

**SEPTEMBER 30, 2021 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM**

FULL COMMISSION

You are invited to a Zoom webinar.

When: Sep 30, 2021 07:00 PM Central Time (US and Canada)

Topic: Full Commission Meeting (P/Z)

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83666010794?pwd=Q1M5b0ozakZIakZDdTBvM1FLeDhlQT09>

Passcode: 480368

Or One tap mobile :

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

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Webinar ID: 836 6601 0794

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- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY COMMISSIONER HAROLD JOHNSON, FAITH DELIVERANCE CHURCH OF GOD IN CHRIST**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, SEPTEMBER 30, 2021 AGENDA**
- VI. CLERK'S STATEMENT**
(Anyone wishing to speak about a particular item on the Planning & Zoning Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Planning & Zoning Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR'S AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**
- XIII. ADMINISTRATOR'S AGENDA**

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

PLANNING AND ZONING AGENDA

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **COZ2021-005 - JOE MCLAUGHLIN WITH BHC RHODES**

Synopsis: Change of Zone from R-1 Single Family District to CP-O Planned Non-Retail Business District for additional parking and buildings for Providence Medical Center at 8741 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211036

2. **COZ2021-012 - RAY SAWYER**

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

Tracking #: 211037

3. **COZ2021-026 - MARTY T. ARLING WITH KAW VALLEY ENGINEERING**

Synopsis: Change of Zone from R-1(B) Single Family District to A-G Agriculture District for a 31-acre urban equestrian sanctuary for both horses and residents who reside and traverse there at 4600 Parkview Avenue and 4551 Sloan Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211039

B. SPECIAL USE PERMIT APPLICATIONS

1. **SP2021-029 - NADIA GRIFFITT WITH LATIN QUARTERS, INC.**

Synopsis: Special Use Permit for a drinking establishment with live entertainment at 508 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 211040

2. **SP2021-034 - ATTIF ABBAS WITH ZAYN COMMERCIAL, LLC**

Synopsis: Special Use Permit for liquor sales in conjunction with existing convenience store/gas station at 8537 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2**

YEARS)

Tracking #: 211041

3. SP2021-045 - JAMES SULLIVAN WITH SULLIVAN PALMER ARCHITECTS

Synopsis: Special Use Permit for auto storage and maintenance building at 1037 South 26th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211042

4. SP2021-052 - CORINNA WEST

Synopsis: Special Use Permit to keep 12 breeding adult ducks at 1921 Nebraska Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS FOR 8 ADULT DUCKS)**

Tracking #: 211043

5. SP2021-065 - ADRIENNE BORTZ WITH BORTZ PROPERTY INVESTMENT, LLC

Synopsis: Special Use Permit for a Short-Term Rental/AirBNB at 4138 Lloyd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 211044

6. SP2021-066 - OSCAR FLORES-URRITIA

Synopsis: Special Use Permit for a kennel/doggie day care and boarding operation at 4001 North 74th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211046

C. MASTER PLAN AMENDMENTS

1. MPL2021-013 - JOE MCLAUGHLIN WITH BHC RHODES

Synopsis: Master Plan Amendment from Low-Density Residential to Public/Semi-Public (City-Wide Master Plan) at 8741 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211049

2. MPL2021-014 - RON WU

Synopsis: Master Plan Amendment from Low-Density Residential to Medium-Density Residential (City-Wide Master Plan) at 609 and 611 South 75th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211050

3. MPL2021-015 - RON WU

Synopsis: Master Plan Amendment from Low-Density Residential to Medium-Density Residential (City-Wide Master Plan) at 617 and 619 South 75th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211051

D. ORDINANCE AMENDMENT

1. **AN AMENDMENT** to modify Section 27, Division 5, Subdivision 3 of the Floodplain District to allow after the fact permitting of structures within the floodplain that conformed to the ordinance at the time they were built, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211047

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

1. **AN ORDINANCE** rezoning property at 725 North 74th Drive (COZ2021-020) from R-1 Single Family, RP-4 Planned Garden Apartment and RP-5 Planned Apartment Districts to MP-2 Planned General Industrial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211056

2. **AN ORDINANCE** rezoning property at 900 North 69th Street (COZ2021-021) from R-1 Single Family and C-1 Limited Business Districts to MP-2 Planned General Industrial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211057

3. **AN ORDINANCE** rezoning property at 1201 North 98th Street (COZ2021-022) from A-G Agriculture District to CP-3 Planned Commercial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211059

4. **AN ORDINANCE** rezoning property at 609 and 611 South 75th Street (COZ2021-0024) from R-1 Single Family District to R-2 Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211061

5. **AN ORDINANCE** rezoning property at 617 and 619 South 75th Street (COZ2021-025) from R-1 Single Family District to R-2 Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211062

6. AN ORDINANCE authorizing a Special Use Permit at 204 Orchard Street (SP2021-015) for continuation of a drinking establishment and live entertainment, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211066
7. AN ORDINANCE authorizing a Special Use Permit at 7852 Leavenworth Road (SP2021-026) for continuation of Temporary Use of Land to park salt plow trucks, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211067
8. AN ORDINANCE authorizing a Special Use Permit at 1327 Minnesota Avenue (SP2021-050) for continuation of a parking lot, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211068
9. AN ORDINANCE authorizing a Special Use Permit at 2003 1/2 - 2005 North 5th Street (SP2021-061) for continuation of live entertainment, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211069
10. AN ORDINANCE vacating an easement (VAC2021-009) at 5917 North 123rd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211064
11. AN ORDINANCE authorizing a Special Use Permit at 1930 South 74th Street (SP2021-057) for an earthen fill, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211070

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. CHANGE OF ZONE APPLICATION

1. COZ2021-018 - COLE ANDERSON

Synopsis: Change of Zone from MP-1 Planned Light Industrial and Industrial Park and A-G Agriculture Districts to MP-3 Planned Heavy Industrial District for a permanent asphalt plan at 1625 South 86th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL - 7/1 VOTE)**

Tracking #: 211038

B. SPECIAL USE PERMIT APPLICATION

1. **SP2021-062 - GORDON ARTHUR SCHOLLES III WITH CLUB 403**

Synopsis: Special Use Permit for a drinking establishment/neighborhood bar with live entertainment at 614 Reynolds Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS - 5/4 VOTE)**

Tracking #: 211045

C. MASTER PLAN AMENDMENT

1. **MPL2021-006 - COLE ANDERSEN**

Synopsis: Master Plan Amendment from Business Park to Industrial at 1625 South 86th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL - 7/1 VOTE)**

Tracking #: 211048

D. MISCELLANEOUS

1. Armourdale Area Master Plan update, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(FOR INFORMATION ONLY)**

Tracking #: 211048

TAX STATUS REPORT
BOARD OF COMMISSIONERS AGENDA FOR SEPTEMBER 30, 2021

None of the properties included in applications to be considered on the Planning & Zoning agenda have delinquent taxes prior to 2020.

NOTE: This information cannot serve as the basis for approval or denial of an application. It is not among the factors to be considered as set by ordinance or among accepted zoning factors and criteria. However, such information in certain cases might be relevant to evaluating accepted factors or as an accompaniment to other valid purposes and/or factors.

REGULAR AGENDA

IX. MAYOR'S AGENDA

1. **APPOINTMENT: VOTING DELEGATE FOR KAC**

Synopsis: Appoint Commissioner Jane Philbrook as the voting delegate and Bridgette Cobbins as alternate for the Kansas Association of Counties 46th Annual Conference & Exhibition.

Tracking #: 211052

X. REGULAR CONSENT AGENDA

1. RESOLUTION: FIRST AMENDMENT TO DEVELOPMENT AGREEMENT FOR VILLAGE WEST APARTMENTS III

Synopsis: A resolution adopting the First Amendment to Village West Apartments III Development Agreement, modifying the completion dates and PILOT schedule, submitted by Katherine Carttar, Director of Economic Development.

*On September 13, 2021, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 211015

2. RESOLUTION: FIRST AMENDMENT TO KAW RIVER BRIDGE COOPERATIVE AND DEVELOPMENT AGREEMENT

Synopsis: A resolution adopting the First Amendment to the Kaw River Bridge Cooperative and Development Agreement, modifying the conditions required to be met for Developer to access Pre-Development Funding, submitted by Katherine Carttar, Director of Economic Development.

*On September 13, 2021, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 211016

3. PLAT: PRECISION

Synopsis: Plat of Precision located at 47th St. and Douglas, being developed by Precision Cutting and Coring, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Tracking #: 211053

4. PLAT: HOMEFIELD MULTIFAMILY

Synopsis: Plat of Homefield Multifamily located at 94th and State Ave., being developed by 94th and State, LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Tracking #: 211054

5. PLAT: TURNER LOGISTICS CENTER FIFTH PLAT

Synopsis: Plat of Turner Logistics Center Fifth Plat located at College Parkway and Orville Avenue, being developed by NP Turner Industrial, LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Tracking #: 211072

6. PLAT: TURNER LOGISTICS CENTER SIXTH PLAT

Synopsis: Plat Turner Logistics Center Sixth Plat located at College Parkway and Orville Avenue, being developed by NP Turner Industrial, LLC, submitted by Brent

Thompson, County Surveyor; and Troy Shaw, County Engineer.

Tracking #: 211073

7. MINUTES

Synopsis: Minutes from regular session of July 29, 2021; special meeting of September 7, 2021; and special sessions of September 2 and 9, 2021.

Tracking #: MINUTES

8. WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated September 9, 16 and 23, 2021.

Tracking #: WEEKLY BUSINESS MATERIAL

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

1. RESOLUTION: UNIFIED GOVERNMENT MITIGATION PLAN FOR STAFF RELATED TO COVID-19 AND ARPA ALLOCATION

Synopsis: A resolution approving the Unified Government Mitigation Plan for Staff related to COVID-19 and the allocation of American Rescue Plan Act (ARPA) funds, submitted by J. Renee Ramirez, Director of Human Resources.

*This item was scheduled to appear before the **Administration and Human Services Standing Committee**, chaired by Commissioner Bynum, on September 27, 2021. It was requested, and approved by the Mayor, to fast track this item to the September 30, 2021 full commission meeting.*

Tracking #: 211031

2. RESOLUTION: THIRD AMENDMENT TO DEVELOPMENT AGREEMENT FOR LEGENDS WEST LAWN

Synopsis: A resolution approving the Third Amendment to Legends West Lawn Development Agreement, submitted by Katherine Carttar, Director of Economic Development.

*This item was scheduled to appear before the **Administration and Human Services Standing Committee**, chaired by Commissioner Bynum, on September 27, 2021. It was requested, and approved by the Mayor, to fast track this item to the September 30, 2021 full commission meeting.*

Tracking #: 211071

XIII. ADMINISTRATOR'S AGENDA

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

1. LAND BANK OPTION APPLICATIONS

Synopsis: Request consideration of the following Land Bank option applications, submitted by Jud Knapp, Interim Land Bank Manager.

A. New Construction - Single Family Homes

1. Ryan Barr – 1 home
611 Douglas Ave. – 155069
2. Habitat for Humanity of Kansas City – 1 home
2735 Roswell – 099219
3. Derek Covington – 4 homes
2608 Hallock St. – 292403
2604 Hallock St. – 292401
2526 N. 6th St. – 292423
2529 N. 6th St. – 292424
4. Chris Solutions Construction LLC – 1 home
1735 S. 22nd St. – 161100

B. New Construction – Multi Family

- Bryan and Michelle Williams 10 – 15 units
922 N. 47th Ter. – 051400

C. New Construction - Commercial

1. City Oil Co. Inc.
2080 Darby Ave. – 154058
2074 Darby Ave. – 166404
2. Argentine Neighborhood Development Association
3119 Strong Ave. – 166441 – building
1419 S. 32nd St. – 166404 – parking
3. Centro De Avivamiento Casa De Dios
1001 Minnesota Ave. – 080414
1005 Minnesota Ave. – 081400
1007 Minnesota Ave. – 080415
4. Jaime Ruiz
1129 Osage Ave. – 072531
1130 Pennsylvania Ave. – 072532

*On September 13, 2021, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.*

Tracking #: 211017

2. LAND BANK PROPERTY TRANSFERS AND YARD EXTENSIONS

Synopsis: Request consideration of the following Land Bank transfers and yard extensions, submitted by Jud Knapp, Interim Land Bank Manager.

A. Property Transfers

1. CHWC
822 Everett Ave. – 081898

- 824 Everett Ave. – 081897
- 836 Everett Ave. – 081896
- 840 Everett Ave. – 081895
- 842 Everett Ave. – 081894
- 844 H Everett Ave. – 081893
- 846 Everett Ave. – 081892
- 825 Oakland Ave. – 081877
- 831 Oakland Ave. – 081879
- 833 Oakland Ave. – 081880
- 2. USD 500
 - 823 New Jersey Ave. – 082318
 - 820 Freeman Ave. – 082347
- 3. Unified Government
 - 2450 S. 14th St. – 130000
 - 2441 S. 14th St. – 129528
- B. Yard Extensions
 - 1. Walter Linares
 - 4414 Parallel Pkwy.
 - 2. Alex & Laura Sanchez
 - 3451 R N. 39th St. – 167037
 - 3. David Patton
 - 2523 N. 38th St. – 105140
 - 4. Blank
 - 1030 Quindaro Blvd. – 106259

*On September 13, 2021, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.*

Tracking #: 211018

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 30, 2021

Re: COZ2021-005 and MPL2021-013

GENERAL INFORMATION

Applicant:
Joe McLaughlin

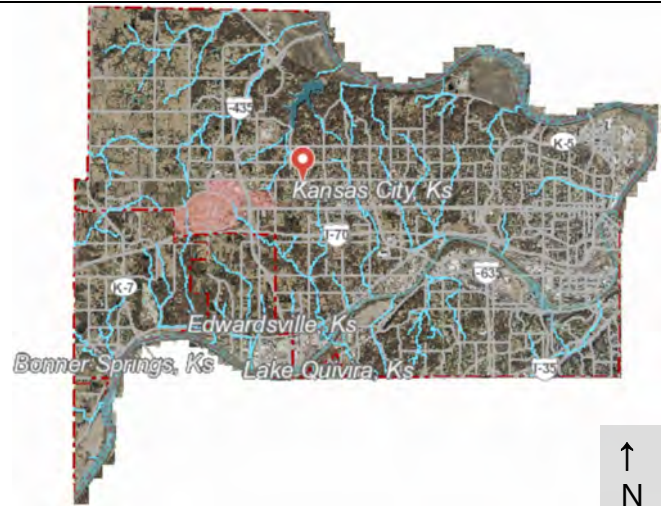
Status of Applicant:
Representative
BHC Rhodes
712 State Avenue
Kansas City, Kansas 66101

Requested Actions:
Approval of a Change of Zone.

Date of Application:
February 3, 2021

Purpose:
To change the zoning district from R-1
Single Family District to CP-0 Planned
Non-Retail Business District.

Property Location:
8741 Parallel Parkway
Kansas City, Kansas 66112



Commission Districts:	Commissioner At Large: Tom Burroughs District #7 Commissioner: Jim Walters
Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family and CP-0 Planned Non-Retail Business Districts West: CP-0 Planned Non-Retail Business Districts
Adjacent Uses:	North: Single-family residences South: Single-family residences East: Providence YMCA/Ball Family Center West: Providence Medical Center
Total Tract Size:	4.73 Acres
Master Plan Area:	The subject property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this property as Low-Density Residential. Low-Density Residential allows for single-family residences and institutions such as elementary and middle schools, libraries, and small places of worship. Low-Density Residential discourages all industrial uses. The cultural principles of the Low-Density Residential land use designation state that land use polices are geared to protect against industrial, commercial, and multi-family encroachment into established single-family neighborhoods.
Major Street Plan:	The Major Street Plan designates Parallel Parkway as a Class A Thoroughfare.
Required Parking:	R-1 District (current zoning): Section 27-454(e) requires two (2) off-street parking spaces premises for each single-family dwelling, at least one of which shall be in a garage or carport. CP-0 District (proposed zoning): Section 27-463(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building.
Advertisement:	<u>The Wyandotte Echo</u> – March 18, 2021, June 15, 2021, and August 19, 2021

Letters to Property Owners – March 19, 2021, June 16, 2021, August 20, 2021 and September 22, 2021

Public Hearings: September 13, 2021 and September 30, 2021

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Joe McLaughlin with BHC Rhodes, is requesting a Change of Zone from R-1 Single Family District to CP-0 Planned Non-Retail Business District for Lot 2 of the Providence Medical Center 2nd Plat. The Change of Zone is being requested in order to allow for future expansion of the Providence Medical Center campus.

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

Code Enforcement History: There are no record of current or previous Notices of Violation associated with the property.

FACTORS TO BE CONSIDERED

1. The character of the neighborhood.

Along Parallel Parkway properties consist mostly of commercial and other non-retail office and recreation spaces. Most parcels are zoned for residential or non-retail commercial use. In fact, only a couple of parcels are zoned for uses more intense than C-1 Limited Business Commercial District. While some commercial lots are under one (1) acre and cluster around Parallel Parkway, there are other parcels that are larger—from a few acres to several dozen. With the exception of the Providence Medical Center campus, most of these larger parcels are lightly developed or undeveloped altogether. There is, however, a single-family residence adjacent to the east of the subject property. Unified Government records show that this residence is owned by the same entity that owns the subject property.

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

The subject property is located in between the current campus of the Providence Medical Center to the west and a single-family residential property to the east, with a YMCA building the next parcel to the east after that. Both the Providence Medical Center and the YMCA are zoned CP-0 and are used generally for health and wellness purposes. The single-family residence parcel is zoned R-1 but is owned by the same entity as the subject property. A Change of Zone from R-1 to

CP-0 would effectively connect these parcels into a stretch of CP-0-zoned land along Parallel Parkway.

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

The subject property is the best place for any expansion of the Providence Medical Center. The property is directly adjacent to the current medical center campus, and its location along Parallel Parkway makes it better than expansion of the current campus in any other direction. Development to the north, across Parallel Parkway would divide the campus and reduce intra-campus accessibility, especially for pedestrians. Development to the west, across North 90th Street, presents the same connectivity problems, and development to the south would move hospital traffic deeper into the residential neighborhood and away from a Class A Thoroughfare as employees, patients, and guests find places to park.

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

It is unclear how long the property has been vacant, but it appears that the property was undeveloped when it was platted as Lot 1 of the Parallel Place Final Plat in 2016 and approved in 2017.

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

The applicant is seeking a Change of Zone in preparation for future expansion of the Providence Medical Center campus. A hospital is necessary and convenient but because no development plans have been provided, Staff cannot yet determine the impacts of such hospital and medical campus expansion.

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

A Change of Zone from R-1 to CP-0, regardless of the lack of development plans, has the potential to increase traffic. Staff cannot make any further assessment without development plans; Staff is requesting development plans from the applicant.

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

The existing land use designation for the property is Low-Density Residential. A land use designation under the City-Wide Master Plan, Low-Density Residential allows for single-family residences and institutions such as elementary and middle schools, libraries, and small places of worship. The cultural principles of the Low-Density Residential land use designation state that land use policies are geared to protect against industrial, commercial, and multi-family encroachment

into established single-family neighborhoods. A Change of Zone to the CP-0 Non-Retail Business District would allow for uses outside of those allowed by Low-Density Residential. Some of such uses allowed by right in the CP-0 District would also be in conflict with the Low-Density Residential cultural principles. For these reasons, and to maintain consistency with the rest of the Providence Medical Center campus, the applicant must request a Master Plan Amendment for the land use designation, from Low-Density Residential to Public/Semi-Public, before COZ2021-005 can be heard by the City Planning Commission. This Master Plan Amendment request must be for not only the subject property, but for any parcel within the Providence Medical Center campus that does not already have a Public/Semi-Public City-Wide Master Plan land use designation.

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

Development of the property will lead to an increase of impermeable surfaces, parking needs, traffic at peak times, and risk of standing water or runoff. The exact impact of these changes on surrounding properties cannot be completely known at this time, especially without more detailed development plans.

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

a. *Water service*

Water lines must be installed on the property as part of any site development.

b. *Sanitary sewer service*

Sanitary sewer lines are present in the north boundary of the subject property. Sewer lines will need to be extended and expanded to accommodate the proposed any future development.

c. *Storm water control*

Storm water mains are located along Parallel Parkway and North 96th Street.

d. *Police*

Police service is provided by West District, #222.

e. *Fire*

Fire service is provided by Fire Station #6.

f. Transit

The property is served by KCATA Route 116 (West Parallel). There is a bus stop located on the Providence Medical Center campus, at Providence Medical Center Circle Drive. The bus stop, however, is not located on the subject property, but is on the adjacent parcel within the current Providence Medical campus.

g. Schools

Public education is provided by Claude Huyck Elementary School, Arrowhead Middle School, and Washington High School, under Kansas City USD 500.

h. Streets

The property is accessible by Parallel Parkway, running east-west.

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

Expansion of the Providence Medical Center will be beneficial to the community and to the Wyandotte County workforce. An expanded campus can result in expanded services and an expanded capacity to serve the public. Expanded services will also mean more employees will need to be hired to fill more roles. It is unclear at this time, however, how many jobs will be created, the quality and starting pay of those jobs, and the percentage of Wyandotte County residents that will fill those jobs.

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

As the applicant has not submitted any development plans, Staff cannot determine at this time if the future proposed use can comply with all ordinance requirements. While development plans are not required for planning actions such as Final Plats and Changes of Zone, it would be beneficial to the planning process and to all parties involved if the applicant provided development plans by simultaneously applying for a Preliminary Plan Review in conjunction with a Change of Zone. If a Preliminary Plan Review is not submitted to be heard in conjunction with COZ2021-005, then a Preliminary and Final Plan Review is required for future development of the subject property.

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

Proposed development in this area is consistent with—and is an expansion of—the current development. The relative gain to the public health, safety, and welfare with the expansion of a medical center certainly exceeds any hardships imposed on the individual landowner or landowners, whom are already in close

proximity to similar existing developments.

PREVIOUS ACTIONS

Parallel Place Preliminary and Final Plat (2016)

Providence Medical Center 2nd Addition Preliminary and Final Plat (2020)

NEIGHBORHOOD MEETING

The applicant received calls and e-mails through March 29, 2021. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant (see “Neighborhood Meeting Materials, Dated March 31, 2021” the *Attachments* section of this report).

KEY ISSUES

Access to Property

Adjacent Single-Family Uses

Commercial Design Guidelines

Future Development Plans

Landscaping

Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-005** and Master Plan Amendment **MP2021-013**, subject to:

- 1) **This staff report is for COZ2021-005, a Change of Zone (as well as for MPL2021-013, a Master Plan Amendment). Per Section 27-211(e)(2), a Change of Zone to a planned district requires a Preliminary Plan Review as part of the rezoning process. As such, a Final Plan Review will subsequently be required for the subject property. All conditions of approval passed with COZ2021-005 must be reflected in the submitted plans and conditions of approval for the future Final Plan Review. Changes in the Final Plan Review from the approved Change of Zone/Preliminary Plan Review must not be considered significant, pursuant to Section 27-211(h)(1)a-l. If any changes to the approved Change of Zone/Preliminary Plan Review are deemed significant, the applicant must resubmit a revised Preliminary Plan Review for approval by the City Planning Commission and the Board of Commissioners. The following changes between the Change of Zone/Preliminary Plan Review and Final Plan Review are considered significant:**
 - a. **Any changes that exceed the provisions of subsection (f) of this section or other terms specified by the Planning Commission and/or Unified Government Board of Commissioners;**
 - b. **Increases in density or intensity of residential uses by more than five percent (5%);**

- c. Increases in total floor area (entire plan) of all nonresidential buildings by more than five percent (5%) or 5,000 square feet, whichever is less;
 - d. Increases of lot coverage by more than five percent (5%);
 - e. Changes of architectural style that will make the project less compatible with surrounding uses;
 - f. Changes in ownership patterns or stages of construction that will lead to a different development concept;
 - g. Changes in ownership patterns or stages of construction that will impose substantially greater loads on streets and other public facilities;
 - h. Decreases of any peripheral setback of more than five percent (5%);
 - i. Decreases of areas devoted to open space of more than five percent or the substantial relocation of such areas;
 - j. Changes of traffic circulation patterns that will affect traffic outside of the project boundaries;
 - k. Modification or removal of conditions or stipulations to the preliminary development plan approval; or
 - l. Modifications that change, amend, or violate the terms of the comprehensive plan;
- 2) Future development must connect to Parallel Parkway and all existing campus transportation nodes and provide pedestrian access;
 - 3) All future on-site development will be subject to the regulations of the CP-0 Planned Non-Retail Business District and the Commercial Development Guidelines Overlay District;
 - 4) Per Section 27-463(g), a reasonable amount of landscaping is required on all projects in this district, with emphasis being placed on screening or otherwise softening the visual impact of parking or unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required at not less than one per 7,000 square feet of site area. Screening or buffer plantings are to be provided along all side and rear property lines common to or across an alley from single-family or two-family zoned property;
 - 5) Per Section 27-463(g), one (1) tree is required for every 7,000 square feet of site area. The subject property's site area is 205,986 square feet, which requires 30 trees. The current landscape plan only demonstrates 26 trees, which is four (4) trees fewer than required. The applicant must submit a revised landscape plan, in conjunction with the requisite Final Plan Review, that demonstrates at least 30 trees;
 - 6) Per Section 27-700(b)(1), buffer plantings, which shall include the equivalent of a minimum of one evergreen tree or one shade tree and three large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family-zoned property. Buffer plantings will be in addition to required trees. In the C-0/CP-0 District, buffer plantings may be required to be concentrated along potentially unsightly areas or where sensitive areas exist on adjacent property;
 - 7) Future development requires a Final Plan Review;
 - 8) A building permit is required. Please contact the Building Inspection Department to begin that process;

- 9) Per 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) If approved, occupying businesses will need to maintain a current business occupation tax application with this office;
- 11) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
- 12) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610—8-618). Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works department, 701 North 7th Street, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
- 13) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of **COZ2021-005** and **MPL2021-013**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 13, 2021 City Planning Commission Minutes
Aerial Map
Land Use Map
Zoning Map
Photos of the Property Provided by Staff, Dated March 21, 2021
Plot Plan Submitted by the Applicant
Site Plan Submitted by the Applicant
Landscaping Plan Submitted by the Applicant
Preliminary Elevations Submitted by the Applicant
Utility Plan Submitted by the Applicant
Proposed Drainage and Grading Plan Submitted by the Applicant
Amended Preliminary Stormwater Management Plan, Dated August 24, 2021
Conservation District Letter, Dated March 16, 2021
Commercial Development Guidelines Overlay District Regulations,

- Sections 27-573 – 27-578

Neighborhood Meeting Materials, Dated March 31, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing Change of Zone	September 13, 2021 Approval	September 30, 2021
Master Plan Amendment	September 13, 2021 Approval	September 30, 2021

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2021-013** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report, and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2021-013**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-005** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report, and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2021-005**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 13, 2021 City Planning Commission Minutes:

Hearing starts at 31:15:

MASTER PLAN AMENDMENT MPL2021-013 – JOE MCLAUGHLIN WITH BHC RHODES – SYNOPSIS: Master Plan Amendment from Low-Density Residential to Public/Semi-Public (City-Wide Master Plan) at 8741 Parallel Parkway.

CHANGE OF ZONE APPLICATION COZ2021-005 – JOE MCLAUGHLIN WITH BHC RHODES - SYNOPSIS: Change of Zone from R-1 Single Family District to CP-O Planned Non-Retail Business District for additional parking and buildings for Providence Medical Center at 8741 Parallel Parkway.

Detailed Outline of Requested Action: The applicant, Joe McLaughlin with BHC Rhodes, is requesting a Change of Zone from R-1 Single Family District to CP-O Planned Non-Retail Business District for Lot 2 of the Providence Medical Center 2nd Plat. The Change of Zone is being requested in order to allow for future expansion of the Providence Medical Center campus.

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

Code Enforcement History: There are no record of current or previous Notices of Violation associated with the property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to property owners.

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

Present in Support:

- Joe McLaughlin, applicant, BHC Rhodes, 712 State Avenue, Kansas City, Kansas 66101
- Austin Lage, BHC Rhodes, 7101 College Boulevard, Suite, 400, Overland Park, Kansas
- Sean Asmus, Prime Healthcare (did not speak)

Present in Opposition:

- No one appeared

Staff Recommendation starts at 37:24: Planning Director Hand stated that when the plans for this development are ready, it will require a final development plan. At that time, the conditions will be more specific about the Commercial Design Guidelines as well as the pedestrian circulation internal to the site as well as a direct sidewalk connection to Parallel Parkway. He further stated that the staff has not received any letters in support nor opposition and there are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 38:25:

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment Application**

MPL2021-013:

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Hill	Aye
Huey	Aye
Jones	Aye

Miller Aye
Mohler Aye
Pauley Aye
Armstrong Aye

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

- 1) This staff report is for COZ2021-005, a Change of Zone (as well as for MPL2021013, a Master Plan Amendment). Per Section 27-211(e)(2), a Change of Zone to a planned district requires a Preliminary Plan Review as part of the rezoning process. As such, a Final Plan Review will subsequently be required for the subject property. All conditions of approval passed with COZ2021-005 must be reflected in the submitted plans and conditions of approval for the future Final Plan Review. Changes in the Final Plan Review from the approved Change of Zone/Preliminary Plan Review must not be considered significant, pursuant to Section 27-211(h)(1)a-l. If any changes to the approved Change of Zone/Preliminary Plan Review are deemed significant, the applicant must resubmit a revised Preliminary Plan Review for approval by the City Planning Commission and the Board of Commissioners. The following changes between the Change of Zone/Preliminary Plan Review and Final Plan Review are considered significant:
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 - c. Increases in total floor area (entire plan) of all nonresidential buildings by more than five percent (5%) or 5,000 square feet, whichever is less;
 - d. Increases of lot coverage by more than five percent (5%);
 - e. Changes of architectural style that will make the project less compatible with surrounding uses;
 - f. Changes in ownership patterns or stages of construction that will lead to a different development concept;
 - g. Changes in ownership patterns or stages of construction that will impose substantially greater loads on streets and other public facilities;
 - h. Decreases of any peripheral setback of more than five percent (5%);
 - i. Decreases of areas devoted to open space of more than five percent or the substantial relocation of such areas;
 - j. Changes of traffic circulation patterns that will affect traffic outside of the project boundaries;
 - k. Modification or removal of conditions or stipulations to the preliminary development plan approval; or
 - l. Modifications that change, amend, or violate the terms of the comprehensive plan;
- 2) Future development must connect to Parallel Parkway and all existing campus transportation nodes and provide pedestrian access;

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- 4) Per Section 27-463(g), a reasonable amount of landscaping is required on all projects in this district, with emphasis being placed on screening or otherwise softening the visual impact of parking or unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required at not less than one per 7,000 square feet of site area. Screening or buffer plantings are to be provided along all side and rear property lines common to or across an alley from single-family or two-family zoned property;
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- 7) Future development requires a Final Plan Review;
- 8) A building permit is required. Please contact the Building Inspection Department to begin that process;
- 9) Per 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) If approved, occupying businesses will need to maintain a current business occupation tax application with this office;
- 11) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
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Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,

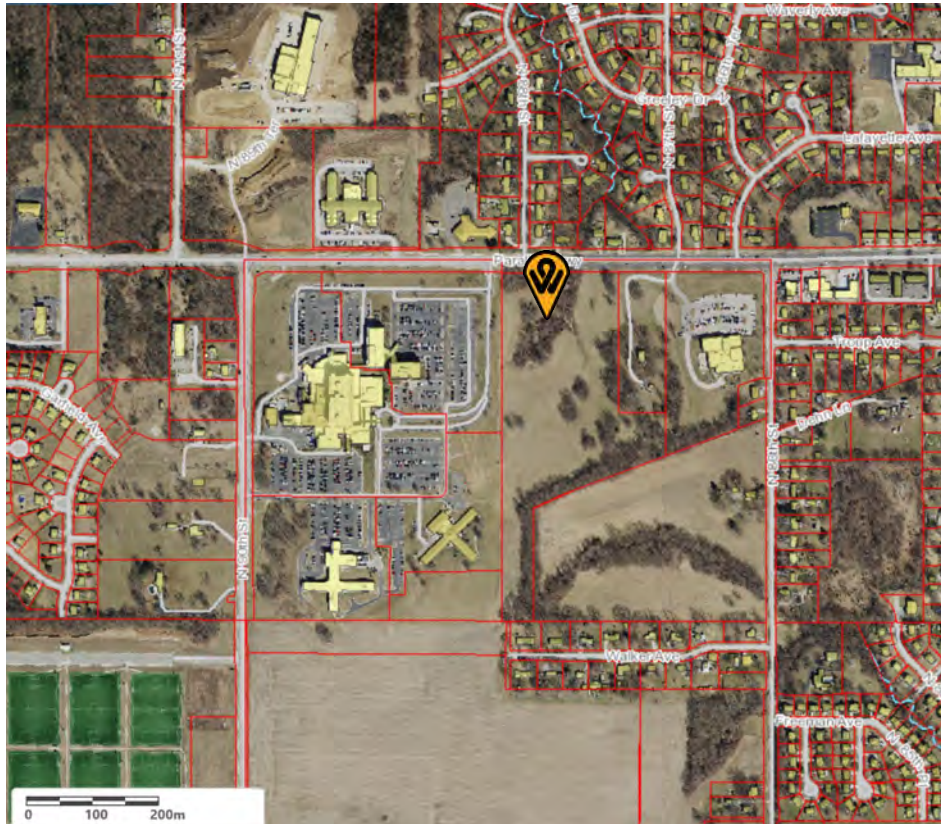
- 13) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the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

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2021-005:**

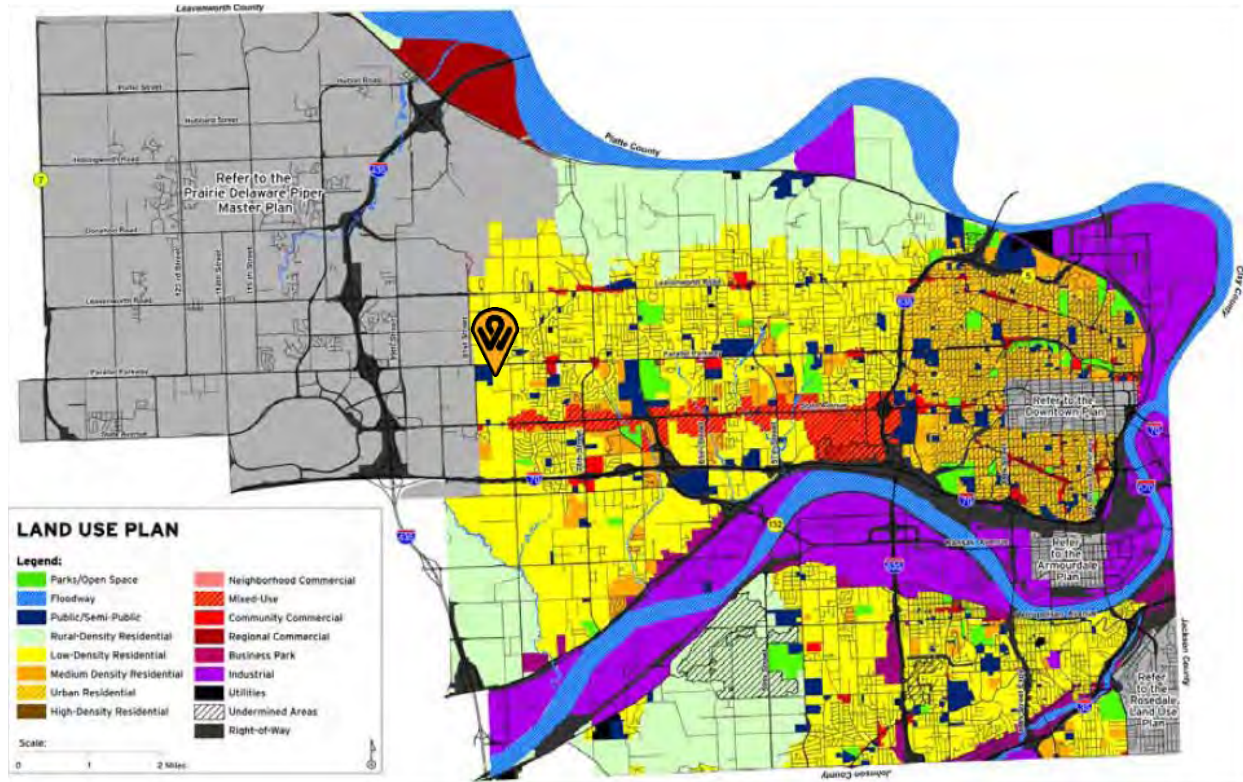
Carson	Chairman
Connelly	Not Present
Ernst	Aye
Hill	Aye
Huey	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Pauley	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 8 to 0
Subject to the above conditions

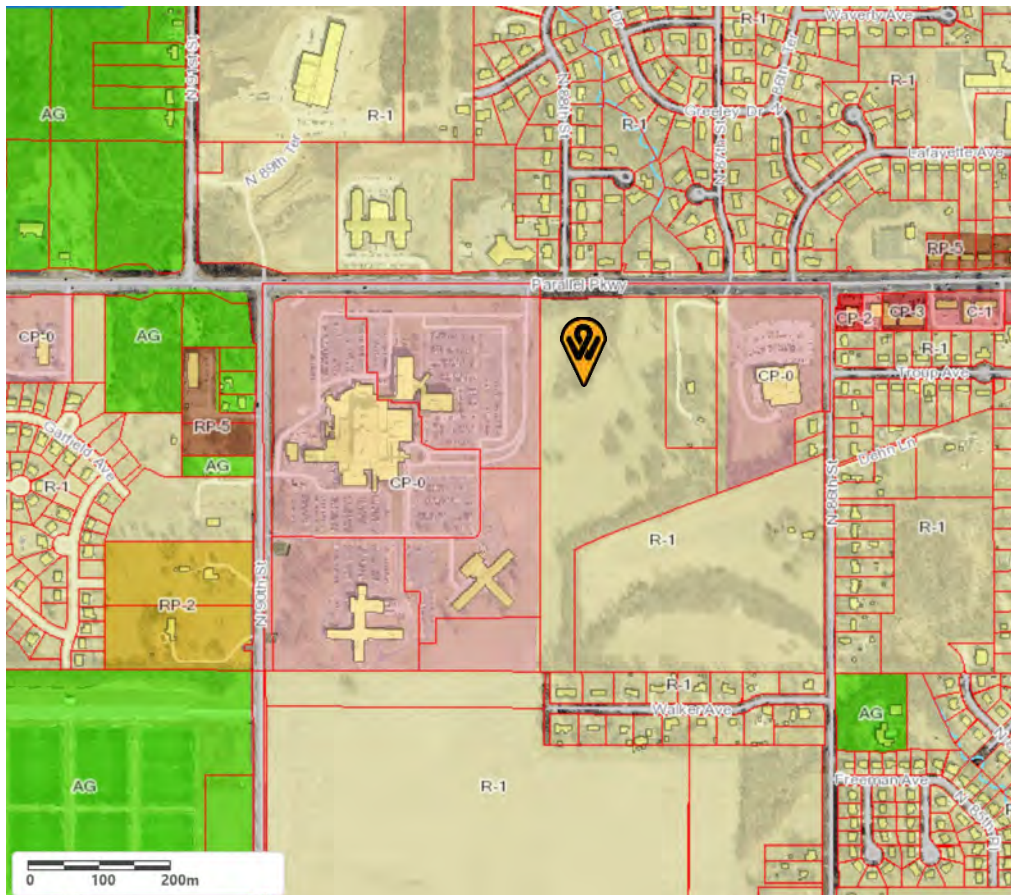
AERIAL MAP



LAND USE MAP

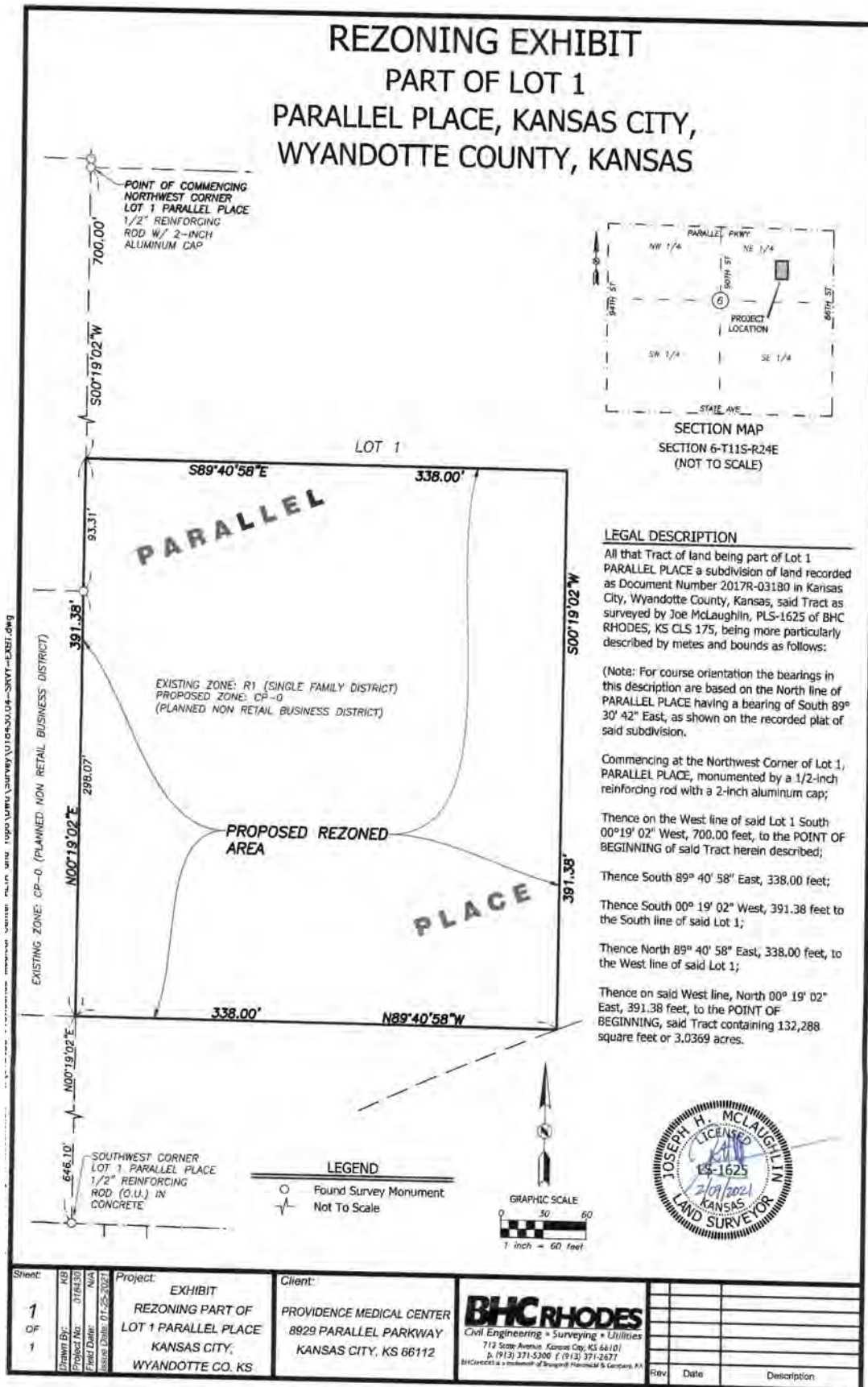


ZONING MAP

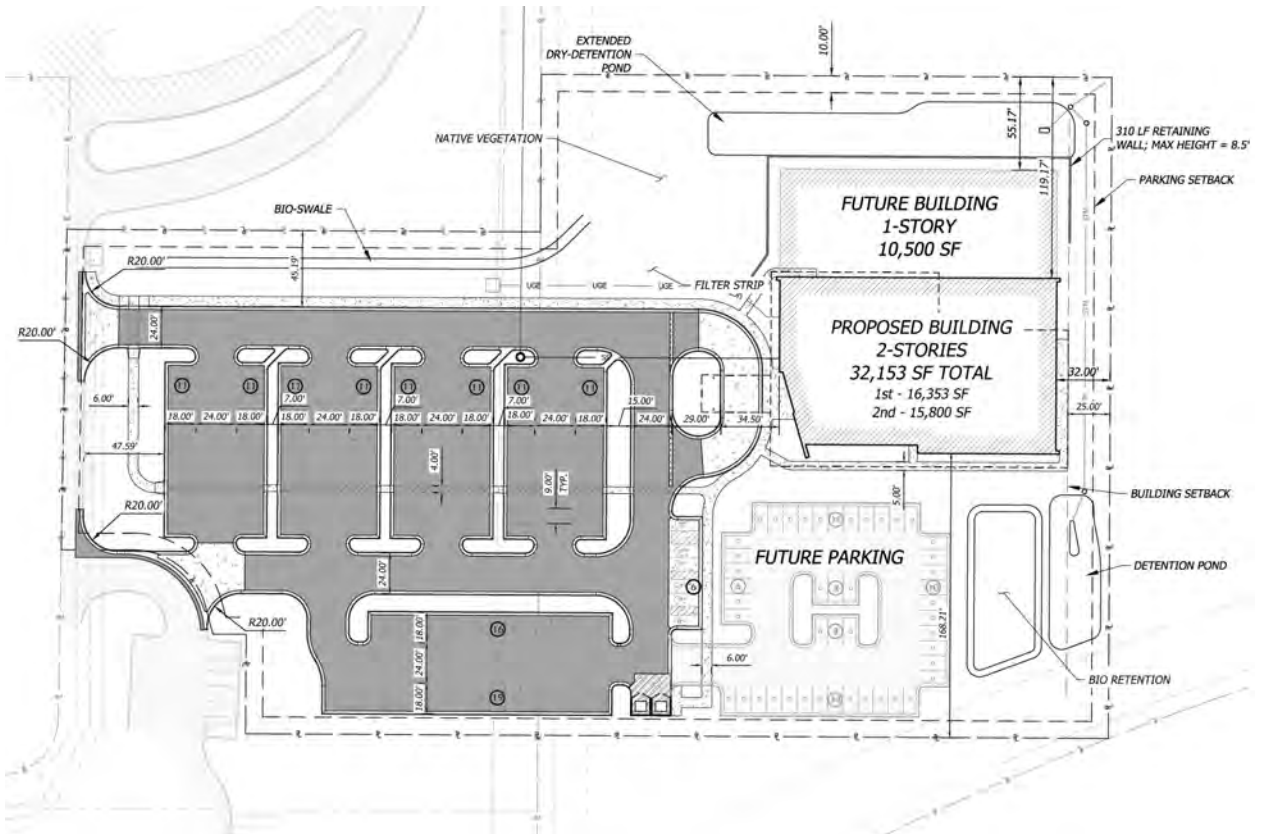
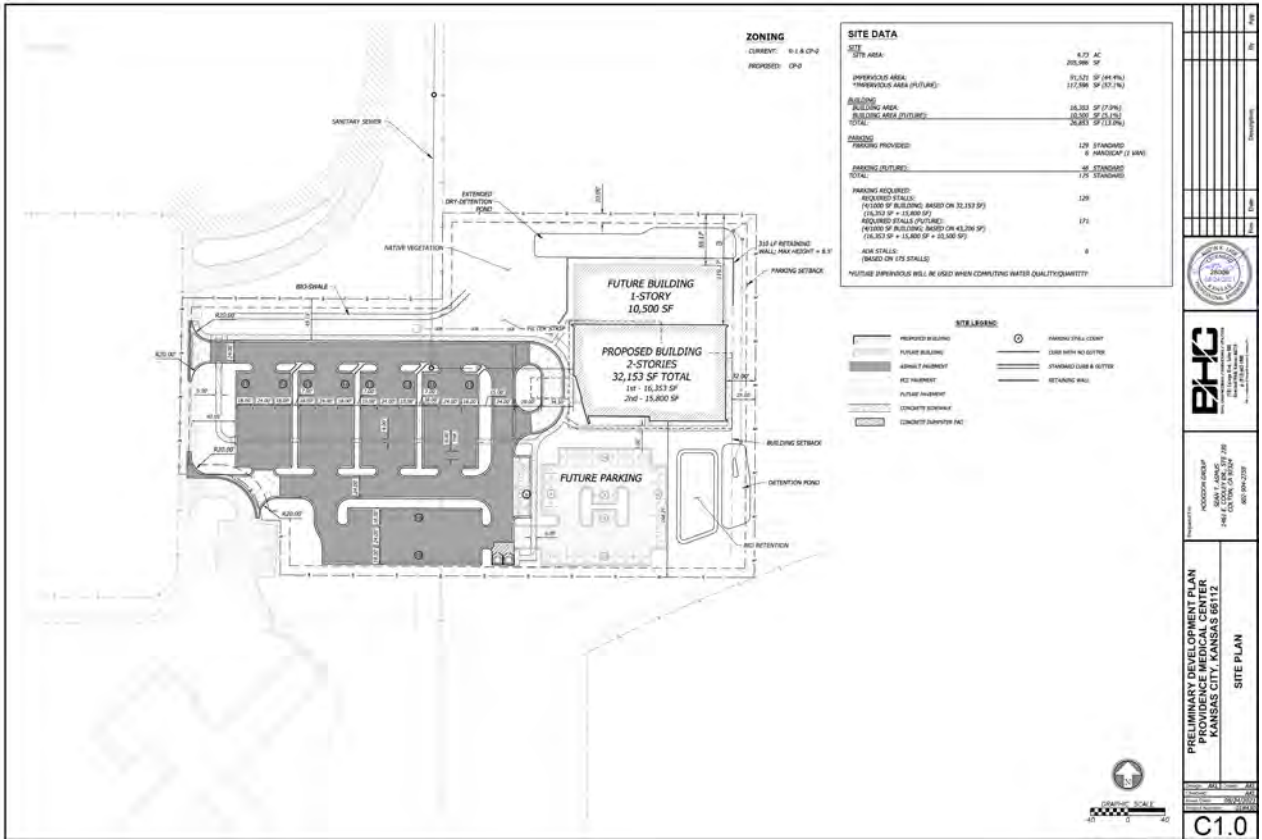


PHOTOS OF THE PROPERTY PROVIDED BY STAFF, DATED MARCH 21, 2021

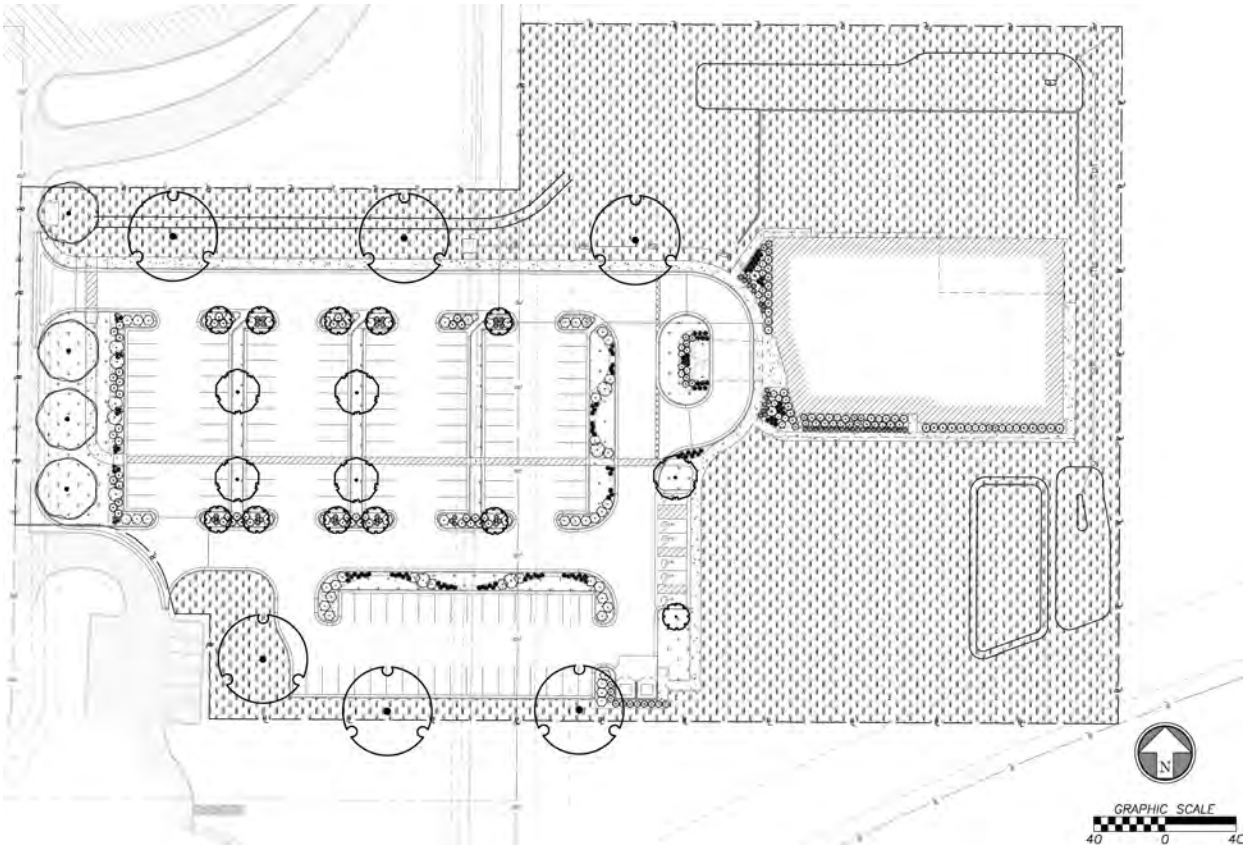
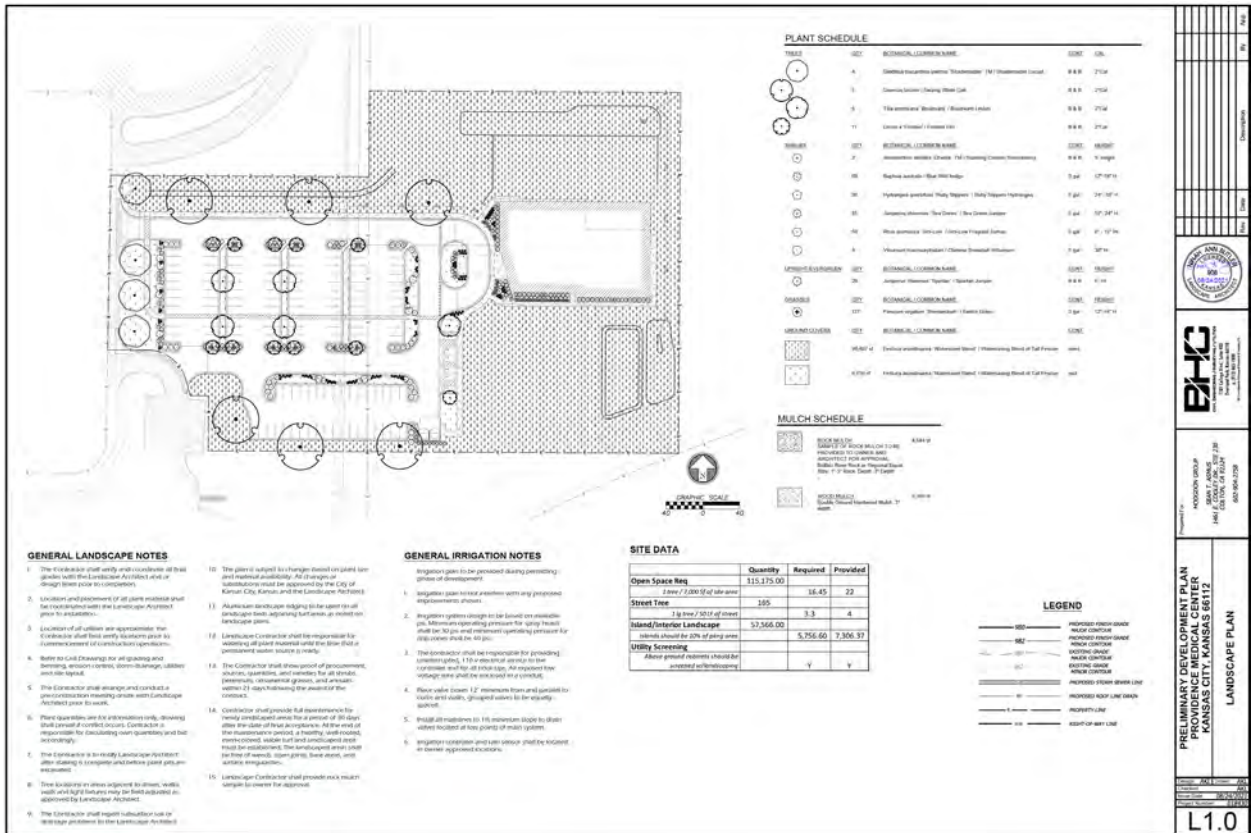




SITE PLAN SUBMITTED BY THE APPLICANT



LANDSCAPING PLAN SUBMITTED BY THE APPLICANT



[illegible]

1 NORTH ELEVATION
Grid lines: 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826,

24



PRELIMINARY STORMWATER MANAGEMENT STUDY FOR Providence Medical Center

PREPARED FOR

Providence Medical Center

Project Location:

8929 Parallel Parkway,
Kansas City, KS 66112

BHC Project # 018430.00.01

August 24, 2020



Austin Lage
Kansas PE 28006
August 24, 2021



Executive Summary

BHC has been retained as the Civil Engineer for the development of the Providence Cancer Center at Providence Medical in Kansas City, Kansas. The 4.73-acre site is located south of Parallel Parkway and east of the current medical facility. The project site is currently sitting on a ridge that sheds water south across south property line as well as north toward Parallel Parkway.

The proposed development includes the construction of a two-story building with a one-story future expansion. The two-story building has a footprint of 16,353 square feet and a total square footage of 32,153. The one-story expansion will be 10,500 square feet.

This report documents the existing and proposed drainage conditions of the site. Furthermore, the report indicates that the project will not have an adverse impact on surrounding properties, the existing storm sewer network, or the watershed adjacent to and downstream from the property.

The proposed design is per the Unified Government of Wyandotte County, Kansas City, Kansas, Storm Drainage Requirements for Private Development. To meet the allowable release rates and detention volume requirements an approximately 16,500 cubic foot detention pond will be constructed on site. The pond will also be utilized to meet water quality requirements by means of bioretention, bioswales, native vegetation, & turf filter strips.

The constructed pond will drain at a controlled release rate via an underground stormwater pipe and outlet above ground with a level spreader to sheet flow north to the existing creek bed.

Providence Medical Center
Kansas City, Kansas



7.0 Conclusion

The purpose of this study is to determine the stormwater infrastructure needs for the project, evaluate the existing drainage patterns, and confirm that the development will not have an adverse impact on the adjacent properties and downstream watersheds with the proposed improvements.

As shown by the provided calcs and drawings the proposed development will decrease the overall discharge from the site at the evaluated volumes.

Providence Medical Center
Kansas City, Kansas





Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservaion@gmail.com

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

March 16, 2021

RE: COZ2021-005 Joe McLaughlin with BHC Rhodes R-1 to CP-0 8741 Parallel Parkway

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2021-005 Joe McLaughlin with BHC Rhodes R-1 to CP-0 8741 Parallel Parkway.

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

MAPS AND REPORTS

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

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

- There are four major soil types identified: Ladoga silt loam, 3 to 8 percent slopes, Marshall silt loam, 2 to 5 percent slopes, Marshall silt loam, 5 to 9 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- If there will be any major grading work to be, an Erosion Control Plan will be needed.
- The large increase of impervious service created by a parking lot will need to be addressed.
- The Best Management Practices in this report can be used to develop an erosion control plan if needed.

The following Best Management Practices are recommended for this plat:

* **Access Road** – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.

* **Dust Control** – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning and mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.

* **Critical Area Planting** - After final grade has been completed permanent vegetation will be established. See the *Protecting Water Quality Field Guide* pages 35-54 for Temporary, and Permanent Seeding.

* **Filter Strips** – During development, strategic non disturbance of existing perennial grass vegetation can function as filter strips. See the *Protecting Water Quality Field Guide* pages 195-200 for Filter Strip.

* **Silt Fences**- Temporary sediment barrier consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour, where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the *Protecting Water Quality Field Guide* pages 175-181 for Sediment Fence.

* **Sediment Trap** -Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than 2 acres of drainage. See the *Protecting Water Quality Field Guide* for Straw Bale Sediment Trap.

* **Mulching** – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the *Protecting Water Quality Field Guide* pages 61-66 for Mulching.

* **Precision Land Forming** – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction. Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.

* **Sediment Basins** – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National Pollution Discharge Elimination Systems Permit (NPDES). See the *Water Quality Field Guide* pages 201 – 208 for Temporary Sediment Trap and pages 209-216 for Sediment Basin.

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

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

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER, DATED MARCH 16, 2021, CONT.

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

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

Sincerely,

Cheri Miller
District Manager

enclosures



NEIGHBORHOOD MEETING MATERIALS, DATED MARCH 31, 2021



March 12, 2021

Janet Parker
701 North 7th Street, Suite 423
Kansas City, KS 66101

SUBJECT: Neighborhood meeting

We have filed an application with the Department of Urban Planning and Land Use COZ2021-005 for change of zone from R-1 Single Family District to CP-O Planned Non-Retail Business district. This change of zone will support the development of additional parking and buildings at Providence Medical Center.

Due to COVID-19, we will not be holding an in-person neighborhood meeting. Instead, we ask that you please contact BHC with any questions or comments, before March 29, 2020:

Joe McLaughlin, PLS
Survey Manager
Joe.McLaughlin@ibhc.com
c: (816) 898-1966
o: (913) 371-5300

We look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Joe McLaughlin', is written over a light blue circular background.

Joe McLaughlin
BHC
Survey Manager



Neighborhood Meeting Minutes:

Application Number: COZ2021-005

Date and Location: March 12th, 2021 through March 29th, 2021 (provided contact information and asked for neighbors to contact us via email or phone call).

Names of people in attendance:

We received 2 emails from neighbors:

Lisa (Dollard) Dugan
8715 Walker Ave
Kansas City, KS 66112

- Asked how the rezoning would impact her and wondered if she would have to sell her house and move. We replied, assuring her that she would not have to move and that the rezoning was for a new building on the Providence Medical Center Campus. We received no further correspondence.

Stephen Sturgell
Lindsey Estates, LLC
1822 N 86th Street
Kansas City, KS 66112

- Asked what type of building would be constructed. We replied that we were uncertain of the specifics of the type of building proposed, but the building will house a new cancer treatment center and that the purpose of the rezoning would be to match this property rest of the hospital campus. We received no further correspondence.

No other neighbors responded to the letter.

Minutes taken by: Joe McLaughlin

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Joseph H. McLaughlin, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #COZ2021-005.
2. That I conducted a neighborhood meeting on 3/12/2021-3/29/2021.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

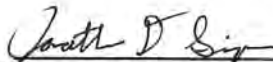
Further affiant saith not.



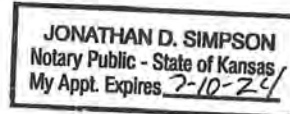
Affiant

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

My commission expires 10th of July 2024
~~2021.~~



Notary Public





Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 30, 2021

Re: COZ2021-012

GENERAL INFORMATION

Applicant:
Ray Sawyer

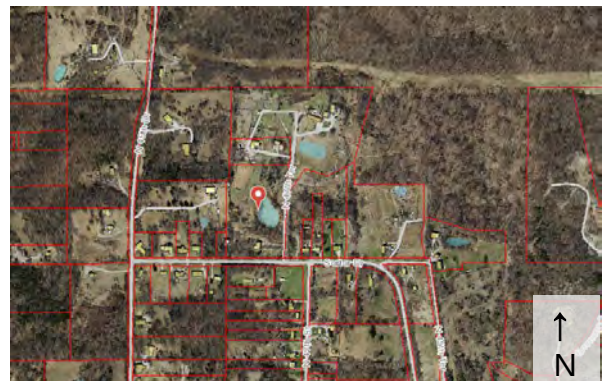
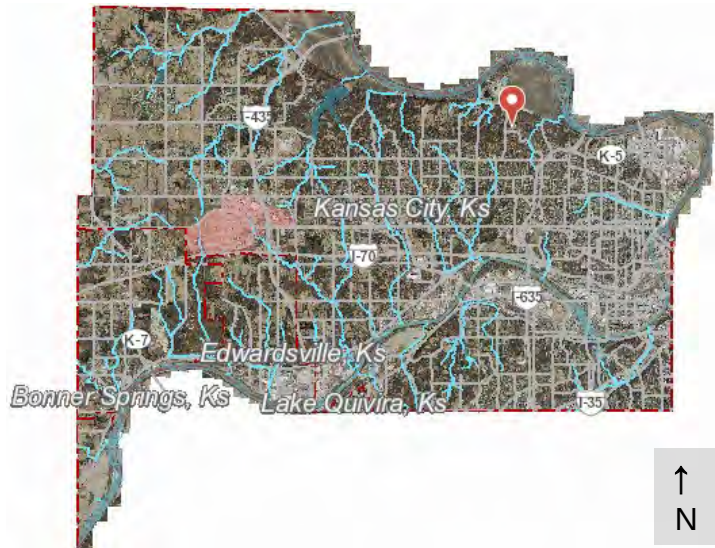
Status of Applicant:
Property Owner
3726 North 47th Terrace
Kansas City, Kansas 66104

Requested Actions:
Approval of a Change of Zone.

Date of Application:
March 10, 2021

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

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



Commission Districts:	Commissioner At Large: Melissa Bynum District #1 Commissioner: Gayle Townsend
Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single-family residence South: Single-family residences East: Single-family residence; Vacant lot West: Single-family residence; Vacant lot
Total Tract Size:	7.34 Acres
Master Plan Area:	The subject property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this property as Rural-Density Residential. Rural-Density Residential allows for agriculture, ranches, large-lot single-family residences, and passive parks and open spaces.
Major Street Plan:	The Major Street Plan designates both North 47 th Terrace and Sortor Drive as Local/Neighborhood Streets.
Required Parking:	R-1 District (current zoning): Section 27-454(e) requires two (2) off-street parking spaces premises for each single-family dwelling, at least one of which shall be in a garage or carport. A-G District (proposed zoning): Section 27-452(e) requires two (2) off-street parking spaces on the premises for each single-family dwelling. The applicant has a driveway on the property that can provide parking for at least two (2) vehicles.
Advertisement:	<u>The Wyandotte Echo</u> – April 15, 2021 Letters to Property Owners – April 16, 2021, May 20, 2021, August 20, 2021 and September 22, 2021
Public Hearings:	May 10, 2021, May 27, 2021, June 14, 2021, July 12, 2021, August 9, 2021, September 13, 2021 and September 30, 2021

Public Support: Neighborhood meeting minutes show that some neighbors were in support of the Change of Zone.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ray Sawyer, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District. The Change of Zone is being requested in order to allow the applicant to keep four (4) horses, six (6) steers, and 10 chickens on his property.

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

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

June 10, 2019- Environment/Weed

July 11, 2016- Environment/Weed

FACTORS TO BE CONSIDERED

1. The character of the neighborhood.

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

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

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

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

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

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

The applicant currently lives on the property.

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

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

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

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

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

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

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

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

The applicant has responded to the concerns over soil, vegetation, and fill. They have stated that they have purchased several hundred pounds of pasture seed to be sow this spring. The applicant has also stated that the subject property features 20 round bales that the horses can feed on—over 2,000 pounds of hay in all—and that they purchase grain for the horses in one (1)-ton increments to ensure that there are no hungry animals.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

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

c. *Storm water control*

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

d. *Police*

Police service is provided by Midtown District, #443.

e. *Fire*

Fire service is provided by Fire Station #14.

f. *Transit*

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

g. *Schools*

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

h. *Streets*

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

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

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

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

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

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

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

PREVIOUS ACTIONS

N/A

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on April 21, 2021 at 3726 North 47th Terrace. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant (see "Neighborhood Meeting Materials, Dated April 21, 2021" in the *Attachments* section of this report).

KEY ISSUES

Accessory Structures
Conservation District Comments
Future Development Plans
Trailers on Property

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-012**, subject to:

- 1) No more than four (4) horses may be stabled on the property;
- 2) The six (6) identified steers may be stabled on the property until they are sold;
- 3) Per the Conservation Plan for the subject property, the following conditions must be met:
 - a. The horse stable on Lot One (1) must be repaired by November 1, 2021, in order for there to be adequate shelter for the on-site horses throughout the winter;
 - b. The asphalt material in Lot Two (2) must be removed in preparation for topsoil to be installed on the lot. The asphalt must be removed before, and the topsoil installed on, September 11, 2021. Six (6) to eight (8) inches of topsoil must be applied to Lot Two (2), and the lot must be seeded and mulched as soon as the topsoil is applied;
 - c. The existing corral and steer shed must be moved to Lot Three (3) in order to be fully within the subject property. The six (6) steers must be kept on the subject property;
 - d. The illegal fill material—such as concrete, asphalt, and other unauthorized fill—on Lot Four (4) must be leveled out and buried. Topsoil must be installed on Lot Four (4), along with proper mulching and seeding. The size of the fill material shall comply with Appendix J of the International Building Code (IBC);
 - e. All other requirements of the Conservation Plan, including the plan of care in the general livestock husbandry notes, must be met and followed;
- 4) Any outstanding code violations found on the property will be addressed and rectified through the Notice of Violation process;
- 5) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division (913-573-8620) to begin the process;
- 6) All Conservation District comments, as found in the Conservation District comments (as found in the “Staff Comments and Suggestions” section of this report) and in the Conservation District Letter (found in the “Attachments” section of this report), must be met;
- 7) Driveways must be constructed and/or updated to comply with Section 27-575(a). If the Change of Zone to A-G Agriculture District is not granted, all new or updated driveways must be paved with two (2) inches of asphalt over six (6) inches of gravel, four (4) inches of concrete, or another alternative as approved by the UG Engineer;
- 8) The A-G Agriculture District allows for enumerated uses that are either personal or agricultural in use. Any commercial operation outside of standard agricultural practices requires a Special Use Permit as well as filing and maintaining a current business occupation tax application with the Business Licensing Department;

- 9) Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Code of Ordinances. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; and the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
- 10) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610—8-618). Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works department, 701 North 7th Street, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
- 11) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable; and,
- 12) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of **COZ2021-012**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 10, 2021 City Planning Commission Minutes
June 14, 2021 City Planning Commission Minutes
July 12, 2021 City Planning Commission Minutes
August 9, 2021 City Planning Commission Minutes
September 13, 2021 City Planning Commission Minutes
Land Use Map
Aerial Map
Zoning Map
Photos of the Property Provided by the Applicant
Photos of the Property Provided by Staff, Dated April 22, 2021
Plot Plan Submitted by the Applicant
Neighborhood Meeting Materials, Dated April 21, 2021
Wyandotte County Conservation District Letter, Dated April 13, 2021
Conservation Plan, Dated August 25, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing Change of Zone	May 10, 2021 Approval	May 27, 2021 Remand
	June 14, 2021 Holdover	
	July 12, 2021 Holdover	
	August 9, 2021 Holdover	
	September 13, 2021 Approval	September 30, 2021

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-012** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report, and the following additional requirements:

1. _____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2021-012**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 10, 2021 City Planning Commission Minutes:

Hearing starts at 2:21:40:

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

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

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

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

June 10, 2019- Environment/Weed

July 11, 2016- Environment/Weed

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 10, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to property owners.

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

Present in Support:

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

Present in Opposition:

- No one appeared

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

Motion and Vote starts at 2:29:45:

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

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0

Subject to:

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

- filing and maintaining a current business occupation tax application with the Business Licensing Department;
- 6) Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Code of Ordinances. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; and the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
 - 7) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610—8-618). Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works department, 701 North 7th Street, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 - 8) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable; and,
 - 9) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

June 14, 2021 City Planning Commission Minutes:

Hearing starts at 1:51:20:

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

Detailed Outline of Requested Action: The applicant, Ray Sawyer, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District. The Change

of Zone is being requested in order to allow the applicant to keep four (4) horses on his property.

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

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

June 10, 2019- Environment/Weed

July 11, 2016- Environment/Weed

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 14, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to property owners.

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

Present in Support:

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

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:57:35: Planning Director Hand stated that this application was referred back to the Planning Commission for rehearing. The applicant is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District on his 7+ acres. Staff recommended approval for four (4) horses and Mr. Sawyer wanted to request up to six (6) horses. Staff has discussed a conservation plan for the property and further reviewed the Notice of Violation for illegal dumping on the property. When the Conservation District conducted a site visit, they were unable to see everything beyond the western part of the property. They were unable to determine if four (4) horses or more was appropriate as they could not see the barn and other portions of the property. Staff discussed the dumping issue with the Code Enforcement Officer who did not see anything driving down Sortor Drive, but he did not turn down 47th Terrace. Staff noticed asphalt and concrete on the property and the Conservation District noted construction debris being used as fill as well. Staff would like Mr. Sawyer to develop a conservation plan with the Conservation District and from that plan determine how many horses can be on the property. Staff is also requesting the Code Enforcement Officer visit the site again and determine a remediation plan for the grading that has been done with construction debris. Staff is recommending holding

over this application for the applicant to work with the Conservation District to develop a conservation plan and with the Code Enforcement Officer to formulate a plan to address the code violations.

Motion and Vote starts at 2:01:50:

On motion by Ms. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to **HOLD OVER Change of Zone Application COZ2021-012 until the July 12, 2021 meeting for the applicant to work with the Conservation District to develop a conservation plan and with the Code Enforcement Officer to formulate a plan to address the code violations:**

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

Motion to HOLDOVER Passed: 7 to 0

July 12, 2021 City Planning Commission Minutes:

Hearing starts at 1:04:30:

CHANGE OF ZONE APPLICATION COZ2021-012 – RAY L. SAWYER - SYNOPSIS:

Change of Zone from R-1 Single Family District to A-G Agriculture District for horses at 3726 North 47th Terrace.

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

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

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

June 10, 2019- Environment/Weed

July 11, 2016- Environment/Weed

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 12, 2021;

5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to property owners.

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:06:30: Planning Director Hand stated that the applicant is working with the Conservation District on their conservation plan, which is needed to finalize the condition of approval that will define the appropriate number of horses/livestock on the property. He further stated that staff is scheduling a site visit with Mr. Sawyer to review the current code violations. Staff recommends a final hold over until the August 9, 2021 City Planning Commission meeting which will max out the allowed total 90 days for said hold overs.

Motion and Vote starts at 1:07:12:

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to **HOLD OVER Change of Zone Application COZ2021-012 until the August 9, 2021 meeting for the applicant to work with the Conservation District to develop a conservation plan and with the Code Enforcement Officer to formulate a plan to address the code violations:**

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

Motion to HOLDOVER Passed: 6 to 0

August 9, 2021 City Planning Commission Minutes:

Hearing starts at 1:58:40:

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

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

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

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

June 10, 2019- Environment/Weed

July 11, 2016- Environment/Weed

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 9, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to property owners.

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

Present in Support:

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

A question arose as to how many continuances the applicant had received, and Secretary Parker informed the Commission of the timeline:

1. May 10, 2021 – Planning Commission recommended approval.
2. May 27, 2021 – Board of Commissioners remanded back to the Planning Commission (on recommendation of staff) for a Conservation Plan to be developed.
3. June 14, 2021 – Planning Commission held over this application for the Conservation Plan (applicant was present).
4. July 12, 2021 – Planning Commission held over this application for the Conservation Plan (applicant was not present).

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:09:29: Planning Director Hand stated that with the clarification from Secretary Parker, the application has been continued for 60 days as the code allows for a maximum of 90 days for continuances. This application could be held over for another 30 days if Mr. Sawyer is willing to let the Conservation District onto his property to properly assess the number of horses that would be appropriate. This would be the final continuance.

Chairman Carson asked the applicant if he is agreeable to holding over this application for 30 days and asked if he is willing for the Conservation District to come onto the property to determine how many horses are acceptable. Mr. Sawyer stated yes. Chairman Carson asked if the applicant understands that this is the last continuance and whether or not he comes to the meeting next month with a Conservation Plan, this application will be decided. Mr. Sawyer stated yes.

Motion and Vote starts at 2:11:25:

On motion by Ms. Pauley, seconded by Mrs. Jones, the Planning Commission voted as follows to **HOLD OVER Change of Zone Application COZ2021-012 for a Conservation Plan to be finalized between the applicant and Wyandotte County Conservation District:**

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

Motion to HOLD OVER Passed: 6 to 0

September 13, 2021 City Planning Commission Minutes:

Hearing starts at 40:15:

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

Detailed Outline of Requested Action: The applicant, Ray Sawyer, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District. The Change

of Zone is being requested in order to allow the applicant to keep four (4) horses on his property.

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

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

June 10, 2019- Environment/Weed

July 11, 2016- Environment/Weed

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to property owners.

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

Present in Support:

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

Present in Opposition:

- No one appeared

Staff Recommendation starts at 43:10: Planning Director Hand stated that this application was held over twice and during the last month Mr. Sawyer and the Conservation District met and developed a conservation plan for the property. He further stated that the conservation plan comments are reflected in the conditions of approval for this application. The applicant has six (6) horses on the property, and he is allowed to keep them until he sells two (2) of the horses. At that time, he will only be allowed four (4) horses on the property. There are other conditions such as the maintenance of groundcover, and move the existing horse coral. Director Hand stated that this is not unusual in the Sorter Drive area as property lines are ambiguous due to the rural character and topography of this area. The Conservation District comments also mirrored Staff's comments on the construction debris on the property, which is also outlined in the Notice of Violation on the property. The applicant stated that he has brought in some topsoil to allow for root penetration. Mr. Sawyer has one (1) letter of support and staff has received no letters in opposition and the applicant will rectify the Notice of Violation. Staff recommends approval, subject to the conditions in the staff report.

Motion and Vote starts at 45:14:

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

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

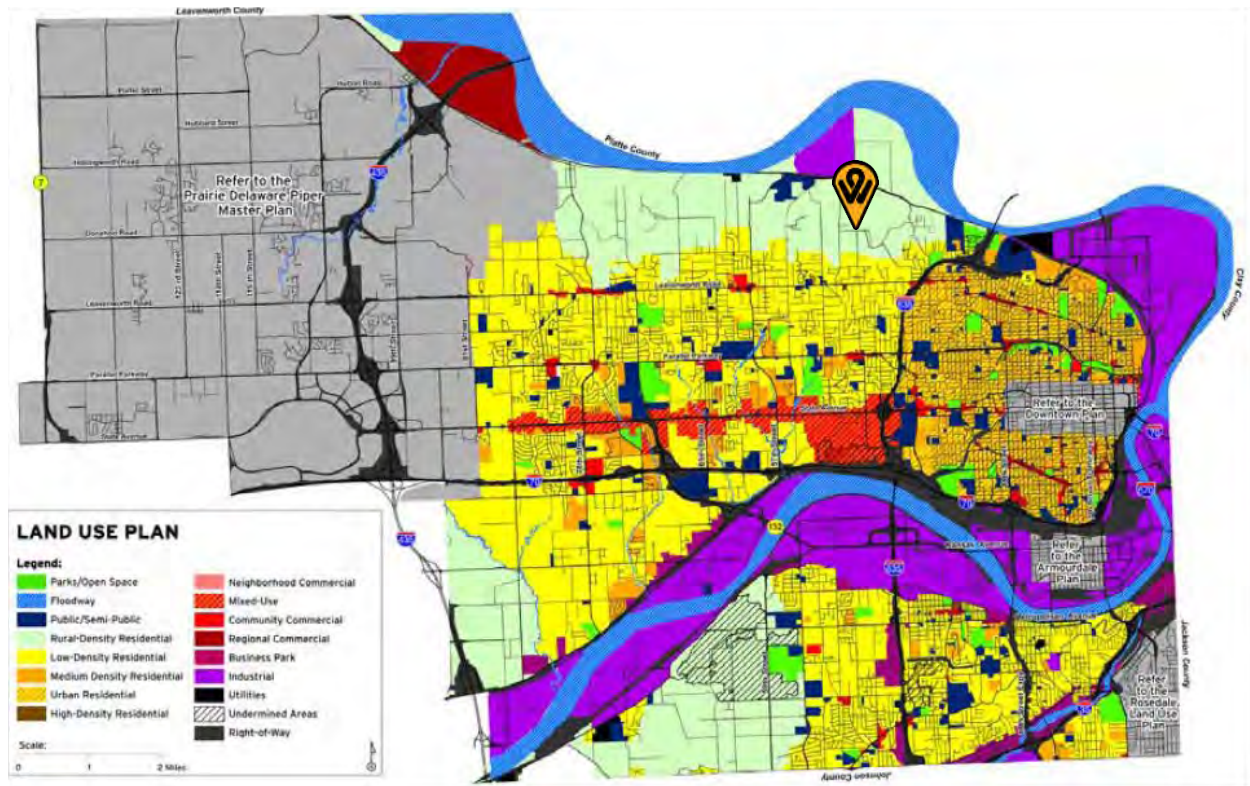
Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

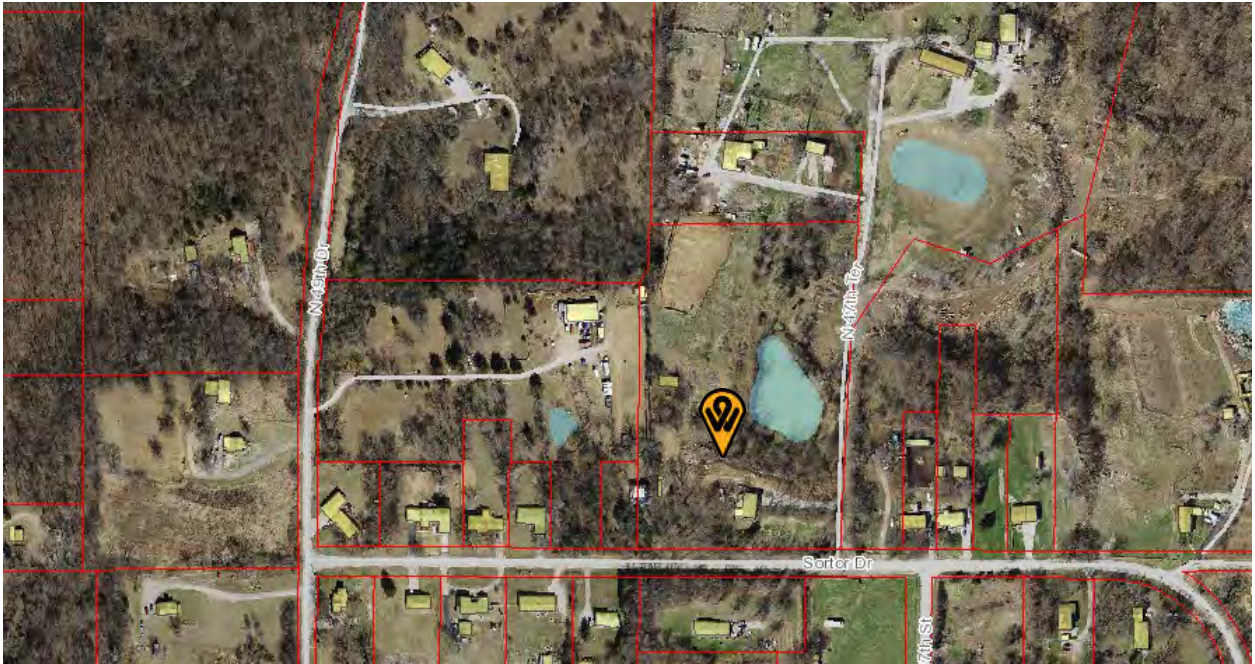
- 1) No more than four (4) horses may be stabled on the property;**
- 2) The six (6) identified steers may be stabled on the property until they are sold;**
- 3) Per the Conservation Plan for the subject property, the following conditions must be met:**
 - f.The horse stable on Lot One (1) must be repaired by November 1, 2021, in order for there to be adequate shelter for the on-site horses throughout the winter;**
 - g.The asphalt material in Lot Two (2) must be removed in preparation for topsoil to be installed on the lot. The asphalt must be removed before, and the topsoil installed on, September 11, 2021. Six (6) to eight (8) inches of topsoil must be applied to Lot Two (2), and the lot must be seeded and mulched as soon as the topsoil is applied;**
 - h.The existing corral and steer shed must be moved to Lot Three (3) in order to be fully within the subject property. The six (6) steers must be kept on the subject property;**
 - i.The illegal fill material—such as concrete, asphalt, and other unauthorized fill—on Lot Four (4) must be leveled out and buried. Topsoil must be installed on Lot Four (4), along with proper mulching and seeding. The size of the fill material shall comply with Appendix J of the International Building Code (IBC);**
 - j.All other requirements of the Conservation Plan, including the plan of care in the general livestock husbandry notes, must be met and followed;**
- 4) Any outstanding code violations found on the property will be addressed and rectified through the Notice of Violation process;**
- 5) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division (913-573-8620) to begin the process;**
- 6) All Conservation District comments, as found in the Conservation District comments (as found in the “Staff Comments and Suggestions” section of**

- this report) and in the Conservation District Letter (found in the “Attachments” section of this report), must be met;
- 7) Driveways must be constructed and/or updated to comply with Section 27-575(a). If the Change of Zone to A-G Agriculture District is not granted, all new or updated driveways must be paved with two (2) inches of asphalt over six (6) inches of gravel, four (4) inches of concrete, or another alternative as approved by the UG Engineer;
 - 8) The A-G Agriculture District allows for enumerated uses that are either personal or agricultural in use. Any commercial operation outside of standard agricultural practices requires a Special Use Permit as well as filing and maintaining a current business occupation tax application with the Business Licensing Department;
 - 9) Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Code of Ordinances. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; and the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
 - 10) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610—8-618). Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works department, 701 North 7th Street, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 - 11) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable; and,
 - 12) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

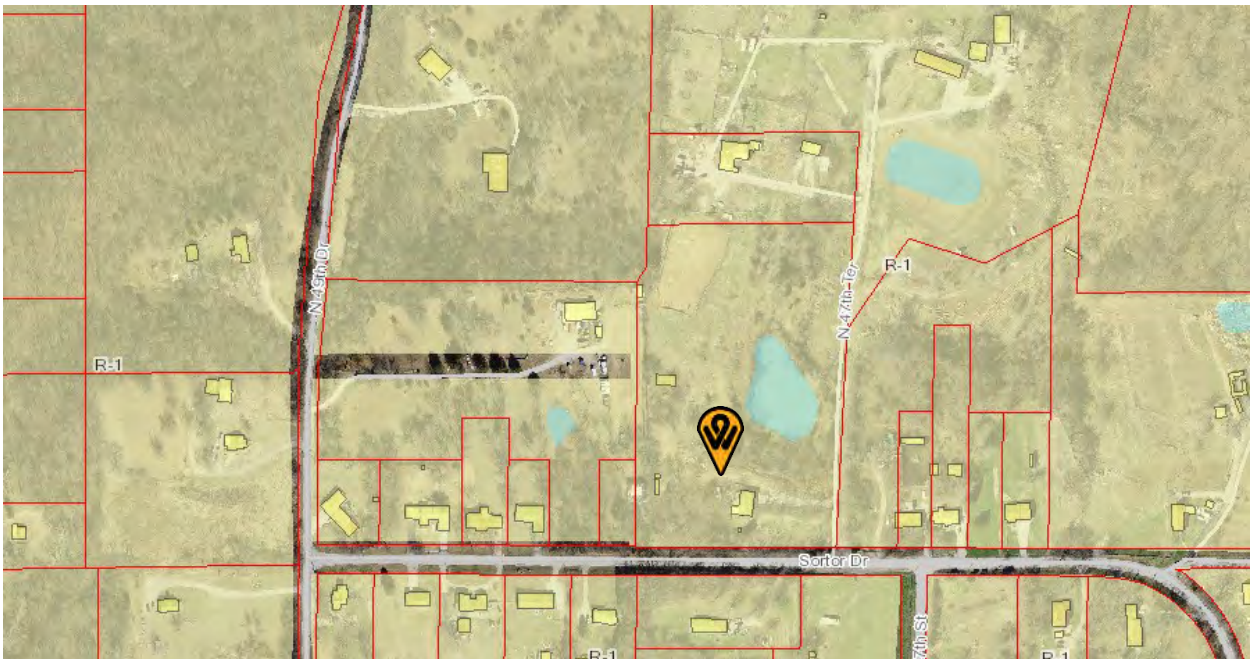
LAND USE MAP



AERIAL MAP



ZONING MAP



PHOTOS OF THE PROPERTY PROVIDED BY THE APPLICANT

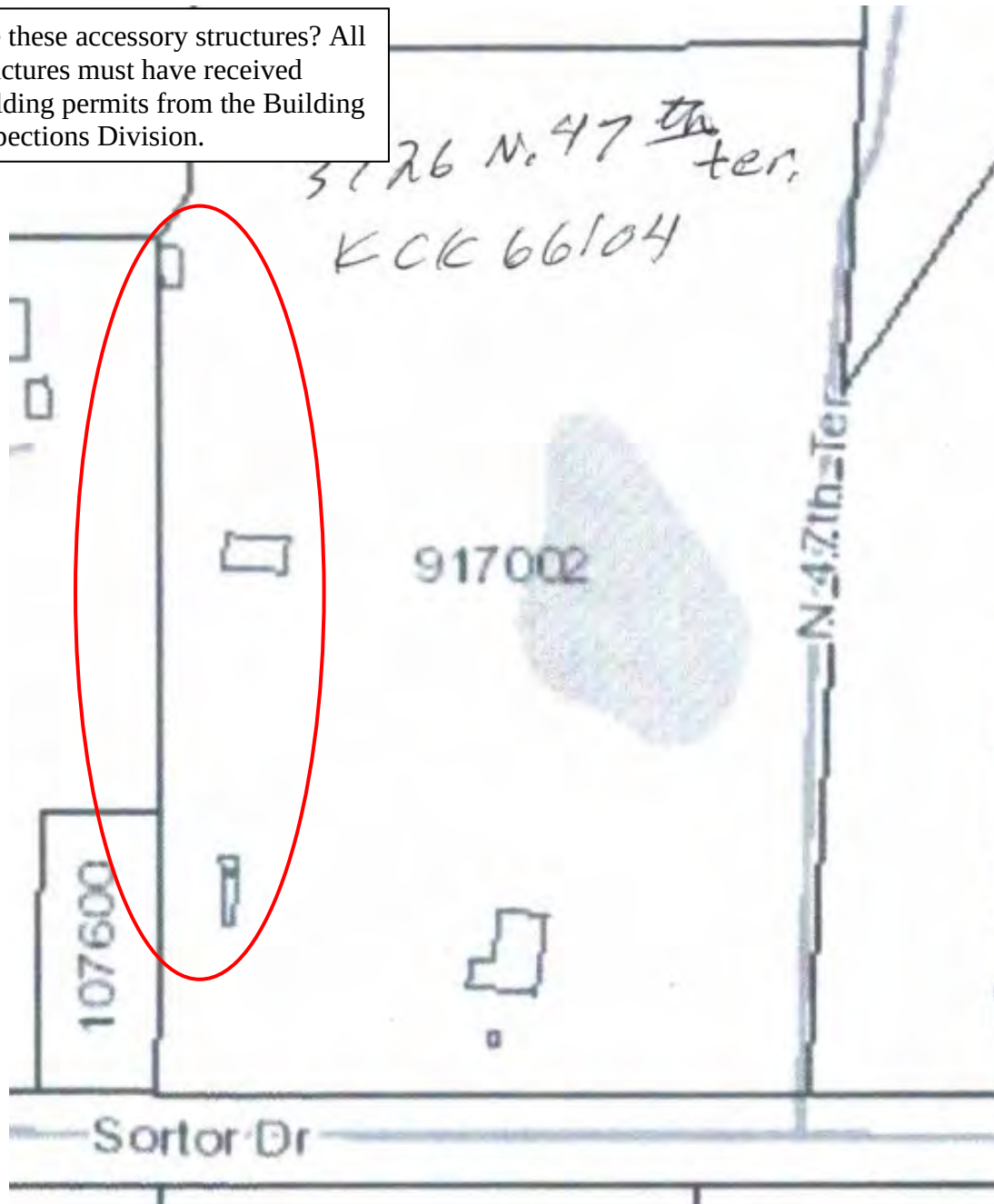


PHOTOS OF THE PROPERTY PROVIDED BY STAFF, DATED APRIL 22, 2021

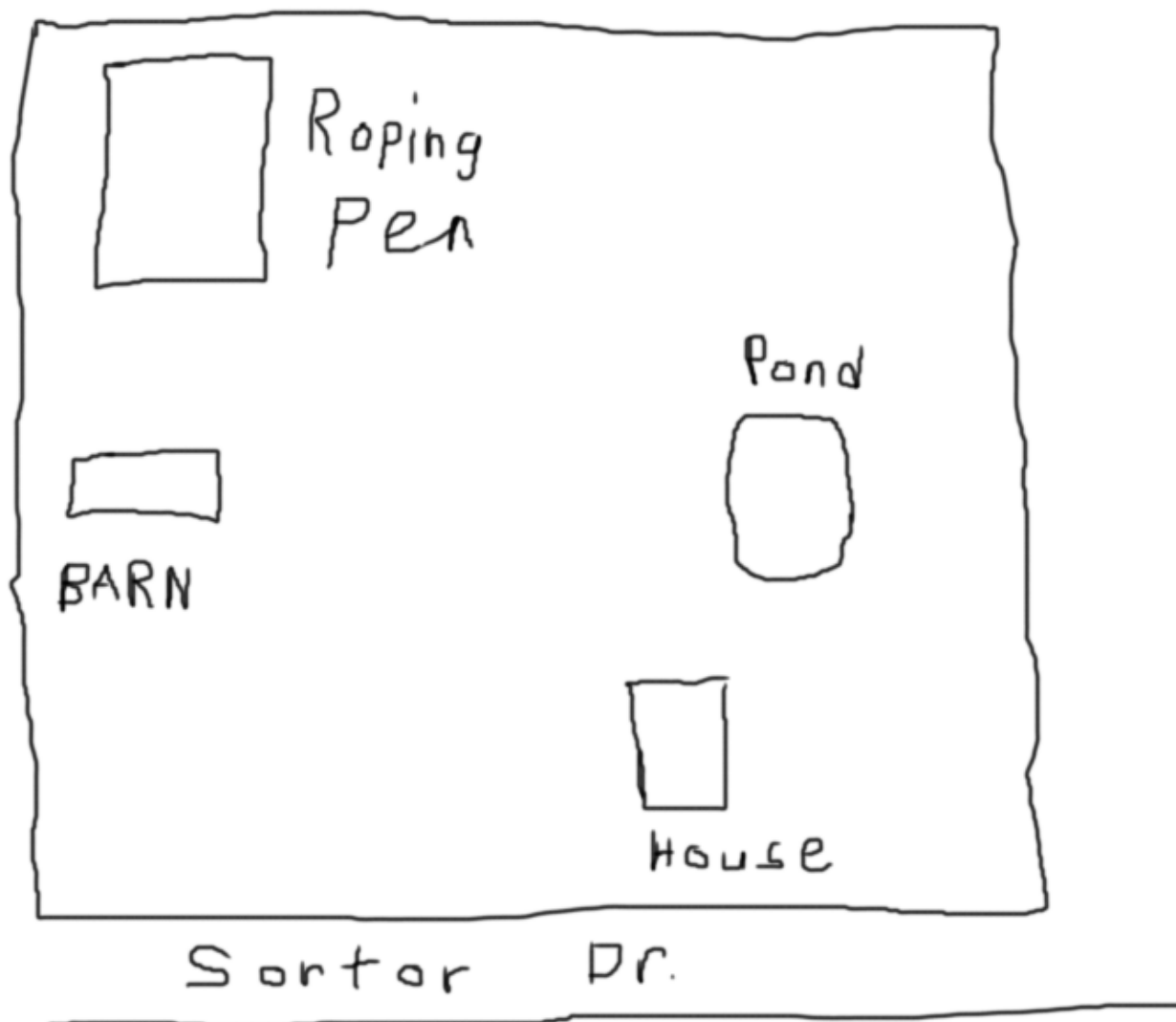


PLOT PLAN SUBMITTED BY THE APPLICANT

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



PLOT PLAN SUBMITTED BY THE APPLICANT, CONT.



NEIGHBORHOOD MEETING MATERIALS, DATED APRIL 21, 2021

Application Number COZ2021-012

Date 04/21/2021

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

Meeting called to order at 5:00pm

Name of people in attendance:

Ray Sawyer

LaLeta Jones (4818 Sortor Dr.)

Nicolle Jones (Mrs. LaLeta Jones daughter)

Cearra Jones (Mrs. LaLeta Jones Granddaughter)

Introductions was made by Ray Sawyer

Questions and Answers

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A: Mrs. LaLeta Jones said no.

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

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

Meeting adjourned at 6:00pm

Minutes taken by Ray Sawyer



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

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

April 13, 2021

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

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2021-012 Ray Sawyer R-1 to A-G horses at 3726 North 47th Terrace.

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

MAPS AND REPORTS

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

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

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

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

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



CONSERVATION PLAN, DATED AUGUST 25, 2021



Wyandotte County Conservation District

Ray Sawyer's Livestock Plan for:
3726 N. 47th Terrace, Kansas City, KS
as of August 2021

When we visited the operation, we found there were 4 horses, 6 steers and 10 chickens on the property. There was a stable area for the two horses he had by the trailer and a corral that had two horses and six steers. The ten chickens were in a chicken coop behind the house.

After speaking with Mr. Sawyer, he indicated to us that the two horses by the trailer were his roping horses. He indicated that he had two other horses that were not in site at this time. Two other horses in the corral area did not belong to him but a friend and will not be kept on the property. Mr. Sawyer's horses are used as competition horses for roping. The six steers in the corral are also used for roping. The steers will be sold and butchered when they no longer are used to rope. The 10 chickens provide eggs for them and other family members.

The following items are the recommendations for creating a sustainable and healthy property for animals, natural resources, and people at 3726 N. 47th Terrace, Kansas City, KS. Attached maps are drawn and labeled for each of the four lots discussed below.

Lot one (horse stable and sacrifice lot)-

The horse stable needs to be repaired to provide adequate protection for the animals. Mr. Sawyer indicated that he had the lumber there on the property to do the repairs. The repairs are needed for winter and summer protection from the elements.

Lot two (seeded area)-

Topsoil will need to be brought into this area. The paved black top material will have to be removed before the topsoil is installed. This is needed to allow for root penetration. Mr. Sawyer said he had a contractor scheduled on September 11th to install topsoil. The asphalt material needs to be removed before that time. 6 to 8 inches of topsoil needs to be applied. The area needs to be seeded and mulched as soon as the topsoil is applied. We recommend a seeding of brome or blue grass. This area will provide for a filter area from the horse lot and the corral area where the steers are kept.

Lot three (corral area)-

The corral area currently is located on two properties owned by Mr. Sawyer 3726 N. 47th Terr and 4712 Sortor Dr. It will be moved south so that the corral and the six steers are only on one property, 3726 N. 47th Terr (requested COZ parcel). The steer shed will need to be on this property also. Waste material needs to be removed from corral area. It should not be disked in all the time, to prevent runoff from leaving the area.

Lot four (fill area)-

A large quantity of material has been removed from this area in the past. There are large amounts of new fill material, concrete and asphalt material, that has been deposited on

site. Much of this is new material needs to be leveled out, buried, then mulched and seeded to protect the water leaving the area. Topsoil will be needed to get seeding established on this material.

General livestock husbandry notes (discussed during the onsite visit)-

Per Mr. Sawyer, the horses and steers are fed free choice hay. In addition, pellets with 16 percent protein are feed once each day to supplement the hay for nutritional needs. Water troughs and a water source are in the stable area.

The property does not provide much open pasture for exercise. Mr. Sawyer expressed there are frequent roping practices with the horses and steers to exercise the animals. During the winter months an exercise plan might be needed to ensure animals remain healthy.

Animal waste is to be removed on a periodic basis. Mr. Sawyer needs to have a plan to either compost waste from horse lot, roping area and chicken waste or disposing of the waste in another safe manner. We can help design a composting system if needed. Some manure has been given to neighbors for use on their property as fertilizer in the past.

Mr. Sawyer does most of his own veterinarian work with shots and other medical treatments.

CONSERVATION PLAN, DATED AUGUST 25, 2021, CONT.

LOT 1



CONSERVATION PLAN, DATED AUGUST 25, 2021, CONT.

LOT 2

Soil Map—Wyandotte County, Kansas
(LOT Two)



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

8/25/2021
Page 1 of 3

CONSERVATION PLAN, DATED AUGUST 25, 2021, CONT.

LOT 3

Soil Map—Wyandotte County, Kansas
(LOT 3)



CONSERVATION PLAN, DATED AUGUST 25, 2021, CONT.

LOT 4

Soil Map—Wyandotte County, Kansas
(Lot Four)





Planning and Urban Design

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

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

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: September 30, 2021
Re: Change of Zone Petition COZ2021-026

GENERAL INFORMATION

Applicant:
Martin T. Arling

Status of Applicant:
Representative
Kaw Valley Engineering
8040 North Oak Trafficway
Kansas City, MO 64118

Requested Actions:
Change of Zone from A-G Agriculture and R-1(B) Single Family Districts to A-G Agriculture District.

Date of Application(s):
July 30, 2021

Purpose:
To operate an urban equestrian sanctuary with a therapeutic barn, club house, trail, and parking lot.

Property Location:
4600 Parkview Avenue, 4551 Sloan Avenue, 3334 North 44th Terrace and 3319 North 44th Terrace



Commission Districts:	Commissioner At-Large: Melissa Bynum District #1 Commissioner: Gayle E. Townsend
Existing Zoning:	A-G Agriculture and R-1 Single Family Districts
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Single family homes and undeveloped land South: Single family homes East: Single family homes West: Undeveloped land
Total Tract Size:	30.4 Acres
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates these properties as Rural Residential and Low Density Residential. Rural Residential allows agriculture, ranches, large-lot single-family detached residences, passive parks, and open space. Low Density Residential, which allows single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, parks, and open space.
Major Street Plan:	The Major Street Plan classifies North 47 th Street as a Local Street.
Required Parking:	Sec. 27-452(e) Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. Four (4) parking spaces are required. Eight (8) spaces are provided. The Planning Commission shall make the determination if this parking is sufficient for the proposed use.
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – August 19, 2021 Letters to Property Owners – Change of Zone – August 19, 2021 and September 23, 2021
Public Hearings:	September 13, 2021 and September 30, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Martin Arling with Kaw Valley Engineering, on behalf of Amy Strother, property owner, wants to rezone a heavily wooded and undeveloped area to create an urban equestrian sanctuary with a therapeutic barn, club house, trail, and parking lot.

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

Code Enforcement History: There were Code Enforcement citations on the property in 2006 at 3334 North 44th Terrace for dumping of debris and tires and in 2006 and 2018 at 3319 North 44th Terrace for tall grass and junk in the yard.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is largely comprised of undeveloped, vacant land bordering the perimeter of these properties and single-family homes to the south along Parkview Avenue and east along Sortor Drive.

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

The zoning and uses of properties nearby are set out above. The proposed use is expected to be compatible with them because the parcels to the north and east range in size from two (2) acres to eight (8) acres.

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

The properties as zoned is restricted to allow livestock animals on the property without a special use permit, but due to its orientation, most of them are landlocked. The owner wants to have a continuous, cohesive development that includes equestrian trails and outbuildings necessary for the horse therapy operation.

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

Since 2008, the properties have been vacant as zoned after demolition permits were issued to remove structures on two (2) parcels.

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

The proposed use is reasonably necessary for the convenience and welfare of the public as the proposed use will be a benefit for those individuals who need this therapy service. Keeping livestock and the proposed use will not permanently injure the appropriate use, visual quality or marketability of nearby property because of the area to the north and east which is comprised of parcels in excess of five (5) acres and lot configurations and ownerships that could be combined to create five (5) acres, either have or could have the minimum acreage required to keep livestock in R-1 Single Family District by right, or rezone to A-G Agriculture District.

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

The proposed development will not increase the traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems because the applicant proposes to develop a parking lot on the west side of the property, near North 47th Street.

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

The proposed use conforms to the Master Plan as agricultural uses are allowed in Low Density Residential areas.

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

The proposed use will not cause environmental harm provided the applicant properly disposes of the manure after consulting with the Conservation District as stated in the conditions of approval.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

UG does not provide sanitary sewer service.

c. *Storm water control*

Not designed (however, will be designed to meet City Code).

d. *Police*

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

e. Fire

Fire service is provided by Fire Station #18 located at 78th Street and Kansas Avenue.

f. Transit

Kansas City ATA does not provide transit service near these properties. The closest transit stop is at the intersection of North 47th Street and Leavenworth Road, approximately one-quarter (¼) mile south of the site, Route #113.

g. Schools

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

h. Streets

North 47th Street is a local street and building a small parking lot to accommodate clients for their therapeutic meetings will not increase traffic or parking demand what will adversely impact adjacent residents.

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

The proposed use will have a minimal economic impact on the community.

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

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

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner is minimal. If the application is denied, the property owner will need to find another way to use the property in a manner than complies with the zoning district.

PREVIOUS ACTIONS

- 4600 Parkview Avenue was approved for a Change of Zone from R-1 Single Family District to A-G Agriculture District on July 30, 2021 by the Unified Government Board of Commissioners.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on August 25, 2021 by Virtual Meeting (Zoom). Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Conservation Plan
Conservation District Comments
Planning Engineering Comments
Landscape Buffer and Screening
Preserving Trees Stands
Traffic and Parking
Future Short-Term Rentals
Future Vacation of Parkview Avenue

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-026**, subject to:

1. Subject to approval, a Final Development Plan shall be submitted for this project;
2. In the future, in order to vacate a portion of Parkview Avenue to better align the driveway with Parkview Avenue to the west, across North 47th Street, the applicant shall submit a vacation application or subdivision application (preliminary and final plat);
3. In the future, renting out bedrooms for short-term rentals requires a Special Use Permit;
4. Sec. 27-340 Stable, riding means a structure and premises in which horses, ponies or mules, used exclusively for pleasure riding or driving, are housed, boarded, or kept for renumeration, hire sale.
This is a private riding stable, similar to private horse stables on Donahoo Road that offer private lessons to individuals in addition to boarding horses with large barns and riding arenas. There are loading/unloading areas on these properties for vehicle and horse trailers parking;
5. Subsequent Phase 2 will require its own Change of Zone and Final Development Plan, specifically 4249 Sortor Drive, which is not included a part of this petition;
6. Either file a replat to combine the 4600 Parkview Avenue, 4551 Sloan Avenue or consolidate these two parcels together via lot combination with the GeoSpatial Services Department so 4551 Sloan Avenue (0.97 acres) is incorporated into a parcel that is over five (5) acres for A-G Agriculture District. Otherwise, you may require a variance;
7. The hours of operation shall be seasonally from dawn to dusk;
8. As part of the Final Development Plan, finish the conservation plan that specifically addresses managing on-site grazing an animal waste

- throughout the year with Cheri Miller, Wyandotte County Conservation District at (913) 334-6329;
9. The proposed gravel is acceptable for horses to maneuver as they enter and exit the paddock, but the surface upon which vehicles and trailers load and unload horses must be paved with asphalt or concrete;
 10. The parking lot shall be paved with asphalt or concrete, striped accordingly and comply with the ADA requirements;
 11. Obtain a right-of-way permit from Public Works Department to build an apron;
 12. To keep with the rural character of the neighborhood, no signage shall be displayed along 47th Street;
 13. Maintain all tree stands to create a buffer to adjacent residential uses;
 14. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 15. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
 16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissions make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2021-026** subject to all comments and suggestions outlined in this staff report, and the conditions of the Planning Commission.

ATTACHMENTS

September 13, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Conservation District Comment Letter
Wyandotte County Parks Department Street Tree List
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Landscape Plan
Floor Plan
Building Elevations
Site Photography provided by the Applicant.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government of Board of Commissioners
Public Hearing	September 13, 2021	September 30, 2021
Rezoning	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-026** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2021-026** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 13, 2021 City Planning Commission Minutes:

Hearing starts at 1:15:25:

CHANGE OF ZONE APPLICATION COZ2021-026 – MARTY T. ARLING WITH KAW VALLEY ENGINEERING - SYNOPSIS: Change of Zone from R-1(B) Single Family District to A-G Agriculture District for a 31-acre urban equestrian sanctuary for both horses and residents who reside and traverse there at 4600 Parkview Avenue and 4551 Sloan Avenue.

Detailed Outline of Requested Action: The applicant, Martin Arling with Kaw Valley Engineering, on behalf of Amy Strother, property owner, wants to rezone a heavily wooded and undeveloped area to create an urban equestrian sanctuary with a therapeutic barn, club house, trail, and parking lot.

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

Code Enforcement History: There were Code Enforcement citations on the property in 2006 at 3334 North 44th Terrace for dumping of debris and tires and in 2006 and 2018 at 3319 North 44th Terrace for tall grass and junk in the yard.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to property owners.

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

Present in Support:

- Marty Arling, applicant, Kaw Valley Engineering, 8040 North Oak Trafficway, Kansas City, MO 64118
- Amy Strother, developer, 3116 Delavan, Kansas City, Kansas 66104

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:20:27: Planning Director Hand stated that the property at 4600 Parkview Avenue is already zoned agriculture. Director Hand showed the Commission on the map Phase 1 of the two-phase project. One (1) of the parcels is

less than five (5) acres and one (1) of the conditions is that it must be consolidated with one (1) of the other parcels so a variance will be not required. The stables, etc. will be located on the Parkview parcel. There was a rezoning application about 1 ½ years ago on two (2) of the parcels, which was Landbank property, and was never implemented. He further stated that the driveways and parking will need to be an improved surface such as concrete or asphalt. There is a conservation plan that was developed with the Conservation District that addresses the woods and tree cover. Director Hand stated that the stables are an allowed use in the agriculture zoning district, but when some of the rooms are rented out, they will need a short-term rental Special Use Permit. He stated that Staff has received no letters in support nor opposition and there are no Notices of Violation on any of the parcels. Staff recommends approval, subject to the conditions in the staff report.

Motion and Vote starts at 1:23:10:

On motion by Ms. Pauley, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2021-026:**

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

1. Subject to approval, a Final Development Plan shall be submitted for this project;
2. In the future, in order to vacate a portion of Parkview Avenue to better align the driveway with Parkview Avenue to the west, across North 47th Street, the applicant shall submit a vacation application or subdivision application (preliminary and final plat);
3. In the future, renting out bedrooms for short-term rentals requires a Special Use Permit;
4. Sec. 27-340 Stable, riding means a structure and premises in which horses, ponies or mules, used exclusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire sale.
This is a private riding stable, similar to private horse stables on Donahoo Road that offer private lessons to individuals in addition to boarding horses with large barns and riding arenas. There are loading/unloading areas on these properties for vehicle and horse trailers parking;
5. Subsequent Phase 2 will require its own Change of Zone and Final Development Plan, specifically 4249 Sortor Drive, which is not included a part of this petition;

6. Either file a replat to combine the 4600 Parkview Avenue, 4551 Sloan Avenue or consolidate these two parcels together via lot combination with the GeoSpatial Services Department so 4551 Sloan Avenue (0.97 acres) is incorporated into a parcel that is over five (5) acres for A-G Agriculture District. Otherwise, you may require a variance;
7. The hours of operation shall be seasonally from dawn to dusk;
8. As part of the Final Development Plan, finish the conservation plan that specifically addresses managing on-site grazing an animal waste throughout the year with Cheri Miller, Wyandotte County Conservation District at (913) 334-6329;
9. The proposed gravel is acceptable for horses to maneuver as they enter and exit the paddock, but the surface upon which vehicles and trailers load and unload horses must be paved with asphalt or concrete;
10. The parking lot shall be paved with asphalt or concrete, striped accordingly and comply with the ADA requirements;
11. Obtain a right-of-way permit from Public Works Department to build an apron;
12. To keep with the rural character of the neighborhood, no signage shall be displayed along 47th Street;
13. Maintain all tree stands to create a buffer to adjacent residential uses;
14. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
15. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

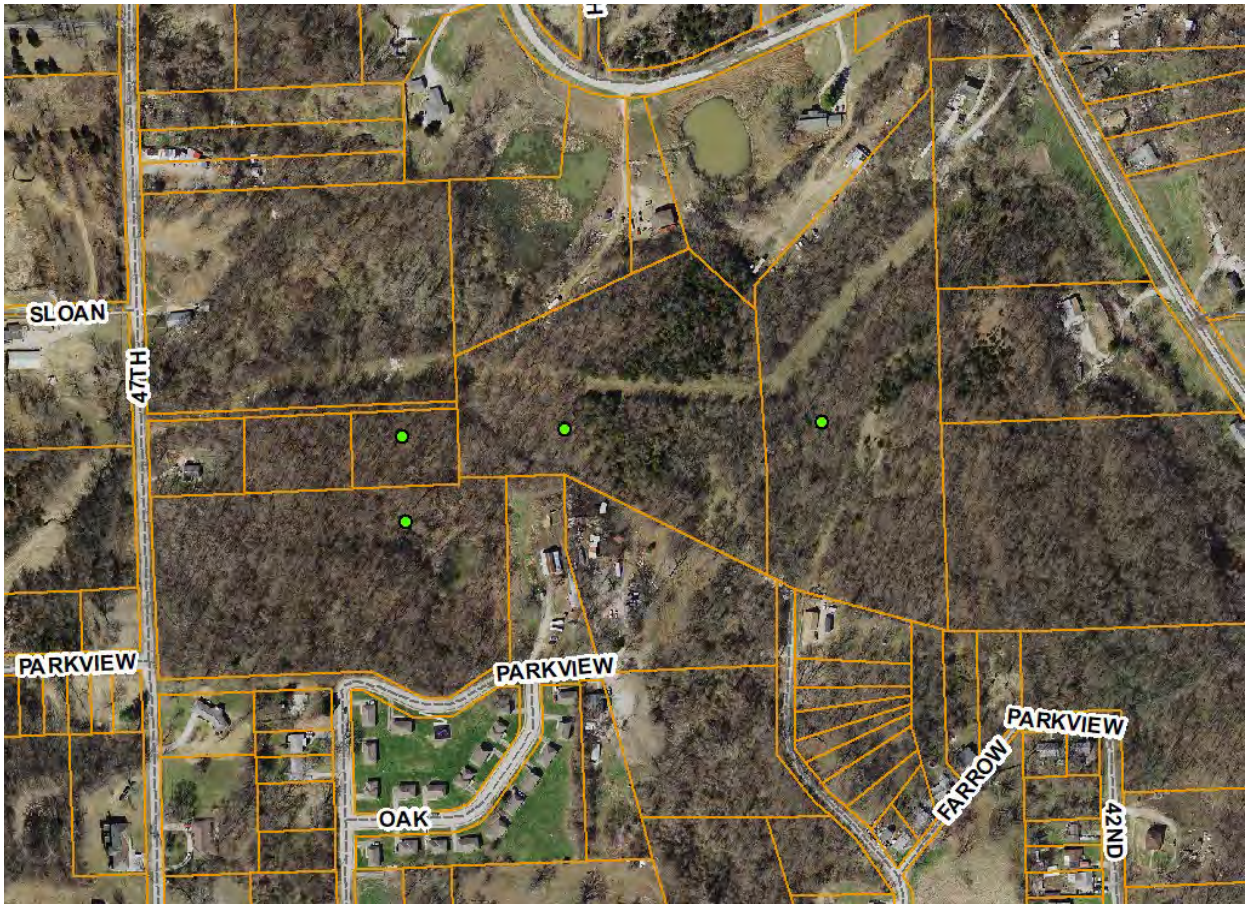


Figure 1. Aerial Map of 4600 Parkview Avenue, 4551 Sloan Avenue, 3334 North 44th Terrace and 3319 North 44th Terrace (provided by ArcMap).

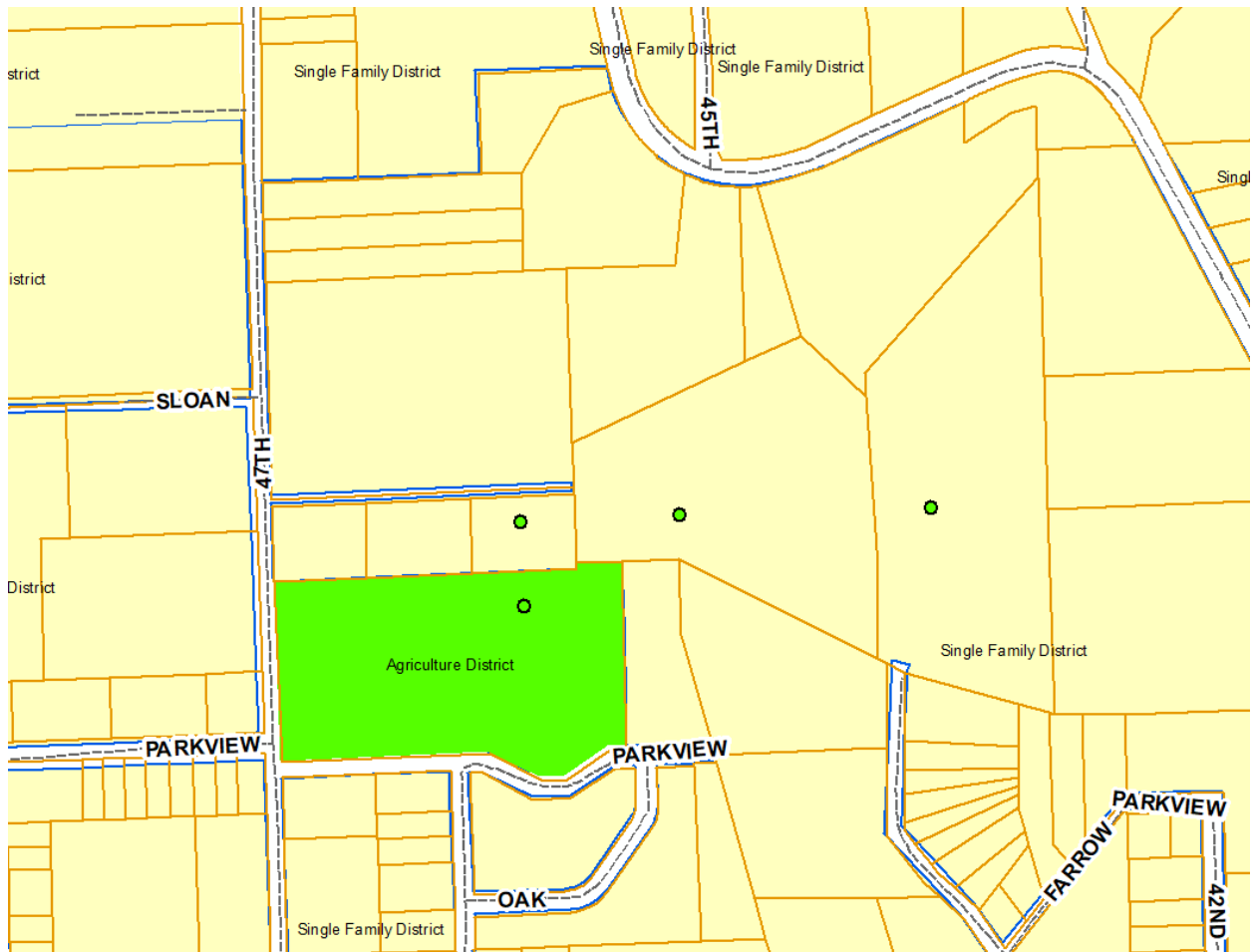


Figure 2. Zoning Map of 4600 Parkview Avenue, 4551 Sloan Avenue, 3334 North 44th Terrace and 3319 North 44th Terrace (provided by ArcMap).

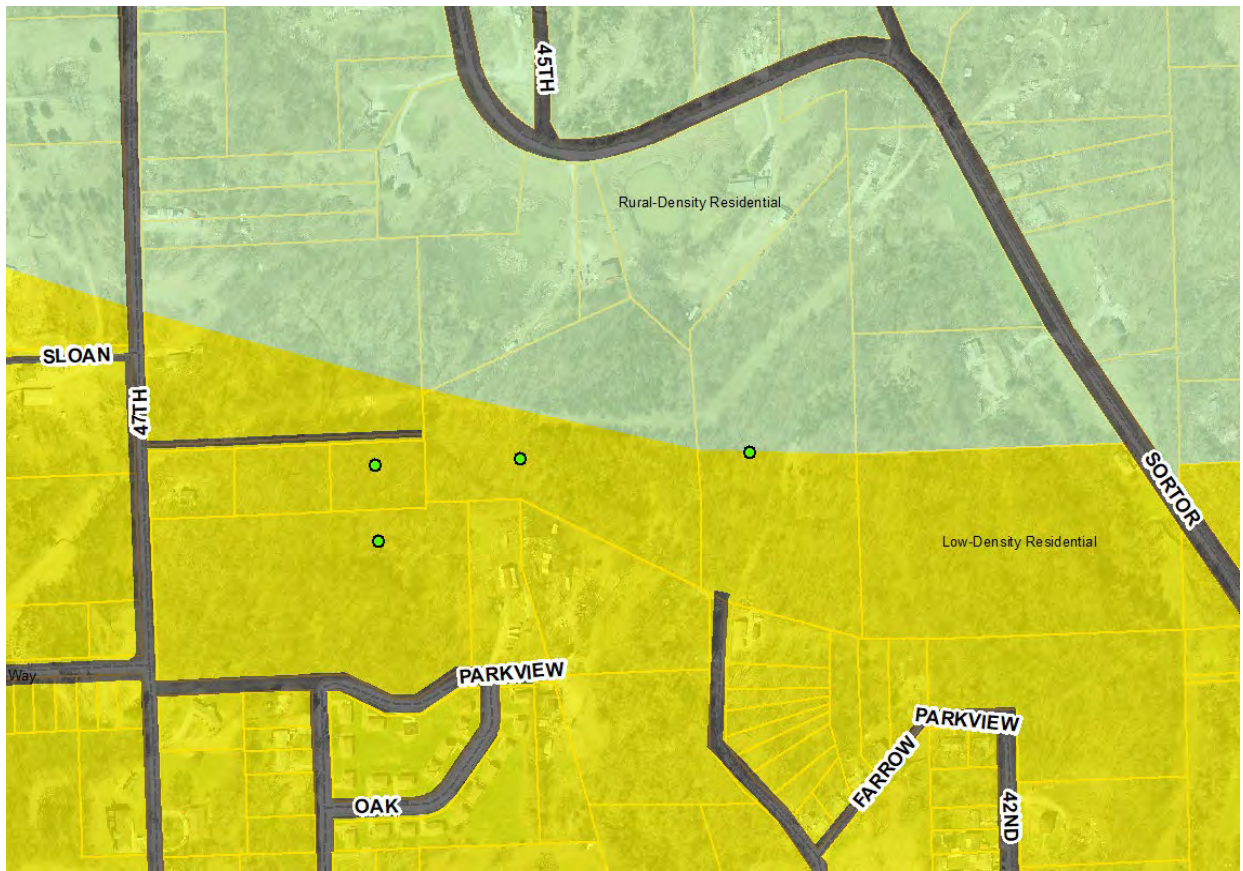


Figure 3. City-Wide Master Plan Land Use Map of 4600 Parkview Avenue, 4551 Sloan Avenue, 3334 North 44th Terrace and 3319 North 44th Terrace (provided by ArcMap).



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

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

August 17, 2021

RE: COZ2021-026 Martin T. Arling R-1 to A-G for Urban Equestrian Sanctuary 4600
Parkview Avenue and 4551 Sloan Avenue

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of
the: COZ2021-026 Martin T. Arling R-1 to A-G for Urban Equestrian Sanctuary 4600
Parkview Avenue and 4551 Sloan Avenue.

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

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Dwellings and Small Commercial Buildings
Agricultural Disposal of Manure
Soil Features

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

- There are five major soil types identified: Kennebec silt loam, occasionally flooded, Gosport-Sogn complex, 7 to 35 percent slopes, Knox silt loam, 7 to 12 percent slopes, Knox silt loam, 12 to 18 percent slopes, and Knox silt loam, 18 to 30 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- We do not agree that this is for agricultural use. Trails, zip lines, club houses, and hotels are not producing or raising commodities.
- The proposed site does have similarities to the many equine neighborhoods popularized across the country. These properties in other areas and States are still residential with special planning to allow for horses, arenas, and trails. They include detailed plans for manure removal, special mitigation for runoff and seeding plans for grassed areas. Some will require feeding plans as an

added measure to maintain healthy animals. We have been reaching out to long established places to gather more details about successful equine neighborhoods.

- **The Erosion Control Plan (ECP) on lot 1 is inadequate for the grading to be done. We would not recommend approval of this Change of Zone.**
- If the grading on lot 1 is to be done, a more involved ECP needs to be developed. More silt fence is needed. Top soil needs to be stock piled and spread over graded areas. All steep areas and drainage ways need to be seeded and Erosion Control Blanket installed. Flatter areas need to be seeded and mulched.
- Immediately when the grading is completed, the area needs to be mulched and seeded.
- The Best Management Practices I this report can be used to develop an Erosion Control Plan for this site.

The following Best Management Practices are recommended for this plat:

* **Access Road** – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.

* **Dust Control** – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning and mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.

* **Critical Area Planting** - After final grade has been completed permanent vegetation will be established. See the *Protecting Water Quality Field Guide* pages 35-54 for Temporary, and Permanent Seeding.

* **Filter Strips** – During development, strategic non disturbance of existing perennial grass vegetation can function as filter strips. See the *Protecting Water Quality Field Guide* pages 195-200 for Filter Strip.

* **Silt Fences**- Temporary sediment barrier consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour, where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the *Protecting Water Quality Field Guide* pages 175-181 for Sediment Fence.

* **Sediment Trap** -Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than 2 acres of drainage. See the *Protecting Water Quality Field Guide* for Straw Bale Sediment Trap.

* **Mulching** – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the *Protecting Water Quality Field Guide* pages 61-66 for Mulching.

* **Precision Land Forming** – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction. Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.

* **Sediment Basins** – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National Pollution Discharge Elimination Systems Permit (NPDES). See the Water Quality Field Guide pages 201 – 208 for Temporary Sediment Trap and pages 209-216 for Sediment Basin.

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge

Soil properties are important considerations in areas where soils are used as sites for the treatment and disposal of organic waste and wastewater. Selection of soils with properties that favor waste management can help to prevent environmental damage.

This table shows the degree and kind of soil limitations affecting the treatment of agricultural waste, including municipal and food-processing wastewater and effluent from lagoons or storage ponds. Municipal wastewater is the waste stream from a municipality. It contains domestic waste and may contain industrial waste. It may have received primary or secondary treatment. It is rarely untreated sewage. Food-processing wastewater results from the preparation of fruits, vegetables, milk, cheese, and meats for public consumption. In places it is high in content of sodium and chloride. In the context of this table, the effluent in lagoons and storage ponds is from facilities used to treat or store food-processing wastewater or domestic or animal waste. Domestic and food-processing wastewater is very dilute, and the effluent from the facilities that treat or store it commonly is very low in content of carbonaceous and nitrogenous material; the content of nitrogen commonly ranges from 10 to 30 milligrams per liter. The wastewater from animal waste treatment lagoons or storage ponds, however, has much higher concentrations of these materials, mainly because the manure has not been diluted as much as the domestic waste. The content of nitrogen in this wastewater generally ranges from 50 to 2,000 milligrams per liter. When wastewater is applied, checks should be made to ensure that nitrogen, heavy metals, and salts are not added in excessive amounts.

The ratings in the table are for waste management systems that not only dispose of and treat organic waste or wastewater but also are beneficial to crops. The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect agricultural waste management. *Not limited* indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. *Somewhat limited* indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. *Very limited* indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings in the tables indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

Application of manure and food-processing waste not only disposes of waste material but also can improve crop production by increasing the supply of nutrients in the soils where the material is applied. Manure is the excrement of livestock and poultry, and food-processing waste is damaged fruit and vegetables and the peelings, stems, leaves, pits, and soil particles removed in food preparation. The manure and food-processing waste are solid, slurry, or liquid. Their nitrogen content varies. A high content of nitrogen limits the application rate. Toxic or otherwise dangerous wastes, such as those mixed with the lye used in food processing, are not considered in the ratings.

The ratings are based on the soil properties that affect absorption, plant growth, microbial activity, erodibility, the rate at which the waste is applied, and the method by which the waste is applied. The properties that affect absorption include saturated hydraulic conductivity (Ksat), depth to a water table, ponding, the sodium adsorption ratio, depth to bedrock or a cemented pan, and available water capacity. The properties that affect plant growth and microbial activity include reaction, the sodium adsorption ratio, salinity, and bulk density. The wind erodibility group, the soil erosion factor K, and slope are considered in estimating the likelihood that wind erosion or water erosion will transport the waste material from the application site. Stones, cobbles, a water table, ponding, and flooding can hinder the application of waste. Permanently frozen soils are unsuitable for waste treatment.

Application of sewage sludge not only disposes of waste material but also can improve crop production by increasing the supply of nutrients in the soils where the material is applied. In the context of this table, sewage sludge is the residual product of the treatment of municipal sewage. The solid component consists mainly of cell mass, primarily bacteria cells that developed during secondary treatment and have incorporated soluble organics into their own bodies. The sludge has small amounts of sand, silt, and other solid debris. The content of nitrogen varies. Some sludge has constituents that are toxic to plants or hazardous to the food chain, such as heavy metals and exotic organic compounds, and should be analyzed chemically prior to use.

The content of water in the sludge ranges from about 98 percent to less than 40 percent. The sludge is considered liquid if it is more than about 90 percent water, slurry if it is about 50 to 90 percent water, and solid if it is less than about 50 percent water.

The ratings in the table are based on the soil properties that affect absorption, plant growth, microbial activity, erodibility, the rate at which the sludge is applied, and the method by which the sludge is applied. The properties that affect absorption, plant growth, and microbial activity include Ksat, depth to a water table, ponding, the sodium adsorption ratio, depth to bedrock or a cemented pan, available water capacity, reaction, salinity, and bulk density. The wind erodibility group, the soil erosion factor K, and slope are considered in estimating the likelihood that wind erosion or water erosion will transport the waste material from the application site. Stones, cobbles, a water table, ponding, and flooding can hinder the application of sludge. Permanently frozen soils are unsuitable for waste treatment.

Report—Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge

[Onsite investigation may be needed to validate the interpretations in this table and to confirm the identity of the soil on a given site. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge—Wyandotte County, Kansas					
Map symbol and soil name	Pct. of map unit	Application of sewage sludge		Application of manure and food-processing waste	
		Rating class and limiting features	Value	Rating class and limiting features	Value
7050—Kennebec silt loam, occasionally flooded					
Kennebec	85	Very limited		Somewhat limited	
		Flooding	1.00	Slow water movement	0.95
		Slow water movement	0.86	Flooding	0.60
		Depth to saturated zone	0.09	Depth to saturated zone	0.09
		Too acid	0.08	Too acid	0.02
7250—Gosport-Sogn complex, 7 to 35 percent slopes					
Gosport	50	Very limited		Very limited	
		Slow water movement	1.00	Slow water movement	1.00
		Slope	1.00	Slope	1.00
		Too acid	0.85	Runoff	0.40
		Droughty	0.36	Droughty	0.36
		Depth to bedrock	0.21	Too acid	0.27
Sogn	35	Very limited		Very limited	
		Depth to bedrock	1.00	Slow water movement	1.00
		Slow water movement	1.00	Depth to bedrock	1.00
		Droughty	0.98	Droughty	0.98
		Slope	0.96	Slope	0.96
				Runoff	0.40
7955—Knox silt loam, 7 to 12 percent slopes					
Knox	80	Somewhat limited		Somewhat limited	
		Slope	0.16	Slope	0.16

Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge—Wyandotte County, Kansas					
Map symbol and soil name	Pct. of map unit	Application of sewage sludge		Application of manure and food-processing waste	
		Rating class and limiting features	Value	Rating class and limiting features	Value
7956—Knox silt loam, 12 to 18 percent slopes					
Knox	90	Very limited		Very limited	
		Slope	1.00	Slope	1.00
7957—Knox complex, 18 to 30 percent slopes					
Knox	65	Very limited		Very limited	
		Slope	1.00	Slope	1.00
Sogn	35	Very limited		Very limited	
		Depth to bedrock	1.00	Slope	1.00
		Slope	1.00	Slow water movement	1.00
		Slow water movement	1.00	Depth to bedrock	1.00
		Droughty	0.98	Droughty	0.98
				Runoff	0.40

Data Source Information

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

Kansas City, Kansas Permitted Street Tree Listing

(June 2017)

A. Small Trees (usually under 25 feet at maturity)			
1.	<i>Acer tataricum</i> subsp. <i>ginnala</i>	Amur maple	
2.	<i>Acer griseum</i>	Paperbark maple	
3.	<i>Acer tataricum</i>	Tatarian maple	'Hotwings'
4.	<i>Acer truncatum</i>	Shantung maple	
5.	<i>Acer truncatum</i> x <i>plantanoides</i>	Norwegian sunset maple	'Warrenred' 'Keithsform'
6.	<i>Amelanchier</i> x <i>grandiflora</i>	Serviceberry*	better cultivar 'Autumn Brilliance'
7.	<i>Cercis species (spp.)</i>	Eastern and Oklahoma redbud	
8.	<i>Malus spp.</i>	Crabapple	'Royal raindrop', 'Adirondack', 'Velvet Pillar'
9.	<i>Syringa pekinensis</i>	China Snow tree lilac	'Morton'
10.	<i>Syringa reticulata</i>	Japanese tree lilac	'Ivory silk'
11.	<i>Prunus virginiana</i>	Common chokecherry*	better cultivars 'Canada Red Improved' and 'Shubert'
B. Medium Trees (usually 25-40 feet at maturity)			
1.	<i>Carpinus betulus</i>	European hornbeam	
2.	<i>Cornus species (spp.)</i>	Dogwood	Typical understory planting. Species selection important for sun tolerance.
3.	<i>Koeleruteria paniculata</i>	Goldenrain tree	
4.	<i>Quercus muehlenbergii</i>	Chinkapin oak	
5.	<i>Acer buergerianum</i>	Trident maple	
6.	<i>Acer campestre</i> 'Evelyn'	Hedge maple	
7.	<i>Acer truncatum</i>	Shantung maple	
8.	<i>Cladrastis kentukea</i>	American yellowwood	
9.	<i>Maclura pomifera</i>	Osage-orange	Male cultivars only 'Whiteshield', 'Wichita'
10.	<i>Ulmus propinqua</i> 'JFS-Beiberich'	Emerald Sunshine elm	New introduction from OK proven in KS
C. Large Trees (usually 40 feet or larger at maturity)			
1.	<i>Acer miyabei</i>	Miyabei maple	'State Street'
2.	<i>Acer plantanoides</i>	Norway maple	
3.	<i>Acer saccharum</i>	Sugar maple	Suggested cultivar 'Hiawatha 1'
4.	<i>Acer saccharum</i> var. <i>caddo</i>	Caddo sugar maple	Heat and drought tolerant. Cultivars 'John Pair' and 'Autumn Splendor'
5.	<i>Betula nigra</i>	River birch	Single stem only
6.	<i>Corylus colurna</i>	Turkish filbert	Needs large space
7.	<i>Ginkgo biloba</i>	Ginkgo	Male cultivars only
8.	<i>Gleditsia triacanthos inermis</i>	Thornless Honeylocust	'Imperial' 'Shademaster' 'Skyline'

	Permitted Large Trees		
9.	<i>Gymnocladus dioica</i>	Kentucky coffeetree	Male cultivars available. Durable native.
10.	<i>Liquidambar styraciflua</i>	Sweetgum	Male cultivars only
11.	<i>Metasequoia glyptostroboides</i>	Dawn redwood	Needs large space
12.	<i>Nyssa sylvatica</i>	Black gum	
13.	<i>Quercus acutissima</i>	Sawtooth oak	
14.	<i>Quercus alba</i>	White oak	
15.	<i>Quercus bicolor</i>	Swamp white oak	Soil pH should determined
16.	<i>Quercus coccinea</i>	Scarlet oak	
17.	<i>Quercus imbricaria</i>	Shingle oak	
18.	<i>Quercus lyrata</i>	Overcup oak	
19.	<i>Quercus macrocarpa</i>	Bur oak	
20.	<i>Quercus phellos</i>	Willow oak	
21.	<i>Quercus robur</i>	English oak	Choose mildew resistant cultivars
22.	<i>Quercus rubra</i>	Northern red oak	Soil pH should determined
23.	<i>Quercus shumardii</i>	Shumard oak	
24.	<i>Taxodium distichum</i>	Baldcypress	
25.	<i>Tilia cordata</i>	Littleleaf linden	
26.	<i>Tilia tomentosa</i>	Silver linden	Cultivars 'Sterling Silver' 'Green Mountain'
27.	<i>Tilia Americana</i>	American linden	
28.	<i>Ulmus americana</i>	American elm	Cultivars resistant to Dutch elm disease; 'New Harmony', 'Princeton', 'Lewis and Clark', 'Jefferson'
29.	<i>Ulmus parvifolia</i>	Lacebark elm	'Elmer II'
30.	<i>Ulmus wilsoniana</i>	Prospector elm	
31.	<i>Zelkova serrata</i>	Zelkova, columnar or Japanese	'Musashino' 'Village green' 'Green vase'

* Fruits produced - site selection important

Kansas City, Kansas Prohibited Street Tree Listing

(June 2017)

Prohibited Street Trees			
1.	<i>Abies species (spp.)</i>	Fir	
2.	<i>Acer saccharinum</i>	Silver maple	
3.	<i>Albizia julibrissin</i>	Mimosa	
4.	<i>Celtis occidentalis</i>	Northern hackberry	
5.	<i>Celtis laevigata</i>	Sugar hackberry	
6.	<i>Diospyros virginiana</i>	Persimmon	
7.	<i>Elaeagnus angustifolia</i>	Russian olive	
8.	<i>Fraxinus Americana</i>	White ash	
9.	<i>Fraxinus pennsylvainica</i>	Green ash	
10.	<i>Maclura pomifera</i>	Osage orange – fruited/thorned varieties	
11.	<i>Morus spp.</i>	Mulberry	
12.	<i>Picea spp.</i>	Spruce	
13.	<i>Pinus spp.</i>	Pine	
14.	<i>Platanus acerifolia</i>	London plane tree	
15.	<i>Platanus occidentalis</i>	Sycamore	
16.	<i>Populus spp.</i>	Cottonwood	
17.	<i>Pyrus calleryana</i>	Bradford pear	
18.	<i>Ulmus pumila</i>	Siberian elm	
19.	<i>Ailanthus altimssima</i>	Tree of Heaven	
20.	<i>Acer negundo</i>	Boxelder	
21.	<i>Salix spp.</i>	Willow	
22.	Edible fruit trees		



KAW VALLEY ENGINEERING, INC.

Office: 816.468.5858
Fax: 816.468.6651
Web: www.kveng.com
Address: 8040 N. Oak Trafficway
Kansas City, MO 64118

August 30, 2021

B21D4210

Unified Government of Wyandotte County
Mr. Byron Toy, AICP
701 North 7th Street, Suite 423
Kansas City, KS 66101

Re: Response to Comments Dated September 13, 2021 for petition # CZZ202-026

Dear Mr. Toy,

Kaw Valley Engineering, Inc. (KVE) has reviewed your comments and questions. The following are our responses.

1. In the future, the applicant would like to vacate a portion of Parkview Avenue to the south to better align the driveway with Parkview Avenue to the west, across North 47th Street.

Acknowledged.

2. As discussed during the pre-application meeting, in the future, renting out bedrooms for short-term rentals requires a Special Use Permit.

Acknowledged.

3. Per Sec. 27-452(b)(12) Riding stables, fishing lakes and picnic groves, provided no concession on retail sales shall be provided.
Sec. 27-340 Stable, riding means a structure and premises in which horses, ponies or mules, used exclusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire sale.

This is a private riding stable, similar to private horse stables on Donahoo Road that offer private lessons to individuals in addition to boarding horses with large barns and riding arenas. There are loading/unloading areas on these properties for vehicle and horse trailers parking.

Acknowledged.

4. Subsequent Phase 2 will require its own Change of Zone and Final Development Plan, specifically 4249 Sortor Drive, which is not included as part of this petition.

Acknowledged.

Office Locations: Junction City, KS / Kansas City, MO / Lenexa, KS / Salina, KS / Emporia, KS / Wichita, KS

5. Either file a replat to combine the 4600 Parkview Avenue, 4551 Sloan Avenue or consolidate these two parcels together via lot combination with the GeoSpatial Services Department so 4551 Sloan Avenue (0.97 acres) is incorporated into a parcel that is over five (5) acres for A-G Agriculture District. Otherwise, you may require a variance.

Acknowledged.

6. Who will live in the residence?

The property owner and family.

7. What are the proposed hours of operation?

The proposed hours of operations are seasonally dawn – dusk.

8. How many staff members will be on-site during the business hours?

The number of staff members on site will vary by requirements. Minimum 1 – Maximum 12.

9. How many clients can visit the site at one time?

The number of clients that may visit the site at one time varies from an individual to a class of 15.

10. How will the trails be carved and cut to make a loop?

Per the application, the ground cover will be cleared to make a natural path, which varies from 12ft – 15ft in width. The cut trees will be mulched and compressed to create natural abatement from erosion. This will be accomplished by Remco Demolition LLC, 24801 219th St, Leavenworth, KS 66048.

11. Please describe in detail how the veteran equestrian therapeutic barn function on a day-to-day basis?

Sessions may not occur daily. However, the operations will be as follows. The engagement will be run by a licensed occupational therapist who uses the horse's movement to strengthen core, balance, focus, and speech improvement for children and adults. Therapy includes riding, where special attention is paid to improving muscle strength, coordination, balance, stamina, self-confidence, and social interaction. Therapeutic riding revolves around learning horsemanship, improving basic riding skills, and learning a specific riding discipline such as dressage. Our therapeutic riding instructors are specially trained and certified to instruct clients with a wide variety of physical and mental disabilities, as well as clients who are not disabled. Sessions are conducted in the barn, pastures, round pen, and trail. Lastly, sessions are conducted according to each rider's interests, needs, abilities, and rate of progress.

12. The proposed gravel is acceptable for horses to maneuver as they enter and exit the paddock, but the surface upon which vehicles and trailers load and unload horses must be paved with asphalt or concrete.

Plans have been provided to show that all surfaces are paved asphalt.

13. How will you dispose of waste? Contact the Cheri Miller, Wyandotte County Conservation District (913) 334-6329 to develop a conservation plan to specifically manage on-site grazing and animal waste throughout the year.

Several options for a complete manure management system involve the collection, storage (temp or long-term), and disposal or utilization. The plan includes earth reclamation, moving to a fortified storage manure pad on-site, and contract disposal.

14. The parking lot shall be paved with asphalt or concrete, striped accordingly and comply with the ADA requirements.

Plans have been revised to show the parking lot is paved with asphalt and ADA stripping complies with ADA requirements.

15. Obtain a right-of-way permit from Public Works Department to build an apron

Acknowledged.

16. To keep with the rural character of the neighborhood, no signage shall be displayed along 47th Street.

Acknowledged.

17. Provide a landscape plan.

Landscape plan have been provided.

18. Maintain all tree stands to create a buffer to adjacent residential uses.

Plans have been provided that indicate that tree stands have been maintained to the greatest extent possible.

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

Acknowledged.

Planning Engineering Comments:

Preliminary Retaining Wall Review No. 1

1. Final development plans shall include retaining wall calculations, details, and construction plans signed and sealed by a Professional Structural Engineer registered in the state of Kansas, in accordance with UG criteria. Please review and comply with the

on-line retaining wall checklist. These requirement(s) are for all types of retaining walls, including modular block or pre-manufactured walls.

Acknowledged.

2. Retaining walls 3' 6" (3.5ft) or greater in height within the proposed development shall require plans and calculations sealed and signed by a Professional Structural Engineer registered in the State of Kansas.

Acknowledged.

3. Retaining wall calculations shall meet minimum factor of safety requirements for bearing, sliding, and overturning per UG criteria. In the absence of geotechnical report, allowable soil bearing pressure shall be 1,500 psf per UG criteria.

Acknowledged.

4. Retaining wall(s) shall be designed for all applicable types of loading, including construction, backfill, and surcharge type loading(s), i.e., 150-250 psf uniform surcharge load to account for construction backfill, etc.

Acknowledged.

5. Retaining walls greater than 6' in height shall be tiered with minimum of 5' spacing between tiers in accordance with UG standards and criteria. Revise the grading plan, as applicable to show tiered wall(s). Further discussion with staff may be required.

Acknowledged.

6. Construction plans shall meet UG standards and criteria and shall be reviewed and approved prior to construction permit acquisition.

Acknowledged.

Preliminary Erosion Control Review No. 1

1. Indicate land disturbance area on the erosion control plans.

Plans have been provided that indicate land disturbance area.

2. With final plans, provide an erosion control plan in accordance with UG criteria including erosion control notes, construction sequence, identifying the 3 stages of construction, indicate when BMP's are to be placed and when they are to be removed, and applicable maintenance requirements. (Review UG Guidelines and Checklist).

Acknowledged.

3. Regarding the above comment, illustrate locations and provide UG detail numbers or provide construction details for each of the ESC measures (for the different phases of the project)

Acknowledged.

-
4. All items used in the erosion control plan that have a Standard UG Detail, shall be referred to by the standard UG Detail Number in the written erosion control plan and the construction sequence. (See UG checklists, standards, and criteria)
Acknowledged.
 5. Slope interrupts need to be provided on graded slopes within the site. Slope interrupts are either compost berm, gravel berm, compost sock or silt fence. Slope interrupts shall approximately follow a contour. In this regard, mild and moderate slopes longer than 75 feet are interrupted at intervals not exceeding 75 ft. (See UG checklist, standards, and criteria)
Acknowledged.
 6. Similar as above comment, for large sites the written construction sequence includes a requirement to limit the exposed area to no more than 10 acres at any one time, or to limit the total time of exposure at any one location to 35 days. (See UG checklists, standards, and criteria)
Acknowledged.
 7. Final erosion control plan shall include all construction details and calculations as necessary in accordance with the UG standards and criteria, at an appropriate scale. Call out UG standard detail numbers (for example, UG 1400-A, 1400-C, 1400-E, and 1400-K) and provide details where the UG does not have any, e.g., APWA curb inlet protection.
Acknowledged.
 8. With final development plans, provide notes on the erosion control plans and stormwater quality BMP plans regarding cleaning sediment from the basins after use as ESC features and prior to final restoration as post construction stormwater quality BMPs.
Acknowledged.
 9. For future information, the following comments will apply and are required on the erosion control plans in the final development plan set:
Acknowledged.
 10. Applicant will need to identify and acquire all necessary permits including local, state, and federal jurisdictions for all work including land disturbance.
Acknowledged.
 11. Final development plans / plat will have to be approved before going to planning commission with approval to obtain permits. These will need to include construction notes, separate drawings and references covering the phases of construction with leaders and notes that describe when EC BMPs are placed on site and removed. Only preliminary engineering drawings are required at this time.
Acknowledged.

Preliminary Sanitary Sewer Review No. 1

1. Prior to construction permit acquisition, a valid on-site wastewater permit is required to be obtained from the Wyandotte County Health Department for construction, alteration, extension, or replacement of private on site-wastewater system.

Acknowledged.

2. Provide details of animal waste disposal. In this regard, please coordinate with Scott Craig, Environmental Manager, at 913-573-1313 or scraig@wycokck.org regarding whether or not any evaluation, testing, or other requirements will be needed for the proposed business operation.

Several options for a complete manure management system involve the collection, storage (temp or long-term), and disposal or utilization. The plan includes earth reclamation, moving to a fortified storage manure pad on-site, and contract disposal.

3. Final Development Plans/Plat will have to be approved before going to Planning Commission with approval to obtain permits. These will need to include final engineering, calculations, and complete drawings with construction notes and details. Only preliminary drawings are required at this time.

Acknowledged.

Preliminary Storm Drainage Review No. 1

1. Final development plans will have to be approved before going to Planning Commission with approval to obtain permits. This will include complete drawings of the pipe systems, and drainage areas with 5-year and 100-year tables, outlet structures and rip rap, plan, and profile views with HGLs and EGLs (per UG standards, energy grade lines shall not exceed ground surface), final calculations, and all details necessary for review, as applicable. Final Development Plans must meet the requirements of UG standards. Only preliminary drawings are required at this time.

Acknowledged.

Preliminary Stormwater Quality Review No. 1

1. As set forth in the UG's stormwater treatment ordinance adopted in May of 2010, if the development site disturbs an acre or more, plans must be in accordance with the August 2009 second edition of the MARC Manual of Best Management Practices for Stormwater Quality. Please address the following comments with your resubmittal (preliminary plans should illustrate the following requirements will be met with final development plans):

BMPs are addressed in the revised stormwater report.

2. Final development plans will have to be approved before going to Planning Commission with approval to obtain permits. This will include final engineering, final calculations, complete drawings with construction notes and details in accordance with the MARC BMP Manual, soil percolation test results may be required, Operation and Maintenance

Manual, etc. Final Development Plans must meet the requirements of UG standards and criteria. Only preliminary drawings are required at this time.

Acknowledged.

General Engineering Review #1

1. Provide legal description and exhibit for the proposed vacation of the alley way south of tract 1 (Parcel #172401). Please coordinate with Byron Toy- (913-573-5757) or btoy@wycokck.org regarding the submission process and application requirements. Since vacation documents were not submitted with the change of zone application and there is no replat involved with the tracts within the proposed development, the vacation is not able to be reviewed at this time. Further discussion with staff is required.

Owner shall perform the right of way vacation in the near future.

2. See Erosion Control review for additional comments.

Acknowledged.

3. See Storm Drainage review for additional comments.

Acknowledged.

See Stormwater Quality review for additional comments.

Acknowledged.

4. See Sanitary Sewer review for additional comments.

Acknowledged.

5. See Retaining Wall for additional comments.

Acknowledged.

6. Final development plans/plat will have to be approved before going to Planning Commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details. The Final Development Plans/Plat must meet the requirements of UG standards and criteria. Only preliminary drawings and studies are required at this time.

Acknowledged.

If you have any questions, please don't hesitate to contact me at (816) 468-5858.

Sincerely,

Kaw Valley Engineering, Inc.

Martin T. Arling, P.E.
Principal

Subject: Meeting Minutes

Application Number: COZ2021-026 - 4551 Sloan Avenue and 4600 Parkview Avenue

Date and Location:

- Aug 25, 2021 08:00 PM Eastern Time (US and Canada)
- Zoom Virtual Meeting:
<https://us02web.zoom.us/j/84233050063?pwd=UHhaSkMwS2t3TEEvdmxhUHpNaW5EUT09>

Meeting called to order at 8:00 pm

Names of people in attendance:

- Kathy Warman (Warman Architecture)
- Aaron Moore (Kaw Valley Engineering)
- Amy Strother (Developer)
- Reginald Strother Sr. (Minute recorder)
- Bruce Swine (Resident)

Action of events:

1. Zoom meeting was started promptly at 7:55 PM on 8/25/2021. Mrs. Strother awaited participants to enter the virtual meeting room.
2. Kathy Warman, Aaron Moore, Reginald Strother all logged on to the meeting by 8:30 pm. Mrs. Warman stated that no community members had contacted the city regarding the upgrades to the property.
3. Participants continued to wait for neighborhood residents to log on until the recommended 30min time block.
4. One invitee, Bruce White, signed into the provided Zoom link at 8:30 pm and asked questions. Amy Strother delivered a presentation of the property development that included stating the purpose of the meeting to notify the neighbors that a change of zoning has been filed. It was noted that the request pertains to the following parcels are 172401 - 4600 PARKVIEW AVE, 172300 - 4551 SLOAN AVE, and 914007- 3334 N 44TH TER from R-1(b) or residential to AG or Agricultural. Amy also notified the resident that a preliminary development plan was submitted for the development of an urban equestrian sanctuary with a therapeutic barn, clubhouse, trail, and parking lot. She provided answers to all questions below.

Question - What is your connection to the project?

Answer - Family inherited land and found the potential to rejuvenated and enhance the area.

Question - Why do you have to rezone to create the project?

Answer – Auxiliary structures cannot be placed on property zoned for residential without the main dwelling on the parcels receiving the auxiliary structures.

Question - Will Phillips allows a trail across the pipeline?

Answer – The topic has been researched and approved by Phillips 66.

Question - If rezoning is approved, what is the next step?

Answer – After the county provides approval, a general contractor will set the site for excavation and construction.

Comments provided by Mr. Bruce White

- He acknowledges that he's aware of the building in the area. He has a concern that he is going to rezone across the area. Willing to assist with community outreach and community engagement.

Meeting adjourned at 8:55 pm eastern standard time.

Minutes taken by: Reginald L. Strother Sr.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

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

1. That I am the petitioner for Petition # COZ2021-026.
2. That I conducted a neighborhood meeting on August 25, 2021.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

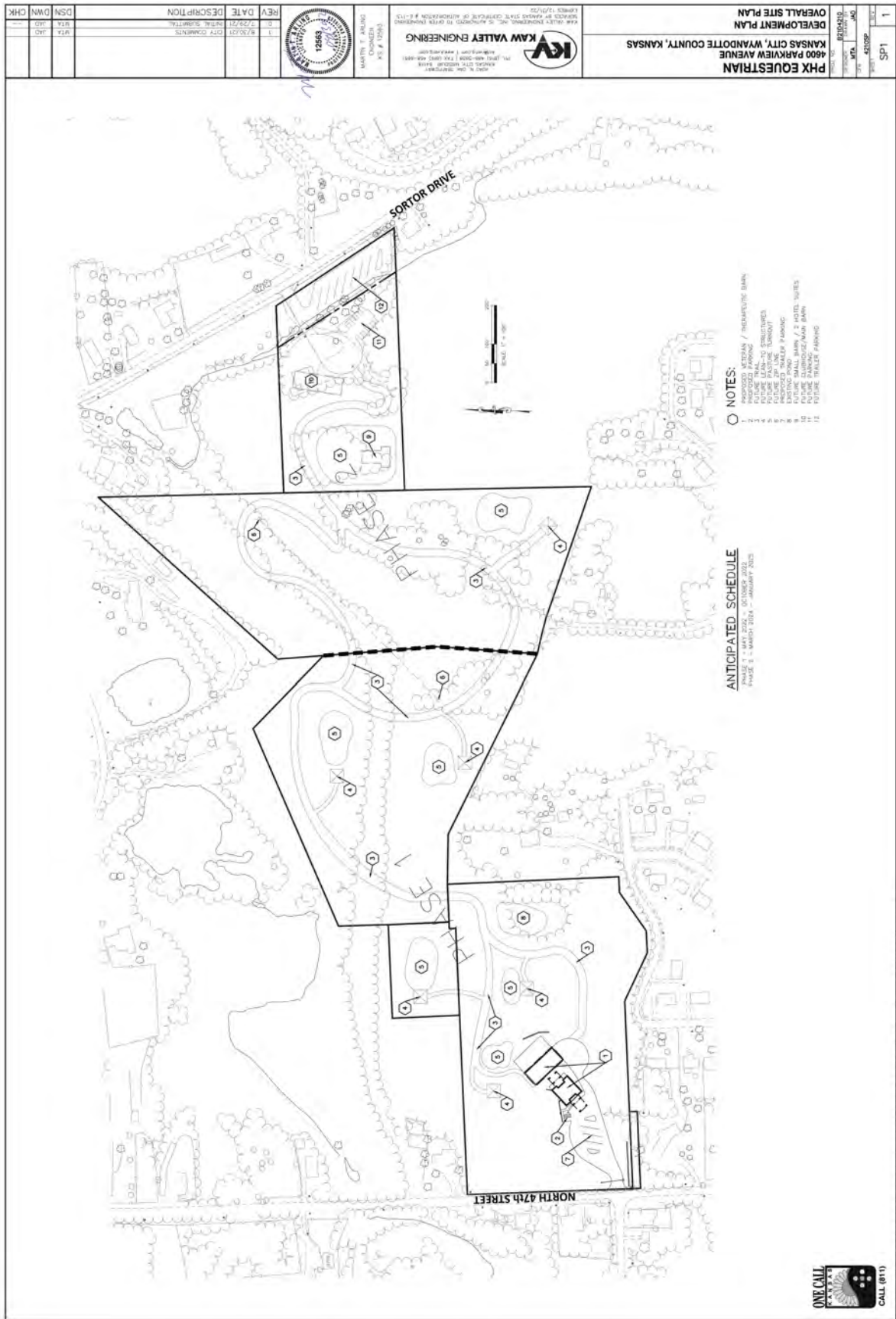


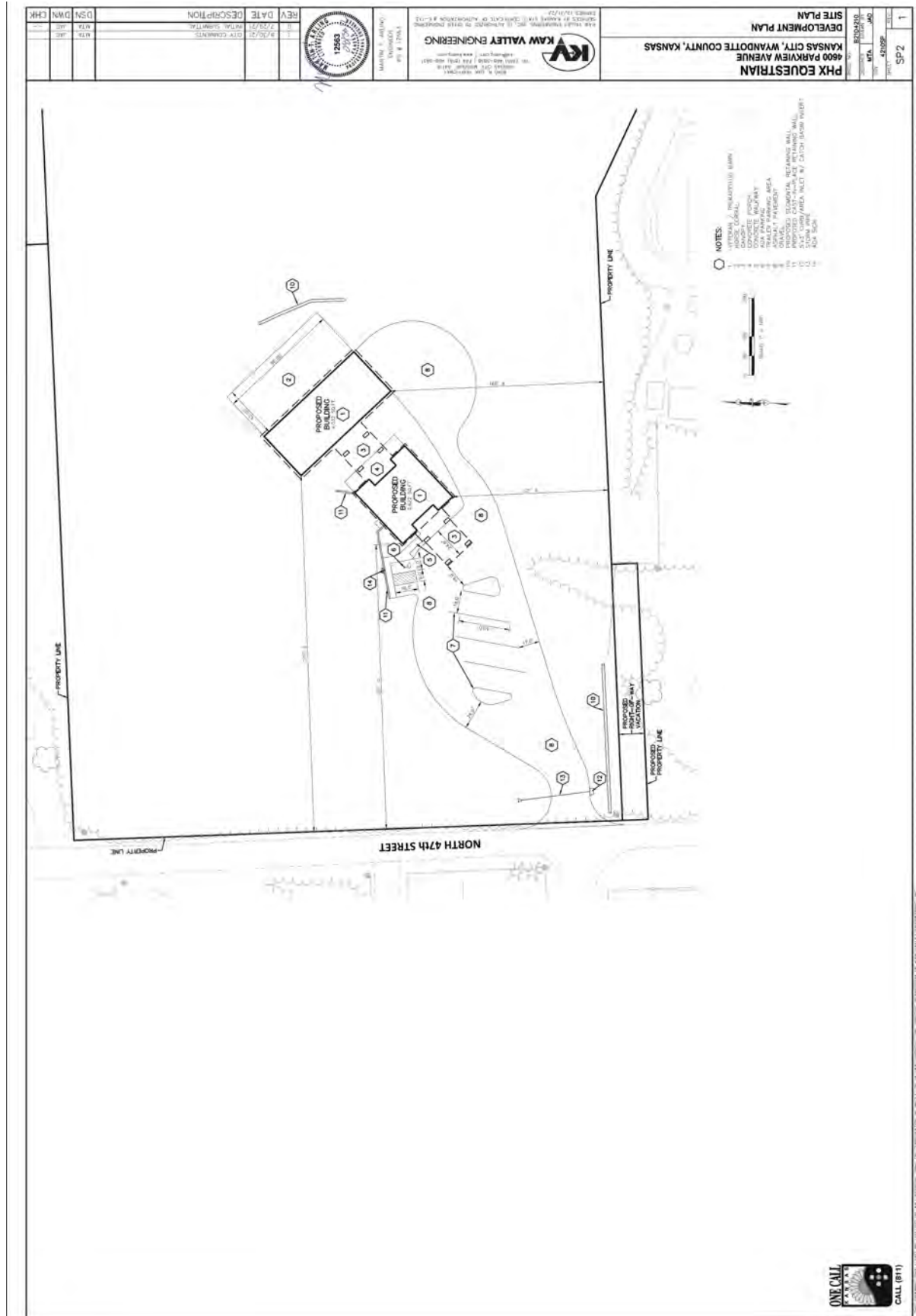
Affiant

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

My commission expires _____ of _____, 200_.

Notary Public









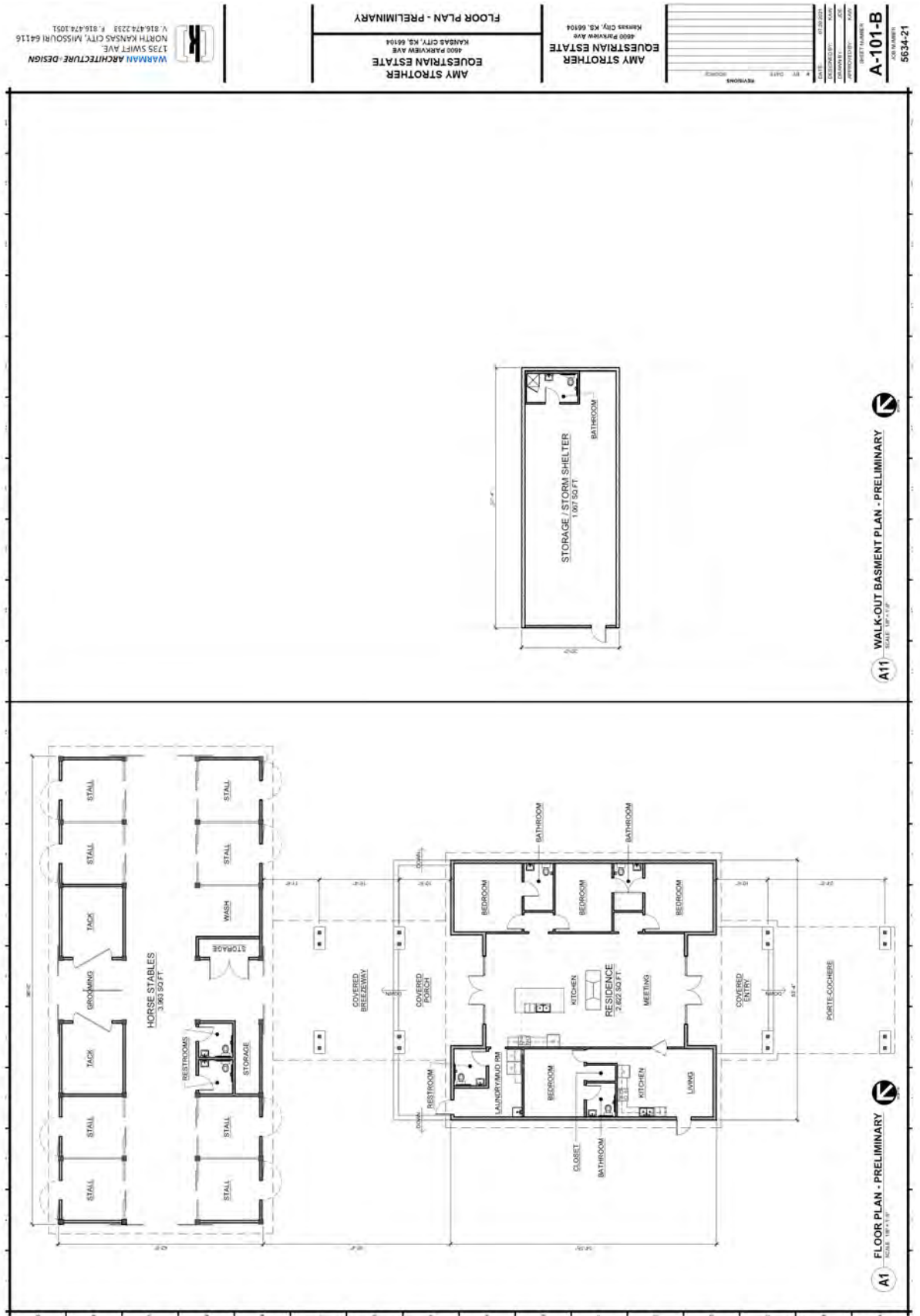






Figure 4. Site Photograph of 4600 Parkview Avenue looking north (provided by Planning Staff).



Figure 5. Site Photograph of 4600 Parkview Avenue looking southeast (provided by the Planning Staff).



Figure 6. Site Photograph of 4600 Parkview Avenue looking east (provided by Planning Staff).



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: September 30, 2021
Re: Petition SP2021-029

GENERAL INFORMATION

Applicant:
Nadia Griffitt

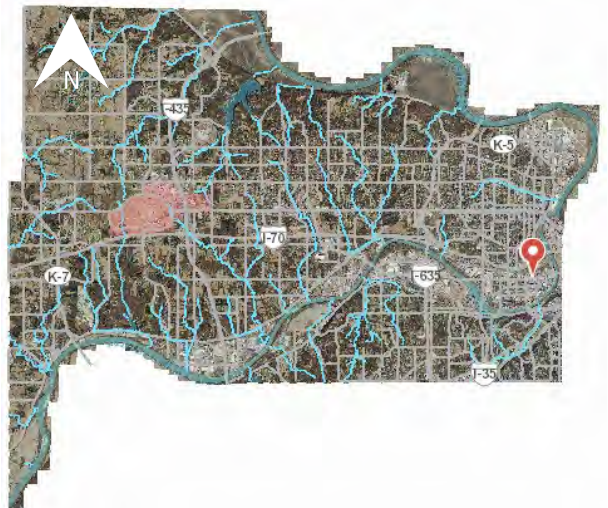
Status of Applicant:
President
Latin Quarters, Inc.
508 Kansas Ave
Kansas City, Kansas 66109

Requested Action:
Approval of Special Use Permit.

Date of Application:
March 26, 2021

Purpose:
For a drinking establishment
with live entertainment.

Property Location:
508 Kansas Avenue
Kansas City, Kansas 66109



Commission Districts:	Commissioner At Large: Tom Burroughs District #2 Commissioner: Brian McKiernan
Existing Zoning:	M-2 General Industrial District
Adjacent Zoning:	North: M-3 Heavy Industrial District South: M-2 General Industrial District East: M-2 General Industrial District West: M-2 General Industrial District
Adjacent Uses:	North: Industrial Business South: Office Building East: KCK Fire Department Station #3 West: Commercial Buildings
Total Tract Size:	0.33 Acre
Master Plan Area:	Armourdale Master Plan
Master Plan Designation:	The Armourdale Master Plan designates this area as Light Industrial. This allows for light industrial uses such as warehouse, distribution, office and limited retail and offices.
Major Street Plan:	The Major Street Plan classifies Kansas Avenue as a Class B Thoroughfare.
Parking Requirements:	Section 27-469 states that uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. The ratio will vary among occupants and will be determined by the Director of Planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one space for each 500 square feet of building floor area be provided. For buildings larger than 20,000 square feet, only one (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. Parking requirements for a drinking establishment are one (1) space per 50 square feet of seating area, plus one (1) space for 200 square feet of remaining total floor area. One (1) out of every 25 parking spaces must be ADA Compliant. One (1) out of every six (6) ADA spaces must be van accessible.

Advertisement:	<u>The Wyandotte Echo</u> – April 15, 2021, May 20, 2021, June 17, 2021, July 15, 2021, and August 19, 2021 Letters to Property Owner – April 16, 2021, May 21, 2021, June 17, 2021, July 16, 2021, August 20, 2021 and September 23, 2021
Public Hearings:	September 13, 2021 and September 30, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Nadia Griffitt, is requesting the approval of a Special Use Permit. This business was previously allowed to operate as a drinking establishment with live entertainment under Special Use Permit SP-2016-70, which expired on January 26, 2019. This Special Use Permit allowed for the operation of a restaurant, bar, catering business, and live entertainment at 508 Kansas Avenue. Because of the time that has lapsed since this Special Use Permit expired, this application cannot be considered a renewal.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There have been seven (7) Notices of Violation on this property. One in 2007 for weeds and vehicle parts, one (1) in 2003 for weeds and old wood on the property, one (1) in 2006 for graffiti, one (1) in 2011 for weeds, two (2) in 2012 for weeds, and one (1) in 2015 for weeds, junk, and boarded doors.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

Kansas Avenue is a major corridor with a mix of commercial and industrial uses. Epiq Systems, Inc. is a legal service and technology company with offices directly to the south. Kansas City, Kansas Fire Department Station #3 is directly to the East. Nearby properties on Kansas Avenue include restaurants and a hardware store. There are industrial uses and a rail yard to the North.

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

The proposed use could create issues of parking, noise, and traffic if not managed properly. The property is surrounded by other commercial and industrial uses, which are compatible uses.

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

This property is suitable for use as a bar/night club or other small commercial business. The property could be suitable for a bar with live entertainment if properly managed. Noise and crowds could be an issue; however, the property is located in a commercial/industrial neighborhood and adjacent to a Class B Thoroughfare.

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

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

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

Special Use Permits are not addressed in the Master Plan. The Armourdale Master Plan designates this area as Light Industrial. This allows for light industrial uses such as warehouse, distribution, office and limited retail and offices. The proposed use does not conform to the Master Plan because it is not a light industrial or office use. The proposed use is for a bar with live entertainment.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of the Class B Thoroughfare to accommodate it if managed properly while it hosts live entertainment.

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

The proposed use is not necessary for the welfare of the public but provides a convenience in the form of entertainment. Live entertainment has the potential to create issues of noise and traffic for the adjacent businesses if not managed properly.

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

Noise, vibration, and illumination are issues that are related to live entertainment and could create problems for nearby businesses. Dust is not expected to be an issue because parking takes place on an improved surface parking lot.

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

The proposed use will not pollute the air, land, or water because it is for live entertainment within an existing structure.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is conducted wholly within an existing business in an industrial neighborhood.

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal as it only provides the convenience of entertainment with some economic benefit. If denied, the landowner could not use the property to as a bar with live entertainment but could use the property as a restaurant or other commercial business, rent the property, or sell it.

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

The proposed use could create issues of overcrowding and undue concentrations of population if it is not managed properly. The Fire Department has expressed concern about the safety of the building. (See attached).

PREVIOUS ACTIONS

BOZA 2230
SP-2016-70

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting 5:30 PM on May 27, 2021, at 508 Kansas Avenue. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant (see Attachments section of this report).

KEY ISSUES

Building Safety/Fire Department Comments
Noise
Parking
Traffic
Illumination
Security
Stormwater Runoff

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2021-029** for one (1) year, subject to:

- 1) The applicant must comply with all Fire Department comments, including the comments stemming from the July 9, 2021 Inspection Report;
- 2) The hours of operation are as follows:
 - Monday-Thursday, 5:00 pm – 11:00 pm;
 - Friday and Saturday, 5:00 pm – 2:00 am.;
 - Sunday, occasionally (the applicant must provide hours of operation for Sundays, even if the space is only open occasionally)
- 3) Live entertainment shall be limited to Fridays and Saturdays, as well as occasionally on holidays as scheduled.
- 4) *The noise level shall be kept under 85 decibels per the M-3 Heavy Industrial District performance standard Sec. 27-470(d)(1)c.*
- 5) Attendance is limited to 289, the legal occupancy of the building.
- 6) Live entertainment events must comply with the following requirements:
 - a. All entertainment must cease by at least 1:00 am;
 - b. Doors and windows must stay closed during any entertainment performance;
 - c. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - i. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - ii. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - iii. An I.D. scanner will be used at all times;
 - iv. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
 - d. No amplified speakers or entertainment is allowed in outdoor spaces; and,
 - e. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses.
- 7) Respond and resolve any issues brought to the attention of the operator by residents and/or neighborhood groups.
- 8) If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Unified Government Board of Commissioners for revocation;
Total public area has been established by the applicant as 4,000 square feet—2,600 square feet on the first floor and 1,600 square feet on the second floor.
- 9) The proposed parking plan submitted by the applicant demonstrates 32 parking spaces, two (2) of which are ADA-compliant. The parking lot must be striped, any potholes or cracks in the pavement must be repaired, ADA-

- compliant parking proximate to the entrance must be installed, per the submitted parking plan;
- 10) Must comply with the previously provided Landscape Plan which indicates trees and landscaping along South 5th Street on the East and Kansas Avenue on the western edges of the property;
 - 11) Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential uses;
 - 12) An owner must always be present on-site during hours of operation;
 - 13) 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;
 - 14) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 - 15) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 - 16) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2021-029** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 13, 2021 City Planning Commission Minutes
Zoning Map
Aerial Map
Land Use Map
Fire Department Comments
Elevations
Floor Plan/Landscape Plan
Structural Inspection Letter, Dated 2015
Site Photographs Provided by Staff, Dated April 20, 2021
Kansas City, Kansas Fire Department Inspection Report, Dated July 9, 2021
Neighborhood Meeting Materials, Dated May 27, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Commission</u>
Public Hearing		
Special Use	September 13, 2021 Approval	September 30, 2021

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-029** to the as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2021-029** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 13, 2021 City Planning Commission Minutes:

Hearing starts at 2:16:05:

SPECIAL USE PERMIT APPLICATION SP2021-029 – NADIA GRIFFITT WITH LATIN QUARTERS, INC. – SYNOPSIS: Special Use Permit for a drinking establishment with live entertainment at 508 Kansas Avenue (SP-2016-70 – expired on 1/26/2019).

Detailed Outline of Requested Action: The applicant, Nadia Griffitt, is requesting the approval of a Special Use Permit. This business was previously allowed to operate as a drinking establishment with live entertainment under Special Use Permit SP-2016-70, which expired on January 26, 2019. This Special Use Permit allowed for the operation of a restaurant, bar, catering business, and live entertainment at 508 Kansas Avenue. Because of the time that has lapsed since this Special Use Permit expired, this application cannot be considered a renewal.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There have been seven (7) Notices of Violation on this property. One in 2007 for weeds and vehicle parts, one (1) in 2003 for weeds and old wood on the property, one (1) in 2006 for graffiti, one (1) in 2011 for weeds, two (2) in 2012 for weeds, and one (1) in 2015 for weeds, junk, and boarded doors.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners.

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

The Planning Commission took a break from 2:18:50 until 2:25:00

Present in Support:

- Paul Heide, representing the applicant, 3625 Broadway, Kansas City, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:28:41: Planning Director Hand stated that this property is in the Armourdale Area Master Plan boundaries and the building is somewhat historic in nature. He further stated that there have been complaints

concerning the events being held at this establishment. They have received their maximum four (4) yearly live entertainment permits (through the Business License Department) so the requested Special Use Permit would allow all future live entertainment and the special events. Director Hand stated that Staff applied the standard conditions to live entertainment permits and noted that live entertainment events would only take place on this property on the weekends and holidays as a condition of approval. Staff has conditioned that they follow their previous landscaping plan and repair and restripe the surface parking lot. There have been no letters of support nor opposition submitted and there are some older Notices of Violation, but nothing that pertains to this case. Staff recommends approval for one (1) year, subject to the conditions in the staff report. Staff considered this application as a new application due to the lapse in time between renewal.

Motion and Vote starts at 2:31:57:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit **SP2021-029 for one (1) year:**

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

- 1) The applicant must comply with all Fire Department comments, including the comments stemming from the July 9, 2021 Inspection Report;
- 2) The hours of operation are as follows:
 - Monday-Thursday, 5:00 pm – 11:00 pm;
 - Friday and Saturday, 5:00 pm – 2:00 am.;
 - Sunday, occasionally (the applicant must provide hours of operation for Sundays, even if the space is only open occasionally)
- 3) Live entertainment shall be limited to Fridays and Saturdays, as well as occasionally on holidays as scheduled.
- 4) *The noise level shall be kept under 85 decibels per the M-3 Heavy Industrial District performance standard Sec. 27-470(d)(1)c.*
- 5) Attendance is limited to 289, the legal occupancy of the building.
- 6) Live entertainment events must comply with the following requirements:
 - a. All entertainment must cease by at least 1:00 am;
 - b. Doors and windows must stay closed during any entertainment performance;
 - c. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:

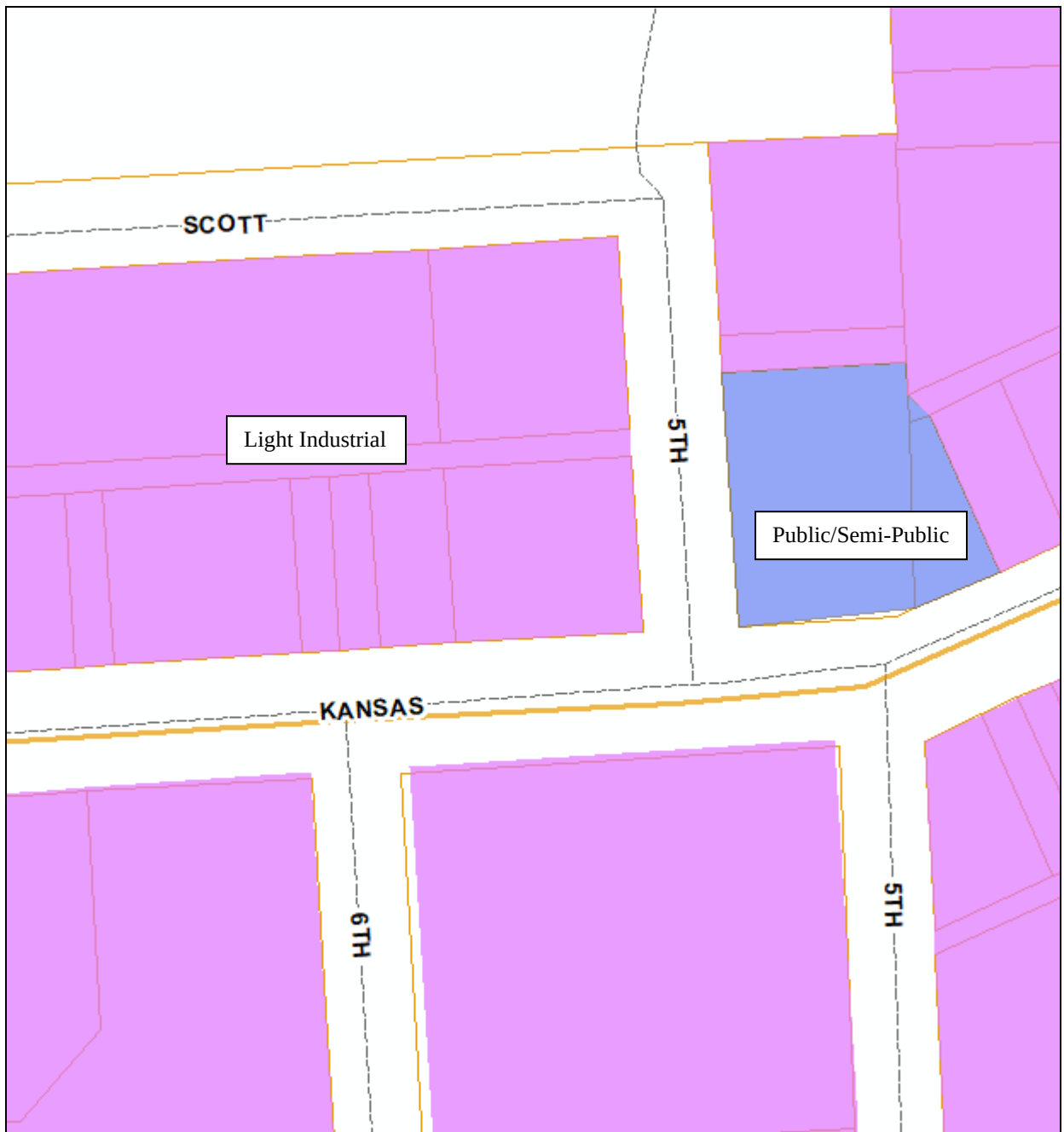
- i. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - ii. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - iii. An I.D. scanner will be used at all times;
 - iv. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
 - d. No amplified speakers or entertainment is allowed in outdoor spaces; and,
 - e. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses.
- 7) Respond and resolve any issues brought to the attention of the operator by residents and/or neighborhood groups.
 - 8) If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Unified Government Board of Commissioners for revocation;
Total public area has been established by the applicant as 4,000 square feet—2,600 square feet on the first floor and 1,600 square feet on the second floor.
 - 9) The proposed parking plan submitted by the applicant demonstrates 32 parking spaces, two (2) of which are ADA-compliant. The parking lot must be striped, any potholes or cracks in the pavement must be repaired, ADA-compliant parking proximate to the entrance must be installed, per the submitted parking plan;
 - 10) Must comply with the previously provided Landscape Plan which indicates trees and landscaping along South 5th Street on the East and Kansas Avenue on the western edges of the property;
 - 11) Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential uses;
 - 12) An owner must always be present on-site during hours of operation;
 - 13) 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;
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 - 15) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the

- Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 16) 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.

Aerial Map:



Land Use Map:



Fire Department Comments:



Michael Callahan
Fire Chief

KANSAS CITY KANSAS FIRE DEPARTMENT Division of Fire Prevention

John Droppelmann, Fire Marshal
Fire Headquarters Building
815 North 6th Street
Kansas City, Kansas 66101



Phone: 913-573-5938
Fax: 551-0490

PLANNING COMMISSION AGENDA REMARKS

April 12, 2021

Mrs. Janet Parker,

In reference to the BOZA and CPC agenda items for the May 10, 2021, City Planning Commission Agenda the Kansas City, Kansas, Fire Marshal's office has only one comment for the items submitted:

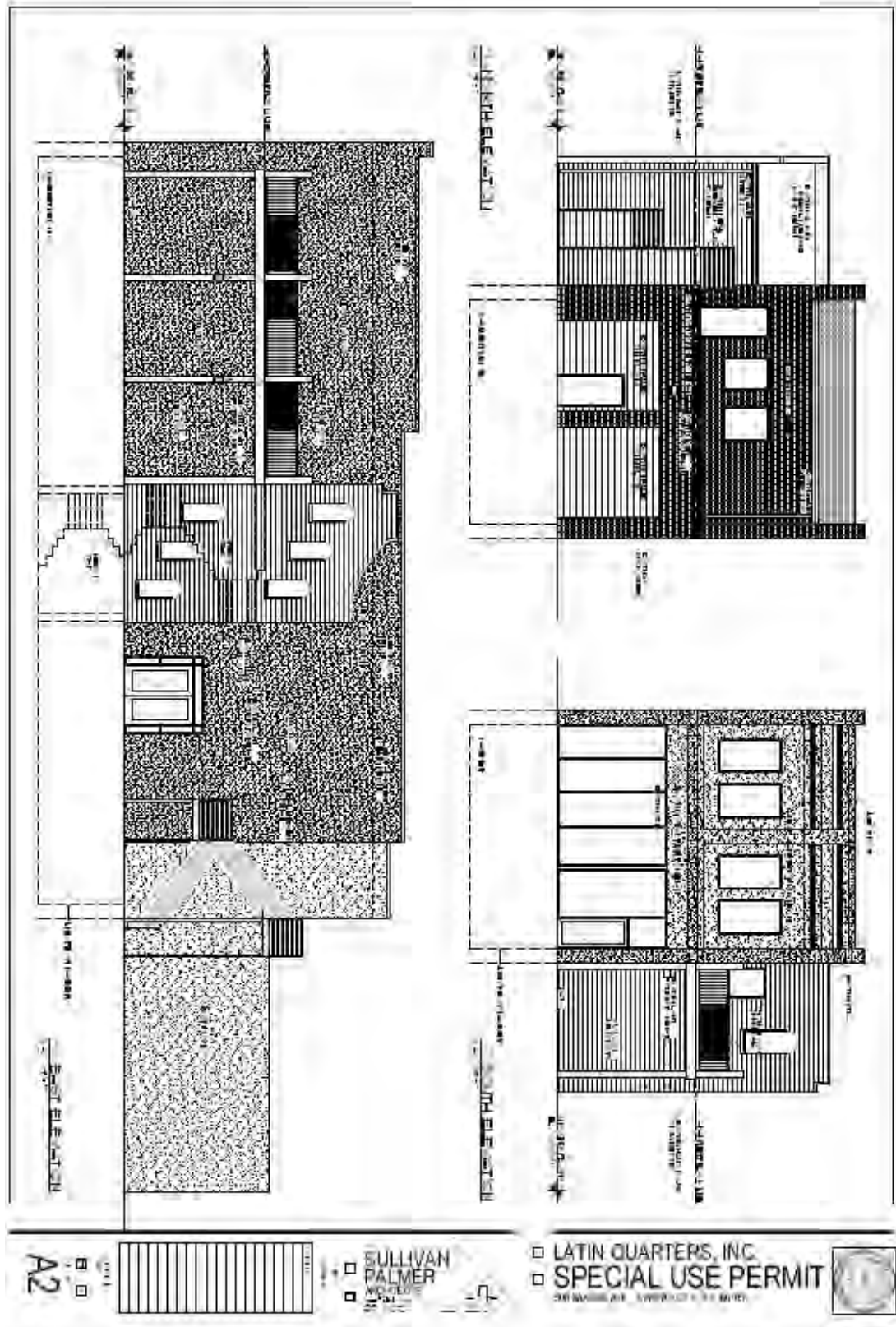
- # SP2021-029 NADIA GRIFFITT, Special Use Permit for a drinking establishment with live entertainment at 508 Kansas Avenue (SP-2016-70 expired 1/26/2019)

COMMENT: The Fire Department request this permit be denied until a proper life safety inspection, including a load calculation can be performed. The fire department has received information about events that are over-crowded at this drinking/entertainment establishment. As of this time, we have been unable to make contact with the owner(s) to complete the required inspection.

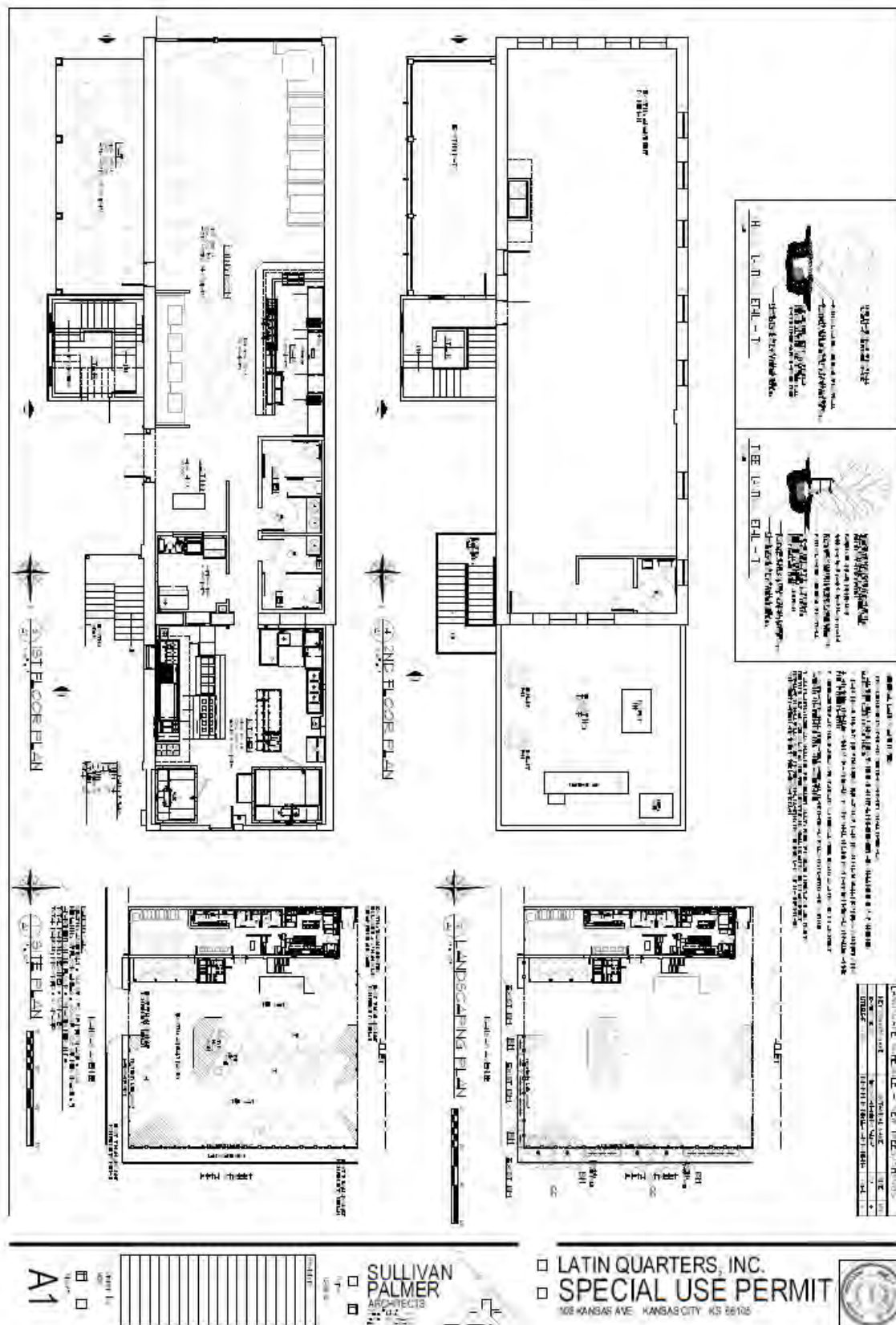
Respectfully,

John Droppelmann
Fire Marshal
Kansas City Kansas Fire Department
Office: 913-573-5938
Fax: 913-551-0490
Email: jdroppelmann@kckfd.org

Elevations:



18



Structural Inspection Letter, Dated 2015:

ENGINEERS

DESIGNERS

PLANNERS

**STEPHEN P.
MASLAN
& CO.**

8011 PASEO SUITE 201
KANSAS CITY, MO. 64131
816-444-6260

April 20, 2021

Unified Government Building Inspections
4935 State Ave
Kansas City, Ks. 66102

Re: Structural inspection of building at 508 Kansas Ave.

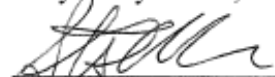
To Whom It May Concern:

I inspected this building on June 9, 2015 to give recommendations on repairing fire damage to the building. The scope of work was accepted and approved. All of the construction was done in a proper fashion. The first and second floors are designed to carry a live load of 100 psf. The loading was achieved by adding steel beams in both directions to cut down the span for the floor joists. Therefore, the floors will support the 100 psf live load as required by code.

The first and second floor are supported by 2 x 12 joists spaced at 16" on center that span 11'-0". They are supported by steel beams. The steel beams in the basement are 16" deep with a flange width of 5 5/8". The beams span 21'-6" and are supported by steel columns. Some of the wood joists were reinforced after the fire. The second floor is supported in a similar fashion with a steel beam in the center of the building supported by cross beams.

If you have any questions, please feel free to call.

Very Truly Yours,



Stephen P. Maslan, P.E.
Stephen P. Maslan & Co.



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









KANSAS CITY, KANSAS FIRE DEPARTMENT INSPECTION REPORT, DATED JULY 9, 2021

Kansas City Kansas Fire Department
815 N. 6th Street
Kansas City, KS 66101
(913) 573-5938



Friday, 9 July, 2021

Attn: Israel Mendez
LATIN QUARTERS, INC
508 Kansas Ave
Kansas City, KS 66105-1310

Property Address:
LATIN QUARTERS, INC
508 Kansas Ave
Kansas City, KS 66105-1310

Re: Initial - Assembly on July 09 2021

Congratulations – Everything appears to be in compliance on this date. Thank you for doing your part to make our community a safe place. Your annual Fire and Life Safety Inspection has satisfactorily been completed and no violations were noted. The Kansas City Kansas Fire Department would like to take this time to thank you for making Fire and Life Safety a priority

We understand that these visits can be stressful. These inspections are conducted to prevent unwanted incidents that could impact your business adversely. While this process may be stressful it is important to the City of Kansas City, Kansas, that you remain in business to allow our community to grow.

Contact Numbers:
Fire Marshal's Office: 913-573-5938,
Fax: 913-551-0490
Email: jdroppelmann@kckfd.org

Inspector:


Allen Thorne
athorne@kckfd.org

Property Representative:


Israel Mendez

NEIGHBORHOOD MEETING MATERIALS, DATED MAY 27, 2021

**LATIN QUARTERS
508 KANSAS AVE
KANSAS CITY. KANSAS 66105**

MAY 13, 2021

WYANDOTTE COUNTY

RE: SP 2021-29 NADIA GRIFFITT
508 KANSAS AVE, KC, KS 66105

Interested Party:

You are invited and informed of a neighborhood meeting regarding the application for a special use permit for live entertainment at 508 Kansas Ave, KC, KS 66105.

The neighborhood meeting will be held at 508 Kansas Ave, KC, KS 66105 on May 27, 2021 at 5:30 pm. There will be social distance and face masks required. The purpose of this meeting is to explain our proposal and to answer any questions you may have. I look forward to your attendance.

If you are unable to attend or have any questions before the meeting please feel free to call me at 913-371-8888. Thank you for your attendance.

Sincerely,

Nadia Griffitt, President
Latin Quarters, Inc.
913-371-8888

cc. distribution list-20 contacts

**MINUTES OF A NEIGHBORHOOD MEETING
LATIN QUARTERS, INC.**

A Neighborhood Meeting was called by the President of Latin Quarters, Inc. to be held at 508 Kansas Ave, Kansas City, Kansas 66105 at 5:30 PM on the 27th day May 2021. The purpose of the meeting was to explain the proposal of Latin Quarters, Inc. pursuant to its application for Special Use Permit #2021-029 allowing live entertainment at an event venue located at 508 Kansas Ave, KCKS, 66105.

Written notices of the meeting were sent to twenty (20) contacts in the immediate vicinity of 508 Kansas Ave, KCKS 66105, to Commissioners and other interested parties.

The meeting was called to order at 5:30 PM, May 27, 2021 and there were two persons present: (Nadia Griffith, President of Latin Quarters, Inc. and Israel Mendez, Secretary of Latin Quarters, Inc.)

Nadia Griffith reported that this meeting was held pursuant to Special Use Permit #2021-029 filed before the Unified Government of Wyandotte County /Kansas City and that she desired to explain her plans for the use of the building. There were no respondents to the letters of invitation and after waiting for thirty minutes, the meeting was adjourned at 6:00 PM.

No other business was conducted at this meeting.



ISRAEL MENDEZ
SECRETARY, LATIN QUARTERS, INC.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
~~Kansas~~)
COUNTY OF Jackson) SS:
~~Wyandotte~~)

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

1. That I am the petitioner for Petition # SP 2021-029
2. That I conducted a neighborhood meeting on 5-27-2021.
3. ✓ Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

*Nadia Griffith
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 9 day of Sept, 2001.

My commission expires 24 of 11, 2002.

Antoinette Ramirez
Notary Public

Antoinette Ramirez
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires April 11, 2022
Commission # 14860829



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 30, 2021

Re: SP2021-034

GENERAL INFORMATION

Applicant:
Attif Abbas

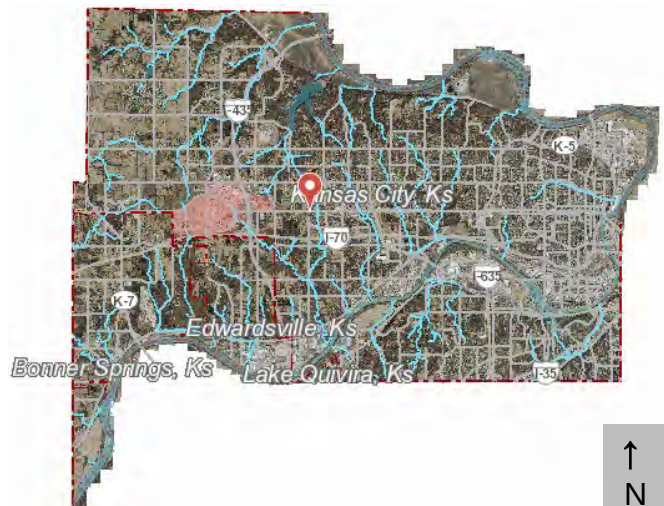
Status of Applicant:
Representative
Zayn Commercial, LLC
8537 State Avenue
Kansas City, Kansas 66112

Requested Action:
Approval of a Special Use Permit.

Date of Application:
March 18, 2021

Purpose:
Special Use Permit for a liquor store.

Property Location:
8537 State Avenue
Kansas City, Kansas 66112



Commission District:	Commissioner At Large: Tom Burroughs District #7 Commissioner: Jim Walters
Existing Zoning:	C-1 Limited Business District
Adjacent Zoning:	North: CP-1 Planned Limited Business District South: C-1 Limited Business District East: R-1 Single Family District West: C-1 Limited Business District
Adjacent Uses:	North: Vacant commercial lot South: Vacant commercial lot East: Vacant residential lot West: Commercial building
Total Tract Size:	0.77 Acre
Master Area Plan:	The subject property is not within an Area Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this property as Mixed-Use. Mixed Use allows for specialty retail, restaurants, convenience retail such as banks, drug stores, etc., professional and office services, institutions, parks, and mixed-density residential uses.
Major Street Plan:	The Major Street Plan classifies State Avenue as a Class A Thoroughfare.
Required Parking:	Section 27-464(e) requires paved off-street parking spaces at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. The applicant must provide a parking plan to determine if the parking requirement is met.
Advertisement:	<u>The Wyandotte Echo</u> – April 15, 2021, May 20, 2021, and August 19, 2021 Letters to Property Owners – April 16, 2021, May 21, 2021, August 20, 2021 and September 23, 2021
Public Hearings:	September 13, 2021 and September 30, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Attif Abbas with Zayn Commercial, LLC, is requesting a Special Use Permit for the sale of liquor at a convenience store and gas station.

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

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

- o May 7, 2020 - Environment/Weed
- o September 18, 2019 - Weeds, 14-Day Abatement
- o August 23, 2019 - Weeds, 14-Day Abatement

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Victory Hills Statistical Neighborhood and within the Stony Point/Hunters Glen Neighborhood Group. The property is located along State Avenue, a Class A Thoroughfare. The neighborhood is just east of the Legends/Speedway Area; the properties along State Avenue are predominately—if not exclusively—designated Mixed-Use by the City-wide Master Plan and commercially zoned.

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

Nearby uses to the north, south, and west are all commercial. The use to the east is residential, but the property is vacant. There are residential properties further south and southeast of the subject property, but these residential properties are separated from the subject property by at least one (1) parcel.

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

A convenience store is a common commercial type to sell alcoholic beverages. Although the subject property is not adjacent to any residences, it is in close proximity to several residential properties.

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

The property is currently a gas station and convenience store.

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

Special Use Permits are not addressed in the City-Wide Master Plan. According to the City-Wide Master Plan, the Mixed-Use land use designation should be

located at major arterial intersections and integrate complimentary uses of retail, offices, small businesses, and mixed-use residential. Specialty retail is encouraged, and auto-centric businesses are discouraged. While the totality of current and proposed uses do not fully conform to “specialty retail” nor “auto-centric business”, there are aspects of each found within the property’s uses. These uses affect the level of conformity to the City-Wide Master Plan. While there is a type of liquor store that could be considered “specialty”, such stores are typically exclusively dedicated to the sale of alcoholic beverages and complimentary non-alcoholic drinks, foods, and spices. A liquor store located within the boundaries of a gas station almost certainly does not meet this definition. Therefore, Staff cannot conclude that the proposed use is a use encouraged by the Mixed-Use land use designation. Furthermore, a gas station is by definition an auto-centric business, as the common gas station arrangement involves automobiles driving up and pumping gas. The convenience store portion of the property is not necessarily auto-centric, but the site design of the store building and the gas pumps visually indicate that the expected customer base will arrive in private vehicles, not on foot, bike, or public transportation. The proposed use is not explicitly encouraged by its respective land use designation in the City-Wide Master Plan, and it will join several uses that already do not conform to the vision and principles established by the Mixed-Use designation. In summary, the proposed use shows little conformance to the Master Plan.

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

The applicant is presumably requesting a Special Use Permit for liquor sales because they have determined that it will be profitable. While profitability could come from an increase in the amount purchased per customer, it is more likely that such profitability will come from an increase in the number customers. Given the distinct possibility (and desire) for an increase in total customers and the fact that the site is designed to be accessed primarily by vehicle, an increase in on-site traffic and parking needs will also increase. It is unclear if the applicant requires more parking, because a site plan of the current parking lot has not been provided.

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

A liquor store is not reasonably necessary for the convenience and welfare of the public. In the past, other liquor stores have faced opposition from residential neighbors who have claimed that adding a liquor store use will substantially or permanently injure the appropriate use, visual quality, or marketability of their adjoining properties.

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

While there is already some noise and vibration from vehicles that is normally associated with a gas station, adding a liquor store use will not increase these conditions. Noise from customers and additional illumination from parked cars, however, could increase. Therefore, measures such as landscape and other screening of parking spaces is required in order to mitigate the noise and lights that may reach other properties, especially residential properties.

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

There are several pollution-related issues with a gas station, but no additional pollution-related issues for a liquor sales use being added to a pre-existing gas station and convenience store.

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

There are no irreplaceable natural resources that would be damaged by the proposed uses in a pre-existing building in a built-out commercial area with no proposed expansion of the building's footprint. There is a stand of trees and a creek in the rear yard of the property. If the applicant is proposing to expand the footprint of the building, then staff will have to review the increased impermeable surface area and make a revised assessment.

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

A liquor store is not reasonably necessary for the convenience and welfare of the public because there is little relative gain to the public health, safety, and welfare went compared to the hardships that may be imposed on the nearby individual landowner or landowners. The applicant must reach out to and work with nearby residents in order to create goodwill between the parties and form a working relationship that can allow for a liquor store to operate while still preserving the quiet enjoyment of the residential property owners.

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

As noted, before, a reasonable outcome of the addition of liquor sales is an increase in customer traffic. It is unclear if the applicant requires more parking in order to avoid overcrowding of the land or undue concentrations of population, because a site plan of the current parking lot has not been provided.

PREVIOUS ACTIONS

N/A

NEIGHBORHOOD MEETING

The applicant allowed the neighbors to contact them through April 26, 2021, via email or phone. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant (see the Attachments section of this report).

KEY ISSUES

Commercial Development Guidelines Overlay District
Landscaping and Screening
Lights
Mixed-Use Design Guidelines
Noise
Parking
Pedestrian Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2021-0034**, for two (2) years, subject to:

- 1) **The applicant has not met all landscaping requirements. The applicant must submit a revised landscaping plan by September 22, 2021 that addresses the following:**
 - a. **Per Section 27-464(g), a reasonable amount of landscaping is required on all projects in this district, with emphasis being placed on screening or otherwise softening the visual impact of parking or unsightly areas. Such features shall be depicted on a properly prepared plan. Six (6)-foot high architectural or landscape screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.**
 - b. **Per Section 27-577(b)(2), landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity.**
 - c. **Per Section 27-577(c):**
 - i. **The choices, placement, and scale of plants should relate to the architectural and site design of the project. Plantings should be used to screen, accent focal points and entries, to contrast with or reinforce building design, to break up expanses of paving or wall, to define on-site circulation, to provide seasonal interest, and to provide shade.**
 - ii. **Landscape and streetscape design should be used to enhance the frontage of primary roadways.**
 - d. **Per Section 27-577(c)(4), landscape areas located between commercial districts and residential districts must provide 100**

percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material.

- e. Per Section 27-577(d):
 - i. At least 75 percent (%) of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
 - ii. Landscaping should breakdown in scale and increase in detail, color, and variety to mark entryways into developments.
 - f. Per the Mixed-Use Design Guidelines in the City-Wide Master Plan, all parking areas and service entries must be screened. Provide a site plan that demonstrates satisfactory landscaping of all parking and service areas.
 - g. Per the Mixed-Use Design Guidelines in the City-Wide Master Plan, trees are required in the public right-of-way along streets, at a minimum of one (1) shade tree every forty (40) feet. Two (2) additional trees need to be demonstrated in a revised landscape plan;
 - h. Per section 27-577(a)(5), landscaping shall exceed the typical code requirements by at least 75 percent. The subject parcel is 0.77 acre, or approximately 33,541 square feet. $(33,541/7,000)*1.75 = 8.4$; therefore, the applicant must submit a landscape plan that demonstrates at least nine (9) trees on the property, not including any tree required by parking lot standards;
- 2) Per the Commercial Development Guidelines Overlay District, the following regulations must be either met or a deviation from such regulations must be approved by the City Planning Commission:
- a. Per Section 27-575(d)(9), there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings;
 - b. Per Section 27-575(d)(10), sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses;
 - c. Per Section 27-575(d)(11), internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces;
 - d. Per Section 27-575(d)(12), pedestrian connections must be clearly defined in a combination of two (2) or more of the following ways: six (6)-inch vertical curb, trellis, special railing, special paving, low seat wall or other architectural features, pedestrian scale lighting, traffic calming devices;
 - e. Per Section 27-575(e)(1), the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block. An additional parking required should be located on the sides, or preferably in the rear of the convenience store building;
 - f. Per Section 27-575(e)(2), pedestrian walkways through the parking area to building entrances should be clearly marked;

- g. Per Section 27-575(e)(3), parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback;
 - a. Per Section 27-575(e)(4), parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
 - b. Per Section 27-575(f)(1), there should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots;
 - c. Per Section 27-575(f)(5), entrances should be easily identifiable as primary points of access to buildings;
 - d. Per Section 27-575(g)(1), masonry screen walls are required to provide 100 percent opaque screening to public views of loading and service areas from other properties or public streets;
 - e. Per Section 27-575(g)(2), service areas and docking facilities should be located to the side or rear of the building away from public streets and main circulation and drives when possible;
 - f. Per Section 27-575(g)(3), all trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
- 3) 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;
- 4) There appears to a collection bin on the property. Per Section 27-612(7), collection facilities are permitted for clothing or recycling provided:
- a. The facilities are located at within 20 feet of the rear property line, or as far from a public street as the site design will allow.
 - b. Does not create a significant lack of parking.
 - c. Dumpster style recycling facilities must be screened on three sides.
 - d. Overflow dumping around the facility is not allowed.
 - e. Facilities must remain neatly painted. Facilities that are damaged, rusty or significantly faded paint are not permitted;
- 5) The subject property is adjacent to a residentially zoned property to the east. The entire eastern boundary of the subject property that is adjacent to the residentially zoned property must be completely screened by planted or existing trees;
- 6) In order to reduce the impact, the proposed development will have on the surrounding environment and nature of the land, all existing trees must remain, except for those trees that the applicant has explicitly marked on submitted documents to be removed;
- 7) Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;

- 8) The following sign regulations from the Mixed-Use Design Guidelines in the City-Wide Master Plan must be met as the applicant applies for sign permits:
- a. Per the Mixed-Use Design Guidelines of the City-Wide Master Plan, commercial uses shall be permitted one (1) wall sign and one (1) monument sign;
 - b. Freestanding pole/pylon signs are not permitted;
 - c. Signs should be made of high quality and durable materials such as concrete, brick, stone, metal panels or heavy-weight plastic panels. Materials such as plywood or painted masonry are not permitted;
 - d. The size and look of the sign shall be governed by the Sign Chapter of the Unified Government Zoning Code. The applicant or Development Review Board may create more restrictive regulation. Less restrictive regulation may only be approved by the Unified Government Board of Commissioners through a separate Special Use Permit;
- 9) The subject property is not in compliance with the Sign Code. The applicant must submit a sign plan demonstrating compliance with Sections 27-720 through 27-739 of the Code of Ordinances;
- 10) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
- 11) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and,
- 12) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2021-034** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 13, 2021 City Planning Commission Minutes
Land Use Map
Aerial Map
Zoning Map
Photos of the Property Provided by Staff, Dated April 21, 2021
Photos of the Property Submitted by the Applicant
Site Plans Submitted by the Applicant
Landscape Plan Submitted by the Applicant
Mixed-Use Design Guidelines, City-Wide Master Plan
Commercial Development Guidelines Overlay District Ordinances
Neighborhood Meeting Materials, Dated April 26, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Commission</u>
Public Hearing		
Special Use	September 13, 2021 Approval	September 30, 2021

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-034** to the as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report, and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2021-034**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 13, 2021 City Planning Commission Minutes:

Hearing starts at 2:32:55:

SPECIAL USE PERMIT APPLICATION SP2021-034 – ATTIF ABBAS WITH ZAYN COMMERCIAL, LLC – SYNOPSIS: Special Use Permit for liquor sales in conjunction with convenience store/gas station at 8537 State Avenue.

Detailed Outline of Requested Action: The applicant, Attif Abbas with Zayn Commercial, LLC, is requesting a Special Use Permit for the sale of liquor at a convenience store and gas station.

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

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

- o May 7, 2020 - Environment/Weed
- o September 18, 2019 - Weeds, 14-Day Abatement
- o August 23, 2019 - Weeds, 14-Day Abatement

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners.

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

Present in Support:

- Attif Abbas, applicant, 6647 Noble Street, Shawnee, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:35:10: Planning Director Hand stated that the request is for a liquor store expansion at an existing convenience store and gas station. The property is located in the City-Wide Master Plan. The business has been at this location for quite some time and there is a creek that runs through the rear of the property. He further stated that Staff is requesting additional landscape, which can be confirmed at the Development Review Committee process. As there are residential uses across the street and to the east; Staff requested enhanced landscaping. The current property has some donation bins that do not comply with code and Staff has asked that the bins be properly screened as per the Commercial Design Guidelines. He further stated that this is not a mixed use project, but the property is designated Mixed Use so there will be several guidelines that need to be followed and will be addressed accordingly at the Development Review Committee. Director Hand stated that Staff has not received any letters in support nor opposition. There are several old Notices of Violation that will be addressed during this expansion. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 2:39:54:

On motion by Mr. Ernst, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit **SP2021-034 for two (2) years:**

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

- 1) The applicant has not met all landscaping requirements. The applicant must submit a revised landscaping plan by September 22, 2021 that addresses the following:
 - a. Per Section 27-464(g), a reasonable amount of landscaping is required on all projects in this district, with emphasis being placed on screening or otherwise softening the visual impact of parking or unsightly areas. Such features shall be depicted on a properly prepared plan. Six (6)-foot high architectural or landscape screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.
 - b. Per Section 27-577(b)(2), landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity.
 - c. Per Section 27-577(c):

- i. The choices, placement, and scale of plants should relate to the architectural and site design of the project. Plantings should be used to screen, accent focal points and entries, to contrast with or reinforce building design, to break up expanses of paving or wall, to define on-site circulation, to provide seasonal interest, and to provide shade.
 - ii. Landscape and streetscape design should be used to enhance the frontage of primary roadways.
 - d. Per Section 27-577(c)(4), landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material.
 - e. Per Section 27-577(d):
 - i. At least 75 percent (%) of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
 - ii. Landscaping should breakdown in scale and increase in detail, color, and variety to mark entryways into developments.
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 - h. Per section 27-577(a)(5), landscaping shall exceed the typical code requirements by at least 75 percent. The subject parcel is 0.77 acre, or approximately 33,541 square feet. $(33,541/7,000)*1.75 = 8.4$; therefore, the applicant must submit a landscape plan that demonstrates at least nine (9) trees on the property, not including any tree required by parking lot standards;
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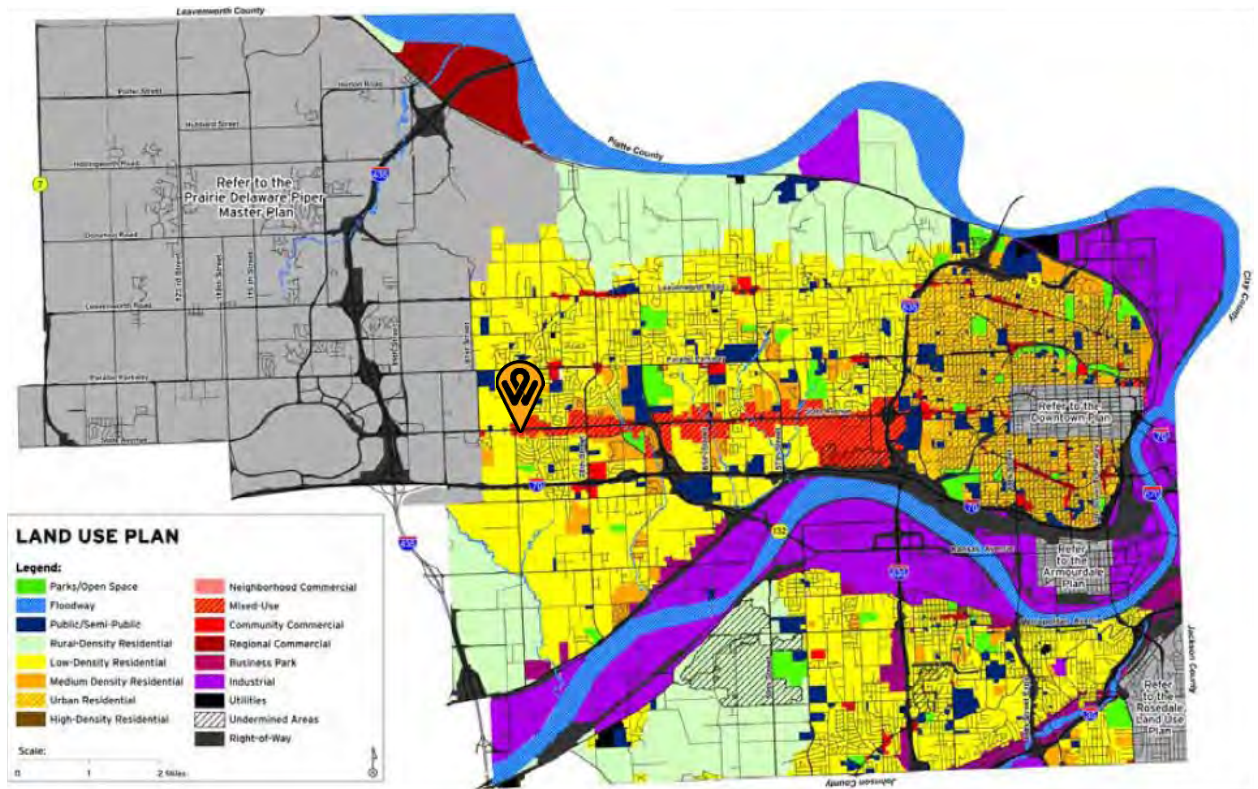
wall or other architectural features, pedestrian scale lighting, traffic calming devices;

- e. Per Section 27-575(e)(1), the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block. An additional parking required should be located on the sides, or preferably in the rear of the convenience store building;
 - f. Per Section 27-575(e)(2), pedestrian walkways through the parking area to building entrances should be clearly marked;
 - g. Per Section 27-575(e)(3), parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback;
 - g. Per Section 27-575(e)(4), parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
 - h. Per Section 27-575(f)(1), there should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots;
 - i. Per Section 27-575(f)(5), entrances should be easily identifiable as primary points of access to buildings;
 - j. Per Section 27-575(g)(1), masonry screen walls are required to provide 100 percent opaque screening to public views of loading and service areas from other properties or public streets;
 - k. Per Section 27-575(g)(2), service areas and docking facilities should be located to the side or rear of the building away from public streets and main circulation and drives when possible;
 - l. Per Section 27-575(g)(3), all trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
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 - c. Dumpster style recycling facilities must be screened on three sides.
 - d. Overflow dumping around the facility is not allowed.
 - e. Facilities must remain neatly painted. Facilities that are damaged, rusty or significantly faded paint are not permitted;
- 5) The subject property is adjacent to a residentially zoned property to the east. The entire eastern boundary of the subject property that is adjacent to

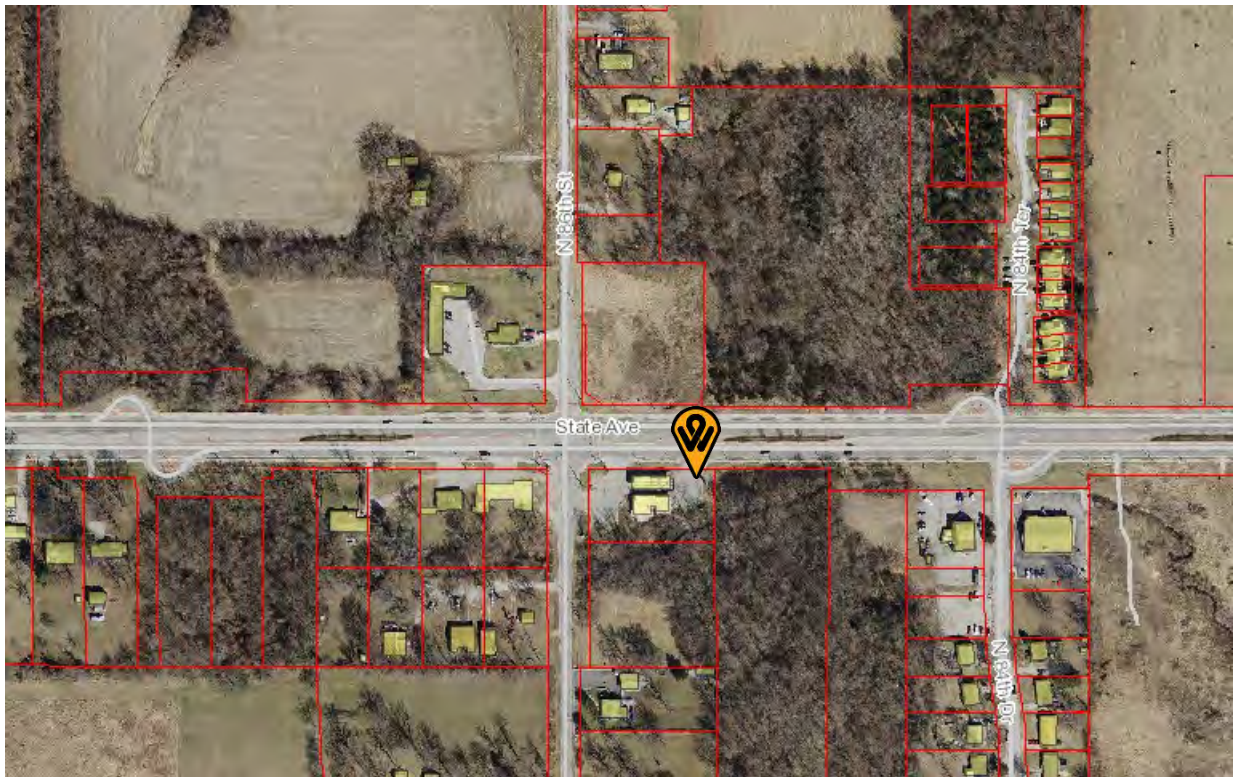
- the residentially zoned property must be completely screened by planted or existing trees;
- 6) In order to reduce the impact, the proposed development will have on the surrounding environment and nature of the land, all existing trees must remain, except for those trees that the applicant has explicitly marked on submitted documents to be removed;
 - 7) Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
 - 8) The following sign regulations from the Mixed-Use Design Guidelines in the City-Wide Master Plan must be met as the applicant applies for sign permits:
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 - b. Freestanding pole/pylon signs are not permitted;
 - c. Signs should be made of high quality and durable materials such as concrete, brick, stone, metal panels or heavy-weight plastic panels. Materials such as plywood or painted masonry are not permitted;
 - d. The size and look of the sign shall be governed by the Sign Chapter of the Unified Government Zoning Code. The applicant or Development Review Board may create more restrictive regulation. Less restrictive regulation may only be approved by the Unified Government Board of Commissioners through a separate Special Use Permit;
 - 9) The subject property is not in compliance with the Sign Code. The applicant must submit a sign plan demonstrating compliance with Sections 27-720 through 27-739 of the Code of Ordinances;
 - 10) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 - 11) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and,
 - 12) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the

ordinance is published in the newspaper.

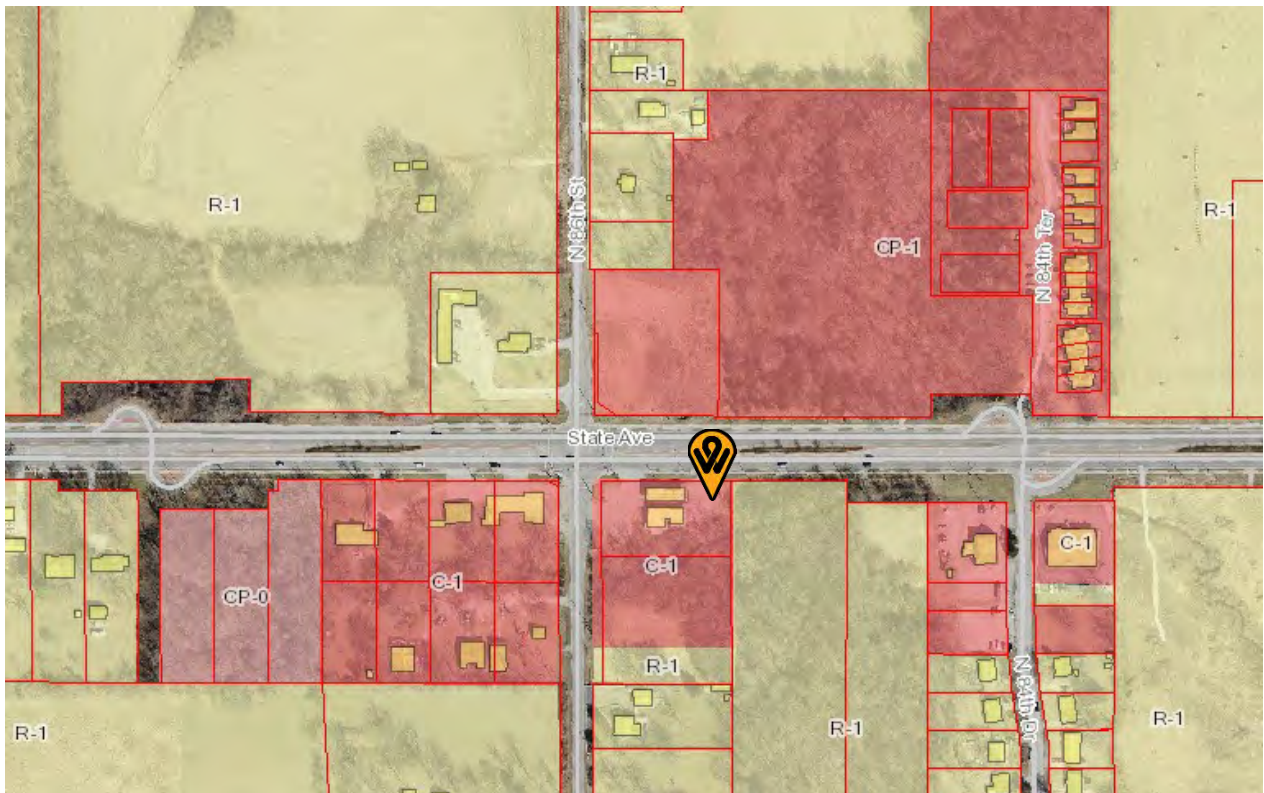
LAND USE MAP



AERIAL MAP



ZONING MAP





Above: View of the front of the convenience store, facing south.

Right: The designated ADA parking space does not meet the minimum dimensions (9' x 18'). The southern parking needs to be restriped in order to properly provide an ADA-compliant parking space. This may result in the loss of one (1) parking space from the southern parking area.



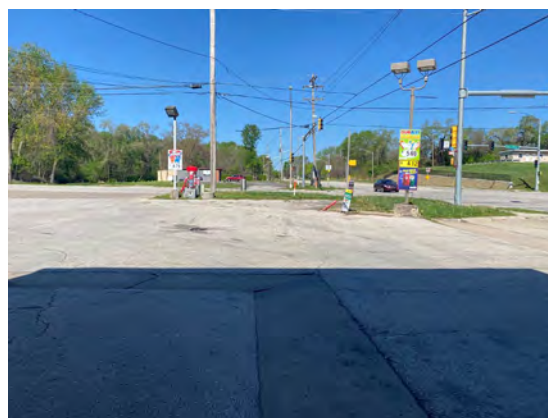
PHOTOS OF THE PROPERTY PROVIDED BY STAFF, DATED APRIL 16, 2021, CONT.



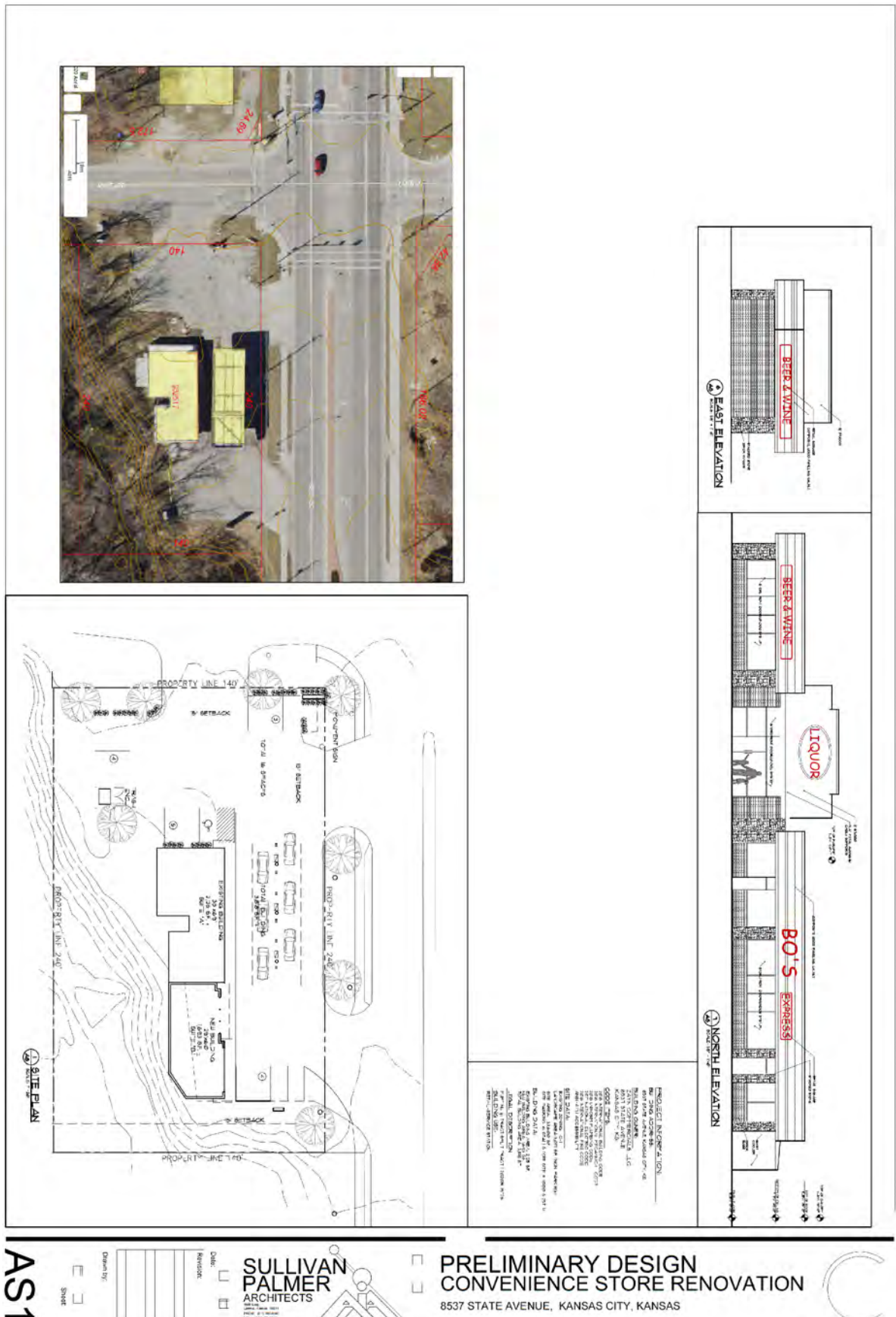
Examples of Sign Code violations on the property. All property violations, including Sign Code violations, must be addressed before the Special Use Permit can be published.



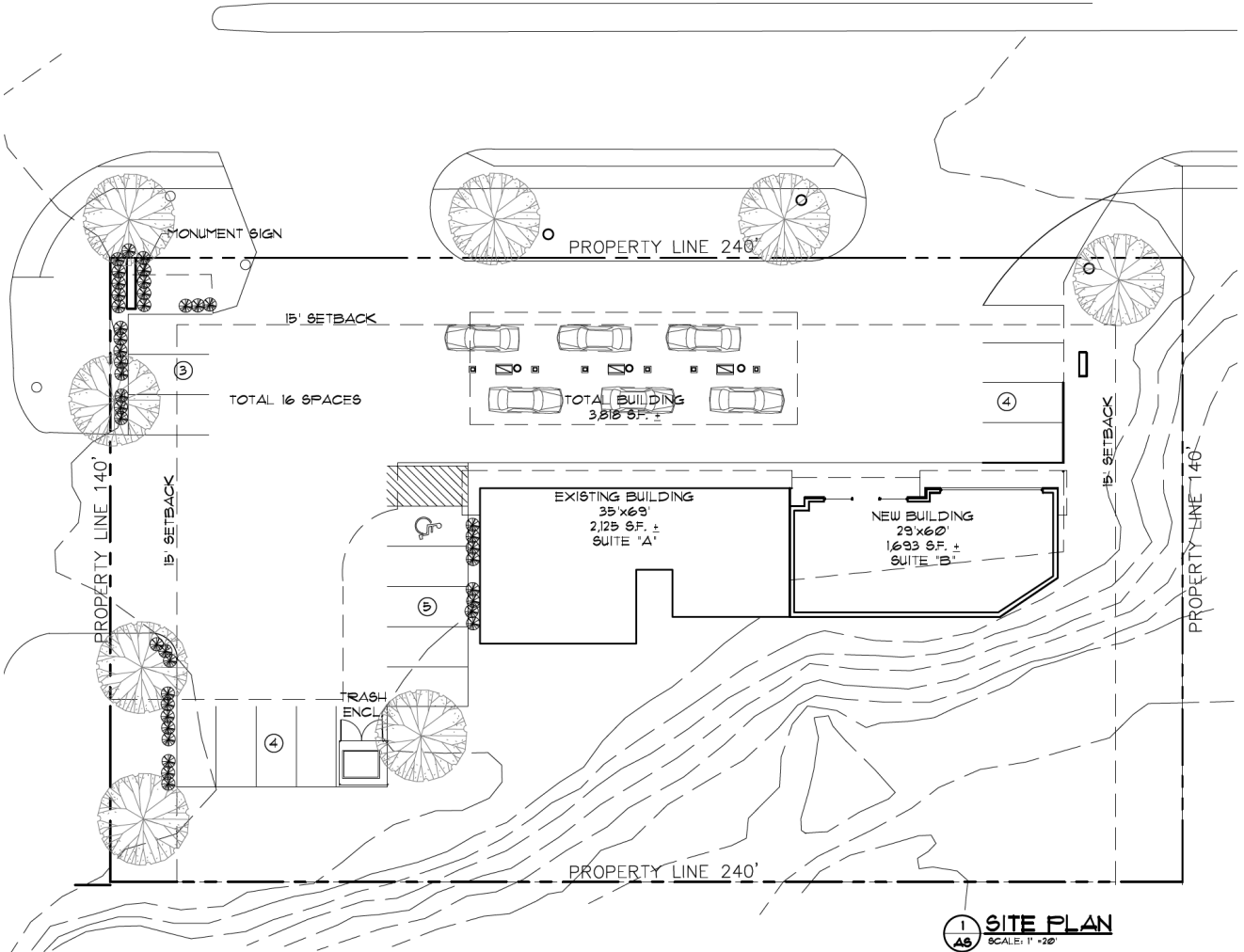
PHOTOS OF THE PROPERTY SUBMITTED BY THE APPLICANT



SITE PLANS SUBMITTED BY THE APPLICANT



SITE PLANS SUBMITTED BY THE APPLICANT, CONT.



PROJECT INFORMATION:

BUILDING ADDRESS:

8537 STATE AVENUE, KANSAS CITY, KS.

BUILDING OWNER:

ZAYN COMMERCIALS, LLC
8537 STATE AVENUE
KANSAS CITY, KS.

CODE ITEMS:

2018 INTERNATIONAL BUILDING CODE
2018 INTERNATIONAL MECHANICAL CODE
2018 UNIFORM PLUMBING CODE
2017 NATIONAL ELECTRIC CODE
2018 INTERNATIONAL FIRE CODE
ANSI-A117.1 ACCESSIBILITY

SITE DATA:

EXISTING ZONING: C-1
LANDSCAPE AREA: 3,017 S.F. (NON-PARKING)
SITE AREA: 33,600 S.F.
SITE PARKING 16 STALLS (OFF SITE @ 1000 S 25TH)

BUILDING DATA:

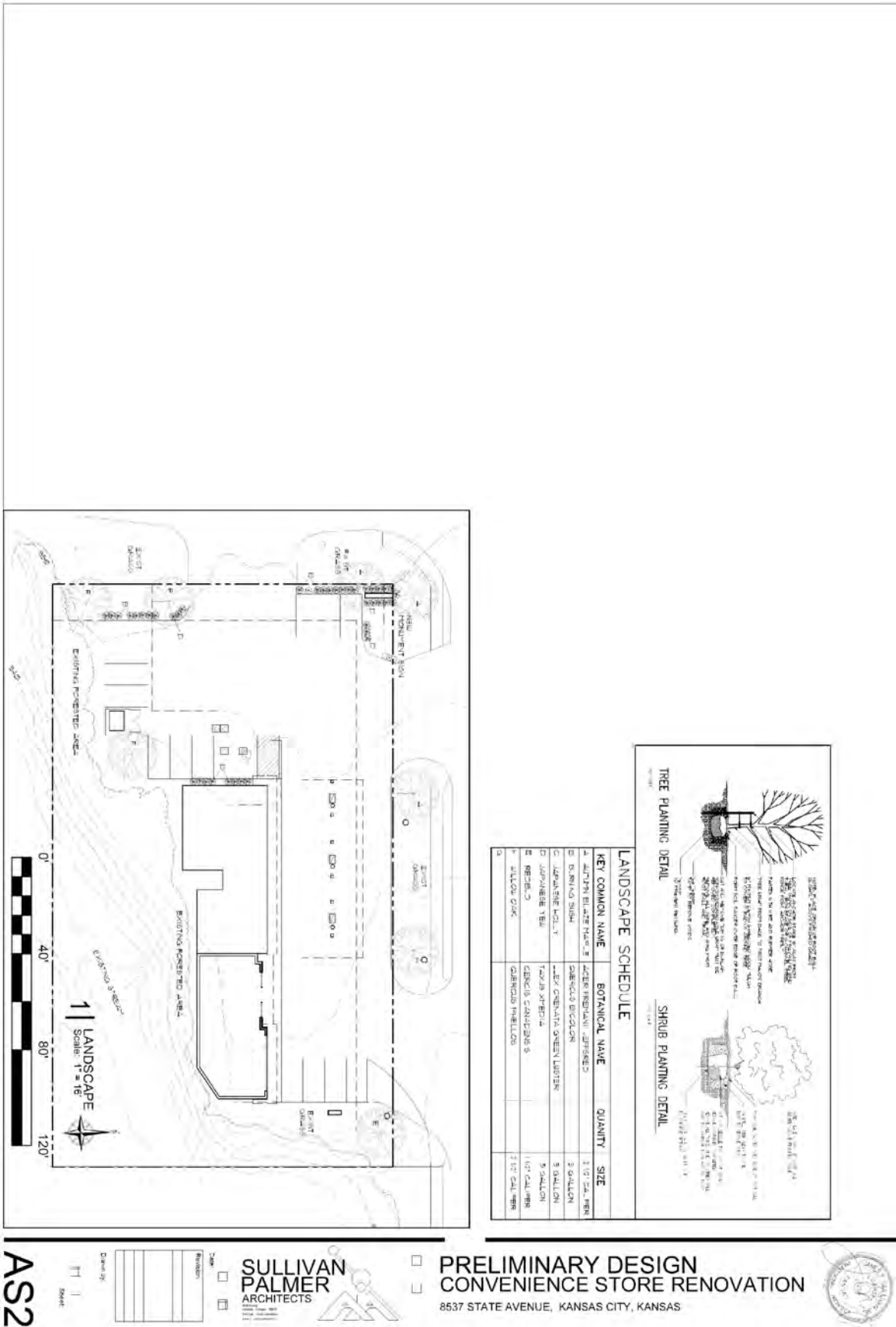
EXISTING BUILDING AREA: 2,125 S.F.
NEW BUILDING AREA: 1,693 S.F.
TOTAL BUILDING AREA: 3,818 S.F.

LEGAL DESCRIPTION

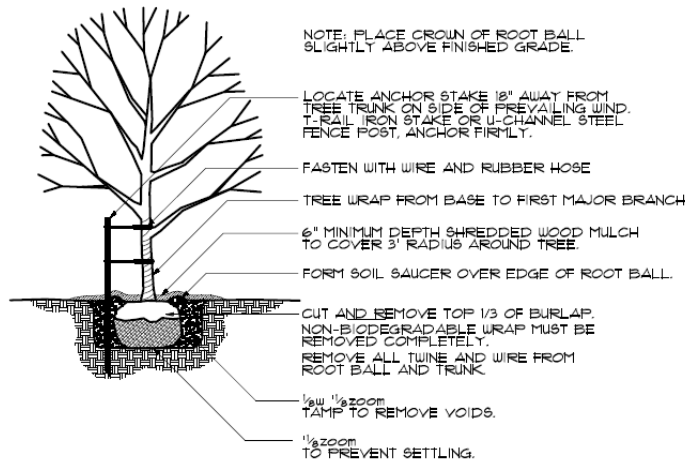
MUPT NW $\frac{1}{4}$ TRACT SPLIT TRACT 1 2020R-19728

BUILDING USE:

RETAIL-SERVICE STATION

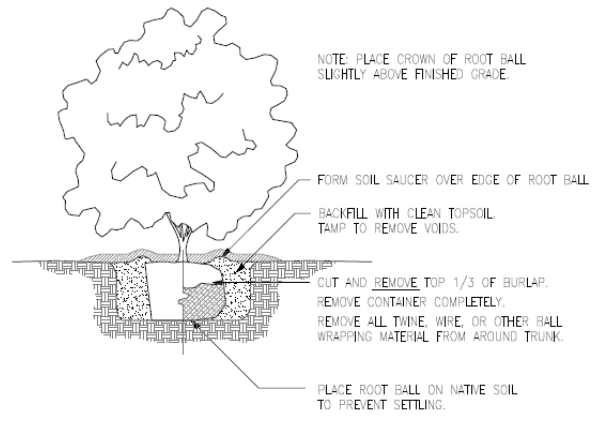


LANDSCAPE SCHEDULE			
KEY COMMON NAME	BOTANICAL NAME	QUANTITY	SIZE
A AUTUMN BLAZE MAPLE	ACER FREMANII JEFFSRED		2 1/2" CALIPER
B BURNING BUSH	QUERCUS BICOLOR		5 GALLON
C JAPANESE HOLLY	LLEX CRENATA GREEN LUSTER		5 GALLON
D JAPANESE YEW	TAXUS XMEDIA		5 GALLON
E REDBUD	CERCIS CANADENSIS		1 1/2" CALIPER
F WILLOW OAK	QUERCUS PHELLOS		2 1/2" CALIPER
G			



TREE PLANTING DETAIL

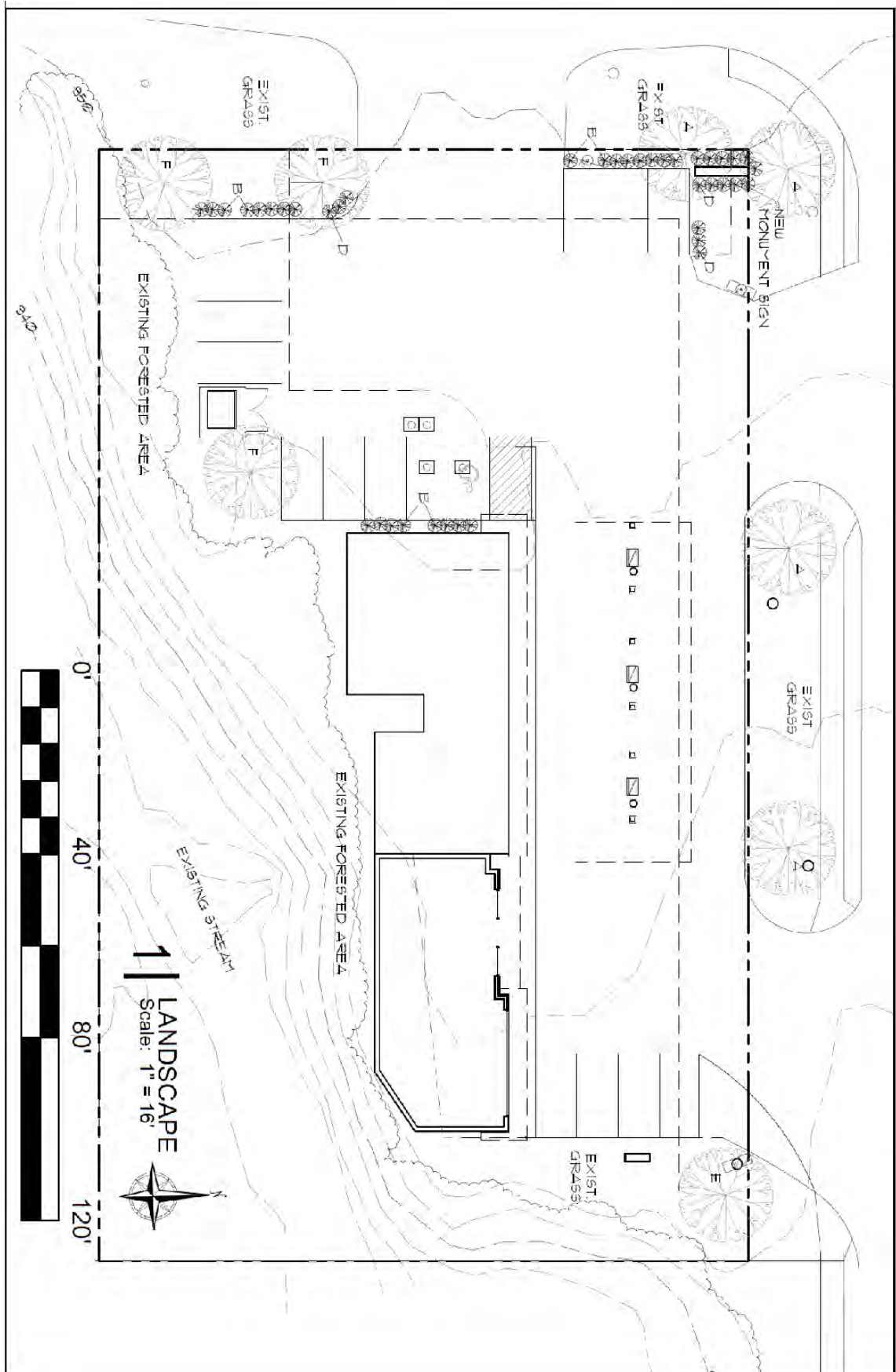
NO SCALE



SHRUB PLANTING DETAIL

NO SCALE

LANDSCAPE PLAN SUBMITTED BY THE APPLICANT, CONT.



Mixed-Use Design Guidelines

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

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



City-Wide Master Plan

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS

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MIXED-USE DESIGN GUIDELINES, CITY-WIDE MASTER PLAN, CONT.



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

COMMERCIAL DEVELOPMENT GUIDELINES OVERLAY DISTRICT ORDINANCES

UNIFIED GOVERNMENT CODE OF ORDINANCES, CHAPTER 27 - Planning and Development, ARTICLE VIII - Zoning, DIVISION 5 - Overlay Districts, SUBDIVISION IV - Commercial Development Guidelines Overlay District

Sec. 27-573. - Purpose and intent.

The commercial design guidelines are intended to provide definitions and descriptions of acceptable design in specified areas of both the county and the city. These guidelines are established to accomplish the following goals:

- (1) Relate development to surrounding community;
- (2) Provide direction for the creation of quality development with respect to site planning, architectural design, and landscaping;
- (3) Ensure quality design that reflects community identity and sense of place;
- (4) Support property values in new development and redevelopment; and
- (5) Implement the long-range vision of the community.

Sec. 27-574. - Boundaries and application.

(a) The commercial design guidelines are applicable to all commercial and office development within the boundaries identified on the map (see appendix "A"). Commercial design includes all districts beginning with a "C" designation such as C-O, C-I, C-2 and C-3. This includes those commercial and office areas located west of 94th Street.

(b) The commercial design guidelines shall apply to all new development within the area described in subsection (a) of this section. The guidelines shall apply to existing development when changes (renovation, restoration, modification, addition, or retrofit, collectively referred to as rehabilitation) are proposed to a structure or a site that will exceed 50 percent of the current appraised value of the structure or site, as established by the county. Rehabilitation costs shall be aggregated over a five year period to determine whether the development is subject to these guidelines.

(c) Rehabilitation projects shall conform to these guidelines to the greatest extent possible, and shall provide written explanations for each area of noncompliance.

(d) Design solutions proposed as an alternative to these requirements may be considered by the planning commission provided that such alternative design furthers the purposes and intent of this subdivision and does not result in design that would otherwise violate the terms of the regulations contained in this subdivision.

(e) Design review will be provided as follows:

Application	Review	Appeal
Rezoning	Planning Commission	Board of Commissioners
Special Use Permit	Planning Commission	Board of Commissioners
Development Plan (without rezoning) DRC process	Director Urban Planning	Planning Commission
Development plan with rezoning	Planning Commission	Board of Commissioners
Alternative design	Planning Commission	Board of Commissioners

(f) Where there is conflict between the terms of this subdivision and other regulatory provisions applicable in the land development process, the more strict regulations will apply.

Sec. 27-575. - Site character.

(a) Intent. To encourage on-site and off-site compatibility of development while considering the relationship between site design and the existing environment. Site character includes consideration of: physical and natural features of land; building placement; vehicular access; circulation and parking; pedestrian access; preservation and buffering of views; surrounding development; and community character.

- (1) Development should be sited in a manner consistent with, and be appropriate for, many of the existing conditions of the site.
- (2) Parking and circulation should account for pedestrians, bicycles and vehicles.
- (3) Building and street layout should define a cohesive development.

(b) General layout.

- (1) Multi-lot or multibuilding developments shall be designed as unified projects with a sense of place reflected through development layout and architectural design.
- (2) Linear or strip development is discouraged, including linear open-air centers or strip centers, either of which front parking lots.

COMMERCIAL DEVELOPMENT GUIDELINES OVERLAY DISTRICT ORDINANCES, CONT.

(3) Large retail establishments (big box) are subject to these guidelines with the following specific requirements:

- a. All big box developments shall include at least three retail establishments located in a complex that is planned and managed as a single unit.
- b. No more than 80 percent of the off-street parking may be located in the front of the development if more than 80 percent is in front then the number of landscape islands will be increased by 50 percent.
- c. At least two sides (the two sides that are projected to have the highest level of pedestrian activity) of a big box store (of more than 120,000 square feet) shall include customer entryways. Additional stores located within the development shall also have clearly marked entryways. The entryways shall be defined with at least three of the following features:
 1. Canopy or portico;
 2. Overhangs;
 3. Recesses/projections;
 4. Raised cornice parapets over doors;
 5. Peaked roof forms;
 6. Arches;
 7. Outdoor patios;
 8. Display windows;
 9. Architectural details such as tile work or moldings that are integrated into the building or structure;
 10. Integral planters or wing walls that incorporate landscaped areas and/or places for seating.

(c) Grading and drainage.

- (1) Where possible, new development should maintain the natural topography of the existing site. Extensive grading (more than 70 percent of the site) or unusual site improvements are strongly discouraged.
- (2) Site drainage patterns shall be designed to prevent surface drainage from collecting on and/or flowing across pedestrian areas.
- (3) Use of stepped retaining walls is where necessary along public streets and other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six feet in height must be "stepped." Four feet of terrace is required for every eight feet of wall.
- (4) Detention ponds should not be contained within a lot or parcel that contains a building site. One detention area may be required to serve multiple lots.
- (5) Detention ponds should be designed as a project amenity.

(d) Circulation.

- (1) Projects must be designed to minimize any increased traffic use of neighborhood streets.
- (2) Curb-cuts should be minimized and concentrated at mid-block.
- (3) A sense of entry or arrival shall be created at primary entryways into the development. Building placement, landscaping, gates, entry monuments, specialty lighting, and other design elements can be used to create this design effect.
- (4) Driveway configuration and design should be determined based on the size of development and capacity of streets. For example, a large, traffic-generating development with a multi-neighborhood drawing radius should provide significantly more driveway space for ingress and egress with turn lanes than a smaller, neighborhood-oriented development.
- (5) The number of external entrances should be consistent with existing or anticipated design of adjacent streets.
- (6) To reduce the need for multiple street access points and to allow for the potential future reduction of driveways consistent with access management principles, access points and driveways must be planned and shared between properties, with access easements noted on plats or other recorded document.

COMMERCIAL DEVELOPMENT GUIDELINES OVERLAY DISTRICT ORDINANCES, CONT.

- (7) There shall be a hierarchy of internal circulation beginning with site access from the public street.
 - a. Access driveways shall feed into driving lanes which shall divide into parking lanes and parking areas.
 - b. There shall be limited access to driveways, which shall be provided from driving lanes, not parking areas, wherever possible.
 - c. Circulation patterns within parking areas shall be defined by curbs and landscaped islands.
 - d. Where possible, groups of buildings should be serviced by dedicated service access lanes.
 - (8) Internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users.
 - (9) To the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems.
 - (10) Sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses. This may include cafe seating and outdoor sales pursuant to the chapter 32, article III.
 - (11) Internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces.
 - (12) Pedestrian connections must be clearly defined in a combination of two or more of the following ways:
 - a. Six-inch vertical curb.
 - b. Trellis.
 - c. Special railing.
 - d. Bollards.
 - e. Special paving.
 - f. Low seat wall or other architectural features.
 - g. Pedestrian scale lighting.
 - h. Traffic calming devices.
 - (13) Site design should integrate and facilitate access to public transit.
 - (14) Sidewalks that are within reasonable proximity to an identified trail system should connect to that system and accommodate the uses anticipated on the trail (e.g., pedestrian, bicycle).
- (e) Parking.
- (1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block.
 - (2) Pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision.
 - (3) Parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback.
 - (4) Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.
 - (5) Parking lot curb cuts must be designed and minimized to reduce conflicts between pedestrians and automobiles.
 - (6) Accessible parking must be provided according to unified government requirements.
 - (7) Dead-end parking without a designated turn-around area should be avoided and shall not be permitted on any new projects that are not infill or redevelopment.
 - (8) Parking should be divided into blocks of 40 to 50 spaces. Where this is not easily defined, groups of 20 spaces should be divided by a landscape island at least the size of one stall.
 - (9) Structured parking, as follows:
 - a. Structured parking adjacent to a street shall provide an active front with pedestrian-oriented uses.
 - b. Structured parking shall integrate with adjacent buildings using similar materials, alignments, and architectural finishes.
 - (10) Cart corrals should be low-profile, created with pavement (e.g., curbs), may include a bollard to deflect parking, and should have low-profile identification signs, no taller than four feet.
- (f) Building elements.
- (1) There should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots.
 - (2) Buildings should be located in such a manner as to minimize conflicts between pedestrians and automobiles.
 - (3) Buildings should be oriented primarily to the street.

COMMERCIAL DEVELOPMENT GUIDELINES OVERLAY DISTRICT ORDINANCES, CONT.

- (4) Retail shops at street level should have direct access to and from the sidewalk.
 - (5) Entrances should be easily identifiable as primary points of access to buildings.
 - (6) Corner buildings at gateways or prominent intersections shall be designed to emphasize the gateway or intersection location. This may include major architectural expression in the facade roof form and/or massing, such as:
 - a. Larger bulk;
 - b. Tower forms;
 - c. Peaked roofs; and/or
 - d. Over-sized windows.
 - (7) Pad sites shall be clustered together to define street edges and entry points or to enclose and create interesting places between buildings, such as public outdoor seating, landscaped areas, or other focal points.
 - (8) Buildings, walls, trees, topography, and other site features shall be oriented and arranged to define circulation areas and lend a human scale to the development.
 - (9) Shared parking between adjacent or closely related developments is strongly encouraged, provided each development complies with unified government parking requirements.
 - (g) Outdoor storage areas/mechanical equipment.
 - (1) Masonry screen walls are required to provide 100 percent opaque screening to public views of loading and service areas from other properties or public streets.
 - (2) Service areas and docking facilities should be located to the side or rear of the building away from public streets and main circulation and drives when possible.
 - (3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six 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.
- Sec. 27-576. - Architectural design.
- (a) Intent. It is the intent of this section to create and enhance community image through thoughtful design development. This section is intended to ensure that:
 - (1) Design relates buildings to each other and to the community.
 - (2) Good design incorporates and combines design theme, building facade materials, colors, roof, and equipment.
 - (3) Similar to site design, building design at street level must be oriented to people and cars.
 - (b) Overall design.
 - (1) Architectural design shall create or contribute to uniqueness or sense of a specific place.
 - (2) Building elevation design determinations must consider the character of the surrounding architecture and neighborhood and incorporated design elements that further reflect or enhance community character. Where community character is difficult to determine, planning staff will work with the applicant to identify any relevant features.
 - (c) Building facade.
 - (1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building.
 - (2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of at least three of the following techniques:
 - a. Divisions or breaks in materials;
 - b. Building offsets (projections, recesses, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatment; or
 - e. Variation in rooflines.
 - (3) The scale of individual building facade components should relate to one another and the human scale, particularly at street level.
 - (d) Design theme.
 - (1) A single building development with multiple buildings must maintain a consistent style/architectural theme. Architectural design building materials, colors, forms, roof style and detailing should all work together to express consistent design. This includes all pads within a retail development, as well as gasoline pump canopies or other accessory structures.

COMMERCIAL DEVELOPMENT GUIDELINES OVERLAY DISTRICT ORDINANCES, CONT.

(2) Large buildings adjacent to small buildings should consider and incorporate architectural design elements and details such that the scale of the larger building appears compatible with that of the smaller building.

(3) The composition of a building more than three stories tall shall include a clearly recognizable base, middle, and top. The base of a building should be weightier in appearance than the rest of the building. This can be accomplished with use of heavier, larger, or darker building materials. The top of the building may include, among other things, cornice treatments, sloping roof, or stepped parapets.

(4) Buildings in a grouped development should approximately align horizontally in their main architectural elements, windows, sills, cornices, banding, etc., although these lines may be carried from building to building by different elements.

(5) A single, large dominant building mass shall be avoided. Changes in mass should be related to entrances, the integral structure, and/or the organization of spaces and activities.

(6) Building elements must not function as signage. The appearance of "franchise architecture" where buildings function as signage is discouraged. Incorporation of franchise or business design elements unique or symbolic or a particular business must be unobtrusive and secondary to the overall architectural design.

(7) New primary structures that express a standardized corporate identity shall incorporate at least three of the following elements to create a facade and building design similar to those on an existing primary structure visible from the new primary structure and located within 500 feet of the new primary structure. Significant departures from "off-the-shelf" buildings, either locally or by national chains, may be required to meet this standard.

- a. A similar roofline or roof material.
- b. Similar facade colors and materials.
- c. Similar pedestrian entry locations and entryway architecture.
- d. Similar amounts of glazing on facades visible from the public street.

(8) Accessory structures must incorporate matching design and materials of the primary building.

(e) Building materials.

(1) Building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials.

- a. Building design should avoid large expanses of highly reflective surfaces and mirror glass exterior walls.
- b. Highly tinted glass or glass tinted in unnatural colors should be avoided.

(2) Exterior building materials shall not include the following:

- a. Split shakes, rough sawn, or board and batten wood;
- b. Vinyl siding;
- c. Smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels;
- d. Field painted or prefinished corrugated metal siding;
- e. Standard single-tee or double-tee concrete systems; or
- f. EIFS at the ground level or comprising more than 15 percent of any facade.

(3) Exterior building material must be continued down to within nine inches of finished grade on any elevation. Exterior masonry materials must be continued to the top of grade.

(4) All building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement.

(f) Building color.

(1) Color should be used to tie building elements together.

(2) All building projections shall match or complement in color the permanent color of the surface from which they project.

(3) Intense, bright, black, or fluorescent colors shall be used sparingly and only as accents.

(g) Building roof.

(1) Buildings should have a defined top. This can be accomplished with cornices, caps, parapets, or roofs.

(2) Three-dimensional rooftops are encouraged. Variation in roofline is suggested to reduce the scale of large buildings.

(3) Sloped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited.

(h) Windows.

(1) For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior. Exceptions may be made for individual tenants in excess of 20,000 square feet gross floor area or the rear elevation of a building that backs up to a public street, where the window percentage should be 25 percent of the linear building frontage.

(2) Reflective or mirrored glass for use as windows is prohibited, unless determined otherwise by the director. Clear glass shall be used for storefronts, windows, and doors. Window painting, signage, or view blocking techniques are not permitted.

(i) Auto-oriented uses. Drive-up and drive-through facilities, order stations, pick-up windows, bank teller windows, money machines, etc., shall be located on the side or rear of primary structures to minimize views from public streets. Drive-up and drive-through lanes should be not located between the front of the primary structure and the adjacent streets or sidewalks. Drive up facilities including drive lanes shall not be located within 150 feet of an existing residential structure, all means available should be taken to minimize the impact on adjacent residential structures.

(j) Phasing of improvements. If a center is to be built in phases, each phase shall include an appropriate share of the proposed streets and circulation system, landscaping and outdoor spaces, screening, and other site and architectural amenities of the entire project. The extent of these improvements shall be determined for each phase of a specific project at the time of project development approval, and may not be based solely upon a proportional or equal share of the entire site. Requirements for a phased project may include off-site improvements to accommodate the necessary public infrastructure to adequately screen the site.

Sec. 27-577. - Landscaping and screening.

(a) Findings and intent. Landscaping offers many benefits including providing color and shade, buffering wind, sun, and bad views, and reducing glare. Landscaping also integrates structures and uses with the site while reducing the visual impact of development on adjacent uses.

(1) Landscaping is important to completing the design picture.

(2) Landscaping is a working component of the development, serving to screen, buffer, soften, and energize the buildings, streets, and parking.

(3) Landscaping identifies street frontage and maintains character for rights-of-way.

(4) Landscaping is an on-going requirement for healthy development.

(5) Landscaping shall exceed the typical code requirements by at least 75 percent.

(b) Streets and drives.

(1) New construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. The distance is to be measured from the public right-of-way or curblin of a private easement.

(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity.

(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:

a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage.

b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.

(c) Design.

(1) Unity of design should be achieved by repetition of certain plant varieties and other materials and by coordination with other landscaping where appropriate.

(2) Plant selection should be appropriate to planting zone, hydrozone, specific site conditions, and ability to provide year-round ornamental value.

(3) The choices, placement, and scale of plants should relate to the architectural and site design of the project. Plantings should be used to screen, accent focal points and entries, to contrast with or reinforce building design, to break up expanses of paving or wall, to define on-site circulation, to provide seasonal interest, and to provide shade.

COMMERCIAL DEVELOPMENT GUIDELINES OVERLAY DISTRICT ORDINANCES, CONT.

(4) Landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material.

(5) Landscape and streetscape design should be used to enhance the frontage of primary roadways.

(d) Buildings.

(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.

(2) Planting must be massed and scaled as appropriate for the entryway size and space.

(3) Landscaping should breakdown in scale and increase in detail, color, and variety to mark entryways into developments.

(e) Parking.

(1) Parking lot landscaping must be used to minimize the expansive appearance of parking lots, provide shaded parking areas, and mitigate any negative acoustic impacts of motor vehicles.

(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of driving aisles, and pedestrian walkways leading through parking lots.

(3) Groups of parking of between 40 and 50 spaces must be separated by a ten-foot wide landscaped median or berm, or pedestrian walkway within a landscaped median.

(4) Parking areas that cannot be grouped must include one landscaped island the size of one stall separating each 20 spaces.

(5) The primary landscaping material used in parking lots must be trees that provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other planting materials may be used to complement the tree landscaping, but shall not be the sole means of landscaping.

(f) Maintenance.

(1) All new development landscaping must be irrigated with an automatic system approved by the planning department. Rehabilitation development must either have an irrigation system or a watering plan.

(2) Plants that die must be replaced as quickly as possible, but in no event longer than four months.

(g) Phasing. The first phase of construction should include perimeter landscaping, entry drives, and detention ponds. Future phases must indicate interim landscaping.

Sec. 27-578. - Crime prevention through environmental design (CPTED).

(a) Territoriality. Territoriality is a concept that clearly delineates private space from semipublic and public spaces, and creates a sense of ownership. Ownership thereby creates an environment where appearance of such strangers and intruders stand out and are more easily identified through:

(1) The enhanced feeling of legitimate ownership by reinforcing existing natural surveillance and natural access control strategies with additional symbolic or social ones.

(2) The design of space to allow for its continued use and intended purpose.

(3) The use of pavement treatments, landscaping, art, signage, screening and fences define and outline ownership of space.

(b) Natural surveillance. Natural surveillance is a design concept directed primarily at keeping intruders under observation. Provision of natural surveillance helps to create environments where there is plenty of opportunity for people engaged in their normal behavior to observe the space around them. Areas can be designed so they are more easily observed through:

(1) Design and placement of physical features to maximize visibility. This will include building orientation, windows, entrances and exits, parking lots, refuse containers, walkways, guard gates, landscape trees and shrubs, use of fences or walls, signage and other physical obstructions.

(2) Placement of persons or activities to maximize surveillance possibilities.

(3) Minimum maintained lighting standards that provide for nighttime illumination of parking lots, walkways, entrances, exits and related areas to promote a safe environment.

(c) Access control. Access control is a design concept directed primarily at decreasing criminal accessibility. Provision of natural access control limits access and increases natural surveillance to restrict criminal intrusion, especially into areas where they will not be easily observed. When present, intruders are more readily recognized through:

(1) The use of sidewalks, pavement, gates, lighting and landscaping to clearly guide the public to and from entrances and exists.

(2) The use of gates, fences, walls, landscaping and lighting to prevent or discourage public access to or from dark or unmonitored areas.

COMMERCIAL DEVELOPMENT GUIDELINES OVERLAY DISTRICT ORDINANCES, CONT.

(d) Activity support. Activity support is the presence of activity planned for the space. Activity support involves placing activity where the individuals engaged in an activity will become part of the natural surveillance system. Examples include:

- (1) Place safe activities in areas that will discourage would be offenders, to increase the natural surveillance of these activities and the perception of safety for normal users, and the perception of risk for offenders.
- (2) Place high risk activities in safer locations to overcome the vulnerability of these activities by using natural surveillance and access control of the safe area.
- (3) Locate gathering areas in locations that provide for natural surveillance and access control or in locations away from the view of would-be offenders.
- (4) Improve the scheduling of space to allow for effective use and appropriate intensity of accepted behaviors.

(e) Maintenance. Proper maintenance of landscaping, lighting treatment and other features can facilitate the principles of CPTED, territorial reinforcement, natural surveillance and natural access control. Functions include:

- (1) Proper maintenance of lighting fixtures to prescribed standards.
- (2) Landscaping which is maintained at prescribed standards.
- (3) Minimizing the conflicts between surveillance and landscaping as the ground cover, shrubs and trees mature.

Date: April 20, 2021

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use # SP2021-034. The purpose of this special use permit is for a Liquor License at the following address: 8537 State Ave Kansas City, Kansas 66112.

Due to Covid-19 we will not have an in-person meeting. If you have any comments/questions/concerns please email me attif111@gmail.com or call me (773)962-1948. I look forward to hearing from you.

Sincerely,

Attif Abbas
8537 State Ave, KCK 66112
(773) 962-1948

Neighborhood Meeting

I, Attif Abbas sent out letters via USPS mail to all neighbors on the list provided to me. In the letters I provided my phone number and email address for anyone to contact me with any questions/comments/concerns. At this time April 26, 2021 no one as contacted me.

Thank You,



Attif Abbas
(773)962-1948



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: September 30, 2021
Re: SP2021-045

GENERAL INFORMATION

Applicant:
James Sullivan

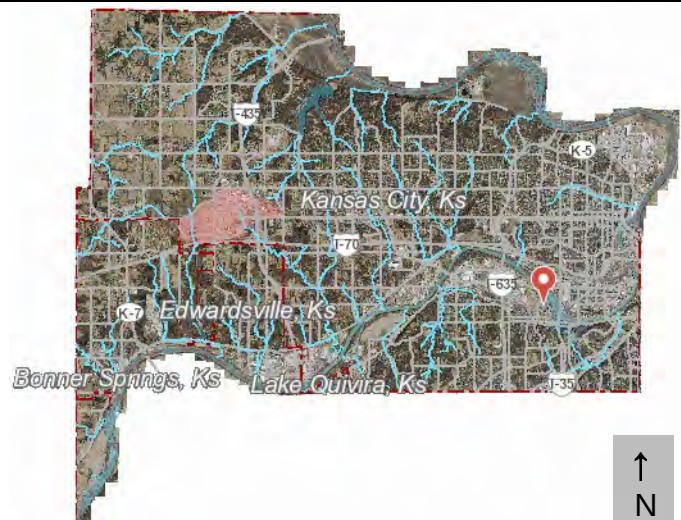
Status of Applicant:
Architect
Sullivan Palmer Architects
8621 Johnson Drive
Merriam, Kansas 66202

Requested Action:
Approval of a Special Use Permit.

Date of Application:
April 30, 2021

Purpose:
To request a Special Use Permit to allow for auto storage and auto maintenance.

Property Location:
1037 South 26th Street
Kansas City, Kansas 66106



Commission District:	Commissioner At Large: Tom Burroughs District #6 Commissioner: Angela Markley
Existing Zoning:	M-3 Heavy Industrial District
Adjacent Zoning:	North: M-3 Heavy Industrial District South: M-3 Heavy Industrial District and Right-of-Way East: M-3 Heavy Industrial District West: M-3 Heavy Industrial District
Adjacent Uses:	North: Single-family residence South: Parking lot for railway right-of-way East: Vacant lot; Single-family residences West: Industrial businesses
Total Tract Size:	1.1 Acres
Master Area Plan:	The subject property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates the property as Industrial. The Industrial land use designation allows a variety of uses including manufacturing, warehouse, distribution, outdoor storage, salvage, and limited related commercial and service uses such as truck stops, service stations, and convenience stores. The Industrial land use designation discourages all residential uses.
Major Street Plan:	The Major Street Plan classifies South 26 th Street as a Local/Neighborhood street.
Required Parking:	Section 27-470(f) requires paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. The ratio will vary among occupants and will be determined by the Director of Planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one space for each 500 square feet of building area be provided. For buildings larger than 20,000 square feet, only one space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the Director of Planning. Where questions arise concerning increments over

50,000 square feet, the Unified Government Board of Commissioners shall make the final determination upon recommendation of the Planning Commission. Commercial uses shall provide parking as would be required in the C-3 district. The current structure on the property has a floor area of 3,444 square feet, which requires at least seven (7) parking spaces, in addition to the parking needed to hold all vehicles on the property. With the proposed building addition, the total number of required parking spaces will be 15, in addition to the parking needed to hold all vehicles on the property. The proposed parking plan shows 20 spaces on the subject property, two (2) of which are ADA-compliant.

Advertisement: The Wyandotte Echo – May 20, 2021, June 17, 2021, July 15, 2021, and August 19, 2021
Letters to Property Owners – May 21, 2021, June 17, 2021, July 16, 2021, August 20, 2021 and September 23, 2021

Public Hearings: September 13, 2021 and September 30, 2021

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, James Sullivan with Sullivan Palmer Architects, is requesting a Special Use Permit to allow auto maintenance and auto storage at 1037 South 26th Street. A paved driveway apron will allow vehicles to access the building from South 26th Street. The site plan proposes a building measuring 80' x 50', a total of 4,000 square feet. There is a pre-existing building in the southeast corner of the subject property, measuring 3,321 square feet. Both buildings are collectively served by 20 parking spaces, two (2) of which are ADA-compliant.

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

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

- May 11, 2021- Enforcement Complaint
- June 26, 2020- Other Multiple Violations
- February 20, 2020- Other Multiple Violations
- October 26, 2017- Other Multiple Violations
- August 1, 2013- Environmental: Weeds
- July 18, 2007- Weeds & Improper Fencing

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Santa Fe Statistical Neighborhood and is not within a Neighborhood Group. The neighborhood is zoned industrial but is adjacent to two (2) single-family residences to the east (across the alley) and adjacent to another single-family residence to the north. The other surrounding properties are used for industrial purposes.

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

The subject property is zoned M-3 Heavy Industrial District, which is compatible with most nearby properties, but is not compatible with the properties immediately to the north and east, which are single-family residences. Furthermore, expansion of an industrial use on to a 0.14-acre parcel flanked by residential uses is not compatible with those uses.

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

Records show the subject property has been used for industrial and automotive purposes since 2002. The location of the parcel within an industrial area makes it a suitable use. The location of the subject property directly south of two (2) single-family residences, however, does not make it a suitable location for use as an expansion of a heavy commercial or industrial business.

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

The subject property is not vacant.

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

Special Use Permits are not addressed in the City-Wide Master Plan, but the Industrial land use designation does allow for a wide range of industrial uses, which includes automotive-related businesses (i.e., outdoor storage, salvage, and limited automotive services). Therefore, the proposed use is in conformance with the City-Wide Master Plan.

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

Expansion of the existing on-site facilities may increase traffic due to the capacity to hold and service more vehicles. All vehicle traffic will either have to enter or exit on South 26th Street or through the alley between South 25th and 26th Streets, respectively. Site photos of the property show that the alley is suffering from overgrowth. In its current state, the alley could not see any increase in

vehicular traffic. The applicant must clean up the alley before it can be used as part of the access network to and from the property.

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

The expansion on the parcel of an existing automotive business may be necessary for the owner's convenience. Expanding an automotive use for an operating business within the same parcel by constructing a second building will have minimal impact on the surrounding properties, except for the single-family residence directly east of the proposed building. A new building, in addition to the proposed expansion of the business to 1032 South 25th Street, will effectively hem in a residence that is already surrounded by industrial properties and uses. So long as the noise, lights, and visual appearance of the proposed uses and building are kept from the neighboring residence by heavy landscape buffering along the southern portion of the eastern fence line, then the appropriate use, visual quality, or marketability of the adjoining property will not be further injured substantially or permanently.

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

Lights from the business, car lot, and on-site cars interfere with surrounding residences in the evening. The applicant has not submitted a lighting plan for the proposed building, so Staff cannot make a full determination of the potential lighting issues. The landscape plan provided by the applicant is a start, but a landscape plan of the full parcel is required in order to demonstrate the landscape buffering between the property's uses and the single-family residence to the north. Furthermore, noise, dust, and vibrations are common negative externalities associated with automotive-related businesses. The business owner can mitigate such externalities by conducting all automotive repairs completely within a building with garage doors closed.

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

Anywhere cars are gathered for parking, storage, repair, or salvage purposes can result in air, land, and water pollution. Mitigation measures such as the installation of an oil-water separator within every building is required.

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

The subject property is directly south of two (2) properties that are used for residential purposes. Constructing a 4,000-square foot building in addition to the existing building could increase the intensity of use of the property. Parking plans show a surfaced parking lot, which will increase in impermeable surface area may cause stormwater to runoff in greater quantities or different patterns. Due to

the effects this runoff could have on the adjacent properties, the applicant must submit a water runoff plan to prove that such effects will be mitigated and will not occur. The applicant must also submit a revised parking plan demonstrating the surface material and use of the northern portion of the property. The current parking plans fail to show details about this portion.

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

Expanding an automotive-related use on the parcel of a current business will likely not will impose a great hardship on the nearby single-family residences. The applicant has not stated the exact proposed use for the subject property, so Staff cannot be completely sure of the magnitude of the gain such expansion would be to the business owner. Therefore, with all current information available to Staff, it is unclear if the gain to the business owner from expanding the physical size of the business outweighs the harm caused to the local residents and homeowners.

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

In a visit to the property Staff found a property filled with cars and semi-truck cabs parked on a crumbling paved surface. The property is already overcrowded, and this issue may only be rectified by parking the vehicles in designated spaces, a solution that has its start in the applicant's parking plan.

PREVIOUS ACTIONS

- SP-2017-45 (expired Special Use Permit for semi-truck parking and mechanic shop)

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting 10 AM on May 29, 2021, at 1037 South 26th Street. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant (see Attachments section of this report).

KEY ISSUES

Adjacent Residential Uses
Buffering
Landscaping
Lights and Noise
Off-Site Striped Parking
Overcrowding of the Land
Property Maintenance Compliance Issues
Stormwater Runoff Plan
Vehicular Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2021-045** for two (2) years, subject to:

- 1) Per Section 27-470(b)(7), extended or dead storage of motor vehicles requires a Special Use Permit. The applicant has not identified extended or dead storage of motor vehicles in their Special Use Permit application. Therefore, all vehicles stored on the subject property must be operable;
- 2) The revised parking plan submitted by the applicant to Staff shows 20 total parking spaces in two (2) separate parking lots on site, which exceeds the M-3 zoning district parking minimum. Two (2) of these parking spaces are ADA-compliant, one (1) at each grouping of parking spaces. This parking arrangement must be maintained;
- 3) The applicant must comply with the respective site, parking, landscaping, and turning plans as submitted to Staff in this report, unless written conditions in this report and/or modifications made by the City Planning Commission, or the Board of Commissioners supersede the plans;
- 4) Per Section 27-593(b)(20)c.1.ii, commercial uses in new buildings in industrial districts shall be subject to commercial design guidelines. Therefore, the proposed building must conform to the Commercial Development Guidelines Overlay District, Sections 27-573 through 27-578;
- 5) Per Section 27-593(b)(20)c.2, modifications shall be made to the existing building:
 - a) Restoring original brick,
 - b) Any necessary repair of the façade,
 - c) New doors or windows if existing fixtures are in disrepair,
 - d) Substantial effort beyond simply painting the building is necessary. Brick structures must be cleaned, paint removed, and tuck pointed, and
 - e) For non-brick buildings in addition to paint, additional architectural embellishments such as a brick wainscot may be required;
- 6) The landscaping plan shall continue to comply with Section 27-470(h): “All land area that is not covered by buildings or otherwise surfaced shall be brought to a finished grade and landscaped. Six-foot high architectural screening in combination with a buffer area is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.”;
- 7) The site landscaping is required to meet the Commercial Design Guidelines Overlay District per Sec. 27-593(b)(20)a.2. The total quantity of trees is exclusive of the street tree requirement and buffering/screening requirements. This can and will be resolved during building permitting with the Development Review Committee;
Per the submitted landscaping plan, a sidewalk must be installed along the frontage of the subject property;
- 8) Per Section 27-673 (c), the City Planning Commission may require that a parking area be screened on any side where it may adversely affect adjacent property, by a wall, screen planting, or fence of a height that the commission deems adequate;

- 9) The stormwater runoff plan, demonstrating the changes in surface water runoff after the construction of the building and the steps taken to address such changes in runoff onto the adjacent properties and rights-of-way, must be provided to Staff by September 22, 2021.
- 10) Improve the alleyway from the northern-most point adjacent to the subject property to the intersection with Argentine Boulevard;
- 11) Parking of the automobiles under heavy service, repair, or mechanics shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required in the M-3 Heavy Industrial Zoning District;
- 12) Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening;
- 13) Each automobile shall be in a striped, designated parking space, trucks shall not be parking on the existing gravel surface. Please revise the area labeled truck storage to show paved surfaces. At a minimum all drive aisles must be paved and asphalt millings provided for all storage areas;
- 14) All salvage, debris, and outdoor storage shall be removed from the site and the site shall be maintained in an orderly manner. The truck storage shall include only operable trucks and trailers;
- 15) 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;
- 16) Per Section 27-673(a), any lights used to illuminate the parking area shall be so arranged, located, or screened as to direct light away from any adjoining or abutting residential district. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;
- 17) The applicant must file and maintain a current business occupation tax application and entertainment license;
- 18) A Right-of-Way permit is required for construction that requires either temporary use or alteration of the public right-of-way. Please contact the Public Works Department at (913) 573-5311 to begin that process;
- 19) 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 (Section 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;
- 20) 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;

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.,

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2021-045** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 13, 2021 City Planning Commission Minutes
Land Use Map
Aerial Map
Zoning Map
Photos of the Property Provided by Staff, Dated May 23, 2021
Plans Submitted by the Applicant
Applicant Response to Staff Comments, Dated June 1, 2021
Wyandotte County Conservation District Letter, Dated May 18, 2021
Neighborhood Meeting Materials, Dated May 29, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Commission</u>
Public Hearing Special Use	September 13, 2021 Approval	September 30, 2021

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-045** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff report, and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2021-045**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 13, 2021 City Planning Commission Minutes:

Hearing starts at 2:409:55:

SPECIAL USE PERMIT APPLICATION SP2021-045 – JAMES SULLIVAN WITH SULLIVAN PALMER ARCHITECTS – SYNOPSIS: Special Use Permit for auto storage and maintenance building at 1037 South 26th Street.

Detailed Outline of Requested Action: The applicant, James Sullivan with Sullivan Palmer Architects, is requesting a Special Use Permit to allow auto maintenance and auto storage at 1037 South 26th Street. A paved driveway apron will allow vehicles to access the building from South 26th Street. The site plan proposes a building measuring 80' x 50', a total of 4,000 square feet. There is a pre-existing building in the southeast corner of the subject property, measuring 3,321 square feet. Both buildings are collectively served by 20 parking spaces, two (2) of which are ADA-compliant.

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

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

- May 11, 2021- Enforcement Complaint
- June 26, 2020- Other Multiple Violations
- February 20, 2020- Other Multiple Violations
- October 26, 2017- Other Multiple Violations
- August 1, 2013- Environmental: Weeds
- July 18, 2007- Weeds & Improper Fencing

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners.

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

Present in Support:

- James Sullivan, applicant, Sullivan Palmer Architects, 8621 Johnson Drive, Merriam, Kansas 66202

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:45:25: Planning Director Hand stated that one (1) of the conditions of approval is no inoperable vehicles are stored on the property. The request is for auto storage related to the repair business and not a salvage yard. There are several salvage yards in the Argentine area and Staff wants to ensure this property does not turn into a salvage yard. He further stated that the new building must comply with the Commercial Design Guidelines, which will be checked at the building permit process. Additionally, several upgrades are required for the existing building as per the Commercial Design Guidelines. Currently there is screening and buffering on the Argentine Boulevard side and Staff has conditioned that it be added to the other three (3) sides across from residential property and along the primary frontage, along with a sidewalk extension down 26th Street as there are adjacent residences to the north and east. Another condition of approval is to repair the alleyway for the length of the parcel. He stated that there are old Notices of Violation, but believes that the addition will resolve those violations. Staff has received no letters in support nor opposition and recommends approval for two (2) years, subject to the conditions in the staff report.

Motion and Vote starts at 2:47:50:

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit **SP2021-045 for two (2) years:**

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

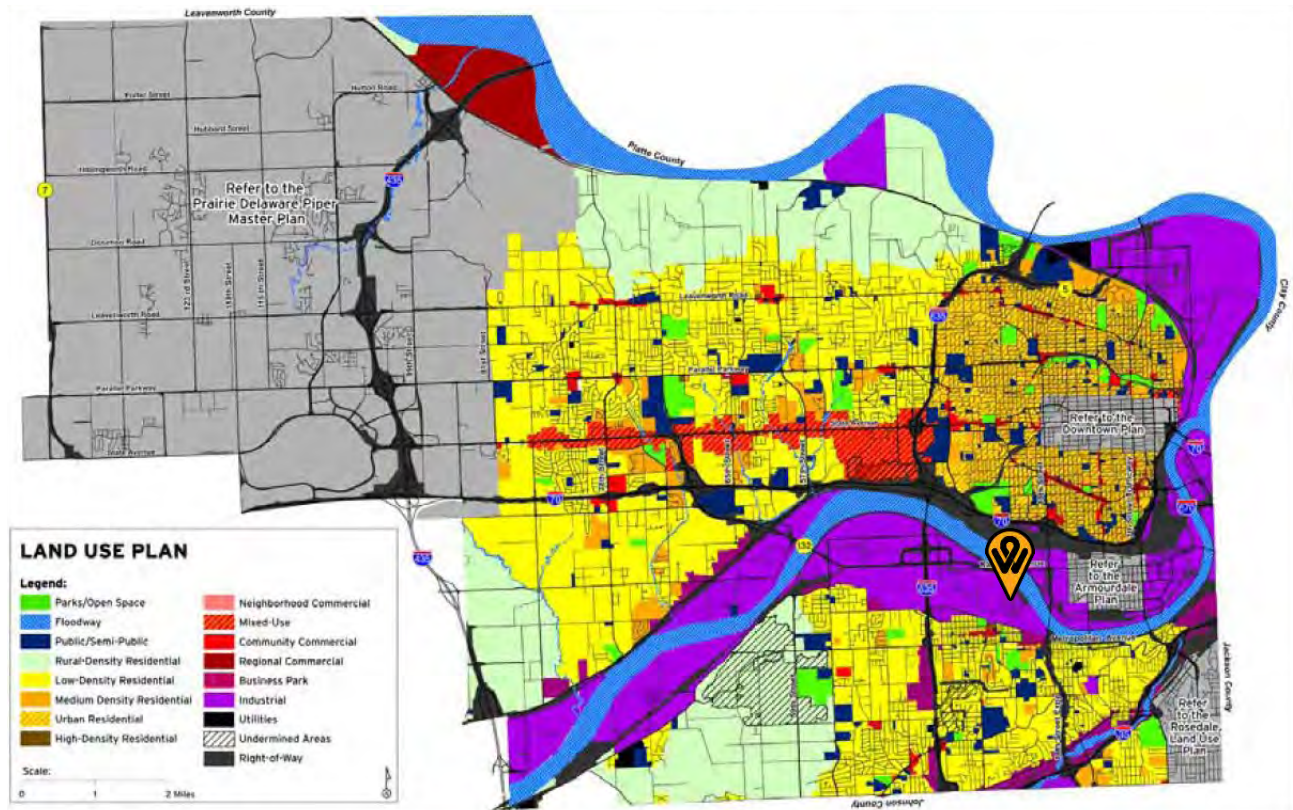
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- 2) The revised parking plan submitted by the applicant to Staff shows 20 total parking spaces in two (2) separate parking lots on site, which exceeds the M-3 zoning district parking minimum. Two (2) of these parking spaces are ADA-compliant, one (1) at each grouping of parking spaces. This parking arrangement must be maintained;**
- 3) The applicant must comply with the respective site, parking, landscaping, and turning plans as submitted to Staff in this report, unless written conditions in this report and/or modifications made by the City Planning Commission, or the Board of Commissioners supersede the plans;**

- 4) Per Section 27-593(b)(20)c.1.ii, commercial uses in new buildings in industrial districts shall be subject to commercial design guidelines. Therefore, the proposed building must conform to the Commercial Development Guidelines Overlay District, Sections 27-573 through 27-578;
- 5) Per Section 27-593(b)(20)c.2, modifications shall be made to the existing building:
 - a) Restoring original brick,
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- 7) The site landscaping is required to meet the Commercial Design Guidelines Overlay District per Sec. 27-593(b)(20)a.2. The total quantity of trees is exclusive of the street tree requirement and buffering/screening requirements. This can and will be resolved during building permitting with the Development Review Committee;
Per the submitted landscaping plan, a sidewalk must be installed along the frontage of the subject property;
- 8) Per Section 27-673 (c), the City Planning Commission may require that a parking area be screened on any side where it may adversely affect adjacent property, by a wall, screen planting, or fence of a height that the commission deems adequate;
- 9) The stormwater runoff plan, demonstrating the changes in surface water runoff after the construction of the building and the steps taken to address such changes in runoff onto the adjacent properties and rights-of-way, must be provided to Staff by September 22, 2021.
- 10) Improve the alleyway from the northern-most point adjacent to the subject property to the intersection with Argentine Boulevard;
- 11) Parking of the automobiles under heavy service, repair, or mechanics shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required in the M-3 Heavy Industrial Zoning District;
- 12) Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening;
- 13) Each automobile shall be in a striped, designated parking space, trucks shall not be parking on the existing gravel surface. Please revise the area labeled truck storage to show paved surfaces. At a minimum all drive aisles must be paved and asphalt millings provided for all storage areas;
- 14) All salvage, debris, and outdoor storage shall be removed from the site and the site shall be maintained in an orderly manner. The truck storage shall include only operable trucks and trailers;

- 15) 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;
- 16) Per Section 27-673(a), any lights used to illuminate the parking area shall be so arranged, located, or screened as to direct light away from any adjoining or abutting residential district. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;
- 17) The applicant must file and maintain a current business occupation tax application and entertainment license;
- 18) A Right-of-Way permit is required for construction that requires either temporary use or alteration of the public right-of-way. Please contact the Public Works Department at (913) 573-5311 to begin that process;
- 19) 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 (Section 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;
- 20) 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;
- 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 Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

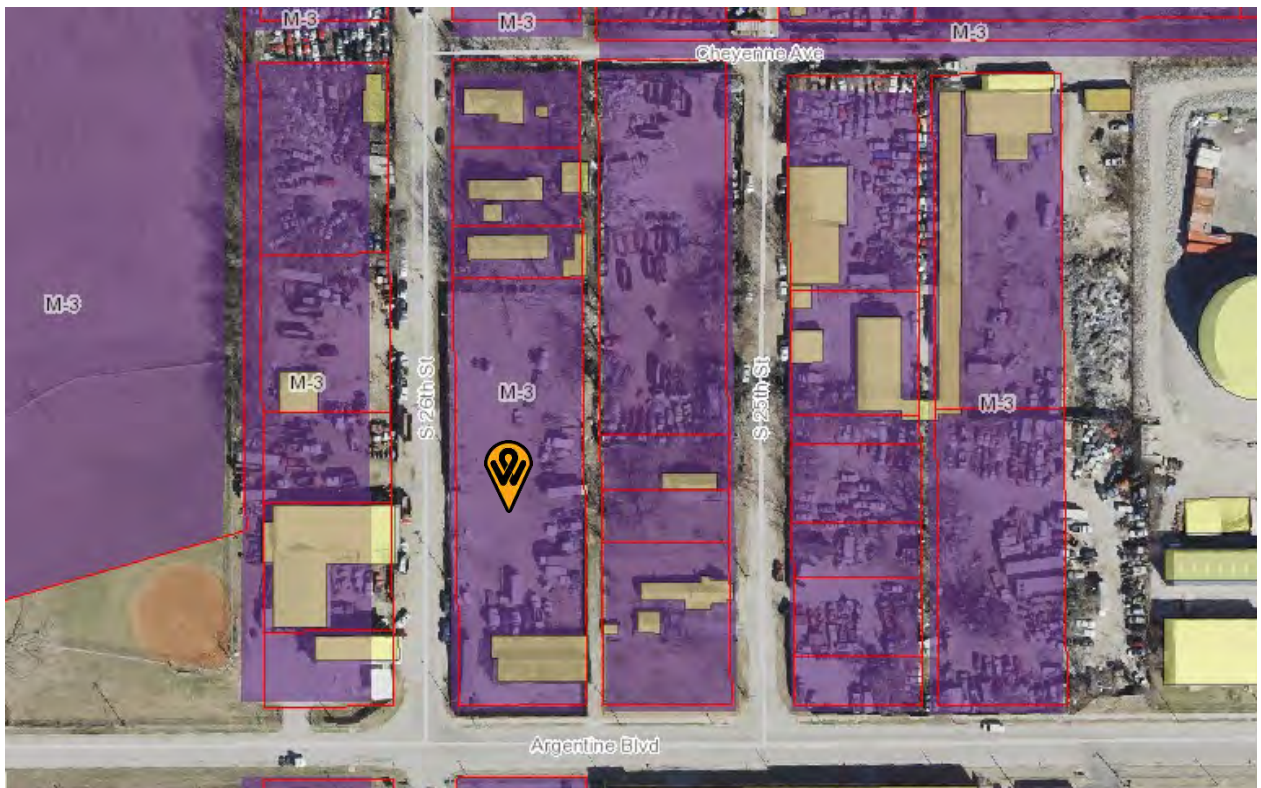
LAND USE MAP



AERIAL MAP



ZONING MAP



PHOTOS OF THE PROPERTY PROVIDED BY STAFF, DATED MAY 23, 2021: EXTERIOR



PHOTOS OF THE PROPERTY PROVIDED BY STAFF, DATED MAY 23, 2021: INTERIOR

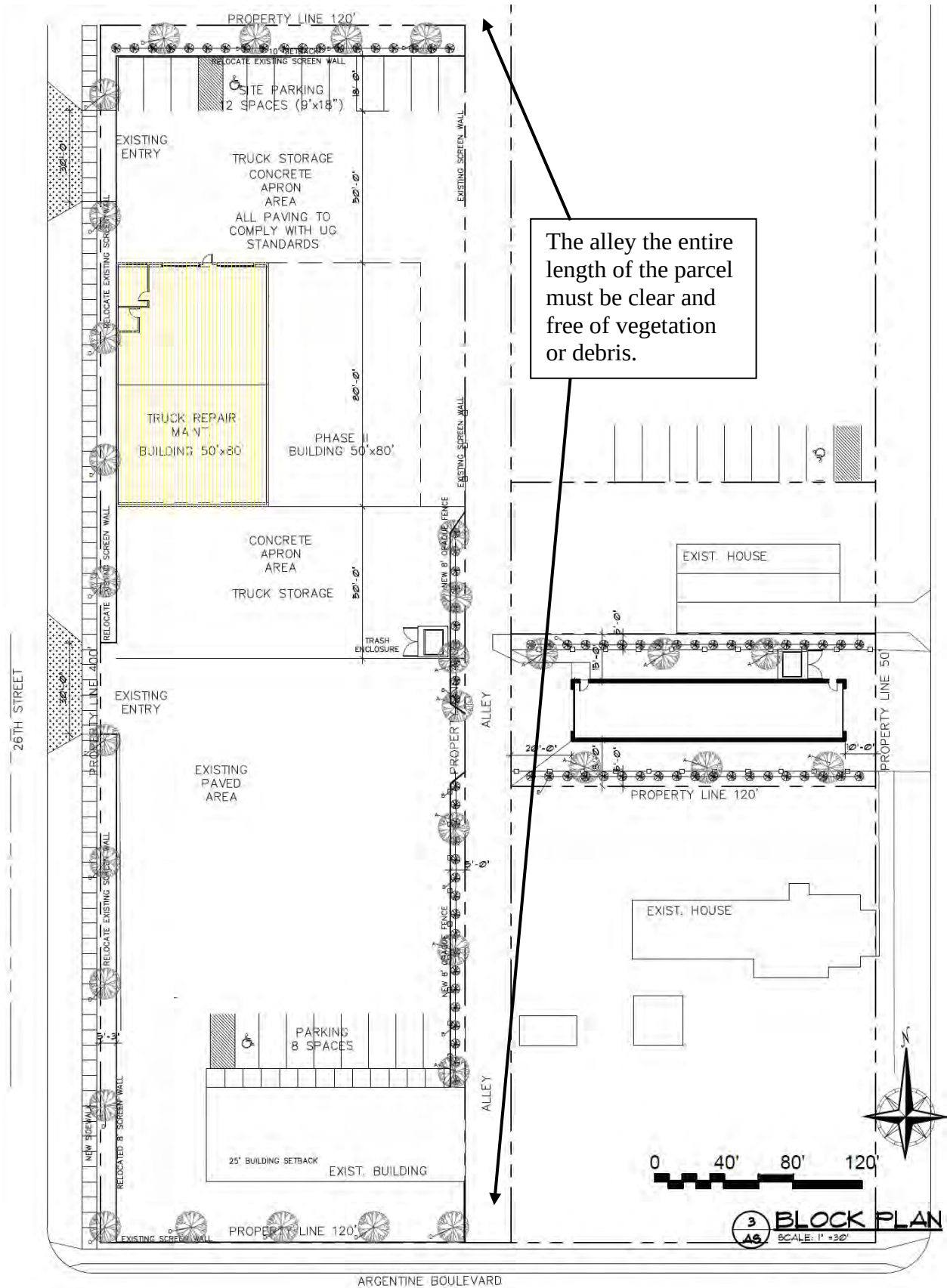


PHOTOS OF THE PROPERTY PROVIDED BY STAFF, DATED MAY 23, 2021: ALLEY

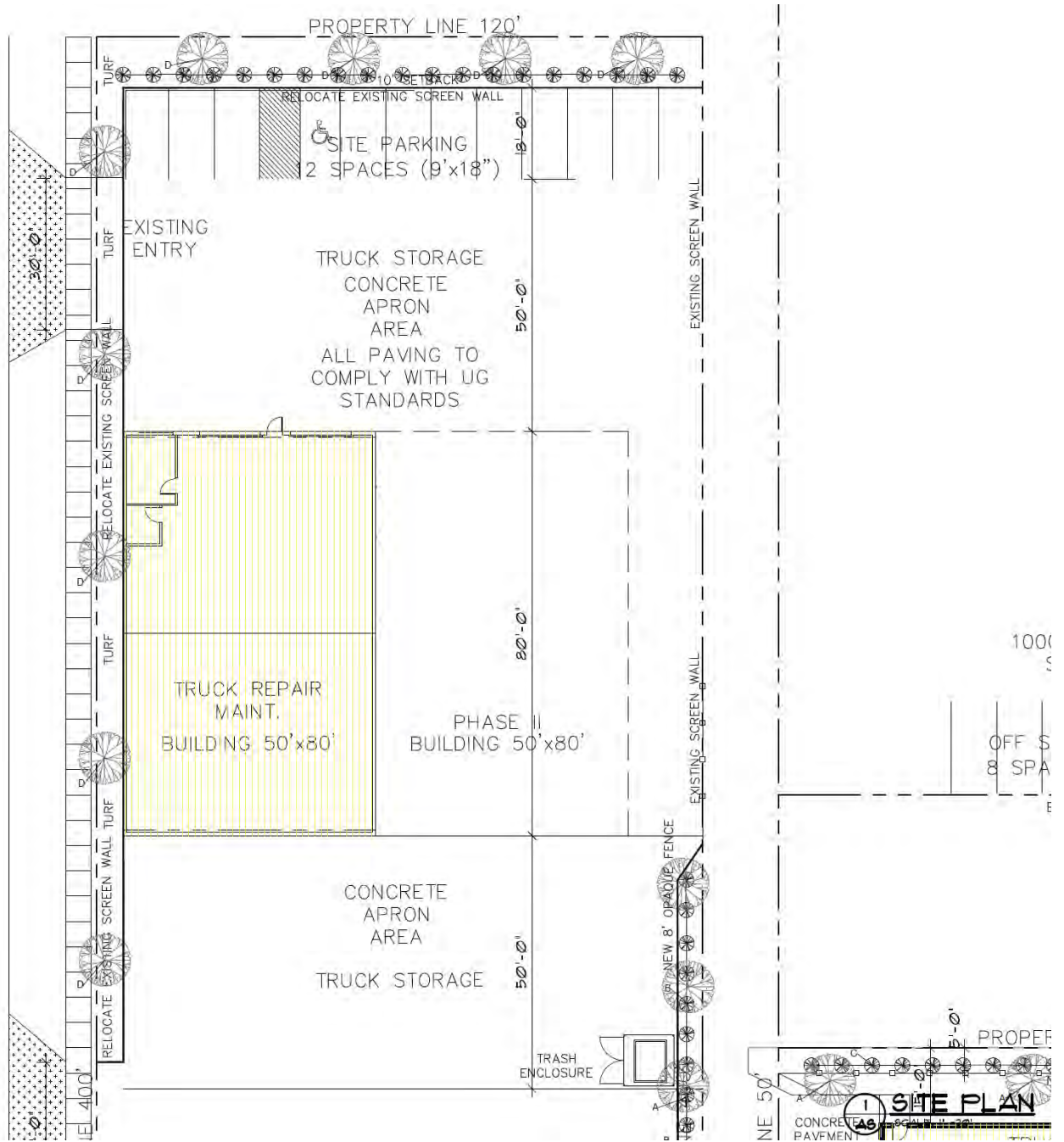


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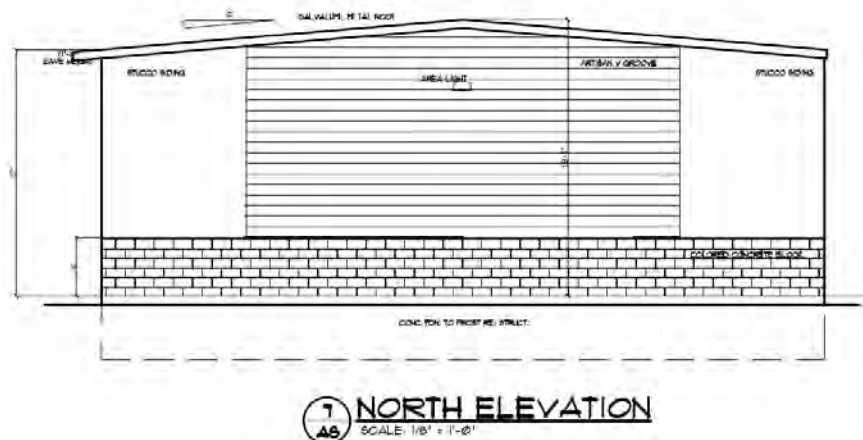
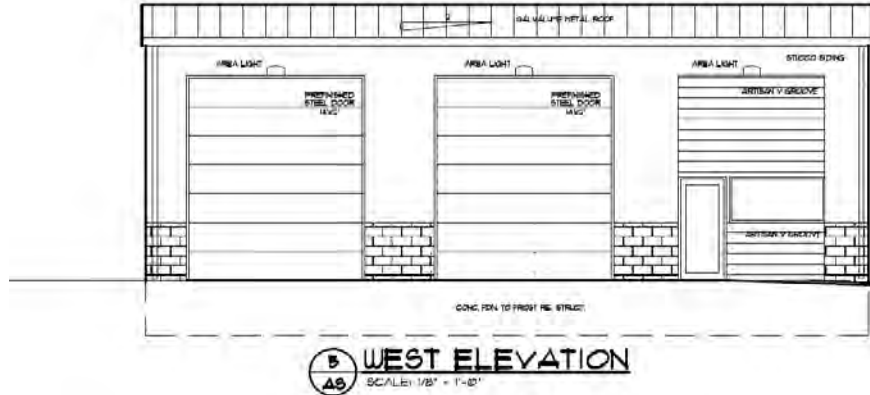
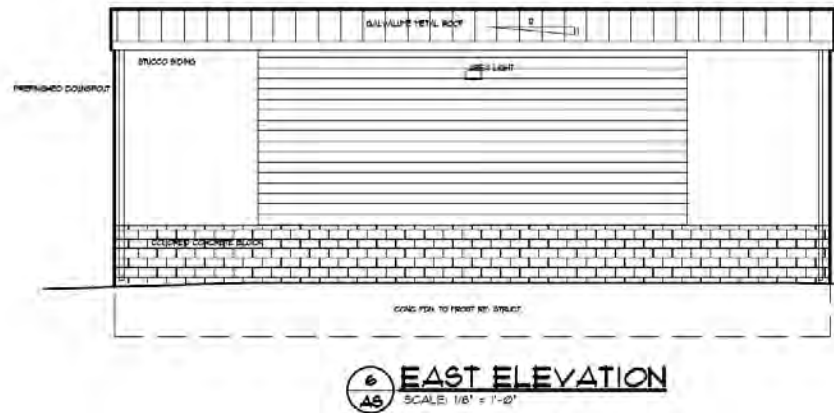
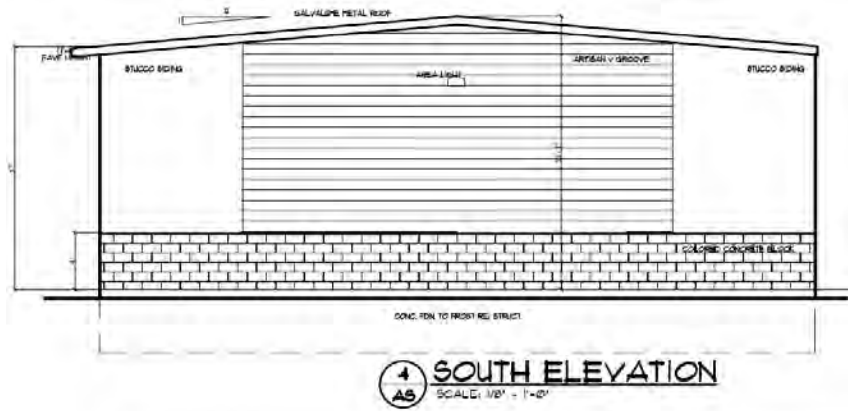
PLANS SUBMITTED BY THE APPLICANT: BLOCK PLAN



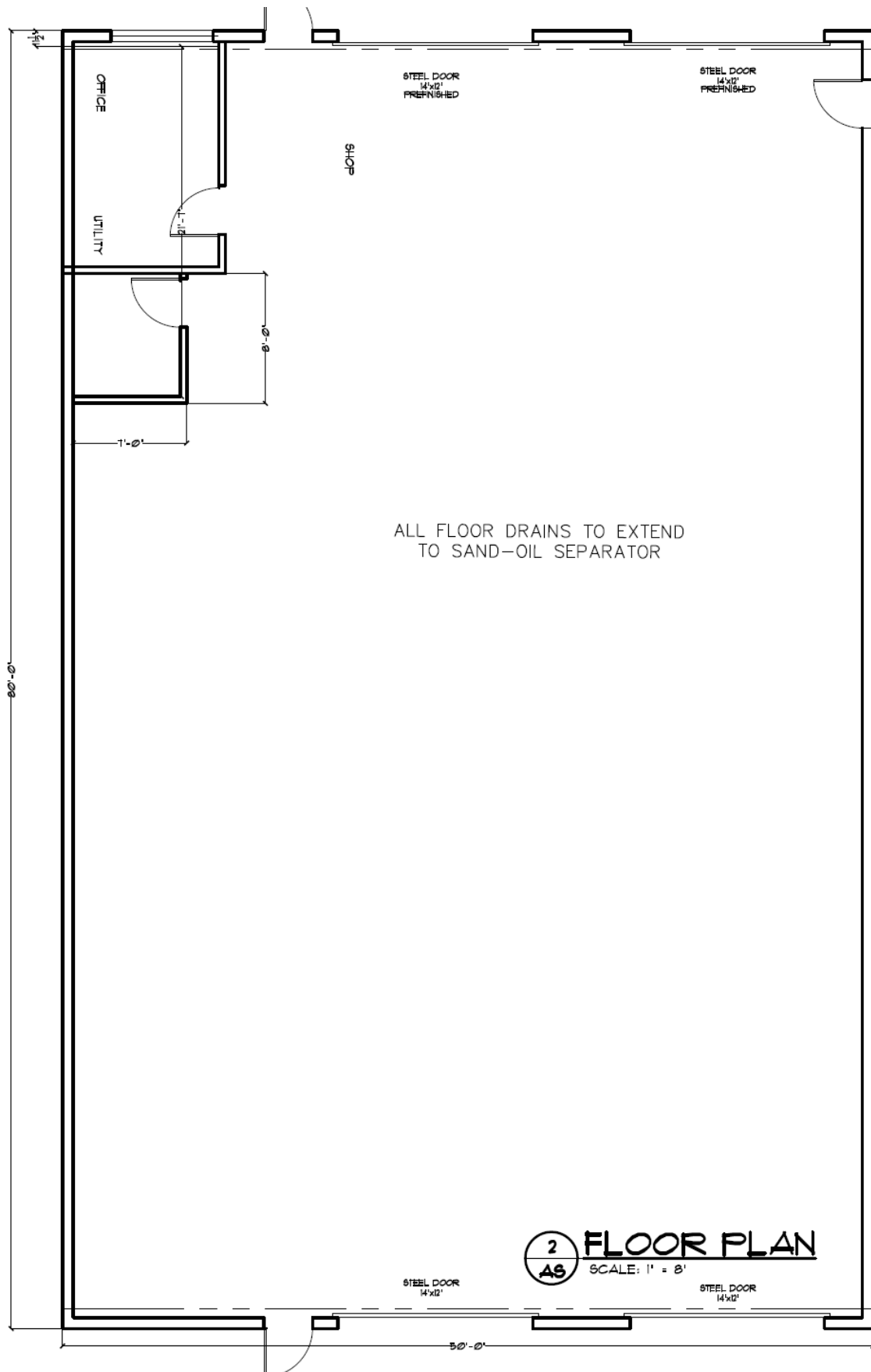
PLANS SUBMITTED BY THE APPLICANT: SITE PLAN



PLANS SUBMITTED BY THE APPLICANT: ELEVATIONS



PLANS SUBMITTED BY THE APPLICANT: FLOOR PLAN



PLANS SUBMITTED BY THE APPLICANT: SIDEWALK DESIGN AND VICINITY MAP

PROJECT INFORMATION:

BUILDING ADDRESS:
1037 S. 26TH STREET, KANSAS CITY, KS.

BUILDING OWNER:
LOUIS SAENTZ
1037 S. 26TH STREET
KANSAS CITY, KS.

CODE ITEMS:
2018 INTERNATIONAL BUILDING CODE
2018 INTERNATIONAL MECHANICAL CODE
2018 UNIFORM PLUMBING CODE
2011 NATIONAL ELECTRIC CODE
2018 INTERNATIONAL FIRE CODE
ANSI-A117.1 ACCESSIBILITY

SITE DATA:
EXISTING ZONING: M3
LANDSCAPE AREA: 3,011 SF. (NON-PARKING)
SITE AREA: 41,641 SF.
SITE PARKING 20 STALLS

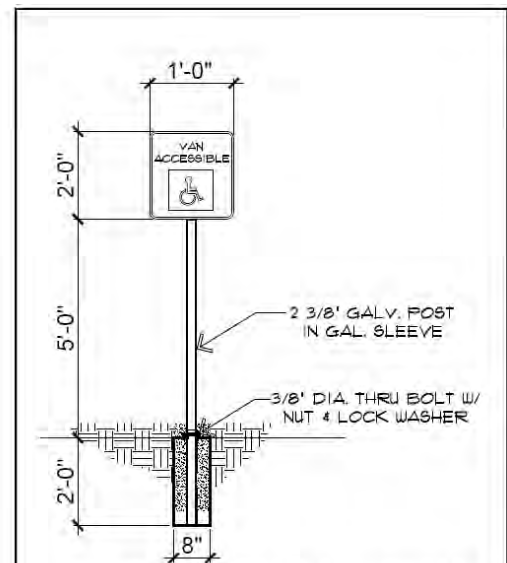
BUILDING DATA:
BUILDING AREA: 4,000 SF.

LEGAL DESCRIPTION
MULVANE'S ADDITION BLOCK 11, LOTS 41 TO 56

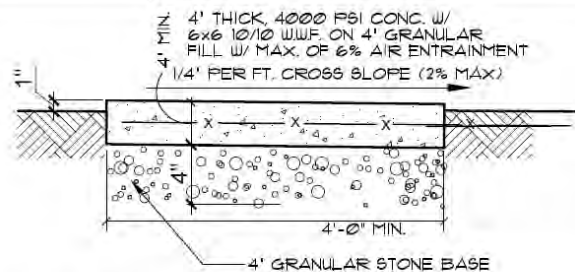
BUILDING USE:
TRUCK REPAIR SHOP FOR USE BY GENERAL PUBLIC.



VICINITY PLAN
SCALE: 1" = 8'

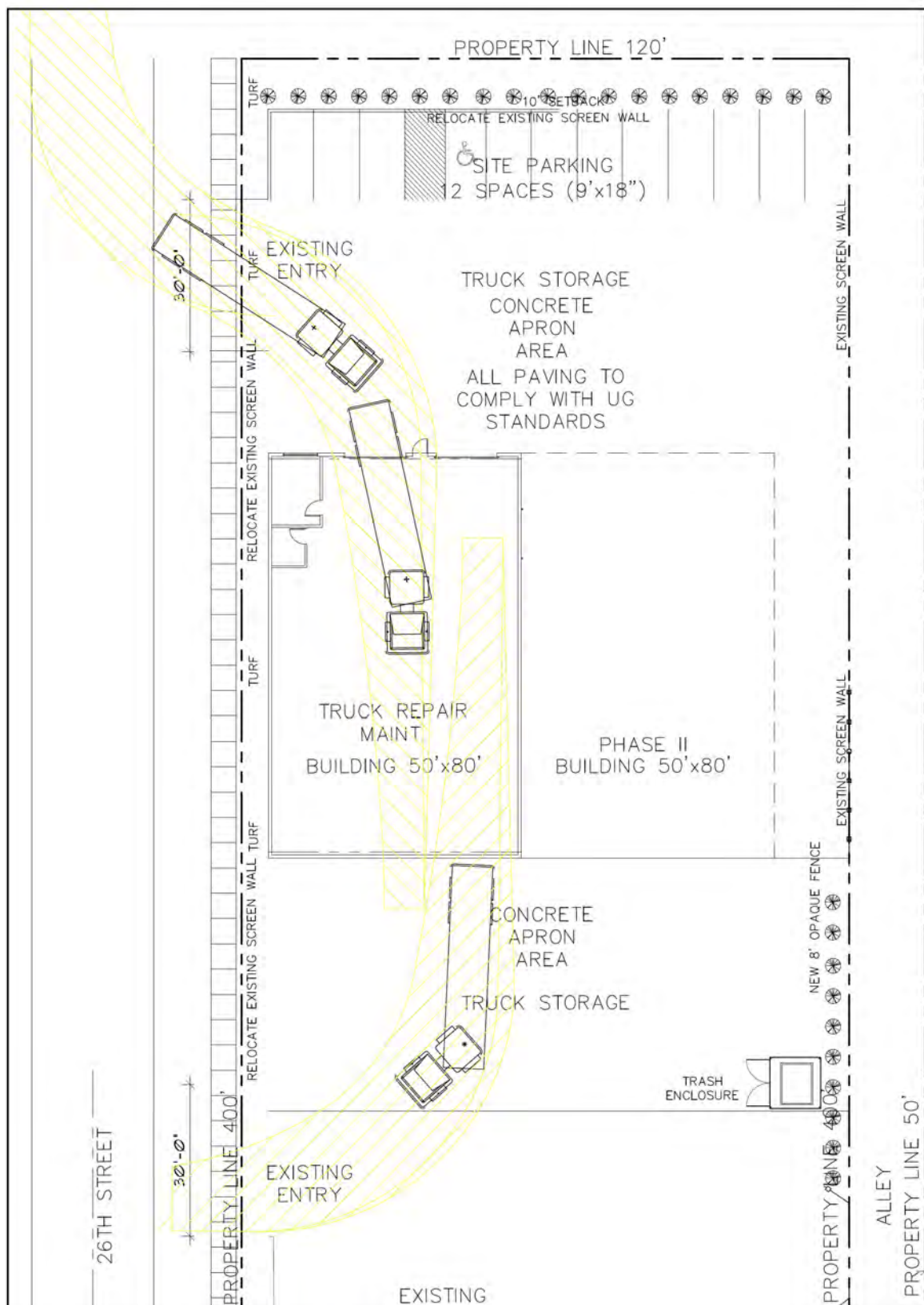


HANDICAP SIGN
SCALE: NO SCALE



SIDEWALK SECTION
NO SCALE

PLANS SUBMITTED BY THE APPLICANT: TRUCK TURNING PLAN

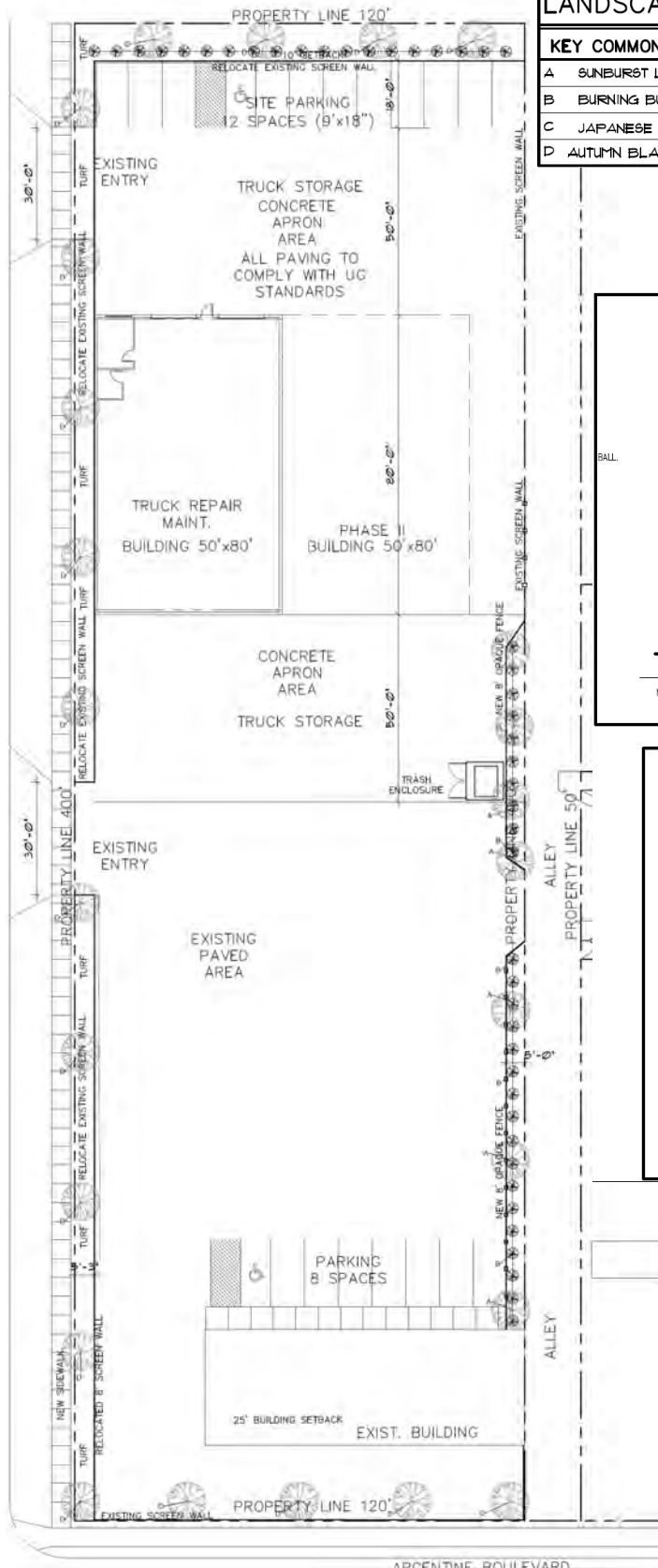


1

TRUCK TURNING PLAN

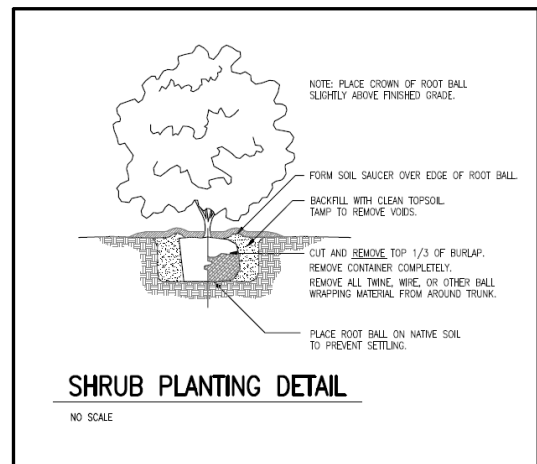
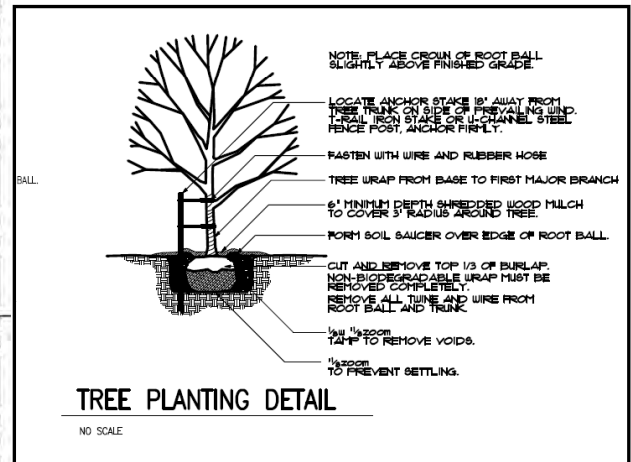
Scale: 1" = 16'

PLANS SUBMITTED BY THE APPLICANT: LANDSCAPING PLAN



LANDSCAPE SCHEDULE

KEY COMMON NAME	BOTANICAL NAME	QUANTITY	SIZE
A SUNBURST LOCUST	Gleditsia triacanthos var. inermis 'Suncoast'	30' C-C	2 1/2" CALIFER
B BURNING BUSH	QUERCUS BICOLOR	8' C-C	5 GALLON
C JAPANESE HOLLY	ILEX CRENATA GREEN LUSTER	19	5 GALLON
D AUTUMN BLAZE MAPLE	ACER FREMANII JEFFERSON	30' C-C	2 1/2" CALIFER



2 | LANDSCAPE
Scale: 1" = 20'

PLANS SUBMITTED BY THE APPLICANT: MATERIAL DESIGN AND PHOTOS OF THE PROPERTY



ARTISAN® V-GROOVE SIDING

Artisan V-Groove siding delivers everything you love about wood v-groove siding, with the uncompromising performance you've come to expect from James Hardie fiber cement products.

Panel Specs

Thickness:	0.625"
Weight:	4.55 LBS./SQ. FT.
Length:	144"

Width:	8.25"
Exposure:	7"
Color:	COMES PRIMED FOR PAINT





1 June 2021

MR. MICHAEL FARLEY
PLANNING AND URBAN DESIGN
UNIFIED GOVERNMENT
701 N 7TH STREET, KANSAS CITY, KS. 66101

RE: 1037 S. 26TH STREET SPECIAL USE PERMIT

This letter is in response to your plan review. The responses as follows correspond with your plan review numbers.

First of all it must be made clear that the proposed two properties for Special Use Permits, are independent of one another. Their addresses are 1032 S 25th Street and the other is 1037 S 26th Street. These requests have been submitted with separate applications, drawings and submittal information and should be considered separately.

APPLICATION REVIEW

0. REQUIRED PARKING: The drawing Sheet AS-1 indicates off-site parking expanded from 10 to 13 stalls.
2. COMPATIBILITY WITH NEIGHBORING USES: This property is currently used as a truck repair business, with this proposal requesting a building for enclosing portions of the repair activities. This use is not associated with the building proposal located at 25th Street.
3. SUITABILITY OF THE PROPERTY: As noted above this is a separate application from the 25th street Application and will not use the 25th Street property for any reason. This property has been used for auto and truck repair for many years.
6. INCREASED VEHICULAR TRAFFIC: Currently, vehicles maneuvering within this property do not use or exit the alley. The alley also may not be used following the construction of the new building as vehicles enter and exit on to 26th Street.
- 7.8. ADJOINING PROPERTIES: As noted above this use is not associated with the building proposal located at 25th Street. Additional landscaped buffers have been provided against 26th Street, Argentine and the north residential property.

8621 Johnson Drive, Merriam, Kansas 66202
Tel: 913.888.8540 Fax: 913.888.0152

10. WATER RUNOFF PLAN: A water runoff plan will be conducted and submitted to the City for review. A note has been placed on the drawings indicating that all pavements shall conform with UG standards.
11. RELATIVE GAIN: As noted above, the applicant has clarified the building use on numerous occasions to planning staff. This facility is a truck repair facility used by the general public.

Respectfully yours,
Sullivan Palmer Architects, Inc.

Jim Sullivan

A handwritten signature in blue ink, appearing to read 'Jim Sullivan', with a stylized, cursive script.

8621 Johnson Drive, Merriam, Kansas 66202
Tel: 913.888.8540 Fax: 913.888.0152



Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco,conservation@gmail.com

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

May 18, 2021

RE: SP2021-045 James Sullivan Auto storage and Maintenance 1037 South 26th Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: SP2021-045 James Sullivan Auto storage and Maintenance 1037 South 26th Street.

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Eudora-Urban land complex, rarely flooded. These soil types are considered erodible when the surface is denuded of a protective cover.
- Any chemical spills need to be cleaned up immediately. These are loamy soils that allow for quick infiltration that can flow with water into the river. The contaminated water can seep into the river.

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

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern may have been changed in this area due to previous urban development. Therefore, the physical

composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineation on the maps includes soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

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

Sincerely,

Cheri Miller
District Manager

enclosures

NEIGHBORHOOD MEETING MATERIALS, DATED MAY 29, 2021

19 May 2021

Dear Neighbor:

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use # SP-2021-045.

The purpose of this:

- special use permit
- preliminary plan review

For a vehicle maintenance and storage building at the following address: 1037 S. 26th Street, Kansas City, KS 66106.

We are having a neighborhood meeting on Saturday, May 29, 2021 at ~~10~~:00 ~~A~~m. at the following address:

1037 S. 26th Street, Kansas City, KS 66106 (the subject property)

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

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

Sincerely,

Luis Saenz
826 N. 83rd Terrace, Kansas City, KS.66112
pamelavkc@gmail.com
913-530-8101

Please sign and return to me with any questions or concerns that you may have.

MINUTES:

Application Number SP-2021-0045
Date and Location: 1037 N 96th St
Meeting called to order at: 10am
Names of people in attendance: 10 On attendees
Introductions: Luis Saenz
Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).
Questions and answers (include the following):
➤ Who asked question or gave comment
➤ What was the question or comment
➤ Who answered the question/comment
➤ What was the answer given
Meeting adjourned at:
Minutes taken by: no minutes taken

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Kansas }
COUNTY OF Wyandotte } SS:
Comes now Luis Saenz, of lawful age, sound mind and up
his/her oath states as follows:
1. That I am the petitioner for Petition # SP-2021-045
2. That I conducted a neighborhood meeting on 5/29/2021.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.
Further affiant saith not.
Luis A Saenz
Affiant
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____, 200_.
My commission expires _____ of _____, 200_.

Notary Public



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 30, 2021

Re: Petition SP2021-052

GENERAL INFORMATION

Applicant:
Corinna West

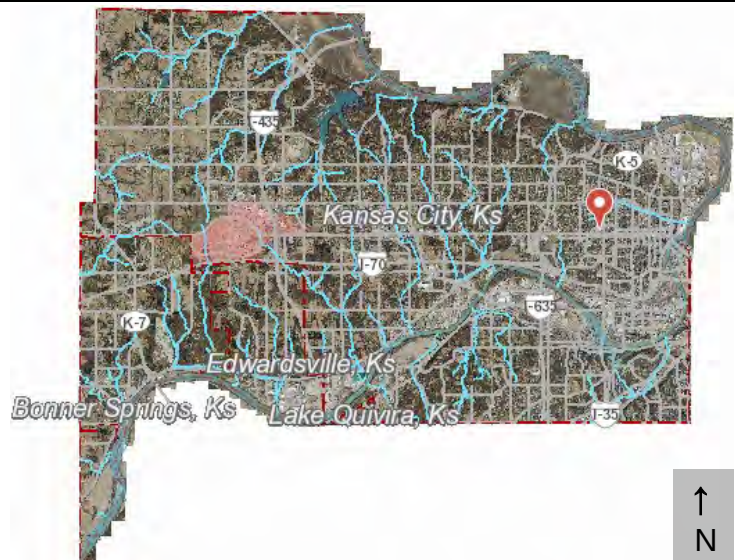
Status of Applicant:
Property Owner
1921 Nebraska Avenue
Kansas City, Kansas 66102

Requested Action:
Approval of a Special Use Permit.

Date of Application:
May 2, 2021

Purpose:
Special Use Permit for keeping
more than six (6) ducks.

Property Location:
1921 Nebraska Avenue
Kansas City, Kansas 66102



Commission District:	Commissioner At Large: Melissa Bynum District #6 Commissioner: Harold Johnson
Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-2 Two Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single-family residences South: Single-family residence East: Single-family residence West: Single-family residence
Total Tract Size:	0.19 Acre
Master Area Plan:	The subject property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this property as Urban Residential. The Urban Residential land use designation allows for detached single-family residences, attached residences such as townhomes, duplexes, triplexes, and fourplexes, institutional uses such as schools, places of worship, and libraries, and open spaces such as parks and plazas. Urban Residential allows a density of six (6) to 12 units per acre. All industrial uses, as well as business parks, drive-thru restaurants, car lots, and adult-oriented businesses are discouraged under the Urban Residential land use designation.
Major Street Plan:	The Major Street Plan classifies Nebraska Avenue as a Local/Neighborhood Street.
Required Parking:	Section 27-454(e) requires two (2) parking spaces for each single-family residence, at least one (1) of which must be in a garage or carport. The property has at least two (2) parking spaces available on the driveway but has no garage.
Advertisement:	<u>The Wyandotte Echo</u> – June 17, 2021 Letters to Property Owners – June 17, 2021, July 6, 2021, July 30, 2021 and September 23, 2021
Public Hearings:	September 13, 2021 and September 30, 2021
Public Support:	None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Corinna West, is requesting a Special Use Permit to keep 12 breeding ducks and an unknown number of ducklings on a residential property. A Special Use Permit is required for more than six (6) fowl kept on a residential property. The applicant has requested to continue keeping ducks at their primary residence.

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

Code Enforcement History: There is one (1) outstanding violation recorded at the subject property. The subject property was cited on January 28, 2021 for keeping more than six (6) fowl on a residential property. The subject property has been previously cited by Code Enforcement:

August 20, 2019- Weeds
June 18, 2019- Weeds
March 16, 2019- Other Multiple Violations
April 3, 2013- Inoperable and/or Untagged Vehicles
April 3, 2013- Debris

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Kensington Statistical Neighborhood and is within the Historic Westheight Neighborhood Group boundary. The property is also within the Westheight Manor Historic District, one (1) of the County's several historic districts. The neighborhood consists of winding streets and single-family residences in several different architectural styles.

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

The surrounding properties are single-family residences, although the property to the south is allowed by right to be used as a duplex due to its R-2 zoning. The applicant has already been keeping ducks on the property, which has resulted in complaints from at least one (1) neighbor. The applicant must provide sufficient information, as requested by Staff in the "Staff Comments" section of this report, in order for Staff to determine if the proposed use is compatible with the nearby properties.

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

Due to its size and proximity to other parcels, the subject property may not be suitable for over a dozen ducks. The applicant must provide more information about the coop or structure the ducks shelter in, including quantities and dimensions. If there is more than one (1) accessory structure within the parcel, then the applicant will need to request a variance for a second accessory structure if they desire to keep more than one (1) accessory structure. Any coop or structure should be at least 10 feet from the property boundary line and at least 25 feet from any neighboring structure. The applicant will need to provide a site plan to verify the existence and location of any and all accessory structures.

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

The subject property is the applicant's primary residence.

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

Special Use Permits are not addressed in the City-Wide Master Plan. According to the City-Wide Master Plan, the Urban Residential land use designation allows for residential, institutional, and recreational uses. The recommended density for Urban Residential is six (6) to 12 dwelling units per acre, which may not allow for proper space to keep fowl in a manner than promotes public health. It is unclear if the proposed use conforms with the City-Wide Master Plan.

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

There is record of the applicant selling ducks and/or duck eggs that were raised on their property. Such sales, while required to be conducted under a business license, may also lead to increased vehicular traffic into the neighborhood. The streets in the Westheight neighborhood were constructed about 100 years ago and were not designed in anticipation of large vehicles nor great amounts of vehicular traffic beyond residential uses. Keeping ducks for personal purposes, however, will not result in increasing the amount of vehicular traffic because there would be no possibility of sales conducted on the subject property. Therefore, the keeping of ducks without associated sales would not result in an increase in the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

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

The applicant has stated that the ducks will be raised for eggs and meat in an effort to address food shortages. While the applicant's intentions appear to be in the right place, the location where they are raising ducks and the number of ducks being raised at once is apparently causing injury to neighboring properties. Mitigation measures, such as limiting the number of ducks allowed, keeping all shelters at least 10 feet from the property boundary and at least 25 feet from any

neighboring habitable structure, and installing other buffering, landscaping, or screening, help keep such use from substantially or permanently injuring the appropriate use, visual quality, or marketability of adjoining properties.

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

Ducks are known for their quacking, and with each duck added to a flock the amount of noise would presumably increase. When submitting information about the ducks, the applicant may want to note if that species is known for quacking and/or making other noises.

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

Ducks, or rather the waste produced by ducks, has the potential to pollute the air, land, and water through smell and biological contamination. It is unclear how the applicant will address the waste produced daily by 12 ducks and an unknown number of ducklings. The applicant must create a Conservation Management Plan with the Wyandotte County Conservation District—which includes a waste plan—before this Special Use Permit can be finalized before for hearing.

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

As mentioned previously, duck waste could be a problem if not handled correctly. The Wyandotte County Conservation District has recommended that 12 breeding ducks not be kept on the subject property, for a variety of reasons, including the impact duck waste can have on the land. These reasons are noted in *Wyandotte County Conservation District Letter, Dated June 15, 2021* in the “Attachments” section of this report.

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

While the applicant would personally benefit from keeping ducks, the relative gain to the public health, safety, and welfare may be outweighed by the hardships imposed on the individual landowner or landowners if the ducks proved to be loud, smelly, polluting, or kept in poor conditions. Any issues created by ducks are scaled by magnitudes when there are more and more ducks in question. The applicant has not provided the locations or dimensions of the duck coop/shelter. Therefore, Staff cannot determine if the relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners. Staff will also take this moment to remind the applicant, public, and all recommending and deciding bodies that a Special Use Permit can be revoked at any time if conditions of approval are not satisfied.

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

The applicant is proposing to have more than 12 ducks on a parcel measuring 0.51 acre in size. The applicant has not provided any further details beyond this statement. The applicant must demonstrate that the location of the duck coop/shelter meets the 10-foot and 25-foot setbacks as defined in Section 27-593(a)(10)a. With this limited information, Staff cannot determine if the proposed use would result in overcrowding of land or cause undue concentrations of population.

PREVIOUS ACTIONS

N/A

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting at 6:00 PM on July 28, 2021, at 1921 Nebraska Avenue. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant (see the “Attachments” section of this report).

KEY ISSUES

Distance from the Boundary Line
Noise
Overcrowding of the Land
Property Maintenance Compliance Citations
Screening/Buffering
Smell
Waste Disposal Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2021-052** for two (2) years for eight (8) adult ducks, subject to:

- 1) Per the conservation plan, up to eight (8) mature ducks may reside on the subject property. There may also be a revolving number of ducklings, based on the breeding and incubation patterns of those eight (8) ducks;
- 2) Per the conservation plan, the applicant must maintain the existing shelter for all ducks to get out of the weather and nest;
- 3) Per the conservation plan, the applicant must utilize the beds to the west side of the backyard for rotational grazing. The applicant can use the existing fencing covering over the beds to making moveable fences, which will allow grasses time for regrowth;

- 4) Per the conservation plan, the lagoon in the rear yard will need to be cleaned out on a minimum monthly, or as needed to maintain a healthy environment. With the current number of ducks, it would be suggested to be cleaned out every two (2) weeks. Once the number is brought down to eight (8) ducks with short-term ducklings monthly clean out should suffice. Waste from the lagoon can be composted with plant or grasses to be used as fertilizer for crop plants in front yard;
- 5) Per the conservation plan, the area around the lagoon must be fully seeded with grass in order to provide the best ground cover slow runoff and prevent erosion of the soil across the property. A combination of straw and seeding of grasses along the manmade channels in the yard would also help prevent soil loss and filter nutrients;
- 6) Per the conservation plan, fencing the ducks out of areas allowing seed to grow will be necessary, subject to the following conditions:
 - a) Fencing should be placed along the south part of the backyard to create a buffer and filter area along the property line. The area created should be three (3) to five (5) feet in width and seeded with grasses and plants tolerant to stand in wet conditions and handle high nutrient levels. Native grasses such as little blue stem, western wheat grass, and Indian grass can provide vital root systems to help infiltrate runoff. Forbs can be added to mix to provide more variety and berries;
 - b) Fencing should also be added to the east side of the property with another three (3)-foot filter strip to help protect the soil and slow runoff. Cardboard was observed on this path when visited demonstrating the need for seeding and soil protection. The area could also be mulched if it is to be used as pathway only. Mulched path would still need to be about two (2) feet wide and regularly maintain to prevent it from becoming to compacted and no longer slow water movement; and,
 - c) Most to the above can be completed by repurposing materials on the property;
- 7) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin that process;
- 8) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
- 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) Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Code of Ordinances. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; and the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services; and,
- 11) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2021-052** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 13, 2021 City Planning Commission Minutes
Land Use Map
Aerial Map
Zoning Map
Photographs of the Property Submitted by Staff, Dated June 20, 2021
Photographs of the Property Submitted by the Applicant
Additional Information Provided by the Applicant
Property Maintenance Compliance Email, Dated May 16, 2021
Wyandotte County Conservation District Letter, Dated June 15, 2021
Conservation Plan for 1921 Nebraska Avenue
Neighborhood Meeting Materials, Dated June 28, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Commission</u>
Public Hearing		
Special Use	September 13, 2021 Approval	September 30, 2021

STAFF CONTACT: **Michael Farley**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-052** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2021-052**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 13, 2021 City Planning Commission Minutes:

Hearing starts at 2:48:45:

SPECIAL USE PERMIT APPLICATION SP2021-052 – CORINNA WEST –

SYNOPSIS: Special Use Permit to keep 12 breeding adult ducks at 1921 Nebraska Avenue.

Detailed Outline of Requested Action: The applicant, Corinna West, is requesting a Special Use Permit to keep 12 breeding ducks and an unknown number of ducklings on a residential property. A Special Use Permit is required for more than six (6) fowl kept on a residential property. The applicant has requested to continue keeping ducks at their primary residence.

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

Code Enforcement History: There is one (1) outstanding violation recorded at the subject property. The subject property was cited on January 28, 2021 for keeping more than six (6) fowl on a residential property. The subject property has been previously cited by Code Enforcement:

August 20, 2019- Weeds

June 18, 2019- Weeds

March 16, 2019- Other Multiple Violations

April 3, 2013- Inoperable and/or Untagged Vehicles

April 3, 2013- Debris

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners.

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

Present in Support:

- Corinna West, applicant, 1921 Nebraska Avenue, Kansas City, Kansas 66102

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:56:03: Planning Director Hand stated that this request is for 12 breeding ducks and Staff requested that Ms. West work with the Conservation District to develop a conservation plan. The conservation plan only recommends eight (8) adult ducks with multiple conditions of approval that have been included in the Staff's conditions. It is a small single-family lot in the Historic Westheight Manor District. Staff has not received any letters in support nor opposition and recommends approval of this application, subject to the conditions in the staff report.

Ms. West was allowed to make a rebuttal after the Staff's recommendation.

Motion and Vote starts at 3:02:30:

On motion by Mr. Ernst, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit **SP2021-052 for eight (8) mature ducks for two (2) years:**

Carson

Chairman

Connelly

Not Present

Ernst

Aye

Hill	Aye
Huey	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Pauley	Aye
Armstrong	Aye

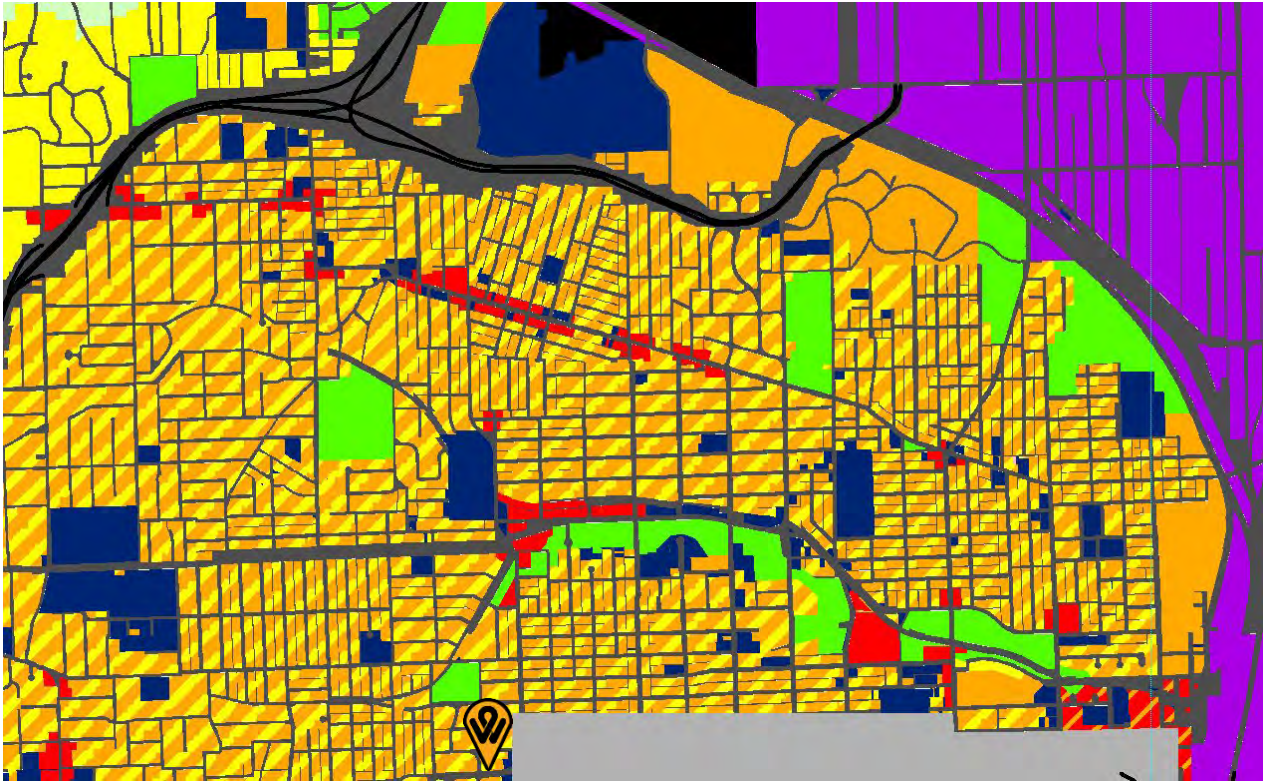
Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

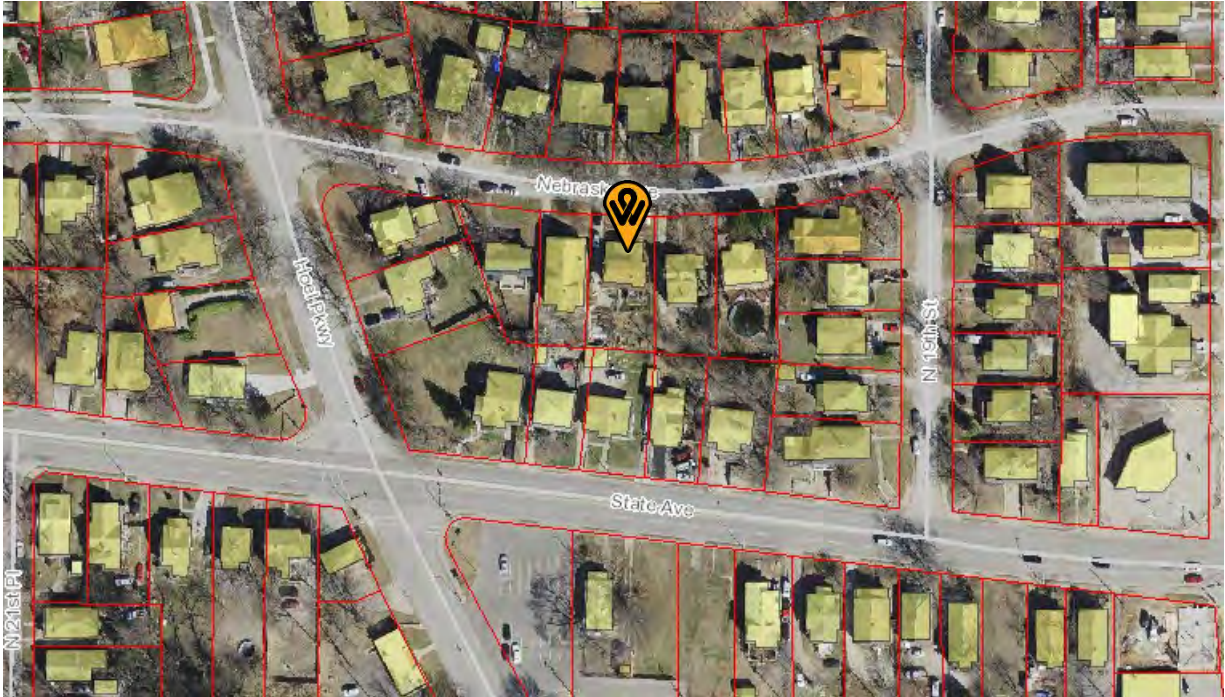
- 1) Per the conservation plan, up to eight (8) mature ducks may reside on the subject property. There may also be a revolving number of ducklings, based on the breeding and incubation patterns of those eight (8) ducks;**
- 2) Per the conservation plan, the applicant must maintain the existing shelter for all ducks to get out of the weather and nest;**
- 3) Per the conservation plan, the applicant must utilize the beds to the west side of the backyard for rotational grazing. The applicant can use the existing fencing covering over the beds to making moveable fences, which will allow grasses time for regrowth;**
- 4) Per the conservation plan, the lagoon in the rear yard will need to be cleaned out on a minimum monthly, or as needed to maintain a healthy environment. With the current number of ducks, it would be suggested to be cleaned out every two (2) weeks. Once the number is brought down to eight (8) ducks with short-term ducklings monthly clean out should suffice. Waste from the lagoon can be composted with plant or grasses to be used as fertilizer for crop plants in front yard;**
- 5) Per the conservation plan, the area around the lagoon must be fully seeded with grass in order to provide the best ground cover slow runoff and prevent erosion of the soil across the property. A combination of straw and seeding of grasses along the manmade channels in the yard would also help prevent soil loss and filter nutrients;**
- 6) Per the conservation plan, fencing the ducks out of areas allowing seed to grow will be necessary, subject to the following conditions:**
 - a) Fencing should be placed along the south part of the backyard to create a buffer and filter area along the property line. The area created should be three (3) to five (5) feet in width and seeded with grasses and plants tolerant to stand in wet conditions and handle high nutrient levels. Native grasses such as little blue stem, western wheat grass, and Indian grass can provide vital root systems to help infiltrate runoff. Forbs can be added to mix to provide more variety and berries;**
 - b) Fencing should also be added to the east side of the property with another three (3)-foot filter strip to help protect the soil and slow runoff. Cardboard was observed on this path when visited demonstrating the need for seeding and soil protection. The area could also be mulched if it is to be used as pathway only. Mulched path would still need to be about two (2) feet wide and regularly maintain to prevent it from becoming to compacted and no longer slow water movement; and,**
 - c) Most to the above can be completed by repurposing materials on the property;**

- 7) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin that process;
- 8) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
- 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) Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Code of Ordinances. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; and the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services; and,
- 11) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

LAND USE MAP



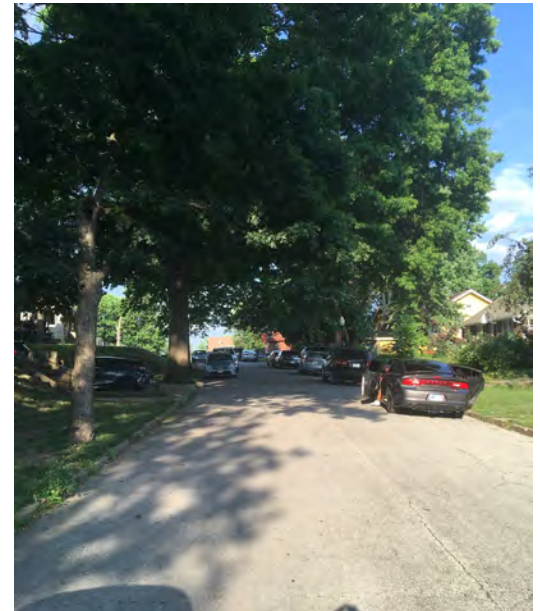
AERIAL MAP



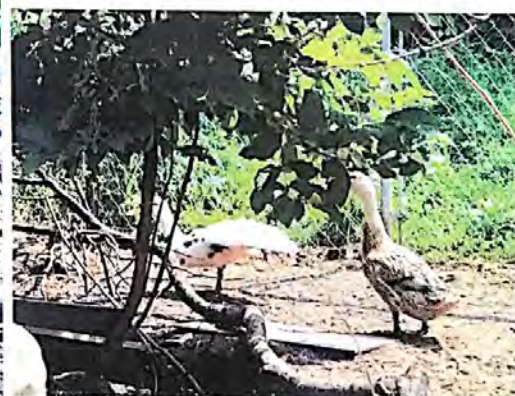
ZONING MAP



PHOTOGRAPHS OF THE PROPERTY SUBMITTED BY STAFF, DATED JUNE 20, 2021



PHOTOGRAPHS OF THE PROPERTY PROVIDED BY THE APPLICANT



ADDITIONAL INFORMATION PROVIDED BY THE APPLICANT

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

We are asking for permission to keep extra ducks at my house because I am working with various

nonprofit entities to find solutions to food security. Ducks provide better nutrition and more

production per acre than chickens. We are providing starter ducks to low income families in Kansas

since ducks are a good solution to reducing hunger in America.

PROPERTY MAINTENANCE COMPLIANCE EMAIL, DATED MAY 16, 2021

From: Raven Rose Bourgeois <meganr.bourgeois@hotmail.com>
Sent: Sunday, May 16, 2021 10:57 AM
To: Ingrid Garrison [KDHE] <Ingrid.Garrison@ks.gov>
Subject: Public Health Safety Warning

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

I need your help. This lady lives in Kansas City, Kansas by the name of Corinna West that is breeding and selling ducks and ducklings in absolutely unsanitary and unsafe conditions in her own backyard. Her backyard isn't even 0.5 acres and she has over 60 ducks and ducklings.

I have reported her for animal abuse but it seems nothing was done because she's still operating as normal and now has even more ducks. This is animal cruelty she has ducks covered in mud on a constant there is no ground cover because there is too many ducks in too small of space and they were eating all of it. It is also a public health safety concerns due to the fact that this is a lot of birds confined in a small space pooping everywhere and not getting treated for any of their health issues.

She's also selling the ducks for their meat without a permit as well as selling their eggs for food.

The cages and shelters that she has for these ducks not only are not up to par but they are dangerous she has heat lamps inside of their cages which is a fire hazard.

On top of all this she forces the ducklings to run on concrete for videos she calls "duckling runs" which can cause bumble foot which is a staph infection in the foot which can cause death if not properly treated or cared for and in the conditions that these couplings are in I doubt that they are being properly cared for.

I have reported this lady to animal control in Kansas but nothing has been done.

Please help me spread the word and hopefully get this situation handle as well as finding better homes for these animals as it is most definitely a hoarder situation.

Her address is 1921 Nebraska Kansas City, Kansas, 66102.

Her business Facebook page is
<https://www.facebook.com/duckteamusa/>

And you can clearly see the conditions that these poor animals are in from the images she's posted.



Wyandotte County Conservation District
1204 N. 79th Street – Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservaion@gmail.com

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

June 15, 2021

RE: SP2021-052 Corinna West 12 breeding ducks at 1921 Nebraska Avenue

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: SP2021-052 Corinna West 12 breeding ducks at 1921 Nebraska Avenue.

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Ladoga silt loam, 3 to 8 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- **We would not recommend is site for 12 breeding ducks for the following reasons:**
- With breeding ducks there are more ducks creating more waste to dispose of. This is too small of an area which can cause health issues for the ducks.
- There needs to be a waste disposal plan. Waste needs to be cleaned up daily and disposed of in a safe manner off site so that neighborhood properties are not contaminated.
- The storm water can be contaminated with waste materials that flow off the property. This could cause health issue off site.
- From a visual stand point, the property appears to be overrun with plants in the front yard.

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

CONSERVATION PLAN FOR 1921 NEBRASKA AVENUE



Wyandotte County Conservation District

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

SP2021-052

Ms. West

1921 Nebraska Ave

Kansas City, KS

The following suggestions and plans are based on an onsite visit, discussion with the Landowner and best management practices used by the Natural Resources Conservation Service. .

The area could be used to sustainably house 8 ducks with revolving ducklings by including the following conservation practices to protect animals, water, soil, and people.

Continue:

Having soil and water tested as you have been doing, to record any changes in respective health.

Maintain the existing shelter for all ducks to get out of the weather and nest.

Utilize the beds to the West side of the backyard for rotational grazing. You can use the existing fencing covering over the beds to making moveable fences. This will allow grasses time for regrowth.

Conservation additions:

The created drainage area in the backyard being referred to as a wetland would be classified as a lagoon. It is not a wetland because it does not have a hydric soil or wetland vegetation.

As used by the USDA-Natural Resources Conservation Service (NRCS), “wetland” is defined in regulations, [16 U.S.C. Section 3801\(a\)\(27\)](#) : “as land that has –

1. Has a predominance of hydric soils
2. Is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions
3. Under normal circumstances supports a prevalence of such vegetation.

The lagoon will need to be cleaned out on a minimum monthly, or as needed to maintain a healthy environment. The current number of ducks it would be suggested to be cleaned out every two weeks. Once the number is brought down to six ducks with short term ducklings monthly clean out should suffice. Waste from the lagoon can be composted with plant or grasses to be used as fertilizer for crop plants in front yard.

Ground cover to slow runoff and prevent erosion of the soil across the property needs to be addressed. Currently the minimal coverage by “micro-greens” and a small amount of straw are insufficient to handle exposure from wind, water, and animals. Additional straw could be used if it fully covers the bare ground. It could be composted with the lagoon waste. A combination of straw and seeding of grasses along the manmade channels in the yard would help prevent soil loss and filter nutrients. The best plan for protecting against soil

CONSERVATION PLAN FOR 1921 NEBRASKA AVENUE, CONT.

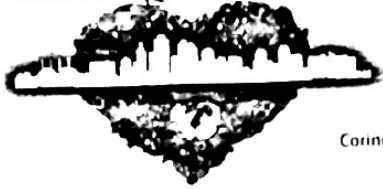
loss into the lagoon would be to fully seed the area with a grass. Fencing the ducks out of areas allowing seed to grow will be necessary.

Fencing should be placed along the South part of the backyard to create a buffer and filter area along the property line. The area created should be 3-5 feet in width and seeded with grasses and plants tolerant to stand in wet conditions and handle high nutrient levels. Native grasses such as little blue stem, western wheat grass, Indian grass can provide vital root systems to help infiltrate runoff. Forbs can be added to mix to provide more variety and berries.

Fencing should also be added to the East side of the property with another 3-foot filter strip to help protect the soil and slow runoff. Cardboard was observed on this path when visited demonstrating the need for seeding and soil protection. The area could also be mulched if it is to be used as pathway only. Mulched path would still need to be about two feet wide and regularly maintain to prevent it from becoming compacted and no longer slow water movement.

Most to the above can be completed by repurposing materials on the property.

URBAN WILDFINDS



Corinna West

816 726 9626
CorinnaWest816@gmail.com

FARM AND FORAGE

Date:

June 18, 2021

Name Corinna West
Address 1921 Nebraska Ave
City/State/Zip KCK 66102

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use # SP2021-052 The purpose of this:
(please use all that applies)

- ☐ change of zone
☒ special use permit
☐ preliminary plan review

is for a special use permit

at the following address: 1921 Nebraska Ave

I/We am having a neighborhood meeting on June 28 at
6 p.m. at the following address West Hight Park
Shelter House

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

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

Sincerely,

Corinna

1921 Nebraska
816-726-9626
corinnawest816@
gmail.com

ACTUAL

(4)

~~SAMPLE~~ MINUTES:

Application Number SV-2021-052

Date and Location: June 28 6 or 7 pm 1 target

Meeting called to order at: June 28 7 pm
or 6 pm

Names of people in attendance:

Introductions:

- ① Corinna West
- ② the homeless guy who lives there

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

Questions and answers (include the following):

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

Meeting adjourned at: 6:30 pm or 7:30

Minutes taken by: Corinna West

Corinna talked
about ducks

Homeless guy
talked about
racism in
Wyo

Corinna
talked about
ducks
some more

Homeless guy
talked about racism
more

Neighborhood
Meeting

⑤

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP 2021-052
2. That I conducted a neighborhood meeting on June 28 2021
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Corinna West
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____, 20__.

My commission expires _____ of _____, 20__.

* Notarization not required
per instructions.

Notary Public



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 24, 2021

Re: Petition SP2021-065

GENERAL INFORMATION

Applicant:

Adrienne & Randy Bortz
DBA Bortz Property Investment, LLC

Status of Applicant:

Property Owner
9832 Outlook Drive
Overland Park, KS 66207

Requested Action:

Application for a Special Use Permit for a Short-Term Rental

Date of Application:

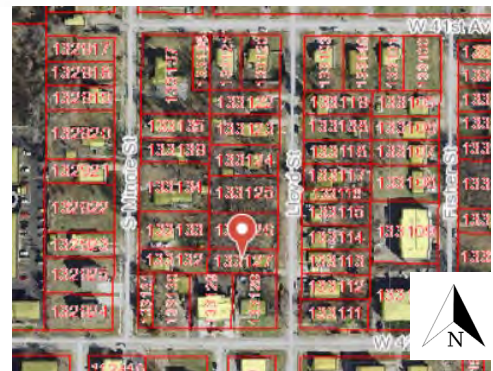
August 10, 2021

Purpose:

To begin operating a short-term Rental. This is not the applicant's primary residence.

Property Location:

4138 Lloyd Avenue
Kansas City, Kansas 66103



Commission Districts:	Commissioner At Large: Melissa Bynum District Commissioner: Christian Ramirez
Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District RP-5 Planned Apartment East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single Family Homes (Vacant Lot) South: Single Family Homes Planned Apartment East: Single Family Homes West: Single Family Homes
Total Tract Size:	0.16 Acre
Master Plan Area:	Rosedale Area Plan
Master Plan Designation:	The City-Wide Master Plan designates this area as Residential Low-Density.
Major Street Plan:	The Major Street Plan classifies Lloyd Street as a Local Street.
Parking Requirements:	Section 27-454(e) requires two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, one (1) of which must be in a carport or garage.
Advertisement:	<u>The Wyandotte Echo</u> – August 19, 2021 Letters to Property Owner – August 19, 2021 and September 23, 2021
Public Hearings:	September 13, 2021 and September 30, 2021
Public Support:	None to date.
Public Opposition:	None to date

PROPOSAL

Detailed Outline of Requested Action: The applicant, Adrienne & Randy Bortz DBA Bortz Property Investment, LLC, is seeking approval for the operation of a short-term rental at 4138 Lloyd Avenue. This is not the applicant's primary residence. The applicant owns the LLC in which the property is titled and has been in business since 2019. The applicant and her husband will co-manage the property. The applicant will

not be living at the property and will operate the property through an off-site office. The owner has registered the property with the rental office and obtained an inspection at the time of purchase.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There was one violation in 2016 for weeds and vegetation and one similar violation in 2019. Both were with previous owners and not the applicant.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential in nature, comprised of single-family homes, duplexes, and three-story apartment complexes. There are a few vacant lots near the property

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

The zoning and uses are set out above. The proposed use is compatible if properly managed. Operating this property as a short-term rental has the potential to create issues related to noise, parking, and other concerns related to overcrowding. There are no apparent short-term rentals within 200 feet. There are three (3) rentals but appear to be for long term use.

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

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

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

This property is currently vacant. It is an existing single-family residence, and the applicant is making general property repairs while waiting on approval of the SUP application. The applicant purchased the property on July 8, 2021.

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

Special Use Permits are not addressed in the Master Plan. The City-Wide Master Plan designates this property as a single-family home. Single-family homes are allowed but require a Special Use Permit to function as a business for a short-term rental.

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

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

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

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

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

Noise is an issue that is related to short-term rentals. There have not been any noise complaints as of date with the current applicant, as this is a new application.

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

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

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

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

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

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

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests allowed at one time is four (4). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

None as this is a new application. A rental inspection has been requested by the applicant, CMP21-1969.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on via mailed response with a letter mailed on August 16, 2021 with responses due on or before September 1, 2021.

KEY ISSUES

Noise
Parking
Occupant Safety
Neighborhood Character

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2021-065 for one (1) year**, subject to:

1. The maximum number of guests, which has been deemed appropriate for the available accommodations shall be four (4);
2. Guest parking must be provided off-street. Maximum number of guest parking shall be two (2);
3. Parking must take place off-street. If this is not feasible, the applicant must prove why it is not. Maximum number of guest vehicles shall be two (2);
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. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. 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;
7. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy. Include the contact information for Host Compliance: 913-246-5133;
 8. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 9. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2021-065** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 13, 2021 City Planning Commission Minutes
Google Map Frontage Photo
Floor & Site Plan Provided by Applicant
Realtor.com Photos from Home Purchase
Neighborhood Zoning Map
Neighborhood Rental Map
Home Inspection from purchase (snippets provided here, full report available if necessary)
Applicant supplied photos of repairs
Receipt for Repairs – Anthony Plumbing - Electrical and Gas

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	September 13, 2020	September 30, 2021
Special Use	Approval	

STAFF CONTACT: **Kallie McLaughlin, Planner**
 kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2021-65**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2021-65**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 13, 2021 City Planning Commission Minutes:

Hearing starts at 3:25:19:

SPECIAL USE PERMIT APPLICATION SP2021-065 – ADRIENNE BORTZ WITH BORTZ PROPERTY INVESTMENT, LLC – SYNOPSIS: Special Use Permit for a Short-Term Rental/AirBnB at 4138 Lloyd Street.,

Detailed Outline of Requested Action: The applicant, Adrienne & Randy Bortz DBA Bortz Property Investment, LLC, is seeking approval for the operation of a short-term rental at 4138 Lloyd Avenue. This is not the applicant's primary residence. The applicant owns the LLC in which the property is titled and has been in business since 2019. The applicant and her husband will co-manage the property. The applicant will not be living at the property and will operate the property through an off-site office. The owner has registered the property with the rental office and obtained an inspection at the time of purchase.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There was one violation in 2016 for weeds and vegetation and one similar violation in 2019. Both were with previous owners and not the applicant.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners.

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

Present in Support:

- Adrienne Bortz, applicant, 9832 Outlook Drive, Overland Park, Kansas 66207

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:29:20: Planning Director Hand stated that this property is in the Rosedale neighborhood and Rosedale Area Master Plan. Director Hand showed the Commission the exhibit with the current short-term rentals in the Rosedale area. He showed the Commission the location of this proposal and there are no other short-term rentals on Lloyd Street. The request is for a maximum of four (4) people and two (2) cars at any time. Staff has received no letters in support nor opposition. There are old Notices of Violation for weeds, but it appears the property has been well maintained since the change of ownership. He stated that Staff is recommending approval for one (1) year as the applicant does not live on the property, which is the policy that has been followed for first time short-term rental entitlements.

Motion and Vote starts at 3:32:28:

On motion by Ms. Pauley, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit **SP2021-065 for one (1) year:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Hill	Aye
Huey	Aye
Jones	Aye
Miller	Aye

Mohler Aye

Pauley Aye

Armstrong Aye

Motion to RECOMMEND APPROVAL Passed: 8 to 0

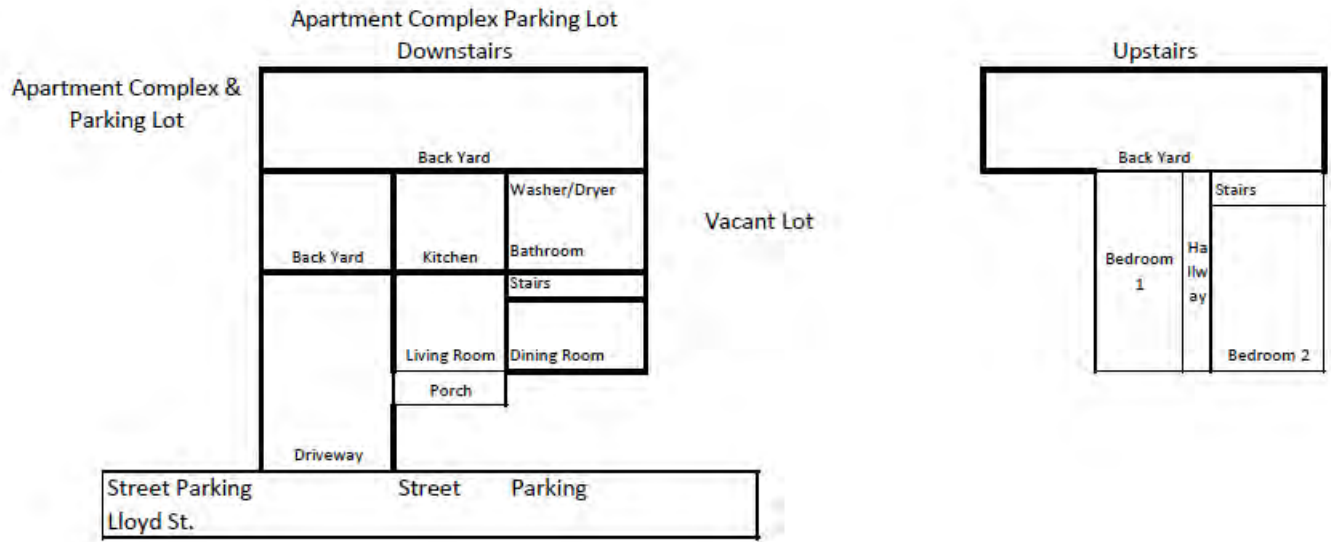
Subject to:

1. The maximum number of guests, which has been deemed appropriate for the available accommodations shall be four (4);
2. Guest parking must be provided off-street. Maximum number of guest parking shall be two (2);
3. Parking must take place off-street. If this is not feasible, the applicant must prove why it is not. Maximum number of guest vehicles shall be two (2);
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. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. 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;
7. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy. Include the contact information for Host Compliance: 913-246-5133;
8. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
9. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

GOOGLE MAP FRONTAGE PHOTO



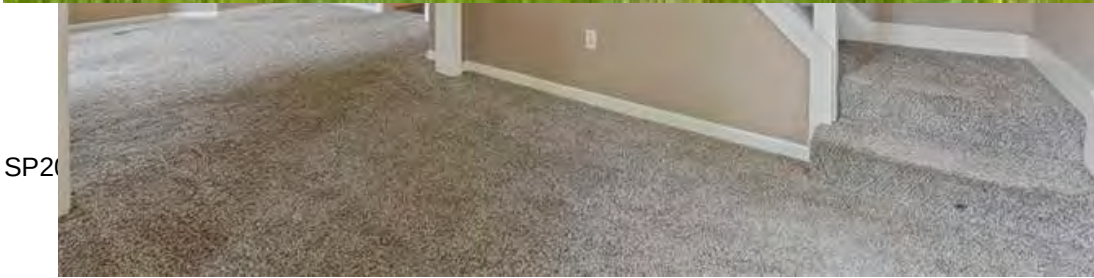
FLOOR & SITE PLAN PROVIDED BY APPLICANT



REALTOR.COM PHOTOS FROM HOME PURCHASE







HOME INSPECTION REPORT FROM PURCHASE

4138 Lloyd St, Kansas City, KS 66103 Pg. 20 of 29

The property has corrugated stainless steel tubing (CSST), the yellow jacketed gas supply pipe. The inspector could not locate the proper bonding system for the CSST gas pipe system. CSST gas pipe has been associated with lightning related fires, product defect allegations and litigation, as a lightning strike will potentially burn holes through the thin walls of the pipe and allow for a possible gas safety concern or explosion, due to improper/lack of appropriate electrical bonding. Recommend an electrician/plumber trained in CSST installation, local regulations and defect recognition inspect the CSST system and review http://www.gastite.com/downloads/pdfs/Direct-bonding_TB2014-01.pdf



7.3 MAIN PANEL: TYPE & CONDITIONS:

Circuit breakers were present in the main panel box. The electrical panel box appears to be serviceable.

CONDUCTORS & WIRING:

7.4 ENTRANCE SERVICE CABLES:

The entrance service cables appear to be serviceable. The entrance service cable was copper.

7.5 BRANCH WIRING:

The conductors in the branch cables were copper.

7.6

The type of branch cables were Romex (plastic or fabric sheathed cable)
The branch wiring appears to be serviceable.

SWITCHES & OUTLETS:

7.7 CONDITION:

A representative sample of switches and outlets was evaluated. Most of those outlets and switches operated appeared to be serviceable. However, some switches and outlets require attention as follows:

The GFCI outlet(s) near electrical panel was "tested" and would not reset and resume power. Consult a qualified electrician for further evaluation and repairs as necessary.

WINDOWS:

8.4 TYPE:

The windows were the vinyl frame, single hung type with double glass panes. The single/double hung windows were equipped with a tilt in feature for easy cleaning.

8.5 CONDITION:

A representative sample of windows was evaluated. Those windows appeared to be serviceable.

6.10 EXHAUST VENTING:

The installed higher efficiency furnace does not correctly vent to the exterior. The plastic vent terminations at exterior are to be installed according to manufacturers specifications with proper clearances from building openings, windows and doors. Consult with qualified Heating contractor to correct necessary repair.

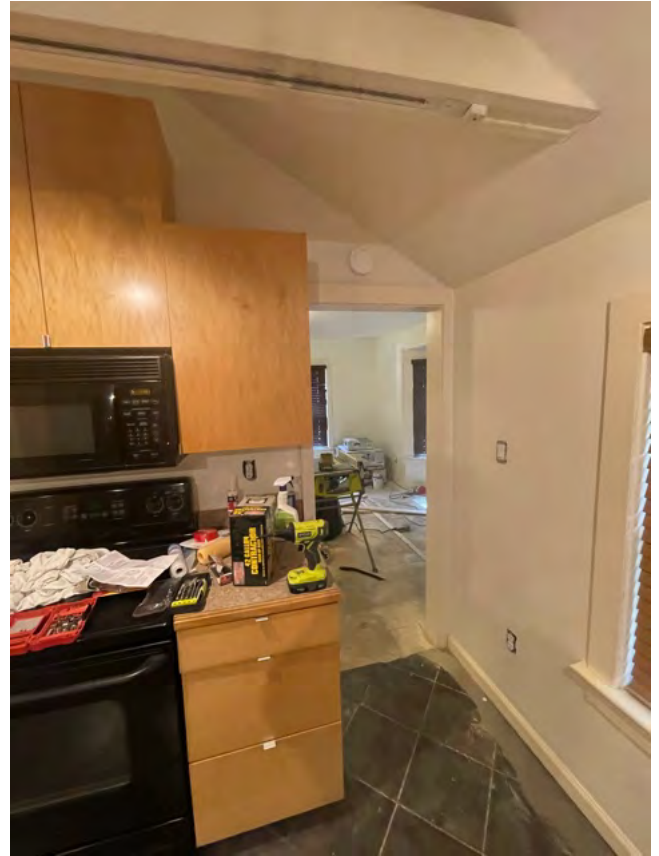
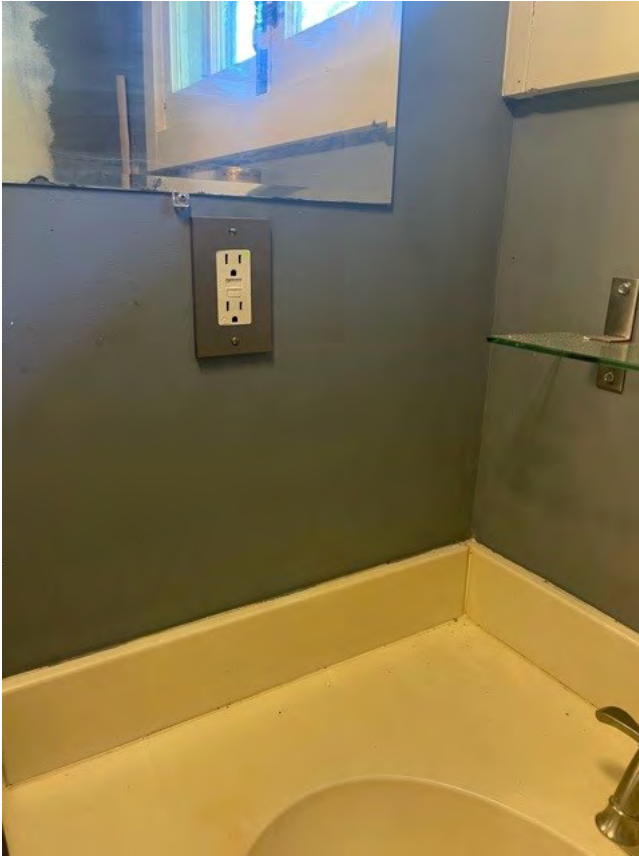
NEIGHBORHOOD ZONING MAP



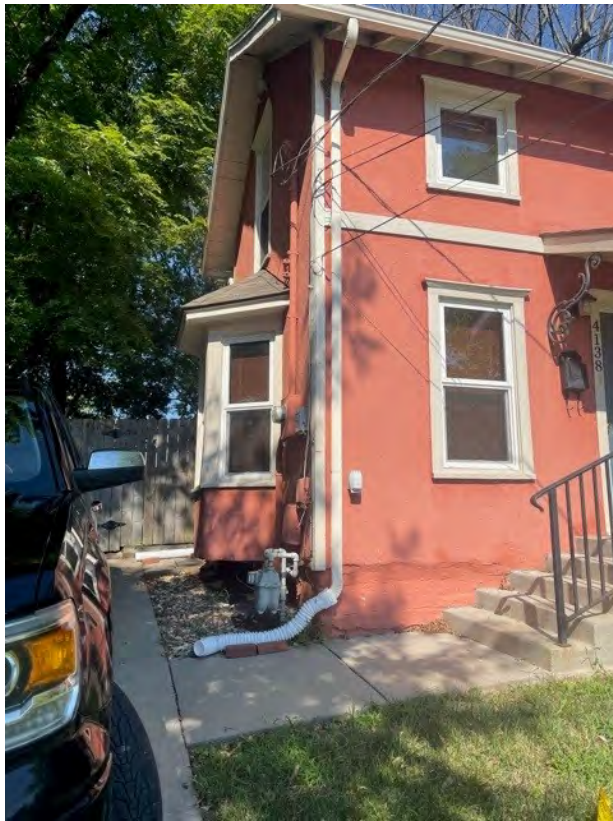
NEIGHBORHOOD RENTAL MAP



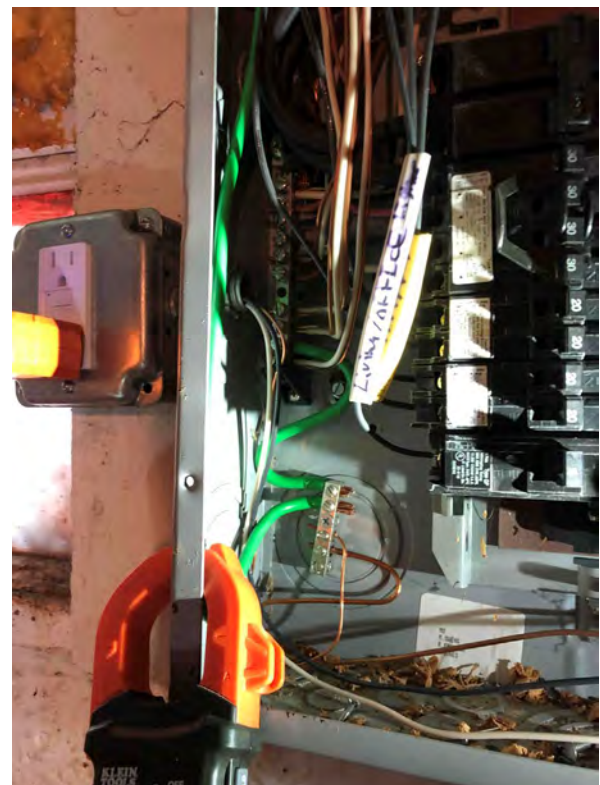
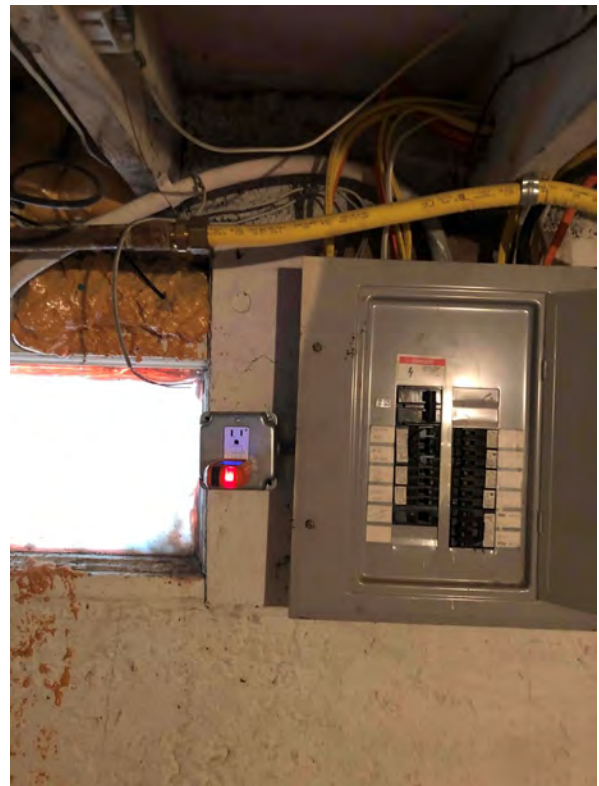
PHOTOS OF REPAIRS PROVIDED BY APPLICANT



PHOTOS OF REPAIRS PROVIDED BY APPLICANT (CONT'D)



PHOTOS OF REPAIRS PROVIDED BY APPLICANT (CONT'D)



PHOTOS OF REPAIRS PROVIDED BY APPLICANT (CONT'D)



PHOTOS OF REPAIRS PROVIDED BY APPLICANT (CONT'D)



RECEIPT FOR REPAIRS – ANTHONY PLUMBING – ELECTRIC AND GAS



Billing Address
Randy Bortz
4138 Lloyd Street
Kansas City, KS 66103 USA

Anthony PHCE
15203 West 99th Street
Lenexa, KS 66219-1253
dial A-N-T-H-O-N-Y (268-4669)
Service@AnthonyPHC.com
www.AnthonyPHCE

Invoice 1547930
Invoice Date 8/18/2021
Completed Date
Customer PO
Payment Term Upon Receipt
Job Address
Randy Bortz
4138 Lloyd Street
Kansas City, KS 66103 USA

Description of Work

Inspector Summary:

Bond gas main and rewire GFCI
Run ground wire from gas connector to panel.
Identify the issue with the panel gfci and correct.

Upon arrival greeted Randy the customer. Customer stated that the home inspector wanted to see that the flexible gas line was bonded to code standards. Explained to the customer of the reason for the bonding is to eliminate any electrical current that could essentially ignite the gas. So the fix for this is to run a ground jumper from the connector on the gas line to the panel to tie it to the grounding system of the house. Customer also asked about removing the GFCI to the left panel said that inspector said something of the sort that it was not correct or proper. Did a test on the GFCI and it was showing an open neutral and ground. Explained to the customer that I could bond the gas line and rewire the GFCI if there's something wrong with it and the customer approve the work. Upon further inspection on the GFCI identified that it was bad so I replace the GFCI for a little extra on the estimate as well as needed to add a little ground block in the panel to get all the stuff connected grounding wise.

Upon finishing the work the gas line is bonded to the house grounding system at the first connector of the flexible gas line. And the GFCI is replaced and it shows proper wiring and getting 123 V.

Closed with customer and will have attached the photos and this statement with the invoice.

Task #	Description	Quantity	Your Price	Your Total
EBND/WL1	Main Waterline Bonding Metal pipes are required by code to be electrically grounded, and this is normally done by grounding the cold water inlet pipe to the home. Bonding of the main waterline is to ensure that there is a path back to the service for electrical current flow if the metal water pipe becomes energized.	1.00	\$109.00	\$109.00
SC1	Our service fee covers sending a trained uniformed technician to your home. All our technicians have been background checked, drug screened, attend at least 100 hours of training a year and will always have on a photo ID. Our service vehicles are fully stocked and in most cases, repairs can be made on the initial call. However, if a part is ordered, we assure you that it will be processed with the utmost urgency. We give you this written guarantee: If you are not completely satisfied with your service, we will do whatever it takes to make things right.	1.00	\$99.00	\$99.00
EREC6GFI2	Replace GFCI Receptacle (Per Unit 2nd+)	1.00	\$86.00	\$86.00

Paid On	Type	Memo	Amount
8/18/2021	Credit Card		\$294.00

Potential Savings	\$29.94
Sub-Total	\$294.00
Tax	\$0.00
Total Due	\$294.00
Payment	\$294.00
Balance Due	\$0.00

Thank you for using Anthony PHCE for all of your Plumbing, Heating, Cooling and Electric needs.

My service technician today was Brent Cook.
I authorize the above work to be completed and I agree to pay the invoice amount of \$294.00.

8/18/2021

RECEIPT FOR REPAIRS – ANTHONY PLUMBING – ELECTRIC AND GAS (CONT'D)

I agree that the work listed above was performed and completed to my satisfaction. I also agree to pay the amount listed on the invoice summary above.

NOTE: Balance due upon completion. Any amount not paid within terms will be subject to a late payment charge of 1.5% per month plus all reasonable attorney fees and collection costs.



8/18/2021

I authorize Anthony PHCE to charge the agreed amount to my credit card provided herein. I agree that I will pay for this purchase in accordance with the issuing bank cardholder agreement.



8/18/2021



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: Urban Planning and Land Use Staff
Date: September 24, 2021
Re: Petition SP2021-66

GENERAL INFORMATION

Applicant:

Oscar Flores-Urriitia

Status of Applicant:

Property Owner
4001 North 74th Street
Kansas City, KS 66112

Requested Action:

New Home Occupation Special Use Permit to
operate a dog day care and boarding facility.

Date of Application:

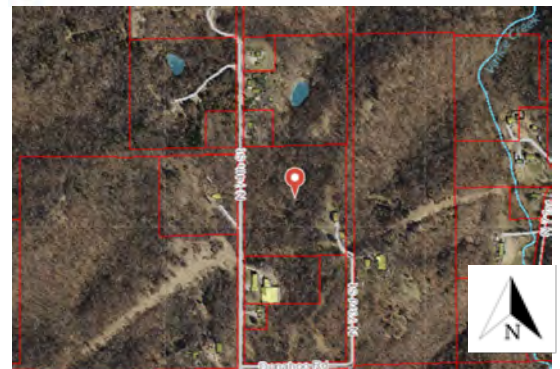
August 03, 2021

Purpose:

To begin operating a dog day care and boarding
facility at the applicant's residence, formerly used
by a different business for the same purpose.

Property Location:

4001 North 74th Street



Commission Districts:	Commissioner At Large: Melissa Bynum District Commissioner: Dr. Jane Winkler Philbrook
Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single Family Residence South: Single Family Residence East: Single Family Residence West: Single Family Residence
Total Tract Size:	9.21 Acres
Master Plan Designation:	The City-Wide Master Plan designates this property a Rural-Density Residential.
Major Street Plan:	The Major Street Plan designates 74 th Street as a Local Street.
Advertisement:	<u>The Wyandotte Echo</u> - August 19, 2021 Letters to Property Owner – August 19, 2021 and September 23, 2021
Public Hearings:	September 13, 2021 and September 30, 2021
Public Support:	Applicant received an email from a neighbor in support of the business operation including their contact information.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Oscar Flores-Urriitia, has applied for a Special Use Permit (Home Occupation) to begin the operation of a dog daycare and boarding facility at the address of 4001 North 74th Street. The applicant utilizes their three-car garage as the daycare and boarding facility with an outdoor, fenced-in, run/play area. The property was previously used for the same purpose with similar operations by a different business before the business relocated out of town. The applicant has stated that pet owners are responsible for pet transportation during daycare hours. The applicant stated that between 8 and 10 dogs will be dropped off during daycare hours and then play from 11:00am to 3:00pm on their acreage, before owners will return to pick the dogs back up. The applicant also expressed that they would board dogs overnight and the number boarded at any one time varies.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This neighborhood is comprised of large, wooded residential lots. The neighborhood along 74th Street is rural and the homes in this area tend to be secluded, with ample space between one another.

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

The zoning and uses of properties nearby are set out above. The properties surrounding the proposed use are designated as R-1 Single Family Residences but are relatively secluded on expansive, wooded lots with ample space between one another. The proposed use has been determined to be compatible with the surrounding uses.

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

The property is suitable for the keeping of animals because it is a large parcel fenced off from its neighbors. The removal of restrictions, however, may detrimentally affect nearby properties as multiple dogs escaping from the property could cause a nuisance.

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

The property is developed with a single-family home that is currently occupied by the applicant.

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

Special Use Permits are not addressed in the Master Plan. The City-Wide Master plan does not discuss dog boarding facilities, however, Sec. 27-454 of the Municipal Code States that animal-related activity in this zone must comply with the section 27-609(3) requirements that are addressed additionally in this document.

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

The proposed use will not result in the increase of traffic to the point where it would exceed the capacity of the Local Street. The applicant is picking up the animals at their client's residences and will drop them off at the end of the daycare time. This should not impact the capacity of the Local Street. The home's entrance and approach is off 74th, however the business entrance is

towards the rear of the property where Donahoo Rd. wraps around and dead ends, meaning business traffic is diverted from the busier 74th street.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public but should not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining properties as they are heavily secluded.

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

There is a potential for noise to be a problem in this scenario, but because the lots are large and heavily wooded, thereby creating a natural buffer, the impact of potential barking is minimal. The previous approval with the previous owner received no complaints from neighbors.

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

There is a potential for the pollution of the air, land and water. As long as dog waste is disposed of properly and in a timely manner the potential for such a problem can and should be mitigated.

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

This is not applicable as it is an existing structure in a built-out neighborhood.

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

The relative gain to the public health, safety, and welfare as compared to hardship imposed on the landowners is minimal because the proposed use is not necessary for public health, safety, or welfare. However, Denying the Special Use Permit may cause hardship for the property owner as the desired use is a source of income.

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

The proposed use will not result in overcrowding of land as the total acreage of the property is determined to be ample for the intended use.

PREVIOUS ACTIONS

SP-2016-3 (1/28/18) – Same Use, different business/applicant

SP-2018-30 (expired on 4/5/20) – Renewal of Above, different applicant, same use.

NEIGHBORHOOD MEETING

The Applicant visited neighbors in person to introduce themselves and held a neighborhood meeting via Zoom on August 25, 2021.

KEY ISSUES

Pet Waste

Noise

Traffic, Traffic Circulation

Fences and Screening

Dept. of Ag Requirements for Animal Handling

Business Licensing & Occupation Tax Application

Animal Confinement

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2021-066 for two (2) years**, subject to:

1. **Applicant maintains proof of Kansas Boarding License and continuously maintain the license through the life of the permit (if approved).**
2. **Adhere to the Standards in Section 11 above regarding animal keeping.**
3. **Commit to a daily waste disposal per conservation comments below.**
4. **Ensure the entire area that dogs will access is fenced in to prevent escape or public nuisance.**
5. **If approved, applicant will need to register and file the occupation tax application with the business license office.**
6. **Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**
7. **The Special Use Permit shall be valid for two (2) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If**

the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2021-066** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 13, 2021 City Planning Commission Minutes
Pictures Provided by Applicant
Realtor.com Aerial Photo
Aerial View Imagery
Neighborhood Meeting Affidavit

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	September 13, 2021	September 30, 2021
Special Use	Approval	

STAFF CONTACT: Kallie McLaughlin
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2021-66**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2021-66**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 13, 2021 City Planning Commission Minutes:

Hearing starts at 3:33:23:

SPECIAL USE PERMIT APPLICATION SP2021-066 – OSCAR FLORES-URRITIA – SYNOPSIS: Special Use Permit for a kennel/dog day care and boarding operation at 4001 North 74th Street.

Detailed Outline of Requested Action: The applicant, Oscar Flores-Urriitia, has applied for a Special Use Permit (Home Occupation) to begin the operation of a dog daycare and boarding facility at the address of 4001 North 74th Street. The applicant utilizes their three-car garage as the daycare and boarding facility with an outdoor, fenced-in, run/play area. The property was previously used for the same purpose with similar operations by a different business before the business relocated out of town. The applicant has stated that pet owners are responsible for pet transportation during daycare hours. The applicant stated that between 8 and 10 dogs will be dropped off during daycare hours and then play from 11:00am to 3:00pm on their acreage, before owners will return to pick the dogs back up. The applicant also expressed that they would board dogs overnight and the number boarded at any one time varies.

City Ordinance Requirements: 27-592 through 27-606

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners.

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

Present in Support:

- Osar Flores, applicant, 4001 North 74th Street, Kansas City, Kansas 66112

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:36:17: Planning Director Hand stated that this property has two (2) access points. There was a Special Use Permit at one time by a former owner for a doggie day care at this location and Staff reviewed the file concerning the operation, conditions, etc. Staff recommends approval for ten (10) dogs maximum, that the area where the dogs will run must be fenced, and that there is a regular waste pick up schedule where the dogs are located. Staff has received one (1) letter in support and no letters in opposition. There are no Notices of Violation and Staff recommends approval for two (2) years, subject to the conditions in the staff report.

Motion and Vote starts at 3:38:00:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit **SP2021-066 for two (2)**

years:

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

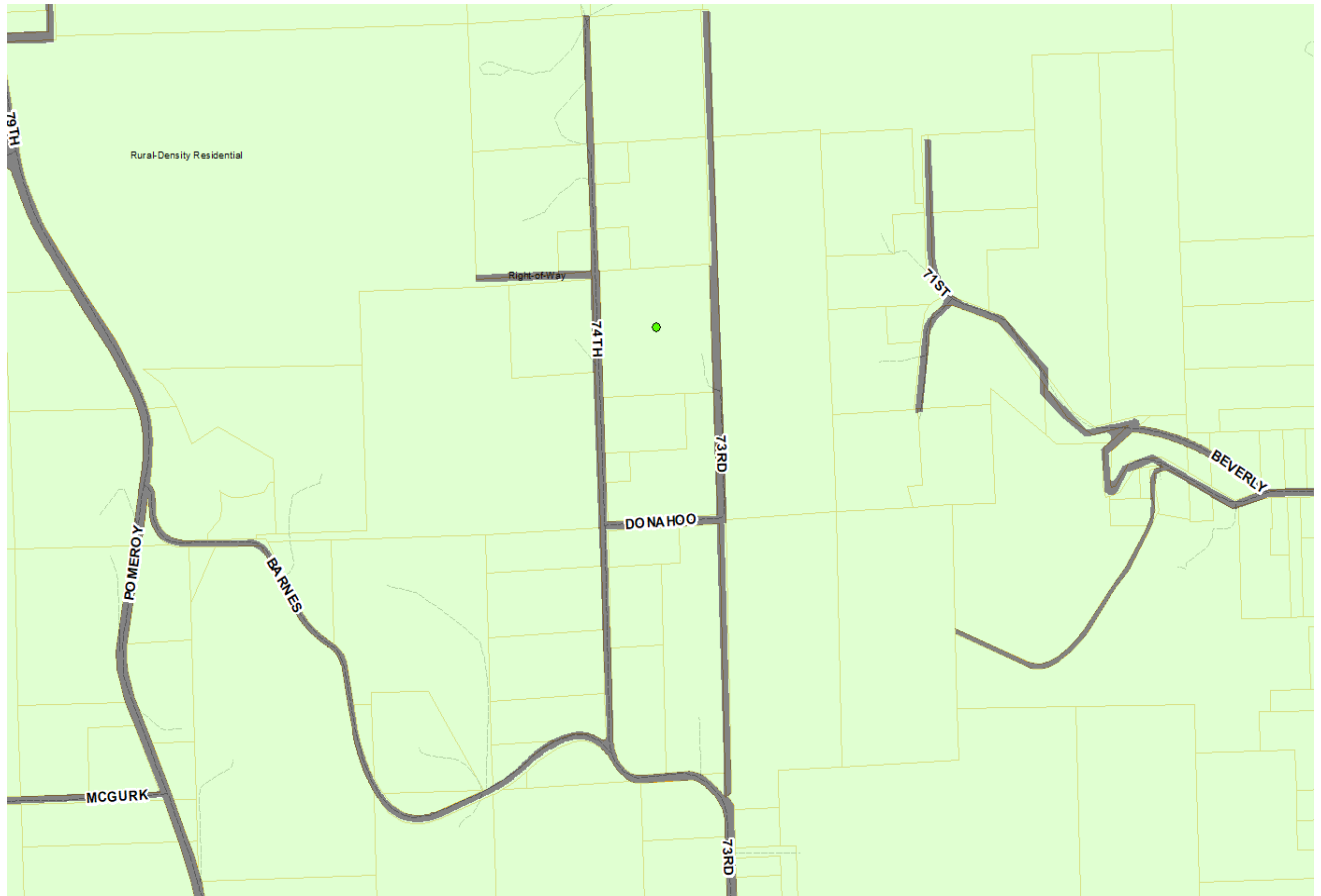
Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

- 1. Applicant maintains proof of Kansas Boarding License and continuously maintain the license through the life of the permit (if approved).**
- 2. Adhere to the Standards in Section 11 above regarding animal keeping.**
- 3. Commit to a daily waste disposal per conservation comments below.**
- 4. Ensure the entire area that dogs will access is fenced in to prevent escape or public nuisance.**
- 5. If approved, applicant will need to register and file the occupation tax application with the business license office.**
- 6. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

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

AERIAL IMAGERY: ZONING USE MAP











Pond-Hill/Overway-View from House















Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 30, 2021

Re: COZ2021-005 and MPL2021-013

GENERAL INFORMATION

Applicant:
Joe McLaughlin

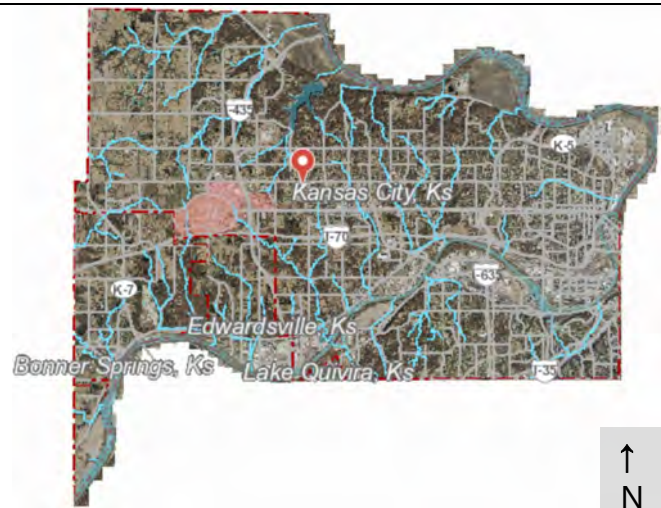
Status of Applicant:
Representative
BHC Rhodes
712 State Avenue
Kansas City, Kansas 66101

Requested Actions:
Approval of a Change of Zone.

Date of Application:
February 3, 2021

Purpose:
To change the zoning district from R-1
Single Family District to CP-0 Planned
Non-Retail Business District.

Property Location:
8741 Parallel Parkway
Kansas City, Kansas 66112



Commission Districts:	Commissioner At Large: Tom Burroughs District #7 Commissioner: Jim Walters
Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family and CP-0 Planned Non-Retail Business Districts West: CP-0 Planned Non-Retail Business Districts
Adjacent Uses:	North: Single-family residences South: Single-family residences East: Providence YMCA/Ball Family Center West: Providence Medical Center
Total Tract Size:	4.73 Acres
Master Plan Area:	The subject property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this property as Low-Density Residential. Low-Density Residential allows for single-family residences and institutions such as elementary and middle schools, libraries, and small places of worship. Low-Density Residential discourages all industrial uses. The cultural principles of the Low-Density Residential land use designation state that land use polices are geared to protect against industrial, commercial, and multi-family encroachment into established single-family neighborhoods.
Major Street Plan:	The Major Street Plan designates Parallel Parkway as a Class A Thoroughfare.
Required Parking:	R-1 District (current zoning): Section 27-454(e) requires two (2) off-street parking spaces premises for each single-family dwelling, at least one of which shall be in a garage or carport. CP-0 District (proposed zoning): Section 27-463(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building.
Advertisement:	<u>The Wyandotte Echo</u> – March 18, 2021, June 15, 2021, and August 19, 2021

Letters to Property Owners – March 19, 2021, June 16, 2021, August 20, 2021 and September 22, 2021

Public Hearings: September 13, 2021 and September 30, 2021

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Joe McLaughlin with BHC Rhodes, is requesting a Change of Zone from R-1 Single Family District to CP-0 Planned Non-Retail Business District for Lot 2 of the Providence Medical Center 2nd Plat. The Change of Zone is being requested in order to allow for future expansion of the Providence Medical Center campus.

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

Code Enforcement History: There are no record of current or previous Notices of Violation associated with the property.

FACTORS TO BE CONSIDERED

1. The character of the neighborhood.

Along Parallel Parkway properties consist mostly of commercial and other non-retail office and recreation spaces. Most parcels are zoned for residential or non-retail commercial use. In fact, only a couple of parcels are zoned for uses more intense than C-1 Limited Business Commercial District. While some commercial lots are under one (1) acre and cluster around Parallel Parkway, there are other parcels that are larger—from a few acres to several dozen. With the exception of the Providence Medical Center campus, most of these larger parcels are lightly developed or undeveloped altogether. There is, however, a single-family residence adjacent to the east of the subject property. Unified Government records show that this residence is owned by the same entity that owns the subject property.

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

The subject property is located in between the current campus of the Providence Medical Center to the west and a single-family residential property to the east, with a YMCA building the next parcel to the east after that. Both the Providence Medical Center and the YMCA are zoned CP-0 and are used generally for health and wellness purposes. The single-family residence parcel is zoned R-1 but is owned by the same entity as the subject property. A Change of Zone from R-1 to

CP-0 would effectively connect these parcels into a stretch of CP-0-zoned land along Parallel Parkway.

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

The subject property is the best place for any expansion of the Providence Medical Center. The property is directly adjacent to the current medical center campus, and its location along Parallel Parkway makes it better than expansion of the current campus in any other direction. Development to the north, across Parallel Parkway would divide the campus and reduce intra-campus accessibility, especially for pedestrians. Development to the west, across North 90th Street, presents the same connectivity problems, and development to the south would move hospital traffic deeper into the residential neighborhood and away from a Class A Thoroughfare as employees, patients, and guests find places to park.

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

It is unclear how long the property has been vacant, but it appears that the property was undeveloped when it was platted as Lot 1 of the Parallel Place Final Plat in 2016 and approved in 2017.

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

The applicant is seeking a Change of Zone in preparation for future expansion of the Providence Medical Center campus. A hospital is necessary and convenient but because no development plans have been provided, Staff cannot yet determine the impacts of such hospital and medical campus expansion.

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

A Change of Zone from R-1 to CP-0, regardless of the lack of development plans, has the potential to increase traffic. Staff cannot make any further assessment without development plans; Staff is requesting development plans from the applicant.

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

The existing land use designation for the property is Low-Density Residential. A land use designation under the City-Wide Master Plan, Low-Density Residential allows for single-family residences and institutions such as elementary and middle schools, libraries, and small places of worship. The cultural principles of the Low-Density Residential land use designation state that land use policies are geared to protect against industrial, commercial, and multi-family encroachment

into established single-family neighborhoods. A Change of Zone to the CP-0 Non-Retail Business District would allow for uses outside of those allowed by Low-Density Residential. Some of such uses allowed by right in the CP-0 District would also be in conflict with the Low-Density Residential cultural principles. For these reasons, and to maintain consistency with the rest of the Providence Medical Center campus, the applicant must request a Master Plan Amendment for the land use designation, from Low-Density Residential to Public/Semi-Public, before COZ2021-005 can be heard by the City Planning Commission. This Master Plan Amendment request must be for not only the subject property, but for any parcel within the Providence Medical Center campus that does not already have a Public/Semi-Public City-Wide Master Plan land use designation.

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

Development of the property will lead to an increase of impermeable surfaces, parking needs, traffic at peak times, and risk of standing water or runoff. The exact impact of these changes on surrounding properties cannot be completely known at this time, especially without more detailed development plans.

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

a. *Water service*

Water lines must be installed on the property as part of any site development.

b. *Sanitary sewer service*

Sanitary sewer lines are present in the north boundary of the subject property. Sewer lines will need to be extended and expanded to accommodate the proposed any future development.

c. *Storm water control*

Storm water mains are located along Parallel Parkway and North 96th Street.

d. *Police*

Police service is provided by West District, #222.

e. *Fire*

Fire service is provided by Fire Station #6.

f. Transit

The property is served by KCATA Route 116 (West Parallel). There is a bus stop located on the Providence Medical Center campus, at Providence Medical Center Circle Drive. The bus stop, however, is not located on the subject property, but is on the adjacent parcel within the current Providence Medical campus.

g. Schools

Public education is provided by Claude Huyck Elementary School, Arrowhead Middle School, and Washington High School, under Kansas City USD 500.

h. Streets

The property is accessible by Parallel Parkway, running east-west.

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

Expansion of the Providence Medical Center will be beneficial to the community and to the Wyandotte County workforce. An expanded campus can result in expanded services and an expanded capacity to serve the public. Expanded services will also mean more employees will need to be hired to fill more roles. It is unclear at this time, however, how many jobs will be created, the quality and starting pay of those jobs, and the percentage of Wyandotte County residents that will fill those jobs.

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

As the applicant has not submitted any development plans, Staff cannot determine at this time if the future proposed use can comply with all ordinance requirements. While development plans are not required for planning actions such as Final Plats and Changes of Zone, it would be beneficial to the planning process and to all parties involved if the applicant provided development plans by simultaneously applying for a Preliminary Plan Review in conjunction with a Change of Zone. If a Preliminary Plan Review is not submitted to be heard in conjunction with COZ2021-005, then a Preliminary and Final Plan Review is required for future development of the subject property.

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

Proposed development in this area is consistent with—and is an expansion of—the current development. The relative gain to the public health, safety, and welfare with the expansion of a medical center certainly exceeds any hardships imposed on the individual landowner or landowners, whom are already in close

proximity to similar existing developments.

PREVIOUS ACTIONS

Parallel Place Preliminary and Final Plat (2016)

Providence Medical Center 2nd Addition Preliminary and Final Plat (2020)

NEIGHBORHOOD MEETING

The applicant received calls and e-mails through March 29, 2021. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant (see “Neighborhood Meeting Materials, Dated March 31, 2021” the *Attachments* section of this report).

KEY ISSUES

Access to Property

Adjacent Single-Family Uses

Commercial Design Guidelines

Future Development Plans

Landscaping

Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-005** and Master Plan Amendment **MP2021-013**, subject to:

- 1) **This staff report is for COZ2021-005, a Change of Zone (as well as for MPL2021-013, a Master Plan Amendment). Per Section 27-211(e)(2), a Change of Zone to a planned district requires a Preliminary Plan Review as part of the rezoning process. As such, a Final Plan Review will subsequently be required for the subject property. All conditions of approval passed with COZ2021-005 must be reflected in the submitted plans and conditions of approval for the future Final Plan Review. Changes in the Final Plan Review from the approved Change of Zone/Preliminary Plan Review must not be considered significant, pursuant to Section 27-211(h)(1)a-l. If any changes to the approved Change of Zone/Preliminary Plan Review are deemed significant, the applicant must resubmit a revised Preliminary Plan Review for approval by the City Planning Commission and the Board of Commissioners. The following changes between the Change of Zone/Preliminary Plan Review and Final Plan Review are considered significant:**
 - a. **Any changes that exceed the provisions of subsection (f) of this section or other terms specified by the Planning Commission and/or Unified Government Board of Commissioners;**
 - b. **Increases in density or intensity of residential uses by more than five percent (5%);**

- c. Increases in total floor area (entire plan) of all nonresidential buildings by more than five percent (5%) or 5,000 square feet, whichever is less;
 - d. Increases of lot coverage by more than five percent (5%);
 - e. Changes of architectural style that will make the project less compatible with surrounding uses;
 - f. Changes in ownership patterns or stages of construction that will lead to a different development concept;
 - g. Changes in ownership patterns or stages of construction that will impose substantially greater loads on streets and other public facilities;
 - h. Decreases of any peripheral setback of more than five percent (5%);
 - i. Decreases of areas devoted to open space of more than five percent or the substantial relocation of such areas;
 - j. Changes of traffic circulation patterns that will affect traffic outside of the project boundaries;
 - k. Modification or removal of conditions or stipulations to the preliminary development plan approval; or
 - l. Modifications that change, amend, or violate the terms of the comprehensive plan;
- 2) Future development must connect to Parallel Parkway and all existing campus transportation nodes and provide pedestrian access;
 - 3) All future on-site development will be subject to the regulations of the CP-0 Planned Non-Retail Business District and the Commercial Development Guidelines Overlay District;
 - 4) Per Section 27-463(g), a reasonable amount of landscaping is required on all projects in this district, with emphasis being placed on screening or otherwise softening the visual impact of parking or unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required at not less than one per 7,000 square feet of site area. Screening or buffer plantings are to be provided along all side and rear property lines common to or across an alley from single-family or two-family zoned property;
 - 5) Per Section 27-463(g), one (1) tree is required for every 7,000 square feet of site area. The subject property's site area is 205,986 square feet, which requires 30 trees. The current landscape plan only demonstrates 26 trees, which is four (4) trees fewer than required. The applicant must submit a revised landscape plan, in conjunction with the requisite Final Plan Review, that demonstrates at least 30 trees;
 - 6) Per Section 27-700(b)(1), buffer plantings, which shall include the equivalent of a minimum of one evergreen tree or one shade tree and three large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family-zoned property. Buffer plantings will be in addition to required trees. In the C-0/CP-0 District, buffer plantings may be required to be concentrated along potentially unsightly areas or where sensitive areas exist on adjacent property;
 - 7) Future development requires a Final Plan Review;
 - 8) A building permit is required. Please contact the Building Inspection Department to begin that process;

- 9) Per 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) If approved, occupying businesses will need to maintain a current business occupation tax application with this office;
- 11) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
- 12) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610—8-618). Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works department, 701 North 7th Street, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
- 13) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of **COZ2021-005** and **MPL2021-013**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 13, 2021 City Planning Commission Minutes
Aerial Map
Land Use Map
Zoning Map
Photos of the Property Provided by Staff, Dated March 21, 2021
Plot Plan Submitted by the Applicant
Site Plan Submitted by the Applicant
Landscaping Plan Submitted by the Applicant
Preliminary Elevations Submitted by the Applicant
Utility Plan Submitted by the Applicant
Proposed Drainage and Grading Plan Submitted by the Applicant
Amended Preliminary Stormwater Management Plan, Dated August 24, 2021
Conservation District Letter, Dated March 16, 2021
Commercial Development Guidelines Overlay District Regulations,

- Sections 27-573 – 27-578

Neighborhood Meeting Materials, Dated March 31, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing Change of Zone	September 13, 2021 Approval	September 30, 2021
Master Plan Amendment	September 13, 2021 Approval	September 30, 2021

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2021-013** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report, and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2021-013**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-005** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report, and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2021-005**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 13, 2021 City Planning Commission Minutes:

Hearing starts at 31:15:

MASTER PLAN AMENDMENT MPL2021-013 – JOE MCLAUGHLIN WITH BHC RHODES – SYNOPSIS: Master Plan Amendment from Low-Density Residential to Public/Semi-Public (City-Wide Master Plan) at 8741 Parallel Parkway.

CHANGE OF ZONE APPLICATION COZ2021-005 – JOE MCLAUGHLIN WITH BHC RHODES - SYNOPSIS: Change of Zone from R-1 Single Family District to CP-O Planned Non-Retail Business District for additional parking and buildings for Providence Medical Center at 8741 Parallel Parkway.

Detailed Outline of Requested Action: The applicant, Joe McLaughlin with BHC Rhodes, is requesting a Change of Zone from R-1 Single Family District to CP-O Planned Non-Retail Business District for Lot 2 of the Providence Medical Center 2nd Plat. The Change of Zone is being requested in order to allow for future expansion of the Providence Medical Center campus.

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

Code Enforcement History: There are no record of current or previous Notices of Violation associated with the property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to property owners.

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

Present in Support:

- Joe McLaughlin, applicant, BHC Rhodes, 712 State Avenue, Kansas City, Kansas 66101
- Austin Lage, BHC Rhodes, 7101 College Boulevard, Suite, 400, Overland Park, Kansas
- Sean Asmus, Prime Healthcare (did not speak)

Present in Opposition:

- No one appeared

Staff Recommendation starts at 37:24: Planning Director Hand stated that when the plans for this development are ready, it will require a final development plan. At that time, the conditions will be more specific about the Commercial Design Guidelines as well as the pedestrian circulation internal to the site as well as a direct sidewalk connection to Parallel Parkway. He further stated that the staff has not received any letters in support nor opposition and there are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 38:25:

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment Application**

MPL2021-013:

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Hill	Aye
Huey	Aye
Jones	Aye

Miller Aye
Mohler Aye
Pauley Aye
Armstrong Aye

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

- 1) This staff report is for COZ2021-005, a Change of Zone (as well as for MPL2021-013, a Master Plan Amendment). Per Section 27-211(e)(2), a Change of Zone to a planned district requires a Preliminary Plan Review as part of the rezoning process. As such, a Final Plan Review will subsequently be required for the subject property. All conditions of approval passed with COZ2021-005 must be reflected in the submitted plans and conditions of approval for the future Final Plan Review. Changes in the Final Plan Review from the approved Change of Zone/Preliminary Plan Review must not be considered significant, pursuant to Section 27-211(h)(1)a-l. If any changes to the approved Change of Zone/Preliminary Plan Review are deemed significant, the applicant must resubmit a revised Preliminary Plan Review for approval by the City Planning Commission and the Board of Commissioners. The following changes between the Change of Zone/Preliminary Plan Review and Final Plan Review are considered significant:
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 - b. Increases in density or intensity of residential uses by more than five percent (5%);
 - c. Increases in total floor area (entire plan) of all nonresidential buildings by more than five percent (5%) or 5,000 square feet, whichever is less;
 - d. Increases of lot coverage by more than five percent (5%);
 - e. Changes of architectural style that will make the project less compatible with surrounding uses;
 - f. Changes in ownership patterns or stages of construction that will lead to a different development concept;
 - g. Changes in ownership patterns or stages of construction that will impose substantially greater loads on streets and other public facilities;
 - h. Decreases of any peripheral setback of more than five percent (5%);
 - i. Decreases of areas devoted to open space of more than five percent or the substantial relocation of such areas;
 - j. Changes of traffic circulation patterns that will affect traffic outside of the project boundaries;
 - k. Modification or removal of conditions or stipulations to the preliminary development plan approval; or
 - l. Modifications that change, amend, or violate the terms of the comprehensive plan;
- 2) Future development must connect to Parallel Parkway and all existing campus transportation nodes and provide pedestrian access;

- 3) All future on-site development will be subject to the regulations of the CP-0 Planned Non-Retail Business District and the Commercial Development Guidelines Overlay District;
- 4) Per Section 27-463(g), a reasonable amount of landscaping is required on all projects in this district, with emphasis being placed on screening or otherwise softening the visual impact of parking or unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required at not less than one per 7,000 square feet of site area. Screening or buffer plantings are to be provided along all side and rear property lines common to or across an alley from single-family or two-family zoned property;
- 5) Per Section 27-463(g), one (1) tree is required for every 7,000 square feet of site area. The subject property's site area is 205,986 square feet, which requires 30 trees. The current landscape plan only demonstrates 26 trees, which is four (4) trees fewer than required. The applicant must submit a revised landscape plan, in conjunction with the requisite Final Plan Review, that demonstrates at least 30 trees;
- 6) Per Section 27-700(b)(1), buffer plantings, which shall include the equivalent of a minimum of one evergreen tree or one shade tree and three large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family-zoned property. Buffer plantings will be in addition to required trees. In the C-0/CP-0 District, buffer plantings may be required to be concentrated along potentially unsightly areas or where sensitive areas exist on adjacent property;
- 7) Future development requires a Final Plan Review;
- 8) A building permit is required. Please contact the Building Inspection Department to begin that process;
- 9) Per 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) If approved, occupying businesses will need to maintain a current business occupation tax application with this office;
- 11) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
- 12) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610—8-618). Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works department, 701 North 7th Street, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections

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

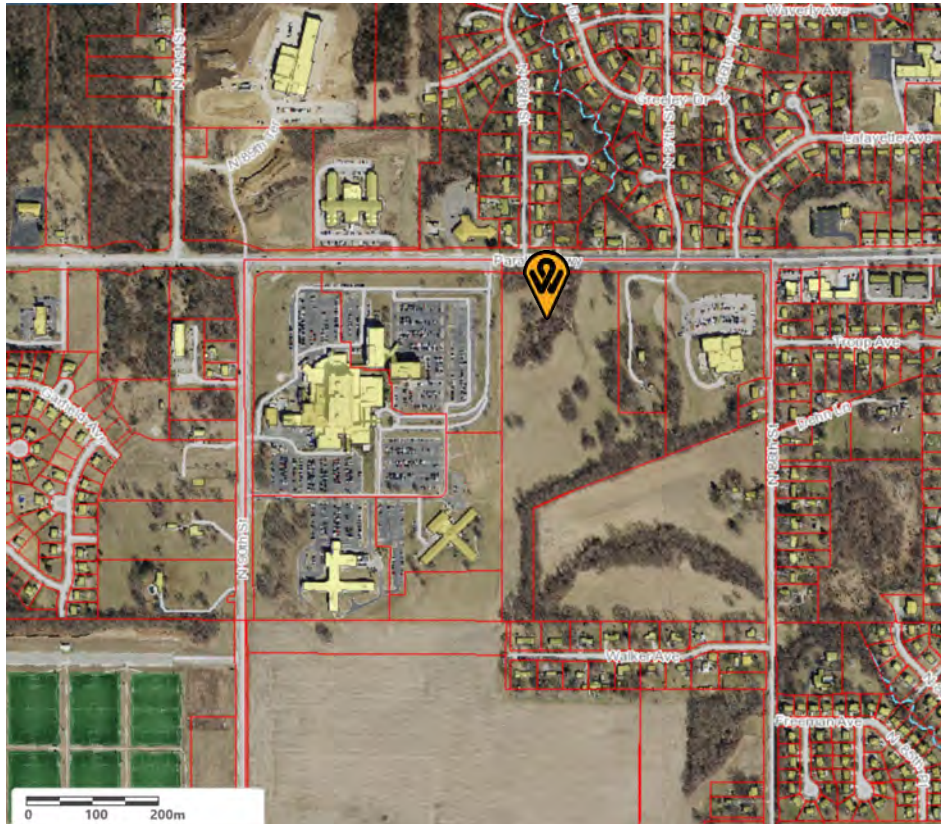
- 13) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the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

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2021-005:**

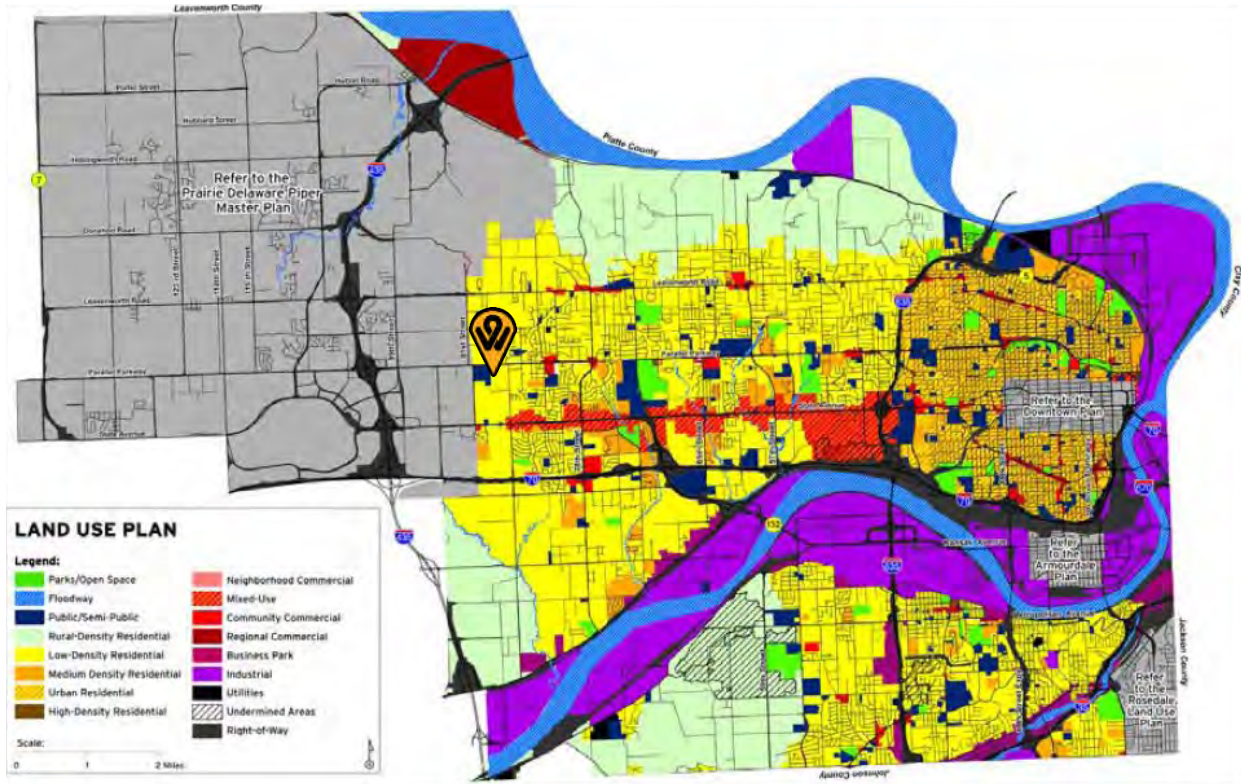
Carson	Chairman
Connelly	Not Present
Ernst	Aye
Hill	Aye
Huey	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Pauley	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 8 to 0
Subject to the above conditions

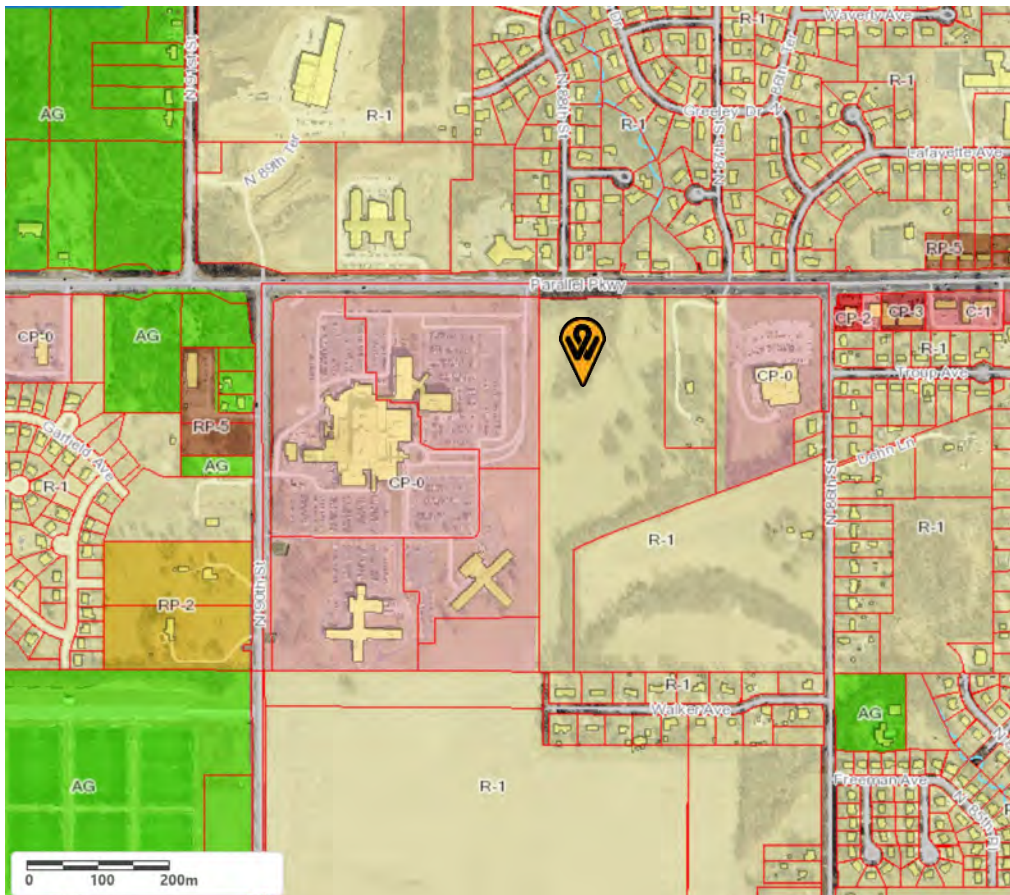
AERIAL MAP



LAND USE MAP

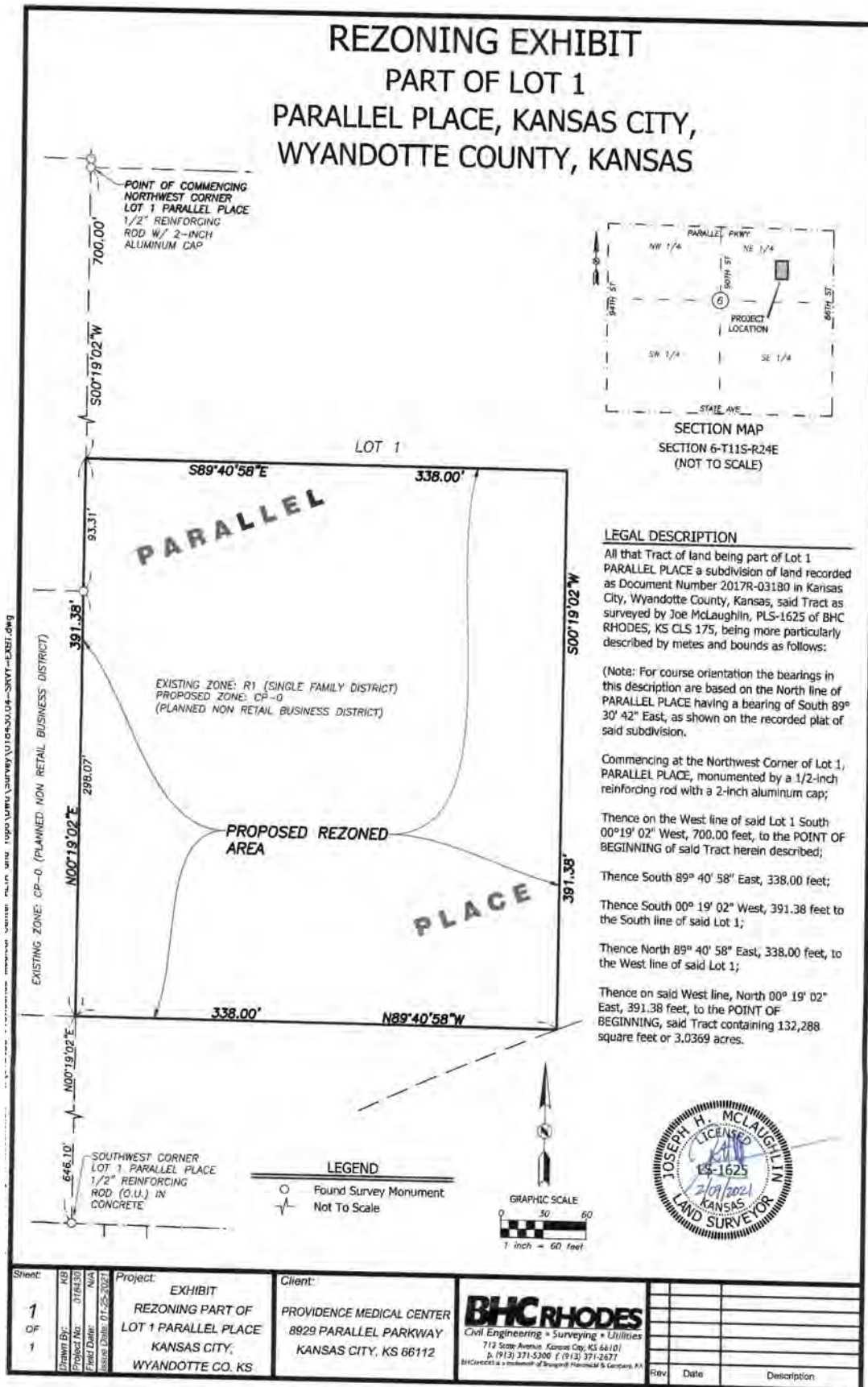


ZONING MAP

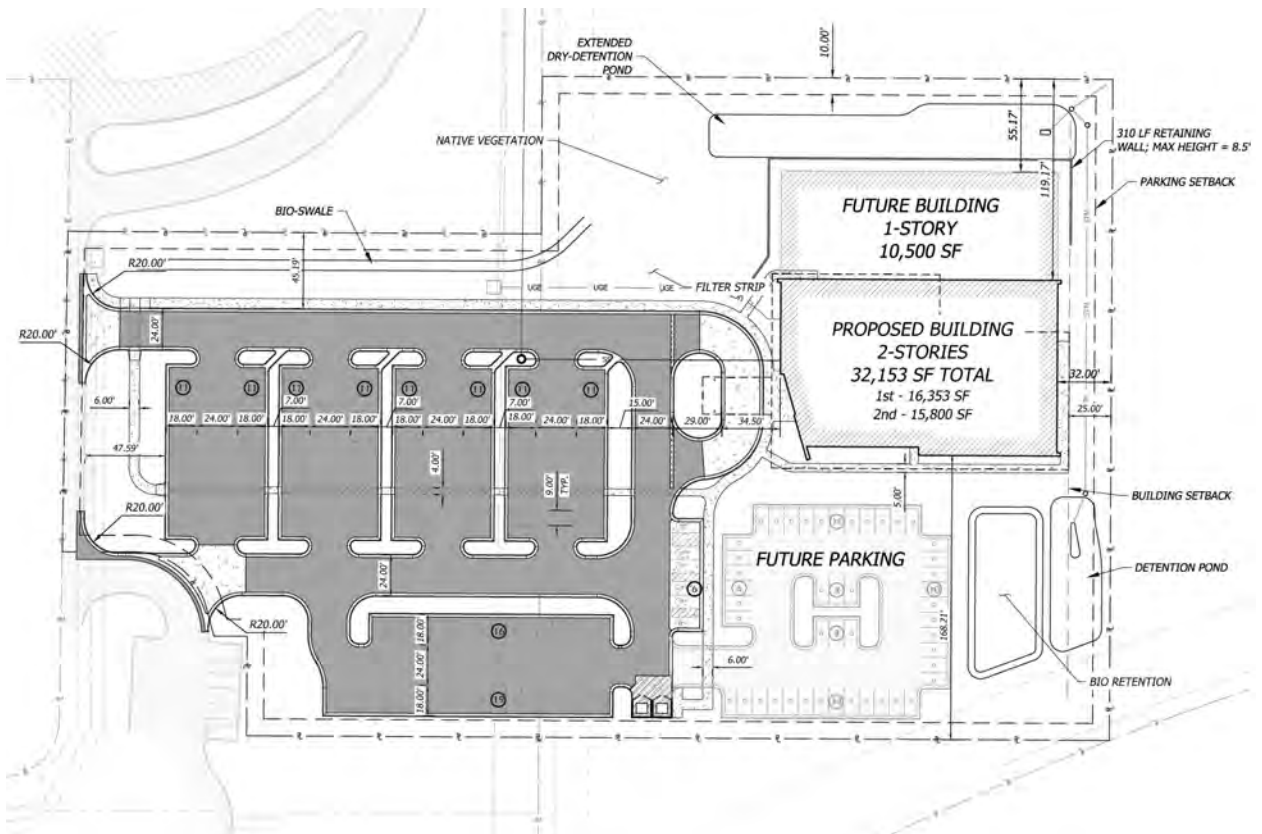
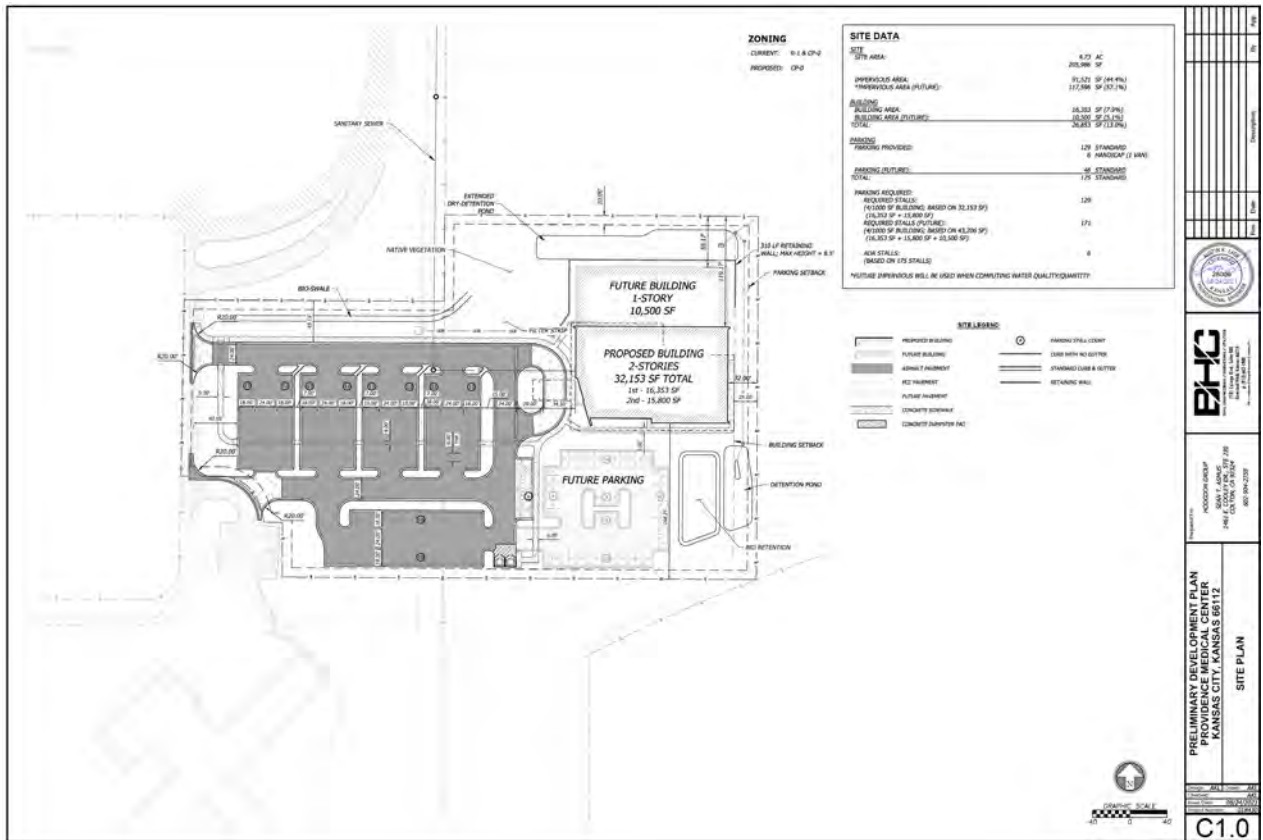


PHOTOS OF THE PROPERTY PROVIDED BY STAFF, DATED MARCH 21, 2021

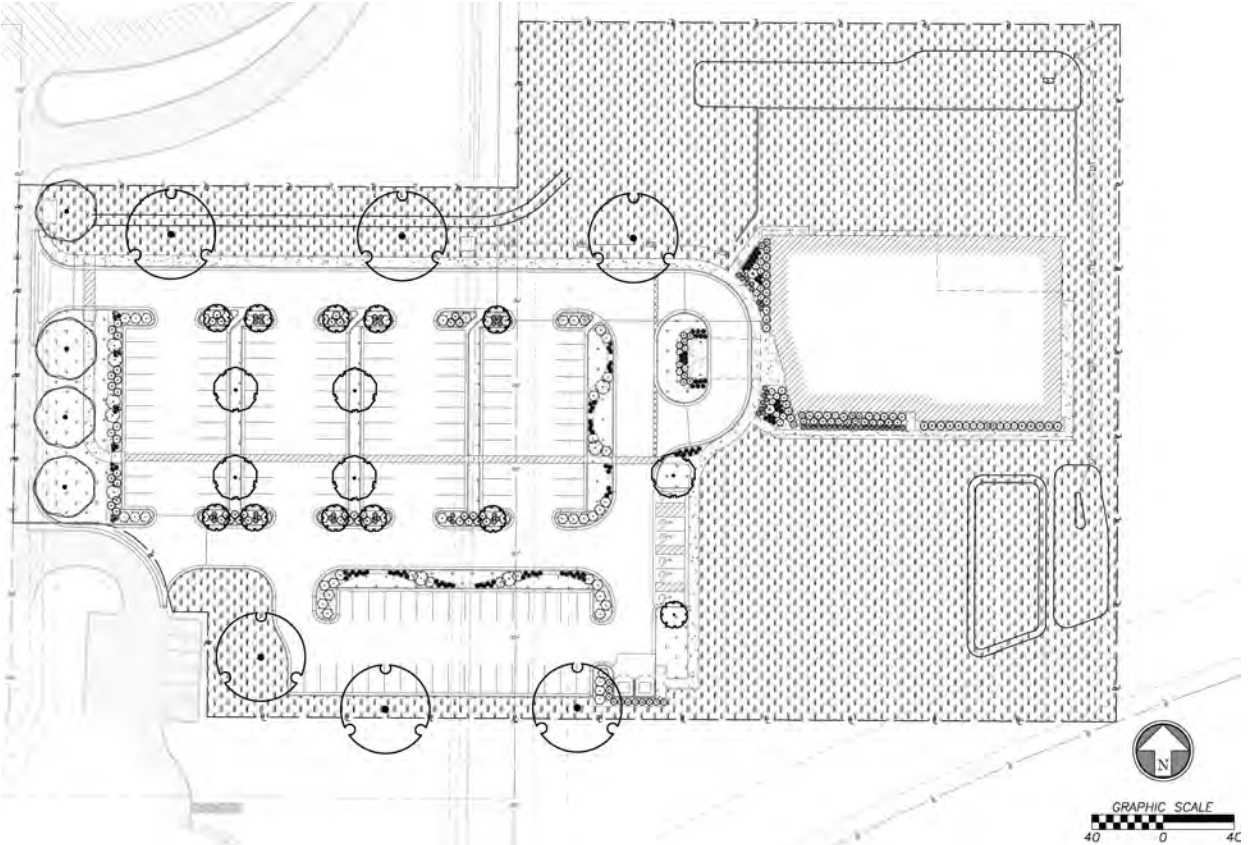
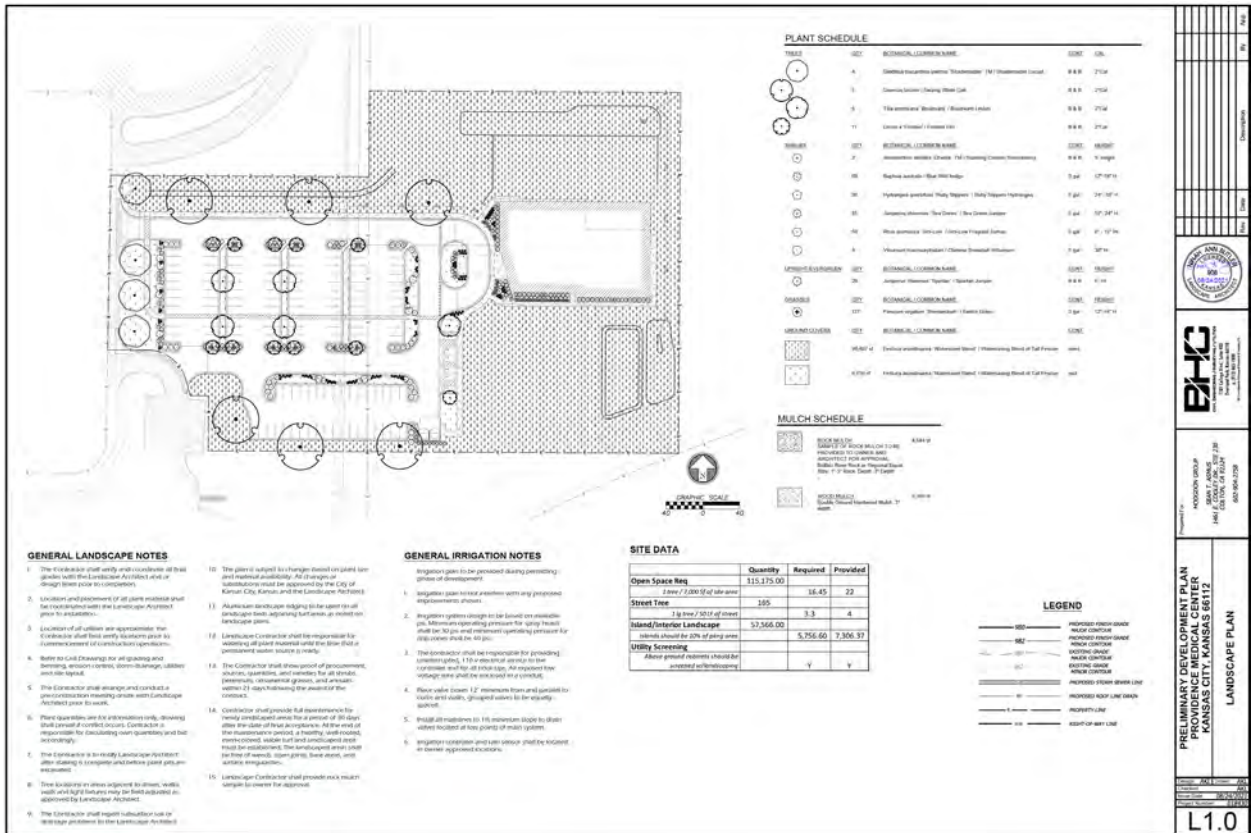




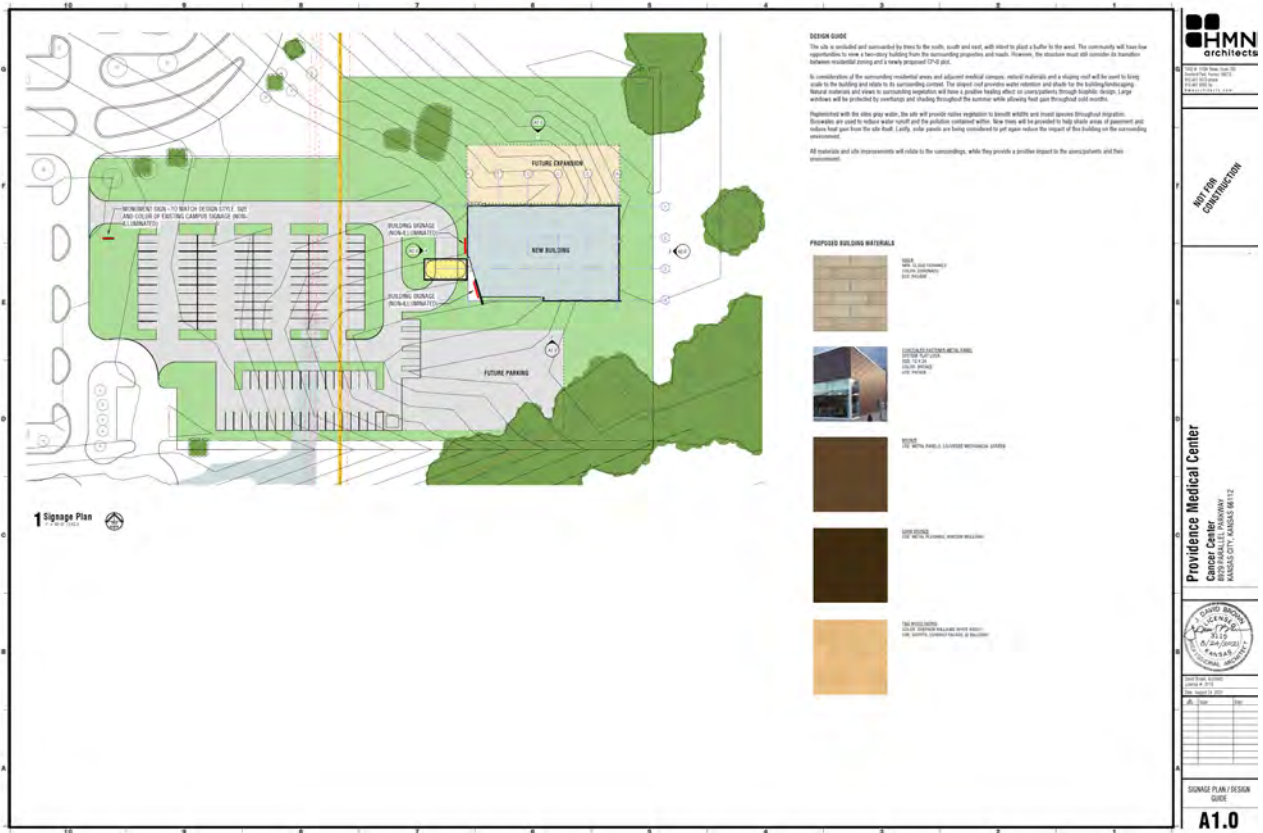
SITE PLAN SUBMITTED BY THE APPLICANT



LANDSCAPING PLAN SUBMITTED BY THE APPLICANT



LANDSCAPING PLAN SUBMITTED BY THE APPLICANT, CONT.



[illegible]

24



PRELIMINARY STORMWATER MANAGEMENT STUDY FOR Providence Medical Center

PREPARED FOR

Providence Medical Center

Project Location:

**8929 Parallel Parkway,
Kansas City, KS 66112**

BHC Project # 018430.00.01

August 24, 2020



Austin Lage
Kansas PE 28006
August 24, 2021



Executive Summary

BHC has been retained as the Civil Engineer for the development of the Providence Cancer Center at Providence Medical in Kansas City, Kansas. The 4.73-acre site is located south of Parallel Parkway and east of the current medical facility. The project site is currently sitting on a ridge that sheds water south across south property line as well as north toward Parallel Parkway.

The proposed development includes the construction of a two-story building with a one-story future expansion. The two-story building has a footprint of 16,353 square feet and a total square footage of 32,153. The one-story expansion will be 10,500 square feet.

This report documents the existing and proposed drainage conditions of the site. Furthermore, the report indicates that the project will not have an adverse impact on surrounding properties, the existing storm sewer network, or the watershed adjacent to and downstream from the property.

The proposed design is per the Unified Government of Wyandotte County, Kansas City, Kansas, Storm Drainage Requirements for Private Development. To meet the allowable release rates and detention volume requirements an approximately 16,500 cubic foot detention pond will be constructed on site. The pond will also be utilized to meet water quality requirements by means of bioretention, bioswales, native vegetation, & turf filter strips.

The constructed pond will drain at a controlled release rate via an underground stormwater pipe and outlet above ground with a level spreader to sheet flow north to the existing creek bed.

Providence Medical Center
Kansas City, Kansas



7.0 Conclusion

The purpose of this study is to determine the stormwater infrastructure needs for the project, evaluate the existing drainage patterns, and confirm that the development will not have an adverse impact on the adjacent properties and downstream watersheds with the proposed improvements.

As shown by the provided calcs and drawings the proposed development will decrease the overall discharge from the site at the evaluated volumes.

Providence Medical Center
Kansas City, Kansas





Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservaion@gmail.com

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

March 16, 2021

RE: COZ2021-005 Joe McLaughlin with BHC Rhodes R-1 to CP-0 8741 Parallel Parkway

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2021-005 Joe McLaughlin with BHC Rhodes R-1 to CP-0 8741 Parallel Parkway.

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

MAPS AND REPORTS

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

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

- There are four major soil types identified: Ladoga silt loam, 3 to 8 percent slopes, Marshall silt loam, 2 to 5 percent slopes, Marshall silt loam, 5 to 9 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- If there will be any major grading work to be, an Erosion Control Plan will be needed.
- The large increase of impervious service created by a parking lot will need to be addressed.
- The Best Management Practices in this report can be used to develop an erosion control plan if needed.

The following Best Management Practices are recommended for this plat:

* **Access Road** – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.

* **Dust Control** – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning and mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.

* **Critical Area Planting** - After final grade has been completed permanent vegetation will be established. See the *Protecting Water Quality Field Guide* pages 35-54 for Temporary, and Permanent Seeding.

* **Filter Strips** – During development, strategic non disturbance of existing perennial grass vegetation can function as filter strips. See the *Protecting Water Quality Field Guide* pages 195-200 for Filter Strip.

* **Silt Fences**- Temporary sediment barrier consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour, where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the *Protecting Water Quality Field Guide* pages 175-181 for Sediment Fence.

* **Sediment Trap** -Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than 2 acres of drainage. See the *Protecting Water Quality Field Guide* for Straw Bale Sediment Trap.

* **Mulching** – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the *Protecting Water Quality Field Guide* pages 61-66 for Mulching.

* **Precision Land Forming** – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction. Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.

* **Sediment Basins** – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National Pollution Discharge Elimination Systems Permit (NPDES). See the *Water Quality Field Guide* pages 201 – 208 for Temporary Sediment Trap and pages 209-216 for Sediment Basin.

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

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

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER, DATED MARCH 16, 2021, CONT.

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

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

Sincerely,

Cheri Miller
District Manager

enclosures



NEIGHBORHOOD MEETING MATERIALS, DATED MARCH 31, 2021



March 12, 2021

Janet Parker
701 North 7th Street, Suite 423
Kansas City, KS 66101

SUBJECT: Neighborhood meeting

We have filed an application with the Department of Urban Planning and Land Use COZ2021-005 for change of zone from R-1 Single Family District to CP-O Planned Non-Retail Business district. This change of zone will support the development of additional parking and buildings at Providence Medical Center.

Due to COVID-19, we will not be holding an in-person neighborhood meeting. Instead, we ask that you please contact BHC with any questions or comments, before March 29, 2020:

Joe McLaughlin, PLS
Survey Manager
Joe.McLaughlin@ibhc.com
c: (816) 898-1966
o: (913) 371-5300

We look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Joe McLaughlin', with a stylized flourish at the end.

Joe McLaughlin
BHC
Survey Manager



Neighborhood Meeting Minutes:

Application Number: COZ2021-005

Date and Location: March 12th, 2021 through March 29th, 2021 (provided contact information and asked for neighbors to contact us via email or phone call).

Names of people in attendance:

We received 2 emails from neighbors:

Lisa (Dollard) Dugan
8715 Walker Ave
Kansas City, KS 66112

- Asked how the rezoning would impact her and wondered if she would have to sell her house and move. We replied, assuring her that she would not have to move and that the rezoning was for a new building on the Providence Medical Center Campus. We received no further correspondence.

Stephen Sturgell
Lindsey Estates, LLC
1822 N 86th Street
Kansas City, KS 66112

- Asked what type of building would be constructed. We replied that we were uncertain of the specifics of the type of building proposed, but the building will house a new cancer treatment center and that the purpose of the rezoning would be to match this property rest of the hospital campus. We received no further correspondence.

No other neighbors responded to the letter.

Minutes taken by: Joe McLaughlin

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Joseph H. McLaughlin, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #COZ2021-005.
2. That I conducted a neighborhood meeting on 3/12/2021-3/29/2021.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

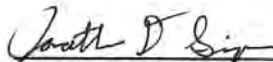
Further affiant saith not.



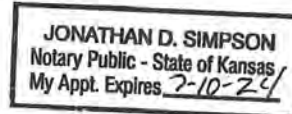
Affiant

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

My commission expires 10th of July 2024
~~2021.~~



Notary Public





Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 30, 2021

Re: Master Plan Amendment Petition MPL2021-14

GENERAL INFORMATION

Applicant:
Ron Wu

Status of Applicant:
Representative
304 Shadow Oaks
Irvine, CA 92618

Requested Action:
Approve Master Plan Amendment.

Date of Application:
July 30, 2021

Purpose:
Master Plan Amendment from Low Density
Residential to Medium Density Residential (City-Wide
Master Plan)

Property Location:
609 – 611 South 75th Street



Commission Districts:	Commissioner At-Large: Tom Burroughs District #7 Commissioner: Jim Walters		
Existing Zoning:	R-1 Single Family District (approved to R-2 Two Family District)		
Adjacent Zoning:	North:	R-1 Single Family District	
	South:	R-1 Single Family District	
	East:	R-1 Single Family District	
	West:	R-1 Single Family District	
Adjacent Uses:	North:	Duplex	
	South:	Duplex	
	East:	Single family homes	
	West:	Duplex	
Total Tract Size:	0.48 Acres		
Master Plan Area:	City-Wide Master Plan		
Master Plan Designation:	The City-Wide Master Plan designates this property as Low Density Residential, which allows single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, parks and open space.		
Major Street Plan:	The Major Street Plan classifies South 75 th Street as a Local Street and Kansas Avenue as a Class C Thoroughfare.		
Required Parking:	Sec. 27-456(d) Two (2) off-street parking spaces shall be provided on the premises for each dwelling unit, at least one of which shall be in a garage or carport. When no more than two (2) off-street parking spaces are provided for each dwelling unit on the premises, and when the lot has less than twenty (20) feet of continuous street curb length for each dwelling unit, and where visitor and guest parking spaces are not provided elsewhere, the front yard setback measure from the front lot line to the garage door shall not be less than thirty-six (36) feet, and space shall be provided in the drive for the parking of two (2) passenger cars for each dwelling unit. Four (4) parking spaces are required. Four (4) spaces are provided, two (2) of which are in a garage.		
Advertisement:	Property Owner Letters – August 19, 2021 and September 24, 2021 <u>Wyandotte Echo</u> – August 19, 2021		
Public Hearings:	September 13, 2021 and September 30, 2021		

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ron Wu wants to amend the City-Wide Master Plan from Low Density Residential to Medium Density Residential at 609 – 611 South 75th Street to purchase the property. This is a follow-up and condition of approval for the recently approved COZ2021-014.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

Code Enforcement History: There were Code Enforcement citations on the property from 2016 – 2018 for weeds, furniture outside the property and trash.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is exclusively comprised of duplexes on South 75th Street, with single-family homes to the east. This area, south of Kansas Avenue is a small, established neighborhood.

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

The proposed development will not increase the traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems because the use is existing and there are no changes proposed on the property.

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

a. Water service

BPU provides water service.

b. Sanitary sewer service

UG provides sanitary sewer service.

c. Storm water control

Designed to meet City Code.

d. Police

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

e. Fire

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

f. Transit

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

g. Schools

Public education is provided by Turner USD 202.

h. Environment

The site is an existing duplex. There is no benefit or detriment to the proposed use on the property.

4. The difference between the existing and proposed Master Plan.

The most significant difference between the Low Density Residential and Medium Density Residential is attached single-family homes, duplexes and townhomes.

5. Analysis of the impact on surrounding properties.

There would seem to be no negative impact to surrounding properties as the residences on South 75th Street are duplexes.

6. Estimate the future costs and revenues to the Unified Government and property owner and Market Impact.

There would seem to be very little liability on the part of the Unified Government. Given that this is an existing duplex, the typical discussions of future infrastructure cost and maintenance are not necessary at this time.

There is no assessment of the benefit to the property owners. Presumably the owners feel this would be a financial benefit and the marketability will increase.

PREVIOUS ACTIONS

Change of Zone (COZ2021-024) was recommended for approval by the City Planning Commission on August 9, 2021 and is on the August 26, 2021 Unified Government Board of Commissioners meeting agenda.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in conjunction with the change of zone on July 21, 2021 by Virtual Meeting (Zoom).

KEY ISSUES

Landscaping
Existing Legal, Non-conforming Use

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Master Plan Amendment **MPL2021-014**, subject to:

1. **Trees shall be planted in the front yard. Prior to planting, call a utility location service to mark utilities; and,**
2. **In rented, a rental license from Rental Licensing shall be obtained for two (2) dwelling units.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **MP2020-14** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 13, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Wyandotte County Parks Department Street Tree List
1971 County Building Permit
Floor Plan
Neighborhood Meeting Minutes
Site Photography provided by the Applicant.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	September 13, 2021	September 30, 2021
Master Plan	Approval	
Amendment		

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2021-14**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL-2021-14**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 13, 2021 City Planning Commission Minutes:

Hearing starts at 3:39:20:

MASTER PLAN AMENDMENT APPLICATION MPL2021-014 – RON WU –

SYNOPSIS: Master Plan Amendment from Low Density Residential to Medium Density Residential (City-Wide Master Plan) at 609 and 611 South 75th Street.

Detailed Outline of Requested Action: The applicant, Ron Wu wants to amend the City-Wide Master Plan from Low Density Residential to Medium Density Residential at 609 – 611 South 75th Street to purchase the property. This is a follow-up and condition of approval for the recently approved COZ2021-014.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

Code Enforcement History: There were Code Enforcement citations on the property from 2016 – 2018 for weeds, furniture outside the property and trash.

MASTER PLAN AMENDMENT APPLICATION MPL2021-015 – RON WU –

SYNOPSIS: Master Plan Amendment from Low Density Residential to Medium Density Residential (City-Wide Master Plan) at 617 and 619 South 75th Street.

Detailed Outline of Requested Action: The applicant, Ron Wu wants to amend the City-Wide Master Plan from Low Density Residential to Medium Density Residential at 617 – 619 South 75th Street to purchase the property. This is a follow-up and condition of approval for the recently approved COZ2021-014.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

Code Enforcement History: There were Code Enforcement citations on the property from 2016 – 2021 for weeds, furniture outside the property, vehicles with no registration and trash.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners.

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

Present in Support:

- Ron Wu, applicant, 304 Shadow Oaks, Irvine, CA 92618

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:41:53: Planning Director Hand stated that these applications are both follow up Master Plan Amendments for their respective two (2) Change of Zone applications approved last month. The approval of the Change of Zone applications was contingent on the Master Plan Amendments and the conditions of approval are the same. Staff recommends approval, subject to the conditions in the staff report.

Motion and Vote starts at 3:433:07:

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL** of Master Plan Amendment **MPL2021-014:**

Carson
Connelly

Chairman
Not Present

Ernst	Aye
Hill	Aye
Huey	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Pauley	Aye
Armstrong	Aye

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

- 1. Trees shall be planted in the front yard. Prior to planting, call a utility location service to mark utilities; and,**
- 2. In rented, a rental license from Rental Licensing shall be obtained for two (2) dwelling units.**

On motion by Mrs. Jones, seconded by Dr. Hill, the Planning Commission voted as follows to recommend **APPROVAL** of Master Plan Amendment **MPL2021-015:**

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

- 1. Trees shall be planted in the front yard. Prior to planting, call a utility location service to mark utilities; and,**
- 2. In rented, a rental license from Rental Licensing shall be obtained for two (2) dwelling units.**



Figure 1. Aerial Map of 609 – 611 South 75th Street (provided by UG Maps).



Figure 2. Zoning Map of 609 – 611 South 75th Street (provided by UG Maps).



Figure 3. City-Wide Master Plan Land Use Map of 609 – 611 South 75th Street (provided by Arc Map).

Kansas City, Kansas Permitted Street Tree Listing

(June 2017)

A. Small Trees (usually under 25 feet at maturity)			
1.	<i>Acer tataricum</i> subsp. <i>ginnala</i>	Amur maple	
2.	<i>Acer griseum</i>	Paperbark maple	
3.	<i>Acer tataricum</i>	Tatarian maple	'Hotwings'
4.	<i>Acer truncatum</i>	Shantung maple	
5.	<i>Acer truncatum</i> x <i>plantanoides</i>	Norwegian sunset maple	'Warrenred' 'Keithsform'
6.	<i>Amelanchier</i> x <i>grandiflora</i>	Serviceberry*	better cultivar 'Autumn Brilliance'
7.	<i>Cercis</i> species (spp.)	Eastern and Oklahoma redbud	
8.	<i>Malus</i> spp.	Crabapple	'Royal raindrop', 'Adirondack', 'Velvet Pillar'
9.	<i>Syringa pekinensis</i>	China Snow tree lilac	'Morton'
10.	<i>Syringa reticulata</i>	Japanese tree lilac	'Ivory silk'
11.	<i>Prunus virginiana</i>	Common chokecherry*	better cultivars 'Canada Red Improved' and 'Shubert'
B. Medium Trees (usually 25-40 feet at maturity)			
1.	<i>Carpinus betulus</i>	European hornbeam	
2.	<i>Cornus</i> species (spp.)	Dogwood	Typical understory planting. Species selection important for sun tolerance.
3.	<i>Koeleruteria paniculata</i>	Goldenrain tree	
4.	<i>Quercus muehlenbergii</i>	Chinkapin oak	
5.	<i>Acer buergerianum</i>	Trident maple	
6.	<i>Acer campestre</i> 'Evelyn'	Hedge maple	
7.	<i>Acer truncatum</i>	Shantung maple	
8.	<i>Cladrastis kentukea</i>	American yellowwood	
9.	<i>Maclura pomifera</i>	Osage-orange	Male cultivars only 'Whiteshield', 'Wichita'
10.	<i>Ulmus propinqua</i> 'JFS-Beiberich'	Emerald Sunshine elm	New introduction from OK proven in KS
C. Large Trees (usually 40 feet or larger at maturity)			
1.	<i>Acer miyabei</i>	Miyabei maple	'State Street'
2.	<i>Acer plantanoides</i>	Norway maple	
3.	<i>Acer saccharum</i>	Sugar maple	Suggested cultivar 'Hiawatha 1'
4.	<i>Acer saccharum</i> var. <i>caddo</i>	Caddo sugar maple	Heat and drought tolerant. Cultivars 'John Pair' and 'Autumn Splendor'
5.	<i>Betula nigra</i>	River birch	Single stem only
6.	<i>Corylus colurna</i>	Turkish filbert	Needs large space
7.	<i>Ginkgo biloba</i>	Ginkgo	Male cultivars only
8.	<i>Gleditsia triacanthos inermis</i>	Thornless Honeylocust	'Imperial' 'Shademaster' 'Skyline'

	Permitted Large Trees		
9.	<i>Gymnocladus dioica</i>	Kentucky coffeetree	Male cultivars available. Durable native.
10.	<i>Liquidambar styraciflua</i>	Sweetgum	Male cultivars only
11.	<i>Metasequoia glyptostroboides</i>	Dawn redwood	Needs large space
12.	<i>Nyssa sylvatica</i>	Black gum	
13.	<i>Quercus acutissima</i>	Sawtooth oak	
14.	<i>Quercus alba</i>	White oak	
15.	<i>Quercus bicolor</i>	Swamp white oak	Soil pH should be determined
16.	<i>Quercus coccinea</i>	Scarlet oak	
17.	<i>Quercus imbricaria</i>	Shingle oak	
18.	<i>Quercus lyrata</i>	Overcup oak	
19.	<i>Quercus macrocarpa</i>	Bur oak	
20.	<i>Quercus phellos</i>	Willow oak	
21.	<i>Quercus robur</i>	English oak	Choose mildew resistant cultivars
22.	<i>Quercus rubra</i>	Northern red oak	Soil pH should be determined
23.	<i>Quercus shumardii</i>	Shumard oak	
24.	<i>Taxodium distichum</i>	Baldcypress	
25.	<i>Tilia cordata</i>	Littleleaf linden	
26.	<i>Tilia tomentosa</i>	Silver linden	Cultivars 'Sterling Silver' 'Green Mountain'
27.	<i>Tilia Americana</i>	American linden	
28.	<i>Ulmus americana</i>	American elm	Cultivars resistant to Dutch elm disease; 'New Harmony', 'Princeton', 'Lewis and Clark', 'Jefferson'
29.	<i>Ulmus parvifolia</i>	Lacebark elm	'Elmer II'
30.	<i>Ulmus wilsoniana</i>	Prospector elm	
31.	<i>Zelkova serrata</i>	Zelkova, columnar or Japanese	'Musashino' 'Village green' 'Green vase'

* Fruits produced - site selection important

Kansas City, Kansas Prohibited Street Tree Listing

(June 2017)

Prohibited Street Trees			
1.	<i>Abies species (spp.)</i>	Fir	
2.	<i>Acer saccharinum</i>	Silver maple	
3.	<i>Albizia julibrissin</i>	Mimosa	
4.	<i>Celtis occidentalis</i>	Northern hackberry	
5.	<i>Celtis laevigata</i>	Sugar hackberry	
6.	<i>Diospyros virginiana</i>	Persimmon	
7.	<i>Elaeagnus angustifolia</i>	Russian olive	
8.	<i>Fraxinus Americana</i>	White ash	
9.	<i>Fraxinus pennsylvainica</i>	Green ash	
10.	<i>Maclura pomifera</i>	Osage orange – fruited/thorned varieties	
11.	<i>Morus spp.</i>	Mulberry	
12.	<i>Picea spp.</i>	Spruce	
13.	<i>Pinus spp.</i>	Pine	
14.	<i>Platanus acerifolia</i>	London plane tree	
15.	<i>Platanus occidentalis</i>	Sycamore	
16.	<i>Populus spp.</i>	Cottonwood	
17.	<i>Pyrus calleryana</i>	Bradford pear	
18.	<i>Ulmus pumila</i>	Siberian elm	
19.	<i>Ailanthus altimssima</i>	Tree of Heaven	
20.	<i>Acer negundo</i>	Boxelder	
21.	<i>Salix spp.</i>	Willow	
22.	Edible fruit trees		

N^o A 7908

CONSTRUCTION PERMIT

Wyandotte County, Kansas, Ottawa 22, 1971

New Building ☐
 Addition - Repair ☐
 Accessory Bldg. ☐
 Mobile Home ☐
 Fence ☐
 Wall ☐
 Other Facility ☐

Application is hereby made to the Administrative Officer at the Wyandotte County Planning Board for a building permit on the following property:

Section 21 Township 11 Range 24

Lot No. 1 Block No. 1 Subdivision Quinta Court

To be used for: Single Family Res. ☐
 Two Family (Duplex) Res. ☒
 Family Res. ☐
 "E" Apartment Units ☐
 "D" Two Family Res. ☐
 Industrial ☐
 Commercial ☐
 Professional ☐
 Planned Commercial ☐
 Church ☐ School ☐
 SEWAGE DISPOSAL
 Public Sewer District No.
 Septic Tank Permit No.

Building Area 732 sq. ft. PER UNIT Zoning District B, C, D, D-1, E, E-1, F, F-1, G, H

Building Height ft. - stories Zoning Map No. 3

Lot Area 90 X 120 sq. ft. Area per family 12,000 sq. ft.

If building is to be structurally altered describe: Constructing a two-family dwelling on first plat from attached

ADDRESS ASSIGNED
609-611 South 75th St.

NO PORTION OF ANY BUILDING SHALL BE BUILT CLOSER THAN: 30 feet to the front property line, 8 feet to either side property line 30 feet to the side street line, or 30 feet to the rear property line.

THIS PERMIT DOES NOT NULLIFY ANY DEED RESTRICTIONS FILED AS PART OF THE SUBDIVISION PLAT. CHECK YOUR DEED.

OWNER HAMILTON & SONS CONST CO ADDRESS 7619 PEARCE PH 324-3535

CONTRACTOR SELF ADDRESS

ARCHITECT ADDRESS

ESTIMATED COST \$ 20,000 FEE \$ 10.00 PER UNIT CASH ☐ CHECK ☒
2000 TOTAL FEE

The undersigned, hereby certifies that the information given herein is correct and that he will comply with the zoning resolutions of Wyandotte County, Kansas.

 Administrative Officer

 Owner Agent

IMPORTANT

- This Permit expires 90 days from above date.
- Basement or Garage Dwellings not allowed.
- This Permit Not Transferrable.
- Post Blue Permit Card within view.

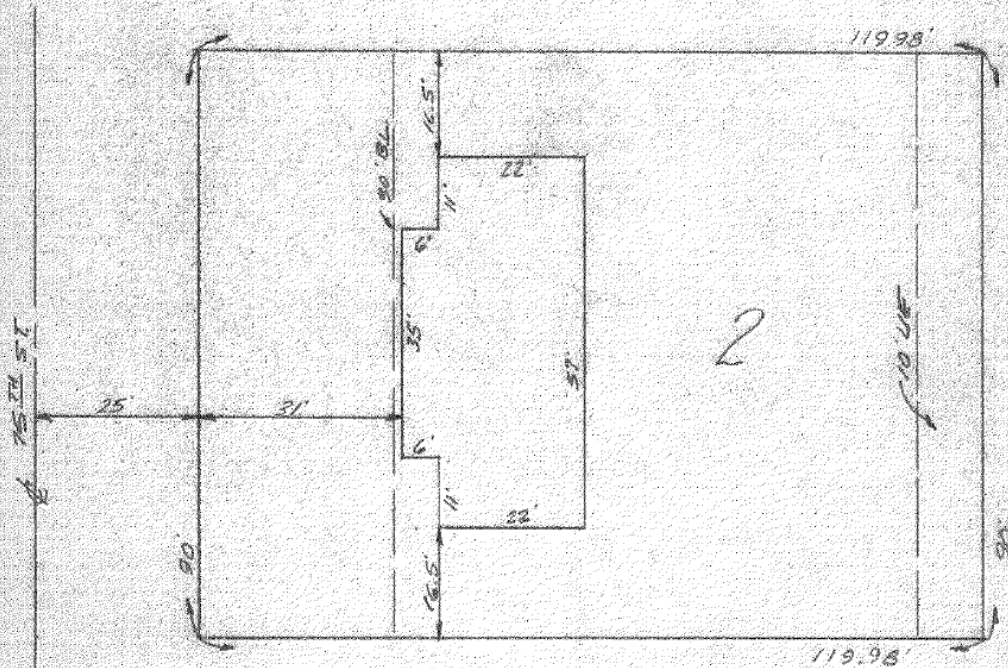
Na

ORDERED BY: HAMILTON & SONS CONSTRUCTION CO., 7619 PARALLEL, KANSAS CITY, KANSAS.

N



SCALE:
1" = 20'



KANSAS CITY, KANSAS *Sept 17* 19*71*

TELEPHONE 200-6-71

Page 1 of 7

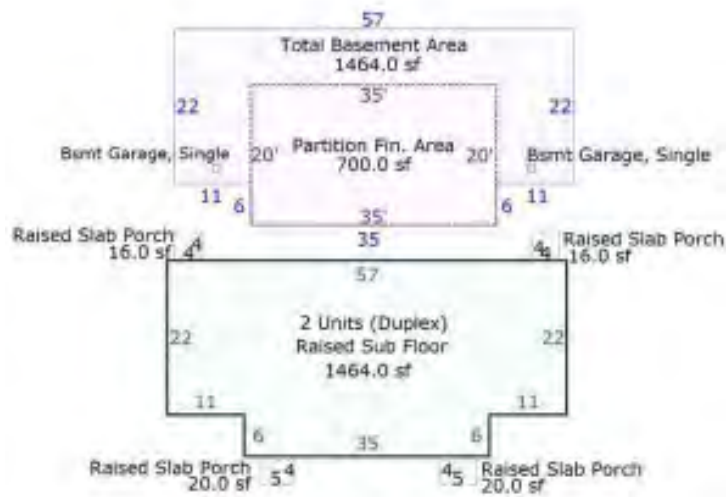


Figure 4. Existing Floor Plan 609-611 South 75th Street (provided by the applicant).

Neighborhood Meeting MINUTES:

Application Number **COZ2021-024 and COZ2021-025**

Date and Location: **7/21/2021, 6pm, Via Zoom**

Meeting called to order at: **6:00 pm**

Names of people in attendance:

Ron Wu

Edward Wu

Eli Nitz (Ron Wu and Edward Wu's Property Manager)

Introductions:

Introduced the application to the participants and reason for the re-zone from R-1 to R-2.

Questions and answers (include the following):

No Questions were asked

Meeting adjourned at: **6:30 PM**

Minutes taken by: **Ron Wu**



Figure 5. Site Photograph of 609 – 611 South 75th Street (provided by the applicant).



Figure 6. Site photograph of 609 - 611 South 75th Street (provided by the applicant).



Figure 7. Site Photograph of 609 – 611 South 75th Street (provided by the applicant).



Figure 8. Site Photograph of 609 – 611 South 75th Street (provided by the applicant).



Figure 9. Site Photograph of 609 – 611 South 75th Street (provided by the applicant).



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 30, 2021

Re: Master Plan Amendment Petition MPL2021-15

GENERAL INFORMATION

Applicant:
Ron Wu

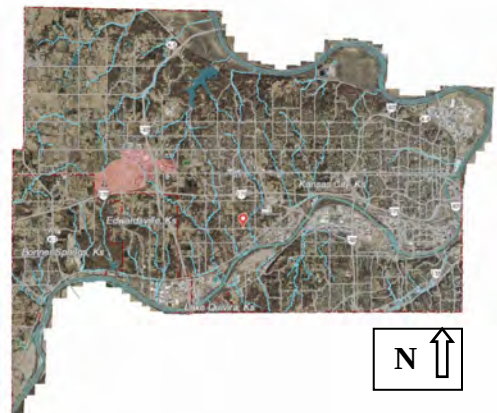
Status of Applicant:
Representative
304 Shadow Oaks
Irvine, CA 92618

Requested Action:
Approve Master Plan Amendment

Date of Application:
July 30, 2021

Purpose:
Master Plan Amendment from Low Density
Residential to Medium Density Residential (City-Wide
Master Plan)

Property Location:
617 – 619 South 75th Street



Commission Districts:	Commissioner At-Large: Tom Burroughs District #7 Commissioner: Jim Walters		
Existing Zoning:	R-1 Single Family District (approved to R-2 Two Family District)		
Adjacent Zoning:	North:	R-1 Single Family District	
	South:	R-1 Single Family District	
	East:	R-1 Single Family District	
	West:	R-1 Single Family District	
Adjacent Uses:	North:	Duplex	
	South:	Undeveloped land	
	East:	Single family homes	
	West:	Duplex	
Total Tract Size:	0.48 Acres		
Master Plan Area:	City-Wide Master Plan		
Master Plan Designation:	The City-Wide Master Plan designates this property as Low Density Residential, which allows single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, parks and open space.		
Major Street Plan:	The Major Street Plan classifies South 75 th Street as a Local Street and Kansas Avenue as a Class C Thoroughfare.		
Required Parking:	Sec. 27-456(d) Two (2) off-street parking spaces shall be provided on the premises for each dwelling unit, at least one of which shall be in a garage or carport. When no more than two (2) off-street parking spaces are provided for each dwelling unit on the premises, and when the lot has less than twenty (20) feet of continuous street curb length for each dwelling unit, and where visitor and guest parking spaces are not provided elsewhere, the front yard setback measure from the front lot line to the garage door shall not be less than thirty-six (36) feet, and space shall be provided in the drive for the parking of two (2) passenger cars for each dwelling unit. Four (4) parking spaces are required. Four (4) spaces are provided, two (2) of which are in a garage.		
Advertisement:	Property Owner Letters – August 20, 2021 and September 24, 2021 <u>Wyandotte Echo</u> – August 19, 2021		
Public Hearings:	September 13, 2021 and September 30, 2021		

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ron Wu wants to amend the City-Wide Master Plan from Low Density Residential to Medium Density Residential at 617 – 619 South 75th Street to purchase the property. This is a follow-up and condition of approval for the recently approved COZ2021-014.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

Code Enforcement History: There were Code Enforcement citations on the property from 2016 – 2021 for weeds, furniture outside the property, vehicles with no registration and trash.

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

The character of the neighborhood is exclusively comprised of duplexes on South 75th Street, with single-family homes to the east. This area, south of Kansas Avenue is a small, established neighborhood.

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

The proposed development will not increase the traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems because the use is existing and there are no changes proposed on the property.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

UG provides sanitary sewer service.

c. *Storm water control*

Designed to meet City Code.

d. Police

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

e. Fire

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

f. Transit

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

g. Schools

Public education is provided by Turner USD 202.

h. Environment

The site is an existing duplex. There is no benefit or detriment to the proposed use on the property.

4. The difference between the existing and proposed Master Plan.

The most significant difference between the Low Density Residential and Medium Density Residential is attached single-family homes, duplexes and townhomes.

5. Analysis of the impact on surrounding properties.

There would seem to be no negative impact to surrounding properties as the residences on South 75th Street are duplexes.

6. Estimate the future costs and revenues to the Unified Government and property owner and Market Impact.

There would seem to be very little liability on the part of the Unified Government. Given that this is an existing duplex, the typical discussions of future infrastructure cost and maintenance are not necessary at this time.

There is no assessment of the benefit to the property owners. Presumably the owners feel this would be a financial benefit and the marketability will increase.

PREVIOUS ACTIONS

Change of Zone (COZ2021-024) was recommended for approval by the City Planning Commission on August 9, 2021 and is on the August 26, 2021 Unified Government Board of Commissioners meeting agenda.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in conjunction with the change of zone on July 21, 2021 by Virtual Meeting (Zoom).

KEY ISSUES

Landscaping
Existing Legal, Non-conforming Use

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Master Plan Amendment **MPL2021-015**, subject to:

1. **Trees shall be planted in the front yard. Prior to planting, call a utility location service to mark utilities; and,**
2. **In rented, a rental license from Rental Licensing shall be obtained for two (2) dwelling units.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **MP2020-15** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 13, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Wyandotte County Parks Department Street Tree List
1971 County Building Permit
Floor Plan
Neighborhood Meeting Minutes
Site Photography provided by the Applicant.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	September 13, 2021	September 30, 2021
Master Plan	Approval	
Amendment		

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2021-15**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL-2021-15**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 13, 2021 City Planning Commission Minutes:

Hearing starts at 3:39:20:

MASTER PLAN AMENDMENT APPLICATION MPL2021-014 – RON WU –

SYNOPSIS: Master Plan Amendment from Low Density Residential to Medium Density Residential (City-Wide Master Plan) at 609 and 611 South 75th Street.

Detailed Outline of Requested Action: The applicant, Ron Wu wants to amend the City-Wide Master Plan from Low Density Residential to Medium Density Residential at 609 – 611 South 75th Street to purchase the property. This is a follow-up and condition of approval for the recently approved COZ2021-014.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

Code Enforcement History: There were Code Enforcement citations on the property from 2016 – 2018 for weeds, furniture outside the property and trash.

MASTER PLAN AMENDMENT APPLICATION MPL2021-015 – RON WU –

SYNOPSIS: Master Plan Amendment from Low Density Residential to Medium Density Residential (City-Wide Master Plan) at 617 and 619 South 75th Street.

Detailed Outline of Requested Action: The applicant, Ron Wu wants to amend the City-Wide Master Plan from Low Density Residential to Medium Density Residential at 617 – 619 South 75th Street to purchase the property. This is a follow-up and condition of approval for the recently approved COZ2021-014.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

Code Enforcement History: There were Code Enforcement citations on the property from 2016 – 2021 for weeds, furniture outside the property, vehicles with no registration and trash.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners.

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

Present in Support:

- Ron Wu, applicant, 304 Shadow Oaks, Irvine, CA 92618

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:41:53: Planning Director Hand stated that these applications are both follow up Master Plan Amendments for their respective two (2) Change of Zone applications approved last month. The approval of the Change of Zone applications was contingent on the Master Plan Amendments and the conditions of approval are the same. Staff recommends approval, subject to the conditions in the staff report.

Motion and Vote starts at 3:433:07:

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL** of Master Plan Amendment **MPL2021-014:**

Carson
Connelly

Chairman
Not Present

Ernst	Aye
Hill	Aye
Huey	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Pauley	Aye
Armstrong	Aye

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

- 1. Trees shall be planted in the front yard. Prior to planting, call a utility location service to mark utilities; and,**
- 2. In rented, a rental license from Rental Licensing shall be obtained for two (2) dwelling units.**

On motion by Mrs. Jones, seconded by Dr. Hill, the Planning Commission voted as follows to recommend **APPROVAL** of Master Plan Amendment **MPL2021-015**:

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Subject to:

- 1. Trees shall be planted in the front yard. Prior to planting, call a utility location service to mark utilities; and,**
- 2. In rented, a rental license from Rental Licensing shall be obtained for two (2) dwelling units.**



Figure 1. Aerial Map of 617 – 619 South 75th Street (provided by UG Maps).



Figure 2. Zoning Map of 617 – 619 South 75th Street (provided by UG Maps).

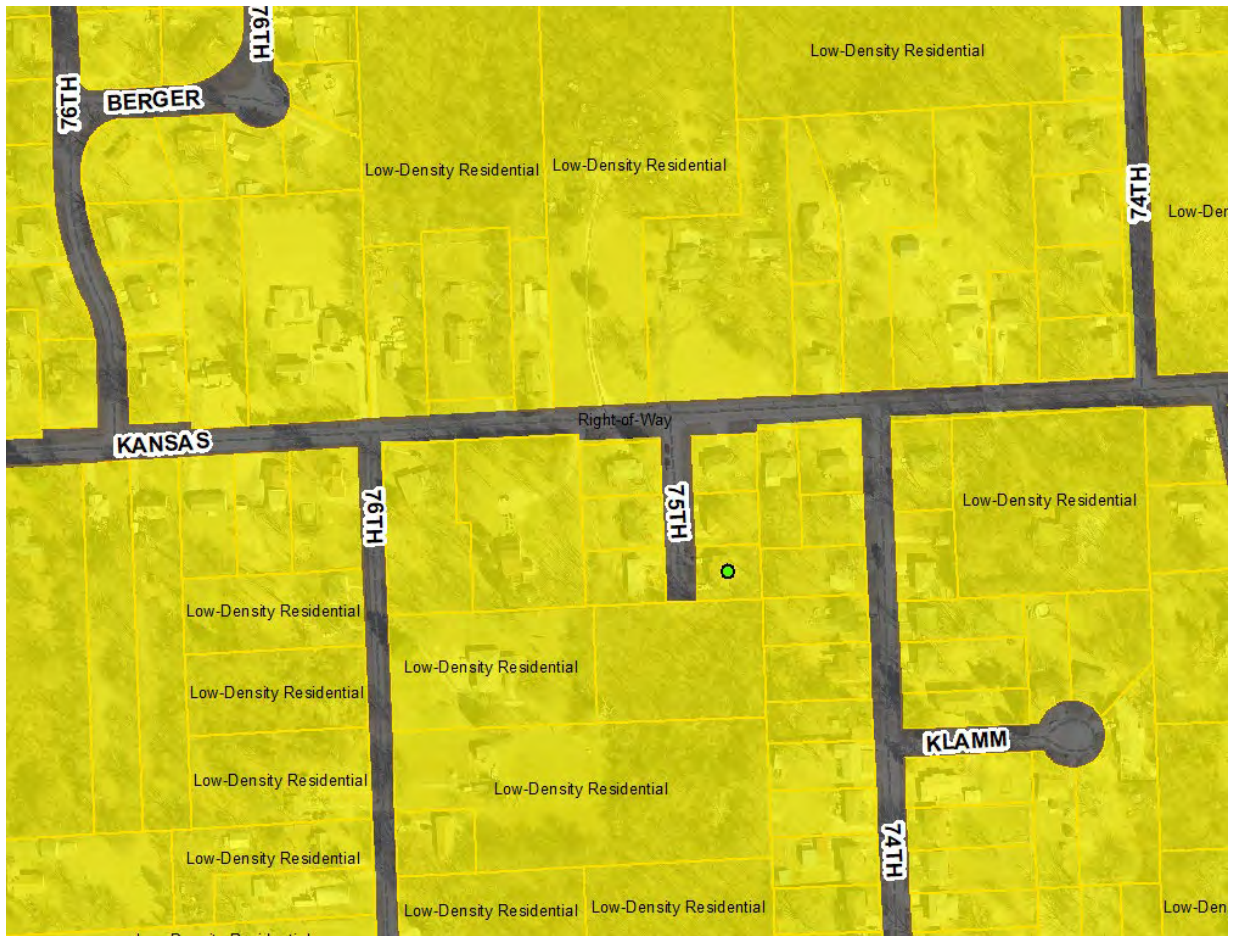


Figure 3. City-Wide Master Plan Land Use Map of 617 – 619 South 75th Street (provided by Arc Map).

Kansas City, Kansas Permitted Street Tree Listing

(June 2017)

A. Small Trees (usually under 25 feet at maturity)			
1.	<i>Acer tataricum</i> subsp. <i>ginnala</i>	Amur maple	
2.	<i>Acer griseum</i>	Paperbark maple	
3.	<i>Acer tataricum</i>	Tatarian maple	'Hotwings'
4.	<i>Acer truncatum</i>	Shantung maple	
5.	<i>Acer truncatum</i> x <i>plantanoides</i>	Norwegian sunset maple	'Warrenred' 'Keithsform'
6.	<i>Amelanchier</i> x <i>grandiflora</i>	Serviceberry*	better cultivar 'Autumn Brilliance'
7.	<i>Cercis</i> species (spp.)	Eastern and Oklahoma redbud	
8.	<i>Malus</i> spp.	Crabapple	'Royal raindrop', 'Adirondack', 'Velvet Pillar'
9.	<i>Syringa pekinensis</i>	China Snow tree lilac	'Morton'
10.	<i>Syringa reticulata</i>	Japanese tree lilac	'Ivory silk'
11.	<i>Prunus virginiana</i>	Common chokecherry*	better cultivars 'Canada Red Improved' and 'Shubert'
B. Medium Trees (usually 25-40 feet at maturity)			
1.	<i>Carpinus betulus</i>	European hornbeam	
2.	<i>Cornus</i> species (spp.)	Dogwood	Typical understory planting. Species selection important for sun tolerance.
3.	<i>Koeleruteria paniculata</i>	Goldenrain tree	
4.	<i>Quercus muehlenbergii</i>	Chinkapin oak	
5.	<i>Acer buergerianum</i>	Trident maple	
6.	<i>Acer campestre</i> 'Evelyn'	Hedge maple	
7.	<i>Acer truncatum</i>	Shantung maple	
8.	<i>Cladrastis kentukea</i>	American yellowwood	
9.	<i>Maclura pomifera</i>	Osage-orange	Male cultivars only 'Whiteshield', 'Wichita'
10.	<i>Ulmus propinqua</i> 'JFS-Beiberich'	Emerald Sunshine elm	New introduction from OK proven in KS
C. Large Trees (usually 40 feet or larger at maturity)			
1.	<i>Acer miyabei</i>	Miyabei maple	'State Street'
2.	<i>Acer plantanoides</i>	Norway maple	
3.	<i>Acer saccharum</i>	Sugar maple	Suggested cultivar 'Hiawatha 1'
4.	<i>Acer saccharum</i> var. <i>caddo</i>	Caddo sugar maple	Heat and drought tolerant. Cultivars 'John Pair' and 'Autumn Splendor'
5.	<i>Betula nigra</i>	River birch	Single stem only
6.	<i>Corylus colurna</i>	Turkish filbert	Needs large space
7.	<i>Ginkgo biloba</i>	Ginkgo	Male cultivars only
8.	<i>Gleditsia triacanthos inermis</i>	Thornless Honeylocust	'Imperial' 'Shademaster' 'Skyline'

	Permitted Large Trees		
9.	<i>Gymnocladus dioica</i>	Kentucky coffeetree	Male cultivars available. Durable native.
10.	<i>Liquidambar styraciflua</i>	Sweetgum	Male cultivars only
11.	<i>Metasequoia glyptostroboides</i>	Dawn redwood	Needs large space
12.	<i>Nyssa sylvatica</i>	Black gum	
13.	<i>Quercus acutissima</i>	Sawtooth oak	
14.	<i>Quercus alba</i>	White oak	
15.	<i>Quercus bicolor</i>	Swamp white oak	Soil pH should be determined
16.	<i>Quercus coccinea</i>	Scarlet oak	
17.	<i>Quercus imbricaria</i>	Shingle oak	
18.	<i>Quercus lyrata</i>	Overcup oak	
19.	<i>Quercus macrocarpa</i>	Bur oak	
20.	<i>Quercus phellos</i>	Willow oak	
21.	<i>Quercus robur</i>	English oak	Choose mildew resistant cultivars
22.	<i>Quercus rubra</i>	Northern red oak	Soil pH should be determined
23.	<i>Quercus shumardii</i>	Shumard oak	
24.	<i>Taxodium distichum</i>	Baldcypress	
25.	<i>Tilia cordata</i>	Littleleaf linden	
26.	<i>Tilia tomentosa</i>	Silver linden	Cultivars 'Sterling Silver' 'Green Mountain'
27.	<i>Tilia Americana</i>	American linden	
28.	<i>Ulmus americana</i>	American elm	Cultivars resistant to Dutch elm disease; 'New Harmony', 'Princeton', 'Lewis and Clark', 'Jefferson'
29.	<i>Ulmus parvifolia</i>	Lacebark elm	'Elmer II'
30.	<i>Ulmus wilsoniana</i>	Prospector elm	
31.	<i>Zelkova serrata</i>	Zelkova, columnar or Japanese	'Musashino' 'Village green' 'Green vase'

* Fruits produced - site selection important

Kansas City, Kansas Prohibited Street Tree Listing

(June 2017)

Prohibited Street Trees			
1.	<i>Abies species (spp.)</i>	Fir	
2.	<i>Acer saccharinum</i>	Silver maple	
3.	<i>Albizia julibrissin</i>	Mimosa	
4.	<i>Celtis occidentalis</i>	Northern hackberry	
5.	<i>Celtis laevigata</i>	Sugar hackberry	
6.	<i>Diospyros virginiana</i>	Persimmon	
7.	<i>Elaeagnus angustifolia</i>	Russian olive	
8.	<i>Fraxinus Americana</i>	White ash	
9.	<i>Fraxinus pennsylvainica</i>	Green ash	
10.	<i>Maclura pomifera</i>	Osage orange – fruited/thorned varieties	
11.	<i>Morus spp.</i>	Mulberry	
12.	<i>Picea spp.</i>	Spruce	
13.	<i>Pinus spp.</i>	Pine	
14.	<i>Platanus acerifolia</i>	London plane tree	
15.	<i>Platanus occidentalis</i>	Sycamore	
16.	<i>Populus spp.</i>	Cottonwood	
17.	<i>Pyrus calleryana</i>	Bradford pear	
18.	<i>Ulmus pumila</i>	Siberian elm	
19.	<i>Ailanthus altimssima</i>	Tree of Heaven	
20.	<i>Acer negundo</i>	Boxelder	
21.	<i>Salix spp.</i>	Willow	
22.	Edible fruit trees		

IN 7907

CONSTRUCTION PERMIT

Wyandotte County, Kansas, October 22, 1971

New Building ☒
 Addition - Repair ☐
 Accessory Bldg. ☐
 Mobile Home ☐
 Fence ☐
 Wall ☐
 Other Facility ☐

Application is hereby made to the Administrative Officer at the Wyandotte County Planning Board for a building permit on the following property:

Section 21 Township 11 Range 24

Lot No. 3 Block No. _____ Subdivision Sanctuary Court

To be used for: Single Family Res. ☐
 Two Family (Duplex) Res. ☒
 Family Res. ☐
 "E" Apartment Units ☐
 "D-I" Two Family Res. ☐
 Industrial ☐
 Commercial ☐
 Professional ☐
 Planned Commercial ☐
 Church ☐ School ☐
 SEWAGE DISPOSAL
 Public Sewer District No. _____
 Septic Tank Permit No. _____

Building Area 732 sq. ft. Zoning District B, C, D, D-I, E, E-I, F, F-I, G, H

Building Height _____ ft. - stories Zoning Map No. 5

Lot Area 981.13 sq. ft. Area per family 10,000 sq. ft.

If building is to be structurally altered describe: Constructing a two-family dwelling on first plot shown attached

ADDRESS ASSIGNED

617-619 SOUTH 75TH ST.

NO PORTION OF ANY BUILDING SHALL BE BUILT CLOSER THAN: 30 feet to the front property line, 8 feet to either side property line 30 feet to the side street line, or 30 feet to the rear property line.

THIS PERMIT DOES NOT NULLIFY ANY DEED RESTRICTIONS FILED AS PART OF THE SUBDIVISION PLAT. CHECK YOUR DEED.

OWNER Hamilton & Sons Const. Co. ADDRESS 2619 PARALLEL PH 384-3835

CONTRACTOR SELF ADDRESS _____

ARCHITECT _____ ADDRESS _____

ESTIMATED COST \$ 25,000 FEE \$ 10.00 PER UNIT CASH ☐ CHECK ☒

The undersigned, hereby certifies that the information given herein is correct and that he will comply with the zoning resolutions of Wyandotte County, Kansas.

Donald Jackson
 Administrative Officer

George D. Pearson
 Owner Agent

IMPORTANT

- This Permit expires 90 days from above date.
- Basement or Garage Dwellings not allowed.
- This Permit Not Transferrable.
- Post Blue Permit Card within view.

No change in relative power of the

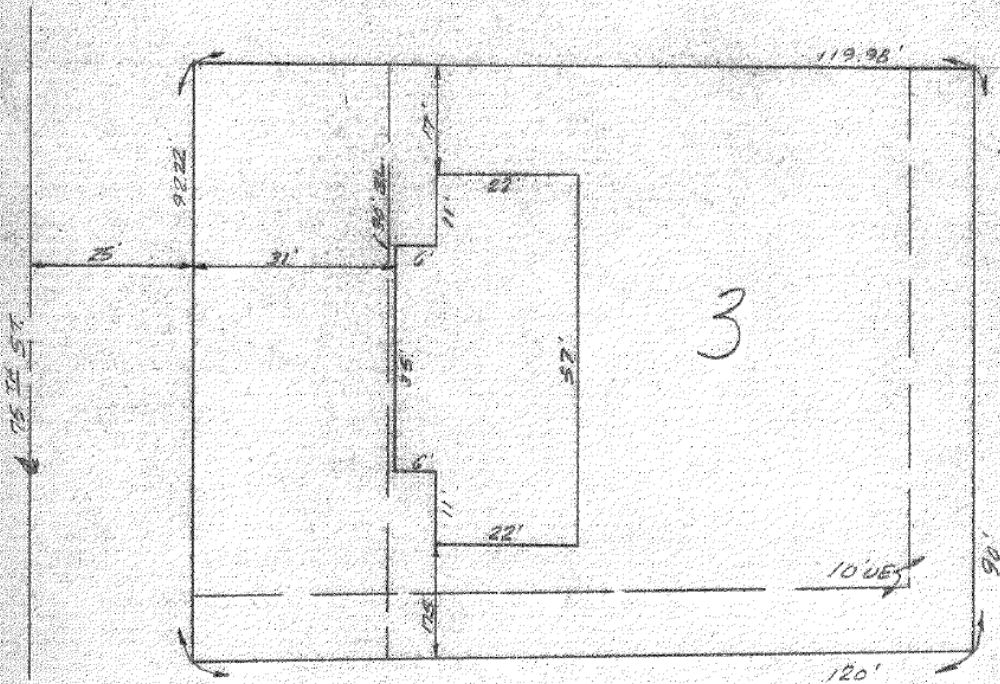
ORDERED BY: HAMILTON & SONS CONSTRUCTION CO., 7619 PARALLEL, KANSAS
CITY, KANSAS.

DESCRIPTION: LOT 3, GRINTER COURT A SUBDIVISION IN WYANDOTTE COUNTY,
KANSAS.



SCALE:

1 1/2 20



KANSAS CITY, KANSAS. *Sept 17* 1971

SAKIN 200-6-71

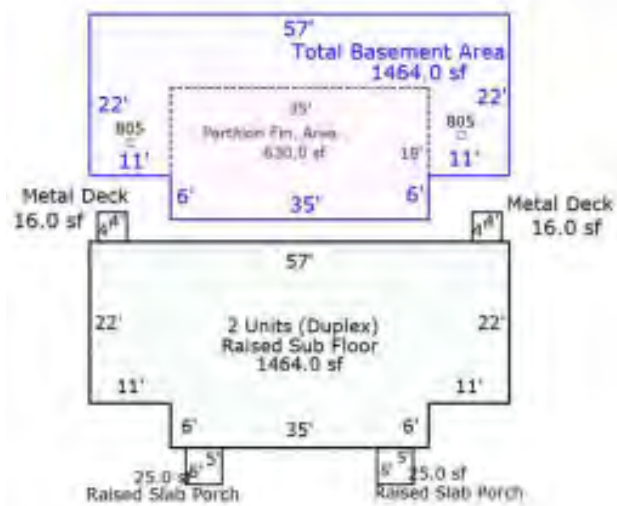


Figure 4. Existing Floor Plan 607-619 South 75th Street (provided by the applicant).

Neighborhood Meeting MINUTES:

Application Number **COZ2021-024 and COZ2021-025**

Date and Location: **7/21/2021, 6pm, Via Zoom**

Meeting called to order at: **6:00 pm**

Names of people in attendance:

Ron Wu

Edward Wu

Eli Nitz (Ron Wu and Edward Wu's Property Manager)

Introductions:

Introduced the application to the participants and reason for the re-zone from R-1 to R-2.

Questions and answers (include the following):

No Questions were asked

Meeting adjourned at: **6:30 PM**

Minutes taken by: **Ron Wu**



Figure 5. Site Photograph of 617 – 619 South 75th Street (provided by the applicant).



Figure 6. Site photograph of 617 - 619 South 75th Street (provided by the applicant).



Figure 7. Site Photograph of 617 – 619 South 75th Street (provided by the applicant).



Figure 8. Site Photograph of 617 – 619 South 75th Street (provided by the applicant).



Figure 10. Site Photograph of 617 – 619 South 75th Street (provided by the applicant).



Figure 10. Site Photograph of 617 – 619 South 75th Street (provided by the applicant).



Urban Design + Planning

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

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

To: Unified Government Board of Commissioners

From: City Staff

Date: September 30, 2021

Re: **Modification to the Floodplain Overlay District to allow after the fact building permits to be issued if improvements were completed and legal under previously adopted versions floodplain ordinance.**

GENERAL INFORMATION

Applicant: Unified Government of Wyandotte County/Kansas City,
Kansas – Economic Development Department
701 North 7th Street, Suite 421
Kansas City, KS 66101

Requested Action: Amend the floodplain overlay district

Purpose: To allow after the fact permits to be issued if improvements were completed and legal under previously adopted versions floodplain ordinance.

Property Location: N/A

Advertisement: August 19, 2021

Public Hearings: September 13, 2021 and September 30, 2021

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: Section 27.552.a.1 provides that the current ordinance must be satisfied to issue permits. The modification would give until the December 31, 2022, for property owners, businesses, applicants, and/or other persons that had improvements installed during a prior iteration of the floodplain ordinance that would have been legal under the previous ordinance and version of the floodplain during the time of construction to be issued after the fact permits (retroactive). All after the fact permits are charged a double permit fee. This is necessary as variances for this type of permit are not allowed. Failing to do so would potentially require the removal of millions of dollars of property from what is currently floodplain, but was not at the time of construction without proper appeals, processes and permits. Many factors lead to this situation not the least of which is an owner believing the contractor obtained the proper permit.

This is an effort by the new Development Success team to allow review of construction that would have been legally permitted if a permit had been obtained at the time of construction. We know of two potential instances where this ordinance may be utilized by local businesses to preserve existing investments where possible should define process, mitigation resources, and other approvals that will be received in this new methodology.

The proposed amendment is below (proposed text is underlined):

Sec. 27-552. - Provisions for flood hazard reduction.

a) General standards.

(1) No permit for floodplain development shall be granted for new construction, substantial improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones, AE, AO, and AH zones, unless the conditions of this section are satisfied or if:

a. The construction would have been legal at the time of construction under a previous edition of the Floodplain Overlay district;

b. the after the fact permit is issued before December 31, 2022;
and,

c. The project must go through an administrative site plan review through the Development Review Committee (DRC).

KEY ISSUES

Floodplain ordinance
Review process
Mitigation measures
Retroactive appeals and permits

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of this ordinance amendment.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of this **floodplain amendment** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

September 13, 2021 City Planning Commission Minutes
Letter of Support from Kansas Department of Agriculture
Proposed Amendment

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Board of Commissioners
Public Hearing	September 13, 2021	September 30, 2021
	Approval	

STAFF CONTACT: **Rob Richardson, AICP**
rrichardson@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** this ordinance amendment, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary

to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

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

September 13, 2021 City Planning Commission Minutes:

Hearing starts at 3:45:20:

MPL2021-020 – GUNNAR H. HAND WITH PLANNING AND URBAN DESIGN –

SYNOPSIS: An amendment to modify Section 27, Division 5, Subdivision 3, the Floodplain District to allow after the fact permitting of structures within the floodplain that conformed to the ordinance at the time they were built.

Present in Support:

- Gunnar H. Hand, AICP, Director of Planning

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:48:13: Planning Director Hand stated that Staff recommends approval of this Floodplain Ordinance Amendment. He stated that it will not affect Floodplain insurance and there is a sunset clause of one (1) year.

Motion and Vote starts at 3:48:47:

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of this Floodplain Ordinance Amendment:

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Hill	Aye
Huey	Aye

Jones Aye

Miller Aye

Mohler Aye

Pauley Aye

Armstrong Aye

Motion to RECOMMEND APPROVAL Passed: 8 to 0

Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615



Phone: 785-296-5733
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

September 23, 2021

Kim Portillo
Planner
701 N 7th St., Suite 423
Kansas City, Ks 66101

Subject: Floodplain Management Ordinance for Unified Government of Wyandotte County/Kansas City, Kansas

Dear Ms. Portillo,

The floodplain management regulations submitted for the Unified Government of Wyandotte County/Kansas City, Kansas were received for review on September 22, 2021. The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, acting under terms of K.S.A. 12-766, and the administrative regulations adopted pursuant thereto (K.A.R. 5-44-1 through 7) approved your regulations on September 23, 2021. An approved draft copy of the regulations is returned for action by the governing body.

When the governing body has officially adopted the regulations, please send a signed copy of the adopted document to me. We will also need a copy of the proof of publication for our files as well as proof of publication for the notice of public hearing. I will send the documentation to FEMA for you. Please call me at (785)-296-0854 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheyenne Sun Eagle".

Cheyenne Sun Eagle
NFIP Specialist

Enclosures:
Approved Draft Document

ORDINANCE NO. _____

AN ORDINANCE amending language to address retroactive the issuance of permits for construction within the floodplain in **Section 27-552**, Chapter 27, Article VIII, Division 5, Subdivision III of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

WHEREAS, the special flood hazard areas in the city are subject to inundation which results in the loss of life and property, in health and safety hazards, in the disruption of commerce and governmental services, in extraordinary public expenditures for flood protection and relief, and in impairment of the tax base; and,

WHEREAS, the results of flood inundations all adversely affect the public health, safety and general welfare; and,

WHEREAS, these flood losses are caused by the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages; and,

WHEREAS, it is the purpose of Chapter 27, Article VIII, Division 5, Subdivision III to promote the public health, safety, and general welfare; to minimize those losses described in subsection 27-549 b(1); to establish or maintain the city's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) and K.A.R. 5-44-4; and,

WHEREAS, Subdivision III achieves such purposes by applying provisions to restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities, to require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction, and to protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard; and,

WHEREAS, the importance of achieving and ensuring safe development and construction in the special flood hazard areas is paramount.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

That Chapter 27, Planning and Development, Article VIII, Section 27-522 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

27-552 – Provisions for flood hazard reduction

(a) General standards.

- (1) No permit for floodplain development shall be granted for new construction, substantial improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones, AE, AO, and AH zones, unless the conditions of this section are satisfied, or if:
 - a. The construction would have been legal at the time of construction under a previous edition of the Floodplain Overlay District;
 - b. The after-the-fact permit is issued before December 31, 2022; and,
 - c. The project site plan is administratively reviewed by the director or their designee. If the director determines that the site plan meets the terms of subsections a and b, the director or their designee shall approve the application.
- a. *Determination of completeness.* Applications shall be submitted to the director for a determination of completeness pursuant to section 27-198.
- b. *Appeal.* Determinations made by the director, or their designee may be appealed to the planning commission.
- (2) All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this subdivision. If flood insurance study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from federal, state, or other sources.
- (3) Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any unnumbered or numbered A zones, or AE zones on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (4) All new construction, subdivision proposals, substantial improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:
 - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;

- d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding; and
 - f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 - 1. All such proposals are consistent with the need to minimize flood damage;
 - 2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - 3. Adequate drainage is provided so as to reduce exposure to flood hazards; and
 - 4. All proposals for development, including proposals for manufactured home parks and subdivisions, of five acres or 50 lots, whichever is lesser, include within such proposals base flood elevation data.
- (5) Storage, material, and equipment.
- a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.
- (6) Nonconforming uses. A structure, or the use of a structure or premises that was lawful before the passage or amendment of this subdivision, but which is not in conformity with the provisions of this subdivision, may be continued subject to the following conditions:
- a. If such structure, use, or utility service is discontinued for 18 consecutive months, any future use of the building shall conform to this subdivision.
 - b. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the pre-damaged market value of the structure. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, safety codes, regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.
- (b) Specific standards.
- (1) In all areas identified as numbered and unnumbered A zones, AE, and AH zones, where base flood elevation data have been provided, as set forth in subsection 27-552(a)(2), the following provisions are required:
- a. Residential construction. New construction, substantial improvement, or substantial damage of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated a minimum of 18 inches above base flood elevation. The elevation of the lowest floor shall be certified by a licensed land

surveyor or professional engineer. Substantial improvement or substantial damage is applied when the combined total of improvements or repairs made to the structure in the calendar year exceeds 50 percent of the structure's market value.

All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed to be elevated to a minimum of 18 inches above the base flood elevation and in accordance with section 27-552.

When fill is used, the top layer shall be above the BFE and in accordance with adopted building code standards. Fill shall not adversely affect the flow or surface drainage from or onto neighboring properties.

Retrofitting a pre-firm single family residence that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding may be retrofitted to meet the design standards for insurance ratings as specified in FEMA flood insurance manual, lowest floor guide. Owners may voluntarily choose to wet floodproof. Any mechanical, electrical, or other utility equipment must be located 18 inches above the base flood elevation. Designs for meeting this requirement must either be certified by a registered professional engineer or architect and meet or exceed the following minimum criteria National Flood Insurance Program (NFIP) opening requirements. If wet floodproofing techniques are utilized, a certificate of wet floodproofing shall be provided by a registered professional engineer or architect.

Pre-firm accessory structure in a single family residential zoned district, that are subject to flooding may be retrofitted to meet the design criteria for automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Owners may voluntarily choose to wet floodproof an accessory structure to reduce potential flood damage. Designs for meeting this requirement must either be certified by a registered professional engineer or architect and meet or exceed the following minimum criteria National Flood Insurance Program (NFIP) opening requirements.

- b. Non-residential construction. New construction, substantial improvement or substantial damage of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated a minimum of 18 inches above the base flood elevation or, together with attendant utility and sanitary facilities in accordance with section 27-552, be dry floodproofed to a minimum of 18 inches above the base flood elevation. A registered professional engineer and/or architect shall certify that the standards of this subsection are satisfied. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer. Such certification shall be provided to the floodplain administrator as set forth in subsections 27-551(c)(7)–(9). Substantial improvement or substantial damage is applied when the combined total of improvements or repairs made to the structure in the calendar year exceeds 50 percent of the structure's market value.

When fill is used, the top layer shall be above the BFE and in accordance with adopted building code standards. Fill shall not adversely affect the flow or surface drainage from or onto neighboring properties.

- c. Require, for all new construction and substantial improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - 1. The structure must provide one square inch of venting for every square foot of enclosed area;
 - 2. The structure must provide at least two vents located on different sides of the structure, with one being located on the upstream side of the structure, if possible;
 - 3. The bottom of required vents must be no higher than one foot above grade;
 - 4. The required vents must be freely open with no human interventions required and be equipped with screens, louvers, valves, or other coverings or devices provided that they permit automatic entry and exit of floodwaters;
 - 5. The area below the base flood elevation must be unfinished and constructed of flood-resistant materials as the same are defined by FEMA. Sheetrock or drywall used for fire protection is permitted in unfinished areas;
 - 6. All ductwork, heating, ventilation and air conditioning systems, electrical and hot water heaters included as part of the structure must be elevated a minimum of 18 inches above the base flood elevation;
 - 7. All of the above required features must be shown on the plan submitted for the floodplain development permit;
 - 8. An elevation certificate must document the venting features included in a structure and be filed with the floodplain administrator before the structure is occupied.
- (c) Manufactured homes.
 - (1) All manufactured homes to be placed within all unnumbered and numbered A zones, AE, and AH zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 - (2) Require manufactured homes that are placed or substantially improved within unnumbered or numbered A zones, AE, and AH zones, on the community's FIRM on sites:
 - a. Outside of a manufactured home park or subdivision;
 - b. In a new manufactured home park or subdivision;
 - c. In an expansion to an existing manufactured home park or subdivision; or
 - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, be elevated on a permanent

foundation such that the lowest floor of the manufactured home is elevated a minimum of 18 inches above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.

- (3) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones, AE and AH zones, on the community's FIRM, that are not subject to the provisions of subsection 27-551(c)(2) of this subdivision, be elevated so that either:
 - a. The lowest floor of the manufactured home is a minimum of 18 inches above the base flood level; or
 - b. Reserved.
 - ~~c. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.~~
- (d) Appurtenant structure/accessory structure. Agriculture structure, or accessory structure with two or less outside rigid walls and a fully secured roof, or an accessory structure used solely for parking and limited storage purposes, not attached to any other structure on the site, and of limited investment value may be constructed at-grade and wet-floodproofed (flood vents and flood openings) provided there is no human habitation or occupancy of the structure; that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Accessory structure shall be in conformance with section 27, article VIII, zoning and accessory uses. Designs for meeting this requirement must either be certified by a registered professional engineer or architect and meet or exceed the following minimum criteria National Flood Insurance Program (NFIP) opening requirements.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for agricultural structures and accessory structures that are constructed at grade and wet-floodproofed.

- (1) Use of the accessory structures must be solely for parking and limited storage purposes in zones A, AE, AO, and AH only as identified on the community's flood insurance rate map (FIRM).
- (2) For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood resistant materials. If floodproofing techniques are utilized, a certificate of floodproofing shall be provided by a registered professional engineer or architect.
- (3) The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures. All of the building's structural components must be capable of resisting specific flood related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
- (4) Any mechanical, electrical, or other utility equipment must be located 18 inches above the base flood elevation.

- (5) The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters. If wet floodproofing techniques are utilized, a certificate of floodproofing shall be provided by a registered professional engineer or architect.
- (6) Reserved.
- (7) Equipment, machinery, or other contents must be protected from any flood damage and in accordance with subsections 27-522(5)(a) and (b). Equipment such as scales, may be floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions. If floodproofing techniques are utilized, a certificate of floodproofing shall be provided by a registered professional engineer or architect.
- (8) Reserved.
- (9) All of the above required features must be shown on the plan submitted for the floodplain development permit.
- (10) An elevation certificate must document the features included in a structure and be filed with the floodplain administrator before the structure is occupied.
- (e) Areas of shallow flooding (AO and AH zones). Located within the areas of special flood hazard as described in subsection 27-550(a) are areas designated as AO zones. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply:
 - (1) AO zones.
 - a. All new construction and substantial improvements of residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
 - b. All new construction and substantial improvements of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community FIRM (at least two feet if no depth number is specified) or together with attendant utilities and sanitary facilities be completely floodproofed to that level so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. Adequate drainage paths shall be required around structures on slopes, in order to guide floodwaters around and away from proposed structures.
 - (2) AH zones.
 - a. The specific standards for all areas of special flood hazard where base flood elevation has been provided shall be required as set forth in subsection 27-552(b).
 - b. Adequate drainage paths shall be required around structures on slopes, in order to guide floodwaters around and away from proposed structures.
- (f) Floodway. Located within areas of special flood hazard established in subsection 27-550(a) are areas designated as floodways. Since the floodway is an extremely hazardous area due to

the velocity of floodwaters that carry debris and potential projectiles, the following provisions shall apply:

- (1) The unified government shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.
- (2) The unified government shall prohibit any encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the city during the occurrence of the base flood discharge.
- (3) If subsection 27-552(e)(2), is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 27-552.
- (4) In unnumbered A zones, the unified government shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from federal, state, or other sources as set forth in subsection 27-552(a)(2).
- (g) Recreational vehicles. Require that recreational vehicles placed on sites within all unnumbered and numbered A zones, AE, AH, and AO zones on the city's FIRM either:
 - (1) Be on the site for fewer than 180 consecutive days, or
 - (2) Be fully licensed and ready for highway use ^[11]; or
 - (3) Meet the permitting, elevation, and anchoring requirements for manufactured homes of this subdivision.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS 30th DAY OF SEPTEMBER, 2021.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

APPROVED
This 23 day of September, 2021
Steve Samuelson for Earl Lewis
Earl D. Lewis, Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

(First published _____)

COZ2021-020

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 725 North 74th Drive in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family, RP-4 Planned Garden Apartment and RP-5 Planned Apartment Districts to MP-2 Planned General Industrial District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on May 28, 2021, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family, RP-4 Planned Garden Apartment and RP-5 Planned Apartment Districts to MP-2 Planned General Industrial District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

All of Lots 1 and 3, Delaware Park, a subdivision in the City of Kansas City, Wyandotte County, Kansas, and all that part of Sections 9 and 10, all in Township 11 South, Range 24 East, in the City of Kansas City, Wyandotte County, Kansas being more particularly described as follows (the basis of bearing for this real property description is the Kansas Regional Coordinate System, Zone 11): beginning at the northeast corner of said Lot 3, Delaware park, thence South 00 degrees 02 minutes 17 seconds East (South 01 degree 46 minutes 49 seconds East plat) with the east line of said Lot 3, a distance of 410.46 feet; thence North 89 degrees 46 minutes 48 seconds East (North 88 degrees 02 minutes 19 seconds East plat) continuing with the east line of said Lot 3, a distance of 25.00 feet to a point on the Wyandotte - Delaware Reserve line; thence South 00 degrees 02 minutes 17 seconds East (South 01 degree 46 minutes 49

seconds East plat) continuing with the east line of said Lot 3 and with the east line of Lot 1, Delaware Park, and with the Wyandotte - Delaware Reserve line, a distance of 319.18 feet; thence North 89 degrees 23 minutes 11 seconds East, and no longer with the east line of said Lot 1, Delaware Park and also no longer with the Wyandotte - Delaware Reserve line, a distance of 330.61 feet to a point on the west right-of-way line of 71st Street, as it now exists; thence South 08 degrees 37 minutes 53 seconds East (South 08 degrees 03 minutes 11 seconds East plat) with the west right-of-way line of 71st Street, a distance of 298.06 feet (293.24 feet plat) to a point on the southerly right-of-way line of Garden Drive, as it now exists; thence South 43 degrees 02 minutes 53 seconds East (South 42 degrees 16 minutes 10 seconds East plat) with the southerly right-of-way line of Garden Drive, a distance of 336.48 feet (337.80 feet plat) to the northwest corner of Play Area, as shown on the recorded plat of Redwood Gardens; thence South 03 degrees 12 minutes 06 seconds West (South 04 degrees 03 minutes 50 seconds West plat) and no longer with the southerly right-of-way line of Garden Drive, with the west line of Play Area and its southerly prolongation, a distance of 775.59 feet to a point on the north line of the Southeast Quarter of aforesaid Section 9; thence North 88 degrees 31 minutes 25 seconds East, with the north line of the Southeast Quarter of said Section 9, a distance of 280.62 feet to the northwest corner of the Southwest Quarter of aforesaid Section 10; thence South 89 degrees 34 minutes 51 seconds East, with the north line of the Southwest Quarter of said Section 10, a distance of 424.20 feet; thence South 00 degrees 19 minutes 52 seconds East, a distance of 883.68 feet to a point on the north right-of-way line of Interstate 70, as it now exists; thence South 57 degrees 33 minutes 59 seconds West, with the north right-of-way line of Interstate 70, a distance of 416.26 feet; thence North 89 degrees 08 minutes 57 seconds West, continuing with the north right-of-way line of Interstate 70, a distance of 71.67 feet to a point on the east line of the Southeast Quarter of said Section 9; thence continuing North 89 degrees 08 minutes 57 seconds West, with the north right-of-way line of Interstate 70, a distance of 349.78 feet to a point of curvature; thence continuing with the north right-of-way line of Interstate 70 on a curve to the left having a radius of 11609.16 feet, a central angle of 02 degrees 27 minutes 50 seconds, an arc distance of 499.23 feet to a point on the west right-of-way line of N. 72nd Street, as it now exists; thence North 00 degrees 05 minutes 18 seconds East, continuing with the north right-of-way line of Interstate 70 and the west right-of-way line of N. 72nd Street, a distance of 50.02 feet; thence continuing with the north right-of-way line of Interstate 70 and no longer with the west right-of-way line of N. 72nd Street, on a curve to the left having a radius of 11659.16 feet, a central angle of 02 degrees 21 minutes 40 seconds, with an initial tangent bearing of South 88 degrees 23 minutes 13 seconds West, an arc distance of 535.40 feet; thence North 51 degrees 07 minutes 23 seconds West continuing with the north right-of-way line of Interstate 70, a distance of

505.55 feet; thence South 84 degrees 57 minutes 37 seconds West, a distance of 659.20 feet to a point on the west line of the Southeast Quarter of said Section 9; thence North 00 degrees 03 minutes 37 seconds East, with the west line of the Southeast Quarter of said Section 9, a distance of 687.20 feet to the southwest corner of the Northeast Quarter of said Section 9; thence North 87 degrees 36 minutes 47 seconds East, with the south line of the Northeast Quarter of said Section 9, a distance of 124.87 feet; thence North 02 degrees 54 minutes 05 seconds West (North 04 degrees 38 minutes 36 seconds West plat), with the east line of Tract H, Villas of Stonebridge, Replat, a distance of 181.20 feet to the northeast corner of said Tract H; thence North 79 degrees 39 minutes 29 seconds West (North 81 degrees 24 minutes 00 seconds West plat), with the north line of said Tract H, a distance of 68.50 feet to the northwest corner of said Tract H, said point being on the east right-of-way line of N. 74th Street; thence North 37 degrees 54 minutes 29 seconds West (North 39 degrees 39 minutes 00 seconds West plat), a distance of 50.00 feet to a point on the west right-of-way line of N. 74th Street; thence with the west right-of-way line of N. 74th Street on a curve to the left having a radius of 125.00 feet, a central angle of 01 degree 27 minutes 44 seconds, with an initial tangent bearing of South 52 degrees 05 minutes 31 seconds West (South 56 degrees 55 minutes 00 seconds West plat), an arc distance of 3.19 feet; thence North 50 degrees 54 minutes 21 seconds West (North 52 degrees 38 minutes 52 seconds West plat) continuing with the east right-of-way line of N. 74th Street, a distance of 21.76 feet to a point on the east line of the Northwest Quarter of said Section 9; thence continuing North 50 degrees 54 minutes 21 seconds West (North 52 degrees 38 minutes 52 seconds West plat) with the north right-of-way line of N. 74th Street, a distance of 26.49 feet to a point of curvature; thence continuing with the north right-of-way line of N. 74th Street on a curve to the left having a radius of 525.00 feet, a central angle of 04 degrees 16 minutes 10 seconds, an arc distance of 39.12 feet to the southeast corner of Tract G, Villas of Stonebridge, Replat; thence North 34 degrees 49 minutes 31 seconds East (North 33 degrees 05 minutes 00 seconds East plat) with the east line of said Tract G, a distance of 32.00 feet; thence North 25 degrees 56 minutes 31 seconds East (North 24 degrees 12 minutes 00 seconds East plat), continuing with the east line of said Tract G, a distance of 72.64 feet (72.67 feet plat) to a point on the west line of the Northeast Quarter of said Section 9; thence North 00 degrees 32 minutes 58 seconds West (North 02 degrees 17 minutes 19 seconds West plat) continuing with the east line of said Tract G and with the west line of the Northeast Quarter of said Section 9, a distance of 184.27 feet; thence North 40 degrees 32 minutes 31 seconds East (North 38 degrees 48 minutes 00 seconds East plat) continuing with the east line of said Tract G, a distance of 780.00 feet (780.53 feet plat) to the northeast corner of said Tract G, said point being on the westerly right-of-way line of N. 74th Drive; thence North 36 degrees 54 minutes 25 seconds East, a distance of

80.00 feet to a point on the easterly right-of-way line of N. 74th Drive, said point also being on the westerly line of Lot 1, Delaware Park; thence North 53 degrees 05 minutes 35 seconds West, with the easterly right-of-way line of N. 74th Drive and the westerly line of said Lot 1, a distance of 41.82 feet to the southerly corner of Lot 2 Delaware Park; thence North 31 degrees 14 minutes 36 seconds East (North 29 degrees 30 minutes 07 seconds East plat), with the northerly line of said Lot 1, a distance of 393.80 feet; thence North 87 degrees 27 minutes 33 seconds East (North 85 degrees 43 minutes 03 seconds East plat), continuing with the northerly line of said Lot 1, a distance of 400.00 feet; thence North 00 degrees 15 minutes 51 seconds West (North 02 degrees 00 minutes 21 seconds West plat), continuing with the northerly line of said Lot 1, a distance of 500.00 feet; thence North 87 degrees 27 minutes 32 seconds East (North 85 degrees 43 minutes 03 seconds East plat), continuing with the northerly line of said Lot 1 and with the north line of Lot 3, Delaware Park, a distance of 441.97 feet to the point of beginning. The above described tract contains 5,539,586 square feet, or 127.17 acres. Located at approximately 725 North 74th Drive, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family, RP-4 Planned Garden Apartment and RP-5 Planned Apartment Districts to MP-2 Planned General Industrial District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-469, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for MP-2 Planned General Industrial District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2021.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(First published _____)

COZ2021-021

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 900 North 69th Street in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family and C-1 Limited Business Districts to MP-2 Planned General Industrial District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on May 28, 2021, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family and C-1 Limited Business Districts to MP-2 Planned General Industrial District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

All that part of the northwest Quarter of Section 10, Township 11 South, Range 24 East, in the City of Kansa City, Wyandotte County, Kansas, being more particularly described as follows: commencing at the northwest corner of the Northeast Quarter of the Northwest Quarter of said Section 10, thence North 89 degrees 54 minutes 24 seconds East, with the north line of the Northeast Quarter of the Northwest Quarter of said Section 10, a distance of 150.23 feet; thence South 00 degrees 05 minutes 07 seconds West, a distance of 230.14 feet to the point of beginning; thence continuing South 00 degrees 05 minutes 07 seconds West, a distance of 181.02 feet; thence North 89 degrees 53 minutes 53 seconds West, a distance of 367.29 feet; thence North 00 degrees 07 minutes 15 seconds West, a distance of 181.02 feet; thence South 89 degrees 53 minutes 55 seconds East, a distance of 367.94 feet to the point of beginning. The above described tract contains 66,546 square feet,

or 1.53 acres. Located at approximately 900 North 69th Street, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family and C-1 Limited Business Districts to MP-2 Planned General Industrial District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-469, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for MP-2 Planned General Industrial District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2021.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(First published _____)

COZ2021-022

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 1201 North 98th Street, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture Districts to CP-3 Planned Commercial District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on June 16, 2021, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture District to CP-3 Planned Commercial District.,

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

All of Lot 4B, of Lot Split of Lot 4, Schlitterbahn Vacation Village Second Plat, and all that part of Lot 1, Schlitterbahn Vacation Village Second Plat, being more particularly described as follows: beginning at the southwesterly corner of said Lot 4B, thence North 68 degrees 37 minutes 49 seconds East (North 66 degrees 53 minutes 22 seconds West plat), with the westerly line of said Lot 4B, a distance of 676.72 feet; thence North 23 degrees 35 minutes 37 seconds East (North 21 degrees 51 minutes 02 seconds East plat), continuing with the westerly line of said Lot 4B, a distance of 256.70 feet to the northwest corner of said Lot 4B; thence South 74 degrees 40 minutes 01 second East, and no longer with the west line of said Lot 4B, a distance of 151.12 feet; thence South 87 degrees 42 minutes 00 seconds East, a distance of 282.08 feet; thence South 01 degree 46 minutes 30 seconds West, a distance of 532.21 feet to a point on the south line of said Lot 1, Schlitterbahn Vacation Village Second Plat and the north right-of-way line of N. 98th Street; thence with the south line of said Lot 1, Schlitterbahn Vacation Village Second Plat

and the north right-of-way line of N. 98th Street, and with the south line of said Lot 4B, on a curve to the left having a radius of 575.00 feet, a central angle of 22 degrees 26 minutes 39 seconds, with an initial tangent bearing of South 79 degrees 48 minutes 01 second West, an arc distance of 225.24 feet to a point of reverse curvature; thence continuing with the north right-of-way line of N. 98th Street and the south line of said Lot 4B on a curve to the right having a radius of 675.00 feet, a central of 76 degrees 58 minutes 27 seconds, an arc distance of 906.83 feet; thence North 45 degrees 40 minutes 12 seconds West (North 47 degrees 24 minutes 39 seconds West plat), continuing with the north right-of-way line of N. 98th Street and the south line of said Lot 4B, a distance of 139.69 feet to the point of beginning. The above-described tract contains 536,973 square feet, or 12.33 acres. The basis of bearing for the description is the Kansas Regional Coordinate System, Zone 11, located at approximately 1201 North 98th Street, Kansas City, Kansas,

be changed from its present zoning of A-G Agriculture District to CP-3 Planned Commercial District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-467, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for CP-3 Planned Commercial District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2021.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(First published _____)

COZ2021-024

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 609 and 611 South 75th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to R-2 Two Family District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on June 25, 2021, by the owners of property to have the zoning of said property changed from its present zoning of District to

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

GRINTER COURT, S21, T11, R24, ACRES 0.240000, L2, located at approximately 609 and 611 South 75th Street, Kansas City, Kansas,

be changed from its present zoning of R-1 Single District to R-2 Two Family District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for R-2 Two Family District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2021.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(First published _____)

COZ2021-025

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 617 and 619 South 75th Street in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to R-2 Two Family District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on June 25, 2021, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to R-2 Two Family District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

GRINTER COURT, S21, T11, R24, ACRES 0.250000, L3, located at approximately 617 and 619 South 75th Street, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to R-2 Two Family District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for R-2 Two Family District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2021.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2021-015, commonly known as 204 Orchard Street, Kansas City, Kansas, legally described as:

LOT 32 SWLY OF ORCHARD ST, 5 FEET VACATED STREET ADJACENT ON THE WEST AND 28 FEET VACATED STREET ADJACENT ON THE SOUTH, located at approximately 204 Orchard Street, Kansas City, Kansas.

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

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

- 1) Indoor live entertainment shall stop by 11:00 p.m.;
- 2) Outdoor live entertainment will be allowed outside on the patio at the following days and times:
 - a. Wednesdays until 9 p.m.;
 - b. Fridays until 9 p.m.;

- c. Saturdays until 11 p.m.; and,
 - d. Sundays until 9 p.m.;
- 3) No amplified music is allowed outdoors, except during live entertainment events;
- 4) The windows and doors shall remain closed during any live entertainment events that increase the noise volume above normal bar operations;
- 5) The second-floor residential use must remain up to code and be properly licensed if used for rental property;
- 6) Must comply with Unified Government Security Ordinance:
 - a. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - b. For any times or events in which there is a cover charge or any other cost of admission, an I.D. scanner will be used at the door;
- 7) This property is within the historic environs of the Mathias Splitlog Residence. Due to this, any exterior additions or façade work would need to go through the Historic Environs review process. Contact the Planning and Urban Design department to begin this process if any exterior changes to the building are to be done;
- 8) Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential uses;
- 9) If any additions or modifications are made to the building, a Building Permit is required. Contact the Building Inspection Department at (913) 573-8620 to begin that process;
- 10) If issues arise with adjacent property owners and are brought to Staff's attention during the term, this Special Use Permit can be submitted to the Unified Government Board of Commissioners for revocation;
- 11) 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;
- 12) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 13) The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and

approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
14) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2021.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2021-026, commonly known as 7852 Leavenworth Road, Kansas City, Kansas, legally described as:

The North ½ of Lot 3, East 12 feet of South ½ Lot 3, North 13.2 feet of South ½ Lot 3, Bethel Heights, a subdivision of land in Kansas City, Wyandotte County, Kansas, located at approximately 7852 Leavenworth Road, Kansas City, Kansas,

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit **for continuation of Temporary Use of Land to park salt plow trucks.**

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

- 1. All vehicles and equipment shall continuously be properly licensed, registered, and operable;**
- 2. Vehicles are to be stored on the property from late March to late November – off-season;**
- 3. Trucks shall be parked on an improved surface of asphalt or concrete;**

4. While no tires are disposed of on-site, 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;
5. There is enough parking on site to park four (4) trucks in addition to the vehicles needed for the residents of the property, however, any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
6. Vehicle repairs are not allowed to be done on the property. If vehicles are to be repaired, they must be taken to a repair shop. This Special Use Permit is only to park salt plow trucks on the property;
7. Trucks are not allowed to be washed on the site to prevent contaminated water from getting into East Marshall Creek;
8. If conditions are not adhered to, this Special Use Permit may be brought to the Unified Government Board of Commissioners for revocation;
9. Temporary Use of Land Special Use Permits have a maximum duration of two (2) years. If approved, the applicant will have two (2) years to find a permanent solution for the proposed use. This is the last renewal to store salt plow trucks on the property;
10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
11. The Special Use Permit 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.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2021.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2021-050, commonly known as 1327 Minnesota Avenue, Kansas City, Kansas, legally described as:

Lots 14, 15, and the East 5.5 feet 16, Block 124, Wyandotte City, a subdivision of land in Kansas City, Wyandotte County, Kansas, located at approximately 1327 Minnesota Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit **for continuation of a parking lot.**

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

- 1) All conditions here within must be completed no later than January 1, 2022, which is six (6) months after the earliest date that SP2021-050 can be heard by the Board of Commissioners. Failure to satisfactorily complete all conditions will result in revocation of the Special Use Permit;**
- 2) The following conditions from previous Special Use Permits must be fulfilled and maintained:**

- a) A security camera is installed on their building on the north side of Minnesota Avenue. It is pointed towards the parking lot so they can see what is going on;
 - b) Keep a “No Parking” sign posted;
 - c) Continue to have the (unauthorized) cars towed; and,
 - d) Restore the landscaping according to the previous Special Use Permits SP-2013-38, SP-2016-42, and/or SP-2018-89. As previously stated in the staff report for SP-2018-89, all landscaping restoration must have occurred by April 1, 2019;
- 3) A landscape plan compliant with the Zoning Code must be submitted by June 23, 2021;
 - 4) All inoperable vehicles must be removed from the subject property by June 23, 2021. Under SP2021-050, the subject property shall not be used as a parking lot for inoperable vehicles;
 - 5) The parking lot must be in compliance with all relevant ordinances, specifically Sections 27-667 to 27-676;
 - 6) The parking lot must be restriped subject to Section 27-667(a). With the existing dumpster in its current location, no more than 11 head-in parking spaces can fit within the arrangement;
 - 7) Per Section 27-672, required off-street parking shall be within 100 feet, or in the case of employee parking within 300 feet, of the same lot. The parking lot may only provide required parking spaces for customers of businesses within 100 feet of the property or for employees of businesses within 300 feet of the property. Unless provided otherwise by a separate planning entitlement or parking agreement, the subject property may only provide required parking to the parcels which currently as of June 14, 2021 contain the following addresses:
 - a) 1300, 1300 H, & 1302 Minnesota Avenue (employees only);
 - b) 1301 Minnesota Avenue (employees only);
 - c) 1304 & 1306 Minnesota Avenue (employees only);
 - d) 1310 Minnesota Avenue (employees only);
 - e) 1311 Minnesota Avenue;
 - f) 1314, 1320, 1322, 1324, 1326, & 1328 Minnesota Avenue;
 - g) 1315 & 1327 State Avenue (employees only);
 - h) 1400 Minnesota Avenue (employees only);
 - i) 1401 Minnesota Avenue;
 - j) 1403 Minnesota Avenue (employees only);
 - k) 1404 Minnesota Avenue (employees only);
 - l) 1406 Minnesota Avenue (employees only);
 - m) 1410 Minnesota Avenue (employees only);
 - n) 1413 Minnesota Avenue (employees only);
 - o) 1414 Minnesota Avenue (employees only);
 - p) 1416 Minnesota Avenue (employees only); and,
 - q) 1417 Minnesota Avenue (employees only);

- 8) The applicant must establish a Street Wall, as identified in the Downtown Area Master Plan, to run along the subject property's boundaries with the public right-of-way on Minnesota Avenue and on North 14th Street;
- 9) Per Section 27-575(g)(3), the dumpster on site must be enclosed by a screening wall at least six (6) feet in height on all sides, have a designated gate facing away from streets or adjacent land uses, and must be constructed with masonry;
- 10) The parking lot must be restriped in order to demonstrate designated parking spaces, thus ensuring compliance with the Zoning Code and safety to all drivers, passengers, and pedestrians;
- 11) All existing prohibited signs on the property must receive a sign permit or be removed;
- 12) The portion of the sidewalk on North 14th Street adjacent to the subject property must be restored and extended to connect to the sidewalk network along the south side of Minnesota Avenue;
- 13) 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;
- 14) All exterior lighting must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;
- 15) The applicant must file and maintain a current business occupation tax application and entertainment license;
- 16) This Special Use Permit is for a temporary use of land for commercial or industrial uses. Per Section 27-593(a)(28), a permit for such a temporary use shall not be approved for more than two years maximum. As this Temporary Use of Land Special Use Permit (SUP) has been renewed multiple times in the past as a means for the continuance of the use, the Planning and Urban Design Department will honor that existing agreement in perpetuity but will not approve the SUP for more than two (2) years at a time. If the SUP is not renewed prior to the date of this permit's expiration, and/or if it is ever revoked for non-compliance, all similar requests in the future will only be allowed for the two (2) years maximum as per the Code in order to allow the applicant to find a permanent solution;
- 17) 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;
- 18) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 19) The Special Use Permit shall be valid for 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,
- 20) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2021.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2021-61, commonly known as 2003 ½ to 2005 North 5th Street, Kansas City, Kansas, legally described as:

B4 L9 TO L10, ALSO R/W ADJACENT
B4 N 1/2 L11
B4 S 1/2 L11, N 7FT L12
B4 N 34FT OF S 43FT L12, RIGHT OF WAY ADJACENT
B4 S 9FT L12 ALSO R/W ADJACENT, N 25FT L13
B4 S 75FT L13, RIGHT OF WAY ADJACENT Fowler Park

Located at approximately 2003 ½ to 2005 North 5th Street, Kansas City, Kansas

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

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

1. Plant three (3) trees between the north façade of the building, north along North 5th Street towards Parallel Avenue (list of approved street trees are in the attachments);
2. Submit a sign permit application and scaled and dimensioned drawing of the mural on the north façade of the building to the Department of Planning and Urban Design;
3. The coffee shop and dining area has thirty-two (32) seats and closes at 11:00 PM on Thursday, Friday, and Saturday. The music performed by local artists will be ambient and not a dance club or lounge. Work with USD 500 to offer opportunity for student musicians;
4. Hours of operation is Thursday and Saturday 5:00 PM – 11:00 PM and Sunday 11:00 AM – 5:00 PM;
5. Alcohol can be served on the premises, but must comply with regulations regarding total food sales exceeding alcohol sales;
6. An ID card reader shall be provided as alcohol is served on the premises;
7. Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential uses;
8. Doors and windows shall remain closed when live entertainment is being performed;
9. If there is an incident that the authorities are notified by the owner/manager, and the patron is promptly removed;
10. 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;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and,
12. Subject to approval, the Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2021.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

(Published _____)

VAC2021-009

ORDINANCE NO. _____

AN ORDINANCE vacating a Ten foot Electrical Easement over a Tract of land lying and situated in Lot 11 of HANSEN HILLS, a subdivision in the City of Kansas City, Wyandotte County, Kansas, as surveyed by Steven C. Shafer, LS-852 of BHC, and being more particularly described by metes and bounds as follows: (Note: For course orientation, the bearings in this description are based on the West line of the Northwest Quarter, Section 9, Township 10 South, Range 23 East of the Sixth Principal Meridian, having a bearing of North 01° 31' 28" West as determined by Global Positioning System observations, and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.) COMMENCING at the Northwest corner of Lot 11, said HANSEN HILLS subdivision; Thence North 87° 51' 07" East, platted North 89° 50' 54" East, 576.63 feet, on the North line of said Lot 11, to the POINT OF BEGINNING of said Tract herein described; Thence North 87° 51' 07" East, platted North 89° 50' 54" East, 10.20 feet, continuing on said North line; Thence South 13° 35' 33" East, 206.03 feet, to the South line of said Lot 11; Thence South 88° 01' 45" West, platted South 89° 58' 28" West, 10.21 feet, on said South line; Thence North 13° 35' 33" West, 206.00 feet, to the POINT OF BEGINNING, said Tract containing 2,060 square feet or 0.0473 acres, located at approximately 5917 North 123rd Street, Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the following described utility easement in Kansas City, Kansas be and the same is hereby vacated:

A Ten foot Electrical Easement over a Tract of land lying and situated in Lot 11 of HANSEN HILLS, a subdivision in the City of Kansas City, Wyandotte County, Kansas, as surveyed by Steven C. Shafer, LS-852 of BHC, and being more particularly described by metes and bounds as follows: (Note: For course orientation, the bearings in this description are based on the West line of the Northwest Quarter, Section 9, Township 10 South, Range 23 East of the Sixth Principal Meridian, having a bearing of North 01° 31' 28" West as determined by Global Positioning System observations, and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.) COMMENCING at the Northwest corner of Lot 11, said HANSEN HILLS subdivision; Thence North 87° 51' 07" East, platted North 89° 50' 54" East, 576.63 feet, on the North line

of said Lot 11, to the POINT OF BEGINNING of said Tract herein described; Thence North 87° 51' 07" East, platted North 89° 50' 54" East, 10.20 feet, continuing on said North line; Thence South 13° 35' 33" East, 206.03 feet, to the South line of said Lot 11; Thence South 88° 01' 45" West, platted South 89° 58' 28" West, 10.21 feet, on said South line; Thence North 13° 35' 33" West, 206.00 feet, to the POINT OF BEGINNING, said Tract containing 2,060 square feet or 0.0473 acres, located at approximately 5917 North 123rd Street, Kansas City, Kansas.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF
_____, 2021

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2021-057, commonly known as 1930 South 74th Street, Kansas City, Kansas, legally described as:

PART OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 11 SOUTH, RANGE 24 EAST, IN WYANDOTTE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF 74TH STREET; SAID POINT BEING 1,332.19 FEET SOUTH OF AND 20.00 FEET WEST OF THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER, SAID POINT ALSO BEING 150.00 FEET NORTHWESTERLY OF AND NORMALLY DISTANT FROM THE CENTERLINE OF THE ORIGINAL, NOW WEST BOUND MAIN TRACK OF THE ATCHISON, TOPEKA, AND SANTA FE RAILROAD; THENCE SOUTH 53 DEGREES 09 MINUTES 20 SECONDS WEST, PARALLEL TO SAID CENTERLINE, 245.01 FEET; THENCE SOUTH 10.00 FEET; THENCE SOUTH 59 DEGREES 06 MINUTES 41 SECONDS WEST, 77.12 FEET TO A POINT 150.00 FEET NORTHWESTERLY OF AND NORMALLY DISTANT FROM THE CENTERLINE OF THE ORIGINAL, NOW WEST BOUND MAIN TRACK OF SAID RAILROAD; THENCE SOUTH 36 DEGREES 50 MINUTES 40 SECONDS EAST, A DISTANCE OF 60.50 FEET; THENCE SOUTH 53 DEGREES 09 MINUTES 40 SECONDS WEST, PARALLEL TO THE CENTERLINE OF SAID TRACK, A DISTANCE OF 556.00 FEET; THENCE NORTH 36 DEGREES 50 MINUTES 40 SECONDS WEST, A DISTANCE OF 60.50 FEET; THENCE SOUTH 53 DEGREES 09 MINUTES 20 SECONDS WEST, PARALLEL TO THE CENTERLINE OF SAID TRACK, A DISTANCE OF 410.70 FEET; THENCE NORTH PARALLEL TO THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1,300.00 FEET; THENCE EAST, 421.87 FEET TO A POINT BEING 634.00 FEET WEST OF THE EAST LINE OF SAID SOUTHWEST

QUARTER; THENCE SOUTH PARALLEL TO THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 614.00 FEET TO A POINT 20.00 FEET WEST OF THE EAST LINE OF SAID SOUTHWEST QUARTER, AND BEING ON THE WEST RIGHT-OF-WAY LINE OF 74TH STREET; THENCE SOUTH ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 434.29 FEET TO THE POINT OF BEGINNING, SUBJECT TO ANY PART THEREOF IN STREET, ROAD OR PUBLIC RIGHT-OF-WAY, located at approximately 1930 South 74th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for **an earthen fill**.

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

- 1) **The applicant must undertake the following mitigation measures: rumble strips and/or other mitigation measures must be installed at all entry/exit points from the subject properties to the public right-of-way in order to keep dirt and gravel from tracking onto the road; and dust produced by the earth moving must be kept down and prevented from leaving the airspace of the subject property through the deployment of misters and/or other dust mitigation devices and techniques;**
- 2) **Repair any damage that occurs to adjacent property owners, curbs, sidewalks and utilities;**
- 3) **The proposed grading work will last no longer than 18 months and will average 10 truck-trips per day, with no more than 40 truck-trips on any single day;**
- 4) **Hours of hauling will be from 8:00 AM to 4:00 PM, Monday through Friday;**
- 5) **The net volume of earthen material is estimated to be 72,536 cubic yards, and shall not exceed 75,000 cubic yards;**
- 6) **In order to prevent an exacerbation of erosion due to the subject property sitting undeveloped, trees that are removed or damaged within the full course of the grading process must be replaced as a windbreak, and seed cover must be planted after the grading is complete;**
- 7) **Copies of both permits, Kansas land disturbance permit and LOMAR, must be received by Planning Engineering prior to issuance of a land disturbance permit.**
- 8) **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;
- 9) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;
 - 10) Prior to any work beginning on site, site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, 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 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;
 - 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) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 - 13) 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,
- 14) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2021.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 30, 2021

Re: **Change of Zone Petition COZ2021-018 and MPL2021-006**

GENERAL INFORMATION

Applicant:
Cole Andersen

Status of Applicant:
Bettis Asphalt & Construction
1800 NW Brickyard Road
Topeka, KS 66618

Requested Actions:
Change of Zone from MP-1 Planned Light Industrial and Industrial Park District to MP-3 Heavy Industrial District.

Master Plan Amendment from Business Park to Industrial.

Date of Application(s):
May 28, 2021

Purpose:
To build an 8,920 square foot building for offices and truck and trailer storage for an asphalt batch plant that will operate during the construction season.



Property Location:	1625 South 86 th Street
Commission Districts:	Commissioner At-Large: Tom Burroughs District #6 Commissioner: Angela Markley
Existing Zoning:	A-G Agriculture and MP-1 Planned Light Industrial and Industrial Park Districts
Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture MP-3 Planned Heavy Industrial Districts East: MP-2 Planned General Industrial and A-G Agriculture Districts West: R-1 Single Family District
Adjacent Uses:	North: Undeveloped land South: Single family home and outside vehicle storage East: Industrial businesses West: Single family home and undeveloped lots
Total Tract Size:	20.14 Acres
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates this property as Business Park, which allows warehousing (non-hazardous materials), distribution (non-hazardous materials), business/research parks, related commercial and service uses such as wholesale stores, outlet stores, office supply stores, service stations, convenience stores, hotels, motels, supporting restaurants, etc., and medical facilities.
Major Street Plan:	The Major Street Plan classifies South 86 th Street as a Class C Thoroughfare and Berger Avenue as a Local Street.
Required Parking:	Sec. 27-469(f) In no case, however, shall less than one space for each 500 square feet of building floor area be provided. For buildings larger than 20,000 square feet, only one space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. Eighteen (18) parking spaces are required. Eighteen (18) parking spaces are provided.
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – June 17, 2021 and August 19, 2021; Master Plan Amendment – June 17, 2021 and August 19, 2021

Letters to Property Owners – August 20, 2021 and September 22, 2021

Public Hearings: September 13, 2021 and September 30, 2021

Public Support: None to date.

Public Opposition: There was one (1) person that appeared in opposition at the September 13, 2021 City Planning Commission meeting. A valid 31.70% protest petition has been submitted.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Cole Andersen with Bettis Asphalt & Construction wants to build an 8,920 square foot building for offices and truck and trailer storage for an asphalt batch plant that will operate during the construction season on 20.14 acres at 1625 South 86th Street.

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

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

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is a mixture of agricultural, rural residential and light industrial uses along the north side of K-32 Highway (Kaw Drive) between the Grinter Heights subdivision at South 80th Street on the east and I-435 on the west. The heavier 88th and Woodend Avenue industrial area lies to the south, across K-32 Highway and the Union Pacific Railroad main line.

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

The zoning and uses of properties nearby are set out above. The property is already industrially zoned; however, an asphalt batch plant requires a change of zone to accommodate the use. Removing the landscape buffer from the development is not compatible with the adjacent properties. Visible and noise buffering/mitigation measures must be taken on this site from the adjacent residents' properties or the public street.

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

The removal of the restrictions may negatively impact the neighbors. The screening requirements, which include fencing and landscaping may offset these impacts.

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

It appears that based on aerial photography, this site has operated as an earthen removal site over the last 15 years.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public. The use is convenient for the owner because they can maintain their own equipment and have a permanent facility to operate seasonally. It is debatable if the expansion of the industrial use will permanently injure adjacent properties. What is not debatable is the potential auditory and odorous impact the batch plant will have on the quality of life of the adjacent neighbors unless different techniques are used rather than traditional methods of mixing products to create asphalt on site.

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

The proposed development will not increase the traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems because Ruby Avenue is a relatively low trafficked street with three (3) businesses on them adjacent to Kaw Drive. Public Works Department may have additional comments – possibly asking for trip generation totals or a traffic study.

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

The proposed use does not conform to the Master Plan; therefore, a Master Plan Amendment has been filed in conjunction with this petition from Business Park to Industrial (City-Wide Master Plan).

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

Significant landscaping will be planted around the site to comply with the district's requirement. Berm and slopes will be protected and the existing 200-foot landscape buffer on Lot 2 and south side of the property (Lot 1) will be preserved.

There is concern of the environmental impacts an asphalt batch plant will have on air quality and groundwater.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

UG provides sanitary sewer service.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

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

e. *Fire*

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

f. *Transit*

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

g. *Schools*

Public education is provided by Turner USD 202.

h. *Streets*

To be designed to meet Public Works standards.

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

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

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

If revised, the proposed use is capable of meeting applicable ordinance and other requirements.

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

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

There must be a balance between the adjacent and nearby residential property owners' quality of life is protected and a business that is wanting to relocate.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on June 18 – June 28, 2021, and August 31, 2021 by e-mail and phone call. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Landscape Buffer and Screening
Noise, Odor and Visual Impacts
Stormwater Runoff
Groundwater Contamination

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Change of Zone Application **COZ2021-018** and Master Plan Amendment **MPL2021-006**, subject to:

1. **Sec. 27-212(c)(2) A preliminary development plan may be used as a preliminary plat where all of the information required of preliminary plat has been included on the preliminary development plan;**
2. **On the Final Plat, include a deed restriction that only allows an asphalt plant within the MP-3 zoning district, as this will protect existing residents and property owners for potential noxious uses that are permitted in the district;**

3. Shall comply with Sec. 27-470(d)(1) 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 85dB(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;
4. Dust mitigations shall include, but not limited to:
 - a. Will not track dirt and debris onto Ruby Avenue;
 - b. Enclose stockpiles of materials;
 - c. To minimize dust, dig down into the site below the height of the berm and grades rather than on top where dust can be carried with the wind.
 - d. Remediate the old fill location;
5. Hours of operation shall be from 7:00 AM to 5:00 PM. Due to the proximity of the residence across South 86th Street, contact the neighborhood group and the surrounding residences at least 24 hours in advance of performing work after 5:00 PM;
6. Parking lot shall be paved with asphalt or concrete, striped and ADA complaint;
7. The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including ground cover and storm water detention cannot be wholly covered with asphalt millings.

Sec. 27-675(a) All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel. The Unified Government Engineer shall determine acceptable alternatives. All parking spaces shall be clearly marked. All improvements shall be designed and constructed as necessary to prevent dust, erosion, excessive water flow across streets or adjoining property, and to control traffic. A less but dust-free standard of improvement may be permitted by the Unified Government Engineer for industrial storage yards used exclusively for inoperable vehicles, parts, building materials, supplies and equipment of heavy construction equipment and not for parking, loading or maneuvering.

The accepted and approved alternative by the Planning and Urban Design and Public Works Departments is asphalt millings for storage laydown pads for the explicit placement of equipment and materials, whereas the drive aisles that lead to these pads shall be paved with either concrete or asphalt;

8. The cul-de-sac and extension of Ruby Avenue shall be constructed by the applicant concurrently with the building permit associated with this development;
9. Per Business Licensing Division:
 - a. If approved, tenant will need to file and maintain a current occupation tax application;
10. When trucks are not backing into bays, the overhead doors shall remain closed to prevent sound from projecting west of the single-family residences;
11. The office portion of the building shall match in scale and style to the industrial buildings within this small business park and must comply with Commercial Design Guidelines.

These guidelines specify exterior building materials which include, but is not limited to brick, stone, stucco, textured and/or integrally-colored split-face CMU block, glass and cementitious siding;
12. On the preliminary plat and landscape plan, note the existing 200-foot landscape buffer around the perimeter of Lot 2 and Lot 1 (along Kaw Drive) and dedicate as open space and buffering;
13. Keep existing full growth trees on South 86th Street and along Kaw Drive;
14. All screening is to be maintained to minimize impacts of conflicting uses;
15. Relandscape the top of the hill along Kaw Drive and increase the berm south of the proposed detention basin to screen the site from public street;
16. Plant street trees along the frontage of Ruby Avenue, including the cul-de-sac to match the existing street trees within the adjacent industrial/office district;
17. Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises;
18. Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six (6) foot high architectural screening in combination with a landscaped buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every thirty-two (32) feet on center.

The site for the proposed development is 20.14 acres, eighty-seven (87) trees are required based on acreage and exclusive of the screening requirements for the lots zoned MP-3 Planned Heavy Industrial District adjacent to residentially zoned properties;
19. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
20. Landscaping shall be irrigated around the office, entry and along Ruby Avenue. Vegetation around ground cover around the property shall be watered regularly with a watering plan which shall be provided as part of the Final Development Plan;

21. Sec. 27-699(a)(2) All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping, continuously maintained;
22. Trash enclosure shall match building materials;
23. BPU transformer pad shall be completely screened on three (3) sides with six (6) foot junipers set back three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
24. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen (not perforated);
25. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building;
26. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
27. Per 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;
28. A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
29. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2021-018** and **MPL2021-006** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 13, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Preliminary Plat
Applicant Response Letter
Neighborhood Meeting Minutes/E-mails
Site Plan
Grading Plan
Landscape Plan
Sight Line Study
Building Elevations
Site Photographs provided by Staff dated August 17, 2021.
Protest Petition

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	September 13, 2021	September 30, 2021
Rezoning	Approval	
Master Plan	September 13, 2021	September 30, 2021
	Approval	

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

MOTIONS

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-018** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2021-018** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2021-006** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2021-006** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 13, 2021 City Planning Commission Minutes:

Hearing starts at 46:26:

MASTER PLAN AMENDMENT MPL2021-006 – COLE ANDERSON – SYNOPSIS:

Master Plan Amendment from Business Park to Industrial at 1625 South 86th Street.

CHANGE OF ZONE APPLICATION COZ2021-018 – COLE ANDERSON - SYNOPSIS:

Change of Zone from MP-3 Planned Heavy Industrial and A-G Agriculture Districts to MP-3 Planned Heavy Industrial District for a permanent asphalt plant at 1625 South 86th Street.

Detailed Outline of Requested Action: The applicant, Cole Andersen with Bettis Asphalt & Construction wants to build an 8,920 square foot building for offices and truck and trailer storage for an asphalt batch plant that will operate during the construction season on 20.14 acres at 1625 South 86th Street.

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

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to property owners.

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

Present in Support:

- Andy Gabbert, representing the applicant, Renaissance Infrastructure, 8653 Penrose Lane, Lenexa, Kansas 66219
- Cole Anderson, Bettis Asphalt & Construction, 1800 NW Brickyard Road, Topeka, KS 66618

Present in Opposition:

- Ms. Laura Bashus, 1740 South 86th Street, Kansas City, Kansas

Staff Recommendation starts at 1:03:19: Planning Director Hand stated that the applicant is requesting a Change of Zone and Master Plan Amendment on property generally in the Riverview area. This is a fill/excavation site that was previously used as a temporary asphalt batch plant operation for a couple of years. It ceased operation

and now the applicant wants to construct a permanent batch plant operation. Staff has several conditions of approval including a deed restriction that this MP-3 property (if rezoned) can only be used for the batch plant as this is the most intensive industrial use and no other uses allowed in this zoning district are appropriate. The surrounding property is M-1 and M-2 and there is a strip of A-G property that serves as a buffer on the west and north near the residential properties. The conditions in the staff report allow for the existing 200' buffer to remain and additional landscaping. The applicant stated that there will also be an office and one (1) of the conditions of approval is that the building for the office meet all the Commercial Design Guidelines requirements. Director Hand stated that conditions are included in the approval for dust mitigation, hours of operation, as well as other enhanced screening and landscaping specifically along the Kaw Drive property line to the south. Director Hand stated aside from opposition expressed this evening, there have been no letters of opposition nor support and there are no Notices of Violation. Staff recommends approval, subject to the conditions in the staff report.

The Planning Commission directed questions to the applicant and Director Hand.

Motion and Vote starts at 1:12:48:

On motion by Mr. Ernst, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment Application MPL2021-006:**

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

Motion to recommend APPROVAL Passed: 7 to 1

Subject to:

- 1. Sec. 27-212(c)(2) A preliminary development plan may be used as a preliminary plat where all of the information required of preliminary plat has been included on the preliminary development plan;**
- 2. On the Final Plat, include a deed restriction that only allows an asphalt plant within the MP-3 zoning district, as this will protect existing residents and property owners for potential noxious uses that are permitted in the district;**
- 3. Shall comply with Sec. 27-470(d)(1) 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 85dB(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;
- 4. Dust mitigations shall include, but not limited to:
 - a. Will not track dirt and debris onto Ruby Avenue;
 - b. Enclose stockpiles of materials;
 - c. To minimize dust, dig down into the site below the height of the berm and grades rather than on top where dust can be carried with the wind.
 - d. Remediate the old fill location;
- 5. Hours of operation shall be from 7:00 AM to 5:00 PM. Due to the proximity of the residence across South 86th Street, contact the neighborhood group and the surrounding residences at least 24 hours in advance of performing work after 5:00 PM;
- 6. Parking lot shall be paved with asphalt or concrete, striped and ADA complaint;
- 7. The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including ground cover and storm water detention cannot be wholly covered with asphalt millings.

Sec. 27-675(a) All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel. The Unified Government Engineer shall determine acceptable alternatives. All parking spaces shall be clearly marked. All improvements shall be designed and constructed as necessary to prevent dust, erosion, excessive water flow across streets or adjoining property, and to control traffic. A less but dust-free standard of improvement may be permitted by the Unified Government Engineer for industrial storage yards used exclusively for inoperable vehicles, parts, building materials, supplies and equipment of heavy construction equipment and not for parking, loading or maneuvering.

The accepted and approved alternative by the Planning and Urban Design and Public Works Departments is asphalt millings for storage laydown pads for the explicit placement of equipment and materials, whereas the drive aisles that lead to these pads shall be paved with either concrete or asphalt;

- 8. The cul-de-sac and extension of Ruby Avenue shall be constructed by the applicant concurrently with the building permit associated with this development;
- 9. Per Business Licensing Division:
 - a. If approved, tenant will need to file and maintain a current occupation tax application;

10. When trucks are not backing into bays, the overhead doors shall remain closed to prevent sound from projecting west of the single-family residences;
11. The office portion of the building shall match its scale and style to the industrial buildings within this small business park and must comply with Commercial Design Guidelines.
These guidelines specify exterior building materials which include, but is not limited to brick, stone, stucco, textured and/or integrally-colored split-face CMU block, glass and cementitious siding;
12. On the preliminary plat and landscape plan, note the existing 200-foot landscape buffer around the perimeter of Lot 2 and Lot 1 (along Kaw Drive) and dedicate as open space and buffering;
13. Keep existing full growth trees on South 86th Street and along Kaw Drive;
14. All screening is to be maintained to minimize impacts of conflicting uses;
15. Relandscape the top of the hill along Kaw Drive and increase the berm south of the proposed detention basin to screen the site from public street;
16. Plant street trees along the frontage of Ruby Avenue, including the cul-de-sac to match the existing street trees within the adjacent industrial/office district;
17. Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises;
18. Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six (6) foot high architectural screening in combination with a landscaped buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every thirty-two (32) feet on center.
The site for the proposed development is 20.14 acres, eighty-seven (87) trees are required based on acreage and exclusive of the screening requirements for the lots zoned MP-3 Planned Heavy Industrial District adjacent to residentially zoned properties;
19. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
20. Landscaping shall be irrigated around the office, entry and along Ruby Avenue. Vegetation around ground cover around the property shall be watered regularly with a watering plan which shall be provided as part of the Final Development Plan;
21. Sec. 27-699(a)(2) All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping, continuously maintained;
22. Trash enclosure shall match building materials;
23. BPU transformer pad shall be completely screened on three (3) sides with six (6) foot junipers set back three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot,

- therefore the gate/enclosure shall be constructed in front of the transformer;
24. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen (not perforated);
 25. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building;
 26. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
 27. Per 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;
 28. A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
 29. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 30. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
 31. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Ernst, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2021-018:**

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

Motion to recommend APPROVAL Passed: 7 to 1

Subject to the above conditions

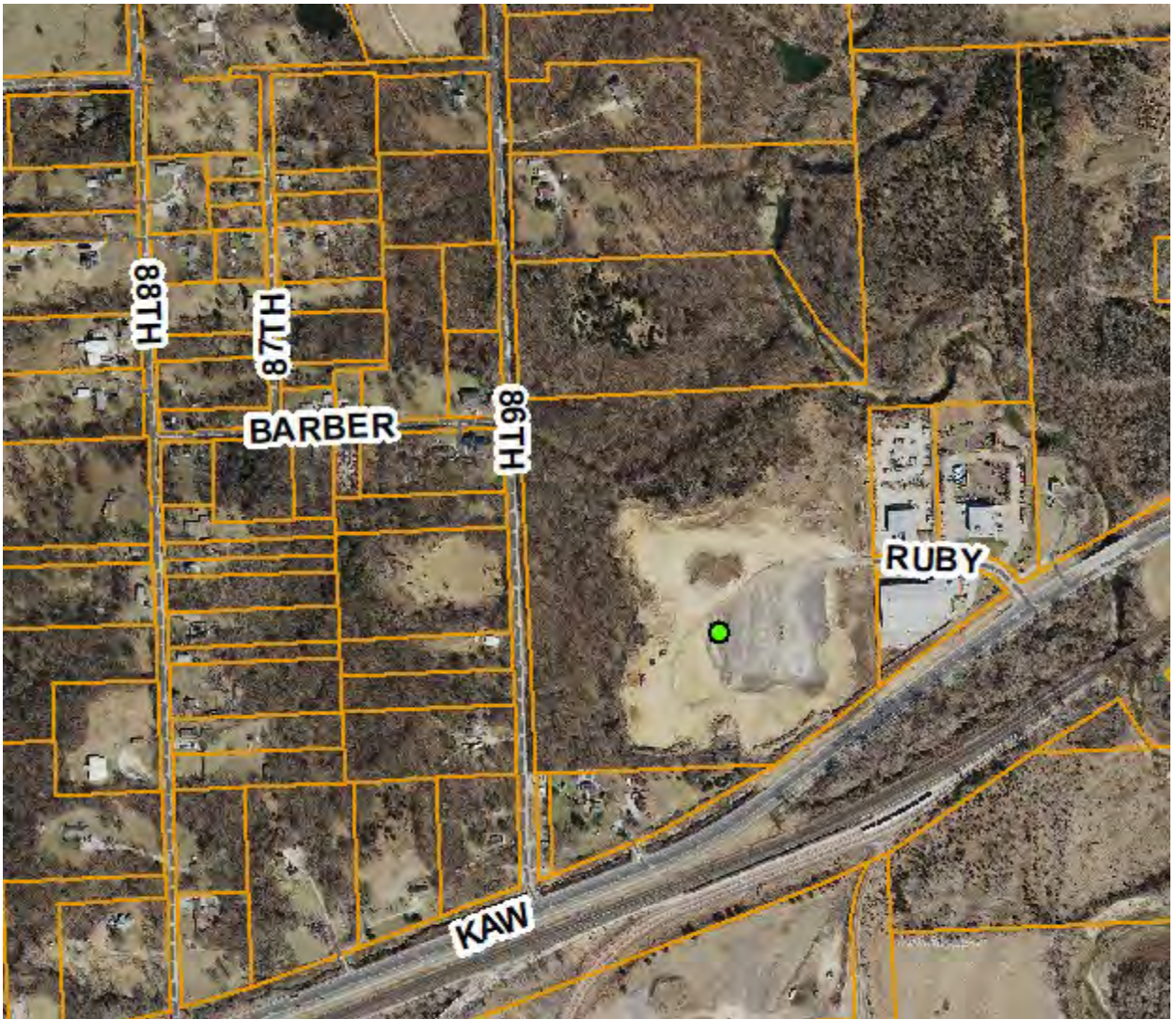


Figure 1. Aerial Map of 1625 South 86th Street (provided by ArcMap).

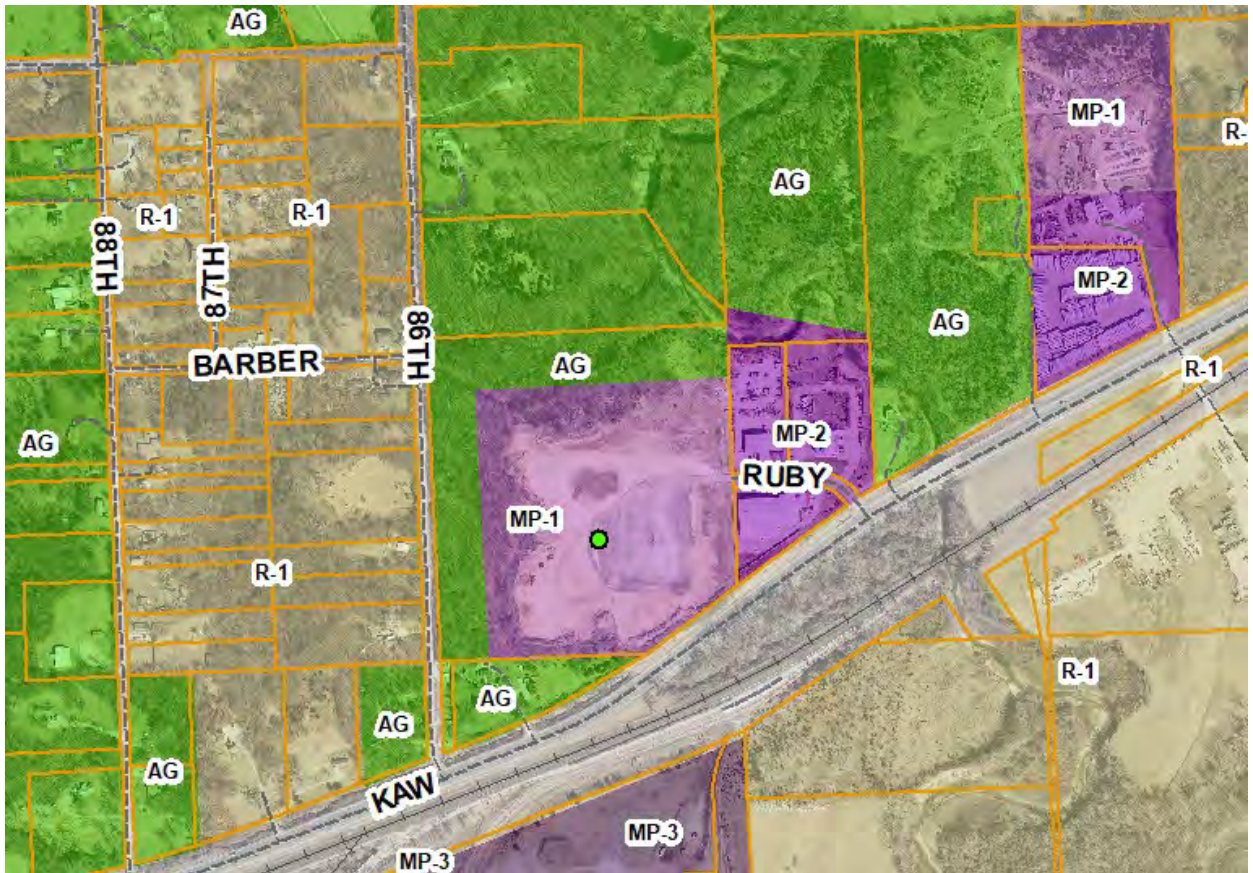


Figure 2. Zoning Map of 1625 South 86th Street (provided by ArcMap).

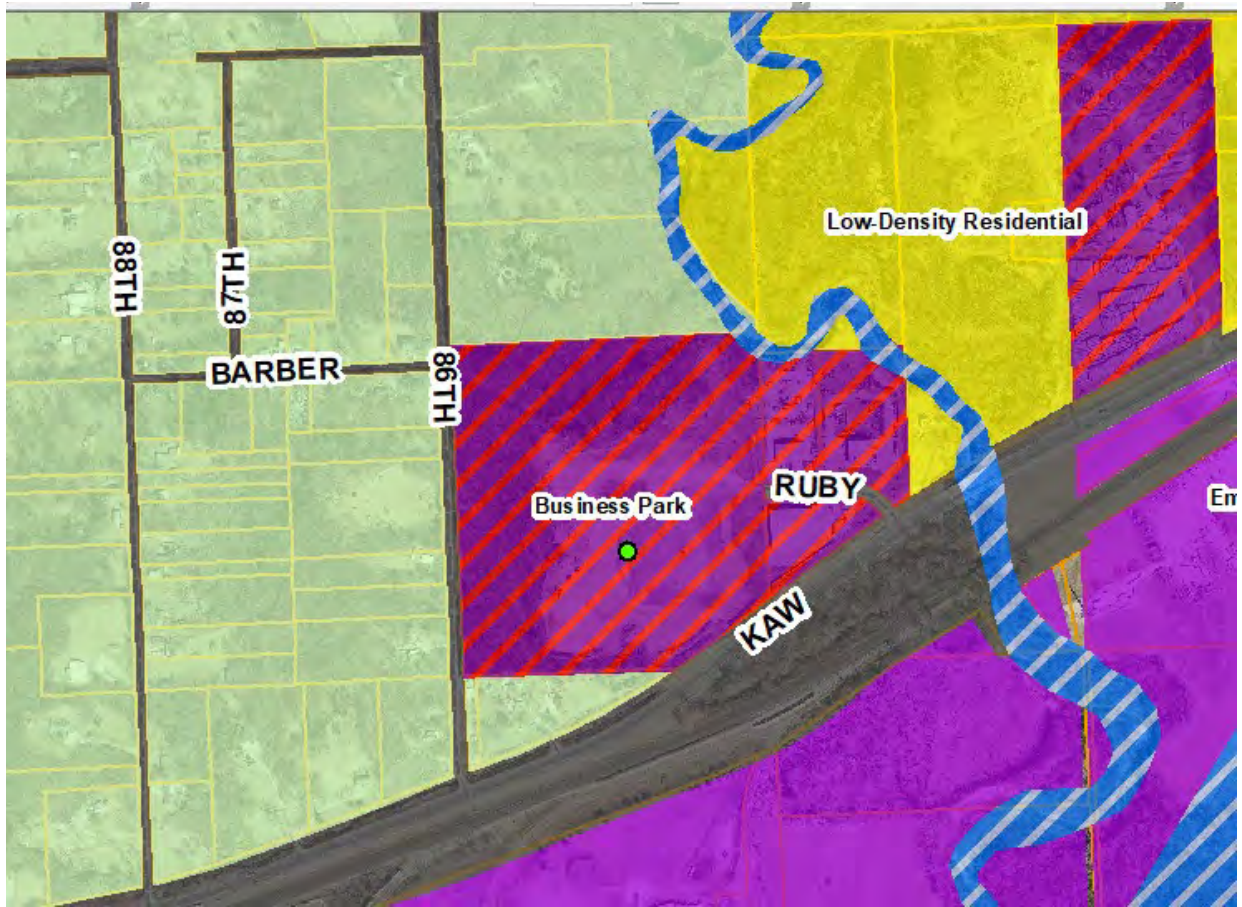


Figure 3. City-Wide Master Plan Land Use Map of 1625 South 65th Street (provided by ArcMap).

August 30, 2021

Byron Toy
Unified Government
Lead Planner
701 N. 7th Street, Suite 423
Kansas City, KS 66101

Re: **Bettis Asphalt COZ2021-018, MPL2021-006**

Dear Mr. Toy:

We have received the following comments and are providing the following responses along with revised plans for further review. Please let me know if you have any questions or further comments.

Planning and Urban Design

Comments:

General Planning:

1. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
 - a. **RESPONSE: Acknowledged**
2. Sec. 27-212(c)(2) A preliminary development plan may be used as a preliminary plat where all of the information required of preliminary plat has been included on the preliminary development plan.
 - a. **RESPONSE: Acknowledged**
3. On the Final Plat, include a deed restriction that only allows an asphalt plant within the MP-3 zoning districts, as this will protect existing residents and property owners for potential noxious uses that are permitted in the district.
 - a. **RESPONSE: Acknowledged**
4. Provide a comprehensive list of dust mitigation measures:
 - a. Will not track dirt and debris onto Ruby Avenue.
 - b. Enclose stockpiles of materials.
 - c. To minimize dust, dig down into the site below the height of the berm and grades, building in a hole rather than on top where dust can be carried with the wind.
 - d. Remediate old fill location.
 - e. **RESPONSE: An asphalt plant is a source of PM emissions (dust) due to the handling of aggregates in the asphalt mix. The Kansas Department of Health and Environment (KDHE) regulates and issues permits restricting PM emissions. These restrictions include both operational performance requirements as well as production limitations. The modern asphalt plants such as the one being proposed, are not only subject to the oversight of the KDHE, but they are also subject to the Federal Regulation found in 40 CFR, Part 60, Subpart I (Subpart I), which also regulates the operations' performance and provides for emissions restrictions. The Subpart I restricts the PM emissions from the exhaust of the modern asphalt plants, such as the one being proposed, to 0.04 grains/dry standard cubic feet. PM emissions are controlled by the baghouse which have over 640 Nomex filter bags that control 99.97% of all emissions produced from the plant. The modern asphalt plants cannot operate, without meeting the Subpart I emissions standards. Modern day asphalt plants are clean and efficient. Please refer to the Baghouse maintenance log and instruction sheet.**

I

One of the most common complaints by citizens against asphalt plants arise from the fact the due to the moisture of the aggregates being removed and the water produced from the combustion process, the exhaust stream teams with moisture. The presence of this moisture is conceived by not-trained individuals as PM emissions. Of course the presence of the moisture in the exhaust is not what is regulated by Subpart I.

The drive lanes around the plant will be asphalt and will not generate dust or track material onto Ruby Avenue.

5. Describe in detail how Bettis Asphalt will operate on a day-to-day basis.

- a. RESPONSE: Bettis Asphalt's office and shop will operate year round and employee around 8-10 employees including project managers, estimators, and shop mechanics. The office will bid local construction work for projects that require asphalt plants nearby due to the trucking. The asphalt plant will operate around the first of March to around mid-November. Asphalt is generally not produced when temperatures are colder than 45 degrees. The asphalt plant will employee around 3-5 employees. Please visit the below link for a more in depth look at how Bettis Asphalt will operate:

<https://vimeo.com/377151662>

6. What are the proposed hours of operation for Bettis Asphalt?

- a. RESPONSE: Bettis Asphalt operates generally during a 7am to 5pm time slot Monday - Friday. Should the need arise where a job is done during the night, it is possible that overnight operations may commence.

7. Parking lot shall be paved with asphalt or concrete, striped and ADA compliant.

- a. RESPONSE: Acknowledged, Parking lot is shown as asphalt with striping and ADA compliant. 1 ADA space has been provided

8. The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including ground cover and storm water detention cannot be wholly covered with asphalt millings.

- a. RESPONSE: The drive lane is proposed to be asphalt with the storage & plant yard is proposed as asphalt millings. The remaining area will be landscape & seeded and/or established as required for erosion control purposes.

Sec. 27-675(a) All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel. The Unified Government Engineer shall determine acceptable alternatives. All parking spaces shall be clearly marked. All improvements shall be designed and

constructed as necessary to prevent dust, erosion, excessive water flow across streets or adjoining property, and to control traffic. A less but dust-free standard of improvement may be permitted by the Unified Government Engineer for industrial storage yards used exclusively for inoperable vehicles, parts, building materials, supplies and equipment of heavy construction equipment and not for parking, loading or maneuvering.

The accepted and approved alternative by the Planning and Urban Design and Public Works Departments is asphalt millings for storage laydown pads for the explicit placement of equipment and materials, whereas the drive aisles that lead to these pads shall be paved with either concrete or asphalt.

- a. RESPONSE: Acknowledged, plan has been revised to show the drive aisle extending to the

laydown pads.

9. Five (5) addition parking spaces are required to comply with the MP-3 parking regulations. Otherwise, a parking variance is required in order to proceed with these proposed entitlements.
 - a. RESPONSE: Plan Revised to show 13 spaces
10. The cul-de-sac and extension of Ruby Avenue shall be constructed by the applicant concurrently with the building permit associated with this development.
 - a. RESPONSE: Acknowledged.
11. Per Business Licensing Division:
 - a. If approved, tenant will need to file and maintain a current occupation tax application.
 - b. RESPONSE: Acknowledged
12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government, and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec.8-610 through Sec.8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.
 - a. RESPONSE: Acknowledged.

Building Architecture:

1. When trucks are not backing into bays, the overhead doors shall remain closed to prevent sound from projecting west the single-family residences.
 - RESPONSE: Acknowledged
2. The office portion of the building shall match is scale and style to the industrial buildings within this small business park, and must comply with Commercial Design Guidelines.

These guidelines specify exterior building materials which include, but is not limited to brick, stone, stucco, textured and/or integrally-colored split-face CMU block, glass and cementitious siding.

- a. RESPONSE: Plan revised

Landscaping and Screening:

1. Provide a sightline study from South 86th Street and Kaw Drive (Kansas Highway 32) to ensure that the public and residents cannot see the batch plant.
 - a. RESPONSE: Site Line Study provided, see sheet L02
2. On the preliminary plat and landscape plan, note the existing 200-foot landscape buffer around the perimeter of Lot 2 and Lot 1 (along Kaw Drive) and dedicate as open space and buffering.
 - a. RESPONSE: Plan Revised; A 200' buffer is shown on the west and south near residential, a 172' buffer is shown along 32 highway (Kaw Drive)
3. Keep existing full growth trees on South 86th Street and along Kaw Drive.
 - a. RESPONSE: Existing trees & Vegetation to remain, except where proposed berming is introduced. Additional landscape is proposed on top of new berm along Kaw Drive
4. All screening is to be maintained to minimize impacts of conflicting uses.

- a. RESPONSE: Existing Screening is maintained as noted above
- 5. Relandscape the top of the hill along Kaw Drive and increase the berm south of the proposed detention basin to screen the site from public street.
 - a. RESPONSE: As noted above, berming has been increased in this location with additional landscaping on top.
- 6. Plant street trees along the frontage of Ruby Avenue, including the cul-de-sac to match the existing street trees within the adjacent industrial/office district.
 - a. RESPONSE: 5 Street trees have been included with this submittal
- 7. Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises.
 - a. RESPONSE: All storage materials will be screened from public view
- 8. Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six (6) foot high architectural screening in combination with a landscaped buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every thirty-two (32) feet on center. The site for the proposed development is 20.14 acres, eighty-seven (87) trees are required based on acreage and exclusive of the screening requirements for the lots zoned MP-3 Planned Heavy Industrial District adjacent to residentially zoned properties.

RESPONSE: Over 300,000 sf of existing tree canopy area is proposed to be undisturbed with this proposal. That equates to approximately 3,000 trees at 1 tree per 100 sf or 10'x10' area. In addition, a 200' wide landscape buffer is provided from property to the south & west
- 9. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted.
- 10. All landscaping shall be irrigated.
 - a. RESPONSE: Irrigation will be provided near the office and entry. The use of waterbags and other temporary irrigation measure, such as water trucks, will be utilized for site landscape outside of the main office area.
- 11. Sec. 27-699(a)(2) All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping, continuously maintained.
 - a. RESPONSE: Acknowledged
- 12. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.
 - b. RESPONSE: Trash Enclosure proposed to match building materials
- 13. BPU transformer pad shall be completely screened on three (3) sides with six (6) foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer.
 - a. RESPONSE: Acknowledged; more detail will be provided with final plans
- 14. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen (not perforated).
 - a. RESPONSE: Acknowledged
- 15. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building.

a. RESPONSE: Acknowledged

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.

All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures.

a. RESPONSE: Acknowledged

Signage:

1. Shall comply with the sign code.

a. RESPONSE: Acknowledged

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
 - RESPONSE: Engineering did not have additional comments
 - 2) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
 - RESPONSE: Acknowledged
- B) Items that are conditions of approval:
 - 1) None.
 - RESPONSE: Acknowledged
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None
 - RESPONSE: Acknowledged

RENAISSANCE INFRASTRUCTURE CONSULTING



T. Andrew Gabbert, PLA
VP Landscape Architect

Toy, Byron

From: Andy Gabbert <agabbert@ric-consult.com>
Sent: Wednesday, June 30, 2021 11:46 AM
To: Parker, Janet
Cc: Cole Andersen; Toy, Byron
Subject: Bettis Asphalt Neighborhood Meeting Responses
Attachments: affidavitowner.neighborhoodmeeting.pdf; RE: 1625 S 86th ST KCK; RE: 1625 S 86th St KCK 66111

Hi Janet,

Understanding that our application for this project is being pushed, we did send out letters (Certified) to the surrounding neighborhood. We had a couple of people respond via email and one via phone.

List of People who Participated:

- Tim & Julie Siebold (Email)
- Mitchell Henkowski (Metal Panels Inc.) (Email)
- Lauren Bashus (Via Phone)

I've attached the email string with regards to the original comment and follow up by us for each of the emailing participants

Ms. Bashus called after 5:00pm and left a voicemail. Cole Andersen reached back out to her and has left a message, she has not reached back out. Her voicemail relayed that she had concerns with regards to property values and health.

I have also attached a signed affidavit stating we held the comment period open from June 18th to June 28th. The affidavit is not notarized as stated in the original email, however, I can provide this if desired. The letters were sent out certified.

Please let me know if you require any additional information for the application.

Thanks,

Andy Gabbert, PLA

Landscape Architect

Renaissance Infrastructure Consulting

agabbert@ric-consult.com | 913.333.3880 (d) | 913.314.6967 (c)



8653 Penrose Lane, Lenexa, KS 66219

www.ric-consult.com | 816.800.0950 (o)



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[Click here](#) to upload & send large files.

Toy, Byron

From: Cole Andersen <candersen@bettisasphalt.com>
Sent: Thursday, June 24, 2021 3:01 PM
To: mitch@metalpanelsinc.com
Cc: Andy Gabbert
Subject: RE: 1625 S 86th ST KCK

Mr. Hentkowski,

I appreciate your email and concern. The plant itself will not be permanent, nor will it operate in winter months, but will come & go as needed for projects. The ability to come & go will be permanent. The tree buffer surrounding the site is proposed to stay and will remain untouched. The site itself will go mostly untouched except where the City requires us to improve, i.e. utilities, etc.

Our site will be regulated under a KDHE Industrial stormwater permit. We will be required to manage our stormwater and will only be allowed to discharge clean water. Before any stormwater leaves the property, it will be routed through a BMP (Best Management Practice). Our BMPs will most likely be rock check dams and rock channels. The UG may require us to build a small retention area. That is still to be determined. The site will be regularly inspected by a stormwater professional to determine compliance.

We also plan to build a cul-de-sac off Ruby Ave. We are only buying property South of Ruby Ave. (about 20 acres). We plan to pave a road around the plant site for truck traffic. This should eliminate the tracking from our operation.

Below is a link to a video that presents how the asphalt plant will come and go for different projects.

<https://vimeo.com/377151662>

Essentially, the same type of plant and operation will be back near the same location with a paved road. An aerial photo showing their operation on that property is available on Bing Maps, see below. Please let me know if you have any additional questions.

Thanks,

Cole Andersen

P 785.235.8444 | D 785.783.8898

C 785.220.4336

candersen@bettiscompanies.com

Bettis Companies

1800 NW Brickyard Road | Topeka, KS 66618



[Bettis Asphalt](#) | [Mid-States Materials](#) | [Bettis Contractors](#) | [Capital Trucking](#) | [Capital Crane](#)
[Koss Construction](#) | [Midwest Pavement Grinding](#)





From: Mitch Hentkowski [mailto:mitch@metalpanelsinc.com]

Sent: Thursday, June 24, 2021 6:36 AM

To: Cole Andersen <candersen@bettisasphalt.com>

Subject: 1625 S 86th ST KCK

Cole,

I received your letter regarding change of zoning for this property. I would only have a couple questions / concerns. First, where will your water retention area be in relation to our adjoining property line? Since the elevation of your property will be higher than ours, and our water retention pond is on our shared fence line, I need to make sure that we do not create a situation where dirt will run off into our pond. The reason this is a concern, is because this has already happened one time a few years ago during dirt removal, which required remediation. Second, what is your plan to control dust and dirt and mud on Ruby Avenue? This is a continuous problem as dirt has been removed from the property. When dirt and mud is tracked out onto Ruby Ave, and then not cleaned up, the dust and dirt ends up inside our building on our equipment and inventory. During the timeframe you were utilizing this property while resurfacing K32, I don't recall any specific issues with cleanliness that would be attributed to your operation, but I want to ensure this will not be an ongoing problem indefinitely, even after the remaining dirt is removed. Just a few years ago, water that would flow down and into the bar ditch on the north side of Ruby Ave but was eventually filled in and now just runs over the surface, and when it rains hard enough, ends up on Ruby Ave (and therefore inside our building). I am assuming that these concerns would already have been taken into consideration, but just want to make sure they are not overlooked.

Thank you,

Mitchell Hentkowski

METAL PANELS INC.

131 S. 147th E. Ave.
Tulsa, OK 74116

918-728-2807 Direct Phone

918-728-2867 Direct Fax

918-641-0641 📞

918-641-0640 📠

mitch@metalpanelsinc.com

www.metalpanelsinc.com



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Toy, Byron

From: Cole Andersen <candersen@bettisasphalt.com>
Sent: Tuesday, June 22, 2021 2:38 PM
To: Andy Gabbert; Tim Seibold
Cc: Julie Seibold
Subject: RE: 1625 S 86th St KCK 66111

Greetings Tim and Julie,

Let me know if you have any questions or if you would like to talk further.

Below is a link to a video that presents how the asphalt plant will come and go for different projects. I will also point out we do not operate during the winter months.

<https://vimeo.com/377151662>

Respectfully,

Cole Andersen

P 785.235.8444 | D 785.783.8898

C 785.220.4336

candersen@bettiscompanies.com

Bettis Companies

1800 NW Brickyard Road | Topeka, KS 66618



[Bettis Asphalt](#) | [Mid-States Materials](#) | [Bettis Contractors](#) | [Capital Trucking](#) | [Capital Crane](#)
[Koss Construction](#) | [Midwest Pavement Grinding](#)

From: Andy Gabbert [mailto:agabbert@ric-consult.com]
Sent: Tuesday, June 22, 2021 1:56 PM
To: Tim Seibold <tseibold@cbregan.com>; Cole Andersen <candersen@bettisasphalt.com>
Cc: Julie Seibold <jseibold@cbregan.com>
Subject: RE: 1625 S 86th St KCK 66111

Hi Tim/Julie,

Bettis Asphalt is looking for a permanent place to be able to put an asphalt plant. The plant itself will not be permanent, but will come & go as needed for projects but the ability to come & go will be permanent. They were recently on the site a while back under a special use permit, you may not have even noticed they were there. Today's asphalt plants are cleaner, quieter and more efficient. The tree buffer surrounding the site is proposed to stay and will remain untouched. The site itself will go mostly untouched except where the City requires us to improve, i.e. utilities, etc. All access to and from the site will be from Ruby Ave.

Essentially, the same type of plant and operation will be back in the same location. An aerial photo showing their operation on that property is available on Bing Maps, see below. Please let me know if you have any additional questions.

Thanks,





Andy Gabbert, PLA

Landscape Architect

Renaissance Infrastructure Consulting

agabbert@ric-consult.com | 913.333.3880 (d) | 913.314.6967 (c)



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[Click here](#) to upload & send large files.

From: Tim Seibold <tseibold@cbregan.com>

Sent: Monday, June 21, 2021 11:49 AM

To: candersen@bettiscompanies.com; Andy Gabbert <agabbert@ric-consult.com>

Cc: Julie Seibold <jseibold@cbregan.com>

Subject: 1625 S 86th St KCK 66111

Cole and Andy,

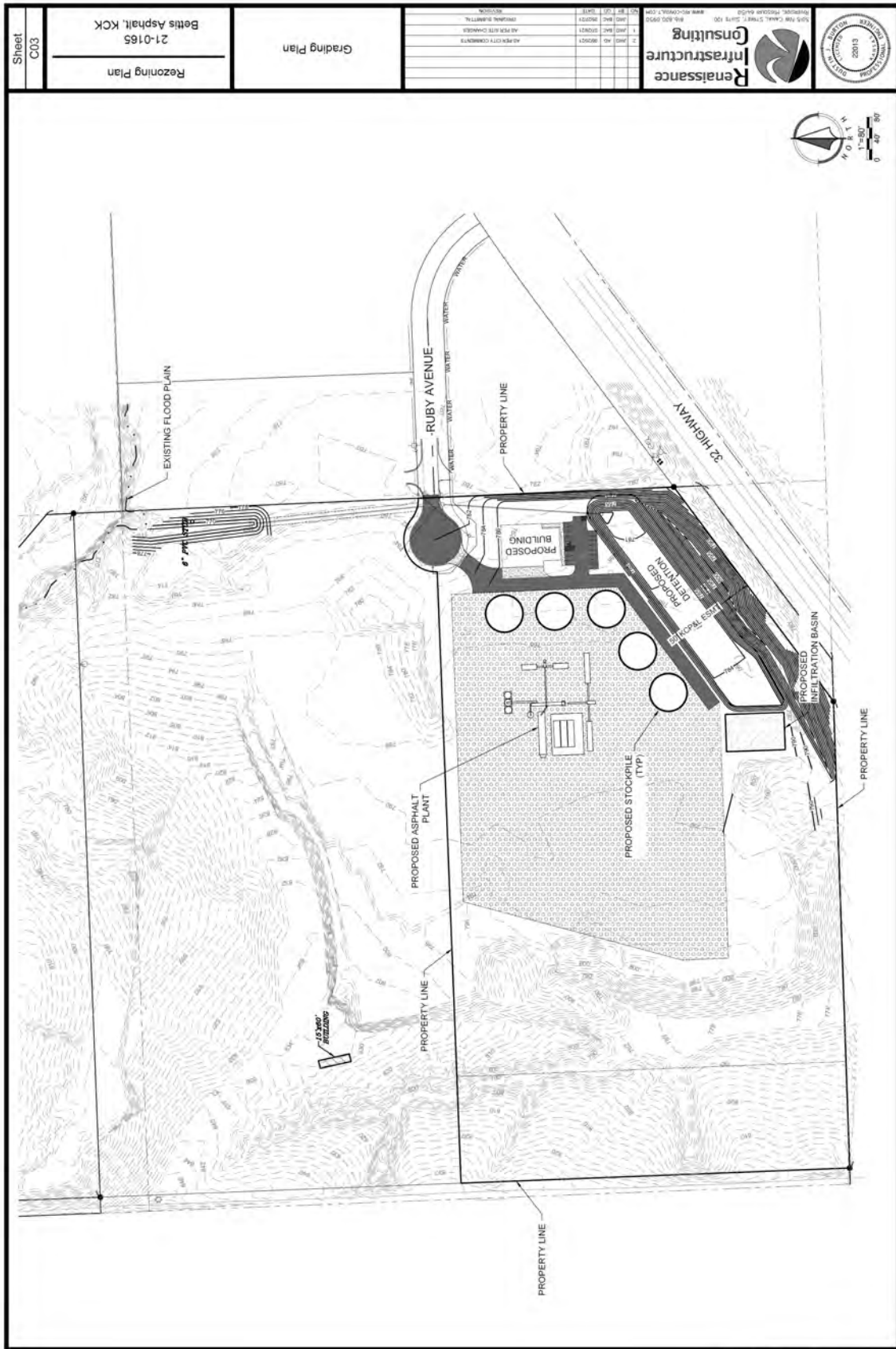
My wife and I received the letter regarding the permanent asphalt plant just south of our home. We live just north of the project and would like to see more information on what you are proposing to build. Please reply to both of our emails so we can review. Thank you.

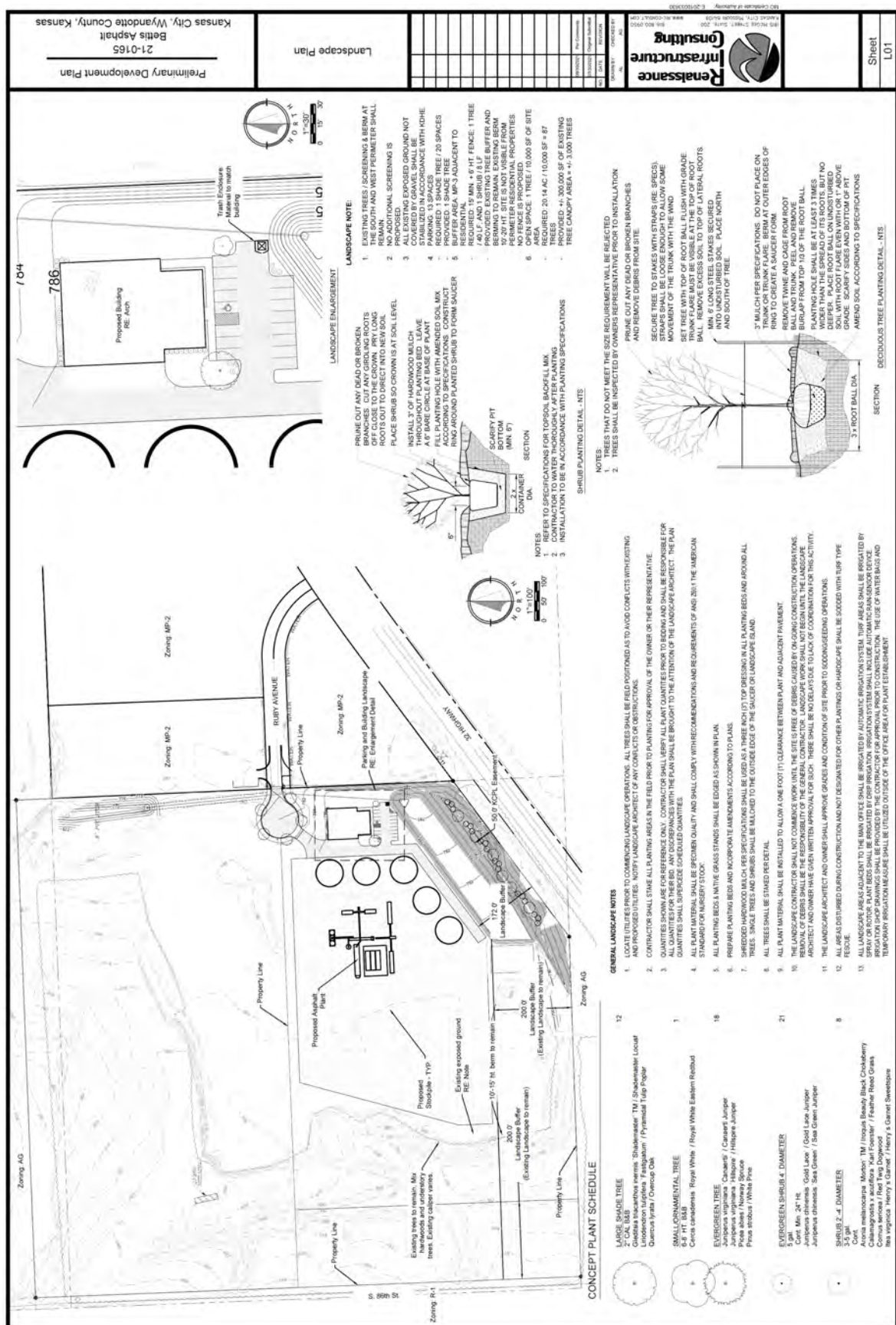
Tim Seibold

913-226-4543



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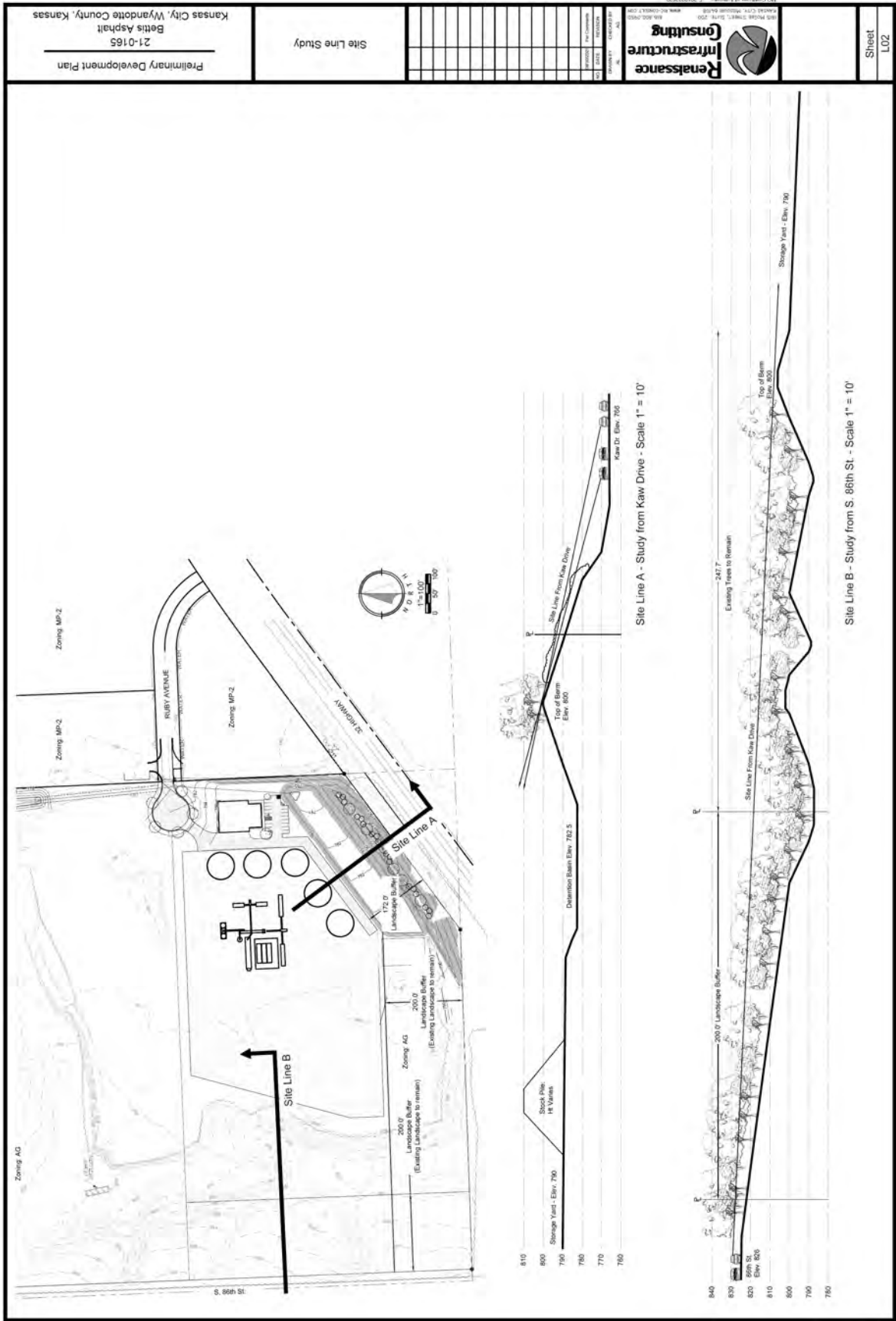




Figure 4. Site Photograph of 1625 South 86th Street looking east (provided by Planning Staff).



Figure 5. Figure 4. Site Photograph of 1625 South 86th Street looking southeast (provided by Planning Staff).



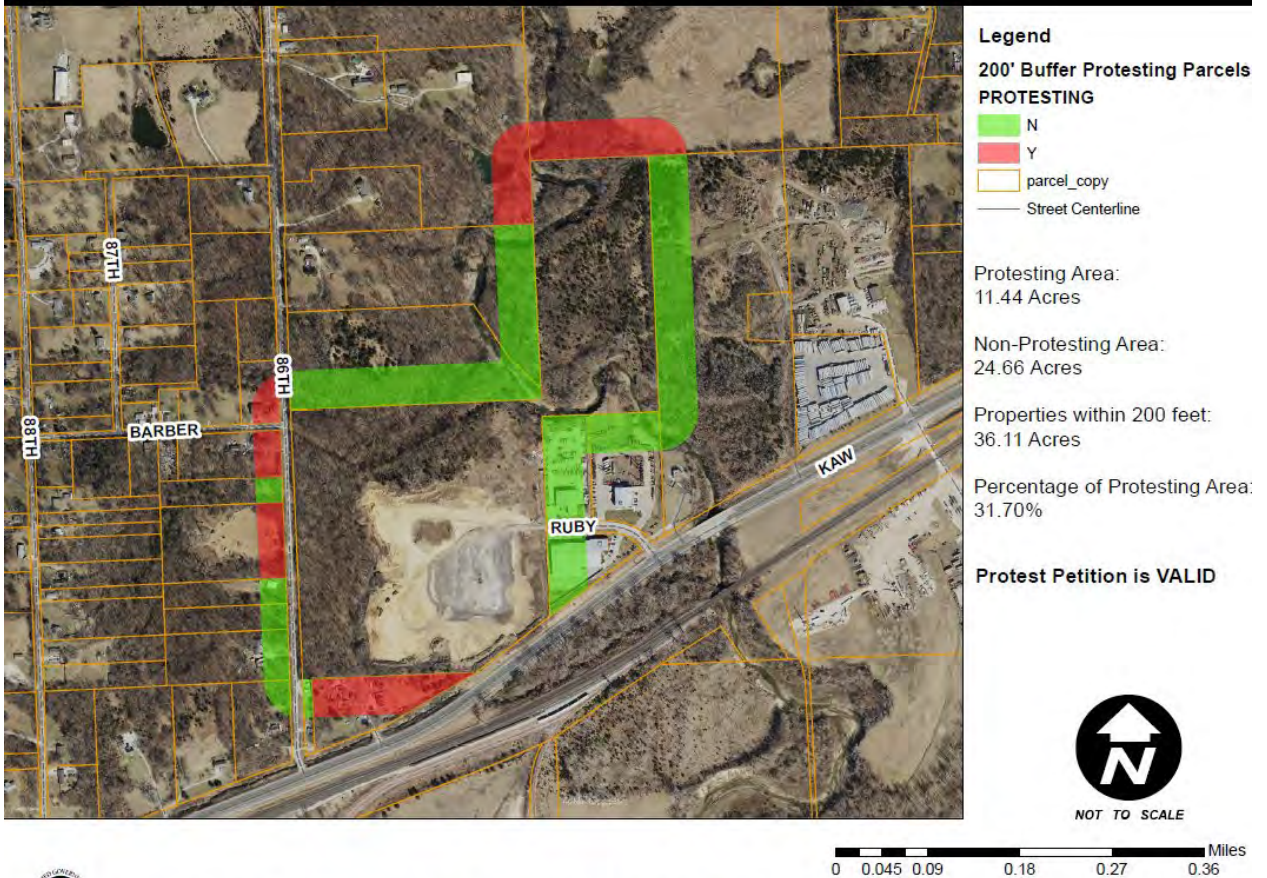
Figure 6. Figure 4. Site Photograph of 1625 South 86th Street looking south (provided by Planning Staff).



Figure 7. Figure 4. Site Photograph of 1625 South 86th Street looking southwest (provided by Planning Staff).



Figure 8. Figure 4. Site Photograph of 1625 South 86th Street looking west (provided by Planning Staff).



Protest Petition for COZ2021-018 (1625 South 86th Street)

(Please carefully read the verification statement before signing)

1. Steven Bashins, 1740 S 86th St KCK, being ⁶⁶¹¹

B. T. B. B.
(Signature)

Subscribed and sworn to before me this 14th day of Sept,
2021, by Steven Rushes, who is personally known to me to be the
same person whose name is subscribed to in the foregoing instrument.


Notary Public

My Commission Expires:

07/22/2023



PROTEST PETITION

Protest Petition Against Rezoning or Special Use Permit No. COZ2021-018

We, the undersigned property owners, do hereby protest the above referenced application at the following address: 1625 S 86th St Kansas City, KS 66111.

We, the undersigned, realize that this petition of protest must be submitted to the Office of the Unified Government Clerk within fourteen (14) days from the date of the conclusion of the Planning Commission public hearing regarding this rezoning application. Further, we realize that this Petition is in opposition to the rezoning application and our signatures cannot be removed after filing unless certain lawful actions are taken to remove the Protest Petition. This Petition may be filed pursuant to the laws of Kansas, K.S.A. 12-757; and of the Unified Government of Wyandotte County/Kansas City, Kansas Sec 27-1049(d) and shall be subject to the rules contained therein.

We, the undersigned, are owners of real property located within the statutory area of notification related to the area for which a rezoning is sought, whereby, our signatures shall hereafter be verified by one of the signers of the Protest Petition as true and correct signatures in order for this Protest Petition to be valid. The statutory area of notification includes the real property located within two hundred (200) feet of the boundaries of the area for which a rezoning is sought; or, if the area is adjacent to unincorporated property, the incorporated real property located within two hundred (200) feet of the boundaries of the area for which a rezoning is sought **and** the unincorporated property within one thousand (1,000) feet of the boundaries of the area for which a rezoning is sought.

Protest Petition

PETITION NUMBER: COZ 2021-018

LEGAL SIGNATURE OF OWNER (All owners of property must sign)	PROPERTY DESCRIPTION (Address and/or lot and block number)	DATE
<u>TRC</u>	<u>CMOR PROPERTIES 437 S 86th ST</u>	<u>9/5/21</u>
<u>TS</u>	<u>TIMOTHY R. SEIBOLD 1431 S. 86th ST. KCK 66111</u>	<u>9/5/21</u>
<u>Jim O'Hanlon</u>	<u>Terry O. Hamilton 1501 S. 86th</u>	<u>9/5/21</u>
<u>Stan M. Bush</u>	<u>1740 S 86th KCK 66111</u>	<u>09/05/2021</u>
<u>Joel Ball</u>	<u>8540 Kaw dr Kck 66111</u>	<u>9/5/21</u>
<u>Christina D.</u>	<u>1700 S. 86th ST. KE, KS 66111</u>	<u>09-06-21</u>
<u>Leslie Emma Beatty</u>	<u>8610 Barber Ave. KC, KS 66111</u>	<u>09-08-21</u>
<u>Rutha B. Verhage</u>	<u>8321 SWARTZ, KANSAS CITY, KS. 66111</u>	<u>09-12-21</u>
<u>Michael D. Verhage / Deceased</u>	<u>8321 SWARTZ KCKS, 66111</u>	<u>09-12-21</u>

Verified By: Stan Bush
 State of Kansas
 County of Wyandotte
 on 9/19/2021 Stan Bushes
 Signed this document in my
 presence.

WYATT PRESTON
 Notary Public-State of Kansas
 My Appt. Expires 7/22/23

Kansas Department of Health and Environment
Office of Vital Statistics
CERTIFICATE OF DEATH

115-2014-08150

State File Number

1. Decedent's Legal Name (First, Middle, Last) MICHAEL DUANE VERHAGE		2. Sex MALE	3. Date Of Death (Month, Day, Year) 05/07/2014	4. Social Security Number [REDACTED]	5. Date Filed By State Registrar 05/07/2014
6. If Female, Name Prior To First Marriage		7a. Date Of Birth 03/05/1963	7b. Age 51 YEAR(S)	8. Place Of Birth (City And State Or Foreign Country) LEON, IOWA	9. Decedent Ever In U.S. Armed Forces NO
10a. Place Of Death DECEDENT RESIDENCE		10b. Facility Name (If Not Institution, Street And Number) 6709 CAENEN LAKE ROAD		10c. County Of Death JOHNSON	10d. Zip Code 66216
10e. City or Town Of Death SHAWNEE	11. Marital Status NEVER MARRIED		12. Surviving Spouse (If Wife, Name Before First Marriage)		13a. Residence - Street Address 6709 CAENEN LAKE ROAD
13b. State or Foreign Country KANSAS	13c. County or Province JOHNSON	13d. City or Town SHAWNEE		13e. Zip Code 66216	13f. Inside City Limits YES
14. Decedent's Ancestry DUTCH/IRISH		15. Decedent's Race WHITE			
16. Decedent's Hispanic Origin NOT SPANISH, HISPANIC, LATINO					
17. Decedent's Education SOME COLLEGE CREDIT, BUT NO DEGREE		18. Decedent's Occupation FORKLIFT/MECHANIC		19. Decedent's Industry AUTOMOTIVE	
20. Father's Name (First, Middle, Last) JACK R VERHAGE			21. Mother's Name Prior To First Marriage (First, Middle, Last) RETHA G HOUK		
22a. Informant's Name (First, Middle, Last) RETHA VERHAGE		22b. Mailing Address (Street, Number, City, State, And Zip Code) 6709 CAENEN LAKE ROAD, SHAWNEE, KANSAS, 66216		22c. Relationship To Decedent MOTHER	
23. Method Of Disposition BURIAL		24a. Place Of Disposition SHAWNEE MISSION MEMORY GARDENS		24b. Location SHAWNEE, KANSAS	
25. Funeral Service Licensee And License Number /e/ PATRICIA A TRAFFAS - 2627			26. Name Of Embalmer And License Number STEPHEN S SZCZEPANIK - 3507		
27. Name And Address Of Firm MCGILLEY AND HOGUE MEMORIAL CHAPEL, 8024 SANTA FE DRIVE, OVERLAND PARK, KANSAS, 66204					
28. Cause Of Death Part I. Events (diseases, injuries, or complications) that directly caused the death. IMMEDIATE CAUSE (Final Disease Or Condition Resulting In Death) a. POORLY-DIFFERENTIATED NON-SMALL-CELL ADENOCARCINOMA OF THE LUNG, METASTATIC TO BRAIN AND LIVER Due To (Or As A Consequence Of): Conditions, if any, leading To cause listed on line a. UNDERLYING CAUSE (disease or injury that initiated the events resulting in death) LISTED LAST b. _____ Due To (Or As A Consequence Of): c. _____ Due To (Or As A Consequence Of): d. _____					Approximate Interval: Onset To Death DIAGNOSED 03/2014
Part II. Other Significant Conditions Contributing To Death But Not Resulting In The Underlying Cause Given In Part I. GASTROINTESTINAL BLEEDING FROM ANGIODYSPLASIA, RECENT SYSTEMIC IMMUNE RESPONSE SYNDROME			29a. Autopsy NO	29b. Autopsy Findings Available To Complete The Cause Of Death	29c. Coroner Contacted YES
30. Did Tobacco Use Contribute To Death? PROBABLY		31. If Female:		32. Manner Of Death NATURAL	
33a. Date Of Injury (Month, Day, Year)	33b. Time Of Injury	33c. Injury At Work	33d. How Injury Occurred		
33e. Place Of Injury		33f. Location (Street And Number Or Rural Route, City Or Town, State, And Zip Code)			
34a. Date Pronounced Dead (Month, Day, Year) 05/06/2014	34b. Time Pronounced Dead 11:30 AM	34c. Actual Or Presumed Time Of Death 11:30 AM		34d. Name Of Person Pronouncing Death	34e. License No.
35a. Pronouncing and Certifying Physician /e/ PAMELA S HARRIS - MD		35b. License No. 422812	35c. Date Certified 05/07/2014	35d. Address And Zip Code Of Person Completing Cause Of Death 12000 WORNALL RD, KANSAS CITY, MISSOURI, 64145	

VS231A - Rev. 07/01/2009

Death 5/9/2014 V220143640 01 VERHAGE 201404008150 15c @@ Courier @@



UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
Department of Planning and Urban Design
701 North 7th Street, Room 423
Kansas City, Kansas 66101
Phone: (913) 573-5750 Fax: (913) 573-5796



Buffer Parcels (Parcel-Set and Manually Entered)
for Petition: COZ2021-018

1625 S 86TH ST, KANSAS CITY, KS 66111

The proposed changes are as follows:

Property in GIS Buffer	Property Owner
Within 200 Feet of Property(B) PARCEL: 145601 8610 BARBER AVE KANSAS CITY, KS 66111	BRADLEY, GISELLE EVONNE 8610 BARBER AVE KANSAS CITY, KS 66111
Within 200 Feet of Property(B) PARCEL: 145621 1728 S 86TH ST KANSAS CITY, KS 66111	DURHAM, ARTIE B 1728 S 86TH ST KANSAS CITY, KS 66111
Within 200 Feet of Property(B) PARCEL: 145621 1728 S 86TH ST KANSAS CITY, KS 66111	DURHAM, WALTER A 1728 S 86TH ST KANSAS CITY, KS 66111
Within 200 Feet of Property(B) PARCEL: 145622 1740 S 86TH ST KANSAS CITY, KS 66111	BASHUS, STEVEN MICHAEL 1103 GRANDVIEW ST BELLEVUE, NE 68005
Within 200 Feet of Property(B) PARCEL: 145624 1816 S 86TH ST KANSAS CITY, KS 66111	UNDERWOOD, EARL CALVIN 1816 S 86TH ST KANSAS CITY, KS 66111
Within 200 Feet of Property(B) PARCEL: 145624 1816 S 86TH ST KANSAS CITY, KS 66111	UNDERWOOD, KATHI L 1816 S 86TH ST KANSAS CITY, KS 66111
Within 200 Feet of Property(B) PARCEL: 145641 1700 S 86TH ST KANSAS CITY, KS 66111	ORR, KRSTINA D 1700 S 86TH ST KANSAS CITY, KS 66111
Within 200 Feet of Property(B) PARCEL: 145645 1914 S 86TH ST KANSAS CITY, KS 66111	HARSH HOMES, LLC 25251 MCINTYRE RD MC LOUTH, KS 66054

Buffer Parcels (Parcel-Set and Manually Entered)
for Petition: COZ2021-018

11/09/2021

Property in GIS Buffer Within 200 Feet of Property(B) PARCEL: 145646 1824 S 86TH ST KANSAS CITY, KS 66111	Property Owner CURRIE, JASEN R TRUSTEE 3201 N 109TH PL KANSAS CITY, KS 66109
Within 200 Feet of Property(B) PARCEL: 145646 1824 S 86TH ST KANSAS CITY, KS 66111	CURRIE, JOHN G TRUSTEE 3201 N 109TH PL KANSAS CITY, KS 66109
Within 200 Feet of Property(B) PARCEL: 145646 1824 S 86TH ST KANSAS CITY, KS 66111	GERALD R. CURRIE TRUST, DATED 10/11/2018 7625 PARALLEL PKWY KANSAS CITY, KS 66112
Within 200 Feet of Property(B) PARCEL: 292201 1437 S 86TH ST KANSAS CITY, KS 66111	CMOR PROPERTIES LLC 1431 S 86TH ST KANSAS CITY, KS 66111
Within 200 Feet of Property(B) PARCEL: 294400 8320 RUBY AVE KANSAS CITY, KS 66111	KSMI PROPERTIES LLC 6715 W RENO AVE OKLAHOMA CITY, OK 73127
Within 200 Feet of Property(B) PARCEL: 294401 8330 RUBY AVE KANSAS CITY, KS 66111	TJC LEASING LLC 6510 COUNTY LINE RD KANSAS CITY, KS 66106
PARCEL: 294401 8334 RUBY AVE KANSAS CITY, KS 66111	
Within 200 Feet of Property(B) PARCEL: 406200 8341 RUBY AVE KANSAS CITY, KS 66111	KMK PROPERTIES L.L.C. 131 S 147TH EAST AVE TULSA, OK 74116
Within 200 Feet of Property(B) PARCEL: 933002 8321 SWARTZ RD KANSAS CITY, KS 66111	VERHAGE, MICHAEL D TRUST 6709 CAENEN LAKE RD SHAWNEE, KS 66216
Within 200 Feet of Property(B) PARCEL: 933002 8321 SWARTZ RD KANSAS CITY, KS 66111	VERHAGE, RETHA G TRUST 6709 CAENEN LAKE RD SHAWNEE, KS 66216
Within 200 Feet of Property(B) PARCEL: 933101 1539 S 86TH ST KANSAS CITY, KS 66111	BRITT, CARY H 1539 S 86TH ST KANSAS CITY, KS 66111

Buffer Parcels (Parcel-Set and Manually Entered)
for Petition: COZ2021-018

continued

Property in GIS Buffer Within 200 Feet of Property(B)	Property Owner
PARCEL: 933101 1539 S 86TH ST KANSAS CITY, KS 66111	BRITT, LAUREN A 1539 S 86TH ST KANSAS CITY, KS 66111
Within 200 Feet of Property(B) PARCEL: 933103 1601 S 86TH ST KANSAS CITY, KS 66111	REYES, TERESA 6201 JOHNSON DR , APT 235 MISSION, KS 66202
Within 200 Feet of Property(B) PARCEL: 933104 1625 S 86TH ST KANSAS CITY, KS 66111	C/O REGISTERED AGENT JEFFERY M. HENSLEY 2345 GRAND BLVD, STE 1600 KANSAS CITY, MO 64108
Within 200 Feet of Property(B) PARCEL: 933104 1625 S 86TH ST KANSAS CITY, KS 66111	WEST HILLS INDUSTRIAL PARK, LLC 2345 GRAND BLVD, STE 1600 KANSAS CITY, MO 64108
Within 200 Feet of Property(B) PARCEL: 933106 8210 KAW DR KANSAS CITY, KS 66111	SJS LLC PO BOX 11277 KANSAS CITY, KS 66111
Within 200 Feet of Property(B) PARCEL: 933200 1921 S 86TH ST KANSAS CITY, KS 66111	CITIES SERVICE GAS CO 810 CRESCENT CENTRE DR, #600 FRANKLIN, TN 37067
Within 200 Feet of Property(B) PARCEL: 933208 8510 KAW DR KANSAS CITY, KS 66111	BAILEY, AMBER 8540 KAW DR KANSAS CITY, KS 66111
PARCEL: 933208 8540 KAW DR KANSAS CITY, KS 66111	
Within 200 Feet of Property(B) PARCEL: 933208 8510 KAW DR KANSAS CITY, KS 66111	BAILEY, JASON 8540 KAW DR KANSAS CITY, KS 66111
PARCEL: 933208 8540 KAW DR KANSAS CITY, KS 66111	
Within 200 Feet of Property(B) PARCEL: 933708 1932 S 86TH ST KANSAS CITY, KS 66111	FAIRFIELD, DONALD H 1932 S 86TH ST KANSAS CITY, KS 66111

Buffer Parcels (Parcel-Set and Manually Entered)
for Petition: COZ2021-018

continued

/

Property in GIS Buffer
Within 200 Feet of Property(B)
PARCEL: 933708
1932 S 86TH ST
KANSAS CITY, KS 66111

Property Owner
FAIRFIELD, P SCHERREN
1932 S 86TH ST
KANSAS CITY, KS 66111

Number of contacts: 28



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 30, 2021

Re: Petition SP2021-062

GENERAL INFORMATION

Applicant:
Gordon Arthur Scholes III

Status of Applicant:
Owner/Operator
614 Reynolds Avenue
Kansas City, KS 66101

Requested Action:
Approval of a Special Use Permit.

Date of Application:
July 30, 2021

Purpose:
To have live entertainment in a drinking establishment/neighborhood bar.

Property Location:
614 Reynolds Avenue

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



Existing Zoning:	C-1 Limited Business District
Adjacent Zoning:	North: C-1 Limited Business District South: M-2 General Industrial and R-1(B) Single Family Districts East: C-1 Limited Business District West: R-1(B) Single family Districts
Adjacent Uses:	North: Undeveloped land and single family homes South: Storage lot and single-family home East: Undeveloped lot West: Single family homes and vacant lots
Total Tract Size:	0.77 Acre
Master Plan Area:	Central Area Master Plan
Master Plan Designation:	The Master Plan designates this property as Urban Density and Community Commercial. Urban Density allows single family homes, attached residences including townhomes, duplexes, triplexes, fourplexes, etc., institutional uses such as schools, churches and libraries. Community Commercial allows grocery stores, medium sized (25,000 – 75,000 square feet) box stores, sit-down and drive-through restaurants, banks, drug stores, gas stations and convenience stores.
Major Street Plan:	The Major Street Plan classifies Reynolds Avenue as a Local Street.
Required Parking:	Sec. 27-668(a)(12) One (1) space for each 50 square feet of seating area plus one (1) space for each remaining 200 square feet of total floor area. Thirty-nine (39) spaces are required. Twenty-four (24) spaces are provided. The parking is legal, non-conforming as a drinking establishment was establishment in 1993.
Advertisement:	<u>The Wyandotte Echo</u> – August 19, 2021 Letters to Property Owner – August 19, 2021 and September 23, 2021
Public Hearings:	September 13, 2021 and September 30, 2021
Public Support:	BetterDotte and the Strawberry Hill Neighborhood Association provided letters of support for this petition. There were two (2) people that appeared in support at the September 13, 2021 City Planning Commission meeting.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Gordon Arthur Scholes III with Club 403 Enterprises LLC, wants to operate live entertainment at an existing drinking establishment/neighborhood bar (403 Club) at 614 Reynolds Avenue.

City Ordinance Requirements: 27-592 through 27-606

Zoning Enforcement Action: There are no Notice of Violations for this property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is varied with an industrial business across the street, south of Reynolds Avenue and single-family homes northwest of North 6th Street Trafficway.

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

The zoning and their uses of properties nearby are set out above. The proposed uses are compatible with the surrounding area as this is a neighborhood bar that operating as a drinking establishment since 1993.

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

The property is suitable for the use. This portion of Reynolds Avenue is in between the commercial corridors on 7th Street and Central Avenue linking the Central Business District of downtown Kansas City, Kansas to Interstate 70 to the south and east. If managed properly, the live entertainment will not detrimentally affect nearby property.

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

The property is not vacant. A commercial business has operating since 1993.

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

Special Use Permits are not addressed in the Master Plan. Community Commercial allows retail business.

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

The proposed use will not increase the amount of vehicular traffic to the point where it exceeds the capacity of the Local Street to accommodate it because there is off-street parking that is used for the drinking establishment.

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

Because this building has been a commercial business since 1993, the proposed uses will not substantially injure the appropriate use, visual quality, or marketability of adjoining property. This type of Special Use Permit is not a permanent function of the business.

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

The noise, vibration, or illumination that would normally be associated with such use is of such duration and intensity as not to create problems for nearby property if properly managed.

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

The proposed use will not pollute the air, land or water as it is an existing, drinking establishment. If the parking is expanded to meet the code requirement, it will increase stormwater runoff.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing drinking establishment, and the existing tree stand should remain to provide partial screening to the adjacent residential neighborhood.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowner is minimal. If the application is denied, the applicant may only have four (4) live entertainment events annually.

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

The proposed use may result in overcrowding of off-street parking because there is an unimproved parking lot to the east that appears to have been used over the years for excess parking for customers. The drinking establishment has a maximum occupancy per the International Building Code, so the initial proposal

of live entertainment as background music for patrons/customers will not cause undue concentrations of population in the building.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on August 26, 2021 by in-person meeting at 614 Reynolds Avenue (403 Club). Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Parking Improvements
Noise
Security for customers
Dumpster screening
Sidewalk Maintenance and Expansion
Illumination
Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 4 to recommend **APPROVAL** of Special Use Permit Application **SP2021-062 for two (2) years**, subject to:

1. This is an existing drinking establishment/bar with less than the code required off-street parking. Adding live entertainment does not change that parking ratio, as taverns serving alcohol or CMB and dance halls (which has been categorized as live entertainment) use the same parking calculation;
2. The parking lot of the 403 Club is approximately 70 feet from a single-family residence, across Reynolds Avenue to the south, therefore the drinking establishment must close by 1:00 AM;
3. Live entertainment must stop by 1:00 AM;
4. The maximum number of occupants is seventy-five (75);
5. Must comply with the Unified Government security ordinance per Sec. 4-104 and future amendments therein:
 - a. The applicant must follow their self-described security plan;
6. The windows and doors shall remain closed during any live entertainment events that increase the noise level above normal bar operation volumes;
7. An I.D. scanner will be used at all times;
8. Any illumination that results from a live entertainment event;
9. Respond and resolve any issues brought to the attention of the operator by residents, property owners and/or neighborhood groups.

- a. If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Unified Government Board of Commissioners for revocation;
10. The dumpster in the northeast corner of the improved parking lot must be kept within a code complaint trash enclosure;
11. If the unimproved portion of the parcel to the east is not in use, restrict that area from any use by installing a barrier along south property line, such as a bollard and chain system or wheel stops to prevent illegal parking and oversee the lot. Again, if the intent is not to use eastern portion of the property, relocate the Ripple Glass recycling dumpster adjacent to the existing trash enclosure in the northeast corner of the paved parking lot and comply with Sec. 27-612(7). Otherwise, obtain a right-of-way permit and construct a driveway apron on Reynolds Avenue and improve the unimproved surface with concrete or asphalt, leading to the recycling dumpster and comply with Sec. 27-612(7), or construct a parking lot with asphalt or concrete and comply with the parking code;
12. As the applicant has described this as a neighborhood drinking establishment, connecting the bar to the surrounding neighborhood via the sidewalk is of the utmost importance. Creating a pedestrian connection by completing the sidewalk along 614 Reynolds will connect to the Strawberry Hill neighborhood. Complete the sidewalk along Reynolds Avenue between the improved parking lot and the North 6th Street right-of-way;
13. Clean the sidewalk of debris and weeds along North 6th Street Trafficway;
14. If the intent is to host events outside and there are performances on the patio, in addition to the fence that is being reconstructed around the patio, plant landscaping along the top of the slope adjacent to North 6th Street to mitigate noise and green and red lighting that illuminates the canopy;
15. Maintain the existing tree stand to screen the proposed use from residences;
16. 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;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and,
18. Subject to approval, 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, 19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2021-062** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 13, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Approved Street Tree List by the Parks Department
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Floor Plan
Letters of Support
Site Photographs provided by the Applicant.
Site Photographs provided by Staff dated August 17, 2021

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	September 13, 2021	September 30, 2021
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-062** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2021-062**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 13, 2021 City Planning Commission Minutes:

Hearing starts at 3:04:15:

SPECIAL USE PERMIT APPLICATION SP2021-062 – GORDON ARTHUR SCHOLES III WITH CLUB 403 – SYNOPSIS: Special Use Permit for a drinking establishment/neighborhood bar with live entertainment at 614 Reynolds Avenue.

Detailed Outline of Requested Action: The applicant, Gordon Arthur Scholes III with Club 403 Enterprises LLC, wants to operate live entertainment at an existing drinking establishment/neighborhood bar (403 Club) at 614 Reynolds Avenue.

City Ordinance Requirements: 27-592 through 27-606

Zoning Enforcement Action: There are no Notice of Violations for this property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners.

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

Present in Support:

- Gordon Arthur (Artie) Scholes, applicant, 525 North Thompson, Kansas City, Kansas 66101
- Mr. Super, President, Strawberry Hill Neighborhood Association, 276 North 6th Street, Kansas City, Kansas 66101
- Pearl King, 1004 Northwest 74th Street, Kansas City, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:16:20: Planning Director Hand stated that this property may have multiple underlying lots, but includes a review of the entire parcel in the Strawberry Hill neighborhood and Central Area Master Plan. He further stated that dumpsters need to be on improved surfaces and screened on three (3) sides. He stated that when applications are submitted, staff reviews the entire property for compliance with the codes. He stated that there is an existing trash enclosure for the dumpster, and the dumpster needs to stay in said enclosure. The recycling bin also needs to be enclosed. Director Hand stated that this establishment is advertised as a neighborhood bar and there is a gap in the sidewalk on Reynolds Avenue and one (1) of the conditions is to install new sidewalks accordingly and also to maintain the existing sidewalk, which is overgrown with weeds. The ID scanner is used to scan IDs when patrons enter the establishment during live events, and this is a standard condition for live entertainment venues. He stated that Staff noted in the report the change in grade and the existing tree stand does help screen the neighboring residences from the outside patio (where events could be held). He further stated that the code requires drinking establishments patios and/or outdoor parking that are less than 100 feet from a single-family residence must close by 1:00 a.m. Staff has not received any letters in opposition and two (2) letters have been submitted in support. There are no Notices of Violation and Staff recommends approval for two (2) years, subject to the conditions in the staff report.

Motion and Vote starts at 3:22:41:

On motion by Mrs. Jones, seconded by Dr. Hill, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit **SP2021-062 for two (2) years:**

Carson	Aye
Connelly	Not Present
Ernst	Aye
Hill	Aye
Huey	No
Jones	Aye
Miller	No
Mohler	No

Pauley Aye

Armstrong No

Motion to RECOMMEND APPROVAL Passed: 5 to 4

Subject to:

- 1. This is an existing drinking establishment/bar with less than the code required off-street parking. Adding live entertainment does not change that parking ratio, as taverns serving alcohol or CMB and dance halls (which has been categorized as live entertainment) use the same parking calculation;**
- 2. The parking lot of the 403 Club is approximately 70 feet from a single-family residence, across Reynolds Avenue to the south, therefore the drinking establishment must close by 1:00 AM;**
- 3. Live entertainment must stop by 1:00 AM;**
- 4. The maximum number of occupants is seventy-five (75);**
- 5. Must comply with the Unified Government security ordinance per Sec. 4-104 and future amendments therein:**
 - a. The applicant must follow their self-described security plan;**
- 6. The windows and doors shall remain closed during any live entertainment events that increase the noise level above normal bar operation volumes;**
- 7. An I.D. scanner will be used at all times;**
- 8. Any illumination that results from a live entertainment event;**
- 9. Respond and resolve any issues brought to the attention of the operator by residents, property owners and/or neighborhood groups.**
 - a. If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Unified Government Board of Commissioners for revocation;**
- 10. The dumpster in the northeast corner of the improved parking lot must be kept within a code complaint trash enclosure;**
- 11. If the unimproved portion of the parcel to the east is not in use, restrict that area from any use by installing a barrier along south property line, such as a bollard and chain system or wheel stops to prevent illegal parking and oversee the lot. Again, if the intent is not to use eastern portion of the property, relocate the Ripple Glass recycling dumpster adjacent to the existing trash enclosure in the northeast corner of the paved parking lot and comply with Sec. 27-612(7). Otherwise, obtain a right-of-way permit and construct a driveway apron on Reynolds Avenue and improve the unimproved surface with concrete or asphalt, leading to the recycling dumpster and comply with Sec. 27-612(7), or construct a parking lot with asphalt or concrete and comply with the parking code;**
- 12. As the applicant has described this as a neighborhood drinking establishment, connecting the bar to the surrounding neighborhood via the sidewalk is of the utmost importance. Creating a pedestrian connection by completing the sidewalk along 614 Reynolds will connect to the Strawberry Hill neighborhood. Complete the sidewalk along Reynolds Avenue between the improved parking lot and the North 6th Street right-of-way;**
- 13. Clean the sidewalk of debris and weeds along North 6th Street Trafficway;**

- 14. If the intent is to host events outside and there are performances on the patio, in addition to the fence that is being reconstructed around the patio, plant landscaping along the top of the slope adjacent to North 6th Street is mitigate noise and green and red lighting that illuminates the canopy;**
- 15. Maintain the existing tree stand to screen the proposed use from residences;**
- 16. 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;**
- 17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and,**
- 18. Subject to approval, 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,**
- 19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**



Figure 1. Aerial Photograph of 614 Reynolds Avenue (provided by ArcMap).

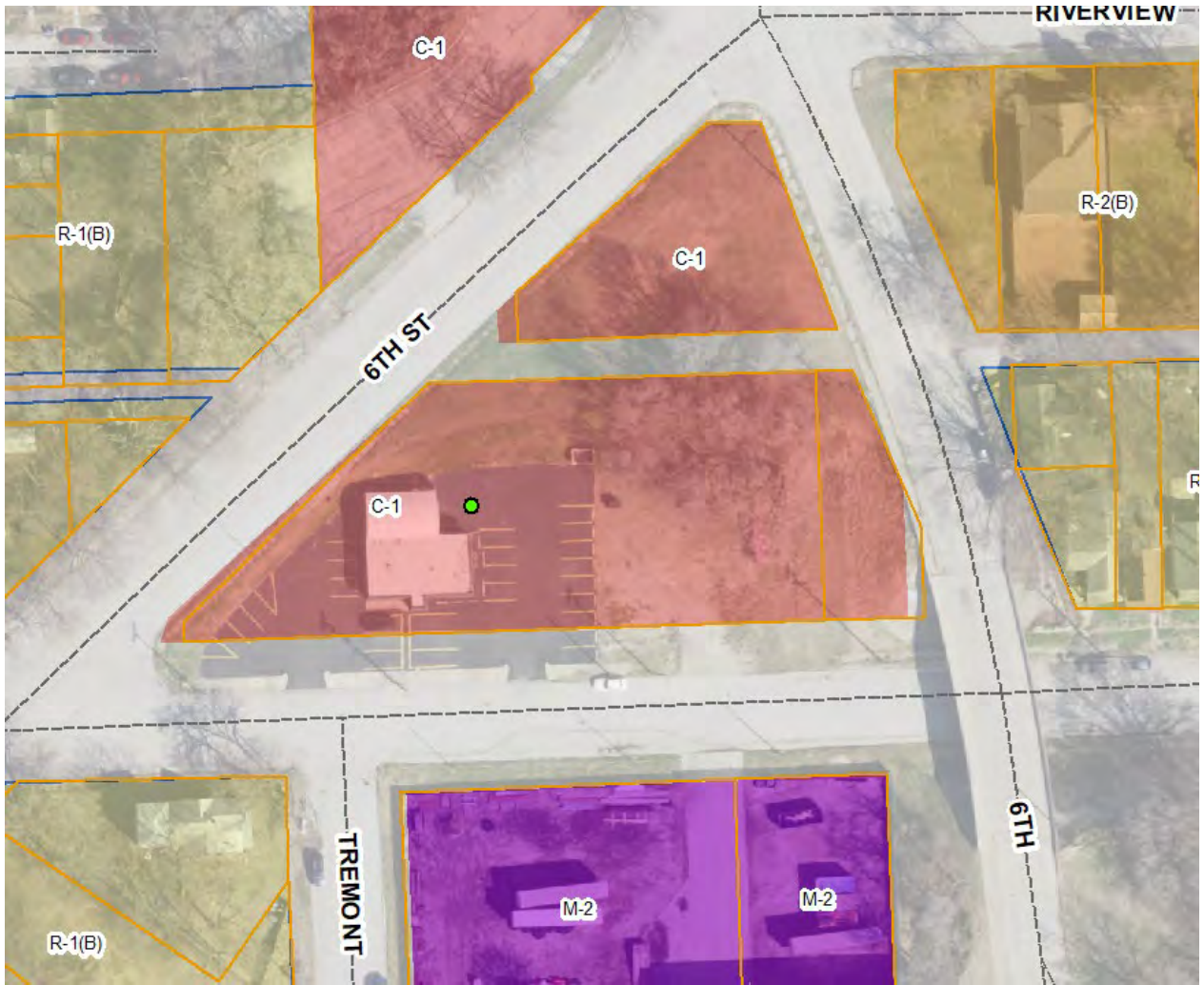


Figure 2. Zoning Map of 614 Reynolds Avenue (provided by ArcMap).



Figure 3. Central Area Master Plan Land Use Map (provided by ArcMap).

Kansas City, Kansas Permitted Street Tree Listing

(June 2017)

A. Small Trees (usually under 25 feet at maturity)			
1.	<i>Acer tataricum</i> subsp. <i>ginnala</i>	Amur maple	
2.	<i>Acer griseum</i>	Paperbark maple	
3.	<i>Acer tataricum</i>	Tatarian maple	'Hotwings'
4.	<i>Acer truncatum</i>	Shantung maple	
5.	<i>Acer truncatum</i> x <i>plantanoides</i>	Norwegian sunset maple	'Warrenred' 'Keithsform'
6.	<i>Amelanchier</i> x <i>grandiflora</i>	Serviceberry*	better cultivar 'Autumn Brilliance'
7.	<i>Cercis species</i> (spp.)	Eastern and Oklahoma redbud	
8.	<i>Malus</i> spp.	Crabapple	'Royal raindrop', 'Adirondack', 'Velvet Pillar'
9.	<i>Syringa pekinensis</i>	China Snow tree lilac	'Morton'
10.	<i>Syringa reticulata</i>	Japanese tree lilac	'Ivory silk'
11.	<i>Prunus virginiana</i>	Common chokecherry*	better cultivars 'Canada Red Improved' and 'Shubert'
B. Medium Trees (usually 25-40 feet at maturity)			
1.	<i>Carpinus betulus</i>	European hornbeam	
2.	<i>Cornus species</i> (spp.)	Dogwood	Typical understory planting. Species selection important for sun tolerance.
3.	<i>Koelreuteria paniculata</i>	Goldenrain tree	
4.	<i>Quercus muehlenbergii</i>	Chinkapin oak	
5.	<i>Acer buergerianum</i>	Trident maple	
6.	<i>Acer campestre</i> 'Evelyn'	Hedge maple	
7.	<i>Acer truncatum</i>	Shantung maple	
8.	<i>Cladrastis kentukea</i>	American yellowwood	
9.	<i>Maclura pomifera</i>	Osage-orange	Male cultivars only 'Whiteshield', 'Wichita'
10.	<i>Ulmus propinqua</i> 'JFS-Beiberich'	Emerald Sunshine elm	New introduction from OK proven in KS
C. Large Trees (usually 40 feet or larger at maturity)			
1.	<i>Acer miyabei</i>	Miyabei maple	'State Street'
2.	<i>Acer plantanoides</i>	Norway maple	
3.	<i>Acer saccharum</i>	Sugar maple	Suggested cultivar 'Hiawatha 1'
4.	<i>Acer saccharum</i> var. <i>caddo</i>	Caddo sugar maple	Heat and drought tolerant. Cultivars 'John Pair' and 'Autumn Splendor'
5.	<i>Betula nigra</i>	River birch	Single stem only
6.	<i>Corylus columna</i>	Turkish filbert	Needs large space
7.	<i>Ginkgo biloba</i>	Ginkgo	Male cultivars only
8.	<i>Gleditsia triacanthos inermis</i>	Thornless Honeylocust	'Imperial' 'Shademaster' 'Skyline'

	Permitted Large Trees		
9.	<i>Gymnocladus dioica</i>	Kentucky coffeetree	Male cultivars available. Durable native.
10.	<i>Liquidambar styraciflua</i>	Sweetgum	Male cultivars only
11.	<i>Metasequoia glyptostroboides</i>	Dawn redwood	Needs large space
12.	<i>Nyssa sylvatica</i>	Black gum	
13.	<i>Quercus acutissima</i>	Sawtooth oak	
14.	<i>Quercus alba</i>	White oak	
15.	<i>Quercus bicolor</i>	Swamp white oak	Soil pH should determined
16.	<i>Quercus coccinea</i>	Scarlet oak	
17.	<i>Quercus imbricaria</i>	Shingle oak	
18.	<i>Quercus lyrata</i>	Overcup oak	
19.	<i>Quercus macrocarpa</i>	Bur oak	
20.	<i>Quercus phellos</i>	Willow oak	
21.	<i>Quercus robur</i>	English oak	Choose mildew resistant cultivars
22.	<i>Quercus rubra</i>	Northern red oak	Soil pH should determined
23.	<i>Quercus shumardii</i>	Shumard oak	
24.	<i>Taxodium distichum</i>	Baldcypress	
25.	<i>Tilia cordata</i>	Littleleaf linden	
26.	<i>Tilia tomentosa</i>	Silver linden	Cultivars 'Sterling Silver' 'Green Mountain'
27.	<i>Tilia Americana</i>	American linden	
28.	<i>Ulmus americana</i>	American elm	Cultivars resistant to Dutch elm disease; 'New Harmony', 'Princeton', 'Lewis and Clark', 'Jefferson'
29.	<i>Ulmus parvifolia</i>	Lacebark elm	'Elmer II'
30.	<i>Ulmus wilsoniana</i>	Prospector elm	
31.	<i>Zelkova serrata</i>	Zelkova, columnar or Japanese	'Musashino' 'Village green' 'Green vase'

* Fruits produced - site selection important

Kansas City, Kansas Prohibited Street Tree Listing

(June 2017)

Prohibited Street Trees			
1.	<i>Abies species (spp.)</i>	Fir	
2.	<i>Acer saccharinum</i>	Silver maple	
3.	<i>Albizia julibrissin</i>	Mimosa	
4.	<i>Celtis occidentalis</i>	Northern hackberry	
5.	<i>Celtis laevigata</i>	Sugar hackberry	
6.	<i>Diospyros virginiana</i>	Persimmon	
7.	<i>Elaeagnus angustifolia</i>	Russian olive	
8.	<i>Fraxinus Americana</i>	White ash	
9.	<i>Fraxinus pennsylvainica</i>	Green ash	
10.	<i>Maclura pomifera</i>	Osage orange – fruited/thorned varieties	
11.	<i>Morus spp.</i>	Mulberry	
12.	<i>Picea spp.</i>	Spruce	
13.	<i>Pinus spp.</i>	Pine	
14.	<i>Platanus acerifolia</i>	London plane tree	
15.	<i>Platanus occidentalis</i>	Sycamore	
16.	<i>Populus spp.</i>	Cottonwood	
17.	<i>Pyrus calleryana</i>	Bradford pear	
18.	<i>Ulmus pumila</i>	Siberian elm	
19.	<i>Ailanthus altimssima</i>	Tree of Heaven	
20.	<i>Acer negundo</i>	Boxelder	
21.	<i>Salix spp.</i>	Willow	
22.	Edible fruit trees		



August 30, 2021

Subject: SP2021-062

Dear Staff:

Attached please find my response to the staff's draft report along with additional attachments referenced in the response.

I would like to clarify that my SUP application is only for the parcel at 614 Reynolds that the licensed business occupies. I am not requesting any licensing or permits for the parcels/property at 602 Reynolds or 62 North 6th Street. Those parcels should not have anything to do with the current SUP procedures that are specifically for approval of an annual entertainment license. Any issues with the other parcels should be handled separately.

The 403 Club is a neighborhood bar that features pinball and craft beer. It is not a nightclub or dance hall. Additional details of the business can be found in the attached Business Summary from November 12, 2015. This is not a new business. Many of the issues in staff's comments appear to be matters that would have been better addressed in 2014 when I moved the business to the current location.

I would also note that we do not serve coffee and "coffee" should be deleted from the "Purpose" on the first page of the staff's report.

Please let me know if you have any questions. I look forward to presenting my petition to the Planning Commission on September 13, 2021.

Sincerely,

CLUB 403 ENTERPRISES LLC

//Artie Scholes

G. Arthur Scholes, III
Owner/President

GAS:pak

Enclosures

614 REYNOLDS AVENUE • KANSAS CITY, KANSAS
(913) 499-8392 • WWW.403CLUB.COM

Club 403 Enterprises LLC Business Summary

The 403 Club is a drinking establishment located in historic Strawberry Hill with a focus on craft beer and pinball. Club 403 Enterprises LLC is a Kansas limited liability company formed March 21, 2011. On January 31, 2012, Artie Scholes, bought out his partner's interest and has been since that time, and currently is the sole owner of the business.

The 403 Club officially opened May 20, 2011 at the original location of 403 North 5th Street. However, Mr. Scholes wanted to grow the business and the leased 5th Street location had limited space and parking with no opportunity to expand. On January 15, 2014 Mr. Scholes purchased the assets of 610 Club Inc. including the building and real estate at 6th and Reynolds. On February 21, 2014 the 403 Club re-opened at their new location at 614 Reynolds Avenue.

An avid pinball enthusiast, Artie Scholes envisioned a neighborhood pinball bar with an abundant selection of craft beer. His goal was to see increased sales each year¹ and he has been fortunate to achieve this. The consistent plan for growth and expansion has always included the opportunity to increase space to add additional pinball tables. With the move to the new location in 2014, the business was able to go from five pinball machines to the current ten² machines. Competitive pinball has become increasingly popular, and Artie has continued to promote pinball with both weekly and monthly tournaments and also hosted the first ever Kansas State Pinball Championship³.

Along the way there have been some road blocks, as there are with starting and growing any business. The two biggest issues the owner has encountered are the high property taxes and the limitations imposed by the current liquor laws; specifically the one hour earlier closing time than competitors across the state line, and being limited to purchasing inventory from a retail liquor store rather than a distributor.

The business is open seven days a week and has continuously employed an average of six employees throughout its existence. The owner lives in Strawberry Hill and several employees are also Wyandotte County residents.

The owner has made numerous improvements since purchasing the property, including new HVAC, interior remodel and paint, and most recently the installation of a new roof. ⁴Mr. Scholes plans include improvements to the parking area (repave and stripe), replace the 12-year-old awning on the patio, purchase new pinball machine(s) to replace older and/or less popular machines. Long term goal would be the removal of the current building and construction of a larger building on the current property.

¹ 2020 and 2021 saw a marked downturn in business income.

² As of 2021 there are 11 pinball machines.

³ We have continued to host the Kansas state championship each year.

⁴ Parking lot improvements have been completed and patio awning replaced.

SP2021-062

RESPONSE TO STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. Unable to respond as the comment is incomplete and appears to be cut off before the end of the first sentence.
2. The business has been licensed by the State and the City to operate at this location since 2014 and at no time in 6 plus years has this restriction been mentioned.
 - a. The hours of operation are 4:00 PM to 2:00 AM Monday through Friday; Noon to 2:00 AM Saturday and Sunday. Hours of operation would not change.
3. I anticipate hosting 2-4 events per month.
4. Live entertainment would be in the form of karaoke, stand-up comedy, and occasionally live music. I anticipate having a designated night of the week and/or month for these activities. We currently host weekly and monthly pinball tournaments and would likely intermix the live entertainment with the tournament schedule. In addition, we often host groups for celebrations and fundraisers during our normal hours of operation. With the entertainment license I would be able to provide those groups with karaoke or other permitted entertainment they have been requesting.
5. Maximum occupancy indoors is 75.
6. I have attached a security plan and will amend as needed to comply with UG security ordinances. I was unable to locate security ordinances other than those contained in Sec. 4-104.
7. There are only 4 windows and none of them open. The exterior doors are always kept closed. The 403 Club is a pinball bar with 11 pinball machines, a jukebox and 6 large screen TV's. When the proposed live events are in progress the noise level will be equal or less than the normal noise level during pinball tournaments or Royals and Chiefs football games. There have never been any complaints from any neighbors regarding noise – or anything else for that matter.
8. There will be no illumination from live entertainment events.
9. I will always maintain compliance with governing laws including those that will apply to the requested entertainment license. However, I am unable to locate this requirement under UG ordinances or Kansas statutes. I have also not witnessed the use of this type of device at any of the many KCK establishments I have been to. I would request additional information and clarification if this is an ordinance, or a condition determined by Planning and Urban Design.
10. I am and will be in regular contact with my neighbors. My business and my home are in Strawberry Hill, and I am active in my community. I have frequent communication with other local business owners and residents and have enjoyed a positive relationship with both.
11. The open lot to the east of the subject property is NOT used for overflow parking. Customers have never been advised or given permission to use the lot for parking. On

the few occasions (approximately 10 times in the past 6 years) when customer vehicles exceeded the parking lot's capacity, they have parked on the public street along Reynolds. The lot will not be used for overflow parking during regular operations or for live entertainment events.

12. Refer to 11) above.
13. Refer to 11) above.
14. The dumpster will be kept in a code compliant trash enclosure. Please note there is an existing trash enclosure at the northeast corner of the property. The dumpster was temporarily moved from the enclosure while maintenance was being completed on the parking surface.
15. The matter of the Ripple Glass recycling container on the property at **602 Reynolds**, Code Case 16200-03126, originally came up when I received the attached Notice of Violation. However, I understood this to have been resolved and there was no further action. Please refer to the attached email correspondence between Ken Moore and Greg Talkin. Also attached is an email from that same time to Rob Richardson in support of the container from the Strawberry Hill Neighborhood Association. If my understanding is correct, I would ask that it be handled separately so the SUP application for the licensed business at **614 Reynolds** may move forward.
16. Please refer to 11) above. Considering the empty lot at **602 Reynolds** is not used by the business at **614 Reynolds**, would this still be required? I would appreciate more information regarding this request and would also ask that any issues with the lot/parcel at **602 Reynolds** be handled separately so the SUP application for the licensed business at **614 Reynolds** may move forward.
17. **62 N 6th Street** (upper parcel) is also a separate lot/parcel and has nothing to do with the Entertainment License and required SUP. I believe that includes the sidewalk staff is referencing. Again, I would ask that any issues with other parcels be treated separately.
18. I would disagree with staff's conclusion that landscaping is necessary to "buffer noise and illumination that may reverberate up the hill..." This is a concrete block building. There are no windows at the back of the building and both doors are closed. The steep hillside along north 6th Street is already a significant buffer. There have been no complaints from residents on Tremont or Riverview, or any other neighboring residents of noise or illumination. Why are we trying to fix a problem that doesn't exist?
19. I have and will continue to maintain the existing tree stand.
20. I will contact Planning staff regarding obtaining necessary permits for signage.
21. Immediately upon approval I will submit a check in the amount of \$125.00 for the publication fee. I understand this must be submitted within 30 days or the permit will be invalid.
22. I understand that as the business owner and the property owner that I am responsible that the property is compliant with the ordinances, conditions, and requirements of this approval.
23. I understand and accept the terms stipulated.

FW: Ripple Glass 602 Reynolds

From: Moore, Kenneth J <kjmoore@wycokck.org>

Date: Mon, 22 Aug 2016 15:33:20 -0500

From: Talkin, Greg

Sent: Monday, August 22, 2016 3:32 PM

To: Moore, Kenneth J

Cc: Wilson, Wayne; Felix, Richard H; Morgan, Robert L; Miskec, Rachel; Richardson, Rob

Subject: RE: Ripple Glass 602 Reynolds

No,

I asked inspector Felix to hold on any further action on this notice.

Greg

From: Moore, Kenneth J

Sent: Monday, August 22, 2016 3:30 PM

To: Talkin, Greg

Cc: Wilson, Wayne; Felix, Richard H; Morgan, Robert L; Miskec, Rachel; Richardson, Rob

Subject: RE: Ripple Glass 602 Reynolds

I assume this means they do not have to act before the 26th deadline.

From: Talkin, Greg

Sent: Monday, August 22, 2016 3:15 PM

To: Moore, Kenneth J

Cc: Wilson, Wayne; Felix, Richard H; Morgan, Robert L; Miskec, Rachel; Richardson, Rob

Subject: Ripple Glass 602 Reynolds

Ken,

After checking into this a little further we have determined that the zoning is not residential; it is C-1. It is a recycling container so we are not enforcing any screening requirements at this time on such

containers. Also noted that the section used may not have been correct for a dumpster but a recycling container of this nature would be related to commercial use. The only outstanding question is whether they expanded the parking area by adding gravel. Staff has looked at the overhead aerials and google information, and we will compare that to the existing conditions tomorrow.

Greg

Ripple Glass at 602 Reynolds

From: Ross Stewart <rosshenrystewart@gmail.com>

Date: Fri, 02 Sep 2016 16:1539 -0500

Mr. Richardson,

I'm writing you on behalf of the Strawberry Hill Neighborhood Association; I am the acting President of the Association at this time. Artie, the owner of 403 club approached me about a zoning issue with his Ripple Glass bin he had dropped at his bar. As an association, we want this recycling opportunity available in our neighborhood. Deffenbaugh does not provide a glass pickup option, and our residents rejoiced at the opportunity to recycle glass without having to drive to west Wyco, Fairfax or to downtown KCMO. I have received zero complaints from individuals about the dumpster. People are happy it is here.

It's my understanding that the issue with the bin is that is not enclosed on three sides, per county code. We would hope that this could be waived for this recycling opportunity. Artie has provided my practice with a few photos of other ripple glass bins that are not in 3 walled enclosures throughout the County. This is perplexing to me. Did all of these other bins receive special use permits, or is there a different code for the downtown area regarding recycling bins? It is my hope that this bin can stay, and without undue costs to Artie or his establishment. If you'd like to speak to me further about this issue please feel free to contact me at my information below.

Hope you have a nice long weekend.

Best,

Ross Stewart
Stewart Law Office, LLC
www.rhstew.com
RossHenryStewart@gmail.com
816-237-8395

403 CLUB SECURITY PLAN

The 403 Club's management goal, like most drinking establishments, is to provide a hospitable place where patrons can have a good time, often by enjoying entertainment while purchasing and consuming the establishment's primary product, alcoholic beverages. It is the latter item, the service of alcoholic beverages that tend to lessen or remove inhibitions in many people, which can be the cause of problems for drinking establishment operators.

Because of the lack of prior problems, and because of the types of crowds the 403 Club's atmosphere attracts, specifically designated security personnel have not been utilized. Rather, bartenders and management have been relied upon to handle problems that might occasionally arise. This continues to be sufficient unless circumstances should warrant a change.

Management seeks to attract its customers based on the location, atmosphere, and entertainment format it provides. Promotions set a tone and attract specific types of patrons. That "tone" will determine what type problems are likely to arise, and what type and level of security should be provided. Management will, at any time necessary, change that "tone" by changing the music, adjusting event times or duration, and other measures appropriate.

Management will work to identify any potential problems and develop countermeasures and train personnel in their implementation.

LICENSED SECURITY OFFICERS

Due to the occupancy limits, the number of patrons will not exceed the 125-person threshold under Sec. 4-104 (f) that would require licensed security officers. Management has and will continue to consult with Officer Jay Wilt, KCKPD, to advise when/if any security personnel may be needed to monitor the event to ensure that no one becomes unruly and resolve any potential problems that may arise.

DOORPERSON

During live entertainment events, a doorperson will be stationed at the entry door. The doorperson will check IDs to ensure that people seeking entrance are of legal age. They also will attempt to deny entry to persons who are obviously intoxicated, or who are known to have previously caused problems and/or been barred by management.

BARTENDERS

Current staff are experienced bartenders, the majority is TIPS certified to ensure they are equipped with knowledge for serving alcohol to the public. All staff are trained to identify patrons who are visibly becoming intoxicated or becoming loud, obnoxious and "looking for trouble," and deploy basic nonconfrontational methods to cut such people off from further drinking.

REMOVING PATRONS

Sometimes visible presence, rule enforcement, and verbal warnings aren't enough, and, for the safety of staff and customers alike an unruly patron must be ejected.

Escorting a patron out of the bar involves first explaining why they are being asked to leave, then verbally requesting that they comply. If the customer has previously been warned, they already know why they are being asked to leave, and if treated courteously, many will leave without problem.

If a patron, even an intoxicated, obnoxious, and combative patron is injured; they should be offered medical attention, usually by calling EMS or an ambulance. If the person is unconscious, medical help should always be called for them. Never eject a visibly injured person without first offering to help them obtain medical treatment. A written report should be prepared in such cases, especially if an injured person refuses medical attention.

If a patron refuses verbal requests or commands to leave after staff/management has requested he or she leave, or fails to leave the property after exiting the bar, the police should be called promptly.

OUTSIDE THE BAR

Management, employees, or security personnel should monitor the parking lot starting 30 minutes before closing time and continuing until all patrons and staff have left. If an incident erupts outside the bar, but still on the bar's property, the police should be called to intervene. If patrons leaving cause problems, management will work with the police to arrive at workable solutions to the problem.

VIDEO SURVEILLANCE SYSTEM

The 403 Club is equipped with a digital video recorder system that includes a monitor located in the bar and the ability for remote monitoring. Cameras are strategically located to cover critical areas of the exterior and interior of the facility. Management has access to the digital recorder and can provide the recording for investigative purposes

CLUB 403 ENTERPRISES LLC

MINUTES OF NEIGHBORHOOD MEETING

Application Number: SP2021-062

Date and Location: August 26, 2021 / 614 Reynolds Avenue

The undersigned, as applicant and owner of Club 403 Enterprises LLC d/b/a 403 Club, held a Neighborhood Meeting on August 26, 2021 at 4:30 pm. The purpose of the meeting was to explain the application of the business for a special use permit to obtain an annual entertainment license at the licensed drinking establishment.

In addition to myself and my staff there were three attendees: Alicia Houston, John Houston, and Wes McKain.

Alicia and John are members of BetterDotte. Wes is a member of Strawberry Hill Neighborhood Association. All are neighbors and patrons of the 403 Club.

Alicia and John were expecting and hoping for entertainment outside on the enclosed, covered patio and were disappointed that keeping events indoors would be a likely condition of granting the permit. The current conditions with the pandemic made an outdoor option more appealing.

Wes was surprised at the various steps and procedures that were necessary to obtain the annual entertainment license. After reviewing the draft staff's report, Wes thought some of the conditions were ridiculous and had commented that several had nothing to do with the entertainment license. Wes indicated a letter in support would be forthcoming from SHNA and asked where to direct the letter. I responded to direct it to Department of Planning and Urban Design and provided the contact information.

All three attendees were in support of the proposal. Prior to the meeting I received a copy of the attached letter of recommendation from BetterDotte.

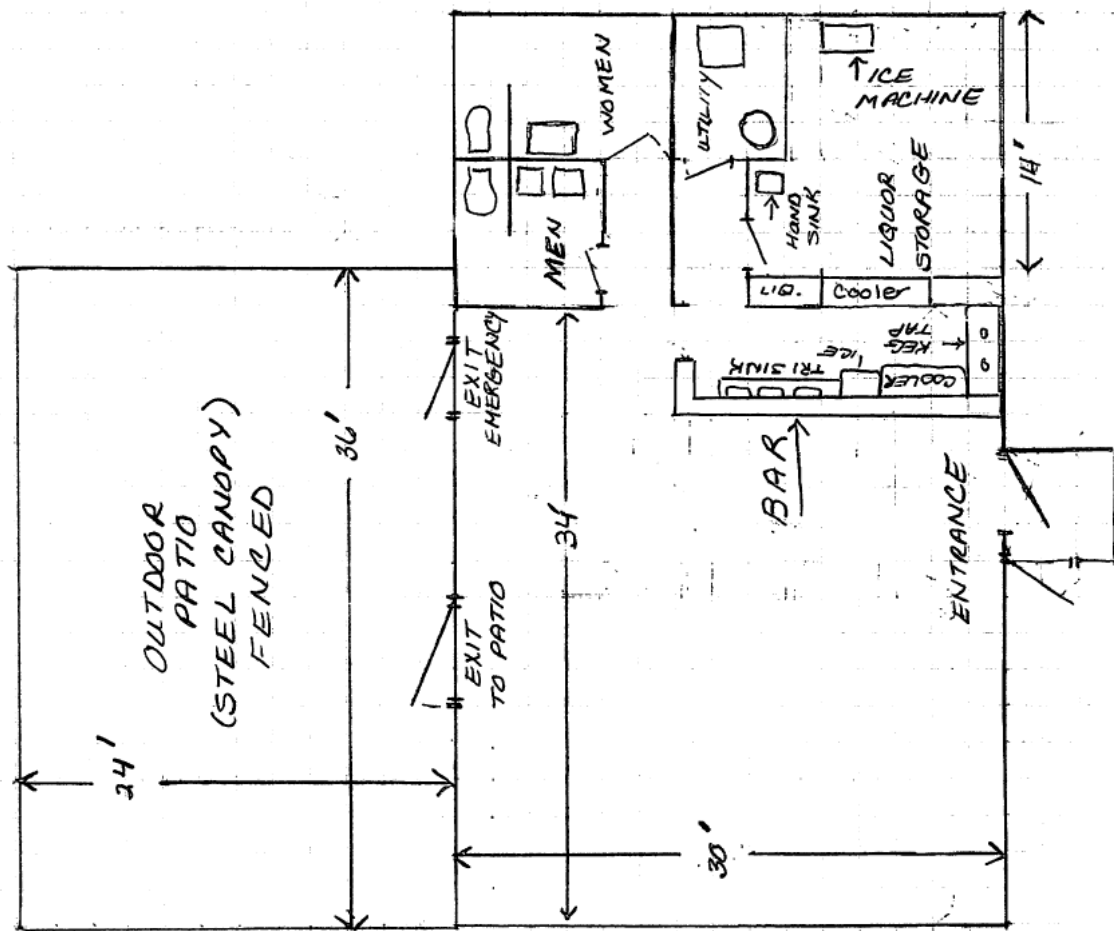
There being no other questions or comments, the meeting was adjourned approximately 5:30 pm.

// Artie Scholes

Artie Scholes

Dated: August 31, 2021





LOI4 REYNOLDS

BetterDotte
611 Tauromee Ave
Kansas City, KS 66101

Department of Urban Planning and Land Use
701 N. 7th St, Suite 423
Kansas City, KS 66101

August 25, 2021

Dear Sir or Madam:

BetterDotte would like to express its support of Club 403 Enterprises LLC/403 Club's application with the Department of Urban Planning and Land Use for a special use permit.

BetterDotte is a local non-for-profit focused on community betterment. Our members are located in the Strawberry Hill neighborhood. As a result, we are well acquainted with 403 Club owner Artie Scholes. Mr. Scholes is an active and supportive member of our neighborhood and greater Kansas City, KS community as a resident and local business owner.

The members of BetterDotte recognize Mr. Scholes as a responsible business owner and a great neighbor. Having the special use permit in place will allow him opportunities to grow his customer base and increase his business. This is something that is necessary as a result of the past year. The 403 Club and Mr. Scholes continue to be committed to the safety of staff and community members. We know he will continue to communicate and work with our area residents.

BetterDotte urges the approval of the special use permit for Club 403 Enterprises LLC/403 Club. If you need to contact us further about this matter, please feel free to email us at betterdotte@gmail.com.

Sincerely,

Members of BetterDotte



Strawberry Hill Neighborhood Association

September 5, 2021

Unified Government Planning & Urban Design
City Hall
701 N 7th St, Suite 423
Kansas City, KS 66101

**Re: Support for 403 Club Special Use Permit, Application No. SP2021-062, at
614 Reynolds Ave, Kansas City, KS**

Dear Planning & Urban Design staff, and City Planning Commissioners:

The Strawberry Hill Neighborhoods Association (SHNA) writes in support of the petitioner's request for a Special Use Permit to allow entertainment at his drinking establishment, the 403 Club. Artie's bar has been a good local business in the neighborhood since 2014. To our knowledge, the neighborhood has never responded to any complaints regarding the 403 Club.

The SHNA Board considered Artie's request at our board meeting on August 10. Board members voted to endorse his Special Use Permit, so long as the General Membership and neighbors did not express any concerning issues which were not subsequently addressed by Artie. The Board presented the Special Use Permit to the General Membership on at the August 17 meeting and heard no voiced concerns. Board member Wesley McKain then attended the neighborhood meeting on August 26. Once again, no concerns were voiced. The SHNA Board therefore unequivocally supports Artie's request for Special Use Permit to host entertainment at his drink establishment, seeing that it adds to the culture and life of the neighborhood, with very few if any downsides.

Finally, the Board requests that the Planning & Urban Design staff consider allowing Artie to host entertainment events on his patio, and not only inside of the bar. Upon hearing of the entertainment permit, we understood it to be inside/outside; only upon attending the August 26 meeting did we learn it was inside only. The 403 Club is uniquely situated to provide live outdoor entertainment within Strawberry Hill without disturbing nearby neighbors. Please see the pictures below showing the natural sound barriers provided by the terrain and manmade structures surrounding the bar. We suggest that if this request is permitted, Article direct amplified sound to the east,



Strawberry Hill Neighborhood Association

where the only residences are beyond an overpass which would serve as a natural sound barrier. Please consider this extra use in addition to the standard entertainment SUP, as we believe it would provide a unique outdoor entertainment experience in the "bar in the hole" in Strawberry Hill, the 403 Club.

Sincerely,

Wesley McKain

Strawberry Hill Neighborhood Association Board Member

Submitted on behalf of the Board 9/5/2021

wesley.mckain@gmail.com, 816-589-7874



Figure 1 – 403 Club back patio looking west. We suggest amplified sound not be pointed this direction.



Strawberry Hill Neighborhood Association



Figure 2- Back patio of 403 Club, looking north. A natural berm provides a sound barrier.



Strawberry Hill Neighborhood Association



Figure 3 - Back patio of 403 club, looking East. We suggest amplified sound be pointed in this direction when utilizing the patio for live entertainment.



Figure 4. Photograph of the 403 Club at 614 Reynolds Avenue (provided by the applicant).



Figure 5. Photograph of the 403 Club at 614 Reynolds Avenue (provided by the applicant).



Figure 6. Photograph of the 403 Club at 614 Reynolds Avenue (provided by the applicant).



Figure 7. Photograph of the 403 Club at 614 Reynolds Avenue (provided by the applicant).



Figure 8. Site Photograph of 614 Reynolds looking northeast (provided by Planning Staff).



Figure 9. Site Photograph of 614 Reynolds looking northwest (provided by Planning Staff).



Figure 10. Site Photograph of 614 Reynolds looking south (provided by Planning Staff).



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 30, 2021

Re: **Change of Zone Petition COZ2021-018 and MPL2021-006**

GENERAL INFORMATION

Applicant:
Cole Andersen

Status of Applicant:
Bettis Asphalt & Construction
1800 NW Brickyard Road
Topeka, KS 66618

Requested Actions:
Change of Zone from MP-1 Planned Light Industrial and Industrial Park District to MP-3 Heavy Industrial District.

Master Plan Amendment from Business Park to Industrial.

Date of Application(s):
May 28, 2021

Purpose:
To build an 8,920 square foot building for offices and truck and trailer storage for an asphalt batch plant that will operate during the construction season.



Property Location:	1625 South 86 th Street
Commission Districts:	Commissioner At-Large: Tom Burroughs District #6 Commissioner: Angela Markley
Existing Zoning:	A-G Agriculture and MP-1 Planned Light Industrial and Industrial Park Districts
Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture MP-3 Planned Heavy Industrial Districts East: MP-2 Planned General Industrial and A-G Agriculture Districts West: R-1 Single Family District
Adjacent Uses:	North: Undeveloped land South: Single family home and outside vehicle storage East: Industrial businesses West: Single family home and undeveloped lots
Total Tract Size:	20.14 Acres
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates this property as Business Park, which allows warehousing (non-hazardous materials), distribution (non-hazardous materials), business/research parks, related commercial and service uses such as wholesale stores, outlet stores, office supply stores, service stations, convenience stores, hotels, motels, supporting restaurants, etc., and medical facilities.
Major Street Plan:	The Major Street Plan classifies South 86 th Street as a Class C Thoroughfare and Berger Avenue as a Local Street.
Required Parking:	Sec. 27-469(f) In no case, however, shall less than one space for each 500 square feet of building floor area be provided. For buildings larger than 20,000 square feet, only one space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. Eighteen (18) parking spaces are required. Eighteen (18) parking spaces are provided.
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – June 17, 2021 and August 19, 2021; Master Plan Amendment – June 17, 2021 and August 19, 2021

Letters to Property Owners – August 20, 2021 and
September 22, 2021

Public Hearings: September 13, 2021 and September 30, 2021

Public Support: None to date.

Public Opposition: There was one (1) person that appeared in opposition at the September 13, 2021 City Planning Commission meeting. A valid 31.70% protest petition has been submitted.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Cole Andersen with Bettis Asphalt & Construction wants to build an 8,920 square foot building for offices and truck and trailer storage for an asphalt batch plant that will operate during the construction season on 20.14 acres at 1625 South 86th Street.

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

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

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is a mixture of agricultural, rural residential and light industrial uses along the north side of K-32 Highway (Kaw Drive) between the Grinter Heights subdivision at South 80th Street on the east and I-435 on the west. The heavier 88th and Woodend Avenue industrial area lies to the south, across K-32 Highway and the Union Pacific Railroad main line.

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

The zoning and uses of properties nearby are set out above. The property is already industrially zoned; however, an asphalt batch plant requires a change of zone to accommodate the use. Removing the landscape buffer from the development is not compatible with the adjacent properties. Visible and noise buffering/mitigation measures must be taken on this site from the adjacent residents' properties or the public street.

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

The removal of the restrictions may negatively impact the neighbors. The screening requirements, which include fencing and landscaping may offset these impacts.

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

It appears that based on aerial photography, this site has operated as an earthen removal site over the last 15 years.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public. The use is convenient for the owner because they can maintain their own equipment and have a permanent facility to operate seasonally. It is debatable if the expansion of the industrial use will permanently injure adjacent properties. What is not debatable is the potential auditory and odorous impact the batch plant will have on the quality of life of the adjacent neighbors unless different techniques are used rather than traditional methods of mixing products to create asphalt on site.

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

The proposed development will not increase the traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems because Ruby Avenue is a relatively low trafficked street with three (3) businesses on them adjacent to Kaw Drive. Public Works Department may have additional comments – possibly asking for trip generation totals or a traffic study.

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

The proposed use does not conform to the Master Plan; therefore, a Master Plan Amendment has been filed in conjunction with this petition from Business Park to Industrial (City-Wide Master Plan).

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

Significant landscaping will be planted around the site to comply with the district's requirement. Berm and slopes will be protected and the existing 200-foot landscape buffer on Lot 2 and south side of the property (Lot 1) will be preserved.

There is concern of the environmental impacts an asphalt batch plant will have on air quality and groundwater.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

UG provides sanitary sewer service.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

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

e. *Fire*

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

f. *Transit*

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

g. *Schools*

Public education is provided by Turner USD 202.

h. *Streets*

To be designed to meet Public Works standards.

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

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

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

If revised, the proposed use is capable of meeting applicable ordinance and other requirements.

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

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

There must be a balance between the adjacent and nearby residential property owners' quality of life is protected and a business that is wanting to relocate.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on June 18 – June 28, 2021, and August 31, 2021 by e-mail and phone call. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Landscape Buffer and Screening
Noise, Odor and Visual Impacts
Stormwater Runoff
Groundwater Contamination

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Change of Zone Application **COZ2021-018** and Master Plan Amendment **MPL2021-006**, subject to:

1. **Sec. 27-212(c)(2) A preliminary development plan may be used as a preliminary plat where all of the information required of preliminary plat has been included on the preliminary development plan;**
2. **On the Final Plat, include a deed restriction that only allows an asphalt plant within the MP-3 zoning district, as this will protect existing residents and property owners for potential noxious uses that are permitted in the district;**

3. Shall comply with Sec. 27-470(d)(1) 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 85dB(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;
4. Dust mitigations shall include, but not limited to:
 - a. Will not track dirt and debris onto Ruby Avenue;
 - b. Enclose stockpiles of materials;
 - c. To minimize dust, dig down into the site below the height of the berm and grades rather than on top where dust can be carried with the wind.
 - d. Remediate the old fill location;
5. Hours of operation shall be from 7:00 AM to 5:00 PM. Due to the proximity of the residence across South 86th Street, contact the neighborhood group and the surrounding residences at least 24 hours in advance of performing work after 5:00 PM;
6. Parking lot shall be paved with asphalt or concrete, striped and ADA complaint;
7. The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including ground cover and storm water detention cannot be wholly covered with asphalt millings.

Sec. 27-675(a) All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel. The Unified Government Engineer shall determine acceptable alternatives. All parking spaces shall be clearly marked. All improvements shall be designed and constructed as necessary to prevent dust, erosion, excessive water flow across streets or adjoining property, and to control traffic. A less but dust-free standard of improvement may be permitted by the Unified Government Engineer for industrial storage yards used exclusively for inoperable vehicles, parts, building materials, supplies and equipment of heavy construction equipment and not for parking, loading or maneuvering.

The accepted and approved alternative by the Planning and Urban Design and Public Works Departments is asphalt millings for storage laydown pads for the explicit placement of equipment and materials, whereas the drive aisles that lead to these pads shall be paved with either concrete or asphalt;

8. The cul-de-sac and extension of Ruby Avenue shall be constructed by the applicant concurrently with the building permit associated with this development;
9. Per Business Licensing Division:
 - a. If approved, tenant will need to file and maintain a current occupation tax application;
10. When trucks are not backing into bays, the overhead doors shall remain closed to prevent sound from projecting west of the single-family residences;
11. The office portion of the building shall match in scale and style to the industrial buildings within this small business park and must comply with Commercial Design Guidelines.

These guidelines specify exterior building materials which include, but is not limited to brick, stone, stucco, textured and/or integrally-colored split-face CMU block, glass and cementitious siding;
12. On the preliminary plat and landscape plan, note the existing 200-foot landscape buffer around the perimeter of Lot 2 and Lot 1 (along Kaw Drive) and dedicate as open space and buffering;
13. Keep existing full growth trees on South 86th Street and along Kaw Drive;
14. All screening is to be maintained to minimize impacts of conflicting uses;
15. Relandscape the top of the hill along Kaw Drive and increase the berm south of the proposed detention basin to screen the site from public street;
16. Plant street trees along the frontage of Ruby Avenue, including the cul-de-sac to match the existing street trees within the adjacent industrial/office district;
17. Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises;
18. Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six (6) foot high architectural screening in combination with a landscaped buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every thirty-two (32) feet on center.

The site for the proposed development is 20.14 acres, eighty-seven (87) trees are required based on acreage and exclusive of the screening requirements for the lots zoned MP-3 Planned Heavy Industrial District adjacent to residentially zoned properties;
19. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
20. Landscaping shall be irrigated around the office, entry and along Ruby Avenue. Vegetation around ground cover around the property shall be watered regularly with a watering plan which shall be provided as part of the Final Development Plan;

21. Sec. 27-699(a)(2) All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping, continuously maintained;
22. Trash enclosure shall match building materials;
23. BPU transformer pad shall be completely screened on three (3) sides with six (6) foot junipers set back three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
24. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen (not perforated);
25. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building;
26. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
27. Per 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;
28. A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
29. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2021-018** and **MPL2021-006** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 13, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Preliminary Plat
Applicant Response Letter
Neighborhood Meeting Minutes/E-mails
Site Plan
Grading Plan
Landscape Plan
Sight Line Study
Building Elevations
Site Photographs provided by Staff dated August 17, 2021.
Protest Petition

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	September 13, 2021	September 30, 2021
Rezoning	Approval	
Master Plan	September 13, 2021	September 30, 2021
	Approval	

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

MOTIONS

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-018** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2021-018** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2021-006** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2021-006** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 13, 2021 City Planning Commission Minutes:

Hearing starts at 46:26:

MASTER PLAN AMENDMENT MPL2021-006 – COLE ANDERSON – SYNOPSIS:

Master Plan Amendment from Business Park to Industrial at 1625 South 86th Street.

CHANGE OF ZONE APPLICATION COZ2021-018 – COLE ANDERSON - SYNOPSIS:

Change of Zone from MP-3 Planned Heavy Industrial and A-G Agriculture Districts to MP-3 Planned Heavy Industrial District for a permanent asphalt plant at 1625 South 86th Street.

Detailed Outline of Requested Action: The applicant, Cole Andersen with Bettis Asphalt & Construction wants to build an 8,920 square foot building for offices and truck and trailer storage for an asphalt batch plant that will operate during the construction season on 20.14 acres at 1625 South 86th Street.

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

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to property owners.

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

Present in Support:

- Andy Gabbert, representing the applicant, Renaissance Infrastructure, 8653 Penrose Lane, Lenexa, Kansas 66219
- Cole Anderson, Bettis Asphalt & Construction, 1800 NW Brickyard Road, Topeka, KS 66618

Present in Opposition:

- Ms. Laura Bashus, 1740 South 86th Street, Kansas City, Kansas

Staff Recommendation starts at 1:03:19: Planning Director Hand stated that the applicant is requesting a Change of Zone and Master Plan Amendment on property generally in the Riverview area. This is a fill/excavation site that was previously used as a temporary asphalt batch plant operation for a couple of years. It ceased operation

and now the applicant wants to construct a permanent batch plant operation. Staff has several conditions of approval including a deed restriction that this MP-3 property (if rezoned) can only be used for the batch plant as this is the most intensive industrial use and no other uses allowed in this zoning district are appropriate. The surrounding property is M-1 and M-2 and there is a strip of A-G property that serves as a buffer on the west and north near the residential properties. The conditions in the staff report allow for the existing 200' buffer to remain and additional landscaping. The applicant stated that there will also be an office and one (1) of the conditions of approval is that the building for the office meet all the Commercial Design Guidelines requirements. Director Hand stated that conditions are included in the approval for dust mitigation, hours of operation, as well as other enhanced screening and landscaping specifically along the Kaw Drive property line to the south. Director Hand stated aside from opposition expressed this evening, there have been no letters of opposition nor support and there are no Notices of Violation. Staff recommends approval, subject to the conditions in the staff report.

The Planning Commission directed questions to the applicant and Director Hand.

Motion and Vote starts at 1:12:48:

On motion by Mr. Ernst, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment Application MPL2021-006:**

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

Motion to recommend APPROVAL Passed: 7 to 1

Subject to:

- 1. Sec. 27-212(c)(2) A preliminary development plan may be used as a preliminary plat where all of the information required of preliminary plat has been included on the preliminary development plan;**
- 2. On the Final Plat, include a deed restriction that only allows an asphalt plant within the MP-3 zoning district, as this will protect existing residents and property owners for potential noxious uses that are permitted in the district;**
- 3. Shall comply with Sec. 27-470(d)(1) 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 85dB(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;
- 4. Dust mitigations shall include, but not limited to:
 - a. Will not track dirt and debris onto Ruby Avenue;
 - b. Enclose stockpiles of materials;
 - c. To minimize dust, dig down into the site below the height of the berm and grades rather than on top where dust can be carried with the wind.
 - d. Remediate the old fill location;
- 5. Hours of operation shall be from 7:00 AM to 5:00 PM. Due to the proximity of the residence across South 86th Street, contact the neighborhood group and the surrounding residences at least 24 hours in advance of performing work after 5:00 PM;
- 6. Parking lot shall be paved with asphalt or concrete, striped and ADA complaint;
- 7. The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including ground cover and storm water detention cannot be wholly covered with asphalt millings.

Sec. 27-675(a) All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel. The Unified Government Engineer shall determine acceptable alternatives. All parking spaces shall be clearly marked. All improvements shall be designed and constructed as necessary to prevent dust, erosion, excessive water flow across streets or adjoining property, and to control traffic. A less but dust-free standard of improvement may be permitted by the Unified Government Engineer for industrial storage yards used exclusively for inoperable vehicles, parts, building materials, supplies and equipment of heavy construction equipment and not for parking, loading or maneuvering.

The accepted and approved alternative by the Planning and Urban Design and Public Works Departments is asphalt millings for storage laydown pads for the explicit placement of equipment and materials, whereas the drive aisles that lead to these pads shall be paved with either concrete or asphalt;

- 8. The cul-de-sac and extension of Ruby Avenue shall be constructed by the applicant concurrently with the building permit associated with this development;
- 9. Per Business Licensing Division:
 - a. If approved, tenant will need to file and maintain a current occupation tax application;

10. When trucks are not backing into bays, the overhead doors shall remain closed to prevent sound from projecting west of the single-family residences;
11. The office portion of the building shall match in scale and style to the industrial buildings within this small business park and must comply with Commercial Design Guidelines.
These guidelines specify exterior building materials which include, but is not limited to brick, stone, stucco, textured and/or integrally-colored split-face CMU block, glass and cementitious siding;
12. On the preliminary plat and landscape plan, note the existing 200-foot landscape buffer around the perimeter of Lot 2 and Lot 1 (along Kaw Drive) and dedicate as open space and buffering;
13. Keep existing full growth trees on South 86th Street and along Kaw Drive;
14. All screening is to be maintained to minimize impacts of conflicting uses;
15. Relandscape the top of the hill along Kaw Drive and increase the berm south of the proposed detention basin to screen the site from public street;
16. Plant street trees along the frontage of Ruby Avenue, including the cul-de-sac to match the existing street trees within the adjacent industrial/office district;
17. Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises;
18. Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six (6) foot high architectural screening in combination with a landscaped buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every thirty-two (32) feet on center.
The site for the proposed development is 20.14 acres, eighty-seven (87) trees are required based on acreage and exclusive of the screening requirements for the lots zoned MP-3 Planned Heavy Industrial District adjacent to residentially zoned properties;
19. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
20. Landscaping shall be irrigated around the office, entry and along Ruby Avenue. Vegetation around ground cover around the property shall be watered regularly with a watering plan which shall be provided as part of the Final Development Plan;
21. Sec. 27-699(a)(2) All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping, continuously maintained;
22. Trash enclosure shall match building materials;
23. BPU transformer pad shall be completely screened on three (3) sides with six (6) foot junipers set back three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot,

- therefore the gate/enclosure shall be constructed in front of the transformer;
24. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen (not perforated);
 25. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building;
 26. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
 27. Per 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;
 28. A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
 29. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 30. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
 31. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Ernst, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2021-018:**

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

Motion to recommend APPROVAL Passed: 7 to 1

Subject to the above conditions

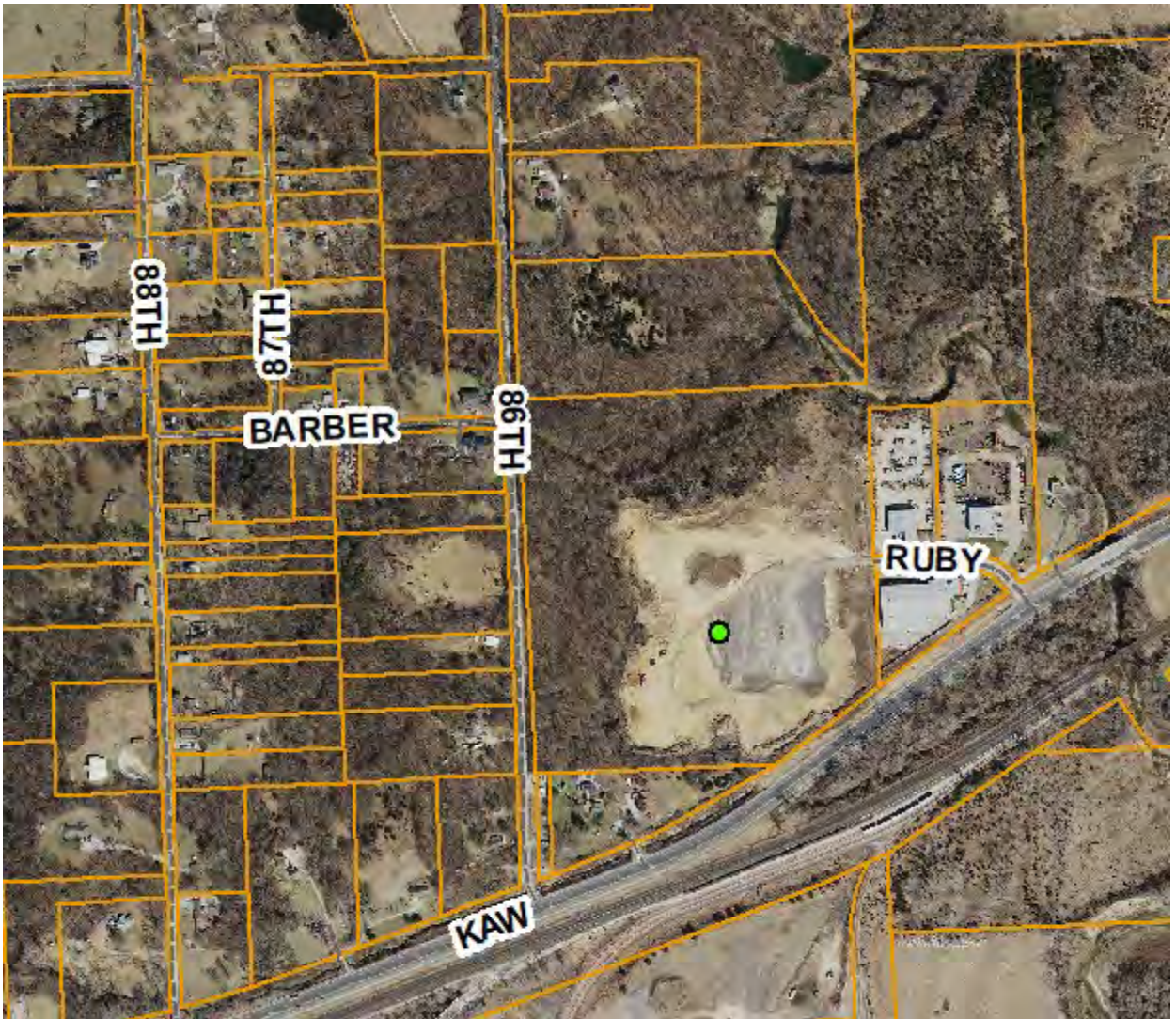


Figure 1. Aerial Map of 1625 South 86th Street (provided by ArcMap).

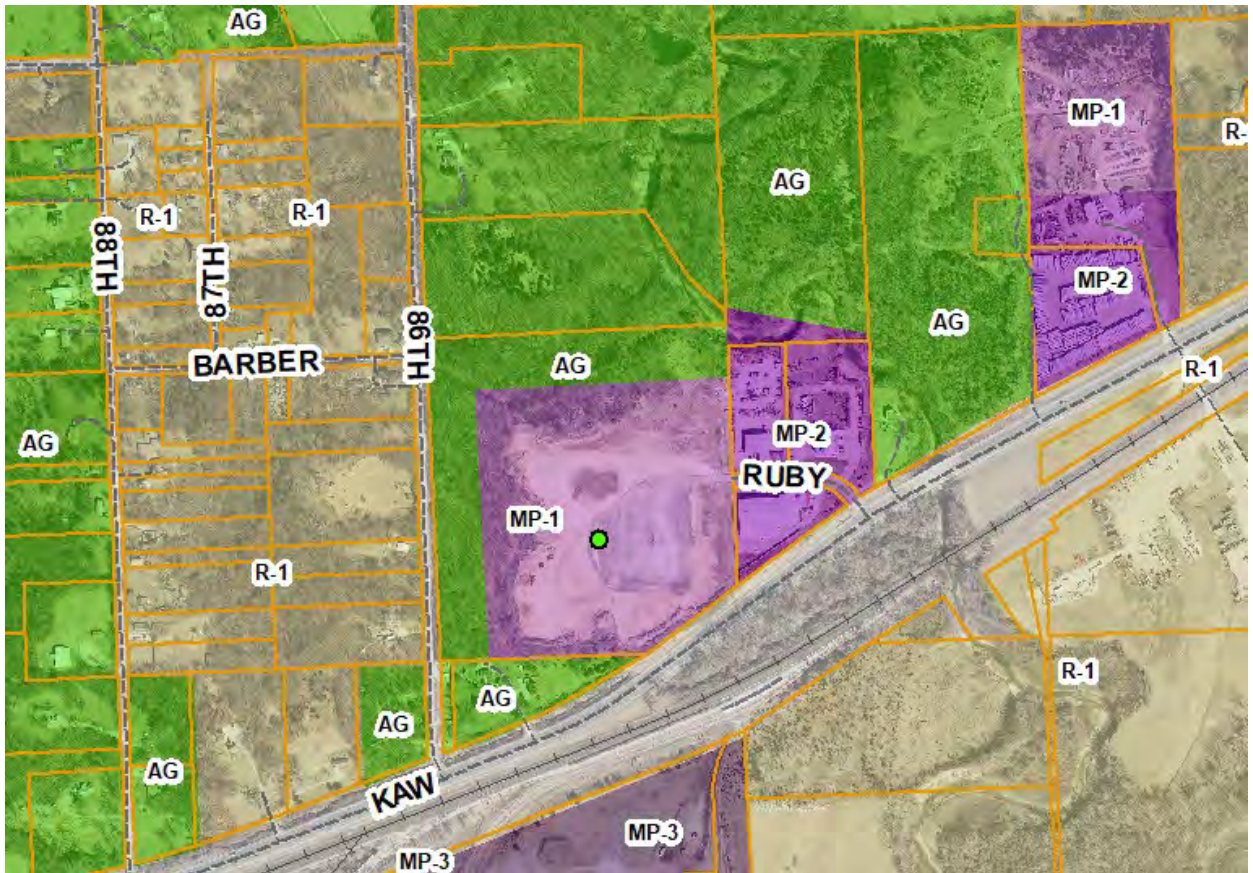


Figure 2. Zoning Map of 1625 South 86th Street (provided by ArcMap).

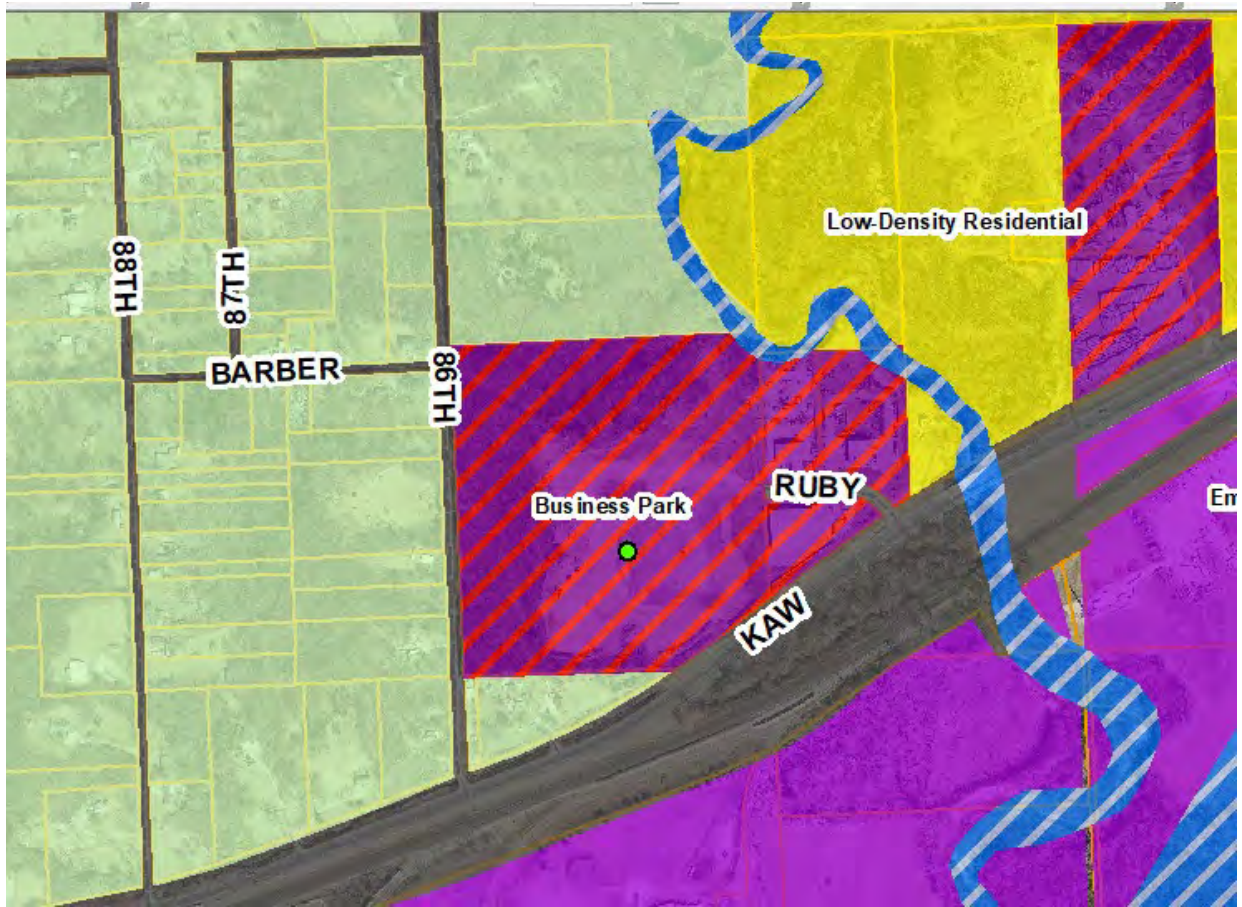


Figure 3. City-Wide Master Plan Land Use Map of 1625 South 65th Street (provided by ArcMap).

August 30, 2021

Byron Toy
Unified Government
Lead Planner
701 N. 7th Street, Suite 423
Kansas City, KS 66101

Re: **Bettis Asphalt COZ2021-018, MPL2021-006**

Dear Mr. Toy:

We have received the following comments and are providing the following responses along with revised plans for further review. Please let me know if you have any questions or further comments.

Planning and Urban Design

Comments:

General Planning:

1. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
 - a. **RESPONSE: Acknowledged**
2. Sec. 27-212(c)(2) A preliminary development plan may be used as a preliminary plat where all of the information required of preliminary plat has been included on the preliminary development plan.
 - a. **RESPONSE: Acknowledged**
3. On the Final Plat, include a deed restriction that only allows an asphalt plant within the MP-3 zoning districts, as this will protect existing residents and property owners for potential noxious uses that are permitted in the district.
 - a. **RESPONSE: Acknowledged**
4. Provide a comprehensive list of dust mitigation measures:
 - a. Will not track dirt and debris onto Ruby Avenue.
 - b. Enclose stockpiles of materials.
 - c. To minimize dust, dig down into the site below the height of the berm and grades, building in a hole rather than on top where dust can be carried with the wind.
 - d. Remediate old fill location.
 - e. **RESPONSE: An asphalt plant is a source of PM emissions (dust) due to the handling of aggregates in the asphalt mix. The Kansas Department of Health and Environment (KDHE) regulates and issues permits restricting PM emissions. These restrictions include both operational performance requirements as well as production limitations. The modern asphalt plants such as the one being proposed, are not only subject to the oversight of the KDHE, but they are also subject to the Federal Regulation found in 40 CFR, Part 60, Subpart I (Subpart I), which also regulates the operations' performance and provides for emissions restrictions. The Subpart I restricts the PM emissions from the exhaust of the modern asphalt plants, such as the one being proposed, to 0.04 grains/dry standard cubic feet. PM emissions are controlled by the baghouse which have over 640 Nomex filter bags that control 99.97% of all emissions produced from the plant. The modern asphalt plants cannot operate, without meeting the Subpart I emissions standards. Modern day asphalt plants are clean and efficient. Please refer to the Baghouse maintenance log and instruction sheet.**

I

One of the most common complaints by citizens against asphalt plants arise from the fact the due to the moisture of the aggregates being removed and the water produced from the combustion process, the exhaust stream teams with moisture. The presence of this moisture is conceived by not-trained individuals as PM emissions. Of course the presence of the moisture in the exhaust is not what is regulated by Subpart I.

The drive lanes around the plant will be asphalt and will not generate dust or track material onto Ruby Avenue.

5. Describe in detail how Bettis Asphalt will operate on a day-to-day basis.

- a. RESPONSE: Bettis Asphalt's office and shop will operate year round and employee around 8-10 employees including project managers, estimators, and shop mechanics. The office will bid local construction work for projects that require asphalt plants nearby due to the trucking. The asphalt plant will operate around the first of March to around mid-November. Asphalt is generally not produced when temperatures are colder than 45 degrees. The asphalt plant will employee around 3-5 employees. Please visit the below link for a more in depth look at how Bettis Asphalt will operate:

<https://vimeo.com/377151662>

6. What are the proposed hours of operation for Bettis Asphalt?

- a. RESPONSE: Bettis Asphalt operates generally during a 7am to 5pm time slot Monday - Friday. Should the need arise where a job is done during the night, it is possible that overnight operations may commence.

7. Parking lot shall be paved with asphalt or concrete, striped and ADA compliant.

- a. RESPONSE: Acknowledged, Parking lot is shown as asphalt with striping and ADA compliant. 1 ADA space has been provided

8. The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including ground cover and storm water detention cannot be wholly covered with asphalt millings.

- a. RESPONSE: The drive lane is proposed to be asphalt with the storage & plant yard is proposed as asphalt millings. The remaining area will be landscape & seeded and/or established as required for erosion control purposes.

Sec. 27-675(a) All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel. The Unified Government Engineer shall determine acceptable alternatives. All parking spaces shall be clearly marked. All improvements shall be designed and

constructed as necessary to prevent dust, erosion, excessive water flow across streets or adjoining property, and to control traffic. A less but dust-free standard of improvement may be permitted by the Unified Government Engineer for industrial storage yards used exclusively for inoperable vehicles, parts, building materials, supplies and equipment of heavy construction equipment and not for parking, loading or maneuvering.

The accepted and approved alternative by the Planning and Urban Design and Public Works Departments is asphalt millings for storage laydown pads for the explicit placement of equipment and materials, whereas the drive aisles that lead to these pads shall be paved with either concrete or asphalt.

- a. RESPONSE: Acknowledged, plan has been revised to show the drive aisle extending to the

laydown pads.

9. Five (5) addition parking spaces are required to comply with the MP-3 parking regulations. Otherwise, a parking variance is required in order to proceed with these proposed entitlements.
 - a. RESPONSE: Plan Revised to show 13 spaces
10. The cul-de-sac and extension of Ruby Avenue shall be constructed by the applicant concurrently with the building permit associated with this development.
 - a. RESPONSE: Acknowledged.
11. Per Business Licensing Division:
 - a. If approved, tenant will need to file and maintain a current occupation tax application.
 - b. RESPONSE: Acknowledged
12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government, and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec.8-610 through Sec.8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.
 - a. RESPONSE: Acknowledged.

Building Architecture:

1. When trucks are not backing into bays, the overhead doors shall remain closed to prevent sound from projecting west the single-family residences.
 - RESPONSE: Acknowledged
2. The office portion of the building shall match is scale and style to the industrial buildings within this small business park, and must comply with Commercial Design Guidelines.

These guidelines specify exterior building materials which include, but is not limited to brick, stone, stucco, textured and/or integrally-colored split-face CMU block, glass and cementitious siding.

- a. RESPONSE: Plan revised

Landscaping and Screening:

1. Provide a sightline study from South 86th Street and Kaw Drive (Kansas Highway 32) to ensure that the public and residents cannot see the batch plant.
 - a. RESPONSE: Site Line Study provided, see sheet L02
2. On the preliminary plat and landscape plan, note the existing 200-foot landscape buffer around the perimeter of Lot 2 and Lot 1 (along Kaw Drive) and dedicate as open space and buffering.
 - a. RESPONSE: Plan Revised; A 200' buffer is shown on the west and south near residential, a 172' buffer is shown along 32 highway (Kaw Drive)
3. Keep existing full growth trees on South 86th Street and along Kaw Drive.
 - a. RESPONSE: Existing trees & Vegetation to remain, except where proposed berming is introduced. Additional landscape is proposed on top of new berm along Kaw Drive
4. All screening is to be maintained to minimize impacts of conflicting uses.

- a. RESPONSE: Existing Screening is maintained as noted above
- 5. Relandscape the top of the hill along Kaw Drive and increase the berm south of the proposed detention basin to screen the site from public street.
 - a. RESPONSE: As noted above, berming has been increased in this location with additional landscaping on top.
- 6. Plant street trees along the frontage of Ruby Avenue, including the cul-de-sac to match the existing street trees within the adjacent industrial/office district.
 - a. RESPONSE: 5 Street trees have been included with this submittal
- 7. Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises.
 - a. RESPONSE: All storage materials will be screened from public view
- 8. Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six (6) foot high architectural screening in combination with a landscaped buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every thirty-two (32) feet on center. The site for the proposed development is 20.14 acres, eighty-seven (87) trees are required based on acreage and exclusive of the screening requirements for the lots zoned MP-3 Planned Heavy Industrial District adjacent to residentially zoned properties.

RESPONSE: Over 300,000 sf of existing tree canopy area is proposed to be undisturbed with this proposal. That equates to approximately 3,000 trees at 1 tree per 100 sf or 10'x10' area. In addition, a 200' wide landscape buffer is provided from property to the south & west
- 9. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted.
- 10. All landscaping shall be irrigated.
 - a. RESPONSE: Irrigation will be provided near the office and entry. The use of waterbags and other temporary irrigation measure, such as water trucks, will be utilized for site landscape outside of the main office area.
- 11. Sec. 27-699(a)(2) All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping, continuously maintained.
 - a. RESPONSE: Acknowledged
- 12. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.
 - b. RESPONSE: Trash Enclosure proposed to match building materials
- 13. BPU transformer pad shall be completely screened on three (3) sides with six (6) foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer.
 - a. RESPONSE: Acknowledged; more detail will be provided with final plans
- 14. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen (not perforated).
 - a. RESPONSE: Acknowledged
- 15. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building.

a. RESPONSE: Acknowledged

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.

All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures.

a. RESPONSE: Acknowledged

Signage:

1. Shall comply with the sign code.

a. RESPONSE: Acknowledged

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
 - RESPONSE: Engineering did not have additional comments
 - 2) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
 - RESPONSE: Acknowledged
- B) Items that are conditions of approval:
 - 1) None.
 - RESPONSE: Acknowledged
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None
 - RESPONSE: Acknowledged

RENAISSANCE INFRASTRUCTURE CONSULTING



T. Andrew Gabbert, PLA
VP Landscape Architect

Toy, Byron

From: Andy Gabbert <agabbert@ric-consult.com>
Sent: Wednesday, June 30, 2021 11:46 AM
To: Parker, Janet
Cc: Cole Andersen; Toy, Byron
Subject: Bettis Asphalt Neighborhood Meeting Responses
Attachments: affidavitowner.neighborhoodmeeting.pdf; RE: 1625 S 86th ST KCK; RE: 1625 S 86th St KCK 66111

Hi Janet,

Understanding that our application for this project is being pushed, we did send out letters (Certified) to the surrounding neighborhood. We had a couple of people respond via email and one via phone.

List of People who Participated:

- Tim & Julie Siebold (Email)
- Mitchell Henkowski (Metal Panels Inc.) (Email)
- Lauren Bashus (Via Phone)

I've attached the email string with regards to the original comment and follow up by us for each of the emailing participants

Ms. Bashus called after 5:00pm and left a voicemail. Cole Andersen reached back out to her and has left a message, she has not reached back out. Her voicemail relayed that she had concerns with regards to property values and health.

I have also attached a signed affidavit stating we held the comment period open from June 18th to June 28th. The affidavit is not notarized as stated in the original email, however, I can provide this if desired. The letters were sent out certified.

Please let me know if you require any additional information for the application.

Thanks,

Andy Gabbert, PLA

Landscape Architect

Renaissance Infrastructure Consulting

agabbert@ric-consult.com | 913.333.3880 (d) | 913.314.6967 (c)



8653 Penrose Lane, Lenexa, KS 66219

www.ric-consult.com | 816.800.0950 (o)



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Toy, Byron

From: Cole Andersen <candersen@bettisasphalt.com>
Sent: Thursday, June 24, 2021 3:01 PM
To: mitch@metalpanelsinc.com
Cc: Andy Gabbert
Subject: RE: 1625 S 86th ST KCK

Mr. Hentkowski,

I appreciate your email and concern. The plant itself will not be permanent, nor will it operate in winter months, but will come & go as needed for projects. The ability to come & go will be permanent. The tree buffer surrounding the site is proposed to stay and will remain untouched. The site itself will go mostly untouched except where the City requires us to improve, i.e. utilities, etc.

Our site will be regulated under a KDHE Industrial stormwater permit. We will be required to manage our stormwater and will only be allowed to discharge clean water. Before any stormwater leaves the property, it will be routed through a BMP (Best Management Practice). Our BMPs will most likely be rock check dams and rock channels. The UG may require us to build a small retention area. That is still to be determined. The site will be regularly inspected by a stormwater professional to determine compliance.

We also plan to build a cul-de-sac off Ruby Ave. We are only buying property South of Ruby Ave. (about 20 acres). We plan to pave a road around the plant site for truck traffic. This should eliminate the tracking from our operation.

Below is a link to a video that presents how the asphalt plant will come and go for different projects.

<https://vimeo.com/377151662>

Essentially, the same type of plant and operation will be back near the same location with a paved road. An aerial photo showing their operation on that property is available on Bing Maps, see below. Please let me know if you have any additional questions.

Thanks,

Cole Andersen

P 785.235.8444 | D 785.783.8898

C 785.220.4336

candersen@bettiscompanies.com

Bettis Companies

1800 NW Brickyard Road | Topeka, KS 66618



[Bettis Asphalt](#) | [Mid-States Materials](#) | [Bettis Contractors](#) | [Capital Trucking](#) | [Capital Crane](#)
[Koss Construction](#) | [Midwest Pavement Grinding](#)





From: Mitch Hentkowski [mailto:mitch@metalpanelsinc.com]

Sent: Thursday, June 24, 2021 6:36 AM

To: Cole Andersen <candersen@bettisasphalt.com>

Subject: 1625 S 86th ST KCK

Cole,

I received your letter regarding change of zoning for this property. I would only have a couple questions / concerns. First, where will your water retention area be in relation to our adjoining property line? Since the elevation of your property will be higher than ours, and our water retention pond is on our shared fence line, I need to make sure that we do not create a situation where dirt will run off into our pond. The reason this is a concern, is because this has already happened one time a few years ago during dirt removal, which required remediation. Second, what is your plan to control dust and dirt and mud on Ruby Avenue? This is a continuous problem as dirt has been removed from the property. When dirt and mud is tracked out onto Ruby Ave, and then not cleaned up, the dust and dirt ends up inside our building on our equipment and inventory. During the timeframe you were utilizing this property while resurfacing K32, I don't recall any specific issues with cleanliness that would be attributed to your operation, but I want to ensure this will not be an ongoing problem indefinitely, even after the remaining dirt is removed. Just a few years ago, water that would flow down and into the bar ditch on the north side of Ruby Ave but was eventually filled in and now just runs over the surface, and when it rains hard enough, ends up on Ruby Ave (and therefore inside our building). I am assuming that these concerns would already have been taken into consideration, but just want to make sure they are not overlooked.

Thank you,

Mitchell Hentkowski

METAL PANELS INC.

131 S. 147th E. Ave.
Tulsa, OK 74116

918-728-2807 Direct Phone

918-728-2867 Direct Fax

918-641-0641 📞

918-641-0640 📠

mitch@metalpanelsinc.com

www.metalpanelsinc.com



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Toy, Byron

From: Cole Andersen <candersen@bettisasphalt.com>
Sent: Tuesday, June 22, 2021 2:38 PM
To: Andy Gabbert; Tim Seibold
Cc: Julie Seibold
Subject: RE: 1625 S 86th St KCK 66111

Greetings Tim and Julie,

Let me know if you have any questions or if you would like to talk further.

Below is a link to a video that presents how the asphalt plant will come and go for different projects. I will also point out we do not operate during the winter months.

<https://vimeo.com/377151662>

Respectfully,

Cole Andersen

P 785.235.8444 | D 785.783.8898

C 785.220.4336

candersen@bettiscompanies.com

Bettis Companies

1800 NW Brickyard Road | Topeka, KS 66618



[Bettis Asphalt](#) | [Mid-States Materials](#) | [Bettis Contractors](#) | [Capital Trucking](#) | [Capital Crane](#)
[Koss Construction](#) | [Midwest Pavement Grinding](#)

From: Andy Gabbert [mailto:agabbert@ric-consult.com]
Sent: Tuesday, June 22, 2021 1:56 PM
To: Tim Seibold <tseibold@cbregan.com>; Cole Andersen <candersen@bettisasphalt.com>
Cc: Julie Seibold <jseibold@cbregan.com>
Subject: RE: 1625 S 86th St KCK 66111

Hi Tim/Julie,

Bettis Asphalt is looking for a permanent place to be able to put an asphalt plant. The plant itself will not be permanent, but will come & go as needed for projects but the ability to come & go will be permanent. They were recently on the site a while back under a special use permit, you may not have even noticed they were there. Today's asphalt plants are cleaner, quieter and more efficient. The tree buffer surrounding the site is proposed to stay and will remain untouched. The site itself will go mostly untouched except where the City requires us to improve, i.e. utilities, etc. All access to and from the site will be from Ruby Ave.

Essentially, the same type of plant and operation will be back in the same location. An aerial photo showing their operation on that property is available on Bing Maps, see below. Please let me know if you have any additional questions.

Thanks,





Andy Gabbert, PLA

Landscape Architect

Renaissance Infrastructure Consulting

agabbert@ric-consult.com | 913.333.3880 (d) | 913.314.6967 (c)



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[Click here](#) to upload & send large files.

From: Tim Seibold <tseibold@cbregan.com>

Sent: Monday, June 21, 2021 11:49 AM

To: candersen@bettiscompanies.com; Andy Gabbert <agabbert@ric-consult.com>

Cc: Julie Seibold <jseibold@cbregan.com>

Subject: 1625 S 86th St KCK 66111

Cole and Andy,

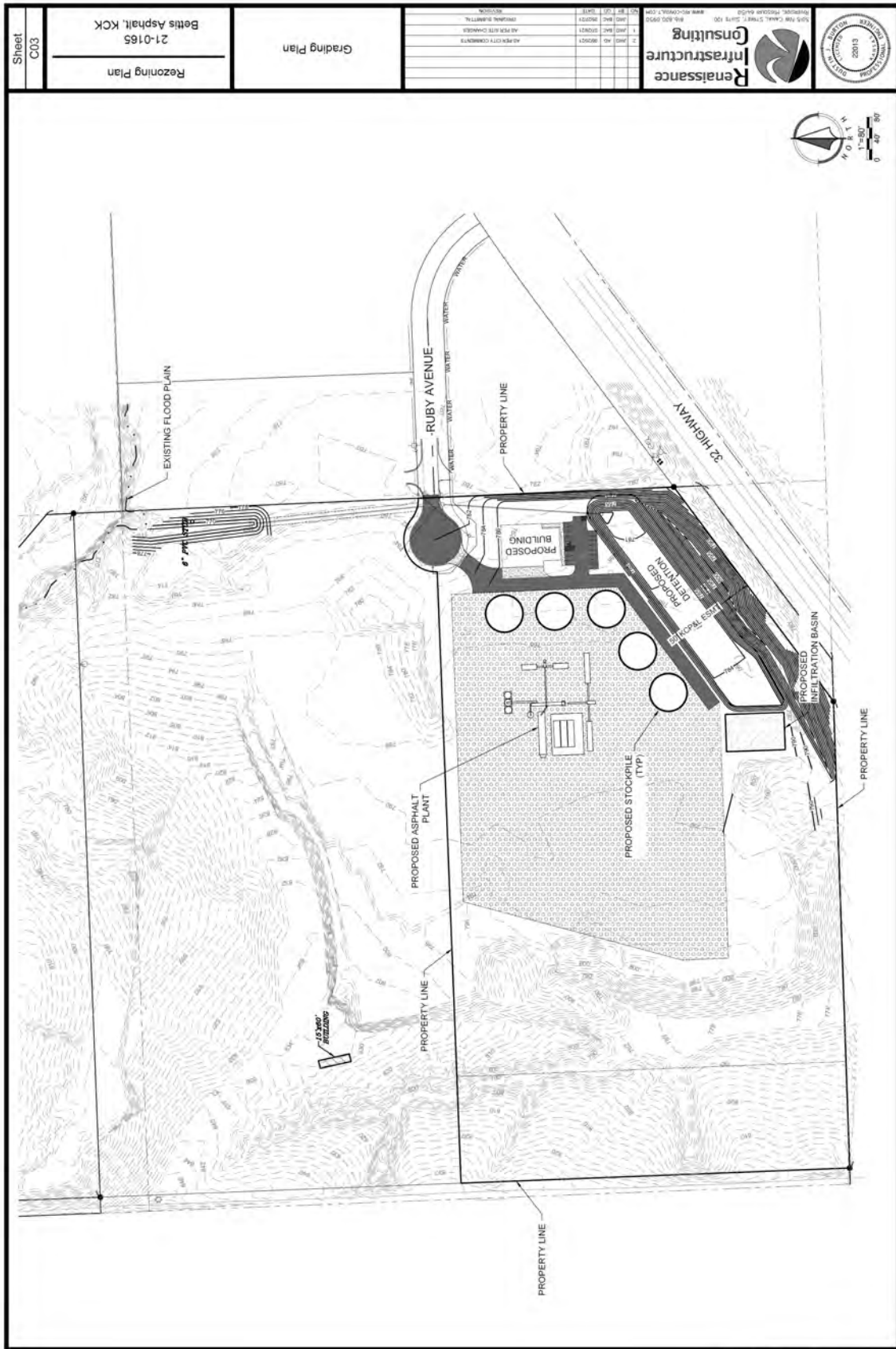
My wife and I received the letter regarding the permanent asphalt plant just south of our home. We live just north of the project and would like to see more information on what you are proposing to build. Please reply to both of our emails so we can review. Thank you.

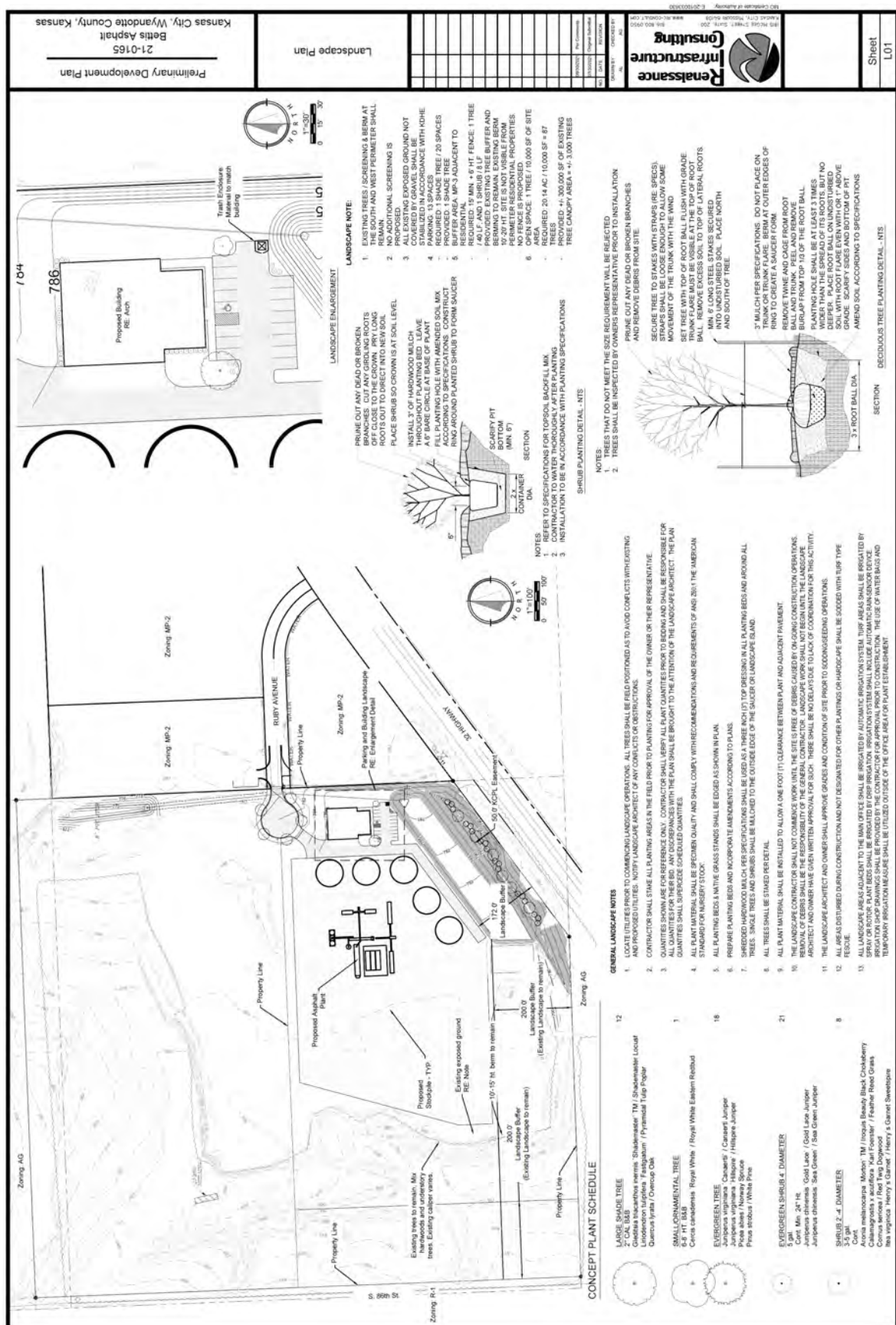
Tim Seibold

913-226-4543



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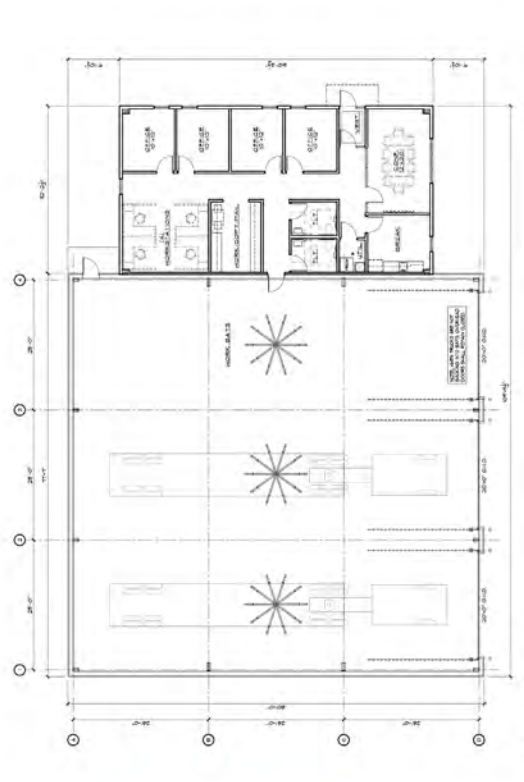
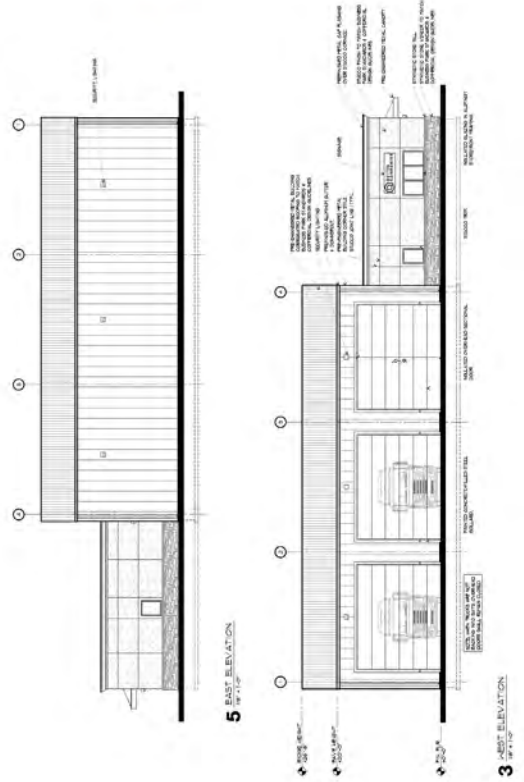




Figure 4. Site Photograph of 1625 South 86th Street looking east (provided by Planning Staff).



Figure 5. Figure 4. Site Photograph of 1625 South 86th Street looking southeast (provided by Planning Staff).



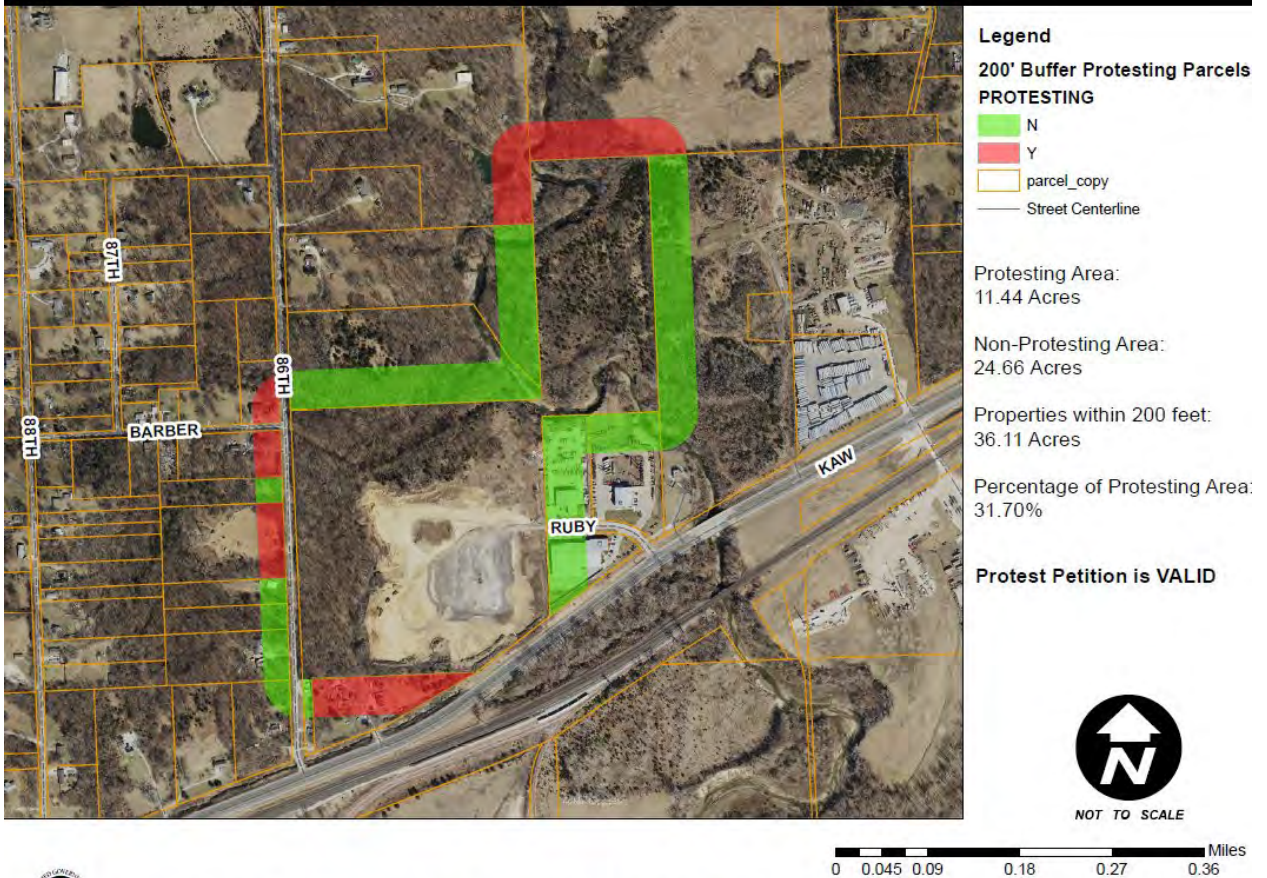
Figure 6. Figure 4. Site Photograph of 1625 South 86th Street looking south (provided by Planning Staff).



Figure 7. Figure 4. Site Photograph of 1625 South 86th Street looking southwest (provided by Planning Staff).



Figure 8. Figure 4. Site Photograph of 1625 South 86th Street looking west (provided by Planning Staff).



Protest Petition for COZ2021-018 (1625 South 86th Street)

(Please carefully read the verification statement before signing)

1. Steven Bashins, 1740 S 86th St KCK, being ⁶⁶¹¹

B. T. B. B.
(Signature)

Subscribed and sworn to before me this 14th day of Sept,
2021, by Steven Rushes, who is personally known to me to be the
same person whose name is subscribed to in the foregoing instrument.


Notary Public

My Commission Expires:

07/22/2023



PROTEST PETITION

Protest Petition Against Rezoning or Special Use Permit No. COZ2021-018

We, the undersigned property owners, do hereby protest the above referenced application at the following address: 1625 S 86th St Kansas City, KS 66111.

We, the undersigned, realize that this petition of protest must be submitted to the Office of the Unified Government Clerk within fourteen (14) days from the date of the conclusion of the Planning Commission public hearing regarding this rezoning application. Further, we realize that this Petition is in opposition to the rezoning application and our signatures cannot be removed after filing unless certain lawful actions are taken to remove the Protest Petition. This Petition may be filed pursuant to the laws of Kansas, K.S.A. 12-757; and of the Unified Government of Wyandotte County/Kansas City, Kansas Sec 27-1049(d) and shall be subject to the rules contained therein.

We, the undersigned, are owners of real property located within the statutory area of notification related to the area for which a rezoning is sought, whereby, our signatures shall hereafter be verified by one of the signers of the Protest Petition as true and correct signatures in order for this Protest Petition to be valid. The statutory area of notification includes the real property located within two hundred (200) feet of the boundaries of the area for which a rezoning is sought; or, if the area is adjacent to unincorporated property, the incorporated real property located within two hundred (200) feet of the boundaries of the area for which a rezoning is sought **and** the unincorporated property within one thousand (1,000) feet of the boundaries of the area for which a rezoning is sought.

Protest Petition

PETITION NUMBER: COZ 2021-018

LEGAL SIGNATURE OF OWNER (All owners of property must sign)	PROPERTY DESCRIPTION (Address and/or lot and block number)	DATE
<u>TRC</u>	<u>CMOR PROPERTIES 437 S 86th ST</u>	<u>9/5/21</u>
<u>TS</u>	<u>TIMOTHY R. SEIBOLD 1431 S. 86th ST. KCK 66111</u>	<u>9/5/21</u>
<u>Jim O'Hanlon</u>	<u>Terry O. Hamilton 1501 S. 86th</u>	<u>9/5/21</u>
<u>Stan M. Bush</u>	<u>1740 S 86th KCK 66111</u>	<u>09/05/2021</u>
<u>Joel Ball</u>	<u>8540 Kaw dr Kck 66111</u>	<u>9/5/21</u>
<u>Christina D.</u>	<u>1700 S. 86th ST. KE, KS 66111</u>	<u>09-06-21</u>
<u>Leslie Emma Beatty</u>	<u>8610 Barber Ave. KC, KS 66111</u>	<u>09-08-21</u>
<u>Rutha B. Verhage</u>	<u>8321 SWARTZ, KANSAS CITY, KS. 66111</u>	<u>09-12-21</u>
<u>Michael D. Verhage / Deceased</u>	<u>8321 SWARTZ KCKS, 66111</u>	<u>09-12-21</u>

Verified By: Stan Bush
 State of Kansas
 County of Wyandotte
 on 9/19/2021 Stan Bushes
 Signed this document in my
 presence.

WYATT PRESTON
 Notary Public-State of Kansas
 My Appt. Expires 7/22/23

Kansas Department of Health and Environment
Office of Vital Statistics
CERTIFICATE OF DEATH

115-2014-08150

State File Number

1. Decedent's Legal Name (First, Middle, Last) MICHAEL DUANE VERHAGE		2. Sex MALE		3. Date Of Death (Month, Day, Year) 05/07/2014		4. Social Security Number [REDACTED]		5. Date Filed By State Registrar 05/07/2014	
6. If Female, Name Prior To First Marriage		7a. Date Of Birth 03/05/1963		7b. Age 51 YEAR(S)		8. Place Of Birth (City And State Or Foreign Country) LEON, IOWA		9. Decedent Ever In U.S. Armed Forces NO	
10a. Place Of Death DECEDENT RESIDENCE		10b. Facility Name (If Not Institution, Street And Number) 6709 CAENEN LAKE ROAD				10c. County Of Death JOHNSON		10d. Zip Code 66216	
10e. City Or Town Of Death SHAWNEE		11. Marital Status NEVER MARRIED		12. Surviving Spouse (If Wife, Name Before First Marriage)				13a. Residence - Street Address 6709 CAENEN LAKE ROAD	
13b. State Or Foreign Country KANSAS		13c. County Or Province JOHNSON		13d. City Or Town SHAWNEE		13e. Zip Code 66216		13f. Inside City Limits YES	
14. Decedent's Ancestry DUTCH/IRISH		15. Decedent's Race WHITE							
16. Decedent's Hispanic Origin NOT SPANISH, HISPANIC, LATINO									
17. Decedent's Education SOME COLLEGE CREDIT, BUT NO DEGREE				18. Decedent's Occupation FORKLIFT/MECHANIC				19. Decedent's Industry AUTOMOTIVE	
20. Father's Name (First, Middle, Last) JACK R VERHAGE						21. Mother's Name Prior To First Marriage (First, Middle, Last) RETHA G HOUK			
22a. Informant's Name (First, Middle, Last) RETHA VERHAGE		22b. Mailing Address (Street, Number, City, State, And Zip Code) 6709 CAENEN LAKE ROAD, SHAWNEE, KANSAS, 66216						22c. Relationship To Decedent MOTHER	
23. Method Of Disposition BURIAL		24a. Place Of Disposition SHAWNEE MISSION MEMORY GARDENS				24b. Location SHAWNEE, KANSAS			
25. Funeral Service Licensee And License Number /e/ PATRICIA A TRAFFAS - 2627						26. Name Of Embalmer And License Number STEPHEN S SZCZEPANIK - 3507			
27. Name And Address Of Firm MCGILLEY AND HOGUE MEMORIAL CHAPEL, 8024 SANTA FE DRIVE, OVERLAND PARK, KANSAS, 66204									
28. Cause Of Death Part I. Events (diseases, injuries, or complications) that directly caused the death. IMMEDIATE CAUSE (Final Disease Or Condition Resulting In Death) a. POORLY-DIFFERENTIATED NON-SMALL-CELL ADENOCARCINOMA OF THE LUNG, METASTATIC TO BRAIN AND LIVER Due To (Or As A Consequence Of): b. _____ Due To (Or As A Consequence Of): c. _____ Due To (Or As A Consequence Of): d. _____ Conditions, if any, leading To cause listed on line a. UNDERLYING CAUSE (disease or injury that initiated the events resulting in death) LISTED LAST GASTROINTESTINAL BLEEDING FROM ANGIODYSPLASIA, RECENT SYSTEMIC IMMUNE RESPONSE SYNDROME								Approximate Interval: Onset To Death DIAGNOSED 03/2014	
Part II. Other Significant Conditions Contributing To Death But Not Resulting In The Underlying Cause Given In Part I. IMMUNE RESPONSE SYNDROME						29a. Autopsy NO		29b. Autopsy Findings Available To Complete The Cause Of Death	
30. Did Tobacco Use Contribute To Death? PROBABLY						31. If Female:		29c. Coroner Contacted YES	
33a. Date Of Injury (Month, Day, Year) 05/06/2014		33b. Time Of Injury 11:30 AM		33c. Injury At Work 11:30 AM		33d. How Injury Occurred			
33e. Place Of Injury				33f. Location (Street And Number Or Rural Route, City Or Town, State, And Zip Code)					
34a. Date Pronounced Dead (Month, Day, Year) 05/06/2014		34b. Time Pronounced Dead 11:30 AM		34c. Actual Or Presumed Time Of Death 11:30 AM		34d. Name Of Person Pronouncing Death		34e. License No.	
35a. Pronouncing and Certifying Physician /e/ PAMELA S HARRIS - MD		35b. License No. 422812		35c. Date Certified 05/07/2014		35d. Address And Zip Code Of Person Completing Cause Of Death 12000 WORNALL RD, KANSAS CITY, MISSOURI, 64145			

VS231A - Rev. 07/01/2009

Death 5/9/2014 V220143640 01 VERHAGE 201404008150 15c @@ Courier @@



UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
Department of Planning and Urban Design
701 North 7th Street, Room 423
Kansas City, Kansas 66101
Phone: (913) 573-5750 Fax: (913) 573-5796



Buffer Parcels (Parcel-Set and Manually Entered)
for Petition: COZ2021-018

1625 S 86TH ST, KANSAS CITY, KS 66111

The proposed changes are as follows:

Property in GIS Buffer	Property Owner
Within 200 Feet of Property(B) PARCEL: 145601 8610 BARBER AVE KANSAS CITY, KS 66111	BRADLEY, GISELLE EVONNE 8610 BARBER AVE KANSAS CITY, KS 66111
Within 200 Feet of Property(B) PARCEL: 145621 1728 S 86TH ST KANSAS CITY, KS 66111	DURHAM, ARTIE B 1728 S 86TH ST KANSAS CITY, KS 66111
Within 200 Feet of Property(B) PARCEL: 145621 1728 S 86TH ST KANSAS CITY, KS 66111	DURHAM, WALTER A 1728 S 86TH ST KANSAS CITY, KS 66111
Within 200 Feet of Property(B) PARCEL: 145622 1740 S 86TH ST KANSAS CITY, KS 66111	BASHUS, STEVEN MICHAEL 1103 GRANDVIEW ST BELLEVUE, NE 68005
Within 200 Feet of Property(B) PARCEL: 145624 1816 S 86TH ST KANSAS CITY, KS 66111	UNDERWOOD, EARL CALVIN 1816 S 86TH ST KANSAS CITY, KS 66111
Within 200 Feet of Property(B) PARCEL: 145624 1816 S 86TH ST KANSAS CITY, KS 66111	UNDERWOOD, KATHI L 1816 S 86TH ST KANSAS CITY, KS 66111
Within 200 Feet of Property(B) PARCEL: 145641 1700 S 86TH ST KANSAS CITY, KS 66111	ORR, KRSTINA D 1700 S 86TH ST KANSAS CITY, KS 66111
Within 200 Feet of Property(B) PARCEL: 145645 1914 S 86TH ST KANSAS CITY, KS 66111	HARSH HOMES, LLC 25251 MCINTYRE RD MC LOUTH, KS 66054

Buffer Parcels (Parcel-Set and Manually Entered)
for Petition: COZ2021-018

11/09/2021

Property in GIS Buffer Within 200 Feet of Property(B) PARCEL: 145646 1824 S 86TH ST KANSAS CITY, KS 66111	Property Owner CURRIE, JASEN R TRUSTEE 3201 N 109TH PL KANSAS CITY, KS 66109
Within 200 Feet of Property(B) PARCEL: 145646 1824 S 86TH ST KANSAS CITY, KS 66111	CURRIE, JOHN G TRUSTEE 3201 N 109TH PL KANSAS CITY, KS 66109
Within 200 Feet of Property(B) PARCEL: 145646 1824 S 86TH ST KANSAS CITY, KS 66111	GERALD R. CURRIE TRUST, DATED 10/11/2018 7625 PARALLEL PKWY KANSAS CITY, KS 66112
Within 200 Feet of Property(B) PARCEL: 292201 1437 S 86TH ST KANSAS CITY, KS 66111	CMOR PROPERTIES LLC 1431 S 86TH ST KANSAS CITY, KS 66111
Within 200 Feet of Property(B) PARCEL: 294400 8320 RUBY AVE KANSAS CITY, KS 66111	KSMI PROPERTIES LLC 6715 W RENO AVE OKLAHOMA CITY, OK 73127
Within 200 Feet of Property(B) PARCEL: 294401 8330 RUBY AVE KANSAS CITY, KS 66111	TJC LEASING LLC 6510 COUNTY LINE RD KANSAS CITY, KS 66106
PARCEL: 294401 8334 RUBY AVE KANSAS CITY, KS 66111	
Within 200 Feet of Property(B) PARCEL: 406200 8341 RUBY AVE KANSAS CITY, KS 66111	KMK PROPERTIES L.L.C. 131 S 147TH EAST AVE TULSA, OK 74116
Within 200 Feet of Property(B) PARCEL: 933002 8321 SWARTZ RD KANSAS CITY, KS 66111	VERHAGE, MICHAEL D TRUST 6709 CAENEN LAKE RD SHAWNEE, KS 66216
Within 200 Feet of Property(B) PARCEL: 933002 8321 SWARTZ RD KANSAS CITY, KS 66111	VERHAGE, RETHA G TRUST 6709 CAENEN LAKE RD SHAWNEE, KS 66216
Within 200 Feet of Property(B) PARCEL: 933101 1539 S 86TH ST KANSAS CITY, KS 66111	BRITT, CARY H 1539 S 86TH ST KANSAS CITY, KS 66111

Buffer Parcels (Parcel-Set and Manually Entered)
for Petition: COZ2021-018

continued

Property in GIS Buffer Within 200 Feet of Property(B)	Property Owner
PARCEL: 933101 1539 S 86TH ST KANSAS CITY, KS 66111	BRITT, LAUREN A 1539 S 86TH ST KANSAS CITY, KS 66111
Within 200 Feet of Property(B) PARCEL: 933103 1601 S 86TH ST KANSAS CITY, KS 66111	REYES, TERESA 6201 JOHNSON DR , APT 235 MISSION, KS 66202
Within 200 Feet of Property(B) PARCEL: 933104 1625 S 86TH ST KANSAS CITY, KS 66111	C/O REGISTERED AGENT JEFFERY M. HENSLEY 2345 GRAND BLVD, STE 1600 KANSAS CITY, MO 64108
Within 200 Feet of Property(B) PARCEL: 933104 1625 S 86TH ST KANSAS CITY, KS 66111	WEST HILLS INDUSTRIAL PARK, LLC 2345 GRAND BLVD, STE 1600 KANSAS CITY, MO 64108
Within 200 Feet of Property(B) PARCEL: 933106 8210 KAW DR KANSAS CITY, KS 66111	SJS LLC PO BOX 11277 KANSAS CITY, KS 66111
Within 200 Feet of Property(B) PARCEL: 933200 1921 S 86TH ST KANSAS CITY, KS 66111	CITIES SERVICE GAS CO 810 CRESCENT CENTRE DR, #600 FRANKLIN, TN 37067
Within 200 Feet of Property(B) PARCEL: 933208 8510 KAW DR KANSAS CITY, KS 66111	BAILEY, AMBER 8540 KAW DR KANSAS CITY, KS 66111
PARCEL: 933208 8540 KAW DR KANSAS CITY, KS 66111	
Within 200 Feet of Property(B) PARCEL: 933208 8510 KAW DR KANSAS CITY, KS 66111	BAILEY, JASON 8540 KAW DR KANSAS CITY, KS 66111
PARCEL: 933208 8540 KAW DR KANSAS CITY, KS 66111	
Within 200 Feet of Property(B) PARCEL: 933708 1932 S 86TH ST KANSAS CITY, KS 66111	FAIRFIELD, DONALD H 1932 S 86TH ST KANSAS CITY, KS 66111

*Reopening
parcel*

Buffer Parcels (Parcel-Set and Manually Entered)
for Petition: COZ2021-018

continued

/

Property in GIS Buffer
Within 200 Feet of Property(B)
PARCEL: 933708
1932 S 86TH ST
KANSAS CITY, KS 66111

Property Owner
FAIRFIELD, P SCHERREN
1932 S 86TH ST
KANSAS CITY, KS 66111

Number of contacts: 28



Staff Request for Commission Action

Tracking No. 211074

Full Commission Meeting Date: 9/30/21

Committee: Full Commission

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

Publication Required: No

<u>Date:</u> 9/27/2021	<u>Contact Name:</u> Gunnar Hand	<u>Contact Phone:</u> 5751	<u>Contact Email:</u> ghand@wycokck.org	<u>Department/Division:</u> Planning and Urban Design
<u>Item Description:</u> Armourdale Area Master Plan update.				
<u>Action Requested:</u> For information only				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				



Staff Request for Commission Action

Tracking No. 211052

Full Commission Meeting Date:

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 9/23/2021	<u>Contact Name:</u> Brett Deichler	<u>Contact Phone:</u> x8103	<u>Contact Email:</u> bdeichler@wycokck.org	<u>Department/Division:</u> UG Clerk
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Item Description:

Designation of Jane Philbrook as the voting delegate and Bridgette Cobbins as alternate for the Kansas Association of Counties 46th Annual Conference & Exhibition.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Voting Delegate Form . 46th Annual Conference

CERTIFICATION OF VOTING DELEGATE

Kansas Association of Counties 46th Annual Conference & Exhibition

Purpose:

The Bylaws of the Kansas Association of Counties provide that the county voting delegate be selected and certified in the following manner:

"Each member county shall be allowed one vote, which shall be cast by a chosen delegate designated for the county. Any county elected or appointed official may be selected as the county's voting delegate. The member county shall also appoint two alternates, specifying the order of such alternates, should the voting delegate be unavailable to attend the meeting. Delegates and alternates shall be certified to the KAC at least seven days before the meeting."

Please complete this form and return it at your earliest convenience to:

Kansas Association of Counties
715 SW 10th Ave.
Topeka, KS 66612

If you have any questions please contact:

Betty Oliva
oliva@kansascounties.org
785.272.2585

For voting delegates to be certified, your response (and/or any changes or alterations to this form) must be received no later than Monday, October 4, 2021.

Date: October 1, 2021

I, Brett A. Deichler, Unified Government Clerk of Wyandotte County/Kansas City, Kansas, do hereby certify that the following officers have been designated as the voting delegate and alternates for the KAC 46th Annual Conference & Exhibition.

Delegate: Jane Philbrook

Position: Commissioner, District 8

1st Alternate: Bridgette Cobbins

Position: Assistant County Administrator

2nd Alternate _____

Position _____

Signed: _____
County Clerk



Staff Request for Commission Action

Tracking No. 211015

Full Commission Meeting Date: 9/30/21

Committee: Economic Development & Finance

Date of Standing Committee Action: 9/13/21

(If none, please explain):

Publication Required: No

<u>Date:</u> 9/23/2021	<u>Contact Name:</u> Katherine Carttar	<u>Contact Phone:</u> x5176	<u>Contact Email:</u> kcarttar@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> First Amendment to Village West Apartments III Development Agreement, modifying the completion dates and PILOT schedule. The proposed dates are: Completion of public infrastructure (Delaware Pkwy extension) to July 1, 2023 (originally December 31, 2022) Completion of entire project to Aug 1, 2024 (originally December 31, 2022) The PILOT fees will be increased due to the increased construction timeline.				
<u>Action Requested:</u> Approve and advance to FC				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution Approving First Amendment to Village West Apartments III DA, First Amendment to Village West Apartments III DA				

RESOLUTION NO. R-____-21

**A RESOLUTION ADOPTING THE FIRST AMENDMENT TO
DEVELOPMENT AGREEMENT FOR VILLAGE WEST APARTMENTS
III.**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") and Village West Apartments III, LLC, a Kansas limited liability company ("Developer"), entered into that certain Development Agreement for Village West Apartments III dated as of February 27, 2020 (the "Agreement"); and

WHEREAS, Developer has requested an extension to the Completion Dates for the Improvements and the Public Infrastructure Improvements in exchange for a \$100 per door increase to the annual PILOT; and

WHEREAS, the Governing Body has determined that it is advisable to enter into the First Amendment to Development Agreement for Village West Apartments III with Developer (the "First Amendment"), attached hereto as **Exhibit A**.

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

Section 1. That the Governing Body hereby approves the First Amendment in substantially the form attached hereto.

Section 2. That the Mayor is hereby authorized to execute in the name of the UG, the First Amendment, and the County Administrator and other officials and representatives of the UG, including special counsel, are hereby further authorized and directed to take such actions and to execute any other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3. This Resolution shall be effective upon adoption by the Governing Body.

[Remainder of page intentionally left blank; signature page follows.]

**ADOPTED BY THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS
THIS _____TH DAY OF _____, 2021.**

David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk

(Seal)

EXHIBIT A

First Amendment

[To be attached.]

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT FOR VILLAGE WEST APARTMENTS III

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT FOR VILLAGE WEST APARTMENTS III (this "First Amendment") is made as of September ____, 2021 (the "Effective Date") between the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") and Village West Apartments III, LLC, a Kansas limited liability company ("Developer").

RECITALS

A. The UG and Developer entered into that certain Development Agreement for Village West Apartments III dated as of February 27, 2020 (the "Original Agreement") for Developer to design, develop, and construct a luxury apartment complex and related amenities as more fully set forth therein. The Original Agreement, as amended by this First Amendment, may be referred to herein as the "Agreement." Capitalized terms used in this First Amendment but not otherwise defined herein shall have the meanings assigned to them in the Original Agreement.

B. The UG issued Resolution No. R-8-20 on February 27, 2020 determining the UG's intent to provide IRB financing for the Project, as described in Section 4.1 of the Original Agreement (the "Resolution of Intent"). The Resolution of Intent expired on January 1, 2021.

C. Pursuant to the terms of the Original Agreement, Developer agreed to Substantially Complete construction of the Improvements and the Public Infrastructure Improvements on or before December 31, 2022.

D. Developer has requested to extend the Completion Date for the Improvements and the Public Infrastructure Improvements in exchange for a \$100 per door increase to the annual PILOT.

E. The UG and Developer, pursuant to Section 10.4 of the Agreement, hereby desire to amend the Agreement as more particularly set forth below.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the UG and Developer agree as follows:

1. Modification of Completion Dates. The parties hereby agree that Section 6.10 of the Agreement shall be deleted in its entirety and replaced with the following:

Completion Dates. Developer hereby agrees that, subject only to Force Majeure, Developer shall Substantially Complete construction of the Public Infrastructure Improvements on or before July 1, 2023, and the Improvements described in Section 2.2(a) on or before August 1, 2024 (the "Completion Dates").

2. Modification of Timing for Issuance of IRBs. The parties hereby agree that the parenthetical "(but in no event later than January 1, 2022)" in Section 4.1(b) shall be deleted and

replaced with "(but in no event later than January 1, 2025)". The UG will consider an amendment to the Resolution of Intent to extend its effectiveness to January 1, 2025.

3. Modification of PILOT Schedule. The parties hereby agree to modify the Agreement by deleting **Exhibit D**, entitled "PILOT Schedule", in its entirety and replacing with **Exhibit D** attached hereto.

4. Miscellaneous. In connection with this First Amendment, the parties hereby agree as follows:

(a) The Recitals set forth above are true and correct and are hereby incorporated by reference.

(b) Except as specifically modified by this Third Amendment, the Agreement, as amended, remains in full force and effect in accordance with the terms thereof.

(c) In the event of any inconsistency between the terms of this First Amendment and the Original Agreement, this First Amendment shall control.

(d) This First Amendment contains the entire agreement between the parties hereto, and the terms hereof are contractual and not mere recitals. No promises, inducements or agreements not herein expressed have been made.

(e) This First Amendment shall be binding upon and inure to the benefit of the parties hereto, and their successors and assigns.

(f) This First Amendment may be executed in counterparts.

(g) All remedies set forth in Article 9 of the Original Agreement shall be made available for the enforcement of this First Amendment.

(h) This First Amendment shall be construed in accordance with the laws of the State of Kansas.

[Remainder of page intentionally left blank; signature pages follow.]

IN WITNESS WHEREOF, the parties have caused this First Amendment to be executed as of the day and year first above written.

UG:

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

By: _____
David Alvey, Mayor/CEO

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

This instrument was acknowledged before me on _____, 2021, by David Alvey as Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas.

Printed Name: _____
Notary Public in and for said State
Commissioned in Wyandotte County

My commission expires:

IN WITNESS WHEREOF, the parties have caused this First Amendment to be executed as of the day and year first above written.

DEVELOPER:

VILLAGE WEST APARTMENTS III, LLC,
a Kansas limited liability company

By: NPD Management, LLC,
a Missouri limited liability company, its Manager

By: _____
Nathaniel Hagedorn, Manager

STATE OF MISSOURI)
) SS.
COUNTY OF PLATTE)

This instrument was acknowledged before me on _____, 2021, by Nathaniel Hagedorn, as Manager of NPD Management, LLC, a Missouri limited liability company, the Manager of Village West Apartments III, LLC, a Kansas limited liability company.

Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My commission expires:

EXHIBIT D

PILOT Schedule

Value/Unit	# Units	Projected Value	2021 Mill Rate	Per Door Taxes
\$53,719.19	330	\$17,727,331.48	170.061285	\$1,150.00

	With L/M/W		Without L/M/W	
Year	Per Unit	Annual PILOT Payment	Per Unit	Annual PILOT Payment
1	\$1,150.00	\$379,500.00	\$1,150.00	\$379,500.00
2	\$1,160.50	\$382,965.00	\$1,172.11	\$386,796.30
3	\$1,192.32	\$393,463.95	\$1,222.13	\$403,302.90
4	\$1,225.08	\$404,277.87	\$1,274.08	\$420,446.40
5	\$1,258.84	\$415,416.20	\$1,321.78	\$436,187.40
6	\$1,293.60	\$426,888.69	\$1,377.68	\$454,634.40
7	\$1,329.41	\$438,705.35	\$1,435.76	\$473,800.80
8	\$1,366.29	\$450,876.51	\$1,496.09	\$493,709.70
9	\$1,404.28	\$463,412.81	\$1,551.73	\$512,070.90
10	\$1,443.41	\$476,325.19	\$1,616.62	\$533,484.60
Total:		\$4,231,831.57		\$4,493,933.40



Staff Request for Commission Action

Tracking No. 211016

Full Commission Meeting Date: 9/30/21

Committee: Economic Development & Finance

Date of Standing Committee Action: 9/13/21

(If none, please explain):

Publication Required: No

<u>Date:</u> 9/23/2021	<u>Contact Name:</u> Katherine Carttar	<u>Contact Phone:</u> x5176	<u>Contact Email:</u> kcarttar@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> First Amendment to Kaw River Bridge Development Agreement, modifying the conditions required to be met for Developer to access the previously approved \$75,000 of pre-development funding. The conditions required to access pre-development funding include Commission approval of the TIF District and Project Plan, and proof of the 1:1 funding match.				
<u>Action Requested:</u> Approve and advance to FC 9/30				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution Approving First Amendment to Kaw Bridge Dev Agreement, First Amendment to Kaw Bridge DA				

RESOLUTION NO. R-____-21

**A RESOLUTION ADOPTING THE FIRST AMENDMENT TO THE KAW
BRIDGE COOPERATIVE AND DEVELOPMENT AGREEMENT**

WHEREAS, on June 7, 2021, the UG and Developer entered into that certain Kaw River Bridge Cooperative and Development Agreement (the "Original Development Agreement"), whereby Developer proposed to rehabilitate the Rock Island Bridge by adding certain amenities including, but not limited to; public trails, commercial restaurants and retail, event spaces and areas for non-profit corporations, all as set forth in the Original Agreement.

WHEREAS, the Original Agreement provided that certain conditions would have to be met before Developer would have access to Pre-Development Funding from the UG. The UG agrees that some of the conditions set forth in the Original Agreement are not necessary or feasible for Developer to meet at this time, and therefore agrees to modify the conditions set forth in the Original Agreement.

WHEREAS, the Governing Body has determined that it is advisable to enter into the First Amendment to Kaw River Bridge Cooperative and Development Agreement with Developer (the "First Amendment"), attached hereto as **Exhibit A**.

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

Section 1. That the Governing Body hereby approves the First Amendment in substantially the form attached hereto.

Section 2. That the Mayor is hereby authorized to execute in the name of the UG, the First Amendment, and the County Administrator and other officials and representatives of the UG, including special counsel, are hereby further authorized and directed to take such actions and to execute any other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3. This Resolution shall be effective upon adoption by the Governing Body.

**ADOPTED BY THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS
THIS ____ TH DAY OF _____, 2021.**

David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk

(Seal)

EXHIBIT A

First Amendment

[To be attached.]

**FIRST AMENDMENT TO KAW RIVER BRIDGE COOPERATIVE AND
DEVELOPMENT AGREEMENT**

THIS FIRST AMENDMENT TO KAW RIVER BRIDGE COOPERATIVE AND DEVELOPMENT AGREEMENT (this "Amendment"), by and among the **UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS** (the "UG"); and **FLYING TRUSS, LLC.**, a Missouri limited liability company ("Developer"), is made and entered into as of the date executed by the UG (the "Effective Date"). The UG and Developer are collectively referred to herein as the "Parties".

RECITALS:

A. On June 7, 2021, the UG and Developer entered into that certain Kaw River Bridge Cooperative and Development Agreement (the "Original Development Agreement"), whereby Developer proposed to rehabilitate the Rock Island Bridge by adding certain amenities including, but not limited to; public trails, commercial restaurants and retail, event spaces and areas for non-profit corporations, all as set forth in the Original Agreement.

B. The Original Agreement provided that certain conditions would have to be met before Developer would have access to Pre-Development Funding from the UG. The UG agrees that some of the conditions set forth in the Original Agreement are not necessary or feasible for Developer to meet at this time, and therefore agrees to modify the conditions set forth in the Original Agreement.

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **Incorporation of Recitals.** The Parties understand and agree that the Recitals set forth above are hereby incorporated as though more fully set forth herein.

2. **Amendment of Original Agreement.**

A. Modification of conditions required to be met for Developer to access Pre-Development Funding. The Parties hereby agree that Section 4.2(a) shall be deleted in its entirety and replaced with the following:

UG Contribution. It is contemplated by the parties that a limited portion of the Project Costs for Phase 1 shall be funded in part by the UG Contribution.

(a) In order to provide some working capital for the public/private partnership, an amount up to \$75,000 of the UG Contribution (the "Pre-Development Funding") will be made available to Developer to pay for architectural, engineering, site plan and environmental costs, subject to the terms and conditions described herein. For Developer to access the Pre-Development Funding, Developer must (i) satisfy the Closing Condition set forth in Sections 3.1(c) and (ii) demonstrate to the UG that it has access to at least \$75,000 of matching private funding which can be used for final architecture, engineering, site plan and environmental, and for use in

Developer's Private Placement Memorandum to raise Phase 1 Funds as required by this Agreement. Subject to the conditions described in subsections (i) and (ii) herein, Developer may draw the Pre-Development Funding on a dollar-for-dollar basis with the private funds used for such pre-development costs and expenses; in other words, for each \$1.00 of Pre-Development Funding, Developer must provide evidence that it has spent at least \$1.00 of private funds on such pre-development expenses as described in subsection (ii) above. The UG shall make the Pre-Development Funding available to Developer for reimbursement of architectural, engineering, site plan and environmental costs following approval of such expenses pursuant to Section 4.6 below.

3. **Miscellaneous.** In connection with this Amendment, the Parties hereby agree as follows:

A. Any capitalized term used herein that is not specifically defined herein shall have the meaning provided in the Original Agreement.

B. Except as specifically modified by this Amendment, the Original Agreement shall be and remain in full force and effect in accordance with the terms thereof.

C. It is the intent of the Parties that the provisions of the Original Agreement, as amended by this Amendment, shall be enforced to the fullest extent permitted by applicable law. To the extent that the terms set forth in the Original Agreement, as amended by this Amendment, or any word, phrase, clause or sentence is found to be illegal or unenforceable for any reason, such word, phrase, clause or sentence shall be modified, deleted or interpreted in such a manner as to afford the party for whose benefit it was intended the fullest benefit commensurate with making the Original Agreement, as modified, enforceable and the balance of the Original Agreement shall not be affected thereby, the balance being construed as severable and independent.

D. The Parties hereto declare and represent that no promises, inducements or agreements not herein expressed have been made; the Original Agreement, as modified by this Amendment, contain the entire agreement between the Parties hereto; and the terms hereof are contractual and not mere recitals.

E. This Amendment shall be binding upon and inure to the benefit of the Parties hereto, and their successors and assigns.

F. This Amendment may be executed in counterparts.

G. This Amendment shall be construed in accordance with the laws of the State of Kansas.

[Remainder of page intentionally left blank; signature pages follow.]

IN WITNESS WHEREOF, the Parties have executed these presents as of the day and year first above written.

UG:

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

By: _____
David Alvey, Mayor/CEO

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

This instrument was acknowledged before me on _____, 2021 by David Alvey as Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas.

Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My commission expires

IN WITNESS WHEREOF, the parties hereto have executed these presents as of the day and year first above written.

DEVELOPER:

FLYING TRUSS, LLC, a Missouri limited liability company

By: _____
Michael Zeller, Manager

STATE OF _____)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2021 by Michael Zeller, as Manager of Flying Truss, LLC, a Missouri limited liability company.

Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My commission expires



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

September 9, 2021

Mr. Brett A. Deichler
Unified Government Clerk
East Building

Re: Subdivision Plat Approval

Dear Mr. Deichler:

Please be advised that the Engineering Division has reviewed the attached plat of PRECISION located at 47th street and Douglas and being developed by Precision Cutting and Coring.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and ten (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.L.S.
County Surveyor

Digitally signed by Troy
Shaw
Date: 2021.09.09 11:36:18
-05'00'

Troy Shaw, P.E.
County Engineer

FILED
SEP 21 2021 *cg*
UNIFIED GOVERNMENT CLERK

Attachments



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

September 9, 2021

Mr. Brett A. Deichler
Unified Government Clerk
East Building

Re: Subdivision Plat Approval

Dear Mr. Deichler:

Please be advised that the Engineering Division has reviewed the attached plat of HOMEFIELD MULTIFAMILY located at 94th and State Ave and being developed by 94th and State LLC.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and ten (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.L.S.
County Surveyor

Digitally signed by Troy
Shaw
Date: 2021.09.09 11:35:49
-05'00'

Troy Shaw, P.E.
County Engineer

FILED

SEP 21 2021

UNIFIED GOVERNMENT CLERK

Attachments

211072

CONSENT AGENDA ITEM NO. 5



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

September 23, 2021

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **TURNER LOGISTICS CENTER FIFTH PLAT**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of **TURNER LOGISTICS CENTER FIFTH PLAT** located at College Parkway and Orville Avenue and being developed by NP Turner Industrial, LLC

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.S.
County Surveyor

Digitally signed by Troy
Shaw
Date: 2021.09.23
09:02:45 -05'00'

Troy Shaw, P.E.
County Engineer

Attachments

TABLE OF LOT AREAS

LOT	ACRES	SQ. FT.
LOT 1	1.17	50,321
LOT 2	1.17	50,321
LOT 3	1.17	50,321
TRACT A	1.17	50,321
TOTAL	4.68	201,284

SECTION 10-T 11S-R04E
VICTORY MAP

The map shows the following details:

- LOT 1:** Located in the upper left, with a north arrow and a scale bar. It includes a table of lot areas.
- LOT 2:** Located in the lower left, with a north arrow and a scale bar.
- LOT 3:** Located in the upper right, with a north arrow and a scale bar.
- TRACT A:** Located in the lower right, with a north arrow and a scale bar.
- Easements:** Various easements are shown, including a "10' EASEMENT" and a "10' EASEMENT" for "UTILITY PURPOSES".
- Boundaries:** The map shows the boundaries of the lots and tracts, with dimensions and bearings.
- Other Features:** The map includes a north arrow, a scale bar, and a title block.

INDIAL LAW REFORMATION

On 19th November 1986, the Government of India announced a series of measures to reform the Indian legal system. The measures were aimed at improving the efficiency of the judiciary, reducing the backlog of cases, and ensuring the timely disposal of cases. The measures included the following:

- Creation of new courts:** The Government proposed the creation of new courts to handle the increasing number of cases. This included the creation of new High Courts and District Courts.
- Improvement of the judiciary:** The Government proposed measures to improve the efficiency of the judiciary. This included the creation of a new judicial service commission to recruit judges, and the introduction of a new system of judicial appointments.
- Reduction of the backlog of cases:** The Government proposed measures to reduce the backlog of cases. This included the creation of a new system of case management, and the introduction of a new system of case allocation.
- Ensuring the timely disposal of cases:** The Government proposed measures to ensure the timely disposal of cases. This included the creation of a new system of case monitoring, and the introduction of a new system of case reporting.

The measures were aimed at improving the efficiency of the judiciary, reducing the backlog of cases, and ensuring the timely disposal of cases. The measures included the following:

- Creation of new courts:** The Government proposed the creation of new courts to handle the increasing number of cases. This included the creation of new High Courts and District Courts.
- Improvement of the judiciary:** The Government proposed measures to improve the efficiency of the judiciary. This included the creation of a new judicial service commission to recruit judges, and the introduction of a new system of judicial appointments.
- Reduction of the backlog of cases:** The Government proposed measures to reduce the backlog of cases. This included the creation of a new system of case management, and the introduction of a new system of case allocation.
- Ensuring the timely disposal of cases:** The Government proposed measures to ensure the timely disposal of cases. This included the creation of a new system of case monitoring, and the introduction of a new system of case reporting.

[illegible]

The induction phase varies, if any, are indicated as:
 _____ day of _____ 2001
 _____ David Avery _____ Wayne Felt
 _____ _____ North United Bank
 _____ _____

THIS JAIL AT TURNER LOGISTICS CENTER FIFTH PLAT, has been submitted to and approved by the United Department of Wyandotte County/Kansas City, Kansas Planning Commission.

Dated this _____ day of _____, 2020

_____ County Engineer

Reapproved by approval by the United Government of Wyandotte County/Kansas City, Kansas Engineer, the _____ day of _____, 2021

_____ County Engineer

By Jeff Leinen Chairman
Orlando Ford, ACP Secretary

Town of Kansas, County of Wyandotte, KS

This is to certify that this instrument was filed for record in the
Register of Deeds Office, on the _____ day of _____, 2008,
at _____ o'clock and is duly recorded.

Henry M. Burns, Registrar of Courts
Terry Nelson, Deputy
COUNTY CLERK

This survey has been submitted for filing pursuant to RCW 56-5003, 56-5004, and 56-5011 for recorded only and is in compliance with these provisions. No other restrictions are scheduled or implied.

Reviewed by: _____
David F. Thompson, P.E. D.F. # 977

ON BEHALF OF THE CITY OF
MPT Industrial, LLC
MPT, LLC, 4000 E. 1st Ave., Suite 200, Everett, WA 98201

DATE: 01/11/2011

RECORD: 01/11/2011

FILE: 01/11/2011

RECORD: 01/11/2011

FILE: 01/11/2011

1. NAME () NAME: FIRST & LAST () NAME: FIRST & MIDDLE () NAME: LAST & FIRST		2. ADDRESS () ADDRESS: STREET & NUMBER () ADDRESS: STREET & NUMBER () ADDRESS: STREET & NUMBER		3. CITY () CITY: CITY & STATE () CITY: CITY & STATE () CITY: CITY & STATE		4. PHONE () PHONE: AREA & NUMBER () PHONE: AREA & NUMBER () PHONE: AREA & NUMBER		5. FAX () FAX: AREA & NUMBER () FAX: AREA & NUMBER () FAX: AREA & NUMBER		6. E-MAIL () E-MAIL: E-MAIL ADDRESS () E-MAIL: E-MAIL ADDRESS () E-MAIL: E-MAIL ADDRESS		7. SIGNATURE () SIGNATURE: SIGNATURE () SIGNATURE: SIGNATURE () SIGNATURE: SIGNATURE		8. DATE () DATE: DATE () DATE: DATE () DATE: DATE		9. TIME () TIME: TIME () TIME: TIME () TIME: TIME		10. OTHER () OTHER: OTHER () OTHER: OTHER () OTHER: OTHER	
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[illegible]

 MISSOURI DEPARTMENT OF TRANSPORTATION

Continental
CONTINENTAL RUBBER CO.
TEL. (202) 842-0800
FAX (202) 842-0800
www.continentalrubber.com

Sheet 1 of 1

211673

CONSENT AGENDA ITEM NO. 5



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

September 23, 2021

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **TURNER LOGISTICS CENTER SIXTH PLAT**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of **TURNER LOGISTICS CENTER SIXTH PLAT** located at College Parkway and Orville Avenue and being developed by NP Turner Industrial, LLC

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.S.
County Surveyor

Digitally signed by
Troy Shaw
Date: 2021.09.23
09:02:07 -05'00'

Troy Shaw, P.E.
County Engineer

Attachments

**JULY 29, 2021 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM**

FULL COMMISSION (P/Z)

You are invited to a Zoom webinar.

When: Jul 29, 2021, 07:00 PM Central Time (US and Canada)

Topic: Full Commission - P&Z/Public Hearings: CDBG Budget and ARPA Adopt CDBG Budget

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87169923661?pwd=eFIMSHg2Kyt6czBPUWdvRUNIRzIRZz09>

Passcode: 207046

Or One tap mobile :

US: +16699009128,,87169923661# or +12532158782,,87169923661#

Or Telephone:

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

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

Webinar ID: 871 6992 3661

International numbers available: <https://us02web.zoom.us/j/87169923661>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY REVEREND HAROLD JOHNSON, FAITH DELIVERANCE CHURCH OF GOD IN CHRIST**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, JULY 29, 2021 AGENDA**
- VI. CLERK'S STATEMENT**
(Anyone wishing to speak about a particular item on the Planning & Zoning Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Planning & Zoning Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Planning & Zoning Consent Agenda are viewed as a single group and voted on with one vote.)
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR'S AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**

- XIII. ADMINISTRATOR'S AGENDA
- XIV. COMMISSIONERS' AGENDA
- XV. LAND BANK BOARD OF TRUSTEES' AGENDA
- XVI. PUBLIC ANNOUNCEMENTS
- XVII. ADJOURN

PLANNING AND ZONING AGENDA

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **COZ2021-020 - NP TURNER INDUSTRIAL, LLC**

Synopsis: Change of Zone from R-1 Single Family, RP-4 Planned Garden Apartment and RP-5 Planned Apartment Districts to MP-2 Planned General Industrial District for continuation of the warehousing, distribution and light manufacturing development at 725 North 74th Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21947

2. **COZ2021-021 - NP TURNER INDUSTRIAL, LLC**

Synopsis: Change of Zone from R-1 Single Family and C-1 Limited Business Districts to MP-2 Planned General Industrial District for Turner Logistics Center East Building 5 at 900 North 69th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21948

B. SPECIAL USE PERMIT APPLICATIONS

1. **SP2021-042 - BRYAN STOKES**

Synopsis: Special Use Permit to keep farm animals at 734 South 76th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL FOR 2 YEARS)

Tracking #: 21902

2. **SP2021-045 - JAMES SULLIVAN WITH SULLIVAN PALMER ARCHITECTS**

Synopsis: Special Use Permit for auto storage and maintenance building at 1037 South 26th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 21903

3. SP2021-053 - DEBORAH BEAUCHAMP

Synopsis: Renewal of a Home Occupation Special Use Permit (SP-2019-61 - expired 6/27/2021) for a Short-Term Rental/AirBnB at 11827 Marxen Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 21944

4. SP2021-054 - KIRAN CHELLURI

Synopsis: Renewal of a Special Use Permit (SP-2020-30 - expired 4/30/2021) for a Short-Term Rental/AirBnB at 3846-3848 North 123rd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 21945

5. SP2021-057 - MKEC ENGINEERING, INC.

Synopsis: Special Use Permit for earthen fill at 1930 South 74th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 21949

6. SP2021-058 - LAURA L. SANCHEZ

Synopsis: Renewal of a Home Occupation Special Use Permit (SP-2019-91 - expires 8/27/2021) for a Homestead Montessori Farm School at 3800 Weaver Court, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 21946

C. VACATION APPLICATION

1. VAC2021-007 - BLAIR THEDINGER

Synopsis: Vacation of an alley at 415 Stine Avenue and 1417 South 5th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21950

D. PLAN REVIEW APPLICATIONS

1. PR2021-017 - STACI BOWEN

Synopsis: Preliminary Plan Review for the redevelopment of Lot 47 in the Plaza at the Speedway for Whataburger at 10780 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR**

APPROVAL)

Tracking #: 21953

2. PR2021-018 - DANIELLE SHARMACHARY WITH DUGAN DESIGN GROUP

Synopsis: Preliminary and Final Plan Review for a Chipotle restaurant at 7750 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21954

E. MISCELLANEOUS

1. MPL2021-007 - NP TURNER INDUSTRIAL, LLC

Synopsis: Master Plan Amendment from Low Density Residential to Industrial at 725 North 74th Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21951

2. MPL2021-009 - NP TURNER INDUSTRIAL, LLC

Synopsis: Master Plan Amendment from Low Density Residential to Industrial at 900 North 69th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21952

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

1. AN ORDINANCE authorizing a Special Use Permit (SU20-00097) to operate a transitional/group home at 933 Quindaro Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21955

2. AN ORDINANCE authorizing a Special Use Permit (SP-2020-77) for a mechanic, used auto sales and continuing an import/export business at 900 South 66th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL)

Tracking #: 21956

3. AN ORDINANCE authorizing a Special Use Permit (SP-2020-97) to operate a new automotive repair, auto body and used car sales business at 927 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL)

Tracking #: 21958

4. AN ORDINANCE authorizing a Special Use Permit (SP-2020-101) for continuation of an auto body shop at 744 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 21959
5. AN ORDINANCE authorizing a Special Use Permit (SP2021-028) for continuation of a Short-Term Rental/AirBnB at 2706 Espenlaub Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 21960

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

TAX STATUS REPORT BOARD OF COMMISSIONERS AGENDA FOR JULY 29, 2021

None of the properties included in applications to be considered on the Planning & Zoning agenda have delinquent taxes prior to 2020.

NOTE: This information cannot serve as the basis for approval or denial of an application. It is not among the factors to be considered as set by ordinance or among accepted zoning factors and criteria. However, such information in certain cases might be relevant to evaluating accepted factors or as an accompaniment to other valid purposes and/or factors.

REGULAR AGENDA

IX. MAYOR'S AGENDA

X. REGULAR CONSENT AGENDA

1. NOMINATION: BOARDS & COMMISSIONS

Synopsis: Nomination to Boards & Commissions:

Broderick Crawford to the Law Enforcement Advisory Board, 7/29/21-12/13/21, submitted by Commissioner Philbrook

Tracking #: 21940

2. MINUTES

Synopsis: Minutes from regular session of April 8, 2021; and special sessions of June 24 and July 1, 2021.

Tracking #: MINUTES

3. WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated July 1, 8, 15, and 22, 2021.

Tracking #: WEEKLY BUSINESS MATERIAL

XI. PUBLIC HEARING AGENDA

1. PUBLIC HEARING/RESOLUTION: COMMUNITY DEVELOPMENT 2021 ANNUAL ACTION PLAN

Synopsis: Conduct a public hearing to consider approval of the 2021-2022 Annual Action Plan to be submitted to HUD, submitted by Wilba Miller, Director of Community Development.

The first public hearing was held March 12, 2021.

Tracking #: 21942

2. PUBLIC HEARING: AMERICAN RESCUE PLAN ACT (ARPA), LOCAL FISCAL RECOVERY FUNDS DIRECT AID TO THE UNIFIED GOVERNMENT

Synopsis: Conduct a public hearing regarding the American Rescue Plan Act (ARPA) to consult with members of communities that have been historically underrepresented or underserved in the Federal Government with the objective to increase coordination, communication, and engagement with community-based organizations and civil rights organizations, as encouraged by U.S. Presidential Order 13985, *On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, submitted by Kathleen VonAchen, Chief Financial Officer.

For information and comment only.

Tracking #: 21957

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

1. RESOLUTION: APPOINTMENT OF COUNTY APPRAISER

Synopsis: A resolution appointing Matthew Willard as the Wyandotte County Appraiser, effective July 29, 2021, expiring June 30, 2025, or until the position is deemed vacated prior thereto, submitted by Doug Bach, County Administrator.

Tracking #: 21961

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

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

SPECIAL SESSION, THURSDAY, SEPTEMBER 2, 2021

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, September 2, 2021, with eleven members present remotely. Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District (present remotely at 5:02 p.m.); Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. The following officials were also in attendance: Doug Bach, County Administrator; Alan Howze, Emerick Cross, and Melissa Sieben, Assistant County Administrator's; Brett Deichler, Interim Unified Government Clerk; Kathleen VonAchen, Chief Financial Officer; Debbie Jonscher, Deputy Chief Financial Officer; Reginald Lindsey, Budget Manager; Michael Peterson, Assistant Budget Manager; Patrick Waters, Deputy Chief Counsel; Don Ash, Sheriff; Ashley Hand, Director of Strategic Communications; and Alley Porter, Commission Liaison.

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

MAYOR ALVEY called the meeting to order.

MAYOR ALVEY said I would ask the Clerk to announce the meeting and call the roll.

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

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, September 2, 2021, at 5:00 p.m. to be conducted virtually for a Budget Workshop.

Due to COVID-19 the public will be able to observe or listen to the meeting live on YouTube or UGTV or through Zoom. The public may also view the special session from the lobby of the Municipal Office Building.

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

Mayor Alvey said tonight we have a Budget Workshop. I'll turn it over to Mr. Bach.



Doug Bach, County Administrator, said this is our sixth workshop in the overall program.



September 2, 2021

I will run through our agenda for this evening. Our first presentation is by County Sheriff Ash. He will be here this evening. Commissioners had requested to discuss Mill Levy/PILOT Change, implications of that and part of the presentation we sent out this afternoon, we just will walk through the different scenarios that are built into that program which are put out there as food for thought for you all to then work with as we go through your discussion. That is the two formal items for this evening and then we will talk about our budget calendar moving from this point forward.

With that, Mayor, I will turn this over to Sheriff Ash and let him offer his presentation to the Commission.



Sheriff Don Ash said thank you for allowing me a few minutes to speak with you. I come at you tonight from the overall standpoint of understanding that we are more than 30 positions short. We've had four resignations this week alone from starting Saturday moving through today. We didn't get any last night or today, so that was good. That puts us short a little more than 30 deputies. With that said, that's not really why I'm here to talk to you. I just want you to keep that in mind as a backdrop because what I'm about to present to you presents a dilemma on how we would actually accomplish it anyway, but it's a very serious situation that has been getting progressively more difficult over the last four or five years. I want to talk to you about our authorized staffing level in our Investigations Unit.

Current Investigations Unit



- Four full time Investigators
- Investigate cases that come from Law Enforcement activities, Detention Centers, Judicial or Offender Registrations units
- Conducts all background investigations and CVSA examinations for all Sheriff's Office employee applicants
- Conducts internal investigations of alleged employee misconduct

Currently we have a Captain who is a Supervisor/Commander of the Investigations Unit and does not necessarily investigate cases although he has been pressed into service. Actually, he and his predecessors—two previous predecessors both, in assisting over this time period. We have four full-time Detectives or Investigators that are assigned. They investigate cases that come from all of our law enforcement activities whether that be in the field, specifically in the parks. It might come from our Offender Registration Unit. It might come from Judicial, and certainly, anything on the magnitude of a criminal act that occurs in the Detention Center. This is where they get their workload if you will.

In addition to working criminal cases from all of those—in all of those ways, they conduct all of the background investigations, the pre-employment background investigations and the CVSA exams for all Sheriff Office employee applicants that are required to have those. Some have different levels of them, but certainly everybody that's coming in into a sworn capacity and people are coming in to work with sensitive criminal history record information, like our Records Clerks, and even those now that are coming in to work our Court Security Officer positions, we conduct extensive background checks on them to vet them out. They also conduct our internal investigations of alleged employee misconduct unless it is something that is incredibly high profile or demands extra high level of accountability and transparency within our community, within our Criminal Justice System and certainly for the public. Those investigations, largely we have partnered with the Kansas City, Kansas Police Department Internal Affairs to do those and in some cases we've gone out to other agencies such as Leavenworth County Sheriff, Johnson County Sheriff, and even the Kansas Bureau of Investigation on one real serious one.

# CVSA's/EE Background Checks -WYCO Sheriff Investigators						
#Background Investigations:						
2015	2016	2017	2018	2019	2020	
74	75	59	48	28	48	
# CVSA's completed:						
2015	2016	2017	2018	2019	2020	
49	48	34	50	33	55	

Here's just a little bit of an indication over the past five or six years of what some of that workload looks like in terms of the background investigations and the CVSA's that were completed. Some of those numbers have come down like in 2019, 2017 in terms of the CVSA's. A lot of that was due to the fact that maybe applications were down, we didn't have as many background investigations that we were doing. Unfortunately, we are in one of those cycles right now. Since January, I only have now five applicants that have applied that are making it through the pre-employment screening process. Of the five, there were six, I had to remove one just this week based on some background information. So, of those five or six, two have already been cleared for work and three are still in the background phase so I don't even know if they are going to be acceptable, and remember, that's since January. Obviously, we're not doing a whole lot of CVSA's and background investigations for Deputy applicants.

Additional duties and overtime

- Sheriff's Office does not have additional staff that manage evidence room and assigned to crime scene investigation
- Investigators must manage evidence room and crime scene investigation
- Increased major incidents at various parks including homicides, suicides and other major death investigations

The other things that our Investigators have to deal with is, we do not have additional staff that manage our evidence room or our property room, nor do we have dedicated additional staff assigned to crime scene investigations. For example, at the Police Department, they have a CSI Unit, that's all those employees specialize in and they have property room, evidence of logistics

managers. That's all they deal with is maintaining and keeping on occasion, releasing found property or confiscated property that is ultimately going to be released back to an owner somewhere, and certainly, keeping track of all of their evidence from various crime scenes.

Our detectives do all of that in addition to the investigations and we have had, as you probably well know, increased major incidents at various parks in the last couple of years that include homicides, suicides and other major death investigations. For example, the body that was found at the Turner boat ramp. That investigation had to be worked as if it were a homicide. Just this week, the medical examiners ruled that it was a natural death likely due to drug abuse in some form and we did not discover any evidence that indicates that the victim died at that location. So, more than likely, she died somewhere else, somebody didn't want the Police and the Fire Departments and everybody else coming to their house for what should be probably obvious reasons to all of you, so they took her body out and left it at the boat ramp.

Then, of course, we had the unfortunate incident, Parkwood Pool. So, we have handled all of these investigations. We have had homicides in Edwardsville Park—I'm sorry, Eisenhower Park. Most recently, Matney Park. We had a major shooting at St. Margaret's Park, we had another alleged shooting at Kensington Park and we had one at Kaw Point Park that at the time our investigative resources were overwhelmed and we could not work it, so the Police Department ended up managing that and handling that investigation that by all accounts we were responsible for and should have done, but didn't have the capacity to do it.

Average # Cases per Investigator per Year:

Wyandotte County Sheriff's Office

	2015	2016	2017	2018	2019	2020
Total Cases	408	531	544	516	555	389
# Investigators	3	3	4	4	3	3
Avg. # Cases Per Investigator	136	177	136	129	185	130

- 2019 – 1 detective out on medical leave which lead to retirement.
- 2020 – 1 detective out on administrative leave for 9+ months/case numbers were down due to COVID 19 protocols.

Kansas City Kansas Police Department (2015 Data Not Available)

	2016	2017	2018	2019	2020
Total Cases	2343	2963	3144	2988	2448
# Investigators	40	40	40	35	35
Avg. # Cases per Investigator	59	74	79	86	70

This is really the key slide here. Every year for the last four or five years I have requested authorization for one additional detective, one additional investigator to help us with this workload and this is why, and I want to really draw your attention to a couple of things here. You will notice

that since 2015 going forward the number of cases we've worked in each year has been pretty much significantly higher. 2020 was a little bit of an outlier because of COVID obviously, but what happened in 2015. Well, in 2015 we had two Kansas City, Kansas Police Officers murdered in the line of duty and Chief Zeigler and his staff made the decision to go to two-man cars versus a one-man car. So, they didn't have as many cars out on the street in any given 24-hour period answering calls for service and it was the Sheriff's Office Deputies that made up the difference in answering and responding to a lot of those calls for service. A lot of those resulted in the necessity to have follow-up investigations whether it was robbery or a sex crime of some type or an aggravated shooting or cutting or even a homicide. So, the caseload went up that was going on to our detectives.

Some of you might be thinking, well, you know, you've got detectives and the Police Department has detectives and duplication of services. You're going to have to explain to me how that can be a duplication of a service if there's nobody at the Police Department able to respond to either the call or conduct the follow-up investigation and we do it. I don't care whether it's a call for service or an investigation or a traffic stop or anything else. The reason we're doing it is because there isn't another law enforcement officer there doing it, so I don't see it as a duplication of services whatsoever.

Look at those numbers in the red and we requested this data from the KCKPD and they graciously provided it to us. In terms of the number of cases, you can see the disparity in the number of investigators. I'm not asking to get anywhere close to that, but look at the caseload, look at the caseload and how it has increased during these years.

We are falling behind and the reason that's important is because we have victims and secondary victims that are oftentimes their justice is way delayed because we've got such a significant workload.

I put in the budget a request this year, again, for one, just one, just one additional investigator and it's difficult to learn that the PD is getting 27 new positions authorized and I'm sure they need every one of them. I'm not disputing that whatsoever and even a parks—there's something in for parks for a Park Ranger and we are supplying two deputies to the parks now, so I don't know if I'm going to need to come up with another deputy to—I'm not sure what that's all about. Nobody has had a conversation with me about that, so I don't know what's up with that.

I would really like to ask you all to seriously consider authorizing us for one more investigator and I can't tell you right now when I would be able to actually promote the position, but the sooner I could do it, you know, the better.

That is the end of my presentation. I will stand for questions and then I will let you get on to the remainder of your agenda.

Mayor Alvey said thank you Sheriff Ash. I appreciate you bringing forward this data and presenting the problem clearly and in real terms. I would state that clearly I think you have demonstrated a need for this and, obviously, the commitment of the Sheriff's Department to fulfill the duty of providing quick service for our people who are reaching out for law enforcement assistance. Thank you for bringing this forward.

Commissioner Bynum said I do support the Sheriff's request. I have two questions. I hope there is someone on the meeting tonight that can clarify for the Sheriff the Parks Department request for, I believe, he said Park Ranger. Then, secondly, the dollar amount associated with the position.

Emerick Cross, Assistant County Administrator, said with COVID last year in '20, there is a significant increase of use in our public parks of people using them. As you know, our fishing license permits went up 313% and that request for the Park Ranger to work specifically in the parks, that's the reason it was made. Our parks are being used, which is a good thing, but at an unprecedented rate and that was the driving force behind that.

Commissioner Kane said I actually think he needs more than one. I think he needs several in order to do the job safely and get things done in a timely manner, so I would support even more than one. As far as going up 300%, the use of the parks and stuff like that and the fishing licenses, I think we should take that excess money that we got from there and restock the lakes that are in Wyandotte County because I don't know what we're doing with that money but the lakes are being fished out and Wyandotte County Lake cannot be covered just on weekends. They need the extra person out there to help make sure the lake is safe.

Commissioner Bynum said, Sheriff, I wonder if you could answer my second question, the budget implication of the position you are requesting? **Sheriff Ash** said I should have that at my fingertips for you, Commissioner, but I don't. Reggie, I don't know if you recall what it is or what it was or not. **Reginald Lindsey, Budget Manager**, said it's \$109K with benefits. **Sheriff Ash** said yeah, with the \$30 right, I would not dispute that. I would say that's very accurate.

Commissioner Townsend said I think Commissioner Bynum asked a couple of the questions that I wanted to put forward, but just for clarity sake, you are talking about an increase in headcount. There was something that you said near the end of your presentation that just tweaked a question in my mind. Are you talking about taking someone already onboard and promoting them or are you talking about an increase in headcount which from these numbers seem to definitely support your request, but just for clarity sake, could you address that? **Sheriff Ash** said to be clear, we would promote internally, so by the MOU this is a promotable position under the provisions of the MOU with the union. We would promote a Deputy to Investigator, but I'm currently only authorized for four so I'm asking for authorization for one more FTE for five because I can't really afford to give up the Deputy position. So, yes, my specific request is one additional FTE at the level of Investigator/Detective that would be an internal promotion for somebody from Deputy to Detective. **Commissioner Townsend** said so you do need the body and I just appreciate what you have done with the workforce that you have. This has been a particularly trying summer with regard to what's been needed in our parks, so thank you and your staff for that.

Mayor Alvey said, Mr. Bach, I'm assuming that we're not—unless you vote on this, that you would want to censor the Commission, correct? **Mr. Bach** said correct Mayor. I'm just getting a sense of the Commission, so as we've done in previous years, we will build a yellow sheet as basically an amendment to bring back to the governing body on such an item.

Commissioner Burroughs said I too am in support of the additional personnel. We just had a meeting yesterday with the CVB Board and we talked about public safety being an issue. The tourist in our community and those that visit our community need to know that they can feel safe. Anytime we have public safety presence and are able to address crime in a proactive manner and assist victims, I believe that there is a residual value not only just to the wages, but to the perception

of the community. Sheriff Ash, thank you for the commitment and service to our community and please let the rest of your officers and staff know that we value and respect the work that they do under the most trying of times.

Commissioner Philbrook said we're talking about a Park Ranger and who does that person respond to, who is their immediate boss, Emerick, and to what capacity is this person allowed to—well, in other words, are they going to be an officer of the law? Are they going to be under Sheriff Ash? What's the story? Tell me a little bit more Emerick. **Mr. Cross** said what we're looking for, Commissioner, since we had that large increase, is having a Park Ranger that reports to the Park Director and that would be an LEO person at this time. We have not worked out the finite details. What we're looking for is somebody who could—we're looking for a Ranger that can work with our Director and the Assistant Director out there who knows where the large activities, the large group activities, where the rentals are taking place so we can have somebody at large gatherings and group gatherings and things like that and try to anticipate exactly where the crowds and where the need is going to be. The final details, we have not worked out with the Sheriff. Of course, this has not been approved in the budget yet, but that was our plan after that.

Commissioner Philbrook said so I'm still not sure if you mean this person is going to be an officer of the law and carry a gun, okay, or if they are just going to be calling in the Police or the Sheriff if there's a problem. **Mr. Cross** said our intention at this time was to have it be an LEO position. **Commissioner Philbrook** asked, what does that mean? **Mr. Cross** said Law Enforcement Officer, I'm sorry. **Commissioner Philbrook** said you know acronym's they kind of stink if you don't know them. You guys were thinking that one person would be able to handle all of that? **Mr. Cross** said no. You know we have 54 parks, so the answer is no to that. I would take five if you would give me five, but we were just trying to be realistic and head in the right direction. **Commissioner Philbrook** said trying to get your foot in the door. **Mr. Cross** said yeah, just trying to—there's a lot of activity going on especially out at Wyandotte County Lake on the weekends. I think Commissioner Kane spoke to that earlier in this meeting or a previous meeting, but there's just a demand. Like I said, it goes back to COVID because everybody is outdoors now and that's a good thing, but we just want to make sure everything is safe and secure.

Commissioner Philbrook asked, how much is it per officer that you're looking at? You're looking at one so what does that kick it up—how much you're paying them?

Mayor Alvey said Kathleen VonAchen sent us—it said \$80K with salary and benefits for this position. Is that correct Kathleen? **Kathleen VonAchen, Chief Financial Officer**, said correct. **Commissioner Philbrook** said I would rather see two, but that's just me. I don't know how one is going to be able to keep their head above water and especially with those type of long hours and seven days a week, but I'm at two on that.

I'm also with Sheriff Ash on the one. Sheriff Ash, did you say then you will be pulling from your pool, are you going to be replacing that person that you're pulling from your general pool? **Sheriff Ash** said yes Commissioner. That's what I'm asking for. If you give the approval for the additional FTE as a Detective, don't take the Deputy pin away from me. I will ultimately need to backfill that. I want to clarify that we already have two deputies assigned full-time to parks. One on the day shift and one on our night shift—our evening shift. **Commissioner Philbrook** said I guess the question is then, are you opposed to having another person working in that area too along with that so they can cover more territory? **Sheriff Ash** said no, I'm certainly not opposed to that, but once again, we've got to get them from somewhere. **Commissioner Philbrook** said I understand. **Sheriff Ash** said if we get approval for that and you want us to do it, we can do it. As soon as I do it, I'm one more short in the Detention Center and we're getting pretty critical unless we can get some applicants. If we can get some applicants and we get some people hired, I don't see that coming very quickly. **Commissioner Philbrook** said I understand. Thank you for answering all those questions for me.

Commissioner McKiernan said I just want to say that I absolutely support this line. I support the personnel moves that the Sheriff has proposed. The Sheriff certainly has been involved in a lot of discussions with me lately about some of the challenges that we have in some of our parks with activities. I'm just going to say now that as we look forward to next year's budget, building for 2023, we really need to think about the size of the workforce versus the size of the job, the territory that they have to cover, the hours of the day that they have to cover that territory, so I absolutely support this. I want to say now, we need to really be very mindful of what a proper workforce would look like in 2023 given this increased use of our parks and given the increased challenges that we're facing at least in some of them.

Sheriff Ash said I would just add, we've had some meetings about Loring. I don't know how much you been briefed or what you know, but we've still got to figure that out probably for 2022 as well.

Mayor Alvey said, Mr. Bach, how would you want to get the sense of the Commission? **Mr. Bach** said I probably heard the majority of the commissioners offer their support for it during the course of this session tonight. If you want to take a straw poll, you could or I believe I've heard the majority, like I said, of commissioners supporting this and we should add this to our yellow sheet. **Mayor Alvey** said let's go ahead and do a straw poll.

Mayor Alvey said roll call Mr. Deichler. Again, this is not binding. A simple straw poll sends to the Commission.

Roll call was taken and there were eleven "Ayes," Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Alvey.

Sheriff Ash said thank you all very much and I'm available at your leisure to discuss any of these things.

Mayor Alvey said move on to the next topic.



Mr. Bach said as we concluded our last meeting or we had the request to come back and talk about where we are with the Mill Levy and the PILOT that we currently charge with the Board of Public

Utilities and if we made some changes to this, what the implications would be. I know the Commission would have some discussions, but you also put this forward to us to be able to kind of walk through how this would work.

Presentation Objective

- To demonstrate the implications of changing the UG's property tax mill rates and/or BPU PILOT charges
- For staff to answer any Commissioner questions
- For staff to compile a list of additional analysis the Commission may request
- To incorporate Commissioner feedback was part of the Long-Term Financial Forecast, typically presented in October or November

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What Kathleen has put together in various scenarios tonight is to demonstrate what these implications will be. So, if we were to move the property tax mill rate or the PILOT, and let you see some different scenarios. None of these are meant to be suggestions or recommendations coming from staff. This is in order for you to look at it. We can answer questions that you have and kind of work through it so these are just out there as food for thought. I think she has done a good job with her staff of working through and kind of making a good analysis based on your request for what could happen. Really, what all these scenarios do is look at the long-term for where we're at with the Commission—or where we're at from our budget, so you would have to take in the implications.

One thing that I want to point out is the Commission, just like you did talking to Sheriff Ash, whenever we make decisions to spend money on additional staffing, that's a long-term implication. Any adjustment to the mill rate or PILOT is a long-term implication. The priorities that we've heard from Commission also you need to weigh against this mill rate adjustment or PILOT change against investments and infrastructure or investments in our salary—salaries for our staff which is becoming more and more demanding of where we put this out. We've tried to weigh in where we are on some of these things, if we assume, make certain assumptions that are in play.

Comparable Tax Rates to Income and Value

CITIES						
	Median Household Income	Owner-Occupied Units Median Value	2020 Mill Rate	Estimated Median City Property Tax	City Property Tax as % of Household Income	
Overland Park	\$86,487	\$276,100	13.58	\$431	0.50%	
Leavenworth	\$59,132	\$123,800	30.00	\$427	0.72%	
Olathe	\$90,435	\$238,100	24.23	\$664	0.73%	
Shawnee	\$87,120	\$237,500	26.50	\$724	0.83%	
Wichita	\$52,620	\$133,400	30.27	\$464	0.88%	
Kansas City, KS	\$45,665	\$95,600	38.47	\$423	0.93%	
Topeka	\$47,999	\$103,200	39.69	\$471	0.98%	
Lenexa	\$87,102	\$260,900	29.24	\$877	1.01%	
Lawrence	\$53,639	\$195,500	33.32	\$749	1.40%	

COUNTIES						
	Median Household Income	Owner-Occupied Units Median Value	2020 Mill Rate	Estimated Median County Property Tax	County Property Tax as % of Household Income	
Johnson	\$86,087	\$229,600	18.8	\$561	0.65%	
Sedgwick	\$56,524	\$149,700	29.38	\$475	0.84%	
Wyandotte	\$46,881	\$100,300	39.33	\$454	0.97%	
Leavenworth	\$73,013	\$182,900	36.95	\$777	1.06%	
Shawnee	\$56,762	\$132,500	48.16	\$734	1.29%	
Douglas	\$59,435	\$199,400	46.43	\$1,065	1.79%	

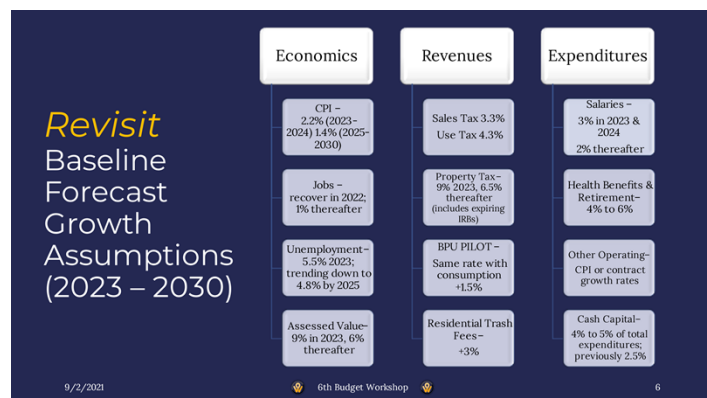
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I'm just going to throw out too, this next slide, which we saw the County one presented, so Kathleen's team put this together just to show how we compare and there's a couple of different good stats that are really brought out from this slide. As you can see, the top one is for the cities and the bottom one is for counties and we tried to use very similar cities in our comparison as well as we did counties. It's ranked by the City Property Tax as a Percentage of Household Income. You can see we rank kind of in that middle category. You see there's several in the 80-90% is where we fall in play.

You'll note in the second to last column the Estimated Median City Property Tax, we are the lowest. So, if we were to rank it by this based on where this goes to, and this is a chart that we modeled after what Johnson County did in their county, and then we just did it compared for our own city. In fact, the bottom chart is, I believe, their chart. They're demonstrating, if you look at the county one, that as a percentage of Household Income, they had the lowest comparable, again, we rank in the lower mid of that. If you look at the Estimated Median County Property Tax paid, we are the lowest already. So, a lot of these things come into play based on the fact that we have a lower household income than any of the other jurisdictions, so the amount of property tax total coming into play is lower because of the value of the household's across the board are lower in looking at the services we have.

I found this to be a very interesting chart that Johnson County has put forward with their governing body and looking at it and seeing how we rank out when you look at tax dollars going to provide the services that we are charged with providing for all of our citizens.

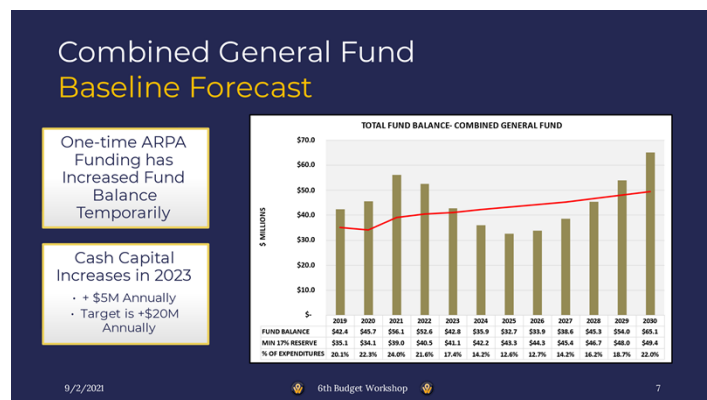
With that, I will turn this presentation over to Kathleen and she is going to walk through the different scenarios or the different information she has put forth this evening for you to look at and then we will let you all ask questions and discuss.



Kathleen VonAchen, Chief Financial Officer, said this slide here is a revisit of the same slide I presented last week. It provides us what is the Baseline Forecast Growth Assumptions. All of these assumptions are the same except I did want to make one revision which is that last week I said that the salaries had only been increased by 3% in 2023, but then in looking in the model I realized it was for '23 and '24 so just keep that in mind. That was in the baseline I presented last week.

Just to revisit, the CPI is set for 2.2% through the next three years and 1.4 after that. The Mayor had suggested that is likely to go up because of the recent federal legislation and its influx of dollars into communities, which is also very likely, so we're presenting some scenarios around that topic.

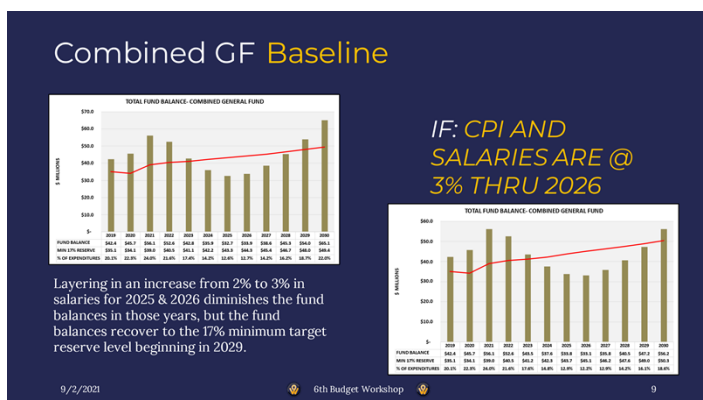
Everything else is the same. We are projecting roughly 6.5% growth in property tax, but the base property tax revenue is increasing by 5% in our estimate. The extra 1.5% is due to expiring IRBs so still a conservative estimate and, again, the baseline includes a 4-5% of total expenditures for Cash Capital and Equipment which previously it's always been around 2.5%.



The Baseline Forecast—again this is the same chart as last week where you can see that in the outyears—even though COVID—well, the ARPA funding that we have deposited into the Combined General Fund is resulting from the ARPA revenue replacement does show our fund balances at a higher level in ‘21 and ‘22, but then those balances drop back down to right around the Operating Reserve target which is two months of operating expenditures. Then, it dips below that in years ‘24 through ‘27 and then comes back up in the outer years. Keep in mind that even though we have projected—in the CMIP sheets we have proposed increased level of cash and equipment beginning in 2023. That isn’t near the amount that’s actually necessary to maintain our roads and keep our streets at a pavement connection index that is the same as it has been in the past without it declining. In order for that to happen we need to invest \$20M more per year from the City General Fund for road maintenance, so none of that \$20M more per year is included in here.

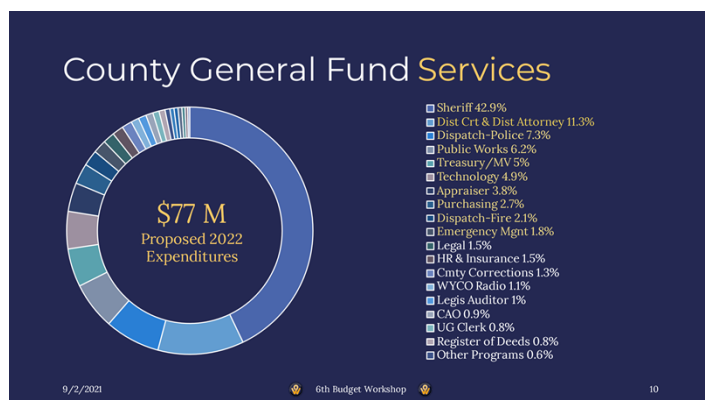
	2019 ACTUALS	2020 ACTUALS	2021 ORIG BUDGET	2021 AMENDED	2022 ORIG BUDGET	2023 FORECAST	2024 FORECAST	2025 FORECAST	2026 FORECAST	2027 FORECAST
REVENUES AND OTHER FINANCING SOURCES										
Tax Revenues	\$ 178,830,821	\$ 174,241,598	\$ 181,518,247	\$ 187,831,247	\$ 192,367,983	\$ 202,229,229	\$ 210,440,425	\$ 219,437,723	\$ 228,449,427	\$ 237,132,074
Intergovernmental Revenues	851,315	944,654	4,070,650	7,403,480	7,403,480	5,065,470	5,091,846	5,118,601	5,146,159	5,174,544
ARPA Revenue Replacement					25,940,483	25,940,483				
Fees, Permits, Licenses, Fines	22,693,263	19,980,227	22,780,354	22,377,034	22,057,589	23,868,732	24,741,838	25,009,525	26,525,759	27,461,797
Interest Income, Bonds, Misc	8,405,481	7,027,189	8,201,679	7,634,961	7,510,200	7,547,656	7,518,446	8,091,565	8,174,038	8,611,154
Subtotal, Revenues	189,780,880	192,193,668	216,490,930	226,247,322	245,159,695	259,731,447	268,102,556	278,657,414	288,499,389	298,400,580
Transfers In	2,254,300	1,776,000	2,334,000	2,334,000	2,334,000	2,398,676	2,454,235	2,505,627	2,553,932	2,603,169
Other Financing Sources	300	2,025,364	1,000	1,000	1,000	1,012	1,061	1,087	1,132	1,181
Subtotal, Transfers and Other Financing Sources	2,554,600	\$ 3,791,364	\$ 3,335,000	\$ 3,335,000	\$ 3,335,000	\$ 3,410,312	\$ 3,515,326	\$ 3,612,314	\$ 3,712,064	\$ 3,806,516
Total Revenues and Other Financing Sources	\$ 219,040,484	\$ 218,040,484	\$ 219,826,930	\$ 230,582,322	\$ 248,494,695	\$ 263,141,759	\$ 271,617,882	\$ 282,269,728	\$ 292,211,453	\$ 302,207,096
% Change	1.6%	-0.2%	-0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%
EXPENDITURES										
Personnel	156,754,797	154,072,913	163,378,293	167,114,027	177,837,863	182,866,293	189,770,056	194,608,181	200,101,274	204,870,463
Services	75,139,442	74,826,799	74,470,534	74,470,534	74,470,534	74,470,534	74,470,534	74,470,534	74,470,534	74,470,534
Commodities, Grants, Claims	6,796,766	7,184,116	7,184,116	7,184,116	7,184,116	7,184,116	7,184,116	7,184,116	7,184,116	7,184,116
Capital Projects & Equipment	4,038,996	1,744,926	3,147,447	3,147,447	3,147,447	3,147,447	3,147,447	3,147,447	3,147,447	3,147,447
Subtotal, Expenditures	202,849,200	197,828,754	208,179,290	211,916,124	232,629,060	247,668,380	254,562,243	259,300,358	264,893,471	269,662,554
Transfers Out	2,191,100	1,815,400	2,278,800	2,278,800	2,278,800	2,278,800	2,278,800	2,278,800	2,278,800	2,278,800
Other Services	1,548,867	1,214,251	837,777	104,224	156,453	638,227	638,227	637,907	641,127	637,791
Subtotal, Transfers-Out and Other Financing Uses	4,739,967	\$ 3,029,651	\$ 3,116,577	\$ 2,383,024	\$ 2,435,253	\$ 2,917,027	\$ 2,917,027	\$ 2,917,027	\$ 2,917,027	\$ 2,917,027
Total Expenditures and Other Financing Uses	\$ 210,472,230	\$ 200,858,405	\$ 211,295,867	\$ 214,299,148	\$ 235,064,313	\$ 250,585,407	\$ 257,479,270	\$ 262,217,385	\$ 267,810,500	\$ 272,580,081
% Change	-1.0%	-2.7%	5.1%	6.4%	5.9%	5.4%	5.4%	5.4%	5.4%	5.4%
Net Change in Fund Balance	\$ 8,568,254	\$ 17,182,079	\$ 8,531,063	\$ 15,283,174	\$ 13,430,382	\$ (8,443,648)	\$ (8,861,388)	\$ (8,947,657)	\$ (8,599,047)	\$ (8,372,985)
CAGR Unrestricted Fund Balance (Over 10)	\$ 32,881,054	\$ 35,461,636	\$ 30,301,251	\$ 45,889,348	\$ 42,348,834	\$ 32,977,818	\$ 25,896,620	\$ 22,444,451	\$ 20,812,079	\$ 18,828,494
Total FR as a % of Expend & GP2	20.1%	22.3%	18.4%	24.0%	21.6%	17.5%	14.8%	12.6%	11.7%	13.2%

I’m not going to go over this again. This is for your information. It’s basically all the detail behind the baseline forecast and these numbers are the same as they were presented last week.



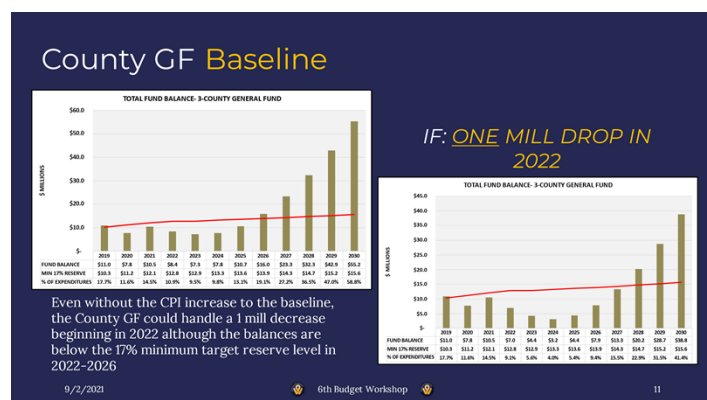
Now I'm going to go in and talk about what-if scenarios. So, all these slides on the left is the baseline which—the baseline for whatever fund I'm referring to and then it's provided there as a comparison for the what-if scenario which is over on the right. Again, we're still talking about the Combined General Fund and this slide shows that if both CPI and salaries are at 3% all the way to 2026 then you will see that the fund balance grows from the baseline at the end of 2030 of \$65M to the end of 2026 at \$56M. Even though it does cause additional costs if the CPI goes up or is maintained at that 3% level, not only for operating costs and personnel, but there's also a corresponding revenue increase because we earn regular interest. If inflation goes up, then the interest rates go up.

Layering in an increase from 2-3% in salaries for 2025 and 2026 because the baseline has 3% for 2024. It diminishes the fund balances in those years but the fund balance is recovered to the 17% minimum target level beginning in 2029.



Now I'm going to talk about the County and we're presenting this pie chart and a listing of all of the County departments because oftentimes folks forget what services are provided by the County and the County General Fund. The County General Fund for 2022 total expenditures are proposed at \$77M, 43% of that is for the Sheriff Department. The next largest is a combination of District Court and District Attorney Office together, comprising 11% followed by Dispatch for the Police Department at 7%, Public Works at 6%, the Treasury/Motor Vehicle Division at 5%, Technology at 5, Appraiser at 3.8, Purchasing and Dispatch for Fire at 2, and then it kind of goes down in terms of percentage from there. You can see there are a number of various State required departments that are included in the County General Fund.

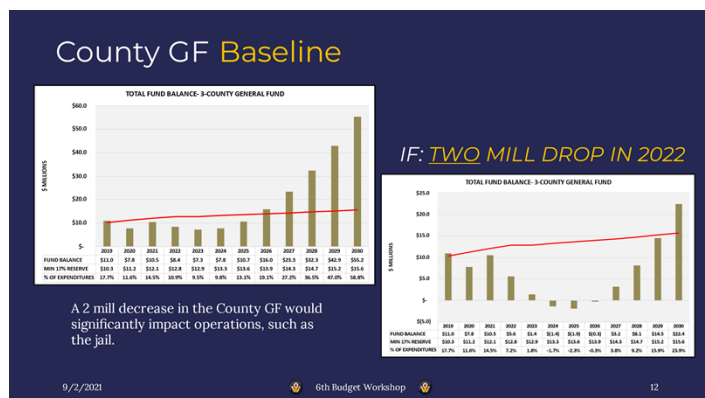
This doesn't include the Levy Funds, well, the Human Services and Developmentally Disabled Fund and then we have the Election and we have Aging and Mental Health; all of those are separate Levy Funds that are not included here.



The Baseline County General Fund forecast, as you can see, it's doing all right. We've got—you know, it's below the two-month operating target between 2022 through 2025, but then it really starts to—the balances start to really take off here. That's partially due to a—well, you know, the growth and the assessed value and over time it starts to accumulate.

The outyears are a product of just kind of keeping the Capital Outlay at level of prior years without really growing it for inflation, so that's part of the cause for the increase in the outyears as well as increased costs—increased assessed value.

If we were to decrease the County General Fund by one mill, then you'll see those balances in the near term dropping down far below the two-month operating reserve level, but then it recovers in 2027. Keep in mind, this is the baseline where it does not include the increase in CPI or interest income, so it's still at the 2.2% level for '23 and '24 and then dropping to 1.4 after that. This is all based on the lower CPI level.



In looking at the County General Fund again, if we were to drop it by two mills in 2022, then you could see that would dramatically impact the operations of the County for such operations as the jail.

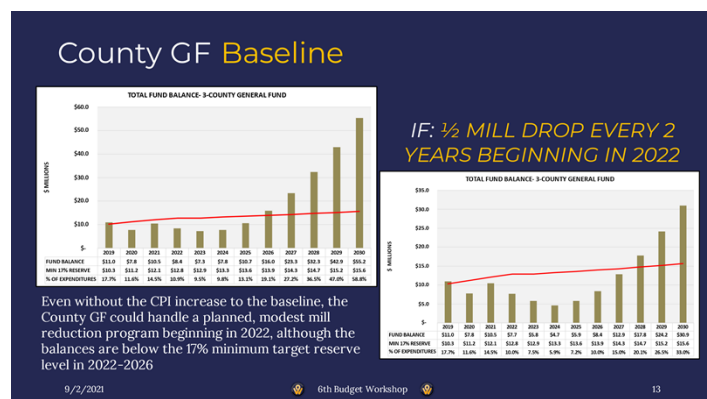
Commissioner Philbrook said let's go back to the other slide. If we drop the one mill and it takes us, you know, lower, definitely lower than 17%, we're talking 9, 5, 4; through that area, how much does it affect our bonding rates and issues like that in funding? **Ms. VonAchen** said the credit rating analysts look at the entire Combined General Fund so the City, County and Parks altogether so, of course, all these fund balances add up to—roll up to the Combined. So, it kind of depends on what's happening with the other two funds, but in general the credit rating analysts really like it that we are at least at the two-month operating reserve. In fact, they would prefer us to have a three-month operating reserve which is 25%, not 17%. It would not be looked upon very well favorably.

Commissioner Philbrook said but if all of those funds combined—**Ms. VonAchen** said that's right. **Commissioner Philbrook** said if we were going to leave other things similar to what we have them and put this into the mix, what kind of impact do you think that would be? **Ms. VonAchen** said later in the other slides, I'm going to show some combo scenarios so you can see that.

Commissioner Walters said, Kathleen, I believe I just heard you say that cutting the mill levy would have a negative impact on jail operations. **Ms. VonAchen** said cutting it by two because then we're down at the negative cash, two mills instead of one. **Commissioner Walters** said the operations. Is this just a revenue analysis or are you also adjusting expenses as a part of this

presentation? **Ms. VonAchen** said no, the expenses are not touched at all in this, it's all revenue. **Commissioner Walters** said so explain how jail operations are negatively affected. **Ms. VonAchen** said since half of the 40—roughly half of the County General Fund total expenditures are for the jail operations, if you run into a negative cash position here, it would just not statutorily allow. We would have to cut expenses and it's likely that, for example, the jail would probably feel that impact given the fact they're half the operations of the County. We're not saying that the jail would be cut if we did this, it was just an example because the jail is one of the largest departments in the County, that's all. It's just an example.

Ms. VonAchen said this is a scenario if you cut it by two mills in this current budget year.

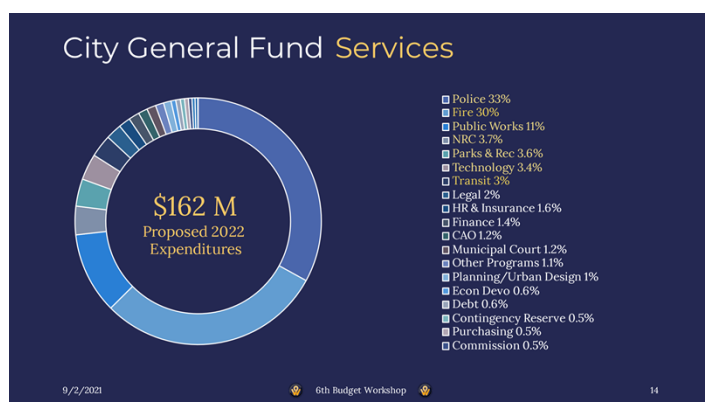


If we were to embark on kind of a modest mill rate, mill reduction program in the County, one opportunity would be to reduce the mill one-half every other year starting this year and by doing that then the fund balance looks like this. So, you end, for example, 2027 in the baseline it was \$23M in fund balance, but in this scenario it's \$13M. We do dip below the 17% target especially in years '22 through '26 but then we start building back up. Now, keep in mind this is with the lower CPI and the lower investment income.

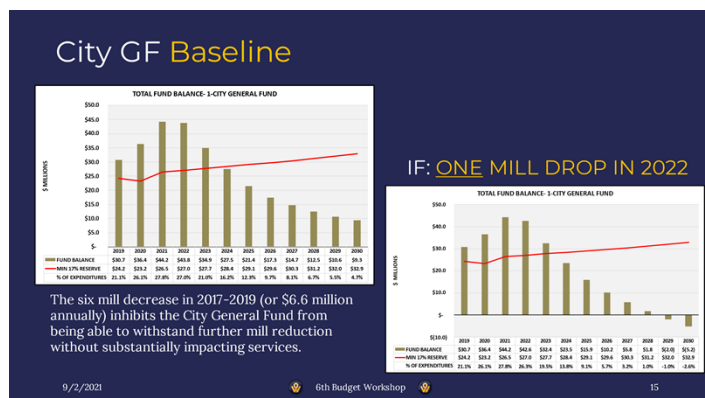
Mayor Alvey said, Kathleen, to be clear, when you say based upon the 2.2% increase on the CPI, so again, if we're in fact—I was reading today that they are looking at changing the target inflation rate to 3%, perhaps at the federal reserve, if it did go to 3% annually, these numbers would again put us in more difficult positions. Am I clear about that? **Ms. VonAchen** said no, actually it would have a positive effect because we would start earning approximately \$1M to \$1.5M more per year

in interest income. Most of the interest income is deposited in the County, yet on the other hand, we would likely have to also consider a 3% increase for salaries in some of the outyears farther out than 2024, that's a possibility. There's a lot of kind of variables to that. The reason I left the baseline at that 2.2% is because that's what the baseline was when I presented last week.

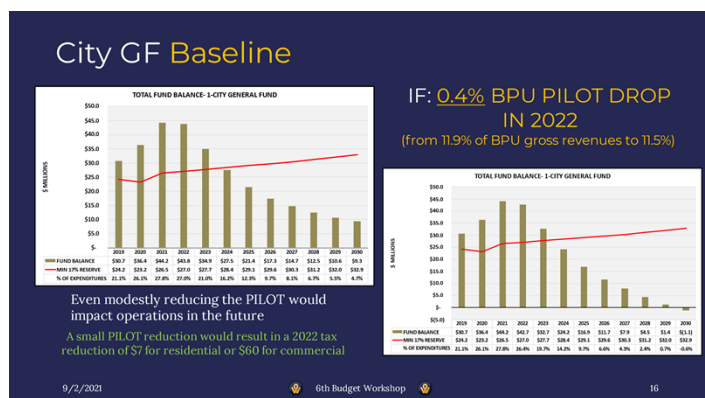
In the coming slides I'm going to show you what some of this looks like in combination including an increase in inflation which has some impact on expenditures, but it also impacts revenues in a positive way because it grows—it not only grows investment income, but it also likely will impact sales tax. It will probably increase the amount of sales tax revenue we collect as well.



Moving on to the City and then if we can get through the City and some of the debt ones tonight, to take you to the combo scenarios, then you could see some of your questions answered. The City General Fund is, again, it's—here's all the programs offered—the departments in the City General Fund, it's \$162M proposed for 2022. A third of it is dedicated for the Police Department, another third for the Fire Department, then Public Works receives 11%, the Neighborhood Resource Center 3.7, Parks & Recreation 3.6, Technology 3.4, Transit 3% and then all the others are lower.

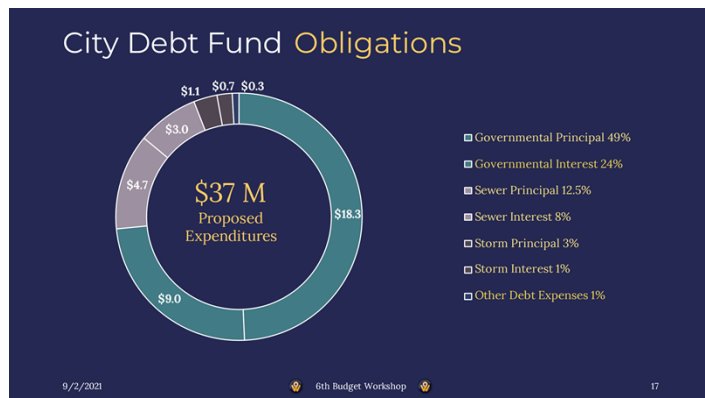


The baseline for the City General Fund is not looking as good as the County, so the 6 mill decrease that took place between '17 and '19 which, in fact, it amounts to about \$6M annually. It really inhibits the General Fund from being able to withstand any kind of mill reduction without substantially impacting services. In this instance, if we were to reduce the City mill by just one in the budget year 2022, it would drive fund balance down into negative cash position—or negative fund balance.



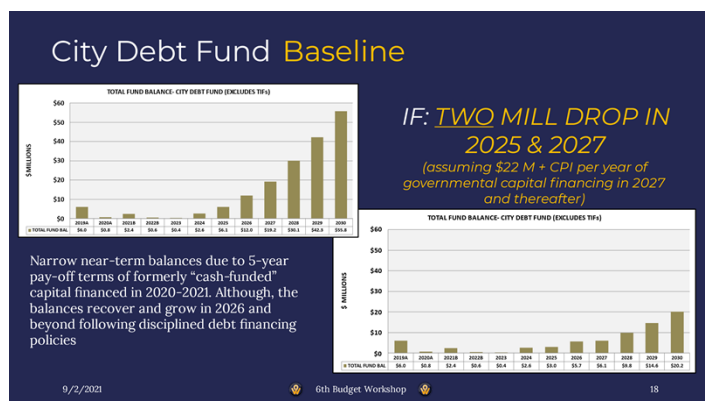
If we were to instead of changing the mill, we were to adjust the Board of Public Utilities Payment In Lieu of Taxes which is what that stands for, BPU PILOT. If we were to drop the PILOT beginning in '22 from 11.9 of BPU gross revenues to 11.5%, which is a very modest reduction, then this would be the impact on the City General Fund because all those revenues are deposited in the City General Fund. The BPU PILOT amounts to roughly \$35M in total, so this would be—I think it's \$1.5M or so, this .4, and it would be \$1.5M every year so it drops down the fund balance. That modest reduction in PILOT results—I looked it up and I figured out that it results in a \$7 decrease for residential and a \$60 decrease for commercial. **Mayor Alvey** asked, and that's

annually? **Ms. VonAchen** said yes, annually. The residential, you know, it's assuming you have a \$40 bill.



On the City Debt Fund, again, this is an interesting chart. I'm not sure we've looked at it this way before. This is where all the governmental debt and enterprise fund debt is debt service paid. So, in 2022 the total expenditures of the City Debt Fund are proposed to be \$37M and the green here is all of the debt related to the Unified Government kind of governmental funds so the roads, the fire stations, etc., all that. This light gray area is with respect to the Sewer Fund and then this little darker gray area is Stormwater. In the governmental debt, 49% of the total costs are paid to payoff principal on governmental debt and 24% of it is paid for interest. That's \$18M for principal and \$9M for interest every year.

For sewer, which the Sewer Fund makes a transfer into this fund to cover these costs which are 4.7% for principal and 3% for interest for the sewer and then also for storm.

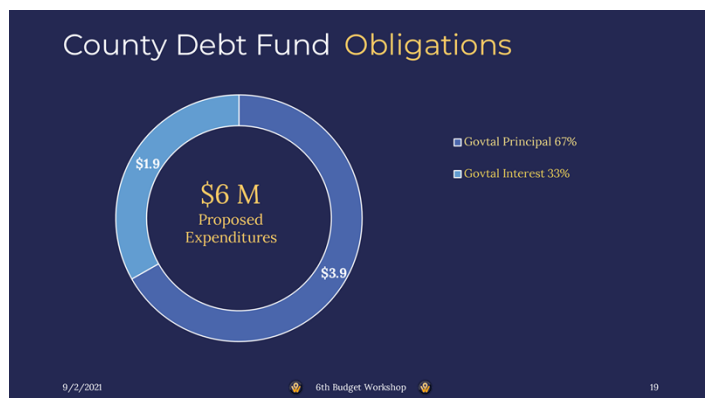


On the City Debt Fund, we know exactly what these costs are for the City Debt Fund because it's based on outstanding obligations plus the amount of debt that we have proposed in the CMIP to

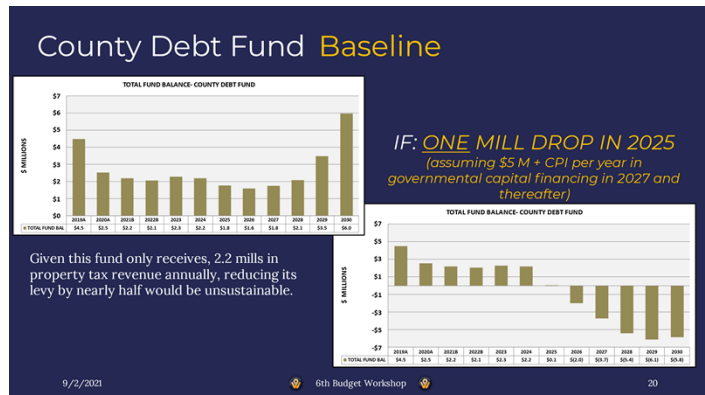
be issued for debt and so we know exactly what these costs are. The only variable may be how much in property tax the assessed value will grow by, but as I mentioned before, we have it growing by 5% to the base, plus the IRB increase that allows for the total increase of 6.5% on average over the period.

What we found is that there is an opportunity to reduce the two mills—to reduce two mills in ‘25 and then another two mills in ‘27 and by doing that, it drops the fund balance down to these levels. I have kept the scale the same here, so it’s still 60, you know, and this one is 60 just so you can see the slope properly. This fund does not require to have an operating reserve because it is a fund that—we know exactly what the expenditures are going to be. It is pretty low during ‘22 and ‘23, but I haven’t factored in the fact that we will likely be refinancing debt and there’s likely to be some great opportunities next year to do that which means that the fund balance will grow or end up higher than this.

So, in other words, you’ve often talked about what if we took—how many mills do we have in the debt—if we were to be disciplined and keep our debt finance governmental expenses down to a disciplined level, roughly \$22M a year, is what I’m projecting. If you take 15M%—you know about three or four or five years ago, there was kind of a general policy that we were not to issue debt anymore than \$15M a year. Since that was about four or five years ago, if you apply inflation to it all the way out to 2027, that \$15M is actually around \$22M, so just to keep conservative but not issue too much debt, what I’ve projected is \$22M in new government debt after the CMIP sheets end which is in 2026. In 2027, we’ve just plugged \$22M in general—so by doing that, you can see that we’re still able to transfer or shift two mills in ‘25 and two mills in ‘27 to the City General Fund or whatever fund you wish actually. In the proposal that I’ve—not proposal, but the scenario that you’ll see later, I have this shift going into the City General Fund in order to augment our Cash-Funded Capital, so you’ll see that in a little bit.



The County General Fund—or the County Debt Fund, almost \$4M of it is paid principal and \$2M of it is in interest. A big portion of the \$6M total, roughly \$1.7M of the total is for debt service on the new Juvenile Center. It's also paying for a number of other jail improvements as well as the radio project, so there's a variety of projects in there, but it's just a much smaller debt service fund. This fund can basically only pay for public facilities. By state statute it's not allowed to pay for other infrastructure like roads and the County doesn't oversee road maintenance. This is basically for County facilities and buildings.



What we included in the baseline is not only what's in the CMIP but we've also identified that there was sufficient revenue coming into this fund to cover the debt service for \$15M improvement to the jail. That's a deferred maintenance to the jail that the Ameresco Study identified and we've plugged it into this forecast baseline to show that we could support those costs for that project if we debt financed it. This includes not only what's showing in the CMIP, but also the addition of \$15M investment in our jail in order to keep it compliant with the Department of Justice.

Over here, if we were to reduce the County Debt Fund by one mill, boy, it would just wipe it out and that's because this debt, as I mentioned, this debt fund is pretty small and it only

receives two mills, so by cutting it by one mill, you've reduced it by half and that's just not sustainable. In the outyears, we're projecting after the CMIP sheets drop off, we're projecting \$5M a year in additional County building improvements. It includes some future capital investment, but with this one mill drop, it really does wipe it out. There's really not an opportunity to—you know, there may be some very small millage reduction in the future that can be done, certainly in these outyears, but this is just an example of how sensitive this Debt Service Fund is.

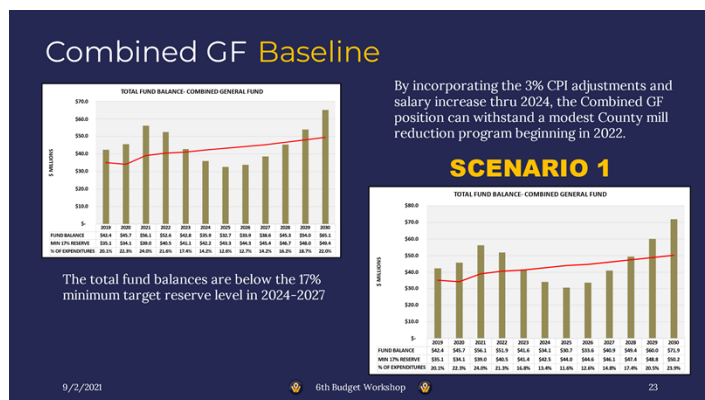


This is where the combo's start, so the Financial Planning Scenarios.

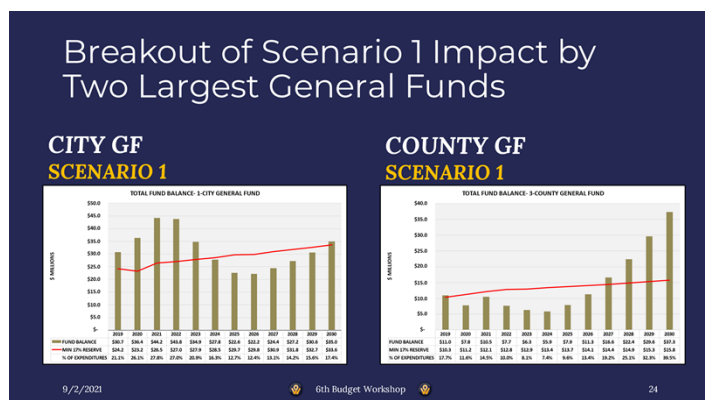


These are all adjustments to the base forecast and it's a combination of a variety of those things. In this scenario, for the first one, it includes the higher CPI which is 3% through 2024 and then I have it at 2% in 2025 and then 1.4 after that. So I have salary increases all the way to 2024 at 3%. I have a County mill drop of one-half beginning in 2025 and dropping by one-half every other year and that results in a tax reduction of \$11.50 per year if you own a home of \$200K and \$63 a year if you own a business valued at \$500K.

Then, I also have the City Debt Mill Shift to the City General Fund. So, two mills in '25, two mills in 2027 and the corresponding 1.25M—well it would be about \$2.5M increase to the City General Fund Cash Capital line for '25 and then again in '27.



With those scenarios, then you can see that the combined—this is the Combined Baseline and this is the Combined Scenario 1. By doing that you can see that the CPI adjustments and salary increase through 2024 it's—along with the modest County Mill Reduction Program. It does drop our fund balances below the 17% level between '24 and '27, but then it picks back up after that.



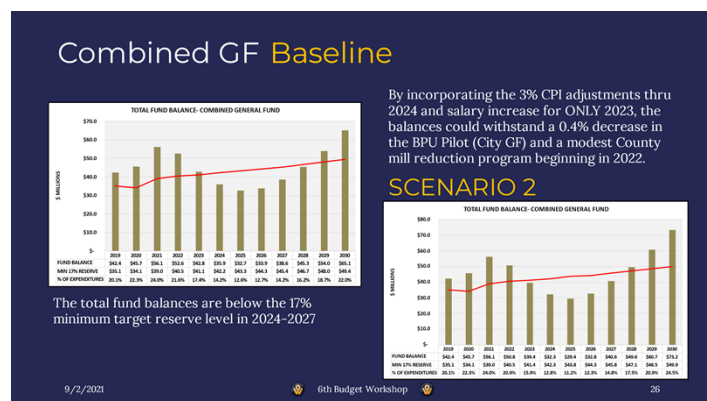
We don't want to just look at the Combined Scenario. We also want to see how it impacts each of the individual funds, so that's what this is. This side on the City General Fund side, you can see the increase in salaries and the increase in investment income and increase in revenue and then—you don't really see an increase in expenditures because it increases—there's an increase in '25 and '27 from the Debt Mill Shift but there is a corresponding expenditure increase, so it has no impact on the outyear fund balance.

On the County General Fund side, you can see that modest half mill increase every two years as well as the addition of investment income coming in, so the fund balances are below the 17% suggested reserve level but it does come back in year 2027. So, this isn't as low as the original baseline number, this dip here.

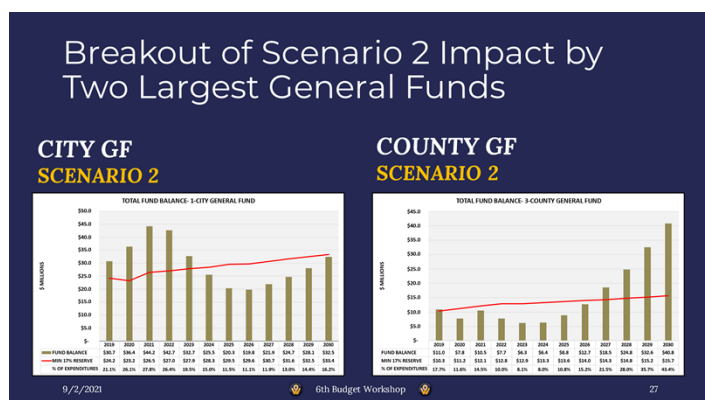
Again, looking at that, here's the Combined, how it looks and then individually each fund, this is how it looks.



The second scenario and last scenario is to have CPI through 2024 but only have salaries increasing by 3% in 2023. We have salaries set at 2% beginning in 2024 going forward and by reducing that increase in salaries in that year, then we incorporated—we drop the PILOT from 11.9 to 11.5% of BPU gross revenues, so we've included that. We've left in the drop, the progressive half mill drop, in every other year for the County and we left in the Debt Mill Shift in the outyears.



The combined combination of those, here's the baseline, here's the revised with the—for Scenario 2 and you can see that by incorporating that, it looks very similar to Scenario 1 except it's just slightly different because of those adjustments.



Scenario 2, again, broken out by City and County and you can see that the County's fund balances grows quite a bit and that's because we've dropped the salaries in that one year.

Scenarios Matrix and Performance Indicator

	Baseline	Scenario 1	Scenario 2
CPI / Inflation	+2.2% (2023-2024); +1.4% thereafter	+3% (2023-2024); +2% - 1.4% thereafter	+3% (2023-2024); +2% - 1.4% thereafter
Salary CPI	+3% (2023-2024); +2% thereafter	+3% (2023-2024); +2% thereafter	+3% (2023); +2% thereafter
County GF Property Tax Mill adjustment	current rate	1/2 mill drop every other year beginning in 2022	1/2 mill drop every other year beginning in 2022
City GF Property Tax Mill adjustment	current rate	City Debt Mill Shift to City General Fund 2 mills in 2025 2 mills in 2027; Corresponding increase in City General Fund Cash-Capital Expenses	City Debt Mill Shift to City General Fund 2 mills in 2025; 2 mills in 2027; Corresponding increase in City General Fund Cash-Capital Expenses
City GF BPI PILOT adjustment	current rate	current rate	Drop BPU Pilot in 2022 from 11.9% of BPU gross revenues to 11.5%
Performance Indicator			
Combined General Fund Fund Balance as a % of Total Expenditures (Average 2023-2027)	14.2%	13.8%	13.4%

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What I've done in order to summarize all this, because there's a lot of assumptions, is I've put together this matrix for you to follow. Again, here's the General Baseline Assumptions where you've got 2.2% in CPI and 1.4% thereafter, after 2024. Salaries are set at 3% for '23 and '24 and 2% after that. The mill rates are all the same and then in Scenario 2 we have increased the CPI from 2.2 to 3% and then 2%--between 2 and 1.5 and 1.4% thereafter. By increasing the CPI it does increase revenue coming in for investment income and for sales tax, but it also increases expenditures in various contract services and professional services.

For salaries for Scenario 1, I have salaries at 3% for '23 and '24 and then 2% after that and then Scenario 1, again, has a half mill drop and then the mill shift. Scenario 2, again, it has

the same CPI assumptions as Scenario 1 but in Scenario 2 I've only included a 3% increase for salaries in 2023 and then 2% thereafter. By doing that, then I dropped the BPU PILOT revenue from 11.9 to 11.5. By just doing a general comparison of the fund balance performance under these various baselines and then two scenarios, what I've done is I've done an average of the Combined General Fund fund balance of the percentage of total expenditures between the years of '23 and '27 and so under the baseline that average is 14.2%. Under Scenario 1 it's 13.8 and then under Scenario 2 it's 13.4. It is roughly almost a full percentage point difference of eight-tenths of a percent between baseline and Scenario 2 and then Scenario 1 is right in the middle.

That's all I've got, so I'm happy to answer any questions you have.

Mr. Bach said as Kathleen concludes, as you can see there are many different scenarios and Kathleen did a great job of throwing these in here. I will just add my comments before you start to talk. She could have factored in some for increasing investment infrastructure. These scenarios don't account for us putting any more money into infrastructure than we've already showed you moving forward with our budget. These scenarios are all about changing the mill rate or the PILOT, not investing more in the community.

I would also clarify that I do not think a 2% factor going forward for inflation rate for our employees is adequate. It has put us in the position we are today. I think 3% is a bare minimum, not enough, and that's an area we should be looking at adding more if we're going to have a workforce to perform services out here in the community and we want to keep them.

Commissioner McKiernan said Mr. Bach really started to go to the very place that I was going to make some comments. I have to give it to Kathleen. These are great scenarios, they're great food for thought. My personal opinion is, they come late in the game for the 2022 Budget. I think that even in 2022 we're going to still be getting our feet back under us from a cashflow perspective, from a service delivery perspective. I believe that we absolutely need to invest more in infrastructure, in the roads, the streets, the bridges, the streetlights, the buildings; all of those things that our citizens use on a daily basis. We're having some great meetings about infrastructure improvement, but so far we haven't dedicated any capital to said improvements, so at this point, it's just a lot of talk that we have yet to fund.

I also think that we need to finish our Priority Based Budgeting exercises. I think that we can find efficiencies within our operation that we have not yet found. But given the fact that these scenarios are coming late, given the fact that we are still going to spend 2022 getting our feet back under us, given the fact that we really have not considered how we're going to fund an enhanced workforce nor how we're going to fund enhancements in our infrastructure, I have to say that I think we should start considering these scenarios right now for 2023 and beyond. My impression is that we should stay the course in terms of the 2022 Budget. **Ms. VonAchen** said right.

Commissioner Markley said I agree with everything that Brian just said. I would add, you know, when we lowered the mill levy those six mills previously, we did that as part of a strategy that had been long thought out and had been laid out and said when the STAR Bonds payoff, we're going to lower our mill. We decided we weren't going to do it all at once, that we were going to do it over several years. We decided we were going to do two mills each of those years because we wanted to make sure we were still on even footing each year going forward. I do think that's how a mill levy reduction should happen. I think it should be part of a longer term financial plan. I think we should be looking into the outyears saying how can we do this year over year as a strategy rather than just sort of a knee jerk reaction of here's some extra money, a lot of which is because of ARPA, but there's extra money and it looks like our fund balance is good, let's lower the mill. I think it needs to be more strategic than that and I think it needs to be longer term. I would prefer to see us look at these scenarios layout what we could do over several years' time, decide when the start year is going to be, when the end year is going to be, and what we're going to do in each of those years and layout that longer term strategy for a mill levy reduction.

Commissioner Ramirez said just mirroring all the past comments from Commissioner Markley and Commissioner McKiernan, we're literally a week from today adopting our budget and we're now getting these type of scenarios that are going to drastically change it in some way, shape or form. I assume that this is a patterned where at the very last minute there's a lot of information that's dumped on us that's going to change things in a different way and I feel personally frustrated with it because this is information that should have been brought to us months ago when we started talking about our budget and started our workshops and thinking about these scenarios. Since

we're a week away, I personally could not vote or give any opinion on any of these scenarios because I need time to think and to go over the graphs and all the data and a week is not enough. I'm a person that I need to think hard and a while on it and these are scenarios and choices that are going to have impacts on our community for better or for worse, we don't know yet.

I just ask that in going forward, especially for 2023, if we're going to do scenarios like this, they need to be brought up in the beginning of our budget process, not at the very end.

Commissioner Walters said a couple of comments. Since this budgeting season started I have at every opportunity suggested that we consider reducing the mill levy and the fact that staff has not responded to that until tonight and then commissioners are reasonably concerned about the late breaking information is disappointing to me. I agree, we should have had this information long ago and I requested it repeatedly.

Secondly, as Brian McKiernan suggested, we have a lot of infrastructure expenditures and you've all seen the amount of reserve that we have for 2022 and 2023. It appears that we have just gotten caught flatfooted and don't have projects that we think are ready to go even though we've had millions and millions of dollars from ARPA in our possession for months, so that's another disappointment and a shortcoming, I believe, to this budget.

My observation is that it's not—I don't want to completely redo the budget, but I think if we consider a mill levy reduction and simply—and change nothing internally in the budget except reduce the reserve, that would have no impact to anything that's been presented, but it would give our taxpaying residents some relief that is always high on their (inaudible). **Ms. VonAchen** asked, can I respond to Commissioner Walters, a couple of things he said.

Commissioner Walters said lastly, I would like to suggest—I think I heard County Administrator Bach say a mill reduction is a long-term commitment. It's a one-year commitment. We are only considering 2022 and we certainly can't commit a mill levy reduction to futures (inaudible) in 2025 or 2027. That might be interesting to talk about that it's not important to our deliberation.

If we do something in 2022 that causes what some people might think is a problem in 2026 or 2027, we'll have annual chances to adjust the mill levy if those financial projections are anywhere close. I am not convinced by anything I've heard tonight that we should not consider a mill levy reduction.

Commissioner Bynum said I know that earlier in the presentation we had a reference to the conversations starting in October and November of last year and that's certainly true, but that was a much different time especially in our analysis of where we would be financially. So, tonight's information that Kathleen has brought us is the result of the Mayor telling us two meetings ago to please send him our questions and I submitted these questions as perhaps others of you did also, but I specifically asked, could we see the impact of a one mill reduction on the County side and could we see the impact of a half of a percent off of the PILOT and that is why Kathleen has put it together. Tonight is the night that these questions we were to submit to the Mayor were to be addressed.

I've been asking for a mill levy reduction for a number of years also and I really appreciate the well thought out explanation and presentation that she brought. Like Commissioner Walters, I think it's worthy of more consideration and I guess I will go on record if it is not the consensus of our body in this budget cycle to pursue reductions in any of these levels, then I'll just go on record right now as stating that I'm asking the governing body for '23, '24, '25 and other years coming for serious, deliberative, strategic conversations about tax relief. The only way we can provide that are with these tools that Kathleen has given us, the mill levy, the PILOT. The other portions of how taxes are collected are out of our hands, so I'll just state for the record that if we don't come to a consensus among us for the budget cycle we're in, then I'm just stating early for the next one, that I'm asking us to seriously consider beginning to bring some level of tax relief to this community.

Commissioner Burroughs said I really don't know where to start. I want to thank Commissioner Walters for being so bold in his comments. I really know it is difficult to be on opposite sides of issues when there is a majority and an uphill battle when we start talking about funding the government for our community. I've been around this for a while and my experience I've seen budgets presented in a manner that always identifies those things that we hold dear as being cut and hurt and damaged because of reduction in funds. Those aren't our priorities, those are priorities that are presented by those presenting the budget. Now, are they realistic? You take a one mill cut which we've been advised about a million dollars across the board, a little over a million, \$1.7M, I'm going to be generous and say \$1.7M, a \$1.7M spread across the entire county is less than .002% cut in any budget anywhere and to call out the jail or to call out employee wages

is one of those issues that pull at people's heartstrings and say we can't do that and I don't want to be on record of stating that I want to cut something because these are the things that have been targeted.

In my experience in budgets, those are the kind of things that pique your interest, but what I want to talk about is our projected budget for 2022. Is our ending balance inclusive, the 17% ending balance that you talked about, Kathleen, is it inclusive of the funds that we have in possession today of the federal ARPA money? **Ms. VonAchen** said it only includes the revenue replacement portion. **Commissioner Burroughs** said that was—if I remember correctly, \$24M, was that correct? **Ms. VonAchen** said I don't remember offhand, but in total over the two years and for all the funds—I don't remember offhand, something like that. **Mr. Bach** said a little over 30 I think. It's below 30. **Commissioner Burroughs** said yeah and I appreciate, what I'm trying to do is talk about we built our reserves inclusive of the ARPA money, so we can either call that efficient or we can call that a taking, however you want to look at it. It goes back to Commissioner Walters point, that we have this money sitting there and we're not putting it into action and to generate additional revenue in the community by putting people to work and getting that money out into the community, we're sitting on it.

Since I have been on the Commission I have seen our valuations rise considerably and that is not necessarily a bad thing, but we haven't reduced the mill in correlation to the increase in valuation. We have been told every year since I have been here, prior to the budget coming out, we are broke, we have no money and we can't do anything. Well, I'm here to tell you, we are sitting with some extra cash and that's not why I'm projecting cutting the budget. That scenario was brought up at the request of two or three commissioners and, Kathleen, I appreciate all your work in it and this is not a—not because there's more cash in there and it's not because of the knee jerk reaction, there are some of us that have looked at the budget over the years and seen a continued growth in our revenue, but we are still not addressing the mill rate that is causing the property tax increase. That is just not fair to our constituents.

I can get into a number of questions about what is our projected budget for 2022 without the ARPA funds in it, what was our mill rate and what was our budget in '97 when the Unified Government consolidated and then here we are today with over a \$400M budget. So, you have to ask yourself, what happened to the \$150M of growth in those 20 years. Where have we seen the enhancement in our community and I'm not saying there hasn't been. I'm just stating these are

the questions that I'm getting from constituents that say why aren't we seeing this money that has come in through increased valuations in our community. To promise moving forward that we're going to cut mill rates, I agree with Commissioner Walters, every year is a new year. We will go through this budget again, we do it every year and the state projections are just that, they're projections and things change.

I am absolutely supportive of a mill reduction in both the County and the City. Our budget can absorb it and to call out two or three scenarios that it is going to cost our jail and it's going to cost our employee wages, I think was unfortunate that they were called out as those two items that would not be considered if we chose not to—if we chose to do the mill reduction. I support Commissioner Walters position on the mill levy reduction. I just wish we would give stronger consideration how we can address the PILOT. We've got a PILOT increase, I believe, that's going to bring 1.5 more in this year, but yet the proposal was only a .04% cut if I remember Kathleen. **Ms. VonAchen** said well yes, I have a scenario in there for .4, yeah, but actually the PILOT is going to be flat or less than it was last year because industrial and commercial growth has really not resumed. That's based on when I've talked with Lori Austin, CFO at the BPU.

Commissioner Burroughs said I appreciate the Commission's patience with me this evening. I made it clear where I stand in my thoughts and I want to thank Commissioner Walters for his brevity and sticking to his guns and calling for a mill reduction. He's called for a mill reduction the last couple of years. I know he's been a budget hawk working on this and having him be part of the Finance Committee has been a pleasure to get to work with someone that's dedicated to doing what his constituents are asking us to do, specifically, when we have the opportunity to do it, not one year, two years, but two or three years back and so that's where I stand. Thank you, Mayor, for your patience.

Commissioner Townsend said I tend to agree more with Commissioner McKiernan and Markley in that this body is the only entity that is charged with supplying major services like infrastructure, like public service to our constituents. I believe that until we identify from this budget or ones in the future, money to deal with those basic services, only after then if we have money sitting around, let's start funneling it toward those basic needs that our citizens have already told us we want before we actually go and cut the mill rate. I get what Commissioner Walters and Commissioner Burroughs want and I would want it too, to see our constituents write out a smaller check when it

comes to paying taxes, but we have seen in the past where this Commission has decreased the mill levy but it did not result in an overall decrease to our constituents of the check that they actually wrote to us. That was a combination of the increase in valuation of properties and the fact that we're not the only taxing entity. I agree with where Commissioner Walters and Burroughs want to go, but I'm saying that the only entity that can fix roads, streets, bridges, provide lighting, public safety, we need to address those issues first so we don't have to go back and tell our constituents we didn't provide those services at the level that you called for and even though we reduced the mill levy, you still wrote the same amount of money in your check for taxes or more.

I do appreciate the presentation that was made tonight whenever it came, so thank you for the opportunity to comment.

Commissioner Johnson said I hesitated to speak to this matter, but I just feel like I have to. First of all, Kathleen, thank you for this presentation. Thank you Commissioner Bynum for requesting to see what those circumstances—scenarios rather, would look like. We have had this conversation about lowering mill levy's and leveraging that against the increased property values and, yes, both need to happen. The thing that I have been requesting for years seems to just continue to fall upon deaf ears and I'm not sure if that's because it's not a realistic request or expectation, but that simply is that we are the main entity and it kind of segues off of what Commissioner Townsend talked about, we're the main entity that is asked, that is demanded to make—you know, to bring about lower taxes, to lower the mill levy and yet none of the other taxing agencies are feeling the same kind of pressure. I've asked for us to have some kind of discussion over the course of the years with the other taxing agencies to have a pragmatic discussion about the mill levy, how it impacts each one of our jurisdictions and then how we can collectively look at mill rate reductions and tax rate reductions to our overall constituents. We are all in this together.

The mill rate reductions that we haven't made in the past, again, everybody knows that's on this call, 46% of one mill comes from City/County, so what about the other 54% that make up the greater part of one mill. That comes from the other taxing—I'm not here to suggest what they do, I'm just saying we need to have a strategic, pragmatic conversation and until we do so, I think we're going to be continuing having these kind of problems in the future. I'm going to continue

to make that request and whether or not anybody hears and thinks it's relevant or not, I think it definitely needs to be had and the sooner the better. Thank you, Mayor, I appreciate it.

Mayor Alvey said I want to address several things. I think what we have to look at is, we saw that first chart that was presented, the comparisons to other areas. We are at a disadvantage because our median household valuation is much lower and, in fact, I understand that Overland Park, for instance, one-third of all their general revenues comes from Oak Park Mall. That's a significant advantage that Overland Park has and has had over the years.

The other thing that we are dealing with, and it was mentioned by Commissioners Markley, McKiernan, and Ramirez, is that our infrastructure is much older and based upon the nature of how our city grew and we continued to annex more and more areas, we adopted a lot of township infrastructure that, frankly, we did not require in the Shawnee Township that when developers built that they would add sidewalks, that they would add storm sewers or sanitary sewers and so where I live, for instance, the sanitary sewer begins two blocks north. It begins again two block south. There are sanitary sewers two blocks east and two blocks west, but my area—my neighborhood, we're not going to get sanitary sewers because the city doesn't have the funds to come in and even help us along with that.

When I talk to constituents, I hear consistently questions—and people will call and say why isn't Key Lane fixed, why aren't the curbs in our neighborhoods fixed, why don't I have storm sewers. Those are the questions that I get consistently and I have to answer them honestly, because we don't have the funding.

Fifty-nine percent of our budget, again, goes to Public Safety. There is no constituent out there who is asking us to cut drastically the police coverage or the fire coverage. In fact, what we hear consistently is, let's fund more of that. So, this is the situation we're in and I recommend—I mean I like Commissioner Markley's suggestion, this is a long-term strategic move because of the decline and the blight over the decades in Wyandotte County, the value of our—the decline in property valuation meant for us to collect the same amount of money we collected in the prior year, mill levies can go up because the valuations were smaller. Now that we are growing in the past 20 years, our property valuations are growing, our assessed valuation total aggregate and individual are increasing, that's going to continue to provide us room for continuous mill reduction, which is again, why we have to continue to bring in economic development that works

for us and that is going to bring more people in who are going to continue to build new housing, rehab old housing, raise those property values and spread that tax burden around.

The thing that's discouraging, frankly, and I've asked some folks this when they tell me that they—and I understand, I want tax reductions too, I say let me ask you, what level of—what amount of money would you notice on a reduction of taxes and what would that be. They don't really often have an answer but it's got to be at least several hundred dollars for them to notice that if you have a \$500K home and you do a one mill reduction on that home, that is about \$57 a year. So, on a mortgage of \$500K, what is it, a \$5 a month reduction in my property tax bill is not going to change it, but that kind of reduction in the money, the revenues its generates does mean, for instance, you know, ten miles of roads. We saw that. A one mill reduction pays for ten miles of road and those are the complaints I get.

I get complaints about Code Enforcement, they're overworked, we don't have enough people out there. I hear complaints about traffic control. We don't have enough traffic control. I hear complaints about broken curbs, I hear complaints about stormwater, I hear complaints about any number of infrastructure issues, just the basic services that people want and what I hear more and more from people is, I am willing to pay for better service. What's hard is, even with our tax level at what it is, we're still not able to provide the level of service we need. It's a long-term play that takes us a long time to get into this situation, it's taking us a long time to come out of it.

Commissioner Ramirez said I just want to back up and second what Commissioner Johnson mentioned. Since I've been on the Commission I've at least heard twice, once from Commissioner Johnson and I believe, correct me if I'm wrong, Commissioner Bynum asking that we work with the other taxing jurisdictions in the county to ensure we have a strategic way forward. We may be reducing our levy and reducing our taxing, but what about the library, what about the schools. That's where the majority of all of their tax dollars go is there. We get only a portion of it. But again, the answer that we've been given is well they have their own governing body, you need to go talk to them.

It's our responsibility, I believe as a governing body of the County and City, to work with our other taxing jurisdictions and making sure that when one entity is trying to make a strategic move of lowering taxing, talk with the other taxing jurisdictions. Let the governing bodies talk, let us have the conversation together.

Yes, I know you, Mr. Mayor, may speak with the Superintendent of the Schools or maybe speaking with the library, but we need us as a governing body, we need to have those conversations as well and not individually with individual school board members, but as a collective, because that's what we are, we're a collective. I just wanted to back up what Commissioner Johnson said and I think it's something that we really do need to have.

Commissioner Philbrook said I'm going along with the concept with Harold Johnson and also with Christian and that is that I know that Melissa Bynum, since she's been elected, has been asking for that conversation among. I think it's up to us as commissioners to put out that olive branch and ask for transparency and ask them to come to the table because they're elected officials too. You know, we all come to the table and we have that conversation of transparency in front of everybody. If we don't do that, then, yes, we are hiding behind closed doors and that is true, so I agree with that and I wholeheartedly go for that because it is all of us that are representing our community. Thanks, Christian, for saying that and thank you definitely for Commissioner Bynum for pushing for this for a long time and I agree with that.

I also agree with Commissioner Brian McKiernan and Angela Markley and those that believe that we need to finish this work of infrastructure restructuring and figure out how we're going to do that before we start throwing pennies at people and small amounts of dollars, you know, because yes, when I'm not making much money, \$5 does matter. When you multiple \$5 by a whole bunch of people, that helps pay for some of things that they are wanting.

What I hear about are roads and codes, you know, roads and codes and that's what I hear a lot about and the only other thing that I hear about, then you can add parks and so those are the three highest things that I hear about. They want roads to be good, they want people coded so they're supposed to be doing their job and not tearing down their community. Then, of course, parks so they feel safe going out and enjoying the parks with their families and those are the three high priorities that I hear about all the time.

Commissioner Burroughs said the comments that were made by Commissioner Johnson, I remember my very first year as a commissioner, we were in a meeting and I had asked that we send a letter requesting other entities to hold the line until we could have a meeting. I remember the discussion that occurred about that and the way it was handled and so there have been many

of us that have called for that and so if everybody is really adamant about doing that, why hasn't it been done? I guess that's just my comment.

The other thing I wanted to bring up is if we're going to continue to collectively work on this PBB, we've had all year long with the commitment of PBB bringing reductions and here we are in the eleventh hour, that was stated earlier, about the impact that these mill reductions would have. I go back to my original statement, the statement made by Commissioner Walters, that this budget can absorb it. I believe last year's budget could have absorbed it, but anytime we get new revenue, we spend it and we spend it on giveaways to large corporations and our property owners want relief. I'm seeing it everywhere, I'm hearing it much like many of you, and we must not lose sight that if you want to continue to grow this community, you can't push people out with increased property taxation.

Commissioner Kane said I've got a couple of concerns and one of them is, we're still in a pandemic. We don't know what's going to happen in the next 10 months, 12 months and I have serious concerns about that. I also have serious concerns about our employees getting raises because a lot of people are leaving us and 3% is not enough. This is late in the game to get this information and we're supposed to make in a week and I agree with Commissioner Bynum that we're kind of stuck right now, but we need to start January 1 trying to figure out how to lower the mill levy and not come up a week before we're supposed to do it and say, hey, oh by the way, if you do this, then this is what's going to happen. We have to do a better job of planning what we're going to do further out than what we're doing it and this last minute surge is frustrating for me because I'm like why weren't we told that before.

As far as talking to the other taxing entities, I'm okay with that, but I am in contact with some of the school members—board members already and I think that's something we should do collectively. Have everyone come in, sit down and not point fingers, but figure out what each one can do to help the other one. I know that some of the schools are going to be looking for some school bond stuff.

You threw a lot at us today and I don't think we can—it's palatable between now and next week, so I caution us to lowering it right now and start in January to figure out what we can do for next year.

Mayor Alvey said thank you, very good discussion and we will pick this up again next week.

Mr. Bach said I appreciate all the comments. I would like to at least respond. We know we've been working through the budget through the course of this year. I believe I've heard, and I believe I hear what the numbers of people in discussion, the direction we were given in building the budget was to work within the money we have to work toward building infrastructure and staffing and find ways to find some increases in pay for our staffing. In discussion, the direction was not given to me and I will—to reduce the mill rate. You asked for scenarios to look at that coming into it and that's why we provided this information, as has been said it's late in the game. It's information we can provide anytime the Commission wants to dig into it, but we didn't bring it forward tonight from a standpoint of thinking, okay, here, let's throw this out at you. It was a request to come but our earlier direction I think is consistent with what I've heard from the majority of the commissioners tonight on where we're investing, trying to invest back into the community with the budget.

I appreciate the last comments made by Commissioner Kane about investing in our employees because this is just barely putting much more to them and I have several unions that are out of contract at this point and all are looking for additional money so those are areas that come to it and employees get thrown out there because they are 70% of our budget. It's hard to talk about our overall revenue and costs without thinking of where we spend 70% of our money.

I would also say that we can provide to the Commission and your decision of how you decide you want to meet with them or whatever. We can put together some ten-year charts on each of the taxing jurisdictions and show what they've done over the last decade in terms of their mill rates. I think that gives you a little bit of information in working toward that and I think it would be strong information for you all to look at.

Commissioner Bynum said, Mr. Bach, I really appreciate your comments and I would reiterate that what Kathleen brought was a direct response to questions I emailed. I would also really like to see the chart that you suggest could be created with maybe the ten years of mill levy rates from the taxing jurisdictions. I recognize how unwieldy the concept is of bringing all the taxing entities together. For one thing, it would obviously be an open public meeting. My suggestion would be that it would be a facilitated public meeting with a neutral third party.

I've been thinking about this a lot and I know Commissioner Johnson has too because we've talked about it so many times, but perhaps if there were a small subcommittee created on how exactly to go about holding such a meeting, I would also suggest that it's probably more than one meeting. It's probably a series of meetings, but nonetheless, I appreciate Commissioner Johnson ringing that bell yet one more time. Maybe we can take some steps toward convening that group in a very thoughtful way.

Mr. Bach said, Mayor, before we adjourn, can I throw one thing out there as we look ahead at the calendar.



The last item, we do have our Exceeding Revenue Neutral public hearing on Tuesday, which is a required action. There is one other item I have that I believe is there for a yellow sheet that we didn't take action on and I would just like to know because there were several commissioners that spoke to it, but I don't know that we really worked it around the room to say.

As far as building the yellow sheet and changes to this year's budget, we have the Sheriff's Office Investigator position that we heard. Also, Commissioner Kane had raised the issue of moving \$250K from the Parks Operating Fund, basically I believe, from what we would have in the fund balance to a modified park on Hutton Road by the new fire station, out in that area. I need to know whether that's something probably from a straw poll perspective that we want to build into the yellow sheet or not.

Mayor Alvey said I will now ask for a straw poll to approve the \$250K transfer of funds, General Funds, into a specific reserve for moving on the Piper Park. Is that sufficient? **Mr. Bach** said yes, that's what I'm looking to understand.

Mayor Alvey said, Mr. Deichler, roll call please.

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

Commissioner Kane said thank you commissioners. I really appreciate that.

Mayor Alvey asked, was that it, Mr. Bach? **Mr. Bach** said, Mayor, unless I'm anything, those are the only two items that we will build the yellow sheet. We will show you the plus, the minuses, how those will work and we will provide that with you as you have the information for the Revenue Neutral Rate public budget hearing. Otherwise, we don't have any topics for any type of workshops to follow that hearing.

**MAYOR ALVEY ADJOURNED
THE MEETING AT 6:56 p.m.**

Brett A. Deichler
Unified Government Clerk

dt

September 2, 2021

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

SPECIAL SESSION, THURSDAY, SEPTEMBER 9, 2021

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, September 9, 2021, with ten members present remotely. Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second 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. Ramirez, Commissioner Third District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Alan Howze, Emerick Cross, and Melissa Sieben, Assistant County Administrator's; Brett Deichler, Interim Unified Government Clerk; Misty Brown, Chief Counsel; James Bain, Assistant Counsel; Dr. Erin Corriveau, Deputy Health Officer; Ashley Hand, Director of Strategic Communications; and Alley Porter, Commission Liaison.

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

MAYOR ALVEY called the meeting to order.

MAYOR ALVEY said I would ask the Clerk to announce the meeting and call the roll.

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

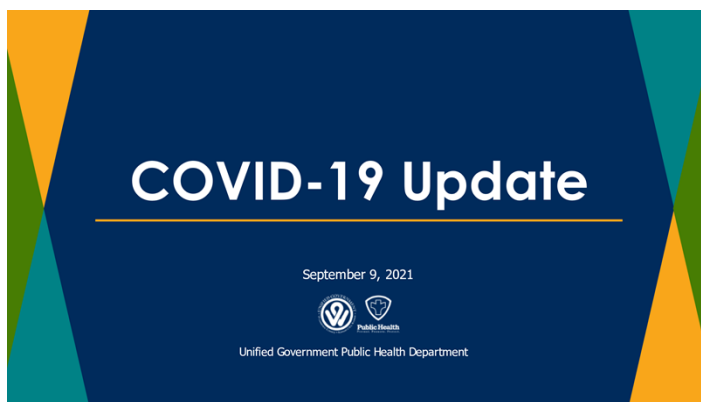
NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, September 9, 2021, at 6:00 p.m. to be conducted virtually for a COVID Update.

Due to COVID-19 the public will be able to observe or listen to the meeting live on YouTube or UGTV or through Zoom. The public may also view the special session from the lobby of the Municipal Office Building.

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

Mayor Alvey said tonight we have a COVID Update. I'll turn it over to Mr. Bach.

Doug Bach, County Administrator, said as we've gone through the last couple of years with the pandemic, we routinely come back before the Commission and provide you an update of activities going on. Later this evening we do have considerations on the formal agenda regarding the emergency order which is in place mainly for our reimbursements we get through FEMA and then also consideration of extending the mask order, so we thought it would be very timely tonight to have the team come forward and give you an update as to where things are in the community and the impacts on those. I will recognize Dr. Erin Corriveau who is our Deputy Medical Officer to begin the presentation this evening.



September 9, 2021

Dr. Erin Corriveau, Deputy Health Officer, said unfortunately Juliann VanLiew is out of town this week. It has given us a grand appreciation of all that she does and so Dr. Greiner, myself, and other staff are trying to hold down the fort. I believe Dr. Greiner may be jumping on and joining us for part of this presentation as well.

What We Will Cover Tonight

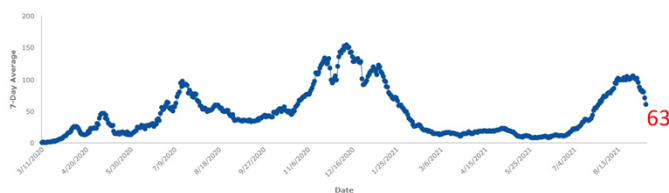
- 1. COVID-19 Situational Update**
- 2. Health Order Recommendations**



This evening we're just going to have a brief update for you all. We'll cover the COVID-19 situation as it stands right now. We would like to bring forth another recommendation to be considered by our Commission as well this evening later at the 7:00 p.m. session.

7 Day Rolling Average: COVID cases

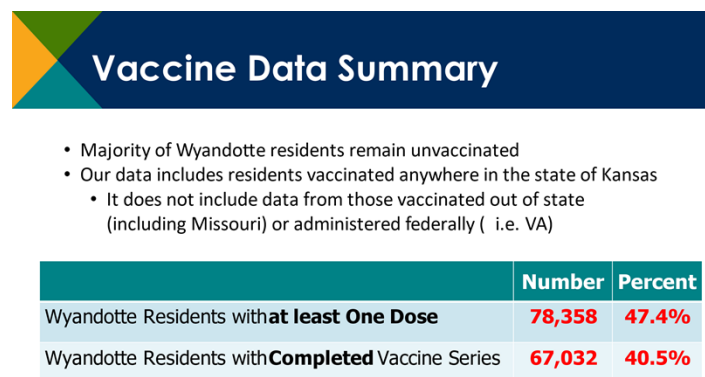
Rolling Average of Total Confirmed and Probable Cases



Covering sort of the normal numbers that we look at here, our 7-day rolling average, happily, is starting to trend down and so we see that our average at this point is 63 cases a day. You can see here that we had a huge peak there in this recent surge. Late this last month there may be a slight data lag given the closure for Labor Day, but it does look like we may have turned the corner in number of cases that we are seeing in our community, so that's really good.

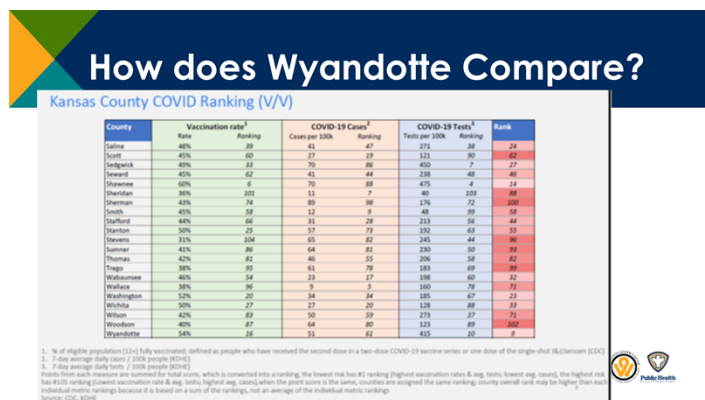
All told during the pandemic, we've had over 23,000 confirmed cases of COVID. We're now at 340 deaths in our community, and unfortunately, four new deaths just in the last week. Just in the last week alone, we also had 421 new cases.

The Health Department still is engaged in a very robust testing program. We're testing, on average, approximately 300 people a day and in our community in general doctor offices, KU Medical Center, Providence, etc., we're doing about 800 tests per day and so we think that's pretty robust for a county our size, which is great. Our positivity rate at the moment is just under 20%, which is looking better. We were up above 30%, I believe, the last time we presented to you all so we feel like that's a good thing.



As far as our vaccination data, you can see here, that unfortunately the majority of our residents in Wyandotte County still remain unvaccinated. The numbers that I'm showing you here are percentages based on the entire community, so those who are eligible for vaccination, that is above the age of 12 and also those who are younger than 12. So, all told, it looks as though just over 40% of our community has completed the vaccination series. That's two of the Pfizer or two of the Moderna or one of the Johnson & Johnson vaccinations and then it looks as though just above 47% have initiated at least one dose, their first dose. We feel like that's coming along and we hope that they complete their series.

Of course, we're still unable to get our data from Missouri but the data on anyone in Wyandotte County who has been vaccinated within the state of Kansas, we do have that data.



I want to show you something new and really kind of cool and unique that's coming out of our State Health Department. They are now putting out County Covid Rankings. I just want to share with you some good news out of our county. If you look on the left-hand side, you see the counties there and if you scroll all the way down, you see our county there, Wyandotte. If you follow Wyandotte all the way toward the right under the column labeled Rank, you see that our county ranks 9th in the state overall in our COVID ranking.

This ranking is comprised of three measures. That is our vaccination rate, the number of COVID cases that we are seeing in our community and also the number of tests that we're doing in the community. You can see under Vaccination Rate, we're 16th in the state and it lists here 54%. Now, we'll remember that KDHE takes into account those who are eligible for vaccination, so those above the age of 12 which is why that number looks higher than what I presented in the previous slide. So, we're doing okay there.

As far as our COVID-19 testing then, over in the blue column, we see that we're doing pretty well. We're 10th in the state. When we look under Cases here, we see that we're labeled 61st. I think to myself, man, we're still seeing a lot of COVID cases in our community. We know that there is still community spread of this Delta Variant within our community and so that's really where we're focusing our efforts. Again, we've got to stop the spread of this virus.

You'll remember that we currently have a Wyandotte Mask Mandate that is in place currently that is in effect for Kansas City, Kansas and excludes Bonner and Edwardsville. That went into effect on August 5th and is set to expire on September 16th.

Surrounding Area Mask Mandates

Jurisdiction	Mask mandate	Effective dates
Kansas City, MO	Indoors in public spaces (including schools)	Extended: Sept. 23
Jackson County, MO	Indoors in public spaces (including schools)	Extended: Oct. 7
Johnson County, KS	In school settings (Kindergarten – 6 th grade)	8/9/21 – 5/31/22
Leavenworth, KS	None	N/A

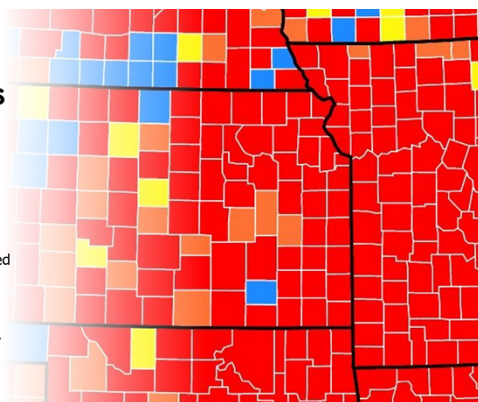


If Dr. Greiner is on, I'm going to turn it over to him. I do not see him so I'm going to go ahead and continue with the presentation.

Just to give you all an update of what we're seeing in surrounding communities for mask mandates and requirements, in Kansas City, MO mask mandate is for indoors in public spaces including in schools. Their mandate was extended through September 23rd. You can see there for Jackson County, we have indoors in public spaces as well, masks are required, extended through October 7th. In our neighbor, Johnson County, we see that masks are required in school settings, Kindergarten through 6th grade, and that is going to be for the remainder of the school year, through May of 2022. Leavenworth, KS has not adopted a mask mandate.

Primary Considerations

- We are experiencing uncontrolled community spread (deemed "HIGH" by CDC, see map)
- Delta variant is more transmissible than previous strains of COVID-19
- Majority of Wyandotte residents remain unvaccinated
- Most children ineligible for vaccinations
- Hospital resources are strained (for COVID and non-COVID illnesses)



We're considering a lot of things when we bring forth this recommendation to you all this evening. Our primary considerations are as follows: We're still experiencing high uncontrolled community spread as defined by the CDC. You can see on the map, which is updated, we're still sort of in that red zone. The Delta Variant, as we've talked about previously, is much more transmissible than the previous strains of COVID. Last month and this month, still 100% of the cases that have been sequenced by KDHE have come back as the Delta Variant. We haven't seen any new variants

at this point in time. We're still dealing with this sort of tail end of this big Delta surge. Unfortunately, again, just over 40% of our county residents are vaccinated which means the majority are not. Many children, of course, under 12 are ineligible for vaccinations. We expect there to be an update in the fall regarding that.

I do want to talk a minute about our hospital resources remaining at a very sort of strained situation. At KU Hospital, where I practice, we're still not seeing any decline in the numbers of patients who we have on ventilators or in the hospital with COVID at this time. We still have, day in and day out, over 100 patients of our total 900 inpatients who have COVID-19. We're seeing these hospitalizations are still in our younger population unfortunately, 30's, 40's, 50's. We're also seeing many children, still at this point in time, hospitalized which has been very sad.

Recommendation to Commission

- The UGPHD recommends that the Unified Government Board of Commissioners extends the current health order requiring mask wearing:
 - For 8 additional weeks (until Nov. 11)
 - Indoors in public spaces
 - For vaccinated and unvaccinated individuals
 - For ages 5 and older



What we would like to recommend for your consideration this evening is that our mask mandate be extended. We would like to recommend that the current resolution be extended in its current form, that is KCK, with the exception of Bonner, Edwardsville, and the schools, be extended. We're recommending an additional extension of eight weeks. That would be set to expire on November 11th. We're recommending that based mostly on what we talked about this evening, but our hospitals, we really need to take them into consideration, the exhaustion of our nurses and of our resources for our healthcare workers.

We're recommending just the same, that we should mask up in public indoor spaces for both vaccinated and unvaccinated individuals and we're recommending for the age of five and older. So, again, the same resolution just extended eight weeks.



That concludes my presentation this evening. I'm happy to take questions. I'm going to stop sharing for now and can bring up the presentation, if necessary, in another minute or two.

Commissioner Bynum said I have a couple of questions and a comment. My first question is, Dr. Corriveau, I see that within our 7:00 p.m. meeting our request is to continue our mask mandate through November and I'm curious from the Health Department's perspective, what numbers or conditions in the community would be appropriate for us to be able to say we don't need a mandate? That's question number one.

Question No. 2 might be more toward Legal Counsel because I know within our Mask Mandate Local Health Order—I've had some people ask me about the penalty part of that and it's my understanding that penalty has existed in all of the health orders. I'm curious, the penalty that's listed, have we ever actually enforced that penalty, so those are my two questions.

My comment is this, in looking at the COVID hub, I've been specifically looking at the data, the two-week look back of cases in folks age 39 or younger. I think I'm seeing this week, as of yesterday's numbers, a pretty significant decrease in that which makes me really happy because last week that number was 675 cases among—just in the past two weeks prior, among 39 and younger and I thought that was a rather devastating number. This week I think that number is down to something like 520 something, so that certainly looked to me like we were definitely making improvement in that zero to age 39 category. So that's the comment.

First question, Dr. Corriveau, was just what would you all think as a satisfactory set of conditions to not have a mandate?

Dr. Corriveau said that's a really good question. Of course, we've never had any hard and set sort of landmarks. We've been sort of rolling with the punches, so to speak. I would like

to see our percent positivity rate decrease and the number of cases that we're seeing on a daily basis go down. Again, we're seeing over 60 cases a day and I would love to see that, you know, 20 or less would be great. I would love to see our percent positivity fall below 10%. That would be ideal and I'm talking about sort of how we're thinking through this with the CDC in my mind.

I'm also, just to be honest, worried about flu season coming up. We should all be starting to get our flu shots the beginning of October. We're a little bit worried of having sort of cases on top of cases, if that makes sense, the COVID cases and the flu cases. I would also like to see some space also in the hospital open up. I believe that if we're to not require masks, we've seen a really impressive downturn of those cases I think. We've kind of turned that corner, as you point out, which I think is right and I think that is due to masking.

I think if we were to let up too soon, we could have another sort of bump. I don't think our healthcare workforce and our hospitals could take that right now. Those are the things that I'm thinking about. I'll turn it back to you or to Misty, I believe, and James our Legal Counsel, to answer your second question.

James Bain, Assistant Counsel, said, Commissioner Bynum, to answer the question about the penalty and the criminal enforcement, back before COVID was even a thought, there was a state statute that made violating a local health order a crime, Class C Misdemeanor. When we started getting into having to actually have health orders in a COVID world, the decision was made in ordinances passed to have a county ordinance also making the violation of a local health order a crime. So, that's kind of where that came from in March of last year and so that has been in all the orders since then in addition to the state law it was also could be prosecuted in our Municipal Court as a city ordinance violation.

We have not had any convictions, no tickets written, nobody has been brought to court. The Police Department has had an education focus on all of the health orders. I'm going back to gathering limits, things like that, and now masks and so there has been no criminal prosecution.

Mayor Alvey said seeing no other hands, thank you for your presentation. We do have a couple items during the Regular Session, but for now that concludes our Special Session.

**MAYOR ALVEY ADJOURNED
THE MEETING AT 6:21 p.m.**

Brett A. Deichler
Unified Government Clerk

dt

September 9, 2021

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

SPECIAL MEETING, TUESDAY, SEPTEMBER 7, 2021

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in a Special Commission Meeting, Tuesday, September 7, 2021, with eleven members present remotely. Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District (left the meeting early); 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, Emerick Cross, and Bridgette Cobbins, Assistant County Administrator's; Brett Deichler, Interim Unified Government Clerk; Kathleen VonAchen, Chief Financial Officer; Debbie Jonscher, Deputy Chief Financial Officer; Reginald Lindsey, Budget Manager; Michael Peterson, Assistant Budget Manager; Misty Brown, Chief Counsel; Jeff Conway, Assistant Counsel; Ashley Hand, Director of Strategic Communications; and Alley Porter, Commission Liaison.

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

MAYOR ALVEY called the meeting to order.

MAYOR ALVEY said I would ask the Clerk to announce the meeting and call the roll.

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

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Tuesday, September 7, 2021, at 5:00 p.m. to be conducted virtually for a Public Hearing on exceeding the Revenue Neutral Rate and the Final Budget Public Hearing. I should also note prior to roll call that a blue sheet was issued modifying tonight's heading to convey Special Meeting and to also attach the Ordinance/Resolution language regarding the Revenue Neutral Rate as an addendum. Lastly, I would also like to note that tonight's agenda items will be held in reverse order where the final Budget Public Hearing will be held first followed by the Public Hearing on exceeding the Revenue Neutral Rate.

Due to COVID-19 the public will be able to observe or listen to the meeting live on YouTube or UGTV or through Zoom. The public may also view the special session from the lobby of the Municipal Office Building.

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

Mayor Alvey said as the Clerk announced, first we'll conduct the final public hearing on the 2021 Amended Budget and the 2022 Proposed Budget, so I would ask Mr. Bach to make some opening remarks.



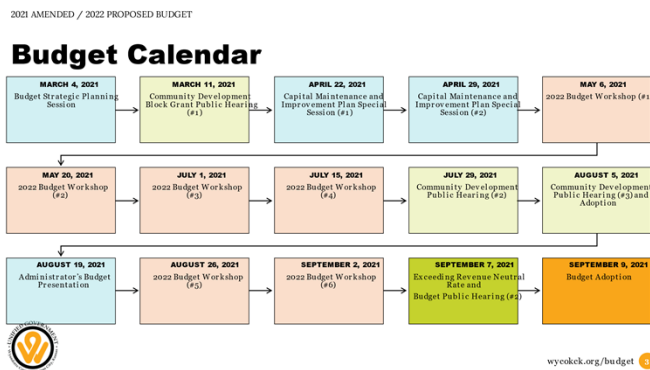
Doug Bach, County Administrator, said as it has been said twice as we're coming into tonight, we will offer a brief presentation regarding what is out there. There are some requirements in this

September 7, 2021

presentation that we need to put forth regarding the Revenue Neutral Rate, so it is our intent to walk through what we have in the budget this year. First, as far as the numbers and the amounts that will be in it and then how the Revenue Neutral Rate is impacted by this as far as the state's statutory requirements.



One thing as we go through this year's budget presentation, and while we were in closing days of what is the proposed adoption date this Thursday...

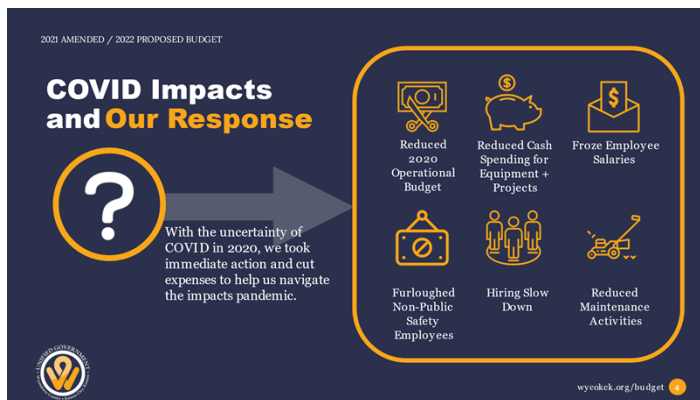


I will note this Commission has spent a considerable amount of time working on this budget throughout this calendar year. Back in March of this year we started our Budget Strategic Planning to really go through and highlight what areas we thought would be key to focus on this year. We had a public hearing in March to get input on the Community Development funds that would be spent this year as well as the Community Block Grant as well as the public hearing on the budget. We went through a couple of Capital Maintenance sessions and then in May we started the first of what has been six budget workshops that have been conducted for the public to have input on, May 6th, May 20th, July 1st, July 15th, August 26th, and September 2nd. During that time we had two

September 7, 2021

more public hearings. These were focused more on the Community Development funding and then we had the final adoption of that on August 5th.

The budget work that was put together as a result of this work was presented by myself and team on August 19th and now we're at September 7th to meet the statutory requirement for public hearing dates that they want to have us conduct right before we go into final adoption stages of the budget and that's why we're here this evening, so it's good to have you.



On the 19th we talked about what was to be in this year's budget, the impacts we had from our previous 2020, which was quite a year for us, where we saw significant budget reduction in order to meet the time—or the anticipated lowering of revenues that were coming in during 2020.



We moved forward from that to take a lot of action in 2021 as we saw our revenue start to return to normal and we still receive some CARES funding from the federal government as well as the anticipated ARPA funding that's coming in to help us replace some of our lost revenue. We're able to return to our fight on blight, go after the long-term infrastructure, our housing infill strategy,

addressing our workforce as proposed in this budget as we look into 2022, stabilizing our fiscal position and then as we move forward defining where we will have our ARPA priorities.

So, this is the action we've taken as I go to the next slide.

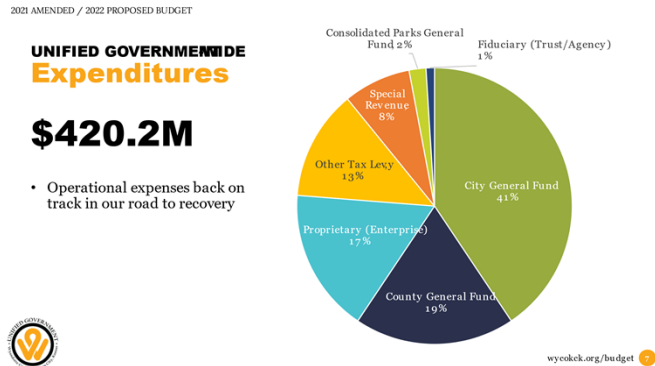


This budget that we are presenting this year does focus on improving the quality of life through that continued fight on blight, investing in our neighborhoods particularly with our infrastructure investments, we maintain equity-centered investments in public health by really getting out there and trying to get those that are underserved in our community, so we continued our focus on public health as we started doing much more in 2020 in relation to COVID. This keeps that going in '21 and then on into 2022.

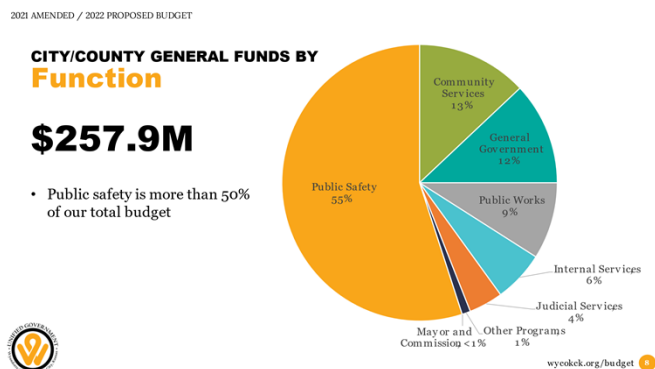
More community engagement through our communications. We started this from a couple of years ago but this year's the first year we actually have had money to put in place to start to do more in this regard by having a couple of positions focused in regard to this. Address our public through community-based programs. You particularly see this with the Police Department where we had to reduce a high number of their positions in 2020 and held those open. We put those back in place so they can get much more back toward their community-minded interaction with the public with this budget. We'll fill those critical positions that we have in our government that help us address the highest priorities of the governing body and address our workforce culture by having various training programs that are in place and by allowing us to have more for compensation and we reinstate our cash position instead of just going after everything from a debt perspective which we were not able to do in 2020.

Now to go through this, I'm going to turn the presentation over to Reginald Lindsey, our Budget Director, who is going to walk through some of the numbers we have and then we'll have

our Chief Financial Officer, Kathleen VonAchen, talk through some of the issues regarding the revenue neutral numbers as set out by the new state statute.



Reginald Lindsey, Budget Manager, said the Unified Government is a proposed \$420M balanced budget where revenues and expenditures are accounted for. It funds 29 state certified funds and funds over 40 departments that provides 200 services to the county. Some of the larger funds that are shown in the pie chart is the City General Fund which is \$172M and also the County General Fund which is \$77M. The third largest one will be the Sewer System Fund at \$50M.



On this next slide, I'm going to drill into the General Fund by expenditure type. The General Fund is a \$258M balanced budget. Our largest expenditure category here is our Personnel and this funds over 2,400 full-time equivalent employees across the government and also pays for their benefits. Our next largest expenditure type is our Contractual Services and it funds Transit Services, Trash, Software and other related costs. Some of the other expenditure categories are Contractual Services and Commodities and Commodities fund natural gas, fuel, vehicle parts, and office

equipment, and then we also have Capital Expenditure which funds our Fleet and also cash that we pay for projects across the organization.

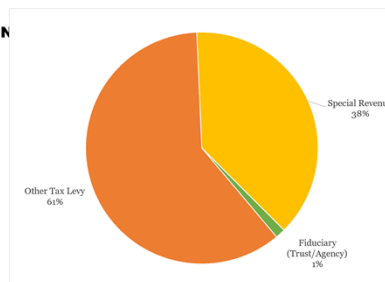
The current slide looks at our General Fund by function area. Our largest function area is our Public Safety which the Police Department is included in it and then we also have the Sheriff's Department, Fire Department, which is within there. The next largest functional area is our Community Services and it makes up 13% of the pie chart. Here we have Parks & Rec, Transit, Neighborhood Resource Center, and Urban Planning. We also have some smaller departments that provides some very crucial functions to the County which are the Historical Museum and also the Wyandotte County Coroner. Next, we have General Government which makes up 12% of the pie and here we have the Appraiser's Office, Human Services, Legal and Finance and then we also have Public Works at 9% of the pie. Included there is Building & Logistics, Fleet Services, Traffic and Engineering. Then, our fifth largest one is Judicial Services at 4% and it makes up District Courts, Municipal Courts, and then also our District Attorney.

2021 AMENDED / 2022 PROPOSED BUDGET

OTHER GOVERNMENTAL FUN Fund Type

\$91.4M

- Includes UG governmental services recorded outside the general funds, including county levies, debt service, dedicated sales tax, and other special revenue funds



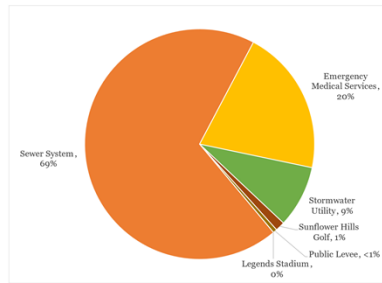
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Currently, we are looking at our other Governmental Funds and here are 20 other funds that make up \$91M. One of the largest funds here is our \$45M Debt Fund and then also we have our Special Revenue Funds which are like \$34M. Our largest fund there is the Dedicated Sales Tax at \$15M.

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**ENTERPRISE FUNDS BY
Fund Type****\$70.9M**

- Services are funded through user fees
- Financed and operated in a manner like a private business
- 6 enterprise funds: sewer, public levy, storm, EMS, Golf and Stadium



wycokc.org/budget 10

Here we have the Enterprise Funds. Basically, we have six Enterprise Funds that are almost a \$71M budget. Here we have funds that are financed and operated in a manner similar to private businesses. Some of the larger funds here are the Sewer System Fund at \$50M and also our Emergency Medical Services Fund at \$14M, and also our Storm Utility Fund at \$6.1M.

Now, I'll turn it over to our CFO Kathleen VonAchen.

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2021 AMENDED / 2022 PROPOSED BUDGET

Revenue Neutral Rate

- To hear public comment regarding the property tax mill rates
- To vote whether to exceed the "revenue neutral rate" for property taxes



wycokc.org/budget 11

Kathleen VonAchen, Chief Financial Officer, said I'm going to talk briefly here about the Revenue Neutral Rate.



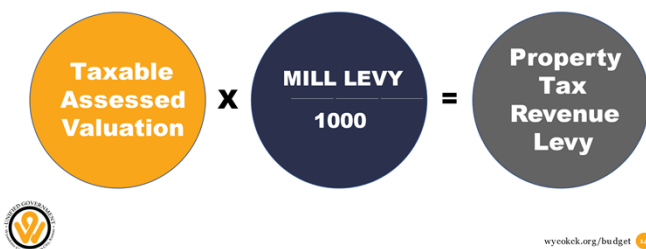
We are having a public hearing on the Revenue Neutral Rate and the reason for that is that the State Legislation in Senate Bill 13 sought to increase transparency about our municipal revenues, but not necessarily about changing tax rates, but about the anticipated revenues from our 2022 Budget proposal.



So, what is the Revenue Neutral Rate? It's the comparison of revenues from the previous tax year to the current tax year. What's happened is, the property values have increased due to market demand and new development and that has caused more revenues to be collected without changing our current property tax rate.

2021 AMENDED / 2022 PROPOSED BUDGET

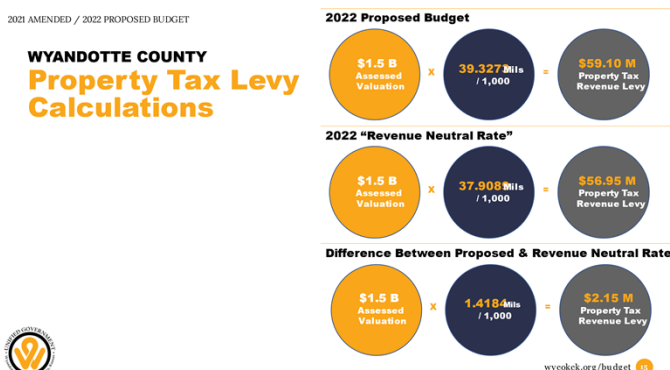
CALCULATIONS Property Tax Revenue



So, how does our property tax revenue get calculated. You've often heard about, you know, what is a mill rate. We calculate our property tax revenue based on this very basic formula. We take the taxable assessed value, times the mill levy, divide it by 1,000, and that gives us the amount of property tax revenue that is levied each year.

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WYANDOTTE COUNTY Property Tax Levy Calculations



We do that for all of the Wyandotte County property tax levies as well as the Kansas City, Kansas property tax levies. For the Wyandotte County property tax levy, as part of our proposed budget, the County Assessor and the UG Clerk has certified that the assessed valuation for 2021 which is part of how we calculate our 2022 Proposed Budget totals \$1.5B. That's the total value of all the property in Wyandotte County and we're going to multiply that by the mill rate, which this mill rate here, 39.3273, is the mill rates that currently are in place for both '21 and '22. We're not proposing to change the mill rate at all based on the current budget or the future 2022 Budget.

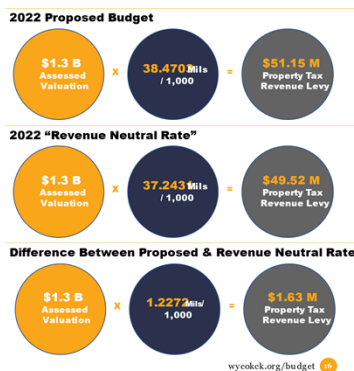
So, doing that math, it totals \$59.10M in property tax revenue levy and that's our proposed budget. Now, if we have—we apply the same calculation using the State Senate Bill 13 Revenue Neutral Rate, what they're asking us to do is take the assessed value for the 2022 Budget of \$1.5B of all of our property which is the same as you can see up here in the proposed budget

and then multiplying that by a mill rate which would derive the same amount of revenue as we are collecting as part of our current year budget. So, by doing that, we have to drop the mill rate from the 39.32 to 37.9089 mills in order to come up with the same amount that we're collecting in 2021 which is \$56.95M in property tax revenue.

The difference then is that the amount of assessed value remains the same, but the difference in mills is the 1.4184 mills resulting in an additional \$2.15M in the County General Fund and the other County Special Levee Funds that is used to provide for growth in various services that we are providing to our residents. This reflects the increase in property tax revenue levy between the 2021 Budget and the '22 Budget.

2021 AMENDED / 2022 PROPOSED BUDGET

CITY OF KANSAS CITY, KS Property Tax Levy Calculations



The same approach is used for the Kansas City, Kansas property tax calculation. For Kansas City, Kansas the assessed value is \$1.3B. The total levy for Kansas City, Kansas funds is 38.4703 mills divided by 1,000 to derive a total proposed 2022 Budget for property tax of \$51.15M.

With the Revenue Neutral Rate, in order to reduce the amount of mills to get to the same amount we collected in 2021, we would have to reduce the mill to 37.24 mills to come up with \$49.52M. So, the difference in mills is 1.2272 and the additional revenue that we are proposing to utilize as part of the 2022 Budget is \$1.63M for the Kansas City, Kansas Levy Fund.

Entity	2021 Property Taxes Levied	2021 Mill Rate	2022 Estimated Property Tax Levied*	2022 *Revenue Neutral* Mill Rate *	Levied Revenue Reduction at "Revenue Neutral" Rate	Mill Reduction at "Revenue Neutral" Rate
County General Fund	\$ 45,526,712	31.4402	\$ 47,230,114	30.3963	(\$ 1,793,403)	(1.1399)
Elections	1,275,023	.8805	1,322,729	.8488	(47,706)	(0.0318)
Parks General Fund	2,030,648	1.4023	2,106,626	1.3518	(75,978)	(0.0506)
Aging	1,499,510	1.0355	1,555,615	.9982	(56,105)	(0.0373)
Mental Health	620,638	.4286	643,860	.4131	(23,221)	(0.0153)
Health Department*	2,480,045	1.7127	2,362,536	1.5911	117,519	(0.0618)
Developmental Disabilities*	390,357	.2074	521,906	.3399	(211,549)	(0.0073)
County Bond & Interest	3,214,704	2.2200	3,334,983	2.1400	(120,280)	(0.0801)
Subtotal- Wyandotte County	\$ 56,047,637	39.3373	\$ 59,078,359	37.9090	(\$ 2,130,722)	(1.4184)
City General Fund	27,580,877	21.4274	28,489,680	20.7439	(908,802)	(0.6833)
City Bond & Interest	21,937,214	17.0429	22,660,056	16.4992	(722,842)	(0.5437)
Subtotal- City of Kansas City, KS	\$ 49,518,091	38.4703	\$ 51,149,736	37.2431	(\$ 1,631,644)	(1.2272)
Grand Total- Unified Govt	\$ 106,465,729	77.7976	\$ 110,228,095	75.1520	(\$ 3,762,366)	(2.6456)



* Assumes 3.5% for City and 3.9% for County assessed value growth (per UG Clerk June Certification) and the 2022 Proposed Budget uses the same mill rates as in 2021 for each entity. Revenues do not include deductions for delinquencies or refunds. 2022 columns include a 0.14 mill shift from Health Department Levy Fund to the Developmental Disability Levy Fund.

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The levy is set by the entity which is Wyandotte County and then Kansas City, Kansas, but within these entities there are a number of specified mills that are dedicated for these functions; the County General Fund, the Election, Parks General Fund, Aging, Mental Health, Health Department, Developmental Disabilities, and the County Bond & Interest Fund. Here's a breakout of all of those—the same calculation I showed you before, but split out by these various mill rates. The totals add up to the same that I showed you in the previous slide.

For Kansas City, Kansas there are two mills—two categories under the Kansas City, Kansas mill rate. One for the City General Fund and one for the Bond & Interest Fund. Combined together, it shows that the total assessed value of—the total amount levied in the current 2021 budget year was \$106M with the mill rate being 77.79 mills for the total of these two entities. If we were to levy at the proposed budget level without—by exceeding the revenue neutral rate, we are proposing to collect \$110M in property tax revenue to support our services.

If we were to not exceed the revenue neutral rate, those mills would total 75 mills rather than 77 mills and that would result in a reduction in revenue for our property tax for the 2022 Budget of \$3.7M.

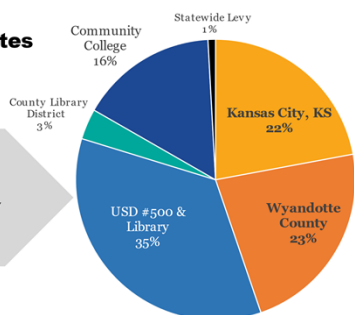
2021 AMENDED / 2022 PROPOSED BUDGET

Property Tax Mill Rates

Example: Property Owner in KCK/USD #500 District

Even though our County Treasurer is responsible for the administration of all property taxes:

- The Unified Government levies only 45% of the total property tax
- The remaining 55% are levied by other jurisdictions



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One thing to point out that we like to remind folks is that even though our County Assessor and County Appraiser—and County Treasurer collects all of the property tax for the entire county or all of the entities within the County, we’re responsible for the administration of all property tax. The Unified Government only levies 45% of the total property tax with the remaining 55% for other jurisdictions. That 45 is made up of 22% for Kansas City, Kansas and 23% for Wyandotte County, but 35% of the property tax that we administer is for—for example, if you live in the Kansas City, Kansas USD 500 District, 35% of it is for USD 500 and their library, 3% of it is for the County Library District, 16% of it is for Kansas City, Kansas Community College, and 1% is the state levy.

2021 AMENDED / 2022 PROPOSED BUDGET

Comparable Mill Rates Unified Government and Other Kansas Cities/Counties

1996 & 2021 (Budget Year) Mill Rate Summary
Kansas City and Wyandotte Co. Comparison to Other Kansas Entities

Comparing the Unified Government mill rate with others across the state:

- The city rates rank in the middle of other 1st class cities
- Our county rates are among the lowest in Kansas

	1996		2021	
	City Mill Levy	Rank (Out of 24 First Class Cities)	City Mill Levy	Rank (Out of 26 First Class Cities)
Kansas City	64.220	1st	38.470	15th
	1996		2021	
	County Mill Levy	Rank (Out of 105 Counties)	County Mill Levy	Rank (Out of 105 Counties)
Wyandotte Co.	32.784	78th	39.327	95th

Ranked High to Low.



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A couple of things we wanted to point out is that since consolidation, our property tax mill rates have changed quite a bit over the last 20+ years. So, for example, in Kansas City, Kansas the total City mill was 64 mills and we were on the top of the list of all of the 24 first class cities at that time whereas the Kansas City, Kansas mill levy is only 38 mills and we rate 15th among the 26 first class cities.

For Wyandotte County it was 32 mills and we were 78th amongst the 105 counties and now in 2021 the mill rate is 39 mills and we are among one of the lowest at 95th of the 105 counties.

2021 AMENDED / 2022 PROPOSED BUDGET

Property Tax Revenue Mill Rates

Assumes assessed value growth of 3.5% for City
and 3.9% for County

We are reliant on property tax revenue
to support our operations.

- 16% of total revenue for City General Fund
- 58% of total revenue for County General Fund

Assessed value growth is needed to cover annual
cost of living adjustments for employees and to
supported needed cash -funded capital projects
and equipment acquisitions.



CITY GENERAL FUND	2022 estimate
Total City General Fund Revenue	\$ 161,538,434
Ad Valorem Property Tax Revenue ^(a)	\$ 26,609,201
Percentage of Total Budget	16%
Mill Rate	21.427
Revenue per 1 Mill	\$ 1,241,831

COUNTY GENERAL FUND	2022 estimate
Total County General Fund Revenue	\$ 75,002,340
Ad Valorem Property Tax Revenue ^(a)	\$ 44,157,624
Percentage of Total Budget	59%
Mill Rate	33.440
Revenue per 1 Mill	\$ 1,404,497

City General Fund Revenue ~~includes~~ the annual debt appropriation
(a) Includes delinquency rate for City and County and Hollywood Casino refund
wycokek.org/budget

How much is a mill? This slide shows you how much one mill generates in revenue to pay for services. For example, the City General Fund, their total revenues are roughly \$161M and that excludes the annual debt appropriation. The Ad Valorem Property Tax Revenue for Kansas City, Kansas General Fund is \$26.6M which roughly equates to 16% of its total budget and applying the one mill rate results in one mill equaling \$1.2M.

On the County side, the same calculation goes and one mill equals \$1.4M and that accounts for 59% of the total County General Fund revenues, so the County is much more reliant on property tax than the City is because the City collects more sales tax and other revenues.

Assessed value growth is needed to cover annual cost of living adjustments for city employees and County employees and to support needed cash-funded capital projects and equipment acquisitions in order to maintain the level of service that we provide to our residents.

2021 AMENDED / 2022 PROPOSED BUDGET

PROPERTY TAX BILL 2022 Residential

CALCULATIONS ASSUME A
MARKET VALUE OF \$100K
FOR RESIDENTIAL



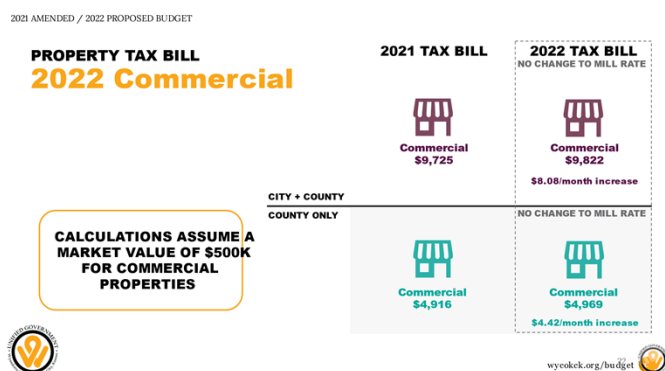
	2021 TAX BILL	2022 TAX BILL NO CHANGE TO MILL RATE
		
	Residential \$895	Residential \$970
		\$6.25/month increase
	CITY + COUNTY	NO CHANGE TO MILL RATE
		
	Residential \$452	Residential \$491
		\$3.25/month increase

wycokek.org/budget

This slide provides you an overview of how much a property tax bill is for the City and the County as well as just the County alone. This is how much, on the residential side, if you own a home of about \$100K and you live in the city and county, then your tax bill last year, or this current fiscal year, was roughly—was \$895. Without any kind of mill change, the result is that your tax bill

grows to \$970 and that's due to the rise in property values within the city and that equates to about a \$6 a month increase.

If you just live in the county, then your residential property tax bill is only \$452, it will grow to \$491 due to the growth in assessed value which equates to \$3.25 per month.



If you're a commercial business that has a market value of \$500K, your property tax bill in the current year will equate to \$9,725 if you live in the city and the county and that grows by \$9,822 which is roughly \$8 a month. If you have a business in the county alone, it equates to \$4,916 which with no mill change or factoring in the assessed value growth climbs to \$4,969 which is about a \$4 increase per month.



So, why does this matter to me as a resident? Well, overall growth in the property tax revenue is important in order to support the fiscal health of our community in order to continue to provide quality services. That additional revenue helps us to invest in our infrastructure, services, and other community priorities.



That's the conclusion of my presentation and we'll pass this back to the Mayor for further action here.

Mr. Bach said with that, Mayor, we do recommend that we do have two public hearings tonight. One is just our legislative required public hearing and then the second would be a public hearing regarding the Revenue Neutral which then requires action.

Mayor Alvey said we'll now open the public hearing. Before we take public comments, I would ask Mr. Deichler, the County Clerk, to read the statement governing the public hearing.

Brett Deichler, Interim County Clerk, said we would like to welcome all present to the public meetings of the Unified Government of Wyandotte County, Kansas City, Kansas regarding the final budget public hearing followed by the public hearing on exceeding the Revenue Neutral Rate. We appreciate the attendance of everyone here this evening and we recognize the importance of your views. We would, however, remind you there is already one individual signed up to speak this evening. Each person will be allowed three minutes to speak. Should you reach the two minute mark, I will announce that you have one minute remaining which should allow you time to wrap up your comments. Once you are recognized, please state your name and city for the record. We would also appreciate your efforts to be considerate to all during their comments and ask that your devices are muted so you will not disturb the hearing for recording purposes and for those joining virtually.

With that being stated, Mayor, we do have Murrell Bland who registered. He is already with us and I want to make sure he's been promoted.

Mayor Alvey said if there's anyone present who did not sign up and wishes to speak on this item via Zoom, please raise your hand at this time to be recognized and we will make sure we note that and will call on you at the appropriate time. So, now I'll go to Mr. Bland.

Murrell Bland said I have lived at 8311 Garfield Ave. for nearly 50 years. I appear today on behalf of Business West. Business West is an independent voluntary organization of mostly small businesses. Property taxes play an important role in our members businesses particularly when considering expansion. I would hope that the increase in valuation can finally mean property tax relief and it's most important to increase the tax base, not the tax rate. Thank you for your consideration.

Mayor Alvey asked, Mr. Deichler, has anyone else raised their hand? **Mr. Deichler** said no one has nor do we see having anyone in the lobby at this time.

Mayor Alvey said I will close the public hearing. Comments or questions from the Commission?

Mayor Alvey said I would like to begin, Reggie or Kathleen, when we stated \$100K and a valuation of \$100K, I think the median value homes in Wyandotte County is \$96K if I recall, so most people have not—we have paid \$895, moving forward which would be \$920 which is about \$6 a month more in City/County. If you look at the total revenues that will be generated by the increase in valuation, so just for purposes for any of the public that may be watching, when we do economic development projects, when we incentivize projects to grow our tax base, that should result, obviously, in greater valuation across the county. Applying the same rate to that will generate more revenue and so much of our economic development incentives really are not defensible unless we would see the increase in valuations which would allow us, if we apply the same rate or even a lower rate, to generate more revenues to continue to sustain the growth and expenses for our Unified Government.

If we say on the City side, total valuation of \$1.5B, and to get to the revenue neutral generation of funds, we would need to reduce total—we need to reduce it by 1.4, that would result in \$2.15M less revenue. So, \$2.15M in less revenue, what was the increase or what is the projected increase in costs, just for cost of living increases for our employees, just what we would anticipate

in increased costs for contracted services or for materials, whatever those costs may be, does the \$2.15M in increased revenues actually cover the increase in expenses that we anticipate moving forward in this budget? **Mr. Lindsey** said I don't have the exact percentages with me right now. I would have to find those. **Mayor Alvey** said I'm going to get back to the point and that is that as we grow our tax base, the hope is that we can continue to either provide more services and/or reduce the mill levy rate so that we can accomplish both things, improve our quality of life by improving services, providing more services, fixing our infrastructure and perhaps also at the same time reducing the mill levy.

But, on the City side, if we have \$2.15M in decreased revenues because of the increase in valuation of our property, does that \$2.15M increase revenue cover the costs that we anticipate in the coming budget?

Ms. VonAchen said, Mayor, I can answer that by telling you yes. Our annual costs continue to rise and they do exceed the amount that we anticipate collecting in additional property tax revenue that has come about due to the increase in assessed value. I should point out, of that total cost, again, as I mentioned before, on the County side, 59% of our total expenditures are supported by property tax and on the City side, 16% are supported by property tax. So, without that property tax assessed value growth every year, the percentage of reliance would continue to decline and we would have to find that additional revenue through other sources. The other sources available are various fees and fines, permits, as well as charges for services, and sales tax. Many of those revenue sources also are growing at a very slow rate so it is imperative that we continue to capture the growth in property tax revenue in order to support the level of services that we're currently providing. Without that growth, we would not be able to provide the services we're right now providing.

Mayor Alvey said one of the largest sources—and I have to say I understand the comparison when we look at, and I've used this myself, where we are—in relationship to where we were before, that we were first out of first-class cities in mill levy for the City side and we are now at 15th, but we don't take into account—I think to be more realistic we need to take into account the increase in the PILOT over that time period because now the PILOT does generate approximately \$33-35M a year in revenue for our General Fund. But we do not anticipate in the BPU—I think the BPU does not anticipate much low growth. In fact it's fairly flat for the City

low growth and so they're not expecting to generate more than—with the downturn last year, there was even greater loss.

Again, I need to say that one of the benefits of the PILOT is we're able to distribute the cost for running the city for institutions that do not pay property tax. So, specifically, I look to the University of Kansas Medical Center and the University, again, don't pay property taxes, but they are one of the largest, if not the largest customers of the BPU, and so we realize quite a bit of revenues from the University of Kansas Medical Center and Hospital through the PILOT, so that's one of the advantages of distributing that to the PILOT.

I guess my—again, I just understand only 16% on the City side comes from property tax and the rest comes from other sources and the BPU, again, anticipated to be flat and the sales tax anticipated to be flat.

Commissioner Walters said just a brief comment. We all have statistics that we like to quote to support our positions and I'm no different than anyone else and it results in a good discussion from people who have various points of view. The statistic that I'm looking at that is of most interest to me is the calculation that Kathleen just presented which shows that the residential homeowners in Wyandotte County will experience an 8% tax increase this year if we do not do anything to adjust the mill levy. It looks to me, based on the budget, that most of this increased revenue that we will be receiving from these residential taxpayers, will be merely going to reserves.

I think whenever we have appreciation levels that are this far in excess of a cost of living levels, that should be an automatic trigger for someone to do some serious evaluation of whether that's good for our community to have such a big increase in taxes compared to the cost of living.

I said the same thing last Thursday, I do not support an increase—excuse me, a status quo on the mill levy. I think this is the perfect time to be lowering it and so the statistic that I wish everybody would keep in mind, 8% increase residential taxes based on keeping the mill levy where it is.

Commissioner Bynum said, Kathleen, is it easy to go back to the slide that shows those increases that Commissioner Walters was just discussing? My question, for clarification is, this slide speaks only to the City and the County mill rates, correct? So, this slide does not take into consideration the mill levy of the public school district, the community college or the library. Is that correct?

Ms. VonAchen said that is correct. It's only—well, with respect to this section here, it's just the County and then the top section is KCK and the County. It does not include the school districts or the community college.

Commissioner Bynum said so it would be a fair statement to say that if neither the community college nor the school district adjusts their mill levy downward, then they too would also experience increases at the residential and commercial levels. So, this is a picture of the increase with no change to the mill rate only on your City and County portion of the bill keeping in mind that if the college and the school district also holds their mill levy flat, there will be an increase there as well and I will reiterate that I support Commissioner Walters in his call for an opportunity to make at least a one mill lowering. I have suggested on the County side—I would be satisfied either way, but the County side was my suggestion since the previous reductions have all taken place on the City side.

Commissioner Ramirez said thank you staff for the presentation and all the hard work you have done to put this budget together. This is definitely a topic that I have spent—I believe it was last week we had a meeting over this and I definitely spent a considerable amount of time thinking and considering everything that has been said by my fellow commissioners. I agree that we need to lower the mill rate, and I may say this naively since I'm still learning everything, but I agree that we need a mill reduction, but I don't believe we're at the perfect time for it just yet.

Commissioner Kane last week in our meeting brought up something that hadn't been said yet. We're still in a pandemic. We may be on a good side at the moment, but we may not know when it may happen next year. It's all unknown and I just think we need to make sure that if we do it, that it's timed perfectly. That we have more information of what next year is going to look like because if it was a normal year without COVID, without a pandemic, I would 100% support a mill rate reduction. But just because of COVID and the pandemic, we don't know what's going to happen, just like we didn't know this year with our budget, we didn't know what was going to happen. I just make this ask as we talk about it, that we make sure that the timing is right.

Commissioner Burroughs said, Kathleen, can we go back to slide 19? I believe it was the one that talks about mill rate in '96. That's what I'm looking for. We're looking at a accumulative mill rate in the City and the County at that time of—I'm going to say '98 and we look at our mill

levy today, the City has dropped considerably over those years, but the County has gone up, but so has valuation. If I'm following the Mayor's comments, so did the PILOT and we've had additional development in our community that has increased our valuation. I believe that, as we stated the other night, a few of us commissioners, that the budget could absorb the mill cuts that we had discussed. I think at the time the other night we were discussing a mill on the City and a mill on the County side and in your discussion I think we're talking about a total of 3.8 mills if we take and accept the revenue neutral and not take the new proposed budget. Is that an accurate statement? Am I stating that correctly, a total of—I have \$1.4M and \$2.6M which would be almost \$4M, would that be correct, \$3.8M, something like that? **Ms. VonAchen** said yes, \$3.8M would be lost or the equivalent of 2.6 mills between the two, City and County.

Commissioner Burroughs said I believe that is still doable. I think the fact that we have just recouped a tremendous amount of money from the feds on the ARPA funding for lost revenue, that should fill that hole. This has been a very trying year for a number of the people in our community who have struggled to get through. Some of them have lost jobs, many of them have had rent assistance, many had utility assistance, and we're going to at this time come back and basically demand an increase on the City and County side.

I really believe that Commissioner Bynum brought up the taxing entities because when valuation goes up, that's even more money that's taxed. We talk about the average size home being \$98K, if I remember, the Mayor stated that earlier. I believe the budget could absorb it. I truly believe that even if we stayed at revenue neutral it wouldn't bankrupt this budget like we stated. I think the time is right because I think it demonstrates goodwill to the citizens of Wyandotte County by the leadership team to understand the financial challenge that they have had this year personally with their finances. I'm supportive of continuing discussion about lowering the mill.

Commissioner Kane said I don't have a crystal ball and I don't want one, but I was here when we had money and in one year Cooley said don't take points off the board. We took points off the board and we were forced to raise the mill levy the following year. I still believe we're in a pandemic. We don't know what our future holds, so I wouldn't want to put anymore stress on the budget than it is. I think my comment was the other day that we take a look at it in December,

leave it the way it is and I know that's hard for some of you to struggle, but I've been here long enough to know if we lower it this year and raise it next year that we're nowhere.

My thought process is, start working on lowering the mill levy in January so when we get to this budget we've already had a long time to think about what we can and what we can't do and then maybe we have a better grip on the pandemic and that's the position I'm taking.

Commissioner Philbrook said this is probably one of the hardest decisions I've had to make besides dealing with pandemic issues and that is do we want to lower the levy, do we want to increase it. Right now, with the way things are, still uncertain, I'm going to say that I'm going to go with Christian and Mike and say I really don't know, you know, what the future is holding. I do know that we have a heck of a problem with a lot of our infrastructure and so at the time we're talking about trying to take care of infrastructure, roads, sidewalks; all those sort of things and then talk about decreasing that bit of money we get, every little bit counts right now and I believe we're going to need it to take care of that.

Commissioner McKiernan said I'll be very brief and I'll agree with Commissioner Philbrook that we are currently organizing, prioritizing improvements to our infrastructure. Frankly, we have let the built infrastructure of this city/county deteriorate for the last 40 or 50 years. It's time to start digging out slowly, but surely, from that deterioration. It's time to improve the roads, curbs, sidewalks, alley's, sewers, and other built infrastructure that support the operation, not only of this city, but of all its citizens as well as they go to work, as they go to play, as they go to church, as they travel around. So, I agree with Commissioner Philbrook that by not lowering the mill, we afford ourselves an opportunity to put more into infrastructure improvement and repair to start making a concrete step toward the ultimate improvement that all of us want to see in the City and County that we live in.

Commissioner Burroughs said for the second time, and commissioners I do understand, I have the same wants and needs that many of us in this community have expressed this evening. However, I'm also very sympathetic to the number of calls that I have received in reference to the assistance needed through our not-for-profits. I don't believe that—I'm one that doesn't believe that \$2M is going to make that much of a difference in infrastructure in our community. We have

an opportunity, as we stated, to go back and look at contracts, to look at franchise taxes, to look at continued lowering of PILOT, to look how we've gone through the PBB, Priority Based Budgeting, and to continue to look how we can cut expenses for \$2M out of a \$420.2M budget.

We have enough reserves to absorb this budget. The valuation of our community continues to climb and what we are doing is forcing many people who could have—that can ill afford to meet the very criteria of our tax base to stay in our community. It is time that we give some serious thought, and you're absolutely correct, it was stated that we might have to come back and raise the mill. Well, we talk about having to raise the mill, but we don't have the discussion about lowering the mill. We have an opportunity here and it's not a knee jerk reaction, it's not because we're flushed with cash. It's because if we don't do it, then we're going to continuing to raise taxes to the point that those that choose to live here, may not choose to do so because the tax burden has gotten so great and we'll create another cycle of poverty.

Mayor Alvey said I'm going to follow up with Commissioner McKiernan and Commissioner Philbrook's comments on infrastructure. I have to tell you that the number of people who call me almost always start with, Mayor, we need—I've got water flowing through my yard from a clogged culvert, when are we going to get sidewalks, the roads need to be repaired, and they follow that with and I pay my taxes. It's a hard conversation to have with people that we, in fact, are not generating enough revenues to do the infrastructure we need and that the only option is to bond more—to borrow money to do major infrastructure projects. But, of course, we know that would simply increase our indebtedness and that debt service that is currently 17 mills a year would only increase and the Commission wisely has tried to prevent that from going beyond \$15-\$16M a year so that long-term, that debt service decreases, and that actually allows us to decrease the mill levy for our debt service.

If you compare what our costs for operations are at 20 mills, 20 of our mills go to operations, that's very comparable, in fact, that is comparable to Lenexa. Lenexa has very young infrastructure. It was designed into it required by the developers to install all that. They don't have the same level of maintenance that we have and when I talk to people who have moved out, they talk about moving out because they like clean, nicely designed, well-managed neighborhoods and they're willing to—even if they're—they're paying the same amount of taxes because their

valuations are higher, their mill levy is lower because their valuations are higher. We're gradually getting to that point.

Again, I think we're—we're really not disagreeing. We all know we need better infrastructure, we all know we need lower taxes. It is a long-term resolution to this problem and I think Commissioner McKiernan said it best, we have to start making these little down payments on this. We've neglected it too long. We know so much of our infrastructure is at the point of failure, has failed, and more will fail. The longer we delay taking care of some of this infrastructure, the more expensive it gets and the greater the failures.

Commissioner Johnson said I think I made my point last week when we had this very same conversation. Again, we're talking about the portion that we make up of one mill which is 40, I forget the percentage, but it is less than half of what one mill is that goes towards—that comes from the City/County. So, again, the decisions that we make need to be done in conjunction, I believe, with our taxing counterparts strategically, not in competition or not in critique of one another, but strategically because we all are taxing the same taxpayer. Again, we need to continue to look at, you know, the decisions that we make as the Commission are for the City/County and that does not speak for the entirety of all taxing jurisdictions.

The other point that I do want to make and we continue to hear people say I'm going to take my money elsewhere, I'm moving elsewhere, but if I'm not mistaken, the last report that I received is that Wyandotte County is starting to grow again. I just had a conversation yesterday with somebody that is moving into Wyandotte County and we had a very, I would say, educated conversation about how property values are increasing in Wyandotte County. Again, these are market forces that are driving that.

I think the numbers tell us what's going on. Is this the time to continue to talk about lowering the mill. I don't have a problem with that if we can have a full-throated conversation across all the taxing jurisdictions. I don't have a problem with it at all if I can understand what the priorities are for other taxing jurisdictions and then we can have a thought-out strategic long-term plan, as I think Commissioner Markley had spoken about last week, that will help us not only for today but for next year, three years, five years, seven years down the line. We need to be thinking more long-term. We need to be thinking more strategic and not just in the moment and with that I will yield the floor.

Mayor Alvey said I see no more hands raised. I want to thank staff and the public for your comments. Thank you Mr. Bland, as always, for showing up. You are a true good citizen. Thank you.

Next, we have a public hearing on exceeding the Revenue Neutral Rate, so this will be the public hearing. I think we've already, in fact, had our discussion. The first discussion was on the budget itself, but it kind of morphed into the discussion on exceeding the Revenue Neutral Rate. I'll now open the public hearing. I'll ask Mr. Bach for opening comments.

Mr. Bach said I believe during the first presentation we tried to go through and talk about everything from the Revenue Neutral Rate and the requirements that are within that. We stated in that opening presentation, so we have made our remarks and would recommend you proceed to the public hearing process.

Mayor Alvey said I will open the public hearing. This is regarding the Revenue Neutral Rate. Mr. Deichler, have you received comments or requests to speak from the public? **Mr. Deichler** said, Mayor, none we've received in the Clerk's Office. **Mayor Alvey** asked, is there anyone present in the lobby? **Mr. Deichler** said seeing none. **Mayor Alvey** said, frankly, I'm disappointed. This is a very important conversation. We'll certainly hear about it elsewhere, but I'll close the public hearing regrettably.

Again, any comments or questions from the Commission? Seeing none, I'll entertain a motion on a joint ordinance and resolution to improve exceeding the Revenue Neutral Rate. I'm going to make a clarification here. We are not raising the mill levy rate. I think the way the legislature requires us to report this or state this actually can mislead people to think that we are exceeding the Revenue Neutral Rate. What we are doing is, deciding or not deciding to maintain the current mill levy on the County and the City side and the other that would actually generate more revenues unless we were to adjust the rate—mill levy downward that we would be revenue neutral from this year to last year. I would entertain a motion.

Action: ORDINANCE NO. O-116-21 and RESOLUTION NO. R-60-21, "An ordinance and resolution of the Unified Government of Wyandotte County/Kansas City, Kansas to approve exceeding the Revenue Neutral Rate." **Commissioner McKiernan made a**

motion, seconded by Commissioner Bynum, to approve the ordinance. Roll call was taken and there were seven “Ayes,” Ramirez, Johnson, Markley, Philbrook, Bynum, Townsend, McKiernan, and two “no’s.” Walters, Burroughs. (Commissioner Kane had left the meeting.)

Commissioner Philbrook said just to mention, Commissioner Kane had to go to another meeting.

Mayor Alvey said I would like to thank everyone for joining us tonight and for your comments.

MAYOR ALVEY ADJOURNED

THE MEETING AT 6:06 p.m.

Brett A. Deichler
Unified Government Clerk

dt



Unified Government Clerk's Office

Brett A. Deichler, PMP | CPM
Interim Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Brett Deichler
Interim UG Clerk

Date: September 9, 2021

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

mbb

Attachment

Weekly Business Material for September 9, 2021

1. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations

<u>Warrant #</u>	<u>Reissue?</u>	<u>Date Issued</u>	<u>AMOUNT</u>	<u>FUND / ACD</u>	<u>Vendor Name/Number</u>	<u>Reason for void (dropdown)</u>
8023968	Yes	5/21/2021	\$ 14.95	160 12400805251	Harkins, Teresa M #17769	Wrong Bank Account
8024326	Yes	6/18/2021	\$ 23.00	160 12400805251	Harkins, Teresa M #17769	Wrong Bank Account
8025108	Yes	8/20/2021	\$ 23.52	160 12400805251	Harkins, Teresa M #17769	Wrong Bank Account
8022332	Yes	12/18/2020	\$ 6.90	160 12400805251	Harkins, Teresa M #17769	Wrong Bank Account
891031	No	6/11/2021	\$ 266.32	110 3400015340	Sunbelt Software Distribution #28276	Wrong vendor
895314	Yes	9/10/2021	\$ 1,500.00	165 19202405320	Holy Smoke BBQ #17056 Name s/b dba Holy Smoke BBQ	Other (Explain)

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED SEPTEMBER 7, 2021:

Section I - Appointment

Name	Department/Division	Eff. Date	Job Title
Sommari T Muwwakkil II	Legal	9/2/21	Legal Intern

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
John N Baska	PW/WPC	9/2/21	Equipment Operator II	Construction Worker I
Michael C Mamie	Parks/Rec	9/2/21	Groundskeeper III	Groundskeeper IV
Ge Yang	Police/Asset	9/2/21	Court Security Officer	Security Officer, Armed

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Scott D. Fee	NRC	9/28/21	License Inspector I
Patrick J Holton	NRC	8/19/21	Manager
Shelby E Johnson II	NRC	8/14/21	Inspector I
Bridget M Mitchell	Finance/Treasury	9/5/21	Lead Fiscal Supt
James E Neath	NRC	8/19/21	Specialist
			Inspection Supervisor

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Maya Banks	Police	ACD code change effective 9/30/21
Monica Kennedy	Police	ACD code change effective 9/30/21
Wendy Medina	Police	ACD code change effective 9/30/21

Action: Received and filed. Copy previously forwarded to Payroll.

3. PERSONNEL ACTION COMMUNICATION, DATED SEPTEMBER 9, 2021:

Section I - Appointment

Name	Department/Division	Eff. Date	Job Title
Christian N Hayes	Police	9/2/21	Auxiliary Officer

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Somhack M Davenport	Human Services	9/2/21	Sr Juv Intake Worker	Program Coordinator
Terrell A Hearn	Police	9/2/21	Deputy Fiscal Supt	Auxiliary Officer Admin Sup
Cynthia A Kampeier	NRC	9/2/21	Specialist	Supervisor

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Vincent F Alonzo	Fire	9/6/21	Firefighter
Antoino A Bradley	Fire	9/8/21	Fire Captain
Wendell N Henderson	Parking Control	9/6/21	School Crossing Guard
Arlie L Lindsey III	Comm Development	8/27/21	Prog Coordinator
Sarah E Meyer	Parks/Rec	9/1/21	Admin Supt Specialist
Cody K Petterson	Sheriff/Juv	8/11/21	Juv Care Worker I
Orilton L Shumate	Fire	9/8/21	Fire Captain
Darrell L Smith	DA's Office	9/10/21	Deputy DA
Adam E Sokoloff	DA's Office	9/10/21	ADA III
Levi N Sperry	Police/Animal	8/31/21	Animal Services Officer
Rosemaire L Washington	Sheriff/Juv	9/1/21	Program Specialist
Joel M Young	Sheriff/Juv	9/7/21	Deputy

Section V - Increase per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Brandy A Lynch	Register of Deeds	5/22/21	Admin Supt Specialist

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Timothy D Gist	Sheriff	Oc code change efft. 7/30/21
Dilynn M Scheets	Sheriff	Oc code change efft. 8/13/21
John P Valdez	Sheriff	Oc code change efft. 7/2/21

Action: Received and filed. Copy previously forwarded to Payroll.

4. CLAIM FOR DAMAGES:

Clayre Valerio, 8557 Barnett Ave., alleging damage to his tire due to hitting a pot hole on Highway I-70E/I-635 on 8/20/2021.

Action: Received and filed. Copy previously forwarded to Legal.

5. CERTIFICATES OF INSURANCE:

CACI Communications, LLC
Garda World Security Corporation, Gardaworld Cash Services, Inc.

Action: Referred to License.

6. BUSINESS BONDS:

Electrical Contractor's Bonds
BCI Electrical
Elite 1 Electric, LLC
Levalds Technical Coordination Group, LLC

HVAC Bond
Expert Air Comfort Solutions

Mechanical/HVAC Bond
BRS Field Ops, LLC

Plumber's Bonds
Talbot Plumbing, LLC (2)

Action: Referred to License.

7. CANCELLATION NOTICES:

Electrical Contractor's Bond
KC Electrical Contractors, LLC

Mechanical/HVAC Contractor Bond
Michael's Heating and Cooling, LLC

Miscellaneous Bond
1st Priority Heating & Cooling and Construction, LLC

Action: Referred to License.

8. REINSTATEMENT NOTICE:

Electrical Contractor's Bond
Three Diamond Electric, LLC

Action: Referred to License.

9. STIPULTAION:

Miscellaneous Bond
Phipps, Timothy Garrett DBA Little River Heat and Air

Action: Referred to License.

10. APPLICATION FOR CMB LICENSE (OP):

Polo, LLC/Drew Clark DBA Polo, 800 S. 7th St.

Action: Referred to License.

11. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Andrea Behrman DBA Jerry's Sports Pub, 8048 Leavenworth Rd.
GM Restaurants of Kansas, Inc./Mary Ann Young DBA The Olive Garden Italian Restaurant
#1795, 10670 Parallel Pkwy.
Juan Carlos Falcon/Keooudone Pheuahakphai DBA Jarocho, 719 Kansas Ave.
Rare Hospitality of Kansas, Inc./Paula Jo Penegar DBA Longhorn Steakhouse of Speedway, 1708
Village West Pkwy.
Richard Thurber DBA KC Bowl, Inc., 8201 State Ave.

Action: Referred to License.



Unified Government Clerk's Office

Brett A. Deichler, PMP | CPM
Interim Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Brett Deichler
Interim UG Clerk

Date: September 16, 2021

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tk

Attachment

Weekly Business Material for September 16, 2021

1. PROTEST PETITION:

Against Change of Zone Application COZ2021-018, 1625 S. 86th St., submitted by Steven Bashus, 1740 S. 86th St.

Action: Original forwarded to Planning and Urban Design and a copy was received and filed.

2. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations

<u>Warrant #</u>	<u>Reissue?</u>	<u>Date Issued</u>	<u>AMOUNT</u>	<u>FUND / ACD</u>	<u>Vendor Name/Number</u>	<u>Reason for void (dropdown)</u>
893607	No	8/6/2021	\$ 2,000	110 2200	Pride Amusements #R0839	Wrong vendor
894565	No	8/20/2021	\$ 1,468.66	560 496303547	Board of Public Utilities 11114	Delinquent Payment

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED SEPTEMBER 14, 2021:

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Esperanza M Cervantes	DA's Office	9/2/21	Admin Support Specialist
Deane L Jones	DA's Office	9/2/21	Admin Support Specialist
Courtney T Melvin	Transit	9/16/21	Transit Operator
Matthew J Straws	Police	9/16/21	Auxiliary Officer
Asis N Williams	Municipal Court	9/16/21	Court Clerk I

Section II-Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Jonathon Westbrook	Police	9/1/21	Master Patrolman II	Sergeant

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Nicholas M Carvan	Fire	9/19/21	Sr Firefighter/Paramedic
Jeramie J Fischer	Fire	9//21	Firefighter/Paramedic III
Arvonte C Gayden	Sheriff	9/8/21	Deputy
Logan C Harvey	Fire	9/7/21	Firefighter/Paramedic III
Brian K Jobe	Fire	9/11/21	Fire Captain

Darian Z Jones	Sheriff	9/1/21	Deputy
Scott A Maleta	Fire	9/9/21	Master Fire Driver
Garrett M Weaver	Fire	9/7/21	Firefighter V

Section V - Increase per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Sonia Cabrera	Reg of Deeds	9/26/21	Admin Supt Asst

Section VII - Reclassifications

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Nicholas K Campbell	DA's Office	9/2/21	ADA II	ADA III
Taylor A Hines	DA's Office	9/2/21	ADA I	ADA II
Zahi A Omari	DA's Office	9/2/21	ADA I	ADA II

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Cody K Petterson	Sheriff/Juv	Amend PAC 9/9/21 to reflect change in vacation effective 8/11/21
Joshua T Sanchez	Fire	ACD code change efft. 8/24/21

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED SEPTEMBER 16, 2021:

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Edward Chacon	Police	9/16/21	Deputy	Auxiliary Officer
Amanda S Harrop	Health	9/16/21	Admin Supt Specialist	Program Supervisor

Section III - Separation

Name	Department/Division	Eff. Date	Job Title
Jennifer Reynoso	Finance/Treasury	9/7/21	Fiscal Supt Assistant

Section IV - Leave of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Raymond L Slayden	Police	8/31/21	unknown	unpaid

Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
Kang Her	Aging	ACD code change effective 9/16/21

Action: Received and filed. Copy previously forwarded to Payroll.

5. TRAVEL REQUESTS:

Donald Ash and Daniel Soptic, Sheriff's Office, travel to Mulvane, KS, 11/1/21 to 11/5/21, to attend KS Sheriff's Assn 2021 Conference, Employee Training & Travel.

Jose Gomez, Nancy Laughlin, Roy Myer, and Mario Velasquez, Public Works, travel to Junction City, KS, 9/27/21 to 9/30/21, to attend Household Hazardous Waste 24-HR Training Course, Employee Training & Travel.

Kathleen Mason, Parks and Recreation, travel to Nashville, TN, 9/20/21 to 9/23/21, to attend NRPA Conference, Employee Training & Travel.

LaRwan McClaine, Fire Department, travel to Iowa City, IA, 9/21/21 to 9/22/21, for recruitment, Employee Training & Travel.

Kalven Thorne, KCKPD/Special Operations Unit, travel to Lonoke, AK, 10/17/21 to 10/24/21, to attend DARC Training, Employee Training & Travel.

Phyllis Wallace, Human Services/CDDO, travel to Grand Rapids, MI, 3/30/22 to 4/3/22, to attend NFBPA Forum 2022, Employee Training & Travel.

Action: Approved by County Administrator's Office and received and filed.

6. APPLICATIONS FOR CMB LICENSE (OP):

Jousting Pigs BBQ KS, Inc/William Hutton DBA Jousting Pigs, 1702 Village West Pkwy.
Los Machetes Taqueria LLC/Soledad Torres DBA Los Machetes Taqueria, 3009 Strong.

Action: Referred to License.

7. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Jeffrey Nick/William Hutton DBA Johnnie's West, 8016 Leavenworth Rd.

Action: Referred to License.



Unified Government Clerk's Office

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Memorandum

To: Doug Bach
County Administrator

From: Brett Deichler
Interim UG Clerk

Date: September 23, 2021

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

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Attachment

Weekly Business Material for September 23, 2021

1. REPORT:

Financial report for the Self-Supporting Municipal District/Downtown Improvement District (SSMID) for the month of August 2021.

Action: Received and filed.

2. PUBLIC NOTICES:

Alandon Tow Service, 6224 Kansas Ave., held a public auto auction on September 7, 2021.

All City Tow Service, 1015 S. Bethany St., held a public auto auction on August 12, 2021.

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED SEPTEMBER 21, 2021:

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Avery M Donoho	Police	9/16/21	Auxiliary Officer
Brianna M Smith	Police	9/16/21	Auxiliary Officer

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Charity A Bond	Sheriff/Juv	9/16/21	Part Time 911 Call Taker	Juv Care Worker
Robert N Lackner	Parks/Rec	9/16/21	Groundskeeper I	Park Maintenance
Turina L Lopez	PW/Fleet	9/16/21	Dispatcher II	Professional
Assistant				
Wesley D McKain	Health	9/16/21	Program Supervisor	Manager
Njeri Mwangi	DA's Office	9/16/21	ADA Special Assignment	Deputy DA

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Rick D Behrens	Health	9/15/21	Prog Specialist
Deborah K Mason	Comm Corr	9/14/21	ISO
Jeffery D Mast	Fire	9/22/21	Master Firefighter
Kyler M McCluskey	Police	9/16/21	Patrolman II
Samuel M Murder	Sheriff	9/14/21	Deputy
Daniel G Obermeier	DA's Office	9/29/21	ADA III
VaMeshia L Perry	Comm Corr	10/1/21	ISO
Brandon E Welch	Sheriff	9/19/21	Deputy

Section IV – Leaves of Absence

Name	Department/Division	Lv. Beg	Lv. Ends
Garrett O Mumphrey Jr	Police	9/21/21	2/10/22
Angela A Yadrich	Transit	8/18/21	9/17/21

Section V - Increase per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Bridgette D Cobbins	CAO	8/19/21	Executive Director
Alyssa A Dessert	Police	10/8/20	Patrolman II Program
Erin M Downing	NRC	3/4/21	Coordinator Master Patrolman
Daniel E Sachen	Police	10/6/21	II

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Jacob B Harris	PW/WPC	Certification pay effective 6/28/21
Christian T Matos	Fire	ACD code change efft. 9/8/21

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED SEPTEMBER 23, 2021:

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Francis X Altomare	DA's Office	9/23/21	Prosecutor	ADA I
Christina M Casper	Health	9/16/21	Program Coordinator	Program Supervisor
Ashley M Smith	NRC	9/2/21	Inspector I	Sr Prop Maint Inspector

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIMS FOR DAMAGES:

Nancy M. Dehaemers, 9210 Oakcrest Dr., Lenexa, KS, alleging damages to car due to installation of overhead lights in parking garage on September 15, 2021.

Marguerite Ventura, 1832 N. 59th St., alleging damage to carpet due to EMT equipment on August 11, 2021.

Action: Received and filed. Copy previously forwarded to Legal.

6. MOTION TO SET ASIDE:

Unified Government vs. Luna Nelson, Case No. 2020-PT-000001.

Action: Received and filed. Copy previously forwarded to Legal.

7. SUMMONSES:

Joe Morton vs Board of Zoning Appeals of Kansas City, KS, Case No. 2021-CV-000611. (2)

Roc Nation LLC vs Unified Government of Wyandotte County/Kansas City, Case No. 2021-CV-000631.

Action: Received and filed. Copies previously forwarded to Legal.

8. TRAVEL REQUESTS:

Jim Canada and Matthew C. Miller, KCKFD, travel to Oklahoma City, OK, October 4 – October 6, 2021, to attend KAMOUG 2021 Conference, Employee Training & Travel.

Amy Loch, Museum, travel to Sioux Falls, SD, October 4 – October 8, 2021, to attend MPMA Breaking Barriers, Building Bridges Conference, Employee Training & Travel.

Patrick Locke, KCKPD, travel to Flookburgh Grange Over Sands, Cumbria, UK, September 27 – October 2, 2021, to attend Surfwell Training, Employee Training & Travel (transportation only).

Action: Approved by County Administrator's Office and received and filed.

9. CONTINUATION CERTIFICATE:

Plumber's Bond:
TD Plumbing, LLC

Action: Referred to License.

10. CANCELLATION NOTICES:

Electrical Contractor's Bonds:
Advantage 1 Heating & Cooling
Affordable Comfort LLC
Haas Electric LLC
Pat Ryan DBA Ryan Electric

Miscellaneous Bond:
The Islas Fam

Action: Referred to License.

11. APPLICATIONS FOR DRINKING ESTABLISHMENTS/PUBLIC VENUES:

Jose J. Hernandez DBA Jalisco's Restaurant, 5000 State Ave.

L&B Breit Inc. – Robert Breitenstein/Janet Roberts DBA Breit's Stein & Deli, 412 N. 5th St.

Manhattan Bar & Grill LLC/Thomas Rehorn DBA Manhattan Bar & Grill, 812 S. 12th St.

Action: Referred to License.

12. APPLICATION FOR CMB TEMPORARY LICENSE:

Fairfax Industrial Association, Inc./Melissa Clark DBA Fairfax Festival, 1403 Fairfax Trfwy.,
for 10/6/21 or 10/7/21.

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 211031

Full Commission Meeting Date: Fast track to 9/30/21

Committee: Administration & Human Services

Date of Standing Committee Action: 9/27/21

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
9/27/2021	J. Renee Ramirez	x5665	rramirez@wycokck.org	Human Resources

Item Description:

Provide a proposed Unified Government Mitigation Plan for Staff related to COVID-19 (Vaccination incentive, mandatory COVID-19 testing for unvaccinated employees), Special COVID leave, and an ARPA allocation to fund the Mitigation Plan.

Action Requested:

Approval of the proposed Mitigation Plan for UG staff and an allocation of ARPA funding for vaccination incentive for UG staff.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Covid.Mitigation.Plan.Resolution, Proposed Covid Policy - 9 16 21

RESOLUTION NO. _____

A RESOLUTION APPROVING THE COVID-19 MITIGATION PLAN FOR UNIFIED GOVERNMENT STAFF AND THE ALLOCATION AND APPROVAL OF LOCAL FISCAL RECOVERY FUNDS TO BE USED TO FUND THE MITIGATION PLAN AS PART OF THE AMERICAN RESCUE PLAN ACT.

WHEREAS, the threat to the public health from the COVID-19 pandemic continues, as evidenced by the national count of 39,279,057 cases and 638,689 deaths as of September 1, 2021; and

WHEREAS, the Centers for Disease Control and Prevention reports: that the Delta variant of the COVID-19 virus emerged and became the predominant variant in the country in less than three months; the Delta variant is more than twice as contagious as previous variants; data suggests that the Delta variant might cause more severe illness than previous variants in unvaccinated people; unvaccinated people remain the greatest concern; and fully-vaccinated people with Delta variant breakthrough infections can spread the virus to others; and

WHEREAS, as of September 1, 2021: there have been 373,171 confirmed cases of COVID-19 in Kansas, with 12,810 hospitalizations, and 5,581 deaths; the daily counts of new cases in Kansas have increased nearly 700% just since July 1, 2021; the monthly testing rate in the state is 3,836 per 100,000 and the monthly positivity rate for the last full month is 10.1%; and the number of COVID-19 patients occupying ICU beds in the state is nearing the highest levels set last winter; and

WHEREAS, coordinated vaccination efforts will be necessary to address the spread of the Delta variant and to implement the roll-out of vaccine boosters, and the Unified Government will incur significant costs associated with those vaccination efforts; and

WHEREAS, adopting a COVID-19 Mitigation Plan for Unified Government staff will reduce the spread of COVID-19 in Unified Government facilities and in the community by increasing the number of people who choose to get vaccinated and motivating employees to get vaccinated and remain vaccinated sooner than they otherwise would have; and

WHEREAS, adopting a COVID-19 Mitigation Plan for Unified Government staff will better help protect the public health and welfare by avoiding outbreaks among employees that could cause staff shortages, increased labor costs, and exposure of COVID-19 to the public; and

WHEREAS, the Unified Government's health plan, which is self-insured, has paid over one million dollars in COVID-19 related claims, and

WHEREAS, the American Rescue Plan Act (ARPA) was signed into law by President Biden on March 11, 2021, (Public Law 117-2), and was codified at 42 U.S.C. § 802 *et seq.*; and

WHEREAS, ARPA established the Coronavirus State Fiscal Recovery Fund and the

Coronavirus Local Fiscal Recovery Fund, which were together intended to provide support to State, local, and Tribal governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 on their communities, residents, and businesses.

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

Section 1. The Unified Government Board of Commissioners hereby approves the COVID-19 Mitigation Plan for Unified Government staff;

Section 2. The Unified Government Board of Commissioners hereby approves an ARPA allocation of One Million Dollars (\$1,000,000) to fund the Covid-19 Mitigation Plan for Unified Government staff.

Section 3. The Mayor, the County Administrator, and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 4. Effective Date. This ordinance and resolution shall take effect and be in full force from and after its passage and approval.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS ____ DAY OF SEPTEMBER 2021.**

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Unified Government Chief Counsel

Unified Government Mitigation Plan for Staff regarding COVID-19

The pandemic is well into its second year, and COVID-19, with its variants, remains a serious health risk. The Unified Government has taken several measures to reduce the threat that COVID-19 poses to employees, including temporarily closing public-facing offices and services, permitting employees to work from home, implementing social distancing in the workplace, and requiring that employees wear masks. Throughout, our hope was that vaccines would be developed that would substantially diminish the threat posed by the virus and allow us to return to normal operations and work as we did before the pandemic. Within a relatively short time, several highly effective vaccines were developed. Unfortunately, the vaccination rates for Wyandotte County and Unified Government employees are lower than comparable rates in other surrounding jurisdictions. The highly contagious Delta variant has spread through the county, with rising numbers and rates of positive cases and increasing hospitalizations, including among children.

Unvaccinated individuals have the highest risk of contracting COVID-19 and of becoming seriously ill and requiring hospitalization. Unvaccinated individuals also pose the greatest risk of spreading COVID-19 to others. Having employees who are not vaccinated has major implications for public health and for the health of Unified Government employees and Unified Government operations. The Unified Government has an obligation to safeguard the health of all its employees. It also has an obligation to ensure that it has enough healthy and non-quarantined employees to provide essential services on which the community depends. And, not least, it has a responsibility to take reasonable measures to ensure that Unified Government employees do not spread the virus to other members of the community, particularly those they directly serve.

As a steward of the community's resources, the Unified Government also has an obligation to take efforts to avoid an outbreak among employees that creates a high potential for staff shortages and increased labor costs, as well as to responsibly manage healthcare costs by maintaining a healthy workplace. To date, the Unified Government's health plan, which is self-insured, has paid over one million dollars in COVID-19 related claims.

In an effort to reduce the spread of COVID-19 in our workplace and community, the Unified Government will implement a phased approach.

- Phase 1:** Present – November 30, 2021. \$400 monetary incentive will be paid to employees who have received all recommended doses of a vaccine (Johnson and Johnson – 1 dose, Pfizer and Moderna – 2 doses) and who have completed the online vaccination certification form prior to the November 30, 2021 deadline. This incentive is equally available to employees who have been vaccinated prior to the publication of this policy. Employees who have previously completed their online vaccination certification form do not need to take any further action to receive this incentive. The Unified Government will be providing limited Covid-19 leave as further detailed below for both partially and fully vaccinated employees during this Phase.
- Phase 2:** Dates to be announced based upon guidance from the Health Department. \$100 monetary incentive will be paid to employees who receive a vaccine booster dose as may be recommended by public health officials.

Phase 3: Commencing on December 1st, 2021. The Unified Government will begin requiring routine, weekly COVID-19 tests for non-fully vaccinated employees. Testing schedules will be coordinated between the Human Resources Department and other departments. Department directors, in consultation with Human Resources and the Wyandotte County Health Department, may modify the frequency of testing if more frequent testing is necessary. The Human Resources Department will have the primary responsibility for the testing program and will rely on the support of department directors, supervisors, and safety coaches to implement it. The Unified Government will be providing limited special COVID-19 leave as further detailed below for fully vaccinated employees.

The Unified Government strongly encourages employees to get vaccinated. Employees can get vaccinated through the Wyandotte County Health Department vaccination site (the former K-Mart building at 78th and State), the Road to Wellness Employee Health Center, or a health care provider or pharmacy of their choice.

DRAFT

The testing policy is explained below in a question-and-answer format. A description of special COVID-19 leave follows.

To whom does this policy apply?

This policy applies to all full-time, part-time temporary/seasonal employees, temp agency employees placed at the Unified Government, contractors, and volunteers. Fully vaccinated employees will not be required to participate in routine COVID-19 testing. However, all employees are required to be tested for COVID-19 if they exhibit symptoms. Employees who are determined by the health department to have been exposed to COVID-19 also will be required to test.

What does “fully vaccinated” mean?

A person is fully vaccinated two weeks after receiving the second dose of the Pfizer or Moderna vaccine or a single dose of the Johnson & Johnson vaccine. The definition of “fully vaccinated” may be amended to include booster shots as recommended by the Health Department. Fully vaccinated employees must complete an [online vaccination certification form](#), including uploading proof of vaccination, to be considered fully vaccinated for purposes of this policy. Instructions on completing a vaccination certification form and uploading proof of vaccination, including a link and QR code, can be found on the Employee Self Service (ESS) site.

Non-fully vaccinated employees who have tested positive for COVID-19 will be considered immune for six months following their last day of self-isolation. (However, if the employee tests positive again after 90 days, but within six months, they will have to begin a new self-isolation period.) During this six-month period, the employee will be considered immune to COVID and will not be required to participate in routine testing under this policy. (The employee will be considered non-fully vaccinated for mask wearing purposes.) To be exempt from routine testing, non-fully vaccinated employees who have contracted COVID-19 will be required to provide proof

of a positive PCR or antigen test by emailing a copy of the test results Human Resources at HR-COVID19@wycokck.org.

What type of test will be used?

Tests kits will be provided and will be distributed to departments. The test is a saliva molecule test that will be self-administered.

What are employees required to do?

Non-fully vaccinated employees will be required to submit a saliva-based test on a weekly basis.

Non-fully vaccinated employees will be required to take a COVID-19 test within seven days from the start of the testing program and weekly thereafter. This applies to employees working on-site and employees working remotely.

Fully vaccinated employees must complete [the current online vaccination certification form](#), including uploading proof of vaccination. (Instructions with a link to the form and a QR code can be found on the ESS site.) Employees who do not have access to technology or require assistance to complete the form should contact their immediate supervisor. *Any fully vaccinated employee who does not complete a vaccination certification form and provide proof of vaccination will be considered non-fully vaccinated and will be required to participate in weekly routine COVID-19 testing. The vaccination form submitted must be reviewed and approved by HR before an employee is considered fully vaccinated.*

New employees who are not fully vaccinated are encouraged to start the vaccination process. New employees are required to have a negative COVID-19 test before reporting to the job. The test must be administered no more than seven days before their start date, and the negative test result also must be the most recent test result. New employees will be provided the test at no charge by reporting to the hiring department within seven days of their start date or going to the health department vaccination site at 78th and State (former K-Mart building). They also may obtain the test from a third-party provider at their own expense. A positive COVID-19 test result will not disqualify a person from employment but will delay the person's hire date until after the mandated self-isolation period ends. New employees who are fully vaccinated must complete the online vaccination certification form, including submitting proof of vaccination. (The option to complete the form will be provided at new employee orientation.) Once certification is completed and approved by HR, new employees will follow the guidelines previously outlined for fully vaccinated employees.

New employees who are non-fully vaccinated or choose not to complete the online vaccination certification form will follow the process for non-fully vaccinated employees and will be required to participate in the next weekly routine test for their department.

What day and time am I required to test?

Human Resources will coordinate with each department on the testing schedule and protocol. Employees will be notified by their department of their regularly scheduled testing date and time.

Where will testing be conducted?

Testing will be conducted onsite at work locations or at another location designated by the Unified Government.

How will the test be conducted?

Testing will be self-administered using a saliva collection kit and will be processed by a third party. Employees who are not able to provide enough saliva will be required to undergo a nasal swab test performed by a medical professional. The Unified Government will provide testing free of charge to all employees during regular work hours. If the Unified Government is unable to provide testing during an employee's regular work hours, it will pay the employee for the time required to take the test after hours, including any overtime, not to exceed one hour. Departments will be responsible for tracking whether employees have been tested as required under this policy.

What should I not do before providing a saliva sample?

Do not eat, drink, smoke, chew tobacco or gum, brush teeth, or consume anything else by mouth for 30 minutes before collecting the specimen.

How will I be notified of my test result?

It is anticipated that employees will be notified that test results are available by text message, email, or both.

What happens if my sample comes back positive?

Employees who test positive will be required to follow COVID self-isolation guidelines as issued by the Wyandotte County Health Department. The current guidelines are set forth below.

Must I notify my department of a positive test result?

Employees who test positive must promptly notify their supervisor or appropriate person in their chain of command, who will then notify Human Resources. Fire Department personnel will follow the current department guidelines for infectious disease control.

What if I don't agree with my positive test? Can I take another test or have a third party conduct another test?

An employee who disputes the results of the positive test can request another test. The second test will be a Nasal PCR Test conducted by the Wyandotte County Health Department. Third party tests will not be accepted. The employee will be required to follow the standard guidelines for self-isolating while waiting the results of the nasal PCR test.

What will be done with the test results?

Test results will be treated as confidential, will not be stored as part of employees' personnel records, and will be shared only on a need-to-know basis. Human Resources will maintain records of test results to ensure employee safety and policy compliance.

What are the consequences if I refuse or fail to take a required test?

Employees who refuse or fail to participate in required COVID-19 testing will not be allowed to work until they undergo testing. Employees who have previously refused or failed to take a required COVID-19 test may arrange to take a test at any time by contacting their immediate supervisor or Human Resources. Any employee who refuses a test and fails to make contact to arrange for testing will be contacted 48 hours after each such refusal or failure to test and informed that they are being required to test. Employees who are off work due to refusing or failing to participate in testing may not substitute paid leave for any period of unpaid suspended work. As the suspension of paid work following a refusal may be considered disciplinary, such suspension shall be effectuated pursuant to any applicable memorandum of understanding for employees within a collective bargaining unit or pursuant to the disciplinary provisions within the Human Resources Guide for non-union employees. Each refusal shall constitute new grounds for suspension of paid work activities.

What are the consequences of having another employee provide saliva in the test tube for me?

Both employees will be disciplined, including for dishonesty, and their employment may be terminated.

What do I do if I believe that I have been mistakenly informed that I cannot work due to refusing or failing to take a test?

If you are informed that you cannot work due to refusing or failing to participate in COVID-19 testing but believe that you have complied with the testing policy, you should promptly contact your supervisor or appropriate person in the chain of command and explain why you believe that a mistake has been made.

What happens if I have taken a routine weekly test at work, but the test result is not back by the time I'm due to report to work?

If you have taken a routine weekly COVID-19 test but have not been notified of a test result, you should continue to report to work as normal pending the result. If you test because you are experiencing symptoms, please refer to the self-isolation and self-quarantine guidance.

Are there any other circumstances in which I might be tested?

Employees may be required to test if they have been exposed to the virus or if they are experiencing symptoms. As required throughout the pandemic, if the health department recommends self-isolation or self-quarantine, the employee will promptly comply. Fire Department personnel will continue to follow the Fire Department Infectious Disease protocol for COVID-19.

Additional COVID-19 tests may be required in accordance with health department guidance. This may include periodic testing of one or more employees within a department.

How can an employee request an accommodation?

Employees who have a disability or a sincerely held religious belief that may qualify them for a reasonable accommodation should contact Human Resources. Supervisors should refer requests for accommodation to Human Resources.

Will I be able to get vaccinated during work hours?

Yes, with supervisor approval, employees may go to a Wyandotte County Health Department vaccination site, the Road to Wellness Employee Health Center, doctor's office, or a local pharmacy while on duty. Upon returning to work, employees must provide their supervisors with proof that they received the vaccine.

Non-exempt employees who have requested and been denied leave to get vaccinated during the workday may get vaccinated while off-duty. In that event, the Unified Government will compensate the employee with one hour of paid administrative leave at his or her base rate. To receive the leave, the employee must present proof of vaccination to his or her supervisor. Employees will not receive more than one hour of paid administrative leave per dose. Time spent obtaining the vaccine after hours does not count as time worked for overtime purposes.

Exempt employees who, after being denied permission to go to a vaccination location during working hours, obtain the vaccine after hours will receive one hour of compensatory time for each dose. Employees must present proof of vaccination to receive compensatory time.

Employees who have received doses of the vaccine before this policy was issued are not eligible for paid administrative leave or compensatory time for those doses beyond what has previously been paid.

Departments may require personnel to submit requests for vaccination time through their chain of command so that staffing can be managed.

Self-isolation and Self-quarantine Guidance

Current health department guidance states that all employees who test positive are required to self-isolate for 10 days, regardless of vaccination status. Employees who are not showing symptoms must self-isolate for 10 days from the date of the positive test. Employees who have symptoms must self-isolate for 10 days from the date of symptom onset. Before returning to work, all employees who test positive are required to be fever free for 72 hours AND have improving symptoms.

All non-vaccinated employees who are required to self-isolate or to self-quarantine after being exposed to a COVID-19 positive individual, even those likely to have been exposed at work, will be required to use their personal time banks while isolated or quarantined. Individuals who do not have time in their time bank will not be paid but may not be disciplined for attendance while following self-isolation or self-quarantine guidance. The employee's department head has discretion to allow a self-isolated or self-quarantined employee to work from home.

Employees may not make a unilateral decision to self-quarantine. The determination as to whether an employee will be required to self-quarantine will be made by the Unified Government in consultation with the employee and the health department or upon recommendation of a health care provider.

Self-quarantine Guidance for Non-Fully Vaccinated Employees

Non-fully vaccinated employees are required to self-quarantine for 14 days following an exposure to a confirmed COVID-19 positive individual. Exposure is defined as being in close contact with the person. Close contact is defined as being within six feet of the positive individual for a total of 15 minutes in a 24-hour period. Mask usage does not matter when determining close contact. Non-fully vaccinated employees who reside with a positive individual may not begin their 14-day self-quarantine until the positive individual has completed their self-isolation period. This means that a non-fully vaccinated employee who resides with a person who has tested positive for COVID-19 and is asymptomatic will need to self-quarantine for a minimum of 24 days.

DRAFT

Self-quarantine Guidance for Fully Vaccinated Employees

Fully vaccinated employees who are exposed to a confirmed COVID-19 positive individual will not be required to self-quarantine but will be required to be tested five days after the date of exposure or, if notified more than five days after exposure, as soon as notified about the exposure. Additionally, any fully vaccinated employee who is exposed to a COVID-19 positive individual is required to wear their mask, as if non-fully vaccinated, until receiving a negative test result.

Please note: This guidance is subject to change. Attempts will be made to update information as soon as practical.

Special COVID-19 Leave

During Phase 1 (Present – November 30, 2021), employees who have received at least one dose of a vaccine will be provided up to 80 hours seven (7) days after the employee has completed the online vaccination certification form. Such leave is not available to employees who test positive or who, after an exposure to an individual with COVID-19, develop symptoms and are required to quarantine before receiving a vaccine dose. Employees who fail to get a recommended second dose of the Pfizer or Moderna vaccine within thirty (30) days after receipt of the first dose lose their entitlement to the special COVID-19 leave.

Beginning December 1, 2021, fully vaccinated employees will be provided up to 80 of special COVID-19 leave. This leave is not cumulative with the 80 hours of special COVID-19 leave granted during Phase 1 meaning that only one 80 hour period of special COVID-19 leave will be granted for all phases.

Special COVID-19 leave may be used by vaccinated employees who test positive for COVID-19 or who, after exposure to an individual with COVID-19, develop symptoms and are required to quarantine. The leave also will be available to fully vaccinated employees to care for a son or daughter who is under 12 years of age or not otherwise able to be vaccinated and is required to self-isolate after testing positive for COVID-19 or to self-quarantine after being exposed to a person who has tested positive for COVID-19.

To qualify for the leave, an employee must submit documentation that the employee or his or her son or daughter has tested positive for COVID-19 or has been advised by the health department, a school district, or a healthcare practitioner to self-quarantine. Special COVID-19 leave will run concurrently with FMLA leave and will not be paid out at separation or retirement.

“Son or daughter” is defined in HR Guide 5.6, Family and Medical Leave.

Non-fully vaccinated employees are not eligible for special COVID-19 leave.

Fire Department personnel will continue to follow the Fire Department Infection Control protocol for COVID-19. Accordingly, the foregoing provisions relating to special COVID-19 leave are inapplicable to Fire Department personnel.

Special COVID-19 sick leave will expire on December 31, 2021.

DRAFT



Staff Request for Commission Action

Tracking No. 211071

Full Commission Meeting Date: Fast track to 9/30/21

Committee: Administration & Human Services

Date of Standing Committee Action: 9/27/21

(If none, please explain):

Publication Required: No

<u>Date:</u> 9/24/2021	<u>Contact Name:</u> Katherine Carttar	<u>Contact Phone:</u> x5176	<u>Contact Email:</u> kcarttar@wycokck.org	<u>Department/Division:</u> Economic Development
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Item Description:

An amendment to the West Lawn Development Agreement allowing for the disbursement of remaining funds in the CID Bond Project Fund on the condition that Developer either pave the parking lot or the Unified Government approve a redevelopment plan for the parking lot by November 30, 2022.

Action Requested:

Approve and fast track to 9/30/21 full commission meeting

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution approving Third Amendment to West Lawn DA , Third Amendment to Legends West Lawn DA - final

RESOLUTION NO. R-____-21

**A RESOLUTION ADOPTING THE THIRD AMENDMENT TO LEGENDS
WEST LAWN DEVELOPMENT AGREEMENT**

WHEREAS, on February 8, 2018 the Unified Government and W-LD Legends Owner VII, L.L.C. (“Developer”)(collectively, the “Parties”) entered into that certain Development Agreement for Legends West Lawn (the “Agreement”); and

WHEREAS, the Agreement provided that Developer shall construct hardscape and landscape improvements, a video board installation, shade structures, signage, façade improvements, escalator repair and enclosures, and new “legends” monuments (the “Project”); and

WHEREAS, the Agreement provided that that the Project shall be complete by December 31, 2018; and

WHEREAS, the Parties entered into that certain First Amendment to Legends West Lawn Development Agreement on January 4, 2019; and

WHEREAS, the Parties entered into that certain Second Amendment to Legends West Lawn Development Agreement on May 9, 2019; and

WHEREAS, the Governing Body has determined that it is advisable to enter into an amended Development Agreement with Developer with respect to the Development Agreement for Legends West Lawn (the “Third Amendment to Legends West Lawn Development Agreement”), attached as Exhibit A hereto, and incorporated by reference herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

Section 1. That the Unified Government Board of Commissioners hereby approves the Third Amendment to Legends West Lawn Development Agreement in substantially the form attached hereto.

Section 2. That the Mayor of the Unified Government is hereby authorized to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, the Third Amendment to Legends West Lawn Development Agreement, and any other certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3. This Resolution shall be effective upon adoption by the Governing Body.

**ADOPTED BY THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS
THIS 30th DAY OF SEPTEMBER, 2021.**

ATTEST:

Unified Government Clerk

(Seal)

**THIRD AMENDMENT TO DEVELOPMENT AGREEMENT
FOR LEGENDS WEST LAWN**

This THIRD AMENDMENT TO DEVELOPMENT AGREEMENT FOR LEGENDS WEST LAWN (this "Amendment") dated as of September 30, 2021, is made and entered into by and between the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG"), and W-LD Legends Owner VII, L.L.C., a Delaware limited liability company ("Developer").

RECITALS

A. The UG and Developer, entered into that certain Development Agreement for Legends West Lawn dated February 8, 2018 (the "Original Agreement") with respect to, among other things, the design, development, and construction of certain improvements to the Legends Outlets Kansas City, including among other things, hardscape and landscape replacements, video board installation on the existing "smokestack," shade structure, signage, façade improvements, escalator repair and enclosure and new "legends" monuments (the "Project"), all as more particularly described in the Agreement. All capitalized terms which are not otherwise defined herein shall have the meanings assigned to them in the Agreement.

B. On January 4, 2019, the parties entered into that certain First Amendment to Legends West Lawn Development Agreement (the "First Amendment") to extend the time for the completion of certain improvements.

C. On May 9, 2019, the parties entered into that certain Second Amendment to Legends West Lawn Development Agreement (the "Second Amendment") to extend the time for the completion of certain improvements. The Original Agreement, as amended by the First Amendment and the Second Amendment, shall be collectively referred to herein as the "Agreement").

D. Among other things, Section 2.2(c) of the Agreement requires Developer to "pave in asphalt and stripe, in a manner consistent with asphalt parking lots elsewhere at the Legends Outlets Kansas City, the unpaved portions of parcel number 299900 located at 1824 Village West Parkway" on or before December 31, 2020 (the "Paving Obligations"). To date, Developer has not yet performed the Paving Obligations.

E. On or about June 14, 2018, the UG issued CID Bonds as described in the Agreement. The remaining funds in the West Lawn Account of the CID Bond Project Fund must be disbursed to Developer on or before September 30, 2021, or otherwise used to redeem outstanding CID Bonds.

F. Developer has asked the UG to disburse the remaining funds in the West Lawn Account of the CID Bond Project Fund to Developer to reimburse the costs of CID Improvements. However, the UG has refused to do so because of Developer's failure to timely perform the Paving Obligations and the UG issued a default letter to Developer in connection with the Paving Obligations on August 19, 2021.

G. On September 30, 2021, Developer appeared at the UG's Commission to request an extension and modification of the Paving Obligations as set forth in Section 2.2(c) of the Agreement.

H. The parties hereby agree to amend and modify the Paving Obligations as set forth herein, and the UG will cause the remaining funds in the West Lawn Account of the CID Bond Project Fund to Developer to reimburse the costs of CID Improvements.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the UG and Developer agree as follows:

1. Amendment to Paving Obligations in Section 2.2(c). Section 2.2(c) of the Agreement shall be deleted in its entirety and replaced with the following:

"Developer hereby agrees to pave in asphalt and stripe, in a manner consistent with asphalt parking lots elsewhere at the Legends Outlets Kansas City, the unpaved portions of parcel number 299900 located at 1824 Village West Parkway. This work must be performed in a manner that fully complies with Applicable Laws and Requirements, including without limitation, all stipulations and requirements from the planning and zoning for this parcel. These paving and striping improvements shall be completed by Developer on or before November 30, 2022. Notwithstanding the foregoing, in the event a redevelopment plan for an alternative use of parcel number 299900 is approved by the UG's Commission on or before November 30, 2022, then the terms of this Section 2.2(c) shall be of no further force or effect. In the event that (i) Developer shall fail to complete the paving and striping improvements described herein by November 30, 2022, or (ii) a redevelopment plan for an alternative use of parcel number 299900 is not approved by the UG's Commission on or before November 30, 2022, then Developer shall pay to the UG liquidated damages in the amount of \$500,000. The parties hereby further agree as follows:

(x) the \$500,000 of damages described in the prior sentence is agreed upon by and between the UG and Developer as fair and equitable liquidated damages due to the difficulty and inconvenience of ascertaining and measuring actual damages, and the uncertainty thereof, and no other damages, rights or remedies will in any case be collectible, enforceable or available to the UG as a result of Developer's failure to timely perform under this Section 2.2(c).

(y) the notice and cure provisions set forth in Section 9.1 shall not be applicable to a failure of Developer to timely perform under this Section 2.2(c).

(z) if Developer fails to fully pay the \$500,000 of liquidated damages to the UG in immediately available funds on or before December 15, 2022, then the UG shall be entitled to default interest in the amount

described in Section 9.4 of the Agreement, along with all reasonable costs and charges, including attorneys' fees incurred by or on behalf of the UG in connection with the enforcement of this provision and the collection of the \$500,000 of liquidated damages described herein."

2. Recitals. The parties acknowledge that the Recitals set forth above are true and correct and are hereby incorporated into the body of this Amendment.

3. No Further Modification. Except as expressly set forth in this Amendment, all terms and provisions of the Agreement are hereby confirmed and remain unmodified and in full force and effect, such terms and provisions being hereby incorporated herein for all purposes.

4. Conflict or Inconsistency. In the event of any conflict or inconsistency between the terms and provisions of this Amendment and the terms and provisions of the Agreement, the terms and provisions of this Amendment shall control.

5. Multiple Counterparts. This Amendment may be executed in any number of counterparts, each of which may be executed by only one party, which shall be enforceable against the parties actually executing such counterparts, and all of which together shall constitute one instrument. Delivery by facsimile or electronic transmission of an executed counterpart of any signature page to this Amendment to be executed hereunder shall have the same effectiveness as delivery of a manually executed counterpart thereof.

[Remainder of page intentionally left blank. Signature pages immediately follow.]

Developer:

W-LD LEGENDS OWNER, L.L.C.,
a Delaware limited liability company

By: _____
Name: _____
Its: _____

STATE OF _____)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on September __, 2021, by _____ as the _____ of W-LD Legends Owner, L.L.C.

Printed Name: _____
 Notary Public in and for said State
 Commissioned in _____ County

My commission expires

[Seal]



Staff Request for Commission Action

Tracking No. 211017

Full Commission Meeting Date: 9/30/21

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 9/13/2021

(If none, please explain):

Publication Required: No

<u>Date:</u> 9/23/2021	<u>Contact Name:</u> Jud Knapp	<u>Contact Phone:</u> x5472	<u>Contact Email:</u> jknapp@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> The Land Bank Manager respectfully requests that the Neighborhood and Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, Submitted by Jud Knapp, Interim Land Bank Manager 7 Single family homes 10 - 15 Multifamily units 4 Commercial				
<u>Action Requested:</u> Approve and forward to Land Bank Board of Trustees				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> NCD Memo Land Bank Options FC 09.13.21				



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Interim Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Neighborhood & Community Development Standing Committee
FROM: Jud Knapp, Interim Land Bank Manager
DATE: September 23, 2021
SUBJECT: Option applications for consideration

The following **option application(s)** are being presented at the 09/13/2021 meeting:

A. New Construction - Single Family Homes

1. Ryan Barr – 1 home
 - i. 611 Douglas Ave – 155069
 - ii. *Staff Advisory* – the applicant wants to build one home for a short-term rental, 607 has a better view, but would require \$250K cost to extend the road and utilities. The applicant will more than likely select 611 Douglas for the build.
 - iii. *Standing Committee* – only voted to approve 1 of the lots requested 611 Douglas Ave.
2. Habitat for Humanity of Kansas City – 1 home
 - i. 2735 Roswell – 099219
 - ii. *Comments* - Habitat previously got an option approved for lot 80 S 13th St, but this lot turned out to be unbuildable. This lot is the replacement for the unbuildable lot.
3. Derek Covington – 4 homes
 - i. 2608 Hallock St – 292403
 - ii. 2604 Hallock St – 292401
 - iii. 2526 N 6th St – 292423
 - iv. 2529 N 6th St – 292424
 - v. *Staff Advisory* - Planning staff preference – garage does not face the street, and not project out in front of the front door, garage does not take up more than a third of the front facade
 - vi. *Land Bank Advisory Board* –
Question – Will the original developer have a say in what can be built?
Answer – Since the properties have moved into the Land Bank, the original developer has lost the ability to determine what can be built. Also, from the Peregrine Falcon Redevelopment Plan (2005) planned for 28 to 30 single family residential with an average cost being \$150K

4. Chris Solutions Construction LLC – 1 home
 - i. 1735 S 22nd St – 161100
 - ii. *Staff Advisory* – Staff doesn't think we should sell this parcel until we research why the UG and USD 500 owns all surrounding property. Hopefully by the standing committee meeting, the Land Bank will have an answer.
Answer – the properties surrounding this property was purchased using urban renewal funds from CDBG

B. New Construction – Multi Family

1. Bryan and Michelle Williams 10 – 15 units
 - i. 922 N 47th Ter – 051400
 - ii. *Comments* - Cottage Style Rentals for Seniors, Disabled Veterans, and Physically Challenged
 - iii. *Staff Advisory* - Would require a zoning change to R-4 Garden Style Apartments. Planning would also like a pre-application meeting to help applicant submit the application.

C. New Construction - Commercial

1. City Oil Co INC
 - i. 2080 Darby Ave – 154058
 - ii. 2074 Darby Ave – 154059
 - iii. *Comments* – City Oil currently owns 9 lots on Darby Ave. The remaining two lots are Land Bank owned. The project is to build a 13,500 SqFt warehouse
 - iv. *Staff Advisory* - Staff is not recommending the project This will require a change of zone and master plan amendment to proceed
2. Argentine Neighborhood Development Association
 - i. 3119 Strong Ave – 166441 – Building
 - ii. 1419 S 32nd St – 166404 – Parking
 - iii. *Staff Advisory* - As these parcels are both zoned CP-1, it will require a Plan Review and a public meeting with the Planning Commission to proceed. We will also hold them to the commercial design guidelines for both properties
3. Centro De Avivamiento Casa De Dios
 - i. 1001 Minnesota Ave – 080414
 - ii. 1005 Minnesota Ave – 081400
 - iii. 1007 Minnesota Ave – 080415
 - iv. *Comments* – The Church hosts several large events and is looking to expand by building a cafeteria and playground.
 - v. *Staff Advisory* - As this is an expansion of a church, it will also require a plan review and public hearing at the Planning Commission. As this is in a commercial zone, we will hold them to the commercial design guidelines, and an environs review as the church building itself is an historic structure
4. Jaime Ruiz
 - i. 1129 Osage Ave – 072531
 - ii. 1130 Pennsylvania Ave – 072532
 - iii. *Comments* – the applicant is retiring from running a landscaping business and wants to pursue his dream of opening a restaurant. The request is to use the Land Bank lots to build a parking lot that is needed for the restaurant to open.

Land Bank Advisory Board –

We started out this month's meeting with a talk about the upcoming policy discussions. Followed by a detailed walk through of this month's projects. The group only had one comment for Derek Covington Peregrine Falcon area about the original developer. I haven't received one comment against any project presented.



Staff Request for Commission Action

Tracking No. 211018

Full Commission Meeting Date: 9/30/21

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 9/13/21

(If none, please explain):

Publication Required: No

<u>Date:</u> 9/23/2021	<u>Contact Name:</u> Jud Knapp	<u>Contact Phone:</u> x5472	<u>Contact Email:</u> jknapp@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> The Land Bank Manager respectfully request that the Neighborhood and Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, Submitted by Jud Knapp, Interim Land Bank Manager 3 Property transfers 3 Yard extension requests				
<u>Action Requested:</u> Approve and forward to Land Bank Board of Trustees				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> NCD Memo Land Bank Property Transfers 09.13.21				



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Interim Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Neighborhood & Community Development Standing Committee
FROM: Jud Knapp, Interim Land Bank Manager
DATE: September 1, 2021
SUBJECT: Property Transfers applications for consideration

The following **property transfers application(s)** are being presented at the 09/13/2021 meeting:

A. Property Transfers

1. CHWC

- i. 822 Everett Ave – 081898
- ii. 824 Everett Ave – 081897
- iii. 836 Everett Ave – 081896
- iv. 840 Everett Ave – 081895
- v. 842 Everett Ave – 081894
- vi. 844 H Everett Ave – 081893
- vii. 846 Everett Ave – 081892
- viii. 825 Oakland Ave – 081877
- ix. 831 Oakland Ave – 081879
- x. 833 Oakland Ave – 081880
- xi. *Comments* – CHWC is has received a grant to build a park / greenspace.
- xii. *Staff Advisory* – Public works is recommending that these parcels are unbuildable due to stormwater drainage concerns. The proposed use as green space would be the best for these parcels

2. USD 500

- i. 823 New Jersey Ave – 082318
- ii. 820 freeman Ave – 082347
- iii. *Comments* – The school district is planning on building a parking lot for Sumner High School. This request is in line with the Douglass-Sumner Master Plan (2007)

3. Unified Government

- i. 2450 S 14th St – 130000
- ii. 2441 S 14th ST – 129528

- iii. *Comments* – this request is for a pump station and force main to provide sewer service to area residents
- iv. *Staff Advisory* – Full screening and landscape buffering is required to shield these facilities from public view.

B. Yard Extensions

1. Walter Linares

- i. 4414 Parallel Pkwy
- ii. *Comments* – This parcel is unbuildable due to it being land locked.
- iii. *Staff Advisory* - It might be better to divide this up to all the adjacent neighbors so that we do not create an odd shaped lot. If we move forward with this, it will require a variance as I believe the property will exceed our 3 to 1 (length to width ratio) for a residential parcel.

2. Alex & Laura Sanchez

- i. 3451 R N 39th St – 167037
- ii. *Comments* - This parcel is unbuildable due to it being land locked.
- iii. *Comments from Applicant* - I have had a private in home Montessori school for grades 1st - 8th grade for the last two years. My SP2021-058 was just renewed in an unopposed vote on Monday, July 12th with the WYCO BOC for the next five years. My school is a hands-on, immersive school that is very heavy in biology and nature studies. Because of that we go on almost daily hikes in the woods behind the house. I have lived at 3800 Weaver Court, for six years and in that time have cleared and beautified the property into a special, happy place. I have been cleaning up trash in the woods behind my home for years as it is a veritable dumping ground and a place where trash is either dumped, blown or washed into the ravine down to the creek. This property deserve to be cared for and appreciated.
- iv. *Staff Advisory* – This would require a variance due to the 3 to 1 ratio rule.

3. David Patton

- i. 2523 N 38th St – 105140
- ii. *Comments* – The applicant has been maintaining the lot for years. This application was held out of last months standing committee due to research on the value of yard extension lots either joining with applicants' property or keeping the lot separate.
- iii. *Staff Advisory* – not recommending approval This is a buildable lot and should be held for a new home.

4. Blank

- i. 1030 Quindaro Blvd – 106259
- ii. *Comments* – The applicant has been maintaining the lot. This application was held out of last month's standing committee due to research on the value of yard extension lots either joining with applicants' property or keeping the lot separate.
- iii. *Staff Advisory* – not recommending approval. Buildable lot, in the Parkwood Historic District.

