

**NEIGHBORHOOD AND COMMUNITY DEVELOPMENT
STANDING COMMITTEE MINUTES
Monday, March 7, 2022**

The meeting of the Neighborhood and Community Development Standing Committee was held on Monday, March 7, 2022, at 5:00 p.m., remotely via Zoom. The following members were present: Stites, Davis, Burroughs, and McKiernan, Chairman. Commissioner Townsend was absent. The following officials were also in attendance: Greg Talkin, Director of the Neighborhood Resource Center; Wendy Green, Senior Counsel; Melissa Sieben, Alan Howze, Emerick Cross, and Bridgette Cobbins, Assistant County Administrators; Jud Knapp, Land Bank Manager; and Terri Kimble, UG Clerk's Office.

Chairman McKiernan said, Commissioner Burroughs, I'll turn it over to you at this point to get us started. **Commissioner Burroughs** said as you are aware, and the notice has gone out, there is no Economic Development Committee scheduled for this evening. So, with that, I will return the podium back to you, Commissioner McKiernan.

Chairman McKiernan said before I call this meeting to order, I want to announce that due to COVID-19, some members of the committee, some staff, and the public are attending remotely via Zoom as well as some being on-site.

All participants joining by phone or Zoom or computer should mute their devices when not speaking to avoid background noise. During this meeting, please make sure that you announce yourself by name and title every time you speak so that the public who's observing knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

The public is allowed to participate by Zoom or submit comments by email prior to the meeting, and those comments will be included in the record of the meeting. The public will also have an opportunity to provide brief comments from the lobby of the Municipal Office building if they choose.

With that said, we want to welcome everyone to this meeting of the Neighborhood and Community Development Standing Committee.

Chairman McKiernan called the meeting to order. Roll call was taken and all members were present as shown above.

Chairman McKiernan said to the best of my knowledge, there have been no revisions to the agenda since it's published. Am I correct in that? **Terri Kimble, UG Clerk's Office**, said correct. There were no revisions.

Approval of standing committee minutes from November 8, 2021. **On motion of Commissioner Burroughs, seconded by Commissioner Davis, the minutes were approved.** Roll call was taken and there were four "Ayes," Stites, Davis, Burroughs, McKiernan.

Item No. 1 – 211346...ORDINANCES: ADOPTION OF PROPOSED BUILDING AND FIRE CODE UPDATES

Synopsis: A proposal for the adoption of "The 2018 Suite of Codes and Amendments to Chapter 8-Building and Building Regulations/Chapter 15-Fire Prevention and Protection," submitted by Greg Talkin, Director of Neighborhood Resource Center.

Greg Talkin, Director of the Neighborhood Resource Center, said thank you, commissioners and administration, for having us back. We had brought back, or we had met with the Neighborhood and Community Development Standing Committee back in January and kind of gave them an overview, and it was for information only, about our efforts to adopt the 2018 I-Code Standards. I have like a five-minute presentation, not as lengthy as last time.



March 7, 2022

Neighborhood and Community
Development Standing Committee

Building/Fire Code Adoption Request

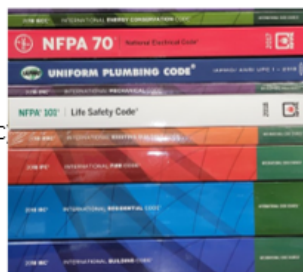
Presented by: Greg Talkin, NRC Director
Anthony Hutchingson, Chief Building Official
Patrick Holton, Property Maintenance Compliance Manager
John Droppelmann, Fire Marshal

March 7, 2022

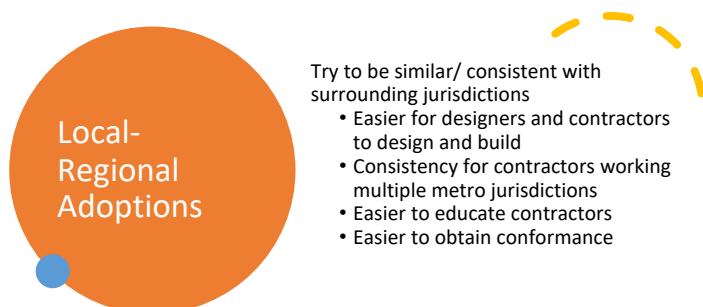
So, once again, we were with you in January where we proposed to adopt new standards and we're back here in March.

Codes being Proposed:

- 2018 International Building Code (IBC)
- 2018 International Residential Code (IRC)
- 2018 International Existing Building Code (IEBC)
- 2018 International Mechanical Code (IMC)
- 2018 International Energy Conservation Code (IECC)
- 2018 Uniform Plumbing Code (UPC)
- 2017 NFPA 70 - National Electrical Code (NEC)
- 2018 International Property Maintenance Code
- 2018 International Fire Code (IFC)
- 2018 Life Safety Code NFPA 101



Once again, the codes we are proposing are basically 2018 International Building Codes, along with a couple of NFPA Standards for the Fire Code and the Electrical Code.



If you recall, I was telling you about our approach on this. Our approach is trying to be as much in line with most of the metro jurisdictions as we can for simplistic sake. It makes it easier for designers that work in this area and contractors to design and build. It's consistency for contractors working in multiple jurisdictions. It makes it easier for them. It's easier to educate the contractors and especially in the situation here is that we're a little bit further behind than most jurisdictions. So, they've been enforcing these standards for about a year. A lot of those contractors are already up to speed and it's easier to obtain conformance, mainly because of all of those reasons.

Local-Regional Adoptions:					
City/County	Considering 2021 I-Codes?	Current I-Code Versions Adopted	City/County	Considering 2021 I-Codes?	Current I-Code Versions Adopted
KCK - current	2018	2012	Prairie Village	IECC Only?	2018
Bonner Springs	No	2015	Leawood	No	2018
Edwardsville	2018	2012	Olathe	No	2018
Fairway	No	2012	Spring Hill	No	2006
De Soto	No	2018	Gardner	No	2018
Mission Hills	No	2018	Johnson County	No	2018
Edgerton	No	2006	Douglas County	2018	2012
Shawnee	No	2018	Lees Summit Mo	No	2018
Lenexa	No	2018	Kansas City Mo	IECC Only?	2018
Overland Park	No	2018	Gladstone Mo	Adopted	2021

I do have a quick chart here, again. As it shows here, most of the larger jurisdictions in the metro Kansas City area are underneath the 2018. Something I did find out while doing a little bit more research between last meeting is Edwardsville is also looking at adopting the 2018; another city within our community. Bonner Springs has no efforts to change right now from the 2015 they're currently under.

It was noted in the last meeting by a couple of the individuals that spoke, that there was a couple of jurisdictions that were considering the 2021 I-Codes and maybe just a portion of those, like Prairie Village and Kansas City, Missouri, are currently considering the adoption of only the 2021 I-Code and leaving the rest of their I-Codes under the 2018. I tried to get an update on both of those, but I sent that out a little bit late and I've not got a response back from those two cities as to where they are at and if they are moving forward.

Now, there was a note that Gladstone, Missouri, had adopted the 2021 codes, and that is correct. They are the only jurisdiction in this area that is even considering and has adopted the '21 code. I checked with all the other jurisdictions and got responses back that everybody else is waiting for the 2024. They won't be doing the adoption of the 2021.

2018 International Energy Conservation Code® (IECC®) Amendments

- No Amendments in the Commercial Energy Sections being Proposed
- Residential (IRC) Energy Section Amendments Proposed:
 - Amended Insulation and Fenestration Table
 - Amended Testing to the discretion of the Building Official
 - Deleting the requirement of gasketing and thermal isolation of rooms containing fuel burning appliances
 - Amended allowing use of Building Cavities to be used as supply ducts - must be sealed to prevent leakage through thermal envelope
 - Amended Maximum ERI value to 80. Puts us in line with majority of Metro Cities

The only code I'm really going to touch on, because it's the only code that has brought up some questions, is the Energy Conservation Code. What we're proposing in that code is that we're proposing no amendments to the Commercial Energy Section of the International Energy Code. Originally, we did have some amendments, but after we went through the efforts of getting public feedback and looking where all the other jurisdictions landed, we removed all amendments and we're taking that as wrote.

Where we are proposing some amendments in the ordinances we have is, we are amending the Insulation and Fenestration Table, reducing those values a little bit. Still more than the current values that we have. We are amending at least a portion. We are amending the testing to discretion of the building official, depending on the approach taken for compliance. We're deleting the section that requires gasketing and thermal isolation of rooms containing fuel burning appliances within the building envelope, and we amended allowing the use of building cavities to be used as supply ducts. However, they must be sealed to prevent leakage through the thermal envelope. We amended our maximum ERI value to 80. It puts us in line with the majority of the metro cities.

City/County	Fenestration U-factor Footnote a	Skylight U-factor Footnote b	Glazed Fenestration SHGC Footnote b	Ceiling R- Value Footnote g	Wood Frame Wall R-value	Mass Wall R-value	Floor R-value	Basement Wall R-Value Footnote c	Slab R-Value & Depth	Crawl Space Wall R-Value Footnote c	Energy Rating Index
2018 IRC/IECC	0.32	0.55	0.40	49	20 or 13+5	8/13	19	10/13	10, 2 ft	10/13	62
UG/KCK Current - 2009 IECC	0.35	0.60	NR	38	13	5/10	19	10/13	10, 2 ft	10/13	baseline
UG/KCK Proposed	0.32	0.55	0.40	49	13	8/13	19	10/13	10, 2 ft	10/13	80
Shawnee	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Overland Park	0.34	0.55	0.31	49	13	8/13	30	R10/11, 3ft	10, 2ft	10/13	68
Prairie Village	0.32	0.55	0.40	49	15	8/13	19	10/13	10, 2ft	10/13	68
Lenexa	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Leawood	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Olathe	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Gardner	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Kansas City Missouri	0.32	0.55	0.40	49	13	8/13	19	10/13	10, 2 ft	10/13	75
Johnson County	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Gladstone MO(2021)	0.30	0.55	0.40	38	13	8/13	19	5/13	10, 2ft	5/13	56

This table here just kind of shows all of the values across the metro and the larger jurisdictions that have adopted the 2018, and a few smaller ones. We're pretty much in line with most of the values that we've amended or kept. That doesn't mean we amended all these values, but the mass R-Value is one that was heavily amended by most jurisdictions—or, I'm sorry, the basement—the mass R-Value or Wood Frame R-Value, sorry. I also want to note that the note was made about Gladstone, Missouri, adopting the 2021 Standards. I will note on their energy provisions, they amended that code basically back to the 2009 version. It's less than what we're proposing. Even though they're

adopting the 2021 standard on the residential portion, they are going back to about—to close to what the 2009 energy table stated.

Pros and Cons
of Adopting Energy
Provisions with
Amendments vs.
No Amendments

- Pros of Unamended Code:
 - Better energy efficiency that should result in lower energy costs
- Cons of Unamended Code:
 - Significant construction cost increase that is paid by the builder and ultimately by the homeowner/ purchaser
 - May deter contractors from building here
- Pros of Amending the Code:
 - New homes would be more affordable
 - Builders would be more willing to build here as we would be in line with the other jurisdiction they work in
 - Housing construction costs would be more affordable meaning builders would be more willing to build here
- Cons of Amending the Code:
 - May result in higher energy costs paid for by the property owner

I had a request from Commissioner Davis, which was a very good request—and I hope this helps—wanted to have the pros and cons of adopting the energy codes with amendments versus no amendments.

A pro of an unamended code is there will be better energy efficiency that should result in lower energy costs for the home occupier, or the homebuyer, or whomever—if it's rented, it will be the occupier.

Cons of the unamended code: significant construction cost increase paid by the builder and ultimately by the homeowner/purchaser, and it may deter contractors from building here.

Pros of amending the code: the new home would be more affordable, builders would be possibly more willing to build here as we would be in line with the other jurisdictions they work in, and housing construction costs would be more affordable meaning builders would be more willing to build here.

Cons of amending the code may result in higher energy costs paid by the property owner or the person that occupies the structure.

Upon Approval
by Governing
Body –
Proposed
Timeline of
Implementation

New Codes or Old Codes will be allowed to be used for a period of 180 days after the approval of the governing body and required publications are met.

If a project has already been submitted for review it will be allowed to stay with the code set originally submitted under.

If the project becomes stagnant for a period requiring resubmittal, then the new project may have to be submitted under the codes in place at the time of resubmittal.

That is basically the update that I'm providing. However, I will note if the committee chooses to approve this and then it goes to full commission as approved, our proposed timeline after approval and publication in the paper would be to allow new codes and old codes to be used for a period of 180 days or 6 months after the approval of the governing body and required publications are met. If a project has already been submitted for review, it will be allowed to stay with the codes that it's originally submitted under. However, if the project becomes stagnant for a period requiring resubmittal, then the new project may have to be submitted under the codes in place at the time of resubmittal. This is my presentation this evening. I'm kind of turning it back over to you, Commissioner McKiernan. If there's any questions for me, I will be happy to answer.

Chairman McKiernan said thank you, Mr. Talkin. Much appreciated. I do have one question before I turn it over to the rest of the committee. In the chart that you provided in the agenda materials, it would appear based on—it shows basically the year that each of the surrounding jurisdictions has adopted each bit of the code. It would appear that with the exception of Bonner Springs and Spring Hill, adopting the 2018 Code would put us pretty much in line with all other surrounding Kansas cities as well as Kansas City, Missouri. Is that correct? **Mr. Talkin** said yes, the only exception is Kansas City, Missouri, is considering looking at the '21 Energy Code only.

Chairman McKiernan said, but according to this chart, they're currently under the 2012. **Mr. Talkin** asked, Kansas City, Missouri?

Chairman McKiernan said yes. **Mr. Talkin** said right here is they're 2018.

Chairman McKiernan said okay, so they have adopted the 2018. Adopting this would put us in line with their current ordinance? **Mr. Talkin** said correct.

Chairman McKiernan asked, do any other members of the committee have comments or questions for Mr. Talkin?

Commissioner Stites said, Greg, thanks for the presentation. If I'm not mistaken, Edwardsville, when I was there, we were going over this and that timeline is pretty short, if I remember right, on them moving forward on the 2018. Is that correct?

Mr. Talkin said they didn't actually give me a timeline. I was told that they were currently reviewing them and were heavily considering moving forward with adoption. They didn't guarantee they were going to, but they sounded pretty confident.

Commissioner Stites said yes, and that is what I remember also. So, that would put everybody in our county on that 2018.

Mr. Talkin said it would leave Bonner at 2015. They are not considering adopting. They're the only jurisdiction in, the I think, almost the entire metro area that even adopted the 2015. Usually everybody skips that cycle. **Commissioner Stites** said okay, thank you.

Commissioner Davis said thank you, Greg, so much. That was a really good presentation. Chair and other members, I pushed for this just because, and I do not have a crystal ball, but energy usage, utility costs are—it's a huge, huge dinner table family conversation right now. This is a huge, huge deal for our residents that are dealing with energy costs that do come out of the form of utility costs, and so I just wanted us to at least have enough information to know what the impact of our vote will be. I do want to ask a clarifying question. Chair, are we voting on the unamended codes or the amended codes, or what will our vote be?

Chairman McKiernan said our vote will be for the code as submitted to us. Mr. Talkin, if you could just, again, briefly give us the places where we have amended 2018.

Mr. Talkin said a number of the amendments, and I'll keep the energy code to last, the amendments are mainly in the administrative provisions of the codes and standards putting us in line with state law statutes for notice provisions and other legal matters. We did amend a few small items in the Residential Code outside the energy provisions, but there was nothing real substantial in there. The Fire Code, made an amendment about distances for roads in subdivisions and entrance numbers back to make meeting what they had currently adopted. When it gets to the energy, there were no limits, once again, in the commercial and the amendments in the residential basically where these items that I had placed up here. These are in the ordinances that are being proposed for, or requested to be approved.

Chairman McKiernan asked, how do these amendments compare to or line us up against surrounding jurisdictions?

Mr. Talkin said it puts us in line with the majority of all the jurisdictions in our metro area.

Chairman McKiernan said very good. Commissioner Davis, that's all the questions I have. I'll turn it back to you.

Commissioner Davis said we do have just a few questions—I don't know if my other question was answered. So, we're voting on the amended codes for 2018?

Chairman McKiernan said voting on the code as amended and presented, yes.

Commissioner Davis said okay, cool, just want to make sure.

I do have some questions for Mr. Talkin. Thank you for that'. That was a very transparent presentation, so I really do thank you for that. So, for—could you go back to the sheet where different cities were being compared. For these cities, do they also have amended Residential Codes as well? **Mr. Talkin** said yes.

Commissioner Davis asked, do you have an idea of how many of them? **Mr. Talkin** said almost all of the Johnson County cities have done some amendments. Once again, we are, I would say we're in line with a majority of all the Johnson County cities with the amendments, doesn't

matter for the energy or some of the other things that we make small amendments on. I think Johnson County, on their energy stuff, did less amendments than most, and Prairie Village did too; but we are either equal to or maybe even greater than most of the other jurisdictions in Kansas that adopted the 2018 Standards.

Commissioner Davis said okay, got you. Would that also hold true for our Missouri neighbors as well?

Mr. Talkin said Kansas City, Missouri, will be in line with all the I-Codes, except the Energy Code. They did not adopt the Energy Code. They held off with basically the 2012 Standards until they're going back and they are reviewing possibly adopting the 2021. I'm assuming that if they don't do that for some reason, they will probably move forward to adopt the 2018 Standards with the Energy Code. I've had some communication with Kansas City, Missouri. Once again, I reached out to them yesterday. I should have reached out a little bit earlier. I've haven't got a response back. I was trying to find an update of what Kansas City, Missouri, was doing and I did not get that.

Commissioner Davis said okay. I guess I'm still trying to ascertain kind of where this kind of puts us if we were to adopt these Residential Codes. The reason why I'm asking these questions, just for the public, just for my peers, again, this is going to have implications on utility costs if the way that the home is designed is not as energy efficient as it could be. Because of the way in which we have designed our code that we will have homes which they may not be as well as they could be as far as withstanding high temperature summers or low temperature winters. That's really where my concern is.

The other question that I wanted to ask you was kind of the significant construction costs. Could you talk a little bit more on kind of how these codes would have an impact on construction costs?

Mr. Talkin said I think the major portion is materials, construction materials, especially right now are really volatile. I mean energy is too. But the cost of wood, and windows and everything in the construction industry, it's shot up more than probably 50% during the pandemic. It came down

for a while; got reasonable. But, I will tell you, the increased costs shot back up again, especially in framing and lumber. So, in this scenario, if we didn't amend the code, the cost of building walls and the cost of the additional insulation, windows, doors have to be modified generally in most instances to make them fit a wider wall. The cost of construction itself, labor has increased some. So those are the majority of the costs that would be increased. It's mainly due to, of course, materials and labor; and just the more efficient construction is more detailed and requires quite a few modifications.

Commissioner Davis said I guess my biggest concern with, I guess voting in favor of this—and I will rest here after this—there are multiple factors in the market that can control the cost of construction, that can control housing prices that are beyond the impact or influence of the codes. Even with these codes, no matter what year they are, no matter how restrictive they can or cannot be towards developers because there are other factors that impact them, my main concerns are the residents, or the occupants that will have to pay whatever costs is transferred to them. I'd prefer we go with what's kind of resident-friendly so that we can mitigate the costs for our residents. That's not to say that I'm against infill housing or that I do not want our developers to be able to have the affordable tools to build. But, the codes alone do not have the single impact on whether or not developers are able to build. With that, I will rest here.

Chairman McKiernan asked, does any other committee member have questions or comments for Mr. Talkin? I don't see any in response.

Commissioner Davis, I completely understand where you're coming from on this that utility costs are a cost that must be borne and sometimes within the umbrella of housing costs by people in our community. The less efficient any given structure is at construction or at renovation, then theoretically, the higher those utility costs will be. But the argument—the counterargument to that would be, that building to a higher standard will incur a greater upfront costs which might then be a barrier to someone acquiring either doing that renovation or buying that new construction. So the counterargument is it's a question of upfront versus deferred costs.

I would wonder if some of our older homes, even if they were upgraded, renovated to the 2018 code would, in fact, enjoy an increase in energy efficiency that would then keep or lower utility costs going forward. It seems to me, at least, based on a couple of the houses that I've lived

in, that those that were built at the turn of the century or the turn of the 19th, 20th Century or a little bit after, were not very well-insulated or constructed for energy efficiency. We certainly still have a lot of those in our community. That's what goes through my mind as I think about this. Would even upgrading those to the 2018 be such an improvement that it would be a savings for the occupant of those structures?

Chairman McKiernan said, at this time, I would ask if there's anyone in attendance who'd like to make public comment on this item? I do have several people who are in the attendees list. I know Ms. Wolfe has had her hand up a couple of times, so I certainly would like to recognize her first. Then, it appears there's a Ms. Riead, Ms. English and a Central Energy Audits, and we will get to all of you in just a moment. But, at this point, I'll recognize Ms. Wolfe. What I'll say to everyone is, if you would please give us your name, your city of residence for the record, and then you'll have three minutes to share your comments with the committee.

Emily Wolfe, Wyandotte County, KS, said I'm with Metropolitan Energy Center, a lifelong resident of WyCo currently living in the Third District so, 449 Booth Street, Kansas City, Kansas. I want to highlight some misconceptions regarding the Residential Energy Codes. So, first adopting the unamended code will not align the UG with the rest of the metro area. Missing on that chart was when certain municipalities adopted the 2018. In 2018 and 2019, many municipalities began adopting the 2018 Building Codes, meaning they will likely begin looking at the 2021 Building Codes, the latest iteration in the next few years. As Greg mentioned, the City of KCMO is currently drafting an ordinance. It would have been great if you could have reached out to them a little sooner than yesterday regarding the energy, looking at the 2021 Energy Code. Overland Park and Prairie Village recently adopted less amended codes and directed staff to start looking at the 2021. My point is this. By adopting a heavily amended 2018 Code in 2022, the UG will be quickly nearby the municipalities in the coming years, maybe not this day, but give it a year or so when they start looking at the 2021 we will be.

Next, the 2018 Energy Code is cost-effective. We've actually sent Greg Talkin's office several examples from the U.S. Department of Energy Midwest Energy Efficiency Alliance, who also took into account the rising building prices. What they found is the 2018 Residential Code for Kansas compared to the 2009 Code, which the UG currently has adopted, they found out that

was cost-effective. They would add approximately \$336.00 to a homeowner's initial costs but resulted in net annual cash flow savings of \$312.00 each year. I can send those. I'm more than happy to send those analysis again. **Terri Kimble, UG Clerk's Office**, said you have one minute remaining.

Ms. Wolfe said second of all, 43% of Wyandotte County are renters. As a renter myself, there are only so many things I can do to improve the efficiency of my home. While maybe it might be slightly more expensive to buy a home, residents are paying the price in the form of higher utility bills and health care costs. Whether we like it or not, the demand for greener building practices are on the rise. The Realtor Association recently did a study and they found nearly 66% of their realtors said promoting energy efficiency in their homes and buildings was beneficial. So the reality is, our climate is changing and our residents are paying the price. I am more than confident that of the 237 homebuilders in the Kansas City metro area, we can find those who want to build quality, efficient homes that puts residents and utility costs and healthcare costs in mind, especially because nearly half of our residents in Wyandotte County. **Ms. Kimble** said your time is up.

Sharla Riead, Kansas City, MO, said I've got three things I'd like to point out here. I agree with Ms. Wolfe about the cost. We did a value engineering study and found if you rework your design a little, 2 by 6 at 24-inch on center construction with a single header and three stud corners uses less wood than a 2 by 4 at 16-inch on center. So, you save money on wood right there which you can spend on insulation. Highly insulated and energy-efficient home can use smaller heating and cooling equipment which is less expensive and that can help as well with the price. So, it's not really that much more expensive.

The second thing is an amendment that I would really like to see which is in 1106.3 or R406.3 in the ICC; that's the ERI, Energy Rating Index. That energy rating index in the 2018 Codes added some ventilation stuff there that takes it away from the resonant, anti-resonate, ICC Standard 301. And also causes an increase in the energy index of 3 to 10 index points because that ventilation is only effective on the reference home, not the rated home and so that ends up really skewing that. So, I would love to see a HERS index be accepted as well as an energy rating index, HERS index, because the HERS index... **Ms. Kimble** said you have one minute remaining. **Ms.**

Riead said uses the standard and takes into account all of the latest energy things such as LED lighting.

Thirdly, you have an amendment in the duct testing where you have a post-construction test less than or equal to total leakage less than or equal to 4 CFM and leakage to outdoors less than or equal to 8 CFM. Leakage to outdoors is a subset of total leakage. Total leakage is leakage anywhere indoors, outdoors, and everything. So, leakage to outdoors should actually be a lower number than total leakage, not a higher number. That's actually adding a lot of duct leakage to these houses.

Mary English, Prairie Village, KS, said I am the Building Performance Program Manager for the Metropolitan Energy Center. I've worked as an energy specialist for 15 years in this region. I want to speak to how the code resolution here this evening, as it is amended, will negatively impact the health and equitable benefits for residents and small building owners in Wyandotte County. The code the UG currently has is the 2009 Code and the residential ICC 2018 Code, when it remains untouched and unamended for residential, is actually a nice improvement over the 2009. However, if passed with the proposed amendments, it does nothing but maintain the status quo, which is detrimental to Wyandotte County building occupants' health, pocketbooks, and wellbeing.

To answer your question, Commissioner McKiernan, about retrofits. If they were retrofitted to be 2018, yes, the answer is yes. They would see a return on investment in just a handful of years if they are retrofitted to the unamended 2018 Code. Alongside that, I want to make sure that I know here that the cost to operate these homes will absolutely 100% be higher. There is no may be higher, they will be higher. I've tested an energy rated hundreds of homes in the Kansas City area, including Wyandotte County and I'm speaking from over a dozen years of experience and energy modeling.

The amendments added to the code, as it sits, do these things. One, reduces the thermal values insulation levels required back to the 2009 levels. By striking out better insulation requirements, it guarantees that most residents, small businesses, and homeowners will not realize the advances the industry has made in insulation products that effectively insulate while keeping the cost of these advances low. For example, the amendments keeping the legality of the R-13

batt, which is one of the worst ways to insulate a wall when compared to all the other options on the market.

Secondly, it strikes the requirements of... **Ms. Kimble** said you have one minute remaining. **Ms. English** said it strikes the requirements to test the air leaks and duct work in the building. First, infiltration testing isn't just about efficiency; it's first and foremost about health and comfort. These energy codes are meant to be taken as a whole. When you make infiltration testing optional, you take out a fail-safe measure directly connected to indoor air quality.

Secondly, duct leakage testing is the best way to ensure that all the air you plan to heat and cool a building gets to where the HVAC system was designed to deliver. For anyone that has suffered a hot or cold room, chances are you're suffering because there was no duct leakage testing. Just last week, a friend of mine finally discovered his source of years of misery in the winter and summer, a completely disconnected duct that was probably that way since the building's first occupancy. As someone used to do this testing regularly, I can assure you disconnected ducts are not an anomaly. It's also about health. Unsealed returns will pull all types of particulars and allergens into the system. **Ms. Kimble** said your time is up. **Ms. English** said childhood asthma can be mitigated good air quality in our buildings.

Krista Albert, Peculiar, MO, said I'm a certified HERS rater with Central Energy Audits. I'm for adopting the 2018, without amendments, for these reasons. The 2018 Codes ensures accountability in the building process. By amending the codes, you're losing out on the opportunity to work with a third-party consultant, such as a HERS rater, during the crucial steps of the building process such as the design phase, insulation phase, and the final phase before occupancy. In my experience, builders who utilize HERS rating services are more likely to reduce callbacks with comfort complaints and high bills. I personally worked with the builder that had received comfort complaints every week. Once we started working together, we were able to figure out what was causing the comfort issues and energy usage on every home and prevent these mistakes from happening.

If you cut out the blower door test, you may not catch that unsealed wall cavity return at the top plate. Yes, all wall cavities should be sealed with spray foam, but they do not seal around the drywall placed over the framing. Sometimes this will leave a space for attic insulation to fall into the cavity, allowing insulation to get into your duct system. We all know that insulation is

bad for your lungs and should not be circulated in your HVAC system. This is just one example of the many we can detect.

HERS raters help enforce the adopted energy codes, while working with builders and educating on the importance of each code in response to energy consumption. We also have great ideas on how to cut down on material costs, in some places, by using tradeoffs to meet the energy codes.

I work with homeowners on existing homes built in the country where the building codes are pretty much nonexistent. The top complaints are energy consumption and comfort. We always recommend air sealing and properly insulating as well as ceiling ductwork. We have records proving that the work being done correctly has saved the homeowners hundreds and for some, thousands in the first year on their energy bills. By adopting the 2018 Codes we're taking the proper steps. **Ms. Kimble** said you have one minute remaining. **Ms. Albert** said that is more—those energy conscious for the homeowners and the environment.

Builders will also benefit from building energy efficient by building quality, energy, conservative homes. Builders may also be eligible for an incentive for building to the 2018 Standards. If the builders build to the requirements of the 2018 Codes, they will likely be eligible for a \$2,000 tax incentive. The 45L was created as an incentive for building 50% more energy efficient than the 2006 Codes. I work with builders that have invested in the upgrades to obtain the credit. One builder has achieved more than 50,000 in a year by building more energy efficient. The reasons stated are critical for homeowners' comfort, lucrative for builders, and great for the environment. We should put the 2018 Codes out there, as is, and educate on the importance of the codes.

Will Ruder, Kansas City, MO, said with the Homebuilders' Association of Greater Kansas City, headquartered in Kansas City, Missouri. Again, thank you for the opportunity to visit about the codes as approved or as amended and as put forward before the Commission. One of the things that I think is important for everyone to remember is that the building codes are a baseline by which to build to. None of the options that have been expressed through the unamended code or even above and beyond [inaudible] to build to that standard. One of the consistent themes we hear across the metro [inaudible].

Chairman McKiernan said, Mr. Ruder, you are occasionally dropping out, at least in my audio. **Mr. Ruder** said beyond an amended code would be a significant cost increase for a number of people that would otherwise not be able to get into a newly built home. That is certainly much more energy efficient than something that is 40 and 50 years old. The average age of a home in the State of Kansas, as a recent report was just released, is 40 years. So, as we're looking to add housing stock and to create options for consumers, certainly maintaining a broader availability of construction methods would allow for a greater pool of buyers to achieve that component of the American dream.

The Homebuilders' Association is certainly supportive of energy efficient efforts. We have a number of certified green builders, LEED certified. Those elements certainly exist in a wide array within our organization and the industry as a whole. We would just ask that we not take steps that would reduce the number of people that would otherwise be eligible to move into a newly built home.

Absolutely, we would see some utility decreases as far as the exposure for the homeowner...**Ms. Kimble** said you have one minute remaining. **Mr. Ruder** said we would see some reduction in utility exposure for the consumer; however, if we go and raise the acquisition cost, the number of people that would ultimately be able to achieve those utility savings would be much smaller than if we were to just try to promote energy efficient building to the buyer at the outset thereby not raising that baseline standard. We appreciate, certainly, the efforts of the Commission, as well as the UG staff, to put forward this code. Thank you very much.

Chairman McKiernan said thank you, Mr. Ruder. I don't see any other hands raised in the attendees list. I'll ask the Clerk's Office if we received any correspondence regarding this item. **Ms. Kimble** said we have not received any correspondence.

Chairman McKiernan said thank you. I don't think I see anyone in the lobby who is here to speak. **Ms. Kimble** said there is no one in the lobby.

Chairman McKiernan said so, committee members, if there are any other comments or questions or if there is a motion that is where we are at this point in the meeting.

Commissioner Davis asked, Greg, is there a timeline on this? Do we need to make a decision soon on this?

Mr. Talkin said one thing I didn't touch on this time that I should have mentioned, I mentioned it back in January, the one issue we have outstanding is compliance with our flood insurance program. The code we're currently under basically fell out of compliance back in January. They're working with us. They know we're making this effort. If we didn't adopt something and have a timeline to provide to that organization, those that have flood insurance could see an increase. It wouldn't be significant from my understanding. Currently, they get a 20% discount, from my understanding. If they chose to look that we're not moving forward or making enough steps towards that, it sounds like they could still get a discount of 10%, is what I'm hearing and lose 10% discount on that insurance. Otherwise, there's nothing really other than the other thing that's out there is we do have designers, architects, and engineers that are asking to design to the 2018 Standards or newer standards because that's what they're doing in other jurisdictions. So it does have a little bit of an impact with designers having to go backwards because they kind of updated their software and things online, and that's mainly for commercial purposes, but I'm assuming it has some effects on residential.

Chairman McKiernan asked, any other comments or questions, or is there a motion on the amended code as brought forward?

So, committee, at this point, the amended code does not move forward effectively and, Ms. Green, check me that I'm right on this. Effectively, this item would die for lack of a motion and be returned to staff to be reconsidered and then brought back at a later meeting date. Would that be correct? **Wendy Green, Senior Counsel**, said that would be exactly correct.

Chairman McKiernan said okay. So at this point, this motion or this item is not moving forward to a vote by virtue of lack of a motion. What I would say then to the committee is that it would be incumbent on us to meet with Mr. Talkin and his team so that we can give a little bit more granular input and feedback on the code and either it's amendment or non-amendment so that they are able to bring back an updated version for reconsideration by us at a future meeting.

Commissioner Burroughs said the question I would have is, if I've been hearing this discussion this evening correctly, you either pay up front or you pay later. With the uncertainty within the utility industry as to the cost of energy, providing energy to a newer home or a new home or even one that's been rehabbed, you either pay up front. You know what your payments will be in spite of tax increases and/or interest rates, depending on how you financed the home. But at least when you buy a home with an energy efficiency rating of such and such, you know exactly what you're getting.

It was stated earlier about some of the older homes we have in our community didn't meet code, very little insulation, single pane windows. Very few of them even had, what I would call, high efficiency furnaces and/or even central air. Are we doing a service or a disservice? I want to see more people with homeownership but if we're pricing them out of their home on the energy aspect, which is the uncertain part of this discussion, then are we really doing them a service at all?

If we are putting forward a policy that states this is what we need to meet in energy efficiency to be reflective of the entire community, and that may put some of those at risk, I think that's the challenges that we have here this evening. I would hope that's what I'm hearing, Mr. Chairman, and it is a tough decision. I am one that believes that if you know what your costs are going to be moving forward, it's a lot better than the uncertainty we face, as homeowners, when energy costs spike.

Thank you, Mr. Chairman. I just want to make sure I'm following the discussion this evening properly.

Chairman McKiernan said thank you, Commissioner. Your understanding is mine.

Commissioner Davis said if I could make a recommendation. I think it would be good for this body to consider both the amended and unamended codes. I think tonight we only have the option of casting a motion for just the amended 2018 Residential Codes. I think if we have the option of both, perhaps it would lead to a better decision-making process. I also think there's more education that myself, and I'm sure my colleagues, would benefit from just to really decide how we would vote on this, given the impact it will have on developers and builders on one end and then residents, property owners, homeowners, renters, occupants on the other end.

Chairman McKiernan said so, Mr. Talkin, at this point in time, this item does not move forward for a vote. What we need to do between now and the next time it would come back is that you and members of your office need to make sure to get together with members of this committee so that we can look at the pros and cons pretty much down the line of adopting the unamended code versus one amendment versus a different amendment so that we can come back with something that can be considered for a vote.

Commissioner Burroughs said not to belabor the discussion, but I believe Mr. Talkin talked about the cost of not doing anything this evening may impact those homeowners with flood insurance. I would ask that he explain that one more time because it's not my intent to put off a vote that cost others an additional discount and/or additional costs. So, Mr. Chairman, if I may, I would like to have Mr. Talkin once again explain what happens if we take no action this evening.

Chairman McKiernan said absolutely. Thank you, Commissioner. Mr. Talkin, I would just ask, would postponing a decision on this by one month to our next standing committee meeting cause any penalties or any negative effects on those people?

Mr. Talkin said I can't answer that with 100%. But, ISO, the Insurance Rating Office, they have been really willing to work with us. As long as they have seen movement going forward, which I think just the fact that we need to work through a few more details and we're coming back, I assume they'll still work with us. If for some reason they do decide to adjust those insurance rates because we're a little bit further out of compliance, I've been told that once we get into compliance, that savings will be brought back fairly quickly after they do their audit. So, I can't say 100% because as of earlier, they were out of compliance already. I will talk to them and tell them we're still working through this. Like I said, in the past they've been working with us since January, and hopefully they will continue to do so.

Chairman McKiernan said I would just ask that we inform them that we are actively working on this, and that there will be meetings that take place between now and our next committee meeting; and that it is our goal, our intent to bring back a new code for consideration for adoption at our next meeting.

Action: **Item did not proceed forward due to lack of a motion.**

Chairman McKiernan said thank you to everyone for your work and for your input on this. I'm going to turn the floor over to Mr. Jud Knapp, who is our Land Bank Manager. I think in a previous conversation with Mr. Knapp, we can reasonably consider all of the homes listed under 2A at one time because they all represent homes going back where homes were previously constructed.



Neighborhood &
Community Development
Standing Committee

March 7th, 2022



Item No. 2 – 211372...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

March 7, 2022

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



Jud Knapp, Land Bank Manager, said so all these homes in the 2A section have all had homes on them previously. They all meet the zoning and master plans, and staff and the Land Bank Advisory Board all had positive comments for the individual projects.



March 7, 2022

The first one is requesting five Land Bank lots on Farrow Avenue at 2903 Farrow through 3109 Farrow for five single family homes, they match the zoning.



OPTION AGREEMENTS

KIP MYERS



Building Details
3 Beds / 2 Baths
1,300 SqFt

Timeline
Project Start – April 2022
Project Completion – August 2022 1st Build

Experience
20+ years of construction and remodeling

Next steps
1. Building permit
2. Narrow lot review
3. Proof of funds to cover building estimate

Comments
Staff Advisory Committee
Lots will require a narrow lot review
Land Bank Advisory Board



They're for 3-bed, 2-bath homes. He did mention that the sale price would be \$160K for these homes. The picture that was provided is actually the applicant's current project that's in KCMO. Staff comments was these lots would require a narrow lot review.



OPTION AGREEMENTS

KIP MYERS



Northeast Area Master Plan

LOWER-MEDIUM DENSITY RESIDENTIAL The Lower-Medium Density Residential district 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. Lower-Medium Density Residential areas must follow the narrow lot design guidelines.

Allowed Building Types
Single Family Homes, Townhomes, Duplexes



 Neighborhood Mixed Use Gateway/Neighborhood Commercial Hub Commercial Highway Commercial	 Business Park/Light Industrial Industrial Historic and Institutional Medium-Higher Density Residential	 Lower-Medium Density Residential Single Family Parks and Open Space
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It does match the Northeast Area Master Plan being at lower medium density because single family home is an allowed building type.

OPTION AGREEMENTS
RICHARD DUMAS

Requesting Land Bank Lots
618 N 11th ST - 080519

New Construction
Single Family Home

Zoning
R-1(B) Single Family District

Frontage
40ft




Next one is at 618 North 11th Street. It's for a single family home. It does match the zoning.

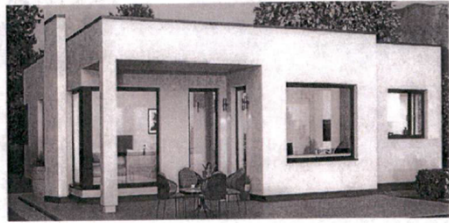
OPTION AGREEMENTS
RICHARD DUMAS

Building Details
2 Beds / 2 Baths
1720 SqFt

Timeline
Project Start - ???
Project Completion - ???

Experience
???

Next steps
1. Building permit
2. Narrow lot review
3. Proof of funds to cover building estimate



Comments
Staff Advisory Committee
Narrow lot review
Land Bank Advisory Board

It's for a 2-bed, 2-bath house. This one will also require a narrow lot review because the lot is under 50 feet.

OPTION AGREEMENTS
FLORA NYAKATURA

Requesting Land Bank Lots
3649 N 55th ST - 025900
3639 N 55th ST - 025901
3625 N 55th ST - 025903

New Construction
Single Family Home

Zoning
R-1 Single Family District

Total Acres
1.44 Acres




Next one is at 3649 North 55th Street through 3625 North 55th Street. It's for three lots. The reason why there's three lots here for one home is because it currently has no sewer access, so they need

to get up to an acre to keep that test for that septic system. Staff did note that if the home does not pass that septic test, we cannot build a home here.

OPTION AGREEMENTS FLORA NYAKATURA	
Building Details 2 Beds / 2 Baths 910 SqFt Timeline Project Start - ??? Project Completion - ??? Experience ??? Next steps 1. Building permit 2. Narrow lot review 3. Septic permit 4. Proof of funds to cover building estimate Comments Staff Advisory Committee Land Bank Advisory Board	 Seeking to build a starter home and own land in an area that is not far from my child's school.

The home is going to be a 2-bed, 2-bath home. I see a mistake. Next steps No. 2, if this will not need a narrow lot review but it will need a septic permit. Staff and Land Bank Advisory Board didn't have a comment for this one.

OPTION AGREEMENTS JONATHAN HOPMANN	
Requesting Land Bank Lot 802 Tauromee Ave - 090415 New Construction Single Family Home Zoning R-1(B) Single Family District Frontage 50ft	

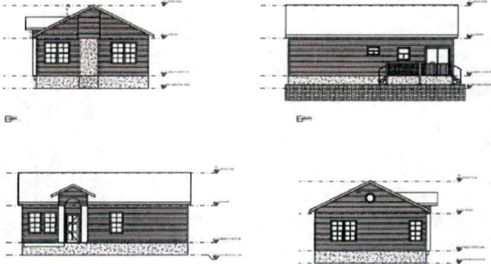
Next one is at 802 Tauromee Avenue. It's for a single family home, it matches the current zoning.

OPTION AGREEMENTS JONATHAN HOPMANN	
Building Details 2 Beds / 1 Bath 640 SqFt Timeline Project Start April 2022 Project Completion – August 2022 Experience Stated rehabbing properties in 2006 and usually do 1 to 2 a year. Actively manage over 5,000 affordable apartments units. Next steps 1. Building permit 2. Proof of funds to cover building estimate	
Comments Staff Advisory Committee Land Bank Advisory Board	

Staff didn't have any comments or the Land Bank Advisory Board on this project.

OPTION AGREEMENTS JONATHAN PITALLO	
Requesting Land Bank Lot 805 N 12 th St - 080816 New Construction Single Family Home Zoning R-1(B) Single Family District Frontage 98ft	
	

The next one is at 805 North 12th Street for a single family home. It does meet the zoning.

OPTION AGREEMENTS JONATHAN PITALLO	
Building Details 3 Beds / 2 Baths 1078 SqFt Timeline Project Start April 2022 Project Completion – July 2022 Next steps 1. Building permit 2. Proof of funds to cover building estimate	
Comments Staff Advisory Committee Land Bank Advisory Board	

The only staff comment that we had on this one was that since this home has no alley access; well, there should be an alley here, that the home should face Ann and the garage should come off 12th Street, but that was the only comment they had.

Commissioner, that completes the section for single family homes.

Chairman McKiernan asked, does any member of the committee have comments or questions for Mr. Knapp?

Commissioner Burroughs said Mr. Chairman, I move for approval, however, I do know you need to get to public comment, but I do move for approval.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve the option applications (A1 through A5) as submitted.**

Chairman McKiernan said I will just ask if there's anyone in attendance who would like to make public comment on these applications. If you're in the attendees, just raise your hand and you will be recognized. I don't see anyone in the attendees list with a hand raised. I would ask the Clerk's Office if we received any communication about any of these applications. **Terri Kimble, UG Clerk's Office**, said we have not received any communication.

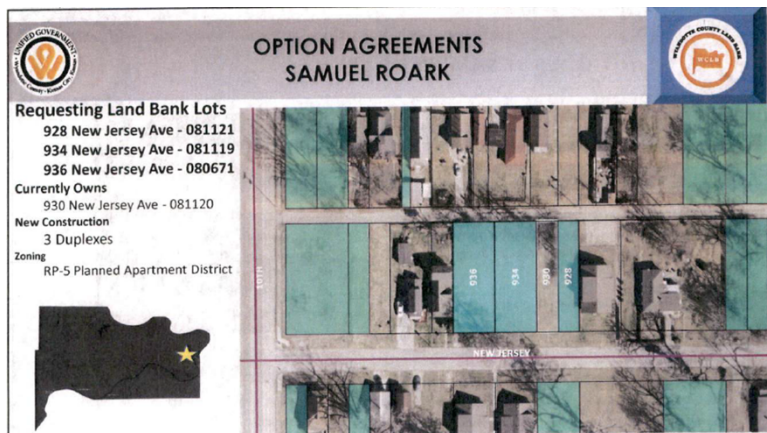
Chairman McKiernan asked, is there anyone in the lobby who'd like to make comment on these? **Ms. Kimble** said there's no one in the lobby.

Chairman McKiernan said there is a motion and a second to approve all the items under 2A as submitted. Roll call, please.

Roll call was taken and there were four "Ayes," Stites, Davis, Burroughs, McKiernan.

B. New Construction – Multi Family – 5 Duplexes – 10 units

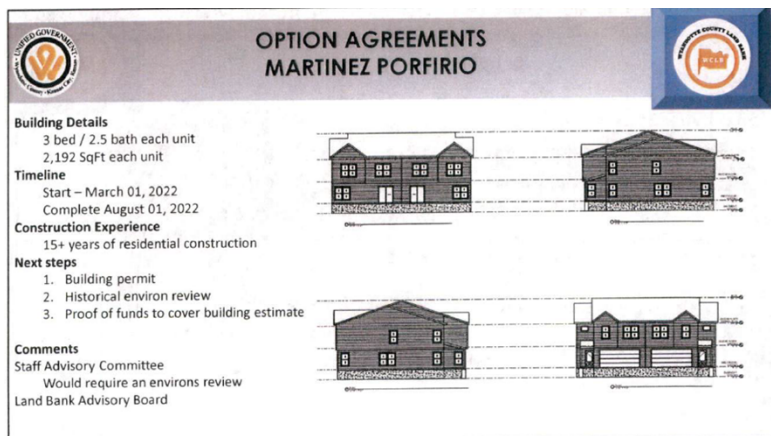
1. Samuel Roark – 3 Duplexes
 928 New Jersey Ave. – 081121
 934 New Jersey Ave. – 081119
 936 New Jersey Ave. – 080671
2. Martinez Porfirio - 2 Duplexes
 2510 N. 10th St. - 157402
 2506 N. 10th St. – 157403
 2500 N. 10th St. – 157404



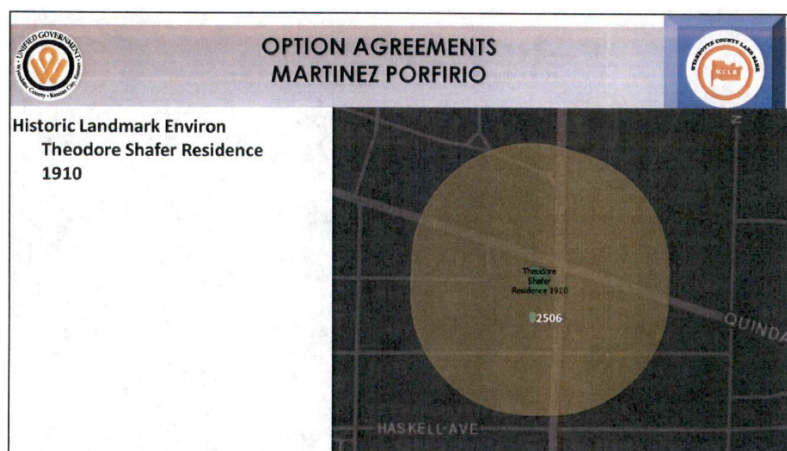
Mr. Knapp said this application was presented at the last standing committee meeting and it was held because the neighborhood group wanted to meet with the contractor. I did just get word Friday that the contractor did schedule a meeting with the neighborhood group tomorrow. So, I'm recommending that we hold this one for another month until we see what the outcome of that neighborhood meeting is.



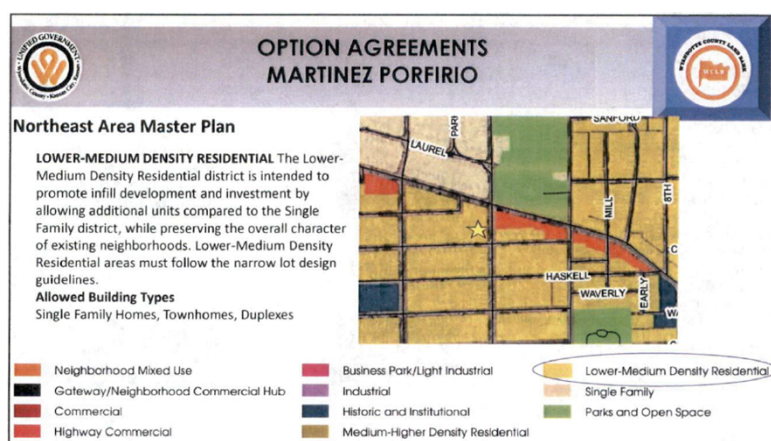
The next one is at 25—this one was also held last month. It was held because the contractor did not talk to the neighborhood group again, but it turns out that this home, this location is not in the boundaries of any neighborhood group. I do have to say that this is in the NBR area of Groundworks. They were at our Land Bank Advisory Board meeting and didn't have a comment on this one. This is for two duplexes at 2510 N. 10th Street through 2500. It's three lots there. It's zoned RP-5, so this meets the zoning of the area.



Each unit will be a 3-bed, 2.5 bath. The Staff Advisory Committee said that it would require an environs review....



because of the historic Theodore Schaefer residence that's right on the corner.



This is in the lower-medium density residential in Northeastern Master Plan, and duplexes are an allowed building type in that. So, Commissioner, this completes 2B.

Chairman McKiernan said so, committee, it looks like we might want to consider splitting apart B1 and B2 because we don't appear to have any concerns other than items to work through. There don't appear to be any concerns about B2. Whereas Mr. Knapp is recommending that we hold B1 until such time as the contractor can meet with the neighborhood group. Any comments or questions for Mr. Knapp, or any motions on these items?

Commissioner Burroughs said if I'm viewing my screen properly, I see the three duplexes collectively together, then I see the other proposed development off—would that be to the east, Jud?

Chairman McKiernan said, Commissioner, I'll jump in here. I think I understand this map because I had the very same thought when I first looked at it. There's three squares that are together that are kind of a lighter teal color and all the other squares that are a little bit more green—Mr. Knapp, correct me if I'm wrong—they represent other Land Bank lots that are not under consideration for this application. **Mr. Knapp** said that is correct, Commissioner.

Commissioner Burroughs said thank you for that, Mr. Chairman and Jud. I appreciate that. I just wanted to make sure I understood because my motion is going to be to approve, I believe it's B2 and I would move for approval.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve Item B2 as submitted.**

Chairman McKiernan said I'd ask if there's anyone in attendance who would like to offer public comment on this? I'll recognize Ms. Elnora Jefferson. Ms. Jefferson, if you would just please give us your name and city of residence and then you'll have your three minutes for your public comment.

Elnora Tellis Jefferson, Kansas City, Kansas, said the question that I have is on this particular application. And I remember it says something about the next step is a historical district review. I'd like to ask Jud then, what does that mean? Does that mean that this goes to the review before it goes to the full commission for approval? What's the next plan of action on this?

Chairman McKiernan said Jud, if you'd like to answer that, but it would seem to me that the execution of this option would be contingent on a successful review and that, if that review was not successful, then the option wouldn't be executed and the land would stay in the Land Bank, Mr. Knapp, please check to make sure that I'm correct in that.

Mr. Knapp said that is correct. The historical environ review is a planning process. It is an internal process. It's basically to make sure that anything that's built within 200 feet of that

historical landmark, it doesn't take away from that building. **Ms. Jefferson** asked, are these applications, or is this application within 200 feet?

Mr. Knapp said yes, it is.

Ms. Jefferson said and you say an internal review, so does that necessitate that there will be no public hearing on it? **Mr. Knapp** said that is correct. It is an internal review and they just make sure that the home will not hurt that historic landmark or take away that distinction of that historical landmarks.

Ms. Jefferson said so this is the last time that the public is able to weigh-in on this particular application until the full commission votes on it? **Mr. Knapp** said it is. I did review with Planning and they will go through the—yes, it is the last chance for public comment.

Chairman McKiernan said and then this item would come back to the full commission, along with the rest of these properties, at the commission meeting, I believe, at the end of the month.

Ms. Jefferson said I asked the Commission, is there a possibility that it doesn't have to go that way? In other words, one thing that I see here is that these particular applications are not within the Parkwood Colony neighborhood group. So not only do we have a historic district, but we also have this historic site, if I'm reading this correctly. Is there a possibility of being able to offer public comment at that internal review?

Chairman McKiernan said I'll ask direction from staff on that. My understanding would be that an internal review is just that, and that the next opportunity for public comment would be the full commission meeting. Staff? **Mr. Knapp** said I believe that is correct.

Wendy Green, Senior Counsel, said I don't normally go to those environs reviews, so I'm not sure how they are done. I do know that public comment is not required at those, and so I believe the next public comment period would be the commission meeting.

Chairman McKiernan asked, Ms. Green, if anyone in the public would like to submit a statement, a concern, an observation, discussion items for the Environs Review Committee, could they do

that for consideration by that committee by just submitting it in advance in terms of a communication like a letter or an email?

Ms. Green said I'll be honest with you. Again, I don't know how that committee is conducted, but I don't think there would be any problem with it legally.

Commissioner Davis said forgive me if this question is a dub moment here—still learning. Is it possible for us to table this particular item and wait for the review to happen and then come back, have this item come back to committee? That would, by default, allow for the community to weigh-in before it goes to full commission. Would that be possible?

Chairman McKiernan said, Commissioner Davis, that would be possible. This item, at the moment, has a motion and a second to advance as submitted. If it does not advance, then certainly the applicant has the option to bring it back to another meeting; or if the maker of the motion and the second wish to withdraw that, then we can consider a different motion.

Commissioner Davis said if I may ask one more question, Chair. Is our approval, does our approval of this item, is that contingent upon whether or not this review happens; or does the review happen regardless of how this vote pans out?

Chairman McKiernan said if we do not approve this item, then that review does not happen because the application does not move forward. If we move this item forward, then as part of the option process, there are a series of stipulations then that must be met that vary from application to application. In this case, one of the stipulations would be that it successfully go through this review before the option is granted.

Chairman McKiernan said at this time, we do have a motion and a second to forward as submitted. Is there any other comment or question on this item? I'd asked the Clerk if we have received any communication regarding this item. **Ms. Kimble** said no communication received.

Chairman McKiernan said and there's still no one in the lobby. **Ms. Kimble** said no one in the lobby.

Commissioner McKiernan said motion and a second to approve as submitted. Roll call, please.

Roll call was taken and there were four "Ayes," Stites, Davis, Burroughs, McKiernan.

Chairman McKiernan said that still leaves us with B1. Mr. Knapp's recommendation is that we hold until such time as the neighborhood group can be contacted.

Action: **Commissioner Davis made a motion, seconded by Commissioner Stites, to hold Item B1 over for a month until the neighborhood group can be contacted.**

Chairman McKiernan asked, is there anyone in attendance who'd like to offer comment on B1? Don't see any hands raised. I'll just asked the Clerk if we received any communication about this item. **Ms. Kimble** said no communication has been received.

Chairman McKiernan said at this point, we have a motion and a second to hold this item for the period of one month and bring it back to our next meeting. Roll call, please.

Roll call was taken and there were four "Ayes," Stites, Davis, Burroughs, McKiernan.

Chairman McKiernan said that takes us to Item C, which has four items. Mr. Knapp, my understanding is that the circumstances regarding these four applications under 2C are each a little different from each other. I wonder if it would be—I will take your recommendation on whether or not we consider these as a group or individually. **Mr. Knapp** said I would do individually, Commissioner.

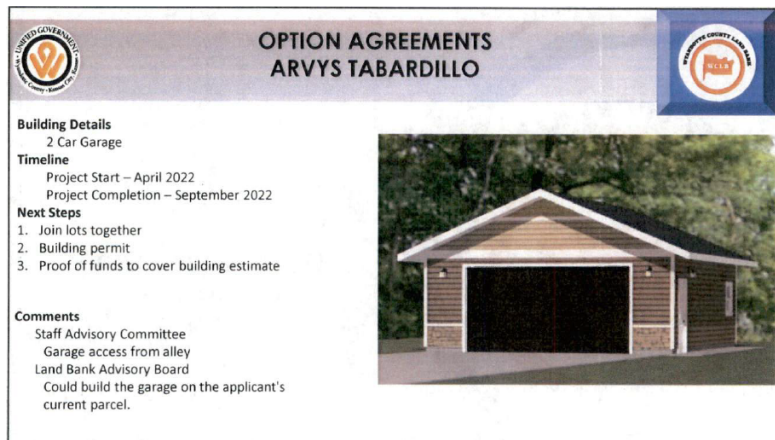
C. New Construction – Garage - 4

1. Arvys Tabardillo – Garage
812 Lafayette Ave. – 111603

2. Martha Ochoa – Garage
216 N. 12th St. – 103102



Mr. Knapp said this is the request for a Land Bank lot at 812 Lafayette Avenue. They currently own 814 Lafayette Avenue to build a garage. It is currently zoned RP-5.



March 7, 2022

Planning to build a two-car garage. The next steps, they have to join the lots together to get a building permit and provide proof of funds to cover the billing estimate. The Staff Advisory comments were the garage access needs to come from the alley since there's an alley behind. The Land Bank Advisory Board said they could build the garage on the applicant's current parcel, so they are not recommending the approval of this application.

Chairman McKiernan said, Mr. Knapp, if you could back up one slide, please, so we can see the parcel outline. The staff is recommending that the garage be built, in this case, to the north or to the alley side of the existing structure and that it stays within the 25-foot confines of the existing lot at 814. Is that right? **Mr. Knapp** said it was not staff, it was the Land Bank Advisory.

Chairman McKiernan said I'm sorry, it was the Land Bank Advisory Board, but they want that garage to be built adjacent to the north, to the existing structure, with access off of the alley. **Mr. Knapp** said yes, Commissioner.

Chairman McKiernan asked, any comments or questions from members of the committee on this particular item?

Commissioner Burroughs said, Mr. Chairman, seems like I'm speaking up quite a bit this evening in reference to these items, but I do know we're down a member. Mr. Chairman, the question I would have, if I made a motion to deny the application because of the request by the Land Bank—my motion, I want to make sure I get my motion proper. I'm not supportive. Let me ask Jud this, Mr. Chairman, if I may. What is the frontage on 812? **Mr. Knapp** said 30 feet.

Commissioner Burroughs said I'm sorry just one more time. **Mr. Knapp** said 30 feet.

Commissioner Burroughs said so, it can accommodate a home? **Mr. Knapp** said it can.

Commissioner Burroughs said, Mr. Chairman, so back to my original question. I want my motion to be supportive of the Land Bank position. I want to see 812, I believe many of us would like to see infill housing and not a garage. So, I want to make sure my motion is proper, and I ask for just a wee bit of guidance on how to do this. If I make my motion to support the Land Bank's position, is that an acceptable motion?

Chairman McKiernan said Ms. Green, I'll look to your guidance for this. I would think that what we would need to do is make a motion to deny the application as submitted.

Ms. Green said correct. What the motion would need to be is either no motion should be made to advance it, or a motion should be made to deny it.

Commissioner Burroughs said, Mr. Chairman, if we make no motion to advance it, it dies. If we make a motion to deny it, then does that not allow them to come back before us again?

Chairman McKiernan said, again, I'll turn to Ms. Green. I do think you are—that would be my interpretation is if it simply does not go forward, it could be brought back. If it is denied, it is denied.

Ms. Green said correct. So, if you want the opportunity to bring it back, then no motion should be made, and it should just be not approved to move forward.

Commissioner Burroughs said I wanted to ensure that we understood what we were doing. I have no motion at this time, Mr. Chairman.

Chairman McKiernan asked, any other members of the committee have comments or questions or a motion? At this point, I don't see any committee members with hands up. I do not hear a motion. This item does not move forward for consideration by virtue of lack of a motion. So this item does not move forward. That is C1.

Action: **Item does not proceed forward due to lack of a motion.**

Chairman McKiernan said Mr. Knapp, if you could take us to C2 please.

2. Martha Ochoa – Garage
216 N. 12th St. – 103102



Mr. Knapp said C2, the request is the Land Bank lot at 216 North 12th Street. They currently own 212 North 12th Street. They want to build a garage. It has a frontage of 50 feet. The home at 212 just recently got a driveway permit from Public Works. Public Works told them that their driveway can only be 10-feet wide, but they built a 25-foot-wide driveway. The problem with that is, we have rules that say the max pavement in front of the house needs to be 40% compared to like 60% grass. So, they are over that requirement, so the driveway is too big. So, then I asked Public Works like what happens if the land, if they do not if Land Bank—if the lot is not approved. Public Works then told me that by code, they will have to cut 15 feet off of their driveway and return it to grass.



Staff's comment also is that this is a 50-foot lot and it could be better used for a new home. The Land Bank Advisory Board did not have a comment on this one. Commissioner, that sums up this application.

Chairman McKiernan said if you could go back to the parcel view. So, this is just to the north and the west of the old Bethany Hospital site. Riverview, which you see to the lower left of this picture, then continues towards the right, but it's off the picture, off the bottom of the picture it jogs just a little bit. This road, if I'm not mistaken, Mr. Knapp, there is a guardrail that stops this road from continuing on, effectively where we see it on the screen, where we see it stopping. It stops and there is a guardrail. If I remember correctly, this drops off about 20 or 30 feet at that point, down to the same level of Emmy Pearson Elementary School. There is a house, however, if you could move your cursor just a little bit, Mr. Knapp, and put your cursor on that house there. There is a house there and their property line joins up against 216, and 216, because I drove by it, has been, appears to have been cleared. Years ago, there were lots of trees on 216 and it appears that it has been cleared. I'm assuming we did not do that, but somebody else has done that. So the concern of Public Works is that if the owner of 212 does not get 216, then their current driveway, which they poured sometime recently is too big, bigger than was permitted and must be reduced in size. **Ms. Knapp** said that is correct.

Chairman McKiernan said the concern of the Staff Advisory Committee is that 216 by itself is sufficient size for a new home to be constructed and should be reserved for that new home. Is that right? **Mr. Knapp** said yes.

Chairman McKiernan said okay, committee, are their comments or questions regarding this application for Mr. Knapp?

Commissioner Stites asked, so the new driveway is on 212?

Chairman McKiernan said it is, and if you can bear—right where the two of 212 is, you can see the profile of the house, the side of the house and the driveway effectively goes from the side of the house to what appears to be the border of the parcel, the boundary line of the parcel.

Commissioner Stites said so are we trying to get 216 to build that, I mean are they trying to get 216 to bail out making any changes to the driveway?

Chairman McKiernan said I did see the applicant actually is in the attendees list so it might be good for us to ask the applicant. I believe Martha Ochoa is the applicant if I'm correct, yes, and so, if we could work to get her to a point where she can speak. But my understanding is

that they would like to build a new structure on 216 to be adjacent to the house at 212. Frankly, I don't know what that does to the existing driveway. So, Mrs. Ochoa, if you can hear me, we have now unmuted your microphone so that you are allowed to speak. If you could please share with the committee your reasons for requesting this Land Bank parcel.

Martha Ochoa said [inaudible].

Chairman McKiernan said it sounds as if we might be having some translating going on the call. Just to let you all know that that we've got you unmuted and you can share comments with the committee at this time. If anyone at Mrs. Ochoa's house can hear me, then the committee would like to hear from you, your plan, if you get this lot.

Ms. Ochoa's translator said well, she just wants to since they told her, she has to, you know the drive issue, but the driveway she built is too big and she just wants to buy 216 to build the garage. That's what she's telling me right now.

Chairman McKiernan said I guess I would go back to the construction of that driveway. Was she not clear on how big that driveway could be at the time it was constructed?

Ms. Ochoa's translator said I don't think she understood when she went to get the permit. Yeah, she says she don't understand.

Chairman McKiernan said for the benefit of the committee, I will tell you that if you start at the right-hand side of that teal square that says 216, that is street level and it drops off fairly severely as you go to the west, or to the left on that parcel. So is there anything else that Mrs. Ochoa would like to share with the committee?

Mrs. Ochoa's translator said no, that's it.

Commissioner Stites said I guess that's a little bit concerning to me is that we have an applicant come in to get a driveway permit to construct a new driveway. It was, for whatever reason, it was

not relayed or it wasn't understood—did we inspect that driveway? Somebody had to ultimately sign off on that driveway. When was this driveway installed, if we could ask the applicant?

Chairman McKiernan said, Mr. Stites, we have ESP going right here because I was wondering, the very same thing. Mr. Knapp, do you have any background on the permitting, the construction, and the inspection of this driveway? **Mr. Knapp** said Public Works didn't supply me with the dates, but that driveway is brand new.

Chairman McKiernan said okay, so I know that we still have Mrs. Ochoa's house is available here. Does anyone at Mrs. Ochoa's house have the date that this driveway was installed? **Ms. Ochoa's translator** said she is telling me it's three months ago.

Chairman McKiernan said three months ago. To the best of your knowledge, was that driveway inspected after its installation? **Ms. Ochoa's translator** said she they did.

Chairman McKiernan said for members of the committee, it would seem to me that what we might want to do is get a little bit more information from Public Works and from the Neighborhood Resource Center to go back in time to look at the sequence of events and the timing of the permit and the construction.

Commissioner Stites said so my motion would be that we do exactly what you just said. That we send it back to gather up additional information from the new driveway and dates, times, inspections and to find out whether this was done in violation—just what the surrounding circumstances are, so that would be my motion.

Action: **Commissioner Stites made a motion, seconded by Commissioner Davis, to hold this for one month in order to gather more information from Public Works on this item.**

Chairman McKiernan said for those at Mrs. Ochoa's house, what the committee is going to do is we're going to hold or postpone this application for one month. We're going to talk to staff internally, to Unified Government staff, and we may reach out to you. Our goal is to bring this

item back for the committee to consider again at our meeting next month. At this point, there is neither a yes or no, but our motion has been to hold it, get more information, and come back.

Is there anyone else in attendance who'd, like I'm sorry, is there anyone in attendance who'd like to offer public comment on this particular application? I don't see any hands raised. I'll ask the Clerk's Office if we received any correspondence regarding this application. **Ms. Kimble** said we have received no correspondence.

Chairman McKiernan said the motion and the second are to hold this for the period of one month. Roll call, please.

Roll call was taken and there were four "Ayes," Stites, Davis, Burroughs, McKiernan.

3. Cinthia Reyes – Garage
1131 Rowland Ave. – 157068



Mr. Knapp said this one is at 1131 Roland Avenue. They currently own 1129 Roland Avenue to build a garage. This was originally presented in the January standing committee meeting, but it was held because there were questions of, can they just attach the garage to the house. It's not like an accessory structure, it's just the garage. I do have an answer for that one. There's window wells that go into the basement and the garage would cover those up, so that's not exactly acceptable. Staff comments on this one are that there are no other garages on the street. There's no alley access. They are recommending that we do not approve this.

OPTION AGREEMENTS CINTHIA REYES	
Building Details 2 Car Garage 24x35 Timeline Project Start – April 2022 Project Completion – July 2022 Next Steps 1. Join lots together 2. Building permit 3. Proof of funds to cover building estimate Comments Staff Advisory Committee Not recommending approval Garages needs to match the look of home Land Bank Advisory Board A stand-alone detached garage is not the best use for the land	 wants to build this project to keep my cars off the street. There has been a few times my cars have been hit by other cars. Overall, when there is bad weather, I want to be able to keep my cars off the street

The Land Bank Advisory Board also said a standalone detached garage is not the best use of the land. Commissioner, that sums up this item.

Chairman McKiernan said I did have communication with Commissioner Townsend this afternoon. She also indicated that she was in agreement that wasn't the highest and best use of this land. Do any of the members of the committee have comments or questions?

Commissioner Burroughs said I would agree, and I move for denial.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner Stites, to deny the application, as submitted.**

Chairman McKiernan asked, does anyone in attendance have public comment they wish to offer on this particular application? I don't see any hands. To the Clerk's Office, did we receive any communication about this application? **Ms. Kimble** said there has been no communication received.

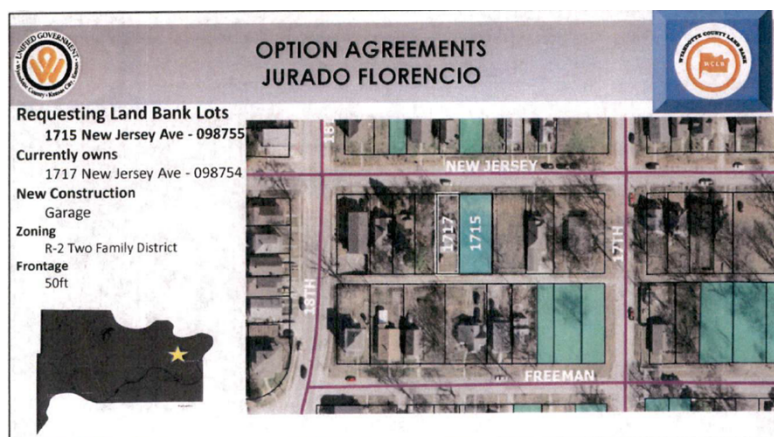
Chairman McKiernan said there's a motion and a second to deny this application. Roll call, please.

Roll call was taken and there were four "Ayes," Stites, Davis, Burroughs, McKiernan.

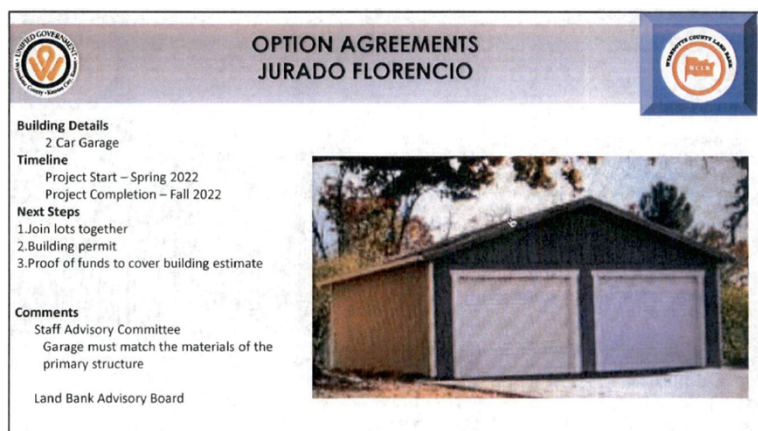
4. Jurado Flarencio – Garage

March 7, 2022

1715 New Jersey Ave. – 098755



Mr. Knapp said this one is at 1715 New Jersey Avenue. They currently own 1717 New Jersey Avenue. They want to build a garage. The frontage on this one is 50 feet and the staff would not recommend approval because this is a bigger lot that could be better used for a home.



The Land Bank Advisory Board didn't have a comment on this one. So, Commissioner, that sums up the presentation for this project.

Chairman McKiernan said to the committee, any comments or questions or motions on this item?

Action: Commissioner Stites made a motion, seconded by Commissioner Burroughs, to deny the application, as submitted.

March 7, 2022

Chairman McKiernan said I also talked with Commissioner Townsend about this application this afternoon, and she did indicate that she is not in favor of this application. Is there anyone in attendance who'd like to offer comment on this application? I don't see any hands up. I'll ask the Clerk's Office if we received any communication about this application. **Ms. Kimble** said no communication has been received.

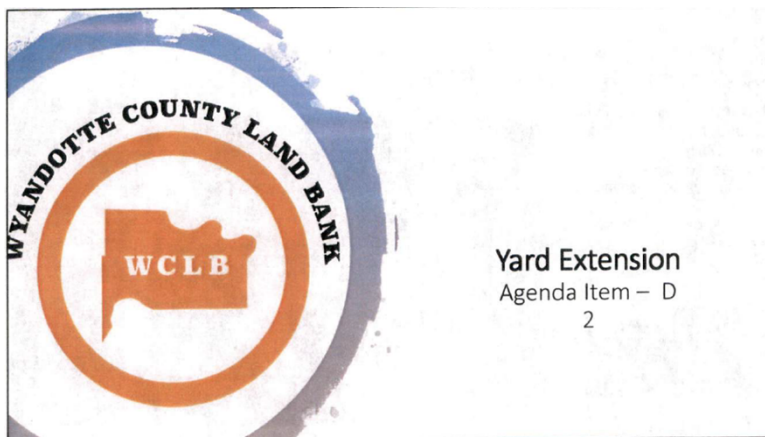
Roll call was taken and there were four "Ayes," Stites, Davis, Burroughs, McKiernan.

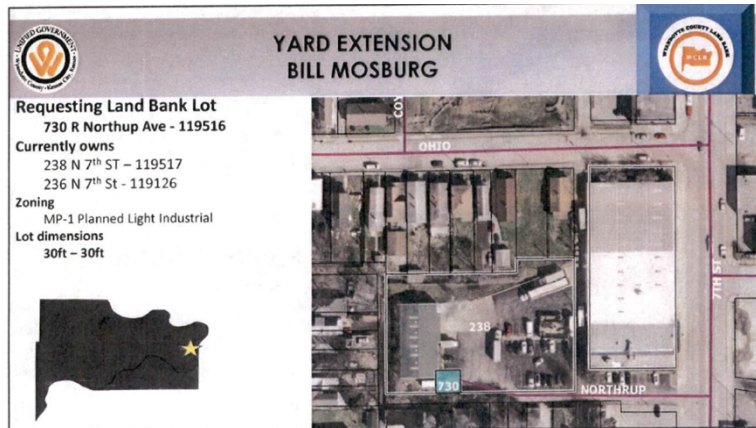
Chairman McKiernan said that finishes Item No. 2 and takes us to Item 3, where we have 3A and 3B. I do think it would be best if we split these and consider 3A and then consider 3B separately.

Item No. 3 – 211373...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





Jud Knapp, Land Bank Manager, said so the first one is at 730 R Northup Avenue. The “R” is there because it's the rear address. It is a 30 by 30 lot. The applicant currently owns 238 N. 7th Street and 236 North 7th Street for their business. It is zoned MP-1 for light industrial. The applicant did tell me that they tried to purchase this lot several years ago, but the current owner then wanted too much for it and now it's in the Land Bank and they are requesting it to be transferred to them. Staff's comment on this one was this is an unbuildable lot and agree with the yard extension.

Commissioner Stites said if I'm looking at this, it's a 30 foot by 30 foot lot and they own 238. With that being said, motion to approve as submitted.

Action: **Commissioner Stites made a motion, seconded by Commissioner McKiernan, to approve as submitted.**

Chairman McKiernan said I am stunned to find out that this parcel wasn't already included in 238.

Commissioner Burroughs said I was hoping to get my hand up before you made the second. It was not my intent not to second it. I just had one question, Jud, if I may. As a yard extension, and it's zoned MP-1, do they have to have a yard or can they go with gravel or an impervious surface, such as concrete or pavement?

Mr. Knapp said the yard extension, well—frankly, why I'm showing it to you today is it's an unbuildable lot. You can't build a building on it. I believe there's—if you look at the photo there, there's already some paved surface there. So maybe it's not a yard extension, but more like a parking lot extension.

Commissioner Burroughs said Jud, please believe me, I didn't mean to put you on the spot. I just think if we're going to have yard extensions, we may want to call this a property extension in reference so that we don't send the false impression that these yard extensions will have to be grass and/or an area that is conducive to what I would consider—what I think of a yard, just because what I think of a yard is not what others think of a yard. If they wanted to, they could come in and continue to put gravel in there and use it for parking or whatever, correct? **Mr. Knapp** said that is correct. Maybe the yard extension term was the wrong one to put this on. I just categorize all yard extensions as just adding to their property with the Land Bank property that's next to them.

Commissioner Burroughs said thank you for that, Jud. Again, I apologize. I didn't mean to put you on the spot. Committee, it wasn't my intent to fool anyone. That's a pretty large lot. I'm not opposed to it. I just want to state clearly, that is in a residential area along Ohio there to the, I'm assuming, that's to the west. I just wanted to ensure that if it's a yard extension, that's different. I know it's an unbuildable lot, but not for a patio home, if we chose to accept patio homes in that area. That's my comment, Mr. Chairman, I thank you for the second.

Chairman McKiernan said I would agree with you that this is not a yard, that this is just a property extension since it is surrounded by 238. It does look as though we have the applicant who is online in the attendees and so it's a Mr. Mosburg, I believe. If we could get him to the point where he could address the committee. If you would just share some observations with the committee.

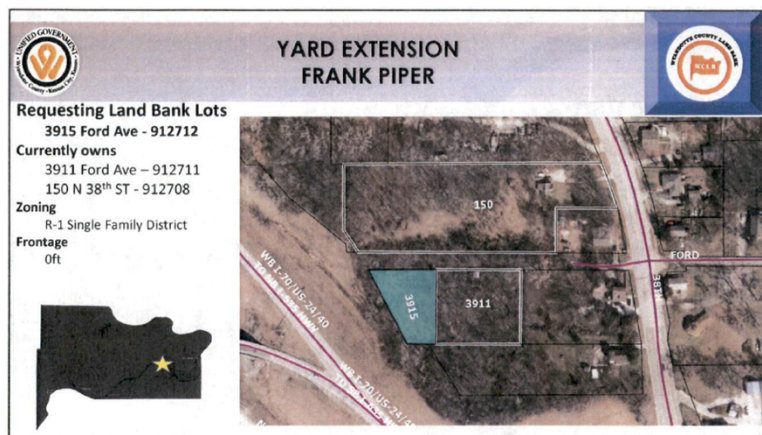
Bill Mosburg, B&J Food Service Equipment, Bonner Springs, KS, said this property was purchased back in the '90s. What was going on there was Ivan, who used to be a car body shop across the street, bought this little piece of land way back when to build a garden. When we built the building behind it, we actually had paved that lot. Tim Porter from Traffic Way Service,

objected to us paving that lot. So, we actually unpaved that lot and put a little tree there. But if you look there, it kind of blocks us from getting around the backside of our building as you can see the building, as it stands now. To the north on the right side, or should I say, on top of there, that is a water area to take floodwaters so that prevents us from being able to put any kind of thing in that section. This would actually allow us to have better access for maintenance and extend our parking lot to add some parking, which we are a little bit short at this time.

Chairman McKiernan asked, does any member of the committee have comments or questions or a motion? I'm sorry, we already have a motion and a second. I should pay attention to these meetings, shouldn't I? We have a motion and a second to approve this property extension as submitted. I'll ask the Clerk—first of all, I'll ask if there's anyone else in attendance who'd like to offer public comment on this application. I don't see any hands. I'll ask the Clerk if we received any communications regarding this application. **Ms. Kimble** said no communication has been received.

Roll call was taken and there were four "Ayes," Stites, Davis, Burroughs, McKiernan.

2. Frank Piper
3915 Ford Ave. – 912712



Mr. Knapp said so, this one is at 3915 Ford Avenue. The applicant currently owns 3911 Ford Avenue and 150 N. 38th Street. This Land Bank lot is an unbuildable lot because it is landlocked. There's no road access to it, so that makes it unbuildable. So, then our yard extension policy is,

you have to be living in—your primary residence has to be next to the Land Bank lot to get the yard extension for an unbuildable lot. They currently live at 150 N. 38th Street, so they don't really follow those rules, but no one—I mean, this lot is unbuildable. It's not going to be built because someone would have to build that road back to it. They own pretty much everything around it. Staff's comment was for it, and they said maybe they need to vacate the right-of-way to make one big parcel.

Chairman McKiernan said I was going to ask if that was right-of-way that was running east-west right there and it is. So, with the exception of the right-of-way, they do own the adjoining parcel and they could eventually ask for that right-of-way to be vacated? **Mr. Knapp** said that is correct, but our rules state it has to be adjoining their primary residence.

Action: **Commissioner Stites made a motion, seconded by Commissioner Davis, to approve as submitted.**

Chairman McKiernan asked, does anyone in attendance want to offer public comment on this particular application?

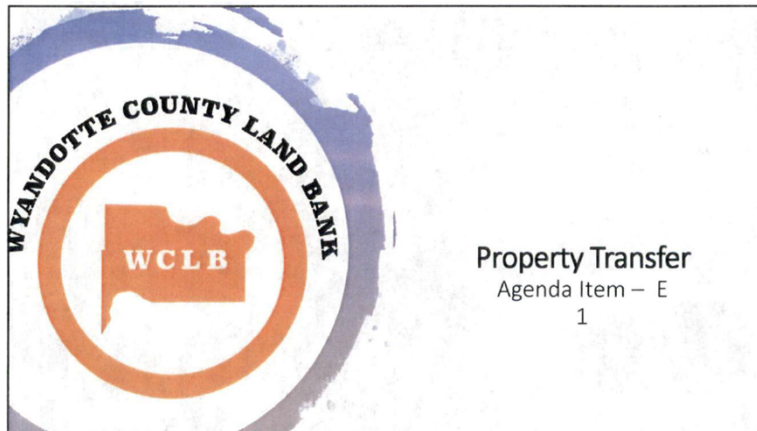
Commissioner Burroughs said I do think this is an opportunity for us to go back and revisit our policies to address this issue. We should look at what we may want to move forward in how we look at these properties, just like this. I hate voting against; I dislike voting against our policies. I'm going to support the motion, but only with the caveat, Mr. Chairman, that we have staff come forward with some sort of legal recommendation in reference to this particular issue. I think it is prudent to at least address it.

Chairman McKiernan said absolutely, Commissioner. I agree with you. At the end of the 2021 calendar year, we put our evolving Land Bank policy review on hold. I agree with you that it's time to resume that review and address this, as one of the many things that we should address in that review. Let's see, we have a motion and a second to approve as submitted. Roll call, please.

Roll call was taken and there were four "Ayes," Stites, Davis, Burroughs, McKiernan.

B. Property Transfer

Brien Darby – Garden
311 Franklin Ave. – 110412



Chairman McKiernan said this is an item that was before us last month and has been brought back.



Mr. Knapp said this is for an urban farm, it's for a profit farm. The applicants are graduates from Cultivate KC's and they're looking to grow vegetables in Wyandotte County. I believe that Cultivate KC is actually here, and we have a presentation from them.

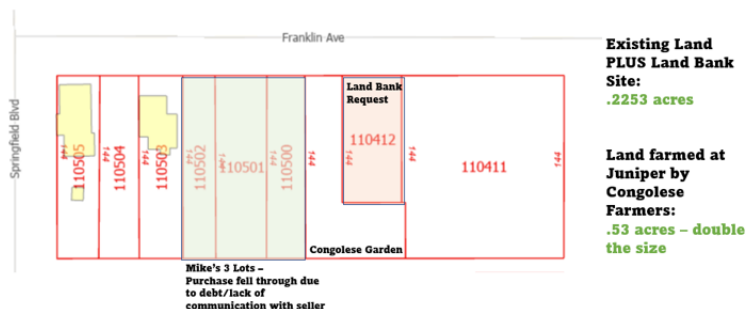
Chairman McKiernan said we have a presentation up. If you would just introduce yourself by name, tell us your city of residence, and then just take us through this short presentation that you've brought with you tonight.

Semra Fetahovic, presenting on behalf of Cultivate KC and Congolesse Garden LLC



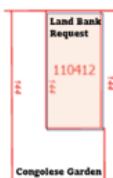
Semra Fetahovic, Kansas City, KS, said I'm just going to jump right in because it's the end of the meeting and I'm sure we want to eat our dinner.

SITE MAP – proved ability to manage land size



So, here you can see the site map. You can see the owned L-shaped lot and the requested Land Bank lot in red. The purchase of the three lots by Mike has fallen through. So, currently, the farmers are just looking to have the Land Bank lot in addition to the L-shaped lot. This slide is mostly just to prove the point that these farmers have a proven ability to jointly manage over half an acre of land that they've done at Juniper Gardens. This land would only be about half of that.

PLANS FOR SITE



- Add fencing to protect crops from critters (estimated cost: \$2,000)*
- Add water line for irrigation (estimated cost: \$10,000)*
- *holding off on these until we know about Land Bank site
- Farmers will still have access to infrastructure at Juniper Gardens, including: greenhouse, washstand, and cooler space



The only things that we would hope to add to the site are water access and fencing to protect the crops. Both of these are quite costly investments, and we are asking farmers to hold off until we can clarify on whether or not they can grow on the entire space. Farmers will still have access to shared infrastructure at the Juniper Gardens Training Farm, which is just across the street, across 3rd Street.

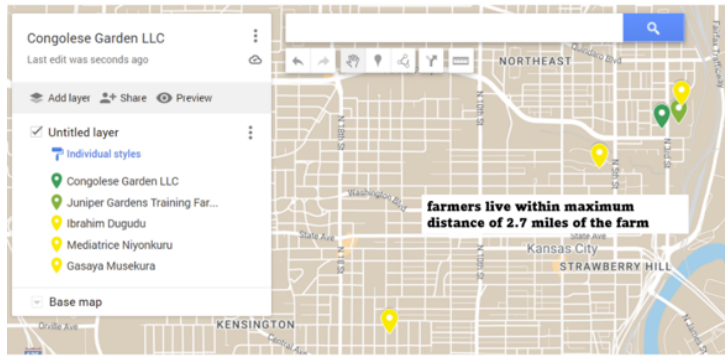
Congolese Garden LLC – Sales Overview



- **\$90,000** in sales over the past 3 years (2019 – 2021)*
- Roughly **\$30,000 per year** in farm sales*
- In 2021, about 5% of their sales were to **SNAP/EBT customers** – around \$1500 per year*
- New Roots just received an EBT machine – we are hoping to increase this number

*these numbers do not include the amount of money saved on feeding themselves, their families, and other community members

Over the past three years, the farmers have sold over \$90,000 worth of vegetables in the KC metro, about \$30,000 per year. This dollar amount obviously doesn't reflect the amount of money saved by these families on their own grocery bills and that of their communities. To these farmers, farming is meaningful and important work that allows them to nourish themselves and their community.



As you can see on this map, all three farmers live within a maximum distance of 2.7 miles from the farm site and the training farm. They are, and have been, members of this community. They are all renting and have no yard space. So, in order for them to continue farming and stay in the community that they want to be in, this is extremely important. So, now, I want to show you some faces instead of buildings and lots.



This is Ibrahim, one of the three farmers. He speaks seven languages and was a chief in the Congo. During our farm classes that we offer in the winter, you can always find him taking meticulous notes and asking thought-provoking questions. During the summer, he brings his children to the farm to help out with harvest in hopes of passing on farming to his children.



Josiah to the right is the second of the three farmers. Josiah faces more barriers than others. He struggled with reading and writing as he did not receive a long, formal education. This has not stopped him, though. He has family and community that support him. He always has probably the most beautiful garden plot. He's always eager to learn and develop his farming skills. Several times throughout the season, he brings me a bag full of vegetables and tells me that there for my mother, because I, myself have a refugee background and moved to KCK as a refugee in 2000.



And this is the third of the three farmers, Mediatrice lives in the Juniper Gardens housing, right next to our training farm. She's an incredible saleswoman and dreams of starting her own market where she sells African fabrics, goods, and, of course, vegetables. She wants to grow for her community providing culturally appropriate and meaningful food, such as nuchicha and white

eggplant which we might have never tasted or seen. She's a mother of three, is actively engaged in her church community, takes English classes in and outside of our program, and recently started working as an interpreter through Catholic Charities.



I just wanted to leave you all with this picture of the smiling faces on the day that they were able to purchase the L-shaped lot from Jonathan Finley. Grace, Mediatrice's little daughter, is seen frowning because when we started this meeting, I told her why we were there. She told me that she wanted to also buy a garden. That is the end of my presentation. Thank you for letting me share.

Chairman McKiernan said, Mr. Knapp, could you go back to the parcel map, please, because it's contained within this PowerPoint. Yes, that's fine. Mr. Knapp, could you remind us who owns 110, 411?

Mr. Knapp said not the Land Bank or the UG. It's a private owner.

Ms. Fetahovic said I believe it's the church across the street that sometimes uses it for parking, I think.

Chairman McKiernan said the applicant currently owns that L-shaped parcel that is shaded white and wishes to purchase the Land Bank parcel. Those three green parcels that are more to the left or to the west, the applicant attempted to purchase those, but the owner does not wish to sell them. Is that correct?

Ms. Fetahovic said there is some debt owed on the lots that amount to about \$12K. It would be a very bad purchase for them. The owner has since moved and relocated to Arkansas, and we have pretty much lost communication with him.

Chairman McKiernan said I did talk briefly with Commissioner Townsend about this earlier afternoon, and I really do wish that she was able to be here with us in the meeting tonight. She says that her first thought is a stipulation that the applicant acquires no other land in that same block for gardening purposes whether that land comes from the UG or from private individuals. She made her comment to me that she really wanted to see construction. She'd like to see homes built in that area regardless of the value that a garden would add to that block. She would like to see construction in addition to the garden. She did say to me that she was inclined to go along with the requested Land Bank transfer, but would like to see the remainder of the block developed into something other than a garden.

So, do any other members of the committee have comments or questions either for Mr. Knapp or for the applicant?

Commissioner Stites said what is the size of that lot? I know that says .22 and just under a quarter acre, but what's the frontage on Franklin and the depth? **Mr. Knapp** said I'm looking, Commissioner.

Ms. Fetahovic said I know that the parcel size is about .1 acres. I don't remember the exact frontage, so if Jud can find that, that would be great.

Mr. Knapp said the frontage is 47 feet and it's 100 feet deep.

Chairman McKiernan said it's the front on 311, right? **Mr. Knapp** said yes.

Commissioner Stites said so that 311 is suitable size for a residence, is that correct? **Mr. Knapp** said that is correct, it is a buildable lot.

Commissioner Burroughs said Semra, wonderful presentation, thank you. It's important that if there's an opportunity to turn that ground into something productive, I'm supportive of that. But when we start talking about future development, that's my concern. I would just ask, Mr. Chairman, if we choose to move this forward, is there an opportunity for us to encourage maybe a standalone building or something like that. I'm thinking of a common area for the other members of the community, like a farmers' market. They could actually put a concrete slab down and maybe a cover over the slab and move their product through that area. But I am with Commissioner Townsend in reference to I'd like to see development, the rest of the way, but I am supportive, Mr. Chairman, of Semra. Semra, thank you for such a passionate presentation.

Ms. Fetahovic said I can speak a little bit to the sales. Several of these farmers, Mediatrix specifically, she sells at the Merc, which is just down the street from this site. We have had onsite markets at the Juniper Gardens training farm site right nearby, and that is something that we are considering starting again this year. I have it in the slides but didn't bring it up. We were able to receive an EBT machine to accept SNAP and EBT for vegetables. So that's something that we're constantly pushing, and we do want to sell as much of the produce that's grown here to people who are living right in this area. I do think that that's very important.

Commissioner Davis said great presentation, really, really interesting. I do want my colleagues to keep in mind, this is an area that is in need for options for healthy food. We are dealing with a place that is still, by many in our community, considered a food desert. I understand and completely agree with the desire for infill housing; however, we don't necessarily have that applicant or that type of application before us. Due to that and the fact that this area is in need of healthy food options, I am inclined to support.

Chairman McKiernan said I do see that Brien Darby, of Cultivate KC, has her hand raised, and so, if we could get Ms. Darby to where she could speak and then we'd allow her to offer comment as well.

Brien Darby, Kansas City, MO, representative from Cultivate KC, said I just wanted to chime in that I have been in contact with Commissioner Townsend's office as we discussed at the last meeting. I think Jud already mentioned this, but what we had discussed coming into this meeting was that her concern was that the majority of the block was going to be gardening, farming if the sale of those other lots, that some mentioned, had gone through. It seems very unlikely that that's the issue right now. I just want to reiterate that for these farmers, the Congolese farmers who we're representing, to move forward with any infrastructure on 315, we cannot recommend that they continue to build their business unless 311 becomes available.

Commissioner Stites said motion to approve as submitted. I think there will be some, probably some photos of some smiling faces if this gets through the rest of the Commission. I look forward to seeing some more farmers out there doing their good thing. Thank you very much for the presentation.

Action: **Commissioner Stites made a motion, seconded by Commissioner Burroughs, to approve the transfer as submitted.**

Chairman McKiernan said for any of us who've been across the street to the Juniper Gardens training farms, it is an impressive operation. We certainly have evidence there of what the graduates of that program can do on their property. We have a motion and a second to approve this transfer as submitted. Is there anyone else in attendance who would like to offer public comment on this item? Looks like we have Elnora Jefferson.

Elnora Jefferson said this is a real tough application here for me. I'm very familiar with this area. I just have two questions that I'd like to pose for consideration by the Commission. Number one, has the Congolese farmers spoken with the members of the Havenside Church, which is across the street, or with any of the neighbors who are in this neighborhood? Number two, this particular location, unless I'm terribly wrong, is the location where the woman who lived there, and this is a very direct comment, but it is true, her house was set on fire, a suspected arson because of some drug dealing that was very heavy in that area. As we know, lead and asbestos does not wash out of the soil with water and so forth, it has to be abated. So the question is, if this is approved for

agricultural purposes, then has there been an environmental assessment. If so, is that information available to the Commission, to the public as well who's going to be purchasing or may possibly purchase or consume the products that are purchased there/grown there?

Chairman McKiernan said thank you, Ms. Jefferson. If Ms. Darby is still available, could you address the issue of steps that the gardener's take to ensure the safety and quality of their product?

Ms. Fetahovic said I can speak to that. We have conducted a regular soil test as we would do on any farmland. We haven't done a heavy metal test, so we would be happy to do a core sample so we would get a much deeper soil test and send that in. We've done quite a few of those and can get the results pretty quickly. We do think that would be a really great thing to do and we're happy to do that. For the past at least three and a half years while I've been there, there haven't been structures on here, and 315 has actually been farmed and the food has been consumed by Mike who used to live there. Not saying that is an answer to your question, but we would be happy to do the test.

We have spoken with not the church directly across on Franklin, but we've spoken with the church on the corner of Third. We have communicated with them off and on and they seem very supportive of us and have let us use their parking lot during events. That corner site that's there, we've been to that owner that's on Third, and that must be Richmond. Someone purchased that lot. They are trying to turn it into an event space, but don't have any parking. We have also communicated with the residents that live directly across on Franklin. His name is Constantine, and I think he owns both houses across the street. He actually moved to the U.S. from Romania and is very excited that we are growing vegetables there. So, we have spoken to them. There's currently no one living in the houses that are on Franklin.

Chairman McKiernan said thank you so much for that update. Appreciate the outreach that you've already done and will continue to do in the neighborhood. There is a motion and a second to approve this application as submitted. I'll ask the Clerk's Office if we received any communication about this application. **Ms. Kimble** said no communication has been received.

Chairman McKiernan said thank you, and there's no one in the lobby of the Municipal Office Building so I'll ask for a roll call, please.

Commissioner Stites said, Chairman, I have a follow-up question. So, regarding that soil test—let's assume both ways. It comes back and there's nothing, there's no hazards to that, and that's fine. So, I'm just wondering, the results, whether they go negatively towards this, what happens and when would we potentially hear those results? Would those be presented? I know the applicant said that they would be glad to do that test, but would that be something that they can present to us, or how is that followed up. I appreciate Ms. Elnora Jefferson's comments regarding that because that's very important about vegetables that will be consumed on just potentially hazardous soils. That would be my question.

Chairman McKiernan said I'd ask if either of the representatives of Cultivate KC would like to respond to that in terms of follow-up?

Ms. Darby said I would be happy to respond. Unfortunately, this is the first we're hearing about the previous land use of that lot, so we really appreciate Ms. Jefferson letting us know, and of course, we will do due diligence on that. I would say that with similar lots that we've surveyed in this area that probably also had houses on them before, we have yet to find one when we did the more in-depth soil analysis for those heavy metal packages that we've seen anything that raised alarm for either human or environmental toxicity. So, I anticipate that's what we will find, but again, I really appreciate that being flagged. We will do that as soon as possible with the ground dye and then be happy to share those results back with anyone. Probably Jud would be our first go-to.

Chairman McKiernan said, Ms. Darby, would I be safe to assume that, if anything were found, that the soil would be amended such that it would not be harmful before any gardening would take place?

Ms. Darby said that is correct. The current recommendation that Kansas State University puts forth is heavy applications of compost and avoiding certain crops until you get a test that is more consistent with what you'd want to see for growing healthy vegetables.

Chairman McKiernan asked, does any member of the committee have any follow-up that they'd like to take up at this point on this application? I'd asked Commissioner Stites if this answer is sufficient? **Commissioner Stites** said yes, it is, thank you.

Chairman McKiernan said we have a motion and a second to approve as submitted. Roll call please.

Roll call was taken and there were four "Ayes," Stites, Davis, Burroughs, McKiernan.

Chairman McKiernan said thank you very much to everyone who came before the committee. Thank you to the committee members for your work this evening. That is the last item on our agenda. We are adjourned.

Chairman McKiernan adjourned the meeting at 7:02 p.m.

am