.

We did however have 1 letter returned to sender as undeliverable. Please see attached.

BROCK, MELISSA
3207 KIMBALL AVE
KANSAS CITY, KS 66104

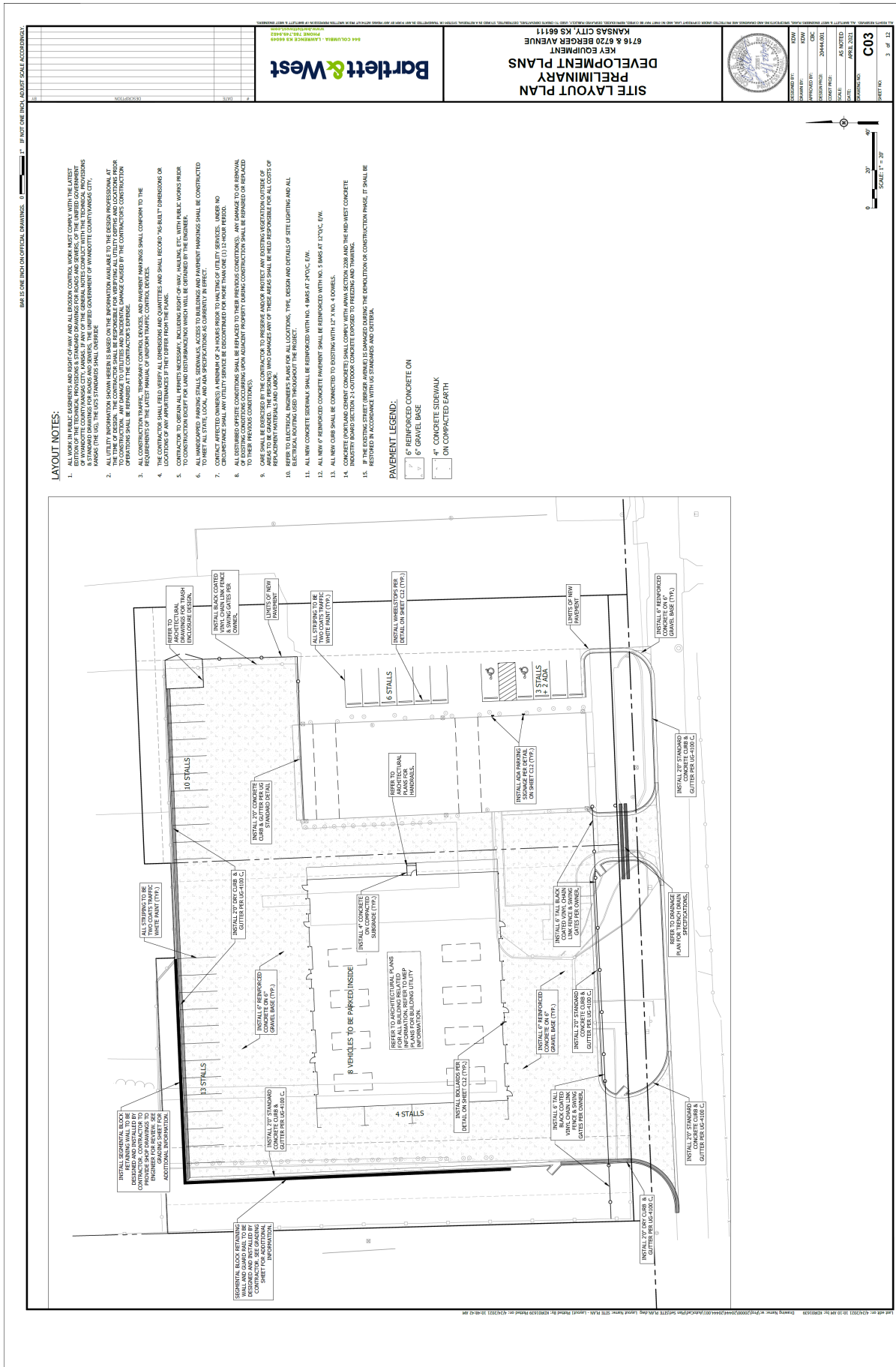
Sincerely,
Katelyn Wolf

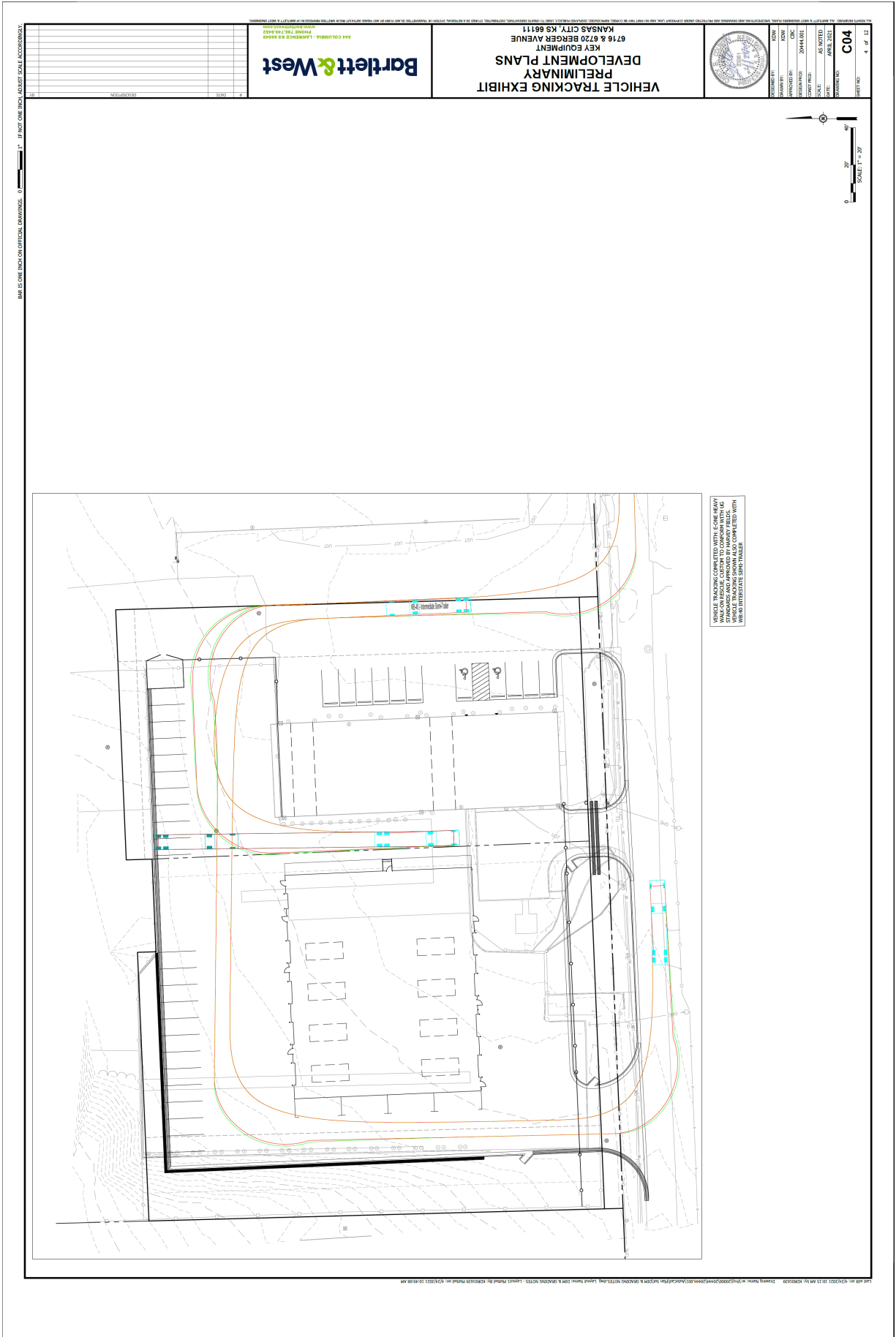


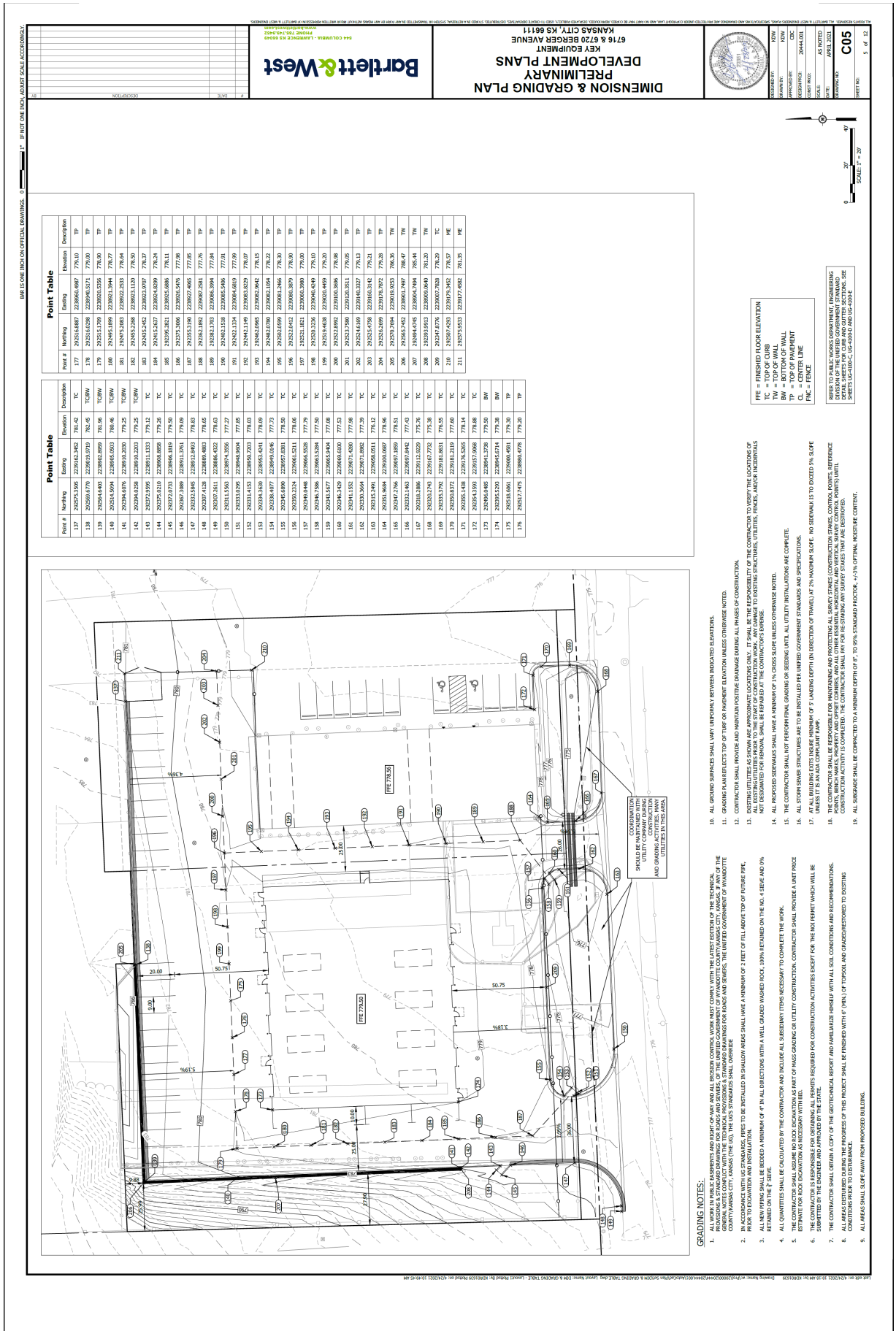
ATTACHMENT A

Requesting to rezone from MP-2 to MP-2 to remove stipulations of the 45' landscape buffer that was recorded as a covenant in 1988 (Book:3344, Page:481), is justified for the following reasons.

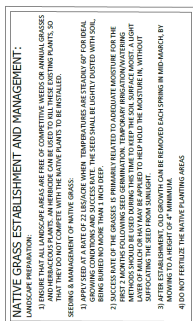
- 1) The previous property owner at the time of the covenant being filed was T & S Trucking Company, which had a much higher level of site activity and outdoor semi-truck parking. For reference of use, this company is now located at 333 N James St, Kansas City, KS 66118.
- 2) As the site currently is, there is already pavement, bollards and retaining wall within the 45' buffer. With our proposed development, the building will still be outside of the 45' buffer area, but a paved drive and retaining wall would be within it.
- 3) By adding the additional building on Key Equipment's site, they are going to be able to store/park more vehicles within the building, and eliminate a majority of exterior parking, which should be more pleasing to neighboring properties.
- 4) The zoning code for MP-2 only requires a 15' landscape buffer, which we are conforming to and providing the necessary screening requirements. The Finished Floor elevation of the new building is significantly lower than the neighboring residence to the west, which helps with screening concerns.











LEGEND

[illegible]

- [illegible]

MP-PLANNED BUSINESS DISTRICT

1. TREES ARE REQUIRED TO BE PROVIDED AT NOT LESS THAN ONE PER 10,000 SQUARE FEET OF SITE AREA.

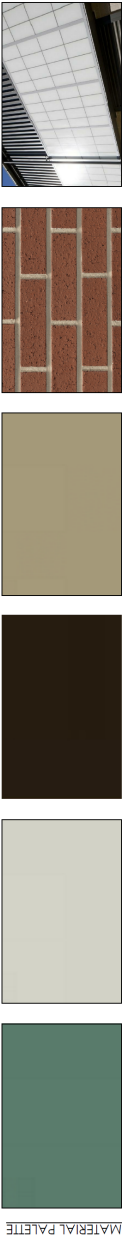
APPROXIMATE SITE AREA = 81,016 SQUARE FEET
 $81,216 \div 10,000 = 8.1$ REQUIRED TREES

A TOTAL OF 11 NEW TREES ARE PROPOSED IN THIS LANDSCAPE PLAN

2. A BUFFER AREA SHALL BE PROVIDED ALONG SIDE AND REAR PROPERTY LINES COMMON TO OR ADJACENT TO A LOT. THE BUFFER AREA SHALL BE A MINIMUM OF 10 FEET WIDE AND SHALL BE PLANTED WITH TREES AND NATIVE GRASSES IN THE THAT BUFFER AREA IN LIEU OF A ROW OF SHRUBS THAT WOULD NOT BE SEEN BY THE NEIGHBORING PROPERTY.

TREES	BOTANICAL / COMMON NAME	CONT	QTY
SHIN YUJ	Shingo blood JINT TM / Sky Toner Mandarin Tree	SHB 2" CAL	4
MAS SWE	Magnolia virginiana / Sweet Bay	SHB 2" CAL	6
THU DEG	Thuja occidentalis 'Dreight's Spire' / Dreight's Spire Arborvitae	3 ft.	12

 LITTLE BLUESTEM (NATIVE GRASS)



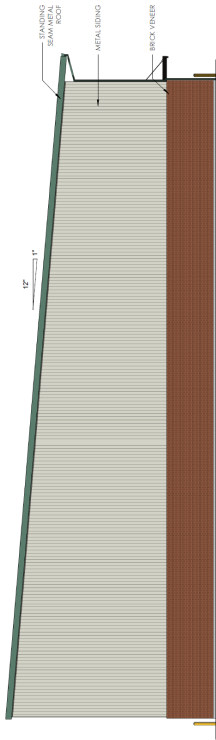
- 1. METAL ROOF, GUTTERS & DOWNSPOUTS (HEATHER GREEN)
- 2. METAL SIDING (PARCHMENT)
- 3. DOOR & WINDOW FRAMES, LOUVERS (DARK BRONZE)
- 4. OVERHEAD AND MAN DOORS (SIERRA TAN)
- 5. FACE BRICK (ACME CRIMSON VELOUR)
- 6. TRANSLUCENT WALL PANELS (KALIWALL)



SOUTH ELEVATION
1/8" = 1'-0"



EAST ELEVATION
1/8" = 1'-0"



WEST ELEVATION
1/8" = 1'-0"

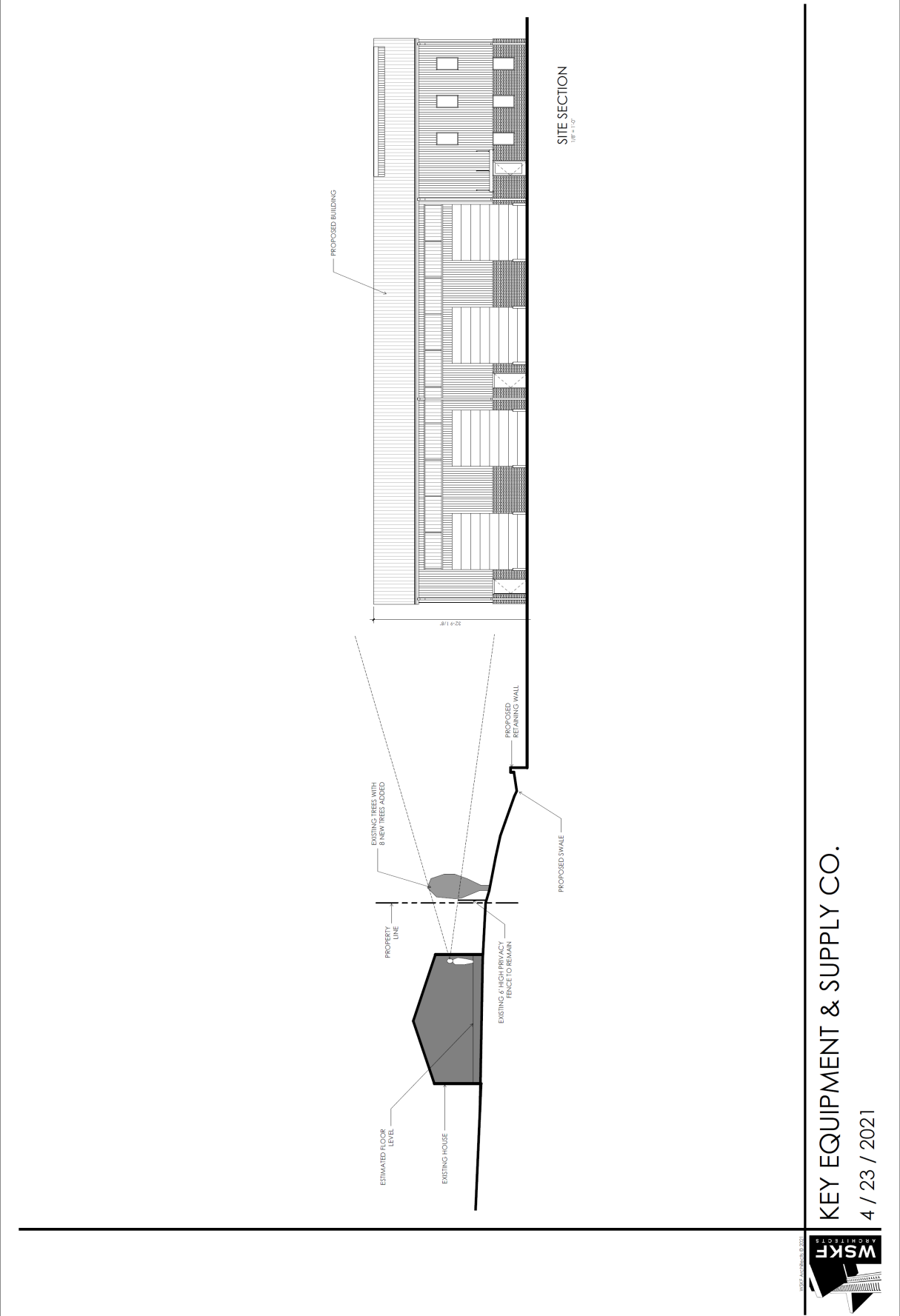


NORTH ELEVATION
1/8" = 1'-0"



KEY EQUIPMENT & SUPPLY CO.

4 / 23 / 2021



KEY EQUIPMENT & SUPPLY CO.

4 / 23 / 2021



Figure 4. Site Photograph of 6716 Berger Avenue taken April 15, 2021 (provided by Staff).



Figure 5. Site Photograph of 6716 Berger Avenue taken April 15, 2021 (provided by Staff).



Figure 6. Site Photograph of 6716 Berger Avenue taken April 15, 2021 (provided by Staff).



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 27, 2021

Re: COZ2021-012

GENERAL INFORMATION

Applicant:
Ray Sawyer

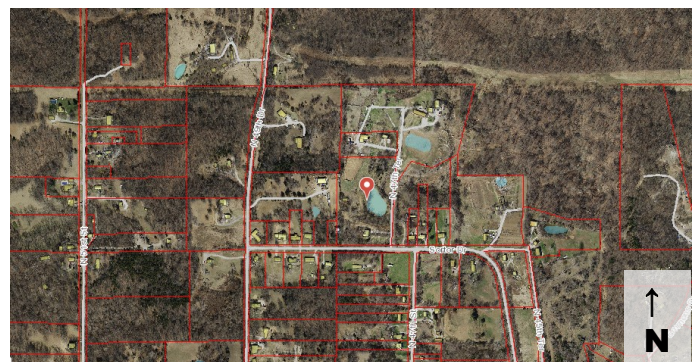
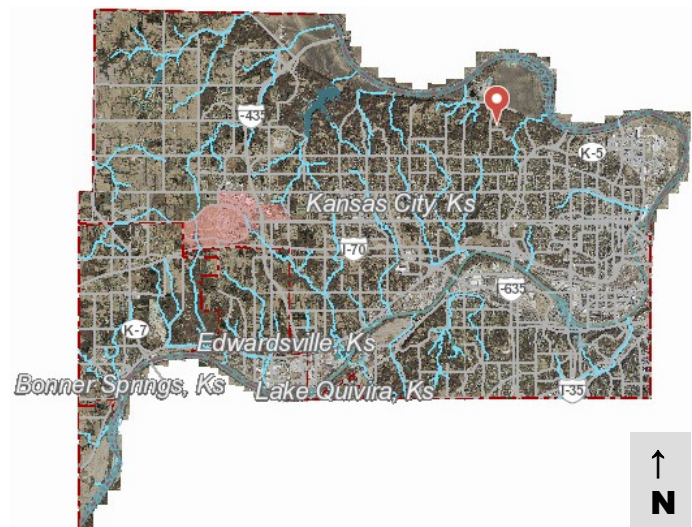
Status of Applicant:
Property Owner
3726 North 47th Terrace
Kansas City, Kansas 66104

Requested Actions:
Approval of a Change of Zone.

Date of Application:
March 10, 2021

Purpose:
To change the zoning district from R-1
Single Family District to A-G
Agriculture District.

Property Location:
3726 North 47th Terrace
Kansas City, Kansas 66104



Commission Districts:	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 residence; Vacant lot West: Single-family residence; Vacant lot
Total Tract Size:	7.34 Acres
Master Plan Area:	The subject property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this property as Rural-Density Residential. Rural-Density Residential allows for agriculture, ranches, large-lot single-family residences, and passive parks and open spaces.
Major Street Plan:	The Major Street Plan designates both North 47 th Terrace and Sortor Drive as Local/Neighborhood Streets.
Required Parking:	R-1 District (current zoning): Section 27-454(e) requires two (2) off-street parking spaces premises for each single-family dwelling, at least one of which shall be in a garage or carport. A-G District (proposed zoning): Section 27-452(e) requires two (2) off-street parking spaces on the premises for each single-family dwelling. The applicant has a driveway on the property that can provide parking for at least two (2) vehicles.
Advertisement:	<u>The Wyandotte Echo</u> – April 15, 2021 Letters to Property Owners – April 16, 2021 and May 20, 2021
Public Hearings:	May 10, 2021 and May 27, 2021
Public Support:	Neighborhood meeting minutes show that some neighbors were in support of the Change of Zone.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ray Sawyer, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District. The Change of Zone is being requested in order to allow the applicant to keep four (4) horses on his property.

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

Code Enforcement History: There is one (1) outstanding violation recorded at this property. A Stope Work Order was issued on November 9, 2020 for an illegal fill site. The subject property has also been previously cited by Code Enforcement:

June 10, 2019- Environment/Weed

July 11, 2016- Environment/Weed

FACTORS TO BE CONSIDERED

1. The character of the neighborhood.

The neighborhood is defined by its rural aesthetic, with unpaved roads, large and/or undeveloped lots, and the common keeping of animals such as chickens and horses. Most of the properties, however, are zoned R-1 Single Family District, which has historically led to an incongruity between the allowed uses of the R-1 district and the agricultural uses taking place on the properties.

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

The area around streets such as Bell Crossing Drive and Sortor Drive has a proliferation of agriculture uses, such as ranches and horse stables. The subject property conforms with these uses and has the requisite size (over five (5) acres) to be rezoned and used as an agriculture property. Therefore, the zoning and uses of the subject property will be compatible with properties nearby.

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

While the majority of the area is within the R-1 Single Family District, many of the uses are compatible with or better utilized by the A-G Agriculture District. The lot size and terrain of the subject property will reduce the negative externalities that keeping horses could have on nearby properties.

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

The applicant currently lives on the property.

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

The keeping of horses is not reasonably necessary for the convenience and welfare of the public. Due to the location and size of the property, as well as the surrounding uses, rezoning to the A-G District and keeping horses will likely not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.

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

The applicant has proposed to keep his personal horses at his primary residential homestead, not to commercial stable other horses. This will not cause an increase in traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.

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

The existing land use designation for the property is Rural-Density Residential. A land use designation under the City-Wide Master Plan, Rural-Density Residential allows for agriculture, ranches, large-lot single-family residences, and passive parks and open spaces. A Change of Zone to the A-G Agriculture District would allow for such allowed uses, namely agricultural and uses and ranches. Since the applicant is requesting a Change of Zone in order to keep his horses on the property, rezoning and purposed use conform with the Master Plan.

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

Keeping horses on the property and allowing them to live and graze can have detrimental impacts on the local environment. The exact impact of these changes on surrounding properties cannot be completely known at this time, especially without more detailed development plans. In an April 13, 2021 letter, the Wyandotte County Conservation District stated that “the area without major changes is not a situation to maintain healthy animals” and “most of this area is not being used as an agricultural area. The area is being used as a fill area. The majority of the property has been disturbed with continuous road dumping and fill areas”. Continuous grazing on the property as it currently exists would not only be detrimental to the horses but also to the ecology and a soil erosion of the property.

The applicant has responded to the concerns over soil, vegetation, and fill. They have stated that they have purchased several hundred pounds of pasture seed to be sow this spring. The applicant has also stated that the subject property features 20 round bales that the horses can feed on—over 2,000 pounds of hay

in all—and that they purchase grain for the horses in one (1)-ton increments to ensure that there are no hungry animals.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

There are no sanitary sewer services shown on the property. The property is served by a septic system.

c. *Storm water control*

Storm water outlets are located on Sortor Drive, to the west of the subject property.

d. *Police*

Police service is provided by Midtown District, #443.

e. *Fire*

Fire service is provided by Fire Station #14.

f. *Transit*

The property is not served by any reasonably close public transportation service.

g. *Schools*

Public education is provided by Welborn Elementary School, West Middle School, and Schlagle High School, under Kansas City USD 500.

h. *Streets*

The property is accessible by North 47th Terrace, running north-south, and is adjacent to Sortor Drive, running east-west.

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

The applicant is seeking a Change of Zone in order to keep his personal horses on his property while remaining in compliance with the zoning district. While this proposed use would be beneficial to the applicant, it will likely not have a direct economic impact on the community.

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

The subject property is over seven (7) acres, which exceeds the five (5)-acre minimum required for all new A-G Agriculture District parcels. The applicant will need to submit more specifics about the keeping of horses in order for Staff to determine if all parts of the Unified Government Code of Ordinances, including Animal Services, Conservation District, and Public Health ordinances, can be met.

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

Although convenient and beneficial to the applicant, there is little relative gain to the public health, safety, and welfare by rezoning and keeping horses on the property. There is some concern that horses on the property could impose a hardship on nearby landowners, including smell, horses on the loose, and animal waste contaminating groundwater and open water sources. The Wyandotte County Conservation District has stated specifically that horse manure is a concern and must be disposed of properly. The applicant has stated that manure will be used for on-site gardening and agriculture.

PREVIOUS ACTIONS

N/A

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on April 21, 2021 at 3726 North 47th Terrace. 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

Accessory Structures
Conservation District Comments
Future Development Plans
Trailers on Property

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of COZ2021-012, subject to:

- 1) No more than four (4) horses may be stabled on the property;**

- 2) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division (913-573-8620) to begin the process;
- 3) All Conservation District comments, as found in the Conservation District comments (as found in the “Staff Comments and Suggestions” section of this report) and in the Conservation District Letter (found in the “Attachments” section of this report), must be met;
- 4) Driveways must be constructed and/or updated to comply with Section 27-575(a). If the Change of Zone to A-G Agriculture District is not granted, all new or updated driveways must be paved with two (2) inches of asphalt over six (6) inches of gravel, four (4) inches of concrete, or another alternative as approved by the UG Engineer;
- 5) The A-G Agriculture District allows for enumerated uses that are either personal or agricultural in use. Any commercial operation outside of standard agricultural practices requires a Special Use Permit as well as filing and maintaining a current business occupation tax application with the Business Licensing Department;
- 6) Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Code of Ordinances. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; and the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
- 7) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610—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, 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;
- 8) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable; 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 Commission make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of **COZ2021-012**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 10, 2021 City Planning Commission Minutes
Land Use Map
Aerial Map
Zoning Map
Photos of the Property Provided by the Applicant
Photos of the Property Provided by Staff, Dated April 22, 2021
Plot Plan Submitted by the Applicant
Neighborhood Meeting Materials, Dated April 21, 2021
Conservation District Letter, Dated April 13, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Change of Zone	May 10, 2021 Approval	May 27, 2021

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-012** 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 **COZ2021-012**, 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.

May 10, 2021 City Planning Commission Minutes:

Hearing starts at 2:21:40:

CHANGE OF ZONE APPLICATION COZ2021-012 – RAY L. SAWYER - SYNOPSIS:
Change of Zone from R-1 Single Family District to A-G Agriculture District for horses at 3726 North 47th Terrace.

Detailed Outline of Requested Action: The applicant, Ray Sawyer, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District. The Change of Zone is being requested in order to allow the applicant to keep four (4) horses on his property.

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

Code Enforcement History: There is one (1) outstanding violation recorded at this property. A Stope Work Order was issued on November 9, 2020 for an illegal fill site. The subject property has also been previously cited by Code Enforcement:

June 10, 2019- Environment/Weed

July 11, 2016- Environment/Weed

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 May 10, 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:

- Ray Sawyer, applicant, 3726 North 47th Terrace, Kansas City, Kansas 66104
- LaShonda Jackson, 3726 North 47th Street, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:26:45: Planning Director Hand stated that this is a Change of Zone for agriculture so they can do all the things they need to for their horses. The Conservation District had some conditions of approval for this application. They also noted that there seemed to be some construction debris here used as fill on the site. There is also a Notice of Violation of illegal fill on the site, and Staff would request the applicant rectify that NOV as soon as possible. There are some old Notices of Violation and the staff has received no letters of support nor opposition. Staff recommends approval, subject to the conditions in the staff report.

Motion and Vote starts at 2:29:45:

On motion by Mr. Ernst, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2021-012**

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0

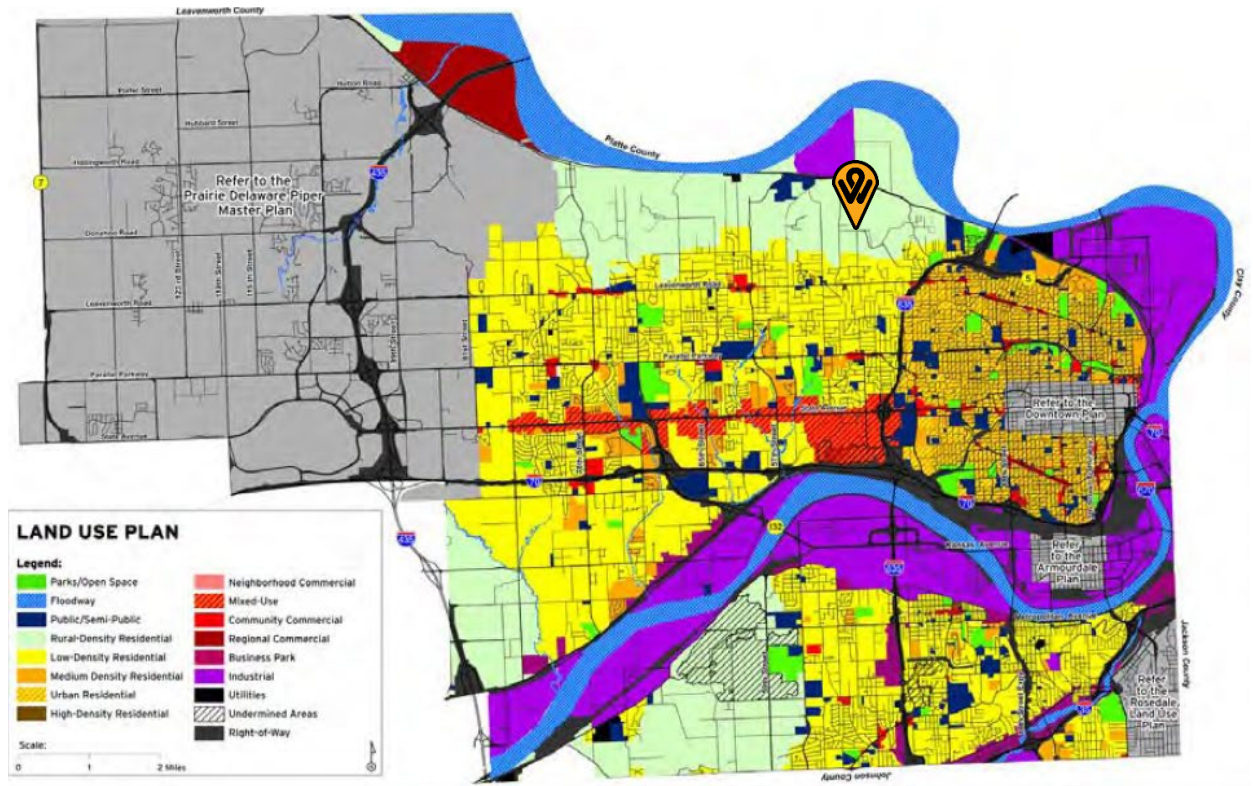
Subject to:

- 1) No more than four (4) horses may be stabled on the property;**
- 2) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division (913-573-8620) to begin the process;**
- 3) All Conservation District comments, as found in the Conservation District comments (as found in the “Staff Comments and Suggestions” section of this report) and in the Conservation District Letter (found in the “Attachments” section of this report), must be met;**
- 4) Driveways must be constructed and/or updated to comply with Section 27-575(a). If the Change of Zone to A-G Agriculture District is not granted, all new or updated driveways must be paved with two (2) inches of asphalt over six (6) inches of gravel, four (4) inches of concrete, or another alternative as approved by the UG Engineer;**
- 5) The A-G Agriculture District allows for enumerated uses that are either personal or agricultural in use. Any commercial operation outside of standard agricultural practices requires a Special Use Permit as well as**

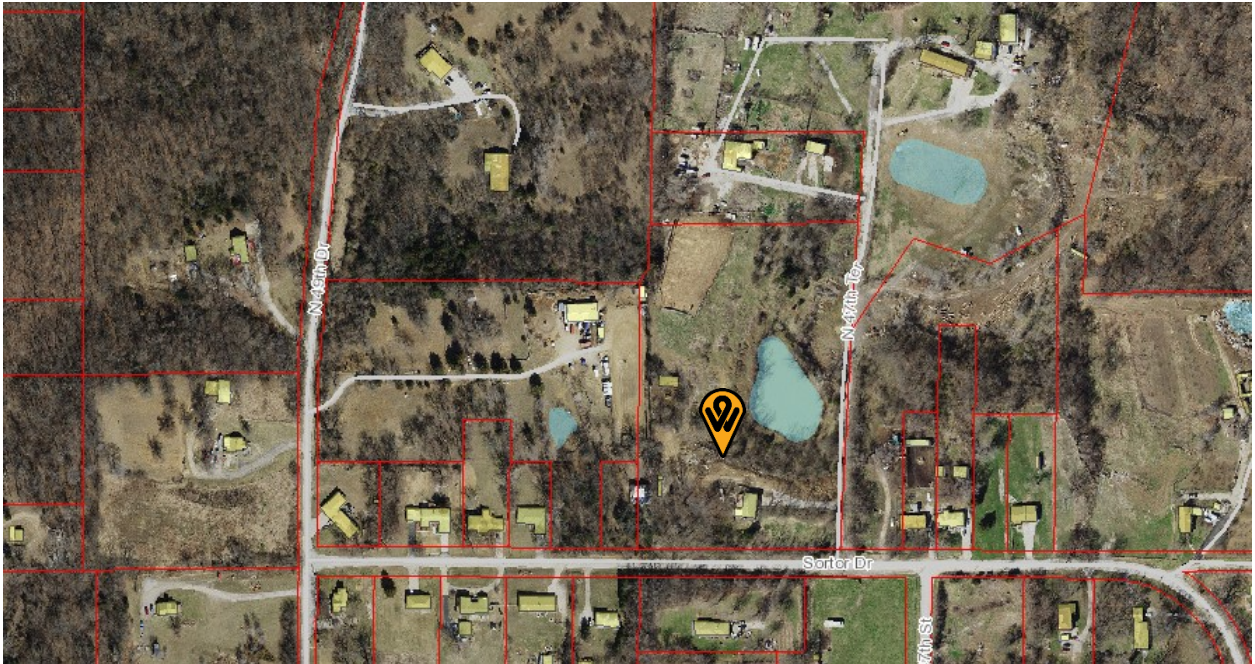
- filing and maintaining a current business occupation tax application with the Business Licensing Department;
- 6) Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Code of Ordinances. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; and the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
 - 7) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610—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, 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;
 - 8) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable; 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.

Planning Commissioner Connelly left the meeting at 2:31:17.

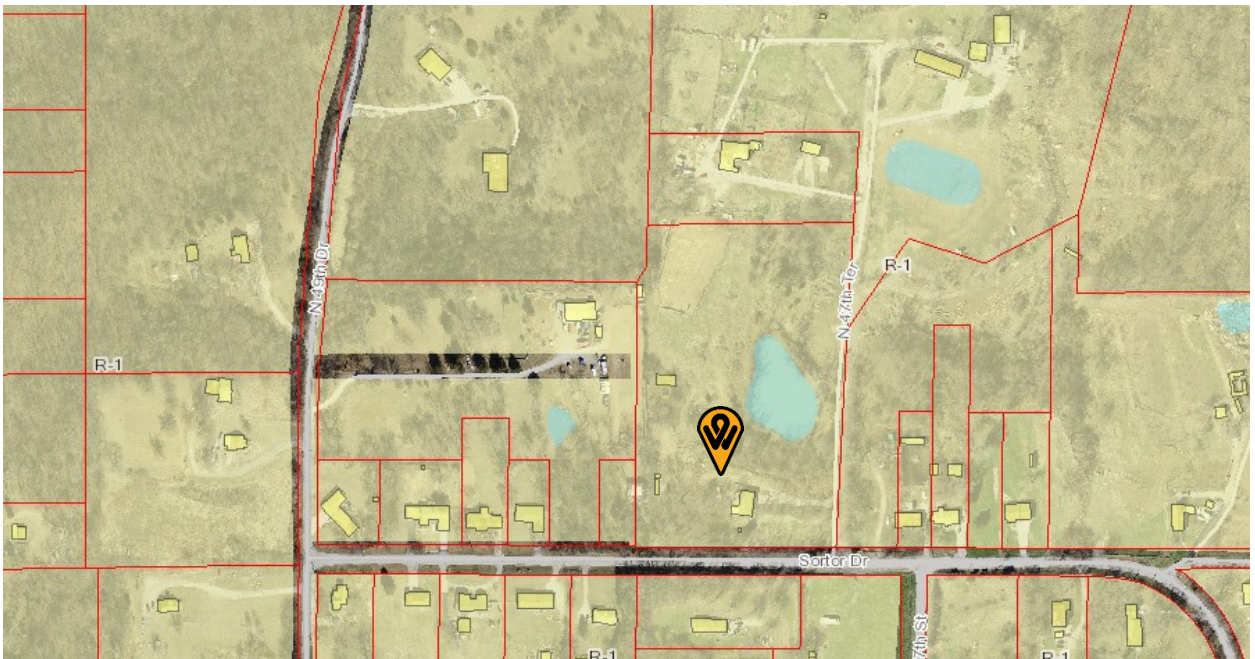
LAND USE MAP



AERIAL MAP



ZONING MAP



PHOTOS OF THE PROPERTY PROVIDED BY THE APPLICANT

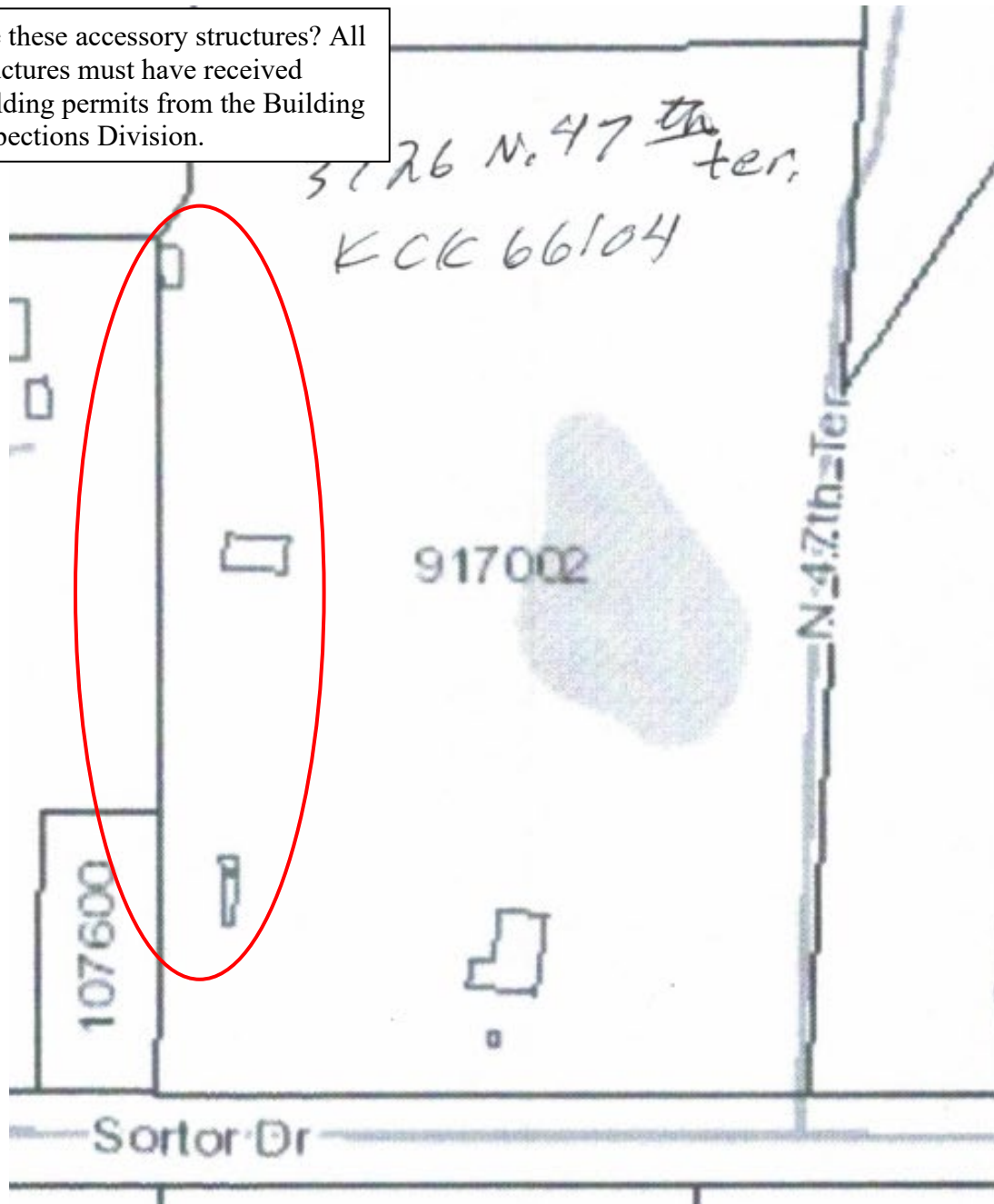


PHOTOS OF THE PROPERTY PROVIDED BY STAFF, DATED APRIL 22, 2021

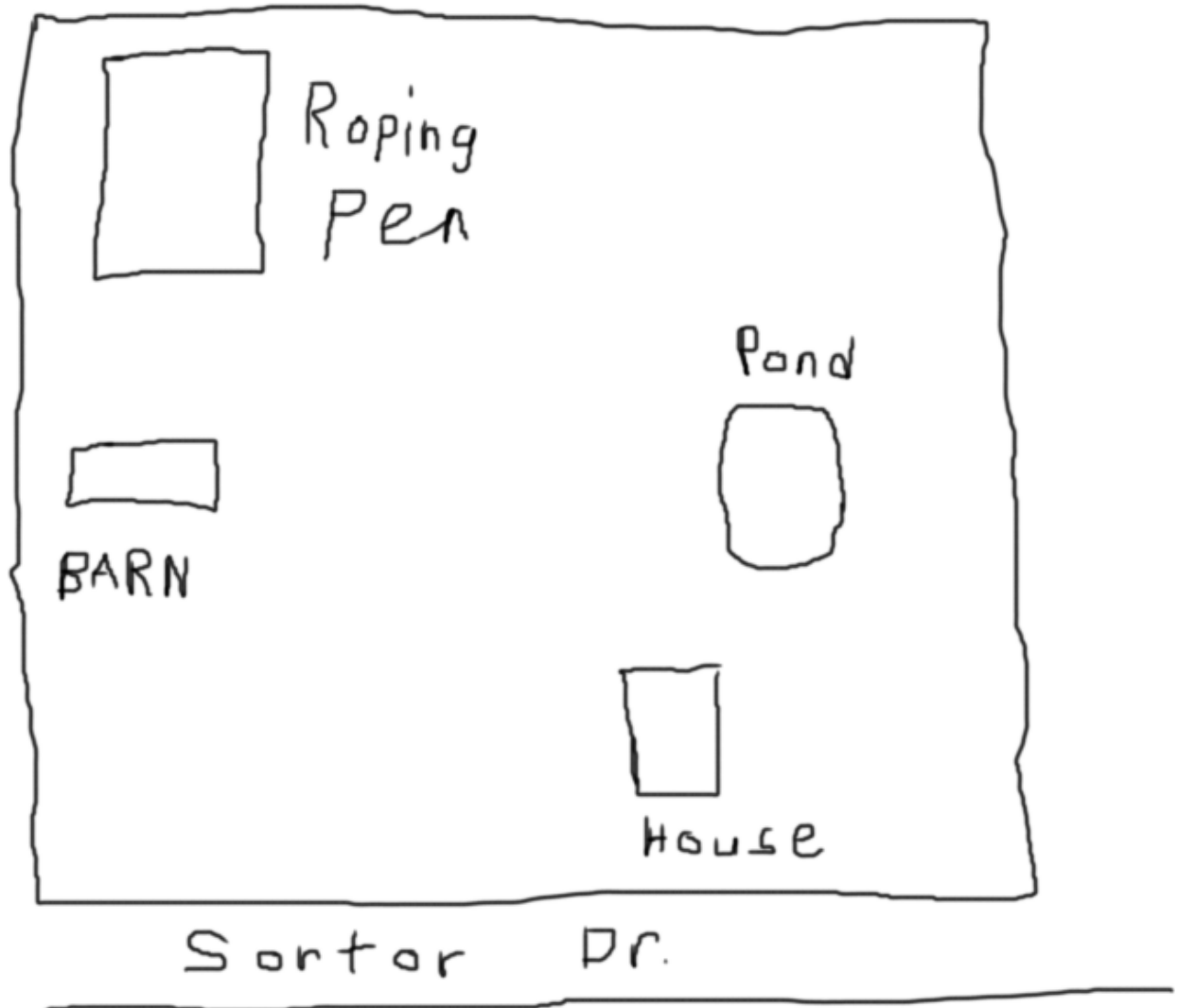


PLOT PLAN SUBMITTED BY THE APPLICANT

Are these accessory structures? All structures must have received building permits from the Building Inspections Division.



PLOT PLAN SUBMITTED BY THE APPLICANT, CONT.



NEIGHBORHOOD MEETING MATERIALS, DATED APRIL 21, 2021

Application Number COZ2021-012

Date 04/21/2012

Location: 3726 N. 47th ter K.C.K. 66104

Meeting called to order at 5:00pm

Name of people in attendance:

Ray Sawyer

LaLeta Jones (4818 Sortor Dr.)

Nicolle Jones (Mrs. LaLeta Jones daughter)

Cearra Jones (Mrs. LaLeta Jones Granddaughter)

Introductions was made by Ray Sawyer

Questions and Answers

Q: Mrs. LaLeta Jones asked if I owned the property right next to hers and if I planned to put horses right next to her house?

A: Ray Sawyer told her no. He doesn't own the property right next to her property. There are two properties between his property and hers.

Ray Sawyer showed her the two different property lines on the map included in the application report

Q: Mrs. LaLeta Jones asked if there will be an increase in traffic?

A: Ray Sawyer told her that he's not opening up a business. So, the traffic should stay the same.

Q: Mrs. LaLeta Jones asked how many horses was on the property?

A: Ray Sawyer told Mrs. Jones there are four.

Ray Sawyer took them outside to show them the horses and his property lines.

Q: Mrs. Nicolle Jones asked how long has horses been on the property?

A: Ray Sawyer answered that he has had horses on the property for the last two years but his family had horses there for over 40 years on the property.

Q: Cearra Jones asked if Ray Sawyer had heard any feedback for the other neighbors?

A: Ray Sawyer told her yes, that on 4/12/21 Mr. Roy Hughes called Ray Sawyer and said that he couldn't make the meeting but he was giving his full support to Mr. Sawyer.

On 4/14/21 Mr. Mike Gordon Called Mr. Sawyer and told him that he was giving all his support to Mr. Sawyer and wished him good luck.

On 4/16/21 Mr. Mark Holly called Mr. Sawyer and told him that he has the support of the entire Holly family.

On 4/17/21 Mr. Patrick P. Dunn Sent Ray Sawyer a text saying "You have my full support for your petition for change of zoning to AG"

On 4/19/21 Mrs. Deborah Monroe called Mr. Sawyer and said she was giving Mr. Sawyer her full support.

Q: Ray Sawyer asked if there were any other questions that needed answers?

A: Mrs. LaLeta Jones said no.

Q: Ray Sawyer asked Mrs. LaLeta Jones if he had her support?

A: Mrs. LaLeta Jones said "yes u have the support from the Jones family"

Meeting adjourned at 6:00pm

Minutes taken by Ray Sawyer

CONSERVATION DISTRICT LETTER, DATED APRIL 13, 2021



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

April 13, 2021

RE: COZ2021-012 Ray Sawyer R-1 to A-G horses at 3726 North 47th Terrace

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2021-012 Ray Sawyer R-1 to A-G horses at 3726 North 47th 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 are two major soil types identified: Knox silt loam, 7 to 12 percent slopes and Knox silt loam, 12 to 18 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- The area without major changes is not a situation to maintain healthy animals.
- Most of this area is **not being used as an agricultural area**. The area is being used as a fill area. The majority of the property has been disturbed with continuous road dumping and fill areas.
- Water areas are being filled in with sediment. Fill material contains a lot of construction material.
- Other than the horse trailer, there was not any evidence of horses. There was no pasture area for horses.
- Animal waste is a concern. It needs to be disposed of in a safe manner.

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

CONSERVATION DISTRICT LETTER, DATED APRIL 13, 2021, CONT.





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: May 27, 2021

Re: Petition SP2021-015

GENERAL INFORMATION

Applicant:
Daniel Castillo

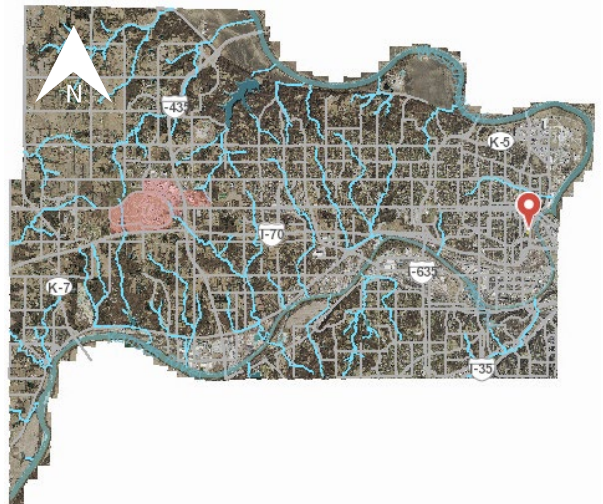
Status of Applicant:
Representative
The Mockingbird Lounge
204 Orchard Street
Kansas City, Kansas 66101

Requested Action:
Renewal of Special Use Permit
SP-2019-21, which expired on
3/28/2021.

Date of Application:
February 26, 2021

Purpose:
For the continued use of a drinking
establishment with live entertainment.

Property Location:
204 Orchard Street
Kansas City, Kansas 66101



Commission Districts:	Commissioner At Large: Tom Burroughs District #2 Commissioner: Brian McKiernan		
Existing Zoning:	C-1 Limited Business District		
Adjacent Zoning:	North:	R-1(B) Single Family and R-2(B) Two Family Districts	
	South:	R-1(B) Single Family District	
	East:	R-1(B) Single Family District	
	West:	R-1(B) Single Family District	
Adjacent Uses:	North:	Single Family and Two-Family Homes	
	South:	Single Family Homes	
	East:	Single Family Homes, a Vacant Lot, and Interstate I-35	
	West:	Single Family Homes	
Total Tract Size:	0.06 Acre		
Master Plan Area:	Central Area Master Plan		
Master Plan Designation:	The Central Area Master Plan designates this area as Urban Density. This allows for a mix of detached and attached residential such as single-family homes, town homes, duplexes, triplexes, fourplexes, etc., and institutional uses such as schools, churches, and libraries.		
Major Street Plan:	The Major Street Plan classifies Orchard Street as a Local Street.		
Parking Requirement:	Section 27-464 states that uses in this district require paved, off-street parking spaces at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. The required parking spaces is 44; 38 are for the bar and patio area, four (4) are for the storage spaces/bathrooms/etc. and two (2) are for the residence upstairs. BOZA #2228 was granted on 12/12/2016 which allowed for zero off-street parking spaces.		
Advertisement:	<u>The Wyandotte Echo</u> – April 15, 2021 Letters to Property Owner – April 16, 2021 and May 20, 2021		
Public Hearings:	May 10, 2021 and May 27, 2021		
Public Support:	None to date.		
Public Opposition:	None to date.		

PROPOSAL

Detailed Outline of Requested Action: The applicant, Daniel Castillo, is seeking the renewal of SP-2019-21 to operate The Mockingbird Lounge drinking establishment and live entertainment. The establishment was originally granted Special Use Permit SP-2016-100 to operate a drinking establishment in 2017. Live entertainment was added with the renewal, SP-2019-21. The required parking spaces is 44; 38 are for the bar and patio area, four (4) are for the storage spaces/bathrooms/etc. and two (2) are for the residence upstairs. BOZA #2228 was granted on 12/12/2016 which allowed for zero off-street parking spaces.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There have been four (4) Notices of Violation issued on this property. One (1) for weeds and grass in 2014, one (1) for weeds and grass in 2015, one (1) for junk and excessive trash in 2015, and one (1) in 2019 for live entertainment without the required Special Use Permit.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The property is located in the Strawberry Hill Neighborhood. The area is primarily residential in nature, however, there are several small commercial businesses throughout the neighborhood at small-scale nodes.

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

Most nearby properties are residential in nature, but there are several commercial businesses within a block of this location at 6th Street. The proposed use is compatible with nearby residential and commercial uses if 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?

This property is suitable for use as a small commercial business or mixed-use building. The property could be suitable for the proposed use if properly managed. The business has had no noise complaints during its time operating as The Mockingbird Lounge. 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 has been occupied by The Mockingbird Lounge since 2017.

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

The Central Area Master Plan designates this area as Urban Density. This allows for a mix of detached and attached residential such as single-family homes, town homes, duplexes, triplexes, fourplexes, etc., and institutional uses such as schools, churches, and libraries. The proposed use does not conform to the Central Area Master Plan as it is for a small commercial business rather than a residence.

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 inherently increase traffic in the area; however, the business has been in operation since 2017 and has not exceeded the capacity of the street network to accommodate it. It is not expected that traffic will increase beyond what it has been since 2017. There have been no reported parking issues in the immediate vicinity.

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.*

If managed properly, this establishment will be an amenity to the neighborhood and provide a gathering space for the public. The proposed use will not 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.*

The proposed use has the potential to cause issues related to noise, vibration, and illumination if not managed properly. The Mockingbird Lounge has been in operation since 2017 and has not had any neighborhood complaints thus far. Dust is not expected to be an issue.

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 as it is an existing commercial business in a built-out 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 because it is an existing building in a built-out neighborhood.

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

The relative gain 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 as a drinking establishment with live entertainment but may use the property as a small commercial business or sell the property.

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

Adding live entertainment does increase the likelihood and frequency of potential overcrowding as it relates to parking and concentrations of population with live entertainment. The proposed use may create issues of overcrowding of land or undue concentrations of population if not managed properly. There have been no issues reported during the time that this business has been in operation.

PREVIOUS ACTIONS

SP-2016-100
BOZA #2228
SP-2019-21

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on March 29, 2021. Attached is the letter sent to the neighbors. The applicant states that no one came. They were unable to submit additional documentation due to technical issues.

KEY ISSUES

Illumination
Noise
Traffic
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend of SP2021-015, subject to:

- 1) Live entertainment shall stop by 11:00 p.m.
- 2) No live entertainment is allowed on the patio;
- 3) The windows and doors shall remain closed during any live entertainment events that increase the noise volume above normal bar operations;
- 4) The second-floor residential use must remain up to code and be properly licensed if used for rental property;
- 5) Must comply with Unified Government Security Ordinance:
 - a. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - b. An I.D. scanner will be used at all times;
- 6) This property is within the historic environs of the Mathias Splitlog Residence. Due to this, any exterior additions or façade work would need to go through the Historic Environs review process. Contact the Planning and Urban Design department to begin this process if any exterior changes to the building are to be done;
- 7) Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential uses;
- 8) If any additions or modifications are made to the building, a Building Permit is required. Contact the Building Inspection Department at 913-573-8620 to begin that process;
- 9) If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Unified Government Board of Commissioners for revocation;
- 10) According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 11) 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;
- 12) 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,
- 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.

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 **SP2021-015** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

May 10, 2021 City Planning Commission Minutes
Zoning Map
Aerial Map
Land Use Map
Floor Plans
Site Photographs Provided by Staff, Dated March 24, 2021
Neighborhood Meeting Documentation
Photographs Provided by Applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	May 10, 2021	May 27, 2021
Special Use	Approval	

STAFF CONTACT: Shana Kelly
skelly@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-015** 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 **SP2021-015**, 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.

May 10, 2021 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2021-015 – DANIEL CASTILLO WITH THE MOCKINGBIRD LOUNGE – SYNOPSIS: Renewal of a Special Use Permit (SP-2019-21 – expired 3/28/2021) for a drinking establishment and live entertainment at 204 Orchard Street.

Detailed Outline of Requested Action: The applicant, Daniel Castillo, is seeking the renewal of SP-2019-21 to operate The Mockingbird Lounge drinking establishment and live entertainment. The establishment was originally granted Special Use Permit SP-2016-100 to operate a drinking establishment in 2017. Live entertainment was added with the renewal, SP-2019-21. The required parking spaces is 44; 38 are for the bar and patio area, four (4) are for the storage spaces/bathrooms/etc. and two (2) are for the residence upstairs. BOZA #2228 was granted on 12/12/2016 which allowed for zero off-street parking spaces.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There have been four (4) Notices of Violation issued on this property. One (1) for weeds and grass in 2014, one (1) for weeds and grass in 2015, one (1) for junk and excessive trash in 2015, and one (1) in 2019 for live entertainment without the required Special Use Permit.

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 May 10, 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 Director Hand requested that Plan Review Application PR2021-012 be removed from the Consent Agenda.

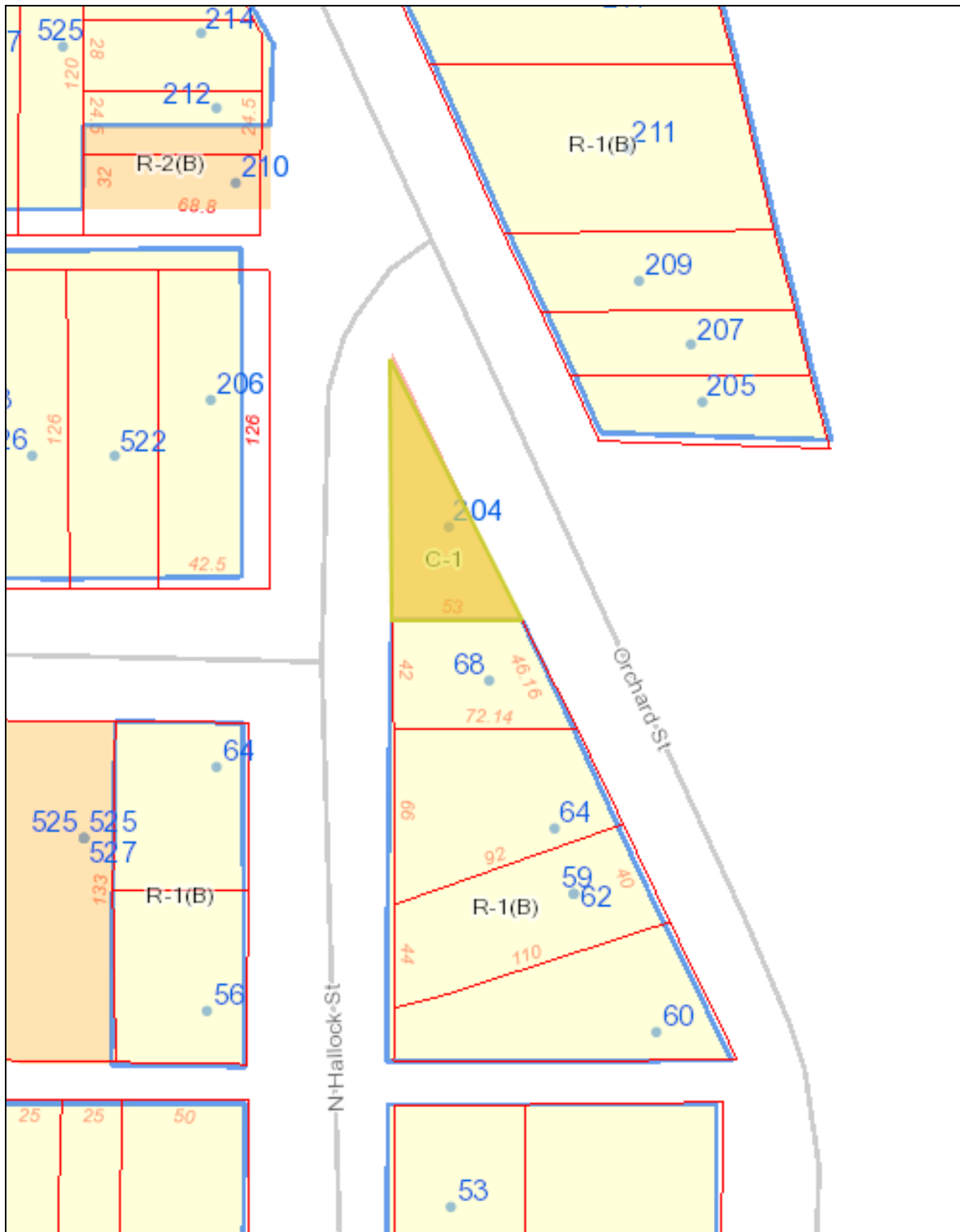
On motion by Ms. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to **APPROVE** the remaining items on the Consent Agenda:

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Aye
Mohler	Not Present
Pauley	Aye
Reasons	Not Present
Motion to APPROVE Passed: 7 to 0	
Subject to:	

- 1) Live entertainment shall stop by 11:00 p.m.
- 2) No live entertainment is allowed on the patio;
- 3) The windows and doors shall remain closed during any live entertainment events that increase the noise volume above normal bar operations;
- 4) The second-floor residential use must remain up to code and be properly licensed if used for rental property;
- 5) Must comply with Unified Government Security Ordinance:
 - a. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - b. An I.D. scanner will be used at all times;
- 6) This property is within the historic environs of the Mathias Splitlog Residence. Due to this, any exterior additions or façade work would need to go through the Historic Environs review process. Contact the Planning and Urban Design department to begin this process if any exterior changes to the building are to be done;
- 7) Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential uses;
- 8) If any additions or modifications are made to the building, a Building Permit is required. Contact the Building Inspection Department at 913-573-8620 to begin that process;

- 9) If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Unified Government Board of Commissioners for revocation;
- 10) According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 11) 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;
- 12) 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,
- 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.

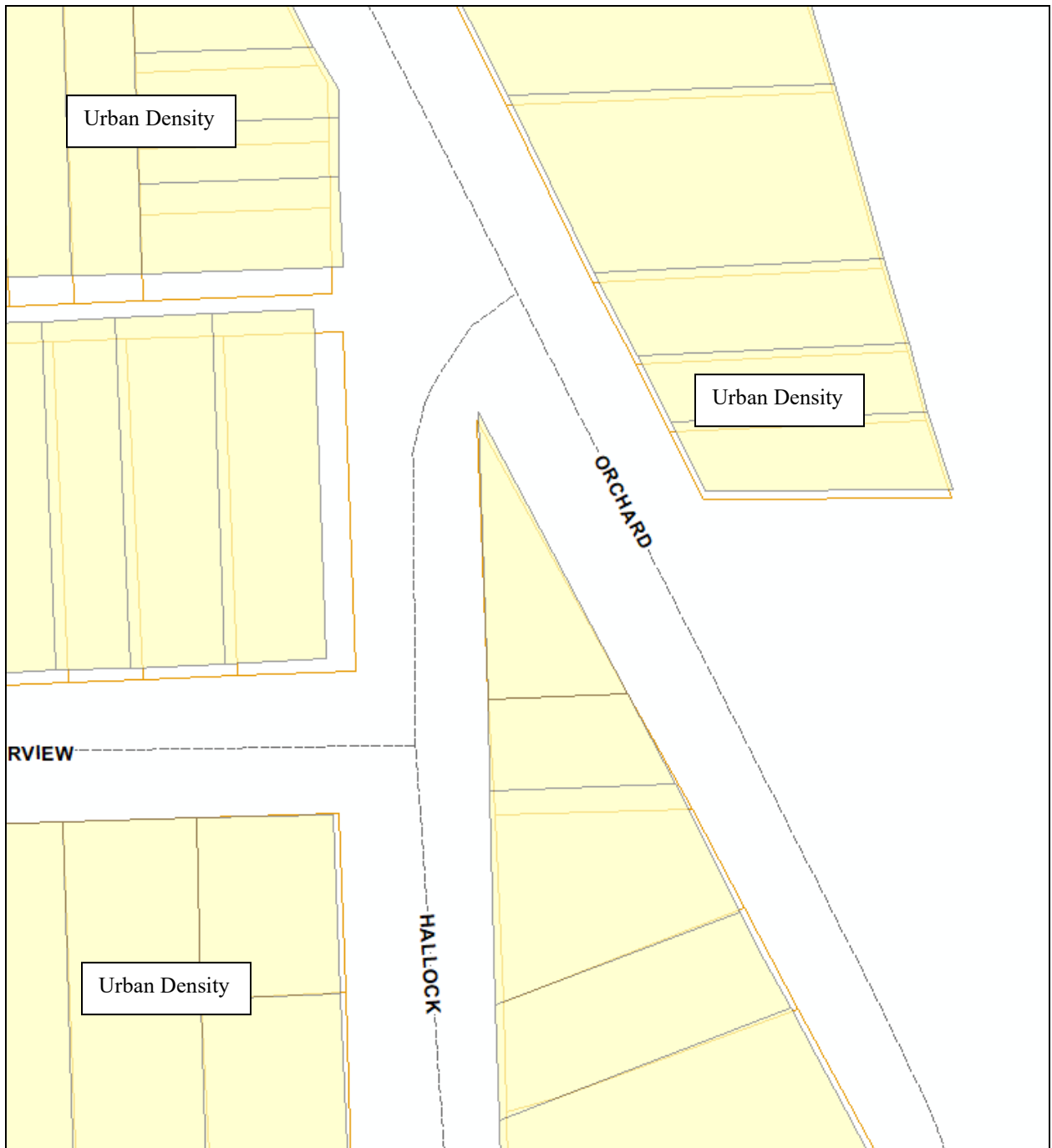
Zoning Map:



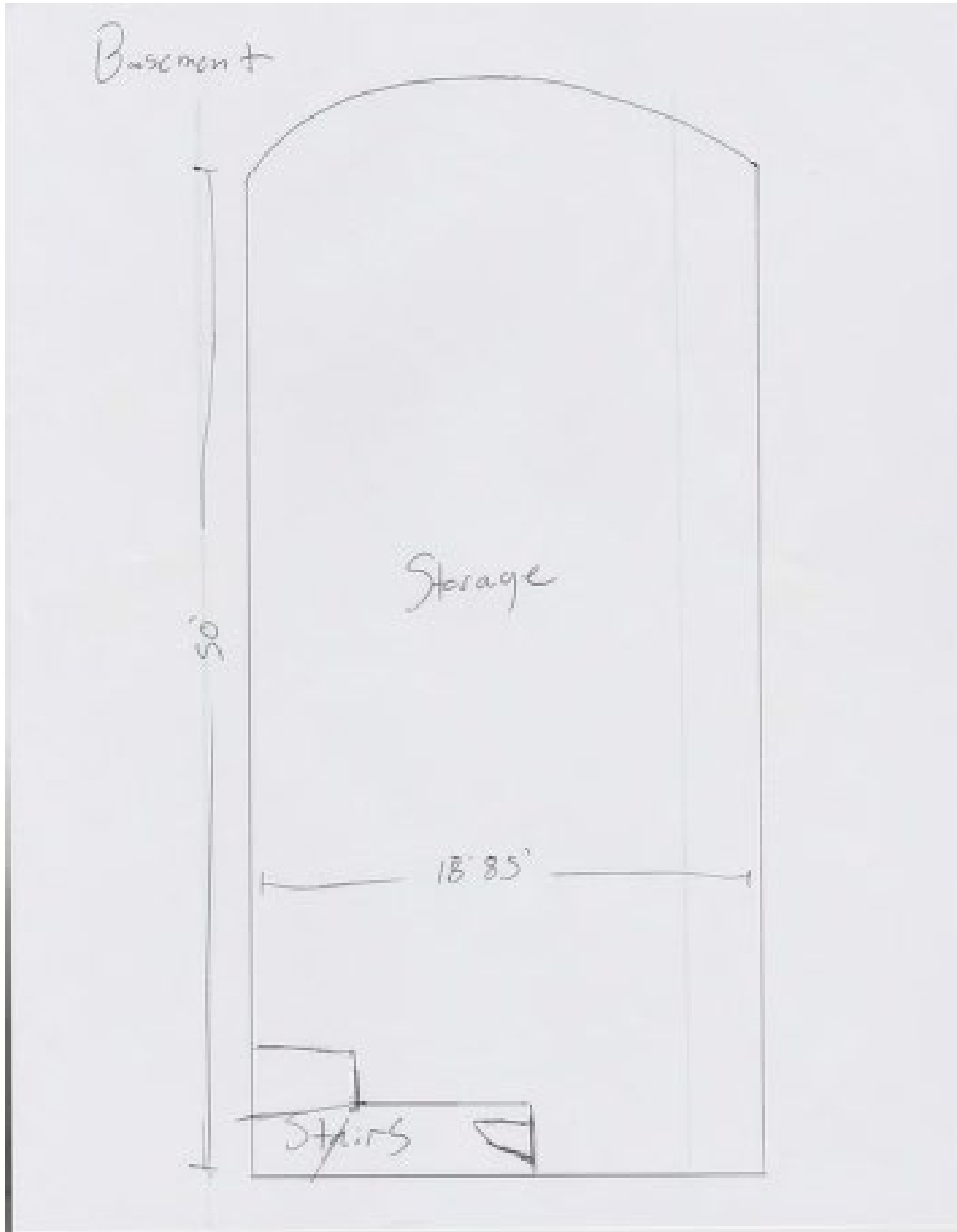
Aerial Map:

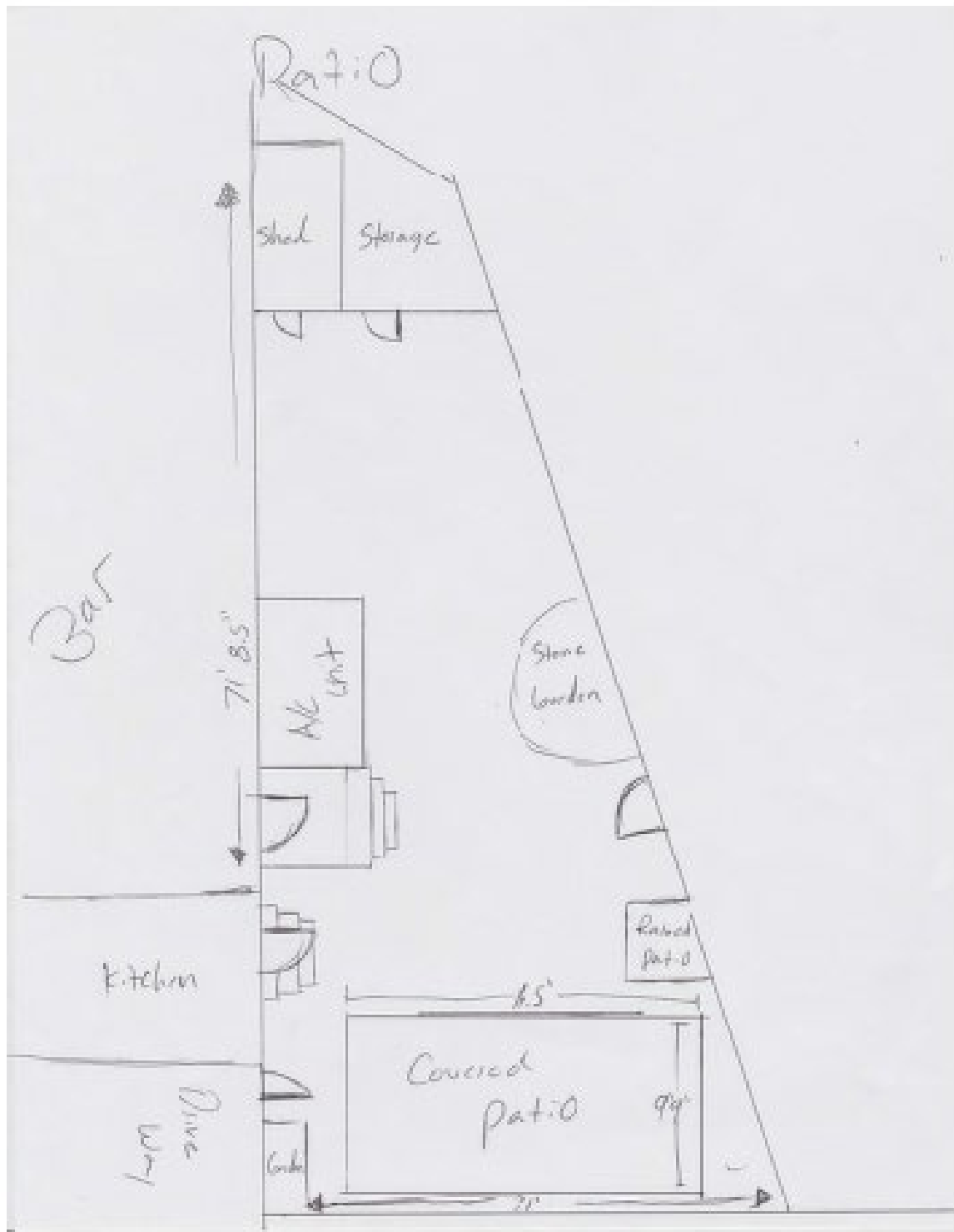


Land Use Map:

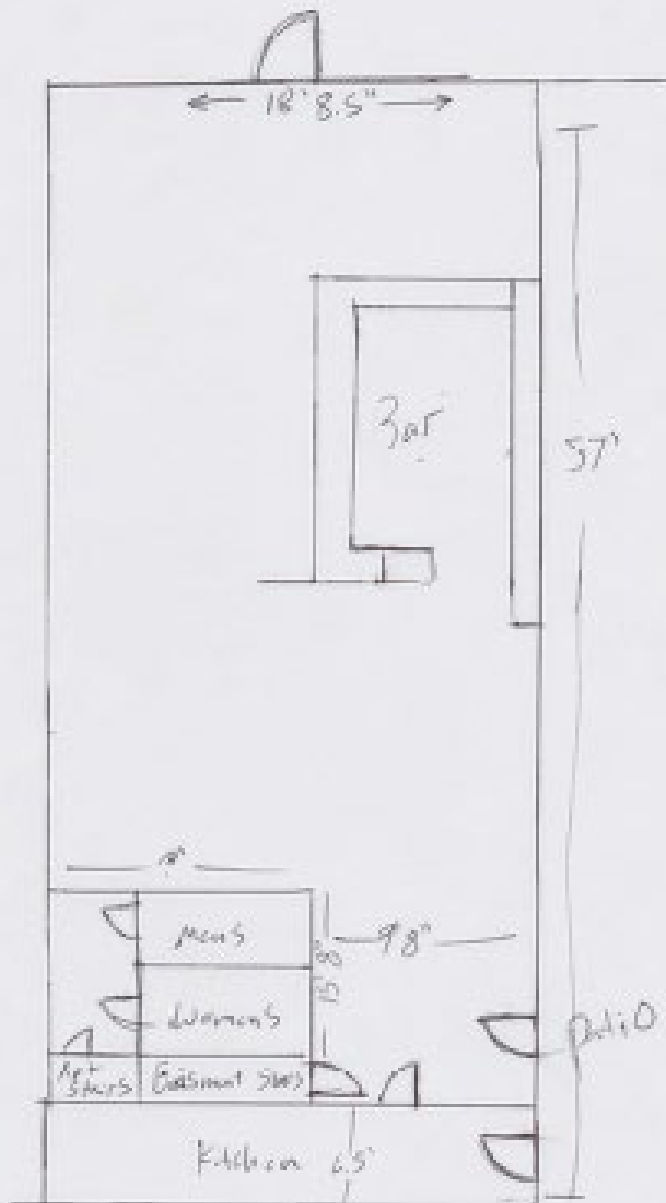


Floor Plans





Bar



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





Nei

ghborhood Meeting Documentation:

The Mockingbird Special Use Permit Renewal

SP2021-015 - 204 Orchard Street

This letter is to inform you that The Mockingbird Lounge at 204 Orchard Street is up for renewal of it's Special Use Permit. The above application will be heard on Monday April, 12th by the City Planning Commission at 6:30 p.m. The meeting will be held via Zoom. Information on attending the meeting via zoom will be available at our Neighborhood meeting on March 29th at 6:30pm.

We Invite you to attend our neighborhood meeting to discuss the special use permit renewal and address any concerns you may have. This neighborhood meeting will also be on Zoom in order to follow COVID19 guidelines. The meeting will be on March 29th at 6:30 pm at the following Zoom address:

<https://us05web.zoom.us/j/3433214030?pwd=Vk5TYkVpekIkeUZBb1EwaHJlMFJMdz09>

Or use the meeting ID : 343 321 4030

Passcode: Qk58xQ

If you have any questions regarding the permit or the neighborhood meeting, please don't hesitate to reach out.

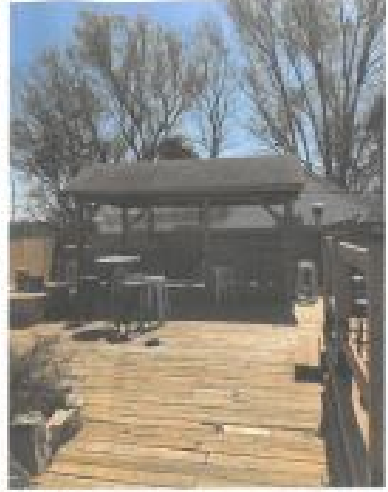
Thank you,

Daniel Castillo

9137870921

Themockingbirdkc@gmail.com

Photographs Provided by Applicant:







Planning and Urban Design

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

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

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: May 27, 2021
Re: SP2021-024

GENERAL INFORMATION

Applicant:
Brody Sherar

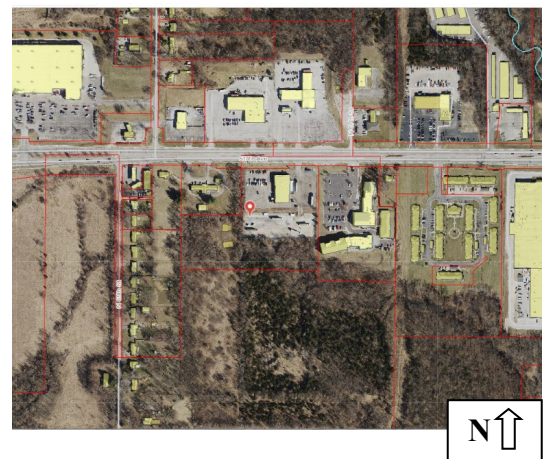
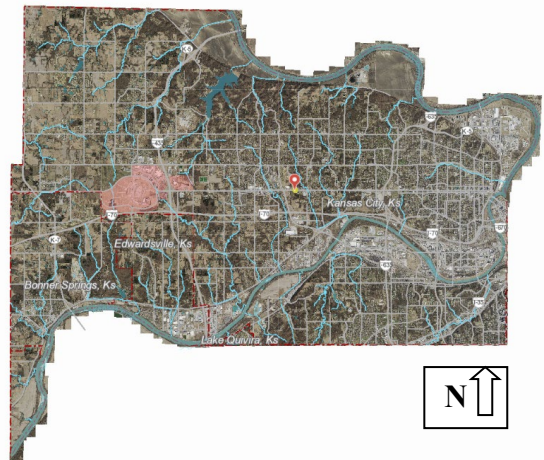
Status of Applicant:
NorthPoint Development
4825 Northwest 41st Street
Riverside, MO 64150

Requested Action:
Approval of a Special Use Permit (Temporary
Use of Land for Industrial Purposes).

Date of Application:
March 26, 2021

Purpose:
To modify an existing Special Use Permit and
expand the parking lot for Apex Institute.

Property Location:
6801 State Avenue
Kansas City, KS 66102



Commission Districts:	Commissioner At Large: Melissa Bynum District #8 Commissioner: Jane Philbrook
Existing Zoning:	CP-2 Planned General Business (northern portion of property) and R-1 Single Family Districts (southern portion of property).
Adjacent Zoning:	North: CP-2 Planned General Business District South: MP-2 Planned Industrial District East: R-1 Single Family District West: CP-2 Planned General Business and R-1 Single Family Districts
Adjacent Uses:	North: KCKCC Technical Education Center South: Turner Logistics Center Industrial Business Park East: Salvation Army Harbor Light Village West: Motel
Total Tract Size:	12.33 Acres
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates this property as Mixed Use and Low Density Residential, which allows specialty retail, sit-down restaurants, convenience retail uses such as banks, drug stores, professional and office services, and institutional uses such as churches, schools, libraries, parks, plazas, open space and mixed-density residential uses (Mixed Use) and single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, parks, open space, etc. (Low Density Residential).
Major Street Plan:	The Major Street Plan classifies State Avenue as a Class A Thoroughfare.
Required Parking:	Sec. 27-460 One and one-half parking spaces shall be provided for each dwelling unit that has one bedroom or less. Two parking spaces shall be provided for each dwelling unit that has two bedrooms or less. The use does not require additional parking that is available in the existing parking lot. 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.

Because there is not a building addition, but a parking lot expansion for truck maneuvering and backing training, no additional parking for employees or trainees is necessary.

Advertisement:	<u>The Wyandotte Echo</u> – April 15, 2021 Letters to Property Owner – April 16, 2021 and May 20, 2021
Public Hearings:	May 10, 2021 and May 27, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Brody Sherar with NorthPoint Development on behalf of the property owner, Jeffery Steinberg with Apex Institute, wants to amend his Special Use Permit (SP-2019-28) approved on April 25, 2019 (expires on April 25, 2024) to expand his parking lot to allow for more area to backing training.

City Ordinance Requirements: 27-592 through 27-606

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is comprised of commercial type uses along State Avenue. There is a motel to the west and the Salvation Army Harbor Light Village (including its residential facility) to the east. KCKCC has a technical center where students work on automobiles and EMS training across the street. Turner Logistics Center abuts this property to the south.

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. If the applicant provides screening and continues to run his businesses within the normal hours that most businesses along State Avenue currently operate, especially the KCKCC Technical Education Center, the training center could be compatible.

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 proposed use is permitted in M-2 General Industrial and M-3 Heavy Industrial Districts. The removal of the restrictions could affect nearby property if the training facility operates during the weekend or at such intensity during normal business hours, residences may be disturbed outside the 200-foot notification buffer.

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

The property is not vacant.

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

Special Use Permits are not addressed in the Master Plan, but as this is a listed industrial use, it would not conform. The current Master Plan designation is Mixed Use and Low Density Residential, which allows specialty retail, sit-down restaurants, convenience retail uses such as banks, drug stores, professional and office services, and institutional uses such as churches, schools, libraries, parks, plazas, open space and mixed-density residential uses (Mixed Use) and single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, parks, open space, etc. (Low Density Residential).

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 because individuals at the facility are employees and trainees. These individuals will be maneuvering trucks on the property prior to taking them on the highway for testing.

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 is not reasonably necessary for the convenience and welfare of the public particularly because the public at-large will not benefit from the facility. Further skills training, however, increases job opportunities for community members. The proposed use will not permanently injure the appropriate use, visual quality, or marketability of adjoining property if properly screened and managed. The property is well-maintained and likely has an impact on marketability of the surrounding 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.*

The noise, vibration, dust or illumination that would normally be associated with such use is of such duration and intensity as to potentially create problems for

nearby property because the use does not create excessive noise, vibration or illumination relative to other types of commercial uses that would be permitted in the existing commercial zoning district and industrial zoning and uses immediately to the south.

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

With the continued presence of over-the-road trucks maneuvering on the property, emissions from those trucks may have an effect on air quality and increase in impervious surface will increase stormwater run-off.

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

The proposed use will not damage or destroy an irreplaceable natural resource if the representative preserves the existing trees around the perimeter of the property.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the applicant will have to find another property to operate the training facility.

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

The proposed use will not result in overcrowding of land or cause undue concentrations of population as there is space for maneuvering (backing training) on site for trucks separated from the public and staff parking in the front of the building.

PREVIOUS ACTIONS

- SP-2019-28 was approved for five (5) years by the Unified Government Board of Commissioners on April 25, 2019.
- SP-2016-81 was approved for two (2) years by the Unified Government Board of Commissioners on October 27, 2016.
- SP-2015-25 was approved for one (1) year by the Unified Government Board of Commissioners on June 25, 2015.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on April 22, 2021 (information attached).

KEY ISSUES

Pedestrian Access
Tree Preservation
Sidewalk Installation
Installation of trees along State Avenue
Screening of adjacent uses

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of SP2021-024 for two (2) years, subject to:

1. As the “existing” tree buffer was shown on the Turner Logistics Center Building 4 site plans, but will be removed due to grading, additional trees shall be planted on Apex Institute’s property between the parking lot and the south property line to further screen the property from Turner Logistics Center development;
2. Maintain existing tree buffer, which may shift the detention basin along the south property line abutting Turner Logistics Center, Building #4 site. After the west property line is graded for the future alignment of 69th Street, trees shall be planted to replace those that were removed during grading;
3. Plant street trees along State Avenue and the east property line spacing them in groups of three (3) between 50-60 feet apart and within existing parking lot islands. Six (6) trees will be added along State Avenue and seven (7) trees will be planted along the east property line adjacent to the Salvation Army;
4. Hours of operation are from Monday – Friday except for a holiday than on Saturdays with classroom hours from 6:00 AM to 4:00 PM, office is open until 5:00 PM;
5. Seven (7) trucks are use with four (4) used for backing training;
6. Install a new sidewalk from State Avenue to the main entrance of the business;
7. Add trees in existing median, but stay out of the BPU overhead powerline easement;
8. Tire disposal shall not occur on the property as stated by the applicant. Services like oil changes, etc. are performed in Kansas City, Missouri and tires are replaced by Midwest Retreaders in North Kansas City, Missouri;
9. 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;
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. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
 12. The Special Use Permit 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,
 13. 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 **SP2021-024** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 10, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Site Plan
Grading Plan
Site Photographs taken by Staff dated April 15, 2021
Neighborhood Meeting Information

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 10, 2021	May 27, 2021
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-024** 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 **SP2021-024**, 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.

May 10, 2021 City Planning Commission Minutes:

Hearing starts at 2:57:59:

SPECIAL USE PERMIT APPLICATION SP2021-024 – BRODY SHERAR WITH NORTHPOINT DEVELOPMENT - SYNOPSIS: Special Use Permit for the Temporary Use of Land for the existing commercial truck driving training facility (amendment of SP-2019-28 – expires 4/25/2024) at 6801 State Avenue.

Detailed Outline of Requested Action: The applicant, Brody Sherar with NorthPoint Development on behalf of the property owner, Jeffery Steinberg with Apex Institute, wants to amend his Special Use Permit (SP-2019-28) approved on April 25, 2019 (expires on April 25, 2024) to expand his parking lot to allow for more area to backing training.

City Ordinance Requirements: 27-592 through 27-606

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 10, 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:

- Brody Sherar, applicant, Northpoint Development, 4825 Northwest 41st Street, Riverside, MO 64150
- Jeff Steinberg, property owner, APEX, 6801 State Avenue, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:02:40: Planning Director Hand stated the request is for a temporary use of land as per the zoning code, can only be effective for two (2) years maximum during which time the applicant is to find a permanent solution. For these grandfathered cases, the department will honor these ongoing agreements but not extend any special use permit for more than two (2) years at a time. He stated that there is a large tree stand at the southern portion of this property, and it is part of the screening requirement for the adjacent development and must be preserved or replaced

in-kind. This may impact their stormwater design on-site. This request is industrial and needs screening from other uses. Staff has requested that the existing tree line be maintained as much as possible and street trees be planted along State Avenue and the east property line. Staff has also requested a new sidewalk from State Avenue to the main entrance of the business, which has been shown on their plans. There are no Notices of Violation, no letters in support nor opposition that have been submitted. Staff recommends approval of this application as a Temporary Use of Land for two (2) years and subject to the conditions in the staff report.

Motion and Vote starts at 3:04:50:

On motion by Ms. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2021-024 for two (2) years:**

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

Motion to RECOMMEND APPROVAL Passed: 6 to 0

Subject to:

- 1. As the “existing” tree buffer was shown on the Turner Logistics Center Building 4 site plans, but will be removed due to grading, additional trees shall be planted on Apex Institute’s property between the parking lot and the south property line to further screen the property from Turner Logistics Center development;**
- 2. Maintain existing tree buffer, which may shift the detention basin along the south property line abutting Turner Logistics Center, Building #4 site. After the west property line is graded for the future alignment of 69th Street, trees shall be planted to replace those that were removed during grading;**
- 3. Plant street trees along State Avenue and the east property line spacing them in groups of three (3) between 50-60 feet apart and within existing parking lot islands. Six (6) trees will be added along State Avenue and seven (7) trees will be planted along the east property line adjacent to the Salvation Army;**
- 4. Hours of operation are from Monday – Friday except for a holiday than on Saturdays with classroom hours from 6:00 AM to 4:00 PM, office is open until 5:00 PM;**
- 5. Seven (7) trucks are use with four (4) used for backing training;**
- 6. Install a new sidewalk from State Avenue to the main entrance of the business;**

7. Add trees in existing median, but stay out of the BPU overhead powerline easement;
8. Tire disposal shall not occur on the property as stated by the applicant. Services like oil changes, etc. are performed in Kansas City, Missouri and tires are replaced by Midwest Retreaders in North Kansas City, Missouri;
9. 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;
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. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
12. The Special Use Permit 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,
13. 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.

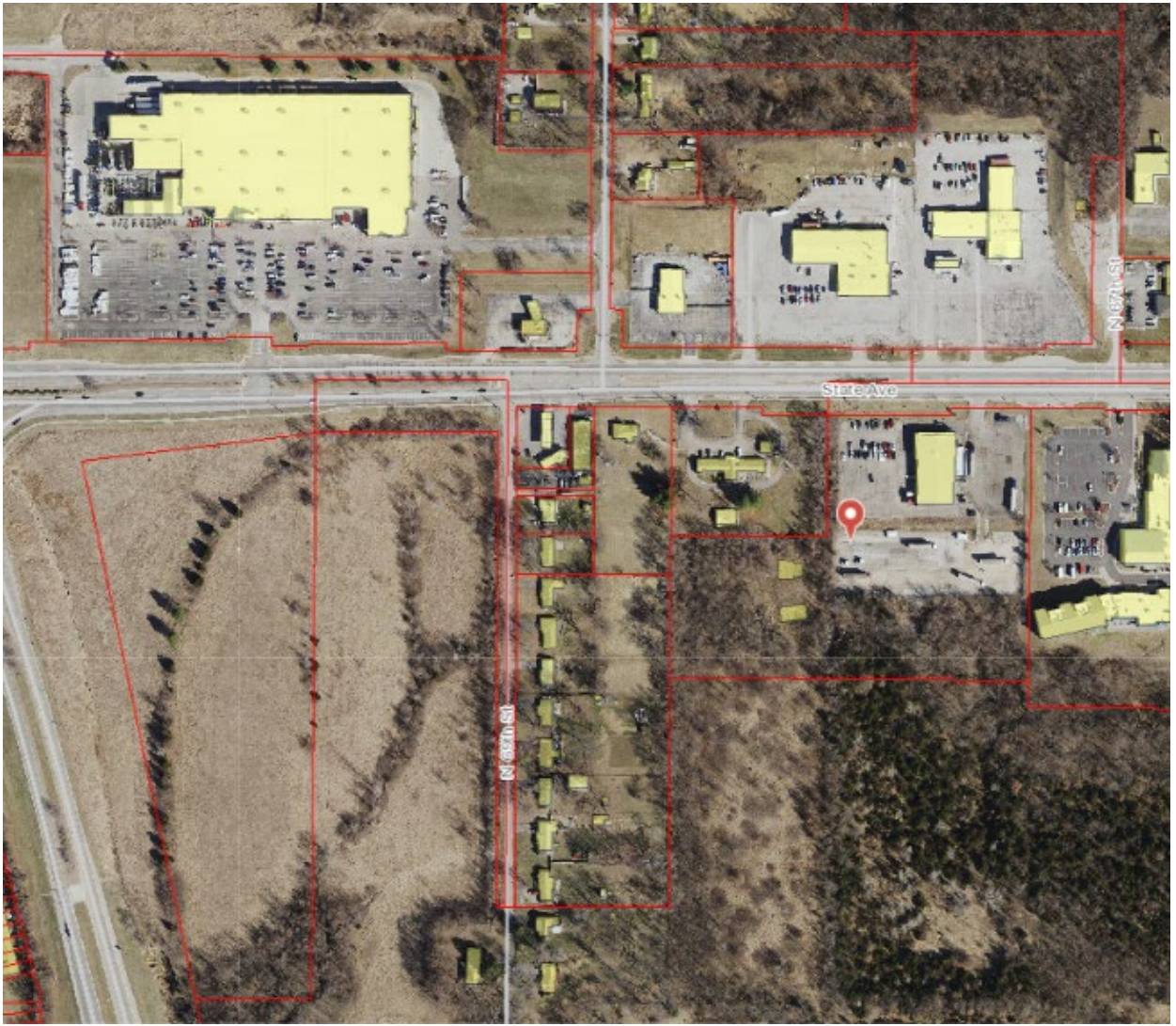


Figure 1. Aerial Photograph of 6801 State Avenue (provided by UG Maps).



Figure 2. Zoning Map of 6801 State Avenue (provided by UG Maps).



Figure 3. City-Wide Master Plan Land Use Map of 6801 State Avenue (provided by Arc Map).



Apex CDL Institute | 6801 State Ave Kansas City KS 66102
(913) 585-1120

Special Use Permit Request
Exhibit A

Date: 03/23/2021

We are requesting to a new Special Use Permit to operate a commercial driver's license training facility. We were approved by the Unified Government Board of Commissioners on April 25th, 2019 for a period of 5 years. Since this approval we have sold a portion of the property and acquired additional land and platted the property as Lot 1, Turner Logistics Center Second Plat. To improve our training, we need to add an additional area for backing training. This area is approximately 1.4 acres (244' x 250'). It will connect to the existing backing training area south of the school. It will not be visible from State Avenue because it 14 to 21' below the road grade, existing vegetation will be preserved along the north property line and we will abut Turner Logistics Center to the south. The backing training area will not be illuminated.

This is the only change we are requesting to the Special Use Permit. The number of trucks and trailers will remain at 7, four used for backing training; maximum class size is 8 trainees; classroom hours 6 AM to 4 PM office open until 5 PM. We have had zero noise or traffic complaints for our neighbors and the surrounding community. Any interactions we have had have been positive.

Apex CDL Institute is a licensed and state approved adult post-secondary educational facility regulated by the Kansas Board of Regents. We train approximately 350-400 students per year from Kansas City and the surrounding areas to get their Class A Commercial Driver's License. With our training these students can move on to meaningful and high paying careers within the trucking industry.

Trucking opportunities in the Kansas City Area are among some of the best and highest paying in the country.

With the way our training is structured, we operate with very low to almost nonexistent impact to surrounding traffic patterns. The majority of our training to takes place off campus. What training is done on campus is done on a rear lot behind our building. This lot is approximately 12 feet below street level and surrounded by woods. So, the majority of truck usage on property cannot be heard or seen from the street or our neighbors.

To better understand, the following is a breakdown of our curriculum.

Week One: A classroom environment, this time allows students to study in our computer lab to obtain their CDL learners permit.

Week Two: A practical hands-on environment, students learn basic vehicle controls, pre-trip examination and fundamental backing skill. This training takes place inside our shop and in the lower training yard.

Week Three: A practical hands-on environment in which students focus on more advanced backing skills. This training takes place primarily in our back lot.

Week Four: This week consists of road training. Our trucks leave the property sometime between 7AM and 9AM. They return to the property at approximately 3PM. Most of the road training takes place in industrial areas around downtown and the Armourdale and Fairfax commercial districts.

As you can see, our training will either take place indoors, at the rear of our lot or our property. While on property, our trucks are restricted to idle speeds and equipped with all factory exhaust systems, so noise is kept to an absolute minimum. While we do have trucks on property, we are in no way a trucking company. We do not have trucks coming and going at all hours of the day and night.

At Apex CDL Institute, we provide a valuable service to Kansas City residents and the surrounding communities. We promote job growth through quality training and outstanding relationships with the areas best trucking companies.

We have been located on this property since July of 2015 with zero noise or traffic complaints. In 2018 we purchased this property and are no longer just leasing it.

We keep the property repaired and complete regular improvements to the building and property, both esthetically and structurally.

We are asking for approval of the Special Use Permit to allow us to construct the additional backing training area to improve our training procedures. We would request the permit to be valid for 5 years.

Sincerely,

Jeffrey Steinberg
President
Apex CDL Institute

Date 03/23/2021



Apex CDL Institute | 6801 State Ave Kansas City KS 66102 Ofc. (913) 585-1120 Fax (913) 585-1141



Apex CDL Institute | 6801 State Ave Kansas City KS 66102
(913) 585-1120

1. The initial renewal term limit was five (5) years in 2019. The Director of Planning and Urban Design's interpretation of the Special Use Permit for the Temporary Use of Land for Commercial or Industrial Purposes has changed in that the initial approval is for two (2) years and is the only approval. The intent is to find a permanent location with the appropriate zoning to operate the business.

This is our fifth request for a Special Use Permit. The original permit was approved in 2015 for one year; the second permit was approved in 2016 for 1 year; the third permit was approved in 2017 for 2 years; the fourth permit was approved in 2019 for 5 years. This is the permanent location for the business and APEX has purchased the property.

The use of this site as a training school for Commercial Driver's License training is appropriate. The training occurs on site behind the building and due to grade changes, the training area is not visible from State Avenue. There is a total of 7 trucks and trailers used for training. Five of these trucks do not leave the site. There are 2 trucks that leave the site for on road driver training. They leave the site in the morning at between 7 and 9 am and return to the site by 3 pm. The site generates less truck traffic than the car dealership did when they were in operation at this site. The trucks do not cause any noise related issues as they: do not have back up beepers; have an exhaust system; do not use Jake brake; since they are completing backing training, they are not using the accelerator peddles to reach driving speeds, they are slowly navigating the trucks. We have measured noise levels with a decibel meter and the readings registered from 47-50 decibels.

The site is a great location because it is easily accessible as it is on State Avenue and close to the highway. State Avenue is on a KCATA bus route and there is a stop adjacent to the site. A number of students do not own a car and use the bus to reach the school.

Apex also has a partnership with two of their neighbors, Kansas City Kansas Community College (KCKCC) and the Salvation Army. APEX runs and manages

KCKCC CDL classes. They also work with Salvation Army residents who are interested in obtaining a CDL to train them.

Apex has been at this location for 6 years and have not had any issues with their use of the site as a training school. There have been no complaints regarding noise or trucks on the site. They have a good relationship with their neighbors and work with them to train some of their students and residents.

We are asking for a 5-year approval to continue to operate from this facility and provide a service to our neighbors, the community, and the city. We are part of this community and would like to remain part of the community. In our previous approvals, there is not a reference to this use having to move from this location including the 5-year approval from 2019. The 5-year term on a special use permit is a reasonable time frame for a business and use that has a positive impact on improving a student's life, along State Avenue, has a relationship with the neighboring businesses, and does not have any complaints. The 5-year time frame allows for a periodic review by city staff to ensure the site is still operating within the approval conditions of the Special Use Permit that have remained the same since the original approval in 2015.

2. There shall be an agreement with NP Turner Industrial, LLC to preserve trees on site and show this buffer on the site plan.

The grading for the adjacent development to the south is up to the property line. The grading for the development of our site extends to the property line. There is not room to preserve trees here. However, trees will be planted on the property line as part of the Turner Logistics Center Building 4 development. The revised plans indicate the proposed landscaping from Lot 4 of Turner Logistics Park.

3. The green cloud depicted on sheet C1.01 preserving existing trees shall extend around the perimeter of the property, along the west, south and east property lines. Maintain existing buffer, which may shift the detention basin along the south property line abutting Turner Logistics Center, Building #4 site.

We have revised the tree line to remain on the plans and it indicates the trees on the north side and the east side to remain, and #2 above discussed the trees on the south side. We are not able to preserve trees on the west side. We are grading to the property line and future alignment of 69th Street will be to the west and will grade to the property line. We have included an exhibit indicating the future grading for 69th Street for reference.

-
4. Plant street trees along State Avenue and the east property line spacing them in groups of three (3) between 50-60 feet apart and within existing parking lot islands.

We have added 6 groups of trees planted 60' on center along State Avenue and 7 groups of trees planted 60' on center along the east property line. There is one island along State Avenue and we have added one tree there.

5. What are the proposed days and hours of operations?

The school is open Monday - Friday except for a holiday than on Saturdays with classroom hours from 6-4, office until 5.

6. Previously, seven (7) trucks and trailers were used, four (4) of which were used for backing training. Will this change with the proposed expansion?

The number of trucks and trailers remains at 7 with 4 used for backing training.

7. Due to the expansion, what is the maximum class size?

Maximum class size will remain at 8.

8. Install a new sidewalk from State Avenue to the main entrance of the business.

The sidewalk has been added to the revised plan.

9. Add trees in existing median, but stay out of the BPU overhead powerline easement.

The existing median is already landscaped with ground cover, spirea, and 4 Honey locust trees. The trees are adequately spaced and the island is narrow and additional trees are not appropriate. Revised plans indicate and additional 10 spirea to be installed between the middle two trees where the currently are none and we will replace any existing dead spirea when we plant the shrubs.

10. Photos of the existing tree stand along the existing backing area are provided.

Photos are included with the resubmittal.

11. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-

592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request.

All services like oil changes are done at a shop in Kansas City Missouri and they dispose of oil and other vehicle fluids. Tires are replaced by Midwest Retreaders in North Kansas City Missouri and they keep all old tire carcasses to retread for later use. We do not dispose of any tires on property.

12. 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.

We understand and agree.

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

We understand and agree.

14. 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.

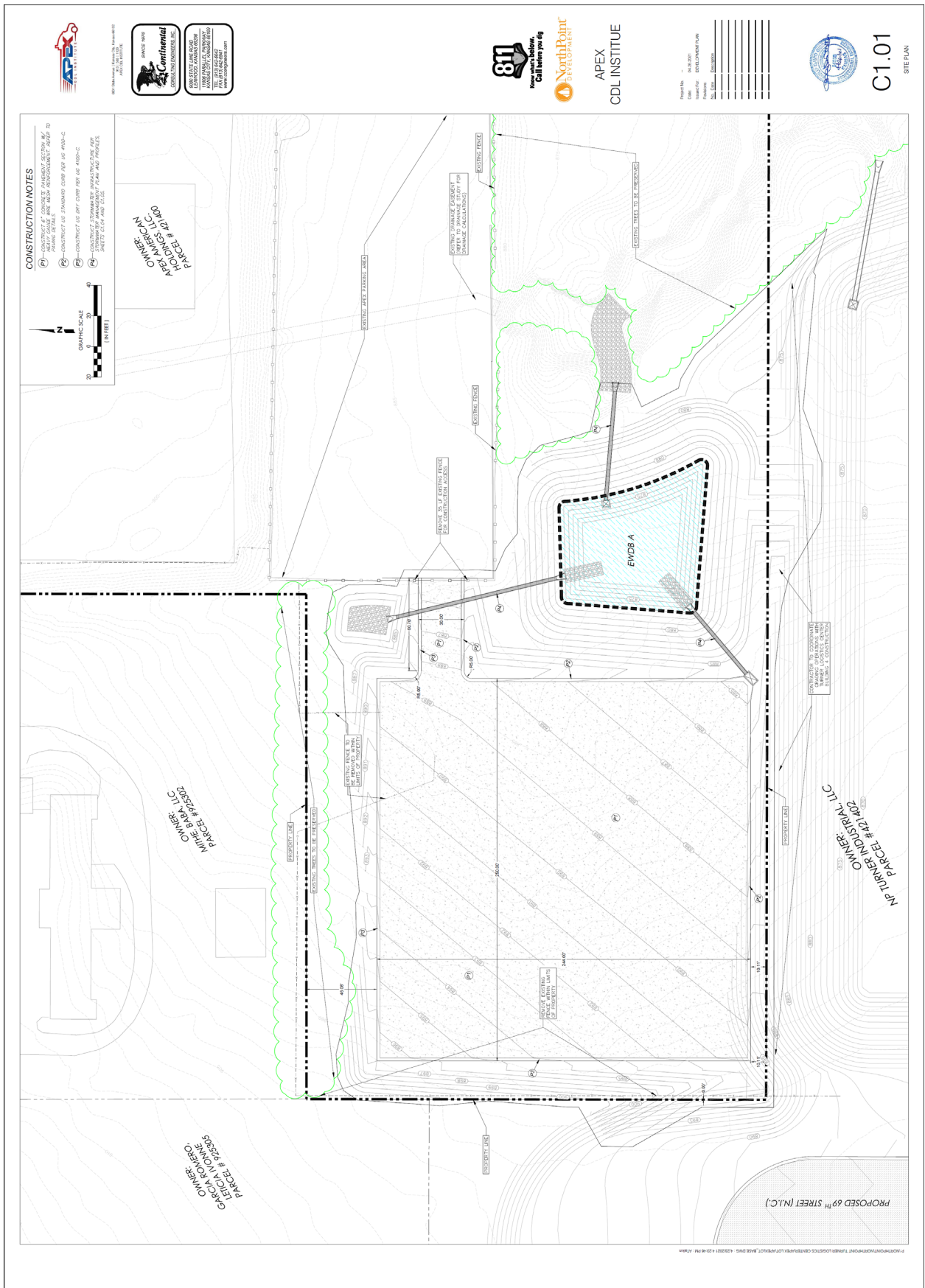
We understand and agree.

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.

We understand and agree.

16. 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.

We understand and agree.







APEX
CDL INSTITUTE

[illegible]

L1.01

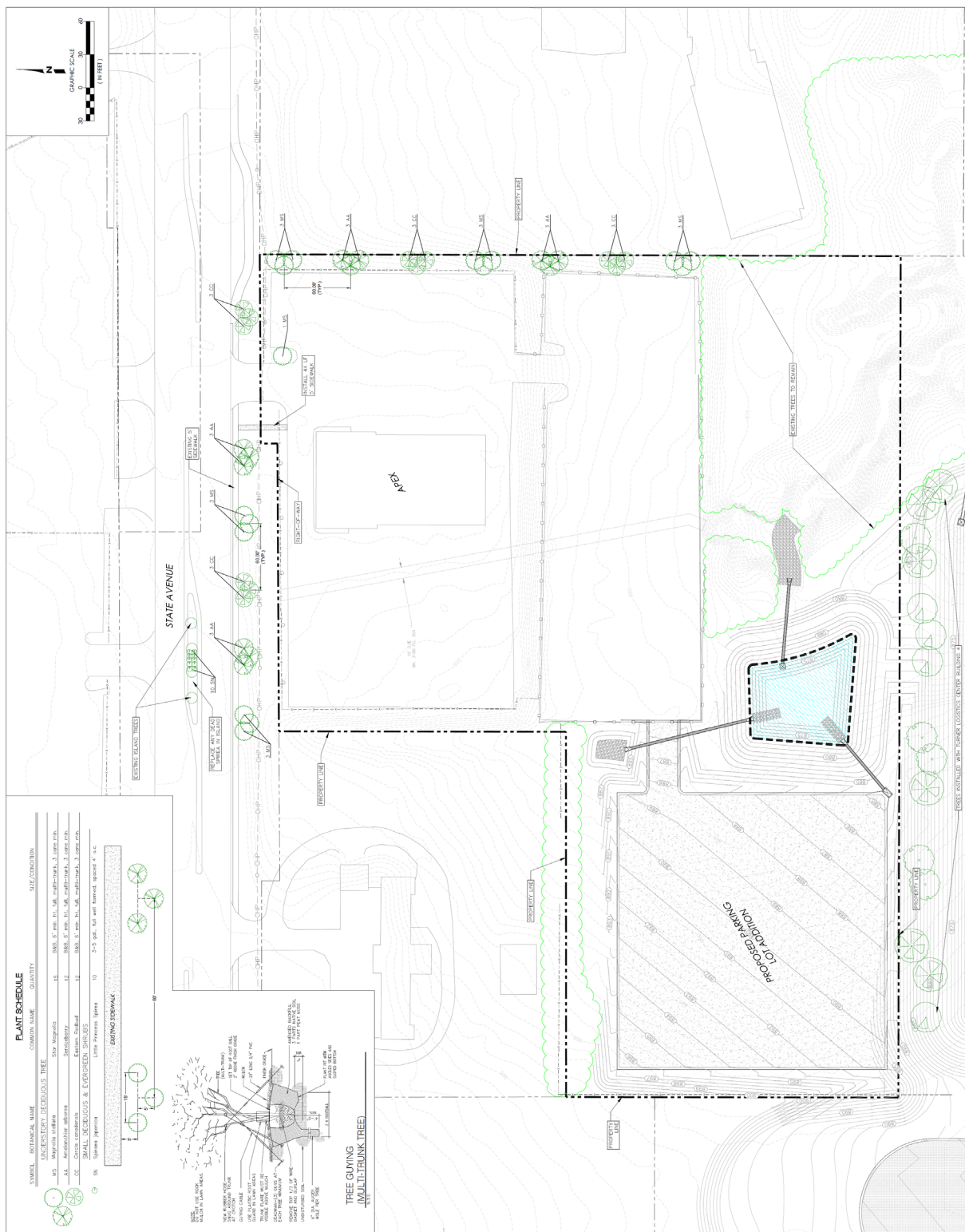




Figure 4. Site Photograph of 6801 State Avenue taken April 15, 2021 (provided by Staff).



Figure 5. Site Photograph of 6801 State Avenue looking north from Turner Logistics Center taken April 22, 2021 (provided by the Applicant).



Figure 6. Site Photograph of 6801 State Avenue looking north from Turner Logistics Center taken April 22, 2021 (provided by the Applicant).



Figure 7. Site Photograph of 6801 State Avenue looking northwest from Turner Logistics Center taken April 22, 2021 (provided by the Applicant).



Figure 8. Site Photograph of 6801 State Avenue looking west from the Salvation Army taken April 22, 2021 (provided by the Applicant).



Figure 9. Site Photograph of 6801 State Avenue looking west from the Salvation Army taken April 22, 2021 (provided by the Applicant).

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MISSOURI)

) SS:

COUNTY OF PLATTE)

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

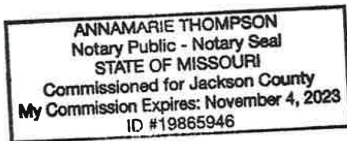
1. That I am the petitioner for Petition # SP2021-024.
2. That I conducted a neighborhood meeting on 22nd April, 2021.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 23rd day of April, 2021.

My commission expires 4 of November 2023.



Notary Public

<u>Attendee</u>	<u>Contact Information</u>
Jim Kraatz (NorthPoint)	jkraatz@northpointkc.com
Brody Sherar (NorthPoint)	bsherar@northpointkc.com

Andrew Talkin (Continental)	at@ccengineers.com
Phil Gibbs Jr. (Continental)	pg2@ccengineers.com
Jeff Steinberg (Apex CDL)	jsteinberg@apexcdl.com

1. **No one attended the neighborhood meeting or submitted questions/comments.**



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: May 27, 2021
Re: Petition SP2021-025

GENERAL INFORMATION

Applicant:
Jorge Salazar

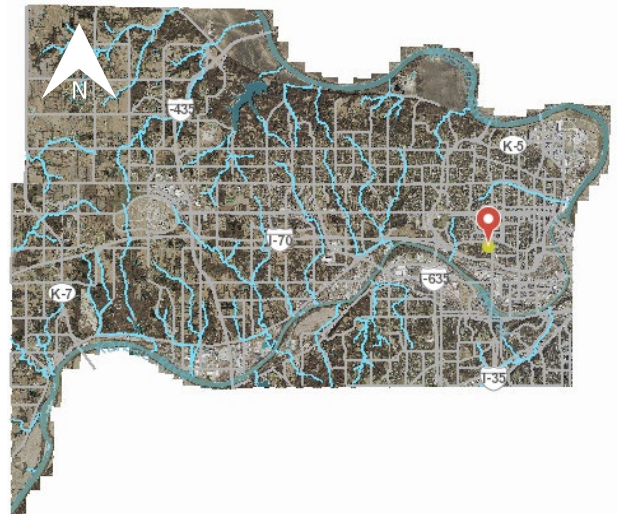
Status of Applicant:
Owner
JIAJ Inc. El Tapatio Mexican Grill
151 South 18th Street, Suite A
Kansas City, Kansas 66102

Requested Action:
Renewal of Special Use Permit SP-2019-42 which expires on 5/31/2021.

Date of Application:
March 26, 2021

Purpose:
To continue to host live entertainment in conjunction with a restaurant.

Property Location:
151 South 18th Street, Suite A
Kansas City, Kansas 66102



Commission Districts:	Commissioner At Large: Tom Burroughs District #2 Commissioner: Brian McKiernan
Existing Zoning:	CP-2 Planned General Business District
Adjacent Zoning:	North: CP-O Planned Nonretail Business District South: CP-2 Planned General Business District East: R-1(B) Single-Family District West: R-2 Two-Family and C-3 Commercial Districts
Adjacent Uses:	North: Offices South: Commercial Businesses East: Single Family Homes West: Grocery Store
Total Tract Size:	2.93 Acres
Master Plan Area:	Central Area Master Plan
Master Plan Designation:	The Central Area Master Plan designates this area as Community Commercial. These uses are intended to provide goods and services to adjacent districts and neighborhoods. Uses may include grocery stores, medium-sized box stores, sit-down and drive-through restaurants, banks, drug stores, gas stations and convenience stores.
Major Street Plan:	The Major Street Plan classifies 18 th Street as a Class B Thoroughfare.
Parking Requirements:	Section 27-467 states that uses in this district require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. For every 25 parking spaces, one (1) is required to be ADA. For every six (6) ADA spaces, one (1) is required to be van accessible. According to the provided Site Plan, this tenant space is 3,791 square feet. This requires twelve (12) parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – April 15, 2021 Letters to Property Owner - April 16, 2021 and May 20, 2021
Public Hearings:	May 10, 2021 and May 27, 2021
Public Support:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jorge Salazar, is seeking the renewal of SP-2019-42, which expires on 5/31/2021. The Special Use Permit allows for live entertainment for El Tapatio Mexican Grill restaurant at 151 S 18th Street. Live entertainment for this location was originally granted under Special Use Permit SP-2015-2 and was renewed with Special Use Permit SP-2017-25. The live entertainment includes live music, DJ's and dancing. The restaurant becomes a night club during events past 10:00 p.m.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There have been three (3) Notice of Violation issued on this property. One (1) in 2010 for worn out banner signs for China Buffet, one (1) in 2013 for junk and trash on side of building, and one (1) in 2018 for a T-Mobile truck that took up required parking spaces. None of these Notices of Violation were issued to El Tapatio Mexican Grill.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The property is located within the Prescott Plaza Shopping Center. The neighborhood is primarily comprised of commercial businesses along a Class B Thoroughfare.

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

The zoning and their uses are set out above. The applicant is seeking the renewal of a Special Use Permit for live entertainment and music at the restaurant, which is compatible with the surrounding commercial uses, but could potentially lead to issues with the residential areas nearby. The applicant has had live music and entertainment at the restaurant since 2015, which has caused no issues with the residential areas nearby.

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 restaurant. The property could be suitable for live entertainment 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. The applicant has provided a site plan that shows ample parking. There have not been any issues of noise reported during the time this venue has hosted live entertainment.

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

This property is not vacant. It is an existing multi-tenant commercial retail auto-oriented shopping center.

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

Special Use Permits are not addressed in the Master Plan. The Central Area Master Plan designates this property as Community Commercial. These uses are intended to provide goods and services to adjacent districts and neighborhoods. The proposed use conforms to the Master Plan because it provides the service of entertainment in a restaurant.

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 B Thoroughfare to accommodate it if managed properly.

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 entertainment. If managed properly, the continued use of the property for live entertainment will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property. The business has hosted live entertainment since 2015 with no reported issues.

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 and vibration are issues that are related to live entertainment. There have been no noise complaints during the time the property has been used as such. Illumination could be an issue if lights shine outside of the building. No new or additional lighting is being proposed. 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 as it is an existing, permitted commercial business.

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 commercial 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 business owner could not host live entertainment, but could still use the property as a restaurant, or another commercial business.

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 of land or undue concentrations of population if not managed properly. The business has hosted live entertainment since 2015. To date, no issues have been reported.

PREVIOUS ACTIONS

SP-2019-42 expires on 5/31/2021

SP-2017-25

SP-2015-2

NEIGHBORHOOD MEETING

The applicant held a meeting via letter on April 16, 2021. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Illumination

Noise

Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of SP2021-025, subject to:

- 1) **Hours of operation shall be limited to:**
Sunday 10:00 a.m. – 2:00 a.m.;
Monday – Wednesday 11:00 a.m.-10:00 p.m.; and,
Thursday – Saturday 11:00 a.m. – 2:00 a.m.
DJ's will stop by 11:00 PM on Friday and Saturday.

- 2) Doors shall be closed while live entertainment is happening;
- 3) In order to help save energy and reduce sound, the tree should be replaced/planted in the parking island in front of the business;
- 4) Must comply with Unified Government Security Ordinance:
 - a. Must have at least one (1) security guard stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
 - d. Patrons will be subject to search upon entry of the facility;
 - e. One (1) security personnel will be stationed inside the facility and one (1) monitoring all other areas; and,
 - f. At closing time, all security members will begin from a designated area to move patrons towards the exit and then to their vehicles.
 - g. At least three (3) or more security personnel are required to fill the roles as described above.
- 5) 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;
- 6) Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential uses;
- 7) If issues arise with adjacent property owners and are brought to the staff's attention during the term, this Special Use Permit can be submitted to the Unified Government Board of Commissioners for revocation;
- 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;
- 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;
- 10) 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,
- 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 **SP2021-025** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 27, 2021 City Planning Commission Minutes
Zoning Map
Land Use Map
Aerial Map
Business Plan
Site Plan
Floor Plan
Site Photographs Provided by Staff, Dated April 20, 2021
Neighborhood Meeting Documentation
Site Photographs Provided by Applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	May 10, 2021	May 27, 2021
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-025** 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 **SP2021-025** to the Unified Government Board of Commissioners, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 10, 2021 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2021-025 – JORGE SALAZAR/JIAJ, INC.
– **SYNOPSIS:** Renewal of a Special Use Permit (SP-2019-42 – expires 5/31/2021) for live entertainment in conjunction with restaurant at 151 South 18th Street.

Detailed Outline of Requested Action: The applicant, Jorge Salazar, is seeking the renewal of SP-2019-42, which expires on 5/31/2021. The Special Use Permit allows for live entertainment for El Tapatio Mexican Grill restaurant at 151 S 18th Street. Live entertainment for this location was originally granted under Special Use Permit SP-2015-2 and was renewed with Special Use Permit SP-2017-25. The live entertainment includes live music, DJ's and dancing. The restaurant becomes a night club during events past 10:00 p.m.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There have been three (3) Notice of Violation issued on this property. One (1) in 2010 for worn out banner signs for China Buffet, one (1) in 2013 for junk and trash on side of building, and one (1) in 2018 for a T-Mobile truck that took up required parking spaces. None of these Notices of Violation were issued to El Tapatio Mexican Grill.

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 May 10, 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 Director Hand requested that Plan Review Application PR2021-012 be removed from the Consent Agenda.

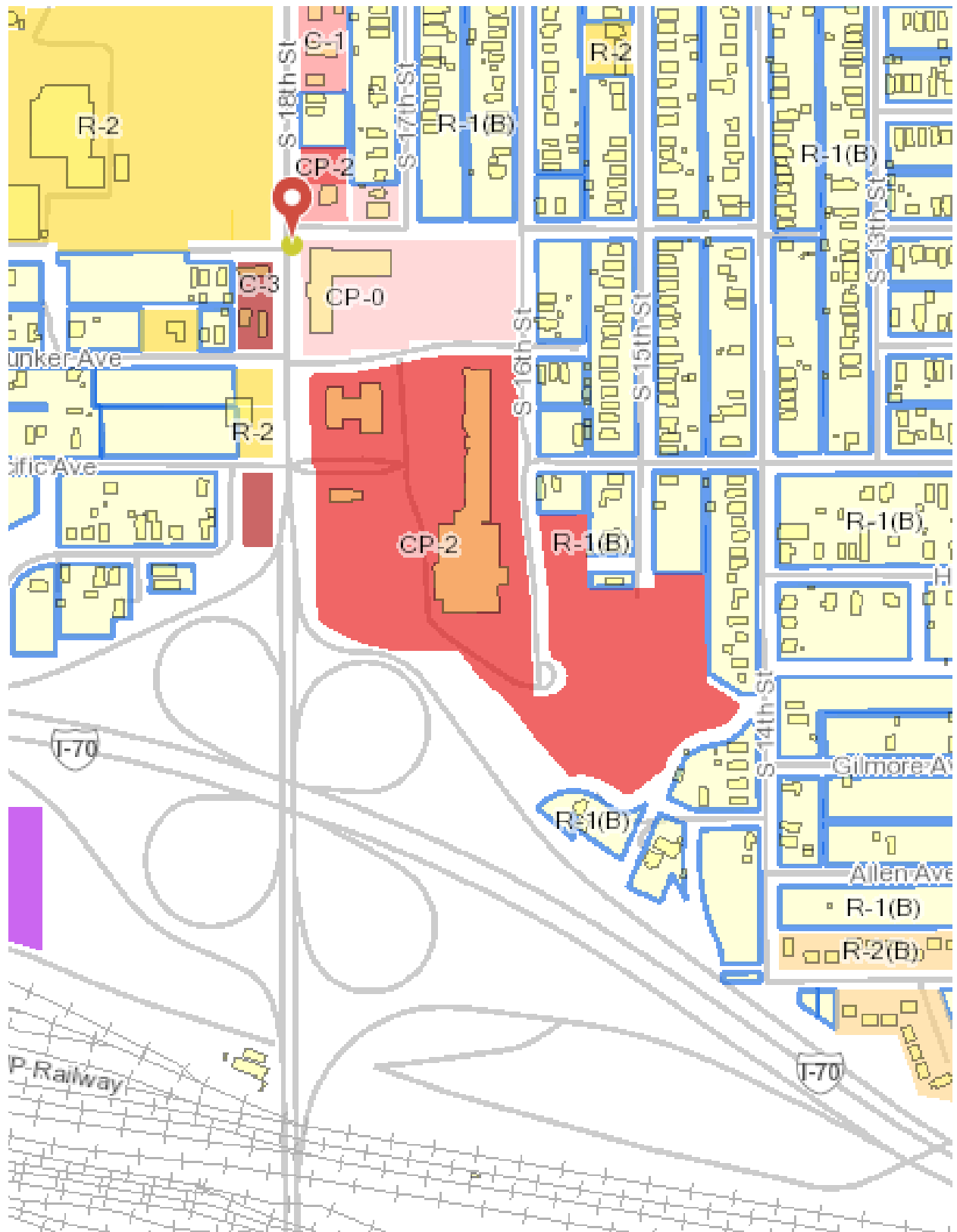
On motion by Ms. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to **APPROVE** the remaining items on the Consent Agenda:

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Aye
Mohler	Not Present
Pauley	Aye
Reasons	Not Present
Motion to APPROVE Passed: 7 to 0	
Subject to:	

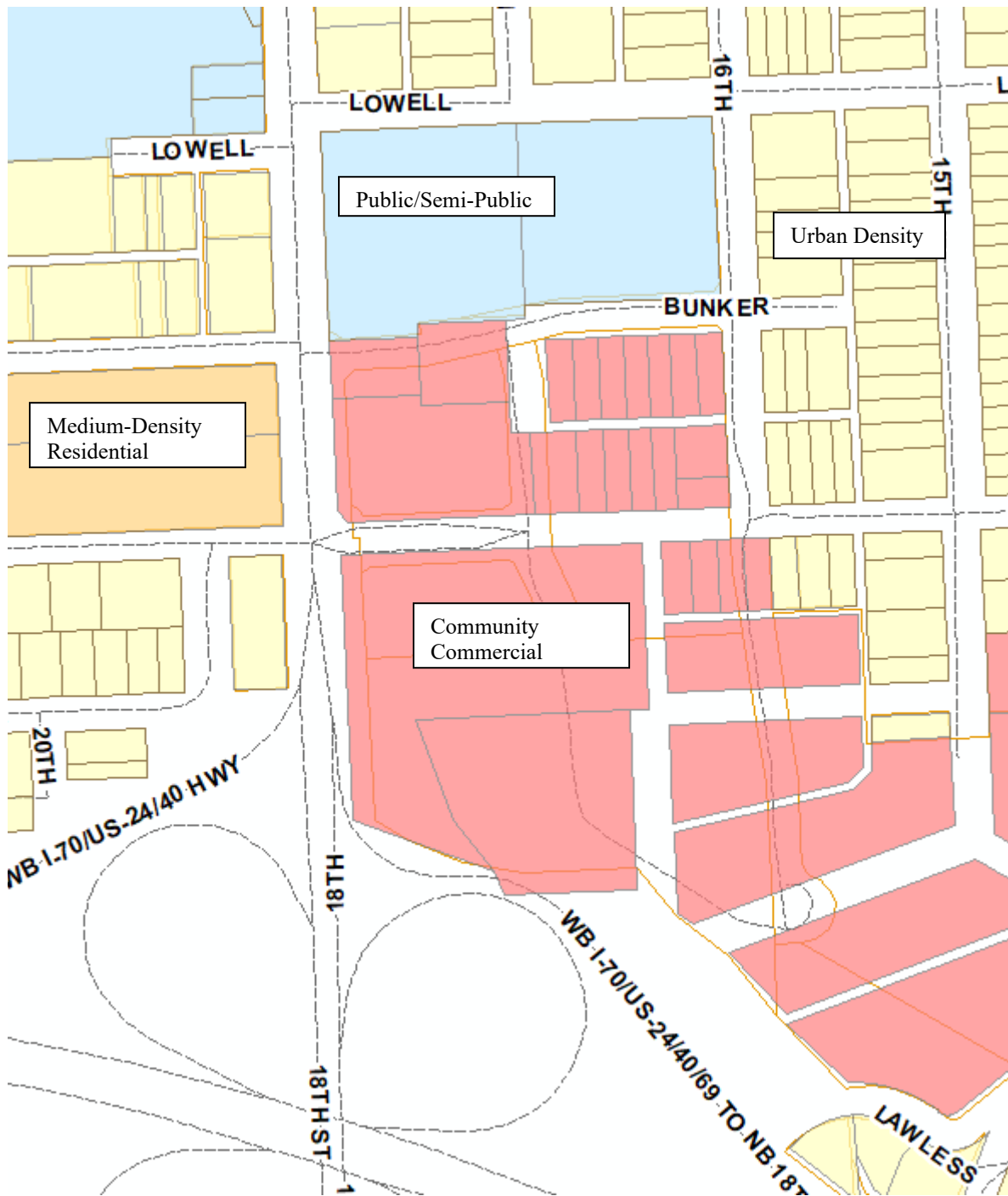
- 1) Hours of operation shall be limited to:
 Sunday 10:00 a.m. – 2:00 a.m.;
 Monday – Wednesday 11:00 a.m.-10:00 p.m.; and,
 Thursday – Saturday 11:00 a.m. – 2:00 a.m.
 DJ’s will stop by 11:00 PM on Friday and Saturday.
- 2) Doors shall be closed while live entertainment is happening;
- 3) In order to help save energy and reduce sound, the tree should be replaced/planted in the parking island in front of the business;
- 4) Must comply with Unified Government Security Ordinance:
 - a. Must have at least one (1) security guard stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
 - d. Patrons will be subject to search upon entry of the facility;
 - e. One (1) security personnel will be stationed inside the facility and one (1) monitoring all other areas; and,
 - f. At closing time, all security members will begin from a designated area to move patrons towards the exit and then to their vehicles.

- g. At least three (3) or more security personnel are required to fill the roles as described above.
- 5) 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;
 - 6) Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential uses;
 - 7) If issues arise with adjacent property owners and are brought to the staff's attention during the term, this Special Use Permit can be submitted to the Unified Government Board of Commissioners for revocation;
 - 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;
 - 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;
 - 10) 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,
 - 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.

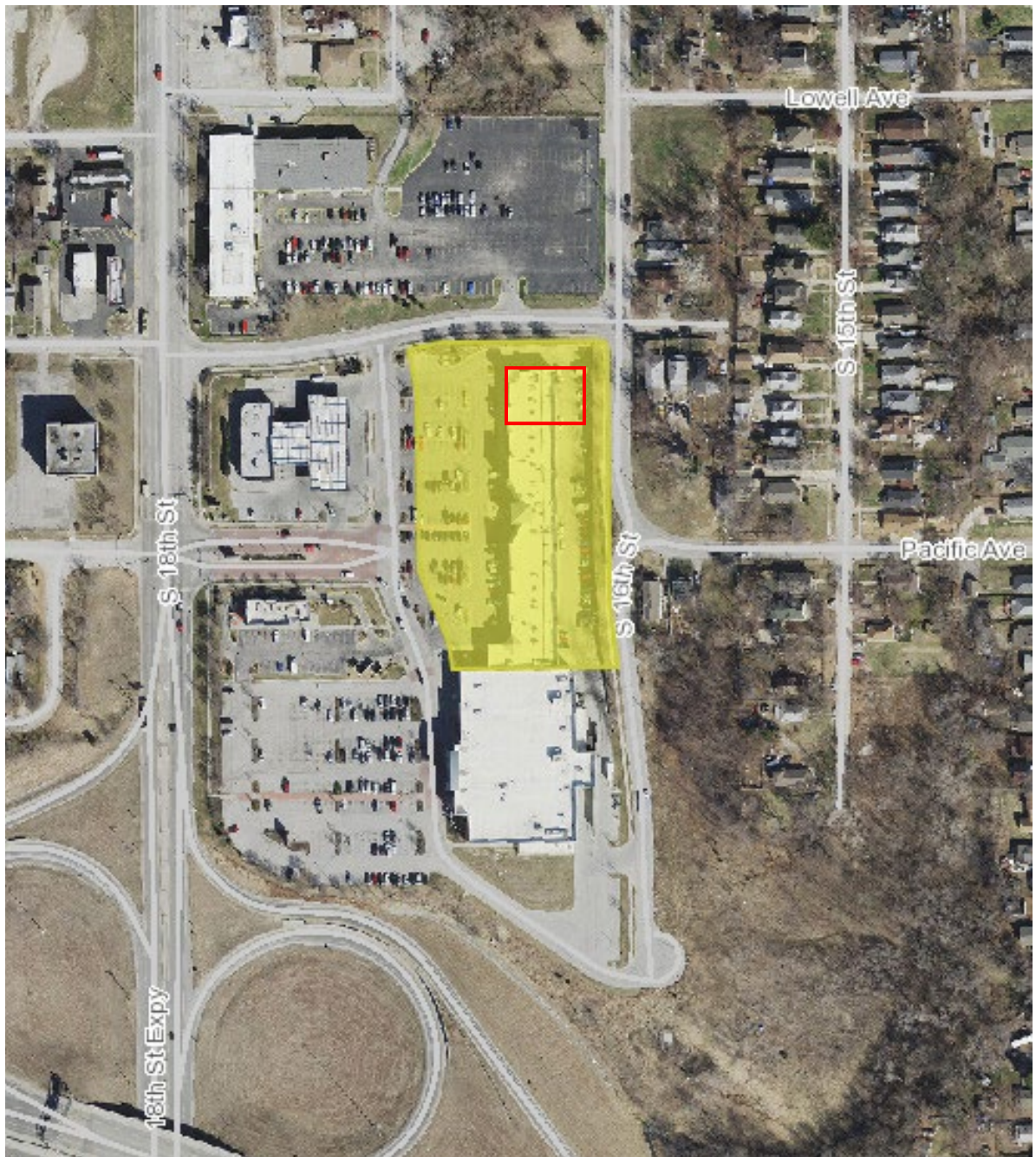
Zoning Map:



Land Use Map:



Aerial Map:



Business Plan:

Tapatio Mexican Grill **Business Plan February 2021**

Name of Business: JIAJ, Inc. d/b/a Tapatio Mexican Grill

Owner: Jorge Salazar, (660) 528-0252

Location: 151 South 18th Street, Suite A, Kansas City, KS 66102

Business Phone Number: (913) 621-5555

Website: www.tapatiokc.com/

Business Hours:

Sunday 10:00 a.m. – 2:00 a.m.
Monday - Wednesday 11:00 a.m. – 10:00 p.m.
Thursday – Saturday 11:00 a.m. – 2:00 a.m.

Mission/Objective:

Tapatio Mexican Grill is a restaurant that serves Mexican Food that may be enjoyed with friends and family. Additionally, we serve margaritas, national beers and other fine alcoholic beverages. Tapatio Mexican Grill is interested in adding entertainment to their restaurant. We desire to offer the entertainment specified below on occasion. We may not entertain all nights and/or all days of the week, but we would like to obtain approval should we elect to do so in accordance with the terms below. The below terms were reached as part of an agreement with the neighbors. The business has followed the terms and desires to continue to be a good neighbor. We have found that live entertainment has not only increased revenue (which passes through to the City and State), but that it offers culture by way of mariachi and Tejano music to our area.

Entertainment:

Tapatio Mexican Grill would like to have Live Mariachi Band and/or Live Music, a D.J., and dancing with the following weekly schedule, with the frequency and entertainment offering varying from season to season:

- Thursday: D.J. with Karaoke from 9:00 p.m. - 2:00 a.m.
- Friday: D.J. with computer from 8:00 p.m. - 11:00 p.m.
- Saturday: D.J. with computer from 8:00 p.m. - 11:00 p.m.
- Sunday: Live Mariachi Band and/or Live Music from 8:00 p.m. – 2:00 a.m. and D.J. with computer from 8:00 p.m. - 11:00 p.m.

Parking:

Tapatio Mexican Grill is located in the Prescott Plaza Neighborhood Center. This business shares its common parking area with multiple businesses. The other businesses are closed during most entertainment hours and parking requirements are met in regards to obtaining a special use permit.

Security:

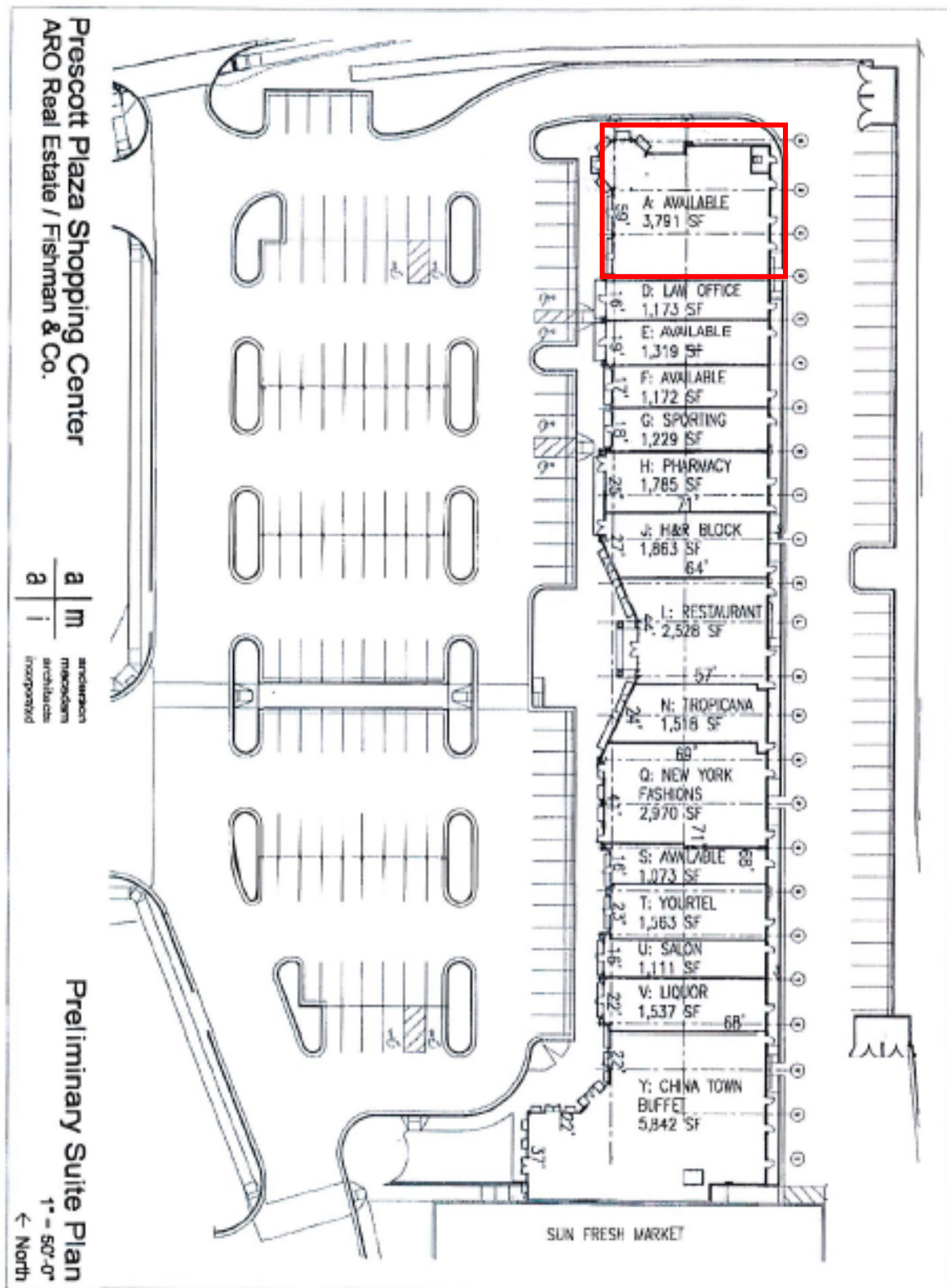
The Manager on duty will serve as bouncer and/or security personnel. The Manager will maintain peace between patrons and guests. The Manager will keep all doors and windows closed during entertainment to decrease noise to neighbors. The Manager will maintain the parking lot area and ensure that the parking area is cleaned after patrons and guests have left.

premises. This security plan has worked well in the past and it is our plan to continue this security plan.

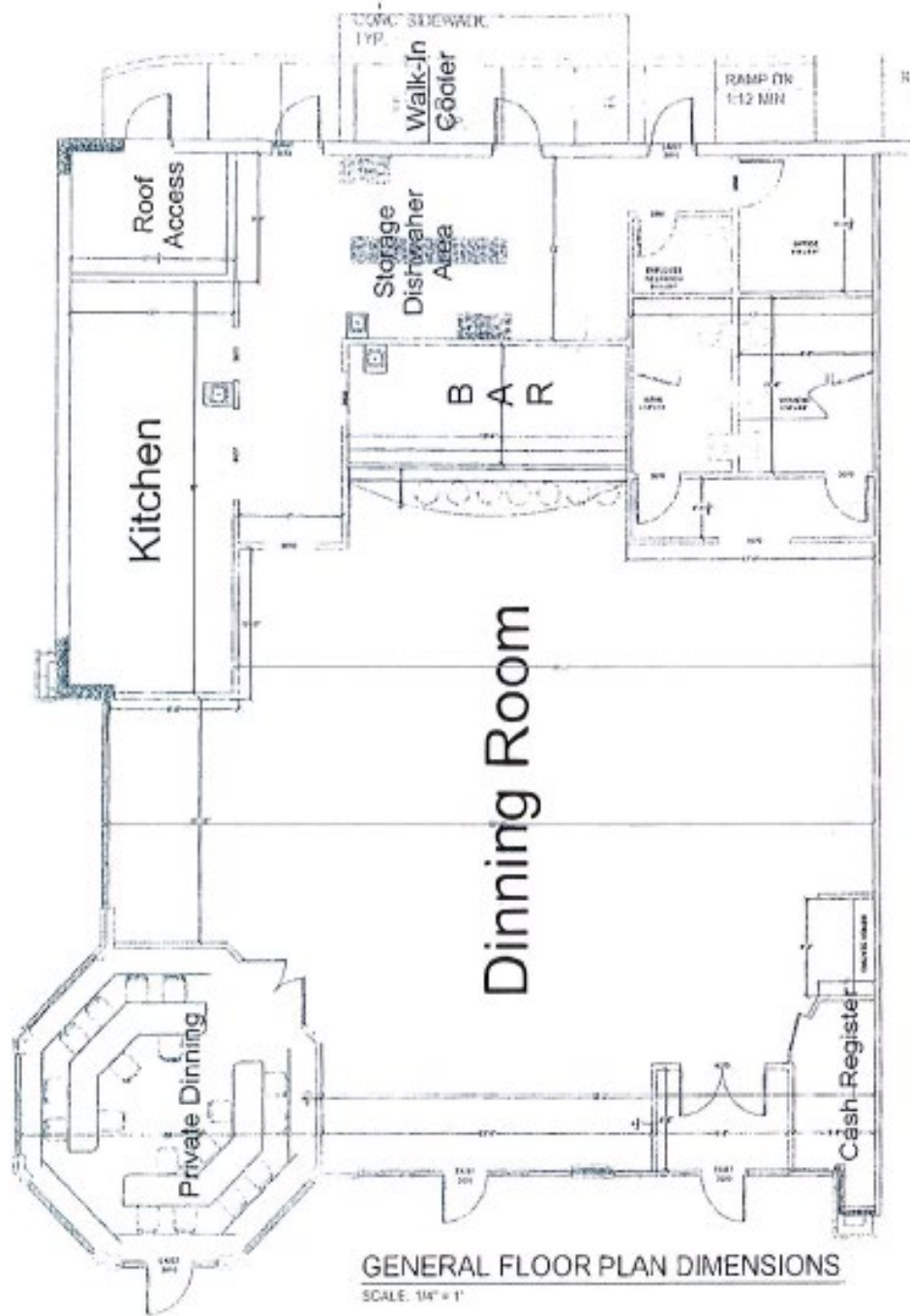
Tapatio Mexican Grill has an occupant load of 94. In accordance with code of ordinances, Tapatio Mexican Grill is not required to have a security officer. The **Wyandotte County – Unified Government, Kansas Code of Ordinances, Chapter 4, Section 4-104 (f)(1)**, states as follows: *"Number of Security Officers. The number of licensed security officers that shall be required are as follows: (1) For any number of persons present within the building numbering from one to 125, none."*

Additionally, Tapatio Mexican Grill is exempt from obtaining security officers in accordance with code of ordinances. The **Wyandotte County – Unified Government, Kansas Code of Ordinances, Chapter 19, Article V, Section 19-110(1)**, states as follows: *"Persons employed exclusively and regularly by one employer in connection only with the affairs of such employer, where there exists an employer-employee relationship, and where the operation is conducted solely and completely on the property of the employer."*

Site Plan:



Floor Plan:



Site Photographs Provided by Staff, Dated April 20, 2021:





Existing tree in parking island needs replaced.



Neighborhood Meeting Documentation:

April 16, 2021

Commissioner Brian McKiernan
701 N 7th Street, 9th Floor
Kansas City, Kansas 66101

Re: Neighborhood Meeting

Greetings:

We have filed a renewal application with the Department of Urban Planning and Land Use for Petition #SP-2021-025. The purpose of renewing the Special Use Permit is to continue allowing for live entertainment, including mariachi band, D.J., and dancing in conjunction with the existing restaurant, Tapatio Mexican Grill located at 151 S. 18th Street, Suite A, Kansas City, Kansas 66102.

There are no proposed changes to the previous Special Use Permit. I am simply asking for a renewal.

In consideration of COVID-19, the neighborhood meeting will be held a bit differently this year. In lieu of the neighborhood meeting, I ask that you contact my attorney representative, Anna Brescia with Richard T. Bryant & Associates, P.C., with any comments, questions or concerns you may have concerning the renewal of the Special Use Permit. She can be reached at (816) 221-9000 or via email at brescia.annab@gmail.com.

Sincerely,

Jorge Salazar, Owner
Tapatio Mexican Grill
151 S. 18th Street, Suite A
Kansas City, Kansas 66102
(660) 528-0252

Anna B. Brescia, Paralegal
Richard T. Bryant & Associates, P.C.
1111 Main St, Suite 750
Kansas City, MO 64105
(816) 221-9000
brescia.annab@gmail.com

EL TAPATIO NEIGHBORHOOD MEETING
151 S. 18TH STREET
KANSAS CITY, KANSAS 66102
APRIL 16 – 27, 2021

Minutes of Meeting

Application Number: SP-2021-025
Date of Meeting: April 16-27, 2021
Location of meeting: Held via open comments through email and phone as instructed in attached letter per COVID-19 safety recommendations.

Meeting called to order: questions and comments were accepted from April 16-27, 2021.
Notices sent to parties: copies attached

Minutes and identity of people present:

Letters (attached) were sent out and instructed owners to call or email if they had questions or comments concerning the renewal of the special use permit for Tapatio Mexican Grill. No parties contacted Jorge Salazar or Anna Brescia with questions, comments, or concerns.

No parties appeared in opposition to the Special Use Permit Application SP-2021-025.

Minutes were taken by Anna Brescia, paralegal.

Meeting minutes and Affidavit submitted to the City on April 28, 2021.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
COUNTY OF Jackson) SS:

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

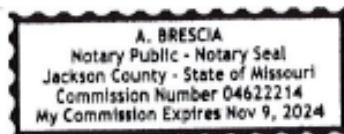
1. That I am the petitioner for Petition # SP-2021-025
2. That I conducted a neighborhood meeting via email and phone call comments and/or questions on April 16-27, 2021
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Jorge Salazar
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28 day of April, 2021.

My commission expires 9 of November, 2021.



AB
Notary Public

Site Photographs Provided by Applicant:







Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 27, 2021

Re: Petition SP2021-030

GENERAL INFORMATION

Applicant:

Reid and Marisa Roberts

Status of Applicant:

Owners
Venue at Willow Creek
3150 North 91st Street
Kansas City, Kansas 66109

Requested Action:

Approval of Special Use Permit
SP-2015-65, which expired on 12/10/20.

Date of Application:

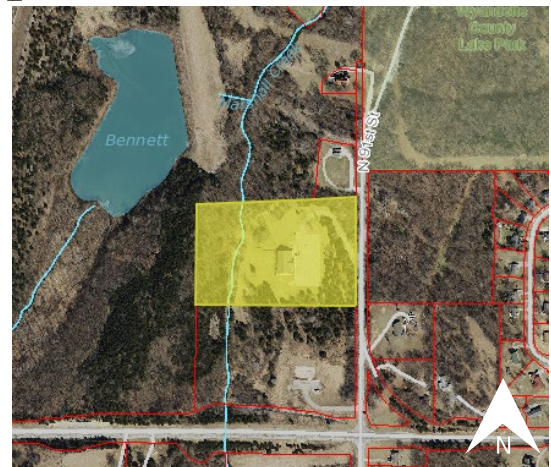
March 26, 2021

Purpose:

To continue to operate an event
venue with live entertainment.

Property Location:

3150 North 91st Street
Kansas City, Kansas 66109



Commission Districts:	Commissioner At Large: Melissa Bynum District #5 Commissioner: Mike Kane
Existing Zoning:	CP-2 Planned General Business District
Adjacent Zoning:	North: AG Agriculture District South: CP-1 Planned Limited Business District East: R-1 Single Family District West: AG Agriculture District
Adjacent Uses:	North: Woodlands Racetrack South: Vacant Land East: Single Family Homes West: Woodlands Racetrack
Total Tract Size:	9.42 Acres
Master Plan Area:	Piper Prairie Delaware Master Plan
Master Plan Designation:	The Piper Prairie Delaware Master Plan designates this area as Planned Entertainment. This allows for a variety of entertainment, retail, and commercial development as well as regional shopping.
Major Street Plan:	The Major Street Plan classifies 91 st Street as a Class C Thoroughfare.
Parking Requirements:	Section 27-466 requires uses in this district to have 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. Parking requirements for a drinking establishment are one (1) space per 50 square feet of seating area, plus one (1) space for 200 square feet of remaining total floor area. 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 has a total square footage 5,650 interior floor space. Of this, approximately 3,000 square feet is designated for seating. The total number of required parking spaces is 93. The site has 93 parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – April 15, 2021 Letters to Property Owner - April 16, 2021 and May 20, 2021

Public Hearings: May 10, 2021 and May 27, 2021

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Reid and Marisa Roberts, are seeking the approval of a Special Use Permit for the operation of an event venue with live entertainment at The Venue at Willow Creek at 3150 North 91st Street. This use was previously allowed through SP-2013-34, a two (2) year permit, and SP-2015-65, a five (5) year permit which expired on 12/10/2020. The applicants are requesting renewal for 10 years.



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 character of the neighborhood is largely rural in nature. Wyandotte County Lake Park is to the North. There are single family homes south of the property at the Southeast corner of the 91st and Leavenworth intersection. The Woodlands Business Park Redevelopment is North and West of the property.

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 an event venue with live entertainment has the potential to create issues related to noise, parking, and other concerns related to overcrowding. The property is adequately buffered from neighboring properties and there have been no noise complaints received during the time the property has been used as an event venue.

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

The property is suitable for use as a gathering place. The property is expected to continue to be suitable for use as an event space with entertainment 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 event venue.

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

Special Use Permits are not addressed in the Master Plan. The Piper Prairie Delaware Master Plan designates this area as Planned Entertainment. This allows for a variety of entertainment, retail, and commercial development as well as regional shopping. Commercial businesses are allowed but require a Special Use Permit to function as an event space with live entertainment. The proposed use conforms to the 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 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 an event venue. The area is designed to accommodate the traffic generated from this type of business.

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 applicant and the customers who have events at this venue. The venue is screened from 91st Street, so the use will not permanently injure the visual quality or marketability of adjoining property.

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

Noise, vibration, dust, or illumination are issues that could be created by the proposed use because of additional traffic to the area. All music will be within the enclosed building, therefore noise that is normally associated with event centers with live entertainment should not create problems for nearby property. There have not been any issues reported thus far.

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 event space.

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 will be conducted wholly within an existing event space in a rural area.

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

The relative gain 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 an event space with live entertainment but may still use the property as another type of commercial business, rent the property, or sell it.

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

The proposed use will could create issues of overcrowding of land or undue concentrations of population because it will bring more people to the area.

PREVIOUS ACTIONS

SP-2013-34

SP-2015-65 expired on 12/10/2020

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on April 26, 2021 at 3150 North 91st Street Kansas City, Kansas 66109. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Proximity to Wyandotte County Lake Park

Noise

Parking

Illumination

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of SP2021-030, subject to:

1. **Must comply with Unified Government Security Ordinance;**
2. **Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential or public uses;**

3. All live entertainment, bands, D.J.'s, etc. shall be within the enclosed building. Doors shall remain closed when music is being played;
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 if additional signage is proposed;
5. 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;
6. The applicant must maintain a current business occupation tax application;
7. If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Unified Government Board of Commissioners for revocation;
8. 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;
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 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; 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 **SP2021-030** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 10, 2021 City Planning Commission Minutes
Zoning Map
Land Use Map
Aerial Map
Site Photographs Provided by Staff, Dated April 20, 2021
Neighborhood Meeting Documentation
Floor Plan
Aerial Imagery of Parking
Occupation Tax Application

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	May 10, 2021	May 27, 2021
Special Use	Approval	

STAFF CONTACT: Shana Kelly
 skelly@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-030** 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 **SP2021-030** 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.

May 10, 2021 City Planning Commission Minutes:

Hearing starts at 3:41:00:

SPECIAL USE PERMIT APPLICATION SP2021-030 – REID AND MARISA ROBERTS

- **SYNOPSIS:** Special Use Permit for the continuation of an event venue with live entertainment at 3150 North 91st Street (SP-2015-65 expired 12/10/2020).

Detailed Outline of Requested Action: The applicants, Reid and Marisa Roberts, are seeking the approval of a Special Use Permit for the operation of an event venue with live entertainment at The Venue at Willow Creek at 3150 North 91st Street. This use was previously allowed through SP-2013-34, a two (2) year permit, and SP-2015-65, a five (5) year permit which expired on 12/10/2020. The applicants are requesting renewal for 10 years.



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 May 10, 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:

- Marisa Roberts, applicant, 11620 Leavenworth Road, Kansas City, Kansas 66109, owner of Venue at Willow Creek, 3150 North 91st Street, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:40:00: Planning Director Hand stated that this property is located close to Wyandotte County Lake and Park and is in the Prairie Delaware Piper Master Plan. He stated that standard conditions for live entertainment have been added such as lighting, so it does not impact adjacent properties. There are no Notices of Violation and no letters in support nor opposition have been submitted. Staff recommends approval for ten (10) years subject to the conditions in the staff report.

Motion and Vote starts at 3:44:57:

On motion by Ms. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2021-030:**

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

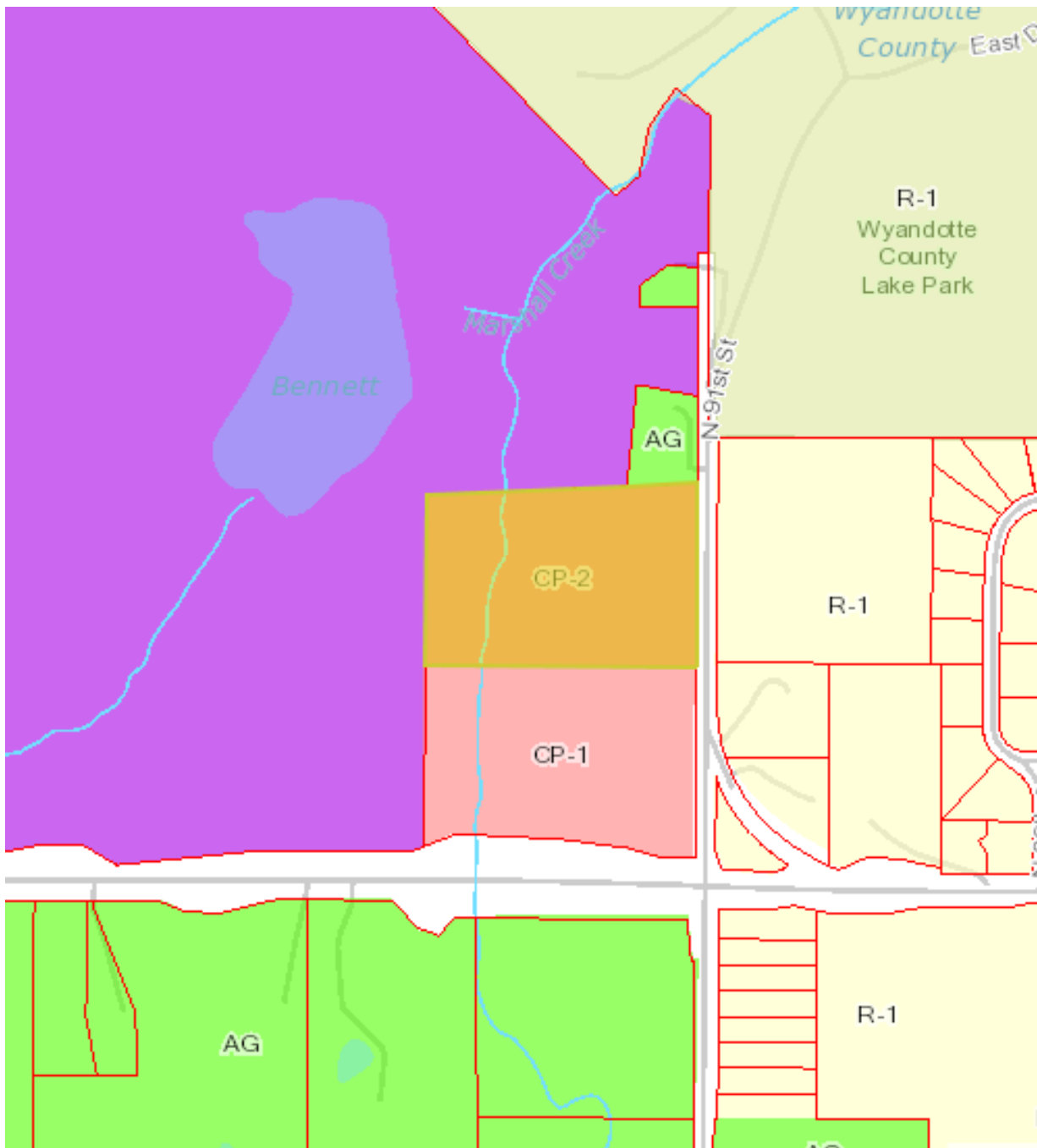
Motion to RECOMMEND APPROVAL Passed: 7 to 0

Subject to:

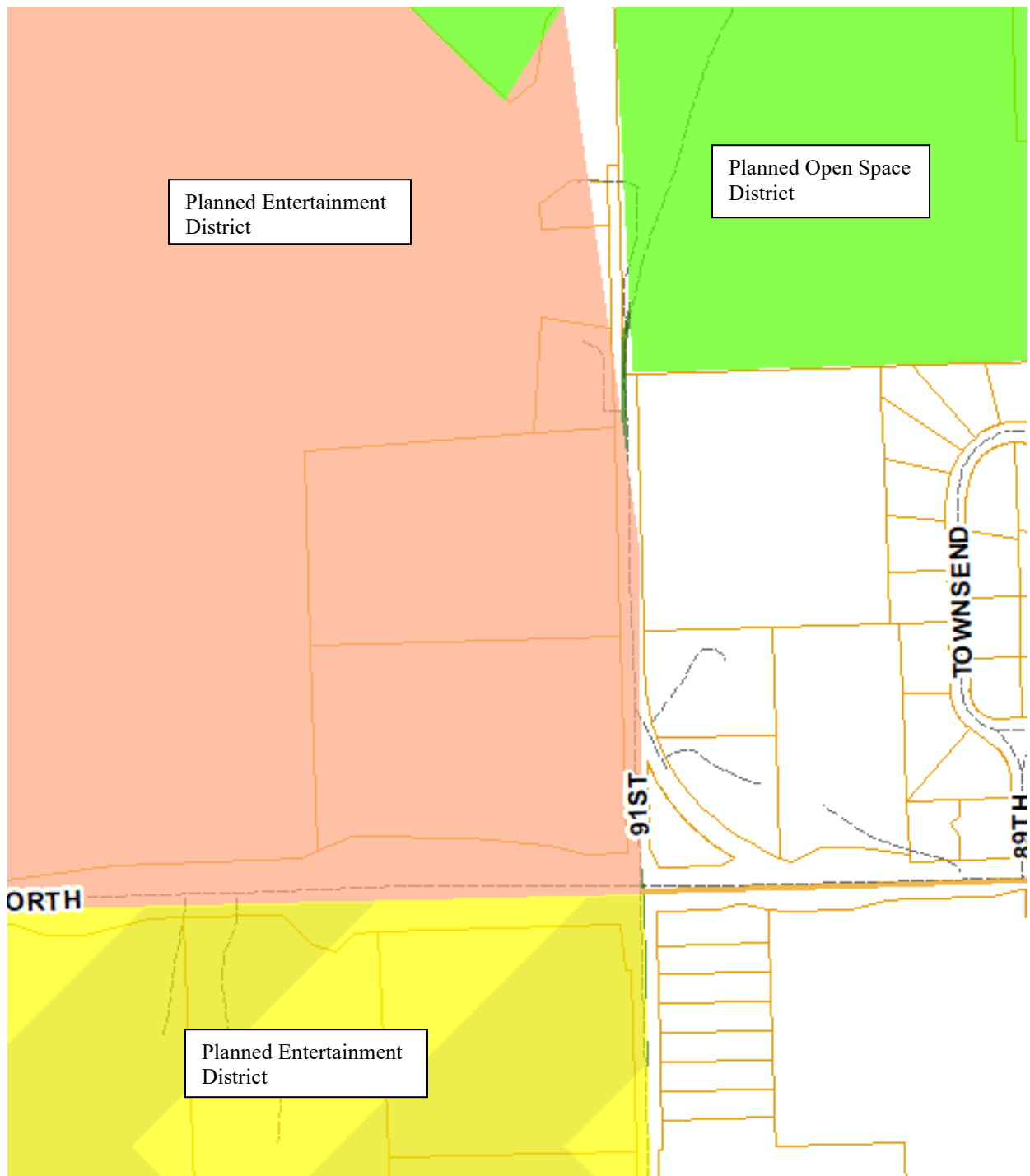
- 1. Must comply with Unified Government Security Ordinance;**
- 2. Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential or public uses;**
- 3. All live entertainment, bands, D.J.'s, etc. shall be within the enclosed building. Doors shall remain closed when music is being played;**
- 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 if additional signage is proposed;**
- 5. 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;**
- 6. The applicant must maintain a current business occupation tax application;**

7. If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Unified Government Board of Commissioners for revocation;
8. 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;
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 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; 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:



Land Use Map:



Aerial Map:



Site Photographs Provided by Staff, Dated April 20, 2021:







Neighborhood Meeting Documentation:

April 14, 2021

Commissioner Melissa Bynum
701 North 7th Street, 9th Floor
Kansas City, KS 66101

Subject: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use #SP2021-030.

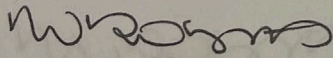
The purpose of this special use permit is for an entertainment permit for DJ/band to continue to play music at event center, Willow Creek, for weddings, parties, etc. at the following address 3150 N. 91st St, Kansas City, KS 66109.

I am having a neighborhood meeting on **Monday, April 26th at 6:00 p.m.** at the following address: **3150 N 91st St, Kansas City, KS 66109.**

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

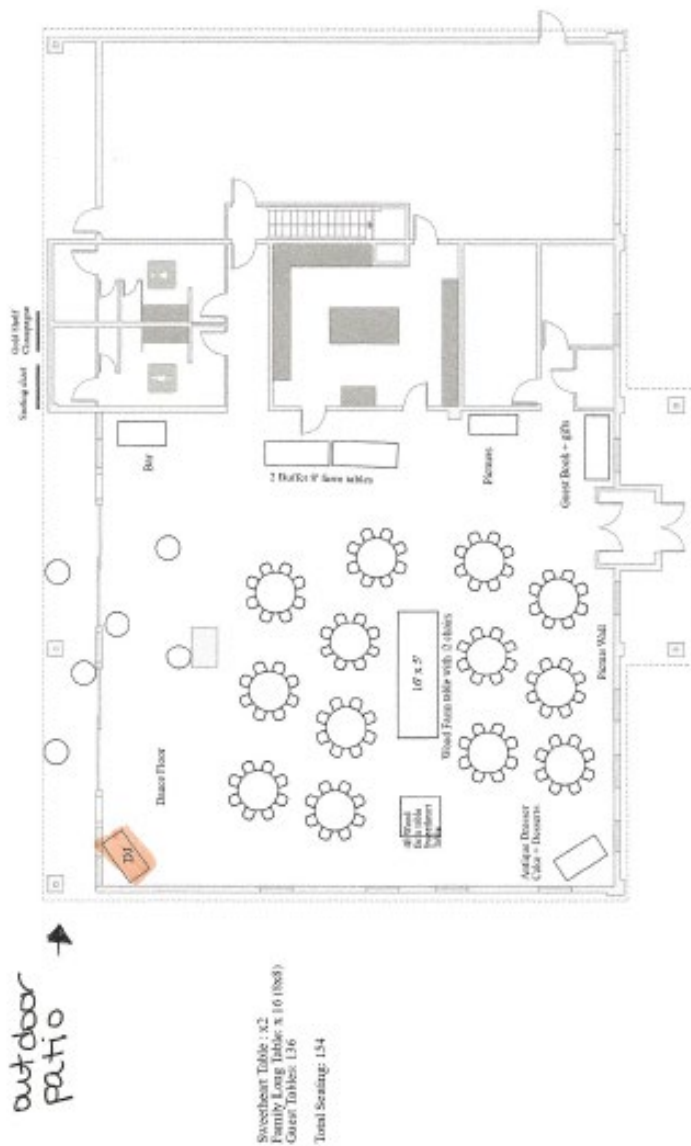
I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,



Marisa Roberts
11620 Leavenworth Road
Kansas City, KS 66109
marisa@oliveeventscatering.com
913-909-2525

Floor Plan:



Heather Ezell - May 28, 2021
venue at willow creek - Mezzanine
Heather Ezell

SP2021-030
3150 NORTH 91ST STREET

Powered by Hallseated

Aerial Imagery Showing Parking:

4/21/2021

IMG_3400.jpg



SP2021-030
3150 NORTH 91ST STREET

Occupation Tax Application:

	BUSINESS LICENSE DIVISION Neighborhood Resource Center Unified Government of Wyandotte County/Kansas City, Kansas 4953 State Ave. Kansas City, Kansas 66102 p. (913) 573-8780 f. (913) 573-8622 www.wyandotte.org/businesslicense
2021 Occupation Tax	
Mailing Address VENUE AT WILLOW CREEK 11620 LEAVENWORTH RD KANSAS CITY, KS 66109	Date Receipt Issued: 1/24/2021
This certifies that VENUE AT WILLOW CREEK 3150 N 91ST ST KANSAS CITY, KS 66109	
has paid the Unified Government Occupation Tax for the privilege of conducting the business of EVENT CENTER in the City of Kansas City, Kansas. The Occupation Tax expires on: 12/31/2021	
The tax paid on <u>1/24/2021</u> was <u>\$222.00</u>	
License #: OCC-001303-L	 _____ Lori Wilson License Administrator
THE ISSUANCE OF AN OCCUPATION TAX RECEIPT DOES NOT CREATE A PRESUMPTION THAT THE BUSINESS HAS COMPLIED WITH THE UNIFIED GOVERNMENT REGULATORY ORDINANCES. THIS RECEIPT MUST BE CONSPICUOUSLY DISPLAYED IN THE PLACE OF BUSINESS. NO REFUNDS AVAILABLE.	

ExternalReceipt.nrl

Par #: 15980-00825

Date Printed: 1/24/2021 10:40:42 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: May 27, 2021

Re: SP2021-031

GENERAL INFORMATION

Applicant:
Richard and Mary Leslie

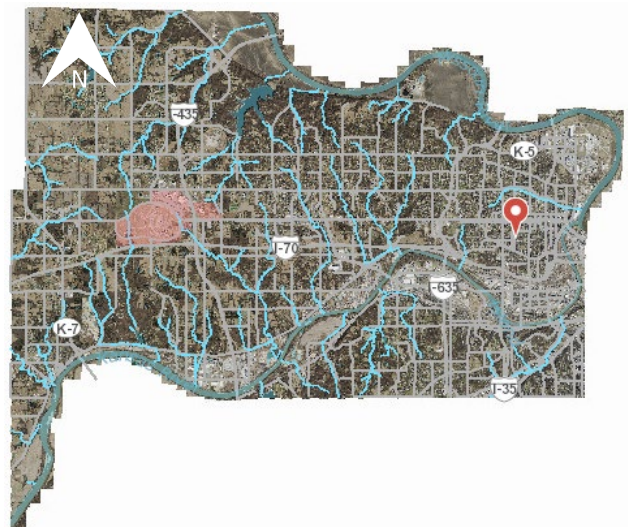
Status of Applicant:
Property Owner
334 North Thorpe Street
Kansas City, Kansas 66102

Requested Action:
Renewal of a Special Use Permit
SP-2015-63, which expired on
12/10/2020.

Date of Application:
March 26, 2021

Purpose:
To continue to keep four (4)
dogs on the property.

Property Location:
334 North Thorpe Street
Kansas City, Kansas 66102



Commission Districts:	Commissioner At Large: Tom Burroughs District #2 Commissioner: Brian McKiernan
Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Single Family Homes South: Single Family Homes East: Single Family Homes West: Single Family Homes
Total Tract Size:	0.15 Acre
Master Plan Area:	Central Area Master Plan
Master Plan Designation:	The Central Area Master Plan designates this area as Urban Density. This allows for a mix of detached and attached residential such as single-family homes, attached residences including town homes, duplexes, triplexes, fourplexes, etc. and institutional such as schools, churches, and libraries.
Major Street Plan:	The Major Street Plan classifies North Thorpe 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 property has two (2) off-street parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – April 15, 2021 Letters to Property Owner – April 16, 2021 and May 20, 2021
Public Hearings:	May 10, 2021 and May 27, 2021
Public Support:	Support has been expressed by two (2) neighbors.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicants Richard and Mary Leslie, are seeking the approval of a Special Use Permit for the keeping of four (4) dogs at 334 North Thorpe Street. This was previously approved through SP-2015-63, which expired

on 12/10/2020. Because of the length of time since expiration, this cannot be considered a renewal. The applicants were originally allowed to keep the same four (4) dogs through Special Use Permit SP-2013-47.

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 residential in nature, comprised of single-family homes on narrow lots.

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 could be compatible if properly managed. Having four (4) dogs in the home has the potential to create issues related to noise, parking, and other concerns related to animal waste. Staff has not been made aware of any complaints for noise or other issues.

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

This property is suitable for use as a single-family home. The property could be suitable for the proposed use if managed properly. The proposed use has the potential to create issues of noise and animal waste if not managed properly. The property has been allowed to have four (4) dogs since 2013. During this time, there have been no complaints received.

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

This property is not vacant. It is an existing single-family residence and the primary address of the applicants.

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 area as Urban Density. This allows for a mix of detached and attached residential such as single-family homes, attached residences including town homes, duplexes, triplexes, fourplexes, etc. and institutional such as schools, churches and libraries. The proposed use conforms to the Master Plan because the property will continue to be a single-family home. Each residence is allowed to have three (3) dogs but require a Special Use Permit for any additional dog(s).

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

The proposed use will not increase vehicular traffic, as it is for the keeping of four (4) dogs.

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 because it only allows the property owners to keep four (4) dogs. The proposed use could injure the appropriate use, visual quality, or marketability of adjoining property by creating issues of noise and animal waste 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 is an issue that is related to the keeping of dogs. There have not been any noise complaints during the time the property has been used as a home for the four (4) dogs. Vibration, dust, and illumination are not expected to be issues.

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

The proposed use will not pollute the air, land, or water if managed properly.

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 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 property owners the ability to have four (4) dogs rather than three (3). If denied, it would create a hardship on the applicant because they would have to rehome one (1) of the dogs that has been in their home for a long time.

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 and rear yard on the site. The maximum number of dogs

allowed by SP-2019-63 is four (4). The Kansas City, Kansas Animal Services Department has stated that the applicants have properly registered the dogs and provide them with proper housing. They have no objections to the renewal of the Special Use Permit. The proposed use will not cause undue concentrations of population.

PREVIOUS ACTIONS

SP-2013-47

SP-2019-63 expired on 12/10/2020

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via letter on April 14, 2021. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise

Proper Disposal of Waste

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of SP2021-031, subject to:

- 1) If approved, this Special Use Permit will only apply to the four (4) dogs that are currently living in the home. If any should pass away, the Special Use Permit will not extend to allow for any new dogs to occupy the home;
- 2) Must adhere to the Conservation District Requirements:
 - a. The major concern is animal waste and the runoff from the waste. Animal waste would have to be cleaned up and disposed of in proper manner on a daily basis;
- 3) Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Sec. 27-593, or any other animal related activity as described in Sec. 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: The care, feeding, and keeping of animals; The proper housing, shelter, and restraint of animals from roaming at large; Access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City Kansas Animal Services, and to maintain annually that registration, and to arrange and

- participate in annual property and animal inspections with Kansas City Kansas Animal Services;
- 4) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 - 5) The Special Use Permit shall be valid for 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,
 - 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.

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 **SP2021-031** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 10, 2021 City Planning Commission Minutes
Zoning Map
Land Use Map
Aerial Map
Conservation District Comments
Site Photographs Provided by Staff, Dated April 20, 2021
Neighborhood Meeting Documentation
Veterinarian Documentation
Photographs of Dogs Provided by Applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	May 10, 2021	May 27, 2021
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-031** 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 **SP2021-031** 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.

May 10, 2021 City Planning Commission Minutes:

Hearing starts at 3:46:05:

SPECIAL USE PERMIT APPLICATION SP2021-031 – RICHARD AND MARY LESLIE

- **SYNOPSIS:** Special Use Permit for the continuation of a kennel for four (4) dogs at 334 North Thorpe Street (SP-2015-63 expired 12/10/2020).

Detailed Outline of Requested Action: The applicants Richard and Mary Leslie, are seeking the approval of a Special Use Permit for the keeping of four (4) dogs at 334 North Thorpe Street. This was previously approved through SP-2015-63, which expired on 12/10/2020. Because of the length of time since expiration, this cannot be considered a renewal. The applicants were originally allowed to keep the same four (4) dogs through Special Use Permit SP-2013-47.

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 May 10, 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:

- Mary Leslie, applicant, 334 North Thorpe, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:48:32: Planning Director Hand stated that this is a Special Use Permit for four (4) dogs; code allows a maximum of three (3) dogs. He stated staff received comments from the Conservation District as it relates to their concerns of animal waste on such a small parcel. There is a condition that the animal waste is cleaned up daily accordingly. There are no Notices of Violation and staff has received no letters in opposition. Letters in support have been submitted. Staff recommends approval for five (5) years, subject to the conditions in the staff report.

Motion and Vote starts at 3:49:31:

On motion by Mr. Ernst, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL** of Special Use Permit **SP2021-031**:

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0

Subject to:

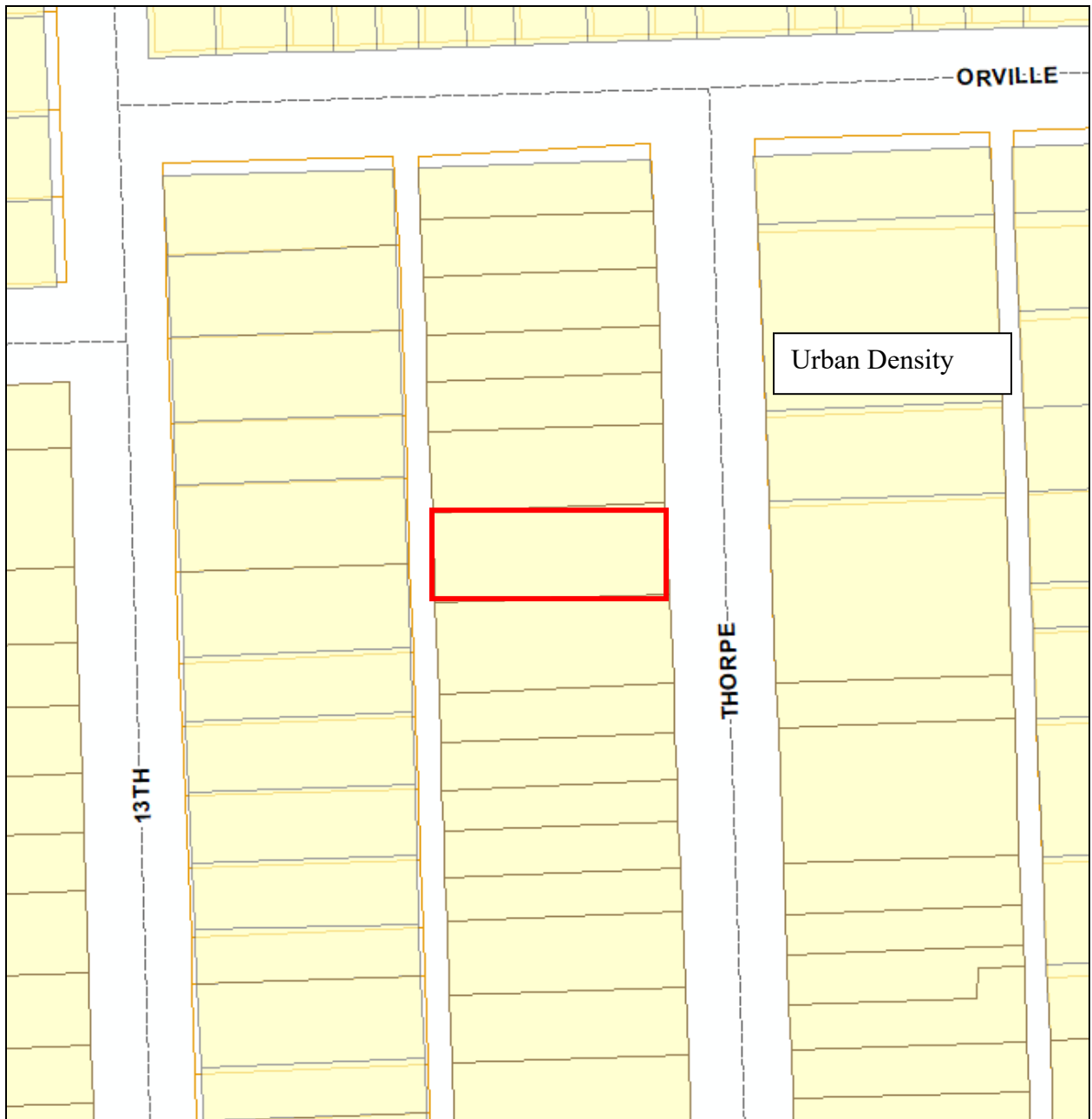
- 1) If approved, this Special Use Permit will only apply to the four (4) dogs that are currently living in the home. If any should pass away, the Special Use Permit will not extend to allow for any new dogs to occupy the home;
- 2) Must adhere to the Conservation District Requirements:
 - a. The major concern is animal waste and the runoff from the waste. Animal waste would have to be cleaned up and disposed of in proper manner on a daily basis;
- 3) Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Sec. 27-593, or any other animal related activity as described in Sec. 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: The care, feeding, and keeping of animals; The proper housing, shelter, and restraint of animals from roaming at large; Access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City Kansas Animal Services;
- 4) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

- 5) The Special Use Permit shall be valid for 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,**
- 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.**

Zoning Map:



Land Use Map:



Aerial Map:



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

April 13, 2021

RE: SP2021-031 Richard and Mary Leslie 4 dogs 334 North Thorp Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: SP2021-031 Richard and Mary Leslie 4 dogs 334 North Thorp Street.

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Knox silt loam, 7 to 12 percent slopes. This soil type is considered very erodible when the surface is denuded of a protective cover.
- The lot is very small for any exercise area for the dogs. It is too small for that many dogs. There is limited green space for one animal.
- The major concern is animal waste and the runoff from the waste. Animal waste would have to be cleaned up and disposed of in proper manner on a daily basis.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological

investigation may be needed. The natural soils and drainage pattern may have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineation on the maps includes soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

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

Sincerely,

Cheri Miller
District Manager

enclosures

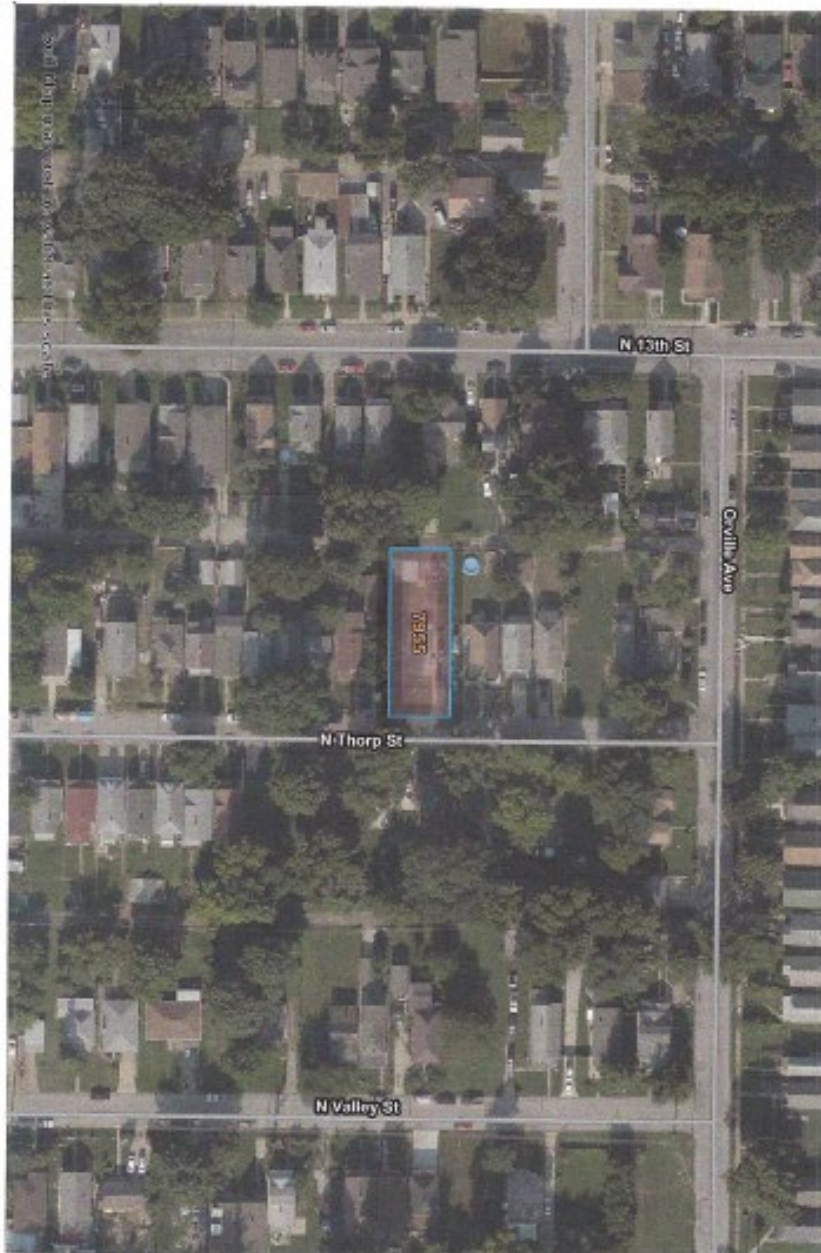
M 49 02 46

Map Unit Name—Wyandotte County, Kansas
(SP2021-031 334 N. Thorpe St)

W 27 26 27 W

30° 0 32' N

30° 0 32' N



30° 0 32' N

30° 0 32' N

M 49 02 46



USDA
Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

4/7/2021
Page 1 of 3

MAP LEGEND

- Area of Interest (AOI)
 -  Area of Interest (AOI)
- Soils
 -  Knox silt loam, 7 to 12 percent slopes
 -  Not rated or not available
- 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
 -  Roads
 -  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: websoilsurvey.sc.egov.usda.gov
Coordinate System: Web Mercator (EPSG:3857)

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

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

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

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

Date(s) aerial images were photographed: Jul 17, 2018—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	0.2	100.0%
Totals for Area of Interest			0.2	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-bilia Americana/asimina Triloba-ulmus 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.

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

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

Report—Soil Features

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

Data Source Information

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

Site Photographs Provided by Staff, Dated April 20, 2021:







Neighborhood Meeting Documentation:

April 14, 2021

CRISTOBAL AYALA
342 N. THORPE ST
KCK 66102

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use # SP2021-031
The purpose of this:

(please use all that applies)

special use permit

is for caring for 4 dogs

at the following address: 334N THORPE ST, KCK, 66102

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

Please CONTACT me at 913-202-0032 or email me at LONDON2BLUE@HOTMAIL.COM or mail me a letter to my address below for your concern & question by April 26, 2021.

Sincerely,

Mary & Richard Leslie
334 N. Thorpe Street
KCK 66102

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF kansas)

) SS:

COUNTY OF WYDOTTE)

Comes now RICHARD & MARY LESLIE, of lawful age,
sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP 2021-31.
2. That I CONTACT ALL NEIGHBORS WITHIN 200FT OF THE
PROPERTY BY LETTERS on April 14, 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

Good MorningMadam Parker,

enclosed is the affidavit that we had sent letters by post office mails to **everyone** on the contact list.

And in place of the neighborhood meeting, I stated in the letters that they can contact me (by email, phone & letters) with any questions & concerns pertaining to our applying for the special permit, to continues caring for our 4 dogs.

2 neighbors had contacted me by email :-

Mary Bryant that lives at 342N VALLEY ST,and Santo GUTIERREZ that lives at 333N. THORPE ST.

They both expressed our dogs were never any nuisance or trouble, and support our re-applying for the special permit.

1 neighbor had visited with my husband in our back yard:-

William Drakes, lives at 351 N. 13th ST., expressed he had rceived our letter, and wish us success in our re-applying for the special permit.

Sincerely,

Mary Leslie

Veterinarian Documentation:

SP 2015-63


BETHEL ANIMAL HOSPITAL & KENNEL P.A.
7100 Leavenworth Road
Kansas City, KS 66109
(913) 334-2792

Account: 13731
Invoice: 227452
Date: 02/23/2021
Time: 11:05 AM
Page: 1

Richard Leslie
334 N Thorpe
KC KS 66102

Patient: TRACY
Species: CANINE
Breed: Labrador Retriever
Color: Chocolate
Doctor: Leo Becker D.V.M

Age: 8
Sex: FS
Tag: 1053
Weight: 102.00

Phone: (913)219-5345 (913)321-4242

Service/Item	Qty	Price	Amount
TRI HEART PLUS 1 - 25LBS 6 MO	1.00	30.20	30.20
TRI HEART PLUS 51-100LB 6MO	1.00	52.30	52.30
Tax			0.00
Net Invoice			82.50
Previous Balance			604.03
Payment			686.53
Card 686.53 (VISA)			
Balance Due			0.00

heartworm med

Reminders:

June 27, 2021	Heartworm Antigen Test(T615)	
June 27, 2021	Bordetella vaccination	
June 27, 2021	DHLPPC Rabies	

- CONTINUE THIS PRODUCT YEAR ROUND !
- CONTINUE THIS PRODUCT YEAR ROUND !

Please refill your pet prescriptions one week before you run out. Allow 24 hours for prescription refills.

Your Sierra Pet Meds Order Confirmation (#3128426)

Sierra Pet Meds <service@sierrapetmeds.com>

Sun 1/17/2021 6:17 PM

To: london2blue@hotmail.com <london2blue@hotmail.com>



Thanks for Your Order

🔗 Your order ID is **#3128426**. A summary of your order is shown below. To view the status of your order [click here](#).

Shipping Address

mary leslie
334 N. THORP STREET
KANSAS CITY, Kansas 66102
United States
9132020032

Billing Address

mary leslie
334 N. THORP STREET
KANSAS CITY, Kansas 66102
United States
9132020032

Your Order Contains...

Cart Items	SKU	Qty	Item Price	Item Total
Bravecto Flea and Tick Chew for Dogs 88-123 lbs (40-56 kg) - Pink 6 Chews	AU-D105-8046-Q6	1	\$195.99 USD	\$195.99 USD

Subtotal: \$195.99 USD

Shipping: \$0.00 USD

Store Credit: -\$11.00 USD

Grand Total: \$184.99 USD

Payment Method: Braintree (PayPal)

Sierra Pet Meds

<https://sierrapetmeds.com/>

Order Confirmation

ANIMAL SERVICES UNIT KANSAS CITY KA <noreply@elavon.com>

Sun 12/13/2020 5:00 PM

To: LONDON2BLUE@HOTMAIL.COM <LONDON2BLUE@HOTMAIL.COM>

ANIMAL SERVICES UNIT KANSAS CITY

3301 PARK DRIVE

KANSAS CITY, KS 66102

913-321-1445

SP 2015-63

Order Results

Profile Name: ANIMAL SERVICES UNIT KANSAS C
Transaction ID: 131220E3E-D18CB070-2E65-417B-ABA6-DE5EAA911A66
Date/Time: 12/13/2020 05:00:06 PM
Transaction Type: SALE
Approval Message: APPROVAL
Approval Code: 282864
ECI:

Order Section

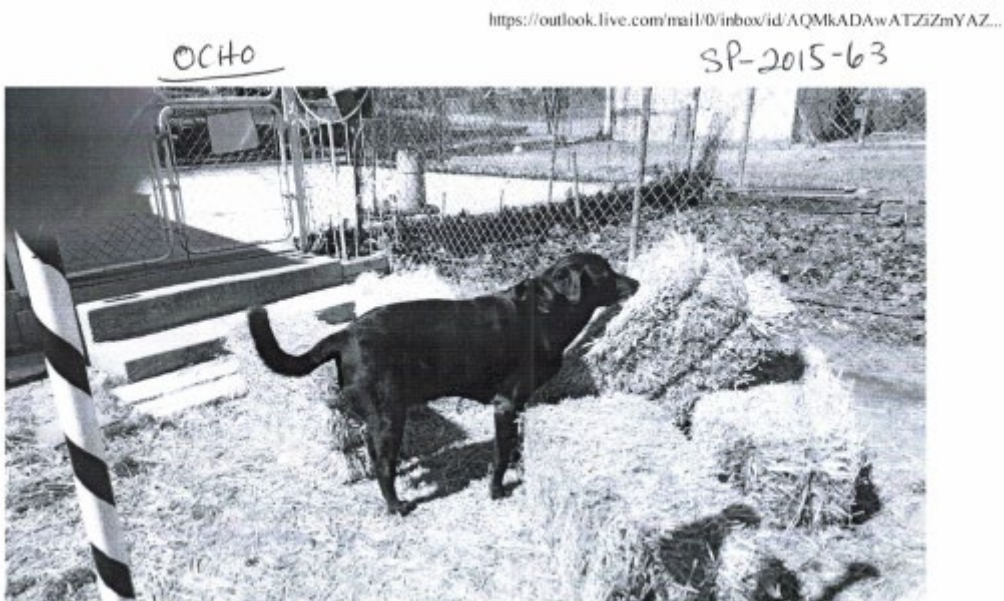
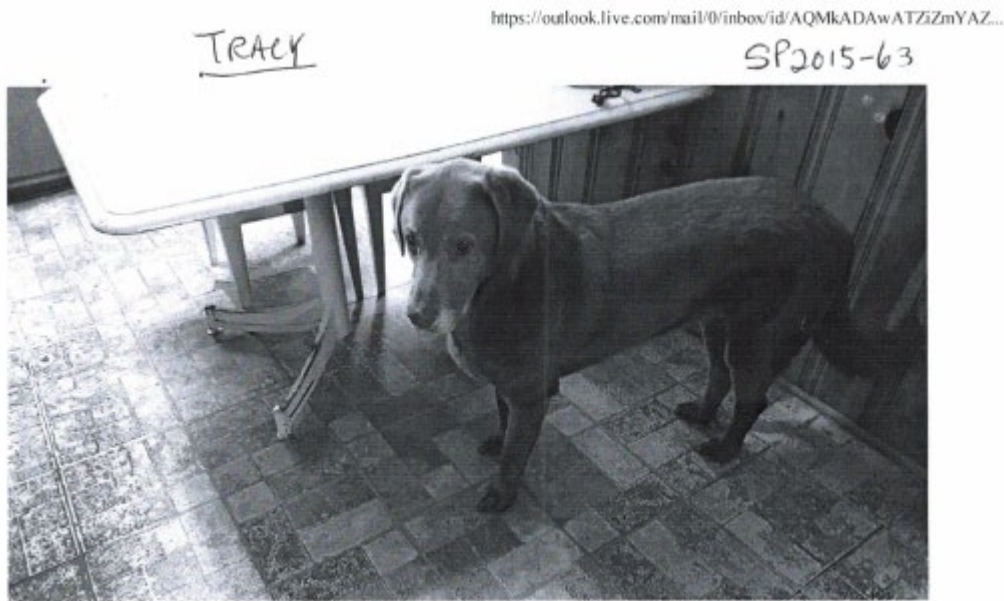
Card Number : *****1006
Amount : \$40.00 USD
Invoice Number : KCKSWLJ5641903
Unique Transaction ID : dd9da0074d454cd5bfb6e4e77ce903757

Billing Address

First Name : MARY
Last name : LESLIE
Address1 : 334 N THORPE ST
City : KANSAS CITY
State/Province : KS
Postal Code : 66102
Phone : (913) 219-5345
Email Address : LONDON2BLUE@HOTMAIL.COM

The information contained in this e-mail and in any attachments is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. This message has been scanned for known computer viruses.

Photographs of Dogs Provided by Applicant:



SEATE

SP-2015-63



CINCO

SP-2015-63





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: May 27, 2021

Re: SP2021-032

GENERAL INFORMATION

Applicant:
Roberta Laird

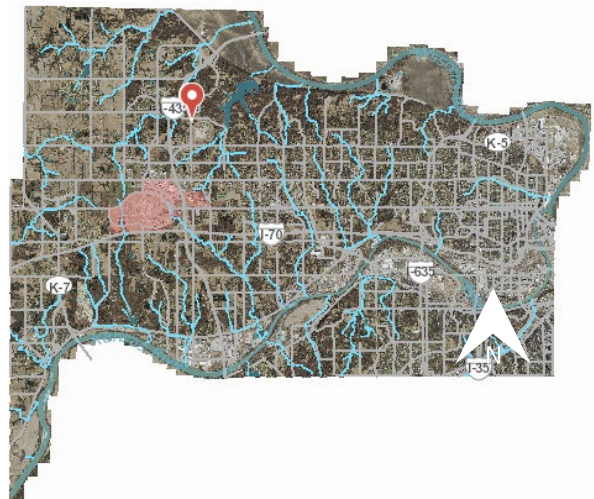
Status of Applicant:
Property Owner
3704 North 99th Street
Kansas City, Kansas 66109

Requested Action:
Renewal of Home Occupation
Special Use Permit SP-2019-55,
which expires on 5/30/2021.

Date of Application:
March 26, 2021

Purpose:
To continue to operate a
commercial specialty shop in the
applicant's primary residence.

Property Location:
3704 North 99th Street
Kansas City, Kansas 66109



Commission Districts:	Commissioner At Large: Melissa Bynum District #5 Commissioner: Mike Kane
Existing Zoning:	A-G Agriculture District
Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture District East: A-G Agriculture District West: A-G Agriculture District
Adjacent Uses:	North: Large lot single family home (across Donahoo Road) South: Large lot single family home East: Large lot single family homes West: Large lot single family home
Total Tract Size:	1.5 Acres
Master Plan Area:	Prairie Delaware Piper Master Plan
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this area as Planned Office District. This is to encourage the development of commercial/office. In some cases, this use is located to buffer residential development from more intensive commercial retail development.
Major Street Plan:	The Major Street Plan classifies Donahoo Road as a Class C Thoroughfare and 99 th Street as a Local Street.
Parking Requirements:	Section 27-452 requires two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling in districts that are zoned A-G Agriculture.
Advertisement:	<u>The Wyandotte Echo</u> – April 15, 2021 Letters to Property Owner – April 16, 2021 and May 20, 2021
Public Hearings:	May 10, 2021 and May 27, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Roberta Laird, is requesting the renewal of Special Use Permit SP-2019-40, which expires on 5/30/2021. This Special Use Permit allows for the applicant to operate a commercial shop to sell handmade items, gifts, antiques, etc. to the public in the basement and garage of their home at 3704 North 99th Street. This property is the applicant's primary address.

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 character of the neighborhood is largely comprised of larger lot single-family homes that area relatively setback from the street and one another.

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 could be compatible with neighboring properties if managed properly. The proposed use has the potential to create issues of parking and traffic. Staff has not been made aware of any complaints during the time the property has been used as a commercial specialty shop.

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 specialty shop 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 the applicant's primary residence.

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

Special Use Permits are not addressed in the Master Plan. The Prairie Delaware Piper Master Plan designates this area as Planned Office District. This is to encourage the development of commercial/office. This land use designation anticipates future redevelopment of this property, further supported by the addition of the Donahoo Freeway Interchange. Regardless, the proposed use

conforms to the Master Plan because it is for a specialty shop.

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 and Local Street to accommodate it if managed properly while it functions as a specialty shop.

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 specialty shop. 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, vibration, dust, and illumination are issues that could be created by the proposed use because of increased traffic and parking. There have not been any complaints during the time the property has been used as such.

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 being conducted wholly within 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.*

There is no relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners. If denied, the applicant could not use the property as a specialty shop but may still use the property as their primary residence, rent the property, or sell the property.

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

The proposed use could create issues of overcrowding and undue concentrations of population depending on the number of customers that visit the property. There have been no complaints during the time that this property has been used as a specialty shop.

PREVIOUS ACTIONS

SP-2019-40 expires on 5/30/2021

NEIGHBORHOOD MEETING

The applicant had a neighborhood meeting on April 24, 2021. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Noise
Parking
Unpermitted Signage

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of SP2021-32, subject to:

1. **Hours of operation shall be limited to Thursday through Saturday noon to 5:00 p.m. with additional hours beginning the day after Thanksgiving and continuing through the holidays. Extended holiday hours would include the addition of being open on Sunday from noon to 5:00p.m. from Thanksgiving until New Years;**
2. **The maximum number of vehicles shall be eight (8);**
3. **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.
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 must maintain a current business Occupation Tax Application;
 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. If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Unified Government Board of Commissioners for revocation;
 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;
 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;
 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 **SP2021-032** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 10, 2021 City Planning Commission Minutes
Zoning Map
Aerial Map
Land Use Map
Letter from Applicant
Site Photographs Provided by Applicant
Conservation District Comments
Conditions of Approval SP-2019-40
Neighborhood Meeting Documentation
Site Photographs Provided by Staff, Dated April 20, 2021
Occupation Tax Receipt
Aerial Image Showing Parking

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	May 10, 2021	May 27, 2021
Special Use	Approval	

STAFF CONTACT: Shana Kelly
 skelly@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-032** 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 **SP2021-032** 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.

May 10, 2021 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2021-032 – ROBERTA LAIRD –

SYNOPSIS: Renewal of a Special Use Permit (SP-2019-40 – expires 5/30/2021) for a commercial specialty shop at 3704 North 99th Street.

Detailed Outline of Requested Action: The applicant, Roberta Laird, is requesting the renewal of Special Use Permit SP-2019-40, which expires on 5/30/2021. This Special Use Permit allows for the applicant to operate a commercial shop to sell handmade items, gifts, antiques, etc. to the public in the basement and garage of their home at 3704 North 99th Street. This property is the applicant's primary address.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There is no Code Enforcement History on this property. with the property. There is no history of Code Enforcement at the 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 May 10, 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 Director Hand requested that Plan Review Application PR2021-012 be removed from the Consent Agenda.

On motion by Ms. Jones, seconded by Mr. Miller, 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	Aye
Mohler	Not Present
Pauley	Aye
Reasons	Not Present

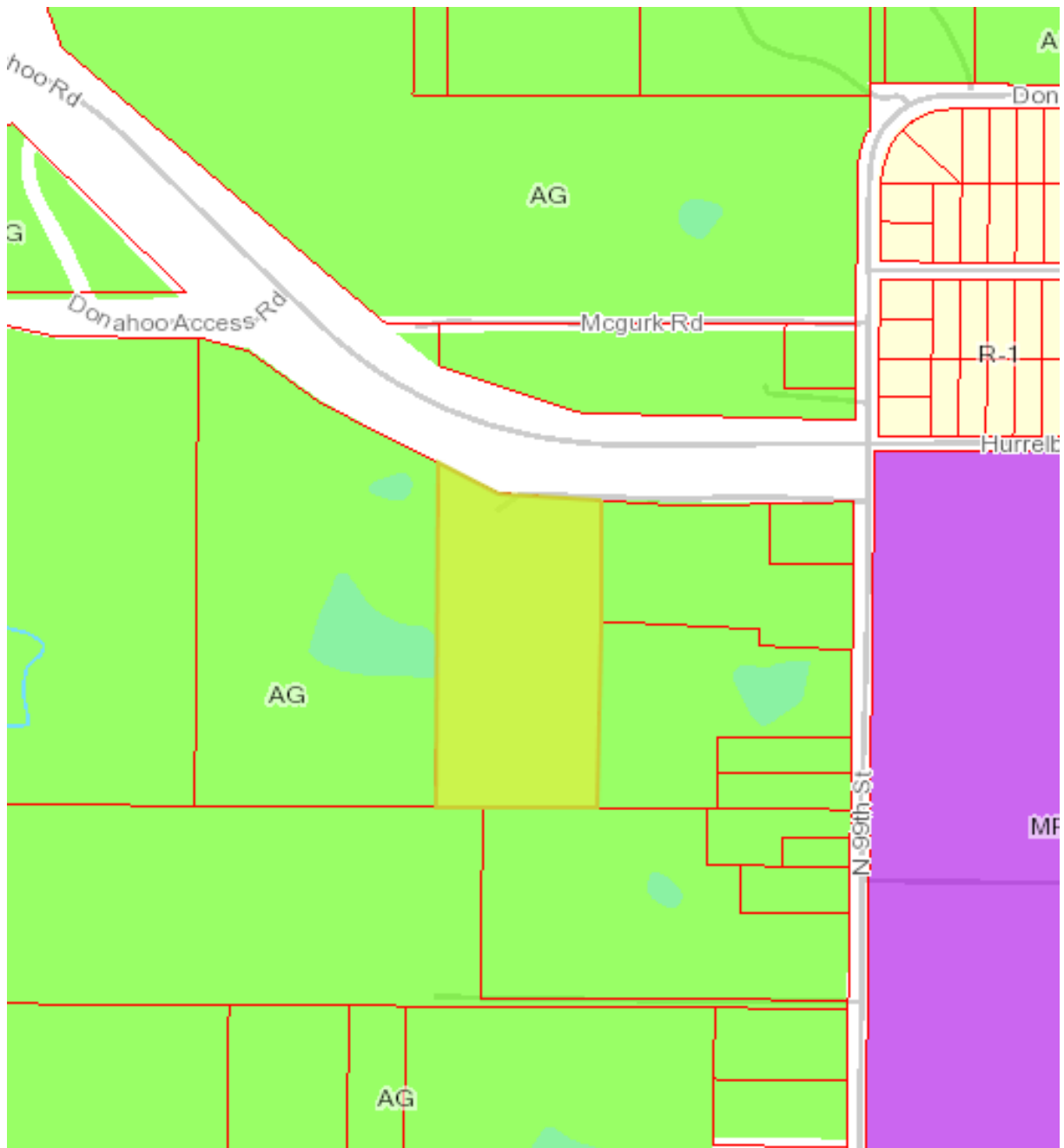
Motion to APPROVE Passed: 7 to 0

Subject to:

1. Hours of operation shall be limited to Thursday through Saturday noon to 5:00 p.m. with additional hours beginning the day after Thanksgiving and continuing through the holidays. Extended holiday hours would include the addition of being open on Sunday from noon to 5:00p.m. from Thanksgiving until New Years;
2. The maximum number of vehicles shall be eight (8);
3. 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.
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 must maintain a current business Occupation Tax Application;
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. If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Unified Government Board of Commissioners for revocation;

- 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;**
- 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;**
- 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.**

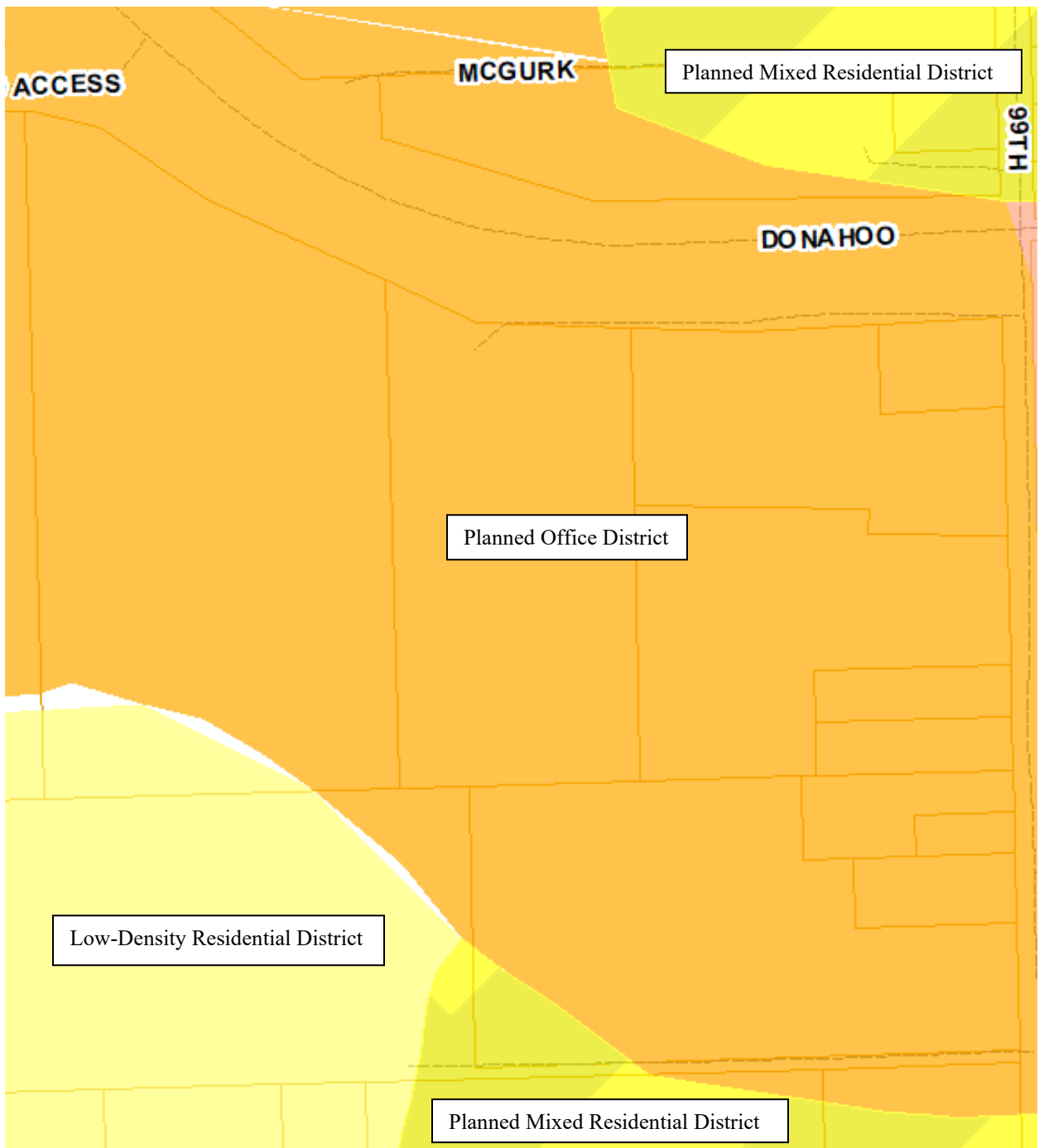
Zoning Map:



Aerial Map:



Land Use Map:



Letter from Applicant:

With the development of this area, many people miss the intimacy of being able to shop where they can experience individual attention. I provide goods and services to the community in an environment they can experience the hometown hospitality they may be missing through urban development.

My shop is somewhat specialized, which means patrons know they will receive personal service besides only encountering other shoppers who have the same interest. It's been my experience that some citizens are hesitant to shop in the bigger, more commercial environments where they have to walk long distances across a parking lot and through a mall to get that one item. My business provides that small, hometown shopping experience that the citizens of our community are missing.

The setting of my business poses no burden on neighbors due to the seclusion of the property. It is a small/specialty shop which does not generate large crowds or create a noticeable traffic increase.

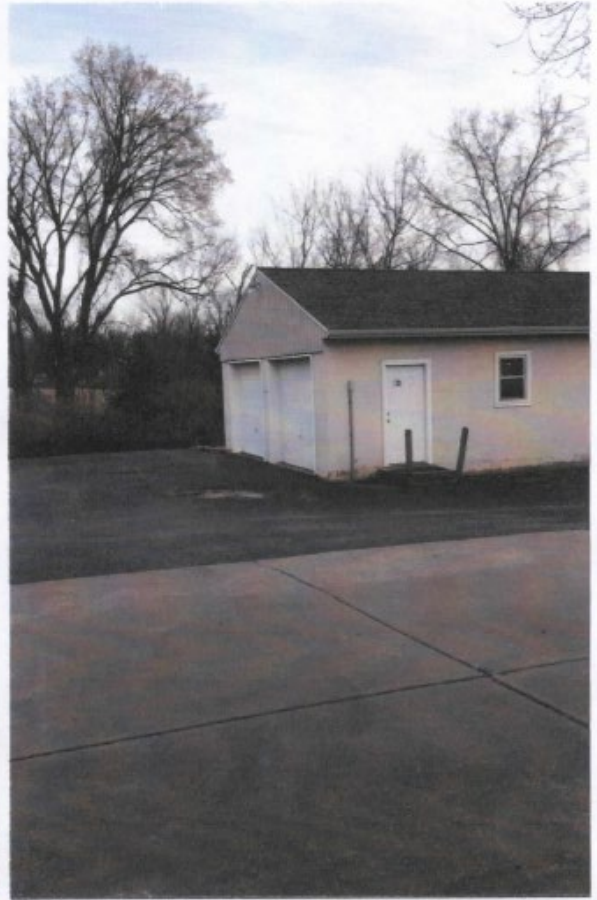
The business is open Thursday thru Saturday noon to 5 p.m. with additional hours beginning the day after Thanksgiving and continuing through the holidays.

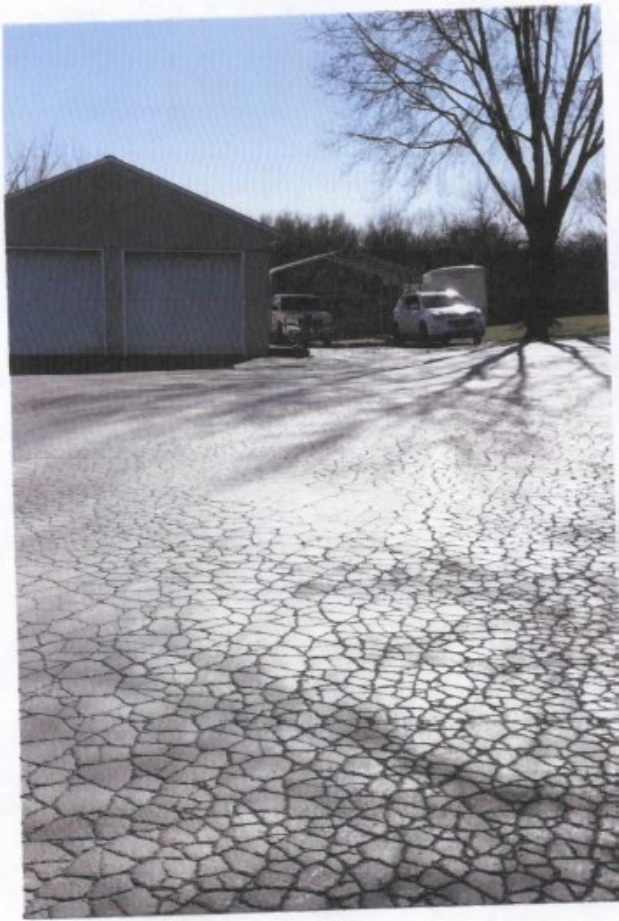
No additional changes are necessary to my property.

I request I would be granted the continued use of my current sign.

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

April 13, 2021

RE: SP2021-032 Robert Laird specialty shop 3704 North 99th Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: SP2021-032 Robert Laird specialty shop 3704 North 99th Street.

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

MAPS AND REPORTS

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

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

- There are three major soil type identified: Ladoga silt loam, 3 to 8 percent slopes, Gosport-Sogn complex, 7 to 35 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- The area is well established. There should not be any environmental concerns with this operation as long as proper waste disposal practices are observed.

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

39° 9' 22" N



39° 9' 22" N

39° 9' 2" N

39° 9' 2" N

SP 48 31' W



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



Map projection: Web Mercator Corner coordinates: WGS84

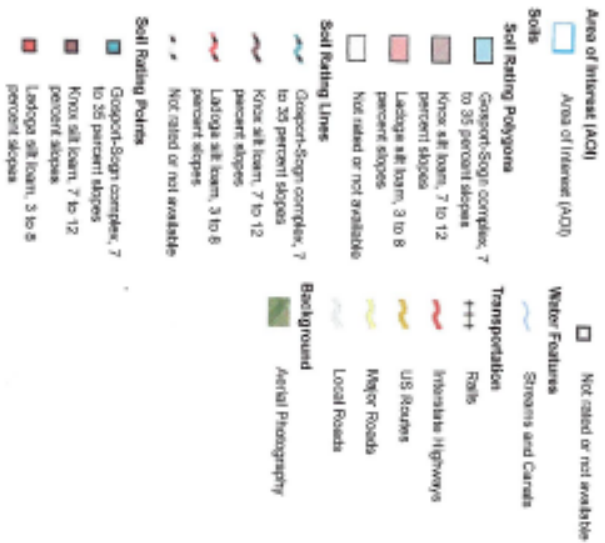


Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

4/7/2021
Page 1 of 3

MAP LEGEND



MAP INFORMATION

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

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

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

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

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 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 10, 2019—Sep 23, 2019

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

Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7250	Gosport-Sogn complex, 7 to 35 percent slopes	Gosport-Sogn complex, 7 to 35 percent slopes	3.6	36.3%
7285	Ladoga silt loam, 3 to 8 percent slopes	Ladoga silt loam, 3 to 8 percent slopes	0.0	0.0%
7955	Knox silt loam, 7 to 12 percent slopes	Knox silt loam, 7 to 12 percent slopes	6.4	63.7%
Totals for Area of Interest			10.0	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: 7250—Gosport-Sogn complex, 7 to 35 percent slopes

Component: Gosport (50%)

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

Component: Sogn (35%)

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

Component: Oska (5%)

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

Component: Elmont (5%)

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

Component: Martin (5%)

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

Map Unit: 7285—Ladoga silt loam, 3 to 8 percent slopes**Component: Ladoga (80%)**

The Ladoga component makes up 80 percent of the map unit. Slopes are 4 to 7 percent. This component is on hillslopes on uplands. The parent material consists of silty and clayey loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately 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 3 percent. This component is in the R106XY015KS Loamy Upland (pe 30-37) ecological site. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.

Component: Knox (10%)

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

Component: Sharpsburg (10%)

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

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

Component: Knox (80%)

The Knox component makes up 80 percent of the map unit. Slopes are 7 to 12 percent. This component is on hillslopes on uplands. The parent material consists of fine-silty loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107BY003MO Deep Loess Exposed Backslope Savanna Quercus Macrocarpa-quercus Alba/amorpha Canescens/schizachyrium Scoparium-dalea Candida Bur Oak-white Oak/leadplant/little Bluestem-white Prairie Clover, Deep Loess Protected Backslope Woodland Quercus Rubra-ellia 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

Wyandotte County, KS



GeoSpatial Services
 710 N 7th St, Suite 200 | Kansas City, KS 66101
 Ph: 913.873.5241 | info@wyspatial.com
 www.wyspatial.com/ks



Map Scale
 1: 7,513



© 2021 Wyandotte County

DISCLAIMER OF WARRANTY AND ACCURACY: United Government of Wyandotte Co/Kansas City, KS (UGC) makes no representations or warranties about this map or its content, including, without limitation, accuracy, completeness, or fitness for any purpose. Users of this map document do so at their own risk. UGC will not be liable to any such user for any loss or damage whatsoever.

Legend

- ☐ Suburbs
- ☐ Points of Interest
- ☐ Lakes
- ☐ Rivers
- ☐ Streets
- ☐ Parks
- ☐ Private Parcel
- ☐ Unfilled Parcel
- ☐ ROW/Parcel
- ☐ Municipal Boundaries
- ☐ Railroads

Locator Map



Notes

Map Print Date: 4/7/2021 1:28 PM

Soil Features

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

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

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

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

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

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

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

Report—Soil Features

Soil Features—Wyandotte County, Kansas									
Map symbol and soil name	Kind	Restrictive Layer			Subsidence		Potential for frost action	Risk of corrosion	
		Depth to top	Thickness	Hardness	Initial	Total		Uncoated steel	Concrete
7250—Gaspert-Sogn complex, 7 to 25 percent slopes		Low-RV, High	Range		Low-High	Low-High			
		hr	hr		hr	hr			
Gaspert	Paraffinic bedrock	20-33-40	—	Weakly cemented	—	—	Moderate	High	High
Sogn	Lithic bedrock	4-16-20	—	Inclined	0	—	Moderate	Moderate	Low
7285—Ladoga silt loam, 3 to 6 percent slopes									
Ladoga		—	—		0	—	Moderate	Moderate	Moderate
7965—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

Conditions of Approval SP-2019-40:

Subject to approval, staff stipulates the following:

- 1) This special use permit shall be valid for two (2) years.
- 2) Hours of operation shall be from Thursday – Saturday, 10:00 AM to 5:00 PM, with the flexibility of staff to work with the applicant if Sunday through Wednesday, or some combination thereof is sought to operate the business during peak shopping season.
- 3) Ms. Laird will obtain the necessary building permits to build a patio-style door and windows, converting the basement garage.

Neighborhood Meeting Documentation:

April 11, 2021

Janet Parker
Department of Urban Planning & Land
Administrative Assistant
701 North 7th Street, Suit 423
Kansas City, KS 66101

SUBJECT: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use #SP-2021-032.

The purpose of this is to renew the special use permit for my shop, Simply Unique Gift Boutique, which offers handmade items, gifts, antiques, fabric, alterations, etc. in the basement of my single family dwelling at 3704 North 99th Street, Kansas City, KS, which has been converted into a shop.

I am having a neighborhood meeting on April 24, 2021 at 5:30 p.m. in the shop at 3704 N 99th Street, Kansas City, KS.

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

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

Sincerely,

Roberta S. Laird
3704 N. 99th Street
Kansas City, KS 66109
Phone: 913-334-2480
Cell: 913-449-4897
Email: roberta.laird03@gmail.com

MINUTES OF NEIGHBORHOOD MEETING
Permit # SP2021-032

Roberta S. Laird
3704 N. 99th St.
Kansas City, KS 66109
Phone: 913-334-2480
Cell: 913-449-4897
Email: roberta.laird03@gmail.com

Application No.: SP2021-032
April 24, 2021
3704 N. 99th St.
Kansas City, KS 66109

Meeting was called to order at 5:30 p.m.

People in Attendance: Roberta Laird, Owner
Pennie Bunkers, Acting Secretary

Since there was no one in attendance except for the owner and the secretary, no meeting was held. There had been no concerns submitted by those who were sent invitations to the meeting.

Meeting adjourned at 5:35 p.m.

Note: Remained at the shop location until after 6 p.m. to make sure no one was going to attend.

Minutes taken by Pennie D. Bunkers

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

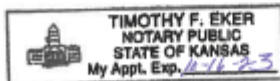
Comes now Roberta Laird, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # SP2021-032
2. That I conducted a neighborhood meeting on 4-24-21.
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 26 day of April, 2021
My commission expires 16th Oct of October, 2023




Notary Public

Site Photographs Provided by Staff, Dated April 20, 2021:







Occupation Tax Receipt:

	BUSINESS LICENSE DIVISION Neighborhood Resource Center Unified Government of Wyandotte County/Kansas City, Kansas 4953 State Ave. Kansas City, Kansas 66102 p. (913) 573-8780 f. (913) 573-8622 www.wycokck.org/businesslicense
	2021 Occupation Tax
Mailing Address	Date Receipt Issued: 12/9/2020
SIMPLY UNIQUE GIFT BOUTIQUE LLC 3704 N 99TH ST KANSAS CITY, KS 66109	
This certifies that	
SIMPLY UNIQUE GIFT BOUTIQUE LLC 3704 N 99TH ST KANSAS CITY, KS 66109	
has paid the Unified Government Occupation Tax for the privilege of conducting the business of	
HOME RETAIL SALES	
in the City of Kansas City, Kansas. The Occupation Tax expires on: 12/31/2021	
The tax paid on <u>12/9/2020</u> was <u>\$111.00</u>	
License #: OCC-000074-A	 Lori Wilson License Administrator
THE ISSUANCE OF AN OCCUPATION TAX RECEIPT DOES NOT CREATE A PRESUMPTION THAT THE BUSINESS HAS COMPLIED WITH THE UNIFIED GOVERNMENT REGULATORY ORDINANCES.	
THIS RECEIPT MUST BE CONSPICUOUSLY DISPLAYED IN THE PLACE OF BUSINESS. NO REFUNDS AVAILABLE.	

ExternalReceipt.rdl

Par #: 19980-01070

Date Printed: 12/9/2020 2:42:01 PM

5

Building Permit:

Building Permit

BUILDING INSPECTION DIVISION
NEIGHBORHOOD RESOURCE CENTER
4953 STATE AVE.



Kansas City, Kansas 66102
913-573-8620

Permit No. 19300-898

Date 9-25-19

Builder Don Samboe Const.

Job Address 3704 N 99th St

This permit conveys no right to occupy any street, alley, or sidewalk, or any part thereof, either temporarily or permanently except that specifically provided for on back of permit. Street or alley grades may be obtained from the City Engineer's office. Depth and location of public sewers may be obtained from the Water Pollution office. The issuance of this permit does not release the applicant from the conditions of any applicable subdivision restrictions. Building Code, or Zoning Ordinances.

Approved plans must be retained on the job and this card kept posted until final inspection has been made.

Separate permits are required for Plumbing, Gas, Electrical & Mechanical Installations, Sidewalks, and Driveways on City Property.

ALL REQUESTS FOR INSPECTIONS MUST BE ACCOMPANIED WITH A PERMIT NUMBER.

Post this card

7

**BUILDING INSPECTION DIVISION**

Neighborhood Resource Center
Unified Government of Wyandotte County/Kansas City, Kansas
4853 State Ave. Kansas City, Kansas 66102
p. (913) 573-8620 | f. (913) 573-8622 | www.wyandotte.org/building

Building
Building Permit
Residential
Misc Improvements/Repair

↑ inspection or questions

Building Permit

PERMIT NUMBER
19300-00898

Permit Issue Date:
9/25/2019

STRUCTURE ADDRESS 3704 N 99TH ST, KANSAS CITY, KS 66109	LEGAL DESCRIPTION 243-1-4,244A-1-4 BEG 1232.5FT W & 577.5FT N OF SE COR NE1/4; N 999.57FT, S63E- 197.06FT, E 301.77FT, S 891.14FT, W 473.	PARCEL: 942416
OWNER INFORMATION LAIRD, JIM	PROPOSED USE 434 - Residential Additions, Alterations, and Conversions (Room Additions, Decks)	
Number of Building: 0 Number of Units: 0 Square Footage: 50	ESTIMATED COST: \$9,000.00 TOTAL FEE: \$97.50 DESCRIPTION OF WORK CROFT SALES / BATHROOM	
CONTRACTOR Name: DON SAMBOL CONSTRUCTION CO INC. Address: 12405 BELLERIVE DR KANSAS CITY, KS 66109 Telephone:	APPLICANT (Agent for Contractor) Name: DON SAMBOL CONSTRUCTION CO INC. Address: 12405 BELLERIVE DR KANSAS CITY, KS 66109 Telephone:	
APPLICANT'S/CONTRACTOR'S SIGNATURE:  PERMIT ISSUED BY: DEAN CRABB		
CITY ORDINANCE REQUIRES SMOKE DETECTOR INSTALLATION ON ANY RESIDENTIAL BUILDING, WHERE PERMIT ISSUED FOR WORK PERFORMED EXCEEDS \$4,000 VALUATION. SEPARATE PERMITS ARE REQUIRED IF ELECTRICAL, PLUMBING, GAS OR MECHANICAL WORK WILL BE DONE. THE ISSUANCE OR GRANTING OF A PERMIT OR APPROVAL OF PLANS, SPECIFICATIONS AND COMPUTATIONS SHALL NOT BE CONSTRUED TO BE A PERMIT FOR, OR AN APPROVAL OF, ANY VIOLATION OF ANY OF THE PROVISIONS OF THE CODE OR OF ANY OTHER ORDINANCES OF KANSAS CITY, KANSAS. A PERMIT BECOMES NULL AND VOID IF THE BUILDING OR WORK AUTHORIZED BY SUCH PERMIT IS NOT COMMENCED AND VERIFIED BY INSPECTION WITHIN 180 DAYS OF THE ISSUANCE OF THE PERMIT, OR IF THE BUILDING OR WORK AUTHORIZED BY SUCH PERMIT IS SUSPENDED OR ABANDONED AT ANY TIME AFTER THE WORK IS COMMENCED FOR A PERIOD OF 180 DAYS.		

Aerial Image Showing Parking:





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: May 27, 2021

Re: SP2021-033

GENERAL INFORMATION

Applicant:
Steve Beaumont

Status of Applicant:
Representative
Chateau Avalon
701 Village West Parkway
Kansas City, Kansas 66111

Requested Action:
Renewal of a Special Use Permit, expires
on June 27, 2021

Date of Application:
March 15, 2021

Purpose:
To allow live entertainment at the hotel.

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



Commission District:	Commissioner At Large: Tom Burroughs District #7 Commissioner: Jim Walters
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 Area Plan:	The subject property is within the Prairie-Delaware-Piper Area Master Plan.
Master Plan Designation:	The Prairie-Delaware-Piper Master Plan designates the property as Entertainment. The Entertainment land use designation identifies areas that have significant capital investment in infrastructure that entertains visitors and prioritizes regional retail and commercial development in the Major Tourism Area ahead of the same development elsewhere in the county.
Major Street Plan:	The Major Street Plan classifies Village West Parkway as a Class C Thoroughfare.
Required Parking:	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 27-667(a)(11) requires places of assembly to have one (1) parking space per four (4) seats. Section 27-676(a) requires a minimum of five (5) ADA-accessible spaces for parking lots with 101 to 150 total parking spaces. The property hosts 131 total parking spaces, which exceeds the minimum requirements for all aggregate uses on the subject property.

Advertisement:	<u>The Wyandotte Echo</u> – April 15, 2021 Letters to Property Owners – April 16, 2021 and May 20, 2021
Public Hearings:	May 10, 2021 and May 27, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Steve Beaumont, is requesting renewal of a Special Use Permit to allow live entertainment on the property, namely at the following locations: special event space/rooms inside the Hotel Avalon, the outdoor patio, and the outdoor event structure. This is an expansion of the Special Use Permit for live entertainment; when SP-2019-63 was approved, the outdoor special event structure had not been built. Under SP-2019-63, all live entertainment was allowed from 11 AM to 11 PM on Fridays and Saturdays. At the applicant's request, the renewal of the Special Use Permit for live entertainment is expended to allow live entertainment any day of the week from 11 AM to 11 PM. The live entertainment Special Use Permit renewal will operate in conjunction with SP-2020-100, a Special Use Permit for an event space.

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: October 21, 2020- Stop Work Order, work without DRC permits

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 an office building and so hours of operation between live entertainment scheduled for Fridays and Saturdays 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 live entertainment, as it is a hotel with special event space both inside the primary hotel building and in a designated special event space. Such spaces are common accessory uses in hotels.

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 is live entertainment 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 can be even considered a temporary entertainment facility when live entertainment is being hosted on site. This special use further serves to support nearby 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 accessory special event space is 250, guests and staff combined; this is the largest capacity that a live entertainment event could hold, as all other spaces within the hotel have a much smaller capacity. The applicant has recently provided a Final Plan Review of a special event space and an expanded parking lot to accommodate the potential increase in crowds and vehicles. The final parking lot contains 131 parking spaces, which was calculated to accommodate both hotel and special event space requirements, plus an additional three (3) parking spaces. If the parking lot does not properly accommodate all uses on site—hotel, special events and/or live entertainment within the hotel building, and special events and/or live entertainment within the special event space—Staff can recommend that the Planning Commission require additional parking to be added. This recommendation can occur either in the final version of the report for SP2021-033 or during future renewals of the live entertainment or special event space Special Use Permits.

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.*

Live entertainment serves an accessory and complementary use to both the hotel and the Legends/Speedway area as an entertainment district. While not 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 live entertainment within 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.*

Live entertainment itself will likely not pollute the air, land, or water on or around the subject property. The pollution impacts of the special event space itself is separate and was assessed in the staff review of SP-2020-100 and will continued to be assessed on future renewals of that Special Use Permit.

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

Live entertainment could cause noise pollution, an increasing common issue in developing areas of the County such as in the Legends/Speedway area. The applicant must make sure to keep noise levels at a reasonable level, especially for live entertainment performed in the special event space.

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

Live entertainment is an opportunity for the arts to be performed and for the 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 renewal of the Special Use Permit for live entertainment, they should be aware of the great impact such entertainment and the subsequent gatherings can have on the community—for the better and for worse. The applicant must meet all current social distancing practices required by Wyandotte County but are encouraged to impose measures stricter than the applicable guidelines.

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

The applicant has recently had a Final Plan approved, which includes an expanded parking lot, bringing the total number of parking spaces to 131. In the review of that Final Plan, PR2021-005, Staff had concluded that the number of current and proposed parking spaces would properly accommodate all potential uses on the property, even if such uses were being held simultaneously, such as two (2) special events being held at once. If this conclusion proves not to be true and one (1) or more of the special uses causes an overcrowding of land or an undue concentration of population, then Staff may recommend an increase in parking. Regardless of the number of parking spaces, 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 and mitigate the transmission of 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)
- SP-2020-100 (Special Use Permit for use of a special event space on the property)
- PR2021-005 (Final Plan Review for a special event space, expansion of the parking lot, and pedestrian-friendly features)

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting for SP-2020-100, so a new meeting was not required.

KEY ISSUES

Buffering
Lights
Noise
Parking
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of SP2021-033, subject to:

- 1) **Live entertainment is allowed at the following locations on the property: the outdoor event space (A-Vent) east of the hotel, the outdoor patio north of the hotel, and the State Room within the hotel;**

- 2) Live entertainment is allowed Sunday—Saturday from 11:00 AM to 11:00 PM;**
- 3) A liquor license must be maintained with the State Department of Revenue Alcoholic Beverage Control;**
- 4) Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 5) The applicant must keep a current business occupation tax application and entertainment license;**
- 6) According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;**
- 7) 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. Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential uses;**
- 8) The applicant must file and maintain a current business occupation tax application and entertainment license;**
- 9) 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;**
- 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 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,
- 12) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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 **SP2021-033** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 10, 2021 City Planning Commission Minutes
Land Use Map
Aerial Map
Zoning Map
Photos of Property Provided by Staff, Dated April 22, 2021
Photos of Property Submitted by the Applicant
Site Plan Submitted by the Applicant
Floor Plans Submitted by the Applicant

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Commission</u>
Public Hearing		
Special Use	May 10, 2021 Approval	May 27, 2021

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-033** 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 **SP2021-033**, 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.

May 10, 2021 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2021-033 – STEVE BEAUMONT – SYNOPSIS: Renewal of a Special Use Permit (SP-2019-63 – expires 6/27/2021) for live entertainment at 701 Village West Parkway

Detailed Outline of Requested Action: The applicant, Steve Beaumont, is requesting renewal of a Special Use Permit to allow live entertainment on the property, namely at the following locations: special event space/rooms inside the Hotel Avalon, the outdoor patio, and the outdoor event structure. This is an expansion of the Special Use Permit for live entertainment; when SP-2019-63 was approved, the outdoor special event structure had not been built. Under SP-2019-63, all live entertainment was allowed from 11 AM to 11 PM on Fridays and Saturdays. At the applicant's request, the renewal of the Special Use Permit for live entertainment is expended to allow live entertainment any day of the week from 11 AM to 11 PM. The live entertainment Special Use Permit renewal will operate in conjunction with SP-2020-100, a Special Use Permit for an event space.

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:
October 21, 2020- Stop Work Order, work without DRC permits

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 May 10, 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 Director Hand requested that Plan Review Application PR2021-012 be removed from the Consent Agenda.

On motion by Ms. Jones, seconded by Mr. Miller, 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	Aye
Mohler	Not Present
Pauley	Aye
Reasons	Not Present
Motion to APPROVE Passed: 7 to 0	
Subject to:	

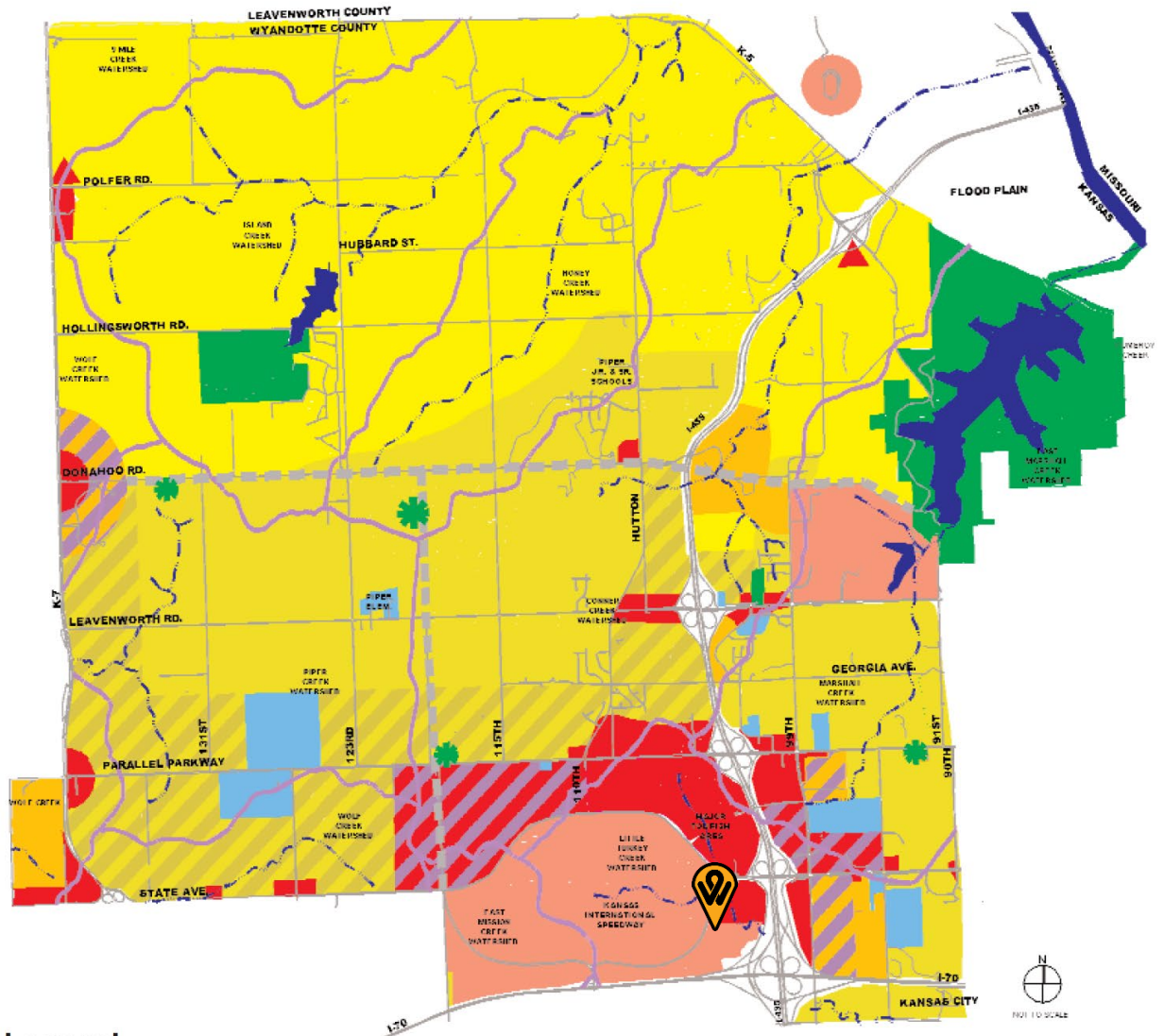
- 1) **Live entertainment is allowed at the following locations on the property: the outdoor event space (A-Vent) east of the hotel, the outdoor patio north of the hotel, and the State Room within the hotel;**
- 2) **Live entertainment is allowed Sunday—Saturday from 11:00 AM to 11:00 PM;**
- 3) **A liquor license must be maintained with the State Department of Revenue Alcoholic Beverage Control;**

- 4) Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 5) The applicant must keep a current business occupation tax application and entertainment license;**
- 6) According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;**
- 7) 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. Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential uses;**
- 8) The applicant must file and maintain a current business occupation tax application and entertainment license;**
- 9) 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;**
- 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 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,

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

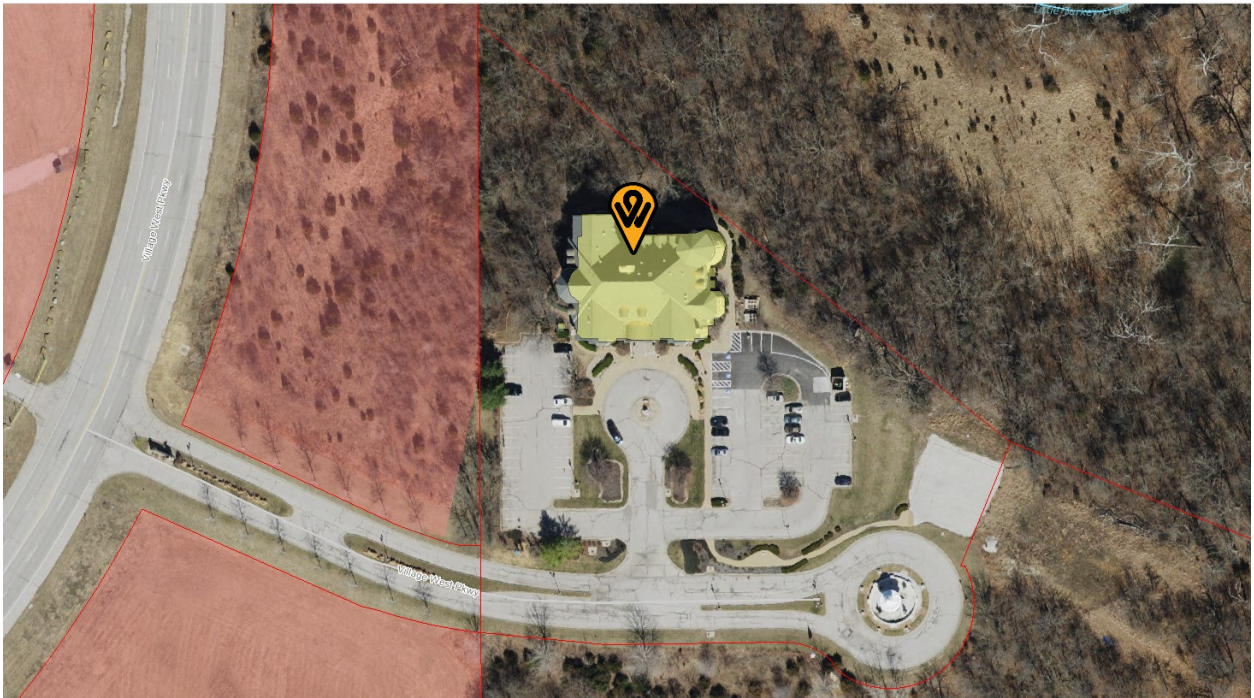
LAND USE MAP



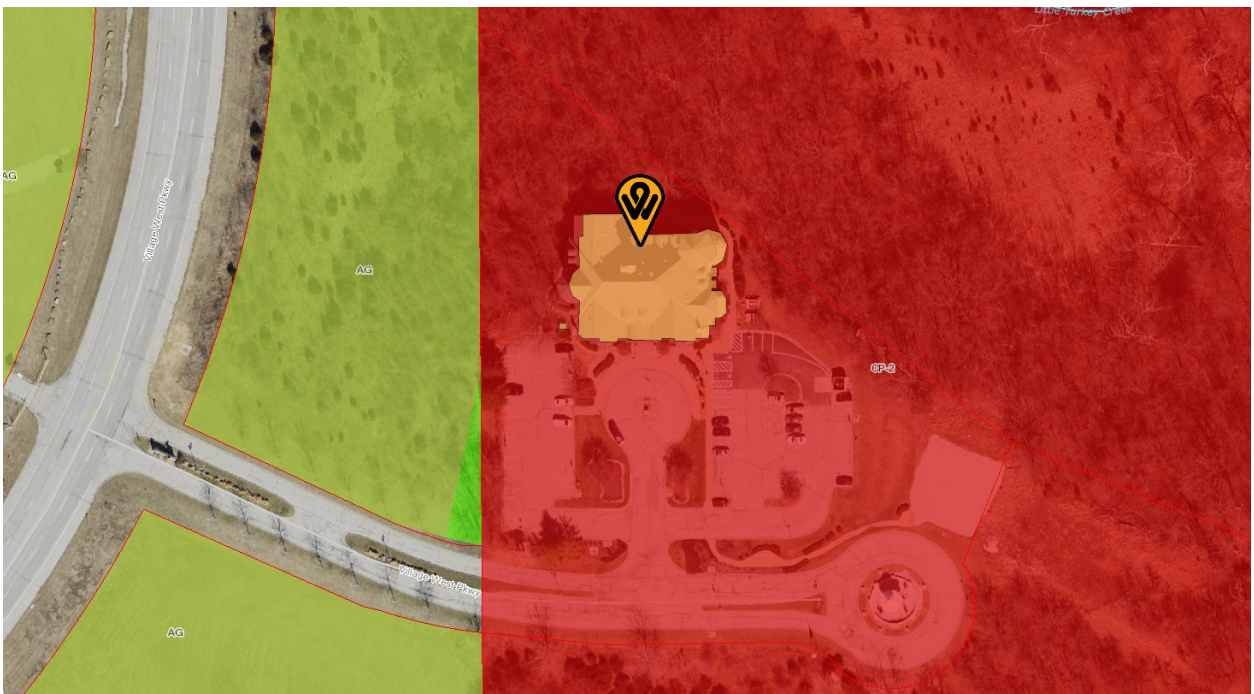
Legend

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

AERIAL MAP



ZONING MAP



PHOTOS OF PROPERTY PROVIDED BY STAFF, DATED APRIL 22, 2021



Upper Left: View of the outdoor event space (A-Vent) from the southwest.

Upper Right: View of the outdoor event space (A-Vent) from the west.



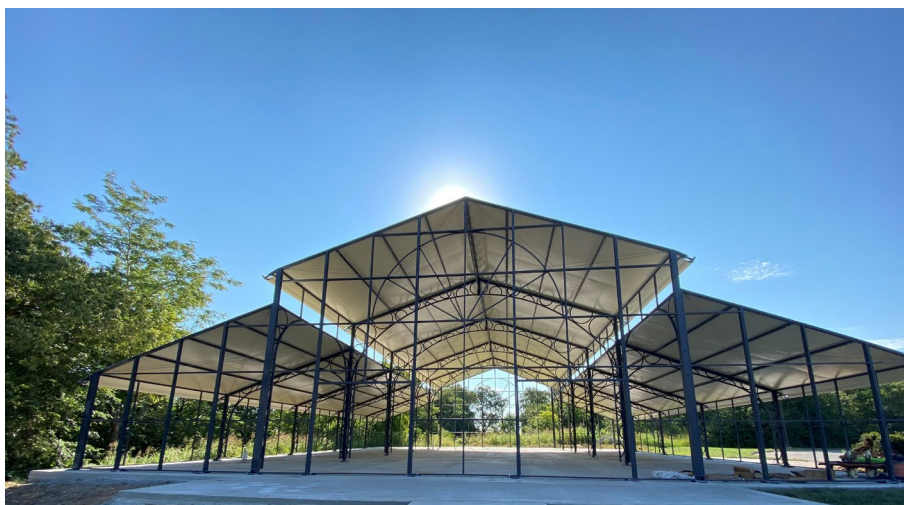
Upper Left: View of the outdoor patio from west.

Upper Right: View of the outdoor patio from east.

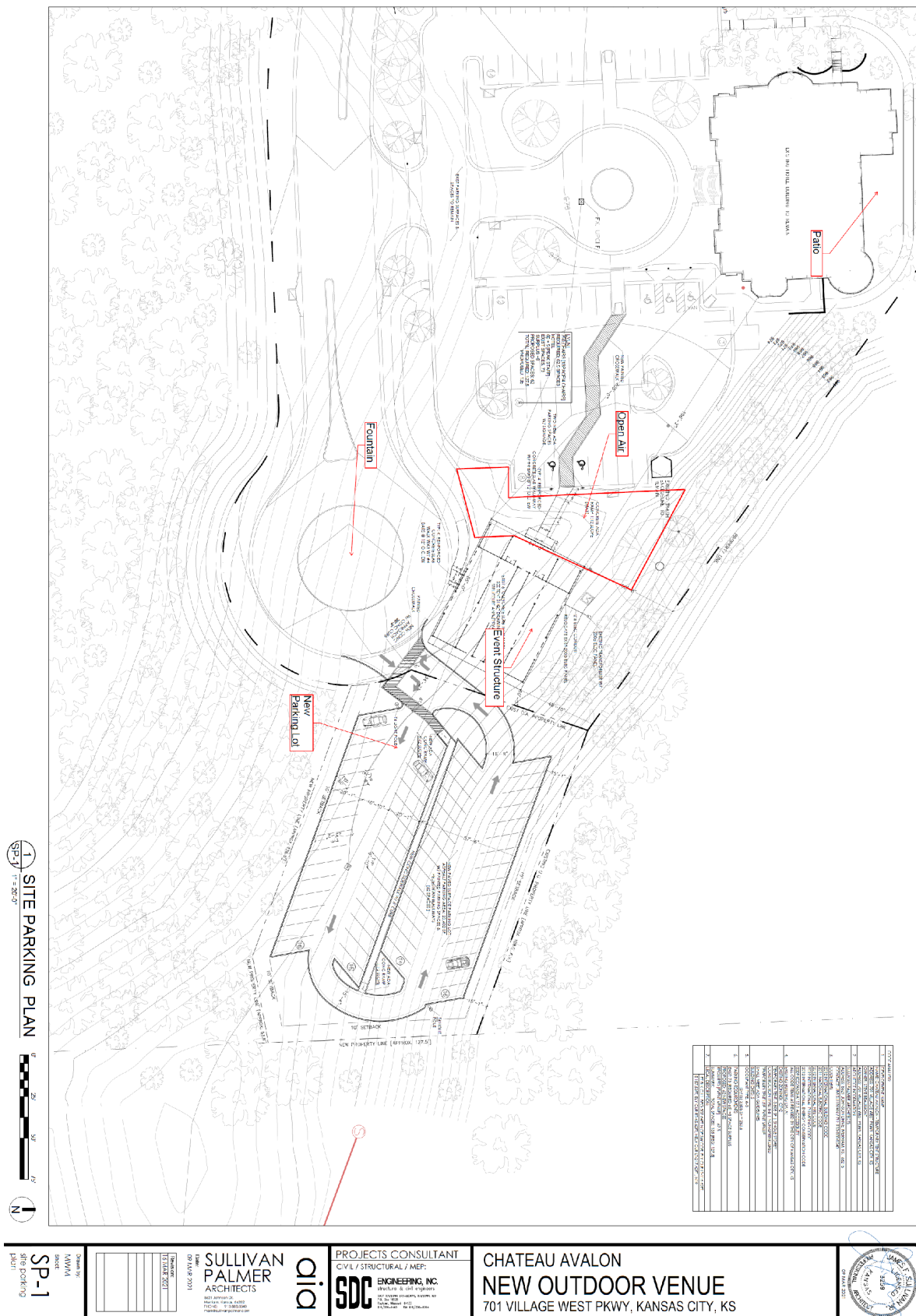
Right: View of the property to the north, demonstrating the distance between Chateau Avalon and neighboring buildings/uses.



PHOTOS OF PROPERTY SUBMITTED BY THE APPLICANT



SITE PLAN SUBMITTED BY THE APPLICANT



Third Floor Plan

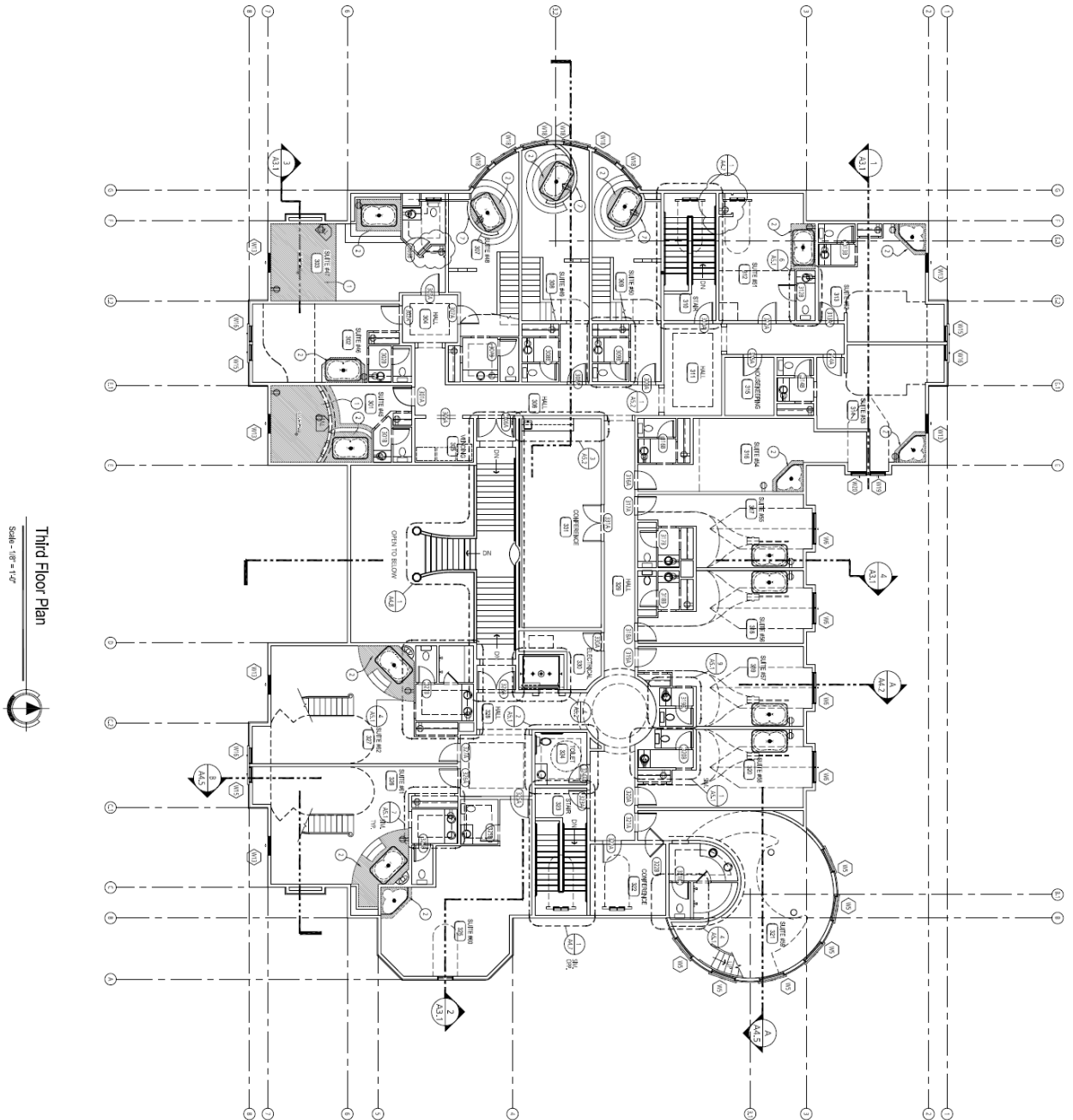
Scale - $\frac{1}{8}" = 1'-0"$



1. SELECT A PERSON AND A PART: CONSIDER THE NUMBER OF PARTS THAT COMPOSE THE PART OF YOUR CHOICE.
2. THE PERSON AND THE PART COMPOSE A PARTIAL. THE PARTIALS ARE THE BUILDING BLOCKS OF THE PARTS AND THE PARTS ARE THE BUILDING BLOCKS OF THE PARTS.
3. PARTS COMPOSE THE PARTS.
4. PARTS COMPOSE THE PARTS.
5. PARTS COMPOSE THE PARTS.
6. PARTS COMPOSE THE PARTS.
7. PARTS COMPOSE THE PARTS.

A12	950 / Plan 950 / Plan 950 / Plan	Third Floor Plan	Anniversary Inn Business Commercial Services, Inc. Kansas City, Wyandotte County, Kansas	 Beecher Walker & Associates Architectural Design • Drafting 1000 West 15th Street Suite 100 West Kansas City, MO 64108 816-234-1100 www.beecherwalker.com	950 / Plan 950 / Plan 950 / Plan	REVISIONS 1 (8-27-2008) 9421
--	---	------------------	--	---	---	------------------------------------

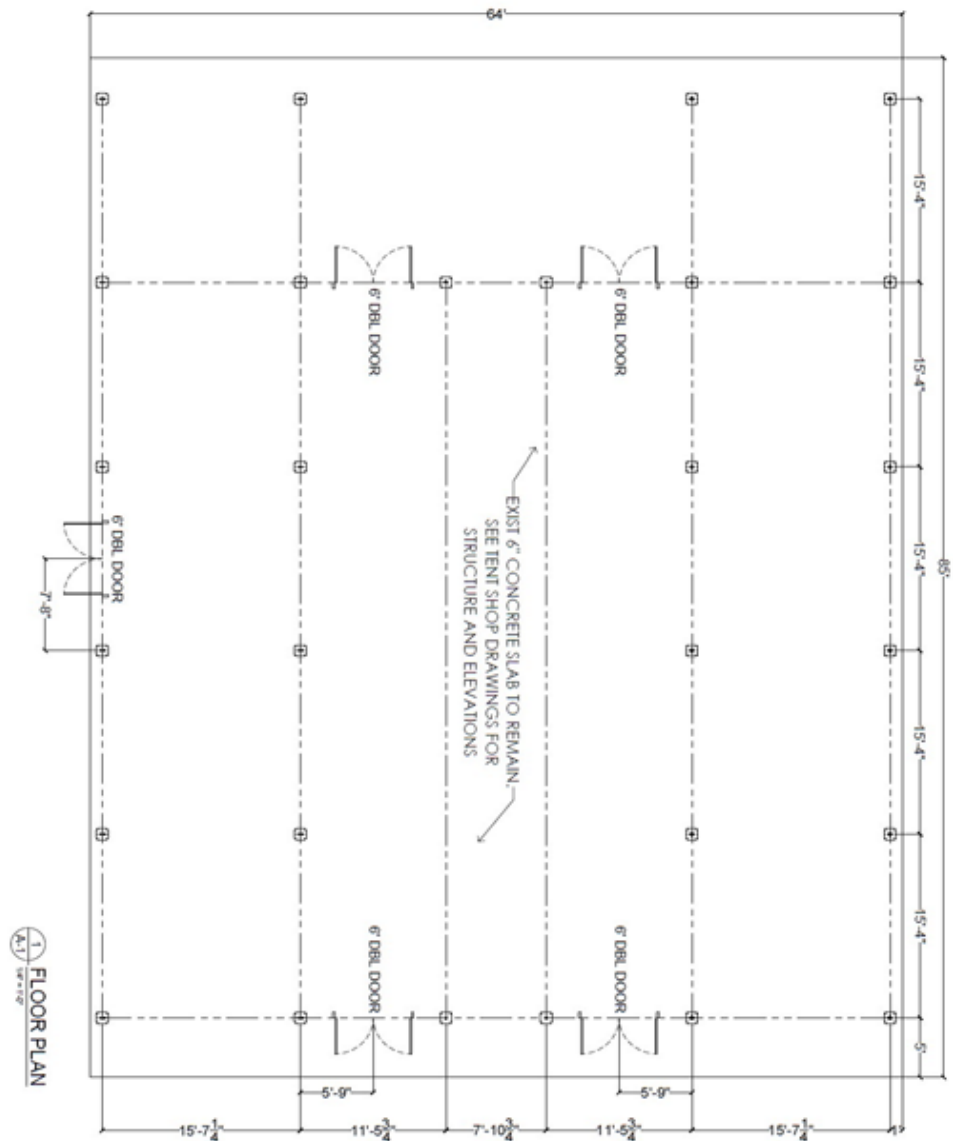
FLOOR PLANS SUBMITTED BY THE APPLICANT, CONT.



Close up of third floor plan in Chateau Avalon.

FLOOR PLANS SUBMITTED BY THE APPLICANT, CONT.

Floor plan of the special event space at 701 Village West Parkway.



A-1 FLOOR PLAN 1/8" = 1'-0"	SULLIVAN PALMER ARCHITECTS 1400 28th St. Kansas City, MO 64108 816.234.1100	aia PROJECTS CONSULTANT CIVIL / STRUCTURAL / MEP	CHATEAU AVALON NEW OUTDOOR VENUE 701 VILLAGE WEST PKWY, KANSAS CITY, KS	



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: May 27, 2021

Re: SP2021-036

GENERAL INFORMATION

Applicant:
James Viens

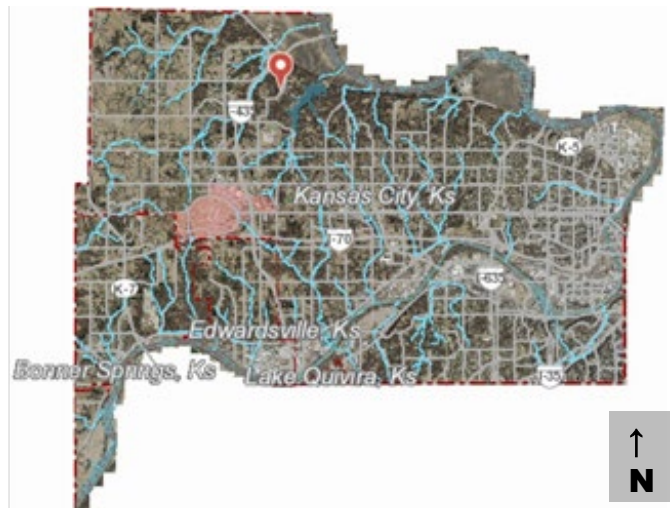
Status of Applicant:
Property Owner
9350 Nelson Lane
Kansas City, Kansas 66109

Requested Action:
Approval of a Special Use Permit.

Date of Application:
March 24, 2021

Purpose:
Special Use Permit for keeping more than six (6) chickens.

Property Location:
9350 Nelson Lane
Kansas City, Kansas 66109



Commission District:	Commissioner At Large: Melissa Bynum District #5 Commissioner: Mike Kane
Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District; A-G Agriculture District South: R-1 Single Family District; A-G Agriculture District East: R-1 Single Family District; A-G Agriculture District West: A-G Agriculture District
Adjacent Uses:	North: Single-family residence South: Single-family residences East: Single-family residences West: Single-family residences
Total Tract Size:	0.69 Acre
Master Area Plan:	The subject property is within the Prairie-Delaware-Piper Area Master Plan.
Master Plan Designation:	The Prairie-Delaware-Piper Area Master Plan designates this property as Low-Density Residential. Low-Density Residential allows for single-family residences on lots between one-third (1/3) and three (3) acres.
Major Street Plan:	The Major Street Plan classifies Nelson Lane as a Local/Neighborhood Street.
Required Parking:	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 at least one (1) parking space in an attached garage and at least two (2) parking spaces available on the driveway.
Advertisement:	<u>The Wyandotte Echo</u> – April 15, 2021 Letters to Property Owners – April 16, 2021 and May 20, 2021
Public Hearings:	May 10, 2021 and May 27, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, James Viens, is requesting a Special Use Permit to keep 20 chickens on a residential property. A Special Use Permit is required for more than six (6) chickens on a residential property. The applicant has requested 20 chickens (hens) to be kept on the property. This Special Use Permit is being requested in conjunction with BOZA2021-010, a variance from the accessory structure minimum footprint for the proposed chicken coop.

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

Code Enforcement History: There are no outstanding violations recorded at this property. The subject property has no Code Enforcement history.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the I-435 West Statistical Neighborhood and is not within any Neighborhood Group boundary. The local neighborhood primarily consists of single-family lots, many of which are over one (1) acre and some of which are notably defined by short frontages and long depths. The lots are a mix of Single Family and Agriculture Districts. The neighborhood is immediately west of Wyandotte County Lake Park.

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

The nearby properties are a mix of single-family and agricultural zoning, and many have a rural aesthetic. Parcels nearby measure a few acres in size. Larger parcels do make it easier for some uses that are rural and agricultural in nature to occur without affecting the neighbors. Within the subject property's neighborhood, keeping 20 chickens responsibly, in the rear yard and in a coop, is compatible with the surrounding zoning and uses.

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

The subject property is suitable for 20 chickens, possibly in a separate coop if a variance for a second accessory structure is granted. The coop appears to be at least 10 feet from the property boundary line and at least 25 feet from any neighboring structure, but the applicant will need to provide a revised plot plan to verify that assumption. If all requisite distances and setbacks are met, the property will be suitable for keeping 20 chickens.

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

The subject property is the applicant's primary residence.

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

Special Use Permits are not addressed in the Prairie-Delaware-Piper Area Master Plan. According to the Prairie-Delaware-Piper Area Master Plan, the Low-Density Residential land use designation encourages rural or very low residential density developments in the very northern part of the planning area, because of existing conditions and land capacity constraints. The low density of the area makes it suitable to have 20 chickens kept on the subject property, because the spacing between residences and the amount of space within a parcel help mitigate any potential negative externalities. 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.*

Keeping chickens for personal purposes 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. The only traffic issue that may arise would be if the applicant were to sell chicken eggs from the property. This is outside the scope of SP2021-036, however, because if the applicant were to conduct sales, then they would need a separate Special Use Permit.

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.*

It is reasonably necessary to raise chickens for personal consumption, or even as pets. Mitigation measures, such as the coop's requisite location at least 10 feet from the property boundary, at least 25 feet from any neighboring habitable structure, and other buffering/landscaping/screening, help keep such use from substantially or permanently injuring 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.*

While hens may make subtle clucks and coos and rustle their feathers, so long as there is no rooster on the property—which is prohibited by Section 7-175(a)(2)—there is no significant concern about noise, dust, or illumination. The applicant has stated that there will be illumination for the coop, but that it will be downward facing.

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

Chickens, or rather the waste produced by chickens, has the potential to pollute the air, land, and water through smell and biological contamination. The applicant

has made efforts to address the waste issue, both in the design of the coop, which has a specific exterior flap to access the waste tray, and by proposing that the chicken waste will be used as fertilizer in the applicant's garden. Additionally, the Wyandotte County Conservation District did not address chicken waste as a realistic issue for the local groundwater system. Therefore, the use as proposed will not pollute the air, land or water.

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

As mentioned previously, chicken waste could be a problem if not handled correctly. The Wyandotte County Conservation District has stated that the land and soil were suitable for chickens, so it appears that no irreplaceable natural resources would be damaged or destroyed.

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

While the applicant would personally benefit from keeping chickens, the relative gain to the public health, safety, and welfare may be outweighed by the hardships imposed on the individual landowner or landowners if the chickens proved to be loud, smelly, or polluting. Based on the applicant's submission and statements this does not appear to be the case, but Staff will take this moment to remind the applicant, public, and all recommending and deciding bodies that a Special Use Permit can be revoked at any time if conditions of approval are not satisfied.

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

The applicant is proposing to have 20 chickens in one (1) coop that measures 19' 6" x 6' x 8' (length x width x height), for a total footprint of 117 square feet; the applicant has simultaneously requested a variance from the one (1) accessory structure maximum for residentially zoned properties. So long as the coop dimensions and location, and the number of chickens does not increase, there is no concern that the proposed use would result in overcrowding of land or cause undue concentrations of population.

PREVIOUS ACTIONS

- BOZA2021-010 (simultaneous variance from accessory structure maximum footprint)

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on April 23, 2021 via Zoom. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant (see the "Attachments" section of this report).

KEY ISSUES

Chicken Waste
Distance from the Boundary Line
Noise
Smell

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of SP2021-036, subject to:

- 1) Per Section 27-593(a)(10)a, fowl must be kept no closer than 25 feet to the nearest portion of any building occupied by or in any way used by human beings, other than the dwelling occupied by the owner or keeper of the animals or fowl, or closer than ten feet to the property line of the lot;
- 2) No eggs or chickens may be commercially sold, whether on site or off site;
- 3) No more than 20 female chickens (hens) may be kept on the property. No male chickens (rooster) may be kept on the property;
- 4) The color and material of the proposed accessory structure must match the color and material of the primary residence, unless the materials of the primary residence are materials not allowed on an accessory structure under Section 27-609(2)(a)-(b).
 - a) Exterior wall materials are limited to customary residential finish materials, which include horizontal clapboard siding of all materials; wood and plywood siding; stone and brick, both actual and artificial; and textured finishes such as stucco and stucco board which visually cover the underlying material regardless of the underlying material.
 - b) Specifically excluded materials are preformed, corrugated or ribbed metal, fiberglass or plastic sheets or panels, unless the metal has a factory-applied finish that closely matches the color of the primary structure.
 - c) Standard concrete masonry units are excluded unless the walls of the building are painted the exact color of the primary structure.
 - d) The exterior roofing materials for roofs sloped more than two in 12 shall be shingles or tiles and not metal, fiberglass or plastic sheets, unless the metal roof has a factory-applied finish that closely matches the roof color of the primary structure or closely matches the color of the primary structure itself if the roof and walls of the accessory structure are to be the same color;
- 5) This City Planning Commission case is being heard in conjunction with BOZA2021-010. The following are conditions for BOZA2021-010 and are stated here for reference only, as SP2021-036 is solely a Special Use Permit for keeping 20 chickens:

- a) Fowl must be kept in compliance with Chapters 7 and 27 of the Code of Ordinances;
- b) No eggs or chickens may be commercially sold;
- c) Only 20 hens and zero (0) roosters may be kept on the property;
- d) The color and material of the proposed accessory structure must match the color and material of the primary residence, unless the materials of the primary residence are materials not allowed on an accessory structure under Section 27-609(2)(a)-(b);
- e) A building permit is required for a permanent structure greater than 120 square feet;
- f) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward;
- 6) There are Conservation District comments incorporated herein by the April 13, 2021 Wyandotte County Conservation District. For a full list of the Conservation District comments, see the Conservation District Letter in the "Attachments" section of this report;
- 7) A plan to manage the removal or disposal of the waste needs to be created for proper handling;
- 8) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin that process;
- 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) Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Code of Ordinances. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; and the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
- 11) 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;
- 12) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should

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

- 13) 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 **SP2021-036** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 10, 2021 City Planning Commission Minutes
Land Use Map
Aerial Map
Zoning Map
Photographs of the Property Submitted by Staff, Dated April 22, 2021
Photographs of the Property Submitted by the Applicant
Elevations Provided by the Applicant
Site Plan Submitted by the Applicant
Additional Information Provided by the Applicant
Neighborhood Meeting Materials, April 23, 2021
Conservation District Letter, Dated April 13, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Commission</u>
Public Hearing		
Special Use	May 10, 2021 Approval	May 27, 2021

STAFF CONTACT: Michael Farley
mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-036** 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 **SP2021-036**, 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.

Hearing starts at 3:50:40:

SPECIAL USE PERMIT APPLICATION SP2021-36 – JAMES VIENS - SYNOPSIS:
Special Use Permit for 20 chickens at 9350 Nelson Lane.

Detailed Outline of Requested Action: The applicant, James Viens, is requesting a Special Use Permit to keep 20 chickens on a residential property. A Special Use Permit is required for more than six (6) chickens on a residential property. The applicant has requested 20 chickens (hens) to be kept on the property. This Special Use Permit is being requested in conjunction with BOZA2021-010, a variance from the accessory structure minimum footprint for the proposed chicken coop.

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

Code Enforcement History: There are no outstanding violations recorded at this property. The subject property has no Code Enforcement history.

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 May 10, 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 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:

- James Viens, applicant, 9350 Nelson Lane, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:52:58: Planning Director Hand stated that this Special Use Permit is being heard tonight in conjunction with BOZA2021-010 to allow two (2) accessory structures which was approved earlier this evening for the chicken coops. The Special Use Permit is to keep twenty (20) chickens (no roosters) and they must be kept no closer than 25 feet to the nearest portion of any building occupied by human beings and no closer than 10 feet from any property line. The color and material of the proposed accessory structures must match the color and material of the primary residence. Another condition is no commercial sale of the eggs or chickens. Staff recommends approval for two (2) years, subject to the conditions in the staff report.

Motion and Vote starts at 3:54:10:

On motion by Mr. Ernst, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2021-036:**

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0

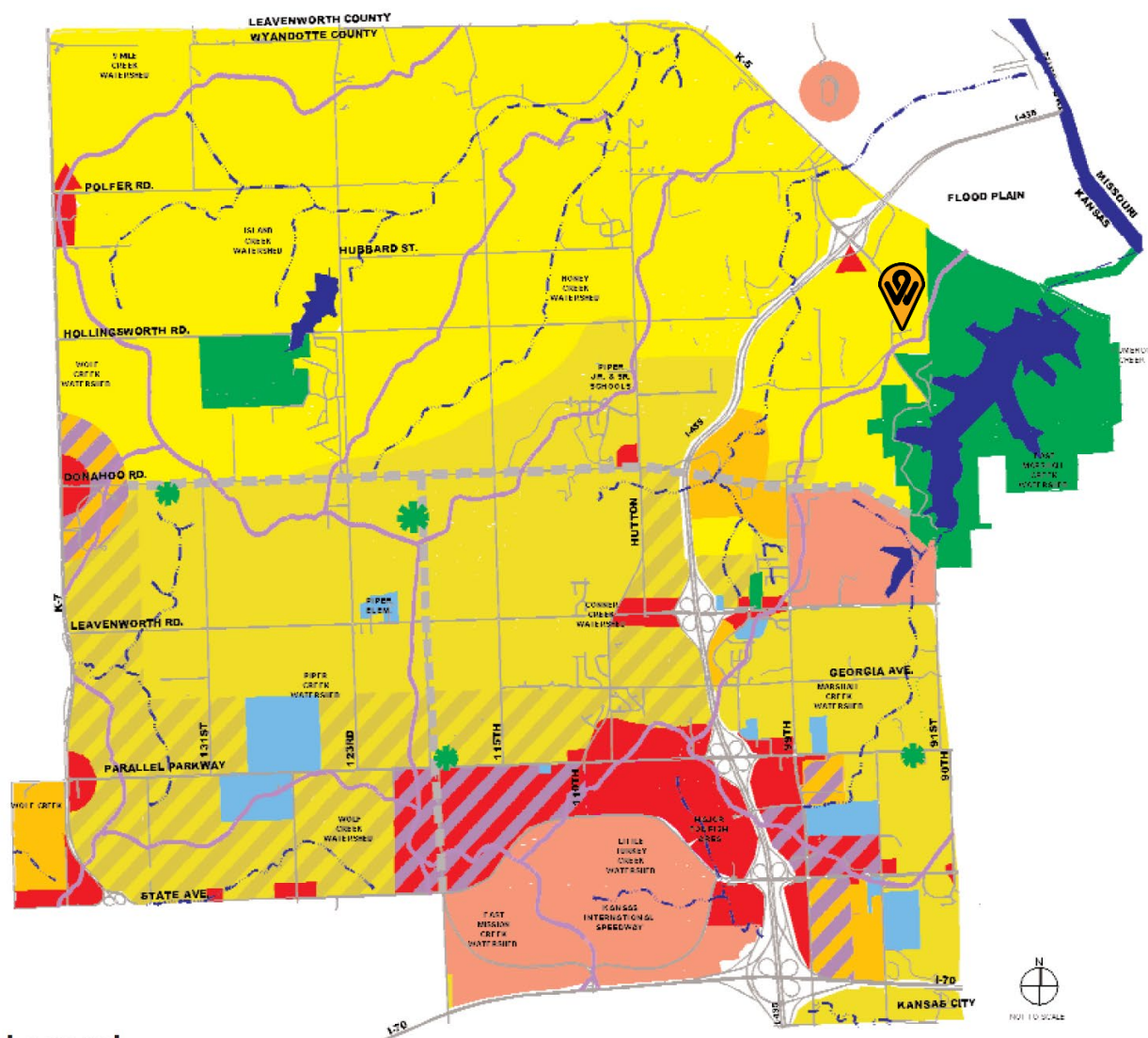
Subject to:

- 1) **Per Section 27-593(a)(10)a, fowl must be kept no closer than 25 feet to the nearest portion of any building occupied by or in any way used by human beings, other than the dwelling occupied by the owner or keeper of the animals or fowl, or closer than ten feet to the property line of the lot;**

- 2) No eggs or chickens may be commercially sold, whether on site or off site;
- 3) No more than 20 female chickens (hens) may be kept on the property. No male chickens (rooster) may be kept on the property;
- 4) The color and material of the proposed accessory structure must match the color and material of the primary residence, unless the materials of the primary residence are materials not allowed on an accessory structure under Section 27-609(2)(a)-(b).
 - a) Exterior wall materials are limited to customary residential finish materials, which include horizontal clapboard siding of all materials; wood and plywood siding; stone and brick, both actual and artificial; and textured finishes such as stucco and stucco board which visually cover the underlying material regardless of the underlying material.
 - b) Specifically excluded materials are preformed, corrugated or ribbed metal, fiberglass or plastic sheets or panels, unless the metal has a factory-applied finish that closely matches the color of the primary structure.
 - c) Standard concrete masonry units are excluded unless the walls of the building are painted the exact color of the primary structure.
 - d) The exterior roofing materials for roofs sloped more than two in 12 shall be shingles or tiles and not metal, fiberglass or plastic sheets, unless the metal roof has a factory-applied finish that closely matches the roof color of the primary structure or closely matches the color of the primary structure itself if the roof and walls of the accessory structure are to be the same color;
- 5) This City Planning Commission case is being heard in conjunction with BOZA2021-010. The following are conditions for BOZA2021-010 and are stated here for reference only, as SP2021-036 is solely a Special Use Permit for keeping 20 chickens:
 - a) Fowl must be kept in compliance with Chapters 7 and 27 of the Code of Ordinances;
 - b) No eggs or chickens may be commercially sold;
 - c) Only 20 hens and zero (0) roosters may be kept on the property;
 - d) The color and material of the proposed accessory structure must match the color and material of the primary residence, unless the materials of the primary residence are materials not allowed on an accessory structure under Section 27-609(2)(a)-(b);
 - e) A building permit is required for a permanent structure greater than 120 square feet;
 - f) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward;
- 6) There are Conservation District comments incorporated herein by the April 13, 2021 Wyandotte County Conservation District. For a full list of the Conservation District comments, see the Conservation District Letter in the "Attachments" section of this report;
- 7) A plan to manage the removal or disposal of the waste needs to be created for proper handling;

- 8) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin that process;
- 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) Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Code of Ordinances. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; and the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
- 11) 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;
- 12) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 13) 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



Legend

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

AERIAL MAP



ZONING MAP



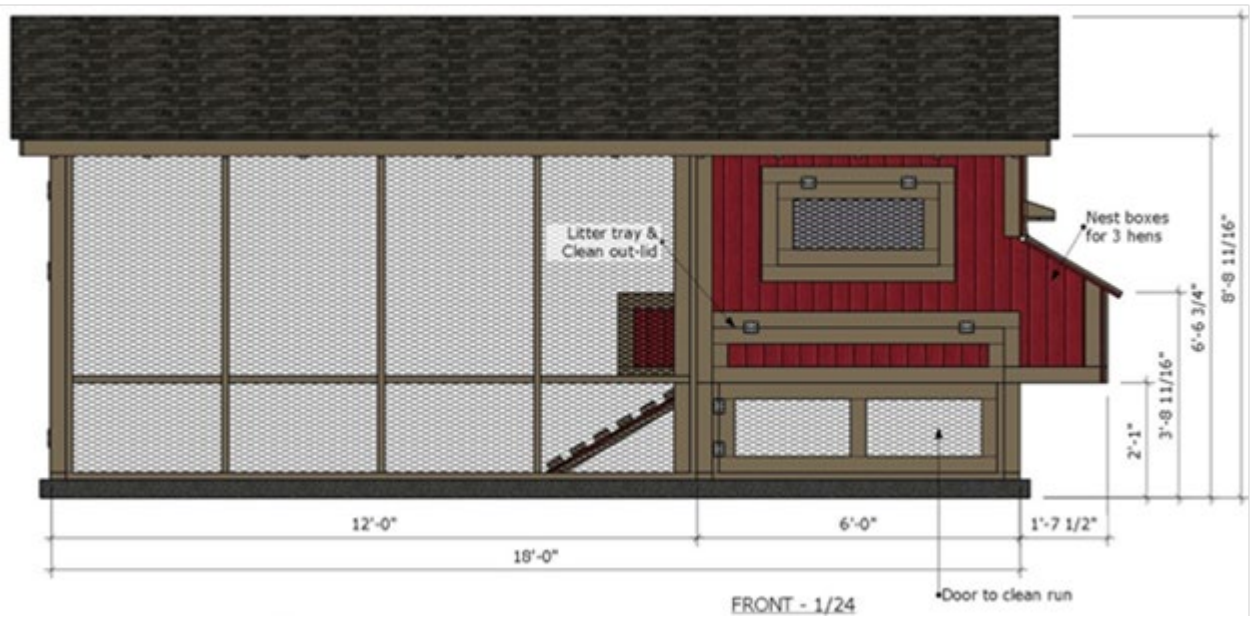
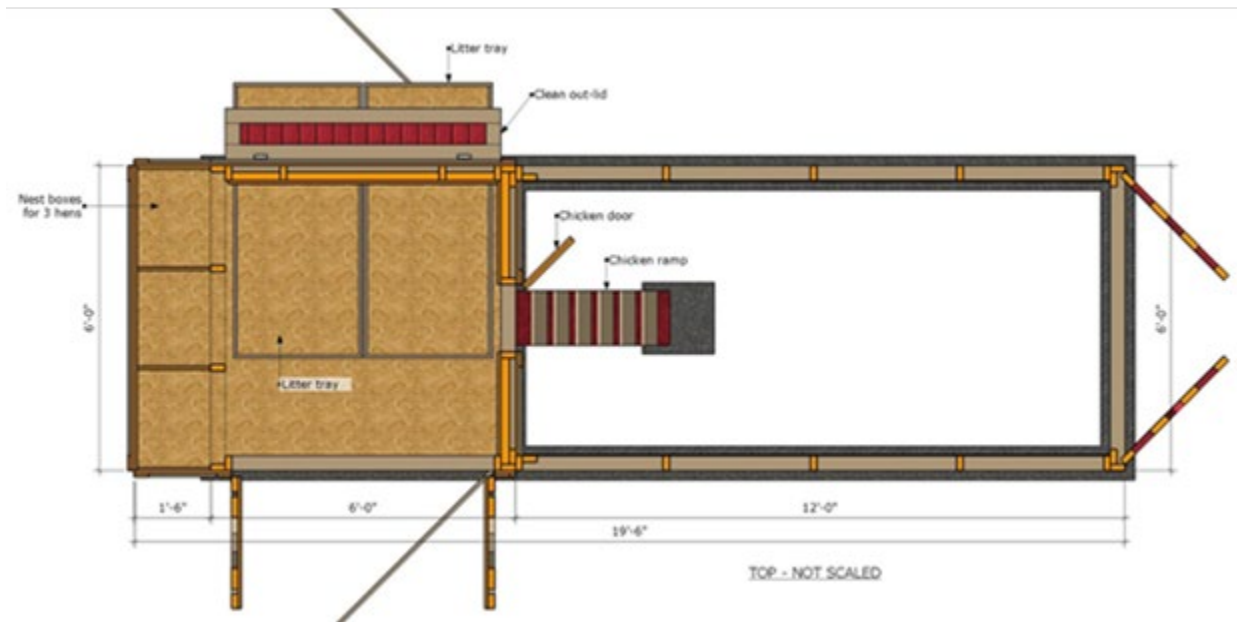
PHOTOGRAPHS OF THE PROPERTY SUBMITTED BY STAFF, DATED APRIL 22, 2021



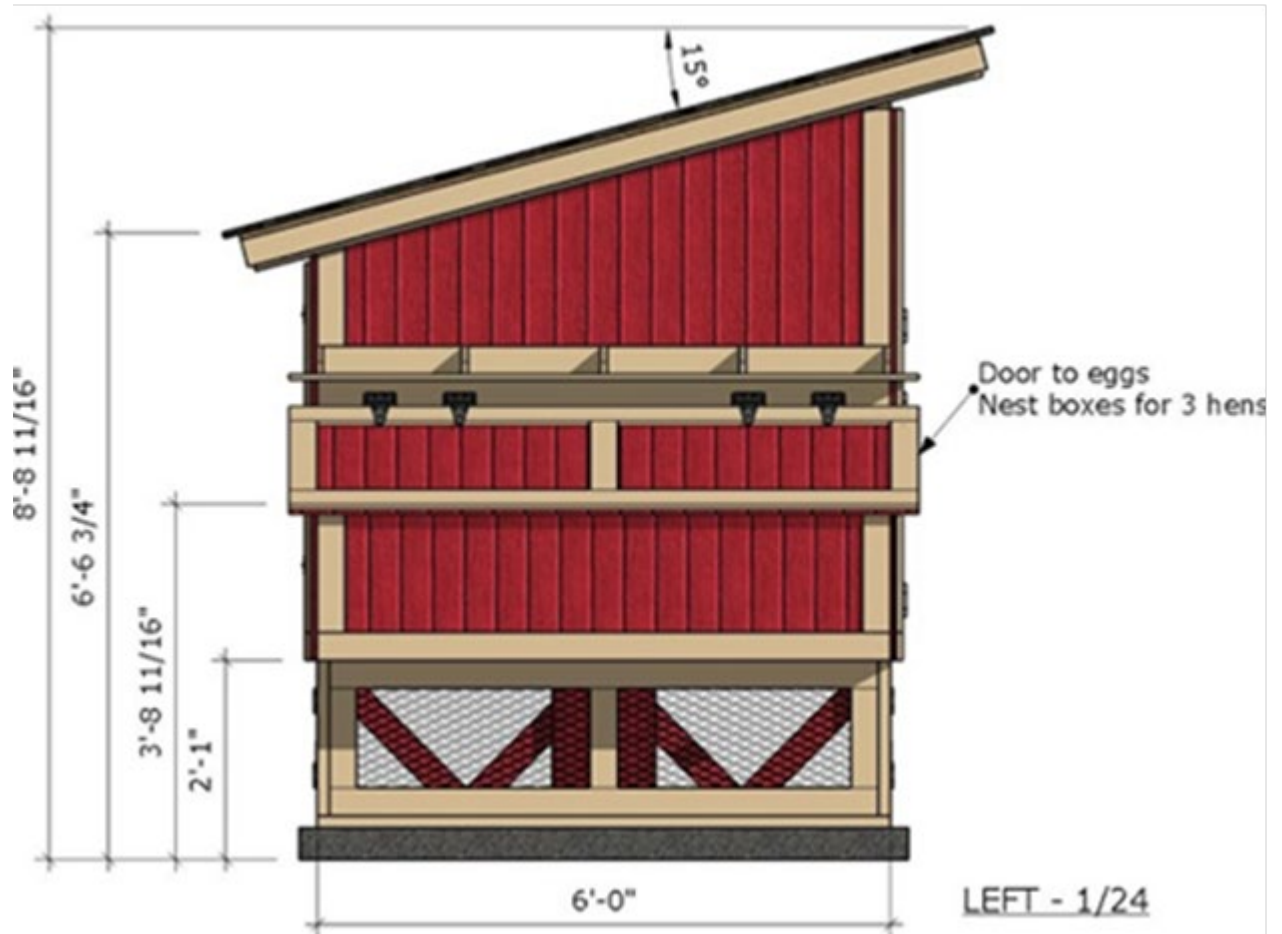
PHOTOGRAPHS OF THE PROPERTY SUBMITTED BY THE APPLICANT



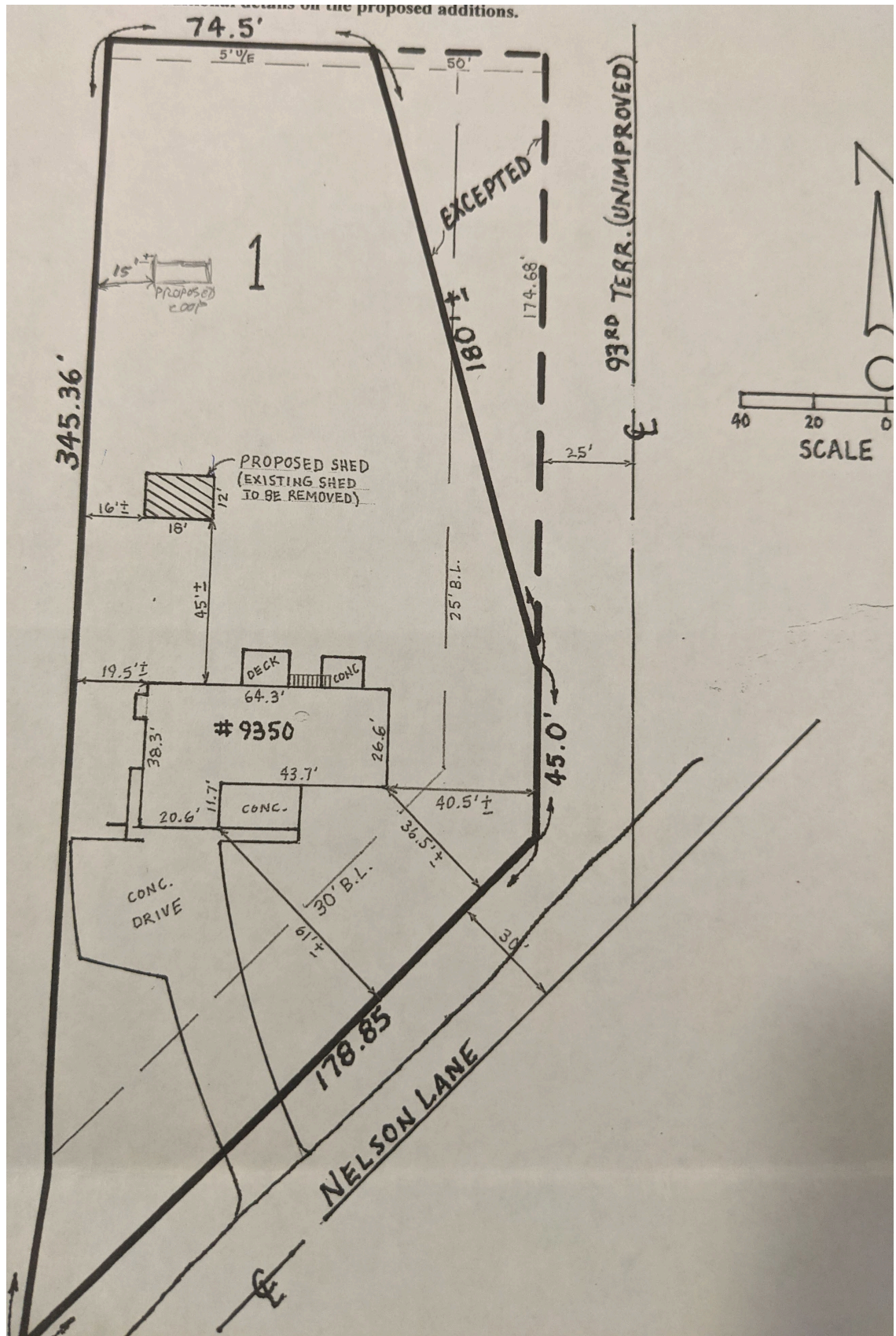
ELEVATIONS PROVIDED BY THE APPLICANT



ELEVATIONS PROVIDED BY THE APPLICANT, CONT.



SITE PLAN SUBMITTED BY THE APPLICANT



ADDITIONAL INFORMATION PROVIDED BY THE APPLICANT

- 4. *The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.***

The building we're proposing would not adversely affect the public health, safety, et. al
as it would keep our hens contained to a specific, enclosed area where they will be
cared for. The area will be kept clean with all waste products being composted or used
as garden fertilizer.

Date: April 12, 2021

Jim Viens
9350 Nelson Ln
Kansas City, KS 66109

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use # SP2021-036 and BOZA2021-010. The purpose of this is for construction of a chicken coop approximately 8'x20' in size and having up to 20 laying hens on the property

at the following address: 9350 Nelson Ln, Kansas City, KS 66109.

I/We am having a neighborhood meeting on Friday April 23 at 6:30p.m. at the following address [due to COVID restrictions the meeting will be held via Zoom:

Join Zoom Meeting
<https://tinyurl.com/ax362n7x>

Meeting ID: 876 0343 7024
Passcode: B612Y9.

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

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

Sincerely,
Jim Viens
Jim.viens@gmail.com
913-972-3100

NEIGHBORHOOD MEETING MATERIALS, APRIL 23, 2021, CONT.

Minutes for Neighborhood Meeting 4/23/2021

RE: SP2021-036 and BOZA2021-010

Meeting held via Zoom due to COVID restrictions

Start time 6:28PM End time 7:15PM

Attendees: None

Received emails from Cynthia Clark (9426 Nelson Ln) and Robin Romine (9335 Nelson Ln) indicating that they had no objections to the approval of the proposed zoning variance and issuance of the special use permit.

Also received verbal communication from Keagan Kell (9340 Nelson Ln) indicating no objections.

Affirmed by Jim Viens

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF _____)
) SS:
COUNTY OF _____)

Comes now James M. Viens, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2021-036 and BOZA2021-010.
2. That I conducted a neighborhood meeting on Friday April 23, 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.

James M. Viens
Affiant

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

My commission expires _____ of _____, 200__.

Notary Public

CONSERVATION DISTRICT LETTER, DATED APRIL 13, 2021



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

April 13, 2021

RE: SP2021-036 James Viens 20 chickens at 9350 Nelson Lane

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: SP2021-036 James Viens 20 chickens at 9350 Nelson Lane.

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

MAPS AND REPORTS

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

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

- There are two major soil type identified: Ladoga silt loam, 3 to 8 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- A plan to manage the removal or disposal of the waste needs to be created for proper handling.
- The area is well seeded, and the housing seems in good standing to protect the animals.

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

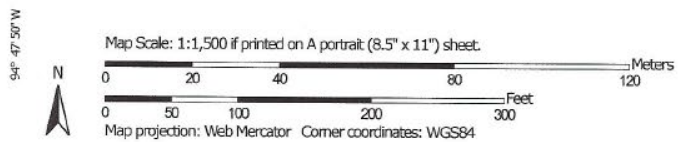
enclosures

CONSERVATION DISTRICT LETTER, DATED APRIL 13, 2021, CONT.

Map Unit Name—Wyandotte County, Kansas
(SP 2021-036 9350 Nelson Lane)



Soil Map may not be valid at this scale.



**Natural Resources
Conservation Service**

Web Soil Survey
National Cooperative Soil Survey

4/7/2021
Page 1 of 3



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: May 27, 2021
Re: SU20-00097

GENERAL INFORMATION

Applicant:
Cabrin Mills

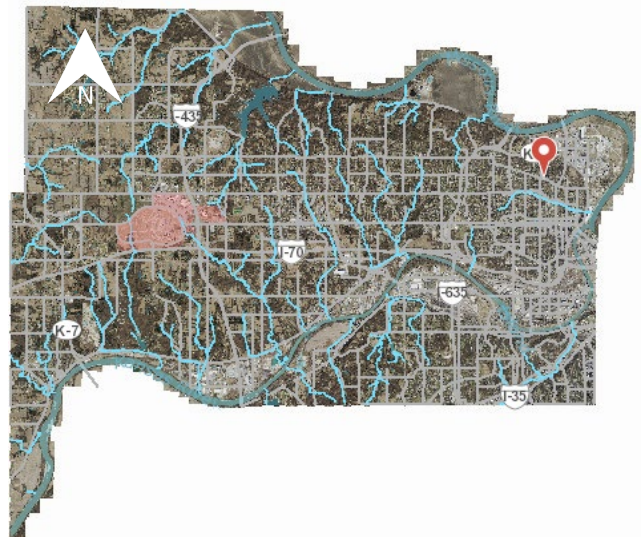
Status of Applicant:
Property Owner
933 Quindaro Boulevard
Kansas City, Kansas 66101

Requested Action:
The approval of a Special Use Permit.

Date of Application:
November 30, 2020

Purpose:
To operate a transitional/group home.

Property Location:
933 Quindaro Boulevard
Kansas City, Kansas 66101



Commission Districts:	Commissioner At Large: Melissa Bynum District #1 Commissioner: Gayle E. Townsend
Existing Zoning:	C-3 Commercial District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-2(B) Two Family District East: R-2(B) Two Family District West: C-3 Commercial and RP-5 Apartment Districts
Adjacent Uses:	North: Parkwood Park South: Economic Opportunity Foundation, Inc. East: Vacant Lot West: Commercial Business
Total Tract Size:	0.16 Acre
Master Plan Area:	Northeast Area Master Plan
Master Plan Designation:	The Northeast Area Master Plan designates this area as Neighborhood Mixed Use, which allows...(insert allowed uses)
Major Street Plan:	The Major Street Plan classifies Quindaro Boulevard as a Class B Thoroughfare.
Parking Requirements:	Section 27-467 states that uses in C-3 Commercial Districts require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building.
Advertisement:	<u>The Wyandotte Echo</u> – December 17, 2020, Letters to Property Owners – December 18, 2020, January 15, 2021, February 12, 2021, March 19, 2021, May 4, 2021 and May 20, 2021
Public Hearings:	March 8, 2021, April 12, 2021, May 10, 2021 and May 27, 2021
Public Support:	None to date.
Public Opposition:	One (1) person has appeared at all three (3) meetings.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Cabrin Mills, is proposing to use the property at 933 Quindaro Boulevard for the purpose of a transitional home. This property is within the boundaries of the Theodore Shafer Residence Historic Landmarks environs and the Parkwood Historic District environs.

City Ordinance Requirements: Section 27-592 through 27-606

Code Enforcement History: This property has received 15 Notices of Violation between the years of 2014 and 2020 for weeds, trash, and other miscellaneous violations.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is commercial and residential in nature, with single and two-family homes and businesses along a Class B 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. Operating this facility as a transitional home has the potential to create issues of noise, increased parking, and traffic.

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 was constructed as a single-family home. It has been vacant for several years and is in need of repairs. It may be suitable for the proposed use, depending on space and rooms available and the number of people that are proposed to be housed. Removal of the restrictions that require a Special Use Permit for a group/transitional home may cause issues of noise, traffic, parking, and overcrowding of the land.

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

It is unknown 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 Master Plan. The Northeast Area Master Plan designates this area as Neighborhood Mixed Use. This use includes a mix of single-family houses, apartment buildings, small commercial buildings, and mixed-use buildings. The proposed use conforms to the Master Plan because it is for a residential use.

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 may result in an increase of vehicular traffic but will not exceed the Class B Thoroughfare's capacity to accommodate it.

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

The proposed use provides a service to the public in the form of temporary/transitional housing. If managed properly, the use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as it the proposed use operates entirely within the existing structure. If not managed properly, the proposed use could impair visual quality and/or marketability of adjoining properties. The building is currently vacant.

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 as the use takes place in an existing structure.

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

The home is currently in need of repairs and maintenance. Once it is confirmed that the building is brought to code, the use will not pollute the air, land, or water as it is an existing 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 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 proposed use provides the necessary service of a group/transitional home. If denied, the property owner could not use the home as a group/transitional home but could use the property as a single-family or two-family 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 may result in overcrowding of the land and undue concentrations of population, depending on the number of people living in the home and the details of their schedules and services. Not enough information has been given at this time to make this determination.

PREVIOUS ACTIONS

This application was held over from the March 8, 2021 meeting as the applicant was not present.

This application was held over from the April 12, 2021 meeting to allow the applicant to formalize the plan and meet with the neighbor that appeared at the March and April meetings.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 12, 2021 by letter, which included email and phone contact information. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Landmarks Commission and Historic Environs Review
Condition of the Building
Noise
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of SU20-00097, subject to:

- 1) The home shall house no more than seven (7) residents at a time;
- 2) No more than four (4) vehicles may be parked on the property at a time;
- 3) No signs shall be posted on the property;
- 4) Must go through the Historic Environs Review process before any upgrades, modifications, or renovations can be done to the home. Contact the Planning and Urban Design Department to begin this process;
- 5) All construction and renovation to the home must be properly permitted. Contact the Building Inspection Department for all necessary building permits;
- 6) A Special Use Permit may be brought to the Unified Government Board of Commissioners for revocation if conditions of approval are not met;

- 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 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,
- 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 **SU20-00097** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

March 8, 2021 City Planning Commission Minutes
April 12, 2021 City Planning Commission Minutes
May 10, 2021 City Planning Commission Minutes
Zoning Map
Land Use Map
Aerial Map
Site Photographs Provided by Staff, Dated December 16, 2020
K.C. Healing Hands Mission Statement
Business Plan Submitted by Applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	March 8, 2021	May 27, 2021
Special Use	Held Over April 12, 2021 Held Over May 10, 2021 Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#SU20-00097** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#SU20-00097** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

March 8, 2021 City Planning Commission Minutes:

Hearing starts at 2:00:25:

SPECIAL USE PERMIT APPLICATION SU20-00097 – CABRIN MILLS - SYNOPSIS:

Special Use Permit for a transitional/group home at 933 Quindaro Boulevard.

Detailed Outline of Requested Action: The applicant, Cabrin Mills, is proposing to use the property at 933 Quindaro Boulevard for the purpose of a transitional home for approximately 10-12 people. This property is within the boundaries of the Theodore Shafer Residence Historic Landmarks Environs Zone and the Parkwood Historic District Environs Zone.

Code Enforcement History: *This property has received 15 Notices of Violation between the years of 2014 and 2020 for weeds, trash, and other miscellaneous violations.*

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 8, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; 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:

- T. J. Jones, 924 Greeley, Kansas City, Kansas, appeared with questions.

Staff Recommendation starts at 2:04:45: Planning Director Hand stated that this request is for transitional housing for up to 12 people. The building has multiple Notices of Violations, which the applicant has stated that they have remediated as part of this project. This is an abandoned house that Sower Investments is going to purchase and lease to KC Healing Hands. Staff has received no letters in support nor opposition to this request. The property is within the 500' environs of a Historic Landmark District, and will need an administrative environs review by staff if approved. Director Hand stated that the staff was recommending approval of the application, but with the absence of the applicant and a member of the public present with questions, staff

recommends holding over this applicant to the April 12, 2021 meeting. Staff will reach out to the applicant about the April meeting. Because of the pandemic, staff has allowed three (3) ways for the neighborhood meeting to be held. The applicant chose to send out a letter detailing the proposal and the fact that one (1) of the neighbors could not reach the applicant is concerning.

Motion and Vote starts at 2:07:06:

On motion by Mr. Reasons, seconded by Mrs. Jones, the Planning Commission voted as follows to **HOLD OVER** Special Use Permit **SU20-00097 until the April 12, 2021 City Planning Commission meeting to allow the applicant to be present:**

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

Motion to HOLD OVER Passed: 8 to 0

April 12, 2021 City Planning Commission Minutes:

Hearing starts at 2:27:53:

SPECIAL USE PERMIT APPLICATION SU20-00097 – CABRIN MILLS - SYNOPSIS:

Special Use Permit for a transitional/group home at 933 Quindaro Boulevard.

Detailed Outline of Requested Action: The applicant, Cabrin Mills, is proposing to use the property at 933 Quindaro Boulevard for the purpose of a transitional home. This property is within the boundaries of the Theodore Shafer Residence Historic Landmarks environs and the Parkwood Historic District environs.

City Ordinance Requirements: Section 27-592 through 27-606

Code Enforcement History: This property has received 15 Notices of Violation between the years of 2014 and 2020 for weeds, trash, and other miscellaneous violations.

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

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

- Dennis Mills, representing the applicant, 6140 Raytown Road, Raytown, Missouri
- Yolanda Piper Scott, 411 Long Avenue, Kansas City, Missouri

The Commission directed questions to those in support concerning, number and ages of the males staying at the site, programs that will be offered, number of staff on site, security, etc.

Planning Director Hand asked how many total people will be staying on-site. Ms. Scott stated that there will be five (5) young men and two (2) staff members for a total of seven (7) people.

Present in Opposition:

- TJ Jones, 924 Cleveland Avenue, Kansas City, Kansas 66104

Planning Commissioner Connelly asked the applicant if he would object to a 30 to 60 day hold over so they can finalize their plan. Mr. Mills stated that his son owns this property, and a delay may make the property unavailable. It may be that this is not the right location for this use; they need to get their program together.

The Commission asked the applicants to reach out to their neighbor Mr. Jones as he has been to prior meetings, has lived in the neighborhood for quite some time and should be a good source of information.

The Commission also asked the applicant to work with staff on what needs to be submitted for review by the Commission.

Staff Recommendation starts at 3:02:11: Planning Director Hand stated that based on the comments this evening, staff recommends holding over this application to the May 10, 2021 City Planning Commission meeting. He stated that staff was under the impression that the group home was for up to 12 individuals residing on the property, and would like to amend their comments in the staff report to a maximum of 7 individuals. A building permit will be required for the improvements to be made to the house. This house is in the environs of a Historic Landmark and Historic District, and will require an environs review before a building permit will be issued. He recommended that the applicants start the environs review now.

Motion and Vote starts at 3:03:37:

On motion by Mr. Reasons, seconded by Mrs. Jones, the Planning Commission voted as follows to **HOLD OVER** Special Use Permit **SU20-00097 until the May 10, 2021**

City Planning Commission meeting:

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 HOLD OVER Passed: 8 to 0

May 10, 2021 City Planning Commission Minutes:

Hearing starts at 2:31:17:

SPECIAL USE PERMIT APPLICATION SU20-00097 – CABRIN MILLS - SYNOPSIS:
Special Use Permit for a transitional/group home at 933 Quindaro Boulevard.

Detailed Outline of Requested Action: The applicant, Cabrin Mills, is proposing to use the property at 933 Quindaro Boulevard for the purpose of a transitional home. This property is within the boundaries of the Theodore Shafer Residence Historic Landmarks environs and the Parkwood Historic District environs.

City Ordinance Requirements: Section 27-592 through 27-606

Code Enforcement History: This property has received 15 Notices of Violation between the years of 2014 and 2020 for weeds, trash, and other miscellaneous violations.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 10, 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 additional information submitted by the applicant Friday afternoon and emailed to the City Planning Commission today.

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

Present in Support:

- Dennis Mills, representing the applicant, 6140 Raytown Road, Raytown, Missouri
- Yolanda Piper Scott, 411 Long Avenue, Kansas City, Missouri

Present in Opposition:

- TJ Jones, 924 Cleveland Avenue, Kansas City, Kansas 66104
- Rashanda Jackson

Staff Recommendation starts at 2:52:45: Planning Director Hand stated that the information was received after the response deadline (and the packets were sent out) and this information was therefore not included in the staff report or slides this evening. The staff will defer to the Planning Commission as to whether or not they feel this supplemental information is adequate to answer all the Commission's precise questions and concerns related to the operation of the group home. If the Commission wants to recommend approval of this application, the conditions in the staff report require revision. Last month, the number of people on site was changed from 12 to 7, and staff is unclear as to how many people will reside on the premises. The old Notices of Violation have been addressed. The project will require a Historic Environs Review. He further stated that five (5) unrelated individuals can live in a home without a Special Use Permit. Staff recommends approval for one (1) year, subject to clarification by the applicant as to how many persons will reside on the property.

Ms. Scott stated that the maximum number of people on the site will be five (5) young men and two (2) staff members at all times (7 total/maximum residents on the property). Director Hand stated that condition number one (1) should be revised from 12 to 7 if the Commission wishes to recommend approval.

Motion and Vote starts at 2:56:17:

On motion by Ms. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL** of Special Use Permit **SU20-00097**:

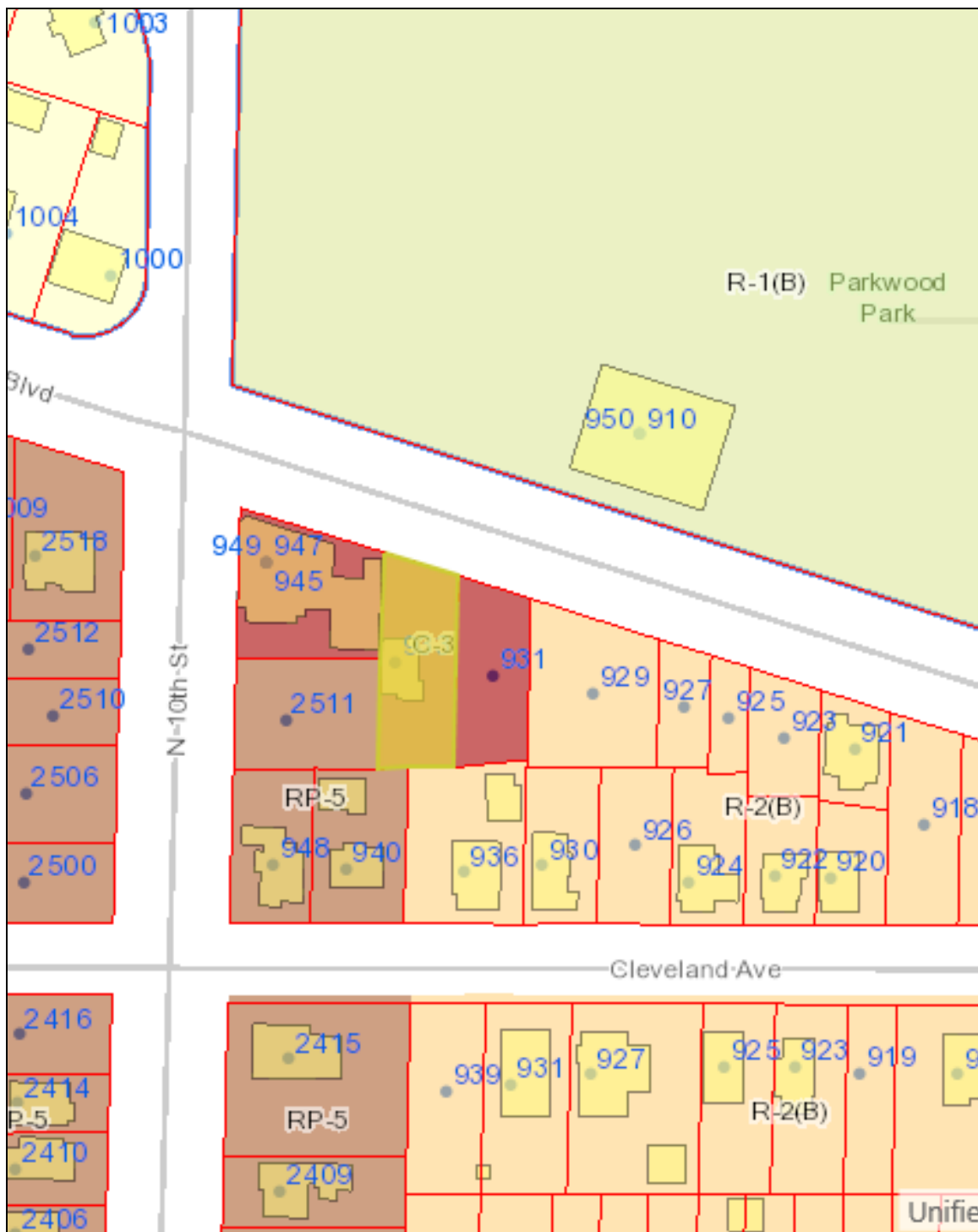
Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Not Present
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Aye
Mohler	Not Present
Pauley	Aye
Reasons	Not Present

Motion to recommend APPROVAL Passed: 6 to 0

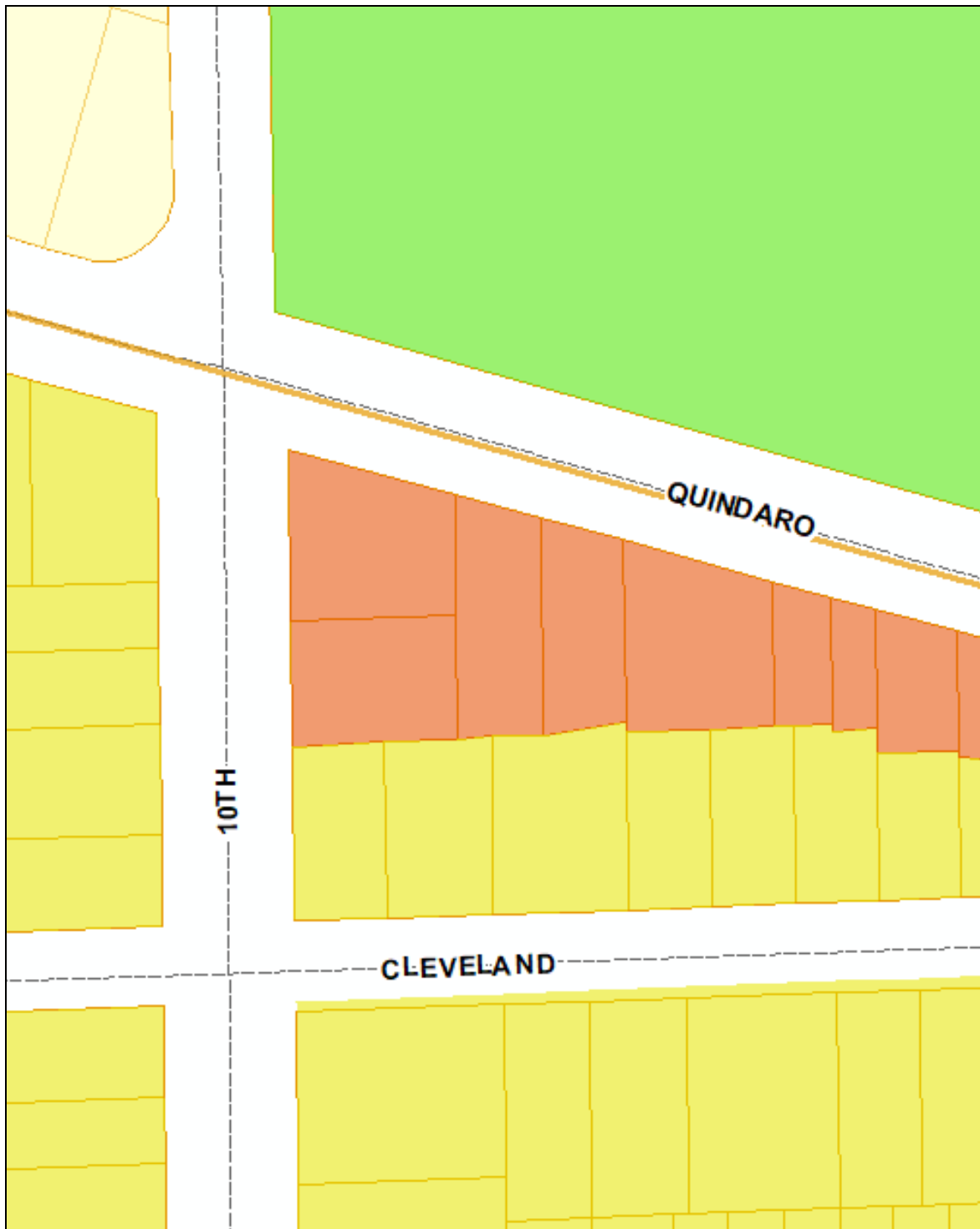
- 1) The home shall house no more than seven (7) residents at a time;**
- 2) No more than four (4) vehicles may be parked on the property at a time;**

- 3) No signs shall be posted on the property;
- 4) Must go through the Historic Environs Review process before any upgrades, modifications, or renovations can be done to the home. Contact the Planning and Urban Design Department to begin this process;
- 5) All construction and renovation to the home must be properly permitted. Contact the Building Inspection Department for all necessary building permits;
- 6) A Special Use Permit may be brought to the Unified Government Board of Commissioners for revocation if conditions of approval are not met;
- 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 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,
- 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:



Land Use Map:



Aerial Map:

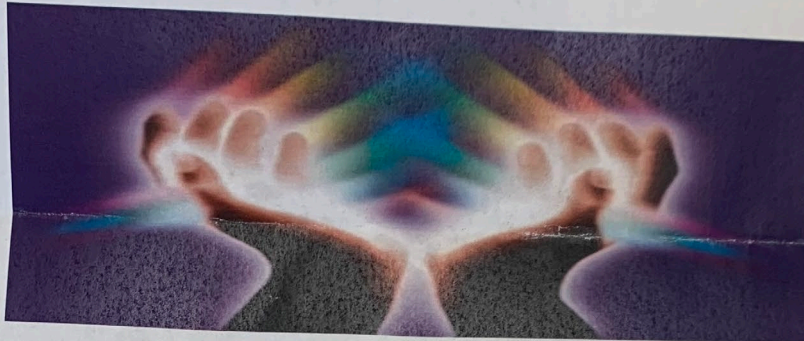


Site Photographs Provided by Staff, Dated December 16, 2020:





KC Healing Hands Mission Statement:



Narrative

Kc. Healing Hands Inc.

Was established because there is a great need to provide a safe environment for Our youth targeting the ages as young as 13 to 24 years of age. The Purpose of this program is to provide participants with a safe environment free From substance abuse and any associated issues. by offering life skills, anger Management, parenting as well as a desire to thrive and maintain a sufficient and Healthy, lifestyle with education, stable housing, free from conflict **Vision**

KC Healing Hands Inc. vision is to help at risk youth we serve to achieve stability, education, independent living skills and community service to those in need of support in obtaining a purposeful foundation.

*Mr. Travis Allen
913-742-3556*

Photographs Provided by the Applicant:



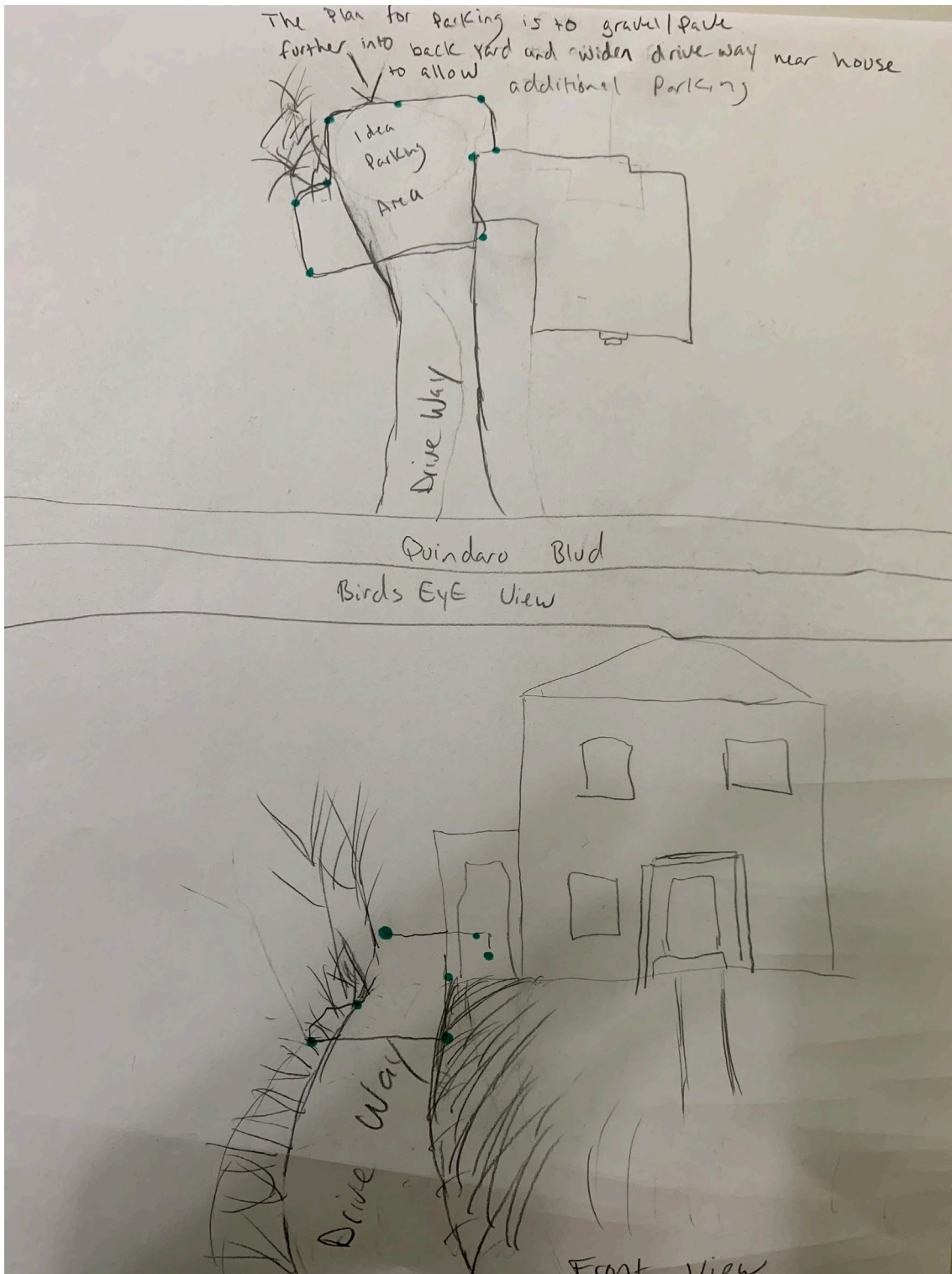








Diagram Indicating Parking:





KC Healing Hands



What



We Provide

We provide a safe living environment at the "Olevia's House" to enhance to the quality of life for at risk males within Kansas City. Developing a sense of stability and community for the at risk youth we serve.

We Empower

KC Healing hands is founded with the mission to empower at risk males ages 13 - 16 years old in Kansas City. We aim to provide them essential resources to be productive and engaged members in our community.

We Educate

With our community partners our youth will learn critical life skills, best methods to enhance networking, support in their educational endeavors. We believe that teaching and aiding our youth with adequate skills to be independent and successful after they complete the program.



Where



Location: 933 Quindaro Blvd Kansas City, Kansas 66104

All programs and Services will be located in a properly zoned area of Wyandotte County Kansas.

When



All Programs and Services will be supervised 24 hours a day during the 12 calendar month to offer best practices in delivering a network of programs and services to our young boys and youth. All of our youth and young boys have a daily schedule that they are expected to follow.

- 5am to 6am Breakfast
- 7:00 am to 2:30 pm School /Activities
- 4:00 pm to 7:00 pm Mentor/ Dinner
- 8:00 pm to 9:00 pm Their time
- 10:00 pm Lights out

How



We will provide a network of programs and services to our young boys and youth including developing a self-sufficient program of Personal Journey, Life Skills, Anger Management and Parenting.

- Mentor
- Clergy
- Helping in the Community
- Tutoring



Activities



These activities are to bridge the gap and help our youth and young boys with, improving Life Skills, Education, and Parenting Skills.

- Fishing / Sports
- Parenting Classes
- Job Shadowing
- Housekeeping /Cooking
- Personal Hygiene

Program Budget



Over all Budget is estimated at 10,000 monthly for operational and over head
To be adjusted at a later date

Who



All of the above activities will be supervised by the staff of KC Healing Hands and with the help of volunteers.

- Clergy
- Mentor



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: May 27, 2021

Re: Petition #SP-2020-77

GENERAL INFORMATION

Applicant:
Felix Adolfo Cruz

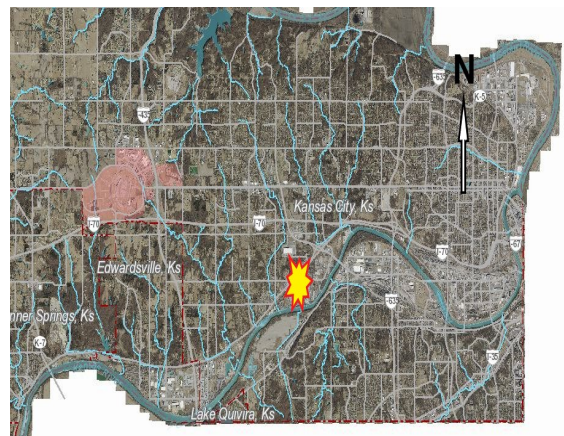
Status of Applicant:
Property Owner
900 South 66th Terrace
Kansas City, KS 66111.

Requested Action:
Special Use Permit for a
mechanic, used auto sales, and
automotive salvage at 900 South
66th Terrace.

Date of Application:
July 31, 2020

Purpose:
To start the business of a
mechanic, used auto sales, and
continuing an import/export
business at this property.

Property Location:
900 South 66th Terrace



Commission District:	District #8 Commissioner: Jane Philbrook Commissioner At Large, Melissa Bynum
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: Vacant Industrial Land South: Heavy Transport Company East: Industrial Chemical Solvent Company West: Automobile Transfer Storage Yard
Total Tract Size:	2.01 Acres
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The 2008 City-Wide Master Plan designates this property as Industrial Use, which allows industries featuring industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage.
Major Street Plan:	The 2008 City-Wide Master Plan classifies 66 th Terrace as a Local Street.
Parking Requirement:	Section 27-470(f) 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. Twenty (20) parking spaces are required. Fifty-seven (57) parking spaces are proposed, of which Twenty (20) parking spaces will be for customers and employees, and Thirty-seven (37) will be for vehicles sales or vehicle storage.
Advertisement:	<u>The Wyandotte Echo</u> – August 20, 2020 Letters to Property Owner – August 19, 2020; September 9, 2020; October 14, 2020; December 19, 2020; January 7, 2021; January 29, 2021; March 2, 2021 and May 20, 2021
Public Hearings:	May 10, 2021 and May 27, 2021
Public Support:	None to date.
Public Opposition:	None to date.
#SP-2020-77	May 27, 2021

PROPOSAL

Detailed Outline of Requested Action: Felix Adolfo Cruz, owner of Central America Auto Sales & Repair is requesting a Special Use Permit to operate a mechanic shop, a used auto sales business and an automotive salvage yard operation on the property located at 900 South 66th Terrace.

City Ordinance Requirements: 27-470, 27-592 through 27-606, and 27-699 through 27-704

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is Industrial in nature. This area along South 66th Terrace has a variety of industrial businesses.

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

The zoning and land uses are set out above. The proposed use on this property is compatible with those uses as the area includes multiple similar businesses.

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

The property is suitable for industrial uses.

The removal of the restrictions may not detrimentally affect nearby property because even though the proposed uses are of the same category as the surrounding properties, this property will need to complete property upgrades or property redevelopment to minimum requirements, which may detrimentally affect nearby properties.

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

The property has been recently purchased by the applicant from the previous owner in order to operate the proposed uses. Before then, the property was occupied by an industrial trucking company and tow service.

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

While Special Use Permits are not addressed in the Master Plan, this area of 66th Terrace is a collective hub of Industrial uses in Industrial Zoning.

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 increase to three (3) proposed uses, including used cars sales may result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the Local Street to accommodate it. This area does have a tendency for overflow parking on the street.

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. If the proposed use is not properly managed, maintained, and screened, the use could substantially injure the 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.*

This property is surrounded by similar uses, and with the required screening fence and landscaping installed, the noise and illumination that is normally associated with the mechanic and salvage yard proposed uses is of such duration and intensity it would not create problems for nearby properties.

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

Unless the concrete surface has been maintained or repaired, and with the gravel surface in the rear yard, any leaking fluids that are not quickly cleaned up could pollute the land and water. Additionally, heavy rains could carry runoff to the vacant property to the north and/or east onto the street and the storm sewer system.

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 use in a predominantly industrial area.

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

The relative gain to the public health, safety, and welfare is minimal. If this application is denied, the applicant will have to find an alternate location and apply for another Special Use Permit to operate these automotive uses.

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

At 2.01 acres, the site is adequate for the proposed uses at scale, and it is located abutting uses on two (2) of three (3) sides, which prevents future expansion except to the north; the overcrowding of land can become a real problem if the storage yard is completely full of vehicles and/or auto parts and the mechanic parking, sales parking, and customer parking become full of vehicles. Typically, overcrowding leads to off-premises storage and parking. There are no undue concentrations of population as this is an industrial property.

PREVIOUS ACTIONS

#SP-2020-19 – Special Use Permit to operate a mechanic shop at 900 South 66th Terrace. (Withdrawn by applicant 7/17/2020).

NEIGHBORHOOD MEETING

The applicant mailed letters to the neighboring property owners on August 22, 2020 soliciting comments, questions, and/or concerns by email response. The applicant's representative reported: "As of this very moment 08/31/2020 at 10:43 PM there has not been any comments and/or objections by any of the neighbors."

KEY ISSUES

Property improvements and maintenance to meet minimum design requirements
Fluid containment and management
Site organization and management to promote efficient operation of three uses
Screening Fence and Storage of parts
Landscaping upgrades and maintenance
Operation of an Import/Export Business from the property

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of SP-2020-77, subject to:

1. **Provide a site plan that illustrates the locations and dimensions of the areas on the property that will be designated for:**
 - a. **Salvage yard and wrecked auto storage;**
 - b. **Mechanic shop car parking spaces and screened area for inoperable vehicle parking (include a count of parking spaces);**
 - c. **Parking lot for displaying vehicles for sale (include a count of parking spaces);**
 - d. **Parking lot for customers, employees, and the public, including the required ADA parking spaces (include a count of parking spaces);**

2. The property must have the following repairs and improvements:
 - a. The building walls and doors must be repainted.
 - b. Zoning Ordinance Section 27-701 requires an eight (8) foot tall architectural screening fence around any automotive salvage yard. Upgrade the present fence to the standards for an architectural screening fence. An architectural screening fence around a salvage yard is eight (8) feet tall, solid metal panels with masonry columns at 32 feet on-center and provides screening on all sides. The solid metal panels should match the building color. The masonry columns shall match the brick façade of the building.
 - c. While barbed wire is allowed in M-3 Heavy Industrial zoning, it may only be used above the fence around the rear yard, and the carrying brackets must be turned to face inwards of the solid screening fence. Any use of electrified fence must comply with the requirements in 8-250. Remove any barbed wire from side yard fences. Do not use barbed wire in the customer parking lot or the used car sales display parking lot.
 - d. The parking lot for displaying vehicles for sale must upgrade the chain link fence to an open metal fence with masonry columns that match the brick of the building façade.
 - e. The concrete surfaces and the rear yard must be cleared of all vegetation. Patch all holes and cracks and resurface the concrete drives and parking areas;
 - f. Improve the gravel rear yard with concrete or asphalt.
 - g. Install positive drainage of the rear yard to prevent the accumulation of standing water.
 - h. One (1) parking stall must be ADA compliant and properly marked. Include the ADA graphic painted at the end of the stall. Install a five (5) foot wide ADA access aisle and stripe it with a hatch mark pattern. Install or maintain the ADA placard on a durable metal post mounted at the front of the ADA stall and ensure the minimum distance of 60 inches above finish grade to the bottom of the sign.
 - i. An approved sign permit is required if an exterior business sign is to be installed.
 - j. Rear yard gates must remain closed at all times.
 - k. The trash dumpster may not be located in the front yard. The dumpster must be placed in a trash enclosure unless it is placed in the rear yard and not visible from the front or public view. A trash enclosure in a M-3 Heavy Industrial District must be a full masonry enclosure to match the brick on the building façade, including solid metal gates that must be kept closed at all times except for dumpster servicing.
 - l. Install a six (6) foot wide pedestrian sidewalk in front of the property along 66th Terrace from the property drive entrance to the north property line. Install a pedestrian walkway from this sidewalk to the front door of the building, including pavement striped crosswalks across any drive aisle areas.
 - m. Existing brickwork on the building façade must be cleaned to its original color and have all grout joints cleaned, repaired, and tuck pointed.
 - n. Install matching brick wrap wainscoting on the north, south, and west sides of the building wall on the lower one-third of the wall.

- o. Landscaping improvements to include the planting of two (2) additional street trees in front of the property along 66th Terrace. Any parking areas in front of the building must have a four (4) foot tall evergreen hedge screen planted along the interior curb between the parking area and the sidewalk**
- 3. Applicant must obtain building permits for any work that requires a permit, and all work must be compliant with current building codes.**

- 4. Applicant must acknowledge the following statement:**

Both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, stipulations, and requirements. Failure to make the necessary improvements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.

- 5. 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.**
- 6. 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.**
- 7. Any business or land use in Wyandotte County that is required to provide off-street parking 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 [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage**

may not reduce the availability of all required parking spaces as required by ordinance.

8. Applicant must acquire and maintain a business license for each proposed use.
9. Complete all required construction, remodeling, and property improvements within six (6) months of approval.
10. Approval allows no more than thirty-seven (37) vehicles at this site. Must operate at all times at or below the maximum limit of thirty-seven (37) vehicles on the property.
11. No on-street parking of vehicles for this business. All vehicles on-site for repairs or maintenance must be stored on the property and be properly screened from view.
12. No auto repair or servicing is allowed outside or in public view.
13. No storage or warehousing of salvage or wrecked automobile parts on the property.
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
15. 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 Department of Planning + Urban Design 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.
16. 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-2020-77** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 10, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Site photos (Provided by Staff, dated 8/17/2020).
Site photos (Provided by Staff, dated 4/28/2021).
Site Plan (Dated 2/19/2021)

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	May 10, 2021	May 27, 2021
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#SP-2020-77** 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-2020-77**, 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.

May 10, 2021 City Planning Commission Minutes:

Hearing starts at 4:16:48:

SPECIAL USE PERMIT APPLICATION SP-2020-77 – FELIX ADOLFO CRUZ WITH CENTRAL AMERICA AUTO SALES AND REPAIR - SYNOPSIS: Special Use Permit for auto salvage yard, auto mechanic, used auto sales and import/export business at 900 South 66th Terrace.

Detailed Outline of Requested Action: Felix Adolfo Cruz, owner of Central America Auto Sales & Repair is requesting a Special Use Permit to operate a mechanic shop, a used auto sales business and an automotive salvage yard operation on the property located at 900 South 66th Terrace.

City Ordinance Requirements: 27-470, 27-592 through 27-606, and 27-699 through 27-704

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 May 10, 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:

- Bob Diamond, representing the applicant – however, his sound was not working, and he could not be heard at the meeting

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:20:00: Planning Director Hand stated that this Special Use Permit is for a mechanic, used auto sales and automotive salvage

operation. Staff has worked with the applicant for quite some time on this request. The request was for an expansion of the use, which triggered reviewing all the uses on the property and then compliance to the Special Use Permit standards. Staff has worked with the applicant on compliance with the code requirements related to the use, landscaping, screening, pedestrian access and building improvements. There are no Notices of Violation and staff has not received any letters of support nor opposition. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Chairman Carson asked if staff is comfortable moving this application forward without being able to hear Mr. Diamond at the meeting. Director Hand stated that staff asked the applicant to have the plans professionally drawn, which was done by Mr. Diamond. Staff has been working through the conditions with Mr. Diamond, and is comfortable with presenting the project for the applicant at tonight's hearing.

Motion and Vote starts at 4:23:01:

On motion by Ms. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP-2020-77:**

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0

Subject to:

- 1. Provide a site plan that illustrates the locations and dimensions of the areas on the property that will be designated for:**
 - a. Salvage yard and wrecked auto storage;**
 - b. Mechanic shop car parking spaces and screened area for inoperable vehicle parking (include a count of parking spaces);**
 - c. Parking lot for displaying vehicles for sale (include a count of parking spaces);**
 - d. Parking lot for customers, employees, and the public, including the required ADA parking spaces (include a count of parking spaces);**
- 2. The property must have the following repairs and improvements:**
 - p. The building walls and doors must be repainted.**
 - q. Zoning Ordinance Section 27-701 requires an eight (8) foot tall architectural screening fence around any automotive salvage yard. Upgrade the present fence to the standards for an architectural screening fence. An architectural screening fence around a salvage yard is eight (8) feet tall, solid metal panels with masonry columns at 32 feet on-center and provides**

- screening on all sides. The solid metal panels should match the building color. The masonry columns shall match the brick façade of the building.
- r. While barbed wire is allowed in M-3 Heavy Industrial zoning, it may only be used above the fence around the rear yard, and the carrying brackets must be turned to face inwards of the solid screening fence. Any use of electrified fence must comply with the requirements in 8-250. Remove any barbed wire from side yard fences. Do not use barbed wire in the customer parking lot or the used car sales display parking lot.
 - s. The parking lot for displaying vehicles for sale must upgrade the chain link fence to an open metal fence with masonry columns that match the brick of the building façade.
 - t. The concrete surfaces and the rear yard must be cleared of all vegetation. Patch all holes and cracks and resurface the concrete drives and parking areas;
 - u. Improve the gravel rear yard with concrete or asphalt.
 - v. Install positive drainage of the rear yard to prevent the accumulation of standing water.
 - w. One (1) parking stall must be ADA compliant and properly marked. Include the ADA graphic painted at the end of the stall. Install a five (5) foot wide ADA access aisle and stripe it with a hatch mark pattern. Install or maintain the ADA placard on a durable metal post mounted at the front of the ADA stall and ensure the minimum distance of 60 inches above finish grade to the bottom of the sign.
 - x. An approved sign permit is required if an exterior business sign is to be installed.
 - y. Rear yard gates must remain closed at all times.
 - z. The trash dumpster may not be located in the front yard. The dumpster must be placed in a trash enclosure unless it is placed in the rear yard and not visible from the front or public view. A trash enclosure in a M-3 Heavy Industrial District must be a full masonry enclosure to match the brick on the building façade, including solid metal gates that must be kept closed at all times except for dumpster servicing.
 - aa. Install a six (6) foot wide pedestrian sidewalk in front of the property along 66th Terrace from the property drive entrance to the north property line. Install a pedestrian walkway from this sidewalk to the front door of the building, including pavement striped crosswalks across any drive aisle areas.
 - bb. Existing brickwork on the building façade must be cleaned to its original color and have all grout joints cleaned, repaired, and tuck pointed.
 - cc. Install matching brick wrap wainscoting on the north, south, and west sides of the building wall on the lower one-third of the wall.
 - dd. Landscaping improvements to include the planting of two (2) additional street trees in front of the property along 66th Terrace. Any parking areas in front of the building must have a four (4) foot tall evergreen hedge screen planted along the interior curb between the parking area and the sidewalk
3. Applicant must obtain building permits for any work that requires a permit, and all work must be compliant with current building codes.

4. Applicant must acknowledge the following statement:

Both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, stipulations, and requirements. Failure to make the necessary improvements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.

- 5. 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.**
- 6. 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.**
- 7. Any business or land use in Wyandotte County that is required to provide off-street parking 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 [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance.**
- 8. Applicant must acquire and maintain a business license for each proposed use.**
- 9. Complete all required construction, remodeling, and property improvements within six (6) months of approval.**

- 10. Approval allows no more than thirty-seven (37) vehicles at this site. Must operate at all times at or below the maximum limit of thirty-seven (37) vehicles on the property.**
- 11. No on-street parking of vehicles for this business. All vehicles on-site for repairs or maintenance must be stored on the property and be properly screened from view.**
- 12. No auto repair or servicing is allowed outside or in public view.**
- 13. No storage or warehousing of salvage or wrecked automobile parts on the property.**
- 14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.**
- 15. 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 Department of Planning + Urban Design 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.**
- 16. 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.**

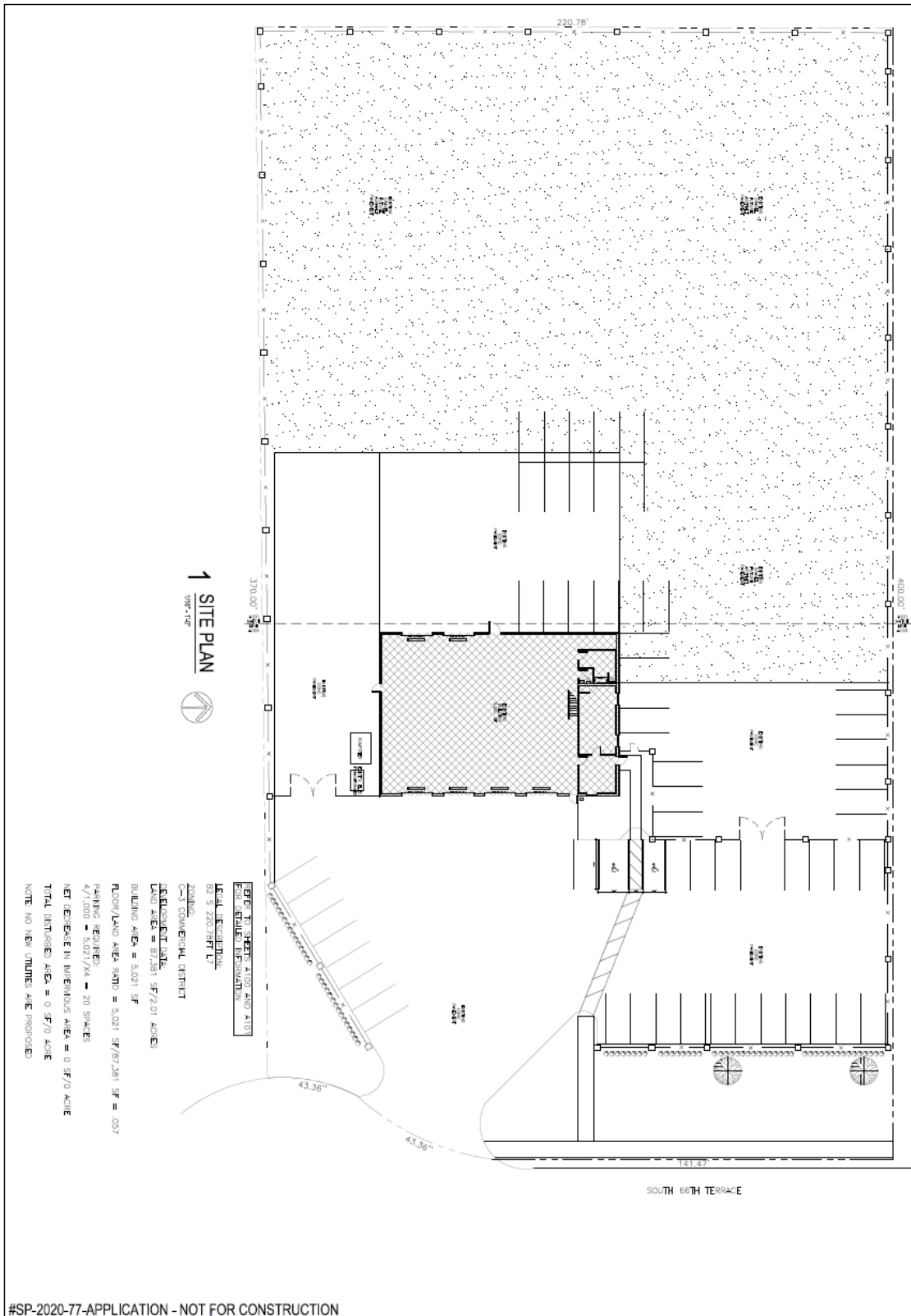












#SP-2020-77-APPLICATION - NOT FOR CONSTRUCTION

PROJECT: D40720
DRAWN BY: DLS/STP

DATE: 05/27/2021

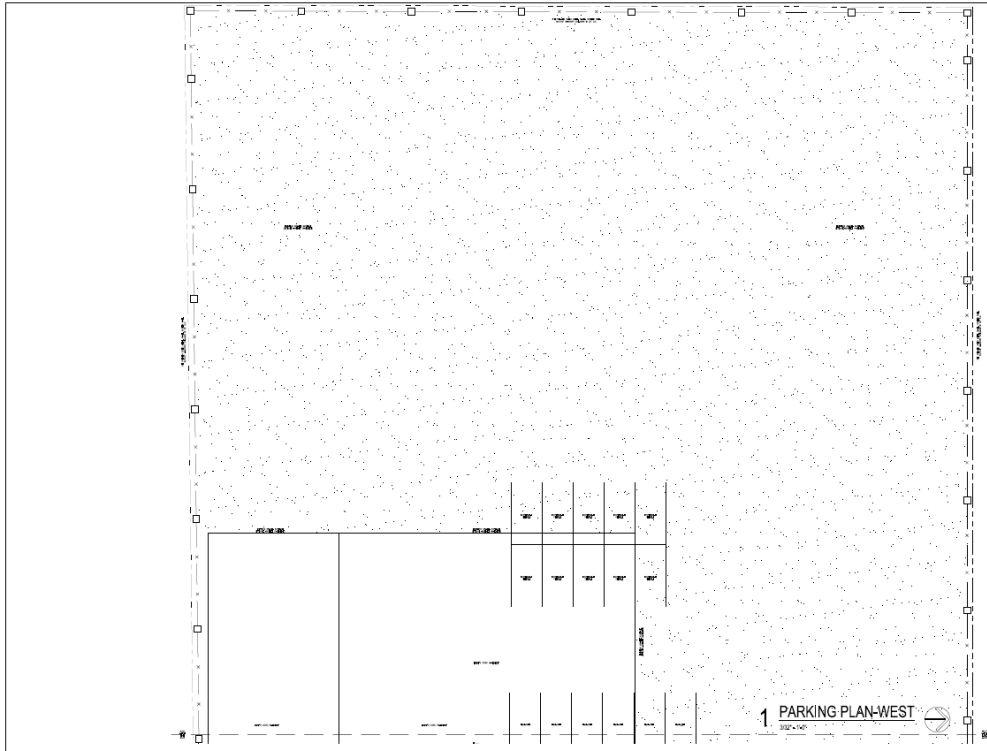
REVISIONS:

100

CENTRAL AMERICA AUTO SALES AND REPAIR
SITE AND EXTERIOR BUILDING IMPROVEMENT
900 SOUTH 66TH TERRACE
KANSAS CITY, KANSAS

5400 Johnson Drive #149
Mission, Kansas 66205
PH: 913.789.9965
FX: 913.482.2745

architect+interiors



5400 Johnson Drive #149
Mission, Kansas 66205
PH: 913.789.8665
FX: 913.462.2745

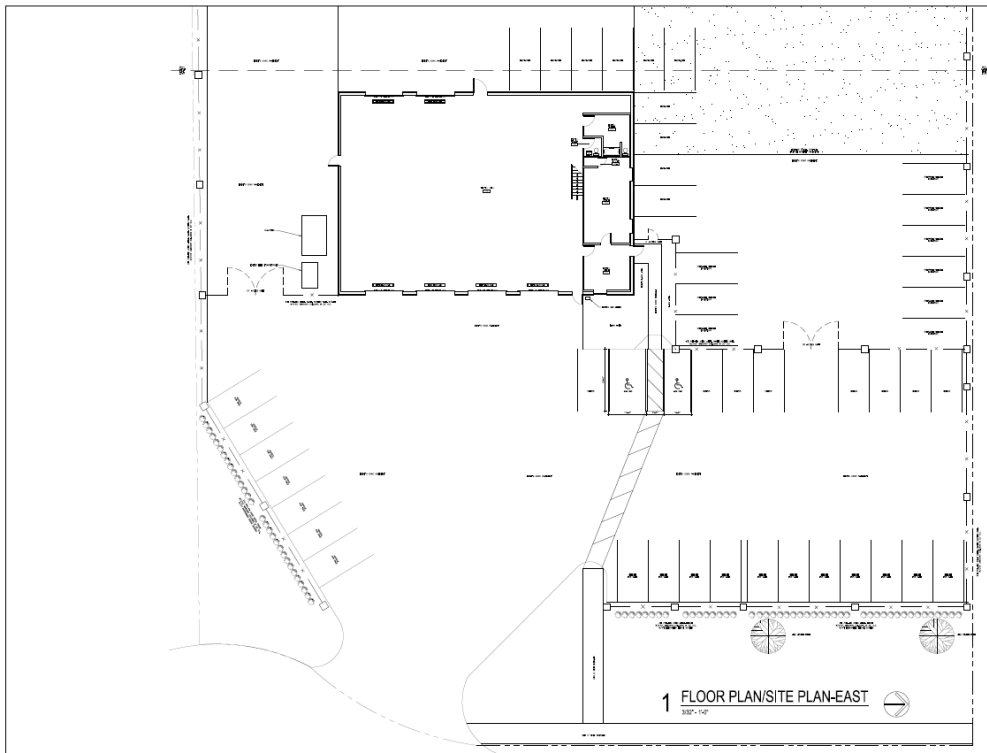
CENTRAL AMERICA AUTO SALES AND REPAIR
SITE AND EXTERIOR BUILDING IMPROVEMENT
900 SOUTH 66TH TERRACE
KANSAS CITY, KANSAS



PROJECT NO. DA0780
DRAWN BY: D.W. SMITH

DATE: 04/27/2021
BY: D.W. SMITH
CHECKED BY: D.W. SMITH
SCALE: AS SHOWN
SHEET NO. A101

#SP-2020-77 APPLICATION - NOT FOR CONSTRUCTION



5400 Johnson Drive #149
Mission, Kansas 66205
PH: 913.789.8665
FX: 913.462.2745

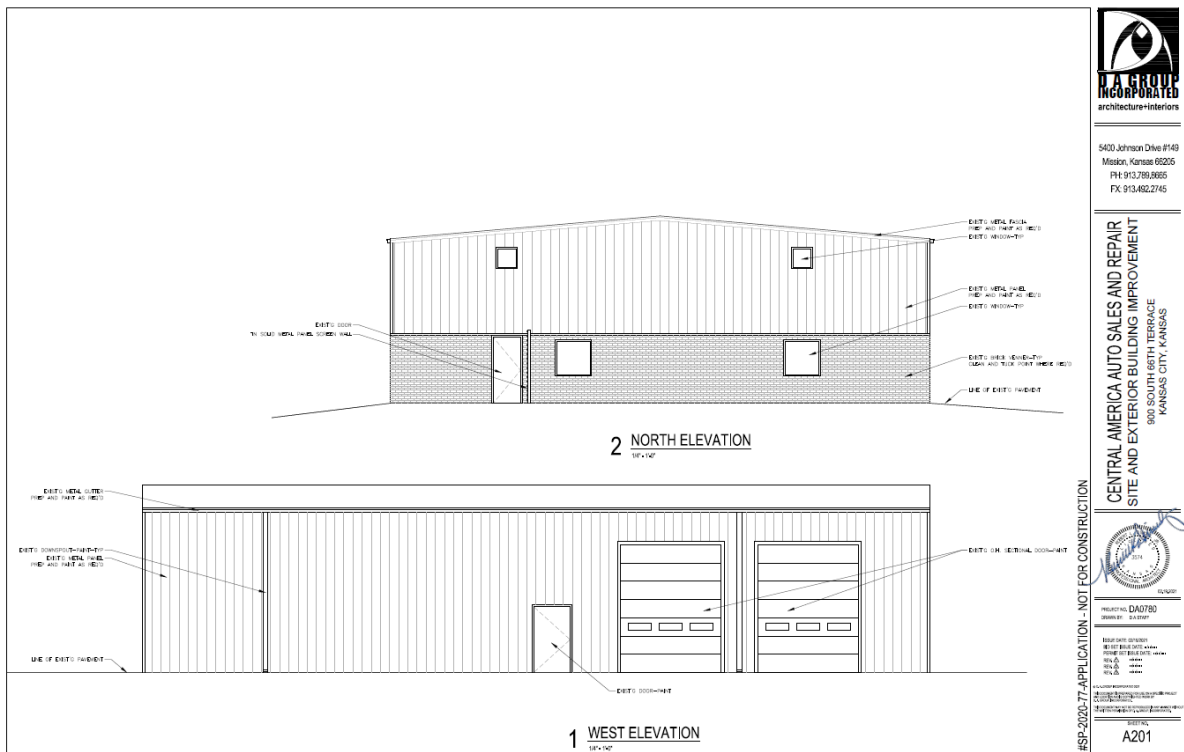
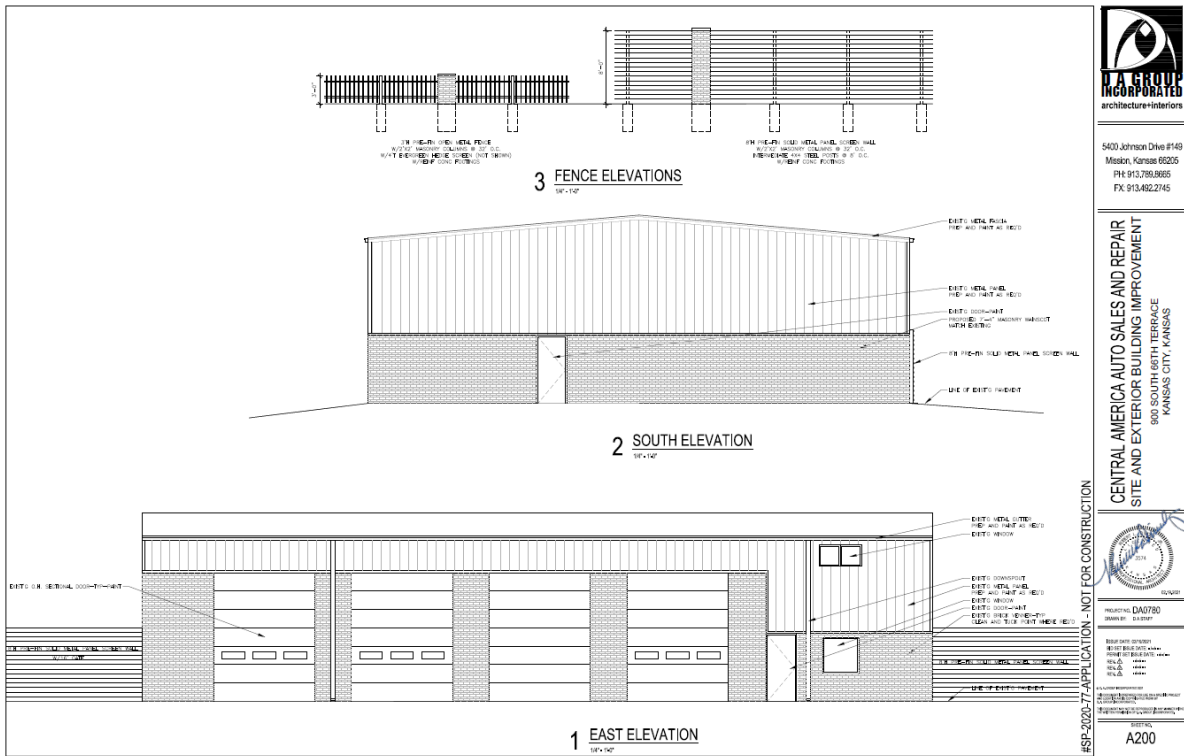
CENTRAL AMERICA AUTO SALES AND REPAIR
SITE AND EXTERIOR BUILDING IMPROVEMENT
900 SOUTH 66TH TERRACE
KANSAS CITY, KANSAS



PROJECT NO. DA0780
DRAWN BY: D.W. SMITH

DATE: 04/27/2021
BY: D.W. SMITH
CHECKED BY: D.W. SMITH
SCALE: AS SHOWN
SHEET NO. A100

#SP-2020-77 APPLICATION - NOT FOR CONSTRUCTION





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: May 27, 2021
Re: Petition #SP-2020-101

GENERAL INFORMATION

Applicant:

Wathiq Kassim

Status of Applicant:

Business Owner
KCK Automotive
716 Kansas Avenue
Kansas City, KS 66105

Requested Action:

Approval of a Special Use Permit.

Date of Application:

October 30, 2020

Purpose:

To continue operation of an auto body shop.

Property Location:

744 Kansas Avenue

Commission Districts:

Commissioner At Large 2: Tom Burroughs
District 2 Commissioner: Brian McKiernan



Existing Zoning:	M-2 General Industrial District
Adjacent Zoning:	North: M-3 Heavy Industrial District South: M-2 General Industrial District East: M-2 General Industrial District West: M-2 General Industrial District
Adjacent Uses:	North: Industrial warehouse South: Automotive business and retail sales East: Automotive business West: Commercial business
Total Tract Size:	0.36 Acre
Master Plan Area:	Armourdale Master Plan
Master Plan Designation:	The Armourdale Master Plan designates this property as Light Industrial.
Major Street Plan:	The Major Street Plan classifies Kansas Avenue as a Class B Thoroughfare, and South 7 th Street Trafficway 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. Twenty-eight (28) parking spaces are required. Twelve (12) parking spaces are proposed. Applicant is seeking a variance for less parking.
Advertisement:	<u>The Wyandotte Echo</u> – November 12, 2020 Letters to Property Owner – November 18, 2020; January 7, 2021; January 29, 2021; April 8, 2021 and May 20, 2021
Public Hearings:	May 10, 2021 and May 27, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Wathiq Kassim, is requesting renewal of a Special Use Permit to continue to operate an auto body shop at 744 Kansas Avenue. This auto body shop is an expansion of KCK Automotive at 716 Kansas Avenue.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: The property has not received any Notices of Violation.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The property is on the western end of a block of industrial uses along Kansas Avenue. West of Mill Street, the neighborhood becomes more residential and light commercial. 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 property is surrounded by industrial uses and is considered to be compatible with the nearby uses if the business maintains 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 suitable for automotive uses given the existence of several surrounding automotive uses. By ordinance, a Special Use Permit is required for an auto body shop.

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

The property has been in use since 2016 as an auto body shop.

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 744 Kansas Avenue for Light Industrial uses. An auto body shop is a compatible use at this location

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 auto body shop is currently in operation and is along a Class B Thoroughfare with a heavy amount of daily traffic. There is a moderate chance of an increase in traffic, but not to exceed the capacity of the Class B Thoroughfare to accommodate it.

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

The 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 use, especially with auto body work. This is less of an issue given the surrounding industrial uses. The proposed use will not likely create problems for nearby properties if brought up to standards and managed properly.

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, groundwater intrusion and stormwater 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 building, and in a 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.*

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 an industrial use.

PREVIOUS ACTIONS

SP-2016-92 (expired 1/05/2019)
SP-2019-76 (expired on 1/9/2021)
BOZA2021-008 (submitted 2/26/2021)

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 30, 2020. By affidavit, the applicant stated that: "Meeting was called to order at 5:30pm by petitioner Wathiq "Tony" Kassim. There was no one in attendance. Meeting was held open for 30 minutes and adjourned at 6:00pm. In addition, I received no letters, calls or emails regarding this application."

KEY ISSUES

Inventory management
Site management and control of wastes
Parking
Landscaping upgrades and maintenance
Compliance with Commercial Design Guideline standards
Conformance with the Armourdale Master Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of SP-2020-101, subject to:

1. **This Special Use Permit will apply only to 744 Kansas Avenue. There cannot be any shared work, inventory, storage, or property access with another business or another property under this Special Use Permit.**
2. **Repair any damaged or missing building materials on the four building walls and the stone perimeter fence. Complete the northern section of fence to attach to the building northwest corner.**
3. **Do not exceed the limit of 16 vehicles on the property.**
4. **All vehicles must be parked or stored in designated parking stalls.**
5. **No outside storage of wrecked or inoperable vehicles at any time.**
6. **Provide a trash enclosure that provides the required screening as described and with materials that match the main building or store the**

- trash dumpster inside of the building at all times, except when being serviced.
7. The western drive apron onto Kansas Avenue must be removed, the corresponding western opening in the wall must be closed with matching materials, and the sidewalk and curb must be replaced with a sidewalk and curb built to current city standards. By removing the apron onto Kansas Avenue, two (2) parking spaces can be added. Revise the site plan that shows the increase in parking, reducing the variance total.
 8. Approval allows no more than 12 vehicles at this site. Since this parking lot is not screened to allow inoperable or wrecked vehicles, wrecked or inoperable vehicles may not be parked outside and must be stored inside the building.
 9. No on-street parking of vehicles for this business. All vehicles on-site for repairs or maintenance must be stored on the property and be properly screened from view.
 10. No auto repair or servicing is allowed outside or in public view.
 11. No storage or warehousing of salvage or wrecked automobile parts on the property. Storage of salvage parts requires M-3 Zoning and a separate Special Use Permit.
 12. 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 Coy Street at any time.*
 13. 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.
 14. If approved, 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.
 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. 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.**
- 17. This City Planning Commission case is being heard in conjunction with BOZA2021-008. BOZA2021-008 has three separate variances, and all three variances must receive approval from the Board of Zoning Appeals in order for SP-2020-101 to be heard. BOZA2021-008 has three separate sections, described as:**
 - a. reduction of number of required parking stalls;**
 - b. reduction of west and south required setbacks for the stone wall;**
 - c. reduction of west and south required yard setbacks for parking and for storage.**
- 18. The conditions of approval included within BOZA2021-008 will only go into effect when SP-2020-101 is ultimately adopted by the Board of Commissioners. Should SP-2020-101 be either denied or fail to be approved, then all approved variances of BOZA2021-008 shall be voided retroactively.**
- 19. The conditions for BOZA2021-008 are listed here as approval of SP-2020-101 requires approval by the Board of Zoning Appeals for all three sections of BOZA2021-008.**
 - a. The parking lot must be resurfaced and restriped according to the site plan.**
 - b. No outside storage of inoperable vehicles. All inoperable vehicles must be stored inside of the enclosed building.**
 - c. If approved, 12 parking spaces will be required. Required parking stalls are for use by customers, employees, and the public. No inoperable or wrecked vehicle storage in required parking stalls.**
 - d. That there be no collection or accumulation of trash, scrap, refuse, or debris on the property and especially not in public view, and**
 - e. That the trash dumpster be stored inside the building and out of public view at all times, except when being serviced.**
 - f. The western drive apron onto Kansas Avenue must be removed, the corresponding western opening in the wall must be closed with matching materials, and the sidewalk and curb must be replaced with a sidewalk and curb built to current city standards. By removing the apron onto Kansas Avenue, two (2) parking spaces can be added. Revise the site plan that shows the increase in parking, reducing the variance total.**
 - g. The conditions of approval included within this Board of Zoning Appeals case will only go into effect when case SP-2020-101 is recommended for approval by the City Planning Commission and ultimately adopted by the Board of Commissioners.**

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-2020-101 subject to all comments and suggestions outlined in this staff report and the conditions of the staff report.

ATTACHMENTS

May 10, 2021 City Planning Commission Minutes
Zoning Map
Land Use Map
Aerial Map
Photographs Provided by Staff (Dated 11/18/20, 11/19/20, and 4/28/21)
Site Plan (Revised, dated 4/23/21)
Statement Letter from Applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	May 10, 2021	May 27, 2021
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#SP-2020-101** 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-2020-101**, 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.

May 10, 2021 City Planning Commission Minutes:

Hearing starts at 4:23:58:

SPECIAL USE PERMIT APPLICATION SP-2020-101 – WATHIQ KASSIM WITH KCK AUTOMOTIVE - SYNOPSIS: Renewal of a Special Use Permit for a body shop at 744 Kansas Avenue (SP-2019-76 expired 1/9/2021).

Detailed Outline of Requested Action: The applicant, Wathiq Kassim, is requesting renewal of a Special Use Permit to continue to operate an auto body shop at 744 Kansas Avenue. This auto body shop is an expansion of KCK Automotive at 716 Kansas Avenue.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: The property has not received any Notices of Violation.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 10, 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 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:

- Wathiq Kassim, applicant, KCK Automotive, 744 Kansas Avenue, Kansas City, Kansas 66105

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:28:40: Planning Director Hand stated that this case was heard with BOZA2021-008 which was approved for four (4) variances earlier this evening. The Special Use Permit is tied to the approved BOZA case and if the Special Use Permit were recommended for denial, the variances would be negated. The Special Use Permit is for a body shop and this would be their second renewal. The trash dumpster was moved inside the building. If the Planning Commission recommends approval of this application, staff requests a revision to Condition number three (3) from 12 vehicles to 16 vehicles. The applicant is working on the conditions from the first approval one (1) of which is enclosing the existing screen wall. Staff has received no letters in support nor in opposition to this application. Because staff did not receive the additional information until after the staff report was completed, staff recommended denial. Staff would be amenable, however, to a recommendation of approval for two (2) years with six (6) months to make all the required improvements discussed this evening and as a condition of approval.

Motion and Vote starts at 4:31:20:

On motion by Ms. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP-2020-101:**

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0

Subject to:

- 1. This Special Use Permit will apply only to 744 Kansas Avenue. There cannot be any shared work, inventory, storage, or property access with another business or another property under this Special Use Permit.**
- 2. Repair any damaged or missing building materials on the four building walls and the stone perimeter fence. Complete the northern section of fence to attach to the building northwest corner.**
- 3. Do not exceed the limit of 16 vehicles on the property.**
- 4. All vehicles must be parked or stored in designated parking stalls.**
- 5. No outside storage of wrecked or inoperable vehicles at any time.**
- 6. Provide a trash enclosure that provides the required screening as described and with materials that match the main building or store the trash dumpster inside of the building at all times, except when being serviced.**
- 7. The western drive apron onto Kansas Avenue must be removed, the corresponding western opening in the wall must be closed with matching**

- materials, and the sidewalk and curb must be replaced with a sidewalk and curb built to current city standards. By removing the apron onto Kansas Avenue, two (2) parking spaces can be added. Revise the site plan that shows the increase in parking, reducing the variance total.
8. Approval allows no more than 12 vehicles at this site. Since this parking lot is not screened to allow inoperable or wrecked vehicles, wrecked or inoperable vehicles may not be parked outside and must be stored inside the building.
 9. No on-street parking of vehicles for this business. All vehicles on-site for repairs or maintenance must be stored on the property and be properly screened from view.
 10. No auto repair or servicing is allowed outside or in public view.
 11. No storage or warehousing of salvage or wrecked automobile parts on the property. Storage of salvage parts requires M-3 Zoning and a separate Special Use Permit.
 12. 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 Coy Street at any time.*
 13. 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.
 14. If approved, 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.
 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. 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

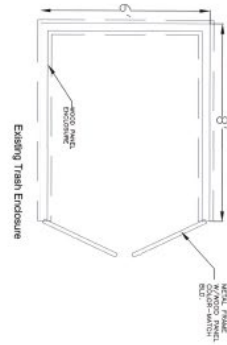
- within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
17. This City Planning Commission case is being heard in conjunction with BOZA2021-008. BOZA2021-008 has three separate variances, and all three variances must receive approval from the Board of Zoning Appeals in order for SP-2020-101 to be heard. BOZA2021-008 has three separate sections, described as:
- a. reduction of number of required parking stalls;
 - b. reduction of west and south required setbacks for the stone wall;
 - c. reduction of west and south required yard setbacks for parking and for storage.
20. The conditions of approval included within BOZA2021-008 will only go into effect when SP-2020-101 is ultimately adopted by the Board of Commissioners. Should SP-2020-101 be either denied or fail to be approved, then all approved variances of BOZA2021-008 shall be voided retroactively.
21. The conditions for BOZA2021-008 are listed here as approval of SP-2020-101 requires approval by the Board of Zoning Appeals for all three sections of BOZA2021-008.
- h. The parking lot must be resurfaced and restriped according to the site plan.
 - i. No outside storage of inoperable vehicles. All inoperable vehicles must be stored inside of the enclosed building.
 - j. If approved, 12 parking spaces will be required. Required parking stalls are for use by customers, employees, and the public. No inoperable or wrecked vehicle storage in required parking stalls.
 - k. That there be no collection or accumulation of trash, scrap, refuse, or debris on the property and especially not in public view, and
 - l. That the trash dumpster be stored inside the building and out of public view at all times, except when being serviced.
 - m. The western drive apron onto Kansas Avenue must be removed, the corresponding western opening in the wall must be closed with matching materials, and the sidewalk and curb must be replaced with a sidewalk and curb built to current city standards. By removing the apron onto Kansas Avenue, two (2) parking spaces can be added. Revise the site plan that shows the increase in parking, reducing the variance total.
 - n. The conditions of approval included within this Board of Zoning Appeals case will only go into effect when case SP-2020-101 is recommended for approval by the City Planning Commission and ultimately adopted by the Board of Commissioners.



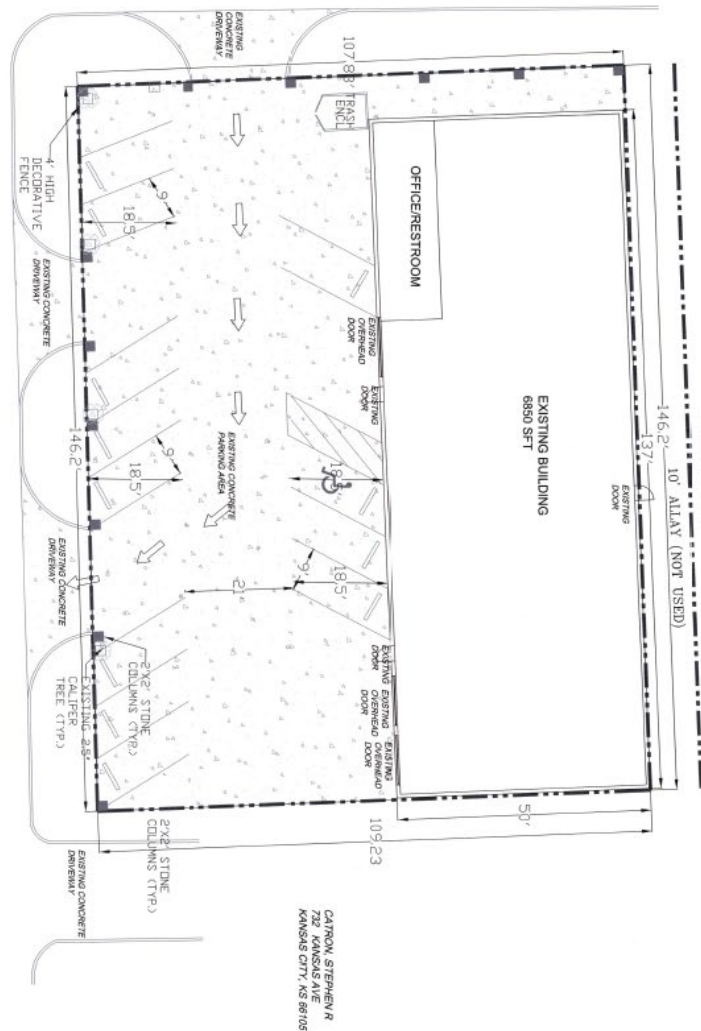




LOCATION PLAN



S COY STREET



SUPERVAN SERVICE COMPANY
511 S COY ST
KANSAS CITY, KS 66105

CATRON, STEPHEN R
732 KANSAS AVE
KANSAS CITY, KS 66105

LEGAL DESCRIPTION

B30 L20 TO L24; ALSO ARMOURDALE 2ND ADD: B30 W 13.6FT L1

Neighborhood Dimensional Map
Scale 1" = 100'

SITE PLAN



KANSAS AVENUE

LEGEND

- CONCRETE SURFACE
BUILDING OUTLINE
PROPERTY LINE



KCK AUTOMOTIVE BODY & PAINT
SPECIAL USE APPLICATION

744 KANSAS AVENUE
KANSAS CITY, KANSAS

SITE PLAN

Project number	2021-10
Drawn by	KAR
Classified by	GWT

SHEET 1

[illegible]

Design Group LLC
 8000 E. Riverdale Road
 Suite 100
 Kennesaw, GA 30144
 (770) 797-2085

UPDATE LETTER for DEVELOPMENT APPLICATION

Since the last approval for a special use permit (SP 2019-76) located at 744 Kansas Ave, Kansas City, KS 66105 there have been no changes to the building and everything remains the same. There have been no change to services provided at this location. The building is used for auto body repair and operated from 8am-6pm Monday-Friday. Saturday hours are 8am-4pm and Sunday the business is closed. There are 3-4 employees working inside the building during business hours. The business is ran by Wathiq Kassim. There will be no changes to the building and everything will remain the same. All stipulations from the last approval, specifically the replacing of two trees, have been met.

(First published _____)

#3244

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 1111 North 98th Street, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to RP-5 Planned Apartment District.

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

Section 1. It is hereby found and determined that a petition was filed on October 30, 2020, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture District to RP-5 Planned Apartment District.

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

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

All that part of Lot 1 Schlitterbahn Vacation Village Second Plat, being more particularly described as follow: commencing at the Southeast corner of said Lot 1, thence North 00 degrees 30 minutes 04 seconds West, with the East line of said Lot 1, a distance of 466.04 feet to the point of beginning; thence South 89 degrees 27 minutes 50 seconds West, a distance of 555.27 feet to a point of curvature; thence on a curve to the right having a radius of 82.00 feet, a central angle of 58 degrees 11 minutes 49 seconds, an arc distance of 83.29 feet; thence North 32 degrees 20 minutes 21 seconds West, a distance of 612.67 feet to a point of curvature; thence on a curve to the right, having radius of 50.00 feet, a central angle of 85 degrees 11 minutes 05 seconds an arc distance of 74.34 feet to a point of reverse curvature; thence on a curve to the left, having a radius of 924.50 feet, a central angle of 01 degree 41 minutes 54 seconds, an arc distance of 27.40 feet to a point of compound curvature; thence on a curve to the left having a radius of 830.00 feet, a central angle of 14 degrees 57 minutes 10 seconds, an arc distance of 216.61 feet to a

point of compound curvature; thence on a curve to the left having a radius of 924.50 feet, a central angle of 14 degrees 53 minutes 27 seconds, an arc distance of 240.27 feet; thence North 89 degrees 29 minutes 55 seconds East, a distance of 661.22 feet to a point on the East line of said Lot 1; thence South 00 degrees 30 minutes 05 seconds East, a distance of 827.04 feet; thence South 89 degrees 29 minutes 56 seconds West, continuing with the East line of said Lot 1, a distance of 15.00 feet; thence South 00 degrees 30 minutes 04 seconds East, continuing with the East line of said Lot 1, a distance of 179.00 feet to the point of beginning. The above described tract contains 798,767 square feet or 18.34 acres. The basis of bearing for the above real property description is the Kansas Regional Coordinate System, Zone 11, located at approximately 1111 North 98th Street, Kansas City, Kansas,

be changed from its present zoning of A-G Agriculture District to RP-5 Planned Apartment District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-460, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for RP-5 Planned Apartment District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

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

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(First published _____)

COZ2021-006

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 9700 Leavenworth Road in Kansas City, Kansas, by changing the same from its present zoning of CP-1 Planned Limited Business and MP-2 Planned General Industrial Districts to MP-2 Planned General Industrial District.

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

Section 1. It is hereby found and determined that a petition was filed on February 26, 2021, by the owners of property to have the zoning of said property changed from its present zoning of CP-1 Planned Limited Business and MP-2 Planned General Business Districts to MP-2 Planned General Industrial District.

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

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

All that part of Woodlands East Commercial Development, a subdivision in Kansas City, Wyandotte County, Kansas, together with all that part of Leavenworth Road right of way, 99th Street right of way, and 91st Street right of way, together with all that part of an unplatted tract, all lying in Section 25, Township 10 South, Range 23 East, described as follows:

COMMENCING at the Southwest corner of the Southwest Quarter of Section 25, Township 10 South, Range 23 East; thence North 01 degree 18 minutes 05 seconds West, on the West line of said Southwest Quarter, a distance of 681.80 feet to the POINT OF BEGINNING; thence North 01 degree 18 minutes 05 seconds West, continuing on said West line, a distance of 1964.50 feet to the Northwest corner of said Southwest Quarter, said corner also being the Southwest corner of the Northwest Quarter; thence North 01 degree 17 minutes 30 seconds West, on the West line of said Northwest Quarter, a distance of 1618.81 feet to a point on the Westerly extension of the South line of Hurrelbrink Road right of

way, as now established; thence North 87 degrees 56 minutes 32 seconds East, departing said West line, on said Westerly extension and on said South line, a distance of 2744.02 feet to a point; thence South 46 degrees 33 minutes 33 seconds East, continuing on said South line, a distance of 188.91 feet to a point; thence South 42 degrees 33 minutes 33 seconds East, continuing on said South line, a distance of 402.09 feet to a point; thence South 80 degrees 03 minutes 33 seconds East, continuing on said South line, a distance of 106.66 feet to a point; thence South 85 degrees 03 minutes 33 seconds East, continuing on said South line, a distance of 179.74 feet to a point; thence South 70 degrees 03 minutes 33 seconds East, continuing on said South line, a distance of 219.46 feet to a point; thence South 22 degrees 03 minutes 33 seconds East, continuing on said South line, a distance of 70.14 feet to a point; thence South 50 degrees 48 minutes 33 seconds East, continuing on said South line, a distance of 237.57 feet to a point; thence South 59 degrees 03 minutes 33 seconds East, continuing on said South line, a distance of 261.98 feet to a point; thence South 76 degrees 53 minutes 33 seconds East, continuing on said South line, a distance of 355.47 feet to a point; thence South 01 degree 41 minutes 11 seconds East, departing said South line, a distance of 592.99 feet to a point on the North line of the Southeast Quarter of said Section 25, Township 10 South, Range 23 East; thence South 46 degrees 08 minutes 12 seconds East, departing said North line, a distance of 864.95 feet to a point; thence North 47 degrees 41 minutes 35 seconds East a distance of 88.07 feet to a point; thence North 09 degrees 50 minutes 28 seconds East a distance of 150.22 feet to a point; thence North 32 degrees 58 minutes 28 seconds East a distance of 134.78 feet to a point; thence South 52 degrees 58 minutes 32 seconds East a distance of 129.17 feet to a point on the East line of said Southeast Quarter; thence South 01 degree 40 minutes 27 seconds East, on said East line, a distance of 443.21 feet to a point; thence North 85 degrees 25 minutes 58 seconds West, departing said East line, a distance of 118.58 feet to a point; thence South 52 degrees 56 minutes 10 seconds West a distance of 105.84 feet to a point; thence South 01 degree 38 minutes 12 seconds East a distance of 61.44 feet to a point; thence North 88 degrees 31 minutes 26 seconds East a distance of 204.20 feet to a point on said East line of said Southeast Quarter; thence South 01 degree 40 minutes 27 seconds East, on said East line, a distance of 267.56 feet to a point; thence North 77 degrees 38 minutes 22 seconds West, departing said East line, a distance of 206.40 feet to a point; thence South 04 degrees 06 minutes 00 seconds West a distance of 303.48 feet to a point; thence North 87 degrees 17 minutes 08 seconds East a distance of 230.80 feet to a point on said East line of said Southeast Quarter; thence South 01 degree 40 minutes 27 seconds East, on said East line, a distance of 1.38 feet to a point; thence South 85 degrees 21 minutes 01 second West, departing said East line, a distance of 824.74 feet to a point; thence South 01 degree 40 minutes 31 seconds East a distance of 1155.39 feet to a

point on the South line of said Southeast Quarter; thence South 87 degrees 59 minutes 57 seconds West, on said South line, a distance of 1828.63 feet to the Southwest corner of said Southeast Quarter, said corner also being the Southeast corner of said Southwest Quarter; thence South 88 degrees 00 minutes 25 seconds West, on the South line of said Southwest Quarter, a distance of 1490.82 feet to a point; thence North 01 degree 59 minutes 35 seconds West, departing said South line, a distance of 535.08 feet to a point; thence South 88 degrees 00 minutes 11 seconds West a distance of 784.19 feet to a point of curvature; thence in a Westerly and Northwesterly direction, on a curve to the right, having a radius of 145.00 feet, through a central angle of 48 degrees 14 minutes 23 seconds, an arc distance of 122.08 feet to a point of tangency; thence North 43 degrees 45 minutes 26 seconds West a distance of 38.67 feet to a point of curvature; thence in a Northwesterly and Westerly direction, on a curve to the left, having a radius of 205.00 feet, through a central angle of 47 degrees 32 minutes 39 seconds, an arc distance of 170.11 feet to a point of tangency; thence South 88 degrees 41 minutes 55 seconds West a distance of 84.48 feet to the POINT OF BEGINNING, containing 18,153,164 Square Feet or 416.7393 Acres, more or less.

Also,

All of that part of Woodlands East Commercial Development, a subdivision in Kansas City, Wyandotte County, Kansas, together with all that part of Leavenworth Road right of way and 99th Street right of way, together with all that part of an unplatted tract, all lying in the Southwest Quarter of Section 25, Township 10 South, Range 23 East, described as follows:

BEGINNING at the Southwest corner of the Southwest Quarter of Section 25, Township 10 South, Range 23 East; thence North 01 degree 18 minutes 05 seconds West, on the West line of said Southwest Quarter, a distance of 681.80 feet to a point; thence North 88 degrees 41 minutes 55 seconds East, departing said West line, a distance of 84.48 feet to a point of curvature; thence in an Easterly and Southeasterly direction, on a curve to the right, having a radius of 205.00 feet, through a central angle of 47 degrees 32 minutes 39 seconds, an arc distance of 170.11 feet to a point of tangency; thence South 43 degrees 45 minutes 26 seconds East a distance of 38.67 feet to a point of curvature; thence in a Southeasterly and Easterly direction, on a curve to the left, having a radius of 145.00 feet, through a central angle of 48 degrees 14 minutes 23 seconds, an arc distance of 122.08 feet to a point of tangency; thence North 88 degrees 00 minutes 11 seconds East a distance of 784.19 feet to a point; thence South 01 degree 59 minutes 35 seconds East a distance of 535.08 feet to a point on the South line of said Southwest Quarter; thence South 88 degrees 00 minutes 25 seconds West, on said South line, a distance of 1161.24 feet to the POINT OF BEGINNING, containing 654,000 Square

Feet or 15.0138 Acres, more or less, located at approximately 9700
Leavenworth Road, Kansas City, Kansas,

be changed from its present zoning of CP-1 Planned Limited Business and MP-2
Planned General Industrial Districts to MP-2 Planned General Industrial District.
as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-469, the
Governing Body approves the preliminary development plans, incorporated
herein by reference, marked as the certified preliminary development plan, and
maintained in the Urban Planning and Land Use Department as submitted to the
Governing Body and received by the Unified Clerk.

Section 4. The Urban Planning and Land Use Department of Kansas City,
Kansas, is hereby ordered and directed to cause such designation to be made on
the official District Map of said City in its custody and to show the property herein
described to be now zoned for MP-2 Planned General Industrial District. Said
District Map, previously incorporated by reference by Section 27-408 of the Code
of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the
Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its
passage, approval and publication in the Wyandotte Echo.

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

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(First published _____)

#3233

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 4223 and 4225 Gibbs Road, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.

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

Section 1. It is hereby found and determined that a petition was filed on December 28, 2020, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to A-G Agriculture District.

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

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

Parcel 242601, KUPN 0693102001001010, L2 LS: Beg NW Cor; East 40', along North Line, N48E-22.59 feet, along North Line, South 44.16 feet, West 57.35 feet, to West Line, North 29.87 feet to point of beginning, Located at approximately 4223 and 4225 Gibbs Road, Kansas City, Kansas,

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

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

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

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

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK



ORIGINAL

Planning and Urban Design

APPROVED BY **APR 29 2021**
UNIFIED BOARD OF COMMISSIONERS

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



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.

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.

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.

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

- 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.**

AERIAL MAP

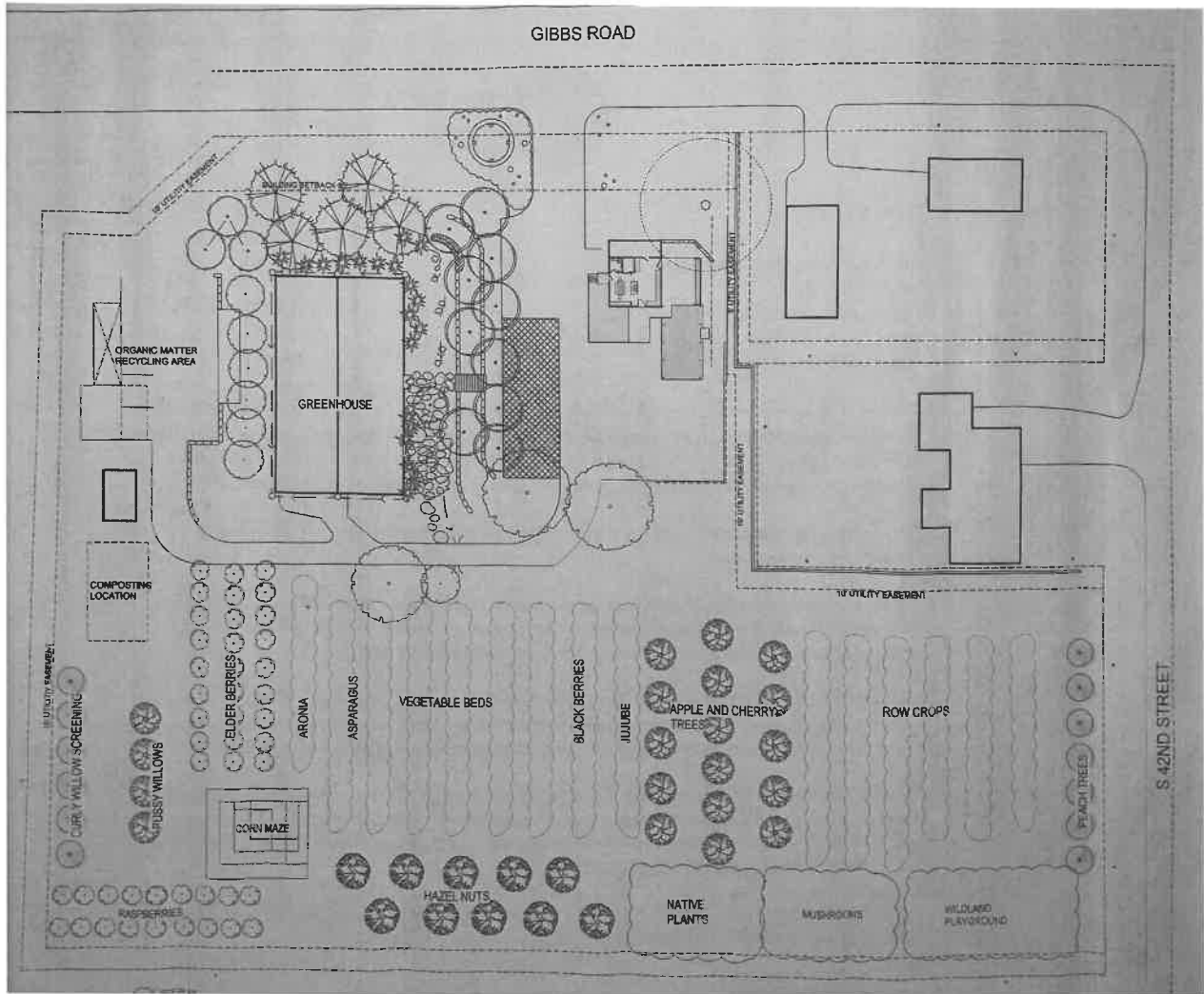
ZONING MAP



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



SITE AND LANDSCAPE PLAN OF THE PROPERTY





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

ORDINANCE NO. _____

AN ORDINANCE VACATING 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, LOCATED AT APPROXIMATELY 1879 VILLAGE WEST PARKWAY, 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 electrical easement in Kansas City, Kansas be and the same is hereby vacated:

VACATING 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, LOCATED AT APPROXIMATELY 1879 VILLAGE WEST PARKWAY, KANSAS CITY, KANSAS.

Section 2. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

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

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

ORDINANCE NO. _____

AN ORDINANCE VACATING 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, LOCATED AT APPROXIMATELY 1879 VILLAGE WEST PARKWAY, 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 electrical easement in Kansas City, Kansas be and the same is hereby vacated:

VACATING 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, LOCATED AT APPROXIMATELY 1879 VILLAGE WEST PARKWAY, KANSAS CITY, KANSAS.

Section 2. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

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

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY:

DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

ORDINANCE NO. _____

AN ORDINANCE VACATING 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, LOCATED AT APPROXIMATELY 1879 VILLAGE WEST PARKWAY, 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 a sanitary sewer easement in Kansas City, Kansas be and the same is hereby vacated:

VACATING 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, LOCATED AT APPROXIMATELY 1879 VILLAGE WEST PARKWAY, KANSAS CITY, KANSAS.

Section 2. 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

(Published _____)

VAC2021-004

ORDINANCE NO. _____

AN ORDINANCE VACATING 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, LOCATED AT APPROXIMATELY 1879 VILLAGE WEST PARKWAY, 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 utility easement in Kansas City, Kansas be and the same is hereby vacated:

VACATING 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. LOCATED AT APPROXIMATELY 1879 VILLAGE WEST PARKWAY, KANSAS CITY, KANSAS, LOCATED AT APPROXIMATELY 1879 VILLAGE WEST PARKWAY, KANSAS CITY, KANSAS.

Section 2. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

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

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY:

DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2021-005, commonly known as 7714 Rowland Avenue, Kansas City, Kansas, legally described as:

Tract 9286, S32, T10, R24, ACRES 2.8, S 120FT OF N 215FT NW1/4 SE1/4 LS E 310FT CONTG 2.8AC M/L, located at approximately 7714 Rowland Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a doggie day care 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. The maximum number of dogs is ten (10);**
- 2. Business must operate between the hours of 10:00am and 4:00pm;**
- 3. Dog owners are not to come to the premises except in emergency situations;**
- 4. No signage is allowed;**

5. The applicant must maintain a current business occupation tax application with the Business Licensing Division;
6. Maximum of three (3) parking spaces;
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 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 SP2021-012, commonly known as 2716 North 119th Street, Kansas City, Kansas, legally described as:

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 6th 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, located at 2716 North 119th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a Short-Term Rental/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. 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.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

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

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

(First published _____)

COZ-0002

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 3410 and 3412 Metropolitan Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to R-2(B) Two 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 May 29, 2020, by the owners of property to have the zoning of said property changed from its present zoning of R-1(B) Single Family District to R-2(B) Two 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:

Greenlees 1st Addition, an addition of land in Kansas City, Wyandotte County, Kansas, Block 2, Lots 28 and 29, Located at approximately 3410 and 3412 Metropolitan Avenue, Kansas City, Kansas,

be changed from its present zoning of R-1(B) Single Family District to R-2(B) Two 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-2(B) Two 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 SP2021-001, commonly known as 3319 North 59th Street, Kansas City, Kansas, legally described as:

Lot 1, RESURVEY OF HAMMOND PLACE, EXCEPT LOTS 1, 2, 7 AND 8, a subdivision of land in Wyandotte County, Kansas. Parcel # 027200, located at approximately 3319 North 59th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a storage container for storage of tools.

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) 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.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

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

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP-2020-100, commonly known as 701 Village West Parkway, Kansas City, Kansas, legally described as:

PT BLK C L1: BEG 507.64FT N OF SW COR; ELY CUR LT-116.62FT, E 157.53FT, ELY CUR RT-45.62FT, NELY CUR LT-217.42FT , N19, located at approximately 701 Village West Parkway, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for an outdoor event space.

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

- 1) **All 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.

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 SP2021-007, commonly known as 4620 Mission Road, Kansas City, Kansas, legally described as:

LOT 16, GOODELL ADDITION, A PLATTED TRACT OF LAND, IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, located at approximately 4620 Mission Road, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for the Temporary Use of Land for a parking lot.

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

- 1. The applicant has six (6) months from the final publication of the Special Use Permit to fully construct all improvements as previously conditioned and requested by code, including public improvements, pedestrian connectivity, landscaping, screening and striping. The parking lot will include at least the 11 parking spaces necessary to meet the off-street parking requirement for the Taco Republic (500 County Line Road).**

2. That an ADA accessible sidewalk be constructed to connect the subject property to the Taco Republic (500 County Line Road) via the existing public right-of-way along Mission Road.
3. Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
4. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
5. 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 SP2021-003, commonly known as 101 Central Avenue, Kansas City, Kansas, legally described as:

PORTIONS OF LOTS 85, 87, 89, 91, 93, 95, 97, 99, 101 AND 103 ON FIRST STREET (FORMERLY WOOD STREET) AS PLATTED IN "OLD KANSAS CITY, KANSAS", BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF LOT 85 ON FIRST STREET (FORMERLY WOOD STREET), SAID POINT BEING NORTH 28 DEGREES 26 MINUTES 40 SECONDS WEST 21.55 FEET FROM SOUTHWEST CORNER OF SAID LOT 85; THENCE NORTH 28 DEGREES 26 MINUTES 40 SECONDS WEST 218.45 FEET, ALONG THE WESTERLY LINE OF LOTS 85 THRU 103, TO THE NORTHWEST CORNER OF SAID LOT 103; THENCE EASTERLY, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 368.00 FEET, AN ARC DISTANCE OF 61.30 FEET TO A POINT 11.90 FEET NORTHERLY OF THE SOUTHEAST CORNER OF THE WEST ONE-HALF OF SAID LOT 103; THENCE SOUTH 28 DEGREES 26 MINUTES 40 SECONDS EAST 11.90 FEET TO THE SOUTHEAST CORNER OF THE WEST ONE-HALF OF SAID LOT 103; THENCE NORTH 61 DEGREES 37 MINUTES 09 SECONDS EAST 33.21 FEET, ALONG THE SOUTHERLY LINE OF SAID LOT 103; THENCE EASTERLY, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 368.00 FEET, AN ARC DISTANCE OF 29.50 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 101, WHICH IS 12.30 FEET SOUTHERLY OF THE NORTHEAST CORNER OF SAID LOT 101, SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF FIRST STREET (FORMERLY WOOD STREET); THENCE SOUTH 28 DEGREES 26 MINUTES 40 SECONDS EAST 58.78 FEET, ALONG SAID RIGHT-OF-WAY LINE, TO A POINT 0.92 FEET NORTHERLY OF THE SOUTHEAST CORNER OF SAID LOT 97; THENCE

SOUTHERLY, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 221.01 FEET, AN ARC DISTANCE OF 176.68 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED, ALL IN WYANDOTTE COUNTY, KANSAS, located at approximately 101 Central Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a beer hall in a former foundry.

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

1. **Hours of operation 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.

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 SP2021-016, commonly known as 1010 Merriam Lane, Kansas City, Kansas, legally described as:

Lot 39, AMENDED PLAT OF ROSEDALE PLACE, subdivision in Kansas City, Wyandotte County, Kansas, except that part deeded to the State of Kansas for highway purposes, located at approximately 1010 Merriam Lane, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a used car dealership.

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. 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.

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 SP2021-019, commonly known as 6720 ½ Kaw Drive, Kansas City, Kansas, legally described as:

PTS L22 TO L26: BEG NW COR L22; E 444.48FT ALG N LN L22 TO L26, S10W-86.49FT, S04E-65.06FT, S65E-61.63FT, S50W-442.41F

Located at approximately 6720 ½ Kaw Drive, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for live entertainment in conjunction with existing bar.

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) **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.

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 SP2021-20, commonly known as 3801 Leavenworth Road, Kansas City, Kansas, legally described as:

All that part of Lots 1, 2 and 3, ORCHARD HEIGHTS, a subdivision in the Northwest 1/4 of Section 31, Township 10 South, Range 25 East, in Kansas City, Wyandotte County, Kansas, more particularly described as follows: Beginning at the Northeast corner of said Lot 1; thence South 01°18'10" East, coincident with the East line of said Lots 1 and 2, a distance of 200.02 feet to the Southeast corner of said Lot 2; thence South 87°52'28" West, coincident with the South line of said Lot 2, a distance of 10.00 feet; thence South 01°18'10" East, coincident with a line 10 feet west of and parallel to the East line of said Lot 3, a distance of 100.06 feet to a point on the South line of said Lot 3; thence South 87°52'28" West, coincident with said South line, a distance of 267.16 feet to the Southwest corner thereof; thence North 01°02'16" West, coincident with the West line of said Lot 3, a distance of 100.07 feet to the Northwest corner thereof; thence North 87°52'28" East, coincident with the North line of said Lot 3, a distance of 75.01 feet; thence departing said North line, North 01°02'16" West, parallel with the West line of said Lots 1 and 2, a distance of 199.31 feet to a point on the North line of said Lot 1; thence North 87°40'01" East, coincident with said North line, a distance of 200.77 feet to the Point of Beginning, containing 66,876 square feet, or 1.535 acres, more or less. Located at approximately 3801 Leavenworth Road, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation and expansion of a liquor store with packaged liquor sales.

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. 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.

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 SP2021-008, commonly known as 1000 North 82nd Street Kansas City, Kansas, legally described as:

GOODELL ADD, as addition of land in Kansas City, Wyandotte County, Kansas, Lot 16, located at approximately 1000 North 82nd Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a banquet facility in the evening and weekends.

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) 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.

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



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: May 27, 2021

Re: COZ2021-010

GENERAL INFORMATION

Applicant:

Lola Thomasson

Status of Applicant:

Trustee

Yahweh Blessed One Spendthrift Trust
15954 South Mur-Len Road, Suite 144
Olathe, Kansas 66062

Requested Actions:

Approval of a Change of Zone.

Date of Application:

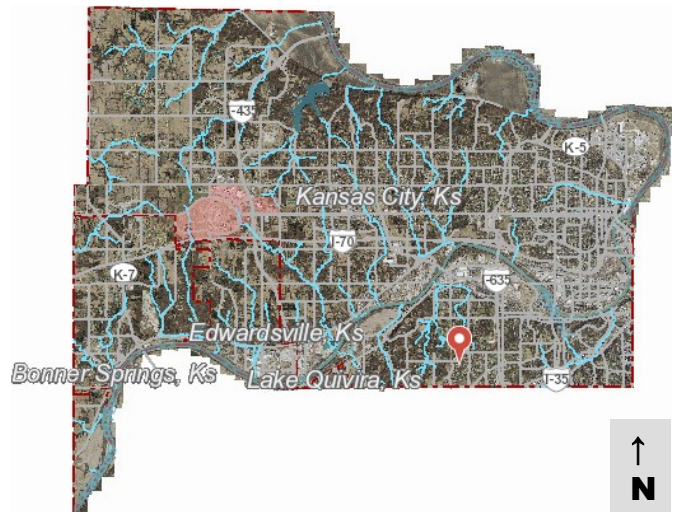
March 25, 2021

Purpose:

To change the zoning district from R-1 Single Family District to RP-2 Planned Two Family District.

Property Location:

2716 & 2718 South 53rd Street
Kansas City, Kansas 66106



Commission Districts:	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 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 residence East: Single-family residence West: Single-family residence
Total Tract Size:	0.56 Acres
Master Plan Area:	The subject property is not within an Area Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this property as Low-Density Residential. Low-Density Residential allows for single-family residences and institutions such as elementary and middle schools, libraries, and small places of worship. Low-Density Residential discourages all industrial uses. The cultural principles of the Low-Density Residential land use designation state that land use polices are geared to protect against industrial, commercial, and multi-family encroachment into established single-family neighborhoods.
Major Street Plan:	The Major Street Plan designates South 53 rd Street as a Local/Neighborhood Street. The Major Street Plan designates Hagemann Street as a Local/Neighborhood Street.
Required Parking:	R-1 District (current zoning): Section 27-454(e) requires two (2) off-street parking spaces on the premises for each single-family dwelling, at least one of which shall be in a garage or carport. RP-2 District (proposed zoning): Section 27-456(d) requires two (2) off-street parking spaces on the premises for each dwelling unit, at least one (1) of which shall be in a garage or carport. It is unclear how many parking spaces are available, but it may be less than four (4) total spaces. Furthermore, there is no sign of any covered parking.

Advertisement:	<u>The Wyandotte Echo</u> – April 15, 2021 Letters to Property Owners – April 16, 2021 and May 20, 2021
Public Hearings:	May 10, 2021 and May 27, 2021
Public Support:	Two (2) people appeared in support at the May 10, 2021 City Planning Commission meeting
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Lola Thomasson with Yahweh Blessed One Spendthrift Trust, is requesting a Change of Zone from R-1 Single Family District to RP-2 Planned Two Family District. The Change of Zone is being requested in order to reflect the current, legally non-conforming use of the property.

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

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

- October 5, 2017- Inoperable vehicle parked on the property
- October 7, 2015- Cars parked on grass/unimproved surfaces
- July 26, 2006- Construction supplies in the yard
- November 25, 2003- Vehicles are everywhere on the property; person living in a non-residential vehicle
- September 11, 2003- cars and trash all over the property
- May 12, 2003- Inoperable vehicles all over the property
- April 28, 2003- Trash on property and parks cars on the lawn
- July 31, 2002- Delinquent Rental License
- October 19, 2001- Environmental/Weeds
- August 16, 2001- Junk cars all over yard
- June 18, 2001- Environmental/Weeds

FACTORS TO BE CONSIDERED

1. The character of the neighborhood.

The neighborhood east of South 55th Street is exclusively residential and almost exclusively zoned R-1 for single-family use. While most of the neighborhood features single-family residences on lots approximately 0.15-0.20 acre, the block in which the subject property is located has larger lot sizes, ranging from 0.30 acre to seven (7) acres.

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

The subject property is surrounded by parcels zoned in the R-1 District. The proposed use—a two-family residence—is still likewise residential. The subject property has legal non-conforming use status, which has allowed the property to operate as a two-family residence since at least 1983. Staff expects that all R-1 and R-2 Districts uses will be compatible and will continue this expectation unless previous issues of incompatibility with the property come to Staff's attention through the neighborhood meeting or other input from the neighbors.

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 has been operating as a two-family residence since at least 1983 and has legal non-conforming use status with some occasional multi-family zoning districts. Therefore, the restrictions of the R-1 District have effectively already been removed for almost 40 years. There are no signs of previous or current incompatibility between the subject property and the single-family residences around it.

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

The property is currently occupied or has been recently vacated within the past four (4) months.

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.*

Allowing the subject property's current use, which is allowed by the property's legal non-conforming use status, to be allowed in its zoning district by right will have a positive effect on the housing situation within Kansas City and Wyandotte County. While it may not be reasonably necessary to select this particular property or neighborhood for two-family residences, it is certainly reasonable to allow a use to continue as it has been for almost 40 years, provided that use itself is similar to the surrounding uses and has not caused issues with the surrounding allowed uses. Staff would like to note that any potential or previous problem with renters is not an issue of compatible use with the neighboring properties, as rental units are already allowed to operate in single-family districts, so long as there is a current rental license for the property.

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

The subject property is currently being used as a two-family residence. There will be no increase in use or number of units, so therefore no increase in the traffic or

parking demand in ways that would adversely affect road capacity, safety, or create parking problems.

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

The existing land use designation for the property is Low-Density Residential. A land use designation under the City-Wide Master Plan, Low-Density Residential allows for single-family residences and institutions such as elementary and middle schools, libraries, and small places of worship. The cultural principles of the Low-Density Residential land use designation state that land use polices are geared to protect against industrial, commercial, and multi-family encroachment into established single-family neighborhoods. A Change of Zone to the RP-2 Planned Two Family District allows for a multi-family residence to continue legally operating in the neighborhood. While the cultural principles of the Low-Density Residential land use designation refer to the use of multi-family residences as “encroachment”, a Change of Zone in this situation is not opposed to those principles. First, the subject property has been operating as a duplex since at least 1983 and its legal non-conforming use status has been repeatedly confirmed through verification letters (see the “Attachments” section of this report). Second, the subject parcel is 0.56 acre, which provides an average of 0.28 acre per unit. This acres-per-unit ratio is greater than most single-family lots in the neighborhood, so there is no concern of overcrowding by the continued use of this property as a duplex. Overall, the proposed use conforms with the Master Plan.

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

The residence is pre-existing; the applicant is not purposing any more development at this time. Therefore, the proposed use will not cause any increased environmental harm. In fact, allowing the property to continue to be used as a duplex may prevent further environmental harm elsewhere by providing another housing unit that would otherwise be built on previously undeveloped land.

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

a. *Water service*

It is unclear if there is water service.

b. *Sanitary sewer service*

The subject property is served by septic.

c. Storm water control

Storm water mains are located on South 53rd Street, south of Hagemann Street.

d. Police

Police service is provided by South District, #334.

e. Fire

Fire service is provided by Fire Station #17.

f. Transit

The property is not served by any reasonably close public transportation service.

g. Schools

Public education is provided by Oak Grove Elementary School, Turner Middle School, and Turner High School, under Turner USD 202.

h. Streets

The property is accessible by Hagemann Street and is also adjacent to South 53rd Street.

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

While the Change of Zone will not increase the housing supply within Kansas City and Wyandotte County, it will not have the effect of decreasing the housing supply either, which would be the end result if the property were to lose its legal non-conforming use status. A reduction in housing choice, especially housing choice other than detached, single-family structures, is vital to attracting and keeping residents in Kansas City and Wyandotte County. Rezoning a property to allow for a legally existing use will maintain the number of housing units available, which will avoid a potential detrimental economic impact if a housing unit is lost.

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

The property appears to not be in compliance with the R-2/RP-2 District parking requirements, which require at least two (2) parking spaces per unit (for a total of four (4) parking spaces on the property), of which at least one (1) parking space per unit must be covered (for a total of two (2) covered parking spaces on the property). Covered parking must be provided, and all parking spaces must be

marked. The driveway is currently gravel, which is not in compliance and must be paved in compliance with UG standards.

The applicant has repeatedly stated that they will not pave the driveway nor erect a garage or carport in order to get the property into compliance with the R-2/RP-2 District parking requirements, Section 27-456(d). The applicant has stated that they would prefer that the future, currently unknown, buyer be responsible for getting the subject property into compliance by the paving the driveway and parking areas and constructing covered parking for at least two (2) vehicles.

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

Allowing for a Change or Zone will prevent any potential future loss of legal non-conforming use status of the subject property, which in turn would result in hardship on the property owner, on at least one (1) unit in the residence, and on the local housing stock. Furthermore, even under the legal non-conforming use status, the current property owner has found it difficult for them or for potential buyers to receive federally backed financing for the property, due to the incongruity between its zoning district and current use. The historic and ongoing use of this property as a duplex shows that no additional hardships will be imposed on the neighboring landowners, and in fact loss of the two-family unit use would be detrimental to the public welfare as it would reduce the local housing stock.

PREVIOUS ACTIONS

N/A

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on April 24, 2021 at 2718 South 53rd Street. 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

Covered Parking
Improved Driveway
Land Use Compatibility
Sanitary and Water Hookups
Spot Zoning

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 2 to recommend **APPROVAL** of COZ2021-010, to **RP-2 Planned Two Family District**, subject to:

- 1) **Approval to RP-2 Planned Two Family District;**
- 2) **Per Section 27-456(d), two (2) off-street parking spaces are required in the R-2 District for each dwelling unit, at least one (1) of which shall be in a garage or carport. When no more than two (2) off-street parking spaces are provided for each dwelling unit on the premises, and when the lot has less than 20 feet of continuous street curb length for each dwelling unit, and where visitor and guest parking spaces are not provided elsewhere, the front yard setback measured from the front lot line to the garage door shall be not less than 36 feet, and space shall be provided in the drive for the parking of two (2) passenger cars for each dwelling unit.**
- 3) **The applicant must pave the driveway apron adjacent to Hagemann Street and driveway thereafter. The paving must be in compliance with UG standards, including meeting all Department of Public Works requirements.**
- 4) **The driveway paving must also comply with Section 27-675(a), which states that all parking, loading and maneuvering areas 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. The unified government engineer shall determine acceptable alternatives. All parking spaces shall be clearly marked. All improvements shall be designed and constructed as necessary to prevent dust, erosion, excessive water flow across streets or adjoining property, and to control traffic. All off-street parking, loading and maneuvering areas shall be physically restricted to paved areas through the use of wheel stops or curbing, unless, in the opinion of the unified government engineer, wheel stops would create drainage problems. In such cases continuous curbing shall be provided to restrict traffic. Curbing and wheel stops shall be designed and installed as approved by the unified government engineer. Failure to keep such areas in satisfactory condition that is free from holes, clearly delineated, etc. shall constitute a violation of this article.**
- 5) **The walkway between the driveway and the residence must also be paved if it is not paved already.**
- 6) **If continued to be used as a rental property, the applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.**
- 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.

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 **COZ2021-010**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 10, 2021 City Planning Commission Minutes
Land Use Map
Aerial Map
Zoning Map
Photos of the Property Provided by the Applicant
Photos of the Property Provided by Staff, Dated April 22, 2021
Plot Plan Submitted by the Applicant
Letter to the Commission from the Applicant, Dated April 26, 2021
Neighborhood Meeting Materials, Dated April 24, 2021
Zoning Verification Letter, Dated February 24, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing Change of Zone	May 10, 2021 Approval	May 27, 2021

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-010** 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 **COZ2021-010**, 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.

May 10, 2021 City Planning Commission Minutes:

Hearing starts at 1:29:02:

CHANGE OF ZONE APPLICATION COZ2021-010 – LOLA THOMASSON WITH YAHWEH BLESSED ON SPENDTHRIFT TRUST - SYNOPSIS: Change of Zone from R-1 Single Family District to R-2 Two Family District to bring an existing duplex into compliance at 2716 and 2718 South 53rd Street.

Detailed Outline of Requested Action: The applicant, Lola Thomasson with Yahweh Blessed One Spendthrift Trust, is requesting a Change of Zone from R-1 Single Family District to RP-2 Planned Two Family District. The Change of Zone is being requested in order to reflect the current, legally non-conforming use of the property.

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

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

October 5, 2017- Inoperable vehicle parked on the property
October 7, 2015- Cars parked on grass/unimproved surfaces
July 26, 2006- Construction supplies in the yard
November 25, 2003- Vehicles are everywhere on the property; person living in a non-residential vehicle
September 11, 2003- cars and trash all over the property
May 12, 2003- Inoperable vehicles all over the property
April 28, 2003- Trash on property and parks cars on the lawn
July 31, 2002- Delinquent Rental License
October 19, 2001- Environmental/Weeds
August 16, 2001- Junk cars all over yard
June 18, 2001- Environmental/Weeds

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 May 10, 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:

- Lola Thomasson, applicant, Trustee of Yahweh Blessed One Spendthrift Trust, 2716 and 2718 South 53rd Street 66106
- Jamie Shipley, 5311 Hageman, Kansas City, Kansas 66106
- Barb Kill, 5548 Pawnee, Kansas City, Kansas 66106

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:47:49: Planning Director Hand stated that that the request is for a Change of Zone from R-1 Single Family District to R-2 Two Family District and staff requests that if the application is recommended for approval, it is for RP-2 Two Family District. From the testimony this evening, the Commission may want to recommend approval for RP-2(B) as there is a reduced parking requirement in this “B” District. Director Hand stated that RP-2 zoning requires two (2) off-street parking spaces per unit, one of which has to be covered. R-2(B) requires one (1) off-street parking space per unit, and it is silent as to whether or not it has to be covered. Director Hand stated that the applicant has responded in writing that they will not provide any code-required parking. Generally, staff is in favor of legalizing this non-conforming duplex structure and use. Because the applicant has told staff that they will not comply with the code requirements, staff is recommending denial of this application. He stated that there are some old Notices of Violations, but nothing current. Before the public comments heard tonight, staff had not received any letters of support nor opposition. Staff has included conditions of approval if the Commission recommends approval of this application.

The Commission directed questions to Director Hand regarding the difference between R-2 and R-2(B) zoning requirements.

Commissioner Armstrong asked if it is within the scope of the Commission to require a condition that the owner disclose the conditions regarding parking to the seller. Senior Legal Counsel Waters stated that the condition would not be enforceable. It would be a civil matter between the seller and buyer. The Commission and staff encouraged the applicant to disclose this parking condition of approval to any future buyer.

Director Hand stated that if the Commission wants to move forward with the recommendation of approval, staff recommends the RP-2 District.

Motion and Vote starts at 2:04:59:

On motion by Mr. Connelly, seconded by Ms. Jones, the Planning Commission voted as follows to recommend **DENIAL** of **Change of Zone Application COZ2021-010** due to the applicant's admission that they will not comply with the conditions outlined by staff:

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

Motion to RECOMMEND DENIAL Failed: 2 to 5

On motion by Ms. Pauley, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2021-010** to **RP-2 Planned Two Family District**:

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

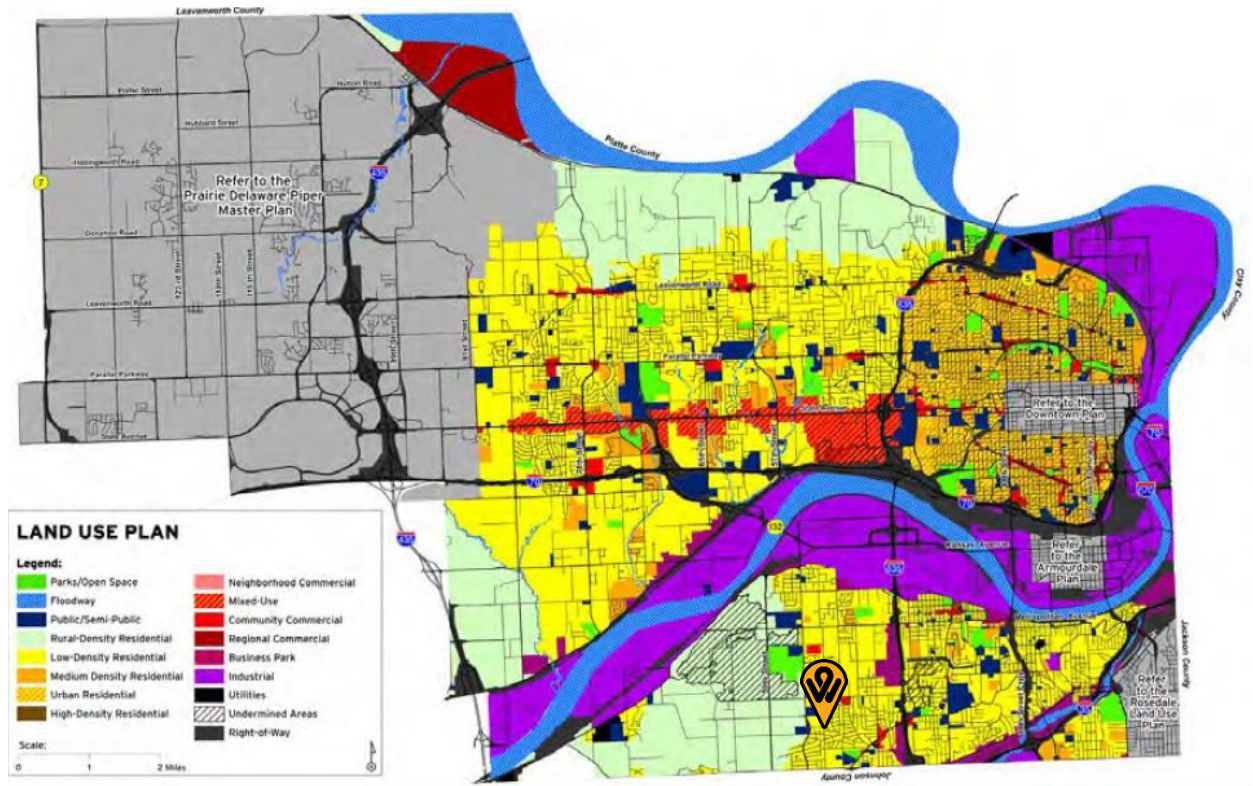
Motion to RECOMMEND APPROVAL Passed: 5 to 2

Subject to:

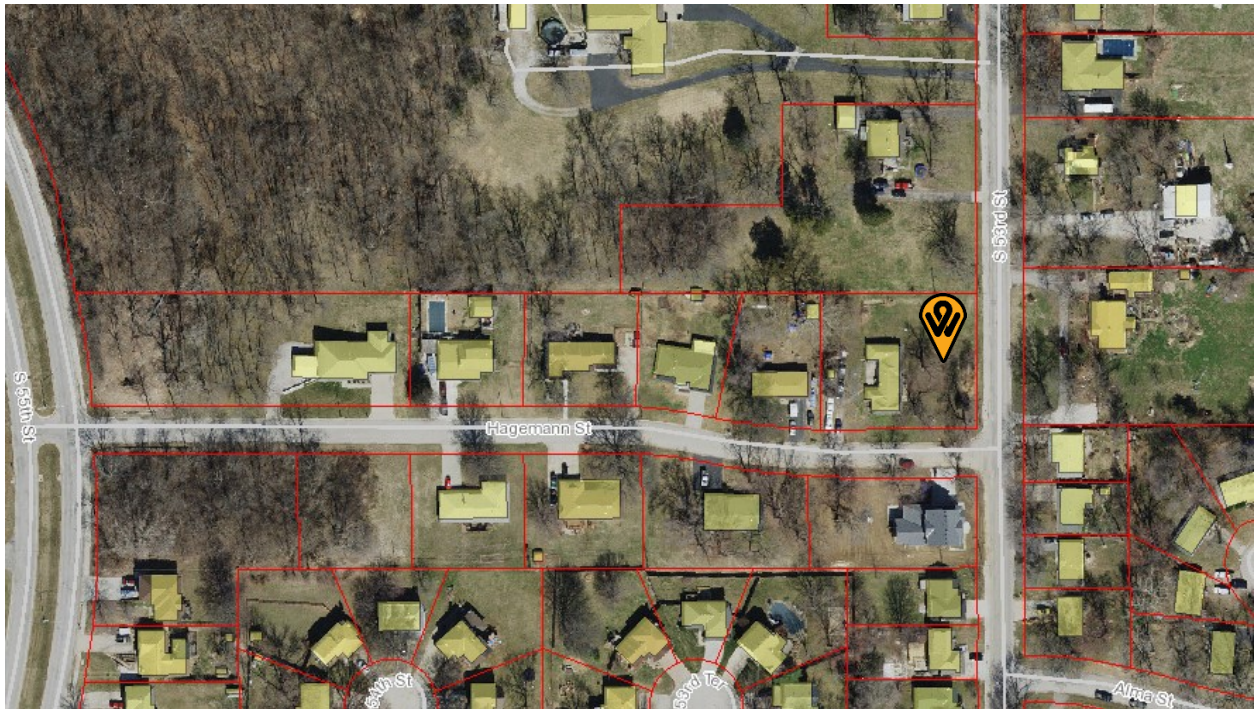
- 1) Approval to RP-2 Planned Two Family District;
- 2) Per Section 27-456(d), two (2) off-street parking spaces are required in the R-2 District for each dwelling unit, at least one (1) of which shall be in a garage or carport. When no more than two (2) off-street parking spaces are provided for each dwelling unit on the premises, and when the lot has less than 20 feet of continuous street curb length for each dwelling unit, and where visitor and guest parking spaces are not provided elsewhere, the front yard setback measured from the front lot line to the garage door shall be not less than 36 feet, and space shall be provided in the drive for the parking of two (2) passenger cars for each dwelling unit.

- 3) The applicant must pave the driveway apron adjacent to Hagemann Street and driveway thereafter. The paving must be in compliance with UG standards, including meeting all Department of Public Works requirements.**
- 4) The driveway paving must also comply with Section 27-675(a), which states that all parking, loading and maneuvering areas 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. The unified government engineer shall determine acceptable alternatives. All parking spaces shall be clearly marked. All improvements shall be designed and constructed as necessary to prevent dust, erosion, excessive water flow across streets or adjoining property, and to control traffic. All off-street parking, loading and maneuvering areas shall be physically restricted to paved areas through the use of wheel stops or curbing, unless, in the opinion of the unified government engineer, wheel stops would create drainage problems. In such cases continuous curbing shall be provided to restrict traffic. Curbing and wheel stops shall be designed and installed as approved by the unified government engineer. Failure to keep such areas in satisfactory condition that is free from holes, clearly delineated, etc. shall constitute a violation of this article.**
- 5) The walkway between the driveway and the residence must also be paved if it is not paved already.**
- 6) If continued to be used as a rental property, the applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.**
- 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.**

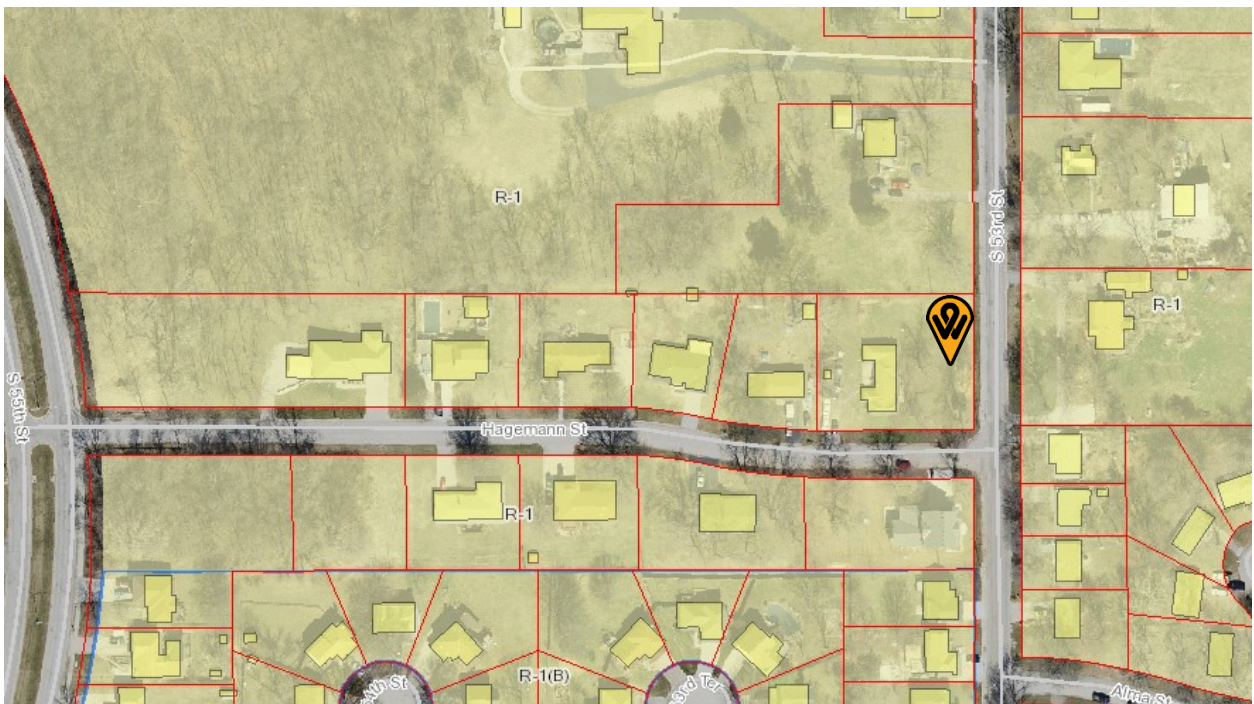
LAND USE MAP



AERIAL MAP



ZONING MAP



PHOTOS OF THE PROPERTY PROVIDED BY THE APPLICANT



Upper Left: West (rear) elevation of the property.

Upper Right: East (front) elevation of the property.

Lower Left: North elevation of the property.

Lower Right: South elevation of the property.



PHOTOS OF THE PROPERTY PROVIDED BY STAFF, DATED APRIL 21, 2021



Above: Current gravel drive in the rear yard, accessing Hagemann Street.

Right: View of the front and side of the current residence, facing northwest.

Below: View of the front of the current residence, facing west. The landscaping in place effectively screens the front of the residence from South 53rd Street.



PHOTOS OF THE PROPERTY PROVIDED BY STAFF, DATED APRIL 21, 2021, CONT.



Upper Left: Accessory structure in the rear yard of the subject property.

Upper Right: Current gravel drive in the rear yard, accessing Hagemann Street.

Left: Signs of gravel driveway in the front yard, accessing Hagemann street.

Below: View of the rear of the current residence, facing northeast.



PLOT PLAN SUBMITTED BY THE APPLICANT

MORTGAGEE TITLE INSPECTION

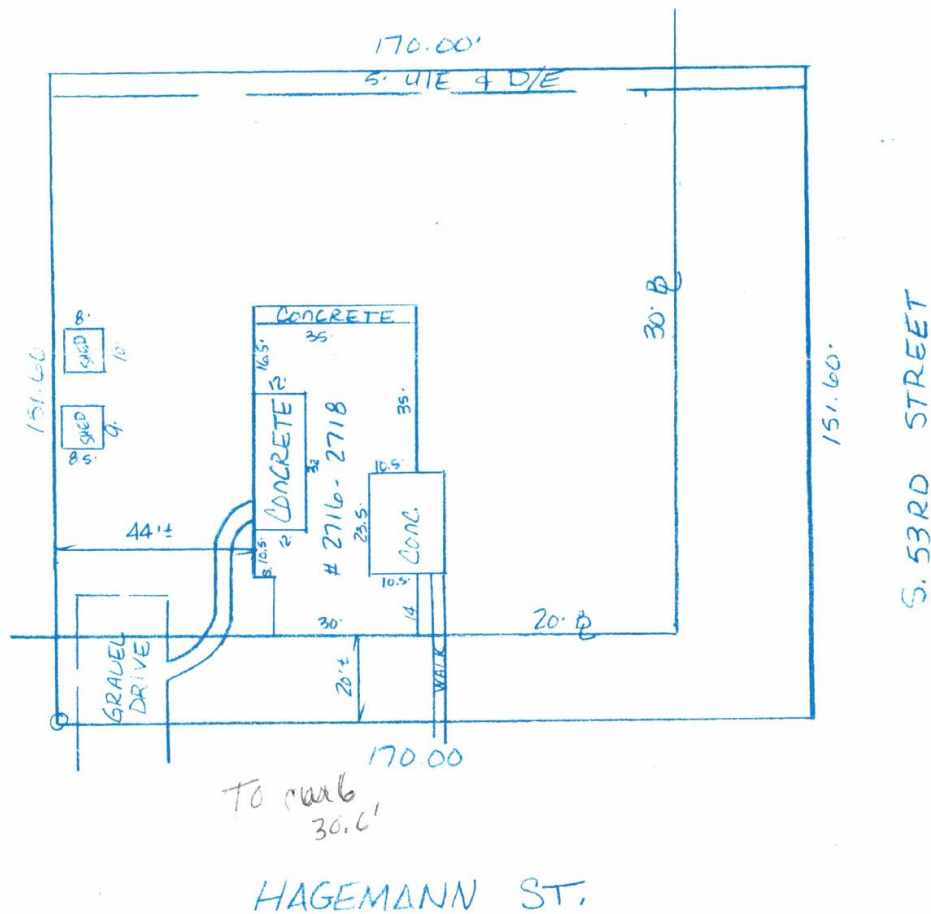
THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

This inspection and its control points are subject to the inaccuracies that a subsequent boundary survey may disclose. It is not to be used for the establishment of any fences, structures or other improvements. To establish the boundary lines, I recommend a Land Surveyor Registered in your state prepare a Boundary Survey. Said inspection and the accompanying sketch are true and correct to the best of my information, knowledge and belief and were prepared for mortgage title insurance only. The Flood Hazard Zone for this property has not been determined unless otherwise noted. No property corners were set. Linear or angular values shown hereon, if any, are from plat or deed information, and have not been verified unless noted. No warranty is extended herein to the present or future owner or occupant. This inspection was either conducted by me or under my direct supervision. J.B.B.

ORDERED BY: LOLA & RICHARD PECK
FOR: LOLA & RICHARD PECK
2716-18 S. 53RD STREET

JOB NUMBER: 304042
SCALE: 1" = 30'
DATE: 3/4/02

DESCRIPTION: LOT 1, INDIAN RIDGE, A SUBDIVISION OF LAND IN KANSAS CITY,
WYANDOTTE COUNTY, KANSAS.



Liability is hereby limited to the above ordered by and or their assigns and

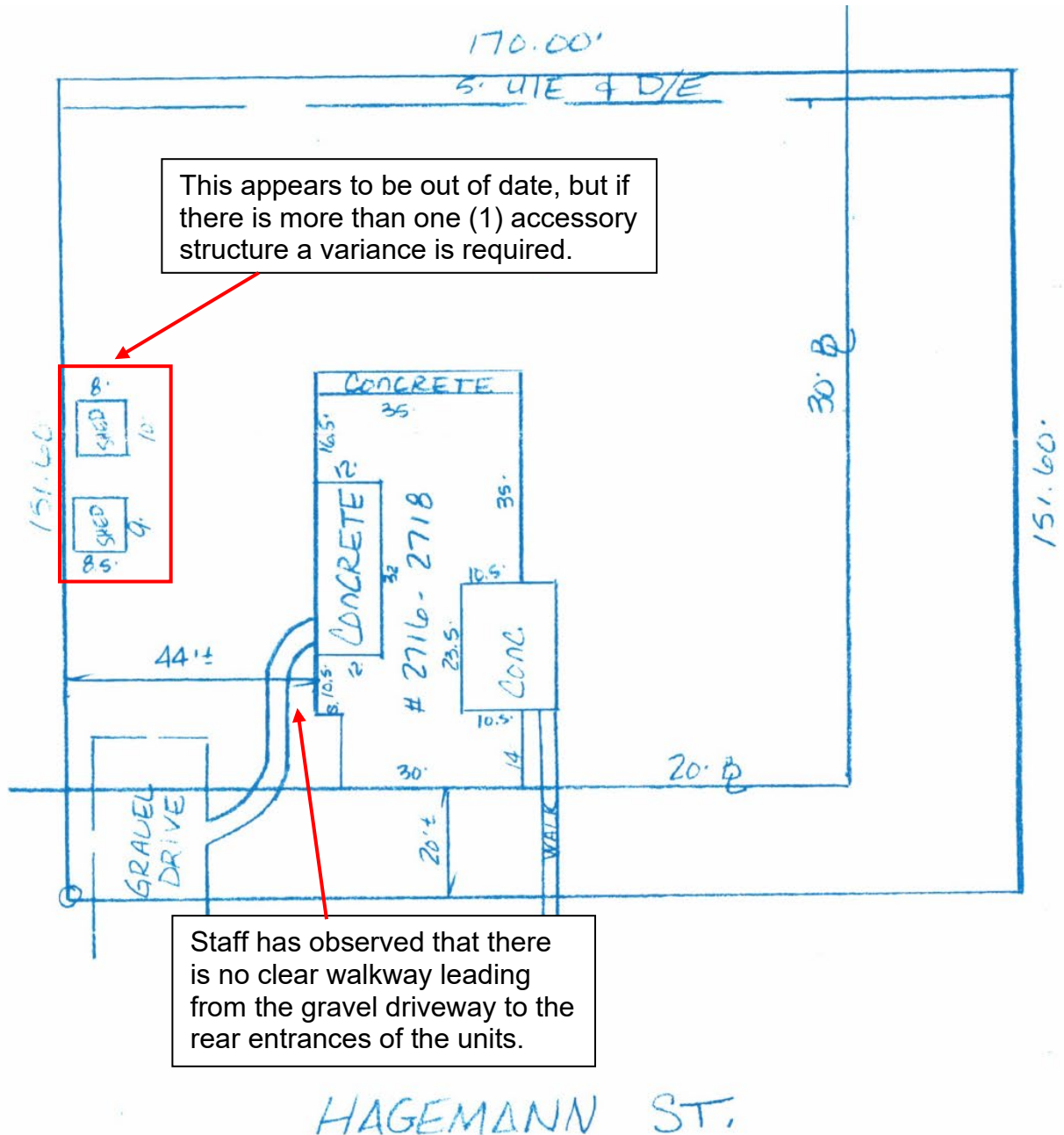
Title Company WYANDOTTE Commitment No. 2001169

FUTURE USE (after the initial closing) IS PROHIBITED AND NO LIABILITY WILL BE ASSUMED. Property address and encroachments, if any, are shown on the above diagram. Note: Positional tolerance of major improvements location shown is $\pm 0.5'$ unless otherwise noted.



WESTERN &
ASSOCIATES
SURVEYORS, INC.
5008 W. 149TH ST.
LEAWOOD
KANSAS 66224
913-432-8696
FAX 432-6809

PLOT PLAN SUBMITTED BY THE APPLICANT, CONT.



Staff has observed that there is no clear walkway leading from the gravel driveway to the rear entrances of the units.

Close up of the survey of the subject property.

Yahweh Bless One Spendthrift Trust
15954 S. Mur-Len Rd #144¹
Olathe, Ks 66062

April 26, 2021

To Whom This May Concern:

This follow up communication is to further explain details that we feel need to be taken into consideration to get this approval needed to be able to sell our property to a qualified prospective buyer.

We purchased this property at 2726 & 2718 S. 53rd St in January of 2001 and moved in the first of February. We will address this property as "The Homestead Property" as this communication continues. This Property had been a rental, from what the agent said for a number of years and had been very badly abused. Broken glass all over the yard. And one of the first projects we were faced with was the ice storm of the century in February of 2001. We had to rent a lift and trimmed all the trees way back as they were in very bad shape and the yard was buried with huge broken branches. We have pictures of Hagemann St lined from one end of the property line to the other with huge piles of branches. Jobs well done pay off, as we only ever lost small branches and twigs to currant.

We loved the lot and wanted to plan to make this our permanent, forever, home; so, we set out to make sure anything we did would allow for future expansion and additions. The next huge project was removing 100 trucks loads of dirt, at a cost of \$7,500.00, from the north side of the dwelling as the slope was directed and dumped right up to and in the north side of the dwelling. Now that area is flat with a clear canvas for expansion. Much of the dirt was used for the huge berm on 53rd St which helps with all the glass bottles that would end up in our yard weekly, a noise filter and is a wonderful wildlife refuge year around. And we have many years of pictures of this beautiful addition to the property.

Somewhere around 2006, we drew up plans to build on to both sides of this duplex, making the 2716 side, that we lived in, much larger with a 3-car garage on the north side, in the area that we removed the damaging slope.

LETTER TO THE COMMISSION FROM THE APPLICANT, DATED APRIL 26, 2021, CONT.

¹

The laundry and small bedroom would, then, become the front entry with an opened-up ceiling to allow for stairs that would go up over the garage to 3 more bedrooms and a bath. Behind the garage, would accommodate a new laundry, a furnace utility room and ½ bath and walk in closet for the already existing huge main level bedroom and a family room behind the garage. With a private patio away from 2718 side that would be accessible from either the bedroom or family room. We were going to railroad tie the whole exposed dirt wall that we had dug out and there was still 15' of side yard and more on top of the hill. The drive was not allowed to come in off Hagemann but the city's suggestion of the driveway coming in from 53rd St was acceptable to us and would look aesthetically pleasing. That side would have had an extended covered front porch as what separated the units on the other side and the original one would have been private for the 2718 side. The front door would have been deleted from where it was at and there would have been a gas log fireplace in the living room of 2716 side, in that door area. And of course, a winding walk from the driveway to the new front door.

The 2718 side would have had a single car garage attached to the house on the south side and there was room for a stairway to put a second bedroom over the garage or even storage for a single person since there was no basement.

So, we applied for a building permit and submitted plans and all the proper paperwork, and the application was denied on the grounds that there was not enough room to build the garage on the south side without the garage being in setback easement and the second objection was Kansas City Kansas did not allow garages of duplexes off 2 different streets.

We were very let down. We planned to go back in with an appeal and a 2-acre property came on the market in rural Johnson County and we put an offer in on the same day it was listed, and we closed on it the 17th of January 2007. We had work left on 2718 side to complete it for someone to live in before we could go out and start on the new home we bought. We moved into our country home in November of 2010 and then rented the side we lived in. Between then to last year, children purchased homes and we spent months at a time helping kids remodel homes they purchased. Covid hit and we were concerned that as we are getting older, what would we do if we did not have the income to pay our house payment?

LETTER TO THE COMMISSION FROM THE APPLICANT, DATED APRIL 26, 2021, CONT.

We were finishing our basement at our home and asked the tenants to vacate the duplex by the end of June after the Covid mandate was lifted, as we wanted to get it ready to sell. The tenant on the 2718 side basically destroyed the unit. We finally got in to start the work the first of September and \$30,000.00+ later, put it on the market the day it was finished, December 27th, 2020 and left to winter in Florida. We had eleven offers that day. A very nice young 26-year-old professional was going to live in it and have family live on the other side. He did everything he needed to do in a very timely manner to make sure the sale would close, but the appraisal was taking an exceptionally long time. Our agent did all she could do but could not get the appraisal. The agent knew that appraisals were taking longer than expected because of a very busy market time, but after 5 weeks, she felt there was a problem. The appraiser would not let go of the appraisal. By this time, our agent was finding it was something with the zoning but didn't understand the full extent of the issue. The loan officer told our agent to just get the appraisal and she would get it through underwriting so we could close because now it was 2 weeks past the closing date. So, the agent did finally get the appraisal to the loan officer and it was stopped again in underwriting. Now we got the full view from 11,000 feet. The property was improperly zoned and would not pass Freddie Mac and Fannie Mae guidelines. At 5:00pm on the LAST Friday of the month of February, our agent got the email that the buyer's loan was denied because of the zoning issue. The Buyer had given 30 days' notice to move. The Buyer had the utilities transferred into his name for the 8th of February closing. The Buyer had paid \$600.00 for inspections and \$500.00 for the appraisal from Hell. And the Buyer was out in the street with furniture in storage and no place to live. That's damage!

As I was a realtor for 40 years, neither of us had any experiences with this kind of issues before in any county and we were in Florida and our agent was working her butt off trying to figure out what to do next. It was Saturday and she put calls in to different lenders and put the property back on the market thinking it was just a bank issue, not a lender issue. We had 14 new offers for her to sort through and we picked the offer that stands on the property now waiting on our outcome of the meeting May 10th, 2021, to do inspections. They are aware of what is going on and they are fine with the driveway exactly as it is. And the driveway was NOT an issue with any of the 25 offers we had on this property.

LETTER TO THE COMMISSION FROM THE APPLICANT, DATED APRIL 26, 2021, CONT.

So now for the backstory and putting all the pieces together on how we got here! So going through the trauma we have gone through with this, made me decide to try to research how this could happen. Well, this is what I found. We think part of this house was built in the 20's as it was the original farmhouse on a farmstead.

It was added onto and then made into 2 dwellings with 1 water meter. We assume it was used at one time as a mother in laws apartment.

We know this property was put on A Tax Roll in 1940 but we, the owners, also know this property has parts that predate the tax roll date. We have been told by the city, that there was probably only one zoning code for residential at that time and it was categorized as R-1 then. We can also tell from how the gravel is worked into the ground where the driveway is now located, it has been there from the inception of the property because no other area on any part of this property has a gravel base at all.

In February of 1958, the original owner put forth a planned subdivision of one street, Hagemann. When I really looked at the plot map, I discovered why I was denied the ability to build on as I wanted to. I only had a 20' setback easement. {Attachment A-Indian Ridge Plot Plan} Apparently there was only a certain amount of room to put a street in and having a (normal) 30' set back line was not able to happen somewhere so that somewhere became, off the south side of our property. There was the problem, the farmstead home was too close to where the road needed to be. This property was clearly in the way of progress. As I continued to examine the plat, I noticed there were options at the time this all transpired. The 5311 Hagemann address is 150' long from east to west and could have been moved to the west by about 30 feet and the street would have come in at a small curve at the beginning and that would have allowed for the proper 30' easement on Homestead property. Could have had an entrance marker with subdivision name? Flowers on the end corner? Anything, and as the street continues west, the lots get wider. Not sure how it could have been worked out. Maybe Lot 9 should have been eliminated to preserve the easement and yard of the Homestead property. But 5311 Hagemann could have been moved west enough to get enough easement to allow a garage built onto the Homestead property if someone wanted to. At best, there was no concern for future improvements to this property. The owner of the Homestead built a new home on 5333 Hagemann and Mrs. Potter was still living there when we purchased the Homestead from Georgia Barnes in 2001.

LETTER TO THE COMMISSION FROM THE APPLICANT, DATED APRIL 26, 2021, CONT.

We have concluded from this preliminary investigation that The Homestead property issues with 2 address and one water meter, should have been dealt with conclusively in 1958 when or before the new development was signed off on. That has allowed, in this case, 2 buyers to have issues selling this property. I do not know if Georgia Barnes knew all the ramifications of what she purchased, but we did not know. We were told that if this property burned more than 50% down, it had to be replaced with single family dwelling. We did not have a problem with that, and we told our purchasers the same thing and none of them had a problem with that either. The property has not ever even had a grease fire, so it is still in permanent unscathed condition.

So here we are:

The Federal Government does care how zoning is handled and this property does NOT meet Federal lending guidelines. That has to be changed and NOT at our expense. This was an issue that should have been addressed 2 owners ago and now we need to get it corrected with the least amount of damage possible. As I have said 3 months ago now. This is costing us \$1,500.00 a month out of our pocket for this to be made right enough to allow a Federal Loan on this property.

If there is paperwork that this property had a non-conforming clause to it, we ask that that be brought forth and initiated at this time, which could allow for a special variance on this property now, at this time. We are NOT going to go through another month and another meeting unless someone is willing to step up and pay another \$3,000.00 because that is what that extra month will cost us to extend this longer.

If that is the only option that is brought forth, this will force us to sell the property cash and take a huge loss which by the end of this ordeal will be close to \$45,000.00 because we expect to take a \$30,000 hit on the property as well as what it has cost us for the monthly expenses since the end of January.

Our uneducated opinion at this point would be to allow a garage to be added to the south side as we had on our plan, we submitted in about 2006, even though it overreached the easement and then the driveway would go to the street. That plan allowed for a car to be parked in the driveway, outside the garage without being in the street.

LETTER TO THE COMMISSION FROM THE APPLICANT, DATED APRIL 26, 2021, CONT.

It may not meet all codes, but it could be put under a special variance and it would look very nice from the street and defiantly look much nicer than a piece of concrete in the back corner of the side property and what kind of covering was to be on it????? We will not ruin the aesthetics of this property and the amount of money it would waste doing such an unsightly attempt at meeting an unrealistic code to sell this property. If I were a buyer and did not know any of this, I would wonder why they placed a permanent hard surface driveway in such a precariously odd place. A real plan from a new owner choosing to make more improvements would be the proper way to address the new driveway issues when and if the owner brings plans for additions to the property.

So, all these major changes were allowed to happen without any do recourse, but I am being forced to adjust and make changes according to new codes that did not take any consideration to what was here and done many years before the codes where adopted.

We are seeking immediate relief from this mandate, that has been perpetrated against our property at this hearing May 10th, 2021 and ask that going forward, if any additions are made to this property, the additions that would enhance the area and neighborhood be allowed to be forth coming and that all the mistakes made back in 1958 would be let rest and give the special variances without people giving up major time of their lives and having to get special counsel to deal with issues that were put in professionals hands and were not cared for in the manner that protected the whole of the area, and at the time, a street.

I Rest:

Trustee for the Yahweh Blessed One Spendthrift Trust

Lola Thomasson-Trustee for the Trust

NEIGHBORHOOD MEETING MATERIALS, DATED APRIL 24, 2021

YAHWEH BLESSED ONE SPENDTHRIFT TRUST
Lola M Thomasson—Trustee
15954 S, Mur-len Rd #144
Olathe, Ks 66062

April 13, 2021

Kansas City, Ks 66106

Subject : Neighborhood Meeting for a Rezoning Issue

I/We have filed an application with the Department of Urban Planning and Land Use#COZ2021-010. The purpose of this: Change of Zoning is to be able to acquire a loan for the sale of the property at the following address: 2716 and 2718 S 53rd St
Kansas City, Ks 66106

I/We are having a neighborhood meeting on April 24, 2021 at 12:00PM at the following address Front Porch of 2716 and 2718 S 53rd St Kansas City, Ks 66106.

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 or phone number listed below.

Sincerely,

Lola M Thomasson—Trustee
913.314.9449
lolapeck2003@gmail.com

Above: Sample letter to neighbors.

Below: April 24, 2021 neighborhood meeting sign-in sheet.

Amy Craddock - 3009 So. 53rd St. (913-722-2126)
James J. Shupley 913.375.7150 5311 Hageman St. KCK
Barbara K. 816-804-9868 5548 Turner Drive 66106

NEIGHBORHOOD MEETING MATERIALS, DATED APRIL 24, 2021, CONT.

Application Number COZ2021-010

Date and Location 4-24-2021 On Covered Front Porch of 2718 S 53rd St

Meeting called to order at: 12:10pm

Names of people in attendance: Alex Craddock 3009 S 53rd St
Jamie Shipley 5311 Hagemann St
Barb Kill 5548 Pawnee Dr

Introductions: All knew each other but Rick and me and we quickly got acquainted

Mr. Lazar Davidovic at 5326 Hagemann St had his daughter call to find out the details and extent of this zoning issue. Rick Peck spoke with her and explained the issue at hand, and she commented she was sorry for what was happening but that if she had known it was on the market, her friend would have persuaded the property as she was looking for a duplex to live in and be close to her friend's father. She then commented she would be at the meeting on Saturday but did not show up. That was the only contact we had with her and I didn't save the number because she said they would be at the meeting.

Questions and answers (include the following):

Ms. Craddock, Ms. Kill asked question & Jamie Shipley helped us answer questions

Question: Concern about the zoning being R2 and having tenants that could run down the neighborhood.

Answer from both Jamie and myself: Without the changed zoning, the property cannot be sold under Freddie Mac and Fanny Mae guidelines and will have to be sold to a cash buyer which is most of the time an investor which will definitely use it for rental. With the changed zoning, the property can be sold to a buyer with the intentions of living on one side and renting the other side, which is what 90% of the offers wanted it for. That would allow for home ownership, care and maintenance the same as a single-family dwelling.

Comments were positive from all parties because the objective trying to be achieved, was the end result all parties wanted.

New Information Received on Tuesday 4-20-2021 from Mike Farley was a game changer.

Due to new information that came to me on 4-20-21, and 2 months into this process, we financially are unable to follow the code issues upgrading the driveway from gravel to hard surface and a covering for 2 vehicles plus a walk that we removed a few years ago, because of deterioration.

NEIGHBORHOOD MEETING MATERIALS, DATED APRIL 24, 2021, CONT.

All answered and commented. All were very helpful trying to think of ways to make these new issues work for all involved. One suggestion was to find out if the buyer would be responsible for the required HARD SURFACE DRIVEWAY with a cover for 2 vehicles. We hashed that around and no conclusion was reached, mostly because I was very down and because I had brought a plan before the board before with a garage, which would have been a hard surface driveway and it was rejected.

After researching our issues, we have come to the conclusion this property shows as Non-conforming Use, since it was put on the city tax roll in 1940 and predates the zoning building and improvement codes and should stay under the originally approved description until and unless an owner brings plans to alter the original existing property structure and use and are approved. Putting a hard surface driveway, where it is presently located and has been since 1940, would not be a desirable asset, and depending on buyer, may damage the value of the property.

All parties present were very helpful and understanding of such a major mess and issue that befalls us all by the mistakes that were never corrected nor none of us knew needed correcting for 80 years. It is our understanding that when Kansas City Kansas was established and annexing in properties, they only had one available zone and that was R-1. And when more codes were added, that would allow properties to fall under different codes, this property would/should have been changed at that time from an R-1 to and R-2. There may not have been any non-conforming uses at that time.

I want to thank all that came out and showed a concerned and caring interest in our community and the maintaining of it.

Meeting adjourned at:12:45pm

Minutes taken by: Lola Thomasson-Trustee for the Yahweh

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyndotte) SS:

Comes now Lola Thomasson-Trustee of lawful age, sound mind and upon his/her oath states as follows:

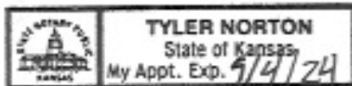
1. That I am the petitioner for Petition # COZ2021-D10
2. That I conducted a neighborhood meeting on April 24, 2021
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Lola Thomasson
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28 day of April, 2021.

My commission expires 4th of September, 2024.



Tyler Norton
Notary Public

ZONING VERIFICATION LETTER, DATED FEBRUARY 24, 2021



Urban Planning and Land Use

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

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

February 24, 2021

First Priority Appraisal Group
Ms. Olivia Warford-Grow
5401 West 104th Street
Overland Park, KS 66207

Re: Zoning Verification Letter for 2716 – 2718 South 53rd Street (Request #21-243)

This letter is in response to your request for zoning verification on the following property:

Address	Parcel #
2716 – 2718 South 53 rd Street	028207

The property listed above is zoned **R-1 Single Family District**.

The property in question was not granted any variances or zoning relief of any kind. (Special exceptions and conditional use permits do not exist in our zoning ordinance.)

The permitted uses and basic requirements can be found in Chapter 27 of the Kansas City, Kansas, City Code and are set out in the attached information.

Based on the County Appraiser's website, the structure was built in 1946. This portion of the county was annexed into the city in 1966. A letter from 1987 and subsequently 1999 indicated that the structure is a duplex and is legal, non-conforming.

The structure cannot be expanded or enlarged as duplexes are not permitted by right in R-1 Single Family District. Attached herein is Sec. 27-388(2) Nonconforming uses of buildings or structures.

There are no active zoning enforcement cases responded to or initiated by the Zoning Enforcement Officer. Please call the Code Enforcement Department at (913) 573-8600 to see if there are active enforcement cases. Please call the Building Inspection Department at (913) 573-8620 to see if all conditions have been satisfied and an occupancy permit issued.

Sincerely,

Byron Toy, AICP
Digitally signed by Byron Toy, AICP
DN: cn=Byron Toy, AICP, o=Urban Planning and Land Use
Department, ou=Principal Planner,
email=btoy@wycokck.org, c=US
Date: 2021.02.24 14:49:57 -06'00'

Byron Toy, AICP
Lead Planner
Unified Government of Wyandotte County/Kansas City, Kansas
(913) 573-5757
btoy@wycokck.org

Sec. 27-454. - R-1 single-family district.

- (a) *Generally.* The purpose of the R-1 single-family district is to accommodate the bulk of single-family detached housing in the city, particularly in newly developing areas where similar density of development now exists. This section applies to the R-1 single-family district.
- (b) *Permitted uses.* In the R-1 single-family district, no building, structure, or land shall be used and no building or structure shall be hereafter erected, converted, or structurally altered unless otherwise provided in this article, except for one or more of the following uses:
 - (1) Single-family dwellings.
 - (2) Municipal facilities of a governmental nature.
 - (3) Publicly owned parks and playgrounds, including public recreation and service buildings and municipally owned swimming pools.
 - (4) Railroad lead track rights-of-way, not including railroad yards, sidings, freight depots or train sheds, nor any other facilities which would encourage or require the stopping, starting, loading or unloading of trains.
 - (5) Board of public utilities facilities.
 - (6) Churches, on parcels no less than 120 feet wide and 15,000 square feet and in converted dwellings only when all provisions of the building code for the appropriate occupancy are met.
 - (7) Golf courses and club houses appurtenant thereto, not including miniature golf courses, driving ranges, and other similar activities operated as a business.
 - (8) Public and private schools, elementary and high, and institutions of higher learning, including stadiums and dormitories appurtenant thereto if located on the same campus.
 - (9) Publicly owned and operated museums, libraries and community centers.
 - (10) Agricultural use, except that such uses that involve animals shall conform with section 27-609(3).
- (c) *Plan approval.* For all uses and structures listed as permitted uses in subsections (b)(5)—(b)(9) of this section, preliminary development plans and final plans shall be approved by the planning commission prior to the construction of new or expanded facilities. Such plans shall include details as set out in section 27-212. Such uses shall provide parking and paving setbacks of six feet unless otherwise approved by the planning commission. Notice shall be sent to property owners within 200 feet except for plan approvals for governmental facilities. Approval or disapproval by the planning commission shall be based upon the following:
 - (1) The capability of the site to accommodate the building, parking and drives with reasonable open space and safe and easy ingress and egress.

ZONING VERIFICATION LETTER, DATED FEBRUARY 24, 2021, CONT.

- (2) The degree of harmony that will prevail between the visual quality of the proposed use, building or church and the surrounding neighborhood.

The decision of the planning commission may be brought before the unified government board of commissioners for final determination.

- (d) *Height and area standards.* All dwellings and other uses of land shall conform to the following minimum standards:

- (1) Height shall be not more than two and one-half stories or 35 feet.

- (2) Setback from property lines shall be as follows:

- a. Front yard: Not less than 25 feet.
- b. Side yard, interior: Not less than seven feet.
- c. Side yard, corner: Not less than 25 feet.
- d. Rear yard: Not less than 30 feet.

- (3) Lot width and area shall be as follows:

- a. Lot width: Not less than 65 feet measured at the building line.
- b. Lot area: Not less than 7,150 square feet per dwelling unit; provided, however, this provision shall not prohibit the use of any lot for the erection of a residence west of 1-635, if such lot contains less than 7,150 square feet and was owned as a separate lot on May 20, 1969, and is not and has not been a part of a larger ownership since that date. Residences east of 1-635 shall be in accordance with the narrow lot design guidelines incorporated herein by reference dated February 18, 2008.
- c. The narrow lot design guidelines dated February 18, 2008, are modified as follows:
 1. A residence built on a narrow lot may match elevations of adjacent residences within that street without a raised porch, except as may be required by the building code.
 2. If the residence is constructed utilizing state or federal tax credits and the regulations relating to those tax credits have requirements for ADA accessibility, exceptions to the raised front entry requirements of the narrow lot design guidelines may be granted by the director of planning.
 3. The raised front entry height is reduced from 30 inches to 14 inches.
 4. If the narrow lot has a rise from front to rear of more than seven feet, the lot is eligible for a front loaded garage.
 5. Alley and garage standards.
 - i. If the narrow lot is on an unimproved or severely deteriorated alley, exceptions may be granted by the director of planning to the alley entrance requirements.
 - ii. Garages in the rear yard shall be located to allow a sufficient turning radius to enter and exit the garage from the alley. Existing garage placement requirements should be utilized as guidelines.
 6. Siding standards.
 - i. Any siding with a 50-year warranty will be allowed. This specifically replaces the cement board siding requirement.

- (4) Minimum floor area shall be 864 feet of habitable floor area for each residence.

For additional standards and information, see division 8 of this article.

- (e) *Parking standards.* Two off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport. For additional standards and information, see division 9 of this article.

- (f) *Signs.* Uses other than single-family dwellings shall be permitted one wall sign and one detached sign. For additional standards and information, see division 11 of this article.

(Code 1988, § 27-1159; Ord. No. 64690, § 1(27-21), 8-30-1984; Ord. No. 64884, § 2, 10-3-1985; Ord. No. 65814, § 7, 7-8-1993; Ord. No. O-18-14, § 1, 2-27-2014)

ZONING VERIFICATION LETTER, DATED FEBRUARY 24, 2021, CONT.

Sec. 27-388. - Authority to continue nonconforming buildings, structures, signs and uses.

Any nonconforming building, structure, sign or use which exists lawfully and which remains nonconforming, and any such building, structure or use which shall become nonconforming upon the adoption of any amendment to this subdivision, may be continued in accordance with the provisions which follow. Subsection (2) of this section sets out certain situations in which a nonconforming use may be presumed or considered to be lawfully existing. Where two or more of the following provisions apply to a particular situation, the most restrictive requirements shall control.

- (1) *Nonconforming uses of land.* The lawfully existing nonconforming use of land not involving a building or structure, or where any building or structure thereon is merely incidental or accessory to the principal use of land, may be continued subject to the following provisions:
 - a. *Expansion.* A nonconforming use of land shall not be added to or extended beyond the area it occupies.
 - b. *Discontinuance.* If a nonconforming use of land is discontinued for a period of six consecutive months, it shall not thereafter be renewed, and any subsequent use of land shall conform to the regulations of the district in which the land is located.
 - c. *Change of use.* A nonconforming use of land shall not be changed to any other use, except to a use permitted in the district in which the land is located.
- (2) *Nonconforming uses of buildings or structures.* The lawfully existing nonconforming use of part of a building or structure may be continued subject to the following provisions:
 - a. *Expansion.* A nonconforming use may be extended throughout the building or structure in which said use is presently located, provided no structural alterations except those required by law or permitted by the regulation of the district in which the building or structure is located are made therein. Such structural alteration shall not provide floor area expansion.
 - b. *Discontinuance.* If a nonconforming use of a building or structure is discontinued for a period of two years, it shall not be renewed, and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located; provided, however, the period of discontinuance shall be 18 months for private clubs and outdoor advertising signs. When a nonconforming use is abandoned for any period of time without a present intention to reinstate the nonconforming use, the property involved may thereafter be used only by conforming uses. A commercial or industrial nonconforming use shall be considered to have been abandoned when it has been converted to a use that is not legally nonconforming. The determination that such an illegal conversion has occurred shall be made by the city administrator after thorough review. A written record informing the owner or occupant of the decision and of its basis shall be sent to the address of the abandonment and the address of the owner. The decision may be appealed to the board of zoning appeals.
 - c. *Change of use.* The nonconforming use of a building or structure may be changed to another nonconforming use of the same or more restrictive zoning district. Whenever a nonconforming use has been changed to a more restrictive use or a conforming use, such use shall not hereafter be changed to a less restrictive use. In the particular case of commercial and/or industrial nonconforming uses in residential zoning districts, the nonconforming use of such a building or structure may be changed to another nonconforming use only upon approval by the planning commission and unified government board of commissioners and only under all of the following conditions:
 1. Adequate notice to owners of all property within 200 feet.
 2. The applicant shall show that the nonconforming use cannot reasonably be changed to a permitted

ZONING VERIFICATION LETTER, DATED FEBRUARY 24, 2021, CONT.

use.

3. The applicant shall show that the proposed change will be less objectionable in external effects than the previous or existing nonconforming use, with respect to:

- (i) Traffic generation and congestion.
- (ii) Noise, smoke, dust, fumes, heat, odor, glare or vibration.
- (iii) Storage and waste disposal.
- (iv) Appearance.

- d. *Repairs/restoration.* Requirements set out under subsection (3)a of this section are fully applicable here.

(3) *Nonconforming residential use of residential buildings.*

- a. *Generally.* In the particular case of nonconforming residential uses of residential buildings, a nonconforming use permit shall be required for continuation of such a use. Such uses will be those containing more dwelling units than allowed under the zoning applicable at the time of conversion. An application for a nonconforming use permit shall be made within 60 days of the receipt of written notice that such an application is necessary, but in no case may an initial application be made after March 31, 2008. Only the property owner may make such an application. The application for the permit shall include the petition, evidence of required period of existence, a site plan, floor plans, and other information as required to substantiate the permit. The burden of proof shall be on the owner/applicant to establish the period of existence. A nonconforming use permit, if approved, may be revoked under the criteria and procedures set forth in section 27-209.

- b. *Nonconforming use permits.* The building official, in consultation with the director of planning and zoning shall issue a nonconforming use permit if any one of the sets of standards set out in this subsection is met:

1. There is clear and convincing evidence that the existing nonconformance was established prior to and existing continuously from December 30, 1941.
2. There is clear and convincing evidence that the existing nonconformance was established prior to and existing continuously from July 28, 1956, and that:
 - (i) No past application has been ruled upon adversely by the board of zoning appeals or unified government board of commissioners.
 - (ii) There is compliance with all applicable code requirements.
 - (iii) There has been written notification by mail to all property owners within 200 feet of the property for which the nonconforming use permit is pending to determine if there are objections to the issuance, and that no written objections have been received within two weeks of the mailing.
 - (iv) Unless otherwise approved under subsection (3)b.3 of this section by the unified government board of commissioners, the term of the nonconforming use permit is ten years and it is only applicable to the property owner to whom it is granted.
3. The unified government board of commissioners after recommendation by the planning commission has approved or modified and approved a nonconforming use permit following the process and standards set out as follows:
 - (i) Mailed notice to all property owners within 200 feet of the consideration by the planning commission and unified government board of commissioners.
 - (ii) The unified government board of commissioners may attach conditions to ensure the public

ZONING VERIFICATION LETTER, DATED FEBRUARY 24, 2021, CONT.

welfare which establish expiration dates, limit changes of ownership, require physical changes and improvements, or reduce the number of dwelling units. Unless otherwise approved by the unified government board of commissioners, the term of the nonconforming use permit is ten years and it only applicable to the property owner to whom it granted.

- (iii) The planning commission and unified government board of commissioners shall not consider an application for nonconforming use permit until building official or his designee has inspected the premises and provided to the property owner the changes and improvements necessary to achieve compliance with all applicable code requirements along with an estimate of the cost of compliance. Repairs made or expenses incurred prior to approval shall not be a factor in the consideration of the nonconforming use permit. The improvements required shall be completed and approved within 180 days of the nonconforming use permit approval or that approval shall be null and void.
 - (iv) The unified government board of commissioners may approve a nonconforming use permit upon finding that the use has been in existence continuously for a period of at least 20 years prior to the date of application, that provision for parking is adequate, that rezoning the property would result in "spot" zoning or a zoning or a zoning inappropriate to surrounding land uses, and that the use will not be detrimental to character of the immediate neighborhood or be detrimental to the public health, safety, or general welfare.
- (4) *Nonconforming buildings or structures.* Any lawfully existing building or structure which does not conform with the height or area regulations of the district in which it is located or any building within which a nonconforming use is located shall be subject to the following provisions:
- a. *Repairs/restoration.* A nonconforming building may be repaired, restored, or rehabilitated without time limit so long as it remains a completely enclosed structure with the bulk of its structural members intact. A nonconforming building or structure which is wholly or partially destroyed by fire or other casualty or act of God, or legally condemned, may be restored or reconstructed to its previous size and location; provided, however, that where the bulk of structural members must be reconstructed, in an area which interferes with existing or proposed street rights-of-way or necessary sight distance as set out in division 12 of this article and section 27-637, reconstruction shall be altered to eliminate such interference. Such restoration shall be completed within 12 months of the date of damage excluding any time for litigation.
 - b. *Enlargements.* There shall be no increase in the amount of any nonconformity. A nonconforming building or structure may be enlarged, provided such enlargement complies with the regulations and standards of this article.
- (5) *Nonconforming signs.* Any lawfully existing sign which does not conform with all applicable regulations shall be considered a nonconforming sign. (A lawfully existing roof sign structure in districts CD, M2, and M3 shall be considered a nonconforming sign). Such nonconforming signs may continue in use subject to the following provisions:
- a. *Repairs/maintenance.* Ordinary repairs or maintenance may be made on a nonconforming sign. Changing copy or logo shall be considered maintenance if the information, product or service depicted remains the same and if the sign is to serve the identical establishment using the same business name as before the change. Where a nonconforming electrical sign or sign face is in good condition and can be reused without changes in its shape or size, such reuse shall be considered repair or maintenance even for a different business. Where a sign surface is damaged or destroyed by fire or other casualty or act of God and the sign supports remain intact, the sign surface may be replaced to its original size and location.
 - b. *Refacing/alteration.* Sign refacing shall include changing or replacing the surface of the sign to serve a different establishment or business or to create a substantially different visual effect. The normal changing of the message on an outdoor advertising sign shall not be a violation of this provision. Sign alteration shall include the replacement, enlargement, or reshaping of a sign frame, pole, brackets or any supporting member. Nonconforming signs refaced or altered so long as the degree of nonconformity is not increased if they meet all the following requirements:
 - 1. No taller than 1½ times the maximum permitted in the applicable zoning district.
 - 2. No closer to any property line than one-half the minimum setback permitted in the applicable zoning district. A lesser setback may be permitted, if there is no other feasible sign location.
 - 3. No larger in area than 1½ times the maximum permitted in the applicable zoning district.

This subsection does not permit a sign conforming in height and/or area and/or setback to become nonconforming in any of those criteria.

(Code 1988, § 27-1067; Ord. No. 64690, § 1(27-63.2), 8-30-1984; Ord. No. 65417, § 8, 4-6-1989; Ord. No. 65567, § 1, 9-20-1990; Ord. No. 65658, § 1, 9-5-1991; Ord. No. 65814, § 5, 7-8-1993; Ord. No. 66138, § 3, 8-15-1996; Ord. No. O-12-98, § 1, 3-26-1998; Ord. No. O-105-00, § 1, 11-30-2000; Ord. No. O-92-02, § 1, 10-31-2002; Ord. No. O-24-06, § 1, 3-2-2006)

ZONING VERIFICATION LETTER, DATED FEBRUARY 24, 2021, CONT.



701 North 7th Street, 4th floor
Kansas City, Kansas 66101

Department of Development
Planning and Zoning

Phone: (913) 573-5750
Fax: (913) 573-5745

November 5, 1999

Ms. Georgia A. Barnes
4217 Harmony Lane
Kansas City, KS 66106

RE: 2716-2718 SOUTH 53RD STREET, PARCEL #28207

Dear Ms. Barnes:

Thank you for the information you sent. Clearly, it has been determined previously that your duplex was legally established and thus can continue. We appreciate your help and apologize for our lack of coordination.

Sincerely,

Steve Speist
Director of Planning and Zoning

JLP

CITY OF KANSAS CITY, KANSAS
NEIGHBORHOOD PRESERVATION DEPARTMENT
BUILDING INSPECTION DIVISION



Municipal Office Building
701 North Seventh Street
Kansas City, Kansas 66101
(913) 573-5620

January 8, 1987

Ms. Georgia A. Barnes
1011 Barnett Avenue
Kansas City, Kansas 66102

Re: 2716-2718 South 53rd Street
Kansas City, Kansas 66106

Dear Ms. Barnes:

This is to confirm the fact that your property is a duplex and is a Legal Non-Conforming use. Please be advised that I have a copy of the zoning certification in file. Thank you for your cooperation.

Sincerely,

Diane Hilliard
Zoning Inspector

DH:ap

cc: Action Center



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: May 27, 2021
Re: Petition SP2021-028

GENERAL INFORMATION

Applicant:
Megan Duma

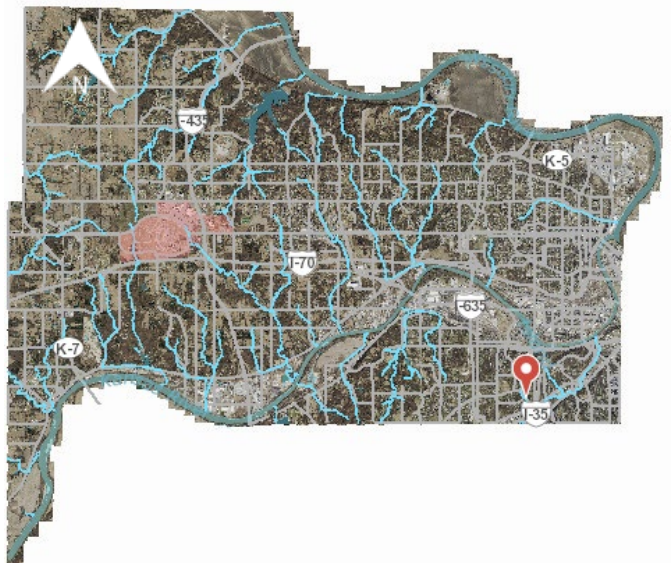
Status of Applicant:
Property Owner
2706 Espenlaub Lane
Kansas City, Kansas 66101

Requested Action:
Renewal of Special Use Permit SP-2019-105, which expired on 12/5/2020.

Date of Application:
March 26, 2021

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

Property Location:
2706 Espenlaub Lane
Kansas City, Kansas 66101



Commission Districts:	Commissioner At Large: Tom Burroughs District #3 Commissioner: Christian Ramirez
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: RP-5 Planned Apartment District
Adjacent Uses:	North: Single Family Homes South: Single Family Homes; Vacant Lot East: Single Family Homes West: Vacant Lot
Total Tract Size:	1.36 Acres
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates this area as Low-Density Residential. This allows for detached single-family homes.
Major Street Plan:	The Major Street Plan Espenlaub Lane as a Local Street.
Parking Requirements:	Section 27-454(e) requires two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, one (1) of which must be in a carport or garage.
Advertisement:	<u>The Wyandotte Echo</u> – April 15, 2021 Letters to Property Owner – April 16, 2021 and May 20, 2021
Public Hearings:	May 10, 2021 and May 27, 2021
Public Support:	None to date.
Public Opposition:	Staff has received neighborhood opposition due to property being used by a commercial tree service for chopping and burning. There were five (5) persons that attended the May 10, 2021 Planning Commission Zoom meeting in opposition.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Megan Duma, is seeking the renewal of SP-2019-105, which expired on 12/5/2020. The Special Use Permit allows

for the operation of a short-term rental at 2706 Espenlaub Lane. This is not the applicant's primary residence. Staff has received neighborhood complaints that someone from a commercial tree service comes to the property every night to chop and burn wood, sometimes leaving the property while wood is burning. The tree service, Tuft's Tree Service, is not a registered Wyandotte County Business. Photographs are attached below.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There have been three (3) Notices of Violation issued on this property. One (1) in 2005 for a tree that was cut down but not properly removed. One (1) in 2016 for vehicles on unimproved surface. Two (2) in April of 2021 for trees and mulch that need to be disposed of properly.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential in nature, comprised of single-family homes in and a few apartment buildings.

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 City-Wide Master Plan designates this property as Low-Density Residential. Single family homes are allowed but 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 Local 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 not been any noise complaints during the time the property has been used as such. Vibration, dust, and illumination are not expected to be issues.

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 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 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 allowed at one time under Special Use Permit SP-2019-105 was six (6). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

SP-2019-105 expired on 12/5/2020

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via letter on April 19, 2021. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 1 to recommend **DENIAL** of SP2021-0028, **based on the stated violations at the meeting and observation of the condition of the property.**

STAFF COMMENTS AND SUGGESTIONS

Staff does not agree with the recommendation of the City Planning Commission.

Planning and Urban Design Comments:

1. Provide a detailed description of the areas rented for short-term rental.

Applicant Response: The single-family residence is made up of three (3) bedrooms, one (1) bathroom, and a small deck overlooking a waterfall in its entirety. This does not include the garage next door. I use that for my family.

2. How many rooms are rented? Provide a scaled floor plan of the unit.

Applicant Response: Three (3) bedrooms are rented.

Staff Response: Applicant has provided an aerial view of the property. Measurements were not included.

3. Provide updated site photographs of the property and a scaled site plan.

Staff Response: The applicant provided photographs. They are attached below. A site diagram was provided but no measurements were included. It is attached below.

4. What is the maximum number of vehicles allowed and where do they park? Indicate guest parking on the site plan.

Applicant Response: Guests are limited to two (2) cars, and they have guest parking in front of the home.

5. What is the annual occupancy rate for this listing?

Applicant Response: With Covid, I didn't do a ton of short-term rentals. I did more longer-term stuff. I'd guess occupancy was around 30%.

6. Who will be the designated property manager? Explain the details of this arrangement. What is their contact information? Provide the contact information to the neighbors within the notice area.

Applicant Response: BearBNB Property Management: (816) 465-1252.

7. How will you communicate with the neighbors if there are any issues?

Applicant Response: They can call me directly or BearBNB.

8. Do you have a Business License/Occupational Tax Receipt from the Unified Government?

Applicant Response: No, I do not believe I need one.

Staff Response: Please refer to the staff report of SP-2019-105. You were informed that all short-term rentals must obtain an Occupational Tax Receipt. Contact the Business License Department at 913-573-8780 to begin this process.

9. How will you pay appropriate Kansas State Lodging Taxes? Does AirBNB or other short-term rental company deduct and pay these taxes?

Applicant Response: AirBNB pays all taxes directly to the municipalities.

10. Indicate how you will maintain the property in a safe and sanitary manner, including:

- a. Working smoke detectors in each bedroom plus each level of the unit/house;

Applicant Response: Done.

- b. GFCI outlets required in bathrooms;

Applicant Response: Done.

- c. Double keyed locks are not allowed;

Applicant Response: Ok.

- d. Copper cannot be used for gas supply lines;

Applicant Response: Ok.

- e. Windows must be operable, not blocked or boarded;

Applicant Response: They are new.

- f. Handrails are required at sets of 4 or more stairs/ risers;

Applicant Response: Done.

- g. Hot water tank and furnace must be vented properly and operational;

Applicant Response: Done.

- h. Electric panel and circuits must be safe; and,

Applicant Response: Done.

- i. Facility cleaned and sanitized after each guest check-out.

Applicant Response: I have a professional cleaning company, Eco Cleaners, who have been with me for over three (3) years. They are the best.

- 11. Have you been in compliance with all conditions outlined in SP-2019-105, which state:

- a. Maximum number of guests shall be six (6);
- b. Maximum number of guest vehicles shall be two (2); and,
- c. Parking will take place off-street.

Applicant Response: Yes.

- 12. Note that the Unified Government uses the services of Host Compliance by Granicus to monitor issues related to short-term rentals such as noise, etc. and to address violations. Their contact information needs to be made available to all

guests in the welcome packet. The Unified Government issues notices on all short-term rentals who are not compliant.

913-246-5133 www.hostcompliance.com/tips

13. Do you provide a guest manual that lists rules and regulations such as “no parties,” etc.?

Applicant Response: Yes, both electronically on the website and via hard copy.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval:
 - 1) None
- C) Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

STAFF RECOMMENDATION

Staff recommends that the 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 **SP2021-028** subject to all comments and suggestions outlined in this staff report, summarized by the following conditions:

1. **Wood burning is not allowed on the property;**
2. **The maximum number of guests shall be six (6);**
3. **Guest parking must be provided off-street. Maximum number of guest parking shall be two (2) vehicles;**
4. **Applicant 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. Include the contact information for Host Compliance 913-246-5133. www.hostcompliance.com/tips;**
7. **If issues arise with adjacent property owners and are brought to staff’s attention during the term, this Special Use Permit can be submitted to the Board of Commissioners for revocation;**
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;

9. 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,
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.

ATTACHMENTS

May 10, 2021 City Planning Commission Minutes
Zoning Map
Land Use Map
Aerial Map
Site Photographs Provided by Staff, Dated April 20, 2021
Site Diagram
Floor Plan Diagram
Neighborhood Meeting Documentation
Site Photographs Provided by Staff, Dated April 30, 2021
Site Photographs Provided by Applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	May 10, 2021	May 27, 2021
Special Use	Denial	

STAFF CONTACT: Shana Kelly
 skelly@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-028** 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 **SP2021-028** 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.

May 10, 2021 City Planning Commission Minutes:

Hearing starts at 3:05:50:

SPECIAL USE PERMIT APPLICATION SP2021-028 – MEGAN DUMA - SYNOPSIS:

Special Use Permit for the continuation of a Short-Term Rental/AirBnB at 2706 Espenlaub Lane (SP-2019-105 expired 12/5/2020).

Detailed Outline of Requested Action: The applicant, Megan Duma, is seeking the renewal of SP-2019-105, which expired on 12/5/2020. The Special Use Permit allows for the operation of a short-term rental at 2706 Espenlaub Lane. This is not the applicant's primary residence. Staff has received neighborhood complaints that someone from a commercial tree service comes to the property every night to chop and burn wood, sometimes leaving the property while wood is burning. The tree service, Tuft's Tree Service, is not a registered Wyandotte County Business. Photographs are attached below.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There have been three (3) Notices of Violation issued on this property. One (1) in 2005 for a tree that was cut down but not properly removed. One (1) in 2016 for vehicles on unimproved surface. Two (2) in April of 2021 for trees and mulch that need to be disposed of properly.

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 May 10, 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:

- Megan Duma, applicant, 4520 West 65th Street, Prairie Village, Kansas

Present in Opposition:

- George Higgins, 2540 Espenlaub Lane, Kansas City, Kansas 66106
- Brian Miller, 2637 Espenlaub Lane, Kansas City, Kansas 66106
- Betty McGill, 2762 Espenlaub Lane, Kansas City, Kansas 66106
- Sheryl Mendez, 2556 Espenlaub, Kansas City, Kansas 66106
- Chris Sutton, 2740 Espenlaub Lane, Kansas City, Kansas 66106

Staff Recommendation starts at 3:26:42: Planning Director Hand stated that the storing of the materials and storage of the tools in the shed for the tree service is a commercial use of a residential property and requires its own Special Use Permit. This Special Use Permit is only for the AirBnB renewal. Nothing else is allowed on the property. Director Hand stated that after hearing the testimony, staff will make changes to the conditions in the staff report. This Special Use Permit for an AirBnB in the Turner area for a maximum of six (6) guests and two (2) off-street parking spaces. There are a number of current Notices of Violation on the property related to the landscape debris on the property. If these violations are remediated in the NOV timeframe there will be no Administrative citation. Director Hand stated that he would like to revise the condition to state that wood burning on the property is not allowed without a permit from the Fire Department. A standard condition should be added that no commercial activity is allowed on the property; there is standard language that the staff can add accordingly. The Special Use Permit has expired so it is not technically a renewal. He stated that since the applicant does not live on the property, have an on-site property manager (she does have an off-site manager), staff recommends approval for one (1) year subject to the revised conditions.

Motion and Vote starts at 3:31:50:

On motion by Mr. Ernst, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit SP2021-028 based on the stated violations at the meeting and observation of the condition of the property:**

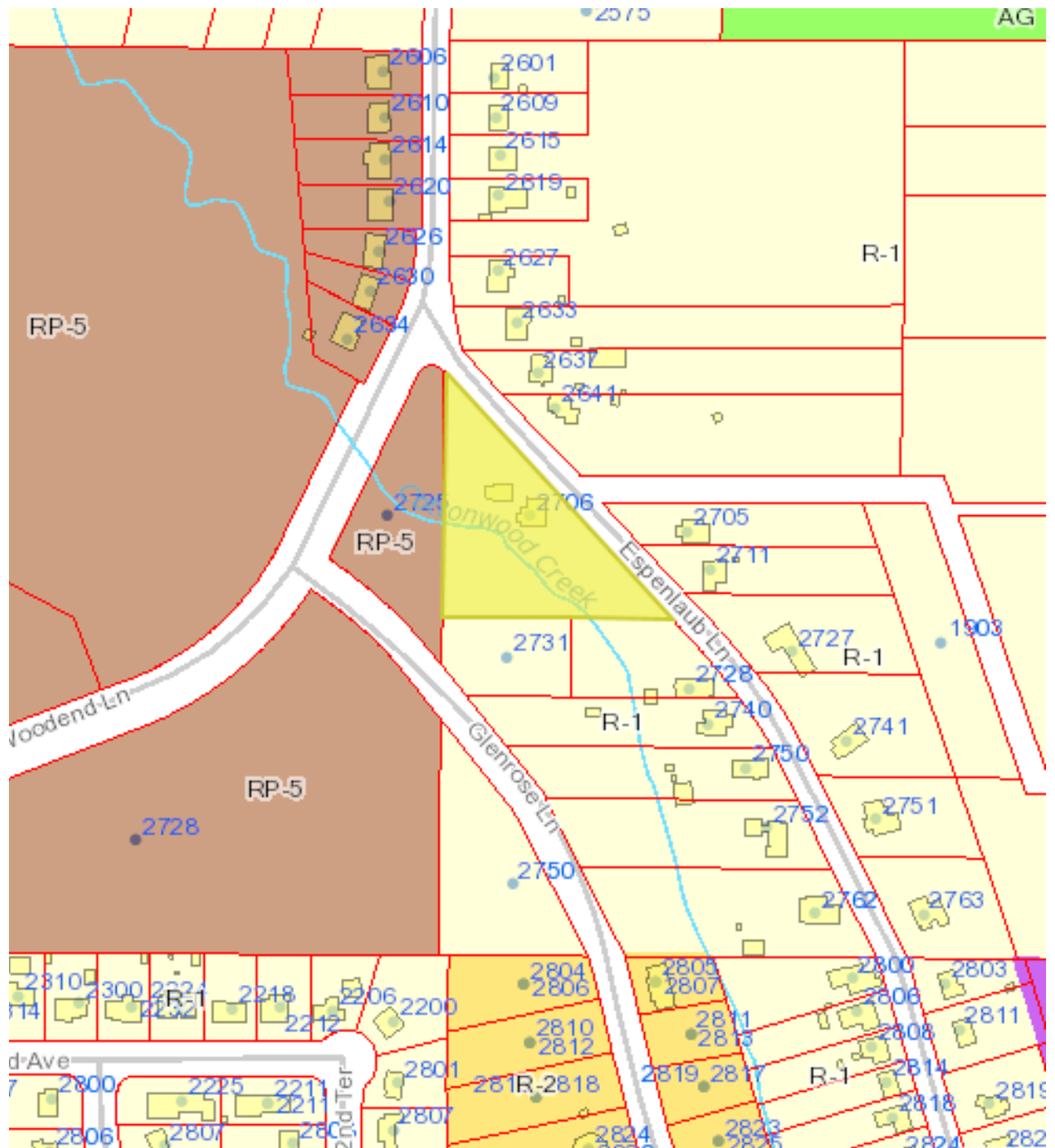
Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Not Present
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	No
Mohler	Not Present

Pauley **Aye**
Reasons **Not Present**
Motion to RECOMMEND DENIAL Passed: 5 to 1

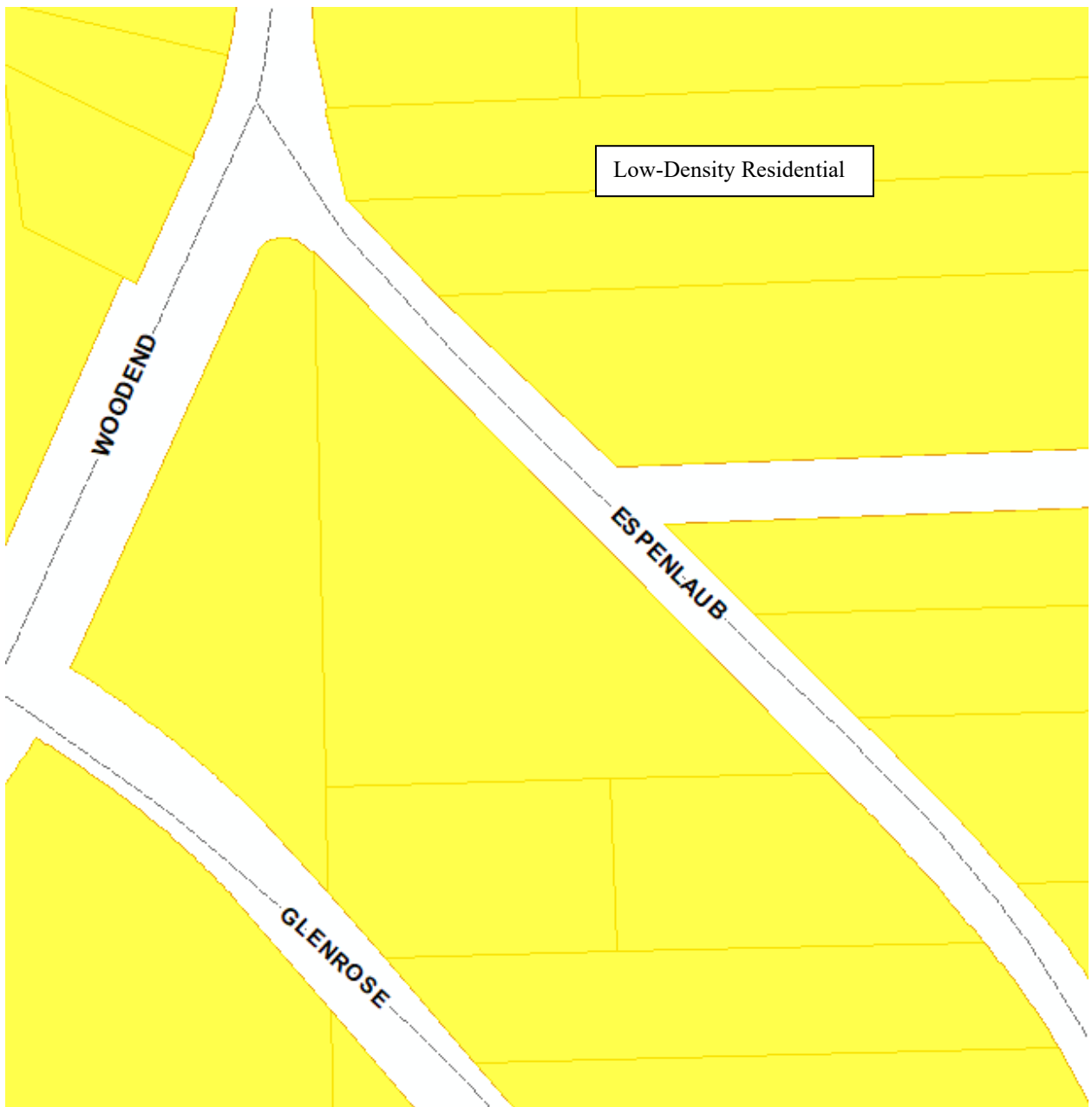
The Planning Commission took a break from 3:35:11 to 3:41:00

Planning Commissioner Connelly rejoined the Commission at 9:39 p.m.

Zoning Map:



Land Use Map:



Aerial Map:



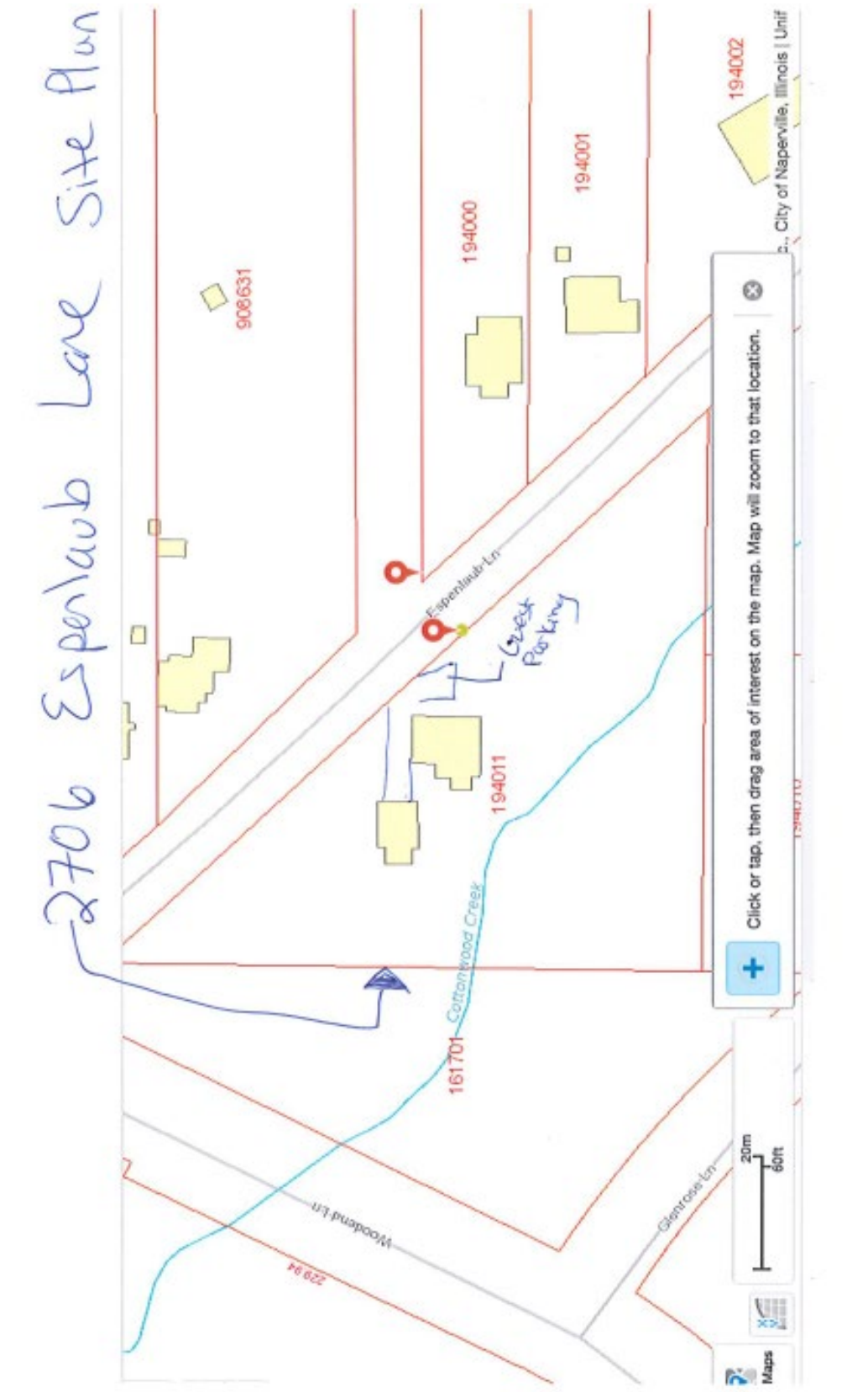
Site Photographs Provided by Staff, Dated April 20, 2021:





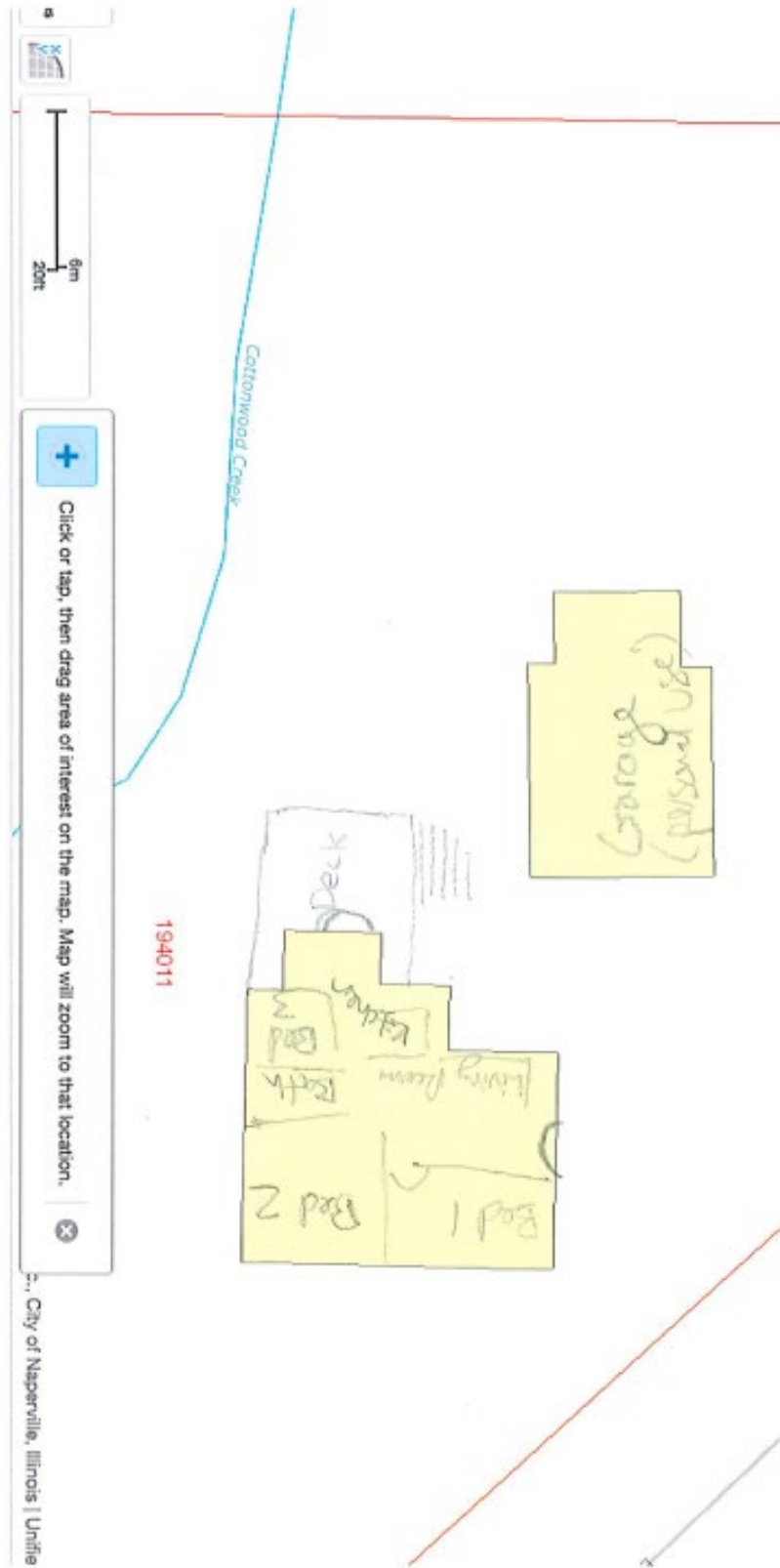


Site Diagram:



Floor Plan Diagram:

2706 Esplanade Lane: Floor Plan



Neighborhood Meeting Documentation:

Megan Duma

4520 W. 65th Street Prairie Village, KS 66208
Phone: 619-871-3201 • E-Mail: MeganDuma@gmail.com

DATE: April 19, 2019

Re: Neighborhood Letter For Special Use Permit ("SUP") for a Short Term Rental ("STR")

I have filed an application with the Department of Urban Planning and Land Use #SP-2021-028. The purpose of this special use permit is to operate a Short term rental at the following address: 2706 Espenlaub Lane, Kansas City, KS 66106.

This will be an extension of another SUP which was approved in 2019. I have been operating since then.

Due to Covid, we are not doing in-person meetings. However, if you have any questions or concerns, please reach out to me at meganduma@gmail.com or (619)871-3201.

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

I take pride in operating all my short term rentals with the neighbors, community, and my guests in mind. And at this property I am in the process of planting an organic vegetable garden. I am there most weekends. So please don't hesitate to reach out.

My contact details are above should you have questions.

Sincerely,



Megan Duma

2706 Esperla b
Larl

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas }
COUNTY OF Wyandotte } SS:

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

1. That I am the petitioner for Petition # SP 2021028
2. That I conducted a neighborhood meeting on _____.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

[Signature]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this ____ day of
____, 200____
My commission expires NA of COVID

Minutes

Notary Public

I sent out these letters, and complied with the 3rd option for all homeowners to contact me. No one contacted me. Same as last year. I am there at the property every week.

Site Photographs Provided by Staff, Dated April 30, 2021:



Stacked firewood.

Piles of mulch/wood chips in yard.











Site Photographs Provided by Applicant:











Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 27, 2021

Re: Petition SP2021-037

GENERAL INFORMATION

Applicant:
Mike and Tami Hayes

Status of Applicant:
Property Owners
2904 Eaton Street
Kansas City, Kansas 66103

Requested Action:
Approval of a Special Use Permit.

Date of Application:
March 26, 2021

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

Property Location:
2904 Eaton Street
Kansas City, Kansas 66103



Commission Districts:	Commissioner At Large: Tom Burroughs District #3 Commissioner: Christian Ramirez
Existing Zoning:	RP-5 Planned Apartment District
Adjacent Zoning:	North: RP-5 Planned Apartment District South: RP-5 Planned Apartment District East: RP-5 Planned Apartment District West: MP-1 Planned Light Industrial District
Adjacent Uses:	North: Fourplexes/Townhomes South: Fourplexes/Townhomes East: Fourplexes/Townhomes West: Commercial and Light Industrial Business
Total Tract Size:	0.09 Acre
Master Plan Area:	Rosedale Master Plan
Master Plan Designation:	The Rosedale Master Plan designates this area as General Urban. This allows for rowhouses, townhomes, and single-family houses. Three (3) story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors.
Major Street Plan:	The Major Street Plan classifies Eaton Avenue as a Local Street.
Parking Requirements:	Section 27-460 requires 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 each dwelling unit that has two (2) bedrooms or more. The parking requirement for this property is two (2) spaces. Two (2) parking spaces are provided.
Advertisement:	<u>The Wyandotte Echo</u> – April 15, 2021 Letters to Property Owner - April 16, 2021 and May 20, 2021
Public Hearings:	May 10, 2021 and May 27, 2021
Public Support:	None to date.
Public Opposition:	There were two (2) persons in opposition at the May 10, 2021 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Mike and Tami Hayes, are seeking the approval of a Special Use Permit for the purpose of having a short-term rental at 2904 Eaton Street. The maximum number of guests will be four (4). The maximum number of guest vehicles will be two (2). This is not the applicants' primary residence.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There have been six (6) Notices of Violation issued on this property. One (1) in 2013 for weeds, one (1) in 2015 for trash, one (1) in 2016 for holes in roof, two (2) in 2017 and 2018 for inoperable vehicles, and one (1) in 2021 for shared/private driveway needing repairs.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential in nature, comprised of four-plex multi-family homes and light industrial and commercial businesses in the Rosedale Neighborhood.

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.

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 multi-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 has been vacant since February 2021. The applicants state that their previous renter left without giving notice.

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

Special Use Permits are not addressed in the Master Plan. The Rosedale Master Plan designates this area as General Urban. This allows for rowhouses, townhomes, and single-family houses. Multi-family homes are allowed but 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 Local 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 it the proposed use operates entirely within an existing multi-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 and could create issues if not managed properly. Vibration, dust, and illumination are not expected to be issues.

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 multi-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 will operate wholly within an existing multi-family 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 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 allowed at one time will be four (4). The maximum number of off-street parking is two (2). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held an in-person neighborhood meeting on April 25, 2021. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Repairs Needed to Shared/Private Drive
Noise
Parking
Illumination

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of SP2021-037, subject to:

- 1) **Maximum number of guests, which has been deemed appropriate for the available accommodations shall be four (4);**
- 2) **Guest parking shall be provided off-street. Maximum number of guest parking shall be two (2) vehicles;**
- 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) If issues arise with adjacent property owners and are brought to staff's attention during the term, the Special Use Permit can be submitted to the Unified Board of Commissioners for revocation;
- 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. 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 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;
- 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 **SP2021-037** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 10, 2021 City Planning Commission Minutes
Zoning Map
Land Use Map
Aerial Map
Site Plan
Floor Plans
Neighborhood Meeting Documentation
Site Photographs Provided by Staff, Dated April 20, 2021

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	May 10, 2021	May 27, 2021
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-037** 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 **SP2021-037** 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.

May 10, 2021 City Planning Commission Minutes:

Hearing starts at 3:55:30:

SPECIAL USE PERMIT APPLICATION SP2021-037 – MIKE AND TAMI HAYES/T. M. HAYES MANAGEMENT LLC - SYNOPSIS: Special Use Permit for a Short-Term Rental/AirBnB at 2904 Eaton Street.

Detailed Outline of Requested Action: The applicants, Mike and Tami Hayes, are seeking the approval of a Special Use Permit for the purpose of having a short-term rental at 2904 Eaton Street. The maximum number of guests will be four (4). The maximum number of guest vehicles will be two (2). This is not the applicants' primary residence.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There have been six (6) Notices of Violation issued on this property. One (1) in 2013 for weeds, one (1) in 2015 for trash, one (1) in 2016 for holes in roof, two (2) in 2017 and 2018 for inoperable vehicles, and one (1) in 2021 for shared/private driveway needing repairs.

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 May 10, 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:

- Mike Hayes, applicant, 8109 Parkridge Drive, Parkville, Missouri
- Tami Hayes, applicant, 8109 Parkridge Drive, Parkville, Missouri

Present in Opposition:

- Heidi Thummel, 2914 Eaton Street, Kansas City, Kansas 66103
- Rob Cummings, 2912 Eaton Street, Kansas City, Kansas 66103

Staff Recommendation starts at 4:14:17: Planning Director Hand stated that this is the applicant's first request for a Short-Term Rental/AirBnB located in the Rosedale neighborhood. The maximum number of people allowed would be four (4) and the maximum number of automobiles allowed is two (2) off-street parking spaces. There are standard conditions for an AirBnB with regard to parties, etc. Director Hand stated

that there is only one (1) current Notice of Violation and that is for the driveway. There may need to be research as to who is responsible for the repair of the driveway if it is shared. Staff has not received any letters of support and until this evening had not received any opposition. Staff recommends approval for one (1) year subject to the conditions in the staff report.

Motion and Vote starts at 4:15:43:

On motion by Ms. Huey, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2021-037 for one (1) year:**

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

Motion to RECOMMEND APPROVAL Passed: 6 to 1

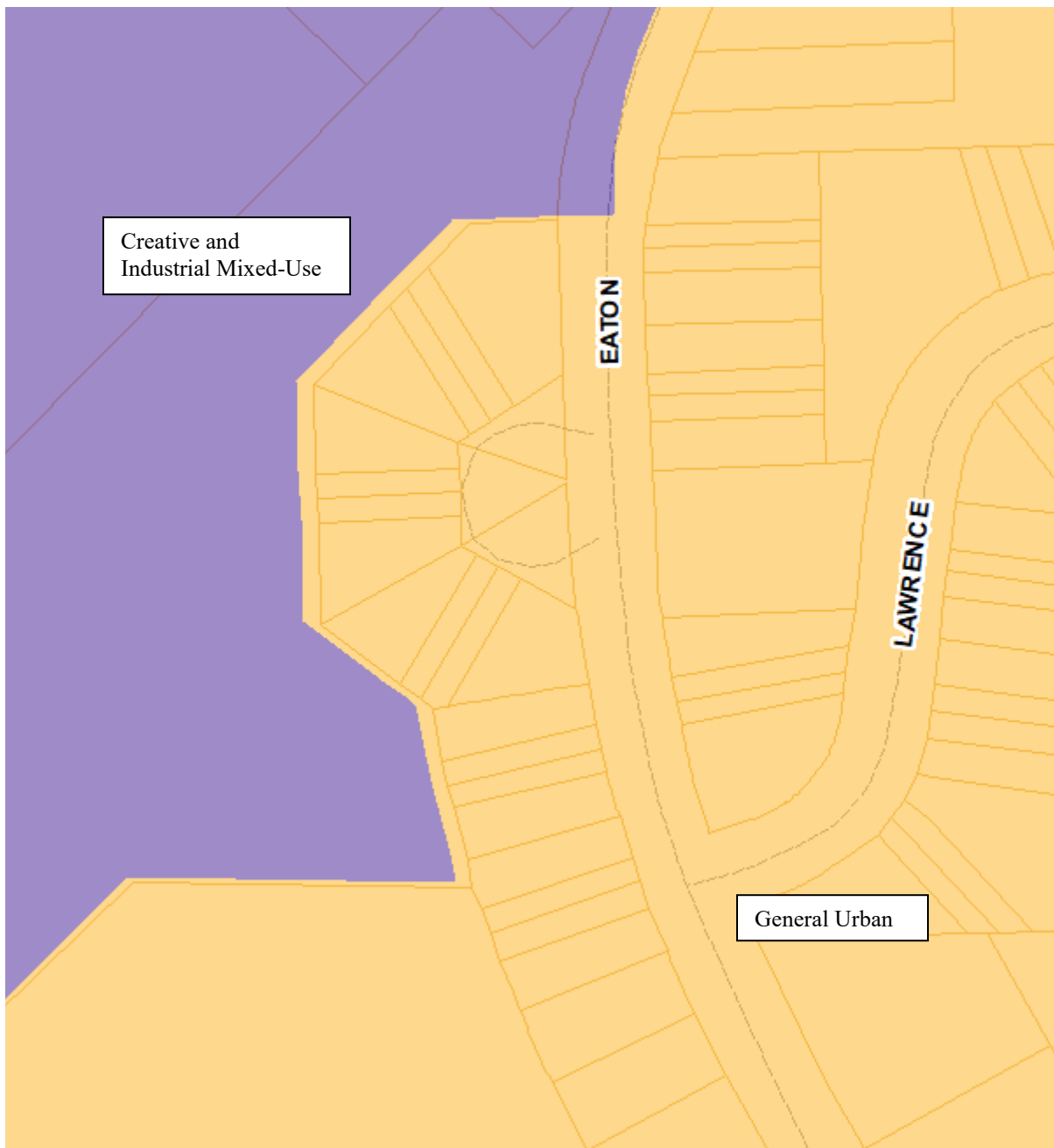
Subject to:

- 1) **Maximum number of guests, which has been deemed appropriate for the available accommodations shall be four (4);**
- 2) **Guest parking shall be provided off-street. Maximum number of guest parking shall be two (2) vehicles;**
- 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) **If issues arise with adjacent property owners and are brought to staff's attention during the term, the Special Use Permit can be submitted to the Unified Board of Commissioners for revocation;**
- 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. 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 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;**
- 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.**

Land Use Map:

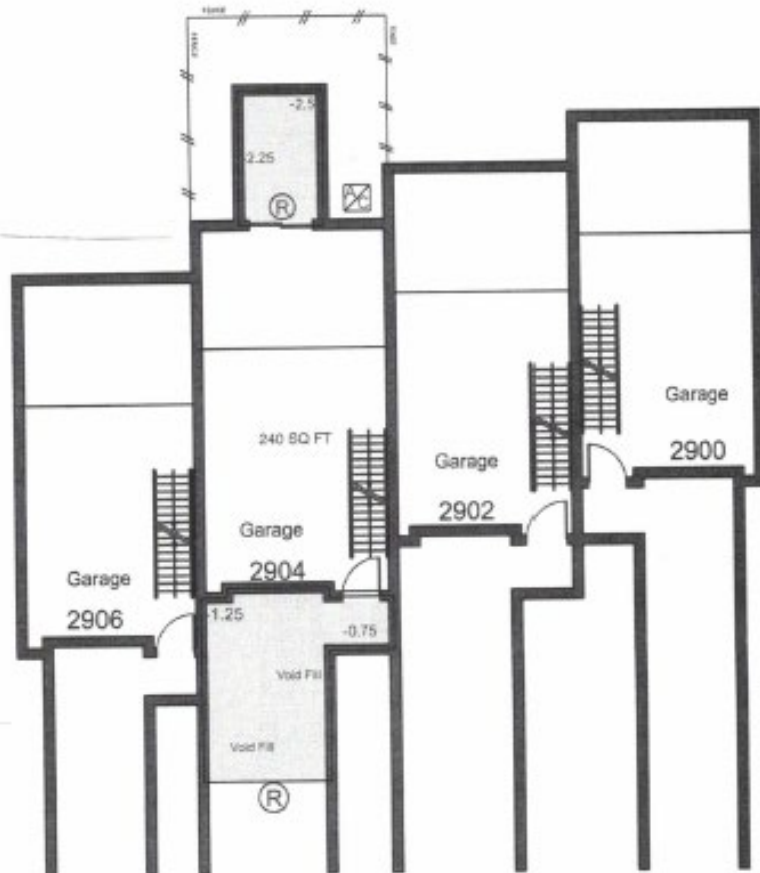


Aerial Map:

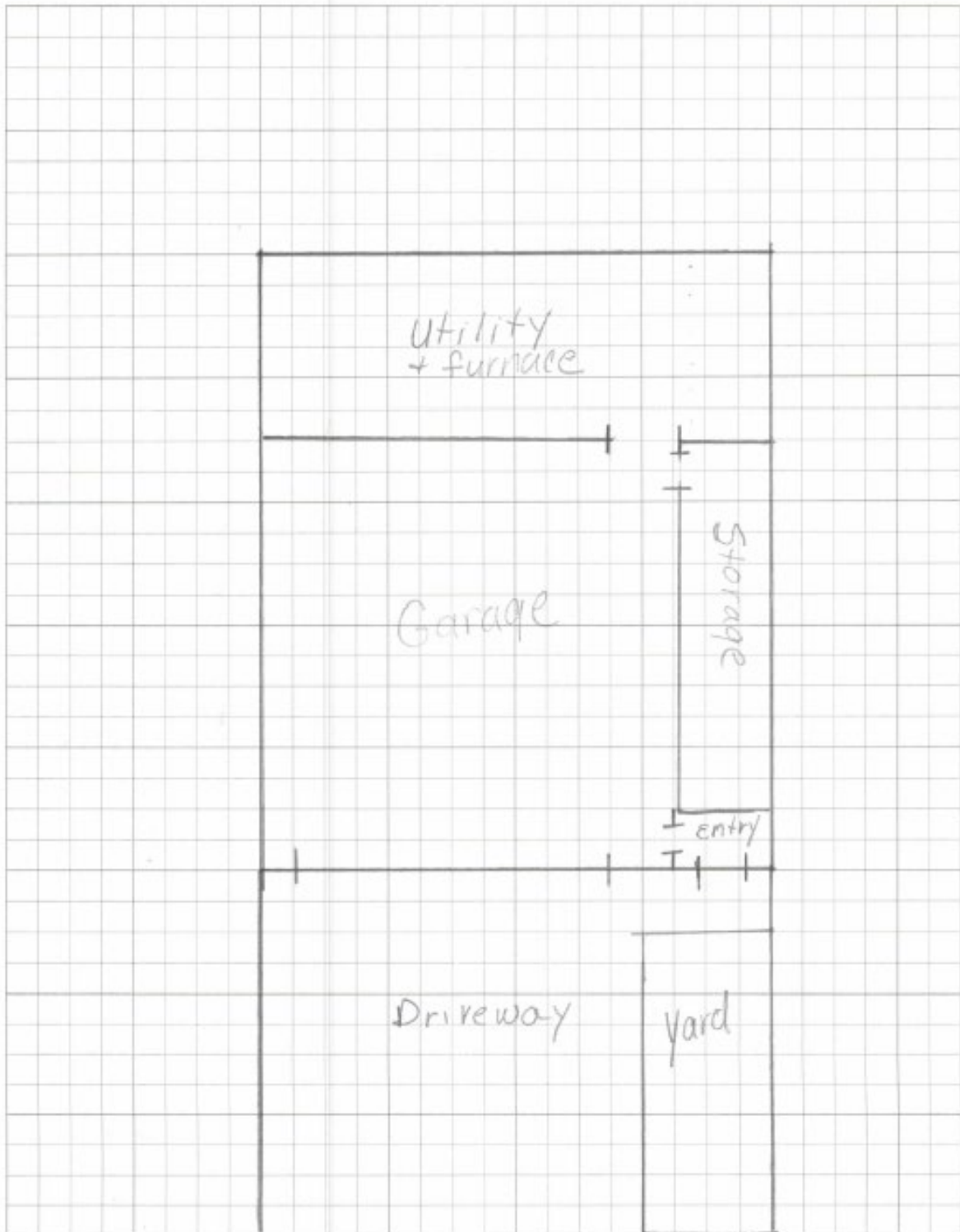


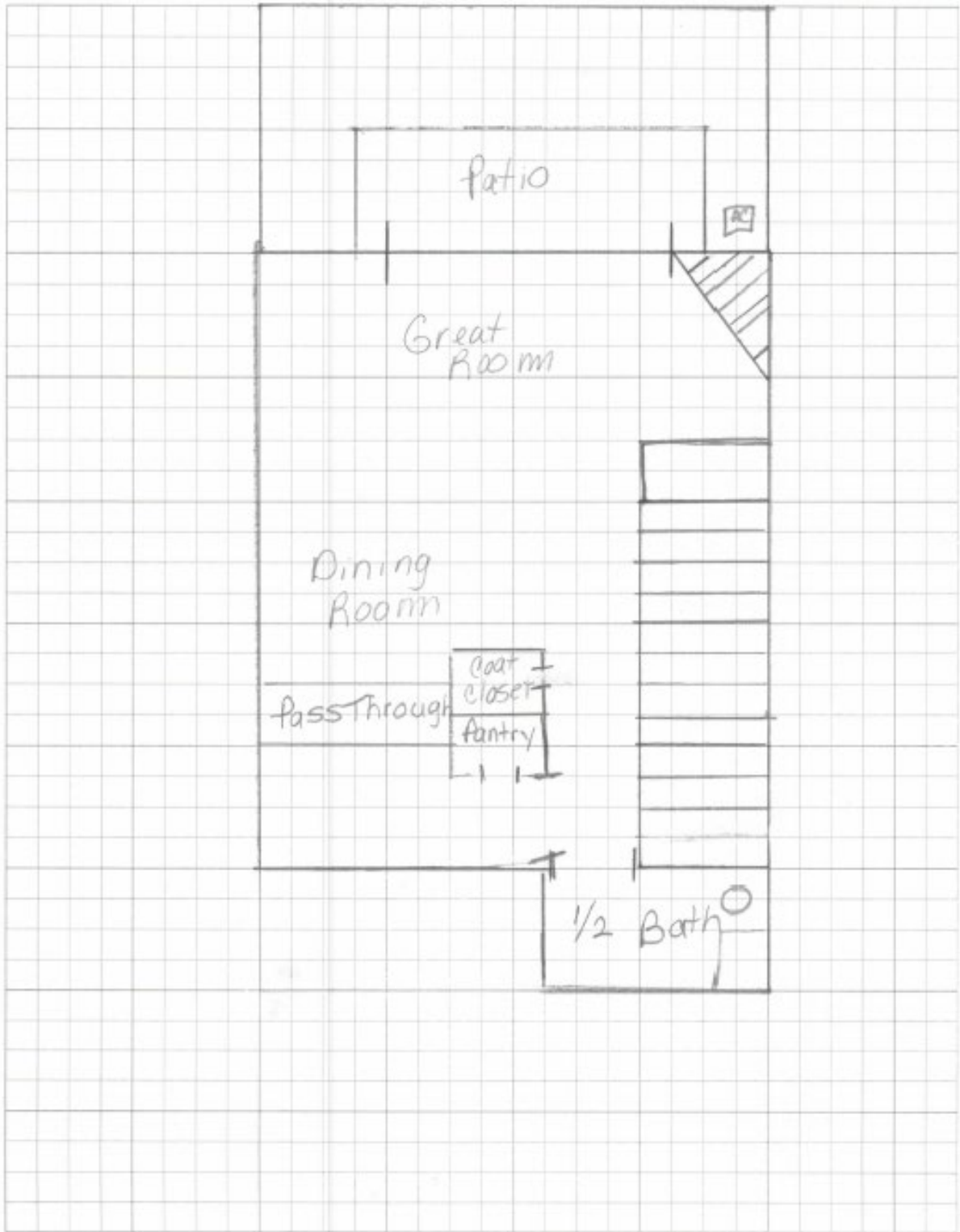
Site Plan:

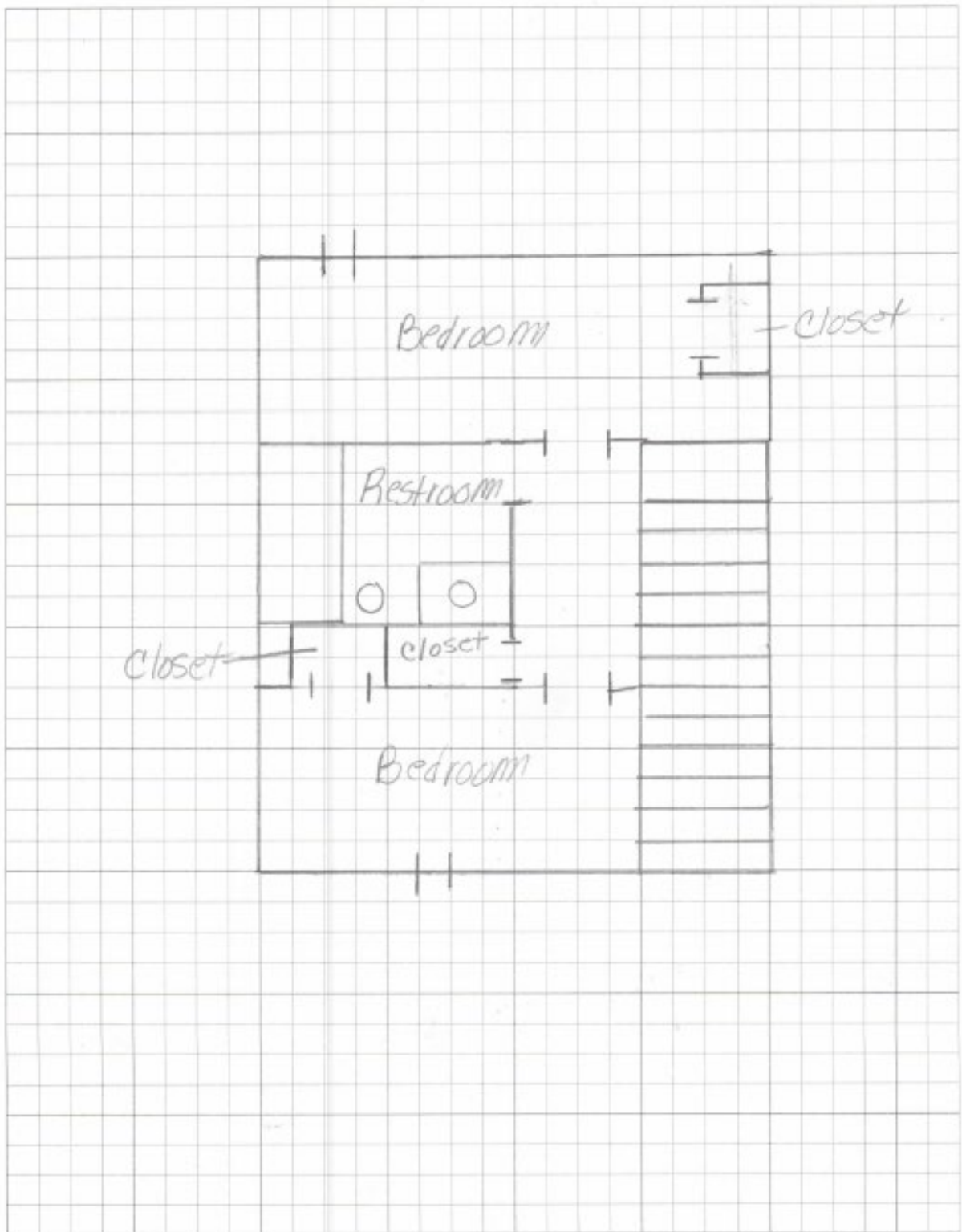
Tami Hayes
2904 Eaton St
Kansas City, KS, 66103
gittprint@hotmail.com
(913) 579-1951
March 23, 2021



Floor Plans:







Neighborhood Meeting Documentation:

Attendees for the Public Meeting for Special Use permit for 2904 Eaton

1. Chuck Lewis 2831 Eaton KCK 913-205-9884
2. Sheila Hasch 2826 Eaton KCK 785-243-0183
3. Heidi Thummel 2914 Eaton KCK 816-686-4489
4. Rob 2912 Eaton KCK 913-909-2477
5. Roy Wiltrout 2906 Eaton KCK 816-516-0313
6. Pamela Bell 2804 Eaton KCK 816-838-5347 (Text only)
7. Fauzy Abdeklmalkd called stating he had no objections
8. Kevin Boggs emailed he planned to attend however did not.

Minutes for the Meeting

Tami Hayes, owner of 2904 Eaton opened the meeting with thank you's and explained the reason for the meeting. It is a requirement to obtain a special use permit as well as for them to ask any questions regarding the proposed use of the property.

Heidi, 2914, immediately raised concerns regarding previous tenant and the lack of attention that was paid to the property while the tenant was residing. We were made aware of issues we had not known prior to the meeting which ultimately were too late to resolve. We assured her we are committed to improving not only the property but the neighborhood as well. We explained I have been in touch with Jeff Fisher, Public Works Director for the Unified Government regarding options for improving/maintaining the private drive to the homes on what we refer to as Eaton Circle. After addressing the concerns and committing to the property and neighborhood we moved back to the property's future plans. I expressed we do not want parties or large gatherings in the home. The marketing/rental agreements state there are no parties but we have also limited the number of guests to 4 people and two cars, one must fit in the garage. This will prevent additional cars in Eaton Circle.

The neighbors were grateful for the information, requested our phone numbers, and also excited for the not only this project but the additional projects discussed for the neighborhood.

Attendees of Public Meeting for Special Use Permit at 2904 Eaton

April 25th, 2021

CHUCK LEWIS 2831 EATON, KC, KS 913-205-9884
Sheila Hasch 2826 Eaton KC, K 785-243-0183

Heidi Thummel 2914 Eaton St KCK 816-686-4489

Ido 2912 Eaton St. KCK 913-909-2477

Ray WILF. ROBT 2906 Eaton ST. KCK 816 516 0313

Pamela Bell 2840 Eaton St KCK 816-838-5347 (TEXT)

Site Photographs Provided by Staff, Dated April 20, 2021:









Staff Request for Commission Action

Tracking No. 21779

Full Commission Meeting Date: May 27, 2021 to adopt resolution

July 1, 2021 to hold the hearing

Committee: Economic Development & Finance

Date of Standing Committee Action: 5/3/21

(If none, please explain):

Publication Required: Yes

<u>Date:</u> 5/7/2021	<u>Contact Name:</u> Patrick Waters	<u>Contact Phone:</u> x5079	<u>Contact Email:</u> patrickwaters@wycokck.org	<u>Department/Division:</u> Economic Development
--------------------------	--	--------------------------------	--	---

Item Description:

A Resolution setting a public hearing on July 1, 2021 to consider the adoption of a Redevelopment Project Plan for the Rock Island Bridge project.

Action Requested:

Approve and advance to July 1, 2021 Full Commission meeting.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Kaw Bridge - Riverfront TIF Redevelopment Project Plan, TIF Project Plan Public Hearing Resolution (Kaw River Bridge) corrected

**KAW BRIDGE REDEVELOPMENT PROJECT PLAN
FOR PROJECT AREA 4 OF
RIVERFRONT REDEVELOPMENT DISTRICT**

**SUBMITTED PURSUANT TO
K.S.A. 12-1770 *et seq.*, as amended**

Submitted: April 21, 2021

TABLE OF CONTENTS

Page

I.	INTRODUCTION	1
		1
	A) Redevelopment District	1
	B) Redevelopment Project	1
II.	PROJECT DEVELOPMENT TEAM	2
		2
III.	REDEVELOPMENT PROJECT PLAN	2
		2
	A) The Property	2
	B) Established Redevelopment District	2
	C) Description of the Proposed Project	2
	D) Feasibility Study	3
	E) Relocation Assistance Plan	4
IV.	CONCLUSION	5
		5
V.	EXHIBITS	5
		5
A.	Proposed Site Plan	
B.	Map of Redevelopment District and Project Areas, including Project Area 4	
C.	Legal Description of Redevelopment District	
D.	Legal Description of Project Area 4	
E.	Redevelopment District Ordinance No. O-47-20 and Ordinance No. O-____-21	
F.	Budget/TIF Eligible Expenses	
G.	TIF Revenue Projections	

I. INTRODUCTION

A) Redevelopment District

Pursuant to the Kansas Tax Increment Financing Act, K.S.A. 12-1770 *et seq.*, as amended ("**TIF Act**"), Kansas municipalities are authorized to establish a redevelopment district and Tax Increment Financing ("**TIF**") redevelopment project plans for property within their jurisdiction. Redevelopment districts may be created based upon certain findings by the municipality, including that property is located within a designated enterprise zone (as defined by the TIF Act).

On August 13, 2020, the Unified Government of Wyandotte County/Kansas City, Kansas (the "**UG**"), passed Ordinance No. O-47-20, which created the Riverfront Redevelopment District within Kansas City, Kansas, the boundaries of which were defined in said Ordinance (the "Original Redevelopment District").

On May 13, 2021, the UG passed Ordinance No. O-__-21 which expanded the boundaries of the Original Redevelopment District to include the real property generally shown on the map attached hereto as **Exhibit B** and legally described on **Exhibit C** (the "**District**"). The District consists of four (4) redevelopment project areas, including Project Area 4, which is generally depicted on **Exhibit B** and legally described on **Exhibit D** ("**Project Area 4**")

B) Redevelopment Project

If approved, this Redevelopment Project Plan for Project Area 4 of the Riverfront Redevelopment District (the "**Redevelopment Plan**") shall not exceed twenty (20) years and shall commence upon the UG's approval of the same (the "**TIF Collection Period**").

The Redevelopment Plan contemplates the redevelopment of Project Area 4 of the District, which is comprised of approximately five (5) acres of real property generally located west of State Line Road, north of Kansas Avenue, south of Interstate 670, the historic Rock Island Railroad Bridge (the "Bridge") across the Kansas River, and including property on both the east and west side of the Bridge, all in the historic West Bottoms in Kansas City, Kansas.

The redevelopment project for Project Area 4 contemplates the redevelopment of the Bridge, to create an innovative trail, public gathering space and commercial facilities on the Bridge and property adjacent thereto, consisting of a variety of components and unique commercial, retail and public recreational offerings, including but not limited to: (1) a public pathway across the Bridge to connect the West Bottoms area of Kansas City, Missouri to existing levee trails along the west side of the Kansas River and associated amenities; (2) multi-purpose commercial space located on the Bridge consisting of various components including but not limited to an open-air coffee roastery/shop and bar, one or more restaurants, retail and other commercial spaces; (3) unique spaces for public and private gathering and viewing, events and entertainment; and (4) an outdoor food hall, including commercial kitchens for local chefs to serve visitors, and other landscaping, lighting, utilities, and other infrastructure (collectively, the "**Project**"). A site plan depicting the general development concept of the Project is attached hereto as **Exhibit A**.

It is important to note, however, that this description of uses contained in the Redevelopment Plan is not intended to be inflexible. This Redevelopment Plan contemplates

reasonable variations from the descriptions above, but generally allowing for the construction of the Project, the redevelopment of the historic Bridge to create an innovative trail, public gathering space, commercial facilities, landscaping, lighting, utilities, and other infrastructure.

The intent is to develop Project Area 4 to promote the general and economic welfare of the UG. This Redevelopment Plan is premised on the need for a combination of public and private financing to reach the mutual goals of the UG and the Developer in developing the Project.

This Redevelopment Plan proposes to reimburse the UG for TIF Eligible Expenses (as defined in Section III.D.2 below) by capturing (i) 100% of the allowable ad valorem tax increment¹ generated within Project Area 4, and (ii) sales and use taxes generated within Project Area 4, which are imposed pursuant to K.S.A. 12-187 *et seq.*, limited to 1% of the current City of Kansas City sales tax rate of 1.625% (excluding the 0.25% UG EMS sales tax and the 0.375% UG public safety and neighborhood infrastructure tax) and the UG's share of the current Wyandotte County 1% sales tax, which is currently 93.84% (collectively, the "**Project Area 4 TIF Revenues**"). Any Project Area 4 TIF Revenues not needed to fund TIF Eligible Expenses within Project Area 4 will be available to the UG to fund TIF Eligible Expenses in other project areas within the District and/or distributed to all taxing jurisdictions in accordance with their respective mill levies pursuant to State law.

As shown on **Exhibit G**, based on projections of real property values within Project Area 4 over the TIF Collection Period, it is estimated that Project Area 4 will generate gross Project Area 4 TIF Proceeds of approximately \$2,084,758. As permitted by the TIF Act, such Project Area 4 TIF Revenues may be utilized to pay for TIF Eligible Expenses (including interest on TIF Eligible Expenses).

II. PROJECT DEVELOPMENT TEAM

- The Unified Government of Wyandotte County/Kansas City, Kansas
- Flying Truss, LLC, the "Developer"
- Lathrop GPM LLP

III. REDEVELOPMENT PROJECT PLAN

A) The Property

The City of Kansas City, Missouri ("**KCMO**") currently owns the Bridge. KCMO and Developer have previously entered into that certain Amended and Restated Bridge Lease dated in June of 2020 pursuant to which Developer has the right to (i) conduct due diligence regarding the Bridge to support a public/private partnership for purposes of developing and maintaining walking and bicycle trail systems, and (ii) occupy, use and construct improvements on the Bridge for a term of twenty-five (25) years, which may be extended in accordance with its terms. In accordance

¹ The Developer and UG acknowledge that, under Kansas law, the following mills may not be captured by TIF financing: (a) the State of Kansas's 1.5 mills, (b) the school district's base 20 mills, and (c) the school district's capital outlay levy, which may not exceed 8 mills.

with KCMO Ordinance No. 200423, approving the lease of the Bridge to Developer, the Director of General Services of KCMO is authorized to execute a real estate contract, a quitclaim deed and any other related and necessary documents to convey the Bridge, along with both its eastern and western accesses, to the UG for \$1.00 during the initial due diligence period described therein and ending on July 18, 2022.

Additionally, the Project will include approximately 1.30 acres of real property on the east side of the Bridge (the "East Property") and approximately 1.46 acres of real property on the west side of the Bridge (the "West Property") (the Bridge, the West Property and the East Property are collectively referred to herein as the "Project Site"). The Project Site is generally contiguous with the boundaries of Project Area 4. A map generally depicting Project Area 4 is attached hereto as **Exhibit B**, and the legal description of Project Area 4 is attached hereto as **Exhibit D**.

B) Established Redevelopment District

Project Area 4 is within an established District approved by the UG on August 13, 2020 pursuant to Ordinance No. O-47-20, as amended by Ordinance No. O-____-21 approved by the UG on May 13, 2021 (see copies of such ordinances attached hereto as **Exhibit E**). The proposed Redevelopment Plan is consistent with the stated purpose and intent of the approved District.

C) Description of the Proposed Project

The Redevelopment Plan provides for the redevelopment of the Bridge and adjacent property to include the Project, all as set forth in Section I.B and generally depicted on **Exhibit A**.

D) Feasibility Study

As required by the TIF Act, a study has been prepared to determine whether the Project's estimated benefits and tax increment revenues are expected to exceed or be sufficient to pay for the Project's estimated costs. This effort involved utilization of consultants with experience and expertise in the actual design, development, financing, management, and leasing of projects of similar scope and nature. Further, outside resources were consulted to compare and verify cost and revenue projections including outside industry sources and actual taxing jurisdiction data where available. The results of this study are as follows:

1. Project Costs

As set out on **Exhibit E**, the total estimated cost to complete the Project, including land acquisition, site development, building construction, and soft costs (not including financing costs), is approximately \$4,975,000.

2. Eligible Costs

"**TIF Eligible Expenses**" shall consist of all costs eligible for TIF financing and reimbursement under the TIF Act, including the costs of public infrastructure within the District.

The Redevelopment Plan contemplates that, to the full extent permissible under the TIF

Act, 100% of available Project Area 4 TIF Revenues will be made available to reimburse TIF Eligible Expenses previously paid by the UG.

3. **Financing Method**

It is anticipated that TIF Eligible Expenses will be reimbursed to the UG under this Redevelopment Plan on a "pay-as-you-go" method. There will be no bonds or other obligations issued by the UG in order to reimburse any TIF Eligible Expenses or other costs of the Project.

4. **Project Revenues**

a) Ad Valorem Property Tax Increment Captured

100% of the incremental increase in ad valorem property taxes will be captured to pay TIF Eligible Expenses. The base assessed value for the District is estimated at approximately \$50,517. This serves as the base value against which future assessed values of the District will be compared in order to determine the amount of incremental property tax revenues that will be generated. The portion of any incremental property tax revenues allocable to increases in valuation within Project Area 4 will be used to fund TIF Eligible Expenses under this Project Plan.

b) Sales Tax Revenues Captured

TIF Eligible Expenses will also be funded with sales and use taxes generated within Project Area 4, which are imposed pursuant to K.S.A. 12-187 *et seq.*, limited to 1% of the current City of Kansas City sales tax rate of 1.625% (excluding the 0.25% UG EMS sales tax and the 0.375% UG public safety and neighborhood infrastructure tax) and the UG's share of the current Wyandotte County 1% sales tax, which is currently 93.84%.

c) Estimated Total TIF Revenues, Project Area 4

TIF Eligible Expenses will be funded with ad valorem tax increment generated by Project Area 4 and certain sales tax revenues generated within Project Area 4, *i.e.*, Project Area 4 TIF Revenue. The Project Area 4 TIF Revenues generated over the TIF Collection Period are estimated to be \$2,084,758 million, based on the assumptions described in **Exhibit G**.

5. **Significant Contribution to Economic Development of the City**

The development contemplated in this Redevelopment Plan will provide significant economic development for the UG by, among other things, providing increased tax revenues to the UG, creating a development that will draw additional consumers from both inside and outside the UG, and increasing employment opportunities and general commerce for area residents. The feasibility study demonstrates that the benefits and tax increment revenue and other available revenues derived from the development contemplated in this Redevelopment Plan will exceed the costs and be sufficient to pay the costs of the Project.

6. **Sufficiency of TIF Revenues Compared to Projects Costs**

The total of the TIF Eligible Expenses that can be financed under the TIF Act are limited

by the amount of Project Area 4 TIF Revenues actually generated. Based on the Redevelopment Plan's estimates of: (1) TIF Eligible Expenses, and (2) Project Area 4 TIF Revenues, the Project Area 4 TIF Revenues are expected to be sufficient to pay for the TIF Eligible Expenses as contemplated under the TIF Act. Other funds needed to construct the Project will be provided by private debt and equity.

<u>Sources of Funds</u>	<u>Amount</u>
UG Contribution – TIF Eligible Expenses	\$2,000,000
Private Debt/Equity	\$2,975,000
TOTAL ESTIMATED PROJECT COSTS	\$4,975,000*

* Does not include interest or finance costs.

There is no anticipated effect on special obligation bonds payable from revenues described in K.S.A. 12-1774(a)(1)(D) because no such special obligation bonds are outstanding or planned to be issued to finance the Project.

E) Relocation Assistance Plan

The UG and Developer have determined pursuant to K.S.A. 12-1777 that no relocation assistance plan is required for the Project.

IV. CONCLUSION

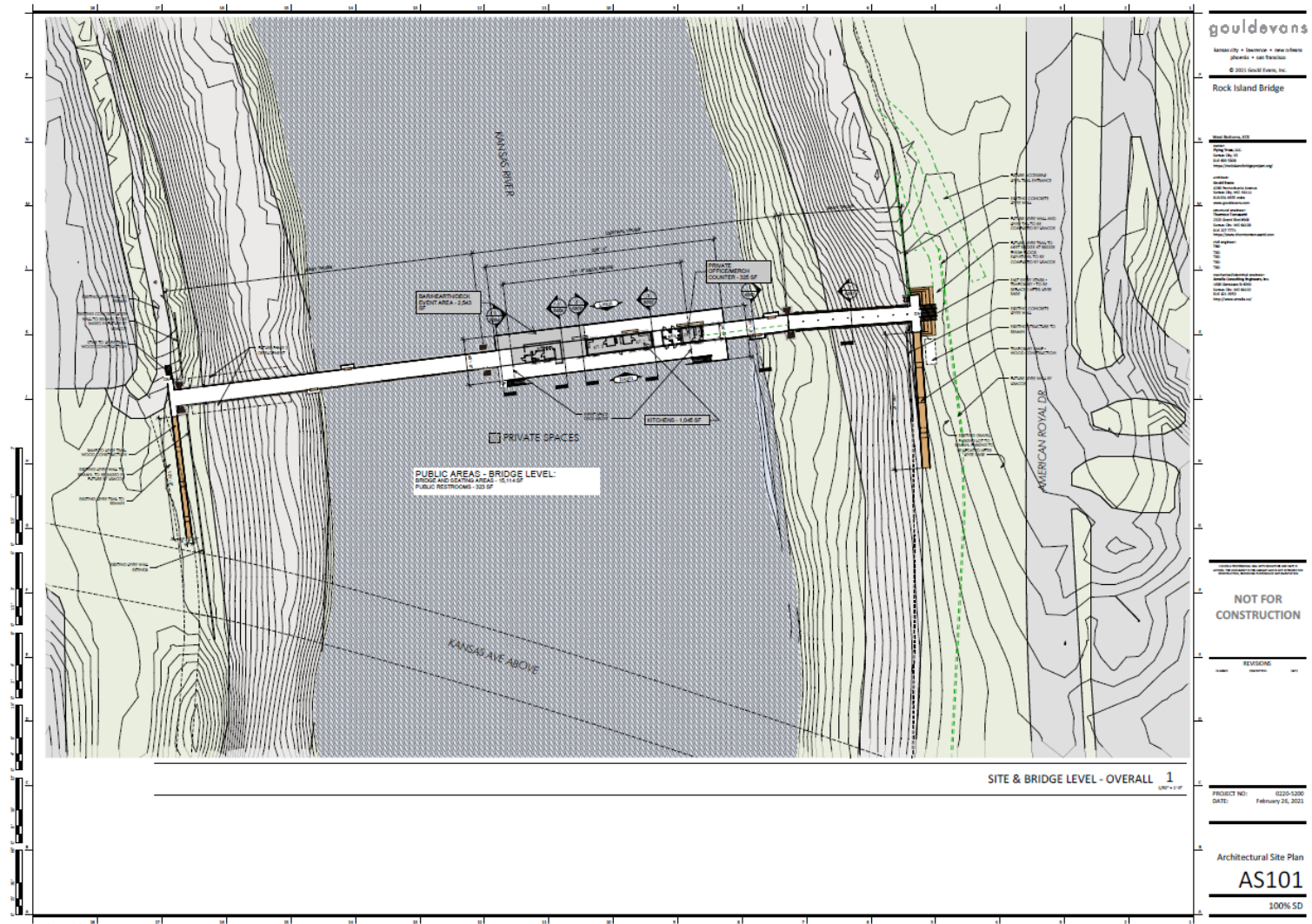
Based on the foregoing, this Redevelopment Plan proposes to utilize portions of the ad valorem tax increment, and certain other funds described herein to finance the costs of the Project. The UG hereby submits this Redevelopment Plan for public hearing and due consideration.

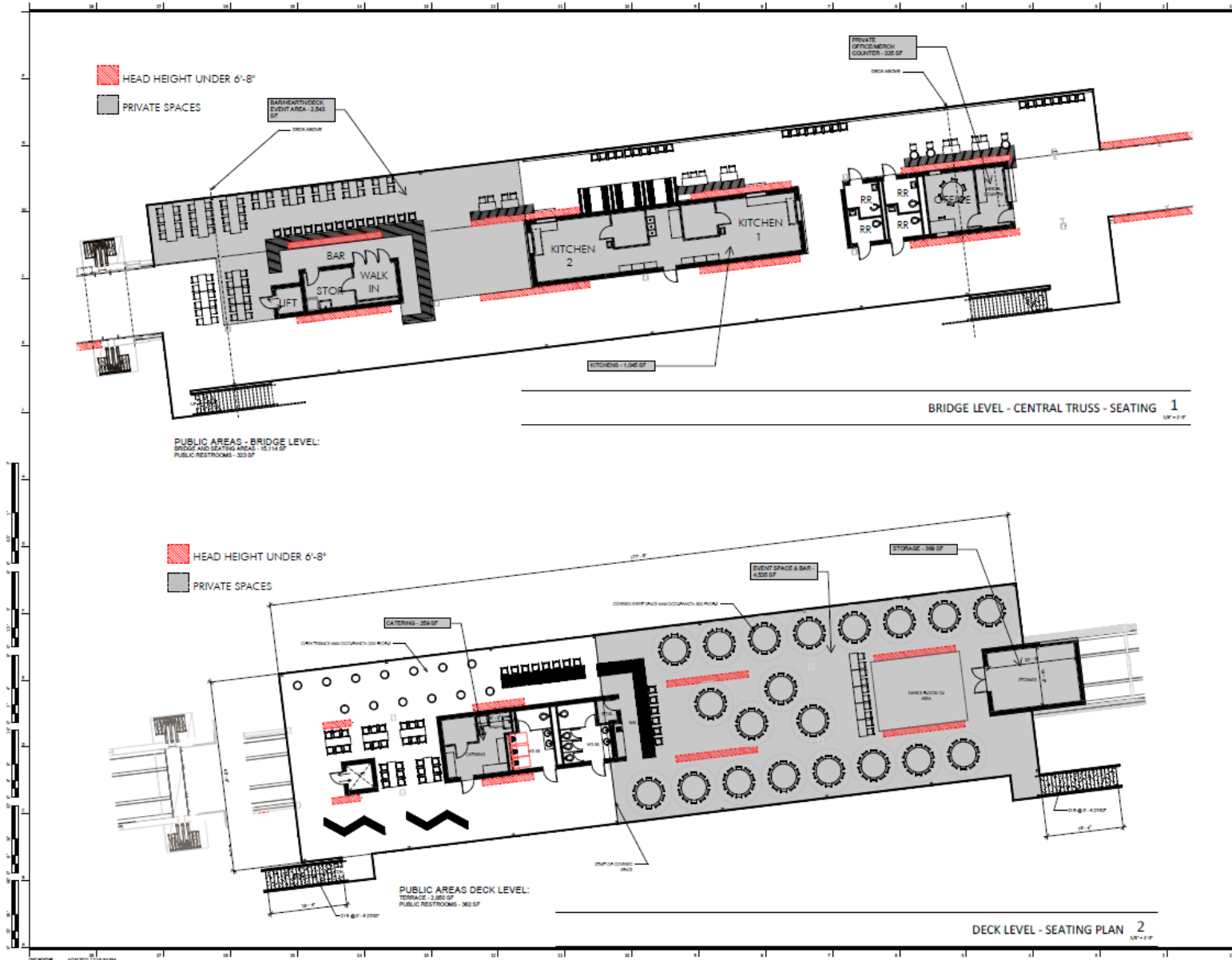
V. EXHIBITS

[Exhibits Follow]

Exhibit A

Proposed Site Plan





goulddevans
 Kansas City • Lawrence • New Orleans
 Phoenix • San Francisco
 © 2021 Gould Devans, Inc.

Rock Island Bridge

Project:
 Rock Island Bridge
 1000 Broadway, Suite 100
 Kansas City, MO 64102
 816.461.1000
 www.goulddevans.com

Architect:
 Gould Devans
 1000 Broadway, Suite 100
 Kansas City, MO 64102
 816.461.1000
 www.goulddevans.com

Engineer:
 Gould Devans
 1000 Broadway, Suite 100
 Kansas City, MO 64102
 816.461.1000
 www.goulddevans.com

NOT FOR CONSTRUCTION

REVISIONS

PROJECT NO: 10220-1200
DATE: February 26, 2021

Seating Plans
AF101
 100% SD

Exhibit B

Map of Redevelopment District and Project Areas

RIVERFRONT REDEVELOPMENT PROJECT AREA MAP



Exhibit C

Legal Description of Redevelopment District

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.

And

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 14, TOWNSHIP 11 SOUTH, RANGE 25 EAST, OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY STEVEN C. SHAFER, PLS 852, OF BHC RHODES, CLS 175, BY METES AND BOUNDS AS FOLLOWS:

(NOTE: FOR COURSE ORIENTATION THE BEARINGS IN THIS DESCRIPTION ARE BASED ON GRID NORTH KANSAS STATE PLANE COORDINATE SYSTEM NORTH ZONE, ON THE STATE LINE BETWEEN KANSAS AND MISSOURI IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 49 NORTH, RANGE 33 WEST, OF THE FIFTH PRINCIPAL MERIDIAN HAVING A BEARING OF SOUTH 1 DEGREES 56 MINUTES 53 SECONDS EAST.)

COMMENCING AT THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 49 NORTH, RANGE 33 WEST, OF THE FIFTH PRINCIPAL MERIDIAN MONUMENTED BY A 1/2-INCH REINFORCING ROD WITH A 3-INCH DISK ON THE STATE LINE BETWEEN KANSAS AND MISSOURI; THENCE SOUTH 1 DEGREES 56 MINUTES 53 SECONDS EAST, 793.02 FEET, ON SAID STATE LINE AND THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID FRACTIONAL SECTION 14; THENCE SOUTH 88 DEGREES 03 MINUTES 07 SECONDS WEST, 107.67 FEET, PERPENDICULAR TO THE LAST DESCRIBED COURSE, TO A POINT ON THE EAST HARBOR LINE OF THE KANSAS RIVER, AND THE POINT OF BEGINNING OF SAID TRACT HEREIN DESCRIBED; THENCE SOUTHEASTERLY ON SAID EAST HARBOR LINE, ON A CURVE CONCAVE WESTERLY, WITH A RADIUS OF 1910.08 FEET, AN ARC LENGTH OF 139.43 FEET, SAID CURVE HAVING A CHORD BEARING SOUTH 10 DEGREES 02 MINUTES 08 SECONDS EAST, A CHORD DISTANCE OF 139.40 FEET; THENCE DEPARTING SAID EAST HARBOR LINE SOUTH 83 DEGREES 53 MINUTES 28 SECONDS WEST, 119.43 FEET; THENCE SOUTH 81 DEGREES 14 MINUTES 26 SECONDS WEST, 615.15 FEET, TO A POINT ON THE WEST HARBOR LINE OF THE KANSAS RIVER AND THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 1176.08 FEET; THENCE NORTHERLY ON SAID WEST HARBOR LINE AND ON SAID CURVE, TO THE LEFT, AN ARC LENGTH OF 140.50 FEET, SAID CURVE HAVING A CHORD BEARING NORTH 11 DEGREES 05 MINUTES 28 SECONDS WEST, A CHORD DISTANCE OF 140.42 FEET; THENCE DEPARTING SAID WEST HARBOR LINE, NORTH 81 DEGREES 14 MINUTES 26 SECONDS EAST, 620.86 FEET; THENCE NORTH 84 DEGREES 25 MINUTES 18 SECONDS EAST, 116.38 FEET, TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 103,084 SQUARE FEET OR 2.3665 ACRES. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD. TOGETHER WITH ALL THAT PART OF

THE ABANDONED CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD RIGHT-OF-WAY LYING BETWEEN THE KANSAS/MISSOURI STATE LINE AND THE UNITED STATES HARBOR LINE ON THE EASTERLY SIDE OF THE KANSAS RIVER.

And

Lot 1A, RIVER PARK, a subdivision of land recorded October 25, 1999, as Document Number 1311902, in Plat Book 39 at Page 4, in Section 14, Township 11 South, Range 25 East, of the Sixth Principal Meridian, in Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Steven C. Shafer, PLS 852, of BHC RHODES CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on Grid North, Kansas State Plane Coordinate System, North Zone, NAD83, on the State Line between Kansas and Missouri in the Northwest Quarter of Section 7, Township 49 North, Range 33 West, of the Fifth Principal Meridian having a bearing of South $1^{\circ} 56' 53''$ East.)

BEGINNING at the Southeast corner of said Lot 1A, monumented by a found 1/2-inch reinforcing rod with a cap marked LS 533 set in concrete; Thence South $87^{\circ} 27' 18''$ West, 457.45 feet (South $89^{\circ} 39' 08''$ West by plat), on the South line of said Lot 1A; Thence North $88^{\circ} 21' 50''$ West, 126.06 feet (North $86^{\circ} 10' 00''$ West by plat), on said South line; Thence South $87^{\circ} 27' 18''$ West, 50.00 feet (South $89^{\circ} 39' 08''$ West by plat), on said South line, to the beginning of a tangent curve, concave to the Northeast, having a radius of 70.00 feet; Thence Northwesterly on said curve, to the right, an arc length of 110.10 feet, said curve having a chord bearing North $47^{\circ} 29' 12''$ West, a chord distance of 99.10 feet, on the Westerly line of said Lot 1A;

Thence North $02^{\circ} 25' 42''$ West, 13.50 feet (North $1^{\circ} 15' 32''$ West by plat), on said West line, to the beginning of a non-tangent curve concave to the South, having a radius of 838.97 feet; Thence Easterly on said curve, to the right, an arc length of 56.13 feet, said curve having a chord bearing

North $85^{\circ} 28' 14''$ East (North $87^{\circ} 40' 04''$ East by plat), a chord distance of 56.12 feet (56.13 feet by plat), on the North line of said Lot 1A;

Thence North $87^{\circ} 23' 15''$ East, 567.72 feet (North $89^{\circ} 35' 05''$ East by plat), on said North line, to the beginning of a non-tangent curve, concave to the North, having a radius of 466.34 feet; Thence Easterly on said curve, to the left, an arc distance of 67.84 feet, said curve having a chord bearing

North $83^{\circ} 13' 00''$ East (North $85^{\circ} 25' 02''$ East by plat), a chord distance of 67.78 feet, to a point on the Westerly Harbor Line of the Kansas River and the East line of said Lot 1A, and the beginning of a non-tangent curve, concave to the West, having a radius of 1176.08;

Thence Southerly on said curve, to the right, an arc length of 101.17 feet, said curve having a chord bearing South $09^{\circ} 12' 39''$ East, a chord distance of 101.14 feet, to the POINT OF BEGINNING, said Lot 1A containing 63,774 square feet or 1.4640 acres.

Subject to all easements and restrictions of record.

And

A Tract of land in the Southeast Quarter of Fractional Section 14, Township 11 South, Range 25 East, of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Steven C. Shafer, PLS 852, of BHC RHODES, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on Grid North, Kansas State Plane Coordinate System, North Zone, NAD83, on the State Line between Kansas and Missouri in the Northwest Quarter of Section 7, Township 49 North, Range 33 West, of the Fifth Principal Meridian having a bearing of South 1° 56' 53" East.)

COMMENCING at the Northwest corner of Section 7, Township 49 North, Range 33 West, of the Fifth Principal Meridian, monumented by a found 1/2-inch reinforcing rod with a 3-inch disk, on the State Line between Kansas and Missouri;

Thence South 1° 56' 53" East, 705.07 feet, on said State Line and the East line of said Southeast Quarter of Fractional Section 14, to the POINT OF BEGINNING of said Tract herein described;

Thence South 1° 56' 53" East, 654.10 feet, on said State Line and sand East line, to its intersection with a point below the North face of the Kansas Avenue bridge over the Kansas River;

Thence North 74° 12' 00" West, 92.55 feet, along said North face, to a point on the East Harbor Line of the Kansas River, and the beginning of a non-tangent curve, concave to the West, having a radius of 1910.08 feet;

Thence Northerly on said East Harbor line and on said curve to the left, an arc length of 621.24 feet, said curve having a chord bearing North 5° 14' 38" West, a chord distance of 618.51 feet;

Thence North 84° 10' 00" East, 123.99 feet, the POINT OF BEGINNING, said Tract containing 56,767 square feet or 1.3032 acres.

Subject to all easements and restrictions of record.

And all adjacent right-of-way, all as depicted on the map on **Exhibit B.**

Exhibit D

Legal Description of Project Area 4

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 14, TOWNSHIP 11 SOUTH, RANGE 25 EAST, OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY STEVEN C. SHAFER, PLS 852, OF BHC RHODES, CLS 175, BY METES AND BOUNDS AS FOLLOWS:

(NOTE: FOR COURSE ORIENTATION THE BEARINGS IN THIS DESCRIPTION ARE BASED ON GRID NORTH KANSAS STATE PLANE COORDINATE SYSTEM NORTH ZONE, ON THE STATE LINE BETWEEN KANSAS AND MISSOURI IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 49 NORTH, RANGE 33 WEST, OF THE FIFTH PRINCIPAL MERIDIAN HAVING A BEARING OF SOUTH 1 DEGREES 56 MINUTES 53 SECONDS EAST.)

COMMENCING AT THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 49 NORTH, RANGE 33 WEST, OF THE FIFTH PRINCIPAL MERIDIAN MONUMENTED BY A 1/2-INCH REINFORCING ROD WITH A 3-INCH DISK ON THE STATE LINE BETWEEN KANSAS AND MISSOURI; THENCE SOUTH 1 DEGREES 56 MINUTES 53 SECONDS EAST, 793.02 FEET, ON SAID STATE LINE AND THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID FRACTIONAL SECTION 14; THENCE SOUTH 88 DEGREES 03 MINUTES 07 SECONDS WEST, 107.67 FEET, PERPENDICULAR TO THE LAST DESCRIBED COURSE, TO A POINT ON THE EAST HARBOR LINE OF THE KANSAS RIVER, AND THE POINT OF BEGINNING OF SAID TRACT HEREIN DESCRIBED; THENCE SOUTHEASTERLY ON SAID EAST HARBOR LINE, ON A CURVE CONCAVE WESTERLY, WITH A RADIUS OF 1910.08 FEET, AN ARC LENGTH OF 139.43 FEET, SAID CURVE HAVING A CHORD BEARING SOUTH 10 DEGREES 02 MINUTES 08 SECONDS EAST, A CHORD DISTANCE OF 139.40 FEET; THENCE DEPARTING SAID EAST HARBOR LINE SOUTH 83 DEGREES 53 MINUTES 28 SECONDS WEST, 119.43 FEET; THENCE SOUTH 81 DEGREES 14 MINUTES 26 SECONDS WEST, 615.15 FEET, TO A POINT ON THE WEST HARBOR LINE OF THE KANSAS RIVER AND THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 1176.08 FEET; THENCE NORTHERLY ON SAID WEST HARBOR LINE AND ON SAID CURVE, TO THE LEFT, AN ARC LENGTH OF 140.50 FEET, SAID CURVE HAVING A CHORD BEARING NORTH 11 DEGREES 05 MINUTES 28 SECONDS WEST, A CHORD DISTANCE OF 140.42 FEET; THENCE DEPARTING SAID WEST HARBOR LINE, NORTH 81 DEGREES 14 MINUTES 26 SECONDS EAST, 620.86 FEET; THENCE NORTH 84 DEGREES 25 MINUTES 18 SECONDS EAST, 116.38 FEET, TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 103,084 SQUARE FEET OR 2.3665 ACRES. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD. TOGETHER WITH ALL THAT PART OF THE ABANDONED CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD RIGHT-OF-WAY LYING BETWEEN THE KANSAS/MISSOURI STATE LINE AND THE UNITED STATES HARBOR LINE ON THE EASTERLY SIDE OF THE KANSAS RIVER.

And

Lot 1A, RIVER PARK, a subdivision of land recorded October 25, 1999, as Document Number 1311902, in Plat Book 39 at Page 4, in Section 14, Township 11 South, Range 25 East, of the Sixth Principal Meridian, in Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Steven C. Shafer, PLS 852, of BHC RHODES CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on Grid North, Kansas State Plane Coordinate System, North Zone, NAD83, on the State Line between Kansas and Missouri in the Northwest Quarter of Section 7, Township 49 North, Range 33 West, of the Fifth Principal Meridian having a bearing of South 1° 56' 53" East.)

BEGINNING at the Southeast corner of said Lot 1A, monumented by a found 1/2-inch reinforcing rod with a cap marked LS 533 set in concrete; Thence South 87° 27' 18" West, 457.45 feet (South 89° 39' 08" West by plat), on the South line of said Lot 1A; Thence North 88° 21' 50" West, 126.06 feet (North 86° 10' 00" West by plat), on said South line; Thence South 87° 27' 18" West, 50.00 feet (South 89° 39' 08" West by plat), on said South line, to the beginning of a tangent curve, concave to the Northeast, having a radius of 70.00 feet; Thence Northwesterly on said curve, to the right, an arc length of 110.10 feet, said curve having a chord bearing North 47° 29' 12" West, a chord distance of 99.10 feet, on the Westerly line of said Lot 1A;

Thence North 02° 25' 42" West, 13.50 feet (North 1° 15' 32" West by plat), on said West line, to the beginning of a non-tangent curve concave to the South, having a radius of 838.97 feet; Thence Easterly on said curve, to the right, an arc length of 56.13 feet, said curve having a chord bearing North 85° 28' 14" East (North 87° 40' 04" East by plat), a chord distance of 56.12 feet (56.13 feet by plat), on the North line of said Lot 1A;

Thence North 87° 23' 15" East, 567.72 feet (North 89° 35' 05" East by plat), on said North line, to the beginning of a non-tangent curve, concave to the North, having a radius of 466.34 feet; Thence Easterly on said curve, to the left, an arc distance of 67.84 feet, said curve having a chord bearing

North 83° 13' 00" East (North 85° 25' 02" East by plat), a chord distance of 67.78 feet, to a point on the Westerly Harbor Line of the Kansas River and the East line of said Lot 1A, and the beginning of a non-tangent curve, concave to the West, having a radius of 1176.08;

Thence Southerly on said curve, to the right, an arc length of 101.17 feet, said curve having a chord bearing South 09° 12' 39" East, a chord distance of 101.14 feet, to the POINT OF BEGINNING, said Lot 1A containing 63,774 square feet or 1.4640 acres.

Subject to all easements and restrictions of record.

And

A Tract of land in the Southeast Quarter of Fractional Section 14, Township 11 South, Range 25 East, of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, said Tract

being more particularly described by Steven C. Shafer, PLS 852, of BHC RHODES, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on Grid North, Kansas State Plane Coordinate System, North Zone, NAD83, on the State Line between Kansas and Missouri in the Northwest Quarter of Section 7, Township 49 North, Range 33 West, of the Fifth Principal Meridian having a bearing of South 1° 56' 53" East.)

COMMENCING at the Northwest corner of Section 7, Township 49 North, Range 33 West, of the Fifth Principal Meridian, monumented by a found 1/2-inch reinforcing rod with a 3-inch disk, on the State Line between Kansas and Missouri;

Thence South 1° 56' 53" East, 705.07 feet, on said State Line and the East line of said Southeast Quarter of Fractional Section 14, to the POINT OF BEGINNING of said Tract herein described;

Thence South 1° 56' 53" East, 654.10 feet, on said State Line and said East line, to its intersection with a point below the North face of the Kansas Avenue bridge over the Kansas River;

Thence North 74° 12' 00" West, 92.55 feet, along said North face, to a point on the East Harbor Line of the Kansas River, and the beginning of a non-tangent curve, concave to the West, having a radius of 1910.08 feet;

Thence Northerly on said East Harbor line and on said curve to the left, an arc length of 621.24 feet, said curve having a chord bearing North 5° 14' 38" West, a chord distance of 618.51 feet;

Thence North 84° 10' 00" East, 123.99 feet, the POINT OF BEGINNING, said Tract containing 56,767 square feet or 1.3032 acres.

Subject to all easements and restrictions of record.

And all adjacent right-of-way, all as depicted on the map on **Exhibit B.**

Exhibit E

Redevelopment District Ordinance No. O-47-20 and Ordinance No. O-____-21

Exhibit F

BUDGET

Rock Island Bridge: Public Crossing, Trailhead, Commercial Destination
Construction Estimates
Costs May Vary with Final Designs

ASSUMPTIONS

Materials and Labor Estimated Separately
Floor for all light-structures included in the "deck" line
UG Trails and ADA ramps laterally connect to the Bridge
IRB from UG on qualifying construction expenses
All R&D work to date contributed by Flying Truss

PRECONSTRUCTION

Bridge Deferred Maintenance (materials only)	12,000
Construction Fencing and Storage Containers	18,000
Tipping Fees at Shawnee Landfill and fuel for 48 tons of ties.	
Store rails on site for potential re-use	5,700
Worker safety equipment budget (9 @ \$800)	12,000
PRECONSTRUCTION SUBTOTAL	47,700

UTILITIES

Water to Site. 4" steel X 600ft @\$15 plus tapping fee	40,000
Water into 5 structures. 1" PEX within insulated 8" PVC.	26,500
Freeze-Prof chase (450 ft @ \$10)	15,000
6" dry water pipe rising to center of bridge from both ends.	
Hydrants at both ends. Two connections on bridge	20,000
Sewage into 5 structures. 4" PVC within insulated 8" PVC.	
Storage Tank, Grind and lift-station pump removal. Tap at main.	
Travels within chase.	78,121
220 and 110 into 5 structures. 110 outlets every 25 ft at both sides of bridge. To parking lot lights. Exterior service panel for site.	90,000
Lighting of Bridge Budget	60,000
Grind and Pump Sewage	40,000
Gas to site	30,000
Exterior-Grade Heater Budget	50,000
	409,621

INTERNAL DECK AND CANTILEVERS Slab on Steel Pan

250 tons @\$3,000 (steel total includes frame for Top Deck)	750,000
Steel Pan with connections (\$7 sq ft. Based on versa deck) 0	
Total Fittings	10,000
2,733 sq yards (2,4597 sq ft 5" deep)	305,955
DECK SUB-TOTAL	1,065,955

RAILINGS (2,359 LF Including deck level, deck stairs, west stairs) Mix of Perforated/Corrugated Metal Panels, and Chain Link	235,900
---	---------

BRIDGE ACCESS

Staircases: 18' X 40' X 2 Staircases. Intermediate Landing. Railings)	
Concrete Frost Footings	10,000
Wood Posts and Stringers	11,000
Risers and Treads	16,000
Railings	70,000
ADA Lift to Top Deck	65,000
BRIDGE ACCESS SUB-TOTAL	172,000

LIGHTWEIGHT STRUCTURES

Lightweight Structures: 2 Kitchens, 2 Bars, Storage (minus floor) Metal Stud, 4" Construction with Insulation. Gypsum Wall Interior @ \$20,000 per	80,000
Corrugated Metal Roof 300 @ \$2,000 per	8,000
Interior Stainless Back and Side Walls. 400 sq ft @ \$6,000 per	24,000
Mop Sink & Hand Sink @ \$400 per	1,600
Tankless Water Heater (\$600 per box)	2,400
Grease Trap (\$350 per kitchen)	1,050
10' X 5' Roller Door @ \$650	3,250
Access Door @ \$400 per	2,000
Back Window X 2 @ 940 per	4,700
Top Mounted HVAC Unit @ \$1,450 per	5,800
FFE Budget @ \$2,000 per 8,000	140,800
Restrooms -- 10 unisex Toilets 400 sq ft (minus floor) 12 X 40 Envelope. Metal Stud, 4" Construction with Insulation, Gypsum Wall Interior, Sealed Concrete	400
Corrugated Metal Roof	22,000
HVAC side Unit	4,600
Duct Work	4,800
Door (10 @ \$500)	3,000
2 Public Sinks , External Grade @ \$1,000	5,000
Tankless Water Heater X 2	2,000
Doors @ \$300	3,000
FF&E @ \$2,000 per 20,000	66,400
LIGHTWEIGHT STRUCTURES SUB-TOTAL	207,200

Top Deck ON CENTRAL TRUSS

Structure's Steel is Captured in #32	6,250
2 metal staircases @ \$9,000	18,000
Decking @ \$20 sq ft	125,000
Sail Cloth Framing	35,000
Sail Cloth shading	45,000
Roller mechanism X 2	30,000
OPEN-AIR DECK SUB-TOTAL	143,000
Industrial-Size Portable AC Units (2 @ \$5000)	10,000
FF& E Budget	10,000

Parking Lot (East)

Gravel (240 yards including salvage from construction ramp)	5,000
100 Parking Curbs 8,200	
Lighting (25ft. Poles X 6, LED)	18,000
Curb Cut X 2	8,000
South Fence (80 FT)	6,000
Asphalt	80,000
EAST PARKING SUB-TOTAL	125,200

OTHER

Tall, Chain Link Gates and Fence Wrap at both ends of bridge (Night-time security)	18,000
Construction supplies budget	50,000
TOTAL OTHER	68,000

TOTAL LABOR

Project Management	300,000
Foreman	156,000
Construction Crew X 6	312,000
Laborer X 2	49,920
Safety Boat (5 months)	10,000
LABOR SUB-TOTAL	527,920
Labor FICA @ 6.2% (Labor Only)	32,731
Workers Comp @ 1.1%	6,570
TOTAL LABOR	39,301
GC Insurance	69,120
Contract Welder (2 X \$75 hr. X 4 months)	96,000
Testing	20,000
Telehandler (10 months X \$2,000)	20,000
Concrete Buggy X 2 (8 months @ \$1,100)	17,600
Towable Cherry Picker (8 weeks at \$650)	5,200
4X4 "Gators" with Trailers X 2	8,000
20 yard dumpster	4,800
Construction Contingency	500,000
TOTAL DN CONSTRUCTION	4,252,517

SOFT COSTS

Architecture	174,000
Engineering	95,000

Civil & MEP	45,000
Bridge Reclamation Consultant	10,000
Codes Assistance	6,000
Environmental	7,500
Legal	20,000
Construction Permits	
\$5,105 plus \$0.40 for every	
\$100 value of work	22,115
FT Development Fee	170,101
TOTAL SOFT COST	549,716
FF&E	
Planter Boxes Budget (built on site)	45,000
Plantings Budget	30,000
Seating and Barriers (built on site)	50,000
Signage	30,000
TOTAL FF&E	155,000
TOTAL SOFT COSTS	704,716
TOTAL DESIGN & CONSTRUCTION	4,957,233
CAPITALIZATION OF FLYING TRUSS Salaries, equipment, promotion, legal, cash reserve	500,000
TOTAL PROJECT	\$5,457,233

Exhibit G

TIF Revenue Projections

Riverfront TIF District - Project Area 4									
Projected Incremental Tax Revenues									
	<u>Annual Value</u>	<u>Assessment</u>					<u>Annual Sales</u>	<u>Sales Tax</u>	
	<u>Increase</u>	<u>Rate</u>	<u>Base Value</u>				<u>Increase</u>	<u>Rate</u>	
	2.0%	25.0%	\$ 50,517				3.0%	1.94%	
				<u>Value of Property Tax TIF</u>			<u>Value of Sales Tax TIF</u>		
				<u>Mill Levy</u>	<u>Estimated</u>				<u>Total</u>
<u>Year</u>	<u>Estimated</u>	<u>Assessed</u>	<u>Total Mill</u>	<u>Captured*</u>	<u>Incremental</u>		<u>Estimated</u>	<u>Estimated</u>	<u>Estimated TIF</u>
	<u>Actual Value</u>	<u>Value</u>	<u>Levy</u>		<u>Property Tax</u>		<u>Taxable Sales</u>	<u>Sales Tax</u>	<u>Revenues</u>
					<u>Revenues</u>				
1	\$ 202,068	\$ 50,517	181.77	152.27	\$ (0)	\$ -	\$ -	\$ -	\$ (0)
2	\$ 1,318,518	\$ 329,630	181.77	152.27	\$ 42,500	\$ 1,743,350	\$ 33,821	\$ 76,321	\$ 76,321
3	\$ 1,344,888	\$ 336,222	181.77	152.27	\$ 43,504	\$ 1,795,651	\$ 34,836	\$ 78,340	\$ 78,340
4	\$ 1,371,786	\$ 342,947	181.77	152.27	\$ 44,528	\$ 2,406,173	\$ 46,680	\$ 91,208	\$ 91,208
5	\$ 1,399,222	\$ 349,805	181.77	152.27	\$ 45,573	\$ 2,478,358	\$ 48,080	\$ 93,653	\$ 93,653
6	\$ 1,427,206	\$ 356,802	181.77	152.27	\$ 46,638	\$ 2,552,709	\$ 49,523	\$ 96,160	\$ 96,160
7	\$ 1,455,750	\$ 363,938	181.77	152.27	\$ 47,725	\$ 2,629,290	\$ 51,008	\$ 98,733	\$ 98,733
8	\$ 1,484,865	\$ 371,216	181.77	152.27	\$ 48,833	\$ 2,708,169	\$ 52,538	\$ 101,371	\$ 101,371
9	\$ 1,514,563	\$ 378,641	181.77	152.27	\$ 49,963	\$ 2,789,414	\$ 54,115	\$ 104,078	\$ 104,078
10	\$ 1,544,854	\$ 386,213	181.77	152.27	\$ 51,116	\$ 2,873,096	\$ 55,738	\$ 106,855	\$ 106,855
11	\$ 1,575,751	\$ 393,938	181.77	152.27	\$ 52,293	\$ 2,959,289	\$ 57,410	\$ 109,703	\$ 109,703
12	\$ 1,607,266	\$ 401,817	181.77	152.27	\$ 53,492	\$ 3,048,068	\$ 59,133	\$ 112,625	\$ 112,625
13	\$ 1,639,411	\$ 409,853	181.77	152.27	\$ 54,716	\$ 3,139,510	\$ 60,906	\$ 115,623	\$ 115,623
14	\$ 1,672,200	\$ 418,050	181.77	152.27	\$ 55,964	\$ 3,233,695	\$ 62,734	\$ 118,698	\$ 118,698
15	\$ 1,705,644	\$ 426,411	181.77	152.27	\$ 57,237	\$ 3,330,706	\$ 64,616	\$ 121,853	\$ 121,853
16	\$ 1,739,756	\$ 434,939	181.77	152.27	\$ 58,536	\$ 3,430,627	\$ 66,554	\$ 125,090	\$ 125,090
17	\$ 1,774,552	\$ 443,638	181.77	152.27	\$ 59,860	\$ 3,533,546	\$ 68,551	\$ 128,411	\$ 128,411
18	\$ 1,810,043	\$ 452,511	181.77	152.27	\$ 61,212	\$ 3,639,553	\$ 70,607	\$ 131,819	\$ 131,819
19	\$ 1,846,244	\$ 461,561	181.77	152.27	\$ 62,590	\$ 3,748,739	\$ 72,726	\$ 135,315	\$ 135,315
20	\$ 1,883,168	\$ 470,792	181.77	152.27	\$ 63,995	\$ 3,861,201	\$ 74,907	\$ 138,903	\$ 138,903
Total Value					\$ 1,000,276		\$ 1,084,482		\$ 2,084,758
* Excludes 21.5 mills for state school levy and 8 mills for school capital outlay.									
Assume AV of \$135 psf for 8,270 sf of private space on bridge. Also assume property in Base AV retains its current \$202,068 value.									
Sales Tax estimates based on HR&A Study, December 2020.									

(Published in the *Wyandotte Echo* on June 17, 2021)

RESOLUTION NO. R-____-21

A RESOLUTION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING REGARDING THE ADOPTION OF A REDEVELOPMENT PROJECT PLAN PURSUANT TO K.S.A. 12-1770 *ET SEQ.*

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") created the Riverfront Redevelopment District (the "Original TIF District") consisting of four (4) separate redevelopment project areas, including Project Area 4 (Rock Island Bridge), by passage of Ordinance No. O-47-20 on August 13, 2020 pursuant to K.S.A. 12-1770 *et seq.*, as amended (the "Act");

WHEREAS, the UG passed Ordinance No. O-60-21 on May 13, 2021 to add property contained in Project Area 4 that was unintentionally omitted from the legal description of the Original TIF District (as amended, the "TIF District"); and

WHEREAS, the UG is considering the adoption of a redevelopment project plan entitled Kaw Bridge Redevelopment Project Plan for Project Area 4 of Riverfront Redevelopment District (the "Project Plan") which provides for the redevelopment of Project Area 4 within the TIF District; and

WHEREAS, on May 24, 2021, the UG's Planning Commission made a finding that the Project Plan is consistent with the intent of the UG's comprehensive plan for the development of the UG; and

WHEREAS, on May ____, 2021, the UG delivered a copy of the Project Plan to the UG's Board of Commissioners and to the Board of Education of Unified School District No. 500.

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

Section 1. Notice is hereby given that a public hearing will be held by the UG to consider the adoption of the Project Plan at **7:00 p.m. on July 1, 2021**, or as soon thereafter as the matter can be heard. The public hearing will be held virtually and may be accessed via Zoom web conference or toll free via telephone by dialing (877) 853-5257 or (888) 475-4499. Public hearing access information is available at www.wycokck.org/BOC-Virtual-Meeting.aspx or by contacting the Clerk's office via phone at (913) 573-5206 or via email at clerkwest@wycokck.org. Public comment may also be submitted in advance of the public hearing by email to clerkwest@wycokck.org, fax to (913) 573-5299, or mail to UG Clerk's Office, 701 N. 7th Street, Suite 323, Kansas City, Kansas 66101.

Section 2. The boundaries of the TIF District and Project Area 4 are shown on **Exhibit A** and legally described on **Exhibit B** attached hereto and incorporated herein. The Project Plan is for the redevelopment of Project Area 4, which is shown on **Exhibit A** and legally described on **Exhibit C** attached hereto and incorporated herein.

Section 3. Copies of the Project Plan, including a summary of the feasibility study, relocation assistance plan and financial guarantees of the developer, and a description and map of the TIF District and Project Area 4 are available for inspection during regular office hours in the UG Clerk's office located in Suite 323 on the third floor of the Municipal Office Building from 8:00 am to 5:00 pm, Monday through Friday, or upon request via email at clerkwest@wycokck.org.

Section 4. The Clerk shall send a copy of this Resolution via certified mail, return receipt requested, to the UG's Board of Commissioners, the Board of Education of Unified School District No. 500, and each owner and occupant of land within Project Area 4. Such copies shall be sent not more than 10 days following the date of adoption of this Resolution. The Clerk shall also cause this Resolution and all exhibits hereto, to be published once in the official UG newspaper not less than one week nor more than two weeks preceding the date fixed for the public hearing.

Section 5. This Resolution shall become effective upon its adoption by the governing body of the Unified Government.

ADOPTED by the Governing Body of the UG on May 27, 2021.

[SEAL]

Mayor/CEO

Attest:

Clerk

EXHIBIT A
MAP OF TIF DISTRICT

RIVERFRONT REDEVELOPMENT PROJECT AREA MAP



EXHIBIT B

LEGAL DESCRIPTION OF TIF DISTRICT

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.

And

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 14, TOWNSHIP 11 SOUTH, RANGE 25 EAST, OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY STEVEN C. SHAFER, PLS 852, OF BHC RHODES, CLS 175, BY METES AND BOUNDS AS FOLLOWS:

(NOTE: FOR COURSE ORIENTATION THE BEARINGS IN THIS DESCRIPTION ARE BASED ON GRID NORTH KANSAS STATE PLANE COORDINATE SYSTEM NORTH ZONE, ON THE STATE LINE BETWEEN KANSAS AND MISSOURI IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 49 NORTH, RANGE 33 WEST, OF THE FIFTH PRINCIPAL MERIDIAN HAVING A BEARING OF SOUTH 1 DEGREES 56 MINUTES 53 SECONDS EAST.)

COMMENCING AT THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 49 NORTH, RANGE 33 WEST, OF THE FIFTH PRINCIPAL MERIDIAN MONUMENTED BY A 1/2-INCH REINFORCING ROD WITH A 3-INCH DISK ON THE STATE LINE BETWEEN KANSAS AND MISSOURI; THENCE SOUTH 1 DEGREES 56 MINUTES 53 SECONDS EAST, 793.02 FEET, ON SAID STATE LINE AND THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID FRACTIONAL SECTION 14; THENCE SOUTH 88 DEGREES 03 MINUTES 07 SECONDS WEST, 107.67 FEET, PERPENDICULAR TO THE LAST DESCRIBED COURSE, TO A POINT ON THE EAST HARBOR LINE OF THE KANSAS RIVER, AND THE POINT OF BEGINNING OF SAID TRACT HEREIN DESCRIBED; THENCE SOUTHEASTERLY ON SAID EAST HARBOR LINE, ON A CURVE CONCAVE WESTERLY, WITH A RADIUS OF 1910.08 FEET, AN ARC LENGTH OF 139.43 FEET, SAID CURVE HAVING A CHORD BEARING SOUTH 10 DEGREES 02 MINUTES 08 SECONDS EAST, A CHORD DISTANCE OF 139.40 FEET; THENCE DEPARTING SAID EAST HARBOR LINE SOUTH 83 DEGREES 53 MINUTES 28 SECONDS WEST, 119.43 FEET; THENCE SOUTH 81 DEGREES 14 MINUTES 26 SECONDS WEST, 615.15 FEET, TO A POINT ON THE WEST HARBOR LINE OF THE KANSAS RIVER AND THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 1176.08 FEET; THENCE NORTHERLY ON SAID WEST HARBOR LINE AND ON SAID CURVE, TO THE LEFT, AN ARC LENGTH OF 140.50 FEET, SAID CURVE HAVING A CHORD BEARING NORTH 11 DEGREES 05 MINUTES 28 SECONDS WEST, A CHORD DISTANCE OF 140.42 FEET; THENCE DEPARTING SAID WEST HARBOR LINE, NORTH 81 DEGREES 14 MINUTES 26 SECONDS EAST, 620.86 FEET; THENCE NORTH 84 DEGREES 25 MINUTES 18 SECONDS EAST, 116.38 FEET, TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 103,084 SQUARE FEET OR 2.3665 ACRES. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD. TOGETHER WITH ALL THAT PART OF THE ABANDONED CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD RIGHT-OF-WAY LYING BETWEEN THE KANSAS/MISSOURI STATE LINE AND THE UNITED STATES HARBOR LINE ON THE EASTERLY SIDE OF THE KANSAS RIVER.

And

Lot 1A, RIVER PARK, a subdivision of land recorded October 25, 1999, as Document Number 1311902, in Plat Book 39 at Page 4, in Section 14, Township 11 South, Range 25 East, of the Sixth Principal Meridian, in Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Steven C. Shafer, PLS 852, of BHC RHODES CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on Grid North, Kansas State Plane Coordinate System, North Zone, NAD83, on the State Line between Kansas and Missouri in the Northwest Quarter of Section 7, Township 49 North, Range 33 West, of the Fifth Principal Meridian having a bearing of South 1° 56' 53" East.)

BEGINNING at the Southeast corner of said Lot 1A, monumented by a found 1/2-inch reinforcing rod with a cap marked LS 533 set in concrete; Thence South 87° 27' 18" West, 457.45 feet (South 89° 39' 08" West by plat), on the South line of said Lot 1A; Thence North 88° 21' 50" West, 126.06 feet (North 86° 10' 00" West by plat), on said South line; Thence South 87° 27' 18" West, 50.00 feet (South 89° 39' 08" West by plat), on said South line, to the beginning of a tangent curve, concave to the Northeast, having a radius of 70.00 feet; Thence Northwesterly on said curve, to the right, an arc length of 110.10 feet, said curve having a chord bearing North 47° 29' 12" West, a chord distance of 99.10 feet, on the Westerly line of said Lot 1A; Thence North 02° 25' 42" West, 13.50 feet (North 1° 15' 32" West by plat), on said West line, to the beginning of a non-tangent curve concave to the South, having a radius of 838.97 feet; Thence Easterly on said curve, to the right, an arc length of 56.13 feet, said curve having a chord bearing North 85° 28' 14" East (North 87° 40' 04" East by plat), a chord distance of 56.12 feet (56.13 feet by plat), on the North line of said Lot 1A; Thence North 87° 23' 15" East, 567.72 feet (North 89° 35' 05" East by plat), on said North line, to the beginning of a non-tangent curve, concave to the North, having a radius of 466.34 feet; Thence Easterly on said curve, to the left, an arc distance of 67.84 feet, said curve having a chord bearing North 83° 13' 00" East (North 85° 25' 02" East by plat), a chord distance of 67.78 feet, to a point on the Westerly Harbor Line of the Kansas River and the East line of said Lot 1A, and the beginning of a non-tangent curve, concave to the West, having a radius of 1176.08; Thence Southerly on said curve, to the right, an arc length of 101.17 feet, said curve having a chord bearing South 09° 12' 39" East, a chord distance of 101.14 feet, to the POINT OF BEGINNING, said Lot 1A containing 63,774 square feet or 1.4640 acres.

Subject to all easements and restrictions of record.

And

A Tract of land in the Southeast Quarter of Fractional Section 14, Township 11 South, Range 25 East, of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Steven C. Shafer, PLS 852, of BHC RHODES, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on Grid North, Kansas State Plane Coordinate System, North Zone, NAD83, on the State Line between Kansas and Missouri in the Northwest Quarter of Section 7, Township 49 North, Range 33 West, of the Fifth Principal Meridian having a bearing of South 1° 56' 53" East.)

COMMENCING at the Northwest corner of Section 7, Township 49 North, Range 33 West, of the Fifth Principal Meridian, monumented by a found 1/2-inch reinforcing rod with a 3-inch disk, on the State Line between Kansas and Missouri; Thence South 1° 56' 53" East, 705.07 feet, on said State Line and the East line of said Southeast Quarter of Fractional Section 14, to the POINT OF BEGINNING of said Tract herein described; Thence South 1° 56' 53" East, 654.10 feet, on said State Line and said East line, to its intersection with a point below the North face of the Kansas Avenue bridge over the Kansas River; Thence North 74° 12' 00" West, 92.55 feet, along said North face, to a point on the East Harbor Line of the Kansas River, and the beginning of a non-tangent curve, concave to the West, having a radius of 1910.08 feet; Thence Northerly on said East Harbor line and on said curve to the left, an arc length of 621.24 feet, said curve having a chord bearing North 5° 14' 38" West, a chord distance of 618.51 feet; Thence North 84° 10' 00" East, 123.99 feet, the POINT OF BEGINNING, said Tract containing 56,767 square feet or 1.3032 acres.

Subject to all easements and restrictions of record.

And all adjacent right-of-way, all as depicted on the map on **Exhibit A**.

EXHIBIT C

LEGAL DESCRIPTION OF PROJECT AREA 4

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 14, TOWNSHIP 11 SOUTH, RANGE 25 EAST, OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY STEVEN C. SHAFER, PLS 852, OF BHC RHODES, CLS 175, BY METES AND BOUNDS AS FOLLOWS:

(NOTE: FOR COURSE ORIENTATION THE BEARINGS IN THIS DESCRIPTION ARE BASED ON GRID NORTH KANSAS STATE PLANE COORDINATE SYSTEM NORTH ZONE, ON THE STATE LINE BETWEEN KANSAS AND MISSOURI IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 49 NORTH, RANGE 33 WEST, OF THE FIFTH PRINCIPAL MERIDIAN HAVING A BEARING OF SOUTH 1 DEGREES 56 MINUTES 53 SECONDS EAST.)

COMMENCING AT THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 49 NORTH, RANGE 33 WEST, OF THE FIFTH PRINCIPAL MERIDIAN MONUMENTED BY A 1/2-INCH REINFORCING ROD WITH A 3-INCH DISK ON THE STATE LINE BETWEEN KANSAS AND MISSOURI; THENCE SOUTH 1 DEGREES 56 MINUTES 53 SECONDS EAST, 793.02 FEET, ON SAID STATE LINE AND THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID FRACTIONAL SECTION 14; THENCE SOUTH 88 DEGREES 03 MINUTES 07 SECONDS WEST, 107.67 FEET, PERPENDICULAR TO THE LAST DESCRIBED COURSE, TO A POINT ON THE EAST HARBOR LINE OF THE KANSAS RIVER, AND THE POINT OF BEGINNING OF SAID TRACT HEREIN DESCRIBED; THENCE SOUTHEASTERLY ON SAID EAST HARBOR LINE, ON A CURVE CONCAVE WESTERLY, WITH A RADIUS OF 1910.08 FEET, AN ARC LENGTH OF 139.43 FEET, SAID CURVE HAVING A CHORD BEARING SOUTH 10 DEGREES 02 MINUTES 08 SECONDS EAST, A CHORD DISTANCE OF 139.40 FEET; THENCE DEPARTING SAID EAST HARBOR LINE SOUTH 83 DEGREES 53 MINUTES 28 SECONDS WEST, 119.43 FEET; THENCE SOUTH 81 DEGREES 14 MINUTES 26 SECONDS WEST, 615.15 FEET, TO A POINT ON THE WEST HARBOR LINE OF THE KANSAS RIVER AND THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 1176.08 FEET; THENCE NORTHERLY ON SAID WEST HARBOR LINE AND ON SAID CURVE, TO THE LEFT, AN ARC LENGTH OF 140.50 FEET, SAID CURVE HAVING A CHORD BEARING NORTH 11 DEGREES 05 MINUTES 28 SECONDS WEST, A CHORD DISTANCE OF 140.42 FEET; THENCE DEPARTING SAID WEST HARBOR LINE, NORTH 81 DEGREES 14 MINUTES 26 SECONDS EAST, 620.86 FEET; THENCE NORTH 84 DEGREES 25 MINUTES 18 SECONDS EAST, 116.38 FEET, TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 103,084 SQUARE FEET OR 2.3665 ACRES. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD. TOGETHER WITH ALL THAT PART OF THE ABANDONED CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD RIGHT-OF-WAY LYING BETWEEN THE KANSAS/MISSOURI STATE LINE AND THE UNITED STATES HARBOR LINE ON THE EASTERLY SIDE OF THE KANSAS RIVER.

And

Lot 1A, RIVER PARK, a subdivision of land recorded October 25, 1999, as Document Number 1311902, in Plat Book 39 at Page 4, in Section 14, Township 11 South, Range 25 East, of the Sixth Principal Meridian, in Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Steven C. Shafer, PLS 852, of BHC RHODES CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on Grid North, Kansas State Plane Coordinate System, North Zone, NAD83, on the State Line between Kansas and Missouri in the Northwest Quarter of Section 7, Township 49 North, Range 33 West, of the Fifth Principal Meridian having a bearing of South 1° 56' 53" East.)

BEGINNING at the Southeast corner of said Lot 1A, monumented by a found 1/2-inch reinforcing rod with a cap marked LS 533 set in concrete; Thence South 87° 27' 18" West, 457.45 feet (South 89° 39' 08" West by plat), on the South line of said Lot 1A; Thence North 88° 21' 50" West, 126.06 feet (North 86° 10' 00" West by plat), on said South line; Thence South 87° 27' 18" West, 50.00 feet (South 89° 39' 08" West by plat), on said South line, to the beginning of a tangent curve, concave to the Northeast, having a radius of 70.00 feet; Thence Northwesterly on said curve, to the right, an arc length of 110.10 feet, said curve having a chord bearing North 47° 29' 12" West, a chord distance of 99.10 feet, on the Westerly line of said Lot 1A; Thence North 02° 25' 42" West, 13.50 feet (North 1° 15' 32" West by plat), on said West line, to the beginning of a non-tangent curve concave to the South, having a radius of 838.97 feet; Thence Easterly on said curve, to the right, an arc length of 56.13 feet, said curve having a chord bearing North 85° 28' 14" East (North 87° 40' 04" East by plat), a chord distance of 56.12 feet (56.13 feet by plat), on the North line of said Lot 1A; Thence North 87° 23' 15" East, 567.72 feet (North 89° 35' 05" East by plat), on said North line, to the beginning of a non-tangent curve, concave to the North, having a radius of 466.34 feet; Thence Easterly on said curve, to the left, an arc distance of 67.84 feet, said curve having a chord bearing North 83° 13' 00" East (North 85° 25' 02" East by plat), a chord distance of 67.78 feet, to a point on the Westerly Harbor Line of the Kansas River and the East line of said Lot 1A, and the beginning of a non-tangent curve, concave to the West, having a radius of 1176.08; Thence Southerly on said curve, to the right, an arc length of 101.17 feet, said curve having a chord bearing South 09° 12' 39" East, a chord distance of 101.14 feet, to the POINT OF BEGINNING, said Lot 1A containing 63,774 square feet or 1.4640 acres.

Subject to all easements and restrictions of record.

And

A Tract of land in the Southeast Quarter of Fractional Section 14, Township 11 South, Range 25 East, of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Steven C. Shafer, PLS 852, of BHC RHODES, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on Grid North, Kansas State Plane Coordinate System, North Zone, NAD83, on the State Line between Kansas and Missouri in the Northwest Quarter of Section 7, Township 49 North, Range 33 West, of the Fifth Principal Meridian having a bearing of South 1° 56' 53" East.)

COMMENCING at the Northwest corner of Section 7, Township 49 North, Range 33 West, of the Fifth Principal Meridian, monumented by a found 1/2-inch reinforcing rod with a 3-inch disk, on the State Line between Kansas and Missouri; Thence South 1° 56' 53" East, 705.07 feet, on said State Line and the East line of said Southeast Quarter of Fractional Section 14, to the POINT OF BEGINNING of said Tract herein described; Thence South 1° 56' 53" East, 654.10 feet, on said State Line and said East line, to its intersection with a point below the North face of the Kansas Avenue bridge over the Kansas River; Thence North 74° 12' 00" West, 92.55 feet, along said North face, to a point on the East Harbor Line of the Kansas River, and the beginning of a non-tangent curve, concave to the West, having a radius of 1910.08 feet; Thence Northerly on said East Harbor line and on said curve to the left, an arc length of 621.24 feet, said curve having a chord bearing North 5° 14' 38" West, a chord distance of 618.51 feet; Thence North 84° 10' 00" East, 123.99 feet, the POINT OF BEGINNING, said Tract containing 56,767 square feet or 1.3032 acres.

Subject to all easements and restrictions of record.

And all adjacent right-of-way, all as depicted on the map on Exhibit A.

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

**PLANNING & ZONING AND
REGULAR SESSION
MARCH 25, 2021**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, March 25, 2021, with eleven members present via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner Third District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District (arrived at 7:10 p.m.); 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; Alan Howze, Melissa Sieben, and Bridgette Cobbins, Assistant County Administrators; Misty Brown, Chief Counsel; James Bain, Assistant Counsel; Ashley Hand, Director of Strategic Communication; Brett Deichler, Interim Unified Government Clerk; Gunnar Hand, Director of Planning and Urban Design; Juliann VanLiew, Director of Health Department; Dr. Erin Corriveau, Deputy Local Health Officer; Lynn Melton, Assistant to the Mayor's Office; Janet Parker, Administrative Assistant; Carol Godsil, Deputy Unified Government Clerk; and Allie Facio, Clerk's Office.

Mayor Alvey said before I call the meeting to order, I want to announce that due to COVID-19, some commissioners, staff, and public are attending remotely via phone or by Zoom. All participants joining by phone should mute their phones when not speaking to avoid background noise.

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

Due to COVID-19 requirements, the public is allowed to participate by Zoom or submit comments by email prior to the meeting. Those comments will be included in the record of the meeting. I'd ask the Clerk to please call the role.

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

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

Mayor Alvey asked the Clerk, are there any revisions to tonight's agenda?

Brett Deichler, Interim Unified Government Clerk, said there were. A blue sheet was distributed containing the following items. Under the Planning and Zoning Consent Agenda, there's a new item, No. B-2, 21683, a Special Use Permit Application #SP-2020-105 for Monserratt Perez-Mera for a shipping container at 3500 North 32nd Terrace. The second item is a Planning and Zoning Non-Consent Agenda clerical error on Item No. B-1, 21732, with a Master Plan Amendment MLP-2021-001 originally. On the blue sheet was changed to 003 because of the agenda packet we were given this morning, which caused us to issue a clerical error on this, subsequently to find out that it is actually supposed to be 001 as the last three digits. So, the original item was correct, and 003 has changed back to 001 on the MPL-2021 item.

Under the Regular Consent Agenda, we have other additional items. No. 1 on the Mayor's Agenda, new Item No. 1, 21749, a resolution revoking certain local health orders, and amending local health order 6/27/2020, pertaining to the mask and social distancing requirements. Under the Administrator's Agenda, new Item No. 3, 21751, resolution, Painter's District Council No. 3, MOU 1/1/20-12/31/21. New Item No. 4 is 21752, resolution under the United Brotherhood of Carpenters Union, MOU 1/1/20 to 12/31/21. Those are the items on tonight's blue sheet.

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

PLANNING AND ZONING CONSENT AGENDA

Brett Deichler, Interim UG Clerk, read the statement, required by law, governing the Planning and Zoning portion of the meeting.

Mr. Deichler asked if any member of the Commission wished to disclose any contact with proponents or opponents on any item on the agenda. **Commissioner Markley** said I had contact with the applicant for SP-2020-51, which is B-1 on our agenda. **Mayor Alvey** asked, any other disclosures from the Commission? Seeing none, let's get through the items.

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

Mayor Alvey asked, does any member of the Commission, the County Administrator, or public wish to set-aside any item on the Planning and Zoning Consent Agenda? If an item is not set-aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission.

Commissioner Townsend said I'm requesting that the blue-sheeted item, which was on the Consent Agenda last month. It was then identified as Petition SP-2020-105, the applicant was Monserratt Perez-Mera. At that time, I had requested, and the Commission approved, the set-aside and the delay of that item for action until this month so that I would have time to meet with the applicant and discuss alternatives to the applicant's specific request for the installation of a shipping container.

Those discussions have begun and continue. Some other options continue to be explored. So, I'm asking for the continued indulgence of the Commission to have this delayed for one more month. **Mayor Alvey** said so, you're asking to set that aside? **Commissioner Townsend** said correct.

Mayor Alvey said so, let me ask Legal, will there need to be a public hearing if we set this aside and it continues until next month? **Misty Brown, Chief Counsel**, said no, Mayor. We will not need to have a public hearing today since we are merely continuing this item another thirty days. **Mayor Alvey** said, but we will have to vote on whether to continue. **Ms. Brown** said that's correct.

Commissioner Kane asked, Commissioner Townsend, is that a motion? **Commissioner Townsend** said thank you, I was about to ask that question. I would move that this item... **Mayor**

Alvey said not yet, we've got another request for a set-aside. We'll come back to that when we have all the set-asides.

Commissioner Burroughs said, in reference to the blue sheets, I have no copy of a blue sheet. I prepared for this evening, but no blue sheet. So, I'm a little... **Mayor Alvey** said, I think they came in late, Commissioner. They should be in your email. If they're there, they should be in your email. Otherwise, can we make sure we get those forwarded to Commissioner Burroughs immediately?

Mr. Deichler said, Mayor, yes those were already sent via email. **Commissioner Burroughs** asked, under what email? The tomburroughs@wyco? **Mr. Deichler** said, from Carol Godsil at your address, yes. If it's not there, we can send it again. **Mayor Alvey** said, just go ahead and send it again, just to be sure.

Mayor Alvey said, I saw a hand up from Debra Jones. Debra Jones, you had your hand up and now you've been promoted to a panelist. If you unmute, you can speak. I see you as unmuted, Ms. Jones.

Commissioner Bynum said, I wonder if she's having an audio difficulty. If it would be possible for her to quickly email Carol Godsil, or email someone and express her desire here on this agenda.

Debra Jones said, I was just wanting to know, am I not at the right meeting for the redevelopment of 6706 Kaw Drive? The grocery store? **Mayor Alvey** said, no, ma'am you are at the right meeting. That item will come up later. **Ms. Jones** said, okay, I wasn't sure. I was kind of confused about it. Okay. So I just stay online until you bring it up. **Mayor Alvey** said, yes, thank you. **Ms. Jones** said, thank you, I'm sorry. I wasn't for sure.

Mayor Alvey said, this must be Jones BBQ, right? You're welcome anytime. **Ms. Jones** said, I just wasn't for sure, that's all.

Action: **Commissioner McKiernan made a motion, seconded by Johnson to approve all remaining items as submitted.** Roll call was taken and there were ten "Ayes,"

March 25, 2021

Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 21729...CHANGE OF ZONE APPLICATION COZ-0007 - RYAN CRONK WITH KC WITH YARDS 2, LLC

Synopsis: Change of Zone from M-3 Heavy Industrial District to TND (T-6) Traditional Neighborhood Design District for a mixed use residential and commercial development at 200 South James Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. The applicant has submitted a preliminary plat for one (1) mixed-use lot created from the current Parcel #901400. The applicant has also requested a Change of Zone from M-3 Heavy Industrial District to TND Traditional Neighborhood Design District in order to allow for a 225-unit, mixed-use development in connection with the proposed establishment of the Riverfront Tax Increment Financing (TIF) District. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application COZ-0007, subject to:

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

7. ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
8. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
9. A building permit is required. Please contact the Building Inspection Department to begin that process;
10. According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process; and,
11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Change of Zone Application COZ-0007, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 21731... SPECIAL USE PERMIT APPLICATION SP-2020-51 - DIEGO I. TOTO WITH XM AUTOMOTIVE

Synopsis: Renewal of a Special Use Permit (#SP-2017-72 - expired 5/31/2020) for an automotive repair business at 4439 Shawnee Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. The Planning Commission voted 8 to 0 to recommend denial of Special Use Permit Application SP-2020-51 due to failure to communicate or comply with the requirements/requests set forth by staff.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve denial of Special Use Permit Application #SP-2020-51. Roll call was taken and there were ten “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

ITEM NO. 2 – 21683...SPECIAL USE PERMIT APPLICATION #SP-2020-105 - MONSERRATT PEREZ-MERA

Synopsis: Special Use Permit for a shipping container at 3500 North 32nd Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. 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. 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 SP-2020-105 March 25, 2021 6 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.

Action: **Commissioner Townsend made a motion, seconded by Commissioner Kane, to continue Petition SP-2021-105 by the Commission for another 30 days to the next Planning and Zoning meeting of the Board.** Roll call was taken and there were ten “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

March 25, 2021

MISCELLANEOUS - ORDINANCES (Final action on previously approved items)

ITEM NO. 1 – 21737...ORDINANCE

Synopsis: An ordinance vacating right-of-way (VAC2020-001) at 9700 Leavenworth Road (east and west of main entrance), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

Action: **ORDINANCE NO. O-39-21**, “An ordinance vacating all that part of Leavenworth Road right of way, as established in Book 3355, Page 619, lying in the South Half of Section 25, Township 10 South, Range 23 East, in Kansas City, Wyandotte County, Kansas located at approximately 9700 Leavenworth Road (east and west of main entrance)”. **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

ITEM NO. 2 – 21738...ORDINANCE

Synopsis: An ordinance vacating right-of-way (VAC2020-002) at 9700 Leavenworth Road (main entrance), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-40-21**, “An ordinance vacating all that part of Leavenworth Road right of way, as established in Book 3355, Page 619, lying in the Southwest Quarter of Section 25, Township 10 South, Range 23 East, in Kansas City, Wyandotte County, Kansas located at 9700 Leavenworth Road (main entrance)”. **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

ITEM NO. 3 – 21739...ORDINANCE

Synopsis: An ordinance rezoning property at 3834 Bell Crossing (COZ-0005) from R-1(B) Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-41-21**, “An ordinance rezoning property hereinafter described located at approximately 3834 Bell Crossing Drive in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to A-G Agriculture District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

ITEM NO. 4 – 21740...ORDINANCE

Synopsis: An ordinance rezoning property at 12525 Leavenworth Road (COZ-0003) from AG (WyCo) Agriculture District to A-G Agriculture (City) District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-42-21**, “An ordinance rezoning property hereinafter described located at approximately 12525 Leavenworth Road in Kansas City, Kansas, by changing the same from its present zoning of AG (WyCo) Agriculture District to A-G Agriculture (City) District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

ITEM NO. 5 – 21741...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SU20-00096) to keep two (2) goats at 411 and 415 Stine Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-43-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, as set forth in #SU20-00096 to keep two (2) goats at 411 and 415 Stine Avenue.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

ITEM NO. 6 – 21742...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP-2020-98) for continuation of a drinking establishment with live entertainment at 4220 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-44-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, as set forth in #SP-2020-98 for continuance of a drinking establishment with live entertainment at 4220 Leavenworth Road.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

ITEM NO. 7 – 21748...ORDINANCE

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

Action: **ORDINANCE NO. O-45-21**, “An ordinance rezoning property hereinafter described located at approximately 915 North 69th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to MP-2 Planned General Industrial District.” **Commissioner McKiernan made a motion,**

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

PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 21730... CHANGE OF ZONE APPLICATION COZ-0001 - ENRIQUE GOMEZ WITH GOMEZ APPLIANCES

Synopsis: Change of Zone from R-1 Single Family District to C-3 Commercial District for the sale of appliances at 837 Central Avenue
and

MASTER PLAN AMENDMENT ITEM NO. 1 – 21732...MPL2021-003 - ENRIQUE GOMEZ WITH GOMEZ APPLIANCES

Synopsis: Master Plan Amendment from Urban Density to Commercial (City-Wide Master Plan), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Enrique Gomez, is applying for a Change of Zone from R-1(B) Single Family District to C-3 Commercial District. The building was built in 1920 and is designed for commercial use. It was previously used as an auto mechanic shop. After the applicant purchased the property and attempted to obtain a business license, they discovered that it is zoned for Single Family Homes. The applicant would like to obtain a change of zone to use the store to sell home appliances. This proposal will require a Master Plan Amendment in order to accommodate commercial use. This case is being heard in conjunction with BOZA2021-004 for minimum parking requirements. The Planning Commission voted 8 to 0 to recommend approval of Master Plan Amendment MPL2021-003. The Planning Commission voted 7 to 1 to recommend approval of Change of Zone Application COZ-0001, subject to:

1. This property will be zoned to CP-1 Planned Limited Business District rather than C-3 Commercial District;
2. All repairs of appliances and sales shall be conducted within the building;
3. If approved, the applicant will need to file and maintain a current business occupation tax application with the Business License Department;
4. All signage must be properly permitted. To obtain a sign permit, please contact the Planning and Urban Design Department. Current signage that was not properly permitted and does not comply with the sign code must be removed.
5. Must adhere to the Commercial Design Guidelines, which include:

- a. Must remove exterior bars from the windows;
 - b. The site must have street trees. These either need to be planted on the property by cutting the existing asphalt, or in the planting them in the sidewalk right-of-way with tree wells/grates. This would require a Right-Of-Way Use Agreement from the Public Works Department. Contact them to begin this process;
 - c. If there are no utility conflicts along Central Avenue, two (2) street trees shall be placed in the public right-of-way. This will require a lease agreement to be obtained through Public Works. If there are utility conflicts, the Planning Commission can move to allow a deviation to the street tree requirement along a major street;
 - d. Entrance shall be enhanced by architectural details. Such details may include recessed or slightly protruding entrances, building material variations, color variations, or artistic elements and other special treatments;
 - e. We recommend sandblasting the front to show the exposed brick;
 - f. Awnings and canopies are encouraged on facades to provide weather protection and shade to pedestrians; and,
 - g. Façade lighting is encouraged. Façade lighting shall be shielded so that the light source is applied to the building and does not provide any direct light or glare on sidewalks or streets.
6. Screening will be applied as available;
 7. Trash and recycling containers shall be screened and located behind the building within a trash enclosure;
 8. Meter and utility boxes shall be painted to match the building and screened with shrubs;
 9. Rooftop mechanical equipment shall be screened from public view by the parapet of the building;
 10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Case
MPL2021-001 & COZ-0001

Petitioner	Address
Enrique Gomez	837 Central Avenue

Synopsis
The applicant, Enrique Gomez, is applying for a Change of Zone from R-1(B) Single Family District to C-3 Commercial District. The building was built in 1920 and is designed for commercial use. It was previously used as an auto mechanic shop. Th applicant would like to obtain a Change of Zone to use the store to sell and repair home appliances. This proposal also requires a Master Plan Amendment from Urban Design to Commercial. This case was heard in conjunction with BOZA2021-004 for minimum parking requirements and approved on March 8, 2021.

Introduction County Context Local Context Exhibits Recommendation Summary

Department of Planning + Urban Design
Unified Government of Republika County, Hualapai City, Navajo

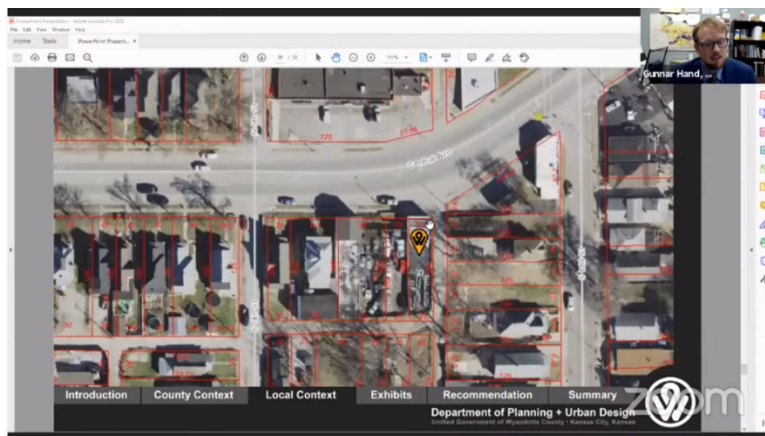
Gunnar Hand, Director of Planning and Urban Design, said these are both being heard. they will need to have separate votes eventually. You'll note that one of them, the Master Plan

March 25, 2021

Amendment, was voted unanimously; the other one was a 7-1 vote. We decided to hear both of them on the Non-Consent Agenda accordingly.

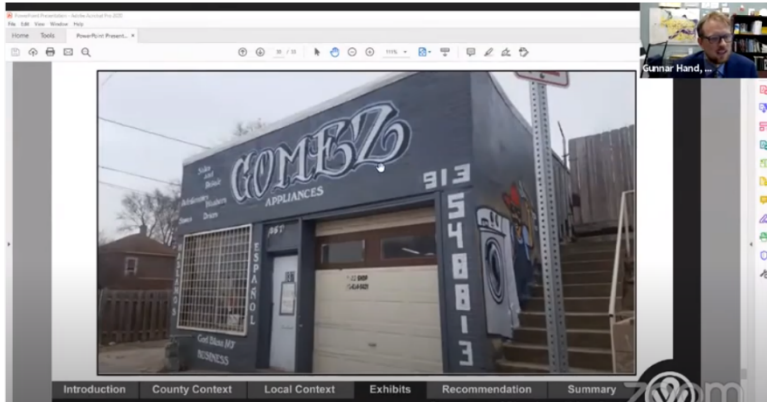
This is a historic business on Central Avenue that's been there since the '20s. It's always operated as a business, very to the character of the Central Avenue corridor. There's a lot of different mixes of uses; single family homes, commercial buildings, and other public facilities. This is just one of those pieces that had originally been used and zoned for residential uses, but again, it's always operated as a commercial business mostly through, in the more recent history, through SUPs. There had been a break in the business for over two years. Formally it was an auto repair shop operating as an SUP. Mr. Gomez would like to open his appliance store.

I would note that a Board of Zoning approval happened for a parking variance earlier this month by the Board of Zoning Appeals. We've been working with Mr. Gomez as it relates to essentially create a final solution for this property to make it finally commercial.

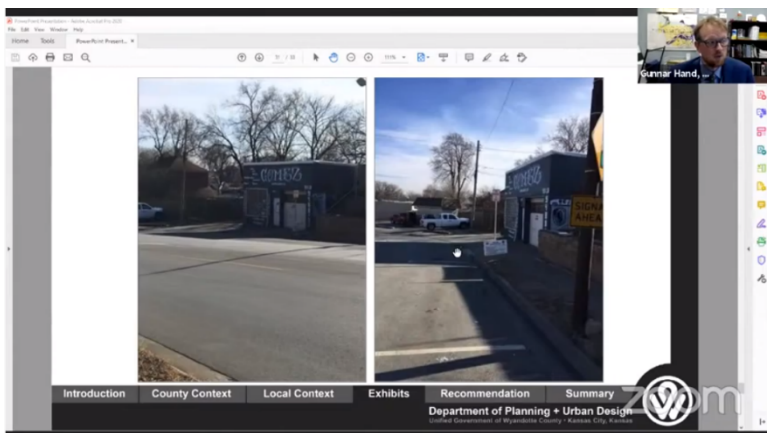


It is on a corner lot in a very constrained site. As it is essentially a new commercial business, it does have to comply with the commercial design guidelines. We've worked with Mr. Gomez on obtaining as many of those as we possibly can on such a constrained site.

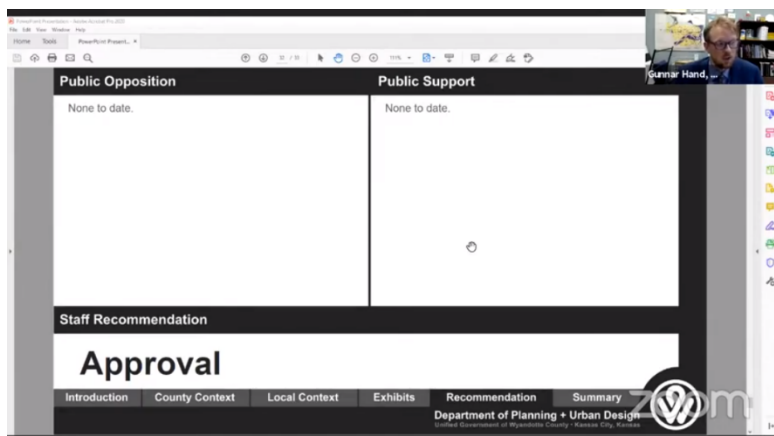
March 25, 2021



He will have to do some additional screening. He will have to remove essentially, this is a mural that he doesn't have a sign permit for, so we will have to do some façade improvements. Again, we don't allow grated windows and such like that. So, there will be some improvements to the property that we'll work with him through the Development Review Committee, and other screening of the rear yard as there are adjacent uses.



You can see there's no parking, so the parking variance will require parking on the street, which is a common practice on Central Avenue in those constrained sites.



The staff also recommends approval and agrees with the Planning Commission on both. Happy to take any questions.

Commissioner Burroughs asked, Gunnar, how does this fit in with the Master Plan, the Central Avenue Master Plan?

Mr. Hand said, again, technically it's a Master Plan Amendment so we have to change this one parcel, but it's very much in line with the vision of the corridor. You can see these are all sort of commercial businesses all along this alley. It is adjacent to some residential uses, so there are, again, some screening issues that we're working through with Mr. Gomez.

He had originally requested the change of zone to be to C-3, which again, after the (?) after potentially Mr. Gomez's business would allow for an intensity of uses that we did not agree with. So, we had recommended that this move forward as a CP-1, which would allow Mr. Gomez to continue with his current business operation but would limit future intensity of businesses, i.e., you wouldn't see an auto repair shop on this small site ever again.

Commissioner Burroughs said thank you, Gunnar. I'm not opposed to Mr. Gomez's business, I'm just curious as how it was a handful of years that we had an auto repair business at that intersection and it didn't interfere with the traffic flow and parking. But now we have a person that has come forward with a business model and we are having this discussion this evening. I'm just trying to weigh the differences here, and how it fits into the Master Plan.

Mr. Hand said I think when Mr. Gomez approached us, it provided us—and because there was a lapse since the previous SUP for auto repair, it gave us an opportunity to create a final solution

here so that somebody wouldn't always have—so that there would be certainty on this parcel from now into the future. And, again, it meets the character of the neighborhood, which is a diversity of uses along the corridor. This is right before, as you go west, this is right before that little stretch of single-family homes on Central Avenue before 10th. **Commissioner Burroughs** said, thank you, Mayor. Thank you, Gunnar. I have no more questions.

Commissioner Ramirez said, thank you, Gunnar, for bringing this in front of us. I only have one question. For the Change of Zone Application, I see it was from a seven to one vote. What was the reasoning for the one planning Commissioner to vote against it? **Mr. Hand** said, I believe that was Commissioner Reasons—no it was Connelly, that's right. It was Commissioner Connelly who voted against it, I apologize. He never gave a reason. We're not 100% sure.

Commissioner Ramirez said, okay. I was just curious to see what was the reasoning behind their no vote. I have no other questions. Thank you.

Commissioner McKiernan said, Gunnar, I have to say I was stunned when I found out that this was zoned R-1 because there has been a commercial business in that spot for as long as I can remember, and that's decades. I don't think it was an auto repair business; I think it was an auto sound business. They were installing sound systems into cars. So, they didn't have a lot of cars that were broken down, but they occasionally did have cars pulled in or in front. I don't recall that there was any disruption of traffic flow on that street. The historic sign was a vacuum cleaner repair and sales shop. That's what was there for years and years and years. So, that's a little bit of the history. Frankly, I've always seen it operate as commercial.

I endorse the rezoning, especially with the way you have proposed to do it to, I believe, CP-1 instead of C-3. I endorse that. It is interesting for me as I look at the zoning map, overlaid on DOT Maps, that the R-1B designation—now, this doesn't have anything to do with this application, but if you look down at the two parcels that are immediately west of this building, also zoned R-1B, that sure doesn't look like a residential structure on either of those. It looks to me like a couple of dozen cars. So, I just observe that although they are screened by that wooden fence from Central, I just observe that it doesn't look like a residential usage on those two lots.

Mr. Hand said, we also saw that, too. I would add, I forgot to mention this earlier, but we have—that building's been there since 1920. It's a hundred years overdue for a change of zone.

Commissioner McKiernan said, I completely agree. Commissioner Burroughs, to your point, I think it's a point well taken that if this had not had a history of being a commercial space, then I would worry how it fits into the overall Central Area Master Plan. But given its historic use as a commercial space, I don't really see it as a change. I think it's consistent with mixed residential and commercial nature of Central Avenue. Mr. Mayor, I assume we need to have a public hearing on this, and if so, I will wait until after that is completed, but I certainly am willing to make a motion.

Mayor Alvey said, I'd ask the applicant to present his application, if he is present. Please state your name and address for the record.

Nuvia Gomez said, I'm here with my father Enrique Gomez, who does not speak English. His name is Enrique Gomez. His current address is 22 South Mill Street, Kansas City, Kansas 66102, right around the corner from 837 Central Avenue, where his place of business is. My name is Nuvia Gomez and I live at 618 Northeast 114th Terrace, in Kansas City, Missouri.

Mayor Alvey said, I think we know what your application is. I think we've got a motion. If you have anything else to say, say it now, otherwise, we'll move on.

Nuvia Gomez said, no, I just do want to point out that the lot next to it, which is 849 Central Avenue where you saw all those cars, that is also his property. Those cars have been removed by the prior owner who did operate an automotive shop and that's why all those cars were in that area. How he was able to do that without a special permit, I'm not sure. We do want to do the right thing and make sure we can rezone this so that my father can operate his business within the legality.

Mayor Alvey said, I'd ask, is there anyone present who would like to speak in favor of this? Clerk, did we receive any communications? **Brett Deichler, Interim UG Clerk**, said, no, Mayor, we have not.

Mayor Alvey asked, is there anyone present who would like to speak in opposition? As we've heard no communications, I would close the public hearing and entertain a motion.

Commissioner McKiernan said, I'm going to need to make two separate motions, but before I do that, if I may address Ms. Gomez and say, thank you for cleaning up those two lots. We really do appreciate it, and I think that demonstrates your commitment and your father's commitment to improving Central Avenue. So, thank you for that.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Philbrook, to approve Change of Zone Application COZ-0001, subject to stipulations. Roll call was taken and there were ten "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

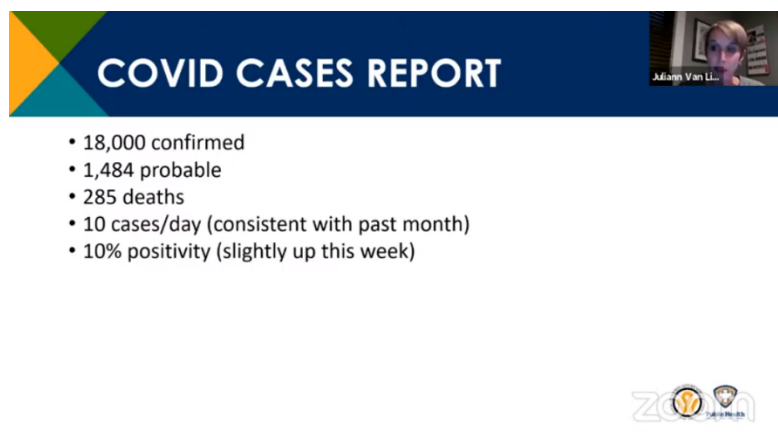
Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Master Plan Amendment MPL2021-001, subject to the stipulations. Roll call was taken and there were ten "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

MAYOR'S AGENDA

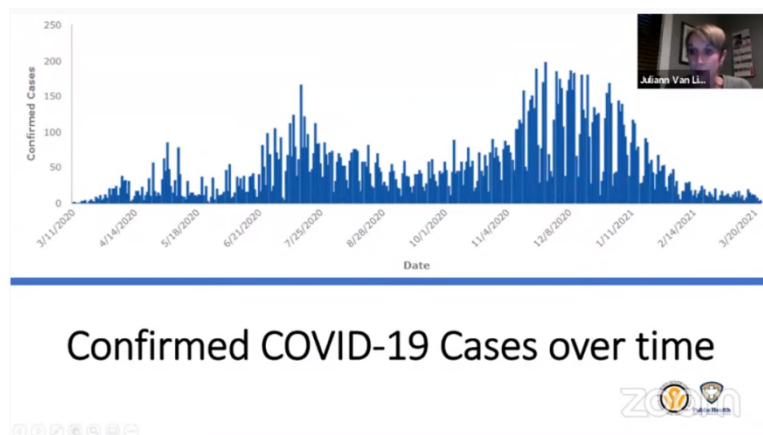
ITEM NO. 1 – 21749...HEALTH ORDER REVOCATION

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

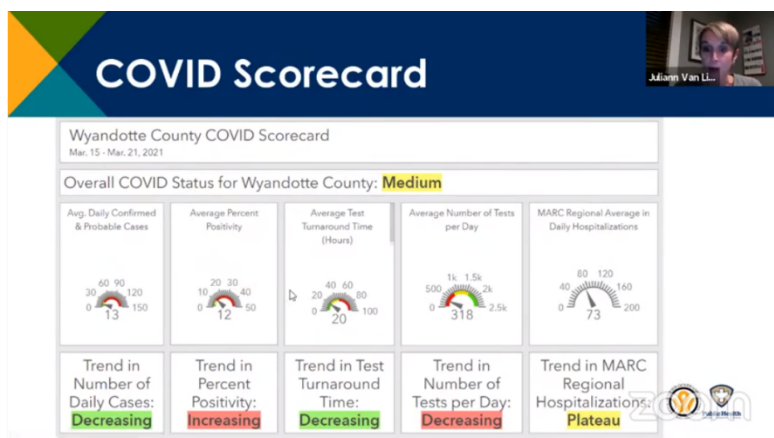
Juliann VanLiew, Director of Health Department, said, our portion of this is going to be very brief. We just wanted to make sure you walk into this conversation knowing the exact status of COVID in our community, so that you can make the best decision possible. So, this is just going to be a quick status update on our numbers.



As of today, earlier today, we had exactly 18,000 confirmed cases of COVID in Wyandotte County, just about 1,500 probable cases, and 285 deaths. We are still experiencing about 10 cases per day. I know it sounds a lot lower than where we were, but that's still 70 cases a week of COVID that is being detected in our community, even with low levels of testing that we're experiencing right now. Our percent positivity is ticking up slightly. Over the course of the past week, we were down to 78% and now we are at 10%. So, still 1 in 10 people being tested for COVID in our community are receiving positive test results.



We are, of course, in a much better position than we were over November, December, January, but I do want folks to kind of watch that tail end here to the right where it is very possible and probable that we are going to start seeing some cases tick up here. Dr. Corriveau will speak to that here in a moment.



Lastly, for my part, our weekly COVID scorecard that we update every Wednesday for the previous week has the overall COVID status for Wyandotte County at medium. We have it that way because we have a number of trends that are moving in the right direction. Our number of daily cases as of March 15 through 21 were going down, but our percent positivity, as I mentioned, is trending up. Our average number of tests per day is not moving in the direction that we would like it to be. Lastly, which again, Corriveau will speak to you, our hospitalizations are plateauing and actually, over the last couple of days, starting to tick up.

So, overall, our status is not as positive as we would like it to be given the potential need to modify our health orders at this time.

Concerns with relaxed orders

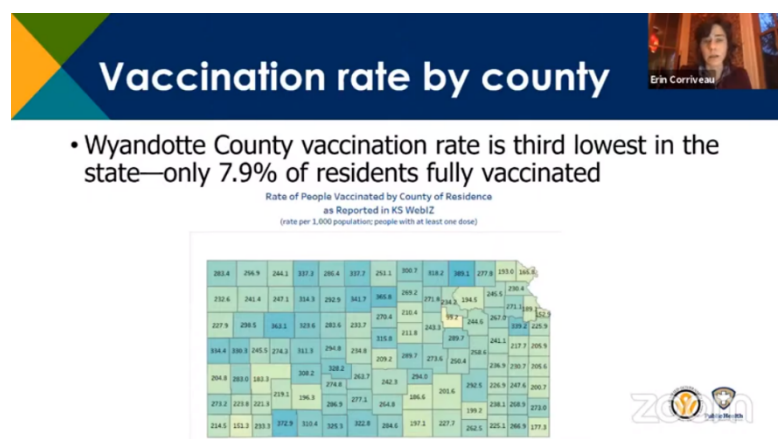
- Increased cases across US and Europe
- Uptick in hospitalizations in recent days
- Variants – potential for new surges
- Very low vaccination rate in Wyandotte
 - Hardest hit communities are among lowest rate of vaccinated

Dr. Erin Corriveau, Deputy Health Officer, said, just wanted to discuss a little bit about what's happening around the country and the world. Many of you, I'm sure, have seen that there are cases ticking up in Europe and then on the coast of the United States and a couple of other large cities. In our community, we are, within our county, seeing a bit of an uptick in hospitalizations, unfortunately, in recent days. Still far below that time during the winter when we were really

having a rough time controlling the cases and were building new wards to hold patients and such. We're certainly not in that situation, but we're watching this very closely. The reason is, is because previously, during other surges in the pandemic, we've really followed closely behind other parts of our country and Europe so, we're concerned.

What's driving the uptick in other parts of the world and other parts of the country are actually these variants that I'm sure many of you are hearing about. It is well known that we have the British variant within the metro area here, and that's been sampled even as far back as, I believe, January in the wastewater in surrounding areas. Very near to home, here, so it's concerning to us.

We also, unfortunately, are so far seeing a very low vaccination rate in Wyandotte. That is not without a hearty effort, I can tell you. We are doing our very best. However, under 8% of our people in Wyandotte County have completed the two doses of vaccination at this point in time.

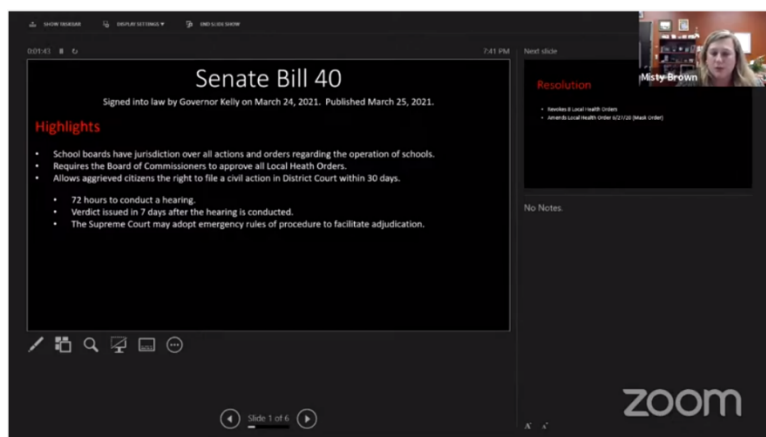


So, just to show you this map here. Again, you can see that just shy of 8% of our residents are fully vaccinated. Many more people have their first shot, at least, and then we're hoping that they'll come back for their second, but you can see at a more granular level how we're doing here.

Given what we've presented to you this evening, and this is our last slide from the Health Department here, I do want to make the point that the orders that we have put forth I think are good. I think that they're appropriate given the level of disease that we're seeing in our community and then the level of uptick that we're seeing outside of our community. Just making the case that we want to be careful and protect, of course, those who are most vulnerable within Wyandotte County which has, the entire time throughout the pandemic, been our charge. So, of course, there is a new statute that has come out that we'll discuss in just a second here, but if it had not been for the new statute, Dr. Greiner and I would not want to be changing these health orders at this time.

With that, we can conclude and we'll pass it over to Misty with our Legal Department. Thank you.

Misty Brown, Chief Counsel, said I, first of all, want to thank Juliann and Dr. Corriveau for their overview. As Dr. Corriveau alluded to, I am here to talk about Senate Bill 40. James and I will—he's going to share his screen with you. He's prepared something to help with this. But James and I will kind of walk through where we are today, the landscape of our legislation.



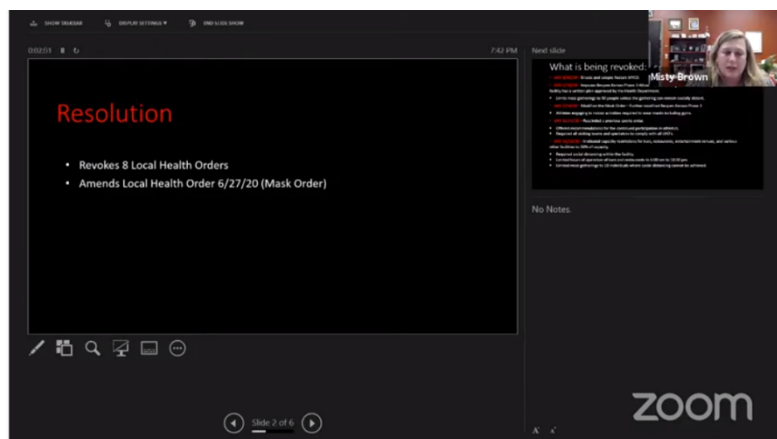
I believe everyone knows, or has heard, that Senate Bill 40 was signed by the Governor yesterday. It was published today and it is good law as of today. The, I guess I'll call them, highlights of that bill and the major component that we talked about is, the bill makes it very clear that any type of COVID-related health order or anything that pertains to school boards that would affect the operations of the schools are under the school board's exclusive jurisdiction.

In addition, it requires that any type of health order that a local governing body were to pass that would require masks, restrict movement of the population, or affect businesses would have to be actively passed by the governing body. In the past, we've had local health orders that were signed into effect by our local health officer; and the Commission, as of last summer, had the authority to amend or revoke them. Now, if there's going to be a health order that would require masks, masking, mask gathering restrictions, or movements of the population, the Commission would have to actively review and approve such an order.

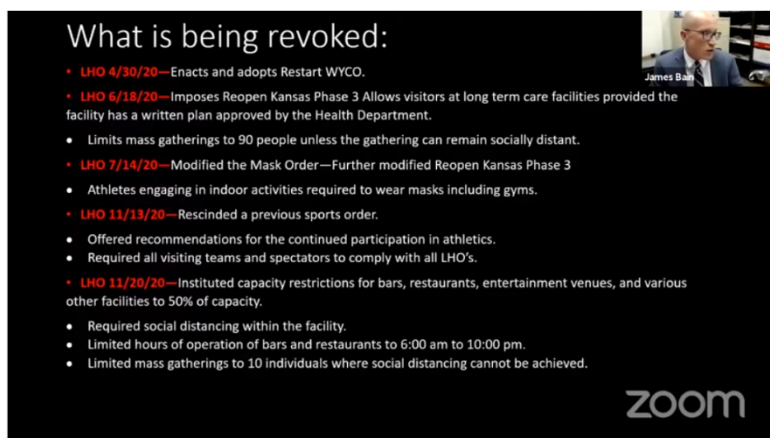
Then, another component is, this bill does allow any citizen who is aggrieved by a local health order to file an action in District Court within 30 days. From there, it goes quite quickly that after a citizen were to file an action, the court would have to have a hearing within 72 hours, and a

March 25, 2021

verdict would be issued within 7 days because this legislation has specifically called out that the Supreme Court could adopt some emergency rules and procedures to facilitate this adjudication.



Then finally, Senate Bill 40 also sets out some parameters that local health orders would have to follow to withstand judicial scrutiny. So, with that in mind, James and I have prepared a resolution tonight that we are asking the Commission to consider that provokes eight of our current local health orders, and amends the Local Health Order 6/27/2020, which is the Mask Order. At this point, I'm going to turn it over to James to walk through what is being revoked and what the resolution with the amended order covers.



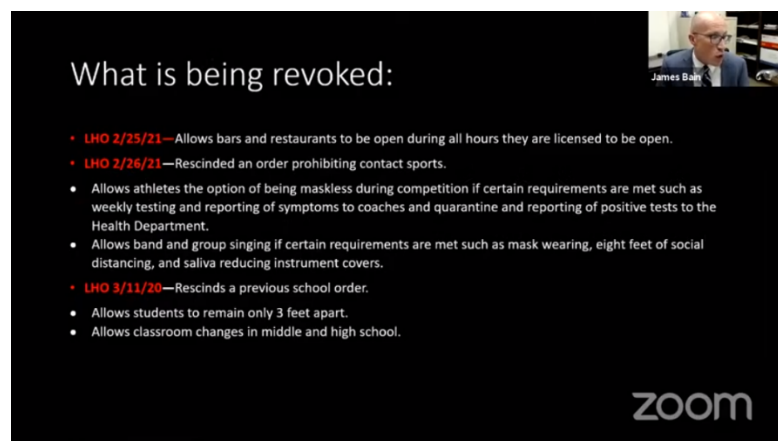
James Bain, Assistant Counsel, said, I'll take you through kind of the eight current orders that we have today and that are being proposed that we revoke. The first two are pretty similar. They're from the spring and summer when we were operating under Restart WYCO at the beginning of the pandemic. You'll remember the Mayor's committee that set the plans for how we operated and how we were going to reopen businesses and reopen our way of life. In the middle of the

summer, we transitioned over and reopened Kansas, which was the Governor's reopen plan. So, LHO 4/30/2020 and LHO 6/18/2020 both dealt with those reopening plans and both of those are still active today. Those are the orders where we get our current social distancing orders, where we're getting our current capacity orders for businesses, and long-term care facility orders.

LHO 7/14/2020 was our second mask order. It's clarified mask orders for athletics and gyms, and so there will be a little bit of a change in the resolution we are proposing tonight. We are proposing that individuals in a gym workout setting still need to wear masks, however, organized sports, competition, or practice do not need to wear masks. One thing to remember about the Senate Bill 40 is that nothing we do deals with schools. Our health orders no longer have jurisdiction over schools, and so that goes for athletics and mask-wearing.

LHO 11/13/2020, those sports offered recommendations for how sports could be continued in a safe manner and required all visiting teams and spectators to comply with local health orders, which were mainly masking and social distancing.

LHO 11/20/2020 instituted capacity restrictions for bars, restaurants, entertainment venues, and various other facilities to 50% capacity. This is where we probably see the biggest change in what we are proposing, going from this 50% capacity cap to social distancing and limiting your capacity based on how many people you could manage six feet apart. This LHO 11/20/2020 is the bar/restaurant hours of operation. You'll remember, it was ten o'clock; back in November, moved to midnight. In January and then February, we moved to allowing bars and restaurants to stay open for however long they were licensed to stay open.



What is being revoked:

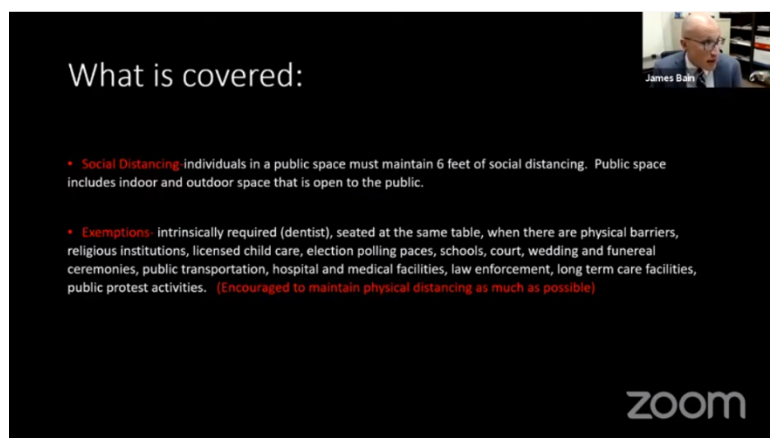
- **LHO 2/25/21**—Allows bars and restaurants to be open during all hours they are licensed to be open.
- **LHO 2/26/21**—Rescinded an order prohibiting contact sports.
- Allows athletes the option of being maskless during competition if certain requirements are met such as weekly testing and reporting of symptoms to coaches and quarantine and reporting of positive tests to the Health Department.
- Allows band and group singing if certain requirements are met such as mask wearing, eight feet of social distancing, and saliva reducing instrument covers.
- **LHO 3/11/20**—Rescinds a previous school order.
- Allows students to remain only 3 feet apart.
- Allows classroom changes in middle and high school.

zoom

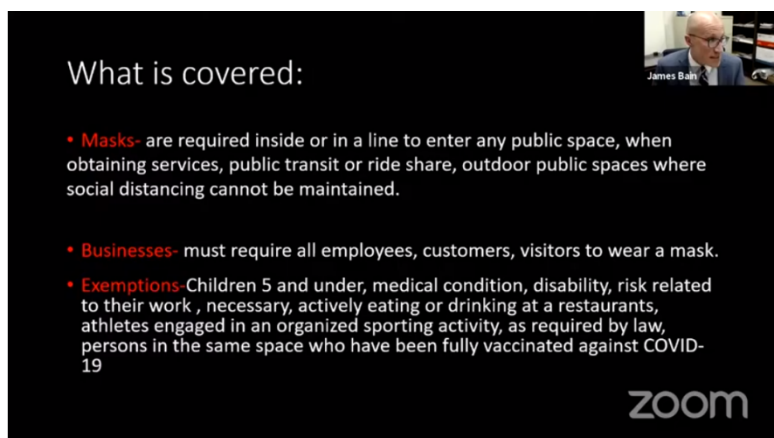
Three more orders that we are proposing be revoked. 2/25/21, that is the order that allowed bars and restaurants to stay open for as long as they are licensed. LHO 2/26/21, another sports order.

This is the order that allowed sports to be played maskless if certain requirements were met. Those requirements dealt with weekly testing, reporting to coaches, reporting positive tests to the Health Department. That order also started opening up band. If bands could use the equipment that would reduce saliva into the air, and some spacing requirements for bands.

Finally, LHO 3/11/2020, that is a school order. It took us to CDC recommendations of three feet in between schools. It dealt with quarantine of students that are sitting around a student that tested positive. So, those are the eight orders that would be revoked if the resolution is passed tonight.



So, what does the new resolution do? It does two main things. Continues social distancing in indoor spaces, indoor public spaces and outdoor spaces that are open to the public. There are some exceptions dealing with businesses that are required to have less than six feet—dentists, hair, things like that; a lot of things that we’ve already been doing. When folks are seated at the same table at a restaurant, they don’t have to be six feet apart. We’ve seen physical barriers in restaurants, and that will continue. Religious services, and you see the list there. Government events, court hearings, medical facilities, public transportation, people are not required to be six feet apart. So, a lot of this is the same way we’ve been operating. Stores still have the stickers on the floor when you’re in line, and those things will continue.



What is covered:

- **Masks-** are required inside or in a line to enter any public space, when obtaining services, public transit or ride share, outdoor public spaces where social distancing cannot be maintained.
- **Businesses-** must require all employees, customers, visitors to wear a mask.
- **Exemptions-** Children 5 and under, medical condition, disability, risk related to their work, necessary, actively eating or drinking at a restaurant, athletes engaged in an organized sporting activity, as required by law, persons in the same space who have been fully vaccinated against COVID-19

zoom

The other thing that is covered in the new order is masking and that, again, will remain consistent to what we are currently operating under. Requiring masks inside or in any line to enter a public space, when obtaining services, on public transit or ride share. In outdoor spaces where social distancing cannot be maintained, businesses must still monitor and enforce masking by employees, customers, visitors to your office, things like that.

The exemptions as we've had, children under five, that has been exempted since the summer. Folks with medical conditions, risks in their work to having a mask, folks actively eating and drinking. We've talked about athletes engaged in organized sports activities. A new exception that I will point out, and this is a CDC recommendation I believe, is that persons in the same space who have all been fully vaccinated against COVID-19 can interact without wearing masks. That is the last slide. I know Misty and I, and I'm sure Dr. Corriveau and Juliann, are available for questions.

Doug Bach, County Administrator, said we bring this forward to you tonight as a response to what has happened at the state level. I think it's been explained by staff what our situation is. We still feel like the health risk is great for COVID in our community. We are far from getting our vaccinations done. So, we do believe what we've put forth to you is something that is very defensible under the new state laws and is needed by our community. We recommend the Commission consider this for approval tonight.

Mayor Alvey said, frankly, I am personally disappointed by the actions of the state legislature. I do not believe that we are through the pandemic yet. Clearly, what we're seeing—as we've seen, what is happening nationwide and really worldwide, we always have, perhaps, maybe a month's

look at what's happening elsewhere. But with increase in cases, now ticking up in over 30 states across the country and some states now questioning whether they relax their orders too soon, this seems like a very serious backward move.

If there's any consolation in this, I would say that there was a recent research done using phone apps, checking peoples' proximity to others, and found that in neighboring jurisdictions—those that had more restrictive shutdown orders and those that had less restrictive or none at all—there was only about a 10% difference in business activity. What really drove the decline in business activity was not the government orders to stop activity, actually. It was the fear of people contracting the virus.

So, I think it's important for our Public Health Department, our Communications Department to continue to put the word out that we are not through the virus yet, it is still moving, we need to continue to take these precautions. There's certain things we must do and we must not do to maintain public health. If we can honestly and forcefully communicate with public and let them know where we are and how the virus is moving and what measures we need to continue to take to protect ourselves and our loved ones and our businesses, then we will still be able to control the spread; not quite as much, but generally we'll be attaining that. Again, that's only if people really do understand what the virus is, and how it continues to move, and so they don't just give up, throw their arms up in the air. Thank you for all your work.

Commissioner Ramirez said, thank you Dr. Corriveau, Juliann, James, and Misty for bringing this forward. Thank you said it perfectly, Mr. Mayor. It's very disappointing on the action that the legislature took. They really—earlier when we were meeting about this, Commissioner Bynum said it perfectly that it's an infringement on our home rule. It's an infringement on our constitutional right of local control, especially on our public health and the wellbeing of our constituents.

I, all throughout this entire time, every time there's been a COVID update, we thank our Health Department for everything they have done because you have moved mountains since this pandemic started. You didn't take it politically. Every decision was made based on the data and health and wellbeing of our community, and I cannot thank you enough for all that you have done. I want you to know you—your authority now that it's no longer there, but I want the people at the Health Department to know that your work is noted. It doesn't make it less meaningful and less impactful

in our community. That just means that we, as a governing body and agency department, have to work together more to create and to get rid of this virus and all of the other health inequities in our community. Now, we just have to work together.

To our community, I ask that we continue to be resilient, that we continue to follow the orders. This isn't a political issue. This isn't about choosing if you want to do it or not. This is about our community being able to move forward and making sure that everyone is safe and healthy. So, again, thank you to our Health Department, Dr. Greiner, Dr. Corriveau, Juliann, and everyone in the Health Department. Thank you for all that you have done. This doesn't mean you're gone. You are still here front and center, but now we get to create a closer relationship to move this county forward. So, thank you.

Commissioner Bynum said, I just have a couple of questions to make sure I understand. The Senate Bill 40 that is now state law, did it speak specifically to COVID or is it basically governing any health emergency into our future? **Ms. Brown** said, Commissioner, that's a great question, and it's a little bit mixed throughout it. There definitely is a COVID emphasis in the bill. So, specifically, it's related to COVID when it—and it's this particular emergency for COVID when it comes to school boards. Now, for the governing body, it puts additional restrictions on us if we are going to enact any local health order that would require masking, restrict capacity at gatherings, or the flow of the population. So, it doesn't have the COVID sticker on there, so it would apply in the future if a health order tried to do one of those things for a non-COVID issue.

Commissioner Bynum said, I see. So, it's possible, probable in fact, that in our future lies a health emergency that's going to require local health action that's not covered by this particular law. I guess that's very possible, probably likely. Just to clarify, kind of alluding to what Commissioner Ramirez said. This state law has, I'm asking this to clarify that it's true, this state law has taken away our local control to deal with our community the way we believe is best, is that correct? To a large extent? **Ms. Brown** said, that would be my opinion, as well. I think if I was speaking strictly to the letter of it, it has taken away our authority to grant this authority to our local health officer to make these type of health orders.

Commissioner Bynum said, okay. Just one last question. The order that you're bringing forward today then, is an order such that we can still provide a couple of mitigation steps and be in compliance. Is that correct?

Ms. Brown said, that's correct. What we are actually doing is amending an existing health order to speak more clearly about the social distancing requirements that our health officer believes are necessary to handle the pandemic in Wyandotte County, and it also expands on the mask requirements to do the same thing. As we reviewed it with our health officer, we believe that this would be the very minimum steps that we can take to effectively combat the threat in Wyandotte County, but I do not wish to put words in Dr. Corriveau or Juliann's mouth at this point. **Commissioner Bynum** said, understood. Thank you so much. That's all my questions.

Commissioner Philbrook said, well, thank you for what everybody has said so far. I'm going to go a step further and ask a couple of questions, probably more into the category of, if we get all of the vaccines that we say we need to do this and get this job done, how long—I mean, what is the reality of the date we're looking at actually getting people say, at 100%? I mean, I'm just, you know, pie in the sky, 100%. Aren't we looking at least six months out? **Ms. VanLiew** said, pretty good estimate, I would say. How about you, Corriveau?

Dr. Corriveau said, I think that's right, Commissioner, but maybe sooner. Unfortunately—I'll say first, fortunately, I think our supply is increasing quite a bit. I mean, we know it is from the state. We're getting a higher allocation regularly of vaccines of various types. We're really having a rough time convincing folks, I think. People are wanting to kind of take their time and make this decision. I think they're looking around them, watching their neighbors and friends, and people who they know and talking to them about the vaccine before they decide to take the vaccine as well. So, and that's just sort of my opinion after watching a couple of our vaccine sites for the last week or so. So, I think a lot of what we're concentrating on is the messaging and putting out just correct information to people and encouragement. I do think the supply is really ramping up, so that's positive, you know. If it were only as easy as just the supply.

Commissioner Philbrook said, I know it's not, and I understand that there are some people that are very concerned about coming forward to getting the shots, you know. If there's some way that I can actually—and I hate to use this term, but I'm going to—call to arms all of our community leaders who actually get out there and get those arms, you know, present, so we can get those shots so we can all be safer. Because we are regulated by the state and the feds, it slows us down from getting our work done and getting, in my opinion, getting our (inaudible). Because I work almost everyday with patients, and you know, most of them want the doggone shot. They want

(inaudible). The happier they're going to be about it, because they're worried, and it's very stressful on people right now (inaudible) and how they feel about things, are all being impacted.

So, I would ask that we stay positive about the change that we're having to make because of the state, and just press ahead and ask people to get in and get shot in the arm, of course. Thanks, guys. You can't do—there's no way of getting through any of these meetings without giving y'all a lot of praise. So, this is just one more example of our UG team coming together, getting something done in a day. In a day. And making, hopefully, the appropriate things so the commissioners—so we can do what's right for our community. Don't think you're out of work yet, sorry. Feet to the fire, kids. We're going to be keeping you working for awhile yet, so God bless you.

Commissioner Burroughs said, Commissioners, if I may. We could have 100% of vaccines available, but we will be dealing with messaging and commitment for all members to get vaccinated in the communities. We're not only seeing it in our community where we have those that don't trust the vaccine, but those that may not even trust government in reference to getting the vaccines. So, and it's not just our community, it's state-wide, nationwide, but I will share with you this. This order that came down was nothing more than a power grab by those in the legislature who believe they are more knowledgeable and more educated than those that have our interests—in reference to our health interests—at heart.

It has been a very trying session to date in reference to how we deal with local control and deal with the pandemic. Not only state-wide, but within our individual communities. Kudos to everyone that has had the responsibilities of guiding us when you have a lot of external forces impacting our decisions. I will just state this, that the power grab is not only on local government, it is all the way to the Governor's office, and we've seen that stripped to the extent that it's almost disrespectful of the executive branch of our government and the state of Kansas.

So, while it impacts local government to the extent it does, I can only imagine how heartfelt and how excruciating it is for those that respect and value the power of the executive branch and what we're dealing with. So, I just wanted to clarify that, that we're not in this alone. It's impacted all the other communities state-wide, but this is nothing more than a power grab of executive power and of the executive branch. So, again, thank you all.

Commissioners, please know that we have been very blessed with those that have guided us through this pandemic in the extent that they have, but we—this battle is not over with yet.

Commissioner Townsend said, this does seem like a very sad move backward. Kansas was really on the forefront, it seems like, doing what it could to protect its citizens and respecting home rule. So, I'm asking these questions appropriate for either our counsel or our Health Department, just to make sure that I'm really getting what's going on here. So, is as the result of the Senate Bill 40, what would happen, I guess this is a question for counsel, if we did not revoke the orders that we were presented with tonight in a summary by counsel? We would be out of compliance with what Senate Bill 40 states, is that pretty much the sum and gist of it?

Ms. Brown said, so, yes, that's the sum of it. The actual effects of it are hard to calculate because there's no guidance currently in place over it. I have some theories that I'd be happy to share about how it could play out, but I think it would leave the Unified Government just generally overexposed if we did not take some action.

Mayor Alvey said, if I might. Commissioner Townsend, what this would mean is, we don't have to revoke the order. But, any order that we do have could be—if someone could bring lawsuit, could file a claim in District Court to say that this unnecessarily restricts their activities. So, I think the intent of the legislation was to basically put local jurisdictions on their heels, governing bodies on their heels, to be so afraid of just an onslaught of lawsuits that we have no idea how they would play out since there is no case law on this. So, it just simply is meant to put us on our heels and lead us to do this kind of action. That's my understanding.

Mr. Bain said, if I can answer as well. You saw, Commissioner, a few school orders of the eight that will be revoked. Of the entire bill, the language about schools was probably the strongest in giving control over health orders within school operations to school boards. So, we would, on the school orders that we currently have in place, we would not have any jurisdiction to enforce anything. So, those staying in place would not allow us ability to enforce them anyway.

Commissioner Townsend said, okay, and I do get that distinction, it seems like, for the school districts, but what the Mayor just articulated is more broad than that. It's basically saying anything

that a citizen could challenge some of these other orders we have in place as a result of Senate Bill 40.

So, let me ask another question, then. Can our Health Department officers, let's say we do revoke these orders in step with Senate Bill 40, regrettably so, can our Health Department officers still come to us preparing orders that have to do with, what was the big three that Counselor Brown mentioned? Masking, flow, and distancing? I might have gotten two out of the three correctly. Would we still have the ability to do that and then the Commission vote up or down on those proposed orders? **Ms. Brown** said, yes, our health officers could still come in front of the Commission and articulate the reasons why we needed to do that in those cases. So, the governing body could then pass a health order that did that. And capacity, I think, was the third one.

Commissioner Townsend said, okay. The way I'm understanding this, there's some light here at the tunnel. Even if we revoked the standing orders, the ones already in effect, to be in compliance with Senate Bill 40, that removes the possible specter that the Mayor mentioned of a round of lawsuits. And given what we're going through this time, we really don't want to strain our resources with that if we can do it, but nevertheless, we still have the opportunity and the right to hear from our health officers with orders they could propose. I understand the exception would be with the school district and that type of thing, so we still have that right, correct?

Ms. Brown said, that's correct, Commissioner. We definitely still do have that right. From a practical matter, the big thing that's changing is, we're not going to have health orders as Mr. Bain mentioned, affecting the school orders and the sports orders which are largely tied to educational facilities. Those are—we're not going to attempt to try and do that. Then, finally, the biggest thing would be the capacity restrictions that we have on events. So, that would be handled with, instead of capacity, social distancing and masking.

Commissioner Townsend said, explain that to me, again, with regard to the capacity. We can have orders that control that, or cannot? **Ms. Brown** said, we could have them as long as we made an argument that that was the most least-restrictive way of handling it. When reviewing the order and looking what some of our neighboring jurisdictions have done, it was the conclusion that imposing a social distancing rule would be the best approach instead of limiting it to numbers.

So, if a business could have sufficient—a number inside a business that was not currently allowed by our local health order but they were able to do it and socially distance and masking, then it would meet what was necessary to comply the minimum amount necessary to protect the health. **Commissioner Townsend** said, okay. Thank you.

Mayor Alvey said, Commissioner, I just want to clarify that we can keep all these orders even as they stand. We would have to bring a vote to approve them now, that's part of the legislation, part of the act. So, even a mask order and social distancing requirement—as long as the language is narrowly tailored least-restrictive, then that gives us better legal standing. However, we still could be subject to lawsuits, and we would still be really at the mercy of the court, the judge, who would decide whether even a mask order might be considered overly-restrictive. So, we can do any of these things. We have to calculate what we think the level of lawsuits might be, I think, is what it comes down to.

Commissioner Burroughs said, I do want to compliment Legal for their interpretation of legislation. Having the opportunity to be present during the debate and discussion, this was about putting the authority back into the elected bodies of those particular entities. We had this discussion early on when COVID broke out as to who really has the authority to make rules and regulations in reference to our communities and the school districts. What this does, with this legislation, actually promotes us putting the power back in those elected entities.

Legal has given a really decent overview as to the legalities of that, but these politics aren't finished yet. So, I would advise this Commission to be mindful that we can take whatever actions we want, but we could be litigated tomorrow on the actions we take today and/or tomorrow in reference to if we don't want to abide by Senate Bill 40. We have not seen the end of this just yet. The legislature is still in session, and there's still discussion in reference to the direction that those within the legislature in gaining the authority they feel they need to litigate through this pandemic that we have presently. But, I do want to thank Legal for understanding, in a short amount of time, the Senate Bill 40 ramifications and the decisions we make as a Commission.

Commissioner Ramirez said, I believe what you said and what Commissioner Burroughs said was what I was going to say. Us, as a Commission, as a governing body, we need to caution any

orders we would like to enact because it will bring—because we have to keep in the back of our mind of that citizen, within Senate Bill 40, the citizen right to bring up action against us. So, I just say caution when we bring these orders forward. Regrettably, I will support the order that we are doing tonight, but again, just in the future, just caution with what we do. Thank you.

Commissioner Townsend said, one more question about clarification. So, if we were not to revoke our standing orders so that they would be in opposition, let's say, to Senate Bill 40, we could be sued. If we did revoke them, could we still be sued? **Ms. Brown** said, yes, Commissioner. We could still be sued and, you know, I anticipate we will be sued, at least in some capacity. However, I believe that if we make the changes tonight, that we will be able to more easily defend ourselves if we are sued. **Commissioner Townsend** said, okay. You just said a mouthful right there. Thank you, Counselor.

Mayor Alvey said, if we could just review, once again, what this order does. **Ms. Brown** said, the resolution that you have in front of you amends local health order from June, the masking ordinance. It amends it to include new masking provisions that are in line with what we anticipate the executive order coming from the state would be. It also includes social distancing, and it revokes prior health orders pertaining to basically everything else, but the masking and social distancing, specifically to schools and sports activities, and also capacity limitations on businesses.

Action: **RESOLUTION NO. R-24-21**, “A resolution amending LHO 6/27/20 and revoking LHO 4/30/20, LHO 6/18/20, LHO 7/14/20, LHO 11/13/20, LHO 11/20/20, LHO 2/25/21, LHO 2/26/21, and LHO 3/11/21.” **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, McKiernan, Ramirez, Kane, Markley; and there was one “No,” Johnson.

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

ITEM NO. 1 – MINUTES

Synopsis: Minutes from Regular Session of December 3, 2020, and Special Session of February 25, 2021.

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

ITEM NO. 2 – WEEKLY BUSINESS MATERIAL

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

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

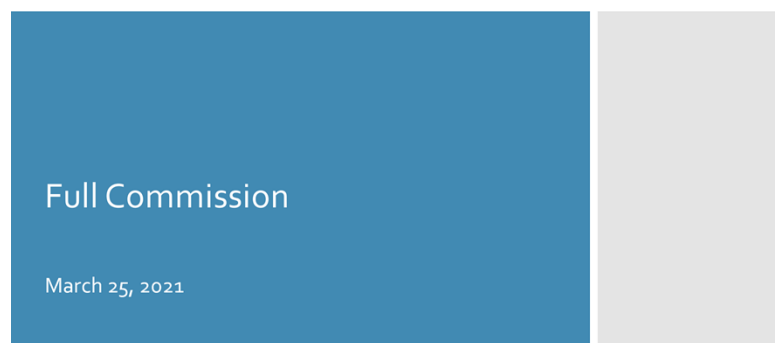
PUBLIC HEARING AGENDA

ITEM NO. 1 – 2112...PUBLIC HEARING/ORDINANCE: CONSIDER THE CREATION OF A REDEVELOPMENT DISTRICT AT 6700 KAW DRIVE

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

March 25, 2021

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



Katherine Carttar, Director of Economic Development, said, this is a public hearing and subsequent ordinance for approval of a redevelopment district at 6700 Kaw Drive. This will be pretty high level. We would anticipate coming back to the Economic Development and Finance Committee and the full Commission subsequently with much more specifics in terms of development agreements and a project plan.

March 25, 2021



So, what we are referring to today is a single parcel here at 6700 Kaw Drive. It currently houses a Happy Foods, A-Lotta Stuff, Jones BBQ, Heather Beez, which has since closed during the pandemic, and The Bar. This is an area that has been designated blighted as per the enterprise zones from 1992. So, it is eligible for a tax increment financing redevelopment district. At this point, what establishing a district would do is really just signal that this is a location where we would like to see, and expect in the near future, to see a proposal for redevelopment.

I will show you kind of a very rough, I will say, caveat that this is just a preliminary plan. There is a developer interested who does have an option agreement on this property.



Their desire would be to demolish the Happy Foods and, in its place on the same parcel, build a Fresh Market. This would be a very similar concept to the Mercado Fresco on Metropolitan. It's the same owners. If anyone has been in there, it is really an exceptional full-service grocery store, meat counter, bakery, great produce, etcetera.

Then, they would anticipate additional retail and they have started discussions with Jones BBQ about what their space could look like. So, I know that these are just in the beginning stages, so

this would be—once this district is approved, then the developer, kind of having that signal that this is yes, an area that everyone would like to see developed, would then move forward with that next step and we would start actually going into the specifics and the development agreement, etcetera. So, if there are any questions, that's all I've got.

Mayor Alvey said, I would now open the public hearing. I know Ms. Jones is here to speak in favor. I would also reference that we had received a letter from Greg Kindle at the Wyandotte Economic Development Council in support of this development.

Deborah Jones said, I talked to them last Friday, their lawyer, my lawyer, and the people that purchased the land. We just wanted to know where we were going to be and if we could come to some kind of agreement about what they're going to do, and where we're going to go, and if they're going to knock our building down. They said that they were going to let us stay open while they did the development in the back. We don't have anything specifically in writing, we're waiting to hear from them to say that we'll be on that end. We asked them if we could have a drive-through, just in case C-19 and other things might occur later on. We asked them about our drive-through and still a walk-up.

Also, we asked them that, because the square footage that they're asking for us to take, we were trying to see if they would be okay with us doing our sauce there, developing our sauce on part of the property next door and employing other people in the community for jobs.

Mayor Alvey said, in general, you are saying you are in support of this proposal? **Ms. Jones** said, oh yeah. Yeah, if they're in agreeance and keeping me there, sure I am. But, if they're going to boot me (inaudible) yeah, I'm for it if they're going to keep me there, but if they're going to change up on me, no.

Mayor Alvey asked, is there anyone else present who would like to speak in favor? **Brett Deichler, Interim UG Clerk**, said, Mayor, the Clerk's Office did receive another letter before the deadline from a Kelly Lane from Key Equipment that she wanted me to read. I will read that now, if that's okay.

The letter read: To whom it may concern. We at Key Equipment and Supply Company are writing this letter to express our support of the redevelopment of the businesses at 6700 Kaw Drive, currently called Fresh Market, formerly Happy Foods West, A-Lotta Stuff Thrift Store, Jones BBQ, as well as The Bar and Restaurant. Our business sits behind the property at 6700 Kaw Drive, and our front entrance faces the backside of the grocery and thrift store areas. Since relocating to our current location in 1998, our view of the backside of the building has been unsightly. The building is blighted and is in dire need of repairs.

We sell, service, and rent large municipal equipment such as street sweepers, sewer trucks, and refuse trucks. Because of their size, these trucks can only access our business by exiting Kaw Drive onto River Avenue. Our customers' large trucks are not allowed through the residential area and on the opposite side of our businesses. The loading dock for the grocery store is at an angle towards River Avenue. When a large delivery truck backs up onto the dock, they block most of the street, not allowing vehicles to pass. Not only does this not allow our customers to get to our building, but it will also prevent emergency vehicles such as an ambulance or fire truck from getting through.

We have seen the preliminary plans for the redevelopment of the store property, the redevelopment plans remedying the issues of our customers accessing our property and eliminates the safety issues that we currently see. Our small business is currently in the planning stages of updating our current building and adding a new building at our location, as well. The redevelopment of both properties will be a positive improvement for this area, in which we are very excited about. Respectfully, Kelly Lane.

Mayor Alvey asked, is there anyone present who would like to speak in opposition? Did we have any communications from the Clerk's Office? **Mr. Deichler** said, the Clerk's Office did not.

Mayor Alvey said, I will now close the public hearing.

Ms. Carttar said, I will say, sorry to interrupt. We do have the developer and their attorney. I don't think they necessarily need to say anything, but just in case there are questions, they are present on the line.

Commissioner Philbrook said, it's nice to see this great developer come in and want to do something with that property. We've been needing something done for a long time. Happy Foods has been great for us, but yes, it's long overdue and this new development can really help start the cleanup along Kaw Drive.

For Ms. Jones, I believe that I was pretty strong in my conversation when we met with the new developers that you're to be part of—not that I can make sure, he hasn't signed on the dotted line—but I was very adamant about the fact that you needed to be part of that conversation and stay with us down in that location. So, any questions, you need any help, just give me a call because I know all of us want to keep Jones BBQ. There's no question about that. You ladies are just dynamos, that's nothing else short of being shakers and movers and an example for women on what they can do with their lives and encourage younger folks to do the same. Sorry about getting sidetracked on that spiel, but when I think about you ladies, that's what comes to my mind.

So, Katherine, they're still in conversation around the exact—what's going to happen, and so I guess what I'm hearing from you is that they're still going to be talking with the Jones ladies about how they will fit in there and how they can kind of work that out. Nothing is etched in stone yet, it's just carved in jelly. **Ms. Carttar** said, that's correct. At this point, the developer is waiting to make sure that the TIF district does move forward and is established. Then at that point, I know they've had introductory conversations, as Ms. Jones mentioned, last week and they will move forward with actually getting the specifics ironed out of the plan, as well as their plan with Jones BBQ in the future here, quickly. **Commissioner Philbrook** said, so, what is it that you're wanting us to do today, Katherine?

Ms. Carttar said, so, this would be the establishment of the actual TIF district. So, that would just provide a district that's kind of the first step of the TIF statute. Put a district in place that signals that yes, this is a location where the Commission is open to redevelopment and to providing some amount of tax increment financing. So, this, again, just as that first kind of piece, then we would come back to you with a project plan. It's actually the project plan that would outline the specific deal points, exactly what the project is, exactly what the site plan is, all the budgetary side of it, and that would actually be the vote that would actually start the TIF clock and put the TIF in place.

Commissioner Philbrook said okay. So, we're just hearing about it tonight. We don't need to make any action. **Ms. Carttar** said, it is an act. So, this would be to create the redevelopment district.

Action: **ORDINANCE NO. O-46-21**, "An ordinance making findings and establishing a redevelopment district pursuant to K.S.A. 12-1770 et seq., and amendments thereto, at 6700 Kaw Drive." **Commissioner Philbrook made a motion, seconded by Commissioner Burroughs, to approve ordinance.** Roll call was taken and there were ten "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

STANDING COMMITTEES' AGENDA

ITEM NO. 1 – 21743... GRANT: ELEC COVID-19 INFRASTRUCTURE EXPANSION

Synopsis: Grant application to KDHE in the amount of \$923,365 KDHE ELC COVID-19 Infrastructure Expansion, submitted by Juliann VanLiew, Public Health Department Director. This grant funding is intended to provide critical resources in a broad range of COVID-19 testing and epidemiologic surveillance related activities. These awards will support testing, contract tracing, surveillance, containment, and mitigation to monitor and suppress the spread of COVID-19. Awards are based on county population but also include a base amount of \$100,000 for each health department. No match required. This item was scheduled to appear before the Administration and Human Services Standing Committee, chaired by Commissioner Markley, on March 22, 2021. It was requested, and approved by the Mayor, to fast track this item to the March 25, 2021 full commission meeting.

Mayor Alvey said, this item was presented to the Administration and Human Services Standing Committee on March 22nd. The committee voted unanimously to approve and fast track it to tonight's Commission meeting.

Commissioner Markley said, Mayor, this is a grant that doesn't require a match. As with everything, it seems COVID-related. It was just fast moving and for that reason, it was fast tracked to this agenda.

Mayor Alvey asked, any questions or comments?

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

ADMINISTRATOR’S AGENDA

ITEM NO. 1 – 21747...RESOLUTION: ACKNOWLEDGMENT AND ASSUMPTION AGREEMENT WITH LEGEND HOTEL, LLC

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

Doug Bach, County Administrator, said, before you tonight is an acknowledgement and assumption agreement for a property within our star district. This is a property that sits by the Freddy’s along Parallel Parkway. A new developer’s coming in to build a hotel on that property. As we have done in the past, when we transfer property, we have a requirement in our agreement that they come back and accept an acknowledgement and assumption of all the terms and conditions set forth through our agreements. This looks like a good project moving forward. With this, we would recommend approval.

Action: **RESOLUTION NO. R-25-21,** “A resolution authorizing the Unified Government to enter into an acknowledgment and assumption agreement with Legend Hotel, LLC.” **Commissioner Burroughs made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

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

Synopsis: A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with Painters District Council No. 3 International Brotherhood of Painters and Allied Trades, effective January 1, 2020, through December 31, 2021, submitted by Misty Brown, Chief Counsel.

Doug Bach, County Administrator, said, this week we were able to finalize with both of these labor unions, they both signed their agreements and forwarded to us midweek. The first one before you is with the Painter's District Council No. 3. It is for years effective through 2020 and 2021. It is consistent with the terms that we've been bringing forward to you on other contracts. I would recommend for approval.

Action: **RESOLUTION NO. R-26-21**, "A resolution authorizing the MOU between the Unified Government of Wyandotte County/Kansas City, Kansas, and the Painters District Council No. 3 International Brotherhood of Painters and Allied Trades for the period from January 1, 2020, through December 31, 2021." **Commissioner Kane made a motion, seconded by Commissioner Bynum, to adopt the resolution.** Roll call was taken and there were ten "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

ITEM NO. 3 – 21752... RESOLUTION: UNITED BROTHERHOOD OF CARPENTERS UNION MOU

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

Doug Bach, County Administrator, said, Mayor, same issue. This is with our Carpenter's Union. It is for years 2020 and 2021. Again, this is consistent with the terms we have set forth with these groups. I recommend for approval.

Action: **RESOLUTION R-27-21**, “A resolution authorizing the MOU between the Unified Government of Wyandotte County/Kansas City, Kansas, and the United Brotherhood of Carpenters and Joiners of America, St. Louis – Kansas City, Carpenters Regional Council for the period from January 1, 2020, through December 31, 2021.” **Commissioner Kane made a motion, seconded by Commissioner Bynum, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

MAYOR ALVEY

ADJOURNED THE MEETING AT 8:38 P.M.

March 25, 2021

Brett A. Deichler
Interim Unified Government Clerk

af

March 25, 2021

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

SPECIAL SESSION, THURSDAY, APRIL 22, 2021

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, April 22, 2021, with ten members present online. Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District (arrived at 5:30 p.m.); 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. McKiernan, Commissioner Second 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; Kathleen VonAchen, Chief Finance Officer; Debbie Jonscher, Deputy Chief Finance Officer; Alley Porter, Commission Liaison; Angel Obert, Assistant Director of Public Works; Jeff Fisher, Executive Director of Public Works; Reginald Lindsey, Budget Manager; Michael Peterson, Assistant Budget Manager; Troy Shaw, County Engineer; Dave Reno, Public Works Program Coordinator; Rob Anderson, Public Works Asset Manager; John Kelly, Director of Buildings & Logistics; Sam Her, Public Works Fiscal Officer; and Ashley Hand, Director of Strategic Communication.

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 the public that is 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: Philbrook, Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Walters, Alvey.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, April 22, 2021, at 5:00 p.m. by way of Zoom regarding the 2021-2026 Capital Maintenance Improvement Projects (CMIP).

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 tonight we have CMIP projects. I would ask Mr. Bach to introduce staff.

Doug Bach, County Administrator, said tonight we're ready to dig into one of the bigger steps of the budget process and that's to go through the—**Mayor Alvey** said, Doug, you just muted—there you go. **Mr. Bach** said the host muted me. This year we're going to jump into the bigger projects that we have. We're going to walk through what we have for debt and what we have for cash. So, our line effort tonight is we're going to walk through kind of the big picture of where we're at with projects, talk about kind of how we factor that in, the amount of money we spend in that area and the amount of money that went to it.

On Monday we passed out to you the different sheets that look like this that you're used to seeing in your budget and we'll step through those at a high level. Hopefully, you've had a chance to look at those in a little bit more detail. Also, we'll talk a little bit about where we are with some unfunded projects and some that are a little bit more noteworthy that we've kind of pulled out that we know commissioners have talked about, but they're not on this schedule because of where they ranked out in our point scheduling but they haven't been moved. We just wanted to make sure those are pointed out to all of you and then what do you think about our next steps of what we're doing for the next meeting.

April 22, 2021

Our presentation tonight is going to be led by the Public Works staff along with Budget. Jeff Fisher, our Director of Public Works, will kick it off. He is in the conference room and I'll let him start.



Jeff Fisher, Executive Director of Public Works, said I'll make introductions real quick. We have Debbie Jonscher, Deputy CFO, on my right and Reggie Lindsey, Budget Director, on my left. We do have other staff available for later in the discussion if needed. We have Dave Reno controlling the screen. We have Robbie Anderson, Angel Obert, Troy Shaw, John Kelly, and Sam Her.

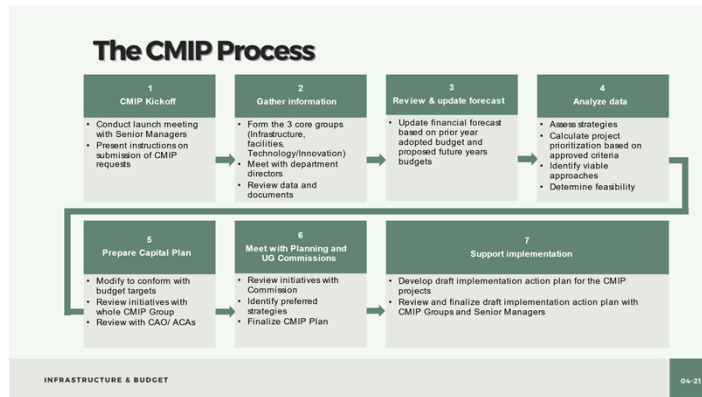
Like Doug mentioned, we have about 15 minutes of this presentation before we hand it over to Reggie to go through the spreadsheets. We appreciate—you might hold questions until we get through that, but if you have something pressing, of course, we'll be glad to entertain questions.

A few objectives for tonight and next week's workshop, one is to, of course, evaluate, discuss, edit if needed, and move the CMIP forward for adoption in the budget process. As Dave Reno likes to refer to the CMIP, this is the community's value statement and it reflects where our values lie and our priorities and as discussed in recent past, there needs to be additional discussion about those priorities, especially regarding infrastructure, for the long-term.

Staff also believes it will be helpful to view and evaluate the CMIP at the right level globally, big picture, with the entire community in mind and long-term. In addition to infrastructure dilemma, we have been discussing more recently, there are a few key items to note tonight as we move through this discussion. One is that you'll see maintenance activities are a large portion of the CMIP. There are only truly a handful of Capital Projects. Two, we're financing—there's a lot of financing versus cash and a little bit out of balance possibly and then

Facilities consumes a large portion of the capacity of the CMIP which is driven by the large number of buildings the UG owns, all of the facilities that the UG owns and then their condition.

I'll hand it over to Debbie Jonscher.



Debbie Jonscher, Deputy Chief Financial Officer, said I thought before we get into the details of the CMIP we would just run through the process that we're in and talk about what we've been doing to get us to this point.

We kicked off the CMIP in January giving departments the opportunity to submit capital improvements for the CMIP. Public Works also presented a 5-Year CMIP at a special session on February 25th and we also held the first budget public hearing on March 11th. Last year when we went through this process we talked about the formation of three core groups for infrastructure, facilities, and technology that we are using to help us review CMIP items that are submitted and the core groups have been meeting both with the departments and the Budget Office to work on the CMIP items. We're also updating our financial forecast. Kathleen VonAchen, our CFO, gave an update at the strategic session that was held on March 4th and we've also been updating our financial forecast as we've made changes to the CMIP so that we can determine how that affects our Debt Service Fund and our fund balance.

Currently, we have been analyzing data, looking at the priorities, reviewing our targets and determining feasibility of the projects. We've also over the last several weeks been meeting with the County Administrator's Office to review the targets and also review any initiatives for the CMIP. That brings us to tonight where we are bringing forth the CMIP document to the Commission to review and comment on any items that are included or not funded and as Jeff said, with the goal to move forward for inclusion with the Operating Budget presentation.

INFRASTRUCTURE & BUDGET



Upcoming General Fund Projects

- 01 Police Tow Lot**
\$6M investment, facilities
- 02 City Hall Stabilization**
\$5M investment, facilities
- 03 Hutton & Leavenworth**
\$9.5M investment, streets - applied for federal funding
- 04 Fire Station at Pierson Park**
\$6.9M investment, facilities
- 05 Joint PD/Fire Station**
\$7M investment, facilities
- 06 Leavenworth Road Modernization**
\$13.2M investment, streets

04-21

Mr. Fisher said the current inventory of named Capital Projects in the system right now to be funded by the General Fund totals 60+. Tonight in this 5-Year Proposed CMIP we have a handful in the first two to three years. You'll notice that four of those are facilities and then two street improvement projects. We have the Tow Lot and there's additional questions about that to be discussed later in the presentation. City Hall Stabilization which has been on the radar for a little while so we get to do that in 2021-2022. Hutton Road and Leavenworth Road Intersection Improvements, two fire stations with a Police Department facility as well and then Leavenworth Road, next phase of Leavenworth Road.

ENTERPRISE RATES



✓



✓



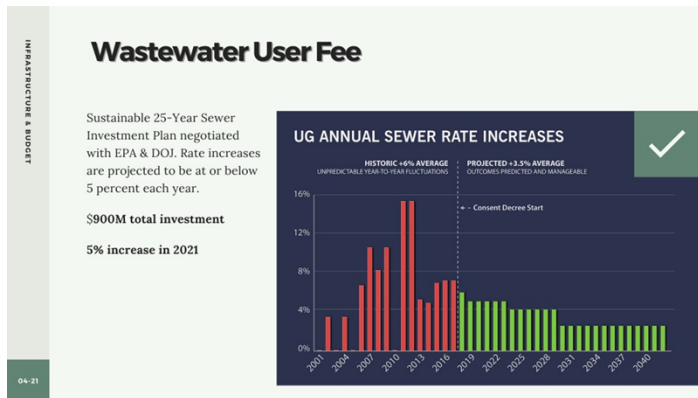
?



?

INFRASTRUCTURE & BUDGET
04-21

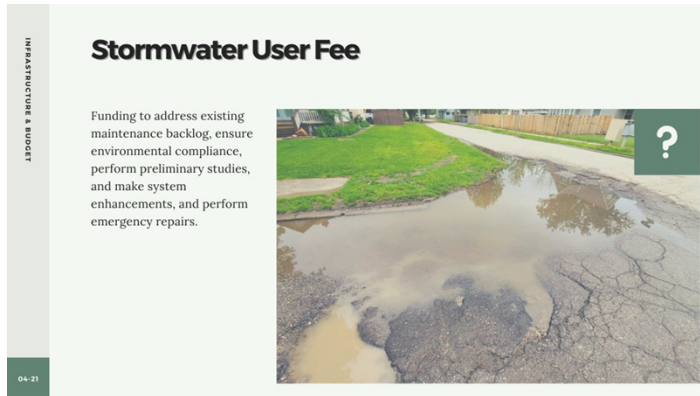
The UG has two Enterprise Funds. One for Wastewater and one for Stormwater. These funds are exclusively based on user fees and rates. They are functionally different from the General Fund.



Wastewater is humming along and has a predictable rate schedule for the long-term and it's backed up by well-defined objectives driven by the needs of the system and also by the consent decree with the Environmental Protection Agency and the Department of Justice.



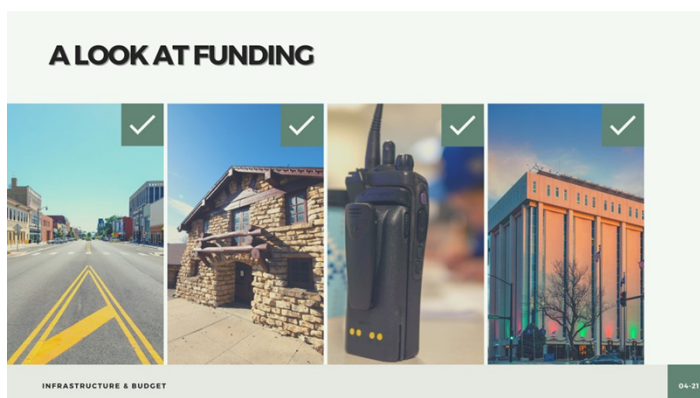
This is a highlight of some of some of those projects. You've seen a few of these like the treatment plant projects that are ongoing. Those are very large investments and then one in particular I want to highlight, the Asset Management System Renewal, that's a very large investment. That includes activities that are necessary to make sure the system operates and functions properly. It is very much a good model for how we need to do streets and stormwater and so that's an annual commitment and, again, largely driven by the condition of the system and the consent decree.



Of course, the stormwater system, the stormwater fund is another matter.



The future is much less certain and, of course, we're engaging with the Commission currently on that.



Again, the circumstances seem to make it necessary for us to work at a high level, big picture, to be systematic and global in determining values and priorities so that the buckets of expenditures are filled and aligned appropriately in the long-term.

April 22, 2021

INFRASTRUCTURE & BUDGET

Total Funding by Type - Cash & Debt							
Year	Streets	Facilities	Misc. Capital	Radios	Technology	Bridges	Fleet
2021 Amended	\$13,020,000	\$17,656,318	\$4,065,000	\$0	\$761,000	\$476,000	\$1,297,500
2022	\$14,195,000	\$5,874,000	\$3,090,000	\$0	\$790,000	\$476,000	\$0
2023	\$13,995,000	\$11,225,000	\$2,265,000	\$3,000,000	\$880,000	\$476,000	\$0
2024	\$12,395,000	\$9,855,000	\$2,015,000	\$3,000,000	\$350,000	\$476,000	\$0
2025	\$11,495,000	\$15,340,000	\$1,990,000	\$3,000,000	\$550,000	\$500,000	\$0
2026	\$11,645,000	\$2,655,000	\$1,990,000	\$3,000,000	\$350,000	\$500,000	\$0
Total Cash	\$25,345,000	\$12,133,749	\$9,065,000	\$12,000,000	\$3,120,000	\$1,104,000	\$0
Total Debt	\$51,400,000	\$50,471,569	\$6,350,000	\$0	\$561,000	\$1,800,000	\$1,297,500
Grand Total	\$76,745,000	\$62,605,318	\$15,415,000	\$12,000,000	\$3,681,000	\$2,904,000	\$1,297,500

04-21

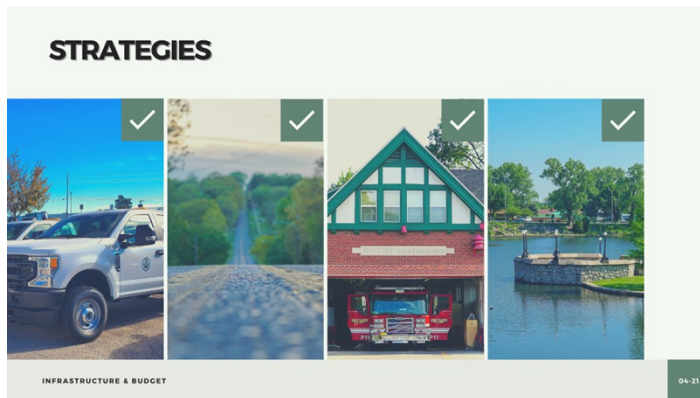
It's important that over the last two to three years that we recognize there has been an increase in investment in street preservation. With the support of the Commission, the CAO, Street Preservation is getting better; however, that additional investment is not keeping up with the deterioration so we are keeping the 20+ statement, the \$20M+ statement each year. That is our target. Even though we've been increasing in Street Preservation, we appreciate that support. We're not doing it fast enough to keep up with the deterioration or to change the trajectory.

INFRASTRUCTURE & BUDGET

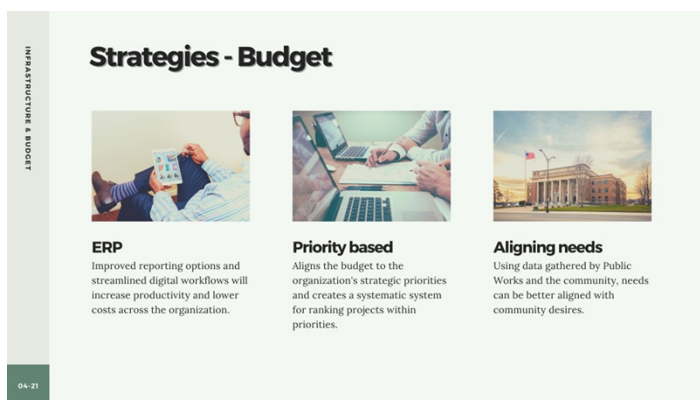
Total Funding by Type - Cash & Debt							
Year	Streets	Facilities	Misc. Capital	Radios	Technology	Bridges	Fleet
2021 Amended	\$13,020,000	\$17,656,318	\$4,065,000	\$0	\$761,000	\$476,000	\$1,297,500
2022	\$14,195,000	\$5,874,000	\$3,090,000	\$0	\$790,000	\$476,000	\$0
2023	\$13,995,000	\$11,225,000	\$2,265,000	\$3,000,000	\$880,000	\$476,000	\$0
2024	\$12,395,000	\$9,855,000	\$2,015,000	\$3,000,000	\$350,000	\$476,000	\$0
2025	\$11,495,000	\$15,340,000	\$1,990,000	\$3,000,000	\$550,000	\$500,000	\$0
2026	\$11,645,000	\$2,655,000	\$1,990,000	\$3,000,000	\$350,000	\$500,000	\$0
Total Cash	\$25,345,000	\$12,133,749	\$9,065,000	\$12,000,000	\$3,120,000	\$1,104,000	\$0
Total Debt	\$51,400,000	\$50,471,569	\$6,350,000	\$0	\$561,000	\$1,800,000	\$1,297,500
Grand Total	\$76,745,000	\$62,605,318	\$15,415,000	\$12,000,000	\$3,681,000	\$2,904,000	\$1,297,500

04-21

Facilities makes up a big portion of this and that again is driven by the number of facilities that the UG owns, all facilities. That is a large investment and John Kelly has already started initiating work to study this, to understand where the opportunities might be to reduce our portfolio and reduce that necessary investment every year so we can make room for other priorities.



It's important on that facility's point though, it's important to manage expectations right now. We do have some thoughts about how we can reduce facilities and target some buildings, but it's going to take a little time to work through that, understand it, have the necessary discussions at the right levels to figure out best strategies for that. So, it's going to come with an investment necessary to reduce facilities and there's going to be some challenges.

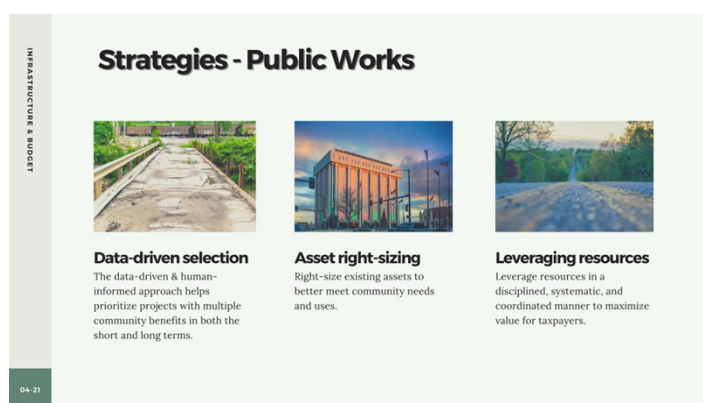


Ms. Jonscher said some of the strategies that we've currently been working to implement to help identify strategies in our process are listed on this slide. Our ERP system is the Enterprise Resource Planning solution. This was funded in the 2020 Amended Budget and will replace our current financial system. The current system is over 20 years old, it's outdated, there's a lot of manual processing, limited visibility, and it's not user-friendly.

The current system is more modern. It will help to automate and streamline processes, give us better visibility to data and reporting functions. We're implementing the Human Capital Management solution which is HR and Payroll and the Finance solution. Overall, we expect these processes will help create efficiencies within our operations and help to generate future savings.

Next is Priority-Based budgeting. This aligns the budget to the organization's strategic priorities and helps create a system for ranking the projects. We had several meetings with the Commission on Priority-Based budgeting and we started the implementation. We've done program inventory costing scoring. We've worked on definitions and goals. The departments and core groups have actually started using prioritization to help align projects with the need and our needs with the Commission goals.

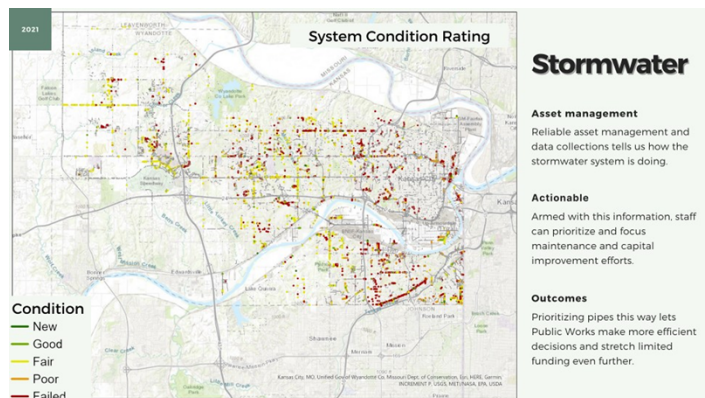
We're also doing aligning. We're aligning additional needs based on some of the data we've collected. We're using the data so that needs can be aligned with what the community desires. We have the community survey information as well as Public Works has done an assessment on their facilities. They've done the IMS data for the Pavement Condition Index. All of this information is being taken into account as we set the improvements in our Capital Plan.



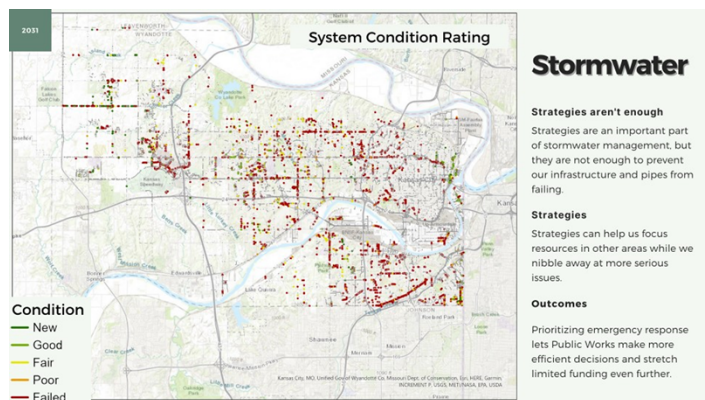
Mr. Fisher said consistent with what Ms. Jonscher just described, you know, from the CAO to Finance to Budget and Public Works, there's been a lot of work and a lot of effort to collect data and evaluate that data and utilize it to create and build systems to help us better understand those needs and leverage needs and to make the smartest investments we possibly can.

Right-sizing, that's already started with Fleet and there has been some really good work there and now we're into the buildings so that'll be important for our future.

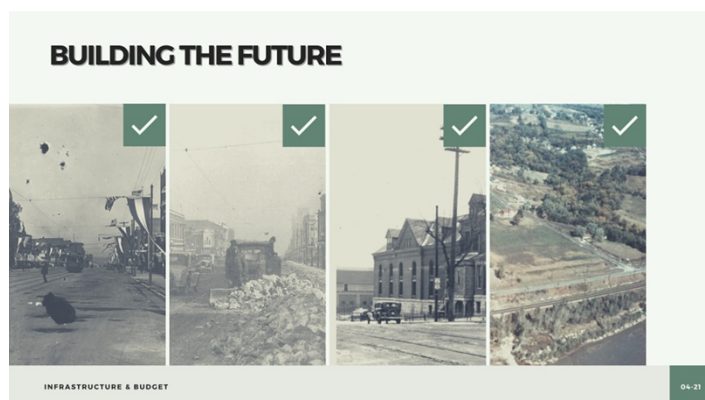
Leveraging resources from pavement preservation to the stormwater to—you know, using pavement preservation, that eight-year plan that you've seen in the last six months, to coordinate activities in neighborhoods so that we touch everything we possibly can while we're in there over a year or two and then we're done and we limit the—or minimize the disruptions to the community. It's using WIFIA, you know, the federal loan that we've recently been awarded and



Then similar to streets, stormwater. This is current conditions, you see some red, that's failed.

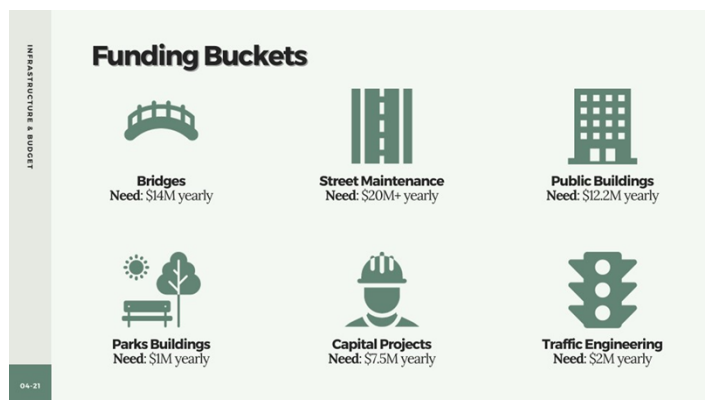


Then over the next 10 years if we don't do anything, that system is going to deteriorate to a poor and failed condition, and it would just be that much harder to get on top of the needs of that system. It will also affect streets over that period and no matter how much we invest if the stormwater system is not operating at a high level, it's going to minimize the impacts of our street investments.

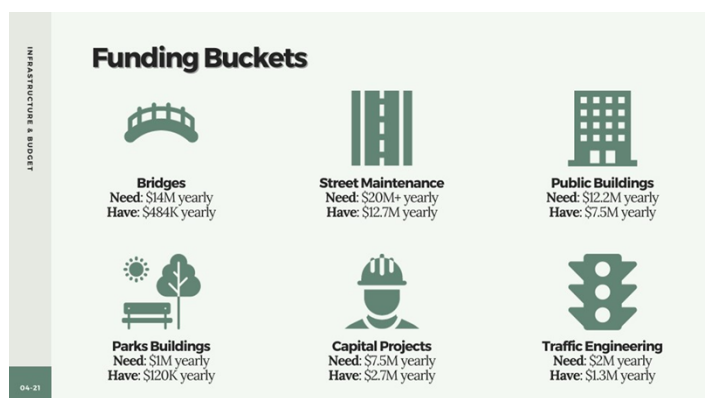


April 22, 2021

Investments in infrastructure and facilities serve multiple generations as we've discussed before. To be effective we must think globally and long-term



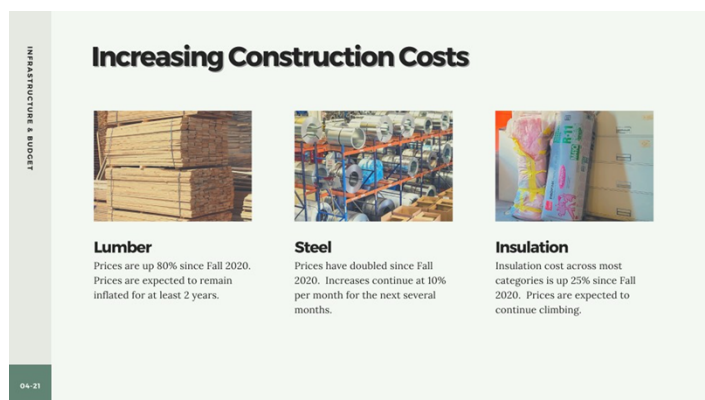
This slide, next slide and the next slide will look very familiar.



These are the buckets that we've talked about here very recently. We have updated the street maintenance commitment, the increase we've seen over the last couple years. The needs are large. They're getting larger and more expensive.



Prioritizing the buckets supported by long-term strategies are critical to overcoming the dilemma.



One new note for the Commission to raise some awareness, some of you may have heard about construction costs increasing and in a few key areas they are increasing substantially in the last year, and in particular, the last few months and in a few cases 30% in the last year. You can see even here very recently lumber and steel increasing substantially and insulation, so it's just something to be aware of. Staff is monitoring this, looking for every way to mitigate these risks and if federal dollars come in like we anticipate, that's—this is going to continue for a while so we need to be strategic and smart about projects going forward.



Strategies, as we've discussed before, are going to be important. They're going to be necessary but they're not going to solve the problem. We're going to need to act, we're going to need to prioritize and we're going to need to stay committed for many years. We will need to figure out how to balance maintenance versus capital, the level of commitment for each and we will essentially have to reinvent how we do business in this area.

That concludes this part of the presentation. I'm going to hand it over to Reggie Lindsey to go through the cash debt spreadsheets along with the unfunded.

Mr. Bach said if I may, I see Commissioner Bynum has a question. Jeff, maybe you could field that before we go to Reggie's section.

Commissioner Bynum said I have two quick questions, one of which is going back to the slide with the stormwater dots. Refresh me and the community, the red indicating failing—example of failing stormwater. **Mr. Fisher** said curb boxes is probably the most visible and then curbs. Curb inlets, as they deteriorate, will turn in this visual red. Things that you cannot see are pipe conditions. You know, those are out of sight, out of mind kind of thing. Culverts and piping deteriorate over time too and those have to be maintained and replaced, lined, you know whatever the appropriate action is, but those are examples of deteriorating stormwater systems.

Commissioner Bynum said okay. On, I think, your last slide, give us an example of capital versus maintenance. **Mr. Fisher** said good question. According to policy anything under \$50K—or anything over \$50K I should say is capital. As you know recently we've been elevating that sort of—that \$200K, so we don't really rank or score anything that's under \$200K.

Examples of maintenance, there's a range from minor to major and so Street Preservation is an example of major maintenance and then sort of the daily facilities activities like working on an HVAC unit or replacing a roof. Some of that activity is really just maintenance and so it's a little bit fuzzy in our CMIP between the maintenance and capital, but a capital project technically is something that has a well-defined scope with a start date and an end date. Most everything else is maintenance. **Commissioner Bynum** said so a capital project would be a juvenile justice building or a fire station or a police station, that sort of thing. **Mr. Fisher** said correct. **Mr. Bach** said or a Leavenworth Road, you know, things like that. **Mr. Fisher** said right.

UNIFIED GOVERNMENT														
2022 - 2026 Proposed Capital Maintenance Improvement Program (CMIP)														
DEBT FINANCED PROJECTS 04.17.21														
Project Type	New	Annual	Dept Priority	Ranking	MSF	CMIP	2021 Original	2021 Amended	2022	2023	2024	2025	2026	FY21-26
City Debt Projects														
Streets														
	☑	☑	1	15	☑	1141 - Neighborhood ADA Pedestrian Handicapped Ramps, 2022	400,000	400,000	800,000	800,000	800,000	800,000	800,000	4,400,000
	☑	☑	1	19		1301 - Annual Concrete Repair Program, 2022	1,772,000	1,772,000	1,500,000	2,000,000	2,600,000	2,600,000	2,600,000	13,072,000
			2	21	☑	1306 - Neighborhood Street Repair, 2022	100,000	100,000	-	-	-	-	-	100,000
	☑	☑	5	20		1307 - Annual R/R Crossing Improvement, 2022	-	-	150,000	-	150,000	-	150,000	450,000
			1	18	☑	1333 - Annual Pavement Preservation Program, 2022	3,000,000	3,000,000	2,400,000	4,400,000	3,400,000	3,400,000	3,400,000	20,000,000
	☑	☑	3	19		1334 - Annual Alley Improvement Program, 2022	300,000	300,000	300,000	300,000	350,000	350,000	350,000	1,950,000
			2	16		1609 - Hutton & Leavenworth Rd Intersection Reconstruction	1,000,000	1,000,000	4,000,000	2,000,000	-	-	-	7,000,000
Maintenance Total							6,572,000	6,572,000	9,150,000	9,500,000	7,300,000	7,150,000	7,300,000	46,972,000
			3	12		1054 - Fiber Connectivity Projects	500,000	500,000	-	-	-	-	-	500,000
			2	15	☑	1073 - 7th St/US-69 and Central Ave. Reconstruction	1,500,000	1,500,000	-	-	-	-	-	1,500,000
			3	16		1618 - Hutton & Donahoo Rd Intersection Improvements	350,000	350,000	-	-	-	-	-	350,000
			3	17	☑	3037 - Safe Routes to Schools-Phase G (Northwest Middle and Canuthers Plazas)	428,000	428,000	-	-	-	-	-	428,000
			4	19		AUTO - 2032 - 110th St. and I-70	-	-	-	150,000	750,000	-	-	900,000
	☑		3	18		AUTO - 2487 - 47th Street Complete Street Improvements, Rainbow to Midtown	-	-	700,000	-	-	-	-	700,000
Rehab & Reconstruction Total							2,778,000	2,778,000	700,000	150,000	750,000	-	-	4,378,000
Streets Total							9,350,000	9,350,000	9,850,000	9,650,000	8,050,000	7,150,000	7,300,000	51,350,000
Bridges														
	☑	☑	3	12		2301 - Annual Bridge Repair, 2022	300,000	300,000	300,000	300,000	300,000	300,000	300,000	1,800,000
Bridges Total							300,000	300,000	300,000	300,000	300,000	300,000	300,000	1,800,000
Traffic Engineering														
		☑	3	10	☑	3304 - Pavement Marking & Signing Program	50,000	50,000	-	-	-	-	-	50,000
	☑	☑	3	16		3345 - Priority Traffic Signal Replacements, 2022	800,000	800,000	800,000	800,000	800,000	800,000	800,000	4,800,000
Traffic Engineering Total							850,000	850,000	800,000	800,000	800,000	800,000	800,000	4,850,000

Reginald Lindsey, Budget Director, said I'm going to go through the Capital schedules for debt, cash and unfunded projects. On the screen what we have are our six-year schedule projects. Current schedule, we're looking at our debt projects and they start out with the City Debt. Within the City Debt we have streets and within streets we have rehab and we have maintenance. Some of the larger projects within maintenance is our Annual Concrete Repair Program, then our Annual Pavement Preservation Program and then also our Hutton and Leavenworth Road Intersection Reconstruction project or maintenance project.

Then as we move into rehab and reconstruction we see some of the larger projects, our 47th Street Complete Street Improvements. Then as we move into the next section we have bridges.

Mr. Bach said Reggie, let me interrupt you for just a second. I don't know if you have control of this or Dave, but when Reggie calls them out, would you use the cursor to point to the line that he's pointing to. That way they can see the '21 now, yeah, like that.

Mr. Lindsey said under Bridge Repair we have where we're spending \$300K from 2021 to 2026. Then as we move to the next section in Traffic Engineering, a large project there is a priority, traffic signals at \$800K a year running from 2021 to 2026.

UNIFIED GOVERNMENT														
2022 - 2026 Proposed Capital Maintenance Improvement Program (CMIP)														
DEBT FINANCED PROJECTS 04.17.21														
Project Type	New	Annual	Dept Priority	Ranking	MSF	CMIP	2021 Original	2021 Amended	2022	2023	2024	2025	2026	FY21-26
Facilities														
			3	9		7847 - Hardscaping/Landscaping	100,000	100,000	-	-	-	-	-	100,000
			1	9		8167 - Annual Elevator Upgrades, 2022	500,000	-	500,000	-	500,000	-	500,000	1,500,000
			1	4		8176 - City Hall Structure Study and Stabilization	2,500,000	2,500,000	2,500,000	-	-	-	-	5,000,000
			1	8		8181 - Annual ADA Modif-UG Facilities, 2022	100,000	100,000	100,000	100,000	200,000	200,000	200,000	900,000
			1	12		8513 - Facilities/Parking Annual Maintenance & Repair, 2022	900,000	900,000	700,000	700,000	700,000	700,000	700,000	4,400,000
Buildings & Logistics Total							4,100,000	3,600,000	3,800,000	800,000	1,400,000	900,000	1,400,000	11,900,000
			3	12		8085 - Future Fire Station	-	-	500,000	5,800,000	-	-	-	6,300,000
			1	12		8096 - Turner Fire Station	6,900,000	6,320,000	-	-	-	-	-	6,320,000
			3			AUTO - 2405 - New Fire Station w/Police Department	-	-	-	-	500,000	6,900,000	-	7,400,000
Fire Total							6,900,000	6,320,000	500,000	5,800,000	500,000	6,900,000	-	20,020,000
			2			8212 - Police Tow Lot	-	1,000,000	-	-	-	-	-	1,000,000
			2	15		8419 - Police Station Annual Maintenance Program	50,000	50,000	-	-	-	-	-	50,000
			2	15		8420 - Police Station Major Facility Improvements	50,000	50,000	-	-	-	-	-	50,000
			1	14		AUTO - 2140 - PDHQ Chiller System	-	-	-	-	3,750,000	-	-	3,750,000
			2	23		AUTO - 2187 - KCKPD West Patrol Station	-	-	-	-	-	-	-	-
			2	23		AUTO - 2188 - KCKPD TSU Station	-	-	-	-	-	-	-	-
			2	17		AUTO - 2189 - Indoor Firing Range	-	-	-	-	-	-	-	-
			5			AUTO - 2275 - CSI Lab	-	1,636,569	-	-	-	-	-	1,636,569
			3			AUTO - 2405 - New Fire Station w/Police Department	-	-	-	-	500,000	5,000,000	-	5,500,000
Police Total							100,000	2,736,569	-	-	4,250,000	5,000,000	-	11,986,569
			3	14		AUTO - 2474 - Salt Dome Expansion Project - Fleet Ctr	-	-	-	-	1,000,000	-	-	1,000,000
Other Depts Total							-	-	-	-	1,000,000	-	-	1,000,000
Facilities Total							11,100,000	12,656,569	4,300,000	6,600,000	7,150,000	12,800,000	1,400,000	44,906,569
Parks & Recreation														
			3	19		4425 - Wyandotte County Lake Waterline Study & Repair	400,000	400,000	550,000	-	-	-	-	950,000
Parks & Recreation Total							400,000	400,000	550,000	-	-	-	-	950,000

Our next section on this page are our Facilities projects. Within Facilities we have our Building & Logistics projects, we have our Fire projects and then we have like some Police projects.

Starting out with the Buildings & Logistics projects, the large project there is a \$2.5M City Hall Structure Study and Stabilization. That's \$2.5M for 2021 and 2022. As we move into Fire Facilities, we're spending \$6.3M this year on a new fire station and then out in 2024 we start the construction of another fire station and that we wrap up in 2025.

As we move down into the Police totals, we have where we're going to have a new fire station and—or we're going to have a Police Department that we're going to build with one of the new fire stations, the one that's slotted out in 2025. We also have the CSI Lab at \$1.6M and then we have an additional million dollars in for the police tow lot. One of the Parks & Rec projects that we have moved down to the next section. It's \$400K and then \$550K in 2022.

UNIFIED GOVERNMENT
2022 - 2026 Proposed Capital Maintenance Improvement Program (CMIP)
DEBT FINANCED PROJECTS 04.17.21

Project Type	New	Annual	Dept Priority	Ranking	MSF	CMIP	2021 Original	2021 Amended	2022	2023	2024	2025	2026	FY21-26
Community Projects														
			3	16		1220 - Fairfax Industrial Area Improvements, 2022	100,000	100,000	100,000	100,000	100,000	100,000	100,000	600,000
Community Projects Total							100,000	100,000	100,000	100,000	100,000	100,000	100,000	600,000
Equipment & Technology														
			1			7301 - Technology Projects	486,000	486,000	-	-	-	-	-	486,000
			3	7		7308 - Infrastructure Migration	75,000	75,000	-	-	-	-	-	75,000
			1			7404 - Equipment Projects	1,297,500	1,297,500	-	-	-	-	-	1,297,500
Equipment & Technology Total							1,858,500	1,858,500	-	-	-	-	-	1,858,500
City Debt Projects							23,958,500	25,515,069	15,900,000	17,450,000	16,400,000	21,150,000	9,900,000	106,315,069
Sewer System														
			3	4		6001 - System Capacity Upgrades, 2022	3,500,000	3,500,000	1,500,000	1,500,000	1,600,000	1,700,000	1,700,000	11,500,000
			2	6		6045 - Kaw Point Biosolids Digestion	10,000,000	10,000,000	10,000,000	-	-	-	-	20,000,000
			2	7		6048 - Green Infrastructure Improvements, 2019-2020	-	-	5,000,000	-	-	-	-	5,000,000
			2	5		6056 - Wolcott Expansion/Conner Creek	10,250,000	10,250,000	-	-	-	-	-	10,250,000
			3	11		6354 - Pump Stations SCDA	-	-	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	10,000,000
			5	15		AUTO - 2043 - Armourdale Sewer Separations - Phase I	-	-	-	-	-	-	-	-
						AUTO - 2292 - Armourdale Sewer Separations - Phase II	-	-	-	-	-	-	-	-
			2			AUTO - 2293 - Asset Management System Renewal	-	-	10,000,000	10,000,000	11,000,000	12,000,000	12,000,000	55,000,000
			3			AUTO - 2401 - Pump Station Improvements	-	-	3,500,000	3,500,000	3,500,000	3,500,000	3,500,000	17,500,000
			3			AUTO - 2404 - Overflow Combined CSO Reduction Program	-	1,000,000	7,000,000	7,000,000	5,000,000	8,000,000	4,500,000	32,500,000
Sewer System Total							23,750,000	24,750,000	39,000,000	24,000,000	23,100,000	27,200,000	23,700,000	161,750,000
Storm Water Utility														
			2	14		5046 - Stream Bank Stabilization Improvements, 2022	100,000	100,000	100,000	100,000	100,000	100,000	100,000	600,000
			3	13		5317 - Stormwater Enhancements, 2022	500,000	500,000	500,000	-	-	1,080,000	-	2,080,000
Storm Water Utility Total							600,000	600,000	600,000	100,000	100,000	1,180,000	100,000	2,680,000
Public Building Commission														

Then on the next page here we have Sewer System projects. We have the Wolcott Expansion that is funded for this year, \$10M. After we fund that in 2021, we move to 2022 where we have Asset Management System Renewal which comes in at \$10M in 2022 and basically what that is, it's helping us get an Asset plan together before we run up on emergencies within our system. The next group of projects are Stormwater Utility projects.

UNIFIED GOVERNMENT
2022 - 2026 Proposed Capital Maintenance Improvement Program (CMIP)
DEBT FINANCED PROJECTS 04.17.21

Project Type	New	Annual	Dept Priority	Ranking	MSF	CMIP	2021 Original	2021 Amended	2022	2023	2024	2025	2026	FY21-26
			1			8218 - West Annex	190,000	190,000	-	-	-	-	-	190,000
			2			8219 - Jail - System Ionization Project	100,000	100,000	-	-	-	-	-	100,000
			2			8220 - Courthouse	1,750,000	1,750,000	-	2,325,000	-	800,000	-	4,875,000
			3	11		8694 - Annex Parking Lot Improvements	400,000	-	-	-	400,000	-	-	400,000
Public Building Commission Total							2,440,000	2,040,000	-	2,325,000	400,000	800,000	-	5,565,000
Other Debt Projects Total							26,790,000	27,390,000	39,600,000	26,425,000	23,600,000	29,180,000	23,800,000	169,995,000
All Debt Projects Total							50,748,500	52,905,069	55,500,000	43,875,000	40,000,000	50,330,000	33,700,000	276,310,069
Special Revenue Projects														
			2	18		1620 - Interstate 70 and Turner Diagonal Interchange Reconstruction	3,750,000	3,750,000	-	-	-	-	-	3,750,000
			2	23		AUTO - 2108 - NE Patrol Station	-	-	-	-	3,500,000	-	-	3,500,000
Special Revenue Projects Total							3,750,000	3,750,000	-	-	3,500,000	-	-	7,250,000
Grants														
			2	15		1073 - 7th St./US-69 and Central Ave. Reconstruction	1,000,000	1,000,000	-	-	-	-	-	1,000,000
			3	17		3037 - Safe Routes to Schools-Phase G (Northwest Middle and Canuthers Sts.)	1,710,000	1,710,000	-	-	-	-	-	1,710,000
			3	16		AUTO - 2482 - Central Avenue Lower Deck Bicycle and Pedestrian Conversion	-	-	-	-	800,000	-	-	800,000
			3	17		AUTO - 2483 - UG Levee Trail Armourdale Improvements	-	-	-	800,000	-	-	-	800,000
			3	17		AUTO - 2485 - UG Levee Trail Central Industrial Levee Improvements	-	-	-	500,000	-	-	-	500,000
Grants Total							2,710,000	2,710,000	-	1,300,000	800,000	-	-	4,810,000

April 22, 2021

On the next page we start out with the Public Building Commission which are County projects. This year we have funded for the Courthouse \$1.7M in improvements. In 2023 we have \$2.3M in improvements which includes plumbing. We don't have anything slotted for 2022.

As we move down to Special Revenue Projects, we do have the Northeast Patrol Station that is out in 2024 and then also Interstate 70 and Turner Diagonal at \$3.7M in 2021.

The next section is Grant Funded projects. Then, we will move over to the Cash projects on the next page.

UNIFIED GOVERNMENT														
2022 - 2026 Proposed Capital Maintenance Improvement Program (CMIP)														
Capital Cash Project Summary 04.17.21														
Fund/Department	New	Annual	Dept Priority	Ranking	MSF	CMIP	2021 Original	2021 Amended	2022	2023	2024	2025	2026	FY21-26
110 - City - General Fund														
Emergency Management	☒		1	7	☒	AUTO - 2478 - Replace APX Radios	-	-	-	1,000,000	1,000,000	1,000,000	1,000,000	4,000,000
Emergency Management Total							-	-	-	1,000,000	1,000,000	1,000,000	1,000,000	4,000,000
Fire Department			3	12		8094 - Future Fire Station Land Acquisition	-	-	145,000	-	145,000	-	-	290,000
Fire Department Total							-	-	145,000	-	145,000	-	-	290,000
General Services	☒		1	9	☒	AUTO - 2458 - Disparity Study	-	-	-	337,500	-	-	-	337,500
General Services Total							-	-	-	337,500	-	-	-	337,500
Knowledge Department			3	11		AUTO - 2376 - E-Citation Phase II	-	-	90,000	-	-	-	-	90,000
			4	6		AUTO - 2377 - Innovation Fund	-	-	100,000	-	-	-	-	100,000
			3	15	☒	7305 - Upgrade Land Management System	-	-	130,000	-	-	-	-	130,000
Knowledge Department Total							-	-	320,000	-	-	-	-	320,000
Police Department			2	13		AUTO - 2136 - PDHQ Window Replacement	-	-	-	115,000	115,000	120,000	-	350,000
			2	14		AUTO - 2145 - PDHQ Brick Refacement	-	-	-	200,000	-	-	-	200,000
			1	23	☒	7405 - Vehicle and Body-Worn Camera Program	-	-	350,000	350,000	350,000	350,000	1,750,000	2,300,000
Police Department Total							-	-	350,000	665,000	465,000	470,000	350,000	2,300,000
Public Works			3	15	☒	1065 - Village W.Infrastructure Improvements	-	-	70,000	70,000	70,000	70,000	70,000	350,000
	☒		2	14	☒	1068 - Concept Studies & Roadways	-	-	200,000	200,000	200,000	200,000	200,000	1,000,000
	☒		2	24	☒	1069 - Bridge and RCB Inspections	-	-	176,000	176,000	176,000	200,000	200,000	928,000
			1	14		8217 - Salt Dome Repairs	-	60,000	-	-	-	-	-	60,000
	☒		3	15	☒	AUTO - 2480 - Fleet Center ADA and Steps	-	-	75,000	-	-	-	-	75,000
			2		☒	AUTO - 2211 - Carwash Improvements	-	-	120,000	-	-	-	-	120,000
	☒		1		☒	AUTO - 2449 - Fuel Infrastructure Replacement	-	-	255,000	-	-	-	-	255,000
	☒		2	16	☒	AUTO - 2450 - Fleet Center Resurface	-	-	-	480,000	-	-	-	480,000
	☒		3		☒	AUTO - 2457 - Fleet Storage Shop	-	-	-	128,000	-	-	-	128,000
	☒		1	11	☒	AUTO - 2492 - Fleet Center HVAC	-	56,250	-	-	-	-	-	56,250

One of the things that's noticeable here is in 2021 and Original Budget in 2021 Amended Budget, you can kind of see there were not a lot of things that weren't funded and this was due to going through the Coronavirus pandemic where we had to wipeout our Capital, but we did work to replenish that funding this year. You can see in the column 2022 where we have built budgets back up in 2022 and we actually did put some funding in 2021 in some places.

Starting out in Emergency Management, we have to replace the radio system project, the radio system that we currently have for the whole county. We're looking to fund like a million dollars from the City possibly from 2023 to 2026. Down in General Services, a Disparity Study. This is to give everyone equal access to business opportunities.

As we move down, you'll see in the Police Department we have Vehicle and Body Worn Cameras and basically what this is funding is services for our body camera's, data storage and equipment that's needed for the infrastructure of that.

As we move down into the Public Works section, one of the larger projects here is the Fleet Center Resurface that's in 2023.

UNIFIED GOVERNMENT														
2022 - 2026 Proposed Capital Maintenance Improvement Program (CMIP)														
Capital Cash Project Summary 04.17.21														
Fund/Department	New	Annual	Dept Priority	Ranking	MSF	CMIP	2021 Original	2021 Amended	2022	2023	2024	2025	2026	FY21-26
		☐	3	9	☐	7847 - Hardscaping/Landscaping	-	-	50,000	100,000	100,000	100,000	100,000	450,000
		☐	1	17	☐	8199 - Capital Project Reserves	80,000	80,000	80,000	80,000	150,000	150,000	150,000	690,000
			3	3		8202 - Facilities Improvements - City	-	-	60,000	70,000	-	-	-	130,000
	☐	☐	1	12		8513 - Facilities/Parking Annual Maintenance & Repair, 2022	-	-	-	200,000	200,000	200,000	200,000	800,000
	☐		1		☐	AUTO - 2496 - Facilities Right-Sizing Study	-	24,000	24,000	-	75,000	75,000	-	198,000
Public Works Total							80,000	220,250	1,110,000	1,504,000	971,000	995,000	920,000	5,720,250
Urban Planning & Land Use														
			3	16		AUTO - 2481 - Planning & Urban Design Office Renovation	-	-	-	75,000	75,000	-	-	150,000
Urban Planning & Land Use Total							-	-	-	75,000	75,000	-	-	150,000
110 - City - General Fund Total							80,000	220,250	1,925,000	3,581,500	2,656,000	2,465,000	2,270,000	13,117,750
113 - Consolidated Parks-General Parks & Recreation														
			3	7		4022 - Wyco Lake Marina Docks	-	-	125,000	-	-	-	-	125,000
		☐	2	16	☐	4027 - Parks Restrooms	115,000	50,000	-	-	115,000	115,000	115,000	395,000
					☐	4033 - Shop Constr - WYCO Lake	-	65,000	-	-	-	-	-	65,000
			2			AUTO - 2418 - WYCO Lake Rock Wall Replacement (Casino Designation)	-	-	200,000	-	-	-	-	200,000
	☐		3			AUTO - 2452 - WYCO Lake Creek Dredging (Casino Designation)	-	-	-	400,000	-	-	-	400,000
			3	17		AUTO - 2357 - Leo Alvey Parking Lot Design	-	-	-	-	25,000	-	-	25,000
Parks & Recreation Total							115,000	115,000	325,000	400,000	140,000	115,000	115,000	1,210,000
113 - Consolidated Parks-General Total							115,000	115,000	325,000	400,000	140,000	115,000	115,000	1,210,000

Moving to the next page, we have Public Works. Basically we have the Facilities Right-Sizing Study that Jeff had mentioned a little earlier in his presentation. Then, we can see the blue line there that says 110 City General Fund so this is a total of all the City General Fund projects that we're paying cash for.

As we move into the next section, this is the Consolidated Parks General Fund. One of the larger projects that we have there is the Wyandotte County Lake Rock Wall Replacement, 82-year old rock wall that needs replacement. It did have a collapse 17 years ago.

UNIFIED GOVERNMENT
2022 - 2026 Proposed Capital Maintenance Improvement Program (CMIP)
Capital Cash Project Summary 04.17.21

Fund/Department	New	Annual	Dept Priority	Ranking	MSF	CMIP	2021 Original	2021 Amended	2022	2023	2024	2025	2026	FY21-26
160 - County - General														
Appraiser			1	8		7302 - Street Level Imagery	-	-	-	-	-	200,000	-	200,000
Appraiser Total							-	-	-	-	-	200,000	-	200,000
District Attorney			3	11		AUTO - 2387 - DA Cubicle Design	-	-	50,000	50,000	-	-	-	100,000
District Attorney Total							-	-	50,000	50,000	-	-	-	100,000
District Courts			1	11		8637 - District Court Carpet Replacement (Move to Operating 2022)	25,000	25,000	-	-	-	-	-	25,000
District Courts Total							25,000	25,000	-	-	-	-	-	25,000
Election			1			AUTO - 2493 - Elections Parking Lot Improvement	-	-	50,000	-	-	-	-	50,000
Election Total							-	-	50,000	-	-	-	-	50,000
Emergency Management			1	7		AUTO - 2478 - Replace APX Radios	-	-	-	2,000,000	2,000,000	2,000,000	2,000,000	8,000,000
			3	4		AUTO - 2484 - Remodel Emergency Operations Center	-	-	-	200,000	200,000	200,000	-	400,000
Emergency Management Total							-	-	-	2,000,000	2,200,000	2,200,000	2,000,000	8,400,000
General Services			1	9		AUTO - 2458 - Disparity Study	-	-	-	112,500	-	-	-	112,500
General Services Total							-	-	-	112,500	-	-	-	112,500
Historical Museum			3	9		AUTO - 2444 - East Gallery Renovations	-	-	20,000	-	-	-	-	20,000
Historical Museum Total							-	-	20,000	-	-	-	-	20,000
Knowledge Department			2	4		7307 - Timekeeping Upgrades / Integrations	-	-	-	80,000	-	-	-	80,000
Knowledge Department Total							-	-	-	80,000	-	-	-	80,000
Public Works			3	15		AUTO - 2480 - Fleet Center ADA and Steps	-	-	25,000	-	-	-	-	25,000
			2			AUTO - 2211 - Carwash Improvements	-	-	30,000	-	-	-	-	30,000
			1			AUTO - 2449 - Fuel Infrastructure Replacement	-	-	45,000	-	-	-	-	45,000
			2	16		AUTO - 2450 - Fleet Center Resurface	-	-	-	120,000	-	-	-	120,000

Now we're moving into the County General Fund. These are some of the projects that are happening within the County General Fund. One of the ones that I will point out in the middle of the page is the Election Office, parking lot improvements over there at \$50K and we also have split another \$50K over into the Elections Levy Fund for a total of \$100K. Right up under that, we have \$2M to replace our county-wide radio system and I referenced that in the City General Fund earlier in the presentation, so we have a total of \$3M slotted for that from 2023 to 2026. Then there is another piece to pay for the Disparity Study to pay for on the County side and we've allotted \$112K.

UNIFIED GOVERNMENT
2022 - 2026 Proposed Capital Maintenance Improvement Program (CMIP)
Capital Cash Project Summary 04.17.21

Fund/Department	New	Annual	Dept Priority	Ranking	MSF	CMIP	2021 Original	2021 Amended	2022	2023	2024	2025	2026	FY21-26
	☒		3		☒	AUTO - 2457 - Fleet Storage Shop	-	-	-	32,000	-	-	-	32,000
	☒		1	11	☒	AUTO - 2492 - Fleet Center HVAC	-	18,750	-	-	-	-	-	18,750
	☒		3	9	☒	7847 - Hardscaping/Landscaping	50,000	50,000	50,000	100,000	100,000	100,000	100,000	500,000
	☒		1	17	☒	8199 - Capital Project Reserves	80,000	60,000	80,000	125,000	150,000	150,000	150,000	715,000
	☒		1	12	☒	8604 - Annex Building (Move to Operating 2022)	50,000	50,000	-	-	-	-	-	50,000
	☒		3	4	☒	8695 - Facilities Improvements-County (Move to Operating 2022)	50,000	50,000	-	-	-	-	-	50,000
	☒		1		☒	AUTO - 2496 - Facilities Right-Sizing Study	-	56,000	56,000	-	175,000	175,000	-	462,000
Public Works Total							230,000	284,750	286,000	377,000	425,000	425,000	250,000	2,047,750
Sheriff	☒		3	3		AUTO - 2461 - Operations Sworn Staff Workspace	-	-	-	-	-	-	85,000	85,000
Sheriff Total							-	-	-	-	-	-	85,000	85,000
160 - County - General Total							255,000	309,750	406,000	2,619,500	2,625,000	2,825,000	2,335,000	11,120,250
162 - County - Elections														
Election			1		☒	AUTO - 2493 - Elections Parking Lot Improvement	-	-	50,000	-	-	-	-	50,000
Election Total							-	-	50,000	-	-	-	-	50,000
162 - County - Elections Total							-	-	50,000	-	-	-	-	50,000
172 - County - Health Department														
Health Department			2	12		8721 - Negative Pressure Rooms for Infectious Patients	40,000	-	-	-	-	-	-	-
Health Department Total							40,000	-	-	-	-	-	-	-
Knowledge Department			3	15	☒	7305 - Upgrade Land Management System	-	-	70,000	-	-	-	-	70,000
Knowledge Department Total							-	-	70,000	-	-	-	-	70,000
172 - County - Health Department Total							40,000	-	70,000	-	-	-	-	70,000

On this page we see we have the County General Fund. You can see the totals there. We can see where we jump up in 2023 to \$2.6M and that is because of the radio project that is referenced and you can kind of see we stay up in—up over \$2.5M all the way out to 2026.

UNIFIED GOVERNMENT
2022 - 2026 Proposed Capital Maintenance Improvement Program (CMIP)
Capital Cash Project Summary 04.17.21

Fund/Department	New	Annual	Dept Priority	Ranking	MSF	CMIP	2021 Original	2021 Amended	2022	2023	2024	2025	2026	FY21-26
212 - Dedicated Sales Tax														
Fire Department	☒		1	4		8015 - Annual FS Interior Renovation	-	200,000	200,000	200,000	200,000	200,000	200,000	1,200,000
	☒		1	7		8095 - Fire Stations Generator Project	-	75,000	75,000	75,000	75,000	75,000	75,000	450,000
Fire Department Total							-	275,000	275,000	275,000	275,000	275,000	275,000	1,650,000
Parks & Recreation														
	☒		3	17		4005 - Replace Playground Equipment	-	-	-	125,000	125,000	125,000	125,000	375,000
	☒		2	16	☒	4027 - Parks Restrooms	-	65,000	115,000	115,000	-	-	-	295,000
	☒		1		☒	AUTO - 2341 - Community Center Improvements	-	75,000	100,000	100,000	125,000	125,000	125,000	650,000
Parks & Recreation Total							-	140,000	215,000	215,000	250,000	250,000	250,000	1,320,000
Public Works														
	☒	☒	1	15		1141 - Neighborhood ADA Pedestrian Handicapped Ramps, 2022	-	-	200,000	200,000	200,000	200,000	200,000	1,000,000
	☒		3	21		1231 - Sidewalk Gap Program	-	-	200,000	200,000	200,000	200,000	200,000	1,000,000
	☒		3	20		1291 - Neigh Curb/Sidewalk Repair	-	-	125,000	125,000	125,000	125,000	125,000	625,000
	☒		4	13		1308 - Neigh Street Lighting Program	-	100,000	100,000	100,000	100,000	100,000	100,000	600,000
	☒	☒	1	18		1333 - Annual Pavement Preservation Program, 2022	2,500,000	3,100,000	3,100,000	3,100,000	3,100,000	3,100,000	3,100,000	18,600,000
	☒		1	21		1401 - Emergency Street Repairs	300,000	300,000	500,000	500,000	500,000	500,000	500,000	2,800,000
Public Works Total							2,800,000	3,500,000	4,225,000	4,225,000	4,225,000	4,225,000	4,225,000	24,625,000
212 - Dedicated Sales Tax Total							2,800,000	3,915,000	4,715,000	4,715,000	4,750,000	4,750,000	4,750,000	27,595,000
220 - Special Street & Highway-City														
Public Works			5	15		1055 - PW Asset Mgmt Sys Integrations	50,000	50,000	50,000	-	-	-	-	100,000
	☒		2	21		1306 - Neighborhood Street Repair, 2022	-	-	100,000	100,000	100,000	100,000	100,000	500,000
	☒		3	14		1335 - Annual Traffic Safety and Operations Program	150,000	150,000	300,000	300,000	300,000	300,000	300,000	1,650,000
	☒		3	10		3304 - Pavement Marking & Signing Program	-	-	50,000	50,000	50,000	50,000	50,000	250,000
	☒		3	16		AUTO - 2477 - Road Temperature Safety Weather Monitoring Stations	-	-	50,000	-	-	-	-	50,000
Public Works Total							200,000	200,000	550,000	450,000	450,000	450,000	450,000	2,550,000
220 - Special Street & Highway-City Total							200,000	200,000	550,000	450,000	450,000	450,000	450,000	2,550,000

Going to the next page we move into the Dedicated Sales Tax. One of the things that we were able to do here in the Dedicated Sales Tax is our Annual Pavement Preservation which is up under Public Works. We were able to add \$600K into this budget, so we're able to spend \$600K of cash

April 22, 2021

and take from debt and this also allows Public Works to be more flexible in the type of work that they do with having this cash. When we debt things, they have to go through a little more stringent process to get the work done they need. Moving to the next page.

UNIFIED GOVERNMENT														
2022 - 2026 Proposed Capital Maintenance Improvement Program (CMIP)														
Capital Cash Project Summary 04.17.21														
Fund/Department	New	Annual	Dept Priority	Ranking	MSF	CMIP	2021 Original	2021 Amended	2022	2023	2024	2025	2026	FY21-26
221 - Special Parks and Recreation														
Parks & Recreation														
			3	17		4033 - Shop Constr - WYCO Lake	-	50,000	-	-	-	-	-	50,000
						AUTO - 2355 - Septic Replacements WYCO Park	-	-	-	-	20,000	20,000	20,000	60,000
Parks & Recreation Total							-	50,000	-	-	20,000	20,000	20,000	110,000
221 - Special Parks and Recreation Total							-	50,000	-	-	20,000	20,000	20,000	110,000
223 - Tourism & Convention														
Economic Development														
						9261 - Rock Island River Bridge	-	2,000,000	-	-	-	-	-	2,000,000
Economic Development Total							-	2,000,000	-	-	-	-	-	2,000,000
Emergency Management														
			3	3		AUTO - 2486 - Camera Security System for Providence Medical	-	-	89,000	-	-	-	-	89,000
Emergency Management Total							-	-	89,000	-	-	-	-	89,000
Historical Museum														
			4	12		8260 - Museum Auditorium AV & Remodel	10,000	10,000	-	-	-	-	-	10,000
			4	12		8262 - Museum HVAC	100,000	100,000	-	-	-	-	-	100,000
			1	9		8613 - Museum Roof	300,000	325,000	-	-	-	-	-	325,000
Historical Museum Total							410,000	435,000	-	-	-	-	-	435,000
Parks & Recreation														
			4	14		1070 - Trail Network Dev Prog	100,000	200,000	100,000	100,000	100,000	100,000	100,000	700,000
			3	19		4406 - Davis Hall Renovations	125,000	125,000	120,000	-	350,000	-	-	595,000
Parks & Recreation Total							225,000	325,000	220,000	100,000	450,000	100,000	100,000	1,295,000
Public Works														
			2	14		8210 - Memorial Hall Facility Improvements	25,000	40,428	25,000	50,000	50,000	50,000	50,000	265,428
			3			8216 - Memorial Hall Ballroom Sound System	-	76,284	-	-	-	-	-	76,284
Public Works Total							25,000	116,712	25,000	50,000	50,000	50,000	50,000	341,712
223 - Tourism & Convention Total							660,000	2,876,712	334,000	150,000	500,000	150,000	150,000	4,160,712

We have a Tourism Fund here and a significant project here is the Rock Island River Bridge at \$2M. It's in the 2021 Budget.

UNIFIED GOVERNMENT														
2022 - 2026 Proposed Capital Maintenance Improvement Program (CMIP)														
Capital Cash Project Summary 04.17.21														
Fund/Department	New	Annual	Dept Priority	Ranking	MSF	CMIP	2021 Original	2021 Amended	2022	2023	2024	2025	2026	FY21-26
225 - Community Development														
Parks & Recreation														
			3	13		4035 - NRSA Improvements (City Park, Clifton, Reagan)	650,000	650,000	570,000	-	-	-	-	1,220,000
Parks & Recreation Total							650,000	650,000	570,000	-	-	-	-	1,220,000
225 - Community Development Total							650,000	650,000	570,000	-	-	-	-	1,220,000
560 - Sewer System														
Public Works														
	☑	☑	3	4		6001 - System Capacity Upgrades, 2022	210,000	210,000	220,000	230,000	240,000	250,000	260,000	1,410,000
		☑	1	6		6115 - City-Wide CSO Management	925,000	925,000	925,000	1,018,000	1,018,000	1,018,000	1,025,000	5,929,000
		☑	1	9		6166 - Annl Emergency System Repairs	330,750	330,750	347,000	364,500	383,000	402,000	425,000	2,252,250
		☑	1	6		6301 - Annual Sanitary Sewer Rehab	3,100,000	3,100,000	2,555,000	3,417,000	3,588,000	3,760,000	3,950,000	20,370,000
		☑	1	7		6302 - Annual Treatment Plant Repairs	3,300,000	3,300,000	2,800,000	3,670,000	3,850,000	4,000,000	4,250,000	21,870,000
		☑	1	8		6303 - Annual Pump Station Repairs	3,255,000	3,255,000	2,717,000	3,588,000	3,768,000	3,950,000	4,150,000	21,428,000
		☑	1	5		6320 - Annual Stream Crossing Repairs	700,000	700,000	735,000	770,000	810,000	850,000	890,000	4,755,000
Public Works Total							11,820,750	11,820,750	10,299,000	13,057,500	13,657,000	14,230,000	14,950,000	78,014,250
560 - Sewer System Total							11,820,750	11,820,750	10,299,000	13,057,500	13,657,000	14,230,000	14,950,000	78,014,250
562 - Public Levee														
Parks & Recreation														
		☑	3	11		4244 - Kaw Point River Front Park	10,000	38,680	10,000	10,000	10,000	10,000	10,000	88,680
Parks & Recreation Total							10,000	38,680	10,000	10,000	10,000	10,000	10,000	88,680
562 - Public Levee Total							10,000	38,680	10,000	10,000	10,000	10,000	10,000	88,680

As we move to this next page, we start to go through some of our Enterprise Funds so we can see where we have Sewer System basically spending \$11.8M in 2021 and kind of staying around the

same level out for the whole six years and we do jump up to the \$14M in 2025 and 2026. Then, we have the Public Levee where this is funding that goes towards the park at our Public Levee. You see we have \$38K available for 2021 and \$10K each year. It comes from the developer there.

UNIFIED GOVERNMENT
2022 - 2026 Proposed Capital Maintenance Improvement Program (CMIP)
Capital Cash Project Summary 04.17.21

Fund/Department	New	Annual	Dept Priority	Ranking	MSF	CMIP	2021 Original	2021 Amended	2022	2023	2024	2025	2026	FY21-26
563 - Stormwater Utility														
Public Works														
		☒	3	10		5082 - Cash Resv Debt Mgmt Major Cap	200,000	200,000	250,000	250,000	250,000	250,000	250,000	1,450,000
		☒	1	19		5303 - Storm Sewer Repairs/Replacement	1,300,000	1,300,000	2,000,000	2,500,000	3,000,000	3,000,000	3,000,000	14,800,000
		☒	2	10		5305 - Stormwater Environ Compliance	400,000	400,000	400,000	400,000	400,000	400,000	400,000	2,400,000
		☒	1	15		5306 - Annual Hillside Deterioration Program	-	-	100,000	100,000	100,000	100,000	100,000	500,000
		☒	3	10		5313 - Stormwater Prelim Eng Studies	100,000	100,000	100,000	100,000	100,000	100,000	100,000	600,000
		☒	1	13		5314 - Turkey Ck Flood Control Proj	150,000	150,000	150,000	150,000	150,000	150,000	150,000	900,000
Public Works Total							2,150,000	2,150,000	3,000,000	3,500,000	4,000,000	4,000,000	4,000,000	20,650,000
563 - Stormwater Utility Total							2,150,000	2,150,000	3,000,000	3,500,000	4,000,000	4,000,000	4,000,000	20,650,000
563 - Stormwater Utility Target							2,150,000	1,530,000	800,000	500,000	500,000	500,000	500,000	4,330,000
Over/(Under)							-	620,000	2,200,000	3,000,000	3,500,000	3,500,000	3,500,000	16,320,000
566 - Stadium														
Stadium														
			1	8	☒	9239 - Stadium Facility Improvements (Star Revenues)	300,000	250,000	250,000	250,000	250,000	250,000	250,000	1,500,000
Stadium Total							300,000	250,000	250,000	250,000	250,000	250,000	250,000	1,500,000
566 - Stadium Total							300,000	250,000	250,000	250,000	250,000	250,000	250,000	1,500,000
701 - Environment Trust														
Public Works														
			1	7		5402 - Annl Maint/Monitor-Garland	150,000	150,000	150,000	150,000	150,000	150,000	150,000	900,000
Public Works Total							150,000	150,000	150,000	150,000	150,000	150,000	150,000	900,000
701 - Environment Trust Total							150,000	150,000	150,000	150,000	150,000	150,000	150,000	900,000

On this page we have our Stormwater Utility Fund. One of the things we're showing here is that our Stormwater Utility Fund we have a target dollar amount and we have a dollar amount that we need to spend. The amounts that we need to spend—we can't reach them because the fund is insolvent and we don't have the funding coming in.

We can look at 2022, we have like \$3M of spending that needs to happen, but we only have a target of \$800K because of the revenue that's coming in so that puts us at \$2.2M over what our targets are or over our budget otherwise and pretty much, if we don't have the revenue coming out, we can see that we don't have the funding to do projects within this cash fund all the way out to 2026 so we're about \$16M in the hole if you look at the six year total.

UNIFIED GOVERNMENT
2022 - 2026 Proposed Capital Maintenance Improvement Program (CMIP)
Capital Cash Project Summary 04.17.21

Fund/Department	New	Annual	Dept Priority	Ranking	MSF	CMIP	2021 Original	2021 Amended	2022	2023	2024	2025	2026	FY21-26
971 - City Capital Project														
Police Department														
			1	23		7405 - Vehicle and Body-Worn Camera Program	200,000	200,000	-	-	-	-	-	200,000
Police Department Total							200,000	200,000	-	-	-	-	-	200,000
Public Works														
			3	15		1065 - Village W Infrastructure Improvements	70,000	70,000	-	-	-	-	-	70,000
			2	14		1068 - Concept Studies & Roadways	150,000	150,000	-	-	-	-	-	150,000
			2	24		1069 - Bridge and RCB Inspections	176,000	176,000	-	-	-	-	-	176,000
Public Works Total							396,000	396,000	-	-	-	-	-	396,000
Stadium														
			1	8		9239 - Stadium Facility Improvements (Star Revenues)	-	1,168,037	-	-	-	-	-	1,168,037
Stadium Total							-	1,168,037	-	-	-	-	-	1,168,037
971 - City Capital Project Total							596,000	1,764,037	-	-	-	-	-	1,764,037
972 - County Capital Project														
Parks & Recreation														
						4033 - Shop Constr - WYCO Lake	-	120,000	-	-	-	-	-	120,000
			3	20		4255 - Community Center AC units	100,000	-	-	-	-	-	-	-
Parks & Recreation Total							100,000	120,000	-	-	-	-	-	120,000
972 - County Capital Project Total							100,000	120,000	-	-	-	-	-	120,000
991 - Non-Debt Internal Improvement														
Public Works														
			3	16		1220 - Fairfax Industrial Area Improvements, 2022	130,000	130,000	130,000	130,000	130,000	130,000	130,000	780,000
Public Works Total							130,000	130,000	130,000	130,000	130,000	130,000	130,000	780,000
991 - Non-Debt Internal Improvement Total							130,000	130,000	130,000	130,000	130,000	130,000	130,000	780,000
Capital Cash Project Summary Total							20,056,750	24,760,179	22,784,000	29,013,500	29,338,000	29,545,000	29,580,000	165,020,679

This page pretty much we can see that with some—we have like our Capital Projects Fund and we have body cameras there and we have some stadium facility improvements. This is funding that is just carried over from prior years that we will be spending this year.

Dave, I guess you could bring up the Unfunded slide.

UNIFIED GOVERNMENT
2022 - 2026 Proposed Capital Maintenance Improvement Program (CMIP)
DEBT FINANCED PROJECTS - UNFUNDED

Project Type	New	Annual	Dept Priority	Ranking	MSF	CMIP	2021 Original	2021 Amended	2022	2023	2024	2025	2026	FY21-26
City Debt Projects														
Streets														
			1	19		UF 1301 - Annual Concrete Repair Program, 2022	-	-	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	25,000,000
			1	18		UF 1333 - Annual Pavement Preservation Program, 2022	-	-	20,000,000	20,000,000	20,000,000	20,000,000	20,000,000	100,000,000
Maintenance Total							-	-	25,000,000	25,000,000	25,000,000	25,000,000	25,000,000	125,000,000
Streets Total							-	-	25,000,000	25,000,000	25,000,000	25,000,000	25,000,000	125,000,000
Bridges														
			3	12		UF 2301 - Annual Bridge Repair, 2022	-	-	13,700,000	13,700,000	13,700,000	13,700,000	13,700,000	68,500,000
Bridges Total							-	-	13,700,000	13,700,000	13,700,000	13,700,000	13,700,000	68,500,000
Facilities														
			3			AUTO - 2416 - PBC Court Services	-	-	-	950,000	-	-	-	950,000
			3	24		AUTO - 2059 - New Animal Services Facility	-	-	-	-	-	-	4,300,000	4,300,000
Facilities Total							-	-	-	950,000	-	-	4,300,000	5,250,000
City Debt Projects							-	-	38,700,000	39,650,000	38,700,000	38,700,000	43,000,000	198,750,000
Public Building Commission														
			3			AUTO - 2417 - K-32 Quiet Zone II	-	-	-	-	2,000,000	-	-	2,000,000
Public Building Commission Total							2,440,000	2,040,000	-	2,325,000	2,400,000	800,000	-	7,565,000
Debt Project Total							2,440,000	2,040,000	-	2,325,000	2,400,000	800,000	-	7,565,000
All Debt Projects Total							2,440,000	2,040,000	38,700,000	41,975,000	41,100,000	39,500,000	43,000,000	206,315,000
Grants														
			3	24		AUTO - 2059 - New Animal Services Facility	-	-	-	-	-	-	4,300,000	4,300,000

The slide we're looking at now is basically Debt Projects that we have that don't have enough funding this year or don't have funding at all. Jeff referenced the buckets of funding that he needed for Street Preservation and Concrete Program and Bridge, so we have funding but we don't have

April 22, 2021

the adequate funding for all the projects that Public Work's needs. What we have here in the Annual Concrete Repair Program is the funding that we don't have set-aside for Public Works within our budget and that we had to unfund to have a successful program.

The same with the Annual Pavement Preservation Program, \$20M we could not fund, so we have it here in the unfunded and then also our Annual Bridge Repair at \$13M for the six years going out from 2022 to 2026.

We also have our Court Services Building. We need to replace the plumbing there and do a lot of other things but we chose to unfund that this year.

We also have the Animal Facility Control. We don't have funding for that at \$4.3M that we were looking to fund ourselves. We also have \$4.3M we're looking for in grants for that which makes that a total of \$8.6M.

The other project that we haven't funded is our Quiet Zone that's out in 2024.

Dave, you can bring up the Direction Needed slide.

DIRECTION NEEDED

01 Police CSI Lab? Do we want to attach this to the current Tow Lot project?	05 Quiet Zone Phase II? Is this a priority right now?
02 Radio Replacement? This will have to occur. Do we want to pay cash or explore leasing opportunities?	06 Additional Funding for Streets? Should we increase funding for street repair and maintenance?
03 Animal Services? Is a new Animal Services facility a priority right now?	07 Additional Funding for Bridges? Should we increase funding for bridge repair and maintenance?
04 Streetlights Project? Is this a priority right now?	

Mr. Bach said I'll jump in here, Reggie, I think to cover this piece. A few of these projects as we've talked through this to point out, you know, all the things that we've built into the budget which we believe are in keeping with the direction we've had from the Commission. I'll start off, you see the Police CSI Crime lab. That one is on the spreadsheet. I don't believe the Commission has given us the direction to say that is a priority. We want to put that in, that is one that the Police Department has brought forward, requested it, though I wanted to set it out and make sure that was something that we wanted to put in. It is a project that would go forward in coordination with the

tow lot, but the Commission has not given the direction on that so unlike all the other projects that are built into that, we've had a lot more conversation on those over the time.

The Radio Replacements, that's another big one. As you see, it starts out there in 2023 and I want to make sure and characterize that correctly. We are not replacing the whole system in the sense that the towers and all that that we built here. We got into that and started that project almost a decade ago, you know, that's all intact. What happens through the course of it is they change out the radios and kind of like every ten years or so they just make us do a complete revamp of where we're at, so we'll need to start replacing all the radios in our system and that's why we build that in at about \$3M a year. It's a very large cost center and it's kind of like an ongoing expense it'll go through. We're trying to spread it out and then it comes back.

Animal Services, we've brought this project to you before. There's really two opportunities within it. One is to go near the current Animal Services facility and build about a \$4.5M facility there that would be more of a shelter that would give us the expanded space we need for operating day-to-day so we would not reach a point as frequently as we do now where we cannot pick up animals because we do not have a place to put them. Our people down there do a real good job of moving them out, but we can't move them out immediately. Sometimes it takes a week or two to move through the pets that are in, but we just need more space. The larger project is the one when we add the other \$4.4M to it. It's more of the adoption center and many of the other amenities that can have a profit center based in behind it, but it's also a lot bigger project.

Streetlights; that's a \$35M to \$50M project in the community. It would certainly provide a higher quality of look in the community. We would have less lights go out throughout the course of the year. We would go to an all LED type system. We would be able to control lights. We would be able to dim them down at certain times of night, have them increase back up depending on what our desire is in certain areas. With the LED it's also a very controlled light so you're not throwing as much light up into the sky, you're keeping it down into the community. This would provide a direct savings back to the Board of Public Utilities. As you know we do not pay the BPU for the electricity it takes to run the lights so this would—well, it's not a savings for the Unified Government, it is a savings for the community and the ratepayers in the community because they will not have to have a percentage of what they go into paying for as much in the cost of lights.

Quiet Zone Phase II; that's been out there kind of in outyears. It has taken us quite a while to get through Phase I and we're finally seeing the light at the end of the tunnel with that one. We believe it's going to be installed this year as we've had very good interaction with Union Pacific Railway though whether or not we would plug this next phase of that down the road, or down the rail I should say, into the budget; we've got that warranted discussion to build it in.

Then, of course, the biggest one that's number one on our agenda—our survey list every time we issue it out, spend more money on streets. As Jeff has told you in going through this, you can hit this at any number. You can add a million, you can add five million, you can add another ten million, I mean we need to add more money into this area. This is one of those where you're deciding now what the community is going to look like in the next decade. You wait 10 years until everything is red on that map, it's going to be pretty bad. This is a high area of emphasis. We've been pointing this out and we put a little bit more money to it. I highly recommend we send more money over toward our streets.

Same thing for bridges. The longer we let those go, the more probability comes that we'll have times where we will have to shut down bridges for longer stints. The number you saw in there needed for bridges doesn't even account for bringing Central Avenue back in. I think that's a study by itself, you know, to determine what the future need is. This is really those smaller bridges or smaller crossings throughout the community. These are some of the big ones not currently built into the 5-Year Plan other than the CSI Lab is there and we can move it or whatever as per your direction, and the Radio Replacement, I should say; Items 1 and 2 are on there. The other ones are not built in.

The other one, it's not on this list, but the Special Revenue Projects that are listed, and I think you'll note that had the Northeast Patrol Station. When we put that in a couple years ago, the conversation around that was, well, if we come in with a retail project, we can build that in with it and make it part of it. So, it doesn't hold out a piece of the fund from the General Fund or Debt, it was anticipated it would be built in association, so if that's a priority and you want to build that station by itself, we need to either add more money into the budget in the future or take something out to put it in there. So, while it's listed, it's listed as one of those that anticipates there would be a revenue project coming forth with it in order to make it happen.

With that, I will open it back up to the Commission for comments and discussion so we can clarify where we're at on things that needed or some more discussion about it.

Mayor Alvey said let me ask, if you would keep that slide up, so we just basically had the discussion today in the quarterly meeting, joint meeting between the UG and the BPU Streetlights Project. Perhaps there might be some opportunity for federal funding for that kind of project. It would seem to me that, I don't know, but with Radio Replacement, again this is for our emergency system, is that also something that might be able to be funded through some federal support or a Police CIS Lab? As we look at these, and I think that's why it's so important for us, as a Commission, to dig into these through our Infrastructure Review Committees to understand really what we're faced with, so the presentation was great to show us where we're lacking, where we need to go. We also need to get a more complete understanding, I think, of what are possible revenue sources for these or funding sources for these and that allows us then to maybe get a longer term view.

Let's say we were to fund, you know, ask for more funding for streets, we would assume then that the additional funding would go to what kind of street programs. Would it be those that have the most deterioration, would it be the ones that have the most traffic, would it be the ones that would perhaps incentivize or encourage even greater development? Those are the kind of questions I think we have to answer if we're going to make prudential decisions about where or how we might fund additional projects.

Mr. Bach asked, Mayor, do you want me to answer what I can within that? **Mayor Alvey** said yeah. I'm just going to put this out as a comment. It seems to me that we're going to have to dig in a little bit more. What's the timeframe for direction? **Mr. Bach** said I probably would take to a lot of the bigger questions here are ones that the committee that's been assigned to infrastructure we'll need to work to answer. What I presented to you tonight, what is on the spreadsheets, what I would be moving forward with to present in the budget at the end of June unless you give me direction to say you need to go ahead and stick \$2M more into streets or I want to make that Animal Services facility happen now and move it up. So, what you have in front of you for the spreadsheets is our recommendation in order to utilize the funding that we currently believe we'll have and as we go through and certify the tax numbers in May and in the first of June, there could be some movement on that and that's where you always see if we come back and highlight something. We had to take something out to value—to get our budget in place or if we have a little bit more to work with, we can point that out.

These other items are ones that, you know, I would say Items 3-7 really come in to the point of the Infrastructure Committee talking about that and seeing what they want to—how there might be ways for us to add that as we go into future years and the grant funding may be a way to do it. I mean, right now when we look at that, the CSI Lab is mainly bricks and mortar. Our Intel back from Thorn Run in Washington tells us not eligible, all the money in there is about technology, maybe we can get some of that toward radio, but it seems to be more new technology. I think we have a couple hundred thousand we might be able to go toward on the CSI Lab, but not the big stuff. That's my answer and I guess that's the direction—what I'm saying is, I've got to know where to go to build the budget for this summer and then you tell us as we make our long range plan from here.

Mayor Alvey said so let me ask you, just to be clear, you would ask for—if the committees, and it's not just one committee, it will be multiple committees, brought all back to the Commission, you would be looking at some kind of recommendation, firm recommendation, as to these are our priorities for infrastructure by the beginning of June? **Mr. Bach** said yeah, I mean really for what's on the spreadsheets I kind of like to go through these meetings and determine if that's where we want to go unless we find additional funding somewhere as we build that out, as we get down into May. If I'm going to take it from the—if I'm going to take money from other parts of the fund to budget to put it toward Capital, that means I've got to reduce it off somewhere on the Operating side. I need to know that as we go through the next couple of weeks into May. **Mayor Alvey** said alright, so you're looking for mid-May specifically on what's listed on the spreadsheet and if there is going to be any additional funding, then that has to be shifted around and it will take rob Peter to pay Paul, you want to know that by mid-May? **Mr. Bach** said yes sir.

Commissioner Townsend said, Administrator, a couple of questions. Just as you asked us several months ago, if we had particular desires with regard to the budget and to submit those in April, so you're asking the same thing directly to you or through a committee? I just want to be clear about how this is to be communicated. **Mr. Bach** said I would ask, if it's possible, I mean if there's a question that can happen in the course of questions about what's on there where we have the team, we can do it in the meeting this week or the next time we come in to talk about CMIP I think in two weeks. Those would be great environments. You could bring that up to us in between if

there's questions about that, you want to talk about before we come back to our next meeting. It's helping us work through it, kind of getting the public discussion with you all as we go through these projects would be beneficial, but we can certainly talk about them offline and put them back and then try to talk about them a little bit more in the coming CMIP sessions, if you'd like. **Commissioner Townsend** said I know there will be more CMIP for sure. I'm just not clear about this. If you wanted our recommendations with regard, let's say, to these seven or eight projects that are currently on the screen, how do we—when do we get that to you before the next CMIP public meeting? **Mr. Bach** said if you want to send me an email or call me, we can talk about it or if you want to get into the project a little bit more and would like to have somebody involved with this, you know, from Public Works to talk through it, we could do that. That would be my request. **Commissioner Townsend** said okay, that's fine.

Second question, with regard to numbers, for instance, if I wanted to say of the list that's there now in terms of the projects you want direction on, and I wanted to say I think funding of Street Maintenance or more for street repairs should be added, are you looking for us to give you a number specifically? **Mr. Bach** said well, I mean, I think that's one where you could probably approach that in different ways, commissioner. I mean a number certainly as we go toward a goal if it's—you know, I think what happens if we pave an extra mile, you know, of lane miles a year or something like that. Maybe that's an answer Jeff could give you tonight to show okay. Jeff, what's the number you went through earlier about the increase number we need to get to? I think we're trying to get to \$20M annually, right, so that's an additional—**Mr. Fisher** said correct. **Mr. Bach** said so that's an additional seven on top of what we're spending currently, right? **Mr. Fisher** said yes, around \$7M. **Mr. Bach** said to hit our goal, so we stop depleting—I mean we get ahead. That's the time we get to, to get ahead of where we are on the streets.

Commissioner Townsend said the other question I had and it was touched on in one of the slides that was shown a few before this and there was a reference made to the money that was approved several years ago by our citizenry. I think it was extension of the tax money that went when I first came on and was already in place, the CNIP. I don't recall or tell me how it is that we no longer have that particular designation. I'm not sure I missed a meeting on it, but again, that was such a valuable tool for us as commissioners to direct money to certain projects. You know this is a big plan overall, this whole process, but when we as commissioners could direct money to say, for example, a park would get curbs and sidewalks and they need some more, we just lost

that ability. I'm a bit confused how we no longer have that. Maybe we could have it on a smaller scale, but I would like to have some more clarity about that issue. **Mr. Bach** said that funding source was within our Dedicated Sales Tax and a few years ago back when you came on the Commission there was a time in there where the commissioners held—and Debbie you can probably remind me as to how much money we set-aside. I think it was a total of \$4M or something like that where we did it in two different chunks. **Ms. Jonscher** said yes, that's correct. **Mr. Bach** said so we did like \$2M in, I can't remember the years, but like in 2012 and—**Ms. Jonscher** said I believe it was 2013 and 2015 for the two issues and it was \$2M a piece split out between the different districts. **Mr. Bach** said thank you, Ms. Jonscher. So, we put the \$2M in each one, we divided that chunk up and said the districts get a divisible number of dividing out that way and I think we did it by, I can't remember if we did it by the eight Commission districts and set it out there for you to be able to directly allocate towards the projects.

Since that time, and I know we didn't want to allocate it, so we put so much in a year. We didn't want to go beyond the point of when that fund ran out. We could not commit it beyond that so, of course, we had that divvied out into different funding expenses between Police, Fire and Neighborhood Infrastructure now, but that would be a matter of reprioritizing where that money is expended, Commissioner, and if you wanted to put it to a different source.

Commissioner Townsend said I thank you for the explanation because it was already in process when I came on the Commission, but it was a great tool to be able to use after I came on in 2013. So, I was just wondering why since we have had that Dedicated Sales Tax approved again through a vote several years ago, why we are not doing that again, maybe on a smaller scale. I would like to have that conversation again so it would be easier for me, as a commissioner, and others to make sure that some of these smaller projects don't get overlooked as well.

Commissioner Ramirez said thank you Jeff and staff for the presentation. I know a month or two ago we got a very grim picture painted for us and what we needed to do for our infrastructure, so thank you for continuing to bring this forward and to make sure that we, as a governing body, stay on top of this and come up with a strategy.

I have a couple of questions. The first question, I believe Angel may be able to help answer this. It was a while ago that I asked when it came to the park restrooms, the schedule of which restrooms would be renovated for each year. I don't know if someone has that on hand or

if someone can send that to me, which restrooms are going to be renovated each year. **Angel Obert, Assistant Director of Parks & Recreation**, said I can get that over to you. **Commissioner Ramirez** said okay, that would be great. I know I had asked you and Jack about it before, but I have lost that list, so that would be great if you could send it over again. **Ms. Obert** said yes. I'd be happy to do that.

Commissioner Ramirez said my second question, Doug, when you were talking about the radio replacement and part of the question, it says explore leasing opportunities. This may be a very early question, but what opportunities are out there for that particular project? **Mr. Bach** asked, Melissa, would you feel comfortable talking about some of that that we've come up with? **Melissa Sieben, Assistant County Administrator**, said I'm assuming you're referring to the radio project, correct? **Mr. Bach** said yes.

Ms. Sieben said the state of Kansas actually has this particular item, the radios, as part of their state contract and one of the ways in which you can procure the radios is through a leasing option as opposed to a purchase option. What we want to do is explore the different ways and means in which we can do that and then also look at the type of mechanisms for how we recoup money from the department. Right now, Jeff's group with Public Works has been working on an internal service fund with our Fleet Division and then we would be looking at a similar situation for our radios as well. We just want to explore those to see what best fits and what is going to be the most efficient and effective for the Unified Government going forward and keeping us in compliance with sort of the standards the region has for how it responds and corresponds together for incidents.

Mr. Bach said, Commissioner, I might add, there's several different, I shouldn't say several, a couple of different things that really come into that lease option. One option enables us to get the radios and then turn them back in, so we never own those radios, but as they become older, you know, they just change them out, so we're just kind of paying a maintenance fee and you just kind of keep rotating them in and out.

The other one is we take a big batch of radios upfront and then we lease/pay it over a term of years. That's kind of an evaluation we'll be doing probably over the next 12 months and figuring out what's our need of how many we need to replace in the next five or six years which is probably most all of them. As you see, we've kind of got this strung out the budget over that whole time period, so I don't know if it'll get all the radios replaced if we do it that way. **Ms.**

Sieben said we may be able to get a hybrid approach based on what Doug is saying. I didn't go into as much detail as he did, but we could look at a hybrid. There may be some where we want to own them and step them down at the end of a lease, so there are some opportunities there for us to really maximize on how much we spend over time and try to recoup some dollars that we would otherwise have lost. **Commissioner Ramirez** said thank you for the explanation and thank you for exploring these options and finding an option that is efficient for us. That was my only question on the radio replacement.

One last thing, I just wanted to—and I know the last time I met with the Mayor I mentioned this with Mayor Alvey, especially with the American Rescue Plan Funding that we will be receiving. I completely understand that guidance is still coming from the Treasury Department. We don't know how that money can be spent but I highly encourage us, as the governing body and Administration, if we see that some of that money—large amount of money can be used for infrastructure, I would highly encourage us to look into that and see in what ways we can use that money because that would really help us as a cushion moving forward.

I thank Congress and President Biden for signing that and allowing us to receive that stimulus money, so I just hope that we keep that in mind that when we receive the guidance and move forward on how we spend the money, that infrastructure should be something in the forefront of our minds. **Mr. Bach** said thank you, Commissioner. I think that's a great idea.

Commissioner Johnson said I just had a few questions. I may come back around later on just to defer time to my other colleagues, but I'll ask a few of them. Can you talk about the priorities under the Debt Finance Projects? I'm looking at line item 1334, the Annual Alley Improvement Program. Can someone talk about the strategy on that? I know we have a lot of alleys that need addressed and certainly, I'm just making an assumption, but I think it's an educated assumption, that even at \$300K a year, that's not really going to make a real big dent. So, with that, can someone tell me what the overall strategy is relative to the Alley Improvement Program?

Mr. Fisher said I can speak to that, Commissioner. It started out a couple years ago, as you said, strictly out of need. Initially, we were thinking we would identify sort of high impact alleys. Maybe alleys that were being used for rear parking more than others or had more users and then based on conditions. I believe even, I think in the last two winters, although this last winter may have been impossible for us to do it, but in-house resource. A couple winters ago we started

getting into alley's and just generally cleaning them up and making them smoother the best we could until we can get funds dedicated to overlaying those alleys, so we're taking a multi-prong approach to that the best we can. This winter was pretty difficult for us to do that. That's kind of been our approach and you're right, it's only going to do—based on conditions it might do three or four. **Commissioner Johnson** said that's not a complete overlay. That's more or less patching holes and things of that nature. Is that correct? **Mr. Fisher** said that \$300K would be to overlay. It just won't get us very many alleys depending on conditions. **Commissioner Johnson** said okay, great. I just wanted to make sure we were still in the same place on that.

I'm looking under Sewer Systems, Item 6048, the Green Infrastructure Improvements. We have \$5M allocated in 2022. Can you tell me a little bit more about that and if you've already stated this, please forgive me for re-asking the question. **Mr. Fisher** said I don't believe we've spoke to that. If Troy Shaw is still on the call, I may need some help from him on that, but I believe that's placeholder dollars for a few different areas, but particularly in case we pursue the WIFIA funding and Jersey Creek area. Staff has been developing a green infrastructure strategy and policy that really is going to require some backing from stormwater as well.

I believe that—if Troy's on the phone, are you there Troy? **Ms. Sieben** said Troy is on the phone. **Mr. Fisher** said, Troy, can you speak to that anymore clearly? **Troy Shaw, County Engineer**, said I can give you a little bit. Jeff is correct. Part of that is related to the consent decree for sanitary sewer and IOCP and then it also relates to the WIFIA funding as well. It's kind of—a great infrastructure is a way to solve a lot of the concerns we had in one chunk and we're still programming that out and planning that. I think we've been—Water Pollution Control and Engineering has been looking at that over the last few years and I think in '22 and on we'll start to implement some of those plans that we have. That's kind of the gist of it in coordination with the WIFIA and IOCP and the consent decree. **Commissioner Johnson** asked, will that be focused on Jersey Creek or is that going to be community-wide, that \$5M? **Mr. Shaw** said there will be plans for it. That \$5M is not necessarily for Jersey Creek. A portion of that would likely go to Jersey Creek if we get the WIFIA and other opportunities to help supplement that and make a better project in that area as well, but I think the gist of that green infrastructure is made to spread out throughout the entire community. You're right, if that WIFIA comes up and we can utilize from the green structure and make a bigger and better project and a bigger impact for the community, that's definitely going to happen.

Mr. Fisher said, Commissioner Johnson, that's one of those areas that we spoke to earlier when we talked about leveraging resources and opportunities, so if we're going to pursue WIFIA, then of course we're going to leverage all we can towards that Jersey Creek area.

Commissioner Johnson said okay. Just a couple more and then I'll yield the floor. The Safe Routes I'm looking at under Grants, Item 3037, the Safe Routes to Schools, that is slated for 2021. Is that going to happen and the reason why I'm highlighting that is because the cost has increased, from my recollection, at least \$500-\$700K from when we originally had this slated and I'm sure that's just because of the increasing value of construction and concrete overtime. Is that going to be done this year? I guess the reason I'm asking that is I just don't want that cost to continue to increase. **Mr. Shaw** said that number you're seeing there is the grant funding that we receive, so that is not UG money in that line item, that's the grant funding. The project is under design right now. It's a KDOT project so it will bid, I believe, late this year. Once KDOT--typically how they do their projects, their fiscal year runs out in October, I think, is the end of their fiscal so it will be bid before the end of their fiscal year and likely start construction early spring next year. **Commissioner Johnson** said that \$1.7M is a good number that we can expect for it to cost? **Mr. Shaw** said that \$1.7M is strictly the grant portion of it. I think you can go back--there is a UG funding of that too. I can't remember what exactly it is, but I'm throwing out \$300-\$400K, something like that, but it's not going to be like--How much Doug? **Mr. Bach** said it's \$428K. You can see that Commissioner, on the first page under Streets under Debt. You'll see there's line item #3037 so that's the matching UG portion of that revenue that goes with it. **Commissioner Johnson** said gotcha, great.

My last question is with regard to the Northeast Patrol Station. I think, Doug, you kind of answered that by and large what the strategy was. I'll be honest with you and, of course, you know we've talked about some potential projects that might be--that we could probably leverage on this. I will say that I think that the community of the northeast has suffered a long time. This community obviously has been one of those leaders in crime throughout the city. I think that in terms of overall investment that whether or not we find a matching or a leveraging partner, we need to make an investment in this community. While I agree with the strategy that we need to find an economic development partner, I don't want that to limit us in terms of building that.

Having said that, the \$3.5M obviously is not enough by itself. I would like to have further dialogue about doing a standalone project with the caveat that our plan to find a partner it still stays

intact. Also, to maybe even looking at moving that project up to 2023 versus 2024 and so I just want to put that marker there. We can have further dialogue about that later and with that, Mayor, I'll yield the floor. Doug, if you or anyone has any comments on that, I would entertain it.

Mr. Bach said my main reason for pointing that out is because that special revenues project is a unique area that—you know we threw it in there and I didn't want that project just to linger out there and then move up over the years and the Commission say let's do it. That's basically—I mean right now I would have to say that on the unfunded list and you accurately pointed that out. So if we're going to fund it regardless of having an outside source of funding through the special revenues, which we will hope and work, I should say more than hope, we'll work on alternatives that can come in and assist this, but if that's not happening, it really needs to be prioritized to find its way into our regular Buildings and Facilities fund with the rest of those projects that are listed out there. You're right on in that point. If that's where we need to go, then that's where it needs to be. It needs to be under Facilities, not to say we can't still work on project funding for it, but it would need to be in one of those other areas. **Commissioner Johnson** said I would strongly encourage that. I don't know if I have much support from my fellow commissioners, but I think it's time for us to make that a priority. Mayor, I yield the floor. I will be back with more questions later.

Commissioner Bynum said two quick things. I 100% support Commissioner Johnson's comments on the Northeast Police Substation Project and I would also suggest for our consideration that we could look at it under the same fund with which we are dedicating funding to the Rock Island Bridge in the economic development out of the Tourism fund if we are able to pair it with an economic development project. I'll just pitch that on out there and certainly we can discuss it later but I am more than willing to join Commissioner Johnson and Townsend to work on making that substation a reality.

My question for tonight is, on page 6 of Cash, if we could look at that real quick. Under Parks & Rec, Trail Network Development. If I could have some explanation on that project, that runs across all of the years for a total of \$700K? **Ms. Obert** said I can help answer that question. I believe it was December of 2020 when we brought before, I think, it was four parks for this Trail Network Development program and we brought them before the Commission and it was decided that Klamm Park would be the first project where we started to implement this program. That's

why you'll see it over seven years because we're only given \$100K per year to be able to do this project. **Commissioner Bynum** said okay, I really appreciate that. I wondered if that's what it was and the reason that I ask is because you already know that we've had a community member, I guess, bring a presentation to the Parks Board about the trails at Wyandotte County Lake that needs some help, so this listed in our CMIP is about all the other parks. The ones that we've already talked about in previous meetings and nothing to do with trail improvements at Wyandotte County Lake Park then, correct? **Ms. Obert** said correct, Commissioner. The trails presentation from that community member is a bridal trail and this is more of your ADA asphalt walking trails. **Commissioner Bynum** said okay, thank you.

Commissioner Markley said I do want to go back to the items that you would like direction on and kind of talk through those. I'm guessing that the CSI Lab, there is some cost savings that would occur as a result of doing that project in conjunction with another project. Is that accurate? **Mr. Bach** said currently we send out our work to the—I guess we send it to a couple areas. The Johnson County Crime Lab, I think, is primarily getting our work now and, Commissioner, I do not know that number off the top of my head and I would say this would probably be a good one for us to bring in the Police Department and have them offer a presentation about the benefits of having our own crime lab which is one reason I wanted to make sure to point that out, that you all have not given direction on this. **Commissioner Markley** said I think I would appreciate the additional information. I mean, ultimately, we have in the past, as a Commission, we've always been looking for ways to leverage what we're already doing to take advantage of situations where we can save some money on something that we're going to end up doing anyway. I would just like some more information on that.

Obviously, Radio Replacement, we've been through that situation before with a vastly expensive project to upgrade that radio system. It is what it is. We've got to do it to have coverage.

As far as Animal Services, the Streetlights Project, and the Quiet Zone I think my perspective would be that we should focus on that right-sizing effort in an effort to use the money saved from the right-sizing to deal with these additional needs. I would rather us not be building new facilities right now if we're having a discussion about how to right-size, but I think the purpose of right-sizing is to look at okay, then we can take that savings and use it to upgrade the facilities that we have designated as we want to keep these and these are going to remain part of our stock.

I would not prioritize those projects for this budget because I think we're still working through that right-sizing effort, but I think the hope with that right-sizing effort is that there is savings that can be applied toward these larger projects.

Personally, my priority would be on the additional funding for streets and bridges. As a commissioner, I don't want to make the decision between how it gets split between streets and bridges. I think those priorities should be based on the need, so I think staff needs to figure out whether a bridge needs to be repaired more than a certain street. That's not a decision that I want to have to make necessarily, but I think that is a thing we should be prioritizing. We should try to commit additional money toward that and that would be my priority over anything else on this slide.

Commissioner Philbrook said just leave that slide up. That's a perfect slide. Thank you, Commissioner, for asking them to do that. I agree with her on most of this, but I do have a request and that is that we get a presentation given to us pretty soon from Animal Services about where we are on what's happening with Animal Services, how much of the work being done is by volunteers versus our folks, you know, that we pay that work for us. We have considered putting this out to the private sector in the past. Do we want to think about that versus building more buildings? I mean I'm just asking all these questions because these are all hard questions and there's a lot of people that have concerns and still because there's a lot of little critters running loose out there and we're not capable of dealing with it. I don't like to have to tell people all the time that we don't have the personnel to come get it nor do we have the space to take care of it, so that's a big thing on Animal Services.

I'll come along with Commissioner Markley on the streets and bridges thing because I'm not the one that has to go through and look at all the reports on those. That's Jeff and his team, but I do believe that we definitely have to figure out how to increase or shift funding, I don't know whatever word you want to use toward street maintenance, maintaining and taking care of our streets because as we all know this last winter really wreaked havoc on our streets. If we thought they were bad, this last winter really reminded us.

I drove a bunch of streets today down our little paths that I like to call them, our goat paths because they're old township roads and there is a lot of work that needs to be done. Mostly potholes, but I see deterioration so it's very important for funding for our streets.

The Quiet Zone thing, I think that's something we need to look at, but I think that's to look at for the future and to plan that along with the railroad several years out and figure out what part they can help us play in that because that's definitely complicated as it comes through Muncie.

Mayor Alvey said I'm going to really echo—I need to say my druthers to put additional funding for street and bridges. I think these are just kind of fundamentals for economic development. It's also what people experience if you drive into a community and your streets are not cared for. It says that—if a street is not cared for, people conclude that so many other things are not being provided, so in terms of Capital funding, I would think we should spend money on streets and on bridges.

Commissioner Burroughs said I would just like to state that I really appreciate the fact that the facility portfolio and the inventories continue to move forward. I think it gives us a better handle as to what our overall costs are in reference to the properties that we own and the maintenance and upkeep associated to those and if we can identify those that we no longer need or can repurpose for other uses would be a benefit.

A couple of things if I may, I know there was talk about the infrastructure, curbs, sidewalks, alleys; all of those as well as the lighting, I believe that we have the ability internally through our staff to identify those projects that are moving forward, that we might be able to efficiently combine those issues that are out there and, hopefully, find some opportunity for some cost savings or cost avoidance so we're not repeatedly pulling up streets and/or rights-of-way to address some of these issues, like I said, whether they be curved, water runoff or whatever it may be. We have a tremendous amount of need and infrastructure and I think in my discussions I believe that when infrastructure's discussed, we may only be thinking about wastewater and/or sewer and those things we can't see, but there is a lot that we can see and it's part of the infrastructure conversations we have.

If I may, I know the streets and bridges, I concur with those comments that were made but one thing I do want to talk about is the CSI Lab. I am aware that we have a KBI Crime Lab at the Kansas City, Kansas Community College. It was a piece of policy that I was able to work on in the legislature and bring Wyandotte County KCK Community College and our crime lab has to

be accredited as well as identified as one where evidentiary material is—the integrity of that material is extremely important.

I might ask Doug, and/or staff, that we have a discussion with the Kansas City, Kansas Community College to determine if it's not something that we might be able to do in association with their development. I'm not saying it has to be on their campus but the additional—to ensure a crime lab having gone through the tremendous amount of effort in bringing the KBI Crime Lab to Wyandotte County—are we not getting the services that the KBI and them committed to providing us as to our police work? I'm just kind of curious. Do we know that Doug? Are we getting the support we need from the KBI in reference to our crime lab information?

Mr. Bach said, Commissioner, the timing is the issue with KBI whenever we need something done and I saw Misty click on, so maybe she knows a little bit more detail to that point, but typically it's the amount of time it takes to be able to get things worked through that. As you know whenever you have something going on that we're investigating, you know, you're trying to move through it in the first couple of days to be able to solve the crime and if you've got to wait a couple of months, it doesn't work well. Misty, do you have more information on that?

Misty Brown, Chief Legal Counsel, said that was just what I was going to say. I can get more information, but from talking with Casey, that was my understanding as well is just the immediate time issues that we're under. **Mr. Bach** said, Commissioner, when we have the Police Department present, I'll make sure they speak specifically to that point. **Commissioner Burroughs** said thank you and that was the intent of getting the KBI Crime Lab at KCK. When we lost the Bethany Medical Center and our morgue and everything else collectively, it was testing all the serum, blood tracings and those elements that need to be tested for court cases. KBI partnered with us and Kansas City, Kansas to bring ballistics as well as DNA to our community.

I guess I'm willing to have a discussion moving forward with the KBI in reference to them investing additional resources in our community because that was a partnership that was forged almost 20 years ago that I believe has paid great dividends for our community because it puts us on the map of having a law enforcement presence in our community of statewide significance and the fact that they're always looking to assist in growing the presence across the state. I would just encourage us to look at an opportunity to partner with the KBI in looking at our CSI Lab for our Police Department because I do know that between Kansas City, Missouri,

Johnson County, and Wichita we're still going to run into those time lags just from my personal experience with this issue over the last 20 some years.

There's a few other questions that I have. What I will do is I will call staff in reference to those. I'm really pleased to see some of these numbers haven't changed much. The only other really big issue I have is I've noticed that the BioSolids is only \$20M and if my memory serves me correctly, Mr. Fisher, I thought that at one time it was \$42M and had grown to \$70M. Could you shed some light on those numbers as to why they've just only gone to \$20M? **Mr. Fisher** said I believe that's a one-year portion of the budget of the total budget, so that would be—is that '21 Sam? That's '21. **Commissioner Burroughs** said so we don't see it forecasted out to '22, '23, '24? **Mr. Fisher** said not in that slide. I can call you and talk through that. **Commissioner Burroughs** said okay, thank you.

That brings me to my last comment. I think there was one sheet that was shown or one slide that was shown that I didn't have a copy of that or I missed it and it was the unfunded portion of the debt and I think it was one of the very last sides that Reggie displayed. I don't seem to have it or I wasn't able to find it my paperwork, so I would kind of like to have a copy of that if I may. **Mr. Bach** said we will send that out. I don't believe that was in the packet of the items that we were—we were just showing the ones we had recommended for funding, so we'll send that out to all commissioners.

Commissioner Burroughs said thank you and thank you colleagues for the opportunity given to me to ask my questions.

Commissioner Kane said first of all, I support what Commissioner Johnson said, a police substation. In fact, him and I have talked about (inaudible) but waiting another two or three years just doesn't get it. I think we have some buildings down there that we could temporarily use until we get something built or possibly ask one of the churches if they could give us some to operate until we can get something—**Mr. Bach** said, Commissioner, I don't think we can hear you very well. **Commissioner Kane** said okay. Can you hear me now? **Mr. Bach** said yes. **Commissioner Kane** said I already talked to Johnson about a police substation down there and we could use probably one of the buildings that's not being occupied now or even go to one of the churches and see if they've got some space for us to operate until we could build something down there.

The Rock Island Bridge, I asked multiple safer questions about what we were going to do if somebody fell off that thing. I got no response and my other question is, I've been told that you cannot get earthquake insurance on bridges and stuff like that so I would like that answer.

Now I want to go back to the radios because we know we need the radios and safety is expensive, but we have to make sure that our people are safe and as far as the roads and bridges, yes, we need to get some more money in there.

Then they talked about the sidewalks to the schools. I've got a quarter mile sidewalk to the brand-new school out here and that's it, so I would like somebody to come here and take a serious look to make it safer and easier for our kids to get to school and that's it.

Commissioner Ramirez said I want to apologize. I had my questions and comments but I didn't really give my thoughts on the current slide that we have. I'll say that the majority of my comments and what I believe has already been stated by my fellow commissioners. I believe streets and bridges should be a priority for us. Mayor, you said it perfectly, when someone comes to our community, the first thing they're going to see is our streets, our curbs, and how well we have taken care of that infrastructure because if we don't have the streets and the curbs and the sidewalks as our baseline infrastructure, it's going to be hard for us to build our economic development and bring businesses in, bring attractions into the community and ultimately bring in more people into our community so that we can increase our revenue.

I do support that we are provided information and presentation on the CSI Lab and Animal Services. Commissioner Philbrook brought up about bringing in Animal Services and presenting to us what they're doing, how they're doing it and I think what's needed—I think that's a really good idea.

Streetlights I will say is also, in my opinion, is up there in the priorities as well because if the streetlight project is able to provide cost savings to the BPU, as all commissioners, we know either one, two or three top of our issue list that constituents come to us with is their BPU bills. If we're able to provide cost-savings to BPU where they can transfer that back down to customers and lower customer bills, that would be great for everybody.

Those are my thoughts and I would also like to lend my support to Commissioner Johnson and his police station and making that a priority and finding a way for that especially for

that area who has been historically disinvested in. I believe it's time that we do what we will be meant to do in the master plan and do a better job of doing that.

Commissioner Johnson said thank you Commissioner Ramirez. I appreciate that final comment that you made. As a matter of fact, I do appreciate all the comments. Relative to streets and bridges, Jeff, can you remind me of conversations that we have had I think one-on-one with regard to the funding for streets and bridges? I think we've kind of all went through an exercise where we talked about the future needs for streets and bridges and other items. Were those embedded into the projections relative to whether it's debt or cash funded. Did you take those, I guess recommendations, I don't know what else to call them, and embed those into the projections or is that something that—where do we stand with those meetings that we had?

Mr. Fisher said when we met we shared with you in the case of streets and bridges, the \$20+M a year need and the \$14M a year need for bridges and we aggregated the feedback we got. Generally there was a lot of interest in focusing on streets and bridges just like many of the comments tonight. So, it just sort of helps staff—it added weight to the CMIP proposal so that's why we're talking about this again is in those individual sessions, the commissioners agreed generally that we needed to focus on streets and bridges and so here we are having that discussion again collectively. It sounds like collectively there's again interest in doing that so now, in my opinion, it's developing strategies to help us ramp those investments up for a sustained period of time. Does that answer your question? **Commissioner Johnson** said well, it does I guess. I just felt like we gave direction then and I would have assumed I guess that we would have seen, you know, some indication in these projections as they're reflected to us tonight. **Mr. Fisher** said in the CMIP? **Commissioner Johnson** said yes.

Mr. Fisher said we did plug that in to see what kinds of implications and better understand what implications that creates and there was staff discussions and, obviously, like Doug has mentioned, we've got to pass a CMIP in the budget this year. I don't want to speak out of turn, but I think we're proposing a balanced budget and we expect to continue to have these discussions. I know staff didn't expect to be able to turn the switch on and change this overnight. I think two of the discussions that were mentioned earlier about a focus committee or a steering committee, an infrastructure committee, I think that's going to be the challenge and the work for them—would be my suggestion.

Mr. Bach said, Commissioner, I might add, the one quick area I guess is to increase the amount of debt though I think I've heard from the Commission pretty clear that we are supposed to keep that amount at a level position. I mean we can afford to issue debt based on the amount of the—under the number of mills that we have, but as Ms. VonAchen has reminded us in our recent discussions, our percentage of debt to our overall budget is higher than we really want it to be. I have not—I don't move this number on the debt. I've worked very hard with staff and they do a good job of coming back to keep me within the parameter of the amount of money we're spending annually. That way in the future as the value of those mills go up, you can redirect the mills dedicated toward debt to either a reduction in the mill rate or over into a different operating area where we cash fund. I am operating that way with debt. That's the only source of money I can grab now and start to bump up where we're at on streets. **Commissioner Johnson** said that provides some clarification to me on that, so thank you both for your answers to that.

Under General Services, I'm on the Capital Cash Projects first page, the Disparity Study in 2023. Can you give a little bit more indication on what that study is for, for our viewing audience than what we received earlier? **Mr. Bach** said the Disparity Study is tied directly with a study that is done with the city of Kansas City, Missouri. They conduct an evaluation of contractors and vendors that are available across the Kansas City metro area and they look at it for total—so, if we're looking at it specifically in terms of who could bid on projects, to do that work, which is a primary focus of how they do that. They will set out and say how many total contractors there are and then they break it down by minority-owned, women-owned, disadvantaged businesses and then they are able to come back with that and provide percentages in our metro area to say of all the contractors, this is how many falls into each one of the categories that I listed above. That gives you legal justification to then move forward when we do a bid to put on there to say okay, here's the goals that you need to hit.

If we're going to do a \$20M project and we say you need to have minority business enterprises in it at the tune of 16% because we know from that Disparity Study based on the type of work we're doing. You know, maybe it's heavy in concrete or maybe it's high in building materials or whatever you have, high in electrical work or something like that, a Disparity Study tells us how many contractors in each of those areas there are and then it would be assumed a right thing or fair that this percentage goes to women-owned businesses and such like that. That's how that works, but if we're to enforce that on a legal document, you have to do it in this type of way

and this would be our percentage of paying that and trying to do it in coordination with KCMO. **Commissioner Johnson** said the 337.5, is that our portion? How is that. Is that our portion of it? **Mr. Bach** asked, Melissa, do you know or Reggie? **Mr. Lindsey** said that is our portion. **Commissioner Johnson** asked, do you know how much Kansas City, Missouri's portion would be? **Ms. Sieben** said I don't have that information. I'm sorry. I can get it for you if you would like, (inaudible) that's all I know. **Commissioner Johnson** said I totally get it. I also know the importance of a lot of our—making sure that we're hitting our numbers with regards to minority women-owned business participation and I would certainly encourage us if there is a way to move that into 2022, we've gone without a Disparity Study for how long? When was the last time we had a Disparity Study done?

Mr. Bach said probably back in 2014 or something. It's been quite a few years. Now, we don't really have the ability to move it up. This is done in coordination with KCMO. We have to follow their next cycle as to when they're going to do it. We're just jumping on with them as part of it. **Commissioner Johnson** said okay, fair enough.

The Sidewalk Gap Program, the neighborhood curb, sidewalk, repair. I'm under Public Works, page 5, 1231 and 1291. Is that the 50/50 Program? Does the 50/50 Program fall into one of those categories, I guess, is the right question. Can you also give some more detail to those two line items? Jeff, is that you? **Commissioner Johnson** said, I'm sorry, did I miss something?

Mr. Bach said I think Jeff is looking to see what it is. **Mr. Fisher** said I'm sorry. It's going to take a second. **Commissioner Johnson** said while I'm at it, Melissa, I want to talk about NRSA when we get done with that and then I will be done, Mayor.

Mr. Fisher said, Commissioner Johnson, I'm not exactly sure if the 50/50 Program falls within that GAP Program. I don't think it does and the 50/50 was cut last year and this year. Can I look into that and get back to you? **Commissioner Johnson** said yes, please.

Commissioner Johnson said, Melissa, the NRSA, so we're coming up on a conclusion of that in 2022, right? **Ms. Sieben** said that is correct. **Commissioner Johnson** said could you give anything more for our listening audience, kind of what those items will include for these remaining few years? **Ms. Sieben** said yes and I would also probably ask Angel if she is ready to jump in as well. Currently, this year, we are working on work within Clifton Park and there's currently projected some changes to the playground area, removal of a historic road that has gone through the property and some new pavement for parking. We're also looking at possible

improvement to City Park North. There are several things we're working through right now. Angel, do you want to go ahead and talk about what you're seeing right now on your end as you've worked with Wilba and I.

Ms. Obert said you pretty much covered that. You know the projected projects for this year we are kind of trying to rework through some of that, but you're right, it's doing some work there in the parking lot. We are going to install a new playground there at Clifton and also improve and add more sidewalk infrastructure around the park. As far as City Park North goes, we are still pretty early in the planning stages for that project.

Commissioner Johnson said this is unrelated to the CMIP. I will say this, we've got to figure out a way to keep those properties from being vandalized and I don't know what the answer is to that. I don't know. I don't know if cameras should be a part of that, but we've got to—as soon as we're putting up new infrastructure, we've got people coming in tagging and devaluing this multi-million dollar investment into our community. It's not just at City Park. It's at other parks as well, Klammer being one of them. Help me to think about what we can do and I'm sure we need to have a separate meeting, but I just can't talk about the NRSA without talking about the fact that we've got this problem as well. With that, I will yield the floor, Mayor, back to the next person.

Ms. Sieben said, Commissioner, I would say that you might want to talk to Commissioner Markley about our committee that worked on littering and illegal dumping because we've also picked up graffiti this year and, yes, we do have a long ways to go with that. It's been a particularly awful struggle the last year and a half or so, but definitely, we would love to talk to you further offline.

Mr. Fisher said, Commissioner Johnson, I think I do have an answer. If you look at that Neighborhood, Curb, Sidewalk Repair line item, the \$125K starting in 2022, I believe that is the 50/50 Program. **Commissioner Johnson** said perfect. Thank you. I appreciate it, Jeff.

Commissioner Townsend said I'll pick up with that 50/50 Program. That's a great segue from Commissioner Johnson. As I go back to the list that the Administrator put up earlier, I think I needed to maybe clarify, you know, just what my priorities are. I would say with that 50/50 Program it is taxing for a lot of the communities that I serve to take advantage of that because you

have super seniors in some of these neighborhoods who need sidewalks and curbs done even though they keep their homes up. As I go back and look at the Direction Needed list, that's what I wanted to say. Not only the street repair and maintenance for me as a priority and the bridges, but also curbs and sidewalks so I will certainly be asking for money to be put into that line if \$125K is all we have for the entire city.

I would also, before I forget, like to join that conversation concerning the need to identify these vandals who are costing us hundreds of thousands of dollars by, as Commissioner Johnson noted, tagging new infrastructure, new buildings in our Parks & Rec. I'll take this opportunity again to our listening audience to let them know that already in the budget there is money for persons who can help us identify these people who are the vandals. I would love to speak with Commissioner Markley and any of the other commissioners about some way to get that message out. I think I mentioned to someone, we need our own UG most wanted and people can identify and give us information anonymously, but that has to be done.

The other thing that I'm looking at in this Direction Needed list has to do with safety and so I would go next to the Streetlight Project. There are streetlights that have been out for almost two years in the Fairfax area and so you're talking about not only the ambiance, the addition to it or the loss of it, but also it's a safety issue not to have good lighting. Even with a lot of the lights that are working, they're very dull and dim and crime goes to dark places. So, the better we can make our lighting, that's going to serve the ambiance factor and more importantly, the safety factor.

The radio replacement, we have to do, so I would rate that next. I would like more information about any backlogs we may have relative to what the CSI Crime Lab does. I'm a fan of the show The First 48 so I know how important it is to get information immediately on crimes and I guess that would include processing evidence. I don't know where we are in terms of backlog for what we have in that area, so I look forward to the presentation that the police will come in.

I would segue with the issue that's been brought up about having a substation or a new police station somewhere in the northeast area. I supported that concept and still do really as part of a bigger development project, so when our force comes forward with the presentation for the CSI Lab, I would like to know, and they can give this to me offline, it doesn't matter, what the numbers are at least in my district for major crimes and we can define what that is later.

I want to work with circumstances as they now are. If major crime has gone up, then that would support looking at a building, a new facility. If they've gone down, less so. That's where I am on that.

Commissioner Ramirez said I apologize, last comment from me from tonight. I just want to quickly support what Commissioner Townsend was saying regarding sidewalks. You know the 50/50 Program is a good program for a lot of people in a lot of communities. Let's say for my community, for my district, you know a lot of it is heavily renters. It's a lot of people who are renting. They may not have the wherewithal or the passion to put in the investment of replacing sidewalks and working together as a neighborhood as a long-term regular neighborhood would. Like I said, the 50/50 Program is an amazing program and it's good for certain places in our community, but for those concerning Commissioner Townsend's community and the community I represent, you know, increasing that funding for those types of communities that may not pertain or may not want to hold onto that or participate in that 50/50 Program, so just something to keep in mind.

Mayor Alvey said thank you everyone. We are bumping up against 7:00 p.m. I'm just going to offer I know there's more work for us to do and as we have discussed before, the Commission members will be joining separate committees to look at specific infrastructure needs and there is a steering committee of volunteers and those are Commissioner Bynum, Commissioner Philbrook, Commissioner McKiernan, and Commissioner Ramirez and myself and we will be scheduling a meeting for early next week. Ana from my office will be reaching out to you tomorrow and we will try to get a meeting scheduled early next week and for that steering committee that will then give direction to the individual committees. We'll be identifying kind of the scope of the work for each committee and identifying the questions and topics of the sequence of topics, set out objectives, what are we reaching for, what do we do to come out of our work to bring back to the entire Commission.

Again, we will be looking at what are some of the emergencies that is for funding for infrastructure and then we would look at what would be urgent needs. That is things that would be five or six years have to be resolved or solved for or they will become emergency needs. Then, ultimately, we'll take a longer term view to 20-25 years out just to have an understanding of what

kind of revenues or funding we need to get and then, of course, we will be exploring different funding opportunities which would include Enterprise Funds which already exists, assignment of tax revenues or perhaps federal grants or loans. That's what we're going to be doing and I think we will get together early next week, if possible, and get our directions and pass those on to individual committees.

Doug, is there anything else that you wanted to describe for the process moving forward?

Mr. Bach said I think when we come back in the next meeting, Mayor, we will try to address the questions or provide additional information on the areas that were left outstanding for tonight. That will be our next step as we move forward to finalizing the spreadsheets which will go into the final budget and if there are some other opportunities we talked about. Obviously, we heard a lot of emphasis toward streets and some other things tonight, but I don't know that I have—I mean that would probably be more we will talk about if we come up with other strategies for that and look forward as we move through the budget process, but I don't have anything else, Mayor.

Mayor Alvey said thank you all for your hard work and the Commission for excellent questions and discussion. We will see you in a couple of weeks.

MAYOR ALVEY ADJOURNED
THE MEETING AT 7:01 p.m.

Brett Deichler
Interim Unified Government Clerk

dt

April 22, 2021

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

SPECIAL SESSION, THURSDAY, APRIL 29, 2021

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, April 29, 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 (arrived at 5:09 p.m.); 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; Alan Howze and Melissa Sieben, Assistant County Administrators; Brett Deichler, Interim Unified Government Clerk; Misty Brown, Chief Legal Counsel; Alley Porter, Commission Liaison; Ashley Hand, Director of Strategic Communication; Angel Obert, Assistant Director of Parks & Recreation; Juliann VanLiew, Director of Health Department; Dr. Erin Corriveau, Deputy Local Health Officer; Dr. Allen Greiner, Local Health Officer; Jeff Fisher, Executive Director of Public Works; Kathleen VonAchen, Chief Financial Officer; Debbie Jonscher, Deputy Chief Financial Officer; Reginald Lindsey, Budget Director; Sam Her, Public Works Fiscal Officer; Matt May, Emergency Management Director; Michael Vivian, Police Department; Jeff Conway, Assistant Counsel; Lynn Melton, Assistant to the Mayor's Office; and Maureen Mahoney, Chief of Staff in Mayor's Office.

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 the public that is 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.

MAYOR ALVEY said I would ask the Clerk to announce the meeting and call the roll.

ROLL CALL: Bynum, Burroughs, Townsend, 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 29, 2021, at 5:00 p.m. by way of Zoom regarding a COVID Health Ordinance followed by 2022-2026 Capital Maintenance Improvement Projects (CMIP).

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 two topics today. The first item is a COVID-19 Health Ordinance. I will turn it over to Mr. Bach.

Doug Bach, County Administrator, said the intended update tonight is to talk about where we are with the status of COVID, the vaccination, but we also wanted to start off with a little bit of an update from our Parks & Rec Department regarding how we are treating some of our facilities in regard to that. We're going to let them—I'm going to turn this over to Angel Obert to start with and Angel is going to walk through and talk about how we're treating some of our facilities based on our current rules and ordinances and then we will go to Health from there.



Angel Obert, Assistant Director of Parks & Recreation, said I'm going to update you on what we're doing in Parks & Recreation as far as our COVID safety update. As you know, this has been a very fluid situation for us and we've been working very closely with the Health Department and they've done an excellent job in giving us guidance throughout the entire pandemic to ensure that we are operating safely in our daily operations, especially in our amenities and our facilities.

Community Centers & Halls

- Programs/reservations restored to normal capacity numbers with the expectation that 6ft social distancing can be met
- Masks must be always worn inside facilities
- Programs taking place must provide COVID safety plan
- COVID safety signage is visible in facilities
- CARES ACT project investments will allow for more programming opportunities



I will start with our community centers and halls. Our programs and reservations have been restored to normal capacity with the expectation that 6 ft. social distancing can be met. Also, masks must be worn inside all our facilities. Any program that we have taking place in our facilities, we've requested that they provide a COVID safety plan. What that means is that they submit a plan to us on how they plan to follow those guidelines set forth by the Health Department so we can grant them the approval for them to take place in our facilities. We have COVID safety signage that is visible in all of our facilities and then also I just want to note, our staff is very excited to begin slowly reintroducing these programs back to our centers and also for our community.

April 29, 2021

As you know, we had a lot of exciting investments through the CARES Act Project over the months where we were inactive just due to the pandemic and so we're very excited to be able to introduce some new programming opportunities through that.

Shelters & Outside Facilities

- Individuals within a public space shall maintain 6 feet of physical distancing from other individuals, unless they reside together
- Masks shall be worn while outdoors in public spaces **and unable** to maintain a 6 foot distance between individuals (not including individuals who reside together)



We'll move to our outdoor facilities which is our shelters and basically our outdoor courts. Individuals within a public space shall maintain 6 ft. of physical distancing from other individuals. This is unless they are families, families renting a shelter together and they are all in the household, then they are exempt from that. We also will ask that masks shall be worn while outdoors in public spaces if they are unable to maintain a 6 ft. distance between individuals. Again, that's not including individuals who live together.

Sports & Special Events

- Players may unmask to engage in sports competition or practice but must wear a mask over nose and mouth at all times on the sideline, locker room, in meetings, or any time not on the field/court.
- Maintain 6 feet of physical distancing in public spaces
- Masks shall be worn inside/indoor public space
- Masks shall be worn while outdoors in public spaces **and unable** to maintain a 6 foot distance between individuals (not including individuals who reside together)



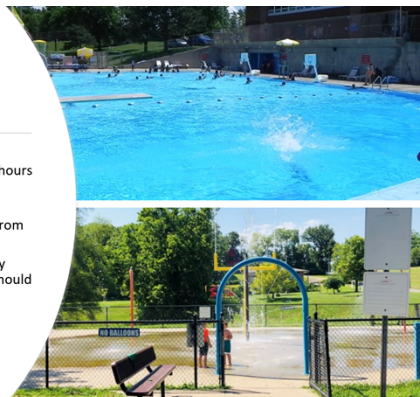
A big topic is our sports. We just recently, the middle of March, started to slowly reintroduce sports back to our community. What that looks like for us in our department is that players may unmask to engage in sports competition or practice, but they must wear a mask over their nose and mouth at all times. If they are on the sidelines, in the locker rooms, or in huddles; any time they are not engaging on the field or on the court, they must wear a mask. Spectators attending these

events will be asked to maintain 6 ft. of physical distancing in these public spaces and also masks shall be worn if it's inside our facilities, if we've got games going on in our gymnasiums. Masks shall be worn while outdoors in public spaces if they are unable to maintain that 6 ft. social distance. Again, this is not including individuals who live together.

I just want to note too on this slide, we are working on rebuilding our youth programs. We lost a number of youths to surrounding Parks & Rec Departments. A lot of metro areas around us continued to play sports while we did not, so we have noticed as we've started to slowly reintroduce our programs to our community that our registration numbers are low. We do hope to see that increase and come back to our normal level. We've had a lot of feedback from the community during the pandemic how important it was for them to be able to have something for their kids to do and now that the guidance from the Health Department working closely with them and being able to offer these programs again safely, I think they will come back and participate right back in their own community.

Aquatics-Spray Parks

- Spray parks will be open for normal hours of operation
- Social distance of 6 feet should be maintained except between people from the same household
- Kids can remove masks when actively playing in the water but otherwise should wear masks
- COVID safety signage will be visible



Now I will talk about our aquatics starting with our spray parks. Our spray parks will be open for normal hours of operation. We will look for our spray parks to open Memorial weekend and that will be Saturday, May 29th. We do have three spray park locations and they are open seven days a week from 9 a.m. to 9 p.m. What you can expect, our spray parks is maintaining that 6 ft. of social distancing except for people that are in the same household. While kids are at the spray parks playing, they can remove their masks when they are actively playing in the water, but otherwise if they are around spray park decks, they should keep those masks on. Also, we will have COVID safety signage that will be visible at our three spray park locations.

Aquatics- Parkwood Pool

- We anticipate Parkwood Pool to remain closed to the public for the summer 2021 season
 - The pool will be filled to perform routine maintenance
- Lifeguard training “work study” program will be offered to youth 16+
- Swimming lessons for youth under 16 will continue be evaluated



For Parkwood Pool, we do anticipate Parkwood Pool to remain closed to the public for the summer 2021 season. The community, you will probably see that the pool will be filled, but this will be to perform routine maintenance just to make sure we are keeping up with everything we need to do at the pool.

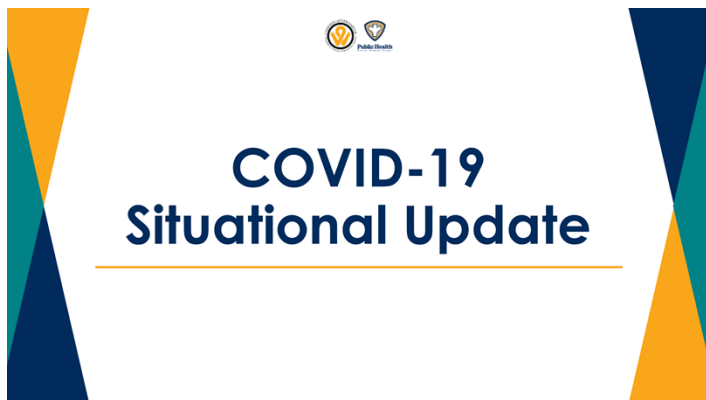
We do look while it is filled to offer a lifeguard training work study program. This program will be offered to youth 16+. I know that we are not the only organization, every aquatic department across the metro area has experienced a lack of lifeguards and that’s—you know, we lost a whole year of aquatics. We’ve been in a lot of conversations about trying to rebuild that program, so we think this is something that we can offer the community or offer our youth and help strengthen our lifeguard training program and, hopefully, be set up for success for summer 2022.

Also, swimming lessons for youth under 16 we’ll continue to evaluate this possibility of being able to offer maybe this as a program too for the youth in our community this summer.

Like I said, this is a very fluid situation and we’ve been working very closely with the Health Department to make sure that we are in compliance with the guidelines they are putting out, so this information that I’ve presented before you, is what we are currently doing for our daily operations and, of course, as things continue to change we will adjust here in Parks & Recreation and make the necessary adjustments as we move forward.

That concludes what I have for Parks & Recreation as far as what we are doing as far as COVID-19.

Mayor Alvey asked, are there any questions or comments from the Commission? Seeing none, we’ll move on to the next topic.



COVID-19 Situational Update

Mr. Bach said I believe this turns it over to Juliann VanLiew with the Health Department to lead off our presentation regarding COVID-19.

Juliann VanLiew, Director of the Health Department, said I'm actually going to go ahead and throw it to Dr. Corriveau to start us off, our Deputy Health Officer.

7 Day Rolling Average New Cases

- 7 day rolling average is stagnant—community transmission still ongoing in Wyandotte



Dr. Erin Corriveau, Deputy Health Officer, said I just want to start us off by just talking a little bit about where we're at with COVID-19 cases and such. In our community we're seeing really on average about 15 cases a day right now and so that's a far cry from where we were around the holidays. It has continued to be low now for several weeks which is great.

Just to give you a sense, you know, we're actually increasing a little bit in the number of tests that we're doing in the past week or two and despite that, the number of cases that have been positive have remained low. So, we're doing about 400 tests a day and averaging again about 15 cases.

Average Age of Cases Going Down

- Vaccines work!
- Older age groups have higher rates of vaccination, driving average age of COVID cases down:
 - November average age of COVID cases = 39 years old
 - April average age of COVID cases = 32 years old



We're seeing also this kind of interesting trend that you know now later in the pandemic, we're seeing that the average age of our COVID cases has decreased, has gone down, so we're seeing more cases in our younger people and fewer cases in our older folks. Of course, the average age was just 39 back in November but I think it shows that a lot of our older folks in the county were struggling. Of course, we were so afraid for people who are older to get the virus and then become quite ill. I think the majority of our hospitalizations and deaths were, of course, in our older population. We feel as though the vaccinations are making an impact in our community.



Vaccine Data

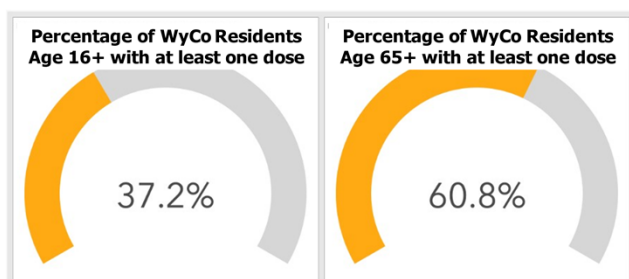
Vaccine Data Summary

	Number	Percent
Wyandotte Residents with at least One Dose	46,266	28%
Wyandotte Residents with Completed Vaccine Series	34,765	21%



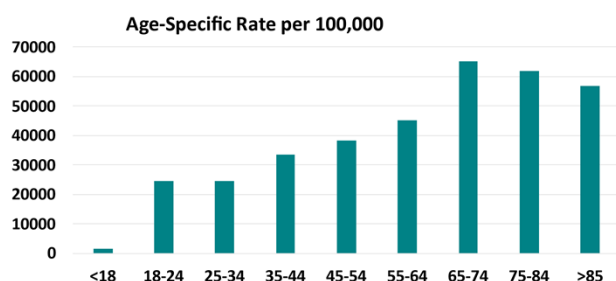
We're going to transition now and talk a little bit about how vaccine uptake and the numbers and such are going in the county right now. This is pretty interesting. So, one in five people in Wyandotte County have completed their vaccine series either one of the Johnson & Johnson vaccine or have received both doses of the Pfizer or Moderna vaccines. We also see that 28% of folks in the county have at least one dose which is looking much better and getting better with time.

Vaccine Rate for Eligible Residents



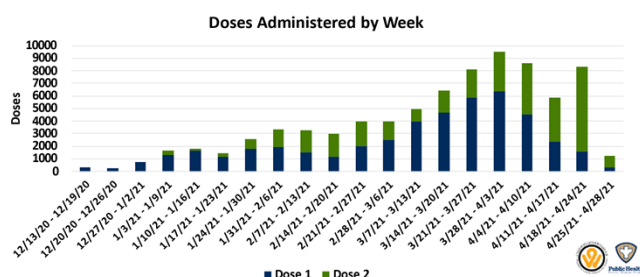
You can see here that we initially began vaccinating our older folks in the county, 80 and up, and then dropped down to 65 and up, so you can see that the majority of those folks 65 and older in the county actually have at least one dose of vaccine so we're almost 61% of folks 65 and older have at least one dose. It's the younger population that we're struggling a bit more with, 16 to 65 we have about 37% of the county has at least one dose and, of course, vaccines haven't been available to these age groups for quite as long as the older folks. It's still important trying to push the vaccines in younger folks is going to be a real important part of what we continue to do.

Vaccine Rate by Age



Again, here we see for age specific rates of vaccination, we see that in 65 to 74 and then 75 to 84, we see a really high rate of vaccination in the county which is awesome so our job is to get these younger folks who are eligible for the vaccine to go ahead and get it.

Vaccine Doses Administered by Week

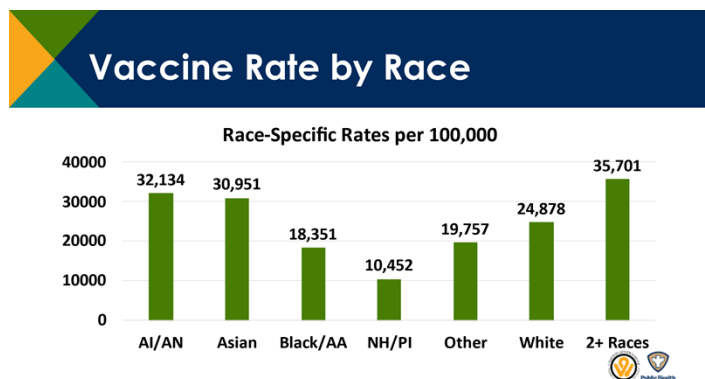


One more slide for me before I turn it to Dr. Greiner. I think this slide is really very important and interesting. You can see here over on the left we're looking at number of doses of vaccinations and then down below here just the time course through the pandemic since our vaccinations have been available. You can see the first dose of vaccine represented by the blue and the green represents dose two or completion of the series.

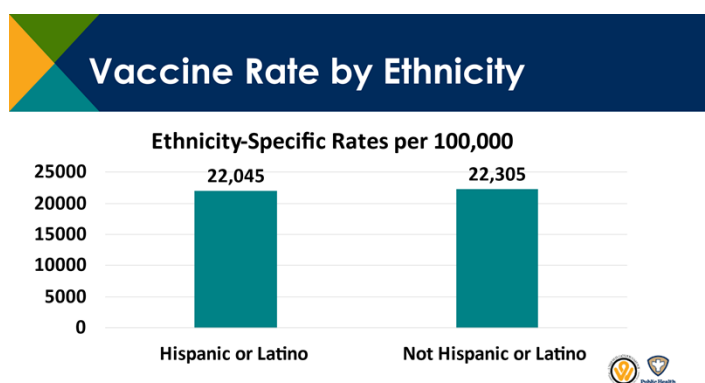
You can see over here when we look at about the first week or so in April, we're seeing really high number of the first dose of vaccine, but it really peaks and then, unfortunately, we're seeing a really sharp decline there in first doses of vaccine that are being administered. Of course, we're seeing a lot of people come back for their second doses and that's encouraging but we would really like to see more of those first doses and second doses to just kind of continue out, so we're a bit worried by this trend.

Dr. Greiner, I'm going to turn it to you now.

April 29, 2021

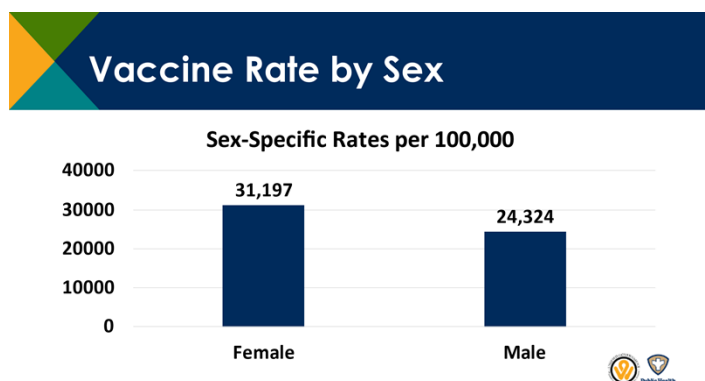


Dr. Allen Greiner, Local Health Officer, said as Dr. Corriveau is showing us, we've made a lot of progress. We're slightly worried that we don't have the demand we did have there for a bit and, of course, we now have a better supply of things. We've got a long way to go but there is some good news. This slide here shows us vaccine rates by race and so these are rates so you've got the numbers out of 100,000 and we do see here that we're getting closer to the equality we would like to see here. There was a time early on when we really had pretty significant inequality between Whites and other groups, but that's improving. We think we can actually push this to where we've got roughly the same rates across all of these categories. That would be the ideal scenario, would be for all of these bars to be the same and they are better. That's an important thing. Part of that I think is a lot of community work that is going on. Juliann is going to talk about that some more here in a second.

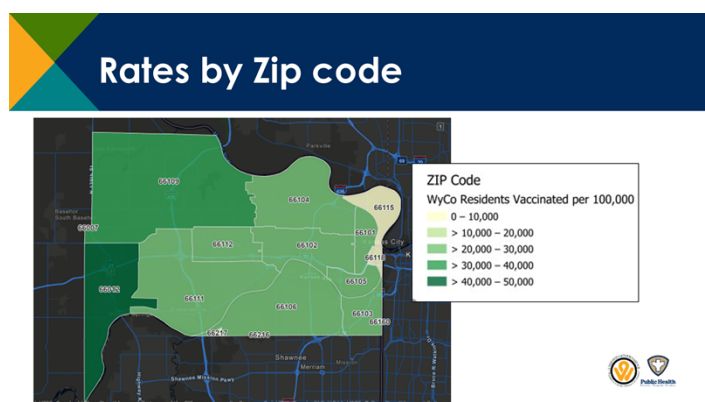


This one is just another look at something similar, not racial data, but ethnic data here, what are the rates per 100,000. We've really got equality here and we did not have this several weeks ago and so we're very encouraged by this. We do know that our Latinx population has been hit hard by COVID so it's a high-risk community sector. The efforts here of the different teams I think

have really made an impact, again, as has the community work that's been going on and that will continue.



How are we doing by sex. We don't have equality here. This is not different than a lot of other things we see in health care and medicine where males do not always participate in some of the preventive health services that we would expect them to at quite the same rate. So, this is something we're going to have to work on too. It's going to take some creativity but we've got to get all the population segments vaccinated at the same rates and as quick as we can.



How are we doing by zip code? This is another one where we've really improved things. You may have seen data. We talked about some weeks back where we have really significant differences between the western side of the county and those zip codes versus the eastern side of the county, things are improving. We've got (inaudible) some things to where at least everyone is in light green. We want to get it to dark green as soon as we can but we're really making progress and I think part of that is getting the site of the Armory opened up as well as all that outreach.

Community Vaccine Goal

- Peak of 5,500 first doses per week (March 28 - April 3)
- Currently ~1,500 first doses per week, trending downward
- 70% is bare minimum to reach herd immunity
- **At 1,500/week, Wyandotte will not reach 70% of residents until early 2022**



What are the goals? What are we trying to do? Well, when we were at our peak about a month ago we were doing about 5,500 first doses a week which was really great and this goes back to the slide Dr. Corriveau showed. Now we're seeing a downward trend. The last week or so we're only doing at 1,500 first doses per week. When we had limited supply we had a lot of demand. We finally kind of caught up with that demand and got to that 5,500 number but it has really dropped off so there's going to need to be a lot of work to keep pushing this and especially in those middle aged and younger population groups that we know are—even though that lower risk for hospitalization and death, there's still a group we've got to reach out to.

We know that getting 70% of people vaccinated, fully vaccinated, is kind of our minimum goal for herd immunity. That gets us to the point where we really can feel more confident we're not going to have significant outbreaks and upticks in cases. If we stay at 1,500 a week on first doses, it's going to take us until next year to get to that 70% of the residents. That's a long time. We would like to see that happen much quicker, so there's going to be a number of strategies we may be moving away even though the mass vaccination sites have really been wonderful to staff and the volunteers and everybody working on those has done an amazing job. We were thinking now that it's going to take more than just having sites that people would come to and it may be getting out to people and being creative.



Juliann, are you going to take this one? **Ms. VanLiew** said yes.

A graphic with a dark blue background and a white border. At the top, it says "Who Is Eligible? ANYONE 16+" in white text. Below this, there are two images: on the left, a person in a green protective suit and mask is administering a vaccine to a person in a blue shirt; on the right, a person in a blue shirt is looking at a smartphone. To the right of the images, there is text in white and yellow: "UC Public Health Department | Departamento de Salud Pública del CU", "ANYONE AGE 16+ CAN GET A FREE COVID-19 VACCINE with or without an appointment.", and "CUALQUIER PERSONA MAYOR DE 16 AÑOS PUEDE RECIBIR LA VACUNA COVID-19 GRATIS con o sin cita previa." At the bottom left, it says "Does not matter where people live or work" and "• No proof of residency/work required". At the bottom right, there is a small logo for the University of Wyoming Public Health Department.

I'm just going to get everybody up to speed on what our operations are right now around vaccine administration. First and foremost we really want to make sure that everyone in our community understands that if you're 16 years of age or older, you are eligible for the vaccine. In fact, you don't need to even live or work in Wyandotte County to be eligible, so we are vaccinating folks really from anywhere. When we made that shift we didn't see a huge uptick so we're not getting a ton of folks from Missouri kind of running across the state line or anything like that. We continue to run into folks in our community who just don't know yet that they themselves and their family members are eligible, so we're really asking all of you as commissioners and anyone tuning in to please help spread the word that all of the eligibility restrictions have been lifted. If you're 16 or older, you can now come to any of our sites and walk-in for a vaccine.

Supply and Demand

- Supply greatly surpassing demand
- Groups with low vaccination rates:
 - Men
 - Blacks/African Americans
 - Young adults (18-34)
 - Some individuals affiliated with certain political ideologies and religious affiliations – holding focus groups to learn more



As Dr. Greiner mentioned, we have much more supply now than we do demand and the data that you've seen here in the past few slides really show us that we're having lower vaccination rates among specific groups. We are embarking on a number of focus groups with these specific subpopulations to really get into in-depth conversation with folks in our community so that we know why the hesitancy is there, what messaging we can do to help battle that a little bit, what information people still need to make a decision, what communications will resonate with folks so we're really looking forward to getting some real robust qualitative information as we sit down with groups of these particular folks and these groups to learn about what they need to make this decision.

Vaccine Strategy

- **Site changes beginning May 10th**
 - 78th & State (former Kmart): Monday – Friday
 - 10500 Parallel Pkwy (former Best Buy): Monday & Tuesday
 - National Guard Armory: Wednesday – Saturday
- **Mobile vaccines**
 - Third team launching the week of May 10th
- **REQUEST ON-SITE VACCINES**
 - Homebound
 - Groups: Churches, community centers, nonprofits, businesses



We continue to vaccinate at our three mass vaccination sites. We are prepared to announce tonight a little bit of a change so we will continue to operate the K-Mart site at 78th & State Monday through Friday. It was our first site. It generally has the highest numbers of folks to come through but we will be downsizing our hours at the Best Buy and Armory a little bit and that's for a particular reason. Best Buy will be open beginning the week of May 10th on just Mondays and Tuesdays. The Armory will be open Wednesday through Friday with our staff and then, again,

that Saturday option staffed by Donnelly nursing staff and students which is wonderful. Again, the Best Buy will move to Monday and Tuesday and the Armory will move to Wednesday through Saturday.

We're doing this because we can take the staff from one of these sites and staff both of those sites by virtue of splitting it up by days which frees up an entire site worth of staff to do more mobile vaccines.

As Dr. Greiner and Dr. Corriveau showed us with our declining number of folks coming through for vaccines, we've got to get creative and by and large what the community is telling us is that when we get creative we need to come to them. We need to come to where people are, we need to come to where they feel safe, we need to come to where they have community members and leaders who they trust to be on site with them when they consider opting into this vaccine.

We're very excited to be able to announce that the week of May 10th we'll launching our third full-time mobile vaccine group and this group will actually be able to respond to larger event requests, so our two current mobile vaccine teams are fairly small at this point and, you know, they can do 30 or 50 in an afternoon. Having a larger team that can go out to requests for a couple hundred vaccines in an afternoon will really help us meet some of that demand that folks have for on-site vaccines.



Along that vein, earlier this week we launched a new survey online. You can go to wycovaccines.org and anyone can click on that, what do we call it, that bluish greenish box that you'll see on our landing page to submit a request for a mobile vaccine to come on site. So, whether you're a non-profit or church or a for-profit business, anybody in our community can request an on-site mobile vaccine team. We respond to those requests within 48 hours in terms of

communicating with folks. We do pre-site visits to make sure that everything can go smoothly on the day of and right now we're able to respond to the vast majority of requests within two to three weeks that come through to us. Again, hopefully, that timeline for our response will get shorter as we launch that third group.

Then, just lastly here, that yellowish orange button is still on our WyCo vaccines.org webpage as well and that's where folks can go to request a free ride to or from the vaccines. That program is going well and we want to make sure folks know that is still available.



That's kind of the crux of the way we're operating right now. We know, again, that we need to continue to get creative and that we can't do this on our own. We have to do this in partnership with the community or we're not going to get to that 70% that we talked about.

We have really in the past month, and even in just the past few weeks, ramped up what we're doing on our community outreach and community engagement.

I'm going to run through a few of the initiatives we've got going before we move forward here.

Canvassing Initiative

- Door to door canvassing to raise awareness for Health Department vaccination services
- Priority zip codes 66101, 66102, 66105
- Six community outreach workers



The first is a canvassing initiative and this bore out based on the discrepancy we've seen across zip codes in terms of vaccination rates. We have hired folks from these specific zip codes, six of them to do door-to-door canvassing much like you see in advance of political races. We know that people have a lot of questions and that oftentimes they most successfully feel that they can make a decision when they're actually able to ask someone those questions and get answers there on the spot. These six community outreach workers have been well trained on what's going on with the vaccines, what people's options are, the science backed by the vaccines as well so it's exciting to be able to put those into some of these harder hit neighborhoods with higher COVID case rates and lower vaccination rates.



Partnership between:

- Health Department
- 6 flagship churches in the African American community
- +30 cohort churches

• **Purpose:** outreach to church members to provide education and schedule them for vaccines

- 1,881 church members scheduled to receive vaccines so far



We have also launched our Faith, Science, & Wisdom Flagship Church Initiative which is going quite well. We've entered into arrangement with six African-American churches whom each are then assigned five additional African-American churches so that we actually all together have 36 churches in this program that we're running. What we're doing is providing money to these churches to do outreach directly to their members, again, because our African-American rates of COVID are higher and rates of vaccine are lower for that community.

To date, almost 1,900 folks from those churches have come through, have been scheduled and come through to receive their vaccine. That number isn't as big as we'd like but the fact that almost 2,000 folks just from this one community outreach initiative from a high-risk community group is coming through, we feel is really positive.

We are currently working on identifying some Latinx and Hispanic churches to enter into a similar flagship church initiative, so we hope that we can announce that in coming weeks and months.

Refugee Outreach

- **Congolese community:**

- Online townhall with UGPHD and Swahili -speaking doctors.
- Informational events during Sunday services at Congolese churches.

- **Nepalese community:**

- Partnership with a Nepalese -speaking physician to promote specific Saturday events at the Armory
- Vaccinated hundreds of Nepalese community members



We've also really ramped up our outreach efforts with our Refugee communities, with our Congolese community, and specifically, we've identified some Nepalese-speaking doctors who are doing online town halls with us. We've gone out to Sunday church services with members in that community providing that information directly with us there to answer questions. You know medical and scientific questions, if necessary, but again, using those trusted community leaders as really the voice.

Same with the Nepalese community. We had a really great Saturday at the Armory where hundreds of Nepalese folks came out and that's because we were able to identify a Nepalese-speaking physician, or a couple of them actually, to help promote it and to come that day to the Armory and do translation on-site for us. So, again, this is all about meeting each specific subpopulation, where they are, identifying what they need and making sure we're doing everything we can to get it for them.

#IHelpedConquerCOVID

- **Poster Contest**

- All 5 school districts participating
- Theme: #IHelpedConquerCOVID
- Purpose: to give children a voice in the fight against COVID-19

- **Deadline: 4/30**

- \$500 gift card to the winner of the K5 contest
- \$1,000 gift cards to winners in grades 6-8, and 9-12.
- Each winner's homeroom will also receive a \$1,000 gift card to be used for classroom activities.



Next, some of you may have seen, we launched a poster contest to help engage our kiddos. Our kids have had a hell of a year just as much as us adults have and a lot of the decisions that have been made, they just had to live with like many of us without having much say in the matter. So,

we really wanted to engage them and give them an opportunity to put their voice into the vaccination effort to help educate them about vaccines as well, but to let them put their creativity, the artistic abilities to work helping to create posters and flyers that we will then brand on behalf of public health and that we will actually use in communications with the community.

We are doing some gift cards to winners, to winner's homeroom for classroom activities and it has actually been really cool to see the way a lot of teachers from all of our school districts, and this contest is for all of our school districts, but so many teachers have gotten in touch with us directly to let us know they appreciate this, appreciate us engaging kiddos in this kind of work.

Community Empowerment Initiative

- **Purpose: to empower local businesses**
 - To be ambassadors for vaccine participation
 - To partner with UGPHD to identify barriers and offer strategies to overcome them
- Participating businesses receive a **\$1,000 stipend**.
- Households are incentivized to achieve complete vaccination of all eligible members



Just a couple more examples here before we move forward. We are also launching a Community Empowerment Initiative. This is really to get further into partnership with a number of our local businesses, especially small local businesses. We're excited, we've got a couple of initial businesses identified in the Quindaro area and neighborhood where we will, again, enter into kind of small monetary amount arrangements and agreements with them so that they can really push back into their clientele, to their neighborhood members, get them signed up, help them know where to go for a vaccine. Again, these need to be community leaders who are the ones providing this messaging to their own neighborhoods, so we're very excited about this one as well.



Business Engagement

- Vaccine communications and meetings with businesses:
 - KCK Chamber
 - WYEDC monthly updates
 - Business West
 - Fairfax Business Association
 - Direct meetings with more than 160 businesses



Lastly, we've been doing a lot of business engagement. I know a number of you commissioners have been in some of these which is very wonderful and helpful. We've been doing face-to-face meetings, here you can see on the bottom with over 160 businesses directly. Excuse me, not face-to-face but one-to-one meetings so with us and one particular business that has questions or wants an on-site mobile vaccine clinic or whatever it is, so a ton of individual work with businesses.

We've also sat down a number of times with the Chamber, Greg Kindle, and his team at WYEDC have done a great job pulling together a number of businesses for us on a monthly basis since January where we've gotten to provide a ton of information about vaccines. We have also presented in recent weeks to Business West and to Fairfax Business Association, so, all that to say we are doing everything we can to engage every sector in the community that we can to get them on board with our vaccine efforts.



Health Orders

Lastly, we get to dive into the Health Orders stuff, the most fun stuff. Originally, or earlier this week, this wasn't the direction that we were planning to move. A lot has unfolded this week including a lot of changes in the jurisdictions around us. We know at the Health Department as well as anyone that we can't only make health order decisions based on what we want as

Epidemiologist and health officers. There's also a massive community input piece of this. There's a political piece of this and so we want everyone to understand that we are doing our very best to bring forward recommendations that consider all aspects of this very complicated puzzle.

Existing Order: Resolution No. R-24-21 (a.k.a. LHO 3/25/21)

- Expires June 10, 2021
- 6 feet social distancing required in public spaces
 - Exceptions: i.e. churches, daycares, schools, etc.
- Masks required in public spaces
 - While indoors
 - "While outdoors... and unable to maintain a 6-foot distance... with only infrequent or incidental moments of closer proximity"
 - Exceptions: "individuals who are in the same space if all individuals present have been fully vaccinated"



The existing health order that we have in place today was signed into action by the Commission about a month ago and this existing order we're all operating under expires on June 10th as it stands. It requires 6 ft. of social distancing in public spaces. There are, of course, a number of exceptions. Our current order also requires masks while indoors in public spaces the vast majority of the time. It also requires masks in public spaces while outdoors if you are not able to maintain a 6 ft. distance for the vast majority of the time. Lastly, we want to make sure people remember that there is an exception in our current order that indoors, individuals who are in the same space, may remove their masks if everyone in the room is fully vaccinated.

I just wanted to take a moment and remind everyone what we're currently operating under as—if you're anything like me, there has been a lot of health orders and it's easy to forget what's in place today. So, this is what we're operating under right now.

Other jurisdictions

- Johnson County: Recommendation only
- KCMO & Jackson County:
 - Masks required in all indoor spaces of public accommodation
 - Exception for groups where members are fully vaccinated
 - Masks not required for outdoor public spaces
 - Social distancing not required



As I mentioned, a lot has changed in the last week around us. Johnson County has moved to recommendations only for their community around mask wearing and social distancing. Kansas City, Missouri and Jackson County have, within the last 48 hours, signed almost identical public health orders that are a pretty significant change from where they were. Their new health orders for both of those jurisdictions require mask wearing while indoors in a public space except, again, for groups whose members are fully vaccinated.

The new health orders for both of these jurisdictions do not require masks for outdoor public spaces regardless of whether or not you can maintain social distancing and their new health orders also do not require that social distancing either inside or outside.



Recommendation

Modify health orders

- Maintain mask wearing requirements indoors
 - Allow mask removal indoors when **ALL** individuals have been fully vaccinated
- Remove mask wearing requirements outdoors
- Remove social distancing requirements
- Closely align with new KCMO & Jackson Co. orders
- RECOMMEND: continued mask wearing and social distancing



So, again, some pretty big changes here and based off of a lot of the factors we discussed with you this evening including our steady case rate, our continued work to promote vaccine, and our desire to try to make changes that are in concert with those around us, we at this point, now recommend that Commission really move to a health order that almost identically mirrors KCMO and Jackson County as well.

We do feel at this time that it is not the appropriate step to remove health orders altogether and that's because the mask wearing indoors remains crucial. There are various risk levels as you all know after the last year depending on what activity you are doing. An indoor meeting with individuals outside of your family who are not vaccinated, without masks, still remains a very risky activity. The risk level for outdoor activity, you know, around others with masks is significantly lower and so we are advocating tonight that you consider removing the mask wearing requirements for outdoors, removing the social distancing requirements, but maintaining the indoor mask wearing requirements in public settings. This, again, will closely align with KCMO

and Jackson County and we think it would really continue to impact the most risky behavior around the COVID transmission in our community.

I do, of course, want to continue to remind the community that we recommend folks wear masks regardless of where you are if you're in a public space. If you were to adopt the order that would remove the outdoor mask wearing, you do want to make sure folks understand we would still encourage you to do so and that would especially be important if folks choose to opt in to large events, you know large sporting events, large concerts. While it may not be part of this order that you all may consider this evening, we would still want to very much promote and encourage that.



That is all we have planned this evening. Mayor, I will throw it back to you.

Mayor Alvey said thank you Juliann. We have some Commission comments.

Commissioner Townsend said thank you Ms. VanLiew, Drs. Corriveau and Greiner, thank you all three of you and everyone who is with your staff and supports you in what you've done so far to mitigate the effects of COVID in the Wyandotte County area.

I particularly appreciate how you are drilling down to certain segments now of the populace where you see a reluctance for any number of reasons that we're trying to understand of people in those particular communities not getting the vaccine. You know a year ago we were hopefully looking forward to having a vaccine and now that we have it, it is puzzling that so many are not opting to take it. I appreciate your efforts to drill down in the particular communities and find out what the reluctance stems from.

With regard to the mobile vaccines that would be going around, the mobile vans, who will be taking vaccines to the populace in particular areas, what type of vaccine will be administered? What I'm really getting at is, will there be a setup that if the mobile vaccine appears at a particular point on a certain day and then a month later they will return to that same facility so persons who received their vaccine on day one, that three weeks or a month later, can go back to the same place and get a second dose or are you looking at administering the one shot dose? **Ms. VanLiew** said great question, Commissioner. The general rule across the board is that now that they have removed the pause for J&J, the vast majority of our mobile vaccine will be J&J for precisely the issue you mentioned, which is that it is a one dose vaccine. In the event that there are religious concerns or other concerns with that particular vaccine, we do have a great supply of the other two options and we are happy to work with particular sites if it would make a difference in turnout if we used a different vaccine. We would, of course, turnaround and immediately reschedule either that three or four week follow up depending on the vaccine. We would never leave folks hanging for that second dose if they got their first dose through us.

Commissioner Townsend said okay, I appreciate that. With the proposals to the current order that you just made note of, when will we be actually looking at the detail on that language?

Mr. Bach said if the Commission wants to consider advancing this, then we would prepare it and submit it as a second blue sheet or what we call a pink sheet to tonight's agenda and you would be able to see it then. The language is pretty straightforward so it's not one that's going to take you a long time to read through and see what it is. It basically just puts into action what Juliann has gone through should you all feel like that's the direction you want to go.

Commissioner Townsend said okay. I wasn't trying to hasten it because I understand that the current order remains in effect until the date Ms. VanLiew mentioned in June, so I wasn't trying to hasten it. I wasn't clear as to whether or not this was something we were taking action on tonight and as recently as earlier today; I went through word for word our existing order so before I would contemplate anything else, I just wanted appropriate time to compare the actual language of our current order and what's being proposed. I wasn't trying to hasten it, just to be clear. **Mr. Bach** said, Commissioner, I'm just pointing out that based on where the Commission wants to go, we'll be ready to go now recognizing the other jurisdictions have moved or we can wait and consider it in a week or however you want to do it.

Commissioner Townsend said well, so that the Mayor won't have to recognize me again and based on what you were saying, I will just say I for one based on the numbers that Dr. Corriveau and Dr. Greiner has shared with me and the provisions we already have in effect for our current order, I for one am not in favor of relaxing it at all. I think if we do that with the low numbers, we're not doing ourselves or our populist any favors. The numbers, in my opinion, that have been shared tonight just don't support doing anything more than what our current order allows for which probably was more lenient than what the other jurisdictions discussed tonight had.

I am concerned still about people in the zip codes that comprise District 1 and if those individuals become ill for any reason, COVID or any other, it always presents more of a challenge medically and economically. So, I for one believe that we are in a good place with the exceptions already carved out until the numbers of those completely vaccinated rise, so that's my two cents or a quarter.

Thank you again to the Health Department and everyone that is supportive of the Health Department that works there that are not present tonight.

Commissioner Ramirez said as this will continue to be until we are out of this but thank you Juliann, Dr. Corriveau, Dr. Greiner and all of the Health Department employees who have gone beyond—above and beyond of what they can do and of what they've had to do for this entire year and sacrificing many hours and just working hard to keep our community safe and protected. I can't thank you enough, my district cannot thank you enough for everything that you have done and continue to do.

I will say that I'm thinking, I'm contemplating on the way forward with the health order for repealing the outside requirement, but I do not support repealing the indoor requirement until, I believe, Commissioner Townsend has said, until our vaccination rate increases. Once that happens, then maybe we can look at possibly repealing the indoor mask removal, but at this time I'm still thinking about the outdoor one. I'm still contemplating that, but just overall—no, to those who are watching or those you will watch this in the future, if you go back, last year it was a painful year for all of us. We lost family members, friends, and colleagues, but our governing body and our Health Department have done their part. We did our part by setting up the infrastructure to monitor and mitigate COVID in a community and now it's time for the community

to do their part. It's time for you to help us by becoming vaccinated. Growing up I was taught when you do something, you do it right and you finish it.

The Unified Government Public Health Department started this and I believe that they are doing it the right way, but your time now is to help them finish it. Help us get back to where we need to be. Let's get back to a normal life. Every decision we've made, every decision the Public Health Department has made has been based on data and it's because we care. They haven't made it political. This governing body hasn't made it political. You know every commissioner and the Mayor on here, we're all Wyandotte Countians. We don't care about the red or the blue, the left or the right, we care about you and your health and safety, so I plead to you and highly, highly encourage everyone to go get the vaccine so that we can start to go back to our normal lives and restart our community. Please, I ask my community and my district and everyone that resides in Wyandotte County to do their part.

Commissioner Bynum said I've got several questions some of which have come to me and I'm sure other commissioners in emails from the public and I want to ask them and put them in front of our Health Department experts. I would like to say, prior to my questions, that I'm in support of the recommendation and I'm in support of it as a blue sheet item on tonight's agenda.

If we could go back to the slide with the vaccine data please. **Ms. VanLiew** said a little more specific, Commissioner. **Commissioner Bynum** said you have a slide that speaks of the percentages of folks that are vaccinated. This data, does it represent only shots given by our Health Department? **Ms. VanLiew** said no. This is anyone who listed wherever they get vaccinated if they listed a Wyandotte County address, then they are included in this metric. **Commissioner Bynum** said this is no matter where I got it. If I got it at Walmart or Hen House or any of the number of places in Wyandotte County or if I got it at work because I work somewhere else? **Ms. VanLiew** said yes, absolutely.

Commissioner Bynum said I wanted to clear that up because I think that some of our public believes that this number might be just those shots we've given, so that is an accumulative total of everyone. **Ms. VanLiew** said correct. We've administered 70% of these but this is the entire total. **Commissioner Bynum** said kudos to you by the way for continuing all of the hard efforts you're doing to get folks vaccinated. We're going to do all that we're capable of doing to help you.

Is there any contemplation on the part of the Health Department to allow the three different cities in Wyandotte County to determine their own masking fate? **Ms. VanLiew** said that would not be the recommendation of the Health Department at this time. We understand their frustration and that they operate in some ways as separate jurisdictions, but as a countywide Health Department concerned with the health of the entire county, there is so much fluidity and there is so much movement, I'm not telling you all things you don't know, it would not be our recommendation for them to be able to move forward and remove all masks or all social distancing on their own. It just doesn't make sense epidemiologically, unfortunately, to do so. Dr. Corriveau or Dr. Greiner, would you like to weigh in on that?

Dr. Corriveau said I just want to second what you have said Juliann. I think it is important for us to move together as a county. **Commissioner Bynum** said it was a question that had come to us in an email so I wanted to allow you to respond to it.

Another email that we received was from a gentleman who I think has purchased some season passes to our new Kansas City Monarchs games, of course, requesting that the mask requirement be lifted. If we were to adopt your recommendation, then that would be a scenario where masks would not be required, correct, because it's an outdoor venue? **Ms. VanLiew** said correct. The owner of that establishment would be allowed to enforce mask wearing if they so choose, but no, as a county, they would not be required to do so.

Commissioner Bynum said my last question and I'll turn it back to the Mayor. I see a lot of commentary from folks who say things like why do you care if I get vaccinated if you are vaccinated. Why would you worry about me if you are vaccinated and so my general question is, please for the sake of our community's understanding, speak to the concept of why we want everyone to be vaccinated? **Ms. VanLiew** said I will kick it off and allow the docs to chime in. The one that strikes home the most with me as an individual is the fact that there are so many folks in our community who are immunocompromised who have received some sort of transplant and many of whom, who in fact, have gotten vaccinated have had antibodies drawn and have not mounted an immune response because of their physical health condition. There are people in our community, a lot of people in our community, with illnesses who either cannot get vaccinated or can get vaccinated but aren't mounting that immune response, so this is for them. This is also for our kiddos. Our kiddos can still catch COVID and our young kiddos cannot get vaccinated, so this is absolutely about more than us as individuals. This is about protecting one another. We cannot

all get vaccinated at this point and so it is our job to support the health of one another in our community.

Dr. Corriveau said I think that's a great point Juliann. You know, again, we still don't quite understand fully how the spread of the virus is impacted by the vaccine itself, so why does it matter. You know I may be vaccinated but still be able to carry COVID. It really is for that individual who doesn't have the vaccine, why would you want to be around me without a mask. I mean it's important if you're not in the same household, you know, to mask up. It really, really is. It's just a risk I think that isn't worth taking at this point with these variants. We're continuing to see widespread circulation of the variants in our own community but also elsewhere. We've seen them catch fire in other parts of the world and other parts of the United States, so it is out of caution that we think that's the right thing to do at this point.

Dr. Greiner said the only thing I'll add is that the virus stays around until we get enough people vaccinated to essentially let it burn itself out and go away. Many of you are familiar with polio and smallpox. I think I'm the only one from the Health Department that's old enough that got a smallpox inoculation, but it took decades to get those diseases to go away in the United States because if you don't get enough people immunized or inoculated, it will stay around and keep smoldering along and that always puts people at risk. We want to do what we did with polio essentially would be my answer to that question of why do you care if I get vaccinated if your vaccinated. It's because, look at polio, a simple analogy.

Commissioner Philbrook said thank you for everybody's else's questions. That took care of about half of mine and I so appreciate that. As usual, there is an advantage to waiting until other people ask a lot of questions especially when you're working with such smart commissioners.

Back to the data thing, for instance, I was contacted and this gentleman wanted to know right along the same lines of well, my wife got her vaccine in St. Joe, MO. How long does it take for us to get that information that she was vaccinated or do we? **Ms. VanLiew** said great question. The Missouri data, we've just actually received access to, so Doug signed a Data Access Agreement with us and the Missouri State Health Department who owns that data, so we now are able to view folks who reside in Kansas that got vaccinated in Missouri. **Commissioner Philbrook** asked, when did that happen? **Ms. VanLiew** said literally just last—Monday perhaps. My days run together but very recent. **Commissioner Philbrook** said so now we can get that data

and that is—has that rolled into our data yet? **Ms. VanLiew** said I think we're still working on it. It's actually quite a small number. It's a smaller number than I imagined. I can report back out on that, but it's nothing that is significantly changing our percentage by any means.

Commissioner Philbrook said the reason I'm asking, of course, is because we have a lot of people that go back and forth across that state line and we are a metro area so that was something that I really wanted to know.

I can understand wanting to open it up for the outside folks, for people that are outside not having to wear masks, that sort of thing. I'm a little leery but I understand why, so to me this is almost like a trial. How is this going to affect us, what's it going to do to our numbers? We open it up and what's going to happen and so how long do you think it will be before we know if this affects us in a negative manner, opening up to the outside, no mask thing? **Ms. VanLiew** said I will let the doctors weigh in as well, but I think the same as we've been talking about throughout the pandemic in every health order change we've made which is we need about three weeks ideally to really see if we're starting to tick up or down based on a decision we make like this.

Commissioner Philbrook said well, I know we've all talked about this a lot of times, but not everybody's been on here listening to us all the time, Juliann, and I ask you guys to repeat yourselves a lot because this may be the first time somebody is listening and I would like them to hear what you're saying. So, it could take up to three weeks and that's from day one and so even longer, maybe a month to six weeks, before we really know what opening this up has done. Is that a good guess Dr. Corriveau or what do you think?

Dr. Corriveau said I would say within a month we'll have a really strong indication if there are changes and our numbers are going the wrong direction. I think even within a couple of weeks we'll start to see a trend. **Commissioner Philbrook** said I really appreciate your answer.

Commissioner McKiernan said three brief comments. First of all to echo Commissioner Ramirez, to Ms. VanLiew, to Drs. Greiner and Corriveau, thank you to you and your staff for all the hard work you've done over these past now 14 months, 15 months. I do think there is light at the end of this tunnel. Having said that, everybody, please go get vaccinated. The third comment is that I am in favor of modifying the health orders immediately to be in line with Kansas City, Missouri, and Jackson County.

Commissioner Townsend said going back to the reference to the ballpark that Commissioner Bynum brought up, my reading of our current order would allow for the masks to be removed currently if that gentleman could maintain 6 ft. of distance. I'm referring to Section 2 of our current order that talks about being able to remove the mask while outdoors in a public space as long as you're able to maintain 6 ft. of distance. I guess my point is, we already have an allowance for that and the recommendations, as I understand them, would also do away with the 6 ft. distancing, so I think if we're talking about removing masks and removing the need to social distance, I think we're putting ourselves on a backsliding situation that we can ill afford at this point. In my opinion the things that people want to do, we can do currently under the order. I would just go back to reading the order, encourage people to read the order so they really understand what we can do now. As Commissioner McKiernan said, please get vaccinated.

Commissioner Walters said I want to echo everybody's compliments to our Health Department for bringing forward all this information and I also support this revised recommendation and hope that we can implement it immediately at tonight's meeting.

I do have a couple questions. My first question is—with full disclosure I look forward to the day when we will eliminate the masks altogether and I've always been trying to figure out how we will know when the right time to do that is. I've heard this 70% number and the information that you provided here tonight, you said that 21% have had full vaccination, 28% have had one dose. Is that of all residents of Wyandotte County including children? **Ms. VanLiew** said correct and let me skip back because we also showed a quick graphic for those who are eligible. For 16 and older population, which is our eligible population right now, 37% of those folks have at least one dose. **Commissioner Walters** said so that's the number that you would love to see at 70%. **Ms. VanLiew** said yes, although fair warning, our denominator will continue to change so when we move to 12 to 15-year old's being eligible in June, we'll continue to have to make up those percentage points to stay where we were, if that makes sense. **Commissioner Walters** said sure, it does. The 70% does sound very ambitious.

The other question I had was on the exact wording of the new guidelines and it says masks to be worn indoors, but you gave us an example of Kansas City's ordinance and it was talking about places of public accommodation. Will our ordinance literally say masks must be worn indoors? **Ms. VanLiew** said I apologize if I misspoke. It is intended to mirror KCMO and

that it is public settings where the masks would be required indoors. **Commissioner Walters** said so that's places that are open to the public? **Ms. VanLiew** said yes. **Commissioner Walters** said a private business that's not open to the public would not have to have this requirement? **Ms. VanLiew** said I'm going to refer that to Misty over in Legal.

Misty Brown, Chief Legal Counsel, said what I had done when drafting this, is we did copy almost verbatim what they did in Missouri and Jackson County and it was all employees or visitors to any indoor public accommodations. If you—that's a good question. I think technically if it was a private place that was not open to the public whatsoever, then probably technically they would fall outside of the scope of this ordinance.

Commissioner Walters said the second exception, of course, is that everybody has been fully vaccinated. Right? **Ms. Brown** said correct. If they were in indoor spots and you knew that everyone had been fully vaccinated with you, then you could remove the masks. **Commissioner Walters** said thank you for that clarification. Again, I support your recommendation.

Commissioner Bynum said just to clarify, the gentleman who had emailed me and I think several others, about the Kansas City Monarchs games had indicated in his email that he was told by the Monarchs that they were told by our Health Department that the masks would be required and so I just wanted to clarify that. If that's not the case, that's perfectly fine. That's why I'm saying it out loud here, but certainly under a new health order, again, it wouldn't be required there, so that's it.

Commissioner Markley said I just wanted to express that I am in support of the recommended change and that I would be willing to consider that on tonight's Commission agenda.

Commissioner Johnson said what a great and lively conversation we've had tonight. Again, to Juliann, Dr. Corriveau, Dr. Greiner, the work that you all have been doing is just words cannot describe and I don't think the average person that even listens into these conversations really can appreciate the magnitude and the depth of work that you all and your staff have done. So, for that, I just want to continue to express appreciation to you all for what you do.

I am thankful that you all have heard the voice of the community as well as myself and others that have said we've got to be more engaging with the community. There has been a critique that, you know, there are persons that cannot get to the vaccination sites and in that regard we have answered the call again. It seems that every time someone throws up some reason why we can't address this issue, you all do everything within your power to address the issue to the best of your ability and with limited funds and with all of the other obstacles that are facing our community. At the same time, and I think you all would agree, I find myself held in great tension because on the one hand, and it cannot be overstated enough, we are still in a pandemic and while the statistics may be shifting one way or the other, trending one way or the other, we are still in the midst of a pandemic. It is not over.

The idea of us getting to the end of this year or getting into first quarter of 2022, until we see some level of whatever normalcy might be, that does not strike me as odd or does not strike me as something that should be frowned upon because of the fact that we are not only in a nationwide pandemic, but a worldwide pandemic.

So, again, I find myself held in tension because on the one hand we're in pandemic, but on the other hand now we have more supply than we have demand and so it's not just because persons don't have access to be able to get to the vaccination sites i.e. via transportation, etc. It is because there is still an apathy that is within our community as a whole as it relates to the necessity and the need to get a vaccine and that is where I think I tend to start making my decision because I don't want to harness or to hold the entire community at bay when persons have the ability to be vaccinated and choose not to be. That then has an effect upon our percentages as it relates to vaccination and yet we are continuing to push in every way that we can.

The screen that you showed that did it for me was the fact that now in terms of 66102, 66101, and 66105 we are starting to see similar rates of progression that we see throughout the community at-large which lets me know that we are moving into those areas that had been previously underperforming. Again, I would say I am moving towards supporting the new health order. One, in terms of being a regional participate because we have to continue to remember though we have state lines, though we have rivers and things of that nature, we are still one KC and so what affects Jackson County affects Johnson County affects Wyandotte County, so again, I would side toward moving forward with the recommended changes.

Mayor Alvey said I'll just offer a few comments and then pass it on to Commissioner Philbrook, but when we continue to hear this debate about whether this is—how we handle this pandemic ought to be handled by governmental action or by personal responsibility and certainly personal responsibility has to be first and foremost. However, what we've seen is there has been a tendency because this is an uncomfortable situation and there has been a lot of we ignore the pandemic, we deny it, we strike out against it and then we strike out, frankly, against the Health Department and government bodies are trying to stop the pandemic in the interest of public health which is their role. That is their job, that's what they should be doing.

I try to put this in context and I try to tell the story that at the onset of the Second World War in January of 1942 after the attack on Pearl Harbor in December, German U-boats popped up on American shores and began to take out shipping, shipping that was providing coal and fuel oil and other supplies, food, and other supplies to our allies specifically to Great Britain. They were so successful that they were wiping out more shipping than we could replace and that continued on for about six months. In fact, the Navy kind of hid the facts of the loss of shipping and local reports would report it but it didn't get any play nationally and 5,000 sailors died during that six-month period. One of the things that shocked the German U-boat commanders was when they arrived on our shores, they could clearly see the outlines of the ships because of the lights that were left on our cities; streetlights, car lights, building lights and it wasn't until July of 1942 that there was an order requiring all lights to be turned off in any harbor city and that was simply to protect shipping. So it was basically a public act required by government, enforced by government to make sure that we protected our shipping.

I think we are doing the same thing during this pandemic and the reason that it was given why we could not do a blackout order was because it would hurt business and, in fact, it destroyed business because if you're not confident that you're going to be able to defend your shores, you can't really conduct business.

Again, I'm going to point out that studies have shown if you have a jurisdiction that has orders in place and adjacent to a jurisdiction that does not have an order in place, the difference in business activity is only about 10% and that is because individuals are deciding that it's not safe to go out, they don't want to get out because they don't want to catch the virus and spread it to their loved one. This false, frankly, this false narrative that government is oppressing us in the pandemic, we've got to get beyond it. It's simply a way for us to come together and empower our

officials to do what is necessary to protect everyone, our loved ones, our employees, our customers from this pandemic and I will support a change in the order.

Commissioner Philbrook said this is for Dr. Corriveau. Question about—so, I already asked you did we get the information from somebody in Missouri when they got their shot and then if it's a two shot situation, then we will be notified again if they got their second shot, right? Okay, now having said all that, there are people out there that think their individual rights to anonymity are being affected and maybe there is a HIPAA issue around this. Would you please explain to folks out there that their HIPAA is not being violated because they're dealing with a whole bunch of health professionals. **Dr. Corriveau** said it's an interesting question. Thanks for bringing it up. I agree with you that I don't think the HIPAA is being violated. It, in fact, is not. This is not a strange practice by any means. We certainly have requirements to enter vaccine data into state systems all the time for all of our school children and all of our clinics do this regularly and such. I will just say that that's the case.

I also want to make the plug that if you received your vaccine in Missouri or at another facility, we're happy to give you your second shot. Just bring your card and we'll get the information entered in there. Juliann may want to add something to this or Dr. Greiner.

Commissioner Philbrook said their heads are shaking no.

I do want to echo what Mayor Alvey was saying about it's all of our duties to help each other because the percentages are even those of us who have had all of our shots, there's the 5-10% in that. Like you said, I could be a carrier and then I could carry it to my patients which then if they take it home to their family and their mom or dad or somebody gets sick, so every day, you know, being in the healthcare field, my office is constantly being cleaned, everybody is wearing masks, they're washing their hands. You don't get in the door without a mask and that means nose and mouth covered because I don't want to share it with anybody and I don't want to make anybody else sick. I figure it's my responsibility to help take care of others so they don't get sick and try to encourage all of them to get their shots. That's my challenge Wyandotte County. Get off your duffs and get your shot, will ya, you know, join the old broad and do that.

Commissioner Bynum said this is my last question. With regard to the recommendation on modifying the health order, when we allow for mask removal indoors when all have been

vaccinated, I'm going to have to say that's going to have to occur on the honor system, correct? I mean we're not going to have any enforcement capability on that. **Ms. VanLiew** said correct. **Commissioner Bynum** said so if we go to a meeting and we all look at one another and say we've all been vaccinated, let's take our masks off, that's kind of the end of the conversation, wouldn't you agree? **Ms. VanLiew** said if you trust those people, I would agree.

Commissioner Burroughs said I would like to thank my colleagues for their round of questions. It has been quite interesting to listen to the concerns and I too am supportive of having the recommendations advance this evening for discussion by the full commission.

If I may, I do have a few questions and one of them being the information that had come from Kansas City, Missouri, and Jackson County. What percentage of those have been vaccinated in their communities? Do we have a percentage of those that have been vaccinated in Missouri and those particular areas as to why they would lower their mandate? **Ms. VanLiew** said Dr. Corriveau or Greiner, have you checked? I haven't checked in the last couple of days. The last I checked they were very close to us, maybe a percentage point or two ahead of us, but very close to where we are whereas Johnson County is a good 10 to 15 percentage points further than we are. **Dr. Corriveau** said I was going to say that I agree that last I checked Jackson County was a bit ahead of us. I'm less knowledgeable about KCMO.

Commissioner Burroughs said I appreciate that and the reason why I ask is, I think it's important to be mindful that we started out with the CORE4 and if I'm wrong about the CORE4, please correct me, but I do remember we were trying to have a metropolitan uniform policy so that there would be limited confusion. I believe what we have now is a fracture and we are seen as the outlier and while I don't regret being an outlier when it's a much benefit, I look at the numbers on the map with my zip code and I see in the western part of the community as well as the southern part of Wyandotte County, we are meeting the criteria and there is more vaccine being administered and/or more compliance in reference to the mask mandate. The strong recommendation that was made by Johnson County today, it's not lost on me, that the border community to the south is a community that can very well not only suck the wealth out of the community but can also not come into our community because of this overshadowing mask mandate.

They are going to a strong recommendation without enforcement. Is there any consideration to considering a strong recommendation and allowing the local cities, and I think this goes back to Commissioner Bynum's question earlier on today or this evening when we started this discussion, has there been consideration to a strong recommendation and then allowing the city leaders, those that were elected to lead their communities, make that decision individually? **Ms. VanLiew** said at this point we would not make that recommendation. I would remind folks that although those couple of zip codes out west are further along in their vaccine numbers, they're nowhere close to herd immunity either until there is still significant community risk of indoor settings, maskless in those zip codes as much as elsewhere in the community.

Commissioner Burroughs said thank you for the comment. The purpose of asking that question is I frequent those businesses that respect my health and if I arrive and there is a mask on by their employees, chances are I'm going to do business with them. I do respect political differences, religious differences; however, personal rights stop where other rights start and I think that's some of the issues that we're dealing with. I struggled with this as an elected leader and we're seeing it on the state side where there is some overlap and who is dictating who can do what and what in the particular area that someone else has been elected to represent. So, the strong recommendation that Johnson County put forward, I'm just kind of curious as to why we would not even consider a strong recommendation and allowing our local cities, those within our borders, to have the option either to opt in or opt out especially those that boarder the Johnson County corridor? **Ms. VanLiew** said I wouldn't say we haven't considered it. We have considered a range of options from almost nothing to maintaining what we have now which is a fairly robust health order. The way people move about in our community, in our mind it just doesn't make sense. You can't keep people confined to their zip code. Yes, there's cross jurisdictional boundaries that are crossed all the time. We just don't have jurisdiction there. We only have jurisdiction over our county and so for our county this is what we think makes the most sense. Dr. Corriveau or Dr. Greiner, I don't want to speak for you.

Dr. Greiner said I'll just chime in here to say that you know sometimes in all this discussion we lose the fact that we have a ton of evidence now in the United States that masks and social distancing made a huge difference on controlling this pandemic especially at points and times when people in the United States got scared and they started changing their behavior. It's very clear these things work. They're an intervention that works. You can see that we're trying

to work with the CORE4 and trying to be consistent, but we've also got to keep in mind what actually works from a scientific perspective. I think in public health if we can save lives, we're going to try to deploy an intervention that works. We're trying to accommodate stuff but we've got to keep that in mind as well. It's a real balance and it's tough I think for you guys and for all of us. **Commissioner Burroughs** said thank you for that. I think it's important that those that may be listening tonight understand that we're looking at data that's been mentioned through some of the other questions.

I would just state this, that there is adequate vaccine available. There were those of us in elected bodies that reached out to the state and from the state to the feds to get the vaccine availability and doses up into Wyandotte County and they are here. Those that have refused to get vaccinated for whatever reason, whether it be political, religious, or just not having the ability to get there, we now have accommodations for that to occur. I, like my other commissioners, just want to state publicly, if I may, that please by all means we are a community and it's best that we all take our personal health and the health of our friends, families, and neighbors seriously if we are to move forward and find some sense of normalcy after this pandemic.

With that, I appreciate my fellow commissioners in allowing me to ask these questions. Mayor, thank you, but more importantly, I sincerely want to thank Dr. Greiner, Dr. Corriveau and Juliann VanLiew for their commitment to the health and welfare of our community. Again, thank you everyone for allowing me to ask the questions.

Mayor Alvey said thank you everyone, excellent discussion. The sense I have in listening is that we will bring the blue sheet item forward to the full commission meeting. At this time we'll move on. Thank you Dr. Corriveau and Dr. Greiner and Juliann. Next topic Mr. Bach.



Doug Bach, County Administrator, said we will move forward to prepare the blue sheet for the 7:00 p.m. meeting tonight.

Next is the follow-up to our CMIP Project meeting last week. We were able to go through it. We concluded that commissioners had a few different questions. Some requests for some follow-up on specific projects that were listed, so tonight's agenda, if we're able to get through it and if not, we will move forward to a budget workshop next week and we will continue at that point. There was information about the Crime Lab for the Police Department that we built into the budget, the radio system. The radios, how they work and the CNIP process were a few different process points that were specifically asked about.

Commissioners also asked about the Unfunded Project list. We were able to submit that out to you earlier this week so if some of you were able to look through that, we will also have that on the agenda to go through tonight.

Specifically, as I noted last week, I'm looking for direction that gets us where we're going for 2022. I recognize there are a lot of projects out there from '23 and beyond and we will continue. There is an Infrastructure Task Force or committee that's going to work on how we're looking at different things for funding and I think that provides some room as we look at those, but this does layout the plans for those future years but we can adjust those year to year. This gives us our emphasis for what we're doing now.

Also, I will just say regarding the revenue, we are building this at this point and we could see some differences, but revenue is based on a flat debt line. We're not increasing our debt and if that's a direction the Commission wants to go in a different way, we can add more toward debt but we have done it based on that and as you know most of our projects are funded under the debt area.

April 29, 2021

From a cash perspective, we're building it like we did in 2019 with a little bit of inflation built into it. I think next week when we get into the budget workshop we'll see that we are looking at a little bit of improved revenue forecast, but you'll also recall that we were looking at a \$5M to \$6M deficit on our annual basis, so we weren't assuming any major change from where we were in our last—in our cash outlay.

With that, I'm going to move into the presentation. I'm going to recognize Colonel Vivian, I believe, with the Police Department who is going to lead off and talk about the Crime Lab.

The CSI lab continued

Benefits of a new lab

- 05** Combining the lab and tow lot will shorten investigation turnaround time
- 06** Combining the lab and tow lot centralize evidence processing
- 07** Combining the lab and tow lot will allow vehicles to be released back to owners in a more timely manner



INFRASTRUCTURE & BUDGET - FOLLOW-UP

04-21

Colonel Michael Vivian, Police Department, said we refer to it as the crime lab, but I just want everybody to know that it's just the crime lab solely for the purposes of our CSI technicians.



INFRASTRUCTURE & BUDGET - FOLLOW-UP

04-21

The CSI lab

Benefits of a new lab

- 01** Roughly triple the space at ≈ 3,000 ft²
- 02** Provides room for multiple technicians to work simultaneously
- 03** Increases efficiency by providing additional space for technicians to work
- 04** Reduces the possibility of cross contamination

It's not anything where we're going to have KBI personnel working out of there or anything of that nature.

So, maybe we think about more of the CSI workspace. Maybe that might be a better description of it, but it does contain a lab where they do their work and the primary benefits that

we would see out of it is their workspace would triple in size. The lab probably for them is the most important aspect of that. Right now we can only have one technician working at a time in there and so they do that primarily so we don't have cross-contamination of evidence, but that causes some issues obviously with efficiency with getting our evidence packaged.

The type of things they will do in there is the evidence packaging, if there are items they need to swab DNA from, they'll do that, they'll lift latent prints from items. It's where the drying cabinets are if we have bloody clothing or bedding; things of that nature. That's the type of work the CSI technicians do in there, but only one technician can work at a time in there and they have to clean up and prep it for the next technician.

I will tell you there are times when there is a lot of evidence that is just stored in there that we have on carts just waiting to be processed and packaged and put into our Logistics Unit. It's not optimal. With the new CSI lab we could get at least two very easily and it looks like three technicians working at once.

Some of the issues that we see with the current space is it does increase our overtime. We require that felony evidence on violent crimes be tagged that night, if at all possible, when they recover the evidence because we obviously just don't want it sitting out even though it's in a secure location per se. It's definitely not optimal and it's definitely not the best practice as designated by the IACP so that's one of the big issues.

The CSI lab continued

Benefits of a new lab

- 05 Combining the lab and tow lot will shorten investigation turnaround time
- 06 Combining the lab and tow lot centralize evidence processing
- 07 Combining the lab and tow lot will allow vehicles to be released back to owners in a more timely manner



INFRASTRUCTURE & BUDGET - FOLLOW UP

04-21

I think that's obviously a big benefit to—from my perspective to the community to be stepping up and doing our best practice as far as evidence goes. We're talking about evidence that would convict people or exonerates people and we need to keep that as clean as possible. I think that's a huge benefit for the CSI technicians and the community obviously. Having the CSI lab attached

to the tow lot, another benefit that I think we would see is a quicker turnaround time on getting vehicles processed.

Captain Wallace, God bless him, he talks to people every day because he's in charge of auto release, people that are upset that it has taken a few days to get their cars back. I think we would see that process ramp up probably the next day at the latest that community members could expect to get their cars back unless it's something that we absolutely have to hold on too for court purposes.

I think those are a couple of the biggest benefits that we would see out of the lab and I'm certainly here to answer any questions that you guys have about the lab or the workspace which I think is probably a better term to use for it.

Mayor Alvey asked, are there any questions or comments?

Mayor Alvey said the only question I would have, do we anticipate that this would—what I understand you're saying is if you're working in a cramped space, that's not really adequate, it would be better to get into a better space. Are we seeing that crimes are not being solved because of the space we currently have? **Col. Vivian** said no, I wouldn't say that. I just think that we are tempting fate by continuing to work in this manner to where I think—CSI technicians do a great job, they work hard, they keep everything orderly and clean down there. It's just—I think when we continue to work in this manner, we've been doing it for years, I think obviously the possibility of something unfortunate happening with the cross-contamination of evidence is going to eventually bite us, you know, is what I fear. We don't want that to happen. It hasn't happened yet, so far, but I think we can only push that so far.

Commissioner Philbrook said I want to say thank you Mr. Vivian for sharing your comments because I used to work for the city a long time ago down at our lab down between the digesters and I'll tell you that, you know, we all did only our jobs and we had our own areas. Staying up with and keeping an area immaculate in a lab and to stop cross-contamination is really difficult. Hearing that your folks have to clean up between each person coming in, you lose a lot of time that you can actually be processing information, so thank you for sharing that.

Commissioner Ramirez said my question, I believe you may have answered it, but just for clarification; has there been any instance of cross-contaminations? **Col. Vivian** said no, we haven't had any, none that has ever been brought to our attention by the District Attorney's Office or anything of that nature. So far we've done a really good job. We've been here now about 16-17 years in this space so we've done well. I just don't want to keep tempting fate. **Commissioner Ramirez** said that's understandable and thank you for all that you do and for all the lab does.

Evidence processing

KBI • Performs ~ 95% of all KCKPD evidence testing • Firearm and DNA evidence tested by KBI at their KCKCC facility • All other evidence testing performed in Topeka • KCKCC location no longer tests narcotics • No charge for these services	Johnson County • Performs expedited testing when KBI is unable • The majority of expedited testing is DNA evidence • Provides narcotics testing • Charges \$44-59 per hour
--	---

INFRASTRUCTURE & BUDGET 04-21

Commissioner Burroughs said a couple questions if I may. Will we still be utilizing the KBI Crime Lab at the Kansas City, Kansas Community College? My understanding is they do ballistics as well as DNA. **Col. Vivian** said yes, they do the ballistics and the DNA for us at the community college. Everything else that we need KBI to do for us—and KBI does about 95% of all of our evidence testing and there is no charge to us for that. Everything else, question documents or sometimes will have them do latent prints, things along those lines. All that other stuff goes to Topeka, but yes, we'll still be using that lab. Nothing will change at all with that.

Commissioner Burroughs asked, has there been consideration to partner with them and bring them down and additional resources they provide into the lab being designed with the tow lot? **Col. Vivian** said I don't know. We really haven't just because looking at the space that we have we have enough office space for our nine CSI personnel and a Captain and our Latent Print Examiner and that's kind of where we're maxed out as far as personnel space. I think we've got to increase the space for the office and I don't know that that's something that would happen any time soon, but if it does happen in the future, then if we could increase it, that would be great to do something along those lines.

Commissioner Burroughs said it was the bill that I introduced that brought the KCKCC location for the KBI Crime Lab into Wyandotte County to ensure that we had ballistics as well as DNA to address the backlog that was at the KBI as well as the amount of shootings and weaponry that was being discharged in Wyandotte County at the time. At that time we didn't have what was considered an accredited lab to do our evidentiary material for court.

My next question would be, you talked about best practices, will we be an accredited lab at this time once we put the lab into play? **Col. Vivian** said the lab won't be accredited because it's not technically a lab. This is just more of a workspace. We don't do any of the comparison of DNA ourselves. We don't do any of the comparison of shells to firearms or shells to shells comparison ourselves, so no, in that regard. Our Latent Print Examiner, yes, because of the fingerprint comparison, but the lab itself no because—that's probably why I say we should refer to it and think of it more as just a CSI workplace. **Commissioner Burroughs** said I think that's a fair analogy. You talked about earlier evidence integrity to be presented to the justice system. When we present that information, will it compromise us not being an accredited lab when we bring that information forward? **Col. Vivian** said not as long as we're following the best current practices we will be fine.

Commissioner Burroughs said one more question if I may. The cost-savings versus cost avoidance is—I'm looking as a member of the community, I'm strongly supportive of a KBI or, I'm sorry, a CSI Lab for our Police Department, a more modern facility to allow not only the additional workspace but the quality of the work and the integrity of the work. If this will allow us to accomplish that, then I'm quite supportive. I would just hope that we would consider, if not now, in the future, because I have espoused over the last handful of years to partner with our local KBI for a larger facility in Wyandotte County because I have had those discussions on the state level. They are willing to partner with us to ensure that we have a state-of-the-art lab that will allow us to grow our own technicians rather it be a ballistics—and we all know how competitive that field is as well as our own DNA testers and talk about the integrity of the serum and those blood products that are needed for cases.

I think this is a tremendous opportunity for our community. I would just hope that we don't shortchange you in your request just to get the lab. **Col. Vivian** said I think that's a great idea and I would love to be a part of those conversations with whoever we need to have those conversations with.

Commissioner Townsend said I am not at all familiar with what is actually done at the current CSI Lab space/workspace as you called it. If you would, please just tell me what is currently done there, how many people do it, and what would change with regard to the performance of tasks in a new workspace if that was brought to fruition. **Col. Vivian** said we have nine CSI technicians and just to kind of give you an idea I'll say if they are called to a shooting, a CSI technician would run out to the scene and meet the detectives out there. They would process the scene, they would gather all the evidence that they're going to collect whether it's shell casings, some bloody clothing, DNA swabs from blood at the scene. They would package all that at the scene in its initial packaging, put that in the CSI van and come back to the office. Once they get back to the office then they go into what we refer to as the lab, but let's call it the workspace and take that evidence in there. From there they need to separate the evidence and either—if they have bloody clothing they need to put that in the drying cabinet because there is only one table, a stainless steel table, for them to work on. In the meantime we have other CSI technicians out on other calls, they come back, obviously the room is occupied, they have their evidence so now it just starts to cause a little bit of a backlog, backup because we can only have one person in there at a time.

It might take that first CSI technician a couple three hours, maybe longer, depending on the size of how much evidence they recover. The other two technicians that are working on that shift, they're out in their space where they have their cubicles and they will be working on reports but they can't really get fully into the reports because they can't note in the report what they've done with the evidence, how they've packaged it and all that stuff. So, there's kind of like downtime if you will. That's where the efficiency part of it comes in. That's one of the biggest things that we would see.

In the meantime if additional calls are coming in and we've got three technicians working, two of them are sitting there and the room is not open to the other technicians in there, they have to go out and answer those calls and bring back more evidence. It just kind of compounds the problem.

In that room, the primary thing that the CSI technicians do is the final packaging of the evidence, the drying cabinets for bloody clothing, the bedding, things of that nature. If they come back in there and say they recovered a gun at a scene, they're going to swab that for DNA. They'll do the initial DNA swabbing with Q-tips on various items. If there is evidence that they bring back, they're going to try and lift fingerprints off of, they will do that in the room. They have their

super glue chamber, another method of recovery of fingerprints back in there, so those are the primary things that they do in that workspace and then they package it all up and it goes across the hallway into the Logistics Unit where it is stored until it's needed for court purposes or sent off to the KBI lab for additional testing. Once they've gotten it all packaged and over to Logistics, then they clean the room, sanitize it and then they move out and that's when the second person can come in and get started. That's kind of how the whole process works in a nutshell.

Commissioner Townsend said with regard to some of the processes you just mentioned, if you have one technician already in the workspace area processing evidence and another comes in, you say that second person has to wait in their cubicle area with the evidence they may have collected from a crime scene? **Col. Vivian** said yes. They have a table in their cubicle area and that's kind of where they will store their evidence waiting to go into the lab workspace. **Commissioner Townsend** said and at that table for that second CSI technician, the evidence collected waiting to be processed in the workspace area can be locked away or secured somehow? **Col. Vivian** said it's behind a secured door to get into their entire office area so they're behind a secured door, it's not accessible by anyone from the public or anything of that nature. You've got to have an access card to get into the office, but there are no lockers, there is no room for lockers out there. We do have some lockers, they're small. You might be able to fit a pair of shoes or a small bag in there, some things of that nature but those are in where the other technician is already working so there's just no room in their cubicle area if you will, so that stuff has to stay there with them on the table and best case scenario at least one of the other two technicians could stay there if one of those two technicians has to run out on another call. It's a juggling act, I'll put it that way at best.

Commissioner Townsend asked if a new CSI lab/workspace was to be created, how do you perceive that process you just described changing in terms of being able to have more than one technician work in a space and more than one technician being able to secure evidence collected before they can work on it, say drying, swabbing and all that type of thing? **Col. Vivian** said I would say in the lab/workspace area, that's going to triple in size so I would say that looking at the measurement of the room and the stainless steel tables that we use, we could easily fit two and it looks like three would fit comfortably. So it looks like we would be able to fit three technicians in there working at their own separate workspace inside the lab workspace. There's an additional room where there are lockers so say they had to come back and as soon as they get

back they get called out on another call, they will be able to lock up the evidence that was just collected from the scene and brought back. They will be able to lock those up in lockers and then go out on their second call, collect that evidence, and then come back and lock that evidence up and get the first one out and start packaging that and do what they need to do. They wouldn't have that backlog or that jam up or, you know, only one person being able to work at a time.

Commissioner Townsend said one last question and thank you for this detail. That's helping me create a picture and better understand the current situation from what might be. Is there any time limit for processing the information that a CSI tech may come in with? Say CSI tech #2 or 3, so that it compromises the validity, not necessarily cross-contamination here, but just the length of time. Have we run into a situation like that, that we could not process the information timely enough so that it was court worthy? **Col. Vivian** said no. We've always gotten our evidence in in a timely manner. That's why we require on the felony violent crimes that they stay, if they have to work overtime to do that, that's what we require just so that we can show a chain of custody if we recovered it that night, we got it back in the office, packaged it, got it over to Logistics that same night, so that hasn't been an issue. It's just the fact that, you know, they'll be working overtime to get that done. **Commissioner Townsend** said I appreciate your information.

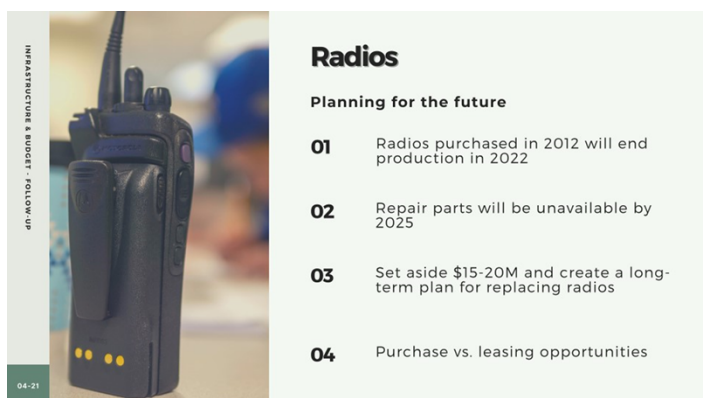
Commissioner Burroughs said thank you Mayor for allowing me one more opportunity for questions. Col. Vivian, the only question I would have is I think the fact that we're in Wyandotte County I think many of us assume that a law enforcement from other cities within our county will have access to this lab. Can you share any type of partnership or how evidence may be utilized or contracted out involving our other municipalities in Wyandotte County? **Col. Vivian** said we haven't discussed that at all, I know that. I think we've just been focused on getting our own people in their own space at this point in time. There really just isn't any additional space as it stands now to bring in somebody from the outside. We wouldn't have the office space, the cubicle space, if you will, for them to house somebody there. I guess maybe on a case-by-case basis if another agency needed to use our lab for something, I would foresee probably that they might request us to perform some sort of service for them, but typically they, you know, go through KBI as well and there's no charge through KBI. We don't receive any requests right now from other outside agencies, but maybe once in a blue moon something might come across, but other than that

it just doesn't really happen. **Commissioner Burroughs** said and the requests may not be coming in because of the inadequate ability to address their concerns.

Col. Vivian, I do sincerely appreciate the vision to provide CSI services to our law enforcement community, so sorely needed. I stand ready to partner in any way that we can not only to make this particular lab an accredited lab but to do what we can to bring other partners to the table to grow our presence in law enforcement in Wyandotte County, so thank you very much. **Col. Vivian** said thank you. I appreciate the support.

Mayor Alvey said I see no more questions or comments. We'll go to the next.

Mr. Bach said we'll cover what we can under the Radios Project and let you break when we feel we need to, to transition for the next meeting. Matt May and Melissia Sieben, are you carrying this item? **Matt May, Emergency Management Director**, said we are. We're ready.



Radios

Planning for the future

- 01** Radios purchased in 2012 will end production in 2022
- 02** Repair parts will be unavailable by 2025
- 03** Set aside \$15-20M and create a long-term plan for replacing radios
- 04** Purchase vs. leasing opportunities

INFRASTRUCTURE & BUDGET - FOLLOW-UP

04-21

Mr. May said thank you for giving us a couple minutes to explain this. My concern was brought up as part of the CMIP because we're working with a package of radios for our radio system which by the way, is one of the outstanding jewels in the metro, we really have a great system. The problem is that the subscriber units, what we call subscriber units, that's the end radio, the radio you either hold in your hand or is mounted in the car, were purchased in 2012 and they are all Motorola units. The problem with that is or the concern is that Motorola has planned into their production cycle planned obsolescence so we knew when we bought them that there would be an end date for their support. We are starting to slowly get there and I wanted to make sure that this body was aware of it because the replacement is going to be a significant price tag.

Again, the background is that the radios were purchased in 2012. They ended production last year actually so they will not be producing anymore radios and then they're going to stop. The next stage is they stop production of the parts so that you cannot repair or replace them. That will put an end to the usefulness of that radio approximately in 2025 is their plan to stop that. At 2025 we will have radios and although they will still function, if they need any kind of repair—one thing that will happen is that the current support program that we use with Motorola for repair and replacement will stop at that point because they don't have any parts to replace or repair with. Two is then that radio goes from being a functional piece of equipment to junk, it's nothing is what happens.

The dollar amount is fairly significant and it's hard to estimate right now because we're talking about a cost of a radio in the future, but I'm trying to make sure that this group is aware of this potential expense so that we can plan for it and make it happen over time so that we don't get to 2025 and find ourselves up against a financial and an operational wall because to me the radio to a responder is as much as an important piece of their lifeline as a hose or a firearm. It's really an important part of doing their job safely and well.

As far as the expense, there are lots of ways we can go about looking at this. We could purchase the radios outright over time, we could use a—there's a program that Motorola has where you will pay the cost of the radio over 7 years, so you're basically getting a radio that you know in 10 years will be back in this same position. It will be obsolete in 10 years but you will have purchased it over 7 years' time. There's also less of a discount when you do that. You get a little bit of a discount now over what they call straight list price when we buy radios as replacements and so forth. We haven't had to do very much of that.

Just to give you an idea of the numbers, roughly there's about 3,200 radios on our system. The PD and Fire represent about two-thirds of that because there are a lot of radios involved in both of those operations. In particular, Fire is a little different in that their radios are intrinsically safe and what that means is that radio is able to operate in a gaseous environment that might be explosive without triggering that explosion so that none of those gasses can get in or out of the radio and could be triggered by a spark basically is the bottom line. That problem has already started in that now if we send one of those radios in for repair, when it comes back it is no longer intrinsically safe. They will still operate as a radio but it shouldn't be used in those environments and that's a new standard that just came out just in the last month.

Other things that are happening in that arena is that the NFPA or the standards that are set for Fire Department equipment, there's a new standard being floated out there now for the radios overall and how they should operate, what their capabilities and capacities are for storing information and that's going to be a concern potentially. It depends on whether we adopt or not, but those are movements that are happening as the technology changes.

Most importantly is to let you know that the bulk of the radios that we have out there now are going to fall into this category. We have purchased some new radios to replace very old radios that we had that will be on a different timeclock. Most of these by 2025 will not be able to be repaired or replaced with light parts. They will have to be replaced with a new radio and I just wanted to bring that to the Commission's attention.

Melissa Sieben, Assistant County Administrator, said are there any questions from the governing body? I know we have a hard stop that we're coming upon.

Mayor Alvey said I do not see any questions.

Mr. Bach said, Mayor, of course we can speak to this more next week if other questions come back but with that I would say this is probably a good stopping point for us to break for tonight's meeting.

MAYOR ALVEY ADJOURNED

THE MEETING AT 6:54 p.m.

Brett Deichler
Interim Unified Government Clerk

dt

April 29, 2021



Unified Government Clerk's Office

Brett A. Deichler, PMP | CPM
Interim Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Brett Deichler
Interim UG Clerk

Date: April 29, 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 29, 2021

1. 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 (dropdown)</u>
846492	No	10/19/2018	\$ 300.00	113 2200	Simental, Lizzette #R5730	Wrong mailing address
889703	No	4/30/2021	\$ 150.00	110 65100035599	Mosley, Louis #C2801	Issued in error
"	"		\$ 77.88	110 65100195599	Mosley, Louis #C2801	
888437	Yes	3/26/2021	\$404.75	750 2009	Pioneer Credit Recovery, Inc.	(Explain) Garnishment has been suspended.
889506	Yes	4/23/2021	\$518.13	750 2009	Pioneer Credit Recovery, Inc.	Other (Explain) paid to Jeremy B Walker

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED APRIL 27, 2021:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Tomica A Cvetkovic	Public Works	4/15/21	Program Specialist
Robert N Lackner	PW/Solid Waste	4/29/21	General Laborer
James L Molloy	Urban Planning	4/29/21	Intern General Maint
Vernon H Schuler	PW/WPC	4/29/21	Worker
Ada B Yang	Sheriff/Admin	4/29/21	Clerk

Section II-Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Ethan D Isaacs	Parks/Rec	4/15/21	Caretaker	Groundskeeper I

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Eileen G Bailey	Finance/Treasury	4/22/21	Fiscal Supt Assistant
Mariana Esparza	Finance/Treasury	4/29/21	Fiscal Supt Specialist
Michelle R Giddens	Finance/Treasury	4/29/21	Fiscal Supt Assistant
Austin M Head	Finance/Treasury	4/29/21	Fiscal Supt Assistant

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Tory Anderson	Health	ACD code change effective 1/1/21
Rollin Sachs	Health	ACD code change effective 4/15/21
Patrick Sumner	Comm Corr	ACD code change effective 1/1/21

Action: Received and filed. Copy previously forwarded to Payroll.

3. CLAIMS FOR DAMAGES:

Yecenia Abonce, 6200 Nebraska Ave., KCK, submitted a quote regarding alleged damage to property due to basement flooding from sewer line on April 9, 2021.

Jessica Castro, 2701 S. 46th Ter., KCK, alleging damages to windshield while driving on 12th Street and Cheyenne Ave. on April 14, 2021.

Michael D. Foster, 310 W. 49th St. #1002, KCK, alleging damages to front door of property located at 2800 W. 43rd Avenue, KCK, on March 25, 2021.

George Gladney, 1833 N. 49th Ter., KCK, alleging damages to yard due to snow plow.

Tracy E. Jones, 4347 N. 124th St., KCK, alleging damage to rim while driving on I-70 and 435N, KCK on 4/13/2021.

Andeics Muldew, 1217 Quindaro Blvd., KCK, alleging damages to rims while driving at 4th and Washington, KCK on April 11, 2021.

Action: Received and filed. Copy previously forwarded to Legal.

4. SUMMONS:

Sterling Owens vs Unified Government of Wyandotte County/KCK, Kansas and Kansas City Board of Public Utilities, Case No. 2:21-CV-02185. (2)

Action: Received and filed. Copies previously forwarded to Legal.

5. TRAVEL REQUESTS:

William Blackwell, Fire Department, travel to Emmitsburg, MD, May 14 – 30, 2021, to attend Managing Officer Program Part 1 of 2 Certification, Employee Training & Travel.

Chad Casper, Jeff Gardner, Brian Lynn, Joseph Markovich, Phil Schwery and Andrew Wilcox, Police Department-Traffic Support Unit, travel to Branson, MO, June 17-20, 2021, to attend 8th Annual Police Motorcycle Training, Employee Training & Travel.

Brett Deichler, Admin/UG Clerk's Office, travel to Lenexa, KS, May 5 – 7, 2021, to attend KS Co Clerks & Elected Officials Assn. Conference, Employee Training & Travel.

Elaine Moore, KCKPD/Internal Affairs Unit, travel to Waterloo, IA, May 2 – 5, 2021, to attend CTK Evidence Based Investigation Training, Employee Training & Travel.

Stephen Owen, Operations, KCKPD, travel to Charlotte, NC, June 23 – 25, 2021, to attend DDACTS 2.0 SME Training, Employee Training & Travel.

Michael York, Police/Chief's Office, travel to Orlando, FL, July 6 -11, 2021, to attend FBINAA National Conference, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

6. APPLICATION FOR CMB LICENSE (PKG):

Mangla, LLC/Rick Rehorn DBA Quick Pix, 308 N. 18th St.

Action: Referred to License.

7. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Yard House Kansas City, LLC/Paula Jo Penegar DBA Yard House #8314, 1863 Village West Pkwy.

Action: Referred to License.

8. APPLICATION FOR CATERER:

Mario Brancato/Rick Rehorn DBA Brancato's Catering, 5050 Kansas Ave.

Action: Referred to License.

9. APPLICATION FOR PRIVATE SECURITY BUSINESS:

Whelan Security Company DBA GardaWorld Security Services/James Schwartz DBA Whelan Security Company DBA GardaWorld Security Services, 6700 Antioch Rd., Ste.140, Merriam, KS

Action: Referred to License.



Unified Government Clerk's Office

Brett A. Deichler, PMP | CPM
Interim Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Brett Deichler
Interim UG Clerk

Date: May 13, 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.

af
Attachment

Weekly Business Material for May 13, 2021

1. COMMUNICATIONS:

Brett Deichler, Interim UG Clerk, submitting bids received May 12, 2021, for Project ID: P-2020-03 – Wyandotte County Water Line Project Phase V and Project ID: R-2021-01 – 2021 Street Resurfacing Project

Action: Received and filed. Copies previously referred to County Administrator, Public Works, and Legislative Auditor.

2. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

Warrant #	Reissue?	Date Issued	AMOUNT	FUND / ACD	Vendor Name/Number	Reason for void
886796	Yes	2/12/2021	\$ 70.00	750 2008	National Latino Peace Officers #23293	Stale dated
887660	Yes	3/5/2021	\$ 230.00	750 2008	National Latino Peace Officers #23293	Stale dated
887910	Yes	3/12/2021	\$ 70.00	750 2008	National Latino Peace Officers #23293	Stale dated
885648	Yes	1/22/2021	\$ 500.00	110 11300025533	Heather Heights #41009	Lost warrant

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED MAY 11, 2021:

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Lisa M Ballou	Police/Comm	5/13/21	Public Safety Dispatcher
Stephanie L Bell	Parks/Rec	5/13/21	Program Coordinator

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Steven M Alexander	Fire	4/26/21	Firefighter
Eric Avalos	PW/WPC	4/26/21	General Maint Worker

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
------	---------------------	-----------	-----------

Jacqueline O Blair	Police/Comm	6/25/21	Part Time A Call Taker
Charity A Bond	Police/Comm	6/25/21	Part Time A Call Taker
Jazmen G Italiano	Police/Comm	6/13/21	Public Safety Dispatcher
Scott B Johnson	Police/Comm	6/25/21	Part Time A Call Taker
Jesus M Ortiz- Applin	NRC/Prop Maint	5/16/21	Inspector I
Katelyn S Sanders	Police/Comm	6/25/21	Public Safety Dispatcher

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Jesse Vargas	Finance/Treasury	Amend PAC 5/4/21 to reflect change in separation date from 4/30/21 to 5/3/21

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED MAY 13, 2021:

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Deborah K Mason	Comm Corr	5/13/21	ISO

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job
Margaret K Lansdown	Police	5/13/21	Office Asst III Asst III	Office

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Michael R Bond	Sheriff	5/19/21	Deputy
Mayra Koenig	Appraiser	5/19/21	Admin Coordinator
Adrian E Lopez	PW/B&L	3/25/21	Fac. Maint Tech
Taunisha R McDonald	Health	5/18/21	Public Health Nurse
Angelina Sanchez-Vinson	Health	5/14/21	Program Supervisor

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Robert Sudac	Appraiser	Amend PAC 4/30 to reflect payout info to [vac: 325.78] [comp: 0] [sick: 60] effective 5/5/21

5. CLAIMS FOR DAMAGES:

Tyrolia Wilson, 2844 N. 74th Terr., KCK, submitted a quote regarding alleged damages to tires while driving on Parallel Parkway on April 11, 2021.

Action: Received and filed. Copies previously forwarded to Legal.

6. TRAVEL REQUESTS:

Alex Bruce, Andrew Lewis, and Brandon Moses, KCKPD, travel to KUMC Support Services Facility in KCK, May 17 – 28, 2021, to attend Supervision of Police Personnel Training, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

7. CERTIFICATES OF INSURANCE:

Celtic Hills Security Services, LLC
Rockwell Security, LLC (2)

Action: Referred to License.

8. BUSINESS BONDS:

Electrical Contractor's Bonds:

Current Solutions Electric, LLC
Steven Calliham
Velocity Electric and Automation, LLC

Mechanical Work Bond:

Complete Heating, Cooling and Refrigeration, LLC

Plumber's Bonds:

Beavers Plumbing LLC
Complete Heating, Cooling and Refrigeration, LLC

Sign Hanger Bond:

See More Signs, Inc

Action: Referred to License.

9. CONTINUATION CERTIFICATES:

Electrical Contractor Bond:

K&K Electric, Inc

Mechanical/HVAC Bond:

Dodson, Jim DBA Three Trail Heating and Cooling

Action: Referred to License.

10. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:

Rockwell Security DBA Rockwell Security, 11201 W 59th Ter., Shawnee, KS

United States Protective Service, Inc. DBA United States Protective Service Inc., 2734 N 82nd St.

Action: Referred to License.



Unified Government Clerk's Office

Brett A. Deichler, PMP | CPM
Interim Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Brett Deichler
Interim UG Clerk

Date: May 20, 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 May 20, 2021

1. GRANT AWARD:

Notification of grant awarded from the Kansas State Historic Preservation Office.

Action: Received and filed.

2. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

<u>Warrant #</u>	<u>Reissue?</u>	<u>Date Issued</u>	<u>AMOUNT</u>	<u>FUND / ACD</u>	<u>Vendor Name/Number</u>	<u>Reason for void</u>
886886	Yes	2/19/2021	\$994.33	791 98150015571	Gatson, Tyuania #T1127	Stale dated
889646	No	4/30/2021	\$150.00	110 65100035599	Adams. Alice A #C0323	Issued in error
			\$102.72	110 65100195599	Adams. Alice A #C0323	Issued in error
888422	Yes	3/26/2021	\$65.50	750 2008	AFLAC #40312	Stale dated
888423	Yes	3/26/2021	\$113.25	750 2008	AFLAC #40312	Stale dated
888424	Yes	3/26/2021	\$44.10	750 2008	AFLAC #40312	Stale dated

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED MAY 18, 2021:

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Taylor J Grooms	Fire/Comm	5/4/21	Fire Comm Dispatcher
Corey M Thomas	Sheriff/Adult	5/22/21	Deputy

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Justin A Contreras	Police	6/23/21	Sr Patrolman I
Robert A Dolan	Police	6/23/21	Sr Patrolman I
Dwayne L Donato II	Police	6/23/21	Sr Patrolman I
Jareal D Hicks	Police	6/23/21	Sr Patrolman I
Anthony E Johnson Jr	Police	6/23/21	Sr Patrolman I
Jorge V Lamas	Police	6/23/21	Sr Patrolman I
Corbin M Lytch	Police	6/23/21	Sr Patrolman I
Allen R Moncibaiz	Police	6/23/21	Sr Patrolman I

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED MAY 20, 2021:

Section II-Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Susan Q Alig	Legal	4/29/21	Sheriff Legal Advisor	Sr Attorney

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Aaron K Circle Bear	DA's Office	5/11/21	Investigator
Andrea Mora	Health	6/9/21	Admin Supt Specialist

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Sarah L Bachmann	Sheriff/Juv	5/16/21	Juv Care Worker I
Roxana G Cabello	Sheriff	5/30/21	Clerk
Wendy M Green	Legal	4/29/21	Sr Attorney
Angela J Lawson	Legal	4/29/21	Deputy Chief Counsel
Lisa A Osborne	Sheriff/Juv	5/30/21	Juv Care Worker I
Dagan E Reed	Sheriff/Juv	5/8/21	Juv Care Worker I

Section VII - Reclassifications

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Marie A Collins	DA's Office	5/14/20	Admin Supt Supervisor	Info Systems Analyst
Casey L Meyer	Legal	4/29/21	Attorney II	Sr Attorney

Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
Anthony A McDaniel	Parking Control	Out of grade pay effective 5/4/21

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIM FOR DAMAGES:

Louis Sipple, 2415 N. 100th St, alleging damages to wheels and tire from hitting pot hole while driving on 42nd & Parallel, on April 11, 2021.

Action: Received and filed. Copy previously forwarded to Legal.

6. TRAVEL REQUESTS:

Donald Ash, Sheriff Administration, travel to Orlando, FL, July 6 – 10, 2021, to attend FBINAA – 57th National/Annual Training, Employee Training & Travel.

Joshua Messick, East Patrol Division, travel to KUMC, Kansas City, KS, May 17 – 28, 2021, to attend Supervision of Police Personnel Training, Employee Training & Travel.

Angel Obert, Rickey Vitatoe, Tyrone Weaver and Jack Webb, Parks & Recreation, travel to Nashville, TN, September 20 – 23, 2021, to attend NRPA Conference, Employee Training & Travel.

Ronald Schumaker, KCKPD/Chief's Office/Training Academy, travel to Canyon, TX, June 13 – 18, 2021, to attend Ethics Train-the-Trainer, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

7. CERTIFICATES OF INSURANCE:

Gregory Van Booven DBA Van Booven Lawn, Landscape & Tree Care
Lisandro Lara Fernandez DBA Affordable Tree Care
Titan Protection & Consulting, Inc.

Action: Referred to License.

8. BUSINESS BONDS:

Electrical Contractor's Bonds
Allegiant Service Group, Inc.
Robbins Electric, LLC

Mechanical Contractor's Bond
Mechanical Incorporated
Pro-Mechanical, LLC

Plumber's Bond
Beavers Plumbing, LLC

Action: Referred to License.

9. RIDER TO BOND:

Mechanical Contractor
Mechanical Inc. dba Helm Group

Action: Referred to License.

10. CANCELLATION NOTICES:

Electrical Contractor's Bonds
CR Custom Homes, LLC
Mish Electric, LLC

Porter Electric

HVAC Bonds

Absolute Comfort Technologies, Inc.

Mendiola Rogelio DBA R M Heating and Cooling

Plumber's Bonds

The Total Home Co. Inc.

Miscellaneous Bond

M & J Electric of Wichita, LLC

Action: Referred to License.

11. REINSTATEMENT NOTICE:

Miscellaneous Bond

Barrett Solar, LLC

Action: Referred to License.

12. APPLICATIONS FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Daniel Castillo DBA Mockingbird Lounge, 204 Orchard St.

Great Life Kansas City, LLC/W. Steve Price DBA Painted Hills Golf Course, 7101 Parallel Parkway.

Samuel E. Sparks DBA Club Sparks, 1436 Kansas Ave.

Action: Referred to License.

13. APPLICATION FOR LIQUOR TEMPORARY LICENSE:

Adam R. Byers DBA Christ the King Catholic Church, 3024 N. 53rd St., for May 22, 2021, 5:00 PM – 11:00 PM

Action: Referred to License.

14. APPLICATION FOR PRIVATE CLUB CLASS A:

Kerry Madrigal DBA American Legion Post 213, 1044 S. 26th St.

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 21817

Full Commission Meeting Date: 6/10/21

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain): Expansion of the Homefields STAR Bond District to be presented at June 7th ED&F Meeting

Publication Required: Yes 6/3/2021

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
5/8/2021	Alyse Villarreal, Patrick Waters, Katherine Carttar, Stephanie Moore, Selena Cano	x5273, x5079, x5176, x5743, 5735	avillarreal@wycokck.org, patrickwaters@wycokck.org, kcarttar@wycokck.org, smmoore@wycokck.org, scano@wycokck.org	Finance

Item Description:

Consider a resolution establishing a Public Hearing regarding a second expansion and amendment to the STAR Bond Project District Plan for the Village East STAR Bond District. The Homefield project team has purchased the former waterpark site and cleared old structures while continuing to advance their plans for the new project. In doing so they have identified the opportunity and need to add additional projects which will require more space. Land to the east of the planned Homefield project has been identified and they would like to make this new property part of the project area. Submitted by Patrick Waters, Senior Counsel

Action Requested:

Set public hearing for June 10, 2021

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution calling PH on 2021 Expanded District and 2nd Amend District Plan (Village East), Filed Stamped # 78138397 v 1 (Second Amended and Restated STAR Bond District Plan (May 2021))-c (1)

RESOLUTION NO. R-____-21

A RESOLUTION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING REGARDING A SECOND EXPANSION OF AND AMENDMENT TO THE STAR BOND PROJECT DISTRICT PLAN FOR THE STAR BOND DISTRICT COMMONLY KNOWN AS VILLAGE EAST IN THE CITY OF KANSAS CITY, KANSAS AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) desires to promote, stimulate and develop the general and economic welfare of Kansas City, Kansas and the state of Kansas (the “State”) and to assist in the development and redevelopment of eligible areas within Kansas City, Kansas, thereby promoting the general welfare of the citizens of the State and the Unified Government, by acquiring property and providing for the development and redevelopment thereof and the financing relating thereto; and

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 *et seq.*, as amended, as now authorized under the STAR Bonds Financing Act, K.S.A. 12-17,160, *et seq.*, as amended (the “Act”), the Unified Government on October 20, 2005, adopted Ordinance No. O-76-05, which created a redevelopment district within Kansas City, Kansas (the “City”), the boundaries of which were defined in said Ordinance (the “Original District”) and contained one redevelopment project area; and

WHEREAS, on November 14, 2005 a Vacation Village Special Bond Project Plan (“Original Redevelopment Project Plan”) was filed with the Unified Government Clerk; and

WHEREAS, on November 14, 2005 the Planning Commission of the Unified Government made a finding that the Original Redevelopment Project Plan was consistent with the intent of the City's comprehensive plan for the development of the City; and

WHEREAS, on December 20, 2005, after proper notice in accordance with the Act, a public hearing was held on the Original Redevelopment Project Plan and the Unified Government then adopted Ordinance No. O-96-05 approving the Original Redevelopment Project Plan; and

WHEREAS, on December 23, 2005 the Secretary of Commerce of the State of Kansas (the “Secretary”), determined that the Original Redevelopment District was an “eligible area” under the Act, designated the redevelopment project as a “special bond project” and approved the issuance of STAR Bonds for the project; and

WHEREAS, an Amended and Restated STAR Bond District Plan dated July 8, 2014 (the “Amended STAR Bond District Plan”) was filed with the Clerk, which Amended STAR Bond District Plan proposed expanding the Original District to add additional property (the “Expanded STAR Bond District”) and dividing the Expanded STAR Bond District into five project areas; and

WHEREAS, in accordance with the Act, on August 28, 2014 the governing body of the Unified Government held a public hearing to consider approval of the Expanded STAR Bond District, after proper notice of such public hearing in accordance with the Act; and

WHEREAS, on August 28, 2014 the governing body of the Unified Government passed Ordinance

No. O-47-14 that approved of the Expanded STAR Bond District and such ordinance was published on September 4, 2014; and

WHEREAS, a First Amendment to Amended and Restated STAR Bond District Plan dated June 23, 2015 (the “First Amended STAR Bond District Plan”) was filed with the Unified Government Clerk on June 24, 2015, which First Amended STAR Bond District Plan proposed dividing Project Area 2 into Project Area 2A and Project Area 2B; and

WHEREAS, in accordance with the Act as a substantial change, on August 13, 2015, the governing body of the City held a public hearing to consider approval of the First Amended STAR Bond District Plan, after proper notice of such public hearing in accordance with the Act; and

WHEREAS, on August 13, 2015 the governing body of the Unified Government passed Ordinance No. O-54-15 that approved of the First Amended STAR Bond District Plan, and such ordinance was published on August 20, 2015; and

WHEREAS, a Second Amended and Restated STAR Bond District Plan dated May 20, 2021 (the “Second Amended STAR Bond District Plan”) was filed with the Unified Government Clerk on May 20, 2021, which Second Amended STAR Bond District Plan proposes: (a) expanding the Expanded District to add additional property (the “2021 Expanded STAR Bond District”) and that such additional property be included in Project Area 5 and (b) providing for the proposed uses within each of the six project areas within the 2021 Expanded STAR Bond District; and

WHEREAS, in accordance with the Act, the governing body of the Unified Government wishes to hold a public hearing to consider adoption of the Second Amended STAR Bond District Plan, and the governing body shall provide notice of such public hearing in accordance with the Act; and

WHEREAS, at the public hearing a representative of the Unified Government shall present the proposed Second Amended STAR Bond District Plan and all interested persons shall be given an opportunity to be heard; and

WHEREAS, following the conclusion of such public hearing, the governing body may adopt the Second Amended STAR Bond District Plan by ordinance upon a majority vote; and

WHEREAS, the governing body desires to establish June 10, 2021 as the date for the public hearing on the Second Amended STAR Bond District Plan.

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

Section 1. Consideration of 2021 Expanded STAR Bond District and Second Amended STAR Bond District Plan. The Unified Government is considering establishing the 2021 Expanded STAR Bond District and the adoption of the Second Amended STAR Bond District Plan, all pursuant to the Act.

Section 2. 2021 Expanded STAR Bond District. A map and legal description of the 2021 Expanded STAR Bond District with six project areas is attached hereto as *Exhibit A*, which is incorporated herein by reference.

Section 3. Proposed Second Amended STAR Bond District Plan. The proposed Second Amended STAR Bond District Plan is available for public inspection during regular office hours in the office of the Unified Government Clerk, Municipal Office Building, 701 North 7th Street, Kansas City, Kansas.

The Second Amended STAR Bond District Plan proposes development of multiple buildings with various potential commercial uses, including without limitation, hotel and/or other lodging accommodations, office facilities, multi-family residential units, an automotive plaza, sports facilities, retail and restaurants, and/or other commercial uses, as well as certain associated streets and other infrastructure.

Section 4. Public Hearing. Notice is hereby given that a public hearing will be held by the Commission to consider establishing the 2021 Expanded STAR Bond District and the adoption of the Second Amended STAR Bond District Plan. At the public hearing, the governing body will receive public comment on the proposed 2021 Expanded STAR Bond District and Second Amended STAR Bond District Plan and may, after the conclusion of such public hearing, consider the findings necessary for establishing the 2021 Expanded STAR Bond District and the adoption of the Second Amended STAR Bond District Plan pursuant to the Act.

The public hearing will be held on **June 10, 2021**, and will commence at 7:00 p.m. or as soon thereafter as the Commission can hear the matter. The public hearing will be held virtually and may be accessed via Zoom web conference or toll free via telephone by dialing (877) 853-5257 or (888) 475-4499. Public hearing access information is available at www.wycokck.org/BOC-Virtual-Meeting.aspx or by contacting the Clerk's office via phone at (913) 573-5206 or via email at clerkwest@wycokck.org. Public comment may also be submitted in advance of the public hearing by email to clerkwest@wycokck.org, fax to (913) 573-5299, or mail to Unified Government Clerk's Office, 701 N. 7th Street, Suite 323, Kansas City, Kansas 66101.

Section 5. Notice of Public Hearing. The Unified Government Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions:

(a) A copy of this resolution shall be mailed by United States certified mail, return receipt requested, within 10 days of this date to:

- (i) the Board of County Commissioners of Wyandotte County, Kansas;
- (ii) the Board of Education of U.S.D. No. 500 and U.S.D. 203;
- (iii) each owner and occupant of land within the proposed 2021 Expanded STAR Bond District.

(b) This resolution, specifically including *Exhibits A and B* attached hereto, shall be published once in the official newspaper of the Unified Government not less than one week nor more than two weeks preceding the date of the public hearing.

Section 6. Further Action. The Mayor/CEO, County Manager, Unified Government Clerk and other officials and employees of the Unified Government, including the County Attorney, and Gilmore & Bell, P.C., Bond Counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this resolution.

Section 7. Effective Date. This resolution shall be effective upon its adoption by the Commission of the Unified Government of Wyandotte County/Kansas City, Kansas.

ADOPTED by the Commission of the Unified Government of Wyandotte County/Kansas City,
Kansas on May 27, 2021.

[SEAL]

Mayor/CEO

Attest:

Unified Government Clerk

EXHIBIT A

MAP OF 2021 EXPANDED STAR BOND DISTRICT AND PROPOSED PROJECT AREAS

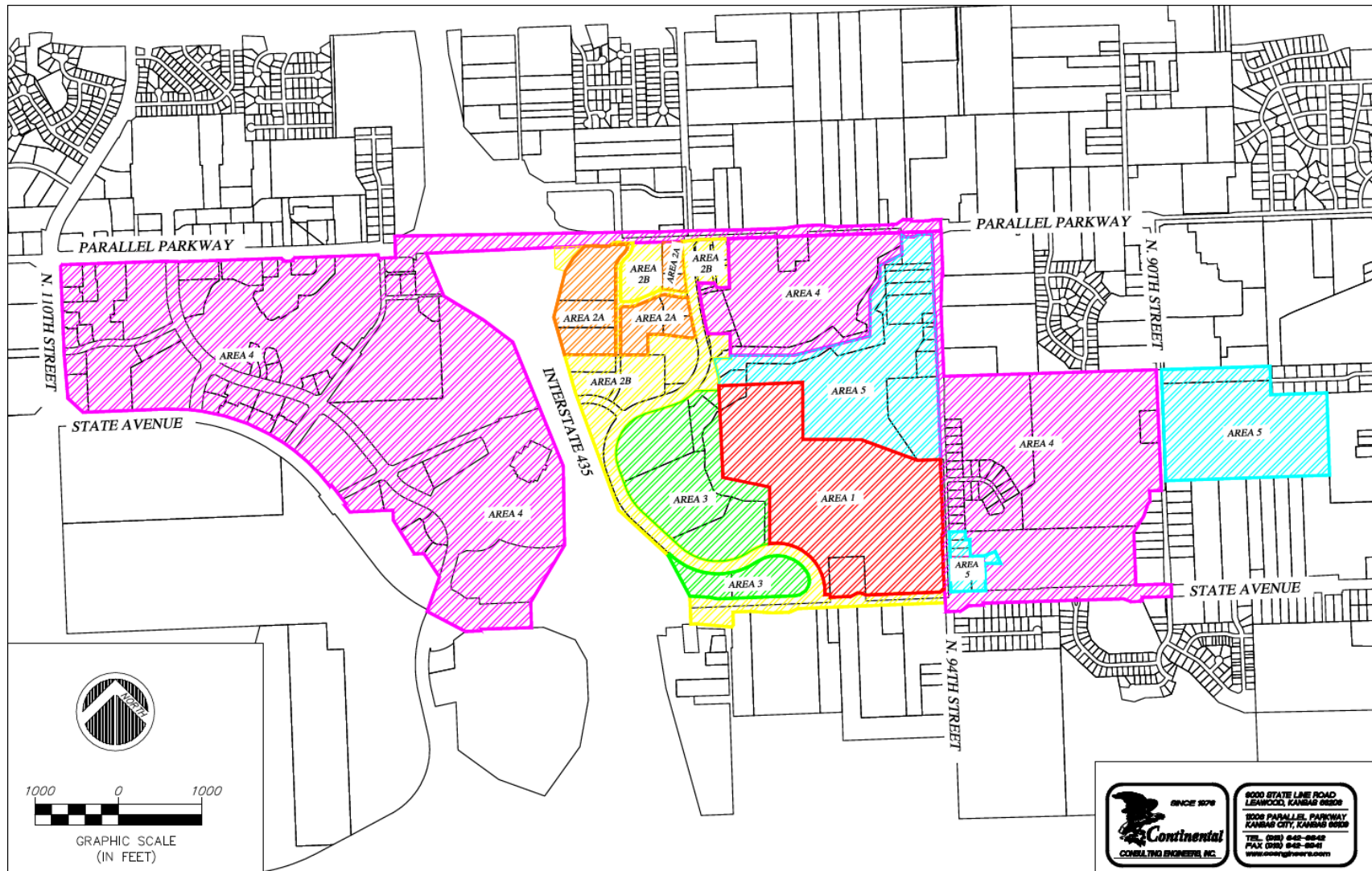


EXHIBIT B

LEGAL DESCRIPTION OF PROPOSED 2021 EXPANDED STAR BOND DISTRICT

2021 EXPANDED DISTRICT

File No. 014-0347

Schlitterbahn

July 10, 2014

Overall Star Bond Project Areas 1 thru 5 Description:

Part of platted and unplatted land in Section 01, Township 11 South, Range 23 East, Section 02, Township 11 South, Range 23 East, Section 11, Township 11 South, Range 23 East, Section 12, Township 11 South, Range 23 East, Section 35, Township 10 South, Range 23 East, Section 36, Township 10 South, Range 23 East, Section 6, Township 11 South, Range 24 East, and Section 7, Township 11 South, Range 24 East, all being in Kansas City, Wyandotte County, Kansas and being more particularly described as follows:

Star Bond Project Area 1

Lot 1, Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas, with a portion of unplatted land, all being in the Southeast Quarter of Section 1, Township 11 Range 23 East, being more particularly described as follows:

Beginning at the Northwest corner of the Southeast Quarter of said Section 1, Township 11 South, Range 23 East; thence North 87 degrees 30 minutes 09 seconds East, along the North line of said Southeast Quarter, a distance of 1,003.58 feet; thence South 00 degrees 00 minutes 00 seconds East, along the North line of said Southeast Quarter, a distance of 685.13 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 696.01 feet; thence South 69 degrees 44 minutes 32 seconds East, a distance of 730.33 feet, to a point on the Easterly line of said Lot 1; thence North 87 degrees 45 minutes 28 seconds, along the Easterly line of said Lot 1, a distance of 272.37 feet, to a point on the Right-of-Way line of N. 94th Street, as now established; thence South 02 degrees 14 minutes 32 seconds East, continuing along the Easterly line of said Lot 1, and along the West Right-of-Way line of said N. 94th Street, a distance of 910.24 feet; thence South 87 degrees 45 minutes 28 seconds West, continuing along the Easterly line of said Lot 1, and along the West Right-of-Way line of said N. 94th Street, a distance of 15.00 feet; thence South 02 degrees 14 minutes 32 seconds East, continuing along the Easterly line of said Lot 1, and along the West Right-of-Way line of said N. 94th Street, a distance of 645.04 feet to the point of intersection of the West Right-of-Way line said N. 94th Street and the North Right-of-Way line of State Avenue, as now established; thence South 53 degrees 02 minutes 04 seconds West, continuing along the Easterly line of said Lot 1, and along the North Right-of-Way line of said State Avenue, a distance of 61.51 feet; thence South 87 degrees 42 minutes 57 seconds West, along the South line of said Lot 1 and along the North Right-of-Way line of said State Avenue, a distance of 881.99 feet; thence North 64 degrees 52 minutes 17 seconds West, continuing along the South line of said Lot 1 and along the North Right-of-Way line of said State Avenue, a distance of 13.73 feet; thence in a Westerly direction, departing the South line of said Lot 1, and continuing along the North Right-of-Way line of said State Avenue, to a point of intersection of the South Right-of-Way line of said State Avenue and the South line of said Lot 1; thence South 87 degrees 42 minutes 57 seconds West, along the South line of

said Lot 1 and continuing along the North Right-of-Way line of said State Avenue, a distance of 61.75 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the Northeasterly Right-of-Way line of N. 98th Street, as now established; thence North 02 degrees 18 minutes 50 seconds West, departing the North Right-of-Way line of said State Avenue and along the Northeasterly Right-of-Way line of said N. 98th Street and continuing along the Southerly line of said Lot 1, a distance of 65.74 feet, to a point of curvature; thence Northerly, Northwesterly and Westerly, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Southerly line of said Lot 1 and along a curve to the left, having a radius of 575.00 feet and a central angle of 96 degrees 39 minutes 25 seconds, an arc length of 970.01 feet; thence North 00 degrees 00 minutes 00 seconds East, departing the Northeasterly Right-of-Way line of said N. 98th Street and the Southerly line of said Lot 1, a distance of 681.26 feet; thence North 78 degrees 38 minutes 12 seconds West, a distance of 570.99 feet, to a point on the West line of the Southeast Quarter of said Section 1; thence North 02 degrees 20 minutes 41 seconds West, along the West line of the Southeast Quarter of said Section 1, a distance of 1,102.14 feet to the POINT OF BEGINNING.

AND ALSO:

Project Area 2A Description:

All of Lots 1, 3, 4-A, 4-B & 7, along with part of Tracts A & B and Lots 5, & 6, Legends Auto Plaza, a subdivision in Kansas City, Wyandotte County, Kansas, being more particularly described as follows:

Tract 1:

All of Lots 1, 4-A & 4-B of said Legends Auto Plaza.

AND ALSO:

Tract 2:

BEGINNING at the Northeast corner of said Lot 3, said point also being the point of intersection of the South Right-of-Way line of Parallel Parkway and the West Right-of-Way line of N. 98th Street, as established with said Legends Auto Plaza; thence Southerly, along the East line of Lot 3, Tract B, and Lot 6, and along the West Right-of-Way line of said N. 98th Street, and along a curve to the left, whose initial tangent bearing of South 02 degrees 13 minutes 58 seconds East, having a radius of 5,804.58 feet and through a central angle of 05 degrees 58 minutes 07 seconds, an arc length of 604.68 feet; thence South 81 degrees 30 minutes 09 seconds West, departing the East line of said Lot 6 and the West Right-of-Way line of said N. 98th Street, a distance of 0.08 feet, to a point of curvature; thence Westerly, along a curve to the right, having a radius of 220.00 feet and through a central angle of 17 degrees 18 minutes 38 seconds, an arc length of 66.47 feet, to a point of tangency; thence North 81 degrees 11 minutes 14 seconds West, a distance of 138.78 feet, to a point of curvature; thence Westerly, along a curve to the left, having a radius of 280.00 feet and through a central angle of 17 degrees 48 minutes 27 seconds, an arc length of 87.02 feet, to a point on the Southerly prolongation of the West line of said Lot 3; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 3 and its Southerly

prolongation, a distance of 576.20 feet, to the Northwest corner of said Lot 3, said point also being on the South Right-of-Way line of said Parallel Parkway; thence North 89 degrees 14 minutes 17 seconds East, along the North line of said Lot 3 and along the South Right-of-Way line of said Parallel Parkway, a distance of 175.43 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the North line of said Lot 3 and the South Right-of-Way line of said Parallel Parkway, a distance of 59.91 feet, to the POINT OF BEGINNING.

AND ALSO:

Tract 3:

BEGINNING at the Southwest corner of said Lot 5, said point also being on the Easterly line of said Tract B; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 5 and along the Easterly line of said Tract B, a distance of 559.99 feet, to a point of curvature; thence Northerly, Northeasterly and Easterly, continuing along the West line and along the North line of said Lot 5, and continuing along the Easterly line and along the Southerly line of said Tract B, and along a curve to the right, having a radius of 15.00 feet and through a central angle of 90 degrees 01 minutes 50 seconds, an arc length of 23.57 feet, to a point of tangency; thence South 89 degrees 59 minutes 00 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, a distance of 79.87 feet, to a point of curvature; thence Easterly and Northeasterly, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, and along a curve to the left, having a radius of 330.00 feet and through a central angle of 23 degrees 15 minutes 39 second, an arc length of 133.97 feet, to a point of tangency; thence North 66 degrees 45 minutes 21 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, and their Easterly prolongation, a distance of 256.87 feet, to a point of curvature; thence Northeasterly, Easterly and Southeasterly, along a curve to the right, having a radius of 185.00 feet and through a central angle of 38 degrees 46 minutes 48 seconds, an arc length of 125.22 feet, to a point of reverse curvature; thence Southeasterly and Easterly, along a curve to the left, having a radius of 515.00 and through a central angle of 06 degrees 50 minutes 11 seconds, an arc length of 61.45 feet, to a point of tangency; thence South 81 degrees 18 minutes 03 seconds East, a distance of 74.97 feet, to a point of curvature; thence Easterly, along a curve to the left, having a radius of 290.00 feet and through a central angle of 17 degrees 11 minutes 48 seconds, an arc length of 87.04 feet, to a point of tangency; thence North 81 degrees 30 minutes 09 seconds East, a distance of 0.14 feet, to a point on the East line of said Lot 6, said point also being on the West Right-of-Way line of said N. 98th Street, said point also being on a non-tangent curve; thence Southerly and Southeasterly, along the East line of Lots 6 and 7 and the Easterly line of said Tract B, and along a curve to the left, whose initial tangent bearing is South 08 degrees 53 minutes 33 seconds East, having a radius of 5,804.58 feet and through a central angle of 04 degrees 46 minutes 23 seconds, an arc length of 483.54 feet, to the Northeasterly corner of said Tract A; thence South 76 degrees 23 minutes 16 seconds West, departing the West Right-of-Way line of said N. 98th Street, a distance of 60.00 feet; thence North 82 degrees 31 minutes 36 seconds West, a distance of 330.64 feet; thence South 89 degrees 59 minutes 10 seconds West, a distance of 184.56 feet; thence South 00 degrees 01 minutes 03 seconds West, a distance of 241.90 feet, to a point on the South line of said Lot 5, said point also being on the North line of Lot 9 of said Legends Auto Plaza; thence North 89 degrees 58 minutes 57 seconds

West, along the South line of said Lot 5 and along the North line of said Lot 9 a distance of 328.41 feet, to the POINT OF BEGINNING.

AND ALSO:

Project Area 2B Description:

Part of Tract A, Lot Line Adjustment Survey, Lots 1 & 2, Schlitterbahn Vacation Village; All of Tract B, and all of that part of France Family Drive, State Avenue and N. 98th Street Right-of-Ways as established within Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas; All of Legends Auto Plaza, a subdivision in Kansas City, Wyandotte County, Kansas; along with a portion of unplatted land, lying in Section 1, Township 11 South, Range 23 East, and Section 12, Township 11 South, Range 23 East, all being more particularly described as follows:

BEGINNING at the Northeast corner of the Southwest Quarter of said Section 1, Township 11 South, Range 23 East; thence South 02 degrees 20 minutes 41 seconds East, along the East line of said Southwest Quarter, a distance of 49.99 feet, to a point on the South Right-of-Way line of France Family Drive, as now established; thence South 87 degrees 20 minutes 51 seconds West, along the South Right-of-Way line of said France Family Drive, a distance of 281.92 feet, to a point on a non-tangent curve; thence Southwesterly, departing the South Right-of-Way line of said France Family Drive, and along the Northeasterly prolongation of the Northerly line of Tract B of said Lot Line Adjustment Survey, and along a curve to the right, whose initial tangent bearing is South 44 degrees 08 minutes 09 seconds West, having a radius of 650.00 feet, and a central angle of 28 degrees 36 minutes 27 seconds, an arc length of 324.54 feet, to a point of tangency; thence South 72 degrees 44 minutes 36 seconds West, continuing along the Northerly line of said Tract B, a distance of 346.32 feet, to a point of curvature; thence Southwesterly, Southerly and Southeasterly, continuing along the Northerly line and along the Westerly line of said Tract B, and along a curve to the left, having a radius of 500.00 feet and a central angle of 92 degrees 50 minutes 42 seconds, an arc length of 810.22 feet, to a point on the Northeasterly Right-of-Way line of N. 98th Street, as now established, said point also being on the Westerly line of said Tract B, said point also being a point of tangency; thence South 20 degrees 06 minutes 06 seconds East, along the Northeasterly Right-of-Way line of said N. 98th Street and along the Westerly line of said Tract B, and along the Westerly Line of Tract A of said Lot Line Adjustment Survey, a distance of 253.32 feet, to a point of curvature; thence Southeasterly, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Westerly line of Tract A, of said Lot Line Adjustment Survey, and along a curve to the left, having a radius of 725.00 feet and a central angle of 27 degrees 18 minutes 33 seconds, an arc length of 345.56 feet, to a point of tangency; thence South 47 degrees 24 minutes 39 seconds East, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Westerly and Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 624.55 feet, to a point of curvature; thence Southeasterly, Easterly and Northeasterly, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Southerly line of Tract A, of said Lot Line Adjustment Survey, and along a curve to the left, having a radius of 675.00 feet and a central angle of 76 degrees 58 minutes 27 seconds, an arc length of 906.83 feet, to a point of reverse curvature; thence Northeasterly, Easterly, Southeasterly and Southerly, continuing along the Northeasterly Right-of-Way line of said N.

98th Street and along the Southerly line of Tract A, of said Lot Line Adjustment Survey, and along a curve to the right, having a radius of 575.00 feet and a central angle of 122 degrees 03 minutes 50 seconds, an arc length of 1,224.99 feet, to a point of tangency; thence South 02 degrees 19 minutes 17 seconds East, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 65.73 feet, to the point of intersection of the Northeasterly Right-of-Way line of said N. 98th Street and the North Right-of-Way line of State Avenue, as now established; thence North 87 degrees 42 minutes 57 seconds East, continuing along the Southerly line of Tract A, of said Lot Line Adjustment Survey, and along the North Right-of-Way line of said State Avenue, a distance of 61.74 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, lying on the West side of an unplatted piece of land; thence Southerly, departing the Southerly line of Tract A, of said Lot Line Adjustment Survey, and continuing along the North Right-of-Way line of said State Avenue; thence Easterly, continuing along the North Right-of-Way line of said State Avenue, to the point of intersection of the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, lying on the East side of an unplatted piece of land; thence South 64 degrees 52 minutes 17 seconds East, continuing along the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 13.73 feet; thence North 87 degrees 42 minutes 57 seconds East, continuing along the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 881.99 feet; thence North 53 degrees 02 minutes 04 seconds East, continuing along the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 61.51 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the West Right-of-Way line of N. 94th Street, as now established; thence Southerly, departing the North Right-of-Way line of said State Avenue, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the South Right-of-Way line of said State Avenue; thence Westerly, along the South Right-of-Way line of said State Avenue to the point of intersection of the South Right-of-Way line of said State Avenue and the Easterly Right-of-Way line of Interstate Highway No. 435, as now established; thence Northerly, departing the South Right-of-Way line of said State Avenue and along the Easterly Right-of-Way line of said Interstate Highway No. 435 to the point of intersection of the Easterly Right-of-Way line of said Interstate Highway No. 435 and the North Right-of-Way line of said State Avenue, said point also being the Southwesterly corner of Tract A of said Schlitterbahn Vacation Village; thence South 86 degrees 36 minutes 43 seconds East, along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 246.20 feet; thence South 77 degrees 39 minutes 21 seconds East, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 92.23 feet; thence North 87 degrees 42 minutes 57 seconds East, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, and along the South line of Lot 3 of said Schlitterbahn Vacation Village, a distance of 925.88 feet to a point of curvature, said point also being the point of intersection of the North Right-of-Way line of said State Avenue and the Southwesterly Right-of-Way line of said N. 98th Street; thence Northeasterly, Northerly and Northwesterly, departing the North Right-of-Way line of said State Avenue, and along the Southwesterly Right-of-Way line of said N. 98th Street, and along the Easterly and Northeasterly line of said Lot 3, and along a curve to the left, having a radius of 182.00 feet and a central angle of 118 degrees 41 minutes 03

seconds, an arc length of 377.00 feet, to a point of compound curvature; thence Northwesterly, Westerly and Southwesterly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and along the Easterly and Northerly line of said Lot 3, and along a curve to the left, having a radius of 425.00 feet and a central angle of 93 degrees 25 minutes 01 seconds, an arc length of 692.93 feet, to a point of reverse curvature; thence Southwesterly, Westerly and Northwesterly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Lot 3 and along the Northerly line of said Tract A, and along a curve to the right, having a radius of 825.00 feet and a central angle of 76 degrees 58 minutes 28 seconds, an arc length of 1,108.35 feet, to a point of tangency; thence North 47 degrees 24 minutes 39 seconds West, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Tract A, a distance of 29.19 feet, to the Southeast corner of Tract B of said Schlitterbahn Vacation Village; thence South 42 degrees 35 minutes 21 seconds West, departing the Southwesterly Right-of-Way line of said N. 98th Street, along the Southeasterly line of said Tract B, and continuing along the Northerly line of said Tract A, a distance of 25.00 feet, to a point on the Easterly Right-of-Way line of said Interstate Highway No. 435, said point also being on the Westerly line of said Tract B; thence North 47 degrees 24 minutes 39 seconds West, along the Easterly Right-of-Way line of said Interstate Highway No. 435 and the Westerly line of said Tract B, a distance of 814.00 feet; thence North 20 degrees 07 minutes 39 seconds West, continuing along the Easterly Right-of-Way line of said Interstate Highway No. 435 and the Westerly line of said Tract B, a distance of 1,498.22 feet to a point on the South line of the Northwest Quarter of said Section 1, said point also being the Southwest corner of said Legends Auto Plaza; thence North 15 degrees 56 minutes 18 seconds West, continuing along the Easterly Right-of-Way line of said Interstate Highway No. 435 and along the West line of said Legends Auto Plaza, a distance of 938.56 feet; thence North 13 degrees 58 minutes 29 seconds East, continuing along the Easterly Right-of-Way line of said Interstate Highway No. 435, and along the West line of said Legends Auto Plaza, a distance of 568.70 feet; thence North 74 degrees 54 minutes 27 seconds West, departing the Easterly Right-of-Way line of said Interstate Highway No. 435 and the West line of said Legends Auto Plaza, a distance of 130.08 feet; thence North 01 degrees 35 minutes 51 seconds West, a distance of 255.72 feet to the Westerly prolongation of the South Right-of-Way line of Parallel Parkway, as now established; thence North 88 degrees 01 minutes 07 seconds East, along the Westerly prolongation of the South Right-of-Way line of said Parallel Parkway, a distance of 370.61 feet, to the point of intersection of the Easterly Right-of-Way line of said Interstate Highway No. 435 and the South Right-of-Way line of said Parallel Parkway, said point also being the Northwest corner of said Legends Auto Plaza; thence North 88 degrees 01 minutes 07 seconds East, along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 150.00 feet; thence South 01 degrees 58 minutes 53 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 10.00 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 140.02 feet; thence North 54 degrees 20 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and along the North line of said Legends Auto Plaza, and their Northeasterly prolongation, a distance of 72.12 feet; thence North 88 degrees 01 minutes 07 seconds East, a distance of 61.99 feet; thence South 02 degrees 22 minutes 58 seconds East, a distance of 10.00 feet, to a point on the Westerly prolongation of the South Right-of-

Way line of said Parallel Parkway and of the North line of said Legends Auto Plaza; thence North 88 degrees 01 minutes 07 seconds East, along said Westerly prolongation and along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 451.28 feet; thence North 89 degrees 11 minutes 40 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and along the North line of said Legends Auto Plaza, a distance of 243.64 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 84.91 feet; thence North 82 degrees 59 minutes 09 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 170.99 feet, to a point on the North line of Tract A of said Lot Line Adjustment Survey; thence North 88 degrees 01 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and along the North line of Tract A of said Lot Line Adjustment Survey, a distance of 173.97 feet; thence North 88 degrees 00 minutes 23 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of Tract A of said Lot Line Adjustment Survey, a distance of 183.19 feet; thence South 00 degrees 55 minutes 56 seconds East, departing the South Right-of-Way line of said State Avenue and the North line of Tract A of said Lot Line Adjustment Survey, a distance of 582.69 feet; thence South 89 degrees 01 minutes 58 seconds West, a distance of 148.05 feet; thence North 29 degrees 19 minutes 48 seconds West, a distance of 62.94 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 190.36 feet, to a point on a non-tangent curve; thence Southerly, along a curve to the left, whose initial tangent bearing is South 07 degrees 20 minutes 18 seconds East, having a radius of 5,654.58 feet, and a central angle of 06 degrees 19 minutes 32 seconds, an arc length of 624.28 feet, to a point on a non-tangent line; thence North 89 degrees 03 minutes 39 seconds East, a distance of 264.66 feet; thence South 01 degrees 01 minutes 01 seconds East, a distance of 295.50 feet; thence South 89 degrees 01 minutes 58 seconds West, a distance of 195.18 feet, to a point on a non-tangent curve; thence Southerly, along a curve to the right, whose initial tangent bearing is South 13 degrees 19 minutes 19 seconds East, having a radius of 5,804.58 feet and a central angle of 02 degrees 43 minutes 40 seconds, an arc length of 276.34 feet, to a point on a non-tangent line, said point also being on the East line of the Northwest Quarter of said Section 1; thence South 02 degrees 19 minutes 21 seconds East, along the East line of said Northwest Quarter, a distance of 57.88 feet, to the POINT OF BEGINNING.

EXCEPTING therefrom, all of the following described tracts;

All of Lots 1, 3, 4-A, 4-B & 7, along with part of Tracts A & B and Lots 5, & 6, Legends Auto Plaza, a subdivision in Kansas City, Wyandotte County, Kansas, being more particularly described as follows:

Tract 1:

All of Lots 1, 4-A & 4-B of said Legends Auto Plaza.

AND ALSO:

Tract 2:

BEGINNING at the Northeast corner of said Lot 3, said point also being the point of intersection of the South Right-of-Way line of Parallel Parkway and the West Right-of-Way line of N. 98th Street, as established with said Legends Auto Plaza; thence Southerly, along the East line of Lot 3, Tract B, and Lot 6, and along the West Right-of-Way line of said N. 98th Street, and along a curve to the left, whose initial tangent bearing of South 02 degrees 13 minutes 58 seconds East, having a radius of 5,804.58 feet and through a central angle of 05 degrees 58 minutes 07 seconds, an arc length of 604.68 feet; thence South 81 degrees 30 minutes 09 seconds West, departing the East line of said Lot 6 and the West Right-of-Way line of said N. 98th Street, a distance of 0.08 feet, to a point of curvature; thence Westerly, along a curve to the right, having a radius of 220.00 feet and through a central angle of 17 degrees 18 minutes 38 seconds, an arc length of 66.47 feet, to a point of tangency; thence North 81 degrees 11 minutes 14 seconds West, a distance of 138.78 feet, to a point of curvature; thence Westerly, along a curve to the left, having a radius of 280.00 feet and through a central angle of 17 degrees 48 minutes 27 seconds, an arc length of 87.02 feet, to a point on the Southerly prolongation of the West line of said Lot 3; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 3 and its Southerly prolongation, a distance of 576.20 feet, to the Northwest corner of said Lot 3, said point also being on the South Right-of-Way line of said Parallel Parkway; thence North 89 degrees 14 minutes 17 seconds East, along the North line of said Lot 3 and along the South Right-of-Way line of said Parallel Parkway, a distance of 175.43 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the North line of said Lot 3 and the South Right-of-Way line of said Parallel Parkway, a distance of 59.91 feet, to the POINT OF BEGINNING.

AND ALSO:

Tract 3:

BEGINNING at the Southwest corner of said Lot 5, said point also being on the Easterly line of said Tract B; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 5 and along the Easterly line of said Tract B, a distance of 559.99 feet, to a point of curvature; thence Northerly, Northeasterly and Easterly, continuing along the West line and along the North line of said Lot 5, and continuing along the Easterly line and along the Southerly line of said Tract B, and along a curve to the right, having a radius of 15.00 feet and through a central angle of 90 degrees 01 minutes 50 seconds, an arc length of 23.57 feet, to a point of tangency; thence South 89 degrees 59 minutes 00 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, a distance of 79.87 feet, to a point of curvature; thence Easterly and Northeasterly, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, and along a curve to the left, having a radius of 330.00 feet and through a central angle of 23 degrees 15 minutes 39 second, an arc length of 133.97 feet, to a point of tangency; thence North 66 degrees 45 minutes 21 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, and their Easterly prolongation, a distance of 256.87 feet, to a point of curvature; thence Northeasterly, Easterly and Southeasterly, along a curve to the right, having a radius of 185.00 feet and through a central angle of 38 degrees 46 minutes 48 seconds, an arc length of 125.22 feet, to a point of reverse curvature; thence Southeasterly and Easterly, along a curve to the left, having a radius of 515.00 and through a central angle of 06 degrees 50 minutes 11 seconds, an arc length of 61.45 feet, to a point of tangency; thence South 81 degrees 18

minutes 03 seconds East, a distance of 74.97 feet, to a point of curvature; thence Easterly, along a curve to the left, having a radius of 290.00 feet and through a central angle of 17 degrees 11 minutes 48 seconds, an arc length of 87.04 feet, to a point of tangency; thence North 81 degrees 30 minutes 09 seconds East, a distance of 0.14 feet, to a point on the East line of said Lot 6, said point also being on the West Right-of-Way line of said N. 98th Street, said point also being on a non-tangent curve; thence Southerly and Southeasterly, along the East line of Lots 6 and 7 and the Easterly line of said Tract B, and along a curve to the left, whose initial tangent bearing is South 08 degrees 53 minutes 33 seconds East, having a radius of 5,804.58 feet and through a central angle of 04 degrees 46 minutes 23 seconds, an arc length of 483.54 feet, to the Northeasterly corner of said Tract A; thence South 76 degrees 23 minutes 16 seconds West, departing the West Right-of-Way line of said N. 98th Street, a distance of 60.00 feet; thence North 82 degrees 31 minutes 36 seconds West, a distance of 330.64 feet; thence South 89 degrees 59 minutes 10 seconds West, a distance of 184.56 feet; thence South 00 degrees 01 minutes 03 seconds West, a distance of 241.90 feet, to a point on the South line of said Lot 5, said point also being on the North line of Lot 9 of said Legends Auto Plaza; thence North 89 degrees 58 minutes 57 seconds West, along the South line of said Lot 5 and along the North line of said Lot 9 a distance of 328.41 feet, to the POINT OF BEGINNING.

Project Area 3 Description:

Part of Lots 1 and 2, and all of Lot 3 and Tract A, Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas; being in Section 1, Township 11 South, Range 23 East, being more particularly described as follows:

COMMENCING at the Northeast corner of the Southwest Quarter of said Section 1, Township 11 South, Range 23 East; thence South 02 degrees 20 minutes 41 seconds East, along the East line of said Southwest Quarter, a distance of 49.99 feet, to the POINT OF BEGINNING; thence South 02 degrees 20 minutes 41 seconds East, continuing along the East line of said Southwest Quarter, a distance of 1,052.15 feet; thence South 78 degrees 38 minutes 12 seconds East, departing the East line of said Southwest Quarter, a distance of 570.99 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 681.26 feet, to a point on a non-tangent curve, said point also being on the Southerly line of said Lot 1, said point also being on the Northeasterly Right-of-Way line of N. 98th Street, as now established; thence Southwesterly, along the Southerly line of said Lot 1 and the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the left, whose initial tangent bearing is South 81 degrees 01 minutes 18 seconds West, having a radius of 575.00 feet, and a central angle of 25 degrees 24 minutes 25 seconds, an arc length of 254.98 feet, to a point of reverse curvature; thence Southwesterly, Westerly and Northwesterly, continuing along the Southerly line of said Lot 1 and the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the right, having a radius of 675.00 feet and a central angle of 76 degrees 58 minutes 27 seconds, an arc length of 906.83 feet, to a point of tangency, said point hereinafter referred to as Point "A"; thence North 47 degrees 24 minutes 39 seconds West, continuing along the Southerly line of said Lot 1 and the Northeasterly Right-of-Way line of said N. 98th Street, and along the Southwesterly line of said Lot 2, a distance of 624.55 feet, to a point of curvature; thence Northwesterly, continuing along the Southwesterly line of said Lot 2 and the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the right, having a radius of

725.00 feet and a central angle of 27 degrees 18 minutes 33 seconds, an arc length of 345.56 feet, to a point of tangency; thence North 20 degrees 06 minutes 06 seconds West, continuing along the Southwesterly line of said Lot 2 and the Northeasterly Right-of-Way line of said N. 98th Street, a distance of 253.32 feet, to a point of curvature; thence Northwesterly, Northerly and Northeasterly, departing the Southwesterly line of said Lot 2 and the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the right, having a radius of 500.00 feet and a central angle of 92 degrees 50 minutes 42 seconds, an arc length of 810.22 feet, to a point of tangency; thence North 72 degrees 44 minutes 36 seconds East, a distance of 346.32 feet, to a point of curvature; thence Northeasterly, along a curve to the left, having a radius of 650.00 feet and a central angle of 28 degrees 36 minutes 27 seconds, an arc length of 324.54 feet, to a point on the South Right-of-Way line of France Family Drive, as now established; thence North 87 degrees 20 minutes 51 seconds East, along the South Right-of-Way line of said France Family Drive, and its Easterly prolongation, a distance of 281.92 feet, to the POINT OF BEGINNING.

AND ALSO:

COMMENCING at the aforementioned Point "A"; thence South 53 degrees 36 minutes 09 seconds West, a distance of 152.81 feet, to a point on the Southwesterly Right-of-Way line of said N. 98th Street, said point also being on the Northerly line of said Tract A, said point also being the POINT OF BEGINNING; thence South 47 degrees 24 minutes 39 seconds East, along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Tract A, a distance of 29.19 feet to a point of curvature; thence Southeasterly, Easterly and Northeasterly, along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Tract A and the Northerly line of said Lot 3, and along a curve to the left, having a radius of 825.00 feet and a central angle of 76 degrees 58 minutes 28 seconds, an arc length of 1,108.35 feet, to a point of reverse curvature; thence Northeasterly, Easterly and Southeasterly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly and Northeasterly line of said Lot 3, and along a curve to the right, having a radius of 425.00 feet and a central angle of 93 degrees 25 minutes 01 seconds, an arc length of 692.93 feet, to a point of compound curvature; thence Southeasterly, Southerly Southwesterly, and Westerly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Easterly line of said Lot 3, and along a curve to the right, having a radius of 182.00 feet and a central angle of 118 degrees 41 minutes 03 seconds, an arc length of 377.00 feet, to a point of tangency, said point also being the point of intersection of the Southwesterly Right-of-Way line of said N. 98th Street and the North Right-of-Way line of State Avenue, as now established; thence South 87 degrees 42 minutes 57 seconds West, along the North Right-of-Way line of said State Avenue and the South line of said Lot 3 and Tract A, a distance of 925.88 feet; thence North 77 degrees 39 minutes 21 seconds West, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 92.23 feet; thence North 86 degrees 36 minutes 43 seconds West, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 246.20 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the Easterly Right-of-Way line of Interstate Highway No. 435; thence North 27 degrees 56 minutes 39 seconds West, departing the North Right-of-Way line of said State Avenue, and along the Easterly Right-of-Way line of said Interstate Highway No.

435 and the Westerly line of said Tract A, a distance of 549.00 feet; thence North 42 degrees 35 minutes 21 seconds East, departing the Easterly Right-of-Way line of said Interstate Highway No. 435, and along the Westerly line of said Tract A, a distance of 25.00 feet, to the POINT OF BEGINNING.

AND ALSO:

Project Area 4 Description:

Part of platted and unplatted land in Section 01, Township 11 South, Range 23 East, Section 02, Township 11 South, Range 23 East, Section 11, Township 11 South, Range 23 East, Section 12, Township 11 South, Range 23 East, Section 35, Township 10 South, Range 23 East, Section 36, Township 10 South, Range 23 East, Section 6, Township 11 South, Range 24 East, and Section 7, Township 11 South, Range 24 East, all being in Kansas City, Wyandotte County, Kansas and being more particularly described as follows:

COMMENCING at the Northwest corner of the Northeast Quarter of said Section 1, Township 11 South, Range 23 East; thence South 01 degrees 58 minutes 52 seconds East, a distance of 50.00 feet, to a point on the South Right-of-Way line of Parallel Parkway, as now established, said point also being on the North line of Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas, said point also being the POINT OF BEGINNING; thence South 88 degrees 01 minutes 07 seconds West, along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 173.97 feet; thence South 82 degrees 59 minutes 09 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 170.99 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 84.91 feet; thence South 89 degrees 14 minutes 18 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 234.91 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, and along the North line of Laffoons Lakeview, a subdivision in Kansas City, Wyandotte County, Kansas, a distance of 460.02 feet; thence North 02 degrees 22 minutes 58 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 10.00 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 42.17 feet; thence South 54 degrees 19 minutes 23 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 72.10 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 325.52 feet, to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the East Right-of-Way line of Interstate Highway No. 435, as now established; thence Westerly to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the West Right-of-Way line of said Interstate Highway No. 435; thence Southeasterly, along the West Right-of-Way line of said Interstate Highway No. 435, to the point of intersection of the West Right-of-Way line of said Interstate Highway No. 435 and the Northerly Right-of-Way line of State Avenue, as now established; thence Southerly, continuing along the West Right-of-Way line of said

Interstate Highway No. 435, to the point of intersection of the West Right-of-Way line of said Interstate Highway No. 435 and the South Right-of-Way line of said State Avenue; thence Westerly, along the South Right-of-Way line of said State Avenue, to the point of intersection of the South Right-of-Way line of said State Avenue and the Easterly Right-of-Way line of Village West Parkway, as now established; thence Northwesterly to the point of intersection of the Southwesterly Right-of-Way line of said State Avenue and the Westerly Right-of-Way line of said Village West Parkway; thence Northeasterly to the point of intersection of the Northeasterly Right-of-Way line of said State Avenue and the Westerly Right-of-Way line of said Village West Parkway; thence Northwesterly then Westerly, along the Northeasterly and Northerly Right-of-Way line of said State Avenue, to the point of intersection of the Northerly Right-of-Way line of said State Avenue and the East Right-of-Way line of 110th Street, as now established; thence Northerly, along the East Right-of-Way line of said 110th Street, to the point of intersection of the East Right-of-Way line of said 110th Street and the South Right-of-Way line of said Parallel Parkway; thence Easterly, along the South Right-of-Way line of said Parallel Parkway, to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the Southerly prolongation of the East line of Parallel Heights, a subdivision in Kansas City, Wyandotte County, Kansas; thence Northerly, along said Southerly prolongation and along the East line of said Parallel Heights, to the point of intersection of the North Right-of-Way line of said Parallel Parkway and the West Right-of-Way line of said Interstate Highway No. 435; thence Easterly, to the point of intersection of the North Right-of-Way line of said Parallel Parkway and the East Right-of-Way line of said Interstate Highway No. 435; thence Easterly, along the North Right-of-Way line of said Parallel Parkway, to the point of intersection of the North Right-of-Way line of said Parallel Parkway and the Northerly prolongation of the East Right-of-Way line of N. 94th Street, as now established; thence Southerly, along said Northerly prolongation and along the East Right-of-Way line of said N. 94th Street, to the point of intersection of the East Right-of-Way line of said N. 94th Street and the North line of the Southwest Quarter of said Section 6, Township 11 South, Range 24 East; thence Easterly, along the North line of said Southwest Quarter to the point of intersection of the North line of said Southwest Quarter and the West Right-of-Way line of N. 90th Street, as now established; thence Southerly, along the West Right-of-Way line of said N. 90th Street, to the Northeast corner of Parcel No. 938501; thence Westerly, along the North line of said Parcel No. 938501, to the Northwest corner thereof; thence Southerly, along the West line of Parcel Nos. 938501 thru 938508, to the Southwest corner of said Parcel No. 938508, said point also being on the North Right-of-Way line of said State Avenue; thence Easterly, along the North Right-of-Way line of said State Avenue, to the point of intersection of the North Right-of-Way line of said State Avenue and the West Right-of-Way line of said N. 90th Street; thence Easterly to the point of intersection of the North Right-of-Way line of said State Avenue and the East Right-of-Way line of said N. 90th Street; thence Southerly, to the point of intersection of the East Right-of-Way line of said N. 90th Street and the South Right-of-Way line of said State Avenue; thence Westerly, along the South Right-of-Way line of said State Avenue, to the point of intersection of the Westerly prolongation of the South Right-of-Way line of said State Avenue and the West Right-of-Way line of said N. 94th Street; thence Northerly, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the South Right-of-Way line of said State Avenue; thence Northerly, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the North Right-of-Way line of said State Avenue, said point also being on the East line of said Schlitterbahn Vacation Village; thence North 02 degrees 14 minutes 32 seconds West, along the West

Right-of-Way line of said N. 94th Street and the East line of said Schlitterbahn Vacation Village, a distance of 645.04 feet; thence North 87 degrees 45 minutes 28 seconds East, continuing along the West Right-of-Way line of said N. 94th Street and the East line of said Schlitterbahn Vacation Village, a distance of 15.00 feet; thence North 02 degrees 14 minutes 32 seconds West, continuing along the West Right-of-Way line of said N. 94th Street and the East line of said Schlitterbahn Vacation Village, a distance of 910.24 feet, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street at the Southeast corner of an unplatted tract of land; thence Northerly, departing the East line of said Schlitterbahn Vacation Village, and continuing along the West Right-of-Way line of said N. 94th Street, and along the East line of an unplatted tract of land and along the East line of Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street; thence North 02 degrees 11 minutes 59 seconds West, along the East line of said Schlitterbahn Vacation Village and continuing along the West Right-of-Way line of said N. 94th Street, a distance of 50.00 feet, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street; thence Northerly, departing the East line of said Schlitterbahn Vacation Village, and continuing along the West Right-of-Way line of said N. 94th Street, and along the East line of Replat of Lots 5 to 37, Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, and along the East line of unplatted tracts of land, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the South Right-of-Way line of said Parallel Parkway; thence Westerly, along the South Right-of-Way line of said Parallel Parkway, to the point of intersection of South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village at the Northwest corner of an unplatted tract of land; thence South 02 degrees 11 minutes 59 seconds East, departing the South Right-of-Way line of said Parallel Parkway, and along the East line of said Schlitterbahn Vacation Village, a distance of 245.05 feet; thence South 62 degrees 48 minutes 12 seconds West, departing the East line of said Schlitterbahn Vacation Village, a distance of 301.92 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 181.85 feet; thence South 34 degrees 59 minutes 43 seconds West, a distance of 207.82 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 492.40 feet; thence South 75 degrees 42 minutes 31 seconds West, a distance of 930.96 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 770.80 feet; thence North 01 degrees 01 minutes 01 seconds West, a distance of 258.55 feet; thence South 89 degrees 03 minutes 39 seconds West 264.66 feet, to a point on a non-tangent curve; thence Northerly, along a curve to the right, whose initial tangent bearing is North 13 degrees 39 minutes 50 seconds West, having a radius of 5,654.58 feet and a central angle of 06 degrees 19 minutes 32 seconds, an arc length of 624.28 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 190.36 feet; thence South 29 degrees 19 minutes 48 seconds East, a distance of 62.94 feet; thence North 89 degrees 01 minutes 58 seconds East, a distance of 148.05 feet; thence North 00 degrees 55 minutes 56 seconds West, a distance of 582.69 feet, to a point on the North line of said Schlitterbahn Vacation Village, said point also being on the South Right-of-Way line of said Parallel Parkway; thence South 88 degrees 00 minutes 23 seconds West, along the North line of said Schlitterbahn Vacation Village and the South Right-of-Way line of said Parallel Parkway, a distance of 183.19 feet, to the POINT OF BEGINNING.

EXCEPTING therefrom Lots 1 thru 16, Lots 23 thru 34 and Lot 107, San Marcos Village Addition, a subdivision in Kansas City, Wyandotte County, Kansas, AND ALSO EXCEPTING Parcel Nos. 938509 and 938510.

AND ALSO:

Project Area 5 Description:

Part of Lot 1, Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas, along with a portion of unplatted land, all being in Section 1, Township 11 South, Range 23 East, being more particularly described as follows:

BEGINNING at the Southwest corner of the Northeast Quarter of said Section 1, Township 11 South, Range 23 East; thence North 02 degrees 19 minutes 21 seconds West, along the West line of said Northeast Quarter, a distance of 57.88 feet; thence North 11 degrees 57 minutes 29 seconds West, departing the West line of said Northeast Quarter, a distance of 276.31 feet; thence North 89 degrees 01 minutes 58 seconds East, a distance of 195.18 feet; thence North 01 degrees 01 minutes 01 seconds West, a distance of 36.96 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 770.80 feet; thence North 75 degrees 42 minutes 31 seconds East, a distance of 930.96 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 492.40 feet; thence North 34 degrees 59 minutes 43 seconds East, a distance of 207.82 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 181.85 feet; thence North 62 degrees 48 minutes 12 seconds East, a distance of 301.92 feet, to a point on the Easterly line of said Schlitterbahn Vacation Village; thence North 02 degrees 11 minutes 59 seconds West, along the Easterly line of said Schlitterbahn Vacation Village, a distance of 245.05 feet, to the point of intersection of the Easterly line of said Schlitterbahn Vacation Village and the South Right-of-Way line of Parallel Parkway, as now established; thence Easterly, along the South Right-of-Way line of said Parallel Parkway, to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the West Right-of-Way line of N. 94th Street, as now established; thence Southerly, along the West Right-of-Way line of said N. 94th Street and along the East line of an unplatted tract of land and along the East line of Replat of Lots 5 to 37, Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the Easterly line of said Schlitterbahn Vacation Village; thence South 02 degrees 11 minutes 59 seconds East, continuing along the West Right-of-Way line of said N. 94th Street, and along the East line of said Schlitterbahn Vacation Village, a distance of 50.00 feet, to the point of intersection of the Easterly line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street; thence Southerly, departing the East line of said Schlitterbahn Vacation Village, and continuing along the West Right-of-Way line of said N. 94th Street and along the East line of Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, and along an unplatted tract of land, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street, at the Southeast corner of an unplatted tract of land; thence South 87 degrees 45 minutes 28 seconds West, departing the West Right-of-Way line of said N. 94th Street, and along the Easterly line of said Schlitterbahn Vacation Village, a distance of 272.37 feet; thence North 69 degrees 44 minutes 32 seconds West, departing the Easterly line of said Schlitterbahn Vacation Village, a

distance of 730.33 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 696.01 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 685.13 feet, to a point on the North line of the Southeast Quarter of said Section 1; thence South 87 degrees 30 minutes 09 seconds West, along the North line of the Southeast Quarter of said Section 1, a distance of 1,003.58 feet, to the POINT OF BEGINNING.



AND

ALL THAT PART OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 11 SOUTH, RANGE 24, IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE SOUTHWEST CORNER OF SECTION SIX (6), TOWNSHIP ELEVEN (11) SOUTH, RANGE TWENTY-FOUR (24), EAST OF THE SIXTH PRINCIPAL MERIDIAN, THENCE NORTH 100 FEET; THENCE EAST 29.7 FEET; THENCE SOUTH 30 FEET FOR A POINT OF BEGINNING; THENCE EAST 250 FEET; THENCE NORTH 190 FEET; THENCE WEST 250 FEET; THENCE SOUTH 190 FEET TO THE POINT OF BEGINNING, EXCEPT ANY PART USED OR DEDICATED FOR STREETS, ROADS OR PUBLIC RIGHTS OF WAY.

AND

Beginning at the Southwest corner of Section 6, Township 11 South, Range 24 East of the Sixth Principal Meridian, Wyandotte County, Kansas; thence North 100 feet, thence East 29.7 feet, thence South 30 feet for a point of beginning; thence East 417.42 feet, thence North 417.42 feet, thence West 417.42 feet, thence South 417.42 feet to the point of beginning, less that part taken or used for road purposes;

LESS AND EXCEPT the following described tract of land:

Starting at the Southwest corner of Section 6, Township 11 South, Range 24 East of the Sixth Principal Meridian, thence North 100 feet; thence East 29.7 feet; thence South 30 feet for a point of beginning; thence East 250 feet; thence North 190 feet; thence West 250 feet; thence South 190 feet to the point of beginning;

ALSO LESS AND EXCEPT that part conveyed by a Deed for Highway purposes to the State of Kansas filed September 15, 1966, in Book 2037, Page 364, as Document No. 704835.

AND

All that part of Tract 3 as shown on Certificate of Survey recorded as document number 2015-80600, being more particularly described as follows: commencing at the Northwest corner of said Tract 3, thence South 02 degrees 14 minutes 32 seconds West, with the west line of said Tract 3 a distance of 300.00 feet; thence North 88 degrees 10 minutes 44 seconds East, a distance of 410.41 feet to the point of beginning; thence North 68 degrees 55 minutes 13 seconds East, and no longer with the south line of said Tract 3, a distance of 141.31 feet; thence South 24 degrees 48 minutes 40 seconds East, a distance of 155.82 feet; thence South 89 degrees 57 minutes 06 seconds West, a distance of 193.68 feet to a point on the south line of said Tract 3; thence North 02 degrees 14 minutes 32 seconds East, with the south line of said Tract 3, a distance of 407.42 feet to the point of beginning. The above described tract contains 19,777 square feet or 0.45 acres. Also known as Lot 107 San Marcos Village.

AND

All that part of Tract 3 as shown on Certificate of Survey recorded as document number 2015-80600, being more particularly described as follows: beginning at the Northwest corner of said Tract 3, thence North 88 degrees 10 minutes 44 seconds East, with the north line of said Tract 3, a distance of 193.00 feet; thence South 02 degrees 14 minutes 32 seconds East, and no longer with the north line of said Tract 3, a distance of 199.80 feet; thence North 88 degrees 08 minutes 20 seconds East, a distance of 50.00 feet; thence South 02 degrees 14 minutes 32 seconds East, a distance of 200.24 feet to a point on the south line of said Tract 3; thence South 88 degrees 10 minutes 44 seconds West, with the south line of said Tract 3, a distance of 243.00 feet to a point on the west line of said Tract 3; thence North 02 degrees 14 minutes 32 seconds West, with the west line of said Tract 3, and no longer with the south line of said Tract 3, a distance of 300.00 feet to the point of beginning. The above described tract contains 67,909 square feet or 1.55 acres. Also known as Tracts 14, 15 and 16 of San Marcos Village Edition.

AND

A tract of land in the Southeast Quarter of Fractional Section 6, Township 11 South, Range 24 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, being more particularly described as follows:

Beginning at a point on the West line of the Southeast Quarter of said Fractional Section 6, said point being North $0^{\circ} 18' 36''$ East 1320.00 feet from the Southwest corner of the Southeast Quarter of said Fractional Section 6;

Thence North $0^{\circ} 18' 36''$ East 1165.28 feet, along said West line, to a point 169.57 feet South of the Northwest corner of the Southeast Quarter of said Fractional Section 6;

Thence South $89^{\circ} 16' 39''$ East 1312.24 feet, along a line parallel with the North line of the Southeast Quarter of said Fractional Section 6, to a point on the West line of "EVERHART'S ADDITION", a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof and the center line of Walker Avenue as now established;

Thence South $0^{\circ} 22' 24''$ West 179.00 feet, to the Southwest corner of said "EVERHART'S ADDITION";

Thence South $89^{\circ} 37' 36''$ East 672.30 feet, along the South line of said EVERHART'S ADDITION;

Thence South $0^{\circ} 19' 23''$ West 987.08 feet, along a line parallel with the East line of the Southeast Quarter of said Fractional Section 6, to a point 1320.00 feet North of the South line of the Southeast Quarter of said Fractional Section 6;

Thence North $89^{\circ} 22' 23''$ West 1984.11 feet, along a line parallel with the South line of the Southeast Quarter of said Fractional Section 6, to the "point of beginning" of the tract herein described containing a gross area of 2,189,949 square feet or 50.2743 acres, more or less.

Subject to all right-of-ways, easements and restrictions of record.

AND

All of Lot 4, PROVIDENCE MEDICAL CENTER, a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof.

AND

A tract of land In the Southeast Quarter of Fractional Section 6, Township 11 South, Range 24 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, more particularly described as follows:

Beginning at a point on the East line of the Southeast Quarter of said Fractional Section 6, said point being North 0°19'23" East 990.00 feet from the Southeast corner of the Southeast Quarter of said Fractional Section 6; Thence North 89°22'23" West 660.00 feet, along a line parallel with the South line of the Southeast Quarter of said Fractional Section 6; Thence North 0°19'23" East 1317.08 feet, along a line parallel with the East line of the Southeast Quarter of said Fractional Section 6, to a point on the South line of "EVERHART'S ADDITION", a subdivision of land In Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof; Thence South 89°37'36" East 432.00 feet, along the South line of said "EVERHART'S ADDITION" to the Northwest corner of a certain tract of land filed for record In Book 2858 at Page 452 at the Wyandotte County Register of Deeds Office; Thence South 0°22'24" West 230.00 feet, along a line at right angles to the South line of said "EVERHART'S ADDITION", to the Southwest corner of said certain tract of land; Thence South 89°37'36" East 228.19 feet (230.00 feet by deed), along the South line of said certain tract of land being parallel with the South line of said "EVERHART'S ADDITION", to a point on the East line of the Southeast Quarter of said Fractional Section 6; Thence South 0°19'23" West 240.00 feet, along said East line, to the Northeast corner of a certain tract of land filed for record In Book 1941 at Page 469 at the Wyandotte County Register of Deeds Office; Thence North 89°22'23" West 300.00 feet, along a line parallel with the South line of the Southeast Quarter of said Fractional Section 6, to the Northwest corner of said certain tract of land; Thence South 0°19'23" West 175.00 feet, along a line parallel with the East line of the Southeast Quarter of said Fractional Section 6, said line being the West line of said certain tract of land and the West line of a certain tract of land filed for record In Book 1135 at Page 79 at the Wyandotte County Register of Deeds Office, to the Southwest corner of said certain tract of land recorded In Book 1135 at Page 79; Thence South 89°22'23" East 300.00 feet, along the South line of said certain tract of land, said line being parallel with the South line of the Southeast Quarter of said Fractional Section 6, to a point on the East line of the Southeast Quarter of said Fractional Section 6; Thence South 0°19'23" West 15.00 feet, along said East line, to the Northeast corner of a certain tract of land filed for record in Book 1071 at Page 125 at the Wyandotte County Register of Deeds Office; Thence North 89°22'23" West 330.00 feet, along the North line of said certain tract of land being parallel with the South line of the Southeast Quarter of said Fractional Section 6; Thence South 0°19'23" West 132.00 feet, along the West line of said certain tract of land being parallel with the East line of the Southeast Quarter of said Fractional Section 6; Thence South 89°22'23" East 330.00 feet, along the South line of said certain tract of land, to a point on the East line of the Southeast

Quarter of said Fractional Section 6; Thence South $0^{\circ}19'23''$ West 528.00 feet, along said East line, to the point of beginning of the tract herein described.

AND

Beginning at a point 2,310 feet North of the Southeast corner of the Southeast Quarter of Section 6, Township 11, Range 24; thence West 230 feet; thence South 230 feet; thence East 230 feet; thence North 230 feet to the point of beginning, in Kansas City, Wyandotte County, Kansas, less that part taken or used for road purposes.

AND

A tract of land in the East one-half of Fractional Section 6, Township 11 South, Range 24 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas being more particularly described as follows:

Beginning at the Northeast corner of the Northeast Quarter of said Fractional Section 6; thence South $0^{\circ}26'46''$ West 590.65 feet, along the East line of the Northeast Quarter of said Fractional Section 6; Thence North $89^{\circ}33'14''$ West 25.00 feet to a point on the West right-of-way line of 86th Street, as now established, said point also being on a curve concave to the South having a radius of 196.96 feet; thence Westerly 69.85 feet, along said curve to the left having a chord bearing South $80^{\circ}17'08''$ West 69.49 feet; thence South $70^{\circ}07'31''$ West 77.06 feet; thence South $0^{\circ}26'46''$ West 210.03 feet, along a line parallel with the East line of the Northeast Quarter of said Fractional Section 6, to a point on the center line of the abandoned right-of-way of the Kansas City Northwestern Railroad, as now established; thence South $70^{\circ}07'31''$ West 861.44 feet, along said center line, to the beginning of a curve concave to the Southeast having a radius of 1910.08 feet; thence Southwesterly 241.10 feet, along said center line and said curve to the left having a chord bearing South $66^{\circ}30'33''$ West 240.94 feet; thence South $0^{\circ}8'59''$ West 565.63 feet, along a line parallel with the West line of the Northeast Quarter of said Fractional Section 6, to a point on the South line of the Northeast Quarter of said Fractional Section 6; thence North $89^{\circ}16'39''$ West 139.57 feet, along said South line, to the Northerly prolongation of the West line of "Everharts Addition", a subdivision of land according to the record plat thereof; Thence South $0^{\circ}22'24''$ West 169.56 feet, along said Northerly prolongation to the center line of Walker Avenue as platted in said "Everhart's Addition"; Thence South $89^{\circ}16'39''$ West 1312.24 feet, along a line parallel with the North line of the Southeast Quarter of said Fractional Section 6, to a point on the West line of the Southeast Quarter of said Fractional Section 6; Thence North $0^{\circ}18'36''$ East 169.57 feet, along said West line, to the Northwest corner of the Southeast Quarter of said Fractional Section 6; Thence South $89^{\circ}16'39''$ East 1293.27 feet, along the North line of the Southeast Quarter of said Fractional Section 6; Thence North $0^{\circ}19'02''$ East 1802.48 feet to a point on the North line of the Northeast Quarter of said Fractional Section 6, said point being 1293.27 feet East of the Northwest corner of the Northeast Quarter of said Fractional Section 6; Thence South $89^{\circ}30'42''$ East 1355.21 feet, along said North line, to the point of beginning of the tract herein described.

PROJECT AREA 1

File No. 014-0347

Schlitterbahn

July 3, 2014

Project Area 1 Description:

Part of Lot 1, Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas, along with a portion of unplatted land, all being in the Southeast Quarter of Section 1, Township 11 South, Range 23 East, being more particularly described as follows:

BEGINNING at the Northwest corner of the Southeast Quarter of said Section 1, Township 11 South, Range 23 East; thence North 87 degrees 30 minutes 09 seconds East, along the North line of said Southeast Quarter, a distance of 1,003.58 feet; thence South 00 degrees 00 minutes 00 seconds East, departing the North line of said Southeast Quarter, a distance of 685.13 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 696.01 feet; thence South 69 degrees 44 minutes 32 seconds East, a distance of 730.33 feet, to a point on the Easterly line of said Lot 1; thence North 87 degrees 45 minutes 28 seconds, along the Easterly line of said Lot 1, a distance of 272.37 feet, to a point on the West Right-of-Way line of N. 94th Street, as now established; thence South 02 degrees 14 minutes 32 seconds East, continuing along the Easterly line of said Lot 1, and along the West Right-of-Way line of said N. 94th Street, a distance of 910.24 feet; thence South 87 degrees 45 minutes 28 seconds West, continuing along the Easterly line of said Lot 1, and along the West Right-of-Way line of said N. 94th Street, a distance of 15.00 feet; thence South 02 degrees 14 minutes 32 seconds East, continuing along the Easterly line of said Lot 1, and along the West Right-of-Way line of said N. 94th Street, a distance of 645.04 feet to the point of intersection of the West Right-of-Way line said N. 94th Street and the North Right-of-Way line of State Avenue, as now established; thence South 53 degrees 02 minutes 04 seconds West, continuing along the Easterly line of said Lot 1, and along the North Right-of-Way line of said State Avenue, a distance of 61.51 feet; thence South 87 degrees 42 minutes 57 seconds West, along the South line of said Lot 1 and along the North Right-of-Way line of said State Avenue, a distance of 881.99 feet; thence North 64 degrees 52 minutes 17 seconds West, continuing along the South line of said Lot 1 and along the North Right-of-Way line of said State Avenue, a distance of 13.73 feet; thence in a Westerly direction, departing the South line of said Lot 1, and continuing along the North Right-of-Way line of said State Avenue, to a point of intersection of the South Right-of-Way line of said State Avenue and the South line of said Lot 1; thence South 87 degrees 42 minutes 57 seconds West, along the South line of said Lot 1 and continuing along the North Right-of-Way line of said State Avenue, a distance of 61.75 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the Northeasterly Right-of-Way line of N. 98th Street, as now established; thence North 02 degrees 18 minutes 50 seconds West, departing the North Right-of-Way line of said State Avenue and along the Northeasterly Right-of-Way line of said N. 98th Street and continuing along the Southerly line of said Lot 1, a distance of 65.74 feet, to a point of curvature; thence Northerly, Northwesterly and Westerly, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Southerly line of said Lot 1 and along a curve to the left, having a radius of 575.00 feet and a central angle of 96 degrees 39 minutes 25 seconds, an arc length of 970.01 feet; thence North 00 degrees 00 minutes 00 seconds East, departing the Northeasterly Right-of-Way line of said N. 98th Street and the Southerly line of said Lot 1, a distance of 681.26 feet; thence North 78 degrees 38 minutes 12 seconds West, a distance of 570.99 feet, to a point on the West line of the Southeast Quarter of said Section 1; thence North 02 degrees 20 minutes 41 seconds West, along the West line of the Southeast Quarter of said Section 1, a distance of 1,102.14 feet to the POINT OF BEGINNING.

PROJECT AREA 2A

File No. 014-0347

Schlitterbahn

April 15, 2015

Project Area 2A Description:

All of Lots 1, 3, 4-A, 4-B & 7, along with part of Tracts A & B and Lots 5, & 6, Legends Auto Plaza, a subdivision in Kansas City, Wyandotte County, Kansas, being more particularly described as follows:

Tract 1:

All of Lots 1, 4-A & 4-B of said Legends Auto Plaza.

AND ALSO:

Tract 2:

BEGINNING at the Northeast corner of said Lot 3, said point also being the point of intersection of the South Right-of-Way line of Parallel Parkway and the West Right-of-Way line of N. 98th Street, as established with said Legends Auto Plaza; thence Southerly, along the East line of Lot 3, Tract B, and Lot 6, and along the West Right-of-Way line of said N. 98th Street, and along a curve to the left, whose initial tangent bearing of South 02 degrees 13 minutes 58 seconds East, having a radius of 5,804.58 feet and through a central angle of 05 degrees 58 minutes 07 seconds, an arc length of 604.68 feet; thence South 81 degrees 30 minutes 09 seconds West, departing the East line of said Lot 6 and the West Right-of-Way line of said N. 98th Street, a distance of 0.08 feet, to a point of curvature; thence Westerly, along a curve to the right, having a radius of 220.00 feet and through a central angle of 17 degrees 18 minutes 38 seconds, an arc length of 66.47 feet, to a point of tangency; thence North 81 degrees 11 minutes 14 seconds West, a distance of 138.78 feet, to a point of curvature; thence Westerly, along a curve to the left, having a radius of 280.00 feet and through a central angle of 17 degrees 48 minutes 27 seconds, an arc length of 87.02 feet, to a point on the Southerly prolongation of the West line of said Lot 3; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 3 and its Southerly prolongation, a distance of 576.20 feet, to the Northwest corner of said Lot 3, said point also being on the South Right-of-Way line of said Parallel Parkway; thence North 89 degrees 14 minutes 17 seconds East, along the North line of said Lot 3 and along the South Right-of-Way line of said Parallel Parkway, a distance of 175.43 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the North line of said Lot 3 and the South Right-of-Way line of said Parallel Parkway, a distance of 59.91 feet, to the POINT OF BEGINNING.

AND ALSO:

Tract 3:

BEGINNING at the Southwest corner of said Lot 5, said point also being on the Easterly line of said Tract B; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 5 and along the Easterly line of said Tract B, a distance of 559.99 feet, to a point of

curvature; thence Northerly, Northeasterly and Easterly, continuing along the West line and along the North line of said Lot 5, and continuing along the Easterly line and along the Southerly line of said Tract B, and along a curve to the right, having a radius of 15.00 feet and through a central angle of 90 degrees 01 minutes 50 seconds, an arc length of 23.57 feet, to a point of tangency; thence South 89 degrees 59 minutes 00 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, a distance of 79.87 feet, to a point of curvature; thence Easterly and Northeasterly, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, and along a curve to the left, having a radius of 330.00 feet and through a central angle of 23 degrees 15 minutes 39 second, an arc length of 133.97 feet, to a point of tangency; thence North 66 degrees 45 minutes 21 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, and their Easterly prolongation, a distance of 256.87 feet, to a point of curvature; thence Northeasterly, Easterly and Southeasterly, along a curve to the right, having a radius of 185.00 feet and through a central angle of 38 degrees 46 minutes 48 seconds, an arc length of 125.22 feet, to a point of reverse curvature; thence Southeasterly and Easterly, along a curve to the left, having a radius of 515.00 and through a central angle of 06 degrees 50 minutes 11 seconds, an arc length of 61.45 feet, to a point of tangency; thence South 81 degrees 18 minutes 03 seconds East, a distance of 74.97 feet, to a point of curvature; thence Easterly, along a curve to the left, having a radius of 290.00 feet and through a central angle of 17 degrees 11 minutes 48 seconds, an arc length of 87.04 feet, to a point of tangency; thence North 81 degrees 30 minutes 09 seconds East, a distance of 0.14 feet, to a point on the East line of said Lot 6, said point also being on the West Right-of-Way line of said N. 98th Street, said point also being on a non-tangent curve; thence Southerly and Southeasterly, along the East line of Lots 6 and 7 and the Easterly line of said Tract B, and along a curve to the left, whose initial tangent bearing is South 08 degrees 53 minutes 33 seconds East, having a radius of 5,804.58 feet and through a central angle of 04 degrees 46 minutes 23 seconds, an arc length of 483.54 feet, to the Northeasterly corner of said Tract A; thence South 76 degrees 23 minutes 16 seconds West, departing the West Right-of-Way line of said N. 98th Street, a distance of 60.00 feet; thence North 82 degrees 31 minutes 36 seconds West, a distance of 330.64 feet; thence South 89 degrees 59 minutes 10 seconds West, a distance of 184.56 feet; thence South 00 degrees 01 minutes 03 seconds West, a distance of 241.90 feet, to a point on the South line of said Lot 5, said point also being on the North line of Lot 9 of said Legends Auto Plaza; thence North 89 degrees 58 minutes 57 seconds West, along the South line of said Lot 5 and along the North line of said Lot 9 a distance of 328.41 feet, to the POINT OF BEGINNING.



PROJECT AREA 2B

File No. 014-0347
Schlitterbahn
April 15, 2015

Project Area 2B Description:

Part of Tract A, Lot Line Adjustment Survey, Lots 1 & 2, Schlitterbahn Vacation Village; All of Tract B, and all of that part of France Family Drive, State Avenue and N. 98th Street Right-of-Ways as established within Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas; All of Legends Auto Plaza, a subdivision in Kansas City, Wyandotte County, Kansas; along with a portion of unplatted land, lying in Section 1, Township 11 South, Range 23 East, and Section 12, Township 11 South, Range 23 East, all being more particularly described as follows:

BEGINNING at the Northeast corner of the Southwest Quarter of said Section 1, Township 11 South, Range 23 East; thence South 02 degrees 20 minutes 41 seconds East, along the East line of said Southwest Quarter, a distance of 49.99 feet, to a point on the South Right-of-Way line of France Family Drive, as now established; thence South 87 degrees 20 minutes 51 seconds West, along the South Right-of-Way line of said France Family Drive, a distance of 281.92 feet, to a point on a non-tangent curve; thence Southwesterly, departing the South Right-of-Way line of said France Family Drive, and along the Northeasterly prolongation of the Northerly line of Tract B of said Lot Line Adjustment Survey, and along a curve to the right, whose initial tangent bearing is South 44 degrees 08 minutes 09 seconds West, having a radius of 650.00 feet, and a central angle of 28 degrees 36 minutes 27 seconds, an arc length of 324.54 feet, to a point of tangency; thence South 72 degrees 44 minutes 36 seconds West, continuing along the Northerly line of said Tract B, a distance of 346.32 feet, to a point of curvature; thence Southwesterly, Southerly and Southeasterly, continuing along the Northerly line and along the Westerly line of said Tract B, and along a curve to the left, having a radius of 500.00 feet and a central angle of 92 degrees 50 minutes 42 seconds, an arc length of 810.22 feet, to a point on the Northeasterly Right-of-Way line of N. 98th Street, as now established, said point also being on the Westerly line of said Tract B, said point also being a point of tangency; thence South 20 degrees 06 minutes 06 seconds East, along the Northeasterly Right-of-Way line of said N. 98th Street and along the Westerly line of said Tract B, and along the Westerly Line of Tract A of said Lot Line Adjustment Survey, a distance of 253.32 feet, to a point of curvature; thence Southeasterly, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Westerly line of Tract A, of said Lot Line Adjustment Survey, and along a curve to the left, having a radius of 725.00 feet and a central angle of 27 degrees 18 minutes 33 seconds, an arc length of 345.56 feet, to a point of tangency; thence South 47 degrees 24 minutes 39 seconds East, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Westerly and Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 624.55 feet, to a point of curvature; thence Southeasterly, Easterly and Northeasterly, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Southerly line of Tract A, of said Lot Line Adjustment Survey, and along a curve to the left, having a radius of 675.00 feet and a central angle of 76 degrees 58 minutes 27 seconds, an arc length of 906.83 feet, to a point of reverse curvature; thence Northeasterly, Easterly, Southeasterly and Southerly,

Southerly line of Tract A, of said Lot Line Adjustment Survey, and along a curve to the right, having a radius of 575.00 feet and a central angle of 122 degrees 03 minutes 50 seconds, an arc length of 1,224.99 feet, to a point of tangency; thence South 02 degrees 19 minutes 17 seconds East, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 65.73 feet, to the point of intersection of the Northeasterly Right-of-Way line of said N. 98th Street and the North Right-of-Way line of State Avenue, as now established; thence North 87 degrees 42 minutes 57 seconds East, continuing along the Southerly line of Tract A, of said Lot Line Adjustment Survey, and along the North Right-of-Way line of said State Avenue, a distance of 61.74 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, lying on the West side of an unplatted piece of land; thence Southerly, departing the Southerly line of Tract A, of said Lot Line Adjustment Survey, and continuing along the North Right-of-Way line of said State Avenue; thence Easterly, continuing along the North Right-of-Way line of said State Avenue, to the point of intersection of the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, lying on the East side of an unplatted piece of land; thence South 64 degrees 52 minutes 17 seconds East, continuing along the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 13.73 feet; thence North 87 degrees 42 minutes 57 seconds East, continuing along the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 881.99 feet; thence North 53 degrees 02 minutes 04 seconds East, continuing along the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 61.51 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the West Right-of-Way line of N. 94th Street, as now established; thence Southerly, departing the North Right-of-Way line of said State Avenue, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the South Right-of-Way line of said State Avenue; thence Westerly, along the South Right-of-Way line of said State Avenue to the point of intersection of the South Right-of-Way line of said State Avenue and the Easterly Right-of-Way line of Interstate Highway No. 435, as now established; thence Northerly, departing the South Right-of-Way line of said State Avenue and along the Easterly Right-of-Way line of said Interstate Highway No. 435 to the point of intersection of the Easterly Right-of-Way line of said Interstate Highway No. 435 and the North Right-of-Way line of said State Avenue, said point also being the Southwesterly corner of Tract A of said Schlitterbahn Vacation Village; thence South 86 degrees 36 minutes 43 seconds East, along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 246.20 feet; thence South 77 degrees 39 minutes 21 seconds East, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 92.23 feet; thence North 87 degrees 42 minutes 57 seconds East, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, and along the South line of Lot 3 of said Schlitterbahn Vacation Village, a distance of 925.88 feet to a point of curvature, said point also being the point of intersection of the North Right-of-Way line of said State Avenue and the Southwesterly Right-of-Way line of said N. 98th Street; thence Northeasterly, Northerly and Northwesterly, departing the North Right-of-Way line of said State Avenue, and along the Southwesterly Right-of-Way line of said N. 98th Street, and along the Easterly and Northeasterly line of said Lot 3, and along a curve to the left, having a radius of 182.00 feet and a central angle of 118 degrees 41 minutes 03 seconds, an arc length of 377.00

feet, to a point of compound curvature; thence Northwesterly, Westerly and Southwesterly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and along the Easterly and Northerly line of said Lot 3, and along a curve to the left, having a radius of 425.00 feet and a central angle of 93 degrees 25 minutes 01 seconds, an arc length of 692.93 feet, to a point of reverse curvature; thence Southwesterly, Westerly and Northwesterly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Lot 3 and along the Northerly line of said Tract A, and along a curve to the right, having a radius of 825.00 feet and a central angle of 76 degrees 58 minutes 28 seconds, an arc length of 1,108.35 feet, to a point of tangency; thence North 47 degrees 24 minutes 39 seconds West, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Tract A, a distance of 29.19 feet, to the Southeast corner of Tract B of said Schlitterbahn Vacation Village; thence South 42 degrees 35 minutes 21 seconds West, departing the Southwesterly Right-of-Way line of said N. 98th Street, along the Southeasterly line of said Tract B, and continuing along the Northerly line of said Tract A, a distance of 25.00 feet, to a point on the Easterly Right-of-Way line of said Interstate Highway No. 435, said point also being on the Westerly line of said Tract B; thence North 47 degrees 24 minutes 39 seconds West, along the Easterly Right-of-Way line of said Interstate Highway No. 435 and the Westerly line of said Tract B, a distance of 814.00 feet; thence North 20 degrees 07 minutes 39 seconds West, continuing along the Easterly Right-of-Way line of said Interstate Highway No. 435 and the Westerly line of said Tract B, a distance of 1,498.22 feet to a point on the South line of the Northwest Quarter of said Section 1, said point also being the Southwest corner of said Legends Auto Plaza; thence North 15 degrees 56 minutes 18 seconds West, continuing along the Easterly Right-of-Way line of said Interstate Highway No. 435 and along the West line of said Legends Auto Plaza, a distance of 938.56 feet; thence North 13 degrees 58 minutes 29 seconds East, continuing along the Easterly Right-of-Way line of said Interstate Highway No. 435, and along the West line of said Legends Auto Plaza, a distance of 568.70 feet; thence North 74 degrees 54 minutes 27 seconds West, departing the Easterly Right-of-Way line of said Interstate Highway No. 435 and the West line of said Legends Auto Plaza, a distance of 130.08 feet; thence North 01 degrees 35 minutes 51 seconds West, a distance of 255.72 feet to the Westerly prolongation of the South Right-of-Way line of Parallel Parkway, as now established; thence North 88 degrees 01 minutes 07 seconds East, along the Westerly prolongation of the South Right-of-Way line of said Parallel Parkway, a distance of 370.61 feet, to the point of intersection of the Easterly Right-of-Way line of said Interstate Highway No. 435 and the South Right-of-Way line of said Parallel Parkway, said point also being the Northwest corner of said Legends Auto Plaza; thence North 88 degrees 01 minutes 07 seconds East, along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 150.00 feet; thence South 01 degrees 58 minutes 53 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 10.00 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 140.02 feet; thence North 54 degrees 20 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and along the North line of said Legends Auto Plaza, and their Northeasterly prolongation, a distance of 72.12 feet; thence North 88 degrees 01 minutes 07 seconds East, a distance of 61.99 feet; thence South 02 degrees 22 minutes 58 seconds East, a distance of 10.00 feet, to a point on the Westerly prolongation of the South Right-of-Way line of said Parallel Parkway and of the North line of said Legends Auto

Plaza; thence North 88 degrees 01 minutes 07 seconds East, along said Westerly prolongation and along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 451.28 feet; thence North 89 degrees 11 minutes 40 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and along the North line of said Legends Auto Plaza, a distance of 243.64 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 84.91 feet; thence North 82 degrees 59 minutes 09 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 170.99 feet, to a point on the North line of Tract A of said Lot Line Adjustment Survey; thence North 88 degrees 01 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and along the North line of Tract A of said Lot Line Adjustment Survey, a distance of 173.97 feet; thence North 88 degrees 00 minutes 23 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of Tract A of said Lot Line Adjustment Survey, a distance of 183.19 feet; thence South 00 degrees 55 minutes 56 seconds East, departing the South Right-of-Way line of said State Avenue and the North line of Tract A of said Lot Line Adjustment Survey, a distance of 582.69 feet; thence South 89 degrees 01 minutes 58 seconds West, a distance of 148.05 feet; thence North 29 degrees 19 minutes 48 seconds West, a distance of 62.94 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 190.36 feet, to a point on a non-tangent curve; thence Southerly, along a curve to the left, whose initial tangent bearing is South 07 degrees 20 minutes 18 seconds East, having a radius of 5,654.58 feet, and a central angle of 06 degrees 19 minutes 32 seconds, an arc length of 624.28 feet, to a point on a non-tangent line; thence North 89 degrees 03 minutes 39 seconds East, a distance of 264.66 feet; thence South 01 degrees 01 minutes 01 seconds East, a distance of 295.50 feet; thence South 89 degrees 01 minutes 58 seconds West, a distance of 195.18 feet, to a point on a non-tangent curve; thence Southerly, along a curve to the right, whose initial tangent bearing is South 13 degrees 19 minutes 19 seconds East, having a radius of 5,804.58 feet and a central angle of 02 degrees 43 minutes 40 seconds, an arc length of 276.34 feet, to a point on a non-tangent line, said point also being on the East line of the Northwest Quarter of said Section 1; thence South 02 degrees 19 minutes 21 seconds East, along the East line of said Northwest Quarter, a distance of 57.88 feet, to the POINT OF BEGINNING.

EXCEPTING therefrom, all of the following described tracts;

All of Lots 1, 3, 4-A, 4-B & 7, along with part of Tracts A & B and Lots 5, & 6, Legends Auto Plaza, a subdivision in Kansas City, Wyandotte County, Kansas, being more particularly described as follows:

Tract 1:

All of Lots 1, 4-A & 4-B of said Legends Auto Plaza.

AND ALSO:

Tract 2:

BEGINNING at the Northeast corner of said Lot 3, said point also being the point of intersection of the South Right-of-Way line of Parallel Parkway and the West Right-of-Way line of N. 98th

Street, as established with said Legends Auto Plaza; thence Southerly, along the East line of Lot 3, Tract B, and Lot 6, and along the West Right-of-Way line of said N. 98th Street, and along a curve to the left, whose initial tangent bearing of South 02 degrees 13 minutes 58 seconds East, having a radius of 5,804.58 feet and through a central angle of 05 degrees 58 minutes 07 seconds, an arc length of 604.68 feet; thence South 81 degrees 30 minutes 09 seconds West, departing the East line of said Lot 6 and the West Right-of-Way line of said N. 98th Street, a distance of 0.08 feet, to a point of curvature; thence Westerly, along a curve to the right, having a radius of 220.00 feet and through a central angle of 17 degrees 18 minutes 38 seconds, an arc length of 66.47 feet, to a point of tangency; thence North 81 degrees 11 minutes 14 seconds West, a distance of 138.78 feet, to a point of curvature; thence Westerly, along a curve to the left, having a radius of 280.00 feet and through a central angle of 17 degrees 48 minutes 27 seconds, an arc length of 87.02 feet, to a point on the Southerly prolongation of the West line of said Lot 3; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 3 and its Southerly prolongation, a distance of 576.20 feet, to the Northwest corner of said Lot 3, said point also being on the South Right-of-Way line of said Parallel Parkway; thence North 89 degrees 14 minutes 17 seconds East, along the North line of said Lot 3 and along the South Right-of-Way line of said Parallel Parkway, a distance of 175.43 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the North line of said Lot 3 and the South Right-of-Way line of said Parallel Parkway, a distance of 59.91 feet, to the POINT OF BEGINNING.

AND ALSO:

Tract 3:

BEGINNING at the Southwest corner of said Lot 5, said point also being on the Easterly line of said Tract B; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 5 and along the Easterly line of said Tract B, a distance of 559.99 feet, to a point of curvature; thence Northerly, Northeasterly and Easterly, continuing along the West line and along the North line of said Lot 5, and continuing along the Easterly line and along the Southerly line of said Tract B, and along a curve to the right, having a radius of 15.00 feet and through a central angle of 90 degrees 01 minutes 50 seconds, an arc length of 23.57 feet, to a point of tangency; thence South 89 degrees 59 minutes 00 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, a distance of 79.87 feet, to a point of curvature; thence Easterly and Northeasterly, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, and along a curve to the left, having a radius of 330.00 feet and through a central angle of 23 degrees 15 minutes 39 second, an arc length of 133.97 feet, to a point of tangency; thence North 66 degrees 45 minutes 21 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, and their Easterly prolongation, a distance of 256.87 feet, to a point of curvature; thence Northeasterly, Easterly and Southeasterly, along a curve to the right, having a radius of 185.00 feet and through a central angle of 38 degrees 46 minutes 48 seconds, an arc length of 125.22 feet, to a point of reverse curvature; thence Southeasterly and Easterly, along a curve to the left, having a radius of 515.00 and through a central angle of 06 degrees 50 minutes 11 seconds, an arc length of 61.45 feet, to a point of tangency; thence South 81 degrees 18 minutes 03 seconds East, a distance of 74.97 feet, to a point of curvature; thence Easterly, along a curve to the left, having a radius of 290.00 feet and through a central angle of 17 degrees 11 minutes 48 seconds, an arc length of 87.04 feet, to a point of tangency; thence North 81 degrees 30 minutes 09 seconds East, a distance of 0.14 feet,

to a point on the East line of said Lot 6, said point also being on the West Right-of-Way line of said N. 98th Street, said point also being on a non-tangent curve; thence Southerly and Southeasterly, along the East line of Lots 6 and 7 and the Easterly line of said Tract B, and along a curve to the left, whose initial tangent bearing is South 08 degrees 53 minutes 33 seconds East, having a radius of 5,804.58 feet and through a central angle of 04 degrees 46 minutes 23 seconds, an arc length of 483.54 feet, to the Northeasterly corner of said Tract A; thence South 76 degrees 23 minutes 16 seconds West, departing the West Right-of-Way line of said N. 98th Street, a distance of 60.00 feet; thence North 82 degrees 31 minutes 36 seconds West, a distance of 330.64 feet; thence South 89 degrees 59 minutes 10 seconds West, a distance of 184.56 feet; thence South 00 degrees 01 minutes 03 seconds West, a distance of 241.90 feet, to a point on the South line of said Lot 5, said point also being on the North line of Lot 9 of said Legends Auto Plaza; thence North 89 degrees 58 minutes 57 seconds West, along the South line of said Lot 5 and along the North line of said Lot 9 a distance of 328.41 feet, to the POINT OF BEGINNING.



PROJECT AREA 3

File No. 014-0347
Schlitterbahn
July 7, 2014

Project Area 3 Description:

Part of Lots 1 and 2, and all of Lot 3 and Tract A, Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas; being in Section 1, Township 11 South, Range 23 East, being more particularly described as follows:

COMMENCING at the Northeast corner of the Southwest Quarter of said Section 1, Township 11 South, Range 23 East; thence South 02 degrees 20 minutes 41 seconds East, along the East line of said Southwest Quarter, a distance of 49.99 feet, to the POINT OF BEGINNING; thence South 02 degrees 20 minutes 41 seconds East, continuing along the East line of said Southwest Quarter, a distance of 1,052.15 feet; thence South 78 degrees 38 minutes 12 seconds East, departing the East line of said Southwest Quarter, a distance of 570.99 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 681.26 feet, to a point on a non-tangent curve, said point also being on the Southerly line of said Lot 1, said point also being on the Northeasterly Right-of-Way line of N. 98th Street, as now established; thence Southwesterly, along the Southerly line of said Lot 1 and the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the left, whose initial tangent bearing is South 81 degrees 01 minutes 18 seconds West, having a radius of 575.00 feet, and a central angle of 25 degrees 24 minutes 25 seconds, an arc length of 254.98 feet, to a point of reverse curvature; thence Southwesterly, Westerly and Northwesterly, continuing along the Southerly line of said Lot 1 and the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the right, having a radius of 675.00 feet and a central angle of 76 degrees 58 minutes 27 seconds, an arc length of 906.83 feet, to a point of tangency, said point hereinafter referred to as Point "A"; thence North 47 degrees 24 minutes 39 seconds West, continuing along the Southerly line of said Lot 1 and the Northeasterly Right-of-Way line of said N. 98th Street, and along the Southwesterly line of said Lot 2, a distance of 624.55 feet, to a point of curvature; thence Northwesterly, continuing along the Southwesterly line of said Lot 2 and the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the right, having a radius of 725.00 feet and a central angle of 27 degrees 18 minutes 33 seconds, an arc length of 345.56 feet, to a point of tangency; thence North 20 degrees 06 minutes 06 seconds West, continuing along the Southwesterly line of said Lot 2 and the Northeasterly Right-of-Way line of said N. 98th Street, a distance of 253.32 feet, to a point of curvature; thence Northwesterly, Northerly and Northeasterly, departing the Southwesterly line of said Lot 2 and the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the right, having a radius of 500.00 feet and a central angle of 92 degrees 50 minutes 42 seconds, an arc length of 810.22 feet, to a point of tangency; thence North 72 degrees 44 minutes 36 seconds East, a distance of 346.32 feet, to a point of curvature; thence Northeasterly, along a curve to the left, having a radius of 650.00 feet and a central angle of 28 degrees 36 minutes 27 seconds, an arc length of 324.54 feet, to a point on the South Right-of-Way line of France Family Drive, as now established; thence North 87 degrees 20 minutes 51 seconds East, along the South Right-of-Way line of said France Family Drive, and its Easterly prolongation, a distance of 281.92 feet, to the POINT OF BEGINNING.

AND ALSO:

COMMENCING at the aforementioned Point "A"; thence South 53 degrees 36 minutes 09 seconds West, a distance of 152.81 feet, to a point on the Southwesterly Right-of-Way line of said N. 98th Street, said point also being on the Northerly line of said Tract A, said point also being the POINT OF BEGINNING; thence South 47 degrees 24 minutes 39 seconds East, along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Tract A, a distance of 29.19 feet to a point of curvature;

thence Southeasterly, Easterly and Northeasterly, along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Tract A and the Northerly line of said Lot 3, and along a curve to the left, having a radius of 825.00 feet and a central angle of 76 degrees 58 minutes 28 seconds, an arc length of 1,108.35 feet, to a point of reverse curvature; thence Northeasterly, Easterly and Southeasterly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly and Northeasterly line of said Lot 3, and along a curve to the right, having a radius of 425.00 feet and a central angle of 93 degrees 25 minutes 01 seconds, an arc length of 692.93 feet, to a point of compound curvature; thence Southeasterly, Southerly Southwesterly, and Westerly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Easterly line of said Lot 3, and along a curve to the right, having a radius of 182.00 feet and a central angle of 118 degrees 41 minutes 03 seconds, an arc length of 377.00 feet, to a point of tangency, said point also being the point of intersection of the Southwesterly Right-of-Way line of said N. 98th Street and the North Right-of-Way line of State Avenue, as now established; thence South 87 degrees 42 minutes 57 seconds West, along the North Right-of-Way line of said State Avenue and the South line of said Lot 3 and Tract A, a distance of 925.88 feet; thence North 77 degrees 39 minutes 21 seconds West, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 92.23 feet; thence North 86 degrees 36 minutes 43 seconds West, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 246.20 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the Easterly Right-of-Way line of Interstate Highway No. 435; thence North 27 degrees 56 minutes 39 seconds West, departing the North Right-of-Way line of said State Avenue, and along the Easterly Right-of-Way line of said Interstate Highway No. 435 and the Westerly line of said Tract A, a distance of 549.00 feet; thence North 42 degrees 35 minutes 21 seconds East, departing the Easterly Right-of-Way line of said Interstate Highway No. 435, and along the Westerly line of said Tract A, a distance of 25.00 feet, to the POINT OF BEGINNING.

PROJECT AREA 4

File No. 014-0347
Schlitterbahn
July 8, 2014

Project Area 4 Description:

Part of platted and unplatted land in Section 01, Township 11 South, Range 23 East, Section 02, Township 11 South, Range 23 East, Section 11, Township 11 South, Range 23 East, Section 12, Township 11 South, Range 23 East, Section 35, Township 10 South, Range 23 East, Section 36, Township 10 South, Range 23 East, Section 6, Township 11 South, Range 24 East, and Section 7, Township 11 South, Range 24 East, all being in Kansas City, Wyandotte County, Kansas and being more particularly described as follows:

COMMENCING at the Northwest corner of the Northeast Quarter of said Section 1, Township 11 South, Range 23 East; thence South 01 degrees 58 minutes 52 seconds East, a distance of 50.00 feet, to a point on the South Right-of-Way line of Parallel Parkway, as now established, said point also being on the North line of Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas, said point also being the POINT OF BEGINNING; thence South 88 degrees 01 minutes 07 seconds West, along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 173.97 feet; thence South 82 degrees 59 minutes 09 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 170.99 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 84.91 feet; thence South 89 degrees 14 minutes 18 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 234.91 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, and along the North line of Laffoons Lakeview, a subdivision in Kansas City, Wyandotte County, Kansas, a distance of 460.02 feet; thence North 02 degrees 22 minutes 58 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 10.00 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 42.17 feet; thence South 54 degrees 19 minutes 23 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 72.10 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 325.52 feet, to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the East Right-of-Way line of Interstate Highway No. 435, as now established; thence Westerly to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the West Right-of-Way line of said Interstate Highway No. 435; thence Southeasterly, along the West Right-of-Way line of said Interstate Highway No. 435, to the point of intersection of the West Right-of-Way line of said Interstate Highway No. 435 and the Northerly Right-of-Way line of State Avenue, as now established; thence Southerly, continuing along the West Right-of-Way line of said Interstate Highway No. 435, to the point of intersection of the West Right-of-Way line of said Interstate Highway No. 435 and the South Right-of-Way line of said State Avenue; thence Westerly, along the South Right-of-Way line of said State Avenue, to the point of intersection of the South Right-of-Way line of said State Avenue and the Easterly Right-of-Way line of Village West Parkway, as now established; thence Northwesterly to the point of intersection of the Southwesterly Right-of-Way line of said State Avenue and the Westerly Right-of-Way line of said Village West Parkway; thence Northeasterly to the point of intersection of the Northeasterly Right-of-Way line of said State Avenue and the Westerly Right-of-Way line of said Village West Parkway; thence Northwesterly then Westerly, along the Northeasterly and Northerly Right-of-Way line of said State Avenue, to the point of intersection of the Northerly Right-of-

Way line of said State Avenue and the East Right-of-Way line of 110th Street, as now established; thence Northerly, along the East Right-of-Way line of said 110th Street, to the point of intersection of the East Right-of-Way line of said 110th Street and the South Right-of-Way line of said Parallel Parkway; thence Easterly, along the South Right-of-Way line of said Parallel Parkway, to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the Southerly prolongation of the East line of Parallel Heights, a subdivision in Kansas City, Wyandotte County, Kansas; thence Northerly, along said Southerly prolongation and along the East line of said Parallel Heights, to the point of intersection of the North Right-of-Way line of said Parallel Parkway and the West Right-of-Way line of said Interstate Highway No. 435; thence Easterly, to the point of intersection of the North Right-of-Way line of said Parallel Parkway and the East Right-of-Way line of said Interstate Highway No. 435; thence Easterly, along the North Right-of-Way line of said Parallel Parkway, to the point of intersection of the North Right-of-Way line of said Parallel Parkway and the Northerly prolongation of the East Right-of-Way line of N. 94th Street, as now established; thence Southerly, along said Northerly prolongation and along the East Right-of-Way line of said N. 94th Street, to the point of intersection of the East Right-of-Way line of said N. 94th Street and the North line of the Southwest Quarter of said Section 6, Township 11 South, Range 24 East; thence Easterly, along the North line of said Southwest Quarter to the point of intersection of the North line of said Southwest Quarter and the West Right-of-Way line of N. 90th Street, as now established; thence Southerly, along the West Right-of-Way line of said N. 90th Street, to the Northeast corner of Parcel No. 938501; thence Westerly, along the North line of said Parcel No. 938501, to the Northwest corner thereof; thence Southerly, along the West line of Parcel Nos. 938501 thru 938508, to the Southwest corner of said Parcel No. 938508, said point also being on the North Right-of-Way line of said State Avenue; thence Easterly, along the North Right-of-Way line of said State Avenue, to the point of intersection of the North Right-of-Way line of said State Avenue and the West Right-of-Way line of said N. 90th Street; thence Easterly to the point of intersection of the North Right-of-Way line of said State Avenue and the East Right-of-Way line of said N. 90th Street; thence Southerly, to the point of intersection of the East Right-of-Way line of said N. 90th Street and the South Right-of-Way line of said State Avenue; thence Westerly, along the South Right-of-Way line of said State Avenue, to the point of intersection of the Westerly prolongation of the South Right-of-Way line of said State Avenue and the West Right-of-Way line of said N. 94th Street; thence Northerly, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the South Right-of-Way line of said State Avenue; thence Northerly, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the North Right-of-Way line of said State Avenue, said point also being on the East line of said Schlitterbahn Vacation Village; thence North 02 degrees 14 minutes 32 seconds West, along the West Right-of-Way line of said N. 94th Street and the East line of said Schlitterbahn Vacation Village, a distance of 645.04 feet; thence North 87 degrees 45 minutes 28 seconds East, continuing along the West Right-of-Way line of said N. 94th Street and the East line of said Schlitterbahn Vacation Village, a distance of 15.00 feet; thence North 02 degrees 14 minutes 32 seconds West, continuing along the West Right-of-Way line of said N. 94th Street and the East line of said Schlitterbahn Vacation Village, a distance of 910.24 feet, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street at the Southeast corner of an unplatted tract of land; thence Northerly, departing the East line of said Schlitterbahn Vacation Village, and continuing along the West Right-of-Way line of said N. 94th Street, and along the East line of an unplatted tract of land and along the East line of Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street; thence North 02 degrees 11 minutes 59 seconds West, along the East line of said Schlitterbahn Vacation Village and continuing along the West Right-of-Way line of said N. 94th Street, a distance of 50.00 feet, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street; thence Northerly, departing the East line of said Schlitterbahn Vacation Village, and continuing along the West Right-of-Way line of said N. 94th Street, and along the East line of Replat of Lots 5 to 37, Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, and along the East line of unplatted tracts of land, to the point of intersection of the West Right-

of-Way line of said N. 94th Street and the South Right-of-Way line of said Parallel Parkway; thence Westerly, along the South Right-of-Way line of said Parallel Parkway, to the point of intersection of South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village at the Northwest corner of an unplatted tract of land; thence South 02 degrees 11 minutes 59 seconds East, departing the South Right-of-Way line of said Parallel Parkway, and along the East line of said Schlitterbahn Vacation Village, a distance of 245.05 feet; thence South 62 degrees 48 minutes 12 seconds West, departing the East line of said Schlitterbahn Vacation Village, a distance of 301.92 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 181.85 feet; thence South 34 degrees 59 minutes 43 seconds West, a distance of 207.82 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 492.40 feet; thence South 75 degrees 42 minutes 31 seconds West, a distance of 930.96 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 770.80 feet; thence North 01 degrees 01 minutes 01 seconds West, a distance of 258.55 feet; thence South 89 degrees 03 minutes 39 seconds West 264.66 feet, to a point on a non-tangent curve; thence Northerly, along a curve to the right, whose initial tangent bearing is North 13 degrees 39 minutes 50 seconds West, having a radius of 5,654.58 feet and a central angle of 06 degrees 19 minutes 32 seconds, an arc length of 624.28 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 190.36 feet; thence South 29 degrees 19 minutes 48 seconds East, a distance of 62.94 feet; thence North 89 degrees 01 minutes 58 seconds East, a distance of 148.05 feet; thence North 00 degrees 55 minutes 56 seconds West, a distance of 582.69 feet, to a point on the North line of said Schlitterbahn Vacation Village, said point also being on the South Right-of-Way line of said Parallel Parkway; thence South 88 degrees 00 minutes 23 seconds West, along the North line of said Schlitterbahn Vacation Village and the South Right-of-Way line of said Parallel Parkway, a distance of 183.19 feet, to the POINT OF BEGINNING.

EXCEPTING therefrom Lots 1 thru 16, Lots 23 thru 34 and Lot 107, San Marcos Village Addition, a subdivision in Kansas City, Wyandotte County, Kansas, AND ALSO EXCEPTING Parcel Nos. 938509 and 938510.

PROJECT AREA 5

File No. 014-0347
Schlitterbahn
July 8, 2014

Project Area 5 Description:

Part of Lot 1, Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas, along with a portion of unplatted land, all being in Section 1, Township 11 South, Range 23 East, being more particularly described as follows:

BEGINNING at the Southwest corner of the Northeast Quarter of said Section 1, Township 11 South, Range 23 East; thence North 02 degrees 19 minutes 21 seconds West, along the West line of said Northeast Quarter, a distance of 57.88 feet; thence North 11 degrees 57 minutes 29 seconds West, departing the West line of said Northeast Quarter, a distance of 276.31 feet; thence North 89 degrees 01 minutes 58 seconds East, a distance of 195.18 feet; thence North 01 degrees 01 minutes 01 seconds West, a distance of 36.96 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 770.80 feet; thence North 75 degrees 42 minutes 31 seconds East, a distance of 930.96 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 492.40 feet; thence North 34 degrees 59 minutes 43 seconds East, a distance of 207.82 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 181.85 feet; thence North 62 degrees 48 minutes 12 seconds East, a distance of 301.92 feet, to a point on the Easterly line of said Schlitterbahn Vacation Village; thence North 02 degrees 11 minutes 59 seconds West, along the Easterly line of said Schlitterbahn Vacation Village, a distance of 245.05 feet, to the point of intersection of the Easterly line of said Schlitterbahn Vacation Village and the South Right-of-Way line of Parallel Parkway, as now established; thence Easterly, along the South Right-of-Way line of said Parallel Parkway, to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the West Right-of-Way line of N. 94th Street, as now established; thence Southerly, along the West Right-of-Way line of said N. 94th Street and along the East line of an unplatted tract of land and along the East line of Replat of Lots 5 to 37, Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the Easterly line of said Schlitterbahn Vacation Village; thence South 02 degrees 11 minutes 59 seconds East, continuing along the West Right-of-Way line of said N. 94th Street, and along the East line of said Schlitterbahn Vacation Village, a distance of 50.00 feet, to the point of intersection of the Easterly line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street; thence Southerly, departing the East line of said Schlitterbahn Vacation Village, and continuing along the West Right-of-Way line of said N. 94th Street and along the East line of Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, and along an unplatted tract of land, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street, at the Southeast corner of an unplatted tract of land; thence South 87 degrees 45 minutes 28 seconds West, departing the West Right-of-Way line of said N. 94th Street, and along the Easterly line of said Schlitterbahn Vacation Village, a distance of 272.37 feet; thence North 69 degrees 44 minutes 32 seconds West, departing the Easterly line of said Schlitterbahn Vacation Village, a distance of 730.33 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 696.01 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 685.13 feet, to a point on the North line of the Southeast Quarter of said Section 1; thence South 87 degrees 30 minutes 09 seconds West, along the North line of the Southeast Quarter of said Section 1, a distance of 1,003.58 feet, to the POINT OF BEGINNING.

AND

ALL THAT PART OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 11 SOUTH, RANGE 24, IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE SOUTHWEST CORNER OF SECTION SIX (6), TOWNSHIP ELEVEN (11) SOUTH, RANGE TWENTY-FOUR (24), EAST OF THE SIXTH PRINCIPAL MERIDIAN, THENCE NORTH 100 FEET; THENCE EAST 29.7 FEET; THENCE SOUTH 30 FEET FOR A POINT OF BEGINNING; THENCE EAST 250 FEET; THENCE NORTH 190 FEET; THENCE WEST 250 FEET; THENCE SOUTH 190 FEET TO THE POINT OF BEGINNING, EXCEPT ANY PART USED OR DEDICATED FOR STREETS, ROADS OR PUBLIC RIGHTS OF WAY.

AND

Beginning at the Southwest corner of Section 6, Township 11 South, Range 24 East of the Sixth Principal Meridian, Wyandotte County, Kansas; thence North 100 feet, thence East 29.7 feet, thence South 30 feet for a point of beginning; thence East 417.42 feet, thence North 417.42 feet, thence West 417.42 feet, thence South 417.42 feet to the point of beginning, less that part taken or used for road purposes;

LESS AND EXCEPT the following described tract of land:

Starting at the Southwest corner of Section 6, Township 11 South, Range 24 East of the Sixth Principal Meridian, thence North 100 feet; thence East 29.7 feet; thence South 30 feet for a point of beginning; thence East 250 feet; thence North 190 feet; thence West 250 feet; thence South 190 feet to the point of beginning;

ALSO LESS AND EXCEPT that part conveyed by a Deed for Highway purposes to the State of Kansas filed September 15, 1966, in Book 2037, Page 364, as Document No. 704835.

AND

All that part of Tract 3 as shown on Certificate of Survey recorded as document number 2015-80600, being more particularly described as follows: commencing at the Northwest corner of said Tract 3, thence South 02 degrees 14 minutes 32 seconds West, with the west line of said Tract 3 a distance of 300.00 feet; thence North 88 degrees 10 minutes 44 seconds East, a distance of 410.41 feet to the point of beginning; thence North 68 degrees 55 minutes 13 seconds East, and no longer with the south line of said Tract 3, a distance of 141.31 feet; thence South 24 degrees 48 minutes 40 seconds East, a distance of 155.82 feet; thence South 89 degrees 57 minutes 06 seconds West, a distance of 193.68 feet to a point on the south line of said Tract 3; thence North 02 degrees 14 minutes 32 seconds East, with the south line of said Tract 3, a distance of 407.42 feet to the point of beginning. The above described tract contains 19,777 square feet or 0.45 acres. Also known as Lot 107 San Marcos Village.

AND

All that part of Tract 3 as shown on Certificate of Survey recorded as document number 2015-80600, being more particularly described as follows: beginning at the Northwest corner of said Tract 3, thence North 88 degrees 10 minutes 44 seconds East, with the north line of said Tract 3, a distance of 193.00 feet; thence South 02 degrees 14 minutes 32 seconds East, and no longer with the north line of said Tract 3, a distance of 199.80 feet; thence North 88 degrees 08 minutes 20 seconds East, a distance of 50.00 feet; thence South 02 degrees 14 minutes 32 seconds East, a distance of 200.24 feet to a point on the south line of said Tract 3; thence South 88 degrees 10 minutes 44 seconds West, with the south line of said Tract 3, a distance of 243.00 feet to a point on the west line of said Tract 3; thence North 02 degrees 14 minutes 32 seconds West, with the west line of said Tract 3, and no longer with the south line of said Tract 3, a distance of 300.00 feet to the point of beginning. The above described tract contains 67,909 square feet or 1.55 acres. Also known as Tracts 14, 15 and 16 of San Marcos Village Edition.

AND

A tract of land in the Southeast Quarter of Fractional Section 6, Township 11 South, Range 24 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, being more particularly described as follows:

Beginning at a point on the West line of the Southeast Quarter of said Fractional Section 6, said point being North $0^{\circ} 18' 36''$ East 1320.00 feet from the Southwest corner of the Southeast Quarter of said Fractional Section 6;

Thence North $0^{\circ} 18' 36''$ East 1165.28 feet, along said West line, to a point 169.57 feet South of the Northwest corner of the Southeast Quarter of said Fractional Section 6;

Thence South $89^{\circ} 16' 39''$ East 1312.24 feet, along a line parallel with the North line of the Southeast Quarter of said Fractional Section 6, to a point on the West line of "EVERHART'S ADDITION", a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof and the center line of Walker Avenue as now established;

Thence South $0^{\circ} 22' 24''$ West 179.00 feet, to the Southwest corner of said "EVERHART'S ADDITION";

Thence South $89^{\circ} 37' 36''$ East 672.30 feet, along the South line of said EVERHART'S ADDITION;

Thence South $0^{\circ} 19' 23''$ West 987.08 feet, along a line parallel with the East line of the Southeast Quarter of said Fractional Section 6, to a point 1320.00 feet North of the South line of the Southeast Quarter of said Fractional Section 6;

Thence North $89^{\circ} 22' 23''$ West 1984.11 feet, along a line parallel with the South line of the Southeast Quarter of said Fractional Section 6, to the "point of beginning" of the tract herein described containing a gross area of 2,189,949 square feet or 50.2743 acres, more or less.

Subject to all right-of-ways, easements and restrictions of record.

AND

All of Lot 4, PROVIDENCE MEDICAL CENTER, a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof.

AND

A tract of land In the Southeast Quarter of Fractional Section 6, Township 11 South, Range 24 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, more particularly described as follows:

Beginning at a point on the East line of the Southeast Quarter of said Fractional Section 6, said point being North 0°19'23" East 990.00 feet from the Southeast corner of the Southeast Quarter of said Fractional Section 6; Thence North 89°22'23" West 660.00 feet, along a line parallel with the South line of the Southeast Quarter of said Fractional Section 6; Thence North 0°19'23" East 1317.08 feet, along a line parallel with the East line of the Southeast Quarter of said Fractional Section 6, to a point on the South line of "EVERHART'S ADDITION", a subdivision of land In Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof; Thence South 89°37'36" East 432.00 feet, along the South line of said "EVERHART'S ADDITION" to the Northwest corner of a certain tract of land filed for record In Book 2858 at Page 452 at the Wyandotte County Register of Deeds Office; Thence South 0°22'24" West 230.00 feet, along a line at right angles to the South line of said "EVERHART'S ADDITION", to the Southwest corner of said certain tract of land; Thence South 89°37'36" East 228.19 feet (230.00 feet by deed), along the South line of said certain tract of land being parallel with the South line of said "EVERHART'S ADDITION", to a point on the East line of the Southeast Quarter of said Fractional Section 6; Thence South 0°19'23" West 240.00 feet, along said East line, to the Northeast corner of a certain tract of land filed for record In Book 1941 at Page 469 at the Wyandotte County Register of Deeds Office; Thence North 89°22'23" West 300.00 feet, along a line parallel with the South line of the Southeast Quarter of said Fractional Section 6, to the Northwest corner of said certain tract of land; Thence South 0°19'23" West 175.00 feet, along a line parallel with the East line of the Southeast Quarter of said Fractional Section 6, said line being the West line of said certain tract of land and the West line of a certain tract of land filed for record In Book 1135 at Page 79 at the Wyandotte County Register of Deeds Office, to the Southwest corner of said certain tract of land recorded In Book 1135 at Page 79; Thence South 89°22'23" East 300.00 feet, along the South line of said certain tract of land, said line being parallel with the South line of the Southeast Quarter of said Fractional Section 6, to a point on the East line of the Southeast Quarter of said Fractional Section 6; Thence South 0°19'23" West 15.00 feet, along said East line, to the Northeast corner of a certain tract of land filed for record in Book 1071 at Page 125 at the Wyandotte County Register of Deeds Office; Thence North 89°22'23" West 330.00 feet, along the North line of said certain tract of land being parallel with the South line of the Southeast Quarter of said Fractional Section 6; Thence South 0°19'23" West 132.00 feet, along the West line of said certain tract of land being parallel with the East line of the Southeast Quarter of said Fractional Section 6; Thence South 89°22'23" East 330.00 feet, along the South line of said certain tract of land, to a point on the East line of the Southeast

Quarter of said Fractional Section 6; Thence South $0^{\circ}19'23''$ West 528.00 feet, along said East line, to the point of beginning of the tract herein described.

AND

Beginning at a point 2,310 feet North of the Southeast corner of the Southeast Quarter of Section 6, Township 11, Range 24; thence West 230 feet; thence South 230 feet; thence East 230 feet; thence North 230 feet to the point of beginning, in Kansas City, Wyandotte County, Kansas, less that part taken or used for road purposes.

AND

A tract of land in the East one-half of Fractional Section 6, Township 11 South, Range 24 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas being more particularly described as follows:

Beginning at the Northeast corner of the Northeast Quarter of said Fractional Section 6; thence South $0^{\circ}26'46''$ West 590.65 feet, along the East line of the Northeast Quarter of said Fractional Section 6; Thence North $89^{\circ}33'14''$ West 25.00 feet to a point on the West right-of-way line of 86th Street, as now established, said point also being on a curve concave to the South having a radius of 196.96 feet; thence Westerly 69.85 feet, along said curve to the left having a chord bearing South $80^{\circ}17'08''$ West 69.49 feet; thence South $70^{\circ}07'31''$ West 77.06 feet; thence South $0^{\circ}26'46''$ West 210.03 feet, along a line parallel with the East line of the Northeast Quarter of said Fractional Section 6, to a point on the center line of the abandoned right-of-way of the Kansas City Northwestern Railroad, as now established; thence South $70^{\circ}07'31''$ West 861.44 feet, along said center line, to the beginning of a curve concave to the Southeast having a radius of 1910.08 feet; thence Southwesterly 241.10 feet, along said center line and said curve to the left having a chord bearing South $66^{\circ}30'33''$ West 240.94 feet; thence South $0^{\circ}8'59''$ West 565.63 feet, along a line parallel with the West line of the Northeast Quarter of said Fractional Section 6, to a point on the South line of the Northeast Quarter of said Fractional Section 6; thence North $89^{\circ}16'39''$ West 139.57 feet, along said South line, to the Northerly prolongation of the West line of "Everharts Addition", a subdivision of land according to the record plat thereof; Thence South $0^{\circ}22'24''$ West 169.56 feet, along said Northerly prolongation to the center line of Walker Avenue as platted in said "Everhart's Addition"; Thence South $89^{\circ}16'39''$ West 1312.24 feet, along a line parallel with the North line of the Southeast Quarter of said Fractional Section 6, to a point on the West line of the Southeast Quarter of said Fractional Section 6; Thence North $0^{\circ}18'36''$ East 169.57 feet, along said West line, to the Northwest corner of the Southeast Quarter of said Fractional Section 6; Thence South $89^{\circ}16'39''$ East 1293.27 feet, along the North line of the Southeast Quarter of said Fractional Section 6; Thence North $0^{\circ}19'02''$ East 1802.48 feet to a point on the North line of the Northeast Quarter of said Fractional Section 6, said point being 1293.27 feet East of the Northwest corner of the Northeast Quarter of said Fractional Section 6; Thence South $89^{\circ}30'42''$ East 1355.21 feet, along said North line, to the point of beginning of the tract herein described.

SECOND AMENDED AND RESTATED STAR BOND DISTRICT PLAN
FOR
VILLAGE EAST STAR BOND DISTRICT

May 20, 2021

UG CLERK'S OFFICE
MAY 20 PM3:13

cg

DESCRIPTION OF SECOND AMENDED & RESTATED DISTRICT PLAN

The Kansas STAR Bonds Financing Act, K.S.A. 12-17, 160, *et seq.* (the “**Act**”), authorizes cities to establish STAR Bond project districts to promote the general and economic welfare of the city. Pursuant to the previous act, in October 2005, the Unified Government of Wyandotte County/Kansas City, Kansas (the “**Unified Government**”) determined it advisable to establish and did establish a STAR Bond project district in the City of Kansas City, Kansas known as The Vacation Village STAR Bond Project District.¹ The boundaries of such district (the “**Original District**”), contained approximately 380 acres, bounded on the west by Interstate 435, on the south by State Avenue, on the north by Parallel Parkway and on the east by the east right-of-way line of 94th Street.

In August 2014, the Unified Government expanded the Original District to include additional property, which is now known as the “Village East STAR Bond Project District” (the “**Expanded District**”) and adopted the Amended and Restated District Plan (the “**2014 District Plan**”), which created five (5) project areas within the Expanded District.

In August 2015, the Unified Government approved the First Amendment to Amended and Restated STAR Bond District Plan (the “**2015 District Plan**”), which increased the number of total project areas within the Expanded District from five (5) to six (6) by separating Project Area 2 into Project Areas 2A and 2B.

In conjunction with the approval of this Second Amended and Restated District Plan (the “**2021 District Plan**”), the Unified Government intends to further expand the Expanded District (the “**2021 Expanded District**”). The 2021 Expanded District includes the Expanded District and the following additional land:

- Approximately 54 acres of land, generally located on the east side of 90th Street between Parallel Parkway and State Avenue, which is connected to the land that comprised the Expanded District via the 90th Street right-of-way located between the Expanded District and such approximately 54 acres of land, which is included within the Expanded District; and
- Approximately 6 acres of land, generally located at the northeast corner of 94th Street and State Avenue.

A map depicting the boundaries of the 2021 Expanded District, as well as the boundaries of the proposed project areas within the 2021 Expanded District, is attached hereto as **Exhibit A**, and

¹ The Unified Government’s original creation of the STAR Bond project district was as a “Redevelopment District” under the Kansas Tax Increment Financing Act, K.S.A. 12-1770, *et seq.*, as amended. After creation of the Vacation Village Redevelopment District, the Kansas Legislature moved the relevant statutory provisions to the Kansas STAR Bonds Financing Act, K.S.A. 12-17, 160, *et seq.* (the “Act”), and the terminology for such a district under the Act changed to “STAR Bond project district,” rather than “redevelopment district.”

legal descriptions of the 2021 Expanded District and each of the project areas are attached hereto as ***Exhibit B***, both of which are incorporated herein by reference.

A description of the 2021 District Plan is as follows:

The 2021 Expanded District shall consist of six (6) project areas:

Project Area 1 may be described in a general manner as development of multiple buildings with various potential commercial uses, including without limitation, hotel and/or other lodging accommodations, office facilities, multi-family residential units, an automotive plaza, sports facilities, retail and restaurants, and/or other commercial uses, as well as certain associated streets and other infrastructure.

Project Area 2A may be described in a general manner as development of multiple buildings with various potential commercial uses, including without limitation, hotel and/or other lodging accommodations, office facilities, multi-family residential units, an automotive plaza, sports facilities, retail and restaurants, and/or other commercial uses, as well as certain associated streets and other infrastructure.

Project Area 2B may be described in a general manner as development of multiple buildings with various potential commercial uses, including without limitation, hotel and/or other lodging accommodations, office facilities, multi-family residential units, an automotive plaza, sports facilities, retail and restaurants, and/or other commercial uses, as well as certain associated streets and other infrastructure.

Project Area 3 may be described in a general manner as development of multiple buildings with various potential commercial uses, including without limitation, hotel and/or other lodging accommodations, office facilities, multi-family residential units, an automotive plaza, sports facilities, retail and restaurants, and/or other commercial uses, as well as certain associated streets and other infrastructure.

Project Area 4 may be described in a general manner as development of multiple buildings with various potential commercial uses, including without limitation, hotel and/or other lodging accommodations, office facilities, multi-family residential units, an automotive plaza, sports facilities, retail and restaurants, and/or other commercial uses, as well as certain associated streets and other infrastructure.

Project Area 5 may be described in a general manner as development of multiple buildings with various potential commercial uses, including without limitation, hotel and/or other lodging accommodations, office facilities, multi-family residential units, an automotive plaza, sports

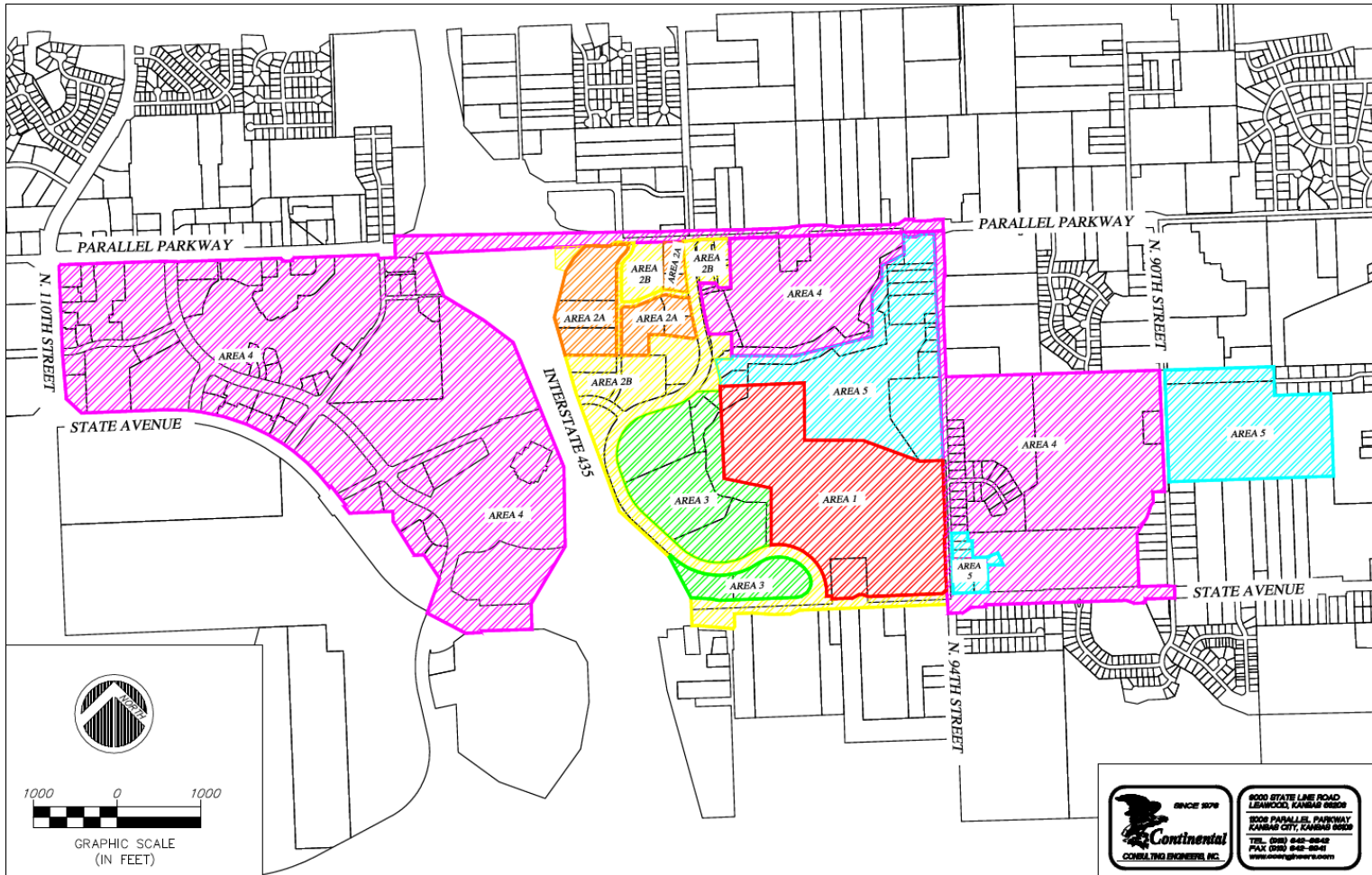
facilities, retail and restaurants, and/or other commercial uses, as well as certain associated streets and other infrastructure.

This 2021 District Plan replaces the 2014 District Plan and 2015 District Plan in their entirety. While this 2021 District Plan shares the same intended purpose of the 2014 District Plan and 2015 District Plan – creation of a unique, destination-oriented, mixed-use experience – this 2021 District Plan incorporates additional land and a revised mix and location of anticipated uses in response to current market demand.

EXHIBIT A

EXPANDED DISTRICT / PROJECT AREAS BOUNDARY MAP

2021 EXPANDED DISTRICT



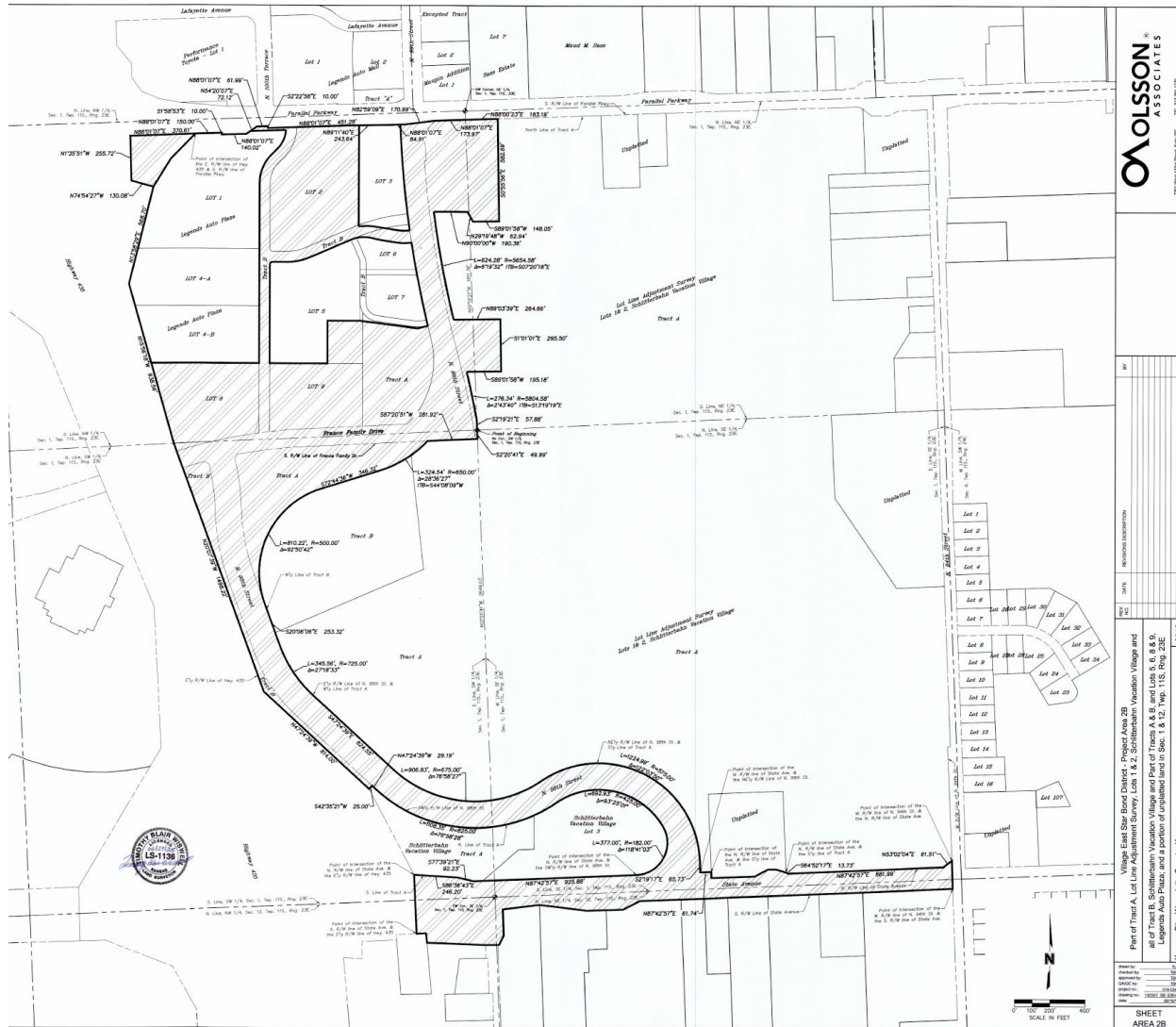
PROJECT AREA 1



PROJECT AREA 2A



PROJECT AREA 2B



OLSSON ASSOCIATES

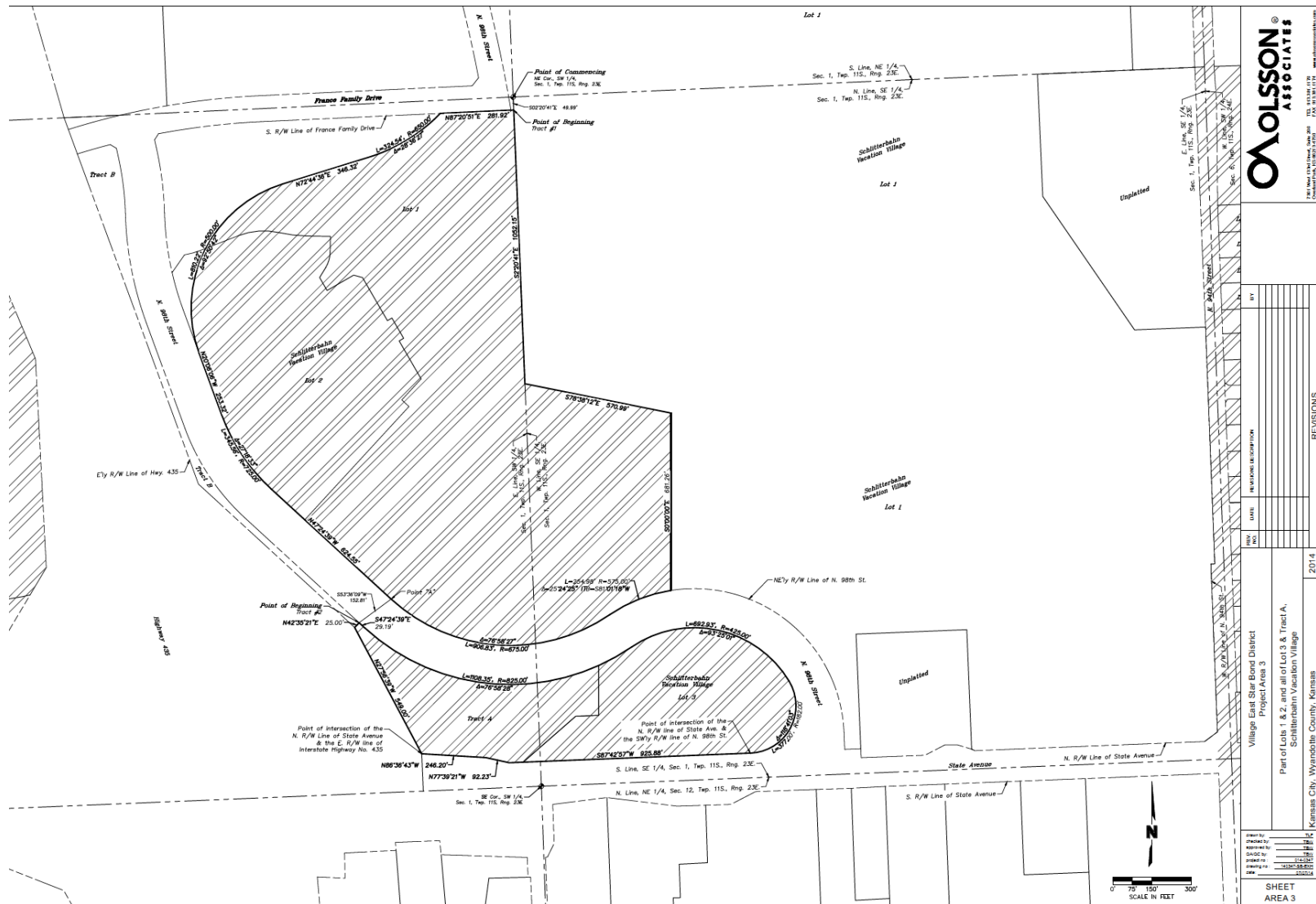
NO.	DATE	REVISIONS
1	10/1/2015	Initial Survey
2	10/1/2015	Final Survey

Village East Star Road District - Project Area 2B
 Part of Tract A, Lot Line Adjustment Survey, Lots 1 & 2, Schillerbach Vacation Village and
 all of Tract B, Schillerbach Vacation Village and Part of Tracts A & B, and Lots 5, 6, 8 & 9,
 Landscape Auto Plaza, and a portion of unplatted land in Sec. 1 & 12, Twp. 28E
 Kansas City, Wyandotte County, Kansas

2015

SHEET
AREA 2B

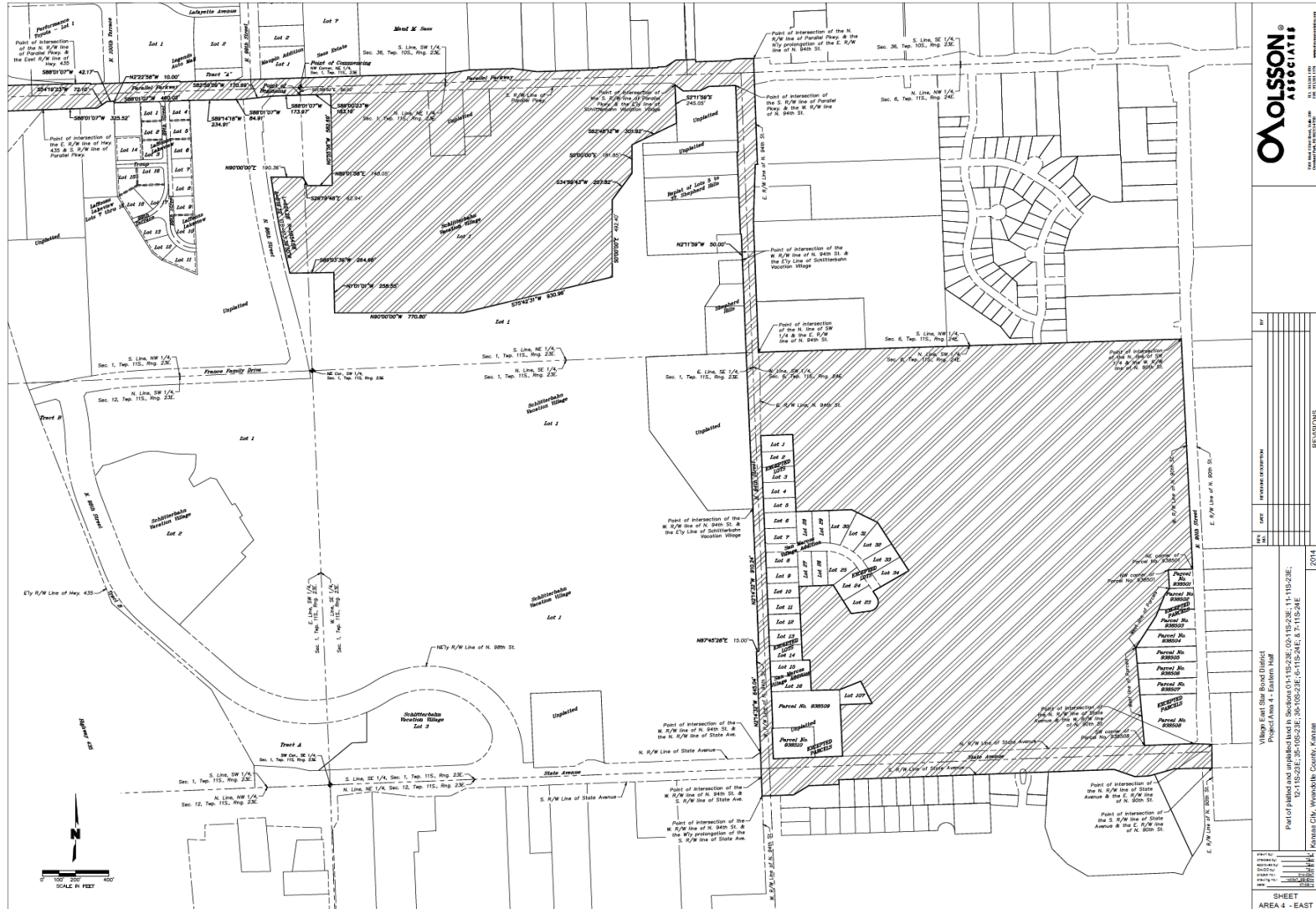
PROJECT AREA 3



PROJECT AREA 4 (WEST SIDE)



PROJECT AREA 4 (EAST SIDE)



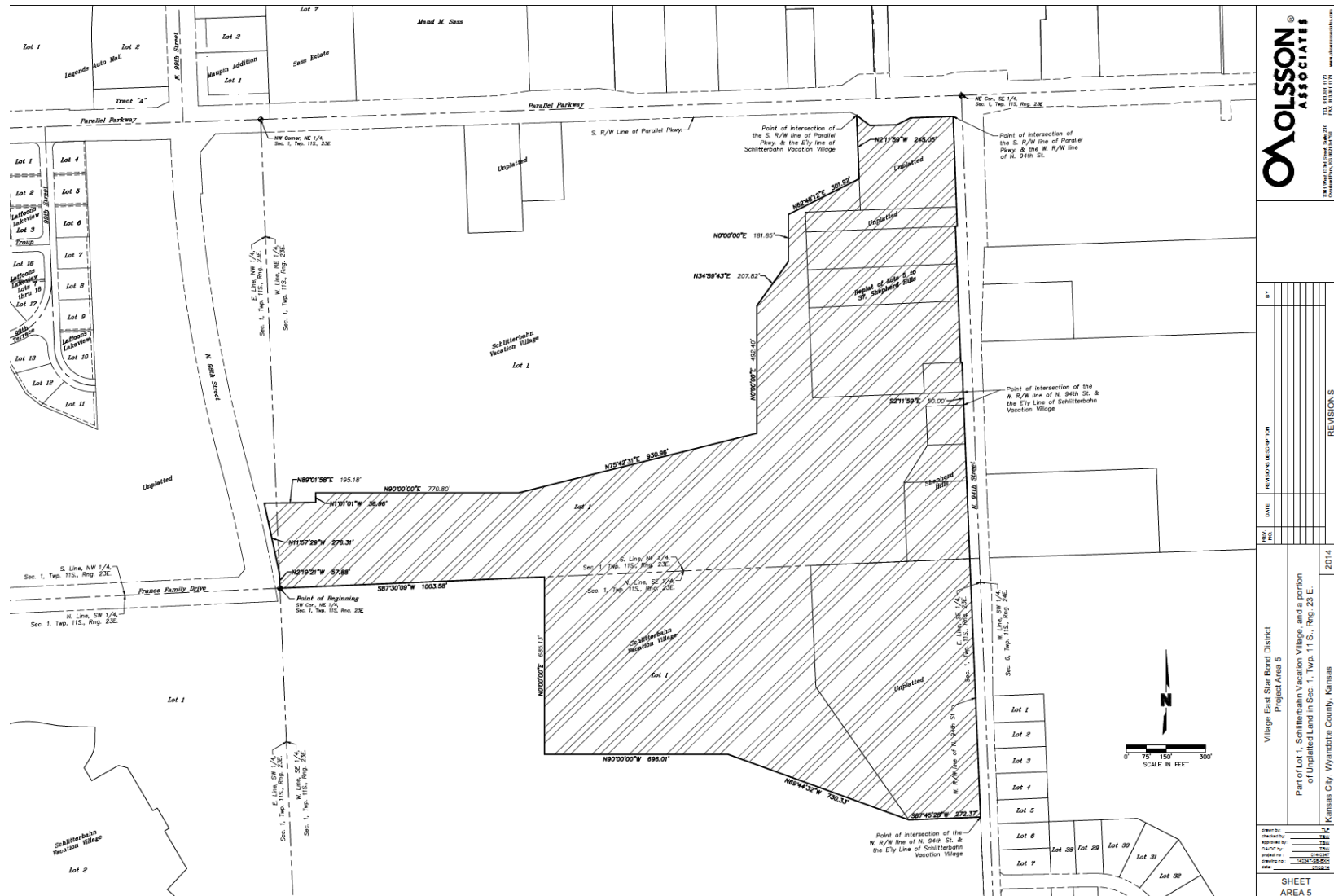
MOLSON ASSOCIATES

NO.	DATE	REVISIONS
1	10/1/14	Initial Plat
2	10/1/14	Revised Plat
3	10/1/14	Final Plat

Village East Star Road District
Project Area 4 - Eastern Half
Part of platted and unplatted land in Sections 01-115-23E, 02-115-23E, 11-115-23E, 12-115-23E, 35-105-23E, 36-105-23E, 37-115-24E, 38-115-24E
Kansas City, Wendell County, Kansas

SHEET
AREA 4 - EAST

PROJECT AREA 5 (WEST SIDE)



PROJECT AREA 5 (EAST SIDE)

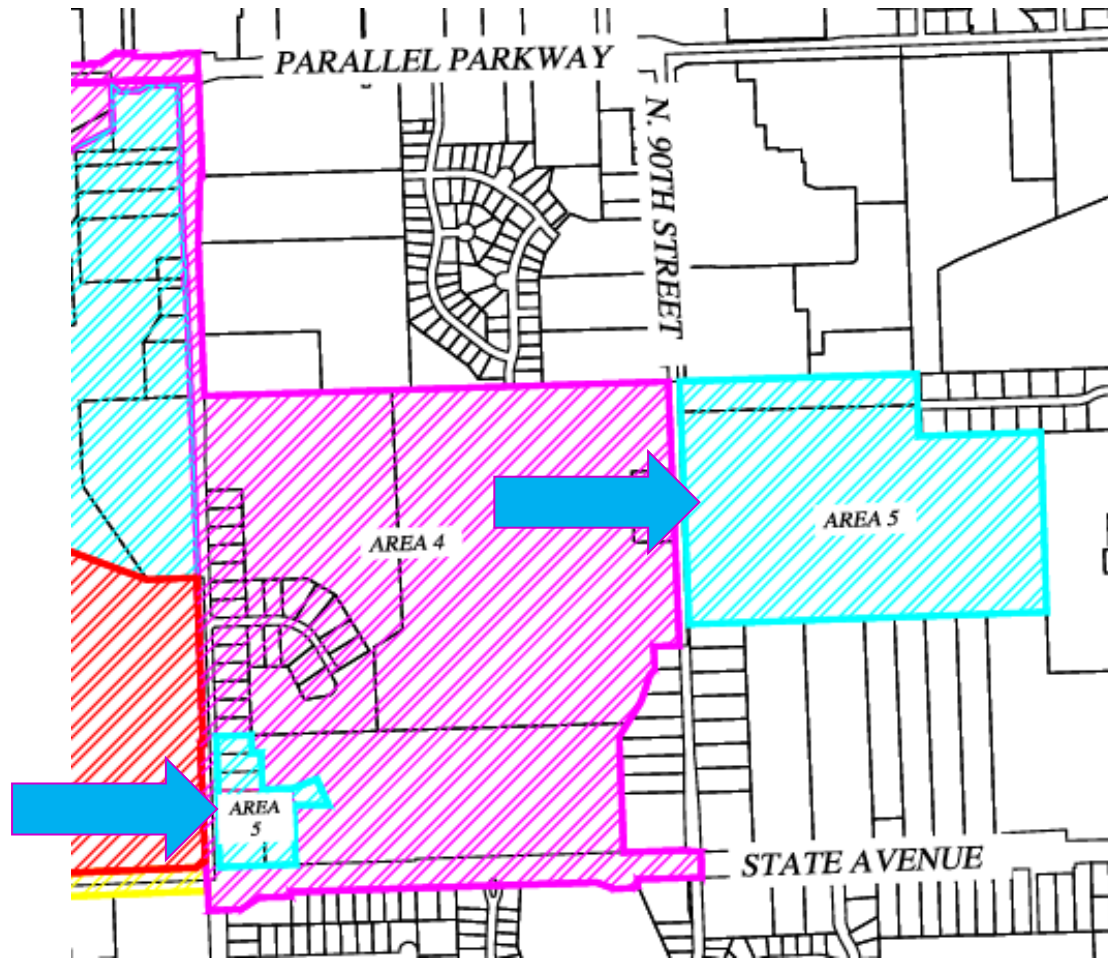


EXHIBIT B

2021 EXPANDED DISTRICT / PROJECT AREAS LEGAL DESCRIPTIONS

2021 EXPANDED DISTRICT

File No. 014-0347

Schlitterbahn

July 10, 2014

Overall Star Bond Project Areas 1 thru 5 Description:

Part of platted and unplatted land in Section 01, Township 11 South, Range 23 East, Section 02, Township 11 South, Range 23 East, Section 11, Township 11 South, Range 23 East, Section 12, Township 11 South, Range 23 East, Section 35, Township 10 South, Range 23 East, Section 36, Township 10 South, Range 23 East, Section 6, Township 11 South, Range 24 East, and Section 7, Township 11 South, Range 24 East, all being in Kansas City, Wyandotte County, Kansas and being more particularly described as follows:

Star Bond Project Area 1

Lot 1, Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas, with a portion of unplatted land, all being in the Southeast Quarter of Section 1, Township 11 Range 23 East, being more particularly described as follows:

Beginning at the Northwest corner of the Southeast Quarter of said Section 1, Township 11 South, Range 23 East; thence North 87 degrees 30 minutes 09 seconds East, along the North line of said Southeast Quarter, a distance of 1,003.58 feet; thence South 00 degrees 00 minutes 00 seconds East, along the North line of said Southeast Quarter, a distance of 685.13 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 696.01 feet; thence South 69 degrees 44 minutes 32 seconds East, a distance of 730.33 feet, to a point on the Easterly line of said Lot 1; thence North 87 degrees 45 minutes 28 seconds, along the Easterly line of said Lot 1, a distance of 272.37 feet, to a point on the Right-of-Way line of N. 94th Street, as now established; thence South 02 degrees 14 minutes 32 seconds East, continuing along the Easterly line of said Lot 1, and along the West Right-of-Way line of said N. 94th Street, a distance of 910.24 feet; thence South 87 degrees 45 minutes 28 seconds West, continuing along the Easterly line of said Lot 1, and along the West Right-of-Way line of said N. 94th Street, a distance of 15.00 feet; thence South 02 degrees 14 minutes 32 seconds East, continuing along the Easterly line of said Lot 1, and along the West Right-of-Way line of said N. 94th Street, a distance of 645.04 feet to the point of intersection of the West Right-of-Way line said N. 94th Street and the North Right-of-Way line of State Avenue, as now established; thence South 53 degrees 02 minutes 04 seconds West, continuing along the Easterly line of said Lot 1, and along the North Right-of-Way line of said State Avenue, a distance of 61.51 feet; thence South 87 degrees 42 minutes 57 seconds West, along the South line of said Lot 1 and along the North Right-of-Way line of said State Avenue, a distance of 881.99 feet; thence North 64 degrees 52 minutes 17 seconds West, continuing along the South line of said Lot 1 and along the North Right-of-Way line of said State Avenue, a distance of 13.73 feet; thence in a Westerly direction, departing the South line of said Lot 1, and continuing along the North Right-of-Way line of said State Avenue, to a point of intersection of the South Right-of-Way line of said State Avenue and the South line of said Lot 1; thence South 87 degrees 42 minutes 57 seconds West, along the South line of

said Lot 1 and continuing along the North Right-of-Way line of said State Avenue, a distance of 61.75 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the Northeasterly Right-of-Way line of N. 98th Street, as now established; thence North 02 degrees 18 minutes 50 seconds West, departing the North Right-of-Way line of said State Avenue and along the Northeasterly Right-of-Way line of said N. 98th Street and continuing along the Southerly line of said Lot 1, a distance of 65.74 feet, to a point of curvature; thence Northerly, Northwesterly and Westerly, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Southerly line of said Lot 1 and along a curve to the left, having a radius of 575.00 feet and a central angle of 96 degrees 39 minutes 25 seconds, an arc length of 970.01 feet; thence North 00 degrees 00 minutes 00 seconds East, departing the Northeasterly Right-of-Way line of said N. 98th Street and the Southerly line of said Lot 1, a distance of 681.26 feet; thence North 78 degrees 38 minutes 12 seconds West, a distance of 570.99 feet, to a point on the West line of the Southeast Quarter of said Section 1; thence North 02 degrees 20 minutes 41 seconds West, along the West line of the Southeast Quarter of said Section 1, a distance of 1,102.14 feet to the POINT OF BEGINNING.

AND ALSO:

Project Area 2A Description:

All of Lots 1, 3, 4-A, 4-B & 7, along with part of Tracts A & B and Lots 5, & 6, Legends Auto Plaza, a subdivision in Kansas City, Wyandotte County, Kansas, being more particularly described as follows:

Tract 1:

All of Lots 1, 4-A & 4-B of said Legends Auto Plaza.

AND ALSO:

Tract 2:

BEGINNING at the Northeast corner of said Lot 3, said point also being the point of intersection of the South Right-of-Way line of Parallel Parkway and the West Right-of-Way line of N. 98th Street, as established with said Legends Auto Plaza; thence Southerly, along the East line of Lot 3, Tract B, and Lot 6, and along the West Right-of-Way line of said N. 98th Street, and along a curve to the left, whose initial tangent bearing of South 02 degrees 13 minutes 58 seconds East, having a radius of 5,804.58 feet and through a central angle of 05 degrees 58 minutes 07 seconds, an arc length of 604.68 feet; thence South 81 degrees 30 minutes 09 seconds West, departing the East line of said Lot 6 and the West Right-of-Way line of said N. 98th Street, a distance of 0.08 feet, to a point of curvature; thence Westerly, along a curve to the right, having a radius of 220.00 feet and through a central angle of 17 degrees 18 minutes 38 seconds, an arc length of 66.47 feet, to a point of tangency; thence North 81 degrees 11 minutes 14 seconds West, a distance of 138.78 feet, to a point of curvature; thence Westerly, along a curve to the left, having a radius of 280.00 feet and through a central angle of 17 degrees 48 minutes 27 seconds, an arc length of 87.02 feet, to a point on the Southerly prolongation of the West line of said Lot 3; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 3 and its Southerly

prolongation, a distance of 576.20 feet, to the Northwest corner of said Lot 3, said point also being on the South Right-of-Way line of said Parallel Parkway; thence North 89 degrees 14 minutes 17 seconds East, along the North line of said Lot 3 and along the South Right-of-Way line of said Parallel Parkway, a distance of 175.43 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the North line of said Lot 3 and the South Right-of-Way line of said Parallel Parkway, a distance of 59.91 feet, to the POINT OF BEGINNING.

AND ALSO:

Tract 3:

BEGINNING at the Southwest corner of said Lot 5, said point also being on the Easterly line of said Tract B; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 5 and along the Easterly line of said Tract B, a distance of 559.99 feet, to a point of curvature; thence Northerly, Northeasterly and Easterly, continuing along the West line and along the North line of said Lot 5, and continuing along the Easterly line and along the Southerly line of said Tract B, and along a curve to the right, having a radius of 15.00 feet and through a central angle of 90 degrees 01 minutes 50 seconds, an arc length of 23.57 feet, to a point of tangency; thence South 89 degrees 59 minutes 00 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, a distance of 79.87 feet, to a point of curvature; thence Easterly and Northeasterly, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, and along a curve to the left, having a radius of 330.00 feet and through a central angle of 23 degrees 15 minutes 39 second, an arc length of 133.97 feet, to a point of tangency; thence North 66 degrees 45 minutes 21 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, and their Easterly prolongation, a distance of 256.87 feet, to a point of curvature; thence Northeasterly, Easterly and Southeasterly, along a curve to the right, having a radius of 185.00 feet and through a central angle of 38 degrees 46 minutes 48 seconds, an arc length of 125.22 feet, to a point of reverse curvature; thence Southeasterly and Easterly, along a curve to the left, having a radius of 515.00 and through a central angle of 06 degrees 50 minutes 11 seconds, an arc length of 61.45 feet, to a point of tangency; thence South 81 degrees 18 minutes 03 seconds East, a distance of 74.97 feet, to a point of curvature; thence Easterly, along a curve to the left, having a radius of 290.00 feet and through a central angle of 17 degrees 11 minutes 48 seconds, an arc length of 87.04 feet, to a point of tangency; thence North 81 degrees 30 minutes 09 seconds East, a distance of 0.14 feet, to a point on the East line of said Lot 6, said point also being on the West Right-of-Way line of said N. 98th Street, said point also being on a non-tangent curve; thence Southerly and Southeasterly, along the East line of Lots 6 and 7 and the Easterly line of said Tract B, and along a curve to the left, whose initial tangent bearing is South 08 degrees 53 minutes 33 seconds East, having a radius of 5,804.58 feet and through a central angle of 04 degrees 46 minutes 23 seconds, an arc length of 483.54 feet, to the Northeasterly corner of said Tract A; thence South 76 degrees 23 minutes 16 seconds West, departing the West Right-of-Way line of said N. 98th Street, a distance of 60.00 feet; thence North 82 degrees 31 minutes 36 seconds West, a distance of 330.64 feet; thence South 89 degrees 59 minutes 10 seconds West, a distance of 184.56 feet; thence South 00 degrees 01 minutes 03 seconds West, a distance of 241.90 feet, to a point on the South line of said Lot 5, said point also being on the North line of Lot 9 of said Legends Auto Plaza; thence North 89 degrees 58 minutes 57 seconds

West, along the South line of said Lot 5 and along the North line of said Lot 9 a distance of 328.41 feet, to the POINT OF BEGINNING.

AND ALSO:

Project Area 2B Description:

Part of Tract A, Lot Line Adjustment Survey, Lots 1 & 2, Schlitterbahn Vacation Village; All of Tract B, and all of that part of France Family Drive, State Avenue and N. 98th Street Right-of-Ways as established within Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas; All of Legends Auto Plaza, a subdivision in Kansas City, Wyandotte County, Kansas; along with a portion of unplatted land, lying in Section 1, Township 11 South, Range 23 East, and Section 12, Township 11 South, Range 23 East, all being more particularly described as follows:

BEGINNING at the Northeast corner of the Southwest Quarter of said Section 1, Township 11 South, Range 23 East; thence South 02 degrees 20 minutes 41 seconds East, along the East line of said Southwest Quarter, a distance of 49.99 feet, to a point on the South Right-of-Way line of France Family Drive, as now established; thence South 87 degrees 20 minutes 51 seconds West, along the South Right-of-Way line of said France Family Drive, a distance of 281.92 feet, to a point on a non-tangent curve; thence Southwesterly, departing the South Right-of-Way line of said France Family Drive, and along the Northeasterly prolongation of the Northerly line of Tract B of said Lot Line Adjustment Survey, and along a curve to the right, whose initial tangent bearing is South 44 degrees 08 minutes 09 seconds West, having a radius of 650.00 feet, and a central angle of 28 degrees 36 minutes 27 seconds, an arc length of 324.54 feet, to a point of tangency; thence South 72 degrees 44 minutes 36 seconds West, continuing along the Northerly line of said Tract B, a distance of 346.32 feet, to a point of curvature; thence Southwesterly, Southerly and Southeasterly, continuing along the Northerly line and along the Westerly line of said Tract B, and along a curve to the left, having a radius of 500.00 feet and a central angle of 92 degrees 50 minutes 42 seconds, an arc length of 810.22 feet, to a point on the Northeasterly Right-of-Way line of N. 98th Street, as now established, said point also being on the Westerly line of said Tract B, said point also being a point of tangency; thence South 20 degrees 06 minutes 06 seconds East, along the Northeasterly Right-of-Way line of said N. 98th Street and along the Westerly line of said Tract B, and along the Westerly Line of Tract A of said Lot Line Adjustment Survey, a distance of 253.32 feet, to a point of curvature; thence Southeasterly, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Westerly line of Tract A, of said Lot Line Adjustment Survey, and along a curve to the left, having a radius of 725.00 feet and a central angle of 27 degrees 18 minutes 33 seconds, an arc length of 345.56 feet, to a point of tangency; thence South 47 degrees 24 minutes 39 seconds East, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Westerly and Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 624.55 feet, to a point of curvature; thence Southeasterly, Easterly and Northeasterly, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Southerly line of Tract A, of said Lot Line Adjustment Survey, and along a curve to the left, having a radius of 675.00 feet and a central angle of 76 degrees 58 minutes 27 seconds, an arc length of 906.83 feet, to a point of reverse curvature; thence Northeasterly, Easterly, Southeasterly and Southerly, continuing along the Northeasterly Right-of-Way line of said N.

98th Street and along the Southerly line of Tract A, of said Lot Line Adjustment Survey, and along a curve to the right, having a radius of 575.00 feet and a central angle of 122 degrees 03 minutes 50 seconds, an arc length of 1,224.99 feet, to a point of tangency; thence South 02 degrees 19 minutes 17 seconds East, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 65.73 feet, to the point of intersection of the Northeasterly Right-of-Way line of said N. 98th Street and the North Right-of-Way line of State Avenue, as now established; thence North 87 degrees 42 minutes 57 seconds East, continuing along the Southerly line of Tract A, of said Lot Line Adjustment Survey, and along the North Right-of-Way line of said State Avenue, a distance of 61.74 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, lying on the West side of an unplatted piece of land; thence Southerly, departing the Southerly line of Tract A, of said Lot Line Adjustment Survey, and continuing along the North Right-of-Way line of said State Avenue; thence Easterly, continuing along the North Right-of-Way line of said State Avenue, to the point of intersection of the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, lying on the East side of an unplatted piece of land; thence South 64 degrees 52 minutes 17 seconds East, continuing along the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 13.73 feet; thence North 87 degrees 42 minutes 57 seconds East, continuing along the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 881.99 feet; thence North 53 degrees 02 minutes 04 seconds East, continuing along the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 61.51 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the West Right-of-Way line of N. 94th Street, as now established; thence Southerly, departing the North Right-of-Way line of said State Avenue, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the South Right-of-Way line of said State Avenue; thence Westerly, along the South Right-of-Way line of said State Avenue to the point of intersection of the South Right-of-Way line of said State Avenue and the Easterly Right-of-Way line of Interstate Highway No. 435, as now established; thence Northerly, departing the South Right-of-Way line of said State Avenue and along the Easterly Right-of-Way line of said Interstate Highway No. 435 to the point of intersection of the Easterly Right-of-Way line of said Interstate Highway No. 435 and the North Right-of-Way line of said State Avenue, said point also being the Southwesterly corner of Tract A of said Schlitterbahn Vacation Village; thence South 86 degrees 36 minutes 43 seconds East, along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 246.20 feet; thence South 77 degrees 39 minutes 21 seconds East, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 92.23 feet; thence North 87 degrees 42 minutes 57 seconds East, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, and along the South line of Lot 3 of said Schlitterbahn Vacation Village, a distance of 925.88 feet to a point of curvature, said point also being the point of intersection of the North Right-of-Way line of said State Avenue and the Southwesterly Right-of-Way line of said N. 98th Street; thence Northeasterly, Northerly and Northwesterly, departing the North Right-of-Way line of said State Avenue, and along the Southwesterly Right-of-Way line of said N. 98th Street, and along the Easterly and Northeasterly line of said Lot 3, and along a curve to the left, having a radius of 182.00 feet and a central angle of 118 degrees 41 minutes 03

seconds, an arc length of 377.00 feet, to a point of compound curvature; thence Northwesterly, Westerly and Southwesterly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and along the Easterly and Northerly line of said Lot 3, and along a curve to the left, having a radius of 425.00 feet and a central angle of 93 degrees 25 minutes 01 seconds, an arc length of 692.93 feet, to a point of reverse curvature; thence Southwesterly, Westerly and Northwesterly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Lot 3 and along the Northerly line of said Tract A, and along a curve to the right, having a radius of 825.00 feet and a central angle of 76 degrees 58 minutes 28 seconds, an arc length of 1,108.35 feet, to a point of tangency; thence North 47 degrees 24 minutes 39 seconds West, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Tract A, a distance of 29.19 feet, to the Southeast corner of Tract B of said Schlitterbahn Vacation Village; thence South 42 degrees 35 minutes 21 seconds West, departing the Southwesterly Right-of-Way line of said N. 98th Street, along the Southeasterly line of said Tract B, and continuing along the Northerly line of said Tract A, a distance of 25.00 feet, to a point on the Easterly Right-of-Way line of said Interstate Highway No. 435, said point also being on the Westerly line of said Tract B; thence North 47 degrees 24 minutes 39 seconds West, along the Easterly Right-of-Way line of said Interstate Highway No. 435 and the Westerly line of said Tract B, a distance of 814.00 feet; thence North 20 degrees 07 minutes 39 seconds West, continuing along the Easterly Right-of-Way line of said Interstate Highway No. 435 and the Westerly line of said Tract B, a distance of 1,498.22 feet to a point on the South line of the Northwest Quarter of said Section 1, said point also being the Southwest corner of said Legends Auto Plaza; thence North 15 degrees 56 minutes 18 seconds West, continuing along the Easterly Right-of-Way line of said Interstate Highway No. 435 and along the West line of said Legends Auto Plaza, a distance of 938.56 feet; thence North 13 degrees 58 minutes 29 seconds East, continuing along the Easterly Right-of-Way line of said Interstate Highway No. 435, and along the West line of said Legends Auto Plaza, a distance of 568.70 feet; thence North 74 degrees 54 minutes 27 seconds West, departing the Easterly Right-of-Way line of said Interstate Highway No. 435 and the West line of said Legends Auto Plaza, a distance of 130.08 feet; thence North 01 degrees 35 minutes 51 seconds West, a distance of 255.72 feet to the Westerly prolongation of the South Right-of-Way line of Parallel Parkway, as now established; thence North 88 degrees 01 minutes 07 seconds East, along the Westerly prolongation of the South Right-of-Way line of said Parallel Parkway, a distance of 370.61 feet, to the point of intersection of the Easterly Right-of-Way line of said Interstate Highway No. 435 and the South Right-of-Way line of said Parallel Parkway, said point also being the Northwest corner of said Legends Auto Plaza; thence North 88 degrees 01 minutes 07 seconds East, along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 150.00 feet; thence South 01 degrees 58 minutes 53 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 10.00 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 140.02 feet; thence North 54 degrees 20 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and along the North line of said Legends Auto Plaza, and their Northeasterly prolongation, a distance of 72.12 feet; thence North 88 degrees 01 minutes 07 seconds East, a distance of 61.99 feet; thence South 02 degrees 22 minutes 58 seconds East, a distance of 10.00 feet, to a point on the Westerly prolongation of the South Right-of-

Way line of said Parallel Parkway and of the North line of said Legends Auto Plaza; thence North 88 degrees 01 minutes 07 seconds East, along said Westerly prolongation and along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 451.28 feet; thence North 89 degrees 11 minutes 40 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and along the North line of said Legends Auto Plaza, a distance of 243.64 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 84.91 feet; thence North 82 degrees 59 minutes 09 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 170.99 feet, to a point on the North line of Tract A of said Lot Line Adjustment Survey; thence North 88 degrees 01 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and along the North line of Tract A of said Lot Line Adjustment Survey, a distance of 173.97 feet; thence North 88 degrees 00 minutes 23 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of Tract A of said Lot Line Adjustment Survey, a distance of 183.19 feet; thence South 00 degrees 55 minutes 56 seconds East, departing the South Right-of-Way line of said State Avenue and the North line of Tract A of said Lot Line Adjustment Survey, a distance of 582.69 feet; thence South 89 degrees 01 minutes 58 seconds West, a distance of 148.05 feet; thence North 29 degrees 19 minutes 48 seconds West, a distance of 62.94 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 190.36 feet, to a point on a non-tangent curve; thence Southerly, along a curve to the left, whose initial tangent bearing is South 07 degrees 20 minutes 18 seconds East, having a radius of 5,654.58 feet, and a central angle of 06 degrees 19 minutes 32 seconds, an arc length of 624.28 feet, to a point on a non-tangent line; thence North 89 degrees 03 minutes 39 seconds East, a distance of 264.66 feet; thence South 01 degrees 01 minutes 01 seconds East, a distance of 295.50 feet; thence South 89 degrees 01 minutes 58 seconds West, a distance of 195.18 feet, to a point on a non-tangent curve; thence Southerly, along a curve to the right, whose initial tangent bearing is South 13 degrees 19 minutes 19 seconds East, having a radius of 5,804.58 feet and a central angle of 02 degrees 43 minutes 40 seconds, an arc length of 276.34 feet, to a point on a non-tangent line, said point also being on the East line of the Northwest Quarter of said Section 1; thence South 02 degrees 19 minutes 21 seconds East, along the East line of said Northwest Quarter, a distance of 57.88 feet, to the POINT OF BEGINNING.

EXCEPTING therefrom, all of the following described tracts;

All of Lots 1, 3, 4-A, 4-B & 7, along with part of Tracts A & B and Lots 5, & 6, Legends Auto Plaza, a subdivision in Kansas City, Wyandotte County, Kansas, being more particularly described as follows:

Tract 1:

All of Lots 1, 4-A & 4-B of said Legends Auto Plaza.

AND ALSO:

Tract 2:

BEGINNING at the Northeast corner of said Lot 3, said point also being the point of intersection of the South Right-of-Way line of Parallel Parkway and the West Right-of-Way line of N. 98th Street, as established with said Legends Auto Plaza; thence Southerly, along the East line of Lot 3, Tract B, and Lot 6, and along the West Right-of-Way line of said N. 98th Street, and along a curve to the left, whose initial tangent bearing of South 02 degrees 13 minutes 58 seconds East, having a radius of 5,804.58 feet and through a central angle of 05 degrees 58 minutes 07 seconds, an arc length of 604.68 feet; thence South 81 degrees 30 minutes 09 seconds West, departing the East line of said Lot 6 and the West Right-of-Way line of said N. 98th Street, a distance of 0.08 feet, to a point of curvature; thence Westerly, along a curve to the right, having a radius of 220.00 feet and through a central angle of 17 degrees 18 minutes 38 seconds, an arc length of 66.47 feet, to a point of tangency; thence North 81 degrees 11 minutes 14 seconds West, a distance of 138.78 feet, to a point of curvature; thence Westerly, along a curve to the left, having a radius of 280.00 feet and through a central angle of 17 degrees 48 minutes 27 seconds, an arc length of 87.02 feet, to a point on the Southerly prolongation of the West line of said Lot 3; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 3 and its Southerly prolongation, a distance of 576.20 feet, to the Northwest corner of said Lot 3, said point also being on the South Right-of-Way line of said Parallel Parkway; thence North 89 degrees 14 minutes 17 seconds East, along the North line of said Lot 3 and along the South Right-of-Way line of said Parallel Parkway, a distance of 175.43 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the North line of said Lot 3 and the South Right-of-Way line of said Parallel Parkway, a distance of 59.91 feet, to the POINT OF BEGINNING.

AND ALSO:

Tract 3:

BEGINNING at the Southwest corner of said Lot 5, said point also being on the Easterly line of said Tract B; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 5 and along the Easterly line of said Tract B, a distance of 559.99 feet, to a point of curvature; thence Northerly, Northeasterly and Easterly, continuing along the West line and along the North line of said Lot 5, and continuing along the Easterly line and along the Southerly line of said Tract B, and along a curve to the right, having a radius of 15.00 feet and through a central angle of 90 degrees 01 minutes 50 seconds, an arc length of 23.57 feet, to a point of tangency; thence South 89 degrees 59 minutes 00 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, a distance of 79.87 feet, to a point of curvature; thence Easterly and Northeasterly, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, and along a curve to the left, having a radius of 330.00 feet and through a central angle of 23 degrees 15 minutes 39 second, an arc length of 133.97 feet, to a point of tangency; thence North 66 degrees 45 minutes 21 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, and their Easterly prolongation, a distance of 256.87 feet, to a point of curvature; thence Northeasterly, Easterly and Southeasterly, along a curve to the right, having a radius of 185.00 feet and through a central angle of 38 degrees 46 minutes 48 seconds, an arc length of 125.22 feet, to a point of reverse curvature; thence Southeasterly and Easterly, along a curve to the left, having a radius of 515.00 and through a central angle of 06 degrees 50 minutes 11 seconds, an arc length of 61.45 feet, to a point of tangency; thence South 81 degrees 18

minutes 03 seconds East, a distance of 74.97 feet, to a point of curvature; thence Easterly, along a curve to the left, having a radius of 290.00 feet and through a central angle of 17 degrees 11 minutes 48 seconds, an arc length of 87.04 feet, to a point of tangency; thence North 81 degrees 30 minutes 09 seconds East, a distance of 0.14 feet, to a point on the East line of said Lot 6, said point also being on the West Right-of-Way line of said N. 98th Street, said point also being on a non-tangent curve; thence Southerly and Southeasterly, along the East line of Lots 6 and 7 and the Easterly line of said Tract B, and along a curve to the left, whose initial tangent bearing is South 08 degrees 53 minutes 33 seconds East, having a radius of 5,804.58 feet and through a central angle of 04 degrees 46 minutes 23 seconds, an arc length of 483.54 feet, to the Northeasterly corner of said Tract A; thence South 76 degrees 23 minutes 16 seconds West, departing the West Right-of-Way line of said N. 98th Street, a distance of 60.00 feet; thence North 82 degrees 31 minutes 36 seconds West, a distance of 330.64 feet; thence South 89 degrees 59 minutes 10 seconds West, a distance of 184.56 feet; thence South 00 degrees 01 minutes 03 seconds West, a distance of 241.90 feet, to a point on the South line of said Lot 5, said point also being on the North line of Lot 9 of said Legends Auto Plaza; thence North 89 degrees 58 minutes 57 seconds West, along the South line of said Lot 5 and along the North line of said Lot 9 a distance of 328.41 feet, to the POINT OF BEGINNING.

Project Area 3 Description:

Part of Lots 1 and 2, and all of Lot 3 and Tract A, Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas; being in Section 1, Township 11 South, Range 23 East, being more particularly described as follows:

COMMENCING at the Northeast corner of the Southwest Quarter of said Section 1, Township 11 South, Range 23 East; thence South 02 degrees 20 minutes 41 seconds East, along the East line of said Southwest Quarter, a distance of 49.99 feet, to the POINT OF BEGINNING; thence South 02 degrees 20 minutes 41 seconds East, continuing along the East line of said Southwest Quarter, a distance of 1,052.15 feet; thence South 78 degrees 38 minutes 12 seconds East, departing the East line of said Southwest Quarter, a distance of 570.99 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 681.26 feet, to a point on a non-tangent curve, said point also being on the Southerly line of said Lot 1, said point also being on the Northeasterly Right-of-Way line of N. 98th Street, as now established; thence Southwesterly, along the Southerly line of said Lot 1 and the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the left, whose initial tangent bearing is South 81 degrees 01 minutes 18 seconds West, having a radius of 575.00 feet, and a central angle of 25 degrees 24 minutes 25 seconds, an arc length of 254.98 feet, to a point of reverse curvature; thence Southwesterly, Westerly and Northwesterly, continuing along the Southerly line of said Lot 1 and the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the right, having a radius of 675.00 feet and a central angle of 76 degrees 58 minutes 27 seconds, an arc length of 906.83 feet, to a point of tangency, said point hereinafter referred to as Point "A"; thence North 47 degrees 24 minutes 39 seconds West, continuing along the Southerly line of said Lot 1 and the Northeasterly Right-of-Way line of said N. 98th Street, and along the Southwesterly line of said Lot 2, a distance of 624.55 feet, to a point of curvature; thence Northwesterly, continuing along the Southwesterly line of said Lot 2 and the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the right, having a radius of

725.00 feet and a central angle of 27 degrees 18 minutes 33 seconds, an arc length of 345.56 feet, to a point of tangency; thence North 20 degrees 06 minutes 06 seconds West, continuing along the Southwesterly line of said Lot 2 and the Northeasterly Right-of-Way line of said N. 98th Street, a distance of 253.32 feet, to a point of curvature; thence Northwesterly, Northerly and Northeasterly, departing the Southwesterly line of said Lot 2 and the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the right, having a radius of 500.00 feet and a central angle of 92 degrees 50 minutes 42 seconds, an arc length of 810.22 feet, to a point of tangency; thence North 72 degrees 44 minutes 36 seconds East, a distance of 346.32 feet, to a point of curvature; thence Northeasterly, along a curve to the left, having a radius of 650.00 feet and a central angle of 28 degrees 36 minutes 27 seconds, an arc length of 324.54 feet, to a point on the South Right-of-Way line of France Family Drive, as now established; thence North 87 degrees 20 minutes 51 seconds East, along the South Right-of-Way line of said France Family Drive, and its Easterly prolongation, a distance of 281.92 feet, to the POINT OF BEGINNING.

AND ALSO:

COMMENCING at the aforementioned Point "A"; thence South 53 degrees 36 minutes 09 seconds West, a distance of 152.81 feet, to a point on the Southwesterly Right-of-Way line of said N. 98th Street, said point also being on the Northerly line of said Tract A, said point also being the POINT OF BEGINNING; thence South 47 degrees 24 minutes 39 seconds East, along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Tract A, a distance of 29.19 feet to a point of curvature; thence Southeasterly, Easterly and Northeasterly, along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Tract A and the Northerly line of said Lot 3, and along a curve to the left, having a radius of 825.00 feet and a central angle of 76 degrees 58 minutes 28 seconds, an arc length of 1,108.35 feet, to a point of reverse curvature; thence Northeasterly, Easterly and Southeasterly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly and Northeasterly line of said Lot 3, and along a curve to the right, having a radius of 425.00 feet and a central angle of 93 degrees 25 minutes 01 seconds, an arc length of 692.93 feet, to a point of compound curvature; thence Southeasterly, Southerly Southwesterly, and Westerly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Easterly line of said Lot 3, and along a curve to the right, having a radius of 182.00 feet and a central angle of 118 degrees 41 minutes 03 seconds, an arc length of 377.00 feet, to a point of tangency, said point also being the point of intersection of the Southwesterly Right-of-Way line of said N. 98th Street and the North Right-of-Way line of State Avenue, as now established; thence South 87 degrees 42 minutes 57 seconds West, along the North Right-of-Way line of said State Avenue and the South line of said Lot 3 and Tract A, a distance of 925.88 feet; thence North 77 degrees 39 minutes 21 seconds West, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 92.23 feet; thence North 86 degrees 36 minutes 43 seconds West, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 246.20 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the Easterly Right-of-Way line of Interstate Highway No. 435; thence North 27 degrees 56 minutes 39 seconds West, departing the North Right-of-Way line of said State Avenue, and along the Easterly Right-of-Way line of said Interstate Highway No.

435 and the Westerly line of said Tract A, a distance of 549.00 feet; thence North 42 degrees 35 minutes 21 seconds East, departing the Easterly Right-of-Way line of said Interstate Highway No. 435, and along the Westerly line of said Tract A, a distance of 25.00 feet, to the POINT OF BEGINNING.

AND ALSO:

Project Area 4 Description:

Part of platted and unplatted land in Section 01, Township 11 South, Range 23 East, Section 02, Township 11 South, Range 23 East, Section 11, Township 11 South, Range 23 East, Section 12, Township 11 South, Range 23 East, Section 35, Township 10 South, Range 23 East, Section 36, Township 10 South, Range 23 East, Section 6, Township 11 South, Range 24 East, and Section 7, Township 11 South, Range 24 East, all being in Kansas City, Wyandotte County, Kansas and being more particularly described as follows:

COMMENCING at the Northwest corner of the Northeast Quarter of said Section 1, Township 11 South, Range 23 East; thence South 01 degrees 58 minutes 52 seconds East, a distance of 50.00 feet, to a point on the South Right-of-Way line of Parallel Parkway, as now established, said point also being on the North line of Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas, said point also being the POINT OF BEGINNING; thence South 88 degrees 01 minutes 07 seconds West, along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 173.97 feet; thence South 82 degrees 59 minutes 09 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 170.99 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 84.91 feet; thence South 89 degrees 14 minutes 18 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 234.91 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, and along the North line of Laffoons Lakeview, a subdivision in Kansas City, Wyandotte County, Kansas, a distance of 460.02 feet; thence North 02 degrees 22 minutes 58 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 10.00 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 42.17 feet; thence South 54 degrees 19 minutes 23 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 72.10 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 325.52 feet, to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the East Right-of-Way line of Interstate Highway No. 435, as now established; thence Westerly to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the West Right-of-Way line of said Interstate Highway No. 435; thence Southeasterly, along the West Right-of-Way line of said Interstate Highway No. 435, to the point of intersection of the West Right-of-Way line of said Interstate Highway No. 435 and the Northerly Right-of-Way line of State Avenue, as now established; thence Southerly, continuing along the West Right-of-Way line of said

Interstate Highway No. 435, to the point of intersection of the West Right-of-Way line of said Interstate Highway No. 435 and the South Right-of-Way line of said State Avenue; thence Westerly, along the South Right-of-Way line of said State Avenue, to the point of intersection of the South Right-of-Way line of said State Avenue and the Easterly Right-of-Way line of Village West Parkway, as now established; thence Northwesterly to the point of intersection of the Southwesterly Right-of-Way line of said State Avenue and the Westerly Right-of-Way line of said Village West Parkway; thence Northeasterly to the point of intersection of the Northeasterly Right-of-Way line of said State Avenue and the Westerly Right-of-Way line of said Village West Parkway; thence Northwesterly then Westerly, along the Northeasterly and Northerly Right-of-Way line of said State Avenue, to the point of intersection of the Northerly Right-of-Way line of said State Avenue and the East Right-of-Way line of 110th Street, as now established; thence Northerly, along the East Right-of-Way line of said 110th Street, to the point of intersection of the East Right-of-Way line of said 110th Street and the South Right-of-Way line of said Parallel Parkway; thence Easterly, along the South Right-of-Way line of said Parallel Parkway, to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the Southerly prolongation of the East line of Parallel Heights, a subdivision in Kansas City, Wyandotte County, Kansas; thence Northerly, along said Southerly prolongation and along the East line of said Parallel Heights, to the point of intersection of the North Right-of-Way line of said Parallel Parkway and the West Right-of-Way line of said Interstate Highway No. 435; thence Easterly, to the point of intersection of the North Right-of-Way line of said Parallel Parkway and the East Right-of-Way line of said Interstate Highway No. 435; thence Easterly, along the North Right-of-Way line of said Parallel Parkway, to the point of intersection of the North Right-of-Way line of said Parallel Parkway and the Northerly prolongation of the East Right-of-Way line of N. 94th Street, as now established; thence Southerly, along said Northerly prolongation and along the East Right-of-Way line of said N. 94th Street, to the point of intersection of the East Right-of-Way line of said N. 94th Street and the North line of the Southwest Quarter of said Section 6, Township 11 South, Range 24 East; thence Easterly, along the North line of said Southwest Quarter to the point of intersection of the North line of said Southwest Quarter and the West Right-of-Way line of N. 90th Street, as now established; thence Southerly, along the West Right-of-Way line of said N. 90th Street, to the Northeast corner of Parcel No. 938501; thence Westerly, along the North line of said Parcel No. 938501, to the Northwest corner thereof; thence Southerly, along the West line of Parcel Nos. 938501 thru 938508, to the Southwest corner of said Parcel No. 938508, said point also being on the North Right-of-Way line of said State Avenue; thence Easterly, along the North Right-of-Way line of said State Avenue, to the point of intersection of the North Right-of-Way line of said State Avenue and the West Right-of-Way line of said N. 90th Street; thence Easterly to the point of intersection of the North Right-of-Way line of said State Avenue and the East Right-of-Way line of said N. 90th Street; thence Southerly, to the point of intersection of the East Right-of-Way line of said N. 90th Street and the South Right-of-Way line of said State Avenue; thence Westerly, along the South Right-of-Way line of said State Avenue, to the point of intersection of the Westerly prolongation of the South Right-of-Way line of said State Avenue and the West Right-of-Way line of said N. 94th Street; thence Northerly, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the South Right-of-Way line of said State Avenue; thence Northerly, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the North Right-of-Way line of said State Avenue, said point also being on the East line of said Schlitterbahn Vacation Village; thence North 02 degrees 14 minutes 32 seconds West, along the West

Right-of-Way line of said N. 94th Street and the East line of said Schlitterbahn Vacation Village, a distance of 645.04 feet; thence North 87 degrees 45 minutes 28 seconds East, continuing along the West Right-of-Way line of said N. 94th Street and the East line of said Schlitterbahn Vacation Village, a distance of 15.00 feet; thence North 02 degrees 14 minutes 32 seconds West, continuing along the West Right-of-Way line of said N. 94th Street and the East line of said Schlitterbahn Vacation Village, a distance of 910.24 feet, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street at the Southeast corner of an unplatted tract of land; thence Northerly, departing the East line of said Schlitterbahn Vacation Village, and continuing along the West Right-of-Way line of said N. 94th Street, and along the East line of an unplatted tract of land and along the East line of Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street; thence North 02 degrees 11 minutes 59 seconds West, along the East line of said Schlitterbahn Vacation Village and continuing along the West Right-of-Way line of said N. 94th Street, a distance of 50.00 feet, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street; thence Northerly, departing the East line of said Schlitterbahn Vacation Village, and continuing along the West Right-of-Way line of said N. 94th Street, and along the East line of Replat of Lots 5 to 37, Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, and along the East line of unplatted tracts of land, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the South Right-of-Way line of said Parallel Parkway; thence Westerly, along the South Right-of-Way line of said Parallel Parkway, to the point of intersection of South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village at the Northwest corner of an unplatted tract of land; thence South 02 degrees 11 minutes 59 seconds East, departing the South Right-of-Way line of said Parallel Parkway, and along the East line of said Schlitterbahn Vacation Village, a distance of 245.05 feet; thence South 62 degrees 48 minutes 12 seconds West, departing the East line of said Schlitterbahn Vacation Village, a distance of 301.92 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 181.85 feet; thence South 34 degrees 59 minutes 43 seconds West, a distance of 207.82 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 492.40 feet; thence South 75 degrees 42 minutes 31 seconds West, a distance of 930.96 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 770.80 feet; thence North 01 degrees 01 minutes 01 seconds West, a distance of 258.55 feet; thence South 89 degrees 03 minutes 39 seconds West 264.66 feet, to a point on a non-tangent curve; thence Northerly, along a curve to the right, whose initial tangent bearing is North 13 degrees 39 minutes 50 seconds West, having a radius of 5,654.58 feet and a central angle of 06 degrees 19 minutes 32 seconds, an arc length of 624.28 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 190.36 feet; thence South 29 degrees 19 minutes 48 seconds East, a distance of 62.94 feet; thence North 89 degrees 01 minutes 58 seconds East, a distance of 148.05 feet; thence North 00 degrees 55 minutes 56 seconds West, a distance of 582.69 feet, to a point on the North line of said Schlitterbahn Vacation Village, said point also being on the South Right-of-Way line of said Parallel Parkway; thence South 88 degrees 00 minutes 23 seconds West, along the North line of said Schlitterbahn Vacation Village and the South Right-of-Way line of said Parallel Parkway, a distance of 183.19 feet, to the POINT OF BEGINNING.

EXCEPTING therefrom Lots 1 thru 16, Lots 23 thru 34 and Lot 107, San Marcos Village Addition, a subdivision in Kansas City, Wyandotte County, Kansas, AND ALSO EXCEPTING Parcel Nos. 938509 and 938510.

AND ALSO:

Project Area 5 Description:

Part of Lot 1, Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas, along with a portion of unplatted land, all being in Section 1, Township 11 South, Range 23 East, being more particularly described as follows:

BEGINNING at the Southwest corner of the Northeast Quarter of said Section 1, Township 11 South, Range 23 East; thence North 02 degrees 19 minutes 21 seconds West, along the West line of said Northeast Quarter, a distance of 57.88 feet; thence North 11 degrees 57 minutes 29 seconds West, departing the West line of said Northeast Quarter, a distance of 276.31 feet; thence North 89 degrees 01 minutes 58 seconds East, a distance of 195.18 feet; thence North 01 degrees 01 minutes 01 seconds West, a distance of 36.96 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 770.80 feet; thence North 75 degrees 42 minutes 31 seconds East, a distance of 930.96 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 492.40 feet; thence North 34 degrees 59 minutes 43 seconds East, a distance of 207.82 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 181.85 feet; thence North 62 degrees 48 minutes 12 seconds East, a distance of 301.92 feet, to a point on the Easterly line of said Schlitterbahn Vacation Village; thence North 02 degrees 11 minutes 59 seconds West, along the Easterly line of said Schlitterbahn Vacation Village, a distance of 245.05 feet, to the point of intersection of the Easterly line of said Schlitterbahn Vacation Village and the South Right-of-Way line of Parallel Parkway, as now established; thence Easterly, along the South Right-of-Way line of said Parallel Parkway, to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the West Right-of-Way line of N. 94th Street, as now established; thence Southerly, along the West Right-of-Way line of said N. 94th Street and along the East line of an unplatted tract of land and along the East line of Replat of Lots 5 to 37, Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the Easterly line of said Schlitterbahn Vacation Village; thence South 02 degrees 11 minutes 59 seconds East, continuing along the West Right-of-Way line of said N. 94th Street, and along the East line of said Schlitterbahn Vacation Village, a distance of 50.00 feet, to the point of intersection of the Easterly line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street; thence Southerly, departing the East line of said Schlitterbahn Vacation Village, and continuing along the West Right-of-Way line of said N. 94th Street and along the East line of Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, and along an unplatted tract of land, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street, at the Southeast corner of an unplatted tract of land; thence South 87 degrees 45 minutes 28 seconds West, departing the West Right-of-Way line of said N. 94th Street, and along the Easterly line of said Schlitterbahn Vacation Village, a distance of 272.37 feet; thence North 69 degrees 44 minutes 32 seconds West, departing the Easterly line of said Schlitterbahn Vacation Village, a

distance of 730.33 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 696.01 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 685.13 feet, to a point on the North line of the Southeast Quarter of said Section 1; thence South 87 degrees 30 minutes 09 seconds West, along the North line of the Southeast Quarter of said Section 1, a distance of 1,003.58 feet, to the POINT OF BEGINNING.



AND

ALL THAT PART OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 11 SOUTH, RANGE 24, IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE SOUTHWEST CORNER OF SECTION SIX (6), TOWNSHIP ELEVEN (11) SOUTH, RANGE TWENTY-FOUR (24), EAST OF THE SIXTH PRINCIPAL MERIDIAN, THENCE NORTH 100 FEET; THENCE EAST 29.7 FEET; THENCE SOUTH 30 FEET FOR A POINT OF BEGINNING; THENCE EAST 250 FEET; THENCE NORTH 190 FEET; THENCE WEST 250 FEET; THENCE SOUTH 190 FEET TO THE POINT OF BEGINNING, EXCEPT ANY PART USED OR DEDICATED FOR STREETS, ROADS OR PUBLIC RIGHTS OF WAY.

AND

Beginning at the Southwest corner of Section 6, Township 11 South, Range 24 East of the Sixth Principal Meridian, Wyandotte County, Kansas; thence North 100 feet, thence East 29.7 feet, thence South 30 feet for a point of beginning; thence East 417.42 feet, thence North 417.42 feet, thence West 417.42 feet, thence South 417.42 feet to the point of beginning, less that part taken or used for road purposes;

LESS AND EXCEPT the following described tract of land:

Starting at the Southwest corner of Section 6, Township 11 South, Range 24 East of the Sixth Principal Meridian, thence North 100 feet; thence East 29.7 feet; thence South 30 feet for a point of beginning; thence East 250 feet; thence North 190 feet; thence West 250 feet; thence South 190 feet to the point of beginning;

ALSO LESS AND EXCEPT that part conveyed by a Deed for Highway purposes to the State of Kansas filed September 15, 1966, in Book 2037, Page 364, as Document No. 704835.

AND

All that part of Tract 3 as shown on Certificate of Survey recorded as document number 2015-80600, being more particularly described as follows: commencing at the Northwest corner of said Tract 3, thence South 02 degrees 14 minutes 32 seconds West, with the west line of said Tract 3 a distance of 300.00 feet; thence North 88 degrees 10 minutes 44 seconds East, a distance of 410.41 feet to the point of beginning; thence North 68 degrees 55 minutes 13 seconds East, and no longer with the south line of said Tract 3, a distance of 141.31 feet; thence South 24 degrees 48 minutes 40 seconds East, a distance of 155.82 feet; thence South 89 degrees 57 minutes 06 seconds West, a distance of 193.68 feet to a point on the south line of said Tract 3; thence North 02 degrees 14 minutes 32 seconds East, with the south line of said Tract 3, a distance of 407.42 feet to the point of beginning. The above described tract contains 19,777 square feet or 0.45 acres. Also known as Lot 107 San Marcos Village.

AND

All that part of Tract 3 as shown on Certificate of Survey recorded as document number 2015-80600, being more particularly described as follows: beginning at the Northwest corner of said Tract 3, thence North 88 degrees 10 minutes 44 seconds East, with the north line of said Tract 3, a distance of 193.00 feet; thence South 02 degrees 14 minutes 32 seconds East, and no longer with the north line of said Tract 3, a distance of 199.80 feet; thence North 88 degrees 08 minutes 20 seconds East, a distance of 50.00 feet; thence South 02 degrees 14 minutes 32 seconds East, a distance of 200.24 feet to a point on the south line of said Tract 3; thence South 88 degrees 10 minutes 44 seconds West, with the south line of said Tract 3, a distance of 243.00 feet to a point on the west line of said Tract 3; thence North 02 degrees 14 minutes 32 seconds West, with the west line of said Tract 3, and no longer with the south line of said Tract 3, a distance of 300.00 feet to the point of beginning. The above described tract contains 67,909 square feet or 1.55 acres. Also known as Tracts 14, 15 and 16 of San Marcos Village Edition.

AND

A tract of land in the Southeast Quarter of Fractional Section 6, Township 11 South, Range 24 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, being more particularly described as follows:

Beginning at a point on the West line of the Southeast Quarter of said Fractional Section 6, said point being North $0^{\circ} 18' 36''$ East 1320.00 feet from the Southwest corner of the Southeast Quarter of said Fractional Section 6;

Thence North $0^{\circ} 18' 36''$ East 1165.28 feet, along said West line, to a point 169.57 feet South of the Northwest corner of the Southeast Quarter of said Fractional Section 6;

Thence South $89^{\circ} 16' 39''$ East 1312.24 feet, along a line parallel with the North line of the Southeast Quarter of said Fractional Section 6, to a point on the West line of "EVERHART'S ADDITION", a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof and the center line of Walker Avenue as now established;

Thence South $0^{\circ} 22' 24''$ West 179.00 feet, to the Southwest corner of said "EVERHART'S ADDITION";

Thence South $89^{\circ} 37' 36''$ East 672.30 feet, along the South line of said EVERHART'S ADDITION;

Thence South $0^{\circ} 19' 23''$ West 987.08 feet, along a line parallel with the East line of the Southeast Quarter of said Fractional Section 6, to a point 1320.00 feet North of the South line of the Southeast Quarter of said Fractional Section 6;

Thence North $89^{\circ} 22' 23''$ West 1984.11 feet, along a line parallel with the South line of the Southeast Quarter of said Fractional Section 6, to the "point of beginning" of the tract herein described containing a gross area of 2,189,949 square feet or 50.2743 acres, more or less.

Subject to all right-of-ways, easements and restrictions of record.

AND

All of Lot 4, PROVIDENCE MEDICAL CENTER, a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof.

AND

A tract of land In the Southeast Quarter of Fractional Section 6, Township 11 South, Range 24 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, more particularly described as follows:

Beginning at a point on the East line of the Southeast Quarter of said Fractional Section 6, said point being North 0°19'23" East 990.00 feet from the Southeast corner of the Southeast Quarter of said Fractional Section 6; Thence North 89°22'23" West 660.00 feet, along a line parallel with the South line of the Southeast Quarter of said Fractional Section 6; Thence North 0°19'23" East 1317.08 feet, along a line parallel with the East line of the Southeast Quarter of said Fractional Section 6, to a point on the South line of "EVERHART'S ADDITION", a subdivision of land In Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof; Thence South 89°37'36" East 432.00 feet, along the South line of said "EVERHART'S ADDITION" to the Northwest corner of a certain tract of land filed for record In Book 2858 at Page 452 at the Wyandotte County Register of Deeds Office; Thence South 0°22'24" West 230.00 feet, along a line at right angles to the South line of said "EVERHART'S ADDITION", to the Southwest corner of said certain tract of land; Thence South 89°37'36" East 228.19 feet (230.00 feet by deed), along the South line of said certain tract of land being parallel with the South line of said "EVERHART'S ADDITION", to a point on the East line of the Southeast Quarter of said Fractional Section 6; Thence South 0°19'23" West 240.00 feet, along said East line, to the Northeast corner of a certain tract of land filed for record In Book 1941 at Page 469 at the Wyandotte County Register of Deeds Office; Thence North 89°22'23" West 300.00 feet, along a line parallel with the South line of the Southeast Quarter of said Fractional Section 6, to the Northwest corner of said certain tract of land; Thence South 0°19'23" West 175.00 feet, along a line parallel with the East line of the Southeast Quarter of said Fractional Section 6, said line being the West line of said certain tract of land and the West line of a certain tract of land filed for record In Book 1135 at Page 79 at the Wyandotte County Register of Deeds Office, to the Southwest corner of said certain tract of land recorded In Book 1135 at Page 79; Thence South 89°22'23" East 300.00 feet, along the South line of said certain tract of land, said line being parallel with the South line of the Southeast Quarter of said Fractional Section 6, to a point on the East line of the Southeast Quarter of said Fractional Section 6; Thence South 0°19'23" West 15.00 feet, along said East line, to the Northeast corner of a certain tract of land filed for record in Book 1071 at Page 125 at the Wyandotte County Register of Deeds Office; Thence North 89°22'23" West 330.00 feet, along the North line of said certain tract of land being parallel with the South line of the Southeast Quarter of said Fractional Section 6; Thence South 0°19'23" West 132.00 feet, along the West line of said certain tract of land being parallel with the East line of the Southeast Quarter of said Fractional Section 6; Thence South 89°22'23" East 330.00 feet, along the South line of said certain tract of land, to a point on the East line of the Southeast

Quarter of said Fractional Section 6; Thence South $0^{\circ}19'23''$ West 528.00 feet, along said East line, to the point of beginning of the tract herein described.

AND

Beginning at a point 2,310 feet North of the Southeast corner of the Southeast Quarter of Section 6, Township 11, Range 24; thence West 230 feet; thence South 230 feet; thence East 230 feet; thence North 230 feet to the point of beginning, in Kansas City, Wyandotte County, Kansas, less that part taken or used for road purposes.

AND

A tract of land in the East one-half of Fractional Section 6, Township 11 South, Range 24 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas being more particularly described as follows:

Beginning at the Northeast corner of the Northeast Quarter of said Fractional Section 6; thence South $0^{\circ}26'46''$ West 590.65 feet, along the East line of the Northeast Quarter of said Fractional Section 6; Thence North $89^{\circ}33'14''$ West 25.00 feet to a point on the West right-of-way line of 86th Street, as now established, said point also being on a curve concave to the South having a radius of 196.96 feet; thence Westerly 69.85 feet, along said curve to the left having a chord bearing South $80^{\circ}17'08''$ West 69.49 feet; thence South $70^{\circ}07'31''$ West 77.06 feet; thence South $0^{\circ}26'46''$ West 210.03 feet, along a line parallel with the East line of the Northeast Quarter of said Fractional Section 6, to a point on the center line of the abandoned right-of-way of the Kansas City Northwestern Railroad, as now established; thence South $70^{\circ}07'31''$ West 861.44 feet, along said center line, to the beginning of a curve concave to the Southeast having a radius of 1910.08 feet; thence Southwesterly 241.10 feet, along said center line and said curve to the left having a chord bearing South $66^{\circ}30'33''$ West 240.94 feet; thence South $0^{\circ}8'59''$ West 565.63 feet, along a line parallel with the West line of the Northeast Quarter of said Fractional Section 6, to a point on the South line of the Northeast Quarter of said Fractional Section 6; thence North $89^{\circ}16'39''$ West 139.57 feet, along said South line, to the Northerly prolongation of the West line of "Everharts Addition", a subdivision of land according to the record plat thereof; Thence South $0^{\circ}22'24''$ West 169.56 feet, along said Northerly prolongation to the center line of Walker Avenue as platted in said "Everhart's Addition"; Thence South $89^{\circ}16'39''$ West 1312.24 feet, along a line parallel with the North line of the Southeast Quarter of said Fractional Section 6, to a point on the West line of the Southeast Quarter of said Fractional Section 6; Thence North $0^{\circ}18'36''$ East 169.57 feet, along said West line, to the Northwest corner of the Southeast Quarter of said Fractional Section 6; Thence South $89^{\circ}16'39''$ East 1293.27 feet, along the North line of the Southeast Quarter of said Fractional Section 6; Thence North $0^{\circ}19'02''$ East 1802.48 feet to a point on the North line of the Northeast Quarter of said Fractional Section 6, said point being 1293.27 feet East of the Northwest corner of the Northeast Quarter of said Fractional Section 6; Thence South $89^{\circ}30'42''$ East 1355.21 feet, along said North line, to the point of beginning of the tract herein described.

PROJECT AREA 1

File No. 014-0347

Schlitterbahn

July 3, 2014

Project Area 1 Description:

Part of Lot 1, Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas, along with a portion of unplatted land, all being in the Southeast Quarter of Section 1, Township 11 South, Range 23 East, being more particularly described as follows:

BEGINNING at the Northwest corner of the Southeast Quarter of said Section 1, Township 11 South, Range 23 East; thence North 87 degrees 30 minutes 09 seconds East, along the North line of said Southeast Quarter, a distance of 1,003.58 feet; thence South 00 degrees 00 minutes 00 seconds East, departing the North line of said Southeast Quarter, a distance of 685.13 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 696.01 feet; thence South 69 degrees 44 minutes 32 seconds East, a distance of 730.33 feet, to a point on the Easterly line of said Lot 1; thence North 87 degrees 45 minutes 28 seconds, along the Easterly line of said Lot 1, a distance of 272.37 feet, to a point on the West Right-of-Way line of N. 94th Street, as now established; thence South 02 degrees 14 minutes 32 seconds East, continuing along the Easterly line of said Lot 1, and along the West Right-of-Way line of said N. 94th Street, a distance of 910.24 feet; thence South 87 degrees 45 minutes 28 seconds West, continuing along the Easterly line of said Lot 1, and along the West Right-of-Way line of said N. 94th Street, a distance of 15.00 feet; thence South 02 degrees 14 minutes 32 seconds East, continuing along the Easterly line of said Lot 1, and along the West Right-of-Way line of said N. 94th Street, a distance of 645.04 feet to the point of intersection of the West Right-of-Way line said N. 94th Street and the North Right-of-Way line of State Avenue, as now established; thence South 53 degrees 02 minutes 04 seconds West, continuing along the Easterly line of said Lot 1, and along the North Right-of-Way line of said State Avenue, a distance of 61.51 feet; thence South 87 degrees 42 minutes 57 seconds West, along the South line of said Lot 1 and along the North Right-of-Way line of said State Avenue, a distance of 881.99 feet; thence North 64 degrees 52 minutes 17 seconds West, continuing along the South line of said Lot 1 and along the North Right-of-Way line of said State Avenue, a distance of 13.73 feet; thence in a Westerly direction, departing the South line of said Lot 1, and continuing along the North Right-of-Way line of said State Avenue, to a point of intersection of the South Right-of-Way line of said State Avenue and the South line of said Lot 1; thence South 87 degrees 42 minutes 57 seconds West, along the South line of said Lot 1 and continuing along the North Right-of-Way line of said State Avenue, a distance of 61.75 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the Northeasterly Right-of-Way line of N. 98th Street, as now established; thence North 02 degrees 18 minutes 50 seconds West, departing the North Right-of-Way line of said State Avenue and along the Northeasterly Right-of-Way line of said N. 98th Street and continuing along the Southerly line of said Lot 1, a distance of 65.74 feet, to a point of curvature; thence Northerly, Northwesterly and Westerly, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Southerly line of said Lot 1 and along a curve to the left, having a radius of 575.00 feet and a central angle of 96 degrees 39 minutes 25 seconds, an arc length of 970.01 feet; thence North 00 degrees 00 minutes 00 seconds East, departing the Northeasterly

Right-of-Way line of said N. 98th Street and the Southerly line of said Lot 1, a distance of 681.26 feet; thence North 78 degrees 38 minutes 12 seconds West, a distance of 570.99 feet, to a point on the West line of the Southeast Quarter of said Section 1; thence North 02 degrees 20 minutes 41 seconds West, along the West line of the Southeast Quarter of said Section 1, a distance of 1,102.14 feet to the POINT OF BEGINNING.

PROJECT AREA 2A

File No. 014-0347
Schlitterbahn
April 15, 2015

Project Area 2A Description:

All of Lots 1, 3, 4-A, 4-B & 7, along with part of Tracts A & B and Lots 5, & 6, Legends Auto Plaza, a subdivision in Kansas City, Wyandotte County, Kansas, being more particularly described as follows:

Tract 1:

All of Lots 1, 4-A & 4-B of said Legends Auto Plaza.

AND ALSO:

Tract 2:

BEGINNING at the Northeast corner of said Lot 3, said point also being the point of intersection of the South Right-of-Way line of Parallel Parkway and the West Right-of-Way line of N. 98th Street, as established with said Legends Auto Plaza; thence Southerly, along the East line of Lot 3, Tract B, and Lot 6, and along the West Right-of-Way line of said N. 98th Street, and along a curve to the left, whose initial tangent bearing of South 02 degrees 13 minutes 58 seconds East, having a radius of 5,804.58 feet and through a central angle of 05 degrees 58 minutes 07 seconds, an arc length of 604.68 feet; thence South 81 degrees 30 minutes 09 seconds West, departing the East line of said Lot 6 and the West Right-of-Way line of said N. 98th Street, a distance of 0.08 feet, to a point of curvature; thence Westerly, along a curve to the right, having a radius of 220.00 feet and through a central angle of 17 degrees 18 minutes 38 seconds, an arc length of 66.47 feet, to a point of tangency; thence North 81 degrees 11 minutes 14 seconds West, a distance of 138.78 feet, to a point of curvature; thence Westerly, along a curve to the left, having a radius of 280.00 feet and through a central angle of 17 degrees 48 minutes 27 seconds, an arc length of 87.02 feet, to a point on the Southerly prolongation of the West line of said Lot 3; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 3 and its Southerly prolongation, a distance of 576.20 feet, to the Northwest corner of said Lot 3, said point also being on the South Right-of-Way line of said Parallel Parkway; thence North 89 degrees 14 minutes 17 seconds East, along the North line of said Lot 3 and along the South Right-of-Way line of said Parallel Parkway, a distance of 175.43 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the North line of said Lot 3 and the South Right-of-Way line of said Parallel Parkway, a distance of 59.91 feet, to the POINT OF BEGINNING.

AND ALSO:

Tract 3:

BEGINNING at the Southwest corner of said Lot 5, said point also being on the Easterly line of said Tract B; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 5 and along the Easterly line of said Tract B, a distance of 559.99 feet, to a point of

curvature; thence Northerly, Northeasterly and Easterly, continuing along the West line and along the North line of said Lot 5, and continuing along the Easterly line and along the Southerly line of said Tract B, and along a curve to the right, having a radius of 15.00 feet and through a central angle of 90 degrees 01 minutes 50 seconds, an arc length of 23.57 feet, to a point of tangency; thence South 89 degrees 59 minutes 00 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, a distance of 79.87 feet, to a point of curvature; thence Easterly and Northeasterly, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, and along a curve to the left, having a radius of 330.00 feet and through a central angle of 23 degrees 15 minutes 39 second, an arc length of 133.97 feet, to a point of tangency; thence North 66 degrees 45 minutes 21 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, and their Easterly prolongation, a distance of 256.87 feet, to a point of curvature; thence Northeasterly, Easterly and Southeasterly, along a curve to the right, having a radius of 185.00 feet and through a central angle of 38 degrees 46 minutes 48 seconds, an arc length of 125.22 feet, to a point of reverse curvature; thence Southeasterly and Easterly, along a curve to the left, having a radius of 515.00 and through a central angle of 06 degrees 50 minutes 11 seconds, an arc length of 61.45 feet, to a point of tangency; thence South 81 degrees 18 minutes 03 seconds East, a distance of 74.97 feet, to a point of curvature; thence Easterly, along a curve to the left, having a radius of 290.00 feet and through a central angle of 17 degrees 11 minutes 48 seconds, an arc length of 87.04 feet, to a point of tangency; thence North 81 degrees 30 minutes 09 seconds East, a distance of 0.14 feet, to a point on the East line of said Lot 6, said point also being on the West Right-of-Way line of said N. 98th Street, said point also being on a non-tangent curve; thence Southerly and Southeasterly, along the East line of Lots 6 and 7 and the Easterly line of said Tract B, and along a curve to the left, whose initial tangent bearing is South 08 degrees 53 minutes 33 seconds East, having a radius of 5,804.58 feet and through a central angle of 04 degrees 46 minutes 23 seconds, an arc length of 483.54 feet, to the Northeasterly corner of said Tract A; thence South 76 degrees 23 minutes 16 seconds West, departing the West Right-of-Way line of said N. 98th Street, a distance of 60.00 feet; thence North 82 degrees 31 minutes 36 seconds West, a distance of 330.64 feet; thence South 89 degrees 59 minutes 10 seconds West, a distance of 184.56 feet; thence South 00 degrees 01 minutes 03 seconds West, a distance of 241.90 feet, to a point on the South line of said Lot 5, said point also being on the North line of Lot 9 of said Legends Auto Plaza; thence North 89 degrees 58 minutes 57 seconds West, along the South line of said Lot 5 and along the North line of said Lot 9 a distance of 328.41 feet, to the POINT OF BEGINNING.



PROJECT AREA 2B

File No. 014-0347

Schlitterbahn

April 15, 2015

Project Area 2B Description:

Part of Tract A, Lot Line Adjustment Survey, Lots 1 & 2, Schlitterbahn Vacation Village; All of Tract B, and all of that part of France Family Drive, State Avenue and N. 98th Street Right-of-Ways as established within Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas; All of Legends Auto Plaza, a subdivision in Kansas City, Wyandotte County, Kansas; along with a portion of unplatted land, lying in Section 1, Township 11 South, Range 23 East, and Section 12, Township 11 South, Range 23 East, all being more particularly described as follows:

BEGINNING at the Northeast corner of the Southwest Quarter of said Section 1, Township 11 South, Range 23 East; thence South 02 degrees 20 minutes 41 seconds East, along the East line of said Southwest Quarter, a distance of 49.99 feet, to a point on the South Right-of-Way line of France Family Drive, as now established; thence South 87 degrees 20 minutes 51 seconds West, along the South Right-of-Way line of said France Family Drive, a distance of 281.92 feet, to a point on a non-tangent curve; thence Southwesterly, departing the South Right-of-Way line of said France Family Drive, and along the Northeasterly prolongation of the Northerly line of Tract B of said Lot Line Adjustment Survey, and along a curve to the right, whose initial tangent bearing is South 44 degrees 08 minutes 09 seconds West, having a radius of 650.00 feet, and a central angle of 28 degrees 36 minutes 27 seconds, an arc length of 324.54 feet, to a point of tangency; thence South 72 degrees 44 minutes 36 seconds West, continuing along the Northerly line of said Tract B, a distance of 346.32 feet, to a point of curvature; thence Southwesterly, Southerly and Southeasterly, continuing along the Northerly line and along the Westerly line of said Tract B, and along a curve to the left, having a radius of 500.00 feet and a central angle of 92 degrees 50 minutes 42 seconds, an arc length of 810.22 feet, to a point on the Northeasterly Right-of-Way line of N. 98th Street, as now established, said point also being on the Westerly line of said Tract B, said point also being a point of tangency; thence South 20 degrees 06 minutes 06 seconds East, along the Northeasterly Right-of-Way line of said N. 98th Street and along the Westerly line of said Tract B, and along the Westerly Line of Tract A of said Lot Line Adjustment Survey, a distance of 253.32 feet, to a point of curvature; thence Southeasterly, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Westerly line of Tract A, of said Lot Line Adjustment Survey, and along a curve to the left, having a radius of 725.00 feet and a central angle of 27 degrees 18 minutes 33 seconds, an arc length of 345.56 feet, to a point of tangency; thence South 47 degrees 24 minutes 39 seconds East, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Westerly and Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 624.55 feet, to a point of curvature; thence Southeasterly, Easterly and Northeasterly, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Southerly line of Tract A, of said Lot Line Adjustment Survey, and along a curve to the left, having a radius of 675.00 feet and a central angle of 76 degrees 58 minutes 27 seconds, an arc length of 906.83 feet, to a point of reverse curvature; thence Northeasterly, Easterly, Southeasterly and Southerly,

Southerly line of Tract A, of said Lot Line Adjustment Survey, and along a curve to the right, having a radius of 575.00 feet and a central angle of 122 degrees 03 minutes 50 seconds, an arc length of 1,224.99 feet, to a point of tangency; thence South 02 degrees 19 minutes 17 seconds East, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 65.73 feet, to the point of intersection of the Northeasterly Right-of-Way line of said N. 98th Street and the North Right-of-Way line of State Avenue, as now established; thence North 87 degrees 42 minutes 57 seconds East, continuing along the Southerly line of Tract A, of said Lot Line Adjustment Survey, and along the North Right-of-Way line of said State Avenue, a distance of 61.74 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, lying on the West side of an unplatted piece of land; thence Southerly, departing the Southerly line of Tract A, of said Lot Line Adjustment Survey, and continuing along the North Right-of-Way line of said State Avenue; thence Easterly, continuing along the North Right-of-Way line of said State Avenue, to the point of intersection of the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, lying on the East side of an unplatted piece of land; thence South 64 degrees 52 minutes 17 seconds East, continuing along the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 13.73 feet; thence North 87 degrees 42 minutes 57 seconds East, continuing along the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 881.99 feet; thence North 53 degrees 02 minutes 04 seconds East, continuing along the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 61.51 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the West Right-of-Way line of N. 94th Street, as now established; thence Southerly, departing the North Right-of-Way line of said State Avenue, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the South Right-of-Way line of said State Avenue; thence Westerly, along the South Right-of-Way line of said State Avenue to the point of intersection of the South Right-of-Way line of said State Avenue and the Easterly Right-of-Way line of Interstate Highway No. 435, as now established; thence Northerly, departing the South Right-of-Way line of said State Avenue and along the Easterly Right-of-Way line of said Interstate Highway No. 435 to the point of intersection of the Easterly Right-of-Way line of said Interstate Highway No. 435 and the North Right-of-Way line of said State Avenue, said point also being the Southwesterly corner of Tract A of said Schlitterbahn Vacation Village; thence South 86 degrees 36 minutes 43 seconds East, along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 246.20 feet; thence South 77 degrees 39 minutes 21 seconds East, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 92.23 feet; thence North 87 degrees 42 minutes 57 seconds East, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, and along the South line of Lot 3 of said Schlitterbahn Vacation Village, a distance of 925.88 feet to a point of curvature, said point also being the point of intersection of the North Right-of-Way line of said State Avenue and the Southwesterly Right-of-Way line of said N. 98th Street; thence Northeasterly, Northerly and Northwesterly, departing the North Right-of-Way line of said State Avenue, and along the Southwesterly Right-of-Way line of said N. 98th Street, and along the Easterly and Northeasterly line of said Lot 3, and along a curve to the left, having a radius of 182.00 feet and a central angle of 118 degrees 41 minutes 03 seconds, an arc length of 377.00

feet, to a point of compound curvature; thence Northwesterly, Westerly and Southwesterly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and along the Easterly and Northerly line of said Lot 3, and along a curve to the left, having a radius of 425.00 feet and a central angle of 93 degrees 25 minutes 01 seconds, an arc length of 692.93 feet, to a point of reverse curvature; thence Southwesterly, Westerly and Northwesterly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Lot 3 and along the Northerly line of said Tract A, and along a curve to the right, having a radius of 825.00 feet and a central angle of 76 degrees 58 minutes 28 seconds, an arc length of 1,108.35 feet, to a point of tangency; thence North 47 degrees 24 minutes 39 seconds West, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Tract A, a distance of 29.19 feet, to the Southeast corner of Tract B of said Schlitterbahn Vacation Village; thence South 42 degrees 35 minutes 21 seconds West, departing the Southwesterly Right-of-Way line of said N. 98th Street, along the Southeasterly line of said Tract B, and continuing along the Northerly line of said Tract A, a distance of 25.00 feet, to a point on the Easterly Right-of-Way line of said Interstate Highway No. 435, said point also being on the Westerly line of said Tract B; thence North 47 degrees 24 minutes 39 seconds West, along the Easterly Right-of-Way line of said Interstate Highway No. 435 and the Westerly line of said Tract B, a distance of 814.00 feet; thence North 20 degrees 07 minutes 39 seconds West, continuing along the Easterly Right-of-Way line of said Interstate Highway No. 435 and the Westerly line of said Tract B, a distance of 1,498.22 feet to a point on the South line of the Northwest Quarter of said Section 1, said point also being the Southwest corner of said Legends Auto Plaza; thence North 15 degrees 56 minutes 18 seconds West, continuing along the Easterly Right-of-Way line of said Interstate Highway No. 435 and along the West line of said Legends Auto Plaza, a distance of 938.56 feet; thence North 13 degrees 58 minutes 29 seconds East, continuing along the Easterly Right-of-Way line of said Interstate Highway No. 435, and along the West line of said Legends Auto Plaza, a distance of 568.70 feet; thence North 74 degrees 54 minutes 27 seconds West, departing the Easterly Right-of-Way line of said Interstate Highway No. 435 and the West line of said Legends Auto Plaza, a distance of 130.08 feet; thence North 01 degrees 35 minutes 51 seconds West, a distance of 255.72 feet to the Westerly prolongation of the South Right-of-Way line of Parallel Parkway, as now established; thence North 88 degrees 01 minutes 07 seconds East, along the Westerly prolongation of the South Right-of-Way line of said Parallel Parkway, a distance of 370.61 feet, to the point of intersection of the Easterly Right-of-Way line of said Interstate Highway No. 435 and the South Right-of-Way line of said Parallel Parkway, said point also being the Northwest corner of said Legends Auto Plaza; thence North 88 degrees 01 minutes 07 seconds East, along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 150.00 feet; thence South 01 degrees 58 minutes 53 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 10.00 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 140.02 feet; thence North 54 degrees 20 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and along the North line of said Legends Auto Plaza, and their Northeasterly prolongation, a distance of 72.12 feet; thence North 88 degrees 01 minutes 07 seconds East, a distance of 61.99 feet; thence South 02 degrees 22 minutes 58 seconds East, a distance of 10.00 feet, to a point on the Westerly prolongation of the South Right-of-Way line of said Parallel Parkway and of the North line of said Legends Auto

Plaza; thence North 88 degrees 01 minutes 07 seconds East, along said Westerly prolongation and along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 451.28 feet; thence North 89 degrees 11 minutes 40 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and along the North line of said Legends Auto Plaza, a distance of 243.64 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 84.91 feet; thence North 82 degrees 59 minutes 09 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 170.99 feet, to a point on the North line of Tract A of said Lot Line Adjustment Survey; thence North 88 degrees 01 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and along the North line of Tract A of said Lot Line Adjustment Survey, a distance of 173.97 feet; thence North 88 degrees 00 minutes 23 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of Tract A of said Lot Line Adjustment Survey, a distance of 183.19 feet; thence South 00 degrees 55 minutes 56 seconds East, departing the South Right-of-Way line of said State Avenue and the North line of Tract A of said Lot Line Adjustment Survey, a distance of 582.69 feet; thence South 89 degrees 01 minutes 58 seconds West, a distance of 148.05 feet; thence North 29 degrees 19 minutes 48 seconds West, a distance of 62.94 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 190.36 feet, to a point on a non-tangent curve; thence Southerly, along a curve to the left, whose initial tangent bearing is South 07 degrees 20 minutes 18 seconds East, having a radius of 5,654.58 feet, and a central angle of 06 degrees 19 minutes 32 seconds, an arc length of 624.28 feet, to a point on a non-tangent line; thence North 89 degrees 03 minutes 39 seconds East, a distance of 264.66 feet; thence South 01 degrees 01 minutes 01 seconds East, a distance of 295.50 feet; thence South 89 degrees 01 minutes 58 seconds West, a distance of 195.18 feet, to a point on a non-tangent curve; thence Southerly, along a curve to the right, whose initial tangent bearing is South 13 degrees 19 minutes 19 seconds East, having a radius of 5,804.58 feet and a central angle of 02 degrees 43 minutes 40 seconds, an arc length of 276.34 feet, to a point on a non-tangent line, said point also being on the East line of the Northwest Quarter of said Section 1; thence South 02 degrees 19 minutes 21 seconds East, along the East line of said Northwest Quarter, a distance of 57.88 feet, to the POINT OF BEGINNING.

EXCEPTING therefrom, all of the following described tracts;

All of Lots 1, 3, 4-A, 4-B & 7, along with part of Tracts A & B and Lots 5, & 6, Legends Auto Plaza, a subdivision in Kansas City, Wyandotte County, Kansas, being more particularly described as follows:

Tract 1:

All of Lots 1, 4-A & 4-B of said Legends Auto Plaza.

AND ALSO:

Tract 2:

BEGINNING at the Northeast corner of said Lot 3, said point also being the point of intersection of the South Right-of-Way line of Parallel Parkway and the West Right-of-Way line of N. 98th

Street, as established with said Legends Auto Plaza; thence Southerly, along the East line of Lot 3, Tract B, and Lot 6, and along the West Right-of-Way line of said N. 98th Street, and along a curve to the left, whose initial tangent bearing of South 02 degrees 13 minutes 58 seconds East, having a radius of 5,804.58 feet and through a central angle of 05 degrees 58 minutes 07 seconds, an arc length of 604.68 feet; thence South 81 degrees 30 minutes 09 seconds West, departing the East line of said Lot 6 and the West Right-of-Way line of said N. 98th Street, a distance of 0.08 feet, to a point of curvature; thence Westerly, along a curve to the right, having a radius of 220.00 feet and through a central angle of 17 degrees 18 minutes 38 seconds, an arc length of 66.47 feet, to a point of tangency; thence North 81 degrees 11 minutes 14 seconds West, a distance of 138.78 feet, to a point of curvature; thence Westerly, along a curve to the left, having a radius of 280.00 feet and through a central angle of 17 degrees 48 minutes 27 seconds, an arc length of 87.02 feet, to a point on the Southerly prolongation of the West line of said Lot 3; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 3 and its Southerly prolongation, a distance of 576.20 feet, to the Northwest corner of said Lot 3, said point also being on the South Right-of-Way line of said Parallel Parkway; thence North 89 degrees 14 minutes 17 seconds East, along the North line of said Lot 3 and along the South Right-of-Way line of said Parallel Parkway, a distance of 175.43 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the North line of said Lot 3 and the South Right-of-Way line of said Parallel Parkway, a distance of 59.91 feet, to the POINT OF BEGINNING.

AND ALSO:

Tract 3:

BEGINNING at the Southwest corner of said Lot 5, said point also being on the Easterly line of said Tract B; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 5 and along the Easterly line of said Tract B, a distance of 559.99 feet, to a point of curvature; thence Northerly, Northeasterly and Easterly, continuing along the West line and along the North line of said Lot 5, and continuing along the Easterly line and along the Southerly line of said Tract B, and along a curve to the right, having a radius of 15.00 feet and through a central angle of 90 degrees 01 minutes 50 seconds, an arc length of 23.57 feet, to a point of tangency; thence South 89 degrees 59 minutes 00 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, a distance of 79.87 feet, to a point of curvature; thence Easterly and Northeasterly, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, and along a curve to the left, having a radius of 330.00 feet and through a central angle of 23 degrees 15 minutes 39 second, an arc length of 133.97 feet, to a point of tangency; thence North 66 degrees 45 minutes 21 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, and their Easterly prolongation, a distance of 256.87 feet, to a point of curvature; thence Northeasterly, Easterly and Southeasterly, along a curve to the right, having a radius of 185.00 feet and through a central angle of 38 degrees 46 minutes 48 seconds, an arc length of 125.22 feet, to a point of reverse curvature; thence Southeasterly and Easterly, along a curve to the left, having a radius of 515.00 and through a central angle of 06 degrees 50 minutes 11 seconds, an arc length of 61.45 feet, to a point of tangency; thence South 81 degrees 18 minutes 03 seconds East, a distance of 74.97 feet, to a point of curvature; thence Easterly, along a curve to the left, having a radius of 290.00 feet and through a central angle of 17 degrees 11 minutes 48 seconds, an arc length of 87.04 feet, to a point of tangency; thence North 81 degrees 30 minutes 09 seconds East, a distance of 0.14 feet,

to a point on the East line of said Lot 6, said point also being on the West Right-of-Way line of said N. 98th Street, said point also being on a non-tangent curve; thence Southerly and Southeasterly, along the East line of Lots 6 and 7 and the Easterly line of said Tract B, and along a curve to the left, whose initial tangent bearing is South 08 degrees 53 minutes 33 seconds East, having a radius of 5,804.58 feet and through a central angle of 04 degrees 46 minutes 23 seconds, an arc length of 483.54 feet, to the Northeasterly corner of said Tract A; thence South 76 degrees 23 minutes 16 seconds West, departing the West Right-of-Way line of said N. 98th Street, a distance of 60.00 feet; thence North 82 degrees 31 minutes 36 seconds West, a distance of 330.64 feet; thence South 89 degrees 59 minutes 10 seconds West, a distance of 184.56 feet; thence South 00 degrees 01 minutes 03 seconds West, a distance of 241.90 feet, to a point on the South line of said Lot 5, said point also being on the North line of Lot 9 of said Legends Auto Plaza; thence North 89 degrees 58 minutes 57 seconds West, along the South line of said Lot 5 and along the North line of said Lot 9 a distance of 328.41 feet, to the POINT OF BEGINNING.



PROJECT AREA 3

File No. 014-0347

Schlitterbahn

July 7, 2014

Project Area 3 Description:

Part of Lots 1 and 2, and all of Lot 3 and Tract A, Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas; being in Section 1, Township 11 South, Range 23 East, being more particularly described as follows:

COMMENCING at the Northeast corner of the Southwest Quarter of said Section 1, Township 11 South, Range 23 East; thence South 02 degrees 20 minutes 41 seconds East, along the East line of said Southwest Quarter, a distance of 49.99 feet, to the POINT OF BEGINNING; thence South 02 degrees 20 minutes 41 seconds East, continuing along the East line of said Southwest Quarter, a distance of 1,052.15 feet; thence South 78 degrees 38 minutes 12 seconds East, departing the East line of said Southwest Quarter, a distance of 570.99 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 681.26 feet, to a point on a non-tangent curve, said point also being on the Southerly line of said Lot 1, said point also being on the Northeasterly Right-of-Way line of N. 98th Street, as now established; thence Southwesterly, along the Southerly line of said Lot 1 and the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the left, whose initial tangent bearing is South 81 degrees 01 minutes 18 seconds West, having a radius of 575.00 feet, and a central angle of 25 degrees 24 minutes 25 seconds, an arc length of 254.98 feet, to a point of reverse curvature; thence Southwesterly, Westerly and Northwesterly, continuing along the Southerly line of said Lot 1 and the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the right, having a radius of 675.00 feet and a central angle of 76 degrees 58 minutes 27 seconds, an arc length of 906.83 feet, to a point of tangency, said point hereinafter referred to as Point "A"; thence North 47 degrees 24 minutes 39 seconds West, continuing along the Southerly line of said Lot 1 and the Northeasterly Right-of-Way line of said N. 98th Street, and along the Southwesterly line of said Lot 2, a distance of 624.55 feet, to a point of curvature; thence Northwesterly, continuing along the Southwesterly line of said Lot 2 and the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the right, having a radius of 725.00 feet and a central angle of 27 degrees 18 minutes 33 seconds, an arc length of 345.56 feet, to a point of tangency; thence North 20 degrees 06 minutes 06 seconds West, continuing along the Southwesterly line of said Lot 2 and the Northeasterly Right-of-Way line of said N. 98th Street, a distance of 253.32 feet, to a point of curvature; thence Northwesterly, Northerly and Northeasterly, departing the Southwesterly line of said Lot 2 and the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the right, having a radius of 500.00 feet and a central angle of 92 degrees 50 minutes 42 seconds, an arc length of 810.22 feet, to a point of tangency; thence North 72 degrees 44 minutes 36 seconds East, a distance of 346.32 feet, to a point of curvature; thence Northeasterly, along a curve to the left, having a radius of 650.00 feet and a central angle of 28 degrees 36 minutes 27 seconds, an arc length of 324.54 feet, to a point on the South Right-of-Way line of France Family Drive, as now established; thence North 87 degrees 20 minutes 51

seconds East, along the South Right-of-Way line of said France Family Drive, and its Easterly prolongation, a distance of 281.92 feet, to the POINT OF BEGINNING.

AND ALSO:

COMMENCING at the aforementioned Point "A"; thence South 53 degrees 36 minutes 09 seconds West, a distance of 152.81 feet, to a point on the Southwesterly Right-of-Way line of said N. 98th Street, said point also being on the Northerly line of said Tract A, said point also being the POINT OF BEGINNING; thence South 47 degrees 24 minutes 39 seconds East, along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Tract A, a distance of 29.19 feet to a point of curvature; thence Southeasterly, Easterly and Northeasterly, along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Tract A and the Northerly line of said Lot 3, and along a curve to the left, having a radius of 825.00 feet and a central angle of 76 degrees 58 minutes 28 seconds, an arc length of 1,108.35 feet, to a point of reverse curvature; thence Northeasterly, Easterly and Southeasterly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly and Northeasterly line of said Lot 3, and along a curve to the right, having a radius of 425.00 feet and a central angle of 93 degrees 25 minutes 01 seconds, an arc length of 692.93 feet, to a point of compound curvature; thence Southeasterly, Southerly Southwesterly, and Westerly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Easterly line of said Lot 3, and along a curve to the right, having a radius of 182.00 feet and a central angle of 118 degrees 41 minutes 03 seconds, an arc length of 377.00 feet, to a point of tangency, said point also being the point of intersection of the Southwesterly Right-of-Way line of said N. 98th Street and the North Right-of-Way line of State Avenue, as now established; thence South 87 degrees 42 minutes 57 seconds West, along the North Right-of-Way line of said State Avenue and the South line of said Lot 3 and Tract A, a distance of 925.88 feet; thence North 77 degrees 39 minutes 21 seconds West, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 92.23 feet; thence North 86 degrees 36 minutes 43 seconds West, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 246.20 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the Easterly Right-of-Way line of Interstate Highway No. 435; thence North 27 degrees 56 minutes 39 seconds West, departing the North Right-of-Way line of said State Avenue, and along the Easterly Right-of-Way line of said Interstate Highway No. 435 and the Westerly line of said Tract A, a distance of 549.00 feet; thence North 42 degrees 35 minutes 21 seconds East, departing the Easterly Right-of-Way line of said Interstate Highway No. 435, and along the Westerly line of said Tract A, a distance of 25.00 feet, to the POINT OF BEGINNING.

PROJECT AREA 4

File No. 014-0347

Schlitterbahn

July 8, 2014

Project Area 4 Description:

Part of platted and unplatted land in Section 01, Township 11 South, Range 23 East, Section 02, Township 11 South, Range 23 East, Section 11, Township 11 South, Range 23 East, Section 12, Township 11 South, Range 23 East, Section 35, Township 10 South, Range 23 East, Section 36, Township 10 South, Range 23 East, Section 6, Township 11 South, Range 24 East, and Section 7, Township 11 South, Range 24 East, all being in Kansas City, Wyandotte County, Kansas and being more particularly described as follows:

COMMENCING at the Northwest corner of the Northeast Quarter of said Section 1, Township 11 South, Range 23 East; thence South 01 degrees 58 minutes 52 seconds East, a distance of 50.00 feet, to a point on the South Right-of-Way line of Parallel Parkway, as now established, said point also being on the North line of Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas, said point also being the POINT OF BEGINNING; thence South 88 degrees 01 minutes 07 seconds West, along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 173.97 feet; thence South 82 degrees 59 minutes 09 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 170.99 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 84.91 feet; thence South 89 degrees 14 minutes 18 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 234.91 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, and along the North line of Laffoons Lakeview, a subdivision in Kansas City, Wyandotte County, Kansas, a distance of 460.02 feet; thence North 02 degrees 22 minutes 58 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 10.00 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 42.17 feet; thence South 54 degrees 19 minutes 23 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 72.10 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 325.52 feet, to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the East Right-of-Way line of Interstate Highway No. 435, as now established; thence Westerly to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the West Right-of-Way line of said Interstate Highway No. 435; thence Southeasterly, along the West Right-of-Way line of said Interstate Highway No. 435, to the point of intersection of the West Right-of-Way line of said Interstate Highway No. 435 and the Northerly Right-of-Way line of State Avenue, as now established; thence Southerly, continuing along the West Right-of-Way line of said Interstate Highway No. 435, to the point of intersection of the West Right-of-Way line of said Interstate Highway No. 435 and the South Right-of-Way

line of said State Avenue; thence Westerly, along the South Right-of-Way line of said State Avenue, to the point of intersection of the South Right-of-Way line of said State Avenue and the Easterly Right-of-Way line of Village West Parkway, as now established; thence Northwesterly to the point of intersection of the Southwesterly Right-of-Way line of said State Avenue and the Westerly Right-of-Way line of said Village West Parkway; thence Northeasterly to the point of intersection of the Northeasterly Right-of-Way line of said State Avenue and the Westerly Right-of-Way line of said Village West Parkway; thence Northwesterly then Westerly, along the Northeasterly and Northerly Right-of-Way line of said State Avenue, to the point of intersection of the Northerly Right-of-Way line of said State Avenue and the East Right-of-Way line of 110th Street, as now established; thence Northerly, along the East Right-of-Way line of said 110th Street, to the point of intersection of the East Right-of-Way line of said 110th Street and the South Right-of-Way line of said Parallel Parkway; thence Easterly, along the South Right-of-Way line of said Parallel Parkway, to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the Southerly prolongation of the East line of Parallel Heights, a subdivision in Kansas City, Wyandotte County, Kansas; thence Northerly, along said Southerly prolongation and along the East line of said Parallel Heights, to the point of intersection of the North Right-of-Way line of said Parallel Parkway and the West Right-of-Way line of said Interstate Highway No. 435; thence Easterly, to the point of intersection of the North Right-of-Way line of said Parallel Parkway and the East Right-of-Way line of said Interstate Highway No. 435; thence Easterly, along the North Right-of-Way line of said Parallel Parkway, to the point of intersection of the North Right-of-Way line of said Parallel Parkway and the Northerly prolongation of the East Right-of-Way line of N. 94th Street, as now established; thence Southerly, along said Northerly prolongation and along the East Right-of-Way line of said N. 94th Street, to the point of intersection of the East Right-of-Way line of said N. 94th Street and the North line of the Southwest Quarter of said Section 6, Township 11 South, Range 24 East; thence Easterly, along the North line of said Southwest Quarter to the point of intersection of the North line of said Southwest Quarter and the West Right-of-Way line of N. 90th Street, as now established; thence Southerly, along the West Right-of-Way line of said N. 90th Street, to the Northeast corner of Parcel No. 938501; thence Westerly, along the North line of said Parcel No. 938501, to the Northwest corner thereof; thence Southerly, along the West line of Parcel Nos. 938501 thru 938508, to the Southwest corner of said Parcel No. 938508, said point also being on the North Right-of-Way line of said State Avenue; thence Easterly, along the North Right-of-Way line of said State Avenue, to the point of intersection of the North Right-of-Way line of said State Avenue and the West Right-of-Way line of said N. 90th Street; thence Easterly to the point of intersection of the North Right-of-Way line of said State Avenue and the East Right-of-Way line of said N. 90th Street; thence Southerly, to the point of intersection of the East Right-of-Way line of said N. 90th Street and the South Right-of-Way line of said State Avenue; thence Westerly, along the South Right-of-Way line of said State Avenue, to the point of intersection of the Westerly prolongation of the South Right-of-Way line of said State Avenue and the West Right-of-Way line of said N. 94th Street; thence Northerly, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the South Right-of-Way line of said State Avenue; thence Northerly, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the North Right-of-Way line of said State Avenue, said point also being on the East line of said Schlitterbahn Vacation Village; thence North 02 degrees 14 minutes 32 seconds West, along the West Right-of-Way line of said N. 94th Street and the East line of said Schlitterbahn Vacation Village, a distance of 645.04 feet; thence North 87 degrees 45 minutes 28

seconds East, continuing along the West Right-of-Way line of said N. 94th Street and the East line of said Schlitterbahn Vacation Village, a distance of 15.00 feet; thence North 02 degrees 14 minutes 32 seconds West, continuing along the West Right-of-Way line of said N. 94th Street and the East line of said Schlitterbahn Vacation Village, a distance of 910.24 feet, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street at the Southeast corner of an unplatted tract of land; thence Northerly, departing the East line of said Schlitterbahn Vacation Village, and continuing along the West Right-of-Way line of said N. 94th Street, and along the East line of an unplatted tract of land and along the East line of Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street; thence North 02 degrees 11 minutes 59 seconds West, along the East line of said Schlitterbahn Vacation Village and continuing along the West Right-of-Way line of said N. 94th Street, a distance of 50.00 feet, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street; thence Northerly, departing the East line of said Schlitterbahn Vacation Village, and continuing along the West Right-of-Way line of said N. 94th Street, and along the East line of Replat of Lots 5 to 37, Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, and along the East line of unplatted tracts of land, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the South Right-of-Way line of said Parallel Parkway; thence Westerly, along the South Right-of-Way line of said Parallel Parkway, to the point of intersection of South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village at the Northwest corner of an unplatted tract of land; thence South 02 degrees 11 minutes 59 seconds East, departing the South Right-of-Way line of said Parallel Parkway, and along the East line of said Schlitterbahn Vacation Village, a distance of 245.05 feet; thence South 62 degrees 48 minutes 12 seconds West, departing the East line of said Schlitterbahn Vacation Village, a distance of 301.92 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 181.85 feet; thence South 34 degrees 59 minutes 43 seconds West, a distance of 207.82 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 492.40 feet; thence South 75 degrees 42 minutes 31 seconds West, a distance of 930.96 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 770.80 feet; thence North 01 degrees 01 minutes 01 seconds West, a distance of 258.55 feet; thence South 89 degrees 03 minutes 39 seconds West 264.66 feet, to a point on a non-tangent curve; thence Northerly, along a curve to the right, whose initial tangent bearing is North 13 degrees 39 minutes 50 seconds West, having a radius of 5,654.58 feet and a central angle of 06 degrees 19 minutes 32 seconds, an arc length of 624.28 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 190.36 feet; thence South 29 degrees 19 minutes 48 seconds East, a distance of 62.94 feet; thence North 89 degrees 01 minutes 58 seconds East, a distance of 148.05 feet; thence North 00 degrees 55 minutes 56 seconds West, a distance of 582.69 feet, to a point on the North line of said Schlitterbahn Vacation Village, said point also being on the South Right-of-Way line of said Parallel Parkway; thence South 88 degrees 00 minutes 23 seconds West, along the North line of said Schlitterbahn Vacation Village and the South Right-of-Way line of said Parallel Parkway, a distance of 183.19 feet, to the POINT OF BEGINNING.

EXCEPTING therefrom Lots 1 thru 16, Lots 23 thru 34 and Lot 107, San Marcos Village Addition, a subdivision in Kansas City, Wyandotte County, Kansas, AND ALSO EXCEPTING Parcel Nos. 938509 and 938510.

PROJECT AREA 5

File No. 014-0347

Schlitterbahn

July 8, 2014

Project Area 5 Description:

Part of Lot 1, Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas, along with a portion of unplatted land, all being in Section 1, Township 11 South, Range 23 East, being more particularly described as follows:

BEGINNING at the Southwest corner of the Northeast Quarter of said Section 1, Township 11 South, Range 23 East; thence North 02 degrees 19 minutes 21 seconds West, along the West line of said Northeast Quarter, a distance of 57.88 feet; thence North 11 degrees 57 minutes 29 seconds West, departing the West line of said Northeast Quarter, a distance of 276.31 feet; thence North 89 degrees 01 minutes 58 seconds East, a distance of 195.18 feet; thence North 01 degrees 01 minutes 01 seconds West, a distance of 36.96 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 770.80 feet; thence North 75 degrees 42 minutes 31 seconds East, a distance of 930.96 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 492.40 feet; thence North 34 degrees 59 minutes 43 seconds East, a distance of 207.82 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 181.85 feet; thence North 62 degrees 48 minutes 12 seconds East, a distance of 301.92 feet, to a point on the Easterly line of said Schlitterbahn Vacation Village; thence North 02 degrees 11 minutes 59 seconds West, along the Easterly line of said Schlitterbahn Vacation Village, a distance of 245.05 feet, to the point of intersection of the Easterly line of said Schlitterbahn Vacation Village and the South Right-of-Way line of Parallel Parkway, as now established; thence Easterly, along the South Right-of-Way line of said Parallel Parkway, to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the West Right-of-Way line of N. 94th Street, as now established; thence Southerly, along the West Right-of-Way line of said N. 94th Street and along the East line of an unplatted tract of land and along the East line of Replat of Lots 5 to 37, Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the Easterly line of said Schlitterbahn Vacation Village; thence South 02 degrees 11 minutes 59 seconds East, continuing along the West Right-of-Way line of said N. 94th Street, and along the East line of said Schlitterbahn Vacation Village, a distance of 50.00 feet, to the point of intersection of the Easterly line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street; thence Southerly, departing the East line of said Schlitterbahn Vacation Village, and continuing along the West Right-of-Way line of said N. 94th Street and along the East line of Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, and along an unplatted tract of land, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street, at the Southeast corner of an unplatted tract of land; thence South 87 degrees 45 minutes 28 seconds West, departing the West Right-of-Way line of said N. 94th Street, and along the Easterly line of said Schlitterbahn Vacation Village, a distance of 272.37 feet; thence North 69 degrees 44 minutes 32 seconds West, departing the Easterly line of said Schlitterbahn Vacation Village, a distance of 730.33 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 696.01 feet; thence North 00

degrees 00 minutes 00 seconds East, a distance of 685.13 feet, to a point on the North line of the Southeast Quarter of said Section 1; thence South 87 degrees 30 minutes 09 seconds West, along the North line of the Southeast Quarter of said Section 1, a distance of 1,003.58 feet, to the POINT OF BEGINNING.

AND

ALL THAT PART OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 11 SOUTH, RANGE 24, IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE SOUTHWEST CORNER OF SECTION SIX (6), TOWNSHIP ELEVEN (11) SOUTH, RANGE TWENTY-FOUR (24), EAST OF THE SIXTH PRINCIPAL MERIDIAN, THENCE NORTH 100 FEET; THENCE EAST 29.7 FEET; THENCE SOUTH 30 FEET FOR A POINT OF BEGINNING; THENCE EAST 250 FEET; THENCE NORTH 190 FEET; THENCE WEST 250 FEET; THENCE SOUTH 190 FEET TO THE POINT OF BEGINNING, EXCEPT ANY PART USED OR DEDICATED FOR STREETS, ROADS OR PUBLIC RIGHTS OF WAY.

AND

Beginning at the Southwest corner of Section 6, Township 11 South, Range 24 East of the Sixth Principal Meridian, Wyandotte County, Kansas; thence North 100 feet, thence East 29.7 feet, thence South 30 feet for a point of beginning; thence East 417.42 feet, thence North 417.42 feet, thence West 417.42 feet, thence South 417.42 feet to the point of beginning, less that part taken or used for road purposes;

LESS AND EXCEPT the following described tract of land:

Starting at the Southwest corner of Section 6, Township 11 South, Range 24 East of the Sixth Principal Meridian, thence North 100 feet; thence East 29.7 feet; thence South 30 feet for a point of beginning; thence East 250 feet; thence North 190 feet; thence West 250 feet; thence South 190 feet to the point of beginning;

ALSO LESS AND EXCEPT that part conveyed by a Deed for Highway purposes to the State of Kansas filed September 15, 1966, in Book 2037, Page 364, as Document No. 704835.

AND

All that part of Tract 3 as shown on Certificate of Survey recorded as document number 2015-80600, being more particularly described as follows: commencing at the Northwest corner of said Tract 3, thence South 02 degrees 14 minutes 32 seconds West, with the west line of said Tract 3 a distance of 300.00 feet; thence North 88 degrees 10 minutes 44 seconds East, a distance of 410.41 feet to the point of beginning; thence North 68 degrees 55 minutes 13 seconds East, and no longer with the south line of said Tract 3, a distance of 141.31 feet; thence South 24 degrees 48 minutes 40 seconds East, a distance of 155.82 feet; thence South 89 degrees 57 minutes 06 seconds West, a distance of 193.68 feet to a point on the south line of said Tract 3; thence North 02 degrees 14 minutes 32 seconds East, with the south line of said Tract 3, a distance of 407.42 feet to the point of beginning. The above described tract contains 19,777 square feet or 0.45 acres. Also known as Lot 107 San Marcos Village.

AND

All that part of Tract 3 as shown on Certificate of Survey recorded as document number 2015-80600, being more particularly described as follows: beginning at the Northwest corner of said Tract 3, thence North 88 degrees 10 minutes 44 seconds East, with the north line of said Tract 3, a distance of 193.00 feet; thence South 02 degrees 14 minutes 32 seconds East, and no longer with the north line of said Tract 3, a distance of 199.80 feet; thence North 88 degrees 08 minutes 20 seconds East, a distance of 50.00 feet; thence South 02 degrees 14 minutes 32 seconds East, a distance of 200.24 feet to a point on the south line of said Tract 3; thence South 88 degrees 10 minutes 44 seconds West, with the south line of said Tract 3, a distance of 243.00 feet to a point on the west line of said Tract 3; thence North 02 degrees 14 minutes 32 seconds West, with the west line of said Tract 3, and no longer with the south line of said Tract 3, a distance of 300.00 feet to the point of beginning. The above described tract contains 67,909 square feet or 1.55 acres. Also known as Tracts 14, 15 and 16 of San Marcos Village Edition.

AND

A tract of land in the Southeast Quarter of Fractional Section 6, Township 11 South, Range 24 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, being more particularly described as follows:

Beginning at a point on the West line of the Southeast Quarter of said Fractional Section 6, said point being North $0^{\circ} 18' 36''$ East 1320.00 feet from the Southwest corner of the Southeast Quarter of said Fractional Section 6;

Thence North $0^{\circ} 18' 36''$ East 1165.28 feet, along said West line, to a point 169.57 feet South of the Northwest corner of the Southeast Quarter of said Fractional Section 6;

Thence South $89^{\circ} 16' 39''$ East 1312.24 feet, along a line parallel with the North line of the Southeast Quarter of said Fractional Section 6, to a point on the West line of "EVERHART'S ADDITION", a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof and the center line of Walker Avenue as now established;

Thence South $0^{\circ} 22' 24''$ West 179.00 feet, to the Southwest corner of said "EVERHART'S ADDITION";

Thence South $89^{\circ} 37' 36''$ East 672.30 feet, along the South line of said EVERHART'S ADDITION;

Thence South $0^{\circ} 19' 23''$ West 987.08 feet, along a line parallel with the East line of the Southeast Quarter of said Fractional Section 6, to a point 1320.00 feet North of the South line of the Southeast Quarter of said Fractional Section 6;

Thence North $89^{\circ} 22' 23''$ West 1984.11 feet, along a line parallel with the South line of the Southeast Quarter of said Fractional Section 6, to the "point of beginning" of the tract herein described containing a gross area of 2,189,949 square feet or 50.2743 acres, more or less.

Subject to all right-of-ways, easements and restrictions of record.

AND

All of Lot 4, PROVIDENCE MEDICAL CENTER, a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof.

AND

A tract of land In the Southeast Quarter of Fractional Section 6, Township 11 South, Range 24 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, more particularly described as follows:

Beginning at a point on the East line of the Southeast Quarter of said Fractional Section 6, said point being North 0°19'23" East 990.00 feet from the Southeast corner of the Southeast Quarter of said Fractional Section 6; Thence North 89°22'23" West 660.00 feet, along a line parallel with the South line of the Southeast Quarter of said Fractional Section 6; Thence North 0°19'23" East 1317.08 feet, along a line parallel with the East line of the Southeast Quarter of said Fractional Section 6, to a point on the South line of "EVERHART'S ADDITION", a subdivision of land In Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof; Thence South 89°37'36" East 432.00 feet, along the South line of said "EVERHART'S ADDITION" to the Northwest corner of a certain tract of land filed for record In Book 2858 at Page 452 at the Wyandotte County Register of Deeds Office; Thence South 0°22'24" West 230.00 feet, along a line at right angles to the South line of said "EVERHART'S ADDITION", to the Southwest corner of said certain tract of land; Thence South 89°37'36" East 228.19 feet (230.00 feet by deed), along the South line of said certain tract of land being parallel with the South line of said "EVERHART'S ADDITION", to a point on the East line of the Southeast Quarter of said Fractional Section 6; Thence South 0°19'23" West 240.00 feet, along said East line, to the Northeast corner of a certain tract of land filed for record In Book 1941 at Page 469 at the Wyandotte County Register of Deeds Office; Thence North 89°22'23" West 300.00 feet, along a line parallel with the South line of the Southeast Quarter of said Fractional Section 6, to the Northwest corner of said certain tract of land; Thence South 0°19'23" West 175.00 feet, along a line parallel with the East line of the Southeast Quarter of said Fractional Section 6, said line being the West line of said certain tract of land and the West line of a certain tract of land filed for record In Book 1135 at Page 79 at the Wyandotte County Register of Deeds Office, to the Southwest corner of said certain tract of land recorded In Book 1135 at Page 79; Thence South 89°22'23" East 300.00 feet, along the South line of said certain tract of land, said line being parallel with the South line of the Southeast Quarter of said Fractional Section 6, to a point on the East line of the Southeast Quarter of said Fractional Section 6; Thence South 0°19'23" West 15.00 feet, along said East line, to the Northeast corner of a certain tract of land filed for record in Book 1071 at Page 125 at the Wyandotte County Register of Deeds Office; Thence North 89°22'23" West 330.00 feet, along the North line of said certain tract of land being parallel with the South line of the Southeast Quarter of said Fractional Section 6; Thence South 0°19'23" West 132.00 feet, along the West line of said certain tract of land being parallel with the East line of the Southeast Quarter of said Fractional Section 6; Thence South 89°22'23" East 330.00 feet, along the South line of said certain tract of land, to a point on the East line of the Southeast

Quarter of said Fractional Section 6; Thence South $0^{\circ}19'23''$ West 528.00 feet, along said East line, to the point of beginning of the tract herein described.

AND

Beginning at a point 2,310 feet North of the Southeast corner of the Southeast Quarter of Section 6, Township 11, Range 24; thence West 230 feet; thence South 230 feet; thence East 230 feet; thence North 230 feet to the point of beginning, in Kansas City, Wyandotte County, Kansas, less that part taken or used for road purposes.

AND

A tract of land in the East one-half of Fractional Section 6, Township 11 South, Range 24 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas being more particularly described as follows:

Beginning at the Northeast corner of the Northeast Quarter of said Fractional Section 6; thence South $0^{\circ}26'46''$ West 590.65 feet, along the East line of the Northeast Quarter of said Fractional Section 6; Thence North $89^{\circ}33'14''$ West 25.00 feet to a point on the West right-of-way line of 86th Street, as now established, said point also being on a curve concave to the South having a radius of 196.96 feet; thence Westerly 69.85 feet, along said curve to the left having a chord bearing South $80^{\circ}17'08''$ West 69.49 feet; thence South $70^{\circ}07'31''$ West 77.06 feet; thence South $0^{\circ}26'46''$ West 210.03 feet, along a line parallel with the East line of the Northeast Quarter of said Fractional Section 6, to a point on the center line of the abandoned right-of-way of the Kansas City Northwestern Railroad, as now established; thence South $70^{\circ}07'31''$ West 861.44 feet, along said center line, to the beginning of a curve concave to the Southeast having a radius of 1910.08 feet; thence Southwesterly 241.10 feet, along said center line and said curve to the left having a chord bearing South $66^{\circ}30'33''$ West 240.94 feet; thence South $0^{\circ}8'59''$ West 565.63 feet, along a line parallel with the West line of the Northeast Quarter of said Fractional Section 6, to a point on the South line of the Northeast Quarter of said Fractional Section 6; thence North $89^{\circ}16'39''$ West 139.57 feet, along said South line, to the Northerly prolongation of the West line of "Everharts Addition", a subdivision of land according to the record plat thereof; Thence South $0^{\circ}22'24''$ West 169.56 feet, along said Northerly prolongation to the center line of Walker Avenue as platted in said "Everhart's Addition"; Thence South $89^{\circ}16'39''$ West 1312.24 feet, along a line parallel with the North line of the Southeast Quarter of said Fractional Section 6, to a point on the West line of the Southeast Quarter of said Fractional Section 6; Thence North $0^{\circ}18'36''$ East 169.57 feet, along said West line, to the Northwest corner of the Southeast Quarter of said Fractional Section 6; Thence South $89^{\circ}16'39''$ East 1293.27 feet, along the North line of the Southeast Quarter of said Fractional Section 6; Thence North $0^{\circ}19'02''$ East 1802.48 feet to a point on the North line of the Northeast Quarter of said Fractional Section 6, said point being 1293.27 feet East of the Northwest corner of the Northeast Quarter of said Fractional Section 6; Thence South $89^{\circ}30'42''$ East 1355.21 feet, along said North line, to the point of beginning of the tract herein described.



Staff Request for Commission Action

Tracking No. 21869

Full Commission Meeting Date: 5/27/21

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 5/24/2021	<u>Contact Name:</u> Patrick Waters	<u>Contact Phone:</u> x5079	<u>Contact Email:</u> patrickwaters@wycokck.org	<u>Department/Division:</u> Legal
---------------------------	--	--------------------------------	--	--------------------------------------

Item Description:

A resolution authorizing the Unified Government to enter into the Acknowledgement and Assumption Agreement pertaining to the Milhaus Multi-Family Project.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution Approving Milhaus A&A (Multi-Family Project), Acknowledgment and Assumption Agreement (Milhaus Multi-Family Project)

RESOLUTION NO. R-____-21

**A RESOLUTION AUTHORIZING THE UG TO ENTER INTO THE
ACKNOWLEDGMENT AND ASSUMPTION AGREEMENT (MILHAUS
MULTI-FAMILY PROJECT).**

WHEREAS, on November 19, 2020, the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") and HFS KCK, LLC, a Kansas limited liability company ("HFS") entered into that certain Assignment, Assumption and Amended and Restated Development Agreement (the "Development Agreement"), whereby HFS proposed to design, develop, and construct certain new facilities on certain real property located in Wyandotte County, Kansas, which is generally located northeast of the intersection of I-435 and State Avenue and northwest of 94th Street and State Avenue in Kansas City, Kansas (the "Project Site"); and

WHEREAS, the Development Agreement authorizes HFS to make sales of portions of the Project Site upon securing a fully-executed acknowledgment and assumption agreement among the UG, HFS and the proposed transferee; and

WHEREAS, HFS desires to sell a portion of the Project Site to 94TH AND STATE, LLC, a Delaware limited liability company ("Assignee") for the development of a garden-style, luxury apartment development consisting of approximately 270 apartment units to include studio, one-bedroom, two-bedroom, and/or three-bedroom units located within approximately nine (9) high-end apartment buildings, along with site amenities (the "Multi-Family Project"); and

WHEREAS, the Governing Body has determined that it is advisable to enter into the Acknowledgment and Assumption Agreement (Milhaus Multi-Family Project), attached hereto as **Exhibit A** (the "A&A"), with HFS and Assignee pursuant to which Assignee shall acknowledge, assume and agree to perform certain obligations, covenants and agreements of HFS under the Development Agreement as the same pertain to the design, construction and operation of the Multi-Family Project.

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

Section 1. The Governing Body hereby approves the A&A in substantially the form attached hereto.

Section 2. The County Administrator is hereby authorized to execute in the name of the UG, the A&A, and other officials and representatives of the UG, including special counsel, are hereby further authorized and directed to take such actions and to execute any other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3. This Resolution shall be effective upon adoption by the Governing Body.

[Remainder of page intentionally left blank; signatures follow.]

**ADOPTED BY THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS
THIS 27TH DAY OF MAY, 2021.**

David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk

(Seal)

EXHIBIT A

A&A

[To be attached.]

(Space above reserved for Register of Deeds certification)

1. Title of Document: Acknowledgment and Assumption Agreement (Milhaus Multi-Family Project)
 2. Date of Document: _____, 2021
 3. Assignor: HFS KCK, LLC, a Kansas limited liability company
 4. Assignee: 94TH AND STATE, LLC, a Delaware limited liability company
 5. Statutory Mailing Address(s):

94TH AND STATE, LLC
460 Virginia Avenue, Indianapolis, Indiana 46203
Attn: Tadd Miller
 6. Legal Description: See attached Exhibits A (Site) and B (Multi-Family Site)
-

ACKNOWLEDGMENT AND ASSUMPTION AGREEMENT
(Milhaus Multi-Family Project)

THIS ACKNOWLEDGMENT AND ASSUMPTION AGREEMENT (this "Agreement"), is made and entered into as of this ____ day of _____, 2021 (the "Effective Date") by and between the **UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS** (the "UG"); **94TH AND STATE, LLC**, a Delaware limited liability company ("Assignee"); and **HFS KCK, LLC**, a Kansas limited liability company ("HFS," and with the UG and/or Assignee, the "Parties").

RECITALS:

A. On November 19, 2020, the UG and HFS entered into that certain Assignment, Assumption and Amended and Restated Development Agreement (the "Development Agreement"), whereby HFS proposed to design, develop, and construct certain new facilities (the "Project"), on certain real property located in Wyandotte County, Kansas, which is generally located northeast of the intersection of I-435 and State Avenue and northwest of 94th Street and State Avenue in Kansas City, Kansas, a portion of which is legally described on **Exhibit A** attached hereto (the "Site"). All capitalized terms which are not otherwise defined in this Agreement shall have the meanings assigned to them in the Development Agreement.

B. Among other things, the Development Agreement contemplated that Project Area 1 of the District may include a multi-family residential development on that portion of the Site legally described on **Exhibit B** attached hereto (the "Multi-Family Site").

C. The UG and Milhaus Properties LLC, a limited liability company ("Milhaus"), entered into that certain Performance Agreement dated March 11, 2021 (the "PILOT Agreement"), pursuant to which Assignee agreed to design, develop and construct a garden-style, luxury apartment development consisting of approximately 270 apartment units to include studio, one-bedroom, two-bedroom, and/or three-bedroom units located within approximately nine (9) high-end apartment buildings, along with site amenities to include: (i) a clubhouse and swimming pool with sun deck and outdoor lounge, health and fitness facilities, an event space/club room, conference area, resident lounge and coworking space, coffee bar, outdoor kitchen with gas grills, fire pits, and patio space; (ii) in-unit washer/dryer, refrigerator, oven/range, and microwave; (iii) green space, dog park, and pet washing area; (iv) indoor bike storage and repair area; and (v) package delivery/pickup amenities (including groceries) (collectively, the "Multi-Family Project").

D. Pursuant to that certain Purchase and Sale Agreement dated October 23, 2020 by and between HFS and Milhaus, as amended and assigned to Assignee, Assignee intends to purchase the Multi-Family Site from HFS and design, construct, and operate the Multi-Family Project, and this Agreement will be recorded against the Multi-Family Site in connection with that conveyance.

E. The Parties desire to enter into this Agreement so that Assignee shall acknowledge, assume and agree to perform certain obligations, covenants and agreements of HFS under the Development Agreement as the same pertain to the design, construction and operation of the Multi-

Family Project, and that upon conveyance of the Multi-Family Site to Assignee, those particular obligations specific to the Multi-Family Site referenced herein will no longer apply to HFS, but rather will run with the land. As set forth in Section 3 below, it is also the intent of the Parties that Assignee will not assume or be required to perform (and is hereby released from) any obligations under the Development Agreement that are not expressly assumed by Assignee pursuant to this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. Incorporation of Recitals. The Parties understand and agree that the Recitals set forth above are hereby incorporated as though more fully set forth herein.

2. Term of Agreement. This Agreement shall commence upon the Effective Date and shall terminate upon the earlier of (a) expiration or earlier termination of the Development Agreement or (b) twenty (20) years from the Effective Date (the "Term"). This Agreement shall amend the Development Agreement as to the Multi-Family Site. If there are any conflicts between the Development Agreement and this Agreement, the terms of this Agreement shall control.

3. General Acknowledgment and Assumption. Assignee hereby acknowledges, assumes and agrees to perform each and every obligation, covenant and agreement of "Developer" under the Development Agreement, except as modified below, but only to the extent that the same pertain to the design, construction, completion and operation of the Multi-Family Project on the Multi-Family Site, each of which is referenced below and hereby incorporated. Assignee does not assume and is not required to perform (and is hereby released from) all other obligations under the Development Agreement. Assignee hereby understands and agrees that the UG may enforce the same directly against Assignee as the owner of Multi-Family Site; provided, however, that in no event will Assignee have any obligations or liabilities under the Development Agreement except to the extent specifically set forth herein and only insofar as the foregoing obligations, covenants and agreements pertain to the Multi-Family Site.

4. Release of HFS. Upon recording of this Agreement or a memorandum of this Agreement, HFS shall be fully and completely released from any and all obligations under the Development Agreement (excluding any defaults or violations occurring prior to the execution of this Agreement) with respect to the Multi-Family Site which are specifically assumed by Assignee hereunder, after which time the UG's remedies for an Assignee default hereunder shall be directly against Assignee pursuant to the terms hereof, and in no event shall the UG's enforcement against Assignee affect HFS's rights under the Development Agreement. HFS shall remain liable for all other obligations under the Development Agreement, including the obligations pertaining to the Multi-Family Site which are not specifically assumed by Assignee hereunder, and in no event shall the UG's enforcement against HFS affect Assignee's rights under this Agreement.

5. Specific Acknowledgment and Assumption. Assignee hereby specifically acknowledges, assumes and agrees to perform the following (and no other) obligations, covenants and agreements set forth in the Development Agreement, as modified in certain instances below:

(a) **Section 2.2(e) – Design Criteria.** Assignee's development, design and construction of any Improvements shall comply with: (i) the final development plan approved by the UG Planning Commission on March 8, 2021 (PR2021-001) (the "Final Development Plan"), subject to modification pursuant to the UG's planning process; and (ii) the Design Criteria attached as Exhibit 14 to the Development Agreement; provided, however, that the Final Development Plan will control in the event of a conflict between the Design Criteria and the Final Development Plan, and in no event will Assignee be required to incur additional costs or obligations in order to comply with the Design Criteria.

(b) **Section 2.4 – Site Restrictions.** Assignee understands and agrees that during the Term, the uses set forth in Section 2.4(b) of the Development Agreement shall be prohibited within the Multi-Family Site; provided, however, that the UG's Commission is authorized to grant variances to such restrictions from time to time in its sole and absolute discretion. Notwithstanding the foregoing, nothing in this Agreement or the Development Agreement will be construed to prohibit the outdoor grills/fire pits associated with the Multi-Family Project, individual storage units for tenants of the Multi-Family Project, the dog park associated with the Multi-Family Project, or the recreational trail to be provided on the Multi-Family Site in accordance with the Final Development Plan approval. Assignee understands and agrees that during the Term, the Multi-Family Site may not be used for any purpose inconsistent with the Development Agreement.

(c) **Article 4 – No Public Financing.** Except as otherwise provided in the PILOT Agreement during the term thereof, Assignee hereby acknowledges and agrees that it has no right, title or interest in or to any of the Public Financing described in Article 4 of the Development Agreement, and Assignee hereby waives, releases and disclaims any right, title or interest to same.

(d) **Section 6.5(a) – Infrastructure Improvements.** Assignee hereby understands and agrees that all of the infrastructure improvements on the Multi-Family Site that are necessary for the Multi-Family Project – including, without limitation, all site work, utility installation and relocation, sewers, drainage facilities, traffic control, streets, sidewalks, drives, parking, etc. (the "Infrastructure Improvements") – will be designed, developed and constructed by Assignee or HFS at their sole cost and expense when the improvements dependent on such Infrastructure Improvements move forward. However, the Parties further agree that to the extent that the Project Costs for the Infrastructure Improvements are eligible and legally permissible, such Project Costs may be paid for or reimbursed to HFS with STAR Bonds. Whether any given infrastructure improvement is necessary for a given portion of the Multi-Family Project and thus an "Infrastructure Improvement" for purposes of this Agreement shall be determined in normal course during the development plan approval process.

(e) **Section 7.2(a)(ii) – Use and Operation.** Assignee covenants that at all times during the Term, it will, at its expense conduct its business in a dignified quality

manner and in conformity with the first-class industry standards and in such manner as to help establish and maintain a high reputation for the Multi-Family Project.

(f) **Section 7.4 – Maintenance and Use.** During the Term, Assignee shall cause the Multi-Family Project and the Multi-Family Site to be maintained, preserved and kept in good repair and working order and in a safe condition, consistent at all times with other first-class apartment space in the greater metropolitan Kansas City area, and will make all repairs, renewals, replacements and improvements necessary for the safe, efficient, and advantageous conduct of its business and operations on the Multi-Family Site. Assignee specifically understands and agrees that the UG shall not undertake or have any obligation under this Agreement for snow or ice removal on sidewalks located at or adjacent to the Multi-Family Project. Nothing herein shall obligate Assignee to preserve, repair, renew or replace portions of the improvements on the Multi-Family Site no longer used or no longer useful in the conduct of its business or prevent Assignee from removing or demolishing any building(s), if in its reasonable judgment, such discontinuance is desirable in the conduct of its business and not disadvantageous in any material respect to the owners of the STAR Bonds, and as long as the same does not materially adversely affect the value of the Multi-Family Project or Assignee's ability to perform its obligations under this Agreement. Assignee may make additions, alterations and changes to the Multi-Family Project so long as such additions, alterations and changes are made in compliance with all Applicable Laws and Requirements, and as long as the same do not materially adversely affect Assignee's ability to perform its obligations under this Agreement. Assignee agrees to set aside on its books reasonable reserves for future maintenance and capital expenditures.

(g) **Section 7.5 – Compliance.** Assignee shall conduct its affairs and carry on its business and operations in such a manner as to comply with all Applicable Laws and Requirements, and to observe and conform to all valid orders, regulations or requirements (including, but not limited to, those relating to safety and health) of any Government Authorities applicable to the conduct of its business and operations and the ownership of the Multi-Family Project; provided, however, that nothing contained in this Agreement shall require Assignee to comply with, observe and conform to any such law, order, regulation or requirement of any Government Authorities so long as the validity thereof shall be contested by Assignee in good faith by appropriate proceedings, and provided that Assignee shall have set aside on its books adequate reserves in accordance with GAAP or secured adequate bonding with respect to such contest and such contest shall not materially impair the ability of Assignee to meet its obligations under this Agreement. Assignee agrees to promptly pay any and all fees and expenses associated with any safety, health or other inspections required under this Agreement or imposed by Applicable Laws and Requirements, unless contested in good faith with the assurances provided in the preceding sentence.

(h) **Section 7.6 – Payment of Taxes and Other Charges.** During the Term of this Agreement, except as otherwise provided in the PILOT Agreement during the term thereof, Assignee and its Affiliates shall pay when due all real estate taxes and assessments on the property it owns within the City of Kansas City, Kansas and/or Wyandotte County. Notwithstanding the foregoing, nothing contained in this Agreement shall prohibit

Assignee or its Affiliates from contesting the classification and/or assessed value of the properties, improvements or the taxes thereon in good faith by appropriate proceedings; provided, however, that each such party shall pay any and all amounts when due and payable that are contested under protest while any such proceedings are pending. Assignee shall promptly notify the UG in writing of a protest of real estate taxes or valuation of the Multi-Family Site.

(i) **Section 7.7 – Payment of Obligations.** During the Term, Assignee shall promptly pay or otherwise satisfy and discharge all of its obligations and all demands and claims against it as and when the same become due and payable, unless the validity, amount or collectability thereof is being contested in good faith or unless the failure to comply or contest would not materially impair its ability to perform its obligations under this Agreement nor subject any material part of the Multi-Family Project to loss or forfeiture.

(j) **Section 7.8 – Liens and Encumbrances.** During the Term, except for any mortgage placed on the Multi-Family Site or any part thereof in connection with any construction or permanent financing of the Multi-Family Project or portion thereof, including any refinancing of the Multi-Family Project or portion thereof at any time, as well as any financing related to operating the Multi-Family Project (each, a "Permitted Mortgage"), Assignee shall not create or incur or permit to be created or incurred or to exist any mortgage, lien, security interest, charge or encumbrance upon the Multi-Family Project, or any part thereof, excluding any utility or other easements typically found in developments of this type, and shall promptly cause to be discharged or terminated all mortgages, liens, security interests, charges and encumbrances that are not a Permitted Mortgage. Notwithstanding the foregoing, any Permitted Mortgage shall be subject to the terms and conditions of this Agreement, including without limitation, Section 5(e) of this Agreement.

(k) **Section 7.9 – Licenses and Permits.** During the Term, Assignee shall procure and maintain all licenses and permits, and allow all inspections and/or investigations required by Applicable Laws and Requirements or otherwise necessary in the operation of its business and affairs in, on or about the Multi-Family Project; provided, however, that Assignee shall not be required to procure or maintain in effect any right, license or accreditation that Assignee and the UG shall have determined in good faith and subject to Applicable Laws and Requirements, is not in the best interests of Assignee and is no longer necessary in the conduct of its business and that lack of such compliance will not materially impair the ability of Assignee to pay or perform its obligations under this Agreement.

(l) **Section 7.10 – Insurance.** During the Term, Assignee shall maintain or caused to be maintained on the Multi-Family Site and the Multi-Family Project insurance on property and operations covering such risks that are of an insurable nature and of the character customarily insured against by organizations operating similar properties and engaged in similar operations (including but not limited to property and casualty, worker's compensation, general liability and employee dishonesty) and in such amounts as, in the reasonable judgment of the UG, are adequate to protect Assignee, the UG and such Multi-Family Site and Multi-Family Project, but in no event in an amount less than that required

by the Insurance Specifications attached hereto as **Exhibit C**. Each policy or other contract for such insurance shall: (i) name the UG as an additional insured with respect to liability insurance (but only in an amount equal to \$500,000), and (ii) contain an agreement by the insurer that, notwithstanding any right of cancellation reserved to such insurer, such policy or contract shall continue in force for at least thirty (30) days after written notice of cancellation to Assignee and each other insured, additional insured, loss payee and mortgage payee named therein. Throughout the Term, Assignee shall ensure the UG is provided with a current and accurate certificate of insurance for each coverage applicable to the Multi-Family Site and Multi-Family Project, and for all coverages required herein. Each certificate of insurance shall be on ACORD forms or on other forms which the UG may approve in writing.

(m) **Section 7.11 – Damage, Destruction or Condemnation.**

(1) In the event of damage to or destruction of any portion of the Multi-Family Project resulting from fire or other Casualty during the Term, or in the event any portion of the Multi-Family Project is condemned or taken for any public or quasi-public use or title thereto is found to be deficient during the Term, the net proceeds of any insurance available to Assignee relating to such damage or destruction, the net proceeds of such condemnation or taking or the net proceeds of any realization on title insurance shall be paid into, and used in accordance with a construction escrow agreement satisfactory to the UG, Assignee and any Permitted Mortgagee ("Casualty Escrow").

(2) If, at any time during the Term, any portion of the Multi-Family Project shall be damaged or destroyed by a Casualty (the "Damaged Facilities"), Assignee, to the extent of any insurance proceeds made available to Assignee, shall commence at its sole cost and expense and thereafter proceed as promptly as possible to repair, restore and replace the Damaged Facilities as nearly as possible to their condition immediately prior to the Casualty and shall be entitled to draw upon the Casualty Escrow for payment of said costs.

(3) If at any time during the Term, title to the whole or substantially all of the Multi-Family Project shall be taken in condemnation proceedings or by right of eminent domain, Assignee, at its sole discretion, may terminate this Agreement as of the date of such taking. For purposes of this Section 5(m), "substantially all of the Multi-Family Project" shall be deemed to have been taken if the UG and Assignee, each acting reasonably and in good faith, determine that the untaken portion of the Multi-Family Project, including any parking improvements located on the Multi-Family Site, cannot be practically and economically used by Assignee for the purposes and at the times contemplated by this Agreement.

(4) In the event of condemnation of less than the whole or substantially all of the Multi-Family Project during the Term, Assignee, at its sole cost and expense, shall commence and thereafter proceed as promptly as possible to repair, restore and replace the remaining part of the Multi-Family Project as nearly as

possible to its former condition, and shall be entitled to draw upon the Casualty Escrow for payment of said costs.

(n) **Section 7.12 – Indemnification.** Assignee shall pay and indemnify and save the UG and its governing body members, directors, officers, employees and agents harmless from and against all loss, liability, damage or expense arising out of the following that occur on or after the Effective Date: (1) the acquisition of the Multi-Family Site; (2) the design, construction and completion of the Multi-Family Project by Assignee; (3) the use or occupation of the Multi-Family Project by Assignee or anyone acting by, through or under it; (4) damage or injury, actual or claimed, of whatsoever kind or character occurring to persons or property occurring or allegedly occurring in, on or about any portion of the Multi-Family Site; (5) any breach, default or failure to perform by Assignee under this Agreement and/or the PILOT Agreement during the term thereof; and (6) any act by an employee of the UG at the Multi-Family Site which is within or under the control of Assignee or pursued for the benefit of or on behalf of Assignee. Assignee shall also pay and indemnify and save the UG and its governing body members, directors, officers, employees and agents harmless of, from and against, all costs, reasonable counsel fees, expenses and liabilities incurred by them or by Assignee in any action or proceeding brought by reason of any such claim, demand, expense, penalty or fine. If any action or proceeding is brought against the UG or its governing body members, directors, officers, employees or agents by reason of any such claim or demand, Assignee, upon written notice from the UG, covenants to resist and defend such action or proceeding on demand of the UG or its governing body members, directors, officers, employees or agents. Notwithstanding the foregoing, no party benefited by this indemnity shall be indemnified against liability for damage arising out of (i) bodily injury to persons or damage to property caused by such party's own respective willful and malicious acts or omissions or negligence; or (ii) the acts or omissions of the UG's agents or employees. The foregoing covenants contained in this Section 5(n) shall be deemed continuing covenants, representations and warranties for the benefit of the UG and any successors and assigns of the UG, and shall survive the termination, satisfaction or release of this Agreement, or any other instrument, but only with respect to liability that arises during the Term. Notwithstanding anything in this Agreement to the contrary, the foregoing covenants contained in this Section 5(n) shall not apply to any loss, liability, damage or expense arising in connection with that certain Trail Easement between Assignee and the UG, dated _____, 2021 (the “Trail Easement”), which Trail Easement will control in the event of a conflict between this Section 5(n) and the Trail Easement.

(o) **Section 7.17 – Power of the UG.** Notwithstanding anything set forth herein to the contrary, no provision contained herein shall in any manner diminish or usurp the inherent rights and powers of the UG to act in its capacity as a public body. Further, nothing herein shall relieve Assignee from complying with all Applicable Laws and Requirements.

(p) **Section 8.5 – Sales Tax Information; Continuing Disclosures.**

(1) Reporting of Sales and Use Taxes. The following provisions apply only if and to the extent that sales taxes are generated from any part of the Multi-Family Site:

(A) Subject to the ability to comply with Applicable Laws and Requirements, Assignee shall not take any actions or adopt any practices or procedures which are designed to, or which may or will have the effect of, eliminating, reducing or diverting in any way any sales taxes, use taxes and/or transient guest taxes payable to the UG or the State in connection with sales made or services from, in or on and about the Multi-Family Site. In connection therewith, Assignee recognizes, stipulates and agrees that such sales shall include any private parties, banquets and/or catering conducted by Assignee, excluding special charity and "no charge" events.

(B) Assignee agrees that it will itself provide, and that it will use commercially reasonable efforts, by appropriate agreement, to require all parties holding or operating by, through or under it, or otherwise operating on or from the Multi-Family Site, to provide to the UG and/or the escrow agent under the Transaction Documents true and correct copies of all sales tax, use tax and transient guest tax returns filed with the State with respect to sales in, on or from the Multi-Family Site, the same to be provided simultaneously with, or within ten (10) days after such filing. Assignee shall, to the extent allowed by Applicable Laws and Requirements, provide to the UG, the Kansas Department of Revenue and the escrow agent under the Tax Distribution Agreement the names of all vendors operating in, on or from the Multi-Family Site, their Kansas sales tax identification number and their dates of operation. Assignee agrees to cause all assignees, purchasers, commercial tenants or subtenants, or any other entity acquiring property or occupancy rights from Assignee in the Multi-Family Site to be obligated by written contract (commercial lease agreement or other enforceable document) to provide to the UG simultaneously with submission to the Kansas Department of Revenue the monthly sales tax returns for their facilities in the Multi-Family Site. This obligation shall be a covenant running with the land and shall be enforceable against all such businesses operating in the Multi-Family Site and shall only terminate upon the passage by the UG of an ordinance terminating the District. Assignee hereby agrees that each such contract or other agreement shall provide that the UG is an intended third-party beneficiary of such provisions and has a separate and independent right to enforce such provisions directly against such commercial tenant or purchaser. The Parties agree that the provisions of this Section 5(p)(1)(B) shall not apply to residential leases of apartment units within the Multi-Family Project.

(C) Pursuant to K.S.A. 12-17,174(a), the UG shall request that all of the sales, use and transient guest tax returns filed with the Kansas

Department of Revenue in connection with the District be provided to the Bond Trustee, the Escrow Agent or their agents, and the Bond Trustee and Escrow Agent are required to keep all such information confidential pursuant to the terms and conditions of K.S.A. 12-17,174(a). Assignee hereby understands and agrees that the UG shall have a right to interact with the Kansas Department of Revenue and/or the Bond Trustee and the Escrow Agent about such information, but the UG otherwise agrees to keep information provided to the UG confidential, except to the extent of Applicable Laws and Requirements and except as compelled by a court order.

(D) Assignee shall provide the UG written notice of all current commercial tenants of the Multi-Family Project within ten (10) days after Assignee receives knowledge of the opening or closing for business of any business within the Multi-Family Project, and at all other times upon the written request of the UG.

(E) To the extent it may legally do so, information obtained pursuant to this Section 5(p) shall be kept confidential by the UG in accordance with K.S.A. 79-3657.

(F) Assignee hereby consents to the release by the UG of aggregate sales tax revenues generated within the District and within Project Area 1, even if Assignee is the only business operating within Project Area 1 at any given time, throughout the Term of this Agreement. Assignee agrees to use best efforts to obtain waivers consenting to such release from all assignees, purchasers, commercial tenants or subtenants, or any other entity acquiring property or occupancy rights in the Multi-Family Site throughout the Term of this Agreement contemporaneously with the acquisition of such property or occupancy rights. Assignee will use best efforts to cause each commercial lease, sublease, purchase contract, or other document granting property or occupancy rights from Assignee in the Multi-Family Site to incorporate the provisions of this Section 5(p)(1)(F); provided, however, that the provisions of this Section 5(p)(1)(F) shall not apply to residential leases of apartment units within the Multi-Family Project.

(2) Continuing Disclosure.

(A) The UG understands and agrees that the UG will be required to execute and deliver continuing disclosure agreements with the dissemination agent named therein in connection with the STAR Bonds, in which the UG will agree to provide information during the Term of this Agreement about the sales and use tax receipts, the application of such receipts to the payment of debt service on the applicable bonds and comparable matters.

(B) Assignee understands and agrees that Assignee will be required to execute and deliver continuing disclosure agreements with the dissemination agent named therein in connection with the STAR Bonds, in which Assignee will agree to provide information during the Term of this Agreement about the construction and development of each phase of the Multi-Family Project, leases of retail space including such information as identity and nature of business of commercial tenants, lease terms and square footage of leased space, sales of retail space, retailers operating in the Multi-Family Site and comparable matters as required by any continuing disclosure agreement. The Parties agree that the provisions of this Section 5(p)(2)(B) shall not apply to residential leases of apartment units within the Multi-Family Project.

(q) **Section 9.1 – Default Provisions.** Assignee shall be in default under this Agreement if:

(1) Assignee fails to make any of the payments of money required by the terms of this Agreement and/or the PILOT Agreement during the term thereof, and Assignee fails to cure or remedy the same within thirty (30) days after the UG has given Assignee written notice specifying such default; or

(2) Assignee fails to keep or perform any covenant or obligation herein contained on Assignee's part to be kept or performed, and Assignee fails to remedy the same within sixty (60) days after the UG has given Assignee written notice specifying such failure and requesting that it be remedied; provided, however, that if any event of default shall be such that it cannot be corrected within such period, it shall not constitute an event of default if corrective action is instituted by Assignee within such period and diligently pursued until the default is corrected; or

(3) Assignee or any Affiliate of Assignee shall file a voluntary petition under any bankruptcy law or an involuntary petition under any bankruptcy law is filed against any such party in a court having jurisdiction and said petition is not dismissed within sixty (60) days; or Assignee or any Affiliate of Assignee generally is not paying its debts as such debts become due; or Assignee or any Affiliate of Assignee makes an assignment for the benefit of its creditors; or a custodian, trustee or receiver is appointed or retained to take charge of and manage any substantial part of the assets of Assignee or any Affiliate of Assignee and such appointment is not dismissed within sixty (60) days; or any execution or attachment shall issue against Assignee whereupon the Multi-Family Project, or any part thereof, or any interest therein of Assignee under this Agreement shall be taken and the same is not released prior to judicial sale thereunder (each of the events described in this subparagraph being deemed a default under the provisions of this Agreement); or

(4) Assignee breaches the representations and warranties set forth in this Agreement and fails to cure or correct same within thirty (30) days of written notice from the UG.

In the event of any default, the UG may take such actions, or pursue such remedies, as exist hereunder, or at law or in equity, and Assignee covenants to pay and to indemnify the UG against all reasonable costs and charges, including attorneys' fees, lawfully and reasonably incurred by or on behalf of the UG in connection with the enforcement of such actions or remedies, but only to the extent the Person against whom the UG initiated the enforcement action actually violated the requirements of this Agreement.

(r) **Section 9.2 – Rights and Remedies.** The rights and remedies reserved by the UG hereunder and those provided by law shall be construed as cumulative and continuing rights, no one of which shall be exhausted by the exercise of any one or more of such rights or remedies on any one or more occasions. Whenever any default by Assignee shall have occurred and be continuing, subject to applicable cure periods as set forth above, the UG may exercise any remedies provided to the UG under the PILOT Agreement during the term thereof (if and to the extent that Assignee is in default thereunder), and/or exercise any rights or remedies available to the UG at law or equity. The UG shall be entitled to specific performance and injunctive or other equitable relief (other than to compel construction) for any breach or threatened breach of any of the provisions of this Agreement, notwithstanding the availability of an adequate remedy at law, and each party hereby waives the right to raise such defense in any proceeding in equity. Notwithstanding anything in this Agreement to the contrary, under no circumstances shall Assignee be liable for remote or consequential damages (including, but not limited to, lost tax revenues) in connection with this Agreement. Failure by the UG to enforce any such rights shall not be deemed a waiver thereof. The Parties further agree as follows:

(1) Any payment of the Assignee to the UG which is required hereunder which is not received by the UG within the cure period set forth in Section 5(q)(1) above shall bear interest from the date originally due at the Prime Rate plus 4%, or, if less, the maximum rate permitted by law.

(2) In the event of any default by Assignee hereunder, the UG may take such actions, or pursue such remedies, as exist hereunder, or at law or in equity; and if the UG is the prevailing party in an action to enforce its remedies hereunder, the UG shall be entitled to reasonable costs and charges, including attorneys' fees, lawfully and reasonably incurred by or on behalf of the UG in connection with the enforcement of such actions or remedies, but only if a court determines that Assignee did default beyond any applicable cure period.

(s) **Section 10.1 – Waiver of Breach.** No waiver of any breach of any covenant or agreement herein contained shall operate as a waiver of any subsequent breach of the same covenant or agreement or as a waiver of any breach of any other covenant or agreement, and in case of a breach by either party of any covenant, agreement or undertaking, the non-defaulting party may nevertheless accept from the other any payment or payments or performance hereunder without in any way waiving its right to exercise any of its rights and remedies provided for herein or otherwise with respect to any such default or defaults which were in existence at the time such payment or payments or performance were accepted by it.

(t) **Section 10.2 – Force Majeure.** In the event either party hereto shall be delayed or hindered in or prevented from the performance of any act required under this Agreement by reason of acts of God, strikes, lockouts, unavailability of sufficient trade laborers or materials, global pandemic such as COVID-19 or similar local health emergency, failure of power or other insufficient utility service, riots, insurrection, environmental remediation required by the appropriate Government Authorities, discovery of cultural, archeological or paleontological resources or endangered species, any lawsuit seeking to restrain, enjoin, challenge or delay construction, failure of the UG to timely approve the Plans and Specifications/Construction Documents, war, terrorism or other reason of a like nature not the fault of the party delayed in performing work or doing acts required under the terms of this Agreement ("Force Majeure"), then performance of such act shall be excused for the period of the delay, and the period for the performance of any such act shall be extended for a period equivalent to the period of such delay. The provisions of this Section 5(t) shall not be applicable to delays resulting from the inability of a party to obtain financing or to proceed with its obligations under this Agreement because of a lack of funds.

(u) **Section 10.3(a) – Representations and Warranties of Assignee.** Assignee hereby represents and warrants to the UG as follows:

(1) Organization. Assignee is a limited liability company duly formed and validly existing under the laws of the State of Delaware. Assignee is duly authorized to conduct business in the State of Kansas and each other jurisdiction in which the nature of its properties or its activities requires such authorization. Assignee shall: (1) preserve and keep in full force and effect its corporate or other separate legal existence and (2) remain qualified to do business and conduct its affairs in the State of Kansas and each jurisdiction where ownership of its property or the conduct of its business or affairs requires such qualification.

(2) Authority. The execution, delivery and performance by Assignee of this Agreement are within Assignee's powers and have been duly authorized by all necessary action of Assignee.

(3) No Conflicts. Neither the execution and delivery of this Agreement, nor the consummation of any of the transactions herein or therein contemplated, nor compliance with the terms and provisions hereof or thereof, will contravene the organizational documents of Assignee or any provision of law, statute, rule or regulation to which Assignee is subject, or to any judgment, decree, license, order or permit applicable to Assignee, or will conflict or be inconsistent with, or will result in any breach of any of the terms of the covenants, conditions or provisions of any indenture, mortgage, deed of trust, agreement or other instrument to which Assignee is a party, by which Assignee is bound, or to which Assignee is subject.

(4) No Consents. No consent, authorization, approval, order or other action by, and no notice to or filing with, any court or Government Authorities or regulatory body or third party is required for the due execution and delivery by Assignee of this Agreement. No consent, authorization, approval, order or other

action by, and no notice to or filing with, any court or Government Authorities or regulatory body or third party is required for the performance by Assignee of this Agreement or the consummation of the transactions contemplated hereby except for zoning, building and other customary permits to be obtained from the UG or other Government Authorities.

(5) Valid and Binding Obligation. This Agreement is the legal, valid and binding obligation of Assignee, enforceable against Assignee in accordance with the terms hereof.

(v) **Section 10.4 – Amendments.** This Agreement may be amended, changed or modified only by a written agreement duly executed by the UG and Assignee.

(w) **Section 10.5 – Construction and Enforcement.** This Agreement shall be construed and enforced in accordance with the laws of the State.

(x) **Section 10.6 – Invalidity of Any Provisions.** If for any reason any provision hereof shall be determined to be invalid or unenforceable, the validity and effect of the other provisions hereof shall not be affected thereby.

(y) **Section 10.7 – Headings.** The section and subsection headings shall not be treated as a part of this Agreement or as affecting the true meaning of the provisions hereof.

(z) **Section 10.8 – Execution of Counterparts.** This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

(aa) **Section 10.9 – Time.** Time is of the essence in this Agreement.

(bb) **Section 10.10 – Consents and Approvals.** Wherever in this Agreement it is provided that the UG or Assignee shall, may or must give its approval or consent, the UG or Assignee shall not, unless specifically herein provided otherwise, unreasonably withhold, condition, delay or refuse to give such approvals or consents. It is agreed, however, that the sole right and remedy for Assignee or the UG in any action concerning the other's reasonableness will be action for declaratory judgment and/or specific performance, and in no event shall either such party be entitled to claim damages of any type or nature in any such action.

(cc) **Section 10.11 – Notices.** All notices required or desired to be given hereunder shall be in writing and all such notices and other written documents required or desired to be given hereunder shall be deemed duly served and delivered for all purposes if (i) delivered by nationally recognized overnight delivery service; (ii) delivered by electronic mail (with follow up within two (2) business days by United States Mail or nationally recognized overnight delivery service); or (iii) delivered in person, in each case if addressed to the Parties set forth below:

To the UG at:

The Unified Government Clerk
The Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Suite 323
Kansas City, Kansas 66101
Telephone: (913) 573-5260
Email: clerkwest@wycokck.org

with a copy to:

Chief Counsel
The Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Suite 961
Kansas City, Kansas 66101
Telephone: (913) 573-5060
Email: mbrown@wycokck.org

and a copy to:

Douglas G. Bach
County Administrator
The Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Suite 945
Kansas City, Kansas 66101
Telephone: (913) 573-5030
Email: dbach@wycokck.org

and a copy to:

Todd A. LaSala & Anna M. Krstulic
Stinson LLP
1201 Walnut Street, Suite 2900
Kansas City, Missouri 64106
Telephone: (816) 842-8600
Email: todd.lasala@stinson.com; anna.krstulic@stinson.com

and a copy to:

Gina Riekhof
Gilmore & Bell, P.C.
2405 Grand Boulevard, Suite 1100
Kansas City, Missouri 64108
Telephone: (816) 221-1000
Email: griekhof@gilmorebell.com

and a copy to:

Bond Trustee

To HFS at:

HFS KCK, LLC
Attn: Robb Heineman
411 Nichols Road, Suite 225
Kansas City, Missouri 64112
Email: Robb@gohomefield.com
with a copy to:

Korb Maxwell
Polsinelli, PC
900 West 48th Place, Suite 900
Kansas City, Missouri 64112
Telephone: (816) 360-4327
Email: kmaxwell@polsinelli.com

To Assignee at:

Tadd Miller
94th and State, LLC
460 Virginia Ave.
Indianapolis, Indiana 46203
Telephone: (317) 226-9500
Email: tadd.miller@milhaus.com

with a copy to:

Samantha R. Hargitt & E. Joseph Kremp
Dinsmore & Shohl LLP
211 North Pennsylvania Street, Suite 1800
Indianapolis, Indiana 46204
Telephone: (317) 860-5302; (317) 860-5379
Email: samantha.hargitt@dinsmore.com; joe.kremp@dinsmore.com

All notices given by: (i) nationally recognized overnight delivery service, or (ii) electronic mail, and followed up by regular United States mail or nationally recognized overnight delivery service in accordance with the above procedures, shall be deemed duly given one (1) business day after they are so delivered. All notices given in person shall be deemed duly given when delivered.

(dd) **Section 10.12 – Real Estate Commissions.** Assignee hereby agrees to indemnify and hold harmless the UG from and against any and all losses, liens, claims, judgments, liabilities, reasonable costs, expenses or damages (including reasonable attorneys' fees and court costs) of any kind or character arising out of or resulting from

(i) any duty or responsibility to pay any commission or make any other payment by Assignee, or (ii) any agreement, arrangement or understanding alleged to have been made by Assignee or on its behalf with any other broker, agent or finder in connection with this Agreement or the transactions contemplated hereby. Notwithstanding anything to the contrary contained herein, this Section 5(dd) shall survive any termination of this Agreement.

(ee) **Section 10.14 – Run with the Land.** This Agreement shall be binding on and inure to the benefit of the Parties hereto and their respective heirs, successors and assigns and shall run with the land (i.e., the Multi-Family Site). At closing on the Multi-Family Site, the Parties shall record a memorandum describing this Agreement in the land records of Wyandotte County, Kansas.

(ff) **Section 10.15 – Tax Implications.** HFS and Assignee acknowledge and agree that: (a) neither the UG nor any of its officials, employees, consultants, attorneys or other agents has provided to HFS or Assignee any advice regarding the federal or state income tax implications or consequences of this Agreement, and the transactions contemplated hereby; and (b) HFS and Assignee are relying solely upon their own tax advisors in this regard.

6. Definitions. Any capitalized term used herein that is not specifically defined herein shall have the meaning provided in the Development Agreement.

[Remainder of page intentionally left blank; signature pages follow.]

IN WITNESS WHEREOF, the Parties have duly executed this Agreement pursuant to all requisite authorizations as of the date first above written.

UG:

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

Douglas G. Bach, County Administrator

STATE OF KANSAS)
) ss.
COUNTY OF WYANDOTTE)

This instrument was acknowledged before me on _____, 2021, by Douglas G. Bach as County Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas.

Notary Public in and for said State
Printed Name: _____
Commissioned in _____ County

My commission expires:

IN WITNESS WHEREOF, the Parties have duly executed this Agreement pursuant to all requisite authorizations as of the date first above written.

HFS:

HFS KCK, LLC, a Kansas limited liability company

By: _____

Name: _____

Title: _____

STATE OF _____)
) ss.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2021, by _____ as _____ of HFS, KCK, LLC, a Kansas limited liability company.

Notary Public in and for said State
Printed Name: _____
Commissioned in _____ County

My commission expires:

IN WITNESS WHEREOF, the Parties have duly executed this Agreement pursuant to all requisite authorizations as of the date first above written.

ASSIGNEE:

94TH AND STATE, LLC, a Delaware limited liability company

By: _____
Name: _____
Date: _____

STATE OF _____)
) ss.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2021, by _____ as _____ of 94TH AND STATE, LLC, a Delaware limited company.

Notary Public in and for said State
Printed Name: _____
Commissioned in _____ County

My commission expires:

LIST OF EXHIBITS

- | | |
|-----------|---------------------------------------|
| Exhibit A | Site – Legal Description |
| Exhibit B | Multi-Family Site – Legal Description |
| Exhibit C | Minimum Insurance Requirements |

EXHIBIT A

SITE – LEGAL DESCRIPTION

LOTS 1, 3 AND 5, AND TRACTS A, B AND G, SCHLITTERBAHN VACATION VILLAGE SECOND PLAT A SUBDIVISION IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS.

AND

ALL THAT PART OF LOT 4, SCHLITTERBAHN VACATION VILLAGE, SECOND PLAT, A SUBDIVISION IN KANSAS CITY WYANDOTTE COUNTY, KANSAS, LYING IN THE SOUTH HALF OF SECTION 1, TOWNSHIP 11 SOUTH, RANGE 23 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERNMOST CORNER OF LOT 4, SCHLITTERBAHN VACATION VILLAGE, SECOND PLAT, A SUBDIVISION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS; THENCE SOUTH 00 DEGREES 33 MINUTES 33 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 4, A DISTANCE OF 522.19 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4, SAID CORNER ALSO LYING ON A NON-TANGENT CURVES; THENCE IN A WESTERLY AND SOUTHWESTERLY DIRECTION, ALONG THE SOUTHERLY LINE OF SAID LOT 4 AND ALONG A CURVE TO THE LEFT WHOSE INITIAL TANGENT BEARS SOUTH 75 DEGREES 08 MINUTES 54 SECONDS WEST, HAVING A RADIUS OF 575.00 FEET, THROUGH A CENTRAL ANGLE OF 19 DEGREES 32 MINUTES 01 SECOND, AN ARC DISTANCE OF 196.03 FEET TO A POINT OF REVERSE CURVATURE; THENCE IN A SOUTHWESTERLY, WESTERLY AND NORTHWESTERLY DIRECTIONS CONTINUING ALONG SAID SOUTHERLY LINE AND ALONG THE SOUTHWESTERLY LINE OF SAID LOT 4 AND ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 675.00 FEET, THROUGH A CENTRAL ANGLE OF 76 DEGREES 58 MINUTES 27 SECONDS, AN ARC DISTANCE OF 906.83 FEET TO A POINT ON A NON-TANGENT LINE; THENCE NORTH 47 DEGREES 24 MINUTES 39 SECONDS WEST, CONTINUING ALONG SAID SOUTHWESTERLY LINE, A DISTANCE OF 139.69 FEET TO A POINT; THENCE NORTH 66 DEGREES 53 MINUTES 22 SECONDS EAST, DEPARTING SAID SOUTHWESTERLY LINE, A DISTANCE OF 676.72 FEET TO A POINT; THENCE NORTH 21 DEGREES 51 MINUTES 02 SECONDS EAST A DISTANCE OF 256.70 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID LOT 4; THENCE SOUTH 70 DEGREES 17 MINUTES 39 SECONDS EAST, ALONG SAID NORTHEASTERLY LINE A DISTANCE OF 155.84 FEET TO A POINT; THENCE SOUTH 89 DEGREES 26 MINUTES 27 SECONDS EAST, CONTINUING ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 258.65 FEET TO THE POINT OF BEGINNING.

ALSO DESCRIBED AS LOT 4B, SCHLITTERBAHN VACATION VILLAGE, SECOND PLAT, A SUBDIVISION IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS AS SHOWN ON LOT SPLIT SURVEY RECORDED APRIL 2, 2018 AS DOCUMENT NO. 2018R-04142.

AND

LOTS 7, 8-B, 8-C, 8-D, 9 AND TRACTS A, B, C AND D, SCHLITTERBAHN VACATION VILLAGE, FOURTH PLAT, A SUBDIVISION IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS.

AND

LOT 7 AND TRACTS A AND B, LEGENDS AUTO PLAZA SECOND PLAT, A SUBDIVISION IN THE CITY OF KANSAS CITY WYANDOTTE COUNTY, KANSAS EXCEPT THAT PART PLATTED AS LEGENDS AUTO PLAZA, THIRD PLAT IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS.

AND

LOT 9, AND TRACT B, LEGENDS AUTO PLAZA, THIRD PLAT A SUBDIVISION IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS.

LESS AND EXCEPT:

All of Lot 8-B and Tract B, together with part of Lot 8-D, all of Schlitterbahn Vacation Village, Fourth Plat, a subdivision in Kansas City, Wyandotte County, Kansas, recorded as Document 2017R-07693, all lying in the Fractional North Half of Section 1, Township 11 South, Range 23 East, described as follows:

BEGINNING at the Northeast corner of Lot 8-B of Schlitterbahn Vacation Village, Fourth Plat, a subdivision in Kansas City, Wyandotte County, Kansas; thence South 04 degrees 31 minutes 11 seconds East, on the East line of said Lot 8-B, and on the East lines of Tract B and Lot 8-D, both of said Schlitterbahn Vacation Village, Fourth Plat, a distance of 508.48 feet to a point; thence South 85 degrees 28 minutes 49 seconds West, departing said East line, a distance of 160.37 feet to a point on the West line of said Lot 8-D; thence North 07 degrees 29 minutes 33 seconds West, on the West line of said Lot 8-D, a distance of 12.02 feet to a point of curvature; thence in a Northerly direction, continuing on said West line and on a curve to the right, having a radius of 2000.00 feet, through a central angle of 2 degrees 19 minutes 50 seconds, an arc distance of 81.35 feet to a point of tangency; thence North 05 degrees 09 minutes 43 seconds West, continuing on said West line, and on the West line of said Tract B and Lot 8-B, a distance of 422.62 feet to the Northwest corner of said Lot 8-B; thence North 88 degrees 01 minute 07 seconds East, on the North line of said Lot 8-B, a distance of 6.85 feet to a point; thence North 88 degrees 00 minutes 23 seconds East, continuing on said North line, a distance of 161.61 feet to the POINT OF BEGINNING, containing 84,639 Square Feet or 1.9430 Acres, more or less.

EXHIBIT B

MULTI-FAMILY SITE – LEGAL DESCRIPTION

All that part of Lot 1 Schlitterbahn Vacation Village Second Plat, being more particularly described as follow: commencing at the Southeast corner of said Lot 1, thence North 00 degrees 30 minutes 04 seconds West, with the East line of said Lot 1, a distance of 466.04 feet to the point of beginning; thence South 89 degrees 27 minutes 50 seconds West, a distance of 555.27 feet to a point of curvature; thence on a curve to the right having a radius of 82.00 feet, a central angle of 58 degrees 11 minutes 49 seconds, an arc distance of 83.29 feet; thence North 32 degrees 20 minutes 21 seconds West, a distance of 612.67 feet to a point of curvature; thence on a curve to the right, having radius of 50.00 feet, a central angle of 85 degrees 11 minutes 05 seconds an arc distance of 74.34 feet to a point of reverse curvature; thence on a curve to the left, having a radius of 924.50 feet, a central angle of 01 degree 41 minutes 54 seconds, an arc distance of 27.40 feet to a point of compound curvature; thence on a curve to the left having a radius of 830.00 feet, a central angle of 14 degrees 57 minutes 10 seconds, an arc distance of 216.61 feet to a point of compound curvature; thence on a curve to the left having a radius of 924.50 feet, a central angle of 14 degrees 53 minutes 27 seconds, an arc distance of 240.27 feet; thence North 89 degrees 29 minutes 55 seconds East, a distance of 661.22 feet to a point on the East line of said Lot 1; thence South 00 degrees 30 minutes 05 seconds East, a distance of 827.04 feet; thence South 89 degrees 29 minutes 56 seconds West, continuing with the East line of said Lot 1, a distance of 15.00 feet; thence South 00 degrees 30 minutes 04 seconds East, continuing with the East line of said Lot 1, a distance of 179.00 feet to the point of beginning. The above described tract contains 798,767 square feet or 18.34 acres. The basis of bearing for the above real property description is the Kansas Regional Coordinate System, Zone 11.

EXHIBIT C

MINIMUM INSURANCE REQUIREMENTS

1. Worker's Compensation. Assignee may self-insure, to the extent allowed by applicable law. The self-insured retention shall be that which is standard in the industry. Assignee will then purchase excess Worker's Compensation Insurance with statutory limits over the self-insured retention. If self-insurance is not available under applicable state law, coverage will be purchased in accordance with the statutory requirements.
2. Comprehensive General Liability. Assignee will purchase and maintain with primary limits of \$3,000,000, or, if an umbrella policy with limits of at least \$20,000,000 is purchased and maintained, primary limits of \$2,000,000.
3. Automobile Liability. Assignee will purchase and maintain with primary limits of \$1,000,000.
4. Excess Liability. Assignee will purchase and maintain excess liability insurance in an amount not less than \$5,000,000.
5. Special Perils Form Property Insurance. Assignee will purchase on a replacement cost basis. Deductibles and limits will be standard to those in the industry, and the policy shall include an "Agreed Amount" endorsement. Earthquake and flood insurance will be included if required and if available at a reasonable cost, fired vessel, boiler and machinery, and underground collapse may be required by the UG as additional perils.



Staff Request for Commission Action

Tracking No. 21828

Full Commission Meeting Date: 5/17/2021

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 5/20/2021	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u> UG Clerk
<u>Item Description:</u> Update on COVID 19 Health Orders <i>A continuation of the May 17, 2021 discussion of existing Health Orders that the Commission voted to table until May 27, 2021. Existing Health Orders expire at 11:59 P.M. on May 28, 2021, and action will be taken as directed.</i>				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				