

**MARCH 31, 2022 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM**

You are invited to a Zoom webinar.

When: Mar 31, 2022, 07:00 PM Central Time (US and Canada)

Topic: Full Commission meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/88620237838?pwd=NWdhRy90MVk2cC9ycXFMMW5IRkJqUT09>

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Webinar ID: 886 2023 7838

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- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY REVEREND HAROLD JOHNSON, FATHER
LUTHERAN DELIVERANCE CHURCH OF GOD IN CHRIST**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, MARCH 31, 2022, AGENDA
Blue Sheet Changing Order of Items**
- VI. CLERK'S STATEMENT**
(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the 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

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. COZ2021-054 - RIAD BAGHDADI WITH RB ARCHITECTURE

Synopsis: Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District to add fueling pumps at existing gas station at 1313 Quindaro Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211449

2. COZ2022-011 - ANGELA M. TURNER

Synopsis: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District to bring existing duplex into compliance at 426 North 5th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211450

B. SPECIAL USE PERMIT APPLICATIONS

1. SP2022-004 - JEFF SALTER WITH KANSAS GAS SERVICE

Synopsis: Renewal of a Special Use Permit (SP-2019-10) for two (2) concrete pits/sampling of a variety of pipes for training at 8535 Riverview Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211452

2. SP2022-009 - FREDERIC NTAKIRUTIMANA WITH F & A LLC

Synopsis: Special Use Permit for a liquor store/convenience store at 901 Minnesota Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211453

3. SP2022-011 - BLAKE LOSTAL WITH HILLSIDERS LLC

Synopsis: Special Use Permit for a sports bar/drinking establishment at 403 North 5th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211454

4. **SP2022-013 - AURANGZEB KHAN WITH JAHAN ENTERPRISES LLC**

Synopsis: Renewal of a Special Use Permit (SP-2019-77) for a dirt fill at 1215 Merriam Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 211455

5. **SP2022-020 - JOE HEIDRICK WITH CACTUS BED PROPERTIES, LLC**

Synopsis: Special Use Permit for a Short-Term Rental at 4309 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 211456

6. **SP2022-023 - DESIREE MONIZE WITH AVENUE OF LIFE**

Synopsis: Renewal of a Special Use Permit for transitional housing for youth (16+) and young adults (18-24) at 3535 Wood Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211457

7. **SP2022-024 - CURTIS PETERSEN WITH POLSINELLI PC**

Synopsis: Special Use Permit for privately owned athletic fields (Homefield Perfect Game) at 1501 North 90th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211458

8. **SP2022-025 - CURTIS PETERSEN WITH POLINSELLI**

Synopsis: Special Use Permit for privately owned athletic fields at 9020 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211460

9. **SP2022-026 - ADAM AND LAURA JOHNSON**

Synopsis: Special Use Permit to keep twenty-five (25) fowl on the property at 3030 South 63rd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211478

10. SP2022-030 - NANNETTE AND LYDIA THACKER

Synopsis: Home Occupation Special Use Permit to operate an apparel printing business at 4011 Independence Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211487

11. SP2022-031 - AUSTIN LAGE WITH BHC RHODES

Synopsis: Special Use Permit for truck maintenance facility at 700 Kindelberger Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211488

12. SP2022-032 - ANGELA M. TURNER

Synopsis: Renewal of a Special Use Permit (SP-2020-18) to operate a security company office at 428 North 5th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 211451

C. VACATION APPLICATION

1. VAC2021-011 - RACHEL BICHARA WITH GOOD NEWS RENTALS LLC

Synopsis: Vacation of an alley to add residential parking at 731 Tenny Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211490

D. PLAN REVIEW APPLICATIONS

1. PR2021-039 - JOHN KELLY/UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

Synopsis: Preliminary and Final Plan Review for Pierson Park Fire Station #16 (Turner) at 1818 South 59th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211491

2. PR2022-008 - CURTIS PETERSEN WITH POLSINELLI

Synopsis: : Preliminary Plan Review for Homefield Perfect Game Fields at 1501 North 90th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211459

3. **PR2022-009 - CURTIS PETERSEN WITH POLSINELLI**

Synopsis: Preliminary Plan Review for Homefield Training Center at 9020 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211463

4. **PR2022-011 - AUSTIN LAGE WITH BHC RHODES**

Synopsis: Preliminary Plan Review for truck maintenance facility at 700 Kindelberger Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211489

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

1. **AN ORDINANCE** rezoning property at 449 North 86th Street (COZ2021-035), from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
2. **AN ORDINANCE** rezoning property at 9300 Leavenworth Road (COZ2022-004), from MP-2 Planned General Industrial District to R-1 Single Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
3. **AN ORDINANCE** rezoning property at 1342 North 126th Street (COZ2021-050), from A-G Agriculture (WYCO) and CP-2 Planned General Business Districts to CP-3 Planned Commercial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
4. **AN ORDINANCE** vacating right-of-way at 4600 Parkview Avenue (VAC2021-010), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
5. **AN ORDINANCE** authorizing a Special Use Permit to allow for auto storage and auto maintenance at 1037 South 26th Street (SP2021-045), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
6. **AN ORDINANCE** authorizing a Special Use Permit to keep two (2) horses at 1315 North 86th Street (SP2021-046), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
7. **AN ORDINANCE** authorizing a Special Use Permit for on-site grading at 4100 and 4315 Ann Avenue, 949 North 41st Street and 3801R State Avenue (SP2022-002), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

8. **AN ORDINANCE** authorizing a Special Use Permit for continuation of a private indoor firearm shooting range at 3327 North 7th Street Trafficway (SP2022-008), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
9. **AN ORDINANCE** rezoning property at 2822 West 43rd Street (COZ2022-002) from R-1(B) Single Family District to R-2(B) Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
10. **AN ORDINANCE** authorizing a Special Use Permit for continuation of live entertainment at an existing drinking establishment and restaurant at 6550 Kaw Drive (SP2021-083), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

F. MASTER PLAN AMENDMENTS

1. **MPL2022-006 - CURTIS PETERSEN WITH POLSINELLI**

Synopsis: Master Plan Amendment from Low Density Residential (City-Wide Master Plan) to Planned Entertainment (City-Wide Master Plan) at 1501 North 90th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211461

2. **MPL2022-007 - CURTIS PETERSEN WITH POLSINELLI**

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Planned Entertainment (City-Wide Master Plan) at 9020 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211462

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **COZ2021-051 - MARK MOBERLY WITH SUNFLOWER DEVELOPMENT GROUP**

Synopsis: Change of Zone from R-1(B) Single Family and C-O Non-Retail Business Districts to RP-6 Planned High-Rise Apartment District for a 148-unit apartment complex at 10 South Hallock, 525 Central Avenue and 529 Central Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL - 6/1 VOTE)**

Tracking #: 211441

2. **COZ2022-001 - TIM KATES WITH REMCO DEMOLITION LLC**

Synopsis: Change of Zone from CP-3 Planned Commercial District to MP-2 Planned General Industrial District for a contractor staging area and heavy equipment storage for Remco Demolition at 14140 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL - 6/1 VOTE)

Tracking #: 211446

B. VACATION APPLICATION

1. **VAC2022-001 - MARK MOBERLY WITH SUNFLOWER DEVELOPMENT GROUP**

Synopsis: Vacation of right-of-way at 10 South Hallock and 525 Central Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL - 6/1 VOTE)**

Tracking #: 211443

C. PLAN REVIEW APPLICATIONS

1. **MPL2021-028 - MARK MOBERLY WITH SUNFLOWER DEVELOPMENT GROUP**

Synopsis: Master Plan Amendment from Urban Density to High Density Residential (Central Area Master Plan) at 10 South Hallock, 525 Central Avenue and 529 Central Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL - 6/1 VOTE)**

Tracking #: 211444

2. **MPL2022-001 - TIM KATES WITH REMO DEMOLITION LLC**

Synopsis: Master Plan Amendment from Planned Commercial (Prairie-Delaware-Piper Master Plan) to Industrial (City-Wide Master Plan) at 14140 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL - 6/1 VOTE)**

Tracking #: 211448

TAX STATUS REPORT
BOARD OF COMMISSIONERS AGENDA FOR MARCH 31, 2022

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

Item No. 1. - PROCLAMATION: RANDON EPA JOINT PROCLAMATION

Synopsis: Proclamation proclaiming a "Bi-State City Partnership with the Environmental Protection Agency and the City of Kansas City, Missouri."

Tracking #: 211465

Item No. 2. - PROCLAMATION: WOMEN'S HISTORY MONTH

Synopsis: Proclamation proclaiming March 8 as International Women's Day.

Tracking #: 211466

Item No. 3 - ORDINANCE: CONSIDERATION OF AMENDMENTS CLARIFYING PERMITTED AND PROHIBITED POLITICAL ACTIVITIES IN THE ETHICS CODE

Synopsis: Consideration of an ordinance amending two sections of Ethics Code to clarify that the incumbent Mayor and Commissioners may run for re-election without resigning their current office, submitted by Ruth Benien, Ethics Administrator and Misty Brown, Chief Counsel.

Tracking #: 211496

X. REGULAR CONSENT AGENDA

Item No. 1. - RESOLUTION: PURCHASE OF ZOLL X SERIES MANUAL MONITOR/DEFIBRILLATORS

Synopsis: This is a resolution for the approval of the purchase of twenty-one (21) defibrillators, twenty-one (21) reusable sensors, and thirty-three case review subscriptions over four years for a total of \$651,289.44, submitted by Jon Khalil, Assistant Counsel.

On February 28, 2022, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Tracking #: 211351

Item No. 2. NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

- Linda Brown to the Wyandotte/Leavenworth Area Wide Advisory Council on Aging, 3/31/2022 to 12/11/2023, submitted by Commissioner Bynum
- Andrea Behrman to the UG Park Board, 3/31/2022 to 12/15/2025, submitted by Commissioner Kane
- Stefanie Caruthers to the Advisory Committee on Human Relations & Disability Issues, 3/31/2022 to 12/15/2025, submitted by Commissioner Kane
- Scott Mackey to the Law Enforcement Advisory Board, 3/31/2022 to 12/15/2025, submitted by Commissioner Kane

- James Wing to the Golf Advisory Board, 3/31/2022 to 12/15/2025, submitted by Commissioner Stites
 - Chancellor Adams to the Golf Advisory Board, 3/31/2022 to 12/15/2025, submitted by Commissioner Davis
 - Dominick Love to the Advisory Committee on Human Relations & Disability Issues, 3/31/2022 to 12/15/2025, submitted by Commissioner Davis
 - TJ Roberts to the Self-Supported Municipal Improvement District Advisory Board, 3/31/2022 to 12/15/2025, submitted by Commissioner Davis
- Tracking #:** 211482

Item No. 3 - PLAT: BOHRER ENCLAVE 2ND PLAT

Synopsis: Plat of Bohrer Enclave, 2nd Plat located at 3801 N. 55th Street and being developed by Angie Bohrer, submitted by Brent Thompson County Surveyor and Troy Shaw, County Engineer.

Tracking #: 211471

Item No. 4. - MINUTES

Synopsis: Minutes from regular session of October 28, 2021; and special sessions of February 7 and 10, 2022.

Tracking #: MINUTES

Item No. - 5. WEEKLY BUSINESS

Synopsis: Weekly business material dated February 11 and 24; March 3 and 10, 2022.

Tracking #: WEEKLY BUSINESS

XI. PUBLIC HEARING AGENDA

Item No. 1. - PUBLIC HEARING: 2023 UNIFIED GOVERNMENT BUDGET PRIORITIES AND 2022-2026 COMMUNITY DEVELOPMENT CONSOLIDATED PLAN

Synopsis: Conduct a public hearing to receive comments on budget priorities for the 2023 Unified Government Budget and the Community Development Department 2022-2026 Consolidated Plan.

Tracking #: 211430

Item No. 2. - PUBLIC HEARING/RESOLUTION: COMMUNITY DEVELOPMENT 2021 ANNUAL ACTION PLAN SUBSTANTIAL AMENDMENT #1

Synopsis: Presentation of proposed 2021 Annual Action Plan Substantial Amendment #1, submitted by Stephanie Stauffer, Director of Community Development.

On February 28, 2022, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Tracking #: 211342

XII. STANDING COMMITTEES' AGENDA

Item No. 1. - RESOLUTION: STATE OF EMERGENCY EXTENSION

Synopsis: A resolution extending the state of Local Health Emergency for the COVID-19 Pandemic for the County of Wyandotte, Kansas, through July 1, 2022, submitted by Matt

May, Director of Emergency Management.

(This item is scheduled to be heard before the Public Works and Safety Committee, on March 28, 2022, and was requested to be fast-tracked to March 31, 2022.)

Tracking #: 211434

XIII. ADMINISTRATOR'S AGENDA

Item No. 1 - PRESENTATION: INCREASE IN KDADS ARPA GRANT MATCH AWARDED TO AAA

Synopsis: AAA received an ARPA grant award from KDADS for FY 2022, which has already been approved; this item is for approval to accept an increased match amount by KDADS, from \$45,477.00 to \$200,471.00, which AAA must agree to spend by June 30, 2022, for eligible congregate projects, submitted by SueZanne Bishop, Assistant Counsel.

Tracking #: 211464

Item No. 2 - REACH FOUNDATION BOARD APPOINTMENTS

Synopsis: REACH Board of Directors requests consideration of the following individuals and respective new terms of appointment to the REACH Board, with all terms going into effect on June 1, 2022, submitted by Alley Porter, Commission Liaison.

- Deryl Wynn, 1-year term
- Dr. Octavio Estrella, 2-year term

Tracking #: 211486

Item No. 3 - PRESENTATION: LIVABLE NEIGHBORHOODS UPDATE

Synopsis: Presentation by Livable Neighborhoods submitted by Andrea Generaux, Livable Neighborhoods.

For information only.

Tracking #: 211469

Item No. 4 - UPDATE: SOLID WASTE PROGRAM

Synopsis: Update on the Solid Waste Program, submitted by Jonathon Gutierrez, Program Manager, Public Works-solid Waste Management.

For Information only.

Tracking #: 211494

Item No. 5 - UPDATE: GRANTS AND GRANT PROCESS

Synopsis: Update on grants and grant process, submitted by Kathleen VonAchen, Chief Financial Officer.

For information only.

Tracking #: 211493

Item No. 6 - PRESENTATION: CREATION OF A RESIDENTIAL CLASSIFICATION FOR THE BPU PILOT

Synopsis: Creation of a residential classification for the BPU Pilot, submitted by Kathleen VonAchen, Chief Financial Officer

For Information only.

Tracking #: 211495

XIV. COMMISSIONER'S AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Item No. 1. - LAND BANK OPTION APPLICATIONS

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

A. New Construction - Single Family Homes – 9 Homes

1. Kip Myers – 5 Single Family Homes

2903 Farrow Ave – 164901

2907 Farrow Ave – 164903

2935 Farrow Ave – 164909

3001 Farrow Ave – 165000

3109 Farrow Ave - 165008

2. Richard Dumas – 1 Single Family Home

618 N 11th St – 080519

3. Flora Nyakatura – 1 Single Family Home

3649 N 55th ST – 025900

3639 N 55th ST – 025901

3625 N 55th ST - 025903

4. Jonathan Hopmann – 1 Single Family Home

802 Tauromee Ave - 090415

5. Jonathan Pitallo – 1 Single Family Home

805 N 12th St - 080816

B. New Construction – Multi Family

Martinez Porfirio - 2 Duplexes

2510 N 10th ST - 157402

2506 N 10th ST – 157403

2500 N 10th ST – 157404

*On March 7, 2022, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

Tracking #: 211372

Item No. 2. - LAND BANK PROPERTY TRANSFERS

Synopsis: Request consideration of the following Land Bank transfers, submitted by Jud Knapp, Land Bank Manager

- A. Yard Extension
 - 1. Bill Mosburg
730 R Northup Ave - 119516
 - 2. Frank Piper
3915 Ford Ave – 912712
- B. Property Transfer
Brien Darby – Garden
311 Franklin Ave – 110412

*On March 7, 2022, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

Tracking #: 211373

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, MARCH 31, 2022**

CHANGE IN ORDER OF AGENDA ITEMS

The Public Hearing items identified below will be heard as the first items on the Regular Agenda, immediately following the conclusion of the Planning & Zoning portion of the March 31, 2022, meeting:

XI. PUBLIC HEARING AGENDA

Item No. 1. - PUBLIC HEARING: 2023 UNIFIED GOVERNMENT BUDGET PRIORITIES AND 2022-2026 COMMUNITY DEVELOPMENT CONSOLIDATED PLAN

Synopsis: Conduct a public hearing to receive comments on budget priorities for the 2023 Unified Government Budget and the Community Development Department 2022-2026 Consolidated Plan.

Tracking #: 211430

Item No. 2. - PUBLIC HEARING/RESOLUTION: COMMUNITY DEVELOPMENT 2021 ANNUAL ACTION PLAN SUBSTANTIAL AMENDMENT #1

Synopsis: Presentation of proposed 2021 Annual Action Plan Substantial Amendment #1, submitted by Stephanie Stauffer, Director of Community Development.

On February 28, 2022, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Tracking #: 211342



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: March 31, 2022

Re: Change of Zone Petition COZ2021-054

GENERAL INFORMATION

Applicant:
Riad Baghdadi

Status of Applicant:
Representative
RB Architecture
11661 College Boulevard
Overland Park, KS 66210

Requested Actions:
Approval of Change of Zone from C-1 Limited Business to CP-2 Planned General Business District.

Date of Application(s):
November 29, 2021

Purpose:
To expand a convenience store and gas canopy addition.

Property Location:
1313 Quindaro Boulevard



Commission Districts:	Commissioner At-Large, District 1: Melissa Bynum District #1 Commissioner: Gayle Townsend		
Existing Zoning:	C-1 Limited Business District		
Adjacent Zoning:	North:	C-3 Commercial District	
	South:	R-1(B) Single Family District	
	East:	C-1 Limited Business District	
	West:	C-1 Limited Business District	
Adjacent Uses:	North:	Commercial building (former event space)	
	South:	Single family homes	
	East:	Commercial building	
	West:	Parking lot	
Total Tract Size:	0.41 Acre		
Master Plan Area:	Northeast Area Master Plan		
Master Plan Designation:	The Northeast Area Master Plan designates this property as Neighborhood Mixed Use, which allows single family homes, townhomes, duplexes, low rise apartments, small commercial retail and office buildings, mixed-use buildings (apartments/office above retail/office) and institutional buildings.		
Major Street Plan:	The Major Street Plan classifies Quindaro Boulevard as a Class C Thoroughfare.		
Required Parking:	Sec. 27-466(e) Uses in this district require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. Based on the 2,899 square foot building, twelve (12) spaces are required. Sixteen (16) spaces are provided.		
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – December 16, 2021 Letters to Property Owners – Change of Zone – December 17, 2021, January 4, 2022, February 16, 2022 and March 23, 2022		
Public Hearings:	March 14, 2022 and March 31, 2022		
Public Support:	None to date.		
Public Opposition:	None to date.		

PROPOSAL

Detailed Outline of Requested Action: The applicant, Riad Baghdadi, with RB Architecture, on behalf of the property owner, Sabiha Tariq, wants to rezone the property from C-1 Limited Business and R-1 Single Family Districts to CP-2 Planned General Business District to expand the convenience store and add a future tenant space and construct a new gas canopy with six (6) fuel pumps on 0.41 acre at 1313 Quindaro Boulevard.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. Citations have included weeds, graffiti, damaged chain link fence, and junk and trash around the building.
2. 2019 - Case 19212-00601 – Vegetation in the alley.
3. 2019 – Case 19201-00519 – Damaged chain link fence.
4. 2018 – Case 18220-00560 – Graffiti on the pillars of the gas pumps.
5. 2015 – Case 15212-01194 – Very high grass and weeds in the front yard.
6. 2014 – Case 14212-01010 – Weeds in the alley.
7. 2012 – Case 12204-00153 – Junk and trash around the property and building.
8. 2003 – Case 03208-01111 – Neighbors parking on the vacant lot.

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character

The area is a mixed corridor with single family homes and commercial uses along Quindaro Boulevard. There is an established single-family residential neighborhood to the south along North 13th Street.

Per the Appraiser's Office website, the gas station was built in 1962.

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 gas station has been in existence since 1962. Expanding the convenience store adding tenant space is compatible with the surrounding properties, provided that the site is appropriately screened from residential 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 proposed site plan will not detrimentally affect nearby property as the building addition is along the same plane as the existing storefront and the canopy's orientation is shifting from north/south to east/west, parallel to Quindaro Boulevard to improve circulation through the site.

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

The property is not vacant. It is currently operating as a convenience store and gas station.

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 applicant can build a convenience store/gas station with three (3) fuel pumps/dispensers within the C-1 Limited Business District. Constructing a building addition could substantially injure the visual quality or marketability of nearby property because of the noise, lighting and hours of operation that may be problematic for the single-family residences that are adjacent to the property.

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

The proposed development will not increase traffic and parking demand on-site in ways that will adversely affect road capacity, safety, or create parking

problems because the applicant is provided more parking than what the parking code requires in addition to modifying the circulation pattern on site to accommodate traffic.

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

The property is designated Neighborhood Mixed Use. Neighborhood Mixed Use allows single family homes, townhomes, duplexes, low rise apartments, small commercial retail and office buildings, mixed-use buildings (apartments/office above retail/office) and institutional buildings. The proposed use conforms to the Northeast Area Master Plan.

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

If the owner operates the business in a manner where there are no neighbor complaints or Property Maintenance Compliance citations, this will not be an issue. Maintaining the existing tree stand in the southeast corner of the property is important for stormwater and screening of the abutting property owner.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

UG provides sanitary sewer service.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service is provided by East Patrol, District #113.

e. *Fire*

Fire service is provided by Fire Station #5 located at 9th Street and Quindaro Boulevard.

f. *Transit*

Kansas City ATA provide transit service directly in front of this property, Route 106.

g. Schools

Public education is provided by Kansas City Kansas USD 500.

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 and sales tax revenues because of the improvements made to the property.

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

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

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 can maintain the current business, 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 and an expanded convenience store/gas station, future tenant storefront, and fuel pump canopy.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on December 21, 2021. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Pedestrian Access
Compliance with the Commercial Design Guidelines
Landscaping and Screening
Lighting
Noise

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-054**, subject to:

1. **Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. Final architectural and civil drawings are required to be submitted at such time;**
2. **Per Business Licensing Division:**
 - a. **If approved, tenants will need to file and maintain a current occupation tax application.**
3. **Based on the proposed parking layout, there is not enough parking to accommodate any other uses than those that require four (4) spaces per 1,000 square feet of building area. Uses that require parking based on Sec. 27-668 will require a variance from the Board of Zoning Appeals before applying for a building permit for a tenant finish with the Building Inspection Department;**
4. **Remove bars on the windows per Criminal Prevention Through Environmental Design (CPTED);**
5. **Hours of operation: 6:00 AM to 12:00 AM Monday through Saturday and 6:00 AM to 11:00 PM on Sunday;**
6. **Underground fuel tanks will be filled after 9:00 PM;**
7. **Parking lot shall be repaved and striped;**
8. **Sec. 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or design elements;**
9. **Sec. 27-575(d)(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.
Paint a crosswalk across the driveway aprons between the sidewalks to illustrate a pedestrian path;**
10. **Sec. 27-575(d)(11) Internal pedestrian walkways within the parking lot or drive area must be distinguished from other surfaces.
The sidewalk on the west side of the parking lot and drive aisle provides this access to the building;**
11. **Sec. 27-575(d)(13) Site design should integrate and facilitate access to public transit.
Show the transit stop in front of the property on the site plan. A bus shelter and bench may be warranted. Further discussion with KCATA is necessary. Contact Justus Welker, Director of Transportation at (913) 573-6798 or jtwelker@wycokck.org;**
12. **A Special Use Permit is required for the use and a variance from the Board of Zoning Appeals is required because the property is within 1,300 feet from three (3) churches;**
13. **Gas canopy columns shall be wrapped in masonry;**

14. Keep existing full growth trees along the southeast property line, which effectively screens a portion of the parking lot and building from the single-family residences across the alley. Add additional landscaped bioswale to provide stormwater infiltration behind the building and the green space, south of parking space 13;
15. All screening is to be maintained to minimize impacts of conflicting uses;
16. Sec. 27-466(g) Trees are required at not less than one (1) per 7,000 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 shall be comprised of wood with masonry columns every thirty-two (32) feet running.

The privacy fence shall extend along the south property line and wrap the east and west property lines to completely shield headlights shining into the rear windows of the residences south of the alley. The masonry columns on the fence shall match the brick on the building. Trees and shrubs shall be installed on the outside of the fence, facing the single-family homes and residential zoning;
17. Install a security fence parallel with the existing sidewalk on the east side of the building, south to the rear property line to prevent loitering behind the building;
18. Per Sec. 27-277(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. The site for the proposed development is 0.41 acres, five (5) trees are required based on Commercial Design Guidelines and exclusive of the screening requirements for the lots zoned CP-2 Planned General Business District adjacent to residentially zoned properties, street trees and trees planted within parking lot islands;
19. Sec. 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 thirty (30) inches at maturity;
20. Sec. 27-577(b)(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 (2) inches (ornamental), evergreen trees must be at least six (6) feet when planted provided for every thirty (30) feet of street easement or frontage; and,
 - b. Street trees should be planted no closer than fifty-five (55) feet and no more than sixty-five (65) feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees;
21. 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;
22. All landscaping shall be irrigated;
23. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.

- c. 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;
- 24. 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;
- 25. 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 the parapet;
- 26. 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;
- 27. Rooftop mechanical equipment must be screened by the parapet of the building;
- 28. 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.
In addition to vertical glare, lighting may not cast horizontally on adjacent properties;
- 29. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. Additionally, this includes lighting installed underneath the canopy.
Lights mounted on to the building wall shall be decorative in appearance;
- 30. Shall comply with the sign code; 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 **COZ2021-054** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan / Landscape Plan
Floor Plan
Building Elevations
Gas Canopy Elevations
Trash Enclosure Details
Site Photography provided by Staff dated December 15, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	March 14, 2022	March 31, 2022
Rezoning	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-054** 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 **COZ2021-054** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

March 14, 2022 City Planning Commission Minutes:

Hearing starts at 4:05:55: and the applicant was not present, so the item was moved to the end of the agenda. The application was recalled at Tape 2 – 2:45:30: and the applicant was not present.

CHANGE OF ZONE APPLICATION COZ2021-054 – RIAD BAGHDADI – SYNOPSIS:

Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District to add fueling pumps at the existing gas station at 1313 Quindaro Boulevard.

Detailed Outline of Requested Action: The applicant, Riad Baghdadi, with RB Architecture, on behalf of the property owner, Sabiha Tariq, wants to rezone the property from C-1 Limited Business and R-1 Single Family Districts to CP-2 Planned General Business District to expand the convenience store and add a future tenant space and construct a new gas canopy with six (6) fuel pumps on 0.41 acre at 1313 Quindaro Boulevard.

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 14, 2022;
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 Tape 2 – 2:46:08: Planning Director Hand stated that the request is for a Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District to add fueling pumps at the existing gas station and convenience store. They would have a total of three (3) pumps and six (6) hoses. The property is in the Northeast Area Master Plan. Staff has received no letters in support nor opposition. There are a history of Notices of Violations on this property. Staff is requesting that the applicant comply with the Commercial Design Guidelines. The applicant has made improvements to the pedestrian connectivity, and it is at the location of a transit stop, which should be enhanced as another condition of approval. Staff has asked that the applicant wrap the canopy in masonry to meet the Commercial Design Guidelines. Director Hand stated that this is also an expansion for a retail space, and the use is unknown at this time. If it is a liquor store, restaurant, or take-out, the liquor store would need a variance as it would be within the required buffer of adjacent churches/parks/schools and the other two (2) uses would need a variance for parking. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at Tape 2 – 2:48:29:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2021-054:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. Final architectural and civil drawings are required to be submitted at such time;**
- 2. Per Business Licensing Division:**
 - a. If approved, tenants will need to file and maintain a current occupation tax application.**
- 3. Based on the proposed parking layout, there is not enough parking to accommodate any other uses than those that require four (4) spaces per 1,000 square feet of building area. Uses that require parking based on Sec. 27-668 will require a variance from the Board of Zoning Appeals before applying for a building permit for a tenant finish with the Building Inspection Department;**
- 4. Remove bars on the windows per Criminal Prevention Through Environmental Design (CPTED);**
- 5. Hours of operation: 6:00 AM to 12:00 AM Monday through Saturday and 6:00 AM to 11:00 PM on Sunday;**

6. Underground fuel tanks will be filled after 9:00 PM;
7. Parking lot shall be repaved and striped;
8. Sec. 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or design elements;
9. Sec. 27-575(d)(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.
Paint a crosswalk across the driveway aprons between the sidewalks to illustrate a pedestrian path;
10. Sec. 27-575(d)(11) Internal pedestrian walkways within the parking lot or drive area must be distinguished from other surfaces.
The sidewalk on the west side of the parking lot and drive aisle provides this access to the building;
11. Sec. 27-575(d)(13) Site design should integrate and facilitate access to public transit.
Show the transit stop in front of the property on the site plan. A bus shelter and bench may be warranted. Further discussion with KCATA is necessary. Contact Justus Welker, Director of Transportation at (913) 573-6798 or jtwelker@wycokck.org;
12. A Special Use Permit is required for the use and a variance from the Board of Zoning Appeals is required because the property is within 1,300 feet from three (3) churches;
13. Gas canopy columns shall be wrapped in masonry;
14. Keep existing full growth trees along the southeast property line, which effectively screens a portion of the parking lot and building from the single-family residences across the alley. Add additional landscaped bioswale to provide stormwater infiltration behind the building and the green space, south of parking space 13;
15. All screening is to be maintained to minimize impacts of conflicting uses;
16. Sec. 27-466(g) Trees are required at not less than one (1) per 7,000 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 shall be comprised of wood with masonry columns every thirty-two (32) feet running.
The privacy fence shall extend along the south property line and wrap the east and west property lines to completely shield headlights shining into the rear windows of the residences south of the alley. The masonry columns on the fence shall match the brick on the building. Trees and shrubs shall be installed on the outside of the fence, facing the single-family homes and residential zoning;
17. Install a security fence parallel with the existing sidewalk on the east side of the building, south to the rear property line to prevent loitering behind the building;

18. Per Sec. 27-277(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. The site for the proposed development is 0.41 acres, five (5) trees are required based on Commercial Design Guidelines and exclusive of the screening requirements for the lots zoned CP-2 Planned General Business District adjacent to residentially zoned properties, street trees and trees planted within parking lot islands;
19. Sec. 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 thirty (30) inches at maturity;
20. Sec. 27-577(b)(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 (2) inches (ornamental), evergreen trees must be at least six (6) feet when planted provided for every thirty (30) feet of street easement or frontage; and,
 - b. Street trees should be planted no closer than fifty-five (55) feet and no more than sixty-five (65) feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees;
21. 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;
22. All landscaping shall be irrigated;
23. 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;
24. 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;
25. 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 the parapet;
26. 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;
27. Rooftop mechanical equipment must be screened by the parapet of the building;

- 28. 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.**
In addition to vertical glare, lighting may not cast horizontally on adjacent properties;
- 29. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. Additionally, this includes lighting installed underneath the canopy.**
Lights mounted on to the building wall shall be decorative in appearance;
- 30. Shall comply with the sign code; 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.**



Figure 1. Aerial Map of 1313 Quindaro Boulevard (provided by UG Maps).



Figure 2. Zoning Map of 1313 Quindaro Boulevard (provided by UG Maps).

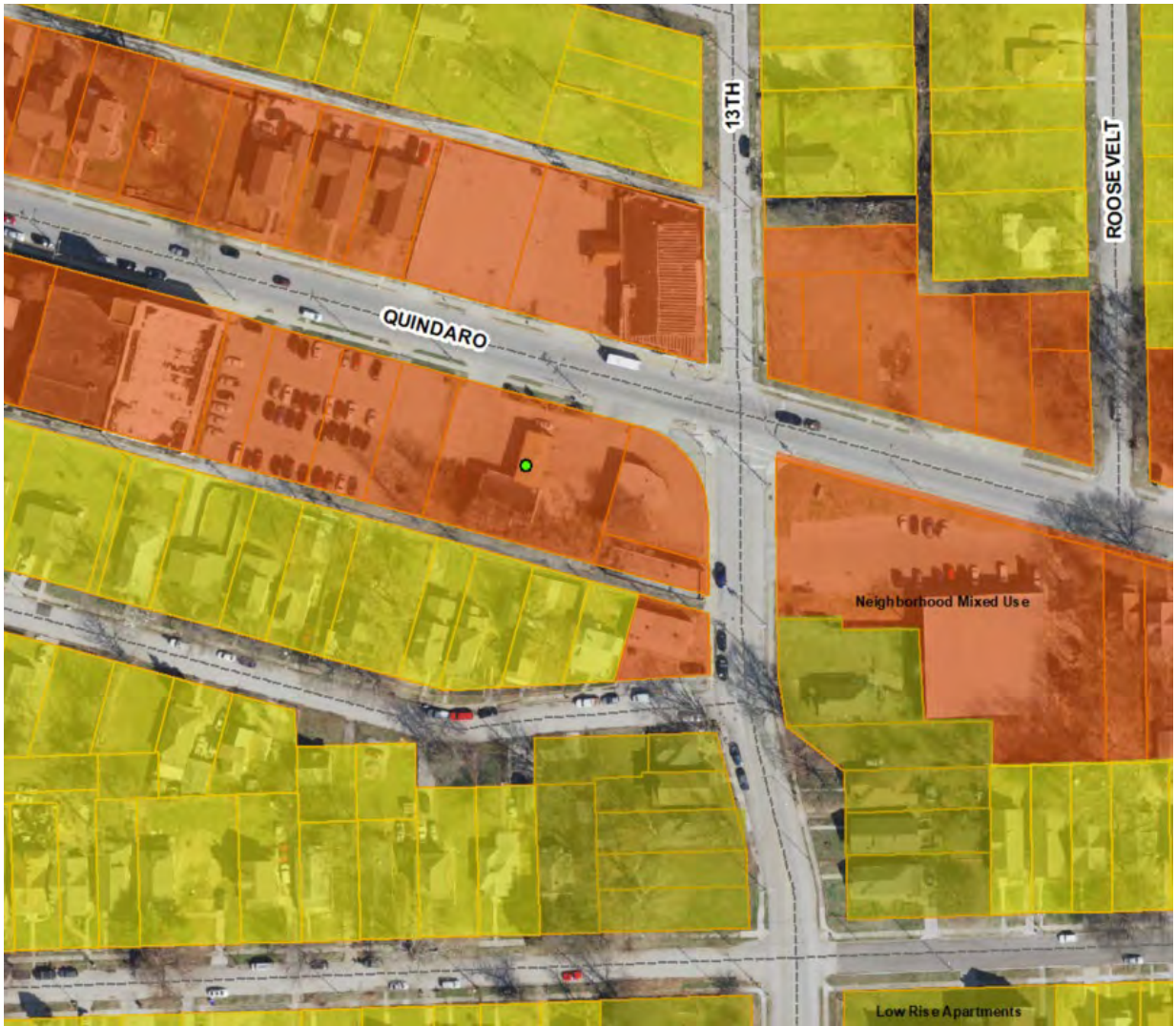


Figure 3. Northeast Area Master Plan Land Use Map of 1313 Quindaro Boulevard (provided by Arc Map).

STAFF COMMENTS AND RESPONSES

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.

Response: Fee will be paid as required.

2. Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. Final architectural and civil drawings are required to be submitted at such time.

Response: Acknowledged.

3. Per Business Licensing Division:
 - a. If approved, tenants will need to file and maintain a current occupation tax application.

Response: Acknowledged.

4. Based on the proposed parking layout, there is not enough parking to accommodate any other uses than those that require four (4) spaces per 1,000 square feet of building area. Uses that require parking based on Sec. 27-668 will require a variance from the Board of Zoning Appeals before applying for a building permit for a tenant finish with the Building Inspection Department.

Response: The additional store is designed for office or retail use in mind (insurance agent or phone shop).

5. As inferred previously, the spec floor plan for the future retail store gives the impression that the space could be a restaurant or food business. There is not enough parking on site to accommodate this use as currently designed.

Response: The retail store isn't a restaurant or food business. It is a commercial space for a commercial office.

6. Remove the parking space in front of the trash enclosure or move the trash enclosure to space #12, remove the parking stall and remove the sidewalk in front of space #12.

Response: The parking spaces, the parking stall and the sidewalk in front of the trash enclosure are removed. See sheet 1C2.

7. Parking spaces 13 – 16 need to have wheel stops installed in front of each stall to prevent vehicles from rolling on the adjacent property.

Response: No wheel stops are added for the concerned parking stalls. There will be a new curb side. See sheet 1C2.

8. Relocate the vacuum cleaner and vending/clothing recycling. Vending and recycling containers shall comply with Sec. 27-612.

Response: The vacuum cleaner is relocated, the vending/clothing recycling is removed. See sheet 1C2.

9. Remove bars on the windows per Criminal Prevention Through Environmental Design (CPTED).

Response: bars are removed from windows. A note added to plans. See sheet 2A2.

10. What are the proposed hours of operation for convenience store/gas station?

Response: Hours of operation: 6:00am to 12:00am Monday through Saturday and 6:00am to 11:00pm Sunday.

11. What time will trucks fill the underground storage tanks?

Response: Tanks will be filled after 9:00pm.

12. Parking lot shall be repaved and striped.

Response: The work proposed includes this operation. Note added on sheet 1C2.

13. Sec. 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or design elements.

Response: The parking is either screened from adjacent streets by fences or vegetation. See sheet 1C2.

14. Sec. 27-575(d)(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.

Paint a crosswalk across the driveway aprons between the sidewalks to illustrate a pedestrian path.

Response: Pedestrian treatment insured on the parking lot. Crosswalk across the driveway aprons are created see sheet 1C2.

15. Sec. 27-575(d)(11) Internal pedestrian walkways within the parking lot or drive area must be distinguished from other surfaces.

Response: Pedestrian walkways shown and distinguished from other surfaces. See sheet 1C2.

The sidewalk on the west side of the parking lot and drive aisle provides this access to the building.

16. Sec. 27-575(d)(13) Site design should integrate and facilitate access to public transit.

Show the transit stop in front of the property on the site plan. A bus shelter and bench may be warranted. Further discussion with KCATA is necessary. Contact Justus Welker, Director of Transportation at (913) 573-6798 or jtwelker@wycokck.org.

Response: Corrected. Acknowledged. Further actions will be taken to comply with the requirements.

17. Extend the curb and median in the northeast corner of the site into the right-of-way and align with the curb along Quindaro Boulevard.

Response: Corrected. See sheet 1C2.

18. Based on site photographs, there is signage on the building that do not have the required sign permits and signage that is prohibited in the sign code.

Response: The sign will be removed to comply with the regulations.

19. Are you selling liquor or wine? If so, a Special Use Permit is required for the use and a variance from the Board of Zoning Appeals is required because the property is within 1,300 feet from three (3) churches.

Response: No liquor or wine to be sold.

Building Architecture:

1. Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should

Change of Zone Petition COZ2021-054

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be expressed on all elevations of the building.

Response: Corrected on sheet 2A2.

2. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than forty-five (45) feet in length should be divided into increments of no more than forty-five (45) feet through the facades. This can be achieved through combinations of at least three (3) of the following techniques:
 - a. Divisions or breaks in materials;
 - b. Building offsets (projections, recess, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatments; or
 - e. Variation in rooflines.

There is a separate entry on the west elevation and elevations indicate building offsets, although the site plan does not indicate articulation on the building. The elevations depict two (2) primary building materials, brick, and stucco.

Much of the building is true stucco, which is listed as an approved exterior building material, however, the intent of the guidelines is ensure that good design incorporates and combines design theme, building façade materials, colors, roof, and equipment. Extend the brick wainscot on the north side of the building.

Response: Corrected on sheet 2A2.

4. In accordance with Sec. 27-575(f)(6), the façade roof should be emphasized with a larger bulk above the two entrances into the building, the larger being in front of the convenience store, or tower forms, peaked roofs or over-sized windows.

Response: Corrected on sheet 2A2.

5. Add windows to the east façade to employees can look out towards the parking lot.

Response: Window added to the east facade. See sheets 2A1 and 2A2.

6. Sec. 27-575(f)(2) Building should be located in such a manner as to minimize conflicts between pedestrians and automobiles.

Response: Following the new site improvement changes the building is inserted in a way that conflicts between pedestrians and automobiles are minimized.

7. Gas canopy columns shall be wrapped in masonry.

Response: Shown on sheet 1C3.

Landscaping and Screening:

1. Keep existing full growth trees along the southeast property line, which effectively screens a portion of the parking lot and building from the single-family residences across the alley. Add additional landscaped bioswale to provide stormwater infiltration behind the building and the green space, south of parking space 13

Response: Existing trees are to remain. Bioretention areas are created behind the building. See sheet 1C4.

2. Add landscaping along the proposed sidewalk along the west property line and along the east property line, south of the monument sign.

Response: Landscaping added on the west property line. The east property line has a sidewalk, adding landscape could compromise the ease of mobility in the parking lot. The space is limited. See sheet 1C4.

3. All screening is to be maintained to minimize impacts of conflicting uses.

Response: Acknowledged.

4. Sec. 27-466(g) Trees are required at not less than one (1) per 7,000 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 shall be comprised of wood with masonry columns every thirty-two (32) feet running.

The privacy fence shall extend along the south property line and wrap the east and west property lines to completely shield headlights shining into the rear windows of the residences south of the alley. The masonry columns on the fence shall match the brick on the building. Trees and shrubs shall be installed on the outside of the fence, facing the single-family homes and residential zoning.

Response: Landscape plan revised as shown on 1C4. Fence details are shown on 1C2.

5. Install a security fence parallel with the existing sidewalk on the east side of the building, south to the rear property line to prevent loitering behind the building.

Response: Fence all around the property East, West and South. See sheet 1C2.

6. Per Sec. 27-277(a)(5) Landscaping shall exceed the typical code requirements by a least 75 percent. The site for the proposed development is 0.41 acres, five (5) trees are required based on Commercial Design Guidelines and exclusive of the screening requirements for the lots zoned CP-2 Planned General Business

District adjacent to residentially zoned properties, street trees and trees planted within parking lot islands.

Response: Number of trees increased to 5. See sheet 1C4.

7. Sec. 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 thirty (30) inches at maturity.

Response: Acknowledged. Landscape treatment is done. See sheet 1C4.

8. Sec. 27-577(d)(1) At least 75 percent of the length of the 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.

Response: Due to site constraint we have added triangle areas between the sidewalk and the parking spaces that can be planted with shrubs. See sheet 1C2.

9. Sec. 27-577(b)(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 (2) inches (ornamental), evergreen trees must be at least six (6) feet when planted provided for every thirty (30) feet of street easement or frontage.

Response: Trees planted

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

Response: Corrected on sheet 1C4.

10. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted.

Response: Corrected on sheet 1C4.

11. All landscaping shall be irrigated.

Response: Acknowledged. Note added on the landscaping sheet 1C4.

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.

Response: Trash enclosure proposed complies with the above requirements. See sheet 1C5.

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.

Response: Evergreen trees are added to the overhead electrical service entrance. See sheet 1C4.

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 the parapet.

Response: Acknowledged. See response above.

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.

Response: Acknowledged. A note is added on plan. See sheet 1C4.

16. Rooftop mechanical equipment must be screened by the parapet of the building.

Response: Acknowledged. A note is added on plan. See sheet 1C4.

17. 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.

In addition to vertical glare, lighting may not cast horizontally on adjacent
Change of Zone Petition COZ2021-054

7

properties.

Response: Acknowledged. A note is added on plan. See sheet 1C4.

18. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. Additionally, this includes lighting installed underneath the canopy.

Lights mounted on to the building wall shall be decorative in appearance.

Response: Acknowledged. A note is added on plan. See sheet 1C4.

Signage:

1. Shall comply with the sign code.

Response: Acknowledged.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
1) None

Response: Acknowledged.

- B) Items that are conditions of approval:
1) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Response: Note added on sheet 1C2.

- 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.

The meeting started at 6.00 PM on the application Zoom under ZOOM ID:814 0683 6407, conducted by Walid El Khoumssi (RB Architecture)
Were present 3 persons, The pastor of the ANTIOCH BAPTIST CHURCH and WOMACK, JERI L and WALID EL KHOUMSSI.
The zoom meeting lasted about 35 minutes, a presentation of the project has been done with its program and its different components.

The concerns are about the nature of the activity of the retail store (alcoholic beverages or only non-alcoholic beverages), the fencing adjacent to the church on the west side of the parcel, and the duration of construction works.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF ~~KANSAS~~ Missouri
SS:
COUNTY OF ~~WYANDOTTE~~ Clay

Comes now WALID EL KHOUMSSI, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # **COZ2021-054**
2. That I conducted a neighborhood meeting on Monday 12/27/2021.
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.

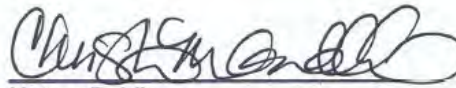
Further affiant saith not.



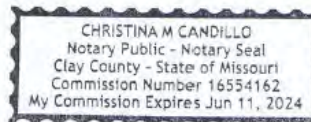
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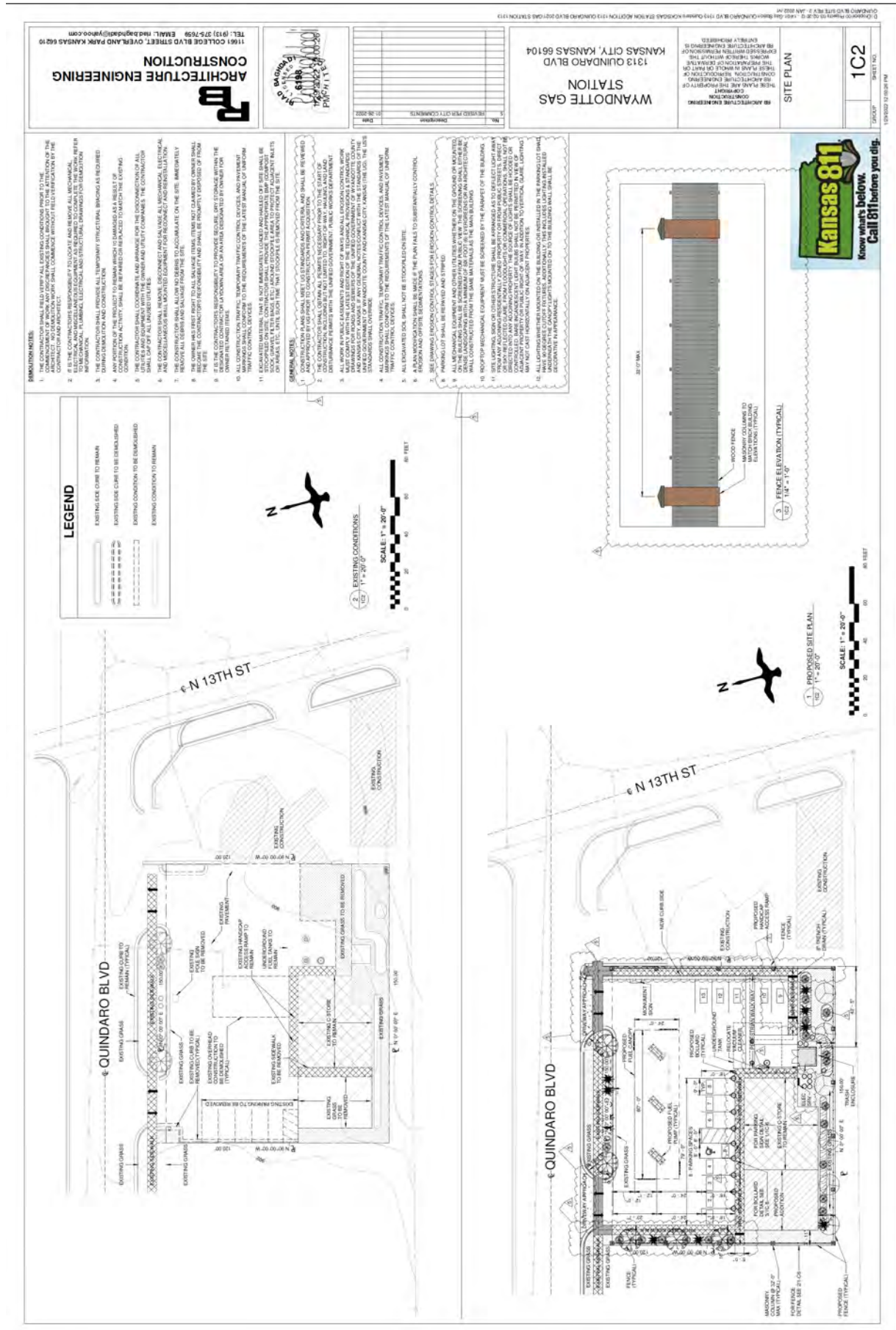
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28 day of
December, 2021

My commission expires June 11th of 2024



Notary Public







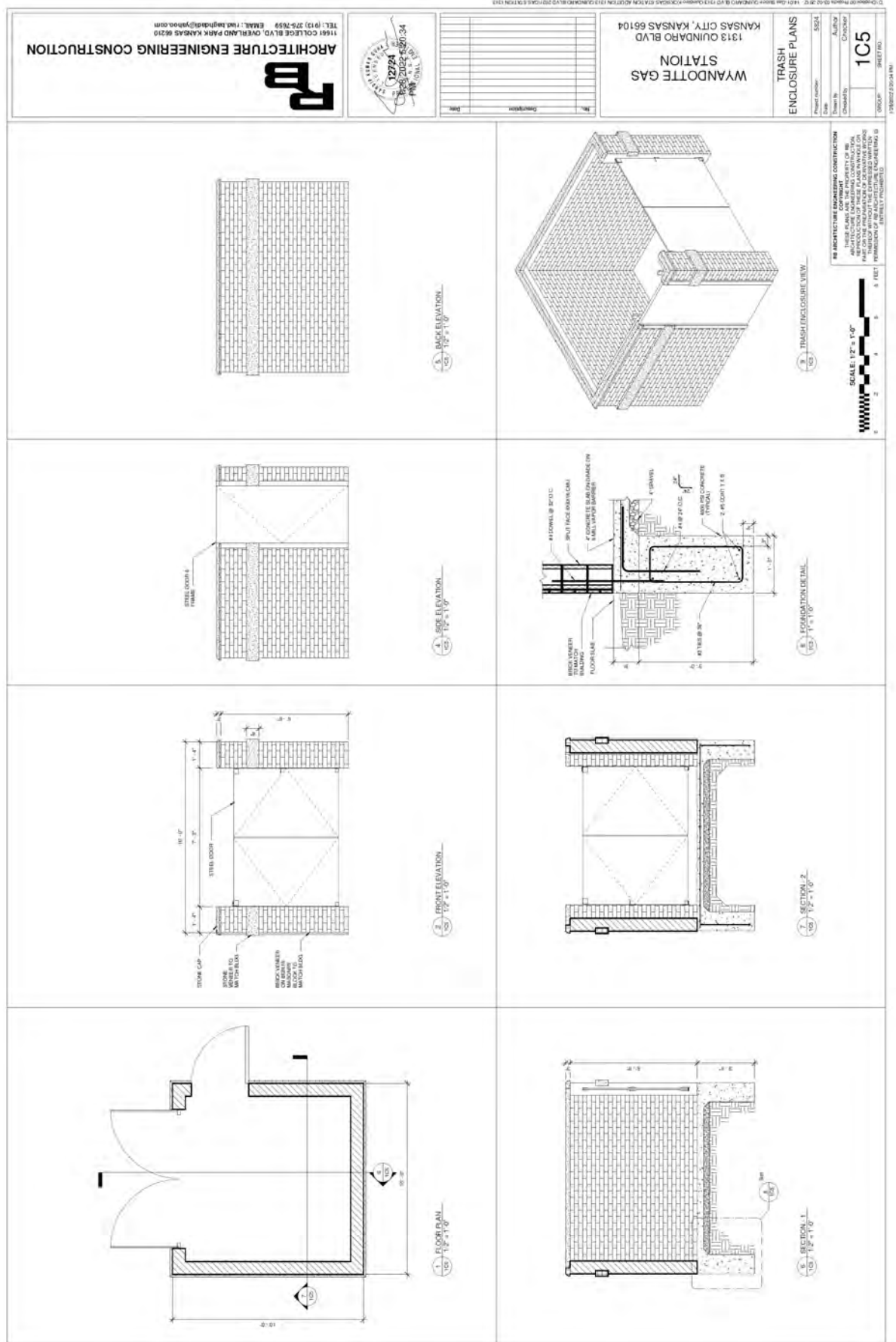




Figure 4. Site Photograph of 1313 Quindaro Boulevard taken on December 15, 2021 (provided by Staff).



Figure 5. Site Photograph of 1313 Quindaro Boulevard taken on December 15, 2021 (provided by Staff).



Figure 6. Site Photograph of 1313 Quindaro Boulevard taken on December 15, 2021 (provided by Staff).



Figure 7. Site Photograph of 1313 Quindaro Boulevard taken on December 15, 2021 (provided by Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 31, 2022

Re: Petition COZ2022-011

GENERAL INFORMATION

Applicant:

Angela Turner DBA Simmons Security & Protection Services, Inc.

Status of Applicant:

Property Owner
4110 North 112th Street
Kansas City, Kansas 66109

Requested Action:

Approval of a Change of Zone.

Date of Application:

January 20, 2022

Purpose:

Change of Zone from R-1(B) Single-Family District to R-2(B) Two-Family District.

Property Location:

423 North 5th Street
Kansas City, Kansas 66101

Commission Districts:

Commissioner At Large, District #2: Tom Burroughs
District #2 Commissioner: Brian McKiernan



Existing Zoning:	R-1 Single Family Residential District
Adjacent Zoning:	North: C-3 (B) Commercial District South: R-1(B) Single Family and C-3 Commercial Districts East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Mixed-Use Real Estate Office South: Single Family Residence, Mixed-Use Deli, and Mixed-Use Driving School East: Single Family Residence West: Single Family Residence
Total Tract Size:	0.07 Acre
Master Plan Designation:	The Central Area Master Plan designates this property as Urban Density. Urban Density uses include single family homes, attached residences including town homes, duplexes, triplexes, etc., and institutional uses such as schools, churches, and libraries.
Major Street Plan:	The Major Street Plan designates 5 th Street as a Local Street.
Parking Requirement:	R-1(B) District (current zoning): Section 27-455(d) requires two (2) off-street parking spaces premises for each single-family dwelling. R-2(B) District (proposed zoning): Section 27-457(d) requires one (1) off-street parking spaces premises for each dwelling. The subject property currently has two (2) dwelling units. The property has two (2) off-street parking in the rear of the property, meeting the requirements of this district.
Advertisement:	<u>The Wyandotte Echo</u> – February 17, 2022 Letters to Property Owners – February 18, 2022 and March 23, 2022
Public Hearings:	March 14, 2022 and March 31, 2022
Public Support:	The Applicant received two (2) letters of support.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Angela Turner with Simmons Security & Protection Services, Inc., is requesting a Change of Zone from R-1(B) Single Family District to R-2(B) Two-Family District. The Change of Zone has been requested so that the non-conforming use becomes conforming. The subject property was originally constructed as a duplex but was downzoned with the adoption of the Central Area Master Plan. The subject property is a duplex and a long-term tenant lives upstairs while the applicant's business is run in the downstairs unit. The applicant rents the upstairs unit and rental licensing requires the zoning to reflect the building's physical condition. As part of the Change of Zone approval, a variance is requested for setbacks of the R-2(B) Two-Family Residential District requirements.

This application is being heard adjacent to BOZA2022-014 for setback variances and SUP2022-032 for a Home Occupation Special Use Permit to continuously operate the Applicant's private security business in the lower unit.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 27-606.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no recent noise or disturbance complaints for the subject property. The Applicant had two (2) improperly tagged vehicle responses and two (2) security alarm responses which were false alarms due to storms. The Applicant response summarized:
 - a. The improper/inoperable vehicle violations that occurred in 2014 and 2015 were the result of a previous tenant parking a vehicle in the rear of the property that was inoperable and/or had expired tags. At the time that we received the code violation notice, we worked with the tenant to get the car operable and tagged within the required timeframe. This tenant no longer lives at the property. Twice in the past two (2) years the KCK Police Department was dispatched to the property because the building alarm was going off. Once the alarm had malfunctioned and the Police were canceled. The other time a sensor on the back door was damaged by excessive rain and the Police checked the property to make sure the doors were secure.

Building or Code Enforcement Complaints:

1. The current property owner has received no building enforcement complaints.
2. The current property has received a few code enforcement complaints in the past ten (10) years:
 - a. 2015: 15200-01728 – unlicensed/inoperable vehicle on property (closed)

- b. 2014: 14200-01424 – unlicensed/inoperable vehicle on property (closed)
- c. 2011: 11200-03772 – dead tree in backyard

Outstanding or Related Permits and Cases:

1. The applicant has two (2) related cases running concurrently:
 - a. COZ2022-011 – Change of Zone from R-1(B) to R-2(B)
 - b. BOZA2022-014 – Variances for Setbacks
2. The applicant has prior Special Use Permits for the same use:
 - a. 2020: SP2020-18 – Two (2) Years
 - b. 2019: SP2019-30
3. There are no outstanding building permits.
4. The current property owner has no outstanding Code Inspection Cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This project is in the Strawberry Hill neighborhood. Lots are generally narrow and urban in character. Commercial buildings along this street typically are composed of brick masonry or natural stone. Homes in this area are generally a combination of masonry and siding. There are various signs of improvements including repaved streets, pedestrian-scale street lighting, and the brick sidewalks are maintained. The neighborhood lacks sufficient parking but is generally walkable with transit access.

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 surrounding properties vary in usage from a deli-style restaurant, real estate company, and single-family residences. The mixed-use nature of these nearby properties indicates the proposed use of a duplex would conform to the adjacent properties, providing a buffer between the commercial and single-family residences, thus being highly compatible.

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

The property is suitable for two-family occupancy as it is adjacent to more intense business uses. The property serves as a buffer between the adjacent business and single-family residences in a permanent, built-out neighborhood. There is little possibility for increased parking demand as two (2) off-street parking spaces are provided in the rear of the property. The neighborhood generally favors walkability over a high traffic presence.

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

The property is not vacant and has been used as a combination rental unit with office since the applicant purchased the property in 1999.

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 adjoining property.*

There is minimal public gain as the ability to add two (2) living units would add to the housing stock. The subject property already exists, and the request would not substantially or permanently injure the appropriate use, quality, or marketability of the neighboring property as it is a permanent, built-out neighborhood.

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

The Central Area Master Plan designates this property as Urban Density. Urban Density uses include single family homes, attached residences including town homes, duplexes, triplexes, etc., and institutional uses such as schools, churches, and libraries. Three story apartment buildings, retail, and office uses are allowed on mixed-use corridors. Currently, the subject property is on a mixed-use corridor and fully conforms to Urban Density, and this will not be impacted by a Change of Zone.

7. *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 Change of Zone would not be determined to have any impact or change on traffic in a way that would adversely affect road capacity, safety, or parking. The subject property has a parking pad on the rear of the home enough for two (2) vehicles, meeting the zoning requirements.

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

The applicant is not proposing any new structures currently, however, the rezone allows for the existing structure to maintain its two-family dwelling typology formerly permitted. There should be little to no long-term negative environmental impact. The subject property is a permanent structure in a built-out neighborhood and was originally constructed as a duplex.

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*

Sanitary sewer is provided by the Unified Government.

c. *Storm water control*

Stormwater control is provided at the corner of Elizabeth and North 5th Street.

d. *Police*

Police service is provided by East Patrol, District #115.

e. *Fire*

Fire service is provided by the Fire Station #1 located at Sixth and Armstrong Avenue.

f. *Transit*

The subject property receives bus service via Route #102. There is a bus stop one (1) block away at the corner of Sandusky and North 6th Street.

g. *Schools*

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

h. *Streets*

See item #6 above.

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

The economic impact on the community is minimal, as the subject property was formerly deemed uninhabitable on a popular corridor. The renovations will impact the increase in property tax value and will provide two (2) living units for families to live within Wyandotte County, providing more units to the County's housing stock.

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

The subject property is currently non-conforming. The subject property has a higher capability to conform to the zoning ordinance requirements once rezoned to match its use than it does in its present zone. The property was previously zoned appropriately but was downzoned without addressing the conformity of the structure.

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

There is negligible gain to the public health, safety, or welfare as this is a private residence. The public would gain from having two (2) units in the housing stock. Should the petition be denied, the owner would need to relocate their established business that uses the lower unit as an office and would need to renovate the property to a single-family dwelling at a substantial economic cost to the applicant.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on February 23, 2022.

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

KEY ISSUES

Building Conformance
Home Occupation
Noise
Traffic
Mixed-Use Neighborhood
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-011**, subject to:

- 1. This City Planning Commission case is being heard in conjunction with BOZA2022-014. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-014 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;**

2. If approved, rental licensing shall be maintained on any non-owner occupied unit;
3. If approved, any use as a short-term rental or non-owner occupancy for a period of less than 30 days shall require a Special Use Permit;
4. If Approved, the Applicant shall make repairs to the rear sidewalk and driveway to UG Standards, possibly requiring a Right of Way Permit from Public Works;
5. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly; and,
6. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2022-011** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Sanborn Fire Insurance Map
Rental License Renewal Certificate
Neighborhood Meeting Information
Letters of Support
Conservation District Comment Letter
Staff Site Photos Dated February 10, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commissioners
Public Hearing	March 14, 2022	March 31, 2022
Change of Zone	Approval	

STAFF CONTACT: Kallie McLaughlin
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-011** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-011** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

March 14, 2022 City Planning Commission Minutes:

Hearing starts at Tape 1 - 4:38:38 and continues on Tape 2:

CHANGE OF ZONE APPLICATION COZ2022-011 – ANGELA M. TURNER –

SYNOPSIS: Change of Zone from R-1 Single Family District to R-2(B) Two Family District to bring existing duplex into compliance at 428 North 5th Street.

SPECIAL USE PERMIT APPLICATION SP2022-032 – ANGELA M. TURNER –

SYNOPSIS: Renewal of a Special Use Permit (SP-2020-18) to operate a security company office at 428 North 5th Street.

Detailed Outline of Requested Action: The applicant, Angela Turner with Simmons Security & Protection Services, Inc., is requesting a Change of Zone from R-1(B) Single Family District to R-2(B) Two-Family District. The Change of Zone has been requested so that the non-conforming use becomes conforming. The subject property was originally constructed as a duplex but was downzoned with the adoption of the Central Area Master Plan. The subject property is a duplex and a long-term tenant lives upstairs while the applicant's business is run in the downstairs unit. The applicant rents the upstairs unit and rental licensing requires the zoning to reflect the building's physical condition. As part of the Change of Zone approval, a variance is requested for setbacks of the R-2(B) Two-Family Residential District requirements.

This application is being heard adjacent to BOZA2022-014 for setback variances and SUP2022-032 for a Home Occupation Special Use Permit to continuously operate the Applicant's private security business in the lower unit.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 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 March 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Planning Director Hand excused himself from the proceedings on this case as he is in the 200' buffer area and did not have any input in this application during staff review and the staff report. Planner Kallie McLaughlin took over as staff.

Present in Support:

- Angela Turner, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at Tape 2 – 2:27: Planner McLaughlin stated that the applicant filed her Special Use Permit renewal, and this would be the third renewal. She is requesting a five (5) year renewal period. During the review period, it was discovered that she has a duplex with single family zoning. This property has always been a duplex as far back as the staff could research. Staff is not sure when the property was rezoned to residential. The parking variance was approved by the Board of Zoning Appeals earlier this evening.

Motion and Vote starts at Tape 2 – 4:44:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-011:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye

Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-014. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-014 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. If approved, rental licensing shall be maintained on any non-owner occupied unit;
3. If approved, any use as a short-term rental or non-owner occupancy for a period of less than 30 days shall require a Special Use Permit;
4. If Approved, the Applicant shall make repairs to the rear sidewalk and driveway to UG Standards, possibly requiring a Right of Way Permit from Public Works;
5. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly; and,
6. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-032 for five (5) years:**

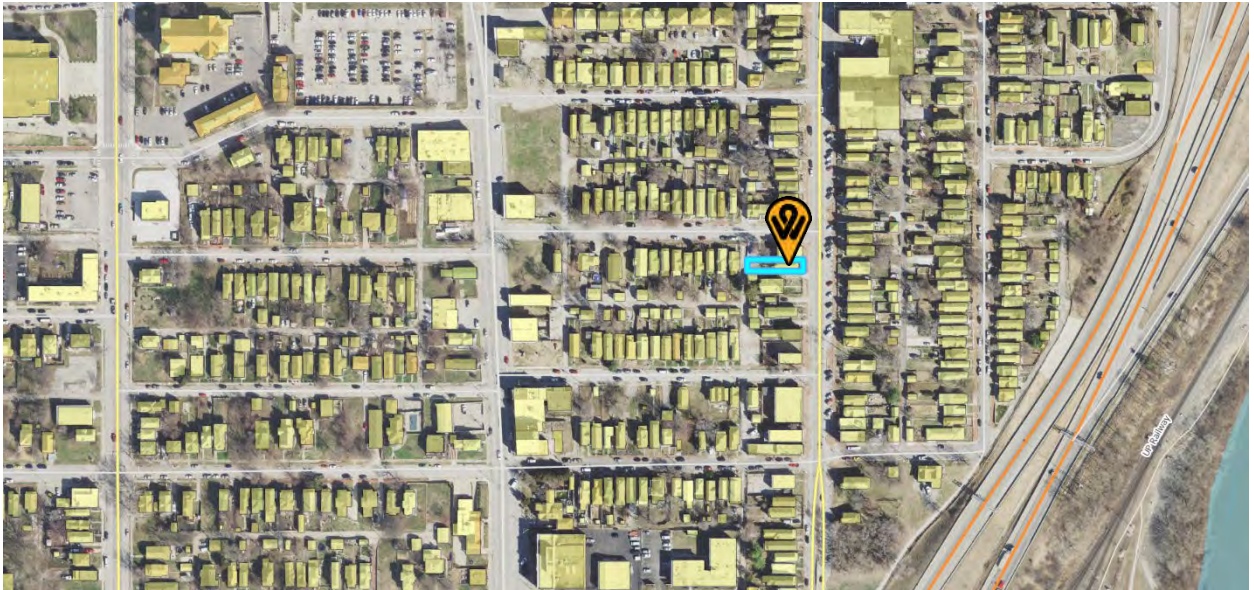
Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 7 to 0

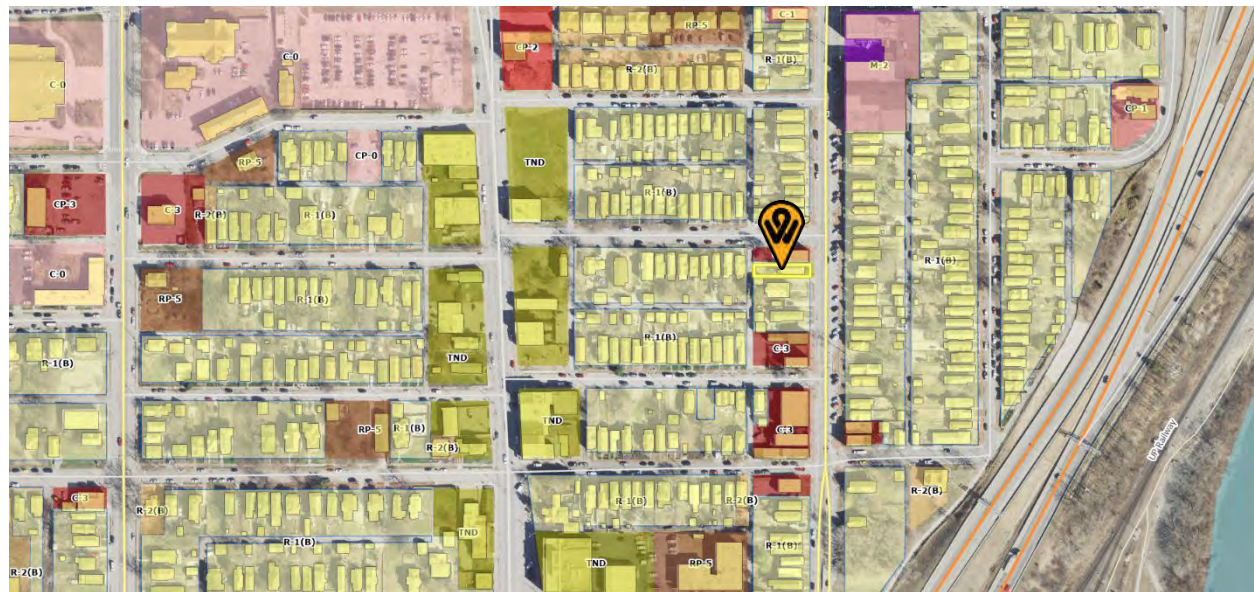
Subject to:

- 1. House of Operation shall remain Monday thru Friday 8:00 am to 5:00 pm.**
- 2. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 3. 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 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,**
- 4. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

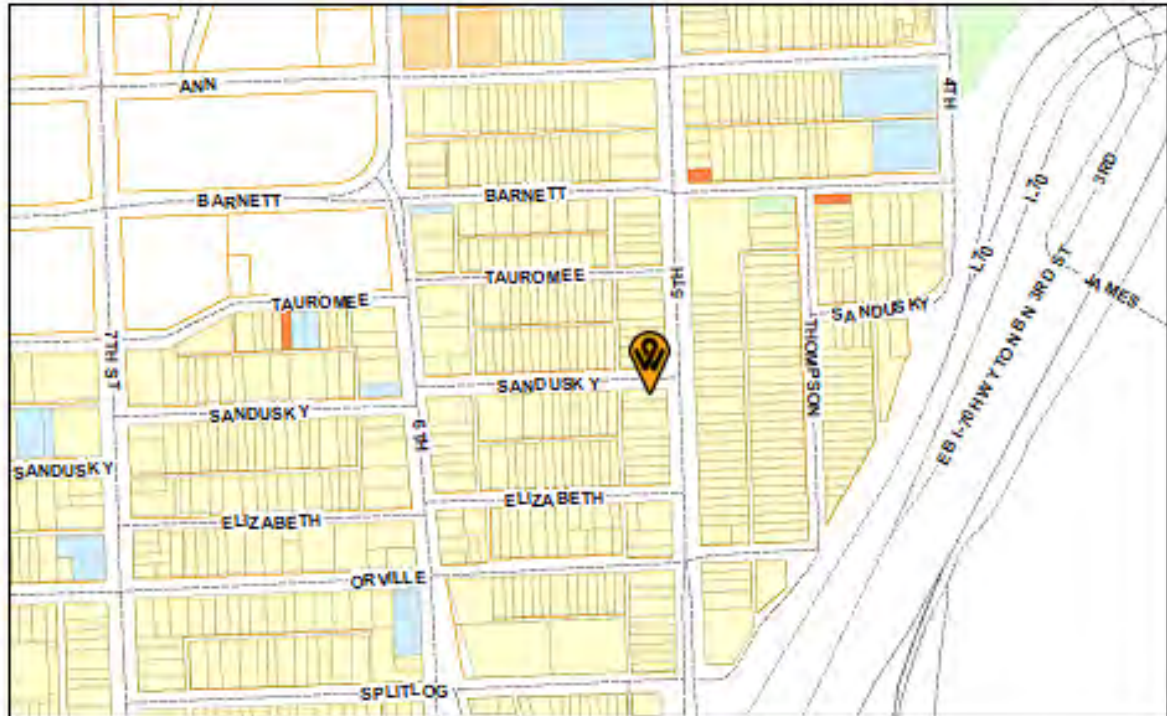
AERIAL MAP



ZONING MAP



LAND USE MAP



Legend

Central_Area_MP_parcels

Future Land Use

- Community Commercial
- High-Density Residential
- Medium Density Residential
- Mixed-Use
- Neighborhood Commercial
- Parks/Open Space
- Public/Semi-Public
- Right-of-Way
- Urban Density
- Utility

15



RENTAL LICENSE RENEWAL CERTIFICATE



RENTAL LICENSING AND INSPECTION DIVISION

Neighborhood Resource Center
Unified Government of Wyandotte County/Kansas City, Kansas
4953 State Avenue, Kansas City, Kansas 66102
p. (913) 573-8649 | f. (913) 573-8731 | www.wycokck.org/rentallicensing

2021 Rental License

Owner Address

JOHN C TURNER JR DBA: TURNER INVESTMENT & MGMT INC
PO BOX 172017
KANSAS CITY, KS 66117

Date Issued:

This certifies that

TURNER DUPLEX 428 N 5TH ST
428 N 5TH ST
KANSAS CITY, KS 66101

has paid the Unified Government Rental License Fee of **\$78.00**. This entitles the owner to rent residential property in the City of Kansas City, Kansas

The status of the License is: **Annual**

The Rental License expires on **4/30/2022**.

A handwritten signature in black ink that reads 'Rachel Miscek'.

License # **RL-0002760-L**

Rachel Miscek
Rental License Program Coordinator

THIS RECEIPT MUST BE PRESENTED UPON REQUEST.
NO REFUNDS AVAILABLE.

NEIGHBORHOOD MEETING INFORMATION



SIMMONS SECURITY

428 N. 5th Street #1 • Kansas City, KS 66101
Office (913) 621-8668 • Fax (913) 721-1478
www.simmons-security.com

February 11, 2022

Subject: Neighborhood Meeting

My husband John and I have owned the property at 428 N. 5th Street Kansas City, KS since 1999.

I have filed an application with the Department of Urban Planning and Land Use (SP2022-032). The purpose of this application is for the **Renewal a Special Use Permit** use for office space for a private security guard company at **428 N. 5th Street Apt. 1 Kansas City, KS 66101.**

At the request of the Unified Government of Wyandotte County Department of Planning & Urban Design, I have also submitted an application for a Change in Zone from R-1 to R-2(b) (COZ2022-011) and a variance for the setback requirements for the property (BOZA2022-014).

It appears that sometime in 2003, the UG practiced "down zoning" of properties and, at that time, our property was "down zoned" to R1. The property has functioned as a duplex for more than thirty (30) years, and was zoned R-2 when we purchased it in 1999. When the municipal code rewrite took effect in 2018, the property was no longer allowed to be considered a "non-conforming" duplex, and as a result the UG has now requested that the zoning be updated. This zoning change **will not** result in any changes to the structure or function of the property both inside and out.

I am having a neighborhood meeting on **Wednesday, February 23rd at 5:00 pm** via Zoom.
The purpose of this meeting is to explain the proposal and to answer any questions you may have.
Below is the log on credentials for the meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/89645158828?pwd=d3dNUXpORy9rUFEwZk9ZRWZyUHB3QT09>

Meeting ID: 896 4515 8828 Passcode: 057423

If you would like me to email you the link to the meeting, please let me know at the address or email listed below.

I look forward to "seeing" you at the neighborhood meeting. If you are unable to attend, please call or email me at the email address/phone numbers listed below with any questions you have.

Sincerely,
Angela Turner
Simmons Security & Protection Services, Inc.
(913) 621-8668 office
(816) 507-9363 cell
aturner@simmons-security.com

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

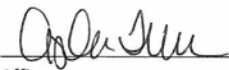
STATE OF Kansas
COUNTY OF Wyandotte) SS:

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

COZ2022-011/SP2022-032/BPZA2022-014

1. That I am the petitioner for Petition # _____.
2. That I conducted a neighborhood meeting on February 23, 2022 @ 5:00pm
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 _____, 20__.

My commission expires _____ of _____, 20__.

Notary Public

NEIGHBORHOOD MEETING INFORMATION

Neighborhood Meeting for Special Use Permit Petition

#SP-2022-032, #COZ2022-011, #BOZA2022-014

428 N. 5th Street Kansas City, KS 66101

Thursday, February 23, 2023 5:00 pm

Via Zoom:

<https://us02web.zoom.us/j/89645158828?pwd=d3dNUXpORy9tUFEwZk9ZRWZyUHB3QT09>

Attendance Record:

[illegible]

NEIGHBORHOOD MEETING INFORMATION

Minutes for
Neighborhood Meeting for Special Use Permit Petition
#SP-2022-032, #COZ2022-011, #BOZA2022-014
428 N. 5th Street Kansas City, KS 66101
Thursday, February 23, 2023 5:00 pm

Via Zoom:
<https://us02web.zoom.us/j/89645158828?pwd=d3dNUXpORy9tUFEwZk9ZRWZvUHB3QT09>

Meeting called to order at 5:00 pm

*Angela Turner was the only person who attended the neighborhood meeting.

Introductions

I, Angela Turner, Simmons Security & Protection Services, Inc.

Presentation by Angela Turner

-The attached Flyer was available for attendees.

Questions and Answers:

-No questions were asked.

Comments:

-No comments were made.

Meeting adjourned at 5:15pm.

Angela Turner continued the online Zoom meeting until 5:20 pm, in case anyone else arrived after the meeting had been adjourned.

NEIGHBORHOOD MEETING INFORMATION

Neighborhood Meeting for Special Use Permit Petition

#SP-2022-032, #COZ2022-011, #BOZA2022-014

428 N. 5th Street Kansas City, KS 66101

Thursday, February 23, 2023 5:00 pm

Via Zoom:

<https://us02web.zoom.us/j/89645158828?pwd=d3dNUNpORy9tUFEwZk9ZRWZyUHB3QT09>

By Angela Turner, Simmons Security

<u>Improvements Made to Property</u> -Since purchase in 1999- • Installed siding on exterior of property • Removed 3 trees to improve lighting • Installed storm doors and windows • Maintained grass and sprayed for weeds • Pick up trash in alleyway and sidewalks • Spray and trim weeds in alleyway adjacent to the property • Replaced landscaping in the front of the property	<u>Simmons Security</u> • Started business in 2007 • Provide Security Guard and Off-Duty Sworn Officer Security Services • Employ 8 full time and 16 part time Wyandotte County residents • Locally owned and operated small business • Strive to improve the perception of safety in the communities we serve.
<u>Special Use Permit Application</u> • Operate our Administrative Office in 428 N. 5th Street Apartment #1 • Office Hours by Appointment Only, 8:00 am to 5:00 pm Monday thru Friday • Only 1 employee in the office on a regular basis • Prospective employee interviews • Employee orientation, 2-3 employees • Employees report directly to their assigned post location and do <u>not</u> come to the Administrative Office regularly • We are not open to the public • We do not sell products or services to the general public	<u>Impact on the Neighborhood</u> • Safety and security is our priority • Been observant of the area and reporting any issues to KCKPD • Worked with Community Policing and submitted surveillance video regarding crimes • Maintained a close relationship with Law Enforcement • No additional noise or vehicular traffic • Picked up trash around our property and in the alley on a regular basis • Interacted with neighbors and attended neighborhood meetings • Assisted neighbors with getting graffiti covered through Operation Brightside
<u>Zoning Change and Variance Application</u> • Property was built in approximately 1910. • The property has functioned as a duplex for more than 30 years. • In 2003, the UG practice "down zoning" in the Strawberry Hill and Downtown areas in order to promote revitalization. • Due to improvements made to 5th Street and building practices in the early 1900s, the property currently does not meet the setback requirements.	

LETTERS OF SUPPORT

WILLIAM W. HUTTON
ATTORNEY AT LAW
509 Armstrong Avenue
Kansas City, Kansas 66101-2925
(913) 371-1944
Facsimile (913) 281-1320
wwhutton54@gmail.com

February 7, 2022

City Planning Commission and Board of Commissioners

Re: Special use permit: 428 North 5th Street

Dear Commission Members:

I am again writing this letter on behalf of Simmons Security. They provide the cleaning services and security program for the Downtown Shareholders. The attorney's in my office, my staff, and I are extremely supportive of the renewal and extension of the Special Use Permit for Simmons's Office at 428 North 5th Street. They have been an excellent neighbor. They do not cause any traffic or other problems and provide another set of eyes and ears for our 5th Street Neighborhood. Their office is a positive addition to the 5th Street corridor.

It is my understanding that Simmons Security has submitted a change of Zone Petition to R-2 (b), and a setback variance. I am absolutely supportive of both requests. The Turners have owned this property since 1999 and met all expectations as a good neighbor. Please consider approval of 5-year Special Use Permit as well as rezoning to R-2 B and the necessary set back variance.

Thank you for your consideration.



William W. Hutton
509 Armstrong Avenue
Kansas City, Kansas 66101

LETTERS OF SUPPORT



OFFICERS

President

Wil Anderson

Vice President

Jim Schraeder

Secretary

Linda Bowman

BOARD OF DIRECTORS

Ashley Adorante

Mike Benitez

Roderick Bettis

Brennan Crawford

Jody Franchett

Greg Gant

Bill Hutton

Mary Kearns

Martin Quinn

Murray Rhodes

Tim Ryan

EX-OFFICIO

Mayor/CEO David Alvey

UG Commissioner

Brian McKiernan

Rob Richardson

Greg Kindle

STAFF

Jason Norbury

Mary Collins

February 16, 2022

Gunnar Hand

Director of Planning and Urban Development

Unified Government of Wyandotte County and Kansas City Kansas

Re: COZ 2022-011 Change of Zone
SP 2022-032 SUP Renewal
Letter of Support

This letter is in support of approval for two Applications - COZ 2022-011 and SP 2022-032, Simmons Security and Protection Services, Inc.'s application for change of zone and renewal of a Special Use Permit. Simmons Security continues to be a valued partner to Downtown Shareholders, as well as being an outstanding neighbor and community asset, and their application should be approved as such.

Simmons Security continues to serve as the contractor for the SSMID Clean and Safe Ambassador program, having again been granted the administration contract through an RFP in 2021. Downtown Shareholders as well as the SSMID Advisory Board have been extremely happy with the service they provide, and the results of their work is clear every day as people move around Downtown. Keeping their office in the Downtown is important to them and is important to us, as it makes their supervision of the Ambassadors more responsive and effective.

The building they occupy has been used as a duplex for as long as anyone can remember, and for the entirety of the time the Turners have owned the property. Bringing the building's zoning categorization into alignment with the long term use seems an easy thing to allow, and will have no change in impact on the surrounding neighborhood. Additionally, the properties along 5th Street have a mix of uses, and the current use of the property is only slightly more intense than a single family home.

Since moving to 5th Street, Simmons has also proven to be a valuable neighborhood partner to Strawberry Hill, participating in their neighborhood association meetings, and working with other neighbors to increase safety and coordinate with law enforcement to prevent crime as well as bring those who commit it to justice. Angela checks on elderly neighbors, and really cares about taking care of those around her.

In short, Simmons' presence in Strawberry Hill and Downtown makes both a better, cleaner, and safer place to be. Please recommend the application for approval.

Sincerely,

Jason Norbury
Executive Director
Downtown Shareholders of Kansas City, Kansas, Inc.

726 Armstrong Ave, Ste 201 | Kansas City, KS 66101 | 913-371-0705
director@kckdowntown.org | www.downtownkck.org

CONSERVATION DISTRICT COMMENT LETTER



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

February 15, 2022

RE: COZ2022-011, SP2022-032 and BOZA2022-014 Angela Turner R-1 single family to
R-2 for duplex at 428 North 5th Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of
the: COZ2022-011, SP2022-032 and BOZA2022-014 Angela Turner R-1 single family to
R-2 for duplex at 428 North 5th 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 COZ:

- There is one major soil type identified: Knox silt loam, 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- The duplex site as is, should not cause any erosion problems. The duplex is established and well maintained.

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.

CONSERVATION DISTRICT COMMENT LETTER

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

STAFF SITE VISIT PHOTOS DATED FEBRUARY 10, 2022



STAFF SITE VISIT PHOTOS DATED FEBRUARY 10, 2022





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 31, 2022

Re: Special Use Permit Petition SP2022-004

GENERAL INFORMATION

Applicant:

Jeff Salter

Status of Applicant:

Representative

Kansas Gas Service

11401 West 89th Street

Overland Park, KS 66214

Requested Action:

Renewal of a Special Use Permit.

Date of Application:

January 3, 2022

Purpose:

To renew a Special Use Permit (expired 04/25/2021) to continue to operate a backhoe training facility for new hires.

Property Location:

8535 Riverview Avenue

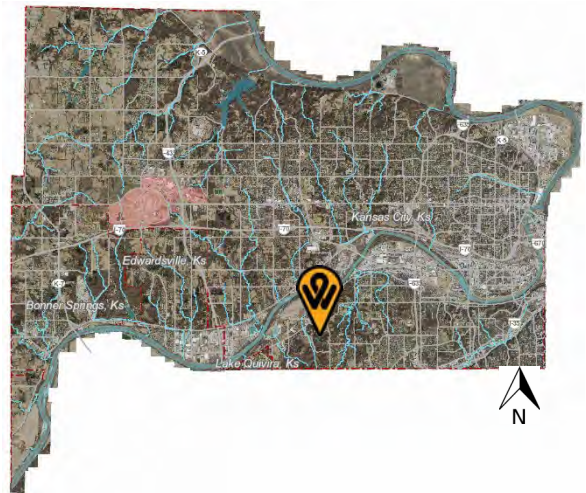
Commission Districts:

Commissioner At-Large District #2: Tom Burroughs

District #7 Commissioner: Chuck Stites

Existing Zoning:

A-G Agricultural District



Adjacent Zoning:	North: R-1 Single-Family District South: A-G Agricultural District East: A-G Agricultural District West: A-G Agricultural District
Adjacent Uses:	North: Vacant residential parcel South: Single-Family Residence East: Single-Family Residence West: Vacant residential agricultural
Total Tract Size:	0.73 Acres
Master Plan Designation:	The City-Wide Master Plan designates the property as Low-Density Residential. Low-Density Residential allows single-family detached residences, institutional uses, parks and open space
Major Street Plan:	The Major Street Plan designates Riverview Avenue as Class C Thoroughfare.
Parking Requirements:	The A-G Agricultural District requires two (2) off-street parking spaces be provided for Single-Family Dwellings. Parking requirements for this particular use are not specified and according to Sec 27-667 (b) shall be assigned a parking requirement by the City Planning Commission. Currently the site does not have any striped parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – January 20, 2022 Letters to Property Owner – January 22, 2022 and March 23, 2022
Public Hearings:	March 14, 2022 and March 31, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jeff Salter, is requesting a renewal of Special Use Permit (SP-2019-10) to continue to use the property for backhoe training for new hires at the Kansas Gas Service. This property was approved for a Special Use Permit in 2016 (SP-2016-86), which was renewed in 2019 (SP-2019-10).

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the property.

Building, Zoning, or Code Enforcement Complaints:

1. There are no Notice of Violations on the property.

Outstanding or Related Permits and Cases:

1. There are no related permits or cases on the property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is rural, with large undeveloped pieces of agricultural land to the south and west and single-family homes to the north of Riverview Avenue.

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

The surrounding properties zoning, and their uses are set out above. This use would not be compatible, as the neighborhood is residential in nature and there is the potential for conflicts with the surrounding residences.

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 will not detrimentally affect nearby properties if the conditions are adhered to. While there is the potential for conflict with surrounding residential uses, there have been no complaints or citations on the property with its current use.

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

The property has been active as a training site for new hires by the Kansas Gas Service since approval of their first Special Use Permit in 2016.

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

The City-Wide Master Plan does not address Special Use Permits; however, the proposed use does not meet the Low-Density Residential designation under the City-Wide Master Plan.

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

The proposed use should not result in an increase in traffic as this is an existing use. The vehicular traffic created by this existing use is not expected to result in the increase of traffic to the point where it would exceed the capacity of Riverview Avenue or 86th 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 reasonably necessary for the convenience and welfare of the public as it is providing training for a needed skill. It will not substantially injure the visual quality of adjoining property if properly screened from public view.

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

Noise and dust are typical for this type of use, however, the noises that would be associated with the proposed use should not be of such duration and intensity as to create problems for nearby property.

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

The proposed use will not pollute the air, land, or water if all of the conditions are met and adhered to.

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

The proposed use should not result in the damage or destruction of an irreplaceable natural resource as it is located in an existing, built out low-density residential area.

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

The relative gain to the public health, safety, and welfare as compared to the hardship on the landowner is minimal. If the application is denied, the applicant will need to find a new location to provide training for new employees.

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

The proposed use will not result in the overcrowding of the land as it is infrequently utilized. Undue concentration of population may occur during training events.

PREVIOUS ACTIONS

Approval of a Special Use Permit (SP-2016-86) for two (2) years.
Approval of a Special Use Permit (SP-2019-10) for two (2) years.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of February 24, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise
Vibration
Dust
Hours of operation
Parking
Screening

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-004** for two (2) years, subject to:

1. The applicant proposes operating from 9:00 AM to 1:00 PM. Hours of operation shall begin no earlier than 8:00 AM and no later than 3:00 PM;
2. The culvert that runs west of the property must be cleaned regularly and kept clean;
3. Section 27-675(a) states that “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 applicant shall pave the parking lot and mark four (4) parking spaces, including one (1) ADA parking spaces;
4. The applicant shall install new landscape screening along the northwest corner of the lot, matching the current screening. Additionally, existing screening that has died shall be replaced;
5. All existing and future driveways must feature curb cuts that are constructed to UG standards. The applicant shall install a new driveway curb cut to match the new paved parking;
6. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street; and,

- 7. 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;**
- 8. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;**
- 9. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government, and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;**
- 10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 11. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
- 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 Petition **SP2022-004** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Statement from Applicant, Detailing Current and Future Plans – Dated January 3, 2022
Applicant Response to Draft Staff Report – February 25, 2022
Neighborhood Meeting Comments, Letter, and Affidavit – Dated February 25, 2022
Site Photographs, Taken by Staff – Dated January 14, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	March 14, 2022	March 31, 2022
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-004** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-004**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

March 14, 2022 City Planning Commission Minutes:

Hearing starts at Tape 2 – 12:50:

SPECIAL USE PERMIT APPLICATION SP2022-004 – JEFF SALTER WITH KANSAS GAS SERVICE - SYNOPSIS: Renewal of a Special Use Permit (SP-2019-10 – expired 5/20/2021) for two (2) concrete pits/sampling of a variety of pipes for training at 8535 Riverview Avenue.

Detailed Outline of Requested Action: The applicant, Jeff Salter, is requesting a renewal of Special Use Permit (SP-2019-10) to continue to use the property for backhoe training for new hires at the Kansas Gas Service. This property was approved for a Special Use Permit in 2016 (SP-2016-86), which was renewed in 2019 (SP-2019-10).

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 March 14, 2022;
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 the 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:

- Jeff Salter, applicant, Kansas Gas Service

Present in Opposition:

- No one appeared

Staff Recommendation starts at Tape 2 – 16:13: Planning Director Hand stated that this property is in the Riverview area and is used as a training ground for the Kansas

Gas Service. Staff has received no letters in support nor in opposition. Staff has conditions in the staff report that address the replanting of existing and proposed landscaping. Staff recommends approval subject to the conditions in the staff report,

Motion and Vote starts at Tape 2 – 17:10:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-004 for two (2) years:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0

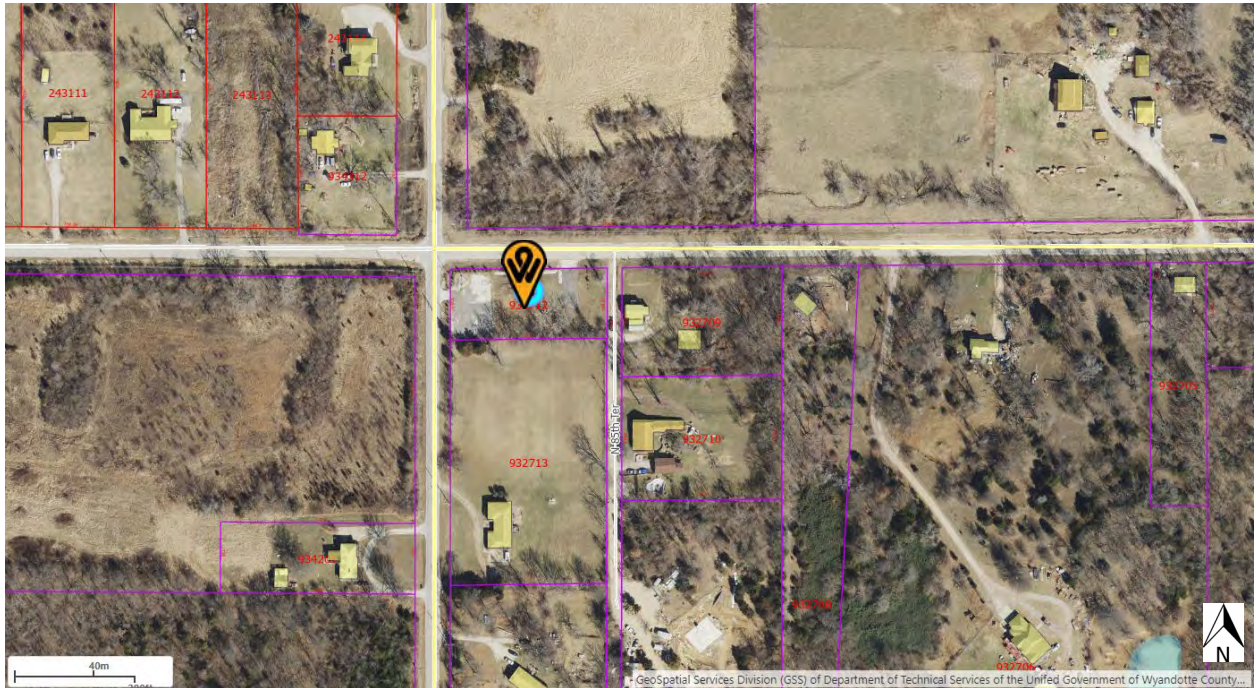
Subject to:

- 1. The applicant proposes operating from 9:00 AM to 1:00 PM. Hours of operation shall begin no earlier than 8:00 AM and no later than 3:00 PM;**
- 2. The culvert that runs west of the property must be cleaned regularly and kept clean;**
- 3. Section 27-675(a) states that “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 applicant shall pave the parking lot and mark four (4) parking spaces, including one (1) ADA parking spaces;**
- 4. The applicant shall install new landscape screening along the northwest corner of the lot, matching the current screening. Additionally, existing screening that has died shall be replaced;**
- 5. All existing and future driveways must feature curb cuts that are constructed to UG standards. The applicant shall install a new driveway curb cut to match the new paved parking;**
- 6. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street; and,**
- 7. 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**

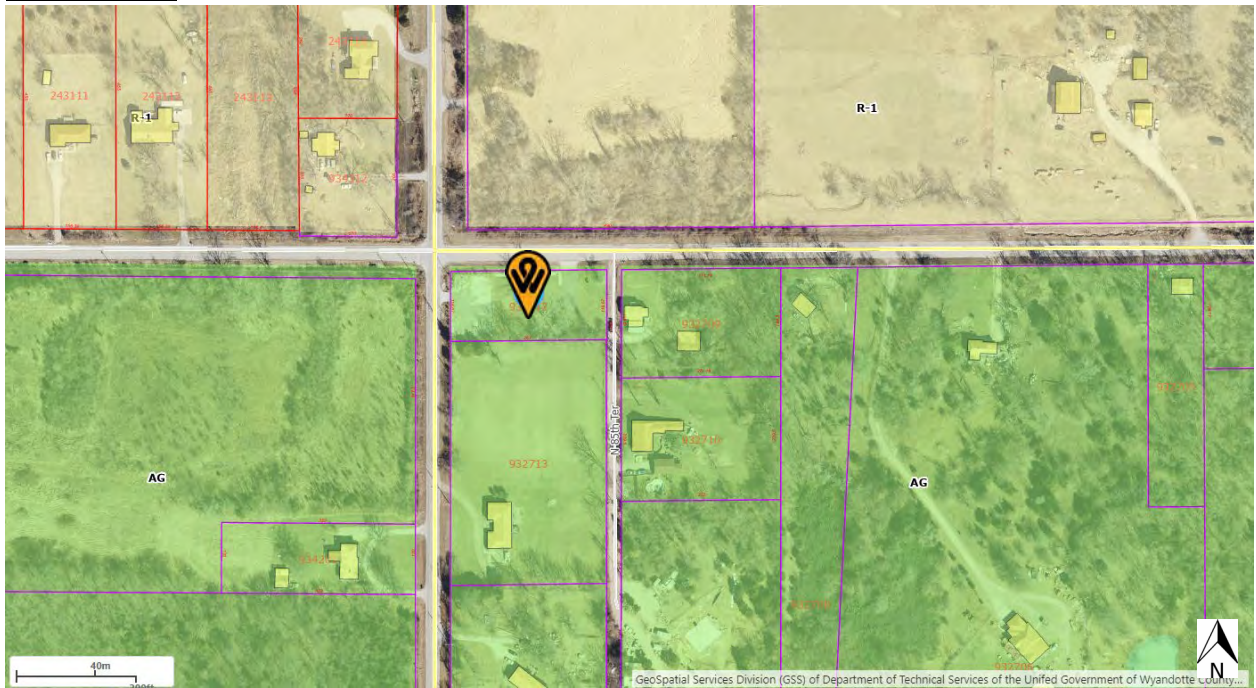
- Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
8. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
 9. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government, and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 11. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 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.

ATTACHMENTS

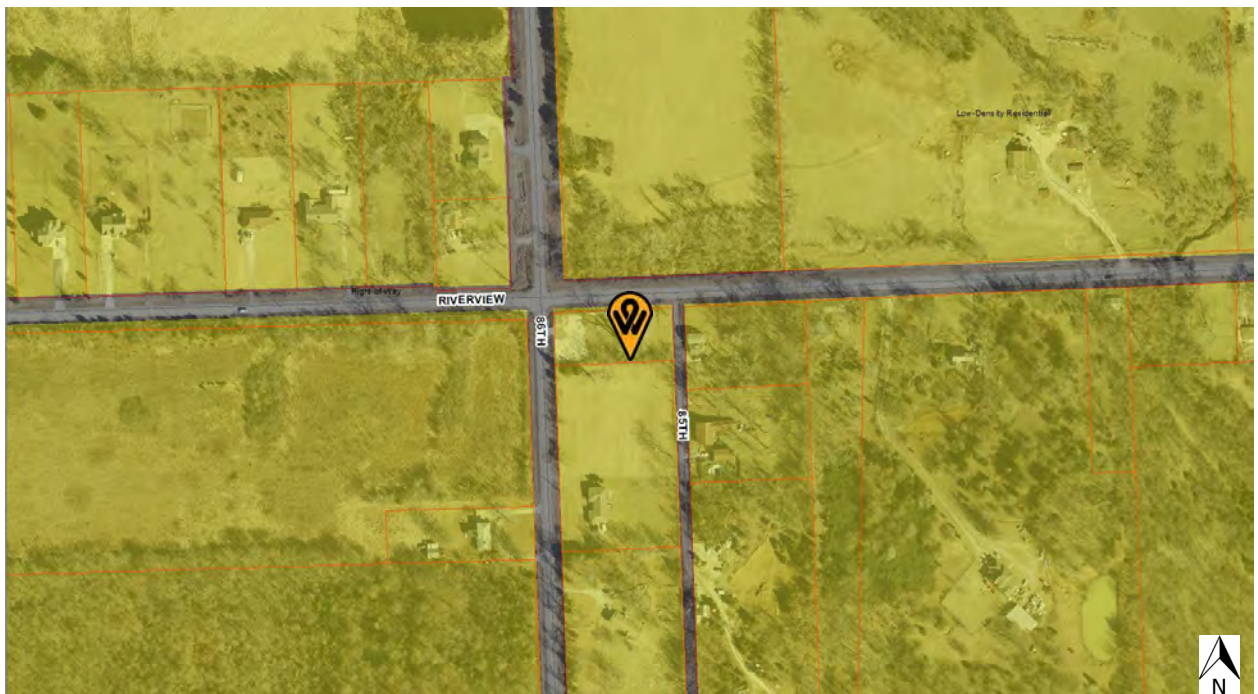
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



SITE PLAN





Jeff Salter
Manager, Field Operations
11401 W. 89th St.
Overland Park, KS 66214
P: 913-599-8975
E: jeff.salter@onegas.com

Riverview Ave. Special Use Permit

Tony,

Kansas Gas Service currently uses the property at 8535 Riverview Ave as a training site. We have built below ground concrete pits that have pipes inside of them as well as pipes buried on site to simulate natural gas lines. We use air pressure to simulate and train in an environment that our employees will encounter performing their daily activities. At no time will these lines be connected to natural gas.

Kansas Gas Service currently has no plans to change any of the existing facilities that are currently on site.

Kansas Gas Service has not received any complaints or calls for service from our activities at 8535 Riverview Ave.

Thank you,

/s/ Jeff Salter
Jeff Salter

APPLICANT RESPONSE TO DRAFT REPORT – DATED FEBRUARY 25, 2022

RE: SP2022-004 – Kansas Gas Service 8535 Riverview Ave

Mr. Molloy,

In response to your Planning and Urban Design Comments in the Draft Staff Report Kansas Gas Service, a Division of ONE Gas, Inc. provides the following responsive answers.

1. Provide a new site plan demonstrating the location of off-street parking for employees, location of concrete pits and pipes, and key training locations on site.

Please see the attached document outlining Kansas Gas Service's concrete pits, approximate underground piping locations, and off street parking.

2. Provide a landscape plan of the site.

This site is used for training purposes and vegetation is removed or cut down in and around the training facility. Kansas Gas Service does not have any plans to further landscape the site where training occurs. However, Kansas Gas Service does intend to install additional landscape screening in response to Comment No. 9. It appears some previously planted shrubs failed to grow.

3. How often do these trainings occur, during what time of day, and how long is a typical training session?

These trainings occur on average two to three times a month, based on need. Typically training starts around 9 a.m. and lasts three to four hours.

4. How many employees on average are on-site for training at once?

During training we average three to four people on site.

5. Are there plans to construct or install any new training infrastructure that was not addressed in the original plan? If so, please provide plans of what and where these will be located.

Currently there are no plans to construct or install any new training infrastructure.

6. Are there plans to pave and stripe the parking lot designated for employees?

Currently there are no plans to pave and stripe the off street parking.

7. Will any additional screening be installed along the edge of the property to screen the utilities and other equipment?

With the exception of Comment No. 9, there are no plans to install screening along the edge of the property.

8. The culvert that runs to the west of the property must be cleaned and kept clean.

Kansas Gas Service will get the culvert cleaned as soon as possible.

9. Plant additional landscape screening surrounding the gas line on the northwest corner of the property

Kansas Gas Service will place additional landscaping on the northwest corner of the property.

NEIGHBORHOOD MEETING COMMENTS, LETTER, AND AFFIDAVIT – DATED FEBRUARY 25,
2022

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition # SP2022-004.
2. That I sent letters to residents on 2/10/2022.
3. Attached is the summary of the responses received 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 24th day of February 2022
My commission expires June of 21, 2022



Jill Tennant
Notary Public

COMMENTS:

Application Number: SP2022-004
Date and Location: 2/10/2022 via Letters

Kansas Gas Service, a Division of ONE Gas, Inc. mailed letters to the required landowners for Application SP2022-004 on 2/10/2022. A copy of each letter is included.

No comments or questions were received as of 2/23/2022.

Minutes taken by: Jeff Salter – 913-908-9179.



Jeff Salter
Field Operations Manager
11401 West 89th Street
Overland Park, KS 66214
P: 913-599-8975
E: Jeff.Salter@onegas.com

February 10th, 2022

COMMISSIONER CHUCK STITES
701 NORTH 7TH STREET, 9TH FLOOR
KANSAS CITY, KS 66101

Re: ***Kansas Gas Service's Request for Special Use Permit to Conduct Construction on Property Located At: 8535 Riverview, Kansas City, Kansas.***

Kansas Gas Service, a Division of ONE Gas, Inc. ("Kansas Gas Service" or "Company") has filed an application for a special use permit with the Unified Government's Department of Planning and Urban Design – Case No. # SP-2022-004. The purpose of this special use permit is to allow the Company to perform construction and ongoing training exercises at 8535 Riverview Ave., Kansas City, Kansas.

Kansas Gas Service currently uses the property at 8535 Riverview Ave. as a training site. We have built below ground concrete pits that have pipes inside of them as well as pipes buried on site to simulate natural gas lines. We use air pressure to simulate and train in an environment that our employees will encounter performing their daily activities.

Kansas Gas currently has no plans to change any of the existing facilities that are currently on site.

If you have any questions or concerns, please do not hesitate to reach out to me at 913-599-8975 or Jeff.Salter@onegas.com. Please have questions or comments submitted by 2/24/2022.

Sincerely,

Jeff Salter
Field Operations Manager

SITE PHOTOS, TAKEN BY STAFF – DATED JANUARY 14, 2022



SITE PHOTOS, TAKEN BY STAFF – DATED JANUARY 14, 2022 CONT.



SITE PHOTOS, TAKEN BY STAFF – DATED JANUARY 14, 2022 CONT.





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 31, 2022

Re: **Special Use Permit Petition SP2022-009**

GENERAL INFORMATION

Applicant:

Frederic Ntakirutimana

Status of Applicant:

Tenant
901 Minnesota
Kansas City, Kansas 66101

Requested Actions:

Approval of a Special Use Permit for
Convenience Store Operation with
liquor sales.

Date of Application:

January 3, 2022

Purpose:

To expand operation as a convenience
store with cereal malt beverages to
include alcoholic liquor. This property is
within 1,300 feet of a public park, church,
school, or other liquor retail sales
location.

Property Location:

901 Minnesota Avenue
Kansas City, Kansas 66101



Commission Districts:	Commissioner At Large, District 2: Tom Burroughs District #2 Commissioner: Brian McKiernan
Existing Zoning:	C-D Central Business District
Adjacent Zoning:	North: C-D Central Business District South: RP-5 Planned Apartment District East: C-D Central Business District West: C-D Central Business District
Adjacent Uses:	North: Retail Flooring Store South: Vacant Apartment Building East: Tax Preparation Office West: Mobile Phone Retail Store
Total Tract Size:	0.2824 Acre
Master Plan Area:	The Subject Property is within the Downtown Area Master Plan.
Master Plan Designation:	The Downtown Area Master Plan designates this Property as Downtown Mixed-Use. The Downtown Mixed-Use land designation is for areas that are ideal for integrating complimentary land uses such as retail, offices, small businesses and mixed-use residential. Buildings are typically 1 to 3 stories with multiple stories preferred.
Major Street Plan:	The City-Wide Master Plan designates Minnesota Avenue as a Class B Throughfare.
Parking Requirement:	C-D District: Section 27-465(f)(1) states that uses in this zone do not require any off-street parking except for residential and hotel occupancies. The property currently has a parking lot with 24 parking spaces, exceeding this requirement.
Advertisement:	<u>The Wyandotte Echo</u> – February 17, 2022 Letters to Property Owners – February 18, 2022 and March 23, 2022
Public Hearings:	March 14, 2022 and March 31, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Frederic Ntakirutimana, is seeking approval to expand operations of a convenience store with cereal malt beverage sales to include alcoholic liquor sales at 901 Minnesota. The subject property is currently in use as a convenience store and neither the building's ownership nor tenancy has not changed but the tenant is requesting to expand product sales to include liquor.

This application is being heard in conjunction with BOZA2022-013 as the subject property is within 1,300 feet of an elementary school, public parks, and/or other retail establishments selling liquor. feet. New Life Christian Community Church is located at 841 H Minnesota Avenue, parcel number 081323.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 27-606.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received multiple noise or disturbance complaints.
 - a. May 19, 2021 – ABT21-0828 – Grass and Weeds
 - b. September 26, 2019 – 19200-04708 – Broken Fencing
 - c. August 8, 2018 – 18200-03209 – Trash in Alleyway
 - d. June 27, 2018 – 18200-02465 – Grass and Weeds
 - e. May 14, 2018 – 18200-01908 – Grass and Weeds
 - f. April 15, 2015 - 15200-01208 – Grass and Weeds
 - g. June 20, 2014 – 14200-02160 – Grass and Weeds

Building or Code Enforcement Complaints:

1. The subject property has numerous previous violations as late as 2020, however they are prior to the applicant's purchase and renovations.

Outstanding or Related Permits and Cases:

1. The subject property has no outstanding Building Permits.
2. The current property owner has no outstanding Code Inspection Cases.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is urban and commercial in character. Lots are average for urban densities and are approximately twenty-five (25) feet to 300 feet in width.

Buildings are a mix of stand-alone detached structures and attached structures of mixed use, commonly brick, with the commercial uses on the street level and residential, commercial, and offices uses on the upper floors. Streets are concrete with improvements such as wide sidewalks, curbs, upgraded bus stops, and street lighting.

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 subject property is surrounded primarily by C-D Central Business Districts. The property has been operated by the current tenant as a convenience store with alcohol sales for over ten (10) years. Continuing use as a convenience store with additional liquor sales is compatible within this commercial corridor if properly managed.

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 convenience store or other commercial property. The property could be suitable for use as a convenience store with liquor sales if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues related to the increased availability of liquor and its consumption.

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

The property is not vacant and has been operated by the current tenant for over ten (10) years.

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

Special Use Permits are not addressed in the Downtown Area Master Plan. The Downtown Area Master Plan designates this property as Downtown Mixed-Use. The operation of a convenience store with alcohol sales conforms to the Downtown Area Master Plan, but the availability of liquor to be purchased requires a Special Use Permit due to potential issues related to increased availability of liquor and its consumption.

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 Throughfare to accommodate it if managed properly. The subject property is on a corner lot with an off-street lot having two (2) points of entry. This commercial corridor is designed to accommodate additional vehicular and pedestrian traffic.

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 or welfare of the public, however, the subject property's location on a commercial corridor with other varied uses should not substantially or permanently injure the appropriate use, visual quality, or marketability of adjacent 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.*

The proposed use has the propensity to create noise from increased traffic and idling vehicles and there may be an additional need for illumination as the need for security increases.

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

The proposed use will not pollute the air, land, or water as it is an existing permitted commercial 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 an existing commercial structure in a  built-out commercial corridor.

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

There is some relative loss to the public health, safety, and welfare as there are negative externalities with liquor consumption. These losses will be minimal as the current establishment already sells cereal malt beverages for consumption. There is some economic benefit from liquor sales in the form of sales tax gains. If denied, the landowner could not use the property for liquor sales but may still use the property as a convenience store with cereal malt beverage sales.

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. There is the possibility for an increase in crowding in the parking lot, but this should only be temporary during periods of peak sales. If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

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

The subject property is a permitted commercial convenience store with cereal malt beverage sales, therefore, adding liquor sales could be done without any foreseen danger from regular activity. Noise and loitering is an issue often associated with liquor sales, however, if operated correctly there should ostensibly be no significant issue with noise or other disturbances.

14. 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

Sanitary sewer is provided by public sewer.

c. Storm water control

Stormwater is combined with the Sanitary Sewer, and a Sewer inlet is located at the rear of the property on North 9th Street.

d. Police

Police service is provided by East Patrol, District #111.

e. Fire

Fire service is provided by the Fire Department Headquarters, Station #1.

f. Transit

The subject property receives bus service via Route #101 and Route #104 at the frontage of their property.

g. Schools

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

h. Streets

See item #6 above.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 30, 2022.

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

KEY ISSUES

Safety
Neighborhood Character
Parking
Zoning
Loitering
Noise
Liquor Consumption
Traffic
Signage
Landscaping and Screening
Lighting
Commercial Design Guidelines
Pedestrian Connectivity

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-009 for two (2) years with the applicant completing the landscaping, curb and median within six (6) months of approval**, subject to:

1. **This City Planning Commission case is being heard in conjunction with BOZA2022-013. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-013 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;**
2. **Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales. If sales of other goods and services from a licensed retailer premise exceeds 20% of total gross sales, all sales of other goods and services exceeding 20% will have to be made from a separate, unlicensed premises. If each premise does not have a separate outside entrance, a vestibule is required;**

3. Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 12,300 square feet, requiring one (1) tree be provided on the site plan.;
4. Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground;
5. The property's frontage on North 9th Street shall be updated to include greenspace as indicated in the photo in the attachments at the end of this report;
6. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
8. 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process.
9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
10. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners **APPROVE** Petition **SP2022-009** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Information
Image of 9th Street Intersection
Commercial Design Guidelines Highlights
Photos Taken by Staff Dated February 10, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Special Use Permit	March 14, 2022 Approval	March 31, 2022

STAFF CONTACT: **Kallie McLaughlin**
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-009** 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 **SP2022-009** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

March 14, 2022 City Planning Commission Minutes:

Hearing starts at Tape 2 – 18:20:

SPECIAL USE PERMIT APPLICATION SP2022-009 – FREDERIC NTAKIRUTIMANA/F&A LLC - SYNOPSIS: Special Use Permit for a liquor store/convenience store at 901 Minnesota Avenue.

Detailed Outline of Requested Action: The Applicant, Frederic Ntakirutimana, is seeking approval to expand operations of a convenience store with cereal malt beverage sales to include alcoholic liquor sales at 901 Minnesota. The subject property is currently in use as a convenience store and neither the building's ownership nor tenancy has not changed but the tenant is requesting to expand product sales to include liquor.

This application is being heard in conjunction with BOZA2022-013 as the subject property is within 1,300 feet of an elementary school, public parks, and/or other retail establishments selling liquor. feet. New Life Christian Community Church is located at 841 H Minnesota Avenue, parcel number 081323.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 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 March 14, 2022;
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 the property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation starts at Tape 2 – 20:05: Planning Director Hand stated the variance for the distance from a church was approved by the Board of Zoning Appeals earlier this evening. This property is in the Downtown Area Master Plan. Staff has received no letters in support nor opposition. There have been numerous Notices of Violation on this property as the ownership changes regularly. Staff is requesting a curb, landscaping and median to prevent cars from pulling directly onto the property at the side of the building off of 91st Street. Staff recommends approval, subject to the conditions in the staff report. The applicant has six (6) months to comply with the conditions of approval.

Motion and Vote starts at Tape 2 – 22:15:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-009 for two (2) years with the applicant completing the landscaping, curb and median within six (6) months of approval:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

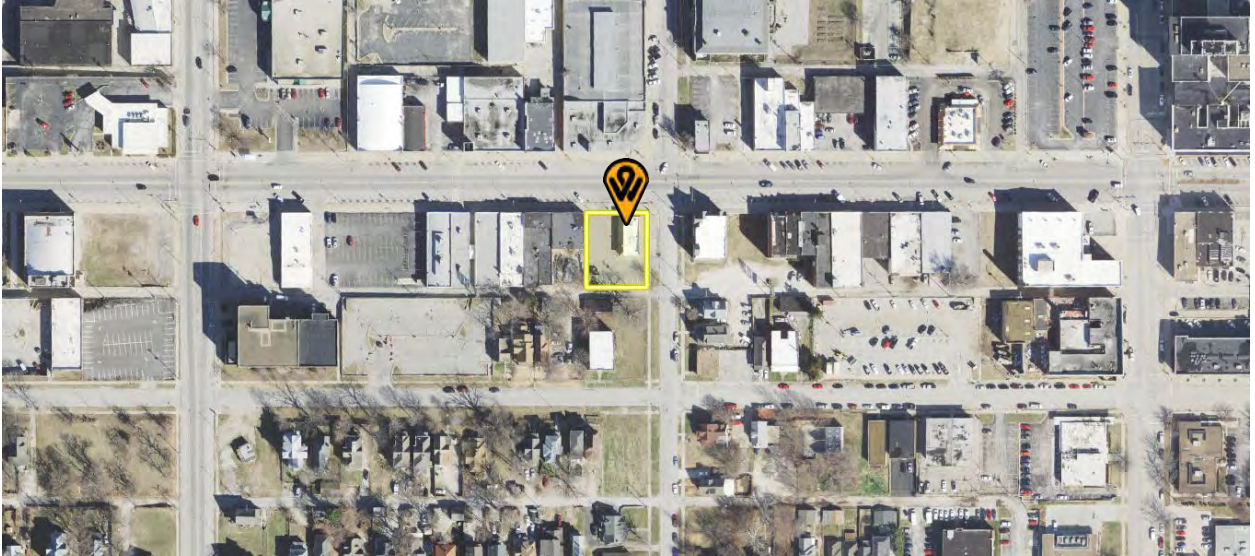
Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

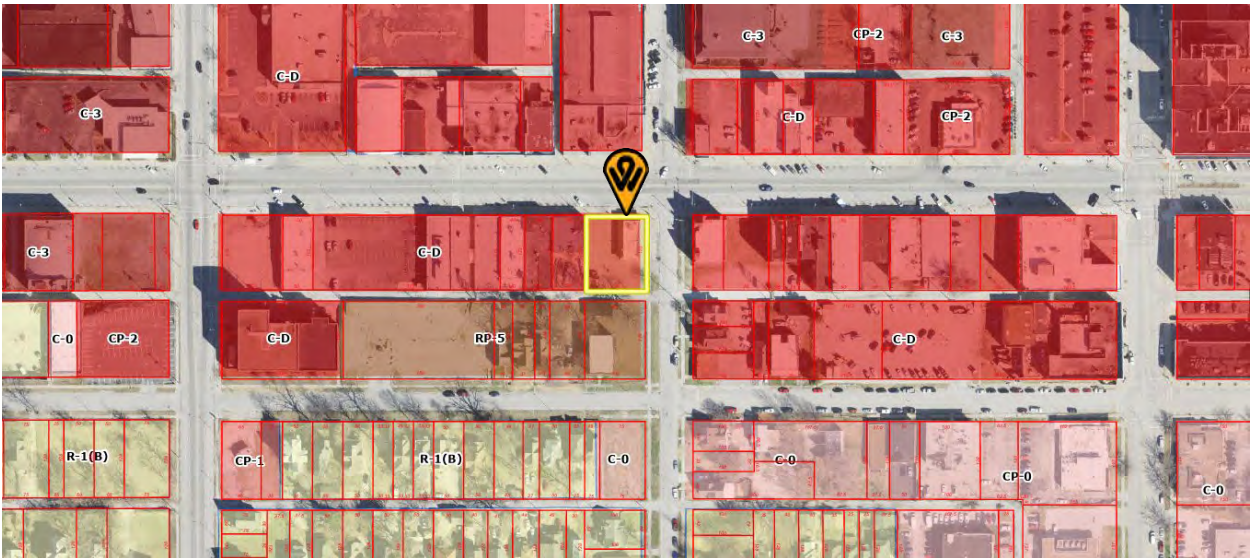
1. This City Planning Commission case is being heard in conjunction with BOZA2022-013. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-013 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales. If sales of other goods and services from a licensed retailer premise exceeds 20% of total gross sales, all sales of other goods and services exceeding 20% will have to be made

- from a separate, unlicensed premises. If each premise does not have a separate outside entrance, a vestibule is required;
3. Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 12,300 square feet, requiring one (1) tree be provided on the site plan.;
 4. Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground;
 5. The property's frontage on North 9th Street shall be updated to include greenspace as indicated in the photo in the attachments at the end of this report;
 6. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 8. 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process.
 9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 10. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

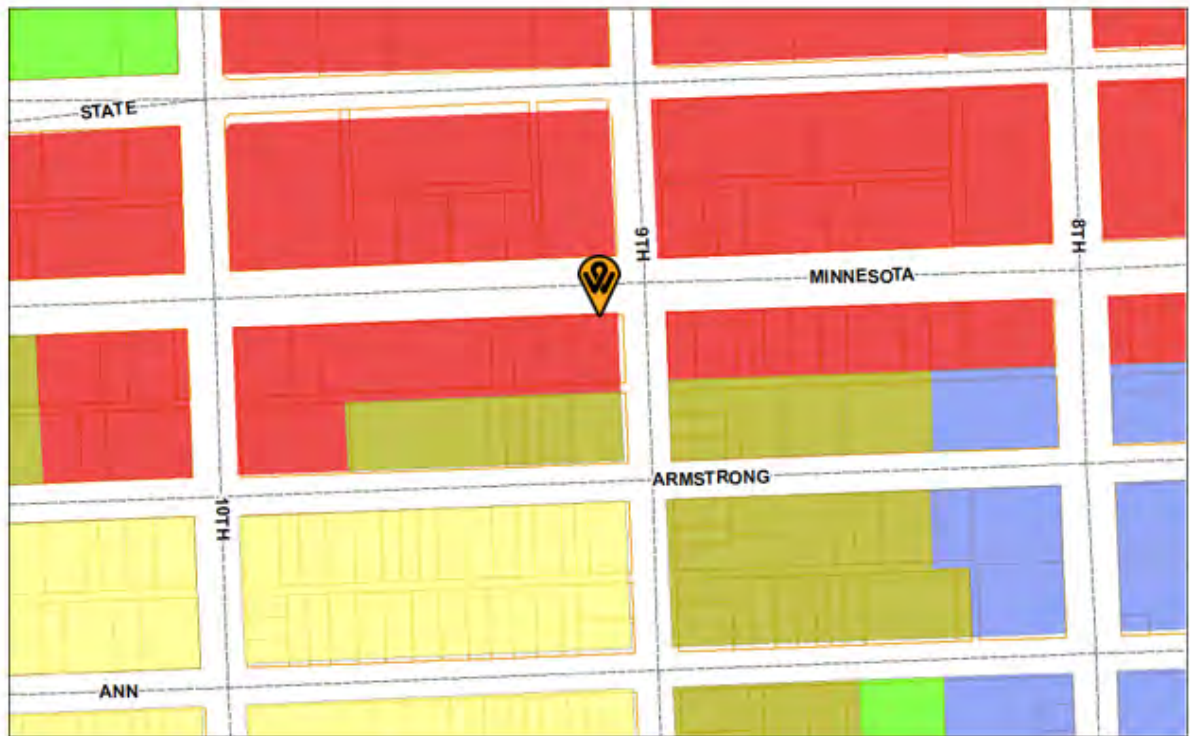
AERIAL MAP



ZONING MAP



LAND USE MAP



Legend

-  Catalyst Block
-  Downtown Mixed-Use
-  Neighborhood Mixed-Use
-  Neighborhood Residential
-  Planned Open space
-  Public / Semi-Public
-  Urban Residential

NEIGHBORHOOD MEETING INFORMATION

SAMPLE:

(Please use this sample to develop your letter.)

Date: 01/20/2022

Name F & A LLC
Address 901 MINNESOTA AVE,
City/State/Zip KC, KS 66101

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use #SP2022-009. 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: 901 Minnesota Ave, KC, KS 66101.

I/We am having a neighborhood meeting on 01/30/2022 at 3:30 p.m. at the following address 901 MINNESOTTA AVE KC, KS 66101.

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, ONE STOP N SHOP

Freddy ZidaneFredericzezu@gmail.com Cell: 913-669-4178 Store: 913-912-1903

NEIGHBORHOOD MEETING INFORMATION

Name and Contact Information

SAMPLE MINUTES:

Application Number #SP2022-009.#BOZA 2022-013

Date and Location: 01/20/22. 901 Minnesota ave, kc, ks 66101

Meeting called to order at: 3:30 PM

Names of people in attendance Frederic Ntakirutimana, Ashley Faye Currin, Steve Jin the property manager of 909,911,912 Minnesota Ave, Kansas City, KS 66101 and Amett with 901 N 9t

Introductions: We had applied for SUP in addition to our inventories so we can be able to provide more services in our community. Because of the more request we had from our customers stated that, they dont like walking to far, or driving to Mo and more...we applied for more convienient.

Presentation by applicant and/or team (explain what information was given

to those in attendance and a summary of what the speaker said).

Because of the more request we had from our customers stated that, they dont like walking to far or driving to Mo and more...we applied for SUP to do and provide more to our community

Questions and answers (include the following):

- Who asked question or gave comment: Steve jin, Amett What's SUP ?
- What was the question or comment: Jin"love it,will help bringing more people"
- Who answered the question/comment: Frederic Ntakirutimana
- What was the answer given: It means Special Use Permit and in order to operate us a liquor store, we're required to have one.

Meeting adjourned at: 4:30 PM

Minutes taken by: Ashley Faye Currin

IMAGE OF 9TH STREET INTERSECTION



COMMERCIAL DESIGN GUIDELINES HIGHLIGHTS

Sec. _____, 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.

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.

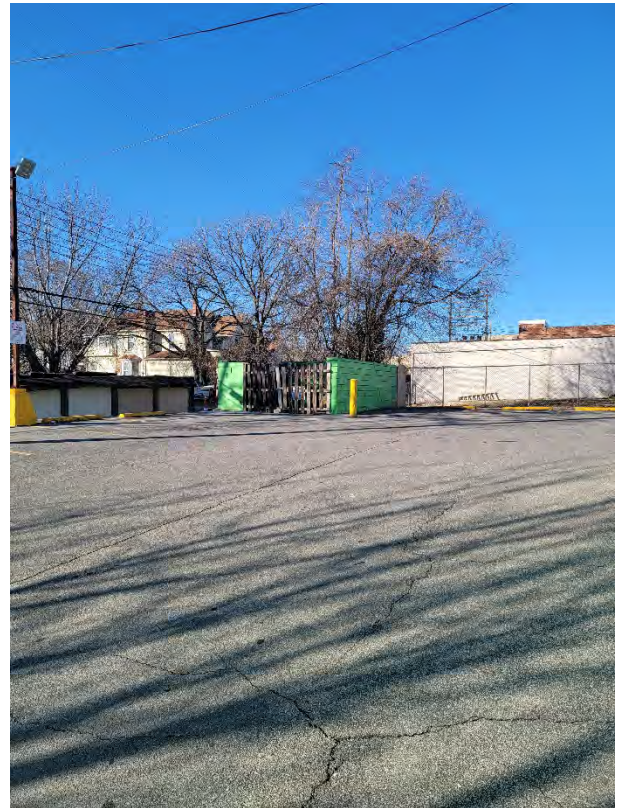
10. Sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses. This may include café seating and outdoor sales pursuant to the Sidewalk Vending Ordinance.

11. Internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces.

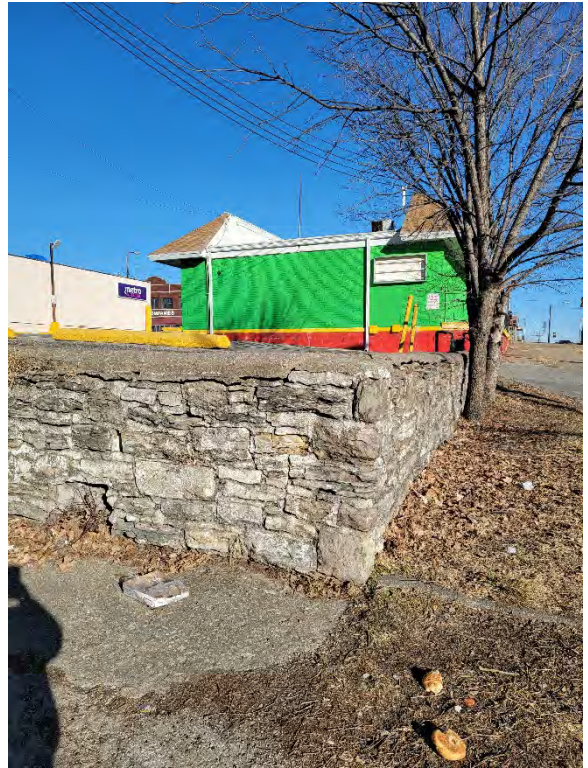
12. Pedestrian connections must be clearly defined in a combination of two or more of the following ways:

- a. Six inch vertical curb
- b. Trellis
- c. Special railing

STAFF SITE VISIT PHOTOS DATED FEBRUARY 10, 2022



STAFF SITE VISIT PHOTOS DATED FEBRUARY 10, 2022



STAFF SITE VISIT PHOTOS DATED FEBRUARY 10, 2022





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 31, 2022

Re: Petition SP2022-011

GENERAL INFORMATION

Applicant:

Blake Lostal DBA Hillsiders, LLC

Status of Applicant:

Business Owner
403 North 5th Street
Kansas City, Kansas 66101

Requested Action:

Approval of a Special Use Permit.

Date of Application:

January 4, 2022

Purpose:

Approval of a Special Use Permit to serve alcohol at a sports bar.

Property Location:

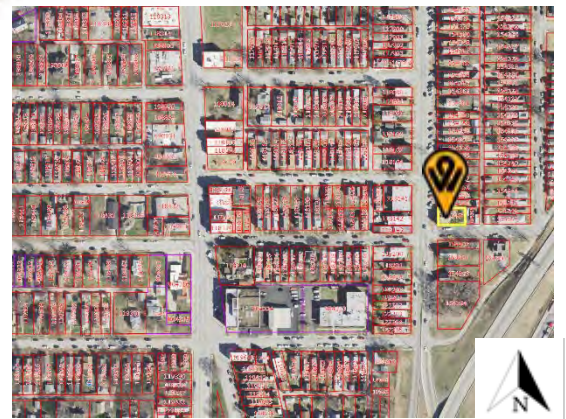
403 North 5th Street
Kansas City, Kansas 66101

Commission Districts:

Commissioner At Large, District #2:
Tom Burroughs
District #2 Commissioner: Brian McKiernan

Existing Zoning:

C-3 Commercial District



Adjacent Zoning:	North:	R-1(B) Single Family District
	South:	R-1(B) Single Family District
	East:	R-1(B) Single Family District
	West:	C-3 Commercial District
Adjacent Uses:	North:	Single Family Residence
	South:	Single Family Residence
	East:	Single Family Residence
	West:	Vacant Commercial Building and Restaurant
Total Tract Size:		0.101 Acre
Master Plan Designation:		The Central Area Master Plan designates this property as Urban Density. Urban Density uses include single family homes, attached residences including town homes, duplexes, triplexes, etc., and institutional uses such as schools, churches, and libraries.
Major Street Plan:		The Major Street Plan designates 5 th Street as a Local Street.
Advertisement:		<u>The Wyandotte Echo</u> – January 13, 2022 Letters to Property Owners – January 21, 2022 and March 23, 2022
Public Hearings:		March 14, 2022 and March 31, 2022
Public Support:		The Applicant received 58 letters of support and one (1) in-person show of support at the Applicant's neighborhood meeting.
Public Opposition:		The Applicant received 5 letters of opposition.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Blake Lostal with Hillsiders LLC, has applied for a new Special Use Permit for the liquor sales at 403 North 5th Street. The subject parcel has two buildings, and the building addressed in this permit is the North Building, a single level row-style store with approximately 1,250 square feet. The applicant is planning some building upgrades to open a new sports bar and its projected alcohol sales will exceed food sales, requiring the Special Use Permit. The South building, a two-story mixed-use building, will be addressed in future renovations and is

outside the scope of this permit. This application is being heard in conjunction with BOZA2022-003 for a variance for minimum required parking.

City Ordinance Requirements: Municipal Code Sections 27-592 through 27-606 and 27-593.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no recent noise or disturbance complaints for the subject property.

Building or Code Enforcement Complaints:

1. The current property owner has received no building enforcement complaints.
2. The current property owner has received no code enforcement complaints.

Outstanding or Related Permits and Cases:

1. The current property owner has one building permit associated with current renovations for electrical work.
2. The current property owner has no outstanding Code Inspection Cases. Previous Inspection cases are more than ten (10) years old.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This project is in the Strawberry Hill neighborhood. Lots are generally narrow and urban in character. Buildings along this street typically are composed of brick masonry or natural stone. The neighborhood lacks sufficient parking but is generally walkable with transit access.

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 surrounding properties vary in usage from a restaurant, gift store, single-family residences, a deli, and a real estate office. The mixed-use nature of these nearby properties and current presence of alcohol-serving establishments indicates the proposed use of a sports bar with alcohol would be compatible.

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

The property is suitable for alcohol consumption because it is an urban, mixed-use area in which neighborhood establishments are popular. There is the

possibility for increased parking demand with the additional uses of alcohol consumption although the neighborhood generally favors walkability over a high traffic presence.

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

The property was a former sports bar that relocated in approximately 2013. It has remained vacant since the last sale of the property.

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

Special Use Permits are not addressed in the Central Area Master Plan or the Downtown Area Master Plan. The Central Area Master Plan classifies the subject property as Urban Density. The Urban Density land use designation allows for primarily single-family homes, attached residences including town homes, duplexes, triplexes, etc., and institutional uses such as schools, churches, and libraries. The proposed use has a low degree of conformance to the plan's designation. The Applicant does have a future desire to redevelop the south building and re-plot the existing parcel in which the parcel's zoning and master plan will be addressed, but that is outside the current scope of this report.

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 current design of the neighborhood does not provide sufficient parking for multiple mixed-use buildings. There are some on-street parking spaces although it is considered insufficient. Alcohol consumption at this property should not be considered an aggregate factor for insufficient parking more so than the parking would be for any other non-alcohol related use or establishment that would be permissible. This property would be visited ostensibly by locals who would value its proximity to residences and its walkability, as it is on the end of a street block with ample sidewalk and pedestrian connectivity. Alternative transportation amenities, such as bike racks, should be 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.*

The proposed use is not reasonably necessary for the convenience and welfare of the public, although it could be seen as desirable to have a tenant space in a building that has been extensively vacant. It is not concluded that the use of alcohol at this space would not substantially injure the appropriate use, visual quality, or marketability of any adjoining property.

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

There is a potential for noise, vibration, or illumination to be a problem at this location, as it is a sports bar adjacent to a residential neighborhood but should be minimal if managed appropriately.

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

There is no substantial potential for the pollution of the air, land, or soil as it is within a built-out, mixed-use urban neighborhood. If the applicant properly maintains the property, pollution or trash from patrons should be minimal and temporary.

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

The proposed use would not damage or destroy an irreplaceable natural resource as it will operate within 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 consumption of alcohol at a sports bar in and of itself would not be considered to have relative gains to the public health, safety, and welfare. The public would benefit from having another establishment in the neighborhood for socializing and gathering, as opposed to a continuously vacant space without a tenant. Denying the Special Use Permit may cause hardship for the property owner as they would be unable to operate any drinking establishment at this location.

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 as the sports bar will operate within an existing building. The consumption of alcohol is not a determining factor as similar uses in the neighborhood exist under similar conditions. There is a propensity for alcohol consumption to cause crowds, however, a certificate of occupancy would provide a limit on populations appropriate for the building's size.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of January 30th, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Waste
Noise
Traffic
Hours of Operation
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-011** for two (2) years, subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-003. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-003 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. Should any live entertainment be desired, a Special Use Permit is required.
3. Any illumination that results shall not be seen or otherwise impact adjacent residential uses;
4. 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process.
5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
6. If approved, the Applicant shall install bike racks on the property. Contact the Public Works Department to determine appropriate placement.
7. A Right of Way Permit is Required. Please contact the Public Works Department at (913) 573-5311 to begin this process;
8. This permit approval is for zoning clearance only. Additional liquor licensing and other County or State Licenses may be required before operation;
9. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;

10. 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 as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved, and;
12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the 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 **SP2022-011** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Comment Letter
Neighborhood Meeting Information
Letters of Support
Letters of Opposition
Staff Site Photos Dated January 27, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commissioners
Public Hearing	March 14, 2022	March 31, 2022
Special Use	Approval	

STAFF CONTACT: **Kallie McLaughlin**
 kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-011** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-011** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

March 14, 2022 City Planning Commission Minutes:

Hearing starts at Tape 2 – 23:20:

SPECIAL USE PERMIT APPLICATION SP-2022-011 – BLAKE LOSTAL WITH HILLSIDERS LLC – SYNOPSIS: Special Use Permit for a sports bar/drinking establishment at 403 North 5th Street.

Detailed Outline of Requested Action: The applicant, Blake Lostal with Hillsiders LLC, has applied for a new Special Use Permit for the liquor sales at 403 North 5th Street. The subject parcel has two buildings, and the building addressed in this permit is the North Building, a single level row-style store with approximately 1,250 square feet. The applicant is planning some building upgrades to open a new sports bar and its projected alcohol sales will exceed food sales, requiring the Special Use Permit. The South building, a two-story mixed-use building, will be addressed in future renovations and is

outside the scope of this permit. This application is being heard in conjunction with BOZA2022-003 for a variance for minimum required parking.

City Ordinance Requirements: Municipal Code Sections 27-592 through 27-606 and 27-593.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 14, 2022;
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 the property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.,

Present in Support:

- Blake Lostal, applicant, Hillsiders LLC

Present in Opposition:

- No one appeared

Staff Recommendation starts at Tape 2 – 25:22: Planning Director Hand stated that the parking variance was approved by the Board of Zoning Appeals earlier this evening. The Special Use Permit is for a sports bar/drinking establishment. Staff has received a large amount of support and opposition (as evidenced at the Board of Zoning Appeals meeting this evening) on this application. This property is in the Central Area Master Plan and specifically in the Strawberry Hill neighborhood. Staff discussed with the applicant that no live entertainment is allowed (Staff discussed the various types of live entertainment that requires a Special Use Permit). Staff is requesting the applicant to obtain a right-of-way permit and install bike parking at the curb extension in front of the property on 5th Street. Director Hand stated Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion and Vote starts at Tape 2 – 26:55:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-011:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present

Straws Aye

Ward Aye

Armstrong Aye

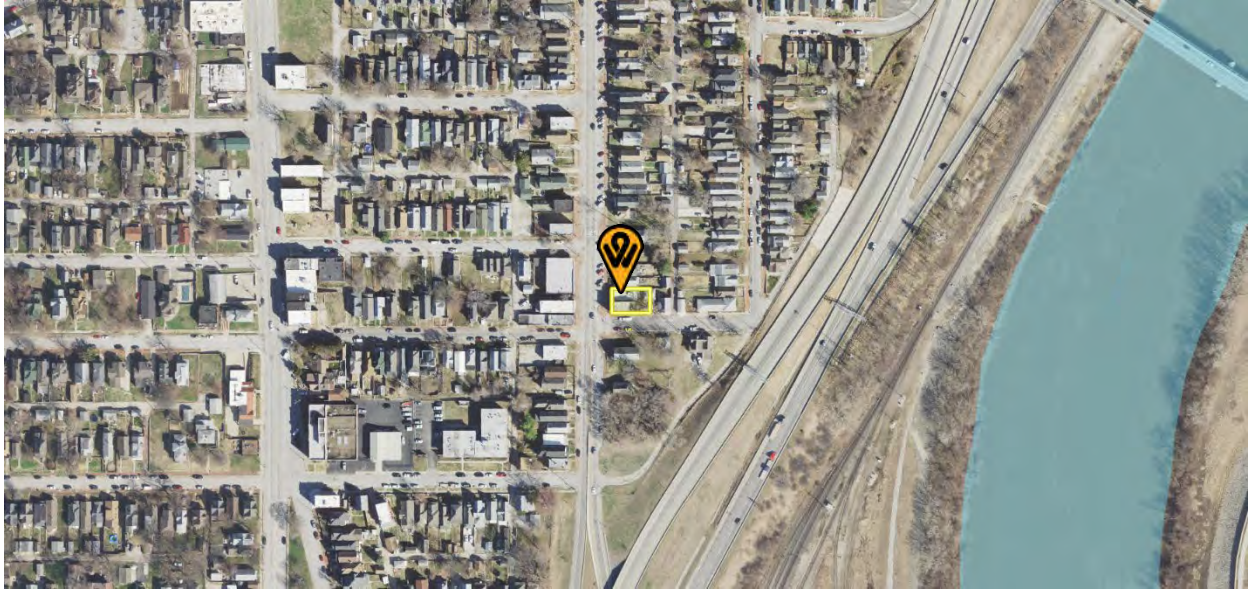
Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

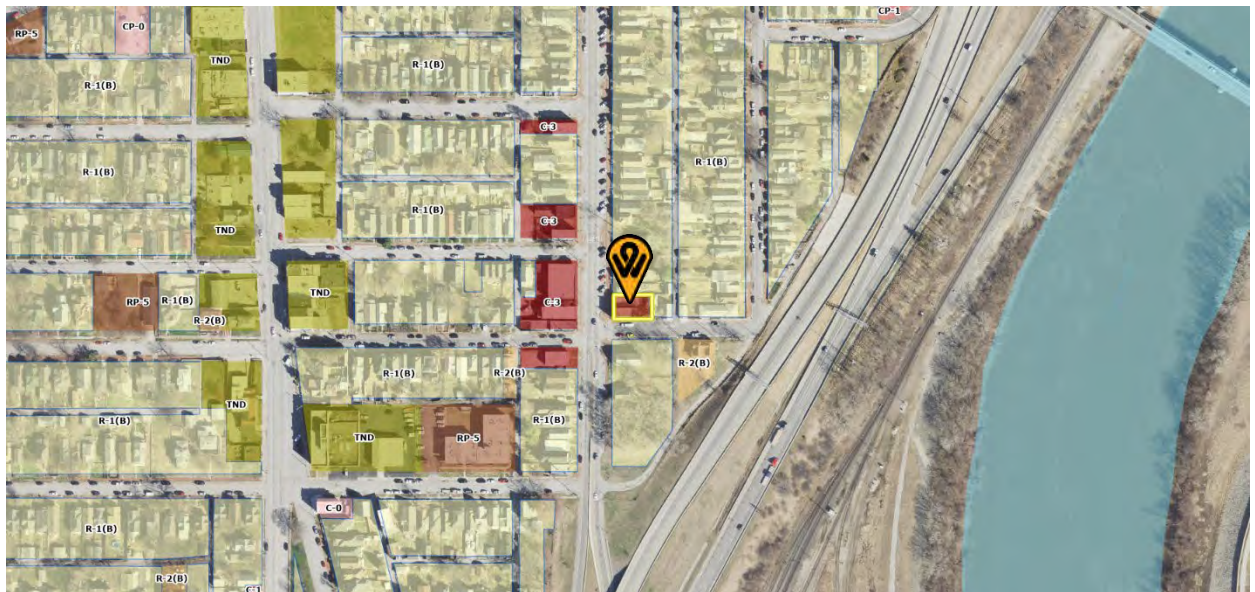
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- 2. Should any live entertainment be desired, a Special Use Permit is required.**
- 3. Any illumination that results shall not be seen or otherwise impact adjacent residential uses;**
- 4. Per Section 27-723(a), no sign (including the structure or 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process.**
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- 8. This permit approval is for zoning clearance only. Additional liquor licensing and other County or State Licenses may be required before operation;**
- 9. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
- 10. 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 as both the property owner and the business owner that they 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;**

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- 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.**

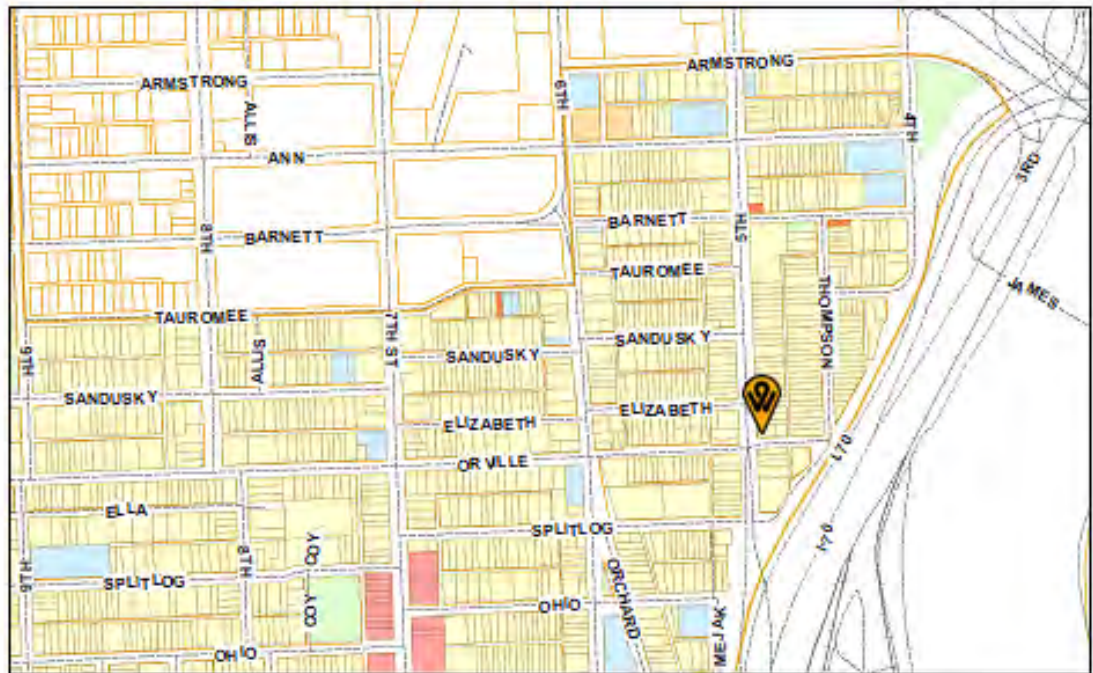
AERIAL MAP



ZONING MAP



LAND USE MAP



Legend

Central_Area_MP_parcel

Future Land Use

- Community Commercial
- High-Density Residential
- Medium Density Residential
- Mixed-Use
- Neighborhood Commercial
- Parks/Open Space
- Public/Semi-Public
- Right-of-Way
- Urban Density
- Utility

NEIGHBORHOOD MEETING INFORMATION

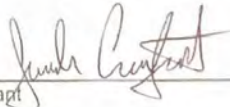
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # 802A2022-003 / SP2022-011
2. That I conducted a neighborhood meeting on Jan 30th 2022
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

NEIGHBORHOOD MEETING INFORMATION

1/31/2022

Blake Lostal
Po Box 3835
Kansas City Kansas 66103

Application BOZA2022-003 / SP2022-011

Meeting called to order Jan 30th at 5pm, because of COVID-19 all questions and comments were gathered via email and phone up to this day at 5pm.

Only one of the recipients of our letter responded via text, Kevin Mcallister.

Kevin: When is it going to open?

Me: Hopefully mid april, maybe slightly later

Kevin: Great

Me: What is your name

Kevin: Kevin Mcallister. I think having another bar on the hill would be great.

Me: We think so too, will make sure your input is noted in our letter to the UG, Thanks!

Kevin: One question, what are you going to do about parking?

Me: Unfortunately, we don't have much of an ability to create additional parking but i am hoping that the space east of 5th on Orville will provide some space. We also expect a lot of local foot traffic.

Kevin: Count me in on foot traffic, I go to Breits at least once a week, will you be having food?

Me: Yes, we will be serving pre-made sliders, nothing that needs to be cooked.

Meeting adjourned at 5PM

Minutes recorded by: Joseph L Cartwright VI

LETTERS OF SUPPORT

Ross Stewart
620 Sandusky Ave
Kansas City, KS 66101
RossHenryStewart@gmail.com

Department of Urban Planning and Land Use
701 N. 7th St, Suite 423
Kansas City, KS 66101

March 5, 2021

Dear Sir or Madam:

I would like to express my support of Hillsiders at 403 N. 5th Street, Kansas City, KS 66101.

I am a resident in the Strawberry Hill neighborhood. So, I am well acquainted with Mr. Blake Lostal. Mr. Lostal is already a business owner and property owner on Strawberry Hill and he does positive things for our community here.

The building at 403 N. 5th Street has been long vacant, and was previously a bar. Having another place on the Hill to eat would be great, not only for residents, but for people who work here during the day as well. Further, this location is right at the entrance of our community, and having one more building that has been vacant so long become occupied helps the image of community. This will help make our community more attractive to both those visiting and living here.

If you need to contact me further about this matter, please feel free to email me at RossHenryStewart@gmail.com.

Best Regards,

/s/Ross Stewart
Ross Stewart

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a regional patron of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Resident's Printed Name:

Hailey Gaston

Signed Name:

Hailey Gaston

Date:

03/06/22

Address:

5975 N London Ave Kansas 64151

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a regional patron of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Business Printed Name:

Andrea Ryan

Signed Name:

Andrea Ryan

Date:

3/6/22

Address:

335 N 16th St
KCKS 66102

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a regional patron of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

~~Business~~ Printed Name:

Laurin J. DosSantos

Signed Name:

Laurin J. DosSantos

Date:

3/06/22

Address:

1107 E 15th St
Kearney MO 64060

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a regional patron of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

~~Business~~ Printed Name:

Calista Shell

Signed Name:

CShell

Date:

3/6/22

Address:

3702 Washington St. ~~64644~~ 64111
KCMO

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a regional patron of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Business Printed Name:

Kyle Kraft

Signed Name:



Date:

3/6/22

Address:

335 N. 16th St.
KCK 66102

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

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Printed Name:

Trish Michaels

Signed Name:

Trish Michaels

Date:

3-6-22

Address:

502 N. Thompson St
Kansas City KS 66106

LETTERS OF SUPPORT

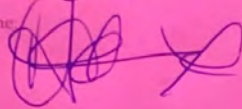
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Printed Name:

CHARLIE ANN DAVIS

Signed Name:



Date:

3.6.22

Address:

301 W. ARMOUR BLVD APT 415
KC MO 64111

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Printed Name: Rachel Healey

Signed Name: Rachel Healey

Date: 3/6/22

Address: 944 Everview Ave.
Kansas City, KS 66101

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

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Printed Name: Spencer Alford

Signed Name: *Spencer Alford*

Date: 03/06/22

Address: 944 Riverview Ave, Kansas City, KS 66101

LETTERS OF SUPPORT

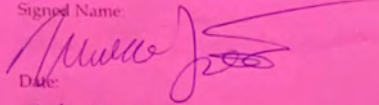
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Business Printed Name:

MICHELLE STMESSI

Signed Name:



Date:

3/6/2022

Address:

1612 W. Valentine Road. Apt 1W
Kansas City, MO 64111

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a regional patron of Strawberry Hill and support the idea of Hillside's. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Business Printed Name:

ERNEST HANKINS

Signed Name:

Ernest Hankins

Date:

3/6/2022

Address:

390 E ARMOUR BLVD
KANSAS CITY, MO

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a regional patron of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Business Printed Name:

RYLEE MURPHY

Signed Name:



Date:

3/6/22

Address:

200 W ARMOUR BLVD KCMO

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a regional patron of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Business Printed Name:

Andrew Ballard

Signed Name:

Andrew Ballard

Date:

3-06-22

Address:

4139 Forest Kcmo

LETTERS OF SUPPORT

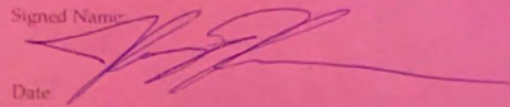
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Business Printed Name:

Johnny Herrera

Signed Name:



Date:

2-06-22

Address:

10406 W 50th Pl

Shawnee KS

LETTERS OF SUPPORT

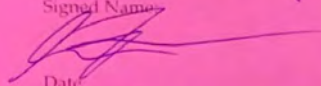
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Business Printed Name:

Emma Hampton

Signed Name:



Date:

03/06/2022

Address:

4401 State Ave Rd

64111 Komo

(314) 952-9550

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a regional patron of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Business Printed Name:

Brittney Lumos

Signed Name:

Brittney Lumos

Date:

3/6/22

Address:

501 Grand Blvd
Kansas City, MO 64106

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a regional patron of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Business Printed Name:

AMY CONNOR

Signed Name:

Amy Connor

Date:

3/16/21

Address:

1122 Pacific St.
#2
KOMO 64113

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a regional patron of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Business Printed Name:

Baylre Perry

Signed Name:

Baylre Perry

Date:

03/06/22

Address:

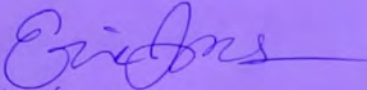
3557 Central St Kenosha WI

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

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Business Printed Name: Eric Jones

Signed Name: 

Date: 03/6/22

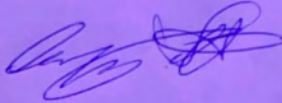
Address: 911 Pacific St. Apt. 2 KCMO
64106

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Printed Name: Greg Schmidt

Signed Name: 

Date: 3-6-22

Address: 265 16th St, Kansas City, KS 66102

LETTERS OF SUPPORT

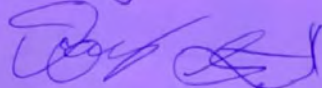
Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and support the idea of Hillaiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Printed Name:

Douglas Gerhardt

Signed Name:



Date:

03/16/22

Address:

839 Elizabeth Ave
~~66161~~ 66161

LETTERS OF SUPPORT

Dear Planning and Zoning Committee:

I'm a resident of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Printed Name: Jarrod Hudson

Signed Name: 

Date: 3/6/2022

Address: 401 115th St KCK 66101

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and support the idea of Hillbiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Printed Name:

Simon Huss

Signed Name:



Date:

3/6/22

Address:

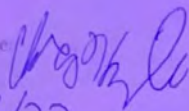
638 Saittas Ave
Kansas City KS 66101

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

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Printed Name: Chris Kuzila Jr.

Signed Name: 

Date: 3/6/22

Address: 601 B Central Ave
Kansas City, KS, 66101

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a regional patron of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Business Printed Name:

MIRANDA KIRBY

Signed Name:

M. Kirby

Date:

3.6.22

Address:

8303 HOLMES RD
KCMO 64131

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and support the idea of Hillside's. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Printed Name: Scott L. H. H.

Signed Name:

Scott L. H. H.

Date: 3-4-22

Address: 247 Orchard St, KCK 66101

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Printed Name: *Marcus Winn*

Signed Name: *Marcus Winn*

Date: *3/4/2022*

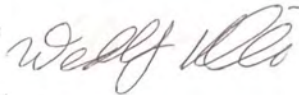
Address: *420 Sandusky Ave, KCK, 66101*

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

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Printed Name: Wesley McKain

Signed Name: 

Date: 3/8/2022

Address: 420 Sandusky Ave
Kansas City, KS 66101

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Printed Name: *Lara Barker*

Signed Name: *L Barker*

Date: *3/4/22*

Address: *604 N Thompson*

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Printed Name:

Alyssa Gaffer

Signed Name:

Alyssa Gaffer

Date:

3/4/2022

Address:

604 W. Thompson.

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Printed Name:

Mary Schwartz

Signed Name:

[Signature]

Date:

03/04/2022

Address:

604 N Thompson St
Kansas City, KS 66107

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Printed Name:

Keith Schwartz

Signed Name:

Keith Schwartz

Date:

3/4/2022

Address:

604 N Thompson

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a regional patron of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

~~Business~~ Printed Name:

Seth McMahon

Signed Name:

Seth McMahon

Date:

3/4/22

Address:

5803 Forest Ave. G4/10 KCMO

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a regional patron of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Business Printed Name:

DANIEL J DOTY

Signed Name:

Daniel J Doty

Date:

3-4-22

Address:

2525 N 73rd St KCMS 66109

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a regional patron of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Business Printed Name: Madison Stewart

Signed Name: M. Stewart

Date: 3/4/22

Address: 903 E. Frederick St.
Indep. Mo. 64050

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Printed Name: Charles Vallejo

Signed Name: 

Date: 3/4/22

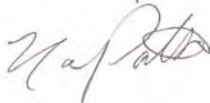
Address: 300 N 6th St KCR CA 94101

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

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Printed Name: Nancy Patino

Signed Name: 

Date: 03/04/2022

Address: 300 N 6th ST APT 4 Kansas City, KS

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

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Business Printed Name: *The Mockingbird lounge - Daniel Castillo*

Signed Name: *[Signature]*

Date: *3/4/22*

Address: *204 Orchard St KC KS 66101*

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Printed Name:

Elmer Guy Grantham

Signed Name:

Elmer Grantham

Date:

3-4-22

Address:

512 Splitlog Ave Apt 25
KC KS 66101

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

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Business Printed Name:

EDWIN BIRCH

Signed Name:

Edwin Birch

Date:

MARCH 4, 2022

Address:

445 WALKER AVE
KANSAS CITY, KS 64101

LETTERS OF SUPPORT

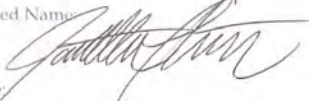
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Business Printed Name:

Jonathan Knipp

Signed Name:



Date:

3-4-22

Address:

3503 NE 72 St. Apt. 11
Kansas City, Mo. 64119

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a regional patron of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Business Printed Name:

Melisa Mesa

Signed Name:

Melisa Mesa

Date:

04-04-2022

Address:

1921 Tawromee Ave RCKS

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Printed Name: Edwin R. W.

Signed Name: [Signature]

Date: 04/10/22

Address: 513 ARMSTRONG

LETTERS OF SUPPORT

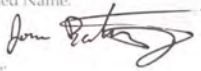
Dear Planning and Zoning Committee,

I'm a regional patron of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Business Printed Name:

Jason Bontrager

Signed Name:



Date:

3-3-22

Address:

1410 W. 37th Ave KCK 66103

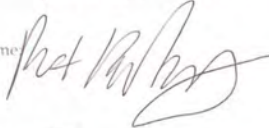
816-332-9192

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Printed Name: Patrick K. Doherty

Signed Name: 

Date: 3-3-22

Address: 417 Smolensky Ave

913-708-1468

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a regional patron of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Business Printed Name:

LACI BURDUE

Signed Name:

Laci Burdue

Date:

3-3-22

Address:

1410 W 37th Ave,
Kansas City, KS 66103
(816) 519-0035

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a regional patron of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Business Printed Name:

Michael Curtis

Signed Name:



Date:

3/3/22

Address:

2402 N Chippewa, NKC

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Printed Name: Mirella Welsh

Signed Name: Mirella Welsh

Date: 3-3-22

Address: 512 Elizabeth Ave
Kansas City, KS 66101

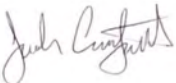
816-328-1108

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Printed Name: Joseph Cartwright

Signed Name: 

Date: 3-3-22

Address: 625 Tawome Ave KCK 66101
816-225-8633

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Printed Name:

Loyan Smith

Signed Name:



Date:

3/3/22

Address:

534 Orville Ave
Kansas City
Kansas, 66101

417 SA7 654

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Printed Name:

Kimberly Stogner

Signed Name:



Date:

3/3/22

Address:

534 ~~main~~ orville ave

Kansas City

Kansas, 66101

417 597 6514

LETTERS OF SUPPORT

Dear Planning and Zoning Committee:

I'm a resident of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Printed Name: *Zachary Watson*

Signed Name: *Zach Watson*

Date: *3-3-22*

Address: *625 Tawmose Ave KCK 66101*
916-266-1344

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Printed Name:

Luke DUJAKOWICZ

Signed Name:



Date:

03/31/21

Address:

~~648~~ 648 SPLITLOG AVE KCKS 66101

(916) 863-1343

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a regional patron of Strawberry Hill and support the idea of Hillside's. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Business Printed Name:

Signed Name:

Kyle Tenny
Kyle Tenny

Date:

3/3/22

Address:

626 Tenny
KC KS, 64101
913-980-352

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a regional patron of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Business Printed Name

Jolie L. Justus

Signed Name



Date

3.3.22

Address

2813 Holmes St
KC, MO 64109
816.830.4764

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a regional patron of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Business Printed Name:

Troy STRAUSS

Signed Name



Date

3/3/22

Address

17360 S Ing Rd
~~GARDNER~~ GARDNER KS 66030
913-788-5573

LETTERS OF SUPPORT

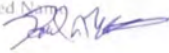
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Business Printed Name:

JDMichel Inc.

Signed Name:



Date:

3-3-22

Address:

352 N. 5th St. Kalamazoo, MI 49001

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a Business Owner of Strawberry Hill and support the idea of Hillsiders. There are not enough places to eat in the area, especially around lunch. This would remove a long-time vacancy at one of the entrances to Strawberry Hill, improving the look of the entire neighborhood. This project is being spearheaded by a current local business owner and property owner that is passionate about the area.

Business Printed Name: *Chicago's*

Signed Name: *[Signature]*

Date: *3/3/22*

Address: *534 Central Ave*
KE, KS 66101
913-281-9744

LETTERS OF OPPOSITION

Sarah Soptic
400 N. Thompson St.
Kansas City, Ks. 66101

Unified Government
Dept. of Planning and
Urban Design
701 N. 7th St. Room 423
Kansas City, Kansas 66101

RE: Special Permit Petition SP2022-11

Greetings City Planners,

I am strongly opposed to allowing a bar/drinking establishment at 403 N 5th St.

I am glad to see dumpsters and some activity at 401 and 403 as both buildings appear to be abandoned and neglected. First sight coming to Strawberry Hill from I-70 are delapidated buildings. Not a positive first impression of our neighborhood.

I would like to see perhaps offices, boutiques or a florist in those buildings, modeling after the development on 6th St.

We have plenty of bars in our tiny neighborhood. Parking is scant here at the bottom of the Hill and we have enough activity with the current bar, rental space and restaurant.

Please do not allow this special permit to be granted.

Thank you for allowing me to voice my opinion.



Sarah Soptic

SPECIAL PERMIT
PETITION # SP2022-011

UNIFIED GOV.
C/O DEPT OF PLANNING
AND URBAN DESIGN.

I AM SHOUTING LOUDLY AGAINST THE
EXT. OF THE 403 CLUB AT 403 N 5TH ST.

AS I SEE IT THE LOUD MUSIC AND
PARTYING UNTIL WEE HOURS OF THE
EVENING WILL CAUSE MUCH VIOLENCE
AND MAYBE SHOOTINGS. NOT ALONE
ALL THE TRAFFIC AND PARKING.

I'VE LIVED IN THIS NEIGHBORHOOD
MY WHOLE LIFE, SO PLEASE PLEASE
LEAVE IT STAY PEACEFUL, WITH -
OUT THE CLUB EXT AND LATE HRS.

I SEE NOTHING BUT TROUBLE. A CONCERNED
CITIZEN AND TAX PAYER. MARYANN TRZOK

LETTERS OF OPPOSITION

Planning and Urban Design

701 N 7th St

Kansas City, Kansas 66101

Regarding Special Permit Petition- SP2022-011

Bar/Drinking establishment at 403 N 5th

TO WHOM THIS MAY CONCERN:

I am a resident on N. Thompson St located within the area of this establishment.

I am protesting this bar/drinking establishment in my neighborhood.

This is a quiet family neighborhood, we do not need the loud music, talking and intoxicated people in the area all hours of the night.

There is not enough parking in the neighborhood and on 5th St for the traffic this establishment will bring to the area.

I am in favor of a business but not a bar/drinking establishment.

Thank you!

Wanda Espinosa

Catarino Gonzalez

LETTERS OF OPPOSITION

Greg Soptic
400 N Thompson St
Kansas City Ks. 66101

Unified Government
Dept. of Planning and
Urban Design
701 N 7th St. room 423
Kansas City, Kansas 66101

RE: Special Permit Petition SP2022-011

This letter is to inform the Dept. of Planning & Urban Design that as a landowner affected by the above listed petition that I do not approve of this permit for a bar/drinking establishment at 403 N. 5th St. KCKS.

Currently there are seven(7) drinking establishments within ten(10) blocks of 403 N 5th. This does not include Eateries that serve liquor.

There is no longer a need for a "neighborhood bar" as most everyone in the Strawberry Hill neighborhood own cars and do not need to have a bar/drinking establishment within walking distance. Though as stated above there is enough here already to meet any current demand.

Most everyone now travels by personal vehicle and having an establishment at that location would exacerbate the shortage of parking in a neighborhood with to little parking as it is.

For these sound reasons I once again clearly state my objection to granting Special Permit Petition SP2022-011.

Thank you for your consideration in this matter,



Gregory Soptic

LETTERS OF OPPOSITION

02/10/2022 1:37 PM FAX

0002/0002

To: Department of Planning and Urban Design
701 N 7th Street
Room 423
Kansas City, Kansas 66101

02/09/2022

From: St. Joseph Croatian Lodge 35
406 N 5th Street
Kansas City, Kansas 66101

Re: Special Permit SP2022-011

It was brought to our attention that Blake Lostal/Hillsiders LLC intend to open a sportsbar/drinking establishment at 403 N 5th Street. This proposal was discussed by our group at our monthly meeting Tuesday, February 8th, 2022. It was a general consensus that we do not want to stop growth in our neighborhood and wish everyone well in starting up new businesses, but certain items need to be addressed before we can totally support this endeavor.

First and most importantly the parking issue. There are limited parking spots available on 5th Street. This makes patrons park on side streets in the neighborhood which are already pushed to their limits. How far will people be willing to walk to attend this establishment?

Our second concern is a result of the parking issue and the foot traffic that will be generated throughout the neighborhood at all hours of the night and early morning. Patrons will generate trash and noise. Who will be responsible for controlling the noise and picking up the trash? There are no trash receptacles available on 5th Street at this time. It would seem like a great idea for the city to install permanent trash containers on both side of the street to at least offer patrons somewhere to discard their trash.

Our third and last concern is, will this be a smokeless establishment inside and out? We must assume that there will be a smoking area and our concern is where will this be located? Certainly, it can't be out front and that leaves the area in back facing the back of the adjacent homes. Noise control and the privacy of the homes involved will be an issue.

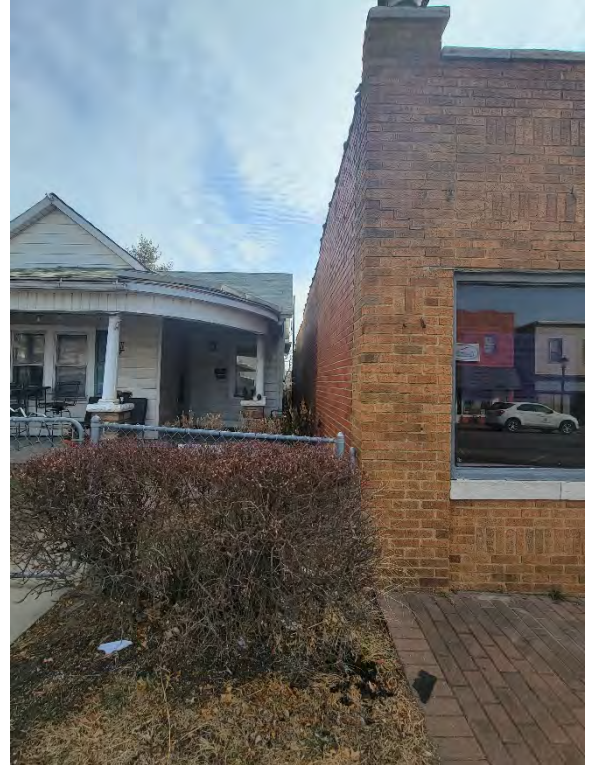
Thank you for allowing us to present our concerns.

Michael S. Wiber
Vice President
St. Joseph Lodge 35, Kansas City, Kansas

STAFF SITE VISIT PHOTOS DATED JANUARY 27, 2022



STAFF SITE VISIT PHOTOS DATED JANUARY 27, 2022



STAFF SITE VISIT PHOTOS DATED JANUARY 27, 2022





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 31, 2022

Re: Petition SP2022-013

GENERAL INFORMATION

Applicant:
Aurangzeb Khan

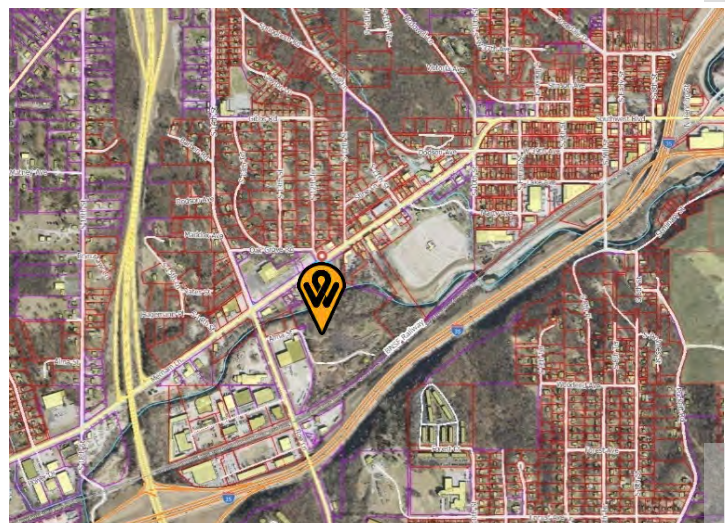
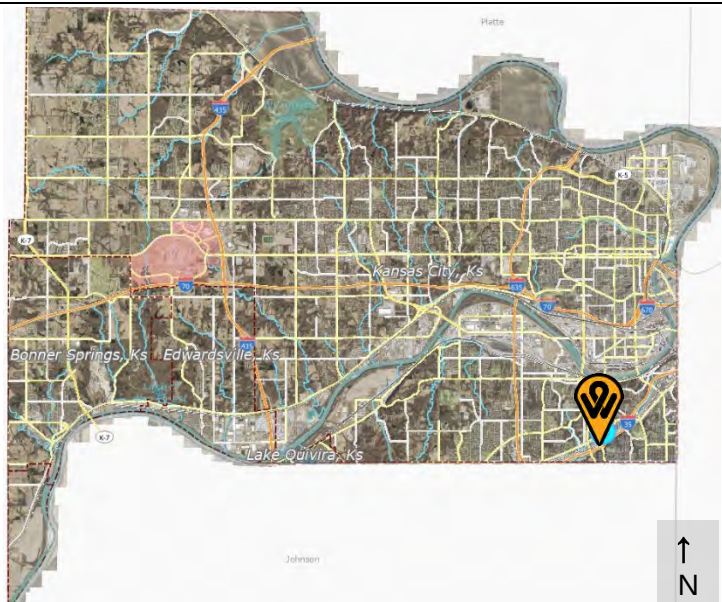
Status of Applicant:
Representative
Jahan Enterprises, LLC
5614 Barton Lane
Shawnee, Kansas 66203

Requested Actions:
Approval of a Special Use Permit.

Date of Application:
January 3, 2022

Purpose:
To approve a renewal of a
Special Use Permit for the
importing and exporting of
earthen material.

Property Location:
1215 Merriam Lane
Kansas City, Kansas 66103



Commission Districts:	At-Large Commissioner, District #2: Tom Burroughs District #3 Commissioner: Christian Ramirez
Existing Zoning:	C-1 Limited Business District
Adjacent Zoning:	North: C-1 Limited Business and C-3 Commercial Districts South: M-2 General Industrial District East: C-3 Commercial District West: C-1 Limited Business District
Adjacent Uses:	North: Restaurant South: Turkey Creek East: Commercial business West: Convenience store and gas station
Total Tract Size:	1.06 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 Industrial. The Industrial land use designation allows for manufacturing, processing, warehouse, distribution, outdoor storage, salvage, industrial-related offices, limited related commercial and service uses such as truck stops, service stations, and convenience stores, and mining/mineral extraction.
Major Street Plan:	The Major Street Plan designates Merriam Lane as a Class C Thoroughfare.
Required Parking:	Per Section 27-464(e), uses in the C-1 District require paved off-street parking at a ratio of no less than four (4) spaces per 1,000 square feet of floor area in the building. The subject property does not have a building, therefore there is no parking required. The subject property does not provide paved parking.
Advertisement:	<u>The Wyandotte Echo</u> – January 20, 2022, and; February 17, 2021 Letters to Property Owners – January 21, 2022, February 18, 2022 and March 23, 2022
Public Hearings:	March 14, 2022 and March 31, 2022
Public Support:	None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Aurangzeb Khan with Jahan Enterprises, LLC, is requesting the renewal of a Special Use Permit for the importing of earthen material to the subject property at 1215 Merriam Lane. The applicant intends only to export—not import—earthen material from the subject property under this renewal case. This Special Use Permit initially arose as the result of a joint Building Inspection and Zoning Enforcement action beginning in 2018.

City Ordinance Requirements: Article VIII, Sections 27-592 – 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. The current property owner has received environmental code enforcement complaints in 2017, 2018, 2019, and 2021.
2. A Stop-Work Order for dumping without a permit was issued for 1215 Merriam Lane in November of 2017 for demolition and fill without permits. A Stow-Work Order

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits.
2. The current property owner has outstanding citation for dumping more than 50 cubic yards of fill material without a Special Use Permit and for dumping within the floodplain. This citation was initially mailed to the property owner on February 7, 2019.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Shawnee Heights Statistical Neighborhood and is not within a neighborhood group. Properties along Southwest Boulevard/Merriam Lane feature a mix of heavy commercial and light industrial uses, along with some single-family residences. North of the Southwest Boulevard/Merriam Lane corridor, a majority of the properties are single-family residences. More industry, Turkey Creek, and the Interstate-35 corridor are to the south.

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

The zoning is similar to nearby uses, and is of a less intense commercial district than some adjacent parcels. The use of the property to store earthen fill, however, is not as compatible with all nearby properties. The subject property abuts Turkey Creek, which presents issues with earthen materials entering the watershed and polluting the water in Turkey Creek and downstream.

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 this staff report is for a renewal of a Special Use Permit, and therefore the restrictions of the proposed use have previously been removed, Staff must reassess the suitability of the property on each occasion. In the case of the earthen mound on the subject property, this is a use that is not suitable for a commercial corridor such as Merriam Lane nor for a property that is next to—and uphill from—Turkey Creek. Furthermore, it appears that any future importing of earthen fill will raise the grade, as evidenced by the mounds of earthen fill that have already been created. Future fill would result in the creation of a dead site. An earthen fill site would be more appropriate on a parcel that is 1) zoned for industrial use, 2) adjacent to industrially zoned properties, and 3) not abutting a waterway.

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

While the subject property does not have a permanent structure, it has been used for earthen fill for at least the past (3) years and is therefore 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. The City-Wide Master Plan designates this property as Industrial. The Industrial land use designation allows for manufacturing, processing, warehouse, distribution, outdoor storage, salvage, industrial-related offices, limited related commercial and service uses such as truck stops, service stations, and convenience stores, and mining/mineral extraction. Out of the allowed uses, only outdoor storage is similar to the proposed use of an earthen material fill. The Industrial land use designation of the subject property, however, is consistent with the proposed use and therefore 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.*

The applicant has expressed a desire to complete the removal and grading process as soon as possible. The more truck trips that are allowed per day will inversely correlate to the number of days it will take to fully remove the illegal dump material

and bring the property to a construction grade. While the applicant failed to provide Staff with any indication of the number of daily truck trips to the subject property, both during the process to receive SP-2019-77 and in the initial application for this renewal, SP2022-013, further conversation with representatives for the applicant has led to estimate of 20-30 truck trips per day. As Merriam Lane is designated as a Class C Thoroughfare and serves a number of industrial uses that feature large trucks, an additional 20-30 truck trips per day will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

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

The proposed use on the subject property is not reasonably necessary for the convenience and welfare of the public and could substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining properties. While bringing in earthen materials from an outside construction site or grading project may be necessary, use of a highly-visible parcel along Merriam Lane is not the appropriate site for such a use. The earthen mound is inconsistent even with the industrial uses along the Merriam Lane corridor, and furthermore is not screened in the manner that the unsightly uses are required to be, per Section 27-464(g). The existence of the earthen fill mound at the subject property (see “Staff Site Visit Photographs, dated January 20, 2022” in the *Attachments* section of this report) is detrimental to the revitalization efforts that have taken place along Merriam Lane.

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.*

Trucks driving on and off the subject property and dumping earthen materials will certainly cause noise and vibration issues, and—depending on the hours of operation—lighting and illumination issues as well. This could be considered a problem for nearby properties. An earthen fill site also has dust issues, especially if not properly wetted or otherwise mitigated. The applicant has stated that Frederick Excavating “utilizes the common practice of watering the surface when necessary to combat dust”.

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

The subject property abuts Turkey Creek, which presents issues with earthen materials entering the watershed and polluting the water in Turkey Creek and downstream.

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

The fill site is not only on a property adjacent to Turkey Creek, but the mound of earthen material itself is immediately adjacent to, if not within, the Turkey Creek floodplain. The fill site has also demonstrated failure to comply with only using earthen material as defined by the International Building Code, Appendix J, Section J107.4 and the SP-2019-077 staff report, but has further risked damaging Turkey Creek by improperly and inadequately establishing erosion control measures.

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

Renewal of the Special Use Permit would allow a mound of earthen material viewable from Merriam Lane. While Merriam Lane has heavy commercial and industrial characteristics, such uses are required to have various types of screening, respectively. The earthen materials mound, on the other hand, does not have any screening whatsoever, and creates an eyesore along a major commercial corridor in the Rosedale area.

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

The keeping of earthen material fill does not necessarily cause overcrowding nor undue concentrations of population. As the applicant's proposed use is to export, rather than continue to import, earthen materials from the subject property, any concern about the existing earthen material pile should lessen with every truck trip. As the proposed number of daily truck trips is 20 to 30, these trips will not result in overcrowding of land or cause undue concentrations of population.

PREVIOUS ACTIONS

- SP-2019-77, a Special Use Permit for the bringing in of earthen material.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on January 31, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Compliance with SP-2019-77
Erosion Control
Fill Material
Floodplain and Floodway
Noise, Dust, Vibration, and Illumination

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-013 for one (1) year**, subject to:

- 1) A landscaping plan compliant with Section 27-464(g) must be submitted to Staff by March 23, 2022;
- 2) The landscaping demonstrated on the submitted landscaping plan, including all trees and seeding, must be properly installed within 60 days of the completion of final grading;
- 3) The hours of operation shall be 7:00 AM to 5:30 PM, Monday through Friday. Contact the neighborhood group and the surrounding residences at least 24 hours in advance of performing work on the weekend;
- 4) There shall be full compliance with the comments from the Wyandotte County Conservation District contained herein;
- 5) 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;
- 6) Rumble strips and/or other mitigation measures must be installed on the subject property in order to prevent dirt, rubble, and other fill material from being tracked by work trucks onto and damaging the public right-of-way;
- 7) 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, Sections 8-610 through 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;
- 8) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 9) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board

- of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
- 10) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to Factors to be Considered, and Key Issues and recommends **APPROVAL** of Petition **SP2022-013** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Existing and Proposed Grading Conditions Plan for 1215 Merriam Lane
Hauling Route Map
Applicant's Responses to Staff Comments and Suggestions, SP-2019-77 Staff Report
Wyandotte County Conservation District Letter, Dated January 18, 2022
Staff Site Visit Photographs, Dated January 20, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Special Use Permit	March 14, 2022 Approval	March 31, 2022

STAFF CONTACT: Michael Farley
mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-013**, 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 **SP2022-013**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

March 14, 2022 City Planning Commission Minutes:

Hearing starts at Tape 2 – 27:48:

SPECIAL USE PERMIT APPLICATION SP2022-013 – AURANGZEB KHAN/JAHAN ENTERPRISES, LLC – SYNOPSIS: Renewal of a Special Use Permit (SP-2019-77 – expired 10/31/2021) for a dirt fill at 1215 Merriam Lane.

Detailed Outline of Requested Action: The applicant, Aurangzeb Khan with Jahan Enterprises, LLC, is requesting the renewal of a Special Use Permit for the importing of earthen material to the subject property at 1215 Merriam Lane. The applicant intends only to export—not import—earthen material from the subject property under this renewal case. This Special Use Permit initially arose as the result of a joint Building Inspection and Zoning Enforcement action beginning in 2018.

City Ordinance Requirements: Article VIII, Sections 27-592 – 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 March 14, 2022;
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 the property owners.

Present in Support:

- Aurangzeb Khan, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at Tape 2 – 29:22: Planning Director Hand stated that the request is for renewal of a Special Use Permit for a dirt fill. When the application was approved in 2018, they requested approval to bring dirt onto the property. They are now requesting that some of the dirt be removed from the site. The property is in the Rosedale Area Master Plan on Merriam Lane. Staff stated that Turkey Creek is to the south and southwest of this property. Staff has received no letters in support or opposition. There have been numerous Notices of Violation on this property. One of the conditions of approval is for a landscaping plan to be submitted showing the final landscaping once the pile of dirt has been removed. Staff is also requesting mitigation measures to prevent tracking of dirt/mud onto Merriam Lane which is right-of-way that has been upgraded by the Unified Government recently. Director Hand stated that staff recommends approval for one (1) year subject to the conditions in the staff report.

Planning Commissioner Jones asked why this renewal is late. Planning Director Hand stated that the application was held over several times as staff was requesting information.

Motion and Vote starts at Tape 2 – 32:15:

On motion by Ms. Armstrong, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-013 for one (1) year:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0

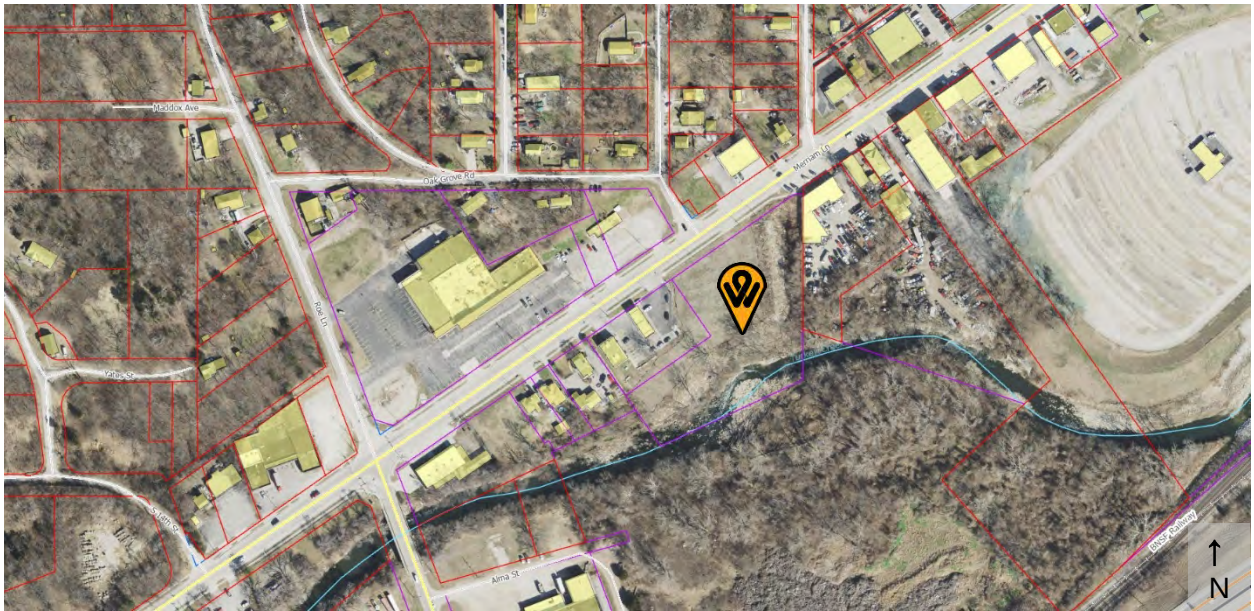
Subject to:

- 1) A landscaping plan compliant with Section 27-464(g) must be submitted to Staff by March 23, 2022;**

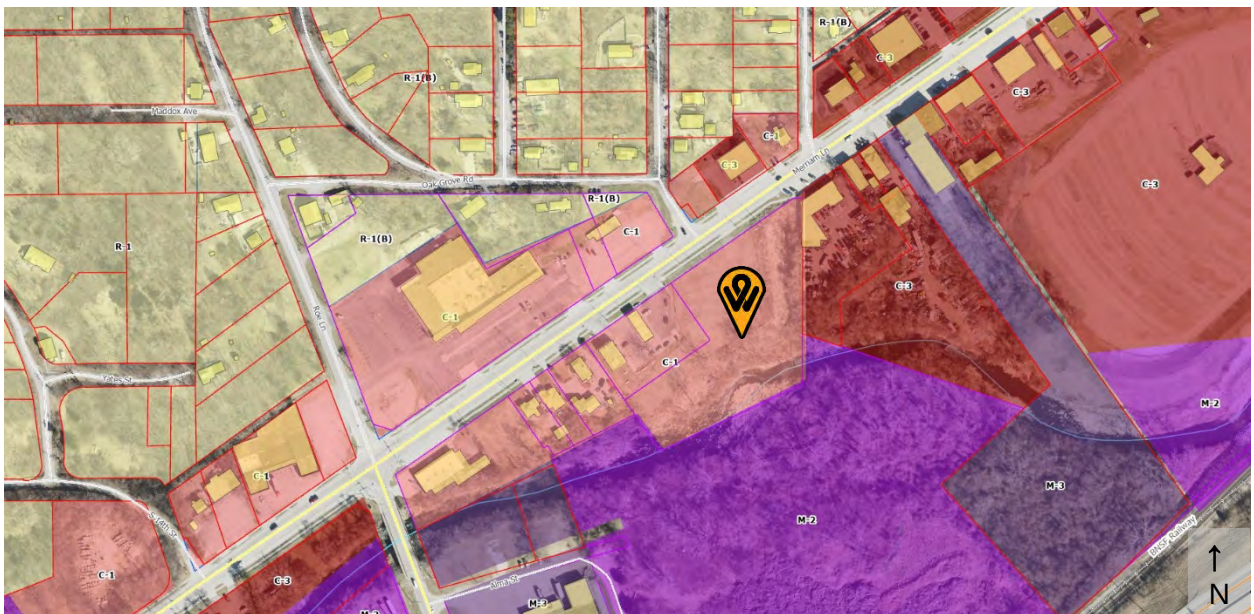
- 2) The landscaping demonstrated on the submitted landscaping plan, including all trees and seeding, must be properly installed within 60 days of the completion of final grading;
- 3) The hours of operation shall be 7:00 AM to 5:30 PM, Monday through Friday. Contact the neighborhood group and the surrounding residences at least 24 hours in advance of performing work on the weekend;
- 4) There shall be full compliance with the comments from the Wyandotte County Conservation District contained herein;
- 5) 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;
- 6) Rumble strips and/or other mitigation measures must be installed on the subject property in order to prevent dirt, rubble, and other fill material from being tracked by work trucks onto and damaging the public right-of-way;
- 7) 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, Sections 8-610 through 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;
- 8) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 9) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
- 10) 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.

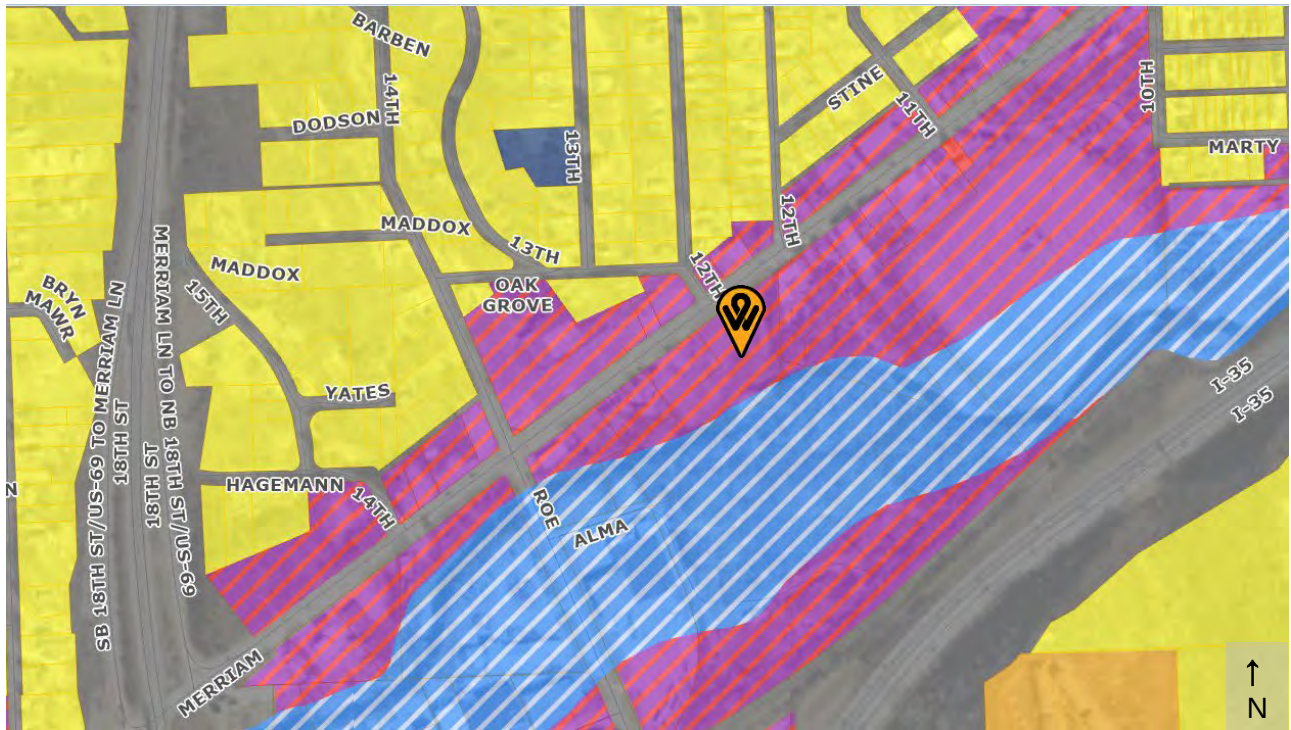
AERIAL MAP



ZONING MAP



LAND USE MAP



City-Wide Master Plan Land Use



NEIGHBORHOOD MEETING MATERIALS

January 18 2022

Aurangzeb Ali Khan

5614 Barton Lane

Shawnee KS 66203

Subject: Neighborhood Meeting, day/date correction

I have filed an application with the Department of Urban Planning and Land Use # SP2022-013-1215

The purpose of this: please check all that apply

Change of zone

X Special use permit

Preliminary plan review

Is for a special use permit to continue to complete the grading of land per Unified Government of Wyandotte County.

Due to covid risks we will not be meeting in person but via a zoom call. The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have. I look forward to meeting with you. Please contact me below using either text, call or email with your phone number if you would like to attend so that I can send you a link to the call. The call will be scheduled for Monday January 31, 2022 at 4 pm CST.

Aurangzeb Khan

Phone #: 913-461-5903

Email: azebkhan90@hotmail.com.

NEIGHBORHOOD MEETING MATERIALS, CONT.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Aurangzeb Ali Khan, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2022-013.
2. That I conducted a neighborhood meeting on January 31 2022.
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

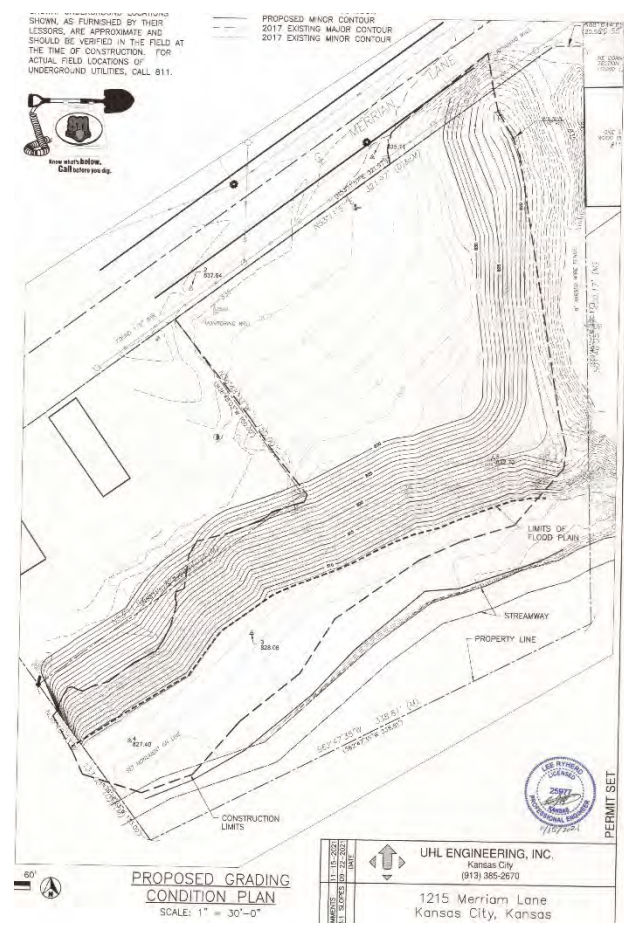
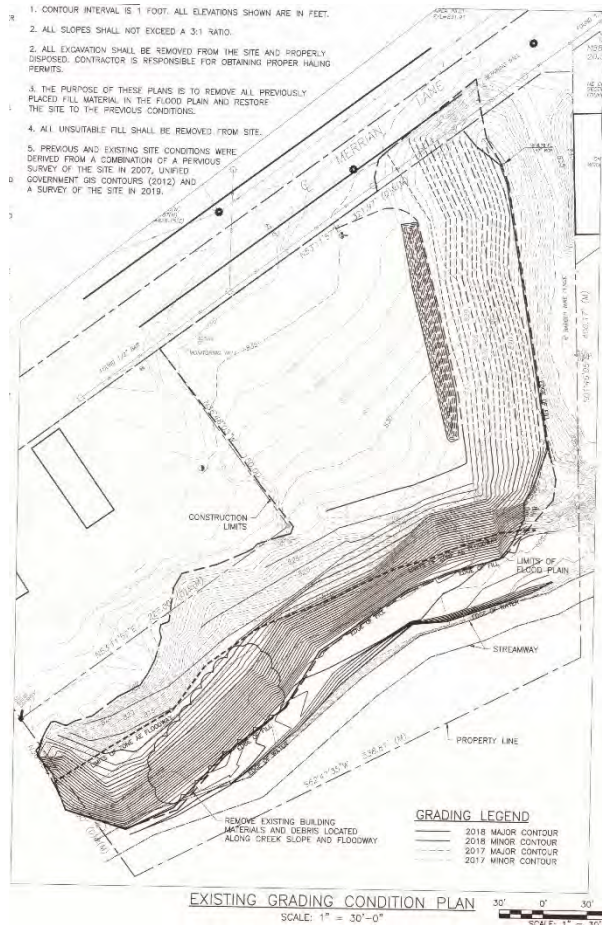
Aurangzeb Khan

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

My commission expires _____ of _____, 200_.

Notary Public

EXISTING AND PROPOSED GRADING CONDITION PLANS FOR 1215 MERRIAM LANE, CONT.



GENERAL NOTES:

- ALL CONSTRUCTION SHALL CONFORM TO THE UNIFIED GOVERNMENT'S MUNICIPAL CODE AND THE KC METRO CHAPTER OF THE AMERICAN PUBLIC WORKS ASSOCIATION. THE FOLLOWING SECTIONS FROM AMERICAN PUBLIC WORKS ASSOCIATION (KANSAS CITY METRO CHAPTER) "STANDARD SPECIFICATIONS AND DESIGN CRITERIA" SHALL BE INCORPORATED HEREIN:
SECTION 2100. GRADING & SITE PREPARATION
- THE APPLICABLE RULES AND REGULATIONS OF THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT ARE HEREBY INCORPORATED INTO THIS SET OF PLANS BY THIS REFERENCE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ACQUIRE A SET OF THESE STANDARD SPECIFICATIONS AND HAVE SUCH SPECIFICATIONS AVAILABLE AT THE SITE OF THE WORK PRIOR TO AND DURING ALL PHASES OF CONSTRUCTION.
- ALL WORK IN PUBLIC RIGHT-OF-WAY AND ALL EROSION CONTROL WORK MUST COMPLY WITH THE LATEST EDITION OF THE TECHNICAL PROVISIONS & STANDARD DRAWINGS FOR ROAD AND SEWERS, OF THE UNITED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS. IF ANY OF THE GENERAL NOTES CONFLICT WITH THE TECHNICAL PROVISIONS & STANDARD DRAWINGS FOR ROAD AND SEWER, OF THE UNITED GOVERNMENTS OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS (THE UG), THE UG'S STANDARDS SHALL OVERRIDE.
- THE LOCATION OF THE UTILITY LINES, AS SHOWN ON THESE PLANS, ARE APPROXIMATE AND HAVE BEEN INDICATED TO THE GREATEST EXTENT AVAILABLE TO THE ENGINEER. THE SERVICE LINES FROM THE MAINS TO EXISTING BUILDINGS ARE NOT SHOWN; HOWEVER, THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE EXACT LOCATIONS OF THE UTILITIES AND SHALL BE HELD RESPONSIBLE FOR ANY DAMAGES DONE TO THESE LINES DURING CONSTRUCTION.
- THE COORDINATE SYSTEM USED TO IDENTIFY FACILITIES HEREIN IS RELATIVE TO THIS PROJECT AND NOT NECESSARILY TO AN ACCEPTED STATE OR NATIONAL SYSTEM.

GRADING NOTES:

- CONTOUR INTERVAL IS 1 FOOT. ALL ELEVATIONS SHOWN ARE IN FEET.
- ALL SLOPES SHALL NOT EXCEED A 3:1 RATIO.
- ALL EXCAVATION SHALL BE REMOVED FROM THE SITE AND PROPERLY DISPOSED. CONTRACTOR IS RESPONSIBLE FOR OBTAINING PROPER HAULING PERMITS.
- THE PURPOSE OF THESE PLANS IS TO REMOVE ALL PREVIOUSLY PLACED FILL MATERIAL IN THE FLOOD PLAIN AND RESTORE THE SITE TO THE PREVIOUS CONDITIONS.
- ALL UNSUITABLE FILL SHALL BE REMOVED FROM SITE.
- PREVIOUS AND EXISTING SITE CONDITIONS WERE DERIVED FROM A COMBINATION OF A PREVIOUS SURVEY OF THE SITE IN 2007, UNIFIED GOVERNMENT GIS CONTOURS (2012) AND A SURVEY OF THE SITE IN 2019.

6. THE CONTRACTOR IS RESPONSIBLE FOR:

- PROTECTION AND/OR RESTORATION OF ALL PROPERTY AND SECTION CORNERS. ANY PROPERTY/SECTION CORNERS THAT GET DISTURBED OR DAMAGED BY CONSTRUCTION ACTIVITIES SHALL BE RESET BY A REGISTERED LAND SURVEYOR IN THE STATE OF KANSAS, AT THE CONTRACTORS EXPENSE.
 - THE RESTORATION OF THE RIGHT-OF-WAY AND FOR DAMAGE IMPROVEMENTS SUCH AS: CURBS, SIDEWALKS, DRIVEWAYS, STREET/PEDESTRIAN LIGHTS, TRAFFIC SIGNAL JUNCTION BOXES, LOOP LEAD INS, AND POLES, IRRIGATION SYSTEMS, ETC. DAMAGED ITEMS SHALL BE REPAIRED IN CONFORMANCE WITH THE LATEST CITY STANDARDS AND TO THE APPROVAL OF THE CITY.
 - COMPLYING WITH STATE LAW REQUIRING ANY PERSON OR FIRM DOING EXCAVATION ON THE PUBLIC RIGHT-OF-WAY DO SO ONLY AFTER GIVING NOTICE TO AND OBTAINING INFORMATION FROM UTILITY COMPANIES.
 - PROVIDING EROSION AND SEDIMENT CONTROL BMP'S TO PREVENT SEDIMENT FROM REACHING PAVED AREAS, STORM SEWER SYSTEMS, DRAINAGE WAYS AND ADJACENT PROPERTIES. IN THE EVENT THAT PREVENTION MEASURES ARE NOT EFFECTIVE, THE CONTRACTOR SHALL REMOVE ANY DEBRIS, SILT, MUD OR TRASH AND RESTORE THE RIGHT-OF-WAY, OR ADJACENT PROPERTIES TO BE IN CONFORMANCE WITH THE LATEST CITY STANDARDS AND TO THE APPROVAL OF THE CITY.
 - SODDING ALL DISTURBED AREAS WITHIN THE PUBLIC STREET RIGHT-OF-WAY UNLESS NOTED OTHERWISE ON THE PLANS, OR IF SPECIFIC WRITTEN APPROVAL IS PROVIDED BY THE CITY.
 - PROTECTION AND/OR RESTORATION OF ALL PROPERTY AND ALL WORK SHALL BE CONFINED WITHIN EASEMENTS, CONSTRUCTION LIMITS AND/OR PROPERTY LINES AS SHOWN ON THE PLANS.
 - ALL DAMAGE TO EXISTING UTILITIES, PAVEMENT, FENCES, STRUCTURES AND OTHER FEATURES NOT DESIGNATED FOR REMOVAL. THE CONTRACTOR SHALL REPAIR ALL DAMAGES AT HIS EXPENSE.
 - VERIFICATION OF QUANTITIES. ANY/ALL QUANTITIES SHOW ARE FOR ESTIMATING PURPOSES ONLY.
 - OBTAINING ALL PERMITS NECESSARY INCLUDING RIGHT-OF-WAY, HAULING, ECT. PRIOR TO CONSTRUCTION.
 - PROVIDING AND MAINTAINING ALL SIGNAGE, BARRICADES, LIGHTING ETC. AS REQUIRED FOR TEMPORARY TRAFFIC CONTROL DURING THE CONSTRUCTION OF THIS PROJECT IN ACCORDANCE WITH THE MUTCD.
 - AGREES THAT THEY SHALL BE SOLELY RESPONSIBLE FOR THE SAFETY OF THE CONSTRUCTION WORKERS AND THE PUBLIC. THE CONTRACTOR AGREES TO HOLD THE ENGINEER AND OWNER HARMLESS FOR ANY AND ALL INJURIES, CLAIMS, LOSSES OR DAMAGES RELATED TO THE PROJECT.
- ALL WORK SHALL BE CONFINED WITHIN EASEMENTS, CONSTRUCTION LIMITS AND/OR PROPERTY LINES AS SHOWN ON THE PLANS.

HAULING ROUTE MAP



Haul route for exporting earthen material at 1215 Merriam Lane. The earthen material will be brought to a location outside of Wyandotte County.

APPLICANT'S RESPONSES TO STAFF COMMENTS AND SUGGESTIONS, SP-2019-77 STAFF REPORT

STAFF COMMENTS AND SUGGESTIONS

Business License Comments:

1. If approved and the site charges any fee to dump fill dirt, the applicant would need to file the occupation tax application with this office for the landfill business activity.

Applicants Response: N/A - We already have the dirt on the site from previous contractor. They will be responsible to take care of that.

Urban Planning and Land Use Comments:

1. Review and respond to the attached Conservation District Comments.

Applicants Response: OK

Staff Response: Both the applicant and the contractor will need business licenses.

2. A Stop-Work Order was issued for 1215 and 1233 Merriam Lane in September of 2018 for demolition and fill without permits.

Applicants Response: I have already pulled permits.

Staff Comment: The applicant has applied for a grading and floodplain development permit. Those applications are still under review. The Special Use Permit for fill must be approved and then the applicant must complete review for the additional permits.

3. A portion of this parcel is located within the floodplain and floodway of Turkey Creek. If any work, including dirt fill, is to be done in the floodplain or floodway a Floodplain Development Permit shall be required. Photos taken by UG staff appear to show that fill material has been placed within portions of the floodplain and along the steep slope. Update site plan to reflect this. Provide a detailed description of work that has been done in the floodplain or adjacent to the floodplain and the impact on Turkey Creek.

Applicants Response: Prints or plans already submitted to the City.

4. What are the hours of construction at the site?

Applicants Response: 7 am to 5 pm Mon to Fri.

5. How many daily truck trips are there to the site?

Applicants Response: I don't know, depends on contractor.

Staff Response: This question must be answered for the Planning Commission. Contact your contractor.

6. How long will it take to achieve the final grades needed to close the permit?

Applicants Response: 3 months.

7. Per the International Building Code, Appendix J, Section J107.4 Fill material shall not include organic, frozen or other deleterious materials. No rock or similar irreducible material greater than 12 inches (305 mm) in any dimension shall be included in fills. Photos taken by staff show that the material used does not meet this requirement. How do you intend to resolve this issue?

Applicants Response: Will either be removed or broken down.

8. Provide hauling routes.

Applicants Response: Part of Phillips/Hardy contract

Staff Response: This question must be answered for the Planning Commission. Contact your contractor.

9. May also need to coordinate with the Kansas Department of Natural Resources and other State agencies and FEMA.

Applicants Response: We are in the process. R&B Architecture and Engineering to have communication and any permitting they need we will follow.

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER,
DATED JANUARY 18, 2022



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

January 18, 2022

RE: SP2022-013 Aurangzeb Khan with Jahan Enterprises, LLC for dirt fill at 1215 Merriam Lane

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: SP2022-013 Aurangzeb Khan with Jahan Enterprises, LLC for dirt fill at 1215 Merriam Lane.

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

MAPS AND REPORTS

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

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

- There are two major soil types identified: Knox silt loam, 7 to 12 percent slopes and Kennebec silt loam, occasionally flooded. These soil types are considered erodible when the surface is denuded of a protective cover.
- The area is well seeded and maintained.
- No more fill should be placed in the drainage way, to prevent issues with flooding of the creek.

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.

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER,
DATED JANUARY 18, 2022, CONT.

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 JANUARY 18, 2022, CONT.

Soil Map—Wyandotte County, Kansas
(SP2022-0013 1215 Merriam Lane)



**Natural Resources
Conservation Service**

Web Soil Survey
National Cooperative Soil Survey

1/13/2022
Page 1 of 3

STAFF SITE VISIT PHOTOGRAPHS, DATED JANUARY 20, 2022



Pictured are five (5) views of the subject property, with emphasis on the earthen mound already on site.

STAFF SITE VISIT PHOTOGRAPHS, DATED JANUARY 20, 2022, CONT.



Pictured are four (4) examples of the large rocks and rubble found on the fill site, in violation of the conditions of approval for SP-2019-77.

STAFF SITE VISIT PHOTOGRAPHS, DATED JANUARY 20, 2022, CONT.



Pictured are five (5) examples of mounding that has already occurred on the subject property due to fill previously imported by the applicant, some of which was dumped before SP-2019-77 was approved.

STAFF SITE VISIT PHOTOGRAPHS, DATED JANUARY 20, 2022, CONT.



Pictured is four (4) views of Turkey Creek and the Turkey Creek riverbed from the subject property, showing the context and proximity of the current earthen mound and Turkey Creek.



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 31, 2022

Re: **Special Use Permit Petition SP2022-020**

GENERAL INFORMATION

Applicant:

Joe Heidrick DBA Cactus Bed Properties

Status of Applicant:

Property Owner
625 West 58th Terrace
Kansas City, Missouri 64113

Requested Actions:

Approval of a Special Use Permit for a Short-Term Rental.

Date of Application:

January 24, 2022

Purpose:

To begin operating as a short-term rental (This is not the applicant's primary address).

Property Location:

4309 Rainbow Boulevard
Kansas City, Kansas 66103



Commission Districts:

Commissioner At Large, District #2:
District #3 Commissioner:

Tom Burroughs
Christian Ramirez

Existing Zoning:

R-1(B) Single Family District

Adjacent Zoning:

North: CP-2 Planned General Business District
C-1 Limited Business District
South: R-1(B) Single Family District
East: R-2(B) Two-Family District
West: CP-2 Planned General Business District
CP-1 Planned Limited Business District

Adjacent Uses:

North: Adult Novelty Store
Hair Salon
South: Single Family Residence
East: Single Family Residence
West: Small Box Drugstore
Strip Center Commercial

Total Tract Size:

0.2286 Acre

Master Plan Area:

The Subject Property is within the Rosedale Area Master Plan.

Master Plan Designation:

The Rosedale Area Master Plan designates this Property as Urban Mixed Use. Urban Mixed Use allows for townhomes, small apartment buildings, and multi-family apartments as well as commercial office, neighborhood services, and retail stores.

Major Street Plan:

The City-Wide Master Plan designates Rainbow Boulevard as a Class B Throughfare.

Parking Requirement:

Section 27-455(d) requires two (2) off-street parking spaces premises for each single-family dwelling. The property currently has four (4) off-street parking spaces, meeting this requirement.

Advertisement:

The Wyandotte Echo – February 17, 2022
Letters to Property Owners – February 18, 2022 and March 23, 2022

Public Hearings:

March 14, 2022 and March 31, 2022

Public Support:

None to date.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Joe Heidrick DBA Cactus Bed Properties, is seeking approval to operate a short-term rental at 4309 Rainbow Boulevard. The subject property is on the Rainbow Boulevard commercial corridor. The applicant has recently purchased the property and is in the process of a renovation. The applicant owns the property next door which has also been in use as a permitted short-term rental.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 27-606.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. The subject property has numerous previous violations as late as 2016, however, they are prior to the applicant's purchase and renovations.

Outstanding or Related Permits and Cases:

1. The subject property has no outstanding Building Permits.
2. The current property owner has no outstanding Code Inspection Cases.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is mixed and urban in character. Lots are average for residential urban densities and are approximately twenty-five (25) feet in width. Streets are concrete, and driveways are often concrete approaches with concrete or asphalt driveways. This block of the Rainbow Boulevard has a wide variety of uses, including residential, convenience, and retail uses.

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 subject property is surrounded primarily by R-1(B) Single Family Zoning Districts and Commercial Districts. The property has been non-owner occupied since at least 2015 when records indicate it was owner occupied prior to abandonment. Continuing use as a rental, either

short or long term, is consistent with other nearby properties on the Rainbow Boulevard mixed-use corridor. The proposed use is compatible if properly managed.

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.*

The property is currently vacant as the property is undergoing minor renovations on the interior. Records indicate that the property has been vacant since at mid-2015.

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

Special Use Permits are not addressed in the Rosedale Area Master Plan. The Rosedale Area Master Plan designates this property as Urban Mixed-Use, which allows for townhomes, small apartment buildings, and multi-family apartments but does not allow a single-family residence. The usage of a single-family home for the commercial purpose of short-term lodging better conforms to the allowed commercial usages of the of the master plan if approved with a Special Use Permit.

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 Throughfare to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

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

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

Noise is an issue that is related to short-term rentals. There have not been any noise complaints to date with the current applicant, as this is a new application. Vibration, dust, or illumination are not issues typically related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property.

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 residence.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out urban 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 at one time is eight (8). The maximum number of vehicles is two (2). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

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

The subject property is a permitted single-family residence in a built-out neighborhood and can be used as a short-term rental, long-term rental, or permanent residence without any foreseen danger from regular activity. Short-term rental operators are required to carry liability policies and undergo home inspections and make repairs to ensure the reasonable safety of guests and the property. Noise is an issue often associated with short-term rentals, however, if

operated properly there should ostensibly be no significant issue with noise or disturbances.

14. 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

Sanitary sewer is provided by public sewer.

c. Storm water control

Stormwater control is provided at various point throughout the Rainbow Boulevard corridor

d. Police

Police service is provided by South Patrol, District #332.

e. Fire

Fire service is provided by Station #10.

f. Transit

The subject property receives bus service via Route #107 at the intersection of West 43rd Avenue and Rainbow Boulevard.

g. Schools

Education is provided by Kansas City, Kansas USD #500.

h. Streets

See item #6 above.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of February 28, 2022.

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

KEY ISSUES

Neighborhood Character
Parking
Zoning
Land Use
Noise
Traffic
Occupancy Limits

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-020 for one (1) year**, subject to:

1. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
2. **Applicant shall provide the following documents and/or information:**
 - a) **Applicant shall post a Lead-Based Paint Notice and Asbestos Notice (if necessary) in the guest book or tenant guide.**
 - b) **Applicant shall provide a copy of the site plan indicating parking and common areas**
 - c) **Applicant shall provide a floor plan.**
 - d) **Applicant shall provide a copy of liability insurance.**
 - e) **Applicant shall provide a Welcome Packet or Guest Book stating rules and regulations;**
3. **If Approved, Applicant shall obtain and/or maintain a business license from the Wyandotte County Business License office;**
4. **Applicant shall remove any debris piles in the rear yard;**
5. **Applicant shall improve the parking in the rear to ensure no more than 30% of the rear yard is utilized for parking;**
6. **The trash enclosure shall be screened from street view via gated enclosure;**
7. **Exterior repairs need approval from the Landmarks Commission, as the parcel is within the Environs of a Historical Landmark, "Old Fire Station No. 12." Please contact the Department of Planning & Urban Design for this information;**
8. **Should a second dwelling unit in the property, including a basement conversion to a dwelling unit, a Change of Zone is required. The Special Use Permit must be amended to reflect the additional dwelling unit. A home**

- inspection may be required upon the completion of a significant renovation of change in the property's use of occupancy;
9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 10. Maximum number of guests, which has been deemed appropriate for the available accommodations shall be eight (8) adults;
 11. Guest parking must be provided off-street. Maximum number of guest vehicles shall be three (3);
 12. Parking must take place off-street;
 13. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
 14. 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;
 15. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy. Include the contact information for Host Compliance: 913-246-5133 www.hostcompliance.com/tips ;
 16. 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;
 17. 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;
 18. 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 **APPROVE** Petition SP2022-020 subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Property Inspection Report Highlights
Neighborhood Meeting Information
Home Repair Photos
Photos Taken by Staff Dated February 5, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing Special Use Permit	March 14, 2022 Approval	March 31, 2022

STAFF CONTACT: **Kallie McLaughlin**
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition SP2022-020 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 SP2022-020 as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

March 14, 2022 City Planning Commission Minutes:

Hearing starts at Tape 2 – 33:15:

SPECIAL USE PERMIT APPLICATION SP2022-020 – JOE HEIDRICK WITH CACTUS BED PROPERTIES, LLC – SYNOPSIS: Special Use Permit for a Short-Term Rental at 4309 Rainbow Boulevard.

Detailed Outline of Requested Action: The Applicant, Joe Heidrick DBA Cactus Bed Properties, is seeking approval to operate a short-term rental at 4309 Rainbow Boulevard. The subject property is on the Rainbow Boulevard commercial corridor. The applicant has recently purchased the property and is in the process of a renovation. The applicant owns the property next door which has also been in use as a permitted short-term rental.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 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 March 14, 2022;
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 the property owners.

Present in Support:

- Joe Heidrick, applicant, 525 West 58th Terrace, Kansas City, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at Tape 2 – 36:00: Planning Director Hand stated the request is for a short-term rental and would be the first request for this property. The property is located in the Rosedale Area Master Plan. As the applicant stated, he has a short-term rental directly abutting to the south of this property. Staff has received no

letters in support nor opposition. There are no Notices of Violation on this property. As the applicant is going to consolidate trash collection of this property and his commercial short-term rentals, Staff is requesting a trash enclosure with a wooden gate around the dumpster. Staff is also requesting improvements to the driveway in a manner that does not require another variance for open space in the rear yard. This property is just inside the environs of an Historic Landmark and staff noticed at their site visit that the windows were being replaced, which will require an Environs Review. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at Tape 2 – 37:55:

On motion by Mr. Mohler, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-020 for one (1) year:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

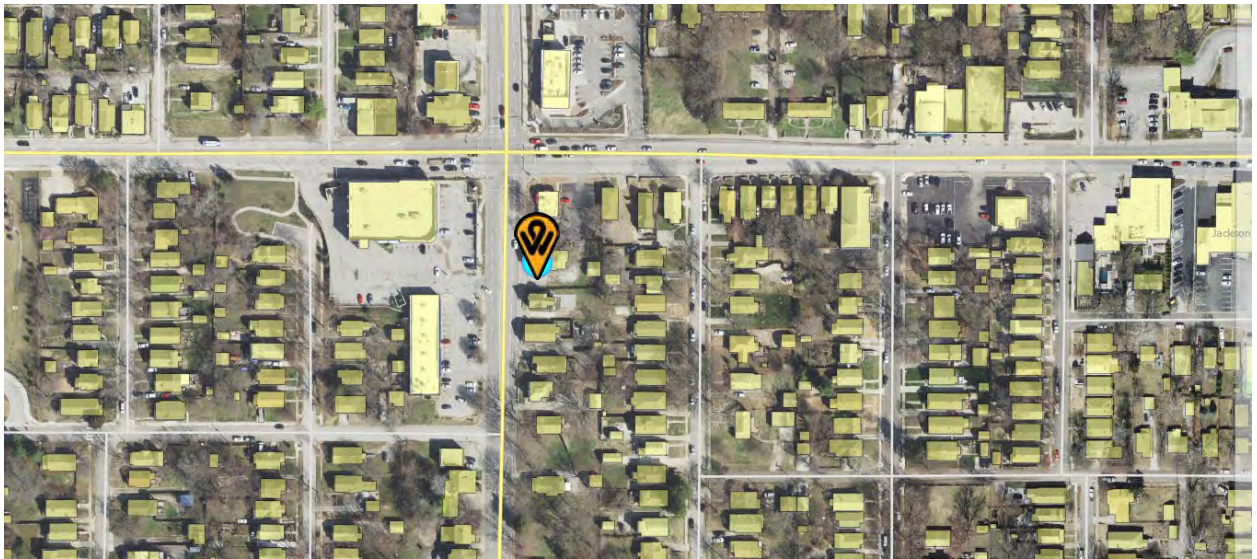
- 1. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
- 2. Applicant shall provide the following documents and/or information:**
 - a) Applicant shall post a Lead-Based Paint Notice and Asbestos Notice (if necessary) in the guest book or tenant guide.**
 - b) Applicant shall provide a copy of the site plan indicating parking and common areas**
 - c) Applicant shall provide a floor plan.**
 - d) Applicant shall provide a copy of liability insurance.**
 - e) Applicant shall provide a Welcome Packet or Guest Book stating rules and regulations;**
- 3. If Approved, Applicant shall obtain and/or maintain a business license from the Wyandotte County Business License office;**
- 4. Applicant shall remove any debris piles in the rear yard;**

5. Applicant shall improve the parking in the rear to ensure no more than 30% of the rear yard is utilized for parking;
6. The trash enclosure shall be screened from street view via gated enclosure;
7. Exterior repairs need approval from the Landmarks Commission, as the parcel is within the Environs of a Historical Landmark, "Old Fire Station No. 12." Please contact the Department of Planning & Urban Design for this information;
8. Should a second dwelling unit in the property, including a basement conversion to a dwelling unit, a Change of Zone is required. The Special Use Permit must be amended to reflect the additional dwelling unit. A home inspection may be required upon the completion of a significant renovation of change in the property's use of occupancy;
9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspector@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
10. Maximum number of guests, which has been deemed appropriate for the available accommodations shall be eight (8) adults;
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12. Parking must take place off-street;
13. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
14. 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;
15. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy. Include the contact information for Host Compliance: 913-246-5133 www.hostcompliance.com/tips ;
16. 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;
17. 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

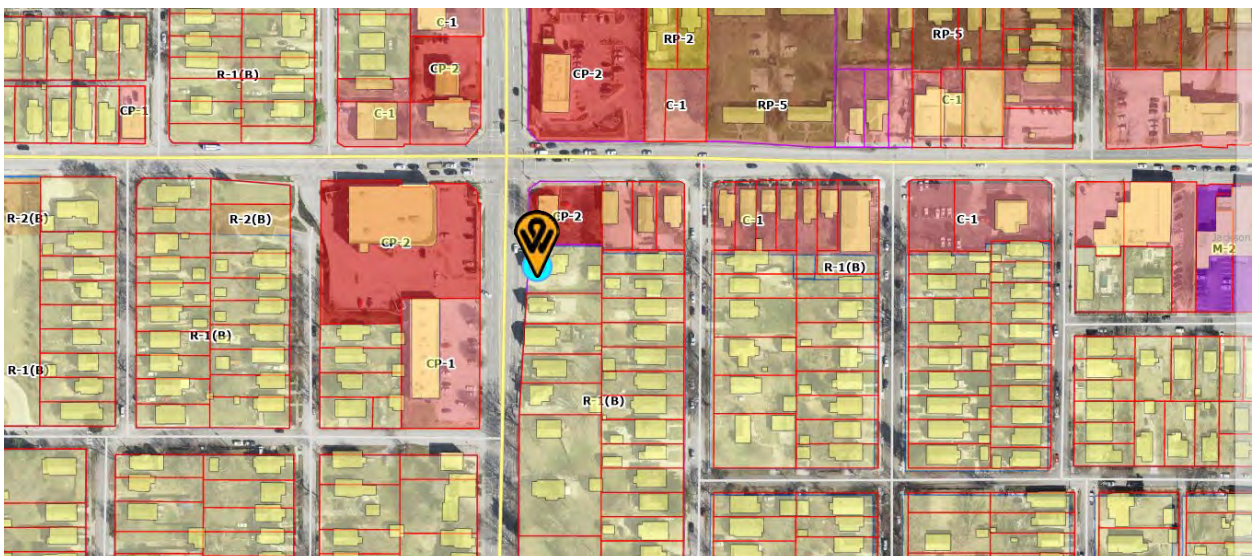
application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

18. 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.

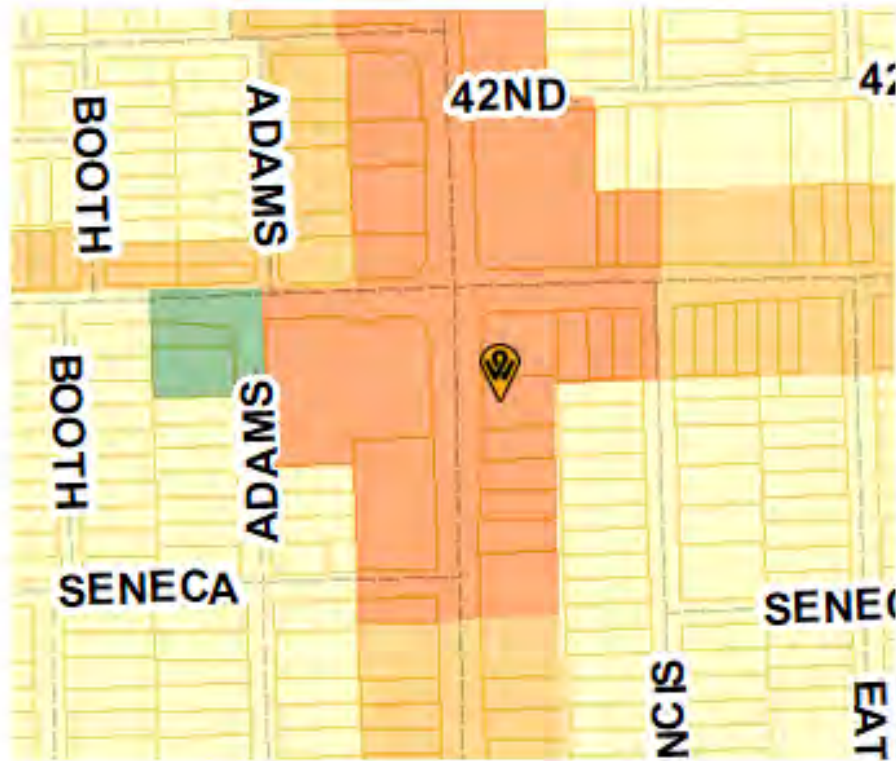
AERIAL MAP



ZONING MAP



LAND USE MAP



Legend

Rosedale Future Land Use District

- Commercial
- Creative and Industrial Mixed use
- General Urban
- Institutional, Educational, and Public
- Office Employment
- Parks and Open Space
- Right-Of-Way
- Single Family
- Urban Core Mixed Use
- Urban Mixed Use

Special Use Permit Discussion

You are receiving this letter as a property owner within 200 feet of 4309 Rainbow Blvd KCK or 4313 Rainbow Blvd KCK.

We have operated a short-term rental at 4313 Rainbow Blvd for 3 years and have submitted an application to renew this permit.

We own the property directly north at 4309 Rainbow Blvd and have submitted an application for a special use permit for this property as well for a short-term rental.

In lue of an in-person meeting at the property, due to the pandemic, I am providing my name number and email for you to contact me at your convenience with any questions comments or concerns.

We are committed to maintaining the integrity of the neighborhood and following the city's master plan.

Please feel free to contact me any time before February 28th for comments and discussion to be considered by the City Planning Commission meeting on March 14th.

Thank you

Joe Heidrick
919-606-9381
cactusbedproperties@gmail.com

PROPERTY INSPECTION REPORT HIGHLIGHTS

File Number: 1132 - 021622
Address of Inspection: 4309 Rainbow Blvd

Figure Number 15



The water heater vent pipe T-fitting where it enters the heat stack could potentially allow exhaust gases to backflow into the furnace. There are not three screws in each joint and the draft hood is not properly secured to the top of the unit.

Figure Number 16



Figure Number 17



Figure Number 18



water heater expansion tank was inadequately supported

PROPERTY INSPECTION REPORT HIGHLIGHTS

File Number: **1132 - 021622**

Address of Inspection: **4309 Rainbow Blvd**

Figure Number 19



ELECTRIC SERVICE

The overhead service entrance cable entered the home on the left wall. The service wire entered a Cutler Hammer service panel, located on the basement wall with a 100 amp service. The branch circuit conductors that were visible within the panel were primarily copper. Grounds of the main service were observed exiting the panel. The visible house wiring consisted primarily of the modern and rag romex type and appeared to be in good overall condition. Every person in the house should know where the main disconnect is located. And everyone should know how to turn off all power in case a dangerous electrical event occurs.

Figure Number 20



Figure Number 21



missing knockout clamp in a junction box on the deck roof

PROPERTY INSPECTION REPORT HIGHLIGHTS

File Number: 1132 - 021622

Address of Inspection: 4309 Rainbow Blvd

Figure Number 22



SMOKE ALARMS

For safety reasons, the smoke alarms should be installed as needed and/or tested upon occupancy. If the home were to be constructed today, standards would require installation of detectors in each sleeping room and in the hallway accessing each sleeping area. Multi story dwellings would require a detector on each level. Future installation of additional detectors at any unprotected location is suggested for increased fire safety. The built in test button when present only verifies proper battery, power, and/or horn function, but does not test the smoke sensor. We suggest that the units be tested with real or simulated smoke at move-in and that fresh batteries be installed as required and tested monthly as recommended by the Consumer Product Safety Commission. Otherwise, it is recommended that the client properly dispose of all inherited smoke detectors; and purchase and install new units for every appropriate location within the home. Testing units at the time of inspection, and typically at least one month prior to closing, could lead clients to a false sense of security and complacency regarding their safety. **These units have a limited shelf life, so you should not entrust your safety to inherited units - start fresh with new units placed appropriately within home. Do not trust your safety to 'inherited smoke alarms'.**

You may wish to ask the local fire department to review your smoke alarm setup after you complete your initial replacements and testing.

As an added protection, a carbon monoxide and gas detector should be purchased and installed according to the manufacturer's recommendations.

WALLS & CEILINGS

Drywall joint cracking often has little to do with drywall installation quality and everything to do with the use of non-dry framing members and foundation settling. It typically can take 4 to 10 years for insulated and sealed framing lumber that was not at the right moisture content to get to the right moisture content and quit contracting. Until that happens (if indeed this is the problem) you will continue to experience drywall joint cracking, nail pops, as well as sticking doors and windows that gradually slide less well.

LIVING LEVEL(S)

The HomeTeam inspects for evidence of structural failure and safety concerns only. The cosmetic condition of the paint, wall covering, carpeting, window coverings, etc., is not addressed. If you are buying a home and wish to reduce your risks as much as possible, ask sellers to explain stains or repaired areas (if any) on ceilings, walls, and floors.

Recaulking and regrouting is common owner maintenance. While this normally is not a cause for concern, it is in today's world of mold disclosure and mold claims. Client should understand that the time of, and reason for, the recaulking/ regrouting cannot be determined and that moisture penetration into the structural framing might have occurred, possibly causing structural damage or promoting mold growth. Remodeling or removal of shower and/or bathtub sections could indicate moisture damage or structural damage that was concealed at the time of the inspection. Concealed defects or

PROPERTY INSPECTION REPORT HIGHLIGHTS

File Number: 1132 - 021622
Address of Inspection: 4309 Rainbow Blvd

Figure Number 24



The heat stack on the right side of the home is open on the bottom.

Figure Number 25



Figure Number 26



FILTER TYPE

The furnace filter should be replaced on a regular basis (or cleaned if washable or electronic) basis to maintain the efficiency of the system; wide high-efficiency filters typically need to be replaced once or twice a year. The efficiency rating is not within the scope of this inspection.

AIR CONDITIONER

The electric outdoor air conditioner condensing unit(s) was a Goodman 3.5 ton unit located on the right side of the home, and it is approximately 21 years old. Periodic preventive maintenance is recommended to keep this unit(s) in

PROPERTY INSPECTION REPORT HIGHLIGHTS

File Number: **1132 - 021622**

Address of Inspection: **4309 Rainbow Blvd**

1. The water heater vent pipe T-fitting where it enters the heat stack could potentially allow exhaust gases to backflow into the furnace. There are not three screws in each joint and the draft hood is not properly secured to the top of the unit.
2. The step off of the deck onto the yard has an excessive step height

Issues/Defects

1. Cottonwood Roofing, a licensed roofer, completed the roof inspection and the report was sent separately. Roof on the home was in good overall condition, with just some minor maintenance recommended.
2. Termite damage repairs were underway at the time of inspection.
3. water heater expansion tank was inadequately supported
4. Gap in the siding on the left side of the home
5. missing knockout clamp in a junction box on the deck roof
6. The heat stack on the right side of the home is open on the bottom.

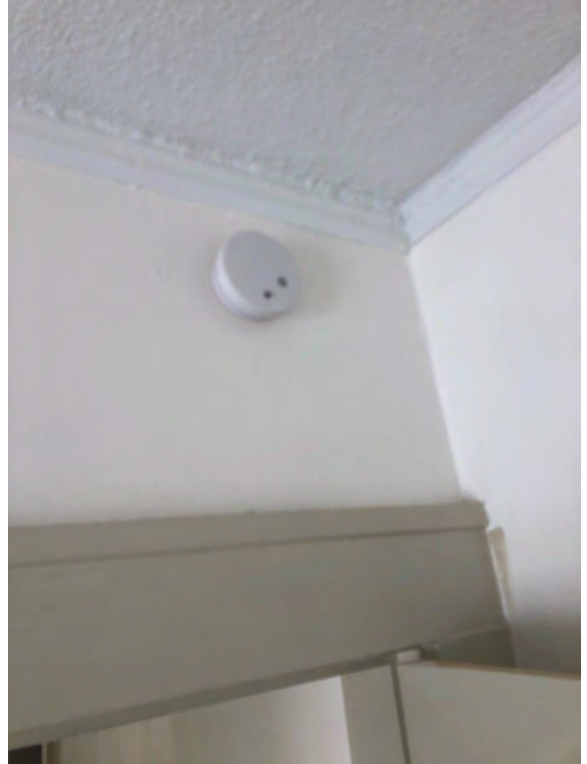
REPAIR PHOTOS BY APPLICANT



REPAIR PHOTOS BY APPLICANT



REPAIR PHOTOS BY APPLICANT



STAFF SITE VISIT PHOTOS DATED FEBRUARY 5, 2022



STAFF SITE VISIT PHOTOS DATED FEBRUARY 5, 2022



STAFF SITE VISIT PHOTOS DATED FEBRUARY 5, 2022





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 31, 2022

Re: Special Use Petition SP2022-023

GENERAL INFORMATION

Applicant:

Desiree Monize and Cameron Erlandson

Status of Applicant:

Desiree Monize, CEO and
Cameron Erlandson, COO
Avenue of Life, Inc
500 North 7th Street Trafficway
Kansas City, Kansas 66101

Requested Action:

Renewal of a Special Use Permit for the
operation of a group dwelling.

Date of Application:

January 28, 2022

Purpose:

To renew a Special Use Permit (expired
10/31/2021) to continue to operate a
transitional housing facility for homeless
youth.

Property Location:

3535 Wood Avenue
Kansas City, KS 66102

Commission Districts:

Commissioner At-Large District #1: Melissa Bynum
District #4 Commissioner: Harold Johnson



Existing Zoning:	R-1(B) Single-Family District
Adjacent Zoning:	North: R-1(B) Single-Family District South: R-1(B) Single-Family District East: R-1(B) Single-Family District and RP-5 Planned Apartment District West: R-1(B) Single-Family District
Adjacent Uses:	North: Single-Family Residence South: Single-Family Residence East: Church, Single-Family Residences and Apartments West: Vacant Lot
Total Tract Size:	1.36 Acres
Master Plan Designation:	The Northeast Area Master Plan Designates this property as Lower-Medium Density Residential. Lower-Medium Density Residential is intended to promote infill development and investment by allowing additional units compared to the Single-Family district, while preserving the overall character of existing neighborhoods.
Major Street Plan:	The Major Street Plan designates Wood Avenue as a Local Street.
Parking Requirement:	Group Dwellings are considered a special parking need; Sec 27-668(a)(6) states that one (1) parking space for each guest room and one (1) parking space for each employee during the peak shifts or make specific legally binding commitments that assure that normal daily parking needs are met on site and/or on the adjacent streets directly abutting the property. Applicant is providing four (4) spaces. The City Planning Commission makes the determination.
Advertisement:	<u>The Wyandotte Echo</u> – February 17, 2022 Letters to Property Owner – February 18, 2022 and March 23, 2022
Public Hearings:	March 14, 2022 and March 31, 2022
Public Support:	One (1) person appeared at the March 14, 2022 meeting.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Desiree Monize, CEO and Cameron Erlandson, COO of Avenue of Life are seeking a renewal of a Special Use Permit (SP-2019-100) to continue to operate a transitional housing for homeless teens that are referred by the Kansas City Kansas Public Schools USD 500.

The facility had previously been approved for a Special Use Permit for two (2) years in 2019 under the current ownership by Avenue of Life. Before that, the home had been operated by a different owner and was approved for a Special Use Permit for two (2) years in 2016 and in 2018 (SP-2016-37 and SP-2018-46).

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. Under the management of Avenue of Life, there has only been one (1) police call for service.
2. 2021 – 2021-129426 – Criminal Damage less than \$1,000

Building, Zoning, or Code Enforcement Complaints:

1. There is one (1) active outstanding violation recorded at this property. The subject property has been previously cited by Property Maintenance Compliance:
2. 2022 - PMZ22-0007 – Over height fence on the property. The fence in question, however, was granted a variance on July 7, 1980 (BZA #1187).
3. 2020 – 20200-01415 – Code Environment
4. 2019 – 19200-01964 – Code Environment

Outstanding or Related Permits and Cases:

1. There are no additional or outstanding permits or cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is comprised of a diversity of housing types, including single-family homes, duplexes, and apartments, as well as a church. The proposed use is compatible with the adjacent uses if managed and maintained properly.

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

The zoning and adjacent uses are set out above. The current zoning only allows for a single-family home and a single dwelling on the parcel; however, this property has been used as a transitional youth living since 2016.

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 restrictions could detrimentally affect nearby property, however, as long as the operation is managed properly and all conditions are adhered to, the proposed use would continue be a great asset for the community.

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

The property has been in operation since late 2019. The property had previously been vacant between 2018 and 2019 following the Blue Door Transitional Living ceasing operation.

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

The Northeast Area Master Plan, nor the Citywide Master Plan Address Special Use Permits. The Northeast Area Master Plan designates this property as Lower-Medium Density Residential, which is intended to promote infill development and investment by allowing additional units compared to the Single-Family district, while preserving the overall character of existing neighborhoods. This use is compatible with the designation set for it by the Northeast Area Master Plan, as it would be an increase of density in a traditionally single-family neighborhood.

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.

This is an existing use and should not lead to an increase in traffic to the point where it exceeds the capacity of a Local Street. There is the potential for parking to become an issue, as the facility only provides four (4) parking spaces and may result in overflow parking onto Wood Avenue.

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 necessary for the convenience and welfare of the public. The use will provide housing and other services for homeless teens and if managed properly can be a great asset for the Kansas City, Kansas community. The proposed use will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property as long as the conditions of approval are met, and the operation is 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 and illumination are typical issues of this type of use, however, if managed properly, noise should not be a major issue, and lights can be affixed and dimmed with 90 degree cutoffs.

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

The proposed use should not pollute the air, land, or water as it is located in an existing, built out residential area.

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

The proposed use will not damage or destroy and irreplaceable natural resource, as it is in an existing, built-out residential area.

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

The relative gain to public health, safety, and welfare is significant. There is a great need for housing and care for homeless teens in Kansas City, Kansas. This facility provides services for teens that many other programs do not. Avenue of Life. A denial of this application would cause for the applicant to relocate or shut down this service, which would be a detriment to the homeless teen population.

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

The proposed use will not result in undue concentrations of population, as long as occupancy requirements are met, and the operation does not increase beyond capacity. There is the potential for the overcrowding of land, particularly parking, as the facility currently only offers four (4) parking spaces, which could lead to overflow parking on Wood Avenue.

PREVIOUS ACTIONS

Approved for a Special Use Permit in 2016 (SP-2016-37) for two (2) years under Blue Door Project management.

Approved for a Special Use Permit in 2018 (SP-2018-49) for two (2) years under Blue Door Project management.

Approved for a Special Use Permit in 2019 (SP-2019-100) for two (2) years.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on February 28, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Parking

Staffing

Occupants at a time

Safety and Security

Noise

Screening

Illumination

Access Agreement

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-024 for two (2) years**, subject to:

- 1) **Outside guests are not permitted to randomly visit the property without prior authorization by Avenue of Life. The residents of Avenue of Life are allowed visitors that are cleared by the resident's case manager;**
- 2) **The building shall be staffed by Avenue of Life 24 hours a day, seven (7) days a week;**
- 3) **Maximum number of guests shall not exceed thirty (30) at any point. The average total number of guests range between six (6) and eight (8);**
- 4) **Avenue of Life shall install ADA compliant curbing, sidewalks, and signage;**
- 5) **The parking in-front of the Avenue of Life facility shall be oriented as parallel parking, rather than diagonal pull in parking, as the space provided current does not meet the Code of Ordinances Section 27-669(a)(5-6) for the 45-degree parking space dimension. The spaces marked for parallel parking should include one (1) ADA parking space and shall be 9' x 23' to meet Section 27-669 (7);**
- 6) **The applicant shall flatten and/or remove the tips of the fence surrounding the site, as they are prohibited per the Code of Ordinances Section 8-225;**

- 7) A Right-of-Way Permit is Required. The applicant is required to contact Andrew Roddy with the Public Works Department at (913) 573-5310 or by email at aroddy@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
- 8) 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 at (913) 573-5750 or signpermits@wycokck.org 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. No flood lights are allowed;
- 10) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly;
- 11) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
- 12) 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;
- 13) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 14) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the

- Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 15) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-023** subject to all comments and the conditions of the City Planning Commission.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Statement of Operation, provided by Avenue of Life – Dated January 28, 2022
Site Plan
Floor Plan
Shared Parking Agreement with Grace Lutheran Church – Dated May 24, 2019
Variance for fence height – BZA #1187 – Dated July 7, 1980
Response to Draft Staff Report – Dated March 1, 2022
Neighborhood Meeting Minutes, Sign-In, and Affidavit – Dated March 1, 2022
Site Photos, taken by staff – Dated February 15, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	March 14, 2022	March 31, 2022
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-023** 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 **SP2022-023**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Hearing starts at Tape 2 – 38:49:

SPECIAL USE PERMIT APPLICATION SP2022-023 – DESIREE MONIZE WITH AVENUE OF LIFE – SYNOPSIS: Renewal of a Special Use Permit (SP-2019-100) for transitional housing for youth (16+) and young adults (18-24) at 3535 Wood Avenue.

Detailed Outline of Requested Action: The applicants, Desiree Monize, CEO and Cameron Erlandson, COO of Avenue of Life are seeking a renewal of a Special Use Permit (SP-2019-100) to continue to operate a transitional housing for homeless teens that are referred by the Kansas City Kansas Public Schools USD 500.

The facility had previously been approved for a Special Use Permit for two (2) years in 2019 under the current ownership by Avenue of Life. Before that, the home had been operated by a different owner and was approved for a Special Use Permit for two (2) years in 2016 and in 2018 (SP-2016-37 and SP-2018-46).

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 March 14, 2022;
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 the property owners.

Present in Support:

- Cameron Erlandson, representing the applicant, 5025 Northwest 83rd Terrace, Kansas City, Missouri
- Dr. Evelyn Hill

Planning Commissioner Ernst asked why the Special Permit lapsed before it was renewed. Mr. Erlandson stated that he takes responsibility for the application being filed late. He works at another location on 7th Street and the notice would have been sent to the address of this operation.

Present in Opposition:

- No one appeared

Staff Recommendation starts at Tape 2 – 45:50: Planning Director Hand stated that this is a group home for students and other young adults. The information staff has is that the capacity is for 30 people (staff and residents) at any one time. This property is located in the Northeast Area Master Plan. The fence for this property crosses over onto the church's property and Staff has requested that the applicant initiate and record a cross-access agreement with the church so they can use the enclosed rear yard property that goes onto the church's property. There are numerous Notices of Violation and one (1) can be addressed tonight. A field inspector did not realize that the property received a variance for fence height in the 1990s. It does not have a variance for the spikes at the top of the fence and one (1) of the conditions of approval is that the spikes be removed. Another condition is that there will be no more than eight (8) guests at a time. The parking is designated for parallel parking and has been inappropriately striped for diagonal parking. One of the conditions is that a right-of-way permit be acquired from the Public Works Department, the parking is restriped for parallel parking and that it be constructed to allow handicap access. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Mr. Erlander stated that they do have a parking lot and shared agreement with Grace Lutheran Church, and it has been submitted to staff which was verified by Mr. Molloy of Staff. He did reach out to Andrew Roddy of the Public Works Department for the right-of-way agreement, and he told him to wait until the application is approved. Mr. Roddy stated that they have a 21-day permit they can issue during construction.

Motion and Vote starts at Tape 2 – 50:37:

On motion by Ms. Armstrong, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-023 for two (2) years:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye

Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1) Outside guests are not permitted to randomly visit the property without prior authorization by Avenue of Life. The residents of Avenue of Life are allowed visitors that are cleared by the resident's case manager;
- 2) The building shall be staffed by Avenue of Life 24 hours a day, seven (7) days a week;
- 3) Maximum number of guests shall not exceed thirty (30) at any point. The average total number of guests range between six (6) and eight (8);
- 4) Avenue of Life shall install ADA compliant curbing, sidewalks, and signage;
- 5) The parking in-front of the Avenue of Life facility shall be oriented as parallel parking, rather than diagonal pull in parking, as the space provided current does not meet the Code of Ordinances Section 27-669(a)(5-6) for the 45-degree parking space dimension. The spaces marked for parallel parking should include one (1) ADA parking space and shall by 9' x 23' to meet Section 27-669 (7);
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- 15) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP



STATEMENT OF CURRENT AND FUTURE OPERATION

Question # 9

Avenue of Life, Inc., in partnership with USD 500, the Department for Children and Families, Our Spot KC as lead programming agency at the Avenue Youth House, as well as with 50+ other partner organizations (government, for-profit, non-profit, etc.) has been working diligently over the last six years to end student homelessness in Wyandotte County. Over the course of these years, we have served thousands of children and their families through wrap-around services helping this families achieve stability in housing, employment, etc. Some of the youth served are unaccompanied, having no parent or guardian, though still attending high school. These youth need safe, stable housing as they transition to college and career. There are also very few resources to help young people aging out of the foster care system or without traditional family support to transition into college and career. These unaccompanied youth and those aging out of foster care or without traditional family support are served at the Avenue Youth house located at 3535 Wood Avenue in Kansas City, Kansas. The services we provide to these young people include housing, therapy, training in areas such as entrepreneurship, budgeting, life skills, etc. with all of the resources needed for these young people to be safe, stable, and successful as they move forward in life.

Over the course of the last two years there has been one police call to the building as a result of a young person damaging a piece of drywall in the building. The situation was quickly de-escalated and the young person transitioned into a successful environment. There have been no neighbor complaints directed toward the house.

SITE PLAN



Avenue of Life has a parking/land-use agreement with church immediately to the East of building.

We plan to utilize first two parking spaces off street to create an ADA parking space or any other spaces as determined by Planning and Zoning.

There are two Emergency Exit doors in front of building and three emergency Exit doors in the back of the building.



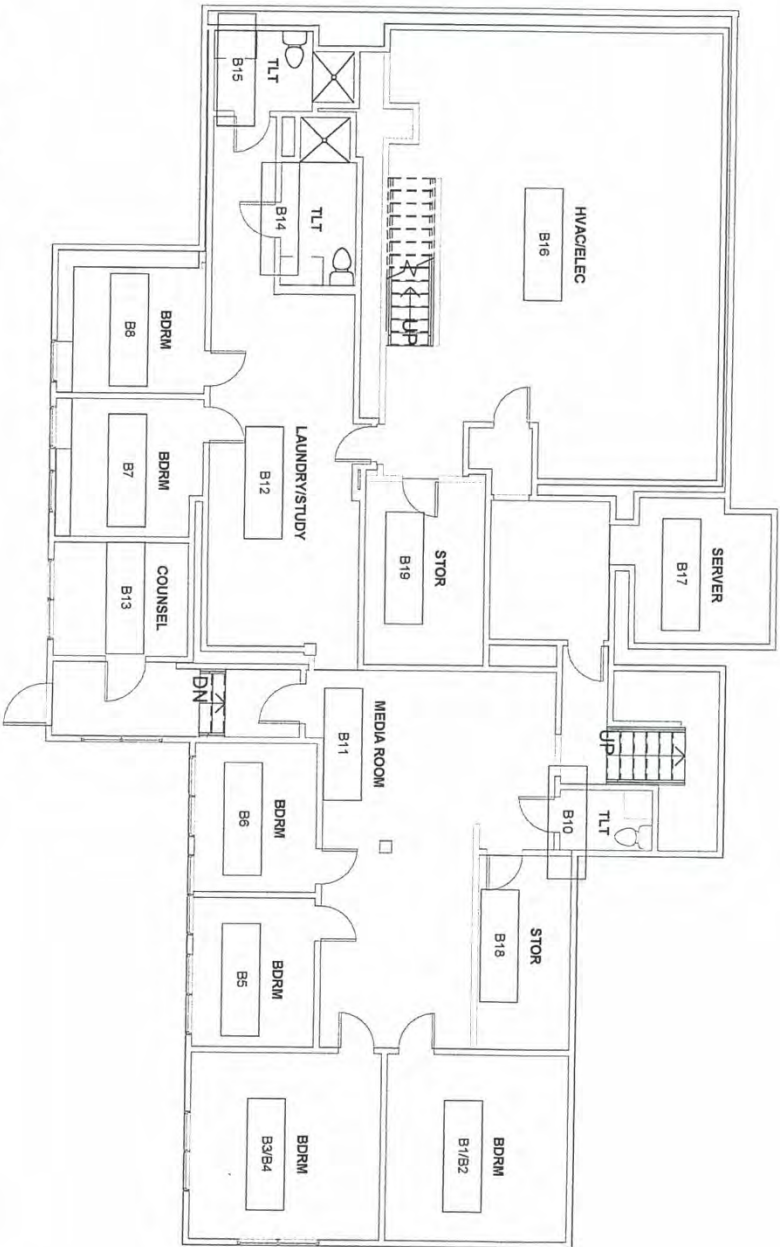
Avenue of Life has a parking/land-use agreement with church immediately to the East of building.

We plan to utilize first two parking spaces off street to create an ADA parking space or any other spaces as determined by Planning and Zoning.

There are two Emergency Exit doors in front of building and three emergency Exit doors in the back of the building. (Designated with Large 'X');

FLOOR PLAN

1 Basement Floor
3/32" = 1'-0"



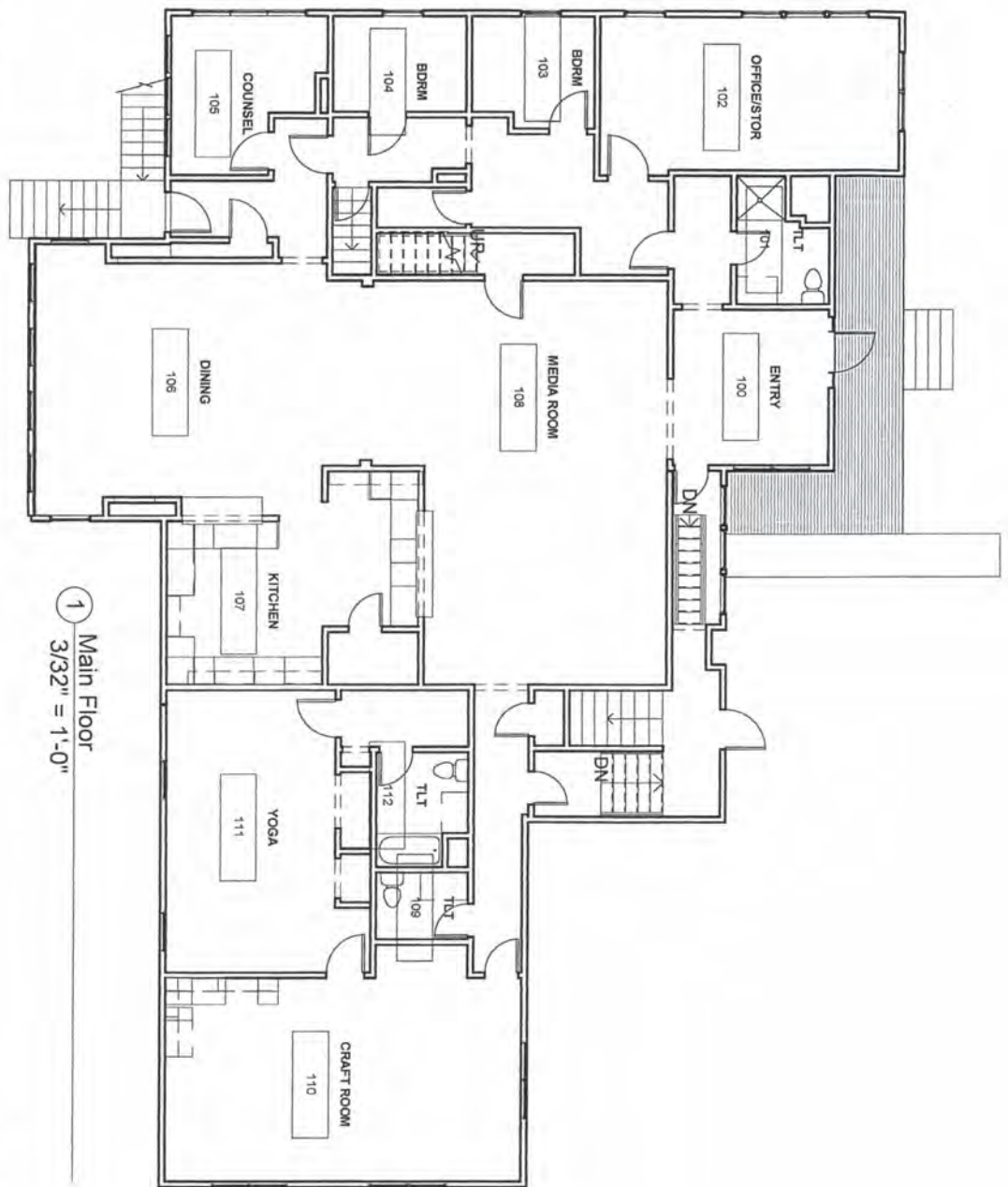
AVENUE YOUTH HOUSE

BASEMENT FLOOR

3535 WOOD AVENUE
KANSAAS CITY, KS 66102

TRAN+THOMAS
DESIGN STUDIO

09/15/19



1 Main Floor
3/32" = 1'-0"

AVENUE YOUTH HOUSE

MAIN FLOOR

3535 WOOD AVENUE
KANSAS CITY, KS 66102

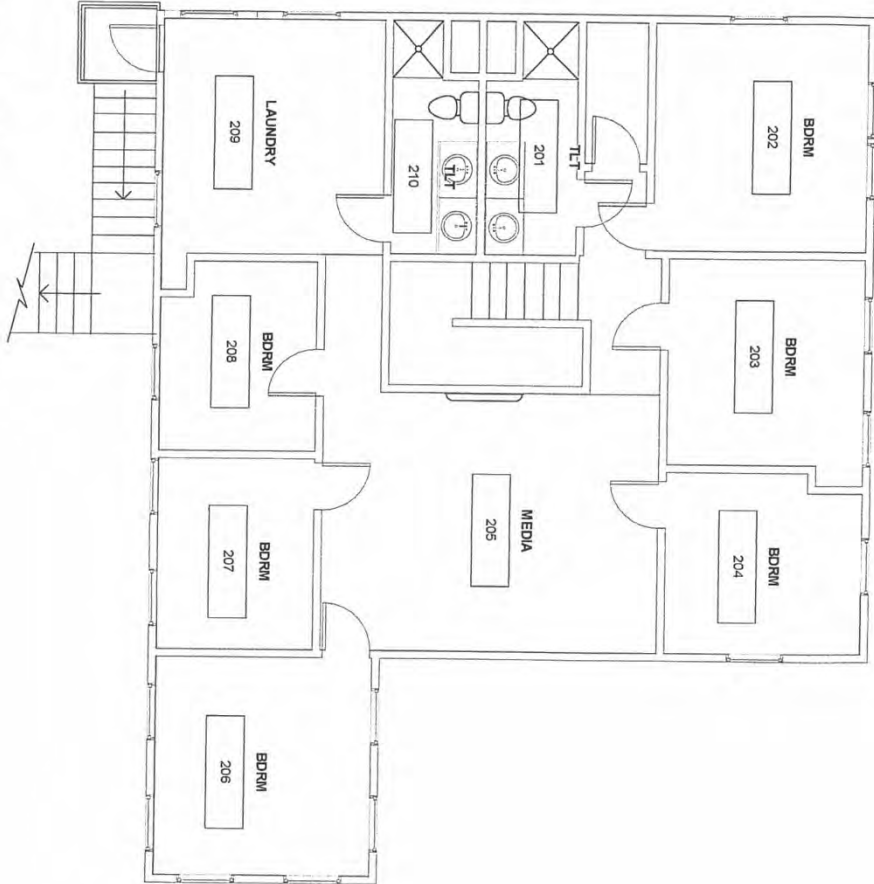
TRAN+THOMAS
DESIGN STUDIO

05/15/19

3535 WOOD AVENUE
KANSAS CITY, KS 66102

AVENUE YOUTH HOUSE

1 Second Floor
1/8" = 1'-0"



TRAN+THOMAS
DESIGN STUDIO

SECOND FLOOR

05/15/19

PARKING AGREEMENT WITH GRACE LUTHERAN CHURCH – DATED MAY 24, 2019

SHARED PARKING AGREEMENT

This Shared parking agreement is written confirmation of a verbal agreement entered into May 24th, 2019 by Grace Lutheran Church and between Avenue of Life, Inc.

Grace Lutheran Church agrees to allow Avenue of Life staff, volunteers, and residents to use the church's parking lot for parking. In return Avenue of Life will mow and maintain the yard within the fence line of 3337 Wood Avenue. This agreement will be in effect for five (5) years from the beginning of the agreement.

Avenue of Life agrees to utilize only the South parking lot (labeled B on the map) of Grace Lutheran Church (3333 Wood Ave. Kansas City, KS) during church services to ensure ^{OR OTHER CHURCH EVENTS} parishioners have unfettered access. But, Avenue of Life is free to utilize the West parking lot (labeled A on the map) as well as the South parking lot on other days of the week.

Grace Lutheran Church

Name: P. BRUNNER

Title: PRES - PRO-TEM

Signed: P. Brunner

Date: 8-25-19

Avenue of Life

Name: CAMERON ELLANDSON

Title: COO / OPERATIONS DIRECTOR

Signed: [Signature]

Date: 8/21/19



22

APPEAL NO. 1187 - - MONASTERY OF ST. MICHAEL,
MOTHER JACINTA, PRIORESS

3535 and 3337 Wood Avenue, Kansas City, Kansas

On the 7th day of July, 1980, before Mr. Donald Buinger, Chairman, Mr. Vernon Briscoe, and Mr. Julius Novak, sitting as the Board of Zoning Appeals, comes on to be heard the appeal of the Monastery of St. Michael, Mother Jacinta, Prioress, for a variance in the planning and zoning regulations on property located at 3535 and 3337 Wood Avenue, Kansas City, Kansas; Mr. Frank Grimaldi, Architect, appearing in person on behalf of the appellant; no other persons appearing either in favor of or in opposition to said appeal.

After considering the reasons for the appeal, as shown by the Notice of Appeal, the reasons given by the Building Inspector for refusing to issue a permit, and after hearing the evidence and testimony presented at the hearing, the Board of Zoning Appeals finds that there are sufficient grounds to grant the appellant variances as requested to enable the Monastery to repair and extend an existing fence which is ten (10) feet in height, thereby granting appellant a variance of four (4) feet in the side and rear yard and a variance of six (6) feet in the front yard. Therefore, on motion by Mr. Briscoe, seconded by Mr. Novak, Mr. Buinger concurring, Appeal No. 1187 is hereby allowed.

THEREFORE, the decision of the Building Inspector in refusing to issue a permit to the Monastery of St. Michael to repair and extend an existing fence, which is ten (10) feet in height, on the property at 3535 and 3337 Wood Avenue, Kansas City, Kansas, is hereby reversed, and the appellant is hereby granted a variance of four (4) feet in the side and rear yard and a variance of six (6) feet in the front yard; provided, however, that the appellant comply in all other ways with the zoning ordinances and the Building Code of Kansas City, Kansas, and the Building Inspector is hereby authorized to issue a permit.

Donald Buinger, Chairman
Robert Serra, Vice Chairman
David L. Lewis
Earl Ross
Dr. Patricia Caruthers
Vernon Briscoe
Julius Novak

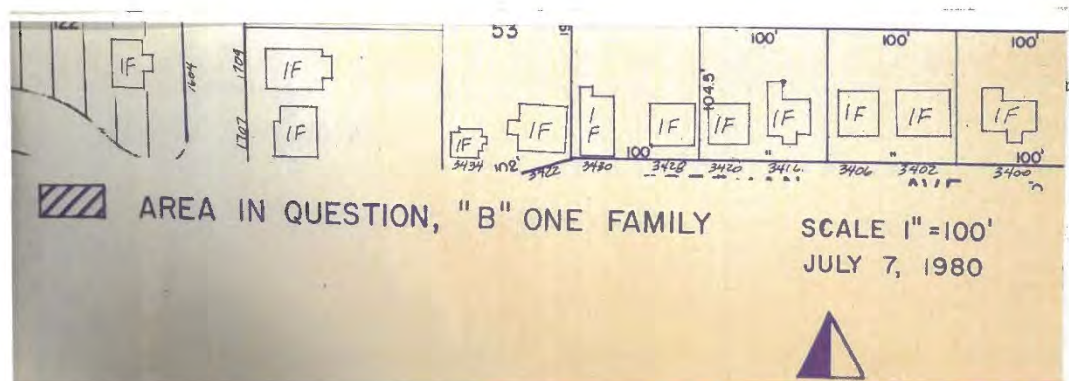
BOARD OF ZONING APPEALS

By Doris J. Juhl
Doris J. Juhl, Secretary

June 6, 1980

Mother Jacinta is requesting a variance of fence height so as to extend the 10 foot fence already existing on to property at 3337 Wood. This will be an extension of an already existing 10foot high fence at 3335 Wood. This 10 foot high fence would be in violation of Sec. 13-3 (1)

Robert P. Davis Sr.



(Published _____)

NOTICE

Notice is hereby given that the Board of Zoning Appeals of Kansas City, Kansas, will hold a public hearing on the 7th day of July, 1980, at 4:00 o'clock p.m. in the City Commissioners' Room in the Lobby of the Municipal Office Building, One Civic Center Plaza, Kansas City, on the appeal of Mother Jacinta, Prioress of St. Michael Monastery, for a variance in the planning and zoning regulations on property located at 3535 and 3337 Wood Avenue, Kansas City, Kansas.

The appellant is requesting a variance in fence height in order to extend an existing ten (10) foot fence on the property to enclose a portion of the property at 3337 Wood, Kansas City, Kansas. The Building Inspector refused to issue a permit for the reason that the proposed fence of ten (10) feet in height would be in violation of Section 13-3(1) of the Code of Ordinances, City of Kansas City, Kansas, relative to specifications for fences in certain zoning districts.

All persons interested in said premises, and all persons owning property in said neighborhood who desire to be heard, either for or against such appeal, are invited to appear at the time and place above mentioned.

BOARD OF ZONING APPEALS

BY: Donald Buinger
Chairman

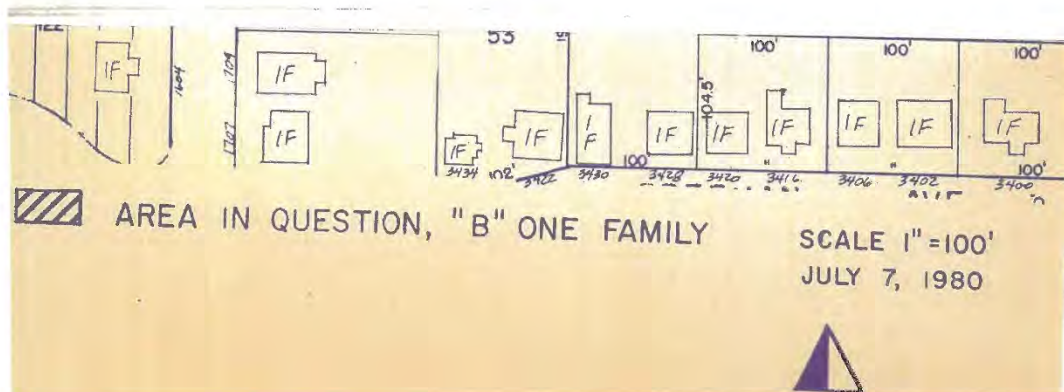
PUBLIC NOTICE
Published June 13, 1980
NOTICE

Notice is hereby given that the Board of Zoning Appeals of Kansas City, Kansas, will hold a public hearing on the 7th day of July, 1980, at 4:00 o'clock p.m. in the City Commissioners' Room in the Lobby of the Municipal Office Building, One Civic Center Plaza, Kansas City, Kansas, on the appeal of Mother Jacinta, Prioress of St. Michael Monastery, for a variance in the planning and zoning regulations on property located at 3535 and 3337 Wood Avenue, Kansas City, Kansas.

The appellant is requesting a variance in fence height in order to extend an existing ten (10) foot fence on the property to enclose a portion of the property at 3337 Wood, Kansas City, Kansas. The Building Inspector refused to issue a permit for the reason that the proposed fence of ten (10) feet in height would be in violation of Section 13-3(1) of the Code of Ordinances, City of Kansas City, Kansas, relative to specifications for fences in certain zoning districts.

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BOARD OF ZONING APPEALS
Donald Buinger
Chairman



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The appellant is requesting variance in fence height in order to extend an existing ten (10) foot fence on the property to enclose portion of the property at 3337 Wood Avenue, Kansas City, Kansas. The Building Inspector refused to issue a permit for the reason that the proposed fence of ten (10) feet height would be in violation of Section 12-31(1) of the Code of Ordinances, City of Kansas City, Kansas, relative to specifications for fences in certain zoning districts.

All persons interested in said premises, and all persons owning property in said neighborhood who desire to be heard, either for or against such appeal are invited to appear at the time and place above mentioned.

BOARD OF ZONING APPEALS

Donald Bunker
Chairman



CITY OF KANSAS CITY, KANSAS

BOARD OF ZONING APPEALS

June 19, 1980

Mother Jacinta
Prioress
St. Michael Monastery
3535 Wood Avenue
Kansas City, Kansas 66102

Re: Appeal No. 1187.

Dear Mother Jacinta:

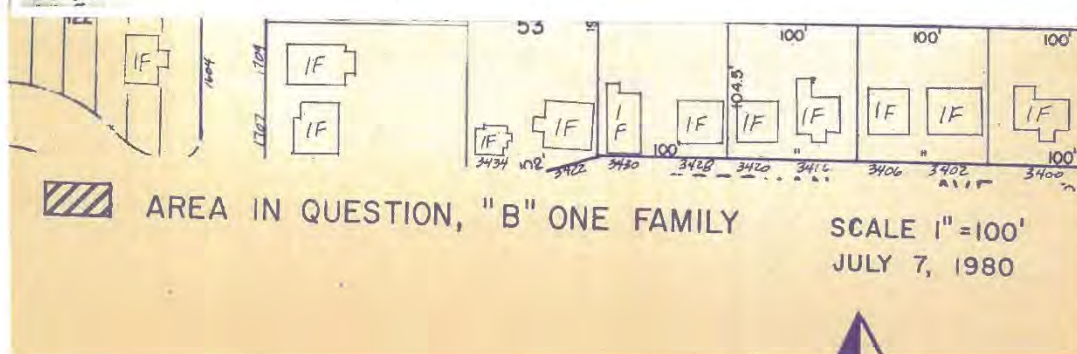
The appeal which you filed on behalf of St. Michael Monastery for a variance in the planning and zoning regulations on property located at 3535 Wood Avenue, Kansas City, Kansas, has been advertised for public hearing before the Board of Zoning Appeals on Monday, the 7th day of July, 1980, at 4:00 o'clock p.m., in the City Commissioners' Room located in the Lobby of the Municipal Office Building, One Civic Center Plaza, Kansas City, Kansas. A copy of the notice as published is attached hereto.

You are hereby notified to be present, either in person or by attorney or agent, to explain your case.

Very truly yours,

Doris J. Juhl
Secretary

J



**Avenue of Life Responses to Unified Government Department of Urban Planning Staff Questions
for Special Use Petition SP2022-23**

1. Provide Site Plan
 - a. Map with parking agreement, ADA parking plan, and emergency exits attached
2. Provide a floor plan of the home, including a plan for each floor:
 - a. Floor plan is on file with the Department of Urban Planning
3. Does the applicant plan to repair the sidewalk in front of the ADA ramp?
 - a. We will repair the sidewalk.
4. Does the applicant plan to install ADA signage to accompany ADA parking and access?
 - a. Yes. We will install ADA signage.
5. Does the applicant plan to mark a parking space and install ADA compliant curbing in the front of the structure along Wood Avenue?
 - a. Yes. We will mark the ADA parking space and install ADA compliant curbing in front of the structure on Wood Avenue.
6. What is the maximum number of youths that will be living in the home at one time?
 - a. There are 14 bedrooms which could potentially house up to 30 residents. During Covid the average number of young people living as residents has been between six to eight young people.
7. What are the ages of the youths living there?
 - a. The ages of the youth residing at 3535 Wood Avenue is between 16-24 yrs.
8. How many staff members are on site at any given time? Will there be always at least one staff member on site?
 - a. We have between one to four trained staff members on site working twenty-four hours a day every day of the year including holidays.
9. What, if any, certifications do staff members obtain to be part of the transitional housing staff?
 - a. All staff are trained in Basic Life Support/First Aid/CPR/AED trained as well as having been trained in trauma informed care. Depending on the education and experience of the staff, many are also trained in:
 - o Mental Health First Aid (Youth and Adult)
 - o Project Management Professional
 - o NOVA victim advocates
 - o Adv Cardiac Life Support, Pediatric Adv Life Support
 - o Food Handler/Serve Safe
 - o Trauma Informed Care I and II
 - o DV/SV advocacy (State of Ks and Mo, NCAVP, NCADV)
 - o NCPRSS (NAADC)
 - o Alcohol/Drug Prevention & Recovery
 - o De-escalation and Safety Restraints
 - o Crisis Intervention
 - o Sexual Health (Prevention)

10. In addition to school, will residents have jobs or other engagements outside of the home? If so, what will be their mode of transportation?
 - a. Our goal is to provide the stability and encouragement of what a youth would experience in a traditional home. The youth living at the house desire to graduate high school, get jobs, and move forward to career/college. If they would like to work part-time, we would encourage them toward that as an area of growth as well as help them understand the importance of time management, budgeting, and financial management. They could utilize public transportation or, if they have a vehicle, they would use their own vehicle.
 11. How many guests and/or visitors are allowed at a time?
 - a. To protect the confidentiality of all residents, guests are not allowed on-site. Any volunteers must pass a background check to serve with the residents. Residents are allowed to have visitors and those visits are set up with the resident's case manager to meet in an area of the building that would not infringe on the confidentiality and privacy of other residents.
 12. Where will staff, visitors, or other guests park?
 - a. We have a parking/land use agreement (on file with the Department of Urban Planning) that allows us to use the large parking lot of the church directly to the East of our building. Staff, residents, and approved visitors may also utilize the parking on Wood Ave.
 13. What is the security plan for the facility? How does Avenue of Life ensure the safety of those living in the home?
 - a. We contract with ADT for home security. This security system includes video cameras (with each camera on screens in the staff office visible 24/7) that record both inside and outside the building (other than bathrooms and inside the bedrooms of residents). We also have every door and window equipped with sensors tied to the security system to alert staff to any open door or window to protect the residents and staff. All doors and windows are locked except for when they are in use. Emergency exits have panic bars to ensure that, though locked, they are able to be used for emergency exits. The property has a fence bordering to add to security of the home.
 14. The fence bordering the property has spiked tips. Avenue shall flatten the tips to get into compliance with the UG Code of ordinances.
 - a. We will flatten all tips of the fence line.
 15. Does Avenue of Life have a land access agreement with the church directly East?
 - a. Yes. We have a land access agreement on file with the department of Urban Planning
 16. Does Avenue of Life have a parking agreement with the church directly East?
 - a. Yes. We have a parking agreement on file with the department of Urban Planning.
 17. Avenue of Life needs to get a right of way permit from UG Public Works
 - a. We have reached out to the Public Works department to begin the process of getting the appropriate right of way.
-

NEIGHBORHOOD MEETING, MINUTES, SIGN-IN, AND AFFIDAVIT – DATED MARCH 1, 2022



"breaking the cycle of poverty
through community development"

PO Box 34495 Kansas City, MO 64116
info@avenueoflife.org www.avenueoflife.org

Community Meeting
February 28, 2022

Application Number: SP 2022-023

Date and Location:

Monday, February 28, 2022 at 5:35 PM
3535 Wood Avenue
Kansas City, Kansas 66102

Meeting Called to Order at 5:35 PM

Names of People in Attendance:

Cameron Erlandson, Avenue of Life Program Director
Star Palmer, Executive Director of Our Spot KC
Donnie Thomas, President of Kensington Community Area Watch

Introductions:

Each individual attending the meeting introduced him/herself.

Presentations:

Cameron Erlandson presented information regarding the following topics:

History of Avenue of Life serving the community specifically children and families in poverty in
Wyandotte County

Avenue of Life's history and partnership with 50 plus agencies (government, non-profit, for-profit, and institutions) to address and solve childhood poverty

The need for safe, stable housing for youth and young adults in Wyandotte County that will allow them to grow and develop with opportunities to pursue/achieve their goals in life.

The property's history of serving the community having been a convent, crisis pregnancy center, foster home, and now a home for youth and young adults.

Star Palmer presented the history of Our Spot KC

Organization started in 2016 with the goal of creating a safe space for young adults (particularly LGBTQ+) to have a safe home to provide the opportunity for these young people to develop and grow toward becoming independent

Our Spot KC has served in partnership with the Continuum of Care in Kansas City to address the needs of homelessness for many years with great success.

The young people Our Spot KC serves typically have aged out of foster care. The program at the youth house provides lifeskill training along with requiring the pursuit of goals and development of the young



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person toward employment, education, and all other goals needed to become independent and effective in life. The case management team individualizes the classes for each individual, but training includes everything from employment, budgeting, health and wellness, cooking, furthering education (GED/diploma/college) and more.

Questions:

Donnie Thomas asked how individuals apply to the program.

Star Palmer replied: Young people can be referred to the youth house from the school districts McKinney-Vento Liaison, applications can be made through the Web Site, other agencies in the community refer young people, and referrals come through the Continuum of Care.

Donnie Thomas asked about what would happen if a young person simply showed up at the door and asked to be in the program.

Star Palmer replied: We do have a process for an emergency intake. That said, the address of the location of the youth house is not publicized to the community. A young person arriving at the door would have been given information through a referral of a community partner in order to know the location of the building.

Donnie Thomas asked about whether we do Covid testing:

Star Palmer replied: Every staff member at the youth house has been fully vaccinated. We also do weekly COVID tests of all the residents. Upon intake we also do a rapid test prior to the young person becoming a resident of the youth house.

Star further commented that the youth house has a focus on safety of residents and their development toward stability. The youth house is not a high acuity mental health or substance use residence. All residents are referred and the case manager does a full intake to ensure that the youth house is a good fit for the potential resident to thrive as he/she develops in the program.

Cameron Erlandson commented that the program is very intentional about removing barriers that young people face and helping them to develop toward long-term stability. Anyone struggling with high acuity mental health challenges/substance use would not be in a position to pursue those goals until those challenges are addressed prior to coming to the youth house. There are other programs in the community equipped to focus on those particular challenges.

Donnie Thomas asked how many staff are on site?

Star Palmer responded that we always have at least one staff on site and up to four at a time. The larger number of staff would be case managers during the day and overnight security in the evening.

Donnie Thomas asked about whether we allow volunteers to serve at the youth house



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Star and Cameron mentioned that all volunteers must pass a background check prior to serving. We do allow volunteers to teach classes (gardening, etc.) and to help with lawn care, etc.

Donnie Thomas asked if the residents work.

Star Palmer mentioned that residents are encouraged to gain employment and often are able to secure good jobs. We teach financial literacy and require the residents to save a percentage of the income earned in teaching financial literacy as part of the program's purpose in teaching financial literacy.

Cameron Erlandson mentioned that since everything at the youth house is provided for the residents free to the residents including shelter, food, clothing, hygiene, etc. the resident is able to have some savings when they are ready to move out on their own.

Donnie Thomas thanked Star and Cameron for the work that is being done and said it sounds very good. She also invited us to attend the monthly Kensington Community Area Watch meetings in the future.

Cameron asked if there were any other questions and there were none.

Meeting was adjourned at 6:33 PM

Minutes taken by Cameron Erlandson

Other contacts via phone:

Alice Johnson called and left a message to Cameron asking about the purpose of the meeting on Tuesday, 2/22/22. Cameron returned her call four times with each time receiving a message that the caller was not accepting calls at that time. Calls were placed on 2/22/22 (twice), 2/23/22, and 2/24/22.

Pat Brunner called and left a message with Cameron asking about the purpose of the meeting. Cameron called her back and told her about the renewal of the special use permit. She said she was happy to hear about it and is excited about the work being done.

[illegible]

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTT)

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

1. That I am the petitioner for Petition # SP 2022 - 023
2. That I conducted a neighborhood meeting on 02/26/2022.
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_.

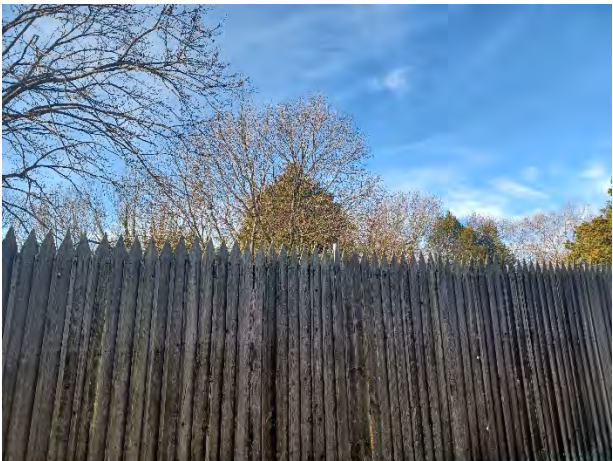
My commission expires _____ of _____, 200_.

Notary Public

SITE PHOTOS, TAKEN BY STAFF – DATED FEBRUARY 15, 2022



SITE PHOTOS, TAKEN BY STAFF – DATED FEBRUARY 15, 2022 CONT.





Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 31, 2022

Re: **Petition SP2022-24, Petition PR2022-008 and Master Plan Amendment MPL2022-006**

GENERAL INFORMATION

Applicant:
Curtis Petersen

Status of Applicant:
Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Action:
Approve an indefinite Special Use Permit for an outdoor multi-field baseball/softball complex with concession sales.

Preliminary Plan Review for outdoor multi-field baseball/softball complex.

Master Plan Amendment from Low Density Residential (City-Wide Master Plan) to Planned Entertainment (Prairie Delaware Piper Master Plan).

Date of Applications: January 28, 2022



Purpose:	To plat one (1) lot and amend the master plan to build and operate an outdoor multi-field baseball/softball complex and development center.		
Property Location:	1501 North 90 th Street		
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #7 Commissioner: Chuck Stites		
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:	A-G Agriculture District	
Adjacent Uses:	North:	Undeveloped land	
	South:	Single family homes	
	East:	Single-family homes and farmland	
	West:	Compass Minerals Soccer Complex	
Total Tract Size:	49.47 Acres		
Master Plan Area:	City-Wide Master Plan		
Master Plan Designation:	The City-Wide Piper Master Plan designates this property as Low Density Residential, which allows single-family detached residences, institutional uses, parks, and open space.		
	An amendment to Planned Entertainment (Prairie Delaware Piper Master Plan) is being sought, which allows significant capital investment in infrastructure that entertains visitors, and venues that attract visitors throughout the area.		
Major Street Plan:	The City-Wide Master Plan classifies North 90 th Street as a Class B Thoroughfare.		
Required Parking:	Sec. 27-668(a)(2) Athletic fields, stadiums, gymnasiums, indoor athletic facilities. Spaces for these uses shall be as determined by the Planning Commission. 698 parking spaces are being provided.		
Advertisement:	<u>The Wyandotte Echo</u> – Special Use Permit – February 17, 2022, Plat – None, Plan Review – None, and Master Plan Amendment – February 17, 2022 Letters to Property Owner – February 18, 2022 and March 24, 2022		

Public Hearings:	March 14, 2022 and March 31, 2022
Public Support:	None to date.
Public Opposition:	There were six (6) people present at the March 14, 2022 meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, has filed a Preliminary Plan, Preliminary Plat, Special Use Permit and Master Plan Amendment to subdivide the property into one (1) lot to build a multi-field baseball/softball complex, development center, scouting tower and parking on 49.98 acres at 1501 North 90th Street.

City Ordinance Requirements: 27-592 through 27-606, Article XXI Sections 27-502 – 27-709 and Article VIII Sections 27-340 – 27-765.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is composed of soccer fields complex to the west, single-family neighborhood to the north and south along 90th Street, single-family homes to the east, and single-family homes to the northeast off Walker Avenue. Providence Medical Center is two (2) parcels north of this property.

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

The zoning and uses of nearby property are identified above. An indoor multi-use sports complex, primarily, with an outside, multi-field baseball/softball fields and development center can be compatible with the surrounding residential area.

3. *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*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service provided by the West Patrol, District #225

e. *Fire*

Fire service provided by Fire Station #6 located near 95th and State Avenue.

f. *Transit*

Kansas City ATA provides transit service along State Avenue, Route #101 and Parallel Parkway, Route #116. The nearest transit stop is one-half (½) mile north and south at the intersections of 90th & Parallel Parkway and 90th & State Avenue.

g. *Schools*

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

4. *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 on the property will affect nearby property as the majority of the guests, teams and staff will predominately be outside the buildings, with the exception of concession personnel, media members and team scouts. The increase in lighting of the sports fields, noise from outdoor fields and traffic as expected will significantly change the impact this parcel has on the surrounding area.

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

The property has been vacant for an undetermined period, used as farmland.

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

Special Use Permits are not addressed in the City-Wide Master Plan, however, the City-Wide Master Plan Low Density Residential land use designation allows single-family homes, institutional uses, park, and open space. A Master Plan Amendment to Planned Entertainment is being sought, which allows significant capital investment in infrastructure that entertains visitors, and venues that attract visitors throughout the area.

7. *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 result in a significant increase in the amount of vehicular traffic to the property. Pedestrian connectivity to transit is key, similar to the Homefield multi-use sports building at 9020 State Avenue. With the coordination of Planning Engineering and Public Works Department, the traffic study will be reviewed and commented on separately.

8. *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 reasonably necessary for the convenience of those that will use this service, particularly young families in the metro area. It could have an impact on both the residential properties nearby, as well as the future potential for adjacent undeveloped parcels.

9. *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 will be a significant change in the illumination, noise, and activity on site, particularly on weekends when the site will be most heavily visited. Buffering shall be in place from the beginning to limit the impact on nearby residents and property owners.

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

The proposed use will not pollute the air, land or water provided on-site waste is disposed of properly. Surface stormwater runoff and field infiltration will be routed to the detention basins before slowly discharged into the storm sewers.

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

The proposed use will significantly alter the rolling hills on the property, however, the existing tree stands along the south property line and the northeast corner of

the should be preserved to act as a buffer between the residences and the development.

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

There is an expected gain to the public health with the addition of recreational facilities in the area.

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

The proposed use is not expected to result in overcrowding of land if designed properly and proper buffering to adjacent uses is installed. It will cause significant concentrations of populations.

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

The development is of such character that it can be used safely without danger to health, or peril from fire, flood erosion, excessive noise, or other adversity if properly designed and managed by the owner and operator.

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

With coordination from the Public Works Department, streets will be designed so as to provide a safe, convenient, and functional system for vehicular traffic, and having such width, gradient, location, and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

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

Lots and buildings appear to be arranged as to afford adequate light, open space or air to facilitate fire protection and to provide for long-term sustained real estate values. The issue related to this is:

A. Access through the concourse for KCKFD and emergency services.

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

Development will be designed with regard to topography, so that the dense tree stands will be preserved in the northeast corner of the property and along the

southern property line.

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

This is a private development for a multi-field baseball/softball complex, and there will not be public amenities for residents provided. The project will provide public accommodation to their facilities.

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

The proposed use will increase the traffic and parking demand in ways that could adversely affect road capacity, safety, and create parking problems. With coordination from Planning Engineering and the Public Works Department, the traffic study will be reviewed and commented on separately.

Pedestrian connectivity to transit and other similar uses such as sidewalks, trails and bicycle facilities needs to be incorporated into this project.

19. The capability of the proposed use to meet applicable ordinance and other requirements.

The proposed use is capable of meeting applicable ordinance and other requirements with the appropriate revisions.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on February 23, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Parking
Lighting and Glare
Screening and Buffering
Noise
Prominence of Parking
Traffic
Pedestrian Access
Sidewalk and Trails Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-024**, Preliminary Plan Review Application **PR2022-008** and Master Plan Amendment **MPL2022-006**, subject to:

1. A building permit is required. Please contact the Building Inspection Department to begin that process;
2. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block. **The City Planning Commission granted the deviation requested by the applicant;**
3. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided;
4. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;
5. Wherever the mid-block crossing is located there is a pedestrian thoroughway to connect into the internal circulation of this site;
6. Install a sidewalk along the northern entrance/exist of the site and connect to the interior sidewalk network;
7. Establish a mid-block trail connection and pedestrian crossing to the pedestrian sidewalk entrance at Compass Minerals Soccer Complex across the street at 1500 North 90th Street.

The sidewalk should extend from the concourse between the two-most western fields, through the parking lot and berm and connect to the existing sidewalk on North 90th Street.

Staff would like to continue to work with the applicant and development team to see if a mid-block crossing is possible between Perfect Game and Compass Minerals Soccer Complex;

8. Over the road trucks shall not be parked on the property overnight;
9. Buses and larger vehicles shall not block drive aisles and/or fire lanes;
10. Install a publicly accessible bicycle rack for bicyclists in the plaza area;
11. Outdoor speakers should be oriented away from the single family residences;

12. The outdoor scoreboard lumens shall be oriented away from the single family residences;
13. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
 - f. EIFS at the ground level or comprising more than fifteen (15) percent of any façade. Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. **The City Planning Commission granted the deviation requested by the applicant;**
14. The proposed concrete blocks need to be integrally-color and textured. Smooth-face concrete masonry units are not permitted as an exterior building material per the Commercial Design Guidelines;
15. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened. Overflow drains shall be at grade and hidden by vegetation;
16. All concrete shall be integrally-colored – no paint;
17. What will the residences see of this development from the north, south and east? For the FDP, provide sight line cross sections illustrating what the residents will see from their properties;
18. A six (6) foot privacy fence with masonry columns every 32 feet along the portion at the Southeast of the property adjacent to the Southernmost main entrance to the project and abutting 90th Street. The fence screening the residents to the Northeast of the project would be a wood screening fence as it is at the rear of these abutting properties
19. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):
 - a. Overall site – 308 trees.
 - b. Street trees – 39 trees.
 - c. Parking lot islands – 35 trees.
20. The parking lot must be screened by berms and landscaping from North 90th Street, and the residence immediately abutting the entrance along the south property line.

The existing slope along North 90th Street should be preserved as the natural feature screens a substantial portion of the site from the street;

21. Add a note or cloud indicating the preservation of existing tree stands around the perimeter of the development;
22. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots;
23. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median;
24. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces;

25. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements;
26. Junipers and other coniferous trees should be planted throughout the site. Specifically, around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system;
27. All landscaping shall be irrigated along North 90th Street, within the landscaped parking lot islands and landscape beds adjacent to the perimeter of the entrance;
28. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;
29. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
30. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line. This includes light that is cast vertically and horizontally;
31. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
32. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped;
33. All rooftop mechanical screen walls may not be perforated metal. The screen wall shall be solid;
34. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
35. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary;
36. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are

- completely screened from and all abutting property lines and the public right-of-way;
37. 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 38. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 39. 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, Sections 8-610 through 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;
 40. 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;
 41. The Special Use Permit shall be valid indefinitely 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 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. Special Use Permits are nontransferable, therefore, all operations must cease until such time as a new Special Use Permit is approved; and,
 42. 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 **SP2022-024**, Petition **PR2022-008** and **MPL2022-006** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Prairie Delaware Piper Master Plan Development Opportunities Map
KCKFD Comments
Preferred Tree Planting List
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Site Plan
Grading Plan
Utility Plan
Sidewalk Plan
Lighting Plan
Landscape Plan
Sight Line Cross Section
Building Elevations

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	March 14, 2022	March 31, 2022
Special Use Preliminary	Approval	
Plan	March 14, 2022 - Approval	March 31, 2022
Master Plan Amendment	March 14, 2022 - Approval	March 31, 2022

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-006** 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 Unified Government Board of Commissioners **DENY** Petition **MPL2022-006** 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.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-024** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-024**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-008** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move Unified Government Board of Commissioners **DENY** Petition **PR2022-008**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

March 14, 2022 City Planning Commission Minutes:

Hearing starts at Tape 2 – 52:25:

MPL2022-006 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Master Plan Amendment from Low Density Residential (City-Wide Master Plan) to Planned Entertainment (City-Wide Master Plan) at 1501 North 90th Street.

SP2022-024 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Special Use Permit for privately owned athletic fields (Homefield Perfect Game) at 1501 North 90th Street.

PLAT2022-04 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Preliminary Plat for six (6) lots for Homefield Perfect Game at 1501 North 90th Street.

PR2022-008 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Preliminary Plan Review for Homefield Perfect Game Fields at 1501 North 90th Street.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, has filed a Preliminary Plan, Preliminary Plat, Special Use Permit and Master Plan Amendment to subdivide the property into one (1) lot to build a multi-field baseball/softball complex, development center, scouting tower and parking on 49.98 acres at 1501 North 90th Street.

City Ordinance Requirements: 27-592 through 27-606, Article XXI Sections 27-502 – 27-709 and Article VIII Sections 27-340 – 27-765.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 14, 2022;
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 the property owners.

Present in Support:

- Curt Petersen, applicant, Polsinelli, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112
- Amy Grant, Polsinelli, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112

Present in Opposition:

- John Cummings, 8720 Walker Avenue, Kansas City, Kansas 66112
- Jeff Letterman, 1323 North 90th Street, Kansas City, Kansas 66112
- Sharleen Lehotsky, 8808 State Avenue, Kansas City, Kansas 66112
- Paula Owen, 1322 North 90th Street, Kansas City, Kansas 66112
- Kelle Steineger, 8721 Walker, Kansas City, Kansas 66112
- Carol Zugecic, 8846 State Avenue, Kansas City, Kansas 66112

Staff Recommendation starts at Tape 2 – 1:29:04: Planning Director Hand stated that the request is for a Special Use Permit, Master Plan Amendment, Plan Review and Plat. This property is just outside the Prairie-Delaware-Piper Master Plan. Prior to tonight staff had received no letters in support nor opposition to this application. He further stated there are no Notices of Violation. As this is a commercial use, Staff is conditioning that they meet the Commercial Design Guidelines. Staff has worked with the applicant on increased connectivity and pedestrian pathways. Staff has requested a mid-block crossing between the sports complex and the soccer complex access 90th Street. Staff is requesting no truck parking, a bike rack, trash enclosure, downlighting, that existing tree stands be identified for preservation and enhanced landscaping/screening. A final development plan will be required, and all these items can be addressed before then if this application moves forward. Director Hand addressed the requested deviations that the applicant requested:

Item #2 - Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block. Director Hand stated this is similar to the deviation granted to Homefield on 90th Street. Although Staff does not agree, Staff in principle is agreeable to the deviation.

Item #5 - Install crosswalks throughout the parking lot to linking parking lot medians and islands connecting to the interior sidewalk around the perimeter of the fields. Director Hand stated that Staff would amend this condition to the crosswalks going through the drive aisles of the parking lot. The mid-block crossing would be

determined prior to the final development plan. Staff would amend the condition to state that wherever the mid-block crossing is located there is a pedestrian thoroughway to connect into the internal circulation of this site.

Item #7 - Due to the proximity the Perfect Game championship fields located at 9020 State Avenue, a trail needs to be established to connect the two developments together. Director Hand stated that this is a condition that was removed last month from the Homefield Phase 1 application that is going to be heard next on the agenda. Staff does not object to the removal of this condition.

Item #14 - Sec. 27-576(e)(2) Exterior building materials shall not include the following: f. EIFS at the ground level or comprising more than fifteen (15) percent of any façade. Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. Director Hand stated that he can understand the applicant requesting removal of this condition as this is a ballfield and not a traditional commercial building. The Planning Commission will need to approve this deviation.

Item #16 - Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation. Planning Director Hand stated that Staff would request an amendment to this condition with the removal of **“and all downspouts shall be internalized.”** Staff will work with the applicant before final plan review to ensure the downspouts are screened to meet the intent of the guidelines.

Item #19 - As discussed during the pre-application meeting, screening like Turner Logistics Center East at College Parkway and Orville Avenue and Walmart at Plaza at the Speedway should be installed adjacent to the residence along the southernmost entrance and the rear yards abutting the fields in the northeast corner of the site. A six (6) foot privacy fence with masonry columns every 32 feet running should be installed along common property lines. The single-family homes that abut the ball fields should have additional screening above and beyond what is proposed. Planning Director Hand stated that staff would request that this condition be amended to state that **“A six (6) foot privacy fence with masonry columns every 32 feet along the portion at the Southeast of the property adjacent to the Southernmost main entrance to the project and abutting 90th Street. The fence screening the residents to the Northeast of the project would be a wood screening fence as it is at the rear of these abutting properties.”**

Item #27 - Junipers and other coniferous trees should be planted throughout the site, specifically around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system. These trees should be planted at the ends of the concourses along the north, east and south property lines. Director Hand stated Staff would request that this condition be amended: **“Junipers and other coniferous trees should be planted, around the perimeter of all detention basin slopes.”**

Staff recommends approval subject to the amended conditions. The Planning Commission will need to make a recommendation on the two (2) requested deviations. He stated that the County Engineer and Planning Engineering agreed with the findings of the third party review of the traffic study. Further consideration can be given before the final plan review regarding design changes in and out of the project.

The Planning Commission addressed comments and questions to Staff.

Motion and Vote starts at Tape 2 – 1:41:10:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2022-006:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-024:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. A building permit is required. Please contact the Building Inspection Department to begin that process;**
- 2. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block. The City Planning Commission granted the deviation requested by the applicant;**
- 3. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have**

- sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided;
4. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;
 5. Wherever the mid-block crossing is located there is a pedestrian throughway to connect into the internal circulation of this site;
 6. Install a sidewalk along the northern entrance/exist of the site and connect to the interior sidewalk network;
 7. Establish a mid-block trail connection and pedestrian crossing to the pedestrian sidewalk entrance at Compass Minerals Soccer Complex across the street at 1500 North 90th Street.

The sidewalk should extend from the concourse between the two-most western fields, through the parking lot and berm and connect to the existing sidewalk on North 90th Street.

Staff would like to continue to work with the applicant and development team to see if a mid-block crossing is possible between Perfect Game and Compass Minerals Soccer Complex;

8. Over the road trucks shall not be parked on the property overnight;
9. Buses and larger vehicles shall not block drive aisles and/or fire lanes;
10. Install a publicly accessible bicycle rack for bicyclists in the plaza area;
11. Outdoor speakers should be oriented away from the single family residences;
12. The outdoor scoreboard lumens shall be oriented away from the single family residences;
13. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
 - f. EIFS at the ground level or comprising more than fifteen (15) percent of any façade. Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. **The City Planning Commission granted the deviation requested by the applicant;**
14. The proposed concrete blocks need to be integrally-color and textured. Smooth-face concrete masonry units are not permitted as an exterior building material per the Commercial Design Guidelines;
15. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened. Overflow drains shall be at grade and hidden by vegetation;

16. All concrete shall be integrally-colored – no paint;
17. What will the residences see of this development from the north, south and east? For the FDP, provide sight line cross sections illustrating what the residents will see from their properties;
18. A six (6) foot privacy fence with masonry columns every 32 feet along the portion at the Southeast of the property adjacent to the Southernmost main entrance to the project and abutting 90th Street. The fence screening the residents to the Northeast of the project would be a wood screening fence as it is at the rear of these abutting properties
19. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):
 - d. Overall site – 308 trees.
 - e. Street trees – 39 trees.
 - f. Parking lot islands – 35 trees.
20. The parking lot must be screened by berms and landscaping from North 90th Street, and the residence immediately abutting the entrance along the south property line.

The existing slope along North 90th Street should be preserved as the natural feature screens a substantial portion of the site from the street;

21. Add a note or cloud indicating the preservation of existing tree stands around the perimeter of the development;
22. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots;
23. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median;
24. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces;
25. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements;
26. Junipers and other coniferous trees should be planted throughout the site. Specifically, around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system;
27. All landscaping shall be irrigated along North 90th Street, within the landscaped parking lot islands and landscape beds adjacent to the perimeter of the entrance;
28. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;

29. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
30. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line. This includes light that is cast vertically and horizontally;
31. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
32. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped;
33. All rooftop mechanical screen walls may not be perforated metal. The screen wall shall be solid;
34. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
35. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary;
36. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way;
37. 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
38. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
39. 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, Sections 8-610 through 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;
40. 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;
41. The Special Use Permit shall be valid indefinitely 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 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. Special Use Permits are nontransferable, therefore, all operations must cease until such time as a new Special Use Permit is approved; and,
42. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to **APPROVE PLAT2022-004:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions.

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2022-008:**

Carson	Chairman
---------------	-----------------

Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions.

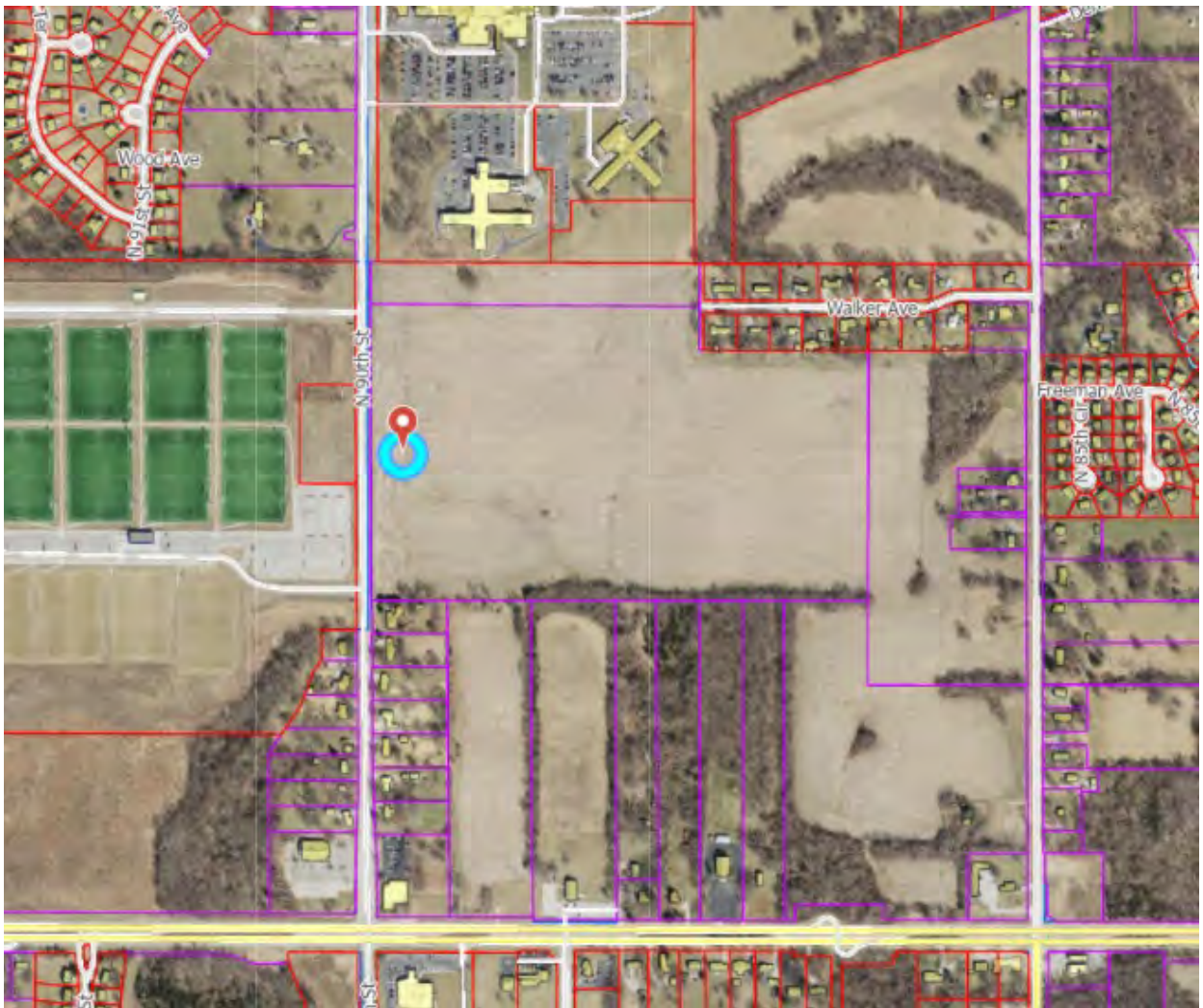
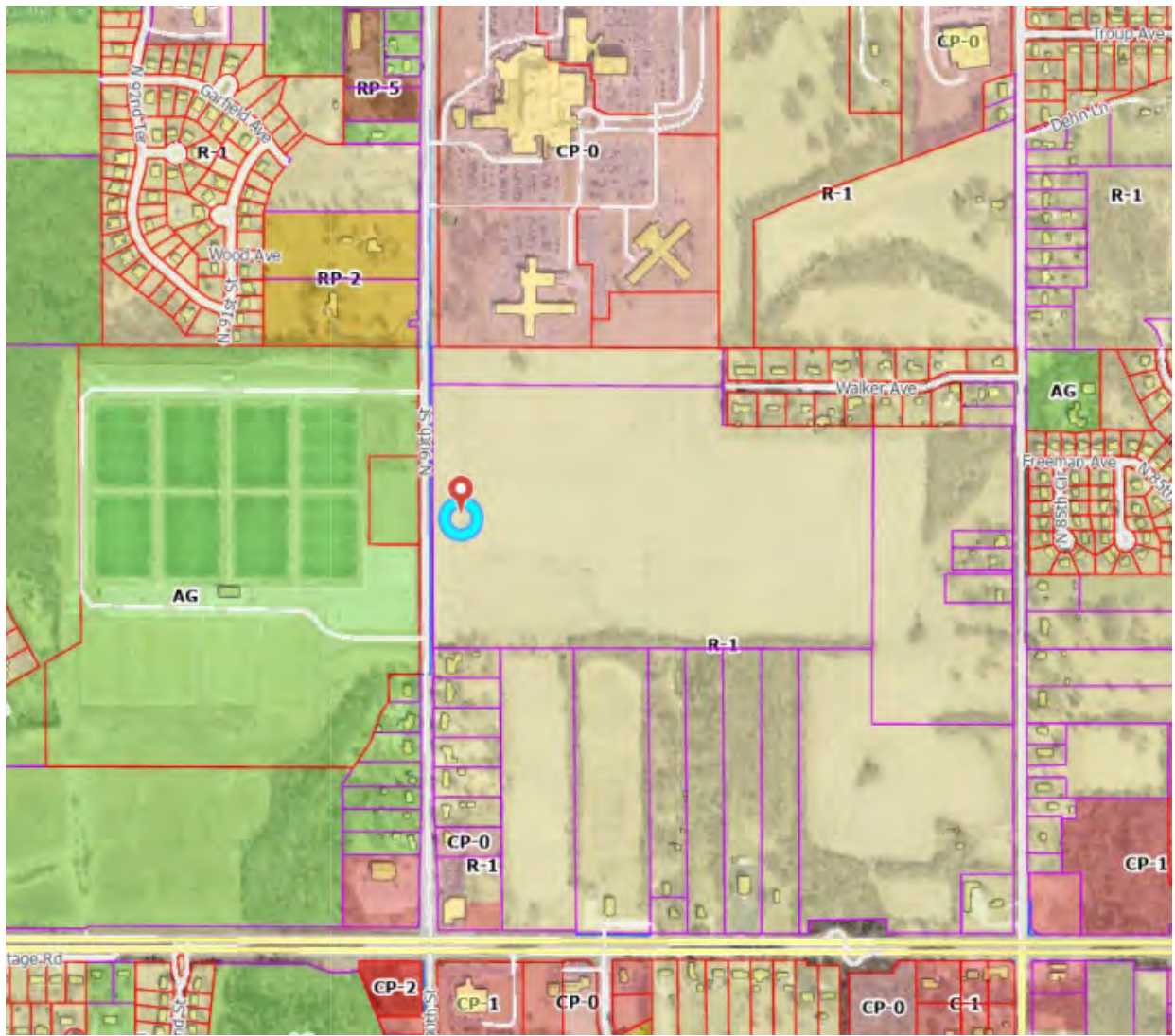


Figure 1. Aerial photograph of 1501 North 90th Street (provided by UG Maps).



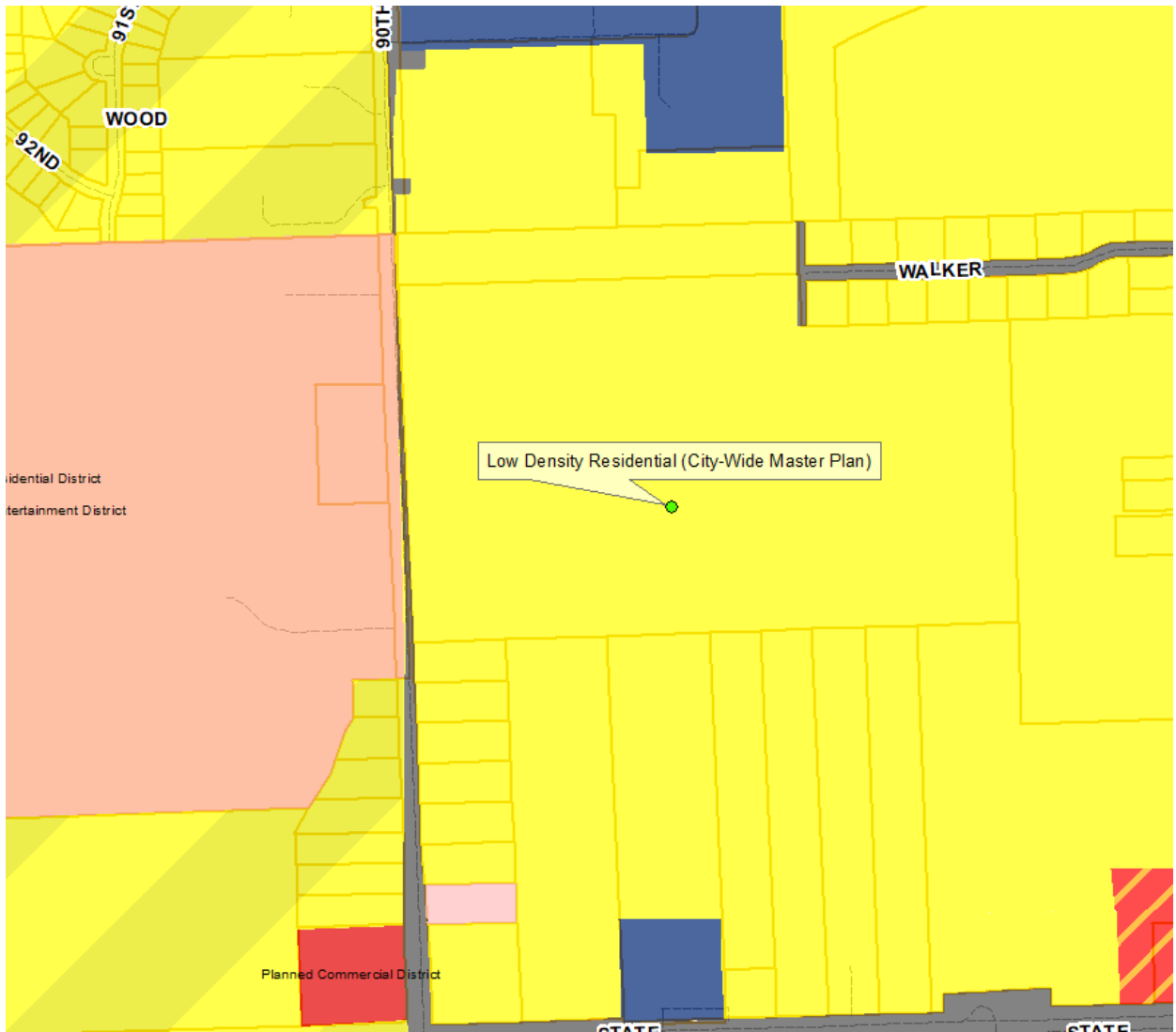
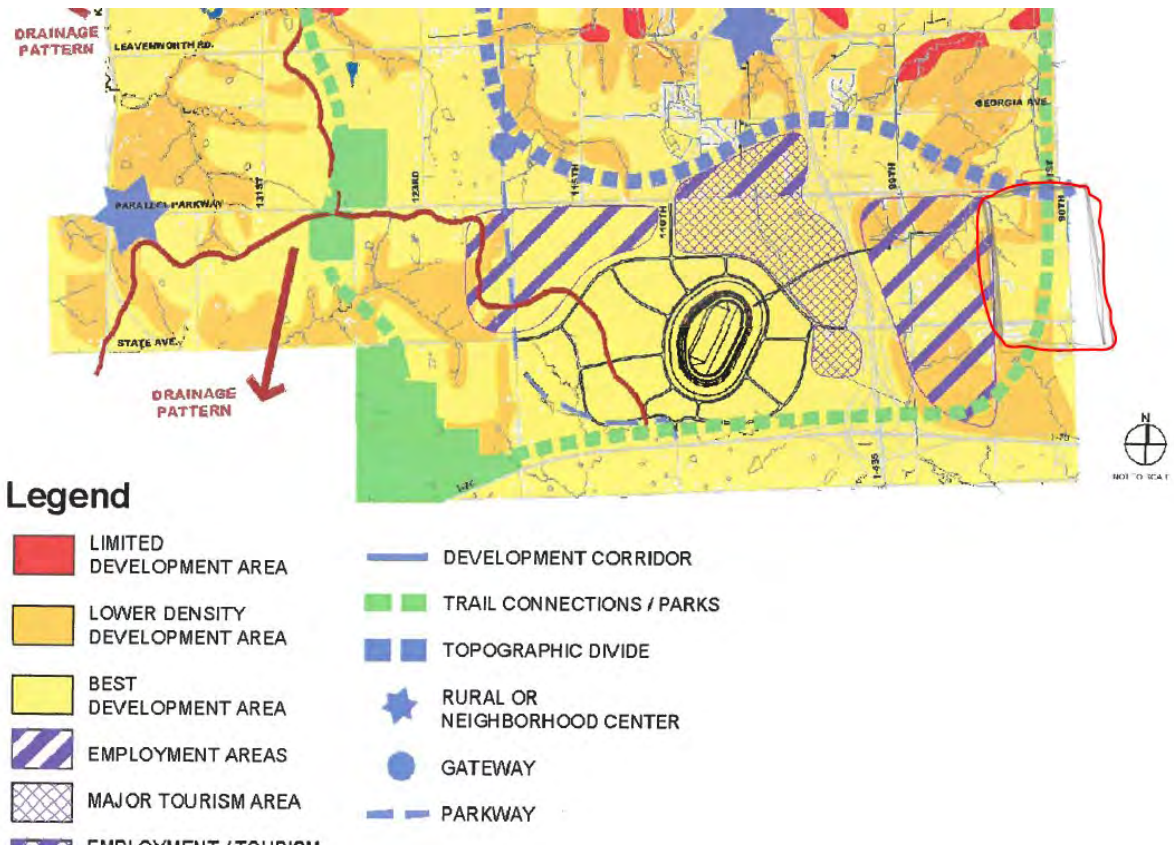


Figure 3. City-Wide Master Plan Land Use Map (provided by ArcMap).



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 x plantanoides</i>	Norwegian sunset maple	'Warrenred' 'Keithsform'
6.	<i>Amelanchier x 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		

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments: General Planning:

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

RESPONSE: Acknowledged.

2. The 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.

RESPONSE: Acknowledged.

3. Tracts A, B, C, D, E and F are to be given as rear yards to the five (5) single family homes along Walker Avenue?

RESPONSE: These property owners currently have an encroachment on our property.

4. A building permit is required. Please contact the Building Inspection Department to begin that process.

RESPONSE: Acknowledged.

5. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block.
The City Planning Commission must grant these deviation requests by the applicant

RESPONSE: The Developer respectfully requests a deviation to allow the parking field to remain as shown.

6. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided.

RESPONSE: Acknowledged.

7. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings.

RESPONSE: See sheet C2.00 for sidewalks that are being provided from both access drive to the main entry/ticketing office.

8. Install crosswalks throughout the parking lot to linking parking lot medians and islands connecting to the interior sidewalk around the perimeter of the fields.

RESPONSE: See sheet C2.00. Due to the condensed nature of the parking field (only 2 bays deep) the Developer does not feel that linking the islands is necessary.

9. Install a sidewalk along the northern entrance/exist of the site and connect to the interior sidewalk network.

RESPONSE: See revised plan sheet.

10. Due to the proximity the Perfect Game championship fields located at 9020 State Avenue, a trail needs to be established to connect the two developments together.

RESPONSE: The applicant would like to discuss this further with planning staff.

11. Establish a mid-block trail connection and pedestrian crossing to the pedestrian sidewalk entrance at Compass Minerals Soccer Complex across the street at 1500 North 90th Street.

The sidewalk should extend from the concourse between the two-most western fields, through the parking lot and berm and connect to the existing sidewalk on North 90th Street.

RESPONSE: The grades/slopes along 90th Street would make a mid-block connection very difficult, if not impossible. The Developer would like to discuss this further with planning staff.

12. Over the road trucks shall not be parked on the property overnight.

RESPONSE: Acknowledged.

13. Where will buses and larger vehicles park within the parking lot?

RESPONSE: The applicant would like to discuss this further with planning staff as we are not aware of any requirement to address parking for buses and larger vehicles. If an issue were to arise with whether these types of vehicles park the operator would address the issue directly.

14. Install a publicly accessible bicycle rack for bicyclists in the plaza area.

RESPONSE: Acknowledged.

15. Will outdoor speakers be installed on the baseball fields?

RESPONSE: Yes, but the PA system will not normally do any play by play calls for games.

16. Will there be an outdoor scoreboard on the baseball fields?

RESPONSE: Yes.

17. What are the proposed hours of operation?

RESPONSE: Athletic fields do not typically have set hours of operation given the multitude of factors that can impact when sporting events are played outdoors.

18. What shade is being provided for guests?

RESPONSE: The Developer has not yet contemplated whether or not shade devices will be provided.

19. Provide clarification regarding the lack of interior walking plantings.

RESPONSE: The proposed use does not lend itself to interior walking plantings.

Building Architecture:

1. Sec. 27-576(e)(2) Exterior building materials shall not include the following:

EIFS at the ground level or comprising more than fifteen (15) percent of any façade.

Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. Staff will not ask for the deviation.

RESPONSE: The Developer respectfully requests a deviation from the commercial design guidelines.

The Concession Stand Building will have 16.67% metal on both the south and north façades and 23.1% metal on the west façade.

The entry building will have 47.7 % metal on the north façade, 50.6% metal on the east façade, 39.8% metal on the south façade, and 44.9% metal on the west façade.

The maintenance building will have 57.2% metal on the north façade, 55.2% metal on the east façade, 55.4% metal on the south façade, and 72.4% metal on the west façade.

The scouting tower/concession stand buildings have less than 15% metal and do not require a deviation.

2. The proposed concrete blocks need to be integrally-color and textured. Smooth-face concrete masonry units are not permitted as an exterior building material per the Commercial Design Guidelines.

RESPONSE: Acknowledged.

3. Provide elevations of the baseball fields.

RESPONSE: The applicant would like to discuss this further with planning staff to better understand what is being requested.

4. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation.
RESPONSE: The buildings proposed with this project are relatively small in nature and are not highly visible from 90th Street. Downspouts will be carefully integrated into the design of the buildings but cannot be internalized.
5. All concrete shall be integrally-colored – no paint.
RESPONSE: Acknowledged.

Landscaping and Screening:

1. What will the residences see of this development from the north, south and east? Provide sight line cross sections illustrating what the residents will see from their properties.
RESPONSE: Sight line cross sections have been provided with the resubmittal.
2. As discussed during the pre-application meeting, screening like Turner Logistics Center East at College Parkway and Orville Avenue and Walmart at Plaza at the Speedway should be installed adjacent to the residence along the southernmost entrance and the rear yards abutting the fields in the northeast corner of the site. A six (6) foot privacy fence with masonry columns every 32 feet running should be installed along common property lines.
RESPONSE: The applicant would like to discuss this further with planning staff. Fencing is being provide around the baseball fields but is not proposing any property boundary fencing.
3. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):

Overall site – 308 trees.
Street trees – 39 trees.
Parking lot islands – 35 trees.
RESPONSE: 382 Trees have been provided per the revised landscape plan
4. The parking lot must be screened by berms and landscaping from North 90th Street, and the residence immediately abutting the entrance along the south property line. The existing slope along North 90th Street should be preserved as the natural feature screens a substantial portion of the site from the street
RESPONSE: A berm is provided for portions of the 90th Street frontage where grades allow. The existing slope cannot be maintained everywhere as the mass of the site sits below 90th Street and grades need to drop to the east to balance excavation on the site. Landscaping has been increased along 90th Street to buffer the parking, a privacy

fence will be provided between the project and the single residence along N. 90th Street to the south.

5. Add a note or cloud indicating the preservation of existing tree stands around the perimeter of the development.

RESPONSE: The tree preservation is shown on L1.00.

6. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots.

RESPONSE: Trees are being provided along the pedestrian route from the entry drive to the entry gate, trees are also lining the sidewalk across the north side of the parking lot leading to the entry gate.

7. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median.

RESPONSE: Islands have been added to the parking field to break long runs of parking.

8. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces.

RESPONSE: Islands have been added to the parking field to break long runs of parking.

9. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements.

RESPONSE: These trees have been added, see item #3.

10. Junipers and other coniferous trees should be planted throughout the site, specifically around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system. These trees should be planted at the ends of the concourses along the north, east and south property lines.

RESPONSE: The Developer would like to discuss this further with planning staff.

11. All landscaping shall be irrigated along North 90th Street, within the landscaped parking lot islands and landscape beds adjacent to the perimeter of the entrance.

RESPONSE: Acknowledged.

12. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted.

RESPONSE: Acknowledged.

13. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction.

RESPONSE: Acknowledged.

14. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line. This includes light that is cast vertically and horizontally.

RESPONSE: Acknowledged.

15. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed.

RESPONSE: Acknowledged.

16. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped.

RESPONSE: Acknowledged.

17. All rooftop mechanical screen walls may not be perforated metal. The screen wall shall be solid.

RESPONSE: Acknowledged.

18. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building.

RESPONSE: Acknowledged.

19. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary.

RESPONSE: Acknowledged.

20. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way.

RESPONSE: Acknowledged.

Signage:

1. Shall comply with the sign ordinance.

RESPONSE: Acknowledged.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

02/23/22

PERFECT GAME BASEBALL
1501 N 90th St., Kansas City, KS
NEIGHBORHOOD MEETING MINUTES:

Application Number SP2022-024 & PR2022-008

Date and Location: 02/23/22, Meeting held on Zoom Video Conference

Meeting called to order at: 6:15 PM

Names of people in attendance:

1. Richard Napper – Homefield
2. Chris Doyle – Homefield
3. Brian Lavery – Continental Engineering Consultants
4. Mark Hendricks – Continental Engineering Consultants
5. Paula Owen – Neighbor
6. Jeff Letterman – Neighbor
7. Brian Kile, 816-550-0159 – Neighbor
8. John Cummings, 816-820-3358 – Neighbor
9. Lindsey
10. Joanna Zugecic
11. Michael Zagorski, 913-636-2171
12. John & Charlene Lehotski,

Introductions: Richard Napper with Homefield (the Developer)

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

- Richard Napper opened the meeting and announced it was the Neighborhood Meeting for the Perfect Game Baseball Project located in Kansas City, Kansas. Richard gave a brief overview of the Project and opened up for questions. We showed the Homefield – Master Plan overlay on aerial dated 01/25/22. The meeting lasted a little more than the 30 minute period, all questions were answered, at 6:52 PM we officially concluded the Neighborhood Meeting and we adjourned.

Questions and answers (include the following):

Brian Kile:

Q: What does this Project do for the neighborhood? How many fields does it take for your sports in this area?

A: Richard advised that Youth Sports is currently one of the fastest growing industries. He noted it will attract out of town visitors spending money and room nights, and the project will produce property tax and sales tax.

Michael Zagorski at 707 Walker:

Q: Why couldn't we vote on this Project. The Soccer Complex is lit up all the time, and there is traffic and noise.

A: Richard advised that this Neighborhood meeting is the 1st meeting on this Project, and it will be heard by the Planning Commission for the 1st time on 03/14/22, they could attend the meeting.

Charlene Lehotski:

Statement: Expressed her displeasure with Zoom meetings.

Brian Kile:

Q: So this is just the 1st meeting, we can be heard at the Planning Commission Meeting.

A: Yes

Michael Zagorski:

Q: How do we get an invitation to that meeting.

A: Doyle responded that you may have already gotten an invitation in the mail directly from the City, in fact I believe that Paula Owen already got one. Paula confirm that yes, she had gotten a letter invitation from the City. If you don't you can contact the city and request one.

Jeff Letterman:

Q: Traffic from the soccer complex is sometimes a problem, do we need to widen 90th street, or move the entry points? Paula Owen agreed with Jeff.

A: Brian Lavery responded that he was not aware of City plans to widen the road, but that we could re-look at the entry locations to see if the City wants them aligned with the soccer complex or should be moved.

Charlene Lehotski:

Q: Will there be a fence around the entire project at the property line?

A: The Fields will be completely fence in, but the Parking Lot won't.

Statement: Kids sometimes wonder out of parking lots into the neighbors properties, she thinks the parking lots should be fenced in too. The soccer complex is loud, the PA is loud.

Brian Kile:

Q: What are the hours of operations.

A: Early to late evenings, especially through the summers. Michael Zagorski commented they often go to 10 PM.

Q: Are the fields lighted? A: Yes

John Cummings:

Statement: We don't want screaming and yelling in our backyard.

Paula Owen:

Statement: We live at the first house next to the soccer complex, and noise from the complex does not bother us. We do hear the PA. Baseball might be louder than soccer. She has children and grand children in Baseball, the fields are usually fenced like this one, and she has never seen a complex with the parking lot fenced in.

John Cummings, 8720 Walker:

Q: What is the water drainage plan.

A: Brian Lavery responded that the UG will require us to capture much of our water and regulate the release rate on to adjacent properties.

Statement: There is currently a runoff problem, the runoff from this property is currently causing problems on our properties.

Jeff Letterman:

Q: Will we be raising the land/field elevation?

A: Lavery advised we are generally raising 4 fields and lowering the other 4 fields. He added that we will be capturing water in new ponds, so we will be releasing the water at a lower rate than it is today.

Q: Where will the Sanitary Sewers be draining?

A: To the Northwest tied in to the 90th street sanitary.

Q: The site contractor will track dirt on 90th street, can we ask them to exit north to Parallel vs south to State Avenue?

A: We can ask them to.

Brian Kile:

Q: So we are saying that this is just the first meeting?

A: Yes, the City Meeting is on 03/14/22 and will have more details. You can participate in that meeting.

John Cummings:

Statement: This all strikes her as an ambitious development, and not really in a good way.

Q: Richard advised that we understand, it is a big development. It will produce an economic benefit to the area.

Paula Owen:

Q: What is the Hotel that someone mentioned?

A: Richard advised that there will be a Margaritaville Hotel, and Fairfield Hotel that is starting construction now, and Camping World already under construction.

Q: So these will be showcase fields?

A: Yes, Perfect Game is one of the premier baseball company in the country, this will be their flagship headquarters. It will be a project that we can all be proud of. Youth sports helps kids spend less time on their phones, and in social media, etc...

Jeff Letterman:

Q: What are the dashed lines?

A: Those are the corner field mobile fences for the little youth players.

Q: What are the age groups playing?

A: Generally T-Ball through High School. 12-18, and "littles"

Q: Are the fields turf?

A: Yes, so drainage will be captured and the field drainage systems and be improved by this development.

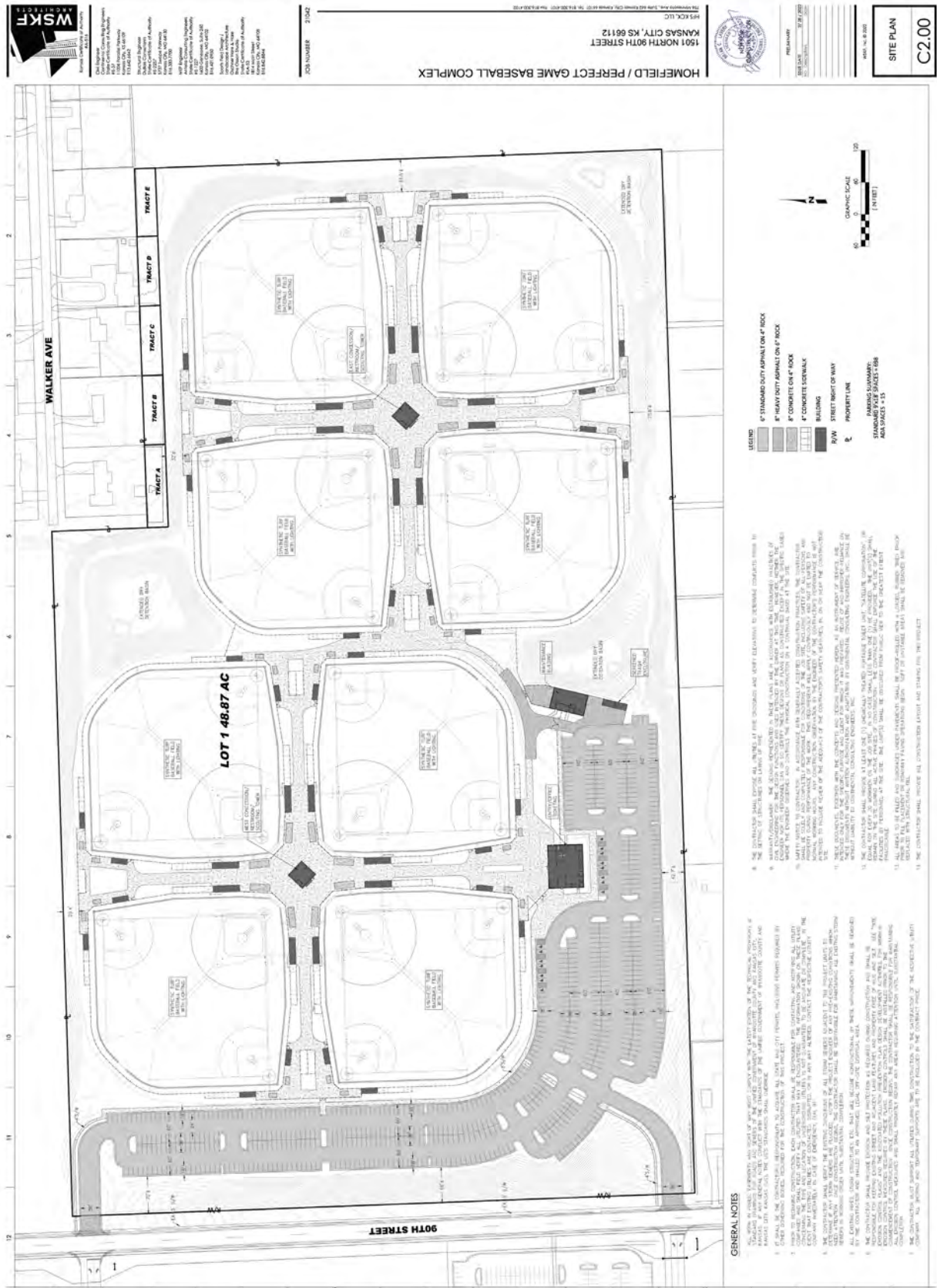
Q: Can we move the north entrance more north?

A: We can re-look at that, and see what the traffic study says regarding that.

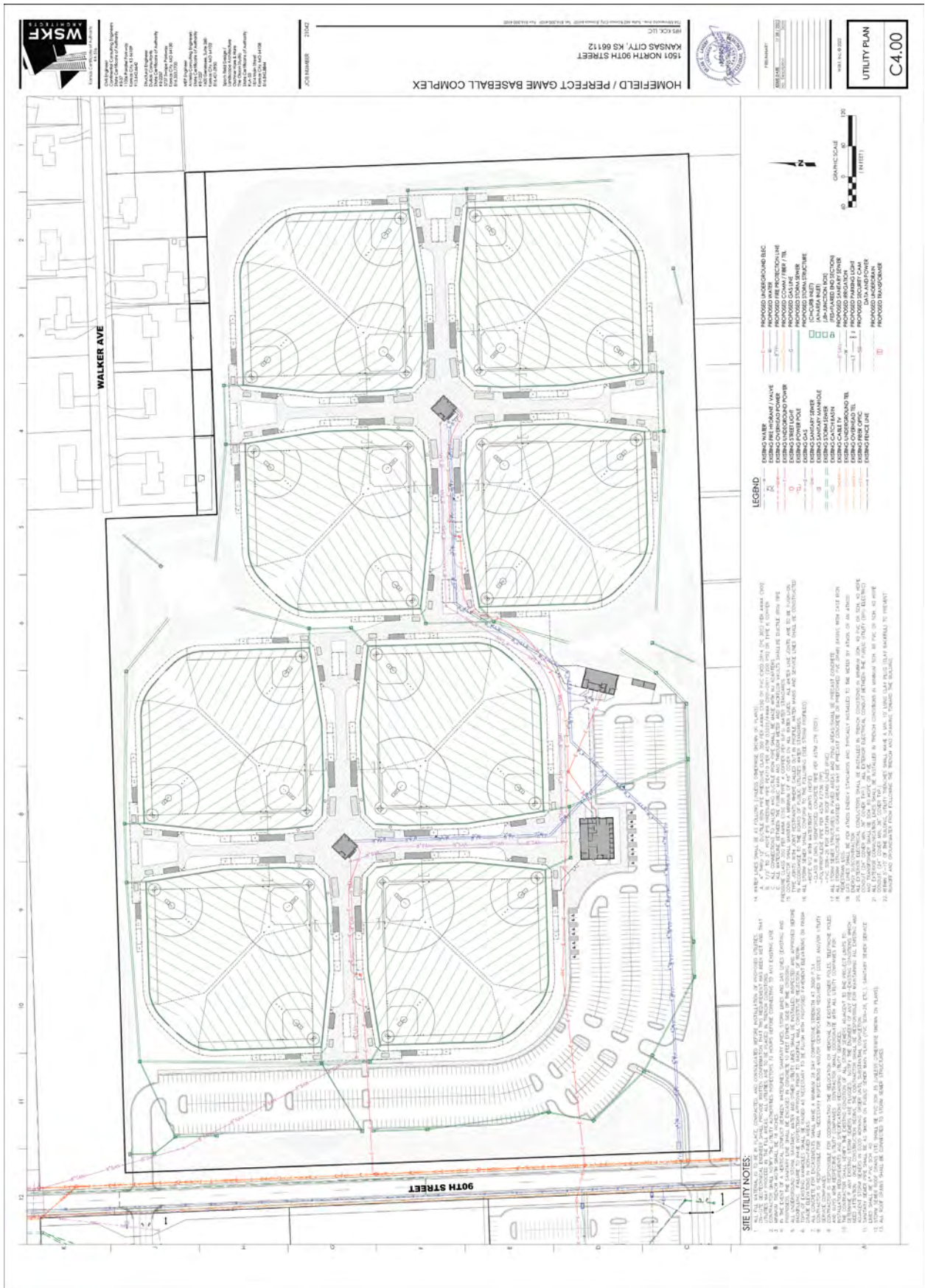
That concluded all the questions, the meeting adjourned at: 6:52 PM.

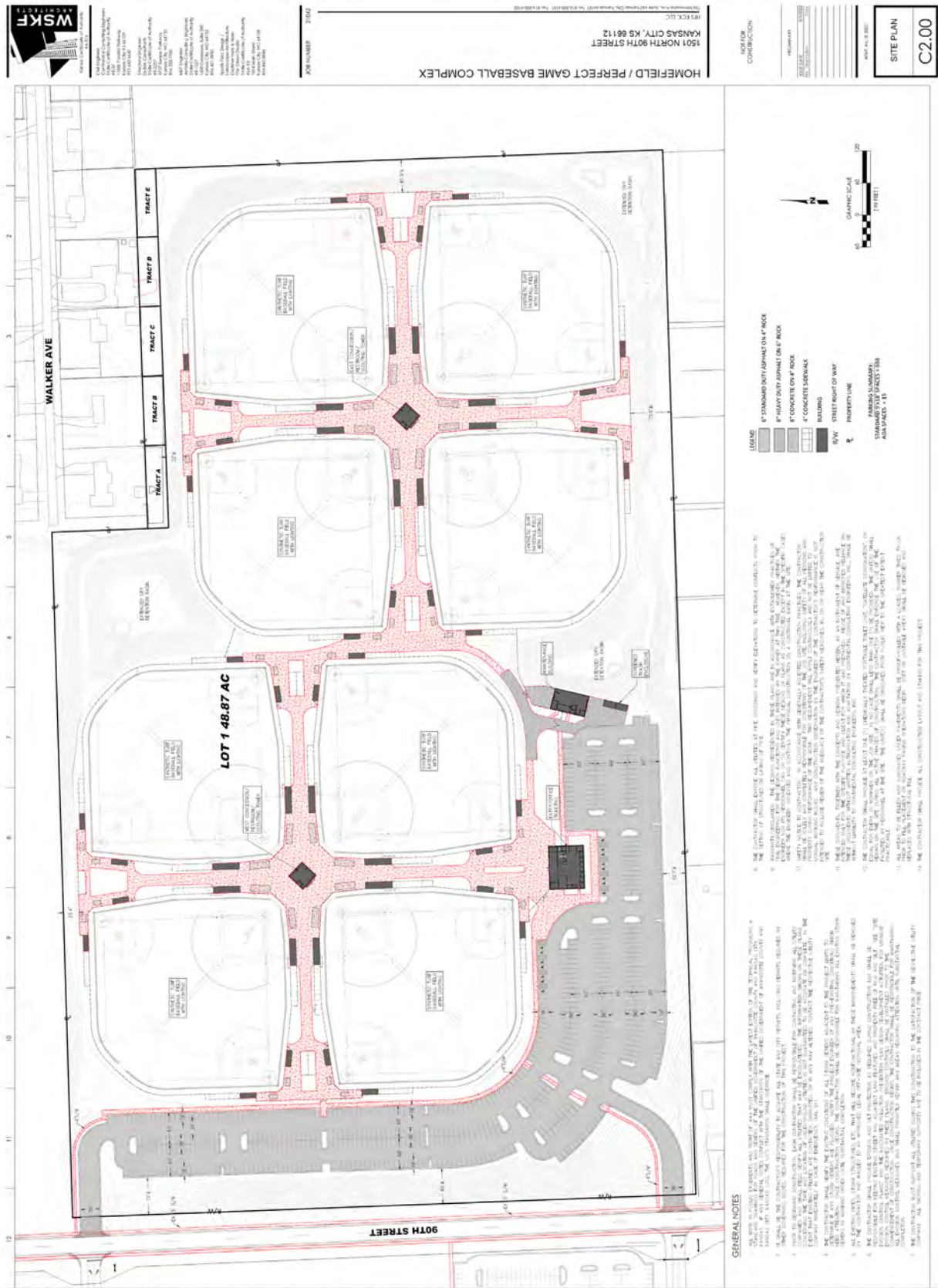
Minutes taken by: Chris Doyle at Homefield (the Developer)

Signed  (Chris Doyle)

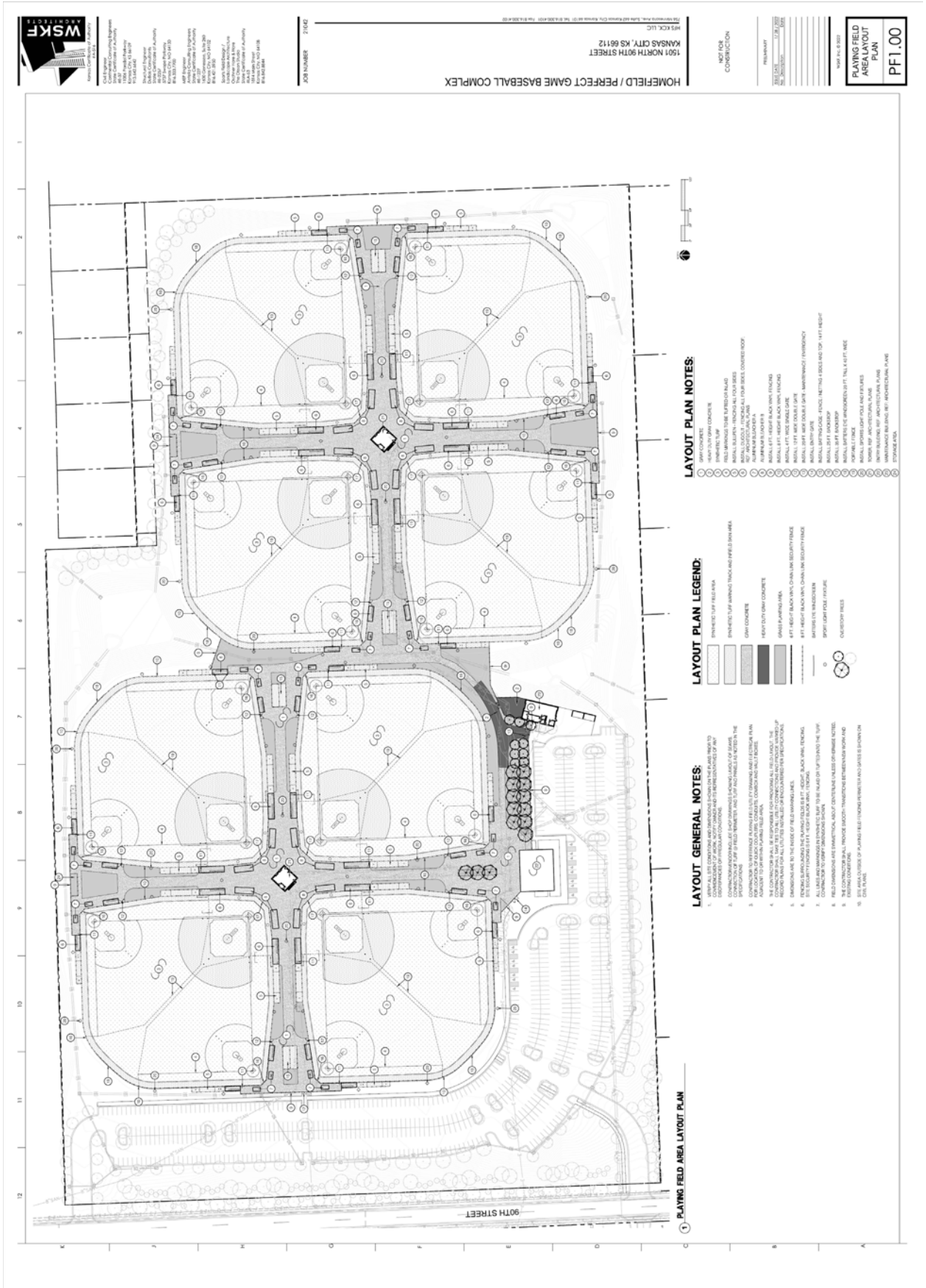












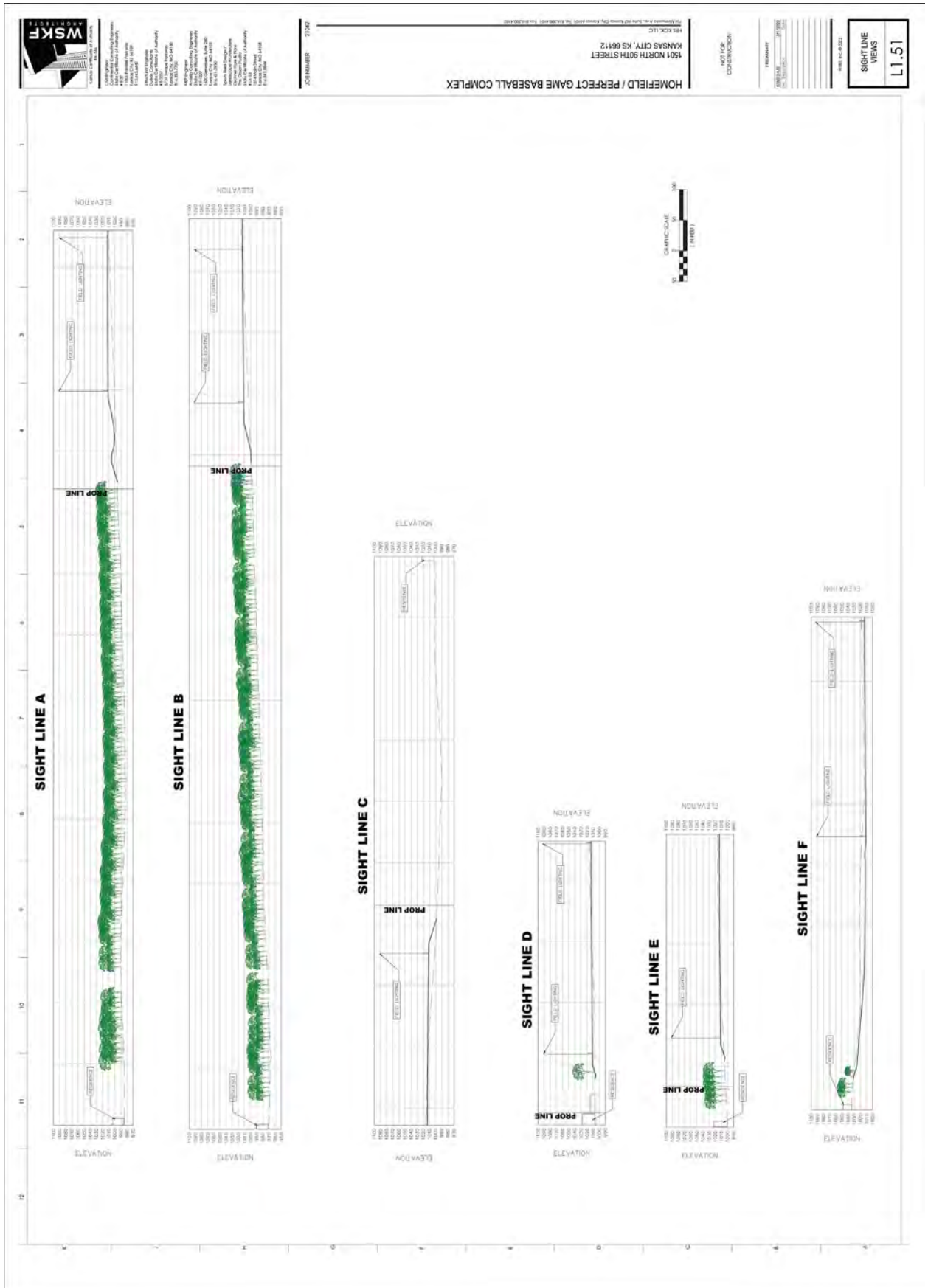




Figure 4. Site photograph looking east on North 90th Street at 1501 North 90th Street taken on February 15, 2022.



Figure 5. Site photograph looking southeast at 1501 North 90th Street taken on February 15, 2022.



Figure 6. Site photograph looking northeast at 1501 North 90th Street taken on February 15, 2022.



Figure 7. Site photograph looking northeast 1501 North 90th Street taken on February 15, 2022.



Figure 8. Site photograph looking north on North 90th Street at 1501 North 90th Street taken on February 15, 2022.



Figure 9. Site photograph looking northeast at 1501 North 90th Street taken on February 15, 2022.



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: March 31, 2022

Re: **Petition SP2022-25, Petition PR2022-009 and Master Plan Amendment MPL2022-007**

GENERAL INFORMATION

Applicant:
Curtis Petersen

Status of Applicant:
Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Action:
Approve an indefinite Special Use Permit for outdoor multi-use baseball/softball field complex.

Preliminary Plan Review for an outdoor multi-use baseball/softball field complex.

Master Plan Amendment from Planned Mixed Residential to Planned Entertainment (Prairie Delaware Piper Master Plan).

Date of Applications:
January 28, 2022



Purpose:	To amend the Master Plan to build and operate two (2) outdoor multi-use baseball/softball fields.
Property Location:	9020 State Avenue
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #7 Commissioner: Chuck Stites
Existing Zoning:	A-G Agriculture and R-1 Single Family Districts
Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture and R-1 Single Family Districts East: A-G Agriculture and CP-1 Planned Limited Business Districts West: A-G Agriculture and RP-5 Planned Apartment Districts (across North 94 th Street)
Adjacent Uses:	North: Compass Minerals Soccer Complex and single-family homes South: Single family homes and undeveloped land East: Dental office and single-family homes West: Single family homes
Total Tract Size:	13.88 Acres
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Planned Mixed Residential, which allows patio (zero lot line) homes, townhomes, condominiums, garden apartments, housing for seniors, and other multifamily uses. (An amendment to Planned Commercial Entertainment is being sought, which allows significant capital investment in infrastructure that entertains visitors, and venues that attract visitors throughout the area).
Major Street Plan:	The City-Wide Master Plan classifies State Avenue as a Class A Thoroughfare.
Required Parking:	Sec. 27-668(a)(2) Athletic fields, stadiums, gymnasiums, indoor athletic facilities. Spaces for these uses shall be as determined by the Planning Commission. 176 parking spaces are being provided.
Advertisement:	<u>The Wyandotte Echo</u> – Special Use Permit – February 17, 2022, Plat – None, Plan Review – None, and Master Plan Amendment – February 17, 2022 Letters to Property Owner – February 18, 2022 and March 24, 2022
Public Hearings:	March 14, 2022 and March 31, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, on behalf of the property owner, HFS KCK, LLC, has filed an indefinite Special Use Permit, Preliminary Development Plan and Master Plan Amendment to build a 1,300 square foot ticketing/entry building, multi-use baseball/softball field complex and parking on 13.88 acres at 9020 State Avenue.

City Ordinance Requirements: 27-592 through 27-606 and Article VIII Sections 27-340 – 27-765.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This property is along the State Avenue commercial and transit corridor. The character of the neighborhood is composed of soccer fields and a small single-family neighborhood to the north, single-family homes to the south, a dental office and single-family homes to the east and apartments to the west (across North 94th Street).

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

The zoning and uses of nearby property are identified above. An outside, multi-use baseball/softball field can be compatible with the surrounding residential area if properly screened and managed.

3. *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*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service provided by the West Patrol, District #225

e. *Fire*

Fire service provided by Fire Station #6 located near 95th and State Avenue.

f. *Transit*

Kansas City ATA provides transit service along State Avenue, Route #101. The nearest transit stop is in front of this property.

g. *Schools*

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

4. *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 on the property will not detrimentally affect nearby property as the majority of the visitors will be inside the building, although the increase in lighting of the sports fields, noise from outdoor fields and traffic as expected will significantly change the impact this parcel has on the surrounding area.

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

The property has been vacant for an undetermined period, however, the property was used as a driveway to the parcel in the rear, which was removed between 2014 and 2016.

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

Special Use Permits are not addressed in the City-Wide Master Plan, however, the Prairie Delaware Piper Master Plan Mixed Residential designation allows a mixture of single-family homes, townhomes, and multi-family apartments. A Master Plan Amendment to Planned Entertainment is being sought, which allows significant capital investment in infrastructure that entertains visitors, and venues that attract visitors throughout the area.

7. *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 result in a significant increase in the amount of vehicular traffic to the property. Pedestrian connectivity to transit is key, similar to the Homefield multi-use sports building at 9020 State Avenue. With the coordination of Planning Engineering and Public Works Department, the traffic study will be reviewed and commented separately.

8. *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 reasonably necessary for the convenience of those that will use this service, particularly young families in the metro area. It could have an impact on both the residential properties nearby, as well as the future potential for adjacent undeveloped parcels.

9. *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 will be a significant change in the illumination, noise, and activity on site, particularly on weekends when the site will be most heavily visited. Buffering shall be in place from the beginning to limit the impact on nearby residents and property owners.

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

The proposed use will not pollute the air, land or water provided on-site waste is disposed of properly. Surface stormwater runoff and field infiltration will be routed to the detention basins before slowly discharged into the storm sewers.

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

The proposed use will not damage or destroy an irreplaceable natural resource, however, the existing tree stands should be preserved to act as a buffer between the residences and the flat, graded development.

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

There is an expected gain to the public health with the addition of recreational facilities in the area.

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

The proposed use is not expected to result in overcrowding of land if designed properly. It will cause significant concentrations of populations.

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

The proposed use will increase the traffic and parking demand in ways that could adversely affect road capacity, safety, and create parking problems. With coordination from Planning Engineering and the Public Works Department, the traffic study will be reviewed and commented on separately.

Pedestrian connectivity to transit and other similar uses such as sidewalks, trails and bicycle facilities needs to be incorporated into this project (Phase 2) and connect to State Avenue.

15. The capability of the proposed use to meet applicable ordinance and other requirements.

The proposed use is capable of meeting applicable ordinance and other requirements with the appropriate revisions.

PREVIOUS ACTIONS

- SP2022-014, PLAT2022-003, PR2022-006 and MPL2022-004 was approved by the Board of Commissioners on March 3, 2022.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on February 23, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Parking
Lighting and Glare
Location of parking
Traffic
Pedestrian Access
Transit Access
Screening and Buffering
Noise
Bicycling Facilities

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-025**, Preliminary Plan Review Application **PR2022-009** and Master Plan Amendment **MPL2022-007**, subject to:

1. A building permit is required. Please contact the Building Inspection Department to begin that process;
2. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block. **The City Planning Commission granted this deviation request by the applicant;**
3. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided;
4. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;
5. Add a crosswalk for enhanced pedestrian connection and transit connectivity across the drive aisle linking the sidewalk from State Avenue along the east side of the easternmost entry/exit to the sidewalk near the baseball fields;
6. Over the road trucks shall not be parked on the property overnight;
7. Buses and larger vehicles shall not block drive aisles and/or fire lanes;
8. Install a publicly accessible bicycle rack for bicyclists in the plaza area;
9. Outdoor speakers should be oriented away from the single family residences;

10. The outdoor scoreboard lumens shall be oriented away from the single family residences;
11. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
 - f. EIFS at the ground level or comprising more than fifteen (15) percent of any façade. Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. Staff will not ask for the deviation.

The City Planning Commission granted this deviation request by the applicant;

12. The proposed concrete blocks need to be integrally-color and textured. Smooth-face concrete masonry units are not permitted as an exterior building material per the Commercial Design Guidelines;
13. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened. Overflow drains shall be at grade and hidden by vegetation;
14. All concrete shall be integrally-colored – no paint;
15. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):
 - a. Lot 2 – 83 trees;
16. The parking lot must be screened by berms and landscaping from State Avenue, and all residences on the south side of State Avenue;
17. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots;
18. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median;
19. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces;
20. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements.
21. Trees shall be preserved around the perimeter of the site as shown on Sheet L1.00;
22. Junipers and other coniferous trees should be planted throughout the site, specifically around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system;
23. All landscaping shall be irrigated along State Avenue, within the landscaped parking lot islands and landscape beds adjacent to the perimeter of the entrance;

24. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;
25. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
26. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line. This includes light that is cast vertically and horizontally;
27. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
28. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped;
29. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid;
30. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
31. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary;
32. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way;
33. 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
34. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
35. 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, Sections 8-610 through 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;
36. 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;
37. The Special Use Permit shall be valid indefinitely 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 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. Special Use Permits are non-transferable, therefore, all operations must cease until such time as a new Special Use Permit is approved; and,
38. 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 **SP2022-025**, Petition **PR2022-009** and **MPL2022-007** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Prairie Delaware Piper Master Plan Development Opportunities Map
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Utility Plan
Lighting Plan
Landscape Plan
Building Elevations
Site Photographs taken by Planning Staff on February 15, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	March 14, 2022	March 31, 2022
Special Use Preliminary Plan	Approval	
Master Plan Amendment	March 14, 2022 - Approval	March 31, 2022
	March 14, 2022 - Approval	March 31, 2022

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-007** 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 **MPL2022-007** 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.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-025** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-025**, 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.

Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-009** 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 **PR2022-009**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Hearing starts at Tape 2 – 1:47:08:

MPL2022-007 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Planned Entertainment (City-Wide Master Plan) at 9020 State Avenue.

SP2022-025 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Special Use Permit for privately owned athletic fields at 9020 State Avenue

PR2022-009 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Preliminary Plan Review for Homefield Training Center at 9020 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, on behalf of the property owner, HFS KCK, LLC, has filed an indefinite Special Use Permit, Preliminary Development Plan and Master Plan Amendment to build a 1,300 square foot ticketing/entry building, multi-use baseball/softball field complex and parking on 13.88 acres at 9020 State Avenue.

City Ordinance Requirements: 27-592 through 27-606 and Article VIII Sections 27-340 – 27-765.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 14, 2022;
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 the property owners.

Present in Support:

- Curt Petersen, applicant, Polsinelli, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112
- Amy Grant, Polsinelli, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112

Present in Opposition:

- No one appeared

Staff Recommendation starts at Tape 2 – 1:54:48: Planning Director Hand stated that these applications are Phase II of the Homefield project on State Avenue. This property is in the Prairie-Delaware-Piper Master Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation on this property. Staff would request that the applicant must comply with the Commercial Design Guidelines. Staff

has worked with the applicant on pedestrian connectivity and crosswalks within the property, and Staff is also requesting a bike rack as well as a connection to an enhanced transit facility as discussed during the plan review last month. Staff has asked for enhanced landscaping. Director Hand addressed the requested deviations by the applicant.

Item #2 - Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block. The City Planning Commission must grant these deviation requests by the applicant. Director Hand stated that this condition has been approved for deviation on all the other projects for this development.

Item #6 - Due to the proximity the Perfect Game multi-field baseball/softball fields located at 1501 North 90th Street, a trail needs to be established to connect the two developments together. Director Hand stated that this trail has been eliminated from all other applications. Staff does not object to its deletion.

Item #12 - Sec. 27-576(e)(2) Exterior building materials shall not include the following: f. EIFS at the ground level or comprising more than fifteen (15) percent of any façade. Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. Director Hand stated that Staff does not object to this deviation as these are not traditional commercial buildings.

Item #14 - Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation. Director Hand stated staff would request that this item be amended and eliminate “and all downspouts shall be internalized.”

Item #16 - As discussed during the pre-application meeting, screening like Turner Logistics Center East at College Parkway and Orville Avenue and Walmart at Plaza at the Speedway should be installed adjacent to the residence along the rear yards abutting the fields in the eastern corner of the site. A six (6) foot privacy fence with masonry columns every 32 feet running should be installed along common property lines. Director Hand stated he agrees with the applicant that a fence is not needed here. The tree stand will serve as a better screen than a fence. He further stated that the facility is already enclosed by a fence, and that other conditions of approval requesting enhanced landscaping will suffice.

Item #24 - Junipers and other coniferous trees should be planted throughout the site, specifically around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system. Director Hand stated that staff would request that this item be amended “from throughout the site” and include “around the perimeter of all detention basin slopes.”

Staff recommends approval subject to the revised conditions.

Motion and Vote starts at Tape 2 – 1:58:00:

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2022-007:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-025:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

1. A building permit is required. Please contact the Building Inspection Department to begin that process;
2. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block. **The City Planning Commission granted this deviation request by the applicant;**
3. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may

- approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided;
4. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;
 5. Add a crosswalk for enhanced pedestrian connection and transit connectivity across the drive aisle linking the sidewalk from State Avenue along the east side of the easternmost entry/exit to the sidewalk near the baseball fields;
 6. Over the road trucks shall not be parked on the property overnight;
 7. Buses and larger vehicles shall not block drive aisles and/or fire lanes;
 8. Install a publicly accessible bicycle rack for bicyclists in the plaza area;
 9. Outdoor speakers should be oriented away from the single family residences;
 10. The outdoor scoreboard lumens shall be oriented away from the single family residences;
 11. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
 - f. EIFS at the ground level or comprising more than fifteen (15) percent of any façade. Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. Staff will not ask for the deviation.

The City Planning Commission granted this deviation request by the applicant;

12. The proposed concrete blocks need to be integrally-color and textured. Smooth-face concrete masonry units are not permitted as an exterior building material per the Commercial Design Guidelines;
13. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened. Overflow drains shall be at grade and hidden by vegetation;
14. All concrete shall be integrally-colored – no paint;
15. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):
 - a. Lot 2 – 83 trees;
16. The parking lot must be screened by berms and landscaping from State Avenue, and all residences on the south side of State Avenue;
17. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots;
18. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median;
19. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces;

20. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements.
21. Trees shall be preserved around the perimeter of the site as shown on Sheet L1.00;
22. Junipers and other coniferous trees should be planted throughout the site, specifically around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system;
23. All landscaping shall be irrigated along State Avenue, within the landscaped parking lot islands and landscape beds adjacent to the perimeter of the entrance;
24. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;
25. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
26. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line. This includes light that is cast vertically and horizontally;
27. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
28. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped;
29. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid;
30. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
31. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary;

32. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way;
33. 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
34. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
35. 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, Sections 8-610 through 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;
36. 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;
37. The Special Use Permit shall be valid indefinitely 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 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. Special Use Permits are non-transferable, therefore, all operations must cease until such time as a new Special Use Permit is approved; and,
38. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Ms. Armstrong, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2022-009:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to the above conditions.

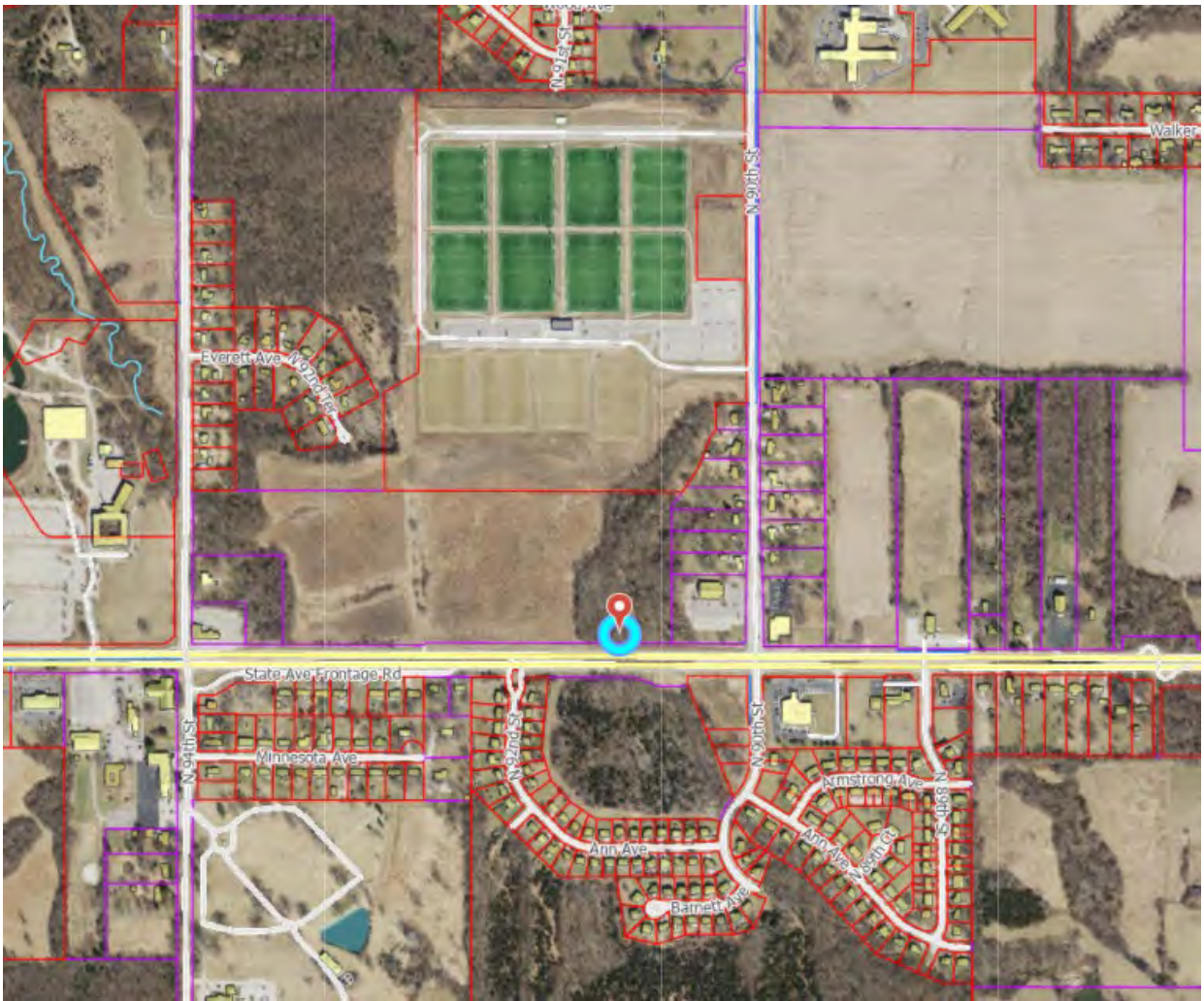


Figure 1. Aerial photograph of 9020 State Avenue (provided by UG Maps).



Figure 2. Zoning Map of 9020 State Avenue (provided by UG Maps).

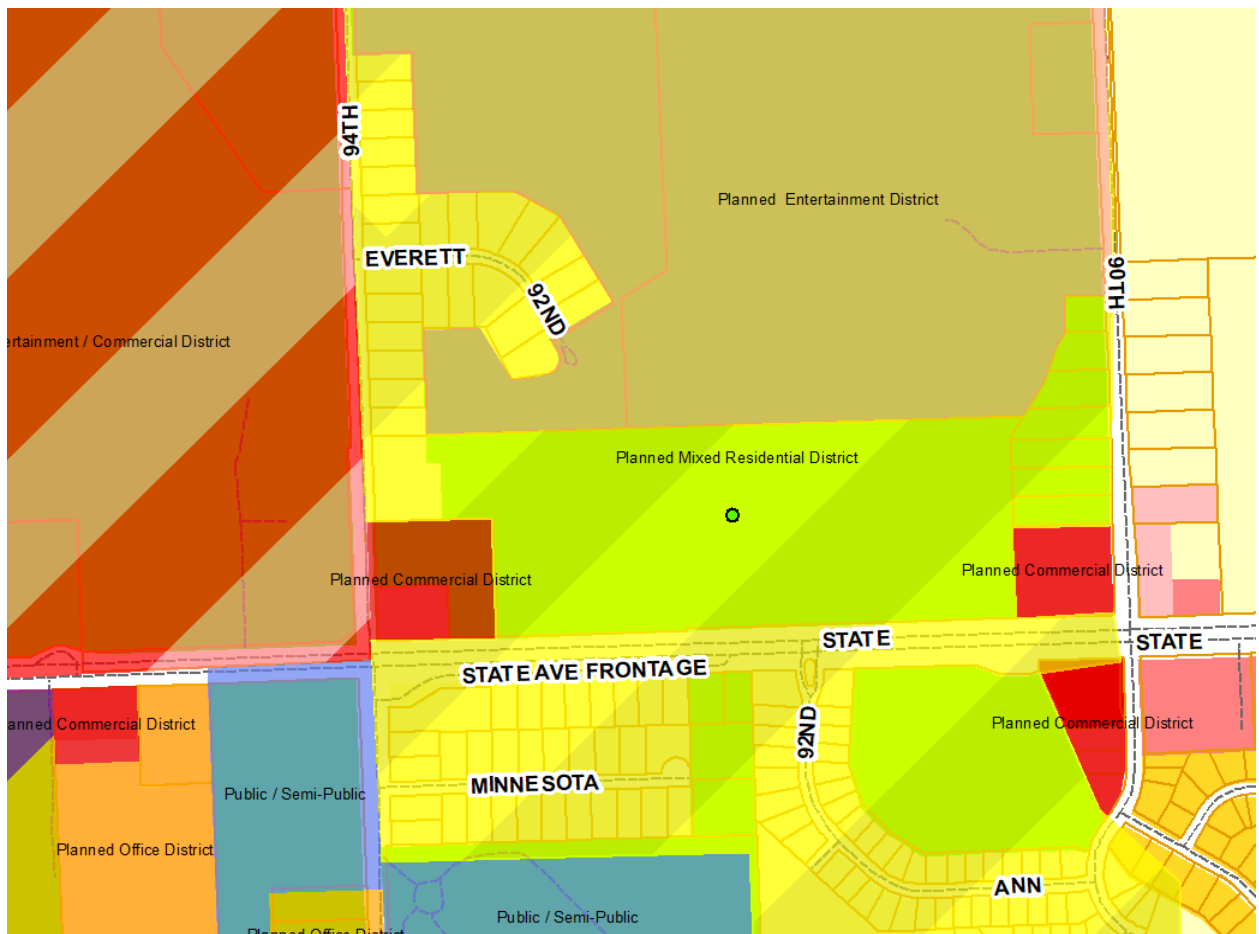
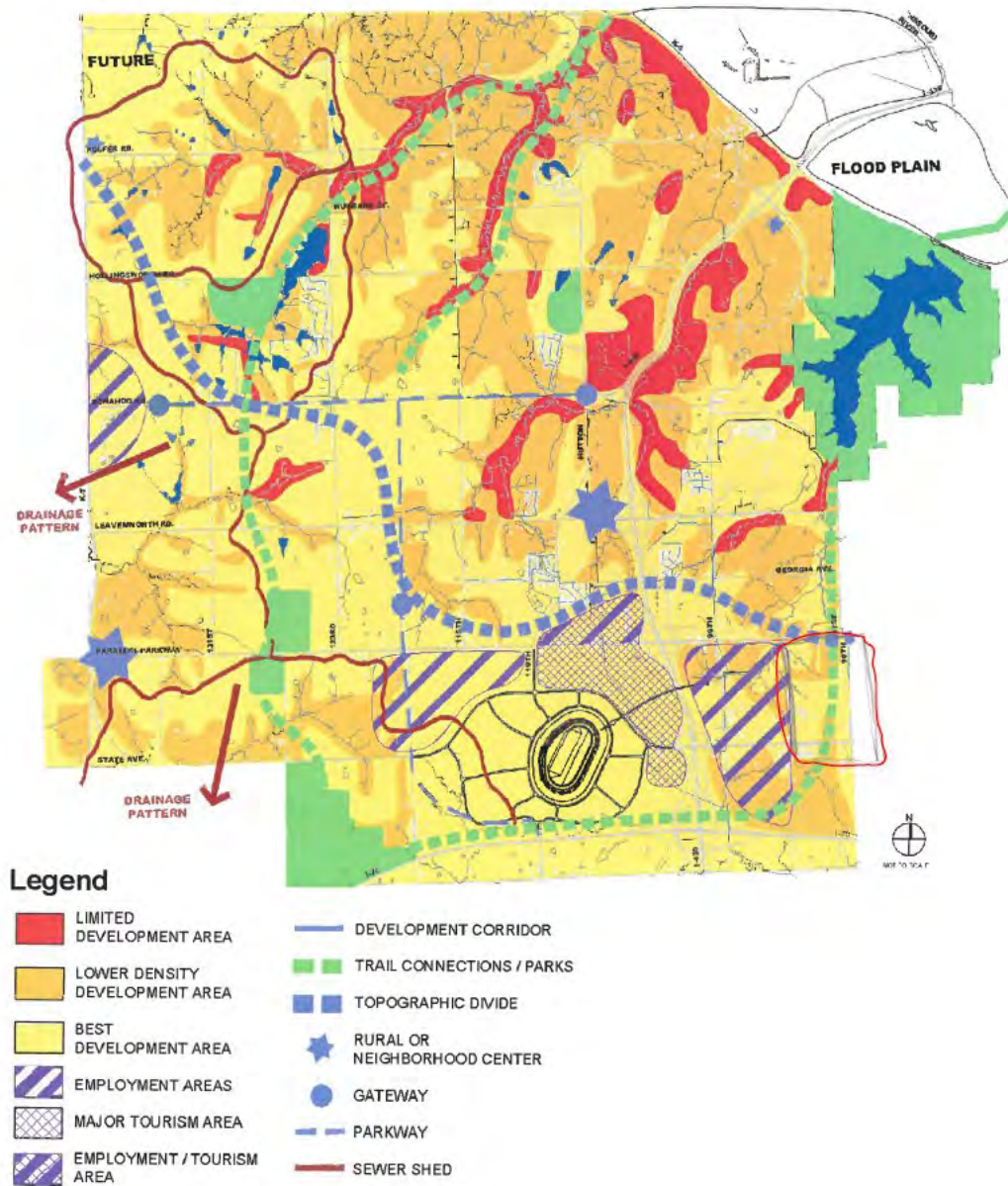


Figure 3. Prairie Delaware Piper Master Plan Land Use Map (provided by ArcMap).

Map 10: Development Opportunities





Legend

- | | | | |
|---|--------------------------------|---|------------------------------|
|  | LIMITED DEVELOPMENT AREA |  | DEVELOPMENT CORRIDOR |
|  | LOWER DENSITY DEVELOPMENT AREA |  | TRAIL CONNECTIONS / PARKS |
|  | BEST DEVELOPMENT AREA |  | TOPOGRAPHIC DIVIDE |
|  | EMPLOYMENT AREAS |  | RURAL OR NEIGHBORHOOD CENTER |
|  | MAJOR TOURISM AREA |  | GATEWAY |
|  | EMPLOYMENT / TOURISM |  | PARKWAY |

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

General Planning:

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

RESPONSE: Acknowledged.

2. The 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.

RESPONSE: Acknowledged.

3. A building permit is required. Please contact the Building Inspection Department to begin that process.

RESPONSE: Acknowledged.

4. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block. The City Planning Commission must grant these deviation requests by the applicant.

RESPONSE: *The Developer respectfully requests a deviation to allow this parking field to remain as proposed.*

5. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided.

RESPONSE: Acknowledged.

82261961.1

6. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings.
RESPONSE: See Sheet C2.00 for sidewalk provided along northern edge of parking lot.
7. Add a crosswalk for enhanced pedestrian connection and transit connectivity across the drive aisle linking the sidewalk from State Avenue along the east side of the easternmost entry/exit to the sidewalk near the baseball fields.
RESPONSE: The Developer believes the sidewalk provide along the eastern most entry/exit drive is sufficient for pedestrian access from State Avenue.
8. Due to the proximity the Perfect Game multi-field baseball/softball fields located at 1501 North 90th Street, a trail needs to be established to connect the two developments together.
RESPONSE: The applicant would like to discuss this further with planning staff.
9. Over the road trucks shall not be parked on the property overnight.
RESPONSE: Acknowledged.
10. Where will buses and larger vehicles park within the parking lot?
RESPONSE: The Developer would like to discuss this further with planning staff as we are not aware of any requirement to address parking for buses and larger vehicles. If an issue were to arise with whether these types of vehicles park the operator would address the issue directly.
11. Install a publicly accessible bicycle rack for bicyclists in the plaza area.
RESPONSE: Acknowledged.
12. Will outdoor speakers be installed on the baseball/soccer fields?
RESPONSE: Yes, for championship games.
13. What are the proposed hours of operation?
RESPONSE: Athletic fields do not typically have set hours of operation given the multitude of factors that can impact when sporting events are played outdoors.

Building Architecture

1. Sec. 27-576(e)(2) Exterior building materials shall not include the following:

EIFS at the ground level or comprising more than fifteen (15) percent of any façade.

Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning

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Commission must give a deviation from the Commercial Design Guidelines. Staff will not ask for the deviation.

The City Planning Commission must approve the applicant's deviation request.

RESPONSE: *The only proposed building is the concession stand building and it is a single-story building. The Developer respectfully requests a deviation from the Design Guidelines. The concession stand building will have 16.67% metal on the north and south facades and 23.1% metal on the west façade.*

2. The proposed concrete blocks need to be integrally-color and textured. Smooth-face concrete masonry units are not permitted as an exterior building material per the Commercial Design Guidelines.

RESPONSE: *Acknowledged.*

3. Provide elevations of the baseball fields.

RESPONSE: *The applicant would like to discuss this further with planning staff to better understand what is being requested.*

4. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation.

RESPONSE: *The concession stand building is a stand-alone single-story building and is not highly visible from State Avenue. Downspouts will be carefully integrated into the design of the building but cannot be internalized.*

5. All concrete shall be integrally-colored – no paint

RESPONSE: *Acknowledged.*

Landscaping and Screening:

1. What will the residences see of this development from the north, south and east? Provide sight line cross sections illustrating what the residents will see from their properties.

RESPONSE: *Sight line cross sections have been provided with the resubmittal.*

2. As discussed during the pre-application meeting, screening like Turner Logistics Center East at College Parkway and Orville Avenue and Walmart at Plaza at the Speedway should be installed adjacent to the residence along the rear yards abutting the fields in the eastern corner of the site. A six (6) foot privacy fence with masonry columns every 32 feet running should be installed along common property lines.

RESPONSE: *The applicant would like to discuss this further with planning staff. Fencing is being provide around the baseball fields but is not proposed along any property boundary. The Developer feels that the existing landscaping provides a sufficient buffer to the single-family homes and that the installation of fencing would remove existing trees.*

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3. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):
 - a. Lot 2 – 83 trees.

RESPONSE: 86 trees for the site plus 10 for the parking plus 23 for street frontage for a total of 119 trees are being provided along with the preserved portion of trees on the east property line.

4. The parking lot must be screened by berms and landscaping from State Avenue, and all residences on the south side of State Avenue.

RESPONSE: A berm is shown on the grading and landscape plan.

5. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots.

RESPONSE: Trees are being provided along the pedestrian route from the entry drive to the entry gate, trees are also lining the sidewalk across the north side of the parking lot leading to the entry gate.

6. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median.

RESPONSE: Islands have been added to the parking field to break long runs of parking, the lot is only 2 bays deep.

6. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces. Revise and resubmit.

RESPONSE: Islands have been added to the parking field to break long runs of parking, the lot is only 2 bays deep.

7. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements. Revise and resubmit.

RESPONSE: These trees have been added, see item #3.

8. Add a note or cloud indicating the preservation of existing tree stands around the perimeter of the development.

RESPONSE: The tree preservation was shown on the submitted L1.00.

9. Junipers and other coniferous trees should be planted throughout the site, specifically around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system.

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RESPONSE: Trees are being provided along the east slope near the detention basin, there is no concern about the leaves in this area as they are at a sufficient distance from the synthetic turf.

10. All landscaping shall be irrigated along State Avenue, within the landscaped parking lot islands and landscape beds adjacent to the perimeter of the entrance.

RESPONSE: Acknowledged.

11. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted.

RESPONSE: Acknowledged.

12. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction.

RESPONSE: Acknowledged.

13. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line. This includes light that is cast vertically and horizontally.

RESPONSE: Acknowledged.

14. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed.

RESPONSE: Acknowledged.

15. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped.

RESPONSE: Acknowledged.

16. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid.

RESPONSE: Acknowledged.

17. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building.

RESPONSE: Acknowledged.

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18. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary.

RESPONSE: Acknowledged.

19. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way.

RESPONSE: Acknowledged.

Signage:

1. Shall comply with the sign ordinance.

RESPONSE: Acknowledged.

Planning Engineering Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None

B) Items that are conditions of approval (stipulations):

1) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

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02/23/22

HOMEFIELD BASEBALL
9020 State Avenue, Kansas City, KS
NEIGHBORHOOD MEETING MINUTES:

Application Number SP2022-025 & PR2022-009

Date and Location: 02/23/22, Meeting held on Zoom Video Conference

Meeting called to order at: 5:30 PM

Names of people in attendance:

1. Richard Napper – Homefield
2. Chris Doyle – Homefield
3. Brian Lavery – Continental Engineering Consultants
4. Paula Owen – Neighbor
5. Jeff Letterman – Neighbor

Introductions: Richard Napper with Homefield (the Developer)

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

- Richard Napper opened the meeting and announced it was the Neighborhood Meeting for the Homefield Baseball Project located in Kansas City, Kansas. Richard gave a brief overview of the Project and opened up for questions. We showed the Homefield – Master Plan overlay on aerial dated 01/25/22. We had discussions with two attendees at the meeting, both Paula Owens and Jeff Letterman had several questions. The meeting lasted the entire 30 minute period, all questions were answered, at 6:00 PM we officially concluded the Neighborhood Meeting and we adjourned.

Questions and answers (include the following): For clarity, each neighbor's Q's & A's have been grouped together.

Paula Owen (the Bee house):

1. Q: Will any of the tree stand along our east property line be saved, or will it all be removed. A: We reviewed the Plan together and showed

the grading limits on the east side, and confirmed that yes, much of the tree stand will be preserved. Although we have permission to grade to our property line, we will try to leave the trees shown to remain, and we are planning additional trees as shown in the Plan.

2. Q: The little white box off our north east most corner is our honey bee house, will it be safe. A: Yes, we won't disturb that land outside our property line.

Jeff Letterman:

1. Q: How much will the Fields be used? A: Richard explained that these are intended to be Championship Game Fields.
2. Q: What is the Homefield Building. A: A multi-sport indoor training facility.

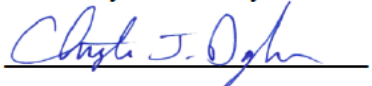
Paula Owen:

1. Q: She asked about the Storm and Sanitary drainage. A: Brian Lavery described where the Sanitary and Storm water drainage will be routed.
2. Q: Will there be a fence along our east property line. A: The Fields will have a perimeter fence immediately around the fields, but not along our property line.

Paula and Jeff thanked us for presenting the info and they hung up around 5:48 PM. We waited another 12 minutes before ending the Zoom.

That concluded all the questions, the meeting adjourned at: 6:00 PM.

Minutes taken by: Chris Doyle at Homefield (the Developer)

Signed  (Chris Doyle)



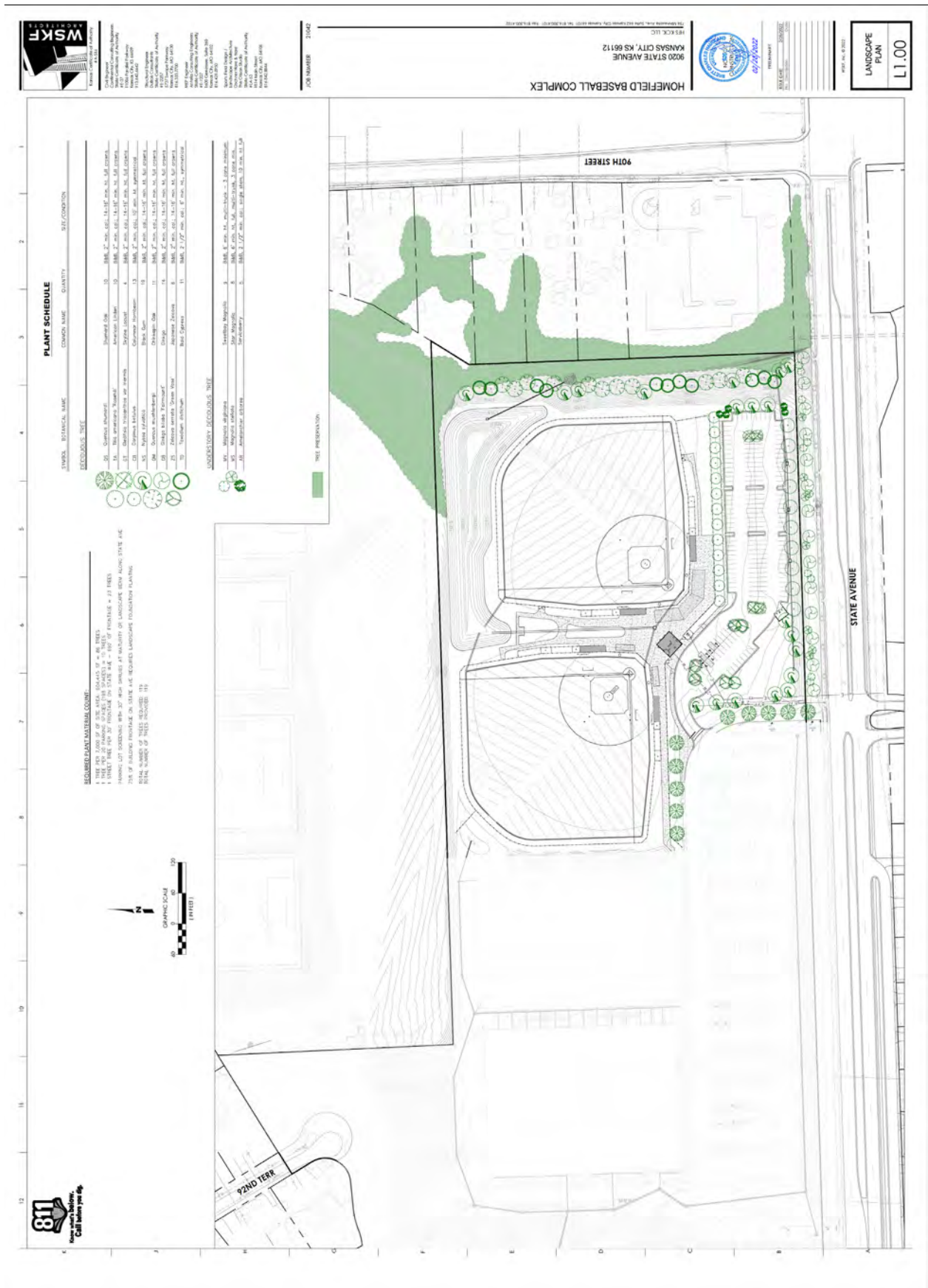




Figure 4. Site photograph looking west on State Avenue at 9020 State Avenue taken on January 12, 2022.



Figure 5. Site photograph looking east on State Avenue at 9020 State Avenue taken on January 12, 2022.



Figure 6. Site photograph looking southeast on 9020 State Avenue at State Avenue.



Figure 7. Site photograph looking southwest on 9020 State Avenue at State Avenue.



Figure 8. Site photograph looking northwest at 9020 State Avenue taken on January 12, 2022.



Figure 9. Site photograph looking north at 9020 State Avenue taken on January 12, 2022.



Figure 10. Site photograph looking northeast at 9020 State Avenue taken on January 12, 2022.



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 31, 2022

Re: Special Use Permit Petition SP2022-026

GENERAL INFORMATION

Applicant:

Adam and Laura Johnson

Status of Applicant:

Property Owner
3030 South 63rd Street
Kansas City, Kansas 66106

Requested Actions:

The approval of a Special Use Permit
for additional chickens.

Date of Application:

January 28, 2022

Purpose:

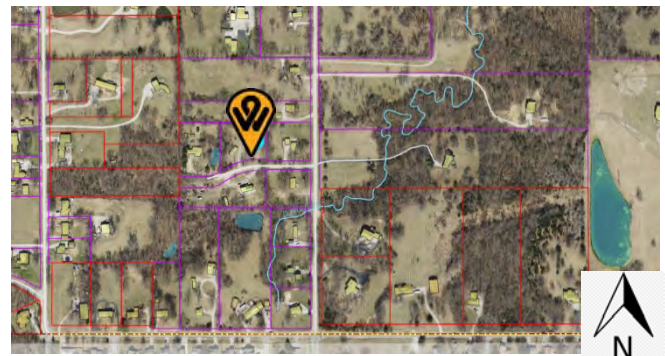
To expand the number of chickens
permitted from six (6) to twenty-five (25).

Property Location:

3030 South 63rd Street
Kansas City, Kansas 66106

Commission Districts:

Commissioner At Large, District #2:
Tom Burroughs
District #6 Commissioner:
Angela Markley



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District and AG Agriculture District East: R-1 Single Family District West: R-1 Single Family District and AG Agriculture District
Adjacent Uses:	North: Single Family Residence South: Single Family Residence East: Single Family Residence West: Single Family Residence and Vacant Agriculture Land
Total Tract Size:	1.0099 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 Residential. Rural Residential allows for agricultural activity, ranches, large-lot single-family detached residences, and open space. Discouraged uses include industrial parks, business parks, adult-themed businesses, and medium and high-density residences.
Major Street Plan:	The City-Wide Master Plan designates South 63 rd Street and Oliver Street as Local Streets.
Parking Requirement:	R-1 District: Section 27-454(e) requires two (2) off-street parking spaces premises for each single-family dwelling, one (1) of which must be a garage or carport. The property currently has a single-car garage with a workshop, meeting this requirement.
Advertisement:	<u>The Wyandotte Echo</u> – February 17, 2022 Letters to Property Owners – February 18, 2022 and March 24, 2022
Public Hearings:	March 14, 2022 and March 31, 2022
Public Support:	The Applicant has received one (1) letter of support.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicants, Adam and Laura Johnson, are seeking approval to own 25 chickens. The Applicants currently own six (6) chicken, but wish to expand the amount of chicken they own beyond this number, requiring a Special Use Permit. The applicant keeps the chickens for egg and meat production and some entertainment. The applicants have extended family moving into the property and wish to increase their food supply, respectively. The applicants own and reside at the property.

This Application is being heard in conjunction with BOZA2022-10 for multiple accessory use buildings and for maximum allowable square footage of accessory uses.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 27-606.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. The subject property has numerous previous violations as late as 2017, however they are prior to the applicant's purchase and renovations. The property was rebuilt from fire damage.

Outstanding or Related Permits and Cases:

1. The subject property has no outstanding Building Permits.
2. The current property owner has no outstanding Code Inspection Cases.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is rural and agricultural in character. Lots are average for rural densities and range from one (1) to twenty (20) acres, with the majority of lots being one (1) or five (5) acres. There streets are mostly asphalt and driveways are often asphalt or gravel drive and no sidewalks. Lots show minimal improvements and large mature trees and dense timber stand buffers, retaining a rural feel.

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 subject property is surrounded primarily by R-1 Single Family Zoning and A-G Agricultural Zoning Districts. Neighbors have large lots and also benefit from the enjoyment of agricultural activity. The keeping of foul is consistent with the rural and agricultural uses of other nearby properties. The proposed use is compatible if properly managed.

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 in a rural or agricultural setting. The property could be suitable for the care or keeping of large numbers of foul if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as odor, noise, pests, or soil contamination.

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

The property is not vacant. The property was damaged during a fire in 2011 and was rebuilt during 2011 and 2012, in which the property remained a rental. The applicant is the new owner of the property as of 2021.

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

Special Use Permits are not addressed in the City-Wide Master Plan. The City-Wide Master Plan designates this property as Rural Density, which allows agricultural uses and single-family homes on large lots. The proposed use conforms to the master plan if approved with a Special Use Permit.

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 no potential to increase vehicular traffic, as there are no proposed retail sales or increases in expected building occupancy.

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 considered a convenience to the public as the foul are for private consumption. If managed properly, the continued care and keeping of foul on the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed activity is similar in nature to neighboring properties in an already built-out neighborhood.

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

Noise is an issue that is related to the care or keeping of fowl. There have not been any noise complaints to date with the current applicant, as they currently own the permitted number of chickens. Vibration, dust, or illumination are not issues typically related to the care and keeping of fowl and are ostensibly not considered to be a problem for nearby property.

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

The proposed use will not pollute the air, land, or water if properly managed. The applicant has proposed a 3-step composting system to incorporate proper waste management and soil preservation techniques.

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

The proposed use will not damage or destroy an irreplaceable natural resource if properly managed.

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 negligible as the fowl are for private consumption. If denied, the landowner could not expand the number of chickens allowed on the property, requiring additional grocery purchasing and the loss of the ability to expand homestead activity.

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 or cause undue concentrations of population as it operates on a private property without retail use or any increase in occupancy within the residence.

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

The subject property is a permitted single-family residence in a built-out neighborhood without any foreseen danger from regular activity. Noise or odors are issues often associated with the keeping of fowl, however, kept and cared for properly there should ostensibly be no significant adversities.

14. *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

Sanitary sewer is provided by on-site private septic.

c. Storm water control

Stormwater control is provided at the corner of South 63rd Street and Oliver Street

d. Police

Police service is provided by South Patrol, District #334.

e. Fire

Fire service is provided by Station #17.

f. Transit

The subject property receives no public transit access.

g. Schools

Education is provided by Turner, Kansas USD #200.

h. Streets

See item #6 above.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of February 28th, 2022.

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

KEY ISSUES

Conservation Plan
Neighborhood Character
Zoning
Noise, Odor
Waste Disposal
Screening and Buffering
Agricultural Activity

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-026**, subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-010. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-010 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. No eggs, meat, feathers, or produce shall be sold on or off-site without the approval of a Special Use Permit for Home Occupation;
3. No roosters may be kept on site. Any cockerel must be culled or relocated when it reaches crowing capability and its sex is determined;
4. Composting and site preservation methods shall be utilized to minimize any nuisance;
5. Driveway and Parking shall be upgraded to an improved surface. If the Applicant continues with the home addition, it shall be made a part of their building permit. If the renovation is not commenced, the Applicant shall complete the improvements to the driveway and parking prior to permit renewal;
6. Per Section 27-593(a)(10)a, fowl must be kept no closer than 25 feet to the nearest portion of any building occupied by or in any way used by human beings, other than the dwelling occupied by the owner or keeper of the animals or fowl, or closer than ten feet to the property line of the lot;
7. 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 Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
8. A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;
9. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a

- factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
10. If approved, the driveway, apron, and approach shall be upgraded to an improved surface of asphalt or concrete;
 11. A Right of Way permit is required. Please contact the Department of Public Works to begin that process;
 12. 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;
 13. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 15. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit 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 **APPROVE** Petition **SP2022-026** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Home Purchase Photos from Realtor.com
Site Improvement Plan
Neighborhood Meeting Information
Support Letter
Conservation District Comment Letter
Photos Taken by Staff Dated February 6, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Special Use Permit	March 14, 2022	March 31, 2022
	Approval	

STAFF CONTACT: **Kallie McLaughlin**
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition SP2022-026 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 SP2022-026 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.

March 14, 2022 City Planning Commission Minutes:

Hearing starts at Tape 2 – 2:01:44:

SPECIAL USE PERMIT APPLICATION SP2022-026 – ADAM AND LAURA

JOHNSON – SYNOPSIS: Special Use Permit to keep twenty-five (25) fowl on the property at 3030 South 63rd Street.

Detailed Outline of Requested Action: The Applicants, Adam and Laura Johnson, are seeking approval to own 25 chickens. The Applicants currently own six (6) chicken, but wish to expand the amount of chicken they own beyond this number, requiring a Special Use Permit. The applicant keeps the chickens for egg and meat production and some entertainment. The applicants have extended family moving into the property and wish to increase their food supply, respectively. The applicants own and reside at the property.

This Application is being heard in conjunction with BOZA2022-10 for multiple accessory use buildings and for maximum allowable square footage of accessory uses.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 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 March 14, 2022;
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 the property owners; and,
8. The testimony at the Board of Zoning Appeals meeting.

Present in Support:

- Adam Johnson, applicant, 3030 South 63rd Street, Kansas City, Kansas 66106

Present in Opposition:

- No one appeared

Staff Recommendation starts at Tape 2 – 2:03:50: Planning Director Hand stated that this case is being heard in conjunction with BOZA2022-10, which was approved earlier this evening. This property is in the Turner area. Staff received one (1) letter in support and no letters in opposition. There are Notices of Violation on the property related to this project. He stated that no roosters are allowed in Wyandotte County. Another condition is compliance with the Conservation District comments. No sale of eggs can be sold off site without a Special Use Permit for commercial use. He further stated that staff is requesting that the driveway be improved to UG standards with a concrete apron. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion and Vote starts at Tape 2 – 2:05:10:

On motion by Mr. Mohler, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-026 for two (2) years:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0

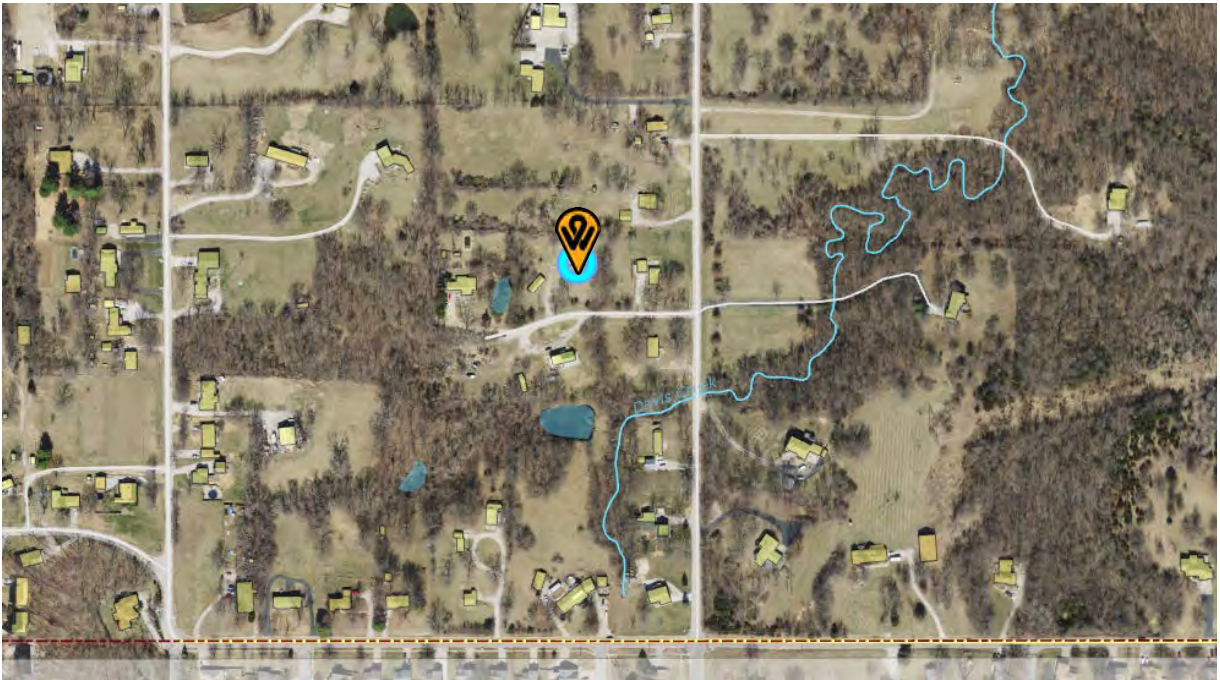
Subject to:

- 1. This City Planning Commission case is being heard in conjunction with BOZA2022-010. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-010 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;**
- 2. No eggs, meat, feathers, or produce shall be sold on or off-site without the approval of a Special Use Permit for Home Occupation;**
- 3. No roosters may be kept on site. Any cockerel must be culled or relocated when it reaches crowing capability and its sex is determined;**
- 4. Composting and site preservation methods shall be utilized to minimize any nuisance;**
- 5. Driveway and Parking shall be upgraded to an improved surface. If the Applicant continues with the home addition, it shall be made a part of their building permit. If the renovation is not commenced, the Applicant shall complete the improvements to the driveway and parking prior to permit renewal;**

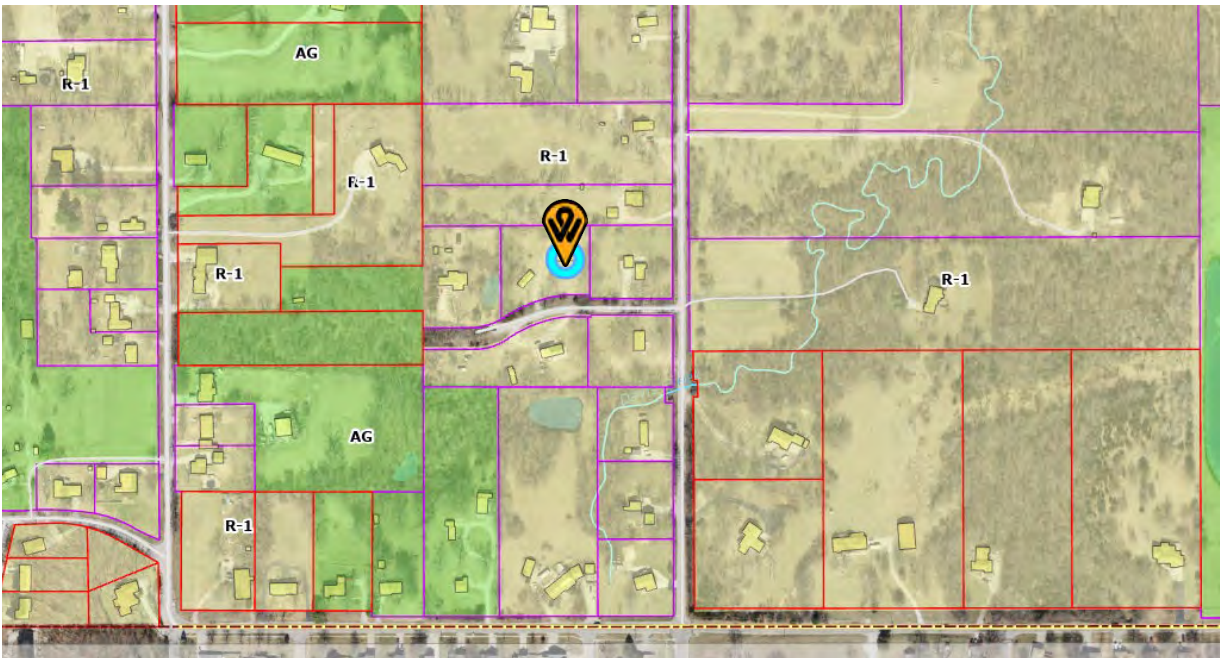
6. Per Section 27-593(a)(10)a, fowl must be kept no closer than 25 feet to the nearest portion of any building occupied by or in any way used by human beings, other than the dwelling occupied by the owner or keeper of the animals or fowl, or closer than ten feet to the property line of the lot;
7. Any 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 Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
8. A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;
9. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
10. If approved, the driveway, apron, and approach shall be upgraded to an improved surface of asphalt or concrete;
11. A Right of Way permit is required. Please contact the Department of Public Works to begin that process;
12. 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;
13. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or

- constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 15. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit 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.

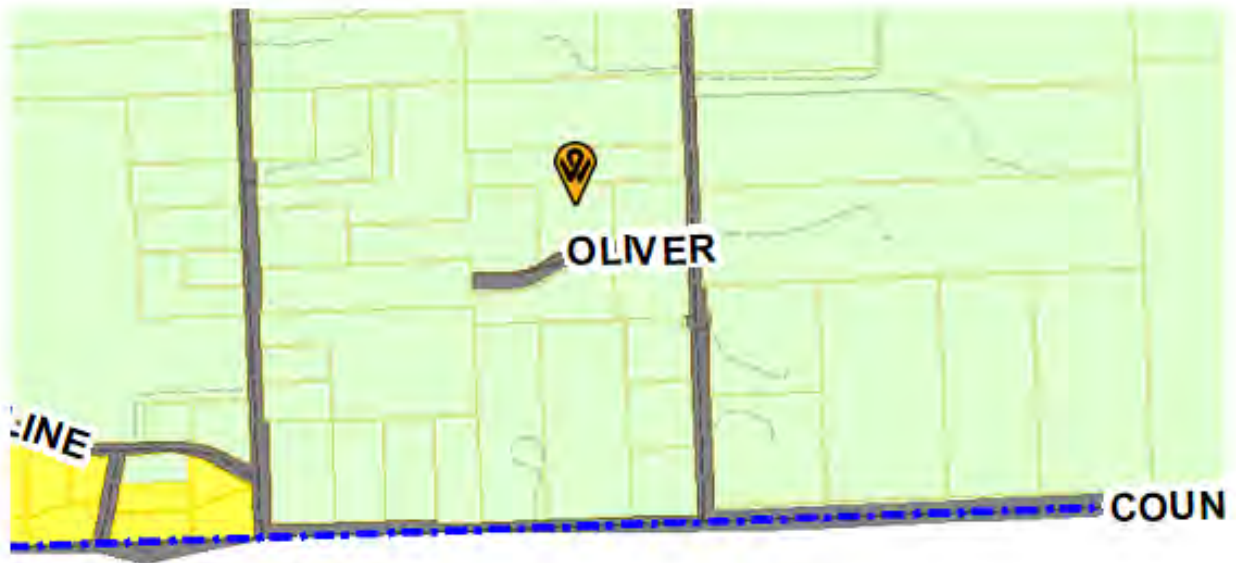
AERIAL MAP



ZONING MAP



LAND USE MAP



Legend

City-Wide Master Plan

<all other values>

FUTURE_LAN

- Utilities
- Right-of-Way
- Urban Density
- Agricultural
- Neighborhood Commercial
- Community Commercial
- Business Park
- Floodway
- Regional Commercial
- Future Residential
- Rural-Density Residential
- Employment
- High-Density Residential
- Medium Density Residential
- Low-Density Residential
- Mixed-Use
- Parks/Open Space
- Public/Semi-Public





3030 S 63rd St - Johnson Site Map - Coop and Compost Plan

CURRENT set up will support 10-15 fowl:
32 sq ft coop : 4' wide x 8' long x 5' high
roosts for 15 fowl
8x12 ft run
roughly 50x60 ft garden area for them to free range



FUTURE set up will support up to 25 fowl:
2 32 sq ft coops : 4' wide x 8' long x 5' high
roosts for 25 fowl
10x20 ft run
roughly 40x50 ft food forest for them to free range, having shelter under the fruit trees and berry bushes we will begin planting this year



NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Jackson)

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

That I am the petitioner for Petition # SP2022-026 AND BOZA2022-010.

1. That I conducted a neighborhood meeting on 02/28/2022.
2. 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

LETTER OF SUPPORT

McLaughlin, Kallie

From: Laura & Adam <johnsons.music@gmail.com>
Sent: Wednesday, March 2, 2022 10:56 AM
To: McLaughlin, Kallie; Parker, Janet
Subject: Fwd: Hartman permit response

Janet and Kallie, below is the one email we received in response to the letters we sent out for our "neighborhood meeting." Thanks! Adam and Laura Johnson

----- Forwarded message -----

From: <mattsuey1@aol.com>
Date: Wed, Feb 23, 2022 at 11:33 AM
Subject: Hartman permit response
To: johnsons.music@gmail.com <johnsons.music@gmail.com>

Hi Adam,

In reference to the letter you are sending out about the special use permit for fowl, we do appreciate the advanced notice of your plans, I can say I don't see a big problem with this, I do know that Johnson County just updated their permit application to allow only hens and no roosters because of noise, are you planning to add more roosters? I know that it could be a challenge with the foxes and coyotes around here, a couple of our neighbors tried Guinea Hens and chickens and it only took a couple of years to wipe them out. If you round them up at night everyone should be happy. Good luck

Matt & Susan Hartman

CONSERVATION DISTRICT COMMENT LETTER



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

February 15, 2022

RE: SP2022-026 and BOZA2022-010 Adam and Laura Johnson, for six chickens at 3030 South 63rd Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: SP2022-026 and BOZA2022-010 Adam and Laura Johnson, for six chickens at 3030 South 63rd Street.

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

MAPS AND REPORTS

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

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

- There are two major soil type identified: Ladoga silt loam, 3 to 8 percent slopes and Ladoga silt loam, 8 to 15 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- Continue the work, already established with the Planning Department, should provide a sustainable 6 chicken operation.
- A manure disposal plan developed to safely compost the waste or bag and trash the manure and old bedding should be maintained.

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.

CONSERVATION DISTRICT COMMENT LETTER

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

STAFF SITE VISIT PHOTOS DATED FEBRUARY 5, 2022



STAFF SITE VISIT PHOTOS DATED FEBRUARY 5, 2022





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 31, 2022

Re: Petition SP2022-030

GENERAL INFORMATION

Applicant:

Nannette and Lydia Thacker

Status of Applicant:

Ooptees, LLC
4011 Independence Boulevard
Kansas City, Kansas 66109

Requested Actions:

Approval of a Home Occupation Special Use Permit.

Date of Application:

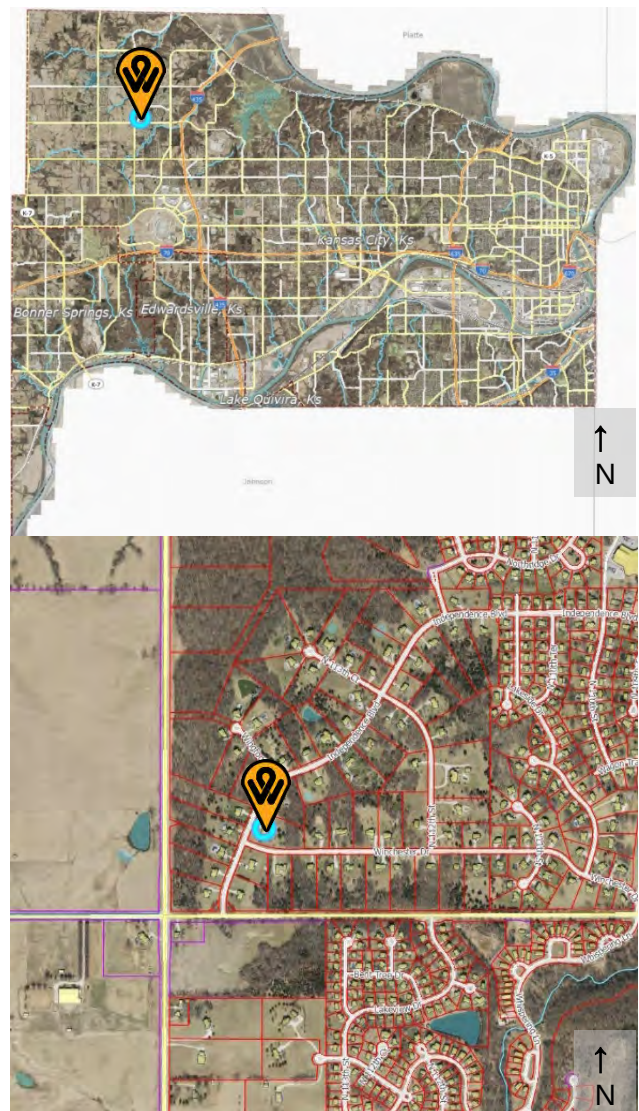
January 28, 2022

Purpose:

Home Occupation Special Use Permit for a custom t-shirt printing business operated in a single-family residence.

Property Location:

4011 Independence Boulevard
Kansas City, Kansas 66109



Commission Districts:	At-Large Commissioner, District #1: Melissa Bynum District #5 Commissioner: Mike Kane
Existing Zoning:	R-1 Single-Family District
Adjacent Zoning:	North: R-1 Single-Family District South: R-1 Single Family 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 West: Single-family residences
Total Tract Size:	2.28 Acres
Master Plan Area:	The subject property is within the Prairie-Delaware-Piper Area Master Plan.
Master Plan Designation:	The Prairie-Delaware-Piper Area Master Plan designates this property as Suburban Residential. The Suburban Residential land use designation allows for detached, single-family residences with a density of three (3) to four (4) residences per one (1) acre. Ideally, this land use designation should be located south of Leavenworth Road and north of Parallel Parkway.
Major Street Plan:	The Major Street Plan designates Independence Boulevard as a Collector Street.
Required Parking:	Section 27-454(e) requires two (2) off-street parking spaces on the premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport. The subject property has an attached garage that can hold at least one (1) vehicle, and a driveway that can hold at least one (1) vehicle. This meets the requirements of Section 27-464(e).
Advertisement:	<u>The Wyandotte Echo</u> – February 17, 2022 Letters to Property Owners – February 18, 2022 and March 24, 2022
Public Hearings:	March 14, 2022 and March 31, 2022
Public Support:	None to date.

Public Opposition:

One person was at the March 14, 2022 meeting and also submitted a letter in opposition to the application.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Nannette Thacker and Lydia Thacker, are requesting a Home Occupation Special Use Permit to operate a custom t-shirt printing business. Nannette is the property owner, and Lydia is the business owner; both parties are residents of the subject property. The applicants have stated that no customers will be visiting the subject property, and no signage will be erected on site. The t-shirt inventory will be stored at the subject property.

City Ordinance Requirements: Article VIII, Sections 27-592 – 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. The current property owner has received one (1) code enforcement complaint in 2004 for unmaintained weeds and tall grass.

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits.
2. The current property owner has no outstanding Code Inspection cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within a single-family residential subdivision in the Piper area of Wyandotte County, at the northeast corner of North 115th street and Donahoo Road. To the north, south, and east are similar single-family residences, both within the same subdivision and other single-family subdivisions. To the west across North 115th Street, however, the land use is predominately agricultural, with some single-family homesteads on large lots.

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

All nearby properties are within the same housing subdivision and are zoned R-1 Single-Family District—the same district as the subject property. Screen printing t-shirts within the residence will be contained and will have no effect on the

surrounding properties. The applicants have stated that no customers will be coming to the property and no signage will be posted. In this way, the proposed use is compatible with the nearby zoning and uses.

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

Screen printing does not take up much space, produces noise no greater than a commercial paper printer, and does not produce light or noxious fumes. It is a suitable location for this home occupation. As no customers will be visiting the subject property and all inventory will be stored inside, use of the home occupation will not have any detrimental effects on the nearby properties.

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

The subject property is an owner-occupied single-family residence; it is not vacant.

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

The Prairie-Delaware-Piper Area Master Plan and the Cit-Wide Master Plan do not anticipate home occupations and/or Special Use Permits. The Suburban Residential land use designation allows for detached, single-family residences with a density of three (3) to four (4) residences per one (1) acre. The ability for screen printing to be fully contained within a residence, combined with the encouraged and actual density of the district and neighborhood, creates a use that conforms with the Prairie-Delaware-Piper Area Master Plan with a Special Use Permit.

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 applicants have stated that not only will customers not be visiting the subject property, but they do also not wish to advertise the address of the business at all, due to the fact that it is located within a private residence. With the exception of routine deliveries, there will be no increase in vehicular traffic.

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.*

Small businesses can enrich a community both in terms of services provided and the flow of money into the area. As the home occupation can be and will be contained wholly within a private residence, there will be no substantial or permanent injury to the appropriate use, visual quality, or marketability of adjoining properties.

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

As previously mentioned, screen printing does not take up much space, produces noise no greater than a commercial paper printer, and does not produce vibration, dust, or illumination.

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

Screen-printing t-shirts does not generate trash in excess of the typical operation of a standard single-family residence. Operation of this home occupation will not produce pollutants in the air, land, or water.

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

The home occupation will operate within an existing single-family residence. There will be no additional construction or expansion of the existing buildings on site. As previously mentioned, there will be no excessive trash or pollutants produced.

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

There is a relative gain to the public welfare of the community due to the addition of a small business to Wyandotte County. Due to the limited nature of the home occupation, there will be no hardship imposed on the individual landowner or landowners.

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

There will be no customers visiting the subject property; the only vehicular traffic associated with the custom t-shirt printing business may be deliveries of t-shirts from a wholesaler. The frequency of these deliveries, however, are not likely to exceed the average contemporary amount of deliveries associated with a residence or neighborhood. Therefore, the proposed use would not result in the overcrowding of land nor would cause undue concentrations of population.

PREVIOUS ACTIONS

- N/A

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on February 24, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Deliveries and Shipping
Parking
Signage
Storage of Inventory

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-030** for two (2) years, subject to:

- 1) This is a Special Use Permit for a home occupation for a t-shirt printing business. All future home occupations that do not fulfill all the requirements of Section 27-609(1) must receive a separate Special Use Permit;
- 2) Consistent with the applicants' written statements, no customers may visit the subject property;
- 3) If approved, the applicant must file and maintain a current business occupation tax application with this office;
- 4) All business activity shall remain within the residence;
- 5) 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
- 6) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 7) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any

- application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 8) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the 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 **SP2022-030** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Photographs Provided by the Applicant
Staff Site Visit Photographs, Dated March 2, 2022
Email in opposition from Lynn Melton

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Special Use Permit	March 14, 2022 Approval	March 31, 2022

STAFF CONTACT: Michael Farley
mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-030**, as meeting all the requirements of the City code and being in the interest of the

public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-030**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

March 14, 2022 City Planning Commission Minutes:

Hearing starts at Tape 2 – 2:08:30:

SPECIAL USE PERMIT APPLICATION SP2022-030 – NANNETTE AND LYDIA

THACKER – SYNOPSIS: Home Occupation Special Use Permit to operate an apparel printing business at 4011 Independence Avenue.

Detailed Outline of Requested Action: The applicants, Nannette Thacker and Lydia Thacker, are requesting a Home Occupation Special Use Permit to operate a custom t-shirt printing business. Nannette is the property owner, and Lydia is the business owner; both parties are residents of the subject property. The applicants have stated that no customers will be visiting the subject property, and no signage will be erected on site. The t-shirt inventory will be stored at the subject property.

City Ordinance Requirements: Article VIII, Sections 27-592 – 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 March 14, 2022;
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 the property owners.

Present in Support:

- Nannette and Lydia Thacker, applicants, 4011 Independence Boulevard, Kansas City, Kansas 66109

Present in Opposition:

- Lynn Melton, 4028 Independence Boulevard, Kansas City, Kansas 66109

Staff Recommendation starts at Tape 2 – 2:15:08: Planning Director Hand stated that this property is in the Prairie-Delaware-Piper Master Plan. This application was triggered by a Business License request that indicated materials were being stored on the property. He stated that Staff received no letters in support nor opposition until this evening (Ms. Melton's letter was in the staff report and Staff incorrectly made this statement on the record.) There is an old Notice of Violation on this property not related to the proposed use. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at Tape 2 – 2:16:25:

On motion by Ms. Armstrong, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-030 for two (2) years:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

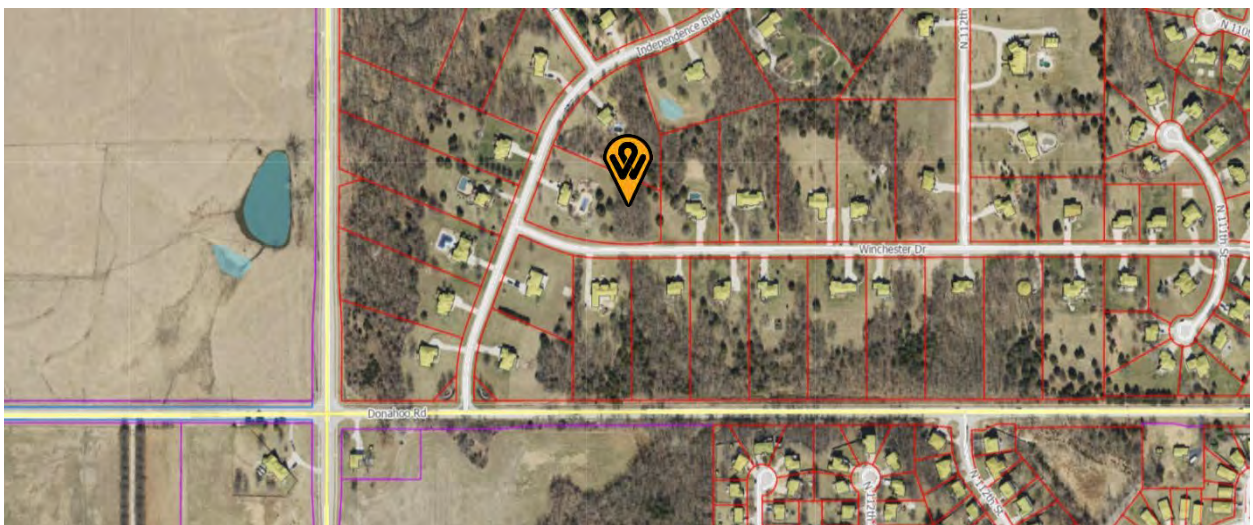
Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

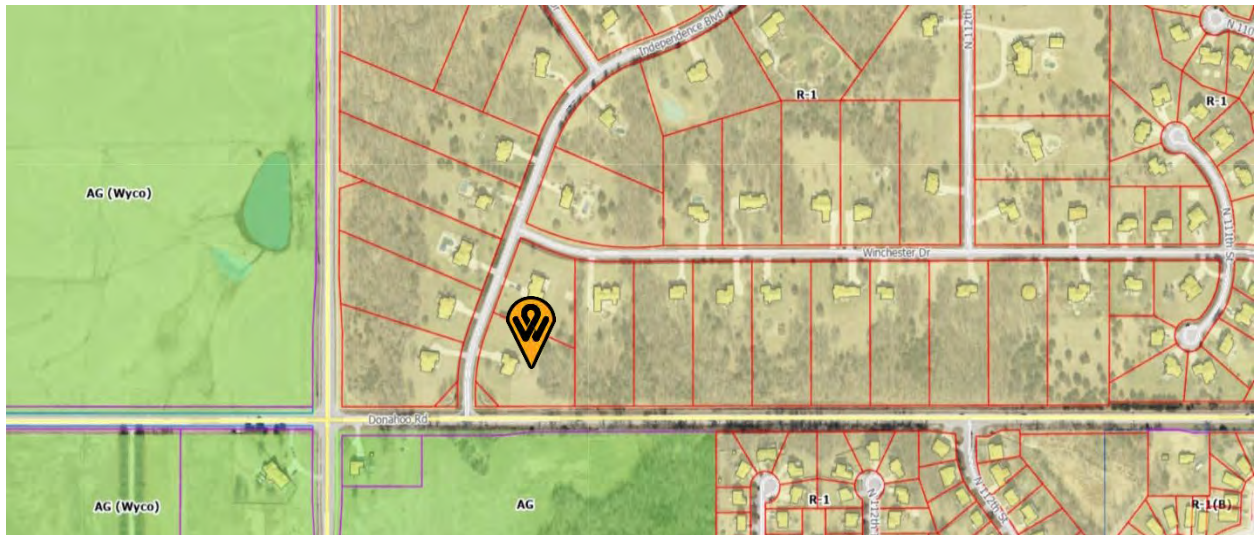
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- 2) Consistent with the applicants' written statements, no customers may visit the subject property;**
- 3) If approved, the applicant must file and maintain a current business occupation tax application with this office;**
- 4) All business activity shall remain within the residence;**

- 5) 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
- 6) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 7) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 8) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the 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.

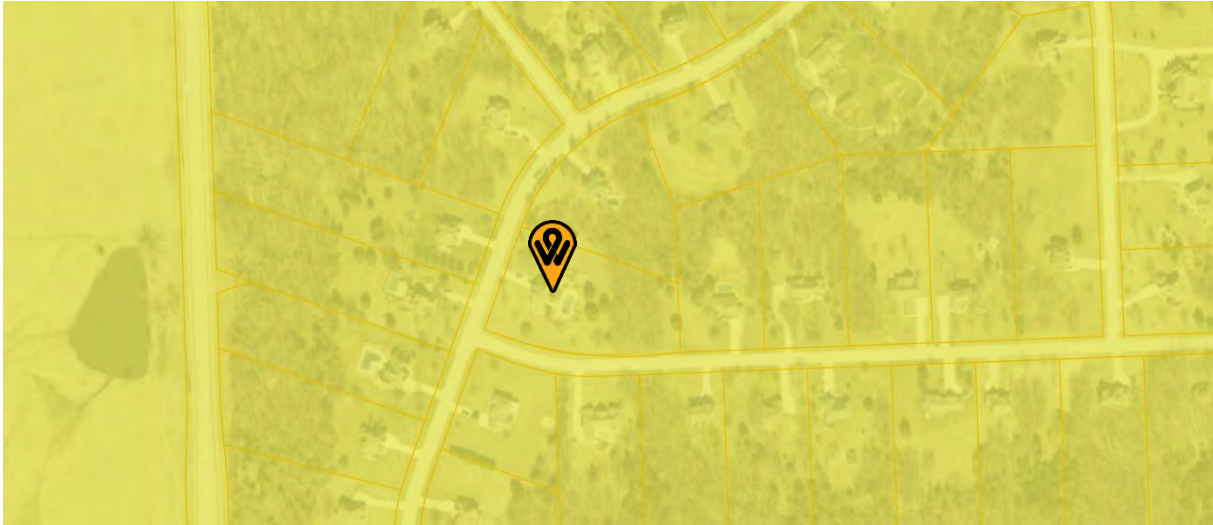
AERIAL MAP



ZONING MAP



LAND USE MAP



Prairie-Delaware-Piper Area Master Plan Land Uses

	Low Density Residential District
	Planned Suburban Residential District
	Planned Mixed Residential District
	Planned Office District
	Planned Commercial District
	Public / Semi-Public
	Planned Open space
	Planned Entertainment District
	Planned Mixed Business Park / Commercial District
	Planned Mixed Business Park / Office District
	Planned Mixed Entertainment / Commercial District
	Planned Small Commercial District
	Future Interchange

NEIGHBORHOOD MEETING MATERIALS

February 14, 2022

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use # SP2022-030 for a special use permit is to allow us to operate a home business, printing custom designs on tshirts and apparel in our home at 4011 Independence Blvd., Kansas City, KS. The Piper Estates Homeowners' Association has already granted approval for this Special Use Permit.

The Urban Planning requires a neighborhood meeting, which will be held online via Zoom:

Time: Thursday, Feb 24, 2022 07:00 PM Central Time

Join Zoom Meeting

<https://zoom.us/j/96484323884?pwd=V251bHZYeWdPeFRqQnplY2t2ZVhHZz09>

Meeting ID: 964 8432 3884

Passcode: Ooptees

If you would like this link emailed to you or have questions prior to the meeting, please send an email to ooptee@ooptees.com

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,
The Thackers
Larry, Nannette, and Lydia
4011 Independence Blvd.
Kansas City, KS 66109

ooptee@ooptees.com

913-745-5314 – home
913-553-9639 – text

Attached: Details of Home Business

NEIGHBORHOOD MEETING MATERIALS, CONT.



Home Owners: Larry & Nannette Thacker

Ooptees LLC is a business where our daughter, Lydia Thacker, creates unique custom designs to be sold on apparel. We have been selling designs on tshirts online at <http://ooptees.com> on Amazon and RedBubble.

Our plan is to use a Brother GTX Pro Printer, which is similar to a large photo copier, but instead of printing to paper, a tshirt is placed on the printer to print ink directly onto the apparel.



Impact on Neighborhood:

Since this is a home business, we do not wish to have people know where we live or invite them in our home. Therefore we will not have need for signage, parking or traffic. All of our clients will be contacted online, via emails, phone, or internet ads. Purchases will be handled online and then delivered to their address.

NEIGHBORHOOD MEETING MATERIALS, CONT.



Petition SP2022-030

Neighborhood Meeting Notes

1. List of people who participated in Zoom meeting:	Application Number_ SP2022-030_____ Date and Location:___2/24/2022___Zoom_____ Meeting called to order at: __7:00 pm_____ Names of people in attendance: Nannette Thacker Lydia Thacker Larry Thacker Angela Turner Questions and answers (include the following): Who asked question or gave comment: Angela Turner indicated she is in support of this home occupation permit. Meeting adjourned at: 7:30 PM Minutes taken by: __Nannette Thacker_____
2. List of people who contacted me with questions and comments:	
Angela Turner	Thackers, Please email me the Zoom meeting link, so that I can attend the meeting in support of the Special Use Permit. Angela Turner Operations Manager

NEIGHBORHOOD MEETING MATERIALS, CONT.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)

) SS:

COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition # SP2022-030.
2. That I conducted a neighborhood meeting on Feb. 24, 2022.
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.

[Nannette Thacker]

Affiant



SITE PHOTOGRAPHS PROVIDED BY THE APPLICANT



All captions are left to right.

Top Row: Front (west) view; Side (north) view.

Middle Row: Rear (east) view; Side (south) view.

Bottom Row: Overall site views (both)

SITE PHOTOGRAPHS PROVIDED BY THE APPLICANT, CONT.



Top Row: Views of the rear yard.

Middle Row: Views of the rear yard.

Bottom Row: View of the rear (east) elevation of the primary residence from the rear yard.

STAFF SITE VISIT PHOTOGRAPHS, DATED MARCH 2, 2022



Left: View of the subject property from Independence Boulevard.

Below: Views of the subject property from Winchester Drive.



Above: View of the subject property from the rear yard, on Winchester Drive.

Right: Views of the subject property from Winchester Drive



Good Morning All,

As a neighbor of the Thackers I wish to oppose their SUP application. This is clearly a residential neighborhood. Independence Blvd is a very heavily traveled street as the information provided by Jeff Fisher and Commissioner Kane reflects. Cars parked in the street causes additional safety hazards to people walking, running, biking etc.

Worth noting is the only house that often has street parking belongs to the Thackers. They currently have a home based business, are they currently licensed for that? I have lived here since November 2011, and they were here before me and from what I have been told by other neighbors is they have always had a home based business.

I know they say they will not have ANY pickups and will deliver 100% but not so sure that is realistic and know that if that changes it is not a fast and easy fix for all. I did receive a letter from them delivered to my mailbox but also find it interesting that the neighbors across the street from me (directly next door of the Thackers) did not receive a letter.

Thank you for your time and consideration and for the understanding of my opposition to this SUP.

Lynn Melton

4028 Independence Blvd

Kansas City, Kansas 66109



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 31, 2022

Re: Petitions PR2022-011 and SP2022-031

GENERAL INFORMATION

Applicant:
Austin Lage

Status of Applicant:
Representative
BHC
7101 College Boulevard, Suite 400
Kansas City, Kansas 66210

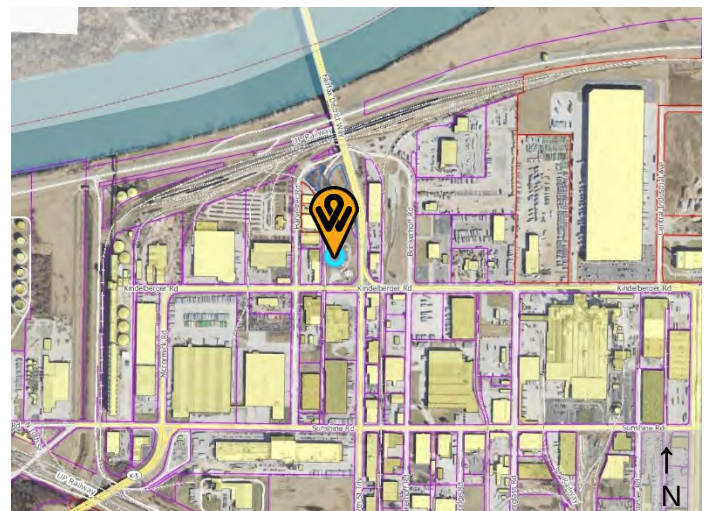
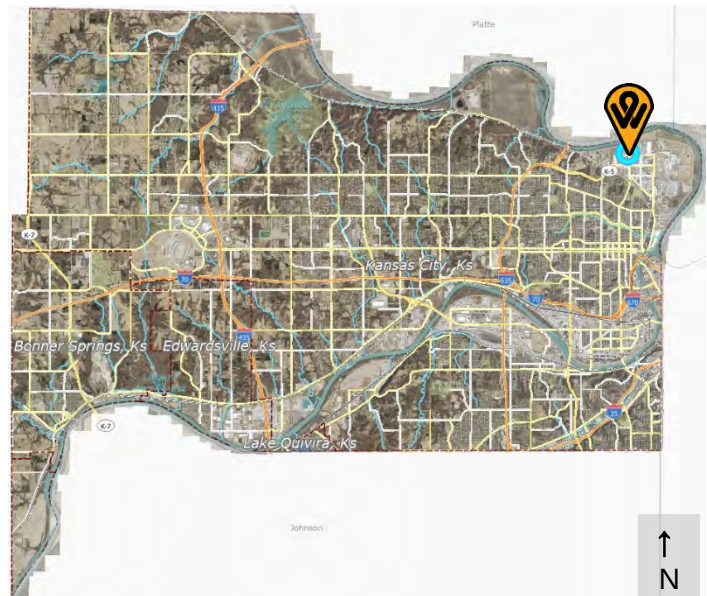
Requested Actions:
Approval of a Special Use Permit.

Date of Application:
January 28, 2022

Purpose:
Approve a Preliminary Plan Review.

Approve a Special Use Permit for
heavy automotive/truck service,
repair, and mechanics.

Property Location:
700 Kindelberger Road
Kansas City, Kansas 66115



Commission Districts:	At-Large Commissioner, District #1: Melissa Bynum District #1 Commissioner: Gayle Townsend
Existing Zoning:	M-3 Heavy Industrial District
Adjacent Zoning:	North: M-3 Heavy Industrial District South: M-3 Heavy Industrial District East: M-3 Heavy Industrial District West: M-3 Heavy Industrial District
Adjacent Uses:	North: Secretary of Transportation right-of-way South: Industrial uses East: Industrial use West: Industrial uses
Total Tract Size:	4.36 Acres
Master Plan Area:	The subject property is within the Northeast Area Master Plan.
Master Plan Designation:	The Northeast Area Master Plan designates this property as Industrial. The Industrial land use designation allows uses as manufacturing and shipping. The building types and uses permitted in the Industrial land use designation includes light industrial buildings, heavy industrial buildings, and commercial buildings to support industrial uses, such as restaurants, convenience stores, and gas stations. These uses should generally be located apart from residential neighborhoods. Industrial areas should include amenities such as sidewalks, landscaping, lighting, and walking trails, and overall have an attractive campus feel to attract and retain talent. The subject property is also within the Fairfax District Master Plan, a master plan concurrent to the Northeast Area Master Plan.
Major Street Plan:	The Major Street Plan designates Kindelberger Road as a Class B Thoroughfare. The Major Street Plan designates North 7 th Street Trafficway as a Class B Thoroughfare.
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 (1) space for each 500 square feet of building area be provided. For buildings larger than 20,000 square feet, only one (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning. 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 City Planning Commission. Commercial uses shall provide parking as would be required in the C-3 district. Per Section 27-467(e), uses in this district require paved off-street parking spaces at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. The submitted site plan demonstrates a 9,500 square feet of repair facilities, which will be used for industrial purposes. Therefore, M-3 District standards apply and a minimum of 19 parking spaces are required. The submitted site plan also demonstrates 1,116 square feet of office in the repair shop and a utility building at the fuel station. The utility building is open to the public and will be used for commercial purposes. Therefore, the C-3 District standards apply and five (5) parking spaces are required. A total of 24 parking spaces, one (1) of which must be ADA-compliant. The proposed site plan provides 24 parking spaces, two (2) of which are ADA-compliant. These parking spaces satisfy the requirements of both Sections 27-470(f) and 27-676(a).

Advertisement:	<u>The Wyandotte Echo</u> – February 17, 2022 Letters to Property Owners – February 18, 2022 and March 24, 2022
Public Hearings:	March 14, 2022 and March 31, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Austin Lage with BHC, is requesting a Preliminary Plan Review and a Special Use Permit. The Preliminary Plan Review is for the proposed development on the subject property: a fueling station open to the public and a private truck maintenance facility. The Special Use Permit is for heavy automotive/truck services, repair, and mechanic, which will allow for the operation of a truck maintenance facility, in conjunction with a fueling station.

City Ordinance Requirements: Article VIII, Sections 27-592 – 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. The current property owner has received no building or code enforcement complaints.
2. The previous two (2) property owners have received several code enforcement violations, including a metal fence in disrepair in 2018, and overgrown weeds and grass in 2018, 2020, and 2021. The most recent previous property owner was also issued two (2) administrative citations. The first was for environmental issues, overgrown vegetation, and debris in 2020; the second citation was for overgrown weeds in 2021.

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits.
2. The current property owner has no outstanding Code Inspection cases.

FACTORS TO BE CONSIDERED

Plan Review

1. *The Character of the Neighborhood.*

The subject property is within the Fairfax Statistical Neighborhood and is not within a Neighborhood Group. The entire neighborhood—the Fairfax District—is industrially zoned and is predominately industrial uses.

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 applicant states that the subject property will see 96 truck trips per day. The proposed site plan demonstrates an entrance on Kindelberger Road. This entrance is located on the western portion of the property, as far away from the intersection with North 7th Street Trafficway as possible. This entrance location allows for traffic to come in and out of the subject property without interfering with the nearby intersection.

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

The Northeast Area Master Plan designates this property as Industrial; there is no designation made by the Fairfax District Master Plan but the plan notes that all parcels are industrially zoned. Building types and uses permitted in the Industrial land use designation includes light industrial buildings, heavy industrial buildings, and commercial buildings to support industrial uses, such as restaurants, convenience stores, and gas stations. Industrial areas should include amenities such as sidewalks, landscaping, lighting, and walking trails, and overall have an attractive campus feel to attract and retain talent. The proposed use is a fueling station and heavy truck maintenance, which is allowed in industrially zoned districts with a Special Use Permit. The proposed use is in conformance with the spirit of the Northeast Area Master Plan and the Fairfax District Master Plan.

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

a. *Water service*

It is currently no water service to the subject property, but a connection is proposed.

b. *Sanitary sewer service*

A combination sanitary sewer line/stormwater line runs along the southern boundary of the subject property.

c. *Storm water control*

A combination sanitary sewer line/stormwater line runs along the southern boundary of the subject property. There is a dedicated stormwater line, however, to the north of the subject property which it could access if the applicant acquired the adjacent KDOT parcels.

d. *Police*

Police service is provided by East Division, District #112.

e. Fire

Fire service is provided by Fire Station #15, which is 0.2 miles from the subject property.

f. Transit

The subject property is served by several sets of bus stops along Sunshine Road. The closest pair of bus stops are located 0.3 miles away, at the intersection of Sunshine Road and North 7th Street. The bus stops are served by 3rd Street-Fairfax, Route #103.

g. Schools

Public education is provided by Benjamin Banneker Elementary School, Northwest Middle School, and Wyandotte High School, under Kansas City, Kansas USD 500.

5. The capability of the proposed use to meet applicable ordinance and other requirements.

The revised site plan has demonstrated 24 parking spaces, two (2) of which are ADA-compliant. This satisfies the minimum parking requirements for the zoning district. The applicant must provide a revised site plan that demonstrates a total of 41 parking spaces, two (2) of which must be ADA-compliant. The subject property must be compliant with all Commercial Development Guidelines Overlay District ordinances, including proper landscaping, pedestrian access, and building design and materiality.

Special Use Permit

1. The Character of the Neighborhood.

See Plan Review Factor #1.

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

All surrounding properties are industrially zoned. The Fairfax neighborhood is an appropriate area for industrial and industrial-complimentary uses such as the fueling and maintenance of heavy trucks. In this way, the proposed use is compatible with the nearby zoning and uses.

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

The subject property is in the M-3 District within the Industrial land use designated by the Northeast Area Master Plan. Furthermore, it is surrounded by

other industrially zoned properties. Given this context, heavy truck repair as a complement to a fueling station is an appropriate use for the subject property and removal of the restrictions will not detrimentally affect nearby properties.

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

It is unclear how long the parcels have been vacant, but aerial photos and property records indicate that the property has been effectively abandoned since 2018.

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

See Plan Review Factor #3.

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.*

See Plan Review Factor #2.

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.*

While the complementary fuel station will be open for public use, the heavy truck repair services will be for private maintenance. Heavy repair services are necessary for the maintenance and repair of larger work trucks that are used in areas of the economy such as construction and shipping. Given that the proposed use is located in Fairfax among a variety of other industrially zoned properties and industrial uses, it will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

Heavy truck maintenance is prone to generate noise, vibration, dust, and illumination. All maintenance must be conducted inside the proposed building. Furthermore, the exterior lights proposed on the submitted site plan (see "Site Plan of 700 Kindelberger Road" in the *Attachments* section of this report) must be fitted with covers and face downward at a 90-degree angle, as per Section 27-699(b)(10). All trucks being repaired, or otherwise inoperable vehicles must be stored inside unless they are completely screened from view in accordance with all applicable ordinances. All vehicles under heavy service, repairs, or mechanics shall not be placed within a required/paving setback area.

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

A major factor determining the environmental damage caused by construction is the increase in impermeable surfaces. Some of that loss of permeable land can be mitigated by landscaping along Kindelberger Road and North 7th Street Trafficway. As the proposed use includes repairing vehicles, all fluids and parts must be properly disposed of, such as in an oil-water separator and through off-site disposal, respectively.

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

The applicant must take several mitigation measures to ensure the protection of irreplaceable natural resources. One (1) such measure includes ensuring the change in permeable surface does not result in a change in stormwater runoff by grading the property. Another mitigation measure includes properly disposing of automotive materials and fluids in accordance with local, State, and federal law and in accordance with any additional binding regulations from licensing boards or government agencies. The applicant must provide proof of an oil-water separator installed in the workshop floor. An additional mitigation measure includes the proper disposal of tires as well.

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

The Fairfax District of Wyandotte County historically has supported a variety of industrial uses. Heavy truck service, repair, and maintenance, along with the allowed fueling station use, fits in with the surrounding industrial uses. In fact, fueling and truck repair are less intense uses than can be found elsewhere in the M-3 District or in Fairfax as a whole. Additionally, this unique type of repair will serve companies in the district, so its proximity should reduce vehicle miles traveled by said businesses. Therefore, there is a relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

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

See Plan Review Factor #2.

PREVIOUS ACTIONS

- N/A

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on February 28, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Commercial Development Guidelines Overlay District
Landscaping and Screening
Lighting and Glare
Noise, Dust, and Vibration
Pedestrian Connectivity
Stormwater Runoff
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-031** for two (2) years, subject to:

- 1) The applicant is requesting a Special Use Permit for heavy vehicle/truck service, repair, and maintenance. Any additional uses not included in this Special Use Permit SP2022-031 and not otherwise allowed by the Zoning Code in the M-3 District must receive a separate Special Use Permit;
- 2) A five (5)-foot sidewalk along the Kindelberger Road right-of-way must be installed and tied into both the existing sidewalk along Kindelberger Road and the intersection at North 7th Street Trafficway and Kindelberger Road. The sidewalk must have all relevant curb cuts, marked crosswalks, and landscaping demonstrated in the submitted site and landscaping plans;
- 3) In addressing the building materiality requirements in Section 27-576(e)(1)-(2), the applicant may have a metal building, but must cover the outside metal façade in stucco or another qualifying masonry material;
- 4) Per Section 8-249(b), any fence not otherwise prohibited and no more than eight (8) feet in height is permitted within an area demarcated by the property side line from the front and/or corner side yard required setback to the rear property line and across the rear property line;
- 5) Per Section 27-470(d)(2), no equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six (6) feet from the street line and not less than three (3) feet in height;
- 6) Per Section 27-577(f)(2), plants that die must be replaced as quickly as possible, but in no event longer than four (4) months;
- 7) The requirements of the Commercial Development Guidelines Overlay District that have been met or will be met are listed under Comment #2 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the *Staff Comments and Suggestions* section of this report;
- 8) The requirements of the Commercial Development Guidelines Overlay District that have not been met are listed under Comment #3 in the

- “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the *Staff Comments and Suggestions* section of this report;**
- 9) It is unclear if some of the requirements of the Commercial Development Guidelines Overlay District have been met or not. In the Final Plan Review, the applicant should provide further explanation or demonstration for the requirements listed under Comment #4 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the *Staff Comments and Suggestions* section of this report;**
 - 10) There are comments incorporated herein by the Wyandotte County Conservation District. For a full list of the Conservation District comments, see the “Wyandotte County Conservation District Letter, Dated February 20, 2022” in the *Attachments* section of this report;**
 - 11) If approved, the applicant must file and maintain a current business occupation tax application with this office;**
 - 12) 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;**
 - 13) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
 - 14) A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
 - 15) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
 - 16) 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, Sections 8-610 through 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;**
 - 17) Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;**

- 18) 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;
- 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 [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 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;
- 21) 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
- 22) 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;
- 23) 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;
- 24) 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 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,
- 25) 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.

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Preliminary Plan Review Application **PR2022-011**, subject to:

- 1) This petition is for a Preliminary Plan Review. The applicant must submit an application and supporting materials for Final Plan Review, subject to Section 27-212(g);
- 2) Any amendments to the conditions or plans approved under PR2022-011 made in the Final Plan Review are subject to Section 27-210(h)(2)a and 27-211(g)(1). If the amendments do not meet these requirements, a new Preliminary Plan Review must be approved by the Board of Commissioners before a Final Plan Review can be approved;
- 3) A five (5)-foot sidewalk along the Kindelberger Road right-of-way must be installed and tied into both the existing sidewalk along Kindelberger Road and the intersection at North 7th Street Trafficway and Kindelberger Road. The sidewalk must have all relevant curb cuts, marked crosswalks, and landscaping demonstrated in the submitted site and landscaping plans;
- 4) So long as all trucks under repair are stored inside the building, Section 27-593(b)(20) will be satisfied. If the applicant or property have a revised parking plan based on additional parking needs, it must be submitted for the Final Plan Review and, per Section 27-210(h)(2)a and 27-211(g)(1);
- 5) In addressing the building materiality requirements in Section 27-576(e)(1)-(2), the applicant may have a metal building, but must cover the outside metal façade in stucco or another qualifying masonry material;
- 6) Per Section 8-249(b), any fence not otherwise prohibited and no more than eight (8) feet in height is permitted within an area demarcated by the

- property side line from the front and/or corner side yard required setback to the rear property line and across the rear property line;
- 7) Per Section 27-470(d)(2), no equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six (6) feet from the street line and not less than three (3) feet in height;
 - 8) Per Section 27-577(f)(2), plants that die must be replaced as quickly as possible, but in no event longer than four (4) months;
 - 9) The requirements of the Commercial Development Guidelines Overlay District that have been met or will be met are listed under Comment #2 in the "Planning and Urban Design Comments: Commercial Development Guidelines Overlay District" subheading of the *Staff Comments and Suggestions* section of this report;
 - 10) The requirements of the Commercial Development Guidelines Overlay District that have not been met are listed under Comment #3 in the "Planning and Urban Design Comments: Commercial Development Guidelines Overlay District" subheading of the *Staff Comments and Suggestions* section of this report;
 - 11) It is unclear if some of the requirements of the Commercial Development Guidelines Overlay District have been met or not. In the Final Plan Review, the applicant should provide further explanation or demonstration for the requirements listed under Comment #4 in the "Planning and Urban Design Comments: Commercial Development Guidelines Overlay District" subheading of the *Staff Comments and Suggestions* section of this report;
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 - 13) If approved, the applicant must file and maintain a current business occupation tax application with this office;
 - 14) 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;
 - 15) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
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- 17) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
- 18) 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, Sections 8-610 through 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;
- 19) Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
- 20) Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
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- 23) 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process; and,

- 24) 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.

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 Petitions **SP2022-031 and PR2022-011** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Plan for 700 Kindelberger Road
Vehicle Maneuverability Plan for 700 Kindelberger Road
Landscaping Plan for 700 Kindelberger Road
Elevations of the Proposed Building
Grading Plan for 700 Kindelberger Road
Drainage Maps and Calculations for 700 Kindelberger Road
Preliminary Stormwater Management Study for Fleet Fuels
Wyandotte County Conservation District Letter, Dated February 20, 2022
Staff Site Visit Photographs, Dated March 2, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Preliminary Plan Review	March 14, 2022	March 31, 2022
	Approval	
Special Use Permit	March 14, 2022	March 31, 2022
	Approval	

STAFF CONTACT: Michael Farley
mfarley@wycokck.org

MOTIONS

Preliminary Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-011**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2022-011**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-031**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-031**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

March 14, 2022 City Planning Commission Minutes:

Hearing starts at Tape 2 – 2:17:30:

SPECIAL USE PERMIT APPLICATION SP2022-031 – AUSTIN LAGE WITH BHC RHODES – SYNOPSIS: Special Use Permit for truck maintenance facility at 700 Kindelberger Road.

PLAN REVIEW APPLICATION PR2022-011 – AUSTIN LAGE WITH BHC RHODES – SYNOPSIS: Preliminary Plan Review for truck maintenance facility at 700 Kindelberger Road.

Detailed Outline of Requested Action: The applicant, Austin Lage with BHC, is requesting a Preliminary Plan Review and a Special Use Permit. The Preliminary Plan Review is for the proposed development on the subject property: a fueling station open to the public and a private truck maintenance facility. The Special Use Permit is for heavy automotive/truck services, repair, and mechanic, which will allow for the operation of a truck maintenance facility, in conjunction with a fueling station.

City Ordinance Requirements: Article VIII, Sections 27-592 – 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 March 14, 2022;
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 the property owners.

Present in Support:

- Austin Lage, applicant, BHC Rhodes, 7101 College Boulevard, Suite 400, Overland Park, Kansas 66210

Present in Opposition:

- No one appeared

Staff Recommendation starts at Tape 2 – 2:20:17: Planning Director Hand stated that this property is in the Northeast Area Master Plan in the Fairfax Industrial District. Staff received no letters in support nor opposition. There are old Notices of Violation from when the property was vacant and will be remedied through this development. One of the conditions of approval is the applicant will comply with the Commercial Design Guidelines. There are deviations to the guidelines requested in the Special Use Permit conditions. He further stated that staff will work with the applicant on the conditions of approval prior to the hearing on the final development plan. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at Tape 2 – 2:21:59:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-031 for two (2) years:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1) The applicant is requesting a Special Use Permit for heavy vehicle/truck service, repair, and maintenance. Any additional uses not included in this Special Use Permit SP2022-031 and not otherwise allowed by the Zoning Code in the M-3 District must receive a separate Special Use Permit;**
- 2) A five (5)-foot sidewalk along the Kindelberger Road right-of-way must be installed and tied into both the existing sidewalk along Kindelberger Road and the intersection at North 7th Street Trafficway and Kindelberger Road. The sidewalk must have all relevant curb cuts, marked crosswalks, and landscaping demonstrated in the submitted site and landscaping plans;**
- 3) In addressing the building materiality requirements in Section 27-576(e)(1)-(2), the applicant may have a metal building, but must cover the outside metal façade in stucco or another qualifying masonry material;**
- 4) Per Section 8-249(b), any fence not otherwise prohibited and no more than eight (8) feet in height is permitted within an area demarcated by the property side line from the front and/or corner side yard required setback to the rear property line and across the rear property line;**

- 5) Per Section 27-470(d)(2), no equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six (6) feet from the street line and not less than three (3) feet in height;
- 6) Per Section 27-577(f)(2), plants that die must be replaced as quickly as possible, but in no event longer than four (4) months;
- 7) The requirements of the Commercial Development Guidelines Overlay District that have been met or will be met are listed under Comment #2 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the *Staff Comments and Suggestions* section of this report;
- 8) The requirements of the Commercial Development Guidelines Overlay District that have not been met are listed under Comment #3 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the *Staff Comments and Suggestions* section of this report;
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- 10) There are comments incorporated herein by the Wyandotte County Conservation District. For a full list of the Conservation District comments, see the “Wyandotte County Conservation District Letter, Dated February 20, 2022” in the *Attachments* section of this report;
- 11) If approved, the applicant must file and maintain a current business occupation tax application with this office;
- 12) 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;
- 13) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
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- 15) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
- 16) 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, Sections 8-610 through 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;
- 17) Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
- 18) 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;
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- 21) 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;

- 22) 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;
- 23) 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;
- 24) 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 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,
- 25) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL** of Plan Review Application PR2022-011:

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present

Straws Aye
Ward Aye
Armstrong Aye

Motion to recommend APPROVAL Passed: 6 to 0

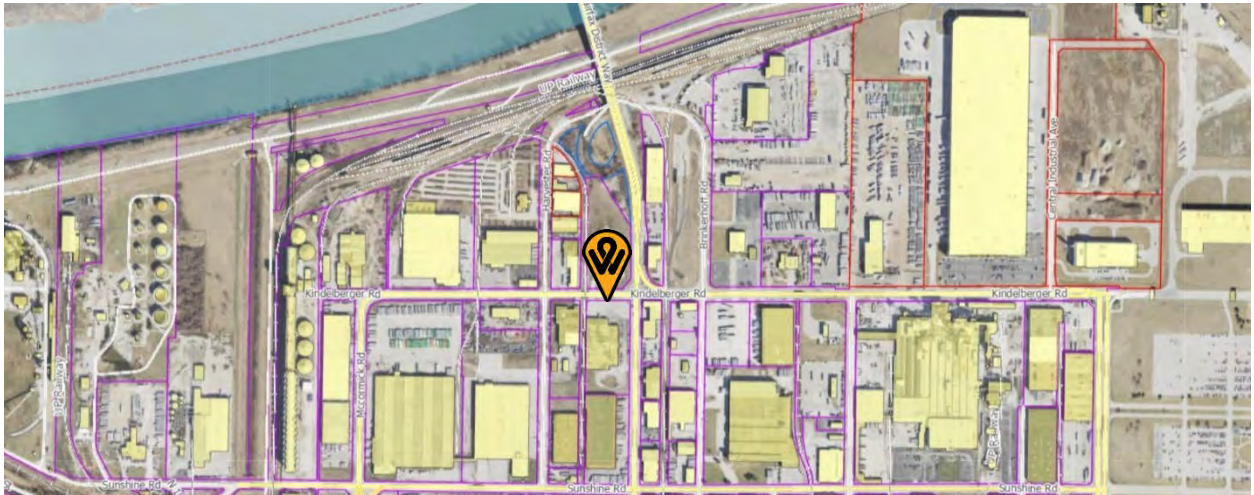
Subject to:

- 1) This petition is for a Preliminary Plan Review. The applicant must submit an application and supporting materials for Final Plan Review, subject to Section 27-212(g);
- 2) Any amendments to the conditions or plans approved under PR2022-011 made in the Final Plan Review are subject to Section 27-210(h)(2)a and 27-211(g)(1). If the amendments do not meet these requirements, a new Preliminary Plan Review must be approved by the Board of Commissioners before a Final Plan Review can be approved;
- 3) A five (5)-foot sidewalk along the Kindelberger Road right-of-way must be installed and tied into both the existing sidewalk along Kindelberger Road and the intersection at North 7th Street Trafficway and Kindelberger Road. The sidewalk must have all relevant curb cuts, marked crosswalks, and landscaping demonstrated in the submitted site and landscaping plans;
- 4) So long as all trucks under repair are stored inside the building, Section 27-593(b)(20) will be satisfied. If the applicant or property have a revised parking plan based on additional parking needs, it must be submitted for the Final Plan Review and, per Section 27-210(h)(2)a and 27-211(g)(1);
- 5) In addressing the building materiality requirements in Section 27-576(e)(1)-(2), the applicant may have a metal building, but must cover the outside metal façade in stucco or another qualifying masonry material;
- 6) Per Section 8-249(b), any fence not otherwise prohibited and no more than eight (8) feet in height is permitted within an area demarcated by the property side line from the front and/or corner side yard required setback to the rear property line and across the rear property line;
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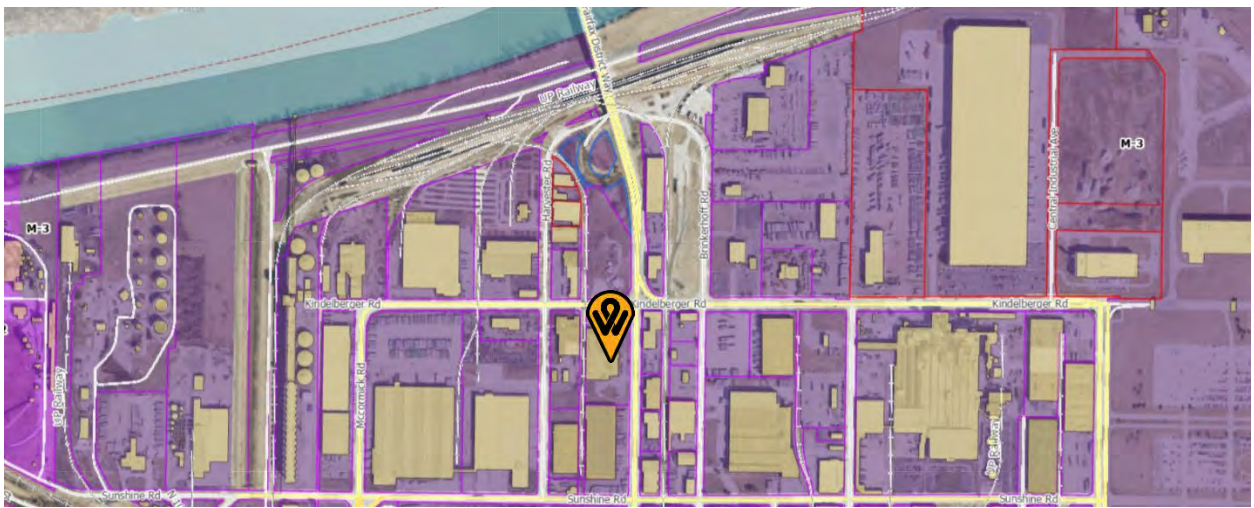
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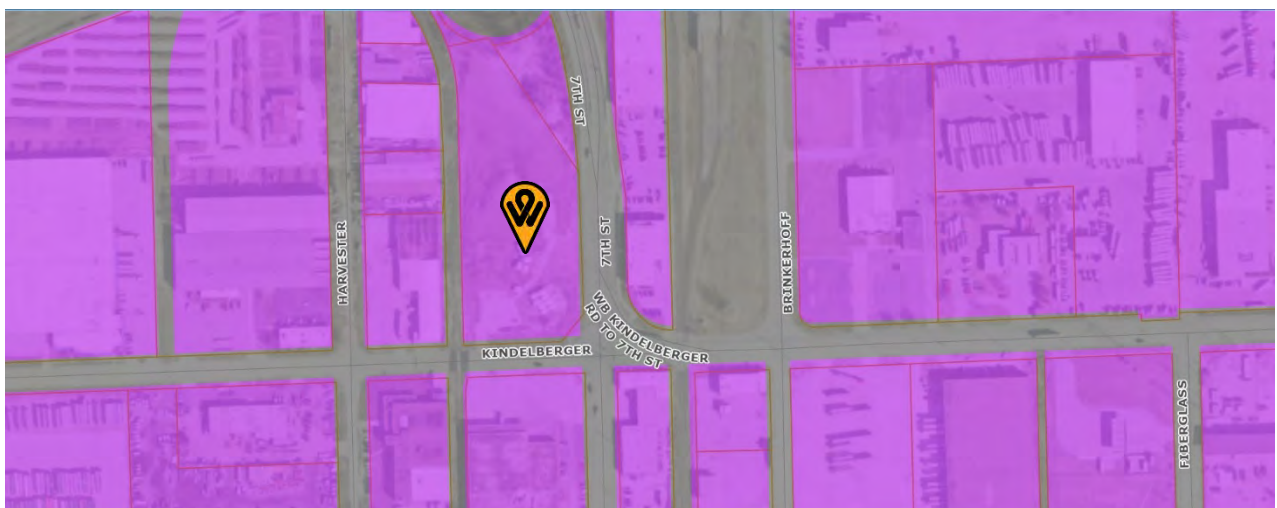
AERIAL MAP



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MATERIALS



February 14, 2022

Name
Address
City/State/Zip

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use #SP2022-031/PR2022-011. The purpose of this

- > special use permit
- > preliminary plan review

is for a proposed trucking maintenance building and fueling station.

at the following address: 700 Kindelberger Road, Kansas City, Kansas.

I am having a neighborhood meeting on February 28th at 5:30 p.m. on ZOOM (Virtual Meeting).

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. Please contact me via email if you plan on attending the meeting and I will send you the Zoom meeting ID and Password. If you cannot make the meeting but have any questions, feel free to email those to me and I will send a response back.

Sincerely,

Austin Lage
913.663.1900
Austin.Lage@ibhc.com

NEIGHBORHOOD MEETING MATERIALS, CONT.

***The applicant has reported to Staff that there were no attendees at the neighborhood meeting and therefore no notes to give.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

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

1. That I am the petitioner for Petition # SP2022-031.
2. That I conducted a neighborhood meeting on February 28th.
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 1st day of March, 2022.

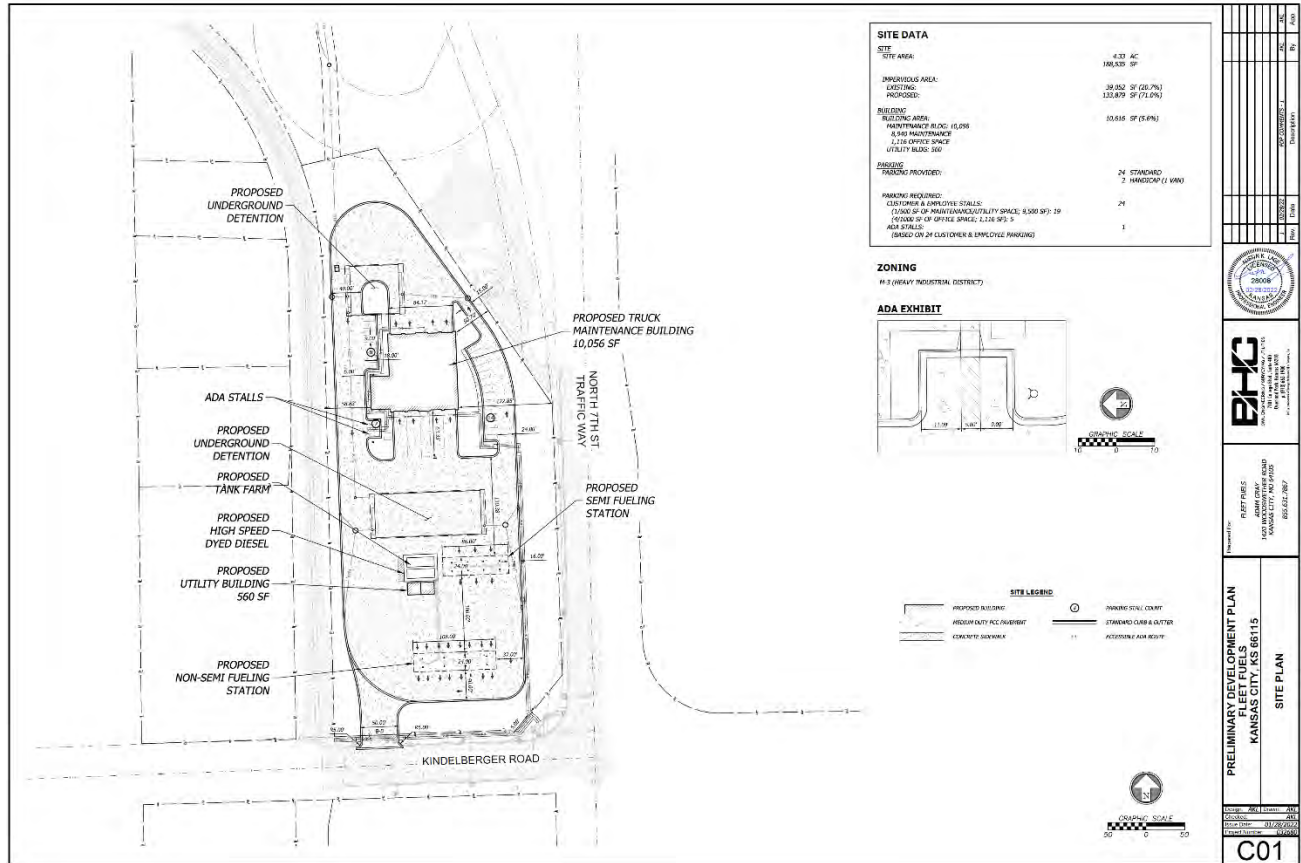
My commission expires 14th of August, 2026





Notary Public

SITE PLAN OF 700 KINDELBERGER ROAD



PROPOSED UNDERGROUND DETENTION

PROPOSED TRUCK MAINTENANCE BUILDING 10,056 SF

NORTH 7TH ST. TRAFFIC WAY

PROPOSED SEMI FUELING STATION

PROPOSED UTILITY BUILDING 560 SF

PROPOSED HIGH SPEED DYED DIESEL

PROPOSED TANK FARM

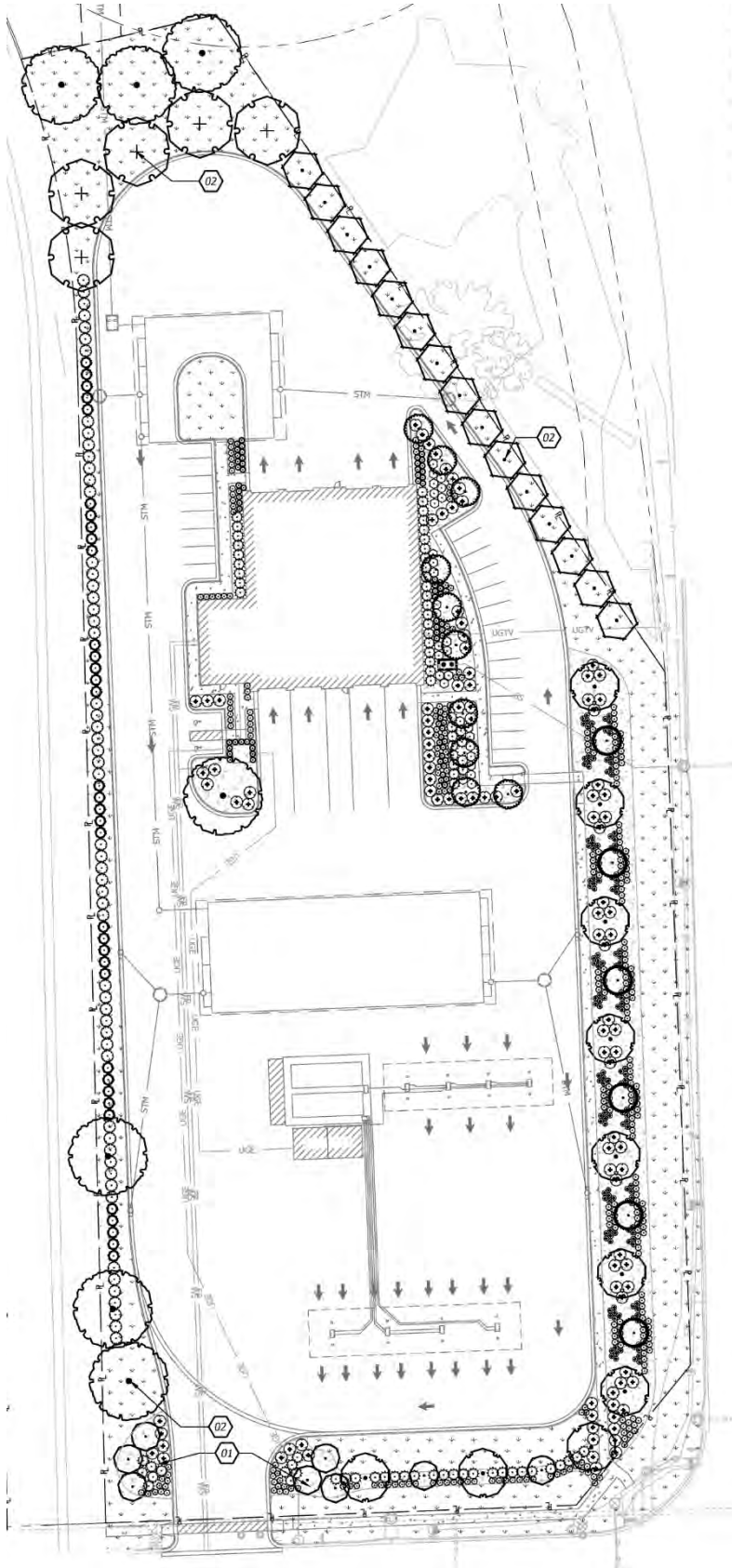
PROPOSED UNDERGROUND DETENTION

ADA STALLS

KINDELBERGER ROAD

[illegible]

LANDSCAPING PLAN OF 700 KINDELBERGER ROAD, CONT.



LANDSCAPING PLAN FOR 700 KINDELBERGER ROAD, CONT.

GENERAL LANDSCAPE NOTES

- The Contractor shall verify and coordinate all final grades with the Landscape Architect and or design team prior to completion.
- Location and placement of all plant material shall be coordinated with the Landscape Architect prior to installation.
- Location of all utilities are approximate; the Contractor shall field verify locations prior to commencement of construction operations.
- Refer to Civil Drawings for all grading and berming, erosion control, storm drainage, utilities and site layout.
- The Contractor shall arrange and conduct a pre-construction meeting onsite with Landscape Architect prior to work.
- Plant quantities are for information only; drawing shall prevail if conflict occurs. Contractor is responsible for calculating own quantities and bid accordingly.
- The Contractor is to notify Landscape Architect after staking is complete and before plant pits are excavated.
- Tree locations in areas adjacent to drives, walks, walls and light fixtures may be field adjusted as approved by Landscape Architect.
- The Contractor shall report subsurface soil or drainage problems to the Landscape Architect.
- The plan is subject to changes based on plant size and material availability. All changes or substitutions must be approved by the of Kansas City, Kansas and the Landscape Architect.
- Aluminum landscape edging to be used on all landscape beds adjoining turf areas as noted on landscape plans.
- Landscape Contractor shall be responsible for watering all plant material until the time that a permanent water source is ready.
- The Contractor shall show proof of procurement, sources, quantities, and varieties for all shrubs, perennials, ornamental grasses, and annuals within 21 days following the award of the contract.
- Contractor shall provide full maintenance for newly landscaped areas for a period of 30 days after the date of final acceptance. At the end of the maintenance period, a healthy, well-rooted, even-colored, viable turf and landscaped area must be established. The landscaped areas shall be free of weeds, open joints, bare areas, and surface irregularities.

GENERAL IRRIGATION NOTES

- Irrigation plan to be provided during permitting phase of development.
- Irrigation plan to not interfere with any proposed improvements shown.
- Irrigation system design to be based on available psi. Minimum operating pressure for spray heads shall be 30 psi and minimum operating pressure for drip zones shall be 40 psi.
- The contractor shall be responsible for providing uninterrupted, 110 v electrical service to the controller and for all hook-ups. All exposed low voltage wire shall be enclosed in a conduit.
- Place valve boxes 12" minimum from and parallel to curbs and walks, grouped valves to be equidistantly spaced.
- Install all mainlines to 1% minimum slope to drain valves located at low points of main system.
- Irrigation controller and rain sensor shall be located in owner approved locations.

PLANT SCHEDULE

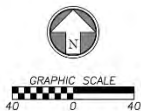
TREES	QTY	BOTANICAL / COMMON NAME	CONT.	CAL.
	5	Acer saccharinum / Silver Maple	8 & B	2" Cal
	6	Amelanchier arborea / Downy Serviceberry	8 & B	2" Cal
	8	Chionanthus virginicus 'Dier' / Dier White Fringetree	8 & B	2" Cal
	10	Ginkgo biloba 'Autumn Gold' TM / Autumn Gold Maidenhair Tree	8 & B	2" Cal
	10	Hamamelis virginiana 'Mohawk Red' / Mohawk Red Witch Hazel	8 & B	2" Cal
	35	Juniperus chinensis 'Blue Point' / Blue Point Juniper	8 & B	6" HT
	7	Quercus imbricaria / Shingle Oak	8 & B	2" Cal
	15	Quercus macrocarpa 'FUS-KW3' TM / Urban Pinnacle Oak	8 & B	2" Cal
SHRUBS	QTY	BOTANICAL / COMMON NAME	CONT.	HEIGHT
	144	Bouteloua gracilis 'Blonde Ambition' / Blonde Ambition Blue Grama	5 gal	
	174	Hydrangea arborescens 'NCHAS' / Invincibelle Wee White Hydrangea	5 gal	
	56	Hydrangea quercifolia 'Pee Wee' / Pee Wee Oakleaf Hydrangea	5 gal	18"-24" H
	29	Hydrangea serrata 'Bluebird' / Bluebird Serrate Hydrangea	5 gal	
	53	Hypericum frondosum 'Sunburst' / Sunburst St. John's Wort	5 gal	18"-24" H
	78	Juniperus chinensis 'Sea Green' / Sea Green Juniper	5 gal	18"-24" H
	58	Panicum virgatum 'Shenandoah' / Shenandoah Switch Grass	5 gal	
	35	Perovskia atriplicifolia 'Blue Jean Baby' / Blue Jean Baby Russian Sage	5 gal	
	106	Rhus aromatica 'Gro-Low' / Gro-Low Fragrant Sumac	5 gal	
	56	Viburnum rhytidophyllum 'Alaheany' / Leatherleaf Viburnum	5 gal	8'-10' Ht.
GROUND COVERS	QTY	BOTANICAL / COMMON NAME	CONT.	
	44,932 sf	Festuca arundinacea 'Watersaver Blend' / Watersaver Blend of Tall Fescue	sod	

MULCH SCHEDULE

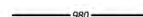
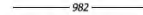
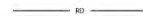
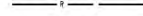
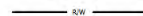
	WOOD MULCH Double Ground Hardwood Mulch, 3" depth	18,297 sf
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SITE DATA

	Quantity	Required	Provided
Site Area (SF)	188614.80		
Open Space Req			
1 tree / 15,000 SF of site		12.57	13
exceed by 75% (trees)		9.75	23
Street Tree (LF)	657		
1 tree / 30 LF of street		21.90	24
street tree 55'-65' apart		Y	Y
2" cal ornamental, 6 ht evergreen		Y	Y
ornamental trees/shrubs in between trees		Y	Y
Buffer Planting			
"soften" frontage		Y	Y
berms and/or continuous row of shrubs		Y	Y
Foundation Planting (LF)			
min 75% of bldg foundation length planted	216.86	162.65	197.03



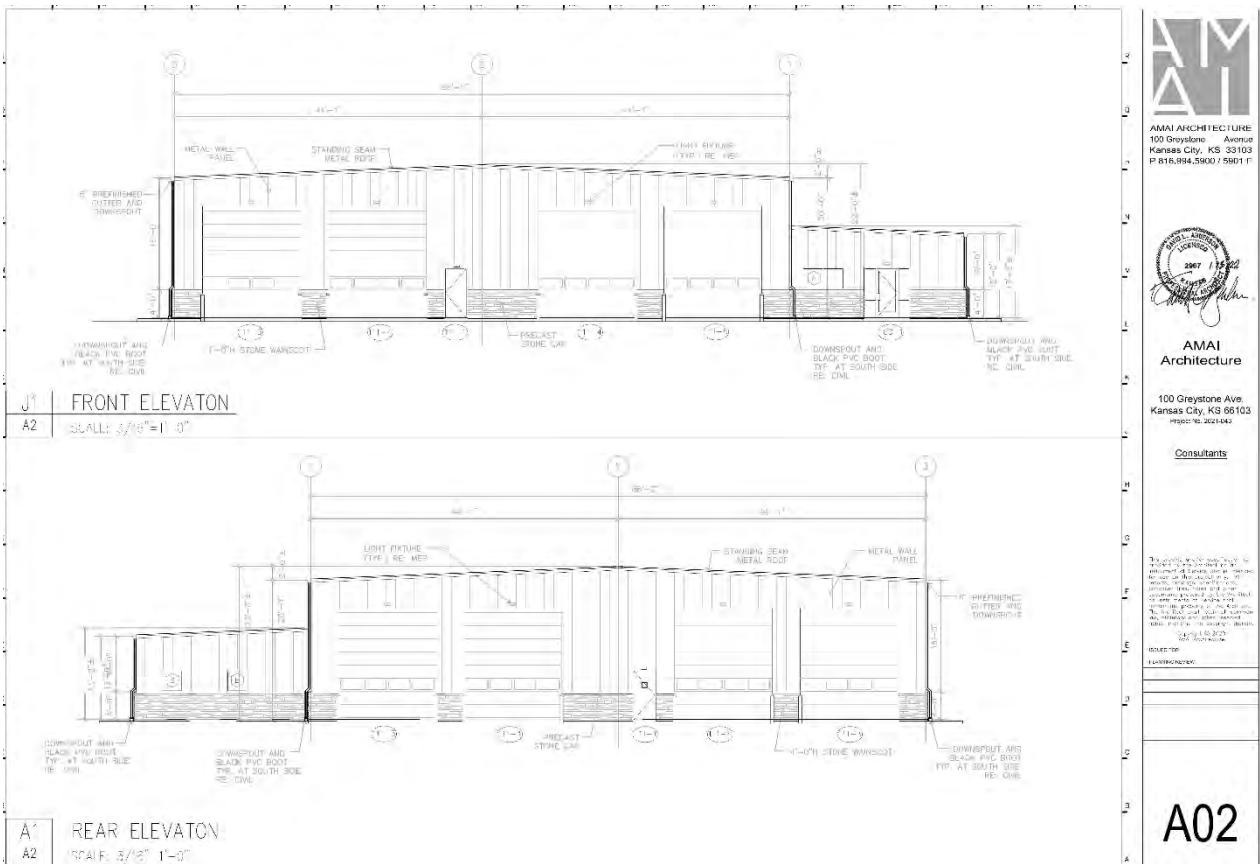
LEGEND

	380	PROPOSED FINISH GRADE
	MAJOR CONTOUR	
	982	PROPOSED FINISH GRADE
	MINOR CONTOUR	
	980	EXISTING GRADE
	952	MAJOR CONTOUR
	EXISTING GRADE	
	MINOR CONTOUR	
	PROPOSED STORM SEWER LINE	
	PROPOSED ROOF LINE DRAIN	
	PROPERTY LINE	
	RIGHT-OF-WAY LINE	

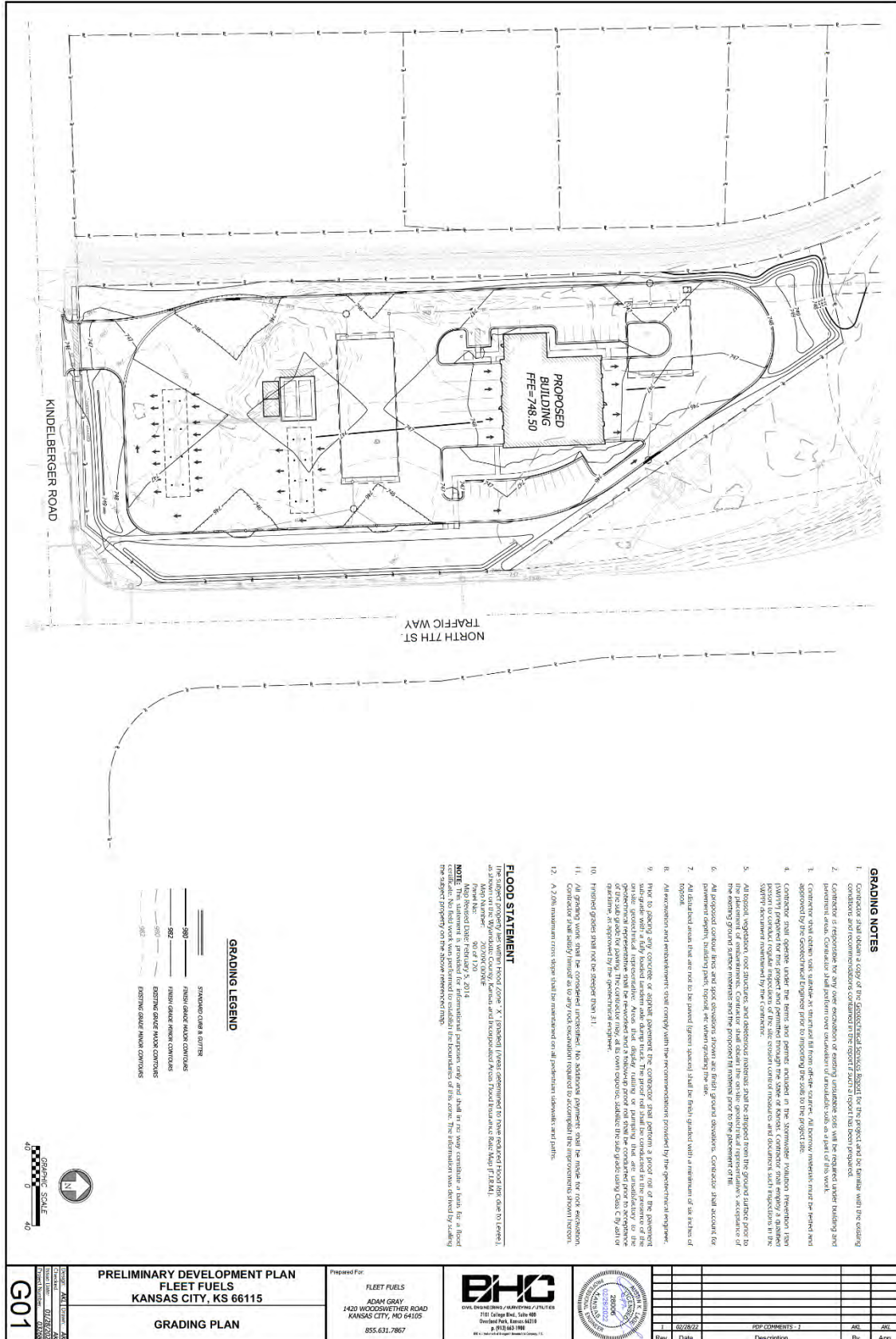
PLAN KEYNOTES

- EXISTING CONDITION TO BE REMOVED, INSTALL MULCH.
- INSTALL MULCH RING AROUND NEWLY INSTALLED TREES, TAPERING AWAY FROM ROOT FLARE AT TRUNK.

ELEVATIONS OF THE PROPOSED BUILDING



GRADING PLAN FOR 700 KINDELBERGER ROAD



DRAINAGE AREAS					
Basin ID	AREA	PERVIOUS	IMPERVIOUS	CN-Value	C-VALUE
EX-1	43,174 SF (0.99 ac)	18,983 SF (0.44 ac)	24,191 SF (0.56 ac)	90	0.64
EX-2	145,361 SF (3.34 ac)	131,786 SF (3.03 ac)	13,575 SF (0.31 ac)	82	0.36
Total	188,535 SF (4.33 ac)	150,769 SF (3.46 ac)	37,766 SF (0.87 ac)	84	0.42

DRAINAGE AREAS

AREA ID	AREA	PERVIOUS	IMPERVIOUS	CN-Value	C-VALUE
DA 1	32,188 SF (0.74 ac)	9,712 SF (0.22 ac)	22,476 SF (0.52 ac)	93	0.72
DA 2	23,228 SF (0.53 ac)	163 SF (0.00 ac)	23,065 SF (0.53 ac)	98	0.90
DA 3	32,280 SF (0.74 ac)	10,097 SF (0.23 ac)	22,183 SF (0.51 ac)	92	0.71
DA 4	25,710 SF (0.59 ac)	1,515 SF (0.03 ac)	24,195 SF (0.56 ac)	97	0.86
DA 5	28,767 SF (0.66 ac)	4,796 SF (0.11 ac)	23,971 SF (0.55 ac)	95	0.90
DA 6	20,387 SF (0.47 ac)	3,418 SF (0.08 ac)	16,969 SF (0.39 ac)	95	0.80
DA 7	3,976 SF (0.09 ac)	2,976 SF (0.07 ac)	1,000 SF (0.02 ac)	85	0.45
DA 8	1,232 SF (0.03 ac)	1,232 SF (0.03 ac)	0 SF (0.00 ac)	80	0.30
DA 9	9,129 SF (0.21 ac)	9,129 SF (0.21 ac)	0 SF (0.00 ac)	80	0.30
DA 10	11,628 SF (0.27 ac)	11,628 SF (0.27 ac)	0 SF (0.00 ac)	80	0.30
Total	188,535 SF (4.33 ac)	54,656 SF (1.25 ac)	133,879 SF (3.07 ac)	93	0.73

Release Rates

AREA ID: 100-YR: 30 MIN

Detained: 5.41 cfs

Undetained: 1.87 cfs

Total: 7.28 cfs

Allowable: 7.38 cfs

DRAINAGE LEGEND

- [Symbol] DETENTION POND (ROUND)
- [Symbol] DRAINAGE BASIN
- [Symbol] IMPERVIOUS PAVEMENT
- [Symbol] PERVIOUS PAVEMENT
- [Symbol] CATCH BASIN
- [Symbol] MANHOLE
- [Symbol] STREET LIGHT
- [Symbol] STREET SIGN
- [Symbol] STREET NAME
- [Symbol] STREET NUMBER
- [Symbol] PROPOSED FUTURE LOT LINE

PRELIMINARY DEVELOPMENT PLAN
FLEET FUELS
KANSAS CITY, KS 64115
PROPOSED DRAINAGE MAP & CALCUS

PRELIMINARY STORMWATER MANAGEMENT STUDY FOR FLEET FUELS:

CONCLUSIONS

**PRELIMINARY STORMWATER
MANAGEMENT STUDY FOR
Fleet Fuels**

PREPARED FOR

Fleet Fuels

Project Location:

700 Kindleberger Road
KANSAS CITY, KS 66115

(SE Quarter, Sec 28, Twn 10 S, Rng 25 E)

BHC Project # 032680.00.01

01/28/2022

Rev. 02/28/2022



AUSTIN LAGE
STATE PE 28006
01/28/22



5.0 Conclusions

The proposed development will result in an increase in impervious. However, stormwater quality and quantity facilities will account for this. The addition of underground detention will reduce peak runoff from the site and comply with the requirements set forth by the Unified Government. Hydrodynamic separators and the isolator row of the underground detention will help filter and clean the storm water before discharging into the public storm system. The report demonstrates that Fleet Fuels will not negatively impact adjacent watersheds or downstream public storm systems and will reduce peak runoff rates and improve water quality.

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER,
DATED FEBRUARY 15, 2022



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

February 15, 2022

RE: SP2022-031 and PR2022-011 Austin Lage for Truck Maintenance at 700
Kindelberger

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of
the: SP2022-031 and PR2022-011 Austin Lage for Truck Maintenance at 700
Kindelberger.

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: Haynie silt loam, occasionally flooded. This soil type is considered erodible when the surface is denuded of a protective cover.
- We did not receive any additional information on this site, **therefore, we would not recommend approval of this project until we have had a chance to review the Erosion Control Plan for the site.**
- This site is subject to wind erosion if vegetation is removed, an extra note of concern with its proximity to the highway and 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.

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER,
DATED FEBRUARY 15, 2022, CONT.

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

STAFF SITE VISIT PHOTOGRAPHS, DATED MARCH 2, 2022



Above: View of the existing driveway apron to the subject property, along Kindelberger Road.

Right: View from the subject property of North 7th Street Traffic, facing east.

Below: View from the subject property of Kindelberger Road, facing south.



STAFF SITE VISIT PHOTOGRAPHS, DATED MARCH 2, 2022, CONT.



Above: Views of the north portion of the subject property, facing the Highway US-69 Bridge crossing the Missouri River.

Lower Left: View of the subject property, facing north.

Lower Right: View of the subject property, facing south.





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 31, 2022

Re: Petition SP2022-032

GENERAL INFORMATION

Applicant:

Angela Turner DBA Simmons Security & Protection Services, Inc.

Status of Applicant:

Property Owner
4110 North 112th Street
Kansas City, Kansas 66109

Requested Action:

Renewal of a Special Use Permit

Date of Application:

January 20, 2022

Purpose:

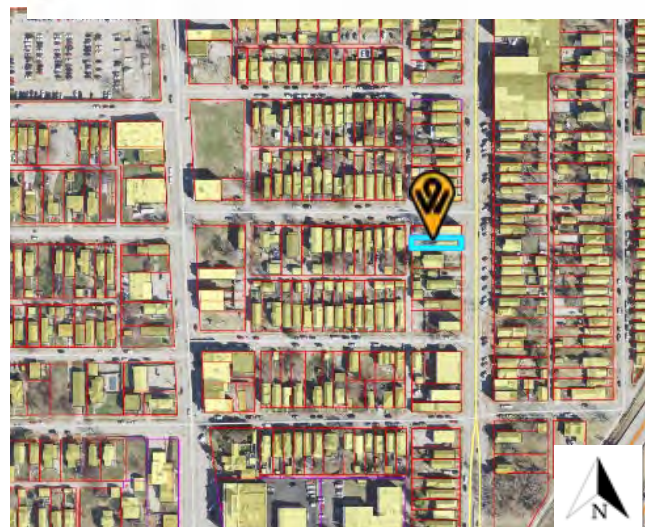
To continue to operate a security business.

Property Location:

423 North 5th Street
Kansas City, Kansas 66101

Commission Districts:

Commissioner At Large, District #2:
Tom Burroughs
District #2 Commissioner:
Brian McKiernan



Existing Zoning:

R-1 Single Family Residential District

Adjacent Zoning:	North:	C-3 (B) Commercial District
	South:	R-1(B) Single Family and C-3 Commercial Districts
	East:	R-1(B) Single Family District
	West:	R-1(B) Single Family District
Adjacent Uses:	North:	Mixed-Use Real Estate Office
	South:	Single Family Residence, Mixed-Use Deli, and Mixed-Use Driving School
	East:	Single Family Residence
	West:	Single Family Residence
Total Tract Size:	0.07 Acres	
Master Plan Designation:	The Central Area Master Plan designates this property as Urban Density. Urban Density uses include single family homes, attached residences including town homes, duplexes, triplexes, etc., and institutional uses such as schools, churches, and libraries.	
Major Street Plan:	The Major Street Plan designates 5 th Street as a Local Street.	
Advertisement:	<u>The Wyandotte Echo</u> – February 17, 2022 Letters to Property Owners – February 18, 2022 and March 23, 2022	
Public Hearings:	March 14, 2022 and March 31, 2022	
Public Support:	The Applicant received two (2) letters of support.	
Public Opposition:	None to date.	

PROPOSAL

Detailed Outline of Requested Action: The applicant, Angela Turner with Simmons Security & Protection Services, Inc., has applied for the renewal of a Home Occupation Special Use Permit for clerical and office paperwork associated with the operation of Simmons Security LLC. The subject property is a duplex and a long-term tenant lives upstairs while the business is run in the downstairs unit. This is the third renewal at this address and the applicant is seeking a renewal period of five (5) years.

This application is being heard adjacent to COZ2022-011 for a Change of Zone from R-1(B) Single Family Residence to R-2(B) Two-Family Residence and BOZA2022-014 for related variances regarding setbacks.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no recent noise or disturbance complaints for the subject property. The Applicant had two (2) improperly tagged vehicle responses and two (2) security alarm responses which were false alarms due to storms. The Applicant response summarized:
 - a. The improper/inoperable vehicle violations that occurred in 2014 and 2015 were the result of a previous tenant parking a vehicle in the rear of the property that was inoperable and/or had expired tags. At the time that we received the code violation notice, we worked with the tenant to get the car operable and tagged within the required timeframe. This tenant no longer lives at the property. Twice in the past two (2) years the KCK Police Department was dispatched to the property because the building alarm was going off. Once the alarm had malfunctioned and the Police were canceled. The other time a sensor on the back door was damaged by excessive rain and the Police checked the property to make sure the doors were secure.

Building or Code Enforcement Complaints:

2. The current property owner has received no building enforcement complaints.
3. The current property has received a few code enforcement complaints in the past ten (10) years:
 - a. 2015: 15200-01728 – unlicensed/inoperable vehicle on property (closed)
 - b. 2014: 14200-01424 – unlicensed/inoperable vehicle on property (closed)
 - c. 2011: 11200-03772 – dead tree in backyard

Outstanding or Related Permits and Cases:

1. The applicant has two (2) related cases running concurrently:
 - a. COZ2022-011 – Change of Zone from R-1(B) to R-2(B)
 - b. BOZA2022-014 – Variances for Setbacks
2. The applicant has prior Special Use Permits for the same use:
 - a. 2020: SP2020-18 – Two (2) Years
 - b. 2019: SP2019-30
3. There are no outstanding building permits.
4. The current property owner has no outstanding Code Inspection Cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This project is in the Strawberry Hill neighborhood. Lots are generally narrow and urban in character. Commercial buildings along this street typically are composed of brick masonry or natural stone. Homes in this area are generally a combination of masonry and siding. There are various signs of improvements including repaved streets, pedestrian-scale street lighting, and the brick sidewalks are maintained. The neighborhood lacks sufficient parking but is generally walkable with transit access.

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 surrounding properties vary in usage from a deli-style restaurant, real estate company, and single-family residences. The mixed-use nature of these nearby properties indicates the proposed use of a home occupation would be compatible.

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

The property is suitable for a home occupation as it is adjacent to more intense business uses. The property is a duplex and serves as a buffer between the adjacent business and single-family residences. There is little possibility for increased parking demand as the company does not have several employees or frequent patrons with only occasional visits by employees. The neighborhood generally favors walkability over a high traffic presence.

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

The property is not vacant and has been used as a combination rental unit with office since the applicant purchased the property in 1999.

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

Special Use Permits are not addressed in the Central Area Master Plan. The Central Area Master Plan classifies the subject property as Urban Density. The Urban Density land use designation allows for primarily single-family homes, attached residences including town homes, duplexes, triplexes, etc., and institutional uses such as schools, churches, and libraries. The proposed use has an average degree of conformance to the plan's designation as the building is a duplex in structure.

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 current design of the neighborhood does not provide sufficient parking for multiple mixed-use buildings. There are some on-street parking spaces although it is considered insufficient. Home office activity at this property's lower unit should not be considered an aggregate factor for insufficient parking more so than the parking would be if it were to be used as a residential dwelling unit. This property has been occupied only by the office administrator on a daily basis and occasionally when an employee needs to complete paperwork. This block of 5th Street has ample sidewalk and pedestrian connectivity.

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, as it is a private business. It is not concluded that the activity commonly associated with a home occupation clerical activity at this space would substantially injure the appropriate use, visual quality, or marketability of any adjoining property.

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

There is a little potential for noise, vibration, or illumination to be a problem at this location, as it is primarily an office space for paperwork and clerical activities.

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

There is no substantial potential for the pollution of the air, land, or soil as it is within a built-out, mixed-use urban neighborhood.

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

The proposed use would not damage or destroy an irreplaceable natural resource as it will operate within 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.*

There is little to no gain to the public health, safety, and welfare as it is a private business. The public would benefit from continuing use of the business bringing some economic activity. Denying the Special Use Permit may cause hardship for the property owner as they would be unable to continue operation their business at this establishment. The applicant has indicated that many employees of this

company live in the neighborhood and do not have private transportation, demonstrating their need to be in close proximity to their employment.

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 as the business will operate within an existing building. There is no expected population increase as there is only one (1) daily employee with the occasional other employees who visit infrequently. The applicant has previously stated that there is a maximum of three (3) persons in the office on these infrequent occasions.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on February 23, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Building Conformance
Home Occupation
Noise
Traffic
Mixed-Use Neighborhood
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-32**, for **five (5) years**, subject to:

1. **House of Operation shall remain Monday thru Friday 8:00 am to 5:00 pm.**
2. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
3. **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 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,

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

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 **SP2022-032** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Statement of Purpose
Neighborhood Meeting Information
Letters of Support
Conservation District Comment Letter
Staff Site Photos Dated February 10, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commissioners
Public Hearing	March 14, 2022	March 31, 2022
Special Use	Approval	

STAFF CONTACT: **Kallie McLaughlin**
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-032** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-032** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

March 14, 2022 City Planning Commission Minutes:

Hearing starts at Tape 1 - 4:38:38 and continues on Tape 2:

CHANGE OF ZONE APPLICATION COZ2022-011 – ANGELA M. TURNER –

SYNOPSIS: Change of Zone from R-1 Single Family District to R-2(B) Two Family District to bring existing duplex into compliance at 428 North 5th Street.

SPECIAL USE PERMIT APPLICATION SP2022-032 – ANGELA M. TURNER –

SYNOPSIS: Renewal of a Special Use Permit (SP-2020-18) to operate a security company office at 428 North 5th Street.

Detailed Outline of Requested Action: The applicant, Angela Turner with Simmons Security & Protection Services, Inc., is requesting a Change of Zone from R-1(B) Single Family District to R-2(B) Two-Family District. The Change of Zone has been requested so that the non-conforming use becomes conforming. The subject property was originally constructed as a duplex but was downzoned with the adoption of the Central Area Master Plan. The subject property is a duplex and a long-term tenant lives upstairs while the applicant's business is run in the downstairs unit. The applicant rents the upstairs unit and rental licensing requires the zoning to reflect the building's physical condition. As part of the Change of Zone approval, a variance is requested for setbacks of the R-2(B) Two-Family Residential District requirements.

This application is being heard adjacent to BOZA2022-014 for setback variances and SUP2022-032 for a Home Occupation Special Use Permit to continuously operate the Applicant's private security business in the lower unit.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 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 March 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Planning Director Hand excused himself from the proceedings on this case as he is in the 200' buffer area and did not have any input in this application during staff review and the staff report. Planner Kallie McLaughlin took over as staff.

Present in Support:

- Angela Turner, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at Tape 2 – 2:27: Planner McLaughlin stated that the applicant filed her Special Use Permit renewal, and this would be the third renewal. She is requesting a five (5) year renewal period. During the review period, it was discovered that she has a duplex with single family zoning. This property has always been a duplex as far back as the staff could research. Staff is not sure when the property was rezoned to residential. The parking variance was approved by the Board of Zoning Appeals earlier this evening.

Motion and Vote starts at Tape 2 – 4:44:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-011:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present

Straws Aye

Ward Aye

Armstrong Aye

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-014. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-014 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. If approved, rental licensing shall be maintained on any non-owner occupied unit;
3. If approved, any use as a short-term rental or non-owner occupancy for a period of less than 30 days shall require a Special Use Permit;
4. If Approved, the Applicant shall make repairs to the rear sidewalk and driveway to UG Standards, possibly requiring a Right of Way Permit from Public Works;
5. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly; and,
6. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-032 for five (5) years:**

Carson Chairman

Connelly Aye

Ernst Aye

Jones Aye

Miller Not Present

Mohler Aye

Pauley Not Present

Straws Aye

Ward Aye

Armstrong Aye

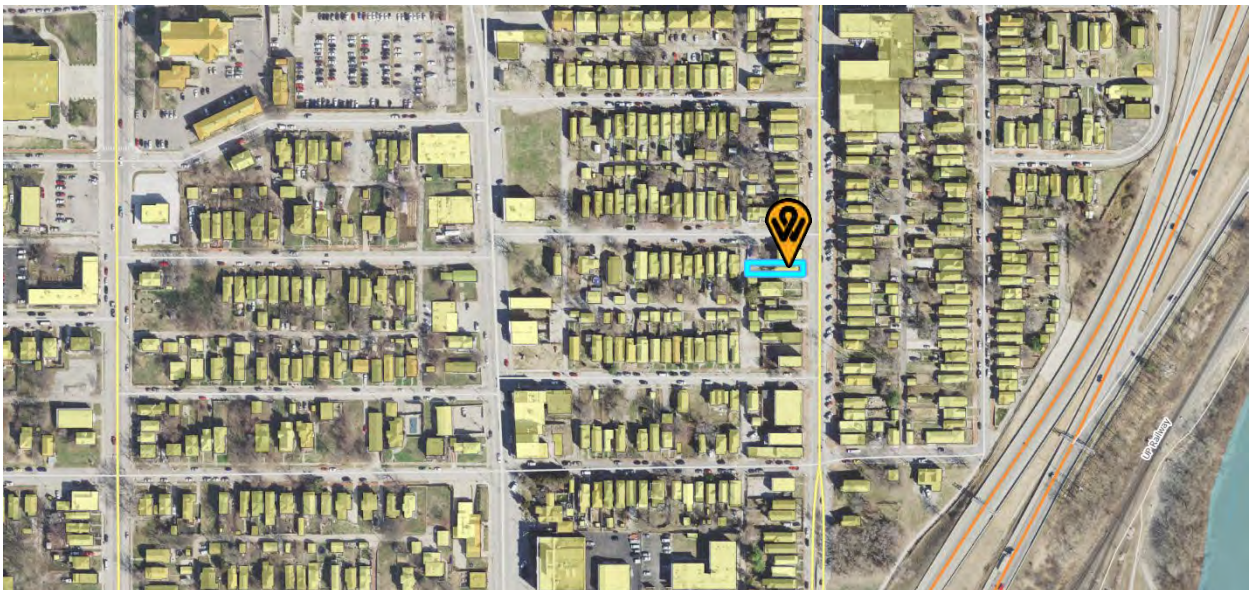
Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

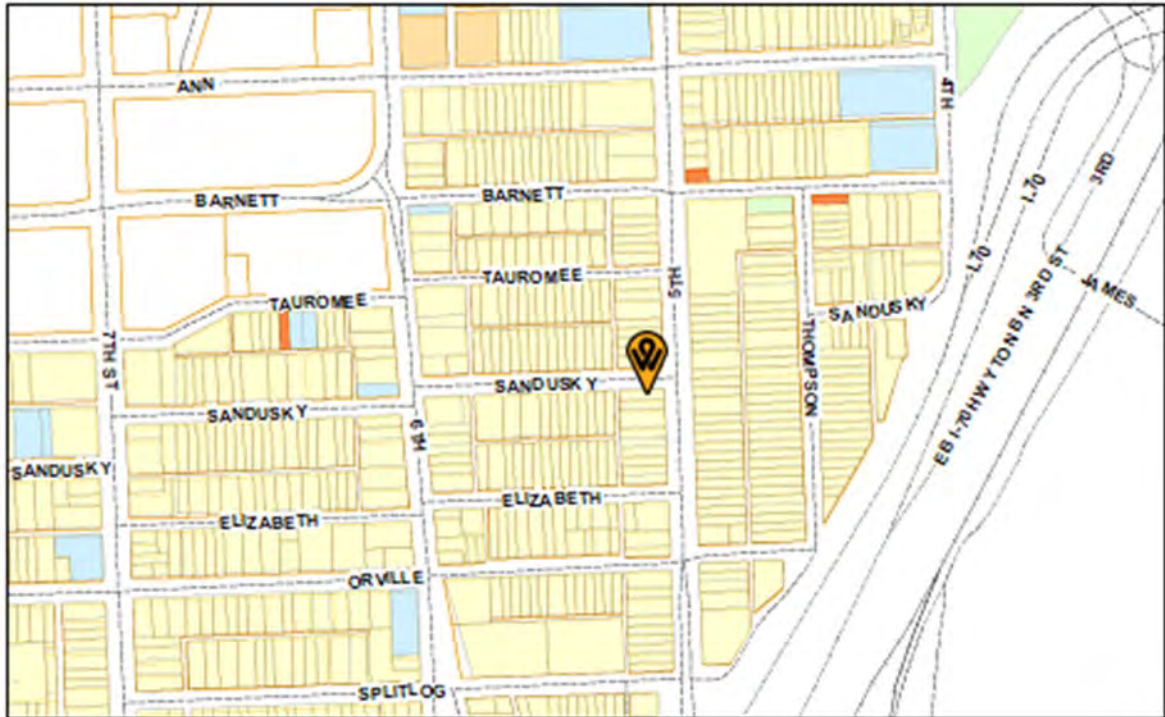
1. House of Operation shall remain Monday thru Friday 8:00 am to 5:00 pm.

2. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
3. 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 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,
4. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

AERIAL MAP



LAND USE MAP



Legend

Central_Area_MP_parcel

Future Land Use

- | | |
|---|----------------------------|
|  | Community Commercial |
|  | High-Density Residential |
|  | Medium Density Residential |
|  | Mixed-Use |
|  | Neighborhood Commercial |
|  | Parks/Open Space |
|  | Public/Semi-Public |
|  | Right-of-Way |
|  | Urban Density |
|  | Utility |

APPLICANT STATEMENT OF PURPOSE

Angela Turner, Simmons Security & Protection Services, Inc.
Special Use Permit Application
4 Answer

We believe the request for the Special Use Permit is justified because there are similar properties within the neighborhood block that are designated for both commercial and residential use, including the property next to this duplex.

At the request of UG Urban Planning and Land Use staff, we are also completing an application requesting the property be zoned R-2(B), instead of the current zoning of R-1.

The upstairs unit of the duplex will remain available for residential use.

The structural integrity and general overall appearance of the property will not change.

We will continue to make cosmetic improvements to the property, and keep it well maintained.

There will be low traffic, and no additional parking is needed.

Our office is not open to the public.

Typically, only one staff member is in the office on a daily basis.

We will operate the office during normal business hours, Monday thru Friday 8:00am to 5:00pm.

This Special Use Permit will allow us to be able to continue to locate our small business in Downtown Kansas City, KS.

In the past three years that we have been granted the Special Use Permit, we have not had any code violations, there has been no increased traffic to the property, there have been no complaints from the neighbors, and we have picked up trash around the property on a daily basis.

01/20/2022

NEIGHBORHOOD MEETING INFORMATION



SIMMONS SECURITY

428 N. 5th Street #1 • Kansas City, KS 66101
Office (913) 621-8668 • Fax (913) 721-1478
www.simmons-security.com

February 11, 2022

Subject: Neighborhood Meeting

My husband John and I have owned the property at 428 N. 5th Street Kansas City, KS since 1999.

I have filed an application with the Department of Urban Planning and Land Use (SP2022-032). The purpose of this application is for the **Renewal** a **Special Use Permit** use for office space for a private security guard company at **428 N. 5th Street Apt. 1 Kansas City, KS 66101.**

At the request of the Unified Government of Wyandotte County Department of Planning & Urban Design, I have also submitted an application for a Change in Zone from R-1 to R-2(b) (COZ2022-011) and a variance for the setback requirements for the property (BOZA2022-014).

It appears that sometime in 2003, the UG practiced "down zoning" of properties and, at that time, our property was "down zoned" to R1. The property has functioned as a duplex for more than thirty (30) years, and was zoned R-2 when we purchased it in 1999. When the municipal code rewrite took effect in 2018, the property was no longer allowed to be considered a "non-conforming" duplex, and as a result the UG has now requested that the zoning be updated. This zoning change **will not** result in any changes to the structure or function of the property both inside and out.

I am having a neighborhood meeting on **Wednesday, February 23rd at 5:00 pm** via Zoom.
The purpose of this meeting is to explain the proposal and to answer any questions you may have.
Below is the log on credentials for the meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/89645158828?pwd=d3dNUXpORy9rUFEwZk9ZRWZyUHB3QT09>

Meeting ID: 896 4515 8828 Passcode: 057423

If you would like me to email you the link to the meeting, please let me know at the address or email listed below.

I look forward to "seeing" you at the neighborhood meeting. If you are unable to attend, please call or email me at the email address/phone numbers listed below with any questions you have.

Sincerely,
Angela Turner
Simmons Security & Protection Services, Inc.
(913) 621-8668 office
(816) 507-9363 cell
aturner@simmons-security.com

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

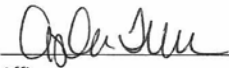
STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

COZ2022-011/SP2022-032/BPZA2022-014

1. That I am the petitioner for Petition # _____.
2. That I conducted a neighborhood meeting on February 23, 2022 @ 5:00pm
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 _____, 20__.

My commission expires _____ of _____, 20__.

Notary Public

NEIGHBORHOOD MEETING INFORMATION

Neighborhood Meeting for Special Use Permit Petition

#SP-2022-032, #COZ2022-011, #BOZA2022-014

428 N. 5th Street Kansas City, KS 66101

Thursday, February 23, 2023 5:00 pm

Via Zoom:

<https://us02web.zoom.us/j/89645158828?pwd=d3dNUXpORy9tUFEwZk9ZRWZyUHB3QT09>

Attendance Record:

Name	Address and/or Organization
Angela Turner	428 N. 5 th Street KCK, Property Owner and Simmons Security

NEIGHBORHOOD MEETING INFORMATION

Minutes for
Neighborhood Meeting for Special Use Permit Petition
#SP-2022-032, #COZ.2022-011, #BOZA2022-014
428 N. 5th Street Kansas City, KS 66101
Thursday, February 23, 2023 5:00 pm

Via Zoom:
<https://us02web.zoom.us/j/89645158828?pwd=d3dNUXpORy9tUFEwZk9ZRWZvUHB3QT09>

Meeting called to order at 5:00 pm

*Angela Turner was the only person who attended the neighborhood meeting.

Introductions

I, Angela Turner, Simmons Security & Protection Services, Inc.

Presentation by Angela Turner

-The attached Flyer was available for attendees.

Questions and Answers:

-No questions were asked.

Comments:

-No comments were made.

Meeting adjourned at 5:15pm.

Angela Turner continued the online Zoom meeting until 5:20 pm, in case anyone else arrived after the meeting had been adjourned.

NEIGHBORHOOD MEETING INFORMATION

Neighborhood Meeting for Special Use Permit Petition

#SP-2022-032, #COZ2022-011, #BOZA2022-014

428 N. 5th Street Kansas City, KS 66101

Thursday, February 23, 2023 5:00 pm

Via Zoom:

<https://us02web.zoom.us/j/89645158828?pwd=d3dNUNpORy9tUFEwZk9ZRWZyUHB3QT09>

By Angela Turner, Simmons Security

<u>Improvements Made to Property</u> -Since purchase in 1999- • Installed siding on exterior of property • Removed 3 trees to improve lighting • Installed storm doors and windows • Maintained grass and sprayed for weeds • Pick up trash in alleyway and sidewalks • Spray and trim weeds in alleyway adjacent to the property • Replaced landscaping in the front of the property	<u>Simmons Security</u> • Started business in 2007 • Provide Security Guard and Off-Duty Sworn Officer Security Services • Employ 8 full time and 16 part time Wyandotte County residents • Locally owned and operated small business • Strive to improve the perception of safety in the communities we serve.
<u>Special Use Permit Application</u> • Operate our Administrative Office in 428 N. 5th Street Apartment #1 • Office Hours by Appointment Only, 8:00 am to 5:00 pm Monday thru Friday • Only 1 employee in the office on a regular basis • Prospective employee interviews • Employee orientation, 2-3 employees • Employees report directly to their assigned post location and do <u>not</u> come to the Administrative Office regularly • We are not open to the public • We do not sell products or services to the general public	<u>Impact on the Neighborhood</u> • Safety and security is our priority • Been observant of the area and reporting any issues to KCKPD • Worked with Community Policing and submitted surveillance video regarding crimes • Maintained a close relationship with Law Enforcement • No additional noise or vehicular traffic • Picked up trash around our property and in the alley on a regular basis • Interacted with neighbors and attended neighborhood meetings • Assisted neighbors with getting graffiti covered through Operation Brightside
<u>Zoning Change and Variance Application</u> • Property was built in approximately 1910. • The property has functioned as a duplex for more than 30 years. • In 2003, the UG practice "down zoning" in the Strawberry Hill and Downtown areas in order to promote revitalization. • Due to improvements made to 5th Street and building practices in the early 1900s, the property currently does not meet the setback requirements.	

LETTERS OF SUPPORT

WILLIAM W. HUTTON
ATTORNEY AT LAW
509 Armstrong Avenue
Kansas City, Kansas 66101-2925
(913) 371-1944
Facsimile (913) 281-1320
wwhutton54@gmail.com

February 7, 2022

City Planning Commission and Board of Commissioners

Re: Special use permit: 428 North 5th Street

Dear Commission Members:

I am again writing this letter on behalf of Simmons Security. They provide the cleaning services and security program for the Downtown Shareholders. The attorney's in my office, my staff, and I are extremely supportive of the renewal and extension of the Special Use Permit for Simmons's Office at 428 North 5th Street. They have been an excellent neighbor. They do not cause any traffic or other problems and provide another set of eyes and ears for our 5th Street Neighborhood. Their office is a positive addition to the 5th Street corridor.

It is my understanding that Simmons Security has submitted a change of Zone Petition to R-2 (b), and a setback variance. I am absolutely supportive of both requests. The Turners have owned this property since 1999 and met all expectations as a good neighbor. Please consider approval of 5-year Special Use Permit as well as rezoning to R-2 B and the necessary set back variance.

Thank you for your consideration.



William W. Hutton
509 Armstrong Avenue
Kansas City, Kansas 66101

LETTERS OF SUPPORT



OFFICERS

President

Wil Anderson

Vice President

Jim Schraeder

Secretary

Linda Bowman

BOARD OF DIRECTORS

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Jody Franchett

Greg Gant

Bill Hutton

Mary Kearns

Martin Quinn

Murray Rhodes

Tim Ryan

EX-OFFICIO

Mayor/CEO David Alvey

UG Commissioner

Brian McKiernan

Rob Richardson

Greg Kindle

STAFF

Jason Norbury

Mary Collins

February 16, 2022

Gunnar Hand

Director of Planning and Urban Development

Unified Government of Wyandotte County and Kansas City Kansas

Re: COZ 2022-011 Change of Zone
SP 2022-032 SUP Renewal
Letter of Support

This letter is in support of approval for two Applications - COZ 2022-011 and SP 2022-032, Simmons Security and Protection Services, Inc.'s application for change of zone and renewal of a Special Use Permit. Simmons Security continues to be a valued partner to Downtown Shareholders, as well as being an outstanding neighbor and community asset, and their application should be approved as such.

Simmons Security continues to serve as the contractor for the SSMID Clean and Safe Ambassador program, having again been granted the administration contract through an RFP in 2021. Downtown Shareholders as well as the SSMID Advisory Board have been extremely happy with the service they provide, and the results of their work is clear every day as people move around Downtown. Keeping their office in the Downtown is important to them and is important to us, as it makes their supervision of the Ambassadors more responsive and effective.

The building they occupy has been used as a duplex for as long as anyone can remember, and for the entirety of the time the Turners have owned the property. Bringing the building's zoning categorization into alignment with the long term use seems an easy thing to allow, and will have no change in impact on the surrounding neighborhood. Additionally, the properties along 5th Street have a mix of uses, and the current use of the property is only slightly more intense than a single family home.

Since moving to 5th Street, Simmons has also proven to be a valuable neighborhood partner to Strawberry Hill, participating in their neighborhood association meetings, and working with other neighbors to increase safety and coordinate with law enforcement to prevent crime as well as bring those who commit it to justice. Angela checks on elderly neighbors, and really cares about taking care of those around her.

In short, Simmons' presence in Strawberry Hill and Downtown makes both a better, cleaner, and safer place to be. Please recommend the application for approval.

Sincerely,

Jason Norbury
Executive Director
Downtown Shareholders of Kansas City, Kansas, Inc.

726 Armstrong Ave, Ste 201 | Kansas City, KS 66101 | 913-371-0705
director@kckdowntown.org | www.downtownkck.org

CONSERVATION DISTRICT COMMENT LETTER



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

February 15, 2022

RE: COZ2022-011, SP2022-032 and BOZA2022-014 Angela Turner R-1 single family to
R-2 for duplex at 428 North 5th Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of
the: COZ2022-011, SP2022-032 and BOZA2022-014 Angela Turner R-1 single family to
R-2 for duplex at 428 North 5th 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 COZ:

- There is one major soil type identified: Knox silt loam, 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- The duplex site as is, should not cause any erosion problems. The duplex is established and well maintained.

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.

CONSERVATION DISTRICT COMMENT LETTER

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

STAFF SITE VISIT PHOTOS DATED FEBRUARY 10, 2022



STAFF SITE VISIT PHOTOS DATED FEBRUARY 10, 2022





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 31, 2022

Re: Vacation Petition VAC2021-011

GENERAL INFORMATION

Applicant:

Rachel Bichara DBA
Good News Rentals, LLC

Status of Applicant:

Property Owner
5901 East 97th Street
Kansas City, Missouri 64134

Requested Actions:

Approval of a Vacation.

Date of Application:

September 24, 2021

Purpose:

To vacate the alleyway adjacent to the property in order to provide the property required off-street parking.

Property Location:

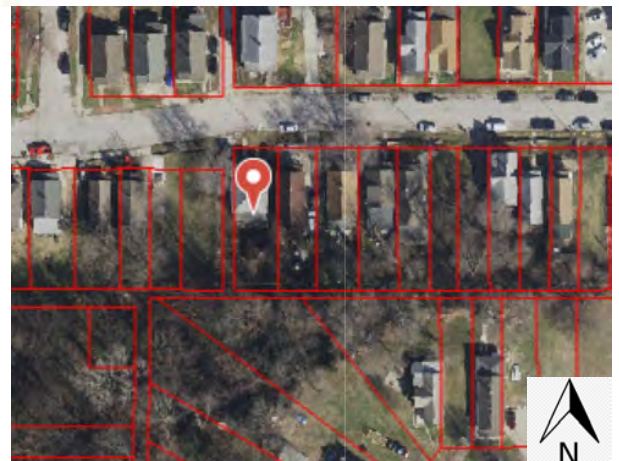
731 Tenny Avenue
Kansas City, Kansas 66101

Commission Districts:

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

Existing Zoning:

R-2(B) Two Family District



Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1 (B) Single Family District
Adjacent Uses:	North: Two-Family Residence South: Single Family Residence East: Single Family Residence West: Vacant Lot (Landbank) Utility Easement
Total Tract Size:	0.0957 Acre
Master Plan Area:	The Subject Property is within the Central Area Master Plan.
Master Plan Designation:	The Central Area Plan designates this Property as Public/Semi-Public. Allowed uses for this land designation include publicly owned or non-profit property and encouraged uses include schools, public land and buildings, churches, and non-profits.
Major Street Plan:	The City-Wide Master Plan designates Tenny Avenue as a Local Street.
Parking Requirement:	R-1(B) District (existing zoning): Section 27-455(d) requires two (2) off-street parking space premises for each single-family dwelling. R-2(B) District (proposed zoning): Section 27-457(d) requires one (1) off-street parking spaces premises for each dwelling. The subject property currently has no off-street parking due to a prior utility alleyway right of way designation, which was addressed in the conditions of approval of the prior Chang of Zone. Two (2) spaces are required, none are currently provided.
Advertisement:	<u>The Wyandotte Echo</u> – November 18, 2021 and January 20, 2022 Letters to Property Owners – November 18, 2021, December 6, 2021, January 3, 2022, February 16, 2022 and March 24, 2022
Public Hearings:	March 14, 2022 and March 31, 2022
Public Support:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Rachel Bichara, is requesting a Vacation of the alleyway adjacent to the subject property at 731 Tenny Avenue. The Applicant previously requested a Change of Zone from R-1(B) Single Family District to R-2(B) Two-Family District. The Vacation has been requested so that the legal non-conforming use becomes conforming. The subject property was originally constructed as a duplex with a carriage-house style garage and third living unit above the garage. The previous owner has demolished the carriage house garage, leaving only the duplex and driveway. The Applicant desired the rezone to complete appropriate renovations and to obtain a rental license, which requires the zoning to reflect the building's physical condition. The driveway access was at some time subdivided from the subject property and adjacent parcel to grant right-of-way utility access, leaving the subject property without access to the parking and without the use of the intended shared drive with the adjacent parcel (731 H Tenny Avenue). The applicant must obtain off-street parking to meet the zoning requirement.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 27-606.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. The current property owner has received no building or code enforcement complaints

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits but is in process of applying for them to correct utility metering issues and to renovate the property. The Applicant has obtained a prior building permit to fulfil the requirements of the Change of Zone to replace the front exterior window and has a plumbing permit that expired, as she needs to find a new contractor and is mid-renovation.
 - a. RES21-0550: Residential Misc. Improvements: Replace Window Per City Requirement (issued, in progress)
 - b. PLM21-0176: Plumbing – Repair Expansion Tank (expired, needs renewal)

2. The prior property owner received a permit to repair the garage in the rear, but demolished the structure, leaving the building permit outstanding. The Applicant has been advised to have Building Inspection close the old permit.
 - a. 18300-00004: Residential Repair – Garage Roof Repair (issued – needs to be closed by Applicant – Garage was demolished by prior owner)
3. The current property owner has no outstanding Code Inspection Cases.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is urban in character. Lots are average for urban densities and are approximately twenty-five (25) feet in width. There streets are mostly asphalt and driveways are often concrete approaches with asphalt driveways. Roads do not have curbs or gutters, and brick sidewalks only exist on one (1) side of the street. This block of Tenny Avenue is adjacent to the 7th Street Trafficway commercial corridor.

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

The subject alleyway in petition has been transformed into a driveway and can be vacated without any foreseen adversity.

3. 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

Sanitary sewer is provided by public sewer.

c. Storm water control

Stormwater is still joined with the Sanitary Sewer, and a Sewer inlet is located directly in front of the subject property.

d. Police

Police service is provided by East Patrol, District #114.

e. Fire

Fire service is provided by Station #9.

f. Transit

The subject property receives bus service via Route #107 at the intersection of Tenny Avenue and 7th Street Trafficway.

g. Schools

Education is provided by Kansas City, Kansas USD #500.

h. Streets

See item #6 above.

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

There will be no change to the design of the street with this vacation. The applicant has a condition of approval to improve the curb, apron, sidewalk, and approach of the vacation as part of a condition of approval for this and their previous Change of Zone request.

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

There will be no change in the arrangement of buildings, parcels, streets, or otherwise with this vacation that would affect adequate light, open space or air, to facilitate fire protection, or long-term sustained real estate values.

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

There will be no change to the development pattern, natural features, vegetation, or topography with the vacation as the alleyway is already existing in a built environment.

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

There will be no change in accessibility for schools, parks, playgrounds, or other community services as this is a built environment within an existing neighborhood.

8. ***Vacation will not create utility conflicts.***

The alleyway was originally created for utility access, however, the ability to access these utilities will not be diminished in the granting of this vacation as it will be used for a driveway and any future utility will have the right to re-enter.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 18, 2021 by Virtual Meeting.

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

KEY ISSUES

Structural Compatibility
Parking and Driveway Access
Zoning
Land Use
Access to Utility Easements

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Vacation Application **VAC2021-022**, subject to:

1. **The vacation must be entirely gained to the property of 731 Tenny and not split amongst 731 Tenny and 731 Tenny H;**
2. **If approved, the applicant shall reset the brick sidewalk, repair the curb and driveway apron in accordance with UG Standards. The driveway must be an improved surface, staff recognizes a permeable pavement drive to the grade;**
3. **A building permit is required. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;**
4. **Provide curb and five (5) foot wide public sidewalk in accordance with UG standards and criteria. See UG detail i.e., UG 4100-O;**
5. **Applicant agrees to maintain erosion during construction of sidewalk and curb and apron repairs;**

6. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition;
7. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
8. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;
9. Applicant secures a letter from the Landbank stating that they do not object to them receiving the entire vacated property; and,
10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper. The applicant has filed and maintained a current business occupation

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners **APPROVE** Petition **VAC2021-011** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Sanborn Insurance Map of Parcel showing Three (3) Dwelling Units and Accessory Structure
Photos Provided by Applicant Dated September 24, 2021
Vacation Exhibit
Photo from Google Maps
Planning Engineering Comment Letter
Neighborhood Meeting Comments
Neighborhood Meeting Affidavit
Staff Site Photos Dated October 21, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Vacation	March 14, 2022	March 31, 2022
	Approval	

STAFF CONTACT: **Kallie McLaughlin**
 kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition VAC2021-011 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition VAC2021-011, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

March 14, 2022 City Planning Commission Minutes:

Hearing starts at Tape 2 – 2:23:40:

VACATION APPLICATION VAC2021-011 – RACHEL BICHARA WITH GOOD NEWS RENTALS LLC – SYNOPSIS: Vacation of an alley to add residential parking at 731 Tenny Avenue.

Detailed Outline of Requested Action: The Applicant, Rachel Bichara, is requesting a Vacation of the alleyway adjacent to the subject property at 731 Tenny Avenue. The Applicant previously requested a Change of Zone from R-1(B) Single Family District to R-2(B) Two-Family District. The Vacation has been requested so that the legal non-conforming use becomes conforming. The subject property was originally constructed as a duplex with a carriage-house style garage and third living unit above the garage. The previous owner has demolished the carriage house garage, leaving only the duplex and driveway. The Applicant desired the rezone to complete appropriate renovations and to obtain a rental license, which requires the zoning to reflect the building's physical

condition. The driveway access was at some time subdivided from the subject property and adjacent parcel to grant right-of-way utility access, leaving the subject property without access to the parking and without the use of the intended shared drive with the adjacent parcel (731 H Tenny Avenue). The applicant must obtain off-street parking to meet the zoning requirement.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 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 March 14, 2022;
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 the property owners.

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation starts at Tape 2 – 2:24:50: Planning Director Hand stated that this case is related to Change of Zone COZ2021-042 approved a couple of months ago from R-1 Single Family District to R-2 Two Family District. This property is in the Central Area Master Plan and was originally planned to have a “T” alleyway. He further stated that the street did not connect because of the overgrowth and slope to the rear of the property. There are utilities behind these properties. There is a “T” alley across Tenny to the north. This has always, fictionally served as the property's driveway. It is adjacent to a Landbank property that was originally platted as a pocket park. The applicant is going to use this property for rentals. Director Hand stated that there are conditions of approval including one (1) that he would like to add by motion this evening. Staff has conditioned that the applicant reset the brick sidewalk, build a concrete apron to UG Standards and improve the driveway that is currently gravel. Staff would ask the applicant to secure a letter from the Landbank stating that they do not object to them receiving the entire vacated property. When property is vacated typically half goes to each owner. Staff has a verbal agreement with the Landbank Manager in the Economic Development Department, but would like the commitment in writing. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at Tape 2 – 2:27:45:

On motion by Ms. Armstrong, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of Vacation Application VAC2021-011:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

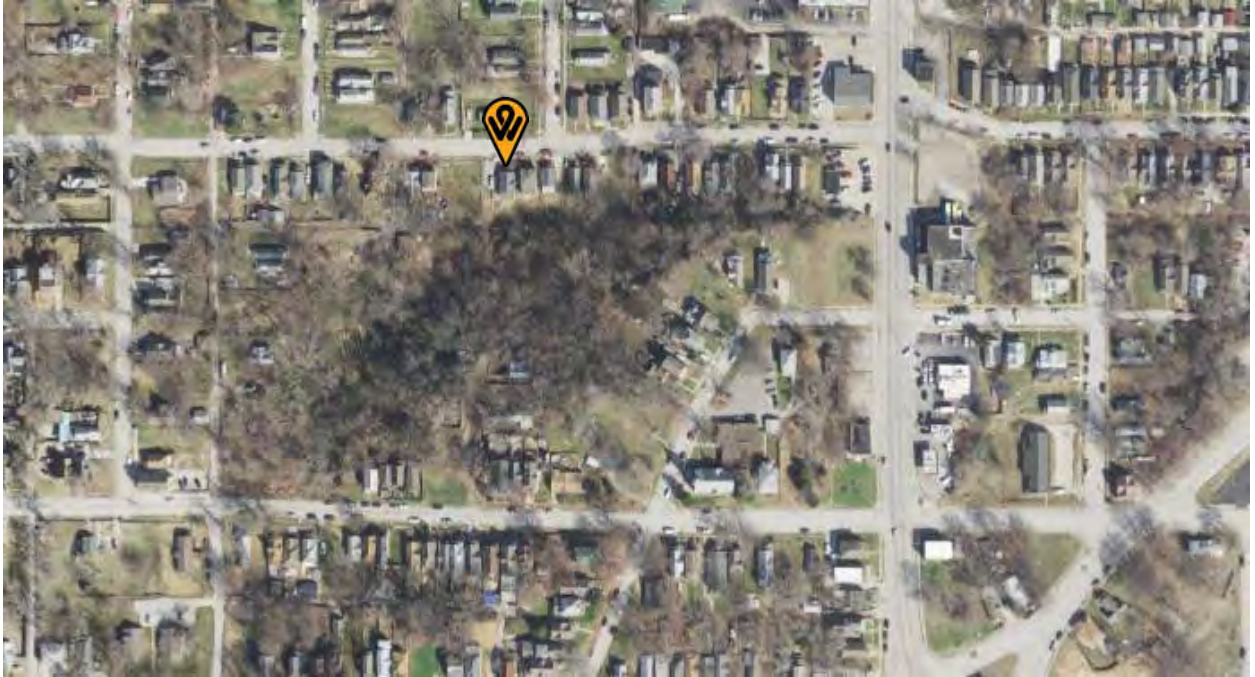
Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

1. The vacation must be entirely gained to the property of 731 Tenny and not split amongst 731 Tenny and 731 Tenny H;
2. If approved, the applicant shall reset the brick sidewalk, repair the curb and driveway apron in accordance with UG Standards. The driveway must be an improved surface, staff recognizes a permeable pavement drive to the grade;
3. A building permit is required. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;
4. Provide curb and five (5) foot wide public sidewalk in accordance with UG standards and criteria. See UG detail i.e., UG 4100-O;
5. Applicant agrees to maintain erosion during construction of sidewalk and curb and apron repairs;
6. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition;
7. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
8. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;
9. Applicant secures a letter from the Landbank stating that they do not object to them receiving the entire vacated property; and,
10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the

petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper
The applicant has filed and maintained a current business occupation tax application

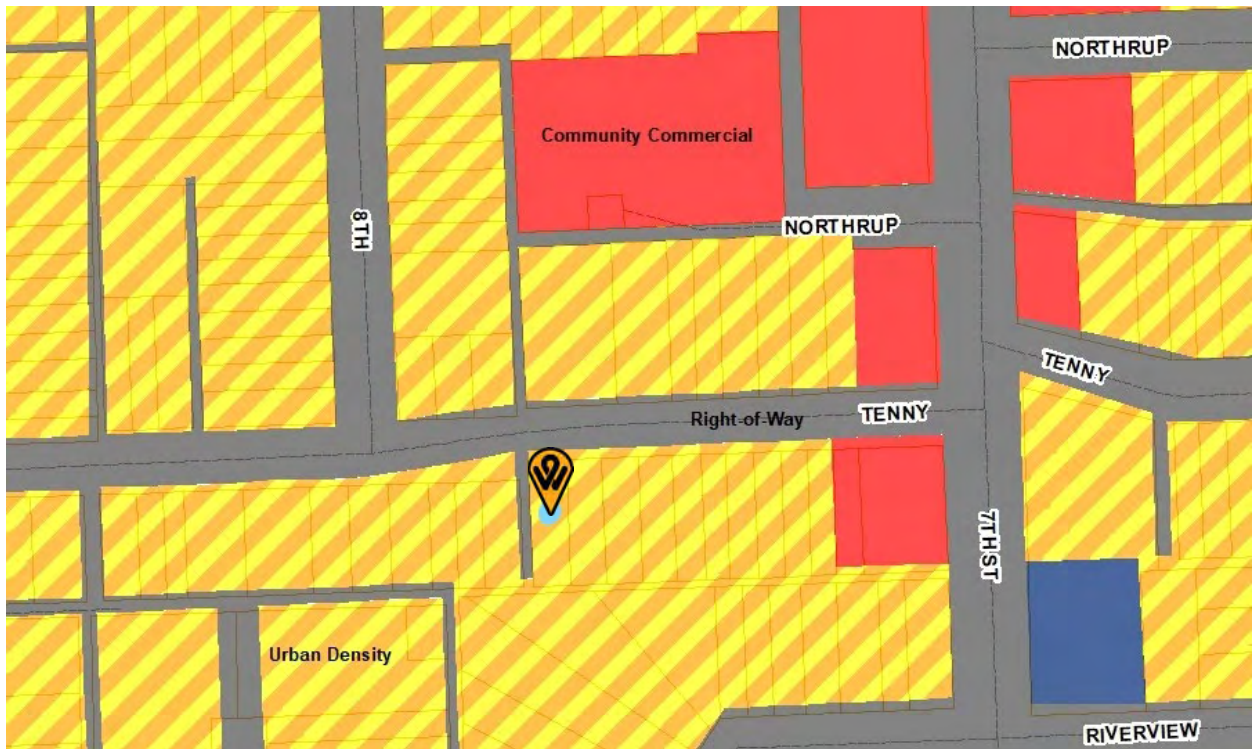
AERIAL MAP



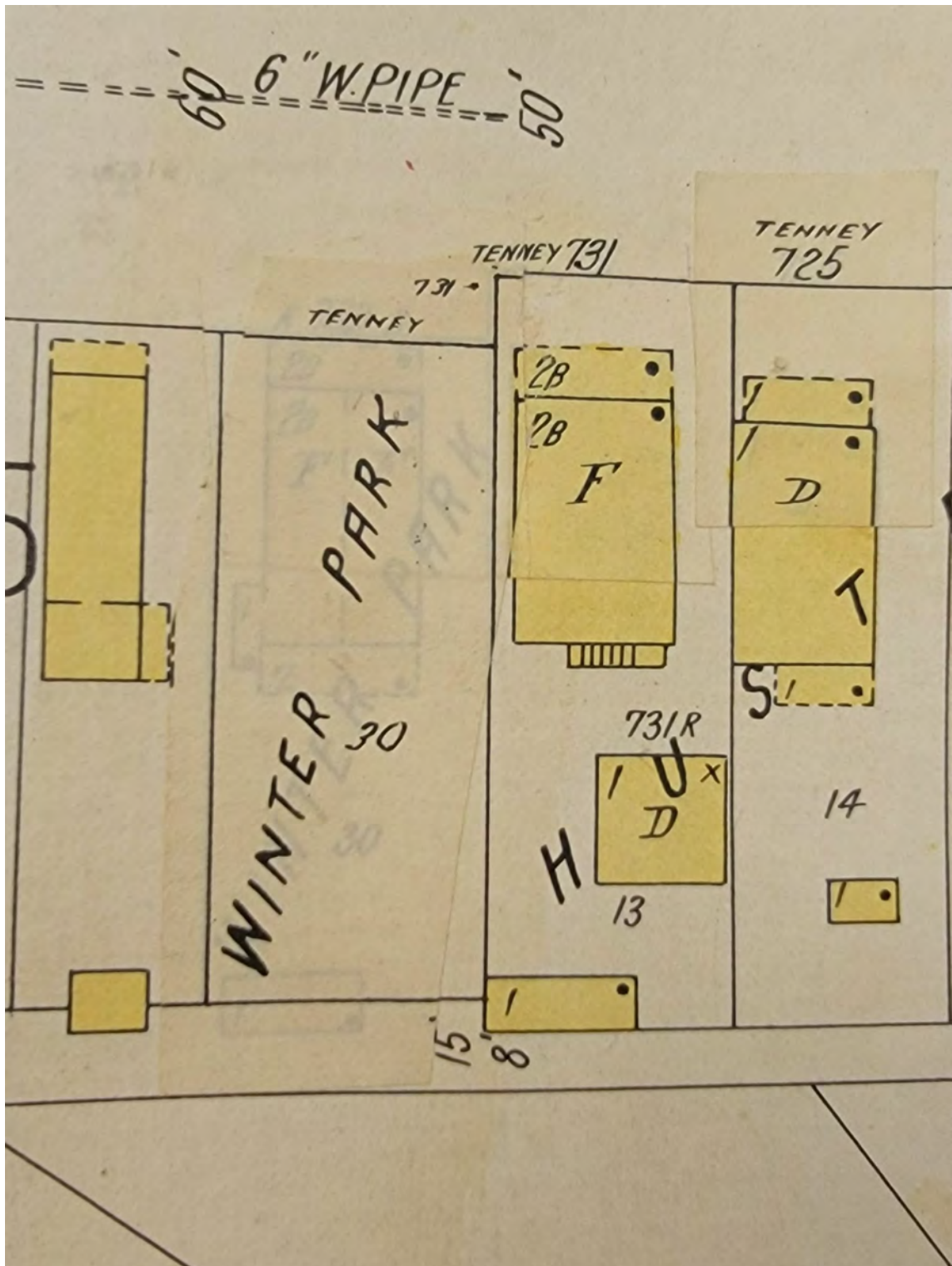
ZONING MAP



LAND USE MAP



**SANBORN INSURANCE MAP OF PARCEL SHOWING THREE (3)
ORIGINAL DWELLING UNITS AND ACCESSORY STORAGE**











VACATION EXHIBIT

EXHIBIT A 8' ALLEY VACATION, EAST OF AND ADJACENT TO LOT 30, WINTER PARK A SUBDIVISION IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS

DESCRIPTION

All that part of an 8.00 foot alley East of and adjacent to Lot 30, WINTER PARK, a subdivision of land recorded March 31, 1887 in Plat Book 3 Page 9, in Kansas City, Wyandotte County, Kansas, being more particularly described by William C. Anderson, LS-1527, with BHC, CLS 175 by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on an assumed North 00° 00' 00" East bearing.)

BEGINNING at the Northeast corner of said Lot 30;

Thence North 90° 00' 00" East, 8.00 feet, on the prolongation of the North line of said Lot 30, to the East line of an 8.00 foot alley, said East line being the common line of the East line of WINTER PARK and the West line of HUSTED AND BERRY'S ADDITION, a subdivision of land recorded in Plat Book 2 at Page 29A;

Thence South 00° 00' 00" East, 100.00 feet, on said common line to the Southwest corner of said Lot 13;

Thence North 90° 00' 00" West, 8.00 feet; to the Southeast corner of said Lot 30;

Thence North 00° 00' 00" West, 100.00 feet, on the East line of said Lot 30 to the POINT OF BEGINNING containing 800 square feet or 0.0184 acres.

APPROVED BY



Allen L. Greenwood
Deputy County Surveyor KS PS 654

Sheet:

1
OF
2

Drawn By: LJM
Project No: 033110
Field Date: N/A
Issue Date: 02/23/2022

Project:
EXHIBIT A - 8' ALLEY VACATION
EAST OF AND ADJACENT TO
LOT 30, WINTER PARK
KANSAS CITY
WYANDOTTE COUNTY, KANSAS

Client:

RACHEL BICHARA
5901 E 97TH STREET
KANSAS CITY, KS 66134

BHC
CIVIL ENGINEERING / SURVEYING / UTILITIES
712 State Avenue, Kansas City, KS 66101
Phone: (913) 371-5300

VACATION EXHIBIT

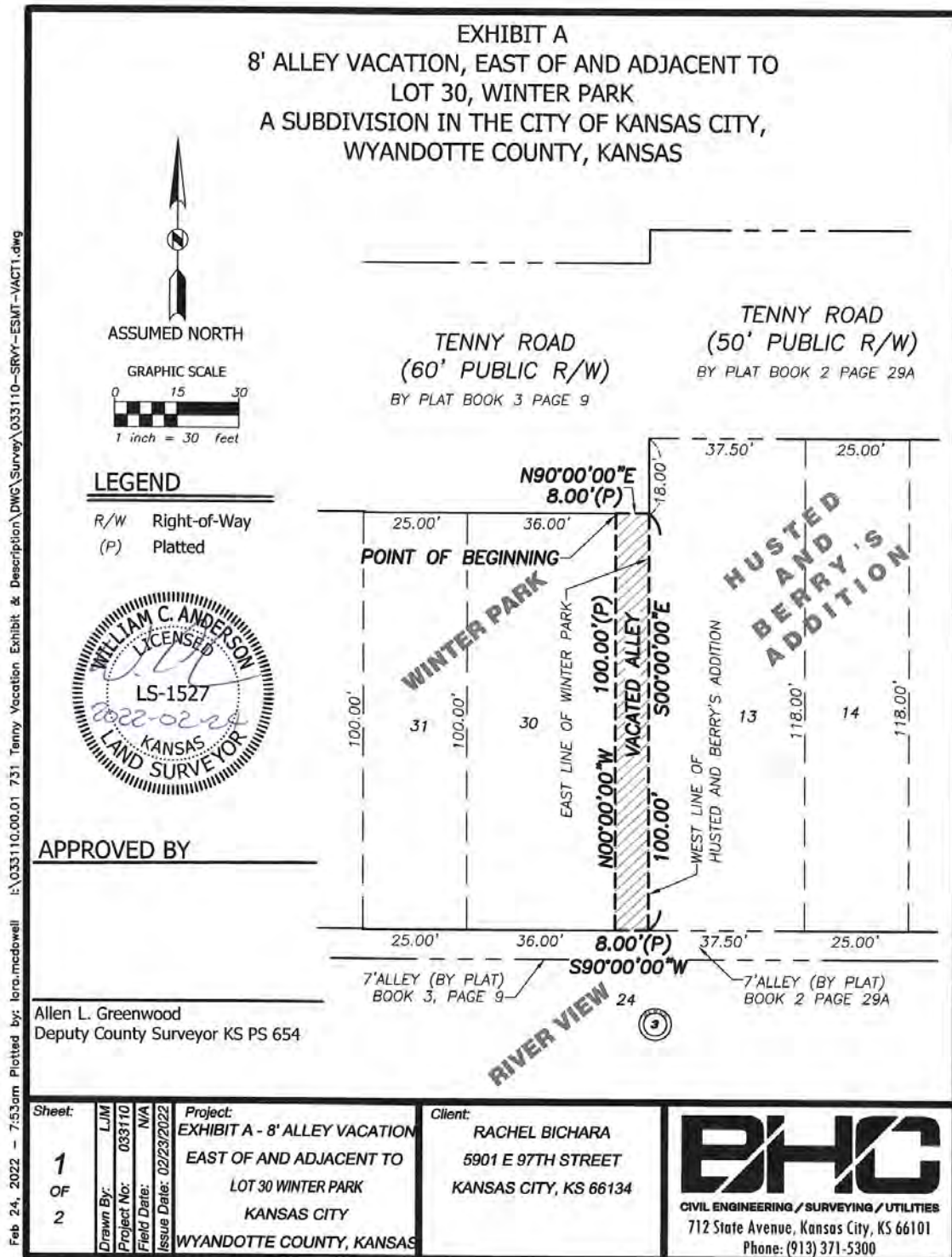
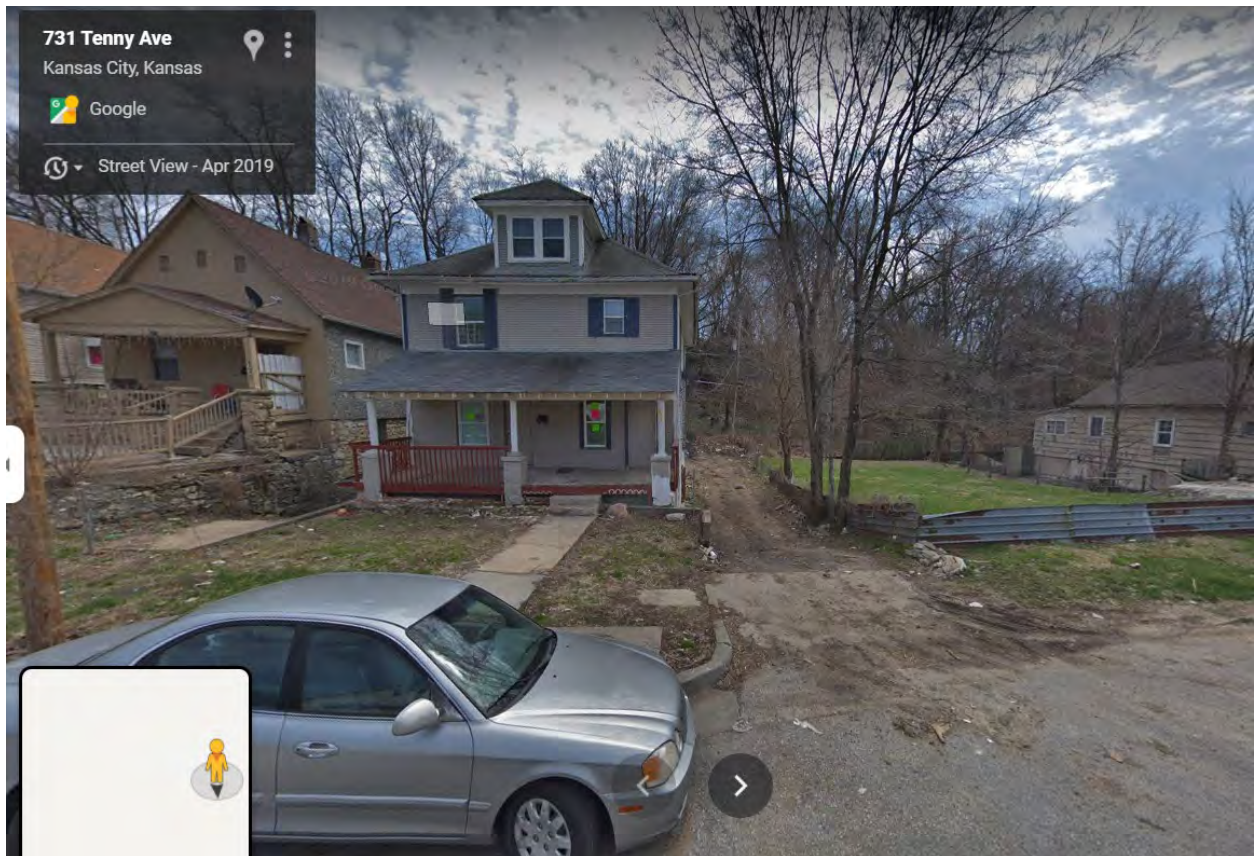


PHOTO FROM GOOGLE MAPS



PLANNING ENGINEERING COMMENT LETTER



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

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Principal Planner

FROM: Patrick Doyle, P.E.
Planning Engineer – Planning and Urban Design Department

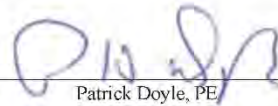
DATE: October 12, 2021

SUBJECT: Rachel Bichara – Good News Rentals – (COZ2021-042)
731 Tenny Avenue
General Engineering Review No. 1 (of the Application received 09/23/2021)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

- 1) Provide curb and 5-foot wide public sidewalk in accordance with UG standards and criteria. See UG detail i.e., UG 4100-O.
- 2) An erosion control plan is required for any project where there is land disturbance. Please provide an erosion control plan for the site.
- 3) Coordinate with Kallie McLaughlin, (913) 573-5762, for additional Urban Planning and Zoning requirements and comments.
- 4) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: _____


Patrick Doyle, PE

NEIGHBORHOOD MEETING COMMENTS

Neighborhood Meeting Minutes

Application Number: ~~SS~~ ^64651486

Date and Location: October 18, 2021 Via Zoom

Meeting called to order at: 6:30 pm

Names of people in attendance: 0 attendees.

Introductions: N/A

Presentation by applicant: N/A

I had one individual contact me via phone call before the meeting. She asked a few questions that are recorded below:

Lois Keller: "I am calling on behalf of the Riverview Neighborhood Association. I have a few questions for you about your application."
My response: explained what the application is for and how long Rachel and Oscar Bichara have owned the property. Rachel explained that the house has been used a duplex already but was not zoned accordingly.

Lois: "It sounds like you guys are trying to make it right, so that's good."

Lois: Will you be paying property taxes on both units of the duplex?
My response: As far as I know there will be no change in the property tax, but I will let you know if I learn anything different.

Lois: I drove by the house and saw metal fencing. Is that owned by you?
My response: That is owned by either the city or the neighbor. We recently learned that lot is owned by the Land Bank. We are not responsible for the fencing at this time.

Lois: Well I will talk to some of the other committee members about this but I don't think we will have any problem at all.

My response: Thank you for your time. We are hoping to make the block and the neighborhood better by what we're doing.

Meeting adjourned at: 7:00 pm

Minutes taken by: Rachel Bichara

NEIGHBORHOOD MEETING AFFADAVIT

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # COZ2021-042.
2. That I conducted a neighborhood meeting on October 18, 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.

Rachel Bichara
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 20th day of October, 2021.

My commission expires _____ of _____, 200_.

Notary Public

STAFF SITE PHOTOS DATED OCTOBER 21, 2021









STAFF SITE PHOTOS DATED OCTOBER 21, 2021





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: March 31, 2022

Re: **Petition PR2021-039**

GENERAL INFORMATION

Applicant:
Unified Government of Wyandotte
County/Kansas City, Kansas

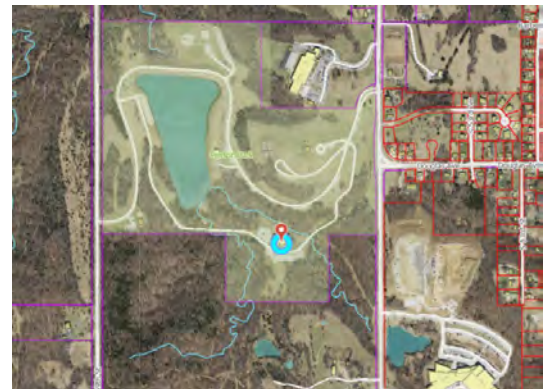
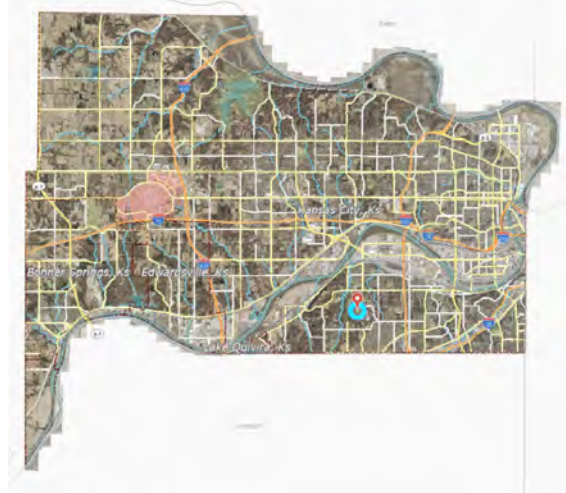
Status of Applicant:
Representative
Kile Morrison with Archimages, Inc.
14205 West 95th Street
Lenexa, KS 66215

Requested Action:
Approval of a Preliminary and Final
Development Plan

Date of Application:
November 29, 2021

Purpose:
To plat one (1) lot for a fire station and build a
15,737 square foot KCKFD fire station.

Property Location:
1818 South 59th Street



Commission Districts:	Commissioner At-Large, District 2: Tom Burroughs District #6 Commissioner: Angela Markley		
Existing Zoning:	R-1 Single Family District		
Adjacent Zoning:	North:	R-1 Single Family District	
	South:	R-1 Single Family District	
	East:	R-1 Single Family District	
	West:	R-1 Single Family District	
Adjacent Uses:	North:	Turner Elementary School	
	South:	Pierson Park	
	East:	Single family homes	
	West:	Pierson Park	
Total Tract Size:	2.95 Acres		
Master Plan Designation:	The City-Wide Master Plan designates this property as Parks/Open Space, which allows active and passive parks, open space, and trails.		
Major Street Plan:	The Major Street Plan classifies South 55 th Street as a Class C Thoroughfare.		
Required Parking:	Sec. 27-454(e) Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport. Sec. 27-668(b) Any use not included in the parking requirements found in this article shall be assigned a parking requirement by the Planning Commission. The applicant is proposing twenty-six (26) parking spaces.		
Advertisement:	Property Owner Letters – December 17, 2021, January 5, 2022, February 16, 2022 and March 24, 2022 <u>Wyandotte Echo</u> – None Required		
Public Hearings:	March 14, 2022 and March 31, 2022		
Public Support:	None to date.		
Public Opposition:	None to date.		

PROPOSAL

Detailed Outline of Requested Action: The applicant, John Kelly, with the Unified Government – Building and Logistics Department, seeks to build a 15,737 square foot KCKFD fire station and plat one (1) lot on 2.95 acres located at 1818 South 59th Street.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The site is set within an existing public park. The neighborhood is predominately single-family residential uses with Turner Elementary School to the north and Turner High School and the Turner Athletic Fields further south on South 55th Street.

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 use will increase the traffic and parking demand, but not in a way that will adversely affect road capacity, safety, or create parking problems. The intersection will be altered to accommodate the fire station. Crosswalks will be added across South 55th Street, south of the traffic signal and the driveway approach for pedestrians to walk safely on the sidewalk.

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

Streets are already designed, but the intersection will be improved with striping, crosswalks, and traffic signals as to accommodate prospective traffic as determined by existing and probably future land and building uses.

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

Because the use is a fire station, it is permitted in Parks/Open Space, however, staff recommends filing a Master Plan Amendment to Public/Semi-Public (City-Wide Master Plan) for publicly owned buildings.

5. *The capability of the proposed use to meet applicable ordinance and other requirements.*

With revisions to the site and landscape plans, the proposed use is capable of meeting applicable ordinance and other requirements.

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

Development of such character can be used safely without danger to health, or peril from fire because the fire station will be built using the adopted building and fire codes.

There will be calls for services, so noise associated with truck sirens and horns may be intrusive to neighbors across South 55th Street on Douglas Avenue during early morning or evening/night hours.

There is steep ravine to the south and west down towards the tributary that flows into the pond at Pierson Park. The natural drainage pattern will be disrupted with the regrading of the area south of the fire station, which could affect sheet flow runoff in Pierson Park.

7. *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*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. Police

Police service provided by South Patrol, #334

e. Fire

Fire service provided by Station #7 located at South 51st Street and Dodson Avenue

f. Transit

Kansas City ATA provides transit service via Micro Transit in the area, Route #199.

g. Schools

Public education service is provided by Turner USD 202.

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

The building, parcel and street redesign will be so arranged as to afford adequate light, open space, or air, facilitate fire protection, and to provide for long-term sustained real estate values.

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

Development patterns are not designed with due regard to topography, so that the natural features of the land and vegetation is protected and enhanced.

This site is being heavily graded to manage the steep slopes to the south and west, as the site falls from north to south. Additionally, the large tree stand is being demolished to build retaining walls along the southern edge of the property rather than including the natural features in the development.

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

This is not applicable.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via GoToMeeting on January 21, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Stormwater Management
Removal of existing, mature trees
Landscaping and Screening
Grading
Pedestrian Access
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Plan Review Application **PR2021-039**, subject to:

1. Prior to submitting two (2) mylars to be recorded with the Register of Deeds, please make sure that the name on the Dedication and Acknowledgement is printed and notarized. The Register of Deeds will not accept illegible writing.
 - a. When the mylars are submitted, please submit the following checks:
 - \$32.00 per page payable to the Register of Deeds; and,
 - \$7.00 per lot payable to the Unified Treasurer;
2. Extend the east/west sidewalk west from the rear of the building (the sidewalk exiting past Bunk Room #6 and Chief's Bunk) to the edge of the parking lot and paint a pedestrian path leading to the parking spaces along the western property line;
3. Per Sec. 27-574(c)(3) any retaining wall over six (6) feet in height must be terraced. Four (4) feet of terrace is required for every eight (8) feet of wall.

The four (4) foot terrace shall be landscaped with shrubs and maintained annually;

Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten (10) feet wide. The required ten (10) foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;

4. Utility easements shall connect with easements established in adjoining properties;
5. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.
6. Downspouts shall be internalized;

7. Add a considerable amount of more trees around the northwest and south portion of the site due to the large mature tree stand that is proposed to be removed due to influx of fill needed to raise and make the site developable. Reforest the slopes. Maintain a true visual separation to keep a park like setting near the entrance of Pierson Park. Referencing sheets C401 and L01;
8. The road around Pierson Park is being reconnected due to the location of the fire station. As a result, off-site grading due to the road reconstruction is necessary. In the areas that currently have mature trees, preserve as many as possible to be replanted and plant new trees southwest of the retaining walls along the park road. Referencing sheets C402 and L01;
9. Landscape the side door entrance – show on all plans;
10. Sec. 27-700(a) In the R-1, R, A-G, R-1(B), R-2, and R-2(B) districts, one (1) tree per 7,000 square feet of site area for uses other than residences. Based on the total tract size, eighteen (18) trees are required to be planted. This does not include the street trees to be planted along South 55th Street, or parking lot island trees. Maintain existing tree stands, as existing trees provide an enhanced buffer; One (1) street tree shall be planted per thirty (30) feet of frontage along South 55th Street;
12. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;
13. All utility connections (including BPU transformer boxes) shall be screened with landscaping. All utilities mounted on the wall shall be painted to match the building.
 - a. BPU transformer pad shall be completely screened on three sides with 6-foot junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary;
14. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
15. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
16. All landscaping shall be irrigated;

17. 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
19. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
20. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
21. 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, Sections 8-610 through 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.

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 **PR2021-039** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
GeoSpatial Services Department Comment Letter
Applicant Response Letter
Neighborhood Meeting Minutes
Final Plat
Site Plan
Grading Plan
Landscape Plan
Photometric Plan
Floor Plan
Building Elevations

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Preliminary and		
Final Plan	March 14, 2022	March 31, 2022
	Approval	

STAFF CONTACT: **Byron Toy, AICP**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2021-39** 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 **PR2021-39** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

March 14, 2022 City Planning Commission Minutes:

Hearing starts at Tape 2 – 2:28:40:

PLAT2021-031 – JOHN KELLY – SYNOPSIS: Preliminary and Final Plat for one (1) lot at 1818 South 59th Street.

PLAN REVIEW APPLICATION PR2021-039 – JOHN KELLY – SYNOPSIS: Preliminary and Final Plan Review for Pierson Park Fire Station #16 (Turner) at 1818 South 59th Street.

Detailed Outline of Requested Action: The applicant, John Kelly, with the Unified Government – Building and Logistics Department, seeks to build a 15,737 square foot KCKFD fire station and plat one (1) lot on 2.95 acres located at 1818 South 59th Street.

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 14, 2022;
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; and,
6. The notices to the property owners.

Present in Support:

- Kile Morrison, Architect representing the applicant Archimages, Inc., 14205 West 95th Street, Lenexa, KS 666215

Present in Opposition:

- No one appeared

Staff Recommendation starts at Tape 2 – 2:37:24: Planning Director Hand stated that this property is in the Turner area off 55th Street. The Unified Government is proposing to use part of Pierson Park for a new fire station at the end of Douglas Avenue. Staff has received no letters in support nor in opposition. There are no Notices of Violation. He further stated that staff would like to retain the berm and enhanced landscaping conditions in the staff report. There were numerous trees removed with the grading and staff would like the flexibility to enhance landscaping in the future. Staff does not oppose the removal of Condition #2 related to the crosswalks as they are shown on the site plan meets the code's intent. Staff recommends approval subject to the revised conditions.

Motion and Vote starts at Tape 2 – 2:39:26:

On motion by Mr. Straws, seconded by Mr. Mohler, the Planning Commission voted as follows to **APPROVE PLAT2021-031:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to APPROVE Passed: 6 to 0

Subject to:

1. Prior to submitting two (2) mylars to be recorded with the Register of Deeds, please make sure that the name on the Dedication and Acknowledgement is printed and notarized. The Register of Deeds will not accept illegible writing.
 - a. When the mylars are submitted, please submit the following checks:
 - \$32.00 per page payable to the Register of Deeds; and,
 - \$7.00 per lot payable to the Unified Treasurer;
2. Extend the east/west sidewalk west from the rear of the building (the sidewalk exiting past Bunk Room #6 and Chief's Bunk) to the edge of the parking lot and paint a pedestrian path leading to the parking spaces along the western property line;
3. Per Sec. 27-574(c)(3) any retaining wall over six (6) feet in height must be terraced. Four (4) feet of terrace is required for every eight (8) feet of wall.

The four (4) foot terrace shall be landscaped with shrubs and maintained annually;

Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten (10) feet wide. The required ten (10) foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;

4. Utility easements shall connect with easements established in adjoining properties;
5. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.
6. Downspouts shall be internalized;
7. Add a considerable amount of more trees around the northwest and south portion of the site due to the large mature tree stand that is proposed to be removed due to influx of fill needed to raise and make the site developable. Reforest the slopes. Maintain a true visual separation to keep a park like

- setting near the entrance of Pierson Park. Referencing sheets C401 and L01;
8. The road around Pierson Park is being reconnected due to the location of the fire station. As a result, off-site grading due to the road reconstruction is necessary. In the areas that currently have mature trees, preserve as many as possible to be replanted and plant new trees southwest of the retaining walls along the park road. Referencing sheets C402 and L01;
 9. Landscape the side door entrance – show on all plans;
 10. Sec. 27-700(a) In the R-1, R, A-G, R-1(B), R-2, and R-2(B) districts, one (1) tree per 7,000 square feet of site area for uses other than residences. Based on the total tract size, eighteen (18) trees are required to be planted. This does not include the street trees to be planted along South 55th Street, or parking lot island trees. Maintain existing tree stands, as existing trees provide an enhanced buffer; One (1) street tree shall be planted per thirty (30) feet of frontage along South 55th Street;
 22. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;
 23. All utility connections (including BPU transformer boxes) shall be screened with landscaping. All utilities mounted on the wall shall be painted to match the building.
 - a. BPU transformer pad shall be completely screened on three sides with 6-foot junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary;
 24. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
 25. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
 26. All landscaping shall be irrigated;
 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
28. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
29. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
30. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
31. 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, Sections 8-610 through 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.

On motion by Mr. Straws, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of Plan Review Application PR2021-039:

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions.

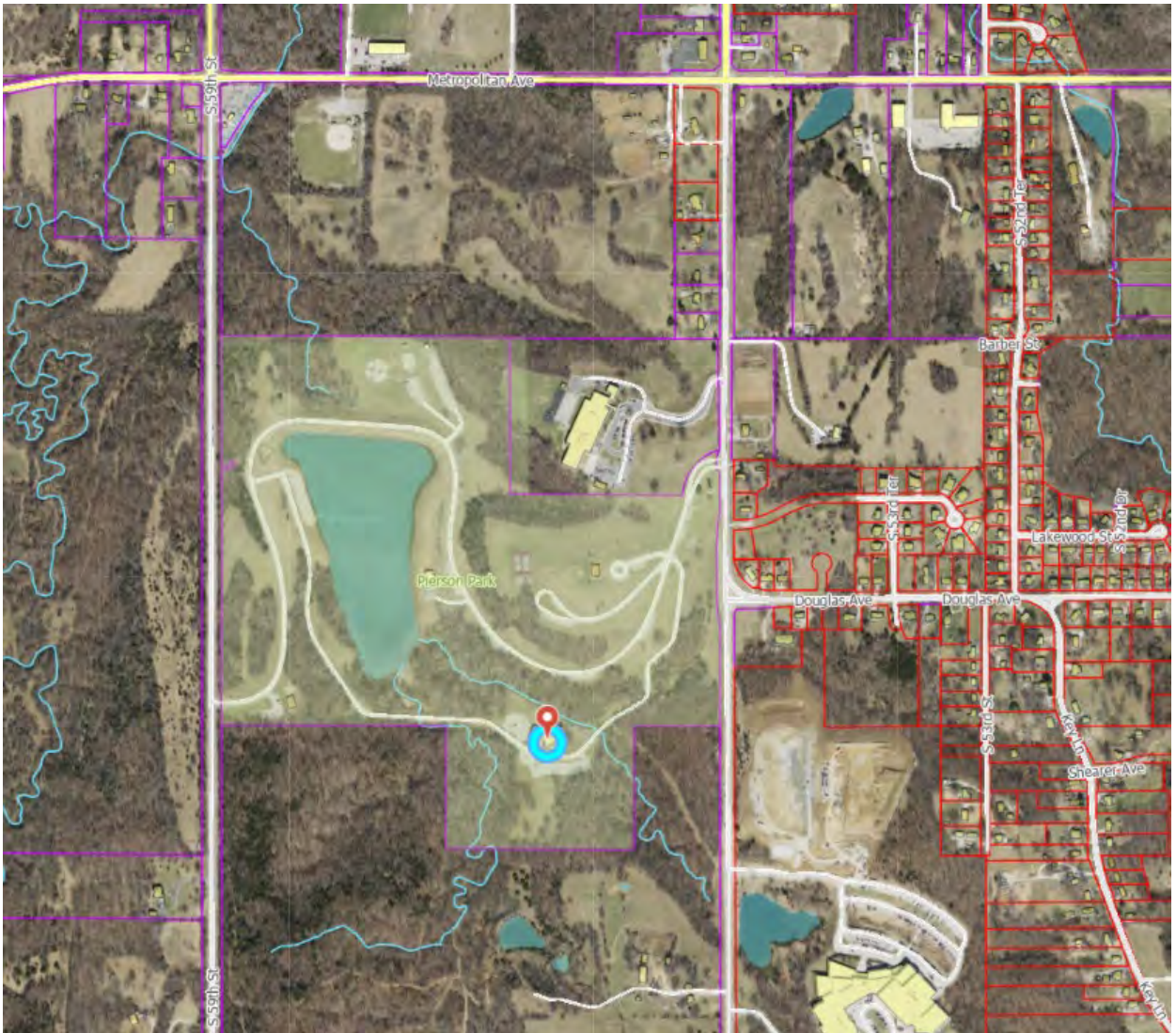


Figure 1. Aerial Map of 1818 South 59th Street (provided by UG Maps).

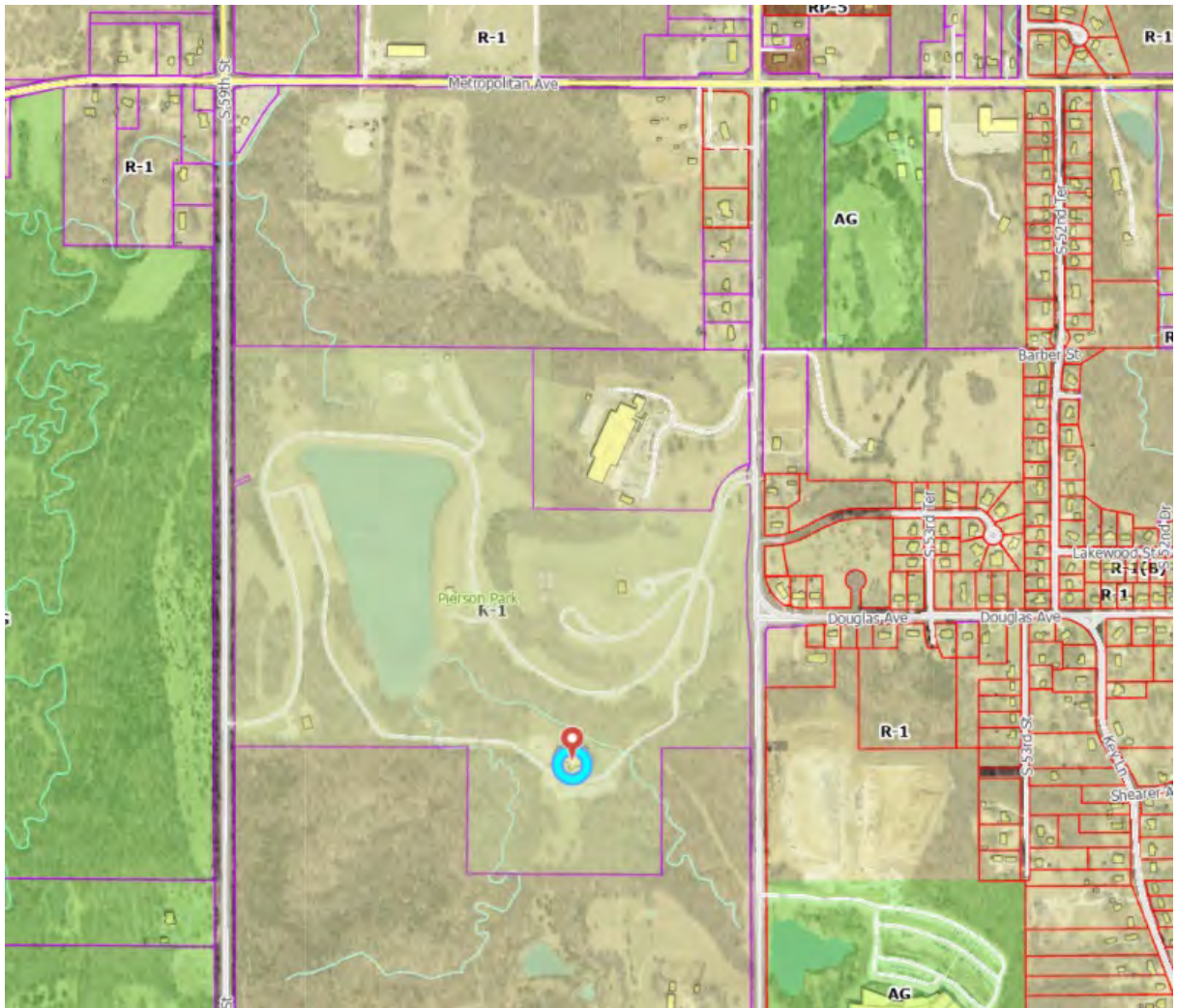


Figure 2. Zoning Map of 1818 South 59th Street (provided by UG Maps).

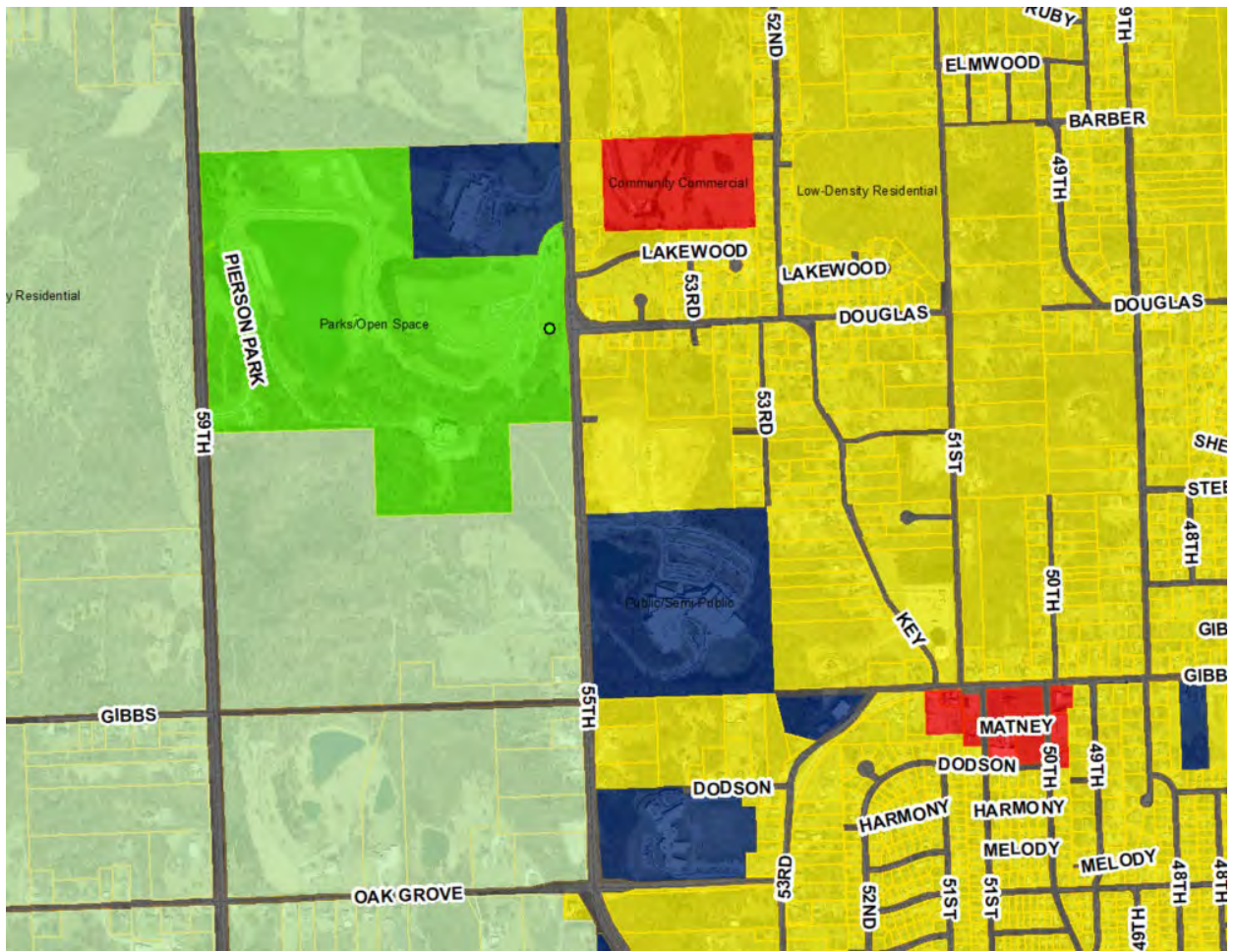


Figure 3. City-Wide Master Plan Land Use Designation Map (provided by ArcMap).



GeoSpatial Services
A Division of the Knowledge Office

710 North 7th Street Suite 200
Kansas City, Kansas 66101

Phone: (913) 573-2941
Fax: (913) 573-4106

To: Gunnar Hand, Planning and Urban Design
Janet Parker, Planning and Urban Design
From: Robert Ringel, GIS Analyst, Unified Government GSS
Date: December 7, 2021
RE: **PIERSON PARK FIRE STATION**

We have researched the official county records for the above plat as submitted to Planning and Urban Design by:
CFS

And we have determined the following:

Takes part of CIC-TAS Parcel:

919400

Owner-of-Record:

Unified Government of Wyandotte/KCK

Jurat Signature:

Unified Government of Wyandotte/KCK

We find that the plat is: **Presently unacceptable for posting.**

Please note the following comments.

1) Approvals

The mayor's name needs to be updated. The Planning Commission Secretary is Gunnar Hand.

January 28, 2022

Byron Toy, Lead Planner
Department of Planning and Urban Development
701 North 7th Street, Suite 423
Kansas City, KS 66101

Re: New Fire Station 16
1818 S 55th Street
Kansas City, Kansas

Dear Mr. Toy,

Our design team's responses to the review comments received regarding the subject project are below. We provide this response, along with revised drawings. Please let me know if you need anything else.

Sincerely,

Kile R. Morrison, AIA
Managing Director

Planning and Urban Design Comments:

General:

1. Remove the sidewalk along the west side of South 55th Street, south of the fire station as the crosswalk in front of the fire station at the 55th and Douglas Avenue intersection serves as the transition for pedestrians to cross the street and continue traveling on the existing sidewalk network.

RESPONSE: The landscape drawing will be corrected to delete this sidewalk.

2. Add a painted pedestrian path from the western parking lot to the north/south sidewalk that extends from the rear of the building.

RESPONSE: This area is for employee parking only. The fire department would prefer to not add striping for a walkway.

3. Extend the east/west sidewalk west from the rear of the building (the sidewalk exiting past Bunk Room #6 and Chief's Bunk) to the edge of the parking lot and paint a pedestrian path leading to the parking spaces along the western property line.

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RESPONSE: The sidewalk has been added to the drawings. This area is for employee parking only. The fire department would prefer to not add striping for a walkway.

4. Per Sec. 27-574(c)(3) any retaining wall over six (6) feet in height must be terraced. Four (4) feet of terrace is required for every eight (8) feet of wall.

The four (4) foot terrace shall be landscaped with shrubs and maintained annually.

RESPONSE: The retaining wall is planned to be 6-feet tall at the highest point. Shrubs have been added to the landscape plan and a railing is also shown.

5. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat.

RESPONSE: A revised plat document has been submitted and approved. It is included with the revised drawing set submitted with this comment response.

6. Utility easements shall connect with easements established in adjoining properties.

RESPONSE: A revised plat document has been submitted and approved

7. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.

RESPONSE: All services to the building will be under ground.

Building Architecture:

1. Downspouts shall be internalized.

RESPONSE: Interior roof drains will be used in the project, and they will be piped into the storm sewer system.

2. Provide a material palette of the exterior building materials.

RESPONSE: A color and materials board was provided with the application.

Landscaping and Screening:

1. Add a considerable amount of more trees around the northwest and south portion of the site due to the large mature tree stand that is proposed to be removed due to influx of fill needed to raise and make the site developable. Reforest the slopes. Maintain a true visual separation to keep a park like setting near the entrance of Pierson Park. Referencing sheets C401 and L01.

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RESPONSE: An updated landscape drawing is included with the resubmission. The intention is to provide trees in the area around the building with the initial construction. The fire department will then engage the community, the school districts, and an arborist in the UG to have a 5-year plan to replace the trees due on the slopes and to replace trees removed due to construction. The plantings proposed for this 5-year program are shown with dashed lines on the included landscape drawings.

2. The road around Pierson Park is being reconnected due to the location of the fire station. As a result, off-site grading due to the road reconstruction is necessary. In the areas that currently have mature trees, preserve them to be replanted and plant new trees southwest of the retaining walls along the park road. Referencing sheets C402 and L01.

RESPONSE: Trees planned for the area along the roadway would be provided as described above. The owner/design/construction team has discussed this and prefers to provide new trees rather than relocating mature trees. It will be difficult to schedule removing and replanting trees around the grading/fill operations and therefore difficult to assure their survival.

3. Landscape the side door entrance – show on all plans.

RESPONSE: Agreed. The landscape drawing has been revised.

4. Sec. 27-700(a) In the R-1, R, A-G, R-1(B), R-2, and R-2(B) districts, one (1) tree per 7,000 square feet of site area for uses other than residences.
 - a. Based on the total tract size, eighteen (18) trees are required to be planted. This does not include the street trees to be planted along South 55th Street, or parking lot island trees. Maintain existing tree stands, as existing trees provide an enhanced buffer.

RESPONSE: The submitted drawing shows 21 trees, not including street trees along 55th street.

5. One (1) street tree shall be planted per thirty (30) feet of frontage along South 55th Street.

RESPONSE: The proposed plat indicates 390-feet of frontage, which requires 13 trees. We have added two trees to the landscape plan.

6. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials.

RESPONSE: Rooftop mechanical equipment is screened by the provision of an extruded aluminum screen wall material, like the one used on fire station 12. There is no mechanical equipment at ground level. See response to #7 regarding electrical equipment at ground level.

7. All utility connections (including BPU transformer boxes) shall be screened with landscaping. All utilities mounted on the wall shall be painted to match the building.

- a. BPU transformer pad shall be completely screened on three sides with 6-foot junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary.

RESPONSE: The submitted design provides a masonry enclosure wall that screens the transformer and generator from view.

8. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.

RESPONSE: Parking lot lighting will use cut-off type fixtures to prevent spilling light beyond the property line.

9. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers).

RESPONSE: Agreed.

10. All landscaping shall be irrigated.

RESPONSE: An automatic irrigation system will be provided within the fire station property. Temporary irrigation will be provided to re-establish planting in the disturbed areas of the park that are beyond the fire station property line.

Signage:

1. Shall comply with the sign ordinance.

RESPONSE: The building signs will be back-lit channel letters like those used on fire station 12 at 2913 Hutton Road. Please refer to the included signage drawing.

Planning Engineering Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.

2) The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.

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

B) Items that are conditions of approval:

1) None

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

1) None

Meeting Minutes

Meeting Date: January 20, 2021, 7:00 p.m.

Location: Virtual meeting via GoToMeeting

Re: KCKFD Station 16, Pierson Park

Project Number: K19513

Attendees:

Public: Barbara Kill, Chandra Ward, Mary Jean Grindle

U.G.: John Kelly, Jack Webb, Greg Wooton, Caleb Lindesay

Haren Companies: Jeff Wasinger, Gary Lamb

Archimages, Inc.: Kile Morrison, Shohreh Zanganeh Hershey

Distribution: Byron Toy, John Kelly, Jack Andrade, Brent Smith, David Wood

This confirms and records our interpretations of the discussions, which occurred, and our understanding reached during this meeting. Unless notified in writing within seven days of the issue date, we will assume that the following interpretations or description is complete and accurate.

Items Discussed:

1. John Kelly opened the meeting, welcomed everyone, and provided introductions.
2. Jack Andrade provided background information on the project and explained the apparatus and staffing plan for the new station. He also explained how the new plan will improve coverage for the area.
3. Kile Morrison presented slides explaining the project as follows:
 - a. An engineering view of the site with the Fire station footprint in red. The site is about 3 acres. There are two entrance drives. The primary come and go drive will be south of the intersection. The apparatus exit will be at the intersection. Signal control will turn all lights red when apparatus is exiting on a call. Some of the park roads will be moved. Grading includes cut and fill to level the site. A guy pole for the power line will be changed and the warning siren will be moved.
 - b. The landscape rendering illustrates the plan for trees and shrubs. Trees and landscaping are selected species that thrive in our area, recommended by the Extension Service. Deciduous shade trees, ornamental trees, & evergreens are included. The plants are selected for hardiness, attractive fall color. The Fire Department has a five-year plan to engage the community in planting additional trees
 - c. A traffic engineer performed a traffic study. Data collection included available data on traffic counts and accident history as well as on-site observations. Many of the engineer's recommendations would apply to the

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intersection even without this project. Implementing all recommendations. There will be improved striping, signage, signal locations and improved pedestrian access.

- d. The building floor plan is about 15,737 SF. It includes 4 drive-through bays, EMS storage, decontamination, turn out gear, mezzanine above, generator enclosure, dayroom, kitchen, dining, fitness room, ready room, 9 crew sleeping rooms, 2captain, 1 chief, 5 toilet/shower, laundry, and study.
 - e. The exterior design is similar to Station 12 at 2913 Hutton Road. Exterior materials include brick, stone, and stucco. Backlit signage will be subtle but readable.
4. The meeting was then opened for questions:
- a. Barb Kill explained that Douglas Avenue to the east of 55th is narrow and has ditches. Will it be improved as part of this project? Kile Morrison said that this is not within the scope of the fire station project. John Kelly said that this need has been discussed in the Public Works department and that it will need funding in the future.
 - b. Mary Jean Grindel echoed Barb Kill's comment and explained that the intersection of Key Lane and Douglas Avenue is difficult.
 - c. Chandra Ward asked if park access would be affected. Kile Morrison explained that there could be a time when the east entrance to the park would be closed, and that the Construction Manager, Haren Contracting, would be working on a plan to minimize the disruption.
 - d. Chandra Ward pointed out that there can be cars backed upon 55th street at times, due to the school schedule. Kile said that Haren would be working around those times to control deliveries to the site.
 - e. Chandra also asked if there would be additional parking provided at the community center. Kile said that this would not be part of the fire station project.
 - f. Barb Kill asked if closing the existing stations 16 & 17 would effect response times. Jack Andrade explained that the Fire Department has studied response time projections and that with the planned new station they will be able to provide service in accordance with the NFPA standards.
 - g. Chandra Ward asked if the overall staffing will be reduced by combining the two stations. Jack Andrade said that it will increase and that there will be more apparatus available from the new station.
5. John Kelly, Jack Andrade, and Kile Morrison all gave their telephone numbers and invited anyone to call them with additional questions.
6. Jack Andrade said that the slides will be posted on the department's website.

Attachments:

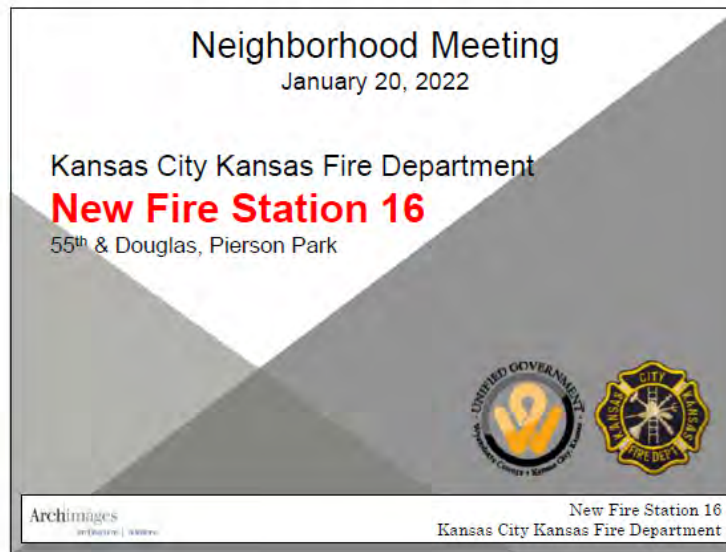
1. Slides used in the meeting

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2. Contacts names and addresses used for mailing meeting invitations.

End of meeting minutes.

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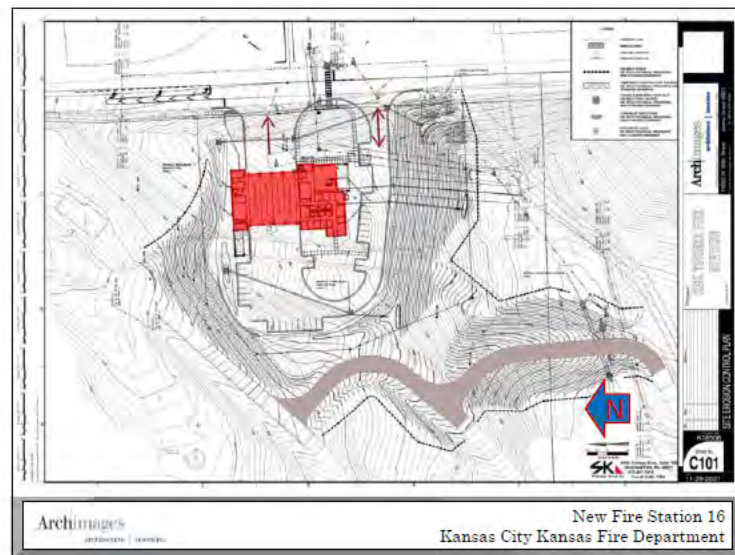


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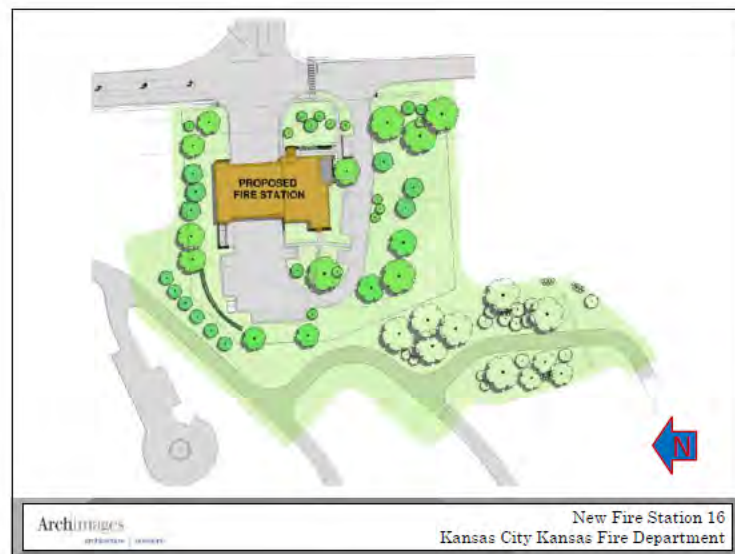


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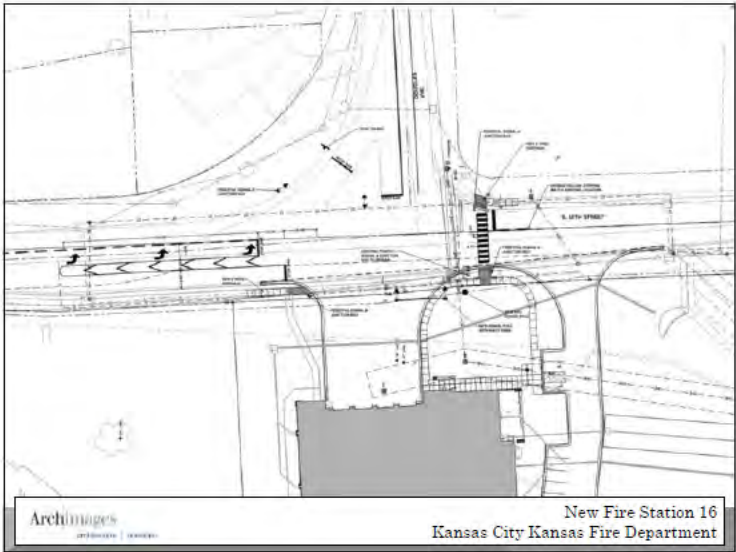


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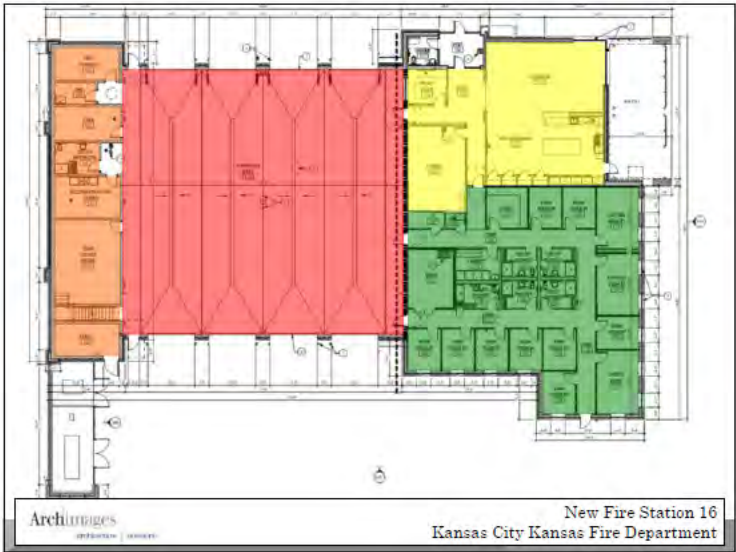


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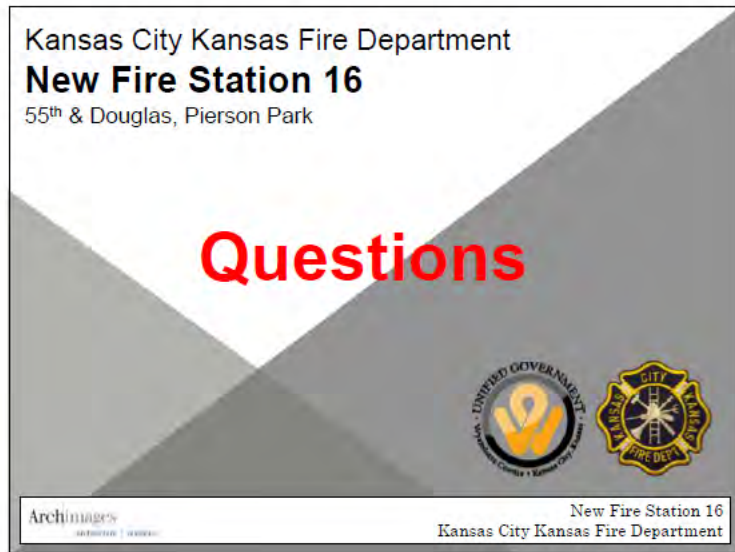
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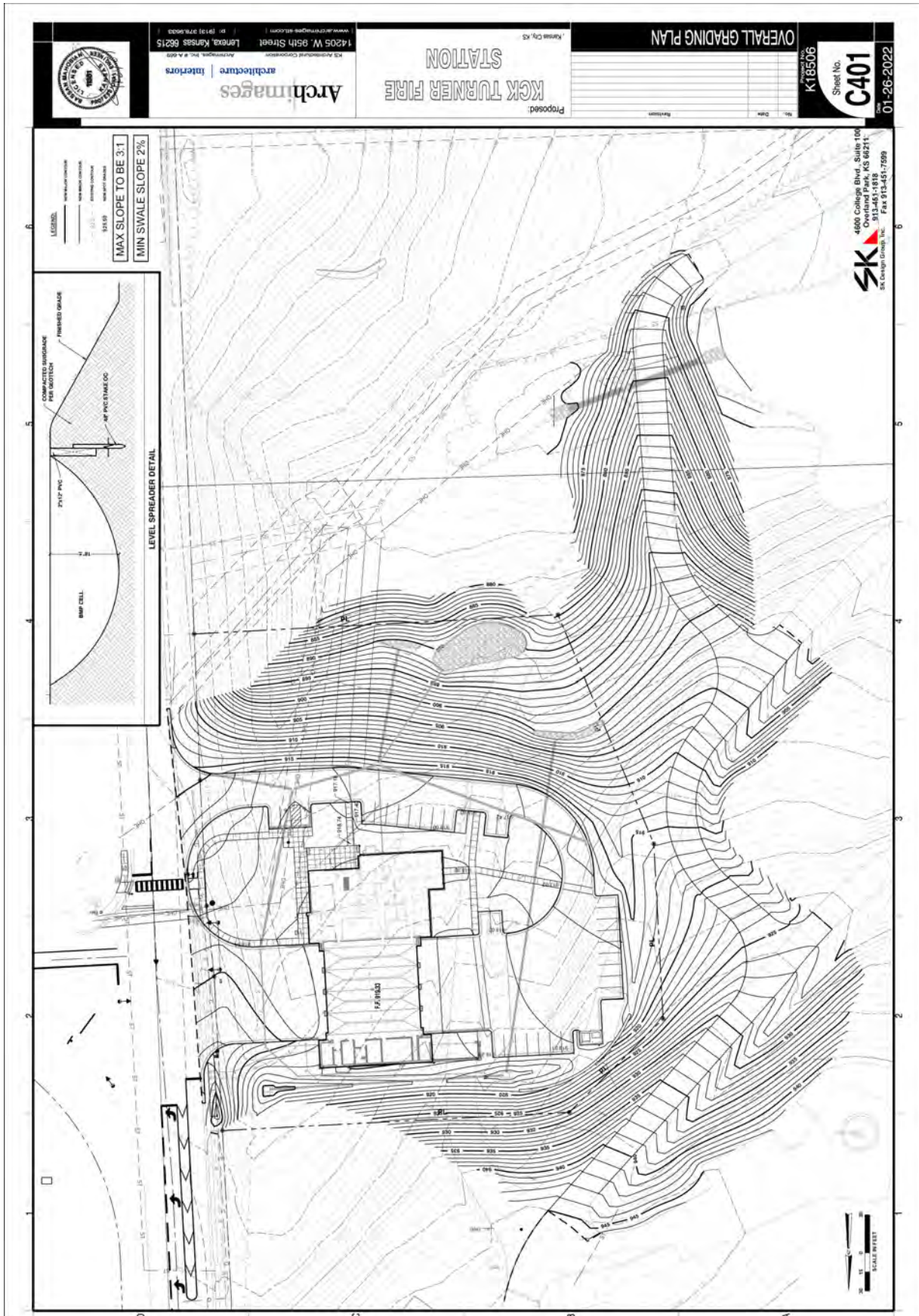


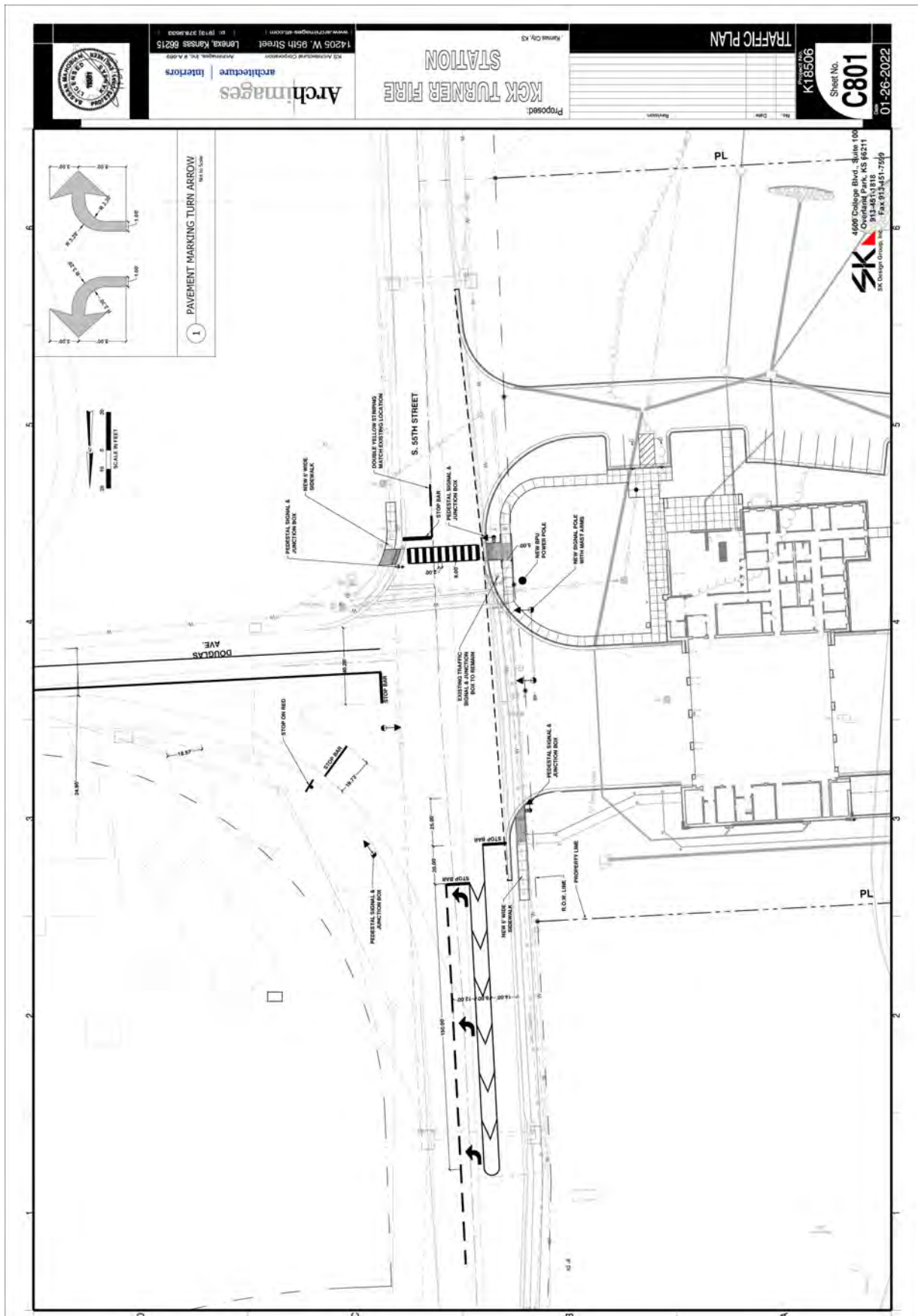
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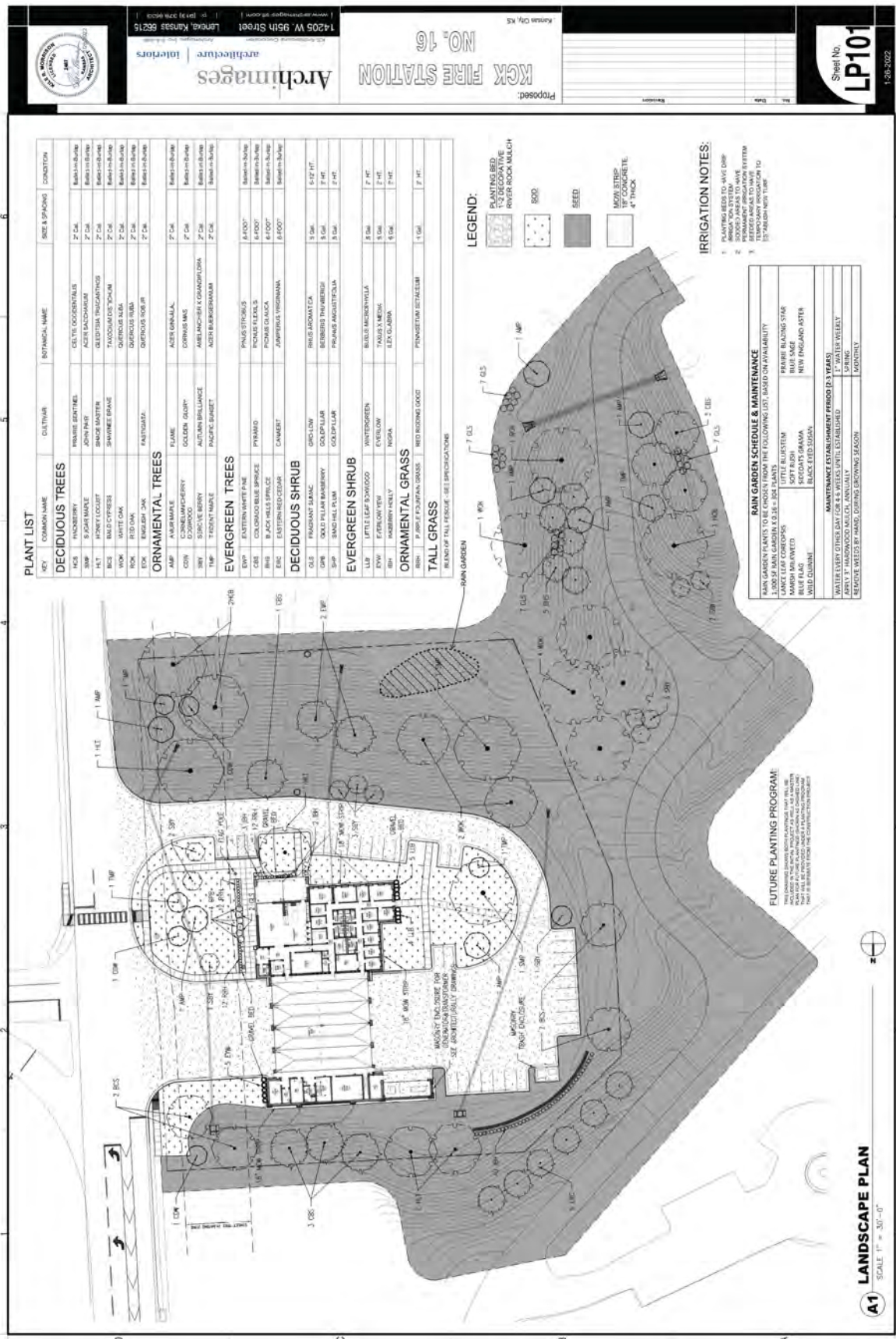


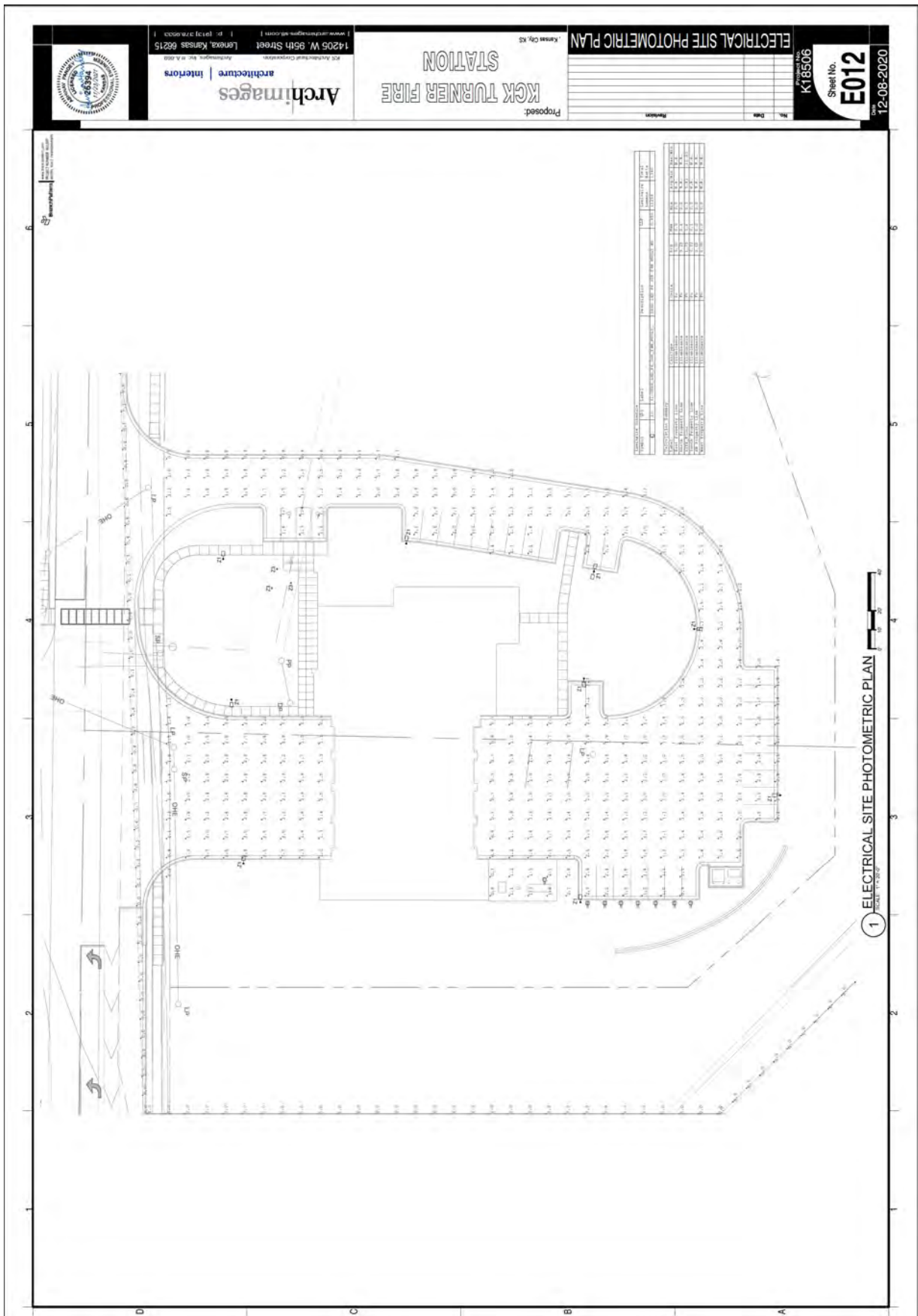
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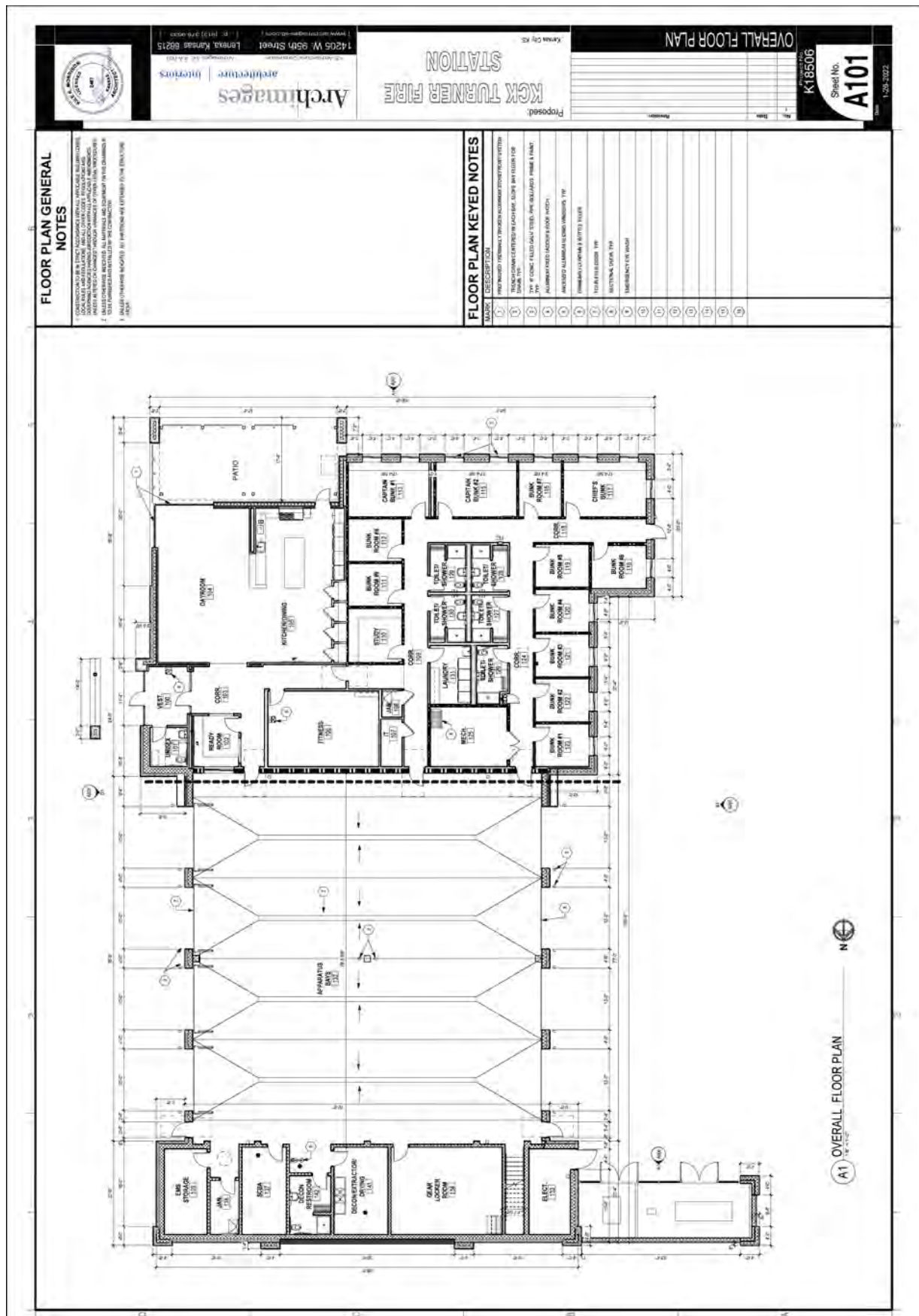
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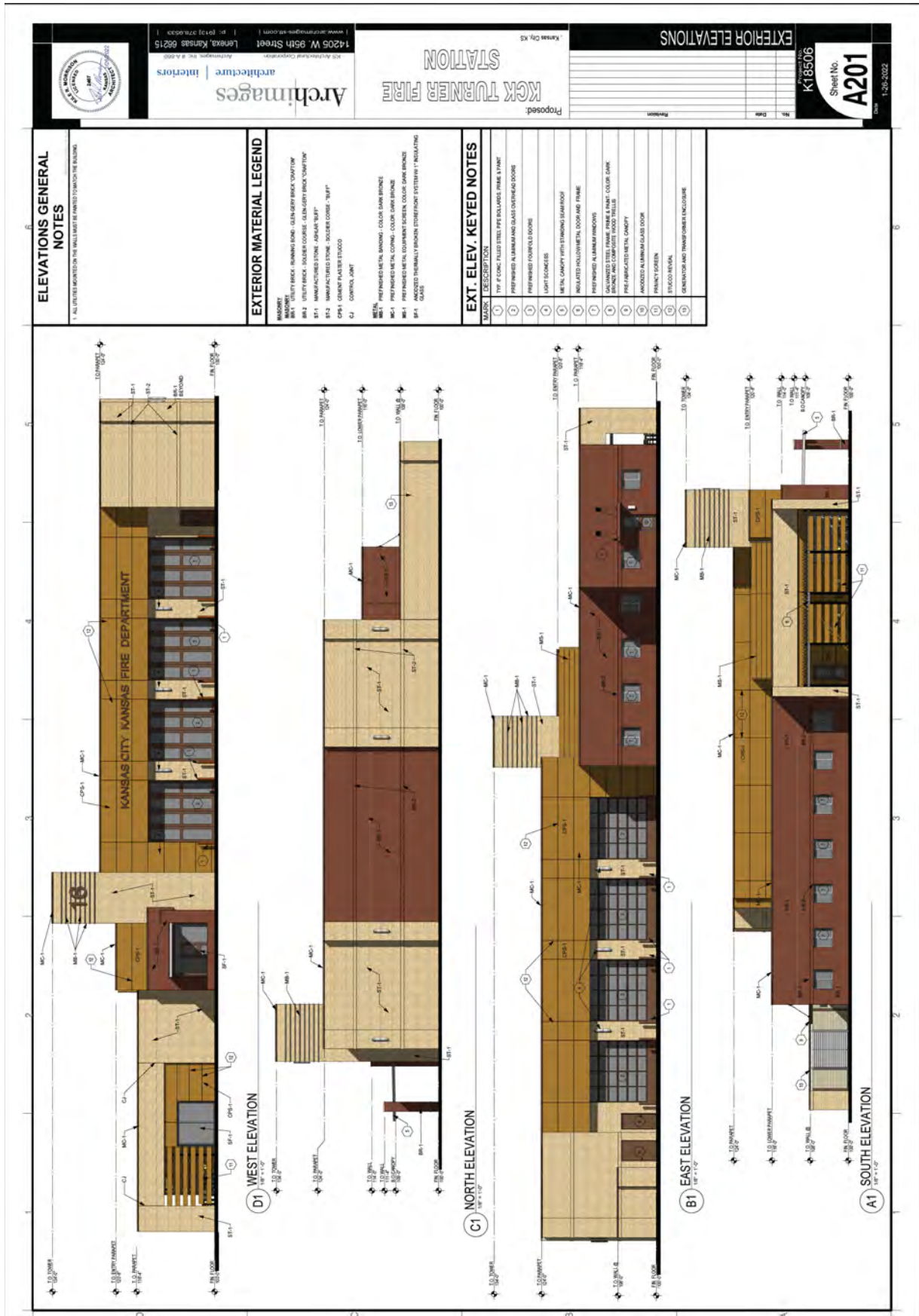


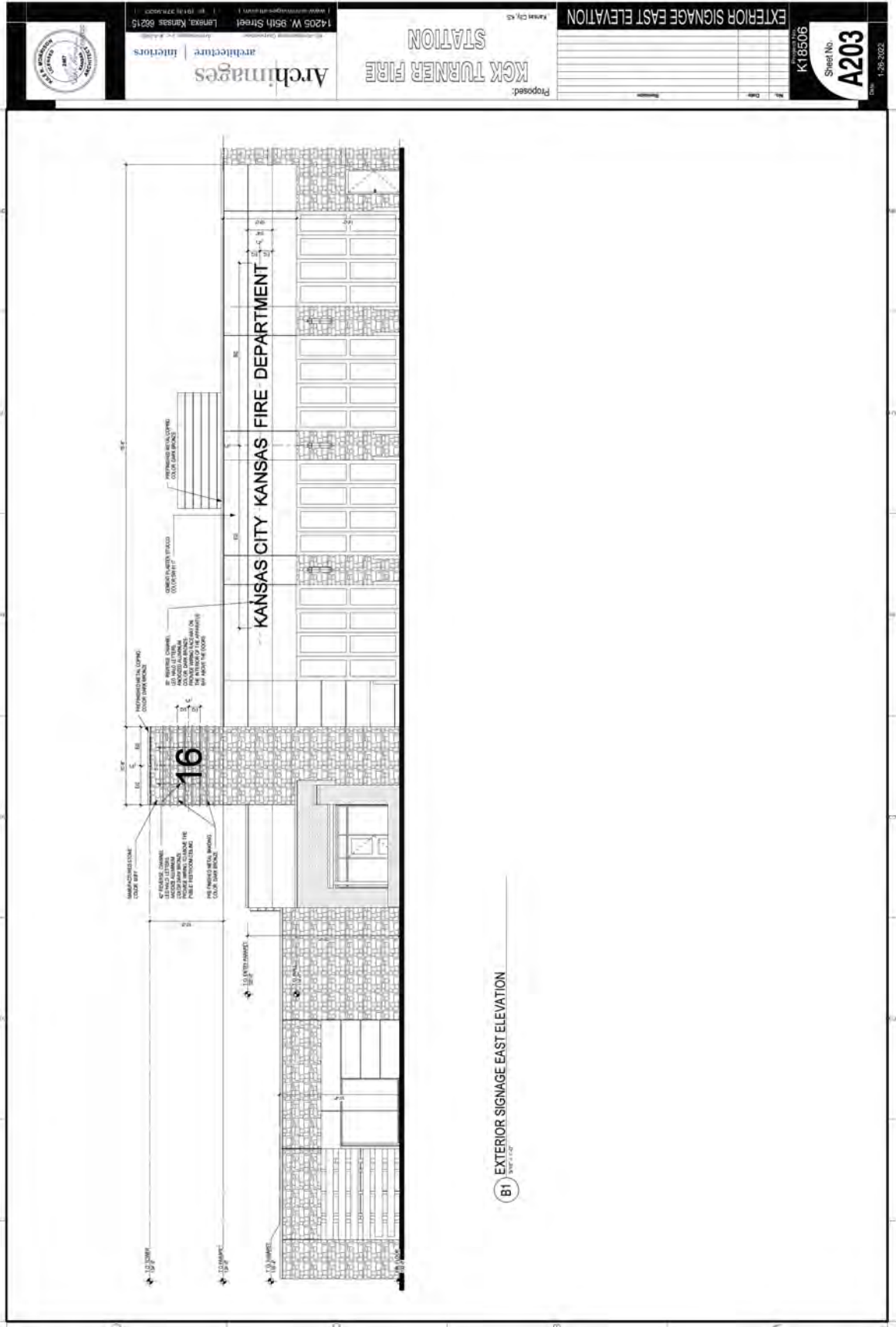












B1 EXTERIOR SIGNAGE EAST ELEVATION



Figure 4. Site Photograph of 1818 South 59th Street looking west from Douglas Avenue (provided by Planning Staff).



Figure 5. Site Photograph of 1818 South 59th Street looking southwest from Douglas Avenue (provided by Planning Staff).



Figure 6. Site Photograph of 1818 South 59th Street looking southeast from Pierson Park (provided by Planning Staff).



Figure 7. Site Photograph of 1818 South 59th Street looking northeast from Pierson Park (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: March 31, 2022

Re: **Petition SP2022-24, Petition PR2022-008 and Master Plan Amendment MPL2022-006**

GENERAL INFORMATION

Applicant:
Curtis Petersen

Status of Applicant:
Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Action:
Approve an indefinite Special Use Permit for an outdoor multi-field baseball/softball complex with concession sales.

Preliminary Plan Review for outdoor multi-field baseball/softball complex.

Master Plan Amendment from Low Density Residential (City-Wide Master Plan) to Planned Entertainment (Prairie Delaware Piper Master Plan).

Date of Applications: January 28, 2022



Purpose:	To plat one (1) lot and amend the master plan to build and operate an outdoor multi-field baseball/softball complex and development center.		
Property Location:	1501 North 90 th Street		
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #7 Commissioner: Chuck Stites		
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:	A-G Agriculture District	
Adjacent Uses:	North:	Undeveloped land	
	South:	Single family homes	
	East:	Single-family homes and farmland	
	West:	Compass Minerals Soccer Complex	
Total Tract Size:	49.47 Acres		
Master Plan Area:	City-Wide Master Plan		
Master Plan Designation:	The City-Wide Piper Master Plan designates this property as Low Density Residential, which allows single-family detached residences, institutional uses, parks, and open space.		
	An amendment to Planned Entertainment (Prairie Delaware Piper Master Plan) is being sought, which allows significant capital investment in infrastructure that entertains visitors, and venues that attract visitors throughout the area.		
Major Street Plan:	The City-Wide Master Plan classifies North 90 th Street as a Class B Thoroughfare.		
Required Parking:	Sec. 27-668(a)(2) Athletic fields, stadiums, gymnasiums, indoor athletic facilities. Spaces for these uses shall be as determined by the Planning Commission. 698 parking spaces are being provided.		
Advertisement:	<u>The Wyandotte Echo</u> – Special Use Permit – February 17, 2022, Plat – None, Plan Review – None, and Master Plan Amendment – February 17, 2022 Letters to Property Owner – February 18, 2022 and March 24, 2022		

Public Hearings:	March 14, 2022 and March 31, 2022
Public Support:	None to date.
Public Opposition:	There were six (6) people present at the March 14, 2022 meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, has filed a Preliminary Plan, Preliminary Plat, Special Use Permit and Master Plan Amendment to subdivide the property into one (1) lot to build a multi-field baseball/softball complex, development center, scouting tower and parking on 49.98 acres at 1501 North 90th Street.

City Ordinance Requirements: 27-592 through 27-606, Article XXI Sections 27-502 – 27-709 and Article VIII Sections 27-340 – 27-765.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is composed of soccer fields complex to the west, single-family neighborhood to the north and south along 90th Street, single-family homes to the east, and single-family homes to the northeast off Walker Avenue. Providence Medical Center is two (2) parcels north of this property.

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

The zoning and uses of nearby property are identified above. An indoor multi-use sports complex, primarily, with an outside, multi-field baseball/softball fields and development center can be compatible with the surrounding residential area.

3. *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*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service provided by the West Patrol, District #225

e. *Fire*

Fire service provided by Fire Station #6 located near 95th and State Avenue.

f. *Transit*

Kansas City ATA provides transit service along State Avenue, Route #101 and Parallel Parkway, Route #116. The nearest transit stop is one-half (½) mile north and south at the intersections of 90th & Parallel Parkway and 90th & State Avenue.

g. *Schools*

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

4. *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 on the property will affect nearby property as the majority of the guests, teams and staff will predominately be outside the buildings, with the exception of concession personnel, media members and team scouts. The increase in lighting of the sports fields, noise from outdoor fields and traffic as expected will significantly change the impact this parcel has on the surrounding area.

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

The property has been vacant for an undetermined period, used as farmland.

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

Special Use Permits are not addressed in the City-Wide Master Plan, however, the City-Wide Master Plan Low Density Residential land use designation allows single-family homes, institutional uses, park, and open space. A Master Plan Amendment to Planned Entertainment is being sought, which allows significant capital investment in infrastructure that entertains visitors, and venues that attract visitors throughout the area.

7. *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 result in a significant increase in the amount of vehicular traffic to the property. Pedestrian connectivity to transit is key, similar to the Homefield multi-use sports building at 9020 State Avenue. With the coordination of Planning Engineering and Public Works Department, the traffic study will be reviewed and commented on separately.

8. *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 reasonably necessary for the convenience of those that will use this service, particularly young families in the metro area. It could have an impact on both the residential properties nearby, as well as the future potential for adjacent undeveloped parcels.

9. *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 will be a significant change in the illumination, noise, and activity on site, particularly on weekends when the site will be most heavily visited. Buffering shall be in place from the beginning to limit the impact on nearby residents and property owners.

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

The proposed use will not pollute the air, land or water provided on-site waste is disposed of properly. Surface stormwater runoff and field infiltration will be routed to the detention basins before slowly discharged into the storm sewers.

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

The proposed use will significantly alter the rolling hills on the property, however, the existing tree stands along the south property line and the northeast corner of

the should be preserved to act as a buffer between the residences and the development.

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

There is an expected gain to the public health with the addition of recreational facilities in the area.

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

The proposed use is not expected to result in overcrowding of land if designed properly and proper buffering to adjacent uses is installed. It will cause significant concentrations of populations.

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

The development is of such character that it can be used safely without danger to health, or peril from fire, flood erosion, excessive noise, or other adversity if properly designed and managed by the owner and operator.

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

With coordination from the Public Works Department, streets will be designed so as to provide a safe, convenient, and functional system for vehicular traffic, and having such width, gradient, location, and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

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

Lots and buildings appear to be arranged as to afford adequate light, open space or air to facilitate fire protection and to provide for long-term sustained real estate values. The issue related to this is:

A. Access through the concourse for KCKFD and emergency services.

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

Development will be designed with regard to topography, so that the dense tree stands will be preserved in the northeast corner of the property and along the

southern property line.

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

This is a private development for a multi-field baseball/softball complex, and there will not be public amenities for residents provided. The project will provide public accommodation to their facilities.

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

The proposed use will increase the traffic and parking demand in ways that could adversely affect road capacity, safety, and create parking problems. With coordination from Planning Engineering and the Public Works Department, the traffic study will be reviewed and commented on separately.

Pedestrian connectivity to transit and other similar uses such as sidewalks, trails and bicycle facilities needs to be incorporated into this project.

19. The capability of the proposed use to meet applicable ordinance and other requirements.

The proposed use is capable of meeting applicable ordinance and other requirements with the appropriate revisions.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on February 23, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Parking
Lighting and Glare
Screening and Buffering
Noise
Prominence of Parking
Traffic
Pedestrian Access
Sidewalk and Trails Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-024**, Preliminary Plan Review Application **PR2022-008** and Master Plan Amendment **MPL2022-006**, subject to:

1. A building permit is required. Please contact the Building Inspection Department to begin that process;
2. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block. **The City Planning Commission granted the deviation requested by the applicant;**
3. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided;
4. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;
5. Wherever the mid-block crossing is located there is a pedestrian thoroughway to connect into the internal circulation of this site;
6. Install a sidewalk along the northern entrance/exist of the site and connect to the interior sidewalk network;
7. Establish a mid-block trail connection and pedestrian crossing to the pedestrian sidewalk entrance at Compass Minerals Soccer Complex across the street at 1500 North 90th Street.

The sidewalk should extend from the concourse between the two-most western fields, through the parking lot and berm and connect to the existing sidewalk on North 90th Street.

Staff would like to continue to work with the applicant and development team to see if a mid-block crossing is possible between Perfect Game and Compass Minerals Soccer Complex;

8. Over the road trucks shall not be parked on the property overnight;
9. Buses and larger vehicles shall not block drive aisles and/or fire lanes;
10. Install a publicly accessible bicycle rack for bicyclists in the plaza area;
11. Outdoor speakers should be oriented away from the single family residences;

12. The outdoor scoreboard lumens shall be oriented away from the single family residences;
13. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
 - f. EIFS at the ground level or comprising more than fifteen (15) percent of any façade. Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. **The City Planning Commission granted the deviation requested by the applicant;**
14. The proposed concrete blocks need to be integrally-color and textured. Smooth-face concrete masonry units are not permitted as an exterior building material per the Commercial Design Guidelines;
15. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened. Overflow drains shall be at grade and hidden by vegetation;
16. All concrete shall be integrally-colored – no paint;
17. What will the residences see of this development from the north, south and east? For the FDP, provide sight line cross sections illustrating what the residents will see from their properties;
18. A six (6) foot privacy fence with masonry columns every 32 feet along the portion at the Southeast of the property adjacent to the Southernmost main entrance to the project and abutting 90th Street. The fence screening the residents to the Northeast of the project would be a wood screening fence as it is at the rear of these abutting properties
19. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):
 - a. Overall site – 308 trees.
 - b. Street trees – 39 trees.
 - c. Parking lot islands – 35 trees.
20. The parking lot must be screened by berms and landscaping from North 90th Street, and the residence immediately abutting the entrance along the south property line.

The existing slope along North 90th Street should be preserved as the natural feature screens a substantial portion of the site from the street;

21. Add a note or cloud indicating the preservation of existing tree stands around the perimeter of the development;
22. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots;
23. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median;
24. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces;

25. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements;
26. Junipers and other coniferous trees should be planted throughout the site. Specifically, around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system;
27. All landscaping shall be irrigated along North 90th Street, within the landscaped parking lot islands and landscape beds adjacent to the perimeter of the entrance;
28. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;
29. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
30. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line. This includes light that is cast vertically and horizontally;
31. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
32. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped;
33. All rooftop mechanical screen walls may not be perforated metal. The screen wall shall be solid;
34. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
35. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary;
36. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are

- completely screened from and all abutting property lines and the public right-of-way;
37. 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 38. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 39. 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, Sections 8-610 through 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;
 40. 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;
 41. The Special Use Permit shall be valid indefinitely 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 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. Special Use Permits are nontransferable, therefore, all operations must cease until such time as a new Special Use Permit is approved; and,
 42. 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 **SP2022-024**, Petition **PR2022-008** and **MPL2022-006** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Prairie Delaware Piper Master Plan Development Opportunities Map
KCKFD Comments
Preferred Tree Planting List
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Site Plan
Grading Plan
Utility Plan
Sidewalk Plan
Lighting Plan
Landscape Plan
Sight Line Cross Section
Building Elevations

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	March 14, 2022	March 31, 2022
Special Use Preliminary	Approval	
Plan	March 14, 2022 - Approval	March 31, 2022
Master Plan Amendment	March 14, 2022 - Approval	March 31, 2022

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-006** 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 Unified Government Board of Commissioners **DENY** Petition **MPL2022-006** 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.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-024** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-024**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-008** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move Unified Government Board of Commissioners **DENY** Petition **PR2022-008**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

March 14, 2022 City Planning Commission Minutes:

Hearing starts at Tape 2 – 52:25:

MPL2022-006 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Master Plan Amendment from Low Density Residential (City-Wide Master Plan) to Planned Entertainment (City-Wide Master Plan) at 1501 North 90th Street.

SP2022-024 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Special Use Permit for privately owned athletic fields (Homefield Perfect Game) at 1501 North 90th Street.

PLAT2022-04 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Preliminary Plat for six (6) lots for Homefield Perfect Game at 1501 North 90th Street.

PR2022-008 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Preliminary Plan Review for Homefield Perfect Game Fields at 1501 North 90th Street.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, has filed a Preliminary Plan, Preliminary Plat, Special Use Permit and Master Plan Amendment to subdivide the property into one (1) lot to build a multi-field baseball/softball complex, development center, scouting tower and parking on 49.98 acres at 1501 North 90th Street.

City Ordinance Requirements: 27-592 through 27-606, Article XXI Sections 27-502 – 27-709 and Article VIII Sections 27-340 – 27-765.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 14, 2022;
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 the property owners.

Present in Support:

- Curt Petersen, applicant, Polsinelli, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112
- Amy Grant, Polsinelli, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112

Present in Opposition:

- John Cummings, 8720 Walker Avenue, Kansas City, Kansas 66112
- Jeff Letterman, 1323 North 90th Street, Kansas City, Kansas 66112
- Sharleen Lehotsky, 8808 State Avenue, Kansas City, Kansas 66112
- Paula Owen, 1322 North 90th Street, Kansas City, Kansas 66112
- Kelle Steineger, 8721 Walker, Kansas City, Kansas 66112
- Carol Zugecic, 8846 State Avenue, Kansas City, Kansas 66112

Staff Recommendation starts at Tape 2 – 1:29:04: Planning Director Hand stated that the request is for a Special Use Permit, Master Plan Amendment, Plan Review and Plat. This property is just outside the Prairie-Delaware-Piper Master Plan. Prior to tonight staff had received no letters in support nor opposition to this application. He further stated there are no Notices of Violation. As this is a commercial use, Staff is conditioning that they meet the Commercial Design Guidelines. Staff has worked with the applicant on increased connectivity and pedestrian pathways. Staff has requested a mid-block crossing between the sports complex and the soccer complex access 90th Street. Staff is requesting no truck parking, a bike rack, trash enclosure, downlighting, that existing tree stands be identified for preservation and enhanced landscaping/screening. A final development plan will be required, and all these items can be addressed before then if this application moves forward. Director Hand addressed the requested deviations that the applicant requested:

Item #2 - Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block. Director Hand stated this is similar to the deviation granted to Homefield on 90th Street. Although Staff does not agree, Staff in principle is agreeable to the deviation.

Item #5 - Install crosswalks throughout the parking lot to linking parking lot medians and islands connecting to the interior sidewalk around the perimeter of the fields. Director Hand stated that Staff would amend this condition to the crosswalks going through the drive aisles of the parking lot. The mid-block crossing would be

determined prior to the final development plan. Staff would amend the condition to state that wherever the mid-block crossing is located there is a pedestrian thoroughway to connect into the internal circulation of this site.

Item #7 - Due to the proximity the Perfect Game championship fields located at 9020 State Avenue, a trail needs to be established to connect the two developments together. Director Hand stated that this is a condition that was removed last month from the Homefield Phase 1 application that is going to be heard next on the agenda. Staff does not object to the removal of this condition.

Item #14 - Sec. 27-576(e)(2) Exterior building materials shall not include the following: f. EIFS at the ground level or comprising more than fifteen (15) percent of any façade. Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. Director Hand stated that he can understand the applicant requesting removal of this condition as this is a ballfield and not a traditional commercial building. The Planning Commission will need to approve this deviation.

Item #16 - Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation. Planning Director Hand stated that Staff would request an amendment to this condition with the removal of **“and all downspouts shall be internalized.”** Staff will work with the applicant before final plan review to ensure the downspouts are screened to meet the intent of the guidelines.

Item #19 - As discussed during the pre-application meeting, screening like Turner Logistics Center East at College Parkway and Orville Avenue and Walmart at Plaza at the Speedway should be installed adjacent to the residence along the southernmost entrance and the rear yards abutting the fields in the northeast corner of the site. A six (6) foot privacy fence with masonry columns every 32 feet running should be installed along common property lines. The single-family homes that abut the ball fields should have additional screening above and beyond what is proposed. Planning Director Hand stated that staff would request that this condition be amended to state that **“A six (6) foot privacy fence with masonry columns every 32 feet along the portion at the Southeast of the property adjacent to the Southernmost main entrance to the project and abutting 90th Street. The fence screening the residents to the Northeast of the project would be a wood screening fence as it is at the rear of these abutting properties.”**

Item #27 - Junipers and other coniferous trees should be planted throughout the site, specifically around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system. These trees should be planted at the ends of the concourses along the north, east and south property lines. Director Hand stated Staff would request that this condition be amended: **“Junipers and other coniferous trees should be planted, around the perimeter of all detention basin slopes.”**

Staff recommends approval subject to the amended conditions. The Planning Commission will need to make a recommendation on the two (2) requested deviations. He stated that the County Engineer and Planning Engineering agreed with the findings of the third party review of the traffic study. Further consideration can be given before the final plan review regarding design changes in and out of the project.

The Planning Commission addressed comments and questions to Staff.

Motion and Vote starts at Tape 2 – 1:41:10:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2022-006:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-024:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. A building permit is required. Please contact the Building Inspection Department to begin that process;**
- 2. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block. The City Planning Commission granted the deviation requested by the applicant;**
- 3. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have**

- sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided;
4. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;
 5. Wherever the mid-block crossing is located there is a pedestrian throughway to connect into the internal circulation of this site;
 6. Install a sidewalk along the northern entrance/exist of the site and connect to the interior sidewalk network;
 7. Establish a mid-block trail connection and pedestrian crossing to the pedestrian sidewalk entrance at Compass Minerals Soccer Complex across the street at 1500 North 90th Street.

The sidewalk should extend from the concourse between the two-most western fields, through the parking lot and berm and connect to the existing sidewalk on North 90th Street.

Staff would like to continue to work with the applicant and development team to see if a mid-block crossing is possible between Perfect Game and Compass Minerals Soccer Complex;

8. Over the road trucks shall not be parked on the property overnight;
9. Buses and larger vehicles shall not block drive aisles and/or fire lanes;
10. Install a publicly accessible bicycle rack for bicyclists in the plaza area;
11. Outdoor speakers should be oriented away from the single family residences;
12. The outdoor scoreboard lumens shall be oriented away from the single family residences;
13. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
 - f. EIFS at the ground level or comprising more than fifteen (15) percent of any façade. Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. **The City Planning Commission granted the deviation requested by the applicant;**
14. The proposed concrete blocks need to be integrally-color and textured. Smooth-face concrete masonry units are not permitted as an exterior building material per the Commercial Design Guidelines;
15. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened. Overflow drains shall be at grade and hidden by vegetation;

16. All concrete shall be integrally-colored – no paint;
17. What will the residences see of this development from the north, south and east? For the FDP, provide sight line cross sections illustrating what the residents will see from their properties;
18. A six (6) foot privacy fence with masonry columns every 32 feet along the portion at the Southeast of the property adjacent to the Southernmost main entrance to the project and abutting 90th Street. The fence screening the residents to the Northeast of the project would be a wood screening fence as it is at the rear of these abutting properties
19. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):
 - d. Overall site – 308 trees.
 - e. Street trees – 39 trees.
 - f. Parking lot islands – 35 trees.
20. The parking lot must be screened by berms and landscaping from North 90th Street, and the residence immediately abutting the entrance along the south property line.

The existing slope along North 90th Street should be preserved as the natural feature screens a substantial portion of the site from the street;

21. Add a note or cloud indicating the preservation of existing tree stands around the perimeter of the development;
22. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots;
23. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median;
24. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces;
25. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements;
26. Junipers and other coniferous trees should be planted throughout the site. Specifically, around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system;
27. All landscaping shall be irrigated along North 90th Street, within the landscaped parking lot islands and landscape beds adjacent to the perimeter of the entrance;
28. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;

29. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
30. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line. This includes light that is cast vertically and horizontally;
31. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
32. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped;
33. All rooftop mechanical screen walls may not be perforated metal. The screen wall shall be solid;
34. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
35. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary;
36. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way;
37. 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
38. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
39. 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, Sections 8-610 through 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;
40. 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;
41. The Special Use Permit shall be valid indefinitely 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 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. Special Use Permits are nontransferable, therefore, all operations must cease until such time as a new Special Use Permit is approved; and,
42. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to **APPROVE PLAT2022-004:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions.

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2022-008:**

Carson	Chairman
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Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions.

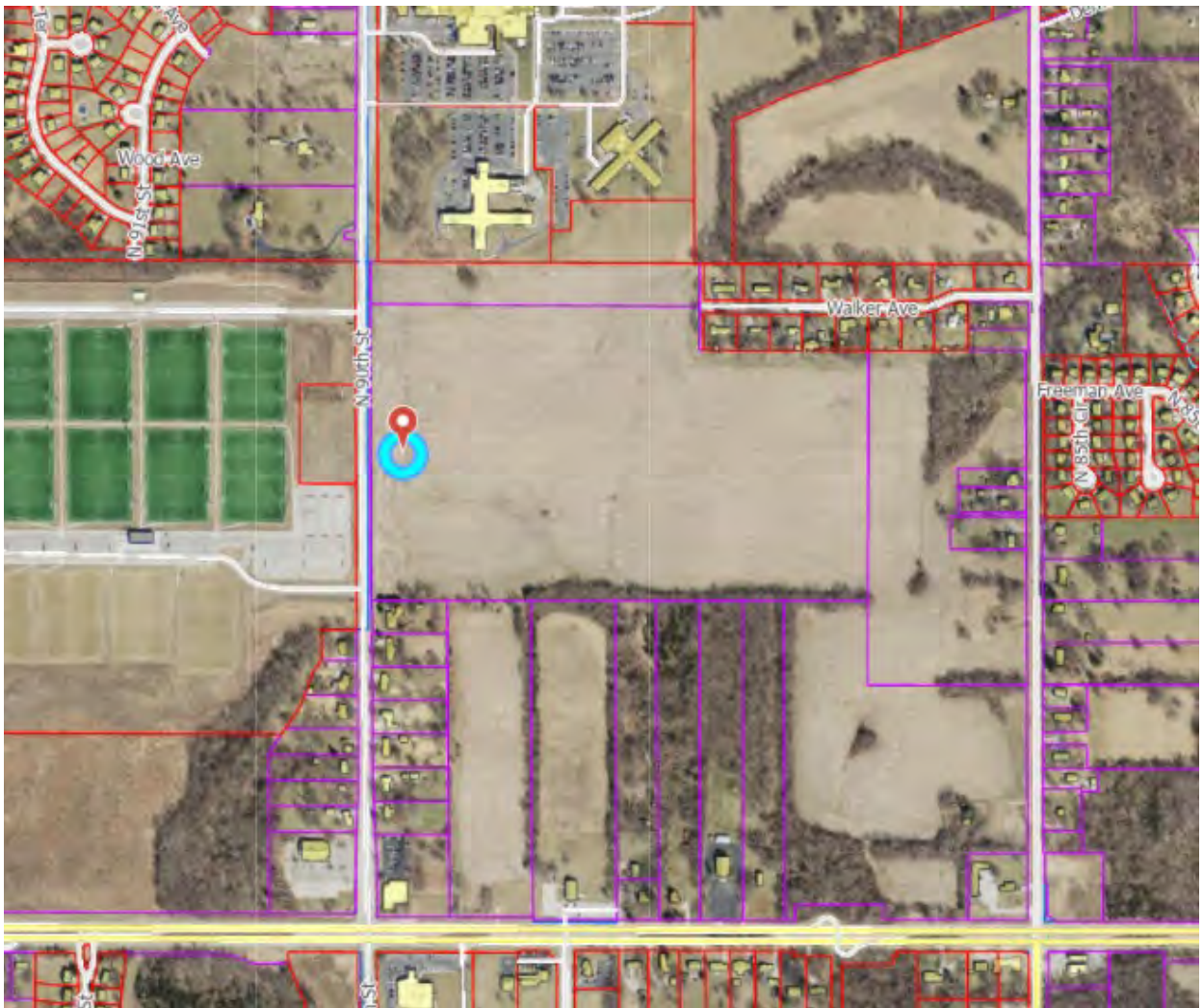


Figure 1. Aerial photograph of 1501 North 90th Street (provided by UG Maps).

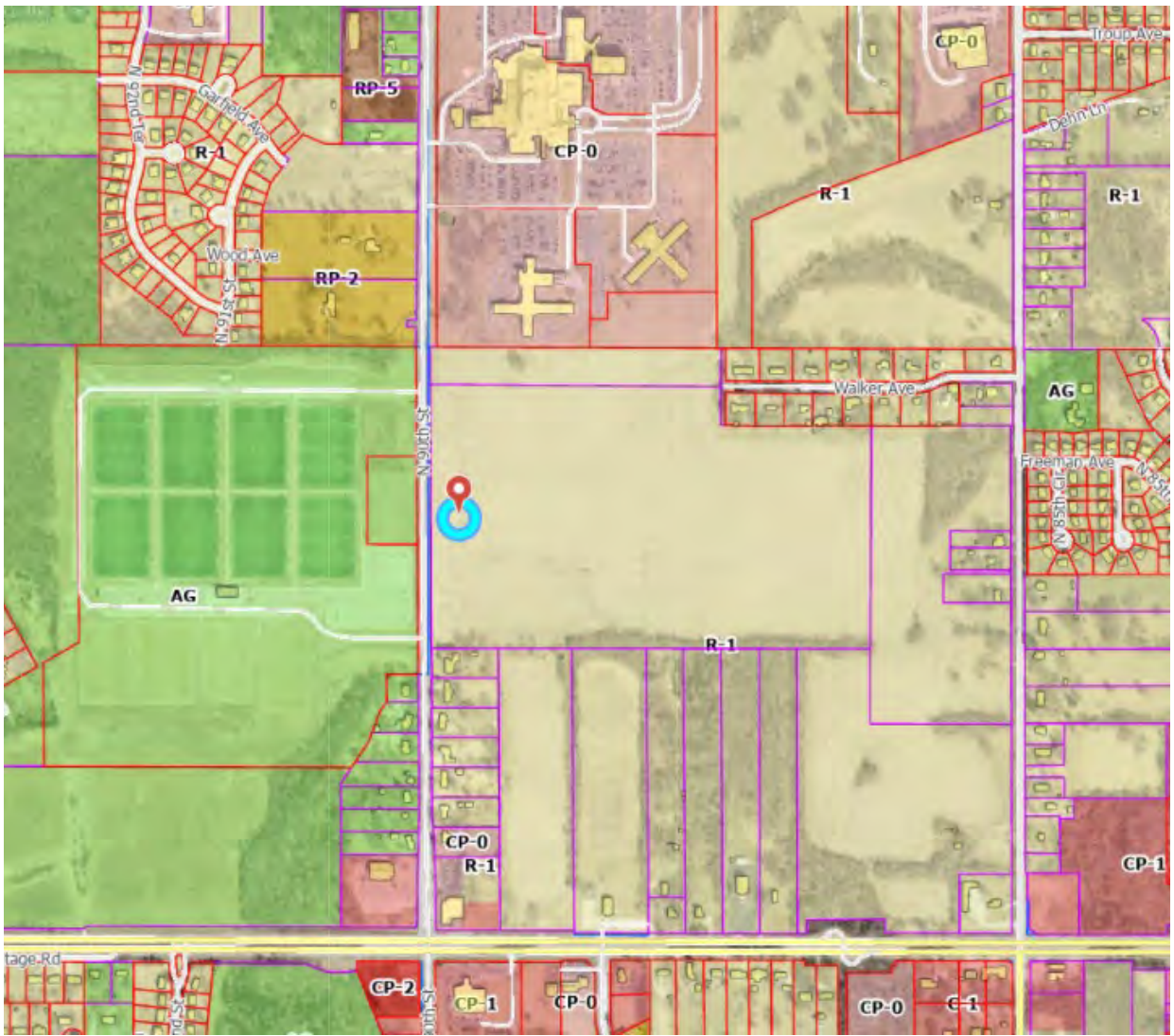


Figure 2. Zoning Map of 1501 North 90th Street (provided by UG Maps).

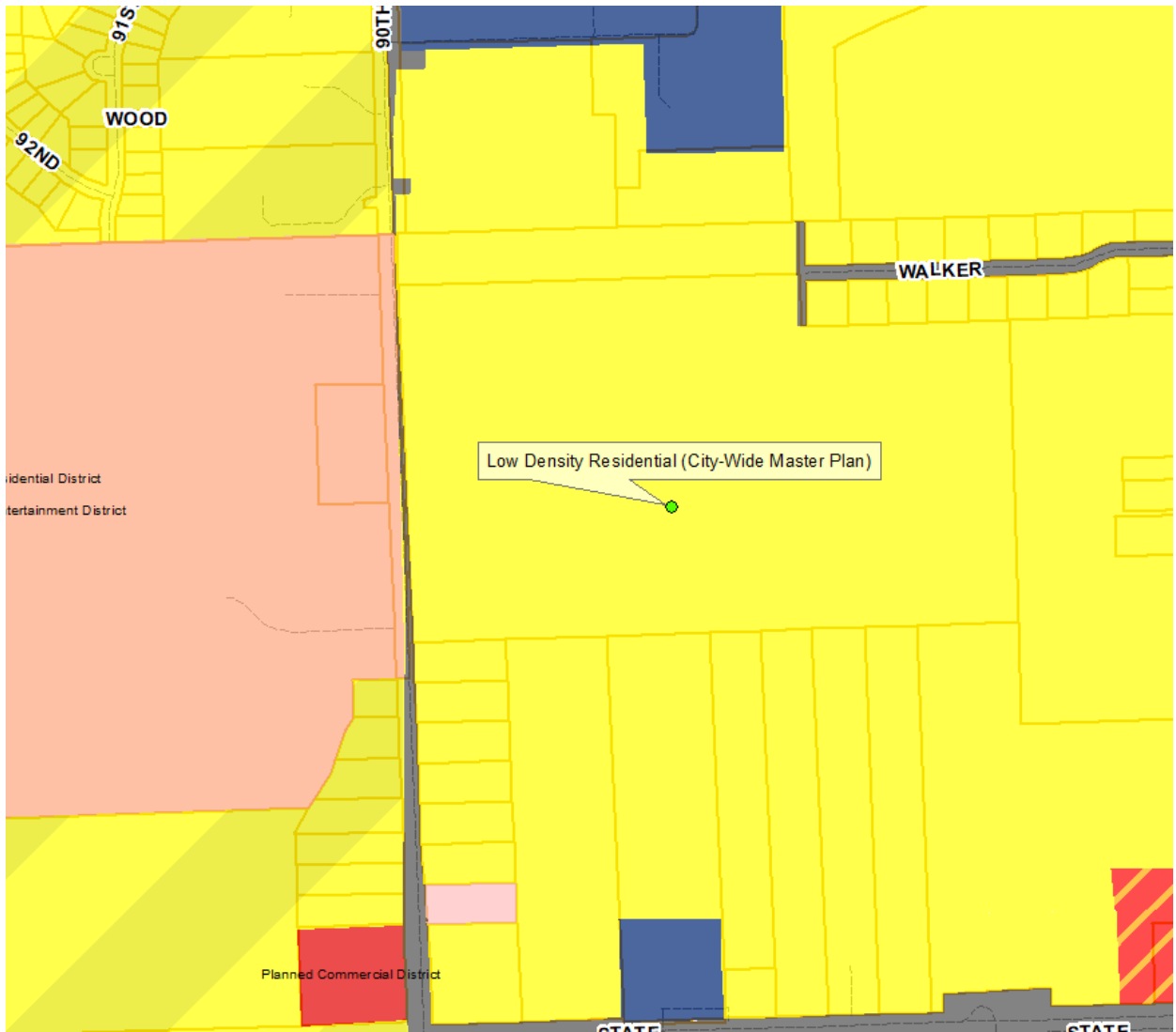
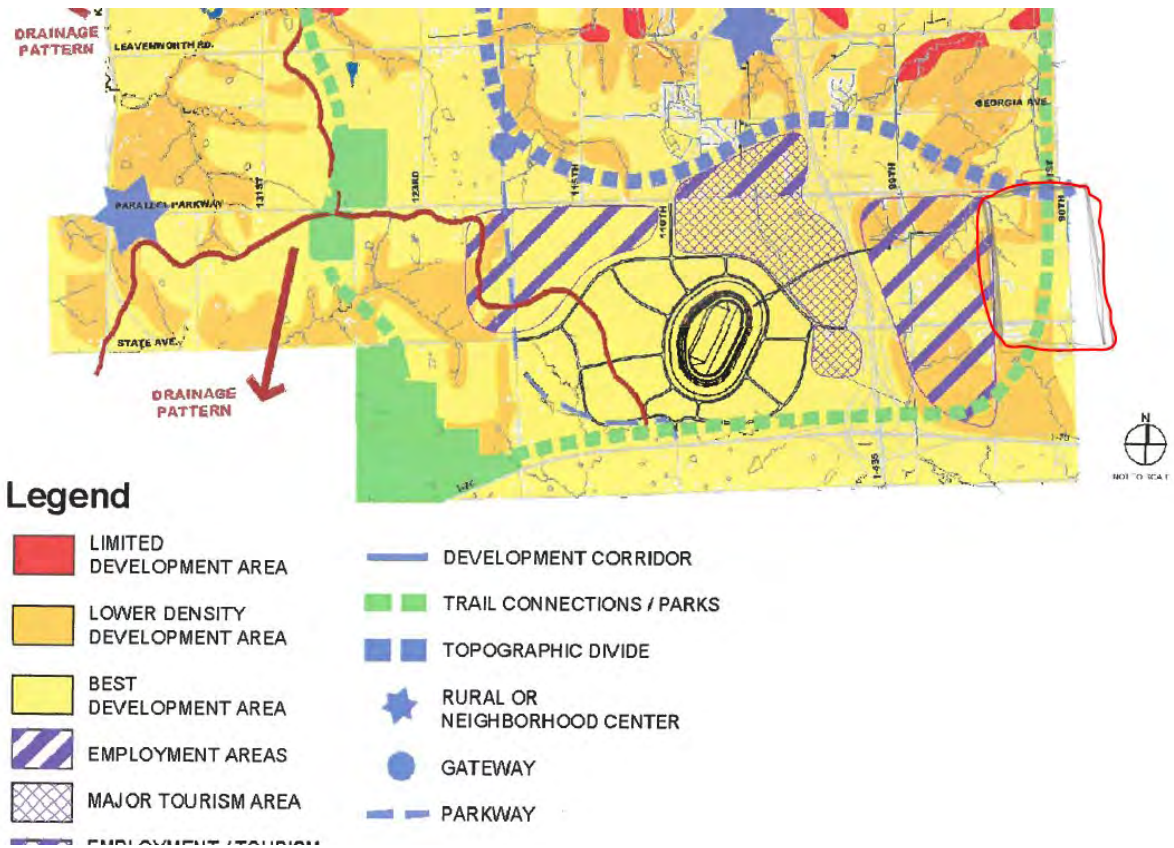


Figure 3. City-Wide Master Plan Land Use Map (provided by ArcMap).



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</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		

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments: General Planning:

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

RESPONSE: Acknowledged.

2. The 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.

RESPONSE: Acknowledged.

3. Tracts A, B, C, D, E and F are to be given as rear yards to the five (5) single family homes along Walker Avenue?

RESPONSE: These property owners currently have an encroachment on our property.

4. A building permit is required. Please contact the Building Inspection Department to begin that process.

RESPONSE: Acknowledged.

5. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block.
The City Planning Commission must grant these deviation requests by the applicant

RESPONSE: The Developer respectfully requests a deviation to allow the parking field to remain as shown.

6. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided.

RESPONSE: Acknowledged.

7. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings.

RESPONSE: See sheet C2.00 for sidewalks that are being provided from both access drive to the main entry/ticketing office.

8. Install crosswalks throughout the parking lot to linking parking lot medians and islands connecting to the interior sidewalk around the perimeter of the fields.

RESPONSE: See sheet C2.00. Due to the condensed nature of the parking field (only 2 bays deep) the Developer does not feel that linking the islands is necessary.

9. Install a sidewalk along the northern entrance/exist of the site and connect to the interior sidewalk network.

RESPONSE: See revised plan sheet.

10. Due to the proximity the Perfect Game championship fields located at 9020 State Avenue, a trail needs to be established to connect the two developments together.

RESPONSE: The applicant would like to discuss this further with planning staff.

11. Establish a mid-block trail connection and pedestrian crossing to the pedestrian sidewalk entrance at Compass Minerals Soccer Complex across the street at 1500 North 90th Street.

The sidewalk should extend from the concourse between the two-most western fields, through the parking lot and berm and connect to the existing sidewalk on North 90th Street.

RESPONSE: The grades/slopes along 90th Street would make a mid-block connection very difficult, if not impossible. The Developer would like to discuss this further with planning staff.

12. Over the road trucks shall not be parked on the property overnight.

RESPONSE: Acknowledged.

13. Where will buses and larger vehicles park within the parking lot?

RESPONSE: The applicant would like to discuss this further with planning staff as we are not aware of any requirement to address parking for buses and larger vehicles. If an issue were to arise with whether these types of vehicles park the operator would address the issue directly.

14. Install a publicly accessible bicycle rack for bicyclists in the plaza area.

RESPONSE: Acknowledged.

15. Will outdoor speakers be installed on the baseball fields?

RESPONSE: Yes, but the PA system will not normally do any play by play calls for games.

16. Will there be an outdoor scoreboard on the baseball fields?

RESPONSE: Yes.

17. What are the proposed hours of operation?

RESPONSE: Athletic fields do not typically have set hours of operation given the multitude of factors that can impact when sporting events are played outdoors.

18. What shade is being provided for guests?

RESPONSE: The Developer has not yet contemplated whether or not shade devices will be provided.

19. Provide clarification regarding the lack of interior walking plantings.

RESPONSE: The proposed use does not lend itself to interior walking plantings.

Building Architecture:

1. Sec. 27-576(e)(2) Exterior building materials shall not include the following:

EIFS at the ground level or comprising more than fifteen (15) percent of any façade.

Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. Staff will not ask for the deviation.

RESPONSE: The Developer respectfully requests a deviation from the commercial design guidelines.

The Concession Stand Building will have 16.67% metal on both the south and north façades and 23.1% metal on the west façade.

The entry building will have 47.7 % metal on the north façade, 50.6% metal on the east façade, 39.8% metal on the south façade, and 44.9% metal on the west façade.

The maintenance building will have 57.2% metal on the north façade, 55.2% metal on the east façade, 55.4% metal on the south façade, and 72.4% metal on the west façade.

The scouting tower/concession stand buildings have less than 15% metal and do not require a deviation.

2. The proposed concrete blocks need to be integrally-color and textured. Smooth-face concrete masonry units are not permitted as an exterior building material per the Commercial Design Guidelines.

RESPONSE: Acknowledged.

3. Provide elevations of the baseball fields.

RESPONSE: The applicant would like to discuss this further with planning staff to better understand what is being requested.

4. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation.

RESPONSE: *The buildings proposed with this project are relatively small in nature and are not highly visible from 90th Street. Downspouts will be carefully integrated into the design of the buildings but cannot be internalized.*

5. All concrete shall be integrally-colored – no paint.

RESPONSE: *Acknowledged.*

Landscaping and Screening:

1. What will the residences see of this development from the north, south and east? Provide sight line cross sections illustrating what the residents will see from their properties.

RESPONSE: *Sight line cross sections have been provided with the resubmittal.*

2. As discussed during the pre-application meeting, screening like Turner Logistics Center East at College Parkway and Orville Avenue and Walmart at Plaza at the Speedway should be installed adjacent to the residence along the southernmost entrance and the rear yards abutting the fields in the northeast corner of the site. A six (6) foot privacy fence with masonry columns every 32 feet running should be installed along common property lines.

RESPONSE: *The applicant would like to discuss this further with planning staff. Fencing is being provide around the baseball fields but is not proposing any property boundary fencing.*

3. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):

Overall site – 308 trees.

Street trees – 39 trees.

Parking lot islands – 35 trees.

RESPONSE: *382 Trees have been provided per the revised landscape plan*

4. The parking lot must be screened by berms and landscaping from North 90th Street, and the residence immediately abutting the entrance along the south property line. The existing slope along North 90th Street should be preserved as the natural feature screens a substantial portion of the site from the street

RESPONSE: *A berm is provided for portions of the 90th Street frontage where grades allow. The existing slope cannot be maintained everywhere as the mass of the site sits below 90th Street and grades need to drop to the east to balance excavation on the site. Landscaping has been increased along 90th Street to buffer the parking, a privacy*

fence will be provided between the project and the single residence along N. 90th Street to the south.

5. Add a note or cloud indicating the preservation of existing tree stands around the perimeter of the development.

RESPONSE: The tree preservation is shown on L1.00.

6. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots.

RESPONSE: Trees are being provided along the pedestrian route from the entry drive to the entry gate, trees are also lining the sidewalk across the north side of the parking lot leading to the entry gate.

7. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median.

RESPONSE: Islands have been added to the parking field to break long runs of parking.

8. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces.

RESPONSE: Islands have been added to the parking field to break long runs of parking.

9. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements.

RESPONSE: These trees have been added, see item #3.

10. Junipers and other coniferous trees should be planted throughout the site, specifically around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system. These trees should be planted at the ends of the concourses along the north, east and south property lines.

RESPONSE: The Developer would like to discuss this further with planning staff.

11. All landscaping shall be irrigated along North 90th Street, within the landscaped parking lot islands and landscape beds adjacent to the perimeter of the entrance.

RESPONSE: Acknowledged.

12. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted.

RESPONSE: Acknowledged.

13. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction.

RESPONSE: Acknowledged.

14. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line. This includes light that is cast vertically and horizontally.

RESPONSE: Acknowledged.

15. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed.

RESPONSE: Acknowledged.

16. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped.

RESPONSE: Acknowledged.

17. All rooftop mechanical screen walls may not be perforated metal. The screen wall shall be solid.

RESPONSE: Acknowledged.

18. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building.

RESPONSE: Acknowledged.

19. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary.

RESPONSE: Acknowledged.

20. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way.

RESPONSE: Acknowledged.

Signage:

1. Shall comply with the sign ordinance.

RESPONSE: Acknowledged.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

02/23/22

PERFECT GAME BASEBALL
1501 N 90th St., Kansas City, KS
NEIGHBORHOOD MEETING MINUTES:

Application Number SP2022-024 & PR2022-008

Date and Location: 02/23/22, Meeting held on Zoom Video Conference

Meeting called to order at: 6:15 PM

Names of people in attendance:

1. Richard Napper – Homefield
2. Chris Doyle – Homefield
3. Brian Lavery – Continental Engineering Consultants
4. Mark Hendricks – Continental Engineering Consultants
5. Paula Owen – Neighbor
6. Jeff Letterman – Neighbor
7. Brian Kile, 816-550-0159 – Neighbor
8. John Cummings, 816-820-3358 – Neighbor
9. Lindsey
10. Joanna Zugecic
11. Michael Zagorski, 913-636-2171
12. John & Charlene Lehotski,

Introductions: Richard Napper with Homefield (the Developer)

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

- Richard Napper opened the meeting and announced it was the Neighborhood Meeting for the Perfect Game Baseball Project located in Kansas City, Kansas. Richard gave a brief overview of the Project and opened up for questions. We showed the Homefield – Master Plan overlay on aerial dated 01/25/22. The meeting lasted a little more than the 30 minute period, all questions were answered, at 6:52 PM we officially concluded the Neighborhood Meeting and we adjourned.

Questions and answers (include the following):

Brian Kile:

Q: What does this Project do for the neighborhood? How many fields does it take for your sports in this area?

A: Richard advised that Youth Sports is currently one of the fastest growing industries. He noted it will attract out of town visitors spending money and room nights, and the project will produce property tax and sales tax.

Michael Zagorski at 707 Walker:

Q: Why couldn't we vote on this Project. The Soccer Complex is lit up all the time, and there is traffic and noise.

A: Richard advised that this Neighborhood meeting is the 1st meeting on this Project, and it will be heard by the Planning Commission for the 1st time on 03/14/22, they could attend the meeting.

Charlene Lehotski:

Statement: Expressed her displeasure with Zoom meetings.

Brian Kile:

Q: So this is just the 1st meeting, we can be heard at the Planning Commission Meeting.

A: Yes

Michael Zagorski:

Q: How do we get an invitation to that meeting.

A: Doyle responded that you may have already gotten an invitation in the mail directly from the City, in fact I believe that Paula Owen already got one. Paula confirm that yes, she had gotten a letter invitation from the City. If you don't you can contact the city and request one.

Jeff Letterman:

Q: Traffic from the soccer complex is sometimes a problem, do we need to widen 90th street, or move the entry points? Paula Owen agreed with Jeff.

A: Brian Lavery responded that he was not aware of City plans to widen the road, but that we could re-look at the entry locations to see if the City wants them aligned with the soccer complex or should be moved.

Charlene Lehotski:

Q: Will there be a fence around the entire project at the property line?

A: The Fields will be completely fence in, but the Parking Lot won't.

Statement: Kids sometimes wonder out of parking lots into the neighbors properties, she thinks the parking lots should be fenced in too. The soccer complex is loud, the PA is loud.

Brian Kile:

Q: What are the hours of operations.

A: Early to late evenings, especially through the summers. Michael Zagorski commented they often go to 10 PM.

Q: Are the fields lighted? A: Yes

John Cummings:

Statement: We don't want screaming and yelling in our backyard.

Paula Owen:

Statement: We live at the first house next to the soccer complex, and noise from the complex does not bother us. We do hear the PA. Baseball might be louder than soccer. She has children and grand children in Baseball, the fields are usually fenced like this one, and she has never seen a complex with the parking lot fenced in.

John Cummings, 8720 Walker:

Q: What is the water drainage plan.

A: Brian Lavery responded that the UG will require us to capture much of our water and regulate the release rate on to adjacent properties.

Statement: There is currently a runoff problem, the runoff from this property is currently causing problems on our properties.

Jeff Letterman:

Q: Will we be raising the land/field elevation?

A: Lavery advised we are generally raising 4 fields and lowering the other 4 fields. He added that we will be capturing water in new ponds, so we will be releasing the water at a lower rate than it is today.

Q: Where will the Sanitary Sewers be draining?

A: To the Northwest tied in to the 90th street sanitary.

Q: The site contractor will track dirt on 90th street, can we ask them to exit north to Parallel vs south to State Avenue?

A: We can ask them to.

Brian Kile:

Q: So we are saying that this is just the first meeting?

A: Yes, the City Meeting is on 03/14/22 and will have more details. You can participate in that meeting.

John Cummings:

Statement: This all strikes her as an ambitious development, and not really in a good way.

Q: Richard advised that we understand, it is a big development. It will produce an economic benefit to the area.

Paula Owen:

Q: What is the Hotel that someone mentioned?

A: Richard advised that there will be a Margaritaville Hotel, and Fairfield Hotel that is starting construction now, and Camping World already under construction.

Q: So these will be showcase fields?

A: Yes, Perfect Game is one of the premier baseball company in the country, this will be their flagship headquarters. It will be a project that we can all be proud of. Youth sports helps kids spend less time on their phones, and in social media, etc...

Jeff Letterman:

Q: What are the dashed lines?

A: Those are the corner field mobile fences for the little youth players.

Q: What are the age groups playing?

A: Generally T-Ball through High School. 12-18, and "littles"

Q: Are the fields turf?

A: Yes, so drainage will be captured and the field drainage systems and be improved by this development.

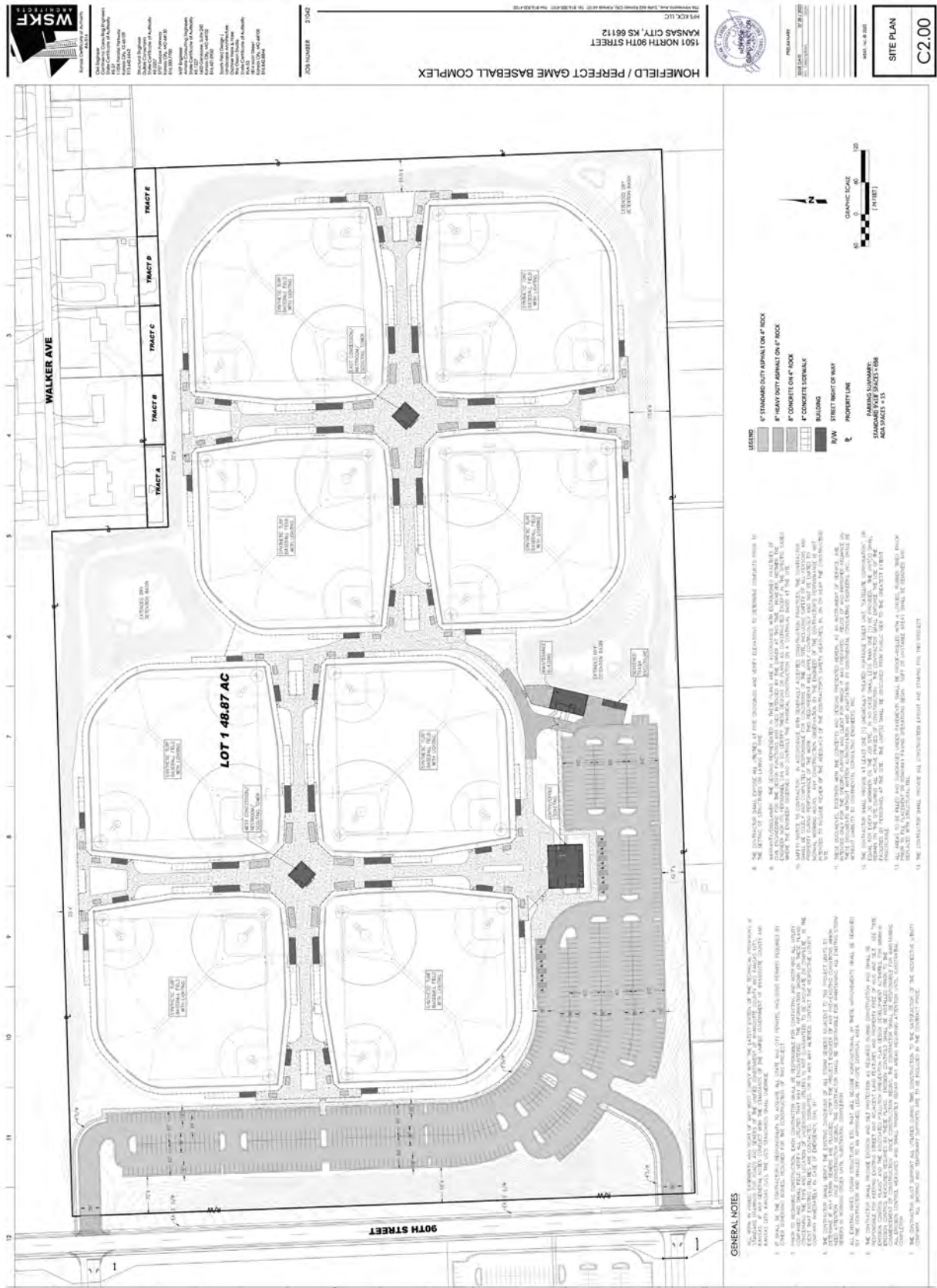
Q: Can we move the north entrance more north?

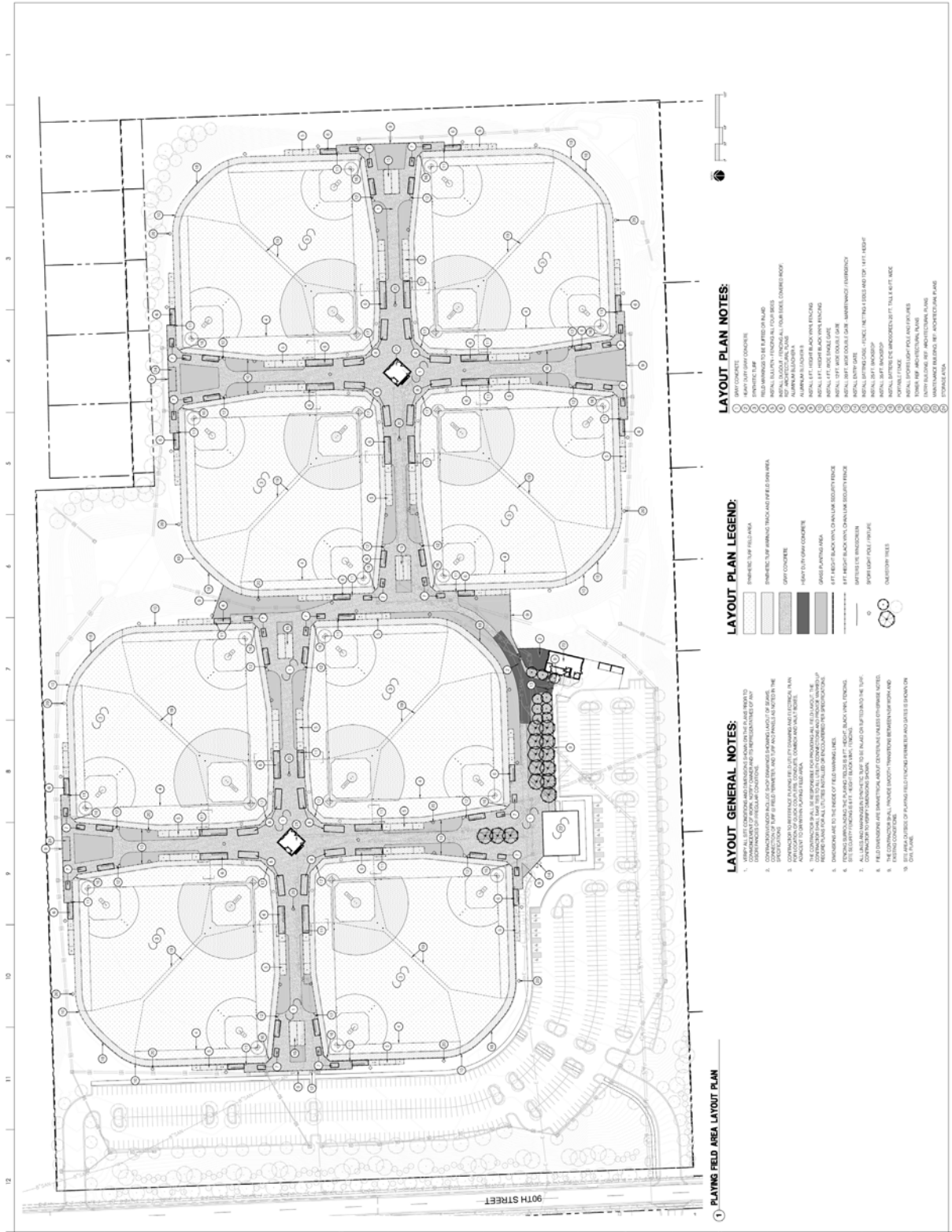
A: We can re-look at that, and see what the traffic study says regarding that.

That concluded all the questions, the meeting adjourned at: 6:52 PM.

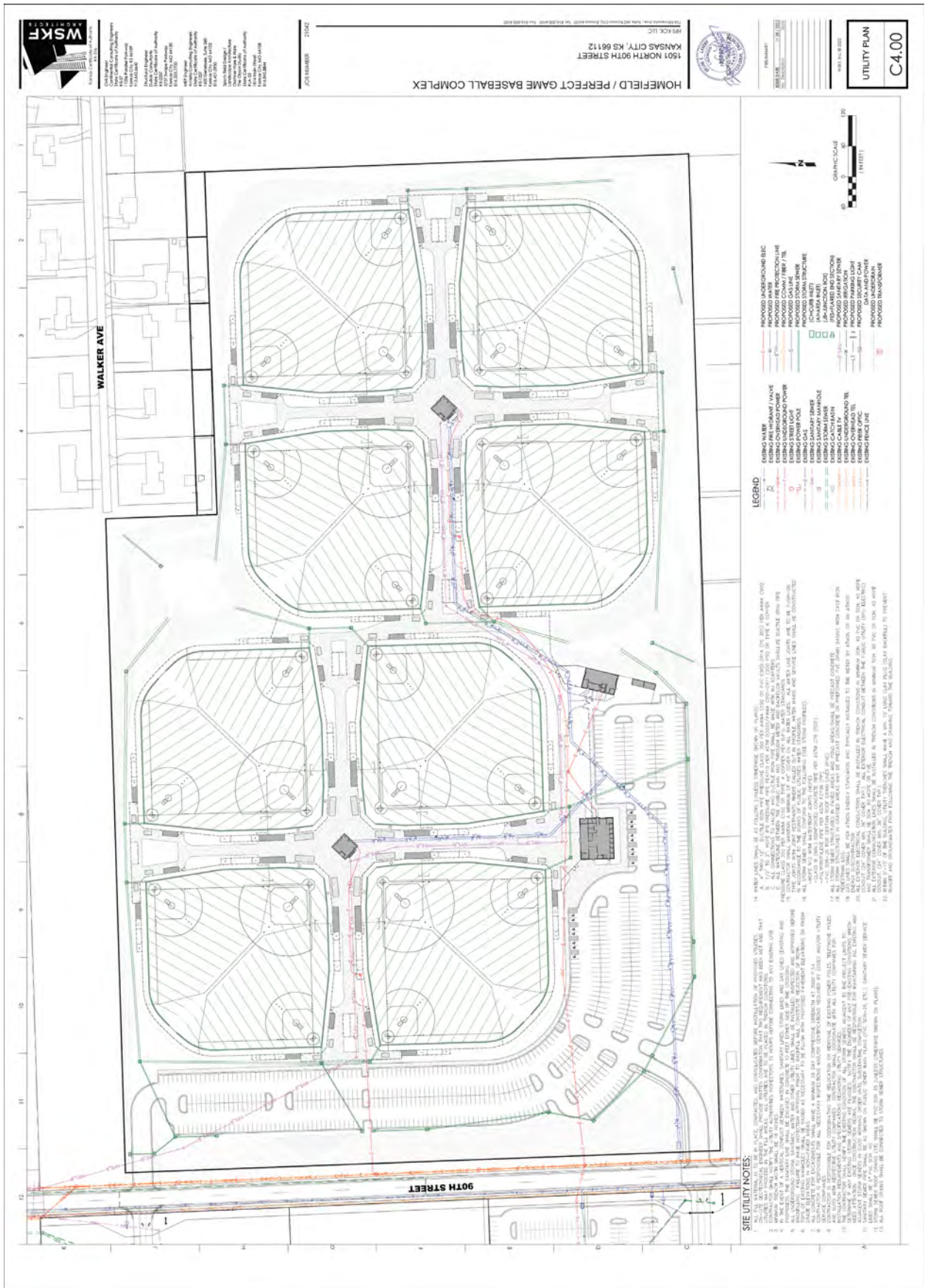
Minutes taken by: Chris Doyle at Homefield (the Developer)

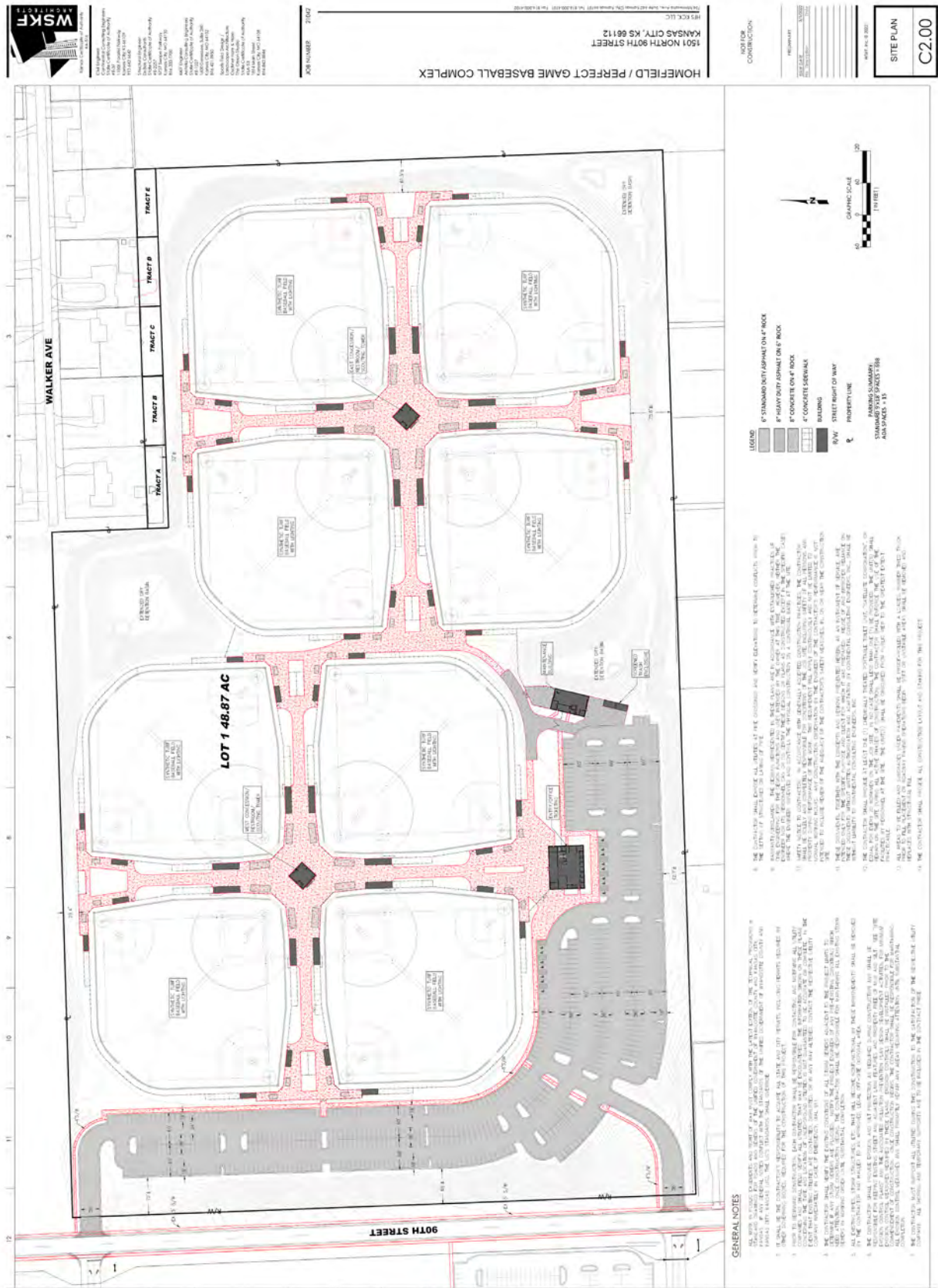
Signed  (Chris Doyle)

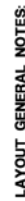












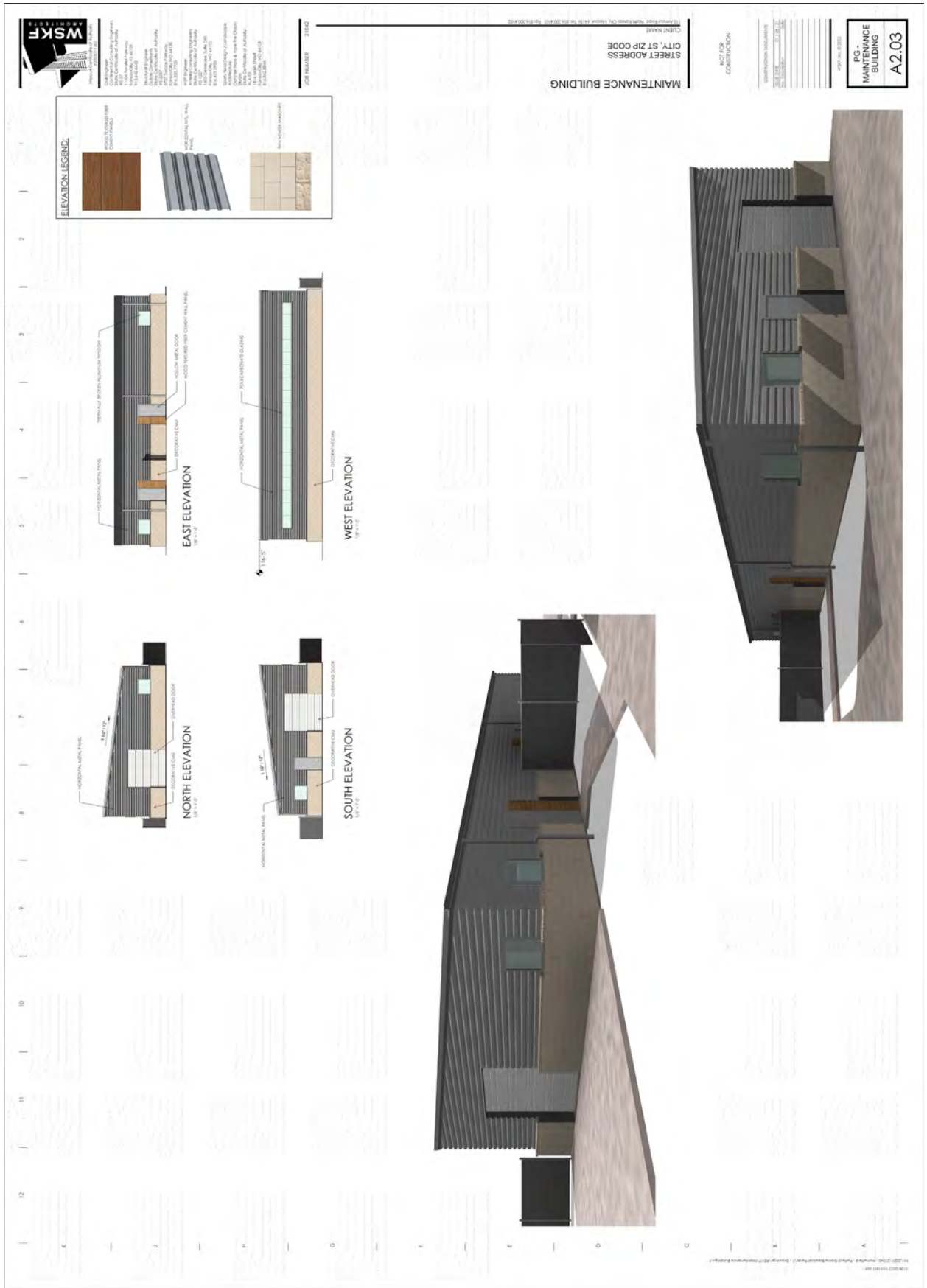




Figure 4. Site photograph looking east on North 90th Street at 1501 North 90th Street taken on February 15, 2022.



Figure 5. Site photograph looking southeast at 1501 North 90th Street taken on February 15, 2022.



Figure 6. Site photograph looking northeast at 1501 North 90th Street taken on February 15, 2022.



Figure 7. Site photograph looking northeast 1501 North 90th Street taken on February 15, 2022.



Figure 8. Site photograph looking north on North 90th Street at 1501 North 90th Street taken on February 15, 2022.



Figure 9. Site photograph looking northeast at 1501 North 90th Street taken on February 15, 2022.



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: March 31, 2022

Re: **Petition SP2022-25, Petition PR2022-009 and Master Plan Amendment MPL2022-007**

GENERAL INFORMATION

Applicant:
Curtis Petersen

Status of Applicant:
Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Action:
Approve an indefinite Special Use Permit for outdoor multi-use baseball/softball field complex.

Preliminary Plan Review for an outdoor multi-use baseball/softball field complex.

Master Plan Amendment from Planned Mixed Residential to Planned Entertainment (Prairie Delaware Piper Master Plan).

Date of Applications:
January 28, 2022



Purpose:	To amend the Master Plan to build and operate two (2) outdoor multi-use baseball/softball fields.
Property Location:	9020 State Avenue
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #7 Commissioner: Chuck Stites
Existing Zoning:	A-G Agriculture and R-1 Single Family Districts
Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture and R-1 Single Family Districts East: A-G Agriculture and CP-1 Planned Limited Business Districts West: A-G Agriculture and RP-5 Planned Apartment Districts (across North 94 th Street)
Adjacent Uses:	North: Compass Minerals Soccer Complex and single-family homes South: Single family homes and undeveloped land East: Dental office and single-family homes West: Single family homes
Total Tract Size:	13.88 Acres
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Planned Mixed Residential, which allows patio (zero lot line) homes, townhomes, condominiums, garden apartments, housing for seniors, and other multifamily uses. (An amendment to Planned Commercial Entertainment is being sought, which allows significant capital investment in infrastructure that entertains visitors, and venues that attract visitors throughout the area).
Major Street Plan:	The City-Wide Master Plan classifies State Avenue as a Class A Thoroughfare.
Required Parking:	Sec. 27-668(a)(2) Athletic fields, stadiums, gymnasiums, indoor athletic facilities. Spaces for these uses shall be as determined by the Planning Commission. 176 parking spaces are being provided.
Advertisement:	<u>The Wyandotte Echo</u> – Special Use Permit – February 17, 2022, Plat – None, Plan Review – None, and Master Plan Amendment – February 17, 2022 Letters to Property Owner – February 18, 2022 and March 24, 2022
Public Hearings:	March 14, 2022 and March 31, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, on behalf of the property owner, HFS KCK, LLC, has filed an indefinite Special Use Permit, Preliminary Development Plan and Master Plan Amendment to build a 1,300 square foot ticketing/entry building, multi-use baseball/softball field complex and parking on 13.88 acres at 9020 State Avenue.

City Ordinance Requirements: 27-592 through 27-606 and Article VIII Sections 27-340 – 27-765.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This property is along the State Avenue commercial and transit corridor. The character of the neighborhood is composed of soccer fields and a small single-family neighborhood to the north, single-family homes to the south, a dental office and single-family homes to the east and apartments to the west (across North 94th Street).

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

The zoning and uses of nearby property are identified above. An outside, multi-use baseball/softball field can be compatible with the surrounding residential area if properly screened and managed.

3. *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*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service provided by the West Patrol, District #225

e. *Fire*

Fire service provided by Fire Station #6 located near 95th and State Avenue.

f. *Transit*

Kansas City ATA provides transit service along State Avenue, Route #101. The nearest transit stop is in front of this property.

g. *Schools*

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

4. *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 on the property will not detrimentally affect nearby property as the majority of the visitors will be inside the building, although the increase in lighting of the sports fields, noise from outdoor fields and traffic as expected will significantly change the impact this parcel has on the surrounding area.

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

The property has been vacant for an undetermined period, however, the property was used as a driveway to the parcel in the rear, which was removed between 2014 and 2016.

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

Special Use Permits are not addressed in the City-Wide Master Plan, however, the Prairie Delaware Piper Master Plan Mixed Residential designation allows a mixture of single-family homes, townhomes, and multi-family apartments. A Master Plan Amendment to Planned Entertainment is being sought, which allows significant capital investment in infrastructure that entertains visitors, and venues that attract visitors throughout the area.

7. *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 result in a significant increase in the amount of vehicular traffic to the property. Pedestrian connectivity to transit is key, similar to the Homefield multi-use sports building at 9020 State Avenue. With the coordination of Planning Engineering and Public Works Department, the traffic study will be reviewed and commented separately.

8. *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 reasonably necessary for the convenience of those that will use this service, particularly young families in the metro area. It could have an impact on both the residential properties nearby, as well as the future potential for adjacent undeveloped parcels.

9. *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 will be a significant change in the illumination, noise, and activity on site, particularly on weekends when the site will be most heavily visited. Buffering shall be in place from the beginning to limit the impact on nearby residents and property owners.

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

The proposed use will not pollute the air, land or water provided on-site waste is disposed of properly. Surface stormwater runoff and field infiltration will be routed to the detention basins before slowly discharged into the storm sewers.

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

The proposed use will not damage or destroy an irreplaceable natural resource, however, the existing tree stands should be preserved to act as a buffer between the residences and the flat, graded development.

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

There is an expected gain to the public health with the addition of recreational facilities in the area.

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

The proposed use is not expected to result in overcrowding of land if designed properly. It will cause significant concentrations of populations.

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

The proposed use will increase the traffic and parking demand in ways that could adversely affect road capacity, safety, and create parking problems. With coordination from Planning Engineering and the Public Works Department, the traffic study will be reviewed and commented on separately.

Pedestrian connectivity to transit and other similar uses such as sidewalks, trails and bicycle facilities needs to be incorporated into this project (Phase 2) and connect to State Avenue.

15. The capability of the proposed use to meet applicable ordinance and other requirements.

The proposed use is capable of meeting applicable ordinance and other requirements with the appropriate revisions.

PREVIOUS ACTIONS

- SP2022-014, PLAT2022-003, PR2022-006 and MPL2022-004 was approved by the Board of Commissioners on March 3, 2022.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on February 23, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Parking
Lighting and Glare
Location of parking
Traffic
Pedestrian Access
Transit Access
Screening and Buffering
Noise
Bicycling Facilities

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-025**, Preliminary Plan Review Application **PR2022-009** and Master Plan Amendment **MPL2022-007**, subject to:

1. A building permit is required. Please contact the Building Inspection Department to begin that process;
2. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block. **The City Planning Commission granted this deviation request by the applicant;**
3. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided;
4. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;
5. Add a crosswalk for enhanced pedestrian connection and transit connectivity across the drive aisle linking the sidewalk from State Avenue along the east side of the easternmost entry/exit to the sidewalk near the baseball fields;
6. Over the road trucks shall not be parked on the property overnight;
7. Buses and larger vehicles shall not block drive aisles and/or fire lanes;
8. Install a publicly accessible bicycle rack for bicyclists in the plaza area;
9. Outdoor speakers should be oriented away from the single family residences;

10. The outdoor scoreboard lumens shall be oriented away from the single family residences;
11. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
 - f. EIFS at the ground level or comprising more than fifteen (15) percent of any façade. Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. Staff will not ask for the deviation.

The City Planning Commission granted this deviation request by the applicant;

12. The proposed concrete blocks need to be integrally-color and textured. Smooth-face concrete masonry units are not permitted as an exterior building material per the Commercial Design Guidelines;
13. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened. Overflow drains shall be at grade and hidden by vegetation;
14. All concrete shall be integrally-colored – no paint;
15. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):
 - a. Lot 2 – 83 trees;
16. The parking lot must be screened by berms and landscaping from State Avenue, and all residences on the south side of State Avenue;
17. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots;
18. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median;
19. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces;
20. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements.
21. Trees shall be preserved around the perimeter of the site as shown on Sheet L1.00;
22. Junipers and other coniferous trees should be planted throughout the site, specifically around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system;
23. All landscaping shall be irrigated along State Avenue, within the landscaped parking lot islands and landscape beds adjacent to the perimeter of the entrance;

24. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;
25. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
26. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line. This includes light that is cast vertically and horizontally;
27. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
28. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped;
29. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid;
30. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
31. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary;
32. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way;
33. 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
34. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
35. 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, Sections 8-610 through 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;
36. 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;
37. The Special Use Permit shall be valid indefinitely 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 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. Special Use Permits are non-transferable, therefore, all operations must cease until such time as a new Special Use Permit is approved; and,
38. 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 **SP2022-025**, Petition **PR2022-009** and **MPL2022-007** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Prairie Delaware Piper Master Plan Development Opportunities Map
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Utility Plan
Lighting Plan
Landscape Plan
Building Elevations
Site Photographs taken by Planning Staff on February 15, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	March 14, 2022	March 31, 2022
Special Use Preliminary Plan	Approval	
Master Plan Amendment	March 14, 2022 - Approval	March 31, 2022
	March 14, 2022 - Approval	March 31, 2022

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-007** 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 **MPL2022-007** 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.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-025** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-025**, 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.

Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-009** 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 **PR2022-009**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Hearing starts at Tape 2 – 1:47:08:

MPL2022-007 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Planned Entertainment (City-Wide Master Plan) at 9020 State Avenue.

SP2022-025 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Special Use Permit for privately owned athletic fields at 9020 State Avenue

PR2022-009 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Preliminary Plan Review for Homefield Training Center at 9020 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, on behalf of the property owner, HFS KCK, LLC, has filed an indefinite Special Use Permit, Preliminary Development Plan and Master Plan Amendment to build a 1,300 square foot ticketing/entry building, multi-use baseball/softball field complex and parking on 13.88 acres at 9020 State Avenue.

City Ordinance Requirements: 27-592 through 27-606 and Article VIII Sections 27-340 – 27-765.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 14, 2022;
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 the property owners.

Present in Support:

- Curt Petersen, applicant, Polsinelli, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112
- Amy Grant, Polsinelli, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112

Present in Opposition:

- No one appeared

Staff Recommendation starts at Tape 2 – 1:54:48: Planning Director Hand stated that these applications are Phase II of the Homefield project on State Avenue. This property is in the Prairie-Delaware-Piper Master Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation on this property. Staff would request that the applicant must comply with the Commercial Design Guidelines. Staff

has worked with the applicant on pedestrian connectivity and crosswalks within the property, and Staff is also requesting a bike rack as well as a connection to an enhanced transit facility as discussed during the plan review last month. Staff has asked for enhanced landscaping. Director Hand addressed the requested deviations by the applicant.

Item #2 - Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block. The City Planning Commission must grant these deviation requests by the applicant. Director Hand stated that this condition has been approved for deviation on all the other projects for this development.

Item #6 - Due to the proximity the Perfect Game multi-field baseball/softball fields located at 1501 North 90th Street, a trail needs to be established to connect the two developments together. Director Hand stated that this trail has been eliminated from all other applications. Staff does not object to its deletion.

Item #12 - Sec. 27-576(e)(2) Exterior building materials shall not include the following: f. EIFS at the ground level or comprising more than fifteen (15) percent of any façade. Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. Director Hand stated that Staff does not object to this deviation as these are not traditional commercial buildings.

Item #14 - Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation. Director Hand stated staff would request that this item be amended and eliminate “and all downspouts shall be internalized.”

Item #16 - As discussed during the pre-application meeting, screening like Turner Logistics Center East at College Parkway and Orville Avenue and Walmart at Plaza at the Speedway should be installed adjacent to the residence along the rear yards abutting the fields in the eastern corner of the site. A six (6) foot privacy fence with masonry columns every 32 feet running should be installed along common property lines. Director Hand stated he agrees with the applicant that a fence is not needed here. The tree stand will serve as a better screen than a fence. He further stated that the facility is already enclosed by a fence, and that other conditions of approval requesting enhanced landscaping will suffice.

Item #24 - Junipers and other coniferous trees should be planted throughout the site, specifically around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system. Director Hand stated that staff would request that this item be amended “from throughout the site” and include “around the perimeter of all detention basin slopes.”

Staff recommends approval subject to the revised conditions.

Motion and Vote starts at Tape 2 – 1:58:00:

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2022-007:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-025:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. A building permit is required. Please contact the Building Inspection Department to begin that process;**
- 2. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block. The City Planning Commission granted this deviation request by the applicant;**
- 3. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may**

- approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided;
4. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;
 5. Add a crosswalk for enhanced pedestrian connection and transit connectivity across the drive aisle linking the sidewalk from State Avenue along the east side of the easternmost entry/exit to the sidewalk near the baseball fields;
 6. Over the road trucks shall not be parked on the property overnight;
 7. Buses and larger vehicles shall not block drive aisles and/or fire lanes;
 8. Install a publicly accessible bicycle rack for bicyclists in the plaza area;
 9. Outdoor speakers should be oriented away from the single family residences;
 10. The outdoor scoreboard lumens shall be oriented away from the single family residences;
 11. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
 - f. EIFS at the ground level or comprising more than fifteen (15) percent of any façade. Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. Staff will not ask for the deviation.

The City Planning Commission granted this deviation request by the applicant;

12. The proposed concrete blocks need to be integrally-color and textured. Smooth-face concrete masonry units are not permitted as an exterior building material per the Commercial Design Guidelines;
13. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened. Overflow drains shall be at grade and hidden by vegetation;
14. All concrete shall be integrally-colored – no paint;
15. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):
 - a. Lot 2 – 83 trees;
16. The parking lot must be screened by berms and landscaping from State Avenue, and all residences on the south side of State Avenue;
17. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots;
18. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median;
19. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces;

20. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements.
21. Trees shall be preserved around the perimeter of the site as shown on Sheet L1.00;
22. Junipers and other coniferous trees should be planted throughout the site, specifically around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system;
23. All landscaping shall be irrigated along State Avenue, within the landscaped parking lot islands and landscape beds adjacent to the perimeter of the entrance;
24. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;
25. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
26. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line. This includes light that is cast vertically and horizontally;
27. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
28. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped;
29. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid;
30. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
31. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary;

32. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way;
33. 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
34. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
35. 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, Sections 8-610 through 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;
36. 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;
37. The Special Use Permit shall be valid indefinitely 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 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. Special Use Permits are non-transferable, therefore, all operations must cease until such time as a new Special Use Permit is approved; and,
38. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Ms. Armstrong, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2022-009:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to the above conditions.

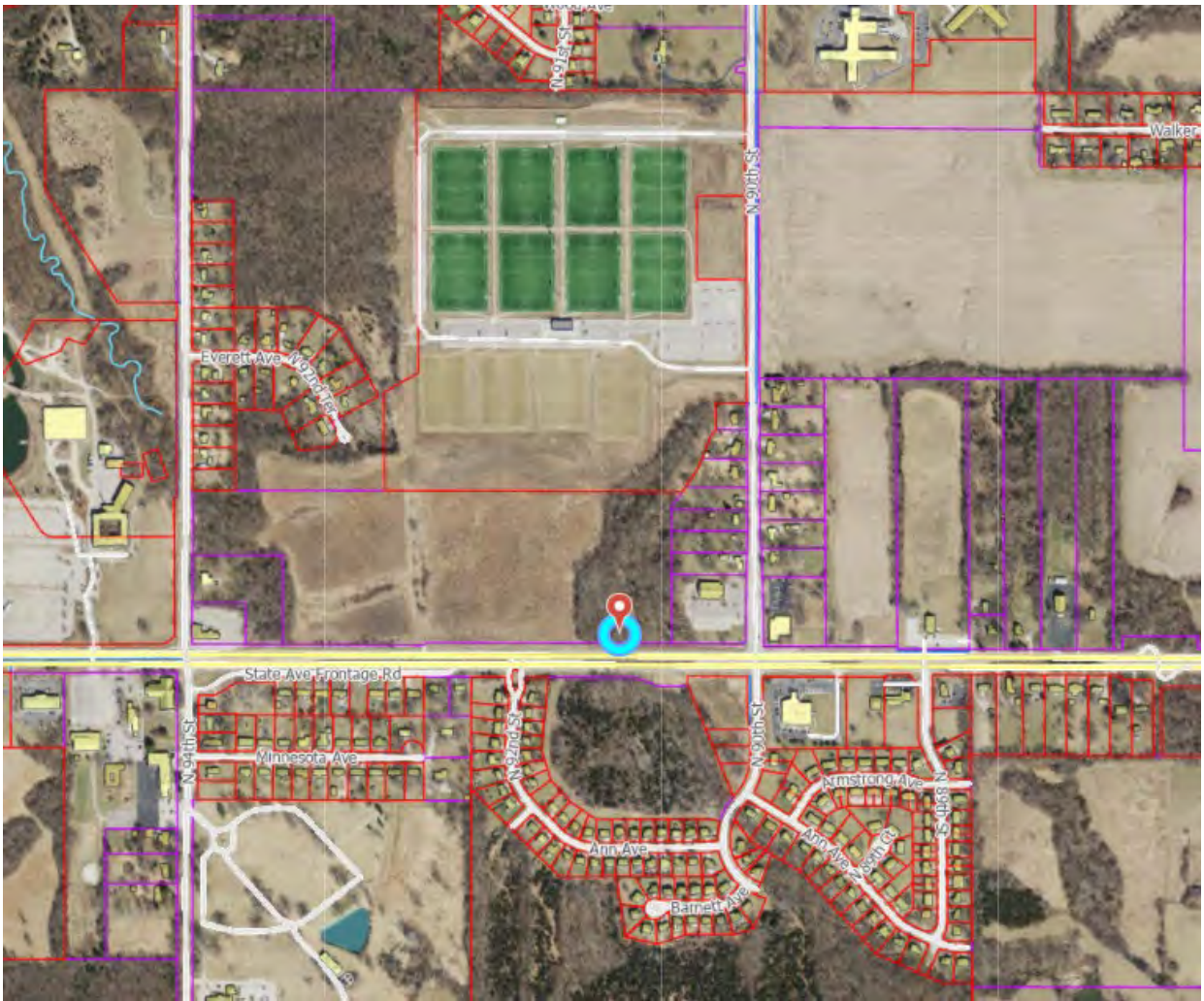


Figure 1. Aerial photograph of 9020 State Avenue (provided by UG Maps).



Figure 2. Zoning Map of 9020 State Avenue (provided by UG Maps).

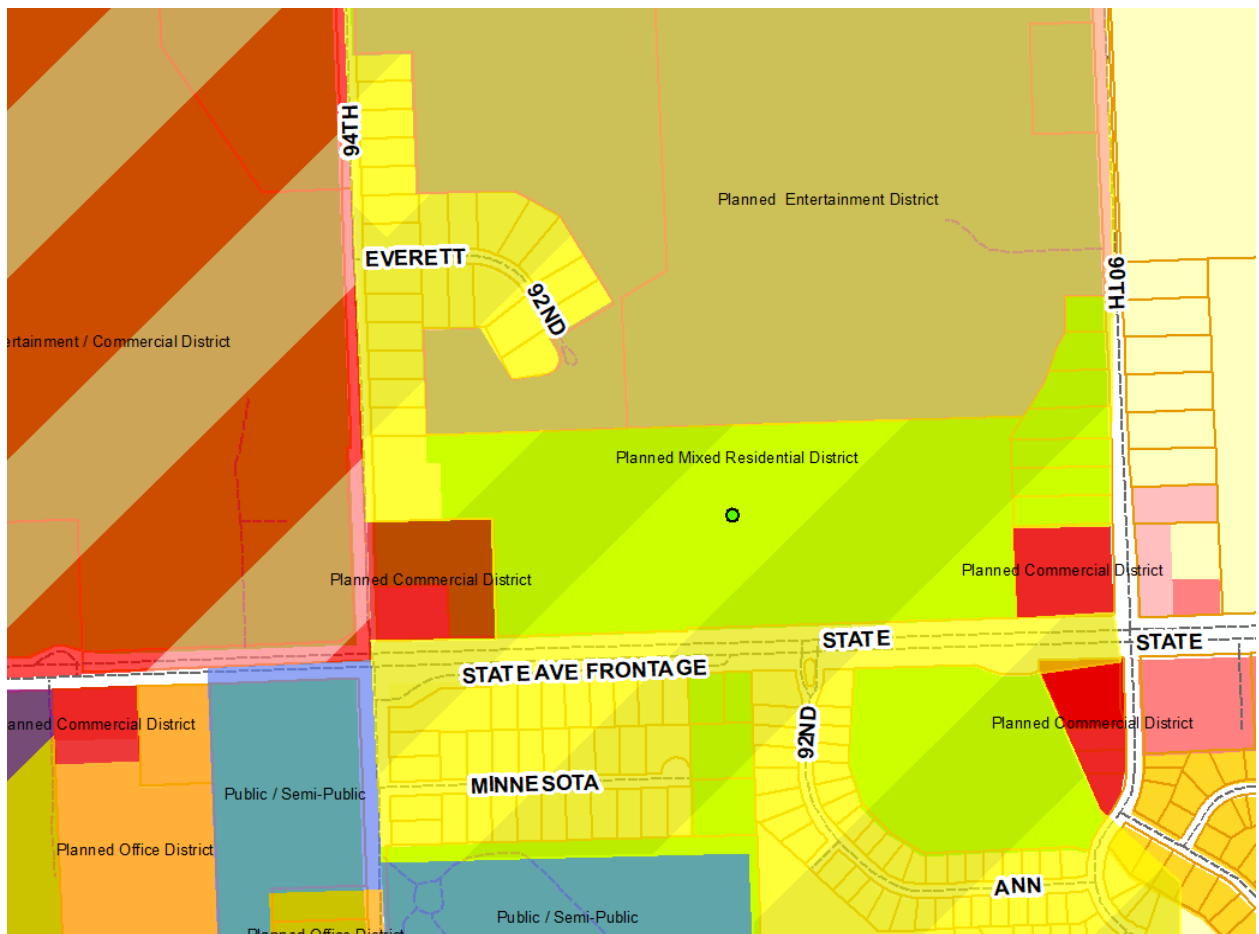


Figure 3. Prairie Delaware Piper Master Plan Land Use Map (provided by ArcMap).

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

General Planning:

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

RESPONSE: Acknowledged.

2. The 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.

RESPONSE: Acknowledged.

3. A building permit is required. Please contact the Building Inspection Department to begin that process.

RESPONSE: Acknowledged.

4. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block. The City Planning Commission must grant these deviation requests by the applicant.

RESPONSE: *The Developer respectfully requests a deviation to allow this parking field to remain as proposed.*

5. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided.

RESPONSE: Acknowledged.

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6. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings.
RESPONSE: See Sheet C2.00 for sidewalk provided along northern edge of parking lot.
7. Add a crosswalk for enhanced pedestrian connection and transit connectivity across the drive aisle linking the sidewalk from State Avenue along the east side of the easternmost entry/exit to the sidewalk near the baseball fields.
RESPONSE: The Developer believes the sidewalk provide along the eastern most entry/exit drive is sufficient for pedestrian access from State Avenue.
8. Due to the proximity the Perfect Game multi-field baseball/softball fields located at 1501 North 90th Street, a trail needs to be established to connect the two developments together.
RESPONSE: The applicant would like to discuss this further with planning staff.
9. Over the road trucks shall not be parked on the property overnight.
RESPONSE: Acknowledged.
10. Where will buses and larger vehicles park within the parking lot?
RESPONSE: The Developer would like to discuss this further with planning staff as we are not aware of any requirement to address parking for buses and larger vehicles. If an issue were to arise with whether these types of vehicles park the operator would address the issue directly.
11. Install a publicly accessible bicycle rack for bicyclists in the plaza area.
RESPONSE: Acknowledged.
12. Will outdoor speakers be installed on the baseball/soccer fields?
RESPONSE: Yes, for championship games.
13. What are the proposed hours of operation?
RESPONSE: Athletic fields do not typically have set hours of operation given the multitude of factors that can impact when sporting events are played outdoors.

Building Architecture

1. Sec. 27-576(e)(2) Exterior building materials shall not include the following:

EIFS at the ground level or comprising more than fifteen (15) percent of any façade.

Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning

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Commission must give a deviation from the Commercial Design Guidelines. Staff will not ask for the deviation.

The City Planning Commission must approve the applicant's deviation request.

RESPONSE: *The only proposed building is the concession stand building and it is a single-story building. The Developer respectfully requests a deviation from the Design Guidelines. The concession stand building will have 16.67% metal on the north and south facades and 23.1% metal on the west façade.*

2. The proposed concrete blocks need to be integrally-color and textured. Smooth-face concrete masonry units are not permitted as an exterior building material per the Commercial Design Guidelines.

RESPONSE: *Acknowledged.*

3. Provide elevations of the baseball fields.

RESPONSE: *The applicant would like to discuss this further with planning staff to better understand what is being requested.*

4. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation.

RESPONSE: *The concession stand building is a stand-alone single-story building and is not highly visible from State Avenue. Downspouts will be carefully integrated into the design of the building but cannot be internalized.*

5. All concrete shall be integrally-colored – no paint

RESPONSE: *Acknowledged.*

Landscaping and Screening:

1. What will the residences see of this development from the north, south and east? Provide sight line cross sections illustrating what the residents will see from their properties.

RESPONSE: *Sight line cross sections have been provided with the resubmittal.*

2. As discussed during the pre-application meeting, screening like Turner Logistics Center East at College Parkway and Orville Avenue and Walmart at Plaza at the Speedway should be installed adjacent to the residence along the rear yards abutting the fields in the eastern corner of the site. A six (6) foot privacy fence with masonry columns every 32 feet running should be installed along common property lines.

RESPONSE: *The applicant would like to discuss this further with planning staff. Fencing is being provide around the baseball fields but is not proposed along any property boundary. The Developer feels that the existing landscaping provides a sufficient buffer to the single-family homes and that the installation of fencing would remove existing trees.*

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3. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):
 - a. Lot 2 – 83 trees.

RESPONSE: 86 trees for the site plus 10 for the parking plus 23 for street frontage for a total of 119 trees are being provided along with the preserved portion of trees on the east property line.

4. The parking lot must be screened by berms and landscaping from State Avenue, and all residences on the south side of State Avenue.

RESPONSE: A berm is shown on the grading and landscape plan.

5. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots.

RESPONSE: Trees are being provided along the pedestrian route from the entry drive to the entry gate, trees are also lining the sidewalk across the north side of the parking lot leading to the entry gate.

6. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median.

RESPONSE: Islands have been added to the parking field to break long runs of parking, the lot is only 2 bays deep.

6. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces. Revise and resubmit.

RESPONSE: Islands have been added to the parking field to break long runs of parking, the lot is only 2 bays deep.

7. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements. Revise and resubmit.

RESPONSE: These trees have been added, see item #3.

8. Add a note or cloud indicating the preservation of existing tree stands around the perimeter of the development.

RESPONSE: The tree preservation was shown on the submitted L1.00.

9. Junipers and other coniferous trees should be planted throughout the site, specifically around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system.

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RESPONSE: Trees are being provided along the east slope near the detention basin, there is no concern about the leaves in this area as they are at a sufficient distance from the synthetic turf.

10. All landscaping shall be irrigated along State Avenue, within the landscaped parking lot islands and landscape beds adjacent to the perimeter of the entrance.

RESPONSE: Acknowledged.

11. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted.

RESPONSE: Acknowledged.

12. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction.

RESPONSE: Acknowledged.

13. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line. This includes light that is cast vertically and horizontally.

RESPONSE: Acknowledged.

14. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed.

RESPONSE: Acknowledged.

15. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped.

RESPONSE: Acknowledged.

16. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid.

RESPONSE: Acknowledged.

17. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building.

RESPONSE: Acknowledged.

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18. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary.

RESPONSE: Acknowledged.

19. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way.

RESPONSE: Acknowledged.

Signage:

1. Shall comply with the sign ordinance.

RESPONSE: Acknowledged.

Planning Engineering Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None

B) Items that are conditions of approval (stipulations):

1) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

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02/23/22

HOMEFIELD BASEBALL
9020 State Avenue, Kansas City, KS
NEIGHBORHOOD MEETING MINUTES:

Application Number SP2022-025 & PR2022-009

Date and Location: 02/23/22, Meeting held on Zoom Video Conference

Meeting called to order at: 5:30 PM

Names of people in attendance:

1. Richard Napper – Homefield
2. Chris Doyle – Homefield
3. Brian Lavery – Continental Engineering Consultants
4. Paula Owen – Neighbor
5. Jeff Letterman – Neighbor

Introductions: Richard Napper with Homefield (the Developer)

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

- Richard Napper opened the meeting and announced it was the Neighborhood Meeting for the Homefield Baseball Project located in Kansas City, Kansas. Richard gave a brief overview of the Project and opened up for questions. We showed the Homefield – Master Plan overlay on aerial dated 01/25/22. We had discussions with two attendees at the meeting, both Paula Owens and Jeff Letterman had several questions. The meeting lasted the entire 30 minute period, all questions were answered, at 6:00 PM we officially concluded the Neighborhood Meeting and we adjourned.

Questions and answers (include the following): For clarity, each neighbor's Q's & A's have been grouped together.

Paula Owen (the Bee house):

1. Q: Will any of the tree stand along our east property line be saved, or will it all be removed. A: We reviewed the Plan together and showed

the grading limits on the east side, and confirmed that yes, much of the tree stand will be preserved. Although we have permission to grade to our property line, we will try to leave the trees shown to remain, and we are planning additional trees as shown in the Plan.

2. Q: The little white box off our north east most corner is our honey bee house, will it be safe. A: Yes, we won't disturb that land outside our property line.

Jeff Letterman:

1. Q: How much will the Fields be used? A: Richard explained that these are intended to be Championship Game Fields.
2. Q: What is the Homefield Building. A: A multi-sport indoor training facility.

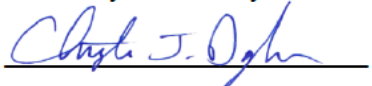
Paula Owen:

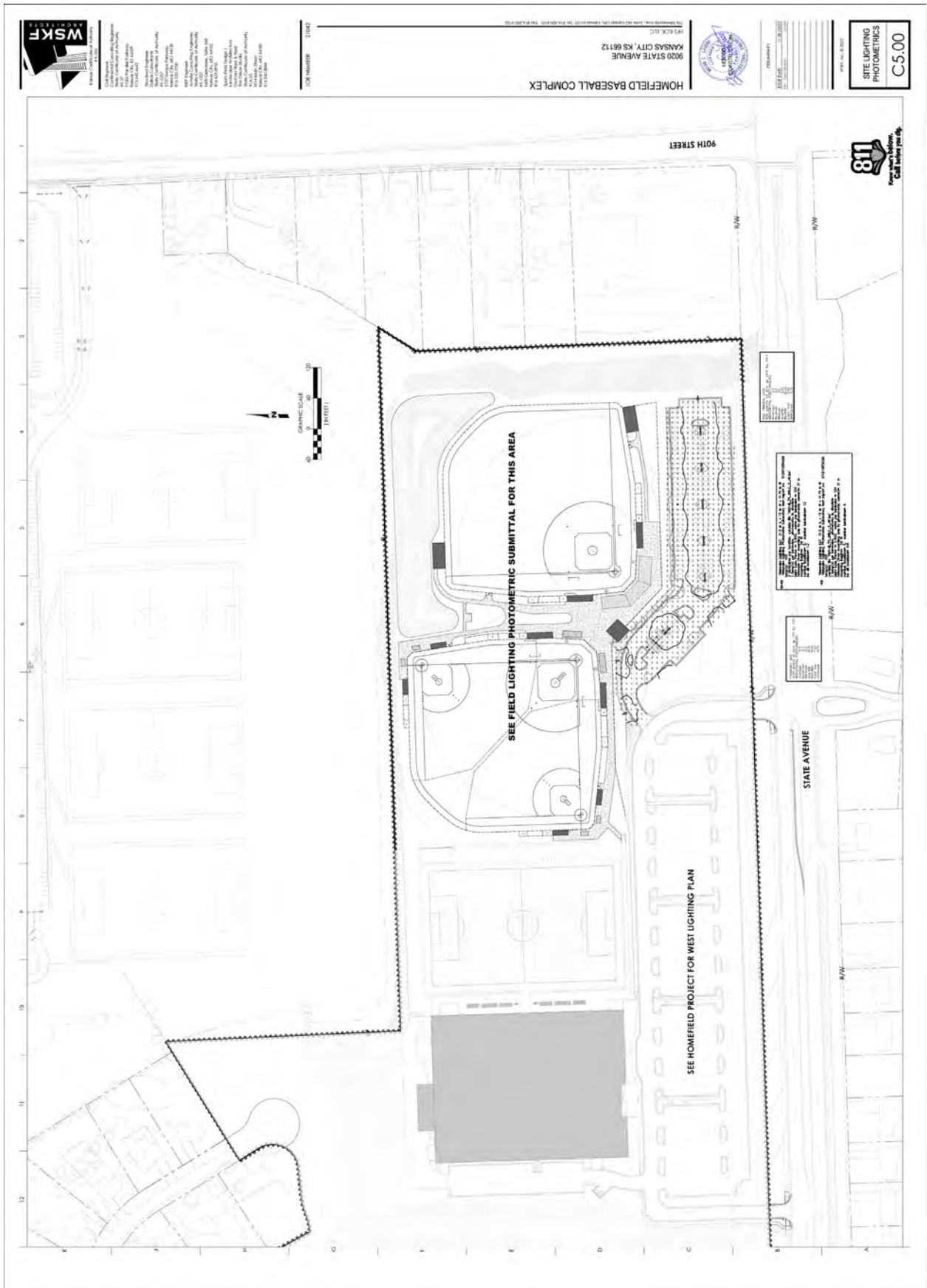
1. Q: She asked about the Storm and Sanitary drainage. A: Brian Lavery described where the Sanitary and Storm water drainage will be routed.
2. Q: Will there be a fence along our east property line. A: The Fields will have a perimeter fence immediately around the fields, but not along our property line.

Paula and Jeff thanked us for presenting the info and they hung up around 5:48 PM. We waited another 12 minutes before ending the Zoom.

That concluded all the questions, the meeting adjourned at: 6:00 PM.

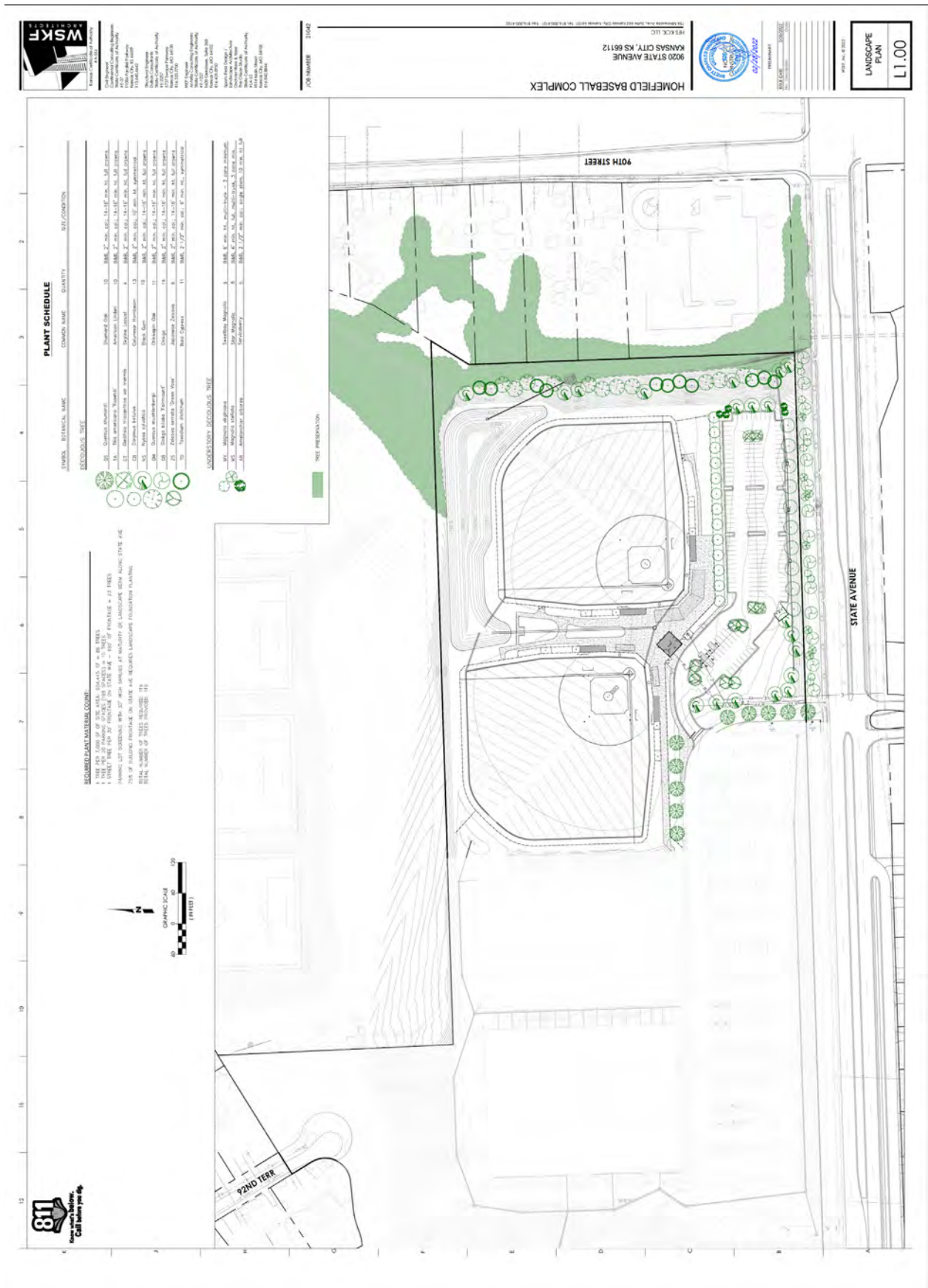
Minutes taken by: Chris Doyle at Homefield (the Developer)

Signed  (Chris Doyle)









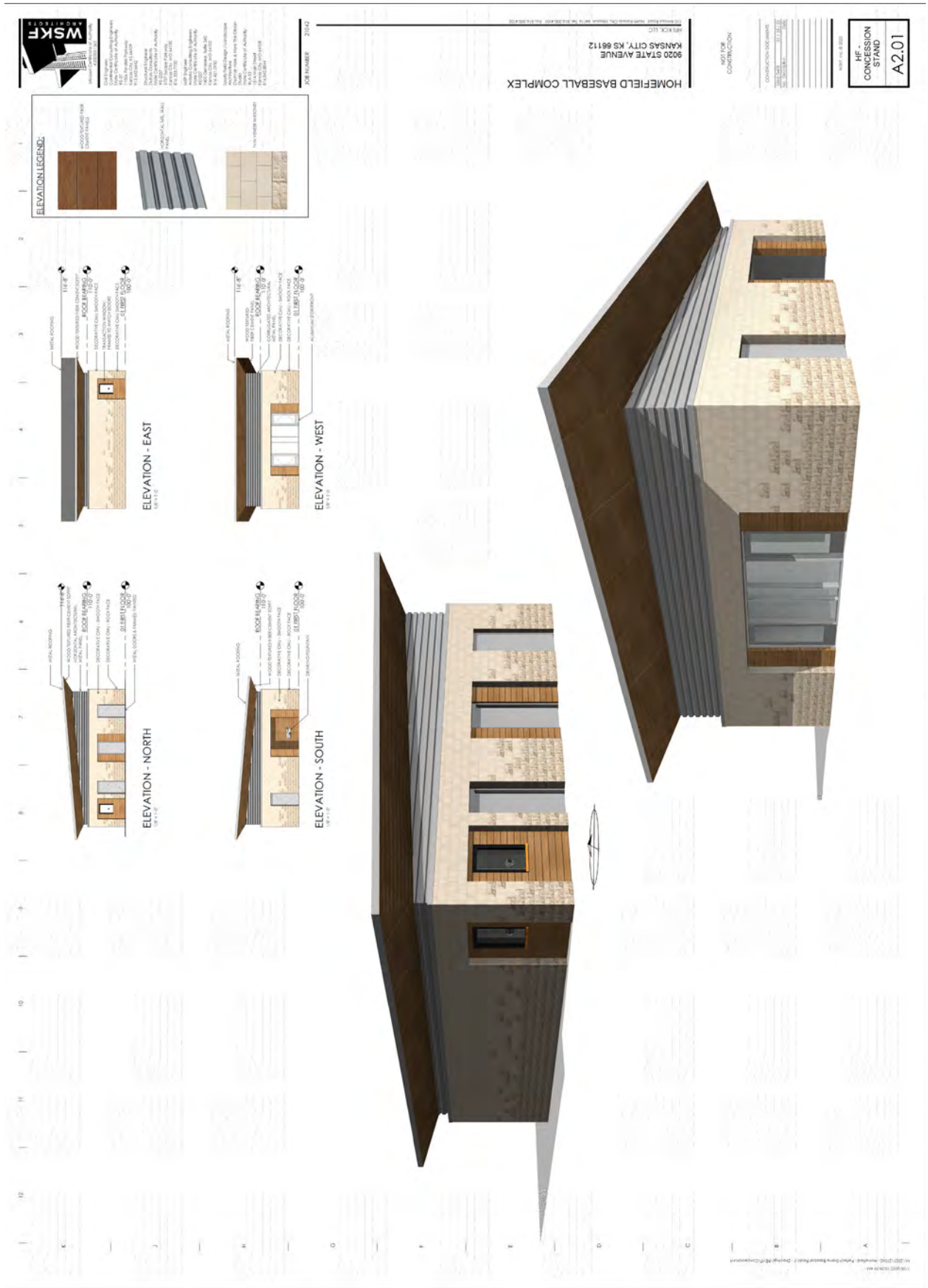




Figure 4. Site photograph looking west on State Avenue at 9020 State Avenue taken on January 12, 2022.



Figure 5. Site photograph looking east on State Avenue at 9020 State Avenue taken on January 12, 2022.



Figure 6. Site photograph looking southeast on 9020 State Avenue at State Avenue.



Figure 7. Site photograph looking southwest on 9020 State Avenue at State Avenue.



Figure 8. Site photograph looking northwest at 9020 State Avenue taken on January 12, 2022.



Figure 9. Site photograph looking north at 9020 State Avenue taken on January 12, 2022.



Figure 10. Site photograph looking northeast at 9020 State Avenue taken on January 12, 2022.

Commission Districts:	At-Large Commissioner, District #1: Melissa Bynum District #1 Commissioner: Gayle Townsend
Existing Zoning:	M-3 Heavy Industrial District
Adjacent Zoning:	North: M-3 Heavy Industrial District South: M-3 Heavy Industrial District East: M-3 Heavy Industrial District West: M-3 Heavy Industrial District
Adjacent Uses:	North: Secretary of Transportation right-of-way South: Industrial uses East: Industrial use West: Industrial uses
Total Tract Size:	4.36 Acres
Master Plan Area:	The subject property is within the Northeast Area Master Plan.
Master Plan Designation:	The Northeast Area Master Plan designates this property as Industrial. The Industrial land use designation allows uses as manufacturing and shipping. The building types and uses permitted in the Industrial land use designation includes light industrial buildings, heavy industrial buildings, and commercial buildings to support industrial uses, such as restaurants, convenience stores, and gas stations. These uses should generally be located apart from residential neighborhoods. Industrial areas should include amenities such as sidewalks, landscaping, lighting, and walking trails, and overall have an attractive campus feel to attract and retain talent. The subject property is also within the Fairfax District Master Plan, a master plan concurrent to the Northeast Area Master Plan.
Major Street Plan:	The Major Street Plan designates Kindelberger Road as a Class B Thoroughfare. The Major Street Plan designates North 7 th Street Trafficway as a Class B Thoroughfare.
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 (1) space for each 500 square feet of building area be provided. For buildings larger than 20,000 square feet, only one (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning. 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 City Planning Commission. Commercial uses shall provide parking as would be required in the C-3 district. Per Section 27-467(e), uses in this district require paved off-street parking spaces at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. The submitted site plan demonstrates a 9,500 square feet of repair facilities, which will be used for industrial purposes. Therefore, M-3 District standards apply and a minimum of 19 parking spaces are required. The submitted site plan also demonstrates 1,116 square feet of office in the repair shop and a utility building at the fuel station. The utility building is open to the public and will be used for commercial purposes. Therefore, the C-3 District standards apply and five (5) parking spaces are required. A total of 24 parking spaces, one (1) of which must be ADA-compliant. The proposed site plan provides 24 parking spaces, two (2) of which are ADA-compliant. These parking spaces satisfy the requirements of both Sections 27-470(f) and 27-676(a).

Advertisement:	<u>The Wyandotte Echo</u> – February 17, 2022 Letters to Property Owners – February 18, 2022 and March 24, 2022
Public Hearings:	March 14, 2022 and March 31, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Austin Lage with BHC, is requesting a Preliminary Plan Review and a Special Use Permit. The Preliminary Plan Review is for the proposed development on the subject property: a fueling station open to the public and a private truck maintenance facility. The Special Use Permit is for heavy automotive/truck services, repair, and mechanic, which will allow for the operation of a truck maintenance facility, in conjunction with a fueling station.

City Ordinance Requirements: Article VIII, Sections 27-592 – 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. The current property owner has received no building or code enforcement complaints.
2. The previous two (2) property owners have received several code enforcement violations, including a metal fence in disrepair in 2018, and overgrown weeds and grass in 2018, 2020, and 2021. The most recent previous property owner was also issued two (2) administrative citations. The first was for environmental issues, overgrown vegetation, and debris in 2020; the second citation was for overgrown weeds in 2021.

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits.
2. The current property owner has no outstanding Code Inspection cases.

FACTORS TO BE CONSIDERED

Plan Review

1. *The Character of the Neighborhood.*

The subject property is within the Fairfax Statistical Neighborhood and is not within a Neighborhood Group. The entire neighborhood—the Fairfax District—is industrially zoned and is predominately industrial uses.

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 applicant states that the subject property will see 96 truck trips per day. The proposed site plan demonstrates an entrance on Kindelberger Road. This entrance is located on the western portion of the property, as far away from the intersection with North 7th Street Trafficway as possible. This entrance location allows for traffic to come in and out of the subject property without interfering with the nearby intersection.

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

The Northeast Area Master Plan designates this property as Industrial; there is no designation made by the Fairfax District Master Plan but the plan notes that all parcels are industrially zoned. Building types and uses permitted in the Industrial land use designation includes light industrial buildings, heavy industrial buildings, and commercial buildings to support industrial uses, such as restaurants, convenience stores, and gas stations. Industrial areas should include amenities such as sidewalks, landscaping, lighting, and walking trails, and overall have an attractive campus feel to attract and retain talent. The proposed use is a fueling station and heavy truck maintenance, which is allowed in industrially zoned districts with a Special Use Permit. The proposed use is in conformance with the spirit of the Northeast Area Master Plan and the Fairfax District Master Plan.

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

a. *Water service*

It is currently no water service to the subject property, but a connection is proposed.

b. *Sanitary sewer service*

A combination sanitary sewer line/stormwater line runs along the southern boundary of the subject property.

c. *Storm water control*

A combination sanitary sewer line/stormwater line runs along the southern boundary of the subject property. There is a dedicated stormwater line, however, to the north of the subject property which it could access if the applicant acquired the adjacent KDOT parcels.

d. *Police*

Police service is provided by East Division, District #112.

e. Fire

Fire service is provided by Fire Station #15, which is 0.2 miles from the subject property.

f. Transit

The subject property is served by several sets of bus stops along Sunshine Road. The closest pair of bus stops are located 0.3 miles away, at the intersection of Sunshine Road and North 7th Street. The bus stops are served by 3rd Street-Fairfax, Route #103.

g. Schools

Public education is provided by Benjamin Banneker Elementary School, Northwest Middle School, and Wyandotte High School, under Kansas City, Kansas USD 500.

5. The capability of the proposed use to meet applicable ordinance and other requirements.

The revised site plan has demonstrated 24 parking spaces, two (2) of which are ADA-compliant. This satisfies the minimum parking requirements for the zoning district. The applicant must provide a revised site plan that demonstrates a total of 41 parking spaces, two (2) of which must be ADA-compliant. The subject property must be compliant with all Commercial Development Guidelines Overlay District ordinances, including proper landscaping, pedestrian access, and building design and materiality.

Special Use Permit

1. The Character of the Neighborhood.

See Plan Review Factor #1.

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

All surrounding properties are industrially zoned. The Fairfax neighborhood is an appropriate area for industrial and industrial-complimentary uses such as the fueling and maintenance of heavy trucks. In this way, the proposed use is compatible with the nearby zoning and uses.

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

The subject property is in the M-3 District within the Industrial land use designated by the Northeast Area Master Plan. Furthermore, it is surrounded by

other industrially zoned properties. Given this context, heavy truck repair as a complement to a fueling station is an appropriate use for the subject property and removal of the restrictions will not detrimentally affect nearby properties.

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

It is unclear how long the parcels have been vacant, but aerial photos and property records indicate that the property has been effectively abandoned since 2018.

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

See Plan Review Factor #3.

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.*

See Plan Review Factor #2.

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.*

While the complementary fuel station will be open for public use, the heavy truck repair services will be for private maintenance. Heavy repair services are necessary for the maintenance and repair of larger work trucks that are used in areas of the economy such as construction and shipping. Given that the proposed use is located in Fairfax among a variety of other industrially zoned properties and industrial uses, it will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

Heavy truck maintenance is prone to generate noise, vibration, dust, and illumination. All maintenance must be conducted inside the proposed building. Furthermore, the exterior lights proposed on the submitted site plan (see "Site Plan of 700 Kindelberger Road" in the *Attachments* section of this report) must be fitted with covers and face downward at a 90-degree angle, as per Section 27-699(b)(10). All trucks being repaired, or otherwise inoperable vehicles must be stored inside unless they are completely screened from view in accordance with all applicable ordinances. All vehicles under heavy service, repairs, or mechanics shall not be placed within a required/paving setback area.

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

A major factor determining the environmental damage caused by construction is the increase in impermeable surfaces. Some of that loss of permeable land can be mitigated by landscaping along Kindelberger Road and North 7th Street Trafficway. As the proposed use includes repairing vehicles, all fluids and parts must be properly disposed of, such as in an oil-water separator and through off-site disposal, respectively.

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

The applicant must take several mitigation measures to ensure the protection of irreplaceable natural resources. One (1) such measure includes ensuring the change in permeable surface does not result in a change in stormwater runoff by grading the property. Another mitigation measure includes properly disposing of automotive materials and fluids in accordance with local, State, and federal law and in accordance with any additional binding regulations from licensing boards or government agencies. The applicant must provide proof of an oil-water separator installed in the workshop floor. An additional mitigation measure includes the proper disposal of tires as well.

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

The Fairfax District of Wyandotte County historically has supported a variety of industrial uses. Heavy truck service, repair, and maintenance, along with the allowed fueling station use, fits in with the surrounding industrial uses. In fact, fueling and truck repair are less intense uses than can be found elsewhere in the M-3 District or in Fairfax as a whole. Additionally, this unique type of repair will serve companies in the district, so its proximity should reduce vehicle miles traveled by said businesses. Therefore, there is a relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

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

See Plan Review Factor #2.

PREVIOUS ACTIONS

- N/A

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on February 28, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Commercial Development Guidelines Overlay District
Landscaping and Screening
Lighting and Glare
Noise, Dust, and Vibration
Pedestrian Connectivity
Stormwater Runoff
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-031** for two (2) years, subject to:

- 1) The applicant is requesting a Special Use Permit for heavy vehicle/truck service, repair, and maintenance. Any additional uses not included in this Special Use Permit SP2022-031 and not otherwise allowed by the Zoning Code in the M-3 District must receive a separate Special Use Permit;
- 2) A five (5)-foot sidewalk along the Kindelberger Road right-of-way must be installed and tied into both the existing sidewalk along Kindelberger Road and the intersection at North 7th Street Trafficway and Kindelberger Road. The sidewalk must have all relevant curb cuts, marked crosswalks, and landscaping demonstrated in the submitted site and landscaping plans;
- 3) In addressing the building materiality requirements in Section 27-576(e)(1)-(2), the applicant may have a metal building, but must cover the outside metal façade in stucco or another qualifying masonry material;
- 4) Per Section 8-249(b), any fence not otherwise prohibited and no more than eight (8) feet in height is permitted within an area demarcated by the property side line from the front and/or corner side yard required setback to the rear property line and across the rear property line;
- 5) Per Section 27-470(d)(2), no equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six (6) feet from the street line and not less than three (3) feet in height;
- 6) Per Section 27-577(f)(2), plants that die must be replaced as quickly as possible, but in no event longer than four (4) months;
- 7) The requirements of the Commercial Development Guidelines Overlay District that have been met or will be met are listed under Comment #2 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the *Staff Comments and Suggestions* section of this report;
- 8) The requirements of the Commercial Development Guidelines Overlay District that have not been met are listed under Comment #3 in the

- “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the *Staff Comments and Suggestions* section of this report;**
- 9) It is unclear if some of the requirements of the Commercial Development Guidelines Overlay District have been met or not. In the Final Plan Review, the applicant should provide further explanation or demonstration for the requirements listed under Comment #4 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the *Staff Comments and Suggestions* section of this report;**
 - 10) There are comments incorporated herein by the Wyandotte County Conservation District. For a full list of the Conservation District comments, see the “Wyandotte County Conservation District Letter, Dated February 20, 2022” in the *Attachments* section of this report;**
 - 11) If approved, the applicant must file and maintain a current business occupation tax application with this office;**
 - 12) 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;**
 - 13) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
 - 14) A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
 - 15) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
 - 16) 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, Sections 8-610 through 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;**
 - 17) Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;**

- 18) 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;
- 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 [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 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;
- 21) 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
- 22) 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;
- 23) 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;
- 24) 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 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,
- 25) 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.

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Preliminary Plan Review Application **PR2022-011**, subject to:

- 1) This petition is for a Preliminary Plan Review. The applicant must submit an application and supporting materials for Final Plan Review, subject to Section 27-212(g);
- 2) Any amendments to the conditions or plans approved under PR2022-011 made in the Final Plan Review are subject to Section 27-210(h)(2)a and 27-211(g)(1). If the amendments do not meet these requirements, a new Preliminary Plan Review must be approved by the Board of Commissioners before a Final Plan Review can be approved;
- 3) A five (5)-foot sidewalk along the Kindelberger Road right-of-way must be installed and tied into both the existing sidewalk along Kindelberger Road and the intersection at North 7th Street Trafficway and Kindelberger Road. The sidewalk must have all relevant curb cuts, marked crosswalks, and landscaping demonstrated in the submitted site and landscaping plans;
- 4) So long as all trucks under repair are stored inside the building, Section 27-593(b)(20) will be satisfied. If the applicant or property have a revised parking plan based on additional parking needs, it must be submitted for the Final Plan Review and, per Section 27-210(h)(2)a and 27-211(g)(1);
- 5) In addressing the building materiality requirements in Section 27-576(e)(1)-(2), the applicant may have a metal building, but must cover the outside metal façade in stucco or another qualifying masonry material;
- 6) Per Section 8-249(b), any fence not otherwise prohibited and no more than eight (8) feet in height is permitted within an area demarcated by the

- property side line from the front and/or corner side yard required setback to the rear property line and across the rear property line;
- 7) Per Section 27-470(d)(2), no equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six (6) feet from the street line and not less than three (3) feet in height;
 - 8) Per Section 27-577(f)(2), plants that die must be replaced as quickly as possible, but in no event longer than four (4) months;
 - 9) The requirements of the Commercial Development Guidelines Overlay District that have been met or will be met are listed under Comment #2 in the "Planning and Urban Design Comments: Commercial Development Guidelines Overlay District" subheading of the *Staff Comments and Suggestions* section of this report;
 - 10) The requirements of the Commercial Development Guidelines Overlay District that have not been met are listed under Comment #3 in the "Planning and Urban Design Comments: Commercial Development Guidelines Overlay District" subheading of the *Staff Comments and Suggestions* section of this report;
 - 11) It is unclear if some of the requirements of the Commercial Development Guidelines Overlay District have been met or not. In the Final Plan Review, the applicant should provide further explanation or demonstration for the requirements listed under Comment #4 in the "Planning and Urban Design Comments: Commercial Development Guidelines Overlay District" subheading of the *Staff Comments and Suggestions* section of this report;
 - 12) There are comments incorporated herein by the Wyandotte County Conservation District. For a full list of the Conservation District comments, see the "Wyandotte County Conservation District Letter, Dated February 20, 2022" in the *Attachments* section of this report;
 - 13) If approved, the applicant must file and maintain a current business occupation tax application with this office;
 - 14) 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;
 - 15) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 - 16) A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;

- 17) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
- 18) 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, Sections 8-610 through 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;
- 19) Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
- 20) Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
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- 22) 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;
- 23) 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process; and,

- 24) 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.

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 Petitions **SP2022-031** and **PR2022-011** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Plan for 700 Kindelberger Road
Vehicle Maneuverability Plan for 700 Kindelberger Road
Landscaping Plan for 700 Kindelberger Road
Elevations of the Proposed Building
Grading Plan for 700 Kindelberger Road
Drainage Maps and Calculations for 700 Kindelberger Road
Preliminary Stormwater Management Study for Fleet Fuels
Wyandotte County Conservation District Letter, Dated February 20, 2022
Staff Site Visit Photographs, Dated March 2, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Preliminary Plan Review	March 14, 2022	March 31, 2022
	Approval	
Special Use Permit	March 14, 2022	March 31, 2022
	Approval	

STAFF CONTACT: Michael Farley
mfarley@wycokck.org

MOTIONS

Preliminary Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-011**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2022-011**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-031**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-031**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

March 14, 2022 City Planning Commission Minutes:

Hearing starts at Tape 2 – 2:17:30:

SPECIAL USE PERMIT APPLICATION SP2022-031 – AUSTIN LAGE WITH BHC RHODES – SYNOPSIS: Special Use Permit for truck maintenance facility at 700 Kindelberger Road.

PLAN REVIEW APPLICATION PR2022-011 – AUSTIN LAGE WITH BHC RHODES – SYNOPSIS: Preliminary Plan Review for truck maintenance facility at 700 Kindelberger Road.

Detailed Outline of Requested Action: The applicant, Austin Lage with BHC, is requesting a Preliminary Plan Review and a Special Use Permit. The Preliminary Plan Review is for the proposed development on the subject property: a fueling station open to the public and a private truck maintenance facility. The Special Use Permit is for heavy automotive/truck services, repair, and mechanic, which will allow for the operation of a truck maintenance facility, in conjunction with a fueling station.

City Ordinance Requirements: Article VIII, Sections 27-592 – 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 March 14, 2022;
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 the property owners.

Present in Support:

- Austin Lage, applicant, BHC Rhodes, 7101 College Boulevard, Suite 400, Overland Park, Kansas 66210

Present in Opposition:

- No one appeared

Staff Recommendation starts at Tape 2 – 2:20:17: Planning Director Hand stated that this property is in the Northeast Area Master Plan in the Fairfax Industrial District. Staff received no letters in support nor opposition. There are old Notices of Violation from when the property was vacant and will be remedied through this development. One of the conditions of approval is the applicant will comply with the Commercial Design Guidelines. There are deviations to the guidelines requested in the Special Use Permit conditions. He further stated that staff will work with the applicant on the conditions of approval prior to the hearing on the final development plan. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at Tape 2 – 2:21:59:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-031 for two (2) years:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1) The applicant is requesting a Special Use Permit for heavy vehicle/truck service, repair, and maintenance. Any additional uses not included in this Special Use Permit SP2022-031 and not otherwise allowed by the Zoning Code in the M-3 District must receive a separate Special Use Permit;**
- 2) A five (5)-foot sidewalk along the Kindelberger Road right-of-way must be installed and tied into both the existing sidewalk along Kindelberger Road and the intersection at North 7th Street Trafficway and Kindelberger Road. The sidewalk must have all relevant curb cuts, marked crosswalks, and landscaping demonstrated in the submitted site and landscaping plans;**
- 3) In addressing the building materiality requirements in Section 27-576(e)(1)-(2), the applicant may have a metal building, but must cover the outside metal façade in stucco or another qualifying masonry material;**
- 4) Per Section 8-249(b), any fence not otherwise prohibited and no more than eight (8) feet in height is permitted within an area demarcated by the property side line from the front and/or corner side yard required setback to the rear property line and across the rear property line;**

- 5) Per Section 27-470(d)(2), no equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six (6) feet from the street line and not less than three (3) feet in height;
- 6) Per Section 27-577(f)(2), plants that die must be replaced as quickly as possible, but in no event longer than four (4) months;
- 7) The requirements of the Commercial Development Guidelines Overlay District that have been met or will be met are listed under Comment #2 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the *Staff Comments and Suggestions* section of this report;
- 8) The requirements of the Commercial Development Guidelines Overlay District that have not been met are listed under Comment #3 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the *Staff Comments and Suggestions* section of this report;
- 9) It is unclear if some of the requirements of the Commercial Development Guidelines Overlay District have been met or not. In the Final Plan Review, the applicant should provide further explanation or demonstration for the requirements listed under Comment #4 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the *Staff Comments and Suggestions* section of this report;
- 10) There are comments incorporated herein by the Wyandotte County Conservation District. For a full list of the Conservation District comments, see the “Wyandotte County Conservation District Letter, Dated February 20, 2022” in the *Attachments* section of this report;
- 11) If approved, the applicant must file and maintain a current business occupation tax application with this office;
- 12) 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;
- 13) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
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- 15) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
- 16) 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, Sections 8-610 through 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;
- 17) Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
- 18) 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;
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- 21) 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;

- 22) 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;
- 23) 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;
- 24) 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 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,
- 25) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL** of Plan Review Application PR2022-011:

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present

Straws Aye
Ward Aye
Armstrong Aye

Motion to recommend APPROVAL Passed: 6 to 0

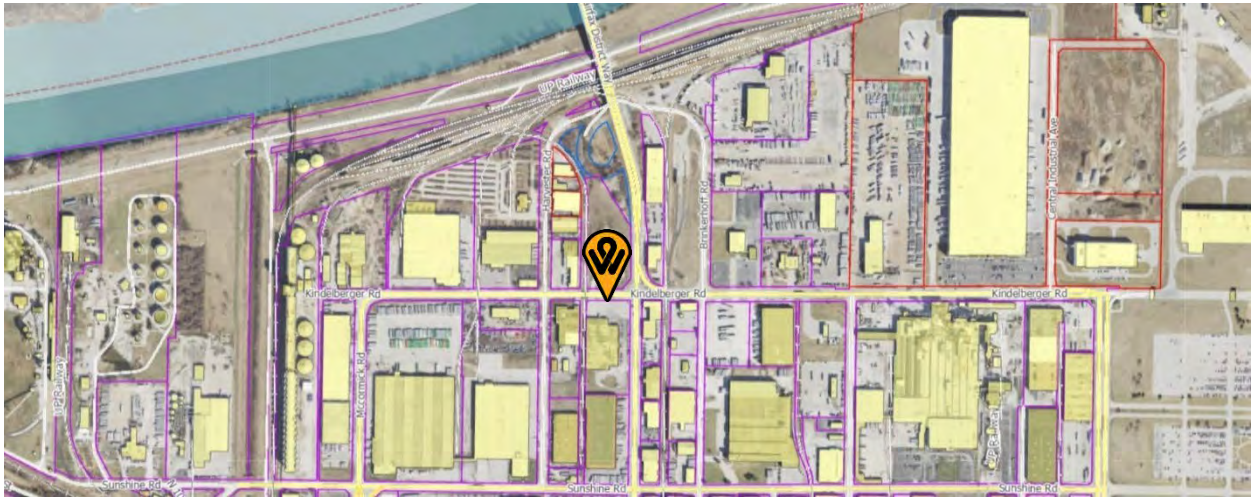
Subject to:

- 1) This petition is for a Preliminary Plan Review. The applicant must submit an application and supporting materials for Final Plan Review, subject to Section 27-212(g);
- 2) Any amendments to the conditions or plans approved under PR2022-011 made in the Final Plan Review are subject to Section 27-210(h)(2)a and 27-211(g)(1). If the amendments do not meet these requirements, a new Preliminary Plan Review must be approved by the Board of Commissioners before a Final Plan Review can be approved;
- 3) A five (5)-foot sidewalk along the Kindelberger Road right-of-way must be installed and tied into both the existing sidewalk along Kindelberger Road and the intersection at North 7th Street Trafficway and Kindelberger Road. The sidewalk must have all relevant curb cuts, marked crosswalks, and landscaping demonstrated in the submitted site and landscaping plans;
- 4) So long as all trucks under repair are stored inside the building, Section 27-593(b)(20) will be satisfied. If the applicant or property have a revised parking plan based on additional parking needs, it must be submitted for the Final Plan Review and, per Section 27-210(h)(2)a and 27-211(g)(1);
- 5) In addressing the building materiality requirements in Section 27-576(e)(1)-(2), the applicant may have a metal building, but must cover the outside metal façade in stucco or another qualifying masonry material;
- 6) Per Section 8-249(b), any fence not otherwise prohibited and no more than eight (8) feet in height is permitted within an area demarcated by the property side line from the front and/or corner side yard required setback to the rear property line and across the rear property line;
- 7) Per Section 27-470(d)(2), no equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six (6) feet from the street line and not less than three (3) feet in height;
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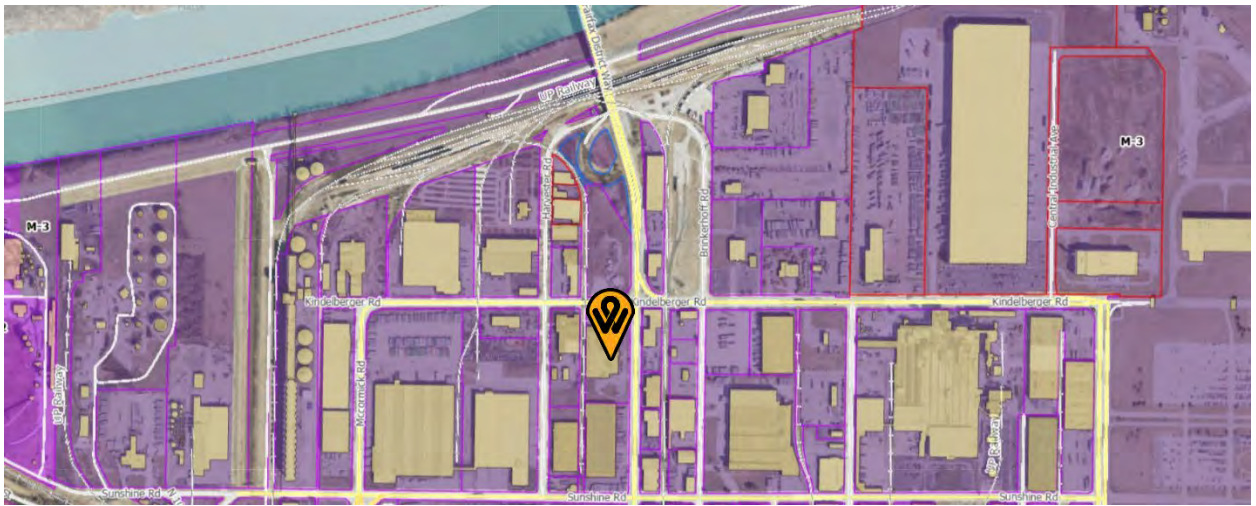
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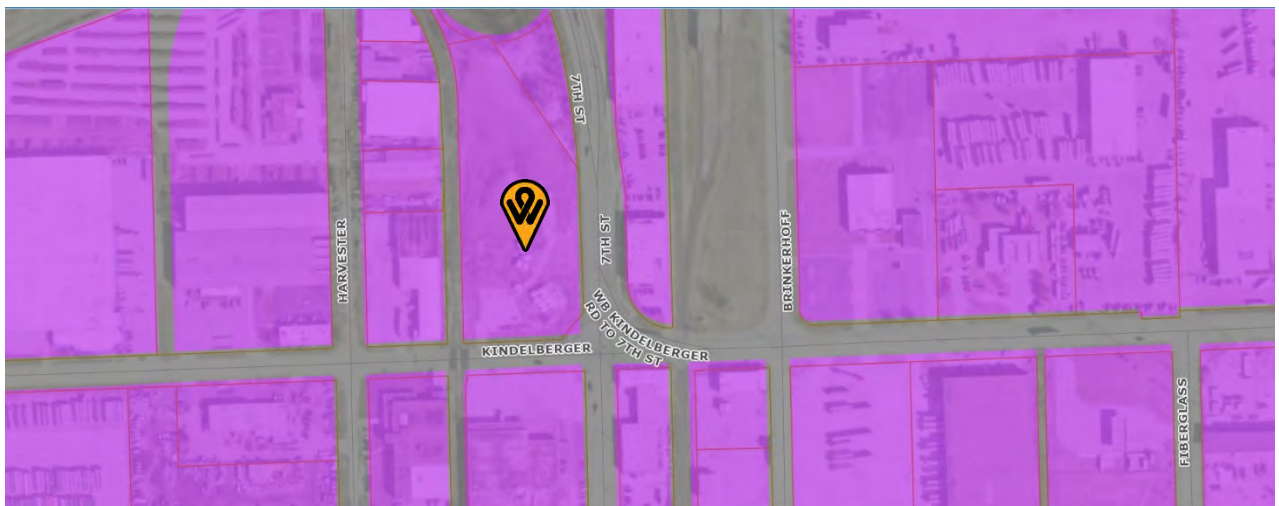
AERIAL MAP



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MATERIALS



February 14, 2022

Name
Address
City/State/Zip

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use #SP2022-031/PR2022-011. The purpose of this

- > special use permit
- > preliminary plan review

is for a proposed trucking maintenance building and fueling station.

at the following address: 700 Kindelberger Road, Kansas City, Kansas.

I am having a neighborhood meeting on February 28th at 5:30 p.m. on ZOOM (Virtual Meeting).

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. Please contact me via email if you plan on attending the meeting and I will send you the Zoom meeting ID and Password. If you cannot make the meeting but have any questions, feel free to email those to me and I will send a response back.

Sincerely,

Austin Lage
913.663.1900
Austin.Lage@ibhc.com

NEIGHBORHOOD MEETING MATERIALS, CONT.

***The applicant has reported to Staff that there were no attendees at the neighborhood meeting and therefore no notes to give.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

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

1. That I am the petitioner for Petition # SP2022-031.
2. That I conducted a neighborhood meeting on February 28th.
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 1st day of March, 2022.

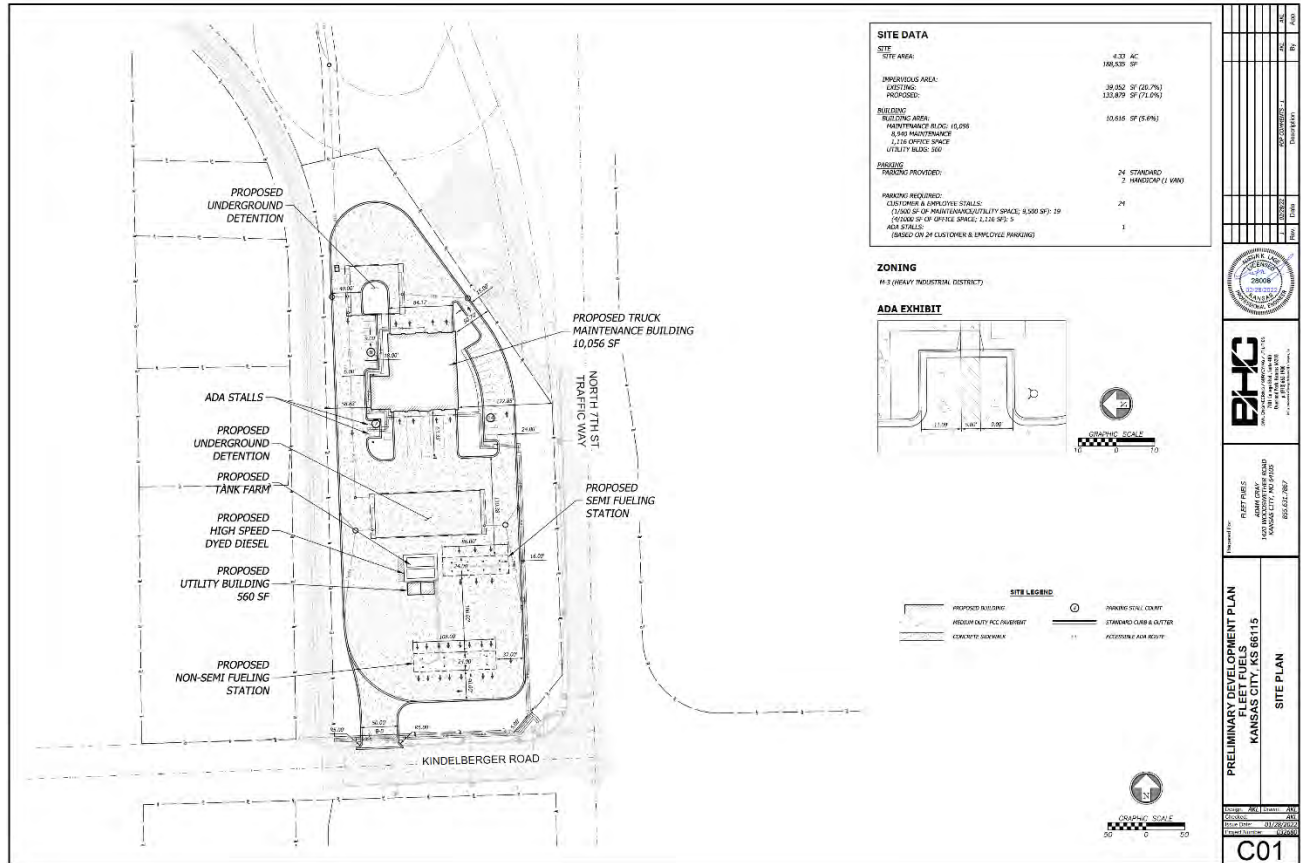
My commission expires 14th of August, 2026





Notary Public

SITE PLAN OF 700 KINDELBERGER ROAD



PROPOSED UNDERGROUND DETENTION

PROPOSED TRUCK MAINTENANCE BUILDING 10,056 SF

NORTH 7TH ST. TRAFFIC WAY

PROPOSED SEMI FUELING STATION

PROPOSED UTILITY BUILDING 560 SF

PROPOSED HIGH SPEED DYED DIESEL

PROPOSED TANK FARM

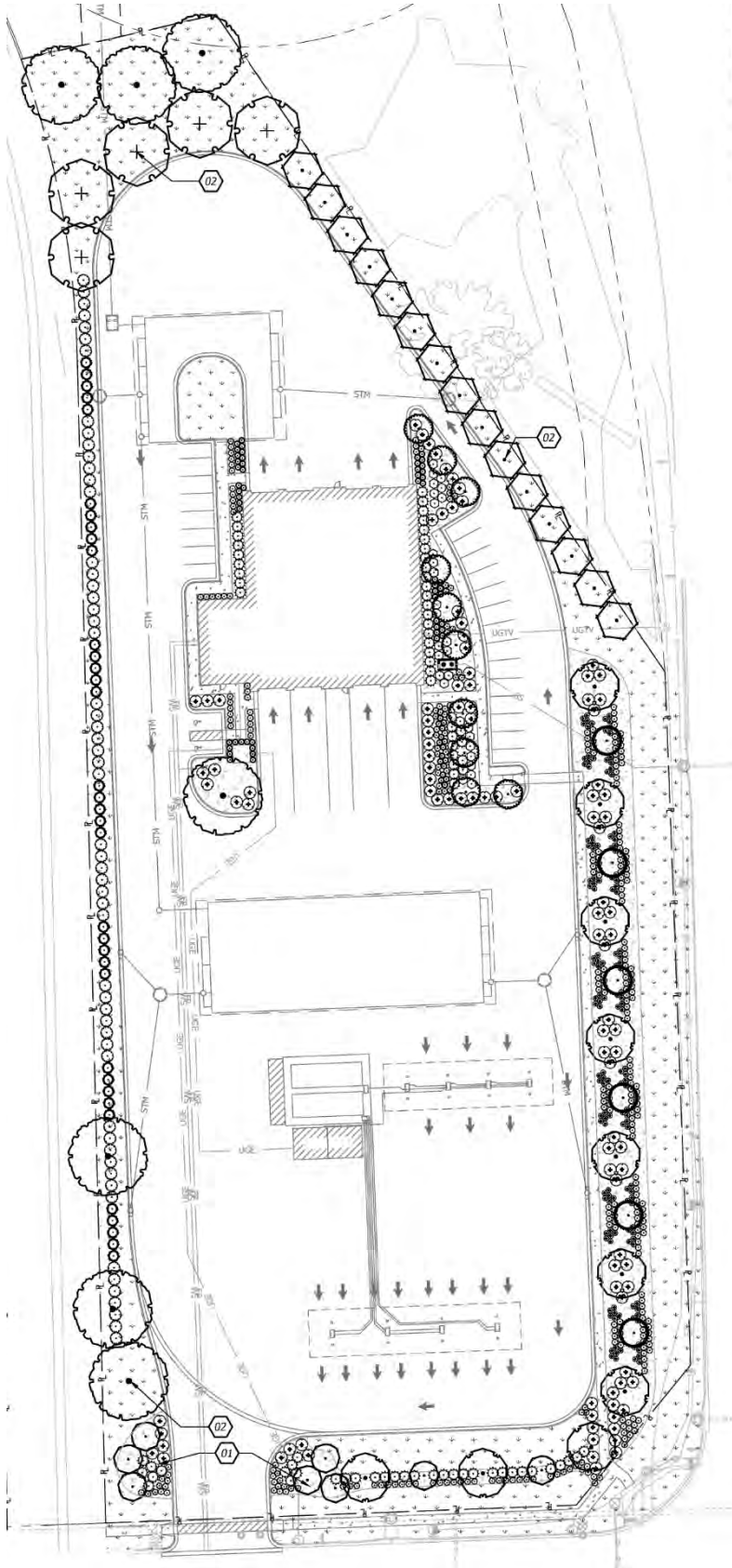
PROPOSED UNDERGROUND DETENTION

ADA STALLS

KINDELBERGER ROAD

[illegible]

LANDSCAPING PLAN OF 700 KINDELBERGER ROAD, CONT.



LANDSCAPING PLAN FOR 700 KINDELBERGER ROAD, CONT.

GENERAL LANDSCAPE NOTES

- The Contractor shall verify and coordinate all final grades with the Landscape Architect and or design team prior to completion.
- Location and placement of all plant material shall be coordinated with the Landscape Architect prior to installation.
- Location of all utilities are approximate; the Contractor shall field verify locations prior to commencement of construction operations.
- Refer to Civil Drawings for all grading and berming, erosion control, storm drainage, utilities and site layout.
- The Contractor shall arrange and conduct a pre-construction meeting onsite with Landscape Architect prior to work.
- Plant quantities are for information only; drawing shall prevail if conflict occurs. Contractor is responsible for calculating own quantities and bid accordingly.
- The Contractor is to notify Landscape Architect after staking is complete and before plant pits are excavated.
- Tree locations in areas adjacent to drives, walks, walls and light fixtures may be field adjusted as approved by Landscape Architect.
- The Contractor shall report subsurface soil or drainage problems to the Landscape Architect.
- The plan is subject to changes based on plant size and material availability. All changes or substitutions must be approved by the of Kansas City, Kansas and the Landscape Architect.
- Aluminum landscape edging to be used on all landscape beds adjoining turf areas as noted on landscape plans.
- Landscape Contractor shall be responsible for watering all plant material until the time that a permanent water source is ready.
- The Contractor shall show proof of procurement, sources, quantities, and varieties for all shrubs, perennials, ornamental grasses, and annuals within 21 days following the award of the contract.
- Contractor shall provide full maintenance for newly landscaped areas for a period of 30 days after the date of final acceptance. At the end of the maintenance period, a healthy, well-rooted, even-colored, viable turf and landscaped area must be established. The landscaped areas shall be free of weeds, open joints, bare areas, and surface irregularities.

GENERAL IRRIGATION NOTES

- Irrigation plan to be provided during permitting phase of development.
- Irrigation plan to not interfere with any proposed improvements shown.
- Irrigation system design to be based on available psi. Minimum operating pressure for spray heads shall be 30 psi and minimum operating pressure for drip zones shall be 40 psi.
- The contractor shall be responsible for providing uninterrupted, 110 v electrical service to the controller and for all hook-ups. All exposed low voltage wire shall be enclosed in a conduit.
- Place valve boxes 12" minimum from and parallel to curbs and walks, grouped valves to be equidistantly spaced.
- Install all mainlines to 1% minimum slope to drain valves located at low points of main system.
- Irrigation controller and rain sensor shall be located in owner approved locations.

PLANT SCHEDULE

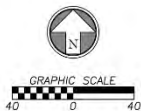
TREES	QTY	BOTANICAL / COMMON NAME	CONT.	CAL.
	5	Acer saccharinum / Silver Maple	8 & B	2" Cal
	6	Amelanchier arborea / Downy Serviceberry	8 & B	2" Cal
	8	Chionanthus virginicus 'Dier' / Dier White Fringetree	8 & B	2" Cal
	10	Ginkgo biloba 'Autumn Gold' TM / Autumn Gold Maidenhair Tree	8 & B	2" Cal
	10	Hamelis virginiana 'Mohonk Red' / Mohonk Red Witch Hazel	8 & B	2" Cal
	35	Juniperus chinensis 'Blue Point' / Blue Point Juniper	8 & B	6" HT
	7	Quercus imbricaria / Shingle Oak	8 & B	2" Cal
	15	Quercus macrocarpa 'FUS-KW3' TM / Urban Pinnacle Oak	8 & B	2" Cal
SHRUBS	QTY	BOTANICAL / COMMON NAME	CONT.	HEIGHT
	144	Bouteloua gracilis 'Blonde Ambition' / Blonde Ambition Blue Grama	5 gal	
	174	Hydrangea arborescens 'NCHAS' / Invincible Wee White Hydrangea	5 gal	
	56	Hydrangea quercifolia 'Pee Wee' / Pee Wee Oakleaf Hydrangea	5 gal	18"-24" H
	29	Hydrangea serrata 'Bluebird' / Bluebird Serrate Hydrangea	5 gal	
	53	Hypericum frondosum 'Sunburst' / Sunburst St. John's Wort	5 gal	18"-24" H
	78	Juniperus chinensis 'Sea Green' / Sea Green Juniper	5 gal	18"-24" H
	58	Panicum virgatum 'Shenandoah' / Shenandoah Switch Grass	5 gal	
	35	Perovskia atriplicifolia 'Blue Jean Baby' / Blue Jean Baby Russian Sage	5 gal	
	106	Rhus aromatica 'Gro-Low' / Gro-Low Fragrant Sumac	5 gal	
	56	Viburnum rhytidophyllum 'Alaheany' / Leatherleaf Viburnum	5 gal	8'-10' Ht.
GROUND COVERS	QTY	BOTANICAL / COMMON NAME	CONT.	
	44,932 sf	Festuca arundinacea 'Watersaver Blend' / Watersaver Blend of Tall Fescue	sod	

MULCH SCHEDULE

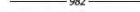
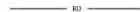
	WOOD MULCH Double Ground Hardwood Mulch, 3" depth	18,287 sf
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SITE DATA

	Quantity	Required	Provided
Site Area (SF)	188614.80		
Open Space Req			
1 tree / 15,000 SF of site		12.57	13
exceed by 75% (trees)		9.75	23
Street Tree (LF)	657		
1 tree / 30 LF of street		21.90	24
street tree 55'-65' apart		Y	Y
2" cal ornamental, 6 ht evergreen		Y	Y
ornamental trees/shrubs in between trees		Y	Y
Buffer Planting			
"soften" frontage		Y	Y
berms and/or continuous row of shrubs		Y	Y
Foundation Planting (LF)			
min 75% of bldg foundation length planted	216.86	162.65	197.03



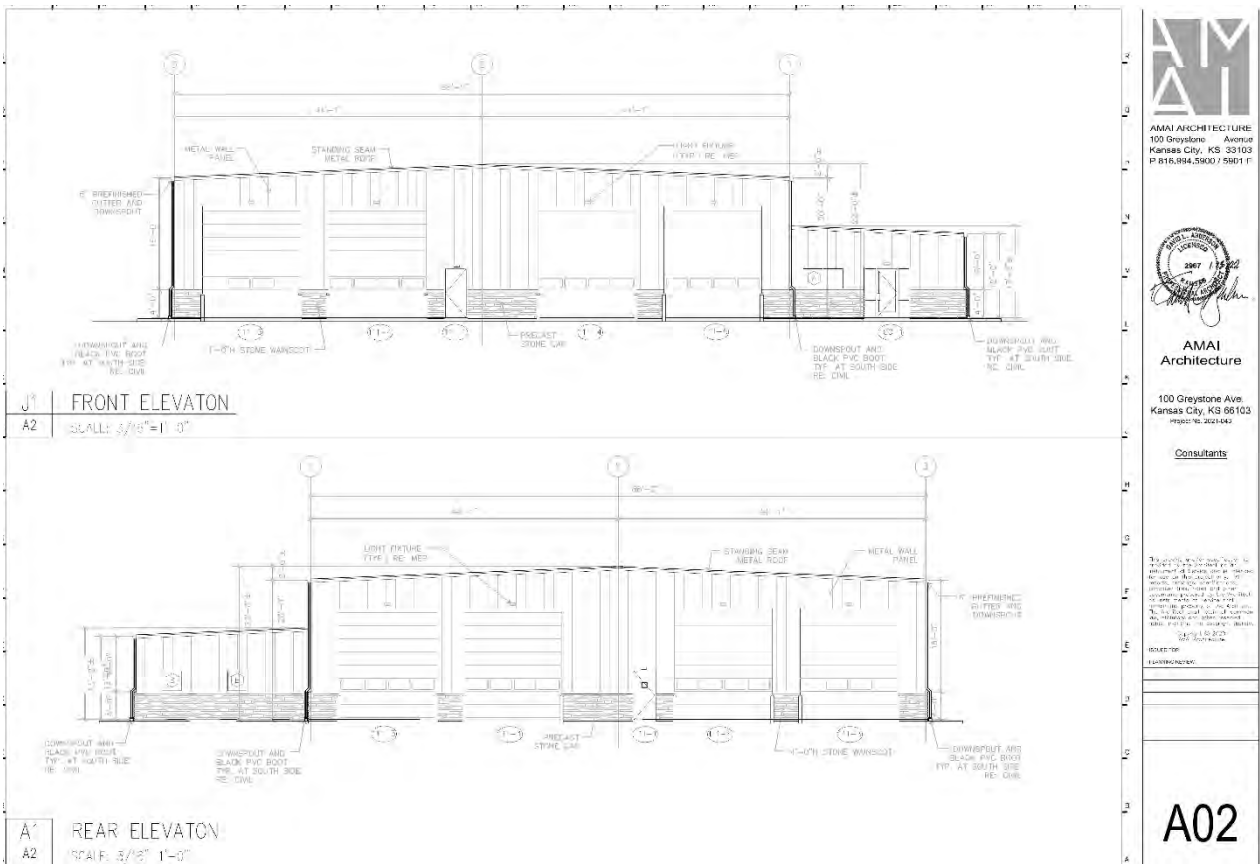
LEGEND

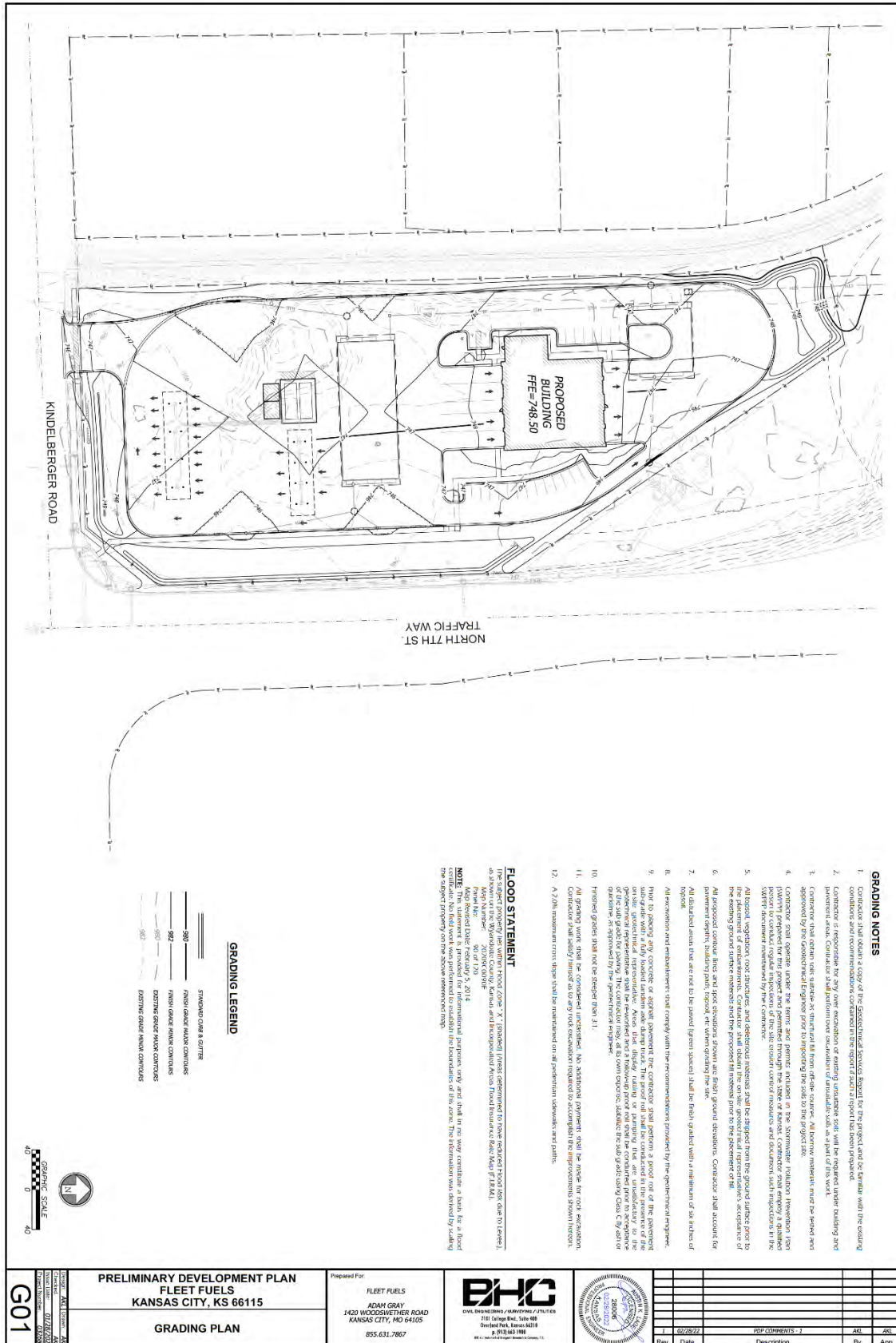
	380	PROPOSED FINISH GRADE
	MAJOR CONTOUR	
	982	PROPOSED FINISH GRADE
	MINOR CONTOUR	
	980	EXISTING GRADE
	952	MAJOR CONTOUR
	EXISTING GRADE	
	MINOR CONTOUR	
	PROPOSED STORM SEWER LINE	
	PROPOSED ROOF LINE DRAIN	
	PROPERTY LINE	
	RIGHT-OF-WAY LINE	

PLAN KEYNOTES

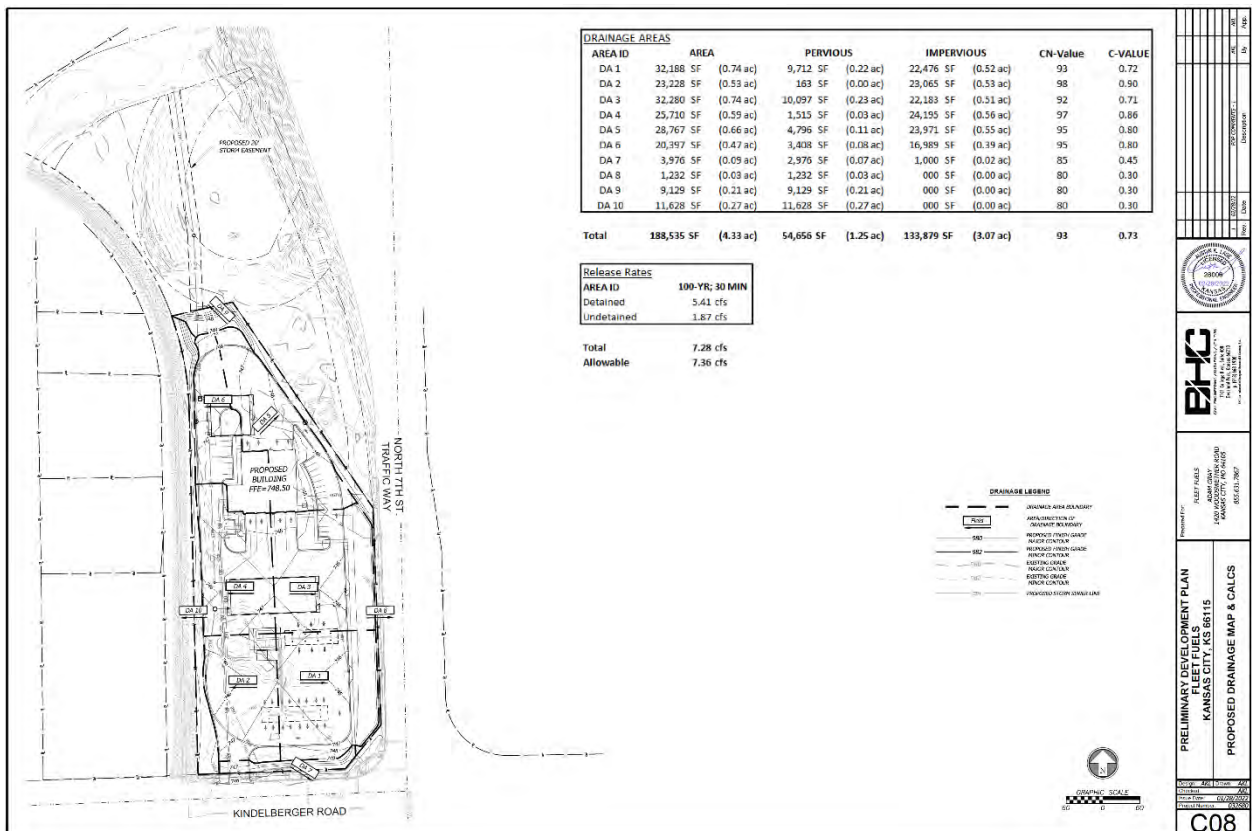
- EXISTING CONDITION TO BE REMOVED, INSTALL MULCH.
- INSTALL MULCH RING AROUND NEWLY INSTALLED TREES, TAPERING AWAY FROM ROOT FLARE AT TRUNK.

ELEVATIONS OF THE PROPOSED BUILDING





DRAINAGE MAPS AND CALCULATIONS FOR 700 KINDELBERGER ROAD: PROPOSED



PRELIMINARY STORMWATER MANAGEMENT STUDY FOR FLEET FUELS:

CONCLUSIONS

**PRELIMINARY STORMWATER
MANAGEMENT STUDY FOR
Fleet Fuels**

PREPARED FOR

Fleet Fuels

Project Location:

700 Kindleberger Road
KANSAS CITY, KS 66115

(SE Quarter, Sec 28, Twn 10 S, Rng 25 E)

BHC Project # 032680.00.01

01/28/2022

Rev. 02/28/2022



AUSTIN LAGE
STATE PE 28006
01/28/22



5.0 Conclusions

The proposed development will result in an increase in impervious. However, stormwater quality and quantity facilities will account for this. The addition of underground detention will reduce peak runoff from the site and comply with the requirements set forth by the Unified Government. Hydrodynamic separators and the isolator row of the underground detention will help filter and clean the storm water before discharging into the public storm system. The report demonstrates that Fleet Fuels will not negatively impact adjacent watersheds or downstream public storm systems and will reduce peak runoff rates and improve water quality.

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER,
DATED FEBRUARY 15, 2022



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

February 15, 2022

RE: SP2022-031 and PR2022-011 Austin Lage for Truck Maintenance at 700
Kindelberger

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of
the: SP2022-031 and PR2022-011 Austin Lage for Truck Maintenance at 700
Kindelberger.

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: Haynie silt loam, occasionally flooded. This soil type is considered erodible when the surface is denuded of a protective cover.
- We did not receive any additional information on this site, **therefore, we would not recommend approval of this project until we have had a chance to review the Erosion Control Plan for the site.**
- This site is subject to wind erosion if vegetation is removed, an extra note of concern with its proximity to the highway and 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.

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER,
DATED FEBRUARY 15, 2022, CONT.

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

STAFF SITE VISIT PHOTOGRAPHS, DATED MARCH 2, 2022



Above: View of the existing driveway apron to the subject property, along Kindelberger Road.

Right: View from the subject property of North 7th Street Traffic, facing east.

Below: View from the subject property of Kindelberger Road, facing south.



STAFF SITE VISIT PHOTOGRAPHS, DATED MARCH 2, 2022, CONT.



Above: Views of the north portion of the subject property, facing the Highway US-69 Bridge crossing the Missouri River.

Lower Left: View of the subject property, facing north.

Lower Right: View of the subject property, facing south.



(First published _____)

COZ2021-035

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 449 North 86th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on September 23, 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 A-G Agriculture District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

A TRACT OF LAND IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, SECTION 08, TOWNSHIP 11 SOUTH, RANGE 24 EAST, IN THE 6TH P.M. IN THE CITY OF KANSAS CITY WYANDOTTE COUNY, KANSAS BEING MORE PARTICULARY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4; THENCE N02°13'20"W, ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 1337.84 FEET; THENCE N87°35'26"E, A DISTANCE OF 77.85 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF N86TH STREET AS IT NOW EXISTS, ALSO KNOWN TO BE THE POINT OF BEGINING OF HEREIN DESCRIBED TRACT; THENCE N03°53'22"E ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 349.11 FEET; THENCE N14°40'43"W, CONTINUING ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 324.08 FEET; THENCE S89° 45'31"W, CONTINUING

ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 15.00 FEET; THENCE N02° 23'22"W CONTINUING ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 41.58 FEET; THENCE S78° 57'42"E, A DISTANCE OF 154.33 FEET; THENCE N53°01'29"E, A DISTANCE OF 62.36 FEET; THENCE N89°45'31"E, A DISTANCE OF 1083.91 FEET TO A POINT ON THE WEST LINE OF STONY POINT TRAILS, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY; WYANDOTTE COUNTY KANSAS; THENCE S02°23'22"E ALONG SAID WEST LINE, A DISTANCE OF 711.20 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF I-70 AS IT NOW EXISTS; THENCE N88°03'55"W, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 605.56 FEET; THENCE N74°54'50"W, CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 167.91 FEET; THENCE S73°40'24"W, CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 205.60 FEET; THENCE S87°35'26"W CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 275.27 FEET TO THE POINT OF BEGINNING. CONAINS 847,777.69 SQ FEET MORE OR LESS OR 19.46 ACRES, Located at approximately 449 North 86th Street, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to A-G Agriculture District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2022.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2022-004

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 9300 Leavenworth Road, in Kansas City, Kansas, by changing the same from its present zoning of MP-2 Planned General Industrial District to R-1 Single Family District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on January 3, 2022, by the owners of property to have the zoning of said property changed from its present zoning of MP-2 Planned General Industrial District to R-1 Single Family District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

COMMENCING at the Southwest corner of the Southeast Quarter of Section 25, Township 10 South, Range 23 East; thence North 01 degree 29 minutes 09 seconds West, on the West line of said Southeast Quarter, a distance of 75.00 feet to the POINT OF BEGINNING; thence South 87 degrees 59 minutes 57 seconds West, departing said West line, a distance of 0.67 feet to a point; thence South 88 degrees 00 minutes 25 seconds West a distance of 229.75 feet to a point; thence North 82 degrees 05 minutes 36 seconds West a distance of 343.17 feet to a point; thence South 88 degrees 00 minutes 25 seconds West a distance of 109.28 feet to a point; thence North 01 degree 59 minutes 35 seconds West a distance of 304.55 feet to a point; thence North 63 degrees 07 minutes 57 seconds East a distance of 450.59 feet to a point; thence South 77 degrees 15 minutes 17 seconds East a distance of 678.53 feet to a point; thence North 52 degrees 55 minutes 04 seconds East a distance of 417.43 feet to a point; thence North 12 degrees 44 minutes 43

seconds East a distance of 2707.83 feet to a point; thence South 59 degrees 03 minutes 33 seconds East a distance of 16.80 feet to a point; thence South 76 degrees 53 minutes 33 seconds East a distance of 373.42 feet to a point on the West line of Tract I of Wyandotte County Lake, a subdivision in Kansas City, Wyandotte County, Kansas; thence South 01 degree 22 minutes 31 seconds East, on said West line, a distance of 556.09 feet to a point on the North line of the Southeast Quarter of said Section 25, Township 10 South, Range 23 East; thence South 46 degrees 08 minutes 11 seconds East, departing said North line, continuing on said West line, a distance of 865.18 feet to a point; thence North 47 degrees 41 minutes 56 seconds East, continuing on said West line, a distance of 88.07 feet to a point; thence North 09 degrees 50 minutes 49 seconds East, continuing on said West line, a distance of 150.22 feet to a point; thence North 32 degrees 58 minutes 49 seconds East, continuing on said West line, a distance of 134.78 feet to a point; thence South 52 degrees 58 minutes 11 seconds East, continuing on said West line, a distance of 128.83 feet to a point on the East line of said Southeast Quarter; thence South 01 degree 40 minutes 27 seconds East, on said East line, and continuing on said West line, a distance of 443.12 feet to a point; thence North 85 degrees 25 minutes 58 seconds West, departing said East and West lines, a distance of 118.58 feet to a point; thence South 52 degrees 56 minutes 10 seconds West a distance of 105.84 feet to a point; thence South 01 degree 38 minutes 12 seconds East a distance of 61.44 feet to a point; thence North 88 degrees 31 minutes 26 seconds East a distance of 204.20 feet to a point on said East line of said Southeast Quarter, said point also lying on said West line of said Tract I; thence South 01 degree 40 minutes 27 seconds East, on said East and West lines, a distance of 267.56 feet to a point; thence North 77 degrees 38 minutes 22 seconds West, departing said East and West lines, a distance of 206.40 feet to a point; thence South 04 degrees 06 minutes 00 seconds West a distance of 303.48 feet to a point; thence North 87 degrees 17 minutes 08 seconds East a distance of 230.80 feet to a point on said East line of said Southeast Quarter; thence South 01 degree 40 minutes 27 seconds East, on said East line, a distance of 1.38 feet to a point; thence South 85 degrees 21 minutes 01 second West, departing said East line, a distance of 824.74 feet to a point; thence South 01 degree 40 minutes 31 seconds East a distance of 1080.39 feet to a point; thence South 87 degrees 59 minutes 57 seconds West a distance of 1828.39 feet to the POINT OF BEGINNING, containing 4,109,776 Square Feet or 94.3475 Acres, more or less. Located at approximately 9300 Leavenworth Road, Kansas City, Kansas,

be changed from its present zoning of MP-2 Planned General Industrial District to R-1 Single Family District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for R-1 Single Family District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2022.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2021-050

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 1342 North 126th Street, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture (WYCO) and CP-2 Planned General Business 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 October 29, 2021, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture (WYCO) and CP-2 Planned General Business Districts 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:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 11 SOUTH, RANGE 23 EAST OF THE 6TH P.M. IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS BEING DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, DELAWARE HIGHLANDS 2ND PLAT A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS; THENCE NORTH 88 DEGREES 14 MINUTES 52 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 1 A DISTANCE OF 226.35 FEET; THENCE SOUTH 01 DEGREE 45 MINUTES 18 SECONDS EAST PARALLEL TO THE WEST LINE OF SAID LOT 1 A DISTANCE OF 192.45 FEET; THENCE SOUTH 88 DEGREES 14 MINUTES 42 SECONDS WEST PARALLEL TO THE SOUTH LINE OF SAID LOT 1 A DISTANCE 226.35 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 130TH STREET AS SAID

RIGHT OF WAY NOW EXIST; THENCE NORTH 01 DEGREE 45 MINUTES 18 SECONDS WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 192.46 FEET TO THE POINT OF BEGINNING. Located at approximately 1342 North 126th Street, Kansas City, Kansas,

be changed from its present zoning of A-G Agriculture (WYCO) and CP-2 Planned General Business Districts 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 Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design 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 _____, 2022.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

VAC2021-010

ORDINANCE NO. _____

AN ORDINANCE vacating TRACT 1: LOTS 12, 13, 14, 15, 16, 17, 18, AND 19, CUTLER FARMS, A SUBDIVISION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS. TRACT 2: BEGINNING AT A POINT 1452 1/2 FEET NORTH AND 1234.6 FEET WEST OF THE SOUTHEAST COMER OF THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 10, RANGE 24, THENCE NORTH 57 DEGREES 15 MINUTES WEST 524.5 FEET; THENCE WEST 244 FEET; THENCE NORTH 680.62 FEET, THENCE EAST 257.2 FEET, THENCE NORTH 5 DEGREES 20 MINUTES EAST 99 FEET, THENCE SOUTH 43 DEGREES 30 MINUTES EAST 605 FEET, THENCE SOUTH 6 DEGREES EAST 360 FEET, THENCE SOUTH 5 DEGREES WEST 275 FEET TO POINT OF BEGINNING; EXCEPT THAT PART AS CONVEYED IN DEED RECORDED IN BOOK 1707, AT PAGE 582 AND IN CORRECTION DEED FILED IN BOOK 2118, AT PAGE 23. TRACT 3: BEGINNING AT A POINT 825 WEST AND 59.5 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 10, RANGE 24; THENCE SOUTH 1261 FEET; THENCE NORTH 71 DEGREES 54 MINUTES WEST, 364.4 FEET; THENCE NORTH 76 DEGREES 54 MINUTES WEST, 68.8 FEET; MORE OR LESS TO THE SOUTHWEST COMER OF THE BUSTER TRACT; THENCE NORTHERLY ALONG THE BUSTER TRACT, NORTH 5 DEGREES EAST, 253 FEET; THENCE NORTH 4 DEGREES 15 MINUTES WEST, 360 FEET ALONG SAID TRACT; THENCE NORTH 4 DEGREES 15 MINUTES WEST 55 FEET; THENCE NORTH 52 DEGREES 25 MINUTES EAST, 616.6 FEET TO BEGINNING, LESS ROADWAY AS RECORDED IN THE REGISTER OF DEEDS OFFICE IN BOOK 745 AT PAGE 292, ALL IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS. TRACT 4: TRACT 2, ELVERS SUBDIVISION, A SUBDIVISION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS. TRACT 5: LOT 12, GATEWOOD SUB-DIVISION, A SUBDIVISION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, located at approximately 4600 Parkview Avenue, 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 right-of-way in Kansas City, Kansas be and the same is hereby vacated:

TRACT 1:

LOTS 12, 13, 14, 15, 16, 17, 18, AND 19, CUTLER FARMS, A SUBDIVISION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS

TRACT 2:

BEGINNING AT A POINT 1452 1/2 FEET NORTH AND 1234.6 FEET WEST OF THE SOUTHEAST COMER OF THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 10, RANGE 24, THENCE NORTH 57 DEGREES 15 MINUTES WEST 524.5 FEET; THENCE WEST 244 FEET; THENCE NORTH 680.62 FEET, THENCE EAST 257.2 FEET, THENCE NORTH 5 DEGREES 20 MINUTES EAST 99 FEET, THENCE SOUTH 43 DEGREES 30 MINUTES EAST 605 FEET, THENCE SOUTH 6 DEGREES EAST 360 FEET, THENCE SOUTH 5 DEGREES WEST 275 FEET TO POINT OF BEGINNING; EXCEPT THAT PART AS CONVEYED IN DEED RECORDED IN BOOK 1707, AT PAGE 582 AND IN CORRECTION DEED FILED IN BOOK 2118, AT PAGE 23.

TRACT 3:

BEGINNING AT A POINT 825 WEST AND 59.5 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 10, RANGE 24; THENCE SOUTH 1261 FEET; THENCE NORTH 71 DEGREES 54 MINUTES WEST, 364.4 FEET; THENCE NORTH 76 DEGREES 54 MINUTES WEST, 68.8 FEET; MORE OR LESS TO THE SOUTHWEST COMER OF THE BUSTER TRACT; THENCE NORTHERLY ALONG THE BUSTER TRACT, NORTH 5 DEGREES EAST, 253 FEET; THENCE NORTH 4 DEGREES 15 MINUTES WEST, 360 FEET ALONG SAID TRACT; THENCE NORTH 4 DEGREES 15 MINUTES WEST 55 FEET; THENCE NORTH 52 DEGREES 25 MINUTES EAST, 616.6 FEET TO BEGINNING, LESS ROADWAY AS RECORDED IN THE REGISTER OF DEEDS OFFICE IN BOOK 745 AT PAGE 292, ALL IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS.

TRACT 4:

TRACT 2, ELVERS SUBDIVISION, A SUBDIVISION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS

TRACT 5:

LOT 12, GATEWOOD SUB-DIVISION, A SUBDIVISION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS,

located at approximately 4600 Parkview Avenue, 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
_____, 2022

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY:

TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2021-045

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 SP2021-045, commonly known as 1037 South 26th Street, Kansas City, Kansas, legally described as:

CALIFORNIA DISPOSAL SERVICE
LEGAL DESCRIPTION:
MULVANES ADDITION, BLOCK 11, LOTS 17, 18

SAENTZ PROPERTY
LEGAL DESCRIPTION:
MULVANES ADDITION, BLOCK 11, LOTS 41 TO 56

Located at approximately 1037 South 26th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to allow for auto storage and auto maintenance.

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) 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.

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 _____, 2022.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2021-046

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 SP2021-046, commonly known as 1315 North 86th Street, Kansas City, Kansas, legally described as:

A tract of land in the Southwest Quarter of the Southwest Quarter of Section 5, Township 11, Range 24, Wyandotte County, Kansas, being more particularly described as follows: Beginning at a point on the West line of said Quarter, Quarter Section, being 990.0 feet North of the Southwest Corner thereof; thence East parallel with the South line of said Quarter, Quarter Section, 264 feet; thence North parallel with the West line of said Quarter, Quarter Section 165 feet; thence West parallel with the South line of said Quarter, Quarter Section 264 feet to the West line of said Quarter, Quarter Section; thence South along said West line 165 feet to the point of beginning, except the West 20 feet thereof now being used for roadway. And, The East 4 acres of the South 5 acres of the North Quarter of the Southwest Quarter of the Southwest Quarter of Section 5, Township 11, Range 24, in Wyandotte County, Kansas. Located at approximately 1315 North 86th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to keep two (2) horses.

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) Only two (2) horses may be stabled on the subject property;**
- 2) All recommendations from the conservation plan by the Wyandotte County Conservation District must be met, including:**
 - a) Construction of a second, wintering stable for the two (2) horses. The applicant must present satisfactory stable building plans to both the Department of Planning & Urban Design and the Building Inspection Division of the Neighborhood Resource Center by November 24, 2021;**
 - b) Production of a manure plan that includes the following elements:**
 - (1) Immediate removal of the manure presently observed on the subject property;**
 - (2) Construction of a structure to hold the on-site manure. Construction of this structure will require a variance, which the applicant must apply for and successfully be granted. The applicant must present satisfactory stable building plans to both the Department of Planning & Urban Design and the Building Inspection Division of the Neighborhood Resource Center as part of the variance process;**
 - (3) Creation of a sediment basin to the east of the existing horse stable in order to catch runoff from the bare area in the front of the stable;**
 - c) Erection of a fence in the rear yard of the subject property, in order to allow the horses to freely roam and graze, thus providing more exercise and reducing the amount of hay required to feed the horses;**
 - d) Areas of the subject property need to be designated for grazing, and such designated areas must be weeded and reseeded;**
 - e) A five (5)- to ten-foot buffer along the south boundary of the subject property must be preserved as a filter strip;**
 - f) After the pasture has improved, work with the Wyandotte County Conservation District to create a sustainable rotational grazing plan;**
 - g) Removal of the two (2) goats observed by Conservation District Staff during the site visit, and removal of the on-site manure accumulating in the goat pen; and,**
 - h) Creation of a sacrifice lot to allow for the future rotational grazing;**
- 3) Aerial imagery from 2020 shows some large, unidentified items in the rear yard of the property. Any vehicles, scrap/junk, or other materials must be removed from the property in order to create a suitable environment for the horse. All vehicles must be parked on paved surfaces and all inoperable vehicles must be parked within a covered structure;**
- 4) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;**

- 5) 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 Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
- 6) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 7) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 8) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2022.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-002

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 SP2022-002, commonly known as 4100 and 4315 Ann Avenue, 949 North 41st Street and 3801R State Avenue, Kansas City, Kansas, legally described as:

4100 ANN AVE KANSAS CITY KS 66102 - Sec-Twp-Range: 07-11-25, BEG 628FT N OF SE COR NW1/4; W 1208.1FT, NWLY-139.47FT, E 562.5FT, N20E-307FT, N42E-192.7FT, N35E-159FT TO N LN SE1/4 N

4315 ANN AVENUE, Sec-Twp-Range: 07-11-25, BEG 60FT E OF NW COR SE1/4 NW1/4; E 918FT, S35W-159FT, S43W- 192.7FT, S20W-39.8FT, W 682FT, NWLY-150FT M/L, NELY TO POB

949 N 41ST ST, Sec-Twp-Range: 07-11-25, BEG SE COR NE1/4 NW1/4; W 92FT, N 718.75FT, N45E-130.47FT, S 810.86FT TO POB CONTG 1.62AC M/L

3801 R STATE AVE, Sec-Twp-Range: 07-11-25, 67 BEG NW COR NE1/4; S1980, E396,N1831,E297,N148, W693 TO POB LS 1.45AC BAL 17.56AC

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for on-site grading.

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) Landscaping must occur in compliance with the landscaping plan provided by the applicant and contained herein;**
- 2) If fill material is from borrow site within Wyandotte County, the borrow site will require a Special Use Permit, if a Special Use Permit is not already valid and effective;**
- 3) The driving routes used by work trucks hauling earthen materials (i.e., haul routes) comply with the haul route provided by the applicant and contained herein;**
- 4) Hours of operation shall be from 7:00 AM to 5:00 PM on Monday through Friday. Work may also occur from 9 AM to 5 PM on no more than one (1) Saturday per calendar month;**
- 5) There may an average of 26 daily trips per day for the duration of the project, and at no point shall there be more than 60 truck trips in one (1) day;**
- 6) Install rumble strips at the entrances/exits and other mitigation measures to keep debris out of the public right-of-way;**
- 7) Upon completion of the project, any damage to the public right-of-way on Ann Avenue and/or North 41st Street is to be repaired;**
- 8) The shall be full compliance with the comments from the Wyandotte County Conservation District contained herein;**
- 9) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 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) 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;

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

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

14) The Special Use Permit shall be valid for 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.

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 _____, 2022.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-008

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 SP2022-008, commonly known as 3327 North 7th Street Trafficway, Kansas City, Kansas, legally described as:

The property is located east of North 7th Street Trafficway, west of Brinkerhoff Road, and north of Kindleberger Road, in the northeast portion of Kansas City, Wyandotte County, Kansas. 5J BEG 187.6 FT E & 60 FT N OF SW COR NW ¼; W 0.18 FT, CUR RT-178.46 FT, NLY 4 CRS-1046.93 FT, S83E-62.95 FT, CUR RT-286.25 FT. Located at approximately 3327 North 7th Street Trafficway, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a private indoor firearm shooting range.

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 business shall install screening for the parking and waste receptacle along the northwestern and southwestern edge of the property in the form of shrubs or trees as required by the Northeast Master Plan.
- 2) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 3) 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.
- 4) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
- 5) 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;
- 6) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 7) The Special Use Permit shall be valid for 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,
- 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.

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 _____, 2022.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2022-002

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 2822 West 43rd Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on January 3, 2022, by the owners of property to have the zoning of said property changed from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

LOMBARD PARK ADD, AN ADDITION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, S34, T11, R25, ACRES 0.1, B3 L7, Located at approximately 2822 West 43rd Avenue, Kansas City, Kansas,

be changed from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for R-2(B) Two Family District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2022.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2021-083

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 SP2021-083, commonly known as 6550 Kaw Drive, Kansas City, Kansas, legally described as:

All of Lot 1, C-F Shops, a subdivision of land in Kansas City, Wyandotte County, Kansas, located at approximately 6550 Kaw Drive, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of live entertainment at an existing drinking establishment and restaurant.

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 shall build an enclosure around their trash receptacles on the east side of their property;**
- 2) **The applicant shall either patch their parking lot or repave the parking lot for the parcel in which their reestablishment resides on;**

- 3) The applicant shall install parking space striping for the required forty (40) parking spaces in the manner outlined by the Code of Ordinances Section 27-669;
- 4) Per recommendation by Major Raymond Nunez of the Kansas City Kansas Police Department, the applicant shall install two (2) security cameras on the front of the building and one (1) security camera at the exit of the premises;
- 5) Per recommendation by Major Raymond Nunez of the Kansas City Kansas Police Department, anytime the club hosts 30 or more patrons, additional interior security shall be provided, and any time the club hosts more than 80 patrons, the club shall provide both additional interior security and an off-duty police officer to monitor the exterior;
- 6) Per Code of Ordinances Section 27-577(g), if the applicant wishes to complete this work in phases, “the first phase of construction should include perimeter landscaping, entry drives, and detention ponds. Future phases must indicate interim landscaping”;
- 7) 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;
- 8) The applicant shall remove the two (2) signs on the south elevation that show the menu and that read “now open for lunch” and the sign that is mounted to the right of the main entrance on the south elevation, as those signs do not have the proper sign permits, nor do they conform to the sign ordinance Sec 27-720 – Sec 27-739;
- 9) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 10) 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;
- 11) All entertainment must cease by at least 1:30AM;
- 12) Doors and windows must stay closed during any entertainment performance;
- 13) Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent uses;
- 14) Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - a. 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;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;

- c. An I.D. scanner will be used at all times;
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
- 15) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 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,
- 16) The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

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 _____, 2022.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL



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: March 31, 2022

Re: **Petition SP2022-24, Petition PR2022-008 and Master Plan Amendment MPL2022-006**

GENERAL INFORMATION

Applicant:
Curtis Petersen

Status of Applicant:
Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Action:
Approve an indefinite Special Use Permit for an outdoor multi-field baseball/softball complex with concession sales.

Preliminary Plan Review for outdoor multi-field baseball/softball complex.

Master Plan Amendment from Low Density Residential (City-Wide Master Plan) to Planned Entertainment (Prairie Delaware Piper Master Plan).

Date of Applications: January 28, 2022



Purpose:	To plat one (1) lot and amend the master plan to build and operate an outdoor multi-field baseball/softball complex and development center.		
Property Location:	1501 North 90 th Street		
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #7 Commissioner: Chuck Stites		
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:	A-G Agriculture District	
Adjacent Uses:	North:	Undeveloped land	
	South:	Single family homes	
	East:	Single-family homes and farmland	
	West:	Compass Minerals Soccer Complex	
Total Tract Size:	49.47 Acres		
Master Plan Area:	City-Wide Master Plan		
Master Plan Designation:	The City-Wide Piper Master Plan designates this property as Low Density Residential, which allows single-family detached residences, institutional uses, parks, and open space.		
	An amendment to Planned Entertainment (Prairie Delaware Piper Master Plan) is being sought, which allows significant capital investment in infrastructure that entertains visitors, and venues that attract visitors throughout the area.		
Major Street Plan:	The City-Wide Master Plan classifies North 90 th Street as a Class B Thoroughfare.		
Required Parking:	Sec. 27-668(a)(2) Athletic fields, stadiums, gymnasiums, indoor athletic facilities. Spaces for these uses shall be as determined by the Planning Commission. 698 parking spaces are being provided.		
Advertisement:	<u>The Wyandotte Echo</u> – Special Use Permit – February 17, 2022, Plat – None, Plan Review – None, and Master Plan Amendment – February 17, 2022 Letters to Property Owner – February 18, 2022 and March 24, 2022		

Public Hearings:	March 14, 2022 and March 31, 2022
Public Support:	None to date.
Public Opposition:	There were six (6) people present at the March 14, 2022 meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, has filed a Preliminary Plan, Preliminary Plat, Special Use Permit and Master Plan Amendment to subdivide the property into one (1) lot to build a multi-field baseball/softball complex, development center, scouting tower and parking on 49.98 acres at 1501 North 90th Street.

City Ordinance Requirements: 27-592 through 27-606, Article XXI Sections 27-502 – 27-709 and Article VIII Sections 27-340 – 27-765.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is composed of soccer fields complex to the west, single-family neighborhood to the north and south along 90th Street, single-family homes to the east, and single-family homes to the northeast off Walker Avenue. Providence Medical Center is two (2) parcels north of this property.

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

The zoning and uses of nearby property are identified above. An indoor multi-use sports complex, primarily, with an outside, multi-field baseball/softball fields and development center can be compatible with the surrounding residential area.

3. *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*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service provided by the West Patrol, District #225

e. *Fire*

Fire service provided by Fire Station #6 located near 95th and State Avenue.

f. *Transit*

Kansas City ATA provides transit service along State Avenue, Route #101 and Parallel Parkway, Route #116. The nearest transit stop is one-half (½) mile north and south at the intersections of 90th & Parallel Parkway and 90th & State Avenue.

g. *Schools*

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

4. *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 on the property will affect nearby property as the majority of the guests, teams and staff will predominately be outside the buildings, with the exception of concession personnel, media members and team scouts. The increase in lighting of the sports fields, noise from outdoor fields and traffic as expected will significantly change the impact this parcel has on the surrounding area.

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

The property has been vacant for an undetermined period, used as farmland.

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

Special Use Permits are not addressed in the City-Wide Master Plan, however, the City-Wide Master Plan Low Density Residential land use designation allows single-family homes, institutional uses, park, and open space. A Master Plan Amendment to Planned Entertainment is being sought, which allows significant capital investment in infrastructure that entertains visitors, and venues that attract visitors throughout the area.

7. *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 result in a significant increase in the amount of vehicular traffic to the property. Pedestrian connectivity to transit is key, similar to the Homefield multi-use sports building at 9020 State Avenue. With the coordination of Planning Engineering and Public Works Department, the traffic study will be reviewed and commented on separately.

8. *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 reasonably necessary for the convenience of those that will use this service, particularly young families in the metro area. It could have an impact on both the residential properties nearby, as well as the future potential for adjacent undeveloped parcels.

9. *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 will be a significant change in the illumination, noise, and activity on site, particularly on weekends when the site will be most heavily visited. Buffering shall be in place from the beginning to limit the impact on nearby residents and property owners.

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

The proposed use will not pollute the air, land or water provided on-site waste is disposed of properly. Surface stormwater runoff and field infiltration will be routed to the detention basins before slowly discharged into the storm sewers.

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

The proposed use will significantly alter the rolling hills on the property, however, the existing tree stands along the south property line and the northeast corner of

the should be preserved to act as a buffer between the residences and the development.

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

There is an expected gain to the public health with the addition of recreational facilities in the area.

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

The proposed use is not expected to result in overcrowding of land if designed properly and proper buffering to adjacent uses is installed. It will cause significant concentrations of populations.

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

The development is of such character that it can be used safely without danger to health, or peril from fire, flood erosion, excessive noise, or other adversity if properly designed and managed by the owner and operator.

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

With coordination from the Public Works Department, streets will be designed so as to provide a safe, convenient, and functional system for vehicular traffic, and having such width, gradient, location, and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

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

Lots and buildings appear to be arranged as to afford adequate light, open space or air to facilitate fire protection and to provide for long-term sustained real estate values. The issue related to this is:

A. Access through the concourse for KCKFD and emergency services.

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

Development will be designed with regard to topography, so that the dense tree stands will be preserved in the northeast corner of the property and along the

southern property line.

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

This is a private development for a multi-field baseball/softball complex, and there will not be public amenities for residents provided. The project will provide public accommodation to their facilities.

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

The proposed use will increase the traffic and parking demand in ways that could adversely affect road capacity, safety, and create parking problems. With coordination from Planning Engineering and the Public Works Department, the traffic study will be reviewed and commented on separately.

Pedestrian connectivity to transit and other similar uses such as sidewalks, trails and bicycle facilities needs to be incorporated into this project.

19. The capability of the proposed use to meet applicable ordinance and other requirements.

The proposed use is capable of meeting applicable ordinance and other requirements with the appropriate revisions.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on February 23, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Parking
Lighting and Glare
Screening and Buffering
Noise
Prominence of Parking
Traffic
Pedestrian Access
Sidewalk and Trails Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-024**, Preliminary Plan Review Application **PR2022-008** and Master Plan Amendment **MPL2022-006**, subject to:

1. A building permit is required. Please contact the Building Inspection Department to begin that process;
2. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block. **The City Planning Commission granted the deviation requested by the applicant;**
3. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided;
4. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;
5. Wherever the mid-block crossing is located there is a pedestrian thoroughway to connect into the internal circulation of this site;
6. Install a sidewalk along the northern entrance/exist of the site and connect to the interior sidewalk network;
7. Establish a mid-block trail connection and pedestrian crossing to the pedestrian sidewalk entrance at Compass Minerals Soccer Complex across the street at 1500 North 90th Street.

The sidewalk should extend from the concourse between the two-most western fields, through the parking lot and berm and connect to the existing sidewalk on North 90th Street.

Staff would like to continue to work with the applicant and development team to see if a mid-block crossing is possible between Perfect Game and Compass Minerals Soccer Complex;

8. Over the road trucks shall not be parked on the property overnight;
9. Buses and larger vehicles shall not block drive aisles and/or fire lanes;
10. Install a publicly accessible bicycle rack for bicyclists in the plaza area;
11. Outdoor speakers should be oriented away from the single family residences;

12. The outdoor scoreboard lumens shall be oriented away from the single family residences;
13. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
 - f. EIFS at the ground level or comprising more than fifteen (15) percent of any façade. Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. **The City Planning Commission granted the deviation requested by the applicant;**
14. The proposed concrete blocks need to be integrally-color and textured. Smooth-face concrete masonry units are not permitted as an exterior building material per the Commercial Design Guidelines;
15. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened. Overflow drains shall be at grade and hidden by vegetation;
16. All concrete shall be integrally-colored – no paint;
17. What will the residences see of this development from the north, south and east? For the FDP, provide sight line cross sections illustrating what the residents will see from their properties;
18. A six (6) foot privacy fence with masonry columns every 32 feet along the portion at the Southeast of the property adjacent to the Southernmost main entrance to the project and abutting 90th Street. The fence screening the residents to the Northeast of the project would be a wood screening fence as it is at the rear of these abutting properties
19. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):
 - a. Overall site – 308 trees.
 - b. Street trees – 39 trees.
 - c. Parking lot islands – 35 trees.
20. The parking lot must be screened by berms and landscaping from North 90th Street, and the residence immediately abutting the entrance along the south property line.

The existing slope along North 90th Street should be preserved as the natural feature screens a substantial portion of the site from the street;

21. Add a note or cloud indicating the preservation of existing tree stands around the perimeter of the development;
22. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots;
23. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median;
24. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces;

25. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements;
26. Junipers and other coniferous trees should be planted throughout the site. Specifically, around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system;
27. All landscaping shall be irrigated along North 90th Street, within the landscaped parking lot islands and landscape beds adjacent to the perimeter of the entrance;
28. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;
29. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
30. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line. This includes light that is cast vertically and horizontally;
31. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
32. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped;
33. All rooftop mechanical screen walls may not be perforated metal. The screen wall shall be solid;
34. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
35. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary;
36. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are

- completely screened from and all abutting property lines and the public right-of-way;
37. 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 38. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 39. 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, Sections 8-610 through 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;
 40. 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;
 41. The Special Use Permit shall be valid indefinitely 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 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. Special Use Permits are nontransferable, therefore, all operations must cease until such time as a new Special Use Permit is approved; and,
 42. 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 **SP2022-024**, Petition **PR2022-008** and **MPL2022-006** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Prairie Delaware Piper Master Plan Development Opportunities Map
KCKFD Comments
Preferred Tree Planting List
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Site Plan
Grading Plan
Utility Plan
Sidewalk Plan
Lighting Plan
Landscape Plan
Sight Line Cross Section
Building Elevations

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	March 14, 2022	March 31, 2022
Special Use Preliminary	Approval	
Plan	March 14, 2022 - Approval	March 31, 2022
Master Plan Amendment	March 14, 2022 - Approval	March 31, 2022

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-006** 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 Unified Government Board of Commissioners **DENY** Petition **MPL2022-006** 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.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-024** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-024**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-008** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move Unified Government Board of Commissioners **DENY** Petition **PR2022-008**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

March 14, 2022 City Planning Commission Minutes:

Hearing starts at Tape 2 – 52:25:

MPL2022-006 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Master Plan Amendment from Low Density Residential (City-Wide Master Plan) to Planned Entertainment (City-Wide Master Plan) at 1501 North 90th Street.

SP2022-024 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Special Use Permit for privately owned athletic fields (Homefield Perfect Game) at 1501 North 90th Street.

PLAT2022-04 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Preliminary Plat for six (6) lots for Homefield Perfect Game at 1501 North 90th Street.

PR2022-008 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Preliminary Plan Review for Homefield Perfect Game Fields at 1501 North 90th Street.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, has filed a Preliminary Plan, Preliminary Plat, Special Use Permit and Master Plan Amendment to subdivide the property into one (1) lot to build a multi-field baseball/softball complex, development center, scouting tower and parking on 49.98 acres at 1501 North 90th Street.

City Ordinance Requirements: 27-592 through 27-606, Article XXI Sections 27-502 – 27-709 and Article VIII Sections 27-340 – 27-765.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 14, 2022;
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 the property owners.

Present in Support:

- Curt Petersen, applicant, Polsinelli, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112
- Amy Grant, Polsinelli, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112

Present in Opposition:

- John Cummings, 8720 Walker Avenue, Kansas City, Kansas 66112
- Jeff Letterman, 1323 North 90th Street, Kansas City, Kansas 66112
- Sharleen Lehotsky, 8808 State Avenue, Kansas City, Kansas 66112
- Paula Owen, 1322 North 90th Street, Kansas City, Kansas 66112
- Kelle Steineger, 8721 Walker, Kansas City, Kansas 66112
- Carol Zugecic, 8846 State Avenue, Kansas City, Kansas 66112

Staff Recommendation starts at Tape 2 – 1:29:04: Planning Director Hand stated that the request is for a Special Use Permit, Master Plan Amendment, Plan Review and Plat. This property is just outside the Prairie-Delaware-Piper Master Plan. Prior to tonight staff had received no letters in support nor opposition to this application. He further stated there are no Notices of Violation. As this is a commercial use, Staff is conditioning that they meet the Commercial Design Guidelines. Staff has worked with the applicant on increased connectivity and pedestrian pathways. Staff has requested a mid-block crossing between the sports complex and the soccer complex access 90th Street. Staff is requesting no truck parking, a bike rack, trash enclosure, downlighting, that existing tree stands be identified for preservation and enhanced landscaping/screening. A final development plan will be required, and all these items can be addressed before then if this application moves forward. Director Hand addressed the requested deviations that the applicant requested:

Item #2 - Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block. Director Hand stated this is similar to the deviation granted to Homefield on 90th Street. Although Staff does not agree, Staff in principle is agreeable to the deviation.

Item #5 - Install crosswalks throughout the parking lot to linking parking lot medians and islands connecting to the interior sidewalk around the perimeter of the fields. Director Hand stated that Staff would amend this condition to the crosswalks going through the drive aisles of the parking lot. The mid-block crossing would be

determined prior to the final development plan. Staff would amend the condition to state that wherever the mid-block crossing is located there is a pedestrian thoroughway to connect into the internal circulation of this site.

Item #7 - Due to the proximity the Perfect Game championship fields located at 9020 State Avenue, a trail needs to be established to connect the two developments together. Director Hand stated that this is a condition that was removed last month from the Homefield Phase 1 application that is going to be heard next on the agenda. Staff does not object to the removal of this condition.

Item #14 - Sec. 27-576(e)(2) Exterior building materials shall not include the following: f. EIFS at the ground level or comprising more than fifteen (15) percent of any façade. Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. Director Hand stated that he can understand the applicant requesting removal of this condition as this is a ballfield and not a traditional commercial building. The Planning Commission will need to approve this deviation.

Item #16 - Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation. Planning Director Hand stated that Staff would request an amendment to this condition with the removal of **“and all downspouts shall be internalized.”** Staff will work with the applicant before final plan review to ensure the downspouts are screened to meet the intent of the guidelines.

Item #19 - As discussed during the pre-application meeting, screening like Turner Logistics Center East at College Parkway and Orville Avenue and Walmart at Plaza at the Speedway should be installed adjacent to the residence along the southernmost entrance and the rear yards abutting the fields in the northeast corner of the site. A six (6) foot privacy fence with masonry columns every 32 feet running should be installed along common property lines. The single-family homes that abut the ball fields should have additional screening above and beyond what is proposed. Planning Director Hand stated that staff would request that this condition be amended to state that **“A six (6) foot privacy fence with masonry columns every 32 feet along the portion at the Southeast of the property adjacent to the Southernmost main entrance to the project and abutting 90th Street. The fence screening the residents to the Northeast of the project would be a wood screening fence as it is at the rear of these abutting properties.”**

Item #27 - Junipers and other coniferous trees should be planted throughout the site, specifically around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system. These trees should be planted at the ends of the concourses along the north, east and south property lines. Director Hand stated Staff would request that this condition be amended: **“Junipers and other coniferous trees should be planted, around the perimeter of all detention basin slopes.”**

Staff recommends approval subject to the amended conditions. The Planning Commission will need to make a recommendation on the two (2) requested deviations. He stated that the County Engineer and Planning Engineering agreed with the findings of the third party review of the traffic study. Further consideration can be given before the final plan review regarding design changes in and out of the project.

The Planning Commission addressed comments and questions to Staff.

Motion and Vote starts at Tape 2 – 1:41:10:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2022-006:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-024:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. A building permit is required. Please contact the Building Inspection Department to begin that process;**
- 2. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block. The City Planning Commission granted the deviation requested by the applicant;**
- 3. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have**

- sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided;
4. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;
 5. Wherever the mid-block crossing is located there is a pedestrian throughway to connect into the internal circulation of this site;
 6. Install a sidewalk along the northern entrance/exist of the site and connect to the interior sidewalk network;
 7. Establish a mid-block trail connection and pedestrian crossing to the pedestrian sidewalk entrance at Compass Minerals Soccer Complex across the street at 1500 North 90th Street.

The sidewalk should extend from the concourse between the two-most western fields, through the parking lot and berm and connect to the existing sidewalk on North 90th Street.

Staff would like to continue to work with the applicant and development team to see if a mid-block crossing is possible between Perfect Game and Compass Minerals Soccer Complex;

8. Over the road trucks shall not be parked on the property overnight;
9. Buses and larger vehicles shall not block drive aisles and/or fire lanes;
10. Install a publicly accessible bicycle rack for bicyclists in the plaza area;
11. Outdoor speakers should be oriented away from the single family residences;
12. The outdoor scoreboard lumens shall be oriented away from the single family residences;
13. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
 - f. EIFS at the ground level or comprising more than fifteen (15) percent of any façade. Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. **The City Planning Commission granted the deviation requested by the applicant;**
14. The proposed concrete blocks need to be integrally-color and textured. Smooth-face concrete masonry units are not permitted as an exterior building material per the Commercial Design Guidelines;
15. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened. Overflow drains shall be at grade and hidden by vegetation;

16. All concrete shall be integrally-colored – no paint;
17. What will the residences see of this development from the north, south and east? For the FDP, provide sight line cross sections illustrating what the residents will see from their properties;
18. A six (6) foot privacy fence with masonry columns every 32 feet along the portion at the Southeast of the property adjacent to the Southernmost main entrance to the project and abutting 90th Street. The fence screening the residents to the Northeast of the project would be a wood screening fence as it is at the rear of these abutting properties
19. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):
 - d. Overall site – 308 trees.
 - e. Street trees – 39 trees.
 - f. Parking lot islands – 35 trees.
20. The parking lot must be screened by berms and landscaping from North 90th Street, and the residence immediately abutting the entrance along the south property line.

The existing slope along North 90th Street should be preserved as the natural feature screens a substantial portion of the site from the street;

21. Add a note or cloud indicating the preservation of existing tree stands around the perimeter of the development;
22. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots;
23. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median;
24. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces;
25. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements;
26. Junipers and other coniferous trees should be planted throughout the site. Specifically, around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system;
27. All landscaping shall be irrigated along North 90th Street, within the landscaped parking lot islands and landscape beds adjacent to the perimeter of the entrance;
28. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;

29. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
30. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line. This includes light that is cast vertically and horizontally;
31. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
32. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped;
33. All rooftop mechanical screen walls may not be perforated metal. The screen wall shall be solid;
34. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
35. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary;
36. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way;
37. 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
38. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
39. 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, Sections 8-610 through 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;
40. 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;
41. The Special Use Permit shall be valid indefinitely 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 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. Special Use Permits are nontransferable, therefore, all operations must cease until such time as a new Special Use Permit is approved; and,
42. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to **APPROVE PLAT2022-004:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions.

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2022-008:**

Carson	Chairman
---------------	-----------------

Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions.

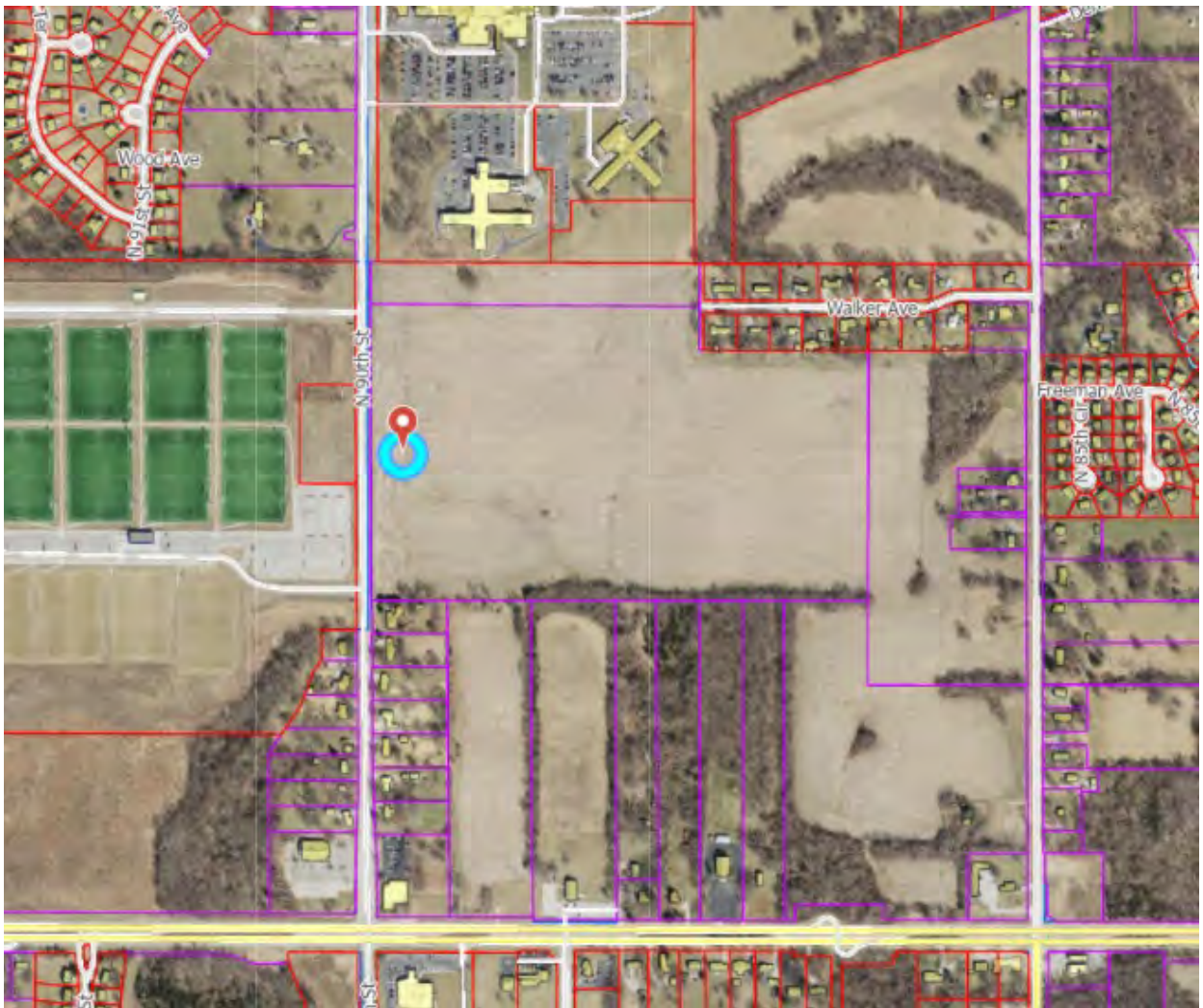
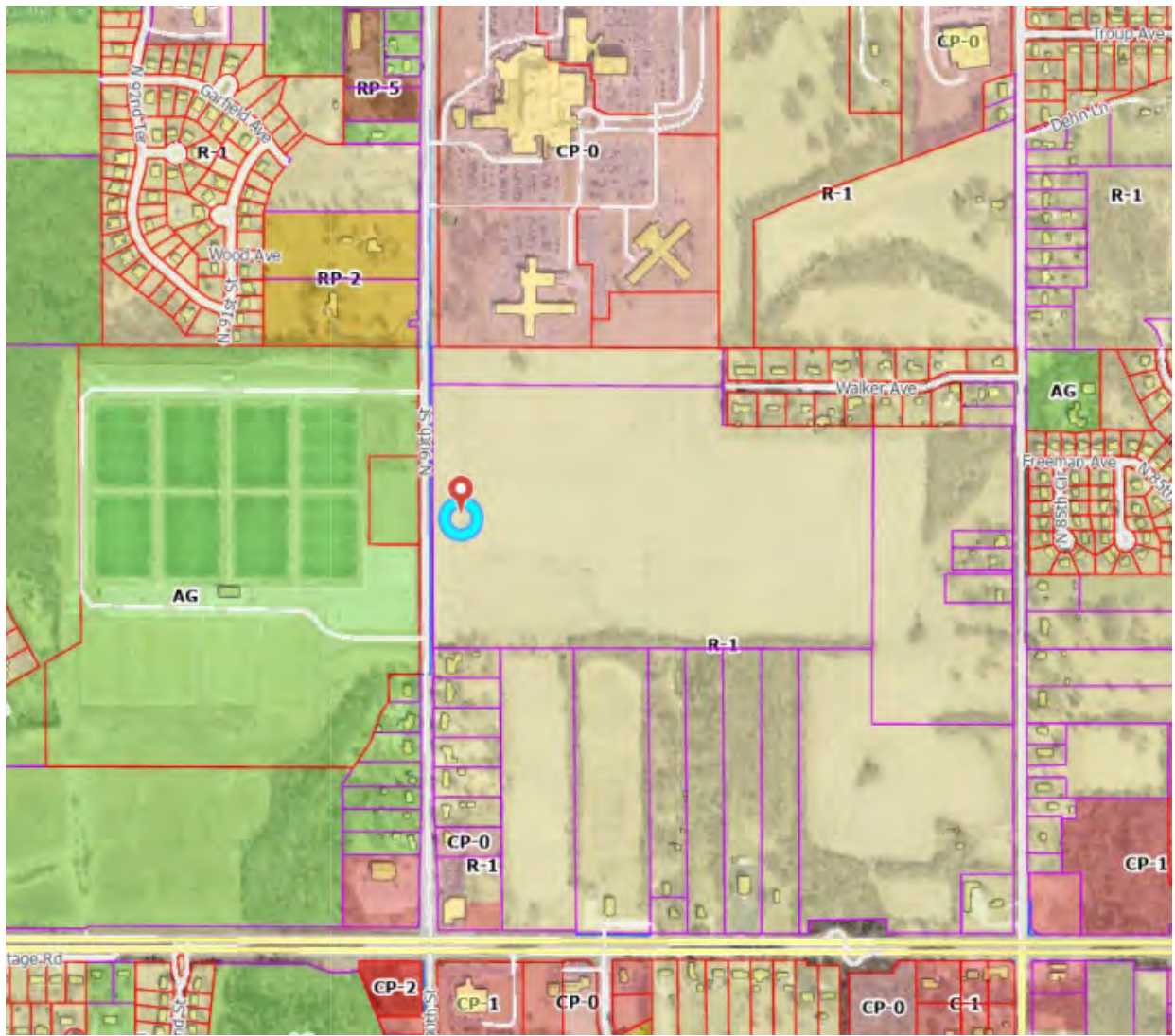


Figure 1. Aerial photograph of 1501 North 90th Street (provided by UG Maps).



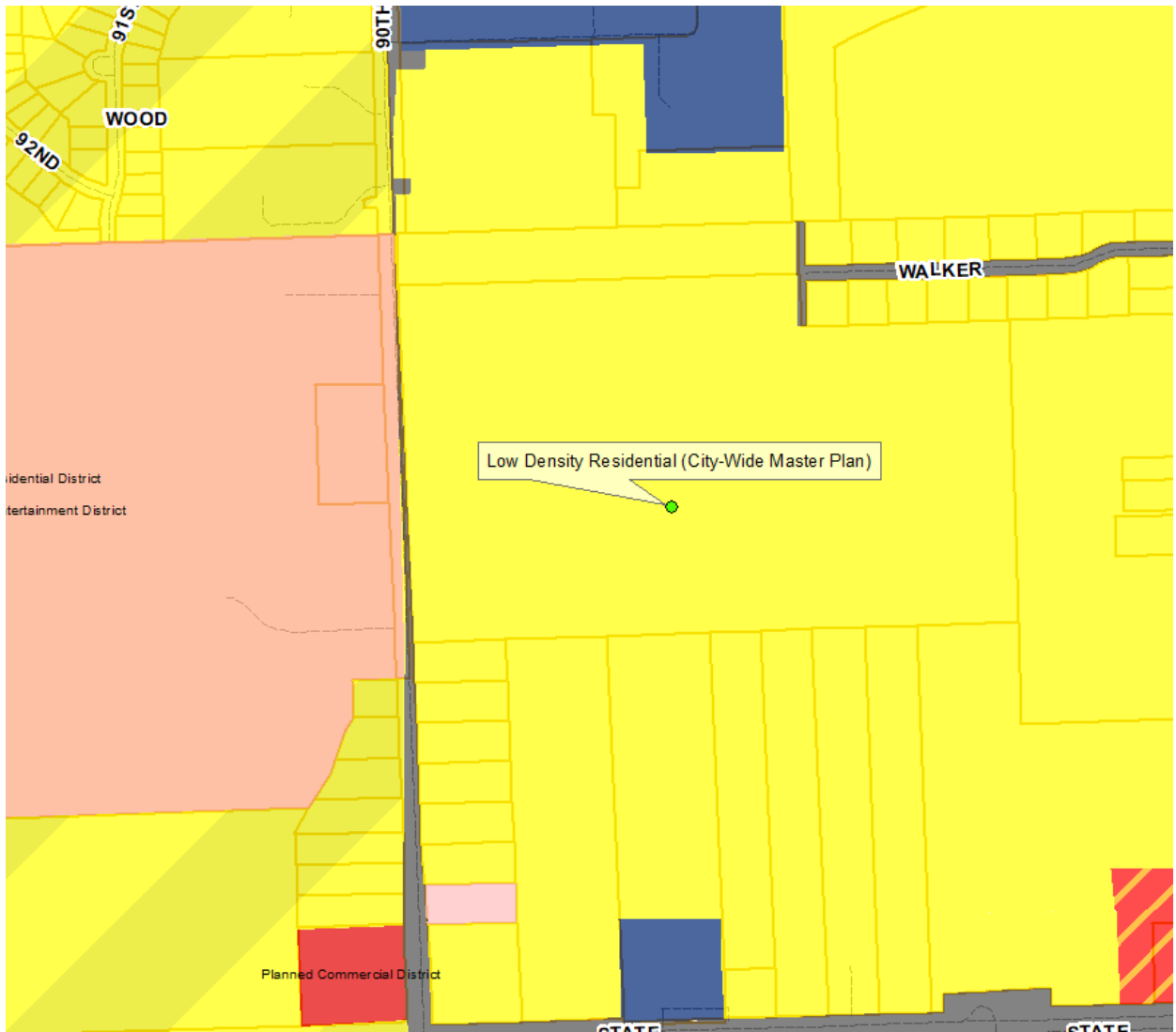


Figure 3. City-Wide Master Plan Land Use Map (provided by ArcMap).

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 x plantanoides</i>	Norwegian sunset maple	'Warrenred' 'Keithsform'
6.	<i>Amelanchier x 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 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 altimissima</i>	Tree of Heaven	
20.	<i>Acer negundo</i>	Boxelder	
21.	<i>Salix spp.</i>	Willow	
22.	Edible fruit trees		

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments: General Planning:

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

RESPONSE: Acknowledged.

2. The 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.

RESPONSE: Acknowledged.

3. Tracts A, B, C, D, E and F are to be given as rear yards to the five (5) single family homes along Walker Avenue?

RESPONSE: These property owners currently have an encroachment on our property.

4. A building permit is required. Please contact the Building Inspection Department to begin that process.

RESPONSE: Acknowledged.

5. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block.
The City Planning Commission must grant these deviation requests by the applicant

RESPONSE: The Developer respectfully requests a deviation to allow the parking field to remain as shown.

6. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided.

RESPONSE: Acknowledged.

7. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings.

RESPONSE: See sheet C2.00 for sidewalks that are being provided from both access drive to the main entry/ticketing office.

8. Install crosswalks throughout the parking lot to linking parking lot medians and islands connecting to the interior sidewalk around the perimeter of the fields.

RESPONSE: See sheet C2.00. Due to the condensed nature of the parking field (only 2 bays deep) the Developer does not feel that linking the islands is necessary.

9. Install a sidewalk along the northern entrance/exist of the site and connect to the interior sidewalk network.

RESPONSE: See revised plan sheet.

10. Due to the proximity the Perfect Game championship fields located at 9020 State Avenue, a trail needs to be established to connect the two developments together.

RESPONSE: The applicant would like to discuss this further with planning staff.

11. Establish a mid-block trail connection and pedestrian crossing to the pedestrian sidewalk entrance at Compass Minerals Soccer Complex across the street at 1500 North 90th Street.

The sidewalk should extend from the concourse between the two-most western fields, through the parking lot and berm and connect to the existing sidewalk on North 90th Street.

RESPONSE: The grades/slopes along 90th Street would make a mid-block connection very difficult, if not impossible. The Developer would like to discuss this further with planning staff.

12. Over the road trucks shall not be parked on the property overnight.

RESPONSE: Acknowledged.

13. Where will buses and larger vehicles park within the parking lot?

RESPONSE: The applicant would like to discuss this further with planning staff as we are not aware of any requirement to address parking for buses and larger vehicles. If an issue were to arise with whether these types of vehicles park the operator would address the issue directly.

14. Install a publicly accessible bicycle rack for bicyclists in the plaza area.

RESPONSE: Acknowledged.

15. Will outdoor speakers be installed on the baseball fields?

RESPONSE: Yes, but the PA system will not normally do any play by play calls for games.

16. Will there be an outdoor scoreboard on the baseball fields?

RESPONSE: Yes.

17. What are the proposed hours of operation?

RESPONSE: Athletic fields do not typically have set hours of operation given the multitude of factors that can impact when sporting events are played outdoors.

18. What shade is being provided for guests?

RESPONSE: The Developer has not yet contemplated whether or not shade devices will be provided.

19. Provide clarification regarding the lack of interior walking plantings.

RESPONSE: The proposed use does not lend itself to interior walking plantings.

Building Architecture:

1. Sec. 27-576(e)(2) Exterior building materials shall not include the following:

EIFS at the ground level or comprising more than fifteen (15) percent of any façade.

Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. Staff will not ask for the deviation.

RESPONSE: The Developer respectfully requests a deviation from the commercial design guidelines.

The Concession Stand Building will have 16.67% metal on both the south and north façades and 23.1% metal on the west façade.

The entry building will have 47.7 % metal on the north façade, 50.6% metal on the east façade, 39.8% metal on the south façade, and 44.9% metal on the west façade.

The maintenance building will have 57.2% metal on the north façade, 55.2% metal on the east façade, 55.4% metal on the south façade, and 72.4% metal on the west façade.

The scouting tower/concession stand buildings have less than 15% metal and do not require a deviation.

2. The proposed concrete blocks need to be integrally-color and textured. Smooth-face concrete masonry units are not permitted as an exterior building material per the Commercial Design Guidelines.

RESPONSE: Acknowledged.

3. Provide elevations of the baseball fields.

RESPONSE: The applicant would like to discuss this further with planning staff to better understand what is being requested.

4. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation.
RESPONSE: The buildings proposed with this project are relatively small in nature and are not highly visible from 90th Street. Downspouts will be carefully integrated into the design of the buildings but cannot be internalized.
5. All concrete shall be integrally-colored – no paint.
RESPONSE: Acknowledged.

Landscaping and Screening:

1. What will the residences see of this development from the north, south and east? Provide sight line cross sections illustrating what the residents will see from their properties.
RESPONSE: Sight line cross sections have been provided with the resubmittal.
2. As discussed during the pre-application meeting, screening like Turner Logistics Center East at College Parkway and Orville Avenue and Walmart at Plaza at the Speedway should be installed adjacent to the residence along the southernmost entrance and the rear yards abutting the fields in the northeast corner of the site. A six (6) foot privacy fence with masonry columns every 32 feet running should be installed along common property lines.
RESPONSE: The applicant would like to discuss this further with planning staff. Fencing is being provide around the baseball fields but is not proposing any property boundary fencing.
3. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):

Overall site – 308 trees.
Street trees – 39 trees.
Parking lot islands – 35 trees.
RESPONSE: 382 Trees have been provided per the revised landscape plan
4. The parking lot must be screened by berms and landscaping from North 90th Street, and the residence immediately abutting the entrance along the south property line. The existing slope along North 90th Street should be preserved as the natural feature screens a substantial portion of the site from the street
RESPONSE: A berm is provided for portions of the 90th Street frontage where grades allow. The existing slope cannot be maintained everywhere as the mass of the site sits below 90th Street and grades need to drop to the east to balance excavation on the site. Landscaping has been increased along 90th Street to buffer the parking, a privacy

fence will be provided between the project and the single residence along N. 90th Street to the south.

5. Add a note or cloud indicating the preservation of existing tree stands around the perimeter of the development.

RESPONSE: The tree preservation is shown on L1.00.

6. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots.

RESPONSE: Trees are being provided along the pedestrian route from the entry drive to the entry gate, trees are also lining the sidewalk across the north side of the parking lot leading to the entry gate.

7. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median.

RESPONSE: Islands have been added to the parking field to break long runs of parking.

8. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces.

RESPONSE: Islands have been added to the parking field to break long runs of parking.

9. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements.

RESPONSE: These trees have been added, see item #3.

10. Junipers and other coniferous trees should be planted throughout the site, specifically around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system. These trees should be planted at the ends of the concourses along the north, east and south property lines.

RESPONSE: The Developer would like to discuss this further with planning staff.

11. All landscaping shall be irrigated along North 90th Street, within the landscaped parking lot islands and landscape beds adjacent to the perimeter of the entrance.

RESPONSE: Acknowledged.

12. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted.

RESPONSE: Acknowledged.

13. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction.

RESPONSE: Acknowledged.

14. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line. This includes light that is cast vertically and horizontally.

RESPONSE: Acknowledged.

15. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed.

RESPONSE: Acknowledged.

16. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped.

RESPONSE: Acknowledged.

17. All rooftop mechanical screen walls may not be perforated metal. The screen wall shall be solid.

RESPONSE: Acknowledged.

18. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building.

RESPONSE: Acknowledged.

19. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary.

RESPONSE: Acknowledged.

20. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way.

RESPONSE: Acknowledged.

Signage:

1. Shall comply with the sign ordinance.

RESPONSE: Acknowledged.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

02/23/22

PERFECT GAME BASEBALL
1501 N 90th St., Kansas City, KS
NEIGHBORHOOD MEETING MINUTES:

Application Number SP2022-024 & PR2022-008

Date and Location: 02/23/22, Meeting held on Zoom Video Conference

Meeting called to order at: 6:15 PM

Names of people in attendance:

1. Richard Napper – Homefield
2. Chris Doyle – Homefield
3. Brian Lavery – Continental Engineering Consultants
4. Mark Hendricks – Continental Engineering Consultants
5. Paula Owen – Neighbor
6. Jeff Letterman – Neighbor
7. Brian Kile, 816-550-0159 – Neighbor
8. John Cummings, 816-820-3358 – Neighbor
9. Lindsey
10. Joanna Zugecic
11. Michael Zagorski, 913-636-2171
12. John & Charlene Lehotski,

Introductions: Richard Napper with Homefield (the Developer)

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

- Richard Napper opened the meeting and announced it was the Neighborhood Meeting for the Perfect Game Baseball Project located in Kansas City, Kansas. Richard gave a brief overview of the Project and opened up for questions. We showed the Homefield – Master Plan overlay on aerial dated 01/25/22. The meeting lasted a little more than the 30 minute period, all questions were answered, at 6:52 PM we officially concluded the Neighborhood Meeting and we adjourned.

Questions and answers (include the following):

Brian Kile:

Q: What does this Project do for the neighborhood? How many fields does it take for your sports in this area?

A: Richard advised that Youth Sports is currently one of the fastest growing industries. He noted it will attract out of town visitors spending money and room nights, and the project will produce property tax and sales tax.

Michael Zagorski at 707 Walker:

Q: Why couldn't we vote on this Project. The Soccer Complex is lit up all the time, and there is traffic and noise.

A: Richard advised that this Neighborhood meeting is the 1st meeting on this Project, and it will be heard by the Planning Commission for the 1st time on 03/14/22, they could attend the meeting.

Charlene Lehotski:

Statement: Expressed her displeasure with Zoom meetings.

Brian Kile:

Q: So this is just the 1st meeting, we can be heard at the Planning Commission Meeting.

A: Yes

Michael Zagorski:

Q: How do we get an invitation to that meeting.

A: Doyle responded that you may have already gotten an invitation in the mail directly from the City, in fact I believe that Paula Owen already got one. Paula confirm that yes, she had gotten a letter invitation from the City. If you don't you can contact the city and request one.

Jeff Letterman:

Q: Traffic from the soccer complex is sometimes a problem, do we need to widen 90th street, or move the entry points? Paula Owen agreed with Jeff.

A: Brian Lavery responded that he was not aware of City plans to widen the road, but that we could re-look at the entry locations to see if the City wants them aligned with the soccer complex or should be moved.

Charlene Lehotski:

Q: Will there be a fence around the entire project at the property line?

A: The Fields will be completely fence in, but the Parking Lot won't.

Statement: Kids sometimes wonder out of parking lots into the neighbors properties, she thinks the parking lots should be fenced in too. The soccer complex is loud, the PA is loud.

Brian Kile:

Q: What are the hours of operations.

A: Early to late evenings, especially through the summers. Michael Zagorski commented they often go to 10 PM.

Q: Are the fields lighted? A: Yes

John Cummings:

Statement: We don't want screaming and yelling in our backyard.

Paula Owen:

Statement: We live at the first house next to the soccer complex, and noise from the complex does not bother us. We do hear the PA. Baseball might be louder than soccer. She has children and grand children in Baseball, the fields are usually fenced like this one, and she has never seen a complex with the parking lot fenced in.

John Cummings, 8720 Walker:

Q: What is the water drainage plan.

A: Brian Lavery responded that the UG will require us to capture much of our water and regulate the release rate on to adjacent properties.

Statement: There is currently a runoff problem, the runoff from this property is currently causing problems on our properties.

Jeff Letterman:

Q: Will we be raising the land/field elevation?

A: Lavery advised we are generally raising 4 fields and lowering the other 4 fields. He added that we will be capturing water in new ponds, so we will be releasing the water at a lower rate than it is today.

Q: Where will the Sanitary Sewers be draining?

A: To the Northwest tied in to the 90th street sanitary.

Q: The site contractor will track dirt on 90th street, can we ask them to exit north to Parallel vs south to State Avenue?

A: We can ask them to.

Brian Kile:

Q: So we are saying that this is just the first meeting?

A: Yes, the City Meeting is on 03/14/22 and will have more details. You can participate in that meeting.

John Cummings:

Statement: This all strikes her as an ambitious development, and not really in a good way.

Q: Richard advised that we understand, it is a big development. It will produce an economic benefit to the area.

Paula Owen:

Q: What is the Hotel that someone mentioned?

A: Richard advised that there will be a Margaritaville Hotel, and Fairfield Hotel that is starting construction now, and Camping World already under construction.

Q: So these will be showcase fields?

A: Yes, Perfect Game is one of the premier baseball company in the country, this will be their flagship headquarters. It will be a project that we can all be proud of. Youth sports helps kids spend less time on their phones, and in social media, etc...

Jeff Letterman:

Q: What are the dashed lines?

A: Those are the corner field mobile fences for the little youth players.

Q: What are the age groups playing?

A: Generally T-Ball through High School. 12-18, and "littles"

Q: Are the fields turf?

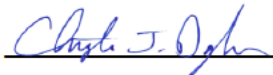
A: Yes, so drainage will be captured and the field drainage systems and be improved by this development.

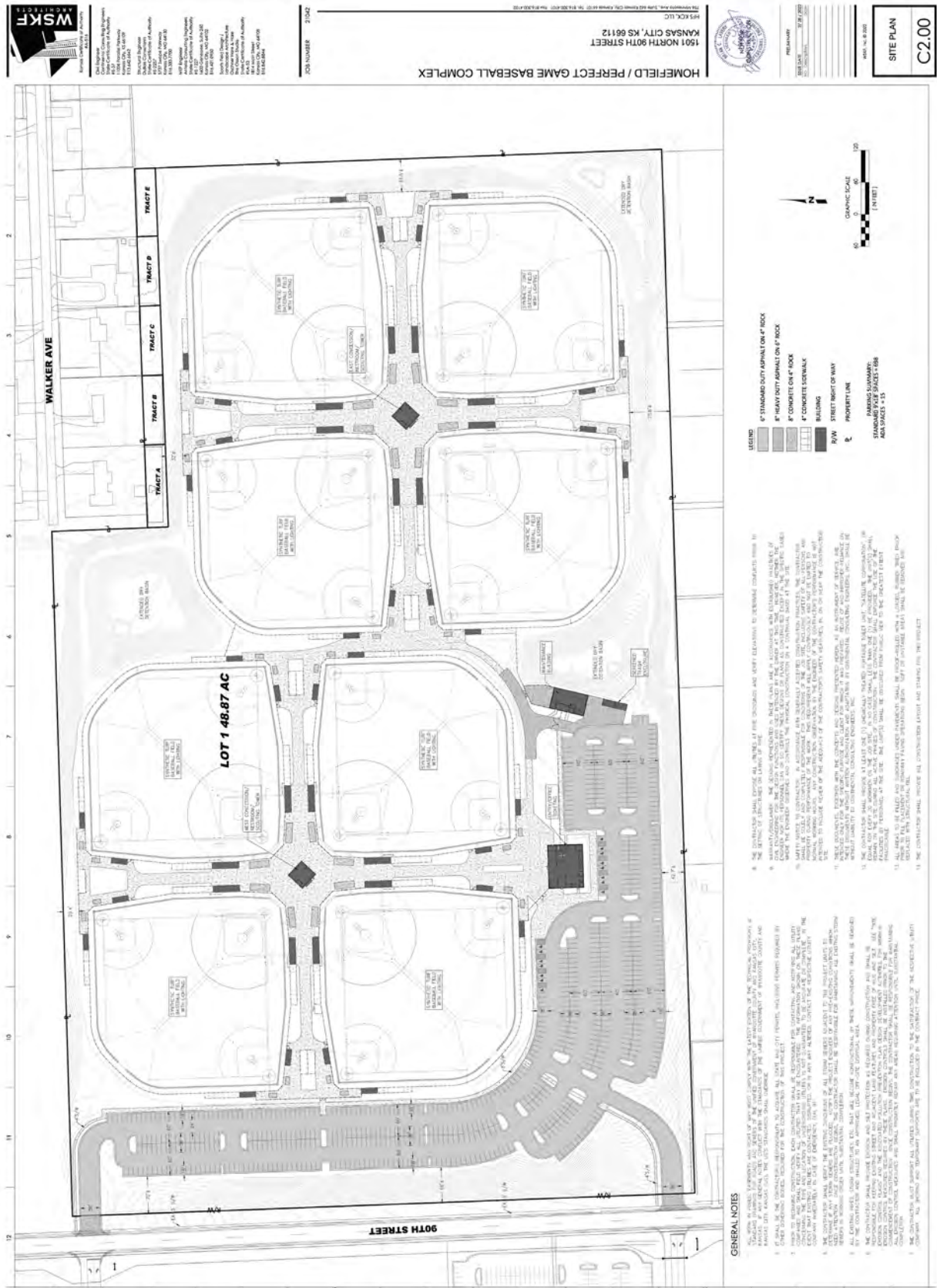
Q: Can we move the north entrance more north?

A: We can re-look at that, and see what the traffic study says regarding that.

That concluded all the questions, the meeting adjourned at: 6:52 PM.

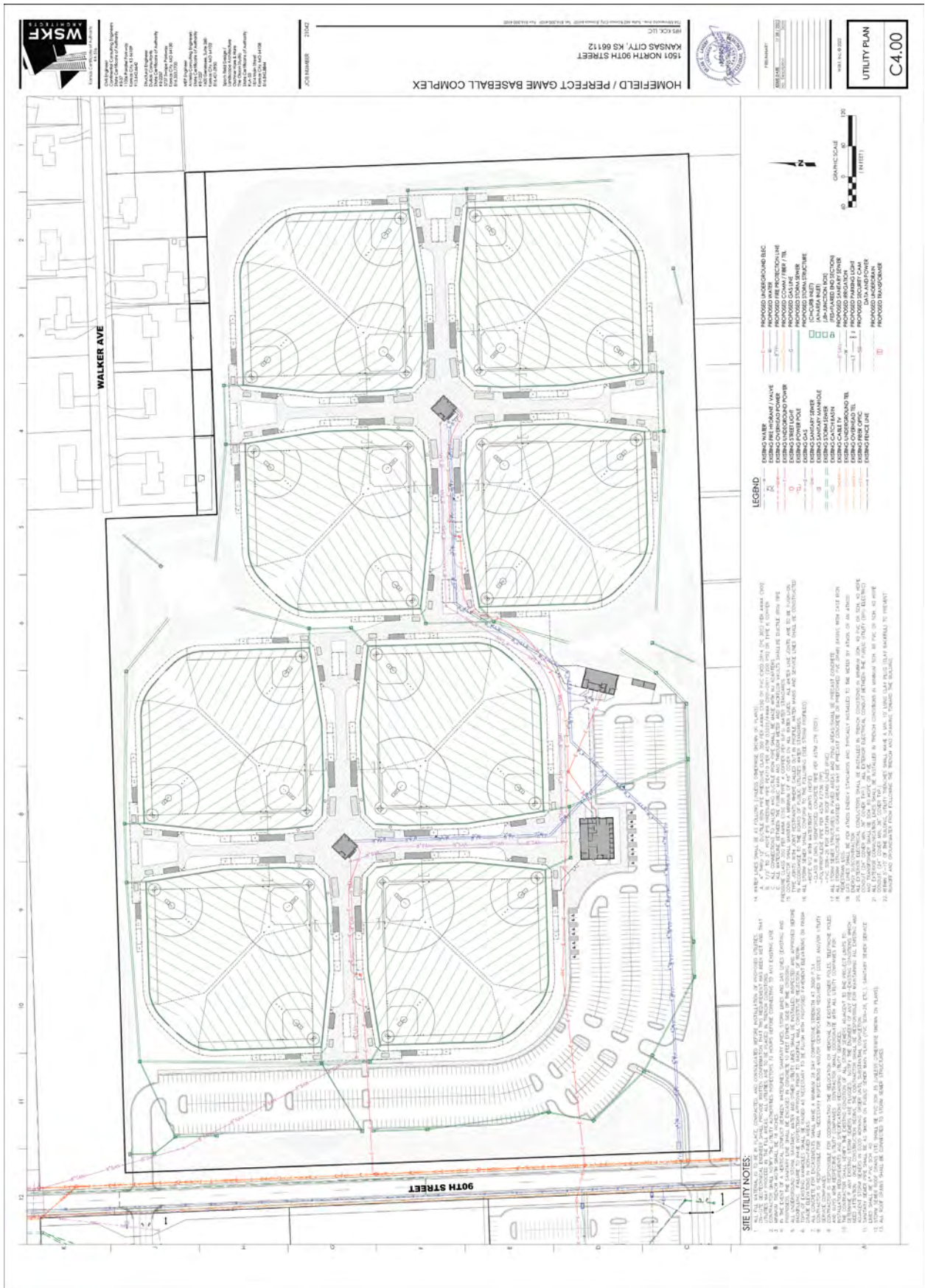
Minutes taken by: Chris Doyle at Homefield (the Developer)

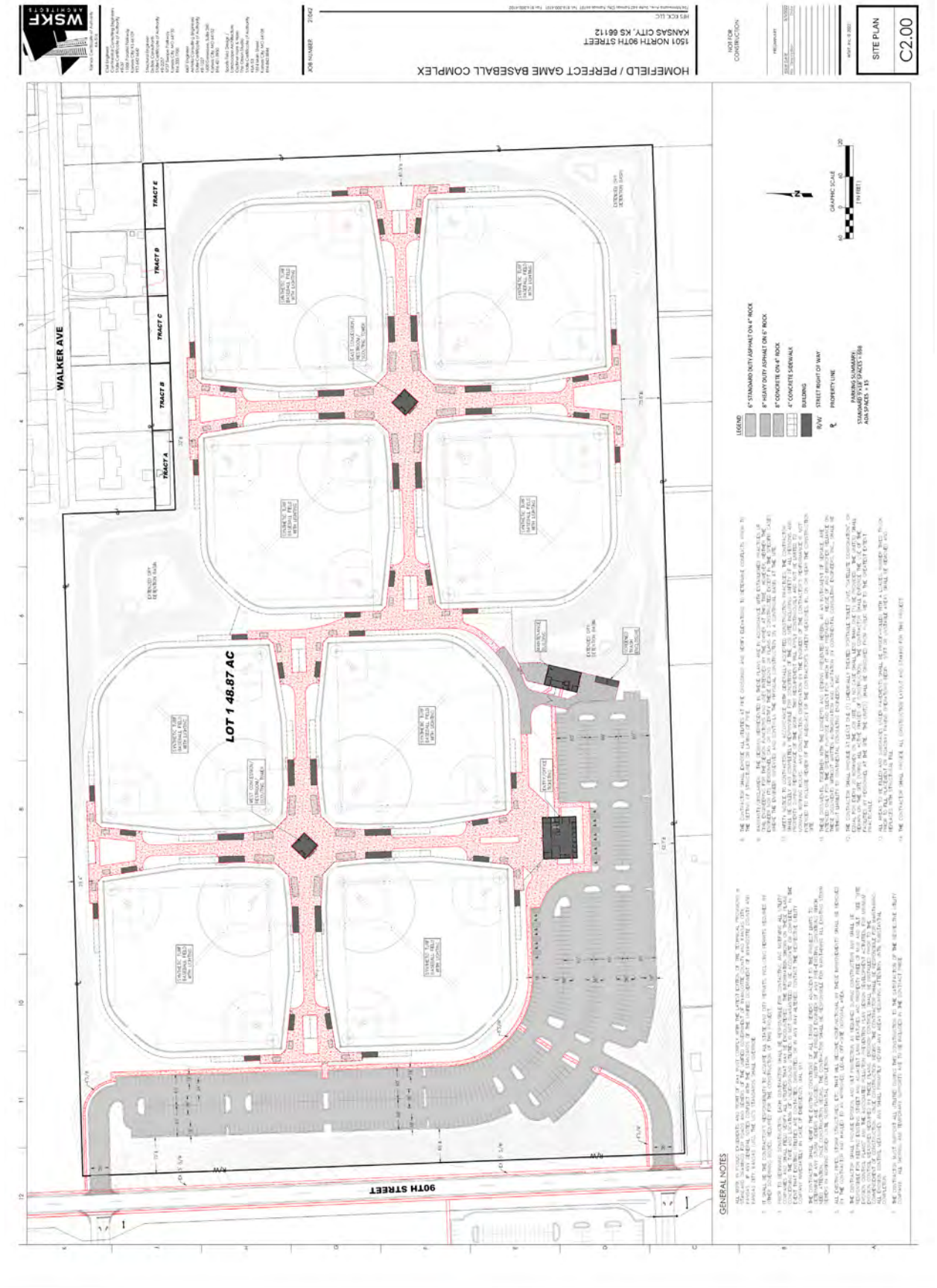
Signed  (Chris Doyle)



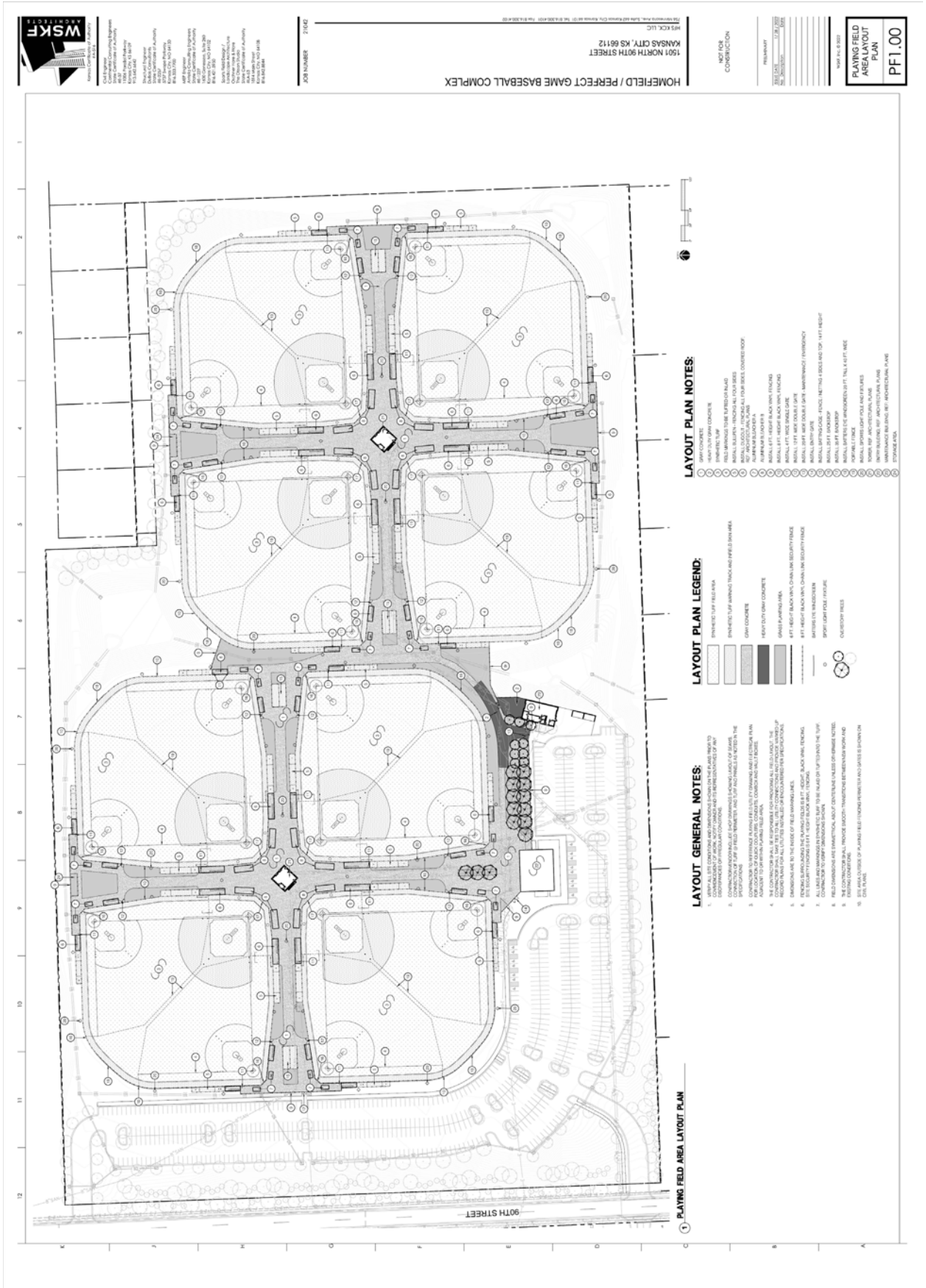












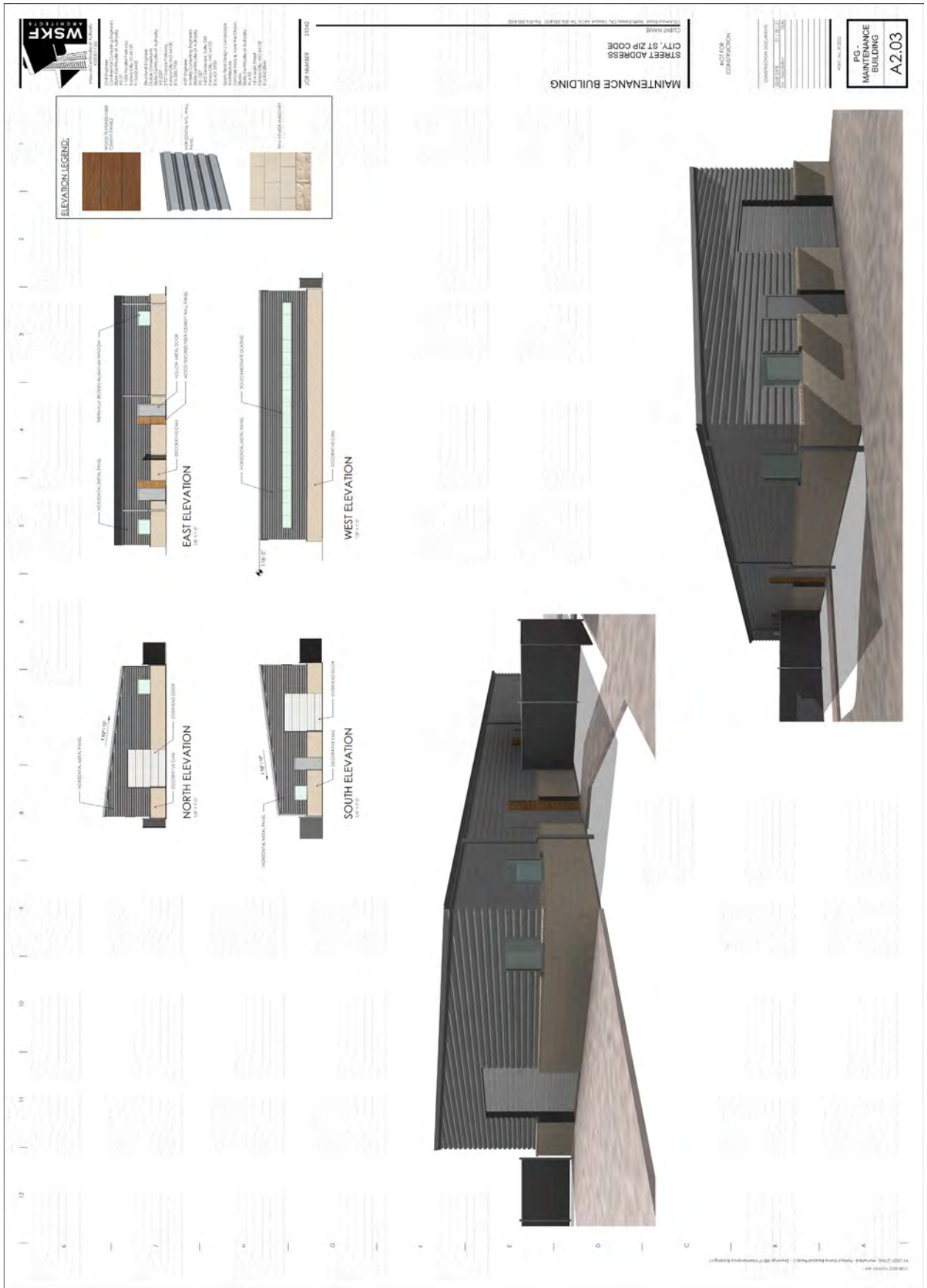




Figure 4. Site photograph looking east on North 90th Street at 1501 North 90th Street taken on February 15, 2022.



Figure 5. Site photograph looking southeast at 1501 North 90th Street taken on February 15, 2022.



Figure 6. Site photograph looking northeast at 1501 North 90th Street taken on February 15, 2022.



Figure 7. Site photograph looking northeast 1501 North 90th Street taken on February 15, 2022.



Figure 8. Site photograph looking north on North 90th Street at 1501 North 90th Street taken on February 15, 2022.



Figure 9. Site photograph looking northeast at 1501 North 90th Street taken on February 15, 2022.



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: March 31, 2022

Re: **Petition SP2022-25, Petition PR2022-009 and Master Plan Amendment MPL2022-007**

GENERAL INFORMATION

Applicant:
Curtis Petersen

Status of Applicant:
Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Action:
Approve an indefinite Special Use Permit for outdoor multi-use baseball/softball field complex.

Preliminary Plan Review for an outdoor multi-use baseball/softball field complex.

Master Plan Amendment from Planned Mixed Residential to Planned Entertainment (Prairie Delaware Piper Master Plan).

Date of Applications:
January 28, 2022



Purpose:	To amend the Master Plan to build and operate two (2) outdoor multi-use baseball/softball fields.
Property Location:	9020 State Avenue
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #7 Commissioner: Chuck Stites
Existing Zoning:	A-G Agriculture and R-1 Single Family Districts
Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture and R-1 Single Family Districts East: A-G Agriculture and CP-1 Planned Limited Business Districts West: A-G Agriculture and RP-5 Planned Apartment Districts (across North 94 th Street)
Adjacent Uses:	North: Compass Minerals Soccer Complex and single-family homes South: Single family homes and undeveloped land East: Dental office and single-family homes West: Single family homes
Total Tract Size:	13.88 Acres
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Planned Mixed Residential, which allows patio (zero lot line) homes, townhomes, condominiums, garden apartments, housing for seniors, and other multifamily uses. (An amendment to Planned Commercial Entertainment is being sought, which allows significant capital investment in infrastructure that entertains visitors, and venues that attract visitors throughout the area).
Major Street Plan:	The City-Wide Master Plan classifies State Avenue as a Class A Thoroughfare.
Required Parking:	Sec. 27-668(a)(2) Athletic fields, stadiums, gymnasiums, indoor athletic facilities. Spaces for these uses shall be as determined by the Planning Commission. 176 parking spaces are being provided.
Advertisement:	<u>The Wyandotte Echo</u> – Special Use Permit – February 17, 2022, Plat – None, Plan Review – None, and Master Plan Amendment – February 17, 2022 Letters to Property Owner – February 18, 2022 and March 24, 2022
Public Hearings:	March 14, 2022 and March 31, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, on behalf of the property owner, HFS KCK, LLC, has filed an indefinite Special Use Permit, Preliminary Development Plan and Master Plan Amendment to build a 1,300 square foot ticketing/entry building, multi-use baseball/softball field complex and parking on 13.88 acres at 9020 State Avenue.

City Ordinance Requirements: 27-592 through 27-606 and Article VIII Sections 27-340 – 27-765.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

This property is along the State Avenue commercial and transit corridor. The character of the neighborhood is composed of soccer fields and a small single-family neighborhood to the north, single-family homes to the south, a dental office and single-family homes to the east and apartments to the west (across North 94th Street).

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

The zoning and uses of nearby property are identified above. An outside, multi-use baseball/softball field can be compatible with the surrounding residential area if properly screened and managed.

3. *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*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service provided by the West Patrol, District #225

e. *Fire*

Fire service provided by Fire Station #6 located near 95th and State Avenue.

f. *Transit*

Kansas City ATA provides transit service along State Avenue, Route #101. The nearest transit stop is in front of this property.

g. *Schools*

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

4. *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 on the property will not detrimentally affect nearby property as the majority of the visitors will be inside the building, although the increase in lighting of the sports fields, noise from outdoor fields and traffic as expected will significantly change the impact this parcel has on the surrounding area.

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

The property has been vacant for an undetermined period, however, the property was used as a driveway to the parcel in the rear, which was removed between 2014 and 2016.

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

Special Use Permits are not addressed in the City-Wide Master Plan, however, the Prairie Delaware Piper Master Plan Mixed Residential designation allows a mixture of single-family homes, townhomes, and multi-family apartments. A Master Plan Amendment to Planned Entertainment is being sought, which allows significant capital investment in infrastructure that entertains visitors, and venues that attract visitors throughout the area.

7. *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 result in a significant increase in the amount of vehicular traffic to the property. Pedestrian connectivity to transit is key, similar to the Homefield multi-use sports building at 9020 State Avenue. With the coordination of Planning Engineering and Public Works Department, the traffic study will be reviewed and commented separately.

8. *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 reasonably necessary for the convenience of those that will use this service, particularly young families in the metro area. It could have an impact on both the residential properties nearby, as well as the future potential for adjacent undeveloped parcels.

9. *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 will be a significant change in the illumination, noise, and activity on site, particularly on weekends when the site will be most heavily visited. Buffering shall be in place from the beginning to limit the impact on nearby residents and property owners.

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

The proposed use will not pollute the air, land or water provided on-site waste is disposed of properly. Surface stormwater runoff and field infiltration will be routed to the detention basins before slowly discharged into the storm sewers.

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

The proposed use will not damage or destroy an irreplaceable natural resource, however, the existing tree stands should be preserved to act as a buffer between the residences and the flat, graded development.

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

There is an expected gain to the public health with the addition of recreational facilities in the area.

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

The proposed use is not expected to result in overcrowding of land if designed properly. It will cause significant concentrations of populations.

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

The proposed use will increase the traffic and parking demand in ways that could adversely affect road capacity, safety, and create parking problems. With coordination from Planning Engineering and the Public Works Department, the traffic study will be reviewed and commented on separately.

Pedestrian connectivity to transit and other similar uses such as sidewalks, trails and bicycle facilities needs to be incorporated into this project (Phase 2) and connect to State Avenue.

15. The capability of the proposed use to meet applicable ordinance and other requirements.

The proposed use is capable of meeting applicable ordinance and other requirements with the appropriate revisions.

PREVIOUS ACTIONS

- SP2022-014, PLAT2022-003, PR2022-006 and MPL2022-004 was approved by the Board of Commissioners on March 3, 2022.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on February 23, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Parking
Lighting and Glare
Location of parking
Traffic
Pedestrian Access
Transit Access
Screening and Buffering
Noise
Bicycling Facilities

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-025**, Preliminary Plan Review Application **PR2022-009** and Master Plan Amendment **MPL2022-007**, subject to:

1. A building permit is required. Please contact the Building Inspection Department to begin that process;
2. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block. **The City Planning Commission granted this deviation request by the applicant;**
3. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided;
4. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;
5. Add a crosswalk for enhanced pedestrian connection and transit connectivity across the drive aisle linking the sidewalk from State Avenue along the east side of the easternmost entry/exit to the sidewalk near the baseball fields;
6. Over the road trucks shall not be parked on the property overnight;
7. Buses and larger vehicles shall not block drive aisles and/or fire lanes;
8. Install a publicly accessible bicycle rack for bicyclists in the plaza area;
9. Outdoor speakers should be oriented away from the single family residences;

10. The outdoor scoreboard lumens shall be oriented away from the single family residences;
11. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
 - f. EIFS at the ground level or comprising more than fifteen (15) percent of any façade. Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. Staff will not ask for the deviation.

The City Planning Commission granted this deviation request by the applicant;

12. The proposed concrete blocks need to be integrally-color and textured. Smooth-face concrete masonry units are not permitted as an exterior building material per the Commercial Design Guidelines;
13. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened. Overflow drains shall be at grade and hidden by vegetation;
14. All concrete shall be integrally-colored – no paint;
15. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):
 - a. Lot 2 – 83 trees;
16. The parking lot must be screened by berms and landscaping from State Avenue, and all residences on the south side of State Avenue;
17. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots;
18. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median;
19. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces;
20. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements.
21. Trees shall be preserved around the perimeter of the site as shown on Sheet L1.00;
22. Junipers and other coniferous trees should be planted throughout the site, specifically around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system;
23. All landscaping shall be irrigated along State Avenue, within the landscaped parking lot islands and landscape beds adjacent to the perimeter of the entrance;

24. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;
25. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
26. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line. This includes light that is cast vertically and horizontally;
27. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
28. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped;
29. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid;
30. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
31. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary;
32. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way;
33. 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
34. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
35. 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, Sections 8-610 through 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;
36. 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;
37. The Special Use Permit shall be valid indefinitely 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 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. Special Use Permits are non-transferable, therefore, all operations must cease until such time as a new Special Use Permit is approved; and,
38. 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 **SP2022-025**, Petition **PR2022-009** and **MPL2022-007** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Prairie Delaware Piper Master Plan Development Opportunities Map
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Utility Plan
Lighting Plan
Landscape Plan
Building Elevations
Site Photographs taken by Planning Staff on February 15, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	March 14, 2022	March 31, 2022
Special Use Preliminary Plan	Approval	
Master Plan Amendment	March 14, 2022 - Approval	March 31, 2022
	March 14, 2022 - Approval	March 31, 2022

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-007** 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 **MPL2022-007** 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.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-025** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-025**, 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.

Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-009** 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 **PR2022-009**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Hearing starts at Tape 2 – 1:47:08:

MPL2022-007 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Planned Entertainment (City-Wide Master Plan) at 9020 State Avenue.

SP2022-025 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Special Use Permit for privately owned athletic fields at 9020 State Avenue

PR2022-009 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Preliminary Plan Review for Homefield Training Center at 9020 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, on behalf of the property owner, HFS KCK, LLC, has filed an indefinite Special Use Permit, Preliminary Development Plan and Master Plan Amendment to build a 1,300 square foot ticketing/entry building, multi-use baseball/softball field complex and parking on 13.88 acres at 9020 State Avenue.

City Ordinance Requirements: 27-592 through 27-606 and Article VIII Sections 27-340 – 27-765.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 14, 2022;
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 the property owners.

Present in Support:

- Curt Petersen, applicant, Polsinelli, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112
- Amy Grant, Polsinelli, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112

Present in Opposition:

- No one appeared

Staff Recommendation starts at Tape 2 – 1:54:48: Planning Director Hand stated that these applications are Phase II of the Homefield project on State Avenue. This property is in the Prairie-Delaware-Piper Master Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation on this property. Staff would request that the applicant must comply with the Commercial Design Guidelines. Staff

has worked with the applicant on pedestrian connectivity and crosswalks within the property, and Staff is also requesting a bike rack as well as a connection to an enhanced transit facility as discussed during the plan review last month. Staff has asked for enhanced landscaping. Director Hand addressed the requested deviations by the applicant.

Item #2 - Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block. The City Planning Commission must grant these deviation requests by the applicant. Director Hand stated that this condition has been approved for deviation on all the other projects for this development.

Item #6 - Due to the proximity the Perfect Game multi-field baseball/softball fields located at 1501 North 90th Street, a trail needs to be established to connect the two developments together. Director Hand stated that this trail has been eliminated from all other applications. Staff does not object to its deletion.

Item #12 - Sec. 27-576(e)(2) Exterior building materials shall not include the following: f. EIFS at the ground level or comprising more than fifteen (15) percent of any façade. Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. Director Hand stated that Staff does not object to this deviation as these are not traditional commercial buildings.

Item #14 - Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation. Director Hand stated staff would request that this item be amended and eliminate “and all downspouts shall be internalized.”

Item #16 - As discussed during the pre-application meeting, screening like Turner Logistics Center East at College Parkway and Orville Avenue and Walmart at Plaza at the Speedway should be installed adjacent to the residence along the rear yards abutting the fields in the eastern corner of the site. A six (6) foot privacy fence with masonry columns every 32 feet running should be installed along common property lines. Director Hand stated he agrees with the applicant that a fence is not needed here. The tree stand will serve as a better screen than a fence. He further stated that the facility is already enclosed by a fence, and that other conditions of approval requesting enhanced landscaping will suffice.

Item #24 - Junipers and other coniferous trees should be planted throughout the site, specifically around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system. Director Hand stated that staff would request that this item be amended “from throughout the site” and include “around the perimeter of all detention basin slopes.”

Staff recommends approval subject to the revised conditions.

Motion and Vote starts at Tape 2 – 1:58:00:

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2022-007:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-025:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

1. A building permit is required. Please contact the Building Inspection Department to begin that process;
2. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block. **The City Planning Commission granted this deviation request by the applicant;**
3. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may

- approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided;
4. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;
 5. Add a crosswalk for enhanced pedestrian connection and transit connectivity across the drive aisle linking the sidewalk from State Avenue along the east side of the easternmost entry/exit to the sidewalk near the baseball fields;
 6. Over the road trucks shall not be parked on the property overnight;
 7. Buses and larger vehicles shall not block drive aisles and/or fire lanes;
 8. Install a publicly accessible bicycle rack for bicyclists in the plaza area;
 9. Outdoor speakers should be oriented away from the single family residences;
 10. The outdoor scoreboard lumens shall be oriented away from the single family residences;
 11. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
 - f. EIFS at the ground level or comprising more than fifteen (15) percent of any façade. Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. Staff will not ask for the deviation.

The City Planning Commission granted this deviation request by the applicant;

12. The proposed concrete blocks need to be integrally-color and textured. Smooth-face concrete masonry units are not permitted as an exterior building material per the Commercial Design Guidelines;
13. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened. Overflow drains shall be at grade and hidden by vegetation;
14. All concrete shall be integrally-colored – no paint;
15. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):
 - a. Lot 2 – 83 trees;
16. The parking lot must be screened by berms and landscaping from State Avenue, and all residences on the south side of State Avenue;
17. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots;
18. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median;
19. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces;

20. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements.
21. Trees shall be preserved around the perimeter of the site as shown on Sheet L1.00;
22. Junipers and other coniferous trees should be planted throughout the site, specifically around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system;
23. All landscaping shall be irrigated along State Avenue, within the landscaped parking lot islands and landscape beds adjacent to the perimeter of the entrance;
24. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;
25. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
26. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line. This includes light that is cast vertically and horizontally;
27. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
28. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped;
29. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid;
30. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
31. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary;

32. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way;
33. 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
34. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
35. 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, Sections 8-610 through 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;
36. 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;
37. The Special Use Permit shall be valid indefinitely 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 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. Special Use Permits are non-transferable, therefore, all operations must cease until such time as a new Special Use Permit is approved; and,
38. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Ms. Armstrong, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2022-009:**

Carson	Chairman
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to the above conditions.

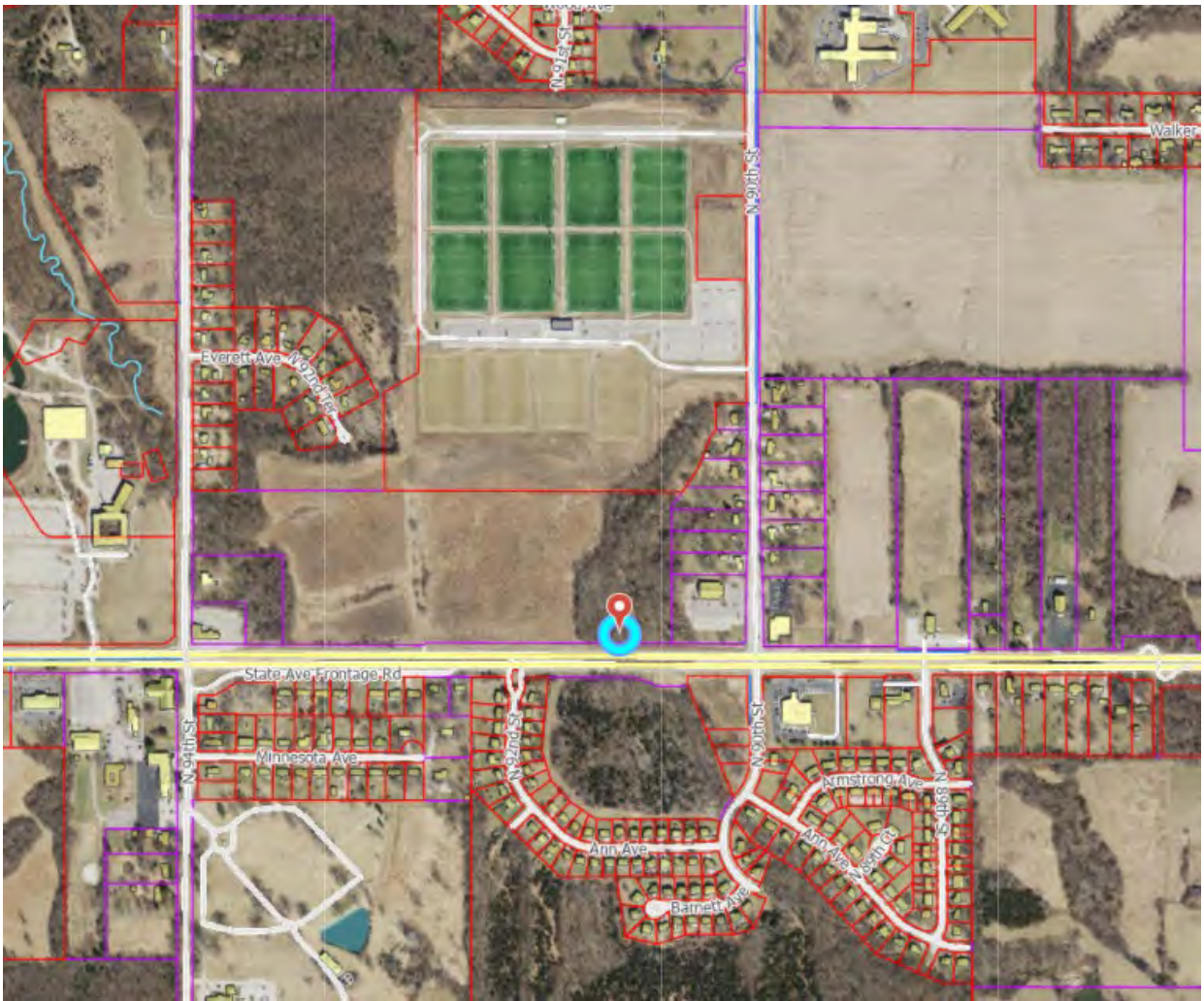


Figure 1. Aerial photograph of 9020 State Avenue (provided by UG Maps).



Figure 2. Zoning Map of 9020 State Avenue (provided by UG Maps).

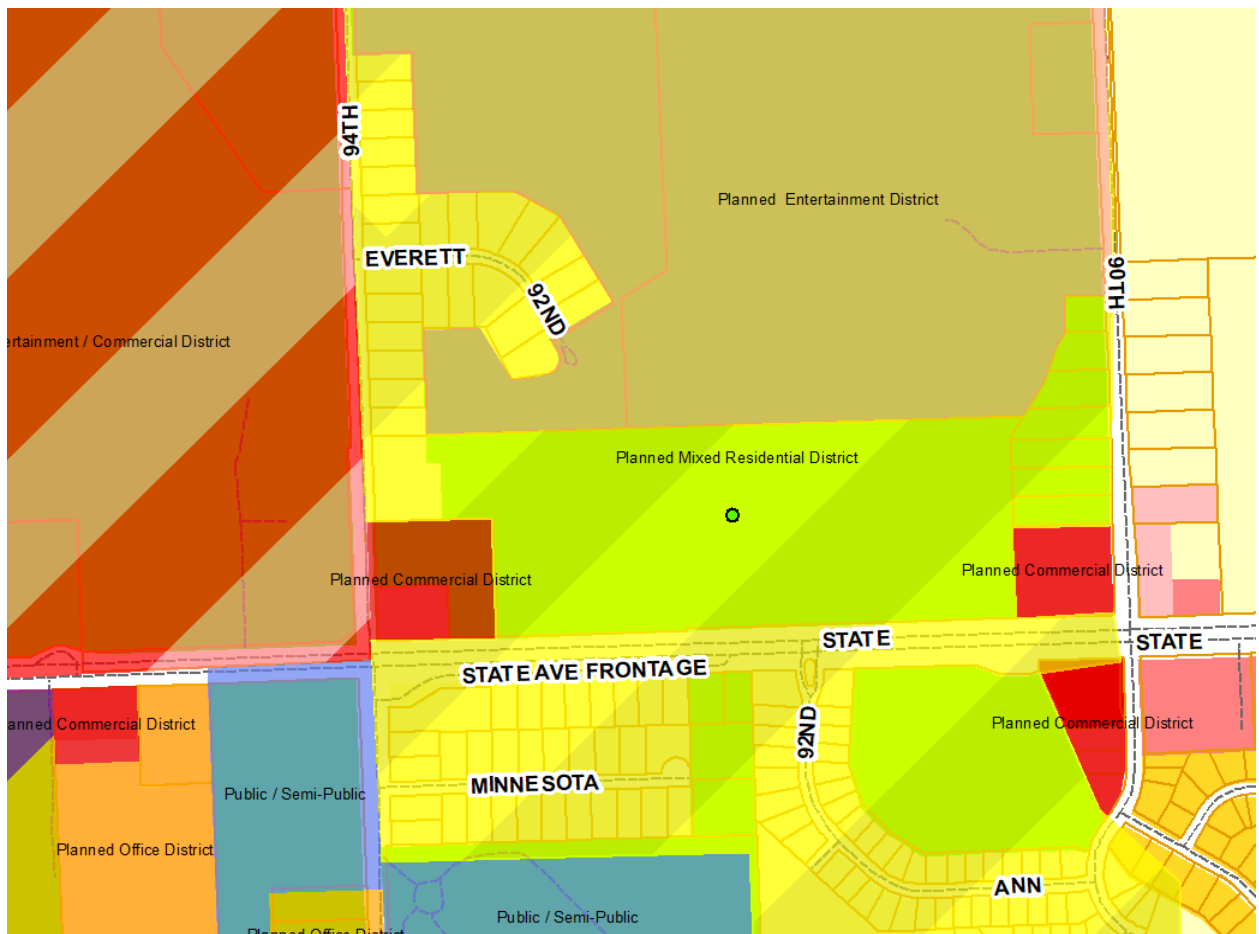
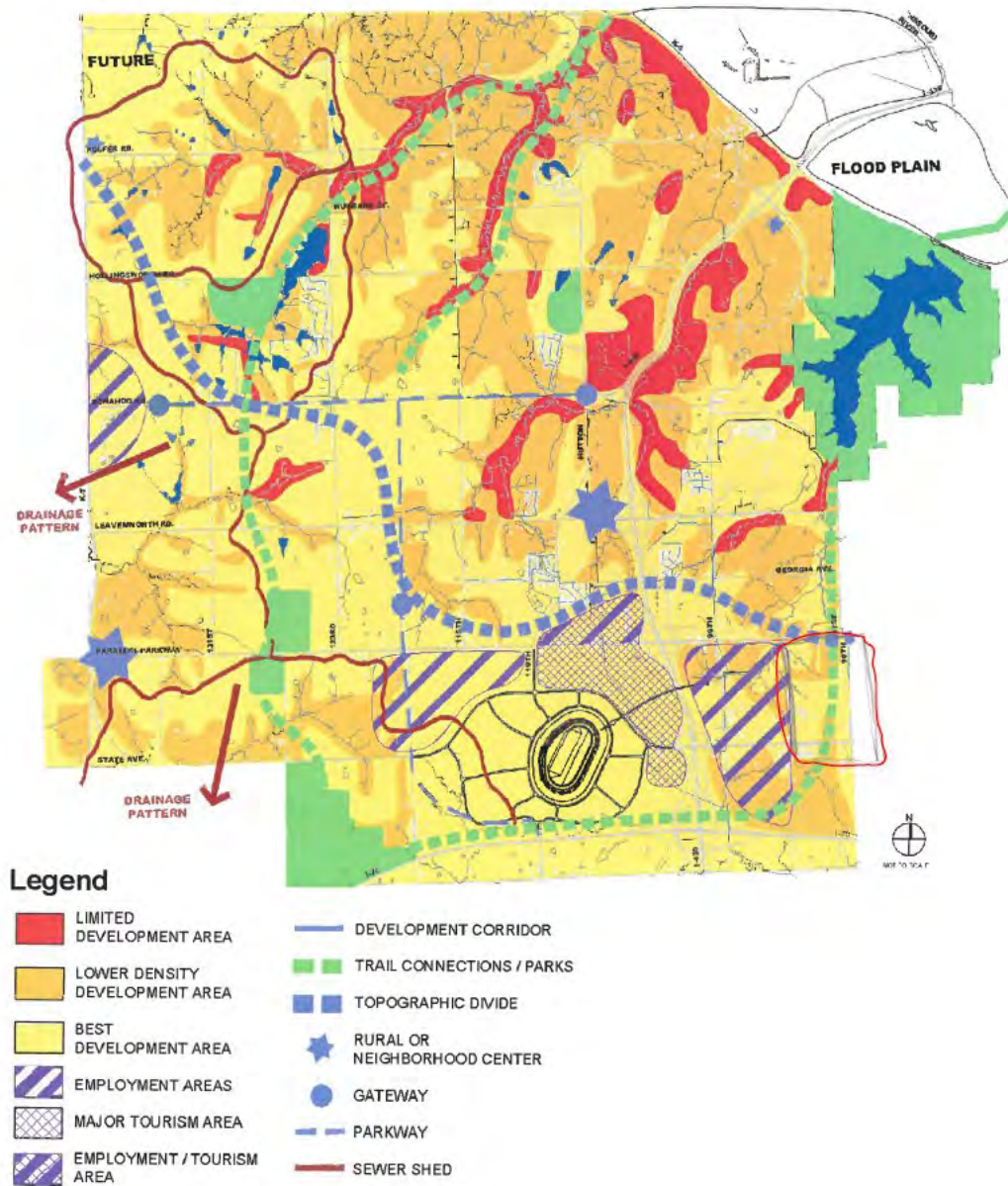


Figure 3. Prairie Delaware Piper Master Plan Land Use Map (provided by ArcMap).

Map 10: Development Opportunities





Legend

- | | | | |
|---|--------------------------------|---|------------------------------|
|  | LIMITED DEVELOPMENT AREA |  | DEVELOPMENT CORRIDOR |
|  | LOWER DENSITY DEVELOPMENT AREA |  | TRAIL CONNECTIONS / PARKS |
|  | BEST DEVELOPMENT AREA |  | TOPOGRAPHIC DIVIDE |
|  | EMPLOYMENT AREAS |  | RURAL OR NEIGHBORHOOD CENTER |
|  | MAJOR TOURISM AREA |  | GATEWAY |
|  | EMPLOYMENT / TOURISM |  | PARKWAY |

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

General Planning:

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

RESPONSE: Acknowledged.

2. The 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.

RESPONSE: Acknowledged.

3. A building permit is required. Please contact the Building Inspection Department to begin that process.

RESPONSE: Acknowledged.

4. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block. The City Planning Commission must grant these deviation requests by the applicant.

RESPONSE: *The Developer respectfully requests a deviation to allow this parking field to remain as proposed.*

5. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided.

RESPONSE: Acknowledged.

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6. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings.
RESPONSE: See Sheet C2.00 for sidewalk provided along northern edge of parking lot.
7. Add a crosswalk for enhanced pedestrian connection and transit connectivity across the drive aisle linking the sidewalk from State Avenue along the east side of the easternmost entry/exit to the sidewalk near the baseball fields.
RESPONSE: The Developer believes the sidewalk provide along the eastern most entry/exit drive is sufficient for pedestrian access from State Avenue.
8. Due to the proximity the Perfect Game multi-field baseball/softball fields located at 1501 North 90th Street, a trail needs to be established to connect the two developments together.
RESPONSE: The applicant would like to discuss this further with planning staff.
9. Over the road trucks shall not be parked on the property overnight.
RESPONSE: Acknowledged.
10. Where will buses and larger vehicles park within the parking lot?
RESPONSE: The Developer would like to discuss this further with planning staff as we are not aware of any requirement to address parking for buses and larger vehicles. If an issue were to arise with whether these types of vehicles park the operator would address the issue directly.
11. Install a publicly accessible bicycle rack for bicyclists in the plaza area.
RESPONSE: Acknowledged.
12. Will outdoor speakers be installed on the baseball/soccer fields?
RESPONSE: Yes, for championship games.
13. What are the proposed hours of operation?
RESPONSE: Athletic fields do not typically have set hours of operation given the multitude of factors that can impact when sporting events are played outdoors.

Building Architecture

1. Sec. 27-576(e)(2) Exterior building materials shall not include the following:

EIFS at the ground level or comprising more than fifteen (15) percent of any façade.

Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning

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Commission must give a deviation from the Commercial Design Guidelines. Staff will not ask for the deviation.

The City Planning Commission must approve the applicant's deviation request.

RESPONSE: The only proposed building is the concession stand building and it is a single-story building. The Developer respectfully requests a deviation from the Design Guidelines. The concession stand building will have 16.67% metal on the north and south facades and 23.1% metal on the west façade.

2. The proposed concrete blocks need to be integrally-color and textured. Smooth-face concrete masonry units are not permitted as an exterior building material per the Commercial Design Guidelines.

RESPONSE: Acknowledged.

3. Provide elevations of the baseball fields.

RESPONSE: The applicant would like to discuss this further with planning staff to better understand what is being requested.

4. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation.

RESPONSE: The concession stand building is a stand-alone single-story building and is not highly visible from State Avenue. Downspouts will be carefully integrated into the design of the building but cannot be internalized.

5. All concrete shall be integrally-colored – no paint

RESPONSE: Acknowledged.

Landscaping and Screening:

1. What will the residences see of this development from the north, south and east? Provide sight line cross sections illustrating what the residents will see from their properties.

RESPONSE: Sight line cross sections have been provided with the resubmittal.

2. As discussed during the pre-application meeting, screening like Turner Logistics Center East at College Parkway and Orville Avenue and Walmart at Plaza at the Speedway should be installed adjacent to the residence along the rear yards abutting the fields in the eastern corner of the site. A six (6) foot privacy fence with masonry columns every 32 feet running should be installed along common property lines.

RESPONSE: The applicant would like to discuss this further with planning staff. Fencing is being provide around the baseball fields but is not proposed along any property boundary. The Developer feels that the existing landscaping provides a sufficient buffer to the single-family homes and that the installation of fencing would remove existing trees.

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3. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):
 - a. Lot 2 – 83 trees.

RESPONSE: 86 trees for the site plus 10 for the parking plus 23 for street frontage for a total of 119 trees are being provided along with the preserved portion of trees on the east property line.

4. The parking lot must be screened by berms and landscaping from State Avenue, and all residences on the south side of State Avenue.

RESPONSE: A berm is shown on the grading and landscape plan.

5. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots.

RESPONSE: Trees are being provided along the pedestrian route from the entry drive to the entry gate, trees are also lining the sidewalk across the north side of the parking lot leading to the entry gate.

6. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median.

RESPONSE: Islands have been added to the parking field to break long runs of parking, the lot is only 2 bays deep.

6. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces. Revise and resubmit.

RESPONSE: Islands have been added to the parking field to break long runs of parking, the lot is only 2 bays deep.

7. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements. Revise and resubmit.

RESPONSE: These trees have been added, see item #3.

8. Add a note or cloud indicating the preservation of existing tree stands around the perimeter of the development.

RESPONSE: The tree preservation was shown on the submitted L1.00.

9. Junipers and other coniferous trees should be planted throughout the site, specifically around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system.

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RESPONSE: Trees are being provided along the east slope near the detention basin, there is no concern about the leaves in this area as they are at a sufficient distance from the synthetic turf.

10. All landscaping shall be irrigated along State Avenue, within the landscaped parking lot islands and landscape beds adjacent to the perimeter of the entrance.

RESPONSE: Acknowledged.

11. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted.

RESPONSE: Acknowledged.

12. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction.

RESPONSE: Acknowledged.

13. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line. This includes light that is cast vertically and horizontally.

RESPONSE: Acknowledged.

14. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed.

RESPONSE: Acknowledged.

15. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped.

RESPONSE: Acknowledged.

16. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid.

RESPONSE: Acknowledged.

17. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building.

RESPONSE: Acknowledged.

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18. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary.

RESPONSE: Acknowledged.

19. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way.

RESPONSE: Acknowledged.

Signage:

1. Shall comply with the sign ordinance.

RESPONSE: Acknowledged.

Planning Engineering Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None

B) Items that are conditions of approval (stipulations):

1) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

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02/23/22

HOMEFIELD BASEBALL
9020 State Avenue, Kansas City, KS
NEIGHBORHOOD MEETING MINUTES:

Application Number SP2022-025 & PR2022-009

Date and Location: 02/23/22, Meeting held on Zoom Video Conference

Meeting called to order at: 5:30 PM

Names of people in attendance:

1. Richard Napper – Homefield
2. Chris Doyle – Homefield
3. Brian Lavery – Continental Engineering Consultants
4. Paula Owen – Neighbor
5. Jeff Letterman – Neighbor

Introductions: Richard Napper with Homefield (the Developer)

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

- Richard Napper opened the meeting and announced it was the Neighborhood Meeting for the Homefield Baseball Project located in Kansas City, Kansas. Richard gave a brief overview of the Project and opened up for questions. We showed the Homefield – Master Plan overlay on aerial dated 01/25/22. We had discussions with two attendees at the meeting, both Paula Owens and Jeff Letterman had several questions. The meeting lasted the entire 30 minute period, all questions were answered, at 6:00 PM we officially concluded the Neighborhood Meeting and we adjourned.

Questions and answers (include the following): For clarity, each neighbor's Q's & A's have been grouped together.

Paula Owen (the Bee house):

1. Q: Will any of the tree stand along our east property line be saved, or will it all be removed. A: We reviewed the Plan together and showed

the grading limits on the east side, and confirmed that yes, much of the tree stand will be preserved. Although we have permission to grade to our property line, we will try to leave the trees shown to remain, and we are planning additional trees as shown in the Plan.

2. Q: The little white box off our north east most corner is our honey bee house, will it be safe. A: Yes, we won't disturb that land outside our property line.

Jeff Letterman:

1. Q: How much will the Fields be used? A: Richard explained that these are intended to be Championship Game Fields.
2. Q: What is the Homefield Building. A: A multi-sport indoor training facility.

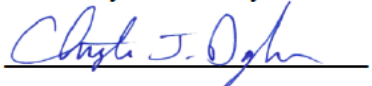
Paula Owen:

1. Q: She asked about the Storm and Sanitary drainage. A: Brian Lavery described where the Sanitary and Storm water drainage will be routed.
2. Q: Will there be a fence along our east property line. A: The Fields will have a perimeter fence immediately around the fields, but not along our property line.

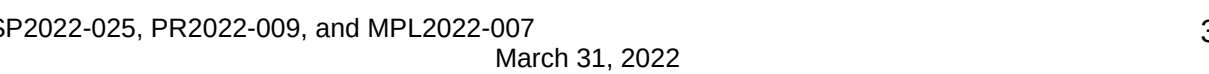
Paula and Jeff thanked us for presenting the info and they hung up around 5:48 PM. We waited another 12 minutes before ending the Zoom.

That concluded all the questions, the meeting adjourned at: 6:00 PM.

Minutes taken by: Chris Doyle at Homefield (the Developer)

Signed  (Chris Doyle)





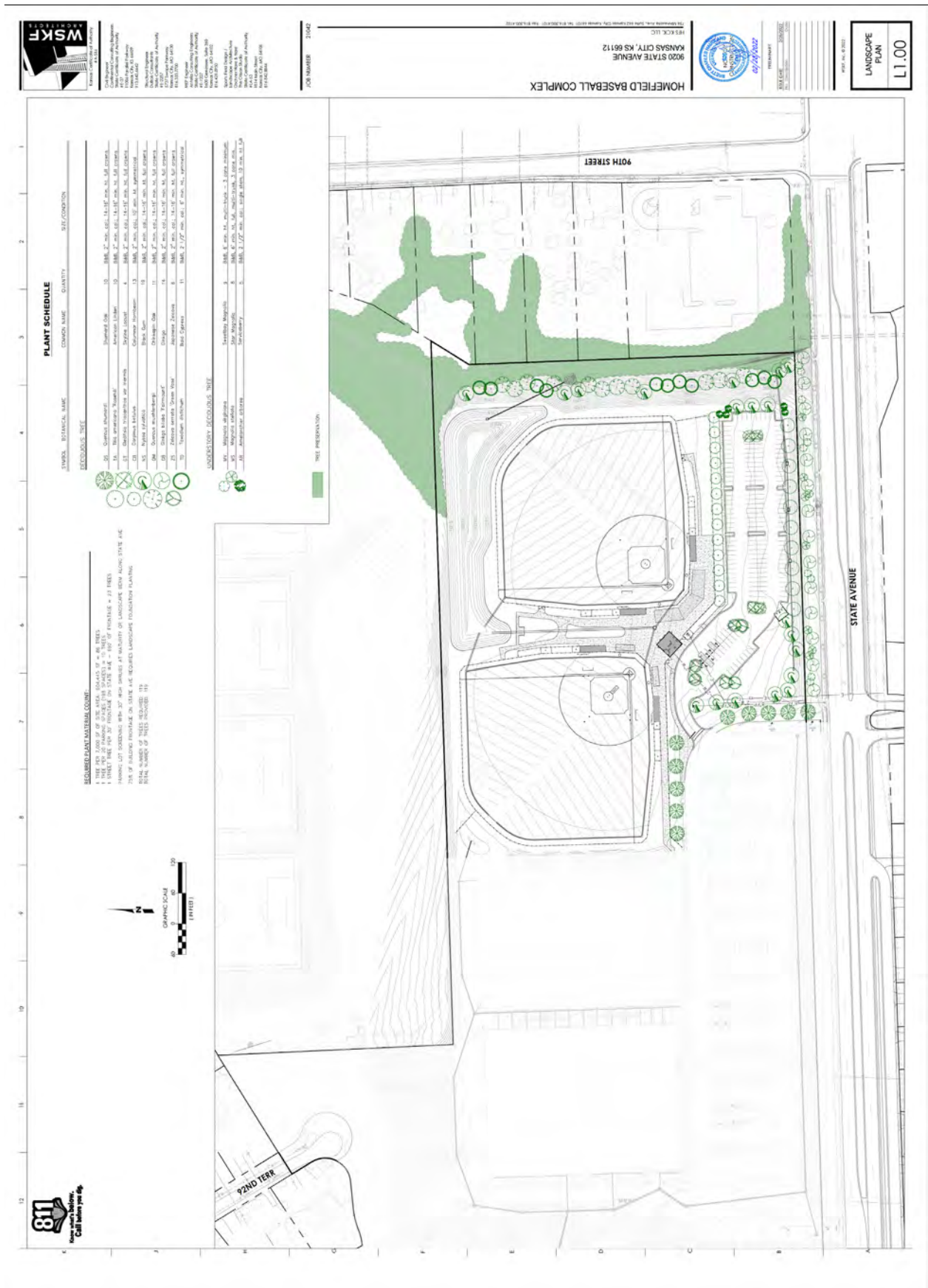




Figure 4. Site photograph looking west on State Avenue at 9020 State Avenue taken on January 12, 2022.



Figure 5. Site photograph looking east on State Avenue at 9020 State Avenue taken on January 12, 2022.



Figure 6. Site photograph looking southeast on 9020 State Avenue at State Avenue.



Figure 7. Site photograph looking southwest on 9020 State Avenue at State Avenue.



Figure 8. Site photograph looking northwest at 9020 State Avenue taken on January 12, 2022.



Figure 9. Site photograph looking north at 9020 State Avenue taken on January 12, 2022.



Figure 10. Site photograph looking northeast at 9020 State Avenue taken on January 12, 2022.



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: March 31, 2022

Re: **Change of Zone Petition COZ2021-051 and Master Plan Amendment MP2021-028**

GENERAL INFORMATION

Applicant:
Mark Moberly

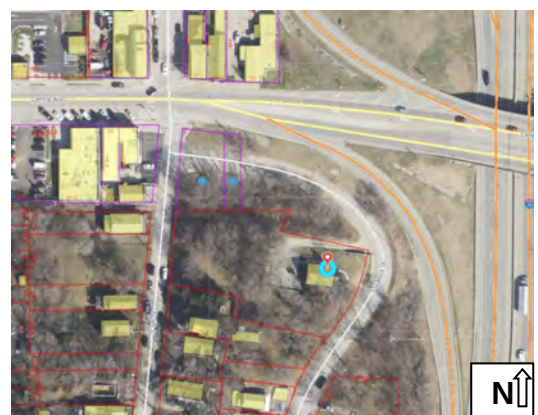
Status of Applicant:
Representative
Tom Proebstle with Generator Studio
1615 Baltimore Avenue
Kansas City, MO 64108

Requested Actions:
To approve a Master Plan Amendment from Urban Density to High-Rise Residential (Central Area Master Plan).

Change of Zone from R-1(B) Single Family and CP-0 Planned Nonretail Business Districts to RP-6 Planned High-Rise Apartment District.

Date of Application:
October 29, 2021

Purpose:
To rezone to build a six (6) story 142-unit apartment building.



Property Location:	10 South Hallock, 525 Central Avenue, and 529 Central Avenue
Commission District:	Commissioner At Large, District #2: Tom Burroughs District #2 Commissioner: Brian McKiernan
Existing Zoning:	R-1(B) Single Family and CP-0 Planned Nonretail Business Districts
Adjacent Zoning:	North: C-3 Commercial District South: R-1(B) Single Family District East: None (Right-of-Way) West: C-3 Commercial District
Adjacent Uses:	North: A drinking establishment, single family home and vacant commercial building South: Single family home East: Eastbound Central Avenue to Westbound I-70 Ramp West: Small office building and single-family home
Total Tract Size:	1.09 Acres
Master Plan Area:	Central Area Master Plan
Master Plan Designation:	The Central Area Master Plan designates this property as Urban Density, which allows single-family homes, attached residences including townhomes, duplexes, triplexes, fourplexes, etc., institutional uses such as schools, churches, and libraries. A Master Plan Amendment has been submitted to High-Density Residential, which allows mid-rise and high-rise apartment buildings, condominiums, and institutional uses such as schools, churches, and libraries.
Major Street Plan:	The Major Street Plan classifies Central Avenue as a Class A Thoroughfare and South 6 th Street and Hallock Avenue as Local Streets.
Required Parking:	Sec. 27-461(d) One (1) parking space shall be provided for each dwelling unit that has one (1) bedroom or less; however, that buildings designed solely for senior and retired persons need provide no more than one (1) parking space for each three (3) dwelling units. One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more; provided, however, that buildings designed solely for senior and

retired persons shall provide parking as required by the planning commission. 151 parking spaces are required. 136 parking spaces are provided. A variance (BOZA2022-016) has been filed for a parking reduction – scheduled to be heard by the Board of Zoning Appeals on April 11, 2022.

Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – November 18, 2021; Master Plan Amendment – November 18, 2021 Letters to Property Owners – Change of Zone – November 19, 2021, December 6, 2021, January 4, 2022, and February 16, 2022; Master Plan Amendment – November 19, 2021 and December 6, 2021, January 4, 2022, February 16, 2022 and March 24, 2022
Public Hearings:	March 14, 2022 and March 31, 2022
Public Support:	Staff has received letters of support for this development from various individuals. There were eight (8) persons present at the March 14, 2022 meeting.
Public Opposition:	Staff has received letters of opposition for this development from various individuals. There were ten (10) persons present at the March 14, 2022 meeting. A valid protest petition (21.65%) has been submitted.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Mark Moberly, with Sunflower Development Group, wants to rezone 525 Central Avenue, 529 Central Avenue and 10 South Hallock Street from R-1(B) Single Family and CP-0 Planned Nonretail Business Districts to RP-6 Planned High-Rise Apartment District to build a 142-unit, six (6) story over two (2) story parking garage apartment building (eight (8) stories total) on 1.09 acres at 10 South Hallock Street, 525 and 529 Central Avenue.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is comprised of a mixture of single-family homes and neighborhood to the south known as Russian Hill due to the church at the top of Lowell Avenue, as the defining landmark of the neighborhood and commercial businesses and commercially zoned parcels along Central Avenue. This site is at the beginning of the Central Avenue corridor, as you exit off Interstate 70 to the east, the gateway into the Central Area.

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 not necessarily compatible with the surrounding properties to the south as Russian Hill is an established single-family neighborhood. High density development should occur at major intersections along transit corridors.

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 could detrimentally affect nearby property because while the balance of the development will be sited towards Central Avenue and Hallock Street, the single-family homes south and west of this site may be obscured by the apartment high-rise. The quality of this development may enhance the commercial redevelopment along the Central Avenue corridor and commercial development further north on South 6th Street.

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

The property has been vacant for an undetermined amount of time, as licensure for the law office at 10 South Hallock Street cannot be found.

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 development is reasonably necessary for individuals and young business professionals who want to live in the area, but do not want to purchase a single-family detached home or townhome or condo. The proposed use could permanently injure the visual quality of nearby property because the existing viewsheds of the single-family homes on Russian Hill (south on Lowell Avenue

and Hallock Street and west of 6th Street) may be blocked due the height of the apartment complex.

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 with 142 units will increase traffic along Central Avenue, 6th Street and Hallock Avenue. The Traffic Impact Study will be analyzed by Planning Engineering and Public Works regarding road capacity, specifically looking at improvements to 6th Street and Central Avenue intersection, the garage entries and exits, and also reducing the one-way 6th Street, south of Hallock Street to a two-way street. Further comments may be forthcoming from Planning Engineering and Public Works Department. With funding secured for the 6th Street Bike Boulevard and the increased intensity of use at the site, the 6th and Central gateway should be redesigned accordingly.

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

The proposed use does not conform to the Central Area Master Plan; therefore, a Master Plan Amendment is sought from Urban Density to High-Rise Residential, which allows mid-rise and high-rise apartment buildings, condominiums, and institutional uses such as schools, churches, and libraries.

The recently adopted Master Plan encourages a mixed-income neighborhood and attainable housing developments that prevent gentrification. A mix of unit types and price ranges, including affordable units should be pursued.

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

The proposed use should not cause environmental harm through runoff because the proposed development will capture the storm water runoff instead of sheet flowing off the property onto 6th Street and Hallock Avenue into the storm sewer.

An existing tree stand is to be preserved on a steep hillside, so special attention should be given to preserving mature trees if possible, landscaping and erosion control.

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 East Patrol, District #115.

e. Fire

Fire service is provided by Fire Station #1 located off 5th Street and Armstrong Avenue.

f. Transit

Kansas City ATA provides transit service along Central Avenue, at 6th Street and Central Avenue intersection, Route #102.

g. Schools

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

h. Streets

Central Avenue is a Class C Thoroughfare, and the traffic study will determine if the proposed development can be support by the existing street network.

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

The proposed use will have a beneficial economic impact on the community. The multiple housing unit types (between studio, one, and two bedrooms) within the complex will promote a diverse population to make use of the nearby employment, entertainment and transit.

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

The proposed use will need revisions to comply with applicable ordinance requirements. A variance for a reduction in parking would be supported by staff to reduce on-street parking.

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 originally sought to redevelop it as.

PREVIOUS ACTIONS

In 2002, a portion of 11 South Hallock Street was rezoned from R-2(B) Two Family District to CP-0 Planned Nonretail Business District to build a law office.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on November 29, 2021. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Parking
Transit Access
Massing
Neighborhood Character
Affordable Housing
Multi-Family Design Guidelines
Lighting
Pedestrian Connectivity
Platting
Fire Access
Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 1 to recommend **APPROVAL** of Master Plan Amendment **MPL2021-028** and Change of Zone Application **COZ2021-051**, subject to:

1. **This City Planning Commission case is being heard in conjunction with BOZA2022-016. Approval of these petitions (Change of Zone and Master Plan Amendment) are contingent upon the decision of the Board of Zoning Appeals for variance BOZA2022-016;**
2. **As a part of the development agreement, the applicant will work with UG staff to address the issue of traffic, safety, transit enhancements, on-street parking, and a revitalized neighborhood gateway for the 6th and Central/6th and Hallock intersections as a proposed neighborhood benefit per the Central Area Master Plan;**
3. **As a part of the development agreement, the applicant will support the work of UG staff create a mixed-income community as a proposed neighborhood benefit per the Central Area Master Plan;**
4. **A replat of this property is required to vacate existing utility easements, dedicate new easements, vacate right-of-way, and consolidate parcels;**

5. Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space;
6. Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line;
7. Relocate the four (4) ADA spaces to the southern side of the surface parking lot and install a sidewalk that leads occupants to the front door;
8. Relocate the bike rack to the green wall next to the secondary entrance along 6th Street;
9. Add a pedestrian door at all garage entries;
10. Add a sidewalk to the new garage entrance/parking doors on the east side of the building to Hallock Street;
11. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
12. Relocate the crosswalk that extends south of the law office, in front of the head-in parking on the west side of 6th Street to the north, aligning with Hallock Street and create a new crosswalk parallel with 6th Street on Hallock Street to the northwest corner of the building;
13. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants;
14. Lighting cannot exceed one (1) footcandle at the property line. Uplighting is discouraged;
15. Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood;
16. Sec. 27-461(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.

The site is 1.09 acres, which requires eleven (11) trees, nineteen (19) additional shade trees and 148 shrubs per the zoning district;

17. 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;
18. All landscaping shall be irrigated;
19. All trash and recycling receptacles shall be enclosed on all sides with an opaque 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. When possible, the enclosure's gate shall face away from streets or

- adjacent land uses. All screening materials must be well maintained at all times;
20. Additional landscaping is necessary to screen the surface parking lot from South 6th Street;
 21. The bulb-out on South 6th Street should incorporate a bioswale;
 22. 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;
 23. All electrical meter banks, typically on the side of the building shall be screened from public view;
 24. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
 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. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 28. 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, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
 29. 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 Petitions **COZ2021-051** and **MP2021-028**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Map
Land Use Map
Zoning Map
Wyandotte County Conservation District Comment Letter
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Utility Plan
Landscape Plan
Floor Plan
Lighting Plan
Building Elevations
Sight Line View Study
Site Photographs taken by Staff on November 16, 2021.
Letters of Support
Letters of Opposition
Protest Petition

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	March 14, 2022	March 31, 2022
Rezoning	Approval	
Public Hearing		
Master Plan	March 14, 2022	March 31, 2022
	Approval	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2021-028** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2021-028** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-051** 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 **COZ2021-051** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

March 14, 2022 City Planning Commission Minutes:

Hearing starts at 2:28:50:

MASTER PLAN AMENDMENT MPL2021-028 – MARK MOBERLY WITH SUFLOWER DEVELOPMENT GROUP – SYNOPSIS: Master Plan Amendment from Urban Density to High Density Residential (Central Area Master Plan at 10 South Hallock Street, 525 and 529 Central Avenue.

CHANGE OF ZONE APPLICATION COZ2021-051 – MARK MOBERLY WITH SUNFLOWER DEVELOPMENT GROUP – SYNOPSIS: Change of Zone from R-1(B) Single Family District and C-O Non-retail Business Districts to RP-6 Planned High-rise Apartment District for a 148-unit apartment complex at 10 South Hallock Street, 525 and 529 Central Avenue.

VACATION APPLICATION VAC2022-001 – MARK MOBERLY WITH SUNFLOWER DEVELOPMENT GROUP – SYNOPSIS: Vacation of right-of-way at 10 South Hallock Street and 525 Central Avenue.

Detailed Outline of Requested Action: The applicant, Mark Moberly, with Sunflower Development Group, wants to rezone 525 Central Avenue, 529 Central Avenue and 10 South Hallock Street from R-1(B) Single Family and CP-0 Planned Nonretail Business Districts to RP-6 Planned High-Rise Apartment District to build a 142-unit, six (6) story over two (2) story parking garage apartment building (eight (8) stories total) on 1.09 acres at 10 South Hallock Street, 525 and 529 Central Avenue.

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

Detailed Outline of Requested Action: The applicant, Mark Moberly with Sunflower Development Group, wants to vacate a portion of right-of-way along the south and west side of Hallock Street in order to build a 142-unit, six (6) story over two (2) story parking garage apartment building (eight (8) stories total) on 1.09 acres at 10 South Hallock Street, 525 and 529 Central Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notices in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Mark Moberly, applicant, Sunflower Development Group
- Tom Proebstle, Generator Studio, 1615 Baltimore, Kansas City, Missouri 64108
- Mike Pearce, Slap's BBQ, 453 Central Avenue, Kansas City, Kansas
- Greg Kindle, President of Wyandotte County Economic Development Council
- Keeley Hanson, 400 North 17th Street, Kansas City, Kansas, 66102
- Wesley and Laura Summa, owners of Chicago's, 534, 530, 526 Central Avenue, Kansas City, Kansas 66101
- Steve Sessions, 541 Central Avenue, Kansas City, Kansas 66101
- Connie Cervantes, 605 Central Avenue, Kansas City, Kansas 66101
- Adam Wittmer, 541, 548, 553 and 556 Central Avenue and 12 South 6th Street, Kansas City, Kansas 66101

Present in Opposition:

- Rose Eilts, 506 North 4th Street, Kansas City, Kansas 66101
- Steve Kucharo, 48 South Pyle Street, Kansas City, Kansas 66101
- Karrin and Brad Huhmann, 23 South 6th Street, Kansas City, Kansas 66101
- Pat Lawson, 207 South Tremont, Kansas City, Kansas 66101, President of St. Joseph Watchdogs
- Edgar Galicia, Director of Central Area Betterment Association
- Buck and Geri Moulder, 31 South Hallock, Kansas City, Kansas 66101
- Marge Gasnick, 3322 North 54th Street, Kansas City, Kansas 66104
- Anna Cole, 245 Orchard Street, Kansas City, Kansas 66101

Staff Recommendation starts at 3:48:10: Planning Director Hand stated that the applicant is requesting a Change of Zone, Master Plan Amendment and Vacation. The property is on Russian Hill in the Central Area Master Plan. He further stated that the vacation application is for leftover right-of-way from the freeway acquisition. Additionally, there are two (2) parcels on Hallock that crossover the right-of-way and the location effectively results in a mapping error. In the Central Area Master Plan, 7th and Central Avenue was designated for a catalytical project, which has been a vacant lot for many years. This project is one block away and will be a catalytical project albeit it is a different project than was envisioned when working on the Central Area Master Plan. The sight lines was an issue for Staff as the view up to the Russian Church was to be protected. Staff requested that the applicant look at different scenarios and those sight lines have been addressed. The neighbors on 6th Street mentioned the sight lines and staff did its own analysis. There are different sight lines such as of the overgrown vacant lot or the Kansas City, Missouri skyline. Staff believes that the only property owner where view of Kansas City, Missouri will be affected by the sight lines of this project are the Mr. and Mrs. Huhmann. All of the other neighbors (three or four) that currently has views of the wooded hill will now look at the apartments if this project moves forward. Director Hand stated that a third party analysis was done as it relates to traffic. He stated that 6th and Central will require a redesign. Staff has a condition of approval that these public improvements will be part of the development agreement with the Unified Government. One of the other primary issues regarding the Central Area Master Plan is that this area is a primary gateway to the city. There are two (2)

flagpoles and staff believes that the redesign of this intersection should allow for the redesign of said gateway as per the Master Plan. Regarding affordable housing, he stated that it is how you advance a mixed-use community as it has many opinions and potential approaches. Some people believe that a mixed income community is developed one (1) project at a time and others believe that it is an aggregate set of developments. Director Hand stated that there is a need for market rate housing Staff has added another condition of approval to address affordable housing as a part of any future development agreement and community benefit package during negotiations with the Unified Government's Economic Development Department. He further stated that the applicant has been responsive to staff's questions, comments and suggestions. They did change their unit mix and that is one way to address affordability. Staff has worked through several designs with the applicant regarding the Multi-Family Design Guidelines for parking and walkability. The massing and step back of the building on 6th Street could be increased as one potential solution. The applicant will be required to come back before the Commission with a final development plan at which time any remaining urban design issues could be addressed. Staff received letters in support and letters/petition in opposition. The support mostly came from the businesses and the opposition from the neighbors and the Central Avenue Betterment Association. There are no Notices of Violation on this property. Staff recommends approval subject to the conditions in the staff report.

The Planning Commission addressed comments and questions to staff.

Motion and Vote starts at 4:02:18:

On motion by Mr. Mohler, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2021-028:**

Carson	Chairman
Connelly	Aye
Ernst	No
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 1

Subject to:

- 1. This City Planning Commission case is being heard in conjunction with BOZA2022-016. Approval of these petitions (Change of Zone and Master Plan Amendment) are contingent upon the decision of the Board of Zoning Appeals for variance BOZA2022-016;**
- 2. As a part of the development agreement, the applicant will work with UG staff to address the issue of traffic, safety, transit enhancements, on-street parking, and a revitalized neighborhood gateway for the 6th and Central/6th and Hallock intersections as a proposed neighborhood benefit per the Central Area Master Plan;**

3. As a part of the development agreement, the applicant will support the work of UG staff create a mixed-income community as a proposed neighborhood benefit per the Central Area Master Plan;
4. A replat of this property is required to vacate existing utility easements, dedicate new easements, vacate right-of-way, and consolidate parcels;
5. Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space;
6. Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line;
7. Relocate the four (4) ADA spaces to the southern side of the surface parking lot and install a sidewalk that leads occupants to the front door;
8. Relocate the bike rack to the green wall next to the secondary entrance along 6th Street;
9. Add a pedestrian door at all garage entries;
10. Add a sidewalk to the new garage entrance/parking doors on the east side of the building to Hallock Street;
11. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
12. Relocate the crosswalk that extends south of the law office, in front of the head-in parking on the west side of 6th Street to the north, aligning with Hallock Street and create a new crosswalk parallel with 6th Street on Hallock Street to the northwest corner of the building;
13. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants;
14. Lighting cannot exceed one (1) footcandle at the property line. Uplighting is discouraged;
15. Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood;
16. Sec. 27-461(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.

The site is 1.09 acres, which requires eleven (11) trees, nineteen (19) additional shade trees and 148 shrubs per the zoning district;

17. 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;

18. All landscaping shall be irrigated;
19. All trash and recycling receptacles shall be enclosed on all sides with an opaque 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. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
20. Additional landscaping is necessary to screen the surface parking lot from South 6th Street;
21. The bulb-out on South 6th Street should incorporate a bioswale;
22. 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;
23. All electrical meter banks, typically on the side of the building shall be screened from public view;
24. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
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. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
28. 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, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,

29. 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.

On motion by Mr. Mohler, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2021-051:**

Carson	Chairman
Connelly	Aye
Ernst	No
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 1

Subject to the above conditions

On motion by Mr. Mohler, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Vacation Application VAC2022-001:**

Carson	Chairman
Connelly	Aye
Ernst	No
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 1

Subject to:

- 1. A replat of this property is required to vacate existing utility easements, dedicate new easements, and consolidate parcels;**
- 2. As part of Planning staff's ongoing discussion with Planning Engineering and Public Works Department regarding the traffic study, improvements to the 6th Street and Central Avenue will be reviewed by a third party. Installation of a roundabout will be topic of discussion, as this area is the southern terminus of the bike boulevard along 6th Street – earmarked from Central Avenue to Ann Avenue along North 6th Street;**
- 3. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing, or reconstructing any public utilities,**

including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;

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



Figure 1. Aerial Photograph of 10 South Hallock Street, 525 and 529 Central Avenue as indicated by the yellow outline (provided by UG Maps).

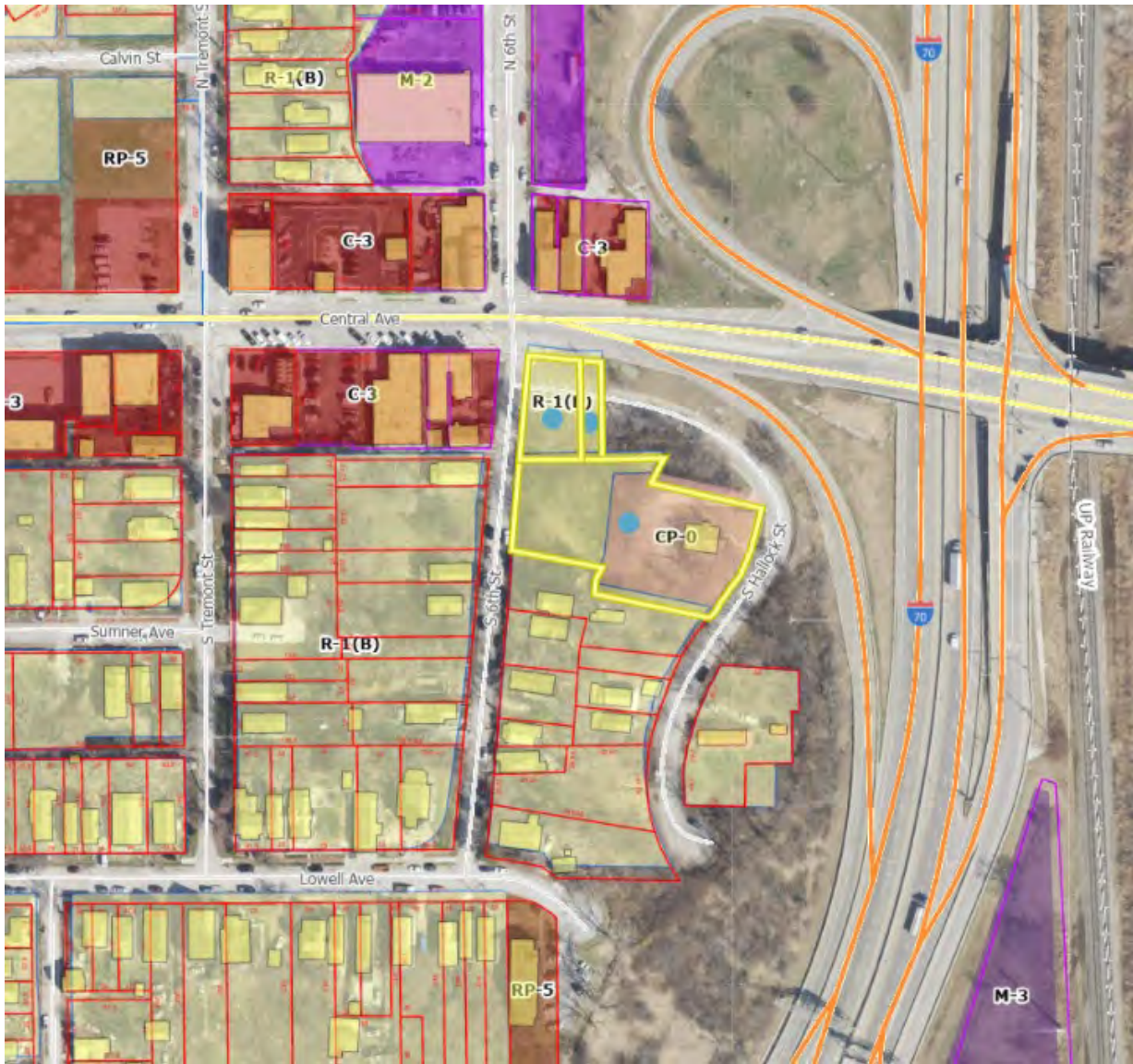


Figure 2. Zoning Map of 10 South Hallock Street, 525 and 529 Central Avenue as indicated by the yellow outline (provided by UG Maps).



Figure 3. Central Area Master Plan Land Use Designation Map of 10 South Hallock Street, 525 and 529 Central Avenue as indicated by the green circles (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

November 16, 2021

RE: COZ2021-051 and MPL2021-28 Mark Moberly R-1 and C-O to RP-6 for high-rise
apartments at 10 South Hallock, 525 and 529 Central Avenue

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of
the: COZ2021-051 and MPL2021-28 Mark Moberly R-1 and C-O to RP-6 for high-rise
apartments at 10 South Hallock, 525 and 529 Central 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 are two major soil types identified: Knox silt loam, 12 to 18 percent
slopes and Made land. These soil types are considered highly erodible when
the surface is denuded of a protective cover.
- There is no Erosion Control Plan (ECP) for this development. There will need
to be an ECP developed before any grading is done..
- The Best Management Practices in 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

25 FEBRUARY 2022



CITY COMMENTS RESPONSES

PROJECT: 505 CENTRAL
529 Central Avenue
Kansas City, KS 66101

PROJECT NUMBER: COZ2021-051 and MP2021-028

FROM ARCHITECT: GENERATOR STUDIO
1615 Baltimore Avenue
Kansas City, MO 64108

TO: Planning & Urban Design Department of Kansas City
701 North 7th Street, Room 423
Kansas City, KS 66101

SUBJECT: *Change of Zone Petition COZ2021-051 and Master Plan Amendment MP2021-028 Response*

To whom it may concern:

We are in receipt of plan review comments issued by the City of Kansas City for the above referenced project, drawings dated 29 October 2021. We are hereby submitting clarifications and revisions for this project for further review by the City.

URBAN PLANNING AND LAND USE COMMENTS:

General Planning:

1. *Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (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.*
Comment noted.
2. *A replat of this property is required to vacate existing utility easements, dedicate new easements, vacate right-of-way, and consolidate parcels.*
Comment noted.
3. *Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space. The amount of open space available is 17,399 square feet, which accounts for 36.5% of the site. As stated above, a minimum of 40% is required, therefore, a variance from the Board of Zoning Appeals is necessary.*
Open space increased on project to 19,042 SF, which accounts for 40% site open space.
RE: AS101
4. *As part of Planning staff's ongoing discussion with Planning Engineering and Public Works Department regarding the traffic study, improvements to the 6th Street and Central Avenue will be reviewed. Installation of a roundabout will be topic of discussion, as this area is the southern terminus of the bike boulevard along 6th*

Generator Studio, LLC

generatorstudio.com

1615 Baltimore Avenue – Kansas City, MO 64108

816-333-6527

Street – earmarked from Central Avenue to Ann Avenue along North 6th Street. Another topic of discussion is the proposed two-way direction of travel on South 6th Street.

Due to the existing highway ramp, existing buildings at the northeast, northwest and southwest corners, and the steep grade on the south side of the intersection, it is our understanding that a roundabout is not feasible due to the existing site constraints. Per the traffic impact study, we recommend converting 6th and Central to a four-way stop and rerouting trucks from the southbound I-70 exit ramp onto 6th Street to a different location away from this intersection. As part of the development agreement, the applicant will work with UG staff to address the issue of traffic, safety, transit enhancements, on-street parking and a revitalized neighborhood gateway for the 6th & Central / 6th & Hallock intersections as a proposed neighborhood benefit per the Central Area Master Plan.

5. *Because this project is on a transit corridor, a transit stop needs to be incorporated into the street improvements.*

Existing transit stops are located at the northeast corner of 6th & Central (outside Chicago's) and at Tremont & Central (outside Slap's BBQ). No transit routes currently travel on 6th street south of Central, thus adding transit stop adjacent to the street improvements would be difficult. Applicant will work with UG staff and RideKC on any planned route extensions or modification that extends past the project site, including the study of a transit stop. Applicant supports public transit and believes the project would benefit from potential transit improvements.

6. *Install a multi-lingual gateway element at the intersection of 6th Street and Central Avenue.*

Any gateway element shown on project plans or renderings is for inspiration purposes only. Applicant looks forward to working with neighbors, community stakeholders and UG staff on a revitalized neighborhood gateway, which could include many things such as a multi-lingual gateway element. The development team anticipates providing community benefit funds as part of the project that could be utilized for these enhancements. Pending direction from the Unified Government, development team may be able assist in design of these enhancements.

7. *Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line.*

The parking lot meets the minimum setbacks per Sec. 27-461©2.e.
RE: C02

8. *Is it possible to minimize access onto 6th Street given the fact that existing traffic pattern is north on South 6th Street and shift garage access to Hallock Street?*

Two-way access on 6th street is integral to project circulation. Removal of that access would not allow for the surface parking lot access on the south side of the project and would limit access to the upper level of the parking garage.
RE: AS101

9. *Consolidate entry and exit for each level of parking to one access point each. What is the purpose of the on-street parking along Hallock Street? Staff had conversations with the applicant and development team about needing parking based on the use versus meeting the parking requirements in the ordinance. Are the 161 parking spaces necessary to meet the parking code or for the function of the development? A variance for a reduction would be supported in order to not have on-street parking along Hallock Street.*

Parking stalls count is currently at 136 for the development. The number of spaces is necessary function for the development. Development team experiences indicates that it is the appropriate amount to accommodate both residents and short-term guests.
RE: AS101

10. What is the purpose of the surface parking lot? Is the parking necessary for the function of the apartment or to meet the parking code?

a. Remove the row of parking along the northern edge of the surface lot and buffer the ground floor units by installing more green space, extending the distance from drive aisle to the patios and planters.

Surface parking lot modified to allow for sidewalk connection and additional landscape buffer to units. North parking stalls remain.

i. Explore turning the ground floor units into walk-ins.

Steep grade on site does not allow for level entry to multiple units, nor do walk-in units at the ground floor fit the applicant's development plan. There is also a concern about access and safety with walk-in units. Applicant strongly prefers all residents enter the building through common area entrances that are accessed controlled and covered by a security camera.

b. Relocate the four (4) ADA spaces to the southern side of the surface parking lot and install a sidewalk that leads occupants to the front door.

South surface parking lot has been adjusted to allow for additional landscape buffer between units and parking. Sidewalk for building access, connected to 6th street also added along north edge of parking lot. Accessible parking stalls located on northeast corner of lot, near entry to building.

RE: AS101

11. Extend the neighborhood parklet further to the east along Hallock Avenue, as opposed to the abrupt stop before the site cast concrete and wood look screen wall.

Neighborhood parklet area occupies area where greatest depth is available. As landscape area narrows to the east along Hallock the site transitions to landscaping to soften edge of building and accommodate steeper grades.

RE: CIVIL DWG; A201

12. Relocate the bike rack to the green wall next to the secondary entrance along 6th Street.

Development team studied various options and proposed bike parking is relocated to the common patio near the primary entrance to the building.

RE: AS101

13. Add a pedestrian door at all garage entries.

Pedestrian door added on east of building at Hallock accessing garage level 1. Second pedestrian door added at northwest corner of building accessing garage level 2. Pedestrian connection from sidewalk at 6th street connects to main building entry at level 3.

RE: AS101, A101, A102, A103

14. Add a sidewalk to the new garage entrance/parking doors on the east side of the building to Hallock Street.

Two pedestrian entrances added, one at northwest corner of building and one at the east along Hallock.
RE: AS101, A101, A102

15. *In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians.*

Crosswalk striping added to all street crossings & drive aisles.

RE: C02

16. *Relocate the crosswalk that extends south of the law office, in front of the head-in parking on the west side of 6th Street to the north, aligning with Hallock Street and create a new crosswalk parallel with 6th Street on Hallock Street to the northwest corner of the building.*

Crosswalk location adjusted to be on north side of Hallock intersection.

RE: CIVIL, AS101

17. *Where are on-site deliveries going to be dropped off? Provide a turning template.*

On-site deliveries will be dropped off at the upper parking lot south of the building.

RE: Autoturn exhibit.

18. *What on-site amenities will be provided as part of this development?*

All on-site amenities are not fully developed at this point. Development team will continue to review best fit for this project. Design includes plan for rooftop swimming pool, rooftop pool deck, rooftop indoor community room, fitness center, and other resident community spaces. Development will also integrate smart apartment technology such as smart locks, smart thermostats, and a managed wireless internet system.

RE: A102, A108

19. *All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants.*

FEMA standard safe room provided on Level 1 at east side of building.

RE: A101

20. *Lighting cannot exceed one (1) footcandle at the property line. Revise the lighting plan.*

Proposed additional parking at north and east sides of building require supplemental street lighting for safety. This area is public and lights do not impact other properties due to location near Central and KDOT on-ramp.

RE: EL100

21. *Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood.*

The average footcandle level in the south parking lot is 2.03FC, this is within the IES recommendation of 2 – 2.5FC for residential parking lots. Design ensures that any adjacent residential properties across 6th street are not impacted and footcandle level is within requirements of 0.0 – 0.1. The photometric diagram for the selected light fixture is front throw with no back spill from the light.

RE: EL100

22. Provide floor plans of the building, including the garage.

Floor plans are provided with resubmittal. Please note that the proposed unit mix has been modified from the initial submission and now shows 142 total units.

RE: AS101, A101, A102, A103, A104, A108.

23. Due to lack of non-vehicular open space, consider incorporating the use of permeable pavers for all driveways.

Open space increased in design to meet the 40% requirement. Design team does not recommend use of permeable pavers as they have found them to be problematic and a maintenance challenge in our climate. Design team has discussed the challenges of permeable pavers with UG staff, particularly the long-term viability and related maintenance costs.

RE: AS101

BUILDING ARCHITECTURE:

1. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly.

Material percentage table added to elevation drawings.

RE: A201, A202

2. What is the purpose of the steel pivot doors on the north façade? To open views towards the northeast? Is this an entrance to the building?

Design team is investigating this as a possible tenant amenity in addition to the FEMA shelter. It is not an entrance to the building.

RE: A101, A201

3. The proposed garage doors shall match the adjacent exterior building façade color.

Comment noted and garage door appearance revised. As final doors are selected, finish color and material to match adjacent color as feasible.

RE: A201, A202

4. Downspouts shall be internalized.

All downspouts will be internal. None indicated on exterior elevations.

RE: A201, A202

5. Greater emphasis needs to be put upon the ground floor uses and its proximity to Central Avenue and Hallock Street. Need to activate all ground floor lobby, reading lounge and parking areas.

Community parklet provided along north portion of property and at grade patio provided at northwest with pedestrian entrance to building. The possibility to integrate public art is also being considered.

RE: AS101

LANDSCAPING AND SCREENING:

1. Provide a sight line study from North 6th Street, north of Central Avenue (Strawberry Hill), Interstate 70, Central Avenue, Lowell Avenue and Hallock Street at the top of the hill towards the apartment building? The viewshed of the Russian Hill church steeple needs to be preserved and enhanced, not blocked as this is intrinsic to the neighborhood character.

Site study perspectives added for 4 locations near project site. Church steeple view is maintained in locations where it is currently visible. Other locations are currently obscured via existing topography and/or landscape. Proposed project does not impact the viewshed.

Staff requested additional site studies from 20 S 6th Street, the intersection of Central Avenue and Tremont Street, and the intersection of 6th Street and Riverview Avenue. These have also been added to the application and provide no obstruction or impact on viewshed.

RE: Site line supplement images.

2. *Provide night elevation rendering of the lighting plan. Up-lighting is discouraged.*

Exterior lighting design has not yet been resolved. Development team is happy to have a dialogue regarding lighting as the project moves forward.

3. *Extend the landscape green wall further east along the north elevation to the steel pivot doors – the length of Hallock Street.*

Green wall is less feasible along the extension of Hallock and becomes cost prohibitive. Lower portion of building wall will be landscaped with trees and shrubs. 50% opening requirement for the parking garage must also be factored into the design solution.

RE: AS102

4. *Sec. 27-461(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area. Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required. The site is 1.09 acres, which requires eleven (11) trees, nineteen (19) additional shade trees and 148 shrubs per the zoning district.*

Required tree calculations and proposed plantings have been revised per requirements.

RE: AS102

5. *Remove and relandscape the seventeen (17) parking space along Hallock Street.*

Parking stalls count is currently at 136 for the development.

The parking spaces off Hallock and street spaces on Hallock are proposed to support a variety of public uses throughout the day/night. This could include use by coffee shop patrons in the morning, restaurant visitors during the daytime, evening visitors to bars, and night parking for residents, if needed. Applicant is willing to work with UG Public Works Department on an area parking plan, or a Parking District, that would encompass these spaces. Applicant understands these spaces are not part of consideration of this application nor will they count towards the parking ratio of the project.

RE: AS101

6. *Remove the five (5) parallel parking spaces from Hallock Street.*

The parking spaces off Hallock and street spaces on Hallock are proposed to support a variety of public uses throughout the day/night. This could include use by coffee shop patrons in the morning, restaurant

visitors during the daytime, evening visitors to bars, and night parking for residents, if needed. Applicant is willing to work with UG Public Works Department on an area parking plan, or a Parking District, that would encompass these spaces. Applicant understands these spaces are not part of consideration of this application nor will they count towards the parking ratio of the project.

RE: AS101

7. *All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted.*

Comment noted & landscape plan revised accordingly.

RE: AS102

8. *Add more landscaping along the west façade of the building.*

Comment noted & landscape plan revised accordingly.

RE: AS102

9. *All landscaping shall be irrigated.*

Comment noted & landscape plan revised accordingly.

RE: AS102

10. *All trash and recycling receptacles shall be enclosed on all sides with an opaque 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. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times. The trash enclosure should be moved inside the garage.*

6' tall masonry walls will surround trash enclosure with gate facing interior of surface parking lot.

Clearance limitations inside garage do not allow for trash truck access, enclosure remains on southwest corner of surface parking lot. Enclosure also shielded from 6th street via retaining wall to the south.

RE: AS101

11. *Additional landscaping is necessary to screen the surface parking lot from South 6th Street.*

Landscape & trees provided directly adjacent to parking lot entrance and along south edge of property.

Parking lot view is further shielded from view at 6th street due to retaining wall located along south edge.

RE: AS102

12. *The bulb-out on South 6th Street should incorporate a bioswale.*

Bioswale added to bulb-out.

RE: C02

13. *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.*

All utilities will be screened with evergreens and painted accordingly. Rooftop screens will be provided to conceal any mechanical equipment.

RE: AS102, A201, A202

14. *All electrical meter banks, typically on the side of the building shall be screened from public view.*

Electrical meter banks & wall mounted utilities will be screened with evergreens.

RE: AS102

15. *BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer.*

BPU transformer pad located on northeast side of building. Screening added per requirements.

RE: AS102

16. *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.*

Any additional mechanical equipment or other utilities not currently indicated on plans will be appropriately screened once systems are designed.

17. *Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public.*

Satellite dish installation will not be allowed by building management.

SIGNAGE:

1. *Shall comply with the sign ordinance.*

Comment noted. Signage design has not yet been resolved.

GENERAL ENGINEERING COMMENTS: (Comments noted. Will be addressed in future submittal.)

1. *Complete final site engineering and construction level drawings and plans for review and approval before building permit acquisition.*
2. *The final plan shall include a cover page with relevant information i.e., Kansas One-Call information, site data to include increase in impervious areas, utility contact information, vicinity map, project benchmarks, land disturbance area in accordance with UG standards and criteria.*
3. *Final plans shall include all applicable construction notes, details, and final engineering design to show all dimensions, proposed work, existing and proposed utilities including node numbers, right of way widths, driveway widths, contact information in accordance with UG standards and criteria.*
4. *See Erosion Control review for additional comments.*

Notes 11/29

Edgar Garcia
Christy Ubelaker
Buck Hassel
Rachel McMeachin
Brad Huhmann
Ewe
Chris
Josie Garcia
Amber Dollard
Nick Tomasic
Wesley Summa
Steven Sudekum

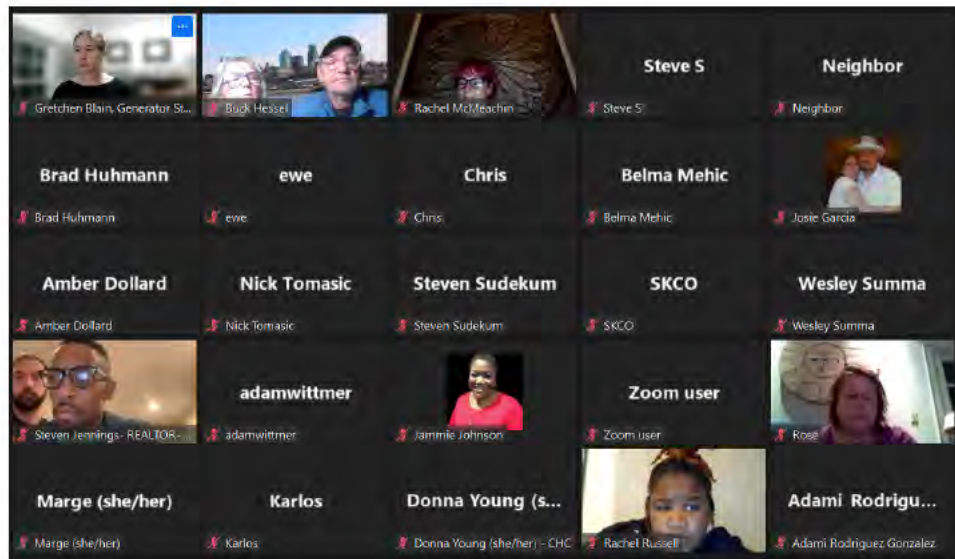
Enhance entryway to city

Help area

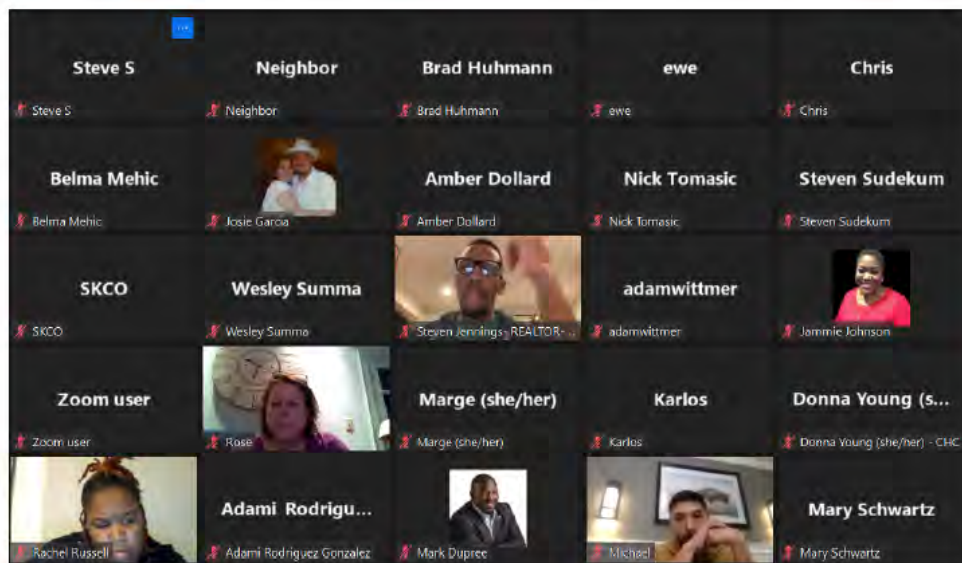
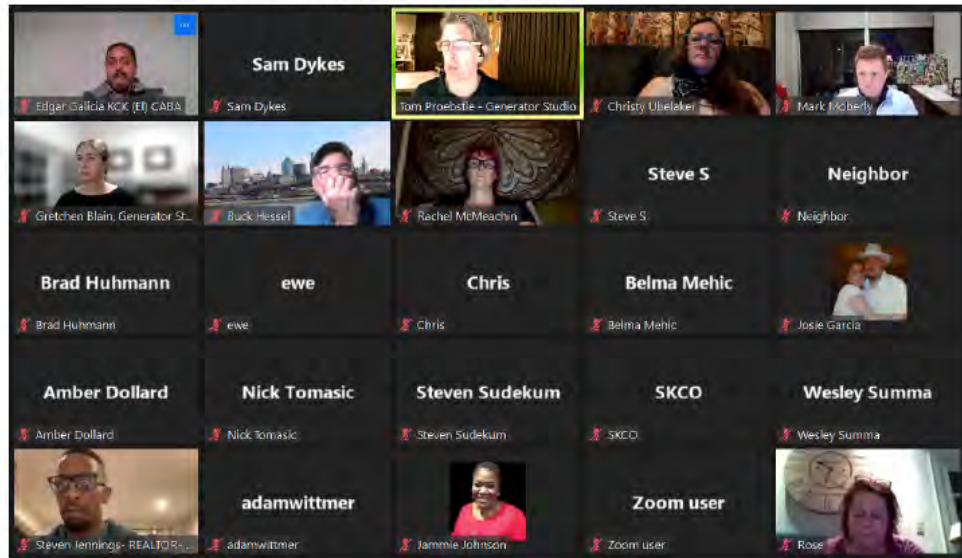
Viewpoint both ways

History on site and other large building / development of central

Zoning became difficult because of zoning issues with developing city b/c of central and site restrictions



Lower rents and low medium housing value
 So low it barely registers - what we want is to start balance in the neighborhood
 - Note comments in zoom comments section



33

 wbg

 Stephanie's iPhone



 Mary Schwartz



 Megan Hemphill



 Melissa Bynum



Onto Site Plan -

Help pedestrians get to central ave

Develop the area and create safety

Regulate traffic

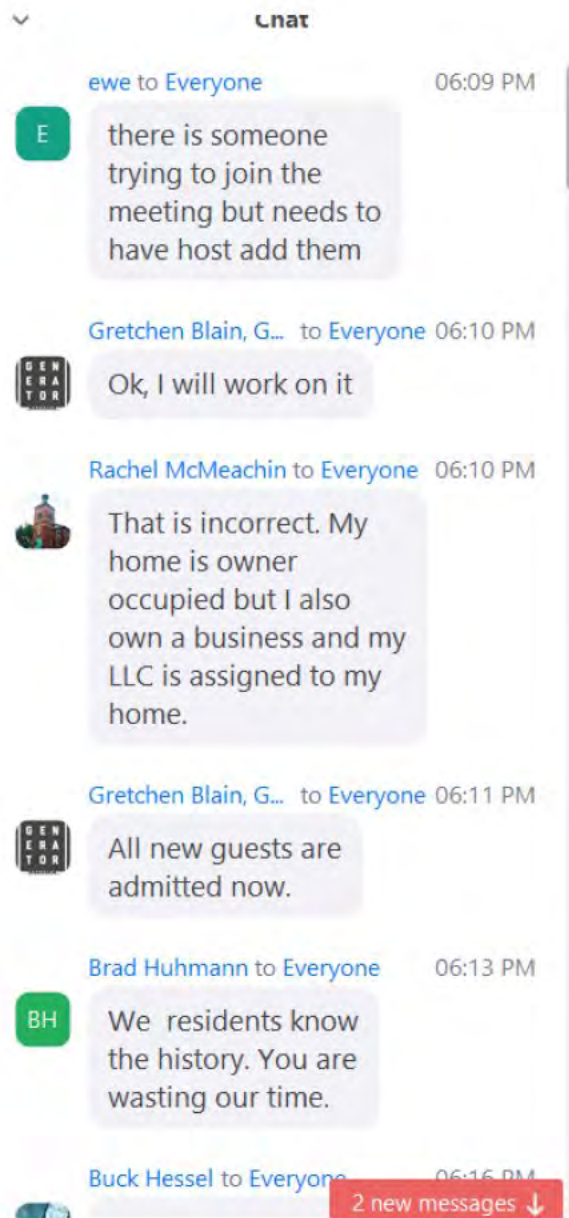
Parking is over code as of in the drawing

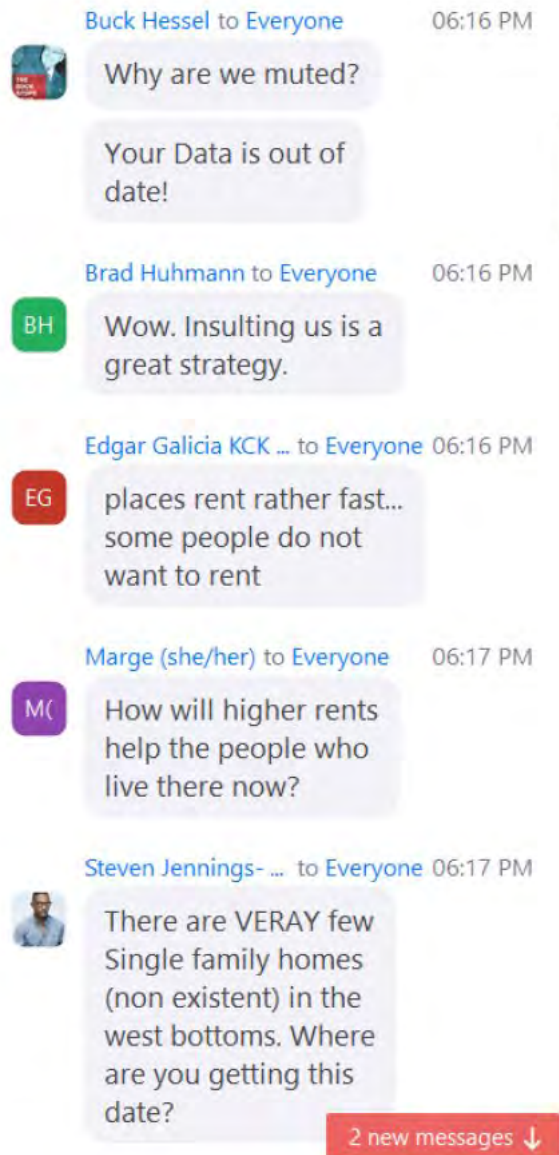
Traffic study - contributes minimally to traffic

Truck traffic is what backs up area southbound - lots of comments in section on this

Provide community amenities on the site - parklet bikeshare public art local artists outdoor safety / greenery

More amenities - sidewalks on the site - providing safety





Gretchen Blain, G... to Everyone 06:17 PM



We will open for questions and comments at the end of the presentation.

Steven Jennings- ... to Everyone 06:17 PM



Data?

Rachel McMeachin to Everyone 06:17 PM



I also have space in the west bottoms and it's over inflated and drove out what was innovative and charming with folks stepped in to develop.
\\

Brad Huhmann to Everyone 06:18 PM



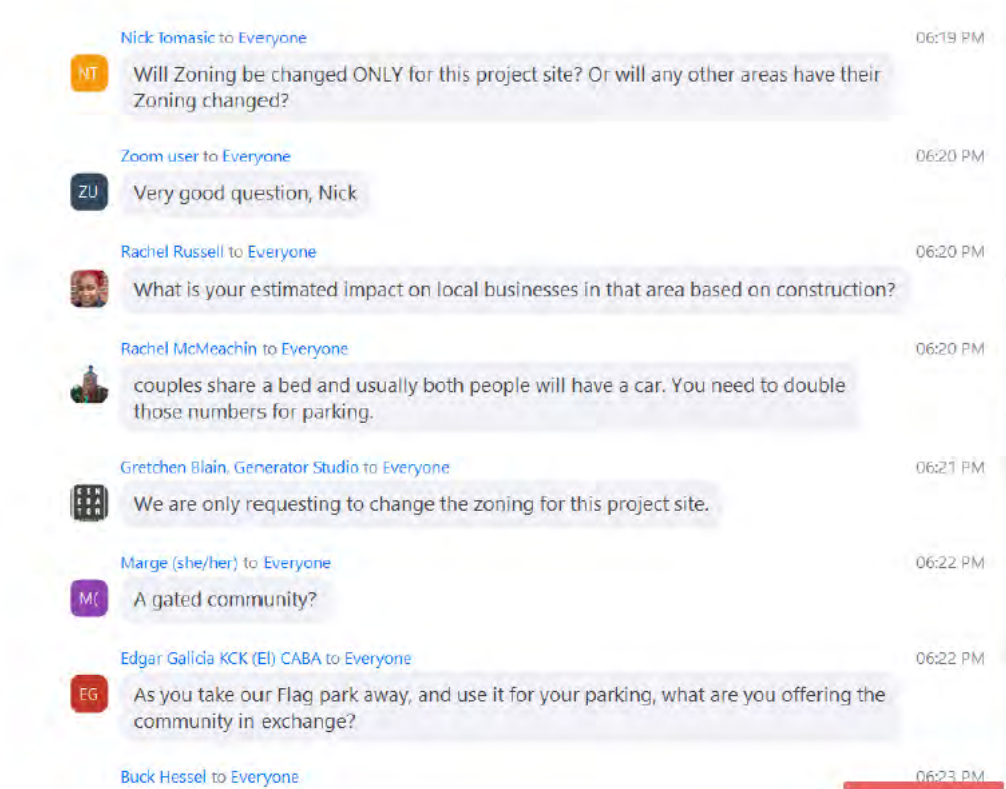
You are wasting our time. Tell us about the actual plans.

Zoom user to Everyone 06:18 PM



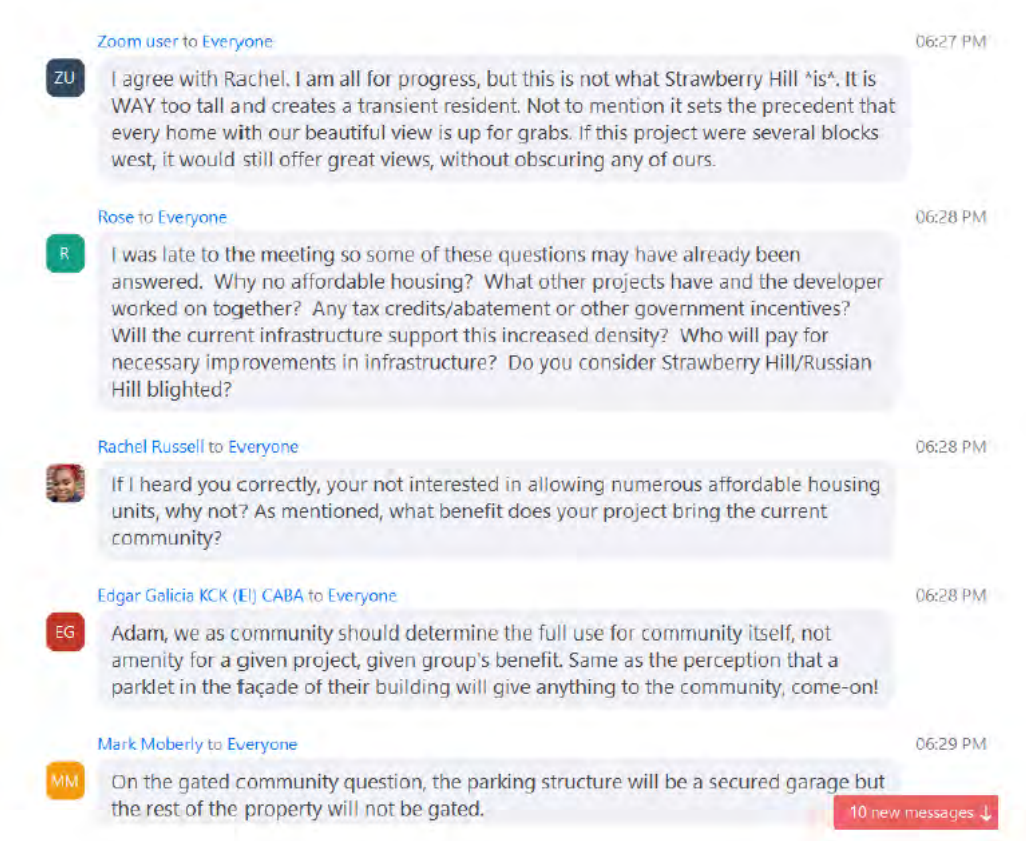
There are no houses in the west bottoms. I sit on the Board

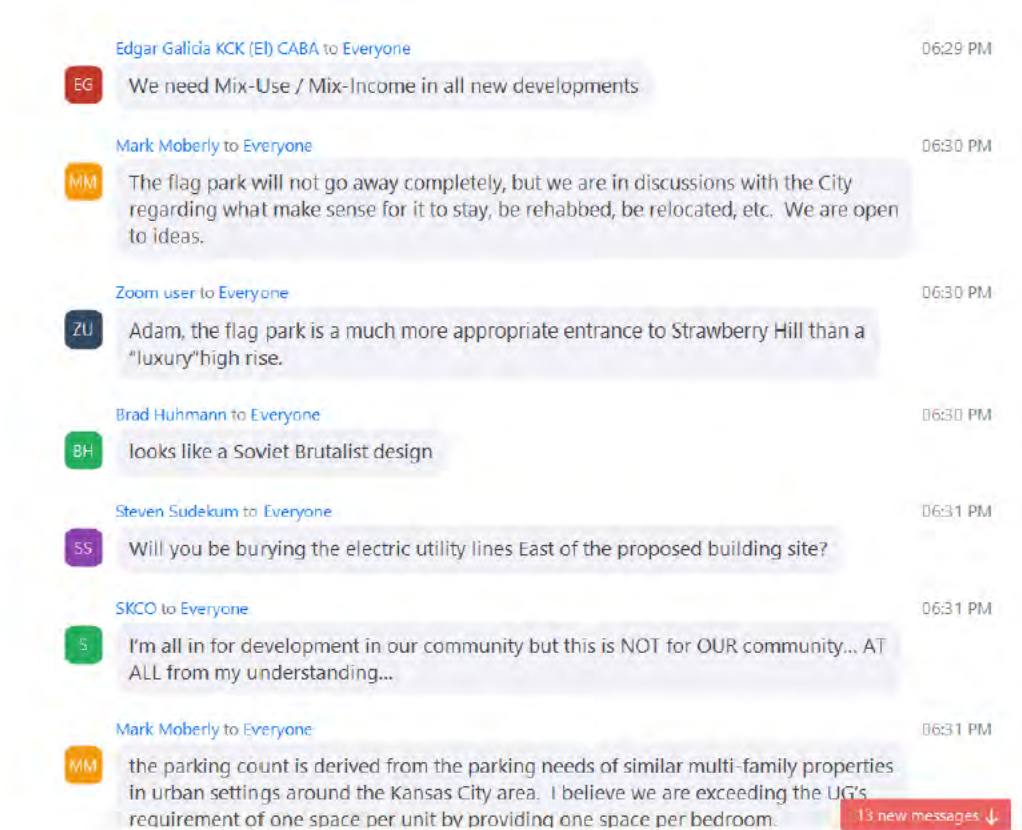
4 new messages ↓



-  Buck Hessel to Everyone 06:23 PM
That intersection can not handle the traffic flow now!
-  Wesley Summa to Everyone 06:23 PM
WS I believe he is just using the word Gateway to the community. This is not a gated community.
-  Rachel Russell to Everyone 06:24 PM
Your projected residents don't meet the community's ideal of whom we want represented in our community. Sounds like your ideal candidate is temporary. Currently WyCo has a need for more multifamily housing for FAMILIES and as a family I would not be located off a busy street or highway.
**your ideal candidates are temporary (residents)
-  Buck Hessel to Everyone 06:25 PM
Why is this being done over Zoom and not in person at City Hall?
-  adamwittmer to Everyone 06:26 PM
A Edgar, what is the flag park currently used for??
-  Nick Tomasic to Everyone 06:26 PM
NT Are any tax money: TIF, Tax deferments, etc, being used for this project?
-  Rachel Russell to Everyone 06:26 PM
What other projects is your development working on currently?

10 new messages ↓





-  Mark Moberly to Everyone 06:31 PM
the parking count is derived from the parking needs of similar multi-family properties in urban settings around the Kansas City area. I believe we are exceeding the UG's requirement of one space per unit by providing one space per bedroom.
-  adamwittmer to Everyone 06:32 PM
Thanks Mark, I have been talking with the city to get them to do something, literally, anything to the flag park for almost a decade now.
Great design Tom, this is incredible!
-  Neighbor to Everyone 06:33 PM
Timeline for completion? Excited to have this addition to the neighborhood.
-  Zoom user to Everyone 06:33 PM
This looks exactly like Crossroad developments and quality hill. This is NOT for Strawberry Hill.
-  ewe to Everyone 06:33 PM
I am really hoping that is not going to be the entry view to our wonderful little community.
-  Buck Hessel to Everyone 06:33 PM
Sophomoric Design, Sorry.



Rachel McMeachin to Everyone

06:34 PM

Strawberry hill isn't an urban setting per se. It's multi family. There aren't any real public transit options. A few bus stops but no one in your demographic will ever take the busses here.



Edgar Galicia KCK (El) CABA to Everyone

06:34 PM

How does this "wonderful" design destroys the fiber of our community?



Buck Hessel to Everyone

06:34 PM

What is the timeline?



Amber Dollard to Everyone

06:35 PM

Why buy the cow, when you get the milk for free? The view from Russian Hill and Strawberry Hill comes with the price of home ownership. I don't believe our community is wanting "affordable housing" for renters. Our ancestors and home owners have worked very hard to pay for this view. We shouldn't hand it out to people who aren't wanting to be vested tax payers within our community. Condos would be a option that more people could get behind. - Amber Dollard, Iconic Hills Real Estate Broker

Christy Ubelaker to Everyone



exactly, Amber!

Wesley Summa to Everyone



In my eyes this building blows any other apartment building, high rise, etc... in our community out of the water.

Zoom user to Everyone



Could you please define what your "market rate" will be? What is the projected rent rate per square foot?

adamwittmer to Everyone



Agreed, Wes.

Brad Huhmann to Everyone



Does Wes Summa live next door to this thing?

Rose to Everyone

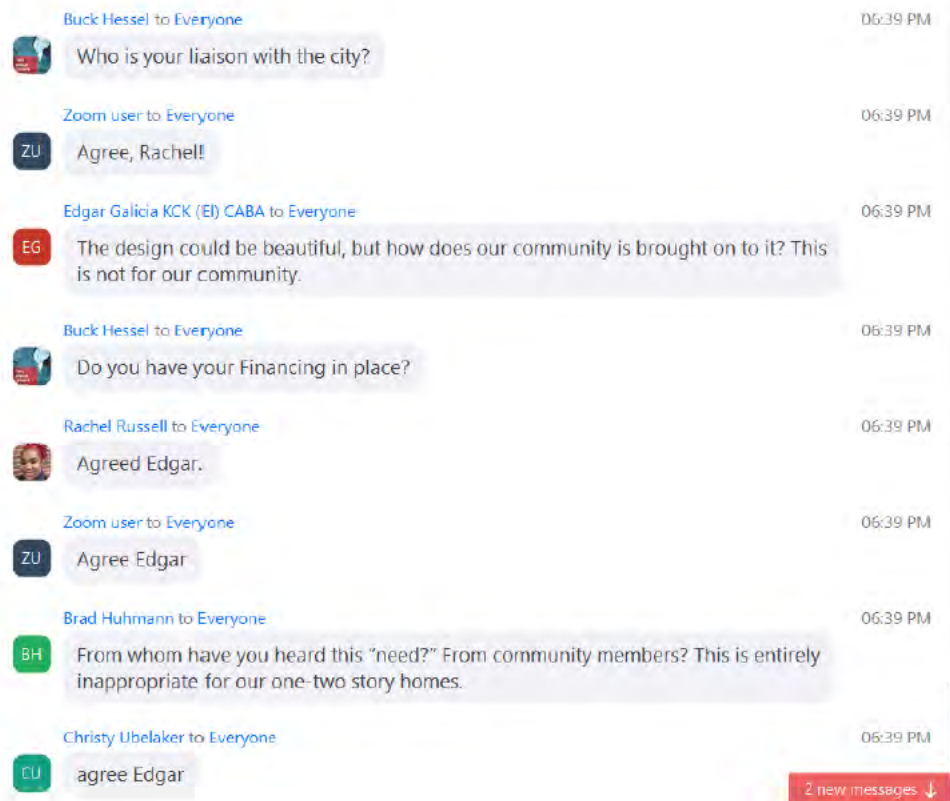


Owner occupied is always preferred

Rachel Russell to Everyone



You all heard it folks - you need to hold your commissioners accountable!! We need developers in our community that are for the community and THIS isn't it.



Marge (she/her) to Everyone

06:40 PM

ML

Do any of the people you've talked to about wanting to live in this area already live in KCK? Or are you expecting this to be all people from outside KCK moving in?

Amber Dollard to Everyone

06:40 PM

AD

What will monthly rent look like for a 1, 2 and 3 bedroom units?

Neighbor to Everyone

06:40 PM

N

Agreed. This is a vacant lot that can be used to help the community, bringing money to support our local businesses. It's nice to see people bringing their money to help improve. I'm happy this apartment is coming in

adamwittmer to Everyone

06:40 PM

A

Rachel and Edgar, what do you mean 'for this community'? How is this not 'for' Strawberry Hill?

Brad Huhmann to Everyone

06:40 PM

BH

There is no massing here. Other than a monolith.

Wesley Summa to Everyone

06:40 PM

WS

i've also talked to multiple people who work for the UG, BPU, Fire Department, KCPD etc..... who need to live in this county who would move into a place like this immediately.

-  Rachel Russell to Everyone 06:41 PM
If you support this project, talk to local residents. We Love our community and encourage development but projects like this begin the process of gentrification and displace families over years.
-  Buck Hessel to Everyone 06:41 PM
Are your investors local?
-  Edgar Galicia KCK (E) CABA to Everyone 06:41 PM
Adam, what part of Mix-Use / Mix-Income do you not understand? What part of High Risk Gentrification and Displacement don't you care about?
-  Brad Huhmann to Everyone 06:42 PM
When are you sending out the certified letters to neighbors?
-  Amber Dollard to Everyone 06:42 PM
That's KEY!!!! Dropping rents means section 8. We do not need anymore section 8 housing in WYCO. There is adequate space for section 8 within downtown.
-  Edgar Galicia KCK (E) CABA to Everyone 06:43 PM
Market rate means... what ever the market they advertise for can bare!
-  Rachel Russell to Everyone 06:43 PM
@Amber that is incorrect, the UG currently sends 400 vouchers back because we don't have quality and equitable section 8 housing in WyCo.
-  Buck Hessel to Everyone 06:43 PM
Did you do a density study?
-  adamwittmer to Everyone 06:43 PM
Has anyone driven down 5th St. lately? The city did a great job on the street beautification almost a decade ago, yet it is still not a thriving street. The biggest need for Strawberry Hill has been adding residential density...so many single family homes only go so far in the ability to drive commerce.
-  Josie Garcia to Everyone 06:43 PM
the area is not designed for any extra traffic. I don't see any plans for improving the traffic. we see so many accidents in the central ave area. several homes in the area that could be bought and renovated.

Neighbor to Everyone

06:44 PM



Yes we don't need section 8 in our neighborhood. I'll take luxury anyday of the week, the neighborhood is growing, it's time to adapt to it and take advantage of this opportunity

Brad Huhmann to Everyone

06:44 PM



Adam, commerce is not the ONLY value we hold.

Amber Dollard to Everyone

06:44 PM



Rachel, that is because they do not meet criteria or want to move to Bonner Springs. We just paid for a 6 building complex in Bonner Springs and many downtown residents didn't want to relocate.

Zoom user to Everyone

06:44 PM



Did anyone receive a letter? I did not.

Rachel McMeachin to Everyone

06:44 PM



I live 1/2 a block away and never got my invitation. I found out through others.

Brad Huhmann to Everyone

06:44 PM



Letters were NOT certified.

adamwittmer to Everyone



Brad, agreed, but have you tried to conduct a business here?

Zoom user to Everyone



I live two blocks away and never got a letter either, neither did any if my neighbors.

Rachel McMeachin to Everyone



You aren't reaching out to the actual neighbors. This feels shady.

Brad Hufmann to Everyone



We LIVE here.

Christy Ubelaker to Everyone



Did anyone here receive a letter?

Buck Hessel to Everyone



Do you realize the Central Ave. bridge is condemned and will not re open.

Rachel McMeachin to Everyone



Nope

Josie Garcia to Everyone



no traffic circles

ewe to Everyone



Will that traffic study be public? You are planning to add MANY new people to that area. That specific intersection has increasingly become congested. More traffic there is problematic.

Gretchen Blain, Generator Studio to Everyone



Letters were sent to the adjacent property addresses provided by the UG.

Brad Huhmann to Everyone



This is being pushed on the immediate neighbors with NO consultation. The traffic study is not valid. Driving over a counter is not capturing the reality of getting in and out of here on a daily basis.

Zoom user to Everyone



Adam, I have tried to conduct a business here. I have also lived here for twelve years. This is NOT for the entrance of The Hill. You have done a great job with your businesses...but this is NOT the only solution.

Rachel Russell to Everyone



Is it the same process of your delayed 15 minute entry time for the meeting...

Buck Hessel to Everyone



There is a bottleneck now going West on Central. You are doing a disservice to us and future tenants.

Edgar Galicia KCK (E) CABA to Everyone



Business could improve, it has gotten better on the daily... We could do better but if we want to rush growth with our lifting the community together, half of our people will be displaced

Zoom user to Everyone



Letters were sent to adjacent properties only? That is ridiculous.

SKCO to Everyone



I have a few properties and NEVER got any letter

Edgar Galicia KCK (EI) CABA to Everyone



with out* lifting everyone

Brad Huhmann to Everyone



It was NOT certified. You violated the process. Also put things in our mailboxes illegally for the first meeting. If you can't abide by federal mail laws, how can we trust you'll be trustworthy in any other way?

adamwittmer to Everyone



Edgar, rush growth? What other apartment complex has broken ground in the past 50 years in Strawberry Hill?

Buck Hessel to Everyone



Why is this a Zoom Meeting?

Zoom user to Everyone



Why does this need to be right at the entrance? There is land a block away that would make more sense.

Josie Garcia to Everyone



maybe I missed this. how does the "LUXURY" complex affect the property taxes of our community members that may already be struggling.

-  Steven Jennings- REALTOR- KC Home Collaborative to Everyone 06:49 PM
We recently bought into the neighborhood and are excited to see potential development. The extra traffic is our biggest concern as that intersection is already congested without adding hundreds of extra residents in that area. The development could be great for the neighborhood growth, but I would like to see a commercial element to a development in this area as well to help add value more than just adding people.
-  Nick Tomasic to Everyone 06:49 PM
NT I've lived on S.H. my entire life...change is hard...I wish it was like 1970 again...but its not. We need development, we need more tax dollars, more businesses and jobs for our youth. If this project passes, I hope it helps all of us.
-  Zoom user to Everyone 06:49 PM
ZU They will probably rebuild Central Ave with the Fed infrastructure bill. Maybe.
-  Brad Huhmann to Everyone 06:49 PM
BH Well, Nick, you don't have 8 stories looming over YOUR yard, do you?
-  adamwittmer to Everyone 06:49 PM
A Well said, Nick.

Neighbor to Everyone 06:49 PM
 Can't break ground soon enough. Excited for the future of the neighborhood

Zoom user to Everyone 06:49 PM
 Yet, Brad.

Edgar Galicia KCK (El) CABA to Everyone 06:49 PM
 jumping into Luxury living is rushing growth.

Neighbor to Everyone 06:50 PM
 Well said nick. Time to adapt to the changing times

Zoom user to Everyone 06:50 PM
 I agree Edgar.

Steven Jennings- REALTOR- KC Home Collaborative to Everyone 06:50 PM
 Agreed, Nick

Buck Hessel to Everyone 06:50 PM
 We talked to Brian Mckeirnnan, Commisioner, There is no money to rebuild

Zoom user to Everyone



Neighbor, stop being anonymous.

Rachel Russell to Everyone



planninginfo@wycokck.org

Brad Huhmann to Everyone



You weren't worried about safety protocols last time

Zoom user to Everyone



Thank you, Rachel.

Wesley Summa to Everyone



Brad sorry I just saw you question about me. I am one of the owners at Chicago's for the last 8 years now. I have been in and around Strawberry hill for the e last 17 years now. we need growth or the old building that sit vacant will remain vacant. The businesses like mine will remain on the line of staying open or closing. We love the neighborhood but Chicago's is a labor of love. my thought is if we fight this then when do we get the development we need. I've looked at a hill full of trees for 17 years wondering when someone would do something here.

Edgar Galicia KCK (E) CABA to Everyone



Show us your planned amenities, that is where I call it Luxury

Steven Jennings- REALTOR- KC Home Collaborative to Everyone 06:52 PM
 heard Wesley

ewe to Everyone 06:52 PM
 E I am concerned with the potential negative financial impact to current home owners. Since I purchased my home 20 years ago, taxes have already increased four fold. I do not want to pay higher taxes to help make something I do not approve of coming into the neighborhood.

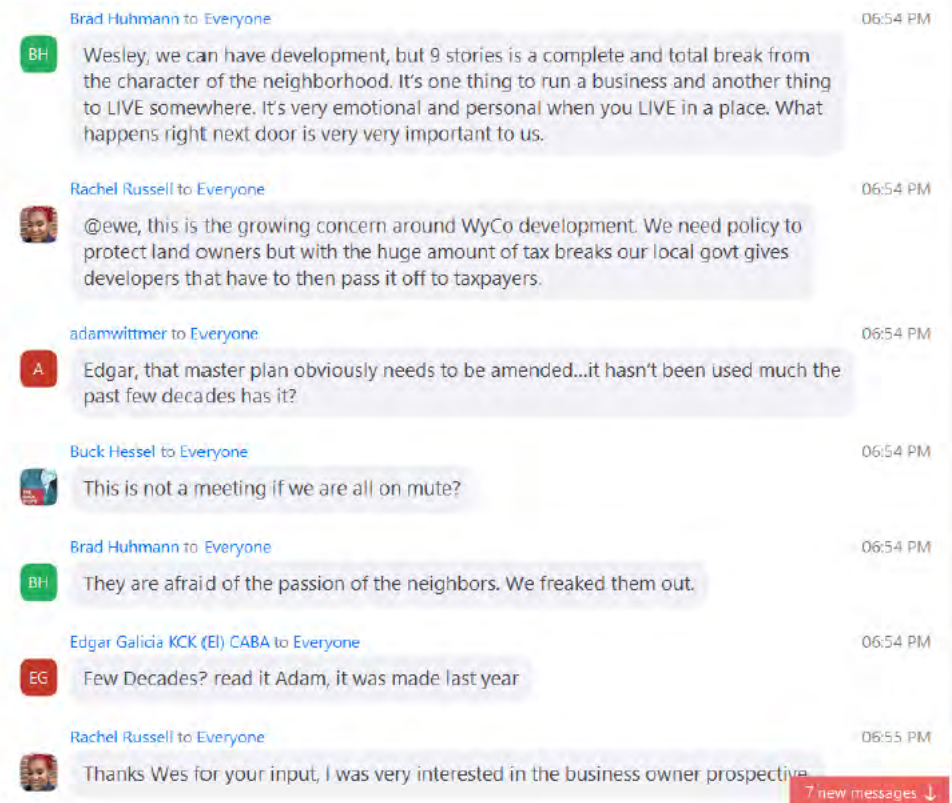
Zoom user to Everyone 06:52 PM
 ZU So, all of this new traffic would not go over Central Ave...but through Strawberry Hill.

Steven Jennings- REALTOR- KC Home Collaborative to Everyone 06:52 PM
 Is there any plan for commercial space in the development?

Edgar Galicia KCK (El) CABA to Everyone 06:53 PM
 EG Our Master Plan calls for Mix-Use / Mix-Income... and by no mean it calls for changing the fiber of the neighborhoods

Mary Schwartz to Everyone 06:53 PM
 MS Can you repeat again- how much per sq ft were you thinking on rents?

Amber Dollard to Everyone 06:54 PM
 AD Is this slide show available to us in PDF?



Steven Jennings- REALTOR- KC Home Collaborative to Everyone 06:55 PM
 Either way, good luck! The thought of something being on the table is exciting!

Christy Ubelaker to Everyone 06:55 PM
 Will there be another in person meeting?

Brad Huhmann to Everyone 06:55 PM
 Also, please send link to recording.

Rachel Russell to Everyone 06:55 PM
 Especially since the business district in that area has grown.

Mary Schwartz to Everyone 06:55 PM
 Have you established the breakdown of how many studio, 1 beds, and 2 beds there will be? Not sure if I missed that or if it's been figured out at this point.

Buck Hessel to Everyone 06:55 PM
 What are the provisions for access to Hallock during construction?

Rachel Russell to Everyone 06:56 PM
 What are your next steps?
 If you want more information about the traffic study, etc... please contact Gunnar Hand at the UG. He is a receptive guy and would welcome your feedback, seriously.

Brad Huhmann to Everyone 06:56 PM
 Anyone who thinks this is awesome can offer to buy our house from us.

Rachel McMeachin to Everyone 06:56 PM
 I live and work at the top of 6th st. a 1/2 block uphill from you. What is the plan for we the residents to have access to get our homes during your construction

ewe to Everyone 06:56 PM
 @Brad agreed this is NOT the view of Strawberry Hill that is wanted for this community in which I have invested

Who can see your messages? Recording On

Rose to Everyone



I know that the Converge project has a change that wasn't discussed with or revealed to the neighbors. Rent does not include a parking space and is an additional \$100 per month

Edgar Galicia KCK (El) CABA to Everyone



everyone for and against, you need to personally talk to your elected officials

Wesley Summa to Everyone



Completely understand Brad and trust me I sympathize with that. I think it's just become and if not now then when scenario. We care very deeply about the neighborhood and my in-laws live at 5th and Ohio. I am on the Hill every day.

Rose to Everyone



Please respond

Rachel Russell to Everyone



Generator Studio, I'm concerned that you did not meet the community because numerous neighbors are expressing they DID NOT receive communication from you all.

 I know that the Converge project has a change that wasn't discussed with or revealed to the neighbors. Rent does not include a parking space and is an additional \$100 per month

Edgar Galicia KCK (El) CABA to Everyone

06:57 PM

 everyone for and against, you need to personally talk to your elected officials

Wesley Summa to Everyone

06:57 PM

 Completely understand Brad and trust me I sympathize with that. I think it's just become and if not now then when scenario. We care very deeply about the neighborhood and my in-laws live at 5th and Ohio. I am on the Hill every day.

Rose to Everyone

06:57 PM

 Please respond

Rachel Russell to Everyone

06:57 PM

 Generator Studio, I'm concerned that you did not meet the community because numerous neighbors are expressing they DID NOT receive communication from you all.

Edgar Galicia KCK (El) CABA to Everyone

06:58 PM

 Everyone for or against needs to talk to your elected officials

Rachel Russell to Everyone

06:58 PM

 read further up...







**PRELIM - NOT FOR
CONSTRUCTION**
505 CENTRAL

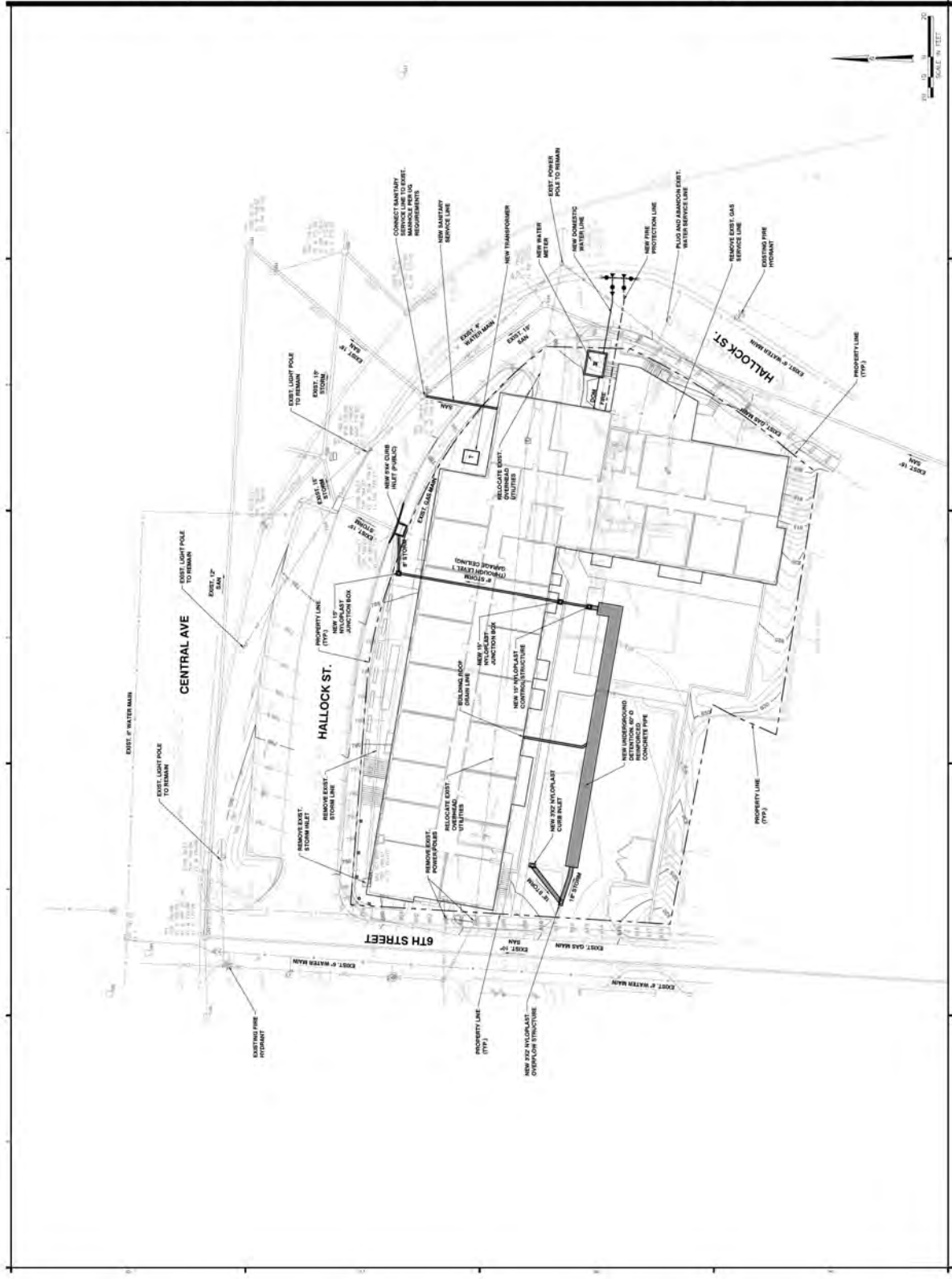
529 CENTRAL AVENUE
KANSAS CITY, MO 64101

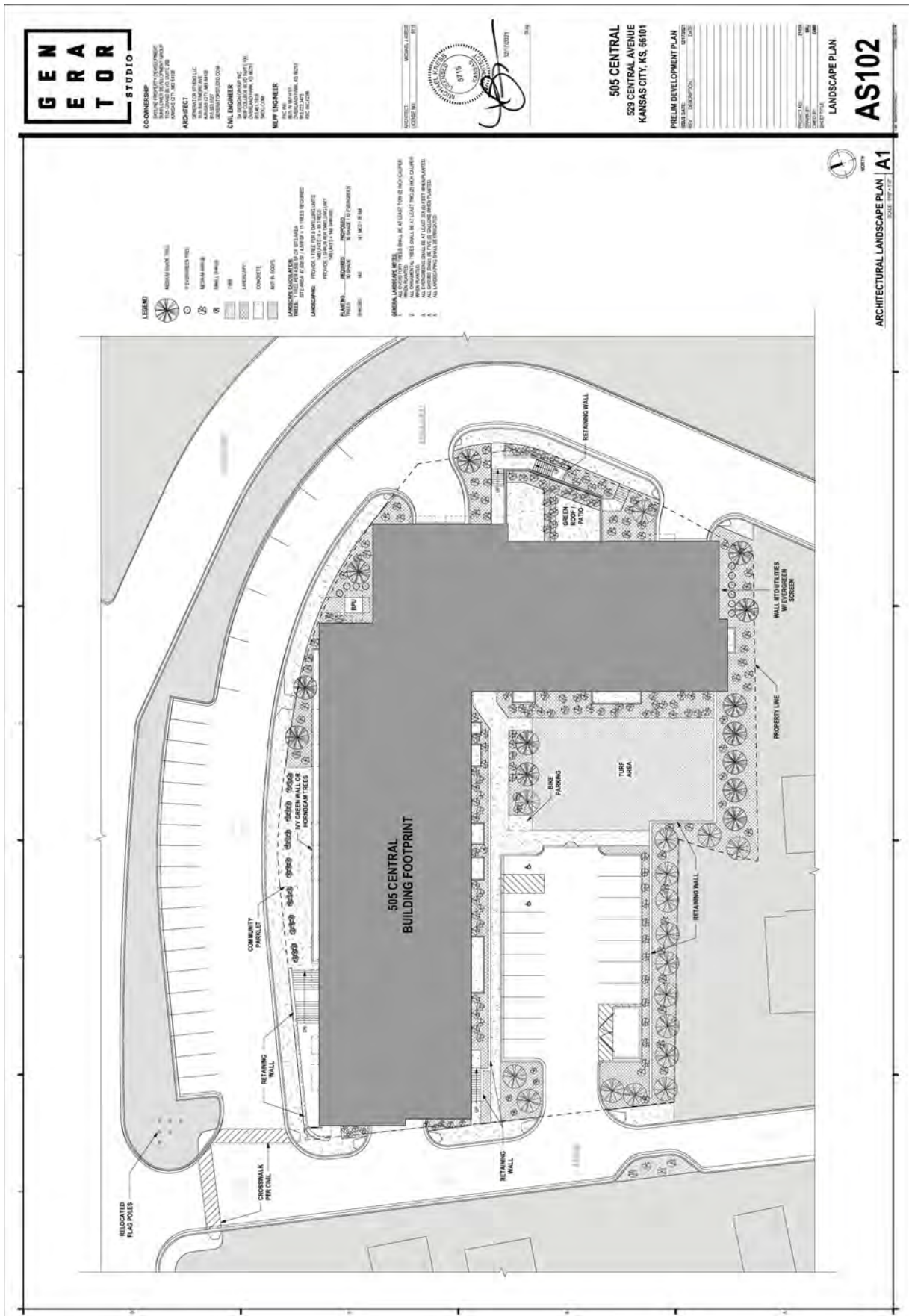
PRELIM DEVELOPMENT PLAN
DATE: 03/31/2022
SHEET NO. 11

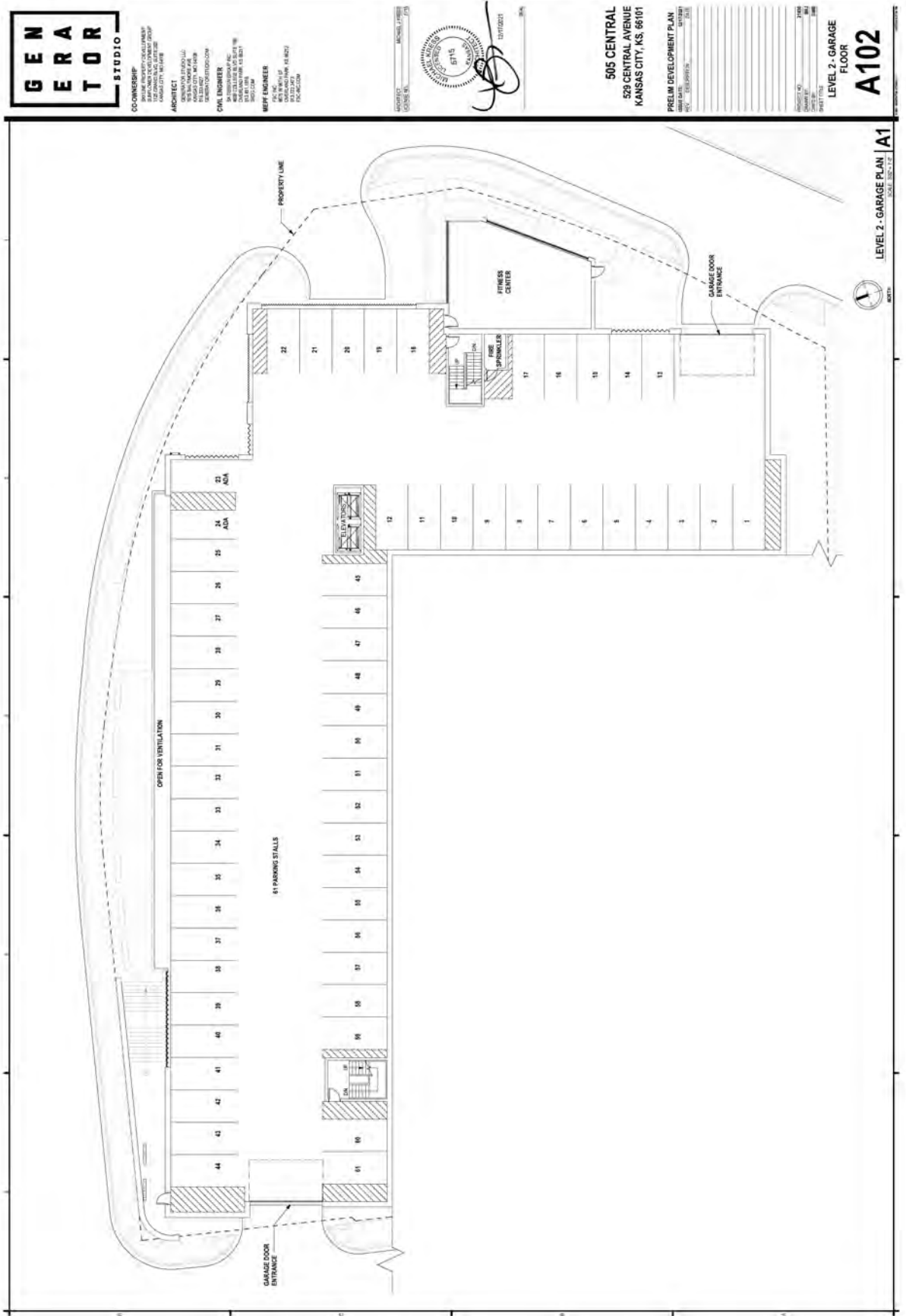
PROJECT NO. 2021-051
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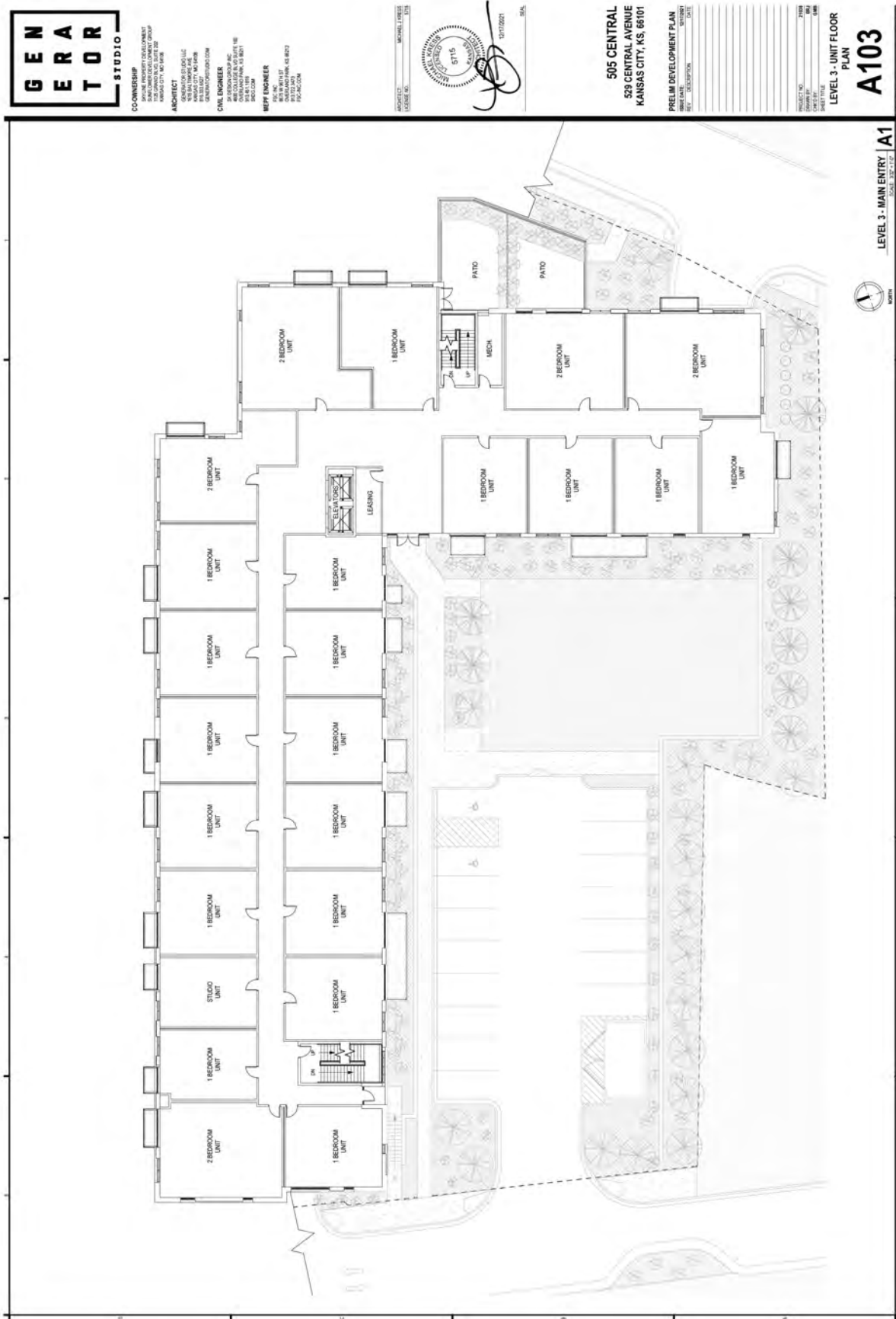
UTILITY PLAN

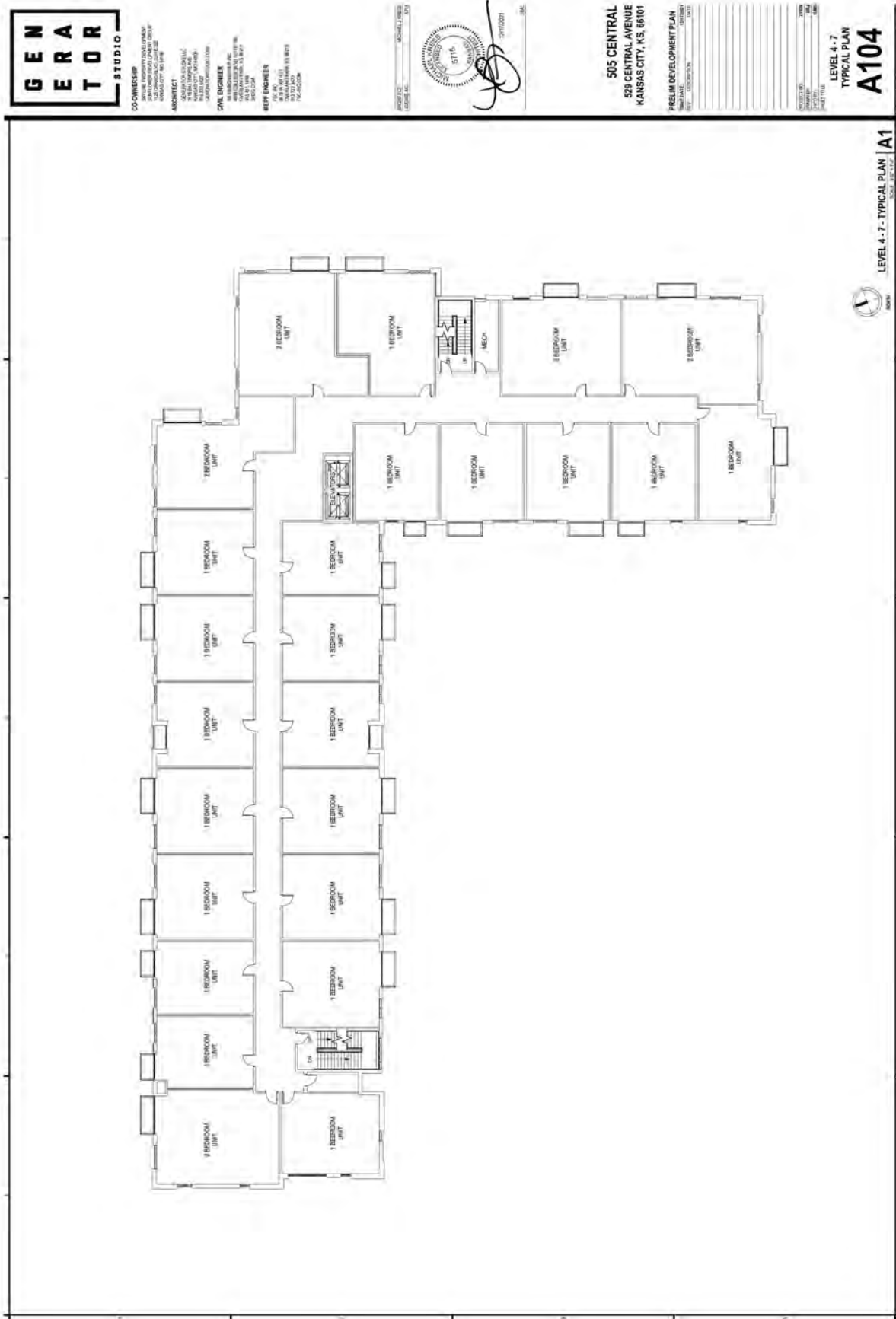
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**GEN
ERA
TOR**
STUDIO

CO-OWNERSHIP
SHELVE PROPERTY DEVELOPMENT
100 JONES BLVD, SUITE 100
KANSAS CITY, MO 64101
TEL: 816.441.1111
WWW.SHELVEPROPERTY.COM

ARCHITECT
STUDIO GEN ERATOR
100 JONES BLVD, SUITE 100
KANSAS CITY, MO 64101
TEL: 816.441.1111
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CIVIL ENGINEER
MICHAEL J. HENNE
100 JONES BLVD, SUITE 100
KANSAS CITY, MO 64101
TEL: 816.441.1111
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MECHANICAL ENGINEER
MICHAEL J. HENNE
100 JONES BLVD, SUITE 100
KANSAS CITY, MO 64101
TEL: 816.441.1111
WWW.SHELVEPROPERTY.COM

PROJECT NO. 2021-028
DATE 03/15/2022
DRAWN BY MICHAEL J. HENNE
CHECKED BY MICHAEL J. HENNE
APPROVED BY MICHAEL J. HENNE
03/15/2022

505 CENTRAL
529 CENTRAL AVENUE
KANSAS CITY, KS 64101

PRELIM DEVELOPMENT PLAN
SHELVE PROPERTY DEVELOPMENT
100 JONES BLVD, SUITE 100
KANSAS CITY, MO 64101
TEL: 816.441.1111
WWW.SHELVEPROPERTY.COM

LEVEL 4.7
TYPICAL PLAN
A104



LEVEL 4.7 - TYPICAL PLAN | A1



STUDIO

ARCHITECT
505 CENTRAL AVENUE
SUITE 200
KANSAS CITY, MO 64101

ARCHITECT
505 CENTRAL AVENUE
SUITE 200
KANSAS CITY, MO 64101

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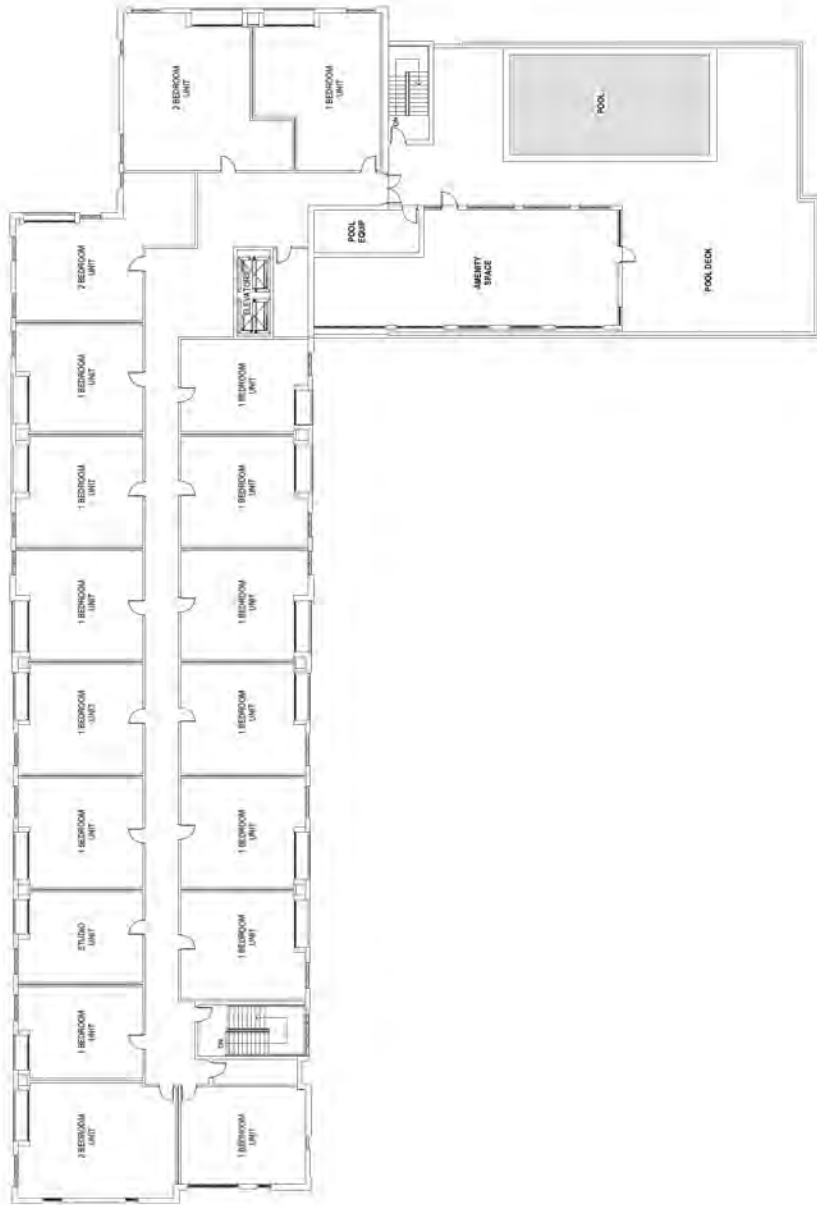
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505 CENTRAL AVENUE
SUITE 200
KANSAS CITY, MO 64101



LEVEL 8 - FLOOR PLAN | A1

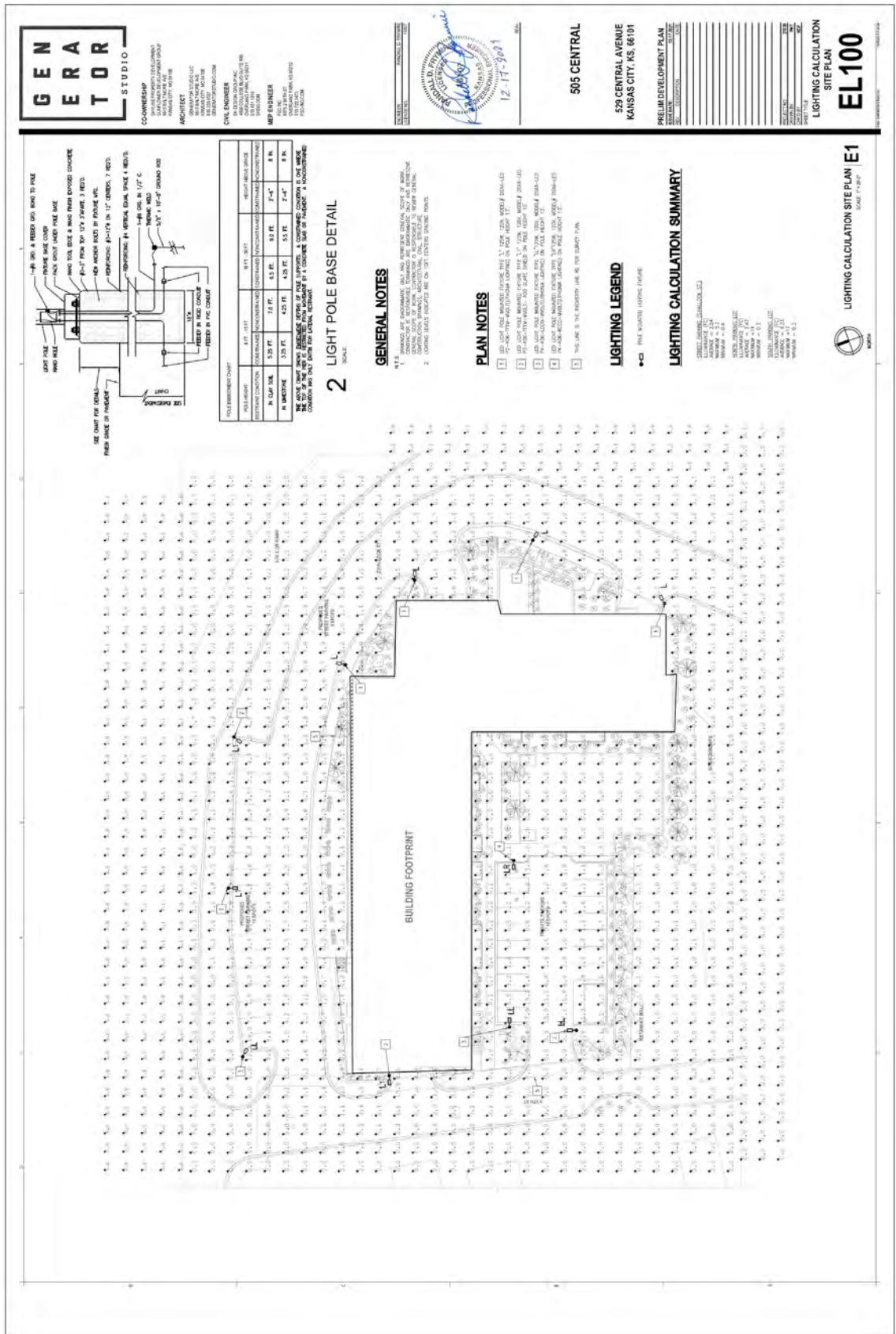
LEVEL 8 - FLOOR PLAN

A108

505 CENTRAL
529 CENTRAL AVENUE
KANSAS CITY, KS 64101

WELLM DEVELOPMENT PLAN

PROJECT NO.	11000
DATE	08/11/2011
BY	WELLM
CHECKED BY	WELLM
DATE	08/11/2011
PROJECT NO.	11000
DATE	08/11/2011
BY	WELLM
CHECKED BY	WELLM
DATE	08/11/2011









EXISTING CONDITIONS
(LOOKING SOUTH ON 6TH)



PRELIMINARY MASSING
(LOOKING SOUTH ON 6TH)



KEY PLAN MAP



EXISTING CONDITIONS
(LOOKING NORTH FROM LOWELL AVE)



PRELIMINARY MASSING
(LOOKING NORTH FROM LOWELL AVE)





EXISTING CONDITIONS
(LOOKING WEST ON CENTRAL AVE)



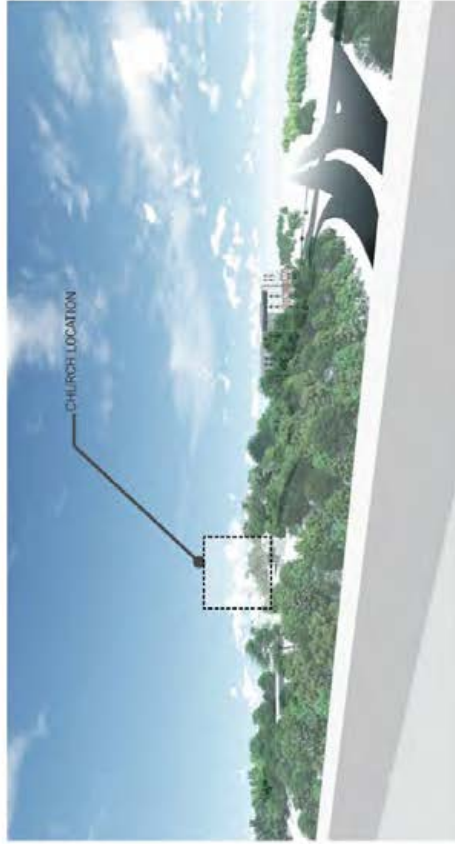
PRELIMINARY MASSING
(LOOKING WEST ON CENTRAL AVE)



KEY PLAN MAP

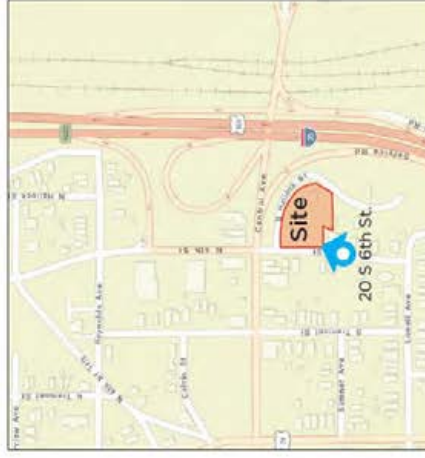


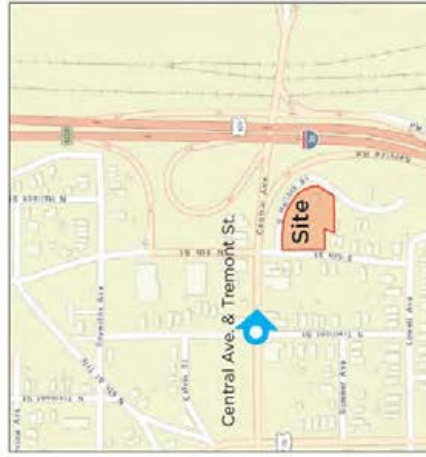
EXISTING CONDITIONS
(LOOKING WEST ON CENTRAL AVE)



PRELIMINARY MASSING
(LOOKING WEST ON CENTRAL AVE)







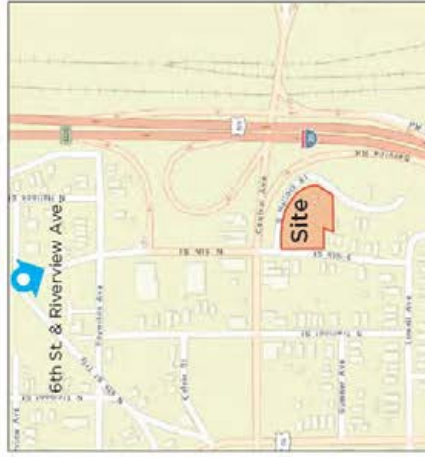




Figure 4. Site Photograph of 10 South Hallock Street looking southwest from Central Avenue (provided by Planning Staff).

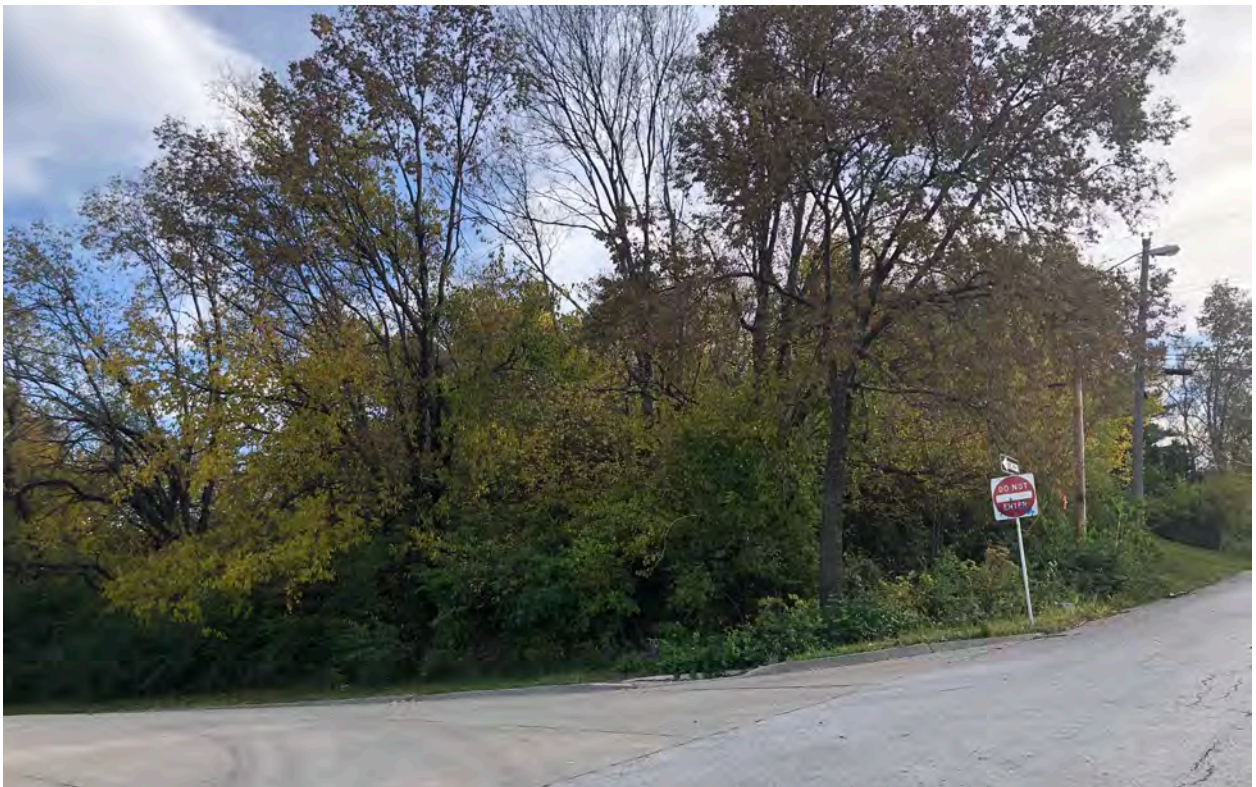


Figure 5. Site Photograph of 10 South Hallock Street looking southeast from South 6th Street (provided by Planning Staff).



Figure 6. Site Photograph of 10 South Hallock Street looking northeast from South 6th Street (provided by Planning Staff).



Figure 7. Site Photograph of 10 South Hallock Street looking northeast from South 6th Street (provided by Planning Staff).



Figure 8. Site Photograph of 10 South Hallock Street looking northwest from Hallock Street (provided by Planning Staff).



Figure 9. Site Photograph of 10 South Hallock Street looking west (provided by Planning Staff).

Letters of Support:

January 27, 2022

The Unified Government of Wyandotte County and Kansas City
Attn: Board of Commissioners
701 N. 7th Street
Kansas City, KS 66101

RE: Letter of Support for Proposed Multifamily Project at 505 Central Avenue, Kansas City, KS

I am writing this letter to express my support for the 148-unit multifamily project being proposed at 505 Central Avenue in downtown Kansas City, Kansas. I have had the opportunity to speak with members of the team who are developing the project to hear the facts as they stand today and ask direct questions.

I understand this is a \$40 million + investment in our community that will be co-developed by Sunflower Development Group, LLC in partnership with the current owners of the land, Skyline Property Development, LLC.

I understand the building will be six levels of apartment units on top of two levels of parking garage, making it an eight-story building. Hearing it's eight stories is certainly striking at first, but I now understand the sloped nature of the property will result in the parking garage being built into the steep hill. I have also reviewed the Site Line Study the City Staff required and understand the impact of the sight lines on views to both downtown KCMO and also uphill to the onion dome of the Russian orthodox church are minimal when compared to existing conditions. I appreciate that, when compared to the current site conditions, no views from any existing owner-occupied homes will be compromised.

I understand the project will include 148 market-rate apartment units with a mix of studios, one and two-bedroom units that will all be leased based on market-rate rents. Because of the number of different unit type and sizes, it's great that this project will have a range of rents that appeal to a wide demographic of current KCK residents as well as those who desire to move to, or move back to, our community – an opportunity that has been hamstrung by limited options in housing development on the east side.

While I am a supporter of providing housing opportunities for all income levels and demographics, including workforce and affordable housing, I understand this proposed project will not include any rent-restricted units or the use of low-income housing tax credits. I believe a market-rate rent project with a significant density of units is needed in our community to support and increase the great retail growth our downtown has experienced over the last decade.

I have heard the concerns from my neighbors and others regarding the current traffic situation at the 6th Street and Central Avenue intersection. I understand that as a requirement of their application to our Planning Commission, the developer engaged a third-party firm to perform a traffic study to look at the impact of traffic created by the

apartment project, and that study found the impact to be minimal. However, that does not solve the issues that exist today, and I am confident the developer will work with our community and City Staff to come up with solutions to creating a safe intersection for both vehicles and pedestrians.

I have heard the concerns from my neighbors and others regarding the parking provided in the project. The developer has educated me on how they arrived at their number of parking spaces, which is based off historical data from multifamily projects they have in the area.

I have heard the concerns from my neighbors and others regarding the impact of the proposed project to the water and sewer infrastructure of our community. In speaking with the developer, I now understand the scope of their sitework includes significant upgrades to these systems. I am confident our City Staff will ensure the developer's plans meet or exceed the required upgrades to our water, sewer and stormwater detention infrastructure.

I support this project because my friends, my neighbors and our local business owners regularly discuss the need for quality, market-rate apartment options that will attract a new demographic to our downtown KCK community. With the growing food and beverage options, new grocery store, and strong employment opportunities, I feel one of our biggest challenges is a growing resident base. While I understand there are a number of rental homes or small apartment community choices, unlike downtown KCMO, the Crossroads, the growing West Bottoms and even Western Wyandotte County, downtown KCK has very few, if any, options that are similar to what is being proposed. This type of project will bring significant economic activity to our retail businesses and let the entire Kansas City Metro area know we are open for business in downtown KCK.

Having made a substantial investment in the area, I am excited for the economic boost a great multifamily project such as is being proposed will provide to our surrounding community. I am pleased to provide my support of this project.

Sincerely,

Your active business owners, property owners and neighbors
(see attached)

CC: Office of Mayor Tyrone Garner
Board of Zoning Appeals/City Planning Commission
Department of Planning & Urban Design
Department of Economic Development
Skyline Property Development, LLC
Sunflower Development Group, LLC

Supporter's of the 505 Central, KCK Project

	Name	Email	Phone Number	Affiliation	Address
1	Laura Summa	Lwestfall22@aol.com	913-220-4134	Chicago's Bar owner	534 Central Avenue
2	Wes Summa	Chicagosonthehill@gmail.com	816-830-3352	Chicago's Bar owner	534 Central Avenue
3	Connie Cervantes	davinadesienskc@yahoo.com	816-651-8085	Davina Designs Boutique	607 Central Avenue
4	Rachel Valle	vallemultiservice@outlook.com	913-701-8334	Valle Multi Services and Insurance	611 Central Avenue
5	Adam Wittmer	adamwittmer7@hotmail.com	913-486-2742	Splitlog Coffee	548 Central Avenue
6	Mike Pearce	mike@slapshbkc.com	816-719-1026	Slap's BBQ	533 Central Avenue
7	Dan Parker	parkerlaw94@yahoo.com	913-620-2021	Abogados Parker & Parker	535 Central Avenue
8	Amber Dollard	amber@iconichills.com	816-605-5747	Iconic Hills Realty	541 Central Avenue
9	Steve Sessions	steve@iconichills.com	913-220-5546	Iconic Hills Realty	541 Central Avenue
10	Matt Tomic	tomic.kck@gmail.com	913-406-7696	Police Athletic League (PAL)	800 North 5th Street
11	Rick Rehorn	rick@tomicrehorn.com	913-371-5750	Tomic Rehorn Law	419 North 6th Street
12	John Pauley	JP@blackfinllc.com	816-985-4850	Owner of 537 Central building	
13	Perla Garcia	Perla.garcia72824@gmail.com	913-370-6605	Tarahumaras Mexican Restaurant	503 North 6th Street
14	Greg Dean	greg.dean@millerstauch.com	913-307-1708	Miller Stauch Construction	32 North 6th Street
15	Chris O'Connor				
16	Casey Bond	caseynoellebond@gmail.com	913-579-3942	Business owner	513 North 5th Street
17	Diana Whiles	whilediana@gmail.com	913-626-5603		
18	Chuck Whiles	woodrotrepair@shcglobal.net	913-927-5703		
19	Patty Westfall	jetmore9@aol.com	913-626-0993		
20	Tom Westfall	jetmore9@aol.com	913-626-0994		
21	Colleen Roberts	colleenroberts@reecenichols.com	913-244-8571		
22	Keeley Hanson	keemarie52986@yahoo.com	913-481-1354	KCK firefighter	
23	Kaleigh Hanson	kbrynn_ka@gmail.com	913-280-0821		
24	Kyle Ratcliff	kyleratcliff25@gmail.com	913-980-3512		
25	Phil Shoemaker	phil_045@yahoo.com	913-9525730		
26	Nick Lysaught	nlysaught@yahoo.com	913-620-1920		
27	Michelle Lysaught	gabyeirl71@gmail.com	913-908-5166		
28	Adam Browne		913-709-5734		
29	Nancy Burns	nburns@wycokck.org	913-244-0028		
30	Bill Burns		913-271-7782		
31	Peter Schmidt	peter.i.schmidt92@gmail.com	785-230-6824		
32	Rick Muslet	rickmuslet@yahoo.com	602-541-6630	Owner of each corner at 7th and Central	

Toy, Byron

From: Steve Simpson <steven.simpson00@gmail.com>
Sent: Tuesday, February 22, 2022 3:08 PM
To: Carttar, Katherine; Segui, Diana L; Rangel, Lisa; Murray, LaVert; Toy, Byron; Hand, Gunnar; Parker, Janet
Cc: Mark Moberly; Tom Proebstle; Jason Swords
Subject: Slap's BBQ letter of support

All,

I received this letter from Mike, the owner of Slap's today. He sent this letter to Commissioner's McKiernan and Burroughs today and said for me to forward it to the UG staff or others as needed. I thought you all would appreciate seeing his letter.

Steve Simpson
Skyline Property Development

Good afternoon Steve,

Just wanted to keep you in the loop with the messages we sent Commissioner McKiernan and Commissioner Burroughs. We will be on the 03/14 call, but let us know if we can do anything in the meantime!

Take care. MIKE

----- Forwarded message -----

From: Mike Pearce <mike@slapsbbqkc.com>
Date: Tue, Feb 22, 2022 at 12:44 PM
Subject: Quick note from Slap's regarding the 505 Central Ave Project
To: <tburroughs@wycokck.org>
Cc: Joseph Pearce <joe@slapsbbqkc.com>

Good afternoon, Commissioner Burroughs!

It's Mike over at Slap's BBQ. Hope all is well, sir.

Joe and I wanted to take a minute to convey our support of the proposed development at 505 Central. We know there is some opposition to the project, and we respect that, however, we really believe it is a huge step in the right direction for Slap's, our employees, and our little slice of KCK.

We would be glad to speak with you in person sometime, and are also planning to attend the March 14th Planning and Zoning meeting... but here are a few of our key points:

Our belief has always been this: Our job (Mike and Joe) is to create opportunities through growth so that when our employees have earned that next role, title, etc., that we have it to offer them. In doing this, we end up with a team of amazing operators that run the business in a way that allows us to expand and create more opportunities... and the cycle continues. So, the one ingredient we must have for this to work is growth!!

We want to grow in KCK, or at least have that opportunity! Our lunch business is good, but dinners have always been lacking (substantially). We believe this is due to the area's demographic, a lack of other "attractants" in the area, and also some stigma that we/KCK have been working to change. We also cannot compete with special events in other areas of the city, e.g., First Fridays in KCMO result in a 25-50% reduction in revenue at Slap's on those days/weekends. In other words, we don't have the residents and we don't have the draw.

We feel this development is the logical next step to bring more attention, visitors, and residents to the area. We have all already seen the impact that developments have had (road resurfacing, lane updates, parking updates, sidewalks, etc.) in the form of more visitors and traffic, more business, and an overall better "experience" when coming to KCK.

We love KCK and our little slice of Central Ave and we want to be here for the long haul. We want to offer our employees continued opportunities so they can improve their lives both inside and outside of Slap's. The proposed development is the perfect way to continue the momentum and bring more folks that want to live, work, eat, and play to our amazing community. We need it, we want it, it's the perfect project, and the timing is right!

Appreciate you and your time, as always.

Mike and Joe

--

Mike Pearce
Slap's BBQ
553 Central Ave
Kansas City, KS, 66101
Cell (816) 719-1026
Main (913) 213-3736

Letters of Opposition:

Neighborhoods Fabric PRESERVATION PETITION

12/01/2021

To:
Mayor David Alvey,
Mayor Elect Tyron Garner,
Commissioner District 2 Brian McKiernan,
Wyandotte County Board of Commissioners
County Administrator Doug Bach.
Elected and Appointed Wyandotte County Officers.

We, the undersigned, are concerned citizens who urge our leaders to act now to prevent the increase of the heights of buildings in the Strawberry Hill and Russian Hill neighborhoods. We urge you to preserve the fabric of the community which makes us special. Our architectural history is a non-renewable resource.

New development in our community MUST integrate into the neighborhood structures and not overshadow them, like the photo above. We, the undersigned, support a vibrant, mixed used / Mixed Income neighborhood in the Central Area and promote policies that will ensure the availability of more affordable housing in Kansas City, Kansas. We value diversity, we value community, and we want a livable city. To that end, we insist on establishing height limits to keep development projects in scale with existing housing structures.

The pending 505 Central proposal by the Sunflower Development Group that overshadows the properties to the west of the proposed location, does not allow for smooth transition between the urban village on Russian Hill and the neighboring houses. Introducing such dominating scale on this block is not consistent with the vision and desires of the neighborhood.

We accept and support the increase in density and scale of larger buildings in locations that can be supported by the energy of the existing community and are Mixed Use / Mixed Income. However, we believe that such a huge building in the very front of Russian Hill would destroy the quirky, mellow feel of the hill from all angles due to the intensity of their mass and scale. The Floor Area Ratio (FAR) limitation and setback requirements will not compensate for the fact that buildings could be built drastically out of scale with the surrounding neighborhood.

Instead, we propose up zoning the current designation of the two neighborhoods to allow for increased density and development, while still maintaining the "urban village" feel of the single-family, two-story homes that are the very fabric of these historic neighborhoods.

In addition, no one has been able to support the assertion that "market rate" apartments buildings coupled with luxury amenities and no height limits are necessary to coax developers looking to invest. We would like to see a more integrated search for investors that would be willing to respect and follow the Central Area Master Plan and help the community.

12/01/2021 The Neighborhood Fabric Act of PROTECTION and PRESERVATION PETITION to Elected and Appointed Wyandotte County Officers.

Neighborhoods Fabric PRESERVATION PETITION

Therefore, the undersigned request that the City REJECT this project/case and support our community's goal for new development that integrates and does not overwhelm. Show us that the city cares about community more than it cares about development profit by rejecting the proposed 8 story structure for the following reasons:

- Building tall structures right next to single-family homes is incongruous with the neighborhood's residential units that will continue to exist directly adjacent to such structures, which will block light and tower over homes to an unreasonable extent destroying the neighborhoods historical fabric and feel we have been investing into for the longest time.

- The land slopes up between the front of the proposed property and the back of the same, making the proposed height of an 8-story building even more imposing.

- While it may feel appropriate to have very tall buildings to increase the population's density in the city, the two neighborhoods do not want 5 or more story buildings along the I-70 corridor overshadowing the rest of the community. This project would set a very dangerous precedent that could not be reversed.

For your attention to our petition, the undersigned thank you.

Supporters: SIGN THIS PETITION, SHARE it throughout your social networks, & call your city elected officials!

Name:

Address:

- 1 - Veronica Foltz #34 S Hallock KCK 66101
- 2 - Anthony Duven 522 Riverview KCK 66101
- 3 - Jane Wadsworth 255 ORCHARD KCK 66601
- 4 - Pam & William Shablow 512 Terry Ave KCK 66101
- 5 - X Jane & William 611 Northrup Ave KCK 66101
- 6 - Regene McBee 511 Northrup Ave KCK 66101
- 7 - Jim Cornish 513 Northrup Ave KCK 66101
- 8 - Cheryl White 513 Northrup Ave KCK 66101
- 9 - Julie Sacen 517 Northrup Ave KCK 66101
- 10 - Joe John 512 Northrup Ave KCK 66101
- 11 - Gary Berry 514 Northrup Ave KCK 66101
- 12 - Gerald Edson 309 Orchard KCK 66101
- 13 - Carol Edson 309 Orchard KCK 66101

12/01/2021 The Neighborhood Fabric Act of PROTECTION and PRESERVATION PETITION to Elected and Appointed Wyandotte County Officers.

Neighborhoods Fabric PRESERVATION PETITION

Name:

Address:

- 14 - Nancy Zamora 601 Splitlog ave Kansas City 66101
15 - A. Davis 22 S 6th St KC KS 66101
16 - Ezequiel Perez 548 Lowell Ave K.C. KS
17 - Jessie Recendez 39 South 6th St KCKS 66101
18 - Carmen Salinas 355 6th St Kc. KS 66101
19 - Maria L. Herrera 27 S 6th St K.C. KS 66101
20 - Sophia Sotomayor 12 S 6th St KCK 66101
21 - ~~Isabel Cruz~~
22 - ~~M. Kuchaw~~ 19 S. Tremont St
23 - Olga Flores 48 S. Pyle KC KS 66101
24 - Jesse Emmanuel 23 S Tremont St. 66101
- ~~Marybeth Williams 628 Sumner Ave South TREMONT~~
25 - Jacob Brockwell 604 Lowell Ave 66101
26 - Steven M List 610 Sumner Keks 66101
27 - Ed Lesyk 558 Lowell Ave KCKS 66101
28 - Louis Bermudez 562 Lowell Ave K.C. Kas. 66101
29 - Celentino Cortez 570 Lowell Ave Kc. KS 66101
30 - Alicia Cortez
- 600 Lowell Ave
- KCKS 66101
- Sarah Buckwell 609 Lowell Ave Kansas City KS 66101

12/01/2021 The Neighborhood Fabric Act of PROTECTION and PRESERVATION PETITION to Elected and Appointed Wyandotte County Officers.

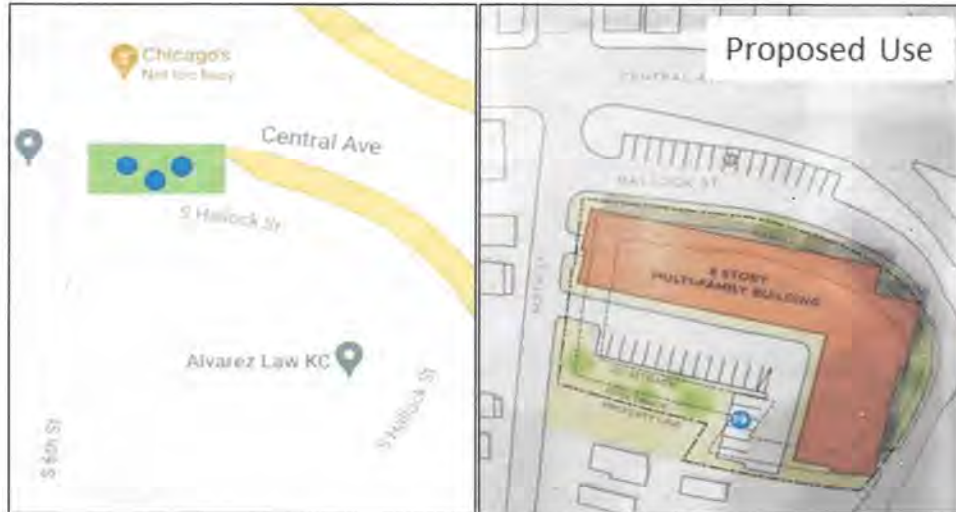
Neighborhoods Fabric PRESERVATION PETITION

- Name: Address:
- 31) ~~Robert E. Jenkins~~ 620 Lowell Ave
 - 32) Robert E. Jenkins 528 Lowell KCK 66101
 - 33) CHRISTIAN KENNEDY 547 Lowell Ave KCK 66101
 - 34) Tony Duggs 5 Tremont St. KCK 66101
 - 35) Andrew Morris 53 Tremont St KCK 66101
 - 36) Muna Bashir 60 S Tremont St. 66101
 - Devin Schneider 408 Sandusky Ave 66101
 - JUSTIN STURGIS 411 SANDUSKY AVE 66101
 - Patrick Deberry 417 Sandusky Ave 66101
 - Jackie Lima 501 N. Thompson St 66101
 - Savannah Moralez 429 N Thompson St KCK 66101
 - Dan Eigler 409 N. Thompson St KCK 66101
 - May Lin Szek 405 Thompson
 - Emily Nusz 421 ANN AVE.
 - Anna Raza 416 N. Thompson ST. K.C.K.S. 66101
 - Jeffery Buchheit 432 N Thompson KCK 66101
 - Tyler Coey 403 Burnett Ave. KCK 66101
 - Rose Kocour EILTS 506 N. 4th St. KCK 66101
 - Leo Eilts 506 N. 4th St. KCK 66101
 - Edwin Ryan 3636 OHIO AVE KCK 66102
 - Cecilia Viveros 645 Northrup 66101
 - GUILLERMO DASOL 639 NORTHUP 66101
 - Fritz Hutchison 625 Northrup 66101
 - MARTHA ALDA CO 621 Northrup 66101
 - Adán Machado 610 Northrup Ave 66101
 - Chelee Bryant 622 Northrup Ave 66101
 - Francis CO 634 Northrup AV 66101
 - Rame Mcneecini 556 Lowell AVE 66101
 - Kaufman 236th Street

12/01/2021 The Neighborhood Fabric Act of PROTECTION and PRESERVATION PETITION to Elected and Appointed Wyandotte County Officers.

PROTECTION and PRESERVATION PETITION

12/01/2021



To:
Mayor David Alvey,
Mayor Elect Tyron Garner,
Commissioner District 2 Brian McKiernan,
Wyandotte County Board of Commissioners
County Administrator Doug Bach.
Elected and Appointed Wyandotte County Officers.

We respectfully urge you to SUPPORT the protection and preservation of what is known as "The Flagpole" Parklet with an ACT of PROTECTION that will once and for all preserve this priceless public parklet FOR ALL PEOPLE to enjoy without privatization, and/or change or modification of use, other than as the public "marker" to the East Entrance of The Central Avenue Commercial Corridor as well as the Strawberry Hill, and the Russian Hill Neighborhoods.

The aforementioned parklet is currently being threatened by the proposed 505 Central project. This proposed development, which is being promoted by the Sunflower Development Group and Skyline Property Development LLC, is asking to turn our parklet into parking spaces for the 505 Central development. This would be of no benefit to our residents and detrimental to our community as a whole.

12/01/2021 The Flagpole Parklet Act of PROTECTION and PRESERVATION PETITION to Elected and Appointed Wyandotte County Officers.

PROTECTION and PRESERVATION PETITION

Friends and supporters of the preservation and enhancement of the parklet as a grand Gateway to our Community and who are in opposition of privatization plans, want to remind everyone that "The Flagpole" Parklet is a truly one-of-a-kind public space marker for the constituents— people of all ethnicities, religions, and cultural backgrounds— to be proud of, and referred to when conversing about our community. It is the "Front Door" to hundreds of residents and visitors alike and should become a recognizable Landmark as our community and historic neighborhoods become more of a travel destination.

Your support is critical to ensure that the long-overdue recognition of this parklet as the Gateway to our community will be handled with transparency, public input, and as a long-term legacy for a Free AND Proud diverse urban community, visitors from around the world, and future generations alike.

The Parklet and our community are not up for sale. Be on the right side of Kansas City, Kansas history in the making. The friends and supporters of "The Flagpole" Parklet, thank you for your consideration and support!

Supporters: SIGN THIS PETITION, SHARE it throughout your social networks, & call your city elected officials!

Name:	Address:
1 - Veronica Fdez	#34 S Hallock ST KCKS 66101
2 - Christine Dumm	#522 Riverview KCK 66101
3 - Jane Walczak	#255 Orchard KCK.
4 - Sam & Lillian Shablon	512 Penny Ave KCK 66101
5 - X James E Ziegler	611 Northrup Ave KCK 66101
6 - Regina M. McCabe	511 Northrup KCK 66101
7 - Chuck Clifide	513 Northrup KCK 66101
8 - Jim Cornish	- 513 NORTHROP KCK 66101
9 - Julie Sachers	- 517 Northrup Ave KCKS 66101
10 - Patrick Cimpist	- 516 Northrup Ave KCKS 66101
11 - Joan Johnson	512 Northrup Ave. KCK 66101
12 - Wynetia Brown	514 Northrup Ave KCK 66101
13 - Gerald Edson	309 Orchard KCKS 66101
14 - Carol Edson	309 Orchard K.C.K 66101
15 - Nancy Zamora	601 Splitlog. ave KCK 66101
16 - D. Davis	22 54th St KCKS
17 - Ezequiel Perez	548 Lowell Ave K.C.Ks

12/01/2021 The Flagpole Parklet Act of PROTECTION and PRESERVATION PETITION to Elected and Appointed Wyandotte County Officers.

PROTECTION and PRESERVATION PETITION

Name:

Address:

- 18 - Jessie Pecunia 39 South 6th KCK 66101
19 - Carmen Salinas 355 6th St Ks. Kc. 66101
20 - Maria L Herrera 27 S 6th St Kc. Ks 66101
21 - SOPHIA SETODOSH 12 S 6th ST KCK 66101
22 - Hale Cruise 19 S Tremont St 66101
23 - M. K. L. 48 S. Ryic KC KS 66101
24 - Olga Flores. 23-S Tremont St. 66101
25 - JESSE Enriquez 16 South ~~Tremont~~
26 - Manuel Offord 627 Summer Ave 66101
27 - Jacob Brockwell 604 Lowell Ave 66101
28 - Steven ~~in~~ 610 Summer Ave 66101
29 - Ed Lesyk 550 Lowell Ave KCKS 66101
30 - Louis Bermudez 562 Lowell Ave K.C. Ks. 66101
31 - Celerino Cortez Jr.
570 Lowell Ave
Kansas City KS 66101
32 - Alicia Cortez
600 Lowell Ave
Kc Ks 66101

12/01/2021 The Flagpole Parklet Act of PROTECTION and PRESERVATION PETITION to Elected and Appointed Wyandotte County Officers.

PROTECTION and PRESERVATION PETITION

Name:

Address:

- 33 - Stephen Burkwell 604 Lowell Ave
- 34 - ~~Grandes~~ ~~Pauline~~ ~~Montano~~
- 35 - Robert E. Seuker 569 Lowell Rck 66101
- 36 - CHRISTIAN KENNEDY 547 Lowell Ave KCK 66101
- 37 - Tony Buss 58 S. Tremont St 66101
- 38 - Andrew Morris 53 S Tremont St 66101
- 39 - Muna Bashir 60 Stremont St. 66101
- 40 - Jayma Krystal 57 South Tremont St 66101
- 41 - Aranya Saylos 57 South Tremont
- 42 - Kaylee Thomas 57 S Tremont
- Devin Schneider 408 Sandusky Ave 66101
- JUSTIN SMITH 411 SANDUSKY AVE 66101
- Patrick Doherty 417 Sandusky Ave 66101
- Jackie Lima 501 N Thompson St 66101
- Savannah Morales 429 N Thompson St KCK 66101
- Ram Cizick 409 N. Thompson St KCK 66101
- Mary Ann Szak 405 Thompson St 66101
- Emily Nusz 421 Ann Ave
- Jere Kovac 416 N. THOMPSON ST K.C.KS 66101
- Jeff Proch 432 N Thompson KCK 66101
- ROSE KOCOUR EILTS 506 N. 4th St, KCK 66101
- Tyler Coen 403 Barnett Ave, KCK 66101
- Edwin Ryan 3636 Ohio Ave KCK 66102
- Cecilia Viveros 645 Northrop 66101
- Con Vantart 641 Northrup Ave 66101
- GUILLERMO PASUL 639 NORTHROP 66101
- 39 - ~~Reynold~~ ~~Stanton~~ 625 Northrup 66101

12/01/2021 The Flagpole Parklet Act of PROTECTION and PRESERVATION PETITION to Elected and Appointed Wyandotte County Officers.

PROTECTION and PRESERVATION PETITION

Name:

Address:

- MARTHA AGUILO 621 Northrup Kansas City
- Tamara Green 608 Northrup K.C. MO
- Adán Macchabó 610 Northrup Ave 66101
- Chelsea Bryant 622 Northrup Ave 66101
- Diego Romero 632 Northrup
- Francis S Co 634 Northrup Ave
- Rachel McMeekin 556 Lowell Ave.
- Rachel McMeekin 23 S. 6th Street
- Karin Huhmann 23 S. 6th St.
- Brad Huhmann 28 S. 6th St.
- Jason Rivers 31 S. 1st St. K.C. MO 66101
- Erik (Erik) 31 S. 1st St. K.C. MO 66101

12/01/2021 The Flagpole Parklet Act of PROTECTION and PRESERVATION PETITION to Elected and Appointed Wyandotte County Officers.

Dear City Planning Commission,

I'm writing to voice my opposition to the development plan that has been proposed at 5th & Central Avenue. Was anybody even asking for this? Because it seems like this is a pipe dream of the development firm, and they're just hoping our community will fall in line. Russian Hill and Strawberry Hill have rich histories and strong social fabrics, and luxury condos do not fit with the spirit of these communities.

As someone whose job involves finding housing for people in Wyandotte County, I'll be the first person to tell you that KCK desperately needs more housing at all income levels, as well as increased housing density. Every day I have to tell unhoused people that I have no solutions for them. However, this particular project at this particular location is not going to solve any of our current problems, but it will create new ones.

Gentrification and displacement are already happening at alarming rates. A coalition that I'm part of saved 10 families from losing their homes in last year's tax sale because they were no longer able to keep up with their property taxes. All of the families had owned their homes for years or decades and were an integral part of their neighborhood. If not for intervention, they would have lost their homes. Given that there is no affordable housing available in KCK, they would have likely become homeless.

A friend of mine who works for the UG had to move recently. They had been renting the same house for several years, and then the rent suddenly increased by \$300/month. They had to move to a different part of town and into a small apartment.

These are the realities for folks living in KCK. Housing is becoming less affordable every year, while the need for affordable housing continues to increase. If luxury apartments are built at 5th & Central and the surrounding area becomes a playground for upper-middle class, young professionals, rents and property taxes will balloon in the nearby neighborhoods, driving out folks who have been there decades, and exacerbating the affordable housing crisis.

The Sunflower Development Group probably know that they're not going to get their 148 unit luxury condo project as proposed, but if they begin negotiating from a point of absurdity, then a scaled back version is still going to be pretty good for them. If this is allowed to go forward in some form, truly affordable units must be part of the plan. It also should be broken into multiple smaller projects, because the infrastructure at 5th & Central cannot handle this volume. As someone who lived two blocks away at 6th & Riverview, I can attest to what a nightmare it already is to get onto Central from 6th Street.

Kudos to them for making such a bold proposal, however absurd it may be. We should have the same boldness in proposing low-income housing. Let's bring a huge, multi-million dollar plan for creating more housing with rents of less than \$400 per month, and then settle for half as much as we're asking for. These profit-driven developers can be bold in their plans to get richer; let's be bold in our plans to house people who are struggling in our county.

Sincerely,

Dustin Hare

Co-Founder of Wyco Mutual Aid

Toy, Byron

From: Parker, Janet
Sent: Tuesday, January 11, 2022 9:53 AM
To: Toy, Byron
Subject: FW: 6th and Central / 525 Central project

Janet L. Parker, CSC/APC 913.573.5758
Executive Assistant to Gunnar Hand, AICP jparker@wycokck.org



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

From: Jerri Moulder <jerrimoulder@gmail.com>
Sent: Wednesday, January 5, 2022 9:25 PM
To: Parker, Janet <jparker@wycokck.org>; PlanningInfo <Planninginfo@wycokck.org>; McKiernan, Brian <bmckiernan@wycokck.org>
Subject: 6th and Central / 525 Central project

To the UNIFIED GOVERNMENT,

Brian McKiernan (Commissioner, District 2)

Unified Government Director of Planning & Urban Design Gunnar Hand, AICP

Developer
<https://sunflowerkc.com/>
EMAIL mmoberly@sunflowerkc.com
816-581-3997

Architect
Tom Proebstle, AIA
<http://www.generatorstudio.com/about-us/>
tom@generatorstudio.com
816-333-6527 x 101

Change of Zone (case# COZ2021-051)
Master Plan Amendment (case# MPL2021-028)

Buck Hessel and I live at 31 S Hallock St, Kansas City, KS 66101, Russian Hill, just up the street from the planned development. We would

1

literally have to transgress across S Hallock St where the planned development front entry is located and the tenant and guest parking lot is situated to get to our home. This is just one of the many reasons we do not support this development.

Below is a list, based on our attending three developer presentations, stating why we do not support this development.

Scope of the development is too large for the area, 148 units and 8 stories high.

PARKING and TRAFFIC ISSUES:

Parking for the development is 160 spaces, for 148 units with 1 and two bedrooms. Let's do the math, 148 cars plus 75 cars for spouses, roommates, significant others, total 223. This demographic does not use public transportation so the parking structure is underdeveloped.

223 cars leave the building twice a day, 223x4 (coming/going) means close to 900 additional cars passing through 6th and Central daily. Infrastructure to support traffic safety not present and funding by UG or Developer seems not to be available.

Location at on and off ramps of I-70 and Central Ave is too congested.

Central Avenue bridge is condemned, UG not able to fund the reconstruction; this causes further over use of I-70 on and off ramps.

PARKING ISSUES:

The main entrance to the parking area of the development is located off 6th ST. The hazards of 6th ST are many, no curbs, no sidewalks and is a

toboggan slide in the winter. It is a bumper car alley when snow or ice is involved. There are videos for you to view on the Next Door website.

6th ST homeowners have no off street parking or garages or alley, any tenants or guests looking to park will rob homeowners of their only parking option.

Developer states each unit to get one secured underground parking space as part of tenant rent. Future owners/investors could decide secure underground parking is an additional cost to the tenant. Many tenants to save money will forego the cost and street park, leading to additional parking issues in the area.

WASTE MANAGEMENT:

Waste management in the area is ancient and sewer lines would need to be upgraded and it appears the UG and Developer can not assure capacity for 148+ additional toilets. Developers or UG need to provide reports from engineers stating current capacity of sewer lines and estimated cost to any upgrades needed and proof of funding from either the Developers or UG to upgrade capacity and maintain public safety for waste management.

GATEWAY to CENTRAL AVE:

This mammoth structure acts as a barrier to our community, not a warm welcome and invitation.

The architecture is not in keeping with the character of the neighborhood.

The height of the structure impedes and robs all properties to the west of the structure of the city view.

Take the Hilton Garden Inn on Minnesota Ave, add two floors and throw on a few balconies and you would have a replica of this planned development. By the way, the Hilton has 147 rooms.

CONCLUSION:

Buck and I have gathered over 85 signatures from the surrounding home owners who do NOT support this developer or this petition to rezone the area at 6th and Central.

In conclusion, we ask the Commission to deny this petition.

Jerri Moulder Hessel and Buck Hessel
31 S Hallock St
Kansas City, KS 66101

816-419-2164 Jerri
816-665-3820 Buck



Jerri Moulder Hessel
Broker Associate at Platinum Realty
JMoulder@MoveWithPlatinum.com
C:816-419-2164

From: Rose Eilts <rosekoco@gmail.com>
Sent: Tuesday, December 21, 2021 4:44 PM
To: McKiernan, Brian <bmckiernan@wycokck.org>; PlanningInfo <Planninginfo@wycokck.org>
Subject: Re: 525 Central project concerns

I would like my comments to be included in the "Staff Report"

On Tue, Dec 21, 2021 at 12:51 PM Rose Eilts <rosekoco@gmail.com> wrote:
This message is regarding:

Change of Zone (case# COZ2021-051)
Master Plan Amendment (case# MPL2021-028)

Contacts:
Brian McKiernan (Commissioner, District 2) bmckiernan@wycokck.org

Unified Government Director of Planning & Urban Design Gunnar Hand, AICP
planninginfo@wycokck.org

Developer
<https://sunflowerkc.com/>
EMAIL mmoberly@sunflowerkc.com
816-581-3997

Architect
Tom Proebstle, AIA
<http://www.generatorstudio.com/about-us/>
tom@generatorstudio.com
816-333-6527 x 101

During a zoom meeting on 11/29/2021, Tom with Generator studio presented information which included drawings of a proposed 8 story apartment building. The proposal is to rezone & amend the master plan to construct an 8-story building comprised of 6 levels of multi-family (market value) apartments over 2 levels of structured parking (partially below grade.) Footprint would include 529 Central, 525 Central & 10 South Hallock. This project will require changing the zoning to RP-6 for 10 S Hallock, 525 Central & 529 Central. The project is to build Luxury Apartments. An application has been filed with the UG, Department of Urban Planning and Land Use for the purpose above-mentioned.

My key takeaways from this meeting:

1. Is part of this development project on a Land Bank parcel? Per the Land Bank website: When considering proposals to the Land Bank, preference will be given to projects that support home ownership, improve neighborhoods and otherwise advance the economic and social interests of Wyandotte County and its residents.

My feeling is that this development doesn't meet these criteria (home ownership specifically) SO I AM AGAINST THIS PROJECT MOVING FORWARD

2. Is the infrastructure (sewers, etc.) able to handle the additional load? If not, who pays for the improvements? How much will it cost? Please explain in detail how necessary improvements will be paid for.

UNTIL THIS INFORMATION IS KNOWN, I AM AGAINST THIS PROJECT MOVING FORWARD

3. Does it fit with the historic architecture/nature of the neighborhood? Based on the presentation shown at the 11/29 zoom meeting, this building does NOT fit with the architecture/nature of the neighborhood. UNTIL SOME CHANGES ARE MADE TO THE PROPOSED CLADDING OF THE STRUCTURE, I AM AGAINST THIS PROJECT MOVING FORWARD

4. This is to be built at the busy intersection of North 6th Street and Central, across the street to the south from Chicago's. Developer says they have completed a traffic study. Will they share the results? Based on my personal experience with that intersection, there will need to be extensive changes made, who will pay for those?

UNTIL THIS INFORMATION IS KNOWN, I AM AGAINST THIS PROJECT MOVING FORWARD

5. Developer is requesting tax abatement and other incentives. This is from Sunflower's website:

The tax credit consultants at Sunflower Development Group seek every available opportunity to procure tax credits that make real estate projects more feasible and profitable for developers

What specific types of abatement are they asking for and the amounts? UNTIL THIS INFORMATION IS KNOWN, I AM AGAINST THIS PROJECT MOVING FORWARD

6. During the meeting they responded "yes" when I asked if they are planning on pursuing blight status for the surrounding neighborhood. What does this mean for the surrounding neighborhood? Will eminent domain be used to purchase surrounding properties? Which properties specifically? UNTIL THIS INFORMATION IS KNOWN, I AM AGAINST THIS PROJECT MOVING FORWARD

7. At the end of the meeting, I asked them whether parking is included as part of the apartment rent. Developer rep, Mark Moberly, said no. Additional charges to the tenants for parking will cause tenants to park on the neighborhood streets which are already crowded. UNTIL THIS ISSUE IS RESOLVED, I AM AGAINST THIS PROJECT MOVING FORWARD

8. I spoke to Janet Parker at the UG and she said this will be discussed at a Board of Commissioners meeting on 1/10. Attendance of neighborhood stakeholders should be strongly encouraged. What steps are being taken to inform ALL residents and business within a .5 mile radius of this proposed development?

Resources:

Central Area Master plan was adopted 10/29/2020.

https://www.wycokck.org/files/assets/public/planning-amp-urban-design/documents/central-area-master-plan_adopted_102920.pdf

Provide housing that is suitable for a range of life stages and economic circumstances, page 98 Master Plan

Conclusion, in my opinion this project is too big for the location. Can it be scaled back and still be viable? Can it be done without all the incentives? (Our taxes are already skyhigh). It is contrary to the Central Area Master Plan adopted on 10/29/20 (less than 18 months ago.)

I AM CURRENTLY AGAINST THE ZONING CHANGE AND THIS DEVELOPMENT AS PROPOSED.

Rose Kocour Eilts
506 N 4th St
Kansas City, KS 66101
rosekoco@gmail.com
913-269-7886

--

Rose Kocour Eilts
913-269-7886
rosekoco@gmail.com



In specific:

1. All large housing projects like the 505 Central proposed project, should include parking in each unit's rental agreement instead of paying for parking as an extra cost. Letting renters opt-out of paying for parking, will promote them to try to lower their rental cost by parking on the streets.
2. The 505 Central proposed project should have and should offer a fully detailed "Community Benefits Agreement" guide lined by the Central Area Master Plan and subject to the community acceptance by majority. This community Benefits Agreement should be an integral part to the project, not an afterthought.
3. The 505 Central proposed project should detail all Tax Abatements requested and such abatements should be reported to the community before permitting.
4. For this and future proposed projects, the UG should engage (at the developers cost) in third parties' studies determining the full impact to aspects of the communities daily live such as traffic, parking, services, market value, and risk of displacement.

The Central Area Betterment Association is in full support of Responsible Development for our Community and feel that these recommendations are key to welcome the kind of projects that will build our community for a better future.

For all your considerations, we thank you!

A handwritten signature in black ink, appearing to read 'Jose Rodriguez', is written over a light blue horizontal line.

Jose Rodriguez
Chair.
Central Area Betterment Association

2/2

1303 Central Avenue, Kansas City, Kansas. 66102 – 913 281 9222 – CABAKCK.org



To: Mayor Tyrone Garner
UG Board of Commissioners
County Administrator
The City Planning Commission
Unified Government of Wyandotte County
Community in General

2/10/2022

Re: 505 Central Proposed Project.

The Central Area Betterment Association recently organized a meeting open to all interested parties to the 505 Central Proposed Project. To the Video Meeting we invited the project developer, the involved neighborhood groups, the involved business owners, and the Involved residents.

This event was made public for anyone willing to listen to the different perspectives expressed by all our registered speakers and the video of the event has been posted in CABA's YouTube Channel for further inspection.

Shortly after the event, CABA met again bringing up the Board perspective and vision regarding the proposed project. Understanding the synergy of the KC Metro area, we know this proposed project is not the last one we speak of. We hope the UG establishes and promotes further engagement of all community members when projects like this are proposed.

As an organization responsible for the delivery of Betterment to the community, the Central Area Betterment Association extends the following recommendations:

In general:

1. The Central Area Master Plan should be taken as the will of the community and should not be ignored. Understanding we need to be flexible to adapting as necessary, there should be a process to that which includes community input. Any amendments to the plan should show how it aligns with the overall vision of the plan.
2. The Master Plan should be used to promote the continuity of the community's development.
3. Understanding that our community has a housing shortage, all developments should concentrate on fulfilling say need to our community, avoiding displacement of our residents.
4. The Eclectic 150+ years of variety in styles in the Hills should be recognize and protected as dictated by surveys conducted in the area.
5. A task force from the UG should be created to hold all rental property owners in the area accountable, avoiding irresponsible management of properties that damage the residents and businesses valuable quality of life.

1/2

1303 Central Avenue, Kansas City, Kansas. 66102 – 913 281 9222 – CABAKCK.org

A handwritten signature in black ink, appearing to be 'Jm' or similar, located at the bottom right of the page.

Toy, Byron

From: Hand, Gunnar
Sent: Wednesday, February 23, 2022 5:21 PM
To: Toy, Byron
Cc: Parker, Janet
Subject: FW: action taken in Overland Park City Council (similar to 505C Project)
Attachments: Flagpole Parklet Protection Petition 2021-22.pdf

1 of 3 more for the case file for 505 Central (COZ 2021-051). Please add to the staff report as well,

Gunnar Hand, AICP

Director of Planning + Urban Design

913.573.5750

ghand@wycokck.org



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

NOTE: All Board of Zoning Appeals, City Planning Commission, and Landmarks Commission hearings will be heard virtually with in-person availability in the City Hall lobby (701 North 7th Street, Kansas City, KS 66101). All meetings with Planning and Urban Design staff will continue to prioritize virtual meetings.

Our goal is to serve you with excellence. Please click the following link and take a moment to complete this short customer service survey to help us better help you: [Planning & Urban Design Department Feedback Form \(openforms.com\)](https://openforms.com/Planning%20Urban%20Design)

From: Edgar Galicia <egalicia@cabakck.org>
Sent: Wednesday, February 23, 2022 3:54 PM
To: Murray, LaVert <lmurray@wycokck.org>; Bynum, Melissa <mbynum@wycokck.org>; Hand, Gunnar <ghand@wycokck.org>; Edwards, Dr. Mildred <medwards@wycokck.org>; Burroughs, Tom <tburroughs@wycokck.org>; Mayor Garner <MayorGarner@wycokck.org>; Harrison-Lee, Cheryl <charrison-lee@wycokck.org>
Subject: Re: action taken in Overland Park City Council (similar to 505C Project)

3rd attachment

On Wed, Feb 23, 2022 at 3:52 PM Edgar Galicia <egalicia@cabakck.org> wrote:
[attachment too large, will divide.](#)

----- Forwarded message -----

From: Edgar Galicia <egalicia@cabakck.org>
Date: Wed, Feb 23, 2022 at 3:45 PM
Subject: Re: action taken in Overland Park City Council (similar to 505C Project)
To: Jerri Moulder <jerrimoulder@gmail.com>
Cc: Murray, LaVert <lmurray@wycokck.org>; McKiernan, Brian <bmckiernan@wycokck.org>; Hand, Gunnar <ghand@wycokck.org>; Mayor Garner <MayorGarner@wycokck.org>; Burroughs, Tom <tburroughs@wycokck.org>; Sieben, Melissa <msieben@wycokck.org>; Bynum, Melissa <mbynum@wycokck.org>; Edwards, Dr. Mildred <medwards@wycokck.org>; Harrison-Lee, Cheryl <charrison-lee@wycokck.org>; lawsonatlake@hotmail.com <lawsonatlake@hotmail.com>; Anna Cole <webevents@gmail.com>; Jose Rodriguez <jose@allianceworkforcekc.com>

All,

I am attaching once again what CABA's stand is regarding the approval or disapproval of projects like the 505 Central. This set of direct recommendations, is the result of an enormous amount of conversations, engagement and work in community and for community. Our recommendations integrate the communities base line created by our Price Winning "Central Area Master Plan". We hope these recommendations are taken into consideration. CABA's recommendations are integral to the ample development of the central area/community, not only one site.

I am also attaching copies of two signed petitions created by "directly affected" neighbors/residents in the area. I understand there are more signatures in the original petition since last time CABA received them from the community.

On a personal note, I am the first to recognize there is a need to increase density, the question is how do we do it without gentrifying and generating displacement of our long-time vested residents. Change the location of the 505C proposed project by one or two blocks west on Central and the possibilities for Mix-Use/Mix-Income would change and my personal view of the project would change as well.

You see, Mix-Use/Mix-Income are not the same as "Low Income Only". The income status of our population bottomed out during the 80's and 90's and even though it has been a slow and painful process, it has surely increased constantly in the Central area. "From the inside of our community, out" as I like to describe it. It is not about 505C or nothing, It is about 505C or the residents around it. We are to protect the residents around it. We do not see the imminent importance of 505C as the only solution or opportunity our community has, on the other hand, we see enormous importance on determining and going after the right type of developers and projects.

The only compelling argument in favor of the 505C project I have heard is the need our real estate market has for a successful project in our area. A project that would facilitate comparables and the promotion of similar projects. If the community wanted to cash in the best asset it has, that would be the way to go. We are in the midtown area after all and the population cinergy of the KC Metro calls for our area to be next in investment and revival. The question again is how do we generate growth without gentrification and displacement. Displacement is generated by the general increase in cost of living, the argument that occupying empty lots does not generate displacement is short-sighted at best.

In this case besides the increment in cost of living, we are talking about an enormous increase of human activity in such a small and complicated corner in our community. Displacement of many of the long-time residents of the area would be imminent. But don't ask me, I was not born in the dotte, ask the residents.

To all my best regards.

E.G.

On Wed, Feb 23, 2022 at 2:00 PM Jerri Moulder <jerrimoulder@gmail.com> wrote:

Mr. LaVert,

Are you reading any of the dissenting opinions of the neighbors living in Russian Hill and Strawberry Hill or seeing the petitions signed by the residents? We are opposed to the high density petition regarding the development of this 148 unit, eight story block of humanity, regardless of the socioeconomic status of the inhabitants.

We live here, we vote here, we will have to live with this poor location choice, uncharastic design choice and lack of infrastructure to support it.

Jerri Moulder Hessel and Buck Hessel
31 S Hallock St, Kansas City, KS 66101



Jerri Moulder Hessel
Broker Associate at Platinum Realty
JMoulder@MoveWithPlatinum.com
C:816-419-2164

On Wed, Feb 23, 2022 at 1:44 PM Murray, LaVert <lmurray@wycokck.org> wrote:

Thank you again Mr. Galicia:

From your response I sense that you have taken my comments as a personal affront when they were not intended to be such. You and I have just met, and I would suggest to you that you don't know me at all even though you make characterizations to the contrary.

I continue to hold firm to my belief that the proposed 505 Central development is a very positive development and would complement the area. You and I discussed the fact that you cannot embrace the development because it represents living for higher income individuals and families, and you would rather see a lower income development such that it embraces the current demographic in the CABA area. My argument to you was that we cannot raise the income status of the CABA area from low income to mixed income if we only embrace low-income developments. I was hoping to avoid this kind of discussion, but it appears to be the impetus driving your actions and argument, so I am compelled. I realize further that you live on the West side in KC, MO., but feel the need to limit what happens in KC, KS. However, I can't believe that you and your neighbors looking out of your windows to the west to Kansas would be offended by such an attractive development. Let the people in Kansas decide what is best for Kansas. Yes, I could live in the proposed 505 development project and would be happy to do so since it is within walking distance here to City Hall where I work! The old Townhouse Hotel built many years ago at 7th and State had a roof-top

swimming pool. I find nothing wrong with that, just as I find nothing wrong with the proposed pool for 505 Central. I am convinced and certain that some of the neighbors surrounding the development will be invited to join some of their new neighbors and swim in and enjoy the pool. I did not have the plans with me for the development when we met. Do we need to meet again so that we can speak about specific details for the development? Please let me know. I do sincerely hope that you can become more open minded about the development. Thanks for indulging me.

Respectfully,

LaVert

From: Edgar Galicia <egalicia@caback.org>
Sent: Tuesday, February 22, 2022 6:44 PM
To: Murray, LaVert <lmurray@wycokck.org>
Cc: McKiernan, Brian <bmckiernan@wycokck.org>; Hand, Gunnar <gband@wycokck.org>; Mayor Garner <MayorGarner@wycokck.org>; Burroughs, Tom <tburroughs@wycokck.org>; Sieben, Melissa <msieben@wycokck.org>; Bynum, Melissa <mbynum@wycokck.org>; Edwards, Dr. Mildred <medwards@wycokck.org>; Harrison-Lee, Cheryl <charrison-lee@wycokck.org>; Jerri Moulder <jerrimoulder@gmail.com>; lawsonatlake@hotmail.com; Anna Cole <weboevents@gmail.com>; Jose Rodriguez <jose@allianceworkforcekc.com>
Subject: Re: action taken in Overland Park City Council (similar to 505C Project)

Mr. Murray,

There is relevance for the community in looking at the two projects however, I recon, someone like you with your perspective for business and finances, wouldn't see it.

My dear friend, with all due respect, there is nothing complementing about building a traffic bottleneck for the community, there is nothing complementing about changing the neighborhood fabric that is so well appreciated by people who live in the area. There is nothing complementing about hustling everyday to find a parking spot close to one's home. There is nothing complementing about a said market rate crowned by a rooftop swimming pool driving the rental prices upward and excluding de facto the residents of our community. There is nothing complementing about trying to look attractive for the KCMO Downtown to just stay on the sidelines when the "leaders" from the past never thought about implementing policies to integrate Mix-Use/Mix-Income preparing the community for its future. There is nothing complementing about gentrification nor displacement.

The people who failed enabling the City to host mobile vending back in the day can not come today and tell us what complements the residents, the neighborhoods, the future. The future we, the people who self invested, built. In maintaining the community moving forward and growing, from nothing to something, generating wealth from the inside of our challenging reality, We, the new and old residents of the central area, my Dear Sir, are the experts.

However different the projects are, the two projects are still in the hands of people who vote and are voted, not people who think they know how to make money but did not keep the community from almost going bankrupt.

On Tue, Feb 22, 2022 at 6:06 PM Murray, LaVert <lmurray@wycokck.org> wrote:

Thank you Edgar, however I do not see any similarity between the Deer Creek apartment project and the 505 Central Avenue proposed development. As you know, the 505 development is much more impactful on the Central Avenue business corridor than the residential community. The business corridor land owners and business operators, for the most part, supports the development and believes, much as I do, that the development will present great positive benefits for the corridor and surrounding properties. I cannot find any correlation between and to what the Overland Park City Council did on the Deer Creek apartment project to suggest any similar action for the 505 development. As you compare the two developments you should consider the fact that the Deer Creek Golf Course was built as a buffer for the residential area, designed to shield the residential community from the commercial areas. The Deer Creek developers proposed taking 11 acres of the golf course to build a 220 unit apartment complex and a golf pro shop. This obviously would take away part of the buffer designed to shield and protect the residential community. As stated earlier, the proposed 505 Central development compliments the commercial corridor and, through its design, protects and maintains existing sight lines to downtown KCMO for businesses and homeowners. The 505 Central project is a very attractive 148 unit apartment complex representing a market rate development. In addition, the 505 Central development would not displace any residents or businesses, and represents a significant and sizable investment at a gateway or entrance into our community, at the juncture of Central Avenue and I-70.

From: Edgar Galicia <egalicia@cabakck.org>
Sent: Tuesday, February 22, 2022 3:17 PM
To: McKiernan, Brian <bmckiernan@wycokck.org>; Hand, Gunnar <ghand@wycokck.org>; Mayor Garner <MayorGarner@wycokck.org>; Burroughs, Tom <tburroughs@wycokck.org>; Sieben, Melissa <msieben@wycokck.org>; Bynum, Melissa <mbynum@wycokck.org>; Murray, LaVert <lmurray@wycokck.org>
Subject: Fwd: action taken in Overland Park City Council (similar to 505C Project)

All, FYI

----- Forwarded message -----

From: Patricia Lawson <lawsonatlake@gmail.com>
Date: Tue, Feb 22, 2022 at 10:04 AM
Subject: Fwd: action taken in Overland Park City Council (similar to 505C Project)
To: Edgar Galicia <egalicia@cabakck.org> 220 unit apartment complex and a golf pro shop.

I hope I'm successful in copying, pasting, and sending this info to you. Scroll down past the link to see more. The OP City Council just voted down a project that is like the 505 C project--a large development opposed by residents for the same reasons we opposed 505C

The planning commission had approved it. I hope our council will also be as receptive to our views. Pat

(You can google Deer Creek Apartment Park City Council and probably bring it up, if this doesn't come through successfully.)

On Tue, Feb 22, 2022 at 9:56 AM Patricia Lawson <lawsonatlake@gmail.com> wrote:

KANSAS CITY, Mo. — The Overland Park City Council approved a motion to deny the rezoning and special use permit applications [for the Deer Creek apartment proposal](#) during Monday's meeting, meaning the development will not move forward.

The 9-3 vote took place just after 1 a.m. Tuesday.

In January, the city's planning commission voted to recommend approval of the proposal despite strong protests from homeowners in the neighboring single-family neighborhood.

Those homeowners presented arguments Monday night into Tuesday morning against the plan.

Ultimately city council members voted against the proposal, citing the project would increase traffic (despite a staff report listing a minimum traffic impact), was too large scale, did not fit with the existing single-family neighborhood, had no transition to the single-family neighborhood and asked for too many exceptions to city rules — called deviations or variances.

"The trust of the people in government is to keep the quality of life and investment they've made," Councilmember Faris Farassati said.

Officials from EPC Real Estate, who proposed the project, told KSHB 41 News approving the project was the only way to "save the golf course."

"

Toy, Byron

From: Steven Sudekum <sudekums@gmail.com>
Sent: Wednesday, February 23, 2022 6:31 PM
To: McKiernan, Brian
Cc: Toy, Byron; PlanningInfo
Subject: Design Concerns and Considerations for The Proposed Apartment Development at 525 Central -
Attachments: 525 Central - Aesthetics v2.pdf

Commissioner McKiernan,

I hesitate to copy all the commissioners on this email as has been suggested for a couple reasons.

1. I'm curious if you (and Byron) think there is a place for the perspective shared in the attached file in the public discourse regarding the proposed apartment building at 525 Central. Although the focus of the perspective I'm sharing with you in the attached file is primarily centered around the aesthetics of the proposed design, the building height (which relates directly to the number of units, traffic, parking, and infrastructure) is part of what I address and that is probably the single biggest issue out there.

2. The attached file is about 5 MB and if it's shared it should probably go on a UG shared file server ...one copy that everyone can view.

Note that the editorial "we" is used in this presentation. The views included are solely mine and I have not taken a poll to see if my views are shared.

Regards,

Steven S. Sudekum
Property owner within 200' of the proposed development
913-980-2235

**Design concerns
and considerations**
for the
**Proposed Apartment
Development** on
Russian Hill in KCK



Concerns

Aesthetic:

- **Too Big** / Doesn't Fit in this residential neighborhood
- **Too Boxy** - a boring, commercial-looking structure

Logistical:

- **Traffic** handling at 6th & Central, 6th & Hallock
- **On-Street Parking** by Apartment dwellers and visitors
- **Infrastructure** - Are the **sewers** big enough?

Financial:

- **Who Pays** for the Infrastructure Improvements? TIF? / The taxpayers
 - Will the Developer pay their **Property Taxes**? Or get tax a abatement?
-

This slide presentation will

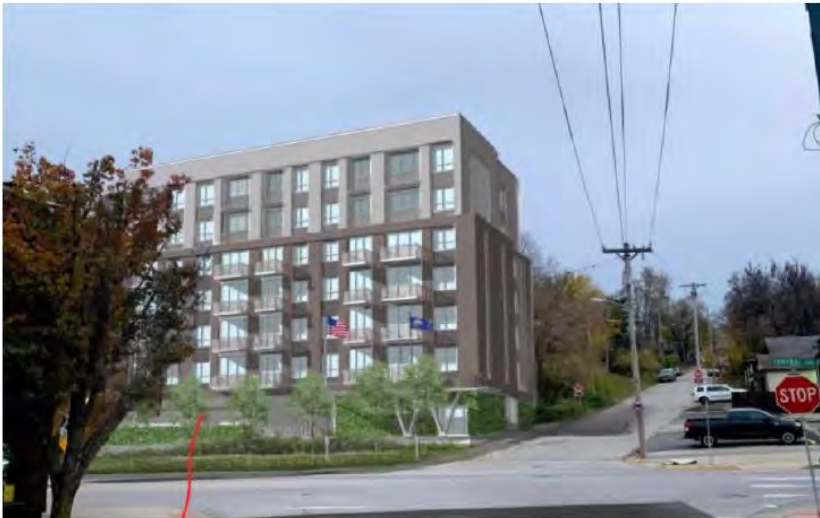
Focus on the **Aesthetic Concerns only** specifically...

- Too Big / Doesn't Fit in this residential neighborhood
- Too Boxy - a boring, commercial-looking structure

Rather than just complain, this slide presentation will

- Offer **Suggestions** that point in the direction of what would work better.
 - Articulate **Specifically Why** the proposed design just doesn't fit.
-

525 Central Avenue - Proposed design



Key Features Observed

- Flat Roof
- Flat Facades
- Primarily two horizontal bands of color / material

Overall Impression:

- Big, Tall, Rectangular
- Take balconies away and looks like Commercial Office building
- Looks like Soviet Bloc style apartments

525 Central Avenue - Proposed design

Key Features Observed; Flat Roof; Flat Facades; Primarily two horizontal bands of color / material.

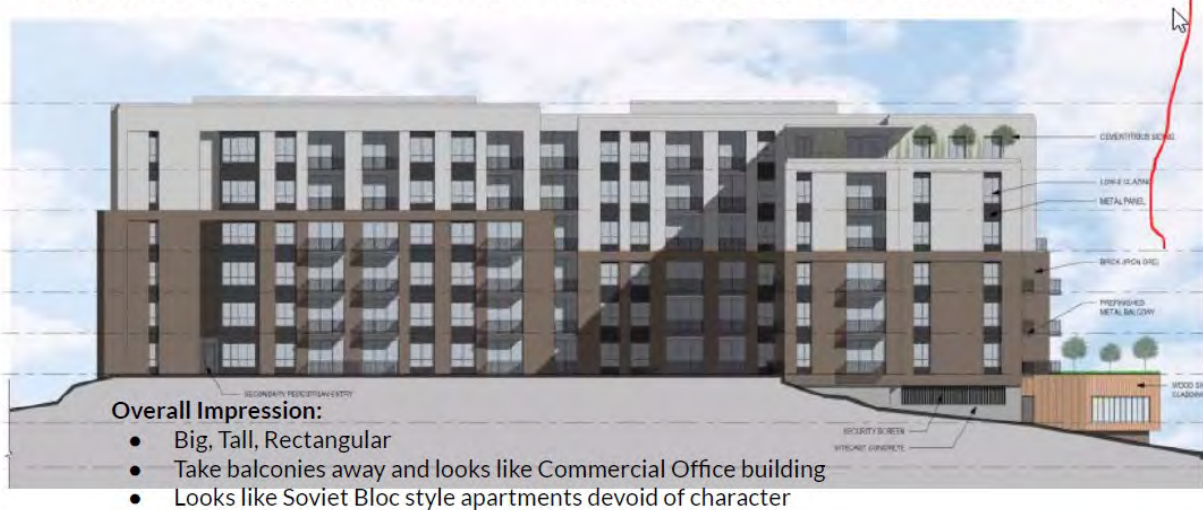


Image of Apartment Buildings found under Wikipedia's page regarding "Urban Planning in Communist Countries"

These apartment buildings are strikingly similar to what has been proposed.

News Headline envisioned:
New Mayor and Commissioners usher in Soviet Bloc style apartments on Russian Hill in KCK.

Lead: If their goal was to put Soviet Bloc style apartments on Russian Hill to keep the Russian theme alive then they've hit the nail on the head.

Soviet Bloc Apartments



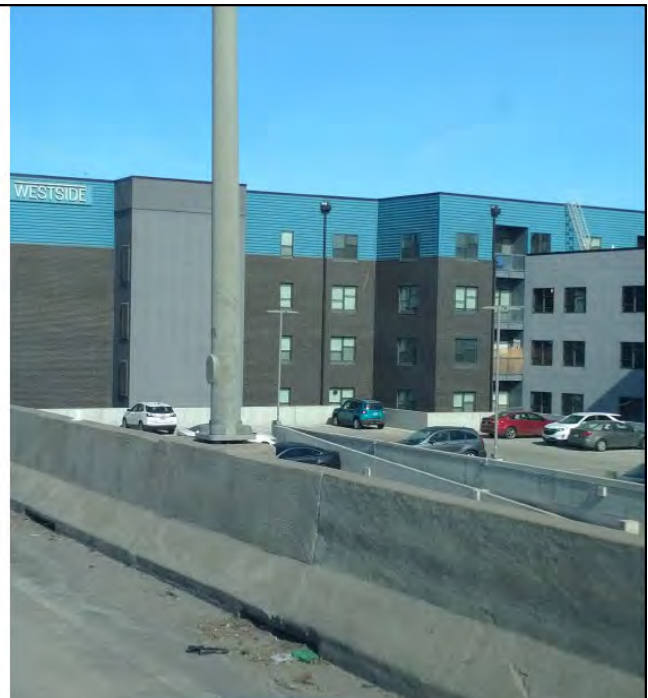
Concern: Height - 8 stories

- We tried to find other 8 story apartment buildings but it wasn't easy. We believe that's because structures don't read as residential at that height. They read as commercial.
- The height is vastly disproportionate to any other structure around 6th & Central.



Concern: The Facade

We found a couple other apartment buildings that were purely rectangular in shape with ext walls that were straight up and down. They probably looked great in the architectural renderings but we found these buildings unappealing.



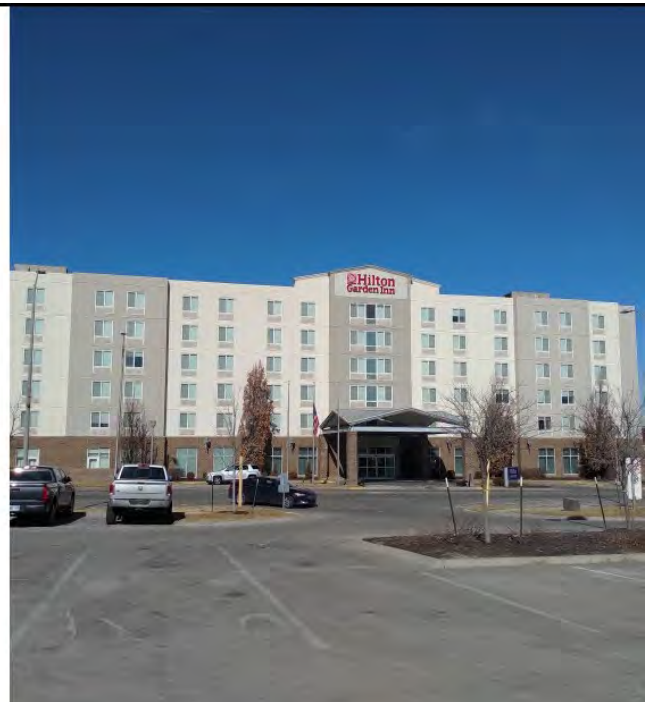
Concern: The Roofline

The (apartment) buildings with flat rooflines that we found locally came across as industrial or commercial, not residential.



Concern: Two Bands of Color / Material

We looked for other buildings where the exterior walls were composed of two bands of color (preferably) horizontal and with a flat roof. They suffered from low visual interest and were unappealing.



Recap: Why the design doesn't fit

- The height (8 levels) is so significantly taller than anything around it.
- The flat roofline reads as commercial. Gables and dormers say, I'm residential.
- The flat facade (straight up and down exterior walls) with no protrusions or articulation give the impression of a commercial building
- The two horizontal bands of color & material make it look like a residential warehouse.
- Overall the proposed structure looks like a design driven primarily by economic factors instead of a nice residential apartment building in an older neighborhood.

Suggestions:

- Change the flat roofline
- Reduce the number of stories
- Include residential design elements
- Give in and out movement to the facade
- Provide more visual interest by increasing the variation of color and materials used

If you're going to change zoning and insert an apartment building into an R-1 residential neighborhood couldn't you please try to at least give it a residential look and feel.



An Example of an apartment building we didn't hate.

Another Example of an apartment building that includes the characteristics we are suggesting

The recently constructed Summit on Quality Hill Apartments (visible from the proposed apartment building's site) provide an example of a reasonable compromise.

What we like about it:

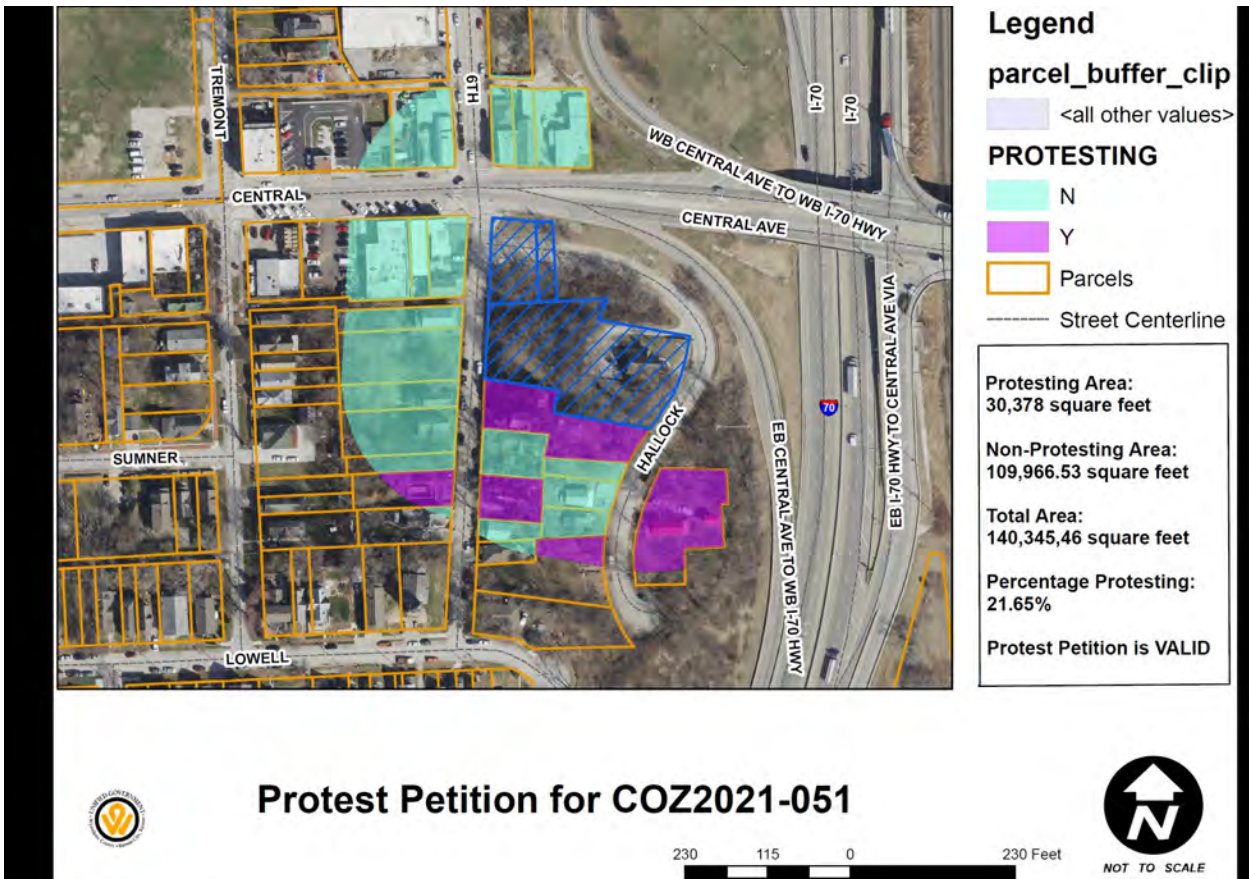
- **4 stories!** (above ground) ...a good compromise height
- The **Roofline** is **NOT** (purely) **Flat**, reads more residential
- Includes other **Residential Design Elements**
- **Facade** is **NOT Flat** (not straight up and down)
- There is **Color and material variation** that make the building more interesting.

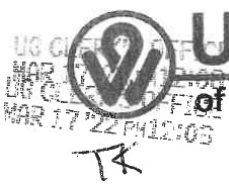
All of which makes it more suitable than the proposed design for an apartment building adjacent to property zoned R1 that also borders a commercial thoroughfare.



Conclusion

- **We are not opposed to development**
We recognize it's benefits to the vitality of our neighborhood.
- **We oppose the currently proposed design**
with good reason as conveyed herein.





Unified Government

of Wyandotte County • Kansas City, Kansas

701 N 7th Street,
Kansas City, KS 66101
www.wycokck.org

Protest Petition Guidelines

CLERK'S OFFICE
MAR 17 2022 PM 12:03

These guidelines are designed to assist those who wish to exercise their right to file a Protest Petition in opposition to the granting of a rezoning or a special use permit by the Unified Government of Wyandotte County/Kansas City, Kansas. This document is only a guide. There may be other issues which are not addressed herein. You should consult with your attorney in regard to the completion and filing of your specified Protest Petition.

Quick Advice

1

1. Protest petitions properly signed and acknowledged must be filed with the Clerk's Office on the 3rd Floor of City Hall at 701 North 7th Street, no later than 14 days after the Planning Commission has concluded its public bearing. The day following the Planning Commission hearing shall be counted as the first day. (Example: If the Planning Commission met on September 8th, then September 9th is the first day and September 22nd is the last day.)
2. Owners of at least 20% of the land area within 200 feet of the property subject to the rezoning or special use permit (SUP), excluding public streets and rights-of-way, must properly sign and acknowledge the protest petition for it to constitute a valid protest. If a valid protest is filed, at least nine of the eleven members of the Unified Government Board of Commissioners must vote to approve in order for the rezoning application to be approved. Without a valid protest petition, the affirmative votes of just six members of the Governing Body are needed to approve the rezoning application.
3. Only signatures of owners of property within 200 feet of the property subject to the rezoning or SUP will be counted when determining if the 20% minimum requirement has been met. Signatures from owners of property that is located within 200 feet of the property subject to the rezoning or SUP, but is outside of the city limits or across a county line, shall also be considered in this determination. If the area outside the city limits or across a county line is unincorporated, the distance to be counted increases to 1000 feet.
4. Meeting the necessary requirements takes considerable time, so even though there are 14 days after the Planning Commission meeting to file, you should start the process as soon as possible.
5. In the particular case of applications initiated by the Planning Commission or the Governing Body and not the landowner(s), special rules apply. Please contact the Department of Planning + Urban Design at 913-573-5750 for these rules.

Requirements of Protest Petition

1. The rezoning or special use permit number and the address or legal description of the property must be clearly identified.
2. Signers of the protest petition must be the owners of the real property for which a rezoning or SUP is sought or be owners of real property within the statutory area of notification for this rezoning or SUP application. Owners of real property that is beyond the City limits but within the statutory area of notification for this rezoning or special use permit application shall be eligible to sign the petition.
3. Signers of the protest petition must sign their full names as they appear on the deed to the property recorded in the Office of the Register of Deeds. If Mary Smith signs as "Mrs. John Smith," her signature will not be counted. If the County records indicate that Mary Smith owns the property but she has remarried and changed her name to Mary Jones, she should sign the petition "Mary Jones/formerly Mary Smith."
4. All owners of a particular parcel of property must sign in order to place the property into protest. If the parcel is owned in joint tenancy or tenancy in common, both joint tenants or all tenants in common must sign in order to place the property into protest. If there has been a death, divorce, or other event, which is not recorded with the Register of Deeds, documentation will need to be supplied.
5. Joint tenants or co-tenants may not sign for each other. For this reason, there should be no signatures such as Mr. & Mrs. Bill Smith or Bill & Mary Smith.
6. If one person signs as attorney-in-fact for another person, a copy of the power-of-attorney must be provided.
7. If a parcel is owned by a partnership, all of the partners must sign in order for the parcel to be placed into protest. Furthermore, the proper name in which the property is held and the address of the property must be shown on the face of the petition.
8. If a parcel is owned by a corporation, only the signature of the President of the corporation can bind the corporation. Any officer, other than the corporate President, given legal authority to bind the corporation may sign the petition provided that he/she furnishes the Unified Government with proper documentation of his/her authority (articles of incorporation, by-laws, or power-of-attorney or other document establishing the authority of that person to act on behalf of the corporation). Furthermore, the proper name in which the property is held and the address of the property must be shown on the face of the petition.

2

9. A protest petition may consist of one or more sheets entitled "Protest Petition." The signatures on each such sheet must be verified. The individual who verifies each such sheet must have witnessed all of the signatures affixed to that sheet and must have his or her verifying signature notarized. If several such sheets are filed, a separate verification and notarization must be affixed to each sheet. One person may verify one or more such sheets provided that person is one of the signers of one of the sheets constituting the petition, is an owner of property within the statutory area of notification for which a rezoning or special use permit plan is sought, and witnessed all of the signatures on each sheet he/she is verifying. All signatures should be on the "Protest Petition" form provided by the Unified Government. Use of an attached blank sheet for additional signatures is strongly discouraged and may result in the petition being rejected.
10. If there is evidence leading a reviewing Unified Government staff member to believe any signature is not genuine, such signature may be considered improper and insufficient.
11. The protest petition must be filed within 14 days after the date of the conclusion of the Planning Commission public hearing regarding the rezoning or SUP application at issue. Even though the rezoning or SUP application may be returned to the Planning Commission at a later date, the protest petition can only be filed during the 14 days after the date of the conclusion of the Planning Commission's original public hearing.
12. The protest petition must be filed with the Unified Government Clerk of the Unified Government of Wyandotte County/Kansas City, Kansas, on the 3rd Floor of City Hall at 701 North 7th Street, Kansas City, Kansas, 66101, before 5:00 p.m. on or before the 14th day after the date of the conclusion of the public hearing before the City Planning Commission. The day following the Planning Commission hearing shall be counted as the first day. If the 14th day falls on a weekend or holiday, the petition must be filed before 5:00 p.m. on the first business day following that weekend or holiday. (Example: If the Planning Commission concluded its hearing on September 8th, then September 9th is the first day and September 22nd is the last day.)

After the protest petition is filed with the Unified Government, various departments of the Unified Government will review the legality of the petition. If you have any questions about the protest petition procedure, or its completion, please contact the Department of Planning + Urban Design at (913) 573-5750 or contact a private attorney.

Acknowledgement and Verification

(Please carefully read the verification statement before signing)

STATE OF KANSAS)
) SS
COUNTY OF WYANDOTTE)

I, Jerri L. Moulder, 31 S. Hallock St. KCKS 6610
(Name) (Address)

being first duly sworn, under oath, depose and state that I have read and examined the foregoing Protest Petition, the Protest Petition Guidelines provided by the Unified Government of Wyandotte County/Kansas City, Kansas, and the signatures and addresses placed on the Protest Petition, and further state that the signatures and legal description and/or addresses thereon are genuine, that I personally know all of the signers of this sheet of the Protest Petition to be the persons whose names are signed to the Petition and that I personally witnessed their signature, that I am one of the signers of the Protest Petition and own property within the statutory area of notification related to the area for which a REZONING/SPECIAL USE PERMIT is sought, and that

(Circle One)

to the best of my knowledge the signers of the Protest Petition are owners of land located within the statutory area of notification for this REZONING/SPECIAL USE PERMIT application. The

(Circle One)

statutory area of notification includes the real property located within two hundred (200) feet of the boundaries of the area for which a REZONING/SPECIAL USE PERMIT is sought; or, if the

(Circle One)

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/SPECIAL USE PERMIT

(Circle One)

is sought and the unincorporated property within one thousand (1,000) feet of the boundaries of the area for which a REZONING/SPECIAL USE PERMIT is sought.

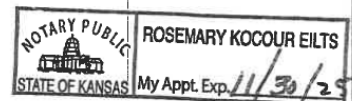
(Circle One)

Jerri L. Moulder
(Signature)

Subscribed and sworn to before me this 17th day of March, 2022,
by Jerri L. MOULDER, who is personally known to me to be the same person whose
name is subscribed to in the foregoing instrument.

Notary Public Rosemary Kocour Eilts

My Commission Expires: 11/30/25



4	Petitioner's Contact Information The Protest Petition process frequently requires dialouge between Unified Government Staff and the petitioner. In order to facilitate this dialouge, please provide the following contact information: Name <u>Jerril L. Moulder</u> Phone Number <u>816 419-2164</u> Address <u>31 S. Hallock St.</u> E-mail <u>jerrimoulder@gmail.com</u> <u>KC KS 66101</u>
5	Protest Petition Protest Petition Against Rezoning or Special Use Permit No. <u>* COZ2021-051</u> We, the undersigned property owners, do hereby protest the above referenced application at the following address: <u>529 Central Ave, KC KS 66101</u> <u>10 S Hallock St, KC KS 66101</u> <u>525 Central Ave, KC KS 66101</u> 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 rezomng or special use permit (SUP) application. Further, we realize that this Petition is in opposition to the rezoning or SUP 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 or SUP 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 or SUP 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 or SUP is sought and the unincorporated property within one thousand (1,000) feet of the boundaries of the area for which a rezoning or SUP is sought.

Petition Number:

Protest Petition Guidelines

6 of 6

[illegible]



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 31, 2022

Re: **Change of Zone Petition COZ2022-001 and Master Plan Amendment MPL2022-001**

GENERAL INFORMATION

Applicant:

Tim Kates DBA
Remco Demolition

Status of Applicant:

Tenant
24801 North 219th Street
Leavenworth, Kansas 66048

Requested Actions:

Approval of a Change of Zone.

Approval of a Master Plan Amendment.

Date of Application:

January 3, 2022

Purpose:

To change the zoning district from CP-3 Planned Commercial District to MP-2 General Industrial District. To amend the Master Plan Land Use designation from Planned Commercial to Industrial.

Property Location:

14140 State Avenue
Kansas City, Kansas 66012



Commission Districts:

Commissioner At Large District #2:
District #7 Commissioner:

Tom Burroughs
Chuck Stites

Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: AG (WyCo) Agriculture District South: Bonner Springs, Kansas East: CP-3(WyCo) Planned Commercial District West: Leavenworth County
Adjacent Uses:	North: Single Family Residence South: Medical Engineering and Private RV and Boat Storage Outbuildings East: Vacant Land Automotive Body Repair Shop and HVAC Contractor Storage and Office West: Single Family Farm
Total Tract Size:	6.0718 Acres
Master Plan Area:	The Subject Property is within the Prairie-Delaware-Piper Area Master Plan.
Master Plan Designation:	Existing: The Prairie-Delaware-Piper Area Master Plan designates this property as Planned Commercial. This district has a broad range of subcategories including small, neighborhood, and regional commercial, with respective uses such as non-retail, convenience commercial and grocery, and big box retailers or tourism attractions. Proposed: The proposed Land Use Designation is in the City-Wide Area Master Plan's Industrial land use category. The Industrial Land Use category allows industries featuring industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage. These uses may include warehousing, distribution, salvage, processing, and outdoor storage.
Major Street Plan:	The City-Wide Master Plan designates State Avenue as a Class A Thoroughfare, although the property is only accessible off Nebraska Avenue, which is classified as a Local Street.
Parking Requirement:	Current Zoning: The CP-3(WyCo) Commercial District requires not less than four (4) off-street parking spaces provided on the premises for each (1,000)

square feet of contributing floor area per Article XVIII(5)(5).

Proposed Zoning: The MP-2 Industrial District as stated in Section 27-469(e) requires that no less than one (1) 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. The subject property currently has multiple buildings with a total square footage of 10,484 square feet, requiring 21 parking spaces. The total amount of parking spaces proposed is 21.

Advertisement:	<u>The Wyandotte Echo</u> – January 14, 2022 Letters to Property Owners – January 15, 2022, February 24, 2022 and March 24, 2022
Public Hearings:	February 14, 2022, March 3, 2022, March 14, 2022 and March 31, 2022.
Public Support:	One (1) person appeared at the February 14, 2022 meeting.
Public Opposition:	One (1) person appeared at the March 14, 2022 meeting.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Tim Kates of Remco Demolition, is requesting a Change of Zone for the subject property at 14140 State Avenue. The Applicant is requesting a Change of Zone from CP-3 Planed Commercial District to MP-2 General Industrial District. The Change of Zone has been requested so that the prospective buyer can use the site as a construction equipment storage and staging area. The subject property is currently vacant with two (2) large farm outbuilding structures and two (2) smaller accessory storage buildings with a total building square footage of 10,484 square feet. The applicant wishes to use the current buildings and add an asphalt area for materials and equipment storage on the rear of the property. A Master Plan Amendment has been included with this application to amend the land use from Commercial to Industrial.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 27-606.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The subject property has no noise or disturbance complaints noted.

Building or Code Enforcement Complaints:

1. The current property owner has no code enforcement complaints.

Outstanding or Related Permits and Cases:

1. The current property owner has an outstanding residential building permit for the pre-fabricated barn dating from 2002, as the permit appears open and did not obtain passing or approved inspections. Further follow-up with the Building Inspection Department is required.
2. The current property owner has no outstanding Code Inspection Cases.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is rural, agricultural, and industrial in character. Lots to the north of State Avenue range from commercial and industrial parcels between 1-5 acres and agricultural parcels of approximately 80 acres. Streets are concrete and show signs of improvements with gutters, and driveways. Parcels to the south of State Avenue are typically residential lots of one (1) acre and a large agricultural parcel of sixty-two (62) acres. There residential streets are mostly asphalt and driveways are often asphalt approaches with gravel driveways.

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

The subject property is surrounded by vacant land to the north with agriculture activity and similar uses to the east that may be visibly unattractive. Although there are residential uses to the south, the State Avenue Thoroughfare separates the residential developments from these commercial and industrial uses with large setbacks and right of way allowances. The proposed zoning would have a general compatibility of the nearby properties due to their current mix of commercial and industrial 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 current proposed use could affect nearby property through increased traffic on Nebraska Avenue and the increased intensity of use may come with associated noise, dust, or visibility nuisances if not properly screened or

maintained. State Avenue bisects the residential properties from the proposed industrial and commercial uses and the increase in intensity of use on the subject property ostensibly would not affect the residential properties. The vacant, adjacent lots are zoned for uses of similar intensity or are intended to remain vacant, thus the Change of Zone should not detrimentally affect the nearby property if properly maintained.

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

The property is currently vacant, and its time of vacancy is unknown. A private demolition of a commercial outbuilding occurred on the property in 2007.

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.*

There is negligible public gain as this is a private enterprise. If maintained properly with adequate screening, the proposed use would not substantially injure the use, quality, or marketability of the nearby property as they are of similar uses.

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 Change of Zone may have a negligible impact on the traffic through Nebraska Avenue. The subject property has a long rural-style drive with several turnarounds within the property to accommodate the trucks and industrial traffic within the property. The proposed use should not impede the capacity of the street for anticipated traffic.

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

The Prairie-Delaware-Piper Master Plan's Commercial Designation does allow for light industrial, however, the presence of more intense industrial uses does not conform. The application to alter the land use designation to City-Wide Industrial has a high degree of conformity, as it is designed for uses that may be considered more hazardous or less visually attractive, such as the proposed lay-down yard and equipment staging area.

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

The applicant is not proposing any new building structures, but there is some environmental harm with the grading and clearing for the lay-down lot area which should be replaced in other areas where former landscape appears to have died or become more sparse. Aside from the initial grading or clearing, there should be little to no long-term negative environmental impact. The subject property has

been in use for similar reasons with various tenants since its purchase by the owner in 1994.

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

a. *Water service*

Water Service is within the BPU Service Area. It is unclear if there is current infrastructure to serve the property.

b. *Sanitary sewer service*

Sanitary sewer is not publicly provided. A sanitary sewer system plan must be approved by KDHE before approval.

c. *Storm water control*

Stormwater control is provided at the intersection of Nebraska Avenue and State Avenue.

d. *Police*

Police service is provided by West Patrol, District #224.

e. *Fire*

Fire service is provided by Station #8.

f. *Transit*

There is no public transit service available.

g. *Schools*

Education is provided by Bonner Springs/Edwardsville District #USD204.

h. *Streets*

See item #6 above.

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

The economic impact on the community is negligible, as this is a private development. There is some economic tax gain as this allows another business to begin or expand operations in Wyandotte County in an area that is currently vacant.

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

The subject property has a high degree of conformity with the ordinance requirements once rezoned if adequately maintained, screened, and managed properly.

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

There is negligible impact to public health, safety, or welfare if adequately maintained as adjacent lots are similar in use or activity. The current property owner would not be able to sell their vacant property to the applicant if not approved, which could have a degree of hardship due to loss of income. The applicant is the potential buyer and would not be able to operate or expand their business within the county and may also experience financial hardship.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in Person on January 28, 2022.

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

KEY ISSUES

Structural Compatibility
Zoning
Land Use
Neighborhood Compatibility
Noise, Dust, Visibility, or Illumination
Traffic
Grading and Erosion Control
Landscaping and Screening
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 1 to uphold its previous recommendation and recommends **APPROVAL** of Change of Zone Application **COZ2022-001** and Master Plan Amendment **MPL2022-001**, subject to:

- 1. The property shall be restricted to CP-3 uses and activity, with the filing of a deed with the Register of Deeds Office, with the exception of the equipment and material staging and laydown yard. No use shall be permitted or so operated as to produce or emit smoke, dust, fly ash, gas,**

- odorous emission, vibration, concussion, noise greater than 80dB(A), or industrial waste.
2. All uses involving the storage, handling, se, or sale of hazardous and/or highly flammable or explosive materials (group H occupancies as defined by the International Building Code) shall be prohibited unless approved by Special Use Permit and approved by any other stipulation as stated in Section 27-469(4).
 3. If approved, a retro-active building permit on the outbuilding shall be required or the existing permit shall be verified as approved status.
 4. If approved, screening on the property's perimeter shall be maintained and enhanced where appropriate.
 5. Trees shall densely wrap around the perimeter of all sides of the property, be planted at the top and on slopes, and always seek to replant those trees lost due to the development. Trees shall be replanted where needed along the corner of State Avenue and North 142nd.
 6. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers).
 7. Any equipment visible from the public right of way or near fencing shall be removed or relocated to where fully concealed from public view.
 8. Existing fencing and gated entrance shall be maintained.
 9. The apron shall be continuously maintained as an improved surface of asphalt or concrete. Please contact the Public Works Department for more information at Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700.
 10. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.
 11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly.

- 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.**
- 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.

On March 3, 2022, the Unified Government of Wyandotte County and Kansas City, Kansas Board of Commissioners remanded this case back to the March 14, 2022 City Planning Commission in order to further review the impacts of this proposed change of use, seek input from the Cities of Bonner Springs and Basehor, and review the current and planned land uses in these abutting jurisdictions. The applicant noted that there are six (6) vehicles that are proposed to be stored at this location and the average truck traffic would be five (5) trucks leaving the site in the morning and five (5) trucks returning at night as typically one (1) vehicle is either unnecessary to meet work demands or is being repaired. This is an average daily trips of 10 trucks per day. The UG County Engineer stated that these roadways were built to a standard where this amount of traffic would not be detrimental to either the capacity of these roads or their general condition. The County Engineer, however, also stated that large, overweight trucks (over 12,000 lbs. gross vehicle weight rating or GVWR) do increase the deterioration of roads at a higher rate than other vehicles. The subject parcel is bordered by Nebraska Avenue to the north, North 142nd Street to the west and State Avenue to the south. Nebraska Avenue and North 142nd Street are asphalt roads with concrete curbs and stormwater inlets. State Avenue is a State Highway (US Route 40) that is concrete without curbs. The City of Bonner Springs noted that the current zoning for the parcels in their jurisdiction south of State Avenue are Industrial, including the current business located at 14130 Minnesota Avenue, Bonner Springs, KS 66012, and that the undeveloped corner lot (14150 Minnesota Avenue) is zoned single-family residential. They stated the proposed use is in character with these uses. The City of Basehor noted that they had received one (1) comment from an adjacent land owner in opposition to the project, but by their protocol do not directly comment on projects

outside of their jurisdiction. Staff reviewed their zoning map, and all uses abutting the proposed project on north 142nd Street are single-family residential.”

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners **APPROVE** Petitions **COZ2022-001** and **MPL2022-001**, subject to all comments and suggestions outlined in this staff report

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
March 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Preliminary Site Design
Revised Design Plans
Planning Engineering Comment Letters
Neighborhood Meeting Information
Applicant Response Letter
Applicant Stormwater Report
Revised Site Plan – Second Set
Second Applicant Response Letter
Staff Site Photos Dated January 23, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Rezoning	February 14, 2022 Approval	March 3, 2022 Remanded Back
	March 14, 2022 Approval	March 31, 2022
Master Plan	February 14, 2022 Approval	March 3, 2022 Remanded Back
	March 14, 2022 Approval	March 31, 2022

STAFF CONTACT: **Kallie McLaughlin**
 kdmclaughlin@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-001** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to

resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-001** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-001** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-001** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 14, 2022 City Planning Commission Minutes:

Hearing starts at 1:43:56:

MASTER PLAN AMENDMENT MPL2022-001 – TIM KATES/REMCO DEMOLITION LLC – SYNOPSIS: Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to Industrial (City-Wide Master Plan) at 14140 State Avenue.

CHANGE OF ZONE APPLICATION COZ2022-001 – TIM KATES/REMCO

DEMOLITION LLC - SYNOPSIS: Change of Zone from CP-3 Planned Commercial District to MP-2 Planned General Industrial District for a contractor staging area and heavy equipment storage for Remco Demolition at 14140 State Avenue.

Detailed Outline of Requested Action: The Applicant, Tim Kates of Remco Demolition, is requesting a Change of Zone for the subject property at 14140 State Avenue. The Applicant is requesting a Change of Zone from CP-3 Planned Commercial District to MP-2 General Industrial District. The Change of Zone has been requested so that the prospective buyer can use the site as a construction equipment storage and staging area. The subject property is currently vacant with two (2) large farm outbuilding structures and two (2) smaller accessory storage buildings with a total building square footage of 10,484 square feet. The applicant wishes to use the current buildings and add an asphalt area for materials and equipment storage on the rear of the property. A Master Plan Amendment has been included with this application to amend the land use from Commercial to Industrial.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 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 February 14, 2022;
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:

- Andrea Weishaubt, Atlas Surveyors, representing the applicant, 2300 Hutton Road, Kansas City, Kansas
- Henry Chamberlain, 12808 Kansas Avenue, Bonner Springs, Kansas and co-owner of the property to the east

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:47:41: Planning Director Hand stated that the Change of Zone from CP-3 Planned Commercial District to MP-2 Planned General Industrial District and a Master Plan Amendment from Planned Commercial to Industrial is being requested for a lay-down lot and staging area for equipment and contracting materials. He further stated that while outside storage is allowed in the C-3 zoning,

heavy machinery storage is not allowed. The site is raised from the street on State Avenue, which allows some natural screening. Staff is requesting additional landscaping and buffering in order to completely screen the use. Staff is also requesting that Condition 1 be amended to state that a deed will be filed with the Register of Deeds that restricts future uses on the property to only those allowed in the CP-3 District. Director Hand stated that staff has received no letters in support nor opposition. There are old Notices of Violation on the property. Another condition of approval is a retro-active building permit must be on the existing outbuildings. If the applicant wants to store hazardous materials in the future, a Special Use Permit will be required. Staff recommends approval subject to the revised conditions.

Motion and Vote starts at 1:51:28:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2022-001:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. The property shall be restricted to CP-3 uses and activity, with the filing of a deed with the Register of Deeds Office, with the exception of the equipment and material staging and laydown yard. No use shall be permitted or so operated as to produce or emit smoke, dust, fly ash, gas, odorous emission, vibration, concussion, noise greater than 80dB(A), or industrial waste.**
- 2. All uses involving the storage, handling, se, or sale of hazardous and/or highly flammable or explosive materials (group H occupancies as defined by the International Building Code) shall be prohibited unless approved by Special Use Permit and approved by any other stipulation as stated in Section 27-469(4).**
- 3. If approved, a retro-active building permit on the outbuilding shall be required or the existing permit shall be verified as approved status.**
- 4. If approved, screening on the property's perimeter shall be maintained and enhanced where appropriate.**
- 5. Trees shall densely wrap around the perimeter of all sides of the property, be planted at the top and on slopes, and always seek to replant those trees lost due to the development. Trees shall be replanted where needed along the corner of State Avenue and North 142nd.**
- 6. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted.**

- Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers).
7. Any equipment visible from the public right of way or near fencing shall be removed or relocated to where fully concealed from public view.
 8. Existing fencing and gated entrance shall be maintained.
 9. The apron shall be continuously maintained as an improved surface of asphalt or concrete. Please contact the Public Works Department for more information at Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700.
 10. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.
 11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly.
 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.
 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 Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2022-001:**

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

Motion to recommend APPROVAL Passed: 6 to 0

March 14, 2022 City Planning Commission Minutes:

Hearing starts at 4:09:45:

MASTER PLAN AMENDMENT MPL2022-001 – TIM KATES/REMCO DEMOLITION LLC – SYNOPSIS: Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to Industrial (City-Wide Master Plan) at 14140 State Avenue.

CHANGE OF ZONE APPLICATION COZ2022-001 – TIM KATES/REMCO DEMOLITION LLC - SYNOPSIS: Change of Zone from CP-3 Planned Commercial District to MP-2 Planned General Industrial District for a contractor staging area and heavy equipment storage for Remco Demolition at 14140 State Avenue.

Detailed Outline of Requested Action: The Applicant, Tim Kates of Remco Demolition, is requesting a Change of Zone for the subject property at 14140 State Avenue. The Applicant is requesting a Change of Zone from CP-3 Planned Commercial District to MP-2 General Industrial District. The Change of Zone has been requested so that the prospective buyer can use the site as a construction equipment storage and staging area. The subject property is currently vacant with two (2) large farm outbuilding structures and two (2) smaller accessory storage buildings with a total building square footage of 10,484 square feet. The applicant wishes to use the current buildings and add an asphalt area for materials and equipment storage on the rear of the property. A Master Plan Amendment has been included with this application to amend the land use from Commercial to Industrial.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 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 March 14, 2022;

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.

Secretary Parker stated that this application was heard in February and recommended for approval with conditions and the Board of Commissioners remanded the application back to the City Planning Commission for rehearing. Planning Director Hand stated this case was remanded back to the Planning Commission for staff to have further discussions with surrounding jurisdictions regarding this application and to further review the traffic/parking impacts of this project.

Present in Support:

- Tim Kates, Remco Demolition LLC, applicant
- Andrea Weishaubt, Atlas Surveyors

Present in Opposition:

- Bill Hutton, 13939 Parallel Parkway, Kansas City, Kansas
- Jeremy Unruh, 1506 North 142nd Street, representing eight (8) neighbors on the west side of 142nd Street (spoke after Director Hand's recommendation)

Staff Recommendation starts at 4:26:16: Planning Director Hand stated that he will address the reasons the applications were remanded back to the Planning Commission. Staff spoke to the City of Basehor and their policy is not to comment on applications in other jurisdictions. They did state that one (1) of their constituents on the other side of 142nd Street was in opposition. Staff spoke to the City of Bonner Springs, and there are two (2) properties that are industrial on Minnesota Avenue and the third, undeveloped property is zoned residential, and they felt that this project would be commensurate with their development. He stated that the applicant notified staff with an additional exhibit that they would have six (6) vehicles stored on the property and estimate that they will have a maximum of five (5) vehicles out every day which is ten (10) vehicle trips per day. Director Hand stated that staff spoke to the County Engineer and 142nd Street and Nebraska Avenue are improved streets. State Avenue is a concrete street and Staff does not believe that improvements are needed for this proposed Special Use Permit. The County Engineer said that while ten (10) trips is not a large amount, 12,000 pounds trucks do have a greater potential for damage to public rights-of-way than other vehicles. The County Engineer stated that these are public roads that are built to handle this traffic. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 4:32:37:

On motion by Mr. Mohler, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2022-001:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	No
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 1

Subject to:

1. The property shall be restricted to CP-3 uses and activity, with the filing of a deed with the Register of Deeds Office, with the exception of the equipment and material staging and laydown yard. No use shall be permitted or so operated as to produce or emit smoke, dust, fly ash, gas, odorous emission, vibration, concussion, noise greater than 80dB(A), or industrial waste.
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Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.

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On motion by Mr. Mohler, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2022-001:**

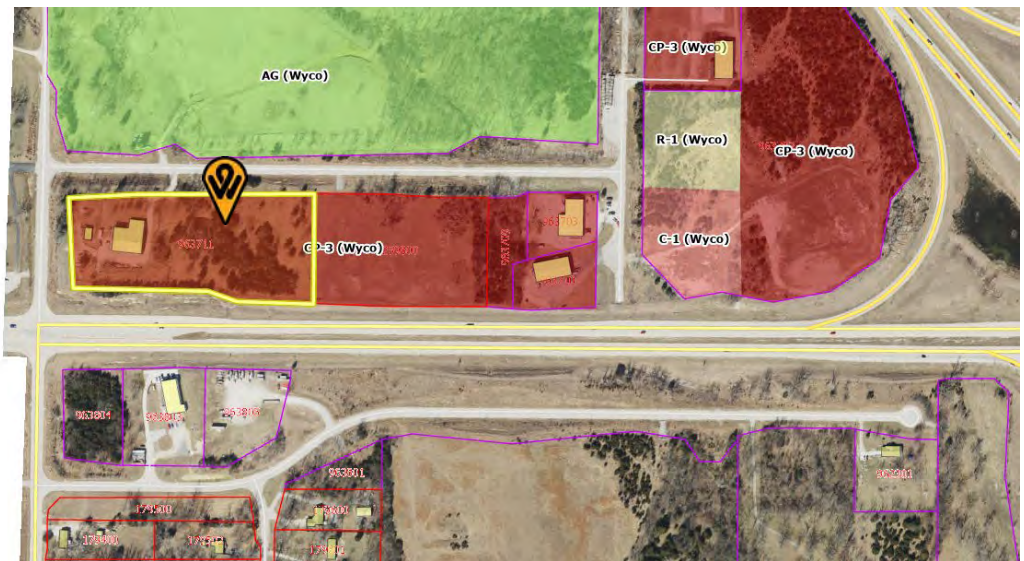
Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	No
Armstrong	Aye

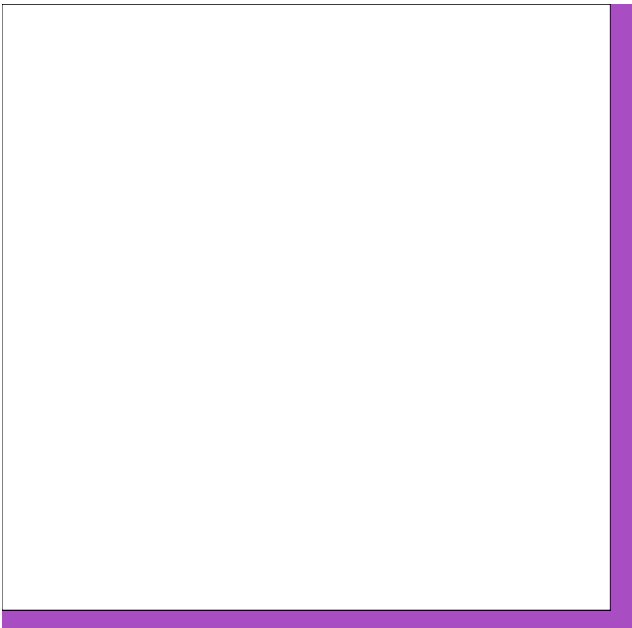
Motion to recommend APPROVAL Passed: 6 to 1
Subject to the above conditions

AERIAL MAP



ZONING MAP





PRELIMINARY SITE DESIGN



REVISED SITE DESIGN PLANS

14140 STATE AVE. INDUSTRIAL REZONE

14140 STATE AVENUE
KANSAS CITY, WYANDOTTE COUNTY, KANSAS, 66106
SW 1/4 OF SECTION 6, TOWNSHIP 11, RANGE 23

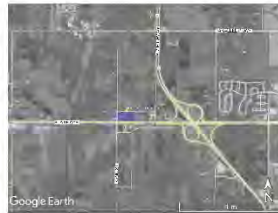
DEVELOPMENT PLAN

TOTAL PROPERTY AREA: 6.67 ACRES
TOTAL DISTURBED AREA: 1.49 ACRES
NET IMPERVIOUS AREA INCREASE: 1.13 ACRES
NET CUT/FILL QUANTITY: 0 CY
WOLF CREEK IS THE TRIBUTARY FOR THIS SITE

INDEX OF SHEETS	
C-001	COVER SHEET
C-100	EXISTING CONDITIONS & DEMOLITION PLAN
C-110	EROSION CONTROL PLAN
C-111	EROSION CONTROL DETAILS
C-120	SITE PLAN
C-121	STANDARD DETAILS
C-130	GRADING PLAN



ALL INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE USER ASSUMES ALL LIABILITY FOR ANY AND ALL DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR FROM THE USE OF THIS INFORMATION. THE USER AGREES TO HOLD THE PROVIDER HARMLESS FROM AND AGAINST ALL SUCH DAMAGES. THIS AGREEMENT SHALL BE GOVERNED BY THE LAWS OF THE STATE OF KANSAS.



VICINITY MAP
N.T.S.



UTILITY CONTACTS

UTILITY CONTACTS
KANSAS CITY POWER & LIGHT
KANSAS CITY WATER
KANSAS CITY GAS
KANSAS CITY SEWER
KANSAS CITY TELEPHONE
KANSAS CITY CABLE



THE UTILITIES AS SHOWN IN THESE DRAWINGS WERE LOCATED BY FIELD SURVEY. THE USER ASSUMES ALL LIABILITY FOR ANY AND ALL DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR FROM THE USE OF THIS INFORMATION. THE USER AGREES TO HOLD THE PROVIDER HARMLESS FROM AND AGAINST ALL SUCH DAMAGES. THIS AGREEMENT SHALL BE GOVERNED BY THE LAWS OF THE STATE OF KANSAS.

ALC
ARCHITECTURAL LANDSCAPE CONSULTANTS

14140 State Ave.
14140 STATE AVENUE, KANSAS CITY
WYANDOTTE COUNTY, KANSAS 66106

FOR PERMIT

PREPARED FOR:
TRANSL
RECONSTRUCTION
2001 21ST ST
LINCOLN, NE 68503
PROJECT # 20-000
ISSUE DATE 03/20/22

C-001



ALC
ARCHITECTURAL LANDSCAPE CONSULTANTS

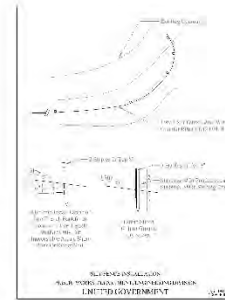
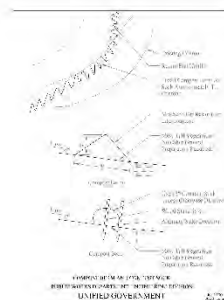
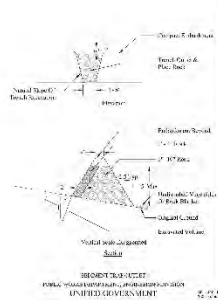
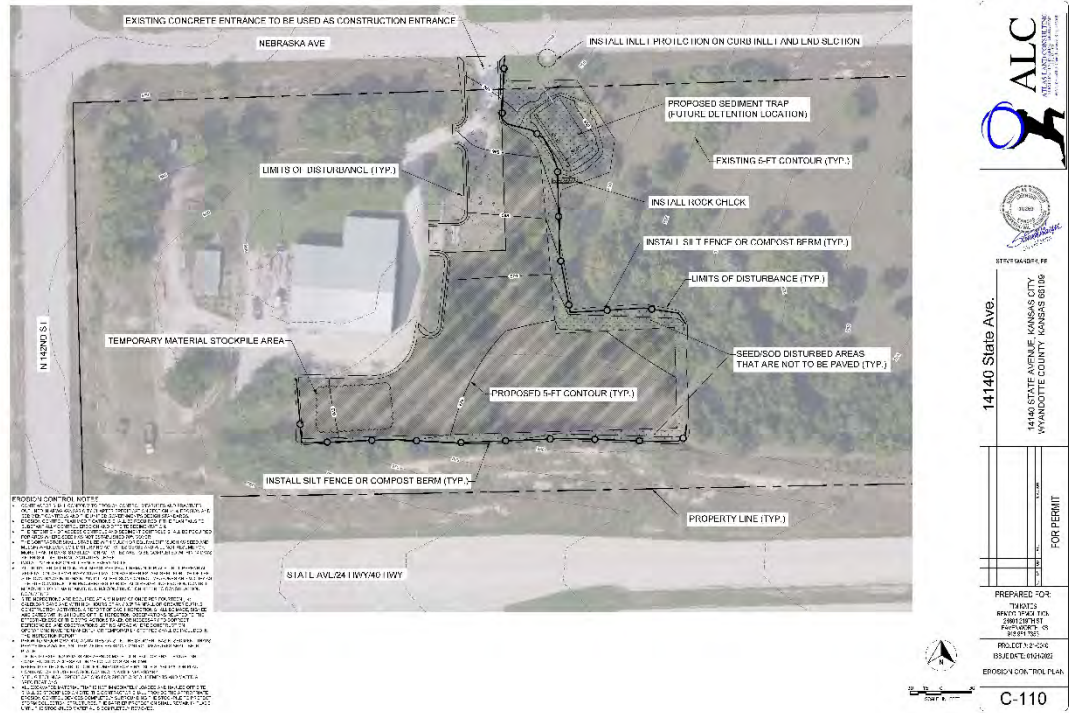
14140 State Ave.
14140 STATE AVENUE, KANSAS CITY
WYANDOTTE COUNTY, KANSAS 66106

FOR PERMIT

PREPARED FOR:
TRANSL
RECONSTRUCTION
2001 21ST ST
LINCOLN, NE 68503
PROJECT # 20-000
ISSUE DATE 03/20/22

C-100

REVISED SITE DESIGN PLANS



24



REVISED SITE DESIGN PLANS



ALC
ALAN L. CROOK, INC.

10000
Professional Engineer
State of Kansas

STEVE WARD, PE

14140 State Ave.
14140 STATE AVENUE, KANSAS CITY
WYANDOTTE COUNTY, KANSAS 66103

FOR PERMIT

PREPARED FOR:
TIV/KHLS
RENOVATION/RECONSTRUCTION
AMERICAN CITY OF
LEWISVILLE, MO
81551201

PROJECT # 21-000
ISSUE DATE: 07/04/2021
DRAINAGE PLAN

C-130



Planning and Urban Design

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

Phone: (913) 573-5750
Fax: (913) 573-5796

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Principal Planner

FROM: Patrick Doyle, Engineering Manager

DATE: January 13, 2022

SUBJECT: Tim Kates (COZ2022-001, MPL2022-001)
14140 State Avenue
Erosion Control Review No. 1 (of the plan received 12/27/2021)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to Erosion Control design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

- 1) All engineering plans and reports shall be signed and sealed by a Professional Engineer registered in the State of Kansas.
- 2) Provide an erosion control plan indicating limits of disturbance.
- 3) On the erosion control plan, indicate location of temporary material stockpile or onsite waste area(s) in the case that excavated material, or topsoil needs to be temporarily stored or wasted on site, and provide downstream erosion control protection.

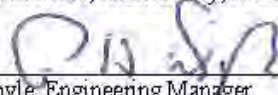
PLANNING ENGINEERING COMMENT LETTERS

- 4) On the erosion control plan, provide erosion control notes and, add the UG standards note as note number 1, which shall read "All work in public easements and right-of-way and all erosion control work must comply with the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas. If any of the general notes conflict with the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG), the UG's standards shall override."
- 5) Add a note regarding clean streets, and SWPPP (if applicable), etc. For example, "The contractor shall provide all materials, tools, equipment, and labor as necessary to install and maintain adequate erosion control, keep the streets clean of mud and debris, and prevent soil from leaving the project site. The contractor's erosion control measures shall conform to the Unified Government of Wyandotte County, Kansas City, KS Technical Provisions specifications, and the project's Stormwater Pollution Prevention Plan, a copy of which shall be maintained and updated on site at all times.
- 6) Add a note regarding the contractor shall install erosion control devices before starting any construction activity. The note could indicate which types of devices shall be installed, or reference the pre-construction plan, i.e., construction entrance, silt fence perimeter control, inlet protection, etc.
- 7) Add a "good housekeeping" note, i.e., "Good housekeeping, including spill response shall be performed in accordance with the Kansas City Chapter of the American Public Works Association Standard Specifications, Section 2150."
- 8) Add a note regarding additional measures, i.e., The contractor shall be responsible for providing additional erosion control measures or modifications if the plan fails to substantially control erosion or offsite sedimentation.
- 9) Add a note regarding temporary seeding, i.e., The Contractor shall temporarily seed, mulch, or otherwise stabilize any disturbed area where the land disturbance activity has ceased for a period of fourteen (14) calendar days.
- 10) Add a note regarding 70% vegetation, i.e., The contractor shall be responsible for maintaining erosion control devices and removing sediment until a minimum of 70% of permanent vegetation has become stabilized and established. Erosion control devices shall remain in place until the 70% established vegetation is met, or the duration of the project, whichever is the later date.
- 11) Show locations on the final stabilization plan regarding vegetative cover, i.e., seed and/or sod area(s), designating which type and where. Add reference that the contractor shall replace disturbed areas with seed or sod, as indicated on the plan, and shall be installed within 14 days after paving completion and final topsoil grading. Indicate a thickness for proposed topsoil replacement.

PLANNING ENGINEERING COMMENT LETTERS

- 12) Sites disturbing greater than 1 acre of land are required to obtain a Land Disturbance Permit from Public Works (701 N 7th Street, 7th Floor, Kansas City, KS 66101).

Reviewer: _____


Patrick Doyle, Engineering Manager



Planning and Urban Design

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

Phone: (913) 573-5750
Fax: (913) 573-5796

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Principal Planner

FROM: Patrick Doyle, Engineering Manager

DATE: January 13, 2022

SUBJECT: Tim Kates (COZ2022-001, MPL2022-001)
14140 State Avenue
General Engineering Review No. 1 (of the plan received 12/27/2021)

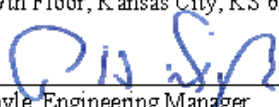
Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning.** Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.

- 1) All engineering plans and reports shall be signed and sealed by a Professional Engineer registered in the State of Kansas.
- 2) Provide a cover sheet to the plan set which includes but not limited to:
 - a. Project title
 - b. Address
 - c. Vicinity map
 - d. Contact information (for the landowner, developer, engineer, surveyor, contractor, etc.)

PLANNING ENGINEERING COMMENT LETTERS

- e. Date
 - f. Sheet index
 - g. 811 note and local utility contact information including UG Sanitary and Storm, Sewer Maintenance, (913) 573-1360, Kevin Swearengen or Kirk Roland
 - h. Total parcel/project area (SF or AC), total area of land disturbed (AC), net increase/decrease in impervious area (SF), net cut/fill quantities (CY)
- 3) Include the following note: "All work in public easements and right-of-way and all erosion control work must comply with the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas. When general notes conflict with the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG), the UG's standards shall override."
 - 4) Add a note for the contractor to obtain all permits necessary including land disturbance, right-of-way, hauling, etc., with Public Works prior to construction.
 - 5) Provide utility information on site plan including node numbers for existing storm and sanitary sewer structures and line sizes, which may be obtained from the Sewer Maintenance Department at (913) 573-5535.
 - 6) Provide increase in impervious area, earthwork cut and fill, and land disturbance area on cover sheet.
 - 7) Driveway entrance within right of way of Nebraska Avenue shall conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail UG 4100-M.
 - 8) Engineered slopes shall not exceed 3H:1V.
 - 9) ADA parking space(s) markings, sidewalks, and access to the building shall comply with ADA (Americans with Disabilities Act) requirements.
 - 10) See Sanitary Sewer review for additional comments.
 - 11) See Storm Drainage review for additional comments.
 - 12) See Stormwater Quality review for additional comments.
 - 13) See Erosion Control review for additional comments.
 - 14) Sites disturbing greater than 1 acre of land are required to obtain a Land Disturbance Permit from Public Works (701 N 7th Street, 7th Floor, Kansas City, KS 66101).

Reviewer: _____


Patrick Doyle, Engineering Manager

PLANNING ENGINEERING COMMENT LETTERS



Planning and Urban Design

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

Phone: (913) 573-5750
Fax: (913) 573-5796

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Principal Planner

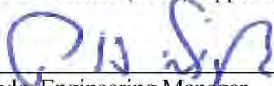
FROM: Patrick Doyle, Engineering Manager

DATE: January 13, 2022

SUBJECT: Tim Kates (COZ2022-001, MPL2022-001)
14140 State Avenue
Storm Drainage Review No. 1 (of the plan received 12/27/2021)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to Storm Drainage design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

- 1) Provide a storm drainage memo demonstrating plans comply with UG standards and criteria including stormwater quality Best Management Practice (BMP) worksheets, calculations, BMPs drainage area map.
- 2) Demonstrate compliance with MARC BMP Manual (2009) Appendix B.2.11 for "Hot Spots."

Reviewer: 
Patrick Doyle, Engineering Manager

NEIGHBORHOOD MEETING INFORMATION

January 14, 2022
Atlas Land Consulting
2300 Hutton Road Suite 108
Kansas City, KS 66109

We have filed an application with the Department of Urban Planning and Land Use

COZ2022-001

The purpose of this is for a change of zone at the following address:
14140 State Avenue Kansas City, Kansas 66012

MPL2022-001

The purpose of this is for a master plan amendment at the following address:
14140 State Avenue Kansas City, Kansas 66012

The purpose of this letter is to explain a proposed change of zone located at the address above. The property is currently zoned as **CP-3 "Planned Commercial District"** and with this proposed change of zone the property will be changing to **MP-2 "Planned General Industrial District"**. The purpose of the change of zone is to make the property compliant for use as a contractor staging area and heavy equipment storage for Remco Demolition.

The existing master plan land use designation is **"Planned Commercial (Prairie Delaware Piper)."** The proposed master plan land use will be **"Industrial (City-Wide Master Plan)."** The purpose of the master plan amendment is to make the property compliant for use as a contractor staging area and heavy equipment storage for Remco Demolition.

If you have any questions, comments or concerns please reach out to one of the contacts below.

There will be a neighborhood meeting on **January 28th, 2022 at 5:00 PM** held at Atlas Land Consulting's office at **2300 Hutton Rd. Suite 108, KCK 66109**

Please Contact:

Andrea Weishaubt:
-andrea@alconsult-llc.com or 913-702-5073

Alex Elliott
-alex@alconsult-llc.com or 913-306-4058

We look forward to seeing/hearing from you.

Sincerely,



APPLICANT RESPONSE LETTER



Comment Response Letter

To: Patrick Doyle, UG Engineering Manager
Address: 701 N 7th Street
Kansas City, KS 66101
Phone: 913-573-5750
Email: phdoyle@wycokck.org
Date: January 24, 2022
Project: 14140 State Ave. Industrial Rezoning

Construction Plan Comments:

General Engineering Review

- 1) All engineering plans and reports shall be signed and sealed by a Professional Engineer registered in the State of Kansas.

Acknowledged

- 2) Provide a cover sheet to the plan set which includes but not limited to:
- a. Project title
 - b. Address
 - c. Vicinity map
 - d. Contact information (for the landowner, developer, engineer, surveyor, contractor, etc.)
 - e. Date
 - f. Sheet index
 - g. 811 note and local utility contact information including UG Sanitary and Storm, Sewer Maintenance, (913) 573-1360, Kevin Swearengen or Kirk Roland
 - h. Total parcel/project area (SF or AC), total area of land disturbed (AC), net increase/decrease in impervious area (SF), net cut/fill quantities (CY)

Added as indicated

- 3) Include the following note: "All work in public easements and right-of-way and all 2300 Hutton St. Suite 108 Kansas City, KS. 66109

APPLICANT RESPONSE LETTER

erosion control work must comply with the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas. When general notes conflict with the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG), the UG's standards shall override."

Note added.

- 4) Add a note for the contractor to obtain all permits necessary including land disturbance, right-of-way, hauling, etc., with Public Works prior to construction.

Note added.

- 5) Provide utility information on site plan including node numbers for existing storm and sanitary sewer structures and line sizes, which may be obtained from the Sewer Maintenance Department at (913) 573-5535.

Information added.

- 6) Provide increase in impervious area, earthwork cut and fill, and land disturbance area on cover sheet.

Added as indicated.

- 7) Driveway entrance within right of way of Nebraska Avenue shall conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail UG 4100-M.

Acknowledged.

- 8) Engineered slopes shall not exceed 3H:1V.

Acknowledged

- 9) ADA parking space(s) markings, sidewalks, and access to the building shall comply with ADA (Americans with Disabilities Act) requirements.

Acknowledged. No ADA parking

- 14) Sites disturbing greater than 1 acre of land are required to obtain a Land Disturbance Permit from Public Works (701 N 7th Street, 7th Floor, Kansas City, KS 66101).

Acknowledged.

Erosion Control Plan Reivew

- 1) All engineering plans and reports shall be signed and sealed by a Professional Engineer registered in the State of Kansas.

Acknowledged.

2300 Hutton St. Suite 108 Kansas City, KS. 66109

APPLICANT RESPONSE LETTER

- 2) Provide an erosion control plan indicating limits of disturbance.

Provided.

- 3) On the erosion control plan, indicate location of temporary material stockpile or onsite waste area(s) in the case that excavated material, or topsoil needs to be temporarily stored or wasted on site, and provide downstream erosion control protection.

Added as indicated.

- 4) On the erosion control plan, provide erosion control notes and, add the UG standards note as note number 1, which shall read "All work in public easements and right-of-way and all erosion control work must comply with the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas. If any of the general notes conflict with the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG), the UG's standards shall override."

Note added.

- 5) Add a note regarding clean streets, and SWPPP (if applicable), etc. For example, "The contractor shall provide all materials, tools, equipment, and labor as necessary to install and maintain adequate erosion control, keep the streets clean of mud and debris, and prevent soil from leaving the project site. The contractor's erosion control measures shall conform to the Unified Government of Wyandotte County, Kansas City, KS Technical Provisions specifications, and the project's Stormwater Pollution Prevention Plan, a copy of which shall be maintained and updated on site at all times.

Note added.

- 6) Add a note regarding the contractor shall install erosion control devices before starting any construction activity. The note could indicate which types of devices shall be installed, or reference the pre-construction plan, i.e., construction entrance, silt fence perimeter control, inlet protection, etc.

Note added.

- 7) Add a "good housekeeping" note, i.e., "Good housekeeping, including spill response shall be performed in accordance with the Kansas City Chapter of the American Public Works Association Standard Specifications, Section 2150."

Note added.

- 8) Add a note regarding additional measures, i.e., The contractor shall be responsible for providing additional erosion control measures or modifications if the plan fails to substantially control erosion or offsite sedimentation.

Note added.

2300 Hutton St. Suite 108 Kansas City, KS. 66109

APPLICANT RESPONSE LETTER

9) Add a note regarding temporary seeding, i.e., The Contractor shall temporarily seed, mulch, or otherwise stabilize any disturbed area where the land disturbance activity has ceased for a period of fourteen (14) calendar days.

Note added.

10) Add a note regarding 70% vegetation, i.e., The contractor shall be responsible for maintaining erosion control devices and removing sediment until a minimum of 70% of permanent vegetation has become stabilized and established. Erosion control devices shall remain in place until the 70% established vegetation is met, or the duration of the project, whichever is the later date.

Note added.

11) Show locations on the final stabilization plan regarding vegetative cover, i.e., seed and/or sod area(s), designating which type and where. Add reference that the contractor shall replace disturbed areas with seed or sod, as indicated on the plan, and shall be installed within 14 days after paving completion and final topsoil grading. Indicate a thickness for proposed topsoil replacement.

Sites disturbing greater than 1 acre of land are required to obtain a Land Disturbance Permit from Public Works (701 N 7th Street, 7th Floor, Kansas City, KS 66101).

Acknowledged, note added.

Sanitary Sewer Review

1) Provide UG Department of Health, (913) 573-6705, permit and inspection for existing private on-site wastewater system (UG Code Article VII, §30-227 et seq).

No changes to the sanitary sewer system are currently proposed.

2) Provide a brief sanitary sewer memorandum describing the existing septic system and proposed load. Septic systems shall comply with KDHS Bulletin 4-2: Minimum Standards for Design and Construction of Onsite Wastewater System:

- a) There shall be no permanent structure (patio, building, driveway, etc.) over the tank, lateral or other part of an onsite wastewater system
- b) Maintain access of trucks and equipment for pumping, maintenance, and repair.
- c) To avoid damage to the system, heavy equipment should not have to cross any portion of the wastewater system when servicing the septic tank.

Building is not currently proposed to be changed; thus, the proposed load will not be different than the existing.

3) On the plans, please illustrate existing sanitary and storm sewer structures and line sizes, which may be obtained from the Sewer Maintenance Department at (913) 573-5535. Show locations of all existing and proposed utilities on the plan, including the existing

2300 Hutton St. Suite 108 Kansas City, KS. 66109

APPLICANT RESPONSE LETTER

sanitary sewer and storm sewer utilities. Where existing utilities are not UG utilities, indicate that on the plans by calling them out as private.

Contact was made with the sewer maintenance department. No sanitary sewers exist near the site. The storm sewer along Nebraska Ave. does not appear on the GIS and thus does not have Node numbers or sizes.

4) Private sanitary service line(s) including clean-outs and / or manholes, as applicable shall comply with the applicable uniform plumbing code.

Acknowledged

Storm Drainage Review

1) Provide a storm drainage memo demonstrating plans comply with UG standards and criteria including stormwater quality Best Management Practice (BMP) worksheets, calculations, BMPs drainage area map.

Storm report added.

2) Demonstrate compliance with MARC BMP Manual (2009) Appendix B.2.11 for "Hot Spots."

Added as indicated, see storm report.

Please let me know if there are any questions.

Alex Elliott, EIT
Atlas Land Consulting
alex@alconsult-llc.com
913.306.4058

2300 Hutton St. Suite 108 Kansas City, KS. 66109

APPLICANT STORMWATER REPORT

Staff Note: Due to the Length of the report, only the stamped cover page is provided here. A full report is available upon request.



606 Jefferson Hills Court
Lawrence, KS 66044

STORM REPORT

For:

14140 State Ave. Industrial

14140 State Avenue
KANSAS CITY, KANSAS, 66109

Prepared for:

Tim Kates
24801 219th Street
Leavenworth, Kansas, 66048
913.951.7353



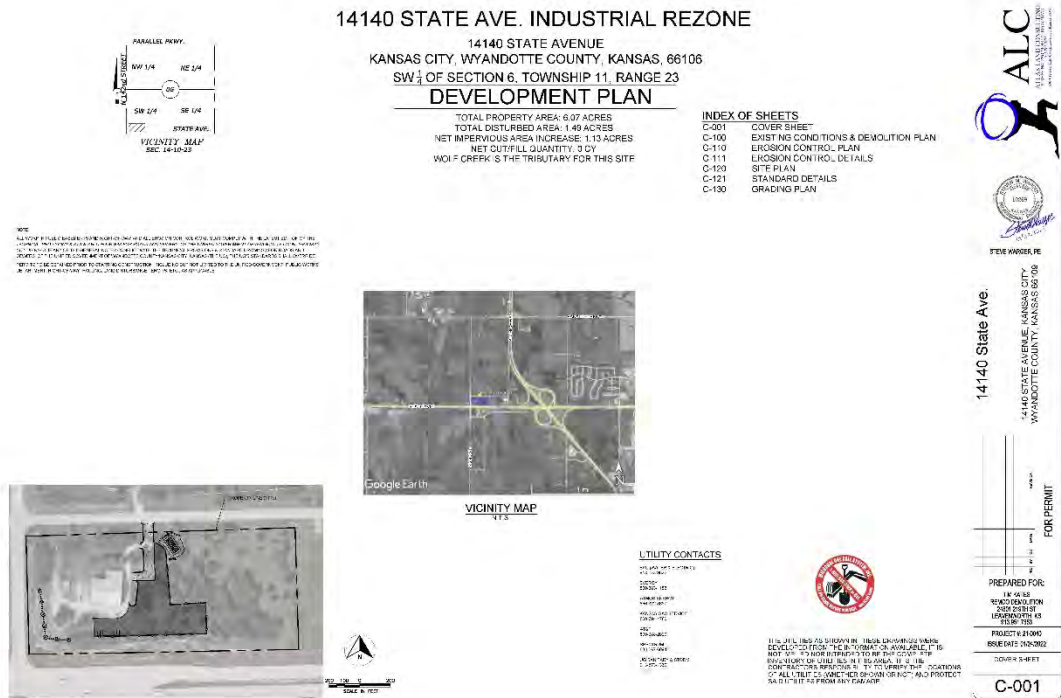
Prepared by:

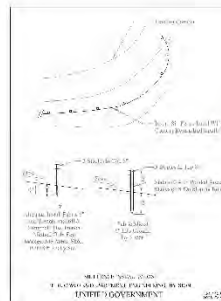
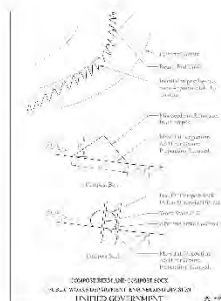
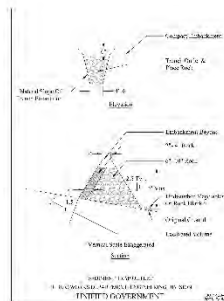
ATLAS LAND CONSULTING, LLC
606 Jefferson Hills Court
Lawrence, Kansas 66044
913-702-5073

January 24, 2022

Revision	Date	By	Description
1			
2			
3			

REVISED SITE PLANS – SECOND SET

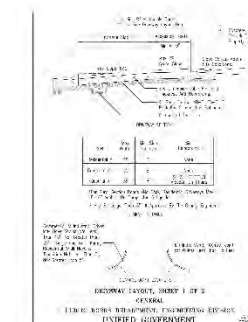
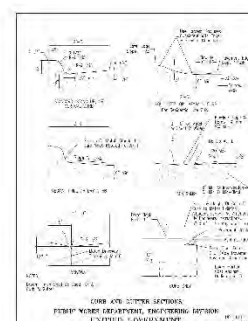
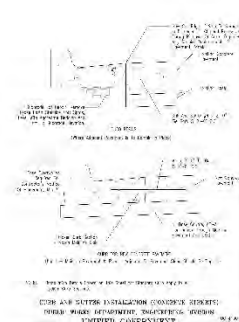
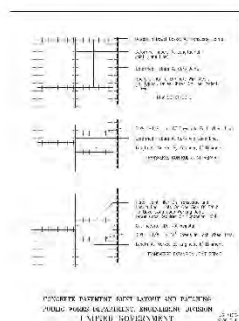
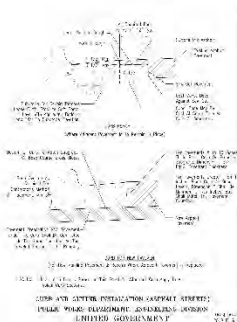
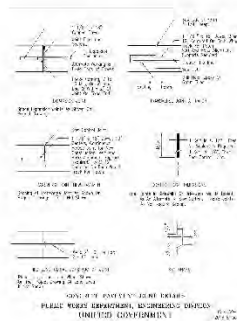


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41



INFORMATION ON TRINCH NOTES

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REVISED SITE PLANS – SECOND SET



ADDITIONAL APPLICANT RESPONSE LETTER



Comment Response Letter

To: Kallie McLaughlin
Address: 701 N 7th Street
Kansas City, KS 66101
Phone: 913-573-5758
Email: kdmclaughlin@wycokck.org
Date: January 24, 2022
Project: 14140 State Ave. Industrial Rezoning

Planning and Urban Design Comments:

General

- 1) The existing zoning and land use allows for intense commercial and some light industrial, respectively, but does not encompass the visibility the applicant requires as part of business operations for the proposed use. The proposed zoning and land use better reflect the applicant's desire to operate a demolition company with a visible lay-down material lot.

Apologies for any confusion, applicant is not currently proposing to store any materials on-site, only equipment.

- 2) If approved, a retro-active building permit on the outbuilding shall be required or the existing permit shall be verified as approved status.

Acknowledged.

- 3) If approved, screening on the property's perimeter shall be maintained and enhanced where appropriate.

Acknowledged, proposed screening shown.

- 4) Items to achieve approval:
 - a. Supply preliminary civil drawings to detail the proposed water and sewer 2300 Hutton St. Suite 108 Kansas City, KS. 66109

ADDITIONAL APPLICANT RESPONSE LETTER

utility connections in response to Planning Engineering Comment Letters.

Drawings have been provided to Planning Engineering. No comments received yet.

- b. Provide a parking layout on the site plan with space count

Added as indicated

- c. Provide operations details such as the hours of operation in which there may be heavier truck traffic and what types of materials may be stored on the lay-down lot.

Hours of operation are to be 7am-5pm with the heaviest traffic being in the beginning and end of the day. No materials are proposed to be stored on-site.

- d. Provide a plan outlining the landscape improvements to be made after utilities are connected and soil disturbance or grading has occurred.

Landscaping improvements shown in development plan (see sheet C-200).

Standard Conditions

- 1) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly.

Acknowledged.

- 2) 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.

Acknowledged.

- 3) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged 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. Any light or combination of lights that cast light

2300 Hutton St. Suite 108 Kansas City, KS. 66109

ADDITIONAL APPLICANT RESPONSE LETTER

on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.

Acknowledged.

- 4) Trees shall densely wrap around the perimeter of all sides of the property, be planted at the top and on slopes, and always seek to replant those trees lost due to the development. Trees shall be replanted where needed along the corner of State Avenue and North 142nd.

Acknowledged.

- 5) The apron shall be continuously maintained as an improved surface.

Acknowledged.

- 6) Existing fencing and gated entrance shall be maintained.

Acknowledged.

- 7) Any equipment visible from the ground level or near fencing shall be removed or relocated to where fully concealed from public view.

Acknowledged.

- 8) All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers).

Acknowledged.

- 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.

Acknowledged.

Please let me know if there are any questions.

Alex Elliott, EIT
Atlas Land Consulting
alex@alconsult-llc.com
913.306.4058

2300 Hutton St. Suite 108 Kansas City, KS. 66109

STAFF SITE VISIT PHOTOS DATED JANUARY 23, 2022





STAFF SITE VISIT PHOTOS DATED JANUARY 23, 2022



STAFF SITE VISIT PHOTOS DATED JANUARY 23, 2022









STAFF SITE VISIT PHOTOS DATED JANUARY 23, 2022





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: March 31, 2022

Re: Vacation Petition VAC2022-001

GENERAL INFORMATION

Applicant:
Mark Moberly

Status of Applicant:
Representative
Tom Proebstle with Generator Studio
1615 Baltimore Avenue
Kansas City, MO 64108

Requested Action:
To approve a right-of-way vacation.

Date of Application:
January 3, 2022

Purpose:
To vacate a portion of public right-of-way to allow for the building of a six (6) story, 142-unit apartment building.

Property Location:
10 South Hallock Street
Kansas City, KS 66101



Commission District:	Commissioner At Large, District #2: Tom Burroughs District #2 Commissioner: Brian McKiernan
Existing Zoning:	R-1(B) Single Family and CP-0 Planned Nonretail Business Districts (proposed RP-6 Planned High-Rise Apartment District)
Adjacent Zoning:	North: C-3 Commercial District South: R-1(B) Single Family District East: None (Right-of-way) West: C-3 Commercial District
Adjacent Uses:	North: A drinking establishment, single family home and vacant commercial building South: Single family home East: Eastbound Central Avenue to Westbound I-70 Ramp West: Small office building and single-family home
Neighborhood Characteristics:	The character of the neighborhood is comprised of a mixture of single-family homes and neighborhood to the south known as Russian Hill due to the church at the top of Lowell Avenue, as the defining landmark of the neighborhood and commercial businesses and commercially zoned parcels along Central Avenue. This site is at the beginning of the Central Avenue corridor, as you exit off Interstate 70 to the east, the gateway into the Central Area.
Total Tract Size:	0.19 Acre
Master Plan Area:	Central Area Master Plan
Master Plan Designation:	The Central Area Master Plan designates this property as Urban Density, which allows single-family homes, attached residences including townhomes, duplexes, triplexes, fourplexes, etc., institutional uses such as schools, churches, and libraries. A Master Plan Amendment has been submitted to High-Density Residential, which allows mid-rise and high-rise apartment buildings, condominiums, and institutional uses such as schools, churches, and libraries.
Major Street Plan:	The Major Street Plan classifies Central Avenue as a Class A Thoroughfare and South 6 th Street and Hallock Street as Local Streets.

Required Parking:	Not applicable.
Advertisement:	<u>Wyandotte Echo</u> – January 20, 2022 Letters to Property Owners – January 21, 2022, February 16, 2022 and March 24, 2022
Public Hearings:	March 14, 2022 and March 31, 2022
Public Support:	None, however, staff has received letters of support for COZ2021-051 and MPL2021-028.
Public Opposition:	None, however, staff has received letters of opposition for COZ2021-051 and MPL2021-028.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Mark Moberly with Sunflower Development Group, wants to vacate a portion of right-of-way along the south and west side of Hallock Street in order to build a 142-unit, six (6) story over two (2) story parking garage apartment building (eight (8) stories total) on 1.09 acres at 10 South Hallock Street, 525 and 529 Central Avenue.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

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

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

adversity because the portion of right-of-way along Hallock Street will align with the existing right-of-way south of the property on Hallock Street before turning west towards South 6th Street.

2. *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*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service provided by East Patrol, District #115.

e. *Fire*

Fire service provided by Station #1 located at 5th Street and Armstrong Avenue.

f. *Transit*

Kansas City ATA provides transit service along Central Avenue, at 6th Street and Central Avenue intersection, Route #102.

g. *Schools*

Public education is provided by Kansas City Kansas USD 500.

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

The proposed development with 142 units will increase traffic along Central Avenue, 6th Street and Hallock Avenue. The Traffic Impact Study will be analyzed by Planning Engineering and the Public Works Department regarding road capacity, specifically looking at improvements to the 6th Street and Central Avenue intersection, the garage entries and exits, and reducing the one-way 6th Street, south of Hallock Street to a two-way street. Further comments may be forthcoming from Planning

Engineering and the Public Works Department. With the future 6th Street Bike Boulevard and the increased intensity of use at the site, the 6th and Central gateway should be redesigned accordingly.

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

This vacation would increase the size of the parcel, and thereby its ability to afford adequate light, open space, or air to facilitate fire protection, and to provide long-term sustained real estate values.

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

Development patterns are existing with commercial businesses to the north and west along Central Avenue and single-family homes to the south along 6th and Hallock Streets. The development will need to be enhanced along the south, west and east property lines to effectively screen the large apartment building from the single-family homes.

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

Sidewalks will be constructed as part of the development and connect to South 6th Street and Central Avenue. A small parklet will be constructed on the north side of the building between the parking garage and Hallock Street that is available to residents of all neighborhoods.

7. ***Vacation will not create utility conflicts.***

The Public Works Department, Planning Engineering and other agencies are reviewing to see if they are any utility conflicts.

KEY ISSUES

Site Access

Public Works Department Comments

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Vacation Application **VAC2022-001**, subject to:

1. A replat of this property is required to vacate existing utility easements, dedicate new easements, and consolidate parcels;
2. As part of Planning staff's ongoing discussion with Planning Engineering and Public Works Department regarding the traffic study, improvements to the 6th Street and Central Avenue will be reviewed by a third party. Installation of a roundabout will be topic of discussion, as this area is the southern terminus of the bike boulevard along 6th Street – earmarked from Central Avenue to Ann Avenue along North 6th Street;
3. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing, or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;
4. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petition **VAC2022-001** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Letter from Board of Public Utilities – Electric Division
Vacation Exhibit
Site Photographs taken by Staff

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	March 14, 2022	March 31, 2022
Vacation	Approval	

STAFF CONTACT: **Byron Toy, AICP**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **VAC2022-001** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **VAC2022-001**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

March 14, 2022 City Planning Commission Minutes:

Hearing starts at 2:28:50:

MASTER PLAN AMENDMENT MPL2021-028 – MARK MOBERLY WITH SUFLOWER DEVELOPMENT GROUP – SYNOPSIS: Master Plan Amendment from Urban Density to High Density Residential (Central Area Master Plan at 10 South Hallock Street, 525 and 529 Central Avenue.

CHANGE OF ZONE APPLICATION COZ2021-051 – MARK MOBERLY WITH SUNFLOWER DEVELOPMENT GROUP – SYNOPSIS: Change of Zone from R-1(B) Single Family District and C-O Non-retail Business Districts to RP-6 Planned High-rise Apartment District for a 148-unit apartment complex at 10 South Hallock Street, 525 and 529 Central Avenue.

VACATION APPLICATION VAC2022-001 – MARK MOBERLY WITH SUNFLOWER DEVELOPMENT GROUP – SYNOPSIS: Vacation of right-of-way at 10 South Hallock Street and 525 Central Avenue.

Detailed Outline of Requested Action: The applicant, Mark Moberly, with Sunflower Development Group, wants to rezone 525 Central Avenue, 529 Central Avenue and 10 South Hallock Street from R-1(B) Single Family and CP-0 Planned Nonretail Business Districts to RP-6 Planned High-Rise Apartment District to build a 142-unit, six (6) story over two (2) story parking garage apartment building (eight (8) stories total) on 1.09 acres at 10 South Hallock Street, 525 and 529 Central Avenue.

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

Detailed Outline of Requested Action: The applicant, Mark Moberly with Sunflower Development Group, wants to vacate a portion of right-of-way along the south and west side of Hallock Street in order to build a 142-unit, six (6) story over two (2) story parking garage apartment building (eight (8) stories total) on 1.09 acres at 10 South Hallock Street, 525 and 529 Central Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notices in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Mark Moberly, applicant, Sunflower Development Group
- Tom Proebstle, Generator Studio, 1615 Baltimore, Kansas City, Missouri 64108
- Mike Pearce, Slap's BBQ, 453 Central Avenue, Kansas City, Kansas
- Greg Kindle, President of Wyandotte County Economic Development Council
- Keeley Hanson, 400 North 17th Street, Kansas City, Kansas, 66102
- Wesley and Laura Summa, owners of Chicago's, 534, 530, 526 Central Avenue, Kansas City, Kansas 66101
- Steve Sessions, 541 Central Avenue, Kansas City, Kansas 66101
- Connie Cervantes, 605 Central Avenue, Kansas City, Kansas 66101
- Adam Wittmer, 541, 548, 553 and 556 Central Avenue and 12 South 6th Street, Kansas City, Kansas 66101

Present in Opposition:

- Rose Eilts, 506 North 4th Street, Kansas City, Kansas 66101
- Steve Kucharo, 48 South Pyle Street, Kansas City, Kansas 66101
- Karrin and Brad Huhmann, 23 South 6th Street, Kansas City, Kansas 66101
- Pat Lawson, 207 South Tremont, Kansas City, Kansas 66101, President of St. Joseph Watchdogs
- Edgar Galicia, Director of Central Area Betterment Association
- Buck and Geri Moulder, 31 South Hallock, Kansas City, Kansas 66101
- Marge Gasnick, 3322 North 54th Street, Kansas City, Kansas 66104
- Anna Cole, 245 Orchard Street, Kansas City, Kansas 66101

Staff Recommendation starts at 3:48:10: Planning Director Hand stated that the applicant is requesting a Change of Zone, Master Plan Amendment and Vacation. The property is on Russian Hill in the Central Area Master Plan. He further stated that the vacation application is for leftover right-of-way from the freeway acquisition. Additionally, there are two (2) parcels on Hallock that crossover the right-of-way and the location effectively results in a mapping error. In the Central Area Master Plan, 7th and Central Avenue was designated for a catalytical project, which has been a vacant lot for many years. This project is one block away and will be a catalytical project albeit it is a different project than was envisioned when working on the Central Area Master Plan. The sight lines was an issue for Staff as the view up to the Russian Church was to be protected. Staff requested that the applicant look at different scenarios and those sight lines have been addressed. The neighbors on 6th Street mentioned the sight lines and staff did its own analysis. There are different sight lines such as of the overgrown vacant lot or the Kansas City, Missouri skyline. Staff believes that the only property owner where view of Kansas City, Missouri will be affected by the sight lines of this project are the Mr. and Mrs. Huhmann. All of the other neighbors (three or four) that currently has views of the wooded hill will now look at the apartments if this project moves forward. Director Hand stated that a third party analysis was done as it relates to traffic. He stated that 6th and Central will require a redesign. Staff has a condition of approval that these public improvements will be part of the development agreement with the Unified Government. One of the other primary issues regarding the Central Area Master Plan is that this area is a primary gateway to the city. There are two (2) flagpoles and staff believes that the redesign of this intersection should allow for the redesign of said gateway as per the Master Plan. Regarding affordable housing, he stated that it is how you advance a mixed-use community as it has many opinions and potential approaches. Some people believe that a mixed income community is developed one (1) project at a time and others believe that it is an aggregate set of developments. Director Hand stated that there is a need for market rate housing Staff has added another condition of approval to address affordable housing as a part of any future development agreement and community benefit package during negotiations with the Unified Government's Economic Development Department. He further stated that the applicant has been responsive to staff's questions, comments and suggestions. They did change their unit mix and that is one way to address affordability. Staff has worked through several designs with the applicant regarding the Multi-Family Design Guidelines for parking and walkability. The massing and step back of the building on 6th Street could be increased as one potential solution. The applicant will be required to

come back before the Commission with a final development plan at which time any remaining urban design issues could be addressed. Staff received letters in support and letters/petition in opposition. The support mostly came from the businesses and the opposition from the neighbors and the Central Avenue Betterment Association. There are no Notices of Violation on this property. Staff recommends approval subject to the conditions in the staff report.

The Planning Commission addressed comments and questions to staff.

Motion and Vote starts at 4:02:18:

On motion by Mr. Mohler, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2021-028:**

Carson	Chairman
Connelly	Aye
Ernst	No
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 1

Subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-016. Approval of these petitions (Change of Zone and Master Plan Amendment) are contingent upon the decision of the Board of Zoning Appeals for variance BOZA2022-016;
2. As a part of the development agreement, the applicant will work with UG staff to address the issue of traffic, safety, transit enhancements, on-street parking, and a revitalized neighborhood gateway for the 6th and Central/6th and Hallock intersections as a proposed neighborhood benefit per the Central Area Master Plan;
3. As a part of the development agreement, the applicant will support the work of UG staff create a mixed-income community as a proposed neighborhood benefit per the Central Area Master Plan;
4. A replat of this property is required to vacate existing utility easements, dedicate new easements, vacate right-of-way, and consolidate parcels;
5. Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space;
6. Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line;
7. Relocate the four (4) ADA spaces to the southern side of the surface parking lot and install a sidewalk that leads occupants to the front door;

8. Relocate the bike rack to the green wall next to the secondary entrance along 6th Street;
9. Add a pedestrian door at all garage entries;
10. Add a sidewalk to the new garage entrance/parking doors on the east side of the building to Hallock Street;
11. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
12. Relocate the crosswalk that extends south of the law office, in front of the head-in parking on the west side of 6th Street to the north, aligning with Hallock Street and create a new crosswalk parallel with 6th Street on Hallock Street to the northwest corner of the building;
13. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants;
14. Lighting cannot exceed one (1) footcandle at the property line. Uplighting is discouraged;
15. Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood;
16. Sec. 27-461(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.

The site is 1.09 acres, which requires eleven (11) trees, nineteen (19) additional shade trees and 148 shrubs per the zoning district;

17. 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;
18. All landscaping shall be irrigated;
19. All trash and recycling receptacles shall be enclosed on all sides with an opaque 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. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
20. Additional landscaping is necessary to screen the surface parking lot from South 6th Street;
21. The bulb-out on South 6th Street should incorporate a bioswale;
22. 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;
23. All electrical meter banks, typically on the side of the building shall be screened from public view;
 24. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
 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. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 28. 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, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
 29. 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.

On motion by Mr. Mohler, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2021-051:**

Carson	Chairman
Connelly	Aye
Ernst	No
Jones	Aye
Miller	Not Present

Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 1
Subject to the above conditions

On motion by Mr. Mohler, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Vacation Application VAC2022-001:**

Carson	Chairman
Connelly	Aye
Ernst	No
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 1
Subject to:

1. A replat of this property is required to vacate existing utility easements, dedicate new easements, and consolidate parcels;
2. As part of Planning staff's ongoing discussion with Planning Engineering and Public Works Department regarding the traffic study, improvements to the 6th Street and Central Avenue will be reviewed by a third party. Installation of a roundabout will be topic of discussion, as this area is the southern terminus of the bike boulevard along 6th Street – earmarked from Central Avenue to Ann Avenue along North 6th Street;
3. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing, or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;
4. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.



Figure 1. Aerial Photograph of 10 South Hallock Street, 525 and 529 Central Avenue as indicated by the yellow outline (provided by UG Maps).

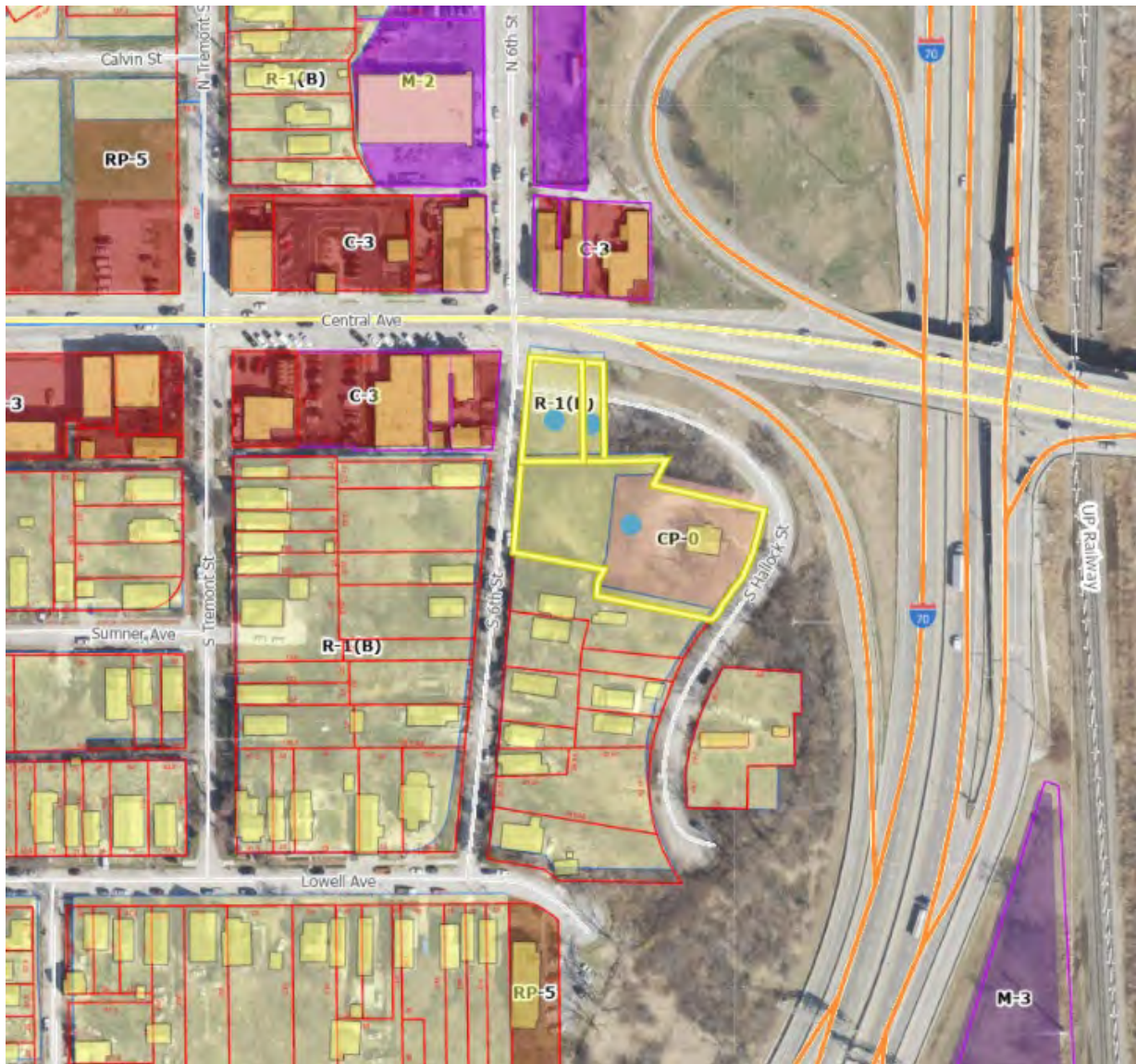


Figure 2. Zoning Map of 10 South Hallock Street, 525 and 529 Central Avenue as indicated by the yellow outline (provided by UG Maps).



Figure 3. Central Area Master Plan Land Use Designation Map of 10 South Hallock Street, 525 and 529 Central Avenue as indicated by the green circles (provided by ArcMap).



FORM NO. 7-2420 14-87

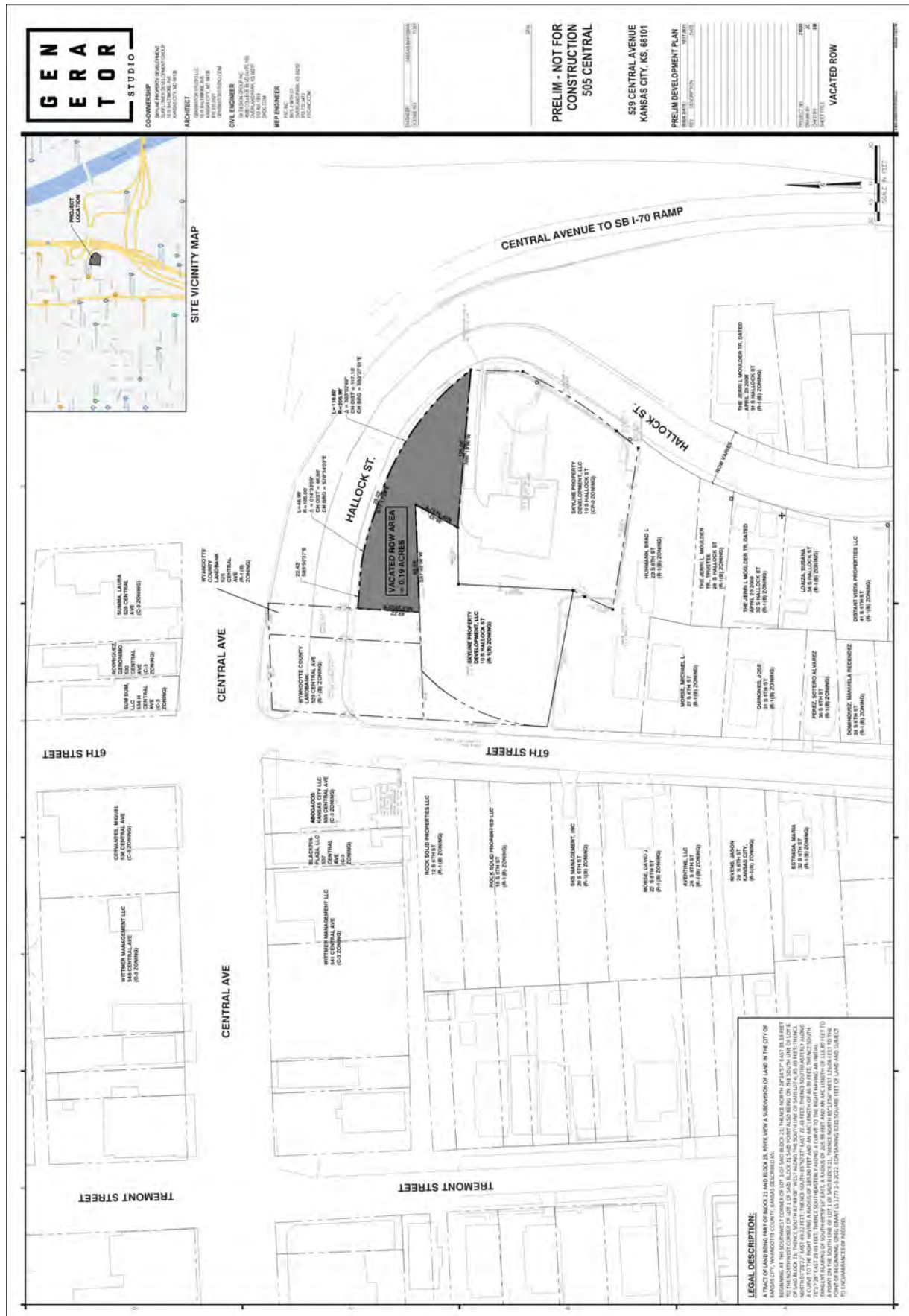




Figure 4. Site Photograph of 10 South Hallock Street looking southwest from Central Avenue (provided by Planning Staff).



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: March 31, 2022

Re: **Change of Zone Petition COZ2021-051 and Master Plan Amendment MP2021-028**

GENERAL INFORMATION

Applicant:
Mark Moberly

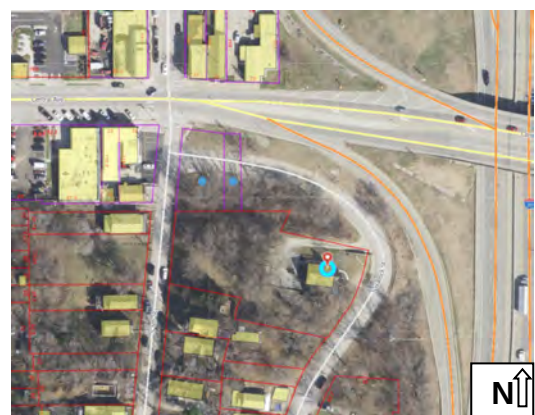
Status of Applicant:
Representative
Tom Proebstle with Generator Studio
1615 Baltimore Avenue
Kansas City, MO 64108

Requested Actions:
To approve a Master Plan Amendment from Urban Density to High-Rise Residential (Central Area Master Plan).

Change of Zone from R-1(B) Single Family and CP-0 Planned Nonretail Business Districts to RP-6 Planned High-Rise Apartment District.

Date of Application:
October 29, 2021

Purpose:
To rezone to build a six (6) story 142-unit apartment building.



Property Location:	10 South Hallock, 525 Central Avenue, and 529 Central Avenue
Commission District:	Commissioner At Large, District #2: Tom Burroughs District #2 Commissioner: Brian McKiernan
Existing Zoning:	R-1(B) Single Family and CP-0 Planned Nonretail Business Districts
Adjacent Zoning:	North: C-3 Commercial District South: R-1(B) Single Family District East: None (Right-of-Way) West: C-3 Commercial District
Adjacent Uses:	North: A drinking establishment, single family home and vacant commercial building South: Single family home East: Eastbound Central Avenue to Westbound I-70 Ramp West: Small office building and single-family home
Total Tract Size:	1.09 Acres
Master Plan Area:	Central Area Master Plan
Master Plan Designation:	The Central Area Master Plan designates this property as Urban Density, which allows single-family homes, attached residences including townhomes, duplexes, triplexes, fourplexes, etc., institutional uses such as schools, churches, and libraries. A Master Plan Amendment has been submitted to High-Density Residential, which allows mid-rise and high-rise apartment buildings, condominiums, and institutional uses such as schools, churches, and libraries.
Major Street Plan:	The Major Street Plan classifies Central Avenue as a Class A Thoroughfare and South 6 th Street and Hallock Avenue as Local Streets.
Required Parking:	Sec. 27-461(d) One (1) parking space shall be provided for each dwelling unit that has one (1) bedroom or less; however, that buildings designed solely for senior and retired persons need provide no more than one (1) parking space for each three (3) dwelling units. One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more; provided, however, that buildings designed solely for senior and

retired persons shall provide parking as required by the planning commission. 151 parking spaces are required. 136 parking spaces are provided. A variance (BOZA2022-016) has been filed for a parking reduction – scheduled to be heard by the Board of Zoning Appeals on April 11, 2022.

Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – November 18, 2021; Master Plan Amendment – November 18, 2021 Letters to Property Owners – Change of Zone – November 19, 2021, December 6, 2021, January 4, 2022, and February 16, 2022; Master Plan Amendment – November 19, 2021 and December 6, 2021, January 4, 2022, February 16, 2022 and March 24, 2022
Public Hearings:	March 14, 2022 and March 31, 2022
Public Support:	Staff has received letters of support for this development from various individuals. There were eight (8) persons present at the March 14, 2022 meeting.
Public Opposition:	Staff has received letters of opposition for this development from various individuals. There were ten (10) persons present at the March 14, 2022 meeting. A valid protest petition (21.65%) has been submitted.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Mark Moberly, with Sunflower Development Group, wants to rezone 525 Central Avenue, 529 Central Avenue and 10 South Hallock Street from R-1(B) Single Family and CP-0 Planned Nonretail Business Districts to RP-6 Planned High-Rise Apartment District to build a 142-unit, six (6) story over two (2) story parking garage apartment building (eight (8) stories total) on 1.09 acres at 10 South Hallock Street, 525 and 529 Central Avenue.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is comprised of a mixture of single-family homes and neighborhood to the south known as Russian Hill due to the church at the top of Lowell Avenue, as the defining landmark of the neighborhood and commercial businesses and commercially zoned parcels along Central Avenue. This site is at the beginning of the Central Avenue corridor, as you exit off Interstate 70 to the east, the gateway into the Central Area.

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 not necessarily compatible with the surrounding properties to the south as Russian Hill is an established single-family neighborhood. High density development should occur at major intersections along transit corridors.

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 could detrimentally affect nearby property because while the balance of the development will be sited towards Central Avenue and Hallock Street, the single-family homes south and west of this site may be obscured by the apartment high-rise. The quality of this development may enhance the commercial redevelopment along the Central Avenue corridor and commercial development further north on South 6th Street.

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

The property has been vacant for an undetermined amount of time, as licensure for the law office at 10 South Hallock Street cannot be found.

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 development is reasonably necessary for individuals and young business professionals who want to live in the area, but do not want to purchase a single-family detached home or townhome or condo. The proposed use could permanently injure the visual quality of nearby property because the existing viewsheds of the single-family homes on Russian Hill (south on Lowell Avenue

and Hallock Street and west of 6th Street) may be blocked due the height of the apartment complex.

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 with 142 units will increase traffic along Central Avenue, 6th Street and Hallock Avenue. The Traffic Impact Study will be analyzed by Planning Engineering and Public Works regarding road capacity, specifically looking at improvements to 6th Street and Central Avenue intersection, the garage entries and exits, and also reducing the one-way 6th Street, south of Hallock Street to a two-way street. Further comments may be forthcoming from Planning Engineering and Public Works Department. With funding secured for the 6th Street Bike Boulevard and the increased intensity of use at the site, the 6th and Central gateway should be redesigned accordingly.

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

The proposed use does not conform to the Central Area Master Plan; therefore, a Master Plan Amendment is sought from Urban Density to High-Rise Residential, which allows mid-rise and high-rise apartment buildings, condominiums, and institutional uses such as schools, churches, and libraries.

The recently adopted Master Plan encourages a mixed-income neighborhood and attainable housing developments that prevent gentrification. A mix of unit types and price ranges, including affordable units should be pursued.

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

The proposed use should not cause environmental harm through runoff because the proposed development will capture the storm water runoff instead of sheet flowing off the property onto 6th Street and Hallock Avenue into the storm sewer.

An existing tree stand is to be preserved on a steep hillside, so special attention should be given to preserving mature trees if possible, landscaping and erosion control.

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 East Patrol, District #115.

e. Fire

Fire service is provided by Fire Station #1 located off 5th Street and Armstrong Avenue.

f. Transit

Kansas City ATA provides transit service along Central Avenue, at 6th Street and Central Avenue intersection, Route #102.

g. Schools

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

h. Streets

Central Avenue is a Class C Thoroughfare, and the traffic study will determine if the proposed development can be support by the existing street network.

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

The proposed use will have a beneficial economic impact on the community. The multiple housing unit types (between studio, one, and two bedrooms) within the complex will promote a diverse population to make use of the nearby employment, entertainment and transit.

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

The proposed use will need revisions to comply with applicable ordinance requirements. A variance for a reduction in parking would be supported by staff to reduce on-street parking.

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 originally sought to redevelop it as.

PREVIOUS ACTIONS

In 2002, a portion of 11 South Hallock Street was rezoned from R-2(B) Two Family District to CP-0 Planned Nonretail Business District to build a law office.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on November 29, 2021. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Parking
Transit Access
Massing
Neighborhood Character
Affordable Housing
Multi-Family Design Guidelines
Lighting
Pedestrian Connectivity
Platting
Fire Access
Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 1 to recommend **APPROVAL** of Master Plan Amendment **MPL2021-028** and Change of Zone Application **COZ2021-051**, subject to:

1. **This City Planning Commission case is being heard in conjunction with BOZA2022-016. Approval of these petitions (Change of Zone and Master Plan Amendment) are contingent upon the decision of the Board of Zoning Appeals for variance BOZA2022-016;**
2. **As a part of the development agreement, the applicant will work with UG staff to address the issue of traffic, safety, transit enhancements, on-street parking, and a revitalized neighborhood gateway for the 6th and Central/6th and Hallock intersections as a proposed neighborhood benefit per the Central Area Master Plan;**
3. **As a part of the development agreement, the applicant will support the work of UG staff create a mixed-income community as a proposed neighborhood benefit per the Central Area Master Plan;**
4. **A replat of this property is required to vacate existing utility easements, dedicate new easements, vacate right-of-way, and consolidate parcels;**

5. Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space;
6. Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line;
7. Relocate the four (4) ADA spaces to the southern side of the surface parking lot and install a sidewalk that leads occupants to the front door;
8. Relocate the bike rack to the green wall next to the secondary entrance along 6th Street;
9. Add a pedestrian door at all garage entries;
10. Add a sidewalk to the new garage entrance/parking doors on the east side of the building to Hallock Street;
11. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
12. Relocate the crosswalk that extends south of the law office, in front of the head-in parking on the west side of 6th Street to the north, aligning with Hallock Street and create a new crosswalk parallel with 6th Street on Hallock Street to the northwest corner of the building;
13. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants;
14. Lighting cannot exceed one (1) footcandle at the property line. Uplighting is discouraged;
15. Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood;
16. Sec. 27-461(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.

The site is 1.09 acres, which requires eleven (11) trees, nineteen (19) additional shade trees and 148 shrubs per the zoning district;

17. 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;
18. All landscaping shall be irrigated;
19. All trash and recycling receptacles shall be enclosed on all sides with an opaque 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. When possible, the enclosure's gate shall face away from streets or

- adjacent land uses. All screening materials must be well maintained at all times;
20. Additional landscaping is necessary to screen the surface parking lot from South 6th Street;
 21. The bulb-out on South 6th Street should incorporate a bioswale;
 22. 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;
 23. All electrical meter banks, typically on the side of the building shall be screened from public view;
 24. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
 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. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 28. 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, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
 29. 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 Petitions **COZ2021-051** and **MP2021-028**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

March 14, 2022 City Planning Commission Minutes
Aerial Map
Land Use Map
Zoning Map
Wyandotte County Conservation District Comment Letter
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Utility Plan
Landscape Plan
Floor Plan
Lighting Plan
Building Elevations
Sight Line View Study
Site Photographs taken by Staff on November 16, 2021.
Letters of Support
Letters of Opposition
Protest Petition

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	March 14, 2022	March 31, 2022
Rezoning	Approval	

Public Hearing		
Master Plan	March 14, 2022	March 31, 2022
	Approval	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2021-028** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2021-028** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-051** 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 **COZ2021-051** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

March 14, 2022 City Planning Commission Minutes:

Hearing starts at 2:28:50:

MASTER PLAN AMENDMENT MPL2021-028 – MARK MOBERLY WITH SUFLOWER DEVELOPMENT GROUP – SYNOPSIS: Master Plan Amendment from Urban Density to High Density Residential (Central Area Master Plan at 10 South Hallock Street, 525 and 529 Central Avenue.

CHANGE OF ZONE APPLICATION COZ2021-051 – MARK MOBERLY WITH SUNFLOWER DEVELOPMENT GROUP – SYNOPSIS: Change of Zone from R-1(B) Single Family District and C-O Non-retail Business Districts to RP-6 Planned High-rise Apartment District for a 148-unit apartment complex at 10 South Hallock Street, 525 and 529 Central Avenue.

VACATION APPLICATION VAC2022-001 – MARK MOBERLY WITH SUNFLOWER DEVELOPMENT GROUP – SYNOPSIS: Vacation of right-of-way at 10 South Hallock Street and 525 Central Avenue.

Detailed Outline of Requested Action: The applicant, Mark Moberly, with Sunflower Development Group, wants to rezone 525 Central Avenue, 529 Central Avenue and 10 South Hallock Street from R-1(B) Single Family and CP-0 Planned Nonretail Business Districts to RP-6 Planned High-Rise Apartment District to build a 142-unit, six (6) story over two (2) story parking garage apartment building (eight (8) stories total) on 1.09 acres at 10 South Hallock Street, 525 and 529 Central Avenue.

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

Detailed Outline of Requested Action: The applicant, Mark Moberly with Sunflower Development Group, wants to vacate a portion of right-of-way along the south and west side of Hallock Street in order to build a 142-unit, six (6) story over two (2) story parking garage apartment building (eight (8) stories total) on 1.09 acres at 10 South Hallock Street, 525 and 529 Central Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notices in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Mark Moberly, applicant, Sunflower Development Group
- Tom Proebstle, Generator Studio, 1615 Baltimore, Kansas City, Missouri 64108
- Mike Pearce, Slap's BBQ, 453 Central Avenue, Kansas City, Kansas
- Greg Kindle, President of Wyandotte County Economic Development Council
- Keeley Hanson, 400 North 17th Street, Kansas City, Kansas, 66102
- Wesley and Laura Summa, owners of Chicago's, 534, 530, 526 Central Avenue, Kansas City, Kansas 66101
- Steve Sessions, 541 Central Avenue, Kansas City, Kansas 66101
- Connie Cervantes, 605 Central Avenue, Kansas City, Kansas 66101
- Adam Wittmer, 541, 548, 553 and 556 Central Avenue and 12 South 6th Street, Kansas City, Kansas 66101

Present in Opposition:

- Rose Eilts, 506 North 4th Street, Kansas City, Kansas 66101
- Steve Kucharo, 48 South Pyle Street, Kansas City, Kansas 66101
- Karrin and Brad Huhmann, 23 South 6th Street, Kansas City, Kansas 66101
- Pat Lawson, 207 South Tremont, Kansas City, Kansas 66101, President of St. Joseph Watchdogs
- Edgar Galicia, Director of Central Area Betterment Association
- Buck and Geri Moulder, 31 South Hallock, Kansas City, Kansas 66101
- Marge Gasnick, 3322 North 54th Street, Kansas City, Kansas 66104
- Anna Cole, 245 Orchard Street, Kansas City, Kansas 66101

Staff Recommendation starts at 3:48:10: Planning Director Hand stated that the applicant is requesting a Change of Zone, Master Plan Amendment and Vacation. The property is on Russian Hill in the Central Area Master Plan. He further stated that the vacation application is for leftover right-of-way from the freeway acquisition. Additionally, there are two (2) parcels on Hallock that crossover the right-of-way and the location effectively results in a mapping error. In the Central Area Master Plan, 7th and Central Avenue was designated for a catalytical project, which has been a vacant lot for many years. This project is one block away and will be a catalytical project albeit it is a different project than was envisioned when working on the Central Area Master Plan. The sight lines was an issue for Staff as the view up to the Russian Church was to be protected. Staff requested that the applicant look at different scenarios and those sight lines have been addressed. The neighbors on 6th Street mentioned the sight lines and staff did its own analysis. There are different sight lines such as of the overgrown vacant lot or the Kansas City, Missouri skyline. Staff believes that the only property owner where view of Kansas City, Missouri will be affected by the sight lines of this project are the Mr. and Mrs. Huhmann. All of the other neighbors (three or four) that currently has views of the wooded hill will now look at the apartments if this project moves forward. Director Hand stated that a third party analysis was done as it relates to traffic. He stated that 6th and Central will require a redesign. Staff has a condition of approval that these public improvements will be part of the development agreement with the Unified Government. One of the other primary issues regarding the Central Area Master Plan is that this area is a primary gateway to the city. There are two (2)

flagpoles and staff believes that the redesign of this intersection should allow for the redesign of said gateway as per the Master Plan. Regarding affordable housing, he stated that it is how you advance a mixed-use community as it has many opinions and potential approaches. Some people believe that a mixed income community is developed one (1) project at a time and others believe that it is an aggregate set of developments. Director Hand stated that there is a need for market rate housing Staff has added another condition of approval to address affordable housing as a part of any future development agreement and community benefit package during negotiations with the Unified Government's Economic Development Department. He further stated that the applicant has been responsive to staff's questions, comments and suggestions. They did change their unit mix and that is one way to address affordability. Staff has worked through several designs with the applicant regarding the Multi-Family Design Guidelines for parking and walkability. The massing and step back of the building on 6th Street could be increased as one potential solution. The applicant will be required to come back before the Commission with a final development plan at which time any remaining urban design issues could be addressed. Staff received letters in support and letters/petition in opposition. The support mostly came from the businesses and the opposition from the neighbors and the Central Avenue Betterment Association. There are no Notices of Violation on this property. Staff recommends approval subject to the conditions in the staff report.

The Planning Commission addressed comments and questions to staff.

Motion and Vote starts at 4:02:18:

On motion by Mr. Mohler, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2021-028:**

Carson	Chairman
Connelly	Aye
Ernst	No
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 1

Subject to:

- 1. This City Planning Commission case is being heard in conjunction with BOZA2022-016. Approval of these petitions (Change of Zone and Master Plan Amendment) are contingent upon the decision of the Board of Zoning Appeals for variance BOZA2022-016;**
- 2. As a part of the development agreement, the applicant will work with UG staff to address the issue of traffic, safety, transit enhancements, on-street parking, and a revitalized neighborhood gateway for the 6th and Central/6th and Hallock intersections as a proposed neighborhood benefit per the Central Area Master Plan;**

3. As a part of the development agreement, the applicant will support the work of UG staff create a mixed-income community as a proposed neighborhood benefit per the Central Area Master Plan;
4. A replat of this property is required to vacate existing utility easements, dedicate new easements, vacate right-of-way, and consolidate parcels;
5. Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space;
6. Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line;
7. Relocate the four (4) ADA spaces to the southern side of the surface parking lot and install a sidewalk that leads occupants to the front door;
8. Relocate the bike rack to the green wall next to the secondary entrance along 6th Street;
9. Add a pedestrian door at all garage entries;
10. Add a sidewalk to the new garage entrance/parking doors on the east side of the building to Hallock Street;
11. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
12. Relocate the crosswalk that extends south of the law office, in front of the head-in parking on the west side of 6th Street to the north, aligning with Hallock Street and create a new crosswalk parallel with 6th Street on Hallock Street to the northwest corner of the building;
13. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants;
14. Lighting cannot exceed one (1) footcandle at the property line. Uplighting is discouraged;
15. Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood;
16. Sec. 27-461(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.

The site is 1.09 acres, which requires eleven (11) trees, nineteen (19) additional shade trees and 148 shrubs per the zoning district;

17. 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;

18. All landscaping shall be irrigated;
19. All trash and recycling receptacles shall be enclosed on all sides with an opaque 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. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
20. Additional landscaping is necessary to screen the surface parking lot from South 6th Street;
21. The bulb-out on South 6th Street should incorporate a bioswale;
22. 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;
23. All electrical meter banks, typically on the side of the building shall be screened from public view;
24. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
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. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
28. 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, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,

29. 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.

On motion by Mr. Mohler, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2021-051:**

Carson	Chairman
Connelly	Aye
Ernst	No
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 1

Subject to the above conditions

On motion by Mr. Mohler, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Vacation Application VAC2022-001:**

Carson	Chairman
Connelly	Aye
Ernst	No
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 1

Subject to:

- 1. A replat of this property is required to vacate existing utility easements, dedicate new easements, and consolidate parcels;**
- 2. As part of Planning staff's ongoing discussion with Planning Engineering and Public Works Department regarding the traffic study, improvements to the 6th Street and Central Avenue will be reviewed by a third party. Installation of a roundabout will be topic of discussion, as this area is the southern terminus of the bike boulevard along 6th Street – earmarked from Central Avenue to Ann Avenue along North 6th Street;**
- 3. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing, or reconstructing any public utilities,**

- including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;
4. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.



Figure 1. Aerial Photograph of 10 South Hallock Street, 525 and 529 Central Avenue as indicated by the yellow outline (provided by UG Maps).

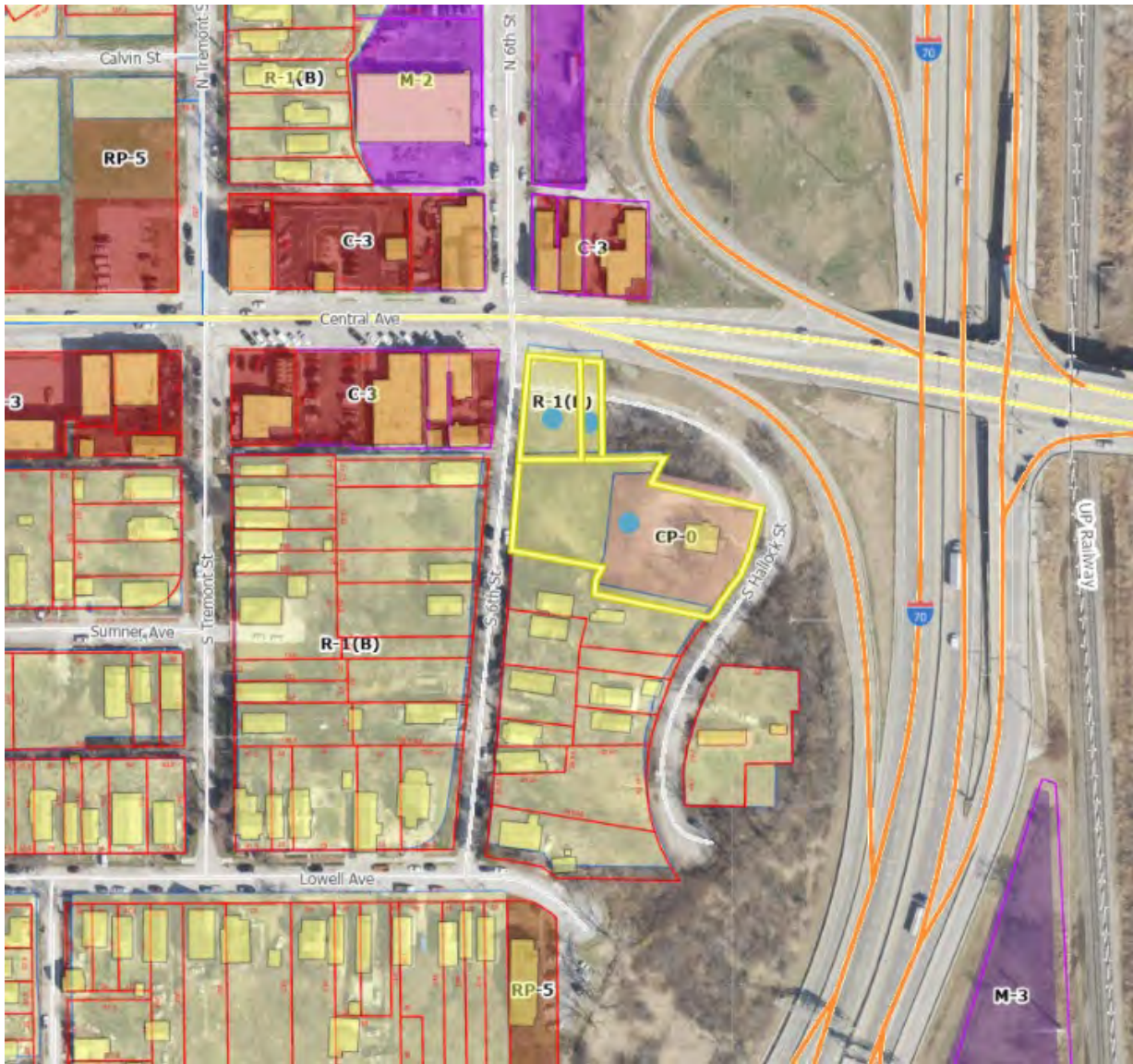


Figure 2. Zoning Map of 10 South Hallock Street, 525 and 529 Central Avenue as indicated by the yellow outline (provided by UG Maps).



Figure 3. Central Area Master Plan Land Use Designation Map of 10 South Hallock Street, 525 and 529 Central Avenue as indicated by the green circles (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

November 16, 2021

RE: COZ2021-051 and MPL2021-28 Mark Moberly R-1 and C-O to RP-6 for high-rise
apartments at 10 South Hallock, 525 and 529 Central Avenue

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of
the: COZ2021-051 and MPL2021-28 Mark Moberly R-1 and C-O to RP-6 for high-rise
apartments at 10 South Hallock, 525 and 529 Central 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 are two major soil types identified: Knox silt loam, 12 to 18 percent
slopes and Made land. These soil types are considered highly erodible when
the surface is denuded of a protective cover.
- There is no Erosion Control Plan (ECP) for this development. There will need
to be an ECP developed before any grading is done..
- The Best Management Practices in 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

25 FEBRUARY 2022



CITY COMMENTS RESPONSES

PROJECT: 505 CENTRAL
529 Central Avenue
Kansas City, KS 66101

PROJECT NUMBER: COZ2021-051 and MP2021-028

FROM ARCHITECT: GENERATOR STUDIO
1615 Baltimore Avenue
Kansas City, MO 64108

TO: Planning & Urban Design Department of Kansas City
701 North 7th Street, Room 423
Kansas City, KS 66101

SUBJECT: *Change of Zone Petition COZ2021-051 and Master Plan Amendment MP2021-028 Response*

To whom it may concern:

We are in receipt of plan review comments issued by the City of Kansas City for the above referenced project, drawings dated 29 October 2021. We are hereby submitting clarifications and revisions for this project for further review by the City.

URBAN PLANNING AND LAND USE COMMENTS:

General Planning:

1. *Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (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.*
Comment noted.
2. *A replat of this property is required to vacate existing utility easements, dedicate new easements, vacate right-of-way, and consolidate parcels.*
Comment noted.
3. *Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space. The amount of open space available is 17,399 square feet, which accounts for 36.5% of the site. As stated above, a minimum of 40% is required, therefore, a variance from the Board of Zoning Appeals is necessary.*
Open space increased on project to 19,042 SF, which accounts for 40% site open space.
RE: AS101
4. *As part of Planning staff's ongoing discussion with Planning Engineering and Public Works Department regarding the traffic study, improvements to the 6th Street and Central Avenue will be reviewed. Installation of a roundabout will be topic of discussion, as this area is the southern terminus of the bike boulevard along 6th*

Generator Studio, LLC

generatorstudio.com

1615 Baltimore Avenue – Kansas City, MO 64108

816-333-6527

Street – earmarked from Central Avenue to Ann Avenue along North 6th Street. Another topic of discussion is the proposed two-way direction of travel on South 6th Street.

Due to the existing highway ramp, existing buildings at the northeast, northwest and southwest corners, and the steep grade on the south side of the intersection, it is our understanding that a roundabout is not feasible due to the existing site constraints. Per the traffic impact study, we recommend converting 6th and Central to a four-way stop and rerouting trucks from the southbound I-70 exit ramp onto 6th Street to a different location away from this intersection. As part of the development agreement, the applicant will work with UG staff to address the issue of traffic, safety, transit enhancements, on-street parking and a revitalized neighborhood gateway for the 6th & Central / 6th & Hallock intersections as a proposed neighborhood benefit per the Central Area Master Plan.

5. *Because this project is on a transit corridor, a transit stop needs to be incorporated into the street improvements.*

Existing transit stops are located at the northeast corner of 6th & Central (outside Chicago's) and at Tremont & Central (outside Slap's BBQ). No transit routes currently travel on 6th street south of Central, thus adding transit stop adjacent to the street improvements would be difficult. Applicant will work with UG staff and RideKC on any planned route extensions or modification that extends past the project site, including the study of a transit stop. Applicant supports public transit and believes the project would benefit from potential transit improvements.

6. *Install a multi-lingual gateway element at the intersection of 6th Street and Central Avenue.*

Any gateway element shown on project plans or renderings is for inspiration purposes only. Applicant looks forward to working with neighbors, community stakeholders and UG staff on a revitalized neighborhood gateway, which could include many things such as a multi-lingual gateway element. The development team anticipates providing community benefit funds as part of the project that could be utilized for these enhancements. Pending direction from the Unified Government, development team may be able assist in design of these enhancements.

7. *Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line.*

The parking lot meets the minimum setbacks per Sec. 27-461©2.e.
RE: C02

8. *Is it possible to minimize access onto 6th Street given the fact that existing traffic pattern is north on South 6th Street and shift garage access to Hallock Street?*

Two-way access on 6th street is integral to project circulation. Removal of that access would not allow for the surface parking lot access on the south side of the project and would limit access to the upper level of the parking garage.
RE: AS101

9. *Consolidate entry and exit for each level of parking to one access point each. What is the purpose of the on-street parking along Hallock Street? Staff had conversations with the applicant and development team about needing parking based on the use versus meeting the parking requirements in the ordinance. Are the 161 parking spaces necessary to meet the parking code or for the function of the development? A variance for a reduction would be supported in order to not have on-street parking along Hallock Street.*

Parking stalls count is currently at 136 for the development. The number of spaces is necessary function for the development. Development team experiences indicates that it is the appropriate amount to accommodate both residents and short-term guests.
RE: AS101

10. What is the purpose of the surface parking lot? Is the parking necessary for the function of the apartment or to meet the parking code?

a. Remove the row of parking along the northern edge of the surface lot and buffer the ground floor units by installing more green space, extending the distance from drive aisle to the patios and planters.

Surface parking lot modified to allow for sidewalk connection and additional landscape buffer to units. North parking stalls remain.

i. Explore turning the ground floor units into walk-ins.

Steep grade on site does not allow for level entry to multiple units, nor do walk-in units at the ground floor fit the applicant's development plan. There is also a concern about access and safety with walk-in units. Applicant strongly prefers all residents enter the building through common area entrances that are accessed controlled and covered by a security camera.

b. Relocate the four (4) ADA spaces to the southern side of the surface parking lot and install a sidewalk that leads occupants to the front door.

South surface parking lot has been adjusted to allow for additional landscape buffer between units and parking. Sidewalk for building access, connected to 6th street also added along north edge of parking lot. Accessible parking stalls located on northeast corner of lot, near entry to building.

RE: AS101

11. Extend the neighborhood parklet further to the east along Hallock Avenue, as opposed to the abrupt stop before the site cast concrete and wood look screen wall.

Neighborhood parklet area occupies area where greatest depth is available. As landscape area narrows to the east along Hallock the site transitions to landscaping to soften edge of building and accommodate steeper grades.

RE: CIVIL DWG; A201

12. Relocate the bike rack to the green wall next to the secondary entrance along 6th Street.

Development team studied various options and proposed bike parking is relocated to the common patio near the primary entrance to the building.

RE: AS101

13. Add a pedestrian door at all garage entries.

Pedestrian door added on east of building at Hallock accessing garage level 1. Second pedestrian door added at northwest corner of building accessing garage level 2. Pedestrian connection from sidewalk at 6th street connects to main building entry at level 3.

RE: AS101, A101, A102, A103

14. Add a sidewalk to the new garage entrance/parking doors on the east side of the building to Hallock Street.

Two pedestrian entrances added, one at northwest corner of building and one at the east along Hallock.
RE: AS101, A101, A102

15. *In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians.*

Crosswalk striping added to all street crossings & drive aisles.

RE: C02

16. *Relocate the crosswalk that extends south of the law office, in front of the head-in parking on the west side of 6th Street to the north, aligning with Hallock Street and create a new crosswalk parallel with 6th Street on Hallock Street to the northwest corner of the building.*

Crosswalk location adjusted to be on north side of Hallock intersection.

RE: CIVIL, AS101

17. *Where are on-site deliveries going to be dropped off? Provide a turning template.*

On-site deliveries will be dropped off at the upper parking lot south of the building.

RE: Autoturn exhibit.

18. *What on-site amenities will be provided as part of this development?*

All on-site amenities are not fully developed at this point. Development team will continue to review best fit for this project. Design includes plan for rooftop swimming pool, rooftop pool deck, rooftop indoor community room, fitness center, and other resident community spaces. Development will also integrate smart apartment technology such as smart locks, smart thermostats, and a managed wireless internet system.

RE: A102, A108

19. *All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants.*

FEMA standard safe room provided on Level 1 at east side of building.

RE: A101

20. *Lighting cannot exceed one (1) footcandle at the property line. Revise the lighting plan.*

Proposed additional parking at north and east sides of building require supplemental street lighting for safety. This area is public and lights do not impact other properties due to location near Central and KDOT on-ramp.

RE: EL100

21. *Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood.*

The average footcandle level in the south parking lot is 2.03FC, this is within the IES recommendation of 2 – 2.5FC for residential parking lots. Design ensures that any adjacent residential properties across 6th street are not impacted and footcandle level is within requirements of 0.0 – 0.1. The photometric diagram for the selected light fixture is front throw with no back spill from the light.

RE: EL100

22. Provide floor plans of the building, including the garage.

Floor plans are provided with resubmittal. Please note that the proposed unit mix has been modified from the initial submission and now shows 142 total units.

RE: AS101, A101, A102, A103, A104, A108.

23. Due to lack of non-vehicular open space, consider incorporating the use of permeable pavers for all driveways.

Open space increased in design to meet the 40% requirement. Design team does not recommend use of permeable pavers as they have found them to be problematic and a maintenance challenge in our climate. Design team has discussed the challenges of permeable pavers with UG staff, particularly the long-term viability and related maintenance costs.

RE: AS101

BUILDING ARCHITECTURE:

1. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly.

Material percentage table added to elevation drawings.

RE: A201, A202

2. What is the purpose of the steel pivot doors on the north façade? To open views towards the northeast? Is this an entrance to the building?

Design team is investigating this as a possible tenant amenity in addition to the FEMA shelter. It is not an entrance to the building.

RE: A101, A201

3. The proposed garage doors shall match the adjacent exterior building façade color.

Comment noted and garage door appearance revised. As final doors are selected, finish color and material to match adjacent color as feasible.

RE: A201, A202

4. Downspouts shall be internalized.

All downspouts will be internal. None indicated on exterior elevations.

RE: A201, A202

5. Greater emphasis needs to be put upon the ground floor uses and its proximity to Central Avenue and Hallock Street. Need to activate all ground floor lobby, reading lounge and parking areas.

Community parklet provided along north portion of property and at grade patio provided at northwest with pedestrian entrance to building. The possibility to integrate public art is also being considered.

RE: AS101

LANDSCAPING AND SCREENING:

1. Provide a sight line study from North 6th Street, north of Central Avenue (Strawberry Hill), Interstate 70, Central Avenue, Lowell Avenue and Hallock Street at the top of the hill towards the apartment building? The viewshed of the Russian Hill church steeple needs to be preserved and enhanced, not blocked as this is intrinsic to the neighborhood character.

Site study perspectives added for 4 locations near project site. Church steeple view is maintained in locations where it is currently visible. Other locations are currently obscured via existing topography and/or landscape. Proposed project does not impact the viewshed.

Staff requested additional site studies from 20 S 6th Street, the intersection of Central Avenue and Tremont Street, and the intersection of 6th Street and Riverview Avenue. These have also been added to the application and provide no obstruction or impact on viewshed.

RE: Site line supplement images.

2. *Provide night elevation rendering of the lighting plan. Up-lighting is discouraged.*

Exterior lighting design has not yet been resolved. Development team is happy to have a dialogue regarding lighting as the project moves forward.

3. *Extend the landscape green wall further east along the north elevation to the steel pivot doors – the length of Hallock Street.*

Green wall is less feasible along the extension of Hallock and becomes cost prohibitive. Lower portion of building wall will be landscaped with trees and shrubs. 50% opening requirement for the parking garage must also be factored into the design solution.

RE: AS102

4. *Sec. 27-461(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area. Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required. The site is 1.09 acres, which requires eleven (11) trees, nineteen (19) additional shade trees and 148 shrubs per the zoning district.*

Required tree calculations and proposed plantings have been revised per requirements.

RE: AS102

5. *Remove and relandscape the seventeen (17) parking space along Hallock Street.*

Parking stalls count is currently at 136 for the development.

The parking spaces off Hallock and street spaces on Hallock are proposed to support a variety of public uses throughout the day/night. This could include use by coffee shop patrons in the morning, restaurant visitors during the daytime, evening visitors to bars, and night parking for residents, if needed. Applicant is willing to work with UG Public Works Department on an area parking plan, or a Parking District, that would encompass these spaces. Applicant understands these spaces are not part of consideration of this application nor will they count towards the parking ratio of the project.

RE: AS101

6. *Remove the five (5) parallel parking spaces from Hallock Street.*

The parking spaces off Hallock and street spaces on Hallock are proposed to support a variety of public uses throughout the day/night. This could include use by coffee shop patrons in the morning, restaurant

visitors during the daytime, evening visitors to bars, and night parking for residents, if needed. Applicant is willing to work with UG Public Works Department on an area parking plan, or a Parking District, that would encompass these spaces. Applicant understands these spaces are not part of consideration of this application nor will they count towards the parking ratio of the project.

RE: AS101

7. *All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted.*

Comment noted & landscape plan revised accordingly.

RE: AS102

8. *Add more landscaping along the west façade of the building.*

Comment noted & landscape plan revised accordingly.

RE: AS102

9. *All landscaping shall be irrigated.*

Comment noted & landscape plan revised accordingly.

RE: AS102

10. *All trash and recycling receptacles shall be enclosed on all sides with an opaque 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. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times. The trash enclosure should be moved inside the garage.*

6' tall masonry walls will surround trash enclosure with gate facing interior of surface parking lot.

Clearance limitations inside garage do not allow for trash truck access, enclosure remains on southwest corner of surface parking lot. Enclosure also shielded from 6th street via retaining wall to the south.

RE: AS101

11. *Additional landscaping is necessary to screen the surface parking lot from South 6th Street.*

Landscape & trees provided directly adjacent to parking lot entrance and along south edge of property.

Parking lot view is further shielded from view at 6th street due to retaining wall located along south edge.

RE: AS102

12. *The bulb-out on South 6th Street should incorporate a bioswale.*

Bioswale added to bulb-out.

RE: C02

13. *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.*

All utilities will be screened with evergreens and painted accordingly. Rooftop screens will be provided to conceal any mechanical equipment.

RE: AS102, A201, A202

14. *All electrical meter banks, typically on the side of the building shall be screened from public view.*

Electrical meter banks & wall mounted utilities will be screened with evergreens.

RE: AS102

15. *BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer.*

BPU transformer pad located on northeast side of building. Screening added per requirements.

RE: AS102

16. *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.*

Any additional mechanical equipment or other utilities not currently indicated on plans will be appropriately screened once systems are designed.

17. *Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public.*

Satellite dish installation will not be allowed by building management.

SIGNAGE:

1. *Shall comply with the sign ordinance.*

Comment noted. Signage design has not yet been resolved.

GENERAL ENGINEERING COMMENTS: (Comments noted. Will be addressed in future submittal.)

1. *Complete final site engineering and construction level drawings and plans for review and approval before building permit acquisition.*
2. *The final plan shall include a cover page with relevant information i.e., Kansas One-Call information, site data to include increase in impervious areas, utility contact information, vicinity map, project benchmarks, land disturbance area in accordance with UG standards and criteria.*
3. *Final plans shall include all applicable construction notes, details, and final engineering design to show all dimensions, proposed work, existing and proposed utilities including node numbers, right of way widths, driveway widths, contact information in accordance with UG standards and criteria.*
4. *See Erosion Control review for additional comments.*

Notes 11/29

Edgar Garcia
Christy Ubelaker
Buck Hassel
Rachel McMeachin
Brad Huhmann
Ewe
Chris
Josie Garcia
Amber Dollard
Nick Tomasic
Wesley Summa
Steven Sudekum

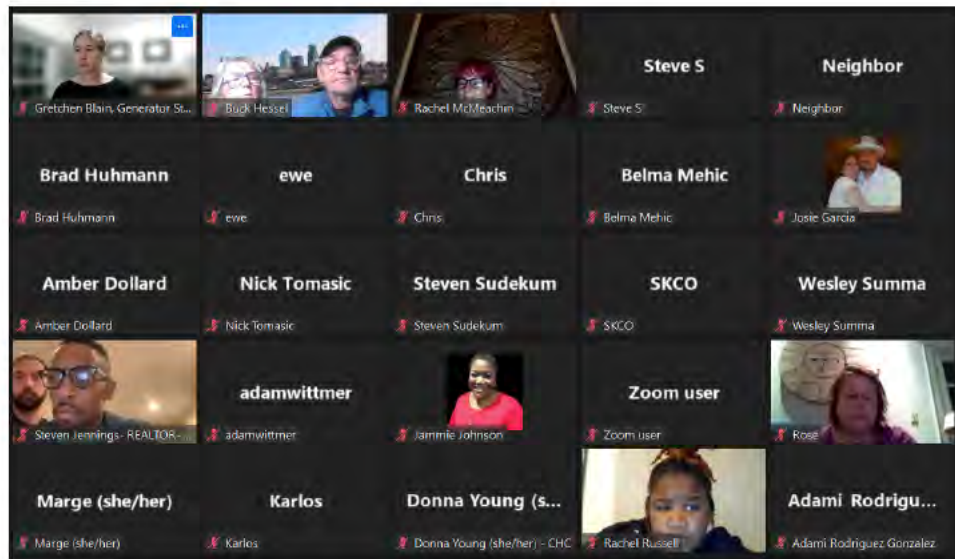
Enhance entryway to city

Help area

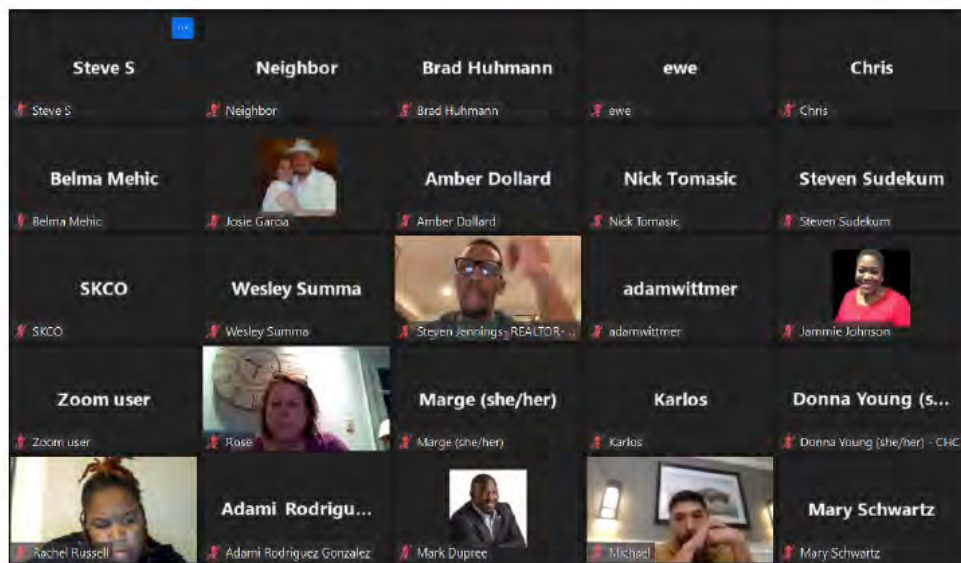
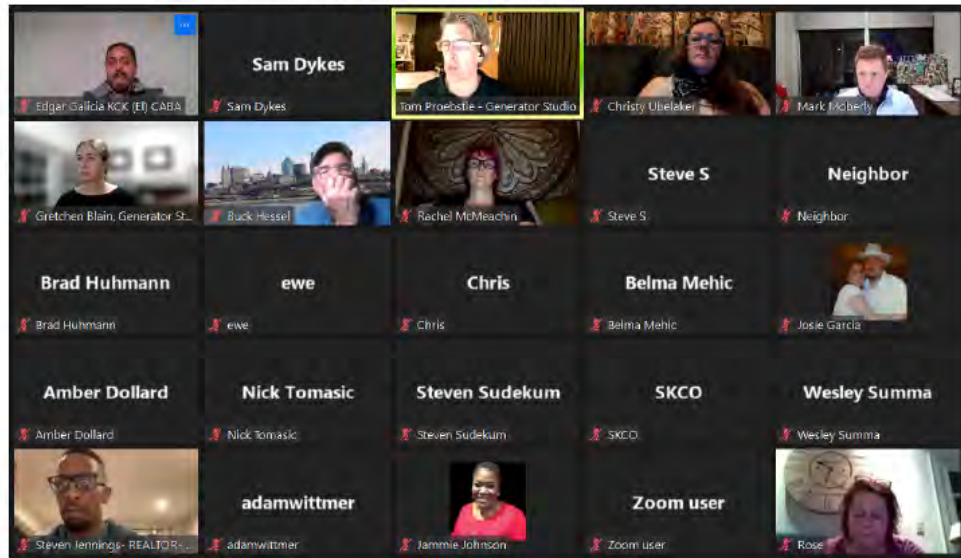
Viewpoint both ways

History on site and other large building / development of central

Zoning became difficult because of zoning issues with developing city b/c of central and site restrictions



Lower rents and low medium housing value
 So low it barely registers - what we want is to start balance in the neighborhood
 - Note comments in zoom comments section



33

 wbg

 Stephanie's iPhone





Mary Schwartz



Megan Hemphill



Melissa Bynum



Onto Site Plan -

Help pedestrians get to central ave

Develop the area and create safety

Regulate traffic

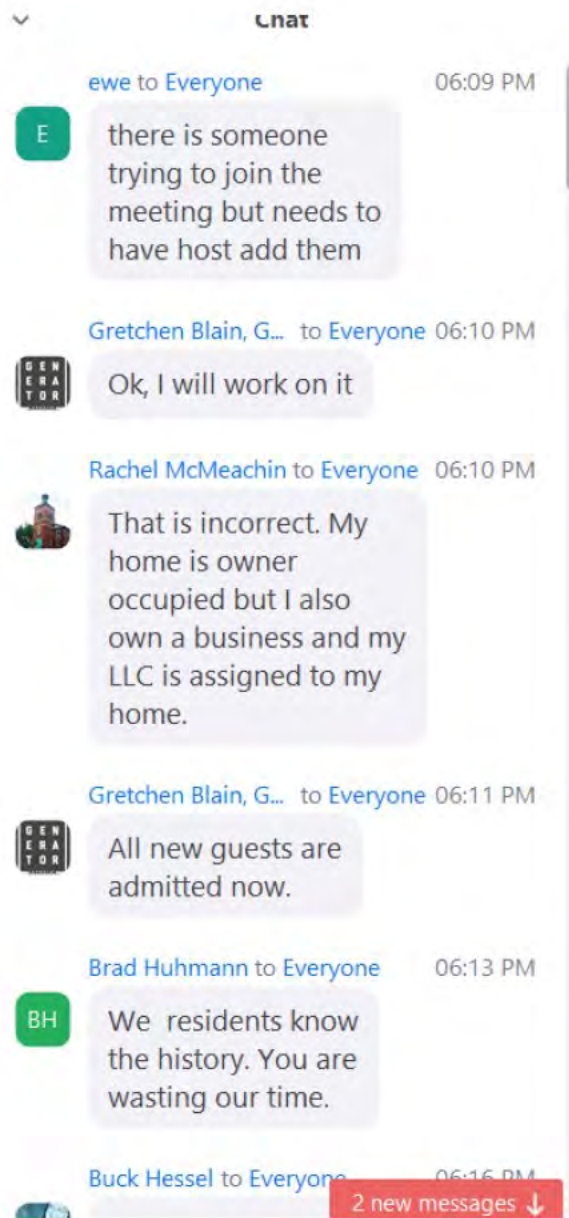
Parking is over code as of in the drawing

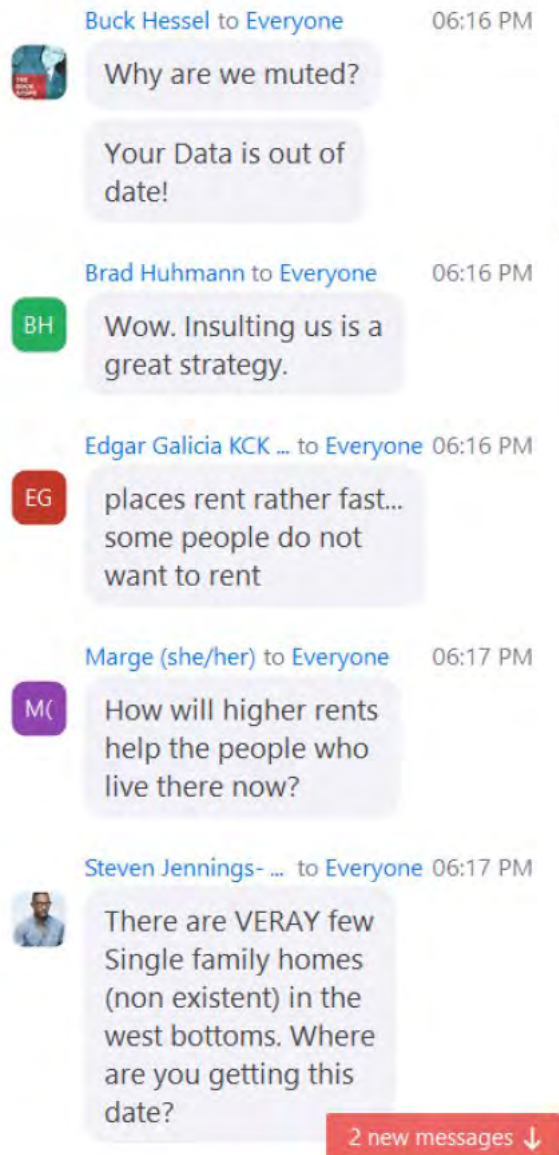
Traffic study - contributes minimally to traffic

Truck traffic is what backs up area southbound - lots of comments in section on this

Provide community amenities on the site - parklet bikeshare public art local artists outdoor safety / greenery

More amenities - sidewalks on the site - providing safety





Gretchen Blain, G... to Everyone 06:17 PM



We will open for questions and comments at the end of the presentation.

Steven Jennings- ... to Everyone 06:17 PM



Data?

Rachel McMeachin to Everyone 06:17 PM



I also have space in the west bottoms and it's over inflated and drove out what was innovative and charming with folks stepped in to develop.
\\

Brad Huhmann to Everyone 06:18 PM



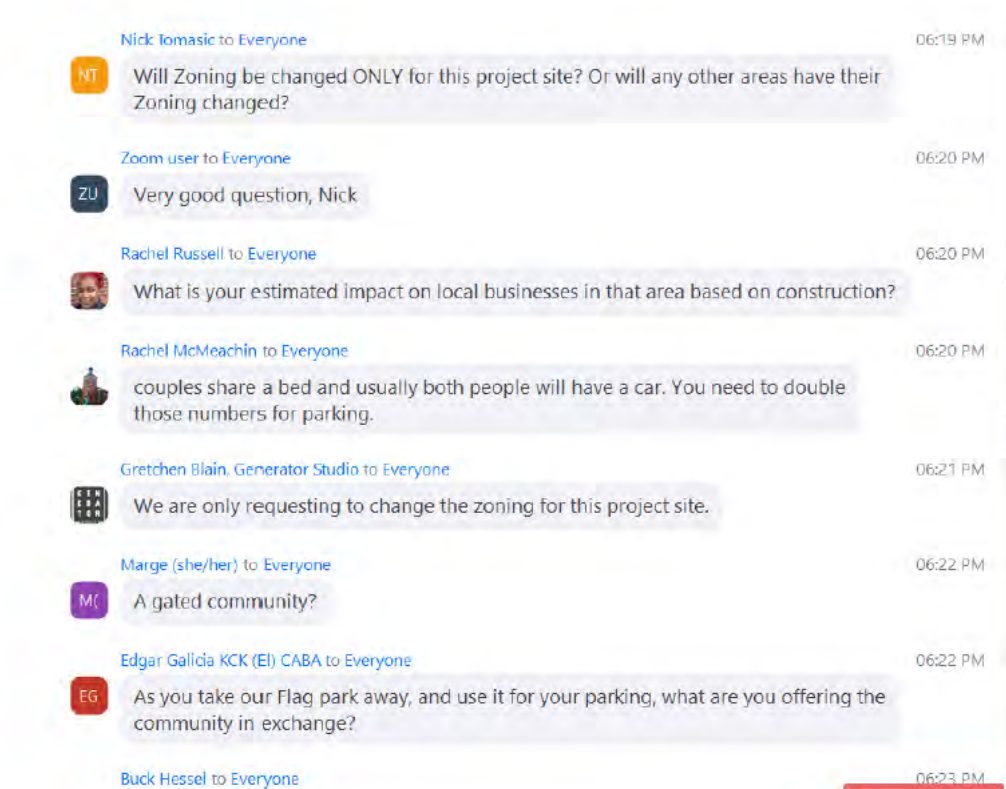
You are wasting our time. Tell us about the actual plans.

Zoom user to Everyone 06:18 PM



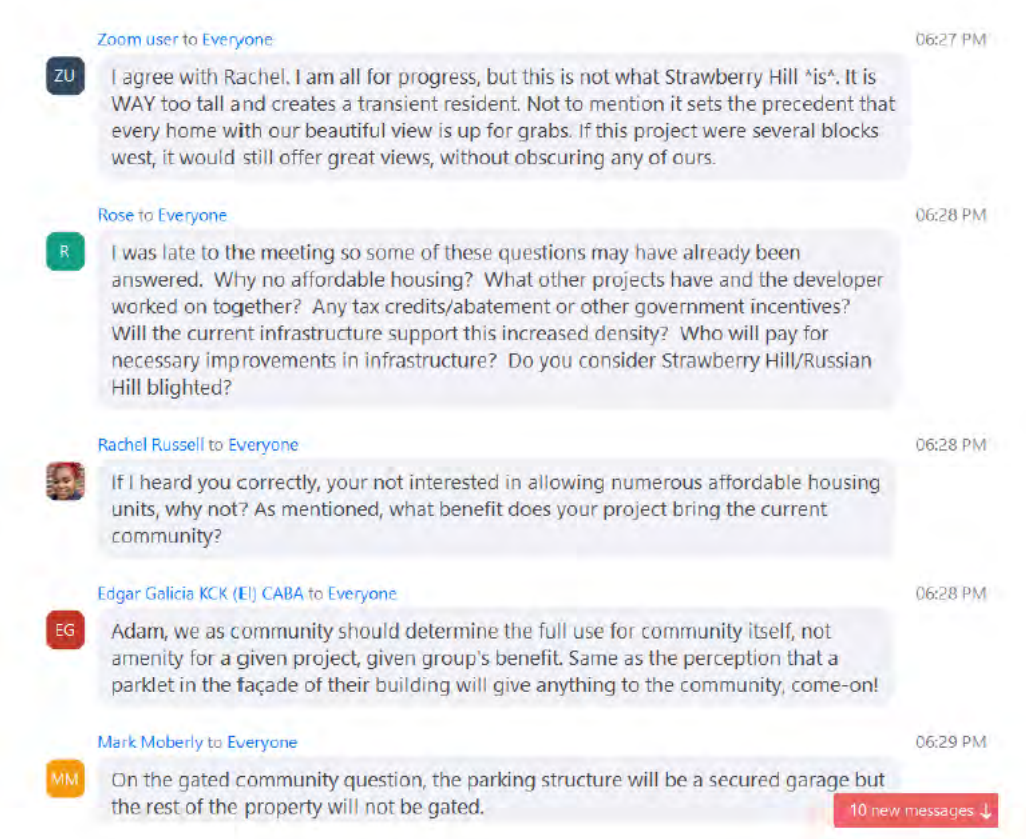
There are no houses in the west bottoms. I sit on the Board

4 new messages ↓



-  Buck Hessel to Everyone 06:23 PM
That intersection can not handle the traffic flow now!
-  Wesley Summa to Everyone 06:23 PM
WS I believe he is just using the word Gateway to the community. This is not a gated community.
-  Rachel Russell to Everyone 06:24 PM
Your projected residents don't meet the community's ideal of whom we want represented in our community. Sounds like your ideal candidate is temporary. Currently WyCo has a need for more multifamily housing for FAMILIES and as a family I would not be located off a busy street or highway.
**your ideal candidates are temporary (residents)
-  Buck Hessel to Everyone 06:25 PM
Why is this being done over Zoom and not in person at City Hall?
-  adamwittmer to Everyone 06:26 PM
A Edgar, what is the flag park currently used for??
-  Nick Tomasic to Everyone 06:26 PM
NT Are any tax money: TIF, Tax deferments, etc, being used for this project?
-  Rachel Russell to Everyone 06:26 PM
What other projects is your development working on currently?

10 new messages ↓



EG	Edgar Galicia KCK (EI) CABA to Everyone	06:29 PM
EG	We need Mix-Use / Mix-Income in all new developments	
MM	Mark Moberly to Everyone	06:30 PM
MM	The flag park will not go away completely, but we are in discussions with the City regarding what make sense for it to stay, be rehabbed, be relocated, etc. We are open to ideas.	
ZU	Zoom user to Everyone	06:30 PM
ZU	Adam, the flag park is a much more appropriate entrance to Strawberry Hill than a "luxury" high rise.	
BH	Brad Huhmann to Everyone	06:30 PM
BH	looks like a Soviet Brutalist design	
SS	Steven Sudekum to Everyone	06:31 PM
SS	Will you be burying the electric utility lines East of the proposed building site?	
S	SKCO to Everyone	06:31 PM
S	I'm all in for development in our community but this is NOT for OUR community... AT ALL from my understanding...	
MM	Mark Moberly to Everyone	06:31 PM
MM	the parking count is derived from the parking needs of similar multi-family properties in urban settings around the Kansas City area. I believe we are exceeding the UG's requirement of one space per unit by providing one space per bedroom.	13 new messages ↓

-  Mark Moberly to Everyone 06:31 PM
the parking count is derived from the parking needs of similar multi-family properties in urban settings around the Kansas City area. I believe we are exceeding the UG's requirement of one space per unit by providing one space per bedroom.
-  adamwittmer to Everyone 06:32 PM
Thanks Mark, I have been talking with the city to get them to do something, literally, anything to the flag park for almost a decade now.
Great design Tom, this is incredible!
-  Neighbor to Everyone 06:33 PM
Timeline for completion? Excited to have this addition to the neighborhood.
-  Zoom user to Everyone 06:33 PM
This looks exactly like Crossroad developments and quality hill. This is NOT for Strawberry Hill.
-  ewe to Everyone 06:33 PM
I am really hoping that is not going to be the entry view to our wonderful little community.
-  Buck Hessel to Everyone 06:33 PM
Sophomoric Design, Sorry.



Rachel McMeachin to Everyone

06:34 PM

Strawberry hill isn't an urban setting per se. It's multi family. There aren't any real public transit options. A few bus stops but no one in your demographic will ever take the busses here.



Edgar Galicia KCK (El) CABA to Everyone

06:34 PM

How does this "wonderful" design destroys the fiber of our community?



Buck Hessel to Everyone

06:34 PM

What is the timeline?



Amber Dollard to Everyone

06:35 PM

Why buy the cow, when you get the milk for free? The view from Russian Hill and Strawberry Hill comes with the price of home ownership. I don't believe our community is wanting "affordable housing" for renters. Our ancestors and home owners have worked very hard to pay for this view. We shouldn't hand it out to people who aren't wanting to be vested tax payers within our community. Condos would be a option that more people could get behind. - Amber Dollard, Iconic Hills Real Estate Broker

Christy Ubelaker to Everyone



exactly, Amber!

Wesley Summa to Everyone



In my eyes this building blows any other apartment building, high rise, etc... in our community out of the water.

Zoom user to Everyone



Could you please define what your "market rate" will be? What is the projected rent rate per square foot?

adamwittmer to Everyone



Agreed, Wes.

Brad Huhmann to Everyone



Does Wes Summa live next door to this thing?

Rose to Everyone

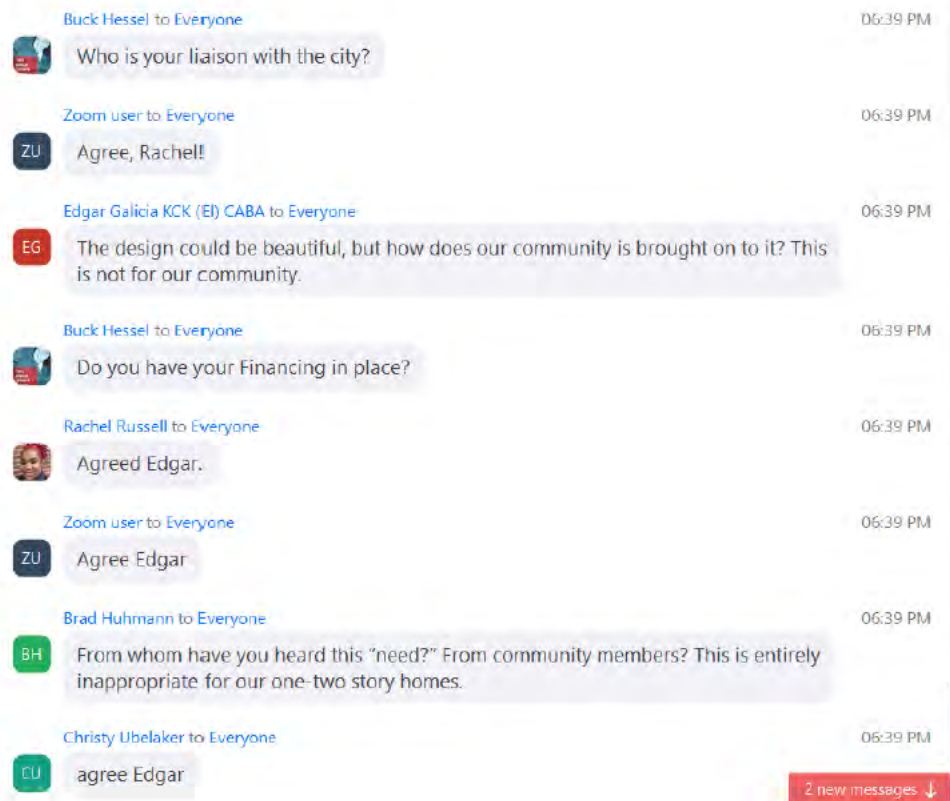


Owner occupied is always preferred

Rachel Russell to Everyone



You all heard it folks - you need to hold your commissioners accountable!! We need developers in our community that are for the community and THIS isn't it.



Marge (she/her) to Everyone

06:40 PM

ML

Do any of the people you've talked to about wanting to live in this area already live in KCK? Or are you expecting this to be all people from outside KCK moving in?

Amber Dollard to Everyone

06:40 PM

AD

What will monthly rent look like for a 1, 2 and 3 bedroom units?

Neighbor to Everyone

06:40 PM

N

Agreed. This is a vacant lot that can be used to help the community, bringing money to support our local businesses. It's nice to see people bringing their money to help improve. I'm happy this apartment is coming in

adamwittmer to Everyone

06:40 PM

A

Rachel and Edgar, what do you mean 'for this community'? How is this not 'for' Strawberry Hill?

Brad Huhmann to Everyone

06:40 PM

BH

There is no massing here. Other than a monolith.

Wesley Summa to Everyone

06:40 PM

WS

i've also talked to multiple people who work for the UG, BPU, Fire Department, KCPD etc..... who need to live in this county who would move into a place like this immediately.

-  Rachel Russell to Everyone 06:41 PM
If you support this project, talk to local residents. We Love our community and encourage development but projects like this begin the process of gentrification and displace families over years.
-  Buck Hessel to Everyone 06:41 PM
Are your investors local?
-  Edgar Galicia KCK (E) CABA to Everyone 06:41 PM
Adam, what part of Mix-Use / Mix-Income do you not understand? What part of High Risk Gentrification and Displacement don't you care about?
-  Brad Huhmann to Everyone 06:42 PM
When are you sending out the certified letters to neighbors?
-  Amber Dollard to Everyone 06:42 PM
That's KEY!!!! Dropping rents means section 8. We do not need anymore section 8 housing in WYCO. There is adequate space for section 8 within downtown.
-  Edgar Galicia KCK (E) CABA to Everyone 06:43 PM
Market rate means... what ever the market they advertise for can bare!
-  Rachel Russell to Everyone 06:43 PM
@Amber that is incorrect, the UG currently sends 400 vouchers back because we don't have quality and equitable section 8 housing in WyCo.
-  Buck Hessel to Everyone 06:43 PM
Did you do a density study?
-  adamwittmer to Everyone 06:43 PM
Has anyone driven down 5th St. lately? The city did a great job on the street beautification almost a decade ago, yet it is still not a thriving street. The biggest need for Strawberry Hill has been adding residential density...so many single family homes only go so far in the ability to drive commerce.
-  Josie Garcia to Everyone 06:43 PM
the area is not designed for any extra traffic. I don't see any plans for improving the traffic. we see so many accidents in the central ave area. several homes in the area that could be bought and renovated.

Neighbor to Everyone

06:44 PM



Yes we don't need section 8 in our neighborhood. I'll take luxury anyday of the week, the neighborhood is growing, it's time to adapt to it and take advantage of this opportunity

Brad Huhmann to Everyone

06:44 PM



Adam, commerce is not the ONLY value we hold.

Amber Dollard to Everyone

06:44 PM



Rachel, that is because they do not meet criteria or want to move to Bonner Springs. We just paid for a 6 building complex in Bonner Springs and many downtown residents didn't want to relocate.

Zoom user to Everyone

06:44 PM



Did anyone receive a letter? I did not.

Rachel McMeachin to Everyone

06:44 PM



I live 1/2 a block away and never got my invitation. I found out through others.

Brad Huhmann to Everyone

06:44 PM



Letters were NOT certified.

adamwittmer to Everyone



Brad, agreed, but have you tried to conduct a business here?

Zoom user to Everyone



I live two blocks away and never got a letter either, neither did any if my neighbors.

Rachel McMeachin to Everyone



You aren't reaching out to the actual neighbors. This feels shady.

Brad Hufmann to Everyone



We LIVE here.

Christy Ubelaker to Everyone



Did anyone here receive a letter?

Buck Hessel to Everyone



Do you realize the Central Ave. bridge is condemned and will not re open.

Rachel McMeachin to Everyone



Nope

Josie Garcia to Everyone



no traffic circles

ewe to Everyone



Will that traffic study be public? You are planning to add MANY new people to that area. That specific intersection has increasingly become congested. More traffic there is problematic.

Gretchen Blain, Generator Studio to Everyone



Letters were sent to the adjacent property addresses provided by the UG.

Brad Huhmann to Everyone



This is being pushed on the immediate neighbors with NO consultation. The traffic study is not valid. Driving over a counter is not capturing the reality of getting in and out of here on a daily basis.

Zoom user to Everyone



Adam, I have tried to conduct a business here. I have also lived here for twelve years. This is NOT for the entrance of The Hill. You have done a great job with your businesses...but this is NOT the only solution.

Rachel Russell to Everyone



Is it the same process of your delayed 15 minute entry time for the meeting...

Buck Hessel to Everyone



There is a bottleneck now going West on Central. You are doing a disservice to us and future tenants.

Edgar Galicia KCK (E) CABA to Everyone



Business could improve, it has gotten better on the daily... We could do better but if we want to rush growth with our lifting the community together, half of our people will be displaced

Zoom user to Everyone



Letters were sent to adjacent properties only? That is ridiculous.

SKCO to Everyone



I have a few properties and NEVER got any letter

Edgar Galicia KCK (EI) CABA to Everyone



with out* lifting everyone

Brad Huhmann to Everyone



It was NOT certified. You violated the process. Also put things in our mailboxes illegally for the first meeting If you can't abide by federal mail laws, how can we trust you'll be trustworthy in any other way?

adamwittmer to Everyone



Edgar, rush growth? What other apartment complex has broken ground in the past 50 years in Strawberry Hill?

Buck Hessel to Everyone



Why is this a Zoom Meeting?

Zoom user to Everyone



Why does this need to be right at the entrance? There is is land a block away that would make more sense.

Josie Garcia to Everyone



maybe I missed this. how does the "LUXURY" complex affect the property taxes of our community members that may already be struggling.

-  Steven Jennings- REALTOR- KC Home Collaborative to Everyone 06:49 PM
We recently bought into the neighborhood and are excited to see potential development. The extra traffic is our biggest concern as that intersection is already congested without adding hundreds of extra residents in that area. The development could be great for the neighborhood growth, but I would like to see a commercial element to a development in this area as well to help add value more than just adding people.
-  Nick Tomasic to Everyone 06:49 PM
NT I've lived on S.H. my entire life...change is hard...I wish it was like 1970 again...but its not. We need development, we need more tax dollars, more businesses and jobs for our youth. If this project passes, I hope it helps all of us.
-  Zoom user to Everyone 06:49 PM
ZU They will probably rebuild Central Ave with the Fed infrastructure bill. Maybe.
-  Brad Huhmann to Everyone 06:49 PM
BH Well, Nick, you don't have 8 stories looming over YOUR yard, do you?
-  adamwittmer to Everyone 06:49 PM
A Well said, Nick.

Neighbor to Everyone 06:49 PM
N Can't break ground soon enough. Excited for the future of the neighborhood

Zoom user to Everyone 06:49 PM
ZU Yet, Brad.

Edgar Galicia KCK (El) CABA to Everyone 06:49 PM
EG jumping into Luxury living is rushing growth.

Neighbor to Everyone 06:50 PM
N Well said nick. Time to adapt to the changing times

Zoom user to Everyone 06:50 PM
ZU I agree Edgar.

Steven Jennings- REALTOR- KC Home Collaborative to Everyone 06:50 PM
Agreed, Nick

Buck Hessel to Everyone 06:50 PM
We talked to Brian Mckeirnnan, Commisioner, There is no money to rebuild

Zoom user to Everyone



Neighbor, stop being anonymous.

Rachel Russell to Everyone



planninginfo@wycokck.org

Brad Huhmann to Everyone



You weren't worried about safety protocols last time

Zoom user to Everyone



Thank you, Rachel.

Wesley Summa to Everyone



Brad sorry I just saw you question about me. I am one of the owners at Chicago's for the last 8 years now. I have been in and around Strawberry hill for the e last 17 years now. we need growth or the old building that sit vacant will remain vacant. The businesses like mine will remain on the line of staying open or closing. We love the neighborhood but Chicago's is a labor of love. my thought is if we fight this then when do we get the development we need. I've looked at a hill full of trees for 17 years wondering when someone would do something here.

Edgar Galicia KCK (E) CABA to Everyone



Show us your planned amenities, that is where I call it Luxury

Steven Jennings- REALTOR- KC Home Collaborative to Everyone 06:52 PM
 heard Wesley

ewe to Everyone 06:52 PM
 E I am concerned with the potential negative financial impact to current home owners. Since I purchased my home 20 years ago, taxes have already increased four fold. I do not want to pay higher taxes to help make something I do not approve of coming into the neighborhood.

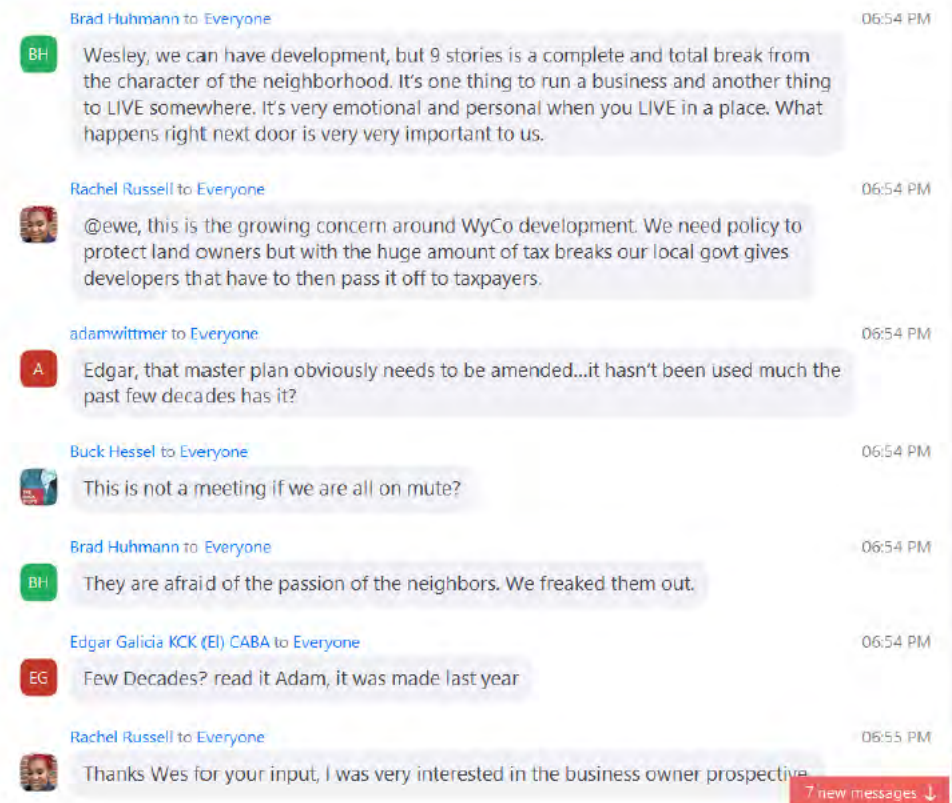
Zoom user to Everyone 06:52 PM
 ZU So, all of this new traffic would not go over Central Ave...but through Strawberry Hill.

Steven Jennings- REALTOR- KC Home Collaborative to Everyone 06:52 PM
 Is there any plan for commercial space in the development?

Edgar Galicia KCK (El) CABA to Everyone 06:53 PM
 EG Our Master Plan calls for Mix-Use / Mix-Income... and by no mean it calls for changing the fiber of the neighborhoods

Mary Schwartz to Everyone 06:53 PM
 MS Can you repeat again- how much per sq ft were you thinking on rents?

Amber Dollard to Everyone 06:54 PM
 AD Is this slide show available to us in PDF?



Steven Jennings- REALTOR- KC Home Collaborative to Everyone 06:55 PM
 Either way, good luck! The thought of something being on the table is exciting!

Christy Ubelaker to Everyone 06:55 PM
 Will there be another in person meeting?

Brad Huhmann to Everyone 06:55 PM
 Also, please send link to recording.

Rachel Russell to Everyone 06:55 PM
 Especially since the business district in that area has grown.

Mary Schwartz to Everyone 06:55 PM
 Have you established the breakdown of how many studio, 1 beds, and 2 beds there will be? Not sure if I missed that or if it's been figured out at this point.

Buck Hessel to Everyone 06:55 PM
 What are the provisions for access to Hallock during construction?

Rachel Russell to Everyone 06:56 PM
 What are your next steps?
 If you want more information about the traffic study, etc... please contact Gunnar Hand at the UG. He is a receptive guy and would welcome your feedback, seriously.

Brad Huhmann to Everyone 06:56 PM
 Anyone who thinks this is awesome can offer to buy our house from us.

Rachel McMeachin to Everyone 06:56 PM
 I live and work at the top of 6th st. a 1/2 block uphill from you. What is the plan for we the residents to have access to get our homes during your construction

ewe to Everyone 06:56 PM
 @Brad agreed this is NOT the view of Strawberry Hill that is wanted for this community in which I have invested

Who can see your messages? Recording On

Rose to Everyone



I know that the Converge project has a change that wasn't discussed with or revealed to the neighbors. Rent does not include a parking space and is an additional \$100 per month

Edgar Galicia KCK (El) CABA to Everyone



everyone for and against, you need to personally talk to your elected officials

Wesley Summa to Everyone



Completely understand Brad and trust me I sympathize with that. I think it's just become and if not now then when scenario. We care very deeply about the neighborhood and my in-laws live at 5th and Ohio. I am on the Hill every day.

Rose to Everyone



Please respond

Rachel Russell to Everyone



Generator Studio, I'm concerned that you did not meet the community because numerous neighbors are expressing they DID NOT receive communication from you all.

 I know that the Converge project has a change that wasn't discussed with or revealed to the neighbors. Rent does not include a parking space and is an additional \$100 per month

Edgar Galicia KCK (El) CABA to Everyone

06:57 PM

 everyone for and against, you need to personally talk to your elected officials

Wesley Summa to Everyone

06:57 PM

 Completely understand Brad and trust me I sympathize with that. I think it's just become and if not now then when scenario. We care very deeply about the neighborhood and my in-laws live at 5th and Ohio. I am on the Hill every day.

Rose to Everyone

06:57 PM

 Please respond

Rachel Russell to Everyone

06:57 PM

 Generator Studio, I'm concerned that you did not meet the community because numerous neighbors are expressing they DID NOT receive communication from you all.

Edgar Galicia KCK (El) CABA to Everyone

06:58 PM

 Everyone for or against needs to talk to your elected officials

Rachel Russell to Everyone

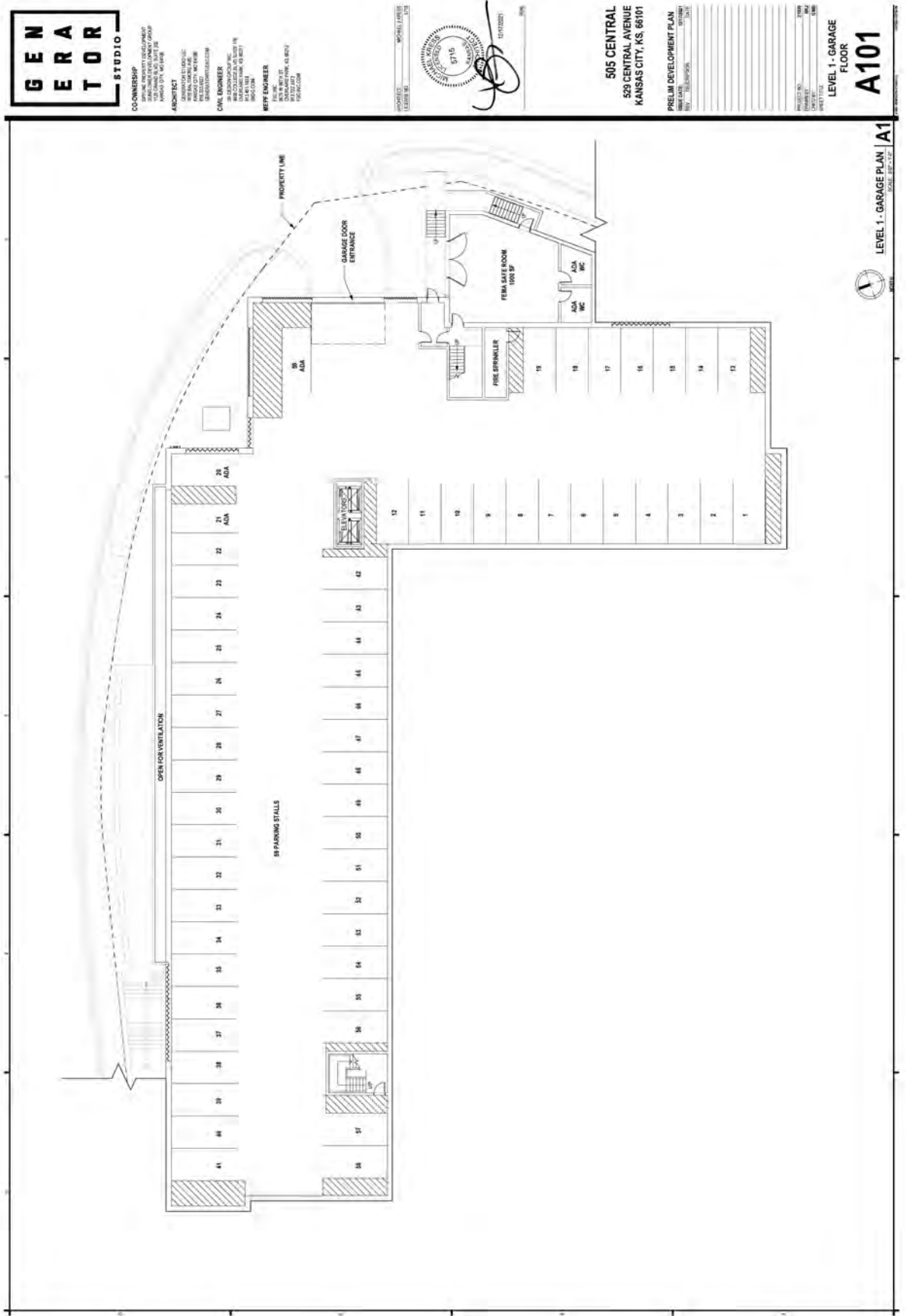
06:58 PM

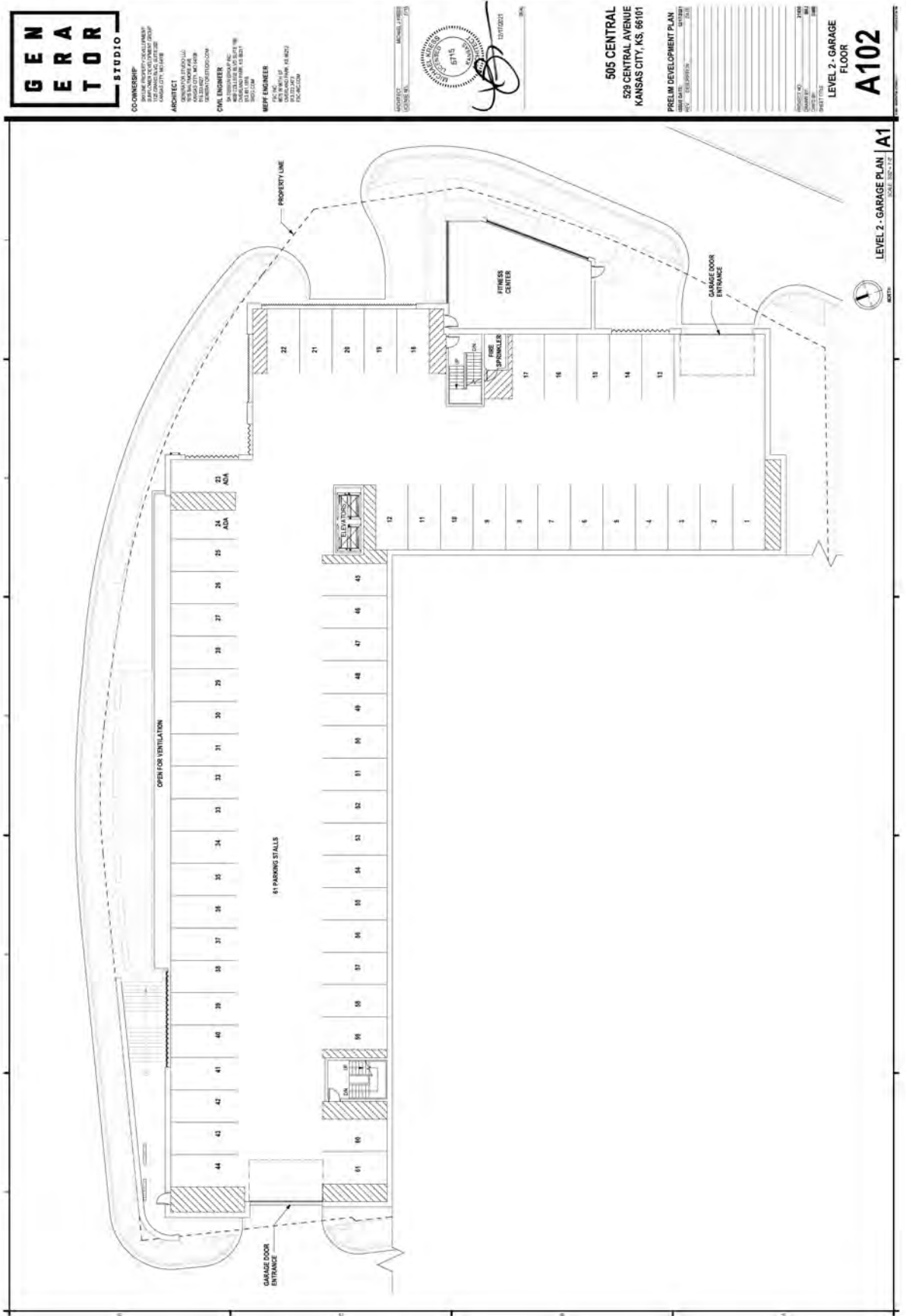
 read further up...

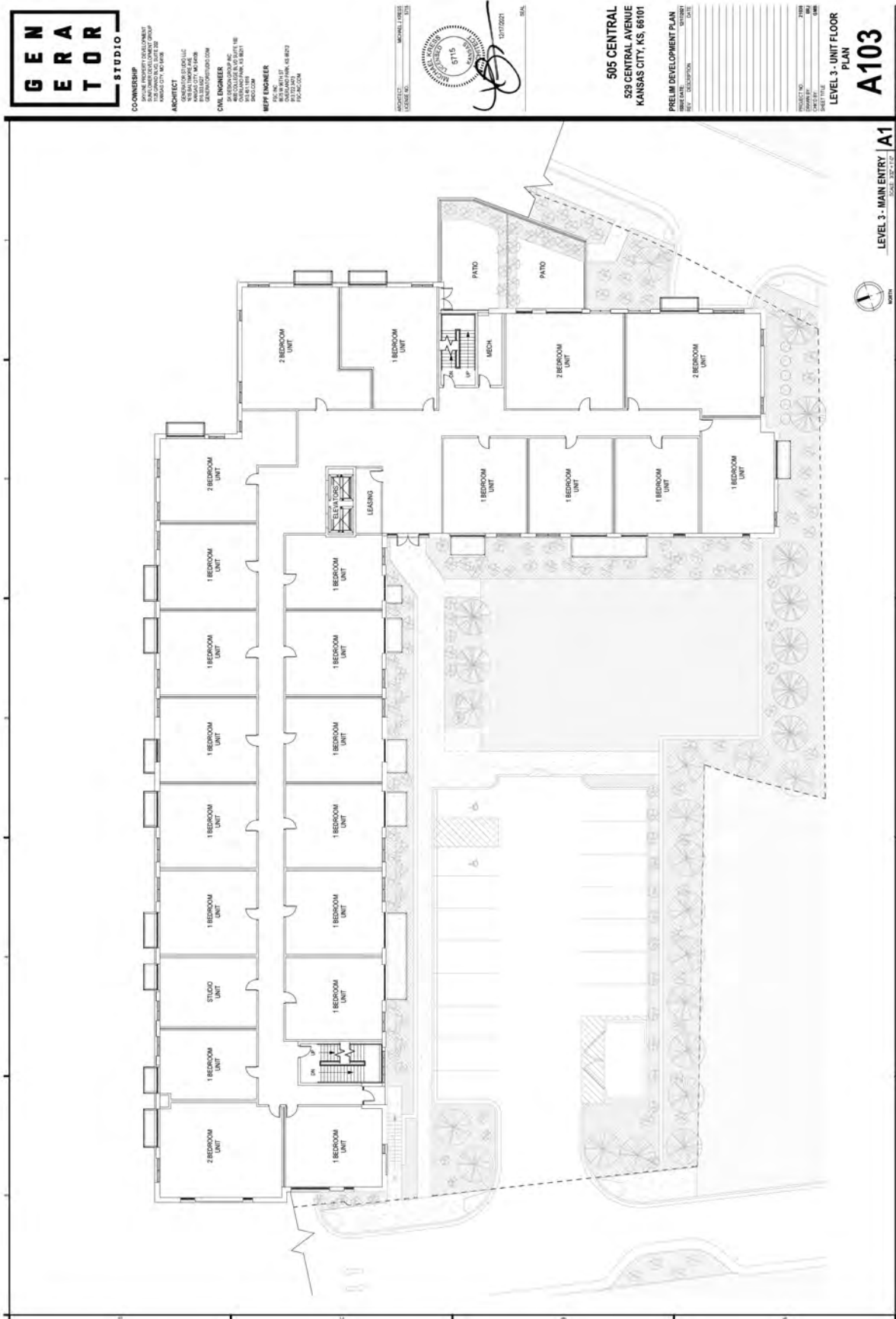


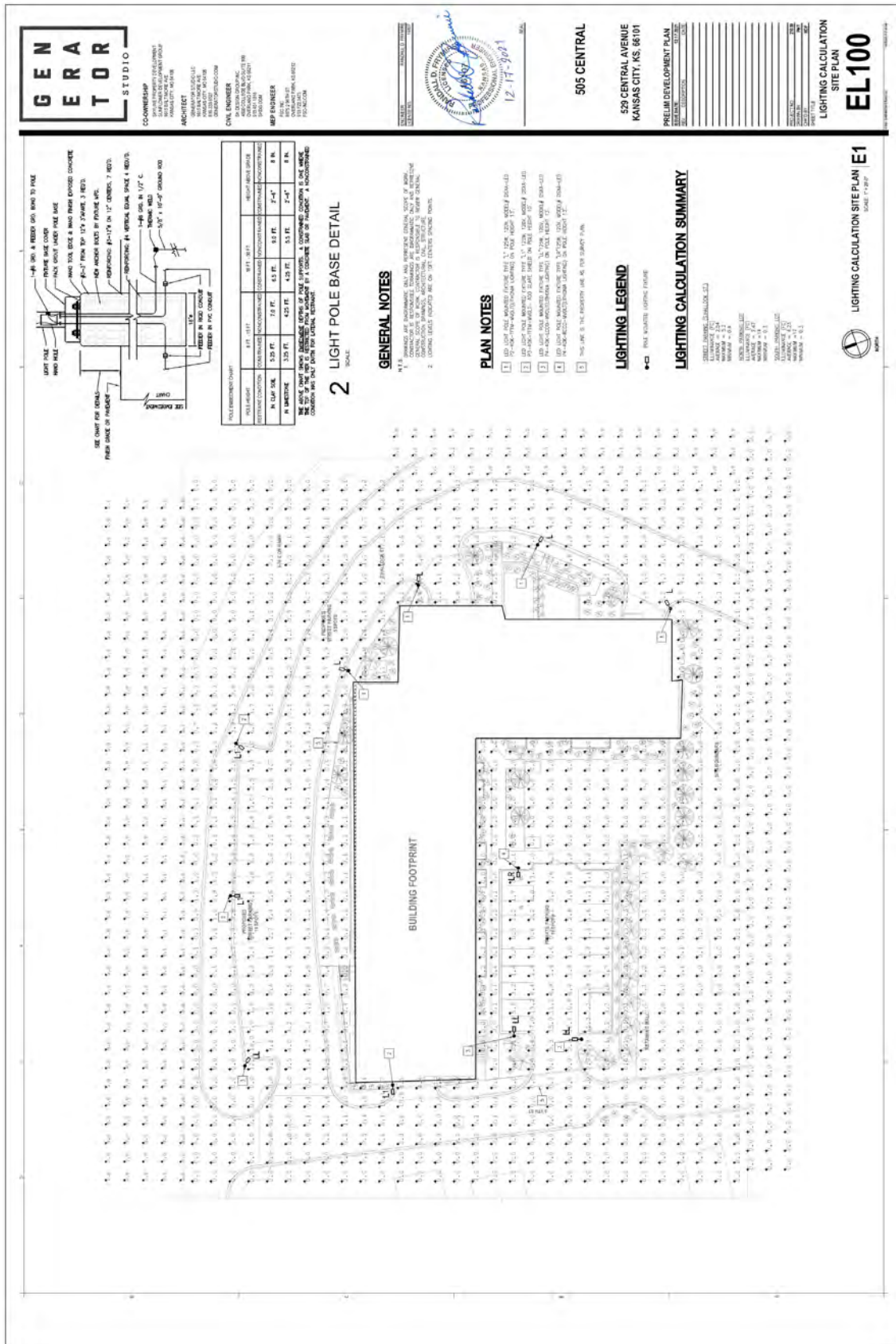


















EXISTING CONDITIONS
(LOOKING SOUTH ON 6TH)



PRELIMINARY MASSING
(LOOKING SOUTH ON 6TH)



KEY PLAN MAP



EXISTING CONDITIONS
(LOOKING NORTH FROM LOWELL AVE)



PRELIMINARY MASSING
(LOOKING NORTH FROM LOWELL AVE)



KEY PLAN MAP



EXISTING CONDITIONS
(LOOKING WEST ON CENTRAL AVE)



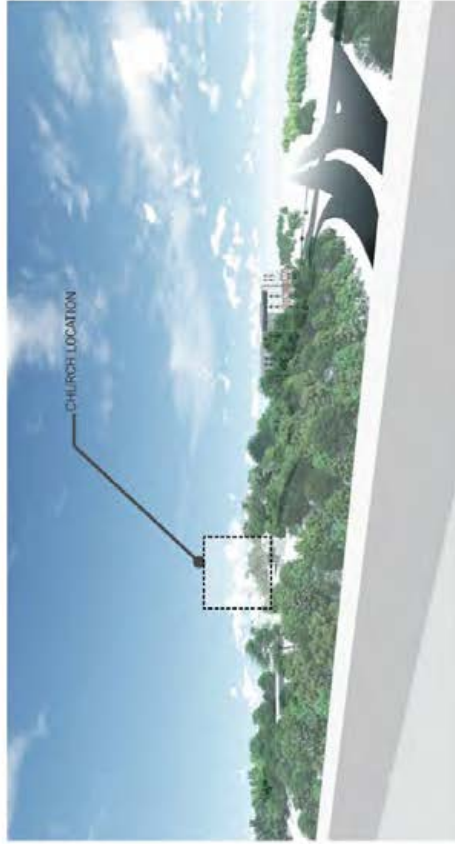
PRELIMINARY MASSING
(LOOKING WEST ON CENTRAL AVE)



KEY PLAN MAP

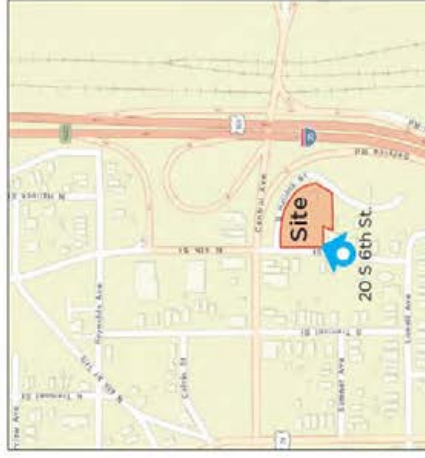


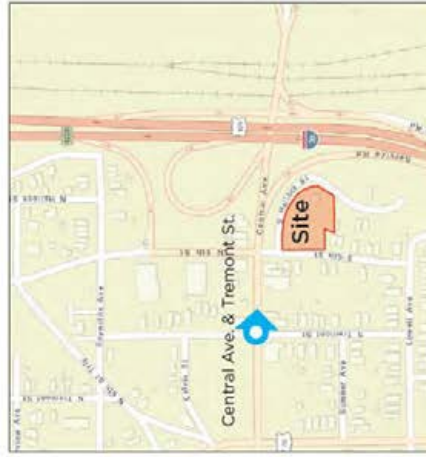
EXISTING CONDITIONS
(LOOKING WEST ON CENTRAL AVE)



PRELIMINARY MASSING
(LOOKING WEST ON CENTRAL AVE)







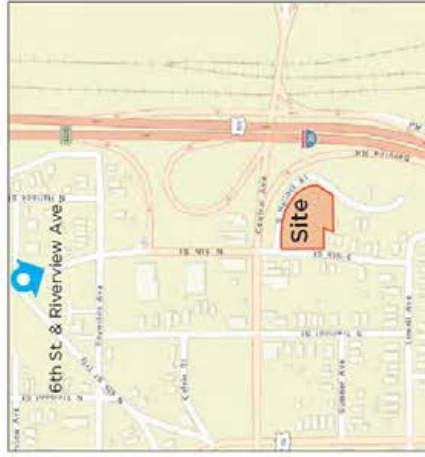




Figure 4. Site Photograph of 10 South Hallock Street looking southwest from Central Avenue (provided by Planning Staff).

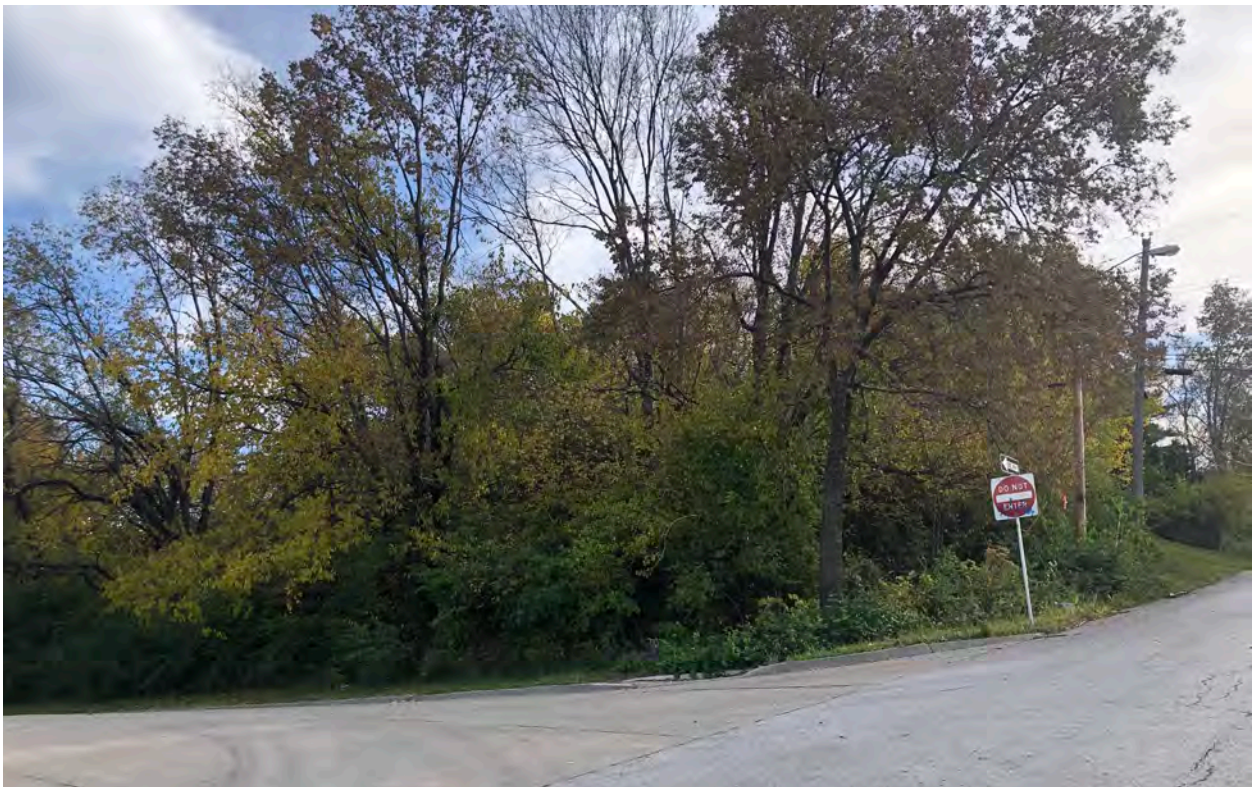


Figure 5. Site Photograph of 10 South Hallock Street looking southeast from South 6th Street (provided by Planning Staff).



Figure 6. Site Photograph of 10 South Hallock Street looking northeast from South 6th Street (provided by Planning Staff).



Figure 7. Site Photograph of 10 South Hallock Street looking northeast from South 6th Street (provided by Planning Staff).



Figure 8. Site Photograph of 10 South Hallock Street looking northwest from Hallock Street (provided by Planning Staff).



Figure 9. Site Photograph of 10 South Hallock Street looking west (provided by Planning Staff).

Letters of Support:

January 27, 2022

The Unified Government of Wyandotte County and Kansas City
Attn: Board of Commissioners
701 N. 7th Street
Kansas City, KS 66101

RE: Letter of Support for Proposed Multifamily Project at 505 Central Avenue, Kansas City, KS

I am writing this letter to express my support for the 148-unit multifamily project being proposed at 505 Central Avenue in downtown Kansas City, Kansas. I have had the opportunity to speak with members of the team who are developing the project to hear the facts as they stand today and ask direct questions.

I understand this is a \$40 million + investment in our community that will be co-developed by Sunflower Development Group, LLC in partnership with the current owners of the land, Skyline Property Development, LLC.

I understand the building will be six levels of apartment units on top of two levels of parking garage, making it an eight-story building. Hearing it's eight stories is certainly striking at first, but I now understand the sloped nature of the property will result in the parking garage being built into the steep hill. I have also reviewed the Site Line Study the City Staff required and understand the impact of the sight lines on views to both downtown KCMO and also uphill to the onion dome of the Russian orthodox church are minimal when compared to existing conditions. I appreciate that, when compared to the current site conditions, no views from any existing owner-occupied homes will be compromised.

I understand the project will include 148 market-rate apartment units with a mix of studios, one and two-bedroom units that will all be leased based on market-rate rents. Because of the number of different unit type and sizes, it's great that this project will have a range of rents that appeal to a wide demographic of current KCK residents as well as those who desire to move to, or move back to, our community – an opportunity that has been hamstrung by limited options in housing development on the east side.

While I am a supporter of providing housing opportunities for all income levels and demographics, including workforce and affordable housing, I understand this proposed project will not include any rent-restricted units or the use of low-income housing tax credits. I believe a market-rate rent project with a significant density of units is needed in our community to support and increase the great retail growth our downtown has experienced over the last decade.

I have heard the concerns from my neighbors and others regarding the current traffic situation at the 6th Street and Central Avenue intersection. I understand that as a requirement of their application to our Planning Commission, the developer engaged a third-party firm to perform a traffic study to look at the impact of traffic created by the

apartment project, and that study found the impact to be minimal. However, that does not solve the issues that exist today, and I am confident the developer will work with our community and City Staff to come up with solutions to creating a safe intersection for both vehicles and pedestrians.

I have heard the concerns from my neighbors and others regarding the parking provided in the project. The developer has educated me on how they arrived at their number of parking spaces, which is based off historical data from multifamily projects they have in the area.

I have heard the concerns from my neighbors and others regarding the impact of the proposed project to the water and sewer infrastructure of our community. In speaking with the developer, I now understand the scope of their sitework includes significant upgrades to these systems. I am confident our City Staff will ensure the developer's plans meet or exceed the required upgrades to our water, sewer and stormwater detention infrastructure.

I support this project because my friends, my neighbors and our local business owners regularly discuss the need for quality, market-rate apartment options that will attract a new demographic to our downtown KCK community. With the growing food and beverage options, new grocery store, and strong employment opportunities, I feel one of our biggest challenges is a growing resident base. While I understand there are a number of rental homes or small apartment community choices, unlike downtown KCMO, the Crossroads, the growing West Bottoms and even Western Wyandotte County, downtown KCK has very few, if any, options that are similar to what is being proposed. This type of project will bring significant economic activity to our retail businesses and let the entire Kansas City Metro area know we are open for business in downtown KCK.

Having made a substantial investment in the area, I am excited for the economic boost a great multifamily project such as is being proposed will provide to our surrounding community. I am pleased to provide my support of this project.

Sincerely,

Your active business owners, property owners and neighbors
(see attached)

CC: Office of Mayor Tyrone Garner
Board of Zoning Appeals/City Planning Commission
Department of Planning & Urban Design
Department of Economic Development
Skyline Property Development, LLC
Sunflower Development Group, LLC

Supporter's of the 505 Central, KCK Project

	Name	Email	Phone Number	Affiliation	Address
1	Laura Summa	Lwestfall22@aol.com	913-220-4134	Chicago's Bar owner	534 Central Avenue
2	Wes Summa	Chicagosonthehill@gmail.com	816-830-3352	Chicago's Bar owner	534 Central Avenue
3	Connie Cervantes	davinadesienskc@yahoo.com	816-651-8085	Davina Designs Boutique	607 Central Avenue
4	Rachel Valle	vallemultiservice@outlook.com	913-701-8334	Valle Multi Services and Insurance	611 Central Avenue
5	Adam Wittmer	adamwittmer7@hotmail.com	913-486-2742	Splitlog Coffee	548 Central Avenue
6	Mike Pearce	mike@slapshbkc.com	816-719-1026	Slap's BBQ	533 Central Avenue
7	Dan Parker	parkerlaw94@yahoo.com	913-620-2021	Abogados Parker & Parker	535 Central Avenue
8	Amber Dollard	amber@iconichills.com	816-605-5747	Iconic Hills Realty	541 Central Avenue
9	Steve Sessions	steve@iconichills.com	913-220-5546	Iconic Hills Realty	541 Central Avenue
10	Matt Tomasic	tomasic.kck@gmail.com	913-406-7696	Police Athletic League (PAL)	800 North 5th Street
11	Rick Rehorn	rick@tomasicrehorn.com	913-371-5750	Tomasic Rehorn Law	419 North 6th Street
12	John Pauley	JP@blackfinllc.com	816-985-4850	Owner of 537 Central building	
13	Perla Garcia	Perla.garcia72824@gmail.com	913-370-6605	Tarahumaras Mexican Restaurant	503 North 6th Street
14	Greg Dean	greg.dean@millerstauch.com	913-307-1708	Miller Stauch Construction	32 North 6th Street
15	Chris O'Connor				
16	Casey Bond	caseynoellebond@gmail.com	913-579-3942	Business owner	513 North 5th Street
17	Diana Whiles	whilesdiana@gmail.com	913-626-5603		
18	Chuck Whiles	woodrotrepair@shcglobal.net	913-927-5703		
19	Patty Westfall	jetmore9@aol.com	913-626-0993		
20	Tom Westfall	jetmore9@aol.com	913-626-0994		
21	Colleen Roberts	colleenroberts@reecenichols.com	913-244-8571		
22	Keeley Hanson	keemarie52986@yahoo.com	913-481-1354	KCK firefighter	
23	Kaleigh Hanson	kbrynn_ka@gmail.com	913-280-0821		
24	Kyle Ratcliff	kyleratcliff25@gmail.com	913-980-3512		
25	Phil Shoemaker	phil_045@yahoo.com	913-9525730		
26	Nick Lysaught	nlysaught@yahoo.com	913-620-1920		
27	Michelle Lysaught	gabyeir171@gmail.com	913-908-5166		
28	Adam Browne		913-709-5734		
29	Nancy Burns	nburns@wycokck.org	913-244-0028		
30	Bill Burns		913-271-7782		
31	Peter Schmidt	peter.i.schmidt92@gmail.com	785-230-6824		
32	Rick Muslet	rickmuslet@yahoo.com	602-541-6630	Owner of each corner at 7th and Central	

Toy, Byron

From: Steve Simpson <steven.simpson00@gmail.com>
Sent: Tuesday, February 22, 2022 3:08 PM
To: Carttar, Katherine; Segui, Diana L; Rangel, Lisa; Murray, LaVert; Toy, Byron; Hand, Gunnar; Parker, Janet
Cc: Mark Moberly; Tom Proebstle; Jason Swords
Subject: Slap's BBQ letter of support

All,

I received this letter from Mike, the owner of Slap's today. He sent this letter to Commissioner's McKiernan and Burroughs today and said for me to forward it to the UG staff or others as needed. I thought you all would appreciate seeing his letter.

Steve Simpson
Skyline Property Development

Good afternoon Steve,

Just wanted to keep you in the loop with the messages we sent Commissioner McKiernan and Commissioner Burroughs. We will be on the 03/14 call, but let us know if we can do anything in the meantime!

Take care. MIKE

----- Forwarded message -----

From: Mike Pearce <mike@slapsbbqkc.com>
Date: Tue, Feb 22, 2022 at 12:44 PM
Subject: Quick note from Slap's regarding the 505 Central Ave Project
To: <tburroughs@wycokck.org>
Cc: Joseph Pearce <joe@slapsbbqkc.com>

Good afternoon, Commissioner Burroughs!

It's Mike over at Slap's BBQ. Hope all is well, sir.

Joe and I wanted to take a minute to convey our support of the proposed development at 505 Central. We know there is some opposition to the project, and we respect that, however, we really believe it is a huge step in the right direction for Slap's, our employees, and our little slice of KCK.

We would be glad to speak with you in person sometime, and are also planning to attend the March 14th Planning and Zoning meeting... but here are a few of our key points:

Our belief has always been this: Our job (Mike and Joe) is to create opportunities through growth so that when our employees have earned that next role, title, etc., that we have it to offer them. In doing this, we end up with a team of amazing operators that run the business in a way that allows us to expand and create more opportunities... and the cycle continues. So, the one ingredient we must have for this to work is growth!!

We want to grow in KCK, or at least have that opportunity! Our lunch business is good, but dinners have always been lacking (substantially). We believe this is due to the area's demographic, a lack of other "attractants" in the area, and also some stigma that we/KCK have been working to change. We also cannot compete with special events in other areas of the city, e.g., First Fridays in KCMO result in a 25-50% reduction in revenue at Slap's on those days/weekends. In other words, we don't have the residents and we don't have the draw.

We feel this development is the logical next step to bring more attention, visitors, and residents to the area. We have all already seen the impact that developments have had (road resurfacing, lane updates, parking updates, sidewalks, etc.) in the form of more visitors and traffic, more business, and an overall better "experience" when coming to KCK.

We love KCK and our little slice of Central Ave and we want to be here for the long haul. We want to offer our employees continued opportunities so they can improve their lives both inside and outside of Slap's. The proposed development is the perfect way to continue the momentum and bring more folks that want to live, work, eat, and play to our amazing community. We need it, we want it, it's the perfect project, and the timing is right!

Appreciate you and your time, as always.

Mike and Joe

--

Mike Pearce
Slap's BBQ
553 Central Ave
Kansas City, KS, 66101
Cell (816) 719-1026
Main (913) 213-3736

Letters of Opposition:

Neighborhoods Fabric PRESERVATION PETITION

12/01/2021

To:
Mayor David Alvey,
Mayor Elect Tyron Garner,
Commissioner District 2 Brian McKiernan,
Wyandotte County Board of Commissioners
County Administrator Doug Bach.
Elected and Appointed Wyandotte County Officers.

We, the undersigned, are concerned citizens who urge our leaders to act now to prevent the increase of the heights of buildings in the Strawberry Hill and Russian Hill neighborhoods. We urge you to preserve the fabric of the community which makes us special. Our architectural history is a non-renewable resource.

New development in our community MUST integrate into the neighborhood structures and not overshadow them, like the photo above. We, the undersigned, support a vibrant, mixed used / Mixed Income neighborhood in the Central Area and promote policies that will ensure the availability of more affordable housing in Kansas City, Kansas. We value diversity, we value community, and we want a livable city. To that end, we insist on establishing height limits to keep development projects in scale with existing housing structures.

The pending 505 Central proposal by the Sunflower Development Group that overshadows the properties to the west of the proposed location, does not allow for smooth transition between the urban village on Russian Hill and the neighboring houses. Introducing such dominating scale on this block is not consistent with the vision and desires of the neighborhood.

We accept and support the increase in density and scale of larger buildings in locations that can be supported by the energy of the existing community and are Mixed Use / Mixed Income. However, we believe that such a huge building in the very front of Russian Hill would destroy the quirky, mellow feel of the hill from all angles due to the intensity of their mass and scale. The Floor Area Ratio (FAR) limitation and setback requirements will not compensate for the fact that buildings could be built drastically out of scale with the surrounding neighborhood.

Instead, we propose up zoning the current designation of the two neighborhoods to allow for increased density and development, while still maintaining the "urban village" feel of the single-family, two-story homes that are the very fabric of these historic neighborhoods.

In addition, no one has been able to support the assertion that "market rate" apartments buildings coupled with luxury amenities and no height limits are necessary to coax developers looking to invest. We would like to see a more integrated search for investors that would be willing to respect and follow the Central Area Master Plan and help the community.

12/01/2021 The Neighborhood Fabric Act of PROTECTION and PRESERVATION PETITION to Elected and Appointed Wyandotte County Officers.

Neighborhoods Fabric PRESERVATION PETITION

Therefore, the undersigned request that the City REJECT this project/case and support our community's goal for new development that integrates and does not overwhelm. Show us that the city cares about community more than it cares about development profit by rejecting the proposed 8 story structure for the following reasons:

- Building tall structures right next to single-family homes is incongruous with the neighborhood's residential units that will continue to exist directly adjacent to such structures, which will block light and tower over homes to an unreasonable extent destroying the neighborhoods historical fabric and feel we have been investing into for the longest time.

- The land slopes up between the front of the proposed property and the back of the same, making the proposed height of an 8-story building even more imposing.

- While it may feel appropriate to have very tall buildings to increase the population's density in the city, the two neighborhoods do not want 5 or more story buildings along the I-70 corridor overshadowing the rest of the community. This project would set a very dangerous precedent that could not be reversed.

For your attention to our petition, the undersigned thank you.

Supporters: SIGN THIS PETITION, SHARE it throughout your social networks, & call your city elected officials!

Name:

Address:

- 1 - Veronica Foltz #34 S Hallock KCK 66101
- 2 - Anthony Duven 522 Riverview KCK 66101
- 3 - Joni Wadgach 255 ORCHARD KCK 66601
- 4 - Pam & William Shablow 512 Terry Ave KCK 66101
- 5 - X Jane & Thomas 611 Northrup Ave KCK 66101
- 6 - Regene McBee 511 Northrup Ave KCK 66101
- 7 - Jim Corniak 513 Northrup Ave KCK 66101
- 8 - Wendy Whitlock 513 Northrup Ave KCK 66101
- 9 - Julie Sacen 517 Northrup Ave KCK 66101
- 10 - Joa John 512 Northrup Ave KCK 66101
- 11 - Gary Berry 514 Northrup Ave KCK 66101
- 12 - Gerald Edson 309 Orchard KCK 66101
- 13 - Carol Edson 309 Orchard KCK 66101

12/01/2021 The Neighborhood Fabric Act of PROTECTION and PRESERVATION PETITION to Elected and Appointed Wyandotte County Officers.

Neighborhoods Fabric PRESERVATION PETITION

Name:

Address:

- 14 - Nancy Zamora 601 Splitlog ave Kansas City 66101
15 - A. Davis 22 S 6th St KC KS 66101
16 - Ezequiel Perez 548 Lowell Ave K.C. KS
17 - Jessie Recendez 39 South 6th St KCKS 66101
18 - Carmen Salinas 355 6th St Kc. KS 66101
19 - Maria L. Herrera 27 S 6th St K.C. KS 66101
20 - Sophia Sotomayor 12 S 6th St KCK 66101
21 - ~~Isabel Cruz~~
22 - ~~Isabel Cruz~~ 19 S. Tremont St
23 - Olga Flores 48 S. Pyle KC KS 66101
24 - Jesse Emmanuel 23 S Tremont St. 66101
25 - Jacob Brockwell 604 Lowell Ave 66101
26 - Steven M List 610 Sumner Keks 66101
27 - Ed Lesyk 558 Lowell Ave KCKS 66101
28 - Louis Bermudez 562 Lowell Ave K.C. Kas. 66101
29 - Celentino Cortez 570 Lowell Ave Kc. KS 66101
30 - Alicia Cortez
600 Lowell Ave
KCKS 66101
Sarah Buckwell 609 Lowell Ave Kansas City KS 66101

12/01/2021 The Neighborhood Fabric Act of PROTECTION and PRESERVATION PETITION to Elected and Appointed Wyandotte County Officers.

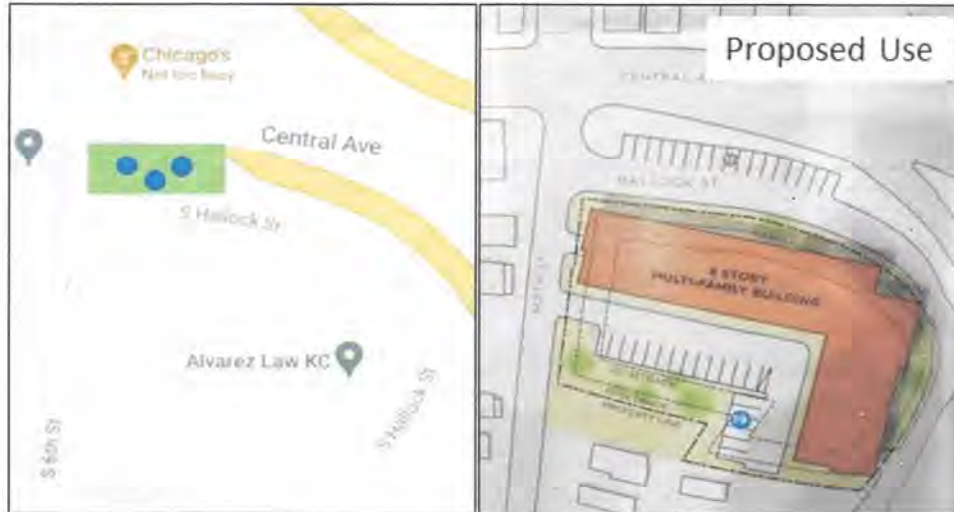
Neighborhoods Fabric PRESERVATION PETITION

- Name: Address:
- 31) ~~Robert E. Jenkins~~ 620 Lowell Ave
 - 32) Robert E. Jenkins 528 Lowell KCK 66101
 - 33) CHRISTIAN KENNEDY 547 Lowell Ave KCK 66101
 - 34) Tony Duggs 5 Tremont St. KCK 66101
 - 35) Andrew Morris 53 Tremont St KCK 66101
 - 36) Muna Bashir 60 S Tremont St. 66101
 - Devin Schneider 408 Sandusky Ave 66101
 - JUSTIN STURGIS 411 SANDUSKY AVE 66101
 - Patrick Deberry 417 Sandusky Ave 66101
 - Jackie Lima 501 N. Thompson St 66101
 - Savannah Moralez 429 N Thompson St KCK 66101
 - Dan Eighen 409 N. Thompson St KCK 66101
 - May Lin Szek 405 Thompson
 - Emily Nusz 421 ANN AVE.
 - Anna Raza 416 N. Thompson ST. K.C.K.S. 66101
 - Jeffery Bucholt 432 N Thompson KCK 66101
 - Tyler Coey 403 Burnett Ave. KCK 66101
 - Rose Kocour EILTS 506 N. 4th St. KCK 66101
 - Leo Eilts 506 N. 4th St. KCK 66101
 - Edwin Ryan 3636 OHIO AVE KCK 66102
 - Cecilia Viveros 645 Northrup 66101
 - GUILLERMO DASOI 639 NORTHUP 66101
 - Fritz Hutchison 625 Northrup 66101
 - MARTHA ALDA CO 621 Northrup 66101
 - Adán Machado 610 Northrup Ave 66101
 - Chelee Bryant 622 Northrup Ave 66101
 - Francis CO 634 Northrup AV 66101
 - Rame Mcneecini 556 Lowell AVE 66101
 - Kaufman 236th Street

12/01/2021 The Neighborhood Fabric Act of PROTECTION and PRESERVATION PETITION to Elected and Appointed Wyandotte County Officers.

PROTECTION and PRESERVATION PETITION

12/01/2021



To:
Mayor David Alvey,
Mayor Elect Tyron Garner,
Commissioner District 2 Brian McKiernan,
Wyandotte County Board of Commissioners
County Administrator Doug Bach.
Elected and Appointed Wyandotte County Officers.

We respectfully urge you to SUPPORT the protection and preservation of what is known as "The Flagpole" Parklet with an ACT of PROTECTION that will once and for all preserve this priceless public parklet FOR ALL PEOPLE to enjoy without privatization, and/or change or modification of use, other than as the public "marker" to the East Entrance of The Central Avenue Commercial Corridor as well as the Strawberry Hill, and the Russian Hill Neighborhoods.

The aforementioned parklet is currently being threatened by the proposed 505 Central project. This proposed development, which is being promoted by the Sunflower Development Group and Skyline Property Development LLC, is asking to turn our parklet into parking spaces for the 505 Central development. This would be of no benefit to our residents and detrimental to our community as a whole.

12/01/2021 The Flagpole Parklet Act of PROTECTION and PRESERVATION PETITION to Elected and Appointed Wyandotte County Officers.

PROTECTION and PRESERVATION PETITION

Friends and supporters of the preservation and enhancement of the parklet as a grand Gateway to our Community and who are in opposition of privatization plans, want to remind everyone that "The Flagpole" Parklet is a truly one-of-a-kind public space marker for the constituents— people of all ethnicities, religions, and cultural backgrounds— to be proud of, and referred to when conversing about our community. It is the "Front Door" to hundreds of residents and visitors alike and should become a recognizable Landmark as our community and historic neighborhoods become more of a travel destination.

Your support is critical to ensure that the long-overdue recognition of this parklet as the Gateway to our community will be handled with transparency, public input, and as a long-term legacy for a Free AND Proud diverse urban community, visitors from around the world, and future generations alike.

The Parklet and our community are not up for sale. Be on the right side of Kansas City, Kansas history in the making. The friends and supporters of "The Flagpole" Parklet, thank you for your consideration and support!

Supporters: SIGN THIS PETITION, SHARE it throughout your social networks, & call your city elected officials!

Name:	Address:
1 - Veronica Fdez	#34 S Hallock ST KCKS 66101
2 - Christine Dumm	#522 Riverview KCK 66101
3 - Jane Walczak	#255 Orchard KCK.
4 - Sam & Lillian Shablon	512 Penny Ave KCKS 66101
5 - X James E Ziegler	611 Northrup Ave KCK 66101
6 - Regina M. McCabe	511 Northrup KCK 66101
7 - Chuck Clifide	513 Northrup KCK 66101
8 - Jim Cornish	- 513 NORTHROP KCK 66101
9 - Julie Sachers	- 517 Northrup Ave KCKS 66101
10 - Patrick Cimpist	- 516 Northrup Ave KCKS 66101
11 - Joan Johnson	512 Northrup Ave. KCK 66101
12 - Wynetia Brown	514 Northrup Ave KCK 66101
13 - Gerald Edson	309 Orchard KCKS 66101
14 - Carol Edson	309 Orchard K.C.K 66101
15 - Nancy Zamora	601 Splitlog. ave KCK 66101
16 - D. Davis	22 S 4th St KCKS
17 - Ezequiel Perez	548 Lowell Ave K.C.Ks

12/01/2021 The Flagpole Parklet Act of PROTECTION and PRESERVATION PETITION to Elected and Appointed Wyandotte County Officers.

PROTECTION and PRESERVATION PETITION

Name:

Address:

- 18 - Jessie Pecunia 39 South 6th KCK 66101
19 - Carmen Salinas 355 6th St Ks. Kc. 66101
20 - Maria L Herrera 27 S 6th St Kc. Ks 66101
21 - SOPHIA SETODOSH 12 S 6th ST KCK 66101
22 - Hale Cruise 19 S Tremont St 66101
23 - M. K. L. 48 S. Rylo KC KS 66101
24 - Olga Flores. 23-S Tremont St. 66101
25 - JESSE Enriquez 16 South Tremont
26 - Manuel Offert 627 Summer Ave 66101
27 - Jacob Brockwell 604 Venable Ave 66106
28 - Steven Martin 610 Summer Ave 66101
29 - Ed Lesyk 550 Lowell Ave KCKS 66101
30 - Louis Bermudez 562 Lowell Ave K.C. Ks. 66101
31 - Celerino Cortez Jr.
570 Lowell Ave
Kansas City KS 66101
32 - Alicia Cortez
600 Lowell Ave
Kc Ks 66101

12/01/2021 The Flagpole Parklet Act of PROTECTION and PRESERVATION PETITION to Elected and Appointed Wyandotte County Officers.

PROTECTION and PRESERVATION PETITION

Name:

Address:

- 33 - Stephen Burkwell 604 Lowell Ave
- 34 - ~~Grandes~~ ~~Pauline~~ ~~Montano~~
- 35 - Robert E. Seuker 569 Lowell Rck 66101
- 36 - CHRISTIAN KENNEDY 547 Lowell Ave KCK 66101
- 37 - Tony Buss 58 S. Tremont St 66101
- 38 - Andrew Morris 53 S Tremont St 66101
- 39 - Muna Bashir 60 Stremont St. 66101
- 40 - Jayma Krystal 57 South Tremont St 66101
- 41 - Aranya Saylos 57 South Tremont
- 42 - Kaylee Thomas 57 S Tremont
- Devin Schneider 408 Sandusky Ave 66101
- JUSTIN SMITH 411 SANDUSKY AVE 66101
- Patrick Doherty 417 Sandusky Ave 66101
- Jackie Lima 501 N Thompson St 66101
- Savannah Morales 429 N Thompson St KCK 66101
- Ram Cizick 409 N. Thompson St KCK 66101
- Mary Ann Szak 405 Thompson St 66101
- Emily Nusz 421 Ann Ave
- Jere Kovac 416 N. THOMPSON ST K.C.KS 66101
- Jeff Proch 432 N Thompson KCK 66101
- ROSE KOCOUR EILTS 506 N. 4th St, KCK 66101
- Tyler Coen 403 Barnett Ave, KCK 66101
- Edwin Ryan 3636 Ohio Ave KCK 66102
- Cecilia Viveros 645 Northrop 66101
- Con Vantart 641 Northrup Ave 66101
- GUILLERMO PASUL 639 NORTHROP 66101
- 39 - ~~Reynolds~~ 625 Northrup 66101

12/01/2021 The Flagpole Parklet Act of PROTECTION and PRESERVATION PETITION to Elected and Appointed Wyandotte County Officers.

PROTECTION and PRESERVATION PETITION

Name:

Address:

- MARTHA AGUILO 621 Northrup Kansas City
- Tamara Green 608 Northrup K.C. KS
- Adán Macchato 610 Northrup Ave 66101
- Chelsea Bryant 622 Northrup Ave 66101
- Diego Gomez 632 Northrup
- Francis S Co 634 Northrup Ave
- Rachel McMeekin 556 Lowell Ave.
- Rachel McMeekin 23 S. 6th Street
- Karin Huhmann 23 S. 6th St.
- Brad Huhmann 28 S. 6th St.
- Jason Rivers 31 S. 1st St. K.C. MO 64101
- Erik (Erik) 31 S. 1st St. K.C. MO 64101

12/01/2021 The Flagpole Parklet Act of PROTECTION and PRESERVATION PETITION to Elected and Appointed Wyandotte County Officers.

Dear City Planning Commission,

I'm writing to voice my opposition to the development plan that has been proposed at 5th & Central Avenue. Was anybody even asking for this? Because it seems like this is a pipe dream of the development firm, and they're just hoping our community will fall in line. Russian Hill and Strawberry Hill have rich histories and strong social fabrics, and luxury condos do not fit with the spirit of these communities.

As someone whose job involves finding housing for people in Wyandotte County, I'll be the first person to tell you that KCK desperately needs more housing at all income levels, as well as increased housing density. Every day I have to tell unhoused people that I have no solutions for them. However, this particular project at this particular location is not going to solve any of our current problems, but it will create new ones.

Gentrification and displacement are already happening at alarming rates. A coalition that I'm part of saved 10 families from losing their homes in last year's tax sale because they were no longer able to keep up with their property taxes. All of the families had owned their homes for years or decades and were an integral part of their neighborhood. If not for intervention, they would have lost their homes. Given that there is no affordable housing available in KCK, they would have likely become homeless.

A friend of mine who works for the UG had to move recently. They had been renting the same house for several years, and then the rent suddenly increased by \$300/month. They had to move to a different part of town and into a small apartment.

These are the realities for folks living in KCK. Housing is becoming less affordable every year, while the need for affordable housing continues to increase. If luxury apartments are built at 5th & Central and the surrounding area becomes a playground for upper-middle class, young professionals, rents and property taxes will balloon in the nearby neighborhoods, driving out folks who have been there decades, and exacerbating the affordable housing crisis.

The Sunflower Development Group probably know that they're not going to get their 148 unit luxury condo project as proposed, but if they begin negotiating from a point of absurdity, then a scaled back version is still going to be pretty good for them. If this is allowed to go forward in some form, truly affordable units must be part of the plan. It also should be broken into multiple smaller projects, because the infrastructure at 5th & Central cannot handle this volume. As someone who lived two blocks away at 6th & Riverview, I can attest to what a nightmare it already is to get onto Central from 6th Street.

Kudos to them for making such a bold proposal, however absurd it may be. We should have the same boldness in proposing low-income housing. Let's bring a huge, multi-million dollar plan for creating more housing with rents of less than \$400 per month, and then settle for half as much as we're asking for. These profit-driven developers can be bold in their plans to get richer; let's be bold in our plans to house people who are struggling in our county.

Sincerely,

Dustin Hare

Co-Founder of Wyco Mutual Aid

Toy, Byron

From: Parker, Janet
Sent: Tuesday, January 11, 2022 9:53 AM
To: Toy, Byron
Subject: FW: 6th and Central / 525 Central project

Janet L. Parker, CSC/APC 913.573.5758
Executive Assistant to Gunnar Hand, AICP jparker@wycokck.org



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

From: Jerri Moulder <jerrimoulder@gmail.com>
Sent: Wednesday, January 5, 2022 9:25 PM
To: Parker, Janet <jparker@wycokck.org>; PlanningInfo <Planninginfo@wycokck.org>; McKiernan, Brian <bmckiernan@wycokck.org>
Subject: 6th and Central / 525 Central project

To the UNIFIED GOVERNMENT,

Brian McKiernan (Commissioner, District 2)

Unified Government Director of Planning & Urban Design Gunnar Hand, AICP

Developer
<https://sunflowerkc.com/>
EMAIL mmoberly@sunflowerkc.com
816-581-3997

Architect
Tom Proebstle, AIA
<http://www.generatorstudio.com/about-us/>
tom@generatorstudio.com
816-333-6527 x 101

Change of Zone (case# COZ2021-051)
Master Plan Amendment (case# MPL2021-028)

Buck Hessel and I live at 31 S Hallock St, Kansas City, KS 66101, Russian Hill, just up the street from the planned development. We would

literally have to transgress across S Hallock St where the planned development front entry is located and the tenant and guest parking lot is situated to get to our home. This is just one of the many reasons we do not support this development.

Below is a list, based on our attending three developer presentations, stating why we do not support this development.

Scope of the development is too large for the area, 148 units and 8 stories high.

PARKING and TRAFFIC ISSUES:

Parking for the development is 160 spaces, for 148 units with 1 and two bedrooms. Let's do the math, 148 cars plus 75 cars for spouses, roommates, significant others, total 223. This demographic does not use public transportation so the parking structure is underdeveloped.

223 cars leave the building twice a day, 223x4 (coming/going) means close to 900 additional cars passing through 6th and Central daily. Infrastructure to support traffic safety not present and funding by UG or Developer seems not to be available.

Location at on and off ramps of I-70 and Central Ave is too congested.

Central Avenue bridge is condemned, UG not able to fund the reconstruction; this causes further over use of I-70 on and off ramps.

PARKING ISSUES:

The main entrance to the parking area of the development is located off 6th ST. The hazards of 6th ST are many, no curbs, no sidewalks and is a

toboggan slide in the winter. It is a bumper car alley when snow or ice is involved. There are videos for you to view on the Next Door website.

6th ST homeowners have no off street parking or garages or alley, any tenants or guests looking to park will rob homeowners of their only parking option.

Developer states each unit to get one secured underground parking space as part of tenant rent. Future owners/investors could decide secure underground parking is an additional cost to the tenant. Many tenants to save money will forego the cost and street park, leading to additional parking issues in the area.

WASTE MANAGEMENT:

Waste management in the area is ancient and sewer lines would need to be upgraded and it appears the UG and Developer can not assure capacity for 148+ additional toilets. Developers or UG need to provide reports from engineers stating current capacity of sewer lines and estimated cost to any upgrades needed and proof of funding from either the Developers or UG to upgrade capacity and maintain public safety for waste management.

GATEWAY to CENTRAL AVE:

This mammoth structure acts as a barrier to our community, not a warm welcome and invitation.

The architecture is not in keeping with the character of the neighborhood.

The height of the structure impedes and robs all properties to the west of the structure of the city view.

Take the Hilton Garden Inn on Minnesota Ave, add two floors and throw on a few balconies and you would have a replica of this planned development. By the way, the Hilton has 147 rooms.

CONCLUSION:

Buck and I have gathered over 85 signatures from the surrounding home owners who do NOT support this developer or this petition to rezone the area at 6th and Central.

In conclusion, we ask the Commission to deny this petition.

Jerri Moulder Hessel and Buck Hessel
31 S Hallock St
Kansas City, KS 66101

816-419-2164 Jerri
816-665-3820 Buck



Jerri Moulder Hessel
Broker Associate at Platinum Realty
JMoulder@MoveWithPlatinum.com
C:816-419-2164

From: Rose Eilts <rosekoco@gmail.com>
Sent: Tuesday, December 21, 2021 4:44 PM
To: McKiernan, Brian <bmckiernan@wycokck.org>; PlanningInfo <Planninginfo@wycokck.org>
Subject: Re: 525 Central project concerns

I would like my comments to be included in the "Staff Report"

On Tue, Dec 21, 2021 at 12:51 PM Rose Eilts <rosekoco@gmail.com> wrote:
This message is regarding:

Change of Zone (case# COZ2021-051)
Master Plan Amendment (case# MPL2021-028)

Contacts:
Brian McKiernan (Commissioner, District 2) bmckiernan@wycokck.org

Unified Government Director of Planning & Urban Design Gunnar Hand, AICP
planninginfo@wycokck.org

Developer
<https://sunflowerkc.com/>
EMAIL mmoberly@sunflowerkc.com
816-581-3997

Architect
Tom Proebstle, AIA
<http://www.generatorstudio.com/about-us/>
tom@generatorstudio.com
816-333-6527 x 101

During a zoom meeting on 11/29/2021, Tom with Generator studio presented information which included drawings of a proposed 8 story apartment building. The proposal is to rezone & amend the master plan to construct an 8-story building comprised of 6 levels of multi-family (market value) apartments over 2 levels of structured parking (partially below grade.) Footprint would include 529 Central, 525 Central & 10 South Hallock. This project will require changing the zoning to RP-6 for 10 S Hallock, 525 Central & 529 Central. The project is to build Luxury Apartments. An application has been filed with the UG, Department of Urban Planning and Land Use for the purpose above-mentioned.

My key takeaways from this meeting:

1. Is part of this development project on a Land Bank parcel? Per the Land Bank website: When considering proposals to the Land Bank, preference will be given to projects that support home ownership, improve neighborhoods and otherwise advance the economic and social interests of Wyandotte County and its residents.

My feeling is that this development doesn't meet these criteria (home ownership specifically) SO I AM AGAINST THIS PROJECT MOVING FORWARD

2. Is the infrastructure (sewers, etc.) able to handle the additional load? If not, who pays for the improvements? How much will it cost? Please explain in detail how necessary improvements will be paid for.

UNTIL THIS INFORMATION IS KNOWN, I AM AGAINST THIS PROJECT MOVING FORWARD

3. Does it fit with the historic architecture/nature of the neighborhood? Based on the presentation shown at the 11/29 zoom meeting, this building does NOT fit with the architecture/nature of the neighborhood. UNTIL SOME CHANGES ARE MADE TO THE PROPOSED CLADDING OF THE STRUCTURE, I AM AGAINST THIS PROJECT MOVING FORWARD

4. This is to be built at the busy intersection of North 6th Street and Central, across the street to the south from Chicago's. Developer says they have completed a traffic study. Will they share the results? Based on my personal experience with that intersection, there will need to be extensive changes made, who will pay for those?

UNTIL THIS INFORMATION IS KNOWN, I AM AGAINST THIS PROJECT MOVING FORWARD

5. Developer is requesting tax abatement and other incentives. This is from Sunflower's website:

The tax credit consultants at Sunflower Development Group seek every available opportunity to procure tax credits that make real estate projects more feasible and profitable for developers

What specific types of abatement are they asking for and the amounts? UNTIL THIS INFORMATION IS KNOWN, I AM AGAINST THIS PROJECT MOVING FORWARD

6. During the meeting they responded "yes" when I asked if they are planning on pursuing blight status for the surrounding neighborhood. What does this mean for the surrounding neighborhood? Will eminent domain be used to purchase surrounding properties? Which properties specifically? UNTIL THIS INFORMATION IS KNOWN, I AM AGAINST THIS PROJECT MOVING FORWARD

7. At the end of the meeting, I asked them whether parking is included as part of the apartment rent. Developer rep, Mark Moberly, said no. Additional charges to the tenants for parking will cause tenants to park on the neighborhood streets which are already crowded. UNTIL THIS ISSUE IS RESOLVED, I AM AGAINST THIS PROJECT MOVING FORWARD

8. I spoke to Janet Parker at the UG and she said this will be discussed at a Board of Commissioners meeting on 1/10. Attendance of neighborhood stakeholders should be strongly encouraged. What steps are being taken to inform ALL residents and business within a .5 mile radius of this proposed development?

Resources:

Central Area Master plan was adopted 10/29/2020.

https://www.wycokck.org/files/assets/public/planning-amp-urban-design/documents/central-area-master-plan_adopted_102920.pdf

Provide housing that is suitable for a range of life stages and economic circumstances, page 98 Master Plan

Conclusion, in my opinion this project is too big for the location. Can it be scaled back and still be viable? Can it be done without all the incentives? (Our taxes are already skyhigh). It is contrary to the Central Area Master Plan adopted on 10/29/20 (less than 18 months ago.)

I AM CURRENTLY AGAINST THE ZONING CHANGE AND THIS DEVELOPMENT AS PROPOSED.

Rose Kocour Eilts
506 N 4th St
Kansas City, KS 66101
rosekoco@gmail.com
913-269-7886

--

Rose Kocour Eilts
913-269-7886
rosekoco@gmail.com



In specific:

1. All large housing projects like the 505 Central proposed project, should include parking in each unit's rental agreement instead of paying for parking as an extra cost. Letting renters opt-out of paying for parking, will promote them to try to lower their rental cost by parking on the streets.
2. The 505 Central proposed project should have and should offer a fully detailed "Community Benefits Agreement" guide lined by the Central Area Master Plan and subject to the community acceptance by majority. This community Benefits Agreement should be an integral part to the project, not an afterthought.
3. The 505 Central proposed project should detail all Tax Abatements requested and such abatements should be reported to the community before permitting.
4. For this and future proposed projects, the UG should engage (at the developers cost) in third parties' studies determining the full impact to aspects of the communities daily live such as traffic, parking, services, market value, and risk of displacement.

The Central Area Betterment Association is in full support of Responsible Development for our Community and feel that these recommendations are key to welcome the kind of projects that will build our community for a better future.

For all your considerations, we thank you!

A handwritten signature in black ink, appearing to read 'Jose Rodriguez', is written over a light blue horizontal line.

Jose Rodriguez
Chair.
Central Area Betterment Association

2/2

1303 Central Avenue, Kansas City, Kansas. 66102 – 913 281 9222 – CABAKCK.org



To: Mayor Tyrone Garner
UG Board of Commissioners
County Administrator
The City Planning Commission
Unified Government of Wyandotte County
Community in General

2/10/2022

Re: 505 Central Proposed Project.

The Central Area Betterment Association recently organized a meeting open to all interested parties to the 505 Central Proposed Project. To the Video Meeting we invited the project developer, the involved neighborhood groups, the involved business owners, and the Involved residents.

This event was made public for anyone willing to listen to the different perspectives expressed by all our registered speakers and the video of the event has been posted in CABA's YouTube Channel for further inspection.

Shortly after the event, CABA met again bringing up the Board perspective and vision regarding the proposed project. Understanding the synergy of the KC Metro area, we know this proposed project is not the last one we speak of. We hope the UG establishes and promotes further engagement of all community members when projects like this are proposed.

As an organization responsible for the delivery of Betterment to the community, the Central Area Betterment Association extends the following recommendations:

In general:

1. The Central Area Master Plan should be taken as the will of the community and should not be ignored. Understanding we need to be flexible to adapting as necessary, there should be a process to that which includes community input. Any amendments to the plan should show how it aligns with the overall vision of the plan.
2. The Master Plan should be used to promote the continuity of the community's development.
3. Understanding that our community has a housing shortage, all developments should concentrate on fulfilling say need to our community, avoiding displacement of our residents.
4. The Eclectic 150+ years of variety in styles in the Hills should be recognize and protected as dictated by surveys conducted in the area.
5. A task force from the UG should be created to hold all rental property owners in the area accountable, avoiding irresponsible management of properties that damage the residents and businesses valuable quality of life.

1/2

1303 Central Avenue, Kansas City, Kansas. 66102 – 913 281 9222 – CABAKCK.org

Toy, Byron

From: Hand, Gunnar
Sent: Wednesday, February 23, 2022 5:21 PM
To: Toy, Byron
Cc: Parker, Janet
Subject: FW: action taken in Overland Park City Council (similar to 505C Project)
Attachments: Flagpole Parklet Protection Petition 2021-22.pdf

1 of 3 more for the case file for 505 Central (COZ 2021-051). Please add to the staff report as well,

Gunnar Hand, AICP

Director of Planning + Urban Design

913.573.5750

ghand@wycokck.org



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

NOTE: All Board of Zoning Appeals, City Planning Commission, and Landmarks Commission hearings will be heard virtually with in-person availability in the City Hall lobby (701 North 7th Street, Kansas City, KS 66101). All meetings with Planning and Urban Design staff will continue to prioritize virtual meetings.

Our goal is to serve you with excellence. Please click the following link and take a moment to complete this short customer service survey to help us better help you: [Planning & Urban Design Department Feedback Form \(openforms.com\)](https://openforms.com/Planning%20Urban%20Design)

From: Edgar Galicia <egalicia@cabakck.org>
Sent: Wednesday, February 23, 2022 3:54 PM
To: Murray, LaVert <lmurray@wycokck.org>; Bynum, Melissa <mbynum@wycokck.org>; Hand, Gunnar <ghand@wycokck.org>; Edwards, Dr. Mildred <medwards@wycokck.org>; Burroughs, Tom <tburroughs@wycokck.org>; Mayor Garner <MayorGarner@wycokck.org>; Harrison-Lee, Cheryl <charrison-lee@wycokck.org>
Subject: Re: action taken in Overland Park City Council (similar to 505C Project)

3rd attachment

On Wed, Feb 23, 2022 at 3:52 PM Edgar Galicia <egalicia@cabakck.org> wrote:
attachment too large, will divide.

----- Forwarded message -----

From: Edgar Galicia <egalicia@cabakck.org>
Date: Wed, Feb 23, 2022 at 3:45 PM
Subject: Re: action taken in Overland Park City Council (similar to 505C Project)
To: Jerri Moulder <jerrimoulder@gmail.com>
Cc: Murray, LaVert <lmurray@wycokck.org>; McKiernan, Brian <bmckiernan@wycokck.org>; Hand, Gunnar <ghand@wycokck.org>; Mayor Garner <MayorGarner@wycokck.org>; Burroughs, Tom <tburroughs@wycokck.org>; Sieben, Melissa <msieben@wycokck.org>; Bynum, Melissa <mbynum@wycokck.org>; Edwards, Dr. Mildred <medwards@wycokck.org>; Harrison-Lee, Cheryl <charrison-lee@wycokck.org>; lawsonatlake@hotmail.com <lawsonatlake@hotmail.com>; Anna Cole <webevents@gmail.com>; Jose Rodriguez <jose@allianceworkforcekc.com>

1

All,

I am attaching once again what CABA's stand is regarding the approval or disapproval of projects like the 505 Central. This set of direct recommendations, is the result of an enormous amount of conversations, engagement and work in community and for community. Our recommendations integrate the communities base line created by our Price Winning "Central Area Master Plan". We hope these recommendations are taken into consideration. CABA's recommendations are integral to the ample development of the central area/community, not only one site.

I am also attaching copies of two signed petitions created by "directly affected" neighbors/residents in the area. I understand there are more signatures in the original petition since last time CABA received them from the community.

On a personal note, I am the first to recognize there is a need to increase density, the question is how do we do it without gentrifying and generating displacement of our long-time vested residents. Change the location of the 505C proposed project by one or two blocks west on Central and the possibilities for Mix-Use/Mix-Income would change and my personal view of the project would change as well.

You see, Mix-Use/Mix-Income are not the same as "Low Income Only". The income status of our population bottomed out during the 80's and 90's and even though it has been a slow and painful process, it has surely increased constantly in the Central area. "From the inside of our community, out" as I like to describe it. It is not about 505C or nothing, It is about 505C or the residents around it. We are to protect the residents around it. We do not see the imminent importance of 505C as the only solution or opportunity our community has, on the other hand, we see enormous importance on determining and going after the right type of developers and projects.

The only compelling argument in favor of the 505C project I have heard is the need our real estate market has for a successful project in our area. A project that would facilitate comparables and the promotion of similar projects. If the community wanted to cash in the best asset it has, that would be the way to go. We are in the midtown area after all and the population cinergy of the KC Metro calls for our area to be next in investment and revival. The question again is how do we generate growth without gentrification and displacement. Displacement is generated by the general increase in cost of living, the argument that occupying empty lots does not generate displacement is short-sighted at best.

In this case besides the increment in cost of living, we are talking about an enormous increase of human activity in such a small and complicated corner in our community. Displacement of many of the long-time residents of the area would be imminent. But don't ask me, I was not born in the dotte, ask the residents.

To all my best regards.

E.G.

On Wed, Feb 23, 2022 at 2:00 PM Jerri Moulder <jerrimoulder@gmail.com> wrote:

Mr. LaVert,

Are you reading any of the dissenting opinions of the neighbors living in Russian Hill and Strawberry Hill or seeing the petitions signed by the residents? We are opposed to the high density petition regarding the development of this 148 unit, eight story block of humanity, regardless of the socioeconomic status of the inhabitants.

We live here, we vote here, we will have to live with this poor location choice, uncharastic design choice and lack of infrastructure to support it.

Jerri Moulder Hessel and Buck Hessel
31 S Hallock St, Kansas City, KS 66101



Jerri Moulder Hessel
Broker Associate at Platinum Realty
JMoulder@MoveWithPlatinum.com
C:816-419-2164

On Wed, Feb 23, 2022 at 1:44 PM Murray, LaVert <lmurray@wycokck.org> wrote:

Thank you again Mr. Galicia:

From your response I sense that you have taken my comments as a personal affront when they were not intended to be such. You and I have just met, and I would suggest to you that you don't know me at all even though you make characterizations to the contrary.

I continue to hold firm to my belief that the proposed 505 Central development is a very positive development and would complement the area. You and I discussed the fact that you cannot embrace the development because it represents living for higher income individuals and families, and you would rather see a lower income development such that it embraces the current demographic in the CABA area. My argument to you was that we cannot raise the income status of the CABA area from low income to mixed income if we only embrace low-income developments. I was hoping to avoid this kind of discussion, but it appears to be the impetus driving your actions and argument, so I am compelled. I realize further that you live on the West side in KC, MO., but feel the need to limit what happens in KC, KS. However, I can't believe that you and your neighbors looking out of your windows to the west to Kansas would be offended by such an attractive development. Let the people in Kansas decide what is best for Kansas. Yes, I could live in the proposed 505 development project and would be happy to do so since it is within walking distance here to City Hall where I work! The old Townhouse Hotel built many years ago at 7th and State had a roof-top

swimming pool. I find nothing wrong with that, just as I find nothing wrong with the proposed pool for 505 Central. I am convinced and certain that some of the neighbors surrounding the development will be invited to join some of their new neighbors and swim in and enjoy the pool. I did not have the plans with me for the development when we met. Do we need to meet again so that we can speak about specific details for the development? Please let me know. I do sincerely hope that you can become more open minded about the development. Thanks for indulging me.

Respectfully.

LaVert

From: Edgar Galicia <egalicia@caback.org>
Sent: Tuesday, February 22, 2022 6:44 PM
To: Murray, LaVert <lmurray@wycokck.org>
Cc: McKiernan, Brian <bmckiernan@wycokck.org>; Hand, Gunnar <gband@wycokck.org>; Mayor Garner <MayorGarner@wycokck.org>; Burroughs, Tom <tburroughs@wycokck.org>; Sieben, Melissa <msieben@wycokck.org>; Bynum, Melissa <mbynum@wycokck.org>; Edwards, Dr. Mildred <medwards@wycokck.org>; Harrison-Lee, Cheryl <charrison-lee@wycokck.org>; Jerri Moulder <jerrimoulder@gmail.com>; lawsonatlake@hotmail.com; Anna Cole <weboevents@gmail.com>; Jose Rodriguez <jose@allianceworkforcekc.com>
Subject: Re: action taken in Overland Park City Council (similar to 505C Project)

Mr. Murray,

There is relevance for the community in looking at the two projects however, I recon, someone like you with your perspective for business and finances, wouldn't see it.

My dear friend, with all due respect, there is nothing complementing about building a traffic bottleneck for the community, there is nothing complementing about changing the neighborhood fabric that is so well appreciated by people who live in the area. There is nothing complementing about hustling everyday to find a parking spot close to one's home. There is nothing complementing about a said market rate crowned by a rooftop swimming pool driving the rental prices upward and excluding de facto the residents of our community. There is nothing complementing about trying to look attractive for the KCMO Downtown to just stay on the sidelines when the "leaders" from the past never thought about implementing policies to integrate Mix-Use/Mix-Income preparing the community for its future. There is nothing complementing about gentrification nor displacement.

The people who failed enabling the City to host mobile vending back in the day can not come today and tell us what complements the residents, the neighborhoods, the future. The future we, the people who self invested, built. In maintaining the community moving forward and growing, from nothing to something, generating wealth from the inside of our challenging reality, We, the new and old residents of the central area, my Dear Sir, are the experts.

However different the projects are, the two projects are still in the hands of people who vote and are voted, not people who think they know how to make money but did not keep the community from almost going bankrupt.

On Tue, Feb 22, 2022 at 6:06 PM Murray, LaVert <lmurray@wycokck.org> wrote:

Thank you Edgar, however I do not see any similarity between the Deer Creek apartment project and the 505 Central Avenue proposed development. As you know, the 505 development is much more impactful on the Central Avenue business corridor than the residential community. The business corridor land owners and business operators, for the most part, supports the development and believes, much as I do, that the development will present great positive benefits for the corridor and surrounding properties. I cannot find any correlation between and to what the Overland Park City Council did on the Deer Creek apartment project to suggest any similar action for the 505 development. As you compare the two developments you should consider the fact that the Deer Creek Golf Course was built as a buffer for the residential area, designed to shield the residential community from the commercial areas. The Deer Creek developers proposed taking 11 acres of the golf course to build a 220 unit apartment complex and a golf pro shop. This obviously would take away part of the buffer designed to shield and protect the residential community. As stated earlier, the proposed 505 Central development compliments the commercial corridor and, through its design, protects and maintains existing sight lines to downtown KCMO for businesses and homeowners. The 505 Central project is a very attractive 148 unit apartment complex representing a market rate development. In addition, the 505 Central development would not displace any residents or businesses, and represents a significant and sizable investment at a gateway or entrance into our community, at the juncture of Central Avenue and I-70.

From: Edgar Galicia <egalicia@cabakck.org>
Sent: Tuesday, February 22, 2022 3:17 PM
To: McKiernan, Brian <bmckiernan@wycokck.org>; Hand, Gunnar <ghand@wycokck.org>; Mayor Garner <MayorGarner@wycokck.org>; Burroughs, Tom <tburroughs@wycokck.org>; Sieben, Melissa <msieben@wycokck.org>; Bynum, Melissa <mbynum@wycokck.org>; Murray, LaVert <lmurray@wycokck.org>
Subject: Fwd: action taken in Overland Park City Council (similar to 505C Project)

All, FYI

----- Forwarded message -----

From: Patricia Lawson <lawsonatlake@gmail.com>
Date: Tue, Feb 22, 2022 at 10:04 AM
Subject: Fwd: action taken in Overland Park City Council (similar to 505C Project)
To: Edgar Galicia <egalicia@cabakck.org> 220 unit apartment complex and a golf pro shop.

I hope I'm successful in copying, pasting, and sending this info to you. Scroll down past the link to see more. The OP City Council just voted down a project that is like the 505 C project--a large development opposed by residents for the same reasons we opposed 505C

The planning commission had approved it. I hope our council will also be as receptive to our views. Pat

(You can google Deer Creek Apartment Park City Council and probably bring it up, if this doesn't come through successfully.)

On Tue, Feb 22, 2022 at 9:56 AM Patricia Lawson <lawsonatlake@gmail.com> wrote:

KANSAS CITY, Mo. — The Overland Park City Council approved a motion to deny the rezoning and special use permit applications [for the Deer Creek apartment proposal](#) during Monday's meeting, meaning the development will not move forward.

The 9-3 vote took place just after 1 a.m. Tuesday.

In January, the city's planning commission voted to recommend approval of the proposal despite strong protests from homeowners in the neighboring single-family neighborhood.

Those homeowners presented arguments Monday night into Tuesday morning against the plan.

Ultimately city council members voted against the proposal, citing the project would increase traffic (despite a staff report listing a minimum traffic impact), was too large scale, did not fit with the existing single-family neighborhood, had no transition to the single-family neighborhood and asked for too many exceptions to city rules — called deviations or variances.

"The trust of the people in government is to keep the quality of life and investment they've made," Councilmember Faris Farassati said.

Officials from EPC Real Estate, who proposed the project, told KSHB 41 News approving the project was the only way to "save the golf course."

"

Toy, Byron

From: Steven Sudekum <sudekums@gmail.com>
Sent: Wednesday, February 23, 2022 6:31 PM
To: McKiernan, Brian
Cc: Toy, Byron; PlanningInfo
Subject: Design Concerns and Considerations for The Proposed Apartment Development at 525 Central -
Attachments: 525 Central - Aesthetics v2.pdf

Commissioner McKiernan,

I hesitate to copy all the commissioners on this email as has been suggested for a couple reasons.

1. I'm curious if you (and Byron) think there is a place for the perspective shared in the attached file in the public discourse regarding the proposed apartment building at 525 Central. Although the focus of the perspective I'm sharing with you in the attached file is primarily centered around the aesthetics of the proposed design, the building height (which relates directly to the number of units, traffic, parking, and infrastructure) is part of what I address and that is probably the single biggest issue out there.

2. The attached file is about 5 MB and if it's shared it should probably go on a UG shared file server ...one copy that everyone can view.

Note that the editorial "we" is used in this presentation. The views included are solely mine and I have not taken a poll to see if my views are shared.

Regards,

Steven S. Sudekum
Property owner within 200' of the proposed development
913-980-2235

**Design concerns
and considerations**
for the
**Proposed Apartment
Development** on
Russian Hill in KCK



Concerns

Aesthetic:

- **Too Big** / Doesn't Fit in this residential neighborhood
- **Too Boxy** - a boring, commercial-looking structure

Logistical:

- **Traffic** handling at 6th & Central, 6th & Hallock
- **On-Street Parking** by Apartment dwellers and visitors
- **Infrastructure** - Are the **sewers** big enough?

Financial:

- **Who Pays** for the Infrastructure Improvements? TIF? / The taxpayers
 - Will the Developer pay their **Property Taxes**? Or get tax a abatement?
-

This slide presentation will

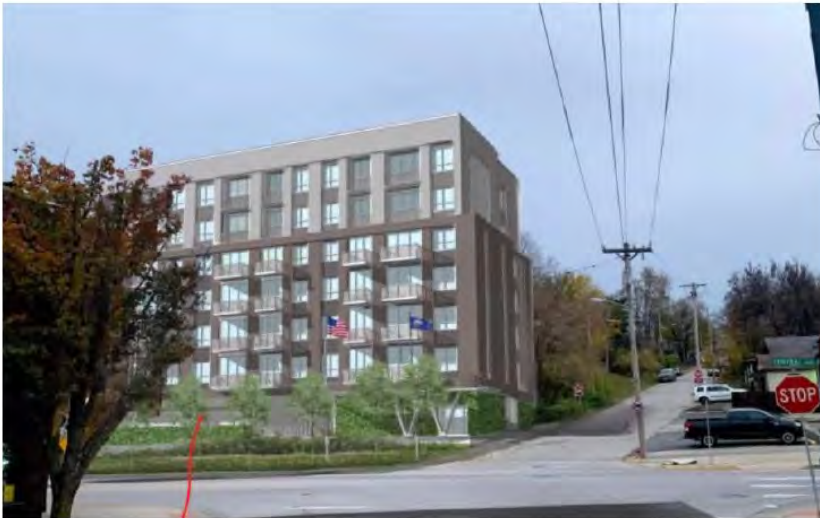
Focus on the **Aesthetic Concerns only** specifically...

- Too Big / Doesn't Fit in this residential neighborhood
- Too Boxy - a boring, commercial-looking structure

Rather than just complain, this slide presentation will

- Offer **Suggestions** that point in the direction of what would work better.
 - Articulate **Specifically Why** the proposed design just doesn't fit.
-

525 Central Avenue - Proposed design



Key Features Observed

- Flat Roof
- Flat Facades
- Primarily two horizontal bands of color / material

Overall Impression:

- Big, Tall, Rectangular
- Take balconies away and looks like Commercial Office building
- Looks like Soviet Bloc style apartments

525 Central Avenue - Proposed design

Key Features Observed; Flat Roof; Flat Facades; Primarily two horizontal bands of color / material.

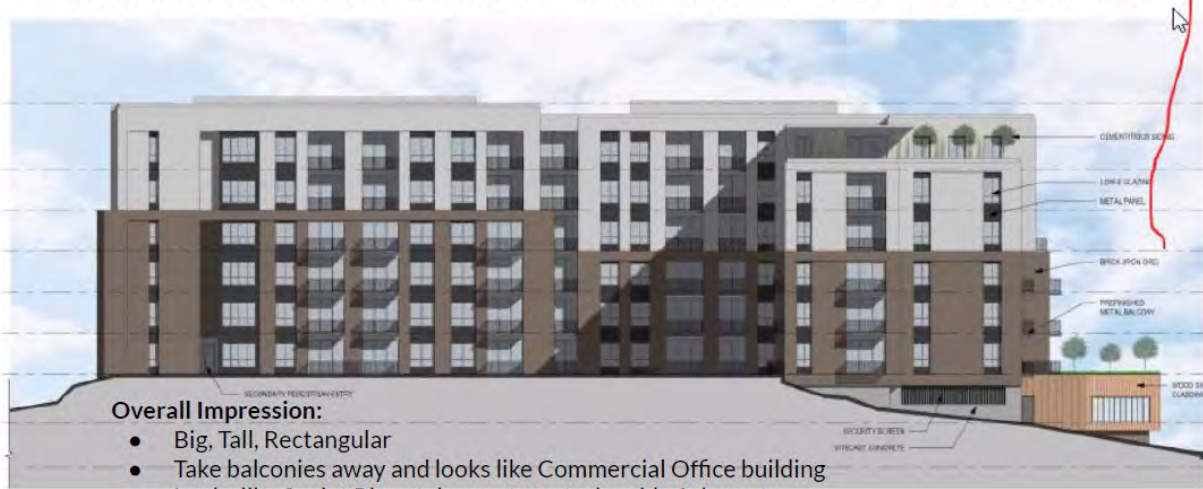


Image of Apartment Buildings found under Wikipedia's page regarding "Urban Planning in Communist Countries"

These apartment buildings are strikingly similar to what has been proposed.

News Headline envisioned:
New Mayor and Commissioners usher in Soviet Bloc style apartments on Russian Hill in KCK.

Lead: If their goal was to put Soviet Bloc style apartments on Russian Hill to keep the Russian theme alive then they've hit the nail on the head.

Soviet Bloc Apartments



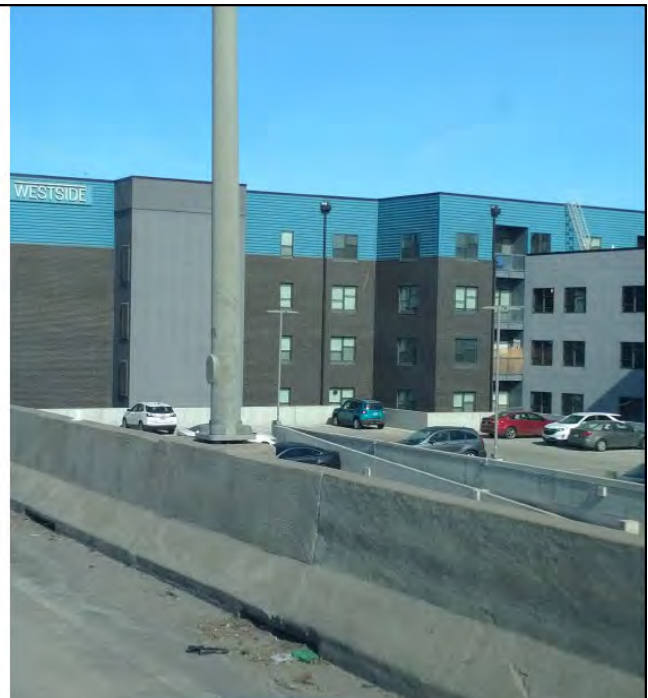
Concern: Height - 8 stories

- We tried to find other 8 story apartment buildings but it wasn't easy. We believe that's because structures don't read as residential at that height. They read as commercial.
- The height is vastly disproportionate to any other structure around 6th & Central.



Concern: The Facade

We found a couple other apartment buildings that were purely rectangular in shape with ext walls that were straight up and down. They probably looked great in the architectural renderings but we found these buildings unappealing.



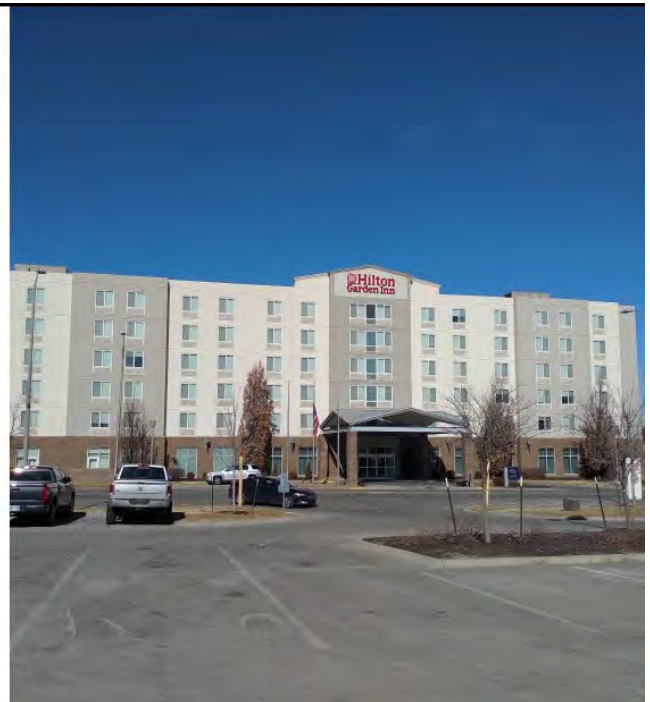
Concern: The Roofline

The (apartment) buildings with flat rooflines that we found locally came across as industrial or commercial, not residential.



Concern: Two Bands of Color / Material

We looked for other buildings where the exterior walls were composed of two bands of color (preferably) horizontal and with a flat roof. They suffered from low visual interest and were unappealing.



Recap: Why the design doesn't fit

- The height (8 levels) is so significantly taller than anything around it.
- The flat roofline reads as commercial. Gables and dormers say, I'm residential.
- The flat facade (straight up and down exterior walls) with no protrusions or articulation give the impression of a commercial building
- The two horizontal bands of color & material make it look like a residential warehouse.
- Overall the proposed structure looks like a design driven primarily by economic factors instead of a nice residential apartment building in an older neighborhood.

Suggestions:

- Change the flat roofline
- Reduce the number of stories
- Include residential design elements
- Give in and out movement to the facade
- Provide more visual interest by increasing the variation of color and materials used

If you're going to change zoning and insert an apartment building into an R-1 residential neighborhood couldn't you please try to at least give it a residential look and feel.



An Example of an apartment building we didn't hate.

Another Example of an apartment building that includes the characteristics we are suggesting

The recently constructed Summit on Quality Hill Apartments (visible from the proposed apartment building's site) provide an example of a reasonable compromise.

What we like about it:

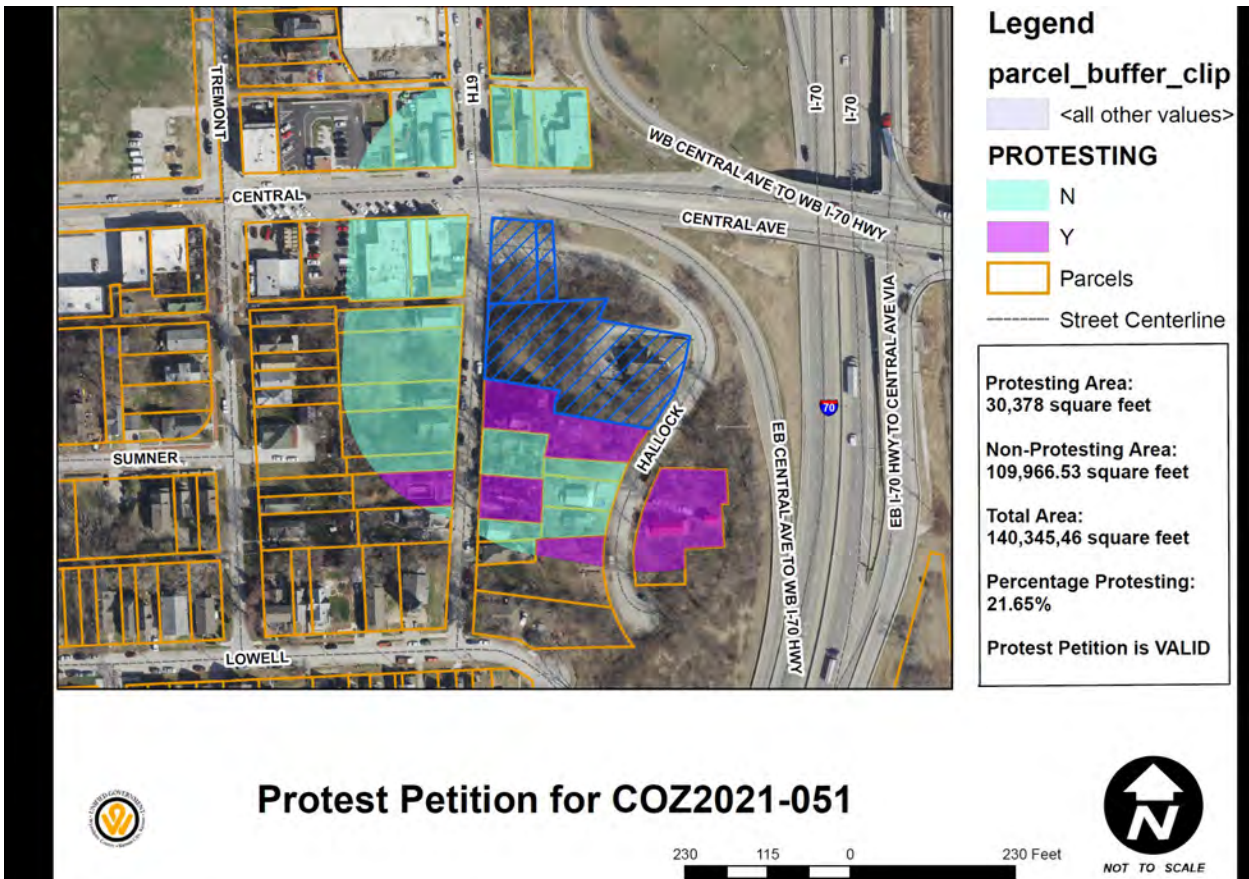
- **4 stories!** (above ground) ...a good compromise height
- The **Roofline** is **NOT** (purely) **Flat**, reads more residential
- Includes other **Residential Design Elements**
- **Facade** is **NOT Flat** (not straight up and down)
- There is **Color and material variation** that make the building more interesting.

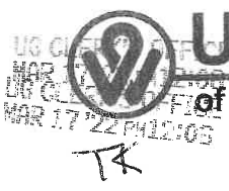
All of which makes it more suitable than the proposed design for an apartment building adjacent to property zoned R1 that also borders a commercial thoroughfare.



Conclusion

- **We are not opposed to development**
We recognize it's benefits to the vitality of our neighborhood.
- **We oppose the currently proposed design**
with good reason as conveyed herein.





Unified Government

of Wyandotte County • Kansas City, Kansas

701 N 7th Street,
Kansas City, KS 66101
www.wycokck.org

Protest Petition Guidelines

CLERK'S OFFICE
MAR 17 2022 PM 12:03

These guidelines are designed to assist those who wish to exercise their right to file a Protest Petition in opposition to the granting of a rezoning or a special use permit by the Unified Government of Wyandotte County/Kansas City, Kansas. This document is only a guide. There may be other issues which are not addressed herein. You should consult with your attorney in regard to the completion and filing of your specified Protest Petition.

Quick Advice

1

1. Protest petitions properly signed and acknowledged must be filed with the Clerk's Office on the 3rd Floor of City Hall at 701 North 7th Street, no later than 14 days after the Planning Commission has concluded its public bearing. The day following the Planning Commission hearing shall be counted as the first day. (Example: If the Planning Commission met on September 8th, then September 9th is the first day and September 22nd is the last day.)
2. Owners of at least 20% of the land area within 200 feet of the property subject to the rezoning or special use permit (SUP), excluding public streets and rights-of-way, must properly sign and acknowledge the protest petition for it to constitute a valid protest. If a valid protest is filed, at least nine of the eleven members of the Unified Government Board of Commissioners must vote to approve in order for the rezoning application to be approved. Without a valid protest petition, the affirmative votes of just six members of the Governing Body are needed to approve the rezoning application.
3. Only signatures of owners of property within 200 feet of the property subject to the rezoning or SUP will be counted when determining if the 20% minimum requirement has been met. Signatures from owners of property that is located within 200 feet of the property subject to the rezoning or SUP, but is outside of the city limits or across a county line, shall also be considered in this determination. If the area outside the city limits or across a county line is unincorporated, the distance to be counted increases to 1000 feet.
4. Meeting the necessary requirements takes considerable time, so even though there are 14 days after the Planning Commission meeting to file, you should start the process as soon as possible.
5. In the particular case of applications initiated by the Planning Commission or the Governing Body and not the landowner(s), special rules apply. Please contact the Department of Planning + Urban Design at 913-573-5750 for these rules.

Requirements of Protest Petition

1. The rezoning or special use permit number and the address or legal description of the property must be clearly identified.
2. Signers of the protest petition must be the owners of the real property for which a rezoning or SUP is sought or be owners of real property within the statutory area of notification for this rezoning or SUP application. Owners of real property that is beyond the City limits but within the statutory area of notification for this rezoning or special use permit application shall be eligible to sign the petition.
3. Signers of the protest petition must sign their full names as they appear on the deed to the property recorded in the Office of the Register of Deeds. If Mary Smith signs as "Mrs. John Smith," her signature will not be counted. If the County records indicate that Mary Smith owns the property but she has remarried and changed her name to Mary Jones, she should sign the petition "Mary Jones/formerly Mary Smith."
4. All owners of a particular parcel of property must sign in order to place the property into protest. If the parcel is owned in joint tenancy or tenancy in common, both joint tenants or all tenants in common must sign in order to place the property into protest. If there has been a death, divorce, or other event, which is not recorded with the Register of Deeds, documentation will need to be supplied.
5. Joint tenants or co-tenants may not sign for each other. For this reason, there should be no signatures such as Mr. & Mrs. Bill Smith or Bill & Mary Smith.
6. If one person signs as attorney-in-fact for another person, a copy of the power-of-attorney must be provided.
7. If a parcel is owned by a partnership, all of the partners must sign in order for the parcel to be placed into protest. Furthermore, the proper name in which the property is held and the address of the property must be shown on the face of the petition.
8. If a parcel is owned by a corporation, only the signature of the President of the corporation can bind the corporation. Any officer, other than the corporate President, given legal authority to bind the corporation may sign the petition provided that he/she furnishes the Unified Government with proper documentation of his/her authority (articles of incorporation, by-laws, or power-of-attorney or other document establishing the authority of that person to act on behalf of the corporation). Furthermore, the proper name in which the property is held and the address of the property must be shown on the face of the petition.

2

9. A protest petition may consist of one or more sheets entitled "Protest Petition." The signatures on each such sheet must be verified. The individual who verifies each such sheet must have witnessed all of the signatures affixed to that sheet and must have his or her verifying signature notarized. If several such sheets are filed, a separate verification and notarization must be affixed to each sheet. One person may verify one or more such sheets provided that person is one of the signers of one of the sheets constituting the petition, is an owner of property within the statutory area of notification for which a rezoning or special use permit plan is sought, and witnessed all of the signatures on each sheet he/she is verifying. All signatures should be on the "Protest Petition" form provided by the Unified Government. Use of an attached blank sheet for additional signatures is strongly discouraged and may result in the petition being rejected.
10. If there is evidence leading a reviewing Unified Government staff member to believe any signature is not genuine, such signature may be considered improper and insufficient.
11. The protest petition must be filed within 14 days after the date of the conclusion of the Planning Commission public hearing regarding the rezoning or SUP application at issue. Even though the rezoning or SUP application may be returned to the Planning Commission at a later date, the protest petition can only be filed during the 14 days after the date of the conclusion of the Planning Commission's original public hearing.
12. The protest petition must be filed with the Unified Government Clerk of the Unified Government of Wyandotte County/Kansas City, Kansas, on the 3rd Floor of City Hall at 701 North 7th Street, Kansas City, Kansas, 66101, before 5:00 p.m. on or before the 14th day after the date of the conclusion of the public hearing before the City Planning Commission. The day following the Planning Commission hearing shall be counted as the first day. If the 14th day falls on a weekend or holiday, the petition must be filed before 5:00 p.m. on the first business day following that weekend or holiday. (Example: If the Planning Commission concluded its hearing on September 8th, then September 9th is the first day and September 22nd is the last day.)

After the protest petition is filed with the Unified Government, various departments of the Unified Government will review the legality of the petition. If you have any questions about the protest petition procedure, or its completion, please contact the Department of Planning + Urban Design at (913) 573-5750 or contact a private attorney.

Acknowledgement and Verification

(Please carefully read the verification statement before signing)

STATE OF KANSAS)
) SS
COUNTY OF WYANDOTTE)

I, Jerri L. Moulder, 31 S. Hallock St. KCKS 6610
(Name) (Address)

being first duly sworn, under oath, depose and state that I have read and examined the foregoing Protest Petition, the Protest Petition Guidelines provided by the Unified Government of Wyandotte County/Kansas City, Kansas, and the signatures and addresses placed on the Protest Petition, and further state that the signatures and legal description and/or addresses thereon are genuine, that I personally know all of the signers of this sheet of the Protest Petition to be the persons whose names are signed to the Petition and that I personally witnessed their signature, that I am one of the signers of the Protest Petition and own property within the statutory area of notification related to the area for which a REZONING/SPECIAL USE PERMIT is sought, and that

(Circle One)

to the best of my knowledge the signers of the Protest Petition are owners of land located within the statutory area of notification for this REZONING/SPECIAL USE PERMIT application. The

(Circle One)

statutory area of notification includes the real property located within two hundred (200) feet of the boundaries of the area for which a REZONING/SPECIAL USE PERMIT is sought; or, if the

(Circle One)

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/SPECIAL USE PERMIT

(Circle One)

is sought and the unincorporated property within one thousand (1,000) feet of the boundaries of the area for which a REZONING/SPECIAL USE PERMIT is sought.

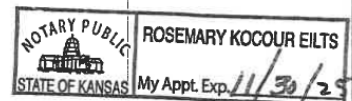
(Circle One)

Jerri L. Moulder
(Signature)

Subscribed and sworn to before me this 17th day of March, 2022,
by Jerri L. MOULDER, who is personally known to me to be the same person whose
name is subscribed to in the foregoing instrument.

Notary Public Rosemary Kocour Eilts

My Commission Expires: 11/30/25



4	Petitioner's Contact Information The Protest Petition process frequently requires dialouge between Unified Government Staff and the petitioner. In order to facilitate this dialouge, please provide the following contact information: Name <u>Jerril L. Moulder</u> Phone Number <u>816 419-2164</u> Address <u>31 S. Hallock St.</u> E-mail <u>jerrimoulder@gmail.com</u> <u>KC KS 66101</u>
5	Protest Petition Protest Petition Against Rezoning or Special Use Permit No. <u>* COZ2021-051</u> We, the undersigned property owners, do hereby protest the above referenced application at the following address: <u>529 Central Ave, KC KS 66101</u> <u>10 S Hallock St, KC KS 66101</u> <u>525 Central Ave, KC KS 66101</u> 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 rezomng or special use permit (SUP) application. Further, we realize that this Petition is in opposition to the rezoning or SUP 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 or SUP 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 or SUP 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 or SUP is sought and the unincorporated property within one thousand (1,000) feet of the boundaries of the area for which a rezoning or SUP is sought.

Petition Number:

Protest Petition Guidelines

2

3

★

5*

6 of 6

[illegible]



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 31, 2022

Re: **Change of Zone Petition COZ2022-001 and Master Plan Amendment MPL2022-001**

GENERAL INFORMATION

Applicant:

Tim Kates DBA
Remco Demolition

Status of Applicant:

Tenant
24801 North 219th Street
Leavenworth, Kansas 66048

Requested Actions:

Approval of a Change of Zone.

Approval of a Master Plan Amendment.

Date of Application:

January 3, 2022

Purpose:

To change the zoning district from CP-3 Planned Commercial District to MP-2 General Industrial District. To amend the Master Plan Land Use designation from Planned Commercial to Industrial.

Property Location:

14140 State Avenue
Kansas City, Kansas 66012

Commission Districts:

Commissioner At Large District #2:
District #7 Commissioner:

Tom Burroughs
Chuck Stites



Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: AG (WyCo) Agriculture District South: Bonner Springs, Kansas East: CP-3(WyCo) Planned Commercial District West: Leavenworth County
Adjacent Uses:	North: Single Family Residence South: Medical Engineering and Private RV and Boat Storage Outbuildings East: Vacant Land Automotive Body Repair Shop and HVAC Contractor Storage and Office West: Single Family Farm
Total Tract Size:	6.0718 Acres
Master Plan Area:	The Subject Property is within the Prairie-Delaware-Piper Area Master Plan.
Master Plan Designation:	Existing: The Prairie-Delaware-Piper Area Master Plan designates this property as Planned Commercial. This district has a broad range of subcategories including small, neighborhood, and regional commercial, with respective uses such as non-retail, convenience commercial and grocery, and big box retailers or tourism attractions. Proposed: The proposed Land Use Designation is in the City-Wide Area Master Plan's Industrial land use category. The Industrial Land Use category allows industries featuring industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage. These uses may include warehousing, distribution, salvage, processing, and outdoor storage.
Major Street Plan:	The City-Wide Master Plan designates State Avenue as a Class A Thoroughfare, although the property is only accessible off Nebraska Avenue, which is classified as a Local Street.
Parking Requirement:	Current Zoning: The CP-3(WyCo) Commercial District requires not less than four (4) off-street parking spaces provided on the premises for each (1,000)

square feet of contributing floor area per Article XVIII(5)(5).

Proposed Zoning: The MP-2 Industrial District as stated in Section 27-469(e) requires that no less than one (1) 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. The subject property currently has multiple buildings with a total square footage of 10,484 square feet, requiring 21 parking spaces. The total amount of parking spaces proposed is 21.

Advertisement:	<u>The Wyandotte Echo</u> – January 14, 2022 Letters to Property Owners – January 15, 2022, February 24, 2022 and March 24, 2022
Public Hearings:	February 14, 2022, March 3, 2022, March 14, 2022 and March 31, 2022.
Public Support:	One (1) person appeared at the February 14, 2022 meeting.
Public Opposition:	One (1) person appeared at the March 14, 2022 meeting.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Tim Kates of Remco Demolition, is requesting a Change of Zone for the subject property at 14140 State Avenue. The Applicant is requesting a Change of Zone from CP-3 Planed Commercial District to MP-2 General Industrial District. The Change of Zone has been requested so that the prospective buyer can use the site as a construction equipment storage and staging area. The subject property is currently vacant with two (2) large farm outbuilding structures and two (2) smaller accessory storage buildings with a total building square footage of 10,484 square feet. The applicant wishes to use the current buildings and add an asphalt area for materials and equipment storage on the rear of the property. A Master Plan Amendment has been included with this application to amend the land use from Commercial to Industrial.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 27-606.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The subject property has no noise or disturbance complaints noted.

Building or Code Enforcement Complaints:

1. The current property owner has no code enforcement complaints.

Outstanding or Related Permits and Cases:

1. The current property owner has an outstanding residential building permit for the pre-fabricated barn dating from 2002, as the permit appears open and did not obtain passing or approved inspections. Further follow-up with the Building Inspection Department is required.
2. The current property owner has no outstanding Code Inspection Cases.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is rural, agricultural, and industrial in character. Lots to the north of State Avenue range from commercial and industrial parcels between 1-5 acres and agricultural parcels of approximately 80 acres. Streets are concrete and show signs of improvements with gutters, and driveways. Parcels to the south of State Avenue are typically residential lots of one (1) acre and a large agricultural parcel of sixty-two (62) acres. There residential streets are mostly asphalt and driveways are often asphalt approaches with gravel driveways.

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

The subject property is surrounded by vacant land to the north with agriculture activity and similar uses to the east that may be visibly unattractive. Although there are residential uses to the south, the State Avenue Thoroughfare separates the residential developments from these commercial and industrial uses with large setbacks and right of way allowances. The proposed zoning would have a general compatibility of the nearby properties due to their current mix of commercial and industrial 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 current proposed use could affect nearby property through increased traffic on Nebraska Avenue and the increased intensity of use may come with associated noise, dust, or visibility nuisances if not properly screened or

maintained. State Avenue bisects the residential properties from the proposed industrial and commercial uses and the increase in intensity of use on the subject property ostensibly would not affect the residential properties. The vacant, adjacent lots are zoned for uses of similar intensity or are intended to remain vacant, thus the Change of Zone should not detrimentally affect the nearby property if properly maintained.

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

The property is currently vacant, and its time of vacancy is unknown. A private demolition of a commercial outbuilding occurred on the property in 2007.

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.*

There is negligible public gain as this is a private enterprise. If maintained properly with adequate screening, the proposed use would not substantially injure the use, quality, or marketability of the nearby property as they are of similar uses.

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 Change of Zone may have a negligible impact on the traffic through Nebraska Avenue. The subject property has a long rural-style drive with several turnarounds within the property to accommodate the trucks and industrial traffic within the property. The proposed use should not impede the capacity of the street for anticipated traffic.

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

The Prairie-Delaware-Piper Master Plan's Commercial Designation does allow for light industrial, however, the presence of more intense industrial uses does not conform. The application to alter the land use designation to City-Wide Industrial has a high degree of conformity, as it is designed for uses that may be considered more hazardous or less visually attractive, such as the proposed lay-down yard and equipment staging area.

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

The applicant is not proposing any new building structures, but there is some environmental harm with the grading and clearing for the lay-down lot area which should be replaced in other areas where former landscape appears to have died or become more sparse. Aside from the initial grading or clearing, there should be little to no long-term negative environmental impact. The subject property has

been in use for similar reasons with various tenants since its purchase by the owner in 1994.

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

a. *Water service*

Water Service is within the BPU Service Area. It is unclear if there is current infrastructure to serve the property.

b. *Sanitary sewer service*

Sanitary sewer is not publicly provided. A sanitary sewer system plan must be approved by KDHE before approval.

c. *Storm water control*

Stormwater control is provided at the intersection of Nebraska Avenue and State Avenue.

d. *Police*

Police service is provided by West Patrol, District #224.

e. *Fire*

Fire service is provided by Station #8.

f. *Transit*

There is no public transit service available.

g. *Schools*

Education is provided by Bonner Springs/Edwardsville District #USD204.

h. *Streets*

See item #6 above.

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

The economic impact on the community is negligible, as this is a private development. There is some economic tax gain as this allows another business to begin or expand operations in Wyandotte County in an area that is currently vacant.

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

The subject property has a high degree of conformity with the ordinance requirements once rezoned if adequately maintained, screened, and managed properly.

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

There is negligible impact to public health, safety, or welfare if adequately maintained as adjacent lots are similar in use or activity. The current property owner would not be able to sell their vacant property to the applicant if not approved, which could have a degree of hardship due to loss of income. The applicant is the potential buyer and would not be able to operate or expand their business within the county and may also experience financial hardship.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in Person on January 28, 2022.

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

KEY ISSUES

Structural Compatibility
Zoning
Land Use
Neighborhood Compatibility
Noise, Dust, Visibility, or Illumination
Traffic
Grading and Erosion Control
Landscaping and Screening
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 1 to uphold its previous recommendation and recommends **APPROVAL** of Change of Zone Application **COZ2022-001** and Master Plan Amendment **MPL2022-001**, subject to:

- 1. The property shall be restricted to CP-3 uses and activity, with the filing of a deed with the Register of Deeds Office, with the exception of the equipment and material staging and laydown yard. No use shall be permitted or so operated as to produce or emit smoke, dust, fly ash, gas,**

- odorous emission, vibration, concussion, noise greater than 80dB(A), or industrial waste.
2. All uses involving the storage, handling, se, or sale of hazardous and/or highly flammable or explosive materials (group H occupancies as defined by the International Building Code) shall be prohibited unless approved by Special Use Permit and approved by any other stipulation as stated in Section 27-469(4).
 3. If approved, a retro-active building permit on the outbuilding shall be required or the existing permit shall be verified as approved status.
 4. If approved, screening on the property's perimeter shall be maintained and enhanced where appropriate.
 5. Trees shall densely wrap around the perimeter of all sides of the property, be planted at the top and on slopes, and always seek to replant those trees lost due to the development. Trees shall be replanted where needed along the corner of State Avenue and North 142nd.
 6. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers).
 7. Any equipment visible from the public right of way or near fencing shall be removed or relocated to where fully concealed from public view.
 8. Existing fencing and gated entrance shall be maintained.
 9. The apron shall be continuously maintained as an improved surface of asphalt or concrete. Please contact the Public Works Department for more information at Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700.
 10. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.
 11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly.

- 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.**
- 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.

On March 3, 2022, the Unified Government of Wyandotte County and Kansas City, Kansas Board of Commissioners remanded this case back to the March 14, 2022 City Planning Commission in order to further review the impacts of this proposed change of use, seek input from the Cities of Bonner Springs and Basehor, and review the current and planned land uses in these abutting jurisdictions. The applicant noted that there are six (6) vehicles that are proposed to be stored at this location and the average truck traffic would be five (5) trucks leaving the site in the morning and five (5) trucks returning at night as typically one (1) vehicle is either unnecessary to meet work demands or is being repaired. This is an average daily trips of 10 trucks per day. The UG County Engineer stated that these roadways were built to a standard where this amount of traffic would not be detrimental to either the capacity of these roads or their general condition. The County Engineer, however, also stated that large, overweight trucks (over 12,000 lbs. gross vehicle weight rating or GVWR) do increase the deterioration of roads at a higher rate than other vehicles. The subject parcel is bordered by Nebraska Avenue to the north, North 142nd Street to the west and State Avenue to the south. Nebraska Avenue and North 142nd Street are asphalt roads with concrete curbs and stormwater inlets. State Avenue is a State Highway (US Route 40) that is concrete without curbs. The City of Bonner Springs noted that the current zoning for the parcels in their jurisdiction south of State Avenue are Industrial, including the current business located at 14130 Minnesota Avenue, Bonner Springs, KS 66012, and that the undeveloped corner lot (14150 Minnesota Avenue) is zoned single-family residential. They stated the proposed use is in character with these uses. The City of Basehor noted that they had received one (1) comment from an adjacent land owner in opposition to the project, but by their protocol do not directly comment on projects

outside of their jurisdiction. Staff reviewed their zoning map, and all uses abutting the proposed project on north 142nd Street are single-family residential.”

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners **APPROVE** Petitions **COZ2022-001** and **MPL2022-001**, subject to all comments and suggestions outlined in this staff report

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
March 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Preliminary Site Design
Revised Design Plans
Planning Engineering Comment Letters
Neighborhood Meeting Information
Applicant Response Letter
Applicant Stormwater Report
Revised Site Plan – Second Set
Second Applicant Response Letter
Staff Site Photos Dated January 23, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Rezoning	February 14, 2022 Approval	March 3, 2022 Remanded Back
	March 14, 2022 Approval	March 31, 2022
Master Plan	February 14, 2022 Approval	March 3, 2022 Remanded Back
	March 14, 2022 Approval	March 31, 2022

STAFF CONTACT: **Kallie McLaughlin**
 kdmclaughlin@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-001** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to

resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-001** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-001** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-001** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 14, 2022 City Planning Commission Minutes:

Hearing starts at 1:43:56:

MASTER PLAN AMENDMENT MPL2022-001 – TIM KATES/REMCO DEMOLITION LLC – SYNOPSIS: Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to Industrial (City-Wide Master Plan) at 14140 State Avenue.

CHANGE OF ZONE APPLICATION COZ2022-001 – TIM KATES/REMCO

DEMOLITION LLC - SYNOPSIS: Change of Zone from CP-3 Planned Commercial District to MP-2 Planned General Industrial District for a contractor staging area and heavy equipment storage for Remco Demolition at 14140 State Avenue.

Detailed Outline of Requested Action: The Applicant, Tim Kates of Remco Demolition, is requesting a Change of Zone for the subject property at 14140 State Avenue. The Applicant is requesting a Change of Zone from CP-3 Planned Commercial District to MP-2 General Industrial District. The Change of Zone has been requested so that the prospective buyer can use the site as a construction equipment storage and staging area. The subject property is currently vacant with two (2) large farm outbuilding structures and two (2) smaller accessory storage buildings with a total building square footage of 10,484 square feet. The applicant wishes to use the current buildings and add an asphalt area for materials and equipment storage on the rear of the property. A Master Plan Amendment has been included with this application to amend the land use from Commercial to Industrial.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 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 February 14, 2022;
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:

- Andrea Weishaubt, Atlas Surveyors, representing the applicant, 2300 Hutton Road, Kansas City, Kansas
- Henry Chamberlain, 12808 Kansas Avenue, Bonner Springs, Kansas and co-owner of the property to the east

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:47:41: Planning Director Hand stated that the Change of Zone from CP-3 Planned Commercial District to MP-2 Planned General Industrial District and a Master Plan Amendment from Planned Commercial to Industrial is being requested for a lay-down lot and staging area for equipment and contracting materials. He further stated that while outside storage is allowed in the C-3 zoning,

heavy machinery storage is not allowed. The site is raised from the street on State Avenue, which allows some natural screening. Staff is requesting additional landscaping and buffering in order to completely screen the use. Staff is also requesting that Condition 1 be amended to state that a deed will be filed with the Register of Deeds that restricts future uses on the property to only those allowed in the CP-3 District. Director Hand stated that staff has received no letters in support nor opposition. There are old Notices of Violation on the property. Another condition of approval is a retro-active building permit must be on the existing outbuildings. If the applicant wants to store hazardous materials in the future, a Special Use Permit will be required. Staff recommends approval subject to the revised conditions.

Motion and Vote starts at 1:51:28:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2022-001:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. The property shall be restricted to CP-3 uses and activity, with the filing of a deed with the Register of Deeds Office, with the exception of the equipment and material staging and laydown yard. No use shall be permitted or so operated as to produce or emit smoke, dust, fly ash, gas, odorous emission, vibration, concussion, noise greater than 80dB(A), or industrial waste.**
- 2. All uses involving the storage, handling, se, or sale of hazardous and/or highly flammable or explosive materials (group H occupancies as defined by the International Building Code) shall be prohibited unless approved by Special Use Permit and approved by any other stipulation as stated in Section 27-469(4).**
- 3. If approved, a retro-active building permit on the outbuilding shall be required or the existing permit shall be verified as approved status.**
- 4. If approved, screening on the property's perimeter shall be maintained and enhanced where appropriate.**
- 5. Trees shall densely wrap around the perimeter of all sides of the property, be planted at the top and on slopes, and always seek to replant those trees lost due to the development. Trees shall be replanted where needed along the corner of State Avenue and North 142nd.**
- 6. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted.**

- Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers).
7. Any equipment visible from the public right of way or near fencing shall be removed or relocated to where fully concealed from public view.
 8. Existing fencing and gated entrance shall be maintained.
 9. The apron shall be continuously maintained as an improved surface of asphalt or concrete. Please contact the Public Works Department for more information at Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700.
 10. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.
 11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly.
 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.
 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 Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2022-001:**

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

Motion to recommend APPROVAL Passed: 6 to 0

March 14, 2022 City Planning Commission Minutes:

Hearing starts at 4:09:45:

MASTER PLAN AMENDMENT MPL2022-001 – TIM KATES/REMCO DEMOLITION LLC – SYNOPSIS: Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to Industrial (City-Wide Master Plan) at 14140 State Avenue.

CHANGE OF ZONE APPLICATION COZ2022-001 – TIM KATES/REMCO DEMOLITION LLC - SYNOPSIS: Change of Zone from CP-3 Planned Commercial District to MP-2 Planned General Industrial District for a contractor staging area and heavy equipment storage for Remco Demolition at 14140 State Avenue.

Detailed Outline of Requested Action: The Applicant, Tim Kates of Remco Demolition, is requesting a Change of Zone for the subject property at 14140 State Avenue. The Applicant is requesting a Change of Zone from CP-3 Planned Commercial District to MP-2 General Industrial District. The Change of Zone has been requested so that the prospective buyer can use the site as a construction equipment storage and staging area. The subject property is currently vacant with two (2) large farm outbuilding structures and two (2) smaller accessory storage buildings with a total building square footage of 10,484 square feet. The applicant wishes to use the current buildings and add an asphalt area for materials and equipment storage on the rear of the property. A Master Plan Amendment has been included with this application to amend the land use from Commercial to Industrial.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 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 March 14, 2022;

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.

Secretary Parker stated that this application was heard in February and recommended for approval with conditions and the Board of Commissioners remanded the application back to the City Planning Commission for rehearing. Planning Director Hand stated this case was remanded back to the Planning Commission for staff to have further discussions with surrounding jurisdictions regarding this application and to further review the traffic/parking impacts of this project.

Present in Support:

- Tim Kates, Remco Demolition LLC, applicant
- Andrea Weishaubt, Atlas Surveyors

Present in Opposition:

- Bill Hutton, 13939 Parallel Parkway, Kansas City, Kansas
- Jeremy Unruh, 1506 North 142nd Street, representing eight (8) neighbors on the west side of 142nd Street (spoke after Director Hand's recommendation)

Staff Recommendation starts at 4:26:16: Planning Director Hand stated that he will address the reasons the applications were remanded back to the Planning Commission. Staff spoke to the City of Basehor and their policy is not to comment on applications in other jurisdictions. They did state that one (1) of their constituents on the other side of 142nd Street was in opposition. Staff spoke to the City of Bonner Springs, and there are two (2) properties that are industrial on Minnesota Avenue and the third, undeveloped property is zoned residential, and they felt that this project would be commensurate with their development. He stated that the applicant notified staff with an additional exhibit that they would have six (6) vehicles stored on the property and estimate that they will have a maximum of five (5) vehicles out every day which is ten (10) vehicle trips per day. Director Hand stated that staff spoke to the County Engineer and 142nd Street and Nebraska Avenue are improved streets. State Avenue is a concrete street and Staff does not believe that improvements are needed for this proposed Special Use Permit. The County Engineer said that while ten (10) trips is not a large amount, 12,000 pounds trucks do have a greater potential for damage to public rights-of-way than other vehicles. The County Engineer stated that these are public roads that are built to handle this traffic. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 4:32:37:

On motion by Mr. Mohler, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2022-001:**

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	No
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 1

Subject to:

1. The property shall be restricted to CP-3 uses and activity, with the filing of a deed with the Register of Deeds Office, with the exception of the equipment and material staging and laydown yard. No use shall be permitted or so operated as to produce or emit smoke, dust, fly ash, gas, odorous emission, vibration, concussion, noise greater than 80dB(A), or industrial waste.
2. All uses involving the storage, handling, se, or sale of hazardous and/or highly flammable or explosive materials (group H occupancies as defined by the International Building Code) shall be prohibited unless approved by Special Use Permit and approved by any other stipulation as stated in Section 27-469(4).
3. If approved, a retro-active building permit on the outbuilding shall be required or the existing permit shall be verified as approved status.
4. If approved, screening on the property's perimeter shall be maintained and enhanced where appropriate.
5. Trees shall densely wrap around the perimeter of all sides of the property, be planted at the top and on slopes, and always seek to replant those trees lost due to the development. Trees shall be replanted where needed along the corner of State Avenue and North 142nd.
6. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers).
7. Any equipment visible from the public right of way or near fencing shall be removed or relocated to where fully concealed from public view.
8. Existing fencing and gated entrance shall be maintained.
9. The apron shall be continuously maintained as an improved surface of asphalt or concrete. Please contact the Public Works Department for more information at Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700.
10. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.

11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly.
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.
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. Mohler, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2022-001:**

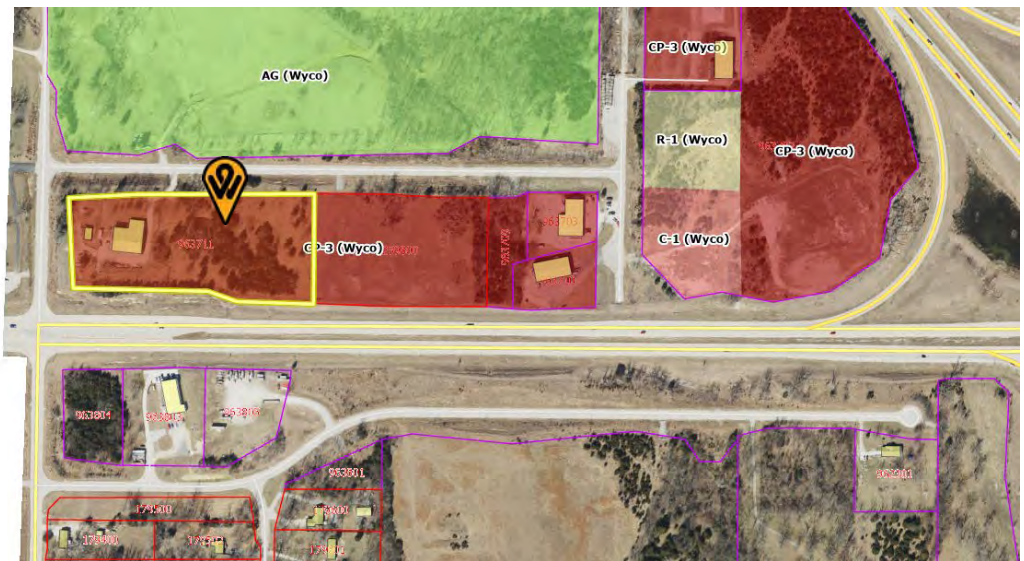
Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	No
Armstrong	Aye

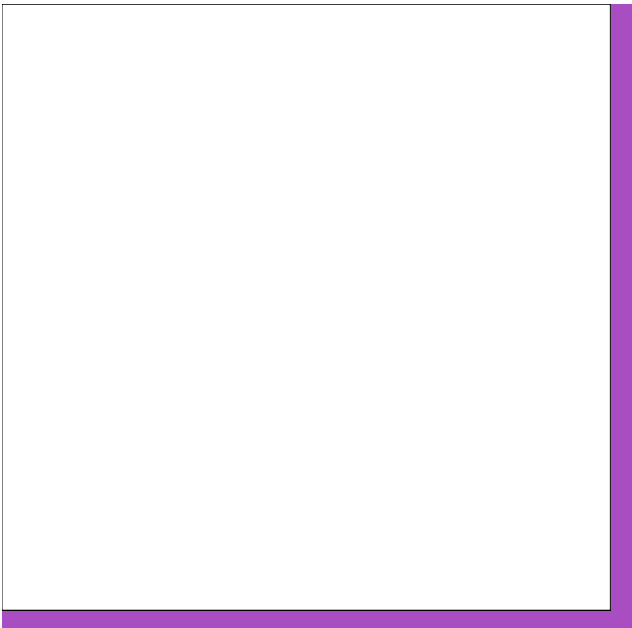
Motion to recommend APPROVAL Passed: 6 to 1
Subject to the above conditions

AERIAL MAP



ZONING MAP





PRELIMINARY SITE DESIGN



REVISED SITE DESIGN PLANS

14140 STATE AVE. INDUSTRIAL REZONE

14140 STATE AVENUE
KANSAS CITY, WYANDOTTE COUNTY, KANSAS, 66106
SW 1/4 OF SECTION 6, TOWNSHIP 11, RANGE 23

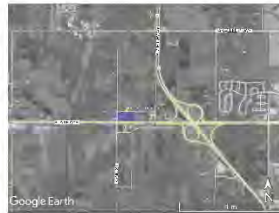
DEVELOPMENT PLAN

TOTAL PROPERTY AREA: 6.67 ACRES
TOTAL DISTURBED AREA: 1.49 ACRES
NET IMPERVIOUS AREA INCREASE: 1.13 ACRES
NET CUT/FILL QUANTITY: 0 CY
WOLF CREEK IS THE TRIBUTARY FOR THIS SITE

INDEX OF SHEETS	
C-001	COVER SHEET
C-100	EXISTING CONDITIONS & DEMOLITION PLAN
C-110	EROSION CONTROL PLAN
C-111	EROSION CONTROL DETAILS
C-120	SITE PLAN
C-121	STANDARD DETAILS
C-130	GRADING PLAN



ALL INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE USER ASSUMES ALL LIABILITY FOR ANY AND ALL DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR FROM THE USE OF THIS INFORMATION. THE USER AGREES TO HOLD THE PROVIDER HARMLESS FROM AND AGAINST ALL SUCH DAMAGES. THE PROVIDER MAKES NO WARRANTY, REPRESENTATION, OR GUARANTEE, EXPRESS OR IMPLIED, REGARDING THE ACCURACY, COMPLETENESS, OR RELIABILITY OF THE INFORMATION CONTAINED HEREIN. THE PROVIDER SHALL NOT BE LIABLE FOR ANY SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR FROM THE USE OF THIS INFORMATION. THE USER AGREES TO HOLD THE PROVIDER HARMLESS FROM AND AGAINST ALL SUCH DAMAGES. THE PROVIDER MAKES NO WARRANTY, REPRESENTATION, OR GUARANTEE, EXPRESS OR IMPLIED, REGARDING THE ACCURACY, COMPLETENESS, OR RELIABILITY OF THE INFORMATION CONTAINED HEREIN.



VICINITY MAP
N.T.S.



UTILITY CONTACTS

ALL UTILITIES SHOWN ARE BASED ON THE FOLLOWING INFORMATION:
KANSAS CITY WATER DEPARTMENT
KANSAS CITY SANITARY DEPARTMENT
KANSAS CITY ELECTRIC DEPARTMENT
KANSAS CITY GAS DEPARTMENT
KANSAS CITY TELEPHONE DEPARTMENT
KANSAS CITY CABLE DEPARTMENT
KANSAS CITY RAILROAD DEPARTMENT
KANSAS CITY AIRCRAFT DEPARTMENT
KANSAS CITY MARINE DEPARTMENT
KANSAS CITY FISH AND WILDLIFE DEPARTMENT
KANSAS CITY PARKS AND RECREATION DEPARTMENT
KANSAS CITY HISTORICAL SOCIETY
KANSAS CITY ARCHIVES
KANSAS CITY MUSEUM
KANSAS CITY BOTANICAL GARDEN
KANSAS CITY ZOO
KANSAS CITY BOTANICAL GARDEN
KANSAS CITY ZOO
KANSAS CITY BOTANICAL GARDEN
KANSAS CITY ZOO



THE UTILITIES AS SHOWN IN THESE DRAWINGS WERE LOCATED BY THE ENGINEER AND HIS COMPANY. THE ENGINEER AND HIS COMPANY SHALL NOT BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES OR FOR ANY DAMAGE TO UTILITIES OR FOR ANY DAMAGE TO THE PROPERTY OR FOR ANY DAMAGE TO THE ENVIRONMENT. THE ENGINEER AND HIS COMPANY SHALL NOT BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES OR FOR ANY DAMAGE TO UTILITIES OR FOR ANY DAMAGE TO THE PROPERTY OR FOR ANY DAMAGE TO THE ENVIRONMENT.

ALC
ARCHITECTURAL LANDSCAPE CONSULTANTS

STEVE WARRER, PE

14140 State Ave.
14140 STATE AVENUE, KANSAS CITY
WYANDOTTE COUNTY, KANSAS 66106

FOR PERMIT

PREPARED FOR:
TRANSL
RECONSTRUCTION
2001 21ST ST
LINCOLN, NE 68503
PROJECT # 22-080
ISSUE DATE 03/26/22

C-001



ALC
ARCHITECTURAL LANDSCAPE CONSULTANTS

STEVE WARRER, PE

14140 State Ave.
14140 STATE AVENUE, KANSAS CITY
WYANDOTTE COUNTY, KANSAS 66106

FOR PERMIT

PREPARED FOR:
TRANSL
RECONSTRUCTION
2001 21ST ST
LINCOLN, NE 68503
PROJECT # 22-080
ISSUE DATE 03/26/22

C-100



24





Planning and Urban Design

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

Phone: (913) 573-5750
Fax: (913) 573-5796

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Principal Planner

FROM: Patrick Doyle, Engineering Manager

DATE: January 13, 2022

SUBJECT: Tim Kates (COZ2022-001, MPL2022-001)
14140 State Avenue
Erosion Control Review No. 1 (of the plan received 12/27/2021)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to Erosion Control design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

- 1) All engineering plans and reports shall be signed and sealed by a Professional Engineer registered in the State of Kansas.
- 2) Provide an erosion control plan indicating limits of disturbance.
- 3) On the erosion control plan, indicate location of temporary material stockpile or onsite waste area(s) in the case that excavated material, or topsoil needs to be temporarily stored or wasted on site, and provide downstream erosion control protection.

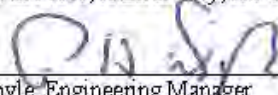
PLANNING ENGINEERING COMMENT LETTERS

- 4) On the erosion control plan, provide erosion control notes and, add the UG standards note as note number 1, which shall read "All work in public easements and right-of-way and all erosion control work must comply with the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas. If any of the general notes conflict with the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG), the UG's standards shall override."
- 5) Add a note regarding clean streets, and SWPPP (if applicable), etc. For example, "The contractor shall provide all materials, tools, equipment, and labor as necessary to install and maintain adequate erosion control, keep the streets clean of mud and debris, and prevent soil from leaving the project site. The contractor's erosion control measures shall conform to the Unified Government of Wyandotte County, Kansas City, KS Technical Provisions specifications, and the project's Stormwater Pollution Prevention Plan, a copy of which shall be maintained and updated on site at all times.
- 6) Add a note regarding the contractor shall install erosion control devices before starting any construction activity. The note could indicate which types of devices shall be installed, or reference the pre-construction plan, i.e., construction entrance, silt fence perimeter control, inlet protection, etc.
- 7) Add a "good housekeeping" note, i.e., "Good housekeeping, including spill response shall be performed in accordance with the Kansas City Chapter of the American Public Works Association Standard Specifications, Section 2150."
- 8) Add a note regarding additional measures, i.e., The contractor shall be responsible for providing additional erosion control measures or modifications if the plan fails to substantially control erosion or offsite sedimentation.
- 9) Add a note regarding temporary seeding, i.e., The Contractor shall temporarily seed, mulch, or otherwise stabilize any disturbed area where the land disturbance activity has ceased for a period of fourteen (14) calendar days.
- 10) Add a note regarding 70% vegetation, i.e., The contractor shall be responsible for maintaining erosion control devices and removing sediment until a minimum of 70% of permanent vegetation has become stabilized and established. Erosion control devices shall remain in place until the 70% established vegetation is met, or the duration of the project, whichever is the later date.
- 11) Show locations on the final stabilization plan regarding vegetative cover, i.e., seed and/or sod area(s), designating which type and where. Add reference that the contractor shall replace disturbed areas with seed or sod, as indicated on the plan, and shall be installed within 14 days after paving completion and final topsoil grading. Indicate a thickness for proposed topsoil replacement.

PLANNING ENGINEERING COMMENT LETTERS

- 12) Sites disturbing greater than 1 acre of land are required to obtain a Land Disturbance Permit from Public Works (701 N 7th Street, 7th Floor, Kansas City, KS 66101).

Reviewer: _____


Patrick Doyle, Engineering Manager



Planning and Urban Design

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

Phone: (913) 573-5750
Fax: (913) 573-5796

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Principal Planner

FROM: Patrick Doyle, Engineering Manager

DATE: January 13, 2022

SUBJECT: Tim Kates (COZ2022-001, MPL2022-001)
14140 State Avenue
General Engineering Review No. 1 (of the plan received 12/27/2021)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

- 1) All engineering plans and reports shall be signed and sealed by a Professional Engineer registered in the State of Kansas.
- 2) Provide a cover sheet to the plan set which includes but not limited to:
 - a. Project title
 - b. Address
 - c. Vicinity map
 - d. Contact information (for the landowner, developer, engineer, surveyor, contractor, etc.)

PLANNING ENGINEERING COMMENT LETTERS

- e. Date
 - f. Sheet index
 - g. 811 note and local utility contact information including UG Sanitary and Storm, Sewer Maintenance, (913) 573-1360, Kevin Swearengen or Kirk Roland
 - h. Total parcel/project area (SF or AC), total area of land disturbed (AC), net increase/decrease in impervious area (SF), net cut/fill quantities (CY)
- 3) Include the following note: "All work in public easements and right-of-way and all erosion control work must comply with the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas. When general notes conflict with the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG), the UG's standards shall override."
 - 4) Add a note for the contractor to obtain all permits necessary including land disturbance, right-of-way, hauling, etc., with Public Works prior to construction.
 - 5) Provide utility information on site plan including node numbers for existing storm and sanitary sewer structures and line sizes, which may be obtained from the Sewer Maintenance Department at (913) 573-5535.
 - 6) Provide increase in impervious area, earthwork cut and fill, and land disturbance area on cover sheet.
 - 7) Driveway entrance within right of way of Nebraska Avenue shall conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail UG 4100-M.
 - 8) Engineered slopes shall not exceed 3H:1V.
 - 9) ADA parking space(s) markings, sidewalks, and access to the building shall comply with ADA (Americans with Disabilities Act) requirements.
 - 10) See Sanitary Sewer review for additional comments.
 - 11) See Storm Drainage review for additional comments.
 - 12) See Stormwater Quality review for additional comments.
 - 13) See Erosion Control review for additional comments.
 - 14) Sites disturbing greater than 1 acre of land are required to obtain a Land Disturbance Permit from Public Works (701 N 7th Street, 7th Floor, Kansas City, KS 66101).

Reviewer: _____

Patrick Doyle, Engineering Manager

PLANNING ENGINEERING COMMENT LETTERS



Planning and Urban Design

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

Phone: (913) 573-5750
Fax: (913) 573-5796

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Principal Planner

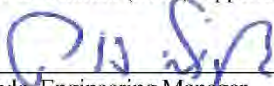
FROM: Patrick Doyle, Engineering Manager

DATE: January 13, 2022

SUBJECT: Tim Kates (COZ2022-001, MPL2022-001)
14140 State Avenue
Storm Drainage Review No. 1 (of the plan received 12/27/2021)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to Storm Drainage design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

- 1) Provide a storm drainage memo demonstrating plans comply with UG standards and criteria including stormwater quality Best Management Practice (BMP) worksheets, calculations, BMPs drainage area map.
- 2) Demonstrate compliance with MARC BMP Manual (2009) Appendix B.2.11 for "Hot Spots."

Reviewer: 
Patrick Doyle, Engineering Manager

NEIGHBORHOOD MEETING INFORMATION

January 14, 2022
Atlas Land Consulting
2300 Hutton Road Suite 108
Kansas City, KS 66109

We have filed an application with the Department of Urban Planning and Land Use

COZ2022-001

The purpose of this is for a change of zone at the following address:
14140 State Avenue Kansas City, Kansas 66012

MPL2022-001

The purpose of this is for a master plan amendment at the following address:
14140 State Avenue Kansas City, Kansas 66012

The purpose of this letter is to explain a proposed change of zone located at the address above. The property is currently zoned as **CP-3 "Planned Commercial District"** and with this proposed change of zone the property will be changing to **MP-2 "Planned General Industrial District"**. The purpose of the change of zone is to make the property compliant for use as a contractor staging area and heavy equipment storage for Remco Demolition.

The existing master plan land use designation is **"Planned Commercial (Prairie Delaware Piper)."** The proposed master plan land use will be **"Industrial (City-Wide Master Plan)."** The purpose of the master plan amendment is to make the property compliant for use as a contractor staging area and heavy equipment storage for Remco Demolition.

If you have any questions, comments or concerns please reach out to one of the contacts below.

There will be a neighborhood meeting on **January 28th, 2022 at 5:00 PM** held at Atlas Land Consulting's office at **2300 Hutton Rd. Suite 108, KCK 66109**

Please Contact:

Andrea Weishaubt:
-andrea@alconsult-llc.com or 913-702-5073

Alex Elliott
-alex@alconsult-llc.com or 913-306-4058

We look forward to seeing/hearing from you.

Sincerely,



APPLICANT RESPONSE LETTER



Comment Response Letter

To: Patrick Doyle, UG Engineering Manager
Address: 701 N 7th Street
Kansas City, KS 66101
Phone: 913-573-5750
Email: phdoyle@wycokck.org
Date: January 24, 2022
Project: 14140 State Ave. Industrial Rezoning

Construction Plan Comments:

General Engineering Review

- 1) All engineering plans and reports shall be signed and sealed by a Professional Engineer registered in the State of Kansas.

Acknowledged

- 2) Provide a cover sheet to the plan set which includes but not limited to:
- Project title
 - Address
 - Vicinity map
 - Contact information (for the landowner, developer, engineer, surveyor, contractor, etc.)
 - Date
 - Sheet index
 - 811 note and local utility contact information including UG Sanitary and Storm, Sewer Maintenance, (913) 573-1360, Kevin Swearengen or Kirk Roland
 - Total parcel/project area (SF or AC), total area of land disturbed (AC), net increase/decrease in impervious area (SF), net cut/fill quantities (CY)

Added as indicated

- 3) Include the following note: "All work in public easements and right-of-way and all 2300 Hutton St. Suite 108 Kansas City, KS. 66109

APPLICANT RESPONSE LETTER

erosion control work must comply with the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas. When general notes conflict with the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG), the UG's standards shall override."

Note added.

- 4) Add a note for the contractor to obtain all permits necessary including land disturbance, right-of-way, hauling, etc., with Public Works prior to construction.

Note added.

- 5) Provide utility information on site plan including node numbers for existing storm and sanitary sewer structures and line sizes, which may be obtained from the Sewer Maintenance Department at (913) 573-5535.

Information added.

- 6) Provide increase in impervious area, earthwork cut and fill, and land disturbance area on cover sheet.

Added as indicated.

- 7) Driveway entrance within right of way of Nebraska Avenue shall conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail UG 4100-M.

Acknowledged.

- 8) Engineered slopes shall not exceed 3H:1V.

Acknowledged

- 9) ADA parking space(s) markings, sidewalks, and access to the building shall comply with ADA (Americans with Disabilities Act) requirements.

Acknowledged. No ADA parking

- 14) Sites disturbing greater than 1 acre of land are required to obtain a Land Disturbance Permit from Public Works (701 N 7th Street, 7th Floor, Kansas City, KS 66101).

Acknowledged.

Erosion Control Plan Reivew

- 1) All engineering plans and reports shall be signed and sealed by a Professional Engineer registered in the State of Kansas.

Acknowledged.

2300 Hutton St. Suite 108 Kansas City, KS. 66109

APPLICANT RESPONSE LETTER

- 2) Provide an erosion control plan indicating limits of disturbance.

Provided.

- 3) On the erosion control plan, indicate location of temporary material stockpile or onsite waste area(s) in the case that excavated material, or topsoil needs to be temporarily stored or wasted on site, and provide downstream erosion control protection.

Added as indicated.

- 4) On the erosion control plan, provide erosion control notes and, add the UG standards note as note number 1, which shall read "All work in public easements and right-of-way and all erosion control work must comply with the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas. If any of the general notes conflict with the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG), the UG's standards shall override."

Note added.

- 5) Add a note regarding clean streets, and SWPPP (if applicable), etc. For example, "The contractor shall provide all materials, tools, equipment, and labor as necessary to install and maintain adequate erosion control, keep the streets clean of mud and debris, and prevent soil from leaving the project site. The contractor's erosion control measures shall conform to the Unified Government of Wyandotte County, Kansas City, KS Technical Provisions specifications, and the project's Stormwater Pollution Prevention Plan, a copy of which shall be maintained and updated on site at all times.

Note added.

- 6) Add a note regarding the contractor shall install erosion control devices before starting any construction activity. The note could indicate which types of devices shall be installed, or reference the pre-construction plan, i.e., construction entrance, silt fence perimeter control, inlet protection, etc.

Note added.

- 7) Add a "good housekeeping" note, i.e., "Good housekeeping, including spill response shall be performed in accordance with the Kansas City Chapter of the American Public Works Association Standard Specifications, Section 2150."

Note added.

- 8) Add a note regarding additional measures, i.e., The contractor shall be responsible for providing additional erosion control measures or modifications if the plan fails to substantially control erosion or offsite sedimentation.

Note added.

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APPLICANT RESPONSE LETTER

9) Add a note regarding temporary seeding, i.e., The Contractor shall temporarily seed, mulch, or otherwise stabilize any disturbed area where the land disturbance activity has ceased for a period of fourteen (14) calendar days.

Note added.

10) Add a note regarding 70% vegetation, i.e., The contractor shall be responsible for maintaining erosion control devices and removing sediment until a minimum of 70% of permanent vegetation has become stabilized and established. Erosion control devices shall remain in place until the 70% established vegetation is met, or the duration of the project, whichever is the later date.

Note added.

11) Show locations on the final stabilization plan regarding vegetative cover, i.e., seed and/or sod area(s), designating which type and where. Add reference that the contractor shall replace disturbed areas with seed or sod, as indicated on the plan, and shall be installed within 14 days after paving completion and final topsoil grading. Indicate a thickness for proposed topsoil replacement.

Sites disturbing greater than 1 acre of land are required to obtain a Land Disturbance Permit from Public Works (701 N 7th Street, 7th Floor, Kansas City, KS 66101).

Acknowledged, note added.

Sanitary Sewer Review

1) Provide UG Department of Health, (913) 573-6705, permit and inspection for existing private on-site wastewater system (UG Code Article VII, §30-227 et seq).

No changes to the sanitary sewer system are currently proposed.

2) Provide a brief sanitary sewer memorandum describing the existing septic system and proposed load. Septic systems shall comply with KDHS Bulletin 4-2: Minimum Standards for Design and Construction of Onsite Wastewater System:

- a) There shall be no permanent structure (patio, building, driveway, etc.) over the tank, lateral or other part of an onsite wastewater system
- b) Maintain access of trucks and equipment for pumping, maintenance, and repair.
- c) To avoid damage to the system, heavy equipment should not have to cross any portion of the wastewater system when servicing the septic tank.

Building is not currently proposed to be changed; thus, the proposed load will not be different than the existing.

3) On the plans, please illustrate existing sanitary and storm sewer structures and line sizes, which may be obtained from the Sewer Maintenance Department at (913) 573-5535. Show locations of all existing and proposed utilities on the plan, including the existing

2300 Hutton St. Suite 108 Kansas City, KS. 66109

APPLICANT RESPONSE LETTER

sanitary sewer and storm sewer utilities. Where existing utilities are not UG utilities, indicate that on the plans by calling them out as private.

Contact was made with the sewer maintenance department. No sanitary sewers exist near the site. The storm sewer along Nebraska Ave. does not appear on the GIS and thus does not have Node numbers or sizes.

4) Private sanitary service line(s) including clean-outs and / or manholes, as applicable shall comply with the applicable uniform plumbing code.

Acknowledged

Storm Drainage Review

1) Provide a storm drainage memo demonstrating plans comply with UG standards and criteria including stormwater quality Best Management Practice (BMP) worksheets, calculations, BMPs drainage area map.

Storm report added.

2) Demonstrate compliance with MARC BMP Manual (2009) Appendix B.2.11 for "Hot Spots."

Added as indicated, see storm report.

Please let me know if there are any questions.

Alex Elliott, EIT
Atlas Land Consulting
alex@alconsult-llc.com
913.306.4058

2300 Hutton St. Suite 108 Kansas City, KS. 66109

APPLICANT STORMWATER REPORT

Staff Note: Due to the Length of the report, only the stamped cover page is provided here. A full report is available upon request.



606 Jefferson Hills Court
Lawrence, KS 66044

STORM REPORT

For:

14140 State Ave. Industrial

14140 State Avenue
KANSAS CITY, KANSAS, 66109

Prepared for:

Tim Kates
24801 219th Street
Leavenworth, Kansas, 66048
913.951.7353



Prepared by:

ATLAS LAND CONSULTING, LLC
606 Jefferson Hills Court
Lawrence, Kansas 66044
913-702-5073

January 24, 2022

Revision	Date	By	Description
1			
2			
3			

COZ2022-001/MPL2022-001 March 31, 2022

14140 State Ave.
44445 STATE AVENUE KANSAS CITY
WINNEMOUE COUNTY KANSAS 64109

ALCO
ALCOHOLIC BEVERAGE
KANSAS DISTRICT NO. 1
KANSAS CITY, MO. 64109

1980

1980

FOR FERTIL

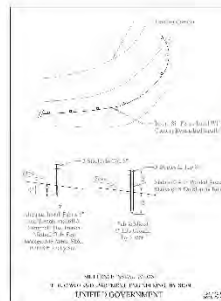
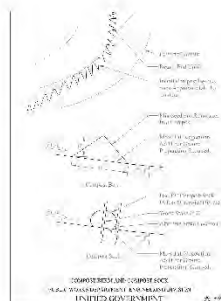
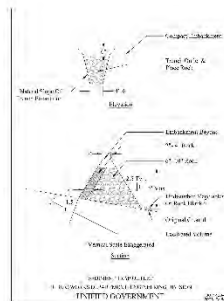
PREPARED FOR:

MR. & MRS. JAMES
HELDY
14140 STATE AVE.
KANSAS CITY, MO. 64109

REGISTERED TO: 1414002

EX-2000 CONFORMING
ALCOHOLIC BEVERAGE, PL-1A

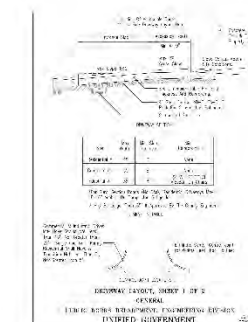
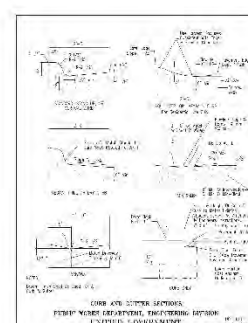
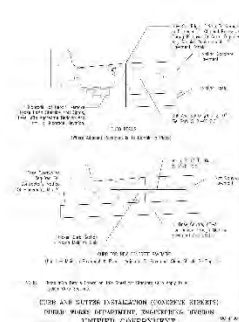
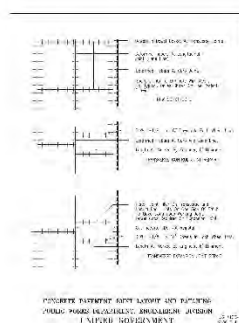
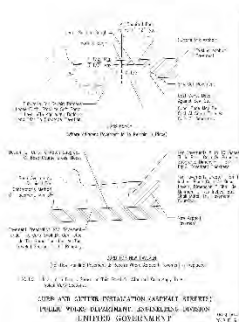
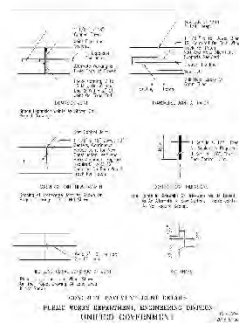
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41



INFORMATION ON TRINCH NOTES



ALC
ARCHITECTURAL
LAW CENTER
P.C.
901-876-8600 • www.alcpc.com



STEVE WACKER, PE

14140 State Ave.
14140 STATE AVE. KANSAS CITY
WANDOTTE COUNTY, KANSAS 66109

FOR PERMIT

PREPARED FOR:
TRANIKTES
2000 S. E. 10TH ST
SUITE 1010A ST
LEAWARDIA, KS
913-935-7262

DRAWN BY: C-120
PROJECT # C-21-0083
SHEET NO. 01 OF 01

C-120

									
									
STEVE HARKER FE									
14140 State Ave. 14140 STATE AVENUE KANSAS CITY WYANDOTTE COUNTY, KANSAS 66103									
PREPARED FOR: THE KANSAS TELECOMMISSION 1201 E. 12TH ST. P.O. BOX 100 TOPEKA, KS 66601-0100									
PERIOD OF FISCAL YEAR: 2016 FISCAL									
STANDARD OFFICE 1									
C-121									

REVISED SITE PLANS – SECOND SET



ALC
ATLAS LAND CONSULTING
SURVEYING • ENGINEERING • DRAINAGE CAD
402-242-9893
480 Jefferson Blvd. East, Lawrence, Kansas 66044

ADDITIONAL APPLICANT RESPONSE LETTER

utility connections in response to Planning Engineering Comment Letters.

Drawings have been provided to Planning Engineering. No comments received yet.

- b. Provide a parking layout on the site plan with space count

Added as indicated

- c. Provide operations details such as the hours of operation in which there may be heavier truck traffic and what types of materials may be stored on the lay-down lot.

Hours of operation are to be 7am-5pm with the heaviest traffic being in the beginning and end of the day. No materials are proposed to be stored on-site.

- d. Provide a plan outlining the landscape improvements to be made after utilities are connected and soil disturbance or grading has occurred.

Landscaping improvements shown in development plan (see sheet C-200).

Standard Conditions

- 1) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly.

Acknowledged.

- 2) 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.

Acknowledged.

- 3) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged 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. Any light or combination of lights that cast light

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ADDITIONAL APPLICANT RESPONSE LETTER

on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.

Acknowledged.

- 4) Trees shall densely wrap around the perimeter of all sides of the property, be planted at the top and on slopes, and always seek to replant those trees lost due to the development. Trees shall be replanted where needed along the corner of State Avenue and North 142nd.

Acknowledged.

- 5) The apron shall be continuously maintained as an improved surface.

Acknowledged.

- 6) Existing fencing and gated entrance shall be maintained.

Acknowledged.

- 7) Any equipment visible from the ground level or near fencing shall be removed or relocated to where fully concealed from public view.

Acknowledged.

- 8) All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers).

Acknowledged.

- 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.

Acknowledged.

Please let me know if there are any questions.

Alex Elliott, EIT
Atlas Land Consulting
alex@alconsult-llc.com
913.306.4058

2300 Hutton St. Suite 108 Kansas City, KS. 66109

STAFF SITE VISIT PHOTOS DATED JANUARY 23, 2022





STAFF SITE VISIT PHOTOS DATED JANUARY 23, 2022



STAFF SITE VISIT PHOTOS DATED JANUARY 23, 2022









STAFF SITE VISIT PHOTOS DATED JANUARY 23, 2022





Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

- WHEREAS,** radon is a naturally occurring radioactive gas that enters the home through cracks in concrete floors, walls, floor drains, and sump pits; and
- WHEREAS,** radon is an invisible gas that you can neither smell nor taste and has no immediately recognizable symptoms so testing is the only way to detect the presence of Radon; and
- WHEREAS,** according to the EPA, radon is the leading cause of lung cancer among nonsmokers and contributes to over 21,000 deaths annually nationwide; and
- WHEREAS,** Kansas City, Kansas and Kanas City, Missouri are both in EPA Radon Zone One, meaning that both cities have the highest potential to have homes test higher than the recommended radon level assigned by the EPA; and
- WHEREAS,** the cities of Kansas City, Missouri and Kansas City, Kansas are committing to placing EPA radon posters in city buildings to raise awareness of the cancer risks of radon exposure; and
- WHEREAS,** our partnership efforts challenge local hospitals and medical health networks in the Kansas City metropolitan area to place EPA radon posters in their medical buildings, waiting rooms and exam rooms to help raise awareness of the importance of radon testing and mitigation to help prevent lung cancer caused by radon exposure.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim a

“Bi-State City Partnership with the Environmental Protection Agency and the City of Kansas City, Missouri

to fight against lung cancer caused by radon exposure and encourage all citizens to test their homes regularly for the presence of radon. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

- WHEREAS,** on International Women's Day, we celebrate the achievements, contributions, and progress of women and girls in the United States and around the globe; and
- WHEREAS,** each year, Women's History Month offers an important opportunity for us to celebrate our extraordinary legacy of trailblazing women and girls who have built, shaped, and improved upon our community; and
- WHEREAS,** many women were charged with managing their homes and maintaining a sustainable income, while balancing the educational and social needs of school aged children during the COVID 19 pandemic; and
- WHEREAS,** COVID 19 has devastated the poorest and most marginalized women the hardest and women make up 50.2% of the Wyandotte County population; and
- WHEREAS,** Wyandotte County/Kansas City, KS Unified Government employs many women residing in the local area who contribute greatly to our organization; and
- WHEREAS,** the world comes together annually to celebrate women's social, economic, cultural and political achievements and to reinforce our commitment to women's equality.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby recognize that March 8th is

International Women's Day

and in Wyandotte County/Kansas City, KS we affirm our commitment to #BreakTheBias in our community, workplace, schools and colleges; enabling our daughters, sisters, mothers and friends, equitable access to all the resources available which enable women to thrive. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.


TYRONE GARNER, MAYOR/CEO



Staff Request for Commission Action

Tracking No. 211496

Full Commission Meeting Date: 3/31/22

Committee: Full Commission

Date of Standing Committee Action:
(If none, please explain):

Publication Required: Yes 4/7/2022

<u>Date:</u> 03/28/2022	<u>Contact Name:</u> Misty Brown	<u>Contact Phone:</u> x5067	<u>Contact Email:</u> mbrown@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> Consideration of an ordinance amending two sections of the Ethics Code to clarify that the incumbent Mayor and Commissioners may run for re-election without resigning their current office.				
<u>Action Requested:</u> Approve Ordinance				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Ordinance.Ethics.Code.Clarification				

ORDINANCE NO. _____

AN ORDINANCE relating to amendments to the Ethics Code that clarify that the incumbent mayor/chief executive officer and unified government board of commissioners may run for re-election without resigning their current office; amending original Section 2-267 of the Ethics Code of the Unified Government of Wyandotte County/ Kansas City, Kansas.

Whereas, section 2-267 of the Ethics Code of the Unified Government sets out permitted and prohibited political activities, and

Whereas, concerns were raised to the Ethics Commission about whether or not the language contained in Sections 2-267(c)(3) and 2-267(d)(3) would preclude current individuals serving as Mayor/Chief Executive Officer or Unified Government Commissioner from running for re-election and if amendments were warranted for clarification purposes; and

Whereas, the Unified Government Ethics Commission is the entity charged to review and propose any amendments to the Unified Government Ethics Code; and

Whereas, the Unified Government Ethics Commission believes that the matter was adequately addressed in the Ethics Code but agreed a limited amendment was warranted; and

Whereas, on March 10, 2022, the Unified Government Ethics Commission unanimously passed proposed changes to sections 2-267(c)(3) and 2-267(d)(3) to specifically clarify that a current individual serving as Mayor/Chief Executive Officer or Unified Government Commissioner are not prohibited from running for re-election as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Section 2-267 of the Code of Ethics of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended and shall read as follows:

Sec. 2-267. Permitted and prohibited political activities.

(a) *Application to unified government representatives.*

- (1) The provisions of this section apply to all full-time, part-time, and temporary unified government representatives in both classified and unclassified positions, except that the provisions of subsections (c)(2), (c)(3), (c)(5) and (c)(7) shall not apply to any person

employed pursuant to the authority of the mayor/chief executive officer (CEO) as an administrative assistant.

- (2) Employees in activities which are funded in whole or in substantial part by federal funds have the additional restrictions of federal law pursuant to 5 USC 1501 et seq. (hereafter referred to as the "Hatch Act"), and may be prohibited from taking an active part in the unified government, county, state or national elections. The unified government's human resources department shall maintain a listing of positions subject to the Hatch Act.
- (b) *Permitted political activities.* Activities listed in this section are permitted for the unified government representatives on their own time or in accordance with declared policies of the unified government. These activities apply to county, state, and national elections and to municipal elections outside the unified government.
 - (1) Each unified government representative, including an official or employee subject to the Hatch Act, may:
 - a. Register and vote in any election;
 - b. As an individual, privately and publicly express an opinion on political subjects and candidates;
 - c. Be a member of a political party and participate in its activities consistent with this division;
 - d. Sign a political nomination or recall petition as an individual;
 - e. Make a financial contribution to a political party or candidate;
 - f. Participate in connection with a question that is not specifically identified with a political party, such as a constitutional amendment, referendum, or issue of similar character; or
 - g. Display bumper stickers, posters, banners or pamphlets on private property for the endorsement of candidates or issues.
 - (2) In addition, except as otherwise provided in this division, unified government representative who is not subject to the Hatch Act may:
 - a. Take an active part in the work and management of any political campaigns;
 - b. Solicit, receive, or account for funds for a political purpose;
 - c. Solicit votes in support of, or in opposition to, a political party's office;
 - d. Initiate or circulate nominating or recall petitions;
 - e. Serve as a delegate, alternate, or proxy to a political party convention;
 - f. Drive voters to the polls on behalf of a political party or candidate;
 - g. Endorse or oppose a candidate for public or political office in a political advertisement, broadcast, campaign literature, or similar material;
 - h. Seek election to political office as provided in subsection (d) of this section.
- (c) *Prohibited political activities.*

- (1) *Compelled or coerced political activity.* No unified government representative shall be required to participate in or contribute to any political campaign. A unified government representative shall not be subject to direct or indirect political influence or coercion, and political affiliation or support is not a condition of employment with the unified government.
- (2) *Prohibited voluntary political activity—Employment related practices.* No unified government representative while utilizing equipment or materials of the unified government, while in a uniform normally identified with the unified government or while representing himself or herself as an employee of the unified government, except insofar as such representation is necessary for a candidate for public office to disclose a past and current employment status with the unified government shall:
 - a. Distribute campaign literature;
 - b. Give, solicit or receive contributions or subscriptions;
 - c. Promise or perform political services; or
 - d. Sign or circulate petitions for or on behalf of or in opposition to any candidate for public office.
- (3) *Prohibited voluntary political activity—Elections.* No official or employee of the unified government shall do any of the following:
 - a. Be a candidate for elective office as mayor or commissioner on the board of commissioners on the unified government unless that person resigns from employment prior to filing or declaring a candidacy for said elective office with the unified government, or be a member of the ethics commission upon filing or declaring a candidacy for said elective office. Exempted from the application of this provision is any person appointed as an official to all other unified government commissions, committees, boards, task force, or other unified government bodies or agencies and all persons holding positions designated by the unified government consolidation plan **which includes the incumbent mayor/chief executive officer and the unified government board of commissioners.**
 - b. Circulate petitions initiating a referendum adopting, altering, or repealing a form of government of the unified government, providing for unified government officers, their manner of selection or term of office, electing to be or not to be a particular form of government, or otherwise mandating or advising elected representatives of the unified government.
 - c. Contribute more than \$25.00 to the primary campaign or the general campaign of any candidate for elected unified government office or in support of or opposition to any referendum of the type described in subsection (c)(3)b of this section.
- (4) *Use of official authority, solicitation of funds.* No unified government representative may use his or her official authority to solicit funds or receive contributions from other officials or employees for political purposes.

- (5) *Bumper stickers, posters, banners or pamphlets, buttons.* Bumper stickers, posters, banners, pamphlets, and buttons may not be displayed on unified government vehicles, property, or by an individual on a unified government work site, or in a uniform normally identified with the unified government. However, such articles may be displayed on private vehicles parked in employee parking areas.
 - (6) *Activities prohibited on duty, on unified government property, and/or in uniform.* Activities permitted in subsection (b)(2) of this section are prohibited when unified government representative is on duty, including break periods. Such activities are also prohibited on unified government property and when unified government representative is in a uniform normally identified with the unified government.
 - (7) *Use of official title or designation of employment.* A unified government representative shall not use an official unified government title or designate employment with the unified government in political advertisements, endorsements, or speeches. Nothing in this section shall be construed to limit the mayor/chief executive officer (CEO) or any other employee acting at the direction of the commission from making statements on behalf of the unified government to local, regional, state or federal legislative, executive, or administrative bodies, media representatives, or other interested persons or groups. Further, nothing herein shall be construed as prohibiting any person from performing a service on behalf of a person holding elective office in connection with the performance of that elected official's public duties.
- (d) *Candidate for elective office.*
- (1) A unified government representative may seek election to a political office. During this campaign, the unified government representative shall not use an official unified government title in the political campaign, nor shall the person's official authority be used to affect the result of the election. If elected to political office, and such office is clearly inconsistent, incompatible, in conflict with, or inimical to the unified government representative duties as a unified government employee, the unified government representative shall terminate his or her unified government position prior to assuming the elected position.
 - (2) A unified government representative may be a candidate for a board such as, but not limited to, a school board or a library board while retaining active unified government employment and, if elected, may retain the unified government position.
 - (3) An official or employee who becomes a candidate for mayor or commissioner on the board of commissioners of the unified government shall be terminated upon the declaration of candidacy or filing of candidacy, whichever occurs first, unless said employee or official resigns prior thereto. **Excluded from this prohibition are the individuals holding the positions of mayor/chief executive officer and the unified government board of commissioners running for re-election.**
 - (4) A unified government representative subject to the Hatch Act may not be a candidate for elective office unless permitted under federal law.
 - (5) A unified government representative may be a candidate for precinct committee positions or officer of a political party without taking an unpaid leave.

(Ord. No. O-75-09, § 1, 10-1-2009)

Section 2. This ordinance shall take effect and be in full force after its passage, approval, and publication in the official Unified Government newspaper.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CIYT, KANSAS

THIS _____ DAY OF _____, 2022.

Tyrone Garner
Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to form:

Misty Brown, Chief Counsel



Staff Request for Commission Action

Tracking No. 211351

Full Commission Meeting Date:

Committee: Public Works & Safety

Date of Standing Committee Action: 2/28/22
(If none, please explain):

Publication Required: No

<u>Date:</u> 03/24/2022	<u>Contact Name:</u> Jon Khalil	<u>Contact Phone:</u> x5085	<u>Contact Email:</u> mjkhilil@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> This is a resolution for the approval of the purchase of twenty-one (21) defibrillators, twenty-one (21) reusable sensors, and thirty-three case review subscriptions over four years for the Fire Department, for a total of \$651,289.44.				
<u>Action Requested:</u> To adopt the resolution and approving the purchase of Manual Monitor Defibrillators.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> 22 02 15 Lease Purchase Agreement Zoll, 22_02_04_Lease_Purchase_Agreement__(Final)				

RESOLUTION NO. R-__-__

**RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ENTER INTO A LEASE
PURCHASE TRANSACTION, AND TO APPROVE THE EXECUTION OF
CERTAIN DOCUMENTS IN CONNECTION THEREWITH.**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) desires to obtain twenty-one (21) Zoll X series Manual Monitor/Defibrillators, twenty-one (21) reusable sensors, and thirty-three (33) case review subscriptions (the “Equipment”); and

WHEREAS, in order to facilitate the foregoing and to pay the cost thereof, it is necessary and desirable for the Unified Government to enter into an annually renewable Single Schedule Lease Purchase Agreement, pursuant to K.S.A. 10-1116b and c, (the “Lease”) with Zoll Medical Corporation, as lessor, to which the Unified Government, as lessee, will lease the Equipment from Zoll Medical Corporation on a year-to-year basis with an option to purchase the Equipment, a form of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY KANSAS, AS FOLLOWS:

Section 1. Authorization of Lease Transaction. The Unified Government states its intent to lease-purchase some or all of the Equipment with a maximum capital cost of \$651,289.44 an annual average effective interest cost of 0%, and with \$0.00 paid for service, maintenance, insurance or other charges exclusive of the capital cost and interest cost.

The Chief Financial Officer of the Unified Government is hereby authorized to accept the proposal of Zoll Medical Corporation for the lease-purchase transaction. The Equipment to be leased will be approved by subsequent resolution(s) of the Board of Commissioners.

Section 2. Authorization and Approval of Unified Government Documents. The Lease is hereby approved in substantially the form submitted to and reviewed by the Board of Commissioners on the date hereof, with such changes therein as are approved by the County Administrator, the County Administrator’s execution of the Lease being conclusive evidence of such approval.

The obligation of the Unified Government to pay Lease Payments (as memorialized in the Unified Government’s Lease-Purchase Agreement, attached hereto as **Attachment A**) under the Lease is subject to annual appropriation and will constitute a current expense of the Unified Government and will not in any way be construed to be an indebtedness or liability of the Unified Government in contravention of any applicable constitutional, charter or statutory limitation or requirement concerning the creation of indebtedness or liability by the Unified Government, nor will anything contained in the Lease constitute a pledge of the general tax revenues, funds or moneys of the Unified Government, and all provisions of the Lease will be construed so as to give effect to such intent.

The County Administrator is hereby authorized and directed to execute and deliver the Lease on behalf of and as the act and deed of the Unified Government.

Section 3. Further Authority. The Unified Government will, and the officials and agents of the Unified Government are hereby authorized and directed to, take such actions, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out

and comply with the intent of this Resolution and to carry out, comply with and perform the duties of the Unified Government with respect to the Lease and the Equipment.

Section 4. Effective Date. This Resolution will take effect and be in full force from and after its passage by the Board of Commissioners.

ADOPTED by the Board of Commissioners of the Unified Government of Wyandotte County, Kansas City, Kansas, this _____, 2022.

Mayor/CEO

ATTEST:

Unified Government Clerk

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

Lease-Purchase Agreement

THIS AGREEMENT, made this 4th day of February, by and between the Unified Government of Wyandotte County/Kansas City, Kansas, hereinafter called "Unified Government", and **ZOLL Medical Corporation**, hereinafter called "Contractor".

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

ARTICLE I

- 1.01. The Contractor shall supply, install and furnish such items and services as described and specified in its September 17, 2021 Price Quote.

Specifically, Contractor shall provide the Unified Government with 21 Zoll X series Manual Monitor/Defibrillators ("Equipment") for:

- a. The total purchase price/capital cost of the Equipment: **\$651,289.44**;
- b. The annual average effective interest cost: **0%**;
- c. The amount included in the payments for service, maintenance, insurance or other charges exclusive of the capital cost and interest cost: **\$0.00**.

Payment Terms: \$100,000 of the total purchase price/capital cost is due 30 days following the execution of this Agreement; \$100,000 of the total capital cost is due January 31, 2023; \$100,000 of the total capital cost is due January 31, 2024; \$100,000 of total capital cost is due January 31, 2025, and \$251,289.44 of the total capital cost is due January 31, 2026.

- 1.02. Contractor hereby demises, sells and lets to the Unified Government, and the Unified Government hereby purchases from Contractor, the Equipment in accordance with this Agreement. The purchase price/capital cost shall be disbursed as provided in Section 1.01.
- 1.03 The Unified Government is obligated to make payments as provided in Section 1.01 as may lawfully be made from funds budgeted and appropriated for that purpose during the Unified Government's then current fiscal year. Should the Unified Government fail to budget, appropriate or otherwise make available funds to make payments under Section 1.01, this Agreement shall be deemed terminated. The Unified Government agrees to deliver notice to Contractor of such termination at least 90 days prior to the end of the then current term. If this Agreement is terminated in accordance with this Section, the Unified Government agrees, at its cost and expense, to peaceably deliver the Equipment to Contractor

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at the location or locations to be specified.

- 1.04 It is understood that the representative for the Unified Government shall be **Sharon Reed**.
- 1.05. The term "Contract Documents" shall mean the documents listed below which have been incorporated herein and as part of this agreement and shall include the following in order of procedure:
 - a) Agreement;
 - b) Exhibit A – Resolution authorizing lease-purchase agreement;
 - c) Exhibit B - Zoll Medical Corporation's September 17, 2021 Price Quote.
- 1.06. The conditions and/or provisions provided in this Agreement shall supersede and be given full force and effect for over and above any contradictory term contained in Exhibit B.
- 1.07. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors and assigns.

ARTICLE II

Unified Government represents, covenants and warrants for the benefit of Contractor as follows:

- 2.01. Unified Government is a municipal corporation duly organized and existing under the constitution and laws of the State with full power and authority to enter into this Agreement and the transactions contemplated hereby and to perform all of its obligations hereunder.
- 2.02. Unified Government has duly authorized the execution and delivery of this Agreement by proper action by its governing body at a meeting duly called, regularly convened and attended throughout by the requisite majority of the members thereof or by other appropriate official approval, and all requirements have been met and procedures have occurred in order to ensure the validity and enforceability of this Agreement.
- 2.03. This Agreement constitutes the legal, valid and binding obligation of Unified Government enforceable in accordance with its terms, except to the extent limited by applicable bankruptcy, insolvency, reorganization or other laws affecting creditors' rights generally.
- 2.04. Unified Government has, in accordance with the requirements of law, fully budgeted and appropriated sufficient funds for the current fiscal year to make the payments scheduled to come due during the current fiscal year and to meet its other obligations under this Agreement for the current fiscal year, and such funds have not been expended for other purposes.
- 2.05. Unified Government will do or cause to be done all things necessary to preserve

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and keep in full force and effect its existence as a municipal corporation under the laws of the State.

- 2.06. Unified Government has complied with such public bidding requirements as may be applicable to this Agreement and the acquisition by Unified Government of the Equipment listed on the Schedules that currently exist.
- 2.07. All authorizations, consents and approvals of governmental bodies or agencies required in connection with the execution and delivery by Unified Government of this Agreement or in connection with the carrying out by its of its obligations hereunder have been obtained.
- 2.08. The Equipment described in this Agreement is essential to the function of the Unified Government or to the service the Unified Government provides to its citizens. The Unified Government has an immediate need for the Equipment listed herein and expects to make immediate use of the Equipment. The Unified Government's need for the Equipment is not temporary and the Unified Government does not expect the need for any item of the Equipment to diminish in the foreseeable future including the Maximum Lease Term applicable to such item. The Equipment will be used by the Unified Government only for the purpose of performing one or more of its governmental or proprietary functions consistent with the permissible scope of the Unified Government's authority.

ARTICLE III

GENERAL CONTRACTUAL PROVISIONS

- 3.01. **Compliance with Law.** CONTRACTOR shall comply with all applicable local, state, and federal laws and regulations in carrying out this Agreement, regardless of whether those legal requirements are specifically referenced in this Agreement.
- 3.02. **Authority To Contract.** CONTRACTOR represents that it possesses legal authority to contract, that it has undertaken any official action required by its governing documents to enter into this Agreement, that its undersigned representative is duly authorized to execute this document on its behalf, that it agrees to be bound by all the provisions of this Agreement, and that the person identified as its official representative is authorized to act on its behalf in the implementation of this Agreement.
- 3.03. **Modification of Agreement.** This Agreement may be modified or amended only in writing executed by both parties and will be subject to renegotiation in the event of changes to applicable law, rules, or regulations affecting the subject matter of this Agreement.
- 3.04. **Assignment.** Neither CONTRACTOR nor the Unified Government shall, sell, transfer, assign, or otherwise dispose of any rights or obligations created by this Agreement without the written consent of the other party.
- 3.05. **Cash Basis Law.** This Agreement is subject to the Kansas Cash Basis Law, K.S.A. 10-1101 *et seq.* and amendments thereto. Any automatic renewal of the

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terms of the Agreement shall create no legal obligation on the part of the Unified Government. This Agreement shall be construed and interpreted so as to ensure that the Unified Government shall at all times stay in conformity with such laws and, as a condition of this Agreement, the Unified Government reserves the right to unilaterally sever, modify, or terminate this Agreement at any time if, in the opinion of its legal counsel, the Agreement is deemed to violate the terms of such law. The Unified Government is obligated only to pay periodic payments or monthly installments under the Agreement as may lawfully be made from (a) funds budgeted and appropriated for that purpose during the Unified Government's current budget year or (b) funds made available from any lawfully operated revenue producing source.

3.05.1 Appropriation of Funds

The purchase order issued by the Unified Government under and pursuant to the laws of the State of Kansas to fund the acquisition of the assets quoted in CONTRACTOR's September 17, 2021 Quotation ("Assets"). If, after the first fiscal year in which the assets are financed, funds are not appropriated or otherwise made available to continue making payments for the Assets in a subsequent fiscal year, then the Unified Government may terminate this Agreement as of the last day for which funds were appropriated or otherwise made available, but shall be obligated to pay all payments incurred through the end of that fiscal year. The Unified Government incurs no obligation under this Agreement for any period of time for which funds are not appropriated. It is reasonably expected that lease payments under this Agreement will be paid from annual appropriations of the Unified Government.

In the event of non-appropriation, the Unified Government shall provide CONTRACTOR a written notification to the effect that no funds have been appropriated or otherwise made available for payments due under this Agreement or for the acquisition of substantially similar Assets to replace those provided under this Agreement, to the extent permitted by law. In such event, the Unified Government at its own expense and at CONTRACTOR's direction shall ship the assets to a location within the contiguous United States specified by CONTRACTOR.

3.05.2 Best Efforts for Funding

The Unified Government will use its best efforts to obtain funding each fiscal year for the assets financed and purchased under this Agreement.

3.06. Payment of Taxes. The Unified Government shall not be responsible for, nor indemnify CONTRACTOR for any federal, state, or local taxes which may be imposed or levied upon the subject matter of this Agreement. If applicable, CONTRACTOR shall pay the Unified Government occupation tax prior to execution of the Agreement.

3.07. Licenses and Permits. CONTRACTOR shall maintain all licenses, permits, certifications, bonds, and insurance required by federal, state, or local authority for carrying out this Agreement. CONTRACTOR shall notify the Unified Government

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immediately if any required license, permit, bond, or insurance is cancelled, suspended, or is otherwise ineffective. Such cancellation, suspension, or other ineffectiveness may form the basis for immediate termination by the Unified Government in its discretion.

3.08. Independent Contractor Relation. The parties agree that the legal relationship between them is of a contractual nature. Nothing in this Agreement shall be construed to create a relationship of employer and employee or principal and agent or any other relationship other than that of independent parties contracting with each other solely for the purpose of carrying out the provisions of this Agreement. Nothing in this Agreement shall create any right or remedies in any third party. The parties agree that no persons supplied by CONTRACTOR are employees of the Unified Government and that no right of the Unified Government's civil service, retirement, or personnel rules accrue to such persons. The Unified Government shall not be responsible for withholding of social security, workers compensation insurance, unemployment compensation, bonuses, retirement benefits, other benefits, and any taxes and premiums from any payments made by the Unified Government to CONTRACTOR.

3.09. Discrimination in Delivery of Services Prohibited. During the performance of this Agreement, CONTRACTOR shall deny none of the benefits or services of the program to any eligible participant on the basis of race, religion, color, sex, disability, age, national origin, or ancestry.

3.10. Equal Opportunity and Affirmative Action.

- a. CONTRACTOR shall observe the provisions of the Kansas Act Against Discrimination, K.S.A. 44-1001 *et seq.* and amendments thereto, and shall not discriminate against any person in the performance of work under this Agreement because of race, religion, color, sex, disability, age, national origin, or ancestry.
- b. CONTRACTOR will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, religion, color, sex, disability, age, national origin, or ancestry. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. CONTRACTOR agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Unified Government setting forth the provisions of this nondiscrimination clause.
- c. CONTRACTOR, in all solicitations or advertisements for employees placed by or on behalf of CONTRACTOR, will state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, disability, age, national origin, or ancestry.

- d. CONTRACTOR will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Agreement so that such provisions will be binding upon each subcontractors.
- e. CONTRACTOR shall assure that it and all subcontractors will implement the certificate of compliance in connection with this Agreement.
- f. If CONTRACTOR fails, refuses, or neglects to comply with the terms of these contractual conditions, such failure shall be deemed a total breach of the contract and this Agreement may be terminated, canceled, or suspended, in whole or in part, and CONTRACTOR may be declared ineligible for any further Unified Government contracts for a period of up to one year. Provided that, if a contract is terminated, canceled, or suspended for failure to comply with this section, CONTRACTOR shall have no claims for damages against the Unified Government on account of such termination, cancellation, or suspension or declaration of ineligibility.
- g. CONTRACTOR shall maintain sufficient records to document that, under all aspects of this Agreement, it has acted in a manner which is in full compliance with the Kansas Act Against Discrimination. Such records shall at all times remain open to inspection by the Kansas Human Rights Commission or by the Unified Government.
- h. CONTRACTOR, in carrying out this Agreement, shall also comply with all other applicable existing federal, state, and local laws relative to equal opportunity and nondiscrimination, all of which are incorporated by reference and made a part of this Agreement.

3.11. Representations.

CONTRACTOR makes the following representations:

- a. The price submitted is independently arrived at without collusion.
- b. It has not knowingly influenced and promises that it will not knowingly influence a Unified Government employee or former Unified Government employee to breach any of the ethical standards set forth in Article 12 of the Procurement Code.
- c. It has not violated, and is not violating, and promises that it will not violate the prohibition against gratuities and kickbacks set forth in §12-106 (Gratuities and Kickbacks) of the Procurement Code.
- d. It has not retained and will not retain a person to solicit or secure a Unified Government contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

3.12. Waiver of Breach. The waiver by either party of a breach of any provision of this

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Agreement will not operate or be construed as a waiver of any subsequent breach by such party.

- 3.13. Severability.** If a court of competent jurisdiction declares any part of this Agreement to be invalid, the balance of the agreement will remain valid and enforceable.
- 3.14. Entire Agreement.** This Agreement and its attachments set forth the parties' entire agreement. Neither party has made any oral or side agreements or representations not contained in this Agreement. This is a legal document and not a mere recital and is binding upon the parties, their representatives, and successors in interest.
- 3.15. Disclaimer of Liability.** The Unified Government shall not hold harmless or indemnify CONTRACTOR for any liability whatsoever.
- 3.16. Termination for Default.** If CONTRACTOR refuses or fails to perform any of the provisions of this Agreement with such diligence as will ensure its completion within the time specified in this Agreement, or any extension thereof, or commits any other substantial breach of this Agreement, the Procurement Officer may notify CONTRACTOR in writing of the delay or nonperformance and, if not cured in ten days or any longer time specified in writing by the Procurement Officer, such officer may terminate CONTRACTOR's rights to proceed with the Agreement or such part of the Agreement as to which there has been delay or a failure to properly perform.

The Unified Government shall pay CONTRACTOR the costs and expenses and reasonable profit for services performed by CONTRACTOR prior to receipt of the notice of termination; however, the Unified Government may withhold from amounts due CONTRACTOR such sums as the Procurement Officer deems to be necessary to protect the Unified Government against loss caused by CONTRACTOR because of the default.

Except with respect to defaults of subcontractors, CONTRACTOR shall not be in default by reason of any failure in performance of this Agreement in accordance with its terms if CONTRACTOR has notified the Procurement Officer within 15 days of the cause of the delay and the failure arises out of causes such as acts of God, acts of the public enemy, act of the Unified Government and any other governmental entity in its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, or other labor disputes. If the failure to perform is caused by the failure of a subcontractors to perform or to make progress, and if such failure arises out of causes similar to those set forth above, CONTRACTOR shall not be deemed to be in default, unless the services to be furnished by the subcontractors were reasonably obtainable from other sources in sufficient time to permit CONTRACTOR to meet the contract requirements. Upon request of CONTRACTOR, the Procurement Officer shall ascertain the facts and extent of such failure, and, if such officer determines that any failure to perform was occasioned by any one or more of the excusable causes, and that, but for the excusable cause, CONTRACTOR's progress and performance would have met the terms of the Agreement, the time for completion of the Agreement shall be revised accordingly.

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If, after notice of termination of CONTRACTOR 's right to proceed under the provisions of this clause, it is determined for any reason that CONTRACTOR was not in default under the provisions of this clause, and both the Unified Government and CONTRACTOR agree, the rights and obligations of the parties shall be the same as if the notice of termination had not been issued.

The following acts committed by CONTRACTOR will constitute a substantial breach of the Agreement and may result in termination of the Agreement:

- If CONTRACTOR is adjudged bankrupt or insolvent;
- If CONTRACTOR makes a general assignment for the benefit of his creditors;
- If a trustee or receiver is appointed for CONTRACTOR or any of his property;
- If CONTRACTOR files a petition to take advantage of any debtor's act or to reorganize under bankruptcy or applicable laws;
- If CONTRACTOR repeatedly fails to supply sufficient services;
- If CONTRACTOR disregards the authority of the Procurement Officer;
- Acts other than those specified may constitute substantial breach of this Agreement.

3.17. Termination for Convenience. The Procurement Officer may, when the interests of the Unified Government so require, terminate this contract in whole or in part, for the convenience of the Unified Government. The Procurement Officer shall give written notice of the termination to CONTRACTOR specifying the part of the contract terminated and when termination becomes effective.

CONTRACTOR shall incur no further obligations in connection with the terminated work and on the date set in the notice of termination CONTRACTOR will stop work to the extent specified. The Procurement Officer shall pay CONTRACTOR the following amounts:

All costs and expenses incurred by CONTRACTOR for work accepted by the Unified Government prior to CONTRACTOR's receipt of the notice of termination, plus a reasonable profit for said work.

All costs and expenses incurred by CONTRACTOR for work not yet accepted by the Unified Government but performed by CONTRACTOR prior to receipt of the notice of termination, plus a reasonable profit for said work.

Anticipatory profit for work and services not performed by CONTRACTOR shall not be allowed.

- 3.18. Disputes.** All controversies between the Unified Government and CONTRACTOR which arise under, or are by virtue of, this Agreement and which are not resolved by mutual agreement, shall be decided by the Procurement Officer in writing, within 30 days after a written request by CONTRACTOR for a final decision concerning the controversy; provided, however, that if the Procurement Officer does not issue a written decision within 30 days after written request for a final decision, or within such longer period as may be agreed upon by the parties, then CONTRACTOR may proceed as if an adverse decision had been received.

The Procurement Officer shall immediately furnish a copy of the decision to CONTRACTOR by certified mail, return receipt requested, or by any other method that provides evidence of receipt. Any such decision shall be final and conclusive, unless fraudulent, or CONTRACTOR brings an action seeking judicial review of the decision in the Wyandotte County, Kansas District Court.

CONTRACTOR shall comply with any decision of the Procurement Officer and proceed diligently with performance of this Agreement pending final resolution by the Wyandotte County District Court of any controversy arising under, or by virtue of, this Agreement, except where there has been a material breach of the Agreement by the Unified Government; provided, however, that in any event CONTRACTOR shall proceed diligently with the performance of the Agreement where the Purchasing Director has made a written determination that continuation of work under the contract is essential to the public health and safety

Notwithstanding any language to the contrary, no interpretation shall be allowed to find the Unified Government has agreed to binding arbitration, or the payment of damages or penalties upon the occurrence of any contingency. Further, the Unified Government shall not agree to pay attorney fees and late payment charges.

- 3.19. Ownership of Materials.** Intentionally Omitted

- 3.20. Availability of Records and Audit.** CONTRACTOR agrees to maintain books, records, documents, and other evidence pertaining to the costs and expenses of the services provided under the Agreement (hereinafter collectively called "records") to the extent and in such detail as will properly reflect all net costs, direct equipment, supplies, and services, and other costs and expenses of whatever nature for which reimbursement is claimed under the provisions of this Agreement. CONTRACTOR agrees to make available at the offices of the Unified Government at reasonable times during the period set forth in the Request for Proposals any of the records for inspection, audit, or reproduction by any authorized representative of the Unified Government. Except for documentary evidence delivered to the offices of the Unified Government, CONTRACTOR shall preserve and make available to persons designated by the Unified Government his records for a period of three years from the date of final payment under the Agreement or until all audit questions have been resolved, whichever period of time is longer.

1. **3.21. Limit of Liability.** Unless otherwise prohibited by law, IN NO EVENT SHALL EITHER PARTY, OR ANY OF THEIR SUBSIDIARIES, AFFILIATES, FACILITIES, DIRECTORS, OFFICERS, EMPLOYEES, AGENTS, OR ANY OF THEIR RESPECTIVE SUCCESSORS OR ASSIGNS, BE LIABLE TO THE OTHER PARTY FOR ANY SPECIAL, INDIRECT, INCIDENTAL, EXEMPLARY, PUNITIVE, CONSEQUENTIAL OR

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OTHER DAMAGES IN CONNECTION WITH OR ARISING OUT OF THIS AGREEMENT, INCLUDING, BUT NOT LIMITED TO, DAMAGES FOR INJURIES TO PERSONS OR TO PROPERTY OR LOSS OF PROFITS OR LOSS OF FUTURE BUSINESS OR REPUTATION, WHETHER BASED ON TORT OR BREACH OF CONTRACT OR OTHER BASIS, EVEN IF IT HAS BEEN ADVISED IN ADVANCE OR IS AWARE OF THE POSSIBILITY OF SUCH DAMAGES

3.22. Indemnification. CONTRACTOR shall indemnify, defend, and hold the Unified Government harmless from and against all third-party claims, losses, damages, judgments or costs to the extent arising directly from CONTRACTOR's negligent acts or omissions. This indemnification shall not be subject to any limitations of remedies or warranties which are contained in this or any other agreement and shall survive termination of this or any other agreement between the parties hereto or thereto.

3.23. Governing Law. This Agreement is subject to, governed by, and construed according to the laws of the State of Kansas.

+++

IN WITNESS WHEREOF, the parties hereto have executed or caused to be executed by their duly authorized officials, this Agreement in two (2) original forms which shall be deemed an original on the date first above written.

OWNER:

Unified Government

By _____
Cheryl Harrison-Lee
Interim County Administrator

CONTRACTOR:

ZOLL Medical Corporation

(Contractor)

By _____
DocuSigned by:
Steven K. Flora
F080814F18E8448...

Name Steven K. Flora

Address 269 Mill Road

Chelmsford, MA 01824

2/4/2022

ATTEST:

Unified Government Clerk



County Administrator's Office
Cheryl Harrison-Lee, Interim County
Administrator

701 North Seventh Street, Ste. 945
Kansas City, Kansas 66101
(913) 573-5030 • FAX (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: March 31, 2022

BOARD POSITION: Wyandotte/Leavenworth Area Wide Advisory Council on Aging

INCUMBENT: N/A

APPOINTING COMMISSIONER: Melissa Bynum

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Linda Brown

TERM OF OFFICE: 3/31/2022-12/11/2023



County Administrator's Office
Cheryl Harrison-Lee, Interim County
Administrator

701 North Seventh Street, Ste. 945
Kansas City, Kansas 66101
(913) 573-5030 • FAX (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: March 31, 2022

BOARD POSITION: Golf Advisory Board

INCUMBENT: Roger Miller

APPOINTING COMMISSIONER: Chuck Stites

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: James Wing

TERM OF OFFICE: 3/31/2022-12/15/2025



County Administrator's Office
Cheryl Harrison-Lee, Interim County
Administrator

701 North Seventh Street, Ste. 945
Kansas City, Kansas 66101
(913) 573-5030 • FAX (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: March 31, 2022

BOARD POSITION: Golf Advisory Board

INCUMBENT: Kevin Jones

APPOINTING COMMISSIONER: Andrew Davis

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Chancellor Adams

TERM OF OFFICE: 3/31/2022-12/15/2025



County Administrator's Office
Cheryl Harrison-Lee, Interim County
Administrator

701 North Seventh Street, Ste. 945
Kansas City, Kansas 66101
(913) 573-5030 • FAX (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: March 31, 2022

BOARD POSITION: Advisory Committee on Human Relations & Disability Issues

INCUMBENT: Ollie Carroll

APPOINTING COMMISSIONER: Andrew Davis

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Dominick Love

TERM OF OFFICE: 3/31/2022-12/15/2025



County Administrator's Office
Cheryl Harrison-Lee, Interim County
Administrator

701 North Seventh Street, Ste. 945
Kansas City, Kansas 66101
(913) 573-5030 • FAX (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: March 31, 2022

BOARD POSITION: Self-Supported Municipal Improvement
District Advisory Board

INCUMBENT: Bob Hughes

APPOINTING COMMISSIONER: Andrew Davis

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: TJ Roberts

TERM OF OFFICE: 3/31/2022-12/15/2025



County Administrator's Office
Cheryl Harrison-Lee, Interim County
Administrator

701 North Seventh Street, Ste. 945
Kansas City, Kansas 66101
(913) 573-5030 • FAX (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: March 31, 2022

BOARD POSITION: UG Park Board

INCUMBENT: N/A

APPOINTING COMMISSIONER: Mike Kane

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Andrea Behrman

TERM OF OFFICE: 3/31/2022-12/15/2025



County Administrator's Office
Cheryl Harrison-Lee, Interim County
Administrator

701 North Seventh Street, Ste. 945
Kansas City, Kansas 66101
(913) 573-5030 • FAX (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: March 31, 2022

BOARD POSITION: Law Enforcement Advisory Board

INCUMBENT: N/A

APPOINTING COMMISSIONER: Mike Kane

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Scott Mackey

TERM OF OFFICE: 3/31/2022-12/15/2025



County Administrator's Office
Cheryl Harrison-Lee, Interim County
Administrator

701 North Seventh Street, Ste. 945
Kansas City, Kansas 66101
(913) 573-5030 • FAX (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: March 31, 2022

BOARD POSITION: Advisory Committee on Human Relations & Disability Issues

INCUMBENT: N/A

APPOINTING COMMISSIONER: Mike Kane

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Stefanie Caruthers

TERM OF OFFICE: 3/31/2022-12/15/2025



**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

March 24, 2022

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **BOHRER ENCLAVE, 2ND PLAT**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of BOHRER ENCLAVE, 2ND PLAT located at 3801 N. 55TH Street and being developed by Angie Bohrer.

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: 2022.03.23 09:10:20
-05'00'

Troy Shaw, P.E.
County Engineer

Attachments

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

**PLANNING & ZONING AND
REGULAR SESSION
OCTOBER 28, 2021**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, October 28, 2021, with 11 members present via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner, Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. The following officials were also in attendance: Doug Bach, County Administrator; Brett Deichler, Interim Unified Government Clerk; Misty Brown, Chief Counsel; Patrick Waters, Deputy Chief Counsel; Wendy Green and Jeff Conway, Assistant Counsel; Bridgette Cobbins, Alan Howze, and Emerick Cross, Assistant County Administrators; Gunnar Hand, Director of Planning and Urban Design; Janet Parker, Planning; Kim Portillo, Principal Planner; Alley Porter, Commission Liaison; Jud Knapp, Interim Land Bank Manager; Ashley Hand, Director of Strategic Communication; Katherine Carttar, Director of Economic Development; and Kathleen VonAchen, Chief Financial Officer.

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

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

Due to COVID-19 requirements, the public is allowed to participate by Zoom or submit comments by email prior to the meeting. Those comments are included in the record of the meeting. The public also has an opportunity to provide brief comments from the lobby of the Municipal Office Building.

Mayor Alvey said I'd ask the Clerk to please call the roll and begin the meeting.

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

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

Mayor Alvey asked, Clerk, are there any revisions to tonight's agenda? **Brett Deichler, Interim Unified Government Clerk**, said there was. A blue sheet was issued for tonight's session to consider a resolution amending the scheduled meeting times for the Neighborhood & Community Development and the Economic Development & Finance Standing committees. That was the only changes to tonight's agenda.

Mayor Alvey said, again, two parts to our meeting, Planning and Zoning comes up first. I'd ask the Clerk to read the statement required by State law governing the Planning and Zoning portion of our meeting followed by the items on the Planning and Zoning Consent Agenda.

PLANNING AND ZONING CONSENT AGENDA

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

Mr. Deichler asked if any member of the Commission wished to disclose any contact with proponents or opponents on any item on the agenda. **Mayor Alvey** said I am seeing none.

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

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

Commissioner Philbrook said I would like to pull aside SP2021-027, Item 1 on Special Use Permit.

Gunnar Hand, Director of Planning and Urban Development, said as a point of clarification, I believe the City Clerk read an ordinance to approve the Master Plan, but we had pulled that already out into the Non-Consent Agenda. That ordinance, if we need to, I'd like to pull now but we did plan to set that aside and have it on our Non-Consent Agenda as well. It's Miscellaneous E-1. The City Clerk read out an ordinance approving the Armourdale Area Master Plan. That should be pulled from the Non-Consent Agenda, please.

Mr. Deichler said I'm looking, I thought that was already pulled, Gunnar. I believe the ordinance is what I read on the Miscellaneous Ordinance, not the Miscellaneous. Let me take a look. I thought it had already been moved to Non-Consent.

Mr. Hand said I think it's just showing up in two places, Mr. Deichler. We will take action on the ordinance after our presentation later this evening.

Mayor Alvey said to be clear, if we pull this from E1, we will have to discuss it at that point, but we're going to be discussing it anyway in the Non-Consent Agenda, correct?

Mr. Hand said I believe so. I think it was a typo.

Doug Bach, County Administrator, said it is just a repeat on here. I don't think—it just really needs to be removed from the Consent Agenda and that way you take action under Miscellaneous A1 Non-Consent.

Mayor Alvey said if we keep it on the Consent Agenda, it will be approved before we hear the presentation. **Mr. Bach** said that's correct; that's why we need to remove it.

Mayor Alvey said what we would do then is just do the presentation. We'll pull that from the Consent Agenda and then do a presentation and then vote on it, correct? **Mr. Bach** said yes, sir.

Mayor Alvey asked, Misty, are we doing this legally? **Misty Brown, Chief Counsel**, said yes, Mayor.

Mayor Alvey said we have Item 2021-027 pulled. Is there anyone from the public who wishes to pull an item?

Mr. Hand said we spoke to our applicant, Mr. Albert Walker, regarding Special Use Permit 2021-047. I see him on the call. I do know he wants to pull that from the Consent Agenda, so I'll do that for him right now. There he is, I think he just learned out to raise his hand.

Albert Walker, Applicant, said I took some more pictures down there to Mr. McFarland, and I took a deed down there to him.

Mayor Alvey said, Mr. Walker, we just need to know, do you want to pull this from the Consent Agenda for us to discuss it separately? We're going to pull this from the Consent Agenda and you'll have an opportunity to provide your remarks. **Mr. Walker** said okay.

Mayor Alvey said we'll come back to you. We have 2021-027 and 2021-047. Any other requests? I'll entertain a motion for approval of the Planning and Zoning Consent Agenda, excluding the set asides.

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

CHANGE OF ZONE APPLICATIONS

Item No. 1 – 211116...CHANGE OF ZONE APPLICATION COZ2021-009 – LARRY J. EASTON

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for horses, cattle, and hay production at 2948 South 65th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. Applicant, Mr. Larry Easton, is requesting a Change of Zone for the subject property at 2948 South 65th Street. Applicant is requesting a Change of Zone from R-1 Single Family District to AG Agricultural District. The Change of Zone has been requested so that the applicant may keep livestock (goats and chickens) and raise crops (hay) for feed and to construct associated outbuildings for the care and keeping of such animals without the future additional special permits and variances typically required in properties zoned R-1 Single

Family District or through Animal Control. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2021-009, subject to:

- 1) The existing land use designation for the subject property, Rural-Density Residential, allows for agriculture, ranches, large lot residential development, parks, and open space. The land use does not change with the change of zone. The change of zone allows for the Applicant to keep livestock, grade, and related agricultural activities without future Variances or Special Use Permits so long as other standards of the Municipal Code are adhered to;
- 2) If approved, the Applicant shall construct adequate fencing, pens, stables, and/or stalls necessary for proper keeping of said animals, equipment, and supplies in accordance with Chapter 7 of the Municipal Code;
- 3) If approved, the Applicant shall adhere to the plan discussed with the Conservation District as approved;
- 4) A detailed site plan shall be provided indicating the type and size of any structures that will be erected to maintain proper care and keeping of the animals and associated uses, including current dwelling and any accessory buildings. Detail any erosion and grading control that will be needed as a result;
- 5) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin that process; and,
- 6) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2021-009, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 2 – 211117...CHANGE OF ZONE APPLICATION COZ2021-013 – ANDREW SEEMILLER WITH REAL ESTATE GROUP

Synopsis: Change of Zone from M-1 Light Industrial and Industrial Park District to MP-2 Planned General Industrial District for storage in conjunction with existing Twin Traffic, a traffic marking and striping company at 626 North 47th Street,
and

Item No. 2 – 211129...MASTER PLAN AMENDMENT MPL2021-010 – ANDREW SEEMILLER WITH SUMMIT REAL ESTATE GROUP

Synopsis: Master Plan Amendment from Mixed Use to Industrial (City-Wide Master Plan) at 626 North 47th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Andrew Seemiller with Summit Real Estate Group, is requesting a Change of Zone and Master Plan Amendment for the subject property at 626 North 47th Street. The subject property is simultaneously undergoing a subdivision into two (2) separate parcels, identified as Lot 1 (Tract I) and Lot 2 (Tract II). Lot 1 will be approximately 5.73 acres and Lot 2 will be approximately 13.88 acres. Lot 1 is zoned MP-1 and will remain zoned MP-1. Lot 2 is being rezoned; the applicant is requesting a Change of Zone for Lot 2 from MP-1 Planned Light Industrial and Industrial Park District, CP-1 Planned Limited Business District, and R-1 Single Family District to MP-2 Planned General Industrial District. The applicant is requesting a Master Plan Amendment of the City-Wide Master Plan land use designation from Mixed-Use to Industrial. This Master Plan Amendment will apply to both Lots 1 and 2. The Change of Zone and Master Plan Amendment have both been requested in order to comply with both the allowed land use and district for storage in conjunction with the existing company on site, Twin Traffic, a traffic marking and striping company. The Planning Commission voted 5 to 0 to recommend approval of Master Plan Amendment Application MPL2021-010, subject to:

- 1) Aerial imagery shows the paved area extending to the south of the subject property, into Parcel #916302. The applicant must cease use of the neighboring property.
- 2) If any parcel of land or a portion of a parcel that is adjacent to the northern boundary line of the subject property changes uses or zoning districts that would require fencing, screening, and/or landscape buffering under any section of the Zoning Code, the applicant, property owner, or their designees, or future property owners must meet all the applicable requirements.
- 3) Future development will adhere to all relevant MP-2 and industrial district landscaping requirements.
- 4) All parking must comply with the submitted parking plans, which include 86 spaces, four (4) of which are ADA-compliant.
- 5) Per Section 27-577(e), all parking lot landscaping requirements must be met.
- 6) Due to the undermined area, the applicant must comply with any and all geo-tech reports and must renew or reapply any relevant fill and grading permits, including the necessary Special Use Permits.
- 7) After the proposed lot split, parking must continue to comply with Section 27-672, which states that required off-street parking shall be on the same zoning lot as the principal use served or within 100 feet, or in the case of employee parking within 300 feet of the same lot.

The applicant's client and/or any business operating on the property must continue to comply with Section 27-672; following the parking plan detailed in "Parking Lot Distances to Buildings on Lot 2" in the Attachments section of this report will ensure compliance.

- 8) The applicant has filed and maintained a current business occupation tax application, and,
- 9) 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.

The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2021-013, subject to:

- 1) The Change of Zone request has been amended so that the proposed Change of Zone is now reflected as from MP-1 to MP-2.
- 2) The lot split of Parcel #404401 must be completed before a Certificate of Occupancy is issued for the proposed building in Lot 2/Tract II. The Change of Zone application states that Lot 2 is desired to be zoned M-2 (or MP-2, see above staff comment), but that Lot 1 is to remain M-1 (or MP-1).
- 3) Aerial imagery shows the paved area extending to the south of the subject property, into Parcel #916302. The applicant must cease use of the neighboring property.
- 4) If any parcel of land or a portion of a parcel that is adjacent to the northern boundary line of the subject property changes uses or zoning districts that would require fencing, screening, and/or landscape buffering under any section of the Zoning Code, the applicant, property owner, or their designees, or future property owners must meet all the applicable requirements.
- 5) Future development will adhere to all relevant MP-2 and industrial district landscaping requirements.
- 6) All parking must comply with the submitted parking plans, which include 86 spaces, four (4) of which are ADA-compliant.
- 7) Per Section 27-577(e), all parking lot landscaping requirements must be met.
- 8) Per Sec. 27-468(g) a six (6) foot architectural screening in combination with a buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The existing tree stand along the north property line, abutting the single-family homes shall remain protected. An architectural screen is a privacy wood picket or metal panel fence with masonry columns every thirty-two (32) feet running.
- 9) Due to the undermined area, the applicant must comply with any and all geo-tech reports and must renew or reapply any relevant fill and grading permits, including the necessary Special Use Permits.
- 10) The applicant has filed and maintained a current business occupation tax application.
- 11) Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations (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, 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.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2021-013, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Master Plan Amendment MPL2021-010, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 3 – 211119...CHANGE OF ZONE APPLICATION COZ2021-017 - WILLIAM ENGLAND

Synopsis: Change of Zone from R-1(B) Single Family District to CP-O Planned Non-Retail Business District for office space at 2332 South 14th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

and

Item No. 1 – 211127...MASTER PLAN AMENDMENT MPL2021-012 - WILLIAM ENGLAND

Synopsis: Master Plan Amendment from Low-Density Residential to Neighborhood Commercial at 2332 South 14th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, William England with CI1 LLC, is requesting a Change of Zone and

Master Plan Amendment for the subject property at 2332 South 14th Street. The applicant is requesting a Change of Zone from R-1(B) Single Family District to CP-0 Planned Nonretail District. The applicant is requesting a Master Plan Amendment of the City-Wide Master Plan from Low-Density to Neighborhood Commercial. The Change of Zone and Master Plan Amendment have both been requested in order for the design and use of a non-conforming building constructed in 1940 to match with the zoning district and Master Plan land use designation. The Planning Commission voted 5 to 0 to recommend approval of Master Plan Amendment MPL2021-012, subject to:

- 1) Provide a scaled site plan of the property, featuring the following:
 - a. The setbacks and dimensions of all structures on the property;
 - b. The quantity and dimensions of all parking spaces on the property, including any portion of the parking spaces in the public right-of-way;
 - c. The parking space(s) designated as ADA-compliant parking with an access aisle and the requisite "designated ADA parking" sign;
 - d. Wheel stops located at the head of the parking spaces; and,
 - e. A landscaping in compliance with the C-0/CP-0 District ordinances as well as the standard of the Commercial Development Guidelines Overlay District.
- 2) The façade of the subject property must match as proposed by the applicant, per the renderings submitted to Staff and presented in report, including an awning, storefront windows with no or low tint, and a four (4)-foot wainscoting on the front façade.
- 3) The sidewalk must be extended along the storefront for the entire length of the proposed parking spaces. 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.
- 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) 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.
- 8) Per Section 27-577(d)(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.
- 9) These City Planning Commission cases are being heard in conjunction with BOZA2021-020. The following are conditions for BOZA2021-020 and are stated here for reference only, as COZ2021-017 and MPL2021-012 are solely for a Change of Zone from R-1(B) Single Family District to CP-0 Planned Nonretail Business District and a City-Wide Master Plan Amendment from Low-Density Residential to Neighborhood Commercial, respectively:

- a. Provide a scaled site plan of the property;
 - b. The façade of the subject property must match as proposed by the applicant;
 - c. The sidewalk must be extended along the storefront for the entire length of the proposed parking spaces;
 - d. The front façade of the building must undergo a four (4)-foot high wainscoting;
 - e. The subject property must obtain a Right-of-Way Use Agreement with the Public Works Department;
 - f. Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
 - g. Parking lot curb cuts must be designed and minimized to reduce conflicts between pedestrians and automobiles;
 - h. Accessible parking must be provided according to unified government requirements;
 - i. 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;
 - j. All trash receptacles shall be enclosed under UG standards;
 - k. Reflective or mirrored glass for use as windows is prohibited;
 - l. Stand-alone trees are encouraged to be planted in landscape zones;
 - m. The landscape design conditions must be met;
 - n. 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;
 - o. A sign permit must be issued for all signs;
 - p. 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;
 - q. ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
 - r. The applicant must keep a current annual Business License/Occupation Tax Receipt;
 - s. 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; and,
 - t. All parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable.
- 10) If approved, any tenant will need to file and maintain a current business occupation tax application with the Business License Office.
 - 11) 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.
 - 12) The current lighting scheme on the property is not in compliance and needs to be changed. 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.

- 13) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards.
- 14) 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; and,
- 15) 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.

The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2021-017, subject to:

- 1) Provide a scaled site plan of the property, featuring the following:
 - a. The setbacks and dimensions of all structures on the property;
 - b. The quantity and dimensions of all parking spaces on the property, including any portion of the parking spaces in the public right-of-way;
 - c. The parking space(s) designated as ADA-compliant parking with an access aisle and the requisite “designated ADA parking” sign;
 - d. Wheel stops located at the head of the parking spaces; and,
 - e. A landscaping in compliance with the C-0/CP-0 District ordinances as well as the standard of the Commercial Development Guidelines Overlay District.
- 2) The façade of the subject property must match as proposed by the applicant, per the renderings submitted to Staff and presented in this report, including an awning, storefront windows with no or low tint, and a four (4)-foot wainscoting on the front façade.
- 3) The sidewalk must be extended along the storefront for the entire length of the proposed parking spaces. 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.
- 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) 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.

- 8) Per Section 27-577(d)(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.
- 9) These City Planning Commission cases are being heard in conjunction with BOZA2021-020. The following are conditions for BOZA2021-020 and are stated here for reference only, as COZ2021-017 and MPL2021-012 are solely for a Change of Zone from R-1(B) Single Family District to CP-0 Planned Nonretail Business District and a City-Wide Master Plan Amendment from Low-Density Residential to Neighborhood Commercial, respectively:
 - a. Provide a scaled site plan of the property;
 - b. The façade of the subject property must match as proposed by the applicant;
 - c. The sidewalk must be extended along the storefront for the entire length of the proposed parking spaces;
 - d. The front façade of the building must undergo a four (4)-foot high wainscoting;
 - e. The subject property must obtain a Right-of-Way Use Agreement with the Public Works Department;
 - f. Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
 - g. Parking lot curb cuts must be designed and minimized to reduce conflicts between pedestrians and automobiles;
 - h. Accessible parking must be provided according to unified government requirements;
 - i. 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;
 - j. All trash receptacles shall be enclosed under UG standards;
 - k. Reflective or mirrored glass for use as windows is prohibited;
 - l. Stand-alone trees are encouraged to be planted in landscape zones;
 - m. The landscape design conditions must be met;
 - n. 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;
 - o. A sign permit must be issued for all signs;
 - p. 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;
 - q. ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
 - r. The applicant must keep a current annual Business License/Occupation Tax Receipt;
 - s. 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; and,
 - t. All parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable.

- 10) If approved, any tenant will need to file and maintain a current business occupation tax application with the Business License Office.
- 11) 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.
- 12) The current lighting scheme on the property is not in compliance and needs to be changed. 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.
- 13) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards.
- 14) 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.
- 15) 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,
- 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.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2021-017, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Master Plan Amendment MPL2021-012, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Johnson, Kane,

Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 4 – 211121...CHANGE OF ZONE APPLICATION COZ2021-031 – JAMES VIENS WITH INTEGRITY DIVERSIFIED HOLDINGS, LLC

Synopsis: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District to re-establish a duplex which was converted into a single-family home at 218 North 12th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Integrity Diversified Holdings, LLC, has submitted a request for Change of Zone from R-1(B) Single Family Residential to R-2(B) Two Family Residential. The applicant purchased the property with the dwelling divided into two (2) units, save for utilities. The property was zoned previously as a two-family dwelling before the area was blanket rezoned in 2006. The Applicant would like to continue with the dwelling in its present two-family unit condition as they intend to rehab the property and make the necessary repairs to split the utilities for future tenants as a rental property. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2021-031, subject to:

- 1) The applicant, contractors, subcontractors, and any related third parties shall comply with all applicable codes regarding the renovation, maintenance, and rental condition of the property;
- 2) The subject property shall ensure the conditions of the property eliminate any abatement or other code violations on the property;
- 3) Before resuming tenant occupancy, a rental license shall be obtained and all construction work on the property shall be complete and satisfactory to respective agencies;
- 4) A building permit is required. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;
- 5) If necessary, obtain a right-of-way permit from the Public Works Department to build an apron;
- 6) Applicant 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]. 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; and,
- 7) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2021-031, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 211122...SPECIAL USE PERMIT APPLICATION SP2021-027 - 7521 NEBRASKA AVENUE LLC

Synopsis: Special Use Permit for continuation of auto sales, detailing and light repair at 7521 Nebraska Avenue (SP-2018-91 expired 11/29/2020), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. Mr. Reid Khalil, owner of Auto Mart USA and new owner of the commercial property at 7521 Nebraska Avenue, is taking over as the applicant for SP2021-027. Mr. Khalil is requesting a Special Use Permit to continue to operate an automotive business focusing only on Light Auto Maintenance and Repair. The Planning Commission voted 5 to 0 to recommend denial of Special Use Permit Application SP2021-027, due to the continued outstanding unresolved issues and overall non-compliance and the reasons outlined by staff.



Case	
SP2021-027	
Petitioner	Address
Reid Khalil	7521 Nebraska Avenue Kansas City, KS 66112
Synopsis	
This application has been filed in order to continue to operate an automotive business focusing only on light automotive repair.	
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Department of Planning + Urban Design Kansas City, Missouri	

Gunnar Hand, Director of Planning and Urban Design, said this case is a special use permit for a light auto repair shop.



It's located in the Midtown area, just north of State Avenue.



You can see it here on N. 75th and Nebraska Avenue. It was a former car wash, I believe,...



that got converted into a light auto repair shop.



There was quite a bit of history on this case.



It had a previous SUP approval, but the building never received a certificate of occupancy. We did work with the applicant to check off that list. Originally, the applicant was the renter, was not the owner and; therefore, did not submit the original SUP. He then took ownership of the LLP, that had submitted the original SUP, at which point he was able to seek a renewal.

The SUP renewal carried additional conditions of approval based on what we had seen at the site, which were admittedly different than the CO requirements to get past the original building permit. So, essentially, the work to get the project up and running happened in the two-year amount of time that the SUP had expired. There was a bit of an overlap there, and I think that caused a little bit of confusion. Regardless, we continued with the renewal of the SUP.



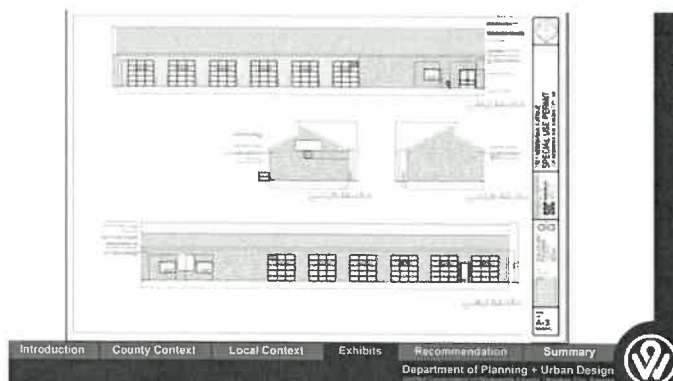
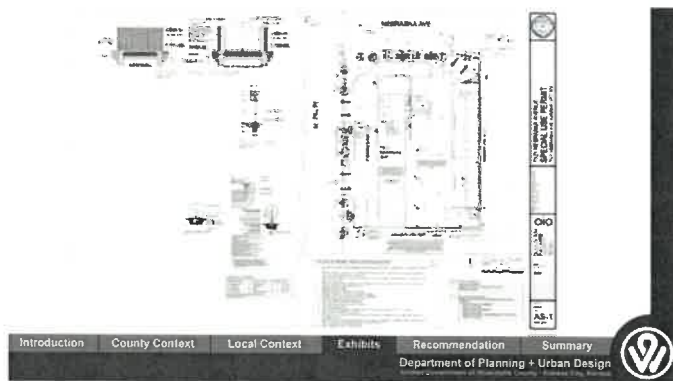
The applicant did not agree that the requirements that we were asking for, as it relates to the ordinance for special use permits, were applicable to him.

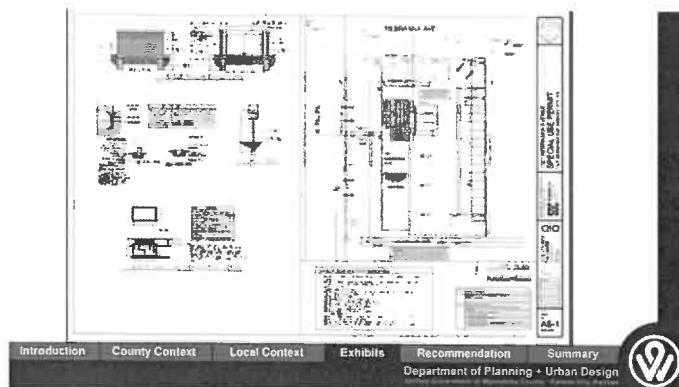


He, at that point, refused to respond to Staff's requests for additional information, questions, as well as revised site plans.



He had sent communication, which we included in the Staff Report, that he was not going to participate moving forward. The meeting was continued from the Planning Commission for 30 days to try to work through this. After multiple times of trying to reach the applicant—phone, email—we even sent an invite to show up at a meeting a couple of times. He did not show up and we were unable to complete our review of the project due to insufficient information, so we had to move forward with the recommendation of denial to the Planning Commission. They agreed unanimously and here we are.





The only update I really have on the project is the last time we drove by, which was admittedly about two or three weeks ago, there was a for sale sign on the property, so that could be what's happening. But, at the end of the day, I think the applicant didn't want to complete the work that we were requesting as a part of the code on the project.

Public Opposition	Public Support
None to date	None to date

Staff Recommendation

Denial

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Staff recommends denial.

Summary of Denial

Staff recommends that the City Planning Commission make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommend **DENIAL** of Petition SP2021 -002 subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

- 1) Applicant has not provided all required documents, plan revisions, and design and materials information related to this development;
- 2) Applicant has refused to adopt design details that are required by Ordinance O-42-15 as specified in Sec 27 -593(b)(19-20);
- 3) Applicant has refused to adopt design details specified by Planning Staff, which are required by the Commercial Development Guideline Overlay District regulations and as specified in Sec 27-573 through 27 -578, and Sec 27-593(b)(19-20);
- 4) Applicant has not continued to retain the Architect of Record for this project; and,
- 5) Applicant remains out of compliance with the regulations for a CP -2 Planned Business District.

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Commissioner Philbrook said I'm not against what happened. I just kind of want to understand what it is we were asking him to do specifically to make his property appropriate for the SUP.

Mr. Hand said I can go to the site plan. I mentioned sort of the case history, which got a little confusing when there was the swap of ownership and things of that nature. There were some building improvements that we had asked for. Again, they had done some things, not as we had originally requested in the original SUP, that we were asking him to correct. We allowed them to just let it be for the TCO, but once we told him...

Commissioner Philbrook asked, what is TCO?

Mr. Hand said I apologize, the Temporary Certificate of Occupancy related to the building permit from the original application approval and subsequent building permit. There were some building improvements; there were also some site improvements. The Special Use Permit specifically asked for a few things related to our Commercial Design Guidelines. So, there's some Commercial Design Guidelines standards. It's a little different here. Typically, if we're doing like a commercial development for Commercial Design Guidelines, that does not require specifically this type of SUP. You can seek a deviation from them from the Planning Commission and that happens on occasion. But because those standards are included in the SUP language of the ordinance, he would have had to sought a BOZA. Again, I think it got a little complicated.

The applicant didn't agree with our "interpretation" of the zoning code. He felt that he could build it as of right. While automotive uses are allowed in—I believe this is C-2. I apologize if I'm incorrect. C-2 or C-3, I think it's C-2. Although it's allowed by right use, that's one part of a very large code of ordinances, right? So, you have to do that plus the SUP. He didn't believe he needed a SUP, and at that point, I think we were unable to come to the terms and move forward together.

Commissioner Philbrook said I'm sorry all of that happened. The reason I pulled it was that was the first time that that piece of property looked decent for 10 years and he cleaned it up quite nicely. From the outside, just from a layperson, looking at it, I was quite happy with what I was seeing. I'm sorry that that happened, but thanks, Gunnar. I just needed to understand what the heck was going on.

Mayor Alvey said I'll go through the motions here. I'll open the public hearing and ask the Clerk, have you received any notifications from the public who wished to express their comments in favor of this item? **Mr. Deichler** said none were received.

Mayor Alvey asked, is there anyone that we have present who would like to speak in support of this? **Mr. Deichler** said seeing none.

Mayor Alvey asked, any comments that were in opposition? **Mr. Deichler** said seeing none as well.

Mayor Alvey said and no one in the lobby, I assume. **Mr. Deichler** said no one, sir.

Mayor Alvey said I will now close the public hearing. Any members of the Commission have any more comments or questions? No. I'll entertain a motion and a second. This is, again, a recommended motion for denial.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Bynum, to deny Special Use Permit Application SP2021-027, as presented by Mr. Hand.** Roll call was taken and there were ten "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 2 – 211123...SPECIAL USE PERMIT APPLICATION SP2021-047 - ALBERT H. WALKER

Synopsis: Special Use Permit for horses on residential property at 3703, 3707 and 3633 Bell Crossing and 3701, 3702 and 3706 North 37th Street and 3655 Sortor Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Albert Walker, is requesting a Special Use Permit to keep horses on seven (7) residentially zoned parcels at 3633, 3703, & 3707 Bell Crossing, 3701, 3702, & 3706 North 37th Street, and 3655 Sortor Drive (herein after known as the "subject property"). This subject property is not the applicant's primary residence and has no primary residence on the property, but there is one (1) accessory structure (a clubhouse) and one (1) storage container. The Planning Commission voted 5 to 0 to recommend denial of Special Use Permit Application SP-2021-047, due to unresolved violations on the

property, incompatibility of the land for livestock, and the recommendation of the Conservation District.

Case	
SP2021-047	
Petitioner	Address
Albert Walker	3633, 3703, & 3707 Bell Crossing, 3701, 3702, & 3706 North 37 th Street, and 3655 Sorter Drive Kansas City, Kansas 66104
Synopsis	
To request a Special Use Permit to keep livestock on the property.	
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Gunnar Hand, Director of Planning and Urban Design, said this is an SUP to keep horses on this property.



It's located in the Sorter Drive area of the Unified Government.



You can see it here. As you can tell from the multiple addresses, Mr. Walker has several parcels that become one property. You can see because of the leftover, I'll just say, weird platting in the Sorter Drive area, this is technically public right-of-way still, and this is technically public right-of-way still. There's also some platting issues on the actual roadway. This is common in the Sorter Drive area. When you put it all together, it's about 1.5 acres. It would be about 1.5 acres if he were to vacate these two public rights-of-way.



You can see from some of these pictures, we did work with the Conservation District and Animal Control on this project. Specifically, Animal Control has a case on the property regarding a horse that was in bad condition. Mr. Walker contends that he was trying to help his neighbor with that horse and bring it back to health. Aside from that, the Conservation District visited the property and noted several issues regarding ground cover regarding the erosion into the drainage ditch.



There are some general code violations on the property. Specifically, for us, there's an unpermitted building and also because this is still zoned R-1, it is technically a secondary structure without a primary structure, which requires a zone variance.

Photos of the Subject Property from a Staff Site Visit



At the end of the day, the Conservation District does not recommend that Mr. Walker keep/board any horses on this property.

Public Opposition	Public Support
None to date	None to date

Staff Recommendation

Denial

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Department of Planning + Urban Design
Wyandotte County, Kansas City, Kansas

We received no letters of support, no opposition. There are quite a few NOV's on the property. Staff recommends denial.

Summary of Denial

- Based on the professional assessments by Animal Services, no horses or other livestock shall be stabled overnight on the subject property. The Animal Services comments are as follows:
 - ASU strongly opposed horses being kept at any of the address listed on this special use permit application. ASU has received two complaints of horse neglect at 3707 Bell Crossing (and the surrounding area where addresses are not discernable) with Mr. Albert Walker being listed as the owner of the property. Mr. Walker has allowed people to keep their horses on his property and proper care was not ensured; on at least two occasions 7/5/2018 and 2/5/2019, horses were found to be severely neglected. The horse found on 7/5/2018 required a search warrant for removal due to severe neglect and poor shelter. The horse that was found on 2/5/2019 was removed from the property prior to ASOs returning to confiscate the horse;
- Based on the professional assessments by the Wyandotte County Conservation District, no horses or other livestock shall be stabled overnight on the subject property. The Conservation District has provided the following reasons for not recommending approval:
 - The area is denuded of most of the vegetation;
 - There is a severe erosion problem in the area. There are some trees which does not help the area;
 - The stream is not fenced so animal waste ends up in the stream. Soil is eroding into the stream as well;
 - No animals were visible at the time of the inspection. The animals' condition are unknown today. In the past years though, animals were in poor shape; and,
 - The area needs to be seeded and mulched as soon as possible. No animals should be allowed to roam the area until the seeding is well established.

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Wyandotte County, Kansas City, Kansas

Commissioner Kane asked, could you, please, not use an acronym for everything? **Mr. Hand** said sorry. NOV stands for Notice of Violation. I apologize.

Mayor Alvey said I now would ask Mr. Walker present, please. Please state your name and address for the record.

Albert Henry Walker, 5758 Georgia Avenue, Kansas City, KS, said all of those are addresses that we have there—parcels that I purchased, some from the city and some from a neighbor that had land right beside that land.

Mayor Alvey asked, Mr. Walker, you are asking to be able to maintain or board horses on this property? It was recommended for denial. It's your opportunity to present your case on why you should be allowed to board the horses that you request.

Mr. Walker said sir, three or four reasons, I guess. I hope that you all received those pictures that I took of that property and brought to Mr. Farley. He said he would get them to you. I brought the deed to that land that the gentleman mentioned about that horse. I've asked him to take it off my record and stop mentioning that horse anywhere towards me. That deed shows when I bought that property.

The young man that owned that horse, I had nothing to do with him; I had nothing to do with that horse. Only thing that came to my attention about that horse was that horse needed some help. I fed that horse. I gave that horse two half round bales of hay. It was not my horse. I had nothing to do with that horse and they keep charging me of putting that horse up like I was neglecting the animal.

The young lady on the farm with me, she's the one that called Animal Control about that horse. We had talked to Mr. Marvin about that horse on several occasions. They tell me the land was attached to my land. Sir, I feel like that is unjust; it's unfair. If somebody's land is attached to your land and they're not doing the proper thing on their land, they shouldn't charge you for it, but that's what they're doing to me.

Then they turn around and say my land is trashy. Those pictures do not show trash on my land. I took more pictures of that same land and some more of it to show you what that land really looks like. The land is not trashy. When I purchased it, it was big-time trashy. Even the land I purchased from the City was not kept up. The weeds were not cut. Those rights-of-way there were not maintained, especially that last one down there. That guy had that first one picked back up, but that last one down there, that thing was completely demolished. The concrete, when you go across that creek, it had broken up. It was falling all down in the creek. Water was running everywhere. Had a different little stream there. I had to get all that concrete out of that stream. The pictures that I gave him show that where I bought curving and put in that stream, and I packed it and put rocks and things around it, dirt, and asphalt. I bought some asphalt and put over it. That's the only way you can go across that creek.

I was told, sir, that in purchasing that land on the other side, that those two right-of-way that had not been used by the City—the City was doing nothing with it, they didn't have lights up in there, no gas line or nothing of that sort—that if I bought the land on both sides of that and I bought that land from the City—I purchased it and they said they will be—they used the term they would be vacated. If I owned the land on both sides, I could get those rights-of-way. They would vacate them or something to that effect. So that's what I did.

I bought that. Like I told them, there's more than 1.5 acres there. I put in for a surveyor and this guy told me it will be about three weeks. I told him I need to wait until I have this meeting with you all. The only problem we're having about surveying is, they're telling me to have these two rights-of-way surveyed and then have my land surveyed. Nobody said that I should be having those two rights-of-way surveyed. If you're not going to give them to me, it's not my land. I need to know why do you want me to pay \$2,000 to have two rights-of-way surveyed separately from the land? When one of ya'll is telling me to survey the whole thing and the other is actually telling me I'm going to have to get two different surveys done. That's the only problem we got. Everything else they told me to do, I did it.

Only reason that building is still there, is because an inspector told me that it's best for me not to mess with the building, not to try to even repair those stalls anymore because I have to wait to see what ya'll will say. I would either have to repair those stalls or take them down. Those stalls, all except for one of them, was up there when I purchased that land. I straightened them up

some, but there's nothing to that land that I did other than clean it up and make that land more presentable. Everybody down in there talk about how nice that land look now. Everybody is talking about how nice that land is being kept. You can go down there now and see for yourself. You can run on that land now. You can drive on that land. I could hardly standup down there when I bought that land from that boy.

If nothing else, at least can we postpone this until I get it surveyed? I got one surveyor say if I still had a land, maybe he could get to it in about three weeks or something like that. But I was told last year, they said—and it's got to be in their minutes—they said that I refused to get a survey. Sir, that's not true. I called several surveyors last year and they told me they wouldn't be available probably till October and that's when I started back calling. I told Mr. Mike Furley (sp) that's when I was going to call him back.

I don't see anything for them to charge me with that horse, for them to declare my land was trashy, and it's not, for them to declare that I wouldn't get a surveyor, is not true. And if you have those other pictures, you can see them for yourself. That land probably about one of the cleanest pieces of properties down there.

Mayor Alvey said thank you, Mr. Walker. I'll now open the public hearing and ask the Clerk if we received any notification from the public who wish to express comments in favor of this item.

Mr. Deichler said none were received, Mayor.

Mayor Alvey asked, is there anyone present online or in the lobby who would like to speak in favor of this? **Ms. Godsil** said we have Melvin Williams.

Melvin Williams, 2939 N. 43rd Street, said this would be a prime example to working with somebody in the community. The man has stated his case. He cleaned up his property. At least extend the man the honor of extending his request. Stretch it out a few months then come back to the table with him. This is a prime example of working with your community.

Mayor Alvey asked, is there anyone else present? **Mr. Deichler** said seeing no others at this time, Mayor.

Mayor Alvey asked, did the Clerk receive any notification from the public who wish to express their comments in opposition? **Mr. Deichler** said we received none, Mayor.

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

Mayor Alvey said all right, I will now close the public hearing.

Mayor Alvey asked, Mr. Walker, would you like to make any closing comments?

Mr. Walker said I was trying to call a friend of mine. He was calling me on the phone a while ago, and I wouldn't answer because I was on here. I was trying to get the man's name. Sir, this situation to me, frankly, is kind of sticky. There's a driver up there—got to forgive me going this route. He is an African American. He has two dump trucks. Cleaned his property up good that had asphalt pulled up there to park his trucks on so he don't be on no grass, no dirt, nothing like that. He'd been up there for years with them trucks, and he's been told he has to move his trucks.

Now, on the other side, you got people moving in there with trucks, equipment, and everything, and they've been given an OK to have all that. The problem we're having up there is when the majority of these incidents comes up, it's always the blacks that don't get any consideration for anything we've done. That land up there been predominately owned by black. Now, sir, if you check the record, those are the only one that haven't got an OK from you all about anything. That's the blacks. You can't keep anything up there.

How is it that they can move in there with trucks? When I had my company, AJW, that's what ended up is on my lot down there. They were forcing me to take two trucks off of land up there that I bought in the company name, 2 trucks. This guy down there with probably 11 trucks, equipment, other bobcats, and everything else, machines, how are we supposed to take that? How am I supposed to perceive that? Am I supposed to look at that and keep saying that's a coincidence when it's happened in more than one case? They're talking to me about one container. I had two up there. I moved a container away from up there because they told me to move it. Paid \$3,500 for it; I got \$1,500 to get rid of it.

Right up the street from me, there's a guy that has three containers sitting on dirt and nobody acts like they see it. Another man just moved in there. He got a container on his lot. I

asked him, well, excuse me, I didn't ask him, Brother Tyrone Wallace asked him, man, how can you have a container on your lot? He said he got a special permit for it. We have never been told anything about getting a permit for those containers until this Hispanic person came up there.

I been down in there for 12 years trying to buy land. You're not talking to a rich man, but I'm not the poorest man you've ever seen. I've had money to buy that land up there. I went down there on several occasions trying to buy some land. Nobody had two pieces of land where you had maybe two acres here, two or three acres there combined so you can put five acres together; but other people came down there and they're buying five acres. I paid \$15,000 for that lousy piece of land I got down there. This man paid \$2,500 for a piece of land that he gets 5.4 acres. You telling me now, even after I done paid the \$15,000, bought the two pieces of land I bought, then turn around and I done bought two pieces of land from the City that I still don't have but 1.5 acres. Sir, it just don't look right. It don't smell right.

The City is telling us to do everything. They even told me once that I needed to put up a white picket fence. They want me to put up a white picket fence and he told me I could build a house. My wife told me, after you done put all that work in there, go on and build your little three-room house, three-bedroom house down there. I got to looking into it, sir. Ya'll don't even have sewage lines running down through there.

You got kids down there going to school. You know those kids going to school to get an education, they're crazy enough to walk in the middle of the street? But I forgot. They have to walk in the middle of the street, sir, because you don't even have sidewalks down there. They're walking around with lights on top of their heads, that's because ya'll don't have proper lighting down there.

You sit around there and tell us about all what we should do and ya'll not doing anything and a lot of that work should have been done. It's been pointed out to be done, and none of it being taught, and he tells me about putting up a white picket fence. I told him there's no way in the world I was going to put up no white picket fence down there because number one, it doesn't make no sense; number two, my horses eat wood.

I done changed them fences twice down there. Why ya'll talking about me being non-cooperative? He tells me to put up horse wire; I put up horse wire. My horses wasn't getting out. I had no problem. He comes back and tells me I have to take that wire down. Now I need you to

explain to me why I got to take horse wire down when you told me to put horse wire up. It's six feet tall and that's too tall. You got to have it four feet.

Sir, I don't have a crew to help me. I got a bobcat. It's broke down now. I got to take it to the shop Monday. I put that fence up practically by myself all the way around there. I had to take it down and put up four feet wire. I bought poles because he didn't want me to have wooden poles in the front and those T-poles running down through the side. I had to take all those T-poles back up and buy wooden poles for \$14 a pole to go all the way around that land. I've done that. I've done everything they told me to do. Every time I do one thing, they come up with three more. It's not making any sense, sir.

Commissioner Kane asked, didn't he say that he'd like to have this be held back until he could get it surveyed?

Mayor Alvey said that's not what I think we heard.

Mr. Walker said I said that you can at least do that and let me see how much land it is. I'm going to get the survey. I put in for the survey before. They even put that down that I refused to get a survey. Sir, that was not true. I put in for a surveyor to survey that whole land. If you tell me that I got to survey that land twice, I need to know why do I have to pay for land that one of you all told me you were going to vacate. If I bought that land on both sides, like I said a while ago, they would give me those two little things. Now they're telling me to have that survey. Sir, I'm going to have my land surveyed, the whole thing. But for me to have those two things surveyed separately, just tell me, are you telling me I need to do that? One guy told me that the City actually owed me money and an explanation, because your street, Bell Crossing, runs through my land according to this map.

Commissioner Kane asked, Gunnar, does he have to have it surveyed once or twice? What's going on? Is it once or is it twice? Why would it be twice?

Mr. Hand said the SUP in front of you does not require a survey. Mr. Walker had inquired about what it would take to claim or to have this public right-of-way become his private property, which is a vacation. A vacation requires a survey to be processed. Having 1.3 acres versus 1.5 acres is, as we understand it from the Conservation District, irrelevant. There's no threshold that

he's going to acquire when he takes this land. He is currently fenced, well he moved it, but he had previously fenced it off as his own, which is why we had to explain to him that there was actually these public rights-of-way that he was using. There is a bunch of platting issues in this area, and we all know it.

Commissioner Ramirez said Mr. Walker said that he provided more pictures and information. Was that provided to us tonight? **Mr. Hand** said I didn't receive anything. He may have given them to my planner and we may not have included that in the Staff Report. The Staff Report that you have in front of you includes the original pictures from when the application was originally submitted in May.

Commissioner Ramirez said even after the Staff Report is done and saying an applicant, like Mr. Walker, provides more information, more pictures, or what have you, do those not make it into the record?

Mr. Hand said no, we probably should have included the pictures. I think the point I would make here is that the Conservation District, regardless of the pictures or the status of the property is, again, I think for them it's the size of the property and how that is part of or primarily part of the reason they recommended denial.

I believe the original request was for four horses. Again, the topography, the landscape, the amount of trees on the property, all of these things are factored into the Conservation District's understanding of whether a livestock should be on these properties.

Commissioner Ramirez said I understand the Conservation District's view on it and everything, but my point and what I am having trouble with is, that there is more information that the applicant provided but was not given to us. Now, will that information change? We don't know because we haven't seen those pictures. If we're going to make a decision, we should have all that's been provided. I know that information wasn't also provided to the Planning Commission because that was after the fact, but that's just the point I'm trying to get at. It seems that there was more information, but we don't have it in front of us. I just ask that going forward if there is, please do your due diligence of making sure that if information is provided to you, that it's provided to us as well.

Commissioner Bynum said just a couple of questions. Mr. Hand, the slide with the verbiage about the acreage and Conservation District information. When you say it's irrelevant whether it's 1.3 or 1.5, I guess the explanation is that it's not enough land and it's not the correct topography for the total area of land for that many horses. Would that be a fair statement? **Mr. Hand** said I believe that is correct, yes. You can read here that it is both the size, type, and quality, if you will, of the property.

Commissioner Bynum said and I see that Item 1A, our Animal Services Unit, I think is what ASU is, is opposed to horses at any of the addresses listed. I think what we're doing is combining all of these parcels into one, is that correct? **Mr. Hand** said yes. All the parcels are currently owned by Mr. Walker. Again, you can see the dates on here, which occurred prior to Mr. Walker owning the property. We didn't know that, I guess, until we got some information that I still have not seen.

Commissioner Bynum said I really would defer to Commissioner Townsend. I would maybe preface anything she might have to say by maybe reminding the Commission and the public that multiple years ago, certainly pre-COVID, we had in this whole entire area up here along Bell Crossing and Sorter Drive, multiple complaints from residents in the area about a whole variety of things that were going on.

We did a blanket-mailing, if you will, to all of the property owners in this area. That may very well have precluded Mr. Walker's purchase of these parcels. We were trying to let everyone in this area know what the rules are, for example, a structure on a parcel where there's no house, what you would have to do to come into compliance with our zoning laws. We held a meeting at City Hall with dozens of the property owners in this area. Our staff worked pretty diligently on a case-by-case basis to help people in this area bring their properties into compliance.

Again, I'm going to defer to Commissioner Townsend because I know that she was also actively involved in all of the efforts that we were undertaking in this area not that very many years ago.

Commissioner Townsend said I'll pick up where Commissioner Bynum left off. Yes, there was a very concerted effort to clean up the area in and around the section of Bell Crossing and the other area, Sorter Drive, where Mr. Walker's application is close to.

Mr. Walker, I want to commend you if you've done improvements to that land. That's great. We want everybody to clean up their property. I commend you for what you've done.

The real issue here on this application is whether or not seven horses can be permitted to be on these properties given the limited acreage that we have, and I mean the Commission, from this report, have which is shown as 1.55 acres. The Conservation—I guess the Animal Control says that for that amount of space, it's barely enough for one horse, so that is really what's an issue here.

I'm also concerned that in the materials that the commissioners have, professional assessments by Animal Services was against having any horses there based on the topography and what's there. And, also, the Conservation District was against this because of lack of vegetation on the properties, severe erosion, and concerned that animal waste was going into the stream. I think under these circumstances and based on your request—now whether you get the survey or not, I don't think it's unreasonable to grant more time to, again, evaluate what the current circumstances are to make any determination if, indeed, there's more than 1.55 acres here that we're dealing with and what the current situation is with regards to how the property looks, how the stream looks, is there manure there. Again, this is residential property, that's the other issue.

So, my motion is to have this matter—I don't want to use the word set aside necessarily—but have this matter come back to us in two months, and hopefully that would allow whatever reevaluation of the amount of acreage may be done and what the current situation is at that time with the Conservation people and Animal Services people because these are professionals in that area. So that is my motion actually granting what Mr. Walker asked for, to take additional time.

Action: **Commissioner Townsend made a motion, seconded by Commissioner Kane, to have this matter come back to the Commission in two months.**

Mayor Alvey said I need to ask Legal; so, we are not going to bring forward the motion—if we don't bring forward the motion as was brought to us from the Planning and Zoning Commission,

we have a separate motion, is that correct? **Misty Brown, Chief Counsel**, said that's correct. The motion would be not to deny it, but to set aside this matter for a reconsideration in a two-month period.

Mayor Alvey said we have a motion and second. Any additional questions?

Commissioner Bynum said I just have one lingering question and that is for Mr. Walker. If the horses are here now, and I don't know if they are, are you able to have them be elsewhere while this is all under consideration?

Mr. Walker said I can move some of those horses. As a matter of fact, I've sold some of them since we've even been talking about this. I've got some more people supposed to be coming down looking at some more of them. I'm trying to get down, that's why we come up with the four. I've had as many as 15 horses down there. I'm down to nine horses.

Commissioner Bynum said I'm just hoping that there's a place for the horses to be while we sort through the matter. **Mr. Walker** asked, am I allowed to, at least in the meantime—I'm just asking—is it going to be feasible if I have just two horses down there? I can get rid of—I found a place for the majority of them. I can practically—all of them but two, and no horse would be close to that water.

Mayor Alvey said I think that would be a question we'd follow-up with Mr. Hand. Correct, Mr. Hand?

Mr. Hand said technically, there should be no horses on the property.

Mayor Alvey said we have a motion and a second. Roll call, please.

Mr. Deichler asked, Mayor, if I may before check with Counsel? Is this a six or an eight vote to change that denial? **Mayor Alvey** said it's not a change; it's a set aside.

Mr. Deichler said it's a set aside then it stays at six, correct? **Ms. Brown** said that's correct, Brett. It stays at six.

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

Item No. 3 – 211124...SPECIAL USE PERMIT APPLICATION SP2021-067 - WESTON SPARKS WITH RIDE 4 EVER SKATE PARK

Synopsis: Special Use Permit to operate a skate park/skate school at 230 South 65th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Weston Sparks with Ride 4Ever Skate Park, is requesting a Special Use Permit for a skate park and skate school. A skate park and skate school is considered an athletic facility and therefore requires a Special Use Permit under Section 27-593(a)(1). The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2021-067, for two (2) years, subject to:

- 1) The hours of operation for the skate park will be from 12:00 PM to 7:00 PM daily;
- 2) Special Use Permit for an athletic facility (skate park) shall only apply to the 8,000-square-foot area as designated by the applicant on the floor plan provided. A partition wall must divide the entirety of the 8,000-square-foot area designated as the skate facility from the remainder of the building. Any expansion or alteration of the space will require SP2021-067 to be amended by the City Planning Commission and the Board of Commissioners;
- 3) A Final Plan Review of the landscaping, parking lot, and building façade, per all relevant zoning district, landscaping, and/or CDGOD ordinances, may be required, and if so, must be successfully granted within six (6) months of the approval of SP2021-067 by the Board of Commissioners;
- 4) A separate Special Use Permit for temporary use of land for commercial or industrial purposes must be issued, as storage of material and equipment for a separate business and use is not allowed in either the R-1 or C-3 Districts. Note that under this Special Use Permit, any stored equipment or material shall be removed upon the date of expiration of the special use permit, which permit shall not be approved for more than two (2) years. This separate Special Use Permit must be granted within six (6) months of the approval of SP2021-067 by the Board of Commissioners;
- 5) Trees are required at not less than one per 7,000 square feet of site area;
- 6) Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements. Therefore, the applicant must provide landscaping along the east side of the parking lot, to mitigate the amount of light, noise, and visuals reaching the adjacent residence at 234 South 65th Street; SP2021-067 October 28, 2021 8
- 7) 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;

- 8) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 9) If approved, occupying businesses will need to maintain a current business occupation tax application with this office;
- 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;
- 11) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved, and,
- 12) 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.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2021-067 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 4 – 211125...SPECIAL USE PERMIT APPLICATION SP2021-068 - JILL SCHULTZ WITH K-9 CLUB

Synopsis: Special Use Permit for a dog day care (SP-2015-30 expired 6/25/2020) at 221 South 22nd Street, submitted by Gunnar H. Hand. The applicant, Jill Schultze, has applied for the renewal of a Special Use Permit for the operation of a dog daycare at the address of 221 South 22nd Street. The subject property has a single-family residence currently used as staff restroom facilities and a two-car garage used for supplies and dog washing. The property has been used for this business for the past thirteen (13) years. The Applicant and additional staff pick up the animals and transport them to the property. Daycare hours in which the dogs are on the property are

between 11 am and 3 pm, Monday through Friday. The Planning Commission voted 5 to 0 to recommend approval of SP2021-068, for ten (10) years, subject to:

- a. Applicant maintains proof of Kansas Boarding License and Business License and continuously maintains the licenses through the life of the permit (if approved);
- b. Adhere to the Standards Above regarding animal keeping;
- c. Ensure the property maintains sound maintenance, waste disposal, and fencing conditions;
- d. No more than thirty (30) dogs at any time on the property associated with the doggy daycare;
- e. Business Hours shall remain 9:00 a.m. to 5:00 p.m.
- f. If approved, the applicant will need to file and maintain a current business occupation tax application with the Business Licensing Division;
- g. 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 Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
- h. 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;
- i. 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,
- j. The Special Use Permit shall be valid for ten (10) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2021-068 for ten years, subject to the stipulations. Roll call was taken and there were ten “Ayes,”

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

MASTER PLAN AMENDMENTS

Item No. 1 – 211127...MASTER PLAN AMENDMENT MPL2021-012 – WILLIAM ENGLAND

Synopsis: Master Plan Amendment from Low-Density Residential to Neighborhood Commercial at 2332 South 14th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: Item previously heard with Item No. 3 – 211119...Change of Zone Application COZ2021-017.

Item No. 2 – 211129...MASTER PLAN AMENDMENT MPL2021-010 – ANDREW SEEMILLER WITH SUMMIT REAL ESTATE GROUP

Synopsis: Master Plan Amendment from Mixed Use to Industrial (City-Wide Master Plan) at 626 North 47th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: Item previously heard with Item No. 2 – 211117...Change of Zone Application COZ2021-013.

PLAN REVIEW APPLICATION

Item No. 1 – 211126...PLAN REVIEW APPLICATION PR2021-024 - ANALY POLANCO WITH CHURCH MILAGRO DE VIDA

Synopsis: Preliminary and Final Plan Review for a church at 1270 Merriam Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Analy Polanco with Church Milagro de Vida, is requesting a Preliminary and Final Plan Review for a church at 1270 Merriam Lane. The subject property is one (1) tenant space within a multi-tenant commercial building. All tenants on the parcel share a parking lot. The Planning Commission voted 5 to 0 to recommend approval of Plan Review Application PR2021-024, subject to:

- 1) Bicycle parking must be provided on the sidewalk by the front door of the building space, as indicated in the applicant's submissions.
- 2) All parking lot lighting must continue to be downward facing and pointed away from residentially zoned properties and public rights-of-way. Any parking lot lighting not shown by the applicant's submissions and found to be in violation of this condition must be replaced with compliant lighting.
- 3) All outstanding Notices of Violation (see "Code Enforcement History" in the Proposal section of this report) must be resolved before Preliminary and Final Plan Review PR2021-024 can go into effect. Staff encourages the applicant to address the outstanding violations ahead of the October 11, 2021 City Planning Commission meeting.
- 4) If the store front windows are highly tinted, they must be removed and replaced with windows that have no or little tint.
- 5) All Commercial Development Guidelines Overlay District relating to building and façade materials must be met.
- 6) 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.
- 7) A direct connection to the front door must be established by marking a pedestrian access walkway through the parking lot, which must be striped and properly marked in compliance with Section 27-575(d)(12).
- 8) An ADA-compliant curb must be installed at the front sidewalk and door.
- 9) The pedestrian walkway and access points between the parking lot and front door must have at least two (2) of the elements listed:
 - 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; and,
 - h. Traffic calming devices.
- 10) Per Section 27-575(e)(4), parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements. Therefore, the applicant must provide landscaping along Merriam Lane.
- 11) The applicant must provide a parking agreement with the property owner that demonstrates the following:
 - a. An identified and specified number of parking spaces in the subject property parking lot that are designated for the purposed use;
 - b. Use of said identified parking spaces are allowed to the purposed use throughout the lease between the property owner and the applicant; and,
 - c. Notarized signatures of both the property owner and lease and/or applicant.
- 12) ADA-compliant parking proximate to the entrance must be installed, including the required graphics and sign placards.

- 13) 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.
- 14) 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.
- 15) Landscape berms and/or continuous rows of shrubs must be planted along Merriam Lane in order to screen parking from public streets.
- 16) 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.
- 17) All parking, landscaping, lighting, and commercial design requirements has outlined in the Staff Comments and Suggestions section of this report must be complied with or a deviation must be granted by the City Planning Commission.
- 18) A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process at (913) 573-8620, and,
- 19) 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.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Plan Review Application PR2021-024, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

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

Item No. 1 – 211131...ORDINANCE

Synopsis: An ordinance approving the Armourdale Area Master Plan, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was moved under the Planning and Zoning Non-Consent Agenda, Item No. A1 – 211130...Consideration of Armourdale Area Master Plan.

Item No. 2 – 211132...ORDINANCE

Synopsis: An ordinance rezoning property at 4600 Parkview Avenue, 4551 Sloan Avenue, 3334 North 44th Terrace, 3319 North 44th Terrace and 4249 Sortor Drive (COZ2021-026) from A-G

Agriculture and R-1(B) Single Family Districts to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-137-21**, “An ordinance rezoning property hereinafter described located at approximately 4600 Parkview Avenue, 4551 Sloan Avenue, 3334 North 44th Terrace, 3319 North 44th Terrance and 4249 Sorter Drive, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture and R-1(B) Single Family Districts to A-G Agriculture District.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 3 – 211133...ORDINANCE

Synopsis: An ordinance rezoning property at 8741 Parallel Parkway (COZ2021-005) from R-1 Single Family District to CP-O Planned Non-Retail Business District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-138-21**, “An ordinance rezoning property hereinafter described located at approximately 8741 Parallel Parkway, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to CP-O Planned Non-Retail Business District.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 4 – 211134...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-041) for auto storage and auto maintenance at 1032 South 25th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-139-21**, “An ordinance authorizing Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for auto storage and maintenance at 1032 South 25th Street.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 5 – 211135...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-029) for a drinking establishment with live entertainment at 508 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-140-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a drinking establishment with live entertainment at 508 Kansas Avenue.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 6 – 211136...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-052) to keep eight (8) mature ducks at 1921 Nebraska Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-141-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the

Unified Government of Wyandotte County/Kansas City, Kansas, for eight mature ducks at 1921 Nebraska Avenue.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

PLANNING AND ZONING NON-CONSENT AGENDA

MISCELLANEOUS

Item No. 1 – 211130...CONSIDERATION OF ARMOURDALE AREA MASTER PLAN

Synopsis: Adoption of Armourdale Area Master Plan (plan and letters in support attached), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Gunnar Hand, Director of Planning and Urban Design, said I’m actually going to pass it off to our Lead for our Events Planning Division in the Planning and Urban Design Department, Ms. Kim Portillo.

Kim Portillo, Long-Range Planner, said happy to be here to present to you guys today. We also have our Consultant Team, Port, who’s going to give you guys a brief presentation. I just wanted to say thank you for everyone who has been involved in the plan this far. It’s really been a great process. We’ve been working on this for just over a year now. We’ve been really involved with the community, with the Armourdale Renewal Association. We’ve had a lot of interaction with businesses down there, so we are very excited and looking forward to presenting that to you today.

I also want to mention that between the Planning Commission approval, we did have some modifications to the land use plan. Gunnar, I don’t know if you want to speak to that at all.

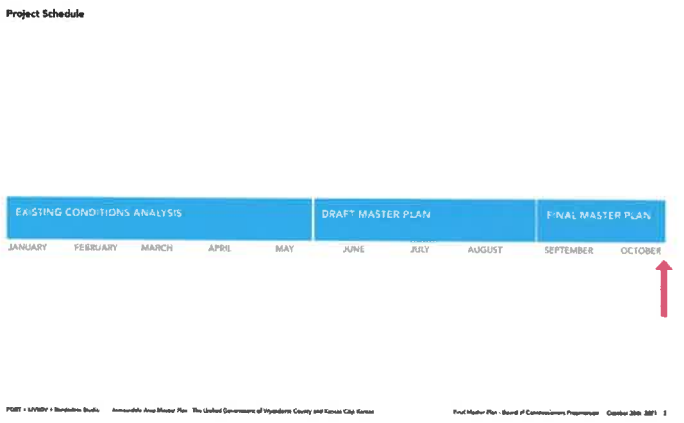
Mr. Hand said we pulled this because we wanted to give a presentation, but we also pulled it technically because we found a couple of parcels that we had mis-designated in terms of land use. There is one, for instance, in the middle of the Kansas River that got left out from being designated open space. We had to make that change. That alone would have required a super-majority vote since it is different from the Planning Commission’s approval.

Additionally, we have, in error, left the previous single-family land use designation which was a part of the 1994 map amendment of Armourdale. We've since changed that over to what is now the more common, a part of the City-Wide Master Plan, which is Urban Density Residential. It's the same density residential as Central Avenue is for all their single-family homes as well as the Northeast area for all their single-family homes.

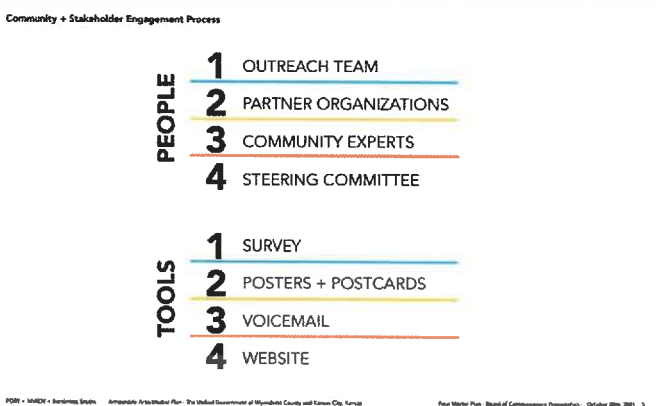
Technically, this will require a super-majority for approval and with that I think, unless Kim had anything else to say, we can pass it off. Again, this is not the same presentation you guys heard last month; it's an abbreviated version. We're trying to move as fast as we can.



Andrew Moddrell, Consultant Team, Planning Team for the Armourdale Area Master Plan, said as Gunnar and Kim said, this is an abbreviated presentation. I think this is the—we had a couple of informational presentations and this is an abbreviated version of what I hope you all had a chance to review the quite extensive document that we've built over the last 10 months with our consultant team, with the community cataloging all of the inputs, stakeholder input during committee input that established the priorities and direction for a master plan that we feel really captures pretty much everything we've heard in the last 10 months, and we're really proud of how extensive and detailed it is.



If you can see the schedule, the Steering Committee started meeting before this timeline begins in January 2021 and the Kansas City—the KCDC Design Studio began meeting before this timeline begins. This is showing us at the culmination of what has been a 10-month process to document existing conditions, community engagement, build a draft Master Plan, collect feedback on that draft Master Plan, compile that into a final Master Plan that has been circulated. It's on the UG website, but also on our ArmourdaleStrong.com website is updated with that final Master Plan that we're reviewing.



Just to recap a little bit of the process. I know that many of you in this meeting have heard this before or have participated extensively in this process already, so in the interest of time, I'm just going to, again, move through things quite quickly and encourage everyone to please download and review the document that we produced as an outcome of this process.

The key takeaways to point to are that we've engaged people, our outreach team, our partner organizations, community experts and the Steering Committee. It was essentially a very intensive process of collaboration, discussion, debate, and establishing priorities from that. The

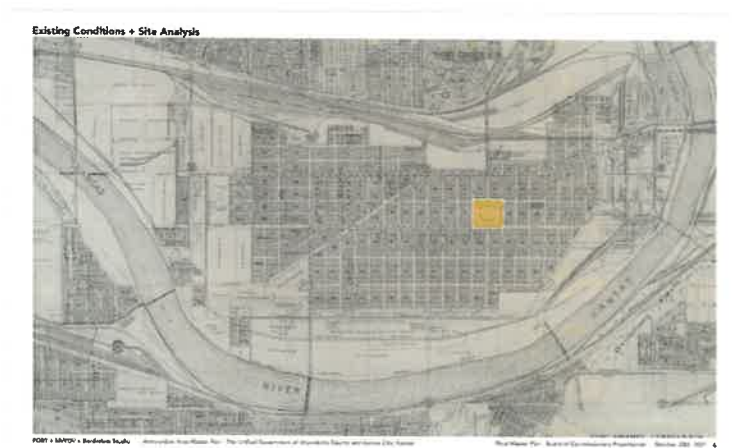
tools we used were surveys, posters, postcards, voicemail, website, and the events aren't listed here, but the numerous events, workshops, focus groups, and opportunities, again to convene around the ideas that we were discussing to make sure that they were reflecting what we were hearing from the community and stakeholders and make sure the priority ideas are rising to the top.



This is maybe one of the best photos, I think, that we were able to collect during this whole process. I think this is really indicative of the power of the outreach team that we were able to assemble of Armourdale residents who were paid as part of our consultant team to sit down with their friends and neighbors and go through our survey and questionnaire, spend 20 minutes with folks who might not be pulling this up on their smart phone or taking the time out of work to log on to a survey monkey or fill out a postcard and mail it in. We had community members talking to community members and collecting their input and this is just a beautiful photo, especially at peak COVID with the mask inside and talking about the Armourdale stories, priorities from the community. This was an example early on in the process as we were kicking off.



Here's a few images of a couple of online workshops where we're using miro boards to have a really interactive meeting with community members, stakeholders, collect input, as well as a focus group at John Fiske Elementary. This is an image on the bottom right of a plan that we had of oversized big prints there at John Fiske also as part of a community event in June.



Parallel to all this community outreach, we did an extremely deep dive into the history of Armourdale, which is probably one of the most fascinating and rich histories in all of Kansas City and is really directly tied to the history of Kansas City and how Kansas City grew to prominence at the confluence of the Kansas and Missouri rivers.

Flood Plain Map



With that, Armourdale has—this community exists entirely in a floodplain surrounded by industry, rail, river. It makes it incredible, unique

Industry + Labor History

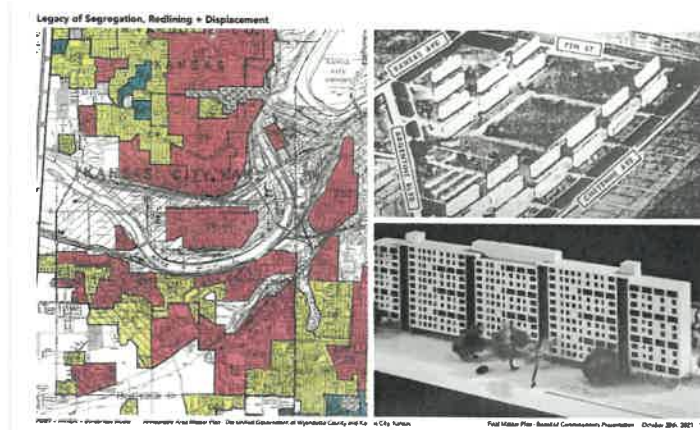


and it's completely tied to its industry and labor history that we cataloged in the report,...

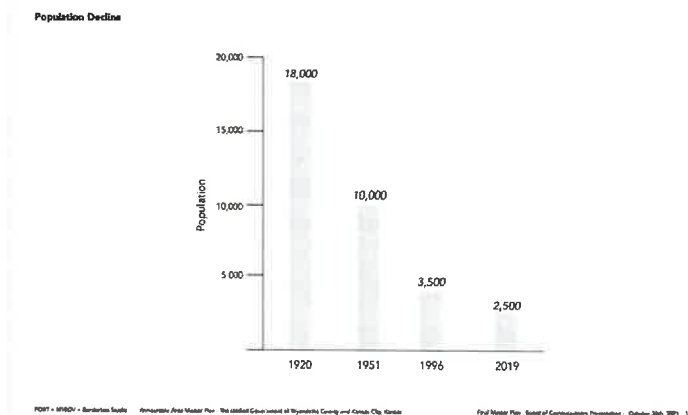
Hispanic Heritage



also, its Hispanic heritage and the culture that emerged and thrived in the Armourdale/Argentine area.

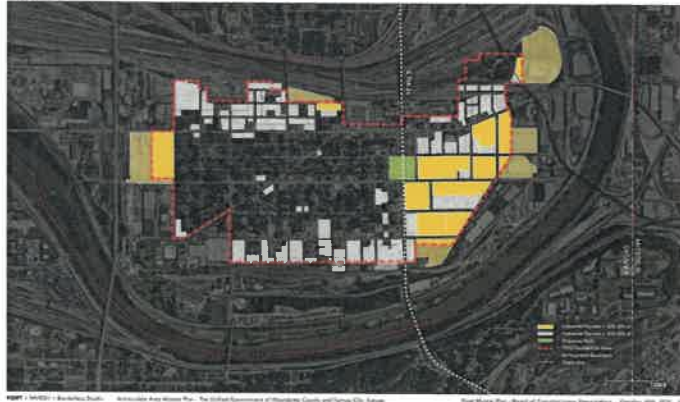


But then also in the '60s and '70s, and I guess even before the redlining, but referring to the '60s and '70s of centrally what to do with Armourdale because of extensive flood damage. What you see in the upper right and lower right are public community housing projects that were denied, that didn't move forward,...



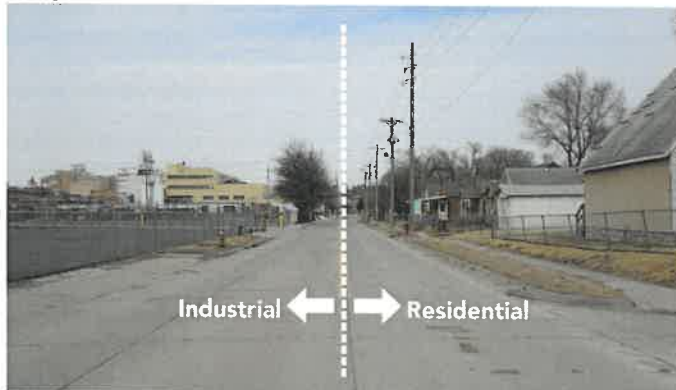
and in some ways after those big efforts were squashed in the '60s, Armourdale was left to kind of languish. Another flood hasn't vanquished Armourdale since 1951 neighborhoods,...

Industrial Encroachment



but the industry is continually encroached on the Armourdale community...

Conflicting Uses

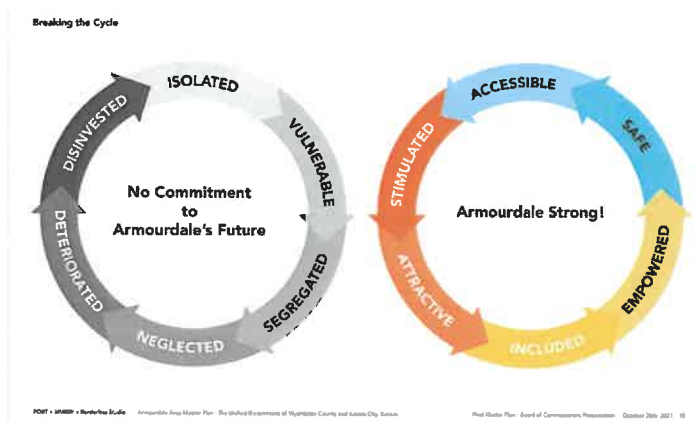


and has always, it always is this kind of binary relationship of one side of the street to the other or the trucks going down through the neighborhoods, but...

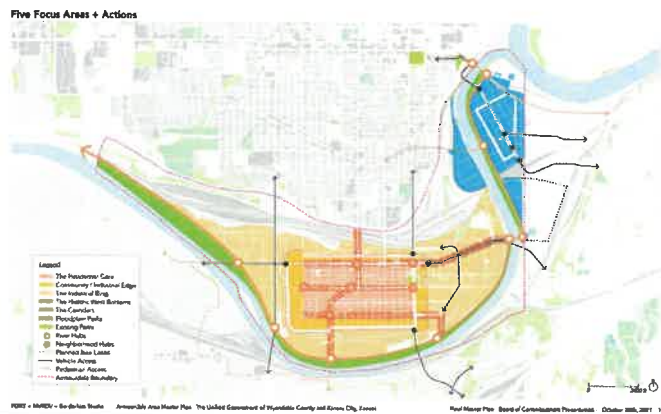
Armourdale Housing Stock



essentially a neighborhood that has endured for the last 70 years with really a pretty significant lack of investment and resources while the question always hung in the air of what is the future of Armourdale? Is there a future for Armourdale? This process kind of definitively said in 2021, here we are. Armourdale is here to stay. Armourdale is a strong place that endured over 100 years of kind of challenges and neglect, and now we have an opportunity to deliver the resources to Armourdale that they so richly deserve.



Looking at this, on the left: isolated, vulnerable, segregated, neglected, deteriorated and disinvested is what happens when there's no commitment to Armourdale's future or questions about whether Armourdale should be where it is or whether it should all be industrial or whether another flood is coming, especially with the investment in the levees, investment in the stormwater infrastructure, and investment all-around the West Bottoms, the Rock Island Bridge, the kind of future of Wyandotte County and Kansas City, Kansas, we see this moment for Armourdale to be accessible, safe, empowered, included, attractive, and stimulated.



The report lays out a roadmap for how to get there, identifying five key focus areas and actions and strategies associated with each of those areas.



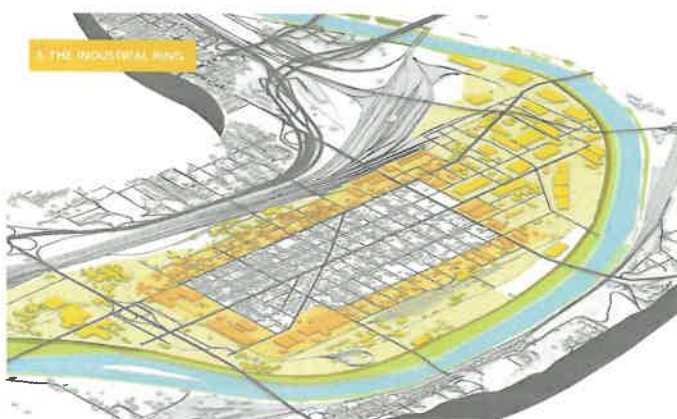
Those range from the neighborhood core of Armourdale and how to really strengthen that as this strong neighborhood in the very center of the Armourdale area,...

- Five Focus Areas + Actions
1. THE NEIGHBORHOOD CORE
- Strategy 1:** Build New Infill Housing On Vacant Neighborhood Lots
 - Strategy 2:** Convert Underutilized Industrial Sites Adjacent To The Neighborhood Core To New Housing Developments
 - Strategy 3:** Implement Housing First Projects
 - Strategy 4:** Expand Access To Fresh Food
 - Strategy 5:** Increase Capacity of Armourdale Community-Based Organizations
 - Strategy 6:** Increase Rental Assistance For Armourdale Residents
 - Strategy 7:** Expand Access To Legal Aid And Other Tenant Services
 - Strategy 8:** Pursue Code Inspection And Enforcement For Rental Properties
 - Strategy 9:** Increase Community Policing Resources
 - Strategy 10:** Expand Access To Quality Health Care
 - Strategy 11:** Increase Armourdale Tree Canopy
 - Strategy 12:** Sidewalk Installation And Repair
 - Strategy 13:** Expand Youth Programming And After-School Activities
 - Strategy 14:** Establish A Community Mural Program

and there's a long list of these strategies in the report that outline not only the title of the strategy that you see here, but who are the community partners, what are the funding resources, what are the benchmarks for year one, year three; community partners, everything to try to; and also, priorities for this list and implementation strategies for this list.

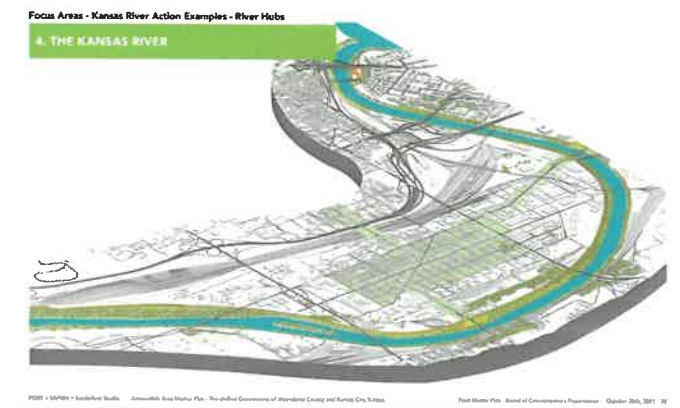


The second was the commercial corridors, Osage in particular, Kansas Avenue, 10th Street, 12th Street, but looking to rebuild these corridors that were essentially, they're existing corridors that came to prominence with the streetcar era in Kansas City and still reflect that legacy with their density and street frontage but have slowly declined along with Armourdale. These are strategies for strengthening and rebuilding and infilling these corridors to create walkable community hubs in the middle of the Armourdale neighborhood.

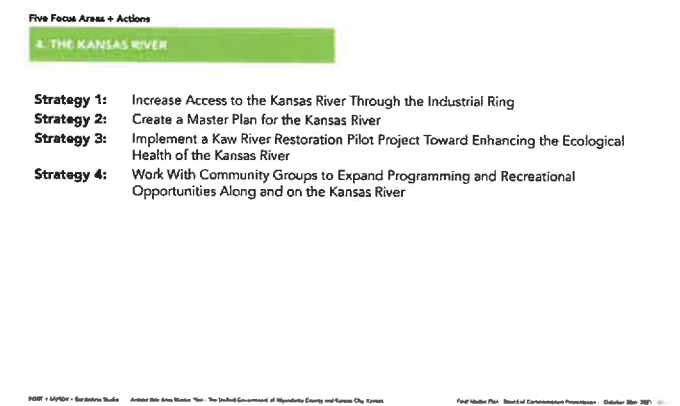


The industrial ring. There is no, obviously, denying the history of the stockyards, the history of transportation, the history of the river, the history of industrial production, manufacturing, and all of how important this area is to all of Kansas City and to have that thrive and balance with the

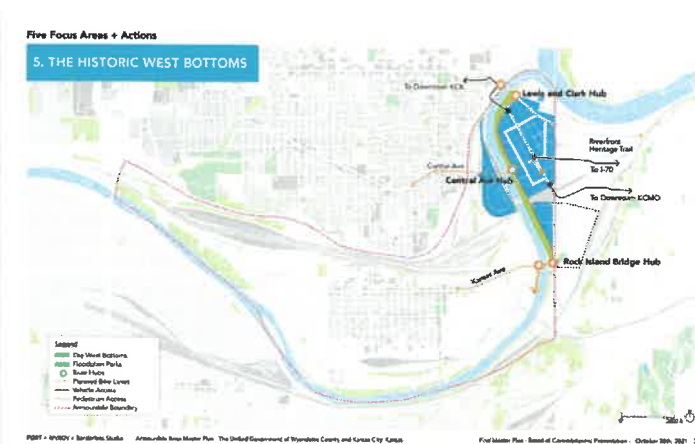
Armourdale neighborhood is one of our goals. There are some very easy ways to move toward that balance that include optimizing truck routes and negating some of the impacts that some of the industries have on the Armourdale neighborhood. But also drawing new businesses to this area and growing Armourdale and strengthening the industrial ring around Armourdale, the area specifically in close proximity to the neighborhood that could support small and medium-sized businesses onto the larger businesses around the perimeter and the river,



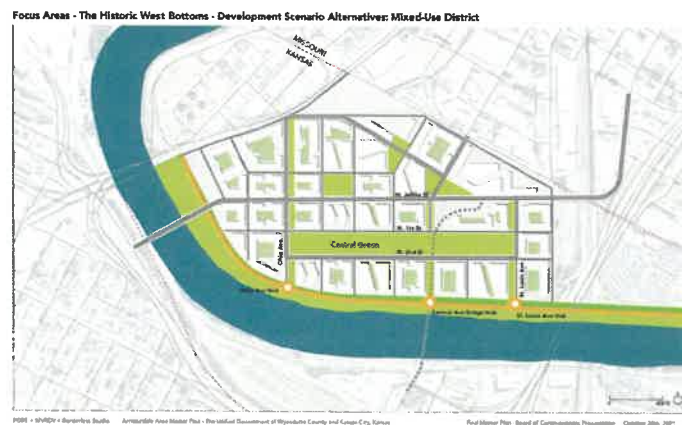
which brings us to the river. We were starting to see Kansas City start to face the river again and look at the river as a resource and as a city-wide amenity. Armourdale is right on the edge of the neighborhood,...



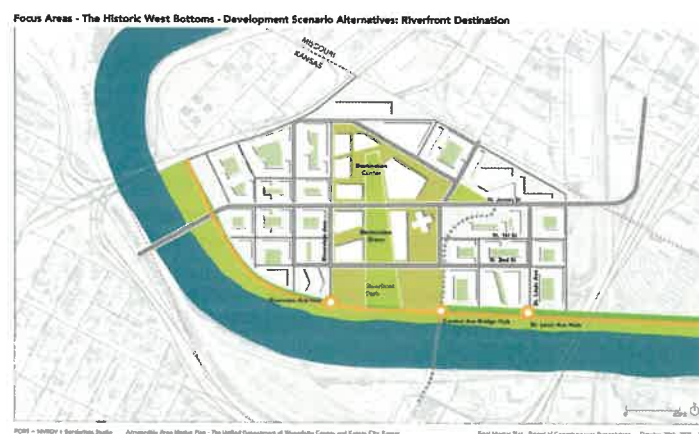
so looking at connections to levee trails, create new community hubs and access to the river and really, again, turn to the river as a pretty incredible and unique resource for Kansas City and Armourdale. All of those strategies are outlined there.



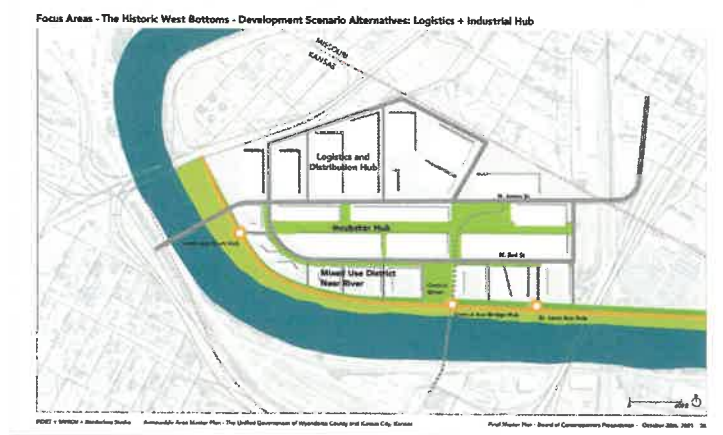
Finally, the fifth area is the historic West Bottoms.



This area, we kind of come to the conclusion that it is deserving of its own Master Plan study. That's one of the recommendations in the report is that as this area that's technically within the Armourdale Area Master Plan study area,...



we just explored a few different development scenarios and reviewed them with the community and the Steering Committee as far as potential for a mixed-use district on the river, or the scenario shows a riverfront destination or more of a civic district,...



or it could be a logistics and industrial hub. It really is a pivotal property or an area that deserves a deeper dive than we were able to target during the study.

Five Focus Areas + Actions

5. THE HISTORIC WEST BOTTOMS

- Strategy 1:** Create a Master Plan for The Historic West Bottoms
- Strategy 2:** Convert the Central Avenue Bridge to Ped/Bike Use
- Strategy 3:** Continue Development of the Aerial Lift Project

More recommendations and background are in the report.

That's all I have to share on behalf of our team, our partners on the projects. This has been—we're coming up at the end of 10 months of really amazing work. We're really proud of what we put together and couldn't have done it without the close collaboration and input of so many willing participants and what everyone has recognized as a really important process for a really significant community and part of Kansas City.

Mayor Alvey said I will now open the public hearing and ask the Clerk if we received any notification from the public wishing to express comments in favor of this item. **Mr. Deichler** said none were received, Mayor.

Mayor Alvey asked, did I not see DeeDee Sanders early on wanting to speak to this item? **Mr. Deichler** said, let me see. She's not on our list. She popped up here. Is she still on?

Mr. Hand said I believe there's a couple of people who might want to speak tonight.

Mayor Alvey said DeeDee Sanders, please state your name and address for the record.

DeeDee Sanders and Claudine Sanders, 8309 Isabel Street, Kansas City, KS, said I am the Vice President of the Armourdale Renewable Association and we wanted to take this time to provide support for the Armourdale Master Plan, and thank you for all the efforts that have been put into our neighborhood.

Mayor Alvey asked, do we have someone else, Mr. Deichler? **Mr. Deichler** said, Mayor, I'm seeing none in the attendees' roster there or in the panelist side here.

Mayor Alvey asked, is there anyone present who would like to speak in favor? **Mr. Deichler** said I'm seeing none as well.

Mayor Alvey asked, have we received any notification from the public who wish to express comments in opposition? **Mr. Deichler** said we did not.

Mayor Alvey asked, is there anyone from the public who would like to speak in opposition? **Mr. Deichler** said seeing none, Mayor.

Mayor Alvey said I'll close the public hearing. Any members of the Commission have any questions or comments?

Action: **ORDINANCE NO. O-142-21**, "An ordinance approving the Armourdale Area Master Plan." **Commissioner Burroughs made a motion, seconded by**

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

Mr. Moddrell said thank you for everyone’s support along this long process.

MAYOR’S AGENDA

No items

REGULAR CONSENT AGENDA

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

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

Item No. 1 – 211079...RESOLUTION: WAIVE CERTAIN FEES RELATED TO INFILL HOUSING EAST OF 78TH STREET

Synopsis: A resolution approving the waiving of certain fees associated with new construction of single-family homes and duplexes on vacant properties east of 78th Street for two years in order to spur new development, submitted by Katherine Carttar, Director of Economic Development. On October 11, 2021, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-76-21, “A resolution approving the waiving of certain fees for a period of two years from the date of this resolution for any new residential (single-family and duplexes) infill housing east of 78th Street in Kansas City,**

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

Item No. 2 - MINUTES

Synopsis: Minutes from regular session of August 26, 2021; and special session of October 14, 2021.

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

Item No. 3 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated October 14 and 21, 2021.

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

PUBLIC HEARING AGENDA

Item No. 1 – 211076...PUBLIC HEARING: CONSIDER AN ORDINANCE AND RESOLUTION REGARDING THE LEGEND HOTEL, LLC, CID, AND DEVELOPMENT AGREEMENT

Synopsis: Conduct a public hearing to consider an ordinance approving a Community Improvement District (CID) in the area of N. 98th St. and Parallel Parkway to assist in the construction of a new Fairfield Inn and a resolution approving a Development Agreement between the Unified Government and Legend Hotel, LLC, submitted by Katherine Carttar, Director of

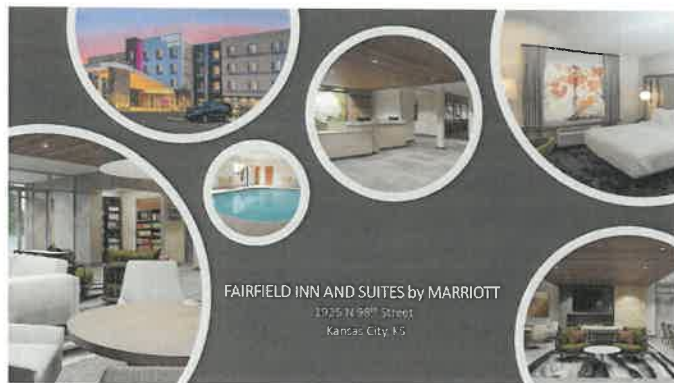
Economic Development. The CID would add an additional 1.5% sales tax for visitors to the hotel and would be used to reimburse up to \$1,528,714 in construction costs. On October 11, 2021, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted 5-1 to approve and forward to full commission.



Patrick Waters, Deputy Chief Counsel, said you may recall we were here last month. This was a developer-initiated process. The developer submitted a petition for the CID in July, and we had our first public hearing last month. The Commission requested that Staff go back and work with the developer and bring back a proposed development agreement, so that is what we are here for tonight.



Again, this is the location in between the Freddy's and the Compass Minerals Soccer Fields, off of 98th and Parallel.



These are some pictures supplied by the developer, some renderings, and pictures of what the hotel would be like. It will be a Fairfield Inn. The developer has confirmed there will be an indoor pool, a 1,000 square foot conference room, among other items.

Development Agreement and CID Ordinance

- CID Sales Tax of 1.5%
- Total project budget of \$10,765,500.
- CID Cap of \$1,528,714.
- CID Cap reduced by 10% if Developer fails to meet L/M/W goals

Some of the details of the development agreement, the developer is requesting a 1.5% sales tax that would go on top of the existing state and local sales tax at the hotel. His total project budget to build out the hotel is about \$10.7M. He is requesting \$1.5M in that CID incentives. The developer can speak to this, but that is basically as it comes from increased costs since he originally designed this. If the developer does not meet the local, minority, and women goals for construction, that CID cap would be reduced by 10%.

Development Agreement and CID Ordinance

- Pay-As-You-Go reimbursement
- Would only reimburse hard construction costs. Land acquisition, architectural and engineering fees would not qualify.

This would be pay a pay-as-you-go reimbursement. There's no bonds. Bonds will not be issued for this.

We structured the Development Agreement to make it clear that we will only reimburse the developer for hard construction costs. Land acquisition, attorney fees, architectural and things like that would not be included.

With that, that's all I have. If the developer wishes to speak to this, I believe he is on phone.

Rueben Ranat, Legend Hospitality Hotel Group, Overland Park, KS, said I thank the Commission for looking at this CID request. With respect to this request, we are looking to add this additional sales tax of 1.5%, which will be paid by customers visiting our property and renting rooms and not by the UG themselves. I just wanted to make that clear that it would be an additional sales tax that's paid by basically tourism.

Mayor Alvey said I'll now open the public hearing and ask the Clerk if we received any notification from the public who which to express comments in favor of this item. **Mr. Deichler** said none were received, Mayor.

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

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

Mayor Alvey asked, anyone in the building who would like to speak in opposition? **Mr. Deichler** said none at this time, sir.

Mayor Alvey said I'll now close the public hearing. Questions or comments from the Commission?

Commissioner McKiernan said, Mr. Waters, I just want to confirm something that I confirmed when we were in standing committee. This property will pay full property taxes to the Unified

Government, correct? **Mr. Waters** said correct. There are no IRBs or property tax abatements associated with this.

Commissioner McKiernan said and it will pay full sales tax before the CID to the Unified Government and will pay all transient guest tax, is that correct? **Mr. Waters** said that is correct. The one caveat is, it is within the STAR bond district, so this is layered on top. This is separate from the STAR bond, though.

Commissioner McKiernan said that's fine, but full property tax to the UG, full transient guest tax to the UG, and contributing to the health and vitality of the STAR bond district. **Mr. Waters** said correct.

Mayor Alvey said we need two motions. The first motion is an ordinance approving the community improvement district.

Action: **ORDINANCE NO. O-143-21**, "An ordinance authorizing the creation of the Legend Hotel Community Improvement District in Kansas City, Kansas; authorizing the making of certain project improvements relating thereto; approving the estimated costs of such project improvements; and providing for the method of financing the same." **Commissioner Bynum made a motion, seconded by Commissioner Philbrook, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Ramirez; and one "No," Burroughs.

Action: **RESOLUTION NO. R-77-21**, "A resolution adopting the Development Agreement between the Unified Government and Legend Hotel, LLC." **Commissioner Bynum made a motion, seconded by Commissioner Philbrook, to adopt the resolution.** Roll call was taken and there were ten "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

STANDING COMMITTEES' AGENDA

Mayor Alvey said we have an item that was added to tonight's agenda.

Item No. 1 – 211089...RESOLUTION: AMENDING THE SCHEDULES OF MEETING TIMES FOR THE STANDING COMMITTEES AND FULL COMMISSION

Synopsis: A resolution amending the schedules of meeting times for the Standing Committees and Full Commission of the Unified Government Board of Commissioners through January 2022, by switching the meeting times for the Neighborhood/Community Development and the Economic Development/Finance Standing Committees, submitted by Jeff Conway, Assistant Counsel. This item appeared before the Administration and Human Services Standing Committee, chaired by Commissioner Markley, on October 25, 2021. It was requested, and approved by the Mayor, to fast track this item to the October 28, 2021, full commission meeting.

Doug Bach, County Administrator, said this item was advanced at the request of our standing committees, Commissioner McKiernan and Commissioner Burroughs. Those committees have looked at the order in which we were going through and hearing Land Bank items that were taking us a couple of hours, often times requiring us to keep developers and many other members of the public waiting for Economic Development and Finance items to move forward. Thus, they requested to switch it so the ED&F meeting would be first and then they can handle the Neighborhood and Community Development items after that.

Mayor Alvey said Commissioner Markley chaired the meeting. Do you have any additional comments? **Commissioner Markley** said no. This is just fast tracked to the upcoming meeting.

Mayor Alvey asked, any other comments or questions?

Action: **RESOLUTION NO. R-78-21**, "A resolution amending the schedules of meeting times for the Standing Committees of the Unified Government Commission through January 2022, by switching the meeting times for the Neighborhood and Community Development Committee and the Economic Development and Finance

Committee.” **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Ramirez. (Commissioner Burroughs encountered technical difficulties; therefore, unable to vote.)

ADMINISTRATOR’S AGENDA

Mayor Alvey said we have three items under the Administrator’s Agenda. All three items consist of transferring ownership of the three automobile dealerships in the area east of I-435. Staff can make a consolidated presentation on all three items. A separate vote is required for each one.

Item No. 1 – 211143...RESOLUTION: AMENDING THE ASSIGNMENT AND ASSUMPTION AGREEMENT (FORD)

Synopsis: Amending the Assignment & Assumption Agreement among the Unified Government, Premier Automotive of Bonner Springs KS, LLC, and Premier RE 1800 LLC, to transfer ownership interest in the real estate of the Ford Project, submitted by Katherine Carttar, Director of Economic Development. The entities operating the dealership remain unchanged and continue to be responsible for operating in accordance with the agreement.

Katherine Carttar, Director of Economic Development, said I’ll be speaking to all three and then there’ll be a separate vote for each one. These are the Victory Ford, Victory Chrysler/Dodge/Jeep/Ram, and the Premier Auto Outlet KC that are over at 435 and Parallel.

What is happening here is solely an amending of the Assignment and Assumption Agreement as they are breaking apart the ownership from the dealership. The operations will be a separate owner from the actual real estate. They will actually be the same ownership group, but they are just forming a separate LLC to specifically deal with the real estate versus the dealership operations.

For us, this is a positive thing because we’re just having more people that we are ensuring that they are remaining steadfast in exactly what they are required to do per the Development

Agreement. Now we're just adding the separate group to ensure that we have them on the hook for everything that they have promised to do.

Mayor Alvey asked, any questions or comments from the Commission? (There were none.)

Action: **RESOLUTION NO. R-79-21**, "A resolution adopting the First Amendment to Acknowledgement and Assumption Agreement (Ford Project), whereby Premier Automotive of Bonner Springs KS, LLC, intends to transfer Lot 4-A, Legends Auto Plaza, to Premier RE 1800 LLC." **Commissioner Kane made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Ramirez. (Commissioner Burroughs encountered technical difficulties; therefore, unable to vote.)

Item No. 2 – 211144...RESOLUTION: AMENDING THE ASSIGNMENT AND ASSUMPTION AGREEMENT (CHRYSLER)

Synopsis: Amending the Assignment & Assumption Agreement among the Unified Government, Premier Automotive of Kansas City, LLC, and Premier RE 1720 LLC, to transfer ownership interest in the real estate of the Chrysler Project, submitted by Katherine Carttar, Director of Economic Development. The entities operating the dealership remain unchanged and continue to be responsible for operating in accordance with the agreement.

Action: **RESOLUTION NO. R-80-21**, "A resolution adopting the First Amendment to Acknowledgement and Assumption Agreement (Chrysler Project), whereby Premier Automotive of Kansas City, LLC, intends to transfer Lot 4-B, Legends Auto Plaza, and Lot 8-A, Legends Auto Plaza, Third Plat, to Premier RE 1720, LLC." **Commissioner Kane made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan,

Ramirez. (Commissioner Burroughs encountered technical difficulties; therefore, unable to vote.)

Item No. 3 – 211145...RESOLUTION: AMENDING THE ASSIGNMENT AND ASSUMPTION AGREEMENT (PRE-OWNED)

Synopsis: Amending the Assignment & Assumption Agreement among the Unified Government, Premier Automotive at the Legends, LLC, and Premier RE 1801, LLC, to transfer ownership interest in the real estate of the Auto Outlet Project, submitted by Katherine Carttar, Director of Economic Development. The entities operating the dealership remain unchanged and continue to be responsible for operating in accordance with the agreement.

Action: **RESOLUTION NO. R-81-21**, “A resolution adopting the First Amendment to Acknowledgement and Assumption Agreement (Auto Outlet Project), whereby Premier Automotive at the Legends, LLC, intends to transfer Lot 5, Legends Auto Plaza, Second Plat, to Premier RE 1801, LLC.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Ramirez. (Commissioner Burroughs encountered technical difficulties; therefore, unable to vote.)

COMMISSIONERS’ AGENDA

No items

Mayor Alvey said that concludes the Regular Meeting and we are adjourned in that capacity. Now called back as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES’ CONSENT AGENDA

Mayor Alvey asked, does any member of the Commission or County Administrator wish to set aside any item on the Land Bank Consent Agenda? If an item is not set aside, all items on the Consent Agenda will be voted on by one vote.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve all as submitted. Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Ramirez. (Commissioner Burroughs encountered technical difficulties; therefore, unable to vote.)

Item No. 1 – 211081...LAND BANK PROPERTY TRANSFERS

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

- A. Property Transfer
 - 1. The Homes, Inc.
2926 N. Allis St.
- B. Yard Extensions
 - 1. Bryant T. Crosby, Sr.
3541 R N. 60th St.- 031424
 - 2. David Jennings
3533 Ford Ave. - 065612

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve. Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Ramirez. (Commissioner Burroughs encountered technical difficulties; therefore, unable to vote.)

Item No. 2 – 211080...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 - 13
 - 1. Aglahe D. Montano – 1 home
2100 S. 37th St. – 118616
 - 2. Oscar Garza – 1 home
129 S. 16th St. – 066600
 - 3. Meredith Vertreese – 4 homes
720 Garfield Ave. – 095130

- 722 Garfield Ave. - 095129
- 724 Garfield Ave. - 095128
- 728 Garfield Ave. - 095127
- 4. Rebecca Davis – 1 home
5911 N. 123rd St. – 234011
- 5. Bright Solutions – 4 homes
810 N. 10th St. – 080435
1007 Armstrong Ave. – 080438
1013 Armstrong Ave. – 080437
1017 Armstrong Ave. – 080436
- 6. Bright Solutions – 2 homes
1238 Osage Ave. – 072352
1242 Osage Ave. – 072353
1244 Osage Ave. – 072354
- B. New Construction – Multi Family – 4 Units
 - 1. Bright Solutions – 1 Duplex
829 S. Mill St. – 073742
831 S. Mill St. – 073741
 - 2. Bright Solutions – 1 Duplex
1220 Pennsylvania Ave. – 068242
- C. New Construction – Garage – 1
 - 1. Maria Barrios – 1 garage
845 Reynolds Ave. – 120219
- D. New Construction - Commercial – 1
 - 1. Bessie M. Robinson
2536 N. 17th St. – 115863

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve. Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Ramirez. (Commissioner Burroughs encountered technical difficulties; therefore, unable to vote.)

LAND BANK BOARD OF TRUSTEES’ NON-CONSENT AGENDA

Item No. 1 – 211128...LAND BANK OPTION APPLICATIONS - KCK VALLEY OWNER, LLC

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

Circuit Avenue Partners LLC – 2 homes

907 Walker Ave. – 081093

909 Walker Ave. – 081094

913 Walker Ave. – 081095

915 Walker Ave. – 081096

Jud Knapp, Interim Land Bank Manager, said tonight, I present to you the applications for two new homes. At Standing Committee, it was recommended that the developer have a meeting with the neighborhood group. This meeting did take place and both the neighborhood group, and the developer agreed on a new location at 907-915 Walker for the new homes.

This concludes my presentation. The developer is available for questions.

Mayor Alvey asked, does any members of the Commission have any questions or comments? It sounds good to me.

Action: **Commissioner Walters made a motion, seconded by Commissioner Johnson, to approve.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Ramirez. (Commissioner Burroughs encountered technical difficulties; therefore, unable to vote.)

Commissioner Johnson said I wanted to thank the developer and the Neighborhood Association for giving us an example of working with Staff to find an equitable solution for all parties.

MAYOR ALVEY

ADJOURNED THE MEETING AT 8:30 P.M.

OCTOBER 28, 2021

Brett A. Deichler, PMP/CPM
Interim Unified Government Clerk

am

October 28, 2021

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

SPECIAL MEETING, THURSDAY, FEBRUARY 7, 2022

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in a Special Commission Meeting, Monday, February 7, 2022, with eleven members present remotely and on-site. Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Davis, Commissioner Seventh District; Stites, Commissioner Eighth District; and Garner, Mayor/CEO presiding. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Bridgette Cobbins and Melissa Sieben, Assistant County Administrator's; Brett Deichler, Unified Government Clerk; Misty Brown, Chief Counsel; Jeff Fisher, Executive Director of Public Works; Troy Shaw, Director in Engineering Dept.; Sarah Shafer, Public Works; and Kathleen VonAchen, Chief Financial Officer.

MAYOR GARNER 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 GARNER called the meeting to order.

MAYOR GARNER said I would ask the Clerk to announce the meeting and call the roll.

ROLL CALL: Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Garner.

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted virtually on Monday, February 7, 2022, following the conclusion of the Neighborhood and Community Development Standing Committee, regarding submission of a Water Infrastructure Finance and Innovation Act (WIFIA) Application.

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 Garner said I'll ask the Clerk if there were any revisions to tonight's agenda? **Brett Deichler, Unified Government Clerk**, said there were no revisions.

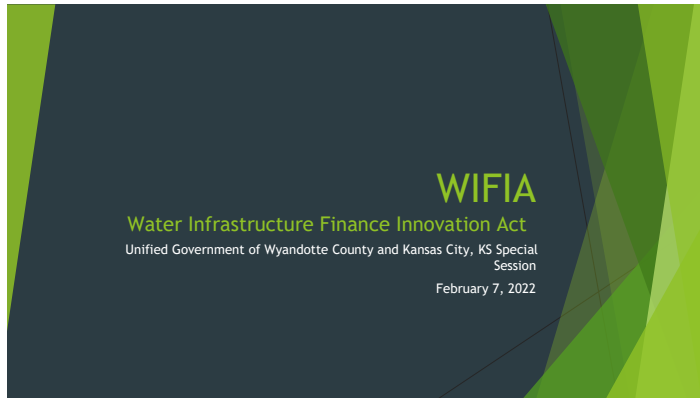
ADMINISTRATOR'S AGENDA

Item No. 1 – 211334...RESOLUTION: APPROVING THE SUBMISSION OF THE APPLICATION FOR FINANCING FOR THE AWARDED EPA WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT (WIFIA) PROGRAM.

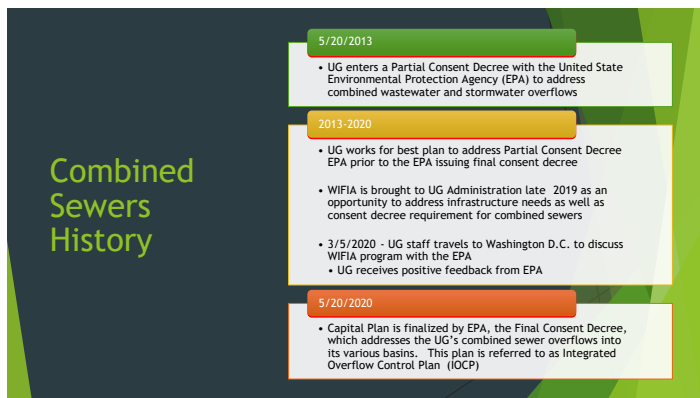
Synopsis: The Public Works Department is seeking a resolution approving the submission of the WIFIA loan application and non-refundable application fee.

Mayor Garner said I'll ask Interim Administrator Harrison-Lee to introduce staff that will be present tonight.

Cheryl Harrison-Lee, Interim County Administrator, said we have an opportunity to look at federal funding to assist us with some of our infrastructure needs. Presenting tonight will be Assistant County Administrator Melissa Sieben and with that, Melissa, you can begin the presentation.



Melissa Sieben, Assistant County Administrator, tonight I am here to put a little bit more meat around our WIFIA request and to kind of run through how we've gotten to the date that we're at tonight for a Special Meeting.



Back around 2013, we entered into a partial consent decree as a Unified Government with the EPA related to our combined wastewater and stormwater overflows into our rivers and streams. This was something that led to almost another decade worth of work by staff and the governing body trying to work on the best way to work through not only the partial consent decree but the possibility of any entering into a full consent decree with the EPA.

Around 2019, about six years into the partial consent decree and well into our negotiations with the EPA, WIFIA was brought forward as a concept to help address our infrastructure needs. Not only would it address things like stormwater, but it also addresses things like our wastewater infrastructure as well as streets, broadband, and much more. Just prior to the final consent decree, staff from the Unified Government went to Washington, DC to actually discuss the possibility of the Unified Government participating in the WIFIA Program. We asked a lot of questions on this trip with the EPA and specifically discussed with them the Basin Studies

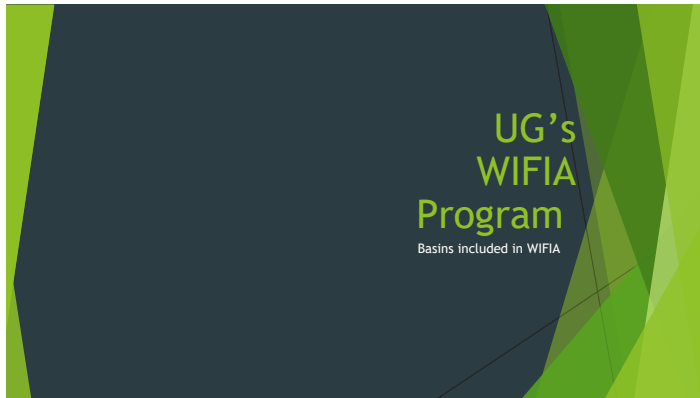
that we were going to be working on and those were in areas of our most disadvantaged portions of our community. Not too long after, we did finalize our consent decree with the EPA, which is referred to as the IOCP, our overflow—Integrated Overflow Control Plan.



Just as a recap because we've gone through this a few times, but we do have a few new governing body members, I want to express what WIFIA does allow the Unified Government to do should it choose to participate. It is a borrowing program. We often want to call it a grant, but it is really not a grant, it is a borrowing program. The UG must match 51% of the dollars borrowed through this program. There are a lot of different ways in which you can match so I want to be clear that it's not pure monetary at the end of the day. However, at this point, we haven't entered into the third phase of work on this program. We are in Phase 1, so we do not know what that will look like which means there are many more bites of this with the governing body should we choose to move forward tonight.

It's a single fixed rate, which is a great rate through the US Treasury. We have 35 years to repay which is beyond the traditional repayment and we have five years to start our repayment after construction which is a significantly different way of doing lending than you would in our normal GO and the interest is not accrued during that period or even the five-year deferment.

Back on December 2nd, the governing body did choose to do the match that we have to be able to show ahead of time with the state's Revolving Loan Fund; however, that \$70M which we will discuss later is not necessarily going to be completely utilized because of the flexibility in how we can match those dollars that we're borrowing.

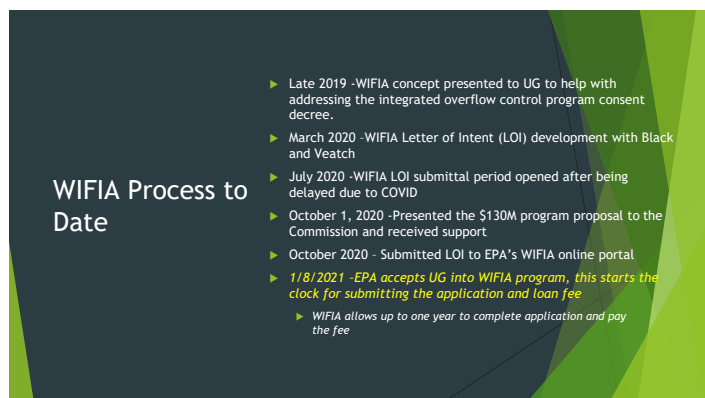


Here are the eight basins that are included in our WIFIA Program as was submitted back in 2020 and approved on the 8th of January 2021. Again, these are in our historically distressed neighborhoods and also where we have our integrated overflow control issues.



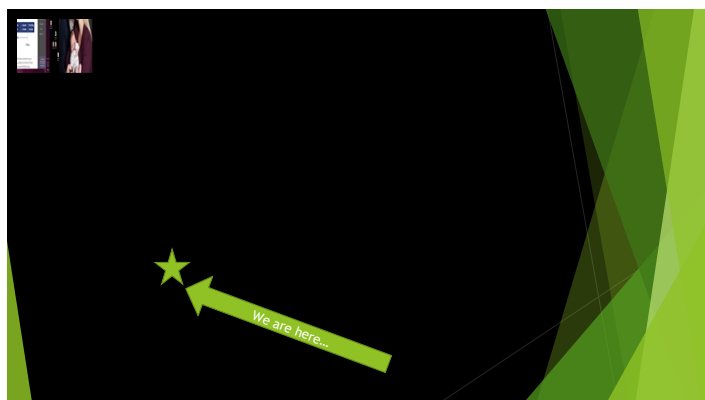
Just to highlight some of the things that were submitted as part of that application that we put in back in 2020 and were approved to move forward in Phase 1 which is what we're in right now. Things like separations of combined sewers, green infrastructure projects which help address those in a different way than just pipes in the ground, also curb and gutter repairs, things like bridge repairs or replacements, even Leavenworth Road Phase 2 Stormwater was included as part of this program. But it also pairs it with a community investment; parks and trails that would be in the green spaces or greenways that would be created as well as rehabilitation of Land Bank which we just spent some time on here tonight in our prior meeting. Looking at maximizing those partnerships for Workforce Development, especially with our minority-owned businesses, women-owned businesses, local labor, and then, of course, trying to maximize other funding opportunities through this investment with WIFIA. So, basically leveraging, leveraging, and leveraging.

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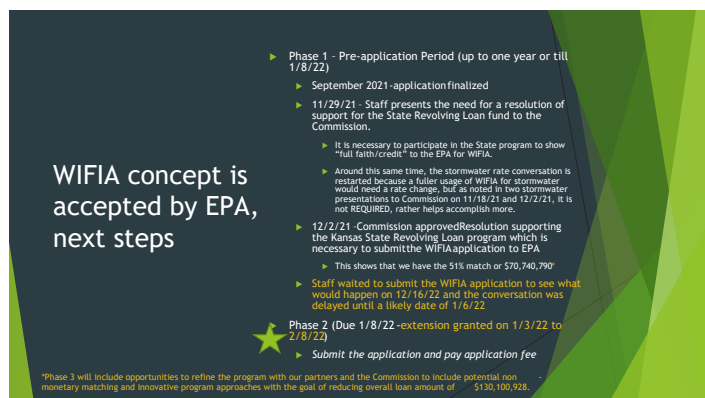


Just as I noted before, the concept came to us in late 2019, and then in March of 2020, after our trip to DC, we started partnering with a major engineering firm in the region to help us put in our Letter of Interest. In July of '20 that opened up with the EPA and we were able to submit—or start working on our submission and we put in for a \$130M program on October 1st of 2020 with support of the UG Commission.

We did receive the acceptance into the program a little over a year and a month ago or about a year and a month ago and that put us into what we call Phase 1 which is up to a year to complete the application and payment of the fee, which is why we're here tonight.



This is kind of a snapshot of where we're at in the overall phases of the WIFIA Program which is definitely complex. It's not something that follows kind of a normal order of progression that we're used to from a governing body work or from staff work for that matter, so we had a pre-application period where the star is at in the transition over into what they call Phase 3 where it's an evaluation with the EPA intensively of the application submitted and of those things that we mentioned on that previous slide that we looked to do in our application.



This is kind of a little bit further breakdown. In Phase 1, what we were working to do, is put together the finalized application. The staff took time to prepare that over the course of quite a few months in 2021 and had up until the 8th of January 2022, which has passed us now to submit the application and the payment. Back in November, staff at Standing Committee presented a Resolution of Support that was needed for the state's revolving loan fund, and on the 2nd of December that was agreed to by the governing body.

At the same time, I believe, muddling the waters a little bit, we brought back the stormwater rate conversation and we'll discuss that a little bit further in the presentation. We did discuss that WIFIA was not dependent on a change in the stormwater rate although it does help WIFIA do more, so I just want to make that very clear. So, you don't have to have it and you can still make a significant impact on infrastructure, but you can make a bigger impact with the rate change and that's where things probably got confused for all of us.

Here we are currently, staff did not submit the application, which it could have after the second meeting in December, because it was waiting because the governing body had moved forward the conversation on the stormwater rate. That's kind of how we also got to where we're at today where we haven't submitted the application and we haven't submitted the payment and we're coming back to touch base with you all and to remind you of the options that we have before us.

On the 3rd of January, staff sought an extension from the EPA to submit the application and the payment and it was granted until 2-8-22 which is tomorrow.



Tonight you will consider the \$100K payment and the resolution that supports it, but what would happen if you did that after. I think that's kind of the critical element for all of us to understand and that staff has really worked hard to pull together. That would send us into Phase 3, as we saw on the chart and that is the time in which we work with the EPA on what the schedule looks like for those eight basins. It's the time that we develop performance indicators to be able to show that we're doing what the EPA was hoping when they granted us the program, negotiations in the first place, and establish those budgetary and financial goals that ultimately would be brought back to the governing body to determine if they wanted to do a Resolution of Support to continue moving forward. However, to get to that phase, the \$100K is non-refundable and has to be paid by tomorrow.

Phase 4, after that, if the governing body continues to move forward, there are more negotiations and then finally in Phase 5 we get to the loan approval on that partnership with the EPA on what we're going to be doing for our work which, again, these are all the opportunities where we look at what our rates are between wastewater, stormwater, regular General Fund participation; whatever the governing body would want to do and that's going to determine the final efforts and the final work of WIFIA for the Unified Government should we choose to proceed.

The Stormwater Rate Connection to WIFIA

I want to just kind of double back on the connection of the stormwater rate, just to make clear, because I don't think it was at points along this journey.

WIFIA and the Stormwater Rate

- ▶ The WIFIA program helps stormwater through its ability to let us match funds and activities to reduce our total out of pocket costs to address stormwater;
 - ▶ BUT is not dependent on changes to the stormwater rate
- ▶ *As of today, the work plan submitted to the EPA for WIFIA is not affordable at dollar for dollar rates**
- ▶ WIFIA is a tool a specific set of infrastructure projects.
- ▶ Stormwater rate is a vehicle for providing the US with a sustainable stormwater program.
- ▶ WIFIA is a very small portion of the US infrastructure needs.
- ▶ The connection of WIFIA to Stormwater rate is scope...

*Phase 3 will include opportunities to refine the program with our partners and the Commission to include potential non-monetary matching and innovative program approaches with the goal of reducing overall loan amount of \$110,100,928.

WIFIA does do more with the change in our rate, but as does everything, if we pay more. So, that's just the bottom line, but it is not dependent on us moving forward that the stormwater rate change, so I want to make that very clear. This governing body does not have to change the stormwater rate to participate in WIFIA, but the scope of the work will change as part of the planning process in Phase 3 because we must align the dollars that we have, the matches that we have, the in-kinds with our ability to pay and with the EPA's confidence in our ability to perform.

Again, the stormwater rate is a vehicle for providing a more sustainable program; however, WIFIA is a small portion of the overall needs that we have in infrastructure and in our stormwater.

WHAT IF WE DON'T UPDATE?

With Update	Without Update
Up to 100% of the Current WIFIA Stormwater CIP	Up to 15% of the Current WIFIA Stormwater CIP
Community -Based Partnership	No Jersey Creek Projects
Increased Maintenance Throughout the Community	No Argentine Projects
Reduction in Deferred Maintenance	Significantly Reduced Community -Based Partnership
Ditching Program	Fund Will Become Insolvent by 2024
Community Educational Programming	
Workforce Development	
Jersey Creek Stormwater & Wastewater CIP	
Community Partnerships for Project Construction	
FEMA Grant Program	
CORPS Engineering Analysis Program	
Watershed Economic Development Program	

11/18/2021 Special Session and 12/2/21 Commission

This is to highlight some of the information again that was presented back in November and December. On the left, you'll see what would happen if the rate was changed with stormwater and what would happen if it was not, but what you can see is we'd be able to do about 15% of what was submitted on stormwater as part of WIFIA without a rate change except we moved some really critical projects to some of our neighborhoods which I just want to make clear, Jersey Creek and Argentine would be eliminated just due to their pure cost and the amount of work that is within what would have been 100% if a rate was adjusted for WIFIA. Then, also reduced community-based partnerships and I would love to spend more time on that. I don't think we've highlighted that enough, but I do want to say that the community-based partnerships are about growing jobs in our community, it's about partnering with our neighbors to improve our green infrastructure, and it's about basically creating a new pipeline of work for folks here in our community.

Requesting resolution authorizing the submittal of the WIFIA loan application and non-refundable application fee, and for the Board's continued support of the WIFIA program

- \$100,000 non-refundable application fee due February 8, 2022
- Extension was granted to the UG on 1/3/22 by the EPA

With that, the staff is requesting the Commission give consideration to allowing the \$100K non-refundable application fee to be paid tomorrow and for staff to continue into Phase 3 working to find the plan that would work for us to use WIFIA as a Unified Government.

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Mayor Garner asked, does that complete your presentation? **Ms. Sieben** said yes, Mayor.

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

Commissioner Burroughs said I appreciate your presentation and I know we're under a tight timeline. I guess I'm a little surprised that we have the \$100K available when for the last year and a half we've been told we didn't have any money for anything. It's not that I'm not supportive of the WIFIA program, I'm just really pleased to see that we were able to find \$100K in which to apply for the WIFIA grant. My concern was that there was no money and that we would have to finance that, so obviously, the new Administrator has been able to identify some funds that may be available to apply for the WIFIA grant.

Commissioner Bynum said I appreciate the explanation, Ms. Sieben. Thank you so much for walking us through that timeline again. I think we all know that we've been working with the EPA now, like you said, for going on a decade. A lot of this is ongoing for quite some time and WIFIA is a great opportunity to help solve that combined stormwater sewer problem and so I would definitely be in support of authorizing the spending of the application fee. I can't imagine we didn't know the entire time WIFIA was in front of us that there was an application fee that would need to be paid.

We have this opportunity now, and as you said, no it does not solve every problem. It is only a fraction of the work to be done, but it's a really important one. As you mentioned, the interest rate and repayment, you don't find that anywhere else and so it seems counterproductive for us at this time with the enormity of infrastructure needs that we face that we would turn away from an opportunity like this. So, I would definitely support the payment and the application.

Commissioner Kane said first of all I support this. I think it's a great idea. I also support that we hire as many local contractors as possible. To the new Administrator, if you found \$100K, thank you.

Mayor Garner said I've got a question, Ms. Sieben. What was the original amount that we thought we would need in regards to this program because it was my understanding there were rate

structures and fees associated that were presented to the Commission as well as myself at some point? Do you remember what that amount was? **Ms. Sieben** said the original amount that we submitted for was \$130M rounded and then our match, as I noted on one of the slides, would have been \$70M. That's the 51% match and, again, in-kind negotiations, prior actions that we've done all count in some method or means towards that at the end of the day, but the rate structures that were used for that, I would have to defer to staff on how the stormwater rates and wastewater rates—our wastewater is tied to our consent decree that we entered into so that's set and staff would know that when they were working on it and stormwater, I'm going to have to defer to one of you on how we modeled with the application. Did we model it with the rate change? Yeah, we did with a rate change and that's why the scope would have to change.

Mayor Garner said I get that. What was that total amount that was being—**Ms. Sieben** said \$130M worth of projects. Now, not all of those are stormwater mind you. **Mayor Garner** said just what we're talking about for the sake of what—**Ms. Sieben** said the application right now is with the \$130M, but we will be negotiating with the EPA in Phase 3 on what the total is in the final. If there is no change in the stormwater rate, that number will come down. **Mayor Garner** said okay, I'll come back.

Commissioner Stites said what, if any, work will be performed or has been identified to happen in District 7? **Ms. Sieben** said the districts were presented on the map, if we can bring that up and if District 7 is your district, this is only in KCK and in the far eastern portion of the community, this is like the second or third slide. **Commissioner Stites** said the county would be responsible for payback, correct? **Ms. Sieben** said no, it's all city. **Commissioner Stites** said it's all city, okay. **Ms. Sieben** said Bonner and Edwardsville are separate.

Commissioner Davis said thank you all for presenting that. I just had a question about the interest rate of the loan. Is there any information on kind of what that structure is going to look like and how much—I mean this is still an amazing opportunity just given the amount of leeway and the time that we have? My goodness, 35 years is a long time, but any idea on the interest rate? **Ms. Sieben** said it's attached to the treasury rates. I'm going to turn this over to Sarah Shafer.

Sarah Shafer, Public Works, said we've modeled 1.3 to 1.8% in the financial models that we have run for WIFIA and the SRF and if Kathleen is on, she's much better at explaining how the state treasury interest rate is determined at closing.

Kathleen VonAchen, Chief Financial Officer, said the amount that they've modeled is the likely amount that would be the rate at the time, and just so you know, the GO Bond rate is around 2-2.5, so it's a very favorable interest rate.

Commissioner Davis said that's good and I appreciate you all providing that information. We do have a lot of opportunities. I know for the ARPA subcommittee we're also having conversations about funding some of these projects. I know we're going to talk about base this week, which I'm excited about, as well as the infrastructure bill that's coming from Congress. I don't know if there are any updates. Have there been any updates on that and what we would receive or what that process will be?

Ms. VonAchen said can I just add one more thing? Once our application is accepted, then you lock in the interest rate and so even though we issued the bonds out into—enter into the loan out into the future, that low rate is still in place regardless of what the rate is in the future, just so you know. Rates are expected to increase. **Ms. Sieben** said this is for the WIFIA program should you choose to move forward, there's the lock. **Ms. VonAchen** said yeah.

Mayor Garner said let me continue my question. I'm in support of WIFIA. I'm also in support of making sure that our infrastructure needs are taken care of. Well, before I go there, Commissioner Bynum.

Commissioner Bynum said I apologize. I was going to make a motion, so I want to let you make your comments.

Mayor Garner said this is a question and probably a concern for me. As I've gone through this process with staff, you've shown a process in the PowerPoint, it looks good, but the messaging to me seems to be in conflict with the messaging that I received from the onset which is that there

was no money, which is that there were deadlines that have passed in regards to WIFIA which is that we needed a certain dollar amount in the hundreds of millions and somehow that's all—we found the money that at one time didn't exist. We passed a deadline that was there and now we have monies that we're going to negotiate it appears, if my understanding is correct, at a later date.

I just want some kind of explanation, not just for this Mayor and this Commission and our staff, but for this community on how we got that message so wrong and how we got to this point to where everything is great, but we were in dire straits prior to where we're at today. I have an issue with that and I'll speak to that issue once you can give an explanation to that question that I have.

Ms. Sieben said I'm assuming you are directing that towards me. **Mayor Garner** said yes. **Ms. Sieben** said as to the \$100K, there's never been an issue with the application fee. That was set-aside several years ago. I don't remember that being a conversation over the last couple of months. Commissioner Burroughs indicated something about found money there and I'm not sure where that's coming from, so I can't answer that question simply because we've never had an issue with the application fee itself.

The rate conversation identified in the presentation was intertwined and right as the new office for the Mayor was coming onboard yourself included. Those conversations were going together side by side. The previous governing body had been, and I think they could echo in on this for me as well, trying to decide if they wanted to pass a rate and in the fall we determined that WIFIA was still valuable without the rate which is why you see in those November and December presentations that we put the comparison of what happens with or without it. Now, clearly, it's more valuable. That's what the staff was conveying. I can't speak to all the conversations you're in. I was out on FMLA, but I can tell you that it has always been the case that with the stormwater rate increase, you could do more. The urgency, we wanted to be able to tell the EPA what we were doing and clearly, we have an opportunity now to negotiate and, you know, I don't know what else to say.

Mayor Garner said that's all great, and again, I do support WIFIA. This is just an ask. When information is presented to this Mayor and this elected body where we have to make informed decisions that have a profound impact on our community, I would hope that in the future staff would get the information right. That the amounts of money that are available in regards to the Commission make an informed decision are accurate. When deadlines, and I know because I

was there, and I was told about a drop-dead deadline, we have to have this deadline by this date or it could be problematic. That deadline has passed, so I'm perplexed as to the misinformation, in my opinion, that was presented to me and this Commission.

I'm going to say, if no one else wants to say it, that is completely unacceptable. Not just today, but any time moving forward where misinformation is given to myself and this Commission about millions of dollars that impact this community where this Commission has to make an informed decision.

Now, you've walked us through a timeline, but I know the timeline that was presented to me prior to today and it does not coincide with this PowerPoint that you've just given and that's okay because moving forward the message that I want to send loud and clear is that please, as professionals in this Unified Government, that whatever information is forwarded to myself and this Commission and the millions of dollars where we have to make informed decisions, that it is accurate, that is reflective of where we need to be so these commissioners can make an informed decision and I can feel comfortable about moving things forward on an agenda that reflects accuracy. I don't expect anything less than that and I think that this community deserves excellence, not just for myself and this Commission, but this staff as well. Misinformation, whether intentional or not, to me is unacceptable.

Mr. Deichler said Commissioner Townsend wants to speak but is unable to raise her hand. (Commissioner Townsend was having technical difficulties).

Mayor Garner said at this time I will entertain a motion. I believe we had a motion from Commissioner Bynum. I take it that was to approve.

Action: RESOLUTION NO. R-7-22, "A resolution authorizing the submission of the Unified Government's Loan Application under the Water Infrastructure Financing and Innovation Act (WIFIA) along with a non-refundable application fee." **Commissioner Bynum made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were ten "Ayes," Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites. (Commissioner Townsend sent her approval by text to Mr. Deichler).

**MAYOR GARNER ADJOURNED
THE MEETING AT 7:39 p.m.**

Brett A. Deichler
Unified Government Clerk

dt

February 7, 2022

CONSENT AGENDA ITEM NO.

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

SPECIAL SESSION, THURSDAY, FEBRUARY 10, 2022

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, February 10, 2022, with eleven members present remotely and on-site. Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Davis, Commissioner Seventh District; Stites, Commissioner Eighth District; and Garner, Mayor/CEO presiding. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Emerick Cross, Bridgette Cobbins, and Emerick Cross, Assistant County Administrator's; Brett Deichler, Unified Government Clerk; Misty Brown, Chief Counsel; Ashley Hand, Director of Strategic Communication; Kathleen VonAchen, Chief Financial Officer; Katherine Carttar, Director of Economic Development; Alley Porter, Commissioner Liaison; Sarah Shafer, Public Works Department; and Sarah White, Public Works Project Manager.

MAYOR GARNER 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 GARNER called the meeting to order.

MAYOR GARNER said I would ask the Clerk to announce the meeting and call the roll.

ROLL CALL: Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Garner.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted virtually on Thursday, February 10, 2022, at 5:00 p.m. regarding the Building a Stronger Economy (BASE) Grant.

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 Garner said tonight a presentation will be given regarding the BASE, Building a Stronger Economy Grant. I'll turn it over to Interim County Administrator Cheryl Harrison-Lee for comment and introduction of staff for this presentation.

Cheryl Harrison-Lee, Interim County Administrator, said we have several grant opportunities, one of which is BASE, as the Mayor mentioned. Staff is working to develop projects to present and to get your feedback tonight so that over the course of the next couple of weeks we can prepare a grant application for this new funding opportunity. With that, I'll turn it over to our Finance Director to start the presentation.

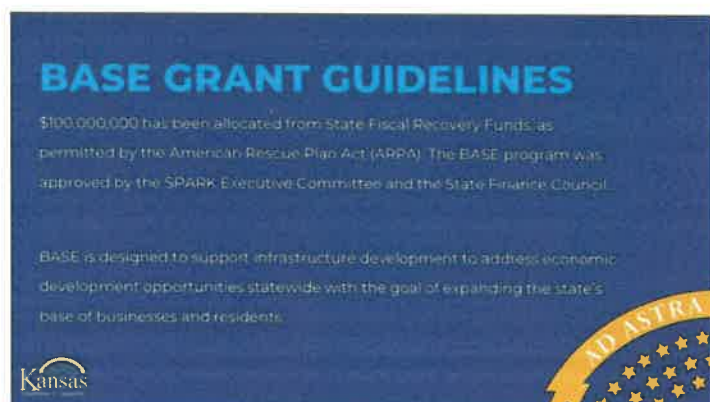


February 10, 2022

Kathleen VonAchen, Chief Financial Officer, said I would like to thank you all for taking the time for this Special Session to talk about this very important grant that will provide a lot of needed improvements, if we're awarded, to the county. The presentation will be made by our consultant from iParametrics, Erica Hupka, but we also have with us a number of staff members from the Public Works Department, Katherine Carttar from the Economic Development Department, and several other departments that are available to answer any questions about the projects that are being proposed. We're going to get through the presentation and then have it open for questions at the end.

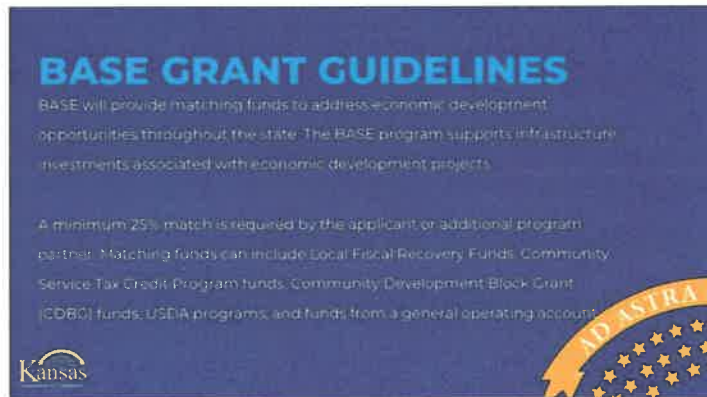


Erica Hupka, iParametrics, said we have the great distinction of being able to work with the UG on developing the BASE Grant and making sure we are putting our best efforts forward to hopefully secure as much of this funding as possible.

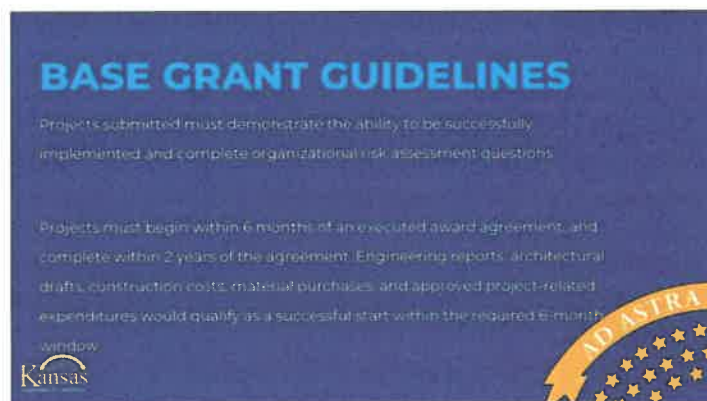


As was mentioned previously, the state of Kansas has issued \$100M available for funding for the BASE program. It has been approved from the State Fiscal Recovery Funds, which is a part of the ARPA money.

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The goal of the BASE Grant, as said through the name, is economic development in the state of Kansas. The goal with the majority of the funding the state is looking towards is to improve infrastructures that will result in economic growth. However, to put forward any application, there is a minimum of a 25% match for any application. This match is allowed to come from local funds, tax revenues, federal programs that you can use in matching including Community Development Block Grants among others that we are looking at as we determine which programs to move forward with.



In addition to that, we also want to make sure any of the programs that we're looking at can begin work in six months. All of the projects that the state will look to approve need to be started within six months and need to be completed within two years of the award.

EXAMPLES OF ELIGIBLE USE OF FUNDS

 Waterfront project compatible with the development of new tourism park.	 Infrastructure project required to support a business development.	 Renovation of existing building to be used to bring them up to modern standards.	 Development of infrastructure such as irrigation, water, wastewater, sewerage and solid waste.	
 Highway interchange widening.	 Business Park lighting.	 Parking facilities directly associated with business development project.	 Manufacturing industrial off-site production area.	 Development of infrastructure related to biodiversity, landscape.

Kansas
Department of Transportation

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The projects that this BASE Grant Program team has identified would be—our most attractive projects to put forward, obviously, the Unified Government has many, many projects that are in the works that would be beneficial for this program; however, we need to make sure that we are matching up the guidance of the grant with the project that would be the most effective to apply for. Of those, the three that were chosen to move forward on behalf of Kansas City, Kansas are Armourdale, the KCK Riverfront Park & Development, and the State and Village West Parkway Interchange.



These specific areas here are in blue to kind of give a visual representation of what part of the city they are in reference to.

ARMOURDALE

- Commercial area prone to flooding
- Flooding impacts business owners and residents in the area
- Existing matching funds from the pump station



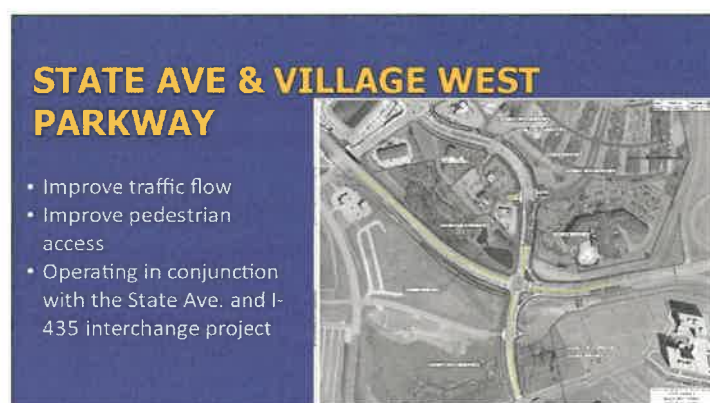


The first project we have is the Armourdale Project. Unfortunately, this area is a very flat area that has a lot of impermeable material upstream so whenever there are heavy rains or whenever the Kansas River is elevated, this area floods. In 2018 a survey was done and it resulted in several million dollars' worth, \$16.3M, of revenue loss and the goal with the base grant for this would be to dovetail with the Kansas Levy Project and the work that they're doing to bolster the levee and

improve the water pump stations there. What we would be doing is, increasing the stormwater sewer to support any of the excess runoff that currently inundates this area.



The KCK Riverfront Development also is in partnership with the Army Corps of Engineers KC Levees Project. What we are hoping to do is fund some unfunded portions of this to include adding parking, adding a trailhead so that people have access to the area doing some land work to make sure that there's access to the water and that we are able to build the appropriate Riverfront Park that we're hoping to build there. In addition, it will provide access for water mains and sewer and sanitary systems from BPU, not only to the western side of the Riverfront Project but also to the eastern side which currently doesn't exist.



Finally, the State & Village West Parkway Project, what we are hoping to do is improve traffic flow both vehicular and pedestrian. We hope to tie it into the trail system that we are currently building and create an opportunity for further growth in the Legends area and make it more accessible for those that are there for events such as a Monarchs game or a Sporting game to be able to walk across and have dinner and to shop the Legends at the same time. So, we're just

trying to improve the flow through that area and this is also done in conjunction with the State & I-435 Project that KDOT is completing.

FUNDING SUMMARY

BASE: SPARK GRANT PROJECT COSTS AND MATCH ESTIMATES

PROJECTS	COST ESTIMATE	MATCH REQUIREMENT @ 25%	MATCH ESTIMATES				TOTAL MATCH	REMAINING MATCH NEEDED
			UG EXISTING APPROPRIATIONS (Part or CIMP)	STATE GRANTS	FED GRANTS	PRIVATE DEVELOPERS		
Armourdale	\$20,000,000	\$5,000,000	\$1,867,634		\$14,293,064		\$15,660,718	\$10,660,718
KC Livens/Battermen	\$15,000,000	\$3,750,000	\$3,700,000			\$6,000,000	\$9,700,000	\$15,950,000
State and Village West Parkway	\$25,000,000	\$6,250,000	\$1,000,000				\$1,000,000	\$5,250,000
TOTALS	\$60,000,000	\$15,000,000	\$6,067,634	\$-	\$14,293,064	\$6,000,000	\$26,360,718	

In total for all of these projects, we are looking at \$20M for the Armourdale Project of which we would need a \$5M match; however, because of the work that the Army Corps of Engineers is doing and monies that the UG has already put towards this grant, we have far exceeded the necessary match for that.

For the KC Riverfront, we need about \$15M which would require a \$3.75M match, and on this project as well with the private investment and the UG investment, we are in excess of what the match minimum is.

However, for the State & Village West Parkway, we are looking at a \$25M need which would require a \$6.25M, and unfortunately, we do not have adequate funds for that at this time. Kathleen will help us walk through our options there if this project is selected.



That is what we have for our presentation today.

Commissioner Bynum asked, do I understand correctly the State has \$100M and we're going to ask for \$60M of it, so because we can submit up to three, correct? **Ms. Hupka** said yes. **Commissioner Bynum** asked, will we submit all three, I guess? Are you looking—you must be looking for Commission direction and I need more information on what is \$25M at State & Village West Parkway? I don't know how that could be \$25M, so I would need help understanding that, but I'm struggling with the fact that we think we're going to ask for \$60M of their \$100M.

Ms. VonAchen said that's correct. The three projects that we have for your discussion tonight are these three. They total \$60M. The entire statewide allocation is \$100M, so based on your direction tonight, we can either decide to, you know, turn around and get staff ready to submit for all three projects or two or one depending on your preference and based on your discussion tonight. If you would like to move into questions on the State & Village West Parkway Project, I'm going to have to rely on Public Works staff, which I think are on the call to take these questions.

Sarah Shafer, Public Works Department, said Troy is not available this evening, so I'll go ahead and take the questions. The State & Village West Parkway is an entire intersection redevelopment, so it isn't simply some trails and things like that, but it is an entire intersection redevelopment that would further promote and assist our vehicles and our pedestrians to navigate through the revisions that KDOT is anticipating making to the Village West & I-435 Interchange. They are looking at an entirely different interchange configuration and we would want to continue that configuration to make it easier on our heavy vehicles, our pedestrians, and our standard personal vehicles as well.

Commissioner Bynum said that makes a lot more sense, but \$25M, did we not completely reconfigure the Turner Diagonal for \$14M? It's just mind-boggling to think that redoing that interchange—again, I'm certainly no engineer, but that seems—**Ms. Shafer** said excellent point **Commissioner Bynum**. The Turner Diagonal is a unique situation where we did have the ability to do a unique approach to it. We may be able to take that same approach which was design-build given the timeline, but we are using our most recent and available engineering estimates that we have also shared with KDOT in years past. That is at this time the estimates that we have available which affords us to request the \$25M.

Ms. Hupka said I apologize, we are also working on a lot of estimated values at this point. Because this grant was just released and we want to make sure to capitalize on all the time to develop the applications that we can, we did come up with some rough estimates of what we were thinking the greatest value that we might need for these projects. There's a possibility as we continue to develop these, these numbers will be adjusted down.

Commissioner Bynum asked, is there a possibility—are we aware of a possibility that we would be granted a dollar amount less than a request and then have to make decisions about what we do then? **Ms. Hupka** said yes. The state may choose to fund less than the requested amount for any of the grants that they award and so our teams need to be prepared to flex and make some difficult decisions on how to pare down projects potentially to make sure that they fit within the granted budget.

Commissioner McKiernan said could you back up to the Armourdale slide? I'm going to ask a question about the table that I just had you navigate away from, but as I read the line on this one, we effectively are already \$10M over the amount that would need to be provided as a match, so we more than qualify for this ask, correct? **Ms. Hupka** said correct. **Commissioner McKiernan** said can somebody give me, and maybe Sarah can, just a little bit more idea about the enhancements that would be made here and it appears that they are all, or mostly, east of 7th Street—well along 7th Street into the east? Can you give me just a little bit more idea about what would be done here? **Ms. Shafer** said this is a storm system upgrade. It's between 7th and Ruby, so you are correct in its location and we would be looking at capacity building and green infrastructure. Ultimately, it's for the capacity for the quality and green infrastructure to accommodate our storm system.

Commissioner McKiernan said okay, so it looks like the majority of it goes east along Shawnee until it finally hits the levee and then would drain out. Very interesting. I certainly approve of it given the fact that we've exceeded the match by \$10M. I think it's a great application. It should be the first step of many in this area, but it would be a certainly good start in an area that is heavily traveled floods with a hint of rain. You're right, it fills up from the inside out, not from the outside as in most areas.

Can you back up one, could this work be considered consistent with the Armourdale Master Plan? **Ms. Hupka** said yes, this work is consistent with the Armourdale Master Plan.

Commissioner McKiernan said if you could go forward one—to the—that one (KCK Riverfront). We're about \$5M over the match requirement for this particular ask; if I read that table correctly. Is that right? **Ms. Hupka** said, yes, you're correct. **Commissioner McKiernan** said the projects—the money that we would get would be directed to both the east and the west sides of the river, is that correct? **Ms. Hupka** said yes, correct. **Commissioner McKiernan** said since in this picture west is roughly up, that would be west on the top and east on the bottom roughly speaking. Certainly, I would assume this is consistent with the Armourdale Master Plan, correct? **Ms. Hupka** said yes, this is also consistent with that Master Plan. **Commissioner McKiernan** said remind me what sorts of projects or what sort of work would be done with this ask from the state?

Sarah White, Public Works Project Manager, said I'm happy to talk about this project. As you guys can see here, this is kind of our big vision for the KCK Riverfront and Development. We have been working on this for the past couple of years and the total cost well exceeded our budget so we have decided we're going to go after grants for the rest of it. What this would include would be more of the Riverfront amenities which would be the walkways down to the water, the amphitheater, the strand, just to get people down to the Kansas River. This would also include the enhancement of the trailhead there on the west side, which is up on the screen, and that connects right into Armourdale and fits right into the Master Plan of having that area be a trailhead park and a parking lot for the bridge and to really just enhance that. One of the other things that this grant is going to include is the utility connections to both sides of this Riverfront Development. Currently, there is not a BPU water main on the eastern side and you know there is a lot of development slated. There's a project going on right now through our Planning Commission with the hopes of Phase 3, 4, and 5 coming soon after and there is no BPU water in this location, so we are going to include the BPU water main extension in this grant as well providing those utilities as well as a sanitary extension on the west side and storm enhancements on both sides.

Commissioner McKiernan said the four white polygons that are on the upper side or the west side of the river, would be considered part of the ultimate development, but would not be covered by this grant, correct? **Ms. White** said right. We'll definitely update the picture for the grant application. Like you said, those polygons up there, that is not on land we own and it's currently not budgeted to do development there, but it does just open up the opportunity and the

vision for what development could look like on that side. We will be providing the utilities for the bridge and for the park space with this grant application. **Commissioner McKiernan** said very good. That's all the questions I have.

Commissioner Davis said after rereading my email I am bummed that Indian Springs was removed, but I'm super happy that we get to still pursue this. What I can hear constituents and the public saying is, what about my neighborhood, what about my area, what about these particular issues, why not use the grant for that particular project? Can you speak to, I know this is in a limited amount of time, and so I want to emphasize that, it wasn't as if we had a lot of time to really think through this, but can you all kind of talk through the process of what you considered because there are a lot of infrastructure projects that we could have. I mean Indian Springs is one of them. They didn't make it, that could have also been proposed. What was the process of selection and did we take poverty, did we take equity, did we take unemployment, did we take census data; did we use any of those things to really come to the conclusion these are the projects that we want to invest in? And the only reason I say that is because I think these areas that are in need throughout our community are the ones that would benefit the most as opposed to the areas that already have a tremendous amount of development.

Ms. Hupka said team, certainly feel free to jump in here, but we took a quick assessment of those projects that we were aware of that would have the greatest economic benefit and would be the best candidates for this specific grant. Our hope is that this is the first series of many, many more grants moving forward because we understand that there are a lot of infrastructure needs and we are fortunate that the federal government just approved the Federal Infrastructure Bill that will start to cascade our way. What our team is doing also in the background is making sure that we are identifying all of the projects that are available and trying to partner those up with specific infrastructure grants to make sure we're ready to move forward when they're released. Our intent was to try to find those most appropriate projects for the specific grant so that we are a more likely and more attractive candidate for funding with the state. **Commissioner Davis** said thank you so much.

Ms. VonAchen said I did want to also point out two more points, that this grant is specifically geared towards economic development type projects and secondly, that it really needs to be shovel

ready. They want you to start within six months, so that's it. **Commissioner Davis** said I didn't know about the six months part so that makes a lot of sense.

Commissioner Ramirez said thank you to staff and Erica for the presentation. I guess the staff is looking for direction. I think I'm going to make Commissioner McKiernan very happy. I support us putting Armourdale the first one as the project because we have a lot of development out west and a lot of improvement and this area is an area of our community that has seen very little improvement and I think this will go a long way, especially for our community members who live in that area and the businesses who reside there and in general for future development, this will go a long way, so I support us doing Armourdale. With the Interchange and the Riverfront, I feel that there are, as Erica had just mentioned with the Infrastructure Bill that was just passed by Congress, there may be many future opportunities in the future for us to get funding for those other projects. I just believe it's time for Armourdale to get some TLC and some improvement and some investment. I guess that would be my opinion and my direction.

Commissioner Markley said I fear a little bit putting all of our—I would just say my response to Commissioner Ramirez's recommendation, certainly I support the Armourdale project as well. I fear a little bit putting all of our eggs in one basket lest the state finds some problem with that application or not prefer it for some reason, my preference would be that we apply for both of the projects that we already have the match money in place for, so we do the application for both. We know the match is already covered for both of those two and then whichever the state prefers or chooses or thinks is most fundable at least we have the opportunity if they don't prefer the Armourdale application for some reason. I hate to try to read their minds, but we would at least have that other option on the table. If we only apply for the one and for some reason they turn it down, I would hate to not have the opportunity to get money for another project.

Ms. Hupka said I also failed to mention that you're allowed to put forward three applications per organization, so these are the three we identified for KCK.

Commissioner Townsend said just following up on something that Commissioner Markley mentioned, not losing an opportunity. Is there a cut-off date by which we expect to have to submit

however many projects we want to put forward and if so, what is that time? **Ms. Hupka** said the date is February 28th that we have to have everything submitted to the state to include all the supporting documents. We will be heads down working on this diligently for the next 18 days. **Commissioner Townsend** said I agree with her comments. It's good to have a plan A and B, so if we can submit up to three, we know we have the match for the two, that way no time is lost so I think that would be a wise move to make.

Mayor Garner said, Administrator Harrison-Lee, was that it? **Ms. Harrison-Lee** said yes, thank you.

Mayor Garner said thank you. I appreciate the presentation. My support also goes with those developments where we already have the matching funds in place. If staff could answer a question, I just need a little more clarification. I guess I misunderstood, I apologize, I know Commissioner Davis brought this up, but how did we get to the three developments as far as that process and I believe that staff came to this determination. What do we look like, who is that, and can you be more specific on how we got to the point of these being the three recommended sites for consideration? **Ms. VonAchen** said when we learned about this grant when it first came out we quickly met remotely that we would be members, the Public Works Director and members of the Public Works team as well as Catherine Carttar from Economic Development, our Urban Planning Director Gunnar Hand, myself, and the iParametrics team. There were about 15 of us and these staff members know what projects are shovel-ready, large, and unfunded. They know how much has been already contributed towards these project areas and which ones could potentially meet the match. They were aware of the criteria that it needs to be economic development related. So, a number of projects were thrown into the list. We had about six and then we started talking through what were the likely projects that would most likely be funded by the state because they more closely aligned with the criteria of the grant and that's how we came upon these three.

At the time we weren't certain if the limit of three projects was for each entity with treating Kansas City, Kansas as an entity or treating Wyandotte County as an entity, but I think later we learned that we can only apply for three anyway, so that's how that worked through. The three we aren't moving forward with or showing you, I think actually we presented all six to the subcommittee or was it just four, I can't remember now, but the three that we're not is because—

we don't have here is because the matching requirement is—or perhaps the funding from outside sources that would be used as a match we weren't 100% that we couldn't confirm the amounts we need to have support letters. They weren't shovel-ready and they didn't as closely align with that economic development approach, so there was an issue of the project timing. Anyway, these are the top three. We also have been talking with the state who is overseeing this grant program and they've provided us some guidance on what they feel would be most likely awarded. Of course, we're trying to win the grant, so that's the process and we're looking for your direction.

Mayor Garner said thank you and I'm sure the elected body would like to give you some direction. I think what would help in giving that direction is when we have these processes, that if staff could take into consideration an expectation that the Commission may want to be more intimately involved in at least weighing in on some of these development projects that you all are considering. I'm sharing that information on the front end as opposed to making propositions on the tail end. I think that would go a long way in getting the kind of support that you need as well as the buy-in from the community and our constituents they've come to expect from their elected body. That's just a recommendation for me.

I would ask that our Administrator please get the staff to direct all the sites that had been identified, the issues that were presented in regards to why they were disqualified to the elected body so as we move forward with this initiative our elected body could have all the information ready and available to them and they can make an informed decision when that time is necessary.

Again, my position is that I do stand with the majority of the commissioners that expressed their support for those projects identified that we far exceed the matches in those areas that need really the investment that has been long overdue.

With that being said, are there any further comments from our Commission?

Commissioner Burroughs said I would just like to echo some of the comments that have been made this evening in reference to the projects, the shovel-ready projects. These opportunities are very fleeting and I have learned a long time ago if you don't ask, you don't get. I would encourage us to reach out, we've prioritized, I've listened to my fellow colleagues. They've made their priorities known as to what we want. We can agree and disagree on the bottom line is. We must not miss out on an opportunity to fund any of these projects, so I support the opportunity to forward the grant requests and see what projects we can fund.

Commissioner Townsend said just so I'm clear, are we supposed to be weighing in tonight? I'm looking at the dates that were given. Are we saying that this is going to come back to us again for some kind of consensus or direction or are we not in a position to do that tonight? I'm just trying to be clear so we don't delay anything. **Ms. VonAchen** said we would like to know if the Commission wants us to move forward with all three or just two or just one and which one. Then we'll start working because it's due in 18 days. **Commissioner Townsend** said that's why I'm asking. You're looking for that tonight or at some later date because when I noticed the date, that's pretty close. **Ms. VonAchen** said that's right. We would like that tonight. I'm looking up the information now because the Mayor asked what were the other projects that we considered.

Ms. Hupka said, Kathleen, I have that information if that would be helpful. The other three projects that we were looking at were the revitalization of Indian Springs trying to make that area more—do some beautification and some basic improvements to the flow of the area in addition to building a transit center that would have an appropriately sized community location to use there. The next project was the Turner Diagonal Project. There are still some water issues on the western side of the new interchange that would be helpful to be addressed so that the developer can continue to build over on that side of the diagonal. The last option was the State Avenue & 115th Street Intersection and doing improvements to that area so that it can again accommodate the growth that's expected out there and incorporate both pedestrian and vehicular traffic safely.

Ms. VonAchen said that last project she just mentioned, I think that one was decided to not be included because there's an expectation that a developer or development—you know, a private sector entity is likely to act on that and we wouldn't need a grant, so it wouldn't really—I don't know, Katherine can probably comment on that; plus some of the development in that area isn't shovel-ready and so that was part of that.

Commissioner Townsend said two last questions, Indian Springs, would that have been shovel-ready and the other two, the Armourdale and the KCK Riverfront, from what source are those matching funds being derived? **Ms. VonAchen** said I would like Katherine Carttar to answer questions regarding the Indian Springs development if she's available.

Katherine Carttar, Director of Economic Development, said we did and actually presented to the ARPA Subcommittee on Tuesday the Indian Springs that was one of the finalists. The reason that we opted to not include that one at this point is specifically because of these items that we've mentioned previously. So, the two—the question about the match requirements, we have a project that is slated to move forward in that location at this time and if that were to move forward, we would have the match requirement. That being said, there are some questions that we feel like in the next month or so we will be in a better position to determine if it's that project or we're moving on to a different project in that spot. So kind of that question about the match and then also the shovel-ready, you know, we have had a number of discussions with folks at the ATA about the transit center as well as with Public Works about what that corridor improvements would be, but at this point, they've all just been kind of theoretical and so that was a big question in terms of, you know, that needed to get started within six months was a big question whereas we've discussed these other three are pretty much ready to go and with the infusion of the funds we could get going.

Commissioner Townsend said it seems like that's repetitive of what I hear with these top two as opposed to the other, so I appreciate that. The last thing, the match for those two is coming from what source? **Ms. Hupka** said for the Armourdale Project; when the Army Corps of Engineers project was initiated, the UG put forward \$1.37M towards that project and the federal government put forward \$14.2M towards that project, so that's where that match is coming from, the Corps of Engineers investment and the initial UG investment. For the KC Levee's Project, the UG put forward \$3.7M and we have \$4M from the Yards2 I believe, or \$4M from one private developer and \$2M from another private developer that we are able to count with our match there. **Commissioner Townsend** said okay. It seems like time is of the essence, so based on what you've offered Ms. VonAchen, I would be in support of Armourdale and the Riverfront. And the Riverfront area, that is by the RIB bridge—**Ms. White** said the Rock Island Bridge. **Commissioner Townsend** said the Rock Island Bridge, okay. Thank you. **Ms. White** said it's connected to Armourdale so on the western side, that is the edge of Armourdale and ties into the Armourdale Master Plan.

Commissioner Davis said during the ARPA Subcommittee conversation there were conversations on bonding some of the money needed to pay for the project instead of using cash. I know a lot

of things have changed since Tuesday so I would like some updates on exactly how are we going to get that money. The other question that I had was, are these projects that are shovel-ready, are they shovel-ready because they were in the CMIP, are we already going to pay for it or I guess what's the relationship between shovel-ready projects and our Capital Maintenance & Improvement Plan? **Ms. VonAchen** said I'm going to let Public Works answer the last part of that question, but the first part is if you all decided to go forward with the third project or all three, but the first two aren't requiring any UG match dollars, so the third one is the one that would require a commitment from the UG, \$5M or so. You've got three options, probably four, who knows, but the three I can think of is, first off, you identify an available cash source that's unobligated and that would be, in my mind, available reserves that are sitting in our fund balance or unallocated ARPA Revenue Replacement Funds that we've identified are going to—there's going to be some of that unallocated ARPA Revenue Replacement money sitting in the City General Fund.

The second approach would be to get another federal grant, but we don't know of any other federal grants that we already have that we're waiting to spend money on that are not committed already and we would need to know that in order to apply for the grant in the next 18 days.

The third option would be to issue GO Revenue Bonds—or GO Bonds, General Obligation Bonds. If you were assuming a 2% interest rate to borrow the \$5M, you know, we would have to pay 2% interest on that but you've got to consider that we're leveraging \$25M. So if you were to do the math, the effective interest rate when instead of being 2%, it would be .2% so it's really very cost-effective to issue bonds to support a match of \$25M so that is actually a very prudent approach to take if we don't have the funds available because otherwise, we wouldn't get that \$25M. So, those are your options.

What was the question again about Public Works? **Commissioner Davis** said just the relationship between the projects that were chosen in the CMIP. **Ms. VonAchen** said would Public Works answer that question?

Ms. Hupka said we reached out to our team at Public Works to help us organize this with relevance to the CMIP and, unfortunately, the way that system is built, it's for existing infrastructure and existing buildings and trying to rank them that way, so there was a bit of a challenge trying to come up with new development and how to factor that into the program. The Armourdale project ranked

eighth on the CMIP with the other projects that are currently ongoing and the other two projects were very near to there, but that was the highest-ranking one.

Commissioner Bynum said a comment. First of all, I support projects one and two, both in Armourdale, and I have an appreciation for the leveraging of the potential \$25M at State Avenue & Village West Parkway. I truly do, but my infrastructure committee that includes Commissioner Townsend, Commissioner McKiernan, and Commissioner Stites, we've been meeting regularly since August. One of the impacts of those meetings is the overwhelming public infrastructure needs this community has that most of which have no identifiable source of revenue. Because of that experience that we've had all these many months now, it is very hard for me to contemplate a \$5M investment of our local cash, bonding, whatever; into that intersection when we all took an infrastructure tour last fall that identified a dozen projects all of which were immediate, some of which had multi-million dollar price tags.

I'm throwing that out for the rest of the Commission to weigh in on and I, again, have true respect for the leveraging, but for that reason, it's hard for me to support that third project.

Commissioner Davis said our vote or recommendation on this is not necessarily also a recommendation on how it would get funded. I guess we are getting that consensus that off, you know, the project out west, is not going to make it. I'm also for the Armourdale and KCK Riverfront. I'm just trying to make sure, are we just saying yes to the projects, are we also saying yes to the potential funding, are we making a decision on the funding, or is that even worth the discussion given there may be some consensus. I don't know, I'm all over the place here.

Ms. VonAchen said in the grant application we would have to explain how we're going to come up with the match if we haven't met it and in doing so, by making those statements we're affirmative, you know, stating we're going to, they're not requiring a resolution necessarily from you all, but if we did end up getting that third grant and we didn't have some sort of action by the Commission and then later you all changed your mind and didn't approve it, the grant match, I'm not sure that would be a good move. We do have a resolution on hand just in case you all decide to move forward with one of the grants where we haven't met the match so that we can have some sort of formal action to support that match requirement when we submit the application. We didn't

forward it to you at this time because we just wanted to hear the conversation from all of you on how to go for it.

Commissioner Bynum mentioned the bonding capacity. As you know kind of our general guiding rule is to not issue or not undertake or approve more than \$15M or \$16M worth of general governmental debt for streets and roads to the governmental, not the sewer, storm, but the governmental portion, kind of limiting it every year to about \$15M in debt-funded projects. So, if we were to decide to do this third project, that \$5M would eat into it, so she's right about that and that given the current mill rate structure, we could afford to exceed that \$15M a year, but generally, we're trying to keep our debt low. **Commissioner Davis** said thank you for making that clarification. That is very important in the decision that we make.

Mayor Garner asked, are there any other questions or comments from our commissioners? There were none.

Mayor Garner said as a matter of order just so there's clarity to staff on the direction they can take in regards to this application, I'm going to move the Clerk for a straw poll. The first order would be to assess the feelings of the commissioners in favor of the two recommendations that have the matching funds in place. I'm going to ask the Clerk to start with the roll call. Roll call was taken on the straw poll and there were ten "Ayes," Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Mayor Garner said the next straw poll I will ask the Clerk to give a roll call to the Commission for consideration on their position for the item that was brought forward for recommendation as part of this grant process to where there were no matching funds associated with that. I believe that was the Village West Interchange Project. Clerk, if you could go with that, please.

(Before voting the following statements were made)

Commissioner Burroughs said I'm sorry, I don't know if I really understood the motion. I would like to have some clarity if I may. **Mayor Garner** said this is a straw poll just to see the position of the commissioners where they stood on their position on including in the grant application for consideration the recommendation for consideration that you all may have as far as your position

with the Village West Project that didn't have the matching funds. So, a straw poll is being taken in that regard. **Commissioner Burroughs** said gotcha Mayor, and I appreciate that and at this time I'm a no.

Commissioner Townsend said no, not at this time and in these circumstances.

Commissioner Kane said I would like to say yes, but I don't think we can do it at this time. **Mr. Deichler** asked, is that a no? **Commissioner Kane** said yes.

Roll call was taken on the straw poll and there were ten "no's," Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

MAYOR GARNER ADJOURNED
THE MEETING AT 6:00 p.m.

Brett A. Deichler
Unified Government Clerk

dt



Unified Government Clerk's Office

Brett A. Deichler, PMP | CPM
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: Cheryl Harrison-Lee
Interim County Administrator

From: Brett Deichler
UG Clerk

Date: February 11, 2022

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 February 11, 2022

1. PUBLIC NOTICE:

All City Tow Service, 6224 Kansas Ave., held a public auto auction on November 11, 2021.

Action: Received and filed.

2. PUBLIC NOTICE:

Alandon Tow Service, 6224 Kansas Ave., held a public auto auction on February 1, 2022.

Action: Received and filed.

3. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

Warrant #	Reissue?	Date Issued	AMOUNT	FUND/ACD	Vendor Name/Number	Reason for void
897780	Yes	11/12/2021	\$ 162.41	160 2125	Carmax Auto Superstore #1701A	Stale dated
897782	Yes	11/12/2021	\$ 167.24	160 2125	Carmax Auto Superstore #1700A	Stale dated
897781	Yes	11/12/2021	\$ 381.92	160 2125	Carmax Auto Superstore #1702A	Stale dated
897783	Yes	11/12/2021	\$ 103.87	160 2125	Carmax Auto Superstore #1699A	Stale dated
900428	No	1/14/2022	\$ 103.86	160 2125	Weiler, Mary E #1990A	Issued in error
900429	No	1/14/2022	\$ 150.01	160 2125	Weiler, Mary E #1991A	Issued in error

897509	Yes	11/5/202	\$ 150.58	1103400015245	Romaine Company #27248	Wrong mailing address
897509	Yes	11/5/2021	\$ 658.00	1103400015359	Romain Company #27248	Wrong mailing address
899895	Yes	12/30/2021	\$ 500.00	11011300025533	Douglas Sumner Neighborhood Assn #60039	Wrong mailing address

899277	Yes	12/10/2021	\$ 3000.00	113 2200	Moreira, Claudia #R0849	Lost warrant
900682	Yes	1/21/2021	\$ 69.88	790 2113	Smith, Joseph or Tylisha 2212A	Other (Explain)
900682	Yes	1/21/2021	\$ 25.00	160 2125	Smith, Joseph or Tylisha 2212A	Other (Explain)
899843	No	12/30/2021	\$ 6.14	790 218	Katherine Miller #9524P	Issued in error
894613	Yes	8/27/2021	\$ 124.70	160 2125	CARMAX Auto #1203A	Stale dated
894614	Yes	8/27/2021	\$ 21.66	160 2125	CARMAX Auto #1205A	Stale dated
894615	Yes	8/27/2021	\$ 68.78	160 2125	CARMAX Auto #1206A	Stale dated
894616	Yes	8/27/2021	\$ 88.59	160 2125	CARMAX Auto #1188A	Stale dated
894617	Yes	8/27/2021	\$ 87.57	160 2125	CARMAX Auto #1204A	Stale dated
895455	Yes	9/17/2021	\$ 65.91	160 2125	CARMAX Auto #1355A	Stale dated
896790	Yes	10/22/2021	\$ 25.41	160 2125	CARMAX Auto #1563A	Stale dated
896791	Yes	10/22/2021	\$ 1,160.48	160 2125	CARMAX Auto #1564A	Stale dated
897113	Yes	10/29/2021	\$ 17.83	160 2125	CARMAX Auto #1596A	Stale dated
897114	Yes	10/29/2021	\$ 119.57	160 2125	CARMAX Auto #1597A	Stale dated

Action: Received and filed.

4. PERSONNEL ACTION COMMUNICATION, DATED FEBRUARY 8, 2022:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Mark S Hicks Jr	Fire	1/13/22	Firefighter V
Cataldo J Riggi	Fire	1/13/22	Firefighter V
Stephen L Schwab	Fire	1/13/22	Firefighter V

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Roland C Macan	PW/WPC	1/6/22	Construction Worker III	Utility Maint Mechanic
Josh R Terry	PW/WPC	2/3/22	Utility Maint Mechanic	Construction Worker III
Sara Toms	CKO	1/6/22	Program Supervisor	Change Mgt Lead

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Matthew A Andrews	Police	2/13/22	Patrolman I
Luis E Loya	DA's Office	1/27/22	Admin Supt Spec
Regina D Robinson	Municipal Court	1/26/22	Probation Officer

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Angela Knight	Health	ACD code change efft. 2/3/22

Action: Received and filed. Copy previously forwarded to Payroll.

5. PERSONNEL ACTION COMMUNICATION, DATED FEBRUARY 10, 2022:

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Linda K Fritz	Finance/Treasury	1/31/22	Fiscal Supt Spec

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Claire V Kebodeaux	DA's Office	2/3/22	ADA II
Gina M Lane	NRC	1/1/22	Inspector I
Marilyn K Mihelcic	Finance/Treasury	2/5/22	Fiscal Supt Spec

Section VII - Reclassifications

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Vacant	Fire	1/19/22	Training Instructor	Battalion Chief (40)

Action: Received and filed. Copy previously forwarded to Payroll.

6. CLAIM FOR DAMAGES:

Joshua and Aimee Ballew, 4902 N. 126th St., Kansas City, KS, alleging on January 16, 2022 damage to the yard between sidewalk and street caused by the snowplow.

Action: Received and filed. Copies previously forwarded to Legal.

7. MOTION FOR RELEASE OF FUNDS:

Unified Government vs. Dova Vang, Case No. 2021CV000026.

Action: Received and filed. Copy previously forwarded to Legal.

8. TRAVEL REQUESTS:

Devin Baird, Sheriff's Office, travel to Topeka, KS, 2/8/22 to 2/8/22, to attend Transformational Trainer class, Employee Training and Travel.

Stephen Dyer, Sheriff's Office, travel to Lenexa, KS, 2/9/22 to 2/11/22, to attend MoKan Conference, Administrative Training.

Carlos Navarro, Police Department, travel to Terra Haute, Indiana, 2/7/22 to 2/9/22, to interview on case, all travel and lodging funded by DEA.

Karl Oakman, Police Department, travel to Orlando, FL, 4/22/22 to 4/25/22, to attend IACP Midyear Policy Council Meeting, Employee Training and Travel.

Larry Owens, Police Department, travel to Milwaukee, WI, 5/23/22 to 5/27/22, to attend IACP Conference, Employee Training and Travel.

Robin Richardson, County Administrator's Office, travel to San Diego, CA, 4/29/22 to 5/3/22, to attend 2022 American Planning Association Conference, Employee Training and Travel.

Shakila Stewart, Community Corrections, virtual training, no travel, to attend Crossroads Curriculum Certification, Employee Training.

Katie Yarsulik, Police Department, travel to Atlanta, GA, 3/14/22 to 3/18/22, to attend 2022 IACP Office Safety and Wellness Symposium, Training and Travel.

Action: Approved by County Administrator's Office and received and filed.

9. CONTINUATION CERTIFICATES:

Cesspool Cleaner Bond:

A-1 Sewer and Septic Service, Inc.

Electrical Contractor's Bond:

Fred Roberts II, Inc. dba Suburban Electric

Plumber's Bond:

Archer Plumbing LLC

Bill's Plumbing Service, LLC

Deer Creek Plumbing Inc.

Pat Perez dba Danny the Plumber

Septic Waste Hauler Bond:

Healy Biodiesel, Inc.

Action: Referred to License.

10. CANCELLATION NOTICE:

Electrical Contractor's Bond:

Lynch Electrical, Inc.

General Contractor's Bonds:

9018 Enterprises LLC dba Comfort Systems Heating and Cooling

Calvert Plumbing, Heating and Cooling LLC

License & Permit Compliance Bond:

Sign Crat Inc.

Mechanical Contractor Bonds:

Todco Mechanical, LLC
Thomas Comfort Systems LLC

Mechanical/HVAC Bond:

Steinmetz HVAC, LLC

Registered Bond:

Sandoval, J Orlando dba Santa Fe Electric, Inc.

Action: Referred to License.

11. BUSINESS BONDS:

Electrical Bonds:

K.B. Complete Inc. Plumbing Heating and Cooling
KC1 Service Co.
Westhues Electric Inc.

Mechanical Contractor's Bond:

Vaughan Mechanical Inc.

Mechanical/HVAC Bonds:

Ladd Service Company, LLC
Martin Mechanical, Inc.
Polestar Plumbing, Inc.

Plumbers Bonds:

Axiom Plumbing LLC
Cates Service Company
DLA Plumbing, LLC
Diamond Plumbing LLC
Grover Robinson dba Unique Building & Home Maintenance
Jf Denney Inc.
Ladd Service Company LLC
Larsen and Sons Plumbing LLC
N & E Plumbing LLC
Pachecos Plumbing LLC
Pat Perez DBA Danny the Plumber
Vaughan Mechanical, Inc.

Action: Referred to License.

12. REINSTATEMENT NOTICE:

Thomas Comfort Systems LLC

Action: Referred to License.

13. APPLICATIONS FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Jerry E. Hollinshed dba John's Java and Jazz, 2003½ N. 5th St.
Matt Brentano/Tan 39 Rain LLC dba Tanner's Bar & Grill, 3900 Rainbow Blvd.
Nareeat Lekphajilt dba Naree Kitchen Thai & Sushi, 7933 State Avenue, Suite 105.

Action: Referred to License.

14. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:

Andy Frain Services, Inc. dba Andy Frain Services, Inc., 761 Shoreline Dr, Aurora, IL, 60504.
Crowd Systems, Inc. dba Crowd Systems, Inc., 4050 Pennsylvania #11, KC, MO.
Metropolitan Public Safety LLC dba Metropolitan Public Safety LLC, 923 NW Woods
Chapel Rd., Ste. 185, Lee's Summit, MO, 64064.
NPB Companies, Inc. dba NPB Companies, Inc. 77 S. 7th St, KCK.

Action: Referred to License.



Unified Government Clerk's Office

Brett A. Deichler, PMP | CPM
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: Cheryl Harrison-Lee
Interim County Administrator

From: Brett Deichler
UG Clerk

Date: February 24, 2022

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 February 24, 2022

1. Jason Norbury, Executive Director, Downtown Shareholders, submitting the financial report for the Self-Supporting Municipal District/Downtown Improvement District (SSMID) for the month of January, 2022.

Action: Received and filed.

2. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

<u>Warrant#</u>	<u>Reissue ?</u>	<u>Date Issued</u>	<u>AMOUNT</u>	<u>FUND / ACD</u>	<u>Vendor Name/Number</u>		
896021	No	10/1/2021	\$1,567.00	701 48400245272	Rouse Frets White Goss #52472	Duplicate Payment	
896901	Yes	10/22/2021	\$ 150.00	990 97030375441	Matthews, Muncie D #52515	Stale dated	
900914	Yes	1/28/2022	\$1,269.23	790 2118	Ashlar Homes LLC #9555P	Wrong mailing address	
886394	Yes	2/5/2021	\$ 17.00	790 2113	Williams, Stephen R #9784Z	Stale dated	
898422	Yes	11/19/2021	\$ 14.00	790 2113	Garcia- Oropeza, Hugo Ivan #1769A	Lost warrant	
898422	Yes		\$ 17.50	160 2125	Garcia- Oropeza, Hugo Ivan #1769A	Lost warrant	

902619	Yes	2/25/2022	\$(1,282.87)	110250013523	State of Kansas- Dept of Admin #28720	Other (Explain)
902619	Yes	2/25/2022	\$ 837.50	1102500135263	State of Kansas- Dept of Admin #28720	Other (Explain)
902619	Yes	2/25/2022	\$ 606.55	110 2500135263	State of Kansas- Dept of Admin #28720	Other (Explain)

902635	Yes	2/25/2022	\$ 81.90	MRPP, Inc. C/O WY Echo (The)	Other (Explain)
	Yes	2/25/2022	\$ 81.90	MRPP, Inc. C/O WY Echo (The)	Other (Explain)
	Yes	2/25/2022	\$ 81.90	MRPP, Inc. C/O WY Echo (The)	Other (Explain)
	Yes	2/25/2022	\$ 89.70	MRPP, Inc. C/O WY Echo (The)	Other (Explain)
	Yes	2/25/2022	\$ 93.60	MRPP, Inc. C/O WY Echo (The)	Other (Explain)
	Yes	2/25/2022	\$ 93.60	MRPP, Inc. C/O WY Echo (The)	Other (Explain)
	Yes	2/25/2022	\$ 26.64	MRPP, Inc. C/O WY Echo (The)	Other (Explain)
	Yes	2/25/2022	\$ 141.29	MRPP, Inc. C/O WY Echo (The)	Other (Explain)
	Yes	2/25/2022	\$ 39.78	MRPP, Inc. C/O WY Echo (The)	Other (Explain)
	Yes	2/25/2022	\$ 49.14	MRPP, Inc. C/O WY Echo (The)	Other (Explain)
	Yes	2/25/2022	\$ 29.25	MRPP, Inc. C/O WY Echo (The)	Other (Explain)
	Yes	2/25/2022	\$ 26.45	MRPP, Inc. C/O WY Echo (The)	Wrong vendor
	Yes	2/25/2022	\$ 25.53	MRPP, Inc. C/O WY Echo (The)	Other (Explain)
	Yes	2/25/2022	\$ 29.25	MRPP, Inc. C/O WY Echo (The)	Other (Explain)
			\$ 29.25	MRPP, Inc. C/O WY Echo (The)	Other (Explain)

901256	No	2/4/2022	\$ 75.50	1607600015244	Electrics Supply Co., Inc 14010	Duplicate Payment
901512	Yes	2/4/2022	\$ 96.09	1106510003559	Watson, Mary A #C0308	Wrong mailing address
			\$ 124.08	1106510019559	Watson, Mary A #C0308	Wrong mailing address

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED FEBRUARY 22, 2022:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Cassandra A Beltran	Police/Comm	2/17/22	Public Safety Dispatcher
Trenton L Ford	PW/WPC	2/17/22	General Maint Worker
Dustin J Francis	PW/WPC	2/17/22	Construction Worker I
Anastaszia J Roseberry	Health	2/17/22	Program Coordinator
Corey M Woodrum	PW/WPC	2/17/22	General Maint Worker

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Eliason Z Black	Sheriff	3/6/22	Deputy
Kristen R Cervantes	Sheriff	3/6/22	Deputy
Bryon W Letterman	Sheriff	3/10/22	Deputy
William S Uthe	Sheriff	3/6/22	Deputy

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED FEBRUARY 24, 2022:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Serena R Armenta	Sheriff	2/17/22	Deputy
Ambur L Banner	Health	2/17/22	Deputy Director
Kay L Sharp	Health	2/17/22	Manager
Jeffrey L Woods	Sheriff	3/3/22	Deputy

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Brian D Finney	Parks/Rec	2/17/22	Bldg & Grds Specialist	Groundskeeper I

LaRwan A McClaine	Fire	2/10/22	Battalion Chief	Asst Fire Chief
Scott A Schaunaman	Fire	2/10/22	Battalion Chief	Asst Fire Chief
Ryan C Teel	Parks/Rec	2/17/22	Park Maint Tech II	Operations Superintendent

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Eric Owens	PW/B&L	ACD code change efft 1/1/22

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIM FOR DAMAGES:

Jose Rocha, 2718 S. 52nd St., alleging damage to lawn due to snowplow.

Michael Summers, 3020 N. 83d St., alleging damage to mailbox due to snowplow.

Action: Received and filed. Copies previously forwarded to Legal.

6. TRAVEL REQUESTS:

Jonathan Bennett, Parks & Recreation – Sunflower Hills, travel to San Diego, CA, February 5 – 10, 2022, to attend the GCSAA Conference and Trade Show, Employee Training & Travel.

Misty Brown, Legal Department, travel to Louisville, KY, April 19 – 22, 2022, to attend the Wet Weather Partnership Annual Workshop, Employee Training & Travel.

Elizabeth Pfliegier, Sheriff's Office, travel to Olathe, KS, February 28 – March 4, 2022, to obtain 40-Hour Peer Support Certification, Employee Training & Travel.

Action: Approved by County Administrator's Office and received and filed.

7. CERTIFICATES OF INSURANCE:

Crowd Systems, Inc.

Action: Referred to License.

8. BUSINESS BONDS:

Electrical Contractor's Bond:

Cromwell Environmental Inc. dba Cromwell Solar

License Bonds:

MDB Electric, LLC

Suns of Solar LLC

Mechanical/HVAC Contractor's Bonds:

JLH Mechanical Inc.
Shawnee Heating & Cooling, Inc.

Action: Referred to License.

9. CONTINUATION CERTIFICATES:

Electrical Contractor's Bond:
Coenen Enterprises, Inc.

General Contractor's Bond:
Faith Technologies, Inc.

HVAC Contractor's Bond:
Pro Air Inc.

Plumber's Bond:
Higgins Sewer & Drain Cleaning, LLC

Septic Tank Bond:
K-Mel Industries, Inc.

Action: Referred to License.

10. CANCELLATION NOTICES:

Electrical Contractor's Bond:
Kendrek Electric Inc.

HVAC Contractor's Bond:
A & D Heating & Cooling, Inc.

Plumbing Contractor's Bond:
Southside Plumbing, Inc.

Action: Referred to License.

11. RELEASE OF MECHANICS LIEN:

DH Pace Company, Claimant, 1800 Village West Parkway.

Action: Referred to License.

12. RIDER:

A-1 Sewer & Septic Service, Inc.

Action: Referred to License.

13. REINSTATEMENT NOTICE:

Electrical Contractor's Bond:
Lynch Electrical, Inc.

Action: Referred to License.

14. REGISTERED:

Plumbing Contractor's Bond:
Mayo's Quality Plumbing

Action: Referred to License.



Unified Government Clerk's Office

Brett A. Deichler, PMP | CPM
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: Cheryl Harrison-Lee
Interim County Administrator

From: Brett Deichler
UG Clerk

Date: March 3, 2022

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

af

Attachment

Weekly Business Material for March 3, 2022

1. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

Warrant #	Reissue?	Date Issued	AMOUNT	FUND/ACD	Vendor Name/Number	Reason for void
901790	No	2/11/2022	\$ 415.34	560 4900335243	P B Hoidale Co, Inc #25401	Duplicate Payment
902788	No	3/4/2022	\$ 5,610.00	562 8400015232	Sysorex Government SVCS, Inc #29974	Wrong vendor
898524	No	11/19/2021	\$ 69.91	564 2208	Aetna #F0245	Other
898528	No	11/19/2021	\$ 69.91	564 2208	Aetna #F0245	Other
896980	Yes	10/22/2021	\$ 6,636.60	110 3600045259	KCK Community College #20458	Other
897689	Yes	10/20/2021	\$ 52.35	790 2113	Smith, Caleb Joshua #1627A	Stale dated

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED MARCH 1, 2022:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Kameron J Anderson	Sheriff	3/3/22	Deputy

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Dustin M Dierenfeldt	Police	2/14/22	Sergeant

Section V – Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Kelly G Kloiber	Fire	2/23/22	Master Fire Captain
James W Littlefield	Fire	3/3/22	Fire Trainee

Action: Received and filed. Copy previously forwarded to Payroll.

3. PERSONNEL ACTION COMMUNICATION, DATED MARCH 3, 2022:

Section I -Appointments

Name	Department/Division	Eff. Date	Job Title
Rachel H Brown	Health	3/3/22	Program Coordinator
Dustin L Hare	Health	3/3/22	Mgt Analyst
Colleen L Kelly	Health	3/3/22	Program Coordinator
Brian W Robinson	Parks/Rec	3/3/22	Park Maint Tech I
Eric D Tilden	PW/WPC	3/3/22	General Maint Worker

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Joel D Crider	Parks/Rec	3/3/22	Groundskeeper IV	Groundskeeper V
Pang Y Her	Finance/Treasury	2/4/22	Fiscal Supt Specialist	Fiscal Supt Specialist
Shaya L Lockett	Parks/Rec	3/3/22	Prog Coordinator	Manager
Jose Torres Jr	Parks/Rec	3/3/22	Groundskeeper III	Groundskeeper IV

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Nathan A Becker	Parks/Rec	3/2/22	Horticulturalist II
Jonathan J Blackson	Parks/Rec	2/21/22	Caretaker
Kyron J Fergus	Parks/Rec	8/20/21	Laborer Summer/Seasonal
Cody D Grasmick	Parks/Rec	8/20/21	Laborer Summer/Seasonal

Section V – Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Joshua G Bosley	Fire	11/11/21	Firefighter/Paramedic
Matthew J Chastain	Fire	11/11/21	Firefighter/Paramedic
MacKenzie D Gimbert	Fire	11/11/21	Firefighter/Paramedic
Andrew C Heimann	Fire	11/11/21	Firefighter/Paramedic
Brian M Houser	Fire	1/16/22	Firefighter/Paramedic
Brian M Houser	Fire	11/11/21	Firefighter/Paramedic
Kevin M Kurta	Fire	11/11/21	Firefighter/Paramedic
Daniel A Lopez	Fire	11/11/21	Firefighter/Paramedic
Jerome P Nienaber	Fire	11/11/21	Firefighter/Paramedic
Omar Quintero	311 Operations	1/1/22	Program Tech I
Tyler R Romero	Fire	11/11/21	Firefighter/Paramedic

Action: Received and filed. Copy previously forwarded to Payroll.

4. CLAIMS FOR DAMAGES:

James & Lindsey Golubski, 12721 Sewell Ave., alleging damage to yard due to snow plow.

Greater New Bethel AME Church/Saundra E. Williams, 1820 N. 55th St., alleging damage to phone wire between two of their buildings on 12/1/2021.

Action: Received and filed. Copy previously forwarded to Legal

5. TRAVEL REQUESTS:

Maya Banks, KCKPD, travel to San Francisco, CA, April 18 – 22, 2022, to attend International Conference on Sexual Assault, Domestic Violence, and Reimagining Justice, VOCA.

Justin Contreras, Gregory Haynes, Andrew Lewis, & Robert Twitchel, KCKPD Special Operations, travel to Anniston, AL, April 8 – 9, 2022, to attend Center for Domestic Preparedness FEMA Conference.

Richard Harris, KCKPD, travel to Stafford, VA, April 3 – June 9, 2022, to attend FBI NA Training, Employee Travel.

Wendy Medina, KCKPD, travel to Dallas, TX, May 22 – 26, 2022, to attend Conference on Crimes Against Women, VOCA.

Tanner Stark, Public Works, travel to Branson, MO, April 11 – 14, 2022, to attend MidAmerica GIS Consortium, Employee Training and Travel.

Jack Webb, Parks & Recreation, travel to Salina, KS, March 23 – 24, 2022, to attend Tree City USA Event, Employee Training and Travel.

Action: Approved by County Administrator's Office and received and filed.

6. CERTIFICATES OF LIABILITY INSURANCE:

Andy Frain Services, Inc.
Crowd Systems, Inc.
Metro Public Safety & Investigations, LLC
NPB Companies Inc.
Remote Risk Management, LLC
Rodgers, Jeremiah/City Wide Tree Service
Saffirian, LLC DBA Saffirian Security

Action: Referred to License.

7. BUSINESS BONDS:

Electrical Contractor's Bonds:
EasTex Tower, LLC
H & S Electric LLC
Phillip Lopez DBA Pleasant Hill Electric
Platinum Electric LLC

General Contractor's Bond:
American Boiler Services DBA American Boiler & Mechanical

Mechanical Contractor's Bonds:
Central States Contracting Services, Inc.
CJ Industries, LLC

Mechanical/HVAC Bonds
Davenport Service Company, Inc.
Metal Craft Inc.

Plumber's Bonds:
A&S Mechanical HVAC Inc.
Central States Contracting Services, Inc.

Action: Referred to License.

8. CONTINUATION CERTIFICATES:

Electrical Contractor's Bonds:

Gregory Oppold DBA Eco Electric
Trademark Electric Inc.

HVAC Bond:

Steve Chontos DBA Chontos Heating & Cooling

General Bonds:

Metro Pawn, Inc. (2)

Plumber's Bonds:

David Bolek
Plumbing by Fisher Inc.

Sign Hanger Bond:

Vitalsigns Unlimited, Inc.

Action: Referred to License.

9. CANCELLATION NOTICES:

Electrical Contractor's Bonds:

KDM Electrical Contractors, LLC
Michael Whitworth
Sandoval, J Orlando DBA Sante Fe Electric Inc.

Mechanical/HVAC Contractor's Bond:

TDR Heating and Cooling

Action: Referred to License.

10. APPLICATION FOR CMB LICENSE (OP):

Las Playas de Tijuana LLC/David Lindsay d/b/a Las Playas de Tijuana, 8401 Parallel Pkwy.

Action: Referred to License.

11. APPLICATIONS FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Dub's Dread Golf Club (DDGC, LLC) d/b/a Dub's Dread Golf Club, 12601 Hollingsworth Rd.

MME LLC/Marcie Huckaby d/b/a The Dotte Spot, 8123 Parallel Pkwy.

Action: Referred to License.

12. APPLICATION FOR CATERER/DRINKING ESTABLISHMENT/HOTEL:

R.I. Heritage Inn of KC, LLC/Thomas Richard Rehorn III d/b/a Residence Inn Kansas City at the Legends, 1875 Village West Pkwy.

Action: Referred to License.

13. APPLICATIONS FOR PRECIOUS METAL DEALERS:

Metro Pawn d/b/a Metro Pawn, 5030 State Ave.

Metro Pawn d/b/a Metro Pawn, 2005 W. 43rd Ave.

Action: Referred to License.

14. APPLICATIONS FOR PAWN:

Metro Pawn d/b/a Metro Pawn, 5030 State Ave.

Metro Pawn d/b/a Metro Pawn, 2005 W. 43rd Ave.

Action: Referred to License.

15. APPLICATION FOR MASSAGE THERAPIST LICENSE:

Heather Maxon d/b/with Chateau Avalon, 701 Village West Pkwy.

Action: Referred to License.

16. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:

Remote Risk Management, LLC d/b/a Remote Risk Management, LLC, 931 US 1, Avenel, NJ.

US Protective Service Inc. d/b/a US Protective Service Inc., 2734 N 82nd St.

Action: Referred to License.



Unified Government Clerk's Office

Brett A. Deichler, PMP | CPM
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: Cheryl Harrison-Lee
Interim County Administrator

From: Brett Deichler
UG Clerk

Date: March 10, 2022

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 March 10, 2022

1. PUBLIC NOTICE:

Alandon Tow Service, 6224 Kansas Ave., held a public auto auction on March 1, 2022.

Action: Received and filed.

2. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

Warrant #	Reissue?	Date Issued	AMOUNT	FUND/ACD	Vendor Name/Number	Reason for void
899640	Yes	12/23/2021	\$ 252.22	56402208	Plackett, Gary L #F0919	Wrong mailing address
901307	No	2/4/2022	\$ 102.60 \$ 21.32 \$ 21.00	16219000015244 160 600015279 160 600015279	Tapco Products Co #29177	Duplicate Payment
900605	Yes	1/21/2022	\$ 126.32 \$ 17.50	790 2113 160 2125	Kami, Deo Kumar #2122A	Other (Explain)
900202	No	1/14/2022	\$ 95,740.82	790 2118	Fuchs Lubicants Co #9539P	Issued in error
900203	No	1/14/2022	\$ 69,044.36	790 2118	Fuchs Lubicants Co #9540P	Issued in error

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED MARCH 8, 2022:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Mary A Stillwell	DA's Office	3/3/22	Info Systems Analyst

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Paul R Paulakovich	Police	2/10/22	Master Sergeant	Police Captain

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Madeth E Bernardino-Perea	Finance/Treasury	2/23/22	Fiscal Supt Assistant
Kelley L Fitzpatrick	Sheriff	2/4/22	Deputy
Benjamin M Ntonjira	Finance/Accounting	2/23/22	Mgt Analyst
Brandi D Wallace	Finance/Treasury	2/25/22	Fiscal Supt Assistant
Asia N Williams	Municipal Court	3/2/22	Court Clerk I

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Grady A McWilliams	Police/Comm	3/5/22	Part Time 911 Call Operator
Diana B Villegas-Flores	Police/Comm	3/5/22	Part Time 911 Call Operator

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Mikel D. Lovin	Comm Corr	Amend PAC 2/17/22 to reflect change in sick time efft 2/9/22

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED MARCH 10, 2022:

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Walter J Thomas	Police/Asset	3/16/22	Security Officer, Unarmed

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIM FOR DAMAGES:

Daniel Grimm, 4108 N. 109th, Kansas City, KS, alleging damage to mailbox due to snowplow.
Lindsay Hardman, 3242 N. 99th Terr., alleging damage to driveway due to snowplow.
Juegen Jeffrey Haas, 4213 SW Leawood Drive, Lee's Summit, MO, alleging damage due to assault at Kansas City, Kansas Community College.
Roberta Williams, 7319 Verde Dr., alleging damage to mailbox due to snowplow.

Action: Received and filed. Copies previously forwarded to Legal.

6. TRAVEL REQUESTS:

Alaine Cawthon, District Attorney's Office, travel to San Francisco, CA, 4/17 to 4/22, to attend International Conference on Sexual Assault, Domestic Violence, and Reimaging Justice, VAWA Grant -Training and Travel.
Adriana Hernandez and Sharron Villegas, District Attorney's Office, travel to Dallas, TX, 5/22/22 to 5/26/22, to attend Crimes Against Women, VAWA Grant -Training and Travel.
Roy Myer, Public Works, travel to Nashville, TN, 5/16/22 to 5/20/22, to attend National Pretreatment Workshop, Sewer Fund.

Action: Approved by County Administrator's Office and received and filed.

7. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Nestor Ornelas/Russell Eugene Mayden d/b/a Taqueria Arandas, 7901 State Avenue
Darren Allen/Kenneth Robinson d/b/a Lounge 42, 4220 Leavenworth Road

Action: Referred to License.

8. APPLICATION FOR LIQUOR TEMPORARY LICENSE:

Francisco Lopez d/b/a LJ Concerts, Memorial Hall, 600 N. 7th Street

Action: Referred to License.

9. APPLICATION FOR PRIVATE SECURITY BUSINESS:

Daniels Security Service, Inc. d/b/a Daniels Security Service, P.O. Box 12354, Kansas City, KS.

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 211430

Full Commission Meeting Date: 3/31/2022

Committee: Full Commission

Date of Standing Committee Action:
(If none, please explain):

Publication Required: Yes 3/17/2022

<u>Date:</u> 03/16/2022	<u>Contact Name:</u> Wilba Miller, Reginald Lindsey, Kathleen VonAchen	<u>Contact Phone:</u> x5112, x5292, x5186	<u>Contact Email:</u> wmiller@wycokck.org, rlindsey@wycokck.org, kvonachen@wycokck.org	<u>Department/Division:</u> Community Development
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Item Description:

Conduct a public hearing to receive comments on budget priorities for the 2023 Unified Government Budget and the Community Development Department 2022-2026 Consolidated Plan.

Action Requested:

Hold Public Hearing

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



Staff Request for Commission Action

Tracking No. 211342

Full Commission Meeting Date: 3/31/22

Committee: Administration & Human Services

Date of Standing Committee Action:
(If none, please explain):

Publication Required: Yes 1/20/2022

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
03/28/2022	Wilba Miller	x5112	wmiller@wycokck.org	Community Development

Item Description:

The purpose of *2021 Annual Action Plan Substantial Amendment #1* is to reallocate \$400,000 in funding from public facility projects in the Park Drive Neighborhood Revitalization Strategy Area (NRSA) to an unforeseen public facility project to address the safety/habitability of the County's only domestic violence shelter. This facility provides critical and sometimes life-saving services to one of the County's most vulnerable populations. The remaining \$170,000 budgeted for 2021 NRSA projects is anticipated to be used to install a new disc-golf course at City Park.

Action Requested:

Approve 2021 Annual Action Plan Substantial Amendment and schedule Public Hearing/Commission Approval on March 31, 2022

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

RESO AND GRANT FORMS, SUMMARY AND FULL DRAFT 2021 AAP AMENDMENT 1

RESOLUTION NO. _____

**BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

That the Mayor/Chief Executive Officer of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby authorized and directed to execute in the name of the Unified Government, and the Unified Government Clerk is hereby authorized and directed to attest the signature of said Mayor/Chief Executive Officer and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government to Amendment #1 to the 2021-2022 Annual Action Plan along with Certifications for Entitlement Grantees by the City of Kansas City, Kansas to the U.S. Department of Housing and Urban Development and to implement Amendment #1 to the 2021-2022 Annual Action Plan upon approval.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS THIS __ DAY OF ____.

Mayor/CEO

Tyrone Garner

Attest:

Unified Government Clerk

Approved as to Form:

Unified Government Counsel

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing --The jurisdiction will affirmatively further fair housing.

Uniform Relocation Act and Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

Anti-Lobbying --To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction --The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan --The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135.

Signature of Authorized Official

Date

Title

Specific Community Development Block Grant Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

Following a Plan -- It is following a current consolidated plan that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include CDBG-assisted activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available (see Optional CDBG Certification).

2. Overall Benefit. The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year(s) 2021, 2022, 2023 [a period specified by the grantee of one, two, or three specific consecutive program years], shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period.

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

In addition, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

Compliance with Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

Compliance with Laws -- It will comply with applicable laws.

Signature of Authorized Official

Date

Title

OPTIONAL Community Development Block Grant Certification

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities which are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

Signature of Authorized Official

Date

Title

Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If it plans to provide tenant-based rental assistance, the tenant-based rental assistance is an essential element of its consolidated plan.

Eligible Activities and Costs -- It is using and will use HOME funds for eligible activities and costs, as described in 24 CFR §§92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in §92.214.

Subsidy layering -- Before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

Signature of Authorized Official

Date

Title

Emergency Solutions Grants Certifications

The Emergency Solutions Grants Program recipient certifies that:

Major rehabilitation/conversion/renovation – If an emergency shelter’s rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation.

If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed conversion.

In all other cases where ESG funds are used for renovation, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 3 years after the date the building is first occupied by a homeless individual or family after the completed renovation.

Essential Services and Operating Costs – In the case of assistance involving shelter operations or essential services related to street outreach or emergency shelter, the recipient will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long the recipient serves the same type of persons (e.g., families with children, unaccompanied youth, disabled individuals, or victims of domestic violence) or persons in the same geographic area.

Renovation – Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

Supportive Services – The recipient will assist homeless individuals in obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, victim services, counseling, supervision, and other services essential for achieving independent living), and other Federal, State, local, and private assistance available for these individuals.

Matching Funds – The recipient will obtain matching amounts required under 24 CFR 576.201.

Confidentiality – The recipient has established and is implementing procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project, except with the written authorization of the person responsible for the operation of that shelter.

Homeless Persons Involvement – To the maximum extent practicable, the recipient will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the ESG program, in providing services assisted under the ESG program, and in providing services for occupants of facilities assisted under the program.

Consolidated Plan – All activities the recipient undertakes with assistance under ESG are consistent with its consolidated plan.

Discharge Policy – The recipient will establish and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, mental health facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent this discharge from immediately resulting in homelessness for these persons.

Signature of Authorized Official

Date

Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION:

Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Application for Federal Assistance SF-424

* 1. Type of Submission:

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

* 2. Type of Application:

- ☐ New
☒ Continuation
☐ Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

4. Applicant Identifier:

48-1194075

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

B-21-MC-20-0001

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name: Unified Government of Wyandotte County/Kansas City, KS

* b. Employer/Taxpayer Identification Number (EIN/TIN):

48-1194075

* c. Organizational DUNS:

0306935920000

d. Address:

* Street1: 701 North 7th Street, Room 823

Street2:

* City: Kansas City

County/Parish:

* State: KS: Kansas

Province:

* Country: USA: UNITED STATES

* Zip / Postal Code: 66101-3035

e. Organizational Unit:

Department Name:

Community Development

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Ms.

* First Name:

wilba

Middle Name:

* Last Name: Miller

Suffix:

Title: Director, Community Development Department

Organizational Affiliation:

* Telephone Number: 913-573-5100

Fax Number: 913-573-5115

* Email: wmiller@wycokck.org

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

U.S. Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14-218

CFDA Title:

Community Development Block Grant

* 12. Funding Opportunity Number:

* Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

* 15. Descriptive Title of Applicant's Project:

Community Development Block Grant

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424**16. Congressional Districts Of:*** a. Applicant * b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:* a. Start Date: * b. End Date: **18. Estimated Funding (\$):**

* a. Federal	2,362,404.00
* b. Applicant	
* c. State	
* d. Local	
* e. Other	
* f. Program Income	
* g. TOTAL	2,362,404.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title: * Telephone Number: Fax Number: * Email:

* Signature of Authorized Representative:

* Date Signed:

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009
Expiration Date: 02/28/2022

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant:, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
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18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE Mayor / CEO
APPLICANT ORGANIZATION Unified Government of Wyandotte County/ Kansas City, KS	DATE SUBMITTED 

Application for Federal Assistance SF-424

* 1. Type of Submission:

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

* 2. Type of Application:

- ☐ New
☒ Continuation
☐ Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

4. Applicant Identifier:

48-1194075

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

E-21-MC-20-0001

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name: Unified Government of Wyandotte County/Kansas City, KS

* b. Employer/Taxpayer Identification Number (EIN/TIN):

48-1194075

* c. Organizational DUNS:

0306935920000

d. Address:

* Street1: 701 North 7th Street, Room 823

Street2:

* City: Kansas City

County/Parish:

* State: KS: Kansas

Province:

* Country: USA: UNITED STATES

* Zip / Postal Code: 66101-3035

e. Organizational Unit:

Department Name:

Community Development

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Ms.

* First Name:

wilba

Middle Name:

* Last Name: Miller

Suffix:

Title: Director, Community Development Department

Organizational Affiliation:

* Telephone Number: 913-573-5100

Fax Number: 913-573-5115

* Email: wmiller@wycokck.org

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

U.S. Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14-231

CFDA Title:

Emergency Solutions Grant Program (ESG)

* 12. Funding Opportunity Number:

* Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

* 15. Descriptive Title of Applicant's Project:

Emergency Solutions Grant Program

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424**16. Congressional Districts Of:*** a. Applicant * b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:* a. Start Date: * b. End Date: **18. Estimated Funding (\$):**

* a. Federal	196,560.00
* b. Applicant	
* c. State	
* d. Local	
* e. Other	
* f. Program Income	
* g. TOTAL	196,560.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title: * Telephone Number: Fax Number: * Email:

* Signature of Authorized Representative:

* Date Signed:

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009
Expiration Date: 02/28/2022

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
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SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE Mayor / CEO
APPLICANT ORGANIZATION Unified Government of Wyandotte County/ Kansas City, KS	DATE SUBMITTED 

Application for Federal Assistance SF-424

* 1. Type of Submission:

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

* 2. Type of Application:

- ☐ New
☒ Continuation
☐ Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

4. Applicant Identifier:

48-1194075

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

M-21-MC-20-0001

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name: Unified Government of Wyandotte County/Kansas City, KS

* b. Employer/Taxpayer Identification Number (EIN/TIN):

48-1194075

* c. Organizational DUNS:

0306935920000

d. Address:

* Street1: 701 North 7th Street, Room 823

Street2:

* City: Kansas City

County/Parish:

* State: KS: Kansas

Province:

* Country: USA: UNITED STATES

* Zip / Postal Code: 66101-3035

e. Organizational Unit:

Department Name:

Community Development

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Ms.

* First Name:

wilba

Middle Name:

* Last Name: Miller

Suffix:

Title: Director, Community Development Department

Organizational Affiliation:

* Telephone Number: 913-573-5100

Fax Number: 913-573-5115

* Email: wmiller@wycokck.org

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

U.S. Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14-239

CFDA Title:

HOME Investment Partnership Program

* 12. Funding Opportunity Number:

* Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

* 15. Descriptive Title of Applicant's Project:

HOME Investment Partnership Program

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424**16. Congressional Districts Of:*** a. Applicant * b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:* a. Start Date: * b. End Date: **18. Estimated Funding (\$):**

* a. Federal	882,359.00
* b. Applicant	
* c. State	
* d. Local	
* e. Other	
* f. Program Income	
* g. TOTAL	882,359.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
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*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title: * Telephone Number: Fax Number: * Email:

* Signature of Authorized Representative:

* Date Signed:

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009
Expiration Date: 02/28/2022

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

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As the duly authorized representative of the applicant:, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
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14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
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20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE Mayor / CEO
APPLICANT ORGANIZATION Unified Government of Wyandotte County/ Kansas City, KS	DATE SUBMITTED 

2021 Annual Action Plan Substantial Amendment Summary

What is a Substantial Amendment? Whenever Community Development Block Grant funding needs to be moved from one eligible activity to another, the Department of Community Development must submit what is called a “Substantial Amendment” of the Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD).

What changes are being made? The Department of Community Development proposes moving \$400,000 from the “NRSA Public Facilities and Improvements” bucket to the city-wide “Public Facilities and Improvements” bucket in order to address habitability and safety concern at the County’s only domestic violence shelter. This will be added to the previously planned funding for projects (\$33,770). The remaining \$170,000 in the “NRSA Public Facilities and Improvements” bucket is anticipated to go into projects at City Park, particularly a new disc-golf course. The new budget buckets look like this:



NRSA Public Facilities and Improvements... \$170,000



City-wide Public Facilities and Improvements... \$433,770

What is staying the same? The only changes are to the NRSA and City-wide Public Facilities and Improvements budgets. The rest of the priorities and projects remain unchanged:



**CDBG Home Repair
Program/Housing Rehab...
\$1,124,908**



**HOME Grant:
Homeownership Assistance
and Affordable Housing
Development... \$882,359**



**CDBG Public Service
Grants... \$168,000**



**Emergency Solutions
Grants: Services to end
homelessness and stabilize
those at risk... \$196,506**



**CDBG Program
Administration... \$465,726**

What is next? Information about the 2021 Annual Action Plan Substantial Amendment was published in various papers and Livable Neighborhoods Newsletter. The next step in the HUD submission process is to hold a public hearing and approve a resolution by the Board of Commissioners to allow Mayor Garner to sign grant application forms. The Department will continue to accept public comment on the Amendment through Public Hearing and approval.



Annual Action Plan

Unified Government Wyandotte County/ Kansas City, Kansas FY 2021-2022

Substantial Amendment February 2022

Prepared by:

The Unified Government of Wyandotte
County and Kansas City, Kansas
Community Development Department

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Purpose of Substantial Amendment

The purpose of *2021 Annual Action Plan Substantial Amendment #1* is to reallocate \$400,000 in funding from public facility projects in the Park Drive Neighborhood Revitalization Strategy Area to an unforeseen public facility project to address the safety/habitability of the County's only domestic violence shelter. This facility provides critical and sometimes life-saving services to one of the County's most vulnerable populations. Changes have been made to the "Annual Goals and Objectives" and "Projects" sections to accommodate this budget revision. The majority of the *2021 Annual Action Plan* remains unchanged.

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

Each year, the Unified Government of Wyandotte County/Kansas City, Kansas (the Unified Government or UG) receives funds from The U.S. Department of Housing and Urban Development (HUD) for housing and community development activities to address priority needs locally identified by the UG. To receive these federal funds, the UG must submit a strategic plan — the Five-Year Consolidated Plan — every five years that identifies local needs and how these needs will be addressed. In addition to the Five-Year Consolidated Plan, the UG must submit an Annual Action Plan (this document) every year that summarizes the planned activities and use of HUD funding. HUD grants are not measured by the UG fiscal year but are measured by the grant program year (PY). The 2021 PY will begin on October 1, 2021, and end on September 31, 2022. Program Year (PY) 2021 will be the fifth and final year of the 2017-2021 Consolidated Plan.

The primary federal funding resources in the 2017-2021 Consolidated Plan are the following:

- Community Development Block Grant (CDBG): The primary objective of this program is to develop viable urban communities by providing decent housing, a suitable living environment, and economic opportunities, principally for persons of low- and moderate-income levels. Funds can be used for a wide array of activities, including housing rehabilitation, homeownership assistance, lead-based paint detection and removal, construction or rehabilitation of public facilities and infrastructure, removal of architectural barriers, public services, rehabilitation of commercial or industrial buildings, and loans or grants to businesses.
- HOME Investment Partnerships Program (HOME): The HOME program provides federal funds for the development and rehabilitation of affordable rental and ownership housing for low- and moderate-income households. HOME funds can be used for activities that promote affordable rental housing and homeownership by low- and moderate-income households, including

reconstruction, moderate or substantial rehabilitation, homebuyer assistance, and tenant-based rental assistance.

- **Emergency Solutions Grant (ESG):** The Emergency Shelter Grant program became the Emergency Solutions Grant program under the Hearth Act of 2009. Recognizing the need to end homelessness, the Hearth Act places more emphasis on homeless prevention and rapid re-housing and less on shelters and transitional housing. ESG funding can be used to support traditional shelters and transitional housing that is grandfathered from 2010 funding, supportive services, rent and utility payments and security deposits to prevent homelessness or to rapidly re-house homeless individuals and families, street outreach, and management of a homeless management information system (HMIS).

PY 2019 and 2020 brought many challenges related to the COVID-19 health and economic crisis. Stay-at-home orders, gathering restrictions and, increased costs related to building materials, required the Unified Government and partners to pivot services to fit the new environment and take steps to mitigate delays in service. These challenges also brought additional resources from the CARES Act, including supplemental allocations of CDBG and ESG to prevent, prepare for and respond to COVID-19. Those funds were allocated in an amendment to the 2019 Annual Action Plan and CARES Act projects will continue through PY2021.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items, or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis, or the strategic plan.

For PY 2021, the Unified Government (UG) has identified the following goals and outcomes:

- Improve access to and quality of affordable housing options
- Improve and expand public services to serve low income and special needs populations
- Support activities that prevent homelessness
- Support activities that move persons experiencing homelessness to permanent housing
- Improve and expand public facilities and infrastructure to serve low to moderate income populations

See Annual Goals and Objectives for more details.

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

The UG's past performance of the CDBG, HOME, and ESG programs has fulfilled the spirit and intent of the federal legislation governing these programs. The UG has facilitated affordability for decent housing, availability and accessibility of suitable living environments, sustainability of suitable living environments, and the accessibility of economic opportunities. The following is a summary of UG's past performance as reported to HUD in the PY2019 Consolidated Annual Performance and Evaluation Report (CAPER), the most recent report filed.

New Construction and Rehabilitation: New affordable housing units were created through new construction and rehabilitation of existing housing units:

- Goal for Construction of New Units: 3
- Actual Number of Units Completed: 6

Rehabilitation/Home Repair Program: The annual goal was exceeded with the use of CDBG funds:

- Objective for Rehab/Repair: 50
- Actual Number Completed: 51

Access to Housing by Barrier Removal. The annual goal was accomplished with use of CDBG funds to remediate barriers to housing accessibility and mobility for those with disabilities:

- Objective for Barrier Removal: 3
- Actual Number Completed: 14

See 2019 CAPER for more details.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

Two public hearings were held for the 2021 Annual Action Plan. The first hearing was held on March 11, 2021. The second public hearing will be held on July 29, 2021. A continuation of the July 29, 2021, hearing was held on August 5, 2021. Due to the COVID-19 health crisis, all meetings of the UG Board of Commissioners will be held virtually. The public can participate via Zoom and YouTube Live. Recordings of all meetings are also published on the Unified Government YouTube page which can be viewed here: <https://www.youtube.com/c/UnifiedGovernmentofWyandotteCountyKansasCityKS>. There was an additional presentation to the Administration and Human Services subcommittee of the Board of Commissioners on May 24, 2021, prior to the Draft Plan public comment period that the public could also attend via Zoom and YouTube Live.

The Draft Plan was published in summary in the official local newspaper The Wyandotte Echo on June 11, 2021, and in whole on the Unified Government Community Development webpage. Hard copies of

all plans are available in the Community Development Office and the Unified Government Clerk's office. A 30-day comment period for the draft 2021 Annual Action Plan was advertised in multiple local news sources and newsletters distributed throughout the community. See attachment for more details.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

Overwhelmingly, comments received related to a need for increasing community engagements, public facility and park projects and resources/services for the unhoused population. See attached public comments for more details.

6. Summary of comments or views not accepted and the reasons for not accepting them

All comments and views were accepted.

7. Summary

In summary, the Annual Action Plan has been developed with community input and reflects the decisions and history of the County Commission in funding allocations and aligns with the Five-Year Consolidated Plan.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	KANSAS CITY	Department of Community Development
HOME Administrator	KANSAS CITY	Department of Community Development
ESG Administrator	KANSAS CITY	Department of Community Development

Table 1 – Responsible Agencies

Narrative (optional)

The lead agency for the Annual Action Plan (AAP) is the Department of Community Development for the Unified Government of Wyandotte County/Kansas City, Kansas. The Department serves the residents of Wyandotte County through administration of the Community Development Block Grant, HOME Investment Partnership, and Emergency Solutions Grant.

Consolidated Plan Public Contact Information

Community Development Department, 701 N. 7th Street, Room 823, Kansas City, KS 66101

(913) 573-5100

Citizen Participation and Consultation

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

The Unified Government conducts outreach efforts to maximize input from a large cross-section of stakeholders. This outreach effort includes public meetings, published meeting notices, stakeholder meetings and public workshops.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health, and service agencies (91.215(l))

Meaningful collaboration as it relates to the development and implementation of housing and community development programs and services has become increasingly important as the federal resources available to these programs continue to decline. Collaboration with housing and service providers helps the Unified Government to capture the maximum benefit for each dollar it invests and ensures that investments strategically address both short-term needs and advance long-term goals. These agencies are proactively recruited to participate in the development of annual planning processes. Many local entities, such as business organizations, neighborhood-based organizations, lenders, and realtors, and UG staff are working to establish a framework for multi-level collaboration at the neighborhood level to preserve and enhance residential areas.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

Wyandotte County/Kansas City, Kansas is part of the Greater Kansas City Coalition to End Homelessness (GKCCEH), which is the region's Continuum of Care. The GKCCEH works to address homelessness and the priority needs of homeless individuals and families, including homeless subpopulations. The UG assigns a staff person to assist the GKCCEH, serving on the board of directors as a non-voting member.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

When allocating ESG funding, the Unified Government issues a request for proposals to all agencies that are members of the Continuum of Care. A committee with at least one CoC member representative

reviews all the applications and makes recommendations for that year's allocations. The UG typically funds homelessness prevention, rapid rehousing, HMIS, and operations.

2. Describe Agencies, groups, organizations, and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	LIVEABLE NEIGHBORHOODS, INC.
	Agency/Group/Organization Type	Services-Education Neighborhood Organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Anticipated outcomes of the consultation are to provide input for the most critical needs of the community for the next planning years.
2	Agency/Group/Organization	COMMUNITY HOUSING OF WYANDOTTE COUNTY
	Agency/Group/Organization Type	Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Market Analysis Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Anticipated outcomes of the consultation are to provide input for the most critical needs of the community for the next planning year.
3	Agency/Group/Organization	FRIENDS OF YATES, INC.
	Agency/Group/Organization Type	Services - Housing Services-homeless Services-Health Services-Education Services-Employment Services - Victims
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Anticipated outcomes of the consultation are to provide input for the most critical needs of the community for the next planning years.
4	Agency/Group/Organization	HILLCREST TRANSITIONAL HOUSING
	Agency/Group/Organization Type	Services-homeless Services-Employment
	What section of the Plan was addressed by Consultation?	Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Anticipated outcomes of the consultation are to provide input for the most critical needs of the community for the next planning years.
5	Agency/Group/Organization	Kansas City KS Housing Authority
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Public Housing Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Anticipated outcomes of the consultation are to provide input for the most critical needs of the community for the next planning years.
6	Agency/Group/Organization	Kim Wilson
	Agency/Group/Organization Type	Services - Housing
	What section of the Plan was addressed by Consultation?	Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Anticipated outcomes of the consultation are to provide input for the most critical needs of the community for the next planning years.
7	Agency/Group/Organization	METROPOLITAN LUTHERAN MINISTRIES
	Agency/Group/Organization Type	Services - Housing

	What section of the Plan was addressed by Consultation?	Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Anticipated outcomes of the consultation are to provide input for the most critical needs of the community for the next planning years.
8	Agency/Group/Organization	MOUNT CARMEL REDEVELOPMENT CORP.
	Agency/Group/Organization Type	Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children Homelessness Strategy Market Analysis
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Anticipated outcomes of the consultation are to provide input for the most critical needs of the community for the next planning years.
9	Agency/Group/Organization	Salvation Army
	Agency/Group/Organization Type	Services - Housing Services-Children Services-homeless Services-Employment
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Anticipated outcomes of the consultation are to provide input for the most critical needs of the community for the next planning years.

Identify any Agency Types not consulted and provide rationale for not consulting

There were no types of agencies that the UG did not consult and engage, either through phone, email, focus group meetings, personal interviews and/or questionnaires.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Greater Kansas City Coalition to End Homelessness	
2020 Annual Action Plan	Unified Government	Goals of the Strategic Plan relate to previous year's efforts, adjusting based on previous outcomes to maximize benefit of CDBG, HOME and ESG investments.
City-Wide Master Plan	Unified Government	Strategic Plan goals comply with long-range goals compiled by the City.
Plan for Affirmatively Furthering Fair Housing	Kansas City Region	Strategic plan goals and objectives will intentionally, affirmatively further fair housing.
Comprehensive Economic Development Strategy Plan	Mid-America Regional Council	Strategic plan acknowledges, and addresses needs identified for expanding economic opportunities.
Wyandotte County Community Health Improvement Plan	Public Health Department	Strategies for serving individuals with HIV/AIDS identified in this plan are aligned with the Strategic Plan.
KCKHA 2020 Five Year Plan and Annual Plan	Kansas City, Kansas Housing Authority	Strategic Plan goals support the work undertaken by the Housing Authority.
10 Year Plan to End Homelessness	Wyandotte Homeless Services Coalition	The goals of the CoC were used in the development of the Strategic Plan.
Assessment of Service Needs for At-risk Children	Mid-America Regional Council	Strategic Plan incorporates needs and strategies identified by this report

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

The Unified Government consulted with various organizations such as neighborhood organization, housing developers, homeless agencies, housing authority, and other groups throughout the NRSA process as well as the Annual Plan process. In addition, business, and civic leaders such as lenders, appraisers, stakeholders along with elected officials have played a part through UG initiatives such as Stabilization, Occupation and Revitalization (SOAR), the Neighborhood Revitalization Strategy Area (NRSA) and the UG Community Health Improvement Plan.

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

The UG actively encourages citizen participation in accordance with the approved Citizen Participation Plan. Efforts were made to engage citizens through public hearings, newspaper ads, internet outreach, and public meetings. All citizen comments were considered in developing the Annual Action Plan. See attached for more details.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Hearing	Non-targeted/broad community	Citizen participation comments attached.	Citizen Participation comments attached	All comments were accepted.	
2	Newspaper Ad	Non-English Speaking - Specify other language: Spanish Non-targeted/broad community	Citizen participation comments attached.	Citizen participation comments attached.	All comments were accepted.	
3	Internet Outreach	Non-targeted/broad community	Citizen participation comments attached.	Citizen participation comments attached.	All comments were accepted.	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
4	Public Meeting	Residents of Public and Assisted Housing	Citizen participation comments attached.	Citizen participation comments attached.	All comments were accepted.	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The following outlines the UG's expected resources for the purposed of meeting Annual Action Plan goals. Resources include HUD grant funding, program income, leveraged funds, and UG owned property.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	2,362,404	0	470,000	2,832,404	0	This funding includes \$2,362,404 in 2021 funding and approximately \$470,000 in 2015 funding for newly identified activities.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	882,359	0	0	882,359	0	
ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	196,560	0	0	196,560	0	

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state, and local funds), including a description of how matching requirements will be satisfied

Several potential funding sources have been identified to implement the strategies contained in the 2021 Annual Action Plan. The federal funds outlined above will leverage other sources such as state funds provided under various programs and private funds such as Low-Income Housing Tax Credits and mortgages.

HOME: The UG local jurisdiction has been granted a 100% match reduction for the HOME program due to severe fiscal distress. HOME funds leverage private mortgages through the CHIP program and partnerships with CHDOs and CDCs.

CDBG: Public Services grants leverage Unified Government General Fund dollars and cash and in-kind donations.

ESG: Non-profit organizations subcontracting with the UG are required (for UG to meet HUD regulations) to provide a 100% match for the grant that they are awarded. The match may be in the form of cash or in-kind services and/or donations.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The County owns over 4,000 vacant lots through the UG Land Bank. The UG Land Bank currently implements a Land Bank Rehab Program to partner with contractors, real estate investors and experienced rehabbers to rehabilitate vacant and often dilapidated land bank properties for resale. Although this program does not utilize community development funds, the program leverages UG owned properties and private development dollars for revitalization efforts to remediate homes that would otherwise be demolished or remain vacant. Revitalizing vacant homes reduces neighborhood crime, increases the perception of neighborhood safety, increases neighborhood property values, and brings additional tax revenues to the UG for critical infrastructure and community services. To date, this program has had 62 completed homes and increased the appraised values of those parcels by \$3.1 million.

Discussion

The UG has been notified of an additional allocation of HOME-ARP funding of \$3,197,577 but has been instructed to postpone an Annual Action Plan amendment pending the release of HUD rules and regulations- expected late fall 2021.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Improve access to and quality of housing	2017	2021	Affordable Housing		Expand Affordable Housing Opportunities Preserve Existing Affordable Housing Units	CDBG: \$1,124,908 HOME: \$793,123	Homeowner Housing Added: 4 Household Housing Unit Homeowner Housing Rehabilitated: 50 Household Housing Unit Direct Financial Assistance to Homebuyers: 15 Households Assisted
2	Provide public services	2017	2021	Homeless Non-Housing Community Development		Public Services	CDBG: \$168,000	Public service activities other than Low/Moderate Income Housing Benefit: 1500 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
3	Housing/services for persons who are homeless	2017	2021	Public Housing Homeless		Housing/Services for the Homeless/At-Risk	ESG: \$196,560	Tenant-based rental assistance / Rapid Rehousing: 470 Households Assisted Homeless Person Overnight Shelter: 500 Persons Assisted Overnight/Emergency Shelter/Transitional Housing Beds added: 400 Beds Homelessness Prevention: 700 Persons Assisted
4	Planning & administration	2017	2021	Administration		Planning & Administration	CDBG: \$465,726 HOME: \$89,236	Other: 1 Other
5	Economic development	2017	2021	Non-Housing Community Development		Economic Development		
6	AFH 1: Minor Home Repair	2017	2021	Affordable Housing		Expand Affordable Housing Opportunities Preserve Existing Affordable Housing Units		
7	AFH 2: Code Assistance	2017	2021	Affordable Housing		Blight Removal		

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
8	AFH 3: ReCap Housing Needs	2017	2021	Affordable Housing		Blight Removal Expand Affordable Housing Opportunities Preserve Existing Affordable Housing Units		
9	AFH 4: Universal Design	2017	2021	Affordable Housing Non-Homeless Special Needs		Preserve Existing Affordable Housing Units		
10	AFH 5: Education	2017	2021	Education		Economic Development		
11	AFH 6: Jobs	2017	2021	Jobs		Economic Development		
12	AFH 7: Affordable Housing	2017	2021	Affordable Housing Non-Homeless Special Needs		Expand Affordable Housing Opportunities Preserve Existing Affordable Housing Units		
13	AFH 8: Mobility	2017	2021	Non-Homeless Special Needs		Economic Development		

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
14	Reg 1: Expand use of CDFIs and NMTCs	2017	2021	Affordable Housing Public Housing Homeless Non-Homeless Special Needs Non-Housing Community Development		Expand Affordable Housing Opportunities Preserve Existing Affordable Housing Units		
15	Reg 2: Establish fair housing information website	2017	2021	Affordable Housing		Expand Affordable Housing Opportunities		
16	Reg 3: Fair Housing Education-Stakeholders	2017	2021			Public Services		
17	Reg 4: Advocate for Universal Designs	2017	2021	Non-Homeless Special Needs				
18	Reg 5: Regional Housing Mobility	2017	2021	Affordable Housing		Housing/Services for the Homeless/At-Risk		
19	Reg 6: Develop Compact Use Zoning	2017	2021	Affordable Housing		Expand Affordable Housing Opportunities		
20	Reg 7: Develop Regional Housing Locator	2017	2021	Affordable Housing		Expand Affordable Housing Opportunities		
21	Reg 8: Encourage Affordable TOD Zoning	2017	2021	Affordable Housing				

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
22	Reg 9: Universal Design Incentive Policy	2017	2021	Affordable Housing Non-Homeless Special Needs		Expand Affordable Housing Opportunities		
23	Reg 10: Promote KC Degrees and KC Scholars	2017	2021			Public Services		
24	Reg 13: Align Regional Transit to Jobs	2017	2021	Non-Homeless Special Needs				
25	Reg 14: Affordable Housing Educational Materials	2017	2021	Affordable Housing		Public Services		
26	Reg 15: Fair Housing Goals Metrics	2017	2021	Affordable Housing				
27	Reg 11: KC Rising Education and Job Training	2017	2021	Education		Public Services		
28	Reg: 12 Transportation Option Partnership	2017	2021	Transit				
29	NRSA 1: Public Facilities & Improvements	2017	2021	Public Facilities & Improvements		Infrastructure Maintenance & Improvement Public Facility Improvements	CDBG: \$570,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 1915 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
30	NRSA 2: Affordable Housing	2017	2021	Affordable Housing		Expand Affordable Housing Opportunities Preserve Existing Affordable Housing Units		
31	NRSA 3: Economic Development	2017	2021	Economic Development		Economic Development		
32	NRSA 4: Education and Public Services	2017	2021	Education and Public Services		Public Services		
33	Public Facility/Infrastructure Improvements	2021	2022	Non-Housing Community Development	City Wide	Infrastructure Maintenance & Improvement Public Facility Improvements	CDBG: \$903,770	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 500 Persons Assisted

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Improve access to and quality of housing
	Goal Description	Expand affordable housing opportunities and preserve existing affordable housing through the addition of affordable housing units, rehabilitation of existing housing, and direct financial assistance to homebuyers.
2	Goal Name	Provide public services
	Goal Description	Public services provided to Kansas City residents by subrecipient organizations- Willa Gill and Livable Neighborhoods.
3	Goal Name	Housing/services for persons who are homeless
	Goal Description	Homelessness response and prevention activities provided by subrecipients through the Emergency Solutions Grant program.
4	Goal Name	Planning & administration
	Goal Description	
5	Goal Name	Economic development
	Goal Description	
6	Goal Name	AFH 1: Minor Home Repair
	Goal Description	Target the use of CDBG funds to support minor home repair for low-income, members of protected classes, and elderly homeowners to enable them to maintain their properties.
7	Goal Name	AFH 2: Code Assistance
	Goal Description	Evaluate and, if necessary, provide resources to support low-income and protected class homeowners, especially the elderly and disabled, who may have property maintenance code violations, particularly in R/ECAPs.

8	Goal Name	AFH 3: ReCap Housing Needs
	Goal Description	Work with LISC to expand the resources in LISC's new Pre-Development Fund to support new or renovated housing in disadvantaged (R/ECAPs) neighborhoods in Kansas City, Kansas.
9	Goal Name	AFH 4: Universal Design
	Goal Description	Evaluate KCK building codes to consider changes that enable more than the federal requirements for ADA compliance to be addressed in new housing construction and encourage universal design.
10	Goal Name	AFH 5: Education
	Goal Description	KCK will promote services, including career exploration, mentoring, and experiential learning to enable middle and high school students to better prepare for careers.
11	Goal Name	AFH 6: Jobs
	Goal Description	Local governments should adopt economic development strategies that target development, retention and expansion of firms and industries that provide good jobs — ones that both have low barriers to entry and provide clear career paths to a living wage.
12	Goal Name	AFH 7: Affordable Housing
	Goal Description	
13	Goal Name	AFH 8: Mobility
	Goal Description	Adopt and implement complimentary mobility options such as walking, biking car sharing.
14	Goal Name	Reg 1: Expand use of CDFIs and NMTCs
	Goal Description	Expand the use of CDFIs and New Market Tax Credits in neighborhoods with concentrations of persons in protected classes and low-income residents.

15	Goal Name	Reg 2: Establish fair housing information website
	Goal Description	Establish www.kcmetrohousing.org as a central location for the public to access fair housing information.
16	Goal Name	Reg 3: Fair Housing Education-Stakeholders
	Goal Description	Establish a fair housing education program for landlords, realtors, and lenders.
17	Goal Name	Reg 4: Advocate for Universal Designs
	Goal Description	Advocate to Missouri Housing Development Commission and Kansas Housing Resources Commission to include universal design standards beyond HUD and ADA minimums in their projects.
18	Goal Name	Reg 5: Regional Housing Mobility
	Goal Description	Work with local housing authorities to explore a regional approach to housing voucher utilization.
19	Goal Name	Reg 6: Develop Compact Use Zoning
	Goal Description	Develop model zoning code for smaller homes on smaller lots and small (4-12 unit) multifamily.
20	Goal Name	Reg 7: Develop Regional Housing Locator
	Goal Description	Develop regional housing locator service to help voucher holders find the most appropriate housing.
21	Goal Name	Reg 8: Encourage Affordable TOD Zoning
	Goal Description	Develop model zoning codes to encourage accessible affordable housing units near transit or other key services at activity centers.
22	Goal Name	Reg 9: Universal Design Incentive Policy
	Goal Description	Develop model incentive policy to require any multi-unit housing construction or substantial renovation receiving a public subsidy to include some affordable, accessible units that meet universal design standards.

23	Goal Name	Reg 10: Promote KC Degrees and KC Scholars
	Goal Description	Promote use of KC Degrees and KC Scholars to help adults in protected populations return to and complete college.
24	Goal Name	Reg 13: Align Regional Transit to Jobs
	Goal Description	
25	Goal Name	Reg 14: Affordable Housing Educational Materials
	Goal Description	Develop informational materials for local governments and community organizations to use to educate the public about the need for affordable housing.
26	Goal Name	Reg 15: Fair Housing Goals Metrics
	Goal Description	Establish metrics to meet fair housing and affordable housing goals.
27	Goal Name	Reg 11: KC Rising Education and Job Training
	Goal Description	Continue to develop and refine the education and job training component of KC Rising and provide guidance to local institutions in targeting these efforts.
28	Goal Name	Reg: 12 Transportation Option Partnership
	Goal Description	Form partnerships between local governments, private employers, and neighborhood organizations to develop transportation options that connect low income and protected populations living in concentrated areas of poverty with job opportunities.
29	Goal Name	NRSA 1: Public Facilities & Improvements
	Goal Description	

30	Goal Name	NRSA 2: Affordable Housing
	Goal Description	
31	Goal Name	NRSA 3: Economic Development
	Goal Description	
32	Goal Name	NRSA 4: Education and Public Services
	Goal Description	
33	Goal Name	Public Facility/Infrastructure Improvements
	Goal Description	Public Facility and Infrastructure Improvements. For the 2021 program year, this will include \$33,770 in 2021 grant funds and \$470,000 in unspent 2015 funding that has been reprogrammed to meet this goal. This goal also includes an amendment in Early 2022 to add an unforeseen public facility project to address the habitability and safety of the County's only domestic violence shelter.

Projects

AP-35 Projects – 91.220(d)

Introduction

The finalized amount of 2021 Community Development Block Grant (CDBG) funds for the Unified Government is \$2,362,404. The 2021 HOME Investment Partnerships program (HOME) funds for the UG is \$882,359. The 2021 Emergency Solutions Grant program (ESG) is \$196,560. The following describes projects to be carried out for the 2021 program year, including estimated allocations and accomplishments.

Projects

#	Project Name
1	2021 Public Facilities and Improvements- NRSA Park Drive
2	2021 Emergency Home Repair
3	2021 Livable Neighborhoods
4	2021 Willa Gill Multi-Service Center
5	2021 Rehab Project Delivery
6	2021 CD Administration
7	2021 CHIP Program
8	2021 CHDO Set Aside (Rehab/New Construction)
9	2021 HOME Rehab/New Construction
10	2021 HOME Administration
11	2021 Emergency Solutions Grant (ESG)
12	2021 Public Facilities and Infrastructure Improvements

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The Unified Government is committed to allocating funds that serve the needs of low- to moderate-income (LMI) residents. Funding awards are based on need and activity eligibility. Actual locations are determined by applications received and funding availability, except for NRSA activities to be undertaken as proposed in the Park Drive area.

The primary obstacle to meeting underserved needs is the limited resources available to address identified priorities. The UG will partner with other public agencies and non-profit organizations, when feasible, to leverage resources and maximize outcomes in housing and non-housing community

development.

AP-38 Project Summary

Project Summary Information

1	Project Name	2021 Public Facilities and Improvements- NRSA Park Drive
	Target Area	
	Goals Supported	NRSA 1: Public Facilities & Improvements
	Needs Addressed	Public Facility Improvements
	Funding	CDBG: \$170,000
	Description	Improvements may include park improvements, including removing barriers to accessibility in compliance with ADA, playground, curbs and sidewalks, and other public facility improvements to increase accessibility, healthy living, and safety in the Park Drive NRSA.
	Target Date	9/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	The beneficiaries of the project will include all households within the Park Drive NRSA.
	Location Description	See Park Drive NRSA for NRSA boundaries (https://www.wycokck.org/SOAR/Park-Drive.aspx).
2	Planned Activities	Improvements may include park improvements, including removing barriers to accessibility in compliance with ADA, playground, curbs and sidewalks, and other public facility improvements to increase accessibility, healthy living, and safety in the Park Drive NRSA.
	Project Name	2021 Emergency Home Repair
	Target Area	City Wide
	Goals Supported	Improve access to and quality of housing
	Needs Addressed	Preserve Existing Affordable Housing Units
	Funding	CDBG: \$600,000
	Description	Emergency Home Repair Program for single-family owner-occupied houses. Repairs include critical infrastructure such as electrical, heating, plumbing and roof repairs, as well as the removal of architectural barriers that impede accessibility for qualifying residents.

	Target Date	9/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 50 households will benefit from the activity. The program is available to low to moderate income households city-wide. Demographics of households will depend on applications received.
	Location Description	Actual location of project activities will depend on location of applicant home within the jurisdiction.
	Planned Activities	Specific activities are yet to be determined but will include repair for single-family owner-occupied houses such as electrical, furnace, plumbing, and roofs, as well as removal of architectural barriers that impede accessibility for qualifying resident. Activities will be carried out as applications are submitted and applicants are income qualified.
3	Project Name	2021 Livable Neighborhoods
	Target Area	City Wide
	Goals Supported	Provide public services
	Needs Addressed	Public Services
	Funding	CDBG: \$20,000
	Description	Livable Neighborhoods works with neighborhood groups and non-profit organizations to address community-wide concerns that affect the livability and safety of neighborhoods.
	Target Date	9/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 500 persons assisted
	Location Description	City-wide
4	Planned Activities	Public services
	Project Name	2021 Willa Gill Multi-Service Center
	Target Area	City Wide
	Goals Supported	Provide public services
	Needs Addressed	Public Services

	Funding	CDBG: \$148,000
	Description	Willa Gill Multi-Service Center provides services to homeless and near-homeless individuals. Funding provides for operating costs for the center.
	Target Date	9/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	The Center will serve approximately 1000 persons.
	Location Description	Public Services will be provided at Willa Gill Multi-Service Center.
	Planned Activities	Public services for those who are homeless or at-risk of homelessness.
5	Project Name	2021 Rehab Project Delivery
	Target Area	City Wide
	Goals Supported	Improve access to and quality of housing
	Needs Addressed	Expand Affordable Housing Opportunities Preserve Existing Affordable Housing Units
	Funding	CDBG: \$524,908
	Description	Rehab project delivery.
	Target Date	9/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	
6	Project Name	2021 CD Administration
	Target Area	City Wide
	Goals Supported	Planning & administration
	Needs Addressed	Planning & Administration
	Funding	CDBG: \$465,726

	Description	Applicable administration costs of the Community Development program.
	Target Date	9/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	Planning and administration.
7	Project Name	2021 CHIP Program
	Target Area	City Wide
	Goals Supported	Improve access to and quality of housing
	Needs Addressed	Expand Affordable Housing Opportunities
	Funding	HOME: \$223,123
	Description	CHIP provides down payment assistance to qualifying low to moderate income (LMI) homebuyers in accordance with HOME and CHIP program guidelines.
	Target Date	9/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	15 income eligible households
	Location Description	Actual location will depend on location of applicant home purchase.
8	Planned Activities	Specific activities will be determined as applications are received and applicants are qualified. CHIP provides down payment assistance for qualifying low-to-moderate income (LMI) homebuyers in accordance with HOME and CHIP program guidelines.
	Project Name	2021 CHDO Set Aside (Rehab/New Construction)
	Target Area	City Wide
	Goals Supported	Improve access to and quality of housing
	Needs Addressed	Expand Affordable Housing Opportunities

	Funding	HOME: \$380,000
	Description	Community Housing Development Organizations (CHDO) Set Aside for rehabilitation and new construction. CHDO's are local organizations who meet the criteria and certification requirements of the UG HOME program.
	Target Date	9/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	Two households will benefit from the addition of two housing units.
	Location Description	Actual locations of activities will be determined by CHDO.
	Planned Activities	Actual activities have yet to be determined but are anticipated to include rehabilitation or new construction of two housing units by CHDO's for the purpose of increasing access to affordable housing for LMI households. CHDO's are local organizations who meet the criteria and certification requirements of the UG HOME program.
9	Project Name	2021 HOME Rehab/New Construction
	Target Area	
	Goals Supported	Improve access to and quality of housing
	Needs Addressed	Expand Affordable Housing Opportunities
	Funding	HOME: \$190,000
	Description	HOME rehabilitation and new construction activities carried out by the UG or subrecipient organizations.
	Target Date	9/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	Two households will benefit from the addition of two affordable housing units.
	Location Description	Location will be determined by the subrecipient in accordance with HOME policy and procedures.

	Planned Activities	Actual activities have yet to be determined but are anticipated to include rehabilitation or new construction of two housing units by subrecipient for the purpose of increasing access to affordable housing for LMI households.
10	Project Name	2021 HOME Administration
	Target Area	City Wide
	Goals Supported	Improve access to and quality of housing
	Needs Addressed	Expand Affordable Housing Opportunities
	Funding	HOME: \$88,235
	Description	Applicable HOME administration costs.
	Target Date	9/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	HOME administrative costs support the overall success of the HOME program.
	Location Description	N/A
	Planned Activities	Applicable HOME administrative costs
11	Project Name	2021 Emergency Solutions Grant (ESG)
	Target Area	City Wide
	Goals Supported	Housing/services for persons who are homeless
	Needs Addressed	Housing/Services for the Homeless/At-Risk
	Funding	ESG: \$196,560
	Description	Emergency Solutions Grant program activities to be carried out by selected area service providers.
	Target Date	9/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	

	Planned Activities	
12	Project Name	2021 Public Facilities and Infrastructure Improvements
	Target Area	City Wide
	Goals Supported	Public Facility/Infrastructure Improvements
	Needs Addressed	Public Facility Improvements
	Funding	CDBG: \$903,770
	Description	Public Facilities and Infrastructure Improvements to increase quality of life in neighborhoods. This project includes \$33,700 in 2021 funding for general public facilities and improvements, \$55,000 in anticipated proceeds from 2015 activities to be reprogrammed for activities in District 1, and \$415,000 in unspent 2015 funds reprogrammed for activities in District 6. This project was amended in Early 2022 to include \$400,000 in funding for an unforeseen activity to address the habitability and safety of the County's only domestic violence shelter.
	Target Date	9/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	Improvements will benefit residents of low to moderate income service areas, approximately 500 individuals. The actual number of individuals served will depend on specific activities undertaken and the identified service areas.
	Location Description	Specific location has not been identified.
	Planned Activities	Specific activities have not been identified but will include the provision of public facilities and infrastructure improvements that benefit low to moderate income service areas. The 2015 funds were originally allocated to housing activities in Districts 1 and 6 but are being reprogrammed for public facility and improvement project in those same districts.

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Wyandotte County/Kansas City, Kansas is located in the northeast part of Kansas and is part of the Kansas City, Missouri metropolitan region. Housing values are some of the lowest in the region, but the County also has a higher unemployment and poverty rate than the majority of Kansas. According to the 2011 AI for the Kansas City Region, concentrations occur when the percentage of residents of a particular racial or ethnic group is 10 percentage points or more above the community-wide average. In

2011, Wyandotte County was approximately 40% non-White and 25% Hispanic. The largest concentrations (50%) of the Black/African American population are in the Northeast neighborhood. For Hispanics, the largest concentrations (35%) are in the Argentine, Kensington, and Riverview neighborhoods. There are no areas with high concentrations of Asian populations. Using poverty rate as a proxy for low-income residents and a definition of “concentrated” as being 10 percentage points or more above the community-wide average (22%), there are concentrations of poverty located in the neighborhoods of Northeast, Kensington, Riverview, Coronado/Bethel/Welborn, and Rosedale. The greatest racial/ethnic concentrations of poverty are located in the Northeast neighborhood. Ultimately, Wyandotte County/Kansas City is working to ensure that a mix of housing types exists within each community to accommodate households of all types and income levels. The County housing strategies will be especially guided by the increasing divide between incomes and housing costs and the specific accommodations necessary to ensure that special needs populations have adequate affordable housing options with appropriate supportive services where needed.

Geographic Distribution

Target Area	Percentage of Funds
City Wide	100

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The Unified Government did not set priorities for allocating investments geographically, except for the area designated as a Neighborhood Revitalization Strategy Area (NRSA) identified as the Park Drive Neighborhood NRSA (<https://www.wycokck.org/SOAR/Park-Drive.aspx>). This will be the final year of activities in the five-year Park Drive NRSA.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The Unified Government will use HOME funds and a portion of CDBG funds for new affordable housing and to rehabilitate existing housing units. The special needs population will be served through the rehabilitation of an existing structures. The homeless population will be served through assistance grants to local service providers. Therefore, outcomes for these two groups will be determined by applicants to the rehabilitation program and the sub-recipient during the sub-grant ESG application

process.

One Year Goals for the Number of Households to be Supported	
Homeless	506
Non-Homeless	15
Special-Needs	3
Total	524

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	5
Rehab of Existing Units	50
Acquisition of Existing Units	0
Total	55

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

Homeless and at-risk populations may receive affordable rental assistance through the Emergency Solutions Grant program subrecipients (Rapid Re-housing and Prevention). ESG outcomes will be reported in the SAGE system. HOME funds are utilized for production of new units, rehab of existing units and acquisition (down payment assistance). CDBG funds are used for owner-occupied rehabilitation.

AP-60 Public Housing – 91.220(h)

Introduction

The Kansas City, Kansas Housing Authority's (KCKHA) mission is to help families and individuals with low and moderate incomes achieve greater stability and self-reliance by providing safe, affordable, quality housing and partnering with community services and agencies and promoting economic opportunity in a suitable living environment free from discrimination. According to the 2016 Wyandotte County/Kansas City/Kansas City CAPER (most recent available), 2,058 families are served by public housing and 1,469 are served by Section 8 vouchers.

Actions planned during the next year to address the needs to public housing

KCKHA will continue improving the quality of its housing by investing in the capital (CAP) fund allocation to make units competitive with housing in the private sector. CAP funds will be used for HVAC improvements in family development community centers, interior modernization, roof replacements, fencing, mechanical improvements, exterior repair, painting, and parking lot expansion.

Since taking over responsibility of the Rosedale Ridge apartment complex, KCKHA is in the process of issuing 116 Section 8 vouchers to those families.

The Unified Government, acting as the Responsible Entity, will work in conjunction with the Kansas City, Kansas Public Housing Authority to ensure that the requirements of 24 CFR Part 58 are adhered to.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

Residents of the KCKHA are encouraged to participate in decision making in all aspects of the agency's operations. This involvement typically occurs through the Resident Associations and Resident Councils that exist at each KCKHA public housing development. Each Resident Association or Council has its own membership made up of residents from that specific community, and each is led by an elected board of directors.

The Resident Associations and Resident Councils work to improve the conditions of the residents they represent in their specific communities. The presidents of each Resident Association or Council then can join together to form a jurisdiction-wide council that allows residents' concerns and involvements to be addressed at a broader Agency level. The jurisdiction-wide council may advise the Board of Commissioners and Executive Director in all areas of KCKHA operations, including occupancy, general management, maintenance, security, resident training, social services, modernization, etc. The KCKHA has two jurisdiction-wide councils: the United Presidents Council is comprised of Presidents and other

officers of the individual family development resident associations, and the Council of United Residents is comprised of Presidents and other officers of the individual elderly and disabled developments. These two jurisdiction-wide councils are contacted in advance to participate in the planning and development of the KCKHA's Annual Plan.

Another way to ensure resident input and participation of residents in KCKHA operations is by the election of a Resident Commissioner to the KCKHA Board of Commissioners.

KCKHA currently operates a homeowner program. Participants must pay 30% of their household income toward a mortgage, the housing authority pays the remainder. Once the family is able to pay the full cost of the mortgage for six months, they graduate from the program. Participants must qualify for a standard mortgage, so only those with a decent credit history are eligible. Elderly and disabled residents can receive KCKHA assistance for the life of the loan.

KCKHA is in the process of implementing a new Family Self-Sufficiency (FSS) program. Approximately 10-15 individuals are currently being trained to staff the program.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Not applicable.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The Unified Government is a partner with the area Continuum of Care (CoC) to address homelessness and the priority needs of homeless individuals and families, including homeless subpopulations.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The lead entity for the Continuum of Care is the Greater Kansas City Coalition to End Homelessness (GKCCEH). This is a partnership of organizations and individuals including: nonprofit organizations, public sector agencies, formerly homeless persons, business community persons, housing developers, faith-based community organizations and other key stakeholders. The UG provides funding to support a full time Coordinator and provides administrative support through UG general funds.

The Finance committee and the Greater Kansas City Coalition to End Homelessness (GKCCEH) Board plan and coordinate various fundraisers throughout the year to help fund the annual operational budget of the organization. Every year during National Hunger and Homeless Awareness Week in November the GKCCEH works to bring awareness to the community and will continue to do this each year. Other activities include the State of Our Homelessness in the Kansas City metropolitan area, Point-in-Time Count, and work to ensure the Homeless Management Information System (HMIS) delivers needed data used for HUD and local government reporting. Each year the GKCCEH conducts a single day “Point-In-Time” count for sheltered and unsheltered homeless persons and families.

Addressing the emergency shelter and transitional housing needs of homeless persons

ESG funds are awarded annually to eligible nonprofit agencies that provide emergency shelter and transitional housing.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Wrap around support services provided through the CoC’s permanent supportive housing (PSH) programs are key to the high success agencies have experienced keeping homeless persons in PSH for at

least six months (prior to exit). The PSH grantees collaborate and share housing retention strategies to support each project in achieving the housing maintenance goal. A chief strategy in achieving the stated goal has been to relocate individuals who experience housing difficulties before a loss of housing occurs. Because 80% of our CoC's PSH units are dedicated to serve households with severe mental illness or addictions, relocation is often a key strategy in giving someone a fresh start to be successful in housing.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The UG promotes four (4) eligible ESG activities that are intentionally focused on housing —either financial assistance to help pay for housing or services designed to keep people in housing or to obtain housing. This assistance is not intended to provide long-term support for program participants, nor will it be able to address all of the financial and supportive services needs of households that affect housing stability. Rather, assistance should be focused on housing stabilization, linking program participants to community resources and mainstream benefits, and helping participants develop a plan for preventing future housing instability.

Emergency Shelter

- Essential Services: Case management related to emergency shelter, referrals to employment, healthcare, substance abuse and related services within the community.
- Shelter Operations: including maintenance, rent, repair, security, fuel, insurance, and utilities.

Homelessness Prevention Assistance

- Housing relocation and stabilization services (case management).
- Leasing assistance, as necessary, to prevent the individual or family from becoming homeless when the assistance is necessary to help program participants regain stability in their current permanent housing or move into other permanent housing and achieve stability in that housing. Eligible costs include housing search and placement, housing stability case management, rental arrearages, leasing assistance, security deposits, utility deposits, utility

arrearages, mediation, and cost for obtaining identification.

Rapid Re-housing Assistance

- Housing relocation and stabilization services (case management).
- Leasing assistance as necessary to help individuals or families living in shelters or in places not meant for human habitation to move as quickly as possible into permanent housing and achieve stability in that housing. Eligible costs include housing search and placement, housing stability case management, leasing assistance, security deposits, utility deposits, utility arrearages, mediation, and cost for obtaining identification.

Housing Relocation and Stabilization Services - Funds must be used to create and implement a comprehensive, easily accessible service and housing response system that addresses the needs of those who are homeless or at serious risk of homelessness. Eligible activities include:

- Housing stabilization services include arranging, coordinating, linking, and monitoring the delivery services that assist participants to obtain and sustain housing stability; this includes the salary of the Housing Resource Specialist(s)/Case Manager;
- Transportation/travel for supportive housing stabilization services, i.e., visit a participant;
- Costs associated with cell phones to support housing stabilization services.

HMIS/Data Collection and Evaluation will be conducted via HMIS. Cost associated with data collection is limited to one percent (2%) of the total grant amount. The HEARTH Act requires that data collection and reporting for ESG be conducted via HMIS.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

Approximately 43% of households in Wyandotte County are cost-burdened by housing, meaning they spend 30% or more of their income on rent or mortgage payments (US Census, *2012-2016 American Community Survey*). While some affordable housing stock may exist in Wyandotte County, safety of said stock is a concern with approximately 21% of houses in Wyandotte County having one or more severe housing problems (such as lack of complete plumbing, overcrowding, lack of complete kitchen facilities, etc.) (US Census, *2012-2016 American Community Survey*). Eliminating barriers to affordable housing, including ensuring that housing is also *safe*, is critical for increasing economic opportunities, access to prosperity and improving health outcomes for Wyandotte County residents.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The Unified Government will continue to implement the Home Repair Grant Program which provides repairs to homes where the owner is income eligible and living in the home. Additionally, the program has a sub-program for Barrier Removal to allow for remediation of mobility issues in the home. Both programs ensure that Wyandotte County residents may remain *safely* in their homes, increase quality of life, and ensure that quality of affordable housing stock is maintained.

In addition, the UG participated in a Regional Affirmatively Furthering Fair Housing Plan. The Plan includes goals and objectives to addressing housing issues in the region.

The UG will continue to review housing to be constructed with UG or CDBG/HOME assistance to ensure it meets acceptable standards. Quality design and neighborhood compatibility will be prioritized.

The UG will support the rehabilitation of existing units and construction of new units in low-income neighborhoods and work with private property owners to preserve affordable housing throughout neighborhoods in Wyandotte County.

AP-85 Other Actions – 91.220(k)

Introduction:

In addition to goals listed previously in the 2021 Annual Action Plan, the UG will accomplish the following to further improve community conditions for Kansas City, KS residents.

Actions planned to address obstacles to meeting underserved needs

The primary obstacles to meeting underserved needs are lack of financial and human resources, a growing gap between housing costs and incomes, and an aging housing stock. The County will continue to use its resources carefully and strategically as evidenced in this plan to reduce the effects of the cost/income gap.

Actions planned to foster and maintain affordable housing

A lack of affordable housing is a primary obstacle to addressing unmet needs. The UG will continue to support its goals of maintaining and expanding affordable housing by utilizing its CDBG and HOME allocations to create new opportunities for affordable homeownership and rehabilitate existing affordable units.

Actions planned to reduce lead-based paint hazards

Information about lead-based paint hazards is distributed to households participating in HOME and CDBG-funded programs. The UG Community Development, in partnership with the Wyandotte County Public Health Department received a \$1,500,000 grant award from HUD for the Lead-Based Paint Hazard Control Program, along with \$150,000 in Healthy Homes Supplemental Grant funds. The program will seek to reduce lead and provide healthy homes intervention in the Kansas City, KS area, to increase awareness of lead poisoning and prevention through community outreach and education and to build capacity for lead abatement through training of low-income residents in lead hazard controls.

Actions planned to reduce the number of poverty-level families

CDBG, HOME, and ESG funding is integrated into the programs that address poverty and homelessness by participating agencies that are served by the Greater Kansas City Coalition to End Homelessness. These agencies, and others, provide much needed services to assist residents that are living in poverty. Further programs such as job training, childcare, and transportation assistance reduce the impact of

poverty and provide for income growth for families living in poverty.

Through its policies and planning, the UG will continue to encourage business growth in the community. Efforts will continue to support programs to maintain the quality and integrity of the low- and moderate-income neighborhoods where older housing is found. Support will continue for infrastructure improvements in these areas, and code enforcement will be apparent throughout the County. In recognition that some families cannot afford to correct code violations, the UG provides referrals services to help income-eligible homeowners correct the property deficiency. Program referrals are made to Christmas in October, Coalition for Independence, ECKAN, KC Church of Christ, Hope Builders and LIHEAP and other organizations.

Actions planned to develop institutional structure

Previously discussed efforts included the SOAR and Community Health Improvement groups that work to develop collaborative efforts.

Actions planned to enhance coordination between public and private housing and social service agencies

Public agencies, for-profit and non-profit private organizations all play a part in the provision of affordable housing, social services, capital improvements, and economic development. However, the lack of financial resources for development, operations, and support services is a huge gap to overcome. Addressing these gaps will be a high priority for the County. The Unified Government will continue to work to provide stronger coordination between agencies and local organizations.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

Introduction:

The Unified Government of Wyandotte County/Kansas City, Kansas is an entitlement grantee for HUD Community Planning and Development block grant programs: Community Development Block Grants, HOME Investment Partnerships, and Emergency Solution Grants. The following program specific requirements satisfy regulatory and programmatic obligations that the Unified Government will undertake in the 2020 program year.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in

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projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.00%

HOME Investment Partnership Program (HOME)

Reference 24 CFR 91.220(l)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

There are no other forms of investment.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

When the PJ, CHDO or Housing Partner sells a HOME Assisted House to an income eligible household the HOME Agreement with the homebuyer is executed along with the executed and recorded Second Mortgage. These documents state the recapture provision will be used, below is the language.

Sale to a New Homebuyer: Full recapture will occur upon sale, transfer, or conveyance of the property to a new homebuyer prior to the expiration of the prescribed affordability period. The

HOME-assisted buyer must repay the full amount of the entire HOME subsidy less any owner-paid closing costs and owner equity included therein; provided, that if the property is sold for market value and net proceeds from the sale is insufficient to pay the full subsidy amount, the difference between the net proceeds and the HOME subsidy amount may be forgiven.

Conversion to Business or Rental Use: Full Recapture will occur upon sale or conversion of the property for rental or business purposes prior to the expiration of the prescribed affordability period. The HOME-assisted buyer must repay the full amount of the HOME subsidy. No pro-rata reduction may be made.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

The UG will hold a lien on property for the amount of the HOME subsidy to assure that the assisted household continues to meet program guidelines throughout the affordability period. The minimum affordability period required is based on the amount of HOME assistance and is as follows:

Each property assisted with HOME funds must also have deed restrictions that run with the land, in addition to the applicable affordability period. These restrictions ensure the property remains affordable to a low to moderate income household for the applicable period and stipulate that: 1) The property must be the principal and primary residence of the purchaser; 2) All or any portion of the property may not be used as rental property or as investment property; and 3) Any portion of the property assisted with HOME funds may not be used as a business.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

The UG does not use HOME funds for this purpose.

Emergency Solutions Grant (ESG) Reference 91.220(l)(4)

1. Include written standards for providing ESG assistance (may include as attachment)

FY 2021 ESG funds were awarded by HUD under the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act). The HEARTH Act improves administrative efficiency and enhances response coordination and effectiveness in addressing the needs of homeless persons. The Act adds short- and medium-term rental assistance and services to rapidly re-house

homeless and at-risk people, and places greater emphasis on helping people quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness. In addition, the HEARTH Act provides grantees with the programmatic framework to maximize communitywide planning and strategic use of resources, and to improve coordination and integrate with mainstream services to increase efficiency, including services funded by other programs targeted to homeless people.

HUD drew from its recent program experience with the Homelessness Prevention and Rapid Re-Housing Program (HPRP), a temporary program, to establish the regulations for the ESG program, a permanent program. These funds must exclusively be used for Street Outreach, Emergency Shelter, Homelessness Prevention Assistance, Rapid Re-housing Assistance, Homeless Management Information Systems (HMIS), and Administration.

Refer to the Unique Appendices for the ESG Policy and Procedures.

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

The Greater Kansas City Coalition to End Homelessness operates as the regional Continuum of Care applicant. Currently, the coordinated system in place is HMIS; all HUD and non-HUD funded agencies are required to enter beneficiary data into this system. Other CoC responsibilities include holding monthly membership meetings, adopt and follow written process to select a board to act on behalf of the CoC, collaborate with the HMIS lead.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

The Unified Government submits a Request for Proposal in local newspapers and announces ESG funding allocations to the Continuum of Care membership. Eligible applicants are non-profit organizations and Continuum of Care participants; an ESG application must be submitted to the Program Coordinator of the grant program. The Unified Government coordinates with the Continuum of Care to evaluate applications and fund subrecipients. A ranking and reviewing committee (consist of 3-4 persons) will meet to score applicants based on the attached ranking and review scoring.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions

regarding facilities and services funded under ESG.

Sub-recipients are required to have participation of not less than one homeless individual or formerly homeless individual on the board of directors; this is verified through annual monitoring reviews and required documentation of board of directors and recent board minutes.

5. Describe performance standards for evaluating ESG.

There are two primary data sources CoC's and ESG recipients will use to collect system-level performance measures:

- Sheltered and unsheltered PIT count data reported through HUD's Homelessness Data Exchange (HDX)
- Client-level outcome information based on data collected in HMIS and unduplicated across all Continuum of Care and ESG projects that contribute data to HMIS with the CoC.

System Performance Measurement Parameters also include the following:

- Project Type
- Reporting Period
- Client Universe (adults, leavers, stayers)
- Setting Local Performance Targets
- HMIS Bed Coverage and Data Quality

Please review attached performance and evaluation of projects procedures.



Staff Request for Commission Action

Tracking No. 211434

Full Commission Meeting Date: 3/31/22

Committee: Public Works & Safety

Date of Standing Committee Action: 3/28/22
(If none, please explain):

Publication Required: No

<u>Date:</u> 03/28/2022	<u>Contact Name:</u> Matt May	<u>Contact Phone:</u> x6337	<u>Contact Email:</u> mmay@wycokck.org	<u>Department/Division:</u> Emergency Management
<u>Item Description:</u> A resolution extending the state of Local Health Emergency for the COVID-19 Pandemic for the County of Wyandotte, Kansas, through July 1, 2022, submitted by Matt May, Director of Emergency Management.				
<u>Action Requested:</u> Approved and forward to full commission				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Mayor's Declar 60-day w Commiss.ext to 7-1-22				

(Published _____)

RESOLUTION NO. _____

A RESOLUTION EXTENDING THE STATE OF LOCAL HEALTH EMERGENCY FOR THE COVID-19 PANDEMIC FOR THE COUNTY OF WYANDOTTE, KANSAS, THROUGH JULY 1, 2022.

WHEREAS, on the 13th day of March, 2020, the Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas declared there was a state of local public disaster emergency in Wyandotte County, Kansas, resulting in potential or occurring pandemic known as COVID-19, in Wyandotte County, Kansas;

WHEREAS, on the 19th day of March, the Unified Government Commission adopted Resolution R-18-20 extending the state of local public health emergency through May 18, 2020;

WHEREAS, on the 14th day of May, 2020, the Unified Government Commission adopted Resolution R-30-20, extending the state of local public health emergency through July 17, 2020;

WHEREAS, on the 9th day of July, 2020, the Unified Government Commission adopted Resolution R-37-20, extending the state of local public health emergency through September 15, 2020;

WHEREAS, on the 3rd day of September, 2020, the Unified Government Commission adopted Resolution R-66-20, extending the state of local public health emergency through December 14, 2020;

WHEREAS, on the 3rd day of December, 2020, the Unified Government Commission adopted Resolution R-83-20, later corrected as Resolution R-83a-20 and published on February 4, 2021, extending the state of local public health emergency through March 15, 2021;

WHEREAS, on the 11th day of March, 2021, the Unified Government Commission adopted Resolution R-16-21 and published on March 18, 2021, extending the state of local public health emergency through June 15, 2021;

WHEREAS, on the 10th day of June, 2021, the Unified Government Commission adopted Resolution R-40-21 and published on June 17, 2021, extending the state of local public health emergency through September 15, 2021;

WHEREAS, on the 9th day of September, 2021, the Unified Government Commission adopted Resolution R-61-21 and published on September 16, 2021, extending the state of local public health emergency through December 16, 2021;

WHEREAS, on the 2nd day of December, 2021, the Unified Government Commission adopted Resolution R-86-21 and published on December 9, 2021, extending the state of local public health emergency through April 1, 2022;

WHEREAS, the threat to the public health from the COVID-19 pandemic continues, as evidenced by the national count of 79,346,678 cases and 965,336 deaths as of March 14, 2022; in Kansas, there have been 768,820 cases and 8,028 deaths; and in Wyandotte County there have been 46,694 cases and 484 deaths;

WHEREAS, the Centers for Disease Control and Prevention reports that Wyandotte County remains one of the small minority of counties in the country that has a COVID-19 Community Level of High;

WHEREAS, in Kansas, while 73.8% of the total population has received at least one dose of the vaccine, only 60.6% of the population has been fully vaccinated, and only 41.7% of the population has been fully vaccinated with a booster;

WHEREAS, the Unified Government Board of Commissioners recognizes that a prolonged public health crisis requires the timely commitment of federal resources that flow to local units of government under an uninterrupted declared emergency;

WHEREAS, on March 1, 2022, President Biden issued his “Memorandum on Maximizing Assistance to Respond to COVID-19” to the Administrator of the Federal Emergency Management Agency, in which the 100 percent federal cost share for all work eligible for assistance under applicable federal law was extended through July 1, 2022;

WHEREAS, the Unified Government Board of Commissioners has the authority to further extend the declaration beyond April 1, 2022, as such conditions continue to endanger the public health, safety and welfare of persons within the borders of Wyandotte County, Kansas.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

1. That the state of local public health emergency in Wyandotte County, Kansas, initially declared on the 13th day of March 2020, shall continue and remain in effect through July 1, 2022, unless terminated earlier.
2. That the response and recovery aspects of all local disaster plans which are applicable to Wyandotte County, Kansas, shall initiate the rendering of aid and assistance thereunder.

3. That any rights or powers lawfully exercised or any actions taken pursuant to local disaster emergency plans shall continue and have full force and effect as authorized by law through July 1, 2022, unless modified or terminated in the manner prescribed by law.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS
CITY, KANSAS, THIS _____ DAY OF _____, 2022.**

Approved:

Tyrone A. Garner, Mayor/CEO

Attest:

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 211464

Full Commission Meeting Date: 3/31/22

Committee: Full Commission

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

<u>Date:</u> 03/28/2022	<u>Contact Name:</u> SueZanne Bishop	<u>Contact Phone:</u> x5076	<u>Contact Email:</u> zbishop@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> AAA received an ARPA grant award from KDADS for FY 2022, which has already been approved; this item is for approval to accept an increased match amount by KDADS, from \$45,477.00 to \$200,471.00, which AAA must agree to spend by June 30, 2022, for eligible congregate projects.				
<u>Action Requested:</u> To approve and accept the increased match amount by KDADS.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Acceptance of increased KDADS match for AAA ARPA grant - resolution - final, AAA KDADS ARPA Presentation (2)				

RESOLUTION NO. _____

**A RESOLUTION FOR THE ACCEPTANCE OF INCREASED KANSAS
DEPARTMENT OF AGING AND DISABILITY SERVICES MATCH BY THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS UNDER THE
AREA AGENCY ON AGING AMERICAN RESCUE PLAN ACT, AND THE
ALLOCATION OF FUNDS FOR ELIGIBLE USES**

WHEREAS, in October of 2021, the Wyandotte/Leavenworth Area Agency on Aging (AAA) received an ARPA grant of \$998,825.00, which included match funds from the Kansas Department of Aging and Disability Services (KDADS) in the amount of \$45,477.00; and

WHEREAS, KDADS is now offering to increase its match to AAA from \$45,477.00 to \$200,471.00; and

WHEREAS, of the \$200,471.00, Wyandotte County will receive \$156,367.00 and Leavenworth County will receive \$44,104.00; and

WHEREAS, the match funds are restricted to the following eligible uses: planning and implementation of nutrition counseling programs available to the entire planning and service area; congregate dining modernization; and purchase of nutrition services infrastructure and equipment intended to replace what is inefficient or no longer functioning, with the goal of improving congregate and/or home-delivered nutrition services outcomes; and

WHEREAS, AAA must agree to spend the funds on a KDADS-approved use by June 30, 2022; and

WHEREAS, the application for and acceptance of these matching funds is due by March 31, 2022; and

WHEREAS, AAA has conditionally applied for this increase in match funds pending approval by the Board of Commissioners; and

WHEREAS, AAA has proposed and KDADS has approved expenditure of Wyandotte County's portion of the funds to purchase four 12-16 passenger vans for its congregate meal sites located at Bethel Center, Vernon Center, Victory Hills Baptist Church, and Stranger's Rest Baptist Church.

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 acceptance of the increased match from KDADS of \$200,471.00 on behalf of the Wyandotte/Leavenworth Area Agency on Aging.

Section 2. The Unified Government Board of Commissioners hereby approves that of the \$200,471.00, Wyandotte County's portion will be used for the purchase of four 12-16 passenger vans for its congregate meal sites located at Bethel Center, Vernon Center, Victory Hills Baptist Church, and Stranger's Rest Baptist Church.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS 31st DAY OF MARCH, 2022.**

Tyron Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:



Wyandotte/Leavenworth Area Agency on Aging – KDADS ARPA

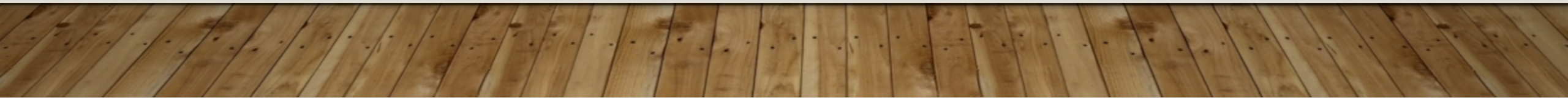
WYANDOTTE/LEAVENWORTH AREA AGENCY ON AGING KDADS ARPA ALLOCATION

Admin	Title IIIB	Title IIIC(1)	Title IIIC(2)	Title IIID	Title IIIE
\$101,620	\$234,542	\$381,654	\$343,565	\$33,593	\$104,322

Total Federal/State Allocation: \$1.2m

Federal Amount: \$998,825

State Amount: \$200,471



TITLE III OLDER AMERICAN ACT (OAA) PROGRAMS



KDADS MATCH

- Original Amount: \$45,477
- Revised Amount: \$200,471

ARPA

Federal Portion								Required state match on B,C-1, C-2 Services
Title III-B	Title III-C1	Title III-C(2)	Title III-D	Title III-E	Total Federal Services			
01	Wy/Lv AAA	336,162.00	181,183.00	343,565.00	33,593.00	104,322.00	998,825.00	45,477.24
02	CP AAA	561,731.00	400,720.00	759,856.00	74,296.00	230,727.00	2,027,330.00	96,147.59
03	NW AAA	246,673.00	94,088.00	178,411.00	17,445.00	54,174.00	590,791.00	25,375.00
04	Jayhawk AAA	355,866.00	200,361.00	379,929.00	37,149.00	115,364.00	1,088,669.00	49,903.47
05	SE AAA	328,362.00	173,593.00	329,171.00	32,186.00	99,951.00	963,263.00	43,725.24
06	SW AAA	313,790.00	159,410.00	302,276.00	29,556.00	91,785.00	896,817.00	40,451.71
07	E Central AAA	226,148.00	74,111.00	140,532.00	13,741.00	42,672.00	497,204.00	20,764.35
08	NCFH AAA	378,238.00	222,135.00	421,217.00	41,186.00	127,901.00	1,190,677.00	54,929.06
09	NE AAA	223,480.00	71,515.00	135,608.00	13,259.00	41,177.00	485,039.00	20,165.12
10	S Central AAA	315,842.00	161,407.00	306,064.00	29,926.00	92,935.00	906,174.00	40,912.76
11	Johnson Cty AAA	416,209.00	259,090.00	491,294.00	48,038.00	149,179.00	1,363,810.00	63,458.65
	Total	3,702,501.00	1,997,613.00	3,787,923.00	370,375.00	1,150,187.00	11,008,599.00	501,310.18

AAA Match Requirements:	
Title B,C-1 & C-2 Services	10%
AAA Admin	25%
Title E	25%

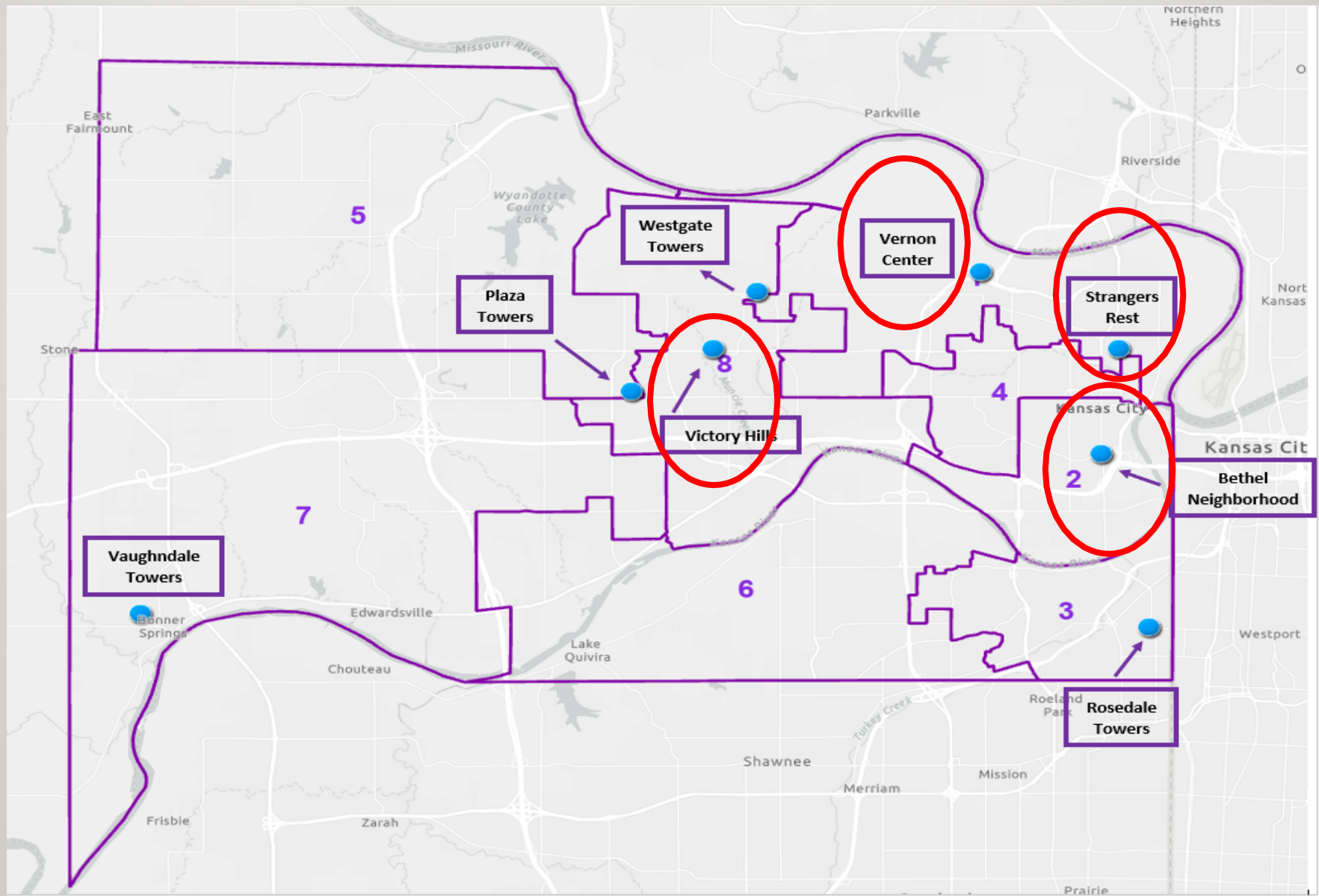
Max Federal Admin per AAA:	101,620.00
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KDADS ARPA ELIGIBLE MATCH PROJECTS

- Planning and implementation of a nutrition counseling program available to the entire planning and service area.
- Congregate dining modernization
- Purchase of nutrition services infrastructure and equipment intended to replace what is inefficient or no longer functioning, with the goal of improving congregate and/or home-delivered nutrition services outcomes.
- Other: The PSA must submit their proposal to KDADS for review and approval.

Wyandotte/Leavenworth Area Agency on Aging Proposed Budget

KDADS Match	200,471	
Wyandotte Budget	156,367	
Leavenworth Budget	44,104	
Wyandotte County Project		
Project Expense	Amount	Description/Notes
Bethel Center	44,000	12-16 passenger van
Vernon Center	44,000	12-16 passenger van
Victory Hills	44,000	12-16 passenger van
Strangers Rest	44,000	12-16 passenger van
Total	176,000	
Variance	-19,633	Mill Levy
Leavenworth County Projects		
Project #1	25,416	Replace outdated congregate site equipment
Project #2	13,853	Software - meal deliveries, routes, cancellations
Project #3	4,834	Video equipment
Total	44,103	





QUESTIONS?

COMMENTS?

CONCERNS?



Staff Request for Commission Action

Tracking No. 211486

Full Commission Meeting Date: 3/31/22

Committee: Full Commission

Date of Standing Committee Action:
(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>
03/24/2022	Alley Porter	x5101	aporter@wycokck.org	Commission Liaison

Item Description:

Seeking to increase administrative efficiencies and adopt a more "best practice" governance model, the REACH Foundation Board of Directors has been working with the Kansas Attorney General to streamline the governance structure through a series of amendments to the organization's Articles of Incorporation and Bylaws. Beginning in June 2022, REACH will sunset the Community Advisory Committee, to which the UG Board of County Commissioners currently has two appointments. Under the new structure, the UG Board of County Commissioners will instead make two new appointments directly to the Board of Directors, with initially staggered terms to appropriately manage regular turnover associated with term limits. The REACH Board of Directors requests the consideration of Deryl Wynn (1 year term) and Dr. Octavio Estrella (2 year term), with all terms going into effect on June 1, 2022. The appointment of these individuals will provide REACH with proven leadership needed during significant transition, as well as allow the Board to maintain a high level of relevant expertise and the skillsets required to provide fiduciary oversight of the Foundation's endowment and charitable purpose.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

REACH Board WyCo Appointments 2022, REACH Articles Executed 11.18.21, REACH Bylaws Executed 11.18.21, 2021-11-12 Schmidt to Sharpe re Approval of Corporate Documents



March 9, 2022

Alley Porter, Commission Liaison
Unified Government of Wyandotte County/Kansas City, KS
710 N. 7th Street
Kansas City, KS 66101

Dear Alley:

The REACH Healthcare Foundation has appreciated its long partnership with our five governmental appointing authorities, including the Unified Government of Wyandotte County/Kansas City, KS Board of Commissioners (UG BOCC), and the many community leaders appointed by the UG BOCC to our Community Advisory Committee (CAC).

As a public charity created from the sale of Health Midwest to HCA in 2003, and subject to a court settlement agreement negotiated by the Attorney General of Kansas with those two parties, REACH has operated under a rather complex and unique governance model for a nonprofit since our inception nearly two decades ago. Seeking to increase administrative efficiencies and adopt a more “best practice” governance model, the Board of Directors has been working with Kansas Attorney General Derek Schmidt since June 2021 to streamline the governance structure through a series of amendments to the organization’s Articles of Incorporation and Bylaws.

In November 2021, Attorney General Schmidt authorized Board-requested changes to the REACH Healthcare Foundation’s governance structure, which followed a unanimous vote by the REACH CAC in August 2021, and final approval by the REACH Board of Directors in November 2021.

Beginning in June 2022, REACH will sunset the CAC, to which the UG BOCC currently has two appointments – Theresa Reyes-Cummings and Rachel Jefferson. Ms. Cummings and Ms. Jefferson’s current CAC appointments will conclude on May 31, 2022, and they are aware of this change. Under our new structure, the BOCC will instead make two new appointments directly to the Board of Directors, with initially staggered terms to appropriately manage regular turnover associated with term limits. Under the new model, the five appointing authorities—which include the Office of the Attorney General, the Office of the Governor, Johnson County BOCC, Unified Government of Wyandotte County/Kansas City BOCC, KS, and Allen County, KS BOCC—will appoint 51% of our Board membership, with the remainder to be elected by the full body. This percentage of appointments versus elected members allows REACH to maintain its current IRS public charity status as a 509(a)(3) Type I Supporting Organization.

To accomplish this change in the most seamless manner possible, **the REACH Board of Directors respectfully requests the UG BOCC’s consideration of the following individuals and**

respective new terms for appointment to the REACH Board, with all terms going into effect on June 1, 2022. Although that date is yet some time away, the Foundation's annual meeting and elections for non-appointed members of the Board takes on **March 24, 2022**. If possible, the Foundation would like to have all appointments completed before that date.

[Deryl Wynn](#), 1 year term – Mr. Wynn is an attorney and mediator in private practice, with extensive experience in labor and employment law, as well as nonprofit governance. He currently serves on the KU Hospital Authority Board and is a trustee of the Emporia State University Foundation Board. Mr. Winn previously served on the Kansas Board of Regents and was a trustee of the Greater Kansas City Community Foundation. Mr. Wynn resides in Wyandotte County, and at the discretion of the BOCC, would be eligible for a second, three-year term on the REACH Board.

[Dr. Octavio Estrella](#), 2 year term – Dr. Estrella is the Assistant Director of Student Services for Kansas City, KS Public Schools, USD #500, with a career focused on advancing health equity and educational opportunity. Dr. Estrella is responsible for the implementation of many programs designed to address social determinants of health, to improve outcomes of students, families, and community. Dr. Estrella resides in Wyandotte County, and at the discretion of the BOCC, would be eligible for a second, three-year term on the REACH Board.

The appointment of the above individuals will provide REACH with proven leadership needed during this significant transition, as well as allow the Board to maintain a high level of relevant expertise and the skillsets required to provide fiduciary oversight of the Foundation's endowment and charitable purpose. As in the past, all appointed and elected Board members will continue to serve on a volunteer, uncompensated basis.

If I may be of any assistance to you as you and the UG BOCC consider these potential appointees, please do not hesitate to call me at 913.568.8113.

For your records, I am attaching a copy of the Foundation's new Articles of Incorporation and Bylaws, as well as a letter from the Kansas Attorney General indicating his approval of the changes to our governance structure.

Best regards,



Brenda R. Sharpe
President and CEO

RESTATED ARTICLES OF INCORPORATION

THE REACH HEALTHCARE FOUNDATION

The Reach Healthcare Foundation is a Kansas corporation whose original Articles of Incorporation was filed with the Secretary of State of Kansas on August 27, 2003 and amended and Restated by filing with the Secretary of State on April 19, 2010. The members of the corporation, in accordance with the provisions of section 17-6605 and other applicable provisions of the Kansas general corporation code, duly adopted this Restated Articles of Incorporation in order to amend and to restate and supersede the corporation's Articles of Incorporation as heretofore amended and modified. The restated articles of incorporation are as follows.

Article I

The name of the corporation is: The Reach Healthcare Foundation.

Article II

A. The address of the registered office of the corporation in Kansas is 8131 Metcalf Avenue, Suite 200, Overland Park, Kansas 66204. The resident agent at the above address is Brenda R. Sharpe.

B. The resident agent and registered office may be changed from time to time by the Board of Directors.

Article III

A. The corporation is to be operated exclusively for religious, charitable, scientific, literary, and educational purposes within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986 (the "Code"). For purposes of this Restated Articles of Incorporation, any reference to a specific section of the Code is also intended to be a reference to any corresponding provisions of any subsequent federal tax laws. Without limiting the generality of the foregoing, the purposes of the corporation shall include:

1. engaging in, funding, carrying on, conducting or taking part in programs, projects and services designed to improve, protect and/or restore individual, community and public health in order to achieve outcomes improvements in access to, and the quality of, health care and the overall health both of individuals, including in particular individuals who are medically indigent or underserved, and communities as a whole in the area which prior to April 1, 2003 was served by the Health Midwest integrated health system, i.e., in Wyandotte, Johnson and Allen counties in Kansas and Kansas City, Missouri and Jackson, Cass and Lafayette counties in Missouri (such area, herein, the "Region");

2. engaging in, funding, carrying on, conducting or taking part in educational and training programs and courses of instruction in the field of

medicine and preventive medicine and in nursing and in the regulation, diagnosis, treatment and care of diseases, disorders, maladjustments and abnormalities of the human body; and

3. engaging in, funding, carrying on, conducting or taking part in any and all of the foregoing to promote or assist in promoting the good health of the community and the encouragement of providing means and facilities for such purposes.

In addition to the powers and privileges conferred upon the corporation by law and those incidental thereto, the corporation shall possess and may exercise all the powers and privileges which are necessary or convenient to the conduct, promotion or attainment of the business or purposes of the corporation.

B. The corporation is also to be operated exclusively for purposes that are described in section 509(a)(3)(A) of the Code, to wit: to benefit, to perform the functions of, or to carry out the purposes of one or more organizations described in section 509(a)(1) and section 509(a)(2) of the Code. The organizations that the corporation is to support (referred to in this section B as the "Supported Organizations") are governmental units and organizations described in section 509(a)(1) and section 509(a)(2) of the Code, a primary purpose or function of each of which is either to provide or to facilitate or assure the provision of basic or needed physical and mental healthcare services to all citizens of the Region or to support and promote or to facilitate or assure the support and promotion of the physical and mental health of all citizens in the Region, or both. The organizations that are Supported Organizations will vary from time to time as new Supported Organizations are substituted for other Supported organizations, as new Supported Organizations come into existence and begin to function, and as Supported Organizations cease to function. The corporation may vary the amount of support that it provides from time to time to any Supported Organization.

C. The corporation shall manage a permanent endowment. The Board of Directors shall adopt appropriate investment and spending policies to preserve the corporation's capacity to further its purposes over the long term.

Article IV

The corporation will not have authority to issue capital stock.

Article V

A. The corporation shall have all powers conferred by the Kansas general corporation code except that, and notwithstanding any other provision of this Restated Articles of Incorporation: (i) the corporation shall not carry on any activities not permitted to be carried on by a corporation exempt from federal income tax under section 501(c)(3) of the Code, contributions to which are deductible under section 170(c)(2) of the Code; and (ii) the purposes of the corporation shall be limited to one or more of the purposes set forth

in section 509(a)(3)(A) of the Code. For purposes of this Restated Articles of Incorporation, any reference to a specific section of the Kansas general corporation code is also intended to be a reference to any corresponding provisions of any subsequent Kansas corporation laws.

B. No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, its directors, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of its purposes set forth herein.

C. No substantial part of the activities of the corporation shall be (and no substantial part of the assets of the corporation shall be used in) carrying on propaganda or otherwise attempting to influence legislation. The corporation shall not directly or indirectly participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of or in opposition to any candidate for public office.

D. The corporation shall not operate for the purposes of carrying on a trade or business for profit.

E. The following provisions of this section E shall apply for all taxable periods during all or any part of which the corporation is classified as a private foundation within the meaning of section 509 of the Code.

1. The corporation shall not engage in any act of self-dealing as defined in section 4941(d) of the Code.

2. The corporation shall distribute its income for each taxable year of the corporation at such times and in such amounts so as not to become subject to the tax on undistributed income imposed by section 4942 of the Code.

3. The corporation shall not retain any excess business holdings as defined in section 4943 of the Code when such retention would subject the corporation to the tax imposed by section 4943 of the Code, and it shall otherwise act or refrain from acting so as not to become subject to the tax imposed by section 4943 of the Code.

4. The corporation shall not make any investments in a manner that would subject it to the tax imposed by section 4944 of the Code.

5. The corporation shall not make any taxable expenditures as defined in section 4945 of the Code, and it shall otherwise act or refrain from acting so as not to become subject to the tax imposed by section 4945 of the Code.

Article VI

Upon the dissolution of the corporation, the assets of the corporation which remain after payment of its obligations has been made or provided for, and after return, transfer, or conveyance of assets held upon condition requiring such return, transfer, or conveyance, shall be transferred to one or more nonprofit organizations whose purposes are substantially similar to those for which the corporation is organized and which at the time of such distribution are described in section 501(c)(3) of the Code and exempt from tax under section 501(a) of the Code.

Article VII

The corporation's Restated Articles of Incorporation and Bylaws may only be amended by a vote of at least two-thirds of the Directors then in office.

Article VIII

The corporation's Directors will serve as the members of the corporation and the meetings and actions of the Board of Directors will constitute the meetings and actions of the members.

Article IX

No individual Director shall be deemed an agent or instrumentality of any authority appointing a member of the Board of Directors of the Corporation. No such member, individual or entity shall have any liability of any kind for the actions or omissions of any such Director or former Director relating to or arising out of his or her capacity as Director or for the actions or omissions of the Corporation, its Directors, officers, employees, agents, successors or assigns.

Article X

A. The corporation in its Bylaws, by contract, or in any other manner may agree to indemnify and protect any director, officer, employee, or agent of the corporation, or any person who serves at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust, employee benefit plan, or other enterprise, to the fullest extent authorized or permitted by the laws (including, without limitations, the statutes, case law, and principles of equity) of the State of Kansas.

B. Without limiting the generality of the foregoing provisions of this article, to the fullest extent permitted or authorized by the laws of the State of Kansas, as now in effect and as the same may from time hereafter, be amended, including without limitations the provisions of section 17-6002(b)(8) of the Kansas general corporation code, no Director shall be personally liable to the corporation or to any member for monetary damages for breach of fiduciary duty. Any repeal or modification of the limitation of liability provided

by the immediately preceding sentence shall not adversely affect any right or protection of a Director or member of the corporation existing hereunder with respect to any act or omission occurring prior to or at the time of such repeal or modification.

Article XI

The books of the corporation shall be kept (subject to any provision contained in the statutes of the State of Kansas) only in the State of Kansas at such place or places as may be designated from time to time by the Board of Directors or in the Bylaws of the corporation.

Article XII

The corporation shall be subject to and controlled by the general corporation code of the State of Kansas, particularly including the provisions applicable to nonprofit corporations.

Article XIII

A. Subject to the provisions of Article V, the corporation's Board of Directors is vested with the responsibility of expending foundation resources for the general purposes set forth above and for the specific needs and in the specific areas identified by initial and ongoing community needs assessments processes as developed by the Board of Directors.

B. Subject to the provisions of Article V, the Board of Directors is free to:

1. appropriate for expenditure or accumulate so much of the corporation's endowment fund as the Board of Directors determines is prudent for the uses, benefits, purposes, and duration for which the corporation's endowment fund is established, provided that the Board of Directors acts in good faith and with the standard of care required under the Uniform Prudent Management of Institutional Funds Act (K.S.A. sections 58-3601, et seq.), and only after giving due consideration to the factors identified therein; and

2. make such expenditures, if any, that are required by the Code (including, without limitation, any applicable minimum distribution requirements of section 4942 of the Code), regardless of whether the corporation is a private foundation within the meaning of section 509 of the Code.

Article XIV

The corporation is to exist perpetually.

As an amendment to the corporation's Articles of Incorporation, this Restated Articles of Incorporation amends the Articles of Incorporation by deleting the text of that document (as

heretofore amended) in its entirety and by substituting the text of this document in the place thereof. This document is executed on November 18, 2021.

THE REACH HEALTHCARE FOUNDATION

By: Brenda R. Sharpe
Brenda R. Sharpe
President

Attest:

Angela Harse
Angela Harse
Secretary

**AMENDED AND RESTATED BYLAWS OF
THE REACH HEALTHCARE FOUNDATION
a Kansas not-for-profit corporation**

(Effective June 1, 2022)

**ARTICLE I
Corporation Purposes**

Section 1. Purposes of the Corporation. The purposes of The Reach Healthcare Foundation, a Kansas not-for-profit corporation (the “**Corporation**”) shall be as set forth in, and as limited by, the Articles of Incorporation of the Corporation (the “**Articles**”).

Section 2. Prohibited Activities.

(a) Prohibitions. The Corporation shall not make any loans to any of its Directors, Officers, or employees, nor to any other person or entity employed by or having a contract with the Corporation; provided, however, that the Corporation shall not be prohibited from making “program related investments” permitted under § 4944 of the Internal Revenue Code of 1986 (the “**Code**”). The Corporation shall not engage in any self-dealing for the benefit of any Director, Officer, employee, or other person or entity having a contract with the Corporation. Neither the Corporation nor any of its Directors, Officers or employees, acting in their capacity as Directors, Officers or employees shall directly or indirectly advocate for the nomination, election, or defeat of any candidate for public office. No assets of the Corporation shall be used by the Corporation in connection with any activity that is prohibited by this Section, and no grant of the Corporation shall be made for the specific purpose of pursuing any such activity; provided, however, that the prohibitions of this Section (other than the prohibition of advocacy for a candidate for public office) do not apply to any recipient of grants from the Corporation.

(b) Limitations. Nothing contained herein shall be construed to prohibit the Corporation or any of its Directors, Officers, employees, or grant recipients from publicizing the services provided by the Corporation or its grant recipients, or from publicizing the decisions and actions of the Corporation. Nothing contained herein shall be construed to prohibit individual Directors, Officers, employees, or grant recipients from expressing their opinions on any issue as long as such opinions are not expressed as being held by the Corporation.

(c) Lobbying. The Corporation may engage in lobbying or otherwise attempt to influence legislation or attempt to influence the outcome of any ballot initiative or issue to the extent allowed under the Code and, in particular, to the extent such activities will not affect the status of the Corporation as an organization described in Code §§ 501(c)(3) and 509(a)(3).

Section 3. Educational Processes. The Board of Directors shall have the affirmative obligation to design and maintain an educational process for all Directors concerning their responsibilities to the Corporation and its purposes, the identified needs of the Service Area (as defined in Article III, Section 5(a) below), and the necessity of continually re-assessing those needs and their responsibilities to the Corporation and its purposes.

ARTICLE II

Offices

Section 1. Offices.

(a) Registered Office and Resident Agent. The location of the Corporation's registered office and the name of the Corporation's resident agent in the State of Kansas shall be determined from time to time by the Board of Directors and shall be filed in the appropriate office of the State of Kansas pursuant to applicable law. Unless otherwise permitted by law, the address of the Corporation's registered office and the address of the business office of the Corporation's resident agent shall be identical.

(b) Corporate Offices. The Corporation may have such corporate offices at such locations as from time to time the business of the Corporation may require or the Board of Directors may determine, provided such corporate offices are located within the service area traditionally served by Health Midwest in the State of Kansas, namely Allen, Johnson, and Wyandotte Counties. Notwithstanding the foregoing, the Board of Directors shall ensure that the principal office of the Corporation is and will remain fixed in Johnson County, Kansas, which shall for all purposes be deemed the location and residence of the Corporation.

ARTICLE III

Board of Directors

Section 1. Membership. The Corporation shall not have stockholders or separate members but, in lieu thereof, shall have a Board of Directors that will serve as the membership of the Corporation. The meetings and actions of the Board of Directors shall constitute the meetings and actions of the members. All rights, powers, duties, and obligations concerning the management of the Corporation shall be vested in the Board of Directors.

Section 2. Composition of the Board of Directors. The Board of Directors shall consist of seventeen (17) Directors, comprised of:

(a) Nine (9) individuals (the "**Appointed Directors**") to be appointed as follows:

- (1) The Kansas Governor shall appoint one (1) Director.
- (2) The Kansas Attorney General shall appoint one (1) Director.
- (3) The Johnson County (KS) Commission shall appoint four (4) Directors.
- (4) The Unified Government of Wyandotte County (KS) shall appoint two (2) Directors.
- (5) The Allen County (KS) Commission shall appoint one (1) Director.

(b) Eight (8) individuals (the “**At-Large Directors**”) to be elected by the At-Large Directors as set forth in Section 4 of this Article.

Section 3. Tenure of Directors.

(a) The Board of Directors shall be divided among three membership classes of approximately equal size (e.g., six (6) Directors in the first membership class and consisting of three Appointed Directors and Three At-Large Directors, six (6) Directors in the second membership class and consisting of three Appointed Directors and Three At-Large Directors, and five (5) Directors in the third membership class, and consisting of three Appointed Directors and Two At-Large Directors). The Directors shall serve, along with the other Directors in their respective membership classes, in staggered terms of three (3) years each, subject, however, to the permitted extension of the term of any Director who is also serving as an Officer and the corresponding reduction of the term of such Director’s immediate successor, as set forth in Article IV, Section 1(d) below. The names, classes and terms of each Director as of the Effective Date of these Bylaws are as set forth on Exhibit A.

(b) Each Director shall hold office for the term set forth in this Section 3 and thereafter until his or her successor shall have been elected or appointed and qualified, or until such Director’s earlier death, resignation, or removal. In the event any such vacancy is caused by any reason other than the expiration of a term (e.g., due to a Director’s resignation, death, disability, or other inability to serve), the replacement Director shall serve only for the shortened, unexpired portion of the term to which such vacancy relates, whereupon such position shall again become vacant and shall thereafter be filled for a full three (3) year term in the manner set forth in this Article III, Section 4.

(c) Unless otherwise entitled to continue serving as a voting director on the Board of Directors, the outgoing Chair of the Board of Directors shall serve as an ex officio, non-voting member of the Board of Directors for a period of one (1) year following the conclusion of his/her term as Chair.

Section 4. Appointment and Election of Directors.

(a) In the event of any vacancy of an Appointed Director at any time, whether due to the expiration of a term, the resignation, death, or disability of the Appointed Director, or any other reason, the vacancy shall be filled by the applicable appointing authority as set forth in Article III, Section 2(a) above.

(b) At each annual meeting of the Board of Directors shall, by a vote of 2/3 of the At-Large Directors then in office, elect successor Directors to replace each At-Large Director whose term in office then expires. The Board of Directors may, at any time, by a vote of 2/3 of the At-Large Directors then in office, fill any vacancy of an At-Large Director, whether due to the resignation, death, or disability of the At-Large Director, or any other reason. All replacement At-Large Directors will be elected from a pool of nominees to be selected by the Nominating Committee.

Section 5. Term Limits. Subject to any extension authorized under Article IV, Section 1(d) below, no person may serve more than two (2) full terms on the Board of Directors,

regardless of whether such terms are served consecutively or with a break in service. For purposes of the foregoing term limit, a Director's service on the Board for any reduced or unexpired term shall not be considered service for a full term unless the duration of such reduced or unexpired term is two (2) years or longer, as may occur in either of the following instances: (a) service of a reduced term by the immediate successor to any Director whose term was extended under Article IV, Section 1(d) below; or (b) service of an unexpired term by any replacement Director who is elected to fill a vacancy in accordance with Section 3 of this Article.

Section 6. Requirements and Qualifications.

(a) Residency Requirements. Each Director must be a resident of the service area traditionally served by Health Midwest, namely Allen, Johnson, and Wyandotte Counties in Kansas; Cass, Lafayette, and Jackson Counties in Missouri; and the City of Kansas City, Missouri (including portions of Clay and Platte Counties within the city limits) (the "**Service Area**").

(b) Diversity and Other Qualifications. As a whole, the Board of Directors shall (i) reflect the geographic, ethnic, gender, age, socio-economic, and professional diversity of the Service Area and (ii) have demonstrated education, expertise, and experience in the provision of health care, asset management, investment strategies, philanthropic administration, community health care, community development or outreach, and other related areas of education, expertise, and/or experience, so that the Board can more effectively fulfill its obligations to the communities served.

(c) Persons Not Eligible to Serve as Directors. Any person who holds an elected or appointed position (unless the position is without compensation or is only nominally compensated) with any federal, state, or local governmental entity (hereinafter referred to as a "Public Official") or who holds a position of employment with the Corporation (except as specifically provided or permitted under these Bylaws) (hereinafter referred to as an "Employee") shall be ineligible to serve on the Board of Directors for so long as such person remains a Public Official or an Employee of the Corporation. Any Director elected to public office shall be deemed to have resigned from the Board of Directors upon the certification of such person's election to the office. Any Director who wishes to seek employment with the Corporation must resign his or her position on the Board of Directors before applying for any such position of employment.

Section 7. Powers of the Board.

(a) In General. Except as otherwise provided by law, the Articles, or these Bylaws, all corporate powers shall be exercised by or under the authority of, and the affairs of the Corporation shall be managed under the supervision of, the Board of Directors. Subject to the provisions of the Articles, such corporate powers include the power to do all things necessary or convenient to carry out the Corporation's affairs.

(b) Expenditure of Funds. The Board of Directors shall be vested with the responsibility of expending the Corporation's resources for the purposes set forth in the Articles. Subject to the provisions of the Articles, the Board is free to: (i) appropriate for expenditure or

accumulate so much of the Corporation's endowment funds as the Board determines is prudent for the uses, benefits, purposes, and duration for which the endowment funds are established, provided that the Board acts in good faith and with the standard of care required under the Uniform Prudent Management of Institutional Funds Act (K.S.A. §§ 58-3611, et seq.) and only after giving due consideration to the factors identified therein; and (ii) make any expenditures that may be required from time to time by the Code (including, without limitation, the minimum distribution requirements of Code § 4942), regardless of whether the Corporation is a "private foundation" within the meaning of § 509 of the Code or a "public charity," and any other distribution required by federal, state, or local law.

Section 8. Meetings and Notice.

(a) Annual Meeting. The annual meeting of the Board of Directors shall be held each year on such date as shall be fixed by the Chair of the Board or the President. At the annual meeting, the Board shall (i) provide for a vote of the At-Large Directors to fill any vacancies in the At-Large Directors of the Board, (ii) elect Officers, and (iii) transact such other business as may properly be brought before the meeting. The place of the annual meeting may be within or outside the State of Kansas.

(b) Regular Meetings. Regular meetings of the Board of Directors may be held at regular intervals and at such times and places either within or outside the State of Kansas as may from time to time be fixed by the Chair of the Board or the President, or by resolution adopted by the Board of Directors. Any business may be transacted at a regular meeting.

(c) Special Meetings. Special meetings of the Board of Directors may be called at any time by the Chair of the Board, by the President, or at the request of any five (5) or more Directors. The place of any special meeting may be within or outside the State of Kansas as designated in the notice thereof.

(d) Notice. Except as otherwise provided in paragraph (b) of this Section, written or printed notice of each meeting of the Board of Directors, stating the date, time, and place of such meeting, shall be delivered personally, by mail, by e-mail, or by telefacsimile to each Director at least twenty-four (24) hours in advance of the meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail with postage thereon addressed to the Director's residence or usual place of business, provided such deposit occurs at least four (4) days prior to the date of the meeting. If notice is given by telefacsimile or e-mail, such notice shall be deemed to be delivered when the same is transmitted to the recipient. Notice of a meeting may be given by any person or persons having authority to call a meeting. Except as otherwise required by law, the Articles, or these Bylaws, neither the purpose(s) of the meeting nor the business to be transacted at the meeting needs to be stated in the notice.

(e) Waiver of Notice. A Director may at any time waive any notice required by law, the Articles, or these Bylaws. Such waiver must be in writing, signed by the Director entitled to notice, and filed with the minutes or corporate records of the Corporation. A Director's attendance at or participation in a meeting shall be deemed a waiver of any required notice of the meeting unless the Director, upon arriving at the meeting or prior to any vote at

such meeting, objects to the lack of notice and does not otherwise vote for or assent to any action to which the Director objects being taken without proper notice.

(f) Action of Board Without a Meeting. Any action which is required or permitted to be taken at a meeting of the Board of Directors may be taken without a meeting if one or more written consents, describing and approving the action so taken, are signed by all of the Directors in writing or by electronic transmission and included in the minutes or corporate records of the Corporation. Any action taken by the Board of Directors pursuant to this paragraph shall be deemed effective when the last Director signs the written consent describing and approving the action so taken, unless the consent specifies a different effective date. Any written consent approved by the Board of Directors pursuant to this paragraph shall have the same force and effect as an affirmative vote of the Board at a duly called, noticed, and held meeting thereof and may be described as such in any document relating thereto.

(g) Conference Telephone or Similar Communications Equipment. The Directors may participate in any meeting of the Board of Directors by means of a conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting in any such manner shall constitute presence in person at such meeting.

Section 9. Quorum and Voting. Except as otherwise provided by law, the Articles, or these Bylaws, a majority of the Directors holding positions on the Board immediately before a meeting begins, present at the meeting in person or by proxy, shall constitute a quorum. If a quorum is present when a vote is taken, the affirmative vote of a majority of Directors present at the meeting in person or by proxy is the act of the Board unless a greater number is required by law, the Articles, or these Bylaws.

Section 10. Proxies. Any proxy must be executed in writing or established by means of electronic submission, including telephonic transmission, provided the electronic transmission contains the information necessary to determine that the proxy was duly authorized by the Director granting such proxy and shall comply with such other rules as may be established by the Board of Directors from time to time. Unless otherwise provided in the proxy, the duration of any proxy shall be limited to the Board meeting specified in such proxy or, if no meeting is specified, to the first Board meeting that occurs after execution of the proxy.

Section 11. Adjournment. If there are less than a quorum of Directors present in person or by proxy at any meeting of the Board of Directors, then a majority of the Directors who are present may adjourn the meeting to another time without notice.

Section 12. Removal. Any Appointed Director may be removed with or without cause by the governmental authority who appointed such Director. Any At-Large Director may be removed with or without cause by the affirmative vote of at least two-thirds (2/3) (rounding up) of the At-Large Directors then serving on the Board. Any Director may be removed by the affirmative vote of a majority of the Directors then serving on the Board if such Director has failed to attend at least half of the meetings of the Board, or at least half of the meetings of each committee on which such Director serves, during any prior twelve (12) month period.

Section 13. Compensation of Directors. Directors shall receive no compensation for the performance of their duties as Directors; provided, however, that Directors may be entitled to reimbursement of expenses as authorized by the Board from time to time, provided that any requests for such reimbursement are submitted in compliance with such policies or procedures as may be established by the Board from time to time. Notwithstanding the foregoing, Directors may, except as otherwise set forth herein, serve the Corporation in other capacities and receive reasonable compensation in connection with such service.

Section 14. Attorney General Enforcement. If any appointing authority fails for any reason to appoint a member to the Board of Directors as required by Article III, Section 2(a) above, and if such position vacant more than seventy-five (75) days after the date such vacancy was created, then the Kansas Attorney General may act in place of the appointing authority to make such appointment; provided, however, that if the Kansas Attorney General fails to make any appointment required or permitted by this Article III, and if such remains vacant more than sixty (60) days after the date such vacancy was created, then any three (3) or more Directors may institute an action in the District Court of Johnson County (KS) to request that the appropriate appointing authority be required to make an appointment as required by this Article III. The Corporation shall pay the costs of any such action unless the Court, in a final action, judgment, or determination, concludes that the institution of the action was frivolous.

ARTICLE IV

Officers

Section 1. Generally.

(a) **Officers.** The Officers of the Corporation shall include a Chair of the Board, Vice Chair of the Board, President, Secretary, Treasurer, and Chief Financial Officer. The Board of Directors shall elect all such Officers and may, if the Board desires, elect additional Officers, such as one or more Vice Presidents, one or more Assistant Secretaries, and one or more Assistant Treasurers, at each annual meeting of the Board. Except for the President, the Chief Financial Officer, and the Vice President of Finance and Operations, if any, all of the Officers shall be Directors.

(b) **Qualification.** An Officer shall be deemed qualified when the Officer enters upon the duties of the office to which he or she has been elected or appointed and furnishes any bond required by the Board of Directors; provided, however, that the Board may also require of any such person so elected or appointed a written acceptance and/or oath faithfully to discharge the duties of such office.

(c) **Term of Office.** Unless otherwise provided by the Board of Directors upon election, all elected Officers of the Corporation shall serve until the earlier of (i) the second annual meeting of the Board of Directors following the Officer's election, (ii) the expiration of the final year of such Officer's final term on the Board of Directors pursuant to the term limits established under Article III, Section 4 above, or (iii) such Officer's death, resignation, or removal from office or from the Board of Directors. Notwithstanding the foregoing, each Officer shall continue in office despite the expiration of such Officer's term until his or her successor has been elected and qualified, or unless otherwise provided by the Board of Directors.

(d) Extension of Term. Notwithstanding anything contained herein to the contrary, the Board of Directors shall have the authority to extend the term of any Officer of the Corporation for a period of one (1) year at any time before a successor has been elected to replace such Officer, and, in such event, the corresponding term of such person's position on the Board shall also be extended for an equivalent period if such person's term as a Director would have otherwise expired before the end of the extended term of office. In the event that any such Officer's term as a Director is extended by the Board as set forth in this paragraph, the term of the immediate successor to such person's position as a Director shall automatically be reduced by an equivalent period of time in order to maintain the structure of the staggered terms of the Board of Directors, as established herein.

(e) Other Agents. The Board of Directors may from time to time appoint such other agents for the Corporation as it deems necessary or advisable, each of whom shall serve at the pleasure of the Board or for such periods as the Board may specify and shall, under the direct supervision of the President, exercise such powers, have such titles, and perform such duties as may be determined from time to time by the Board or by an Officer empowered by the Board to make such determinations. Notwithstanding anything contained herein to the contrary, agents appointed under this Section shall not be considered Officers of the Corporation.

(f) Removal. Any Officer or agent elected or appointed by the Board of Directors, and any employee of the Corporation, may be removed or discharged by the Board at any time with or without cause, but such removal or discharge shall be without prejudice to the contractual rights, if any, of the person so removed.

(g) Delegation of Authority to Hire, Discharge, and Designate Duties. The Board of Directors may from time to time delegate to the Chair of the Board, the President, or any other Officer or executive employee of the Corporation, the authority to hire, discharge, or fix and modify the duties, salary, or other compensation of employees of the Corporation under their jurisdiction, and the Board may delegate to such Officer or executive employee similar authority with respect to obtaining and retaining for the Corporation the services of attorneys, accountants, and other professionals or experts.

(h) Duties of Officers May Be Delegated. If any Officer of the Corporation is absent or unable to act, or if the Board of Directors deems it necessary or appropriate for any other reason, the Board may temporarily delegate some or all of the functions, duties, powers, and responsibilities of any Officer to any other Officer, or to any other agent or employee of the Corporation, or to any other responsible person.

Section 2. Chair of the Board. The Chair of the Board shall, except as otherwise provided in these Bylaws, preside at all meetings of the Board of Directors at which the Chair of the Board may be present, and shall have such other duties, powers, and authority as may be prescribed elsewhere in these Bylaws. Other than those duties which are conferred by law exclusively upon the President, the Board of Directors may delegate and assign to the Chair of the Board such additional authority and such additional duties as the Board may from time to time determine.

Section 3. Vice Chair of the Board. In the absence, disability, or inability to act of the Chair of the Board at any time, the Vice Chair of the Board shall perform the duties and exercise the powers of the Chair of the Board. The Vice Chair of the Board shall also perform such other duties as the Board of Directors may from time to time prescribe.

Section 4. President.

(a) Unless otherwise provided by the Board of Directors, the President shall be the chief executive officer of the Corporation and shall have such general executive powers and such duties of supervision and management as are usually vested in the office of the chief executive officer of a corporation. The President shall carry into effect all directions and resolutions of the Board of Directors.

(b) The President may execute all bonds, notes, debentures, mortgages, and other contracts, and all other instruments for and in the name of the Corporation, as are consistent with the policies and resolutions of the Board of Directors.

(c) Unless otherwise provided by the Board of Directors, the President, or any person designated in writing by the President, may:

(1) represent the Corporation by attending meetings of any other corporation and voting or taking other action, in such manner as the President or the President's designee may determine, with respect to any shares of such other corporation that are owned by the Corporation; and

(2) execute and deliver waivers of notice and proxies for and in the name of the Corporation with respect to any such shares of another corporation as are owned by the Corporation.

(d) Unless otherwise provided by the Board of Directors or elsewhere in these Bylaws, the President shall be an ex officio, non-voting member of the Executive Committee and all other standing committees.

(e) Subject to the authority and supervision of the Board of Directors and the Executive Committee, as set forth herein, the President shall have the authority to make and implement personnel decisions for the Corporation, including decisions concerning the hiring and firing of employees, contractors, and other agents of the Corporation.

(f) The President shall have such other and further duties and authority as may be prescribed elsewhere in these Bylaws or from time to time by the Board of Directors.

Section 5. Vice Presidents. In the President's absence, disability, or inability to act at any time, the Vice President(s) shall perform the duties and exercise the powers of the President. The Vice President(s) shall also perform such other duties as the Board of Directors may from time to time prescribe.

Section 6. Secretary; Assistant Secretaries.

(a) The Secretary shall attend all meetings of the Board of Directors and, except as otherwise provided in these Bylaws, shall record or cause to be recorded all votes taken and the minutes of all proceedings in a minute book of the Corporation to be kept for that purpose. The Secretary shall perform like duties for the Executive Committee and other standing committees when requested by the Board of Directors or any such committee to do so.

(b) The Secretary shall see that all books, records, lists, and information, or duplicates thereof, required to be maintained at any office of the Corporation in the State of Kansas, or elsewhere, are so maintained.

(c) The Secretary shall perform such other duties and shall have such other responsibilities and authority as may be prescribed elsewhere in these Bylaws or from time to time by the Board of Directors or the President.

(d) The Secretary shall have such general duties, powers, and responsibilities as are usually vested in the office of a secretary of a corporation.

(e) Any Assistant Secretary, in the absence, disability, or inability to act of the Secretary, may perform the duties and exercise the powers of the Secretary, and shall perform such other duties and have such other authority as the Board of Directors may from time to time prescribe.

Section 7. Treasurer; Assistant Treasurers.

(a) The Treasurer shall have responsibility for the safekeeping of the funds and securities of the Corporation, shall keep or cause to be kept full and accurate accounts of receipts and disbursements in books belonging to the Corporation, and shall keep, or cause to be kept, all other books of account and accounting records of the Corporation. The Treasurer shall deposit or cause to be deposited all moneys and other valuable effects in the name of, and to the credit of, the Corporation in such depositories as may be designated from time to time by the Board of Directors or by any Officer of the Corporation to whom such authority has been granted by the Board of Directors.

(b) The Treasurer shall disburse, or permit to be disbursed, the funds of the Corporation as may be ordered, or authorized generally, by the Board of Directors, and shall render to the President and the Board of Directors, whenever they may require it, an account of all of the Treasurer's transactions, and of those under the Treasurer's jurisdiction, and of the financial condition of the Corporation.

(c) The Treasurer shall perform such other duties and shall have such other responsibilities and authority as may be prescribed elsewhere in these Bylaws or from time to time by the Board of Directors or the President.

(d) The Treasurer shall have such general duties, powers, and responsibilities as are usually vested in the office of a treasurer of a corporation.

(e) If required by the Board of Directors, the Treasurer shall give the Corporation a bond, in a sum and with one or more sureties satisfactory to the Board, to ensure

the faithful performance of the duties of the office, and for the restoration to the Corporation, in the case of death, resignation, retirement, or removal from office, of all books, papers, vouchers, money, and other property of whatever kind in the Treasurer's possession or under the Treasurer's control which belong to the Corporation.

(f) Any Assistant Treasurer, in the absence, disability, or inability to act of the Treasurer, may perform the duties and exercise the powers of the Treasurer, and shall perform such other duties and have such other authority as the Board of Directors may from time to time prescribe.

Section 8. Chief Financial Officer. The Corporation shall employ a Chief Financial Officer, who shall supervise and manage all of the financial and accounting functions of the Corporation, subject to such policies and directions as may from time to time be adopted by the Board of Directors. The Chief Financial Officer, if so authorized by the Board, may negotiate with financial institutions on behalf of the Corporation. The Chief Financial Officer shall have such duties and authority as are conferred by law exclusively upon a chief financial officer of a corporation, as well as such other or further duties and authority as may be prescribed elsewhere in these Bylaws or from time to time by the Board of Directors. The Chief Financial Officer shall report to the President.

ARTICLE V

Board Committees

Section 1. Generally. The Board of Directors may create such standing or special committees of two (2) or more Directors as it deems desirable and may, by resolution, delegate to each such committee all such powers, duties, and responsibilities of the Board as may be consistent with applicable law, the Articles, and these Bylaws. Except as otherwise set forth in these Bylaws, the creation of a committee and the appointment of committee members shall be approved by a majority of all of the Directors holding positions on the Board at the time such action is taken. All provisions of these Bylaws relating to meetings, actions without meetings, notice, waiver of notice, and quorum and voting requirements shall apply to such committees and committee members; provided, however, that with respect to any committees to which one or more other non-Directors are appointed in accordance with Section 3 of this Article, only Directors may be counted for purposes of determining whether a quorum is present. All committees shall keep regular minutes of their proceedings, which shall be recorded in the minute book of the Corporation.

Section 2. Standing Committees. Notwithstanding the provisions of Section 1 of this Article, the Board of Directors shall have the following standing committees:

(a) **Executive Committee.** Unless otherwise limited by these Bylaws, the Executive Committee shall have and may exercise such authority of the Board of Directors in the management of the Corporation as may be authorized or delegated by the Board from time to time. Without limiting the generality of the foregoing, the Executive Committee shall be authorized to undertake and perform all of the following functions:

(1) Plan the agenda for any upcoming meeting of the Board of Directors;

(2) Make decisions that are time-sensitive in nature on behalf of the Board of Directors whenever such matters occur between meetings of the Board;

(3) Act as the Personnel Committee, including directing and being responsible for the selection, supervision, and evaluation of the President; and

(4) Perform such other acts, duties, and functions as may be determined by the Board of Directors from time to time and set forth in any charter, resolution, or statement of policies or procedures adopted by the Board and made applicable to the Executive Committee in accordance with these Bylaws.

The Executive Committee shall be composed of the President (ex officio, non-voting), the Chair of the Board, the Vice Chair of the Board, the Secretary, the Treasurer, the Chair of the Program & Policy Committee, and at least one (1) other at-large member of the Board of Directors. The term of service on the Executive Committee for such named Officers of the Corporation shall coincide with the term of the office so held. Each appointment to the Executive Committee for any non-Officer shall be for a term of one (1) year, and any non-Officer member of the Executive Committee may be reappointed for additional terms. The Chair of the Board shall also be and act as the Chair of the Executive Committee.

(b) Finance & Audit Committee. The Finance & Audit Committee shall be authorized to undertake and perform all of the following functions:

(1) Review and oversee the investment and financial status of the Corporation;

(2) Examine, evaluate, and make recommendations regarding the adequacy and effectiveness of the internal control systems provided by management in conducting operations of the Corporation;

(3) Provide oversight of the Corporation's financial audits and independent auditors, assess financial risks and exposures, and monitor compliance with legal and regulatory filing requirements;

(4) Report matters discussed at the Finance & Audit Committee meetings to the Board of Directors at any annual or regular meeting thereof, and make such recommendations for Board action as the Finance & Audit Committee deems appropriate; and

(5) Perform such other acts, duties, and functions as may be determined by the Board of Directors from time to time and set forth in any charter, resolution, or statement of policies or procedures adopted by the Board and made applicable to the Finance & Audit Committee in accordance with these Bylaws.

The Finance & Audit Committee shall be composed of the President (ex officio, non-voting), the Treasurer, at least four (4) other Directors, and such other non-Directors, if any, as may be appointed by the Chair of the Board pursuant to Section 3 of this Article. With the exception of the Treasurer, each appointment to the Finance & Audit Committee shall be for a term of one (1) year, and any member of the Finance & Audit Committee may be reappointed for additional terms. The Treasurer shall be and act as the Chair of the Finance & Audit Committee, and the Treasurer's term of service on the Finance & Audit Committee shall coincide with his or her term as the Treasurer.

(c) Program & Policy Committee. The Program & Policy Committee shall be authorized to undertake and perform all of the following functions:

- (1) Identify and recommend to the Board of Directors organizations that, pursuant to and consistent with the Corporation's purposes, should receive funds from the Corporation;
- (2) Monitor the use by all such recipients of any funds received from the Corporation; and
- (3) Perform such other acts, duties, and functions as may be determined by the Board of Directors from time to time and set forth in any charter, resolution, or statement of policies or procedures adopted by the Board and made applicable to the Program & Policy Committee in accordance with these Bylaws.

Except as otherwise set forth in any charter, resolution, or statement of policies or procedures adopted by the Board of Directors, all grant recommendations shall be subject to approval by the Board of Directors. The Program & Policy Committee shall be composed of at least five (5) Directors, in addition to such non-Directors, if any, as may be appointed by the Chair of the Board pursuant to Section 3 of this Article. Each appointment to the Program & Policy Committee shall be for a term of one (1) year, and any member of the Program & Policy Committee may be reappointed for additional terms. The Chair of the Program & Policy Committee shall be elected by the Board of Directors and shall serve in such capacity for two (2) years.

(d) Nominating Committee. The Nominating Committee shall be authorized to undertake and perform all of the following functions:

- (1) Identify and implement the nomination process for At-Large Director positions on the Board of Directors, with input from the Board.
- (2) Create criteria and qualification requirements for prospective nominees based upon skills, areas of expertise, and/or community representation needed on the Board of Directors in compliance with Section 5(b) above.
- (3) In advance of each annual meeting of the Board of Directors, present to the Board of Directors the slate of nominees for vacant At-Large Director positions on the Board, along with the credentials of each nominee, to be elected pursuant to Article III, Section 4.

(4) Maintain a pool of nominees in the event of an off-cycle vacancy for At-Large Directors on the Board of Directors.

The Nominating Committee shall be composed of the Chair of the Board, two (2) Appointed Directors and two (2) At-Large Directors, appointed by the Chair of the Board. With the exception of the Chair of the Board, each appointment to the Nominating Committee shall be for a term of one (1) year, and any member of the Nominating Committee may be reappointed for additional terms.

Section 3. Appointments by Chair. Notwithstanding anything contained herein to the contrary, the Chair of the Board shall have the authority, subject to the approval of the Board, as set forth in Section 1 of this Article, to appoint one or more non-Directors to serve, along with the Directors appointed in accordance with these Bylaws, on any standing or special committee of the Board; provided, however, that no such appointments may be made to the Executive Committee or the Nominating Committee. The Chair of the Board shall also have the authority, subject to the approval of the Board, as set forth in Section 1 of this Article, to remove any non-Director from any standing or special committee at any time, with or without cause, and to determine whether any non-Director so appointed to serve on any standing or special committee will be a voting or non-voting member of such committee; provided, however, that the voting membership of every standing and special committee of the Board shall at all times consist of a majority of Directors, and no committee shall be permitted to have non-Directors constitute a majority of its voting membership. Any such appointment of a non-Director to any standing or special committee shall be for a term of one (1) year, and any such appointee may be reappointed for additional terms at the discretion of the Chair of the Board.

ARTICLE VI

Indemnification

Section 1. General Indemnity. The Corporation shall indemnify any person who was or is a party, or who is threatened to be made a party, to any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative, other than an action by or in right of the Corporation, by reason of the fact that he/she is or was a Director, Officer, employee, or agent of the Corporation, or is or was serving at the request of the Corporation as a Director, Officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise, against expenses (including attorneys' fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by him/her in connection with such action, suit, or proceeding if he/she acted in good faith and in a manner he/she reasonably believed to be in or not opposed to the best interests of the Corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his/her conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, conviction, or upon a plea of *nolo contendere* or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he/she reasonably believed to be in or not opposed to the best interests of the Corporation, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his/her conduct was unlawful.

Section 2. Indemnity for Derivative Actions. The Corporation shall indemnify any person who was or is a party, or who is threatened to be made a party, to any threatened,

pending, or completed action or suit by or in right of the Corporation to procure a judgment in its favor by reason of the fact that he/she is or was a Director, Officer, employee, or agent of the Corporation, or is or was serving at the request of the Corporation as a Director, Officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise, against expenses (including attorneys' fees) actually and reasonably incurred by him/her in connection with the defense or settlement of such action or suit if he/she acted in good faith and in a manner he/she reasonably believed to be in or not opposed to the best interests of the Corporation and except that no indemnification shall be made in respect of any claim, issue, or matter as to which such person shall have been adjudged to be liable to the Corporation unless, and only to the extent that, the court in which such action or suit was brought determines upon application that, despite the adjudication of liability but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses that the court deems proper.

Section 3. Mandatory Indemnification of Expenses. To the extent that a present or former Director, Officer, employee, or agent of the Corporation has been successful on the merits or otherwise in defense of any action, suit, or proceeding referred to in Sections 1 or 2 of this Article, or in defense of any claim, issue, or matter therein, he/she shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him/her in connection with such action, suit, or proceeding.

Section 4. Board Determination. Any indemnification under Sections 1 or 2 of this Article, unless ordered by a court, shall be made by the Corporation only as authorized in the specific case upon a determination that indemnification of the present or former Director, Officer, employee, or agent of the Corporation is proper in the circumstances because he/she has met the applicable standard of conduct set forth in this Article. Such determination shall be made, with respect to a person who is a Director or Officer at the time of such determination: (a) by a majority vote of a quorum of the Directors who were not parties to the action, suit, or proceeding, or (b) if such a quorum is not obtainable, or even if obtainable if the quorum of disinterested Directors so directs, by independent legal counsel in a written opinion.

Section 5. Advancement of Expenses. Expenses, including attorneys' fees, incurred by a Director, Officer, employee, or agent of the Corporation in defending a civil, criminal, administrative, or investigative action, suit, or proceeding may be paid by the Corporation in advance of the final disposition of such action, suit, or proceeding, as authorized by the Board of Directors in the specific case, upon receipt of an undertaking by or on behalf of the Director, Officer, employee, or agent to repay such amount if it is ultimately determined that he/she is not entitled to be indemnified by the Corporation as authorized in this Article. Such expenses, including attorneys' fees, incurred by any former Director, Officer, employee, or agent of the Corporation may be so paid upon such terms and conditions, if any, as the Board of Directors deems appropriate in the circumstances.

Section 6. Nonexclusive Right. The indemnification and advancement of expenses provided by, or granted pursuant to, this Article (a) shall not be deemed exclusive of any other rights to which those seeking indemnification or advancement of expenses may be entitled under any provision of law, the Articles, the Bylaws, any agreement, a vote of disinterested Directors, or otherwise, both as to action in his/her official capacity and as to action in another capacity

while holding such office, and (b) shall, unless otherwise provided when authorized or ratified, continue as to a person who has ceased to be a Director, Officer, employee, or agent and shall inure to the benefit of the heirs, executors, and administrators of such a person. The Corporation may give any further indemnification to any person who is or was a Director, Officer, employee, or agent, or to any person who is or was serving at the request of the Corporation as a director, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise, except that no such indemnification shall indemnify any person from or on account of such person's conduct which is finally adjudged to constitute willful misconduct or to have been knowingly fraudulent or deliberately dishonest. A right to indemnification or advancement of expenses arising under a provision of the Articles or these Bylaw shall not be eliminated or impaired by an amendment to such provision after the occurrence of the act or omission that is the subject of the civil, criminal, administrative, or investigative action, suit, or proceeding for which indemnification or advancement of expenses is sought, unless the provision in effect at the time of such act or omission explicitly authorizes such elimination or impairment after such action or omission has occurred.

Section 7. Insurance. The Corporation may purchase and maintain insurance on behalf of any person who is or was a Director, Officer, employee, or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise against any liability asserted against him/her and incurred by him/her in any such capacity, or arising out of his/her status as such, whether or not the Corporation would have the power to indemnify him/her against such liability under the provisions of this Article.

Section 8. Definitions.

(a) Corporation. For purposes of this Article, references to "the Corporation" shall include, in addition to the resulting corporation, any constituent corporation (including any constituent of a constituent) absorbed in a consolidation or merger which, if its separate existence had continued, would have had power and authority to indemnify its directors, officers, employees, or agents, so that any person who is or was a director, officer, employee, or agent of such constituent corporation, or is or was serving at the request of such constituent corporation as a director, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise, shall stand in the same position under this Article with respect to the resulting or surviving corporation as such person would have with respect to such constituent corporation if its separate existence had continued.

(b) Other Terms. For purposes of this Article, the term "other enterprise" shall include employee benefit plans; references to "fines" shall include any excise taxes assessed on a person with respect to an employee benefit plan; and references to "serving at the request of the Corporation" shall include any service as a Director, Officer, employee, or agent of the Corporation which imposes duties on, or involves services by, such Director, Officer, employee, or agent with respect to an employee benefit plan, its participants, or its beneficiaries; and a person who acted in good faith and in a manner he/she reasonably believed to be in the interest of the participants and beneficiaries of an employee benefit plan shall be deemed to have acted in a manner "not opposed to the best interests of the Corporation" as referred to in this Article.

ARTICLE VII

Policies

Section 1. Conflicts of Interest and Confidentiality. The Corporation shall adopt and maintain, and may amend from time to time, a Conflicts of Interest and Confidentiality Policy. In accordance with, or in addition to, the provisions of the Conflicts of Interest and Confidentiality Policy, the following provisions shall apply:

(a) No contract or transaction between the Corporation and one or more of its Directors or Officers, or between the Corporation and any other corporation, partnership, association, or other organization in which one or more of its Directors or Officers are directors or officers or have a financial interest, shall be void or voidable solely for this reason, or solely because any such Director or Officer is present at or participates in the meeting of the Board or committee thereof which authorizes the contract or transaction, or solely because the vote of any such Director or Officer is counted for such purpose, if:

(1) The material facts as to his/her relationship or interest and as to the contract or transaction are disclosed or otherwise known to the Board of Directors or the committee, and the Board or committee in good faith authorized the contract or transaction by the affirmative votes of a majority of the disinterested Directors, even if the disinterested Directors accounted for less than a quorum; or

(2) The contract or transaction is fair to the Corporation as of the time it is authorized, approved, or ratified by the Board of Directors or a committee thereof.

(b) Common or interested Directors may be counted in determining whether a quorum is present at the meeting of the Board of Directors or committee thereof in which a vote is held on whether or not to authorize the contract or transaction in question.

Section 2. Other Policies. The Corporation may adopt, and may amend from time to time, such other policies as the Board of Directors may determine, including, without limitation, a Nepotism Policy.

ARTICLE VIII

General

Section 1. Financial Transactions. All checks or other financial transfers and similar instruments for the payment of money shall be signed or approved by such Officer(s), or by such other person(s), as the Board of Directors may designate from time to time by resolution or policy.

Section 2. Fiscal Year. The Board of Directors shall have power to fix and from time to time change the fiscal year of the Corporation. In the absence of action by the Board of Directors, however, the fiscal year of the Corporation shall end each year on the date which the Corporation treated as the close of its first fiscal year until such time, if any, as the fiscal year is changed by the Board of Directors.

Section 3. Amendments. These Bylaws may be amended only upon the affirmative vote of at least two-thirds (2/3) (rounding up) of the Directors present when the action is taken and after compliance by the Corporation with any requirements imposed by law. The Corporation shall provide notice of any meeting of the Board of Directors at which a proposed amendment is to be considered for approval, which notice shall be provided in accordance with Article III, Section 7(d) above, except that such notice must be provided at least two (2) weeks prior to the meeting at which the proposed amendment is to be considered for approval. Notwithstanding anything contained herein to the contrary, such notice shall also state that the purpose, or one of the purposes, of the meeting is to consider a proposed amendment to these Bylaws, and shall state the general nature of the proposed amendment or contain or be accompanied by a copy or summary of the proposed amendment.

These Amended and Restated Bylaws were adopted and made effective as of the 18th day of November, 2021.

By: Angela Harse
Angela Harse, Secretary

EXHIBIT A

**Board of Directors
The REACH Healthcare Foundation**

See attached.



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT
ATTORNEY GENERAL

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.AG.KS.GOV

November 12, 2021

REACH Healthcare Foundation
8131 Metcalf Avenue, Suite 200
Overland Park, KS 66204
Attn: Brenda Sharpe, President & CEO

Dear Ms. Sharpe:

The REACH Healthcare Foundation (the "Foundation") was established in 2003 pursuant to a Memorandum of Understanding (the "MOU") entered into between Health Midwest and the Attorney General of the State of Kansas. The MOU was amended in 2007 to streamline and clarify certain aspects of the Foundation's governance and management structure. The Foundation desires to further amend its governance and management structure through certain amendments to the Foundation's Bylaws and Articles of Incorporation. Copies of the Amended and Restated Articles and Bylaws are attached as Exhibit A and Exhibit B (the "Amendments").

The MOU, as amended, allows the Foundation to make any future changes to its governance and management structure from time to time without the prior consent of the Community Health Group, the Kansas Attorney General or the District Court of Johnson County, Kansas; provided that any changes to the Foundation's purpose, geographic service area, or any of its appointing authorities requires the approval of the Kansas Attorney General. The proposed Amendments include changes to its appointing authorities.

I have reviewed the Amendments and have determined that the proposed changes are consistent with the purpose of the MOU and the mission of the Foundation. The attached Amendments are hereby approved.

Sincerely,

A handwritten signature in blue ink, reading "Derek Schmidt", is positioned below the word "Sincerely,".

Derek Schmidt
Kansas Attorney General

Attachments: Exhibits A and B

RESTATED ARTICLES OF INCORPORATION

THE REACH HEALTHCARE FOUNDATION

The Reach Healthcare Foundation is a Kansas corporation whose original Articles of Incorporation was filed with the Secretary of State of Kansas on August 27, 2003 and amended and Restated by filing with the Secretary of State on April 19, 2010. The members of the corporation, in accordance with the provisions of section 17-6605 and other applicable provisions of the Kansas general corporation code, duly adopted this Restated Articles of Incorporation in order to amend and to restate and supersede the corporation's Articles of Incorporation as heretofore amended and modified. The restated articles of incorporation are as follows.

Article I

The name of the corporation is: The Reach Healthcare Foundation.

Article II

A. The address of the registered office of the corporation in Kansas is 8131 Metcalf Avenue, Suite 200, Overland Park, Kansas 66204. The resident agent at the above address is Brenda R. Sharpe.

B. The resident agent and registered office may be changed from time to time by the Board of Directors.

Article III

A. The corporation is to be operated exclusively for religious, charitable, scientific, literary, and educational purposes within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986 (the "Code"). For purposes of this Restated Articles of Incorporation, any reference to a specific section of the Code is also intended to be a reference to any corresponding provisions of any subsequent federal tax laws. Without limiting the generality of the foregoing, the purposes of the corporation shall include:

1. engaging in, funding, carrying on, conducting or taking part in programs, projects and services designed to improve, protect and/or restore individual, community and public health in order to achieve outcomes improvements in access to, and the quality of, health care and the overall health both of individuals, including in particular individuals who are medically indigent or underserved, and communities as a whole in the area which prior to April 1, 2003 was served by the Health Midwest integrated health system, i.e., in Wyandotte, Johnson and Allen counties in Kansas and Kansas City, Missouri and Jackson, Cass and Lafayette counties in Missouri (such area, herein, the "Region");

2. engaging in, funding, carrying on, conducting or taking part in educational and training programs and courses of instruction in the field of

medicine and preventive medicine and in nursing and in the regulation, diagnosis, treatment and care of diseases, disorders, maladjustments and abnormalities of the human body; and

3. engaging in, funding, carrying on, conducting or taking part in any and all of the foregoing to promote or assist in promoting the good health of the community and the encouragement of providing means and facilities for such purposes.

In addition to the powers and privileges conferred upon the corporation by law and those incidental thereto, the corporation shall possess and may exercise all the powers and privileges which are necessary or convenient to the conduct, promotion or attainment of the business or purposes of the corporation.

B. The corporation is also to be operated exclusively for purposes that are described in section 509(a)(3)(A) of the Code, to wit: to benefit, to perform the functions of, or to carry out the purposes of one or more organizations described in section 509(a)(1) and section 509(a)(2) of the Code. The organizations that the corporation is to support (referred to in this section B as the “Supported Organizations”) are governmental units and organizations described in section 509(a)(1) and section 509(a)(2) of the Code, a primary purpose or function of each of which is either to provide or to facilitate or assure the provision of basic or needed physical and mental healthcare services to all citizens of the Region or to support and promote or to facilitate or assure the support and promotion of the physical and mental health of all citizens in the Region, or both. The organizations that are Supported Organizations will vary from time to time as new Supported Organizations are substituted for other Supported organizations, as new Supported Organizations come into existence and begin to function, and as Supported Organizations cease to function. The corporation may vary the amount of support that it provides from time to time to any Supported Organization.

C. The corporation shall manage a permanent endowment. The Board of Directors shall adopt appropriate investment and spending policies to preserve the corporation’s capacity to further its purposes over the long term.

Article IV

The corporation will not have authority to issue capital stock.

Article V

A. The corporation shall have all powers conferred by the Kansas general corporation code except that, and notwithstanding any other provision of this Restated Articles of Incorporation: (i) the corporation shall not carry on any activities not permitted to be carried on by a corporation exempt from federal income tax under section 501(c)(3) of the Code, contributions to which are deductible under section 170(c)(2) of the Code; and (ii) the purposes of the corporation shall be limited to one or more of the purposes set forth

in section 509(a)(3)(A) of the Code. For purposes of this Restated Articles of Incorporation, any reference to a specific section of the Kansas general corporation code is also intended to be a reference to any corresponding provisions of any subsequent Kansas corporation laws.

B. No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, its directors, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of its purposes set forth herein.

C. No substantial part of the activities of the corporation shall be (and no substantial part of the assets of the corporation shall be used in) carrying on propaganda or otherwise attempting to influence legislation. The corporation shall not directly or indirectly participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of or in opposition to any candidate for public office.

D. The corporation shall not operate for the purposes of carrying on a trade or business for profit.

E. The following provisions of this section E shall apply for all taxable periods during all or any part of which the corporation is classified as a private foundation within the meaning of section 509 of the Code.

1. The corporation shall not engage in any act of self-dealing as defined in section 4941(d) of the Code.

2. The corporation shall distribute its income for each taxable year of the corporation at such times and in such amounts so as not to become subject to the tax on undistributed income imposed by section 4942 of the Code.

3. The corporation shall not retain any excess business holdings as defined in section 4943 of the Code when such retention would subject the corporation to the tax imposed by section 4943 of the Code, and it shall otherwise act or refrain from acting so as not to become subject to the tax imposed by section 4943 of the Code.

4. The corporation shall not make any investments in a manner that would subject it to the tax imposed by section 4944 of the Code.

5. The corporation shall not make any taxable expenditures as defined in section 4945 of the Code, and it shall otherwise act or refrain from acting so as not to become subject to the tax imposed by section 4945 of the Code.

Article VI

Upon the dissolution of the corporation, the assets of the corporation which remain after payment of its obligations has been made or provided for, and after return, transfer, or conveyance of assets held upon condition requiring such return, transfer, or conveyance, shall be transferred to one or more nonprofit organizations whose purposes are substantially similar to those for which the corporation is organized and which at the time of such distribution are described in section 501(c)(3) of the Code and exempt from tax under section 501(a) of the Code.

Article VII

The corporation's Restated Articles of Incorporation and Bylaws may only be amended by a vote of at least two-thirds of the Directors then in office.

Article VIII

The corporation's Directors will serve as the members of the corporation and the meetings and actions of the Board of Directors will constitute the meetings and actions of the members.

Article IX

No individual Director shall be deemed an agent or instrumentality of any authority appointing a member of the Board of Directors of the Corporation. No such member, individual or entity shall have any liability of any kind for the actions or omissions of any such Director or former Director relating to or arising out of his or her capacity as Director or for the actions or omissions of the Corporation, its Directors, officers, employees, agents, successors or assigns.

Article X

A. The corporation in its Bylaws, by contract, or in any other manner may agree to indemnify and protect any director, officer, employee, or agent of the corporation, or any person who serves at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust, employee benefit plan, or other enterprise, to the fullest extent authorized or permitted by the laws (including, without limitations, the statutes, case law, and principles of equity) of the State of Kansas.

B. Without limiting the generality of the foregoing provisions of this article, to the fullest extent permitted or authorized by the laws of the State of Kansas, as now in effect and as the same may from time hereafter, be amended, including without limitations the provisions of section 17-6002(b)(8) of the Kansas general corporation code, no Director shall be personally liable to the corporation or to any member for monetary damages for breach of fiduciary duty. Any repeal or modification of the limitation of liability provided

by the immediately preceding sentence shall not adversely affect any right or protection of a Director or member of the corporation existing hereunder with respect to any act or omission occurring prior to or at the time of such repeal or modification.

Article XI

The books of the corporation shall be kept (subject to any provision contained in the statutes of the State of Kansas) only in the State of Kansas at such place or places as may be designated from time to time by the Board of Directors or in the Bylaws of the corporation.

Article XII

The corporation shall be subject to and controlled by the general corporation code of the State of Kansas, particularly including the provisions applicable to nonprofit corporations.

Article XIII

A. Subject to the provisions of Article V, the corporation's Board of Directors is vested with the responsibility of expending foundation resources for the general purposes set forth above and for the specific needs and in the specific areas identified by initial and ongoing community needs assessments processes as developed by the Board of Directors.

B. Subject to the provisions of Article V, the Board of Directors is free to:

1. appropriate for expenditure or accumulate so much of the corporation's endowment fund as the Board of Directors determines is prudent for the uses, benefits, purposes, and duration for which the corporation's endowment fund is established, provided that the Board of Directors acts in good faith and with the standard of care required under the Uniform Prudent Management of Institutional Funds Act (K.S.A. sections 58-3601, et seq.), and only after giving due consideration to the factors identified therein; and

2. make such expenditures, if any, that are required by the Code (including, without limitation, any applicable minimum distribution requirements of section 4942 of the Code), regardless of whether the corporation is a private foundation within the meaning of section 509 of the Code.

Article XIV

The corporation is to exist perpetually.

As an amendment to the corporation's Articles of Incorporation, this Restated Articles of Incorporation amends the Articles of Incorporation by deleting the text of that document (as

heretofore amended) in its entirety and by substituting the text of this document in the place thereof. This document is executed on _____, 2021.

THE REACH HEALTHCARE FOUNDATION

By: _____
Brenda R. Sharpe
President

Attest:

Angela Harse
Secretary

**AMENDED AND RESTATED BYLAWS OF
THE REACH HEALTHCARE FOUNDATION
a Kansas not-for-profit corporation**

(Effective June 1, 2022)

**ARTICLE I
Corporation Purposes**

Section 1. Purposes of the Corporation. The purposes of The Reach Healthcare Foundation, a Kansas not-for-profit corporation (the “**Corporation**”) shall be as set forth in, and as limited by, the Articles of Incorporation of the Corporation (the “**Articles**”).

Section 2. Prohibited Activities.

(a) Prohibitions. The Corporation shall not make any loans to any of its Directors, Officers, or employees, nor to any other person or entity employed by or having a contract with the Corporation; provided, however, that the Corporation shall not be prohibited from making “program related investments” permitted under § 4944 of the Internal Revenue Code of 1986 (the “**Code**”). The Corporation shall not engage in any self-dealing for the benefit of any Director, Officer, employee, or other person or entity having a contract with the Corporation. Neither the Corporation nor any of its Directors, Officers or employees, acting in their capacity as Directors, Officers or employees shall directly or indirectly advocate for the nomination, election, or defeat of any candidate for public office. No assets of the Corporation shall be used by the Corporation in connection with any activity that is prohibited by this Section, and no grant of the Corporation shall be made for the specific purpose of pursuing any such activity; provided, however, that the prohibitions of this Section (other than the prohibition of advocacy for a candidate for public office) do not apply to any recipient of grants from the Corporation.

(b) Limitations. Nothing contained herein shall be construed to prohibit the Corporation or any of its Directors, Officers, employees, or grant recipients from publicizing the services provided by the Corporation or its grant recipients, or from publicizing the decisions and actions of the Corporation. Nothing contained herein shall be construed to prohibit individual Directors, Officers, employees, or grant recipients from expressing their opinions on any issue as long as such opinions are not expressed as being held by the Corporation.

(c) Lobbying. The Corporation may engage in lobbying or otherwise attempt to influence legislation or attempt to influence the outcome of any ballot initiative or issue to the extent allowed under the Code and, in particular, to the extent such activities will not affect the status of the Corporation as an organization described in Code §§ 501(c)(3) and 509(a)(3).

Section 3. Educational Processes. The Board of Directors shall have the affirmative obligation to design and maintain an educational process for all Directors concerning their responsibilities to the Corporation and its purposes, the identified needs of the Service Area (as defined in Article III, Section 5(a) below), and the necessity of continually re-assessing those needs and their responsibilities to the Corporation and its purposes.

ARTICLE II

Offices

Section 1. Offices.

(a) Registered Office and Resident Agent. The location of the Corporation's registered office and the name of the Corporation's resident agent in the State of Kansas shall be determined from time to time by the Board of Directors and shall be filed in the appropriate office of the State of Kansas pursuant to applicable law. Unless otherwise permitted by law, the address of the Corporation's registered office and the address of the business office of the Corporation's resident agent shall be identical.

(b) Corporate Offices. The Corporation may have such corporate offices at such locations as from time to time the business of the Corporation may require or the Board of Directors may determine, provided such corporate offices are located within the service area traditionally served by Health Midwest in the State of Kansas, namely Allen, Johnson, and Wyandotte Counties. Notwithstanding the foregoing, the Board of Directors shall ensure that the principal office of the Corporation is and will remain fixed in Johnson County, Kansas, which shall for all purposes be deemed the location and residence of the Corporation.

ARTICLE III

Board of Directors

Section 1. Membership. The Corporation shall not have stockholders or separate members but, in lieu thereof, shall have a Board of Directors that will serve as the membership of the Corporation. The meetings and actions of the Board of Directors shall constitute the meetings and actions of the members. All rights, powers, duties, and obligations concerning the management of the Corporation shall be vested in the Board of Directors.

Section 2. Composition of the Board of Directors. The Board of Directors shall consist of seventeen (17) Directors, comprised of:

(a) Nine (9) individuals (the "**Appointed Directors**") to be appointed as follows:

- (1) The Kansas Governor shall appoint one (1) Director.
- (2) The Kansas Attorney General shall appoint one (1) Director.
- (3) The Johnson County (KS) Commission shall appoint four (4) Directors.
- (4) The Unified Government of Wyandotte County (KS) shall appoint two (2) Directors.
- (5) The Allen County (KS) Commission shall appoint one (1) Director.

(b) Eight (8) individuals (the “**At-Large Directors**”) to be elected by the At-Large Directors as set forth in Section 4 of this Article.

Section 3. Tenure of Directors.

(a) The Board of Directors shall be divided among three membership classes of approximately equal size (e.g., six (6) Directors in the first membership class and consisting of three Appointed Directors and Three At-Large Directors, six (6) Directors in the second membership class and consisting of three Appointed Directors and Three At-Large Directors, and five (5) Directors in the third membership class, and consisting of three Appointed Directors and Two At-Large Directors). The Directors shall serve, along with the other Directors in their respective membership classes, in staggered terms of three (3) years each, subject, however, to the permitted extension of the term of any Director who is also serving as an Officer and the corresponding reduction of the term of such Director’s immediate successor, as set forth in Article IV, Section 1(d) below. The names, classes and terms of each Director as of the Effective Date of these Bylaws are as set forth on Exhibit A.

(b) Each Director shall hold office for the term set forth in this Section 3 and thereafter until his or her successor shall have been elected or appointed and qualified, or until such Director’s earlier death, resignation, or removal. In the event any such vacancy is caused by any reason other than the expiration of a term (e.g., due to a Director’s resignation, death, disability, or other inability to serve), the replacement Director shall serve only for the shortened, unexpired portion of the term to which such vacancy relates, whereupon such position shall again become vacant and shall thereafter be filled for a full three (3) year term in the manner set forth in this Article III, Section 4.

(c) Unless otherwise entitled to continue serving as a voting director on the Board of Directors, the outgoing Chair of the Board of Directors shall serve as an ex officio, non-voting member of the Board of Directors for a period of one (1) year following the conclusion of his/her term as Chair.

Section 4. Appointment and Election of Directors.

(a) In the event of any vacancy of an Appointed Director at any time, whether due to the expiration of a term, the resignation, death, or disability of the Appointed Director, or any other reason, the vacancy shall be filled by the applicable appointing authority as set forth in Article III, Section 2(a) above.

(b) At each annual meeting of the Board of Directors shall, by a vote of 2/3 of the At-Large Directors then in office, elect successor Directors to replace each At-Large Director whose term in office then expires. The Board of Directors may, at any time, by a vote of 2/3 of the At-Large Directors then in office, fill any vacancy of an At-Large Director, whether due to the resignation, death, or disability of the At-Large Director, or any other reason. All replacement At-Large Directors will be elected from a pool of nominees to be selected by the Nominating Committee.

Section 5. Term Limits. Subject to any extension authorized under Article IV, Section 1(d) below, no person may serve more than two (2) full terms on the Board of Directors,

regardless of whether such terms are served consecutively or with a break in service. For purposes of the foregoing term limit, a Director's service on the Board for any reduced or unexpired term shall not be considered service for a full term unless the duration of such reduced or unexpired term is two (2) years or longer, as may occur in either of the following instances: (a) service of a reduced term by the immediate successor to any Director whose term was extended under Article IV, Section 1(d) below; or (b) service of an unexpired term by any replacement Director who is elected to fill a vacancy in accordance with Section 3 of this Article.

Section 6. Requirements and Qualifications.

(a) Residency Requirements. Each Director must be a resident of the service area traditionally served by Health Midwest, namely Allen, Johnson, and Wyandotte Counties in Kansas; Cass, Lafayette, and Jackson Counties in Missouri; and the City of Kansas City, Missouri (including portions of Clay and Platte Counties within the city limits) (the "**Service Area**").

(b) Diversity and Other Qualifications. As a whole, the Board of Directors shall (i) reflect the geographic, ethnic, gender, age, socio-economic, and professional diversity of the Service Area and (ii) have demonstrated education, expertise, and experience in the provision of health care, asset management, investment strategies, philanthropic administration, community health care, community development or outreach, and other related areas of education, expertise, and/or experience, so that the Board can more effectively fulfill its obligations to the communities served.

(c) Persons Not Eligible to Serve as Directors. Any person who holds an elected or appointed position (unless the position is without compensation or is only nominally compensated) with any federal, state, or local governmental entity (hereinafter referred to as a "Public Official") or who holds a position of employment with the Corporation (except as specifically provided or permitted under these Bylaws) (hereinafter referred to as an "Employee") shall be ineligible to serve on the Board of Directors for so long as such person remains a Public Official or an Employee of the Corporation. Any Director elected to public office shall be deemed to have resigned from the Board of Directors upon the certification of such person's election to the office. Any Director who wishes to seek employment with the Corporation must resign his or her position on the Board of Directors before applying for any such position of employment.

Section 7. Powers of the Board.

(a) In General. Except as otherwise provided by law, the Articles, or these Bylaws, all corporate powers shall be exercised by or under the authority of, and the affairs of the Corporation shall be managed under the supervision of, the Board of Directors. Subject to the provisions of the Articles, such corporate powers include the power to do all things necessary or convenient to carry out the Corporation's affairs.

(b) Expenditure of Funds. The Board of Directors shall be vested with the responsibility of expending the Corporation's resources for the purposes set forth in the Articles. Subject to the provisions of the Articles, the Board is free to: (i) appropriate for expenditure or

accumulate so much of the Corporation's endowment funds as the Board determines is prudent for the uses, benefits, purposes, and duration for which the endowment funds are established, provided that the Board acts in good faith and with the standard of care required under the Uniform Prudent Management of Institutional Funds Act (K.S.A. §§ 58-3611, et seq.) and only after giving due consideration to the factors identified therein; and (ii) make any expenditures that may be required from time to time by the Code (including, without limitation, the minimum distribution requirements of Code § 4942), regardless of whether the Corporation is a "private foundation" within the meaning of § 509 of the Code or a "public charity," and any other distribution required by federal, state, or local law.

Section 8. Meetings and Notice.

(a) Annual Meeting. The annual meeting of the Board of Directors shall be held each year on such date as shall be fixed by the Chair of the Board or the President. At the annual meeting, the Board shall (i) provide for a vote of the At-Large Directors to fill any vacancies in the At-Large Directors of the Board, (ii) elect Officers, and (iii) transact such other business as may properly be brought before the meeting. The place of the annual meeting may be within or outside the State of Kansas.

(b) Regular Meetings. Regular meetings of the Board of Directors may be held at regular intervals and at such times and places either within or outside the State of Kansas as may from time to time be fixed by the Chair of the Board or the President, or by resolution adopted by the Board of Directors. Any business may be transacted at a regular meeting.

(c) Special Meetings. Special meetings of the Board of Directors may be called at any time by the Chair of the Board, by the President, or at the request of any five (5) or more Directors. The place of any special meeting may be within or outside the State of Kansas as designated in the notice thereof.

(d) Notice. Except as otherwise provided in paragraph (b) of this Section, written or printed notice of each meeting of the Board of Directors, stating the date, time, and place of such meeting, shall be delivered personally, by mail, by e-mail, or by telefacsimile to each Director at least twenty-four (24) hours in advance of the meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail with postage thereon addressed to the Director's residence or usual place of business, provided such deposit occurs at least four (4) days prior to the date of the meeting. If notice is given by telefacsimile or e-mail, such notice shall be deemed to be delivered when the same is transmitted to the recipient. Notice of a meeting may be given by any person or persons having authority to call a meeting. Except as otherwise required by law, the Articles, or these Bylaws, neither the purpose(s) of the meeting nor the business to be transacted at the meeting needs to be stated in the notice.

(e) Waiver of Notice. A Director may at any time waive any notice required by law, the Articles, or these Bylaws. Such waiver must be in writing, signed by the Director entitled to notice, and filed with the minutes or corporate records of the Corporation. A Director's attendance at or participation in a meeting shall be deemed a waiver of any required notice of the meeting unless the Director, upon arriving at the meeting or prior to any vote at

such meeting, objects to the lack of notice and does not otherwise vote for or assent to any action to which the Director objects being taken without proper notice.

(f) Action of Board Without a Meeting. Any action which is required or permitted to be taken at a meeting of the Board of Directors may be taken without a meeting if one or more written consents, describing and approving the action so taken, are signed by all of the Directors in writing or by electronic transmission and included in the minutes or corporate records of the Corporation. Any action taken by the Board of Directors pursuant to this paragraph shall be deemed effective when the last Director signs the written consent describing and approving the action so taken, unless the consent specifies a different effective date. Any written consent approved by the Board of Directors pursuant to this paragraph shall have the same force and effect as an affirmative vote of the Board at a duly called, noticed, and held meeting thereof and may be described as such in any document relating thereto.

(g) Conference Telephone or Similar Communications Equipment. The Directors may participate in any meeting of the Board of Directors by means of a conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting in any such manner shall constitute presence in person at such meeting.

Section 9. Quorum and Voting. Except as otherwise provided by law, the Articles, or these Bylaws, a majority of the Directors holding positions on the Board immediately before a meeting begins, present at the meeting in person or by proxy, shall constitute a quorum. If a quorum is present when a vote is taken, the affirmative vote of a majority of Directors present at the meeting in person or by proxy is the act of the Board unless a greater number is required by law, the Articles, or these Bylaws.

Section 10. Proxies. Any proxy must be executed in writing or established by means of electronic submission, including telephonic transmission, provided the electronic transmission contains the information necessary to determine that the proxy was duly authorized by the Director granting such proxy and shall comply with such other rules as may be established by the Board of Directors from time to time. Unless otherwise provided in the proxy, the duration of any proxy shall be limited to the Board meeting specified in such proxy or, if no meeting is specified, to the first Board meeting that occurs after execution of the proxy.

Section 11. Adjournment. If there are less than a quorum of Directors present in person or by proxy at any meeting of the Board of Directors, then a majority of the Directors who are present may adjourn the meeting to another time without notice.

Section 12. Removal. Any Appointed Director may be removed with or without cause by the governmental authority who appointed such Director. Any At-Large Director may be removed with or without cause by the affirmative vote of at least two-thirds (2/3) (rounding up) of the At-Large Directors then serving on the Board. Any Director may be removed by the affirmative vote of a majority of the Directors then serving on the Board if such Director has failed to attend at least half of the meetings of the Board, or at least half of the meetings of each committee on which such Director serves, during any prior twelve (12) month period.

Section 13. Compensation of Directors. Directors shall receive no compensation for the performance of their duties as Directors; provided, however, that Directors may be entitled to reimbursement of expenses as authorized by the Board from time to time, provided that any requests for such reimbursement are submitted in compliance with such policies or procedures as may be established by the Board from time to time. Notwithstanding the foregoing, Directors may, except as otherwise set forth herein, serve the Corporation in other capacities and receive reasonable compensation in connection with such service.

Section 14. Attorney General Enforcement. If any appointing authority fails for any reason to appoint a member to the Board of Directors as required by Article III, Section 2(a) above, and if such position vacant more than seventy-five (75) days after the date such vacancy was created, then the Kansas Attorney General may act in place of the appointing authority to make such appointment; provided, however, that if the Kansas Attorney General fails to make any appointment required or permitted by this Article III, and if such remains vacant more than sixty (60) days after the date such vacancy was created, then any three (3) or more Directors may institute an action in the District Court of Johnson County (KS) to request that the appropriate appointing authority be required to make an appointment as required by this Article III. The Corporation shall pay the costs of any such action unless the Court, in a final action, judgment, or determination, concludes that the institution of the action was frivolous.

ARTICLE IV

Officers

Section 1. Generally.

(a) **Officers.** The Officers of the Corporation shall include a Chair of the Board, Vice Chair of the Board, President, Secretary, Treasurer, and Chief Financial Officer. The Board of Directors shall elect all such Officers and may, if the Board desires, elect additional Officers, such as one or more Vice Presidents, one or more Assistant Secretaries, and one or more Assistant Treasurers, at each annual meeting of the Board. Except for the President, the Chief Financial Officer, and the Vice President of Finance and Operations, if any, all of the Officers shall be Directors.

(b) **Qualification.** An Officer shall be deemed qualified when the Officer enters upon the duties of the office to which he or she has been elected or appointed and furnishes any bond required by the Board of Directors; provided, however, that the Board may also require of any such person so elected or appointed a written acceptance and/or oath faithfully to discharge the duties of such office.

(c) **Term of Office.** Unless otherwise provided by the Board of Directors upon election, all elected Officers of the Corporation shall serve until the earlier of (i) the second annual meeting of the Board of Directors following the Officer's election, (ii) the expiration of the final year of such Officer's final term on the Board of Directors pursuant to the term limits established under Article III, Section 4 above, or (iii) such Officer's death, resignation, or removal from office or from the Board of Directors. Notwithstanding the foregoing, each Officer shall continue in office despite the expiration of such Officer's term until his or her successor has been elected and qualified, or unless otherwise provided by the Board of Directors.

(d) Extension of Term. Notwithstanding anything contained herein to the contrary, the Board of Directors shall have the authority to extend the term of any Officer of the Corporation for a period of one (1) year at any time before a successor has been elected to replace such Officer, and, in such event, the corresponding term of such person's position on the Board shall also be extended for an equivalent period if such person's term as a Director would have otherwise expired before the end of the extended term of office. In the event that any such Officer's term as a Director is extended by the Board as set forth in this paragraph, the term of the immediate successor to such person's position as a Director shall automatically be reduced by an equivalent period of time in order to maintain the structure of the staggered terms of the Board of Directors, as established herein.

(e) Other Agents. The Board of Directors may from time to time appoint such other agents for the Corporation as it deems necessary or advisable, each of whom shall serve at the pleasure of the Board or for such periods as the Board may specify and shall, under the direct supervision of the President, exercise such powers, have such titles, and perform such duties as may be determined from time to time by the Board or by an Officer empowered by the Board to make such determinations. Notwithstanding anything contained herein to the contrary, agents appointed under this Section shall not be considered Officers of the Corporation.

(f) Removal. Any Officer or agent elected or appointed by the Board of Directors, and any employee of the Corporation, may be removed or discharged by the Board at any time with or without cause, but such removal or discharge shall be without prejudice to the contractual rights, if any, of the person so removed.

(g) Delegation of Authority to Hire, Discharge, and Designate Duties. The Board of Directors may from time to time delegate to the Chair of the Board, the President, or any other Officer or executive employee of the Corporation, the authority to hire, discharge, or fix and modify the duties, salary, or other compensation of employees of the Corporation under their jurisdiction, and the Board may delegate to such Officer or executive employee similar authority with respect to obtaining and retaining for the Corporation the services of attorneys, accountants, and other professionals or experts.

(h) Duties of Officers May Be Delegated. If any Officer of the Corporation is absent or unable to act, or if the Board of Directors deems it necessary or appropriate for any other reason, the Board may temporarily delegate some or all of the functions, duties, powers, and responsibilities of any Officer to any other Officer, or to any other agent or employee of the Corporation, or to any other responsible person.

Section 2. Chair of the Board. The Chair of the Board shall, except as otherwise provided in these Bylaws, preside at all meetings of the Board of Directors at which the Chair of the Board may be present, and shall have such other duties, powers, and authority as may be prescribed elsewhere in these Bylaws. Other than those duties which are conferred by law exclusively upon the President, the Board of Directors may delegate and assign to the Chair of the Board such additional authority and such additional duties as the Board may from time to time determine.

Section 3. Vice Chair of the Board. In the absence, disability, or inability to act of the Chair of the Board at any time, the Vice Chair of the Board shall perform the duties and exercise the powers of the Chair of the Board. The Vice Chair of the Board shall also perform such other duties as the Board of Directors may from time to time prescribe.

Section 4. President.

(a) Unless otherwise provided by the Board of Directors, the President shall be the chief executive officer of the Corporation and shall have such general executive powers and such duties of supervision and management as are usually vested in the office of the chief executive officer of a corporation. The President shall carry into effect all directions and resolutions of the Board of Directors.

(b) The President may execute all bonds, notes, debentures, mortgages, and other contracts, and all other instruments for and in the name of the Corporation, as are consistent with the policies and resolutions of the Board of Directors.

(c) Unless otherwise provided by the Board of Directors, the President, or any person designated in writing by the President, may:

(1) represent the Corporation by attending meetings of any other corporation and voting or taking other action, in such manner as the President or the President's designee may determine, with respect to any shares of such other corporation that are owned by the Corporation; and

(2) execute and deliver waivers of notice and proxies for and in the name of the Corporation with respect to any such shares of another corporation as are owned by the Corporation.

(d) Unless otherwise provided by the Board of Directors or elsewhere in these Bylaws, the President shall be an ex officio, non-voting member of the Executive Committee and all other standing committees.

(e) Subject to the authority and supervision of the Board of Directors and the Executive Committee, as set forth herein, the President shall have the authority to make and implement personnel decisions for the Corporation, including decisions concerning the hiring and firing of employees, contractors, and other agents of the Corporation.

(f) The President shall have such other and further duties and authority as may be prescribed elsewhere in these Bylaws or from time to time by the Board of Directors.

Section 5. Vice Presidents. In the President's absence, disability, or inability to act at any time, the Vice President(s) shall perform the duties and exercise the powers of the President. The Vice President(s) shall also perform such other duties as the Board of Directors may from time to time prescribe.

Section 6. Secretary; Assistant Secretaries.

(a) The Secretary shall attend all meetings of the Board of Directors and, except as otherwise provided in these Bylaws, shall record or cause to be recorded all votes taken and the minutes of all proceedings in a minute book of the Corporation to be kept for that purpose. The Secretary shall perform like duties for the Executive Committee and other standing committees when requested by the Board of Directors or any such committee to do so.

(b) The Secretary shall see that all books, records, lists, and information, or duplicates thereof, required to be maintained at any office of the Corporation in the State of Kansas, or elsewhere, are so maintained.

(c) The Secretary shall perform such other duties and shall have such other responsibilities and authority as may be prescribed elsewhere in these Bylaws or from time to time by the Board of Directors or the President.

(d) The Secretary shall have such general duties, powers, and responsibilities as are usually vested in the office of a secretary of a corporation.

(e) Any Assistant Secretary, in the absence, disability, or inability to act of the Secretary, may perform the duties and exercise the powers of the Secretary, and shall perform such other duties and have such other authority as the Board of Directors may from time to time prescribe.

Section 7. Treasurer; Assistant Treasurers.

(a) The Treasurer shall have responsibility for the safekeeping of the funds and securities of the Corporation, shall keep or cause to be kept full and accurate accounts of receipts and disbursements in books belonging to the Corporation, and shall keep, or cause to be kept, all other books of account and accounting records of the Corporation. The Treasurer shall deposit or cause to be deposited all moneys and other valuable effects in the name of, and to the credit of, the Corporation in such depositories as may be designated from time to time by the Board of Directors or by any Officer of the Corporation to whom such authority has been granted by the Board of Directors.

(b) The Treasurer shall disburse, or permit to be disbursed, the funds of the Corporation as may be ordered, or authorized generally, by the Board of Directors, and shall render to the President and the Board of Directors, whenever they may require it, an account of all of the Treasurer's transactions, and of those under the Treasurer's jurisdiction, and of the financial condition of the Corporation.

(c) The Treasurer shall perform such other duties and shall have such other responsibilities and authority as may be prescribed elsewhere in these Bylaws or from time to time by the Board of Directors or the President.

(d) The Treasurer shall have such general duties, powers, and responsibilities as are usually vested in the office of a treasurer of a corporation.

(e) If required by the Board of Directors, the Treasurer shall give the Corporation a bond, in a sum and with one or more sureties satisfactory to the Board, to ensure

the faithful performance of the duties of the office, and for the restoration to the Corporation, in the case of death, resignation, retirement, or removal from office, of all books, papers, vouchers, money, and other property of whatever kind in the Treasurer's possession or under the Treasurer's control which belong to the Corporation.

(f) Any Assistant Treasurer, in the absence, disability, or inability to act of the Treasurer, may perform the duties and exercise the powers of the Treasurer, and shall perform such other duties and have such other authority as the Board of Directors may from time to time prescribe.

Section 8. Chief Financial Officer. The Corporation shall employ a Chief Financial Officer, who shall supervise and manage all of the financial and accounting functions of the Corporation, subject to such policies and directions as may from time to time be adopted by the Board of Directors. The Chief Financial Officer, if so authorized by the Board, may negotiate with financial institutions on behalf of the Corporation. The Chief Financial Officer shall have such duties and authority as are conferred by law exclusively upon a chief financial officer of a corporation, as well as such other or further duties and authority as may be prescribed elsewhere in these Bylaws or from time to time by the Board of Directors. The Chief Financial Officer shall report to the President.

ARTICLE V

Board Committees

Section 1. Generally. The Board of Directors may create such standing or special committees of two (2) or more Directors as it deems desirable and may, by resolution, delegate to each such committee all such powers, duties, and responsibilities of the Board as may be consistent with applicable law, the Articles, and these Bylaws. Except as otherwise set forth in these Bylaws, the creation of a committee and the appointment of committee members shall be approved by a majority of all of the Directors holding positions on the Board at the time such action is taken. All provisions of these Bylaws relating to meetings, actions without meetings, notice, waiver of notice, and quorum and voting requirements shall apply to such committees and committee members; provided, however, that with respect to any committees to which one or more other non-Directors are appointed in accordance with Section 3 of this Article, only Directors may be counted for purposes of determining whether a quorum is present. All committees shall keep regular minutes of their proceedings, which shall be recorded in the minute book of the Corporation.

Section 2. Standing Committees. Notwithstanding the provisions of Section 1 of this Article, the Board of Directors shall have the following standing committees:

(a) **Executive Committee.** Unless otherwise limited by these Bylaws, the Executive Committee shall have and may exercise such authority of the Board of Directors in the management of the Corporation as may be authorized or delegated by the Board from time to time. Without limiting the generality of the foregoing, the Executive Committee shall be authorized to undertake and perform all of the following functions:

(1) Plan the agenda for any upcoming meeting of the Board of Directors;

(2) Make decisions that are time-sensitive in nature on behalf of the Board of Directors whenever such matters occur between meetings of the Board;

(3) Act as the Personnel Committee, including directing and being responsible for the selection, supervision, and evaluation of the President; and

(4) Perform such other acts, duties, and functions as may be determined by the Board of Directors from time to time and set forth in any charter, resolution, or statement of policies or procedures adopted by the Board and made applicable to the Executive Committee in accordance with these Bylaws.

The Executive Committee shall be composed of the President (ex officio, non-voting), the Chair of the Board, the Vice Chair of the Board, the Secretary, the Treasurer, the Chair of the Program & Policy Committee, and at least one (1) other at-large member of the Board of Directors. The term of service on the Executive Committee for such named Officers of the Corporation shall coincide with the term of the office so held. Each appointment to the Executive Committee for any non-Officer shall be for a term of one (1) year, and any non-Officer member of the Executive Committee may be reappointed for additional terms. The Chair of the Board shall also be and act as the Chair of the Executive Committee.

(b) Finance & Audit Committee. The Finance & Audit Committee shall be authorized to undertake and perform all of the following functions:

(1) Review and oversee the investment and financial status of the Corporation;

(2) Examine, evaluate, and make recommendations regarding the adequacy and effectiveness of the internal control systems provided by management in conducting operations of the Corporation;

(3) Provide oversight of the Corporation's financial audits and independent auditors, assess financial risks and exposures, and monitor compliance with legal and regulatory filing requirements;

(4) Report matters discussed at the Finance & Audit Committee meetings to the Board of Directors at any annual or regular meeting thereof, and make such recommendations for Board action as the Finance & Audit Committee deems appropriate; and

(5) Perform such other acts, duties, and functions as may be determined by the Board of Directors from time to time and set forth in any charter, resolution, or statement of policies or procedures adopted by the Board and made applicable to the Finance & Audit Committee in accordance with these Bylaws.

The Finance & Audit Committee shall be composed of the President (ex officio, non-voting), the Treasurer, at least four (4) other Directors, and such other non-Directors, if any, as may be appointed by the Chair of the Board pursuant to Section 3 of this Article. With the exception of the Treasurer, each appointment to the Finance & Audit Committee shall be for a term of one (1) year, and any member of the Finance & Audit Committee may be reappointed for additional terms. The Treasurer shall be and act as the Chair of the Finance & Audit Committee, and the Treasurer's term of service on the Finance & Audit Committee shall coincide with his or her term as the Treasurer.

(c) Program & Policy Committee. The Program & Policy Committee shall be authorized to undertake and perform all of the following functions:

(1) Identify and recommend to the Board of Directors organizations that, pursuant to and consistent with the Corporation's purposes, should receive funds from the Corporation;

(2) Monitor the use by all such recipients of any funds received from the Corporation; and

(3) Perform such other acts, duties, and functions as may be determined by the Board of Directors from time to time and set forth in any charter, resolution, or statement of policies or procedures adopted by the Board and made applicable to the Program & Policy Committee in accordance with these Bylaws.

Except as otherwise set forth in any charter, resolution, or statement of policies or procedures adopted by the Board of Directors, all grant recommendations shall be subject to approval by the Board of Directors. The Program & Policy Committee shall be composed of at least five (5) Directors, in addition to such non-Directors, if any, as may be appointed by the Chair of the Board pursuant to Section 3 of this Article. Each appointment to the Program & Policy Committee shall be for a term of one (1) year, and any member of the Program & Policy Committee may be reappointed for additional terms. The Chair of the Program & Policy Committee shall be elected by the Board of Directors and shall serve in such capacity for two (2) years.

(d) Nominating Committee. The Nominating Committee shall be authorized to undertake and perform all of the following functions:

(1) Identify and implement the nomination process for At-Large Director positions on the Board of Directors, with input from the Board.

(2) Create criteria and qualification requirements for prospective nominees based upon skills, areas of expertise, and/or community representation needed on the Board of Directors in compliance with Section 5(b) above.

(3) In advance of each annual meeting of the Board of Directors, present to the Board of Directors the slate of nominees for vacant At-Large Director positions on the Board, along with the credentials of each nominee, to be elected pursuant to Article III, Section 4.

(4) Maintain a pool of nominees in the event of an off-cycle vacancy for At-Large Directors on the Board of Directors.

The Nominating Committee shall be composed of the Chair of the Board, two (2) Appointed Directors and two (2) At-Large Directors, appointed by the Chair of the Board. With the exception of the Chair of the Board, each appointment to the Nominating Committee shall be for a term of one (1) year, and any member of the Nominating Committee may be reappointed for additional terms.

Section 3. Appointments by Chair. Notwithstanding anything contained herein to the contrary, the Chair of the Board shall have the authority, subject to the approval of the Board, as set forth in Section 1 of this Article, to appoint one or more non-Directors to serve, along with the Directors appointed in accordance with these Bylaws, on any standing or special committee of the Board; provided, however, that no such appointments may be made to the Executive Committee or the Nominating Committee. The Chair of the Board shall also have the authority, subject to the approval of the Board, as set forth in Section 1 of this Article, to remove any non-Director from any standing or special committee at any time, with or without cause, and to determine whether any non-Director so appointed to serve on any standing or special committee will be a voting or non-voting member of such committee; provided, however, that the voting membership of every standing and special committee of the Board shall at all times consist of a majority of Directors, and no committee shall be permitted to have non-Directors constitute a majority of its voting membership. Any such appointment of a non-Director to any standing or special committee shall be for a term of one (1) year, and any such appointee may be reappointed for additional terms at the discretion of the Chair of the Board.

ARTICLE VI

Indemnification

Section 1. General Indemnity. The Corporation shall indemnify any person who was or is a party, or who is threatened to be made a party, to any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative, other than an action by or in right of the Corporation, by reason of the fact that he/she is or was a Director, Officer, employee, or agent of the Corporation, or is or was serving at the request of the Corporation as a Director, Officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise, against expenses (including attorneys' fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by him/her in connection with such action, suit, or proceeding if he/she acted in good faith and in a manner he/she reasonably believed to be in or not opposed to the best interests of the Corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his/her conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, conviction, or upon a plea of *nolo contendere* or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he/she reasonably believed to be in or not opposed to the best interests of the Corporation, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his/her conduct was unlawful.

Section 2. Indemnity for Derivative Actions. The Corporation shall indemnify any person who was or is a party, or who is threatened to be made a party, to any threatened,

pending, or completed action or suit by or in right of the Corporation to procure a judgment in its favor by reason of the fact that he/she is or was a Director, Officer, employee, or agent of the Corporation, or is or was serving at the request of the Corporation as a Director, Officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise, against expenses (including attorneys' fees) actually and reasonably incurred by him/her in connection with the defense or settlement of such action or suit if he/she acted in good faith and in a manner he/she reasonably believed to be in or not opposed to the best interests of the Corporation and except that no indemnification shall be made in respect of any claim, issue, or matter as to which such person shall have been adjudged to be liable to the Corporation unless, and only to the extent that, the court in which such action or suit was brought determines upon application that, despite the adjudication of liability but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses that the court deems proper.

Section 3. Mandatory Indemnification of Expenses. To the extent that a present or former Director, Officer, employee, or agent of the Corporation has been successful on the merits or otherwise in defense of any action, suit, or proceeding referred to in Sections 1 or 2 of this Article, or in defense of any claim, issue, or matter therein, he/she shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him/her in connection with such action, suit, or proceeding.

Section 4. Board Determination. Any indemnification under Sections 1 or 2 of this Article, unless ordered by a court, shall be made by the Corporation only as authorized in the specific case upon a determination that indemnification of the present or former Director, Officer, employee, or agent of the Corporation is proper in the circumstances because he/she has met the applicable standard of conduct set forth in this Article. Such determination shall be made, with respect to a person who is a Director or Officer at the time of such determination: (a) by a majority vote of a quorum of the Directors who were not parties to the action, suit, or proceeding, or (b) if such a quorum is not obtainable, or even if obtainable if the quorum of disinterested Directors so directs, by independent legal counsel in a written opinion.

Section 5. Advancement of Expenses. Expenses, including attorneys' fees, incurred by a Director, Officer, employee, or agent of the Corporation in defending a civil, criminal, administrative, or investigative action, suit, or proceeding may be paid by the Corporation in advance of the final disposition of such action, suit, or proceeding, as authorized by the Board of Directors in the specific case, upon receipt of an undertaking by or on behalf of the Director, Officer, employee, or agent to repay such amount if it is ultimately determined that he/she is not entitled to be indemnified by the Corporation as authorized in this Article. Such expenses, including attorneys' fees, incurred by any former Director, Officer, employee, or agent of the Corporation may be so paid upon such terms and conditions, if any, as the Board of Directors deems appropriate in the circumstances.

Section 6. Nonexclusive Right. The indemnification and advancement of expenses provided by, or granted pursuant to, this Article (a) shall not be deemed exclusive of any other rights to which those seeking indemnification or advancement of expenses may be entitled under any provision of law, the Articles, the Bylaws, any agreement, a vote of disinterested Directors, or otherwise, both as to action in his/her official capacity and as to action in another capacity

while holding such office, and (b) shall, unless otherwise provided when authorized or ratified, continue as to a person who has ceased to be a Director, Officer, employee, or agent and shall inure to the benefit of the heirs, executors, and administrators of such a person. The Corporation may give any further indemnification to any person who is or was a Director, Officer, employee, or agent, or to any person who is or was serving at the request of the Corporation as a director, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise, except that no such indemnification shall indemnify any person from or on account of such person's conduct which is finally adjudged to constitute willful misconduct or to have been knowingly fraudulent or deliberately dishonest. A right to indemnification or advancement of expenses arising under a provision of the Articles or these Bylaw shall not be eliminated or impaired by an amendment to such provision after the occurrence of the act or omission that is the subject of the civil, criminal, administrative, or investigative action, suit, or proceeding for which indemnification or advancement of expenses is sought, unless the provision in effect at the time of such act or omission explicitly authorizes such elimination or impairment after such action or omission has occurred.

Section 7. Insurance. The Corporation may purchase and maintain insurance on behalf of any person who is or was a Director, Officer, employee, or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise against any liability asserted against him/her and incurred by him/her in any such capacity, or arising out of his/her status as such, whether or not the Corporation would have the power to indemnify him/her against such liability under the provisions of this Article.

Section 8. Definitions.

(a) **Corporation.** For purposes of this Article, references to "the Corporation" shall include, in addition to the resulting corporation, any constituent corporation (including any constituent of a constituent) absorbed in a consolidation or merger which, if its separate existence had continued, would have had power and authority to indemnify its directors, officers, employees, or agents, so that any person who is or was a director, officer, employee, or agent of such constituent corporation, or is or was serving at the request of such constituent corporation as a director, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise, shall stand in the same position under this Article with respect to the resulting or surviving corporation as such person would have with respect to such constituent corporation if its separate existence had continued.

(b) **Other Terms.** For purposes of this Article, the term "other enterprise" shall include employee benefit plans; references to "fines" shall include any excise taxes assessed on a person with respect to an employee benefit plan; and references to "serving at the request of the Corporation" shall include any service as a Director, Officer, employee, or agent of the Corporation which imposes duties on, or involves services by, such Director, Officer, employee, or agent with respect to an employee benefit plan, its participants, or its beneficiaries; and a person who acted in good faith and in a manner he/she reasonably believed to be in the interest of the participants and beneficiaries of an employee benefit plan shall be deemed to have acted in a manner "not opposed to the best interests of the Corporation" as referred to in this Article.

ARTICLE VII

Policies

Section 1. Conflicts of Interest and Confidentiality. The Corporation shall adopt and maintain, and may amend from time to time, a Conflicts of Interest and Confidentiality Policy. In accordance with, or in addition to, the provisions of the Conflicts of Interest and Confidentiality Policy, the following provisions shall apply:

(a) No contract or transaction between the Corporation and one or more of its Directors or Officers, or between the Corporation and any other corporation, partnership, association, or other organization in which one or more of its Directors or Officers are directors or officers or have a financial interest, shall be void or voidable solely for this reason, or solely because any such Director or Officer is present at or participates in the meeting of the Board or committee thereof which authorizes the contract or transaction, or solely because the vote of any such Director or Officer is counted for such purpose, if:

(1) The material facts as to his/her relationship or interest and as to the contract or transaction are disclosed or otherwise known to the Board of Directors or the committee, and the Board or committee in good faith authorized the contract or transaction by the affirmative votes of a majority of the disinterested Directors, even if the disinterested Directors accounted for less than a quorum; or

(2) The contract or transaction is fair to the Corporation as of the time it is authorized, approved, or ratified by the Board of Directors or a committee thereof.

(b) Common or interested Directors may be counted in determining whether a quorum is present at the meeting of the Board of Directors or committee thereof in which a vote is held on whether or not to authorize the contract or transaction in question.

Section 2. Other Policies. The Corporation may adopt, and may amend from time to time, such other policies as the Board of Directors may determine, including, without limitation, a Nepotism Policy.

ARTICLE VIII

General

Section 1. Financial Transactions. All checks or other financial transfers and similar instruments for the payment of money shall be signed or approved by such Officer(s), or by such other person(s), as the Board of Directors may designate from time to time by resolution or policy.

Section 2. Fiscal Year. The Board of Directors shall have power to fix and from time to time change the fiscal year of the Corporation. In the absence of action by the Board of Directors, however, the fiscal year of the Corporation shall end each year on the date which the Corporation treated as the close of its first fiscal year until such time, if any, as the fiscal year is changed by the Board of Directors.

Section 3. Amendments. These Bylaws may be amended only upon the affirmative vote of at least two-thirds (2/3) (rounding up) of the Directors present when the action is taken and after compliance by the Corporation with any requirements imposed by law. The Corporation shall provide notice of any meeting of the Board of Directors at which a proposed amendment is to be considered for approval, which notice shall be provided in accordance with Article III, Section 7(d) above, except that such notice must be provided at least two (2) weeks prior to the meeting at which the proposed amendment is to be considered for approval. Notwithstanding anything contained herein to the contrary, such notice shall also state that the purpose, or one of the purposes, of the meeting is to consider a proposed amendment to these Bylaws, and shall state the general nature of the proposed amendment or contain or be accompanied by a copy or summary of the proposed amendment.

These Amended and Restated Bylaws were adopted and made effective as of the _____ day of _____, 2021.

By: _____
_____, Secretary

EXHIBIT A

**Board of Directors
The REACH Healthcare Foundation**

See attached.



Staff Request for Commission Action

Tracking No. 211469

Full Commission Meeting Date: 3/31/22

Committee: Full Commission

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

<u>Date:</u> 03/24/2022	<u>Contact Name:</u> Andrea Generaux	<u>Contact Phone:</u> x8645	<u>Contact Email:</u> ageneraux@wycokck.org	<u>Department/Division:</u> Neighborhood Resource Center
<u>Item Description:</u> Presentation by Livable Neighborhoods, submitted by Andrea Generaux, Livable Neighborhoods.				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				



Staff Request for Commission Action

Tracking No. 211493

Full Commission Meeting Date: 3/31/22

Committee: Full Commission

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

<u>Date:</u> 03/25/2022	<u>Contact Name:</u> Kathleen VonAchen	<u>Contact Phone:</u> x5186	<u>Contact Email:</u> kvonachen@wycokck.org	<u>Department/Division:</u> UG Clerk
<u>Item Description:</u> Update on grants and grant processes, submitted by Kathleen VonAchen, Chief Financial Officer.				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				



Staff Request for Commission Action

Tracking No. 211495

Full Commission Meeting Date: 3/31/22

Committee: Full Commission

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u> 03/28/2022	<u>Contact Name:</u> Kathleen VonAchen	<u>Contact Phone:</u> x5186	<u>Contact Email:</u> kvonachen@wycokck.org	<u>Department/Division:</u> Finance
<u>Item Description:</u> Creation of a residential classification for the BPU Pilot, Submitted by Kathleen VonAchen, Chief Financial Officer.				
<i>For Information only.</i>				
<u>Action Requested:</u> NA				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				



Staff Request for Commission Action

Tracking No. 211494

Full Commission Meeting Date: 3/31/22

Committee: Full Commission

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

<u>Date:</u> 03/25/2022	<u>Contact Name:</u> Jeff Fisher	<u>Contact Phone:</u> x5415	<u>Contact Email:</u> jfisher@wycokck.org	<u>Department/Division:</u> Public Works
<u>Item Description:</u> Update on Solid Waste Program.				
<u>Action Requested:</u> Update on Solid Waste Program				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Solid Waste Management Plan Memo, 2020 SWMP Update Draft-3-23-22				



**PUBLIC WORKS
SOLID WASTE MANAGEMENT**

Solid Waste Management
5033 State Avenue
Kansas City, KS 66102

P: (913) 573-5311
F: (913) 573-5766
E: info@wycokck.org

TO
FROM
DATE
RE
ATTACHMENTS

Governing Body of the Unified Government of Wyandotte County/Kansas City,
Kansas
Jonathan Gutierrez, Solid Waste Program Manager
March 25, 2022
Updated Solid Waste Management Plan
Solid Waste Management Plan Draft

Background: The updating of Wyandotte County's Solid Waste Management Plan (SWMP) is required by the Kansas Department of Health and Environment (KDHE) every five years, as described in the Kansas Statutes Annotated (K.S.A.) 65-3405. Burns & McDonnell was retained to assist with the development of the SWMP, in coordination with staff and the Solid Waste Management Committee (SWMC). The SWMC is comprised of representatives from across the solid waste sector, representing local governments, environmental organizations, private sector, and citizens. The Plan is due to the Kansas Department of Health and Environment no later than May 1, 2022.

Summary of SWMP Recommendations: Some of the recommendations are intended to be implemented in the next five years and are compatible with the current contract for residential curbside services which extends through 2032. Other recommendations look further into the future over the next 10-20 years. The following is a summary of the recommendations:

- Increase access to recycling through providing all residential customers with a recycling cart and through focused education and outreach around recycling and diversion.
- Consider transitioning to a cart-based residential collection system at the next bid cycle.
- Provide bulky item collection on a scheduled frequency and investigate other drop-off options.
- Provide separate collection and processing of yard waste and investigate opportunities for food waste diversion, long term.
- Consider and evaluate municipally owned and/or operated solid waste facilities (transfer station, compost facility) or collection program(s).
- Create a commercial hauler licensing program and require annual reporting of quantities collected.
- Increase availability of HHW collection events, potentially utilizing KDHE grant opportunities.
- Allocate resources and staff to support the Solid Waste Division on the communication and outreach efforts.

Solid Waste Management Plan 2020 Update



**Unified Government of Wyandotte County/Kansas
City, Kansas**

Burns & McDonnell Project No. 122351

March 2022

Solid Waste Management Plan 2020 Update

prepared for

**Unified Government of Wyandotte County/Kansas
City, Kansas**

Burns & McDonnell Project No. 122351

March 2022

prepared by

**Burns & McDonnell
Kansas City, Missouri**

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LIST OF ABBREVIATIONS

<u>Abbreviation</u>	<u>Term/Phrase/Name</u>
BOC	Unified Government Board of Commissioners
BEA	U.S. Bureau of Economic Analysis
BLS	Bureau of Labor Statistics
Burns & McDonnell	Burns & McDonnell Engineering Company, Inc.
CAA	Clean Air Act
C&D	Construction and Demolition
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
EREF	Environmental Research & Education Foundation
HHW	Household Hazardous Waste
JCDHE	Johnson County Department of Health and Environment
K.A.R.	Kansas Administrative Regulations
K.S.A.	Kansas Statutes Annotated
KDHE	Kansas Department of Health and Environment
MARC	Mid-America Regional Council
MRF	Materials Recovery Facility
MSW	Municipal Solid Waste
NAICS	North American Industry Classification System
OSWER	Office of Solid Waste Emergency Response
PAYT	Pay as You Throw
PCC	Post Closure Care
RCRA	Resource Conservation & Recovery Act

<u>Abbreviation</u>	<u>Term/Phrase/Name</u>
SARA	Superfund Amendments and Reauthorization Act of 1986
SMM	Sustainable Materials Management
SWDA	Solid Waste Disposal Act
SWMC	Wyandotte County Solid Waste Management Committee
SWMP or Plan	Solid Waste Management Plan
The County	Wyandotte County, Kansas
U.S. EPA	United States Environmental Protection Agency
Unified Government	Unified Government of Wyandotte County/Kansas City, Kansas
Waste Management	Waste Management, Inc.

EXECUTIVE SUMMARY

Purpose and Plan Development

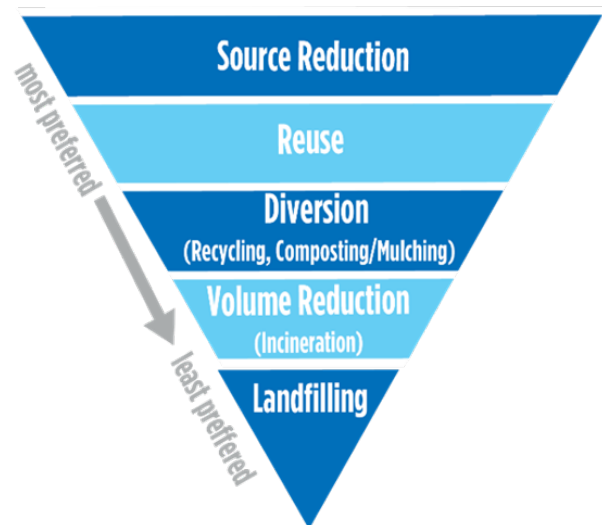
The updating of Wyandotte County's Solid Waste Management Plan (SWMP) is required by the Kansas Department of Health and Environment (KDHE) every five years, as described in the Kansas Statutes Annotated (K.S.A.) 65-3405. In addition, it is a critical step in determining how the County will manage its solid waste over the next 20 years as the County's growth continues and market factors continue to evolve. Planning for and implementing an integrated solid waste management system is a complex and challenging endeavor requiring consideration of many factors: technological, institutional, legal, social, economic, and environmental. Furthermore, as communities pursue solutions to their solid waste management challenges, it is increasingly apparent that no single strategy, technology, or program offers a complete solution; rather, a combination of methods is needed to provide for appropriate and cost-effective management of the varying types of solid waste in accordance with the unique properties of these various solid waste stream components.

The County and its consultant, Burns & McDonnell, developed this SWMP with a focus on the next five years of implementation, understanding that it will be updated every five years. The SWMP has been developed in coordination with Unified Government of Wyandotte County/Kansas City, Kansas (Unified Government) staff and the Solid Waste Management Committee (SWMC). The SWMC is comprised of representatives from across the solid waste sector, representing local governments, environmental organizations, private sector, and citizens.

Overview, Goals, and Objectives

The stated goal of the SWMP is to develop fiscally responsible waste management methods consistent with the waste management hierarchy to achieve as much reduction, reuse, and diversion from disposal as feasible. This goal was developed by Unified Government staff and the SWMC. Figure ES-1 illustrates the United States Environmental Protection Agency (U.S. EPA) waste management hierarchy. This SWMP was developed keeping with the stated goal and waste management hierarchy. Section 1.0 provides additional details on stakeholder engagement, guidance for reading the SWMP, and key terms.

Figure ES-1: U.S. EPA Waste Management Hierarchy



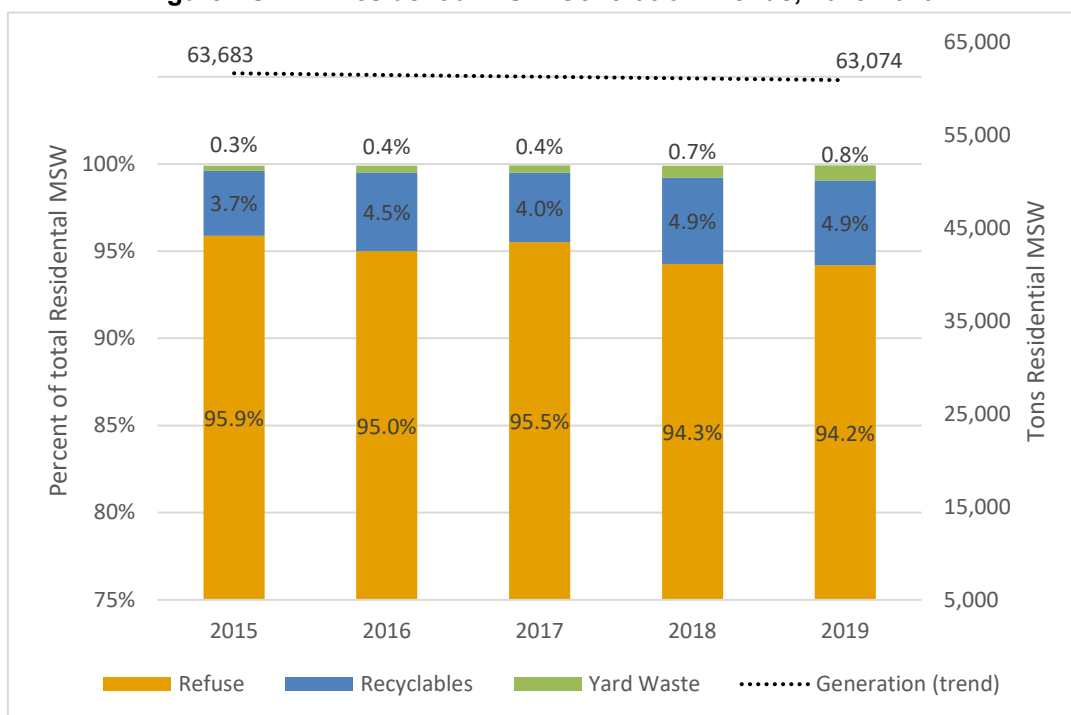
Planning Studies, Regulatory, and Trends Review

Understanding prior solid waste and community planning projects completed at the local, regional, and state levels is a critical step in effectively and efficiently developing the SWMP for the County. Prior solid waste regulations and policies, as well as the current regulatory climate and trends have largely shaped the state of solid waste management at various levels and define the environment in which this SWMP was developed. Section 2.0 provides a review of relevant solid waste studies and plans, a summary of relevant laws and regulations, a description of the roles of governmental entities in solid waste management and summarizes recent key trends in solid waste management. The key trends provide insight on how the industry is changing, as well as efforts being implemented by communities to address associated challenges.

Planning Area Characteristics

To properly plan for the County's future municipal solid waste (MSW) management needs, an understanding of the factors that will impact those needs is important. Section 3.0 describes the County's demographic and economic characteristics, as well as how these characteristics were applied to develop the County's current solid waste generation profile and future solid waste generation projections. With the County's population and employment projected to continually increase over the next 20 years, this information reinforces the importance for the County to develop and implement this SWMP that will guide solid waste management efforts over that time.

This SWMP has a significant focus on the residential sector. As shown in Figure ES-2, approximately 94 percent of residential MSW is disposed in landfills, with four percent recycled through curbside programs, two percent recycled through drop-off (recycling and yard waste), and small quantities (less than one percent) recycled through household hazardous waste and electronic waste programs. There is significant opportunity to impact diversion from the residential sector and there are various factors and methods for increasing recycling and yard waste diversion which are discussed throughout the SWMP.

Figure ES-2: Residential MSW Generation Trends, 2015-2019^{1,2}

¹ Data primarily from the Wyandotte County Solid Waste Committee 2020 Annual Meeting, with supplemental facility data (e.g., Ripple Glass).

² Small quantities of HHW and e-waste (less than one percent of total generation for each year) are not reflected in the Figure.

Facilities

Section 4.0 provides an overview of existing MSW processing and disposal facilities located within the County and the surrounding region, including landfills, material recovery facilities (MRF), transfer stations, organics processing facilities, and HHW processing facilities. Figure 4-1 identifies locations of solid waste facilities utilized by Wyandotte County. Additional regional facilities and their remaining life are discussed within this section.

Figure ES-3: Solid Waste Facilities Utilized by Wyandotte County

Tracking the remaining capacity of facilities is critical to ensure adequate disposal and processing capacity in the future and plan for the development of new facilities as needed. This section also highlights opportunities for the County to engage in public-private partnerships to develop infrastructure needed for disposal and processing of materials.

Single-Family Residential

Each municipality in the County contracts residential solid waste services independently to a single private sector provider. The Cities of Edwardsville and Lake Quivira are each under their own contracts with a hauler to provide weekly trash and recycling collection in carts. The Unified Government oversees a collection contract for weekly trash and recycling services for residents of Kansas City and Bonner Springs, Kansas. The Unified Government is responsible for the management of the HHW Center, the Recycling and Yard Waste Center, and post closure care for multiple closed MSW landfills located within the County. The Unified Government has a desire to increase their role and expand staff dedicated to solid waste services based on the recommendations of this Plan. Residential solid waste collection services, discussed in Section 5.0 through 8.0, include curbside collection of refuse, single-stream recyclables, bulky items, and organics.

The County's diversion rate of 5.8 percent lags behind the state and national averages. The State of Kansas has a diversion rate of 31 percent, and the national average is 35 percent. This represents great

opportunity to increase the diversion in Wyandotte County by increasing participation in recycling and volumes collected per household.

It is recommended that Wyandotte County increase access to recycling through providing all residential customers with a recycling cart and through focused education and outreach around recycling and diversion. It is also recommended to separate yard trimmings from regular refuse collections for composting.

Commercial and Multifamily Residential

MSW generated by the commercial and multifamily sectors is discussed in Section 9.0. While multifamily properties are occupied by the residential sector, waste from these properties is comingled with commercial sector upon collection and therefore considered commercial waste. The County's commercial and multifamily properties contract for trash and recycling collection services through private haulers on an open market system. Recycling is an optional additional service and is not provided by all commercial haulers. There are currently no requirements for the provision of recycling services to commercial or multifamily properties, although, some properties choose to offer recycling collection services.

It is recommended that the County create a commercial hauler licensing program and require annual reporting of MSW quantities collected to be a provision of the license. This will lay the foundation for future diversion efforts and provide the County with a better understanding of the commercial generation data and where opportunities exist. It is also recommended that waste removal services be required as a provision of the current business licensing program. Increasing support for commercial and multifamily properties through online resources and a technical assistance program could increase participation in recycling and diversion.

Construction & Demolition (C&D)

There are no C&D landfills located in Wyandotte County, so all material generated is hauled out of county for disposal. There is no reporting requirement for hauling C&D waste, so the actual quantities generated within the County are unknown. Some portion of C&D debris generated within the County is diverted from landfill disposal through C&D recycling processing, but quantities are unknown. Section 10.0 describes the County's management of C&D materials. It is recommended that the County lead by example by requiring minimum standards for C&D recycling on all County funded projects as well as supporting end use markets by requiring recycled material (i.e., crushed concrete) used on all applicable

County projects. Education and outreach information for reuse and recycling should be included in all building permit applications.

Household Hazardous and Other Wastes

While HHW represents less than one percent of the residential waste stream generated in the County, the sound management of these wastes has significant impact on the environment. Materials such as paint, cleaning products, fertilizer, fluorescent bulbs, other chemicals are accepted at the County Household Hazardous Waste Facility. Section 11.0 describes this and the management of other wastes including lead acid batteries, white goods containing chlorofluorocarbons, pesticides and pesticide containers, motor oil, consumer electronics, and medical wastes. It is recommended that the County continue to provide monthly collection events and if financially feasible, consider expanding service to include weekly service hours of operation year-round with a permanent facility and staffing.

Public Education and Outreach

Providing effective public education and outreach to residents is critical for the ongoing success of the County's solid waste management system. Guidance and support from the County can shape proper participation and positive program engagement experiences for residents which increases customer satisfaction and enables progress toward the County's goals. Section 12.0 describes key points of customer engagement, potential methods for communication, key messaging, and strategies and recommendations.

Implementation Plan

A planning level Implementation Plan is provided in Appendix A which describe the specific activities associated with implementing each of the recommended strategies and options. For each activity listed in the Implementation Plan, the following additional information has been provided:

- Description of activity to be taken;
- Priority level;
- The timeframe for the activity to be carried out;
- Key action items and notes; and
- The responsible party(s).

The Implementation Plan is more detailed for the short-term recommendations, as compared to the medium and long-term recommendations. The Implementation Plan allows the Unified Government to

sort the activities by year, by responsible party, and by cost. In this way, it should be easy to review the activities in the Implementation Plan in different ways that aid in implementation.

1.0 OVERVIEW, GOALS, AND OBJECTIVES

1.1 Purpose

The updating of Wyandotte County's (the County's) Solid Waste Management Plan (SWMP) is required by the Kansas Department of Health and Environment (KDHE) every five years, as described in the Kansas Statutes Annotated (K.S.A.) 65-3405. In addition, it is a critical step in determining how the County will manage the solid waste generated over time as the County's growth continues and market factors continue to evolve. Planning for and implementing an integrated solid management system is a complex and challenging endeavor requiring consideration of many factors: technological,

institutional, legal, social, economic, and environmental. Furthermore, as communities pursue solutions to their solid waste management challenges, it is increasingly apparent that no single strategy, technology, or program offers a complete solution; rather, a combination of methods is needed to provide for appropriate and cost-effective management of the varying types of solid waste in accordance with the unique properties of these various solid waste stream components. The Unified Government of Wyandotte County/Kansas City, Kansas (Unified Government) and its consultant, Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell), developed this SWMP to meet the requirements of KDHE and with a focus on the next five years of implementation, understanding that it will be updated every five years.

Goal
Develop fiscally responsible waste management methods consistent with the waste management hierarchy to achieve as much reduction, reuse, and diversion from disposal as feasible.

1.2 KDHE Plan Requirements

As described in Section 1.1, updating of the County's SWMP is required by KDHE, as described in K.S.A 65-3405. Additional plan requirements are described in Kansas Administrative Regulations (K.A.R.) 28-29-75 through 28-29-82. Meeting such plan requirements was central to the development of this SWMP. Plan requirements and required components are primarily addressed and included in the body of the SWMP. The Implementation Plan is provided as Appendix A. Additional requirements and background information are included in Appendix B, Supporting Plan Information.

1.3 Stakeholder Engagement

The SWMP has been developed in coordination with Unified Government staff and the Wyandotte County Solid Waste Management Committee (SWMC). Committee members include representatives from the Unified Government Board of Commissioners, Cities of Bonner Springs, Edwardsville, and

Kansas City, Board of Public Utilities, solid waste private sector, environmental organizations, and the public. The current members of the SWMC membership as of 2019 is provided in Table 1-1.

Table 1-1: SWMC Members (2019)

Name	Representing Organization
Christina Brake	City of Bonner Springs, Kansas
Michael Webb	City of Edwardsville, Kansas
Zack Daniel	City of Edwardsville, Kansas
Michael Tobin	Unified Government
Greg Talkin	Unified Government
Kirk Suther	Unified Government
Maureen Mahoney	Unincorporated Area
Ingrid Setzler	Board of Public Utilities
Mark Donahoo	Republic Services
John Blessing	Waste Management
Richard Mabion	Sierra Club
Lou Braswell	Leavenworth Road Association
Norman Scott	Stony Point/Hunters Glenn Neighborhood
Stephanie Moore	General Public

Throughout the preparation of this report, the County and Burns & McDonnell met with the SWMC to facilitate three public workshops. The workshops focused on communicating collected data to the committee, reviewing and evaluating options relating to various solid waste management sectors, and discussing details regarding the implementation of options selected with the committee. Feedback received by the committee members was key in understanding community needs and perspective and evaluating potential strategies and service options.

1.4 Guidance for Reading of SWMP

Section 2.0 provides a description of the applicable planning studies and regulations, roles of government entities in solid waste management, and current solid waste management industry trends. Section 3.0 highlights the planning area characteristics such as population and economic projections, current and projected solid waste generation, and methodology utilized. Section 4.0 provides an overview of existing

municipal solid waste (MSW) processing and disposal facilities located within the County and the surrounding region, including landfills, material recovery facilities (MRF), transfer stations, organics processing facilities, and household hazardous waste (HHW) processing facilities. Sections 5.0 through 12.0 are each dedicated to discussion of a specific sector or material type for which solid waste needs to be managed within the County. Sections 5.0 through 12.0 address the following sectors: single-family residential refuse, residential recycling, bulky items, organics, commercial and multifamily residential, construction and demolition (C&D), household hazardous waste (HHW) and other special wastes, and education and outreach. Each sector has unique characteristics requiring a customized approach to solid waste management for its customers and material types. These “sector sections” begin with a current system review and an evaluation of options for implementation. These sections then present proposed recommendations and associated action items. Appendix A details the implementation plan for each of the recommendations discussed in the “sector sections” and includes the specific roles, responsibilities, schedules, costs, and other organizational issues associated with the implementation plan.

1.5 Key Terms

This section presents definitions of a selection of key terms used throughout the SWMP that are necessary for a comprehensive understanding of the current solid waste management systems and strategies that may be implemented in the future.

Sectors. Municipal solid waste (MSW) is broadly categorized into two primary sectors, residential and commercial. C&D debris is not considered MSW and is handled and disposed of separately from residential and commercial MSW material. The total waste generation forecast was developed based on residential MSW, commercial MSW, and C&D debris categories.

- **Residential Sector.** The residential sector includes only material generated by single-family households.¹
- **Commercial Sector.** The commercial sector includes material generated by commercial (offices, retail and wholesale establishments, restaurants, etc.) and institutional (schools, libraries, hospitals, etc.) entities as well as by residents living in multifamily structures. Multifamily solid waste is collected, processed, and reported in combination with other commercial material and was therefore included in the commercial sector. Generally, solid waste data specific to multifamily households was not available.

¹ Single-family households are defined as traditional single-family homes and structures containing 1-4 individual housing units (e.g., duplexes, townhomes).

Construction and Demolition (C&D) Debris. C&D debris is excluded from residential and commercial sector MSW quantities and is therefore addressed in a separate section, Section 10.0, of this SWMP. C&D debris is generated by the construction, renovation, and demolition of residential and non-residential structures as well as city, county, and state road and bridge projects and is further defined in the Materials portion of this section.

1.6 Generation, Recycling, and Disposal

This section provides definitions used regarding the total amount of solid waste generated within the County and the material disposal or processing streams that comprise total generation quantities.

- **Generation.** Solid waste generation is the total quantity of material disposed in landfills plus the total quantity of material recovered through recycling and composting operations. Total generation is the quantity of material that the County must manage through various disposal and recycling programs and services. Reuse material quantities are not included in generation because quantities are unknown.
- **Recycling.** Recycling rate is defined as the proportion of MSW that is diverted from landfill disposal and has value as a commodity or as an input into other products or processes. There are various methods for measuring recycling rates (as discussed in the “Recycling Measurement” portion of Section 2.4.4). In this SWMP, recycling and recycling rates include MSW material that is collected and processed through single-stream recycling programs and materials recovery facilities (MRFs) and yard waste and organics material that is mulched, composted, or otherwise diverted from landfill disposal. Recycling rates do not include any materials that are diverted from landfill disposal through reuse activities. Quantities of reused MSW and C&D materials are difficult to measure.
- **Disposal.** Disposal refers to all remaining material placed in landfills that has not been recycled, composted, or otherwise diverted. Disposed materials include some quantities of materials that were not recovered prior to disposal but could potentially be recovered through improvement of recycling programs, infrastructure, or education. Potential for additional recyclable material recovery from disposed materials is discussed further in Section 3.6, Waste Characterization.

1.7 Materials

MSW is composed of several categories of solid waste and recyclables that are handled through various collection, disposal, and processing methods and facilities, depending on the material category. This section provides definitions for the primary categories of MSW addressed in this SWMP and defines C&D debris separately because C&D debris is not considered a component of MSW.

- **Municipal Solid Waste (MSW).** MSW refers to the entirety of the waste stream that is generated by everyday activities in the residential and commercial sectors. MSW can be further categorized by material types including refuse, single-stream recyclables, organics, and HHW. Different MSW material types require different methods for best management practices. Refuse is disposed in MSW landfills. Much of the MSW generated can be recycled or composted at various processing facilities. MSW does not include commercial hazardous waste or industrial, agricultural, mining, or sewage sludge wastes.
 - **Refuse.** Refuse is the portion of MSW that cannot practically be recycled, reused, or otherwise diverted from disposal. True refuse has no viable handling methods other than disposal in an MSW landfill. However, in most communities, a portion of material disposed as refuse has the potential to be recycled. Waste characterization and potential for increased recovery of recyclable materials from materials currently disposed in landfills is further addressed in Section 3.6.
 - **Single-Stream Recyclables.** Single-stream recyclables refers to materials that are typically accepted through municipal curbside recycling programs or drop-off locations, processed through MRFs, and sold as commodities to markets where the material is then repurposed. Single-stream recyclables include items such as, but are not limited to, plastic containers, aluminum and steel cans, cardboard, and other various paper products. The full range of materials accepted through a municipality's single-stream recycling program can vary by community or by hauler.
 - **Organics.** Organics are plant or animal-based materials. Organics have the potential to be diverted from landfill disposal through composting or mulching processes. Within the category of organics, there are the two sub-categories of yard waste and food waste. Vegetative material generated from the residential sector, commercial sector, or parks maintenance is categorized as yard waste, including materials such as leaves, grass clippings, limbs, brush, and other plant trimmings. Food waste includes materials such as fruits and vegetables, meats, eggs and dairy, coffee grounds, and food-soiled paper products such as napkins, pizza boxes, and various types of cardboard and paper food containers. Depending on available processing options, yard waste and food waste may be processed together or separately.
 - **Household Hazardous Waste (HHW).** HHW refers to common household chemicals or other materials that should not be disposed of in MSW landfills due to their potential for adverse environmental and health impacts. They require special processing by an entity permitted by KDHE. HHW includes, but is not limited to, materials such as paints, fertilizers,

pesticides and poisons, pool chemicals, household cleaners, automotive fluids, batteries, light bulbs, and e-waste. Section 11.0 addresses additional types of HHW and other special wastes as well as management options for these wastes within Wyandotte County. HHW generally does not include chemicals generated by commercial or industrial entities, though some processors may accept materials from small commercial facilities.

- **Construction and Demolition (C&D) Debris (as a material).** C&D debris is not included in the category of MSW. C&D debris is defined as solid waste resulting from the construction, remodeling, repair, and demolition of structures, roads, sidewalks, and utilities. Material is generated from residential, commercial, and public sector (e.g., municipal, state, or federal) projects. It includes, but is not limited to, materials such as brick, roofing materials, wood, flooring, drywall, non-asbestos insulation, concrete, and asphalt. Most C&D debris is disposed in separate C&D permitted landfills. Smaller amounts may be recycled or reused.

2.0 PLANNING STUDIES, REGULATORY, AND TRENDS REVIEW

This section provides a broad perspective of the historic and current state of the solid waste management environment in which the County is developing this Plan. It provides a review of relevant existing planning studies, a summary of relevant laws and regulations, and summarizes recent key trends in solid waste management.

2.1 Review of Prior Planning Documents

Understanding prior solid waste and community planning projects completed at the local, regional, and state levels is a critical step in effectively and efficiently developing the SWMP for the County. To inform development of this SWMP, Burns & McDonnell reviewed the following studies and plans.

State of Kansas Solid Waste Management Plan. The State of Kansas Solid Waste Management Plan was first developed in 1996, updated in 2000, 2005, 2010 and 2016. The draft 2020 plan² was available and reviewed at the time of Plan development. The purpose of the State Plan is to facilitate the development of environmentally sound and cost-effective methods for managing and reducing solid waste in cooperation with local governments.

Wyandotte County Solid Waste Management Plans and annual updates. The first Wyandotte County SWMP was developed in 1997. It was reviewed and comprehensively updated in 2004, 2010 and 2015. The Plan was also reviewed annually to document implementation progress and document any changes. The 2015 Wyandotte County Solid Waste Management Plan focuses on maintaining the existing solid waste management structure and promoting waste reduction through education and outreach. No major changes were recommended in the 2015 Plan or previous plans.

Plan implementation efforts discussed in previous Plans focus on the continuation of existing programs, including:

- Residential solid waste services with a single provider which includes the collection of unlimited weekly volumes of waste and separate collection of recyclable materials for single-family residents in Kansas City and Bonner Springs, Kansas.
- Operation of a County-owned Recycling and Yard Waste Center available to residential customers only and an agreement to accept yard waste material at Waste Management's facility from Wyandotte County residents.

² <https://www.kdhe.ks.gov/596/Solid-Waste-Program>

- Operation of a County-owned HHW collection facility, available to residents, one Saturday a month, seven months out of the year.
- Operation of an illegal dumping response program, Quick Response Trash Team, in coordination with the County Code Enforcement Department.
- Biannual electronic waste collection events.
- Promotion of Livable Neighborhoods' recycling bin rental program for special events. Plan implementation efforts related to waste reduction includes:
 - Development of an internal webpage for Unified Government staff awareness on waste reduction and recycling in County-owned facilities.
 - Creation of several documents shared with the public online; topics include residential recycling, recycling in schools, recycling for businesses and yard waste management.
 - Articles published in locally distributed periodicals.
 - Distribution of recycling bins to residents, available at no cost at the Neighborhood Resource Center.
 - Partnering with educational programming organizations to deliver recycling-based educational programs.
 - Educational classes on yard waste management provided by the K-State Research and Extension of Wyandotte County.
 - Partnerships with a variety of local organizations working on food waste reduction through distribution and composting.

2.2 Review of Prior Studies

Review of Unified Government Residential Solid Waste Collection Services: In 2019, Burns and McDonnell was retained to perform a review of the residential solid waste collection services contracted to Waste Management. The study provided recommendations to improve collection service through continued coordination with Waste Management, contract optimization efforts and community engagement.

Unified Government Tree Management System: Unified Government developed a tree management system plan to address tree debris generated from private and public property. Policies and programs addressing storm debris, public utility maintenance debris, emerald ash borer debris, and debris from trees in public parks are thoroughly reviewed and assessed for efficient handling and disposal.

Johnson County Waste Characterization Study: In 2015-2016, Engineering Solutions and Design Incorporated conducted a waste characterization study at the Johnson County Landfill. The purpose of the

study was to analyze the composition of waste streams on a detailed level. Representative samples were evaluated from each community including Wyandotte County, which then allowed that information to guide future solid waste planning efforts. Waste characterization results provide an understanding of the types and quantities of recyclable materials that are currently being disposed in landfills, and therefore the potential for increased material recovery and increased recycling rates.

Mid-America Regional Council, Various Reports. The Mid-America Regional Council (MARC) has developed multiple reports assessing the state of the solid waste system within the Kansas City metro area and providing strategic recommendations. The following reports were reviewed in the development of this SWMP:

- MARC Solid Waste Management District Recycling Survey Final Report (2017);
- Recycling Economic Information Study for the Kansas City Metro Area (2016);
- Waste Diversion Assessment Summary of Community Benchmarking (2014);
- MARC Solid Waste Management District Recycling Survey Final Report (2012);
- Strategy for Sustainable Solid Waste Management (2009); and
- Strategic Directions and Policy Recommendations for Solid Waste Management in the Bistate Kansas City Metropolitan Region (2003).

2.3 Regulatory and Policy Review

Prior solid waste regulations and policies, as well as the current regulatory climate and trends have largely shaped the state of solid waste management at various levels and define the environment in which this SWMP was developed. This section provides a summary of federal, state, and local regulations, policies, and trends.

2.3.1 Role of the Federal Government in Regulating Solid Waste

The federal government sets basic requirements to provide consistency among states and regulations to protect public health and the environment. The United States Environmental Protection Agency (U.S. EPA) is responsible for hazardous and non-hazardous solid waste management through the Office for Solid Waste and Emergency Response (OSWER). Major federal legislation pertaining to solid waste management includes:

- Prior to 1965, solid waste management was entirely dependent on the judgement and decisions of individuals or local departments of health and sanitation. In 1965, Congress made its first attempt to define the scope of the nation's waste disposal problems by enacting the Federal Solid Waste Disposal Act (SWDA), which financed statewide surveys of landfills and illegal dumps.

- The first significant federal legislation governing the disposal of non-hazardous and hazardous waste was passed in 1976 under the Resource Conservation and Recovery Act (RCRA). RCRA established landfill construction, management, and closure guidelines as well as regulates hazardous waste management facilities that treat, store, or dispose of hazardous waste. RCRA has been amended three times since its inception³:
 - 1984 Hazardous and Solid Waste Amendments, requiring the phasing out of land disposal of hazardous wastes and granting the U. S. EPA regulatory authority over landfills (Subtitle C Hazardous Waste and Subtitle D Non-hazardous waste);
 - 1992 Federal Facility Compliance Act, strengthening enforcement of RCRA at federal facilities; and
 - 1996 Land Disposal Program Flexibility Act, providing regulatory flexibility for land disposal of certain wastes.
- The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, known as Superfund, was enacted by Congress to address abandoned hazardous waste sites in the U.S. CERCLA has subsequently been amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA).⁴ The Office of Air and Radiation regulates solid waste-related air emissions, enforcing the Clean Air Act of 1976 (CAA) and subsequent amendments.

2.3.2 Role of the State Government in Regulating Solid Waste

KDHE, Bureau of Waste Management is responsible for regulatory permitting and enforcement at all solid waste facilities to ensure they are operated in a manner that protects human health and the environment. Permitted facility types include composting, C&D, HHW, incinerator, industrial, landfarm, medical waste, mobile tire processor, MSW-subtitle D, solid waste processor, tire collection center, tire monofill, tire processing facility, tire transporter, and transfer station. Additionally, KDHE is tasked with state and local solid waste planning, waste reduction efforts, solid waste clean-ups, and administering grants.

As required by law, KDHE adopted a state-wide SWMP which is reviewed and comprehensively updated every five years. The State's Plan is based upon the concept that major decisions related to solid waste management in Kansas should be made at the local level.

³ U.S. Environmental Protection Agency. 2017. "History of the Resource Conservation and Recovery Act (RCRA)." Available online: <https://www.epa.gov/rcra/history-resource-conservation-and-recovery-act-rcra>

⁴ U.S. Environmental Protection Agency (U.S. EPA). 2017. "Superfund: CERCLA Overview." Available online: <https://www.epa.gov/superfund/superfund-cercla-overview>

House Bill No. 2801 amended K.S.A Chapter 65, Public Health, July 1, 1992. K.S.A. 65-3405(i), states the following:

Each county or group of counties is required to adopt and implement a solid waste management plan pursuant to this section and is responsible for continued and ongoing planning for systematic solid waste management within the boundaries of such county or group of counties. The solid waste management plan of each county, designated city or group of counties shall provide for a solid waste management system plan to serve all generators of solid waste within the county or group of counties.

Further, K.S.A. 65-3405 requires the development of a solid waste management committee in each county. The committee is responsible for the development of the SWMP, the annual review of the plan, and an update to the SWMP every five years. A public hearing is required with each five-year update to the SWMP. Additional requirements of the SWMP are included in Section 1.2.

2.3.3 Role of County/City Government in Regulating Solid Waste

The Unified Government oversees a collection contract for weekly trash and recycling services for residents of Kansas City and Bonner Springs, Kansas. The Public Works Department investigates customer complaints regarding missed collections and enforces the terms of the contract to encourage appropriate collection of residential waste. The Public Works Department is also responsible for the management of the Household Hazardous Waste Center, the Recycling and Yard Waste Center, and post closure care (PCC) for multiple closed MSW landfills located within the County.

The cities of Edwardsville and Lake Quivira each oversee their own respective municipal residential collection contracts.

As required by K.S.A. 65-3405, the County has a SWMC that includes representatives from cities, unincorporated areas, citizen organizations, private industry, and the general public. The committee members are appointed by the Unified Government Board of Commissioners (BOC). With the support of Unified Government staff, the SWMC is responsible for the development of the SWMP, annual review of the SWMP, and providing a report containing the results of the annual SWMP review to the BOC. The SWMP is then implemented by staff under the direction of the BOC. Please refer to Section 1.3 for information about the SWMC's involvement in the development of the SWMP.

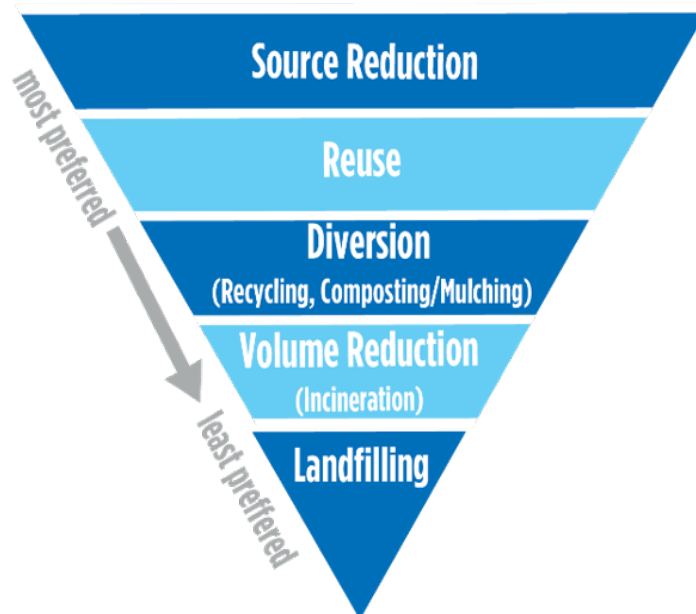
2.4 Solid Waste Management Industry Trends

This section provides perspective on solid waste management trends that may influence the development of the SWMP and the industry moving forward.

2.4.1 Overarching Trends

Waste Management Hierarchy. The waste management hierarchy developed by the U.S. EPA as shown in Figure 2-1, has also been adopted by many communities as a guide in managing municipal solid waste. This hierarchy is used as a tool in implementing a sustainable materials management (SMM) approach to waste management. The hierarchy was developed in recognition that no single waste management approach is suitable for managing all materials and waste streams in all circumstances. The hierarchy ranks the various management strategies from most to least environmentally preferred. It places emphasis on reducing, reusing, and recycling as key to SMM.⁵

Figure 2-1: U.S. EPA Waste Management Hierarchy



Sustainable Materials Management. Sustainable materials management (SMM) is a systematic approach to using and reusing materials more productively over their entire lifecycles.⁶ SMM represents a change in how communities think about the use of natural resources and environmental protection, and goes beyond traditional thinking about waste reduction, reuse, recycling, and disposal. SMM emphasizes consideration of a product or material's entire lifecycle, from manufacturing to disposal, and the need to make sustainable choices throughout the lifecycle. An SMM approach seeks to:

- Use materials in the most productive way with an emphasis on using less;
- Reduce toxic chemicals and environmental impacts throughout the material life cycle; and
- Provide sufficient resources to meet today's needs and those of the future.

⁵ U.S. Environmental Protection Agency, 2017. "Sustainable Materials Management: Non-Hazardous Materials and Waste Management Hierarchy." <https://www.epa.gov/smm/sustainable-materials-management-non-hazardous-materials-and-waste-management-hierarchy>.

⁶ U.S. Environmental Protection Agency (U.S. EPA). 2017. "Sustainable Materials Management Basics." <https://www.epa.gov/smm/sustainable-materials-management-basics>.

It has been a trend for the solid waste and recycling industry for SWMPs to have the broader view of SMM to better plan for their community's economic and environmental future.

2.4.2 Collection Trends

Pay-As-You-Throw. The purpose of a volume-based variable rate structure, also known as a pay-as-you-throw (PAYT) program, is to incentivize waste reduction or waste diversion by offering a financial enticement to customers who maintain a fixed weekly maximum set out volume.

While PAYT is the national trend, the Unified Government has a contract until January 2033 that allows residents to pay for waste collection at a set rate, regardless of how much—or how little—trash they generate.

Contracting for Services vs. Municipalization. In the Midwest, many communities either provide publicly operated solid waste services, contract for services through a single private hauler or have an open market system in which several private haulers operate within a permitted or open system. An open market system is common for commercial services. Generally, communities of a smaller size may choose to contract for MSW services, likely due to limited resources available for operation of a municipal system. Among some smaller cities and many cities with higher populations, there is a split between those that have municipally and privately provided services.

Wyandotte County has chosen to contract with one company as its exclusive provider for residential services. This approach is consistent with communities of comparable size. In the greater Kansas City metro area, only the cities of Olathe, Lawrence and Kansas City, Missouri provide municipal hauling services.

2.4.3 Facility Trends

Landfill Trends. As regulations become more restrictive and it becomes increasingly more challenging to obtain permits for new landfills, the solid waste industry is seeing an increase in the expansion of landfills by going higher (vertical expansion) and/or wider (horizontal expansion). Landfill owners are seeking to extend facilities' useful lives by expanding the footprint, improving operations or through use of technologies, such as enhanced leachate recirculation (a process where liquids or air are added into a landfill to accelerate degradation of the waste, prolonging site life). Landfill owners and regulators are also looking beyond the prescriptive 30-year post-closure care (PCC) period and are recognizing that there may be additional long-term management costs and liabilities incurred by landfill facilities after the 30-year PCC period.

Landfill Tipping Fees. Based on a 2019 study conducted by the Environmental Research & Education Foundation (EREF)⁷, average per-ton landfill tipping fees in Kansas are lower than the national average, and lower than average landfill tipping fees in the Midwest region (Minnesota, Illinois, Missouri, Wisconsin, Iowa, Indiana, Ohio, Nebraska, Kansas and Michigan). The rates shown in Table 2-1 reflect average posted gate rates at surveyed landfills. Negotiated tipping fees between a landfill and individual haulers may be lower.

Table 2-1: Average Per Ton Landfill Tipping Fees

	Per Ton
Kansas	\$39.32
Midwest Region	\$48.87
United States	\$55.36

Use of Transfer Stations. Transfer stations are facilities that are used to consolidate material from multiple collection vehicles into larger, high-volume transfer vehicles for more economical shipment to distant disposal or processing facilities. Transfer stations can be used for material destined for landfilling, recycling and/or composting. With a nationwide trend toward larger disposal and processing facilities, there has been an enhanced need for transfer facilities. When longer transport distances are required to send materials to facilities, transfer stations allow collection vehicles to be more productive by maximizing the amount of time spent collecting material rather than driving to a facility. Key factors that affect the financial feasibility of transfer stations include:

- Collection cost;
- Disposal/processing cost;
- Distance/travel time to landfill or processing facility;
- Fuel costs;
- Annual tonnage hauled; and
- Payload of transfer trailers versus collection vehicles.

2.4.4 Diversion Trends

Recycling. Local governments offer recycling programs because their citizens look for effective community services and demand is higher than ever before. Increasing recycling requires that more residents and commercial establishments participate in the existing programs and that more materials are

⁷ Environmental Research & Education Foundation, 2019. "Analysis of MSW Tipping Fees, April 2019." www.crefdn.org

collected from each participant. For the residential sector, there needs to be more recycling bins at the curb with more material in each bin. Increased participation can be accomplished through several approaches:

- Public education and awareness to encourage behavioral changes;
- Providing recycling infrastructure that encourages recycling; and
- Contractual, licensing, or regulatory methods to require behavioral changes.

Residential and commercial recycling infrastructures have been increasing in Wyandotte County, and it is assumed in this Plan that these systems will not only continue but could expand to accommodate larger quantities of recovered materials. Despite the widespread availability of curbside recycling, there is a need to increase awareness among Wyandotte County residents.

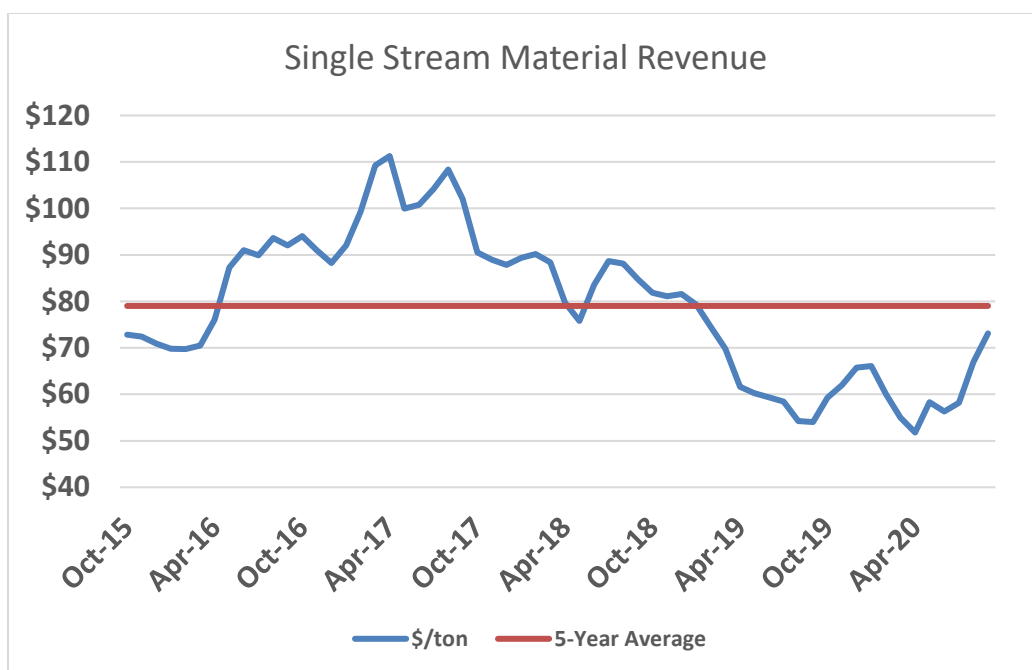
Increasing commercial sector participation in existing recycling programs through educational efforts requires coordination with the private sector. Commercial sector recycling is handled almost exclusively by the private sector, as is the case in Wyandotte County. Although many commercial establishments have recycling containers on-site, there are significant opportunities for additional containers to be sited.

Recycling Processing Fees. The per-ton fee paid for processing of recyclable materials collected is impacted by various factors, including the market value of recovered materials and the level of contamination present. Over the past 10 years, the changing market value of recovered materials has had a significant impact on single stream material (commingled collection of paper, plastics, metal, and glass) processing costs.

MRFs traditionally charged a cost per ton for processing recyclable materials and then offered a share of revenue generated through sale of the material back to municipalities (where municipalities facilitated organized recycling contracts). At the beginning of the 2008 recession, the market value of recyclable materials plummeted dramatically, from record highs to record lows. MRFs were no longer able to cover the entirety of their processing costs from processing fees plus material revenue sharing, and some MRFs experienced negative cash flows. Because of the dramatically reduced market values of recovered materials, many MRFs changed their cost recovery structure, and began charging higher processing fees that would fully recover all processing costs, rather than relying on material revenues to be made whole. MRFs were then typically willing to offer municipalities a greater share of material revenues. As a result, processing fees have increased to amounts ranging from \$70-\$120 per ton (up from \$30-\$40 per ton prior to 2008).

The average blended market value of processed recyclable materials collected as a single stream (paper, plastics, metal, and glass) in the Midwest region over the last five years was \$79 per ton. In addition to commodity values, the value of single stream materials varies based on the composition of the materials (i.e. quantity of paper, plastics, metal, and glass) and quality of the materials. Figure 2-3 illustrates the changes in the average value of single stream materials from 2015 to 2020. During 2021, recycling commodity prices rebounded strongly, exceeding the high points from the preceding five-year period. Key reasons for the increasing value have included the development of new infrastructure and seeks recycling material as a feedstock and trends toward increasing recycling content based on Environmental, Sustainability, and Governance (ESG) policies.

Figure 2-2: Single Stream Material Revenue (per Ton)



Recycling Measurement. Efforts to measure recycling have traditionally calculated a recycling rate. A recycling rate indicates the percentage of waste generated that is recycled and is typically calculated using the formula: $[\text{Total Recycled} / (\text{Total Recycled} + \text{Total Disposed})] \times 100 = \text{Percent Recycling Rate}$. Over the past decade, there have been several changes in the weights and composition of materials in the waste stream. For example, there is typically less newspaper, but more cardboard. Plastic bottles and aluminum cans weigh less. Some consumer packaging contains multiple materials, making recycling more challenging. Due to these reasons, some communities are considering alternatives to recycling measurement, other than calculating a recycling rate. Some alternative measurement options include:

- **Capture Rate:** Percentage of recyclable material that is recycled versus disposed;
- **Disposal Rate:** Based on per capita/employee disposal quantities;
- **Participation Rate:** Based on how often a resident or business recycles over a defined time period (e.g. monthly);
- **Life-Cycle Analysis:** Analysis of the total environmental impacts associated with a product or process, and evaluation of opportunities to reduce impacts throughout the life-cycle, through methods such as using recycled rather than virgin materials for inputs;
- **Greenhouse Gases:** Quantification of greenhouse gas reductions through both increased use of recycled materials as product inputs (life-cycle analysis) and reduction of material landfilled, which reduces generation of greenhouse due to decomposition; and

Yard Waste Diversion. Composting is a common environmentally sound way to manage yard waste. Yard waste includes materials such as leaves, grass clippings, brush and tree limbs. Composting diverts material from the landfill and it also effectively converts yard wastes into a useful soil additive or mulch.

The single most effective source reduction measure is management of yard waste on-site. Leaving all grass clippings and leaves on the lawns with a mulching mower and use of backyard compost bins reduces MSW generation for disposal. Education programs are commonly used to promote on-site management of yard waste.

Landfill disposal bans or composting mandates are also effective tools to drive yard waste composting. Many communities and states have yard waste landfill bans including the state of Missouri and Johnson County, Kansas (The Unified Government has an agreement with Johnson County to send residential MSW comingled with yard waste to the Waste Management Johnson County Landfill).

Curbside collection of residential yard waste for composting is particularly limited in Wyandotte County. Residents can self-haul to one of two drop off sites for free.

A challenge facing the composting industry is identifying viable end markets for the processed materials. To market the material, facilities must generate a high value finished product which can incur high processing costs. Lower quality compost may instead be used as landfill alternative daily cover, as is the case at the Johnson County Landfill.

3.0 PLANNING AREA CHARACTERISTICS

Planning for the County's future solid waste management needs requires an understanding of projected growth that will impact the quantities of waste generated, disposed, and recycled within the County. Per K.S.A. 65-3045.d., it is required that each County project waste generation over the next 10 years to address future needs; however, it is recommended to look longer term (25 years) to address the timeline required for new facility and program development, if needed. Population and economic growth will largely determine the level of growth in solid waste generation that will occur within the County over the next 25 years (through 2045). This section describes the County's current and projected residential population, as well as current and projected economic growth based on employment. It then describes how these characteristics were applied to develop the County's current solid waste generation profile and future solid waste generation projections. Burns & McDonnell utilized current solid waste generation data and a selection of existing population and employment projections to develop the solid waste generation projections for the County, presented in Section 3.4 and Section 3.5.

3.1 Demographic Characteristics

This section describes the County's historic, current, and projected demographic characteristics, including population and household distributions.

3.1.1 Historic and Current Population

Wyandotte County is the fourth most populous county in the state of Kansas, with a 2018 total population of approximately 164,300, based on estimates from the U.S. Census Bureau. In comparison, the two largest counties in Kansas (Johnson County and Sedgwick County) each have populations exceeding 500,000 based on recent U.S. Census Bureau estimates. Approximately 92 percent of County residents live in Kansas City, which is the third most populous city in the state of Kansas and has a 2018 total population of approximately 152,000.⁸

Historically, the County experienced steady population growth through the 1960s, after which the County population declined until 2010. In recent years, the County has experienced renewed population growth. Table 3-1 shows historic population and growth rates of Kansas and Wyandotte County each decade since 1970, with projected growth through 2020.

⁸ 2018 total county populations data source: U.S. Census Bureau, 2014-2018 American Community Survey (ACS) 5-Year Estimates.

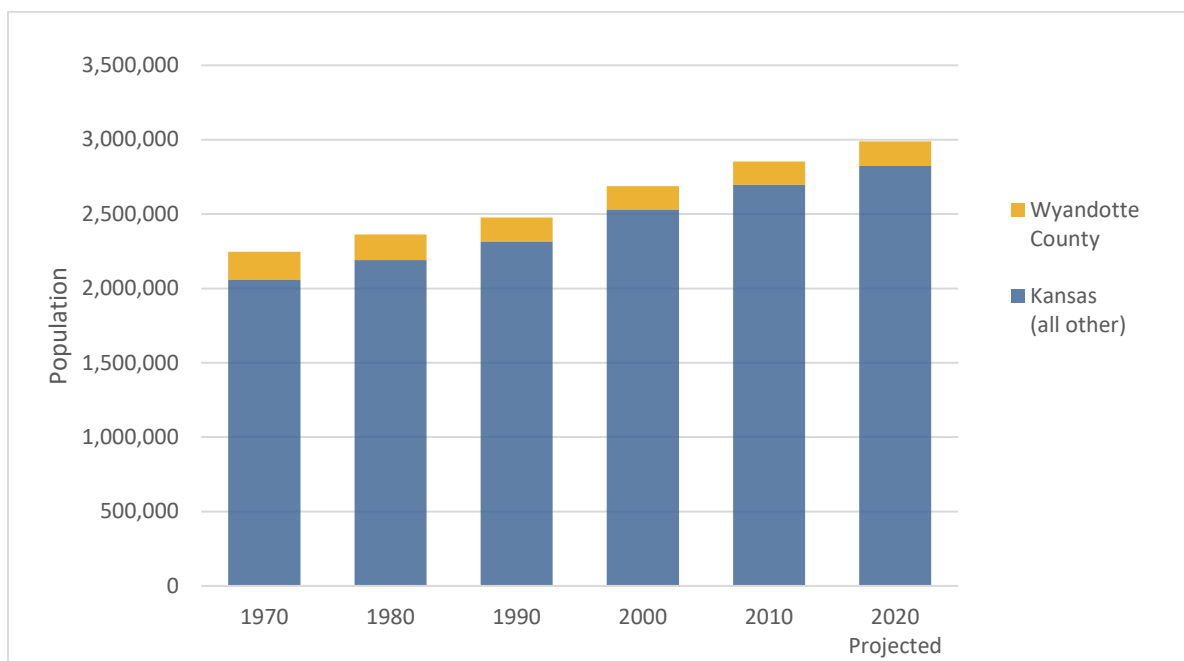
Table 3-1: State & County Historic Population & Growth by Decade¹

	1970	1980	1990	2000	2010	Projected 2020 ²
Kansas						
Population	2,246,578	2,363,679	2,477,574	2,688,418	2,853,118	2,988,194
10-Year Growth		5.2%	4.8%	8.5%	6.1%	4.7%
Wyandotte County						
Population	186,845	172,335	161,993	157,882	157,505	165,288
10-Year Growth		-7.8%	-6.0%	-2.5%	-0.2%	4.9%

¹ Data for years 1970-2010 is based on U.S. Census Bureau, Decennial Census Total Populations.

² 2020 projected populations and growth rates are based on the Mid-America Regional Council (MARC) previously developed 2040 Forecast for Wyandotte County (<http://www.to2040.org/forecast.aspx>) and Wichita State University's Center for Economic Development and Business Research Population Projections for the state of Kansas (<http://kansaseconomy.org/local-forecasts/population-forecast>).

Figure 3-1 compares the population growth of Wyandotte County with that of the state as a whole. Over the past few decades, Wyandotte County has dropped from approximately eight percent of the state's total population to a projected six percent in the year 2020.

Figure 3-1: Wyandotte County and Total Kansas State Population, 1970-2020

Wyandotte County covers 151 square miles and includes four incorporated cities (Bonner Springs, Edwardsville, Kansas City, and a portion of Lake Quivira)⁹. Nearly all (99.9 percent) of the County's population resides within the incorporated cities with 92 percent of the County's population in Kansas City alone. Additionally, Wyandotte County includes one township (Delaware) and unincorporated communities (e.g., Loring) comprising of less than 0.1 percent of the County population. Table 3-2 provides selected historic populations by city from 2010 through 2018.

Table 3-2: Wyandotte County Population Growth by City, 2010-2018¹

City	Population			Compound Annual Growth Rate, 2014-2018
	2010	2014	2018	
Bonner Springs	7,308	7,420	7,723	0.7%
Delaware	31	69	37	2.2%
Edwardsville	4,340	4,367	4,462	0.3%
Kansas City	145,786	147,598	152,069	0.5%
Lake Quivira	40	12	54	3.8%
Wyandotte County Total Population	157,505	159,466	164,345	0.5%

¹ Source: U.S. Census Bureau. 2010 population from the 2010 Decennial Census Total Population estimates. 2014 and 2018 populations from the 2014-2018 American Communities Survey (ACS) 5-year estimates.

Household Distribution by Residential Sector. Many municipal planning efforts, including solid waste management, categorize residential populations into two general categories – single-family and multifamily. For Wyandotte County, the single-family population is defined as people living in single-family (1-unit) homes or structures with four or fewer housing units. The multifamily population is defined as people living in structures with five or more housing units, or in mobile units.

This distinction is important because multifamily MSW requires separate planning and management than that of the single-family sector. Generation and recycling patterns differ from single-family, and multifamily material is typically collected and managed in combination with commercial material. For purposes of current and projected waste generation estimates, the residential sector includes only MSW generated by single-family residents. Commercial sector solid waste estimates and projections are inclusive of multifamily and commercially generated MSW. Additional considerations for the single-family, multifamily, and commercial sectors are provided in each respective section of the SWMP.

⁹ Wyandotte County, Kansas. Retrieved May 2020 from <https://www.wycokck.org/Facts.aspx>

Table 3-3 presents the 2018 estimated single-family and multifamily distribution of occupied households for each city and for Wyandotte County overall.¹⁰

Table 3-3: Single-Family and Multifamily Housing Distribution by City

City	2018 Population ¹	Occupied Housing Units ^{2,3}			Occupied Housing Unit Distribution ⁴	
		Total	Single-family ⁵	Multifamily	Single-family ⁵	Multifamily
Bonner Springs	7,723	2,894	2,517	377	87%	13%
Delaware	37	18	18	-	100%	-
Edwardsville	4,462	1,527	1,030	497	67%	33%
Kansas City	152,069	55,533	46,206	9,327	83%	17%
Lake Quivira	54	11	11	-	100%	-
Wyandotte County Totals⁶	164,345	59,983	49,783	10,200	83%	17%

¹ U.S. Census Bureau 2018 5-Year Population and Housing Characteristic Estimates.

² Estimates of occupied housing units are provided and utilized in solid waste generation estimates and projections included in this SWMP because waste is not generated from vacant housing units.

³ Number of occupied single-family and occupied multifamily housing units were estimated based on the overall housing occupancy rate for each city. Overall occupancy rates ranged from 40 – 94 percent by city. Actual occupancy rates for single-family and multifamily housing units may differ from the combined single-family and multifamily occupancy rate.

⁴ Distribution represents the total occupied household distribution between occupied single-family homes and occupied multifamily housing units and does not necessarily represent population distribution between household types.

⁵ Mobile units, including mobile homes, RVs, vans, boats, etc. are included in multi-family housing unit estimates and account for 2.5 percent of all occupied housing units within Wyandotte County. Mobile units comprise less than five percent of all occupied housing units in each city, except Edwardsville where they comprise 22 percent of all occupied housing units.

⁶ Sums may not total exactly due to rounding and mathematical calculations.

Population Distribution by Residential Sector. The estimated total population living in single-family housing units was used to inform the residential solid waste generation projections. The number of occupied housing units informed the population of residents living in single-family and multifamily units based on the U.S. Census Bureau overall average number of people per household.¹¹ In 2018, an

¹⁰ It should be recognized that while household distribution is useful in estimating population distribution between single-family and multifamily households, it is not equivalent to the population distribution between the two sectors. Single-family households typically have a greater average number of people per household than do multifamily households. For purposes of waste generation forecasting, assumptions were made to estimate population distribution.

¹¹ This estimate is based on the 2018 overall average persons per household (2.74) calculated from U.S. Census Bureau 2017 5-Year housing and population estimates. Typically, average persons per household is greater for single-family households than multifamily households. To estimate single-family and multifamily population

estimated 86 percent of the County's residents lived in single-family households and an estimated 14 percent lived in multifamily households. Multifamily solid waste generation is included in the commercial projections, provided in Section 3.5. The 2018 estimated single-family and multifamily household and population distributions are shown in Table 3-4.

Table 3-4: 2018 Estimated Single-family and Multifamily Population Distribution

	Occupied Households	Population	Population Percent
Single-Family	49,642	141,182	86%
Multifamily	10,341	23,163	14%
Total	59,983	164,345	

3.1.2 Population Projections

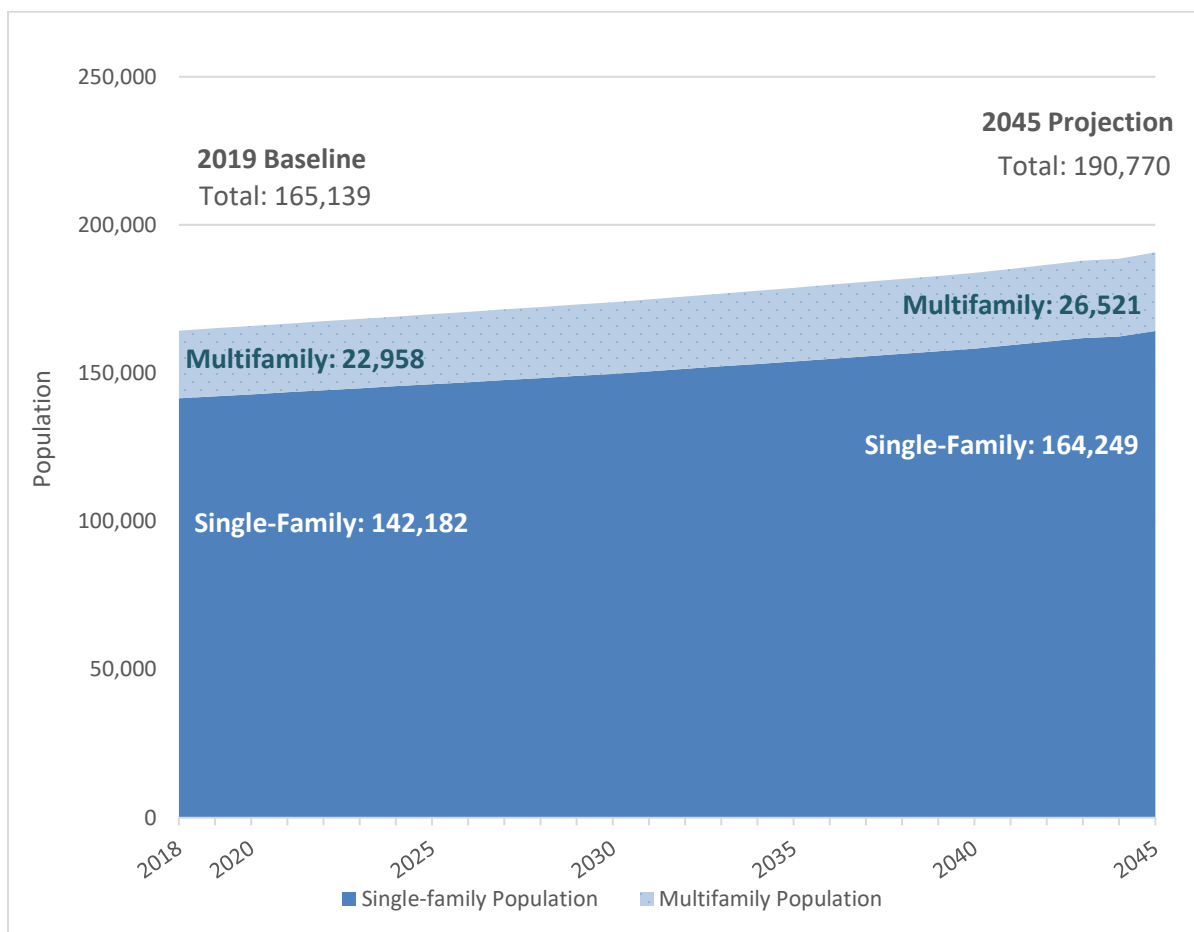
MARC previously developed the 2040 Forecast to provide estimated number and distribution of population, households and employment by county for the Kansas City region.¹² Burns & McDonnell extrapolated the projection for Wyandotte County to estimate the total population through the end of the 2045 planning period.¹³ Population projections indicate that the total Wyandotte County population may grow to approximately 190,800 people in 2045, a total increase of approximately 15 percent from the estimated 2020 population of 164,300.

Population growth utilized in projections was based on MARC's total projected County population and single-family and multifamily projected population distribution was based on the respective population distributions presented in Section 3.1.1 and held constant through 2045. Single-family population projections were utilized as the basis for the residential waste generation forecast. Figure 3-2 shows the projected single-family and multifamily population growth of the County over the next 25 years, from 2020 through 2045.

distribution, assumptions of 2.8 persons per single-family household and 2.2 persons per multifamily household were utilized. These assumptions were used to project the waste generation distribution through 2045, presented in Section 3.5.

¹² Source: MARC 2040 Forecast. Population, household, and employment forecasts were based on 2010 Decennial Census data and used to inform the development of Transportation Outlook 2040, metropolitan Kansas City's long-range transportation plan. Retrieved May 2020 from <http://www.to2040.org/forecast.aspx>

¹³ MARC developed the population projections on a 10-year increment basis through 2040 using a 2010 baseline. To estimate population growth for Wyandotte County on an annual basis and extrapolate projections through the end of the 2045 planning period, Burns & McDonnell calculated compound annual growth rates of the ten-year projection intervals and applied the growth rates to the 2018 U.S. Census Bureau 5-year ACS population estimate as a baseline.

Figure 3-2: 2020 – 2045 Wyandotte County Population Projections¹

¹ U.S. Census Bureau and MARC 2040 Forecast. The 2018 Wyandotte County population estimate based on MARC's 2040 forecast is approximately 163,700. The estimated 2018 population based on the Census Bureau's 5-year ACS estimates is 164,345, a difference of 645 people. Population projections based on U.S. Census Bureau 2018 population and MARC's 2040 Forecast growth rates were used as the basis for the residential solid waste generation forecast to provide conservative estimates (based on per-capita generation rates) and appropriately plan for the potential solid waste quantities the County may need to manage in the future.

3.2 Economic Characteristics

This section describes the County's historic, current, and projected employment levels, utilized as an indicator of economic growth.

3.2.1 Historic and Current Employment

In 2018, the total wage and salary employment within Wyandotte County was approximately 96,500 jobs with approximately 85 percent of employment in the County being private sector (non-farm), followed by

13 percent in State and Local government.¹⁴ The County experienced 10.3 percent total job growth from 2010 to 2018.

Based on the most recent 2016 employment distribution by industry, approximately one in five workers in the County is employed in the health care and social assistance industry (North American Industry Classification System (NAICS) 62). The next largest industries by employment are manufacturing (NAICS 31) with 15 percent of the total workforce, followed by retail trade (NAICS 44) and transportation and warehousing (NAICS 48), each with approximately 11 percent of the total workforce. Wholesale trade (NAICS 42) and accommodation and food services (NAICS 72) each comprise eight to nine percent of the total workforce. The fastest growing industry in the County is professional, scientific, and technical services (NAICS 62) with an average 15 percent annual growth from 2010 – 2016¹⁵.

Table 3-5 provides historic employment growth by industry from 2005 to 2016.

¹⁴ Source: U.S. Bureau of Economic Analysis (BEA), Personal Income and Employment by County and Metropolitan Area, Wyandotte County, Kansas. Retrieved May 2020 from <https://apps.bea.gov/itable/index.cfm>. BEA estimates are generally higher than those of the U.S. Census Bureau County Business Patterns and the U.S. Bureau of Labor Statistics (BLS), as BEA numbers include employees of private households, government employees (Federal, State, and Local), private schools, and other entities not reporting to BLS (<https://www.bea.gov/help/faq/104>).

¹⁵ U.S. Census Bureau, 2016 Business Patterns, County Business Patterns (CBP), Wyandotte County, Kansas. Retrieved May 2020 from <https://www.census.gov/newsroom/press-releases/2020/county-business-patterns.html>; and U.S. Department of Labor, Bureau of Labor Statistics (BLS), Quarterly Census of Employment and Wages. Retrieved May 2020 from <https://data.bls.gov/PDQWeb/en> CBP and BLS data were used for analysis of industry-specific employment as more detailed data were available.

Table 3-5: Wyandotte County Employment Growth by Industry (2005-2016)^{1,2}

Industry	2005	2010	2016	Recent Annual Growth, 2010-2016
Agriculture, forestry, fishing and hunting	N.R.	N.R.	N.R.	N.A.
Mining, quarrying, and oil and gas extraction	0-19	0-19	0-19	N.A.
Utilities	20-99	N.R.	0-19	N.A.
Construction	5,143	3,546	4,033	2.3%
Manufacturing	11,887	10,657	10,468	-0.3%
Wholesale trade	5,618	6,057	6,471	1.1%
Retail trade	6,542	7,041	7,981	2.2%
Transportation and warehousing	7,309	7,064	7,556	1.2%
Information	477	250-499	595	N.A.
Finance and insurance	1,137	998	1,109	1.9%
Real estate and rental and leasing	733	702	803	2.4%
Professional, scientific, and technical services	1,413	1,307	2,509	15.3%
Management of companies and enterprises	497	1,221	647	-7.8%
Administrative and support service	2,584	3,545	4,388	4.0%
Educational services	491	503	327	-5.8%
Health care and social assistance	10,302	12,742	14,555	2.4%
Arts, entertainment, and recreation	441	542	486	-1.7%
Accommodation and food services	3,958	4,465	5,662	4.5%
Public administration ³	1,073	1,456	570	-10.1%
Other services	2,695	2,433	2,618	1.3%
Industries not classified	14	0-19	12	N.A.
Wyandotte County Totals⁴	62,349	64,782	70,800	1.5%

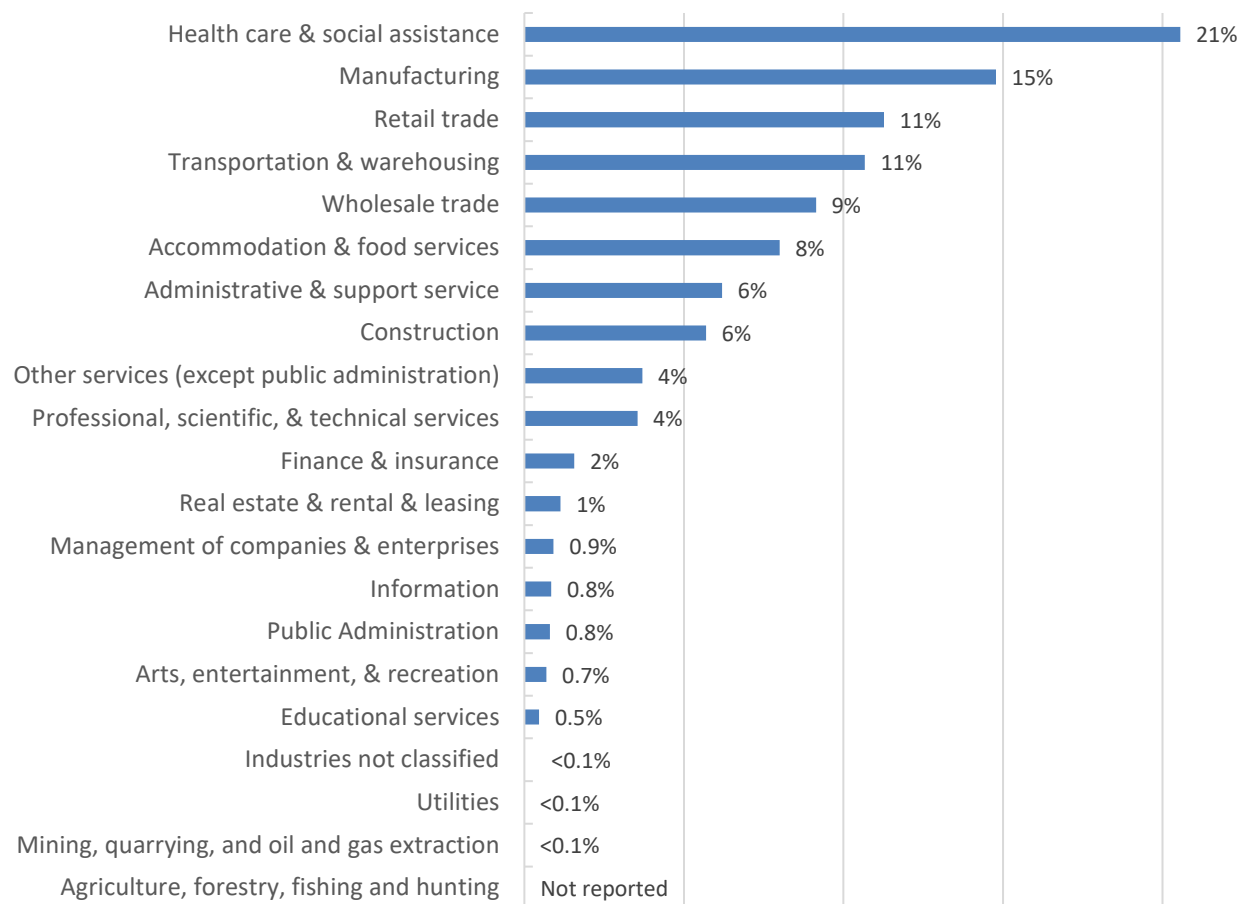
¹ Source: U.S. Census Bureau, 2016 Business Patterns, County Business Patterns, Wyandotte, Kansas. Industries are based on 2-digit North American Industry Classification System (NAICS) codes. U.S. Census Bureau data does not include self-employed individuals, employees of private households, or government employees (public administration). Retrieved May 2020 from <https://www.census.gov/programs-surveys/cbp/data/tables.html>

² N.R. = not reported. N.A. = not available due to unreported data. In some cases, the U.S. Census Bureau published ranges rather than discrete values to protect respondent confidentiality

³ Source: U.S. Department of Labor, Bureau of Labor Statistics (BLS), Quarterly Census of Employment and Wages, NAICS code 92, Public Administration. Retrieved May 2020 from <https://data.bls.gov/PDQWeb/en>

⁴ Totals include values withheld by the U.S. Census Bureau to protect respondent confidentiality

Figure 3-3 provides 2016 employment distribution by industry based on available data for the County (Table 3-5).

Figure 3-3: 2016 Wyandotte County Employment Distribution by Industry

Sources: U.S. Census Bureau, 2016 Business Patterns, County Business Patterns, Wyandotte County, Kansas. Retrieved May 2020 from <https://www.census.gov/programs-surveys/cbp/data/tables.html>; U.S. Department of Labor, Bureau of Labor Statistics (BLS), Quarterly Census of Employment and Wages, NAICS code 92, Public Administration. Retrieved May 2020 from <https://data.bls.gov/PDQWeb/en>

In 2016, there were approximately 3,000 business establishments within Wyandotte County, a six percent decrease from 2010. When compared with a nine percent increase in the total workforce over the same period, this suggests growth and consolidation of employers within the County.

3.2.2 Employment Projections

Employment projections from the MARC 2040 Forecast were used as the basis for the commercial sector MSW and C&D debris generation forecasts. Burns & McDonnell extrapolated the MARC employment projection for Wyandotte County to estimate the total employment through the end of the 2045 planning

period.¹⁶ Per-employee generation rates for commercial MSW and C&D debris are derived from 2018 baseline employment data from the U.S. Bureau of Economic Analysis (BEA) projected through 2045. County employment may grow to approximately 122,000 employees in 2045, a total increase of 26 percent from the estimated 2018 employment of 96,500.¹⁷

3.3 Methodology for Current and Forecasted Solid Waste Generation

Understanding current and projected solid waste generation, disposal, and recycling rates allows the County to appropriately plan for the types and quantities of material it will need to manage moving forward. Future solid waste management system requirements, including services, programs, and infrastructure are highly dependent on quantities of material and material type distribution. This section provides an understanding of the methodology utilized to develop current and projected quantities of generated, disposed, and recycled material for the residential and commercial sectors and C&D debris in Wyandotte County.

Current solid waste generation, recycling, and disposal data for the County is presented in Section 3.4. Future solid waste projections are presented in Section 3.5. For definitions of key terms pertaining to sectors, generation, and material types refer Section 1.5.

The following data served as the basis for development of the solid waste generation projections, including MSW and C&D materials, for the County through the end of the SWMP planning period, in the year 2045.

- 2019 population and employment estimates
- 2019 solid waste generation data by sector and material type (presented in Section 3.4)
- Single-family population projections for 2019 - 2045 (presented in Section 3.1.2)
- Employment projections for 2019 – 2045 (presented in 3.2.2)

¹⁶ MARC developed the employment projections on a 10-year increment basis through 2040 using a 2010 baseline. To estimate employment for Wyandotte County on an annual basis and extrapolate projections through the end of the 2045 planning period, Burns & McDonnell calculated compound annual growth rates of the ten-year projection intervals and applied the growth rates to the U.S. Bureau of Economic Analysis (BEA) total wage and salary employment estimate as a 2018 baseline.

¹⁷ Solid waste generation projection methodology is further described in 3.5, U.S. Bureau of Economic Analysis (BEA) estimates for total wage and salary employment are generally higher than those of the U.S. Census Bureau County Business Patterns and the U.S. Bureau of Labor Statistics (BLS), as BEA numbers include employees of private households, government employees (Federal, State, and Local), private schools, and other entities not reporting to BLS (<https://www.bea.gov/help/faq/104>). MARC 2040 Forecast modeling incorporates BEA estimates. Employment projections based on a BEA 2018 baseline were used for the commercial solid waste generation forecast, to provide conservative estimates based on per-employee generation rates and appropriately plan for the potential solid waste quantities the County will need to manage in the future.

This data was used to develop MSW generation projections for the residential and commercial sectors. As with any long-term planning activity, the development of the MSW generation projections requires a number of assumptions to be made. The developed projections conservatively assume constant per-capita and per-employee waste generation rates and constant recycling rates, based on 2019 estimates. The County may be able to drive decreased waste generation and/or increased recycling rates through its continued programs and initiatives and the recommendations presented in this SWMP. Additional assumptions, data considerations, and limitations are described in the following sections.

3.3.1 Residential Methodology

Current residential MSW generation quantities are primarily based on annual tonnage reports provided by Deffenbaugh Industries doing business as Waste Management, Inc. (Waste Management) for collection contracts in Kansas City, Bonner Springs, and Edwardsville. Hauler reports represent all reported materials collected curbside from single-family residential customers, including refuse and curbside recycling (i.e., paper, plastic, and metal). Additional smaller quantities of material generated by Wyandotte County single-family households, but which are not collected curbside, were obtained from the Unified Government's Recycling & Yard Waste Center, Ripple Glass, and the yard waste drop-off at the Johnson County Landfill. Refer to Section 3.4.1 for a summary of 2019 residential material generation.

Population growth will drive the increase in residential MSW quantities the County will see over the planning period. The 2019 estimated single-family population (refer to Figure 3-2) residing in Wyandotte County and the 2019 residential MSW generation quantities were utilized to estimate average residential sector generation on a per-capita basis for each applicable material. Per-capita material generation estimates were applied to the single-family population projections to develop the total County residential MSW generation forecast through 2045.

When comparing historical and current residential generation data included in this SWMP (refer to Section 3.4.1.1), it should be noted that methodology utilized in estimating residential MSW generation rates may not be consistent between prior versions of the SWMP and this 2020 SWMP update.

3.3.2 Commercial Methodology

Haulers of commercial solid waste are not subject to the same reporting requirements as residential haulers. Commercial hauled tonnage data was not sufficiently available from haulers or facilities receiving this waste to directly estimate commercial MSW tonnages. To address this data gap, Burns & McDonnell reviewed alternate data sources and methods including those used in the 2015 SWMP. This

section describes the data and methodology utilized to develop the commercial MSW forecast, including refuse, recycling, and organics.

Burns & McDonnell reviewed the 2015 SWMP with the intent of utilizing consistent generation estimation methodology, where possible. Consistent with the 2015 SWMP, assumptions for the percentage of commercial and residential MSW generation were used to address the inability to obtain hauler data for commercial MSW. For the 2015 SWMP, commercial MSW generation, recycling, and organics were estimated based on 2007 data for Johnson County, Kansas where “the business sector totaled 48.5 percent of municipal solid waste generated.”¹⁸ This 2020 SWMP update uses national-level estimates from the U.S. EPA, and the percentage of MSW from commercial sources was assumed to be 54 percent with the remaining 46 percent from single-family residential sources.¹⁹ Resulting estimates for commercial MSW generation are presented in Section 3.4.1.2. Commercial recycling data was unavailable, and no recycling activity was assumed in this sector to produce a conservatively high estimate for landfill disposal needs.

Projected growth in employment is one approach to estimating the potential economic growth of the County, which will drive the increases in commercial MSW generation the County will see over the planning period. Per-employee commercial generation rates, based on 2019 employment and commercial waste generation estimates as shown in Section 3.4.1.2, were then applied to the MARC employment projections to develop the total County commercial solid waste generation forecast through 2045.²⁰

Current and projected commercial generation, processing, and disposal quantities include material generated by multifamily residents within the County. Commercially generated material and material generated by multifamily residents is collected together by commercial haulers. A further breakdown of material by generator type was not available for purposes of developing current and projected generation quantities.²¹

¹⁸ Wyandotte County Solid Waste Management Plan 2015 Five-Year Update (p. 4-4). Prepared by Unified Government of Wyandotte County/Kansas City, Kansas.

¹⁹ U.S. EPA “MSW Residential/Commercial Percentage Allocation – Data Availability” 2013 Memorandum

²⁰ The use of per-employee factors to estimate commercial MSW is accepted practice and is used by state, local, and corporate entities across the US for planning purposes.

²¹ It is estimated that approximately 14 percent of commercial material generation estimates were generated from multifamily sources. This estimate was developed by applying the single-family per-capita generation to the current total estimated multifamily population. The actual multifamily per-capita generation rate may be lower than the single-family per-capita generation rate based on the assumption that multifamily residents generate less material on average because they typically generate less bulk waste and little to no yard waste.

When comparing historical and current commercial generation data included in this SWMP (refer to Section 3.4.1.2), it should be noted that methodology utilized in estimating commercial MSW generation rates may not be consistent between prior versions of the SWMP and this 2020 SWMP update which may exaggerate apparent trends in commercial generation.

3.3.3 C&D Debris Methodology

C&D debris recycling and disposal quantities could not be obtained from haulers or facilities, and estimates were derived based on data and per-employee estimates from Wyandotte County.

The quantities of C&D material generated in Wyandotte County are generally dependent on the level of economic activity and growth, as indicated by the construction and renovation of new residential and commercial properties. Because employment levels are also an indicator of economic growth, the projected employment within the County were used as the basis for C&D debris generation projection. The estimated number of employees in Wyandotte County in 2019 were used with 2018 C&D debris generation rates from Johnson County, Kansas (0.92 ton/employee-year) to estimate C&D debris generation. Per-employee generation rates were then applied to the MARC employment projections to develop the total County C&D debris generation forecast through 2045. As discussed in Section 3.2.2, employment projections based on BEA estimates (such as those from MARC) are generally higher than employment estimates from the (Bureau of Labor Statistics) BLS. As a result, C&D estimates based on per-employee generation rates can be considered conservative high-end figures to appropriately plan for the potential solid waste quantities the County will need to manage in the future.

3.4 Current Solid Waste Generation, Recycling, and Disposal

In 2019, an estimated total of approximately 227,100 tons of solid waste were generated in Wyandotte County, including 136,800 tons of MSW (residential and commercial) and 90,300 tons of C&D debris. Commercial recycling data was unavailable, and no recycling activity was assumed in this sector to produce a conservative projection for landfill disposal needs. Of the total estimated waste generation in Wyandotte County, 2 percent of material was recycled through residential and drop-off recycling programs, including 3,100 tons of traditional recyclables (i.e., paper, plastic, metals, and glass), 500 tons of organics and 50 tons of HHW and electronics. Figure 3-4 illustrates distribution of the County's current solid waste generation by sector and material type.

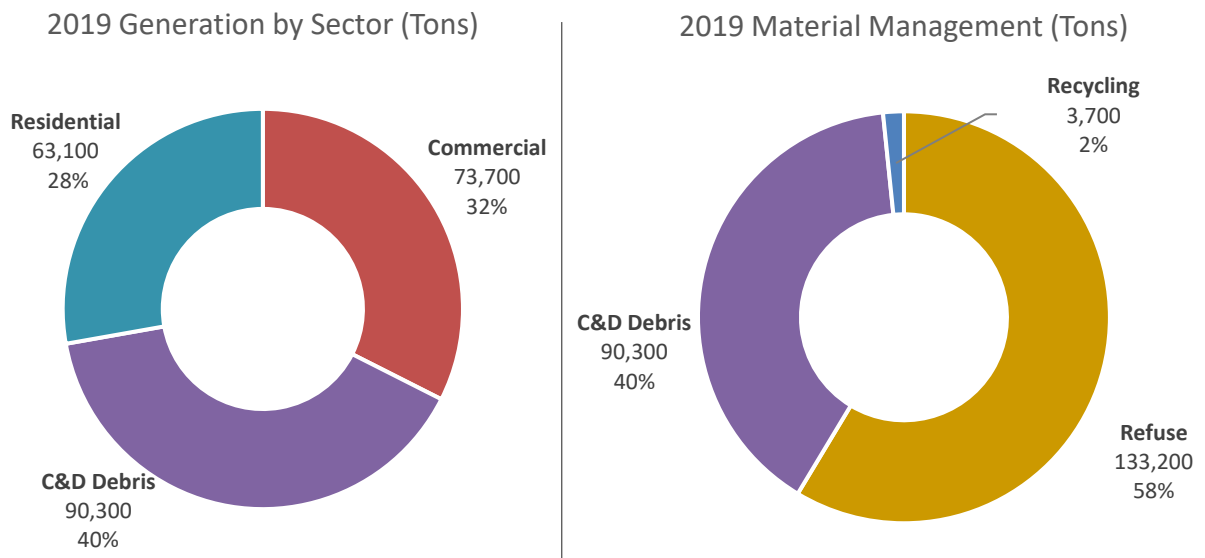
Figure 3-4: Current Solid Waste Generation by Sector and Management, Wyandotte County

Table 3-6 provides a summary of 2019 total annual generation and per-capita generation for the residential sector, commercial sector, and C&D debris. The generation data presented in Table 3-6 serves as the basis for projections in the waste generation forecast presented in Section 3.5.1.

Table 3-6: 2019 Solid Waste Generation: Residential, Commercial, C&D Debris

Sector	Total Generation (Tons)	Total Population/ Employment ¹	Annual Generation Per Person/Employee ²
Residential ¹	63,100	142,182	887
Commercial	73,700	97,715	1,509
Total MSW Generation	136,800		
C&D Debris	90,300	97,715	1,847
Total Solid Waste Generation	227,100		

¹ Residential total generation reflects the quantity of material generated by residents of single-family homes and total population reflects the total population residing in single-family homes within the County. Material generated by residents in multifamily homes is included in the commercial total generation.

² C&D debris generation rates are from Johnson County, Kansas and were used to estimate C&D generation for Wyandotte County.

Table 3-7 provides a detailed understanding of current solid waste generation by sector and material type and provides each sector-specific recycling rate. The following sections provide further information regarding the generation, disposal, and recycling quantities in the residential and commercial sectors (Section 3.4.1) and for C&D debris (Section 3.4.2).

Table 3-7: Detailed 2019 Solid Waste Generation, by Sector and Material Type

Sector	Residential	Commercial ¹	C&D Debris ²	Totals
Disposal				
Refuse	59,408	73,700		133,100
C&D debris			90,250	90,220
Total Disposal	59,408	73,700	90,250	223,400
Recycling				
Recyclables	3,074	- ³		3,074
Organics	535	- ³		535
HHW and E-waste	56			56
C&D debris			50	50
Total Recycling	3,665	-³	50	3,700
Total Generation	63,073	73,700	90,300	227,100
Recycling Rate	5.8%	-	0.1%	1.6%

¹ Commercial recycling data was unavailable, and no recycling activity was assumed in this sector to produce a conservative estimate of overall diversion activity.

² Estimated based on per-employee generation and disposal rates for Johnson County and 2019 employment for Wyandotte County from the U.S. Bureau of Economic Analysis.

³ Commercial recycling data was unavailable, and no recycling activity was assumed in this sector to produce a conservatively high estimate for landfill disposal needs.

3.4.1 MSW Generation, Recycling, and Disposal

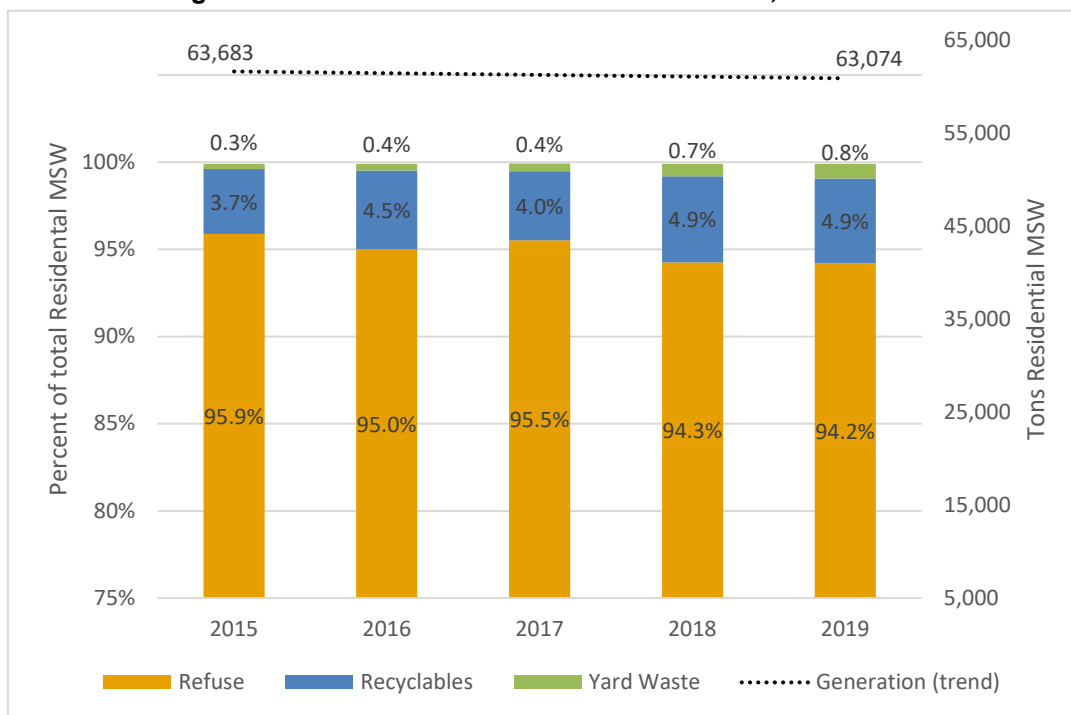
In 2019, a total of approximately 136,800 tons of MSW was generated by the residential and commercial sectors within Wyandotte County. MSW includes all refuse, recyclables, organics (yard waste and food waste), HHW and e-waste generated.

3.4.1.1 Residential MSW

Residential Generation: In 2019, Wyandotte County's residential sector generated a total of approximately 63,100 tons of MSW, equating to a total of 887 pounds of MSW per capita annually. Approximately 94 percent of residential MSW is disposed in landfills, with four percent recycled through curbside programs, two percent recycled through drop-off (recycling and yard waste), and small quantities (less than one percent) recycled through HHW and e-waste programs. Figure 3-5 shows the trends in generation and management of residential MSW from 2015 to 2019. Residential MSW generation was relatively flat over this period, decreasing less than one percent from approximately 63,700 tons in 2015 to 63,100 tons in 2019. Residential generation in the County follows the longer-term

national trend, where per-capita MSW generation rates have remained relatively flat and changes in waste generation are driven primarily by increases or decreases in population.²²

Figure 3-5: Residential MSW Generation Trends, 2015-2019^{1,2}



¹ Data primarily from the Wyandotte County Solid Waste Committee 2020 Annual Meeting, with supplemental facility data (e.g., Ripple Glass).

² Small quantities of HHW and e-waste (less than one percent of total generation for each year) are not reflected in the Figure.

Residential Recycling. As shown in Figure 3-5, recovery of the residential MSW stream has increased since 2015. As discussed in Section 2.4, Solid Waste Management Industry Trends, there are various factors and methods for increasing recycling and yard waste diversion.

On average, each resident of Wyandotte County (living in a single-family home) generates a total of 887 pounds of residential MSW per year. This includes 835 pounds of material disposed in landfills and 52 pounds of material recycled through curbside collection and drop-off programs. Based on 2019 data, the County's residential recycling rate is 5.8 percent, including HHW and e-waste. Table 3-8E provides a breakdown of the current residential disposal and recycling quantities on a total and per-capita basis.

²² Based on national data from the U.S. EPA, total per-capita MSW generation has been relatively flat since the mid-1990s < https://www.epa.gov/sites/production/files/2020-11/documents/2018_ff_fact_sheet.pdf >

Table 3-8: 2019 Residential MSW Generation

MSW Type	Total Tons	Pounds per Capita	Percentage
Disposal			
Refuse	59,408	836	94%
Recycling¹			
Recyclables	3,074	43	4.9%
Yard Waste	535	7.5	0.8%
HHW	44	0.6	0.1%
E-waste	12	0.2	<0.1%
Total Recycling	3,665	52	5.8%
Total Generation	63,073	887	

¹ Sum of values may not equal total due to rounding

In 2019, the residential MSW recycling rate was 5.8 percent. Traditional recyclables (i.e., paper, plastic, metal, and glass) comprised the majority of recycling activity at 4.9 percentage points, while yard waste, HHW and e-waste recycling comprised less than one percentage point each.

Residential MSW generation and recycling is often communicated on a per-capita basis. This information has been communicated on a per-capita basis in Table 3-8. to maintain consistency with the County's prior SWMP. Measuring residential generation and recycling on a per-household basis is another common metric utilized in many solid waste studies and planning efforts. Section 3.5.1 provides program performance information for the Unified Government curbside collection contract on a per-household basis.

Table 3-9 shows further detail in residential disposal and recycling trends in the County from 2015-2019. The overall recycling rate has increased since 2015, from 4.1 percent to 5.8 percent.

Table 3-9: Residential MSW Recycling Trends, 2015-2019¹

MSW Type	2015		2016		2017		2018		2019	
	Tons	Percent	Tons	Percent	Tons	Percent	Tons	Percent	Tons	Percent
Disposal										
Refuse	61,050	96%	55,782	95%	59,912	96%	54,758	94%	59,408	94%
Recycling										
Recyclables	2,373	3.7%	2,653	4.5%	2,495	4.0%	2,867	4.9%	3,074	4.9%
Yard Waste	190	0.3%	232	0.4%	271	0.4%	409	0.7%	535	0.8%
HHW	39	0.1%	36	0.1%	34	0.1%	47	0.1%	44	0.1%
E-waste	21	<0.1%	19	<0.1%	16	<0.1%	12	<0.1%	12	<0.1%
Recycling Rate	4.1%		5.0%		4.4%		5.6%		5.8%	

¹ Sources: Data primarily from the Wyandotte County Solid Waste Committee 2020 Annual Meeting, with supplemental drop-off facility data (e.g., Ripple Glass). Recycling data for 2017-2019 includes estimated annual quantities for the Recycling and Yard Waste Center based on provided car counts.

Since 2015, yard waste recycling has increased within the County with reported drop-off tonnages nearly tripling. Increased recycling may also reflect expanded curbside recycling access. The Edwardsville curbside recycling program began in April 2016, expanding curbside recycling access within the County. Through the end of 2019, the program has recovered a total of 536 tons of curbside recycling.²³

HHW recycling quantities included in Table 3-9 **Error! Reference source not found.** capture material collected through Saturday collection events in Wyandotte County. E-waste quantities in Table 3-9 **Error! Reference source not found.** reflect two electronics recycling events held in the County. Other recycling and diversion activity may exist in the County, but quantities are unknown.

Various charitable entities, such as Goodwill, the Salvation Army, and religious institutions within the County accept clothing and household items for donation and reuse, which would otherwise be disposed in landfills with residential refuse. The quantities of residential reuse materials are unknown but are likely currently a small proportion of total MSW generation. Further discussion regarding residential recycling activities, material quantities, and potential strategies are presented in Section 6.0, Residential Recycling.

²³ Wyandotte County Solid Waste Committee 2020 Annual Meeting

3.4.1.2 Commercial MSW

Commercial Generation and Recycling: Wyandotte County's commercial sector generated an estimated 73,700 tons of MSW in 2019, based on an estimated 54 percent of MSW coming from the commercial sector as described in Section 3.3.2.²⁴

3.4.2 Construction and Demolition Debris

C&D Debris Generation and Recycling. Using employment-based estimates described in Section 3.3.3, Wyandotte County generated an estimated 90,254 tons of C&D debris in 2019. Recycling of C&D debris is a challenge, due to factors such as the comingled nature of material generated by projects, special collection or hauling needs, and specialized equipment required to separate or process materials. Available data on quantities of recycled C&D debris are limited, and nearly all material is assumed to be disposed in landfills. Current C&D recycling efforts are described in Section 10.0, Construction and Demolition.

3.5 Projected Solid Waste Generation, Recycling, and Disposal

Utilizing the methodology and data described herein, Burns & McDonnell developed a forecast of the County's solid waste generation over the 25-year planning period (2020 – 2045). Per-capita and per-employee material generation rates were assumed to remain constant through the duration of the planning period to provide conservative total quantity estimates for management purposes. Recycling rates were also assumed to remain constant. The County could see decreased per-capita and per-employee generation rates and/or increased recycling rates if continued solid waste reduction and recycling initiatives are impactful.²⁵

Figure 3-6Error! Reference source not found. presents the projected solid waste generation for the residential, commercial, and C&D sectors through 2045, based on current generation levels and population and employment projections.

²⁴ An estimated 14 percent of commercial MSW was generated by multifamily households.

²⁵ There is potential for decreased per-capita and per-employee generation and decreased rate of material generation growth. However, the County is projected to see significant growth in population and employment and it is therefore unlikely that total generation quantities would decrease in the future.

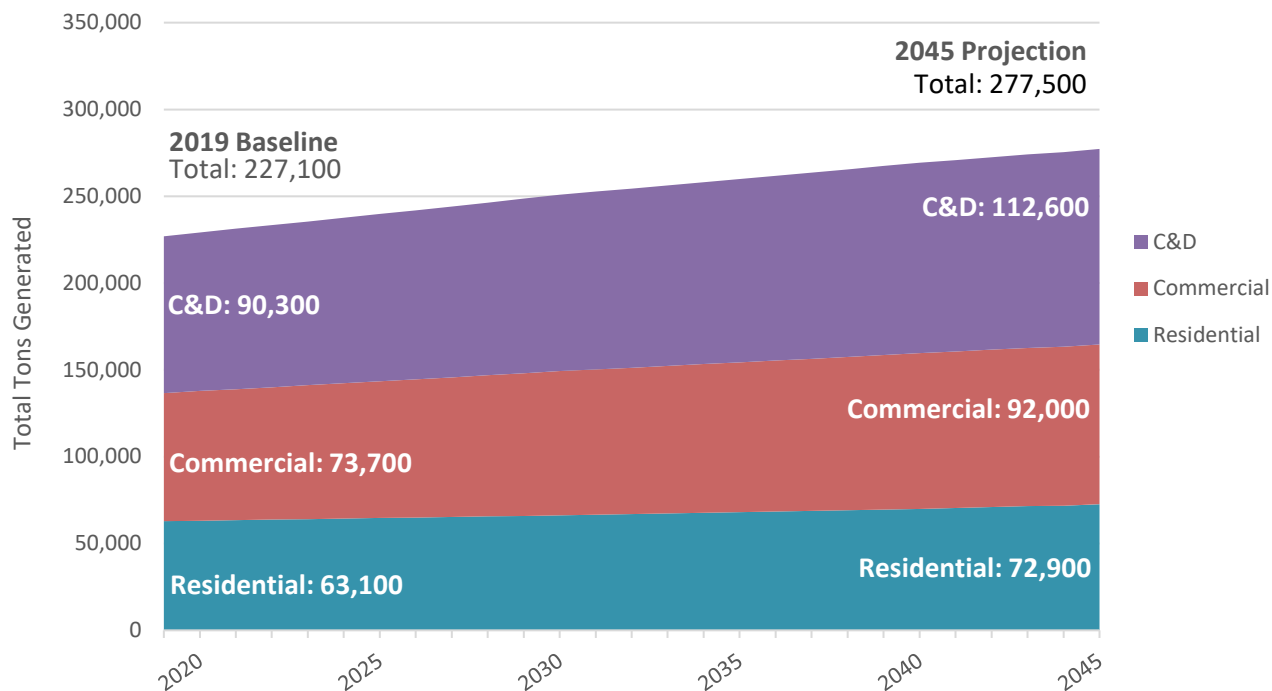
Figure 3-6: 2018-2045 Wyandotte County Solid Waste Generation Forecast by Sector (Tons)

Table 3-10 **Error! Reference source not found.** provides further detailed projections, presenting the estimated quantities of solid waste that may be disposed and recycled at a series of points during the 25-year period. This table summarizes the scenario where the current levels of solid waste generation and recycling rates (per resident and per employee) are maintained. Total disposal includes refuse and C&D debris. Total generation includes all material that is recovered through various recycling activities (e.g., curbside recycling, yard waste drop-off) and estimates increase in relation to projected increases in population and employment.

Table 3-10: 2019-2045 Wyandotte County Solid Waste Generation Forecast (Tons)

	2019	2025	2035	2045
Total				
Residential ¹	63,100	64,900	68,300	72,800
Commercial	73,700	78,700	86,300	92,000
C&D	90,300	96,400	105,600	112,600
Total Generation	227,100	240,000	260,200	277,500

¹ Residential disposal and recycling values for 2019 reflect estimates based on reported quantities in the Wyandotte County Solid Waste Committee 2020 Annual Meeting, and supplemental facility data (e.g., Ripple Glass). All other quantities are forecasts based on the methodology described in Section 3.5

3.5.1 Residential MSW Projections for the Unified Government Contract

Residential MSW generated within Kansas City, KS and Bonner Springs is collected curbside under a single collection contract with Waste Management. Under this contract, refuse and recycling collection is provided to single-family homes up to a four-plex. In 2019, an estimated 61,400 tons of residential MSW was generated within the collection contract area, equivalent to 2,500 pounds per single-family household. Of this, 2,136 tons of traditional recyclables (i.e., paper, plastic, and metal) were collected curbside in 2019, equivalent to 88 pounds per single-family household.

Approximately 97 percent of residential MSW generated in Wyandotte County is from residents in the contract service area (i.e., Kansas City, KS and Bonner Springs). Due to the large portion of the County that is covered by the Unified Government collection contract, efforts to increase recycling in the Unified Government contract area will drive overall performance of the County's recycling efforts.

3.6 Waste Characterization

Waste characterization is the analysis of the composition of a waste stream on a detailed level. A waste characterization study includes sorting refuse material into material types to identify the amounts of paper, glass, plastic, food waste, etc. that make up the material that is disposed in landfills. This information is valuable in identifying and targeting material types or other challenges for future planning efforts and informing the development of recycling programs and educational campaigns. Waste characterization results can give an understanding of the types and quantities of recyclable materials that are currently being disposed in landfills, and therefore the potential for increased material recovery and increased recycling rates.

Composition of MSW material disposed in landfills (including recyclable and non-recyclable material) varies from region to region based on many factors, such as ratio of residential to commercial sectors,

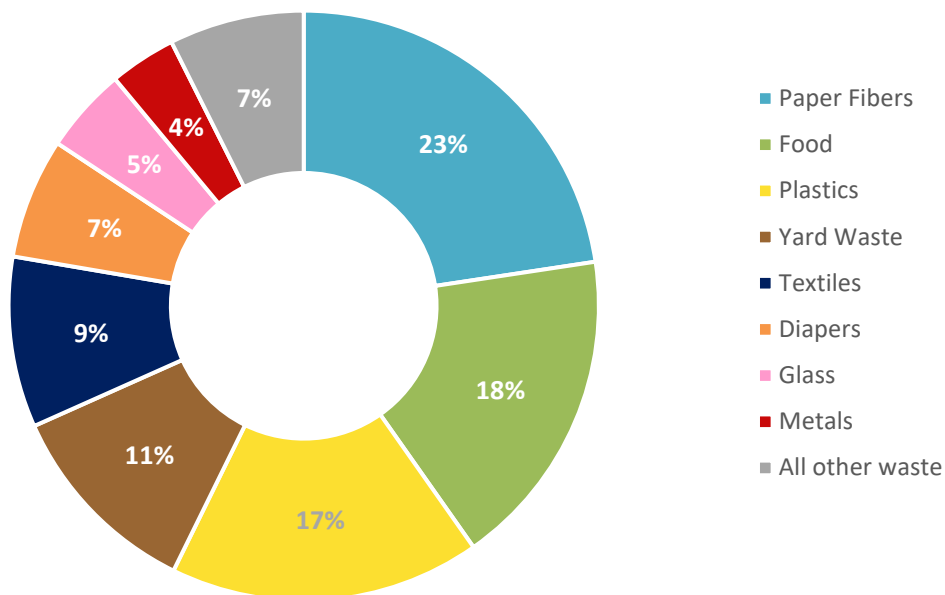
access to recycling programs, and vegetative growth. The materials that are currently disposed include both recyclable and non-recyclable materials, but the proportions of material that could potentially be recycled versus material that would continue to be disposed are not known. It is important to recognize that there are challenges to capturing all material that seemingly has the potential to be recycled. Even if a material has the potential to be recycled or diverted, it may be impractical from a cost and/or environmental perspective for all material to be recycled due to factors such as:

- Lack of recycling infrastructure;
- Contamination of recyclable materials;
- Access to end markets; and
- Need for additional public education and outreach.

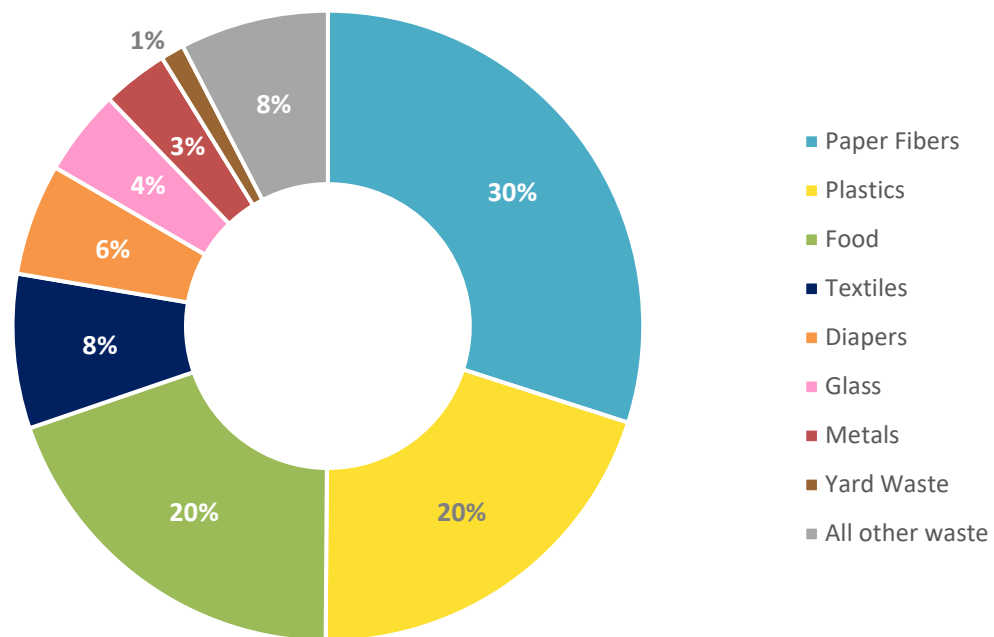
In 2015 and 2016 the Johnson County Department of Health and Environment (JCDHE) commissioned a series of waste characterization studies at three of Johnson County's largest waste disposal and management facilities including Johnson County Landfill, the City of Olathe Transfer Station, and the Hamm Olathe C&D Debris Landfill.²⁶ The study included analysis of MSW loads generated within Wyandotte County and disposed at Johnson County facilities. This section presents the results of these waste characterizations for MSW material generated in Wyandotte County by sector (residential and commercial) based on detailed material type distribution data.

Residential Waste Characterization. Figure 3-7 presents the residential waste characterization for Wyandotte County. Paper fibers (23 percent) and food waste (18 percent) are the two most abundant material types, together comprising approximately 40 percent of all residential MSW disposed in landfills. Plastics account for another 17 percent of disposed residential MSW. Yard waste is the next prominent component, at 11 percent of landfilled residential MSW.

²⁶ Johnson County Solid Waste Characterization Study, September 30, 2016. Prepared by Engineering Solutions & Design, Inc. Available online at <https://www.jocogov.org/dept/health-and-environment/environment/solid-waste/sw-mgmt-plan>

Figure 3-7: Residential MSW Waste Characterization, Wyandotte County

Commercial Waste Characterization. Figure 3-8 presents the commercial waste characterization for Wyandotte County. The three most abundant types of disposed commercial MSW are the same as for residential MSW, with paper fibers comprising 30 percent of the stream followed by food waste and plastics each making up 20 percent. The high percentage of paper fibers can likely be attributed to the large volumes of cardboard and office paper generated by many businesses.

Figure 3-8: Commercial MSW Waste Characterization, Wyandotte County

4.0 FACILITIES

Consideration of solid waste processing and disposal facilities on both a regional and local level is essential for the future of MSW management for the County. The availability of local processing and disposal facilities will impact many of the decisions the County makes regarding MSW management and the structure in which residents and commercial establishments are providing solid waste services and the timing for implementation of various recommendations.

4.1 Current System Review

This section provides an overview of existing MSW processing and disposal facilities located within the County and the surrounding region, including landfills, MRFs, transfer stations, organics processing facilities, and HHW processing facilities.

Figure 4-1 identifies locations of solid waste facilities in and around Wyandotte County. Additional regional facilities and their remaining life are discussed within this section.

Figure 4-1: Solid Waste Facilities in and around Wyandotte County



4.1.1 Landfills

Landfill capacity is a finite resource in the region and permitting new landfills is becoming increasingly difficult (as discussed in the Landfill Trends portion of Section 2.3). Increasing recycling and organic material diversion would serve to ease the constraint of disposal capacity in the future. This section provides an overview of regional landfill facilities, quantities and types of materials disposed, and provides an estimate of when landfills may reach capacity.

MSW Landfills. There are currently no operational Subtitle-D (permitted to accept MSW) landfills within Wyandotte County. Forest View Landfill was closed in December 2006; post-closure monitoring is ongoing. Waste Management’s Johnson County Landfill is located adjacent to the County and is currently utilized for the disposal of residential waste. There are also other regional Subtitle-D landfills which currently accept or could potentially accept MSW from the County. Table 4-1 identifies the Subtitle-D landfills currently in operation in the region and provides disposal and remaining capacity data. The Lee’s Summit Resource Recovery Park ceased acceptance of MSW in April of 2019 and will begin final closure.²⁷

Table 4-1: Regional Subtitle-D Landfill Disposal and Remaining Capacities

State	County	Permit Holder/Site Name	Annual Waste Accepted ²⁸ (Tons)	Estimated Remaining Life (Years)
KS	Johnson	Johnson County (Waste Management)	1,550,240	>20
KS	Jefferson	Hamm Landfill	397,215	>80
KS	Shawnee	Rolling Meadows (Waste Management)	260,506	>40
MO	Pettis	Central Missouri Landfill (WCA)	773,221	<10
MO	Jackson	Sugar Creek Landfill (Courtney Ridge/Republic Services)	984,851	>30
MO	Buchanan	St. Joseph Landfill	241,004	>20
MO	Johnson	Show-me Regional Landfill (Allied/Republic)	155,258	>30

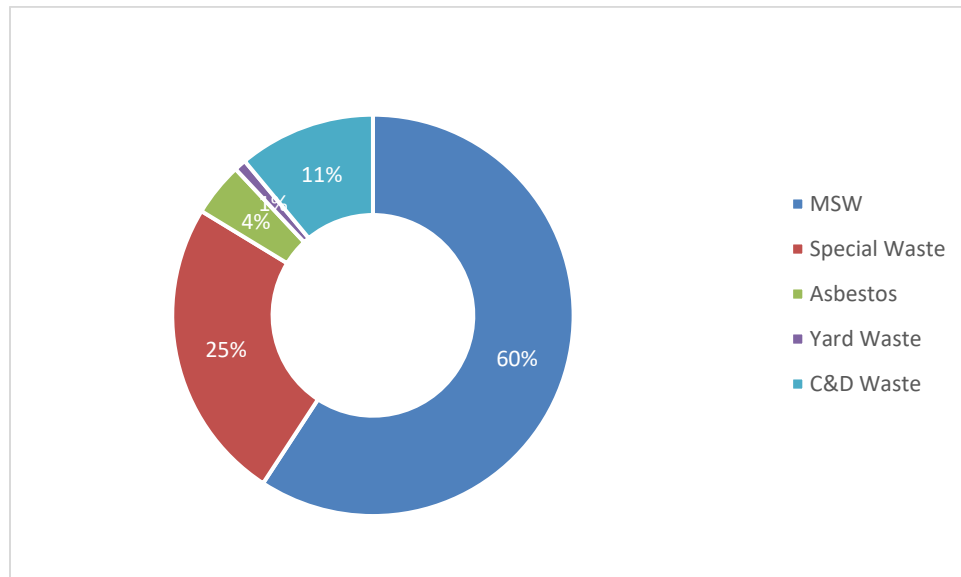
Johnson County Landfill. The Johnson County Landfill privately owned and operated by Waste Management is the primary disposal location for residential solid waste generated in Wyandotte County.

²⁷ <https://www.kshb.com/news/local-news/lees-summit-landfill-closes-after-reaching-trash-capacity>

²⁸ 2019 data based on KDHE and MDNR publicly available annual tonnage reports.

The 850-acre property includes 500 acres permitted for waste disposal of MSW and C&D waste. Figure 4-2 depicts the disposal composition at the Johnson County Landfill from 2019.

Figure 4-2: 2019 Disposal Composition at Johnson County Landfill²⁹



Quantities of materials disposed at the Johnson County Landfill are reported to KDHE and are summarized in Table 4-2.

Table 4-2: Solid Waste Disposed of at the Johnson County Landfill Annually (Tons)³⁰

Year	MSW	Special Waste	Asbestos	Yard Waste ¹	C&D Waste	Total
2019	932,287	385,281	67,801	15,174	173,733	1,565,276
2018	918,063	263,921	12,801	14,312	77,951	1,287,048
2017	990,956	273,102	3,363	18,892	16,902	1,303,215
2016	1,030,916	307,203	2,598	21,810	1,030,916	1,377,677
2015	1,069,458	237,775	4,435	25,927	25,295	1,362,890
2014	1,087,941	244,162	8,013	23,976	30,803	1,394,895

1. Yard waste is taken to the compost facility at the landfill.

Based on KDHE Tonnage Reports for 2019, 59 percent of waste disposed of at the landfill is generated in Kansas and 41 percent of waste disposed of at the landfill is generated in Missouri. Insignificant amounts of waste have been authorized for disposal at the landfill from neighboring states of Nebraska, Iowa, and

²⁹ Landfill disposal composition provided by Waste Management to KDHE, 2019.

³⁰ Solid waste disposal quantities provided by Waste Management to KDHE, 2018.

Oklahoma, as needed. The current tipping fee for the Johnson County Landfill is \$77.20 for a pickup truck or \$60.65 per ton with premiums added on the weekend.

C&D Landfills. There are no active, permitted C&D landfills in Wyandotte County. All material generated within the County is hauled out of county for disposal. Table 4-3 identifies the C&D landfills currently in operation in the region and provides disposal and remaining capacity data.

Table 4-3: C&D Landfill Overview³¹

Facility	Annual Tonnage					Estimated Remaining Life ³²	Tipping Fee
	2014	2015	2016	2017	2018		
Hamm Olathe C&D Landfill (Johnson County, KS)	100,233	54,813	67,487	0	56,169	0 ³³	Pickup truck - \$180 Trailer 10' or less w/ 4" sideboards- \$250 Trailer 16' or less w/ 4" sideboards- \$270
APAC-Stanley C&D Landfill (Johnson County, KS)	104,476	104,661	105,138	141,542	127,441	8	Pickup truck - \$70 + \$5/ton Single axle trailer - \$250 + \$1/ton Double axle trailer - \$300 + \$1/ton
Lone Elm C&D Landfill (Johnson County, KS)	85,656	46,818	0	0	0	n/a	n/a
Asphalt Sales Company Landfill (Johnson County, KS)	106,862	88,490	146,011	97,642	89,435	7	Pickup truck - \$180 + \$1/ton Single axle trailer - \$250 + \$1/ton Double axle trailer - \$300 + \$1/ton
Pink Hill Acres (Jackson County, MO)		50000	50000	50000	50,000	15	
Flat Land Excavation LLC (Leavenworth County, KS)		1,892	4,259	3,122	6,926		

4.1.2 Material Recovery Facilities (MRF)

Table 4-4 identifies the regional MRFs utilized. Some facilities operate in a manner typical of large MRFs, using a combination of large processing equipment and manual labor to sort and process

³¹ Data provided by KDHE Solid Waste Database Tonnage Reports, 2018, facilities, and City of Olathe Long-Term Solid Waste Master Plan, 2018.

³² Data obtained by permit holders.

³³ Current cell anticipated to reach capacity in Fall 2019. Hamm is currently in the process of permitting and designing another cell with a 2-3 year capacity. Additional capacity for 8-10 years is available, but not currently permitted.

recyclable materials, and accept the typical range of materials seen in most single-stream recycling programs while other facilities focus on specific materials such as paper and cardboard. Generally, they accept material from both commercial and municipal collection and hauling operations, from residential and commercial sources.

Table 4-4: Local Materials Recovery Facilities (MRFs)

Site Name	County	State
Waste Management Recycle America	Wyandotte	KS
MARCK Industries	Johnson	KS
Hamm Material Recovery Facility	Jefferson	KS
Midwest Shredding	Jackson	MO
Manchester Transfer - WCA	Jackson	MO
Material Recovery and Transfer LLC	Jackson	MO

The recyclable materials collected from the County's residential recycling programs are processed at the largest MRF in the metropolitan area, Waste Management Recycle America Facility in Kansas City, Kansas. In 2018, Waste Management processed 87,627 tons of recyclables at this facility. It currently has the capacity to process 120,000 tons annually.³⁴

4.1.3 Transfer Stations

There are no operational transfer stations within Wyandotte County; however, the role of transfer stations may grow as regional landfill capacity decreases.

Republic Transfer Station. Early in 2020, Browning-Ferris Industries (Allied Services, Republic Services) submitted a special use permit to the Unified Government to operate a transfer station at 3150 N 7th Street Trafficway in Kansas City, Kansas. At the time of Plan submission, Republic has delayed the reopening of this facility indefinitely. This facility previously operated as a transfer station, but has been closed for over 20 years. It is currently used for solid waste collection fleet maintenance and storage for dumpsters and roll-off containers. It would undergo significant site improvements prior to reopening to meet current regulatory standards. It is estimated that this transfer station would accept approximately 1,000 tons of material per day that is generated within 10 miles of the facility.

³⁴ Data provided by Waste Management, 2019.

4.1.4 Organics Processing Facilities

There are two permitted yard waste composting facilities located in Wyandotte County – Woodland Lawn and Planet Marris Recycling. Additionally, there are regional composting facilities to serve Wyandotte County.

Woodland Lawn and Tree, Inc. Woodland Lawn and Tree, Inc. is a landscaping company and their composting facility exclusively handles material generated through their business operations.

Planet Marris Recycling. Planet Marris Recycling has leased their property to Missouri Organic Recycling. This composting facility is open to the public to drop off yard waste material for a fee. Products may also be purchased from this location.

CS Carey, Inc. CS Carey, Inc. is a land-clearing and mulching company that operates a mulching facility in Wyandotte County. Ground mulch material is processed and available for purchase. Permits are not required for this type of facility.

Johnson County Landfill. Waste Management operates a permitted composting facility located within the boundaries of the Johnson County Landfill. Materials received at this location include yard trimmings and tree brush. The materials are primarily generated from residential haul routes in Johnson County as well as material from regional commercial landscaping companies and residential drop off through their customer convenience center. Quantities of materials accepted at the composting facility at Johnson County Landfill are provide in Section 4.1.1.

Missouri Organic Recycling. Missouri Organic Recycling, located in Kansas City, Missouri, is the only regional facility permitted to accept and compost food waste in addition to yard waste. They currently compost over 15,000 tons of food waste each year, collected from commercial entities, along with yard waste provided by the City of Kansas City, Missouri, residential drop-off locations, and other suppliers. Missouri Organic Recycling produces approximately 40,000 cubic yards per year of basic and enhanced compost at its Liberty, Missouri compost facility. Approximately 400,000 cubic yards of wood material is ground, colored, and sold as mulch per year.³⁵

4.1.5 Household Hazardous Waste and Other Special Waste Facilities

Household Hazardous Waste. The Unified Government owns and operates the Household Hazardous Waste Collection Facility at 2443 S. 88th Street. There are no specified limits of material quantities a

³⁵ Quantities provided by Missouri Organic Recycling, 2019.

resident may drop off, but all waste must be of residential origin. Home business, small business, commercial, and industrial wastes are not accepted. Quantities of materials collected and managed at the facility is shown on Table 4-5.

Table 4-5: HHW Facility Collection Quantities (Pounds)

Year	Quantities in Pounds
2015	78,383
2016	72,070
2017	67,822
2018	93,316
2019	88,899

Other Special Waste Facilities. KDHE permits solid waste processing facilities. Table 4-6 lists the 2020 KDHE permitted facilities in Wyandotte County.

Table 4-6: KDHE Permitted Facilities in Wyandotte County

Company Name	Permit Type Issued
MedAssure Heartland, LLC	Transfer Station
Environmental Management of KC	Solid Waste Processor
Liquid Environmental Solutions	Solid Waste Processor
Kaw Valley Companies, Inc.	Tire Processor
Stericycle Inc. of KC	Incinerator, Solid Waste Processor, Transfer Station
BPU Nearman	Industrial
BPU Maywood	Industrial
Amsted Rail Company	Industrial
Kansas City, KS HHW	HHW
Planet Marris Recycling	Composting
Woodland Lawn	Composting

Salvage Yards. Salvage yards do not require a permit from KDHE. A listing of the Wyandotte County salvage yards which are licensed in 2020 by the Unified Government's License Division is provided in Appendix D.

4.2 Current Facilities Analysis

Landfill options and capacity. There are limited landfills within the region and, presently, Wyandotte County is heavily dependent on the Johnson County Landfill. The Johnson County Landfill has approximately 20 years of remaining disposal capacity at the current disposal rates and it is not anticipated that this capacity would expand beyond the current permitted extents. The owner and operator of the Johnson County Landfill, Waste Management, also owns and operate the Rolling Meadows Landfill facility outside of Topeka, Kansas, which has more than 40 years remaining life. It is assumed that Waste Management may transfer waste to the Rolling Meadows Landfill as the Johnson County Landfill comes to the end of remaining life. Considering the extensive timeline required for the siting, planning, permitting, and construction of a new landfill facility, decision making regarding future disposal options for Wyandotte County should be finalized in the next 10 years. A new landfill facility could be developed by private developers, a public entity or group of public entities, or through a public-private partnership. Alternatively, the development of transfer stations would provide flexibility for the County to consider disposal options located further away.

Recycling processing options. The commercial MRFs within the region have the processing equipment and capacity to meet the County's current and future recycling processing needs for residential projections, insofar as these facilities do not reach capacity from other operations. Similar to the landfill discussion above, utilizing transfer stations provides flexibility for the County to have the option to utilize any of these MRFs in the future. As the commercial and residential recycling quantities increase, there may be the need for expansion of existing regional MRFs or the addition of new regional MRFs.

Transfer station planning. As described above, the use of transfer stations would provide flexibility for the County to consider disposal or processing options located further away if limitations occur with local disposal capacity. Transfer station planning, design, and construction takes significantly less capital investment and has a shorter timeline than the development of a landfill.

For example, the City of Olathe utilizes disposal facilities located as far as Lawrence, Kansas through the consolidation of waste at its transfer station. The City of Olathe anticipates an expansion of its transfer station to occur by 2025 due to the increasing population and waste generation in the City. As Wyandotte County considers landfill options over the next 10 years, there could be significant benefits in the development of one or more additional transfer stations in the County.

Organics processing options. There is limited infrastructure for organics composting in Wyandotte County. However, regional composting facilities have additional capacity available to receive more

organic material from Wyandotte County as an effort to divert more material is realized. Wyandotte County would enhance its ability to be successful with larger scale yard waste diversion programs by siting a public composting facility or through a public/private partnership. Availability of food waste composting is extremely limited within the region; however, it is anticipated that pilot programs will be developed, and supported by local regulatory agencies, to integrate food waste streams into existing composting facilities.

HHW options. The County owns and operates a permanent HHW facility. Service is limited to residents one Saturday each month, April through October. There are no other safe, appropriate options for residents to dispose of their materials. The facility is already designated and equipped to handle more material. Additional hours of operation along with trained, designated staff would provide a more robust program for the community to ensure proper disposal of household hazardous materials.

4.3 Public-Private Partnership Options

The County will need to rely on a combination of facilities going forward to meet needs for landfilling trash and processing recyclables and organics. This section describes various public-private partnerships that the County can consider and recommends specific partnership options for landfills, transfer stations, MRFs and organics processing facilities.

Public-private partnerships can be an effective model to provide needed infrastructure without the full financial risk falling on either the local government or the private business. Effective public-private partnerships exist when both local governments and the private industry collaborate to share resources, capital investment, risk, and revenue. When considering a public-private partnership, a local government should consider the degree to which it wants to be involved in the operations and capital investment of a facility.

There are advantages and disadvantages to the different types of arrangements and which entity takes ownership of the land, capital investment, and operations. While the processing or disposal services agreement is the most common, public-private partnerships are gaining more appeal as a means to share risk given recent market volatility. Table 4-7 provides an overview of the different public-private partnership options available to local governments and private businesses.

Table 4-7: Examples of Public Private Partnership Options for Processing/Disposal

Responsibility	County-Owned and Operated	County-Owned with Private Operations*	Privately Owned and Operated on County Land*	Processing/Disposal Services Agreement
Land Ownership	County	County	County	Private
Capital Investment	County	County	Private	Private
Operations	County	Private	Private	Private

*True public-private partnership arrangement

There are multiple examples of the various types of public-private partnerships in the greater Kansas City metropolitan region. All the landfills and MRFs are owned and operated by private companies and utilize agreements with cities or other haulers. At the other end of the spectrum, the County has a publicly owned and operated HHW facility.

Going forward, as disposal capacity decreases and Wyandotte County continues to increase diversion within the residential and commercial sectors, there may be a need for additional facilities. Looking toward more collaborative, public-private partnership-based approaches may provide a viable solution toward meeting the long-term facility needs for the County as a whole. The following section describes case studies on innovative public-private partnerships in the cities of Olathe, Kansas and Dallas, Texas.

4.4 Case Studies

4.4.1 City of Olathe, KS Transfer Station

The City of Olathe transfer station is an example of a facility owned by the city, with private operations. The City of Olathe currently utilizes a public-private partnership for the operation of its transfer station. The City owns the transfer station and contracts out the operation and associated hauling and disposal of the material accepted to a private company, currently Hamm, Inc. The contract also allows for the City to self-operate the transfer station if desired. This allows for significant flexibility in meeting the City's disposal needs as well as staffing and financial resources. This model could be replicated if the County were to develop one or more transfer stations.

4.4.2 City of Dallas, TX Materials Recovery Facility

The city of Dallas recognized the broader financial challenges associated with the recycling industry and pursued an innovative public-private partnership approach with a goal of increasing financial returns and recycling quantities for residents and businesses in Dallas and surrounding communities. This effort was

intended to support the city's Solid Waste Management Plan³⁶, passed in 2011 and updated in 2013 that intends to increase diversion to 90 percent by 2040. The strategy for developing the public-private partnership was based on the city's Resource Recovery Planning and Implementation Study³⁷.

The city of Dallas partnered with a private company in 2015 to design, build, and operate a new MRF to process recyclable materials from the city and other surrounding communities. This MRF is located on 15 acres at the McCommas Bluff Landfill (city-owned land), which provides an opportunity to become a broader resource recovery park with increased investment in materials management infrastructure. The newly built MRF can process approximately 120,000 tons of recyclable materials per year and started accepting recyclable materials from Dallas and other surrounding communities in January 2017.



The city of Dallas had historically been involved with traditional processing agreements with private recycling companies that had favorable financial terms for the city. Issues with this traditional contractual agreement became evident in 2012, when recycling markets crashed and commodity prices dropped. With advice from its consultant, the city realized the nature of processing agreements was changing, and when its contract for recycling processing services was up, the city knew it would have to take an innovative approach to provide greater financial stability given fluctuating markets. The city of Dallas entered into a 15-year agreement (public-private partnership) with a private recycling company, where the company covered the initial capital cost of the new MRF, and the city provided the land for the MRF to be built, which was land that would have otherwise been used for the landfill. The city pays a processing fee of \$70.54 per ton to the MRF and has a 50/50 revenue share on the net revenues after the sale of recyclable materials. Since the MRF is built and operated on city-owned land, the private company will pay a “host fee” of \$15 per ton to the city for material that is generated by non-city sources, as well as an additional public education fee of \$1 per ton. Given that the recycling materials sold can change in value and that a portion of the financial agreement is based on the value of the material, when commodity values are low, the revenue net of processing fees could be negative for the city. However, because of this innovative

³⁶ *City of Dallas Local Solid Waste Management Plan 2011-2060*. HDR Engineering, Inc., in association with CP&Y, Inc. and Risa Weinberger & Associates, Inc. Updated 2013.

³⁷ *Consulting Services in Support of Resource Recovery Planning and Implementation*. Leidos and Burns & McDonnell. 2014.

public-private partnership and risk sharing agreement, the MRF operator agreed that the city of Dallas will never have to pay for recycling processing services, regardless of market conditions.



The city of Dallas provides weekly recycling curbside collection in 48-gallon, 64-gallon, or 96-gallon carts and as of 2013, the city had more than 237,000 single-family residential sanitation accounts. Materials collected for recycling include mixed paper, cardboard and paperboard, milk and juice cartons, aluminum, tin and steel cans, glass bottles and jars, and PET #1, HDPE #2, #3-5 and #7 plastic containers. The city operates its recycling collection program through a solid

waste fee collected from its residents with city solid waste accounts.

The development of the new MRF provides an opportunity for surrounding areas to establish or expand their curbside recycling programs. The MRF is currently sourcing recyclable materials from Dallas and other cities in the region, potentially filling a gap for more rural or remote communities that have struggled with the transition from providing drop off only services to rolling out a curbside recycling program. This public-private partnership may serve as an example for other large metropolitan areas in Texas who are struggling with the financial realities of recycling given challenging market conditions.

5.0 SINGLE-FAMILY RESIDENTIAL REFUSE

Refuse is defined as the portion of MSW that is disposed in landfills. Ideally, refuse would only include materials that do not have the potential to be diverted from landfill disposal through recycling, composting or other means. However, as described in the Waste Characterization Study Section 3.6, about half of all material disposed in the landfill by Wyandotte County residents has the potential to be diverted. Realizing that potential has various challenges. One objective of this plan is to develop methods for the County to increase its diversion of materials from the landfill.

5.1 Current System Review

Each municipality in the County contracts residential solid waste services independently to a single private sector provider. Services vary per contract and are outlined in Table 5-1. An overview of each municipality's services is also described below, however, because such a significant portion of the population of Wyandotte County falls under the Unified Government contract, the remainder of this document will focus on the services related to that contract.

Table 5-1: Residential Services by Municipality

Municipality	Service Provider	Refuse	Recyclables	Yard Trimmings	Bulky Items
Unified Government and Bonner Springs	Waste Management	Weekly collection, unlimited volume; no containers provided	Weekly collection, 18-gallon totes provided by request	Comingled with refuse for landfill disposal	Included with weekly refuse collection
Edwardsville	KC Disposal	Weekly collection, 95-gallon carts provided, PAYT limited to cart	Weekly collection, 65-gallon carts provided	Yard trimmings are not permitted with the refuse; no service is included	Bulky item collection is per request from provider for a fee
Lake Quivira	Waste Management	Weekly collection, 65-gallon carts provided, PAYT limited to cart	Weekly collection, 65-gallon carts provided	Yard trimmings are not permitted with the refuse; no service is included	Bulky item collection is per request from provider for a fee

City of Bonner Springs. Bonner Springs is serviced under the Unified Government contract with Waste Management through an inter-governmental agreement. Information throughout this document that is specific to the Unified Government solid waste contract includes Bonner Springs.

City of Edwardsville. Beginning January 1, 2021, the City of Edwardsville will begin a new contract with KC Disposal, and services will remain largely the same. Service includes weekly collection of refuse from a 95-gallon cart and recycling from a 65-gallon cart by automated trucks. Yard trimmings are not permitted with the refuse, and no collection service is provided. Bulky item collection is not included in the contract; however, residents may contact their service provider for special pickup. The City of Edwardsville hosts an annual city-wide clean up event in the parking lot of city hall for residents to drop off bulky items, electronic waste, and scrap metal for recycling.

City of Lake Quivira. A portion of Lake Quivira is in Wyandotte County. Lake Quivira contracts with Waste Management for service. Service includes weekly curbside collection of refuse and recyclables from provided 65-gallon carts. Residents are limited to one cart and one additional bag of refuse per week; additional bags may be set out with a purchased sticker. Yard trimmings are not permitted with refuse and no service is provided. Bulky item collection is not included in the contract; however, residents may contact Waste Management for special pickup. Data that is specific to the portion of homes located in Wyandotte County is not available and therefore not included in the calculations throughout this document.

Unified Government of Wyandotte County/Kansas City, KS. The Unified Government is currently under contract with Waste Management until December 31, 2032. Residents are billed for solid waste services through the Unified Government via BPU. Service includes single-family residential dwellings up to a four-plex. Weekly collection of refuse is performed by manual or semi-automated rear-loading trucks. Refuse is collected in unlimited quantities with no carts provided; residents set out waste in a wide range of container types and sizes. Recyclables are collected weekly in 18-gallon totes. Yard trimmings and bulky items are comingled with MSW.

Other than recyclables set out separately for recycling, all residential MSW collected curbside is currently collected with refuse service and landfilled. This includes unlimited quantities of yard trimmings and bulky items, presenting an opportunity for the Unified Government to increase its diversion rates of these items.

5.2 Options

Continue current service. Kansas City and Bonner Springs may continue to combine material collection (refuse, yard trimmings, bulky items) in unlimited quantities. This option provides the least incentive for diversion of materials from the landfill. The Cities of Edwardsville and Lake Quivira already separate refuse, yard trimmings, and bulky items.

Transition to a cart-based system and limit quantities. Transition to cart refuse collection. Provide all customers with a collection cart for refuse that can be collected with an automated truck.

Separate collection of bulky items. Reduce bulky item set out to a less frequent schedule such as monthly or quarterly. Bulky items could still be co-collected with refuse but on a less frequent basis. Details for additional service options and recommendations are provided in Section 7.0, Bulky Item Collection.

Separate collection of yard waste. Providing separate collection of yard waste would allow the material to be diverted for composting. Details for additional service options and recommendations are provided in Section 8.0, Organics.

5.3 Recommendations

Based on the current system review, implementation of previous solid waste management plans, and an evaluation of options, the following recommendations are being made pertaining to the residential sector.

1. **Yard trimmings collection service.** Provide separate collection and processing of yard trimmings. Detailed recommendations for management of yard trimmings is provided in Section 8.0.
2. **Bulky item collection service.** Reduce frequency of bulky item collection. Collection could be either monthly or quarterly to encourage more consistent service. Detailed recommendations for management of bulky item collection is provided in Section 7.0.
3. **Transition to cart-based refuse service.** Weekly cart-based refuse service would better align with current industry practices. A variance would need to be allowed for residents where carts are not practical.

6.0 RESIDENTIAL RECYCLING

Single-stream recyclables are materials that are accepted through curbside recycling programs, processed through materials recovery facilities (MRFs), and sold as commodities to markets where the material is then made into new products. In the County's current MSW management program, its single-stream recycling service is the predominant source of MSW diversion.

6.1 Current System Review

Single-family residential recycling. The Unified Government's residential collection contract has included weekly curbside recycling service to residential single-family dwellings (up to a four-plex) since 2007. The program is voluntary participation with mandatory pay through the current collection contract. Residents set out recyclable material in 18-gallon totes or self-labeled containers.

As a part of the current collection contract, Waste Management provided a limited number of recycling totes for residential use. An initial 20,000 bins were distributed to customers who requested them when the program first started. Those recycling totes may be provided upon request and residents must pick them up during hours of operation at the Neighborhood Resource Center. A few hundred bins become available each year and there is always a demand for them³⁸. Customers that are not able to obtain one of the recycling totes from the Neighborhood Resource Center have to purchase a tote at their own expense and mark it with the word "Recycling" or the recycling symbol.

The City of Edwardsville transitioned to a cart-based program in 2016. Each single-family residence is provided with a 65-gallon cart for recycling, collected weekly by the contractor (Waste Management through 12/31/20; KC Disposal beginning 1/1/21).

Accepted recyclables. Accepted recyclables and common non-accepted items contributing to recycling contamination are summarized below.

- Accepted recyclables: Paper, cardboard, plastic containers #1-#7, aluminum and steel cans
- Unacceptable materials (common contaminants): Plastic bags and film, glass, pizza boxes, Styrofoam, hangers and large metal items, textiles, and garden hoses

³⁸ 2020 Annual Solid Waste Management Committee meeting notes.

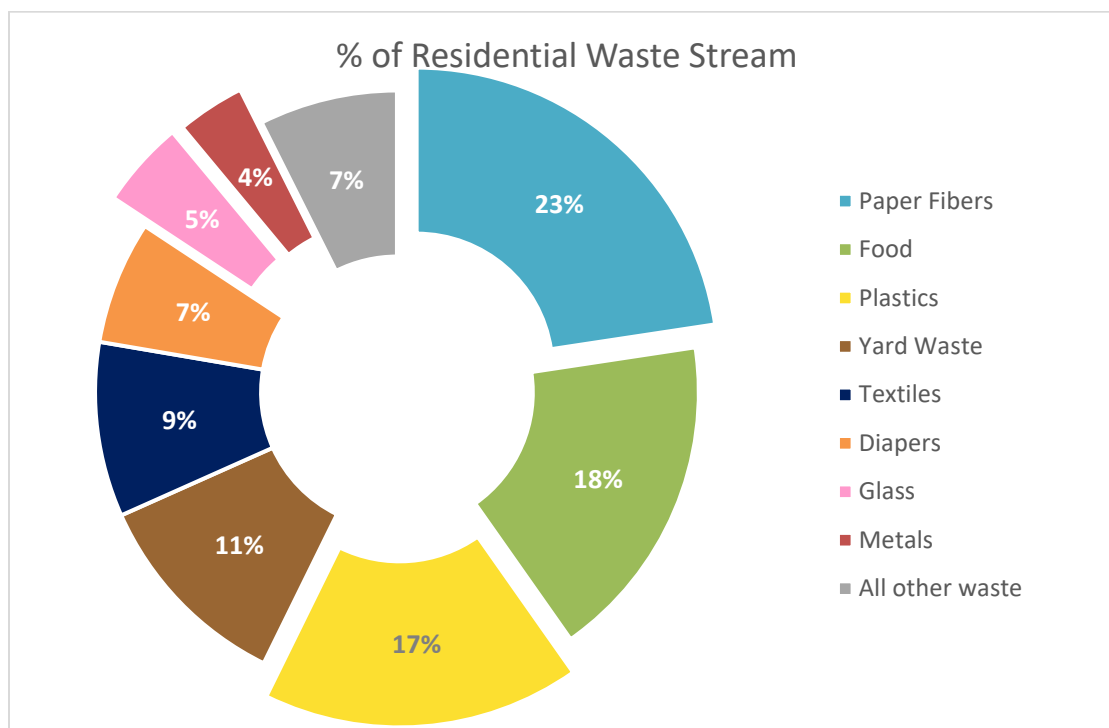
Drop-off recycling activities. Recycling drop off facilities are especially valuable for the multifamily sector and small businesses to have access to recycling. There are three permanent recycling drop off facilities:

- Unified Government Recycling & Yard Waste Center located at 3241 Park Drive;
- The City of Bonner Springs Recycling Drop Off Center located at the Public Works Department, 12401 Kaw Drive; and
- Waste Management recycling drop off center at the landfill entrance at 17955 Holiday Drive, Shawnee, KS.

Ripple Glass provides glass recycling in the Kansas City metropolitan area. There are 8 glass recycling drop off locations throughout Wyandotte County.

Recycling rate, quantities, and participation. In 2019, the County diverted 3,665 tons of material through recycling activities (including Unified Government, Bonner Springs, and Edwardsville). The residential MSW recycling rate was 5.8 percent. Traditional recyclables (i.e., paper, plastic, metal, and glass) comprised most of the recycling activity at 4.9 percent, while yard waste, HHW and e-waste recycling comprised less than one percent each, as described in detail in Section 3.4.1.1, Residential MSW.

The County's diversion rate lags behind the state and national averages. The State of Kansas has a diversion rate of 31 percent, and the national average is 35 percent. This represents great opportunity to increase the diversion in Wyandotte County by increasing participation in recycling and yard waste diversion. Based on the Waste Characterization Study (see Section 3.6), Wyandotte County residents are throwing away recyclable materials. The potential materials that could be diverted through recycling could increase the diversion by 30 percent. While it is not likely that all potential material will be captured through recycling, there is a significant opportunity to divert more recyclables. Figure 6-2 reflects the waste disposed of as MSW and highlights the potential curbside recovery.

Figure 6-1: Wyandotte County Residential MSW Curbside Recovery Potential

6.2 Options

Continue current service. Kansas City and Bonner Springs residents currently receive weekly collection of recyclables in 18-gallon totes. Currently, all customers pay for the recycling service in their base rate, however, not all customers have been provided a recycling container. The recycling containers limited in number and not always available. The capacity of an 18-gallon tote is small and does not encourage the recycling of large quantities of materials. If this option is chosen to continue, at a minimum, all customers should be provided a recycling container to encourage participation.

Cities of Edwardsville and Lake Quivira currently receive weekly collection of recyclables in 65-gallon carts provided by their service provider.

Weekly collection in carts. Provide all customers a recycling cart and continue weekly collection. The increased capacity will promote recycling and provide everyone with an equal opportunity to utilize the service. Table 6-1 compares the advantages and challenges of the various options described above.

Table 6-1: Advantages and Disadvantages of Recycling Collection Options

	Weekly in 18-gallon Totes	Weekly in Carts
Advantages	• No changes to the current system	• Convenient • Increased capacity
Disadvantages	• Limited capacity • Open top contributes to litter and exposure to weather	• Transition period to a new cart system

Education and Outreach. Critical to increasing recycling quantities and quality of materials collected is a commitment to education and outreach by the County. Contamination in the recycling stream is a significant issue as it directly relates to processing costs. Additional information regarding education and outreach recommendations is provided in Section 12.0.

6.3 Recommendations

Based on the current system review, implementation of previous solid waste management plans, and an evaluation of options, the following recommendations are being made pertaining to the residential sector.

1. **Provide all customers with a collection container.** While all Kansas City and Bonner Springs customers currently pay for recycling service as part of their base rate, only around half of the customers have been provided a collection container. As a provision of the current contract with Waste Management, all customers should be provided a recycling container. When containers are delivered, educational material should accompany them with proper recycling information.
2. **Transition to cart-based recycling service.** In the long-term, providing carts which are larger than the currently provided totes will increase the amount of recycling collected from each household.
3. **Seek a variety of options in the procurement of services.** Request during the next bid process that vendors provide cost for a variety of service options including weekly and every other week collection. Providing a 95-gallon cart, for example, is sufficient capacity for most customers to switch to every other week collection. While weekly collection is preferred for its convenience, every other week collection may be the most cost effective. Every other week collection might also allow other materials such as yard trimmings, to be collected on alternative weeks.

4. **Education and outreach.** Ongoing recycling education is critical to keeping the community informed. Detailed recommendations for education and outreach are provided in Section 12.0.

7.0 BULKY ITEM COLLECTION

Bulky items are typically defined as items that are too large to fit inside a refuse cart and cannot be collected with any other curbside service (e.g., single-stream recycling, yard trimmings, etc.). Standard bulky collection includes items such as furniture and large appliances, with some cities choosing to accept a wider range of material. This section addresses bulky item management as well as illegal dumping.

7.1 Current System Review

Single-family residential services. Under the current Unified Government residential collection contract, the service provider does not collect bulky items separately. Bulky items are managed as a component of the refuse stream and are included in the refuse cost of service. Bulky items may include the following:

- Large household furniture such as mattresses, sofas, chairs, and tables
- Appliances such as stoves, washers, dryers, and hot water tanks
- Lumber (bundled)
- Tree and brush clippings (bundled)

Providing the collection of bulky items with regular scheduled routes and collection frequencies is convenient for customers. Regularly scheduled service helps to mitigate illegal dumping.

Under the current contract for the City of Edwardsville, residents are not provided bulky item collection. Residents may contact their provider for to schedule collection of bulky items for a fee. The City of Edwardsville also hosts an annual bulky item collection event.

Drop off services. In addition to weekly curbside collection of bulky items, residents can self-haul their material to the WM Johnson County Landfill or other surrounding landfills for a fee.

7.2 Options

Continue current service. The Unified Government contract includes bulky items in unlimited quantities with the weekly refuse service. This option would not require changes to current operations and would not require significant public education and outreach efforts. Refer to Section 5.0 (Single-Family Residential Refuse) for additional information regarding current refuse service and potential refuse service options.

Reduce collection frequency of bulky items. Restrict bulky item set out to a less frequent schedule such as monthly or quarterly. Bulky items could still be co-collected with refuse but on a less frequent basis.

Provide separate bulky item collection. A separate bulky item program provides residents convenient service for disposal of those items. The Cities of Edwardsville and Lake Quivira do not include bulky item collection with their waste contractor; residents must manage disposal of this material on their own. Options for a separate bulky item service include:

- **Regular, scheduled service.** Providing separate collection of bulky items with regular scheduled routes and collection frequencies. Customers are still provided regularly scheduled service to mitigate illegal dumping. Service frequencies can range from monthly to quarterly to annually. It is recommended that quantities be limited to a specific quantity.
- **Call-in program.** A call-in program provides customers with bulky item collection services on an as-needed basis. Customers contact the contractor when they have a service need and schedule a collection date and time.

Table 7-1 compares the advantages and challenges associated with each of these options to provide context for the following recommendations.

Table 7-1: Comparison of Bulky Item Collection Options

	Weekly Out of Cart	Monthly or Quarterly Collection	Call-In Service
Advantages	• Convenient for customers • Customers are used to system • Decreases illegal dumping	• Convenient for customers • Customers are more accustomed to system	• Provided on an as-needed basis
Disadvantages	• Disincentivizes diversion of material	• Customers may require more service • May lead to increased illegal dumping	• Customers are not used to system • May lead to increased illegal dumping

7.3 Addressing Illegal Dumping and Littering

Current system review. Each city is responsible for responding to illegal dumping and developing strategies to decrease its occurrence. For example, the Unified Government currently responds to illegal dumping through the Public Works' program, Quick Response Trash Team, in coordination with County Code Enforcement. The primary offenders of illegal dumping are believed to be commercial generators.

Section 9.0, Commercial and Multifamily Residential, further discusses options for addressing illegal dumping from the commercial sector.

The Unified Government is working to educate the community about illegal dumping and littering through the Stabilization, Occupation and Revitalization (SOAR) program. SOAR is a 5-year plan to confront some of the most pervasive challenges in the appearance, communication, and safety of Wyandotte County neighborhoods. In addition to addressing illegal dumping and littering, it aims to address issues like vacant and abandoned homes, property maintenance, loose dogs, poorly maintained streets, a lack of trails and sidewalks, mowing frequency, graffiti, and more.

Preventing illegal dumping. Changes to the bulky item collection program should be thoroughly communicated with the public to prevent any resulting illegal dumping. Coordination with the SOAR program will be an opportunity to address and prevent additional illegal dumping. Key elements of a successful preventative illegal dumping program include the following:

- **Adequate disposal options.** Ensure that residents maintain access to bulky item disposal options. This includes access to curbside collection (either regularly scheduled or through a call-in program), and access to on-going drop off options.
- **Enforcement.** Illegal dumping must be investigated, and legal action taken against the people responsible for littering and illegal dumping. Resources should be put toward regular patrolling and surveillance of known illegal dumping sites, and quick response to reports of illegal dumping.
- **Education and outreach.** Residents must be made aware of the legal consequences for illegal dumping to detour them. Residents must also be educated on all the appropriate options available for proper disposal.

7.4 Recommendations

Based on the current system review, implementation of previous solid waste management plans, and an evaluation of options, the following recommendations are being made pertaining to the residential sector.

1. **Reduce bulky item collection frequency.** Restrict bulky item set out to a less frequent schedule such as monthly or quarterly. Bulky items could still be co-collected with refuse but on a less frequent basis.
2. **Bulky item drop-off options.** Increase the availability of free or low-cost, convenient drop off locations for bulky items. This could include drop off at local landfill or transfer stations or drop

off facilities or events provided throughout the year at various locations within the County.

Include provisions in the next service procurement process; consider requiring as part of a special use permit for future landfill or transfer station facilities; add service to existing County drop off location.

3. **Education and outreach.** Initial and ongoing recycling education is critical to keeping the community informed. Detailed recommendations for education and outreach are provided in section 11.0.
4. **Illegal dumping prevention.** Changes to the bulky item collection program should be thoroughly communicated with the public to prevent any resulting illegal dumping. Coordination with the SOAR program will be an opportunity to address and prevent additional illegal dumping. Key elements of a successful preventative illegal dumping program include adequate disposal options, enforcement, and education and outreach.

8.0 ORGANICS

The organics waste stream includes both yard trimmings and food waste. Yard trimmings include material such as leaves, grass clippings, limbs, brush, and other plant trimmings. Food waste includes fruits and vegetables, meats, eggs and dairy, coffee grounds, and food-soiled paper products such as napkins, pizza boxes, and various types of cardboard and paper food containers that are compostable.

8.1 Current System Review

Single-family residential services. The Unified Government's current residential collection contract does not require separate collection of organic materials. All organic materials collected through curbside residential services, including both yard trimmings and food waste, are collected and comingled with refuse and landfilled at the Johnson County Landfill. The City of Edwardsville's residential collection contract prohibits yard trimmings and separate collection service is not provided. Residents are responsible for managing yard trimmings through mulch-mowing, backyard composting or self-hauling to a drop-off site.

Currently, there are no subscription curbside services available to county residents other than full service lawncare companies who manage lawns and haul the debris. However, in surrounding communities with restrictions on yard trimmings, subscription curbside service is available from a variety of private companies. There is one company in the metro collecting food waste from residential customers on a subscription basis.

Drop off yard trimmings and brush. Residents have the option to self-haul yard trimmings and brush to either the County's Recycling and Yard Waste Center or the Waste Management drop off facility for no charge. The County's Recycling and Yard Waste Center is a collection point only. All material is stored in 40 yard roll off bins which are hauled to the compost facility at the Johnson County Landfill by Waste Management. The majority of material received is brush and limbs. This type of material is bulky and is an inefficient use of the space in a roll off box which increases the cost per pull. Chipping the material onsite or expanding the program into a composting program, at the drop off location or elsewhere, would have many benefits. Processed material could be used by County departments such as Parks and Recreation or Public Works as mulch or compost in landscaping or building projects.

Organics generation and diversion. In the 2016 Waste Characterization report for Wyandotte County, yard trimmings accounted for 11 percent of total residential MSW generation and food waste accounted

for 18 percent (see Section 3.6, Waste Characterization). These organic materials have the potential to be diverted from the landfill, presenting a significant opportunity to increase diversion through composting.

In 2019, a total of 535 tons of yard trimmings and brush were received at both drop off facilities combined. Overall, material from the drop off facilities is 0.9 percent of the total waste generated (see Section 3.4.1.1, Residential MSW). Some residents may divert small quantities through activities such as backyard composting or grass-cycling, but this represents a small portion of total yard trimmings generation.

Regional yard waste composting infrastructure. The Unified Government entered into a memorandum of agreement with Johnson County, Kansas Government to allow yard trimmings from their residents to continue to be landfilled based on their existing contract for waste removal. There is currently adequate infrastructure in place in the Kansas City Metro Area for collection and processing of yard trimming material. Private companies such as Waste Management and WCA operate composting facilities to manage material collected from curbside programs. Public entities such as the Cities of Olathe and Lawrence operate composting operations to service their communities. There is an opportunity for Wyandotte County to develop a composting facility to divert residentially generated yard trimmings as well as process material from other sources (see Section 4.1.4 for details for a potential County owned compost facility).

8.2 Options

Continue current service. Continue acceptance of all organics with refuse collection. With this option, the Kansas City and Bonner Springs would not capture the potential for increased diversion from yard trimmings. A benefit of this option is decreased illegal dumping of yard trimmings. Refer to Section 5.0, for additional information regarding current refuse service and potential refuse service options.

Provide separate yard trimmings collection. Work with the contractor to provide separate yard trimmings collection service for residents, creating opportunity to increase diversion rates. Effective implementation of a new yard trimmings collection program would require significant public education and outreach efforts by the County (refer to Section 12.0). Table 8-1 compares the advantages and disadvantages to the various options for collecting yard trimmings.

Table 8-1: Advantages and Disadvantages of Yard Trimming Collection Options

	Co-mingled with Refuse for Landfill Disposal	Separate Collection
Advantages	• No changes to the current system	• Convenient • Increased diversion potential
Disadvantages	• Missed opportunity for diversion	• May lead to illegal dumping • Transition to a new system requires significant education and outreach.

Provide separate brush collection. Brush refers to branches and limbs that exceed the limits of the yard trimmings program which are larger and bulkier in nature. The Kansas City and Bonner Springs may choose to provide collection of this material as a separate waste stream. The frequency may vary from monthly to annually.

County owned composting facility. The Unified Government has expressed an interest in developing a County owned composting facility. Yard trimmings collected from residential routes and other potential feedstocks (food waste, bio-solids, tree, and brush) could be composted or mulched and be used in County operations or sold. The facility could be developed through a public-private partnership, allowing for flexibility with capital and operating equipment and labor expenses. There are many benefits to the County for owning such a facility (see Section 4.1.4 for details for a potential County owned compost facility).

8.3 Recommendations

Based on the current system review, implementation of previous solid waste management plans, and an evaluation of options, the following recommendations are being made pertaining to the residential sector.

1. **Provide separate yard trimmings collection.** The Kansas City and Bonner Springs should work with their waste contractor to provide residential customers with separate yard trimmings collection in paper bags and bundles as part of standard MSW services. The Cities of Edwardsville and Lake Quivira should consider separate yard trimmings collection for residents. This will allow the County to divert additional material from landfills and, over time, may significantly increase its overall diversion rate.

2. **Continue to consider long-term potential for food scraps diversion.** Significant quantities of food scraps that have the potential to be diverted through composting are currently being landfilled. However, there are not curbside options available for food scraps collection and processing. In the long-term, the County should consider food scraps diversion, depending on development of markets, local processing options, and residential demand. These should be used as factors in determining if, when, and how provision of food scraps collection may be financially feasible for the County.
3. **Composting education.** Provide public information and education programs to explain and promote backyard composting of food waste.
4. **County composting facility.** The County should further evaluate a potential publicly owned composting facility.

9.0 COMMERCIAL AND MULTIFAMILY RESIDENTIAL

The commercial sector includes material generated by commercial, institutional, and multifamily properties. Examples of these commercial properties include restaurants, retail, offices, schools, hospitals, industrial facilities, and apartment complexes. While multifamily properties are occupied by the residential sector, waste from these properties is comingled with commercial sector upon collection and therefore considered commercial waste. There is significant diversity in the amount and types of waste collected, collection frequency, container types, and collection vehicles that service various generator types.

9.1 Current System Review

Commercial. The County's commercial properties contract for trash and recycling collection services through private haulers on an open market system. Services are typically provided via dumpsters, roll-off containers, or compactors and vary by hauler. There are no County or City solid waste regulations pertaining to commercial entities or commercial MSW haulers.

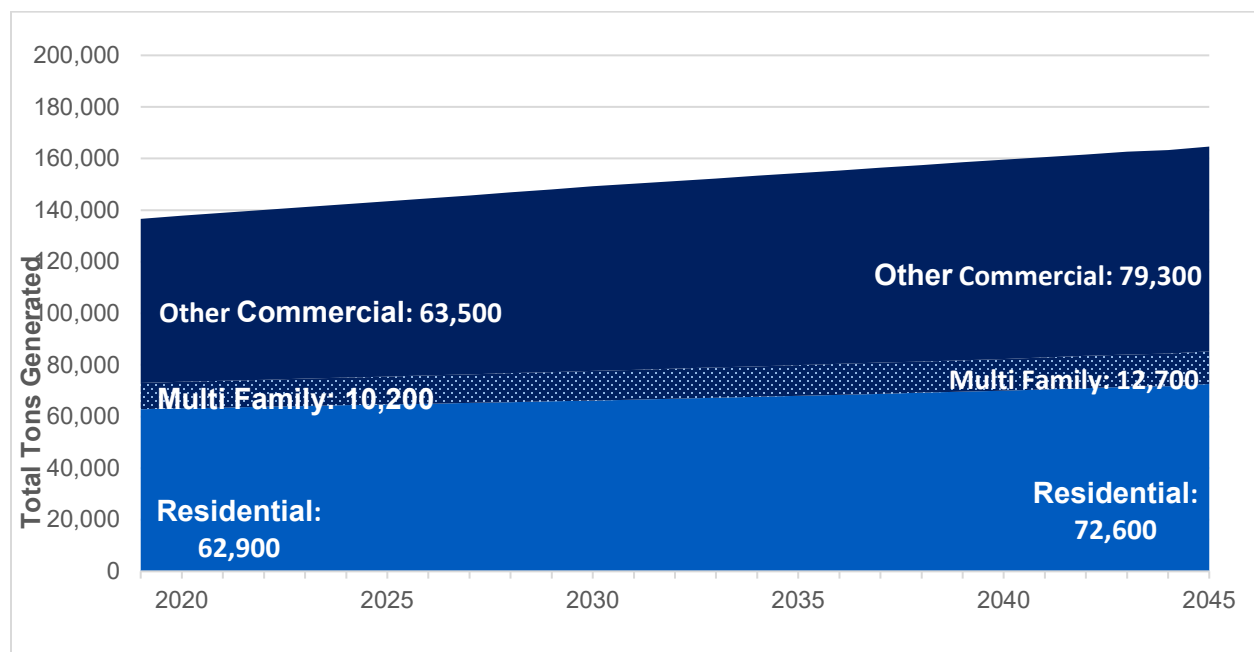
Multifamily. Multifamily residential refers to residential properties within the County which do not receive curbside service under the County's residential solid waste and recycling program. This includes properties having greater than four individual housing units (e.g., apartment complexes, condominiums, assisted living, etc.) and select trailer courts.

Recycling options. Recycling is an optional additional service and is not provided by all commercial haulers. There are currently no requirements for the provision of recycling services to commercial or multifamily properties, although, some properties choose to offer recycling collection services. Limited space or inconvenient configuration is often restrictive for properties looking to provide recycling collection. The recycling drop-off facilities are free and use by commercial and multifamily generators is encouraged; however, service ease and convenience are important factors that impact participation in any program.

Other diversion options. Yard waste generated from commercial and multifamily properties is typically handled by a landscaping contractor who is responsible for the material transport and disposal, usually at a compost facility. Food waste collection and composting is available from Missouri Organics Recycling, although a very limited number of food waste generators opt to contract for this service. Glass recycling collection is also available from several providers but again, a very limited number of glass generators contract for this service.

Commercial MSW generation. The commercial sector produced approximately 54 percent of the County's total MSW generation, which totals an estimated 73,700 tons of material in 2019 (as described in Section 3.3.2). An estimated 10,200 tons of the commercially generated MSW was generated by multifamily households. Figure 9-1 shows the waste generation forecast for commercial, multifamily, and residential.

Figure 9-1: Wyandotte County MSW Forecast (Tons)



The commercial sector presents a significant opportunity for waste diversion. However, because there is no current requirement for reporting commercial generation data, there are limitations on understanding the quantities, diversion, generators, and material types. Reporting requirements would assist in future efforts to promote diversion and waste minimization.

9.2 Options

Commercial hauler requirements. License commercial MSW haulers and require specifications for reporting waste and recycling haul data. Further requirements can be established through a licensing program such as mandatory service provisions for specific types of waste (i.e. recyclables, organics). A licensing program requires administrative and enforcement support to be successful.

Commercial generator requirements. Require through regulations that commercial and multifamily properties plan for recycling and diversion based on their generation. This option requires extensive staff

support considering the number of commercial properties in the County as well as the diversity of waste generated from property to property.

Building permits. Require new or renovated commercial and multifamily properties to construct enclosures that will accommodate recycling containers.

Incentives. Utilize planning and zoning codes to encourage economic development strategies that include recycling plans or green initiatives requirements as part of financial incentives packages.

Education and outreach. Provide public information, educational programs, and presentations to explain and promote source reduction and recycling. Provide technical assistance to identify ways that participation can be increased where diversion and recycling options exist.

9.3 Recommendations

Based on the current system review, implementation of previous solid waste management plans, and an evaluation of options, the following recommendations are being made pertaining to the commercial sector.

1. **License haulers.** Create a commercial hauler licensing program and require annual reporting of MSW quantities collected to be a provision of the license. This will lay the foundation for future diversion efforts. It will provide the County with a better understanding of the commercial generation data and where opportunities exist. There is a relatively manageable number of commercial haulers and can be administered in conjunction with the business licensing program.
2. **Business license requirement for solid waste removal.** Require as a provision of the current business licensing program that waste removal services are provided. All businesses wishing to conduct business in a physical commercial building must include in their base level of utilities the removal of solid waste. Enforcement can be added to the Building Inspection which is already a function of the License Division's process.
3. **Provide education and outreach.** Increase technical support for commercial and multifamily properties through online resources and technical assistance. Where staffing is available, a free technical assistance program could work with businesses to identify ways that participation can be increased where diversion and recycling options exist.

10.0 CONSTRUCTION AND DEMOLITION

Construction and demolition (C&D) is defined as materials that are generated by construction, demolition, or renovation projects and includes, but is not limited to, materials such as brick, roofing materials, wood, flooring, drywall, insulation, concrete, and asphalt. C&D debris is generated from residential, commercial, and public sector projects.

10.1 Current System Review

Current system overview and generation. There are no C&D landfills located in Wyandotte County, so all material generated is hauled out of county for disposal. There is no reporting requirement for hauling C&D waste, so the actual quantities generated within the County are unknown. Burns & McDonnell analysis based on employment-based estimates assumed 90,200 tons of C&D debris were generated in Wyandotte County in 2019 (see Section 3.4 for more detailed analysis). This represents a significant portion of the County's total material disposal. Some portion of C&D debris generated within the County is diverted from landfill disposal through C&D recycling processing, but quantities are unknown. The potential for increased C&D recycling presents an opportunity to increase the County's landfill diversion rate.

C&D recycling and recovery. The largest driver of C&D recycling currently occurring in the County is through sustainable building program efforts led by contractors and building owners (e.g. Leadership in Energy and Environmental Design (LEED) certified). C&D landfills may also crush limited quantities of building materials to be reused onsite, but these quantities are unknown. Higher proportions of asphalt debris from road and bridge construction may be recycled because it is typically a less mixed or contaminated waste stream than other C&D debris. Road asphalt debris may be milled, crushed, and re-melted for use in new asphalt.

There are limited recovery facilities for handling C&D debris throughout the metro. It is unknown if the existing recovery facilities have capacity to handle additional material. Further, markets for end use of the recoverable materials must be enhanced to absorb any additional materials. A more in-depth study would be required to better understand the C&D recovery system.

Small quantities of C&D debris are diverted through reuse programs, such as the Kansas City Habitat for Humanity ReStore. During the past two years, Habitat ReStore has sold an average of approximately 214 tons of donated residential building material for reuse, diverting that material from landfill disposal.

County C&D diversion efforts. In 2016, as part of the demolition contract of the Unified Government's old Indian Springs building, the contract was written to salvage concrete and steel from the structure. Approximately 53,740 tons of concrete was recovered from the structure and 4,760 tons of steel was recovered. This totals 58,500 tons diverted from the landfill for this demolition project.

10.2 Options

C&D diversion requirements. Adopt requirements for C&D recycling/reuse in a C&D ordinance or building permit. This could include methods such as buy-recycled (first choice) programs, green building and LEED ordinances, and mandatory C&D recycling.

C&D permit incentives. Offer incentives through the permitting process to encourage diversion such as fast track permitting for projects with recycling plans, or refundable deposits for projects demonstrating that a high percentage, e.g., 75 percent of C&D debris has been delivered to a recovery facility.

10.3 Recommendations

Based on the current system review, implementation of previous solid waste management plans, and an evaluation of options, the following recommendations are being made pertaining to the C&D sector.

1. **Lead by example.** The County should require minimum standards for C&D recycling on all County funded projects as well as supporting end use markets by requiring recycled material (i.e., crushed concrete) used on all applicable County projects. This could be an adoption of LEED, Envision, or similar sustainability standards or Envision for all County projects.
2. **Education and outreach.** Include education and outreach information for reuse and recycling to be included in all building permit applications.

11.0 HOUSEHOLD HAZARDOUS AND OTHER WASTES

Per K.S.A. 65-3405, Wyandotte County is responsible for ensuring the management of the following wastes not covered in previous sections of the SWMP:

- Household hazardous waste
- Small quantities of hazardous waste
- Lead acid batteries
- White goods containing chlorofluorocarbons
- Pesticides and pesticide containers
- Motor oil
- Consumer electronics
- Medical waste
- Wastes generated by natural disasters

The remainder of this section evaluates the current system for each material type identified above as well as others within the County.

11.1 Household Hazardous Waste

The purpose of an HHW collection program is to provide residents with access to safe and proper disposal options for household materials that are not suitable for disposal in a landfill or for collection with other curbside residential programs.

Current system review. The County owns and operates a Household Hazardous Waste Collection Facility (County HHW Facility), located at 2443 S 88th Street. The County HHW Facility is open to residents one Saturday each month, April through October. There are no specified limits of material quantities a resident may drop off, but all waste must be of residential origin. Home business, small business, commercial, and industrial wastes are not accepted.

Accepted materials. HHW materials accepted at the County's monthly events are typical of large HHW collection events and permanent collection and disposal programs. Traditional HHW materials accepted include, but are not limited to:

- Automotive fluids
- Paints
- Solvents

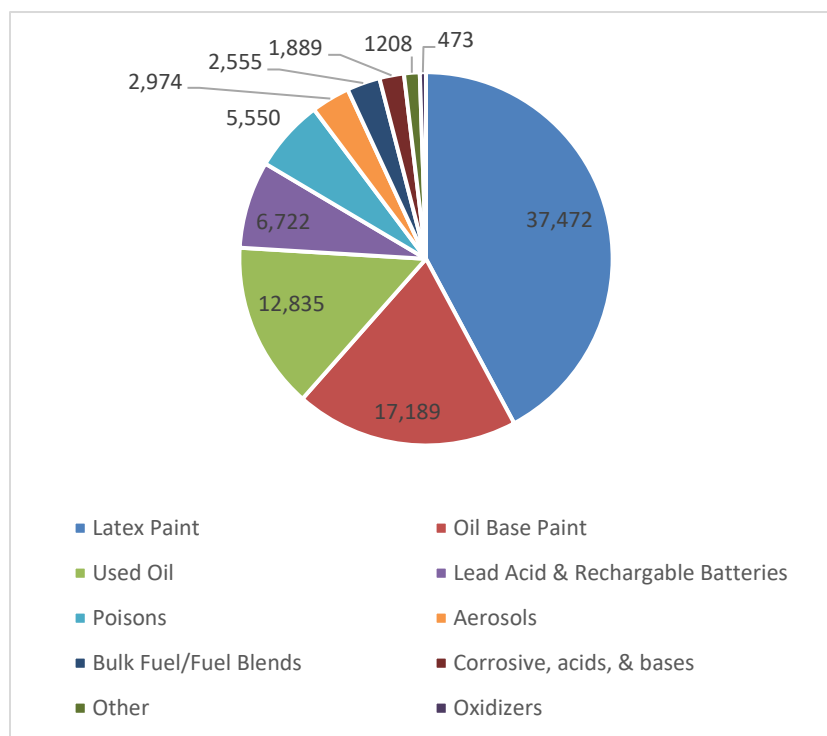
- Household cleaners
- Lawn and garden chemicals (herbicides and pesticides)
- Pool chemicals
- Other household chemicals with caution, warning, or poison labels

Participation and material quantities. Household hazardous waste represents less than one percent of the residential waste stream in Wyandotte County. In 2019, approximately 44 tons of material was collected from 1,345 event participants, equating to 66 pounds per participant. However, as shown in Table 11-1, event participation and average amount of material collected per participant has fluctuated over the life of the program. Figure 11-1 depicts the overall quantities of each category of material collected by type.

Table 11-1: HHW Event Collection Quantities and Participation

	2015	2016	2017	2018	2019
Total Pounds	78,383	72,070	67,822	93,316	88,899
Total Tons	39.19	36.04	33.91	46.66	44.45
Total # of Cars	1,089	879	677	764	1,345
Pounds per participant	71.98	81.99	100.18	122.14	66.10

Figure 11-1: Distribution of Materials in Pounds Collected at HHW Events in 2019



Program evaluation. The County understands the importance of providing convenient and affordable environmentally sound disposal options for potentially harmful residential wastes and has consistently provided collection events at no cost to customers for more than a decade. Effective public education and outreach has led to well-attended events. Because events are only once per month, customers may have to store unwanted and potentially hazardous chemicals for long periods of time, unless they are willing to find other, less convenient options outside of the County. Infrequent events also lead to a high demand for service among residents when the events occur, causing long lines and wait times. Events are well-attended, but some residents may find these inconveniences prevent them from attending.

Relative to surrounding communities, the County's current program provides a low service frequency. Additional events or collection opportunities would increase customer convenience and would likely have a positive impact on customer satisfaction.

11.2 Other Wastes

Small quantities of hazardous waste. Commercially generated hazardous waste is regulated by KDHE unless it meets specific standards qualifying it as small quantities of hazardous waste. This is usually material that is incidental such as through building maintenance. It is typically the same types of materials generated by households such as paint, cleaning products and lawn and garden products. The County HHW Facility only accepts material from residential customers. Commercial generators of hazardous waste must contract directly with hazardous waste management companies for safe, legal disposal.

Lead acid batteries. Lead acid batteries are not considered hazardous waste if they are intact and recycled. Split or broken batteries must be handled as hazardous waste. Automotive facilities recycle batteries through their operations and often provide recycling to County residents free of charge. The County HHW Facility also accepts automotive batteries from residents.

White goods containing chlorofluorocarbons. White goods are major household appliances such as refrigerators, washing machines, and water heaters. Appliances containing chlorofluorocarbon (CFC) are required to have the coolant evacuated before disposal by a certified recycler with certified equipment. Currently, white goods are collected weekly with the residential curbside program and separated for appropriate disposal by the contractor in accordance with the law.

Pesticides and pesticide containers. Pesticides and herbicides are accepted at the County HHW Facility and is disposed of as hazardous waste through a hazardous waste contractor.

Motor oil. Automotive facilities recycle motor oil through their operations and often provide recycling to County residents free of charge. The County HHW Facility also accepts waste oil from residents.

Consumer electronics. Consumer electronics are permissible in the landfill, however, the County encourages recycling of electronic waste. For more than a decade the County has hosted two annual recycling collection events open to the public. Electronics accepted at these events have included the following: computers, printers, monitors, TVs, cell phones, DVDs, fax machines, stereos, radios, gaming devices, VCRs, cameras, and other electronic items. Since the first event in 2007, there has been a combined total of 288.2 tons of material collected for recycling.

In addition, the following businesses accept electronic waste year-round in Wyandotte County:

- Secure E-cycle
- Best Buy
- Staples
- Office Depot
- Office Max

Medical waste. Medical waste is waste which can cause infections in humans upon exposure including human blood and blood products, isolation waste, pathological waste, and discarded sharps. Medical waste is collected by licensed medical waste haulers. There are multiple processing facilities and transfer stations for medical waste within Wyandotte County including Stericycle, MedAssure Heartland, LLC and Wellbeing Midwest located in Johnson County.

The following guidance has been provided by KDHE regarding the management of sharps:

In Kansas, it is currently legal to place sharps in a sealed puncture resistant bottle that is disposed of in household trash or municipal solid waste generated at any location that is not a regulated health care provider. Special rigid sharps containers can be purchased from pharmacies and other medical supply companies that are suitable for disposal with other trash. Prior to placing any sharps container in the trash, write "DO NOT RECYCLE - SHARPS" on the container. Examples of other containers that may be used for medical sharps are bleach, liquid soap, or laundry soap containers or a metal container with a screw on lid.³⁹

³⁹ Available online: <http://www.kdheks.gov/environment/sharpsdisposal.html>

Tires. Automotive facilities recycle tires through their operations and often provide recycling to County residents for a fee. The County HHW Facility also accepts tires. Tires collected are transported to regional waste tire facilities for recycling. There is a waste tire facility permitted by KDHE within the Wyandotte County, Kaw Valley Companies.

Beneficial use of scrap tires is included in K.A.R 28-29-29a and includes bumpers, playground equipment, windbreaks, erosion control, and stabilization of soil or sand. Tires which are disposed of in a landfill facility must be processed by any of the following means per K.A.R. 28-29-29: shredding, cutting in half along the circumference, cutting into at least four parts (with no part being greater than 1/3 of the original tire size, chipping, crumbling, baling in a manner that reduces the volume of the waste tires by at least 50 percent, or using an equivalent volume-reduction process that has received prior approval, in writing, from the secretary.

Natural disaster waste. The Unified Government Department of Emergency Management coordinates the activities in all phases of emergency management. The Department has developed a plan to addresses disaster mitigation, planning and preparedness, response to, and recovery from large scale emergencies and disasters. The current contract with Waste Management includes collection and disposal of vegetative storm debris generated from natural disasters.

Non-hazardous industrial process waste. Non-hazardous industrial process waste is disposed of in Subtitle-D landfills. Quantities and type of this material disposed is recorded and reported by the facility.

11.3 Options

Options were only developed for HHW related materials and not for the other smaller quantity wastes reviewed in this section.

Household Hazardous Waste. The structure of an HHW collection program can take many different forms including, but not limited to, the options described below, or a hybrid of these options:

- **Permanent facility (current service):** A community may own and/or operate a permanent facility that provides regular (monthly to multiple times per week) drop-off opportunities to residents. Ideally, a facility is centrally located within the service area (city or county), though convenient location for all customers is often challenging. This is currently Wyandotte County's program model hosting monthly collection events at a permitted facility, staffed by employees, contracting with a licensed company for material processing.

- **Periodic collection events:** Collection events are held in a community at designated intervals. Typically, a community selects an event location and contracts with a licensed company for proper processing and disposal of material.
- **Mobile collection:** A mobile vehicle or trailer with appropriate safety features (e.g., ventilation, explosion-proof, and material separation) may be owned by a community and staffed full or part time by trained personnel. This allows added flexibility with varied collection locations and more frequent collection opportunities and is lower-cost than a permanent facility. Material processing and disposal is typically contracted by a licensed company.
- **At-your-door collection (regular or on-call):** A community may choose to provide at-your-door HHW collection service as part of its curbside MSW services. This is a convenient option for customers but is often the most expensive program option on a cost per household basis.

Small quantities of hazardous waste. The county could provide a small quantity generator program to accept qualifying materials from businesses for a fee.

11.4 Recommendations

Based on the current system review, implementation of previous solid waste management plans, and an evaluation of options, the following recommendations are being made pertaining to the household hazardous waste sector.

1. **Continue monthly collection events.** In the immediate future, the County should continue to provide monthly collection events. It is important that residents continue to be provided with options for proper disposal of HHW materials. Monthly collection events may be replaced in the future by an alternative program if it is in the residents' and County's best interest.
2. **Consider more frequent hours of operation.** If financially feasible, consider expanding service to include weekly service hours of operation year-round with a permanent facility and staffing.
3. **Grant funding opportunities.** Additionally, the County should explore options to secure grant funding from the Kansas Department of Health and Environment to offset program costs.

No further recommendations are being made at this time pertaining to other waste discussed in Section 11.2 based on their limited quantity and County involvement.

12.0 PUBLIC EDUCATION & OUTREACH

Providing effective public education and outreach to residents is critical for the ongoing success of the County's solid waste management system. Guidance and support from the County can shape proper participation and positive program engagement experiences for residents which increases customer satisfaction and enables progress toward the County's goals. This section describes key points of customer engagement, potential methods for communication, key messaging, and strategies and recommendations.

12.1 Current System Review

The Unified Government has provided education and outreach on various topics of waste reduction, recycling, and composting. The messaging is typically broad in topic unless the messaging is geared toward promoting a time-specific event. A variety of communication methods have been utilized to promote the messaging.

Website. Through its website, the County provides detailed current information as a resource for residents regarding the types of services provided, types of materials accepted with each service, guidance for participation, and service schedules.

Newsletters. Information is distributed through local print and online periodicals including the Livable Neighborhoods Newsletter, Livable Neighborhoods E-Newsletter and in the Unified Government E-Newsletter. The Unified Government's E-Newsletter is published each Tuesday and has a distribution of approximately 3,000. The Livable Neighborhood Task Force newsletter is printed off for neighborhood groups monthly. There are over 5,000 copies printed each month.

Social media. The County utilizes its social media channels periodically to provide residents with information and reminders about topics such as service delays and special collection events.

Educational programming. Wyandotte County has networked with the Mr. & Mrs. F.L. Schlagle Library in Kansas City, Kansas for numerous years. They are one of two environmental libraries in the United States. They provide recycling-related programs to area schools. Additionally, Wyandotte County Extension provides numerous composting classes each year reaching thousands of participants.

12.2 Key Categories of Communication

There are two primary categories of customer engagement for residential MSW services. These include initial education and outreach for new programs and changes to existing programs as well as ongoing communications, and both are critical for long-term success the County's MSW management system.

1. **Initial Education and Outreach.** There are several programmatic changes included in this Plan that the County may consider implementing. If key or substantial changes to services result from the Plan, it would require that the County develop education and outreach plans specific to each program. When existing services change or new services are implemented, it is the County's responsibility to provide adequate education, guidance, and resources to enable residents and the County to transition successfully. Outreach and education should begin prior to implementation and should continue through a specified transition period after initial implementation. The appropriate length of a transition period will depend on the specific changes being made to the MSW system.
2. **Ongoing Communications.** In addition to developing specific, targeted public education and outreach plans for program changes, the County should ensure it has an effective plan for ongoing customer communications. Ongoing, regular communications will help to maintain strong customer engagement and proper participation habits and is important for long-term system success. Residents should have access to key information about services (e.g., collection times, collection days, accepted materials) when they need it, in the form of an up-to-date, clear website and an accessible customer service telephone number. Easy access to information will support proper participation and customer satisfaction. The County may use other methods to deliver periodic communications as needed, such as direct mail, email, flyers, etc.

12.3 Options

There are numerous public education and outreach methods the County could employ, some of which the County already successfully utilizes. The most effective and appropriate outreach methods will depend on the specific objectives of each communication. The methods chosen should be determined through consideration of factors such as target audience (typically all single-family residents), timeline, available funding, specific program or service, complexity of issues (initial outreach or ongoing outreach).

Collaborate with partners. It is important that the County collaborate closely with other appropriate entities to develop and execute outreach efficiently and effectively. Primary partners for public education and outreach include:

- **Contractors.** Cities should work with their contractor to ensure that proper participation instruction is communicated to residents. The contractor may have prior experience regarding successful participation behaviors and behaviors that may present challenges for residents or the County (such as set-out guidelines).
- **UG's Public Relations.** The Unified Government's Public Relations Department is a key internal resource that has existing public communication channels. The department has experience conducting public education and outreach for community services, events, and news. They produce and distribute newsletters and the content for the Unified Government TV station as well as manage the Unified Government's social media pages. They can provide guidance regarding successful communication methods and best practices and should collaborate on development and implementation of education and outreach initiatives.

Outreach methods. The specific education and outreach methods the County chooses to utilize will depend on the purpose of the communication. Some methods may be effective for many communication objectives, while other objectives may require more specialized methods or messaging. For example, it is best practice to update the UG's website on a regular basis, for all service changes or reminders, so that residents may use it as a reliable source of information. Specific or significant program changes often require more specialized, direct customer outreach as well as broad communications. The more direct contact the county and the cities have with residents, the more effective public education and outreach typically will be. It is often necessary to utilize multiple methods to effectively communicate with residents.

Potential public education and outreach methods include, but are not limited to

- | | |
|------------------------------------|---|
| • Booths at public events | • Press releases |
| • Cart tags | • Public meetings or workshops |
| • County Commission communications | • Short videos online or at public events |
| • Direct mail | • Social media |
| • Email | • Unified Government TV |
| • Flyers public spaces | • Municipal websites |
| • Mobile app | • Utility bill inserts |

12.4 Effective Messaging

The most effective customer communications have several characteristics in common:

- **Clear and simple.** Language should be direct and concise while also friendly and engaging. The Unified Government should define the primary focal points for program information and communicate them in a concise manner. Graphics-based communications should be utilized as much as possible.
- **Consistent.** Consistency in language and graphics is important to support clear customer understanding and proper program participation. Standardized language, instructions, and graphics should be used across communication pertaining to all types of services and should be consistent over time.

12.5 Recommendations

Based on the current system review, implementation of previous solid waste management plans, and an evaluation of options, the following recommendations are being made pertaining to the residential sector.

1. **Continue current public education and outreach efforts.** County and city governments should continue their current public education and outreach efforts.
2. **Commit resources.** The Unified Government should allocate resources and staff to support the Solid Waste Division on the communication and outreach efforts.
3. **Utilize clear, simple, consistent messaging.** The county and cities should utilize clear, simple language for all communications and employ use of graphic-based messaging where possible. Language, graphics, and information provided should be consistent across all outreach methods and all service types. Consistency will allow for the highest opportunity for proper, regular, and convenient participation in MSW management by residents.
4. **Leverage existing resources and partnerships.** Utilize communication methods already developed such as website, newsletters, social media, emails and Unified Government TV. Work with service contractor to distribute consistent messaging.

APPENDIX A - IMPLEMENTATION PLAN

	ID	Recommendation	Priority	Timeframe	Key Action Items and Notes	Responsible Party
Facilities	4.1	Collection Services: Consider and evaluate municipally provided residential MSW services	Low	Long-term	To be evaluated 3-4 years prior to end of current collection contract.	
	4.2	Transfer Station: consider and evaluate municipal facility	Low	Long-term	The role of transfer stations may grow as regional landfill capacity decreases.	
	4.3	Organics Processing Facility: consider and evaluate a municipal facility	High	Near-term	Evaluate sources and quantities of organic materials generated within the County and potential locations for the development of infrastructure. Consider public-private partnerships.	
Residential Refuse	5.1	Transition to county-wide cart-based refuse service.	Low	Long-term	To be evaluated 3-4 years prior to end of current collection contract. Planning and procurement of carts including zoning and code changes. A variance would need to be allowed for residents where carts are not practical.	PW, attorney, consultant
	5.2	Provide additional services: bulky item, yard trimmings			See sections below	
Residential Recycling	6.1	Provide all customers with a collection container	High	Near-term	As part of the current contract with WM, all customers pay for recycling service but have not yet received a collection container.	PW, service provider
	6.2	Transition to county-wide cart-based recycling service.	Medium	Near to mid-term	Planning and procurement of carts including zoning and code changes. A variance would need to be allowed for residents where carts are not practical.	PW, attorney, consultant
	6.3	Consider every other week collection frequency	Low	Long-term	During the next procurement process, seek bids for a variety of service frequencies including weekly and every other week. Every other week collection is most likely less costly than weekly collection and may allow for additional services on alternating weeks.	PW, Purchasing, consultant
Bulky Item	7.1	Reduce bulky item collection frequency				PW, attorney, consultant

	ID	Recommendation	Priority	Timeframe	Key Action Items and Notes	Responsible Party
	7.2	Provide separate bulky item collection		Long-term	Procure service in next bid procurement process. Request a variety of options including collection monthly, quarterly, and call-in.	PW, Purchasing, consultant
	7.3	Investigate opportunities for bulky item drop-off	Medium	Mid-term	Consider including requirements to allow residents to drop off bulky items through contract service agreements and special use permits at solid waste facilities (i.e., Republic Transfer Station). Consider adding bulky item drop-off to the Unified Government Recycling and Yard Waste Facility.	PW, Business License
Yard Trimmings	8.1	Provide separate yard trimmings collection	High	Long-term	Procure service in next bid procurement process. Request a variety of options including collection weekly, every other week, monthly, and seasonally. Likely a minimal to moderate cost increase.	PW, Purchasing, consultant
	8.2	Continue to consider long-term potential for food scraps diversion	Low	Long-term	Consider food scraps diversion, depending on development of markets, local processing options, and residential demand.	PW
Commercial/Multifamily	9.1	License commercial haulers and require as a provision to report waste and diversion tonnages	Medium	Mid-term	Develop an ordinance that requires haulers to become licensed through County and report the amount of refuse, recyclables, and/or organics collected on an annual basis.	PW, Business License
	9.2	Business license requirement to provide for solid waste services	High	Near-term	Require as a provision of the current business licensing program that waste removal services are provided. Enforcement can be added to the Building Inspection which is already a function of the License Division's process.	PW, Business License
	9.3	Provide education and outreach	Low	Mid to Long-term	Where staffing is available, a free technical assistance program could work with businesses to identify ways that participation can be increased where diversion and recycling options exist.	PW
C&D	10	Lead by example: adopt an ordinance for county funded projects to require a minimum standard of C&D recycling and use of recycled materials	Low	Long-term	This could be an adoption of LEED standards for all County projects.	PW, attorney
HHW	11	Continue monthly collection events	High	Near-term	Annual program costs will remain comparable to recent years.	PW
	11	Explore opportunities to increase service frequency	Medium	Long-term	The County already has the infrastructure with a permanent HHW Facility. Increasing collection days would incur costs for staff and material disposal.	PW

	ID	Recommendation	Priority	Timeframe	Key Action Items and Notes	Responsible Party
	11	Explore grant funding opportunities through KDHE	Medium	Near-term	KDHE offers annual grants for HHW programs looking to expand programs and services.	PW
Education and Outreach	12	Continue current public education and outreach efforts	Medium	Ongoing	Hire or designate staff to focus on efforts.	PW
	12	Utilize clear, simple, consistent messaging	High	Ongoing		PW
	12	Utilize existing resources when possible	Medium	Ongoing	Local and national organizations offer material for public use (MARC, Resource Recycling, etc.) which may reduce costs associated with developing original public education materials. Extend outreach through community partnerships and service provider.	PW, service provider

APPENDIX B – SUPPORTING PLAN INFORMATION

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Soils

The latest soil survey of Wyandotte County, Kansas was conducted by the US Department of Agriculture Soil Conservation Service in cooperation with the Kansas Agricultural Experiment Station published in 1977. The full report is attached and describes the acreage and proportionate extent of the soils in the County (See Attachment 1).

Geology and Hydrogeology

The following description was obtained from the Jewett and Newell, “The geology of Wyandotte County, Kansas: Kansas Geological Survey”⁴⁰:

The topographic features of Wyandotte County are produced by the two major streams, Missouri and Kansas rivers, and their tributaries, the surface being deeply dissected. The rocks of this region, as in adjoining parts of the state, consist of beds of limestone, shale, and sandstone, dipping gently to the northwest. The relief is not unlike that of adjacent areas, the maximum difference of elevation being approximately 320 feet, ranging from less than 740 feet above sea level at Missouri river on the east to about 1,060 feet on the upland of the western part. of the county. The stream pattern is typically a dendritic one, with occasionally a suggestion of a trellis pattern in the tributaries of Kansas river. The course of Kansas river across the county appears to be controlled largely by the attitude of the underlying rocks, as can be seen by referring to the accompanying structural map of Wyandotte County.

The land surface consists of rolling upland occupying the divide between the two rivers, and a relatively large area occupied by the stream valleys. The county lies just within the boundary of the Glaciated Plains and presents the topographic features of early maturity, modified but slightly by the Pleistocene glaciation.

Part of the uplands are modified by thick deposits of loess and drift, especially in the eastern and northern parts of the county adjoining Missouri river, where the surface presents the rolling aspect typical of many loess-covered regions.

The exposed strata control the configuration of the valley walls, the limestone beds forming terraces and the shale beds producing more or less gentle slopes. In general, the distinct benches

⁴⁰ Jewett, J.M., and Newell, N.D., 1935, The geology of Wyandotte County, Kansas: Kansas Geological Survey, Bulletin 21, pt. 2, pp. 151-205.

are formed by the Dennis, Westerville, Drum, Argentine (in particular), Plattsburg and Stanton limestones. The remainder of the limestone and sandstone beds are either too thin or not sufficiently resistant to produce distinct terraces.

In a few places alluvial terraces occur along tributaries of Kansas and Missouri rivers, principally along those of Kansas river. The tributaries to Missouri river within the area are relatively short and have correspondingly high gradients. The streams following into Kansas river may be divided into two categories, those having a low gradient, a wide open valley, and a broad plain; and those having a relatively high gradient, narrow, steep valley, and no flood plain. Streams of the former class include Big Stranger creek, Wolf creek, and Little Turkey creek on the north side of Kansas river, and Wakarusa creek, Kill creek, Cedar creek and Mill creek on the south side of the river. These streams have terraced valley walls in places and wide flood plains, into which in some cases' the streams are now actively cutting. Kill creek, for example, near De Soto, Johnson County, is now cutting its bed for a considerable distance in solid rock, whereas the alluvial terraces indicate that the valley was previously filled to a considerable depth and is now being excavated again.

Climate and Rainfall

Climate in Wyandotte County is typical of the humid continental Midwestern United States. Summers are hot and humid with mild nights; falls are mild with cool nights; winters are cold. Spring can bring frequent weather changes with severe storms possible. Average temperatures in January are a high of 38 F and low of 18 F. Average temperatures in July are a high of 89 and a low of 66.⁴¹

Average annual precipitation is comprised of about 34 inches of and 20 inches of snow. Nearly two-thirds of the precipitation falls between May and August. Winters are generally dry.

Transportation

Wyandotte County is served by five Interstate highways: I-70, I-35, I-670, I-635, and I-435; and five designated US federal highway routes: 24, 40, 69, 73, and 169. Three Kansas State highway routes traverse the county: K-5, K-7, and K-32. There is a total of over 1,300 miles of federal, state, and local

⁴¹ U.S. Climate Data. www.usclimatedata.com.

roads in the county. Three major railroads — Burlington Northern-Santa Fe, Union Pacific, and Southern Pacific— operate on a total of about 285 miles of tracks (including all rail yards and main lines).⁴²

Air Pollution

The Wyandotte County Air Quality Program is responsible for operating an extensive ambient air quality monitoring network. This program monitors the ambient levels of pollutants such as ozone (O₃), carbon monoxide (CO), sulfur dioxide (SO₂), nitrogen oxides (NO_x) and particulate matter (PM). It also operates a complex weather station. Federal health levels, or National Ambient Air Quality Standards (NAAQS), are set for each of six major pollutants. This program monitors these six pollutants to ensure that their levels do not increase above the NAAQS. Wyandotte County coordinates closely with the Mid America Regional Council and the other state and local agencies in the region to ensure that good data is collected and reported.

The greater Kansas City metropolitan area has struggled for decades to maintain attainment with the ozone pollution standards. The State of Kansas developed a State Implementation Plan for achieving attainment and a regional effort has been ongoing.

Sewage

Wyandotte County and its municipalities are responsible for the safe collection, transportation, and treatment of wastewater generated by residential, industrial, and commercial customers. They provide wastewater and stormwater services for residents across Wyandotte County which includes the maintenance and operation of wastewater and stormwater sewers, six wastewater treatment plants, wastewater pump stations, flood pump stations, miles of flood control levees. The wastewater system is made up of both combined and separate sewer systems.

Water Resources and Public Water Supply

The majority of Wyandotte County water services are provided by the Kansas City Board of Public Utilities (BPU), a not-for-profit municipal utility. BPU serves over 51,000 water customers in a service area of approximately 152 square miles. This service area includes Kansas City, Kansas, Edwardsville, southern Leavenworth County, parts of Bonner Springs and a small section of northern Johnson County. BPU's state-of-the art water system has the capacity to pump 72 million gallons of water a day (MGD),

⁴² Unified Government of Wyandotte County/Kansas City, KS, GeoSpatial Services, "Wyandotte County, KS Geographic Fact Sheet" 2014.

including one water treatment facility; three major pump stations; 1,000 miles of water pipes and two of the nation's largest horizontal collector wells.⁴³

BPU's water comes from the Missouri River watershed, which represents nearly one-sixth of the area of the continental United States. The Missouri River carries runoff from predominantly rural, non-industrialized regions. BPU water is collected and filtered through two horizontal collector wells in an aquifer deep below the Missouri River.

Before this "raw" water turns into drinking water, it is cleaned, treated and tested at BPU's Nearman Water Treatment Plant. The plant opened in 2000 and offers the latest treatment and technology methods available. Once the water meets or surpasses all regulations, it is then distributed through underground pipes to customers.

Local and Regional Land-Use Development Plans

Each municipality in the County oversees a local planning department responsible for land use planning. The Unified Government Planning and Urban Design Department has developed a variety of comprehensive planning documents. The mission of the department is to enhance the long-term value and livability of Wyandotte County through the design of a regenerative community that is socially just, economically accessible, culturally diverse and environmentally sustainable.

The Plans and resources are available on the County website and include the following:

- City-Wide Master Plan

- Area Plans

- Community Plans

- Historical surveys and resources

Additionally, the Mid-America Regional Council develops regional plans for the Kansas City Metropolitan Area which includes Wyandotte County and eight other local counties. One of the recent land-use development plans include the Regional Plan for Sustainable Development, updated in March 2014, which is a compilation of key regional plans and strategies with common goals and themes.⁴⁴

⁴³ Kansas City Board of Public Utilities, www.bpu.com.

⁴⁴ Mid-America Regional Council website: <http://www.marc.org/Regional-Planning/Creating-Sustainable-Places/Plans/Regional-Plan-for-Sustainable-Development>



APPENDIX C - SALVAGE YARDS



Burns & McDonnell World Headquarters
9400 Ward Parkway
Kansas City, MO 64114
O 816-333-9400
F 816-333-3690
www.burnsmcd.com





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Staff Request for Commission Action

Tracking No. 211372

Full Commission Meeting Date: 3/31/22

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 3/7/22
(If none, please explain):

Publication Required: No

<u>Date:</u> 03/24/2022	<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, Land Bank Manager 9 Single Family Homes 4 Multi Family Units				
<u>Action Requested:</u> Approve				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> FC Memo Land Bank Options 03.31.22				



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, 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, Land Bank Manager
DATE: March 24, 2022
SUBJECT: Option applications for consideration

The following **option application(s)** was presented at the 03/07/2022 meeting:

A. New Construction - Single Family Homes – 9 Homes

1. Kip Myers – 5 Single Family Homes
 - i. 2903 Farrow Ave – 164901
 - ii. 2907 Farrow Ave – 164903
 - iii. 2935 Farrow Ave – 164909
 - iv. 3001 Farrow Ave – 165000
 - v. 3109 Farrow Ave - 165008
 - vi. *Summary* - I want to revitalize areas of the city that I grew up in by building affordable housing (average sales price \$160k). Create a proof of concept that will encourage other fledgling builders to come into the city.
 - vii. *Staff Comments* – Lots will require a narrow lot review
2. Richard Dumas – 1 Single Family Home
 - i. 618 N 11th St – 080519
 - ii. *Staff Comments* – Narrow lot review
3. Flora Nyakatura – 1 Single Family Home
 - i. 3649 N 55th ST – 025900
 - ii. 3639 N 55th ST – 025901
 - iii. 3625 N 55th ST - 025903
 - iv. *Summary* – Requesting 3 lots to get up to 1 acre for the septic system, because of no access to sewer.
4. Jonathan Hopmann – 1 Single Family Home
 - i. 802 Tauromee Ave - 090415
 - ii. *Summary* – The applicant is on a mission to provide affordable housing. This project is the 1st attempt at testing the feasibility of making new construction affordable. If the project is successful, the applicant is prepared to develop several single-family homes.

5. Jonathan Pitallo – 1 Single Family Home
 - i. 805 N 12th St - 080816
 - ii. Summary – The applicant's goal is help develop and build new residencies in Wyandotte County.
 - iii. *Staff Comments* – Due to no alley access the home should be built with the front facing Ann Ave, and the driveway off of 12th St

B. New Construction – Multi Family – 2 Duplexes

1. Martinez Porfirio - 2 Duplexes
 - i. 2510 N 10th ST - 157402
 - ii. 2506 N 10th ST – 157403
 - iii. 2500 N 10th ST - 157404
 - iv. *Staff comments* – would need an environs review, and a narrow lot design guidelines review.



Staff Request for Commission Action

Tracking No. 211373

Full Commission Meeting Date: 3/31/22

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 3/7/22
(If none, please explain):

Publication Required: No

<u>Date:</u> 03/24/2022	<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, Land Bank Manager 2 Yard extension requests 1 Property transfer				
<u>Action Requested:</u> Approve				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> FC Memo Land Bank Property Transfers 03.31.22				



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

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M E M O R A N D U M

TO: Neighborhood & Community Development Standing Committee
FROM: Jud Knapp, Land Bank Manager
DATE: March 24, 2022
SUBJECT: Property Transfers applications for consideration

The following **property transfers application(s)** was presented at the 03/07/2022 meeting:

D. Yard Extension

1. Bill Mosburg
 - i. 730 R Northup Ave - 119516
 - ii. Currently owns
 - A. 238 N 7th St - 119517
 - B. 236 N 7th St - 119126
 - iii. *Summary* – This is a small 30 x 30 lot that is surrounded by B&J Peerless Food Service Equipment.
 - iv. *Staff Comments* – unbuildable lot
2. Frank Piper
 - i. 3915 Ford Ave – 912712
 - ii. Currently owns
 - A. 3911 Ford Ave – 912711
 - B. 150 N 38th ST – 912708
 - iii. Staff Comments – Unbuildable lot

E. Property Transfer

Brien Darby – Garden

- i. 311 Franklin Ave – 110412
- ii. Currently owns 315 Franklin Ave – 110413
- iii. *Summary* – the applicants are graduates from Cultivate KC, and are looking for a location to start their garden. They have already purchased 315 Franklin Ave, and are also are trying to purchase the 3 lots to the west of this location from the private owner. (317,321,323 Franklin Ave)
- iv. *Staff Comments* - They will need a variance if they build any accessory structure on the property (i.e. tool shed) without a primary structure (i.e. a single-family home in this zone district).
- v. *Land Bank Advisory Board Comments* - How will the ongoing maintenance be enforced? This is a buildable lot that a home could be built on.

