

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

**PLANNING & ZONING AND
REGULAR SESSION
APRIL 8, 2021**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, April 8, 2021, with eleven members present via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; Alan Howze and Melissa Sieben, Assistant County Administrators; Bridgette Cobbins, Interim Assistant County Administrator; 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; and Janet Parker, Administrative Assistant.

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

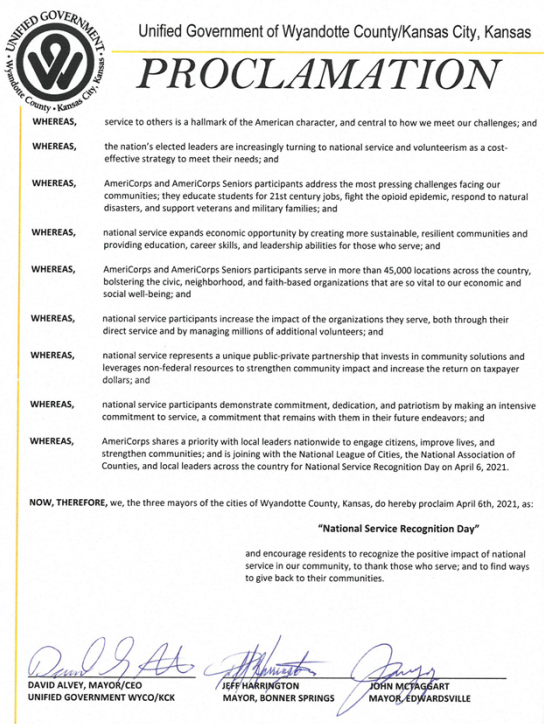
Mayor Alvey said the invocation is being given by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ.

Mayor Alvey asked, Clerk, are there any revisions to tonight's agenda? **Brett Deichler, Interim Unified Government Clerk**, said there was one addition. A blue sheet was distributed for the Administrator's Agenda, Item No. 2-21771 for the Memorandum of Understanding with the Services Employee International Union Local No. 1. That was the only item on tonight's blue sheet.

MAYOR'S AGENDA

ITEM NO. 1 – 21767...PROCLAMATION: NATIONAL SERVICE RECOGNITION DAY

Synopsis: Proclaiming April 6, 2021, as National Service Recognition Day in Wyandotte County, Kansas, submitted by Mayor David Alvey.



Action: Proclamation

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Mayor Alvey said that takes us to the Planning and Zoning portion; two parts. The first is the Consent Agenda. I'd ask the Clerk to read the statement required by state law governing the Planning and Zoning portion of our meeting, followed by the items on the Planning and Zoning Consent Agenda.

PLANNING AND ZONING CONSENT AGENDA

Brett Deichler, Interim UG Clerk, read the statement, required by law, governing the Planning and Zoning portion of the meeting. A valid protest petition was filed regarding Change of Zone Application Item No. 1, COZ2021-003.

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 Bynum** disclosed contact from opponents of SP2021-006 and opponents of COZ2021-003. **Commissioner Kane** disclosed contact from opponents of SP2021-006, multiple opponents. **Commissioner Philbrook** disclosed contact from opponents of SP2021-006, COZ2021-003. **Commissioner Townsend** disclosed contact by written communication, which read, concerning SP2021-006, opponents only. **Commissioner Burroughs** disclosed contact by written communication from opponents of SP2021-006. **Commissioner McKiernan** disclosed contact from opponents of SP2021-006. **Commissioner Johnson** disclosed written communication from opponents of SP2021-006. **Commissioner Walters** disclosed communication from opponents of SP2021-006 and communication from opponents of COZ2021-0003.

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

Mayor Alvey said I failed to mention that I had received notices of opposition on SP2021-0006.

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 Ramirez asked to set-aside SP2021-007. **Mayor Alvey** asked, you want to pull SP2021-007. Is that correct? **Commissioner Ramirez** said, yes.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan to approve all remaining items.**

Mayor Alvey asked, do we have anyone from the public asking to pull an item? **Mr. Deichler** said we did not.

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

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 21755...COZ2021-001 - JAMES B. EVANS

Synopsis: Change of Zone from A-G Agriculture District to R-1 Single Family District for a single-family home at 1825 North 94th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, James B. Evans, has requested a Change of Zone for 1825 North 94th Street, from A-G Agriculture District to R-1 Single-Family District. The applicant has cited the fact that the property is not and has not been used for agricultural purposes as the impetus for requesting the Change of Zone. The Planning Commission voted 8 to 0 to recommend approval of COZ2021-001, subject to:

- 1) There are several dilapidated accessory structures on the property without a primary residence. All accessory structures must be demolished;
- 2) A building permit may be required. Please contact the Building Inspection Division to begin that process;
- 3) Driveway permit may be needed. Please contact the Building Inspection Division to begin that process;
- 4) Site improvements that include land disturbance activity on greater than one acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec.8-610 through Sec.8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building

Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,

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

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve COZ2021-001, subject to the stipulations.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Townsend.

ITEM NO. 2 – 21756...COZ2021-002 - JAMES B. EVANS

Synopsis: Change of Zone from A-G Agriculture District to R-1 Single Family District for a single-family home at 1841 North 94th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, James B. Evans, has requested a Change of Zone for 1841 North 94th Street, from A-G Agriculture District to R-1 Single-Family District in order to perform a lot split of the parcel and allow future residential uses on both newly created parcels. The Change of Zone request has been filed in conjunction with BOZA2021-003, variances from front yard setback regulation and accessory unit maximum. The Planning Commission voted 8 to 0 to recommend approval of COZ2021-002, subject to:

- 1) All variances requested in BOZA2021-003 must be granted (approved March 8, 2021);
- 2) Tract B must connect with or have access to Garfield Avenue;
- 3) Tract B must be assigned an address and connected off Garfield Avenue;
- 4) A building permit is required. Please contact the Building Inspection Division to begin that process;
- 5) Driveway permit needed. Please contact the Building Inspection Division to begin that process;
- 6) Site improvements that include land disturbance activity on greater than one acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sect. 8-610 through Sect. 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 Inspection 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.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve COZ2021-002, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Townsend.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 21758...SP2021-005 - CYNTHIA SLABY

Synopsis: Home Occupation Special Use Permit for a doggie day care at 7714 Rowland Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Cynthia Slaby, is requesting a Home Occupation Special Use Permit for a dog-sitting service on their property at 7714 Rowland Avenue. The applicant will have up to 10 dogs on the property between the hours of 10:00 am and 4:00 pm. The applicant will provide daily transportation to and from the home so no customers will come to the property. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-005, subject to:

1. The maximum number of dogs is ten;
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 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,

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9. The Special Use Permit shall be valid for two 9 years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve SP2021-005 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Townsend.

ITEM NO. 2 – 21759...SP2021-006 - AMANDA AND NOAH TAYLOR

Synopsis: Special Use Permit to store drilling and excavation equipment in vacant horse stable/barn at 3648 North 115th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicants, Amanda & Noah Taylor, are requesting a Special Use Permit for storage of drilling and excavation tools in an existing but vacant horse barn/stable. The applicants have stated that the equipment and tools will not be operated on the property. The Planning Commission voted 8 to 0 to recommend denial of Special Use Permit Application SP2021-006 based on the staff’s revised staff recommendation and the incompatibility of the use proposed with the nature of the area.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to deny SP2021-006. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Townsend.

ITEM NO. 3 – 21761...SP2021-007 - RYAN BARROWS WITH JOE'S KANSAS CITY BBQ

Synopsis: Renewal of a Special Use Permit (SP-2019-15 - expired 3/28/2021) for the Temporary Use of Land for an employee parking lot for Taco Republic at 4620 Mission Road, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Ryan Barrows, is requesting the renewal of Special Use Permit SP-2019-15 for the continued use of 4620 Mission

Road as a parking lot for Taco Republic at 500 County Line Road. The property has been granted Special Use Permits to be used as a parking lot since 2017.

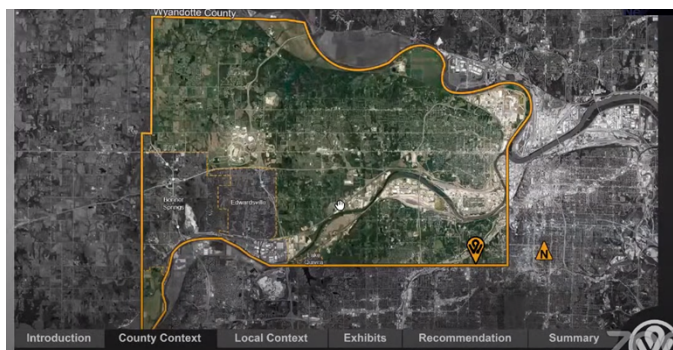
Taco Republic at 500 County Line Road currently has approximately 24 parking spaces on the premises. According to the zoning ordinance, 35 spaces are required. This property is in need of 11 additional parking spaces. Taco Republic previously had an agreement with a neighboring property to the south, within the city limits of Roeland Park. According to the City of Roeland Park, this parking agreement expired around 2018. The Planning Commission voted 8 to 0 to recommend denial of Special Use Permit Application SP2021-007 as the applicant did not meet the conditions of approval with the previous two applications.

The property owner at 4628 Mission Road is in opposition to the above renewal for the following reasons:

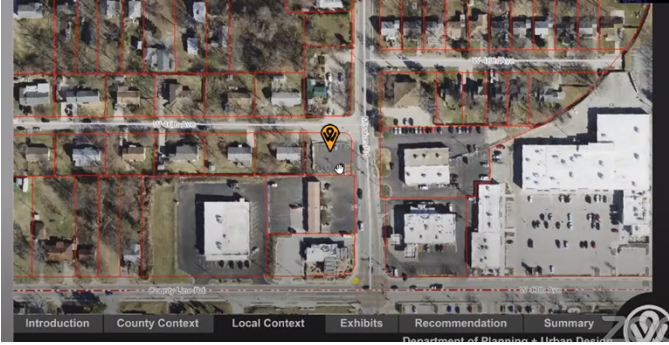
1. Semi-tractor trailer trucks are parked in the lot and block access to his property – occurs continuously;
2. Numerous RV's on the property;
3. Has had to call the police in order to resolve the situation; and,
4. Has talked to the owner of Joe's KC with no resolution.

Case	
SP2021-007	
Petitioner	Address
Ryan Barrows with Joe's Kansas City BBQ	4620 Mission Road Kansas City, Kansas 66103
Synopsis	
The applicant, Ryan Barrows, is requesting the renewal of Special Use Permit SP-2019-15 for the continued use of 4620 Mission Road as a parking lot for Taco Republic at 500 County Line Road. The property has been granted Special Use Permits to be used as a parking lot since 2017.	
Introduction County Context Local Context Exhibits Recommendation Summary	

Gunner Hand, Director of Planning and Urban Design, said this is for a SUP. It's technically a temporary use of land for a surface parking lot.



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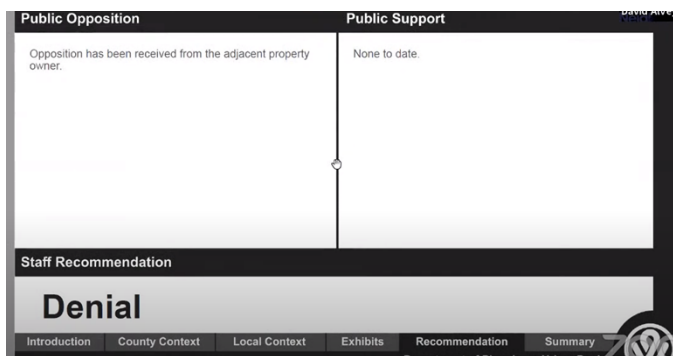
It's located in the Rosedale neighborhood across from Oklahoma Joe's on Mission Road. It technically serves, or had been serving, I should say, as the off-street, off-site parking for Taco Republic. They had a lease with Joe's Kansas City which owns this parcel right here. Taco Republic is right at the corner of 47th & Mission right here.



You can see some pictures of the site right now. Essentially, this is—in conversations with Taco Republic, they have since ended their lease agreement with Joe's Kansas City for this property. They had been leasing 11 parking spaces. They have 11 parking spaces required as a part of their required parking for Taco Republic. They were receiving this off-site. They have since found another location to serve their off-street needs and they're going to come back in at a later date and confirm that parking agreement with the Planning Commission.

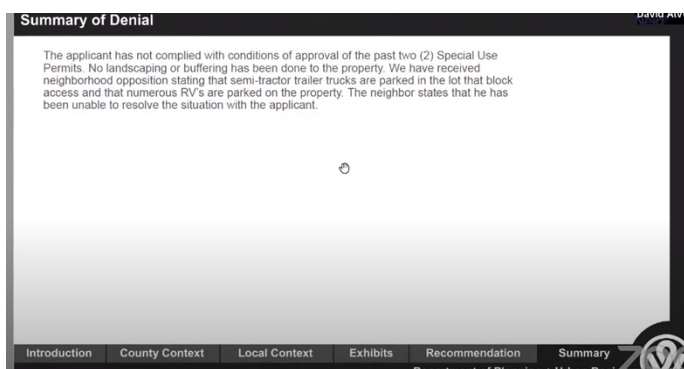
The Planning Commission and staff agree with their recommendation for denial. The applicant has not met the conditions of approval in their original approval in 2017, in their first renewal in 2019, nor in preparation for this renewal this year in 2021.

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We had asked for multiple improvements as it relates to this site to meet the commercial design guidelines. There was some screening, there was some fencing, there was some upgrades to the asphalt, some striping, things of that nature. They had the plans to do this work for quite some time and it has not been done. Staff recommends or agrees with the Planning Commission's recommendation for denial.

There was one letter of opposition we have received. It was the in-between property owner of the carwash between Taco Republic and this location. We have received no letters of support. There are some old NOV's that have been since resolved, but other than that,



we do have our reasons for denial. We would ask, as we did the Planning Commission, if the commissioners do move forward with recommending approval of this SUP, we do have some conditions of approval we would like to include in your motion. With that, I can take any questions.

Mayor Alvey asked, is the applicant present? **Mr. Hand** said, yes, he is present.

Ryan Barrows, 1515 Hodges Lane, Raymore, MO, said to touch briefly, we applied for extension of this special use permit solely due to the COVID-19 pandemic. We've had two SUPs

for a total of four years on this property. The first two-year period, there were a few different ideas floating around between staff of the Unified Government of Wyandotte County and Joe's to determine the best course forward with the idea of condemning a neighborhood business was brought up to create parking. After flushing that out, we ultimately decided that we should renew the SUP and develop the parking lot for Taco Republic.

The second SUP was granted in March 2019. At the same time, the business at Taco Republic was sold to the current owner. Once the sale was final, we met and laid out a plan for completing the parking lot in accordance with the timeline laid out with the newly issued SUP.

In February 2020, I began correspondence with the ownership of Taco Republic about constructing the parking lot and subsequent costs. Obviously, we all know what happened in March 2020 when the COVID-19 pandemic forced all non-essential businesses to close and issued stay-at-home orders. It was the most uncertain time of our lives, especially at Joe's and most restaurants, but also the general public. Once the stay-at-home order was lifted and dining rooms were able to reopen, although with many restrictions, we started to plot our way through the rest of the year, but a tremendous loss of sales and profit.

Taco Republic was closed for the first couple of months of the pandemic and was unable to pay any rent until August 11, 2020, which was abated by Joe's at half. Knowing the clock was ticking on the expiring SUP, I contacted Mr. Hand, the Director of Planning & Urban Design, on September 29, 2020, to discuss the situation of the SUP expiring and how we might be able to get some help as revenues had continued or had been slashed and there was not money available to complete the project at this time. I had a Zoom call with Mr. Hand on October 7th to discuss. During the meeting, he said the Commission might be able to work with us and we should go ahead and submit for renewal of the SUP.

In January, I submitted the SUP application in hope of an extension due to the pandemic. At the Board of Zoning Appeals and City Planning Commission Zoom meeting on March 15th, I stated why we felt we should be granted lenience towards the renewal of the SUP. When it came time for staff comments, it was recommended to deny our application on the basis the parking lot should have been completed sooner, even mentioning the six months after the first SUP was issued.

It was also referenced at the same meeting that Taco Republic would not have an appropriate amount of parking spaces to operate to code. That was touched on briefly then discounted, and it was mentioned that they used to rent spots in Westwood. The spots they used

to rent were in Roeland Park and no longer exist. The idea that Taco Republic would have to find other parking was more or less a spoken solution and a motion was made to deny the application and it was passed unanimously.

Obviously, I disagree with this decision and have been in contact with the Planning staff or in the process of applying for a permit to construct the lot as early as next week. I began working with our architect and civil engineers after the Planning meeting. I would still like the council to grant us a one year extension on this SUP so we can make the best use of our money spent on this project and not rush into rash decisions that could ultimately cost substantially more in construction costs. It also protects Taco Republic's ability to operate within the perimeters of their business license in terms of available parking.

Lastly, by not granting any extension of this SUP, the Unified Government of Wyandotte County is placing an unnecessary financial burden on both businesses while also enforcing an occupancy limit as well as social distancing standards that limits the number of patrons to be served as a result of the pandemic, ultimately reducing our ability to pay for the construction of the parking lot. We're going to build the lot. We're just asking for a little grace as we come out of the pandemic.

Mayor Alvey opened the public hearing. Has the Clerk received any notification from the public who wished to express comments in favor of this item? **Mr. Deichler** said we did not, Mayor. **Mayor Alvey** asked, is there anyone from the public who would like to speak in favor of this item? **Mr. Deichler** said there is none.

Mayor Alvey asked, Clerk, did we receive any notification from the public who wished to express comments in opposition? **Mr. Deichler** said none were received. **Mayor Alvey** asked, is there anyone from the public present who would like to speak in opposition? Please raise your hand to be acknowledged. There were none.

Mayor Alvey said if there are no further comments or questions from the public, I will close the public hearing.

Mr. Deichler said, Mayor, we did have Commissioners Ramirez and Bynum raise their hands. It looked like they had questions.

Mayor Alvey asked, would the petitioner like to make any closing comments?

Mr. Barrows said the only thing I would say is that when Mr. Hand and I met via Zoom, we did discuss the idea of painting a crosswalk across the car washes. That would be a nice touch for us to try to appease that action.

The opposition that came from the neighboring business when this SUP was heard, was from that business owner. There was a single incident in which a semi-truck parked at this lot and the business owner then drove his vehicle over to Joe's Kansas City blocking our entire operation while for all intents and purposes, losing his mind about where this person's vehicle was and who the person was. We were able to track the customer down.

The customer went back over to the truck. The business owner of the car wash pulled his vehicle in front of the semi-truck and basically, they had to call the police because he would not move. The police came, helped guide the semi-truck out of the parking lot, but basically at that point in time, it became very clear and apparent to me that there was going to be no way that we would find an amicable resolution with this business owner to do what Mr. Hand had recommended.

I did send an email to Mr. Hand in November about that very topic saying, hey, this happened. I don't know that this is going to be feasible. At that point he said we'll figure it out during the planning and zoning process, so I left it alone after that point.

As far as everything else goes, as I said, the wheels were in motion for all of this to get done. I have email correspondence with Taco Republic that shows we were going to address this. I've got all dated plans with architects, engineers, all of that stuff. If the world doesn't shut down, this lot is already done.

Commissioner Ramirez said this is my area; my district. I know Taco Republic very well. I know that parking lot. I've parked in that parking lot before.

Gunnar, in the previous applications, were the same conditions of approval the same as today, the parking lot requirement and the parking? **Mr. Hand** said generally, yes. **Commissioner Ramirez** said we, as the Board of County Commissioners and the Planning and Zoning

Commission, we have our job and duty to make sure that we follow the code, especially our development code. But I believe in this instance, Mr. Barrows, I believe, he has taken the effort to maintain contact with staff. You know COVID happened. That stopped a lot of plans for everybody. For a lot of businesses, it hurt a lot of businesses and I'm not wanting to ensure that we continue to hurt that business.

I know I see in here, Gunner, in your recommendation in the conditions, you said if it were being approved, could we—I know here in the application it says if approved, the special use permit shall be valid for two years from the publication of the associated ordinance. Just so that we ensure Mr. Barrows—I'm not saying he won't, but to ensure that the work is done, could we extend it for a year and him come back to us and show us what he has done so that we can continue to give him another chance? I'm wanting to give him a chance. He has shown that he has reached out to our staff through part of last year. He is getting the work done. That is my thinking.

I'm going to be completely honest and frank. When I was coming into this, I was going to agree with the Planning Commission's recommendation. After hearing Mr. Barrows speak and giving him a timeline of communication between himself with our staff, our Planning staff and outside organizations and companies to get this work done, it changed my point of view of wanting to give him a chance. I'm not sure. I'd be interested to know if any of my fellow colleagues feel the same or if they have any other input.

Mayor Alvey said, Mr. Hand, what recommendations—if this were to be approved, what stipulations would you add to it? **Mr. Hand** said let me say this in response to Commissioner Ramirez. I think at the end of the day, both Planning Commission and staff just want the improvements made. I don't think we're necessarily against the use or anything of that nature. We got two approvals where nothing has happened. Sure, there's been circumstances and I think at the end of the day, like I said, we want to see those improvements. Our recommendation would be to give them six. If you want to give them a year, that's fine, but we were thinking we would give them six months to construct it. If you want to give them two years to operate the parking lot with the condition that all the improvements are made within the first six months of that two years, or whatever time period you want, that would be fine.

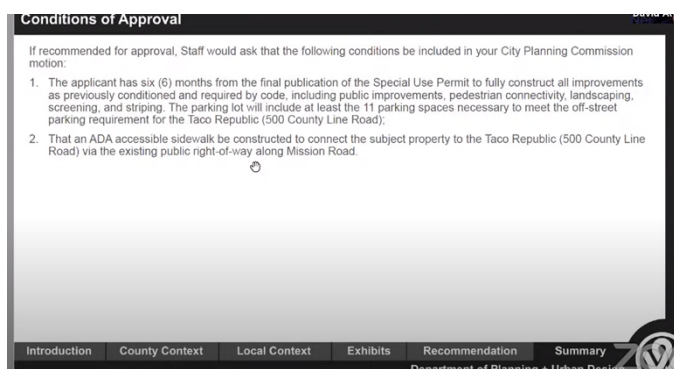
We're limited by the code for temporary uses of land to just two years. I don't think staff, nor is it recommended by the Planning Commission, would want him to have that full two years

to make those improvements. Generally, when we ask for improvements, we expect them done within, or at least began within the first six months.

Then we would want to add the sidewalk, as mentioned. I know that there are some issues between the property owners, but at the end of the day, that is our public right-of-way, not that property owner's property where that sidewalk would go.

Mayor Alvey said this is my thought to your question, Commissioner Ramirez. When you look at that area, there's just not enough parking, period. To not allow Joe's KC to have additional parking close by, it really goes against, I think, what we're trying to do. When we have a spot in the city that is eating up in that area, obviously it's a hot little area. We need to accommodate it. I'm of the mind I would like to see that we would—if six months is enough time to get it built, that's great. You never know, we could get a lot of rainy weather. We could get other problems that could come up that would prevent that six-month timeline from being completed. I'd be willing to even after six months, if we had a weather event that would prevent that, to extend it. I would like to see this move forward.

Commissioner Kane said I agree with you, Mayor and Commissioner Ramirez, as well. That's a hot little spot. COVID has thrown the world a curve. If that's a motion, I'd second the motion because we need to help as many of these companies move along and get back to normal.



Commissioner Ramirez said I did not, until the screen turned on, know the conditions of approval that are currently on the screen. I would 100% support those conditions of approval. I do want to see the improvements as well. Like I said, we have a job to follow our code and I want to make sure that the business is following that code, but also, we make the necessary improvements to that

area that are set by the code. I would completely agree with the conditions of approval that are currently on the screen. I apologize. I did not see those before.

Mr. Deichler said, Mayor, Commissioner McKiernan and Commissioner Bynum both have their hands up as well. **Mayor Alvey** said I've got to let you know, if you're in the conference room, if you have your mic on, we're getting feedback when Commissioner Ramirez was speaking. If you're not speaking, make sure your mic is off. Ms. Cobbins, was there someone else who wanted to speak? **Mr. Deichler** said Commissioner McKiernan and Commissioner Bynum.

Commissioner Bynum said I really want to support this small business owner, particularly with parking. I also agree with the conditions that Mr. Hand has put forward, but I want to make sure of a couple of things. First of all, what I would like clarification on is when and if we provide approval with conditions, what then is our hammer? What is our remedy, as a local government, when and if those conditions are not complied with? While I really want to be supportive, I'm growing quite weary of granting or denying certain applications and having the applicant just do whatever they want anyway and we have no recourse it seems. So, I'd like to know if we grant what I think is being suggested as a six-month special use permit, if the improvements that are being committed to tonight don't happen, I suppose in six months that special use permit is over, but what if everybody still keeps parking there anyway? I really want some guidance, but I am willing to support what's proposed by way of a very short special use permit timeline.

Mr. Hand said as written, what we're recommending is that we move forward, if the Commission wants to move for approval; go ahead and do it for the full two years, but the condition that they have six-months to complete the work. So, from start to finish, they would have had—now granted, Mr. Barrows has outlined all the issues they've had, but they will have had five and a half years to build a lot.

Commissioner Bynum said I guess my follow up question is, after six months they're sitting on a two-year special use permit and seven months later if no improvements have occurred, what then is our authority? **Mr. Hand** said for SUPs, if they do not meet their recommendations of approval, we have the right to revoke that SUP. So, we can revoke that SUP, and at that moment they will not be allowed to use that parking lot. From there, we would have to, if that weren't enough, we

could move forward with a notice of violation and start administrative citations for operating without a SUP.

Commissioner McKiernan said, Mr. Hand, you may be able to answer these questions for me and if not, Mr. Barrows can. Just to verify, this parking lot will be for Taco Republic, correct, to replace the spots they're going to lose on the south side of County Line Road? **Mr. Barrows** said we already lost those spots? **Mr. Hand** said as of right now, there's an agreement between Taco Republic and Joe's KC for 11 of the current 16 spots in the parking lot. Taco Republic has been in communication with us and have said that they are not going to renew that agreement with Mr. Barrows. I don't know if that's true or not, although that's what the owner told me. In fact, they said they are in agreement with a different property owner in Westwood, catty-corner from Taco Republic to get their required parking up. They'll have to go through their own entitlements to confirm that, but until that happens, the agreement is still in play so the motion as written is still valid.

Commissioner McKiernan said so I guess my follow-up question would be, if the parking spaces are not going to be used for Taco Republic, for whom would they be used? **Mr. Barrows** said the news of Taco Republic finding other parking spots is news to me, which is completely fine. We've always known if they can secure parking to operate to their full parking requirements, to operate with their proper business license, that's between Taco Republic and Unified Government of Wyandotte County. The fact of the matter is, we own that parking lot. We own the building that Taco Republic is in. No matter what happens, it's in our vested interest for Taco Republic to be fully operational.

I can also tell you that Joe's Kansas City, as a verified and prominent business, will always have use for parking. No matter what, we're going to put parking over there. I promise you that I can fill 16 spots over there with employee parking before the sun comes up almost every day of the week. I am not concerned about what we're going to do with that parking lot, whether Taco Republic uses it or we do. It frees up more parking for my guests.

Commissioner McKiernan asked, how long have you owned that property? **Mr. Barrows** said we owned 500 County Line Road before the 4620 parking lot. I would probably say six or seven

years on the building and probably five years—we didn't own that spot for much longer than we constructed it for parking. I would say five years max is my guess.

Commissioner McKiernan said the first special use permit to use it as a parking lot was granted in 2017, is that correct? **Mr. Barrows** said, correct. **Commissioner McKiernan** said I'll just point out that 2017 is a long time before 2020, and COVID really shouldn't enter this equation when it comes to having plenty of time to make the necessary improvements to comply with the SUP. **Mr. Barrows** said correct, but the first SUP didn't outline the same requirements that the second one did as far as constructing a lot. It basically just said it was going to be used for two years.

As I kind of alluded to the first time, we have had discussions with prior staff at the Unified Government about the idea of possibly condemning the business between those buildings for a greenspace parking area and then construct a tax revenue generating business on the 4620 lot currently. That was the better part of probably a year to a year-and-half discussion based on legalities with TIF and CIDs and those types of things to really vet that out to understand that the investment for what we would be taking on was going to be somewhere in the neighborhood of about a \$1.8M payback. For a parking lot, we weren't quite sure that was going to be the best decision for us.

The first two years of that process was the majority spent with that decision, then coupled with the change in ownership when the second SUP was granted. It kind of slowed some things down. Trust me, I'm not sitting here saying that we couldn't have got it done. I completely understand that. When we bid this project out most recently, it was at a cost of about \$150,000. We collect, just in full transparency, about \$3,700 a month for that parking space, for that parking area. So, doing quick math, it's going to take a long time for any sort of getting our return on investment.

Commissioner McKiernan said I appreciate that. Thank you very much.

Commissioner McKiernan said, the staff report also notes that there was a history of multiple code violations on this property over the past several years. I'm just curious, were those code violations remedied in a timely manner once they were brought to your attention? **Mr. Barrows** said I believe when that was brought up. Mr. Hand—I think most of those happened prior to us owning that property. I can recall one instance of code violation in which our lawn mowing

company had gone out of business. I didn't notice it. We got the notice in the mail and I believe it was rectified probably the next day.

Commissioner McKiernan said so you would say if this special use permit request is granted, that you would be a good steward of that property going forward? **Mr. Barrows** said absolutely. I can also tell you, in full disclosure, my architect has been in contact with staff yesterday at 3:45. We were inquiring about whether we needed to submit for a pre-application meeting or if we just needed to submit for final. He is in the process of submitting for final. We don't want to mess around with this anymore. This is as much a pain for; this is an equal amount of pain for all of us so it's time to make it go away so we're going to get it done.

Commissioner McKiernan said thank you, Mr. Barrows. Mr. Mayor, that's all the questions I have.

Ms. Kimble said, Mayor, Commissioner Townsend has her hand up.

Commissioner Townsend said some of the questions and concerns that I have had already been raised by Commissioner Bynum and Commissioner McKiernan. For clarity, is the proposal now for two years or one year? If this is going to be approve, is the proposal now—is there a motion for one year or two years?

I'll just go ahead and say I have some concerns about compliance way before the COVID situation. If this is to go forward, I would want to support business but we have to have compliance. I'm thinking one year to let this thing go forward and have the sidewalk constructed and the other things that were requested would be enough time for compliance. As you said, there could be weather; there could be anything else. We're still really not totally out of the COVID situation. I think one year max until the situation is actually solidified would be reasonable, reasonable because compliance is the main thing. I do have concerns for something that's gone on this long without compliance.

Mayor Alvey said, Commissioner Townsend, I don't know that we've had an actual motion, so if that's a motion—but further discussion whether Commissioner Ramirez would like to bring a different motion? **Commissioner Townsend** said, well, thank you, Mayor. I've had my say and I'll leave it at that, but I wanted to share what my view was. Thank you. **Mayor Alvey** said, thank you.

Commissioner Ramirez said I would, sorry, I'm trying to think. I would be amenable to the one-year special use permit, but with the conditions of approval that are laid out on the screen by our staff, including the six-month to construct all the improvement and the ADA accessible sidewalk. Again, I want to reiterate to Mr. Barrows this is not—I want to make sure you know that the motion I am about to make is not to hinder you or to hinder your business but is to make sure your business is in compliance with our code. The code is what makes our community work and makes our community beautiful. I want to make sure that you know that this is not to hinder you in any way, shape or form. We want to work with you and we want to work with the business as well.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Bynum, to approve SP202-007 for one-year, subject to the stipulations set out by staff.**
Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters,

ITEM NO. 4 - 21753...SP2021-009 - JAMES P. DONOVAN WITH THE SHOWROOM FLOOR, LLC

Synopsis: Renewal of a Special Use Permit (#SP-2019-18 - expired 3/28/2021) for an AirBnb at 1127 Southwest Boulevard, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, James Donavan, is seeking the renewal of SP-2019-18, which expires on 3/28/2021. The Special Use Permit allows for the operation of a short-term rental at 1127 Southwest Boulevard. This is not the applicant's primary residence. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-0009, subject to:

1. Maximum number of guests, which has been deemed appropriate for the available accommodations shall be five;
2. Guest parking must be provided off-street. Maximum number of guest parking shall be four;
3. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy. Include the contact information for Host Compliance: 913-246-5133 www.hostcompliance.com/tips;
6. The Special Use Permit is not valid for the approved use to be in operation until all the This is a test 08:20:00 Real time conditions of approval are met. The Applicant acknowledges that

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

7. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
8. The Special Use Permit shall be valid for two years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve SP2021-009 for two years, subject to the stipulations.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Townsend.

ITEM NO. 5 – 21754...SP2021-010 - KELLY D. FOUNTAIN

Synopsis: Renewal of a Special Use Permit (#SP-2016-17 - expired 2/25/2021) for a kennel at 3440 North 131st Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Kelly Fountain, is requesting the renewal of a Special Use Permit to operate a residential boarding kennel at their residence, 3440 North 131st Street for up to ten dogs. The boarding facility was originally permitted in 2014 under Special Use Permit SP-2013-62 and renewed with SP-2016-17 for five years. The applicant is requesting that the Special Use Permit be valid for ten years. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-010, subject to:

- 1) Subject to approval, the maximum number of dogs is ten;
- 2) Signage is not allowed on the property;
- 3) Applicant must keep a current annual Business License/Occupation Tax Receipt;
- 4) A maximum of three off-street parking spaces will be provided.
- 5) Hours of operation shall be 8:00 a.m. to 6:00 p.m.
- 6) According to Section 27-675, for existing single-family dwellings, a driveway ten feet in width or less extending directly from the street or alley to the garage, or from the street or alley to the house if there is no garage, or to the rear yard, can be paved in its entirety, or as continuous

concrete wheel paths, or improved in its entirety with a minimum four inch depth of gravel or its equivalent. Any other parking, loading, or maneuvering areas must be paved with a minimum of two inches of asphalt over six inches of compacted gravel or its equivalent, as subject to the provisions of subsection (a) of this section. If the parking, loading or maneuvering area is in the rear yard it may be improved with a minimum four inch depth of gravel so long as it includes less than 40 percent of the rear yard and less than 1,000 square feet in area;

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

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve SP2021-010 for 10 years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Townsend.

PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 21757...COZ2021-003 - CAROL BLACKWELL

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural purposes at 3505 North 83rd Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Carol Blackwell, is seeking a Change of Zone from R-1 Single Family District to AG Agriculture District for the purpose of constructing a home and a 3,600 square foot accessory structure on the property. The applicant states that the property will

not be used for commercial purposes. The Planning Commission voted 7 to 1 to recommend approval of COZ2021-003, subject to:

1. A building permit is required for new construction for both the single-family home and the accessory structure. Please contact the Building Inspection Department to begin that process;
2. In order to reside on the property during construction, the applicant must either:
 - a. Place a mobile home on the property that meets all of the requirements outlined in Section 27-462, which state:
 - i. The home must be new when placed on the site;
 - ii. The home must be placed on a permanent foundation that complies with the Unified Government's building code for residential structures. The foundation must include a solid perimeter wall;
 - iii. The home must be oriented on the lot so that its long axis is parallel to the street. A perpendicular or diagonal placement is permitted only if the narrow dimension of the home nearest the street is no less than two-thirds (2/3) of the lot width at the building line. Garages or other completely enclosed additions may be included to meet this requirement;
 - iv. The home must be at least 22 feet wide over a major part of the mobile home;
 - v. The home must have a roof sloped at least four feet to 12 over no less than 40 percent of the total roofed area. Roof slope indicates the actual incline of a roof as a ratio of vertical rise to horizontal run, determination must be based on actual measurements and not on nominal designation or rules of thumb. It must consist of shingles or other material used for conventionally built dwellings in the area;
 - vi. The roof overhand must not be less than one foot measured from the vertical side of the mobile home;
 - vii. The home and any attached building additions must be covered with an exterior material customarily used on conventional dwellings in the area. The exterior covering material must extend to the top of the foundation and no less than two feet from the ground. Exterior material customarily used on conventional dwellings does not include smooth, ribbed, or corrugated metal or plastic panels;
 - viii. The home must meet all requirements required of other single-family residences in the area where it is to be located; and,
 - ix. The mobile structure must be removed once a Final Certificate of Occupancy is issued for the residence and accessory structure are completed; or,
 - b. Build a residence within the accessory structure that complies with the minimum square footage requirements per the zoning district, which is 864 square feet. A building permit is required. Please contact the Building Inspection Department to begin that process;
3. No commercial storage or activity that does not comply with the A-G Agriculture District is permitted on the property without a special use permit; and,
4. Land disturbance permits is obtained from the Public Works Department.
5. Driveway permit is obtained from the Public Works Department.
6. Provide an erosion control plan to mitigate the flow that is coming from her driveway onto the right-of-way.
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

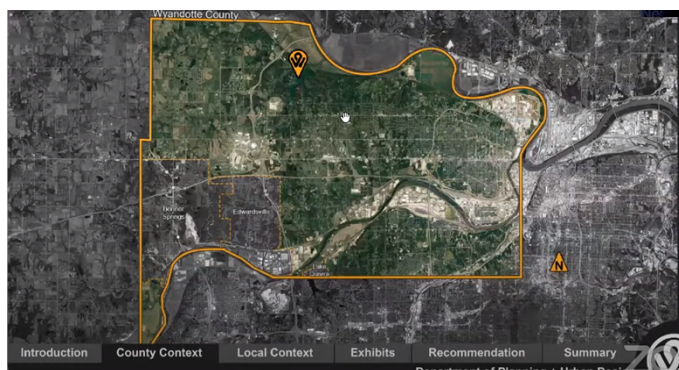
submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Mayor Alvey said for the record, a valid protest petition has been received.

Case	
COZ-003	
Petitioner	Address
Carol Blackwell	3505 North 83 rd Street Kansas City, Kansas 66109
Synopsis	
The applicant, Ms. Carol Blackwell, is seeking a Change of Zone from R-1 Single Family District to AG Agriculture District for the purpose of constructing a home and a 3,600 square foot accessory structure on the property. The applicant states that the property will not be used for commercial purposes.	
Introduction County Context Local Context Exhibits Recommendation Summary	

Department of Planning + Urban Design

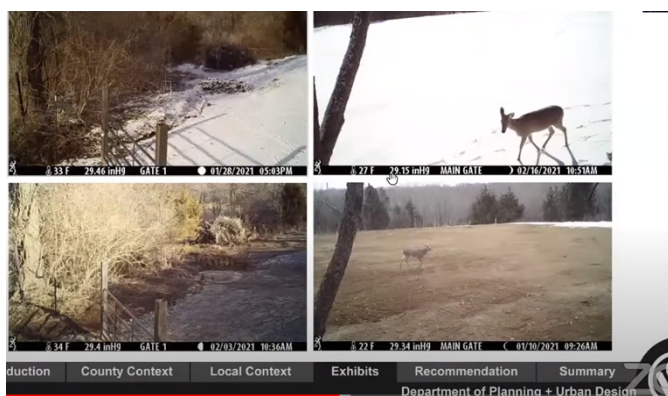
Gunnar Hand, Director of Planning and Urban Design, said as you just mentioned, the case is to rezone from R-1 to AG.



The property is located—it is almost in the Piper-Delaware Master Plan, but just outside of it. It is technically within the City-Wide Master Plan in the northern mid-town area very close to Wyandotte County Lake.



In fact, that access road to the east is just up from the street from it. You're looking at it right here.



The project has begun; is currently under development.

Ms. Blackwell does have a permit to begin construction of her single-family home. She has applied for a permit for the construction of a 3,600 sq. ft. accessory structure. The Building Inspection Department is waiting to grant that permit and settle the resolution of this case.

Public Opposition	Public Support
Staff has received multiple letters of neighborhood opposition. A protest petition has been submitted by adjacent property owners. Staff has reviewed and validated the protest petition so that nine (9) votes are required for approval.	None to date.

Staff Recommendation

Approval

Introduction County Context Local Context Exhibits Recommendation Summary
Department of Planning + Urban Design

I would note that in January, Ms. Blackwell was heard for a BOZA case to allow an accessory structure over the required, excuse me, maximum 1,000 sq. ft. She was denied that case in January. We have applied multiple conditions of approval to this case including that it would not be for commercial use.

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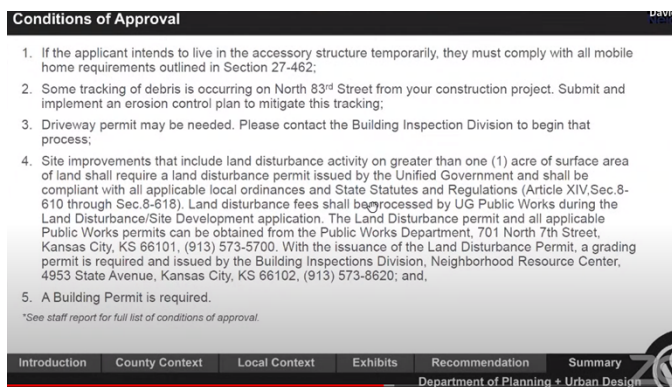
We received multiple letters, as well as the presence at the Planning Commission, neighbors spoke in opposition to this case. Their primary concern is they're worried that the barn will be used for commercial purposes. As it is about a 19-acre property, whether it remains R-1 or is rezoned to AG, because of the size of the lot, it does not need to conform to materials of the single-family home so it could be a large pole barn as she is proposing currently.

There are no NOVs on this property. We received no letters of support.

I've mentioned opposition. There has been one case that some of the grading and other earthwork that has been done, as it relates to the single-family home, did cause some issues on 83rd St. There was some tracking of mud and dirt. The Planning Commission added conditions of approval in their motion to include standard condition be applied for cases of this size or properties of this size for land disturbance, a driveway permit, as well as to develop an erosion control plan and implement that plan so no further tracking of mud and debris occurs on 83rd Street.

As you mentioned, there was a protest petition. So, the recommendation from the Planning Commission was for approval. That protest petition, as Mr. Deichler said earlier, would require nine votes to move forward, eight votes to overturn the decision of the Planning Commission, or potentially six votes to return it back to the Planning Commission if the Board of Commissioners see fit. With that, staff does agree with the Planning Commission and recommends approval.

Mayor Alvey asked, Gunnar, would you again recount the vote required in the three different scenarios. **Mr. Hand** said sure. I will say, really quick, that the protest petition, the threshold is 20% of property owners. There was a threshold of 80% of property owners that signed the protest petition. They're large parcels adjacent to Ms. Blackwell's property so it was only about 12 people, but that was 80%. So, to move forward one way or another, nine votes to approve, eight votes for denial, and six votes to return it back to the Planning Commission. **Mayor Alvey** said, thank you.



Mayor Alvey said I'll ask the applicant to please present her application.

Carol Blackwell, Overland Park, KS, said this is the 19 acres that I purchased in Kansas City, Kansas. It is heavily treed, very hilly. In fact, we've had a very difficult time trying to find space enough for housing and for a large barn/garage. We're working on it daily.

I addressed everything that the city has asked me to look at. I have had people out to see what we could do to stop the water from going across the street. We got that under control now, but it took considerable effort. We first took up 12 bales of hay to try and fix the situation to get it to stay on our property, but we're kind of in a valley right there and water can't flow anywhere else, but anyway, we brought in then another 20 bales of hay, a second strip and then we also called the excavator and had him re-slope the driveway to a different slant. He put a dike across the driveway and now we haven't had any more water flowing across the street.

I have addressed everything that has been asked of me to address. I have the property disturbance filled out ready to go in. They're asking me for something else too. I can't remember what it was. A notice of intent. I don't understand that one. I'm getting clarification on it. We planted \$250 of clover, white clover for bees and we're putting in some beehives. We've very excited about that. We like to help the farmers.

I was raised as a farm girl. I've put in so far \$250,000 into these 19 acres. I've paid cash for it and I am sincerely committed to it. I've driven through several different neighborhoods around/through Wyandotte County out where I am. It appears to be a precedent that it is acceptable to have R-1 and AG side-by-side.

The biggest complaint that I have had, an objection from the neighbors, is that they are convinced I'm putting a business in the barn. I have written four different letters to the neighbors

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to say I am not putting a business in the barn. I have told the city that. I am 75. I am retired. I have no desire to go into business. I've worked really hard all my life and I've saved for this workshop that I want to put. I saved for quite a long time to build a nice big building so that I can have my workshop and have space to put the equipment to manage this property. The snowblade. There's over a 1,000 ft. of driveway on this property and I've got to be able to manage it.

I've had some theft issues up there and I'm going to have to put this tractor and so forth inside under lock and key at night. I need this size of barn. If I can pay for it and keep it in good condition, I don't see why I should be denied that. I've visited a man just two weeks ago. He had 12 barns on his property and 2 of them were 10,000 sq. ft. I was raised on a rice farm in Arkansas. My parents owned the farm. A 3,000 sq. ft. barn was an average medium-sized barn. I don't see it as a big issue. I am not putting a business in the barn, now or ever. I'd be glad to answer any questions, but that is a moot point that I have covered and recovered.

Mayor Alvey opened the public hearing. Clerk, have we received any notification from the public who wish to express their comments in favor of this item? **Mr. Deichler** said, we did not. **Mayor Alvey** asked, is there anyone present from the public who would like to speak in favor of this item? **Ms. Godsil** said we have Lori who had her hand raised. **Mayor Alvey** said, ma'am, please state your name and address for the record if you want to speak in favor of this item. **Ms. Swartwood** said, yes.

Lori Swartwood, 7922 Cernech Rd., said I disagree. I don't see any improvement. I oppose. Has Ms. Blackwell carried through with fixing what she needs to fix as far as code violations?

Mayor Alvey said, ma'am, we're asking for those who want to speak in favor of this application. In the meantime, I think what I heard from Mrs. Blackwell is she had addressed the problems with the drainage and with the mud on the street.

Mayor Alvey asked, is there anyone else who'd like to speak? Is there anyone else who would like to speak in favor? **Mr. Deichler** said we're not showing any hands. **Mayor Alvey** asked, did we receive any communication? **Mr. Deichler** said we did not. **Mayor Alvey** said, thank you.

Mayor Alvey said now, Ms. Swartwood if you would like to express your opposition to this, please do so. State your name and address again.

Lori Swartwood, 7922 Cernech Rd., said I don't see any improvement and it's going to take more than hay to stop the mudslide. I mean it looks a mess. Has she complied with all code violations?

Mayor Alvey asked, Mr. Hand and Ms. Blackwell, can you address those concerns? **Ms. Blackwell** said yes, I can. I'm not sure what code violations we're talking about. Mr. Hand, can you tell me what code violations there are that I've been serviced or not address? **Mr. Hand** said there are no open notice of violations on the property. We have been working with Ms. Blackwell about cleaning up the street. I believe a UG crew went out there and swept the street at least once. I do not know if there's still mud after this most recent rain though.

Ms. Blackwell said thank you, Mr. Hand. I was there today. We were there two days ago and again today and what we have done has worked. It is definitely not flooding across the street anymore. It hasn't done it since we sent the excavator out. I had to wait two weeks for the excavator to go because he has a very busy schedule trying to dig basements and so forth. He was the one who put in the construction entrance there. I asked him to go back out and correct the work and he did that.

Now, that entrance will be a paved surface and it will have erosion control, but right now it's just a construction entrance. I can't put concrete on it right now because there will be lumber trucks and concrete trucks and everything going up it. It can't be hard surfaced until the construction is finished and then we will put in whatever culverts or drainage pipes or whatever to keep the water draining on my property. There's 19 acres there, so there's plenty of place to take care of that and we have it under control.

Mayor Alvey said thank you. Is there anyone else present who would like to speak in opposition to this? **Mr. Deichler** said yes there is, Mayor. **Mayor Alvey** said please state your name and address for the record. **Ms. Godsil** said we have Tina Rockey who wishes to speak. **Mayor Alvey** said can you please state your name and address for the record.

Shane and Tina Rockey, 8300 McGurk, said we're not adjacent to Ms. Blackwell, but we're very close. Even if we take Ms. Blackwell at her word that she's not planning on opening any kind of business at that location, our concern is that the building that she is building, plans for the

building, calls for offices. At the Planning and Zoning meeting, she indicated about having picnic tables on the property. Even if we take her at her word that she's just going to be a farmer out there, our concern is that she's 75 years old. I don't know how long she's going to be around to do that and (inaudible) sell it that someone (inaudible) would be perfect for a business to open up. (inaudible)

Mayor Alvey said I'm sorry. I think we're going to restart that, Shane. We're having some audio problems. Are you right up against your microphone? **Mr. Rockey** said, no. We're quite a ways away. I can back up more, though. **Mayor Alvey** said no, we need you right next to your microphone. It's not coming across to us. **Mr. Rockey** said okay. This is about as close as I can get right here. **Mayor Alvey** said that's much better. **Mr. Rockey** asked, start all over? **Mayor Alvey** said yes, please.

Mr. Rockey said our big concern is that we've seen the plans for the building that she's building. Even if we take her at her word that she's not planning on opening a business there, what she is proposing to build is perfect for opening a business. She's 75 years old. How long is she going to be there wanting to do that. When it comes time for her to sell it; its custom made for someone who wants to open a business there. I don't know if there's a way—if you're going to grant the change of zone, to include something in there that would prohibit something like that from happening. That's our concern. I don't really have a problem with what she's proposing in her letters that she sent to us and all that. That all sounds fine. My concern is what happens after that. That's all I have.

Mayor Alvey asked, anyone else present who would like to speak in opposition? **Mr. Deichler** said, Mayor, Jeff Gardner is wanting to speak. **Mayor Alvey** said, Mr. Gardner, please state your name and address for the record.

Jeffrey Gardner, 3640 N. 83rd St., said first on the paperwork I submitted against the—every neighbor that is adjoined to her, signed the petition against it. The only people that did not sign the petition were the actual, like Landmark National Bank. Every homeowner that is connected to her did sign the petition against her going to Ag. The reasoning before is she did try to get the request for variance for a 3,600 sq. ft. building. She wants to change, that was denied. The plans she submitted had an office, had several offices; I think three offices, two offices, a conference

room. There was actually a two-story building. The bottom level had one and a half baths. Total, it wasn't really a 3,600 sq. ft. building. It was actually closer to a 6,000 sq. ft. building because it was two levels and for what she had the footprint was 50 x 72. So, she was denied the variance. Now she puts in for AG for something that was obviously a commercial building. She just wants to switch to AG and her only reason for doing that is to turn around and build the building that she was already denied being able to build.

Mayor Alvey asked, is there anyone else present who would like to speak in opposition? **Ms. Godsil** said there are no hands raised, Mayor.

Mayor Alvey closed the public hearing.

Mayor Alvey asked, any members of the Commission have any questions or comments?

Commissioner Philbrook said I was listening very closely to Mr. Hand. He listed a couple of things that I wondered about, but I just want to go over it again. That, yes, in fact, that during the BOZA, the appeal for the 3,600-foot building, that was voted down. Part of it was because of the plan supplied to that Commission looked and felt like a business building of some type. So, I really have questions about why somebody would come forward and supply the same plan to us again to try to go AG and using the same plan for that building. So, that's a big questions of mine.

The other thing is that around that area, even though it's not AG, there may be just a few AG. Some not, some are. Really, that 3,600-foot building doesn't fit into the hobby farm setting that appears around that. Most everybody else looks like a hobby farm. I hope nobody takes this for offense, but I grew up on a hobby farm, so I understand that basically means that you get to have your horses, you get to do the stuff you want to do, but you don't have a business that you operate out of there nor does it look like you're going to have a business.

The other concern that I had was, that was already mentioned, that was the drainage onto the street that the UG had to clean up because of the mud. I understand with construction that those things happen, but when you have a construction site, whoever is doing the construction is responsible for those issues and have to contain that problem. Those are three main issues. One

of those, when we talk about character of the neighborhood, and that's when I mentioned the hobby farm, the character with a 3,600 sq. ft. building doesn't really fit into the hobby farm feel.

The other thing is that with the environmental farm, that kind of property is definitely not to grow big crops on and that sort of thing. So, I know that's really not going to get used for crops, but I also want to make sure that there is something in play whether she receives the AG part of this or not, that she comes with an erosion control plan for that property. You have to really pay attention to how you use that property. Does any of the other Commissioners want to chime in?

Commissioner Bynum said I have a question for Mr. Hand. If the applicant is denied the change of zone today, she can still build a structure with her home. Is that correct? **Mr. Hand** said if the Board of Commissioners deny the case tonight, she can still build a 1,000 sq. ft. accessory structure on her property. **Commissioner Bynum** asked, and that's always been true? **Mr. Hand** said, correct.

Commissioner Bynum said the original request back in January was for a variance. Is that correct? **Mr. Hand** said correct. The BOZA case in January that was denied by the Board of Zoning Appeals was for an accessory structure over the 1,000 sq. ft. limit. This is 3,600 sq. ft. **Commissioner Bynum** said after this evening, if the change of zone to AG is denied, is there another opportunity for a variance request or have we exhausted everything at that point and we're just back to residentially zoned property, a house, and then up to a 1,000 sq. ft. additional structure? **Mr. Hand** said if I'm understanding your question accurately, you are correct. She'd be limited to what the zone allows. She would have to wait a year to apply for another BOZA if she wanted. **Commissioner Bynum** said okay. So in one years' time, she could come back and request a variance. **Mr. Hand** said yeah, next January. **Commissioner Bynum** said that was my question. Thank you very much.

Commissioner Philbrook said I'm going to ask for clarification on how we move forward and make sure I do everything the way I'm supposed to do it. If my intention is to deny the 3,600-foot building, then on this particular item, do we vote to move the item forward? Do we vote for a vote on this and if you don't get enough yeys. then it's denied. Is that—talk to me. Tell me how to do this.

Mr. Hand said if a motion doesn't pass whether it's pro or con, you have to get another motion to come to action. **Commissioner Philbrook** asked, so that means I can just skip to the second motion and move for denial? **Mr. Hand** said if you want to.

Mayor Alvey asked, Ms. Brown, would you advise on this to be sure. **Misty Brown, Chief Counsel**, said Commissioner Philbrook has asked if—basically she asked two questions. One was if there was a motion, if she could just move to deny, which would take eight votes. The other question was, I believe she asked if there was a motion for approval which did not get the nine votes if additional action would need to be had. **Mr. Hand** correctly answered that, yes, we would need another vote to take some definitive action on this matter. **Mayor Alvey** said, thank you.

Mr. Hand said just to verify if I may. There was one question that one of the members of the public asked. Would it be okay if I answered that quickly before a motion? **Mayor Alvey** said, well, no. We closed the public hearing. **Mr. Hand** said, okay.

Mr. Deichler said, Mayor Alvey, Commissioner Ramirez has a question. **Mayor Alvey** said, well, I've got several, Commissioner Kane.

Commissioner Kane said it got denied by BOZA or whatever you want to call it. Somebody is trying to build a building of 3,000 ft. with a couple of offices and a bathroom and everything else. There's a long-range plan and that plan doesn't fit the community. If there is already something there that says they can build a 1,000 sq. ft. building, then let them build that. I don't know why anyone would need a 3,000 sq. ft. building with a bathroom and a conference room and everything else. I know why the neighbors are upset. They're like okay. So five years from now you give this to your kids and your kids build a business there and then you go back to the erosion part. That needs to be fixed now; not wait until they build it. There's an issue that this has to be addressed now, not well, let me build the building and flood the streets for the next several years and oh, by the way, some of that mud will go down to the lake. I don't think this fits the community.

Commissioner Townsend said I know the public hearing is closed, but listening to the presentation of the applicant, I did have a question or two for the applicant directly. One, does

she intend for this to be her primary home and two, with again, concern that Commissioners Kane and Philbrook and others have mentioned and those neighbors who are currently in protest to it. The applicant has denied that she intends to use this commercially, but she said she was putting a workshop or had a workshop, so what does that mean? What is she doing as a workshop in the accessory building?

Mayor Alvey asked, Ms. Blackwell, would you like to address that? **Ms. Godsil** said, Carol, if you could unmute yourself, you can speak. **Mr. Hand** said if need be, Mr. Mayor, I can answer that question. **Mayor Alvey** said I think they would like to hear from Ms. Blackwell. **Ms. Godsil** said I think she's available now. Go ahead Ms. Blackwell.

Ms. Blackwell said I want a woodworking shop. Presently, I have a two-car garage and I have to move my saw out to the driveway and then I have to move it back in. Its heavy. I have to move it back in every night. I want a woodworking shop so that I can continue to work on my projects. I don't sell them. I've not sold a single one, except when I sold my house. The lady liked the swing that I had built on the deck and wanted it to stay. That's the only thing that's been sold that I've made. I've made a coffee table. I've made several things. There are several other things that I would like to build.

We have beautiful wood on that property. Some of it is walnut and I have saved it and I want to use it in the house. I've contacted a man to cut it and to clean it and to make it available so that we can cover a ceiling with the wood that's from the property. I want to work on that. This is going to be my personal residence. I will live there.

Now, I realize that when this all started to begin with, all the neighbors were complaining to me that there was a Phillips Construction Company that had said he was going to have a barn built for personal use and then turned it into a construction company with large tractors and trailers and so forth. I felt like, at that time, that the sins of that man were being put on my doorstep. I am not going to be building any kind of business in this barn. I just want space to store the tractor, the lawn mower, the snowblower, all that stuff that's got to go to keep this property in good condition.

I've already stopped the flow of water across the street, and I will continue to have that stopped. I don't want to mess up my neighborhood. I have a beautiful home here in Overland Park and I want this to be a beautiful residence also.

I have owned commercial real estate for years. I've recently sold everything. The only thing I have left is this 19 acres and a piece of land in Grandview. I've sold all of the office buildings, the doctors' offices, the school, the apartment buildings. I've sold everything. I wanted that office so that I could maintain my records for tax purposes or for whatever needed to be done. I didn't want them in the house anymore. I wanted to take them out and put them someplace where they were not in my way. That was the reason for the office.

The reason for the bathroom, the half bathroom, I'll tell you very bluntly, unless you're 75, you don't realize that you don't want to walk down the hill and back up to go to the bathroom. You want a bathroom close by. It was purely for me, for my purposes, nobody else. There is no staff that is going to be in this building. I don't have any staff. I have a son and we sometimes hire a handyman to help with different projects and so forth, painting and that kind of thing.

This is strictly legitimate. For people to be worried about what happens after I die, I think is really holding me accountable for something I can't control. The next person that buys this is going to be under the same codes that I'm under. If they want to start a building, they're going to come to you for a permit. If they want to start a business, I'm sorry—if they want to start a business in this building, they're going to have to ask and comply with city ordinances the same as everybody else. I think that's kind of a moot point what's going to happen in the future after I pass away. Is there anybody else that wanted information from me?

Mayor Alvey asked, Commissioners, any more comments?

Commissioner Ramirez said I just had one question to Gunnar. It stems from what Commissioner Bynum was saying about BOZA. Let's say we do deny this and she's exhausted, at this point, any avenue. A year from now she reapplies to BOZA for a variance. What would have to be different in that application for it to be approved by BOZA, in your opinion?

Mr. Hand said after the year lapse, technically she could apply for the exact same thing. I think that what I will say is, when we had our pre-application meeting with Ms. Blackwell, we advised her to move forward with a change of zone, not a variance and she came with the variance. The issue in the variance during our review of that case, we had questions about the floor plan that had been raised today. She had said that some of those labels on those rooms were incorrect but

she never changed the floorplan. So what moved forward was a floorplan that said an office here, an office there, so on and so forth, which raised concerns with the neighborhood.

I think that there are some, as we described in the Planning Commission earlier this month, but also at the BOZA case earlier, I think there are obviously many different screening techniques that we could employ if we're seeing a 3,600 sq. ft. building on a 20-acre parcel was an issue for the neighbors, there's certainly ways that we could adhere that. I would also note that the R-1 zone has the same height restriction as the agricultural zone. So you're not going to get anything taller when you go to AG versus maintaining that R-1.

I would also note that a change of zone and the conditions that follow that change of zone stick with the land. The condition that no commercial property, no commercial business can happen without an SUP, will stay with this land if moved forward.

Commissioner Ramirez said okay, thank you. That was the only question I had. I wanted to see—wanted Ms. Blackwell to hear if we were to deny it tonight, what her next steps could be. Again, I think it was established that she can live on the property. She still can build a home and live there with the 1,000 sq. ft. accessory that comes along with being able to build a single-family home. That's already in the code. I just wanted her to hear that so that she knows if it gets denied, you may have to wait, but you have another chance. That was my only question.

Commissioner Bynum said in the floor plan that was submitted inside the application, I think what it's laying out is specs that add to at least a 3,000 sq. ft. footprint if I'm not mistaken. Mr. Hand, I'm asking you to verify along with me. It also shows a staircase which indicates a second floor, which if I'm not mistaken would basically double that, potentially double that space.

First of all, I want to ask you if I'm correct in the detail of the drawing that was submitted inside our agenda. You know there's various measurements across the top and across the right-hand side that I think must add to a 3,000 sq. ft. footprint and then an upstairs, which again, potentially doubles the square footage. I guess I'm asking for clarification on that.

I would also say that regardless if that's all correct, it's clearly something that's much, much larger than the allowed for 1,000 sq. ft. accessory building right now. I'd much rather see us grant such a thing through a variance than a change of zone for this property in order that this type of building be allowed. I don't know if you're able to clarify for me what I think I'm seeing on the drawings, but my comment is that if we, as a governing body, are going to make some

arrangement or exception for a building of that size in that neighborhood, I'd rather see us come to some resolution through a variance than a change of zone. Thank you.

Mr. Hand said give me a second. I'm going back through the old BOZA case to look at that floor plan. We didn't include it in the change of zone application. So if you give me just one second, I can calculate the floor area. **Commissioner Bynum** said thank you.

Commissioner Ramirez said just a quick question. Since BOZA was denied, is the variance, to reapply for variance, is it the same one-year timeline? **Mr. Hand** said, correct. **Commissioner Ramirez** said okay. Thank you.

Mr. Hand said it is 3,600. Those stairs that go up are only for half of the building. The other half is still the height for the different days for the (inaudible). **Commissioner Bynum** said, Gunnar, so it would be 3,600 sq. ft. total or 3,600 sq. ft. plus half of that again. **Mr. Hand** said total including (inaudible). **Commissioner Bynum** said thank you.

Ms. Kimble said Ms. Blackwell has her hand raised again. **Mayor Alvey** said please go ahead, Ms. Blackwell, if you have a clarification. **Ms. Blackwell** said it's unfortunate that went through that way. Those are drying; those are not offices. I've asked the architect to change them and he is working on it. Those were supposed to be drying rooms for the lumber. Some of the lumber yards have told me it has to dry a year; some have told me it has to dry for two years. I want it to be upstairs because I thought with hot air rising, that it would dry much faster upstairs. I had him include that upstairs area in the barn so that I could put lumber up there to dry it. I just heard about a week ago that you cannot. That would cause it to crack. I cannot put wood up on the second floor because it will dry too quickly and cause it to crack. So that ladder, that stairway is probably going to come out of there. If it stays, it will be for something else, which I don't have a purpose for at this moment so I don't know what it would be for.

It never was planned to be an office. He labeled it because he couldn't think of anything else to put on it. I don't have anything to do to make it an office. I don't have any business to run to need an office. I just want one room for files and that's it. **Mayor Alvey** said, thank you.

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

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Kane, to deny COZ2021-003.**

Commissioner Philbrook said let me say why. Number one, because of the character of the neighborhood that it doesn't fit in with the rest of the hobby farms that are already around it. Number two, because eight on our information stuff states there is an environmental concern and harm.

Mayor Alvey said we have a motion and a second. It would require eight votes to deny the Planning Commission's recommendation. Any comments or questions from the Commission? See none, roll call, please.

Roll call was taken on the motion and there were ten "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

Mayor Alvey said the Planning Commission's recommendation was denied.

Mayor Alvey said that is the end of our Planning and Zoning agenda. We now go to the Regular Consent Agenda.

REGULAR AGENDA

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 Johnson, to approve all items as submitted.** Roll call was taken and there were ten "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 1 – 21721...GRANT: FY21 IMPROVING CRIMINAL JUSTICE RESPONSES TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING GRANT PROGRAM

Synopsis: The Police Department is seeking approval to apply for a FY21 US Department of Justice/Office on Violence Against Women grant in the amount of \$500,000, submitted by Michael Vivian, Acting Deputy Police Chief. No match required. On March 22, 2021, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Johnson, to approve.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 2 – 21722...ORDINANCE: RELATING TO PARK HOURS AND RESTRICTED ACTIVITIES

Synopsis: An ordinance relating to the operating hours, hunting and firearms, camping, and digging within UG parks; amending Chapter 25, submitted by Angel Obert, Assistant Director of Parks and Recreation. On March 22, 2021, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-47-21**, “An ordinance relating to the operating hours, hunting and firearms, camping, and digging within parks under the Unified Government jurisdiction, amending original Sections 25-44, 25-49, 25-50, 25-57 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner Ramirez made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 3 – 21723...RESOLUTION: PARKS & RECREATION CODE OF REGULATIONS

Synopsis: A resolution amending the Unified Government's Parks and Recreation Code of Regulations, including the requirement that all new dock owners are Wyandotte County residents, submitted by Angel Obert, Assistant Director of Parks and Recreation. On March 22, 2021, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-28-21**, “A resolution amending the Unified Government Parks and Recreation Code of Regulations.” **Commissioner Ramirez made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken and there were ten “Ayes” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 4 – 21726...RESOLUTION: BPU LOAN THRU KDHE

Synopsis: A resolution authorizing the Board of Public Utilities to enter into a loan agreement with the Kansas Department of Health and Environment's State Revolving Loan Fund Program, submitted by Kathleen VonAchen, Chief Financial Officer; and Lori Austin, BPU Chief Financial Officer. On March 29, 2021, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-29-21**, “A resolution authorizing the Board of Public Utilities of the Unified Government of Wyandotte County/Kansas City, Kansas, to obtain a loan from the Kansas Public Water Supply Fund administered by the Kansas Department of Health and Environment.” **Commissioner Ramirez made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 5 – 21735...RESOLUTION: SET PUBLIC HEARING DATE FOR THE RIVERFRONT REDEVELOPMENT DISTRICT

Synopsis: A resolution setting a public hearing date of May 13, 2021, to consider the advisability of adding property to the Riverfront Redevelopment District, submitted by Katherine Carttar, Director of Economic Development. On March 29, 2021, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-30-21**, “A resolution calling and providing for notice of a public hearing to be held May 13, 2021, to consider the advisability of adding property to the riverfront redevelopment district pursuant to K.S.A. 12-1770 et seq.” **Commissioner Ramirez made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 6 – 21736...RESOLUTION: ADOPT TIF AND IRB POLICIES

Synopsis: A resolution adopting the Economic Development Department's Tax Increment Financing (TIF) Policy and Industrial Revenue Bond (IRB) Policy, submitted by Katherine Carttar, Director of Economic Development. Staff previously provided a review of the policies to standing committee on February 1, 2021. On March 29, 2021, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-31-21**, “A resolution approving the Economic Development Departments Tax Increment Financing (TIF) Policy and Industrial Revenue Bond (IRB) Policy.” **Commissioner Ramirez made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 7 – 21764...PLAT: HART INDUSTRIAL PARK SECOND PLAT

Synopsis: Plat of Hart Industrial Park Second Plat located at 59th Lane and Speaker Road, being developed by Riverside Transport Corp. and C.A.R. Transport, Inc., submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner Ramirez made a motion, seconded by Commissioner Johnson, to approve and authorize Mayor to sign said plat. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 8 – 21765...PLAT: CABELA'S SECOND PLAT

Synopsis: Plat of Cabela's Second Plat located along France Family Drive, and being developed by Cabela's Wholesale LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner Ramirez made a motion, seconded by Commissioner Johnson, to approve and authorize Mayor to sign said plat. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 9...MINUTES

Synopsis: Minutes from regular session of November 5, 2020; and special sessions of March 4 and 11, 2021.

Action: Commissioner Ramirez made a motion, seconded by Commissioner Johnson, to approve. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 10...WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated March 25 and April 1, 2021.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Johnson, to receive and file.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

PUBLIC HEARING AGENDA

No items of business

STANDING COMMITTEES' AGENDA

No items of business

ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 21677...RESOLUTION: OPTION PURCHASE AGREEMENT FOR 546 N. 130TH ST.

Synopsis: A resolution authorizing an option purchase agreement for 546 N. 130th St., Bonner Springs, KS, to River Bend Land Co. - PV LLC, for the building of a multi-family project, submitted by Katherine Carttar, Director of Economic Development. The project must receive approval through the planning and rezoning process with Bonner Springs before land is transferred.

Changes made since the March 1, 2021 Standing Committee approval:

1. One year term instead of two.
2. Purchase price increased to \$525,000
3. UG will consider any information they provide about extreme site work costs but no guarantee of price reduction.

Doug Bach, County Administrator, said the item on your agenda this evening was first presented to the standing committee on March 1. It's a land sale for a projected project that is out in that area. This is Unified Government-owned property. I will recognize Katherine Carttar, Director of Economic Development, to come forward at this time and offer a brief presentation regarding some changes that were made to that deal since it was presented to standing committee where it

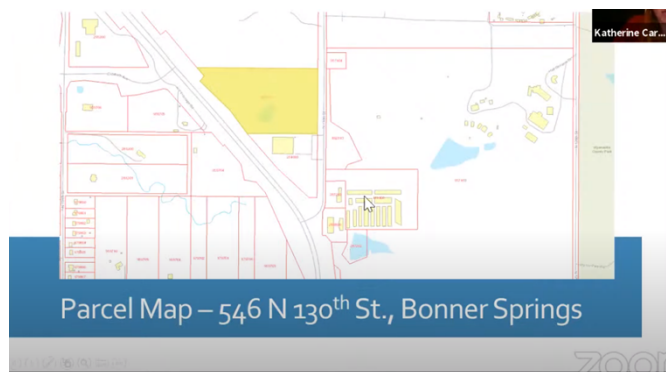
April 8, 2021

did receive unanimous approval to move forward with this sale. However, since we did make those changes, we did want to make sure and clarify those to the Commission at the meeting.

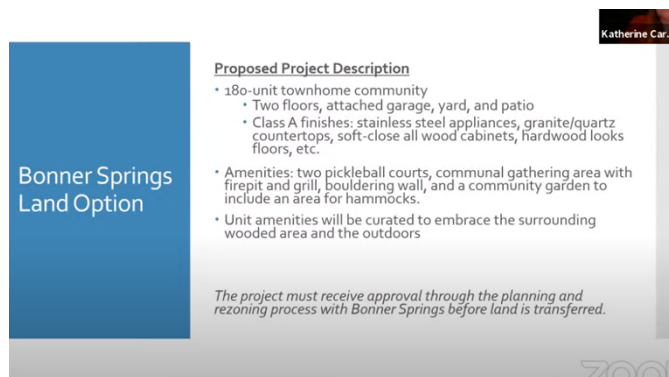
Item 1:
Resolution

A resolution authorizing an option purchase agreement for 546 N 130th St., Bonner Springs, to River Bend Land Co. – PV LLC, for the building of a multi-family project.

Katherine Carttar, Director of Economic Development, said just a very, very brief presentation. As Doug mentioned, there were just a couple of items. This did pass unanimously at the standing commission back on May 1 and there were just a couple of items that we changed and that was substantial enough I wanted to bring it back in front of you all for your full kind of review.



Just to orient you kind of where this property is located. It is owned by the Board of County Commissioners here on 130th St.



Bonner Springs Land Option

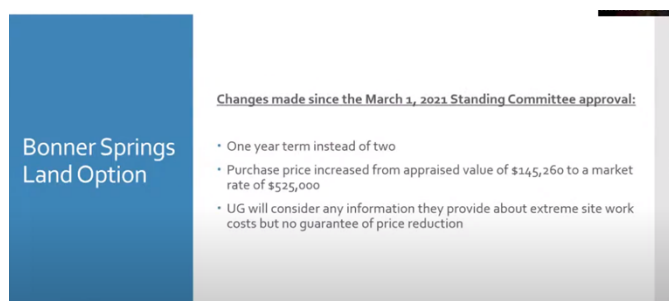
Proposed Project Description

- 180-unit townhome community
 - Two floors, attached garage, yard, and patio
 - Class A finishes: stainless steel appliances, granite/quartz countertops, soft-close all wood cabinets, hardwood looks floors, etc.
- Amenities: two pickleball courts, communal gathering area with firepit and grill, bouldering wall, and a community garden to include an area for hammocks.
- Unit amenities will be curated to embrace the surrounding wooded area and the outdoors

The project must receive approval through the planning and rezoning process with Bonner Springs before land is transferred.

Katherine Car...

The plan is to do 180 units of townhomes, 2 floors, attached garage, etc., significant amount of amenities. Because this is in Bonner Springs, we do not have any jurisdiction over the planning process. That is one of the reasons why we are looking to do this option at this time so that basically the applicant and developer have time to work with Bonner Springs, go through that plan knowing that they have an option on that land as they would have to rezone among other things.



Bonner Springs Land Option

Changes made since the March 1, 2021 Standing Committee approval:

- One year term instead of two
- Purchase price increased from appraised value of \$145,260 to a market rate of \$525,000
- UG will consider any information they provide about extreme site work costs but no guarantee of price reduction

The two primary items that we changed were: changed the term of the option from a one-year term from—to a one-year term from a two-year term. This is more in line with what we've been doing with Land Bank options, etc.

Then the main difference really is the increase in the purchase price. We originally had it at the appraised value of \$145,000, but after some additional review, decided to bump that up to more of a market-rate value for the purchase price of \$525,000. We did say that if there are some site challenges that we anticipate, the developer is welcomed to come back and kind of plead their case and explain if those extreme site work costs would require any kind of—or could request a price reduction, but we are under no obligation to do so. With that, that is the couple of changes to the option purchase agreement on 130th St.

Mayor Alvey asked, does any member of the Commission have any questions or comments?

Commissioner Ramirez said, Katherine, can you briefly, for my own knowledge, explain how a land option purchase agreement works or how it operates? **Ms. Carttar** said, sure. Basically what we're saying is this is an agreement that we, as the Unified Government, will sell you this property if these conditions are met. So they basically have—the applicant has a year to do a number of things and that's really primarily working with the Bonner Springs Planning Department and their council to get through rezoning, as well as kind of their preliminary plan, and final plan so that we know that we're only selling the property if a project is definitely going to move forward. What we don't want to happen is for us to sell them the property, they don't get approved by Bonner Springs, and then it's just sitting there for a while. We want to make sure that we're retaining that unless it is definitely moving forward. This kind of gives them the kind of flexibility and latitude to work on those approvals for the next year knowing that we will not sell it out from under them. They have a guarantee that if they do meet those conditions, that we will sell for the specific price indicated. **Commissioner Ramirez** said thank you for that explanation. **Ms. Carttar** said, sure.

Commissioner Burroughs said, Katherine, one, I'm pleased to the committee's discussion. We had a chance to talk about the development that was proposed there and the location it has on the western side of our community. We did find that there was additional value in that property. I guess my question is, do we know if that is still a fair market price for that property, in that location on the major corridor? I'm just curious. We went from \$145 to now \$500 and some. How do we know, as commissioners, and the public know, that that is a fair market price for that property?

Ms. Carttar said sure. That's a great question. We did work with our Appraiser's Office to discuss kind of what other comparable properties in the area had gone for in terms of a per acre price, and then also keeping in mind that there was extreme site work that would have to be done. It's all, I will say, a bit of a—not a guessing game exactly, but there is a lot of nuance to determining an exact price, but we felt pretty confident in working with the Appraiser's Office that that was a fair market value.

Commissioner Burroughs said, if I may, Mayor, Katherine, please, I'm not trying to be argumentative. What was the value placed on that property by the appraiser beforehand? Was it the \$145,000? **Ms. Carttar** said correct. **Commissioner Burroughs** said and the same appraiser has come back and appraised it now at \$.5M. **Ms. Carttar** said they have not appraised it. The way that they, my understanding, I'm not an appraiser—what was explained to me is that they

have a certain price, kind of a certain per acre price, that they look at land that they deem has been undevelopable for a significant period of time. This property has not been developed and has been available for sale for decades. That kind of reduces the price that it gets appraised at so that's how they came up with the \$145,000. Now looking at what some other properties in the area have been on the market for and what some have sold for, that's more kind of where the nuance comes in and looking at kind of what is that market value versus the appraised value are frequently different, so that's how we got to that number.

Mr. Bach said, Commissioner, if I may. I will say too, we did a specific comparison of looking at properties that are on the market today particularly around we looked through the Piper area, areas where we could find up close to K-7, look at the price of those properties and compared them to this. We found that some and recent sales that have happened. For the most part, all of them are below the price that we have this property at today. This property we moved it up. We believe it is more in the commercial corridor being down there north of Feldman's in that area. Realistically, we are listing it and selling it today in this option for about \$10,000 more an acre over the higher ones listed there. They were more in the range of \$20,000 to maybe \$28,000 on several different properties where we're selling this, Katherine, I believe right at \$35,000. **Ms. Carttar** said correct.

Commissioner Burroughs said and, Doug, when we dispose of a piece of property like that for development, is the property of that size put up for bid or do we just appraise it for the proposed development that goes on there for the land that we have in the Land Bank? I'm just curious to what our process is. I find the discussion that we had as a committee, and as chair of the committee, there was much discussion in reference to this issue. We want to ensure that we are getting the fair market value for a piece of property that is on the western corridor of our community that really does compliment and lead into the western development and the proposed sites and developments that are out there. I would just hate to see us be undervalue on that property or not put it for bid for development. Those are my comments as a commissioner and as chair of the community when some of these questions were brought up, forward in the committee.

Comment [KT1]:

Mr. Bach said that's a good question. It really comes to many of our properties that we have for sale. What we do is we put the property out and make it available for purchase for anyone

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to come in. It's not really out there for a specific kind of development, especially one like this. We've had offers on this property in previous years. I can think back, it's been several years ago, where we had a different option placed on this property. It was, in a sense like this, they had to go through, they had to work through everything with the city of Bonner Springs. In the end, they were not able to work through what they wanted to complete on this project. They paid for their option to extend it, but in the end, they could not close on the property because they couldn't do their deal. It's kind of open from that perspective.

We look for—if somebody sees the property like they do for any other land that they may be looking to buy in our county, they approach with a request to buy that property. This is one where we didn't have it out there for sale with the land price marked on it. That's something that I would say on some of our properties that have a higher value maybe that's something we could work to do and go at it. As you know, we do own a lot of properties though many of those are lots we've acquired through tax sales/Land Bank, which actually, I think, is how we received this. We've just had it for a number of years. There are probably 10 that we could probably pull out that we could probably put a land value on. One option for us could be to contract with a realtor if we wanted to actively market those versus just post one of our signs out there and see if someone approaches us on it.

Commissioner Burroughs said if I may, Mayor and Commissioners. We have had this discussion as to what the true value of our property is that we own that the city could rid itself of. Not knowing it and, Doug, you just mentioned about putting our for sale sign on the property versus trying to market them, that comes with a cost as we well know. When I see the large variance, and I commend staff for going back and looking at the price and the value of that because those concerns came up within the committee itself. When I see such a large variance of \$350,000, that's quite a jump on a piece of property. It makes me wonder, and I have a question, are we still undervaluing the property? If we are, I would hate to see us do that. But at the same time, I do know that if we have an opportunity to pick up \$.5M on a piece of ground that we have, I would just wonder about the bid process with a project and/or an appraisal on the property to find out its true value.

Mayor Alvey asked, any other comments from the Commission? Seeing none, I would entertain a motion.

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Action: **RESOLUTION NO. R-32-21**, “A resolution authorizing the execution of an option purchase agreement for 546 N. 130th St., Bonner Springs, Kansas, to River Bend Land Co. – PV LLC.” **Commissioner Walters made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters; and one “No,” Burroughs.

ITEM NO. 2 – 21771...RESOLUTION: MOU WITH SEIU LOCAL #1

Synopsis: A resolution authorizing execution of a Memorandum of Understanding (MOU) between the Unified Government and the Service Employees International Union (SEIU) Local #1, submitted by Doug Bach, County Administrator.

Doug Bach, County Administrator, said this item comes to you before with a memorandum of understanding with the union as you noted, the SEIU. It is for the years 2020 and 2021. The terms are in accordance with the direction as given forward with the governing body that we have discussed during an executive session.

Action: **RESOLUTION NO. R-33-21**, “A resolution that the County Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby authorized and directed to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, the Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the Service Employees International Union, Local #1, for the period from January 1, 2020, through December 31, 2021.” **Commissioner Kane made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

COMMISSIONERS' AGENDA

No items of business

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Mayor Alvey said that concludes the portion of our regular meeting. We are adjourned. I'll call us back to order as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Mayor Alvey asked, does any member of the Commission or County Administrator wish to set-aside any item on the Land Bank Consent Agenda? There were none.

Action: **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve.** Roll call was taken and there were ten "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 1 – 21727...LAND BANK OPTION APPLICATIONS

Synopsis: Request consideration of the following Land Bank applications, submitted by Jud Knapp, Interim Land Bank Manager. On March 29, 2021, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

24 Single Family Homes
CHWC - Rivers Edge East Subdivision
Phase 1 - 6 Homes – 2021
3036 N. Getty St. – 293023
3030 N. Getty St. – 293024
3022 N. Getty St. – 293025
3016 N. Getty St. – 293026
1726 Roswell Ave. – 293027
2940 N. Getty St. – 293000

Phase 2 - 6 Homes - 2022
2938 N. Getty St. – 293001
2938 N. Getty St. - 293002
2938 N. Getty St. - 293004
2938 N. Getty St. - 293006
2938 N. Getty St. - 293011
2938 N. Getty St. - 293012

Phase 3 - 6 Homes - 2023
3027 N. Getty St. – 293014
3021 N. Getty St. - 293013
3033 N. Getty St. - 293015

3039 N. Getty St. - 293016
 3045 N. Getty St. – 293017
 3031 N. 18th St. - 293030

Kristi Smith High - 1 Home
 202 Stewart Ave. - 094565
 204 Stewart Ave. - 094566
 206 Stewart Ave. - 094567

Karan Gupta - 2 Homes
 844 Tauromee Ave. - 090403
 848 Tauromee Ave. - 090402

Maribel Cortez – 1 Home
 3517 N. 47th St. - 913921

Habitat for Humanity - 3008 N. 30th St. – 099328
 Row Houses-Luminary Transformations - 8 Units
 1026 Oakland Ave. - 087650
 1030 Oakland Ave. - 080190
 1038 Oakland Ave. - 080189

Victor Alfonso Laozano - Home Addition
 3052 N. 31st St. – 099280

Action: **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 2 – 21728...LAND BANK PROPERTY TRANSFER

Synopsis: Request consideration of the following Land Bank application, submitted by Jud Knapp, Interim Land Bank Manager. On March 29, 2021, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

Yard Extension – Cassandra Bitterman
 • 627 Shawnee Rd – 155110
 (Lot is unbuildable by the Land Bank policy; Frontage - 12 Feet)

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to **approve.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

PUBLIC ANNOUNCEMENTS

No items of business

MAYOR ALVEY
ADJOURNED THE MEETING AT 9:00 P.M.
April 8, 2021

Brett A. Deichler
Interim Unified Government Clerk

tk

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