

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

**PLANNING & ZONING AND
REGULAR SESSION
APRIL 29, 2021**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, April 29, 2021, with eleven members present via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner Third District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; Alan Howze, Melissa Sieben, and Bridgette Cobbins, Assistant County Administrators; Misty Brown, Chief Counsel; James Bain, Assistant Counsel; Ashley Hand, Director of Strategic Communication; Brett Deichler, Interim Unified Government Clerk; Gunnar Hand, Director of Planning and Urban Design; Juliann VanLiew, Director of Health Department; Dr. Erin Corriveau, Deputy Local Health Officer; Lynn Melton, Assistant to the Mayor's Office; Janet Parker, Administrative Assistant; Carol Godsil, Deputy Unified Government Clerk; and Allie Facio, Clerk's Office.

Mayor Alvey said before I call the meeting to order, I want to announce that due to COVID-19, some commissioners, staff, and public are attending remotely via phone or by Zoom. All participants joining by phone should mute their phones when not speaking to avoid background noise.

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

Due to COVID-19 requirements, the public is allowed to participate by Zoom or submit comments by email prior to the meeting. Those comments will be included in the record of the meeting. I'd ask the Clerk to please call the roll.

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 the Clerk, are there any revisions to tonight's agenda?

Brett Deichler, Interim Unified Government Clerk, said yes, Mayor, there were two revisions to tonight. A blue sheet was distributed for the standing committee agenda regarding the Healthy, Resilient, and Sustainable Materials grant.

A second change was issued via a pink sheet. It was distributed to the Mayor's Agenda regarding a resolution amending the Local Health Order from 3/25/21.

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

Brett Deichler, Interim UG Clerk, said, Mayor, I believe we need to go the Mayor's Agenda first and discuss the pink sheet before we do that.

MAYOR'S AGENDA

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

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

Juliann VanLiew, Health Department, said as discussed earlier this evening, this health order would rescind all previous elements of health orders around social distancing and also rescind any requirement around mask wearing outdoors. It would remain in place, a requirement for mask wearing in public spaces. That's really the crux of the health order. I'd be happy to take questions or Misty if you have anything else to add.

Mayor Alvey asked are there any comments or questions from the Commission?

Action: **RESOLUTION NO. R-34-21**, “A resolution amending Local Health Order 3/25/21.” **Commissioner Kane made a motion, seconded by Commissioner Walters to adopt the resolution.**

Mr. Deichler said, I’m sorry, Commissioner Burroughs had his hand up but now it’s back down.

Commissioner Burroughs said my question is, is this going to be date certain. Are we going to just run—this will be in effect until when? **Ms. VanLiew** said it would go into effect at midnight and be in effect through May 28. **Commissioner Burroughs** said thank you. That’s the only question I have.

Doug Bach, County Administrator, said we chose that date because it is consistent with where Kansas City. Missouri has extended their timeframe to as well.

Roll call was taken on the motion and there were nine “Ayes,” Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, and one “no,” Townsend.

PLANNING AND ZONING CONSENT AGENDA

Brett Deichler, Interim UG Clerk, read the statement, required by law, governing the Planning and Zoning portion of the meeting.

Mr. Deichler asked if any member of the Commission wished to disclose any contact with proponents or opponents on any item on the agenda. **Commissioner Philbrook** disclosed contact with opponent to SP2021-008. **Commissioner Townsend** disclosed contact with proponent for SP2020-105 and also had contact with persons in opposition to that application. **Commissioner Burroughs** disclosed contact with proponents of SP2021-019. **Commissioner Walters** disclosed contact with proponents of SP2020-100. **Commissioner Kane** disclosed multiple complaints from COZ2021-006.

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

Mayor Alvey asked, does any member of the Commission, staff, or anyone in the public wish to set-aside any item on the Planning and Zoning Consent Agenda? If an item is not set-aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission.

Commissioner Kane said I want to set-aside COZ2021-006. **Commissioner Townsend** said I want to set-aside SP2020-105.

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

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 - 21784...CHANGE OF ZONE APPLICATION COZ3233 - ALICIA ELLINGSWORTH WITH KC FARM SCHOOL AT GIBBS ROAD

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for a community garden at 4223 and 4225 Gibbs Road, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Alicia Ellingsworth with KC Farm School at Gibbs Road, has requested a Change of Zone for 4223 & 4225 Gibbs Road, a sole parcel, from R-1 Single-Family District to AG Agriculture District to continue to operate the property for agricultural uses. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3233, subject to:

- 1) According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 2) Submittal of a farmers’ market agreement to the Department of Planning and Urban Design;
- 3) The parking lot must be striped in compliance with Section 27-669;
- 4) Employee and guest parking on the public right-of-way is prohibited;
- 5) Rumble strips must be installed on the paved driveway apron to catch gravel from the rest of the driveway and drive aisle and prevent the gravel from tracking onto Gibbs Road;

April 29, 2021

- 6) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 7) A building permit is required for the construction of the deck. Please contact the Building Inspection Department to begin that process;
- 8) A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process; and,
- 9) Site improvements that include land disturbance activity on greater than 1 (one) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations [Article XIV, Section 8-610 through Section 8-618]. Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works department, 701 N.7th Street, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #COZ3233, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 2 – 21786...CHANGE OF ZONE APPLICATION #COZ2021-006 - SCANNELL PROPERTIES #459, LLC

Synopsis: Change of Zone from CP-1 Planned Limited Business and MP-2 Planned General Industrial Districts to MP-2 Planned General Industrial District to remove light manufacturing restriction from previous approval (Woodlands Phase 2) at 9700 Leavenworth Road, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Scannell Properties #459, LLC, applied for a change of zone from CP-1 Planned Limited Business and MP-2 Planned General Industrial District to MP-2 Planned General Industrial District, preliminary plat (approved) seven industrial lots and build six warehouse and distribution buildings totaling 3,552,985 square feet and final plan review (approved) to build an internal road network for access to Leavenworth Road on 431.75 acres at 9700 Leavenworth Road. The applicant also wants to amend a condition of approval of the original change of zone restricting manufacturing uses on the property. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application COZ2021-006, with amendment to Condition 29 that the staff will continue to work

with the applicant on advance notification of information through electronic communication to the neighbors subject to:

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

The City Planning Commission previously approved constructing a five-foot trail along the north property line along Hurrelbrink Road from North 99th Street to the western entrance into Wyandotte County Lake Park as the Sidewalk and Trails Master Plan designates Hurrelbrink Road as a local trail.

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

6. A five-foot sidewalk is required to be constructed along 99th Street and a ten-foot sidewalk is required to be constructed along Leavenworth Road (Regional Trail);
7. Sidewalks shall be installed on both sides of the streets throughout the development. For reference, see the Turner Logistics Center industrial business park;
8. Truck traffic on North 99th Street is not permitted. Additional signage shall be posted. Coordination with truck drivers to the distribution center is required;
9. The north access off North 99th Street shall be serpentine, gated and restricted for emergency vehicles and personnel only. The ingress/egress is not available to the public;
10. Staff suggests retrofitting solar arrays on the building's rooftops in the future. Solar collectors shall not extend more than three feet above the highest point of the roof;

11. Per Business Licensing Division:
 - a. If approved, Tenants will need to file and maintain a current occupation tax application;
12. Downspouts shall be internalized;
13. The 250-foot berm along North 99th Street and Building C, D, E, and F shall be preserved during construction to the maximum extent possible. Cutting into the berm's slope will most definitely affect the visibility of Building B, C, D, E and F for the residents west of North 99th Street. Per the applicant's representative, the follows berm height and widths are as follows:
 - Lot 3 Building D:
Berm Width varies from 77 feet to 270 feet wide.
Berm Height from the centerline grade 99th Street varies from 14 feet to 32 feet high.
 - Lot 2 Building E:
Berm Width varies from 100 feet to 170 feet wide.
Berm Height from the centerline grade 99th Street varies from 11 feet to 18 feet high.
 - Lot 6 Building F:
Berm Width varies from 180 feet to 190 feet wide.
Berm Height from the centerline grade of 99th Street varies from 8 feet to 22 feet high.
14. The grades along Leavenworth Road, including the top of the berm range between 940 – 990 feet. The finished floor elevation of Building F is 955.00 feet, and the height of the building is 48 feet. The building is between 13 – 63 feet taller than the surrounding berms on Leavenworth Road. This building will be clearly visible from Leavenworth Road.

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

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

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

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

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

- as concrete or asphalt placements and site grading operations due to weather conditions and suitable temperatures. Contractor/Developer shall provide 24-hour advance notice to the Unified Government Planning & Urban Design office of any large-scale after-hours operations. Staff will continue to work with the applicant on advance notification of information through electronic communication to the neighbors;
30. No construction heavy truck traffic other than employee parking traffic (i.e., restrict) off North 99th Street;
 31. No glare off lights on adjacent houses and towards public rights-of-way;
 32. Job trailer laydown areas should serve multiple phases of construction. The construction job trailers, and associated parking should remain in its current location and not to relocate with construction of each subsequent phase of development. No storage of materials is to be located at the lay down area on 99th Street, and all material storage areas must be screened from view of adjacent properties and the public right-of-way;
 33. Batch plant is hidden from view by the existing berms within the development;
 34. Staff has received complaints from adjacent residents about the dust, trash, noise, glare, hours of construction with the construction of Building A. For the remaining buildings yet to be constructed within the project site, dust/dirt, trash, noise, glare must be minimized to not be intrusive in the single-family residences that border the site to the north, west and south;
 35. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable;
 36. Site improvements that include land disturbance activity on greater than one acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec.8-610 through Sec.8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
 37. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Case	
COZ2021-006	
Petitioner	Address
Scannell Properties #459, LLC	9700 Leavenworth Road
Synopsis	
Scannell Properties #459, LLC applied for a change of zone from CP-1 Planned Limited Business and MP-2 Planned General Industrial District to MP-2 Planned General Industrial District. The applicant also wants to amend a condition of approval of the original change of zone restricting manufacturing uses on the property.	

Gunnar Hand, Director of Urban Planning and Design, said this is the Woodlands Redevelopment project. This project was approved last fall. The applicant has since that time come in for a revision to that plan for multiple reasons. One namely, being the replacement removal, excuse me, removal of a condition of approval specifically related to, as stated previously, no manufacturing uses allowed. We have replaced that condition of approval with one that focuses more on eliminating “dirty uses.” If you all recall, the MP-2 designation, while not MP-3, we went with MP-2 because MP-2 allows for the height of the building that is currently under construction at the Woodlands Development, as well as outside storage. There are covenants on that land that restrict the uses and other standards to MP-1. This additional condition, previously approved, restricted some of the uses that the applicant had been seeking to occupy this business park that, quite frankly, would have had less of an impact than the building they’re currently building on Building A. So, instead of saying no manufacturing uses because manufacturing has evolved quite a bit to potentially have, for instance, less traffic impact than a distribution center and looks like any other warehouse. We changed the condition of approval to say that we don’t want to see, hear, or smell any uses, so including steam. That’s how we sort of eliminated both the type of industrial uses we’re trying to avoid at this location, but allow for a little more flexibility for the applicant to fill their business park in the future.

Additionally, after a significant amount of feedback from the public, we worked with the applicant and the applicant ended up proposing a second entrance to the site off of Leavenworth Rd. There had been a lot of conversation in a previous attempt by the applicant to change their site plan and add a second entrance on 99th St. That didn’t advance, so they’ve redesigned their property. They’ve eliminated the retail node at the southwest corner of the site and instead are looking to build additional industrial development. The way that staff sees this is that is a better

site plan. The berming that is proposed in the current plan along 99th Street, again, most of that berming exists already from the previous Woodland development. That will essentially carry all the way around Leavenworth Rd. and for all intents and purposes what will be seen from the street or the public right-of-way on all sides because of that berming, because of the stream, because of the landscaping, as well as the previous stipulations to maintaining existing ridgelines on the site, it's relatively hilly and already wooded site. We feel like the only thing that we're going to see other than traffic in out of the development are the two entrances moving forward. There's also a third entrance on 99th St., but that is for emergency vehicles only. That's the second difference in change to this proposal.

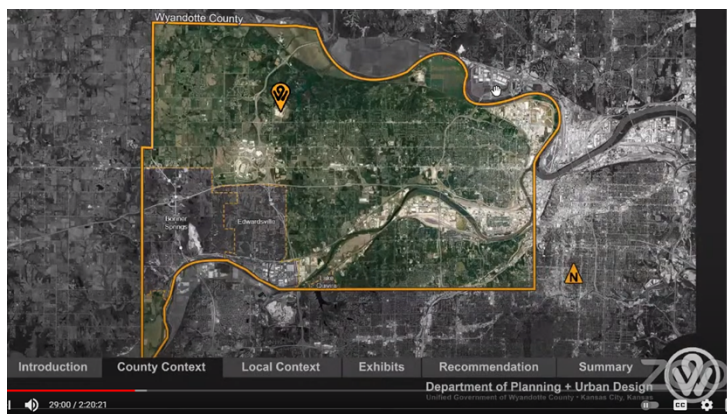
The third change is also a very significant one. We have received quite a few complaints about the construction. It is a very large construction site. Part of not being able to see these buildings was they had to do a lot of sinking of a lot of grading to get down into the site. They've been doing some blasting at the site. So, accordingly, we have added some conditions of approval to this that we're reviewed by the Planning Commission for construction related activities to hold them accountable to some standards there, we added those accordingly.

There are a couple of things that I wanted to mention just really quick as well. In the staff report, in front of you, regarding this case, condition No. 32 has an error. When the Planning Commission recommended approval, unanimously earlier this month, they made a motion to amend one of our conditions of approval specifically around the notification of, if construction were to go outside of the stated hours that we have in one of conditions of approval, to expand that to specifically say, that they wanted that to happen through electronic communication. The bidders of the Woodland Redevelopment project have a news—they have a newsletter that they send out on a weekly basis and they also do intermittent ad hoc announcements. We thought that was probably the most immediate notice that folks from the public can get, you can sign up pretty easily. UG would work to amplify those notices through our own electronic means, social network Nextdoor, things of that nature. In that conversation the Planning Commission also was discussing a potential change to one of the conditions to remove to not allow the storage of materials in their current trailer yard out there where all of the construction related offices are. They later amended that motion to remove the prohibition of the storage materials in that trailer yard. I apologize, I just did not carry that over into the minutes.

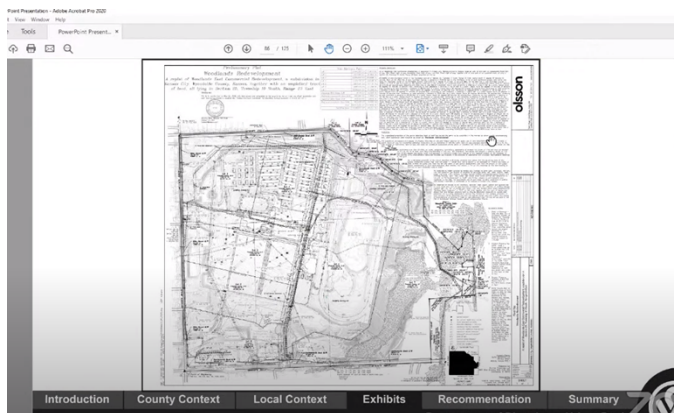
The last sentence in condition number 32, that says no storage of materials is to be located at the laydown area on 99th St. and all material storage areas much be screened from view of adjacent properties and the public right-of-way needs to be struck. That would not impact the recommendation of the Planning Commission as it shouldn't be in there in the first place. There would be still only need to be a simple majority to potentially pass this motion moving forward.

With that, there is one other thing I want to mention. I apologize, there's a lot here to unpack. This second entrance, also we added a condition of approval to screen the property owners across Leavenworth Rd. of that second entrance. If you all recall, on the original approval, we had a conversation about screening the properties across from the primary entrance and we developed a condition of approval similar to that for the property owners farther west on Leavenworth Raod, again, across from that second entrance that's proposed as a part of this condition. With that, there are no NOV's currently on the property. We have received opposition to this change of zone from the public. No letters of support. Staff agrees with the Planning Commission's recommendation for approval. I'm happy to take any questions.

Mayor Alvey asked, any questions for Mr. Hand before we open up the public hearing?



Commissioner Bynum said on Item 16, the property owner, the mitigation measure has been agreed upon and staff believe it will be a benefit. The applicant shall fully screen her front yard along Leavenworth Rd.



Then it states the zoning district only prevents a 4 ft. open fence in the front. I guess my questions are, the developer will provide the screening for the front yard, correct? But, then we're going to need a variance in order to make it in compliance with our own zoning. Is that right? **Mr. Hand** said potentially. We're currently working with both the lead designer on the project, Ms. Gardiner across the street, as well as the developer and others to go through a design review of that specific mitigation measure. In the last couple of weeks, the applicant's designer has reviewed a plan, a proposal I should say, a design proposal with the property owners that they were not in agreement with and so we're working for a second revision with the way that the condition was written that we all could come to an agreement. I think that we feel confident that we'll be able to reach a design solution with all parties. **Commissioner Bynum** said, okay. Just to make sure I understand, as one of the conditions of approval, Ms. Gardiner needs to be satisfied with what's going to happen on the screening of her property? **Mr. Hand** said that is correct, or as we like to say in the planning world, as soon as everybody is equally unhappy, we've done our job. **Commissioner Bynum** said, okay.

Korb Maxwell, Polsinelli Law Firm, appearing today on behalf of Scannell Properties. I have with me Shaun Cofer and Seth Reece from Olsson Associates. Mayor, I have a short presentation. Would it be okay if I shared that? **Mayor Alvey** said yes.

Developer



Experience

29 years / 328 projects / 63,600,000 square feet developed

Resources

In-house team of architects, engineers, development managers, finance, legal and construction management with local market knowledge throughout the U.S and Europe.

Capitalization

Financial capacity that allows us to fund investments and developments of any size, type or location without reliance on joint venture or third party equity sources, which ensures our ability to execute and deliver projects on time.

Geographic reach

In Northern America: 44 states, 3 Canadian Provinces
In Europe our focus is on the core markets of France, Italy, Germany, the Netherlands, Spain and the UK

Expertise

National build-to-suit and speculative development of industrial, office, retail, government and multi-family facilities

Structure

Fiat organization that enables us to provide clients with greater accessibility to decision makers, faster response times, fluid communications and flexibility to changing conditions and client needs.

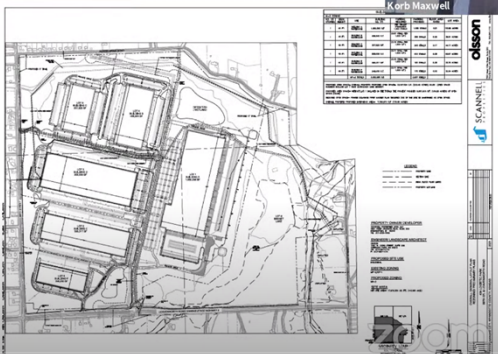
Mr. Maxwell said you all know that we come here with a unanimous recommendation from the Planning Commission, but I know there has been substantial discussions about this project and so I'm going to move really fast, Mayor, as I know you guys have a large agenda, but this is a large item and I want to make it sure that I take it through.

First, as you all know Scannell is an incredibly capable national developer of this project. Second, as we come here before you today, we're coming not with sort of a clean slate, we're coming through to this Commission with a fully approved plan. That plan was approved last summer, but we've come here to make substantial modifications to the plan, but all modifications that we think are improvements to the Unified Government in this process and to the neighbors and citizens as well. So, that plan that we originally had approved had five buildings. It had a very large, Lot 2, that was for Urban Outfitters, as everyone knows. That moved to the Speedway and is being constructed there, so there is no need for it. Most importantly, it also had access points on 99th St. It had an access point to the north for emergency vehicles and an access point to the south for retail. I think as all the Commission know, Commissioner Kane, Commissioner Bynum and many others that caused a lot of angst with folks on 99th St., so we've been working through trying to figure out how do we improve that. I was before the Commission in the winter with a second plan, a revised plan for that, that still had a point on 99th St. I think at that time we promised this Commission that we we're going to go back to the Planning Commission, we were going to look at the plan, we were going to work on that, and we were going to try to improve that so all could be satisfied and that's what we bring forward today here.

Current Proposed Plan

4/12/21 PC - unanimous approval

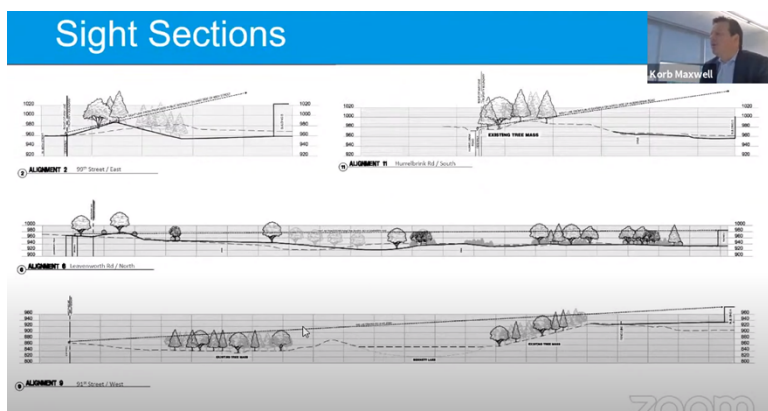
- 6 industrial buildings
- No retail component
- No 99th Street access (emergency only)
- Less trip generation than original plan
- Significant construction-related stipulations as described in the slides that follow



We now bring forward a plan that is all industrial in nature and there are no access points to 99th St., but for a single emergency access point. This plan has substantially less trip generation and now as Gunnar highlighted, but I'm going to walk through, we have very significant construction related stipulations that have been added to the plan.



You will see the quality of the plan, these are Class A industrial buildings, substantial berming that's been put around it.



April 29, 2021

I can walk any of the Commissioner's through, but part of the Planning Commission packet and what we have with staff is substantial site line sections showing that the berming and the landscaping keeps the view of those on the sidewalk or the street that are around our project from not seeing the buildings out there.

Traffic			
35% less daily trips than original, approved plan:			
Traffic Impact Study	Total Daily Trips	Total AM Peak Hour Trips	Total PM Peak Hour Trips
May 2020	8,850	865	1,136
August/September 2020	9,222	921	1,187
Updated Site Plan	5,769	664	822

As I said, the traffic has moved down significantly with this new plan, over 35% from the original plan we had.





Here's just of a couple of perspectives and renderings that show the various buildings at full build out being what we, in Wyandotte County have become used to, a Class A industrial new built buildings with those substantial components of berming and screening.

Construction Impacts

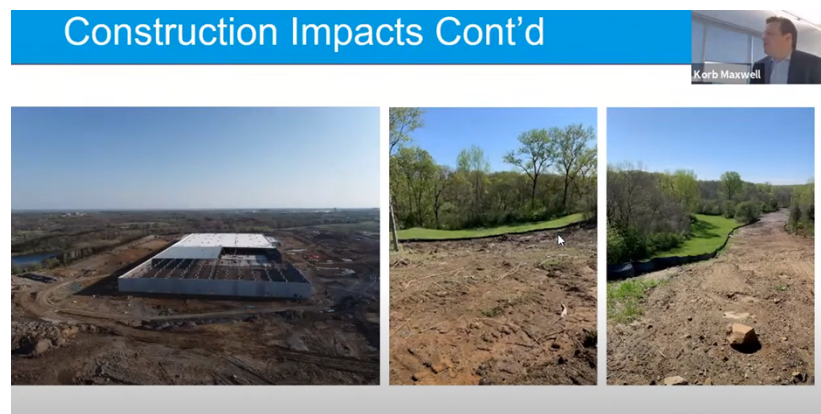
- **Why?** Extremely large building and aggressive schedule to accommodate extraordinary user and accompanying jobs and investment.
- **Noise & Duration:** Impacts are temporary – Sept. 2021 estimated completion. Batch plant goes away at completion.
- **Hours:** Large-scale, temperature-driven concrete pours are complete. Remaining slab pours and steel erection will be completed in May.
- **Dust:** 800-gallon water truck run constantly 8 hours/day. Street sweeping daily.
- **Runoff:** Silt fence along northern boundary. All stormwater prevention measures per permit requirements and determined satisfactory by UG/State inspections.

It is not often that I talk about this in a Planning Commission hearing, almost always, sorry, a Commission hearing, almost always in a rezoning process we are talking about items of zoning, land use, planning, ultimate conditions, but we know that this has had substantial issues with the neighbors, causes for concerns, complaints, that the commissioners had heard about that and so I want to sort of go through where we are in this process now, look at those stipulations and how we're handling this and really just talk about why we've gotten here and how we're going to do better through the future.

First, to the why. The why is really to the point that we are building a million sq. ft. building and that million sq. ft. building is being built on an incredibly compressed schedule for a very demanding tenant. That demanding tenant required that we have the building done on that schedule so that their substantial job creation of their investment could happen in this community and happen at this site. Because of that, it's led to a lot of the issues that we've had that we've

been having to mobilize crews and make it work through time. We understand that has an impact on those that have been here before us, the neighbors, and we are doing all we can both with staff, our contractors and Scannell to limit those impacts. The good thing is this is all temporary. We will be done with this Building A by September of 2021. The concrete batch plant that is bringing and doing the cement on site, which we think was a better use than having hundreds of cement trucks going in and out of the site. That will go away at completion and so those noise issues will happen.

We'll walk through the steps, but any of our large-scale, temperature driven, concrete pours that need to occur that have to happen over long periods of time when you're pouring a million sq. ft. slab, those are all almost done. I'll walk through some of the building perspectives and pictures that have been taken this week that should show that component is coming to a close. We were running out there an 800-gallon water truck every day, eight hours a day, when conditions call for it when it's not already wet out there. We're doing everything we can to keep down the dust and we'll continue to keep that going during all of the construction hours to the benefit of the neighbors out there. There's been some questions about silt fences and otherwise, they do exist. They're set with the factors that go to our stormwater prevention measures and the permits required by the UG and the state.



You'll see some of these silt fences. This is taken from our northern border, but I had pictures taken just today to show those silt fences and then this picture of the construction building was taken approximately this week. The reason that I show that site is that if you look inside underneath the roof, what you'll see is that the vast majority of the concrete has been poured. We really only have just maybe a third, maybe a fourth of the building left of that concrete slab to go.

That's why I was saying some of the issues that have caused great concerns for the neighbors will be done here in May.

Conditions of Approval, Impacts



- #29 – Hours of operation for construction shall be during daylight hours. Any exceptions for activities required to occur after hours (e.g. large-scale concrete pours and temperature-driven activities) require advance notice to the UG and coordination to facilitate e-notice to neighbors.
- #30 – No construction heavy truck traffic on 99th Street.
- #31 – No glare of lights on adjacent houses or towards public rights-of-way;
- #32 – Construction job trailers and associated parking to remain in current location and not relocate with subsequent phases.
- #33 – Batch plant to be hidden from view by existing berms within the development.
- #34 – Dust/dirt, trash, noise, glare must be minimized to not be intrusive in the single-family residences that border the site.

As Gunnar highlighted, but I just wanted to bring forward to the Commission, this is very rare that the UG has construction related stipulations on a rezoning and preliminary plan application. It's the first that I've been involved with, with all of my projects in the Unified Government, but we have six conditions. They're strenuous, they're hitting about hours of operation, they're looking at glare, construction traffic, they're looking at job trailers, batch plant, dust, dirt, trash, noise, all of those items have been highlighted and were agreed to by the Planning Commission agreed to with staff and agreed to by us as the applicant.

Conditions of Approval, Traffic



- Updated Traffic Impact Analysis required with each phase;
- No truck traffic on 99th Street;
- No 99th Street access to or from the site (emergency only);



With that, we also have some conditions of approval regarding the traffic that I talked about how this has gotten better.

Request

Approve COZ2021-006 consistent with:

- Staff's recommendation of approval in support of a better plan than what is currently approved.
- The Planning Commission's unanimous recommendation of approval.



Korb Maxwell



With that, Mayor, I apologize for taking some time. I apologize for going so fast. I'd be happy to answer any questions of the commissioners in this process, but we would ask for the approval. We believe this is a better plan. We believe this is responsive to a lot of the issues of the citizenry and we believe this will let us have a better project, not just for Scannell and their tenants, but for all of Wyandotte County. With that, I stand for any questions, Mayor, and thank all for their time.

Mayor Alvey said thank you for switching that out, I can get back to my directions. Do you have any questions for Mr. Maxwell?

Mayor Alvey opened the public hearing. Mr. Clerk, have we received any notification from the public who wish to express their comments in favor of this item? **Mr. Deichler** said, Mayor, we did not. **Mayor Alvey** said thank you.

Mayor Alvey asked is there anyone from the public who would like to speak in favor of this application? There were none.

Mayor Alvey asked, did we receive any notification from the public who wish to express their comments in opposition. **Mr. Deichler** said Mayor, we received two requests to speak from Maria Torres and Adrian Torres. **Mayor Alvey** said I will move to those next. Anyone from the public would like to speak in opposition. Maria and Adrian if so, please raise your hand to be acknowledged. Once acknowledged, you may state your name and address for the record, and you will be given up to three minutes to state your comments.

Mayor Alvey said I'm sorry. We did have someone to speak in support of this. I did not see that. Let's go back. **Greg Kindle**.

Greg Kindle, Wyandotte Development Inc., said I just want to be on record once again, that we appreciate, one, the role of everybody that has been participating in this conversation. I know it's not been an easy process, but honestly it has been really refreshing, frankly, to have the kind of interaction that we've had from staff, from the developer, and from the public. I particularly want to highlight the fact the gentlemen who spoke at the last Planning Commission meeting who appreciated the fact that Scannell and their contractor were sweeping the road, but we're sweeping some things into his yard and it just simply asked could everything be swept over to their side. It was an appropriate kind of interaction and Scannell and Mr. Maxwell all had the appropriate response which was, yes, that's a great common-sense way to approach this. We've been moving this project forward now, at least three neighborhood meetings. I don't know that I've ever seen a project quite like this. This location has a lot of emotional attachment by a lot of folks, but I do want to say that we appreciate the comments that have been made by Gunnar. We agree with his comments and the uses of this site. We believe there is an appropriate mitigation measures in place regarding the neighbors' concerns that Mr. Maxwell noted. We totally agree with removing the retail from this location to reduce the traffic count to control cars, and, frankly, it just wasn't going to be a fantastic location for retail in the long run. We think that getting trucks and any traffic off 99th Street, we appreciate the Commissioner's involvement in that discussion as well, and particularly making sure that there is no interaction with school busses. I think these conversations have all been moving in the right direction.

Finally, I just want to make a note that we should be very appreciative of the investment that Scannell is looking to make in this community. Amazon alone has no abatement on it. I know we're not talking about that particular part of the development, but I do appreciate the fact that we have a developer that is looking to put in about 3 million sq. ft. of investment in this community, the jobs to be created, property taxes to be generated. We ask that you would move this forward so we can continue to develop this site and bring this to fruition. Thank you.

Mayor Alvey said I'll recognize Ms. Torres and Mr. Torres.

Mr. Deichler said, Mayor, if I may real quick, we've had three people promoted. There was a Rebecca Gardiner and two of the Torres'. Nobody has contacted us for or against, so they're going to have to state their position here. I'm not sure where they fall in. **Mayor Alvey** said I did ask them if they want to speak in favor and they did not step forward. Is there any one wish to express their comments in opposition.

Lori Torres, 9828 Donahoo Rd., said (inaudible). **Mayor Alvey** said we're not able to hear you Ms. Torres.

Mr. Deichler said, Mayor, do we want to have Rebecca Gardiner speak. **Mayor Alvey** said yes, but let's make sure we get Mrs. Torres connected.

Rebecca Gardiner said I live across from the main entrance on Leavenworth Rd. at the Woodland's redo. I am not against what is being done over there, but I do have some issues with my wall that I was promised at the very beginning as a sound wall because of all the construction trucks and things like that that were going on. I know that will diminish as of very shortly when they finish this first building. But for me, it will not diminish, because then all of the Amazon workers and the Amazon trucks will be going in and out of that entrance right at my driveway. I do need that sound wall. I do not want it changed to just a vinyl fence or a screen of some kind. I do need a sound wall, and I need the adjustment for the height of it as it comes down that driveway so that the lights are not coming right into my house at night. I would appreciate that when it comes up to get approved.

I wanted to thank Seth and Sean. We've been talking a lot and working a lot. We're really trying hard to come to agreements on this. So far, everything has been very friendly, and I'd like to keep it that way. Thank you.

Mayor Alvey asked who else do we have connected at this time. **Mr. Deichler** said we do have connections with Lori Torres.

Mrs. Torres said I have a few comments to make. On April 5 I was awoken by a bunch of construction machinery, drove up to the Woodlands, found two police cars. One of the officers

says are you the one that called on all the noise? I said no. The police officer said, well they're not supposed to be working here until six or seven o'clock in the morning. I said I know. All I heard was all the beep, beep, beeping from the machinery. I think they drive around backwards 24 hours a day because that's all you hear. Then you hear the concrete machine plant and it echoes through the street road, the emergency road that is supposed to be used in the future, if that goes through there and that has a buzzer on it. It's not right to keep the neighbors up.

Also, the concrete mixer, you can see it, there's a little bit of a berm there, but it's not hidden, the concrete mixer isn't hidden. I think they're doing a poor job on that. They've got vinyl signs out there that Gunnar Hand said were temporary signs which are above and beyond the size that they should be. Gunnar Hand has known about this from the beginning because I've said that's not right. I don't want our neighborhood trashed any more than it is. With all the dirt coming in, with all the noise coming in, with all the signs being up, I mean, you guys made that guy out there take that the Patrick Mahomes mural off his house. Put the right size signs up there. I want to keep our neighborhood as consistent as it should be across the town. **Ms. Godsil** said you have one minute remaining. **Ms. Torres** said also, KDOT approved that second entrance and I shouldn't have to call the EPA on all the dirt on the road. One day I was stopped at 99th St. at the stoplight, that street sweeper came up. After he got there and had that thing running, I had zero visibility out my windows. That's how much dirt was on the road and he was throwing it in the air. This is getting a little bit crazy. They say, oh, we got a street sweeper. All it does is blow dirt up in the air and all over everybody's cars and houses. I mean, something has to be done. They say they're doing this and doing that, you've got to put some elbow grease to that. **Ms. Godsil** said your three minutes are up.

Mayor Alvey asked are there others that would like to speak? **Ms. Cobbins** said nobody else is shown. **Mayor Alvey** said hearing none, I will now close the public hearing.

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

Mr. Maxwell said I think I addressed all of those items in my presentation at the beginning, giving an explanation of how we got here, where we've been through, the things that Scannell is doing to be responsive to all of these changes or all of these concerns. The stipulations that were added

through the Planning Commission process and with the planning staff in this process to be responsive to these neighborhood concerns to try to be a good neighbor, to work through this. I will say again, this is all construction related. It's all temporary. The end is coming very soon, that September we're done with construction on Building A, but even May, we're done with all of the concrete pours out there. I know this is an impediment on the neighbors and we take that all very seriously. We're trying to be the best neighbors we are, we're out sweeping the street because of dirt. I don't know anybody else that goes out and sweeps the street every single day. We're trying to be a good neighbor and a good community partner through this. We'd ask for the support of this Commission and we will do our best to handle all of these issues with staff, with this Commission, and with this Unified Government to build a wonderful first-class economic development project for this county.

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

Commissioner Kane said about two weeks ago there was a truck parked right there at the main entrance. The son that lives across the street with his mom walked over and started talking to the truck driver and this is like 5:30 in the morning and only asked him to turn his lights out and the guy refused to do that, in fact, he cussed him out. As Mrs. Torres said, when she went around the corner, she sent me the pictures of the truck being parked there for an extended period of time.

Then about two weeks ago one of the guys on Hurrelbrink called the EPA because the dust was so bad. I know we're doing something, but I'm not sure it's enough. They are not working inside the guidelines that we have given them. How do we monitor that and make sure that they do? I know some people like this project, and some don't. I just want them to follow the guidelines while they're performing their job function. Somebody needs to be held accountable. Mr. Maxwell, I know that you represent them the best you can, but they're not representing themselves when people out there complaining and they turnaround and start chewing out and cussing out the people that are there. It's very important that we work with the community and the neighbors to make this work. Right now, those folks are not cooperating with the neighborhood, and we need to figure out a way to make them cooperate.

Mayor Alvey said I will add my own comments to this. This is in a way a unique project in that it did not ask for any incentives. I understand that it is moving very quickly, but as Commissioner Kane points out, there is a disconnect perhaps from Scannell and the people doing the construction. That's hard because it should not come to the Unified Government to have to go out and certainly not to the neighbors to have to keep monitoring this and reporting on these things. I would suggest that Scannell has a reputational risk here, that if they were to come forward again into Kansas City, Kansas, I think there is going to be a different look at what they might propose based upon this experience. If they do want further opportunity in Kansas City, Kansas, they really need to be doing everything they can, in fact, monitoring it so that we know about things from them before the residents report to us. That is just my thoughts.

Commissioner Ramirez said thank you, Mr. Maxwell, for coming before us and presenting this application. I just want to second the comments of Commissioner Kane and Mayor Alvey. My question to you Max—Korb, and you may not be able to unless the applicant is online. Why was there a disconnect with the construction company working at what I—forget what time Ms. Torres said, but how or why was that allowed? **Mr. Maxwell** said thank you, Commissioner Ramirez. First, Mayor, Commissioner Kane, I couldn't agree more. I understand and empathize with those points, and I empathize with Mrs. Torres and others out there. I fully understand the components. Scannell, myself, McCownGordon, we've all talked about that deeply and we really are trying to do our best and we'll rededicate ourselves and I understand the monitoring point and I think we can work with staff on that issue.

Commissioner Ramirez, it really goes, and I was sorry if I was a little cryptic in my presentation. It goes to the fact of when you're pouring a million sq. ft. slab and that slab has to be within a temperature controlled and can only move a few different degrees during the periods of time and it can't dry for the periods that your pouring right, you've still have to be working with wet cement to get it across the whole entire place and I apologize. I'm obviously not a construction person, but knowing these questions would come. I asked it deeply of both Scannell and McCownGordon and our engineers and others. The answer was in that to be able to pull that slab and get it done within the timeline and otherwise that would be why we started so early in the morning and then we'd have to pour all through the day into the early evening. It was literally 14, 15 hours of straight pours happening all through the early morning into the night. That's not great

and I understand the impact that has had on folk's lives. I don't like it. Scannell doesn't like it. McCownGordon doesn't like it. It was truly being able to keep up with the schedule of what we had to do to deliver to this tenant to get the jobs and the investment. It stinks. It's not where any of us wanted to be. The good thing about this is Mrs. Torres said April 5, I think that was seven days before our Planning Commission. Nothing has happened that I know of since our Planning Commission and since the time we're here.

I understand there's no reason to pat us on the back for being good guys for 14, 15 days, but I've asked significantly about what's left, what is happening, and we should be done with all of those concrete pours through May. My understanding is that none of those concrete pours will need to start in the wee hours of the morning. We should be able to work through and work in more normal business hours, get this done, and that's why we built into the steps that if we need to go outside of that in any form or fashion, we need to notify all of the UG planning staff so that's out there, and we need to be able give out e-notice to neighbors because we do have a website list, an email list for those that are interested in the project that McCownGordon keeps that we get out to folks. I hope that helps, I hope that helps, I hope that answers—Commissioner, I'm sure it's not fully satisfying out there, but it is the sort of cards we've been dealt of trying to get this project done and get it out of the way and be able to move on to sort of non-construction site in this project.

Commissioner Ramirez said Korb, thank you for your answer, that does help. Just to reiterate what Mayor Alvey said, you know, make sure there's not that disconnect between Scannell and the construction company and ensure that we're listening to the community and following what the community wants. But thank you. Thank you very much for your explanation. **Mr. Maxwell** said absolutely, Commissioner. Again, Mayor and Commissioner Kane, I know that even in the biggest—even the smallest of projects, it's hard to control every trade person out there and what they could or could not say to someone, but fully, 100% Commissioner, that's unacceptable. We should not be having people saying things like that to neighbors. I know that is not how Scannell treats constituents. I know that's not how McCownGordon feels. We will once again send that through the ranks to say this is people's lives, this is people's homes, and all of them must be treated with respect.

Commissioner Kiernan said, Mr. Maxwell, you really just said it right there. I appreciate the fact that now through the stipulations, neighbors will be notified in advance of the full scope of

anything that's about to happen. But what I hope for your client and for everybody else who comes into Wyandotte County, don't wait for that to be a stipulation. Go out of your way, upfront, to communicate with the neighbors. Here's what's going to happen, it's going to be for five days, we're going to be here. This is why we need to do it. Get everybody on board ahead of time, whether that be a text message, a phone call, an email, a door hanger, a door knock. I think it's really important that we improve our ability—and this is across every function in Wyandotte County, but we need to get better at communicating with each other beforehand, not catching up after the fact. I'm confident that you will now, moving forward, be proactive in your communication. I just hope that as we all go forward that's baked into the process from the very beginning. **Mr. Maxwell** said well stated. We'll do all we can, Commissioner McKiernan, now that we're on notice and you know that we try that in all of our projects in all of the clients we represent.

Commissioner Kane said Mr. Maxwell, sir, I respectfully request a meeting with you and them so we can let them know how important it is to follow the guidelines that they've been given. **Mr. Maxwell** said done. **Commissioner Kane** said thank you. **Mr. Maxwell** said absolutely, Commissioner, tell us when, tell us where, onsite or otherwise, we're happy to be there. **Commissioner Kane** said I will contact you tomorrow. **Mr. Maxwell** said thank you, sir.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Philbrook, to approve Change of Zone Application COZ2021-006, subject to the stipulations.** Roll call was taken and there were ten "Ayes, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 - 21793...SPECIAL USE PERMIT APPLICATION SP-2020-97 - RIAD BAGHDADI WITH RB ARCHITECTURE/ENGINEERS

Synopsis: Special Use Permit for auto sales, repair and body work at 927 Kansas Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Riad Baghdadi, on behalf of the property owner, is requesting a Special Use Permit to develop the property to operate a new automotive repair, auto body, and used car sales business. The applicant

and the property that is to contain the proposed use received a Notice of Violation in 2018 for a property maintenance violation. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP-2020-97, for two years, subject to:

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

- half and nine parking stalls in the southern half for display of vehicles for sale. The maximum number of vehicles on the property for sales inventory is limited to nine vehicles, which must be parked only in the parking stalls designated for vehicles for sale, or stored inside the building, but not to exceed nine vehicles for sale at any time;
12. No on-street parking of vehicles for sale. All vehicles on-site for repairs or maintenance must be stored on the property;
 13. No auto repair or servicing is allowed outside or in public view;
 14. Must install and maintain proper parking lot striping and ADA requirements. The center drive aisle in the parking lot shall not be less than 22 feet to accommodate two-way traffic utilizing the right-in/right-out entrance drive. The details for improvements to the south alley will be reviewed by Public Works and Planning Engineering Staff during the development application and will be resolved before the issuing of a building permit;
 15. Must obtain a sign permit for all signage;
 16. Inoperable vehicles are only allowed to be stored inside the enclosed building. Any inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with 27-469(c)(2).
Staff Response (to Plans revised on 3/05/2021): Applicant has not proposed any screened parking areas; therefore, inoperable vehicles cannot be stored outside of the enclosed building at any time;
 17. No storage or warehousing of salvaged or wrecked automobile parts on the property. Storage of salvage parts requires M-3 Zoning and a separate Special Use Permit;
 18. The Special Use Permit requires final site plans prepared by a Professional Engineer licensed in the State of Kansas. Provide a final site plan showing property lines, existing buildings, proposed parking spaces, drive aisles, building elevations, fence elevations, gate details, trash enclosure details, etc., as applicable in accordance with UG standards and criteria;
 19. Vehicles shall not be parked on the right of way of Kansas Avenue in front of the property. Vehicles shall not park on Kansas Avenue or Boeke Street at any time;
 20. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
 21. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 22. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be

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

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

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP-2020-07 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 2 – 21787...SPECIAL USE PERMIT APPLICATION SP2021-001 - TIMOTHY PAXTON

Synopsis: Special Use Permit for a storage container for tools at 3319 North 59th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Tim Paxton, is requesting a Special Use Permit for storage of commercial tools on a private residence. The tools will be stored in a detached accessory structure that has been proposed to be built on the property sole for this purpose. There are currently no other detached accessory structures on the property. A Notice of Violation for environmental/junk was issued to the property on November 5, 2020. As of January 8, 2021, the applicant has requested an extension on the removal deadline due to the snow. Code Enforcement records show that as of February 9, 2021, all inoperable vehicles have been removed from the property, but it is unclear if the noted junk (trash, old appliances, etc.) were still present on the property. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-001, for two years, subject to:

- 1) Keeping a container is not in line with the SOAR goals, which is to reduce blight and degradation in neighborhoods. The Unified Government Board of Commissioners has repeatedly stated this goal at multiple public hearings. A permanent detached accessory structure shall be constructed to keep tools and ancillary items within two years of this permit;
- 2) Driveway must be paved, per nexus of planning entitlements and the relevant Director’s Interpretation;
- 3) The applicant has filed and maintained a current business occupation tax application;

- 4) A fence must be fully erected and screening the storage container before the Special Use Permit can go into effect;
- 5) No chemicals or otherwise combustible or flammable material may be stored within the storage container;
- 6) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 7) The Special Use Permit shall be valid for two 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; and,
- 8) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2021-001 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 3 - 21788...SPECIAL USE PERMIT APPLICATION SP2021-003 - SHEILA A. OHRENBURG WITH WESTER HOLDINGS, LLC

Synopsis: Special Use Permit for a beer hall (in former foundry) at 101 Central Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Sheila Ohrenberg, is seeking the approval of a Special Use Permit to allow for the operation of a beer hall in a former foundry at 101 Central Avenue. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-003, for two years which included the amended condition to acquire a right-of-way permit, subject to:

1. Hours of operation are limited to the following: Sunday to Thursday – 11:00 AM to 7:00 PM; Friday and Saturday – 11:00 AM to 9:00 PM;
2. All food trucks serving food on site must have a business license, sign agreement with the applicant, and comply with all other relevant ordinances regulating food trucks or prepared food vending vehicle;
3. Any future live entertainment will require either a Special Event Permit or a Special Use Permit for live entertainment;
4. The applicant must comply with the submitted landscaping plan;
5. The property must maintain the current number of parking spaces, which is 26 total spaces, four of which are ADA compliant, except if an amendment is allowed by the City Planning Commission and approved by the Board of Commissioners;
6. Business License (new business): If approved, the applicant will need to file and maintain a current business occupation tax application with this office;
7. A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process;
8. Applicant acquires a right-of-way agreement from UG Public Works to add the recommended parking they are requesting on 1st Street.
9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
10. The Special Use Permit shall be valid for two years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2021-003 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 4 – 21789...SPECIAL USE PERMIT APPLICATION SP2021-008 - LEXI MCDANIEL

Synopsis: Special Use Permit for a banquet facility in the evenings and weekends at 1000 North 82nd Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Lexi McDaniel with Lexxis Salon, is requesting a Special Use Permit for a mixed-use facility that will serve as an education/job skill training facility during the day for adults with learning disabilities (which is not part of this Special Use Permit request). On nights and weekends the applicant proposes to convert the facility into a banquet hall. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-008, subject to:

- 1) Sec. 27-464(c)(9) Retail businesses with parking areas or other outside customer-oriented areas within 100 feet of any residence shall restrict hours of operation to between 6:00 AM and 1:00 AM of the following day;
- 2) Per Business Licensing Division: If approved, the applicant will need to file and maintain a current business occupation tax application with this office;
- 3) Per Building Inspection Department: A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process;
- 4) According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 5) The applicant has provided a floor plan configuration demonstrating 40 seats. No banquet seating arrangement may exceed 40 seats;
- 6) Conformance with the Commercial Development Guidelines Overlay District—unless a deviation is requested—as outlined in the “Staff Comments” section of this report;
- 7) Conformance with all parking lot and landscaping requirements, as outlined in the “Staff Comments” section of this report;
- 8) Conformance with all building element requirements, as outlined in the “Staff Comments” section of this report;
- 9) Conformance with all exterior screening requirements, as outlined in the “Staff Comments” section of this report;
- 10) At least 10 parking spaces must be provided;
- 11) Any signage must comply with the sign code and be permitted through the Department of Planning and Urban Design;
- 12) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 13) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 14) A parking agreement is to be filed with the Register of Deeds for the parking provided by the training facility owned by the applicant next to this property to be used for the event space;
- 15) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner

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

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

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2021-008 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 5 – 21782...SPECIAL USE PERMIT APPLICATION SP2021-012 - MICHAEL AND ANDREA GEKAS

Synopsis: Renewal of a Special Use Permit (SP-2019-26 - expired 4/25/2021) for a Short-Term Rental/AirBnB at 2716 North 119th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicants, Michael and Andrea Gekas, are seeking the renewal of SP-2019-26, which expires on 4/25/2021. The Special Use Permit allows for the operation of a short-term rental at 2716 North 119th Street. This is not the applicants’ primary residence. They live on the adjacent property. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-012 for two years, subject to:

1. No more than six guests are allowed to stay at the short-term rental at once;
2. As the property managers, the applicants must provide and maintain their current contact Information with their neighbors, as defined as property owners within 200 feet of the subject property, and must update said neighbors if any contact information changes;
3. All parking must be off-street, maximum number of vehicles is two;

4. The applicants must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133
www.hostcompliance.com/tips;
7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
8. The Special Use Permit shall be valid for two 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; and,
9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2021-012 for two years, subject to the stipulations. Roll call was taken and there were ten "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

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ITEM NO. 6 – 21790...SPECIAL USE PERMIT APPLICATION SP2021-019 - JOSH AND ALLYSON BRANDON WITH BEAUTIFULLY BARE LP D/B/A THE BAR

Synopsis: Special Use Permit for live entertainment in conjunction with bar at 6720 1/2 Kaw Drive, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicants,

Josh and Allyson Brandon, are seeking the approval of a Special Use Permit for live entertainment at an existing drinking establishment known as The Bar. The applicants state that they wish to have small-scale shows and will not exceed the maximum occupancy of the establishment, which is 63 people. This property has been continuously operating as a drinking establishment, under various ownerships, for over 20 years. Because it has been continuously operated as a drinking establishment without interruption, no Special Use Permit is required for serving of alcoholic beverages, however, the code does require the approval of a Special Use Permit for live entertainment. There has been one Notice of Violation on this property in 2009 for unpermitted signage. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-019, for one year, subject to:

- 1) Applicants have stated that they will not allow more than the maximum occupancy of the building, which is 63;
- 2) The applicants shall successfully obtain and/or maintain a proper liquor license through the Kansas Department of Revenue Alcoholic Beverage Control;
- 3) The applicant shall comply with all local laws pertaining to the sale, distribution, and consumption of alcohol on and off tavern premises;
- 4) Live events shall not exceed more than three per calendar week;
- 5) Noise from normal activity and from live entertainment shall not disturb the neighboring properties. Regardless, the noise level shall not be greater than 80 decibels at repeated intervals for a sustained length of time at any point on the property line and the day-night noise level average shall not exceed 65 decibels for any residence for a sustained period, per Section 27-469(c)(1)c;
- 6) The windows and doors shall remain closed during any live entertainment events that increase the noise volume above normal bar operations;
- 7) The applicants are required to produce an acceptable security plan by April 21, 2021, before being granted approval by the Board of Commissioners (This has been completed);
- 8) A scale parking plan demonstrating compliance with minimum parking standards must be provided and verified by Staff by April 21, 2021. If the applicants cannot demonstrate that the minimum number of striped and paved parking spaces can be provided, then a variance from the parking minimum will be required (This has been completed);
- 9) According to Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 10) Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 11) The applicant must file and maintain a current business occupation tax application and entertainment license;
- 12) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is

April 29, 2021

compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

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

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2021-019 for one year, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 7 – 21783...SPECIAL USE PERMIT APPLICATION SP2021-020 - BRYAN RUOFF WITH 3F30 ARCHITECTS

Synopsis: Renewal and expansion of a Special Use Permit (SP-2019-56 - expires 5/30/2021) for a liquor store with packaged liquor sales at 3801 Leavenworth Road, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Bryan Ruoff with 3F30 Architects on behalf of the owner, has applied for a special use permit to renew and expand the liquor store by removing a shared tenant wall. The liquor store will be 2,495 square feet located at 3801 Leavenworth Road. From 2005 to 2008, there were a series of Code Enforcement violations included illegal dumping and equipment siting on site, weeds and trash, vehicles parked on unimproved surfaces, vehicles improperly licensed and graffiti on the building. The current owner was not the owner during this period. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-020, for five years, subject to:

1. Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with

proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales.

If sales of other goods and services from a licensed retailer premise exceeds 20% of total gross sales, all sales of other goods and services exceeding 20% will have to be made from a separate, unlicensed premises. If each premise does not have a separate outside entrance, a vestibule is required;

2. The hours of operation will remain the same and are per the hours allowed by the State;
3. Employees will be one or two per shift;
4. Security will remain the same with multiple cameras in operation;
5. If the property is sold, the associated Special Use Permit cannot be transferred;
6. Per Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
7. Per the Business License Division:
 - a. The business has filed and maintained a current occupation tax application;
8. Per Building Inspection Department:
 - a. A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process;
9. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. The Special Use Permit shall be valid for five 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; and,
12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2021-020 for five years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 8 – 21683...SPECIAL USE PERMIT APPLICATION SP-2020-105 - MONSERRATT PEREZ-MERA

Synopsis: Special Use Permit for a shipping container at 3500 North 32nd Terrace, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Monserratt Perez-Mera, is seeking the approval of a Special Use Permit for the purpose of using a shipping container as a storage unit on the property. The structure is a used container from Transport Specialist, LTD. The container was previously used to store furniture. The Special Use Permit is being sought in conjunction with a Variance, BOZA 2407, to have an accessory structure without a primary structure. There has been one Notice of Violation in 2020 for a camper on the vacant lot. The property owner has stated that no one lives in the camper. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application SP-2020-105, subject to:

- 1) Shipping containers are temporary in nature and a permanent solution for the storage of personal items shall be sought within the next two years (i.e. a detached accessory structure on a foundation);
- 2) Container must be placed on an improved surface. All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two inches of asphalt over six inches of compacted gravel;
- 3) Only personal items such as recreational vehicles and items for property maintenance are allowed to be stored in the container. Storage of commercial inventory or equipment is not allowed;
- 4) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 5) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,

- 6) If approved, the Special Use Permit shall be valid for two 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.

Commissioner Townsend said two months ago in a prior Planning and Zoning meeting of this body this application came forward and at that time I asked for, and was granted by this body, additional time in which to talk with the applicant to see if there were alternatives to what she was seeking which was the use of a freight container to store ATV equipment.

You might recall that at the first presentation of this application there were long time neighbors in the area who opposed it, and at that time, and since, I also made mention of the fact to the applicant that the use of these storage containers in their raw form is not what this Commission has been faving for the last several years. I did talk with the applicant several times over those last months and it came to my attention, courtesy of Mr. Hand's office, that the applicant was granted a variance which would allow her to build an accessory structure without having had a primary structure on there. So, by use of this variance, she will have the storage space that she will need and the citizens who oppose the look of this container, and the use of it, will not have to tolerate it's looks, and therefore, I'm requesting and making a motion that the application for the container be denied since by the variance, she has the right to build the storage facility that she seeks.

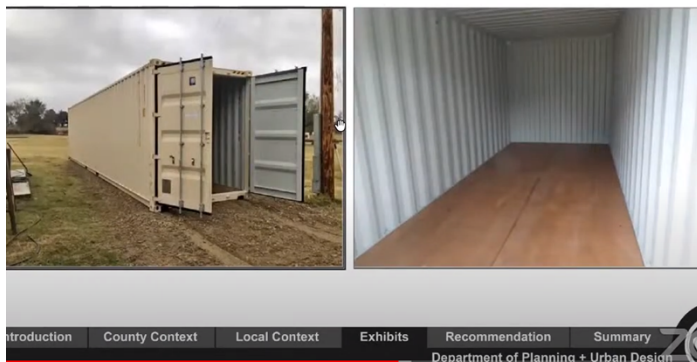
Action: **Commissioner Townsend made a motion to deny Special Use Permit Application SP-2020-105.**

Case	
SP-2020-105	
Petitioner	Address
Monseratt Perez-Mera	3500 North 32nd Terrace Kansas City, Kansas 66104
Synopsis	
The applicant, Monseratt Perez-Mera, is seeking the approval of a Temporary Use of Land Special Use Permit for the purpose of using a shipping container as a storage unit on their property. This is not the applicant's primary residence. BOZA 2407 was approved on February 8, 2021.	
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Gunnar Hand, Director of Urban Planning and Design, said as Commissioner Townsend mentioned, this case was also heard earlier this year in conjunction with BOZA20410-0041 which was again, for an accessory structure without a primary structure. We did have several conditions of approval related to the maintenance of the site and the cleanliness of the site, but as Ms. Townsend had noticed it and when this was originally held over 60 days ago, she had communications both with the applicant and myself on an alternative solution. If you recall from that original presentation two months ago, this was a temporary use of land SUP with the intent that they would have storage container only for two years so that they could find a permanent solution. I believe Commissioner Townsend has worked with the applicant to encourage them and persuade them to do a permanent solution, i.e., that shed with a building permit now as opposed to the storage container. Staff recommends the Commissioner's intent to recommend denial.

Mayor Alvey asked is the applicant present and would like to present her application. **Mr. Hand** said I do believe she's in attendance tonight.

Mayor Alvey asked is there anyone present who would like to speak in favor? Have we received any notification from anyone who would like to speak in favor? **Mr. Deichler** said it looks like the applicant has been promoted but did not speak. **Mayor Alvey** her hand is raised. **Mr. Deichler** said yes, she's a panelist. **Mayor Alvey** asked, Ms. Perez-Mera, would you like speak to your application. **Ms. Perez-Mera** said yes.



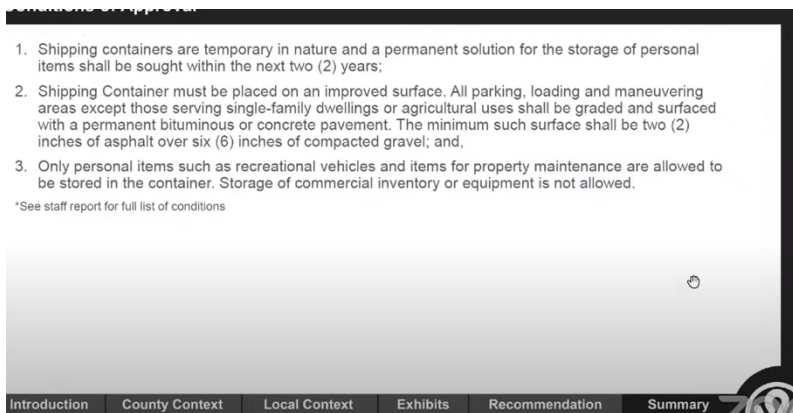
None to date.	None to date.
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Staff Recommendation

Approval

Introduction County Context Local Context Exhibits Recommendation Summary

Department of Planning + Urban Design



Monseratt Perez-Mera, 3500 N. 32nd Terr., said I've only been in contact with the counselor twice. Both of those times she didn't really talk to me much besides telling me the fact that it was not going to be approved and that I need to find something else. Since then, she's not been talking to me. We haven't come to a conclusion or something similar, but I do—I have asked her for something similar like a shed, if that could be approved, but it's only up to you guys for now.

Mayor Alvey asked is there anyone present who would like to speak in favor? **Mr. Deichler** said we do not. **Mayor Alvey** asked, have we received any notification? **Mr. Deichler** said we have not. Is there anyone present who would like to speak in opposition? Do we have any notification? **Mr. Deichler** said the Clerk did not receive any notification. **Mayor Alvey** asked anyone present who would like to speak in opposition?

Mayor Alvey closed the public hearing. Any questions or comments from the Commission?

Commissioner Townsend said I believe Ms. Monseratt Perez-Mera and I clearly have a difference of opinion in what she recalls was the conversation. Not only did I tell her that it was not the desire of several of the neighbors, which spoke on the record at the first meeting, I did tell her that, I, as in-district Commissioner did not approve it, but it would be up to this body as a whole. Nevertheless, what she seeks to have, which is storage space, before I even knew in my numerous times speaking with her, she's already been granted what she's seeking.

Just for the record, I did not encourage her for the variance, that had already been done. I was not aware, when I spoke to her, that it had been done. I did contact her after and told her that's what she had. She did have what she was seeking in terms of an option to private storage. I do

believe it is the burden of someone who owns property or private items like ATV's to be able to finance how that's going to be taken care of and that includes storage. Apparently, at some time prior to this application, that's how these vehicles had been stored. I believe that it is the responsibility of the owner of such things, not the communities, to bear the burden of that. Again, there has been a variance granted. Mr. Hand can give you the date of that. I do not support, as the in-district Commissioner, the use of this trailer for storage and, therefore, again, I move for a denial of the trailer, the SUP for the trailer.

Commissioner Ramirez said if we were to deny her special use permit, I believe it was for the container, clearly, she was granted a variance for an accessory structure without a primary. My request for, and I hope Commissioner Townsend I am not overstepping my bounds since this is not my district, but if we were to deny her SUP, but someone from our Planning Department maybe reach out to her and help her understand what exactly she can do with a variance because it seems that she may not know what she can do, that she can have the storage, but just help give her some clarification on what the variance actually means. **Mr. Hand** said, Commissioner Ramirez, I can have the staff member that worked on this case contact Ms. Perez-Mera tomorrow. As everyone has said to clarify, she can walk in tomorrow and get a building permit assuming her shed is over 120 sq. ft. for that property with or without this SUP.

Commissioner Markley seconded Commissioner Townsend's previous motion for denial.

Misty Brown, Chief Counsel, said before we vote, Mr. Mayor, I just want to clarify Commissioner Townsend's rationale for moving for denial. I believe I understand it, but I just want to ensure it's articulated. For the record, what I heard, Commissioner, was the denial was based on the variance was granted so this application is unnecessary and essentially, mute, but I don't wish to put words in your mouth, Commissioner. **Commissioner Townsend** said I would agree that it is mute in that it meets her stated need, which was storage space. I've said on the record before, as in-district, I did not favor the use of these storage containers. That's not how aesthetically this Commission has been moving over the last several years. But as to this particular case, the need that she expressed for storage has been met. That was met even before I asked to have this set-aside to continue to talk to her.

I also reached out to other Commissioner's to even find other options, so I guess that answers your question, Counselor. You tell me? **Ms. Brown** said it does, Commissioner, thank you.

Mayor Alvey said we have a motion to deny the petition and a second.

Roll call was taken on the motion and there were nine "Ayes," Philbrook, Bynum, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters; and one "No," Burroughs.

VACATION APPLICATIONS

ITEM NO. 1 – 21794...VACATION APPLICATION VAC2021-001 - BOB BECKER WITH LEGENDS 267, LLC

Synopsis: Vacation of electrical easement 1 at 1879 Village West Parkway, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Bob Becker of Legends 267, LLC, is requesting the vacation of an electrical easement at 1879 Village West Parkway. This property was recently approved for a Change of Zone to RP-6 High Rise Apartment District and a Master Plan Amendment for High Density Residential for the purpose of developing a 267-unit apartment building. The building will have three stories of parking and five stories of residential space. The electrical easement vacation is necessary to begin construction of the project. This vacation request is being heard in conjunction with VAC2021-002, VAC2021-003, and VAC2021-004. The Planning Commission voted 8 to 0 to recommend approval of Vacation Application VAC2021-001, subject to:

- 1) Approval of simultaneous vacation cases VAC2021-002, VAC2021-003, and VAC2021-004;
- 2) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
- 3) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

AND

April 29, 2021

ITEM NO. 2 – 21796...VACATION APPLICATION VAC2021-002 - BOB BECKER WITH LEGENDS 267, LLC

Synopsis: Vacation of electrical easement 2 at 1879 Village West Parkway, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

AND

ITEM NO. 3 – 21797...VACATION APPLICATION VAC2021-003 - BOB BECKER WITH LEGENDS 267, LLC

Synopsis: Vacation of sanitary sewer easement at 1879 Village West Parkway, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

AND

ITEM NO. 4 – 21798...VACATION APPLICATION VAC2021-004 - BOB BECKER WITH LEGENDS 267, LLC

Synopsis: Vacation of utility easement at 1879 Village West Parkway, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan made a motion to approve Vacation Application VAC2021-001, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters,

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan made a motion to approve Vacation Application VAC2021-002, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters,

April 29, 2021

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan made a motion to approve Vacation Application VAC2021-003, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters,

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan made a motion to approve Vacation Application VAC2021-004, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters,

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

ITEM NO. 1 – 21775...ORDINANCE

Synopsis: An Ordinance authorizing Master Plan Amendment MP-2020-6 (Industrial to Mixed Use), submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-48-21**, “An ordinance authorizing City-Wide Master Plan Amendment MP-2020-6 pursuant to Chapter 27 of the Unified Government Code.” Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 2 – 21803...ORDINANCE

Synopsis: An ordinance rezoning property at 200 South James Street (COZ-0007) from M-3 Heavy Industrial District to TND (T-6) Traditional Neighborhood Design District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-49-21**, “An ordinance rezoning property hereinafter described located at 200 South James Street, in Kansas City, Kansas, by changing the same from its present zoning of M-3 Heavy Industrial District to TND (T-6) Traditional Neighborhood Design District.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 3 – 21804...ORDINANCE

Synopsis: An ordinance rezoning property at 1825 North 94th Street (COZ2021-001) from A-G Agriculture District to R-1 Single Family District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-50-21**, “An ordinance rezoning property hereinafter described located at approximately 1825 North 94th Street, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to R-1 Single Family District.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 4 – 21805...ORDINANCE

Synopsis: An ordinance rezoning property at 1841 North 94th Street (COZ2021-002) from A-G Agriculture District to R-1 Single Family District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-51-21**, “An ordinance rezoning property hereinafter described located at approximately 1841 North 94th Street, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to R-1 Single Family District.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and

there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 5 - 21806...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2020-100) for a car audio installation shop at 1315 State Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-52-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas for a car audio installation shop at 1315 State Avenue.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 6 – 21807...ORDINANCE

Synopsis: An Ordinance authorizing a Special Use Permit (SP2021-009) for a short-term rental/Airbnb at 1127 Southwest Boulevard, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-53-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas for a short-term rental/Airbnb at 1127 Southwest Blvd.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 7 - 21808...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-010) for a kennel for ten (10) dogs at 3440 North 131st Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-54-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas for a kennel for 10 dogs at 3440 North 131st Street.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 8 – 21809...ORDINANCE

Synopsis: An ordinance repealing Ordinance No. 0-29-21 and enacting a new ordinance for Vacation Application S-2020-12 at 1 Woodswether Road and 1R Woodswether Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-55-21**, “An ordinance vacating State Street located at approximately 1 Woodswether Road and 1R Woodswether Road, Kansas City, Kansas and repealing Ordinance No. O-29-21.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

PLANNING AND ZONING NON-CONSENT AGENDA**SPECIAL USE PERMIT APPLICATIONS****ITEM NO. 1 – 21795...SPECIAL USE PERMIT APPLICATION SP-2020-100 - MARK MURDICK WITH SULLIVAN PALMER ARCHITECTS**

Synopsis: Special Use Permit for an outdoor event space (structure built without permits) for Chateau Avalon at 701 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of

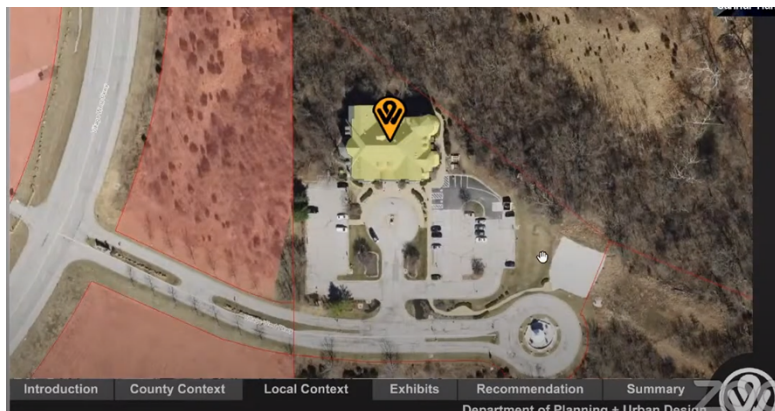
Planning and Urban Design. The applicant, Mark Murdick with Sullivan Palmer Architect, is requesting a Special Use Permit allow for a special event space. The space has already been built and the applicant is retroactively requesting the Special Use Permit. The capacity of the space is 250 people and will operate in conjunction with SP-2019-63, a Special Use Permit for live entertainment. There is one outstanding violation recorded at this property. The subject was cited on October 21, 2020 for work without a building permit from the Development Review Committee (DRC), which will be addressed by approval of this Special Use Permit and the simultaneous variance, BZA-2406. The Planning Commission voted 7 to 1 to recommend approval of Special Use Permit Application SP-2020-100, for two years including the addition of a condition of the sale of the property that the proposed parking is on subject to:

- 1) All special events must comply with local, state, and federal regulations addressing or responding to COVID-19, including, but not limited to, crowd numbers, social distancing, cleaning, and proper use of masks;
- 2) Music or amplification will not be allowed between 11:00 PM and 9:00 AM;
- 3) Any and all signs posted must conform with the Sign Code, and must satisfactorily receive a sign permit, if required;
- 4) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 5) During special events, the parking space directly south of the three ADA parking spaces at 701 Village West Parkway must be designated a temporary ADA parking space;
- 6) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 7) Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 8) The applicant has filed and must maintain a current business occupation tax application and entertainment license;
- 9) Successful purchase of the property that the proposed parking will be located;
- 10) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin and/or complete that process. The applicant should note that fees may be applied to the building permit due to construction of the structure initially without permits;
- 11) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.

- 12) Special Use Permit is conditioned upon the sale of the property from the Unified Government to be used for parking
- 13) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 14) The Special Use Permit shall be valid for two 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; and,
- 15) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

SP-2020-100	
Petitioner	Address
Mark Murdick, with Sullivan Palmer Architect	709 Village West Parkway Kansas City, Kansas 66111
Synopsis	
The applicant, Mark Murdick with Sullivan Palmer Architect, is requesting a Special Use Permit to allow for an event space. The space has already been built and the applicant is retroactively requesting the Special Use Permit. The capacity of the space is 250 people and will operate in conjunction with SP-2019-63, a Special Use Permit for live entertainment.	
Introduction County Context Local Context Exhibits Recommendation Summary	

Gunner Hand, Director of Urban Planning & Design, said earlier this month the Planning Commission in conjunction with this special use permit approved Plan Review 2021-005. In that plan review, associated with this SUP, for the event space.



Again, this is the Chateau Avalon property across from the Kansas Speedway. We worked with the applicant to identify the appropriate place to add the required parking with the new event space in place. We were able to develop a plan and configuration where they are currently in contract negotiations with the UG, who owns this parcel right here, if you can follow my cursor, where they will be providing that extra parking space.

We also did some redesign of their existing parking space to add the required additional ADA parking, as well as pedestrian access across the site to the hotel, to the event space, and to the parking lots.

By the applicants own suggestion we also added a condition of approval related to the use of amplified sound that event space which would be not allowed between the hours of 11 PM and 9 AM. The event doesn't have to stop, they just can't use their speakers.

The other thing that I would note here is that the applicant is currently in a parallel process seeking to rectify the issue they had with that event space and are currently working on retroactive building permit for it. There will be potentially a gap between the sale and provision of the parking. The acquiring of a building permit and the publication if the Commission was to approve. They're going to try to squeeze in an event or two if they can get that building permit in time. With that, staff does agree with the Planning Commission's recommendation for approval for two years.

Mark Murdick, Sullivan Palmer Architects, 8621 Johnson Dr., Merriam, KS, 66202, said our case this evening, as Gunnar pointed out, consists of the request of a special use permit to allow for special events at Chateau Avalon located at 701 Village West Parkway. The proposed detached orangery will incorporate an indoor/outdoor concept which is anticipated to hold catered events such as weddings with a capacity of 250 people max. Chateau Avalon has been a good standing

business in Kansas City, Kansas for about 17 years now, while bringing unique experiences to the community. The hotel to continue to bring these experiences to the area with this detached event space with a unique ornate design. The special event space will be sure to attract several events throughout our lovely regional events season. I thank you again for allowing us to present our proposal this evening of the special use permit for outdoor seasonal events. With that, Mr. Mayor, I'd be happy to take any questions.

Mayor Alvey asked any questions for Mr. Hand or Mr. Murdick?

Mayor Alvey opened the public hearing.

No one appeared.

Mayor Alvey asked did we receive any notification. **Mr. Deichler** said we did not, Mayor.

Mayor Alvey asked is there anyone who would like to speak in opposition. **Mr. Deichler** said their hand just went down.

Mr. Deichler said excuse me a moment. Someone was just promoted. I do not know—it's a telephone number. I'm not sure, but they had their hand up.

Greg Kindle, Wyandotte Economic Development Council, 727 Minnesota, said I had some trouble keeping that hand up. I just wanted to weigh in just briefly to say in light of the pandemic, we're super supportive of this application and the fact that Steve Beaumont with Chateau Avalon is gonna to invest about \$.5M into this project to increase events at the Chateau Avalon. I think their plan is to have as many as 100 events there by 2023, which would bring additional guests and transient activity into the Village West. We're excited about what he wants to do and we're glad to see that he is going back and getting retroactively the permits that he needed. We do appreciate the fact that both he and Planning Staff, as well as a number of elected officials, along the way, have been involved in this conversation. I appreciate that the Unified Government has been involved with helping to provide the parking space and get some resolution. I feel like this was a

good conversation and a good resolution to a lot of these issues, but I also appreciate the fact that Steve and Chateau Avalon are looking to put more investment into that facility and bring folks into the community. With that, I ask that you all would support this.

Commissioner Ramirez said I just have a few questions. I want to go through the application as much as I can. Gunnar, for condition 12, the sale of the property from the Unified Government to be used for parking. I know you said that is under negotiation. Like I said, it's still under negotiation. Is there any update that could possibly be provided without hampering those negotiations? **Mr. Hand** said, I apologize, we do not have an update on those negotiations. I'd have to potentially endeavor others.

Mayor Alvey asked, Mr. Bach, could you address that. **Mr. Bach** said, repeat the question please.

Commissioner Ramirez said, Mr. Bach, my question was pertaining to the condition—that the special use permit be issued upon the sale of the property. I was just wanting to see, if without hampering negotiations, if we could get an update of what that is looking like at the moment. **Doug Bach, County Administrator**, said our negotiations are complete. The only outstanding issue is they had to get a survey done regarding the property. So, once they finalize their survey, then we will be able to finalize our agreement as to what piece of property they're going to acquire.

Commissioner Ramirez said my other question, Gunnar, this is connected to a plan review application. Is that still with Planning Department or the Planning Commission or are they—this application the same thing? **Mr. Hand** said plan reviews are approved by the Planning Commission and don't rise to the Board of Commissioners so they're intricately related and the Planning Commission has approved the plan review. Again, that Plan Review specifically looks at the site plan I showed a little earlier.

Commissioner Ramirez said I think that Planning Commissioner Reasons was the sole no vote. What was his, if you remember, his reasoning for voting no? **Mr. Hand** said Mr. Reasons did not specifically state why he voted no, although during the Planning Commission hearing he was concerned about the process by which the applicant had erected the building that is to be used for special use permit. In the staff report, you'll note, that there is one NOV on this property which

the applicant is rectifying through this SUP process, as well as getting a retroactive building permit. **Commissioner Ramirez** asked, was the applicant aware that a building permit was necessary before erecting the structure? **Mr. Hand** said we had a meeting with staff and all the relevant reviewing agencies that the Unified Government with the applicant last summer and made it very clear the steps that they need to do to move forward. They are in the process of still working through those steps right now. **Commissioner Ramirez** said those are all my questions.

Commissioner McKiernan said, Mr. Hand, I'm going to follow up the question that Commissioner Ramirez just asked. It says in our packet, there is one outstanding violation recorded at this property. The subject was cited for work without a building permit. You just told me that this outfit knew in advance of construction that they needed a building permit, and yet they did not obtain one. Can you enlighten me on the reason for that? **Mr. Hand** said I believe it was last July when we had our DRC meeting with the applicant and walked him through what it would take being this a somewhat unique situation because it's essentially a prefabricated set that gets this pieced together. We went through all the things that would need to happen in terms of foundation, permitting and the inspection process, as well as the conversation that realized that revolves around the SUP. I believe it was later that August, potentially September, when a building inspection and code enforcement, excuse me, a building inspector went out to check on the site as they had some concerns about, I believe at the time, it was how they were going to get power to the site that we found that the building had already been erected at which time we put together a stop work order issued in November and began this process.

Commissioner McKiernan said the building was already completed at that time? **Mr. Hand** said it's a pretty quick assembly and disassembly. That's sort of the intent of, as I understand, that's the intent of the design. If I remember correctly, I believe they bought it from overseas and shipped it over and they wanted to put it together and see if all the pieces were there so we just happened to show up when they were doing that.

Commissioner McKiernan said maybe Mr. Murdick can help clear me up on this. I'm dumbfounded that somebody who's already completed the main structure and went through all the process to do that, suddenly doesn't know you need a building permit. **Mr. Murdick** said we went through a plan review last year and we were denied—we weren't accepted for a permit for some reasons. Then it turned out that we needed a special use permit based on the DRC meeting

we had with Mr. Hand and others. At that time, I believe the building did arrive and the owner needed to ensure that all those pieces arrived intact and that they fit together. It was erected on that basis and taken like the panels and the membrane roof, which is not part of the structure itself, but just the frame was erected. I believe that's where we are right now and retroactively adhering to all of the comments that building inspection has and the fire department has on their review comments. We actually, currently, have our building permit review resubmitted at this time. **Commissioner McKiernan** said I think my head just exploded. You had a Development Review Committee meeting, at which time, you were told you must have a permit before you erect any structure. You erected the structure anyway and now seek to get that building permit retroactively or eliminate the need for it by getting this approved. **Mr. Murdick** said that's what it looks like, yes.

Mayor Alvey said, Commissioner McKiernan, if I may, I met with Mr. Beaumont and the way he tells the story is that he had ordered a structure. It is a question whether it is really considered a permanent structure or more akin to a temporary structure, a tent, because it can be disassembled. He ordered it and it was submitted this to our department for review to see how this would be approved. He said that he was notified by the company, once it was delivered that in order to make sure that he was not outside his warranty. He had to assemble it to make sure that it all went together. There was only a timeframe where if he didn't get it assembled to make sure it all went together, that the warranty or the delivery would void. His statement to me was that they had to construct it in order to make sure that there weren't any missing pieces, or it came damaged, that they can still access their warranty. He also claims that there was a delay in receiving a review from our department about whether and how this structure would be categorized. Would it be more like a tent? The question comes down to do we need to have water supply to it. Well, it's not really a structure that needs water to it. right. So, those are some of the issues that came into play here, just for clarification. **Commissioner McKiernan** said I appreciate that. It just strikes me that I think we're setting a dangerous precedent if we undermine the DRC process by saying, yeah, you can just do whatever you want and then we'll fix it later. Can you imagine the floodgates we would open if that were the way this works routinely? Thank you. That's all I have.

Commissioner Burroughs said, I too, have looked over the design and find it not only unique, I find it to be a novelty that I think will add to the ambiance of the Chateau Avalon. So, Mayor, with some of the questions that have been raised tonight, I will rise in support of the project because I truly believe that when we have the quality of hotel at Chateau Avalon presents in our community, as well as a venue that compliments it, that can add to additional stays and/or additional revenue and people experiencing a pleasurable night in our community, I think we are of benefit. I do appreciate the investment that Mr. Beaumont brings forward for this project.

Commissioner Walters said thank you for trying to give a little bit more background. I have talked to Mr. Beaumont several times over the past several months about his challenge of working through the process to get a building permit. I am sure he would admit that he has made some errors in his process. I'm not so sure that we haven't either, but there's a lot of water that's gone over the dam. The facility has not been able to be used for months. We were talking about last August. This is almost eight months later, and it still hasn't been able to be used. At this point, I believe, the department and Mr. Beaumont have reconciled to a positive way forward. Everybody taking their respective lumps and I think we should support this project. With that, I would like to move for approval as submitted.

Action: Commissioner Walters made a motion, seconded by Commissioner Burroughs, to approve Special Use Permit Application SP-2020-10 for two years, subject to the stipulations.

Commissioner Ramirez said I just wanted to echo what Commissioner Walters was saying.

Roll call was taken and there were eight "Ayes," Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Walters; and two "Nos," Philbrook, McKiernan.

ITEM NO. 2 – 21791...SPECIAL USE PERMIT APPLICATION SP2021-016 - BRYANT PARKER

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

and Urban Design. The applicant, Abdul Mazid, has applied for a special use permit (renewal was denied on August 29, 2019) to operate a used car dealership at 1010 Merriam Lane. This property was operated as an antique car sales business from 1987 to 2001. Since that time, it has been operated as a variety of businesses, including an automobile repair business from 2004 – 2005 and a retail market (Kimo's Market) from 2005 – 2008. In September 2017, Mr. Mazid was issued a Special Use Permit, and A+ Auto Sales Inc was opened in April 2018. The site has been cleaned and maintained; new landscaping has been implemented in accordance with the plans submitted in 2017. The property was listed for sale, but there were no prospective buyers. There is one open Notice of Violation on the property (ZONE2020-0002) for operation of auto sales without a Special Use Permit. Six vehicles were parking in front of the building without license plates. In 2016, the property was issued a court summons for being a residential retail property without a rental permit. This case was dismissed. The property has received numerous code citations for graffiti, trash, and abandoned vehicles in the past, prior to Mr. Mazid's ownership. The Planning Commission voted 7 to 1 to recommend approval of Special Use Permit Application SP2021-016 for two years, subject to:

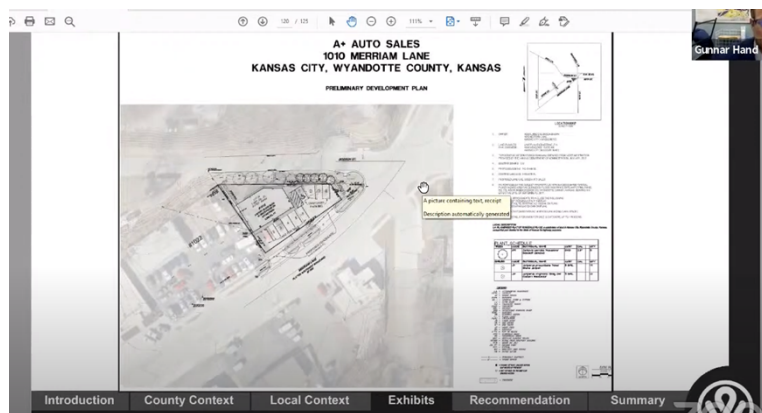
1. Previously, the applicant's representative has asked staff, the City Planning Commission and Board of Commissioners to delay constructing the sidewalk as originally approved due to economic hardship. The sidewalk shall be constructed prior to re-opening his business and comply with their initial approval in 2017 (SP-2017-28).
2. Because there is no trash receptacle on site, the applicant shall remove all trash for disposal offsite. Trash bags shall not be left on-site for pickup;
3. If the property is sold, the associated Special Use Permit cannot be transferred;
4. BOZA 2268, approved on December 17, 2017 was for Mr. Abdul Mazid and this specific used car sales lot only. If there is a change of use, that use must meet the zoning district's parking regulations;
5. Because the variance was approved to reduce off-street parking, the second floor shall remain unused;
6. No inoperable vehicles allowed on site;
7. Per the Business License Division:
 - a. The auto dealer at this location has filed the required occupation tax application and is current and renewed for this calendar year. Has been registered since 4/18/2018;
8. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;

9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
10. The Special Use Permit shall be valid for two 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;
11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

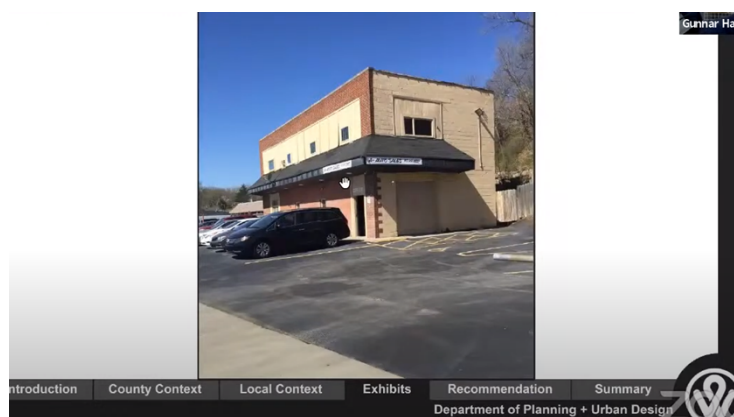
SP2021-016	
Petitioner	Address
Bryant Parker	1010 Merriam Lane
Synopsis	
To operate a used car dealership.	
Introduction County Context Local Context Exhibits Recommendation Summary	

Department of Planning + Urban Design

Gunnar Hand, Director of Planning and Urban Design, said, again, this property has quite the history that I'd like to go through really quick just to provide a little bit of background and context here. Again, the application specifically it's in Merriam Lane. It's used for a car dealership. This is in the Rosedale neighborhood of the county. Very close to what some have been taken to call downtown Rosedale, just on the other side of I-35 right when Southwest Blvd. turns into Merriam Lane.



The proposal is a resubmittal of a project that in December 2017 received a variance for parking, as well as an SUP for auto sales, and then it's renewal in 2019 was denied. Part of that denial, purpose or stated reason, one of several, was the unwillingness of the applicant at that time to construct a sidewalk on Dodson St.—Avenue directly to the north of the property. It is a very constrained site.

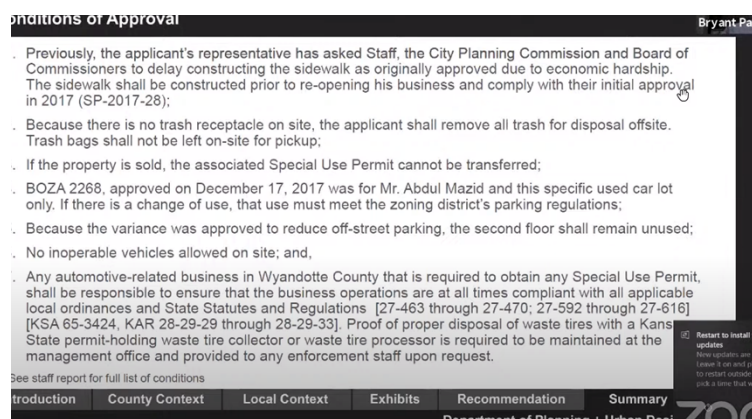


As you can sort of see here, those improvements have been made since that time or during sort of the the middle of all this a lot of the streetscape improvements on Merriam Lane were implemented by the Unified Government. As a part of this SUP, the applicant has agreed to build sidewalk on Dodson Avenue. First before moving forward, the way that the original variance was written, if any change in use were to occur, it would moot that parking variance. If anything else comes from this other than Mr. Bryant's clients and the auto sales dealership, we sort of start fresh.



With that, I would just like to point, as you can see, with the constrained sites there is really no place for a trash enclosure. One of the conditions of approval is that all trash will be removed off-site every night, as well as the applicant did not intend to use the second floor, it is to remain empty so, again, the use of that floor would transform both how the property is used, but also impact that parking variance. So, another condition of approval was to not use that second floor while it is an auto dealership. There is one NOV on the property. During the year that they were in wait before they reapplied for an SUP, many of the cars were left on the site as you can see here. The applicant is rectifying that NOV through this application for an SUP. The Rosedale Development Association did come out at the Planning Commission hearing earlier this month in opposition. We've received no letters of support, but staff does agree with the Planning Commission's recommendation for approval for two years.

Mayor Alvey asked is the applicant present and would like to speak. **Mr. Deichler** said he has been promoted.



Bryant Parker said those of us that have served in local government we all know those names get pretty long. I don't want to rush through, but at the same time I just want to emphasize that from the applicant's perspective, we were in complete agreement with staff. All of staff's recommendations and conditions to include, but certainly not be limited to that the sidewalk be built to the north along the street before the dealership reopens. I would add that while the cars remain stored at the location by my client, Mr. Abdul Mazid, they were not sold. There was no car sales that happened there. He merely maintained his business license so that, hopefully, it would get this SUP approved. He didn't want to go through that process again.

I forgot to mention, again, I'm Bryant Parker, I'm the applicant's attorney. The applicant is Abdul Mazid, A+ Auto Sales, 9909 Roe Ave., in Overland Park and I office in Corporate Woods.

I think two other points that I really wanted to bring to the Commission's attention is just how much my client has invested in the property. It took tens of thousands of dollars in terms of improving the façade and cleaning it up. Again, it's getting late, but if we were to go through the history of the property, there was vandalism, lots of littering, vacancy. It was occupied on and off for the last decade, decade and a half, but in addition to some of their occupancy you could see there was quite a bit of just vacancy of the building.

One of the other things that my client did from the middle of 2019 through the middle of 2020 when it just appeared to be futile, was listed the building for sale to literally to anyone else that wanted to do something else with it. I don't think anyone would say that a used car lot is the most amazing business purpose that any site could be put too. That's not our argument today. It's what my client knows to do with the building, and he is a very responsible citizen, has been a good citizen and I think a good neighbor. We had no takers when we offered the property for sale so that's the reason we're back before you today requesting the two-year permit be granted. My client is also listening and is happy to be available to answer any questions that you might have. There's a little bit of a language barrier, but they do speak good English. Just let me know if there's anything that you'd like for me to answer and I'm happy to do that.

Mayor Alvey asked is anyone from the public would like to speak in favor of this. **Mr. Deichler** said seeing none.

Mayor Alvey asked is there is anyone present who would like to speak in opposition. **Mr. Deichler** said seeing none.

Mr. Hand said Erin Stryka is on the line from Rosedale Development Association.

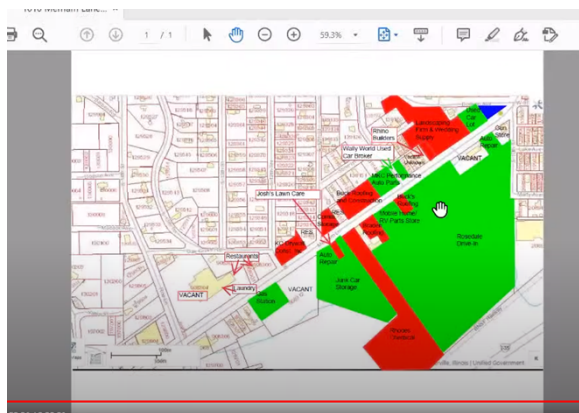
Erin Stryka, Rosedale Development Association, 1403 Southwest Blvd., said Rosedale Development Association opposes special use permits for automotive uses on the Southwest Blvd. Merriam Lane corridor. The reason is just that this corridor has kind of gone through a renaissance over the past maybe 10 years, really kicked into gear by the \$7M that the Unified Government invested in this corridor in stormwater control, curb and sidewalk, and bike lanes back in 2013. We're seeing new businesses coming in. We're seeing some really great reuses of buildings that have been abandoned for a long time. We're seeing that move kind of from the east to the west down the corridor. There's really nothing at all wrong with this, this business. Mr. Mazid is a great responsible business owner. He's done a beautiful job with the property. I don't have any issue with what he's doing or the work he's done. The issue is simply that the more special use permits we approve for automotive uses in the corridor, the more it increases the impression that that's what this corridor is. It's just kind of a mile of cars. It doesn't surprise me at all that when Mr. Mazid listed the property for sale, it didn't sell. It's kind of a tough sell there and part of the reason is because we have approved so many of these special use permits. We're not supporting this application not because of any issue with the business, but because we think we need to change overall the corridor of what we're approving for this. We need to stop approving these SUP's for automotive uses and start working to attract different uses and keep this momentum going down to the west on the corridor.

Mayor Alvey said thank you very much. Anyone else like to comment?

Mayor Alvey closed the public hearing. Would the petitioner like to make any closing comments?

Mr. Parker said I very much appreciated the opportunity to meet with Ms. Stryka. We met both in 2017 and for the current application. We definitely understand where the neighborhood association is coming from. They've done a fantastic job with their efforts. I did want to point

out, and I know she did identify, there's a business reality. We've mentioned it with our discussions with staff, as well as with her, we just can't find a buyer for the building. This is the only use that we know to put it in it's current, you know, status. It would require an investment of hundreds of thousand of dollars into that structure to repurpose it, for example, as a restaurant. There's so much investment that would be needed and so my client took his limited financial resources and tried to convert the building into something that would be both a credit to the community, but also be financially realistic.



Very quickly, I want to show you one map and then I'll be done. I promise. This is a little map that I put together just to illustrate some of the head winds that we're facing. Over here beginning with these properties here, this is an area where the neighborhood association has made a lot of progress and should definitely be commended for their efforts. Here is what we're facing from a real estate economic standpoint. Immediately south to us is a large used car lot that's grandfathered. To my knowledge, I don't think they have to apply for special use permits. I don't want to ever besmirch anyone. I don't think anyone would say that they look nearly as nice as our lot does. Across the street there is a gun store followed by auto repair and everything in green is an automobile-oriented use. Everything in red is heavy commercial emerging into industrial users. South of the used car lot, we have a landscaping firm. There's Rhino Builders. Here's Wally World Used Car Broker, MKC Performance Auto Parts, Buck's Roofing, the legendary Rosedale Drive-In, and then you have some more auto-oriented uses including some junk car storage and auto repair down here. I only bring that up to say that there are reasons why this site is particularly, you can say challenged or you can say well-suited, to the use of the applicant is desiring to put it for this two-year period. Again, it's not permanent.

Mayor Alvey asked if any members of the Commission have questions or comments.

Commissioner Ramirez said thank you Mr. Bryant for presenting and coming before us tonight. My question is if Mrs. Stryka is still online or if she can? Are you still online? **Ms. Stryka** said yes, I'm still online. **Commissioner Ramirez** said first, thank you for all that you do for Rosedale. RDA is a amazing organization that does a lot for the community, but Mr. Bryant gave an example of possibly a restaurant, but it might not work. What uses would you, do you think, or RDA think could be used for that site? **Ms. Stryka** said that's a great question. I actually haven't been inside the building, but let me just tell you a couple of the uses that we've seen on the east side of Mr. Parker's map in small, weird buildings without a lot of parking. We have a brand-new chicken restaurant called Chicks and KC right next to our office that is a walk-up restaurant. It's just got a window you walk up to and no parking. There's a guy who's opening a coffee shop in an old flower shop with apartments up top, in another building with no parking that's jammed right up next to the building next to it. Then, just across the street from 1010 is this itty-bitty little building that has been reconverted into an office use. I'm sure Mr. Parker is correct that it would take quite an investment to repurpose that building, but at the same time that investment is happening in a lot of buildings along that corridor and we want to see it continue happening. **Commissioner Ramirez** said okay, thank you. Is this, I apologize for not knowing this or remembering this, but is this corridor part of the Rosedale Master Plan?

Ms. Stryka said it is not. It is part of the Southwest Blvd./Merriam Lane Master Plan that which was adopted in 2011. The relevant part of that master plan is that it calls for a diverse mix of businesses on the corridor. The biggest obstacle we have to building that diverse mix is we have so many automotive uses and it crowds out everything else. **Commissioner Ramirez** said thank you very much for answering those questions, Ms. Stryka.

I know Mr. Mazid has been part of this property and he has done what he can in taking care of the property, but following the lines what Ms. Stryka was saying, this is a corridor that is becoming revitalized. I would agree with the assessment of RDA that even though Mr. Mazid may mean well, and he just wants to give back to the community, but I just think that this property could be used for other purposes because there is already another used car lot right next to his, right into the property and so I, personally, am not in support of the SUP.

Mr. Hand said Ms. Stryka mentioned the Southwest Blvd./Merriam Lane Corridor Master Plan starting, I believe, their going to get the notice to proceed on May 1, starting then one of our three planning sustainable places grants that we receive from the Mid-America Regional Council will begin. Ms. Stryka in no small part is talking about the vision that exists for this corridor in that Master Plan. We going to have a chance to revisit that vision and extend it farther into our neighboring cities to the south and west starting with this very property as the extent of that area plan—of that study begins right where Southwest Blvd. turns into Merriam Lane, again, headed south and west. So, I think we could have these conversations as soon as next week. **Commissioner Ramirez** said that is great. I look forward to those conversations. I'm sure Ms. Stryka is looking forward to those conversations as well. Like I said, it's a corridor that is becoming revitalizing and it has a lot of potential. Again, I thank Mr. Mazid for what he's done. Hopefully, during this process of relooking and revitalizing we can find another space, other property for him, somewhere on the corridor, somewhere near the corridor where we can help him continue giving back to our community.

Commissioner Markley said I appreciate that there are other ideas for what could happen to this property. Lord knows there are properties in my district that I have other ideas about what I would like to see on that property. The reality is you own those pieces of property. If we get into a trend of telling business owners you own this property, but were not going to let you do anything with it, I don't think we're going to have many business owners that want to locate here. This gentleman has done what we ask our business owners to do. That fact that we don't like what he wants to use this particular property for, to me that's a difficult reason to tell him no, particularly when we have nothing lined up to take over that lot. He owns this property. He's paying for his property. To tell him you can't do anything with it because we would like to see something better, when he's tried to sell it on the market and hasn't been able to, we're putting him in a really terrible position. I'm not comfortable with the concept of doing that to our business owners. Particularly, since this is a limited time special use permit. If we have discussions as part of this master plan and we decide that we'd like to go a different direction, he has to come back in two years. So, if in two years if we have a different set-up we'd like to utilize his property for and we have some actual plan to move forward with the different set-up, then we can ask this gentleman to move his business somewhere else and try to implement that new plan. Right now, we have no plan at all.

What we have is a vision, and it's a great vision, but to ask this gentleman to sit on his property and do nothing for two-years because we have a revision, it's a difficult ask, I think.

Commissioner Walters said I'm going to chime in here with Commissioner Markley. It seems to me because of the work he's done to the property, I've driven by it, and I drive by there quiet often, he's done a great job improving it. It looks better, it appears better, and actually, he has done his part improving the community and as he does that, and has things continue to move, the value of that property will continue to attract other people who will see other purposes for it. So, if he has a car dealership there for two years and then someone else comes along and says I would love to put a business in there, I would have, you know, a restaurant, they're going to be coming to him looking for that. This is not set in stone. Like the commissioner said, it's a two-year process. I think activating corners is better than having things empty.

Commissioner Bynum said I was really struggling with this conversation and Erin Stryka and RDA know that probably 9.5 times out of 10, I really support their work and their efforts. I was truly struggling with the concept that we would ask a property owner not to conduct business where we are collecting and remitting sales tax on automobiles, which means substantial sales tax which benefits everyone, because we are potentially waiting for a vision to come to fruition of something that might be "better". Commissioner Markley really captured every thought that I was having with regard to this property.

I would additionally ask, is that a reason that falls within our factors to be considered as a legitimate reason to vote for a denial of a SUP, Gunnar or Misty Brown, please. **Misty Brown, Chief Counsel**, said I was having a bit of heartburn about the conversation. The golden case was about a property owner who couldn't find somebody to do with the property what the city wanted. If the Commission was going to vote to deny the application today, I would ask that whoever made a motion contemplated the golden factors and kept that in mind when making a motion. You know you could consider the character of the neighborhood and the zoning uses of the nearby properties, but it could be challenging to just go based on a vision for the property. Does that answer your question, Commissioner? **Commissioner Bynum** said that answers my question. Thank you.

Mr. Hand said, so, the zoning including special use permits are the tools which we implement the land use plan. The land use category for this site is business park. In the Citywide Master Plan a business park is for warehousing/business research, related commercial and services such as well, wholesale stores, outlet stores, office supply stores, service stations, convenient stores, hotels, multiple supporting restaurants and medical services. It's a very broad category of which this you could argue fits within. It also fits in, I think, a lot of the stuff that Ms. Stryka had said is in the vision, right? It's just this property owner knows how to sell cars and that's what he bought the property to do. I would reiterate the fact that, in the next month, we're going to launch a planning process where we had specifically written in the RFP that one of the things that we want out of that planning process is to find a way or strategize, I should say, to start the process by which we start working towards that vision and moving away from maybe historical businesses on that corridor that were more focused on heavy commercial and automobile sales. I think that that's part of that. This is the very conversation that we want to have in this planning process, how do we start to turn these things into the vision that we've identified as a community? **Commissioner Bynum** said, thank you, Gunnar.

Commissioner Ramirez said thank you, Commissioner Markley, that is why there are ten of us on this board. We all have our different minds and that is something I honestly did not think of, did not come to mind. Thank you very much for those comments and I agree that Mr. Mazid has done what he has done. He has taken care of the property and it says here, I went back through and read the application. Even though it is an economic hardship, he's going to build a sidewalk. I changed my mind because like I said, we have two years, he has two years to operate this business and within those two years, as Gunnar said, we are going to start the process of relooking at the vision and I want Mr. Mazid to be part of that. I want him to be part of the planning process because he is a business owner on that corridor. He has to have a say. I changed my mind. I move to approve this SUP application.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2021-016 for two years, subject to the stipulations.** Roll call was taken and there were ten "Ayes," Philbrook,

Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

REGULAR AGENDA

Mayor Alvey said that concludes the Planning portion of our meeting. We'll now move to our regular Consent Agenda.

REGULAR CONSENT AGENDA

Does any member of the Commission or County Administrator wish to set-aside any item on the regular Consent Agenda? If an item is not set-aside, all items on the Regular Consent Agenda will be voted on by one vote.

Commissioner Bynum said since I have a question on the nominations to Boards and Commissions, I guess I better ask to set it aside.

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

ITEM NO. 1 – 21785...NOMINATIONS: BOARDS & COMMISSIONS

Synopsis: Nominations for Boards & Commissions:

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

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

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

Commissioner Bynum said I have no objections to any of the names put forward for nomination to the Law Enforcement Advisory Board, but I seek to understand how it is the County Sheriff has three positions to nominate on this Law Enforcement Advisory Board. Each of us make one.

April 29, 2021

Mayor Alvey said I don't know. I'm assuming that it was part of the bylaws when it was established. I don't know if anyone here has any recollection of this as part of that. **Commissioner Bynum** said, Mayor, I guess I would say, I am more than willing to vote for each of the names, but I would like to understand, at some point, how and why it was set up for the Sheriff to have three persons placed on the board.

Alley Porter, Commission Liaison, said I will get the bylaw to you. I'm trying to search for it real fast but I'm unable to locate it, but the Sheriff by the bylaw, I believe, actually as four appointments and then the Commissioners and Mayor each have one. **Commissioner Bynum** asked, Alley, do you recall off the top of your head, does the Chief of Police have any appointments? If you don't know that's fine. **Emerick Cross, Assistant County Administrator**, said I'm on the website now. It says each UG Commissioner appoints a single member, the Mayor appoints one member, the Wyandotte County Sheriff appoints three members. That's reading from our website for the Law Enforcement Advisory Board. **Commissioner Bynum** said I appreciate that. Thank you so much, Emerick. If anyone's got the historical background, I would appreciate an understanding of how and why it's set up that way. In the meantime, Mayor, I would make a motion to approve the nominations.

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

ITEM NO. 2 – 21799...ORDINANCE: 2018-2019 PRIORITY TRAFFIC SIGNAL PROJECT CMIP 0117

Synopsis: An ordinance directing the Chief Counsel to commence legal proceedings to acquire property for the 2018-2019 Priority Traffic Signal Project, CMIP 0117, at 10th Street & State Avenue, submitted by E. James Bain, Assistant Counsel. On November 5, 2020, the Commission unanimously adopted Resolution No. R-78-20 declaring the project to be a valid public improvement and authorizing a survey of land for said project.

Action: **ORDINANCE NO. O-56-21**, “An ordinance condemning land for the construction, maintenance, operation, reconstruction, and improvements of the 2018-2019 Priority Traffic Signal Project CMIP 0117, all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings.”
Commissioner Johnson made a motion, seconded by Commissioner McKiernan, 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 - MINUTES

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

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

ITEM NO. 4 – WEEKLY BUSINESS MATERIAL

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

Action: **Commissioner Johnson made a motion, seconded by Commissioner McKiernan, 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

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

Synopsis: Request authorization to apply for the EPA, Region 7, Healthy, Resilient, and Sustainable Materials Management Grant, submitted by Melissa Sieben, Assistant County Administrator. No match required. On April 26, 2021, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and fast track to the April 29, 2021 full commission meeting.

Mayor Alvey said this is the EPA Healthy, Resilient, and Sustainable Materials Management Grant. That item was presented at standing committee last Monday. It received vote for approval, fast tracked to tonight's agenda. **Commissioner Bynum**, do you have anything to add? **Commissioner Bynum** said I apologize, I was muted. Now, which item are you talking about? I've confused myself. **Mayor Alvey** said the blue sheet, the EPA Healthy, Resilient, and Sustainable Materials Management Grant. **Commissioner Bynum** said no, no. It's a grant that we unanimously approved. No match, no brainer. Thank you.

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

ADMINISTRATOR'S AGENDA

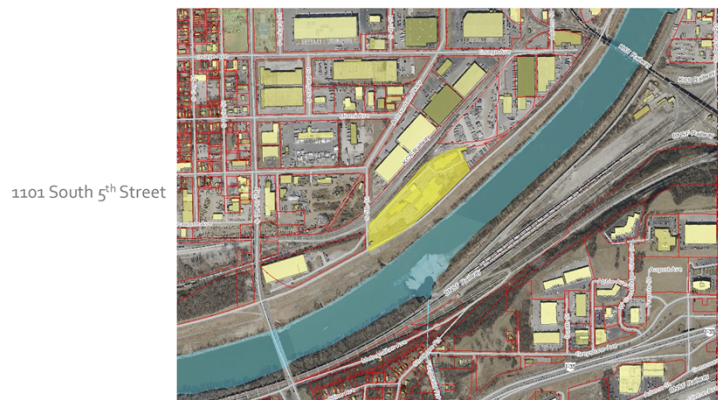
ITEM NO. 1 – 21800...ORDINANCE: PREMIER INVESTMENTS, LLC WAREHOUSE PROJECT (1101 SOUTH 5TH ST.)

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

Doug Bach, County Administrator, said before you this evening is a project submitted for IRBs from Premier Investments. Mr. Wilhite continues to build good projects in our community. Patrick Waters is here to give you a brief summary of this proposal.



Patrick Waters, Senior Counsel, said this is an ordinance that would authorize issuance of \$5.5M in Industrial Revenue Bonds.



Here is the location of the project down along the river on 5th Street.

Previous Use – Midwest Cold Storage



The previous use, as you may recall, was as the Midwest Cold Storage facility.

Recently completed building



Here's a picture of the new building just recently completed construction.

Project Overview

- 75,000 square foot warehouse facility
- 100 New Jobs
- \$5,500,000 Capital Investment
- Previous Commission action:
 - Adopted Resolution of Intent to issue IRBs and approved 80% abatement for 10 years on January 30, 2020.

Approximately, 75,000 sq. ft., brings 100 new jobs to our community, \$5.5M investment. For some history, last year this Commission adopted the resolution of intent to issue the IRBs and approved an 80% abatement for 10 years.

Tax Impact of Expansion Project

Overview	Tax Impact
Current Taxes Collected Annually	\$16,023
Projected Annual Taxes during Abatement (Years 1-10)	\$50,739
Projected Annual Tax after Abatement (Year 11)	\$253,696

This is an overview of the economic impact that the community will see from the project. As you see, even during the abatement period, we will average approximately \$50,000 a year of property taxes and then once the abatement wears off, it jumps up to \$253,000. Given the fact the Commission already adopted the resolution of intent and then Mr. Wilhite completed the building as he intended to, we would recommend approval of the ordinance that formally authorizes the issuance of the bonds.

Mr. Bach said I would just add to the fact that this property was on our delinquent tax list several years ago. We coordinated a deal with Mr. Wilhite. He came forward and he purchased that property as we took it down through our Land Bank process and improved this site by clearing it but moving forward as he had originally promised when we acquired that property from Land Bank.

Mayor Alvey said any comments or questions from the Commission?

Commissioner McKiernan said I will move to approve this submission as submitted in just a moment, but before I do that, I know I said this very same thing back the last time this item came before us, but I want to thank Premier, Bill, and Kathy and their family for all they've invested in Armourdale for over the last 70 years of investment in Armourdale. They absolutely cleared blight in this area. They absolutely have put up a productive building that brings jobs and property tax even in spite of an abatement, it still is a net positive for us. If we totaled up the property taxes that they pay on all of their properties every year, in Armourdale, it is a very impressive number

and we are blessed by their continued investment in our community. I would move to approve as submitted.

Action: **ORDINANCE NO. O-57-21**, “An ordinance authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to issue Taxable Industrial Revenue Bonds (Premier Investments, L.L.C. Project), Series 2021, in a principal amount not to exceed \$5,500,000, for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing and equipping a warehouse facility project including land, buildings, structures, improvements, fixtures, machinery and equipment; authorizing the issuer to enter into certain documents and actions in connection with the issuance of said bonds.” **Commissioner McKiernan made a motion, seconded by Commissioner Townsend, to approve.** Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Markley, Walters. (**Commissioner Kane** dropped off.)

COMMISSIONERS' AGENDA

No items of business

LAND BANK BOARD OF TRUSTEES' AGENDA

No items of business

MAYOR ALVEY

ADJOURNED THE MEETING AT 9:30 P.M.

April 29, 2021

Brett A. Deichler
Interim Unified Government Clerk

tk

April 29, 2021