

**AUGUST 25, 2022 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM**

We invite you to view the meeting in person in the Commission Chambers, Lobby Level of the Municipal Office Building, 701 N 7th street, Kansas City, Kansas, or virtually via Zoom webinar.

You are invited to a Zoom webinar.

When: Aug 25, 2022, 07:00 PM Central Time (US and Canada)

Topic: Full Commission meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86510374299?pwd=YU54cFBweXV2cytoT3pUTlQzWE8zdz09>

Passcode: 683757

Or One tap mobile:

US: +13462487799,86510374299# or +16694449171,86510374299#

Or Telephone:

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

US: +1 346 248 7799 or +1 669 444 9171 or +1 669 900 9128 or +1 719 359 4580 or +1 253 215 8782 or +1 309 205 3325 or +1 312 626 6799 or +1 386 347 5053 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 301 715 8592 or 888 475 4499 (Toll Free) or 877 853 5257 (Toll Free)

Webinar ID: 865 1037 4299

International numbers available: <https://us02web.zoom.us/j/86510374299>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY REVEREND**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, AUGUST 25, 2022 AGENDA**

Blue Sheet Adding New Item under IX. Mayor's Agenda

ITEM NO. 2 – PRESENTATION: STATISTICAL ANALYSIS

Synopsis: Presentation by Geoff Vandeusen regarding statistical analysis of commission meetings, submitted by Mayor's Office.

For information only

VI. CLERK'S STATEMENT

(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)

- VII. PLANNING AND ZONING CONSENT AGENDA
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA
- IX. MAYOR'S AGENDA
- X. REGULAR CONSENT AGENDA
- XI. PUBLIC HEARING AGENDA
- XII. STANDING COMMITTEES' AGENDA
- XIII. ADMINISTRATOR'S AGENDA
- XIV. COMMISSIONERS' AGENDA
- XV. LAND BANK BOARD OF TRUSTEES' AGENDA
- XVI. PUBLIC ANNOUNCEMENTS
- XVII. ADJOURN

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **COZ2022-022 - ANDREA WEISHAUBT WITH ATLAS LAND CONSULTING**
Synopsis: Change of Zone from R-1 Single Family District to R-2 Two Family District to construct a duplex at 4744 Georgia Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211888
2. **COZ2022-023 - CURTIS PETERSEN WITH POLSINELLI PC**
Synopsis: Change of Zone from RP-5 Planned Apartment District to A-G Agriculture District to construct Endless Outdoors Nature Experience at 2640 Woodend Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211890

B. SPECIAL USE PERMIT APPLICATIONS

1. **SP2022-037 - DANIEL JANSSEN WITH ME AND MY UNCLE LLC**
Synopsis: Special Use Permit for storage for landscaping business inside a 2000 square foot outbuilding at 230 South 65th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**
Tracking #: 211891

2. **SP2022-067 - BRIAN GLASSER WITH AKCO INVESTMENTS LLC**

Synopsis: Special Use Permit to operate a short-term rental at 733 Ohio Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 211892

3. **SP2022-069 - G & J ENTERTAINMENT**

Synopsis: Special Use Permit for live entertainment in conjunction with an existing drinking establishment at 4929 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211895

4. **SP2022-073 - CURTIS PETERSEN WITH POLINSELLI PC**

Synopsis: Special Use Permit to develop and operate a youth outdoor nature experience facility with trails, camping and shelters at 2640 Woodend Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211893

5. **SP2022-075 - CRISTEN RYMAN AND KATE LYNCH**

Synopsis: Renewal of a Home Occupation Special Use Permit (SP-2020-38 - expires 9/13/2022) for a short-term rental at 2824 North 99th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 211889

C. MASTER PLAN AMENDMENT APPLICATION

1. **MPL2022-014 - CURTIS PETERSEN WITH POLSINELLI PC**

Synopsis: Master Plan Amendment from Low Density Residential (City-Wide Master Plan) to Rural Density Residential (City Wide Master Plan) at 2640 Woodend Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211897

D. PLAN REVIEW APPLICATION

1. **PR2022-024 - CURTIS PETERSEN WITH POLSINELLI PC**

Synopsis: Preliminary and Final Plan Review for Endless Outdoors Nature Experience at 2640 Woodend Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211896

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

1. AN ORDINANCE rezoning property at 3619 Pomeroy (COZ2022-021) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
2. AN ORDINANCE rezoning property at 4732 State Avenue (COZ 3241) from CP-1 Planned Limited Business District to CP-2 Planned General Business District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
3. AN ORDINANCE rezoning property at 4136 Springfield (COZ2021-034) from RP-1(B) Planned Single Family District to RP-5 Planned Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
4. AN ORDINANCE rezoning property at 4141 Joyce Drive (COZ2022-014) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
5. AN ORDINANCE vacating right-of-way (VAC2022-004) at 2942 North Bethany Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
6. AN ORDINANCE vacating a utility easement (VAC2022-005) at 12746 and 12750 Hubbard Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
7. AN ORDINANCE authorizing a Special Use Permit at 7250 State Avenue (SP2022-006) for continuation of a child care facility on the KCKCC campus, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
8. AN ORDINANCE authorizing a Special Use Permit at 941 North 74th Drive (SP2022-040) for live entertainment in conjunction with an existing restaurant, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
9. AN ORDINANCE authorizing a Special Use Permit at 322 North 6th Street (SP2022-046) for live entertainment in conjunction with an existing drinking establishment, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

10. AN ORDINANCE authorizing a Special Use Permit at 4141 Joyce Drive (SP2022-042) for Temporary Use of Land for agricultural-related tourism, sales, education classes, apprentices and a farm stand, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
11. AN ORDINANCE authorizing a Special Use Permit at 10 South Hallock Street (SP2022-059) for a short-term rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
12. AN ORDINANCE authorizing a Special Use Permit at 3914 North 59th Street (SP2022-056) for Temporary Use of Land for Commercial Purposes to keep work equipment, related materials, and parking for employees on site, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
13. AN ORDINANCE authorizing a Home Occupation Special Use Permit at 1324 North 75th Drive (SP2022-057) for a short-term rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
14. AN ORDINANCE authorizing a Special Use Permit at 6720 Kaw Drive (SP2022-062) for the continuation of live entertainment in conjunction with an existing drinking establishment, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. SPECIAL USE PERMIT APPLICATION

1. SP2022-068 - SARAH BELARDE AND JAVIER SAENZ

Synopsis: Special Use Permit to operate a short-term rental at 3008 South 9th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR - 6/1 VOTE)**
Tracking #: 211894

B. CONSIDERATION OF PLANS/ORDINANCES

1. AN ORDINANCE ADOPTING THE NORTHEAST KCK HERITAGE TRAIL PLAN

Synopsis: Together with our partners at Groundworks NRG and MARC seeks to define a new heritage trail route from Kaw Point to the Quindaro Townsite. The Plan process has collected stories from across the Northeast community for future wayfinding and historical markers, aligns strategic multi-benefit trail and stormwater infrastructure investments, and promotes the equitable development of the many underutilized parcels along the proposed route, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Link to Plan: [NE KCK Heritage Trail Plan](#)

Tracking #: 211898

2. AN ORDINANCE ADOPTING THE MERRIAM CONNECTED CORRIDOR PLAN

Synopsis: Together with our partners at KDOT, MARC, KCATA and the Cities of Overland Park, Mission and Merriam seeks to expand multi-modal connectivity across the inter-jurisdictional corridor, and identifies key locations for targeted redevelopment and reinvestment. The Plan identifies gaps in the Turkey Creek Trail network, key intersection improvements, gateway opportunities, and other strategies to create a more walkable, dense and mixed-use corridor, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL)

Link to plan: [Merriam Connected Corridor Plan](#)

Tracking #: 211899

3. AN ORDINANCE ADOPTING THE GO DOTTE COUNTYWIDE STRATEGIC MOBILITY PLAN

Synopsis: Together with our partners at KDOT, MARC, KCATA and the Cities of Bonner Springs, Edwardsville and Lake Quivira seeks to implement the County's Complete Streets Ordinance and balance the transportation network for all users, modes and abilities. The Plan identifies key trends that together with public input informs its strategies and action plan, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Link to Plan: [goDotte Countywide Mobility Strategy Plan with Appendices](#)

Tracking #: 211900

TAX STATUS REPORT
BOARD OF COMMISSIONERS AGENDA FOR AUGUST 25, 2022

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

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

IX. MAYOR'S AGENDA

Item No. 1. - PROCLAMATION: VICTORY OUTREACH KC INNER RECOVERING HOMES DAY

Synopsis: Proclamation proclaiming August 21st, 2022, Victory Outreach KC Inner Recovering Homes Day, submitted by Tyrone A. Garner, Mayor/CEO.

For information only.

Tracking #: 211923

ITEM NO. 2 – PRESENTATION: STATISTICAL ANALYSIS (ADDED PER BLUE SHEET)

Synopsis: Presentation by Geoff Vandeusen regarding statistical analysis of commission meetings, submitted by Mayor's Office.

For information only

Tracking #: 211924

X. REGULAR CONSENT AGENDA

Item No. 1. - ORDINANCE: CLARIFICATION OF BOUNDARIES OF STAR BONDS FOR LEGENDS

Synopsis: Ordinance correcting an error in the legal description and map pertaining to the Village East STAR Bond District to properly reflect the original District boundaries previously approved, submitted by Patrick Waters, Deputy Chief Counsel.

*On August 8, 2022, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.*

Tracking #: 211863

Item No. 2. - NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

- Roderick McConnell to the Housing Authority, 8/25/2022 to 12/15/2025, submitted by Mayor Garner
- Jacques Barber to the Housing Authority (Re-Appointment), 8/25/2022 to 12/15/2025, submitted by Commissioner Kane
- Matt Watkins to the Housing Authority (Re-Appointment), 8/25/2022 to 12/15/2025, submitted by Commissioner Stites

Tracking #: 211919

Item No. 3. - PLAT: SUBDIVISION FOR HYINK ADDITION NO. 1

Synopsis: Plat of HYINK ADDITION NO.1, located at 6702 and 6716 Berger Avenue, being developed by Steven F. Hyink, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 211920

Item No. 4. - PLAT: SUBDIVISION FOR PIPER CREEK ESTATES, SECOND PLAT

Synopsis: Plat of PIPER CREEK ESTATES, SECOND PLAT located at Sloan Avenue and Sewell Avenue in Piper, being developed by BCB Holding, LLC – Brandon Becker, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 211921

Item No. 5. - MINUTES

Synopsis: Minutes from the special session of July 28, 2022.

Tracking #: MINUTES

Item No. 6. - WEEKLY BUSINESS

Synopsis: Weekly business materials dated August 4, and August 11, 2022.

Tracking #: WEEKLY BUSINESS

XI. PUBLIC HEARING AGENDA

Item No. 1. – RESOLUTION/ORDINANCE: 505 CENTRAL DEVELOPMENT PROJECT

Synopsis:

- A resolution adopting the 505 Central Development Agreement,
 - An Ordinance establishing a redevelopment district,
- submitted by Katherine Carttar, Director of Economic Development.

*On July 11, 2022, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.*

Tracking #: 211796

XII. STANDING COMMITTEES' AGENDA

Item No. 1. - RESOLUTION: CLOSING OUT NEIGHBORHOOD STABILIZATION PROGRAM (NSP3)

Synopsis: Request to conduct a public hearing on August 25, 2022, and a resolution approving the close-out of the Neighborhood Stabilization Program (NSP3), submitted by Wilba Miller, Director of Community Development.

*On August 22, 2022, this item was heard by the **Administration and Human Services Standing Committee**, chaired by Commissioner Markley. It was requested and approved by the Mayor, to fast-track this item to the August 25, 2022, full commission meeting.*

Tracking #: 211866

XIII. ADMINISTRATOR'S AGENDA

Item No. 1. – PRESENTATION: LEGISLATIVE REPORT

Synopsis: Presentation of current legislative activity by Paul Davis, submitted by Mayor's Office.

For Information Only.

Tracking #: 211871

Item No. 2. - PRESENTATION: FUNDING STRATEGIES AND CONSIDERATION OF A RESOLUTION AUTHORIZING THE SALE OF MUNICIPAL TEMPORARY NOTES, SERIES 2022-II

Synopsis: A presentation on funding strategies of legal settlements and consideration of options including a resolution authorizing and directing the issuance, sale, and delivery of Municipal Temporary Notes, Series 2022-II, submitted by Kathleen VonAchen, Chief Financial Officer, Debbie Jonscher, Deputy Chief Financial Officer, and Alyse Villarreal, Debt Coordinator of the Finance Department.

Tracking #: 211881

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, AUGUST 25, 2022**

NEW ITEMS

IX. MAYOR'S AGENDA

ITEM NO. 2 – PRESENTATION: STATISTICAL ANALYSIS

Synopsis: Presentation by Geoff Vandeusen regarding statistical analysis of commission meetings, submitted by Mayor's Office.

For information only

Tracking #: 211924



Legislative Scorecard

Statistics

Analysis ▶

Recommendations



Culmination
of Findings

The numbers seen henceforth are from every full
commission meeting from 12/16 to 7/14

Planning and Zoning

Total number of
votes taken: 198



Votes that were
unanimous: 176



Votes failed: 1



The commission
voted unanimously:
88.89%

Mayor's Agenda

Total number of
votes taken: 14



Votes that were
unanimous: 10



Votes failed: 1



The commission
voted unanimously:
71.43%

Consent Agenda

Total number of
votes taken: 81



Votes that were
unanimous: 74



Votes failed: 0



The commission
voted unanimously:
91.36%

Public Hearing Agenda

Total number of
votes taken: 7



Votes that were
unanimous: 6



Votes failed: 0



The commission
voted unanimously:
85.71%

Land Bank

Total number of
votes taken: 8



Votes that were
unanimous: 8



Votes failed: 0



The commission
voted unanimously:
100%

Administrator's Agenda

Total number of
votes taken: 9



Votes that were
unanimous: 8



Votes failed: 0

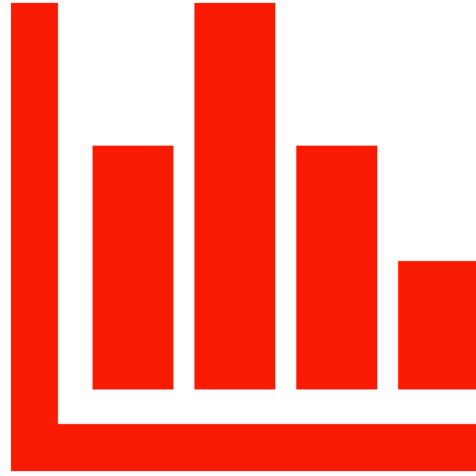


The commission
voted unanimously:
88.89%

Total Full Commission Votes



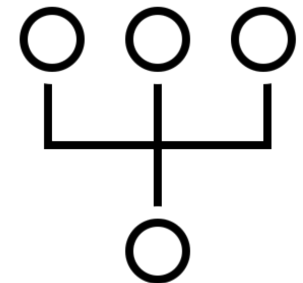
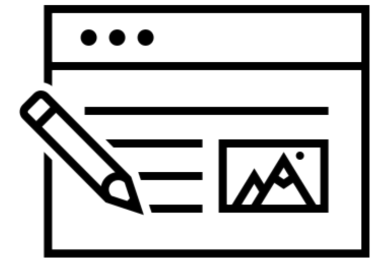
- In total the commission voted unanimously: 87.71%



Statistical Analysis

What do the numbers mean and what can we takeaway from them?

1. There has been some dysfunction and hostility during commission meetings
2. The commissioner's, mayor's, and administrator's agendas seem to be in unison more than realized
3. These issues are not ideological





Thank you



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: August 25, 2022

Re: COZ2022-022

GENERAL INFORMATION

Applicant:

Andrea Weishaubt DBA Atlas Land Consulting, LLC

Status of Applicant:

Representative
606 Jefferson Hills Court
Lawrence, Kansas 66044

Requested Action:

Approval of Change of Zone.

Date of Application:

June 22, 2022

Purpose:

To change the zoning district from R-1 Single Family District to R-2 Two-Family District for the construction of a new duplex.

Property Location:

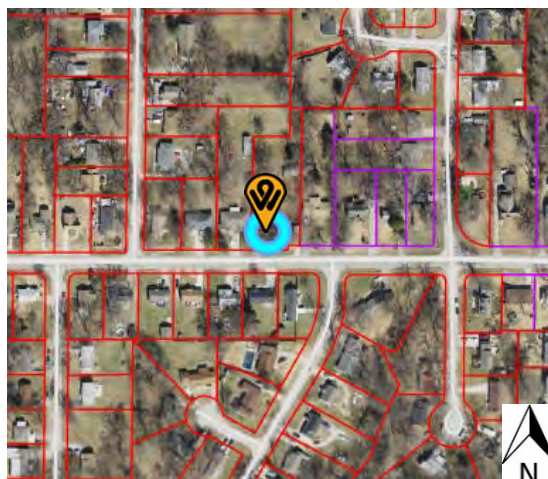
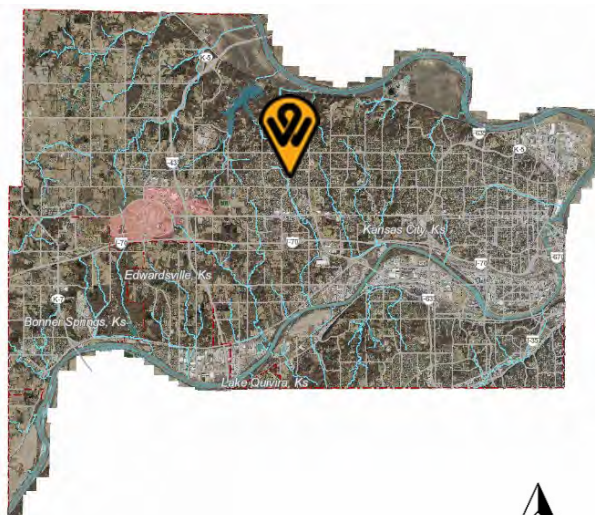
4744 Georgia Avenue
Kansas City, Kansas 66109

Commission Districts:

Commissioner At-Large, District #1:
Melissa Bynum
District #1 Commissioner: Gayle Townsend

Existing Zoning:

R-1 Single Family District



Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-2 Two-Family District
Adjacent Uses:	North: Single Family Residences South: Single Family Residences East: Single Family Residences West: Two-Family Residences
Total Tract Size:	0.61 Acre
Master Plan Area:	The Subject Property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this Property as Low Density Residential. Low Density Residential uses include single-family detached residences, institutional uses such as small churches and schools, parks, and open space. Discouraged uses include industrial parks, business parks, adult-themed businesses, and medium and high-density residences.
Major Street Plan:	The City-Wide Master Plan designates Georgia Avenue as a Local Street.
Parking Requirement:	R-1 District (current zoning): Section 27-454(d) requires two (2) off-street parking spaces premises for each single-family dwelling, one of which should be a garage or carport. R-2 District (proposed zoning): Section 27-456(4)(e) requires two (2) off-street parking spaces premises for each single-family dwelling, one of which should be a garage or carport. The subject property is a vacant lot, and the requirement of covered parking shall be included in future building plans, meeting this requirement.
Advertisement:	<u>The Wyandotte Echo</u> – July 15, 2022 Letters to Property Owners – July 14, 2022
Public Hearings:	August 8, 2022 and August 25, 2022
Public Support:	One neighbor indicated their support during the neighborhood correspondence period.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Andrea Weishaubt, is requesting a Change of Zone from R-1 Single Family District to R-2 Two-Family District for the subject property at 4744 Georgia Avenue. The Change of Zone has been requested so that the applicant can construct a new duplex residence. The property had a prior single-family residence however that property was demolished in 2018 after a fire. The Change of Zone has been requested so that the Applicant can construct a new duplex home.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints. There were three (3) disturbance complaints with the prior owner.
 - a. 2017: 2017-00122057 – Theft
 - b. 2017: 2017-00109269 – Assault
 - c. 2017: 2017-00010505 – Non-Domestic

Building, Zoning, or Code Enforcement Complaints:

1. The current property owner received a few code enforcement complaints after purchasing the property as a vacant lot:
 - a. 2022: CMP22-0720 – Homeless Encampment – Closed
 - b. ENV22-1200 – Tall Grass - Open
2. The prior owner has received some complaints:
 - a. 2014: 14201-00142 – Roof Repair on Garage - Closed
 - b. 2015: 15505-00166 – Abatement – Trash on Curb - Closed
 - c. 2015: 15208-03127 – Improper Vehicle – Closed
 - d. 2016: 16505-00260 – Abatement – Trash on Curb – Closed
 - e. 2017: 17202-00039 – Fire Damage – Closed
 - f. 2018: 18225-01268 – Weeds and Trash – Closed
 - g. 2019: 19225-02508 – Weeds – Closed
 - h. 2019: 19299-02026 – Weeds/Grass - Closed

Outstanding or Related Permits and Cases:

1. The current property has no outstanding Building Permits.
2. The owner has no previous Planning and Zoning Cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential and suburban in character. Lots range in size with the average lot size being approximately 0.50 acre. There streets are mostly asphalt and driveways are often asphalt or concrete. Houses are a combination of brick masonry and siding. Lots are average for suburban neighborhoods and residences are set back from the street with tall, mature trees.

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

The zoning uses are set out above. The R-2 zoning district is still a low-density style of housing, especially when the lot is larger, contributing to the lower density. There are neighboring duplexes directly adjacent and the construction of a duplex on a large lot is expected to be compatible with the adjacent properties.

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

Per Section 27-456, the purpose of the R-2 Two-Family District is to accommodate two-family dwellings or duplexes where similar density of development exists or as a transition between other districts. There are existing duplex residential units nearby on lots of similar size. The larger lot and ability to create off-street parking and abide by ordinance setbacks alleviates concerns that the construction of a duplex on a lot that may otherwise be unsuitable in a more urban single-family neighborhood.

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

The property has been vacant since fire damage in 2018 with the exception of a dilapidated rear accessory structure, which will be repaired or torn down after the construction of the new residences.

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

The proposed use is reasonably necessary as there is a greater ability to care for and maintain a larger lot with a residence on it than to leave it vacant. Its vacancy has been shown to give way to problems relating to abatement, weeds, trash, and vagrancy. Reducing vacancy and eliminating the associated problems will not injure the nearby property but will enhance it.

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

The proposed Change of Zone usage would not be determined to have any impact or change on traffic in a way that would adversely affect road capacity, safety, or parking. The subject property will be of a similar nature as before the demolition and as the surrounding properties. Should the Change of Zone be approved, the proposed zone would allow for the construction of a two-family residence which would be subject to construction of off-street parking.

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

The City-Wide Master Plan designates this property as Low Density Residential. Low Density Residential includes single-family detached residences, institutional uses such as elementary and middle schools, small churches, libraries, parks, open space, etc. Discouraged uses include industrial parks, business parks, adult-themed businesses, and medium and high-density residences. The Master Plan Land Use Designation does not change with the approval of the Change of Zone, as the density remains low even as a duplex.

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

The applicant is proposing one structure with two (2) units. The structure is proposed so that the applicant construct new housing. There should be little to no long-term negative environmental impact. Any new structures on the property would be subject to a building permit and any impact should be considered temporary.

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

a. Water service

Water Service is provided by BPU.

b. Sanitary sewer service

Sanitary service is available to the property.

c. Storm water control

There are multiple stormwater control points along this property.

d. Police

Police service is provided by West Patrol, District #225.

e. Fire

Fire service is provided by Station #9.

f. Transit

The subject property is accessible by Route #101 which has a stop approximately two (2) blocks away.

g. Schools

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

h. Streets

See item #6 above.

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

The economic impact on the community is minimal, as the subject property is a vacant parcel in which only a duplex would be constructed.

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

The subject property currently conforms as it is a vacant lot except for the current accessory structure in the rear which has no primary structure without the construction of a residence, either single or two-family. The change of zone allows for the subject property to remain conforming with the construction of the duplex residence.

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

There is some impact or gain to public health, safety, or welfare imposed on neighboring residence as the vacant lot has not been maintained and has been known to be a source of problematic activity for neighbors. The construction of a duplex would eliminate associated hazards with such vacancy.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of July 26, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Cross-Axis Access
Neighborhood Character
Agricultural Activity
Residential Use
Zoning
Vacant Lot
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-022**, subject to:

- 1) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure;
- 2) The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
- 3) Per Section 27-609(2)a., the exterior walls of accessory structures shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
- 4) A Right-of-Way Permit may be required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
- 5) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and
- 6) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the

petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2022-022** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 8, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Preliminary Building Elevations
Neighborhood Meeting Information
Conservation District Letter
Staff Site Visit Photos Dated July 7, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing		
Rezoning	August 8, 2022	August 25, 2022
	Approval	

STAFF CONTACT:

Kallie McLaughlin
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-022** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-022**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 8, 2022 City Planning Commission Minutes:

Hearing starts at 53:40:

CHANGE OF ZONE APPLICATION COZ2022-022 – ANDREA WEISHAUBT WITH ATLAS LAND CONSULTING - SYNOPSIS: Change of Zone from R-1 Single Family District to R-2 Two Family District to construct a duplex at 4744 Georgia Avenue.

Detailed Outline of Requested Action: The Applicant, Andrea Weishaubt, is requesting a Change of Zone from R-1 Single Family District to R-2 Two-Family District for the subject property at 4744 Georgia Avenue. The Change of Zone has been requested so that the applicant can construct a new duplex residence. The property had a prior single-family residence however that property was demolished in 2018 after a fire. The Change of Zone has been requested so that the Applicant can construct a new duplex home.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 8, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to property owners.

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

Present in Support:

- Austin Thompson, Atlas Land Consulting, 2330 Hutton Road, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 55:40: Planner Toy stated Staff recommends approval subject to the conditions in the staff report.

Motion starts at 55:55:

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of COZ2022-022:**

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

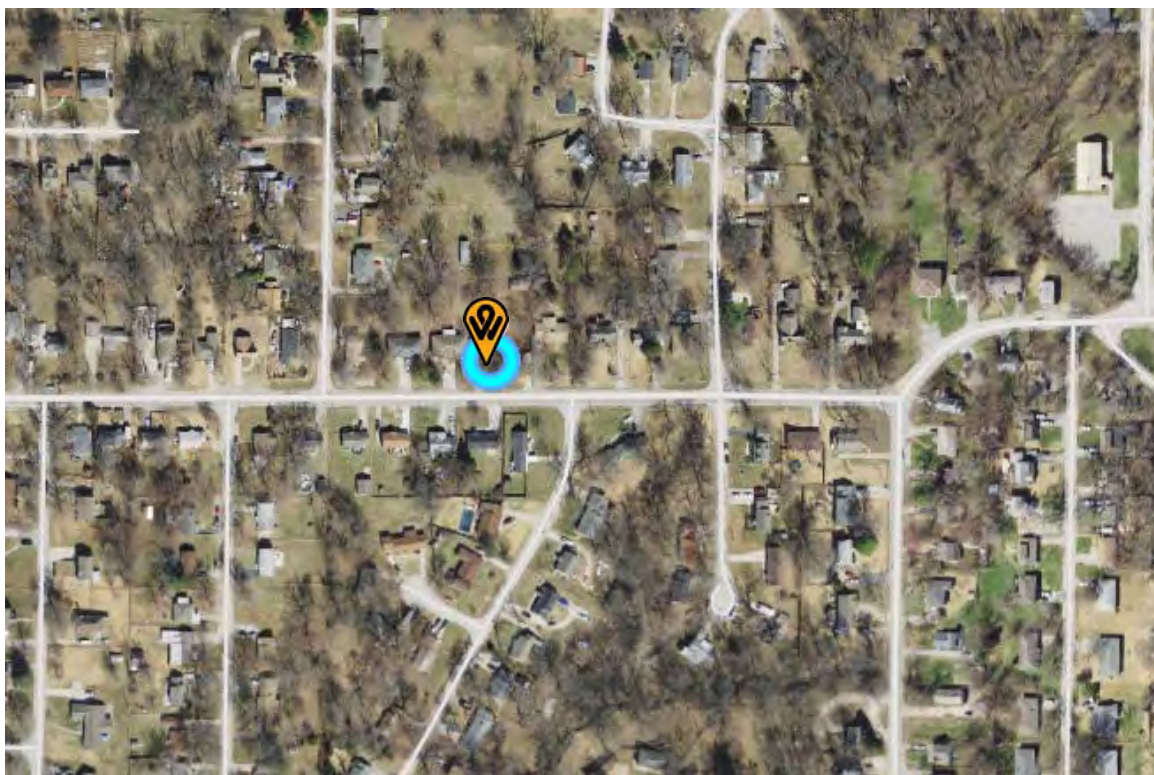
Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to:

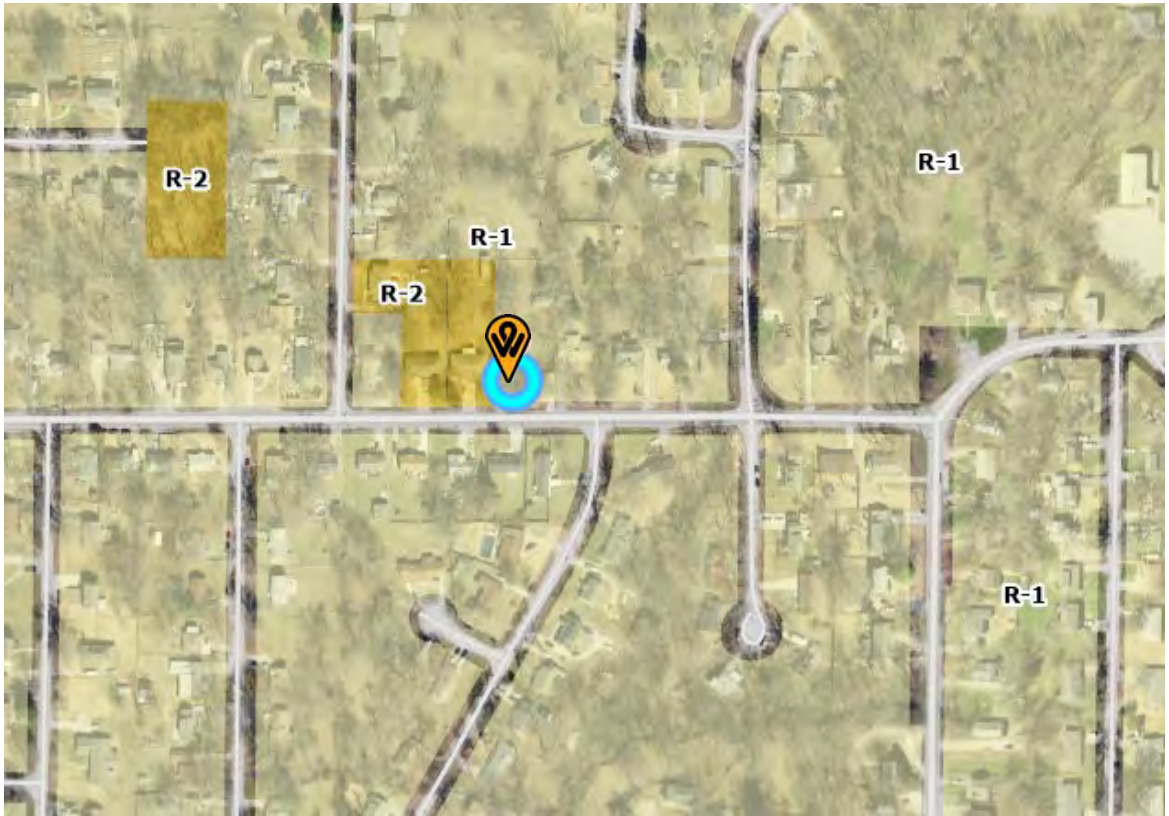
- 1) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure;
- 2) The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
- 3) Per Section 27-609(2)a., the exterior walls of accessory structures shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
- 4) A Right-of-Way Permit may be required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
- 5) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and
- 6) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the

Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

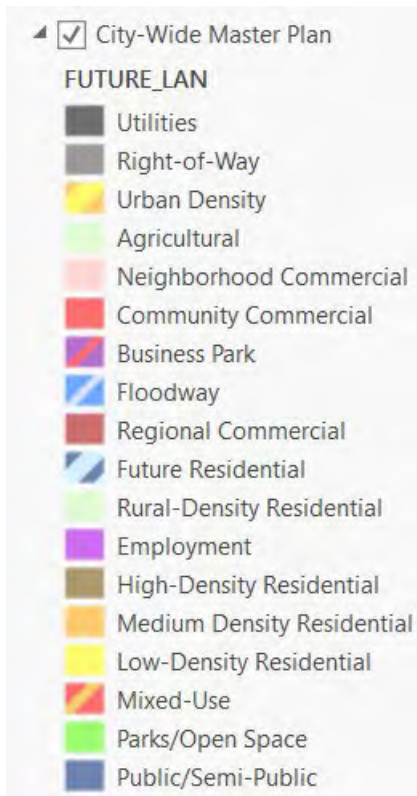
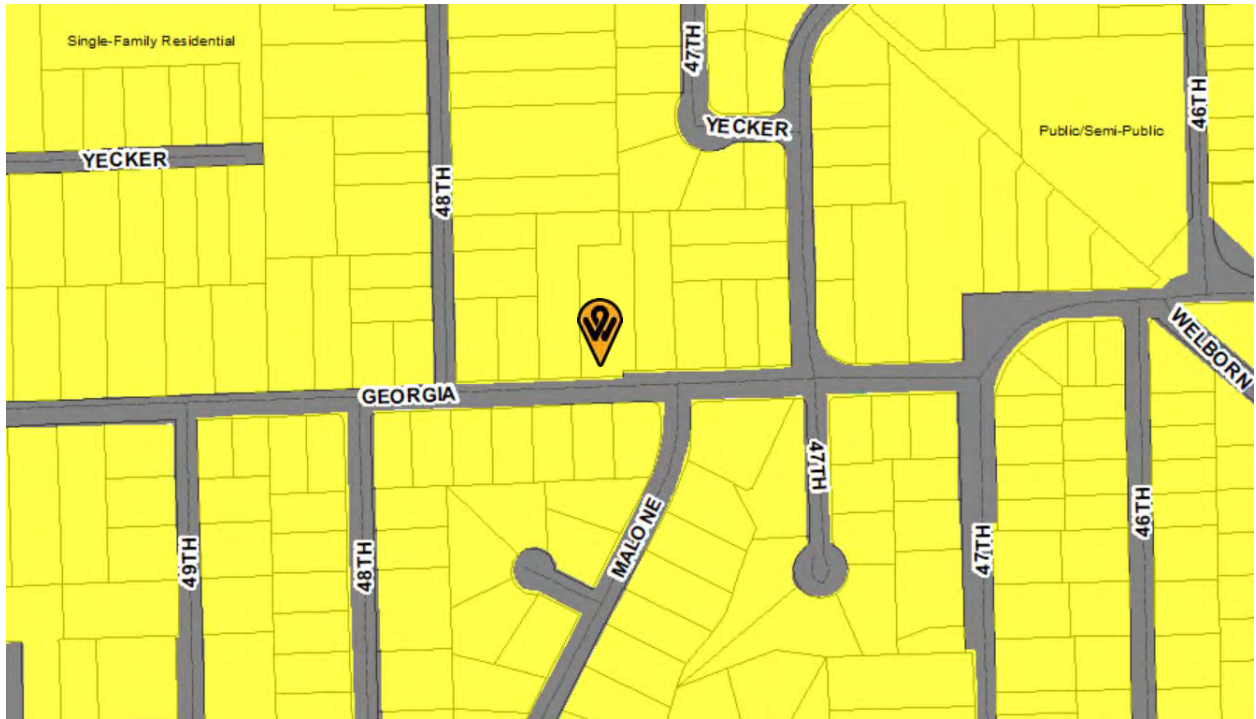
AERIAL MAP



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING INFORMATION

July 12th, 2022
Atlas Land Consulting
2300 Hutton Road Suite 108
Kansas City, KS 66109

We have filed an application with the Department of Urban Planning and Land Use

COZ2022-022

The purpose of this COZ is at the following address:
4744 Georgia Avenue, Kansas City, KS 66104

The purpose of this letter is to explain the change of zone at the address above. The zone of the current property is R1. The owner wants to change the zone from R1 to R2. They want to build a duplex on the property.

If you have any questions, comments or concerns please reach out to one of the contacts below. Taking comments until July 26th, 2022.

Please Contact:

Austin Thompson
austin.thompson@atlassurveyors.com
austin@alconsult-llc.com
(913)-957-3315

Landon Fliger
landon@alconsult-llc.com
(913)-251-1702

Sincerely,



NEIGHBORHOOD MEETING INFORMATION

4744 Georgia Ave Kansas City, KS 66104
COZ 2022-022

ANGELA RAMSEY
4742 GEORGIA AVE
KANSAS CITY, KS 66104

-Angela called on July 20th to show her support for the change of zone requested. She asked what the plan was, and we let her know the client's plan was to build a duplex on the property. She was excited to final have the burnt building, from a few years ago, tore down and replace with something new. She has lived next door to the proposed site for many years and is in full support of this project.

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

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

- COZ2022
1. That I am the petitioner for Petition # 022.
 2. That I conducted a neighborhood meeting on VIA Phone and email.
 3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of July, 2022

My commission expires 20th of Dec, 2022.



Notary Public



CONSERVATION DISTRICT COMMENTS



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

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

July 12, 2022

RE: COZ2022-022 Andrea Weishaubt for construction of a duplex at 4744 Georgia Avenue

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2022-022 Andrea Weishaubt for construction of a duplex at 4744 Georgia Avenue.

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

MAPS AND REPORTS

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

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

- There are two major soil types identified: Knox silt loam, 7 to 12 percent slopes and Ladoga silt loam, 3 to 8 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- Construction on site, if grading work is carefully planned and executed in limited amounts, should not incur problems with soil loss.
- Erosion control measures such as silt fence, should be incorporated to prevent soil from leaving the site and creating any impact on neighbors and roadways.
- If there are any erosion problems the Best Management Practices in this report should be added to control the problems.

CONSERVATION DISTRICT COMMENTS

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

STAFF SITE VISIT PHOTOS DATED JULY 7, 2022





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: August 25, 2022

Re: **Petition COZ2022-023, SP2022-073, PR2022-024 and Master Plan Amendment MPL2022-014**

GENERAL INFORMATION

Applicant:

Curtis Petersen

Status of Applicant:

Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Action:

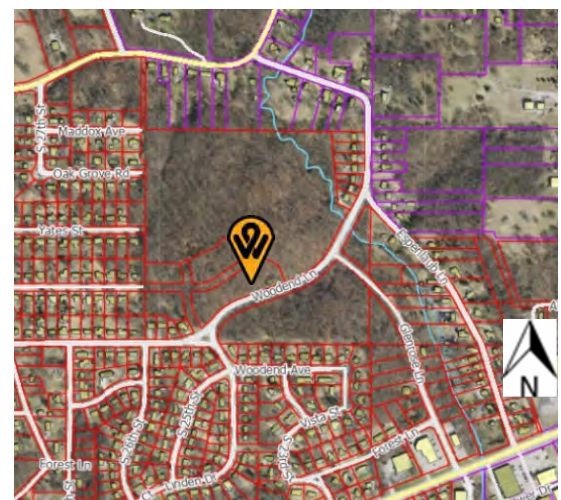
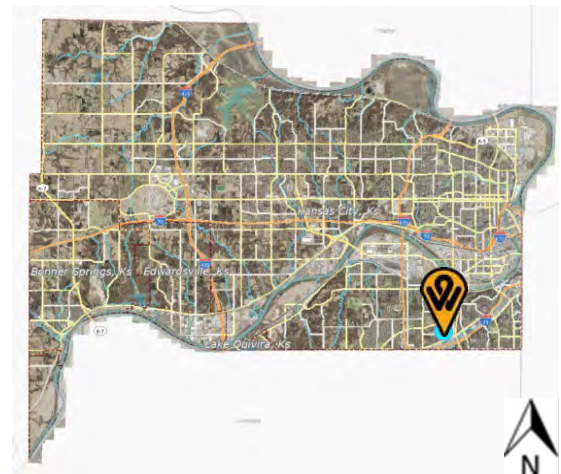
To approve a Master Plan Amendment from Low Density Residential to Rural Density Residential (City-Wide Master Plan).

To approve a Change of Zone from RP-5 Planned Apartment and R-1 Single Family Districts to A-G Agriculture District to operate a private facility for recreation (outdoor youth experience with nature trails and walks).

To approve a Special Use Permit for a private facility for recreation (outdoor youth experience with nature trails and walks).

Approval of a Final Development Plan for private facility for recreation (outdoor youth experience with nature trails and walks).

Date of Application: June 24, 2022



Purpose:	To rezone, develop and operate a private facility for recreation (outdoor youth experience with nature trail and walks.
Property Location:	2640 Woodend Lane, 2711 South 25 th Street, 2441 Hagemann Street, 2520 Hagemann Street, and 2521 Hagemann Street.
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #6 Commissioner: Angela Markley
Existing Zoning:	RP-5 Planned Apartment and R-1 Single Family Districts
Adjacent Zoning:	North: R-1 Single Family and RP-5 Planned Apartment Districts South: R-1 Single Family and RP-5 Planned Apartment Districts District East: RP-5 Planned Apartment District West: R-1 Single Family District
Adjacent Uses:	North: Single family homes South: Single family homes East: Single family homes West: Single family homes
Total Tract Size:	26.46 Acres
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates the property as Low Density Residential, which allow single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, parks, and open space. A Master Plan Amendment has been submitted to Rural Density Residential, which allows agriculture, ranches, large-lot single-family detached residences, passive parks, and open space.
Major Street Plan:	The Major Street Plan classifies Woodend Lane as a Collector Street.

Required Parking:	Sec. 27-452(e) states two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. Sec. 27-668(b) states any use not included in the parking requirements found in this article a parking requirement by the Planning Commission. The applicant is proposing fifty-six (56) parking spaces.
Advertisement:	<u>Wyandotte Echo</u> – Change of Zone – July 14, 2022; Special Use Permit – July 14, 2022; Master Plan Amendment – July 14, 2022 Property Owners Letters – Change of Zone – July 14, 2022; Special Use Permit – July 14, 2022; Preliminary and Final Plat – July 14, 2022; Preliminary and Final Plan Review – July 14, 2022; Master Plan Amendment – July 14, 2022
Public Hearings:	August 8, 2022 and August 25, 2022
Public Support:	Two (2) people appeared at the August 8, 2022 City Planning Commission meeting.
Public Opposition:	One (1) person appeared at the August 8, 2022 City Planning Commission meeting with questions.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, requests to rezone the property from RP-5 Planned Apartment and R-1 Single Family Districts to A-G Agriculture District, amend the City-Wide Master Plan from Low Density Residential to Rural Density Residential, obtain a Special Use Permit for a private facility for recreation, a Preliminary and Final Plat to create one (1) lot and a Preliminary and Final Development Plan to build nature trails, walks, a Welcome Center and ancillary buildings throughout the parcel associated with the development and maintenance of the property located on 26.46 acres at 2640 Woodend Lane.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article XXI Sections 27-502 – 27-709 and Article XXII Section 27-213

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. 20208-00422 – April 9, 2020 – complaint about vehicles and trespassing (Closed).

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is unique because it is largely residential in nature, with an established single-family neighborhood (traditional ¼ acre lots) to the west and larger single family lots along Espenlaub Drive and Shawnee Drive. The subject properties are large parcels, heavily wooded, rural in character as Woodend Lane winds from Espenlaub Lane to Woodend Avenue.

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

The zoning and their uses are set out above. The proposed use is relatively compatible with a majority of the existing uses due to its passive characteristics. The parking lot is small and must be shielded from the residences to the south and west.

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

Removal of the restrictions will not detrimentally affect nearby property as the properties along the north and portions of the east property line are single-family residences as well, which lends itself to abut a passive, low intensity private facility for recreation – specifically outdoor youth experience with nature trails and walks.

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

Given the heavily wooded parcels, it does not appear that this property has ever been developed.

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

The proposed use is reasonably necessary for the welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property because the proposed use will bolster outdoor activities and programming for children in the Kansas City metro area.

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

The proposed use will increase traffic but not in ways that will adversely affect road capacity and safety because Woodend Lane is accessible by Woodend Avenue via South 34th Street and Espenlaub Drive via Merriam Lane.

The proposed use will increase parking demand, although there is a parking lot/loop being proposed in the southwest corner of the site that will serve employees and guests.

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

While Special Use Permits are not addressed in the Master Plan, Staff believes the proposed use is a park-like, campground setting and the property itself is rural in nature. Therefore, amending the Master Plan to Rural Density Residential is appropriate.

This land use designation allows agriculture, ranches, large-lot single-family detached residences, passive parks, and open space, which better aligns with the character of the neighborhood.

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

The proposed use will not cause environmental harm as trees are being planted around the parking lot and entrance, and existing tree stands will be preserved throughout the parcel with the exception of creating the nature and walking trails.

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

a. *Water service*

Water service is provided by BPU.

b. Sanitary sewer service

Sanitary sewer service is provided by the UG.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by South Patrol, District #331.

e. Fire

Fire service is provided by Fire Station #7 located at South 28th Street and Strong Avenue.

f. Transit

Kansas City ATA does not provide transit service near this area.

g. Schools

Public education is provided by Kansas City Kansas USD 500.

h. Streets

To be designed to meet Public Works standards.

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

The proposed use will have a minimal economic impact on the community due to the size of the property and its proposed uses.

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

The proposed uses are capable of meeting applicable ordinance requirements with revisions.

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

The proposed use will increase traffic to the property as the site is currently

vacant. A Traffic Impact Study has been received and is under review by Planning Engineering and Public Works Department. Additional comments may be forthcoming separate from this report.

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

The noise and illumination that is normally associated with the proposed use will be of such duration and intensity as not to create problems for near-by property because the private outdoor recreation facility will close at dusk during the week. The general noise will be from vehicles entering and exiting the site and children's voices heard in the wooded areas.

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

The proposed use will not pollute the water because the sanitary waste will be connected to the Unified Government sanitary sewer system.

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

The proposed use will not damage or destroy an irreplaceable natural resource as the majority of the property will remain wooded and undisturbed.

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

The relative gain to the public health as compared to the hardship imposed on the landowners will be substantial because this site will allow children/youth in the Kansas City metro area to become campers with Endless Outdoors, letting them experience the outdoors in a safe and secure environment.

17. Whether the proposed would result in overcrowding of land or cause undue concentrations of population.

The proposed use will not result in overcrowding of land or cause undue concentrations of population because the site is sparsely developed and there is enough parking on site to accommodate employees and guests.

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

Future development will need an erosion control plan and should follow Best Management Practices for erosion control. The applicant has provided

documentation regarding grading, erosion control, and stormwater runoff management.

There will need to be continuous maintenance through the property by clearing brush and debris to minimize fire hazards.

19. Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

There will be additional traffic due to the on-site development. The entry/exit access point(s) to the property from the public right-of-way must be designed in a manner that reduces potential traffic issues such as backups and crashes due to the triangular intersection.

20. Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

Buildings, lots, blocks, parcels, and streets will be arranged so as to afford adequate light, open space, or air to facilitate protection, and to provide for long-term sustained real estate values provided proper berming, fencing and screening is constructed and continuously maintained.

21. Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.

The submitted site plan shows a vast majority of the subject property being paved over, with little regard for the existing terrain. While the applicant has submitted site and grading plans, they do not demonstrate development patterns designed with due regard to topography so that the natural features of the land and vegetation shall be protected and enhanced.

22. Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.

This is a private development that will build nature trails and walks that will not be accessible to the general public. However, if at some point, this property is sold or given to the Unified Government – long term, this property is an excellent location for a passive park.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom and in-person at Eagles Club (4726 Merriam Drive, Shawnee, KS 66203) on July 21, 2022 at 6:00 PM. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Parking
Landscaping and Screening/Buffering
Lighting
Noise
Site Ingress and Egress

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Master Plan Amendment **MPL2022-014**, Change of Zone Application **COZ2022-023**, Special Use Permit Application **SP2022-073** and Preliminary and Final Plan Review **PR2022-024**, subject to:

1. When the mylars are submitted to Planning Staff to be recorded, submit the following fees:
 - a. \$32.00 per page payable to the Register of Deeds; and,
 - b. \$7.00 per lot payable to the Unified Treasurer;
2. Per the Sidewalk and Trails Master Plan, Shawnee Avenue is designated as Local Trail, but no sidewalk construction is required at this time;
3. Cottonwood Creek must be preserved and may not be altered;
4. Hours of operation will be seasonal, generally from dawn to dusk;
5. Space for private events (hosting) is not permitted. A Special Use Permit for an event space is required at such time;
6. The Welcome Center and pavilions shall be constructed in manner that is harmonious with the wooded, rural-like character of the property and use complementary materials;
7. A building permit is required following this entitlement for the property. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or EDR@wycokck.org.
 - a. Shall comply with the International Building Code;
8. Following municipal trash service curbside pick-up, trash bins shall be kept in the building or within a screened enclosure and hidden from public view;
9. A Knox Box shall be installed to provide emergency access to the site;
10. The residences south, west, and north of the parking loop must be

- screened from headlights shining onto their property from vehicles maneuvering in the parking lot;
11. Plant trees on top and around the detention basins. Shall be replanted to transition back into the wooded area;
 12. After the temporary irrigation is removed to establish groundcover and proposed trees, a watering plan needs to be provided during building permitting/DRC to ensure the trees and shrubs continue to grow;
 13. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be three (3) gallons when planted;
 14. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
 15. All lighting, whether installed in the parking lot or on any building within the three (3) phases shall have 90-degree cutoff fixtures. No wall pack lights or flood lights;
 16. Utility conduits and connections must be painted to match the building(s);
 17. If applicable, all BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
 18. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 19. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office. They are located at 4953 State Avenue, Kansas City, KS 66102. Their number is (913) 573-8780;
 20. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 21. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can

- be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
22. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 23. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 24. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 25. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and;
 27. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Departments (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into

effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners makes the findings contained within the staff report to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-023, SP2022-073, PR2022-024, and MPL2022-014** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 8, 2022 City Planning Commission Minutes
Aerial Map Zoning Map
City-Wide Master Plan Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Final Plat
Site Master Plan
Phasing Diagram
Site Plan
Grading Plan
Utility Plan
Landscape Plan
Lighting Plan
Site Photographs taken by Planning Staff on July 12, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing Rezoning	August 8, 2022 Approval	August 25, 2022
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing Special Use	August 8, 2022 Approval	August 25, 2022
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing Preliminary and Final Plat	August 8, 2022 Approved	TBD
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing P & F Plan	August 8, 2022 Approval	Not Required

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	August 8, 2022	August 25, 2022
Master Plan	Approval	

STAFF CONTACT: Byron Toy, AICP

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-014** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-014** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-023** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-023** as it is not in compliance with the City Ordinances and as it will not promote the

public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-073** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-073** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Plan Review Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-024** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2022-024** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 8, 2022 City Planning Commission Minutes:

Hearing starts at 57:00:

MASTER PLAN AMENDMENT MPL2022-014 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Rural Density Residential (City-Wide Master Plan) at 2640 Woodend Lane.

CHANGE OF ZONE APPLICATION COZ2022-023 – CURTIS PETERSEN WITH POLSINELLI PC - SYNOPSIS: Change of Zone from RP-5 Planned Apartment District to A-G Agriculture District to construct Endless Outdoors Nature Experience at 2640 Woodend Lane.

SPECIAL USE PERMIT APPLICATION SP2022-073 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS: Special Use Permit to develop and operate a youth outdoor nature experience facility with trails, camping and shelters at 2640 Woodend Lane.

PLAT2022-021 – ENDLESS OUTDOORS – SYNOPSIS: Preliminary and Final Plat for one (1) lot at 2640 Woodend Lane.

PLAN REVIEW APPLICATION PR2022-024 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS: Preliminary and Final Plan Review for Endless Outdoors Nature Experience at 2640 Woodend Lane.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, requests to rezone the property from RP-5 Planned Apartment and R-1 Single Family Districts to A-G Agriculture District, amend the City-Wide Master Plan from Low Density Residential to Rural Density Residential, obtain a Special Use Permit for a private facility for recreation, a Preliminary and Final Plat to create one (1) lot and a Preliminary and Final Development Plan to build nature trails, walks, a Welcome Center and ancillary buildings throughout the parcel associated with the development and maintenance of the property located on 26.46 acres at 2640 Woodend Lane.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 8, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Curtis Petersen, applicant, Polsinelli PC, 900 West 48th Place, Kansas City, Missouri
- Cecelia Robb, 2824 Glenrose Lane, Kansas City, Kansas 66106
- George Higgins, 2540 Espenlaub Lane, Kansas City, Kansas 66106

Present in Opposition/Questions:

- Julia Finley, 2625 Hageman, Kansas City, Kansas 66106

Staff Recommendation starts at 1:11:25: Planner Toy asked if there will be a gate across the front entrance? Mr. Petersen stated yes, with a lock box. At the end of the day, it will be locked so no one can come onto the property. Mr. Toy stated that this is a project that staff has not seen before with a private investor developing a site with nature trails and youth camp setting. Staff recommends approval, subject to the conditions in the staff report.

Motion starts at 1:22:23:

On motion by Mrs. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2022-014:**

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

Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to:

1. When the mylars are submitted to Planning Staff to be recorded, submit the following fees:
 - a. \$32.00 per page payable to the Register of Deeds; and,
 - b. \$7.00 per lot payable to the Unified Treasurer;
2. Per the Sidewalk and Trails Master Plan, Shawnee Avenue is designated as Local Trail, but no sidewalk construction is required at this time;
3. Cottonwood Creek must be preserved and may not be altered;
4. Hours of operation will be seasonal, generally from dawn to dusk;
5. Space for private events (hosting) is not permitted. A Special Use Permit for an event space is required at such time;

6. The Welcome Center and pavilions shall be constructed in manner that is harmonious with the wooded, rural-like character of the property and use complementary materials;
7. A building permit is required following this entitlement for the property. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or EDR@wycokck.org.
 - a. Shall comply with the International Building Code;
8. Following municipal trash service curbside pick-up, trash bins shall be kept in the building or within a screened enclosure and hidden from public view;
9. A Knox Box shall be installed to provide emergency access to the site;
10. The residences south, west, and north of the parking loop must be screened from headlights shining onto their property from vehicles maneuvering in the parking lot;
11. Plant trees on top and around the detention basins. Shall be replanted to transition back into the wooded area;
12. After the temporary irrigation is removed to establish groundcover and proposed trees, a watering plan needs to be provided during building permitting/DRC to ensure the trees and shrubs continue to grow;
13. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be three (3) gallons when planted;
14. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
15. All lighting, whether installed in the parking lot or on any building within the three (3) phases shall have 90-degree cutoff fixtures. No wall pack lights or flood lights;
16. Utility conduits and connections must be painted to match the building(s);
17. If applicable, all BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
18. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
19. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office.

- They are located at 4953 State Avenue, Kansas City, KS 66102. Their number is (913) 573-8780;
20. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 21. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 22. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 23. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 24. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 25. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the

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

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

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

023:

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

Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to the above conditions.

On motion by Mrs. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-**

073:

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

Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to the above conditions.

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **APPROVE of PLAT2022-021:**

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

Motion to **APPROVE** Passed: 7 to 0
Subject to the above conditions.

On motion by Mrs. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2022-024:**

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

Motion to recommend **APPROVAL** Passed: 7 to 0
Subject to the above conditions.

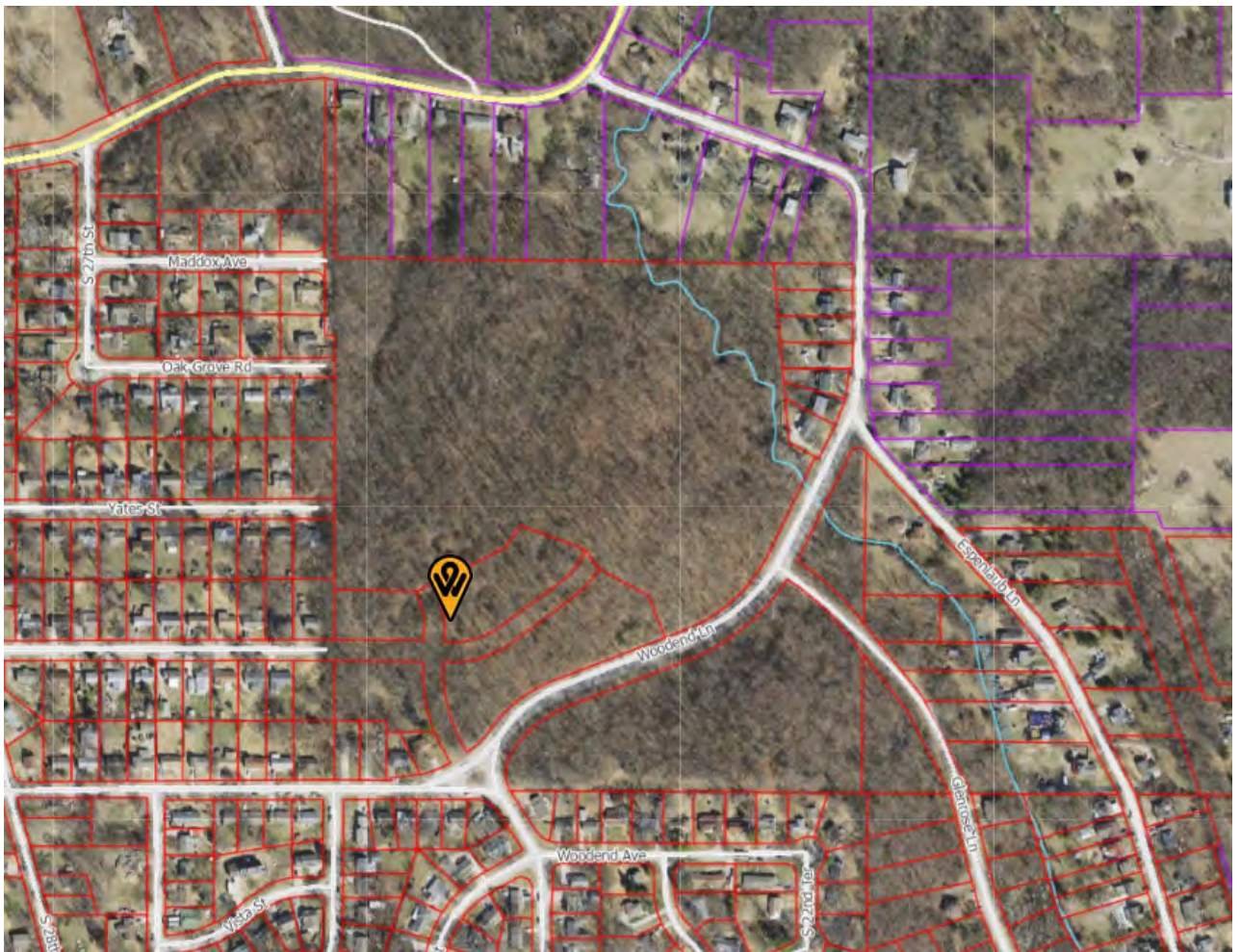
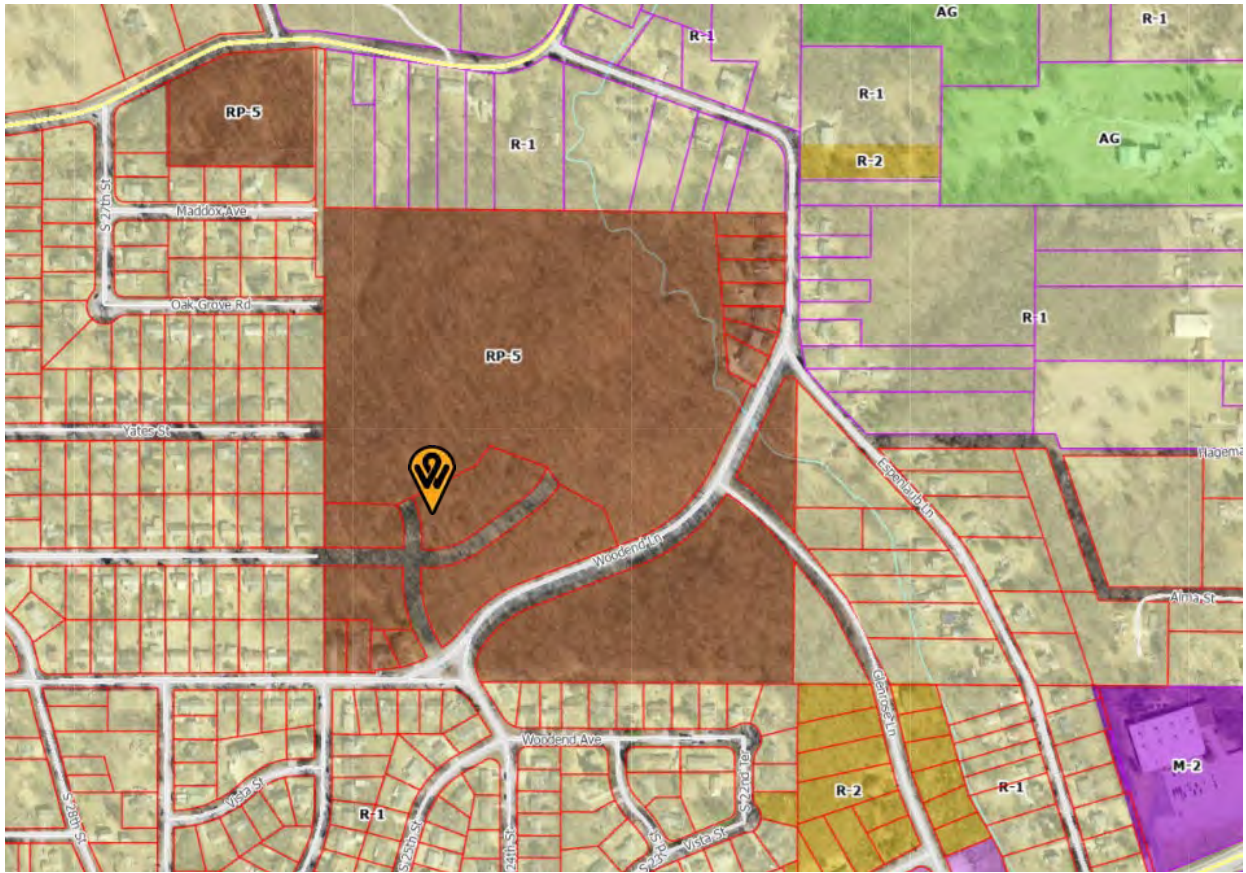


Figure 1. Aerial Photograph of 2640 Woodend Lane (provided by UG Maps).



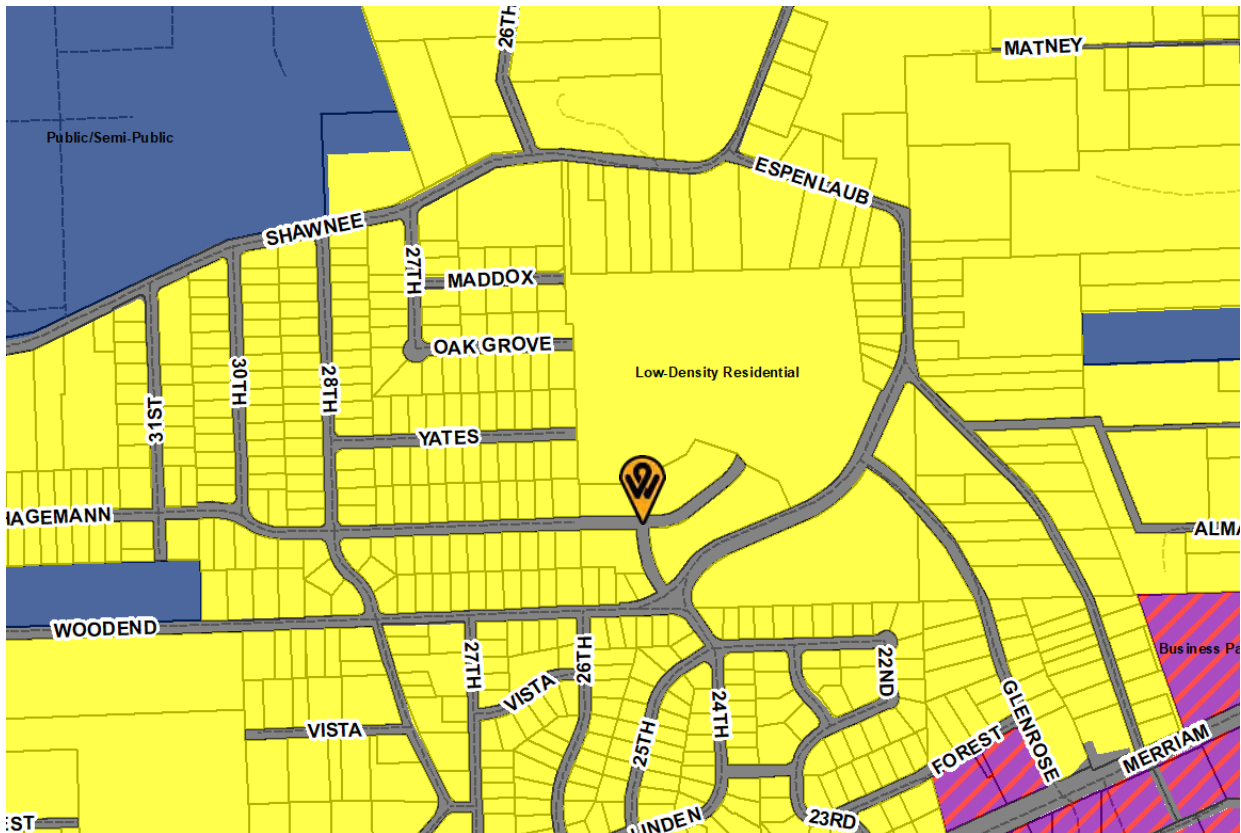


Figure 3. City-Wide Master Plan Land Use Map (provided by ArcMap).

Planning and Urban Design Comments

General Planning

1. Per the Sidewalk and Trails Master Plan, Shawnee Avenue is designated as Local Trail, but no sidewalk construction is required at this time. **Acknowledged.**
2. The remaining flagpole extension of the lot accessing Shawnee Avenue, will this portion of land be deeded as tracts to the property owners in Wyandotte Gardens Annex? **The Developer plans to have conversations with adjacent property owners regarding conveyance of this land once zoning entitlements are approved and property is purchased by Developer. Per conversations with the developer and county surveyor, the plat has been updated to reflect these additional tracts.**
3. Cottonwood Creek must be preserved and may not be altered. **Acknowledged.**
4. Restroom facilities will be required as part of the first phase. Provide plans depicting how this will be accomplished. **Permanent restrooms will be constructed with the proposed Welcome Center during Phase 2 of development (Winter 22'-23'). The developer plans to operate with limited group sizes and no regular programming during initial phases. During these initial phases, there will be a shared use of construction site temporary restroom facilities. It is anticipated that the Welcome Center and restrooms will be fully operational by May 2023. We are working to schedule a meeting with UG Planning Staff to further discuss this in detail.**
5. For the large pavilion that can accommodate gatherings up to 100 people, will the site host private events, such as an event space? Additionally, with only fifty-six (56) parking spaces in the parking lot, where will the excess vehicles park?
The max expected capacity of 100 reflects primarily youth program participants, in addition to staff and parents who choose to stay on site during programming. We believe the 56 spots provide ample parking and additional buffer for the staff and parents who stay and park. We do not plan to offer the space for private events of this scale.
6. A building permit is required following this entitlement for the property. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or EDR@wycokck.org.
Understood, a building permit will be obtained from the Building Inspections Department prior to construction.
7. How will trash be disposed of on the property if the gate is closed? The site plan does not depict trash enclosures at the east or west ends of the bridge.
The proposed development will create minimal waste and utilize the city's trash service with trash bins being set at the curb every week. There is no bridge proposed with this development.
8. If the gate will be locked, how will KCKFD gain access to the property? **A Knox Box will be installed to provide emergency access to the site. The site plan has been revised to indicate the proposed Knox Box.**

9. If approved, the applicant may need additional licenses or permits for safe and proper operation (i.e., Wyandotte County Health Department and/or KDHE). The approval of this application does not mitigate the need for additional licenses as this application is for zoning approval only.
Acknowledged.
10. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office. Their number is (913) 5738780. **Acknowledged.**
11. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.
A land disturbance permit will be obtained from both the Unified Government and KDHE prior to the commencement of any grading operations.
12. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
A right-of-way permit will be obtained from the Public Works Department for construction of the driveway connection to Woodend Lane.
13. All existing and future driveways must feature curb cuts that are constructed to UG standards.
All construction within the right-of-way will meet UG public standards.
14. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
Developer would like to discuss this comment further with planning staff.
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations. **Acknowledged.**

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

Building Architecture:

1. Provide color building elevations of the proposed small and large pavilions and the Welcome Center.
Since this is not a part of the initial phase of construction, these elevations have not been developed and cannot be provided at this time. Exterior elevations of the buildings will be developed for approval prior to any construction taking place on site during Phase 2 of the development. We are working to schedule a meeting with UG Planning to further discuss this in detail.
2. Submit a material palette of the proposed exterior building materials.
See response above.

Landscaping and Screening:

1. The residences south, west, and north of the parking loop must be screened from headlights shining onto their property from vehicles maneuvering in the parking lot.
Shrubs will be planted along the west and south edges of the proposed parking lot where existing vegetation does not provide adequate screening from headlights.
2. Plant trees on top and around the detention basins. Shall be replanted to transition back into the wooded area.
Existing vegetation will be preserved around the proposed detention basins. Clearing limits will be established and caution will be taken to preserve existing trees.
3. All landscaping must be irrigated.
Temporary irrigation will be used to establish new groundcover and proposed trees.
4. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be three (3) gallons when planted. **Acknowledged.**
5. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction. **Acknowledged.**
6. All lighting, whether installed in the parking lot or on any building within the three (3) phases shall have 90-degree cutoff fixtures. No wall pack lights or flood lights. **Acknowledged.**

7. Utility conduits and connections must be painted to match the bridge.

There is no bridge proposed with this project.

8. If applicable, all BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary.

Although a transformer pad is proposed with this plan, a transformer will not be set in the first phase of development. When a transformer is installed as part of future development, junipers will be planted for screening.

Signage:

1. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 5735750 or signpermits@wycokck.org to begin this process.

Understood, no sign will be constructed or installed prior to obtaining a sign permit from the UG.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval:
 - 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments. See engineering comment responses above.
(See General Engineering Review Comment Responses Above)
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

GEOSPATIAL SERVICES 7/11/2022 (Responses and revisions to Robert Ringel on 7/20/22)

1) Ownership

The owner of record is different than ownership shown on plat. **The property transaction between Silverlake Properties, LLC and Endless Outdoors, Inc. will happen before this plat will be recorded.**

2) Taxes

There are taxes due on all five parcels. **Not a survey item. Owner or owner representative to address.**

3) Legal Description

Remove Lots 6 & 7, Block 4, from the beginning of the legal description. **Revised per comment.**

4) Lot 1 is not shown on the plat drawing. **Revised per comment.**

5) Vacated Streets

Notate that streets are being vacated by plat, and remove that they are public r/w. **Revised per comment.**

Note that Yates Street is vacated and remove public r/w note. **Revised per comment.**

6) Dark Lines

Remove dark lines between the different areas of Lot 1. **Revised per comment.**

7) Corner Dots

The symbol being used for set rebars appears to indicate the beginning and end of bearings.

The symbols for set/found rebars, as they apply, indicate the beginning and end of courses and distances.

COUNTY SURVEYOR 7/12/2022 (Responses and revisions to Brent Thompson on 7/20/22)

- Lot 6 & 7 Block 4 are called out in the description but are not within the plat boundary. Please fix accordingly. **Revised per comment.**
- Need to label LOT 1 of the plat. **Revised per comment.**
- You call out vacated Hagemann Circle and vacated 25th street in the description, are these streets already vacated? If so, please list the ordinance. If they're not vacated but are going to be with this plat the word vacated should be removed. **Revised per comment.**
- Add Chairman after Jeff Carson's name. **Revised per comment.**
- For all streets being vacated with this plat please label as such. **Revised per comment.**
- Is Yates already vacated? It doesn't show up on the UG mapping. **Not sure. No vacation information found. Unless vacation information is provided will show as being vacated with this plat.**
- All lines representing lots, easements etc. that are to be vacated should be faded back and labeled as such. **Revised per comment.**
- All lines that are to remain as easements or being dedicated should be shown darker and labeled. **Revised per comment.**
- There are a couple areas where you show setting two bars that look as if they are going to be offsets, if this is the case, please label the distance of the offset. If not, please only show setting one bar at the corner location. **Revised per comment.**

7/21/2022 – Endless Outdoors Neighborhood Meeting

Attendance:

Nick Christianson, Founder and CEO of Endless Outdoors

Julia Hal, Donor Engagement Manager for Endless Outdoors

Andrew Talking, Continental Engineering

Dan Brown, SixTwentyOne Architecture

Amy Grant, Polsinelli PC

Attendees: approximately nine individuals attended in person and two people by zoom (see sign-in sheet)

The meeting began at 6:00 p.m. Amy Grant provided a brief explanation of the zoning entitlement process, including the types of applications submitted to the City and the upcoming Planning Commission and Board of County Commissioners meeting dates. Nick Christianson provided information about his professional background and the core values of the Endless Outdoors experience.

- Endless Outdoors is a not-for-profit company and this location will be its first “base camp” location.
- Our main goal is to inspire kid to connect with nature while making the camps easy for parent, awesome for kids and family friendly. We want to expose youth to all of the elements of the outdoors so that they are comfortable outside and encourage them to explore nature.
- Rezoning property to the Agriculture District and a Special Use Permit for the use.
- Walked through site plan: Property is approximately 26 acres of land; one access drive from Woodend Lane; location of welcome center/bathroom; location of trails.

QUESTION AND ANSWER

Comment/Question: What age group will attend the camp?

Response: We will have camps for children ages 7-12 and then 13 and older.

Question: Will you have any overnight camps?

Response: Hopefully in the future. We would look at small groups of 25 or fewer people and would hold those in the Spring or Fall when the weather is cooler. The would anticipate activities would end at dusk and “quiet time” would be enforced at 10:00 p.m.

Question: Is there any other camp like this in the area or the country?

Response: No. One of our goals is to be unique and different from other camps. Our goal is to work with families and be flexible so that all children have an opportunity to experience this camp. We will also offer subsidized costs and scholarships for families who may need them.

Question: Have you looked at security for the site?

Response: Yes, we have met with a professional security company and walked-thru the site and are starting to formulate a plan with them. We will have a gate at the access drive to keep vehicles off the property during the hours that the camp is not open. Our goal at this time is to leave the property in its natural state as much as possible so we are not proposing a boundary fence at this time. We do plan to

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include multiple posts at the perimeter of the property that will have a sign that says "private property/no trespassing". We will also work with the City to explore safety lighting options.

Question: There are several of us that enjoy the wooded areas adjacent to our back yards. Do you plan to use those areas of land in a way where we could no longer use it?

Response: No. We are having a survey done that will show us where those encroachments exists but do not plan on using those areas for the camp activities.

Comment: What are you planning for overnight security? The property today has quite a bit of activity at night and some vandalism. We would appreciate it if the City would partner with you to help make the area a bit safe with better lighting or other options that will help keep people off of the property in the evenings.

Question: Will you allow the adjacent neighborhood to use the trails?

Response: We are very interested in making that possible but are unable to commit to that at this time. It is a matter of insurance and we will need to visit with our agent about that. We are planning on doing an Open House for the neighborhood once we are ready to open.

Question: Do you have any plans to expand in the future at this site?

Response: No, we only plan to utilize the 26 acres that we are purchasing.

Question: If your company is a non-profit company does that mean it will be tax exempt?

Response: Yes.

Question: How will you help ensure that the immediate community is included in your camp sign-ups?

Response: Our research has found that most of the people who will attend the base camp are located within 10-20 minutes of the site. We also plan to meet with the local Parent/Teacher organizations in the school to make sure families know about the camp and will pass our flyers and do mailing in the immediate neighborhood. We want the camp to be successful and strongly believe that the immediate neighborhood will help make that happen.

Parking: Please show me the location of the parking lot again and how many spaces you will have available? Will some people just drop their kids off and then pick them up when camp is over?

Response: The parking lot provides 56 parking space. We do welcome parent to stay but yes, many of them will drop off and pick up their kids.

Question: What is the next step if this gets approved?

Response: We are working with the City so that we could hold a very small, introductory camp session this fall before actual construction begins. Construction of the access drive, parking lot and welcome center would begin in December if the weather cooperates.

The meeting concluded at 7:00 p.m.

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AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Jackson)

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

1. That I am the petitioner for Petition #COZ2022-023 and SP2022-073.
2. That I conducted a neighborhood meeting on July 21, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of July 2022.

My commission expires 21 of January, 2025.

SUSAN L. BREWER
NOTARY PUBLIC-NOTARY SEAL
STATE OF MISSOURI
CLAY COUNTY
COMMISSION EXPIRES 1/21/2025
COMMISSION # 13541740



Notary Public

Endless Outdoors - KCK

PROJECT NUMBER: 000000

DATE: 01/01/2020

SUP Documentation

NO.	DESCRIPTION	DATE	BY	CHECKED
1	Initial Design	01/01/2020	J. Smith	M. Jones
2	Final Design	01/01/2020	J. Smith	M. Jones
3	Construction	01/01/2020	J. Smith	M. Jones
4	Final Review	01/01/2020	J. Smith	M. Jones

six
twenty
one

MASTER PLAN

A100

Site Strategy



The Endless Outdoors site is a relatively untouched forest. The site's natural beauty and the goal of preserving the forest canopy are the primary drivers of the site strategy. The site strategy is to preserve the forest canopy and provide a space for the community to enjoy the outdoors. The site strategy is to provide a space for the community to enjoy the outdoors while preserving the forest canopy. The site strategy is to provide a space for the community to enjoy the outdoors while preserving the forest canopy. The site strategy is to provide a space for the community to enjoy the outdoors while preserving the forest canopy.

Trails



The Endless Outdoors trail system will be the heart and soul of the Endless Outdoors. The trail system will provide a network of trails for recreation and will be designed to provide a space for the community to enjoy the outdoors. The trail system will be designed to provide a space for the community to enjoy the outdoors while preserving the forest canopy. The trail system will be designed to provide a space for the community to enjoy the outdoors while preserving the forest canopy. The trail system will be designed to provide a space for the community to enjoy the outdoors while preserving the forest canopy.

Circle Drive / Parking



The circle drive and parking area will be the largest and most visible element of the site. The circle drive and parking area will be designed to provide a space for the community to enjoy the outdoors while preserving the forest canopy. The circle drive and parking area will be designed to provide a space for the community to enjoy the outdoors while preserving the forest canopy. The circle drive and parking area will be designed to provide a space for the community to enjoy the outdoors while preserving the forest canopy. The circle drive and parking area will be designed to provide a space for the community to enjoy the outdoors while preserving the forest canopy.

Small and Large Pavilions



These pavilions will provide a space for the community to enjoy the outdoors while preserving the forest canopy. The pavilions will be designed to provide a space for the community to enjoy the outdoors while preserving the forest canopy. The pavilions will be designed to provide a space for the community to enjoy the outdoors while preserving the forest canopy. The pavilions will be designed to provide a space for the community to enjoy the outdoors while preserving the forest canopy. The pavilions will be designed to provide a space for the community to enjoy the outdoors while preserving the forest canopy.

Welcome Center



The Endless Outdoors Welcome Center will house the site's interpretive program and provide a space for the community to enjoy the outdoors while preserving the forest canopy. The Welcome Center will be designed to provide a space for the community to enjoy the outdoors while preserving the forest canopy. The Welcome Center will be designed to provide a space for the community to enjoy the outdoors while preserving the forest canopy. The Welcome Center will be designed to provide a space for the community to enjoy the outdoors while preserving the forest canopy.





Site Address	North (geographical) + south (academic status) + residential (classical past) + modern (new) + green (new)
Hours of Operation	Mon. - Sat. 10:00 am - 6:00 pm Sun. 10:00 am - 4:00 pm Every day excepting
Min. no. of people on site concurrently	100 25 for small group meeting
Min. no. of staff on site during programming	14
Particulars	Working on site
Reasons	New entrance for 1st & 2nd floor Architect George Asymakis

Phase 3

Start: May 2023
Completion: -

Societ:

Over time, additional secondary
poligammy-related features will be added to
the site at budget allow. This includes
poligammy audit kit

1. Duration: 60h
2. Closing date:
3. Maximum file size:
4. Additional filing rules:

Programs during Phase 2	
Site Activities	Limited on-site activity to integrate programming
History of Cooperation	Previous (limited)
Mutual respect for and concurrently	N/A
Mutual respect for time during programming	N/A
Paid/ing	Paid for new training available (compensated for 22)
Structure	Shared use of common services (limited) or by institutions (limited)

Phase 2

Start: December 2022
Completion: May 2023

Subject

9. Welcome Centre (staff office and room(s))

1. Programming Student job
2. Larger program meeting
3. Centre Test
4. Lower 1000 full
5. Storage shed

Programming (Table 3)	
Site Activities	Short assignments: various qualitative and quantitative survey results
Hours of Operation	4 equal-lengths: four 1-hour segments (primarily scheduled)
Min. no. of youth on the staff	4
Min. no. of staff on site during programming	4
Rating	Peak activity disclosed in public report of visit on schedule
Remarks	30-min. case of comprehensive site inspection's forecast would aid

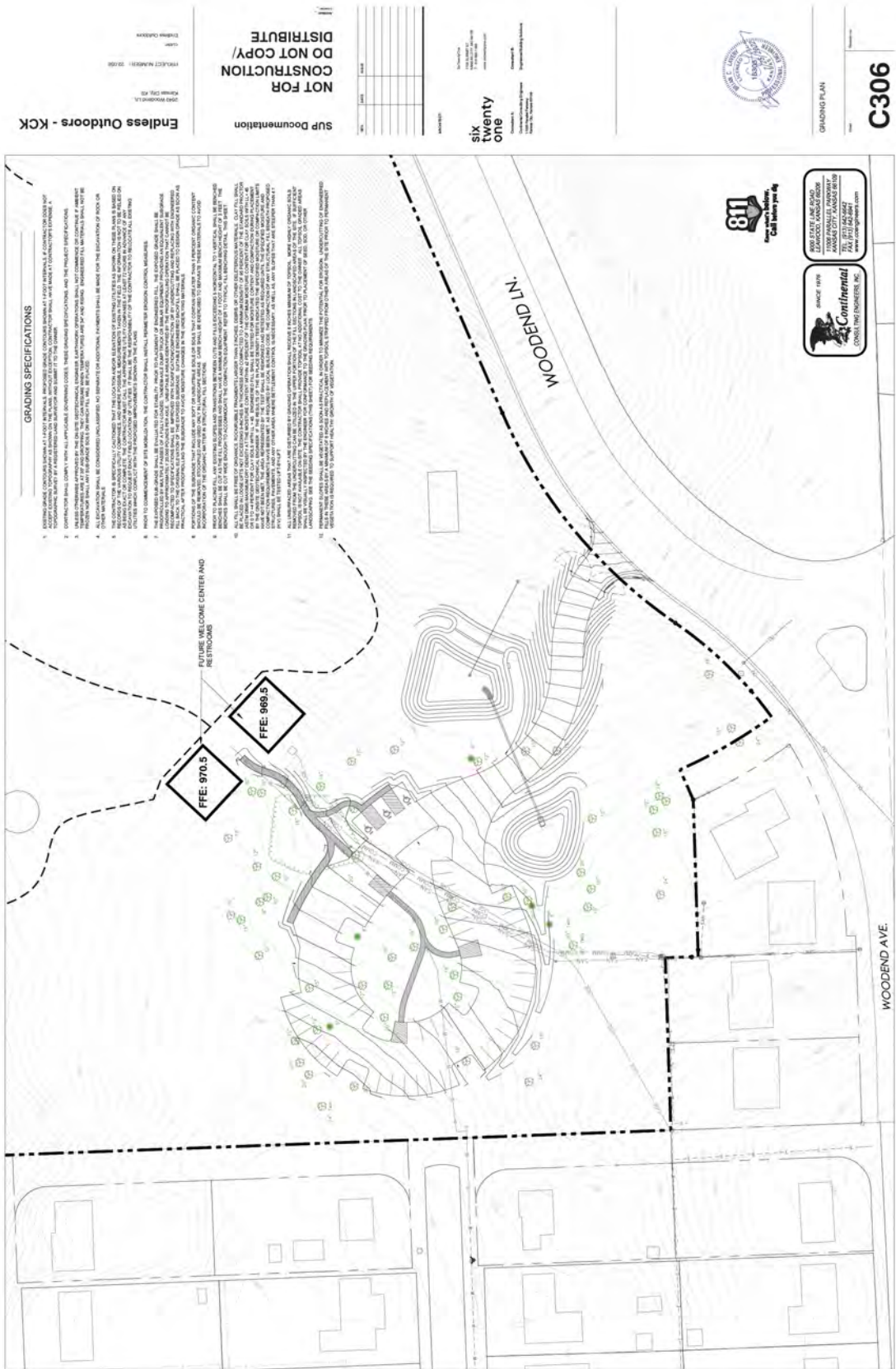
Phase 1

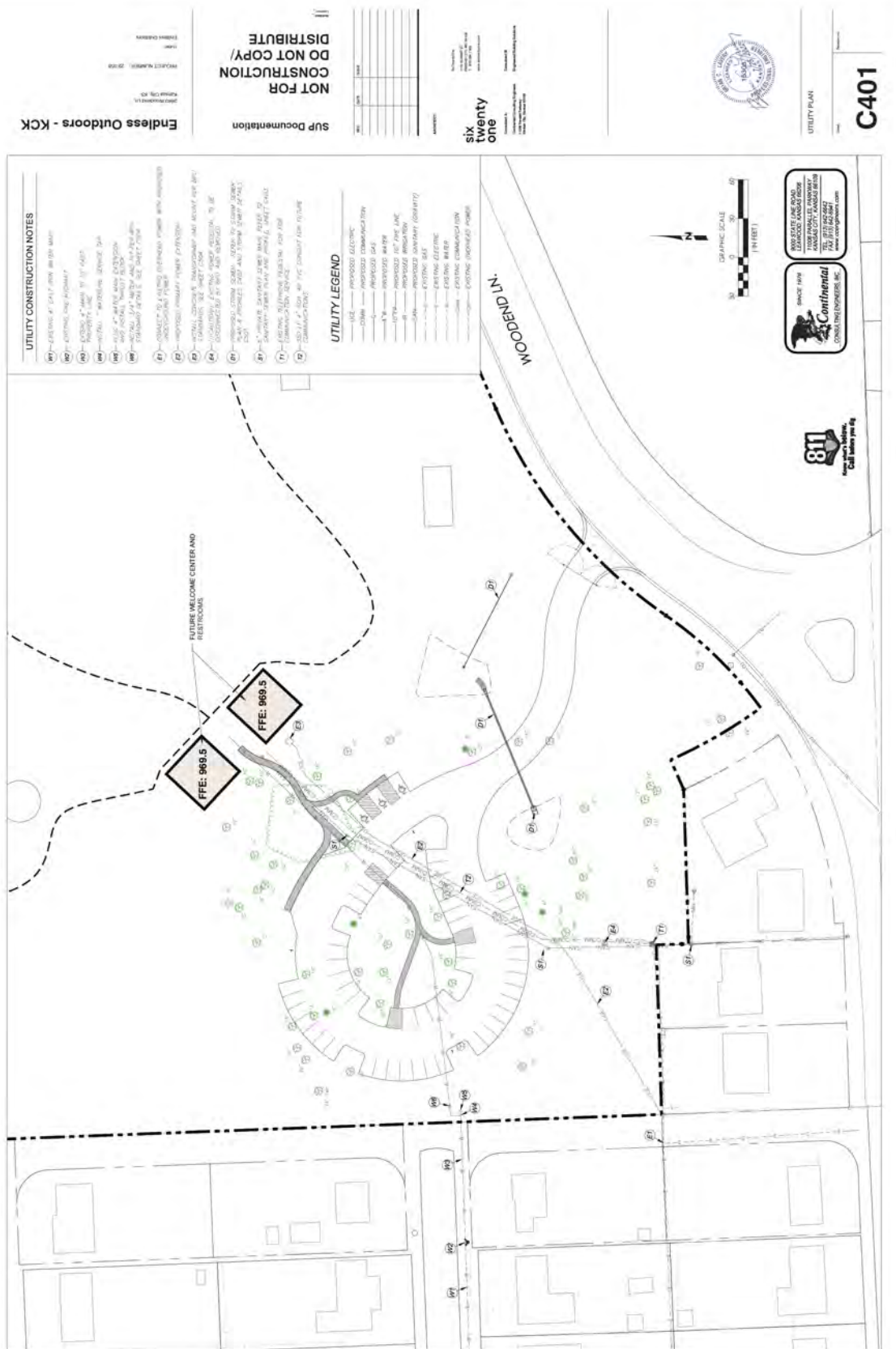
Start: April 2022
Completion: November 2022

Scopes

1. New curriculum Weekend Level
2. English Language Learning
3. Applied logic drive with general purpose
4. Learning and general science topic
5. Site refactoring drive and tracking
6. New curriculum drive
7. Full credits to full at Baltimore Central
8. Full
9. New curriculum drive, which includes a major
10. Site cleanup and development maintenance management
11. Update and the trial
12. General planning of layout and safety

NOTE:
PLACING DIAGRAMS ARE INTENDED TO SHOW SCOPE OF WORK ONLY AND MAY DIFFER SLIGHTLY FROM SITE PLAN ON A100. REFER TO A100 FOR SPECIFIC SITE DESIGN INFORMATION.





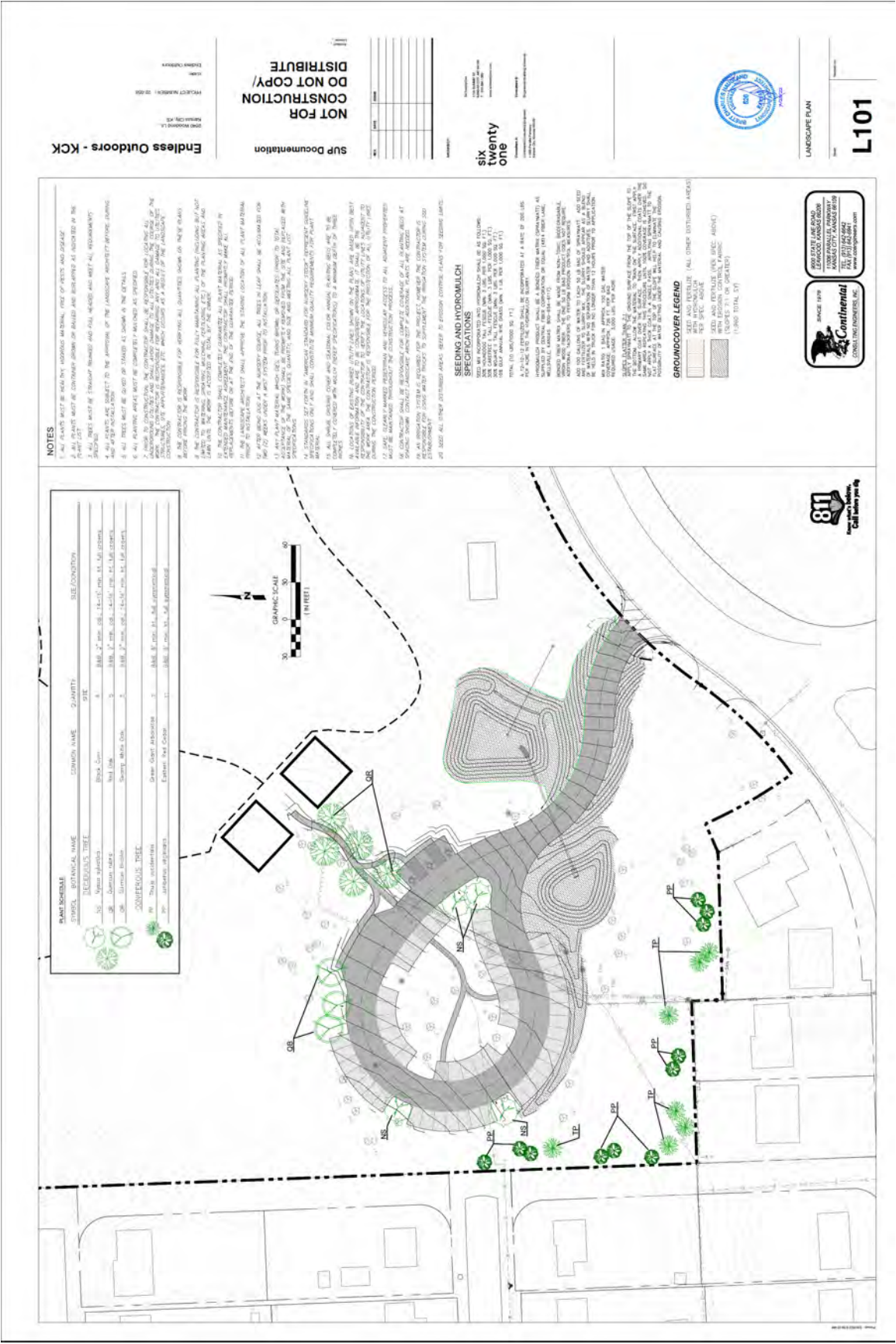




Figure 4. Site Photograph looking northeast at 2640 Woodend Lane (provided by Planning Staff).



Figure 5. Site Photograph looking northeast at 2640 Woodend Lane (provided by Planning Staff).



Figure 6. Site Photograph from Glenrose Lane looking northwest at 2640 Woodend Lane (provided by Planning Staff).



Figure 7. Site Photograph looking west at 2640 Woodend Lane (provided by Planning Staff).

Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: MP-2 Planned General Industrial District East: R-1 Single Family and MP-2 Planned General Industrial Districts West: R-1 Single Family District
Adjacent Uses:	North: Single-family residences South: Industrial business campus East: Single-family residences; Industrial building West: Single-family residence
Total Tract Size:	4.72 Acres
Master Plan Area:	The subject property is within the City-Wide Master Plan.
Master Plan Designation:	Current Master Plan Designation: The City-Wide Master Plan designates this property as Low-Density Residential. Low-Density Residential allows for single-family residences and institutions such as elementary and middle schools, libraries, and small places of worship. Low-Density Residential discourages all industrial uses. The cultural principles of the Low-Density Residential land use designation state that land use policies are geared to protect against industrial, commercial, and multi-family encroachment into established single-family neighborhoods. Provided Master Plan Designation: The proposed Master Plan Amendment is from Low-Density Residential to Community Commercial. The Community Commercial land use designation allows for larger buildings such as grocery stores, medium-sized (25,000 to 75,000 square-foot) big box stores, and commercial centers. At 17,000 square feet, the proposed skate park building is within the range of a grocery store. While a skate park is not explicitly anticipated, the spirit of the use is consistent with the Community Commercial land use designation.
Major Street Plan:	The Major Street Plan classifies South 65 th Street as a Collector Street. The Major Street Plan classifies Speaker Road as a Collector Street.
Parking Requirement:	R-1 District (current zoning): Section 27-454(e) requires two (2) off-street parking spaces premises for

each single-family dwelling, at least one (1) of which shall be in a garage or carport. There is no dwelling on the subject property and thus there is no parking requirement under the R-1 District regulations.

C-3 District (proposed zoning): Section 27-467(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. The primary use on the property, the skate park and skate school, requires 8,000 square feet within the primary building. Therefore, at least 32 parking spaces are required. 30 parking spaces were approved under Section 27-668(a)(2), which allows the City Planning Commission to determine the number of parking spaces allowed for an athletic field. The parking plan submitted as part of this application, SP2022-037, demonstrates only 15 parking spaces.

Advertisement:	<u>The Wyandotte Echo</u> – April 14, 2022 Letters to Property Owner – April 15, 2022 and July 31, 2022
Public Hearings:	August 8, 2022 and August 25, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Dan Janssen with My Uncle and Me, LLC, is requesting a Special Use Permit for temporary use of a property for commercial or industrial use in order to store landscaping material as an accessory use to the subject property's primary use, a skate park and skate school. The landscaping materials will be stored outside at the subject property.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. Previous property owners have received five (5) code enforcement citations between 2006 and 2017 for overgrown vegetation and junk on the property. One (1) code citation was later rescinded after it was discovered that the overgrown vegetation was in the public right-of-way and not on the subject property.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The character of the neighborhood.

The subject property is within the Muncie-Stony Point Statistical Neighborhood and is not within a Neighborhood Group. The neighborhood has some clusters of single-family residences, but is growing in the number of industrial properties and uses. Most industrial parcels are located along or near Kaw Drive, but properties such as the Amazon warehouse has expanded the range of the industrial area.

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

The subject property has a unique layout, which includes an enclave parcel that holds a single-family residence. This parcel is separate from the subject property. Staffs concern is that the continued use of the subject property as storage for landscaping materials will not be compatible with the continued use of the residence. There are, however, mitigation measures that the applicant can take, such as screening the storage area with a closed, six (6)-foot fence and limited visits to the subject property by the lessee.

Furthermore, the conditions of approval of both COZ2021-029, a Change of Zone from R-1 Single Family District to C-3 Commercial District, and MPL2021-018, a Master Plan Amendment from Low-Density Residential (City-Wide) to Community Commercial (City-Wide), include increased landscaping, adequate parking, and unintrusive lighting. These conditions of approval assist in making all existing and proposed uses on the subject property more compatible with the nearby properties.

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

The existing skate park's hours of operation are 12 PM to 7 PM daily, and the capacity of the building is 30 persons. Vehicular traffic related to the skate park will be limited to seven (7) hours per day and such vehicles will likely be personal vehicles. Given the size and weight of the landscaping materials stored on site, the vehicles and other heavy equipment that must necessarily be used to

transport the landscaping materials currently stored on site would be larger and heavier than the personal vehicles bringing skaters to and from the skate park. The applicant has stated that there will be no heavy equipment, but has not provided any further information as to how the landscaping materials will be moved off site, including the types and weights of vehicles that will be presumably moving the materials at some, as would be expected for an operating landscaping business. Furthermore, the applicant has not provided a truck-trip schedule for the storage area, and rather has indicated that no vehicles will come on site to remove the landscaping materials.

In an analysis of the SP2021-067, Staff stated that a change of zone from R-1 District to C-3 District would increase the “quantity and intensity of uses allowed by right. Such uses allowed in the C-3 Commercial District include: the rental and sale of vehicle and yard/farming equipment; auto and small- and medium-size truck repair and washing; farm machinery repair; adult motion picture theater; adult bookstore or adult video store; entertainment and recreation; general repair and fix-it shop; lawn, tree and garden services; making or assembly of products to be sold at retail on the premises; miniature golf courses and golf driving ranges; self-storage buildings; and general and special trades contractors.” Staff then concluded that the “intensity of such uses is greater than that of a skate park, but could be allowed on the property in the future. Therefore, the property, while suitable to be used as a skate park and skate school, is not suitable to be used for any and all uses allowed in the C-3 Commercial District.” Use of the property as storage for landscaping equipment is an accessory use that exceeds even the intensity allowed by the C-3 District, as evidenced by the need for a separate Special Use Permit for temporary use of land for industrial or commercial uses. Unlike uses allowed by the C-3 District regulations, however, storage of landscaping materials outdoors is a temporary use, and will not have long-term detrimental impacts of the surrounding properties because the length of uses is limited to no more than two (2) additional years. Therefore, the removal of the restrictions through a temporary Special Use Permit will not detrimentally affect nearby property.

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

The subject property is not vacant. The primary building is being used as a skate park and skate school. Additionally, the accessory structure is being rented for the storage of lawncare and landscaping equipment.

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

The City-Wide Master Plan discourages the encroachment of commercial or industrial uses onto land designated as Low-Density Residential. A Master Plan Amendment from Low-Density Residential to Community Commercial was conditionally approved by the Board of Commissioners, to be effective no sooner than approval of this Special Use Permit, SP2022-037.

The Community Commercial Land Use District allows for larger buildings such as grocery stores, medium-sized (25,000 to 75,000 square-foot) big box stores, and

commercial centers. Industrial uses are discouraged under the Community Commercial Land Use District. While the storage of landscaping materials is not necessarily an industrial use, the storage of landscaping materials under the present conditions of the subject property would not be allowed by right unless the subject property were industrially zoned. Therefore, the proposed use only partially conforms to the City-Wide Master Plan.

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

The frequency of trips made by the storage area lessee or other third parties is unclear. The applicant must provide Staff with more information about the trips made by the lessee or other third parties as it relates to the storage of landscaping materials. The information provided should take into account the changes in the frequency of trips due to seasonal activity.

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

Storage of landscaping equipment at a property that is primarily used for a skate park is not reasonably necessary for the convenience and welfare of the public. Landscaping materials can be stored in other areas in the county that already feature storage and/or industrial uses, and as such would be better suited than a commercial skate park bordering a residential neighborhood.

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

Landscaping materials such as pavers can kick up dust, as can trucks driving over the deteriorated paved storage area. The moving and removing of landscaping materials can also create additional noise that could affect nearby properties. The applicant has not provided a lighting plan for the storage area, but it does not appear that there are any exterior lights in or used for the designated storage area.

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

The parking lot and driveway accessing South 65th Street must be repaved. The Kansas City, Kansas Fire Department (KCKFD) does not require a second driveway accessing Speaker Road. As the existing—but heavily deteriorated—driveway accessing Speaker Road will not need to be repaved, there will be no increase in impermeable area. The deteriorated paved surface within the storage area, however, must be repaved per UG standards. The approval of SP2022-037 and the subsequent effectiveness of all associated planning entitlements will actually increase the amount of flora on site, as landscaping and screening requirements will result in several more trees being planted.

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

Storage of landscaping materials is an existing use. There is no proposed construction nor expansion of impermeable surfaces. The deteriorated paved surface serving the storage area must be repaved in order to keep down dust and prevent damage to the driveway and public right-of-way. Therefore, the proposed use will not damage or destroy an irreplaceable natural resource.

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

As previously mentioned, landscaping materials can be stored on better-suited properties, such as existing industrial properties in predominately industrial districts, where any visual or environmental effects of the outdoor storage will not become negative externalities for neighboring residential or commercial uses. If the proposed use is allowed to continue on the subject property, the paved section of the storage area must be repaved. As the applicant has not provided an estimate of traffic or visits to the storage area, Staff cannot determine the extent of the hardships imposed on nearby landowners.

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

The parking plan approved as a part of SP2021-067 demonstrated 30 parking spaces, but the parking plan submitted as part of this application only shows 15 parking spaces. This decrease in parking spaces may cause an undue concentration of population by not providing enough parking spaces. Furthermore, the mix of uses on the subject property may result in the overcrowding of land, with skate park patrons and landscaping company employees competing for the same driveway and other infrastructure. While this Special Use Permit, SP2022-037, only directly addresses the temporary use of land for commercial or industrial uses, Change of Zone COZ2021-029 and Master Plan Amendment MPL2021-018 are contingent upon the approval of this Special User Permit and a plan review of the subject property. The applicant must provide a dimensioned parking plan and a statement regarding the decrease in parking spaces.

PREVIOUS ACTIONS

- SP2021-067, a Special Use Permit for an athletic facility (skate park and skate school)
- COZ2021-029, a Change of Zone from R-1 Single Family District to C-3 Commercial District
- MPL2021-018, a Master Plan Amendment from Low-Density (City-Wide) to Community Commercial (City-Wide)

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting at 230 South 65th Street on April 18, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Commercial Development Guidelines Overlay District
Compatibility of Uses
Landscaping Plan
Parking Lot
Pedestrian Access
Site Improvements
Site Plan Review

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-037**, for one (1) year, subject to:

1. Per Section 27-467(c)(6), the allowed outside storage or keeping is limited to parts, equipment, inoperable vehicles or for residual materials which is necessary, normally related and accessory to the principal use of the premises is allowed. As landscaping materials are not normally related to a skate park, and as the applicant has stated that the storage area is leased by a party separate from the owner of the skate park business, such storage does not satisfy Section 27-467(c)(6) and is therefore not an allowed accessory uses. The use of the subject property for storage of landscaping materials may continue only under a Special Use Permit for temporary use of land for commercial or industrial use, per Section 27-593(a)(28). A Special Use Permit under Section 27-593(a)(28) shall not be approved for more than two (2) years, and such a Special Use Permit cannot be renewed or reapplied for. Upon the date of expiration or revocation of any approved Section 27-593(a)(28) Special Use Permit, all equipment or material stored under said Special Use Permit must be removed from the premises;
2. The driveway and parking lot must be repaired and/or repaved to UG standards;
3. The area of the subject property used for landscaping material storage may not expand beyond the current boundaries of use;
4. The diesel tank located within the outdoor storage area must be removed by August 17, 2022;
5. All vehicles, such as pickups trucks and snowplows, must be stored within the accessory building (garage) located within the boundaries of the landscaping materials storage area;

6. Per the submitted site/parking plan, ADA-compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
7. Per Section 27-702(1)(a-d), shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground;
8. After the allowed term of the Special Use Permit has expired, the subject property will be better suited to comply with Section 27-575(e)(1) and therefore striped parking must be relocated to the side and rear of the primary building, in the area currently used for landscaping materials storage;
9. Per Section 27-575(g)(3), all trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
10. Any expansion of buildings, structures, or uses in a manner that cannot be properly screened from the adjacent residential properties by the landscaping—to be installed as per the submitted site plan—will require an expansion of the landscape buffering, per Section 27-577(c)(4);
11. Per Section 27-577(f)(1), all new development landscaping must be irrigated with an automatic system approved by the planning department. Rehabilitation development must either have an irrigation system or a watering plan;
12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
13. A retroactive building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;
14. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
15. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored

- outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
17. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance, and shall not be renewed or reapplied for; and,
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-037** subject to all comments and suggestions outlined in this staff report, and conditions of the City Planning Commission.

ATTACHMENTS

August 8, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Photographs of 230 South 65th Street Submitted by the Applicant
Site Plan for 230 South 65th Street
Comparison of Parking Plans: SP2021-067 and SP2022-037
Long-Term Landscaping Improvements Timeline
Staff Site Visit Photographs, Dated April 6, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing		
Special Use Permit	August 8, 2022 Approval	August 25, 2022

STAFF CONTACT: **Michael Farley**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-037** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-037** to the Unified Government Board of Commissioners as it is not in compliance with the City Code and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 8, 2022 City Planning Commission:

Hearing starts at 1:23:55:

SPECIAL USE PERMIT APPLICATION SP2022-037 – DANIEL JANSSEN WITH ME AND MY UNCLE LLC - SYNOPSIS: Special Use Permit for storage for landscaping business inside a 2,000 square foot outbuilding at 230 South 65th Street.

Detailed Outline of Requested Action: The applicant, Dan Janssen with My Uncle and Me, LLC, is requesting a Special Use Permit for temporary use of a property for commercial or industrial use in order to store landscaping material as an accessory use to the subject property's primary use, a skate park and skate school. The landscaping materials will be stored outside at the subject property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;

4. The staff report and attachments dated August 8, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Tom Stiebel, representing the applicant, 500 Armstrong, Kansas City, Kansas 66101

The Planning Commission directed questions to the applicant regarding the appearance of the property and storage.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:31:46: Planner Toy stated that the diesel tank on the property has to be removed by August 17, 2022. The landscaping material and equipment on the property have to be stored in an orderly manner. It cannot continue as it is now. There will be a private fence erected to screen the items from public view. This approval would only be for two (2) years as it is a Temporary Use of Land. Mr. Toy stated at that time it is possible that the skate park could expand. Staff recommends approval subject to the conditions in the staff report with the granting of the following deviations:

7. **The following requirements of the Commercial Development Guidelines Overlay District have not been met and must be granted a deviation by the City Planning Commission upon request by the applicant:**
 - a. **Per Section 27-575(d)(12), pedestrian connections must be clearly defined in a combination of two or more of the following ways: Six (6)-inch vertical curb, trellis, special railing, bollards, special paving, low seat wall or other architectural features, pedestrian scale lighting, and traffic calming devices;**
 - b. **Per Section 27-576(e)(1), building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials. Building design should avoid large expanses of highly reflective surfaces and mirror glass exterior walls, and highly tinted glass or glass tinted in unnatural colors should be avoided; and,**

- c. **Per Section 27-576(e)(4), all building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement;**

Planning Commissioner Connelly asked if there are prior code violations on this property? Planner Toy stated yes, there were five (5) code violations from 2006 to 2017 by previous owners for overgrown weeds and junk on the property. He further stated that one (1) citation was rescinded as the weeds were in the public right-of-way.

Motion starts at 1:38:

On motion by Mr. Connelly, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-037 for one (1) year including the deviations requested by the applicant:**

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

Motion to recommend **APPROVAL** Passed: 7 to 0

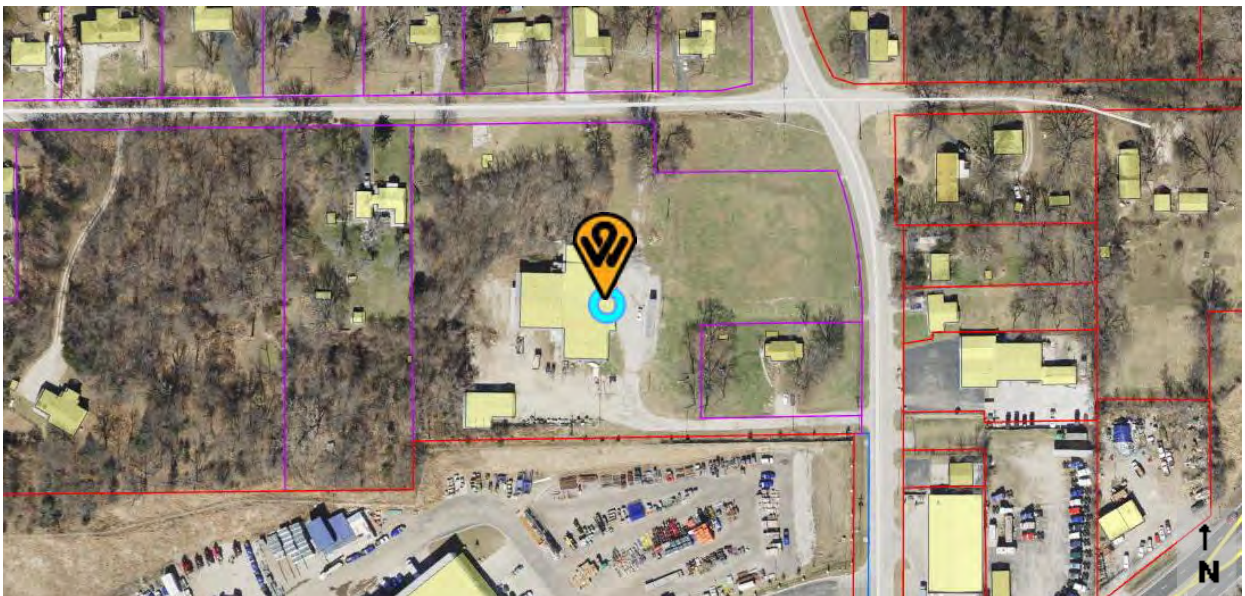
Subject to:

1. **Per Section 27-467(c)(6), the allowed outside storage or keeping is limited to parts, equipment, inoperable vehicles or for residual materials which is necessary, normally related and accessory to the principal use of the premises is allowed. As landscaping materials are not normally related to a skate park, and as the applicant has stated that the storage area is leased by a party separate from the owner of the skate park business, such storage does not satisfy Section 27-467(c)(6) and is therefore not an allowed accessory uses. The use of the subject property for storage of landscaping materials may continue only under a Special Use Permit for temporary use of land for commercial or industrial use, per Section 27-593(a)(28). A Special Use Permit under Section 27-593(a)(28) shall not be approved for more than two (2) years, and such a Special Use Permit cannot be renewed or reapplied for. Upon the date of expiration or revocation of any approved Section 27-593(a)(28) Special Use Permit, all equipment or material stored under said Special Use Permit must be removed from the premises;**
2. **The driveway and parking lot must be repaired and/or repaved to UG standards;**

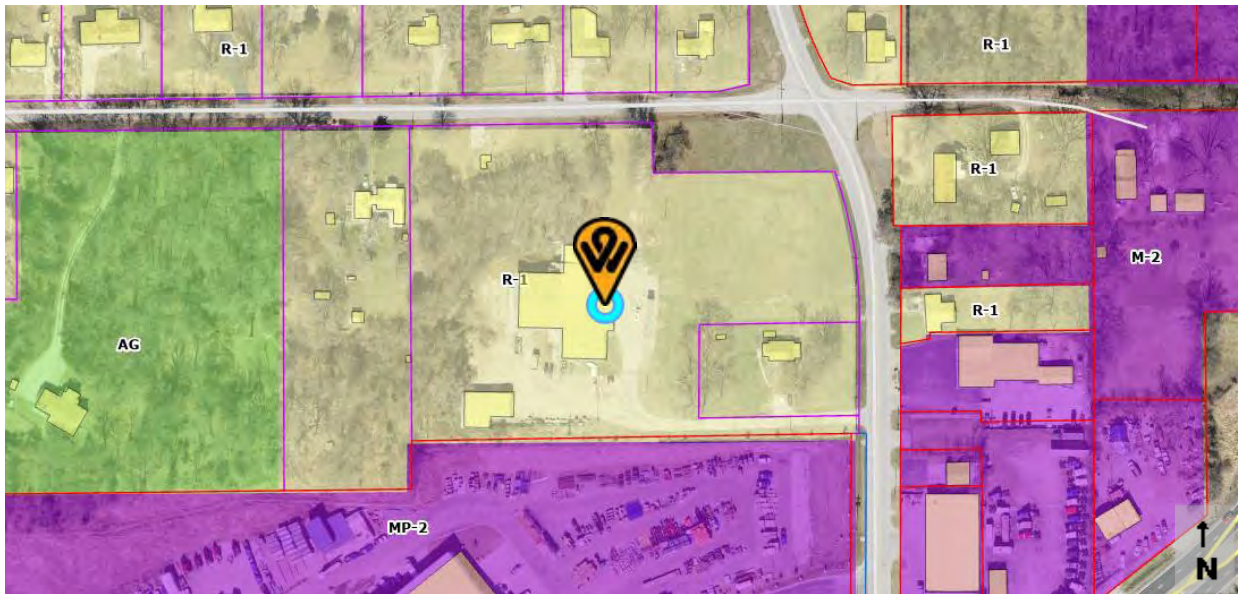
3. The area of the subject property used for landscaping material storage may not expand beyond the current boundaries of use;
4. The diesel tank located within the outdoor storage area must be removed by August 17, 2022;
5. All vehicles, such as pickups trucks and snowplows, must be stored within the accessory building (garage) located within the boundaries of the landscaping materials storage area;
6. Per the submitted site/parking plan, ADA-compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
7. Per Section 27-702(1)(a-d), shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground;
8. After the allowed term of the Special Use Permit has expired, the subject property will be better suited to comply with Section 27-575(e)(1) and therefore striped parking must be relocated to the side and rear of the primary building, in the area currently used for landscaping materials storage;
9. Per Section 27-575(g)(3), all trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
10. Any expansion of buildings, structures, or uses in a manner that cannot be properly screened from the adjacent residential properties by the landscaping—to be installed as per the submitted site plan—will require an expansion of the landscape buffering, per Section 27-577(c)(4);
11. Per Section 27-577(f)(1), all new development landscaping must be irrigated with an automatic system approved by the planning department. Rehabilitation development must either have an irrigation system or a watering plan;
12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
13. A retroactive building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;
14. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
15. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or

- vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
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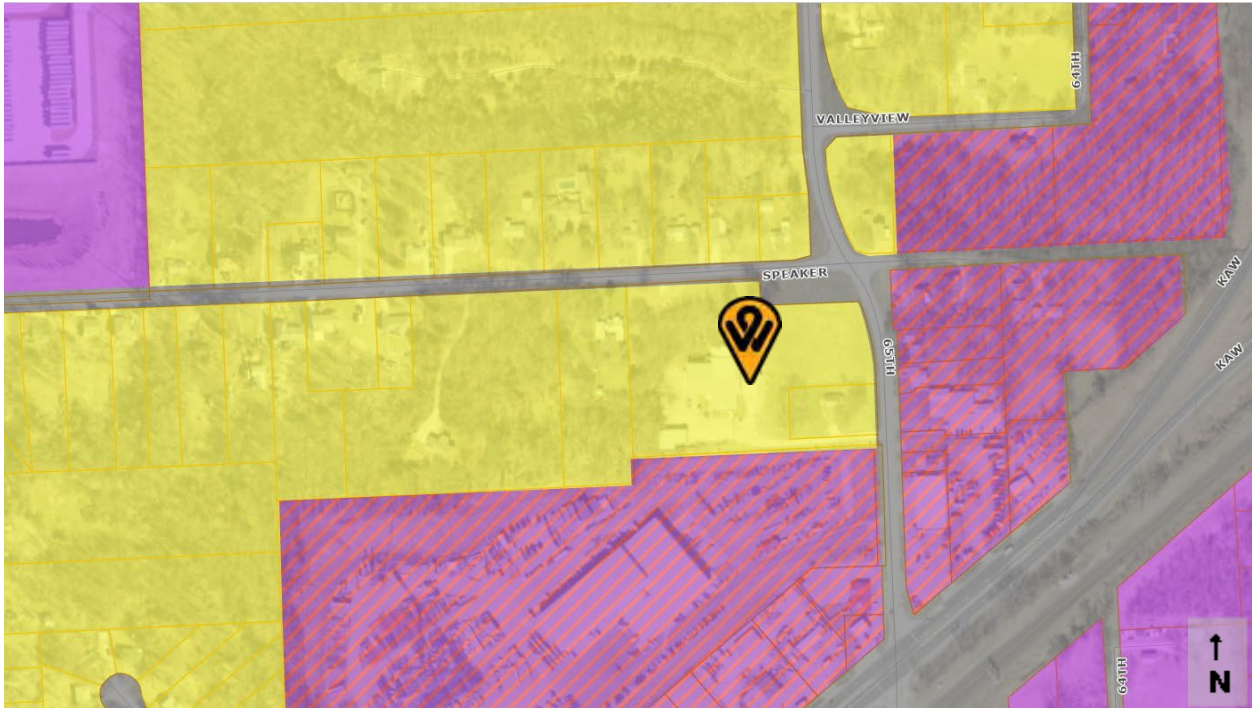
AERIAL MAP



ZONING MAP



LAND USE MAP



City-Wide Master Plan Land Uses



NEIGHBORHOOD MEETING MATERIALS

4/7/2022

Me and My Uncle
230 S. 65th st
Kansas City, KS 66111

Neighborhood meeting

The Unified Government of Wyandotte has determined that we need a special use permit in order for an existing use (rental of an out building by a landscaping company for storage) for 230 S. 65th Kansas City, Kansas 66111 to conform with the current zoning code. For that reason we are asking the planning commission for a special use permit. A requirement of this process is that we send notice to neighbors.

We are having a neighborhood meeting on April 18th at 3pm at the following address:
230 S. 65th St Kansas City, KS 66111

The purpose of this meeting is to inform you of what we would like to do moving forward, to answer any questions/concerns you may have and to keep in good standing with U/G and the neighborhood. We look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Dan Janssen
(816)474-6460
Dan@deluxelightingllc.com

NEIGHBORHOOD MEETING MATERIALS, CONT.

ME AND MY UNCLE LLC

824 WOODSWETHER RD
KANSAS CITY MO 64105

230 SOUTH 65TH

4/18/2022

SPECIAL USE PERMIT MEETING FOR SP2022-037

3:00 PM MEETING STARTED

3:15

THE NEIGHBOR FROM 221 S 65TH CAME BY AND ASKED WHY SHE RECEIVED THE LETTER WE EXPLAINED THE SITUATION AND SHE THANKED US AND LEFT. SHE HAD NO CONCERNS JUST ASKED ABOUT THE LETTER. SHE IS THE RENTER OF THAT HOME HER NAME IS KATHY

NO ONE ELSE SHOWED UP

3:45 MEETING WAS ENDED

DANIEL JANSSEN

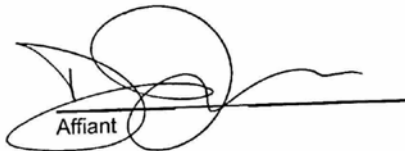
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # _____.
2. That I conducted a neighborhood meeting on 4/18/2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

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

My commission expires _____ of _____, 200_.

Notary Public

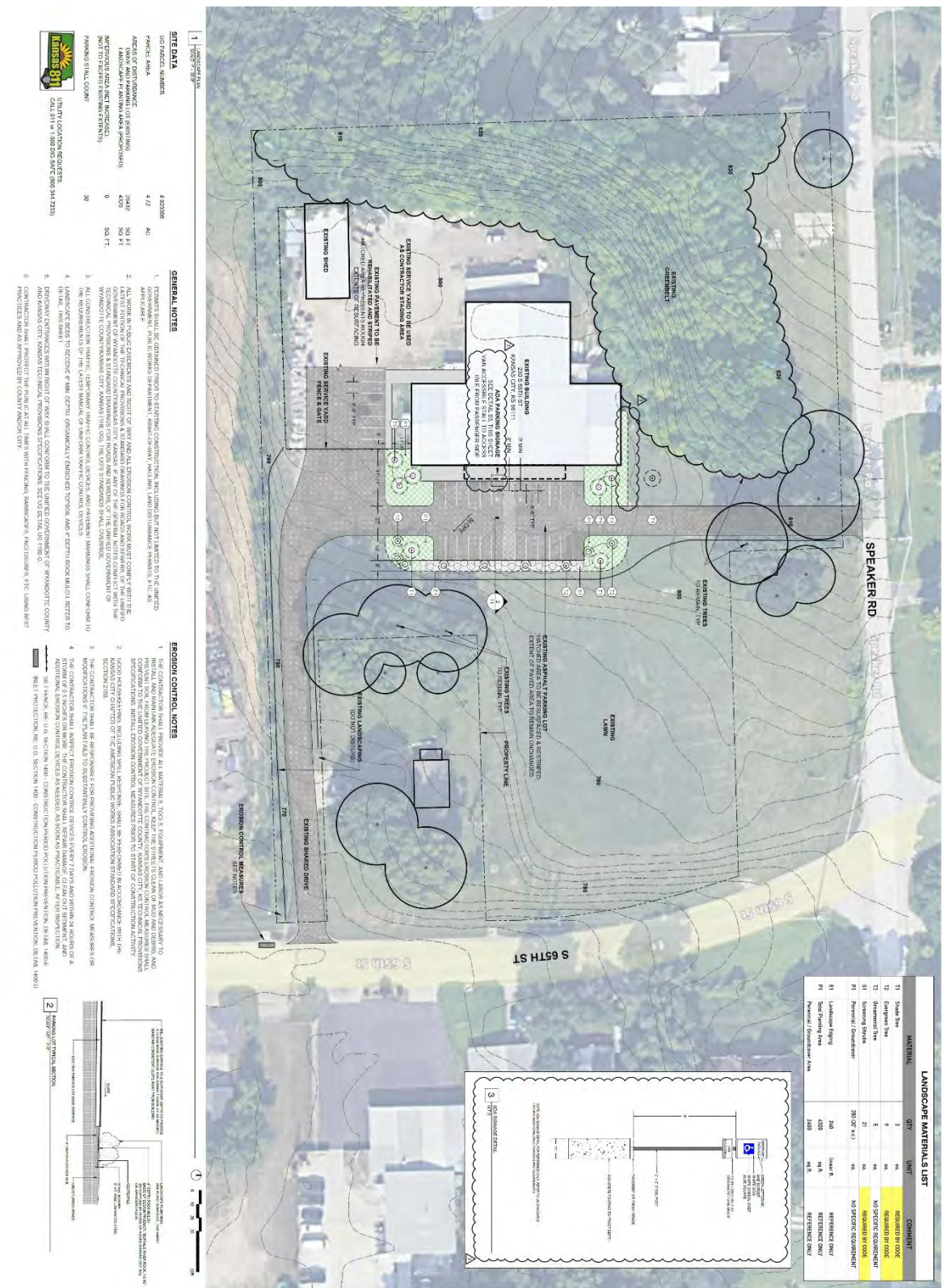
PHOTOGRAPHS OF 230 SOUTH 65TH STREET SUBMITTED BY THE APPLICANT



PHOTOGRAPHS OF 230 SOUTH 65TH STREET SUBMITTED BY THE APPLICANT, CONT.



SITE PLAN FOR 230 SOUTH 65TH STREET: FULL PLAN



STUDIO SCALE SUPPLY

100% SCALE

1" = 10' - 0"

1" = 20' - 0"

1" = 40' - 0"

1" = 80' - 0"

1" = 160' - 0"

1" = 320' - 0"

1" = 640' - 0"

1" = 1280' - 0"

1" = 2560' - 0"

1" = 5120' - 0"

1" = 10240' - 0"

1" = 20480' - 0"

1" = 40960' - 0"

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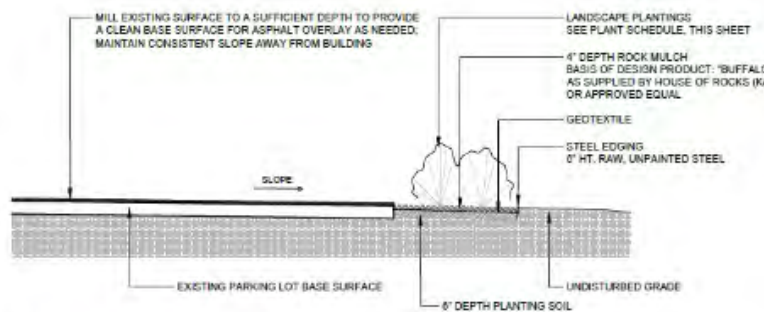
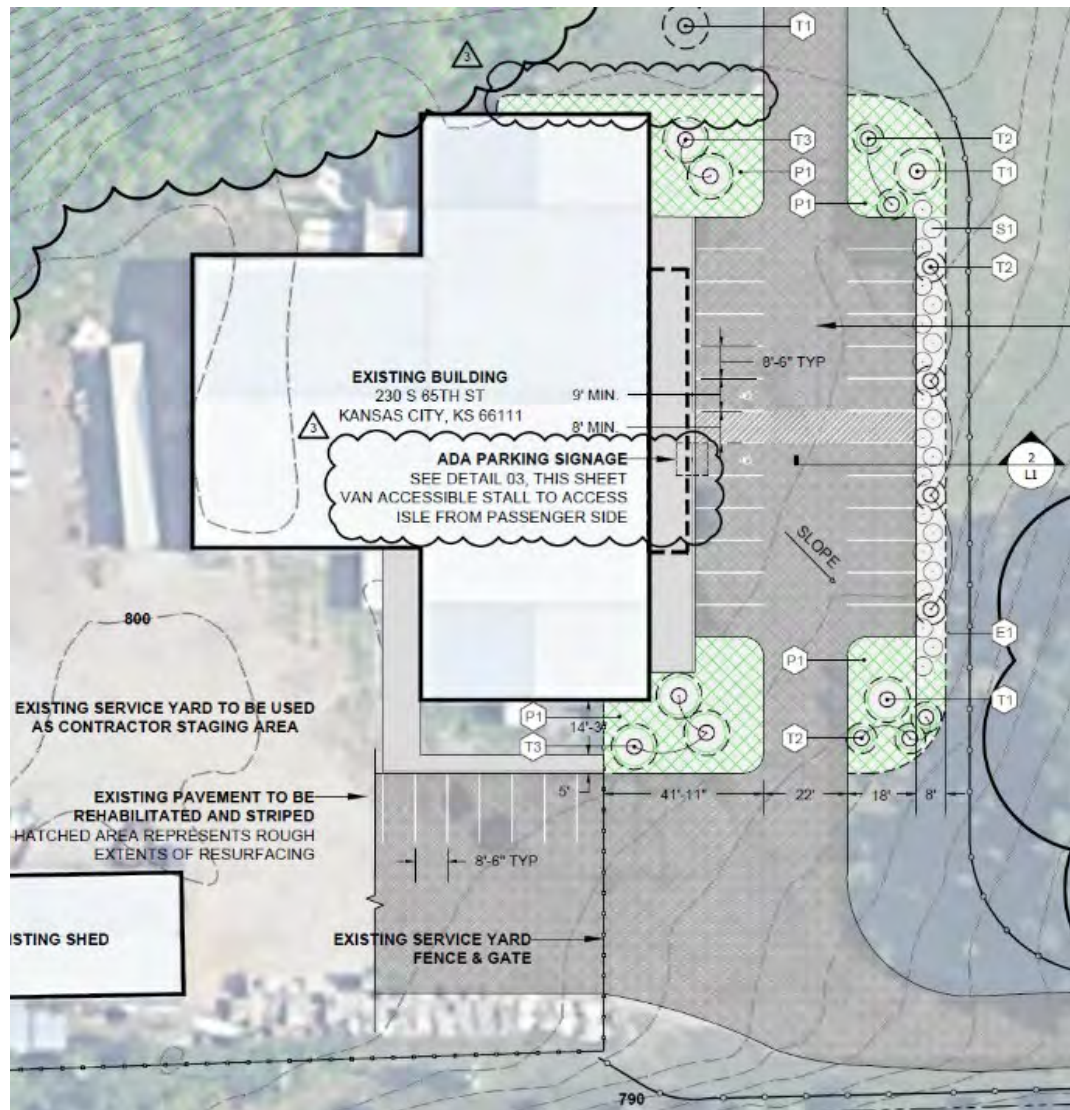
SITE PLAN FOR 230 SOUTH 65TH STREET: LANDSCAPING

LANDSCAPE MATERIALS LIST

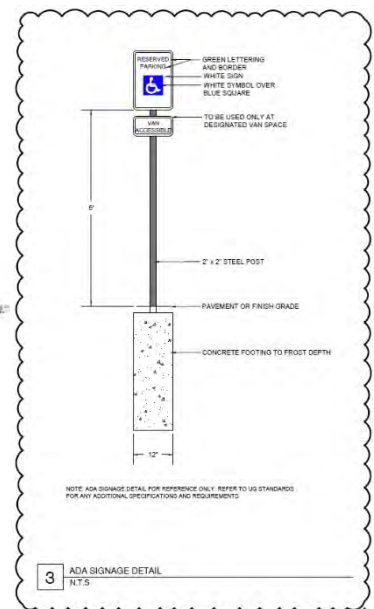
MATERIAL		QTY	UNIT	COMMENT
T1	Shade Tree	3	ea.	REQUIRED BY CODE
T2	Evergreen Tree	9	ea.	REQUIRED BY CODE
T3	Ornamental Tree	5	ea.	NO SPECIFIC REQUIREMENT
S1	Screening Shrubs	21	ea.	REQUIRED BY CODE
P1	Perennial / Groundcover	350 (30" o.c.)	ea.	NO SPECIFIC REQUIREMENT
E1	Landscape Edging	240	linear ft.	REFERENCE ONLY
P1	Total Planting Area	4320	sq. ft.	REFERENCE ONLY
	Perennial / Groundcover Area	2400	sq. ft.	REFERENCE ONLY



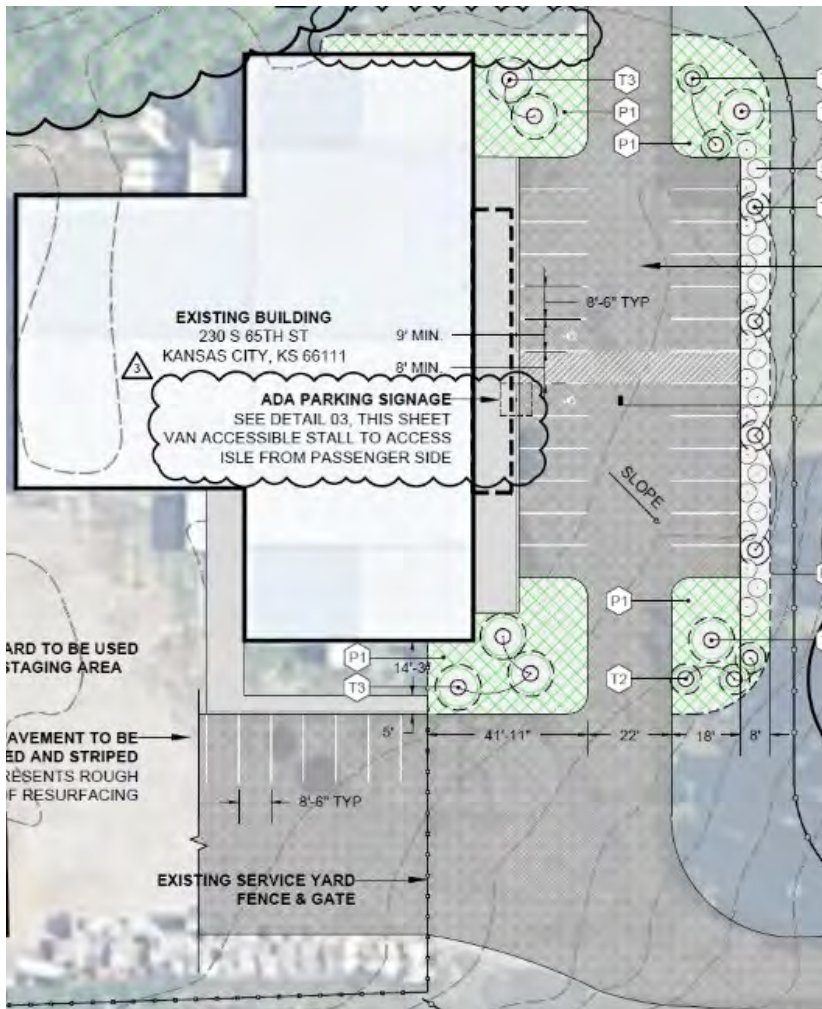
SITE PLAN FOR 230 SOUTH 65TH STREET: PARKING



2 PARKING LOT TYPICAL SECTION
SCALE: 1/8\"/>

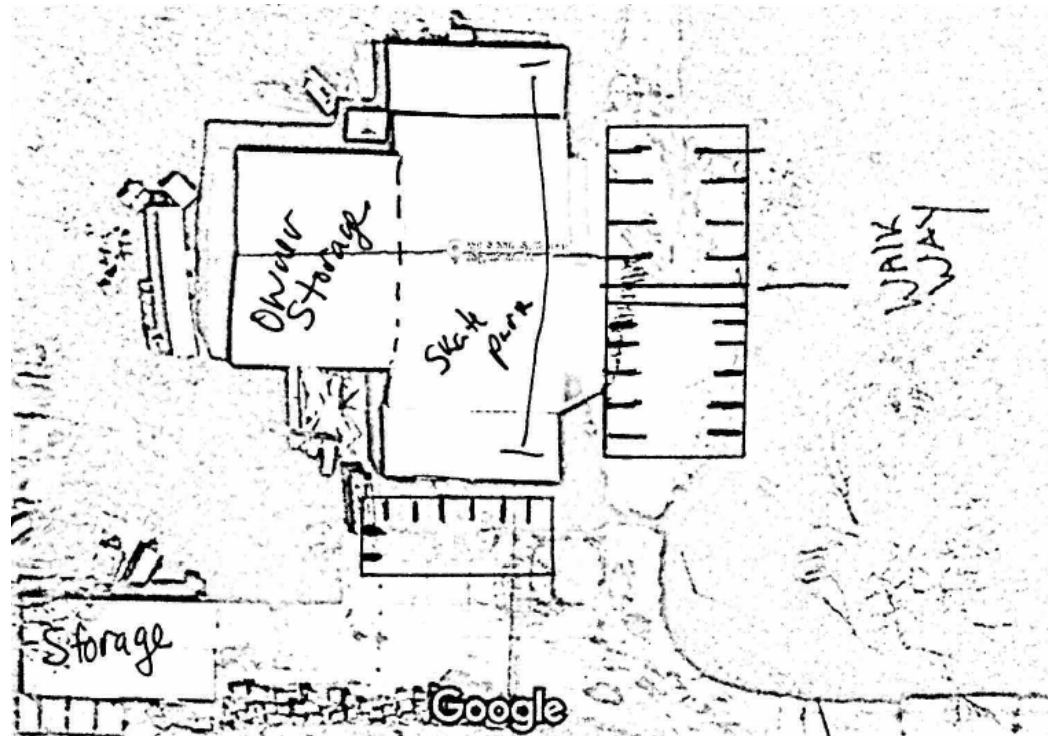


COMPARISON OF PARKING PLANS: SP2021-067 AND SP2022-037



Left: Parking plan demonstrating 30 parking spaces, submitted as part of the SP2022-037 application.

Lower Left: Parking plan demonstrating 30 parking spaces, approved as part of SP2021-067.



LONG-TERM LANDSCAPING IMPROVEMENTS TIMELINE

The following is the two (2)-year landscaping plan approved by both the applicant and Staff for the subject property at 230 South 65th Street, for all allowed and special uses, including, but not limited to, a skate park and skate school, and landscape materials storage.

- 1) This summer of 2022, upon approval of SP2022-037, the following improvements must be made:
 - (A) Plant landscaping to block neighbor's view of the parking lot.
 - (B) Stripe the parking lot per the submitted site plan.
- 2) By October 2023, when SP2021-067 (the SUP for the skate park) expires, the following additional improvements must have been made:
 - (A) Repave and restripe parking lot.
 - (B) Repave driveway and any other maneuvering areas.
 - (C) Plant landscaping along the portion of the driveway adjacent to the neighboring residential property.
- 3) By October 2024, an irrigation system should be installed.

Staff Notes

Step #1: The landscaping identified in Step 1A will be installed subject to the submitted landscaping plan, found under "Site Plan for 230 South 65th Street: Landscaping" within the *Attachments* section of this report.

Step #2: The most recent landscaping plan submitted by the applicant (see "Site Plan for 230 South 65th Street: Landscaping" within the *Attachments* section of this report) demonstrates to preserve the existing landscaping.

Step #3: The applicant may certainly install the irrigation system before the October 2024 deadline, as it would help keep the new trees and bushes alive and healthy. In the spirit of positive customer relations and sustainable, long-term planning, Staff has determined that installation of this irrigation system can be delayed for 26 months so long as the landscaping initially installed as part of Step #1 can be kept alive during the intermediate period.

STAFF SITE VISIT PHOTOGRAPHS, DATED APRIL 6, 2022



The landscaping material storage area, demonstrating the accessory structure and deteriorated paved area.



Current state of the paved storage area; View of the primary structure that includes the proposed skate park, facing north.



Current state of the parking lot; View of an additional accessory structure in the rear of the subject property. There is no paved surface leading to this structure.

STAFF SITE VISIT PHOTOGRAPHS, DATED APRIL 6, 2022, CONT.



Left: View of the garage and dumpster on August 31, 2021.

Right: View of the tank on the property on April 6, 2022. This tank must be related to the storage of landscaping materials.





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: August 25, 2022

Re: Special Use Petition SP2022-067

GENERAL INFORMATION

Applicant:

Brian Glasser DBA AKCO Investments, LLC

Status of Applicant:

Property Owner

730 Minnesota Avenue, Suite B
Kansas City, KS 66101

Requested Action:

Approval of a Special Use Permit.

Date of Application:

June 22, 2022

Purpose:

To operate a short-term rental. This is not the owner's primary residence.

Property Location:

733 Ohio Avenue
Kansas City, Kansas 66101

Commission Districts:

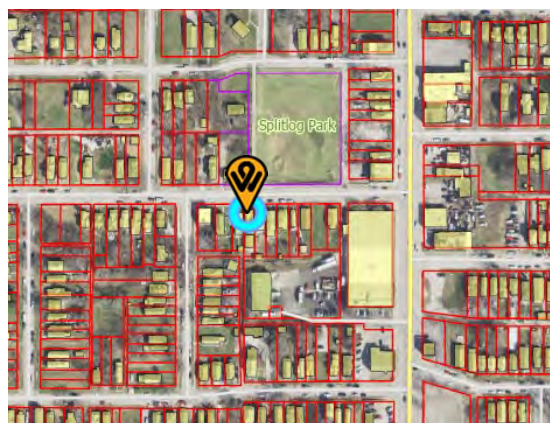
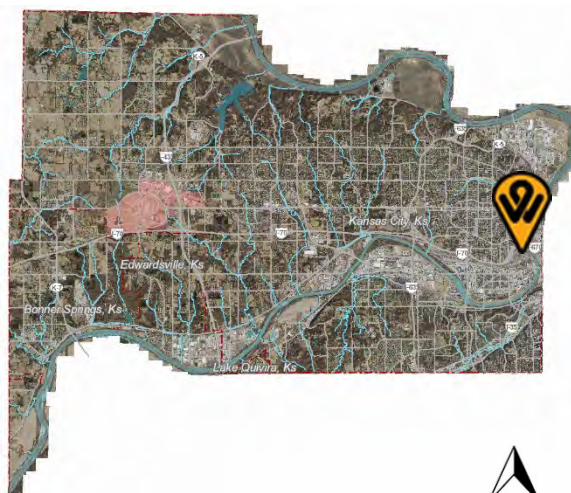
Commissioner At-Large, District #2:

Tom Burroughs

District #2 Commissioner: Brian McKiernan

Existing Zoning:

R-1(B) Single Family District



Adjacent Zoning:	North:	R-1(B) Single Family District
	South:	R-1(B) Single Family and MP-1 Planned Light Industrial Districts
	East:	R-1(B) Single Family District
	West:	R-1(B) Single Family District
Adjacent Uses:	North:	Single Family Residence and Splitlog Park
	South:	Single Family Residence and Restaurant Equipment Supply Store
	East:	Single Family Residence
	West:	Single Family Residence
Total Tract Size:	0.09 Acre	
Master Plan Area:	Central Area Master Plan	
Master Plan Designation:	The Central Area Master Plan classifies the subject property as Urban Density. The Urban Density land use designation allows for primarily single-family homes, attached residences including town homes, duplexes, triplexes, etc., and institutional uses such as schools, churches, and libraries.	
Major Street Plan:	The Major Street Plan designates Ohio Avenue as a Local Street.	
Parking Required:	Section 27-455(d) states that two (2) off-street parking spaces shall be provided. The subject property has a two (2) car garage in the rear of the property, meeting this requirement.	
Advertisement:	<u>The Wyandotte Echo</u> – July 14, 2022 Letters to Property Owner – July 15, 2022	
Public Hearings:	August 8, 2022 and August 25, 2022	
Public Support:	None to date.	
Public Opposition:	None to date.	

PROPOSAL

Detailed Outline of Requested Action: The applicant, Brian Glasser, is seeking approval to operate a short-term rental at 733 Ohio Avenue. The subject property is in the Strawberry Hill neighborhood. The applicant purchased the property within the last year and has completed some renovations as it was a distressed property.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There was one (1) visit to the property in recent years:
 - a. 2018: 2018-00029703 – Disturbance Non-Domestic

Building, Zoning, or Code Enforcement Complaints:

1. The current property owner has received no building enforcement complaints.
2. The current property owner has no outstanding Code Inspection Cases. The prior owners had one (1) complaint:
 - a. 2016: 16200-00297 – Appliances in Alley – Closed

Outstanding or Related Permits and Cases:

1. The applicant has no current building permits. The Subject Property has two (2) prior building permits:
 - a. 2009: 09367-00075 – Electrical – Safe to Restore Electric (Closed)
 - b. 2009: 09380-00389 – Electrical – Residential Electrical (Closed)
 - c. 2015: 15367-00335 – Electrical – Safe to Restore Electric (Closed)
 - d. 2016: 16381-00376 – Gas – Gas Pressure Test (Closed)
 - e. 2022: ELE22-0012 – Electrical – Install Meter Can & Riser – Issued/Open
2. The subject property has no previous Planning and Zoning Cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This project is in the Strawberry Hill neighborhood. Lots are generally narrow and urban in character. Homes in this area are generally a combination of masonry and siding. This area of the neighborhood shows various signs of improvements, including repaved asphalt streets, pedestrian-scale street lighting, and the brick sidewalks are maintained to various degrees. The neighborhood lacks sufficient parking but is generally walkable with transit access. Lots are narrow and homes typically include alleyway garages or parking, elevated steps, porches, and landscaping.

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

The zoning and uses of properties nearby are set out above. The surrounding properties are primarily single-family residences. The end of the street to the east has a large wholesale restaurant equipment business and the 7th Street Mixed-

Use Corridor is at the end of the block to the east. Continuing use as a rental, either short or long term, is consistent with other nearby properties in close proximity to the nearby mixed-use corridor, and neighborhood corridor. The proposed use is compatible if properly managed. Operating this property as a short-term rental has the potential to create issues related to noise, parking, and other concerns related to overcrowding.

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

This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise, and overcrowding.

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

The property is currently vacant as it completes renovation. It is unclear how long the property was vacant prior to purchase, but the distressed condition of the property and multiple permits to restore electricity indicates it has a history of prolonged periods of vacancy.

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

Central Area Master Plan classifies the subject property as Urban Density. The Urban Density land use designation allows for primarily single-family homes, attached residences including town homes, duplexes, triplexes, etc., and institutional uses such as schools, churches, and libraries. The proposed use conforms to the master plan if a Special Use Permit is issued, and the property is properly managed.

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

The current design of the neighborhood does not provide sufficient parking for multiple vehicles. There is a two (2) car garage in the rear of the home accessible off the alleyway, which provides ample parking to guests or tenants. Accessing this parking will not exceed the capacity of the street network as it was designed for typical residential traffic.

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

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially or permanently injure the appropriate use, visual quality, or

marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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

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

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

The proposed use would not pollute air or land as it is located in an existing, permitted structure. If the applicant properly manages the property, trash from guests should be minimal.

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

The proposed use would not damage or destroy an irreplaceable natural resource as it will operate within an existing structure in a built-out, residential neighborhood.

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

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

The proposed use would not result in overcrowding as it operates within an existing structure on the site and no expansion is proposed. The maximum number of guests at one time is six (6) and the maximum number of vehicles is two (2). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in person at the property on July 24, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Building Conformance
Noise Concerns
Home Occupation
Parking
Traffic
Residential Neighborhood
Overcrowding/Undue Concentrations of Population

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-067**, for one **(1)** year, subject to:

- 1) Applicant must return and apply for a variance from the Board of Zoning Appeals for a reduction in the required rear yard percentage;
- 2) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 3) Maximum number of guests shall be six (6);
- 4) All parking must be off-street, maximum number of vehicles is two (2);
- 5) The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 6) Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
- 7) Applicant is to maintain liability insurance;
- 8) The property must remain in proper main entrance and free of hazards, pests, or infestations;
- 9) The following repairs must be made as a result of the home inspection:
 - a) Any mold found on the air ducts in the basement shall be remedied
 - b) Repair the T&P Valve on the Hot Water Heater
 - c) Cap off abandoned waste piping
 - d) Re-slope drainage pipe to appropriate pitch
 - e) Replace Air Filter to HVAC Unit;
- 10) Per Planning Engineering Comments, UG staff require the alley to the south side of the house from N. 8th street to be paved i.e., concrete or asphalt. If so, a site plan and an erosion control plan will be required. A site plan shall be sealed, signed and dated by a design professional i.e., professional engineer or architect and include all applicable construction

- notes, details, and final engineering design to show all dimensions, proposed work, distance from property lines, existing utilities, right-of-way widths, alley widths, contact information, etc., in accordance with UG standards and criteria. Further discussion with staff may be required;
- 11) The granting of this Special Use Permit does not transfer with a change of ownership of the property;
- 12) The owner or owner's agent/operator shall provide a guest book with the following information:
- a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b) A lead-based paint notification for any property built before 1978.
 - c) An asbestos notification for any property built before 1981.
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
- 13) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 14) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
- 15) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
- 16) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision

within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and, 17) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-067** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 8, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Liability Insurance
Floor Plan
Guest Book
Home Inspection Highlights
Applicant Photos dated July 25, 2022
Neighborhood Meeting Information
Planning Engineering Comment Letter
Staff Site Visit Photos Dated July 7, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing		
Special Use Permit	August 8, 2022 Approval	August 25, 2022

STAFF CONTACT:

Kallie McLaughlin
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-067** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-067**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 8, 2022 City Planning Commission Minutes:

Hearing starts at 1:39:15:

SPECIAL USE PERMIT APPLICATION SP2022-067 – BRIAN GLASSER WITH AKCO INVESTMENTS, LLC - SYNOPSIS: Special Use Permit to operate a short-term rental at 733 Ohio Avenue.

Detailed Outline of Requested Action: The applicant, Brian Glasser, is seeking approval to operate a short-term rental at 733 Ohio Avenue. The subject property is in the Strawberry Hill neighborhood. The applicant purchased the property within the last year and has completed some renovations as it was a distressed property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 8, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Brian Glasser, applicant, AKCO Investments, LLC, 730 Minnesota Avenue, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:41:35: Lead Planner Toy stated this Special Use Permit is recommended for approval for one (1) year as the applicant does not live in the residence. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 1:41:57:

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-067 for one (1) year:**

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

Motion to recommend **APPROVAL** Passed: 7 to 0

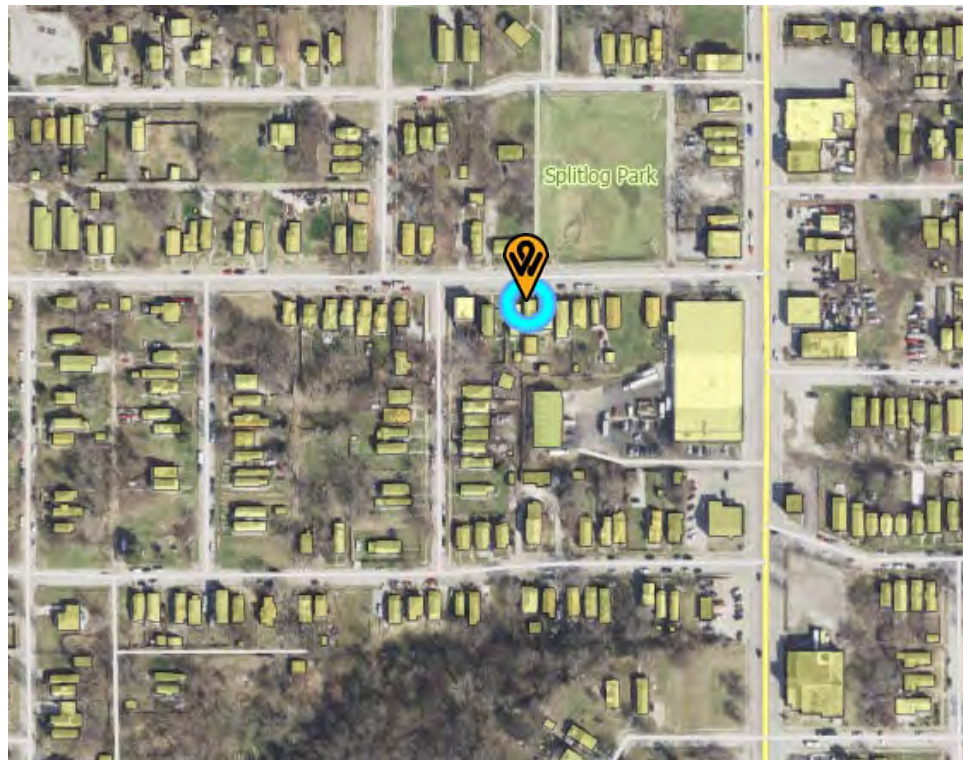
Subject to:

- 1) Applicant must return and apply for a variance from the Board of Zoning Appeals for a reduction in the required rear yard percentage;
- 2) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 3) Maximum number of guests shall be six (6);
- 4) All parking must be off-street, maximum number of vehicles is two (2);
- 5) The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 6) Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit,

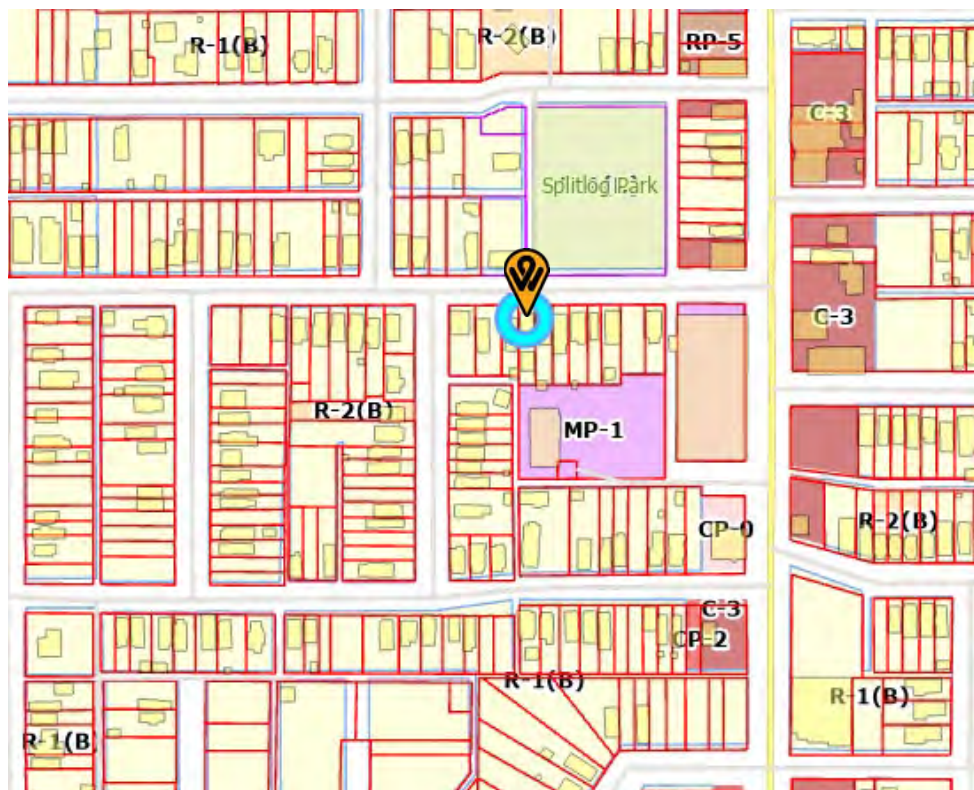
- a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
- 7) Applicant is to maintain liability insurance;
 - 8) The property must remain in proper main entrance and free of hazards, pests, or infestations;
 - 9) The following repairs must be made as a result of the home inspection:
 - a) Any mold found on the air ducts in the basement shall be remedied
 - b) Repair the T&P Valve on the Hot Water Heater
 - c) Cap off abandoned waste piping
 - d) Re-slope drainage pipe to appropriate pitch
 - e) Replace Air Filter to HVAC Unit;
 - 10) Per Planning Engineering Comments, UG staff require the alley to the south side of the house from N. 8th street to be paved i.e., concrete or asphalt. If so, a site plan and an erosion control plan will be required. A site plan shall be sealed, signed and dated by a design professional i.e., professional engineer or architect and include all applicable construction notes, details, and final engineering design to show all dimensions, proposed work, distance from property lines, existing utilities, right-of-way widths, alley widths, contact information, etc., in accordance with UG standards and criteria. Further discussion with staff may be required;
 - 11) The granting of this Special Use Permit does not transfer with a change of ownership of the property;
 - 12) The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b) A lead-based paint notification for any property built before 1978.
 - c) An asbestos notification for any property built before 1981.
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
 - 13) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 - 14) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and

- duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
- 15) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
- 16) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
- 17) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

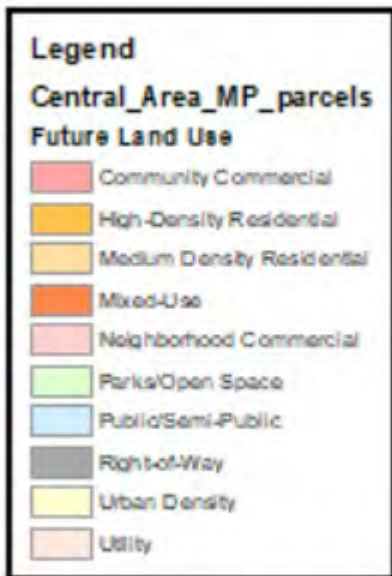
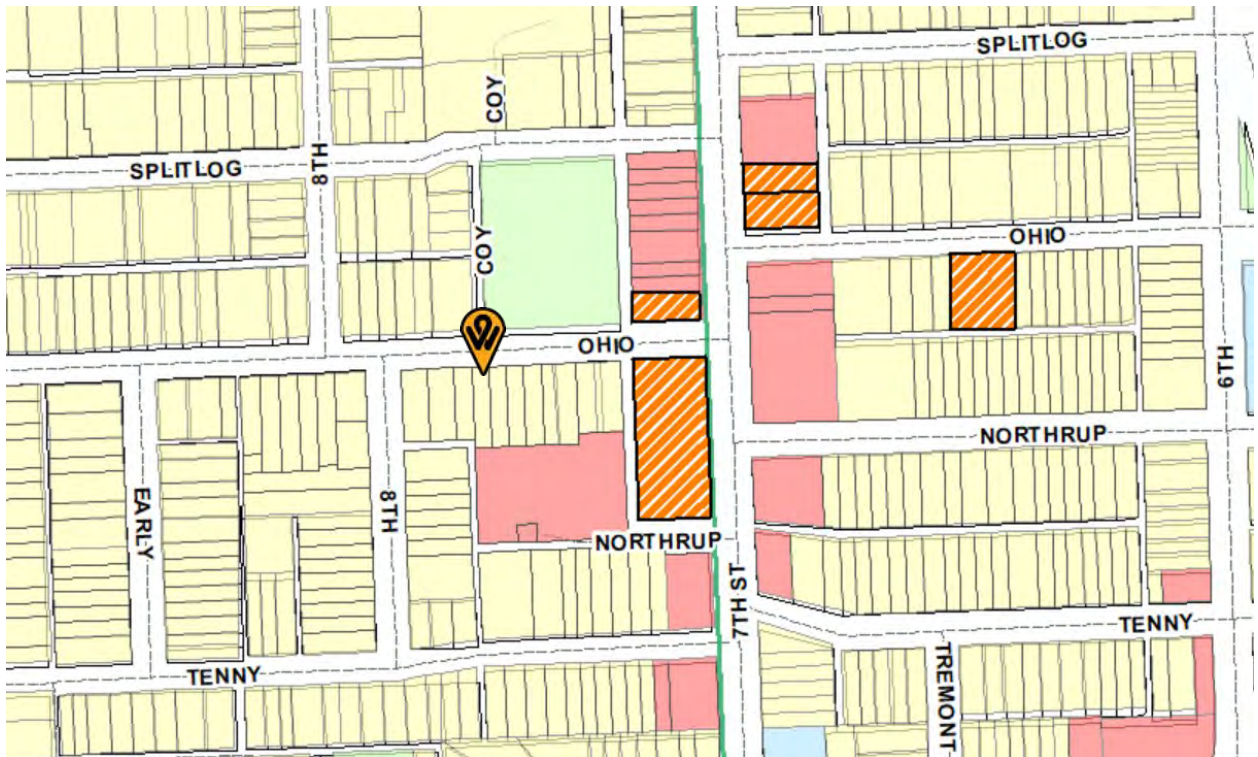
AERIAL MAP



ZONING MAP



LAND USE MAP



LIABILITY INSURANCE

EVIDENCE OF PROPERTY INSURANCE

ISSUE DATE: 04/26/2022

THIS EVIDENCE OF PROPERTY INSURANCE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE ADDITIONAL INTEREST NAMED BELOW. THIS EVIDENCE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY BELOW. THIS EVIDENCE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER, AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE ADDITIONAL INTEREST.

AGENCY

Incenter Insurance Solutions, LLC
550 Pinetown Road
Suite 260
Ft. Washington, PA 19034

COMPANY

Fortegra Specialty Insurance Company
c/o OSC
3550 George Busbee Pkwy NW, Suite 300
Kennesaw, GA 30144

PHONE NUMBER

888-221-8820

EMAIL

PolicyServices@incenterms.com

REFERENCE NUMBER

NVES2668

POLICY NUMBER

OSP1011353

INSURED

AKCO INVESTMENTS LLC
1409 W 11th Street, Floor 2
Kansas City, MO 64101

EFFECTIVE DATE

05/31/2022

EXPIRATION DATE

05/31/2023

PROPERTY INFORMATION

LOCATION/DESCRIPTION

733 OHIO AVE
Kansas City, KS 66101

PROPERTY TYPE

Single Family Residence

THE POLICY INSURANCE LISTED BELOW HAS BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS EVIDENCE OF PROPERTY INSURANCE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICY DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICY. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

COVERAGE INFORMATION

Coverage / Perils / Forms	Amount of Insurance	Deductible
Property Coverage	\$115,000.00	Building: \$5,000.00
Loss of Rent	\$19,200.00	Wind/Hail except FL: Greater of 2% / \$5,000.00
Contents Coverage		Wind/Hail FL: Greater of 5% / \$5,000.00
Liability	\$1,000,000 occurrence / \$2,000,000 aggregate	
Sewer and Water Backup	\$10,000.00	
Ordinance or Law	\$13,420.00	

REMARKS (Including Special Conditions)

Replacement Cost Optional Coverage Applies

Hazard Premium: \$535.22
Policy Fee: \$25.00
Liability Premium: \$110.00
Surplus Lines Tax: \$47.46
Sewer and Water Backup: \$80.52
Ordinance and Law: \$40.26
Total: \$838.46

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICY BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

ADDITIONAL INTEREST

NAME AND ADDRESS

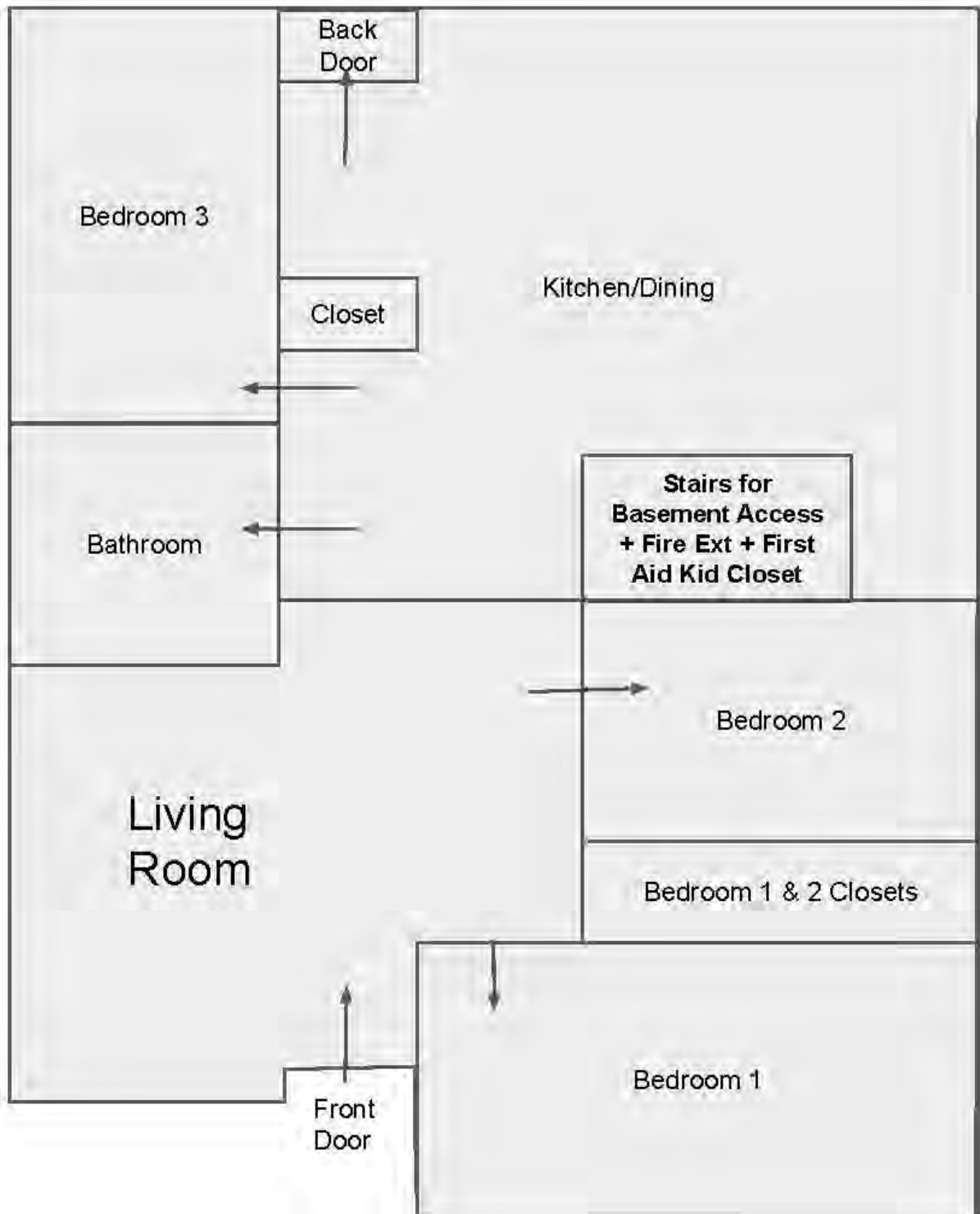
FINANCE OF AMERICA MORTGAGE LLC, ISAOA
C/O Specialized Loan Servicing, LLC
PO Box 4500
Springfield, OH 45501
Loan Number: 220073107-001

☒ Lender ☒ Additional Insured ☒ Loss Payee

AUTHORIZED REPRESENTATIVE



FLOOR PLAN



733 Ohio Ave.

Welcome to our home!

The House / The Rules:

This 3 bed 1 bath home is designed to optimally accommodate 4-5 people.

- We have zero tolerance for guests that break this rule and zero tolerance for parties

There are 2 exits: Front Door and Backdoor from the basement

- Our security system is managed by and monitored by us as owners. It is not designed for guests to arm. It is designed to notify us of entries and exits, etc.

Fire Extinguisher and First Aid Kit: Are co-located in the closet adjacent from the kitchen, towards the basement.

If there is damage upon your arrival this must be immediately reported to MGT via the app

- Guests will receive feedback within 24 hours of their stay with respect to findings upon the staff reviewing the property/post stay

The House / The Details:

- The Washer/Dryer is located in the basement. Guests will be allocated enough material for a single laundry load. Anything beyond that is a guest expense.
- The House has bluetooth speaker capabilities in the bathroom.
- Wifi and TV instructions are located within the app.
 - Complimentary free high speed internet via Spectrum
 - Complimentary basic cable package via Spectrum
- Drawers are labeled for ease

HOME INSPECTION HIGHLIGHTS

Legacy Home Inspections

733 Ohio Ave, Kansas City, KS

Report Summary

The summary below consists of potentially significant findings. These findings can be a safety hazard, a deficiency requiring a major expense to correct or items I would like to draw extra attention to. The summary is not a complete listing of all the findings in the report, and reflects the opinion of the inspector. Please review all pages of the report as the summary alone does not explain all of the issues. All repairs should be done by a licensed & bonded tradesman or qualified professional. I recommend obtaining a copy of all receipts, warranties and permits for the work done.

Structure

Page 3	Foundation	• Noted: It appears some of the walls have had some movement that is common with stone foundations. Recommend having a foundation specialist company evaluate to ensure that bracing is not necessary.
Page 4	Subflooring	• Repair: Observed Possible mold on the subfloor and ducts in the Basement. A Mold specialist can give a better evaluation

Electrical

Page 8	Main Panel	• Repair: Observed that the panel was not completely and or correctly labeled. Recommend labeling the Panel
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Heating

Page 10	Furnace	• Repair: The air filter needs to be replaced.
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Cooling/Heat Pumps

Page 12	Central Air Conditioning	• Repair: Fill the Gap around the coolant lines where they enter the house.
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Plumbing

Page 16	Water Heater	• Safety Issue: For safety reasons, it is recommended that a Temperature and Pressure Relief Valve that extends to within 6" of the floor be installed for the water heater. Recommend a licensed plumber evaluate for necessary repairs.
Page 17	Waste Piping	• Repair: Observed multiple damaged / missing waste caps in the basement. Recommend that a licensed plumber evaluate for necessary repairs. • Repair: Observed a drain pipe with an incorrect pitch / slope. This can cause poor drainage and clogs. Recommend that a licensed plumber evaluate for necessary repairs.

Page 1 of 19

NEIGHBORHOOD MEETING INFORMATION

Date: 7/13/22

Brian Glasser of aKCo Investments, LLC
730 Minnesota Ave. Suite B
Kansas City, KS 66101

SUBJECT: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use # SP2022-067.

The purpose of this: Special Use Permit

This is for a short-term rental at the following address: 733 Ohio Ave.
Kansas City, KS 66101.

I am holding a virtual meeting for any Q&A on 24-JUL-22 at 3:00-3:45 PM CST.

To join this meeting you just need to click on the following link:

meet.google.com/qsu-zbks-ihz

If you are unable to join this link online, please feel free to call me anytime during the meeting hours.

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to answering any of your questions during this meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,

Brian Glasser
brian@apex-kc.com
702-845-6296

MEETING MINUTES:

Application Number: SP2022-067

Date and Location: 24-JUL-22 via Virtual Meeting

Meeting called to order at: 3:00 pm, CST, on 24-JUL-22

Names of people in attendance: Brian Glasser & Andrew Morgans

Overview: No attendees showed up, and no attendees called or emailed us personally.

- o We concluded the meeting at 3:30 and we were available via phone call as well until 4:00 pm CST.

Meeting adjourned at: 3:30 pm, on 24-JUL-22

Minutes taken by: Andrew Morgans

NEIGHBORHOOD MEETING INFORMATION

DocuSign Envelope ID: 125EF211-7E5D-4B7A-B2FF-BC0BF68C8565

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MO)
COUNTY OF Jackson) SS:

Comes now Brian Glasser, of aKCo Investments, LLC, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #SP2022-067.
2. That I conducted a neighborhood meeting on 24-JUL-22.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

DocuSigned by:
Brian Glasser 7/25/2022 | 11:45 AM PDT
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25th day of July, 2022
My commission expires 20th March, 2024

FALLON MICHELLE THOMPSON
NOTARY PUBLIC, NOTARY SEAL
STATE OF MISSOURI
Commissioned for Jackson County
Commission Number 18260418
My Commission Expires Mar. 20, 2026


Notary Public

APPLICANT PHOTOS DATED JULY 25, 2022





APPLICANT PHOTOS DATED JULY 25, 2022



APPLICANT PHOTOS DATED JULY 25, 2022





PLANNING ENGINEERING COMMENT LETTER



Planning and Urban Design

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

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

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Planner

FROM: Travis Trumble
Project Engineer

DATE: July 12, 2022

SUBJECT: Brian Glasser – (SP2022-067)
733 Ohio Avenue
General Engineering Review No. 1 (of the application received 6/6/2022)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

- 1) Is there proposed site improvement? UG staff require the alley to the south side of the house from N. 8th street to be paved i.e., concrete or asphalt. If so, a site plan and an erosion control plan will be required. A site plan shall be sealed, signed and dated by a design professional i.e., professional engineer or architect and include all applicable construction notes, details, and final engineering design to show all dimensions, proposed work, distance from property lines, existing utilities, right-of-way widths, alley widths, contact information, etc., in accordance with UG standards and criteria. Further discussion with staff may be required.
- 2) Please coordinate with Kallie McLaughlin, (913-573-5762), for additional Urban Planning and Zoning requirements and comments.
- 3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: **Travis Trumble**
Digitally signed by Travis Trumble
Date: 2022.07.12 13:30:09 -05'00'
Travis Trumble, Project Engineer

STAFF SITE VISIT PHOTOS DATED JULY 7, 2022



STAFF SITE VISIT PHOTOS DATED JULY 7, 2022





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: August 25, 2022

Re: Special Use Petition SP2022-069

GENERAL INFORMATION

Applicant:

Jesus Gerado-Gonzalez

Status of Applicant:

Representative
G+J Entertainment
4929 State Avenue
Kansas City, Kansas 66102

Requested Action:

Approval of a Special Use Permit.

Date of Application:

June 24, 2022

Purpose:

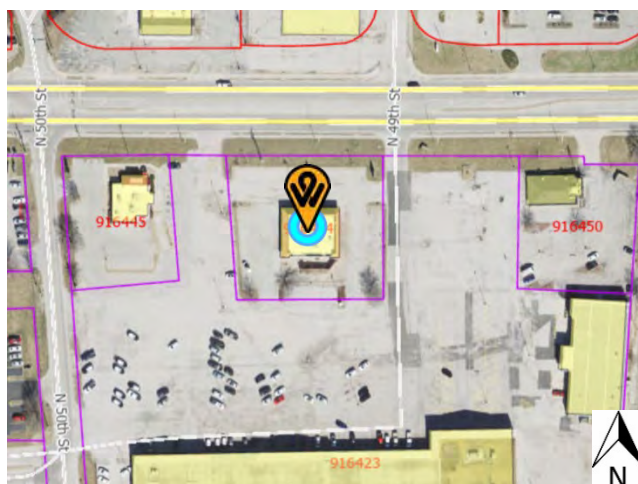
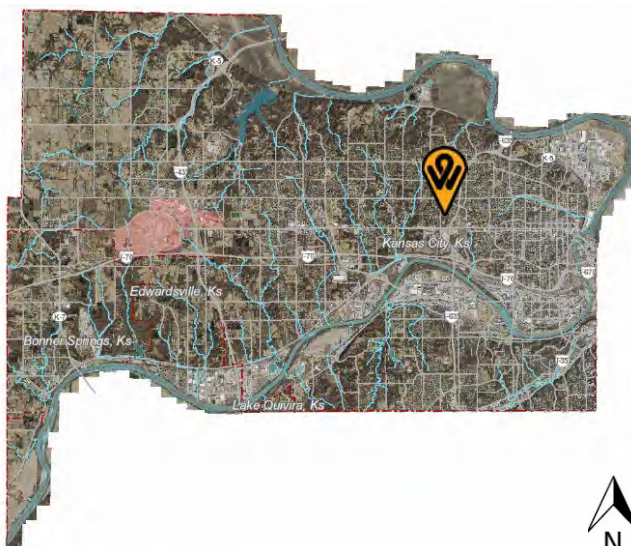
To approve a Special Use Permit to allow live entertainment at an existing restaurant.

Property Location:

4929 State Avenue
Kansas City, Kansas 66102

Commission Districts:

Commissioner At-Large, District #1:
Melissa Bynum
District #8 Commissioner: Andrew Davis



Existing Zoning:	CP-2 Planned General Business District	
Adjacent Zoning:	North:	C-1 Limited Business District
	South:	C-1 Limited Business District
	East:	C-1 Limited Business District
	West:	C-1 Limited Business District
Adjacent Uses:	North:	Vacant Commercial Space
	South:	Commercial Strip Mall
	East:	Clinic/Medical Offices
	West:	Vacant Commercial Space
Total Tract Size:	0.85 Acre	
Master Plan Designation:	The City-Wide Master Plan designates this property as Mixed-Use, complimentary land uses such as retail, offices, small businesses, and mixed-use residential.	
Major Street Plan:	The Major Street Plan designates State Avenue as a Class A Thoroughfare.	
Parking Requirement:	As a restaurant, the establishment is subject to Sec 27-668(a)(5), which requires one space for each 50 square feet of seating area plus one space for each remaining 300 square feet of total floor area. The restaurant has approximately 1,775 square feet of seating area which, will require 36 parking spaces, plus ten (10) parking spaces for the remaining 3,050 square feet, a total of 46 required spaces. The site plan provides 49 spaces.	
Advertisement:	<u>The Wyandotte Echo</u> – July 14, 2022 Letters to Property Owner – July 15, 2022	
Public Hearings:	August 8, 2022 and August 25, 2022	
Public Support:	None to date.	
Public Opposition:	None to date.	

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jesus Gerado-Gonzalez, is requesting a Special Use Permit for live entertainment at an existing restaurant/drinking establishment at 4929 State Avenue.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. 2021 – ABT21-1202 - Abatement – Tall grass and weeds
2. 2021 – CMP21-1221 - Enforcement Complaint – Trash, tall grass, and weeds
3. 2019 – 19395-00221 – Stop Work Order – Interior remodel without permits
4. 2019 – 19230-00028 – Vacant Property Compliance

Outstanding or Related Permits and Cases:

1. The subject property underwent an interior remodel throughout 2020 and 2021.
 - a. 2021 – MEC21-0583 – Mechanical Permit
 - b. 2021 – ELE21-0100 – Electrical Permit
 - c. 2021 – PLM21-0055 – Plumbing Permit
 - d. 2020 – 20380-01176 – Electrical Permit
 - e. 2020 – 20300-00419 – DRC – Interior remodel

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood consists of a diversity of uses, including a mix of commercial uses and single-family homes to the north and south, and light industrial uses to the west, and a mix of commercial surrounding the property. State Avenue is a major east/west throughfare through Kansas City, Kansas, comprised of both commercial and residential Uses.

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

The zoning and adjacent uses are set out above. The proposed use is compatible and allowed in the CP-2 Planned General Business District with a Special Use Permit. The proposed use is compatible with the surrounding properties and is a pad-site in an existing commercial strip mall. The surrounding properties feature a mix of commercial zoning including C-1 Limited Business Districts and C-2 General Business Districts.

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

The removal of the restrictions will not detrimentally affect nearby properties if the conditions are adhered to. A drinking establishment is a permitted use per the CP-2 Planned General Business District with a Special Use Permit, and the establishment is surrounded by other commercial uses. It is unlikely that the proposed use could become a nuisance to the residential properties to the north of State Avenue when the business hosts live entertainment if it is not managed properly.

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

The property is not vacant; It has been a restaurant since 2021.

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

The City-Wide Master Plan does not address Special Use Permits. The City-Wide Master Plan designates this property as Mixed-Use. Mixed-Use is located at major arterial intersections and within traditional neighborhood design (TND) developments, these areas are ideal for integrating complimentary land uses such as retail, offices, small businesses and mixed-use residential. The proposed use will conform to the Master Plan with a Special Use Permit.

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

The proposed use should not result in an increase in traffic to the point where it exceeds the capacity of State Avenue, a Class A Thoroughfare, which is designed to handle traffic from such commercial uses.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public as it is not a public good. The proposed use also has the possibility to affect the quality and marketability of adjoining and surrounding properties due to the impacts from live entertainment if it is not managed properly.

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

Noise, vibration, and illumination are all typical issues for this type of use and could become a nuisance for nearby properties if not managed properly. Additionally, the unfinished and unpaved parking areas could also become an issue if not managed properly.

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

The proposed use would not pollute air or land as it is located in an existing, permitted commercial building.

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

The proposed use would not destroy and irreplaceable natural resource, as it is located in an existing, built out commercial area.

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

The gain to public health, safety, and welfare would be minimal. A denial of this application would cause the business owner to not have live entertainment at their existing restaurant.

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

The proposed use could result in undue concentrations of population if the occupancy limits and other conditions of approval are not adhered to. The proposed use could result in the overcrowding of land if conditions of approval are not met.

PREVIOUS ACTIONS

None to date.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on July 25, 2022 Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise
Signage
Building Façade
Trash Receptacle Screening
Gas Line
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-069**, for two (2) years, subject to:

1. A pedestrian pathway shall be constructed from the sidewalk to the parking lot of their establishment. The applicant will also need to paint crosswalk marking in their parking lot that connects the new pathway and front door;
2. The applicant will be required to construct screening for their trash receptacle and grease trap;
3. The applicant shall repair the roof equipment screening on the rear (south) elevation of the structure. The repairs must be consistent with the remainder of the screening;
4. A bollard and landscape screening are required to be installed to screen and protect the gas line on the east side of the building;
5. All entertainment must cease by at least 1:00AM;
6. Doors and windows must stay closed during any entertainment performance;
7. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
8. No amplified speakers or entertainment is allowed in outdoor spaces;
9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
12. The applicant has filed and maintained a current business occupation tax application and entertainment license;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;

- 14. Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 36,669 square feet, requiring six (6) trees be provided on the site plan;**
- 15. Section 27-467(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;**
- 16. Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;**
- 17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
- 19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**

20. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and;
21. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-069** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 8, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Floor Plan
Site Photographs, taken by staff, dated July 6, 2022
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	August 8, 2022	August 25, 2022
Special Use	Approval	

STAFF CONTACT:

James Molloy, jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-069** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-069**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 8, 2022 City Planning Commission Minutes:

Hearing starts at 1:49:12:

SPECIAL USE PERMIT APPLICATION SP2022-069 – G + J ENTERTAINMENT - SYNOPSIS: Special Use Permit for live entertainment in conjunction with an existing drinking establishment at 4929 State Avenue.

Detailed Outline of Requested Action: The applicant, Jesus Gerado-Gonzalez, is requesting a Special Use Permit for live entertainment at an existing restaurant/drinking establishment at 4929 State Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 8, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Jesus Gerado-Gonzalez, applicant, 4929 State Avenue, Kansas City, Kansas

- Romero Gonzalez, 1405 Massachusetts Street, Lawrence, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:52:25: Planner Toy stated that live entertainment must cease by 1:00 a.m. Staff has included the standard conditions of approval in the staff report. This property is located along a commercial corridor and is surrounded by commercial properties. Staff would recommend earlier closing hours during the week if the property was surrounded by residential properties. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motions starts at 1:54:30:

On motion by Mr. Connelly, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application**

SP2022-069 for two (2) years:

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

Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to:

1. A pedestrian pathway shall be constructed from the sidewalk to the parking lot of their establishment. The applicant will also need to paint crosswalk marking in their parking lot that connects the new pathway and front door;
2. The applicant will be required to construct screening for their trash receptacle and grease trap;
3. The applicant shall repair the roof equipment screening on the rear (south) elevation of the structure. The repairs must be consistent with the remainder of the screening;
4. A bollard and landscape screening are required to be installed to screen and protect the gas line on the east side of the building;
5. All entertainment must cease by at least 1:00AM;
6. Doors and windows must stay closed during any entertainment performance;
7. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:

- a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
- 8. No amplified speakers or entertainment is allowed in outdoor spaces;
- 9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
- 10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
- 11. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
- 12. The applicant has filed and maintained a current business occupation tax application and entertainment license;
- 13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
- 14. Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 36,669 square feet, requiring six (6) trees be provided on the site plan;
- 15. Section 27-467(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;
- 16. Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
- 17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges

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

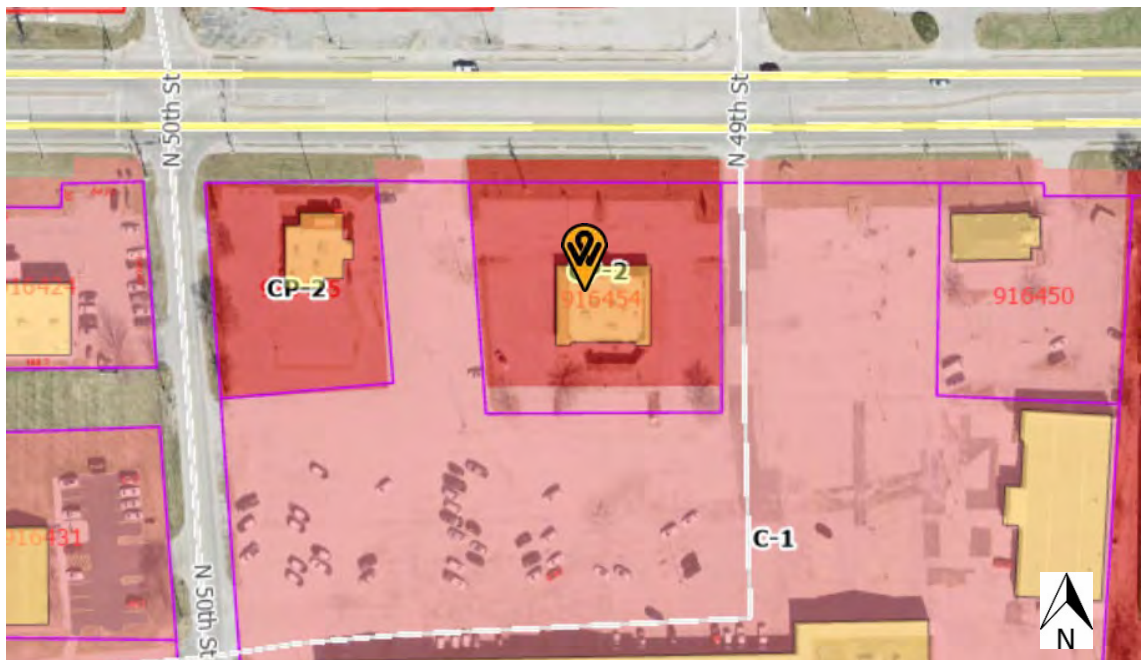
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19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
20. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and;
21. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

ATTACHMENTS

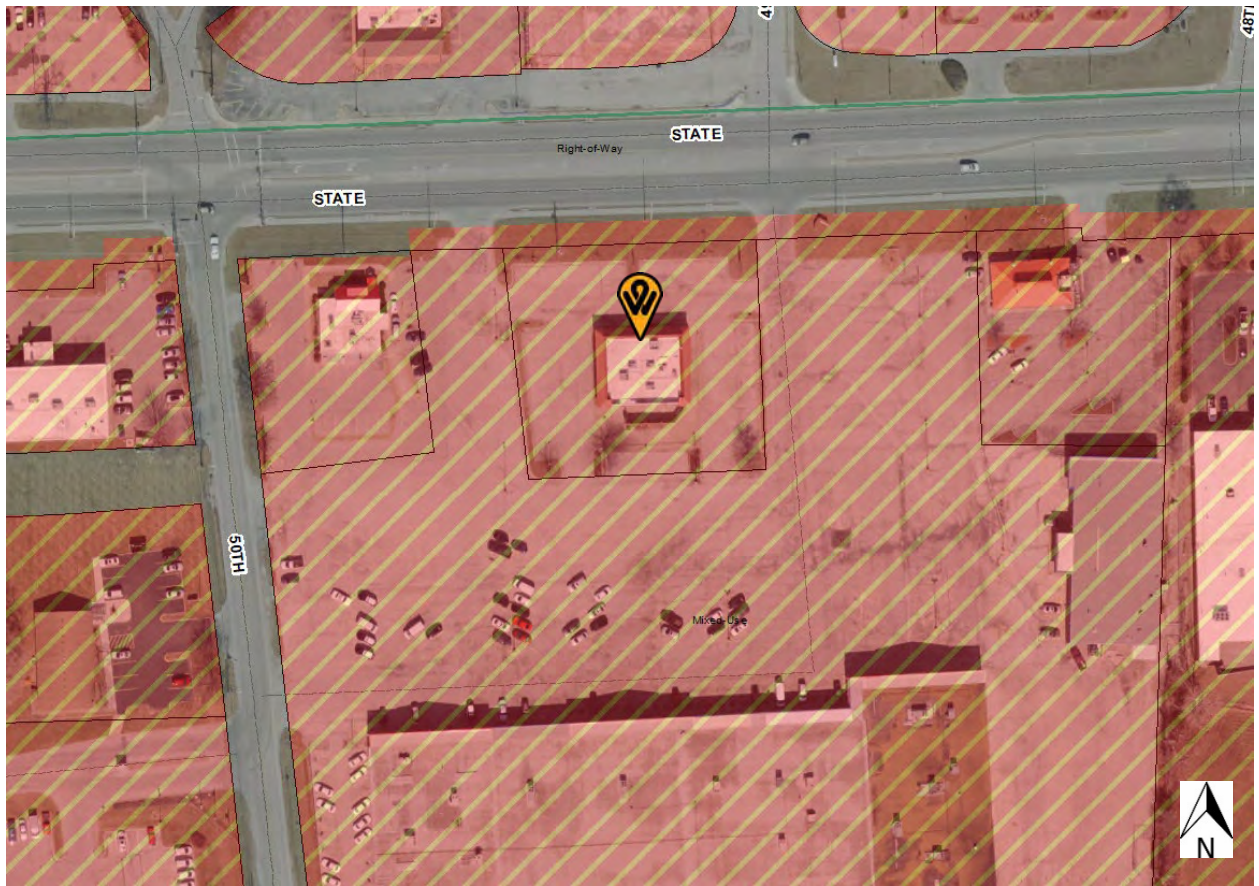
AERIAL IMAGERY



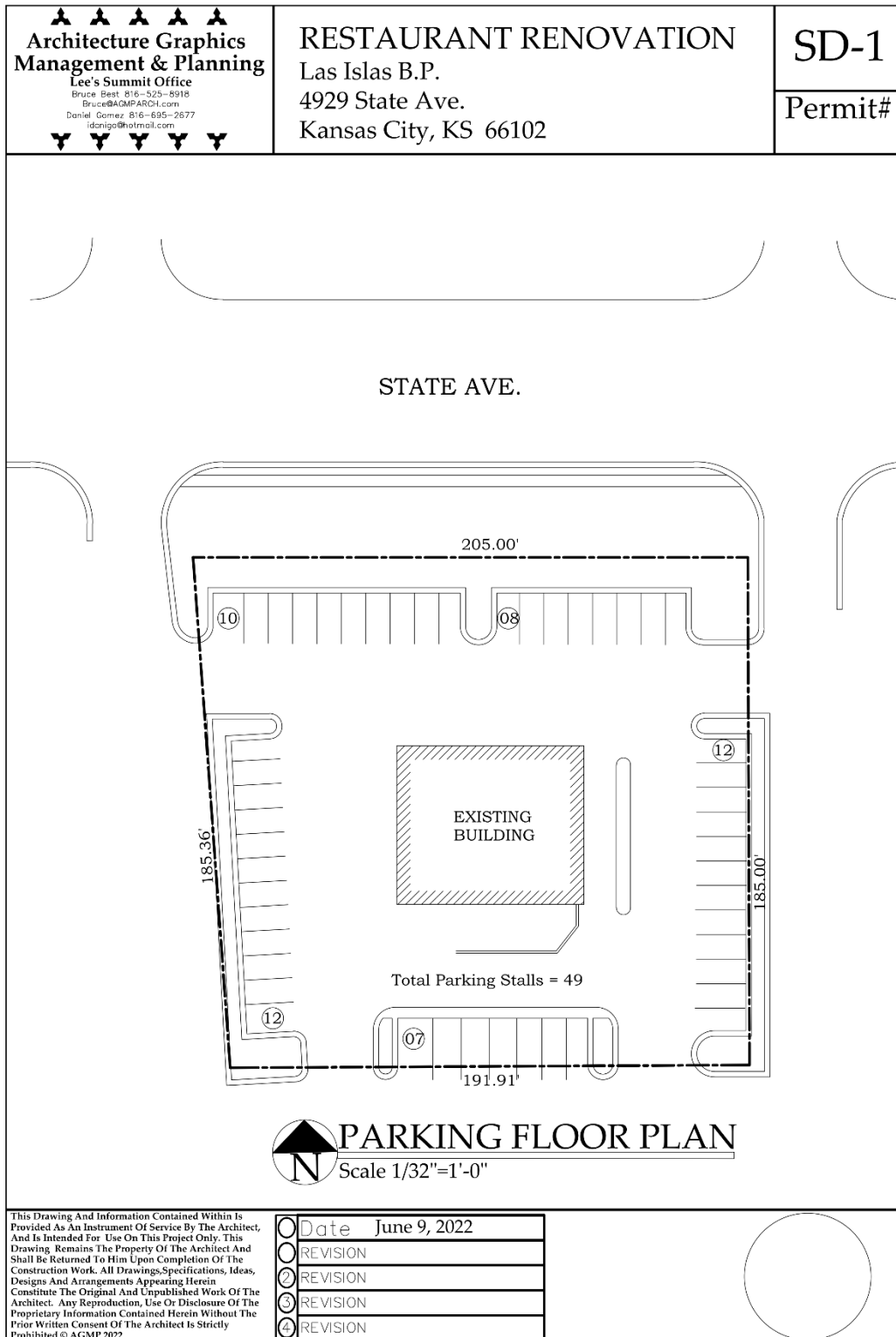
ZONING MAP



LAND USE MAP



SITE PLAN



FLOOR PLAN

SITE PHOTOGRAPHS, TAKEN BY STAFF, DATED JULY 6, 2022





NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF WYANDOTTE) SS:

Comes now JESUS GERARDO GONZALEZ, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # _____.
2. That I conducted a neighborhood meeting on 07/22/2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

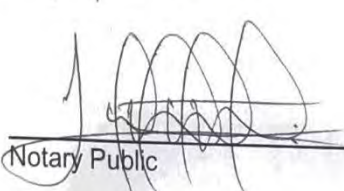
Further affiant saith not.



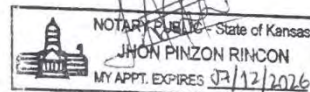
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25 day of July, 2022

My commission expires 12 of July, 2026



Notary Public



Name Islas Vip Sports Bar

Address 4929 State ave Kansas City Ks 66102

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use #SP2022-069.

The purpose of this:

➤ change of zone

is for a Live Entertainment Use

at the following address: 4929 State ave Kansas City
Kansas 66102

I/We am having a neighborhood meeting on Monday July 25th 2022 at 6:00p.m. at the following address 4929 State ave Kansas City Ks 66102

Feel free to also Text 816-885-8526 or Email any questions to dt63024@icloud.com

Prior to the meeting.

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting.

If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely, Jesus Gonzalez



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: August 25, 2022

Re: **Petition COZ2022-023, SP2022-073, PR2022-024 and Master Plan Amendment MPL2022-014**

GENERAL INFORMATION

Applicant:

Curtis Petersen

Status of Applicant:

Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Action:

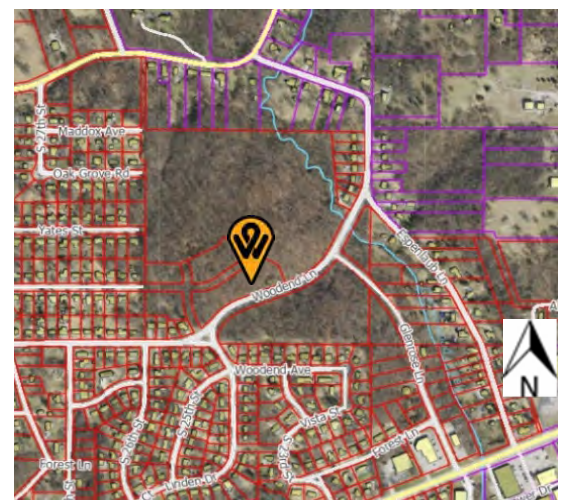
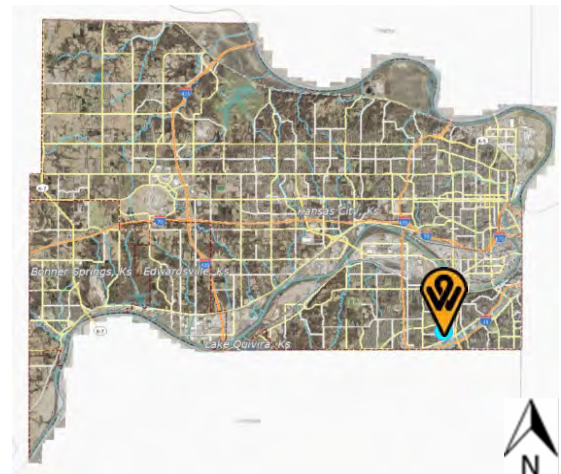
To approve a Master Plan Amendment from Low Density Residential to Rural Density Residential (City-Wide Master Plan).

To approve a Change of Zone from RP-5 Planned Apartment and R-1 Single Family Districts to A-G Agriculture District to operate a private facility for recreation (outdoor youth experience with nature trails and walks).

To approve a Special Use Permit for a private facility for recreation (outdoor youth experience with nature trails and walks).

Approval of a Final Development Plan for private facility for recreation (outdoor youth experience with nature trails and walks).

Date of Application: June 24, 2022



Purpose:	To rezone, develop and operate a private facility for recreation (outdoor youth experience with nature trail and walks.
Property Location:	2640 Woodend Lane, 2711 South 25 th Street, 2441 Hagemann Street, 2520 Hagemann Street, and 2521 Hagemann Street.
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #6 Commissioner: Angela Markley
Existing Zoning:	RP-5 Planned Apartment and R-1 Single Family Districts
Adjacent Zoning:	North: R-1 Single Family and RP-5 Planned Apartment Districts South: R-1 Single Family and RP-5 Planned Apartment Districts District East: RP-5 Planned Apartment District West: R-1 Single Family District
Adjacent Uses:	North: Single family homes South: Single family homes East: Single family homes West: Single family homes
Total Tract Size:	26.46 Acres
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates the property as Low Density Residential, which allow single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, parks, and open space. A Master Plan Amendment has been submitted to Rural Density Residential, which allows agriculture, ranches, large-lot single-family detached residences, passive parks, and open space.
Major Street Plan:	The Major Street Plan classifies Woodend Lane as a Collector Street.

Required Parking:	Sec. 27-452(e) states two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. Sec. 27-668(b) states any use not included in the parking requirements found in this article a parking requirement by the Planning Commission. The applicant is proposing fifty-six (56) parking spaces.
Advertisement:	<u>Wyandotte Echo</u> – Change of Zone – July 14, 2022; Special Use Permit – July 14, 2022; Master Plan Amendment – July 14, 2022 Property Owners Letters – Change of Zone – July 14, 2022; Special Use Permit – July 14, 2022; Preliminary and Final Plat – July 14, 2022; Preliminary and Final Plan Review – July 14, 2022; Master Plan Amendment – July 14, 2022
Public Hearings:	August 8, 2022 and August 25, 2022
Public Support:	Two (2) people appeared at the August 8, 2022 City Planning Commission meeting.
Public Opposition:	One (1) person appeared at the August 8, 2022 City Planning Commission meeting with questions.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, requests to rezone the property from RP-5 Planned Apartment and R-1 Single Family Districts to A-G Agriculture District, amend the City-Wide Master Plan from Low Density Residential to Rural Density Residential, obtain a Special Use Permit for a private facility for recreation, a Preliminary and Final Plat to create one (1) lot and a Preliminary and Final Development Plan to build nature trails, walks, a Welcome Center and ancillary buildings throughout the parcel associated with the development and maintenance of the property located on 26.46 acres at 2640 Woodend Lane.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article XXI Sections 27-502 – 27-709 and Article XXII Section 27-213

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. 20208-00422 – April 9, 2020 – complaint about vehicles and trespassing (Closed).

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is unique because it is largely residential in nature, with an established single-family neighborhood (traditional ¼ acre lots) to the west and larger single family lots along Espenlaub Drive and Shawnee Drive. The subject properties are large parcels, heavily wooded, rural in character as Woodend Lane winds from Espenlaub Lane to Woodend Avenue.

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

The zoning and their uses are set out above. The proposed use is relatively compatible with a majority of the existing uses due to its passive characteristics. The parking lot is small and must be shielded from the residences to the south and west.

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

Removal of the restrictions will not detrimentally affect nearby property as the properties along the north and portions of the east property line are single-family residences as well, which lends itself to abut a passive, low intensity private facility for recreation – specifically outdoor youth experience with nature trails and walks.

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

Given the heavily wooded parcels, it does not appear that this property has ever been developed.

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

The proposed use is reasonably necessary for the welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property because the proposed use will bolster outdoor activities and programming for children in the Kansas City metro area.

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

The proposed use will increase traffic but not in ways that will adversely affect road capacity and safety because Woodend Lane is accessible by Woodend Avenue via South 34th Street and Espenlaub Drive via Merriam Lane.

The proposed use will increase parking demand, although there is a parking lot/loop being proposed in the southwest corner of the site that will serve employees and guests.

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

While Special Use Permits are not addressed in the Master Plan, Staff believes the proposed use is a park-like, campground setting and the property itself is rural in nature. Therefore, amending the Master Plan to Rural Density Residential is appropriate.

This land use designation allows agriculture, ranches, large-lot single-family detached residences, passive parks, and open space, which better aligns with the character of the neighborhood.

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

The proposed use will not cause environmental harm as trees are being planted around the parking lot and entrance, and existing tree stands will be preserved throughout the parcel with the exception of creating the nature and walking trails.

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

a. *Water service*

Water service is provided by BPU.

b. Sanitary sewer service

Sanitary sewer service is provided by the UG.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by South Patrol, District #331.

e. Fire

Fire service is provided by Fire Station #7 located at South 28th Street and Strong Avenue.

f. Transit

Kansas City ATA does not provide transit service near this area.

g. Schools

Public education is provided by Kansas City Kansas USD 500.

h. Streets

To be designed to meet Public Works standards.

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

The proposed use will have a minimal economic impact on the community due to the size of the property and its proposed uses.

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

The proposed uses are capable of meeting applicable ordinance requirements with revisions.

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

The proposed use will increase traffic to the property as the site is currently

vacant. A Traffic Impact Study has been received and is under review by Planning Engineering and Public Works Department. Additional comments may be forthcoming separate from this report.

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

The noise and illumination that is normally associated with the proposed use will be of such duration and intensity as not to create problems for near-by property because the private outdoor recreation facility will close at dusk during the week. The general noise will be from vehicles entering and exiting the site and children's voices heard in the wooded areas.

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

The proposed use will not pollute the water because the sanitary waste will be connected to the Unified Government sanitary sewer system.

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

The proposed use will not damage or destroy an irreplaceable natural resource as the majority of the property will remain wooded and undisturbed.

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

The relative gain to the public health as compared to the hardship imposed on the landowners will be substantial because this site will allow children/youth in the Kansas City metro area to become campers with Endless Outdoors, letting them experience the outdoors in a safe and secure environment.

17. Whether the proposed would result in overcrowding of land or cause undue concentrations of population.

The proposed use will not result in overcrowding of land or cause undue concentrations of population because the site is sparsely developed and there is enough parking on site to accommodate employees and guests.

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

Future development will need an erosion control plan and should follow Best Management Practices for erosion control. The applicant has provided

documentation regarding grading, erosion control, and stormwater runoff management.

There will need to be continuous maintenance through the property by clearing brush and debris to minimize fire hazards.

19. Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

There will be additional traffic due to the on-site development. The entry/exit access point(s) to the property from the public right-of-way must be designed in a manner that reduces potential traffic issues such as backups and crashes due to the triangular intersection.

20. Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

Buildings, lots, blocks, parcels, and streets will be arranged so as to afford adequate light, open space, or air to facilitate protection, and to provide for long-term sustained real estate values provided proper berming, fencing and screening is constructed and continuously maintained.

21. Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.

The submitted site plan shows a vast majority of the subject property being paved over, with little regard for the existing terrain. While the applicant has submitted site and grading plans, they do not demonstrate development patterns designed with due regard to topography so that the natural features of the land and vegetation shall be protected and enhanced.

22. Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.

This is a private development that will build nature trails and walks that will not be accessible to the general public. However, if at some point, this property is sold or given to the Unified Government – long term, this property is an excellent location for a passive park.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom and in-person at Eagles Club (4726 Merriam Drive, Shawnee, KS 66203) on July 21, 2022 at 6:00 PM. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Parking
Landscaping and Screening/Buffering
Lighting
Noise
Site Ingress and Egress

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Master Plan Amendment **MPL2022-014**, Change of Zone Application **COZ2022-023**, Special Use Permit Application **SP2022-073** and Preliminary and Final Plan Review **PR2022-024**, subject to:

1. When the mylars are submitted to Planning Staff to be recorded, submit the following fees:
 - a. \$32.00 per page payable to the Register of Deeds; and,
 - b. \$7.00 per lot payable to the Unified Treasurer;
2. Per the Sidewalk and Trails Master Plan, Shawnee Avenue is designated as Local Trail, but no sidewalk construction is required at this time;
3. Cottonwood Creek must be preserved and may not be altered;
4. Hours of operation will be seasonal, generally from dawn to dusk;
5. Space for private events (hosting) is not permitted. A Special Use Permit for an event space is required at such time;
6. The Welcome Center and pavilions shall be constructed in manner that is harmonious with the wooded, rural-like character of the property and use complementary materials;
7. A building permit is required following this entitlement for the property. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or EDR@wycokck.org.
 - a. Shall comply with the International Building Code;
8. Following municipal trash service curbside pick-up, trash bins shall be kept in the building or within a screened enclosure and hidden from public view;
9. A Knox Box shall be installed to provide emergency access to the site;
10. The residences south, west, and north of the parking loop must be

- screened from headlights shining onto their property from vehicles maneuvering in the parking lot;
11. Plant trees on top and around the detention basins. Shall be replanted to transition back into the wooded area;
 12. After the temporary irrigation is removed to establish groundcover and proposed trees, a watering plan needs to be provided during building permitting/DRC to ensure the trees and shrubs continue to grow;
 13. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be three (3) gallons when planted;
 14. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
 15. All lighting, whether installed in the parking lot or on any building within the three (3) phases shall have 90-degree cutoff fixtures. No wall pack lights or flood lights;
 16. Utility conduits and connections must be painted to match the building(s);
 17. If applicable, all BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
 18. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 19. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office. They are located at 4953 State Avenue, Kansas City, KS 66102. Their number is (913) 573-8780;
 20. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 21. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can

- be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
22. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 23. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 24. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 25. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and;
 27. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Departments (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into

effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners makes the findings contained within the staff report to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-023, SP2022-073, PR2022-024, and MPL2022-014** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 8, 2022 City Planning Commission Minutes
Aerial Map Zoning Map
City-Wide Master Plan Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Final Plat
Site Master Plan
Phasing Diagram
Site Plan
Grading Plan
Utility Plan
Landscape Plan
Lighting Plan
Site Photographs taken by Planning Staff on July 12, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing Rezoning	August 8, 2022 Approval	August 25, 2022
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing Special Use	August 8, 2022 Approval	August 25, 2022
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing Preliminary and Final Plat	August 8, 2022 Approved	TBD
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing P & F Plan	August 8, 2022 Approval	Not Required

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	August 8, 2022	August 25, 2022
Master Plan	Approval	

STAFF CONTACT: **Byron Toy, AICP**

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-014** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-014** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-023** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-023** as it is not in compliance with the City Ordinances and as it will not promote the

public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-073** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-073** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Plan Review Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-024** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2022-024** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 8, 2022 City Planning Commission Minutes:

Hearing starts at 57:00:

MASTER PLAN AMENDMENT MPL2022-014 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Rural Density Residential (City-Wide Master Plan) at 2640 Woodend Lane.

CHANGE OF ZONE APPLICATION COZ2022-023 – CURTIS PETERSEN WITH POLSINELLI PC - SYNOPSIS: Change of Zone from RP-5 Planned Apartment District to A-G Agriculture District to construct Endless Outdoors Nature Experience at 2640 Woodend Lane.

SPECIAL USE PERMIT APPLICATION SP2022-073 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS: Special Use Permit to develop and operate a youth outdoor nature experience facility with trails, camping and shelters at 2640 Woodend Lane.

PLAT2022-021 – ENDLESS OUTDOORS – SYNOPSIS: Preliminary and Final Plat for one (1) lot at 2640 Woodend Lane.

PLAN REVIEW APPLICATION PR2022-024 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS: Preliminary and Final Plan Review for Endless Outdoors Nature Experience at 2640 Woodend Lane.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, requests to rezone the property from RP-5 Planned Apartment and R-1 Single Family Districts to A-G Agriculture District, amend the City-Wide Master Plan from Low Density Residential to Rural Density Residential, obtain a Special Use Permit for a private facility for recreation, a Preliminary and Final Plat to create one (1) lot and a Preliminary and Final Development Plan to build nature trails, walks, a Welcome Center and ancillary buildings throughout the parcel associated with the development and maintenance of the property located on 26.46 acres at 2640 Woodend Lane.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 8, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Curtis Petersen, applicant, Polsinelli PC, 900 West 48th Place, Kansas City, Missouri
- Cecelia Robb, 2824 Glenrose Lane, Kansas City, Kansas 66106
- George Higgins, 2540 Espenlaub Lane, Kansas City, Kansas 66106

Present in Opposition/Questions:

- Julia Finley, 2625 Hageman, Kansas City, Kansas 66106

Staff Recommendation starts at 1:11:25: Planner Toy asked if there will be a gate across the front entrance? Mr. Petersen stated yes, with a lock box. At the end of the day, it will be locked so no one can come onto the property. Mr. Toy stated that this is a project that staff has not seen before with a private investor developing a site with nature trails and youth camp setting. Staff recommends approval, subject to the conditions in the staff report.

Motion starts at 1:22:23:

On motion by Mrs. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2022-014:**

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

Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to:

1. When the mylars are submitted to Planning Staff to be recorded, submit the following fees:
 - a. \$32.00 per page payable to the Register of Deeds; and,
 - b. \$7.00 per lot payable to the Unified Treasurer;
2. Per the Sidewalk and Trails Master Plan, Shawnee Avenue is designated as Local Trail, but no sidewalk construction is required at this time;
3. Cottonwood Creek must be preserved and may not be altered;
4. Hours of operation will be seasonal, generally from dawn to dusk;
5. Space for private events (hosting) is not permitted. A Special Use Permit for an event space is required at such time;

6. The Welcome Center and pavilions shall be constructed in manner that is harmonious with the wooded, rural-like character of the property and use complementary materials;
7. A building permit is required following this entitlement for the property. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or EDR@wycokck.org.
 - a. Shall comply with the International Building Code;
8. Following municipal trash service curbside pick-up, trash bins shall be kept in the building or within a screened enclosure and hidden from public view;
9. A Knox Box shall be installed to provide emergency access to the site;
10. The residences south, west, and north of the parking loop must be screened from headlights shining onto their property from vehicles maneuvering in the parking lot;
11. Plant trees on top and around the detention basins. Shall be replanted to transition back into the wooded area;
12. After the temporary irrigation is removed to establish groundcover and proposed trees, a watering plan needs to be provided during building permitting/DRC to ensure the trees and shrubs continue to grow;
13. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be three (3) gallons when planted;
14. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
15. All lighting, whether installed in the parking lot or on any building within the three (3) phases shall have 90-degree cutoff fixtures. No wall pack lights or flood lights;
16. Utility conduits and connections must be painted to match the building(s);
17. If applicable, all BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
18. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
19. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office.

- They are located at 4953 State Avenue, Kansas City, KS 66102. Their number is (913) 573-8780;
20. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 21. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 22. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 23. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 24. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 25. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the

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

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

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

023:

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

Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to the above conditions.

On motion by Mrs. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-**

073:

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

Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to the above conditions.

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **APPROVE of PLAT2022-021:**

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

Motion to **APPROVE** Passed: 7 to 0
Subject to the above conditions.

On motion by Mrs. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2022-024:**

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

Motion to recommend **APPROVAL** Passed: 7 to 0
Subject to the above conditions.

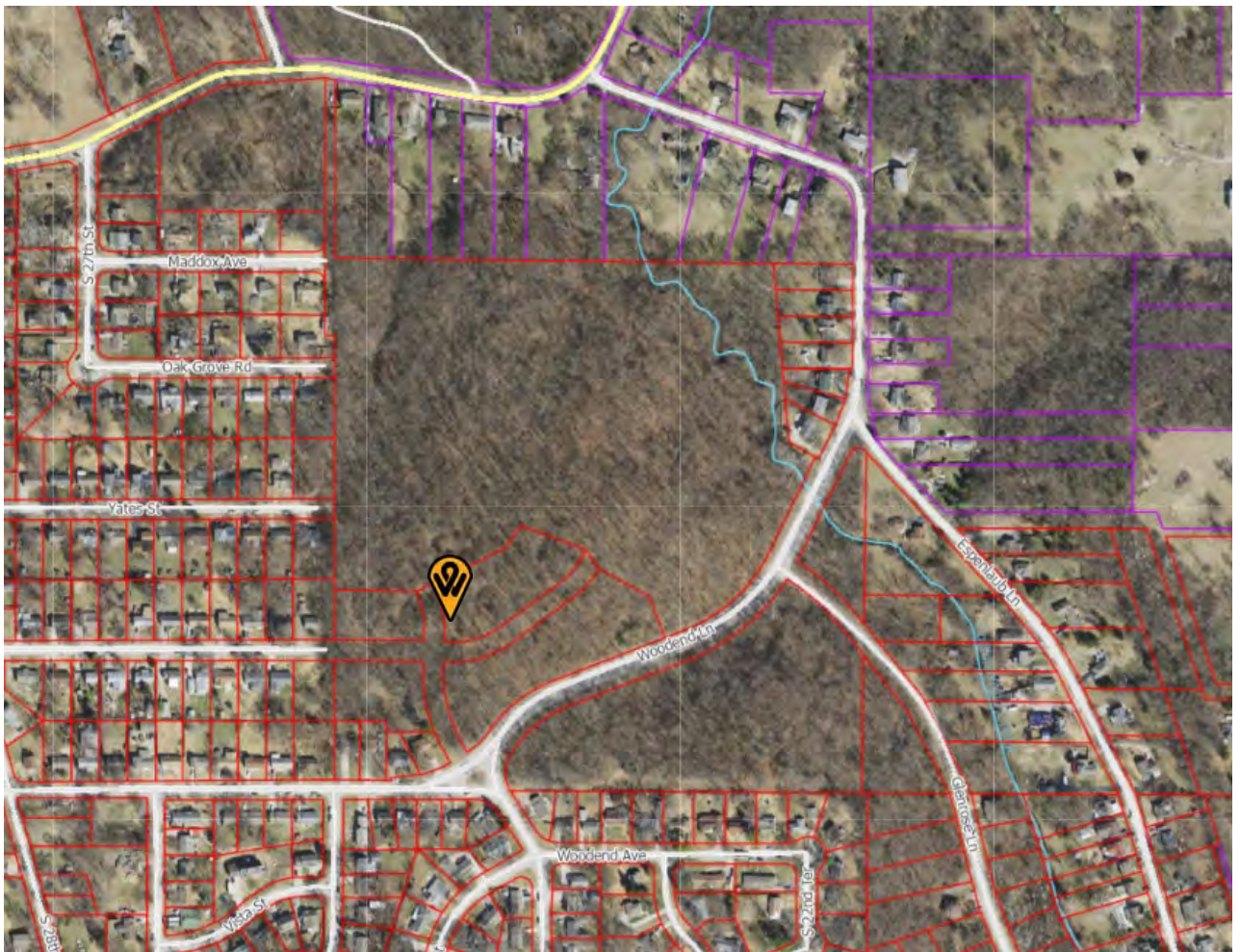


Figure 1. Aerial Photograph of 2640 Woodend Lane (provided by UG Maps).

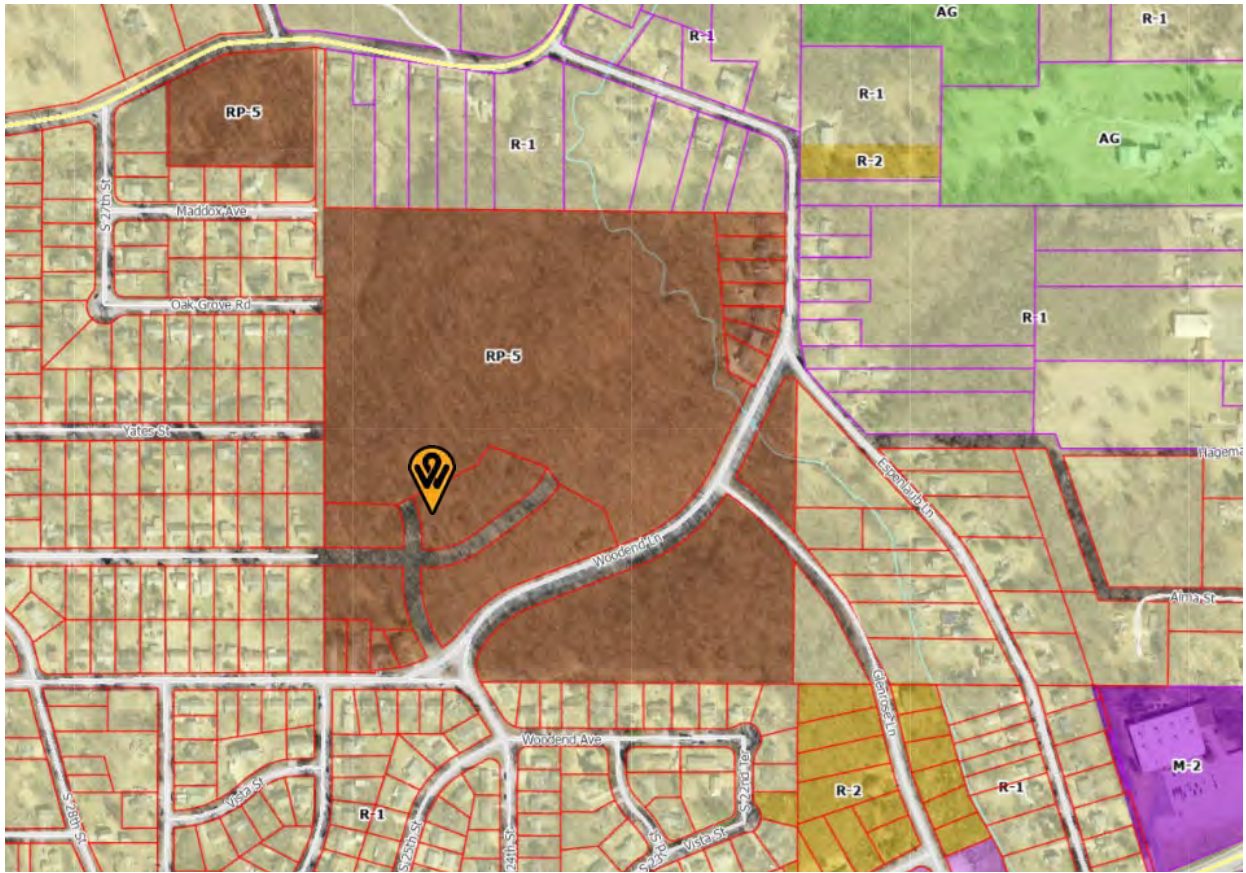


Figure 2. Zoning Map of 2640 Woodend Lane (provided by UG Maps).

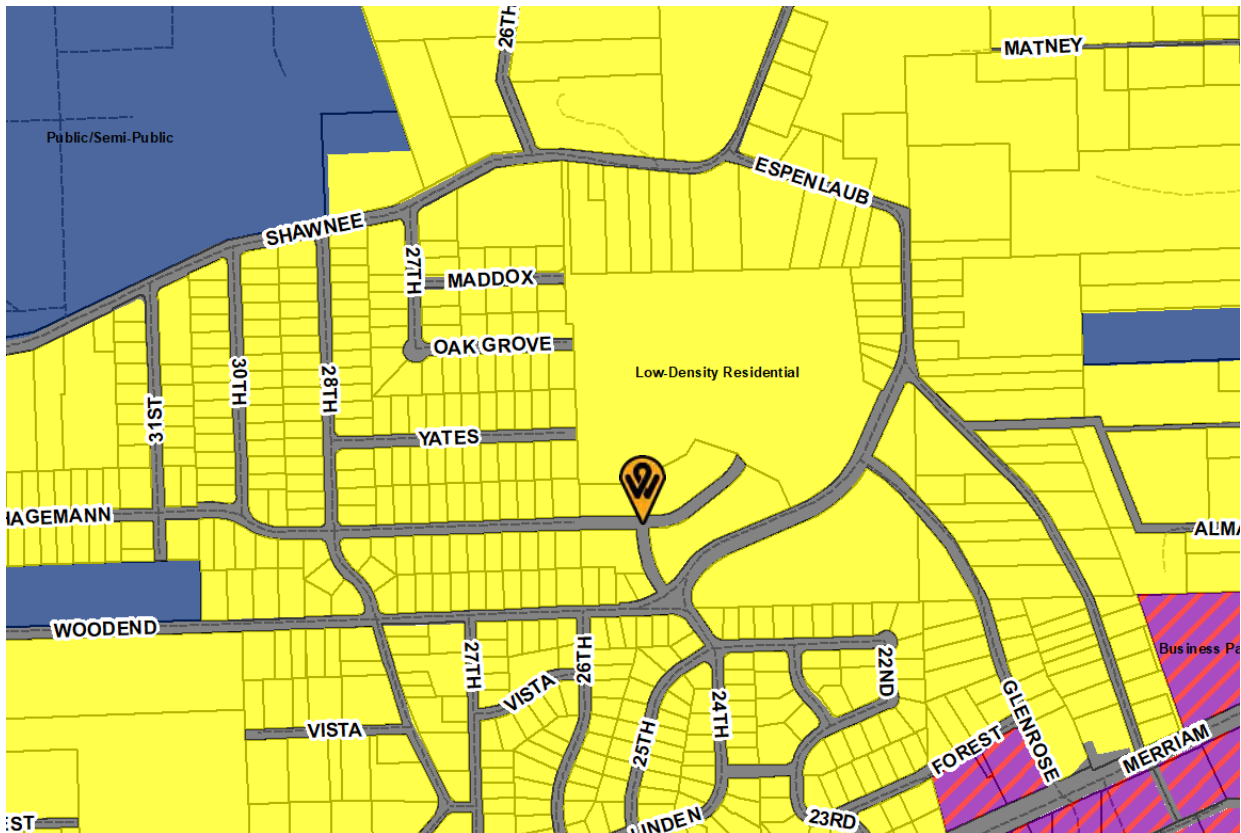


Figure 3. City-Wide Master Plan Land Use Map (provided by ArcMap).

Planning and Urban Design Comments

General Planning

1. Per the Sidewalk and Trails Master Plan, Shawnee Avenue is designated as Local Trail, but no sidewalk construction is required at this time. **Acknowledged.**
2. The remaining flagpole extension of the lot accessing Shawnee Avenue, will this portion of land be deeded as tracts to the property owners in Wyandotte Gardens Annex? **The Developer plans to have conversations with adjacent property owners regarding conveyance of this land once zoning entitlements are approved and property is purchased by Developer. Per conversations with the developer and county surveyor, the plat has been updated to reflect these additional tracts.**
3. Cottonwood Creek must be preserved and may not be altered. **Acknowledged.**
4. Restroom facilities will be required as part of the first phase. Provide plans depicting how this will be accomplished. **Permanent restrooms will be constructed with the proposed Welcome Center during Phase 2 of development (Winter 22'-23'). The developer plans to operate with limited group sizes and no regular programming during initial phases. During these initial phases, there will be a shared use of construction site temporary restroom facilities. It is anticipated that the Welcome Center and restrooms will be fully operational by May 2023. We are working to schedule a meeting with UG Planning Staff to further discuss this in detail.**
5. For the large pavilion that can accommodate gatherings up to 100 people, will the site host private events, such as an event space? Additionally, with only fifty-six (56) parking spaces in the parking lot, where will the excess vehicles park?
The max expected capacity of 100 reflects primarily youth program participants, in addition to staff and parents who choose to stay on site during programming. We believe the 56 spots provide ample parking and additional buffer for the staff and parents who stay and park. We do not plan to offer the space for private events of this scale.
6. A building permit is required following this entitlement for the property. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or EDR@wycokck.org.
Understood, a building permit will be obtained from the Building Inspections Department prior to construction.
7. How will trash be disposed of on the property if the gate is closed? The site plan does not depict trash enclosures at the east or west ends of the bridge.
The proposed development will create minimal waste and utilize the city's trash service with trash bins being set at the curb every week. There is no bridge proposed with this development.
8. If the gate will be locked, how will KCKFD gain access to the property? **A Knox Box will be installed to provide emergency access to the site. The site plan has been revised to indicate the proposed Knox Box.**

9. If approved, the applicant may need additional licenses or permits for safe and proper operation (i.e., Wyandotte County Health Department and/or KDHE). The approval of this application does not mitigate the need for additional licenses as this application is for zoning approval only.
Acknowledged.
10. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office. Their number is (913) 5738780. **Acknowledged.**
11. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.
A land disturbance permit will be obtained from both the Unified Government and KDHE prior to the commencement of any grading operations.
12. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
A right-of-way permit will be obtained from the Public Works Department for construction of the driveway connection to Woodend Lane.
13. All existing and future driveways must feature curb cuts that are constructed to UG standards.
All construction within the right-of-way will meet UG public standards.
14. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
Developer would like to discuss this comment further with planning staff.
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations. **Acknowledged.**

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

Building Architecture:

1. Provide color building elevations of the proposed small and large pavilions and the Welcome Center.
Since this is not a part of the initial phase of construction, these elevations have not been developed and cannot be provided at this time. Exterior elevations of the buildings will be developed for approval prior to any construction taking place on site during Phase 2 of the development. We are working to schedule a meeting with UG Planning to further discuss this in detail.
2. Submit a material palette of the proposed exterior building materials.
See response above.

Landscaping and Screening:

1. The residences south, west, and north of the parking loop must be screened from headlights shining onto their property from vehicles maneuvering in the parking lot.
Shrubs will be planted along the west and south edges of the proposed parking lot where existing vegetation does not provide adequate screening from headlights.
2. Plant trees on top and around the detention basins. Shall be replanted to transition back into the wooded area.
Existing vegetation will be preserved around the proposed detention basins. Clearing limits will be established and caution will be taken to preserve existing trees.
3. All landscaping must be irrigated.
Temporary irrigation will be used to establish new groundcover and proposed trees.
4. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be three (3) gallons when planted. **Acknowledged.**
5. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction. **Acknowledged.**
6. All lighting, whether installed in the parking lot or on any building within the three (3) phases shall have 90-degree cutoff fixtures. No wall pack lights or flood lights. **Acknowledged.**

7. Utility conduits and connections must be painted to match the bridge.

There is no bridge proposed with this project.

8. If applicable, all BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary.

Although a transformer pad is proposed with this plan, a transformer will not be set in the first phase of development. When a transformer is installed as part of future development, junipers will be planted for screening.

Signage:

1. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 5735750 or signpermits@wycokck.org to begin this process.

Understood, no sign will be constructed or installed prior to obtaining a sign permit from the UG.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval:
 - 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments. See engineering comment responses above.
(See General Engineering Review Comment Responses Above)
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

GEOSPATIAL SERVICES 7/11/2022 (Responses and revisions to Robert Ringel on 7/20/22)

1) Ownership

The owner of record is different than ownership shown on plat. **The property transaction between Silverlake Properties, LLC and Endless Outdoors, Inc. will happen before this plat will be recorded.**

2) Taxes

There are taxes due on all five parcels. **Not a survey item. Owner or owner representative to address.**

3) Legal Description

Remove Lots 6 & 7, Block 4, from the beginning of the legal description. **Revised per comment.**

4) Lot 1 is not shown on the plat drawing. **Revised per comment.**

5) Vacated Streets

Notate that streets are being vacated by plat, and remove that they are public r/w. **Revised per comment.**

Note that Yates Street is vacated and remove public r/w note. **Revised per comment.**

6) Dark Lines

Remove dark lines between the different areas of Lot 1. **Revised per comment.**

7) Corner Dots

The symbol being used for set rebars appears to indicate the beginning and end of bearings.

The symbols for set/found rebars, as they apply, indicate the beginning and end of courses and distances.

COUNTY SURVEYOR 7/12/2022 (Responses and revisions to Brent Thompson on 7/20/22)

- Lot 6 & 7 Block 4 are called out in the description but are not within the plat boundary. Please fix accordingly. **Revised per comment.**
- Need to label LOT 1 of the plat. **Revised per comment.**
- You call out vacated Hagemann Circle and vacated 25th street in the description, are these streets already vacated? If so, please list the ordinance. If they're not vacated but are going to be with this plat the word vacated should be removed. **Revised per comment.**
- Add Chairman after Jeff Carson's name. **Revised per comment.**
- For all streets being vacated with this plat please label as such. **Revised per comment.**
- Is Yates already vacated? It doesn't show up on the UG mapping. **Not sure. No vacation information found. Unless vacation information is provided will show as being vacated with this plat.**
- All lines representing lots, easements etc. that are to be vacated should be faded back and labeled as such. **Revised per comment.**
- All lines that are to remain as easements or being dedicated should be shown darker and labeled. **Revised per comment.**
- There are a couple areas where you show setting two bars that look as if they are going to be offsets, if this is the case, please label the distance of the offset. If not, please only show setting one bar at the corner location. **Revised per comment.**

7/21/2022 – Endless Outdoors Neighborhood Meeting

Attendance:

Nick Christianson, Founder and CEO of Endless Outdoors

Julia Hal, Donor Engagement Manager for Endless Outdoors

Andrew Talking, Continental Engineering

Dan Brown, SixTwentyOne Architecture

Amy Grant, Polsinelli PC

Attendees: approximately nine individuals attended in person and two people by zoom (see sign-in sheet)

The meeting began at 6:00 p.m. Amy Grant provided a brief explanation of the zoning entitlement process, including the types of applications submitted to the City and the upcoming Planning Commission and Board of County Commissioners meeting dates. Nick Christianson provided information about his professional background and the core values of the Endless Outdoors experience.

- Endless Outdoors is a not-for-profit company and this location will be its first “base camp” location.
- Our main goal is to inspire kid to connect with nature while making the camps easy for parent, awesome for kids and family friendly. We want to expose youth to all of the elements of the outdoors so that they are comfortable outside and encourage them to explore nature.
- Rezoning property to the Agriculture District and a Special Use Permit for the use.
- Walked through site plan: Property is approximately 26 acres of land; one access drive from Woodend Lane; location of welcome center/bathroom; location of trails.

QUESTION AND ANSWER

Comment/Question: What age group will attend the camp?

Response: We will have camps for children ages 7-12 and then 13 and older.

Question: Will you have any overnight camps?

Response: Hopefully in the future. We would look at small groups of 25 or fewer people and would hold those in the Spring or Fall when the weather is cooler. The would anticipate activities would end at dusk and “quiet time” would be enforced at 10:00 p.m.

Question: Is there any other camp like this in the area or the country?

Response: No. One of our goals is to be unique and different from other camps. Our goal is to work with families and be flexible so that all children have an opportunity to experience this camp. We will also offer subsidized costs and scholarships for families who may need them.

Question: Have you looked at security for the site?

Response: Yes, we have met with a professional security company and walked-thru the site and are starting to formulate a plan with them. We will have a gate at the access drive to keep vehicles off the property during the hours that the camp is not open. Our goal at this time is to leave the property in its natural state as much as possible so we are not proposing a boundary fence at this time. We do plan to

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include multiple posts at the perimeter of the property that will have a sign that says "private property/no trespassing". We will also work with the City to explore safety lighting options.

Question: There are several of us that enjoy the wooded areas adjacent to our back yards. Do you plan to use those areas of land in a way where we could no longer use it?

Response: No. We are having a survey done that will show us where those encroachments exists but do not plan on using those areas for the camp activities.

Comment: What are you planning for overnight security? The property today has quite a bit of activity at night and some vandalism. We would appreciate it if the City would partner with you to help make the area a bit safe with better lighting or other options that will help keep people off of the property in the evenings.

Question: Will you allow the adjacent neighborhood to use the trails?

Response: We are very interested in making that possible but are unable to commit to that at this time. It is a matter of insurance and we will need to visit with our agent about that. We are planning on doing an Open House for the neighborhood once we are ready to open.

Question: Do you have any plans to expand in the future at this site?

Response: No, we only plan to utilize the 26 acres that we are purchasing.

Question: If your company is a non-profit company does that mean it will be tax exempt?

Response: Yes.

Question: How will you help ensure that the immediate community is included in your camp sign-ups?

Response: Our research has found that most of the people who will attend the base camp are located within 10-20 minutes of the site. We also plan to meet with the local Parent/Teacher organizations in the school to make sure families know about the camp and will pass our flyers and do mailing in the immediate neighborhood. We want the camp to be successful and strongly believe that the immediate neighborhood will help make that happen.

Parking: Please show me the location of the parking lot again and how many spaces you will have available? Will some people just drop their kids off and then pick them up when camp is over?

Response: The parking lot provides 56 parking space. We do welcome parent to stay but yes, many of them will drop off and pick up their kids.

Question: What is the next step if this gets approved?

Response: We are working with the City so that we could hold a very small, introductory camp session this fall before actual construction begins. Construction of the access drive, parking lot and welcome center would begin in December if the weather cooperates.

The meeting concluded at 7:00 p.m.

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AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Jackson)

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

1. That I am the petitioner for Petition #COZ2022-023 and SP2022-073.
2. That I conducted a neighborhood meeting on July 21, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



Affiant

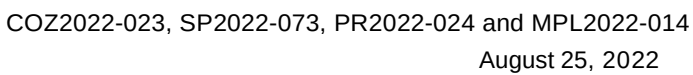
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of July 2022.

My commission expires 21 of January, 2025.

SUSAN L. BREWER
NOTARY PUBLIC-NOTARY SEAL
STATE OF MISSOURI
CLAY COUNTY
COMMISSION EXPIRES 1/21/2025
COMMISSION # 13541740



Notary Public





Programme Learning Process	
Site Activities	South coast coastal + urban southern dunes and riparian woodland (1000m) (1000m) Woodland (1000m)
Hours of Operation	9am - 5pm (1000m) (1000m) 10am - 4pm (1000m) (1000m)
Max no. of people on site at any one time	100 25 (1000m) (1000m)
Max no. of staff on site during programming	14
Parking	1000m on site
Restrooms	1000m on site (1000m) 1000m on site (1000m)

Phase 3

Start: May 2023
Completion:

Scope:

Over time, additional technology programming features will be added to the site at budget allow. This includes programming such as:

1. Garden beds
2. Climbing walls
3. Mulch and tree pits
4. Additional hiking trails

[illegible]

Phase 2

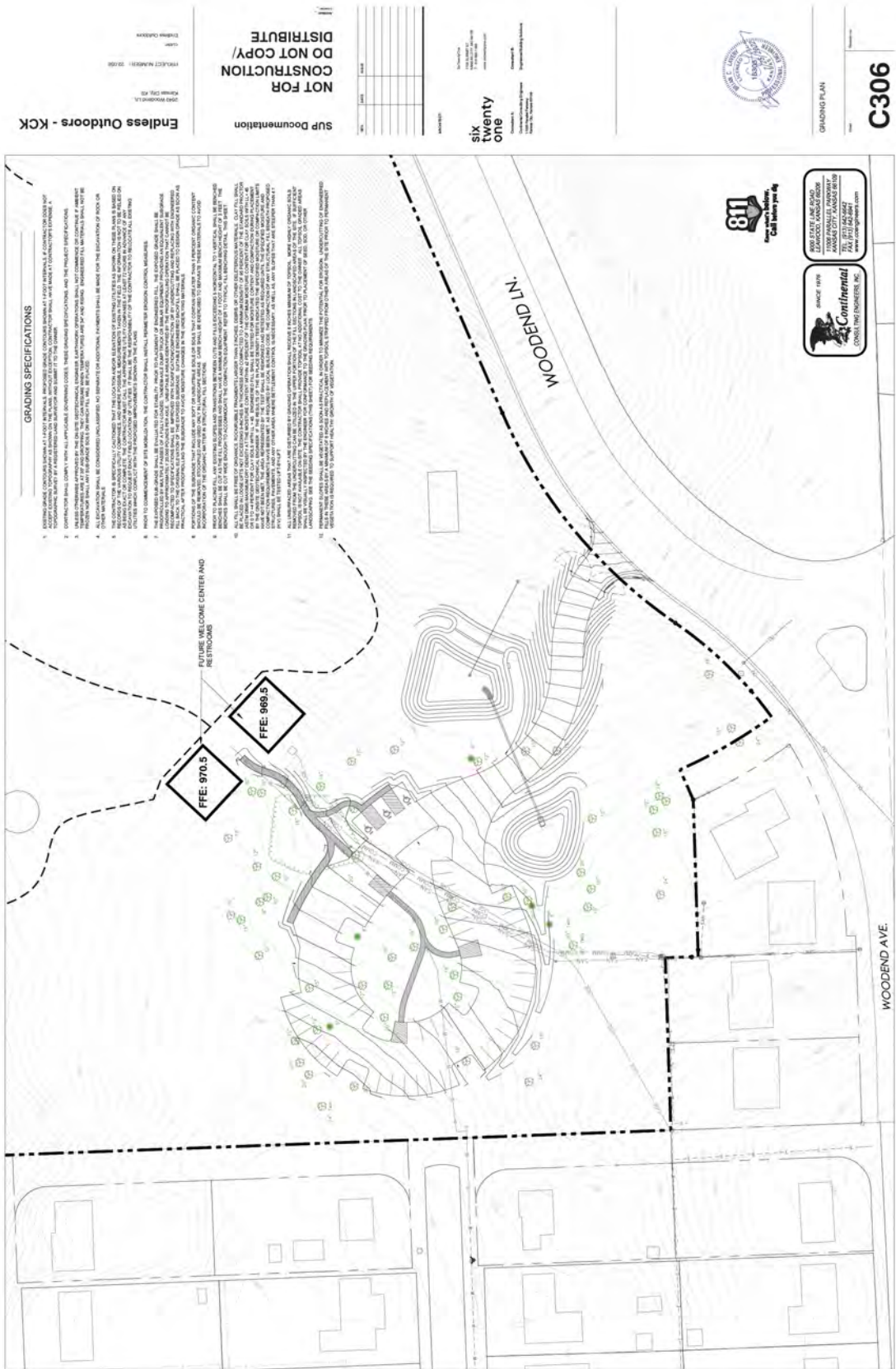
Start: December 2022
Completion: May 2023

Subsets

1. Welcome Center (1st & 9th office and meeting)
2. Programming (Student 2nd)
3. Larger program areas
4. Center trail
5. Upper 3000 ft
6. Storage shed

[illegible][illegible]

NOTE
PRESSING DIAGRAMS ARE INTENDED TO SHOW SCOPE OF WORK ONLY AND MAY DIFFER SLIGHTLY FROM SITE PLAN ON A 100' REFER TO A 100' FOR SPECIFIC SITE DESIGN INFORMATION



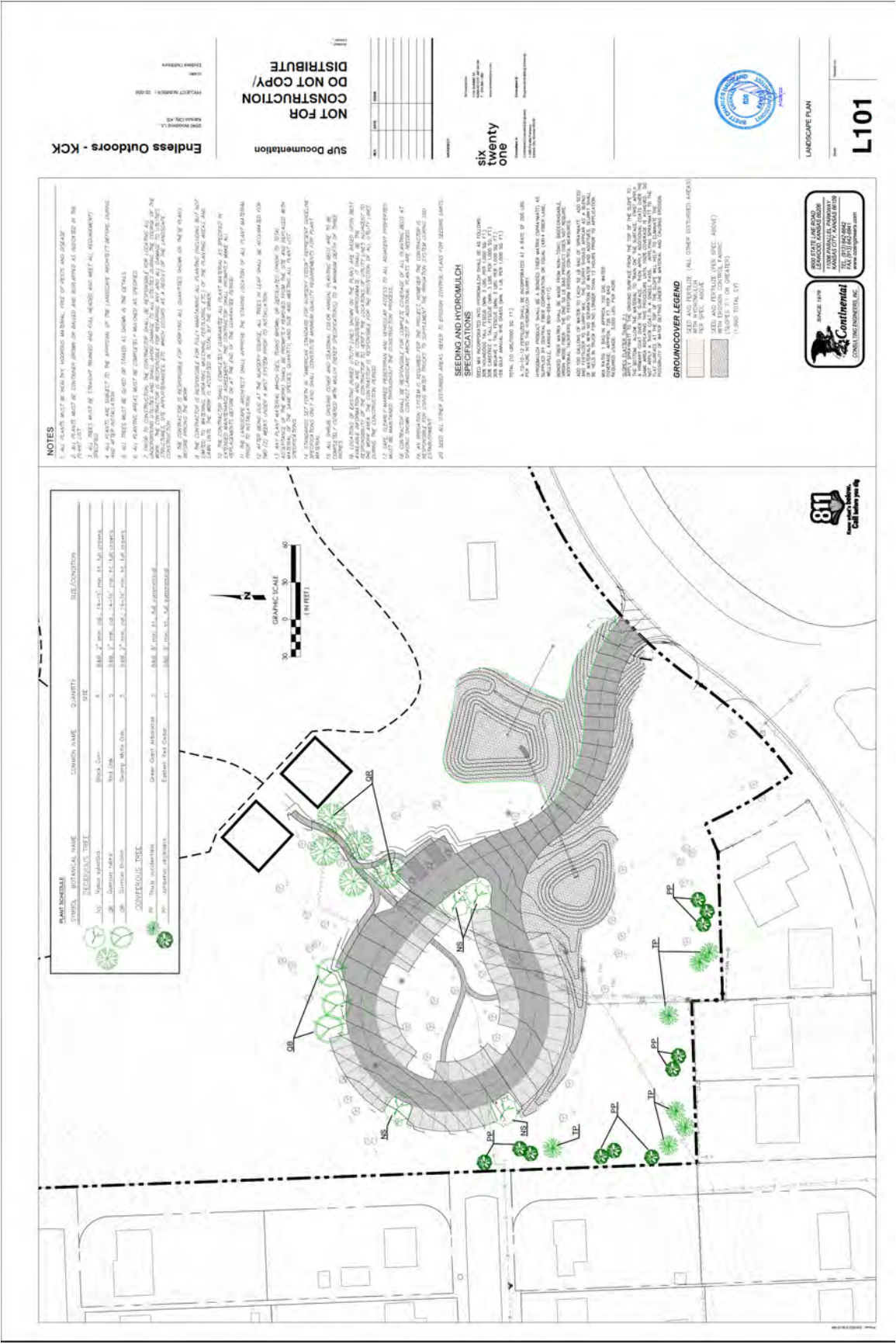




Figure 4. Site Photograph looking northeast at 2640 Woodend Lane (provided by Planning Staff).



Figure 5. Site Photograph looking northeast at 2640 Woodend Lane (provided by Planning Staff).



Figure 6. Site Photograph from Glenrose Lane looking northwest at 2640 Woodend Lane (provided by Planning Staff).



Figure 7. Site Photograph looking west at 2640 Woodend Lane (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: August 25, 2022

Re: Special Use Petition SP2022-075

GENERAL INFORMATION

Applicant:

Cristen Ryman and Kate Lynch

Status of Applicant:

Property Owner
2824 North 99th Terrace
Kansas City, KS 66109

Requested Action:

Renewal of a Special Use Permit.

Date of Application:

June 26, 2022

Purpose:

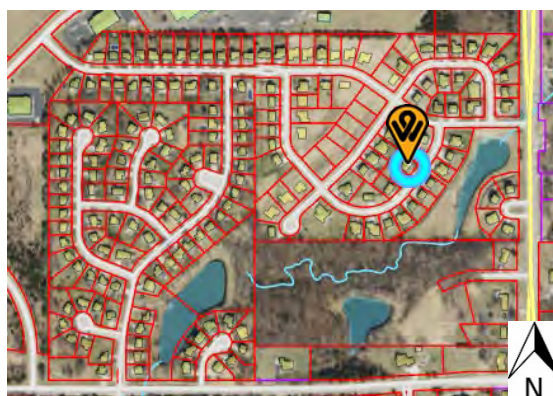
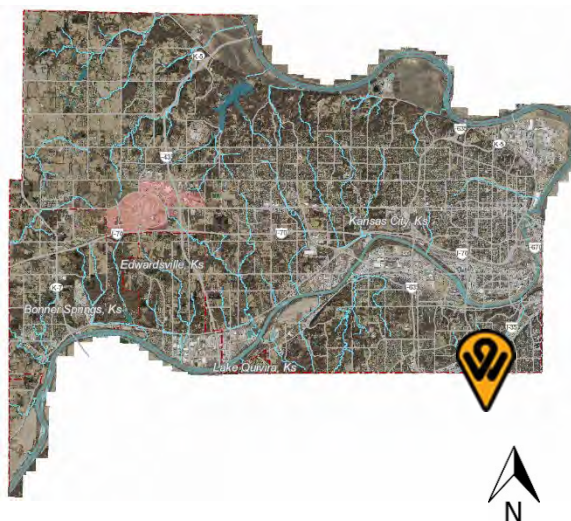
To operate a short-term rental. This is the owners' primary residence.

Property Location:

2824 North 99th Street
Kansas City, KS 66109

Commission Districts:

Commissioner At-Large, District #1:
Melissa Bynum
District #5 Commissioner: Mike Kane



Existing Zoning:	RP-1 Planned Single Family District	
Adjacent Zoning:	North:	RP-1 Planned Single Family District
	South:	RP-1 Planned Single Family District
	East:	RP-1 Planned Single Family District
	West:	RP-1 Planned Single Family District
Adjacent Uses:	North:	Single Family Residence
	South:	Single Family Residence
	East:	Single Family Residence
	West:	Single Family Residence
Total Tract Size:	0.19 Acre	
Master Plan Area:	Prairie Delaware Piper Area Plan	
Master Plan Designation:	The Prairie Delaware Piper Area Plan classifies the subject property as Suburban Residential. The Suburban Residential land use designation allows for primarily single-family homes, institutional uses such as schools, churches, and libraries, parks, and open space.	
Major Street Plan:	The Major Street Plan designates North 99 th Terrace as a Local Street.	
Parking Required:	Section 27-454(4)e states that two (2) off-street parking spaces shall be provided, one of which shall be in a garage or carport. The subject property has a two (2) car garage plus additional driveway parking, exceeding this requirement.	
Advertisement:	<u>The Wyandotte Echo</u> – July 14, 2022 Letters to Property Owner – July 15, 2022	
Public Hearings:	August 8, 2022 and August 25, 2022	
Public Support:	None to date.	
Public Opposition:	None to date.	

PROPOSAL

Detailed Outline of Requested Action: The applicants, Cristen Ryman and Kate Lynch, are seeking the renewal of approval to operate a short-term rental at 2824 North 99th Terrace. The subject property is east of I-435 between Leavenworth Road and Georgia Avenue. The applicants own the property and reside there while renting out a room to guests who typically visit for shopping and neighborhood sports games. The applicant

has two (2) prior Special Use Permits and is now requesting a five (5) year renewal period.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There was several visits to the property in recent years:
 - a. 2019: 2019-00027876 – Attempt to Locate
 - b. 2017: 2017-00135011 – Alarm Burglary
 - c. 2017: 2017-00134680 – Alarm Residential/Business

Building, Zoning, or Code Enforcement Complaints:

1. The current property owner has received no building enforcement complaints.
2. The current property owner has no outstanding Code Inspection Cases.

Outstanding or Related Permits and Cases:

1. The applicant has no current building permits. The Subject Property has several prior building permits:
 - a. 2007: 07300-00000-00774 – New Residential Building/Single Family
 - b. 2007: 07380-01549 – New Residential Electrical (Completed)
 - c. 2007: 07385-00735 – New Residential Mechanical (Completed)
 - d. 2007: 07390-00924 – New Residential Plumbing (Completed)
2. The subject property has previous Planning and Zoning Cases:
 - a. 2018: SP2018-09 – Special Use Permit for Short Term Rental
 - b. 2020: SP2020-38 – Special Use Permit for Short Term Rental

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This subject property is east of Interstate I-435 and between Leavenworth Road and Georgia Avenue. Lots are uniform in size and suburban in character. Homes in this area are two (2) stories with attached garages and driveways. This area of the neighborhood shows various signs of improvements such repaved asphalt streets but no sidewalks. Driveways are generally asphalt or concrete and lead up to attached garages. Lots average about 75 feet wide and have deep setbacks with mature trees.

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

The zoning and uses of properties nearby are set out above. The surrounding properties are primarily single-family residences. Continuing use as a rental, either short or long term, is consistent with other nearby properties in close proximity to the residential neighborhood. The proposed use is compatible if properly managed. Operating this property as a short-term rental has the potential to create issues related to noise, parking, and other concerns related to overcrowding.

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

This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise, and overcrowding.

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

The property is not currently vacant as it is the applicants' primary residence in which they have resided for several years.

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

The Prairie Delaware Piper Area Plan classifies the subject property as Suburban Residential. The Suburban Residential land use designation allows for primarily single-family homes, institutional uses such as schools, churches, and libraries, parks, and open space. The proposed use conforms to the Master Plan if the Special Use Permit is issued, and the property is properly managed.

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

The current design of the neighborhood provides for off-street parking for multiple vehicles. There is an attached double car garage in the front of the home with a long driveway which provides ample parking to guests or tenants. Accessing this parking will not exceed the capacity of the Local Street as it was designed for typical residential traffic.

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

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially or permanently injure the appropriate use, visual quality, or

marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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

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

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

The proposed use would not pollute air or land as it is located in an existing, permitted structure. If the applicant properly manages the property, trash from guests should be minimal and temporary.

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

The proposed use would not damage or destroy an irreplaceable natural resource as it will operate within an existing structure in a built-out residential neighborhood.

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal as it only provides the convenience of lodging with some economic benefit primarily to the owners as supplemental income. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

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

The proposed use would not result in overcrowding as it operates within an existing structure on the site with no planned expansion. The maximum number of guests at one time is three (3) and the maximum number of vehicles is two (2). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in person on July 25, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise Concerns
Home Occupation
Parking
Traffic
Residential Neighborhood
Overcrowding/Undue Concentrations of Population

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-075**, for five (5) years, subject to:

1. Maximum number of guests shall be three (3);
2. All parking must be off-street, maximum number of vehicles is two (2);
3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper main entrance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b) A lead-based paint notification for any property built before 1978.
 - c) An asbestos notification for any property built before 1981.
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
9. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and

- be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
10. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 12. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-075** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 8, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Liability Insurance
Site Plan
Floor Plan
Guest Book
Home Inspection Highlights
Business License Information
Neighborhood Meeting Information
Staff Site Visit Photos Dated July 7, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing		
Special Use Permit	August 8, 2022 Approval	August 25, 2022

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-075** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-075**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 8, 2022 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2022-075 – CRISTEN RYMAN AND KATE LYNCH – SYNOPSIS: Renewal of a Home Occupation Special Use Permit (SP2020-038 – expires 9/13/2022) for a home occupied short-term rental at 2824 North 99th Terrace.

Detailed Outline of Requested Action: The applicants, Cristen Ryman and Kate Lynch, are seeking the renewal of approval to operate a short-term rental at 2824 North 99th Terrace. The subject property is east of I-435 between Leavenworth Road and Georgia Avenue. The applicants own the property and reside there while renting out a room to guests who typically visit for shopping and neighborhood sports games. The applicant has two (2) prior Special Use Permits and is now requesting a five (5) year renewal period.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative).

“Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 8, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publications in The Echo for the Special Use Permits; and,
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone requests that an item be removed from the Consent Agenda.”

Chairman Carson asked if any member of the Commission, staff or public wished to remove an item from the Consent Agenda. Planning Commissioner Ward requested that SP2022-061 be removed from the Consent Agenda.

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **APPROVE** the remaining items on the Consent Agenda:

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

Motion to APPROVE Passed: 7 to 0
Subject to:

SP2022-075:

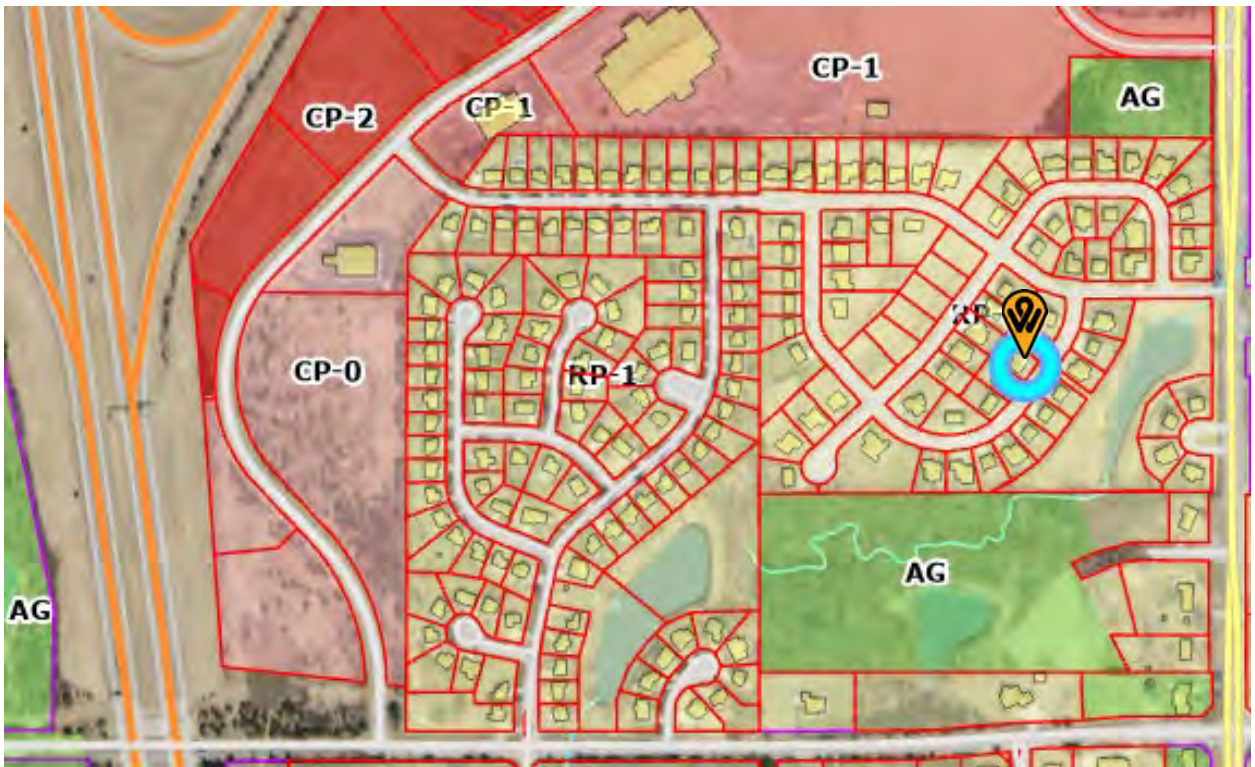
1. Maximum number of guests shall be three (3);
2. All parking must be off-street, maximum number of vehicles is two (2);
3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper main entrance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b) A lead-based paint notification for any property built before 1978.
 - c) An asbestos notification for any property built before 1981.
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
9. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the

- Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
10. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 12. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

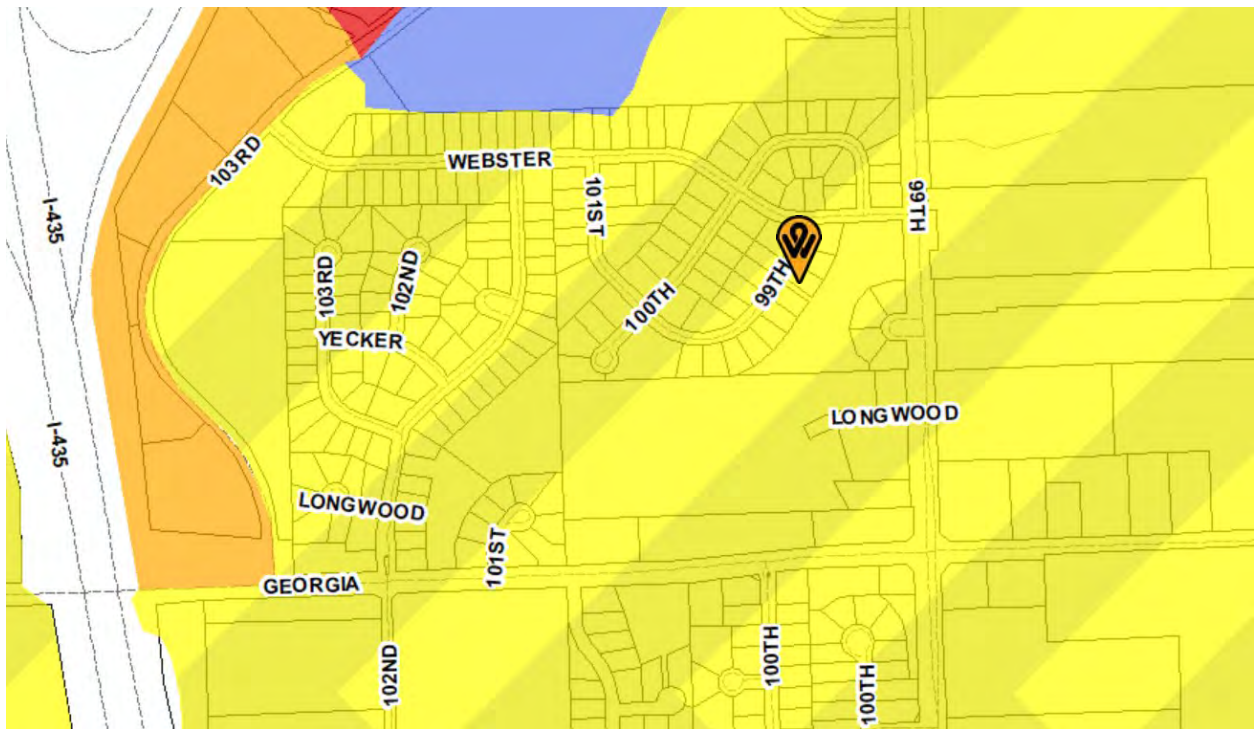
AERIAL MAP



ZONING MAP



LAND USE MAP



- ☒ Prairie Delaware Piper Master Plan
- Low Density Residential District
 - Planned Suburban Residential District
 - Planned Mixed Residential District
 - Planned Office District
 - Planned Commercial District
 - Public / Semi-Public
 - Planned Open space
 - Planned Entertainment District
 - Planned Mixed Business Park / Commercial District
 - Planned Mixed Business Park / Office District
 - Planned Mixed Entertainment / Commercial District
 - Planned Small Commercial District
 - Future Interchange

Only Airbnb gives you AirCover

	Airbnb	Competitors
\$1M liability insurance	✓	✓
\$1M damage protection	✓	✗
Pet damage protection	✓	✗
Deep cleaning protection	✓	✗
Income loss protection	✓	✗

✗

AirCover for Hosts

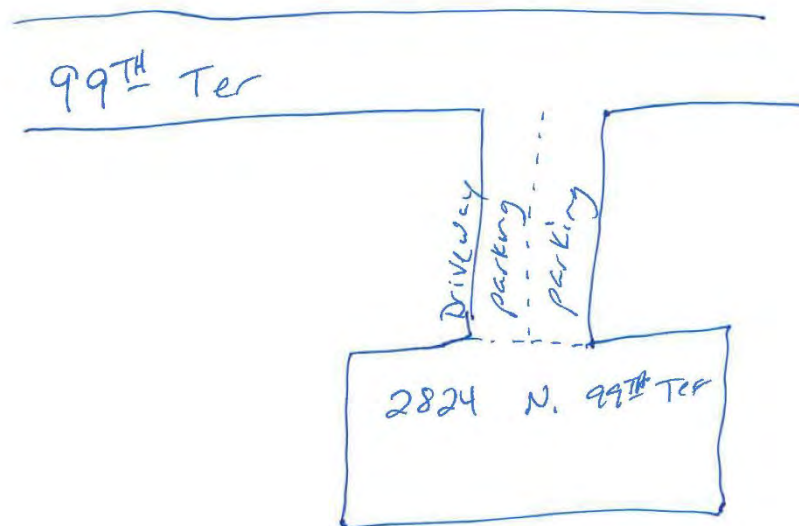
Airbnb pioneered an industry-leading Host protection program that has evolved over the years. The program includes our current Host damage protection, Host liability insurance, and Experiences liability insurance, and we've brought them together into one convenient and comprehensive package that we now call AirCover for Hosts. If you're not familiar with these programs, get to know more about them below, or visit our [Help Center](#) for answers to most questions.

Host damage protection keeps your place, and what's in it, protected whenever you're hosting on Airbnb. Like any kind of coverage, it has a few [terms, conditions, and exclusions](#). Host damage protection isn't an insurance policy, and not all damage is covered—so we suggest you also purchase personal insurance for any property damage caused by guests that we don't protect. Host damage protection is also different from our Host liability insurance—learn more about that in the next section. Lastly, please note that all limits shown are in USD.

Host liability insurance protects you in the unlikely event that a guest is hurt or their property is damaged during an Airbnb stay at your place. It also comes with some terms, conditions, and exclusions, which you can learn more about in the [comprehensive program summary](#). Please note that all limits shown are in USD.

Experiences liability insurance protects you if a guest is hurt or their property is damaged while you're hosting them during an Airbnb Experience. Because it only applies to Experiences, stays Hosts aren't included in this coverage. You can learn about any specific terms, conditions, and exclusions in the [comprehensive program summary](#). Again, all amounts shown are in USD.

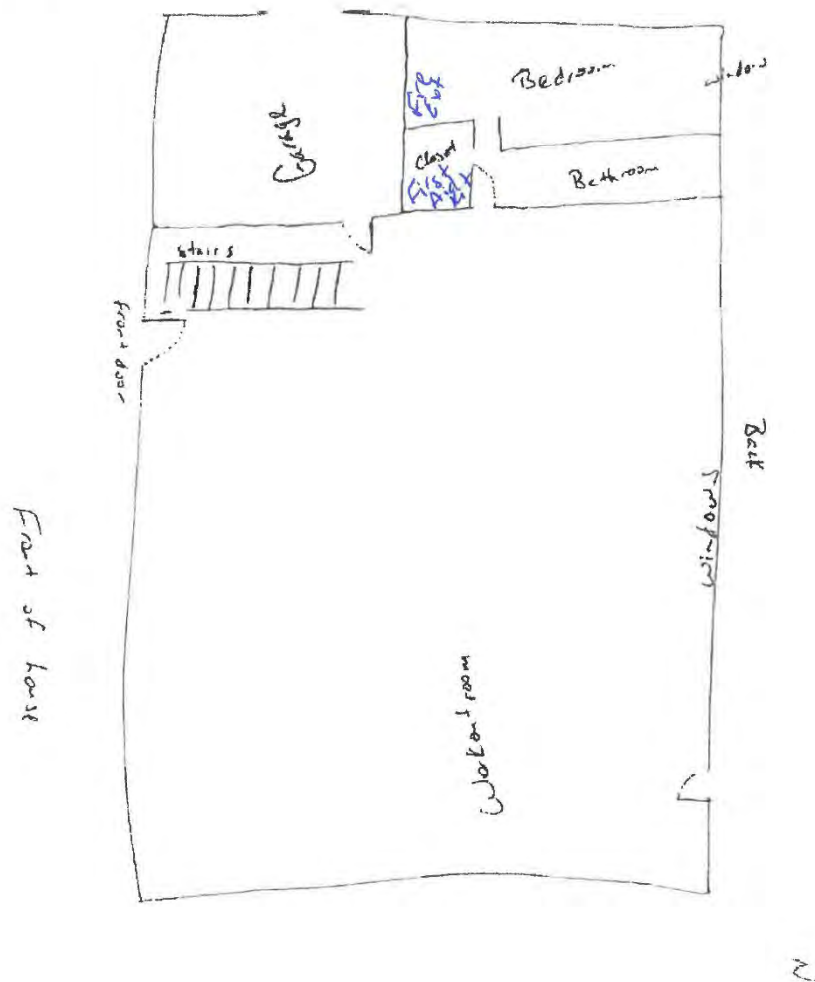
SITE PLAN



FLOOR PLAN

Floor Plan:

21

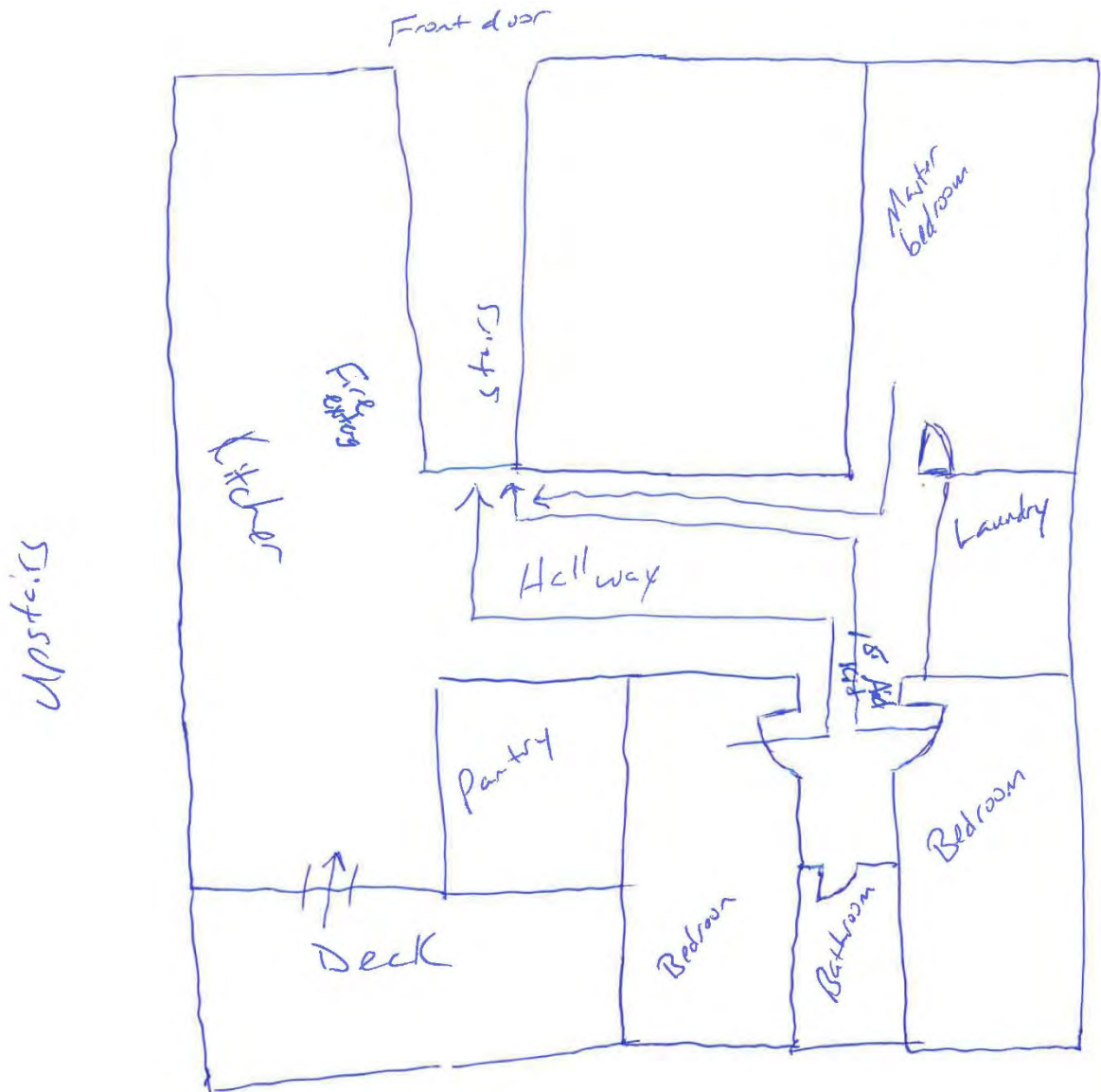


#SP-2020-38

July 30, 2020

20

FLOOR PLAN



GUEST BOOK

Pre-booking details

Check-in window

After 3:00 PM

Checkout time

11:00 AM

Guidebooks

Guidebook for Kansas City

[Edit](#)

Interaction with guests

I give my guests space but am available when needed

My wife is "an original Dotte" so she can tell you all about Wyandotte County! We are super close to Sporting KC, Nascar, Hollywood Casino, The Legends shopping area and the Amphitheater. We like to eat at local restaurants and can share with you the good places to go!

There is a coffee pot located in the bedroom with sugar and powdered cream. There are disposable coffee cups available. Mini fridge, microwave and toaster oven are also in the room.

If you want to come upstairs to use the kitchen, please check with me beforehand as I would like to be able to put the dogs up. You must be done in the kitchen by 9pm.

We do have 2 dogs that we like to put behind a gate upstairs prior to your arrival and during your stay. They are dogs, so they do bark. They do not bark excessively and we do try to quiet them, but they are still dogs. We have not had any complaints, but thought I should add it.

Directions

In your room you will be provided with a garage door opener to use during your stay.

We have Chromecast.

There are cups, plates, silverware, etc. in the kitchen. I just ask that you please rinse your dishes and put them in the dishwasher. I will run the dishwasher when it is full.

You are welcome to use the downstairs patio.

Please remember to leave the garage door opener upon your departure. When you leave, just open the garage door with the button on the wall and then close the door using the keypad code.

Feel free to contact Cristen (816)255-0069 or Kate (913)634-7861 if you have any questions or need anything.

GUEST BOOK

Guest manual

Garage door code is [REDACTED] enter.

There are extra pillows, towels, blankets and toilet paper in the hallway closet.

Arrival details

Check-in instructions

Keypad

Wi-fi details

Wifi network name: lezbeth

Wifi password: kicr041611

House rules

Guests must agree to your house rules before they book. [Read tips on setting house rules](#)

Suitable for children (2-12 years)

You can let guests know that your place isn't suitable for children if there are features that are dangerous for them. Guests will still be able to reach out for more details. [Learn more](#)



Suitable for Infants (under 2 years)

You can let guests know that your place isn't suitable for infants if there are features that are dangerous for them. Guests will still be able to reach out for more details. [Learn more](#)



Pets allowed

You can limit guests from bringing pets, but you must reasonably accommodate guests that might bring an assistant animal. [Learn more](#)



Smoking allowed



Events allowed



Smoking allowed



Events allowed



Additional rules

Please treat our house as your own.
No smoking inside of the house. Smoking allowed outside as long as you dispose appropriately of the butts.
No pets allowed.
If you are staying during the week (M-F), my spouse and I get up at 6am and will need to exit through the garage.
No use of the kitchen after 9:00pm.
No loud music/noise after 9:00pm.
No other guests except for the ones that have been approved.

[Edit](#)

HOME INSPECTION HIGHLIGHTS



"Helping you turn a House into a Home"

Douglas R. Cook, ASHI ACI
President

July 19, 2022

Christen Ryman
2824 North 99th Terrace
Kansas City, Kansas 66109

RE: Short Term Rental Inspection
2824 North 99th Terrace, Kansas City Kansas 66109

Dear Christen,

On Tuesday, July 19, 2022, House 2 Home Inspection Services, LLC was requested to complete an inspection to comply with the requirements of the Unified Government for short-term rentals on the above referenced property. The following are the results of the inspection.

- A. Smoke Detectors: Smoke detectors were installed on each floor of the dwelling unit, in hallways adjacent to sleeping areas, in each bedroom, in each room that has a fireplace and in each room that has a water heater, furnace, clothing dryer and electrical panel.
- B. CO2 Detectors: CO2 detectors were installed on each floor of the dwelling unit, in hallways adjacent to sleeping areas, and in each room that has a water heater, furnace or electric panel.
- C. GFCI Outlets: GFCI outlets were provided in each bathroom, kitchen, garage, and basement area.
- D. Window: Window were operable and were not obstructed.
- E. Handrails: All steps with four risers or more were provided with graspable handrails.
- F. Fire Extinguisher: One five-pound C type extinguisher was located and properly mounted on each floor level.
- G. Electrical; General: No exposed wiring was visible. All junction boxes and electrical devices had cover plates properly installed. No improper splices were observed. No overload circuits were observed.
- H. Electrical Panel: The electrical panel was General Electric panel
- I. Dry Vent: The dryer vent was found to be free of lint and debris.
- J. Extension Cord Use: No use of extension cords for permeant wiring was observed.
- K. Flue Pipes: Not applicable as both water heater and furnace/heat pump were electric.

Doug.Cook@H2HInspections.com
www.H2HInspections.com

913.972.1532

21608 West 100th Terrace
Lenexa, Kansas 66220

HOME INSPECTION HIGHLIGHTS

- L. Plumbing; General: Faucets, water supply lines and other plumbing fixtures were found to be in working condition with no visible leaks present. Drain and waste piping did not have any visible leaks present and did not have any evidence of slow drainage which would indicate a clogged drain.
- M. Gas Piping: Gas piping serving fireplace was a steel gas line. There was no copper gas line present.
- N. Fireplace: Fireplace was a gas, direct vent type fireplace with a sealed firebox glass front.
- O. Hot Water: The energy source for the water heater was electric. Hot water was being supplied at minimum of 120 degrees.
- P. Outlet Faceplates: All electrical outlets and switches had properly installed and fitted cover plates.
- Q. Locksets: No double keyed locksets were present.
- R. Exterior Door: All exterior doors were provided with an exterior light found to be in operation.

If you have any questions, please contact me.

Sincerely,



Douglas R. Cook, ASHI ACI
President

House 2 Home Inspection Services, LLC | 913.735.9573 |
doug.cook@h2hinspections.com
"Helping you Turn a House into a Home"

BUSINESS LICENSE INFORMATION



BUSINESS LICENSE DIVISION

Neighborhood Resource Center
Unified Government of Wyandotte County/Kansas City, Kansas
4953 State Ave. Kansas City, Kansas 66102
p. (913) 573-8780 | f. (913) 573-8622 | www.wycokck.org/businesslicense

2021 Occupation Tax

Mailing Address

CRISTEN RYMEN & KATE LYNCH
2824 N 99TH TER
KANSAS CITY, KS 66109

Date Receipt Issued: 6/23/2022

This certifies that

CRISTEN RYMEN & KATE LYNCH
2824 N 99TH TER
KANSAS CITY, KS 66109

has paid the Unified Government Occupation Tax for the privilege of conducting the business of

AIR B & B (BED & BREAKFAST)

in the City of Kansas City, Kansas. The Occupation Tax expires on: **12/31/2021**

The tax paid on **6/23/2022** was **\$5.00**

License #: **OCC-007706-L**

A handwritten signature in black ink, appearing to read 'Lori Wilson'.

Lori Wilson
License Administrator

THE ISSUANCE OF AN OCCUPATION TAX RECEIPT DOES NOT CREATE A PRESUMPTION THAT THE
BUSINESS HAS COMPLIED WITH THE UNIFIED GOVERNMENT REGULATORY ORDINANCES.

THIS RECEIPT MUST BE CONSPICUOUSLY DISPLAYED IN THE PLACE OF BUSINESS.
NO REFUNDS AVAILABLE.

ExternalReceipt.rdl

Par #: 18980-00796

Date Printed: 6/23/2022 3:07:18 PM

NEIGHBORHOOD MEETING INFORMATION

Application Number: SP2022-075

Date: July 26, 2022

Location: 2824 N 99th Ter, Kansas City, Ks 66109

Time: 5:30pm

No one attended the meeting. We had no phone calls or emails.

Meeting adjourned at 6:00pm.

Cristen Ryman

Kate Lynch

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Cristen Ryman / Kate Lynch of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2022-075
2. That I conducted a neighborhood meeting on July 26, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Cristen Ryman
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27 day of July, 2022

My commission expires 8 of 18, 2022



Alena Rahic
Notary Public

APPLICANT PHOTOS DATED JUNE 24, 2022



APPLICANT PHOTOS DATED JUNE 24, 2022



APPLICANT PHOTOS DATED JUNE 24, 2022



STAFF SITE VISIT PHOTOS DATED JULY 7, 2022





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: August 25, 2022

Re: **Petition COZ2022-023, SP2022-073, PR2022-024 and Master Plan Amendment MPL2022-014**

GENERAL INFORMATION

Applicant:

Curtis Petersen

Status of Applicant:

Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Action:

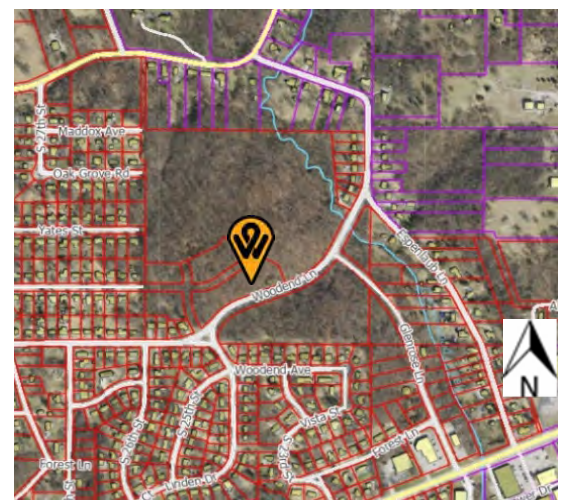
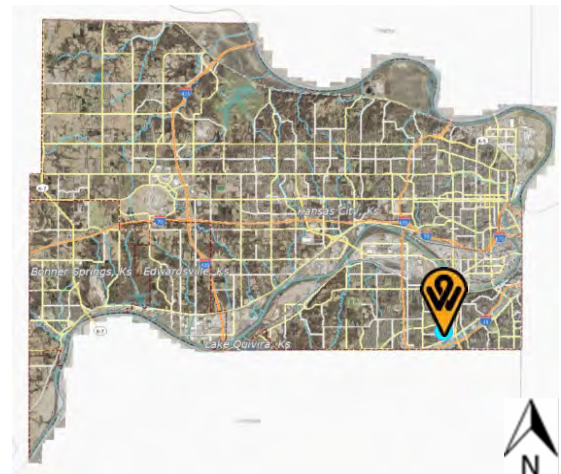
To approve a Master Plan Amendment from Low Density Residential to Rural Density Residential (City-Wide Master Plan).

To approve a Change of Zone from RP-5 Planned Apartment and R-1 Single Family Districts to A-G Agriculture District to operate a private facility for recreation (outdoor youth experience with nature trails and walks).

To approve a Special Use Permit for a private facility for recreation (outdoor youth experience with nature trails and walks).

Approval of a Final Development Plan for private facility for recreation (outdoor youth experience with nature trails and walks).

Date of Application: June 24, 2022



Purpose:	To rezone, develop and operate a private facility for recreation (outdoor youth experience with nature trail and walks.
Property Location:	2640 Woodend Lane, 2711 South 25 th Street, 2441 Hagemann Street, 2520 Hagemann Street, and 2521 Hagemann Street.
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #6 Commissioner: Angela Markley
Existing Zoning:	RP-5 Planned Apartment and R-1 Single Family Districts
Adjacent Zoning:	North: R-1 Single Family and RP-5 Planned Apartment Districts South: R-1 Single Family and RP-5 Planned Apartment Districts District East: RP-5 Planned Apartment District West: R-1 Single Family District
Adjacent Uses:	North: Single family homes South: Single family homes East: Single family homes West: Single family homes
Total Tract Size:	26.46 Acres
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates the property as Low Density Residential, which allow single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, parks, and open space. A Master Plan Amendment has been submitted to Rural Density Residential, which allows agriculture, ranches, large-lot single-family detached residences, passive parks, and open space.
Major Street Plan:	The Major Street Plan classifies Woodend Lane as a Collector Street.

Required Parking:	Sec. 27-452(e) states two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. Sec. 27-668(b) states any use not included in the parking requirements found in this article a parking requirement by the Planning Commission. The applicant is proposing fifty-six (56) parking spaces.
Advertisement:	<u>Wyandotte Echo</u> – Change of Zone – July 14, 2022; Special Use Permit – July 14, 2022; Master Plan Amendment – July 14, 2022 Property Owners Letters – Change of Zone – July 14, 2022; Special Use Permit – July 14, 2022; Preliminary and Final Plat – July 14, 2022; Preliminary and Final Plan Review – July 14, 2022; Master Plan Amendment – July 14, 2022
Public Hearings:	August 8, 2022 and August 25, 2022
Public Support:	Two (2) people appeared at the August 8, 2022 City Planning Commission meeting.
Public Opposition:	One (1) person appeared at the August 8, 2022 City Planning Commission meeting with questions.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, requests to rezone the property from RP-5 Planned Apartment and R-1 Single Family Districts to A-G Agriculture District, amend the City-Wide Master Plan from Low Density Residential to Rural Density Residential, obtain a Special Use Permit for a private facility for recreation, a Preliminary and Final Plat to create one (1) lot and a Preliminary and Final Development Plan to build nature trails, walks, a Welcome Center and ancillary buildings throughout the parcel associated with the development and maintenance of the property located on 26.46 acres at 2640 Woodend Lane.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article XXI Sections 27-502 – 27-709 and Article XXII Section 27-213

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. 20208-00422 – April 9, 2020 – complaint about vehicles and trespassing (Closed).

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is unique because it is largely residential in nature, with an established single-family neighborhood (traditional ¼ acre lots) to the west and larger single family lots along Espenlaub Drive and Shawnee Drive. The subject properties are large parcels, heavily wooded, rural in character as Woodend Lane winds from Espenlaub Lane to Woodend Avenue.

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

The zoning and their uses are set out above. The proposed use is relatively compatible with a majority of the existing uses due to its passive characteristics. The parking lot is small and must be shielded from the residences to the south and west.

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

Removal of the restrictions will not detrimentally affect nearby property as the properties along the north and portions of the east property line are single-family residences as well, which lends itself to abut a passive, low intensity private facility for recreation – specifically outdoor youth experience with nature trails and walks.

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

Given the heavily wooded parcels, it does not appear that this property has ever been developed.

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

The proposed use is reasonably necessary for the welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property because the proposed use will bolster outdoor activities and programming for children in the Kansas City metro area.

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

The proposed use will increase traffic but not in ways that will adversely affect road capacity and safety because Woodend Lane is accessible by Woodend Avenue via South 34th Street and Espenlaub Drive via Merriam Lane.

The proposed use will increase parking demand, although there is a parking lot/loop being proposed in the southwest corner of the site that will serve employees and guests.

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

While Special Use Permits are not addressed in the Master Plan, Staff believes the proposed use is a park-like, campground setting and the property itself is rural in nature. Therefore, amending the Master Plan to Rural Density Residential is appropriate.

This land use designation allows agriculture, ranches, large-lot single-family detached residences, passive parks, and open space, which better aligns with the character of the neighborhood.

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

The proposed use will not cause environmental harm as trees are being planted around the parking lot and entrance, and existing tree stands will be preserved throughout the parcel with the exception of creating the nature and walking trails.

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

a. *Water service*

Water service is provided by BPU.

b. Sanitary sewer service

Sanitary sewer service is provided by the UG.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by South Patrol, District #331.

e. Fire

Fire service is provided by Fire Station #7 located at South 28th Street and Strong Avenue.

f. Transit

Kansas City ATA does not provide transit service near this area.

g. Schools

Public education is provided by Kansas City Kansas USD 500.

h. Streets

To be designed to meet Public Works standards.

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

The proposed use will have a minimal economic impact on the community due to the size of the property and its proposed uses.

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

The proposed uses are capable of meeting applicable ordinance requirements with revisions.

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

The proposed use will increase traffic to the property as the site is currently

vacant. A Traffic Impact Study has been received and is under review by Planning Engineering and Public Works Department. Additional comments may be forthcoming separate from this report.

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

The noise and illumination that is normally associated with the proposed use will be of such duration and intensity as not to create problems for near-by property because the private outdoor recreation facility will close at dusk during the week. The general noise will be from vehicles entering and exiting the site and children's voices heard in the wooded areas.

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

The proposed use will not pollute the water because the sanitary waste will be connected to the Unified Government sanitary sewer system.

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

The proposed use will not damage or destroy an irreplaceable natural resource as the majority of the property will remain wooded and undisturbed.

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

The relative gain to the public health as compared to the hardship imposed on the landowners will be substantial because this site will allow children/youth in the Kansas City metro area to become campers with Endless Outdoors, letting them experience the outdoors in a safe and secure environment.

17. Whether the proposed would result in overcrowding of land or cause undue concentrations of population.

The proposed use will not result in overcrowding of land or cause undue concentrations of population because the site is sparsely developed and there is enough parking on site to accommodate employees and guests.

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

Future development will need an erosion control plan and should follow Best Management Practices for erosion control. The applicant has provided

documentation regarding grading, erosion control, and stormwater runoff management.

There will need to be continuous maintenance through the property by clearing brush and debris to minimize fire hazards.

19. Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

There will be additional traffic due to the on-site development. The entry/exit access point(s) to the property from the public right-of-way must be designed in a manner that reduces potential traffic issues such as backups and crashes due to the triangular intersection.

20. Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

Buildings, lots, blocks, parcels, and streets will be arranged so as to afford adequate light, open space, or air to facilitate protection, and to provide for long-term sustained real estate values provided proper berming, fencing and screening is constructed and continuously maintained.

21. Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.

The submitted site plan shows a vast majority of the subject property being paved over, with little regard for the existing terrain. While the applicant has submitted site and grading plans, they do not demonstrate development patterns designed with due regard to topography so that the natural features of the land and vegetation shall be protected and enhanced.

22. Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.

This is a private development that will build nature trails and walks that will not be accessible to the general public. However, if at some point, this property is sold or given to the Unified Government – long term, this property is an excellent location for a passive park.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom and in-person at Eagles Club (4726 Merriam Drive, Shawnee, KS 66203) on July 21, 2022 at 6:00 PM. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Parking
Landscaping and Screening/Buffering
Lighting
Noise
Site Ingress and Egress

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Master Plan Amendment **MPL2022-014**, Change of Zone Application **COZ2022-023**, Special Use Permit Application **SP2022-073** and Preliminary and Final Plan Review **PR2022-024**, subject to:

1. When the mylars are submitted to Planning Staff to be recorded, submit the following fees:
 - a. \$32.00 per page payable to the Register of Deeds; and,
 - b. \$7.00 per lot payable to the Unified Treasurer;
2. Per the Sidewalk and Trails Master Plan, Shawnee Avenue is designated as Local Trail, but no sidewalk construction is required at this time;
3. Cottonwood Creek must be preserved and may not be altered;
4. Hours of operation will be seasonal, generally from dawn to dusk;
5. Space for private events (hosting) is not permitted. A Special Use Permit for an event space is required at such time;
6. The Welcome Center and pavilions shall be constructed in manner that is harmonious with the wooded, rural-like character of the property and use complementary materials;
7. A building permit is required following this entitlement for the property. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or EDR@wycokck.org.
 - a. Shall comply with the International Building Code;
8. Following municipal trash service curbside pick-up, trash bins shall be kept in the building or within a screened enclosure and hidden from public view;
9. A Knox Box shall be installed to provide emergency access to the site;
10. The residences south, west, and north of the parking loop must be

- screened from headlights shining onto their property from vehicles maneuvering in the parking lot;
11. Plant trees on top and around the detention basins. Shall be replanted to transition back into the wooded area;
 12. After the temporary irrigation is removed to establish groundcover and proposed trees, a watering plan needs to be provided during building permitting/DRC to ensure the trees and shrubs continue to grow;
 13. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be three (3) gallons when planted;
 14. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
 15. All lighting, whether installed in the parking lot or on any building within the three (3) phases shall have 90-degree cutoff fixtures. No wall pack lights or flood lights;
 16. Utility conduits and connections must be painted to match the building(s);
 17. If applicable, all BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
 18. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 19. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office. They are located at 4953 State Avenue, Kansas City, KS 66102. Their number is (913) 573-8780;
 20. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 21. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can

- be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
22. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 23. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 24. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 25. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and;
 27. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Departments (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into

effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners makes the findings contained within the staff report to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-023, SP2022-073, PR2022-024, and MPL2022-014** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 8, 2022 City Planning Commission Minutes
Aerial Map Zoning Map
City-Wide Master Plan Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Final Plat
Site Master Plan
Phasing Diagram
Site Plan
Grading Plan
Utility Plan
Landscape Plan
Lighting Plan
Site Photographs taken by Planning Staff on July 12, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing Rezoning	August 8, 2022 Approval	August 25, 2022
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing Special Use	August 8, 2022 Approval	August 25, 2022
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing Preliminary and Final Plat	August 8, 2022 Approved	TBD
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing P & F Plan	August 8, 2022 Approval	Not Required

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	August 8, 2022	August 25, 2022
Master Plan	Approval	

STAFF CONTACT: **Byron Toy, AICP**

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-014** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-014** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-023** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-023** as it is not in compliance with the City Ordinances and as it will not promote the

public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-073** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-073** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Plan Review Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-024** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2022-024** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 8, 2022 City Planning Commission Minutes:

Hearing starts at 57:00:

MASTER PLAN AMENDMENT MPL2022-014 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Rural Density Residential (City-Wide Master Plan) at 2640 Woodend Lane.

CHANGE OF ZONE APPLICATION COZ2022-023 – CURTIS PETERSEN WITH POLSINELLI PC - SYNOPSIS: Change of Zone from RP-5 Planned Apartment District to A-G Agriculture District to construct Endless Outdoors Nature Experience at 2640 Woodend Lane.

SPECIAL USE PERMIT APPLICATION SP2022-073 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS: Special Use Permit to develop and operate a youth outdoor nature experience facility with trails, camping and shelters at 2640 Woodend Lane.

PLAT2022-021 – ENDLESS OUTDOORS – SYNOPSIS: Preliminary and Final Plat for one (1) lot at 2640 Woodend Lane.

PLAN REVIEW APPLICATION PR2022-024 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS: Preliminary and Final Plan Review for Endless Outdoors Nature Experience at 2640 Woodend Lane.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, requests to rezone the property from RP-5 Planned Apartment and R-1 Single Family Districts to A-G Agriculture District, amend the City-Wide Master Plan from Low Density Residential to Rural Density Residential, obtain a Special Use Permit for a private facility for recreation, a Preliminary and Final Plat to create one (1) lot and a Preliminary and Final Development Plan to build nature trails, walks, a Welcome Center and ancillary buildings throughout the parcel associated with the development and maintenance of the property located on 26.46 acres at 2640 Woodend Lane.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 8, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Curtis Petersen, applicant, Polsinelli PC, 900 West 48th Place, Kansas City, Missouri
- Cecelia Robb, 2824 Glenrose Lane, Kansas City, Kansas 66106
- George Higgins, 2540 Espenlaub Lane, Kansas City, Kansas 66106

Present in Opposition/Questions:

- Julia Finley, 2625 Hageman, Kansas City, Kansas 66106

Staff Recommendation starts at 1:11:25: Planner Toy asked if there will be a gate across the front entrance? Mr. Petersen stated yes, with a lock box. At the end of the day, it will be locked so no one can come onto the property. Mr. Toy stated that this is a project that staff has not seen before with a private investor developing a site with nature trails and youth camp setting. Staff recommends approval, subject to the conditions in the staff report.

Motion starts at 1:22:23:

On motion by Mrs. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2022-014:**

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

Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to:

1. When the mylars are submitted to Planning Staff to be recorded, submit the following fees:
 - a. \$32.00 per page payable to the Register of Deeds; and,
 - b. \$7.00 per lot payable to the Unified Treasurer;
2. Per the Sidewalk and Trails Master Plan, Shawnee Avenue is designated as Local Trail, but no sidewalk construction is required at this time;
3. Cottonwood Creek must be preserved and may not be altered;
4. Hours of operation will be seasonal, generally from dawn to dusk;
5. Space for private events (hosting) is not permitted. A Special Use Permit for an event space is required at such time;

6. The Welcome Center and pavilions shall be constructed in manner that is harmonious with the wooded, rural-like character of the property and use complementary materials;
7. A building permit is required following this entitlement for the property. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or EDR@wycokck.org.
 - a. Shall comply with the International Building Code;
8. Following municipal trash service curbside pick-up, trash bins shall be kept in the building or within a screened enclosure and hidden from public view;
9. A Knox Box shall be installed to provide emergency access to the site;
10. The residences south, west, and north of the parking loop must be screened from headlights shining onto their property from vehicles maneuvering in the parking lot;
11. Plant trees on top and around the detention basins. Shall be replanted to transition back into the wooded area;
12. After the temporary irrigation is removed to establish groundcover and proposed trees, a watering plan needs to be provided during building permitting/DRC to ensure the trees and shrubs continue to grow;
13. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be three (3) gallons when planted;
14. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
15. All lighting, whether installed in the parking lot or on any building within the three (3) phases shall have 90-degree cutoff fixtures. No wall pack lights or flood lights;
16. Utility conduits and connections must be painted to match the building(s);
17. If applicable, all BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
18. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
19. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office.

- They are located at 4953 State Avenue, Kansas City, KS 66102. Their number is (913) 573-8780;
20. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 21. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 22. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 23. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 24. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 25. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the

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

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

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

023:

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

Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to the above conditions.

On motion by Mrs. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-**

073:

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

Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to the above conditions.

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **APPROVE of PLAT2022-021:**

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

Motion to **APPROVE** Passed: 7 to 0
Subject to the above conditions.

On motion by Mrs. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2022-024:**

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

Motion to recommend **APPROVAL** Passed: 7 to 0
Subject to the above conditions.

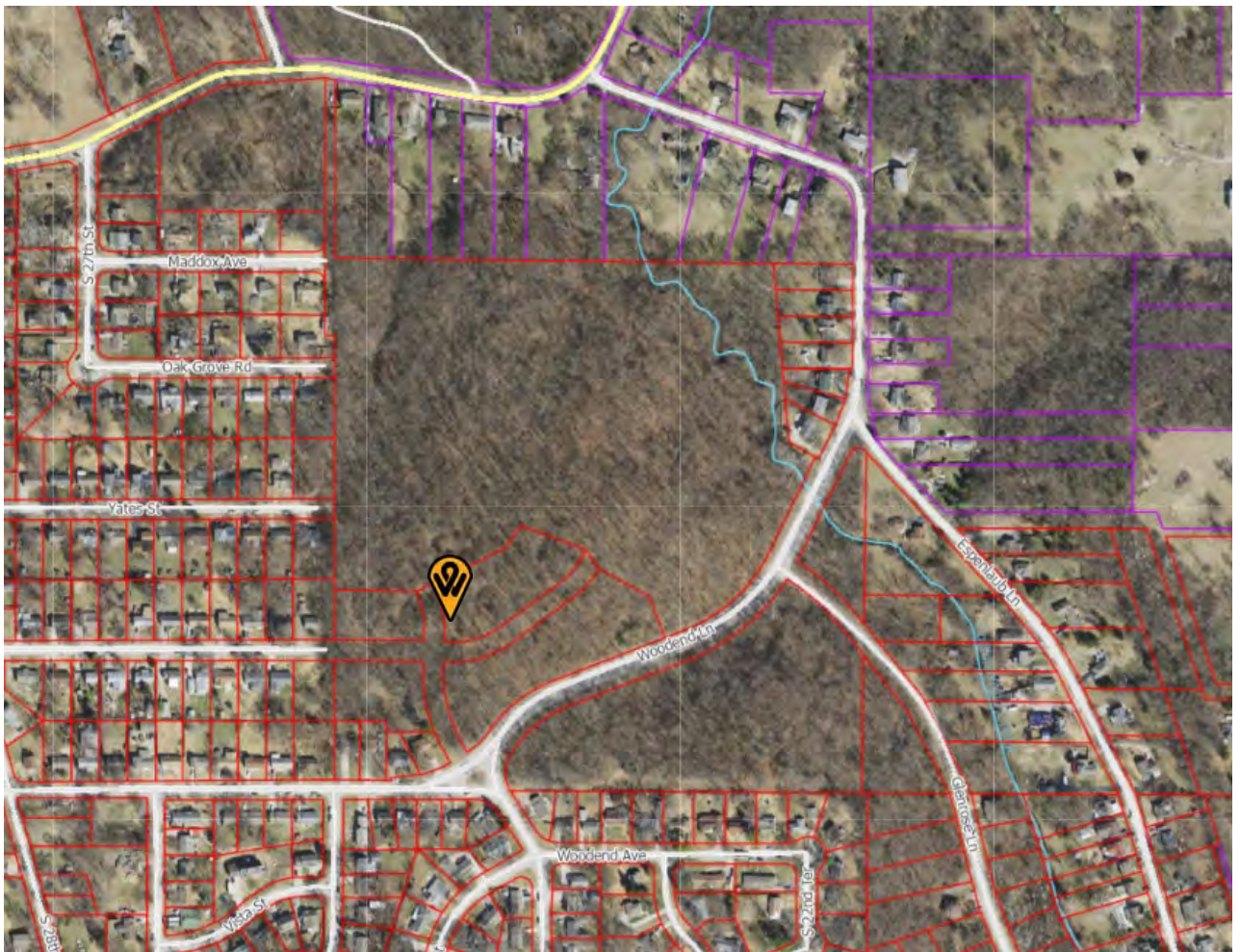


Figure 1. Aerial Photograph of 2640 Woodend Lane (provided by UG Maps).

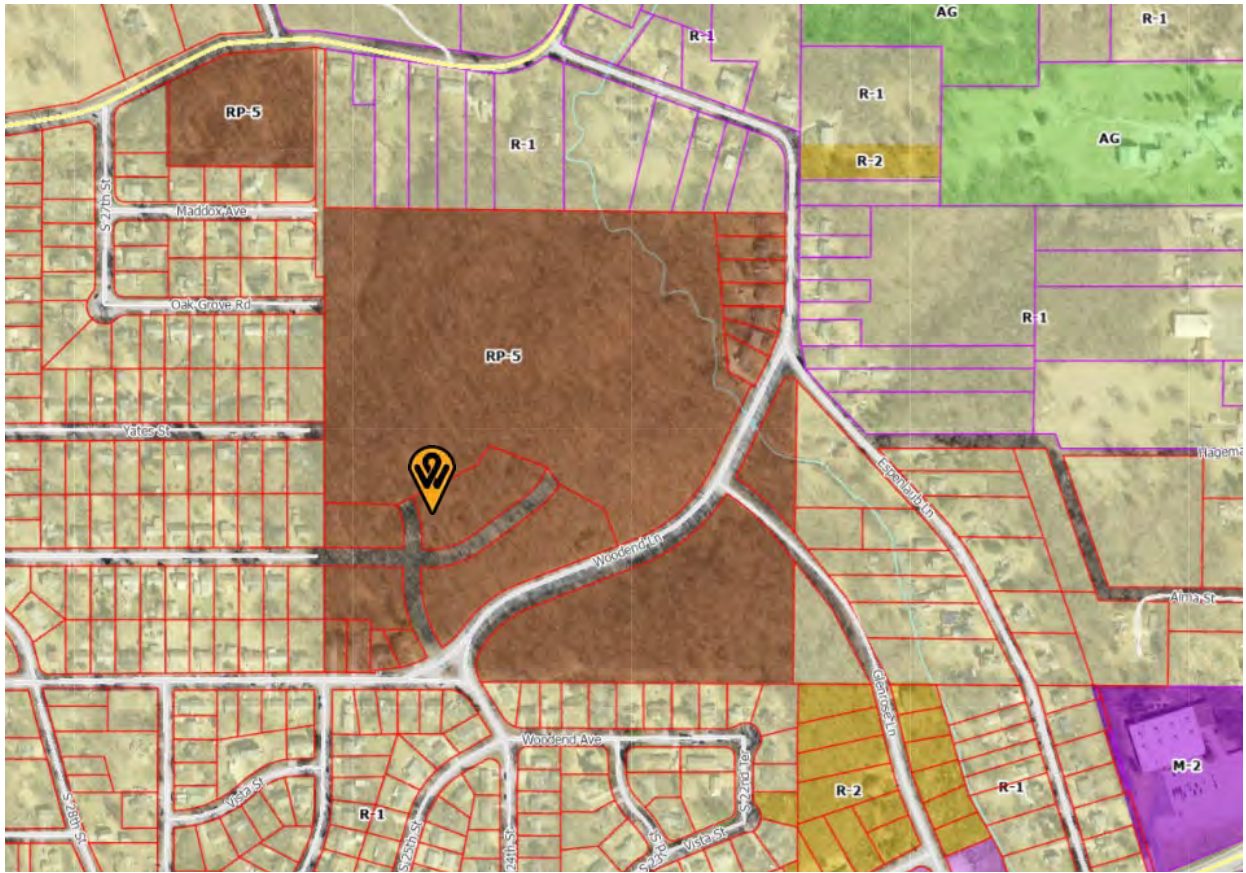


Figure 2. Zoning Map of 2640 Woodend Lane (provided by UG Maps).

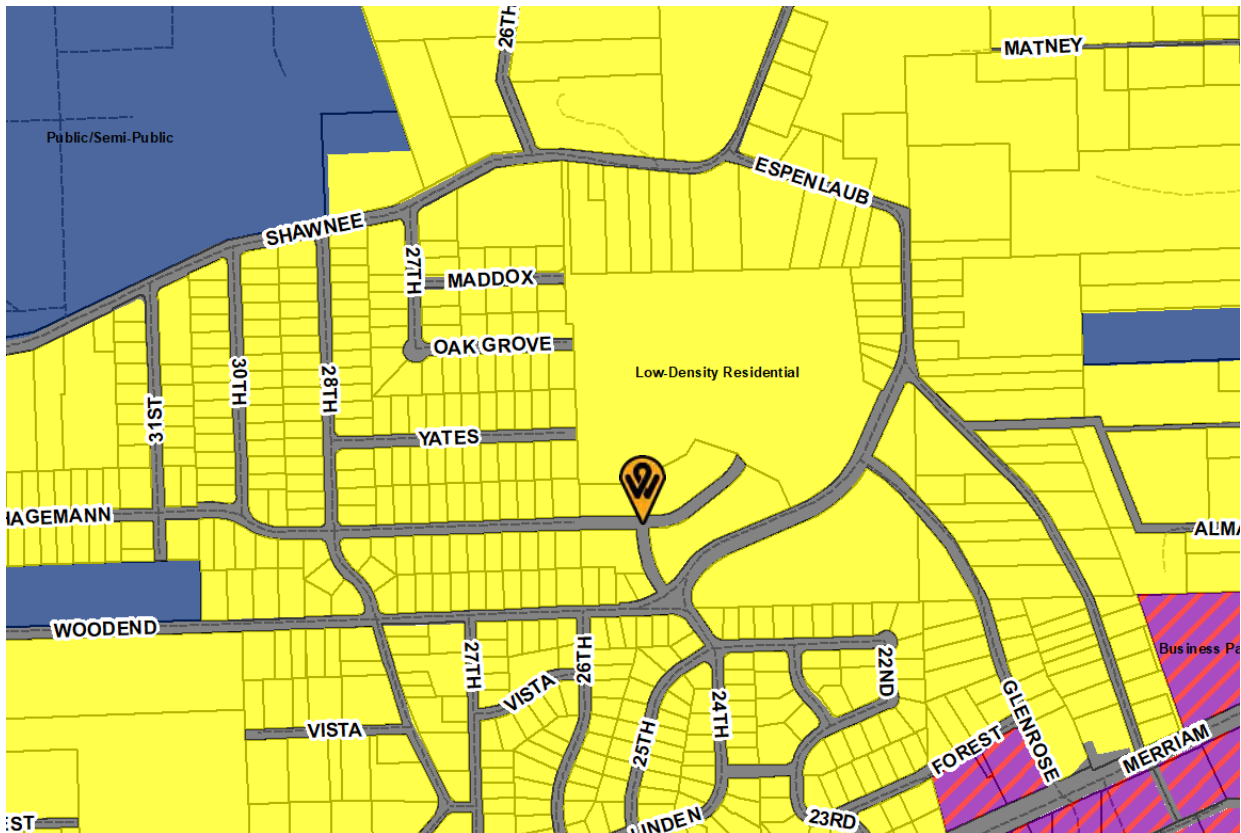


Figure 3. City-Wide Master Plan Land Use Map (provided by ArcMap).

Planning and Urban Design Comments

General Planning

1. Per the Sidewalk and Trails Master Plan, Shawnee Avenue is designated as Local Trail, but no sidewalk construction is required at this time. **Acknowledged.**
2. The remaining flagpole extension of the lot accessing Shawnee Avenue, will this portion of land be deeded as tracts to the property owners in Wyandotte Gardens Annex? **The Developer plans to have conversations with adjacent property owners regarding conveyance of this land once zoning entitlements are approved and property is purchased by Developer. Per conversations with the developer and county surveyor, the plat has been updated to reflect these additional tracts.**
3. Cottonwood Creek must be preserved and may not be altered. **Acknowledged.**
4. Restroom facilities will be required as part of the first phase. Provide plans depicting how this will be accomplished. **Permanent restrooms will be constructed with the proposed Welcome Center during Phase 2 of development (Winter 22'-23'). The developer plans to operate with limited group sizes and no regular programming during initial phases. During these initial phases, there will be a shared use of construction site temporary restroom facilities. It is anticipated that the Welcome Center and restrooms will be fully operational by May 2023. We are working to schedule a meeting with UG Planning Staff to further discuss this in detail.**
5. For the large pavilion that can accommodate gatherings up to 100 people, will the site host private events, such as an event space? Additionally, with only fifty-six (56) parking spaces in the parking lot, where will the excess vehicles park?
The max expected capacity of 100 reflects primarily youth program participants, in addition to staff and parents who choose to stay on site during programming. We believe the 56 spots provide ample parking and additional buffer for the staff and parents who stay and park. We do not plan to offer the space for private events of this scale.
6. A building permit is required following this entitlement for the property. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or EDR@wycokck.org.
Understood, a building permit will be obtained from the Building Inspections Department prior to construction.
7. How will trash be disposed of on the property if the gate is closed? The site plan does not depict trash enclosures at the east or west ends of the bridge.
The proposed development will create minimal waste and utilize the city's trash service with trash bins being set at the curb every week. There is no bridge proposed with this development.
8. If the gate will be locked, how will KCKFD gain access to the property? **A Knox Box will be installed to provide emergency access to the site. The site plan has been revised to indicate the proposed Knox Box.**

9. If approved, the applicant may need additional licenses or permits for safe and proper operation (i.e., Wyandotte County Health Department and/or KDHE). The approval of this application does not mitigate the need for additional licenses as this application is for zoning approval only.
Acknowledged.
10. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office. Their number is (913) 5738780. **Acknowledged.**
11. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.
A land disturbance permit will be obtained from both the Unified Government and KDHE prior to the commencement of any grading operations.
12. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
A right-of-way permit will be obtained from the Public Works Department for construction of the driveway connection to Woodend Lane.
13. All existing and future driveways must feature curb cuts that are constructed to UG standards.
All construction within the right-of-way will meet UG public standards.
14. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
Developer would like to discuss this comment further with planning staff.
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations. **Acknowledged.**

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

Building Architecture:

1. Provide color building elevations of the proposed small and large pavilions and the Welcome Center.
Since this is not a part of the initial phase of construction, these elevations have not been developed and cannot be provided at this time. Exterior elevations of the buildings will be developed for approval prior to any construction taking place on site during Phase 2 of the development. We are working to schedule a meeting with UG Planning to further discuss this in detail.
2. Submit a material palette of the proposed exterior building materials.
See response above.

Landscaping and Screening:

1. The residences south, west, and north of the parking loop must be screened from headlights shining onto their property from vehicles maneuvering in the parking lot.
Shrubs will be planted along the west and south edges of the proposed parking lot where existing vegetation does not provide adequate screening from headlights.
2. Plant trees on top and around the detention basins. Shall be replanted to transition back into the wooded area.
Existing vegetation will be preserved around the proposed detention basins. Clearing limits will be established and caution will be taken to preserve existing trees.
3. All landscaping must be irrigated.
Temporary irrigation will be used to establish new groundcover and proposed trees.
4. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be three (3) gallons when planted. **Acknowledged.**
5. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction. **Acknowledged.**
6. All lighting, whether installed in the parking lot or on any building within the three (3) phases shall have 90-degree cutoff fixtures. No wall pack lights or flood lights. **Acknowledged.**

7. Utility conduits and connections must be painted to match the bridge.

There is no bridge proposed with this project.

8. If applicable, all BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary.

Although a transformer pad is proposed with this plan, a transformer will not be set in the first phase of development. When a transformer is installed as part of future development, junipers will be planted for screening.

Signage:

1. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 5735750 or signpermits@wycokck.org to begin this process.

Understood, no sign will be constructed or installed prior to obtaining a sign permit from the UG.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval:
 - 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments. See engineering comment responses above.
(See General Engineering Review Comment Responses Above)
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

GEOSPATIAL SERVICES 7/11/2022 (Responses and revisions to Robert Ringel on 7/20/22)

1) Ownership

The owner of record is different than ownership shown on plat. **The property transaction between Silverlake Properties, LLC and Endless Outdoors, Inc. will happen before this plat will be recorded.**

2) Taxes

There are taxes due on all five parcels. **Not a survey item. Owner or owner representative to address.**

3) Legal Description

Remove Lots 6 & 7, Block 4, from the beginning of the legal description. **Revised per comment.**

4) Lot 1 is not shown on the plat drawing. **Revised per comment.**

5) Vacated Streets

Notate that streets are being vacated by plat, and remove that they are public r/w. **Revised per comment.**

Note that Yates Street is vacated and remove public r/w note. **Revised per comment.**

6) Dark Lines

Remove dark lines between the different areas of Lot 1. **Revised per comment.**

7) Corner Dots

The symbol being used for set rebars appears to indicate the beginning and end of bearings.

The symbols for set/found rebars, as they apply, indicate the beginning and end of courses and distances.

COUNTY SURVEYOR 7/12/2022 (Responses and revisions to Brent Thompson on 7/20/22)

- Lot 6 & 7 Block 4 are called out in the description but are not within the plat boundary. Please fix accordingly. **Revised per comment.**
- Need to label LOT 1 of the plat. **Revised per comment.**
- You call out vacated Hagemann Circle and vacated 25th street in the description, are these streets already vacated? If so, please list the ordinance. If they're not vacated but are going to be with this plat the word vacated should be removed. **Revised per comment.**
- Add Chairman after Jeff Carson's name. **Revised per comment.**
- For all streets being vacated with this plat please label as such. **Revised per comment.**
- Is Yates already vacated? It doesn't show up on the UG mapping. **Not sure. No vacation information found. Unless vacation information is provided will show as being vacated with this plat.**
- All lines representing lots, easements etc. that are to be vacated should be faded back and labeled as such. **Revised per comment.**
- All lines that are to remain as easements or being dedicated should be shown darker and labeled. **Revised per comment.**
- There are a couple areas where you show setting two bars that look as if they are going to be offsets, if this is the case, please label the distance of the offset. If not, please only show setting one bar at the corner location. **Revised per comment.**

7/21/2022 – Endless Outdoors Neighborhood Meeting

Attendance:

Nick Christianson, Founder and CEO of Endless Outdoors

Julia Hal, Donor Engagement Manager for Endless Outdoors

Andrew Talking, Continental Engineering

Dan Brown, SixTwentyOne Architecture

Amy Grant, Polsinelli PC

Attendees: approximately nine individuals attended in person and two people by zoom (see sign-in sheet)

The meeting began at 6:00 p.m. Amy Grant provided a brief explanation of the zoning entitlement process, including the types of applications submitted to the City and the upcoming Planning Commission and Board of County Commissioners meeting dates. Nick Christianson provided information about his professional background and the core values of the Endless Outdoors experience.

- Endless Outdoors is a not-for-profit company and this location will be its first “base camp” location.
- Our main goal is to inspire kid to connect with nature while making the camps easy for parent, awesome for kids and family friendly. We want to expose youth to all of the elements of the outdoors so that they are comfortable outside and encourage them to explore nature.
- Rezoning property to the Agriculture District and a Special Use Permit for the use.
- Walked through site plan: Property is approximately 26 acres of land; one access drive from Woodend Lane; location of welcome center/bathroom; location of trails.

QUESTION AND ANSWER

Comment/Question: What age group will attend the camp?

Response: We will have camps for children ages 7-12 and then 13 and older.

Question: Will you have any overnight camps?

Response: Hopefully in the future. We would look at small groups of 25 or fewer people and would hold those in the Spring or Fall when the weather is cooler. The would anticipate activities would end at dusk and “quiet time” would be enforced at 10:00 p.m.

Question: Is there any other camp like this in the area or the country?

Response: No. One of our goals is to be unique and different from other camps. Our goal is to work with families and be flexible so that all children have an opportunity to experience this camp. We will also offer subsidized costs and scholarships for families who may need them.

Question: Have you looked at security for the site?

Response: Yes, we have met with a professional security company and walked-thru the site and are starting to formulate a plan with them. We will have a gate at the access drive to keep vehicles off the property during the hours that the camp is not open. Our goal at this time is to leave the property in its natural state as much as possible so we are not proposing a boundary fence at this time. We do plan to

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include multiple posts at the perimeter of the property that will have a sign that says "private property/no trespassing". We will also work with the City to explore safety lighting options.

Question: There are several of us that enjoy the wooded areas adjacent to our back yards. Do you plan to use those areas of land in a way where we could no longer use it?

Response: No. We are having a survey done that will show us where those encroachments exists but do not plan on using those areas for the camp activities.

Comment: What are you planning for overnight security? The property today has quite a bit of activity at night and some vandalism. We would appreciate it if the City would partner with you to help make the area a bit safe with better lighting or other options that will help keep people off of the property in the evenings.

Question: Will you allow the adjacent neighborhood to use the trails?

Response: We are very interested in making that possible but are unable to commit to that at this time. It is a matter of insurance and we will need to visit with our agent about that. We are planning on doing an Open House for the neighborhood once we are ready to open.

Question: Do you have any plans to expand in the future at this site?

Response: No, we only plan to utilize the 26 acres that we are purchasing.

Question: If your company is a non-profit company does that mean it will be tax exempt?

Response: Yes.

Question: How will you help ensure that the immediate community is included in your camp sign-ups?

Response: Our research has found that most of the people who will attend the base camp are located within 10-20 minutes of the site. We also plan to meet with the local Parent/Teacher organizations in the school to make sure families know about the camp and will pass our flyers and do mailing in the immediate neighborhood. We want the camp to be successful and strongly believe that the immediate neighborhood will help make that happen.

Parking: Please show me the location of the parking lot again and how many spaces you will have available? Will some people just drop their kids off and then pick them up when camp is over?

Response: The parking lot provides 56 parking space. We do welcome parent to stay but yes, many of them will drop off and pick up their kids.

Question: What is the next step if this gets approved?

Response: We are working with the City so that we could hold a very small, introductory camp session this fall before actual construction begins. Construction of the access drive, parking lot and welcome center would begin in December if the weather cooperates.

The meeting concluded at 7:00 p.m.

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AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Jackson)

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

1. That I am the petitioner for Petition #COZ2022-023 and SP2022-073.
2. That I conducted a neighborhood meeting on July 21, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

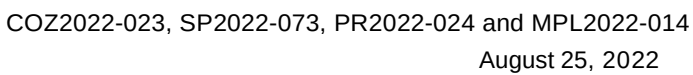

Affiant

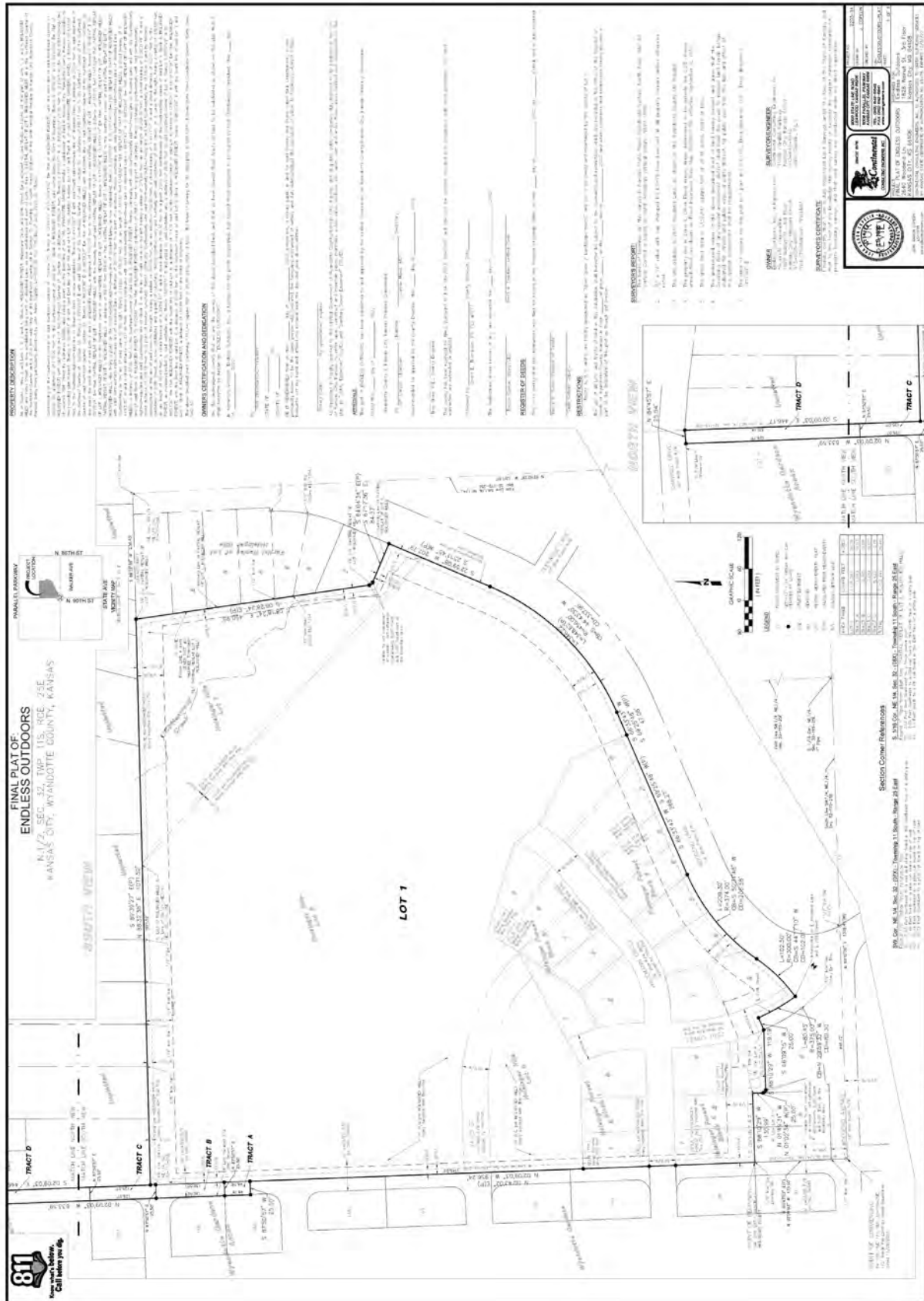
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of July 2022.

My commission expires 21 of January, 2025.

SUSAN L. BREWER
NOTARY PUBLIC-NOTARY SEAL
STATE OF MISSOURI
CLAY COUNTY
COMMISSION EXPIRES 1/21/2025
COMMISSION # 13541740


Notary Public





NO.	DATE	DESCRIPTION
1	08/25/2022	Initial Design
2	08/25/2022	Final Design
3	08/25/2022	Construction
4	08/25/2022	Operation
5	08/25/2022	Maintenance
6	08/25/2022	Recreation
7	08/25/2022	Education
8	08/25/2022	Research
9	08/25/2022	Art
10	08/25/2022	History
11	08/25/2022	Geography
12	08/25/2022	Science
13	08/25/2022	Mathematics
14	08/25/2022	Language Arts
15	08/25/2022	Physical Education
16	08/25/2022	Art
17	08/25/2022	Music
18	08/25/2022	Drama
19	08/25/2022	Dance
20	08/25/2022	Visual Arts
21	08/25/2022	Performing Arts
22	08/25/2022	Media Arts
23	08/25/2022	Technology
24	08/25/2022	Health
25	08/25/2022	Physical Education
26	08/25/2022	Art
27	08/25/2022	Music
28	08/25/2022	Drama
29	08/25/2022	Dance
30	08/25/2022	Visual Arts
31	08/25/2022	Performing Arts
32	08/25/2022	Media Arts
33	08/25/2022	Technology
34	08/25/2022	Health
35	08/25/2022	Physical Education
36	08/25/2022	Art
37	08/25/2022	Music
38	08/25/2022	Drama
39	08/25/2022	Dance
40	08/25/2022	Visual Arts
41	08/25/2022	Performing Arts
42	08/25/2022	Media Arts
43	08/25/2022	Technology
44	08/25/2022	Health
45	08/25/2022	Physical Education
46	08/25/2022	Art
47	08/25/2022	Music
48	08/25/2022	Drama
49	08/25/2022	Dance
50	08/25/2022	Visual Arts

Site Strategy



The Endless Outdoors site is a relatively untouched natural area with a rich history of recreational use. The site is located in the heart of the city, providing a unique opportunity to connect urban residents with nature. The site strategy focuses on preserving the natural environment while providing a variety of recreational and educational opportunities for the community.

Trails



The Endless Outdoors trail system will be the heart and soul of the Endless Outdoors. The trail system will provide a variety of recreational and educational opportunities for the community. The trail system will be designed to provide a variety of trail types, including paved, gravel, and dirt trails, to accommodate a wide range of users.

Circle Drive / Parking



The circle drive and parking area will be the primary hub for learning activities on site for Endless Outdoors. The circle drive will be designed to provide a variety of recreational and educational opportunities for the community. The circle drive will be designed to provide a variety of trail types, including paved, gravel, and dirt trails, to accommodate a wide range of users.

Small and Large Pavilions



These pavilions will provide a variety of recreational and educational opportunities for the community. The pavilions will be designed to provide a variety of trail types, including paved, gravel, and dirt trails, to accommodate a wide range of users. The pavilions will be designed to provide a variety of recreational and educational opportunities for the community.

Welcome Center

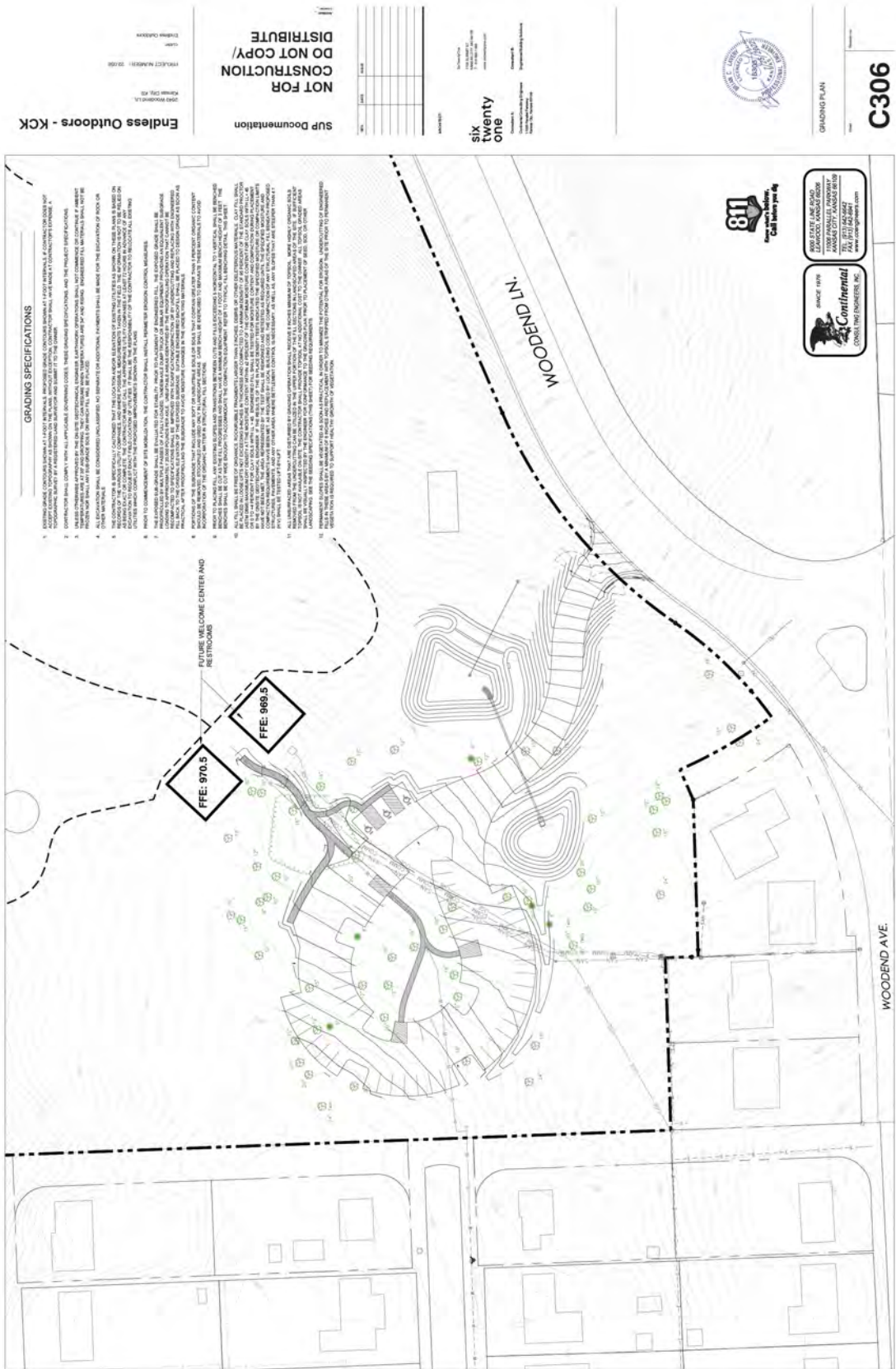


The Endless Outdoors Welcome Center will provide a variety of recreational and educational opportunities for the community. The Welcome Center will be designed to provide a variety of trail types, including paved, gravel, and dirt trails, to accommodate a wide range of users. The Welcome Center will be designed to provide a variety of recreational and educational opportunities for the community.





NOTE
PHYSICAL DIAGRAMS ARE INTENDED TO SHOW SCOPE OF WORK ONLY AND MAY DIFFER SLIGHTLY FROM SITE PLAN ON A JOB. REFER TO LIST FOR SPECIFIC SITE DESIGN INFORMATION.



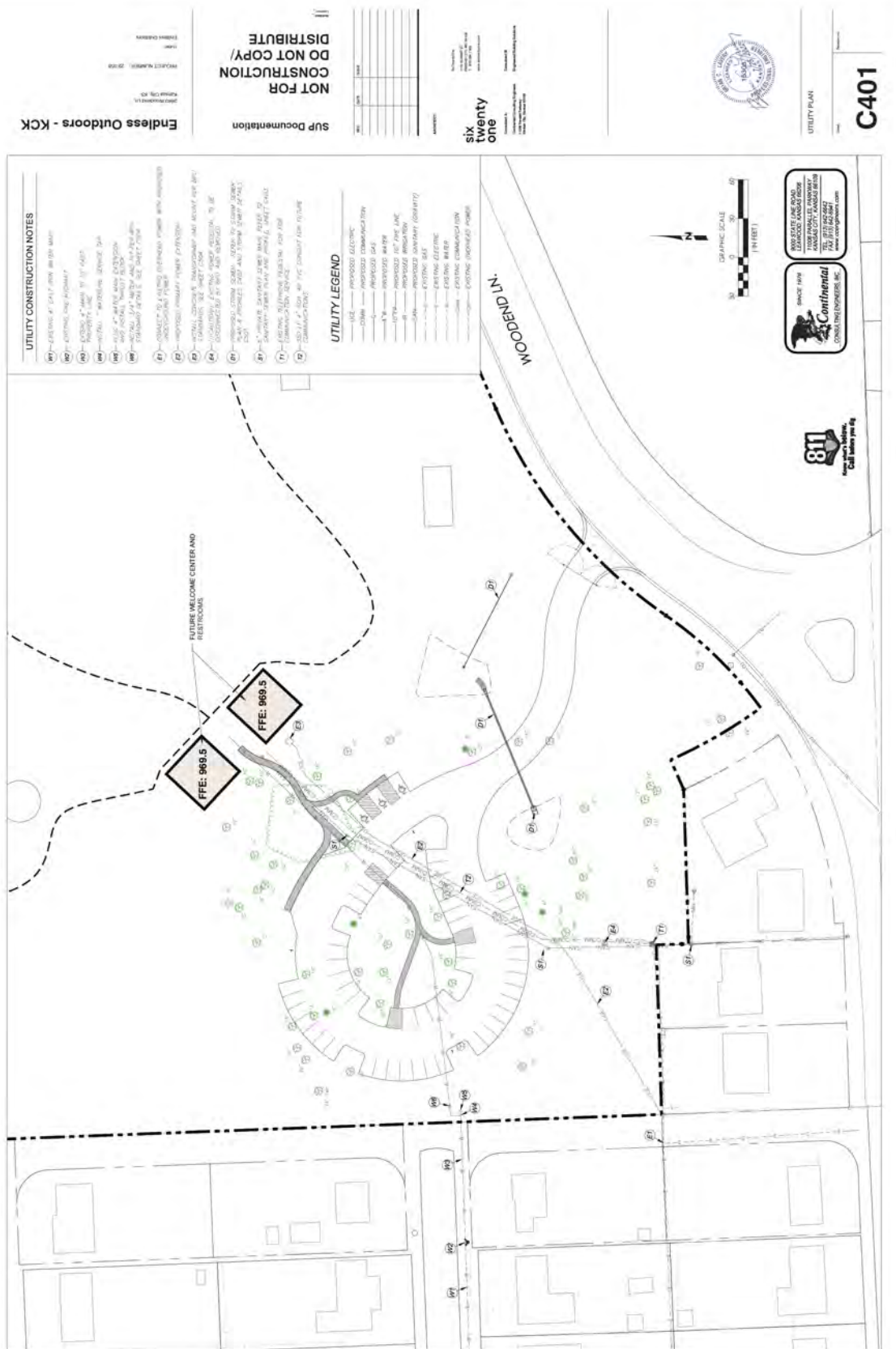




Figure 4. Site Photograph looking northeast at 2640 Woodend Lane (provided by Planning Staff).



Figure 5. Site Photograph looking northeast at 2640 Woodend Lane (provided by Planning Staff).



Figure 6. Site Photograph from Glenrose Lane looking northwest at 2640 Woodend Lane (provided by Planning Staff).



Figure 7. Site Photograph looking west at 2640 Woodend Lane (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: August 25, 2022

Re: **Petition COZ2022-023, SP2022-073, PR2022-024 and Master Plan Amendment MPL2022-014**

GENERAL INFORMATION

Applicant:

Curtis Petersen

Status of Applicant:

Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Action:

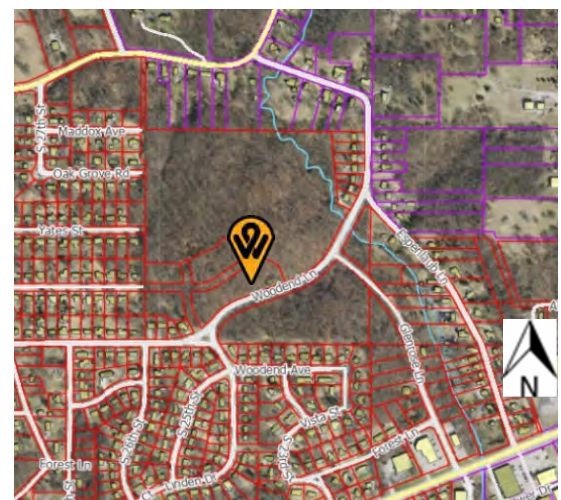
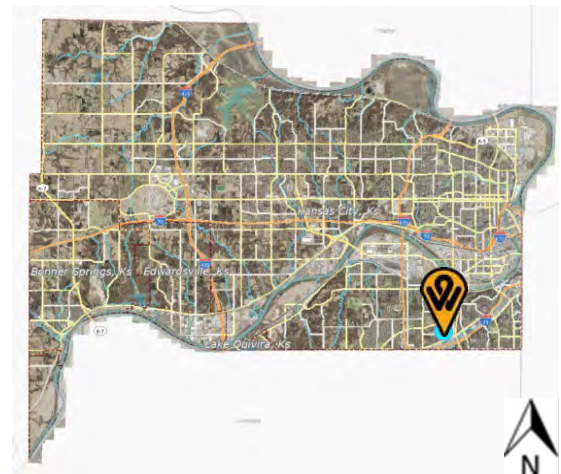
To approve a Master Plan Amendment from Low Density Residential to Rural Density Residential (City-Wide Master Plan).

To approve a Change of Zone from RP-5 Planned Apartment and R-1 Single Family Districts to A-G Agriculture District to operate a private facility for recreation (outdoor youth experience with nature trails and walks).

To approve a Special Use Permit for a private facility for recreation (outdoor youth experience with nature trails and walks).

Approval of a Final Development Plan for private facility for recreation (outdoor youth experience with nature trails and walks).

Date of Application: June 24, 2022



Purpose:	To rezone, develop and operate a private facility for recreation (outdoor youth experience with nature trail and walks.
Property Location:	2640 Woodend Lane, 2711 South 25 th Street, 2441 Hagemann Street, 2520 Hagemann Street, and 2521 Hagemann Street.
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #6 Commissioner: Angela Markley
Existing Zoning:	RP-5 Planned Apartment and R-1 Single Family Districts
Adjacent Zoning:	North: R-1 Single Family and RP-5 Planned Apartment Districts South: R-1 Single Family and RP-5 Planned Apartment Districts District East: RP-5 Planned Apartment District West: R-1 Single Family District
Adjacent Uses:	North: Single family homes South: Single family homes East: Single family homes West: Single family homes
Total Tract Size:	26.46 Acres
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates the property as Low Density Residential, which allow single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, parks, and open space. A Master Plan Amendment has been submitted to Rural Density Residential, which allows agriculture, ranches, large-lot single-family detached residences, passive parks, and open space.
Major Street Plan:	The Major Street Plan classifies Woodend Lane as a Collector Street.

Required Parking:	Sec. 27-452(e) states two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. Sec. 27-668(b) states any use not included in the parking requirements found in this article a parking requirement by the Planning Commission. The applicant is proposing fifty-six (56) parking spaces.
Advertisement:	<u>Wyandotte Echo</u> – Change of Zone – July 14, 2022; Special Use Permit – July 14, 2022; Master Plan Amendment – July 14, 2022 Property Owners Letters – Change of Zone – July 14, 2022; Special Use Permit – July 14, 2022; Preliminary and Final Plat – July 14, 2022; Preliminary and Final Plan Review – July 14, 2022; Master Plan Amendment – July 14, 2022
Public Hearings:	August 8, 2022 and August 25, 2022
Public Support:	Two (2) people appeared at the August 8, 2022 City Planning Commission meeting.
Public Opposition:	One (1) person appeared at the August 8, 2022 City Planning Commission meeting with questions.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, requests to rezone the property from RP-5 Planned Apartment and R-1 Single Family Districts to A-G Agriculture District, amend the City-Wide Master Plan from Low Density Residential to Rural Density Residential, obtain a Special Use Permit for a private facility for recreation, a Preliminary and Final Plat to create one (1) lot and a Preliminary and Final Development Plan to build nature trails, walks, a Welcome Center and ancillary buildings throughout the parcel associated with the development and maintenance of the property located on 26.46 acres at 2640 Woodend Lane.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article XXI Sections 27-502 – 27-709 and Article XXII Section 27-213

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. 20208-00422 – April 9, 2020 – complaint about vehicles and trespassing (Closed).

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is unique because it is largely residential in nature, with an established single-family neighborhood (traditional ¼ acre lots) to the west and larger single family lots along Espenlaub Drive and Shawnee Drive. The subject properties are large parcels, heavily wooded, rural in character as Woodend Lane winds from Espenlaub Lane to Woodend Avenue.

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

The zoning and their uses are set out above. The proposed use is relatively compatible with a majority of the existing uses due to its passive characteristics. The parking lot is small and must be shielded from the residences to the south and west.

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

Removal of the restrictions will not detrimentally affect nearby property as the properties along the north and portions of the east property line are single-family residences as well, which lends itself to abut a passive, low intensity private facility for recreation – specifically outdoor youth experience with nature trails and walks.

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

Given the heavily wooded parcels, it does not appear that this property has ever been developed.

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

The proposed use is reasonably necessary for the welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property because the proposed use will bolster outdoor activities and programming for children in the Kansas City metro area.

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

The proposed use will increase traffic but not in ways that will adversely affect road capacity and safety because Woodend Lane is accessible by Woodend Avenue via South 34th Street and Espenlaub Drive via Merriam Lane.

The proposed use will increase parking demand, although there is a parking lot/loop being proposed in the southwest corner of the site that will serve employees and guests.

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

While Special Use Permits are not addressed in the Master Plan, Staff believes the proposed use is a park-like, campground setting and the property itself is rural in nature. Therefore, amending the Master Plan to Rural Density Residential is appropriate.

This land use designation allows agriculture, ranches, large-lot single-family detached residences, passive parks, and open space, which better aligns with the character of the neighborhood.

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

The proposed use will not cause environmental harm as trees are being planted around the parking lot and entrance, and existing tree stands will be preserved throughout the parcel with the exception of creating the nature and walking trails.

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

a. *Water service*

Water service is provided by BPU.

b. Sanitary sewer service

Sanitary sewer service is provided by the UG.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by South Patrol, District #331.

e. Fire

Fire service is provided by Fire Station #7 located at South 28th Street and Strong Avenue.

f. Transit

Kansas City ATA does not provide transit service near this area.

g. Schools

Public education is provided by Kansas City Kansas USD 500.

h. Streets

To be designed to meet Public Works standards.

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

The proposed use will have a minimal economic impact on the community due to the size of the property and its proposed uses.

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

The proposed uses are capable of meeting applicable ordinance requirements with revisions.

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

The proposed use will increase traffic to the property as the site is currently

vacant. A Traffic Impact Study has been received and is under review by Planning Engineering and Public Works Department. Additional comments may be forthcoming separate from this report.

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

The noise and illumination that is normally associated with the proposed use will be of such duration and intensity as not to create problems for near-by property because the private outdoor recreation facility will close at dusk during the week. The general noise will be from vehicles entering and exiting the site and children's voices heard in the wooded areas.

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

The proposed use will not pollute the water because the sanitary waste will be connected to the Unified Government sanitary sewer system.

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

The proposed use will not damage or destroy an irreplaceable natural resource as the majority of the property will remain wooded and undisturbed.

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

The relative gain to the public health as compared to the hardship imposed on the landowners will be substantial because this site will allow children/youth in the Kansas City metro area to become campers with Endless Outdoors, letting them experience the outdoors in a safe and secure environment.

17. Whether the proposed would result in overcrowding of land or cause undue concentrations of population.

The proposed use will not result in overcrowding of land or cause undue concentrations of population because the site is sparsely developed and there is enough parking on site to accommodate employees and guests.

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

Future development will need an erosion control plan and should follow Best Management Practices for erosion control. The applicant has provided

documentation regarding grading, erosion control, and stormwater runoff management.

There will need to be continuous maintenance through the property by clearing brush and debris to minimize fire hazards.

19. Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

There will be additional traffic due to the on-site development. The entry/exit access point(s) to the property from the public right-of-way must be designed in a manner that reduces potential traffic issues such as backups and crashes due to the triangular intersection.

20. Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

Buildings, lots, blocks, parcels, and streets will be arranged so as to afford adequate light, open space, or air to facilitate protection, and to provide for long-term sustained real estate values provided proper berming, fencing and screening is constructed and continuously maintained.

21. Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.

The submitted site plan shows a vast majority of the subject property being paved over, with little regard for the existing terrain. While the applicant has submitted site and grading plans, they do not demonstrate development patterns designed with due regard to topography so that the natural features of the land and vegetation shall be protected and enhanced.

22. Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.

This is a private development that will build nature trails and walks that will not be accessible to the general public. However, if at some point, this property is sold or given to the Unified Government – long term, this property is an excellent location for a passive park.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom and in-person at Eagles Club (4726 Merriam Drive, Shawnee, KS 66203) on July 21, 2022 at 6:00 PM. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Parking
Landscaping and Screening/Buffering
Lighting
Noise
Site Ingress and Egress

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Master Plan Amendment **MPL2022-014**, Change of Zone Application **COZ2022-023**, Special Use Permit Application **SP2022-073** and Preliminary and Final Plan Review **PR2022-024**, subject to:

1. When the mylars are submitted to Planning Staff to be recorded, submit the following fees:
 - a. \$32.00 per page payable to the Register of Deeds; and,
 - b. \$7.00 per lot payable to the Unified Treasurer;
2. Per the Sidewalk and Trails Master Plan, Shawnee Avenue is designated as Local Trail, but no sidewalk construction is required at this time;
3. Cottonwood Creek must be preserved and may not be altered;
4. Hours of operation will be seasonal, generally from dawn to dusk;
5. Space for private events (hosting) is not permitted. A Special Use Permit for an event space is required at such time;
6. The Welcome Center and pavilions shall be constructed in manner that is harmonious with the wooded, rural-like character of the property and use complementary materials;
7. A building permit is required following this entitlement for the property. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or EDR@wycokck.org.
 - a. Shall comply with the International Building Code;
8. Following municipal trash service curbside pick-up, trash bins shall be kept in the building or within a screened enclosure and hidden from public view;
9. A Knox Box shall be installed to provide emergency access to the site;
10. The residences south, west, and north of the parking loop must be

- screened from headlights shining onto their property from vehicles maneuvering in the parking lot;
11. Plant trees on top and around the detention basins. Shall be replanted to transition back into the wooded area;
 12. After the temporary irrigation is removed to establish groundcover and proposed trees, a watering plan needs to be provided during building permitting/DRC to ensure the trees and shrubs continue to grow;
 13. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be three (3) gallons when planted;
 14. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
 15. All lighting, whether installed in the parking lot or on any building within the three (3) phases shall have 90-degree cutoff fixtures. No wall pack lights or flood lights;
 16. Utility conduits and connections must be painted to match the building(s);
 17. If applicable, all BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
 18. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 19. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office. They are located at 4953 State Avenue, Kansas City, KS 66102. Their number is (913) 573-8780;
 20. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 21. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can

- be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
22. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 23. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 24. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 25. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and;
 27. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Departments (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into

effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners makes the findings contained within the staff report to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-023, SP2022-073, PR2022-024, and MPL2022-014** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 8, 2022 City Planning Commission Minutes
Aerial Map Zoning Map
City-Wide Master Plan Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Final Plat
Site Master Plan
Phasing Diagram
Site Plan
Grading Plan
Utility Plan
Landscape Plan
Lighting Plan
Site Photographs taken by Planning Staff on July 12, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing Rezoning	August 8, 2022 Approval	August 25, 2022
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing Special Use	August 8, 2022 Approval	August 25, 2022
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing Preliminary and Final Plat	August 8, 2022 Approved	TBD
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing P & F Plan	August 8, 2022 Approval	Not Required

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	August 8, 2022	August 25, 2022
Master Plan	Approval	

STAFF CONTACT: Byron Toy, AICP

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-014** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-014** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-023** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-023** as it is not in compliance with the City Ordinances and as it will not promote the

public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-073** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-073** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Plan Review Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-024** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2022-024** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 8, 2022 City Planning Commission Minutes:

Hearing starts at 57:00:

MASTER PLAN AMENDMENT MPL2022-014 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Rural Density Residential (City-Wide Master Plan) at 2640 Woodend Lane.

CHANGE OF ZONE APPLICATION COZ2022-023 – CURTIS PETERSEN WITH POLSINELLI PC - SYNOPSIS: Change of Zone from RP-5 Planned Apartment District to A-G Agriculture District to construct Endless Outdoors Nature Experience at 2640 Woodend Lane.

SPECIAL USE PERMIT APPLICATION SP2022-073 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS: Special Use Permit to develop and operate a youth outdoor nature experience facility with trails, camping and shelters at 2640 Woodend Lane.

PLAT2022-021 – ENDLESS OUTDOORS – SYNOPSIS: Preliminary and Final Plat for one (1) lot at 2640 Woodend Lane.

PLAN REVIEW APPLICATION PR2022-024 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS: Preliminary and Final Plan Review for Endless Outdoors Nature Experience at 2640 Woodend Lane.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, requests to rezone the property from RP-5 Planned Apartment and R-1 Single Family Districts to A-G Agriculture District, amend the City-Wide Master Plan from Low Density Residential to Rural Density Residential, obtain a Special Use Permit for a private facility for recreation, a Preliminary and Final Plat to create one (1) lot and a Preliminary and Final Development Plan to build nature trails, walks, a Welcome Center and ancillary buildings throughout the parcel associated with the development and maintenance of the property located on 26.46 acres at 2640 Woodend Lane.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 8, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Curtis Petersen, applicant, Polsinelli PC, 900 West 48th Place, Kansas City, Missouri
- Cecelia Robb, 2824 Glenrose Lane, Kansas City, Kansas 66106
- George Higgins, 2540 Espenlaub Lane, Kansas City, Kansas 66106

Present in Opposition/Questions:

- Julia Finley, 2625 Hageman, Kansas City, Kansas 66106

Staff Recommendation starts at 1:11:25: Planner Toy asked if there will be a gate across the front entrance? Mr. Petersen stated yes, with a lock box. At the end of the day, it will be locked so no one can come onto the property. Mr. Toy stated that this is a project that staff has not seen before with a private investor developing a site with nature trails and youth camp setting. Staff recommends approval, subject to the conditions in the staff report.

Motion starts at 1:22:23:

On motion by Mrs. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2022-014:**

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

Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to:

1. When the mylars are submitted to Planning Staff to be recorded, submit the following fees:
 - a. \$32.00 per page payable to the Register of Deeds; and,
 - b. \$7.00 per lot payable to the Unified Treasurer;
2. Per the Sidewalk and Trails Master Plan, Shawnee Avenue is designated as Local Trail, but no sidewalk construction is required at this time;
3. Cottonwood Creek must be preserved and may not be altered;
4. Hours of operation will be seasonal, generally from dawn to dusk;
5. Space for private events (hosting) is not permitted. A Special Use Permit for an event space is required at such time;

6. The Welcome Center and pavilions shall be constructed in manner that is harmonious with the wooded, rural-like character of the property and use complementary materials;
7. A building permit is required following this entitlement for the property. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or EDR@wycokck.org.
 - a. Shall comply with the International Building Code;
8. Following municipal trash service curbside pick-up, trash bins shall be kept in the building or within a screened enclosure and hidden from public view;
9. A Knox Box shall be installed to provide emergency access to the site;
10. The residences south, west, and north of the parking loop must be screened from headlights shining onto their property from vehicles maneuvering in the parking lot;
11. Plant trees on top and around the detention basins. Shall be replanted to transition back into the wooded area;
12. After the temporary irrigation is removed to establish groundcover and proposed trees, a watering plan needs to be provided during building permitting/DRC to ensure the trees and shrubs continue to grow;
13. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be three (3) gallons when planted;
14. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
15. All lighting, whether installed in the parking lot or on any building within the three (3) phases shall have 90-degree cutoff fixtures. No wall pack lights or flood lights;
16. Utility conduits and connections must be painted to match the building(s);
17. If applicable, all BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
18. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
19. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office.

- They are located at 4953 State Avenue, Kansas City, KS 66102. Their number is (913) 573-8780;
20. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 21. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 22. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 23. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 24. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 25. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the

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

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

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

023:

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

Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to the above conditions.

On motion by Mrs. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-**

073:

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

Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to the above conditions.

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **APPROVE of PLAT2022-021:**

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

Motion to **APPROVE** Passed: 7 to 0
Subject to the above conditions.

On motion by Mrs. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2022-024:**

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

Motion to recommend **APPROVAL** Passed: 7 to 0
Subject to the above conditions.

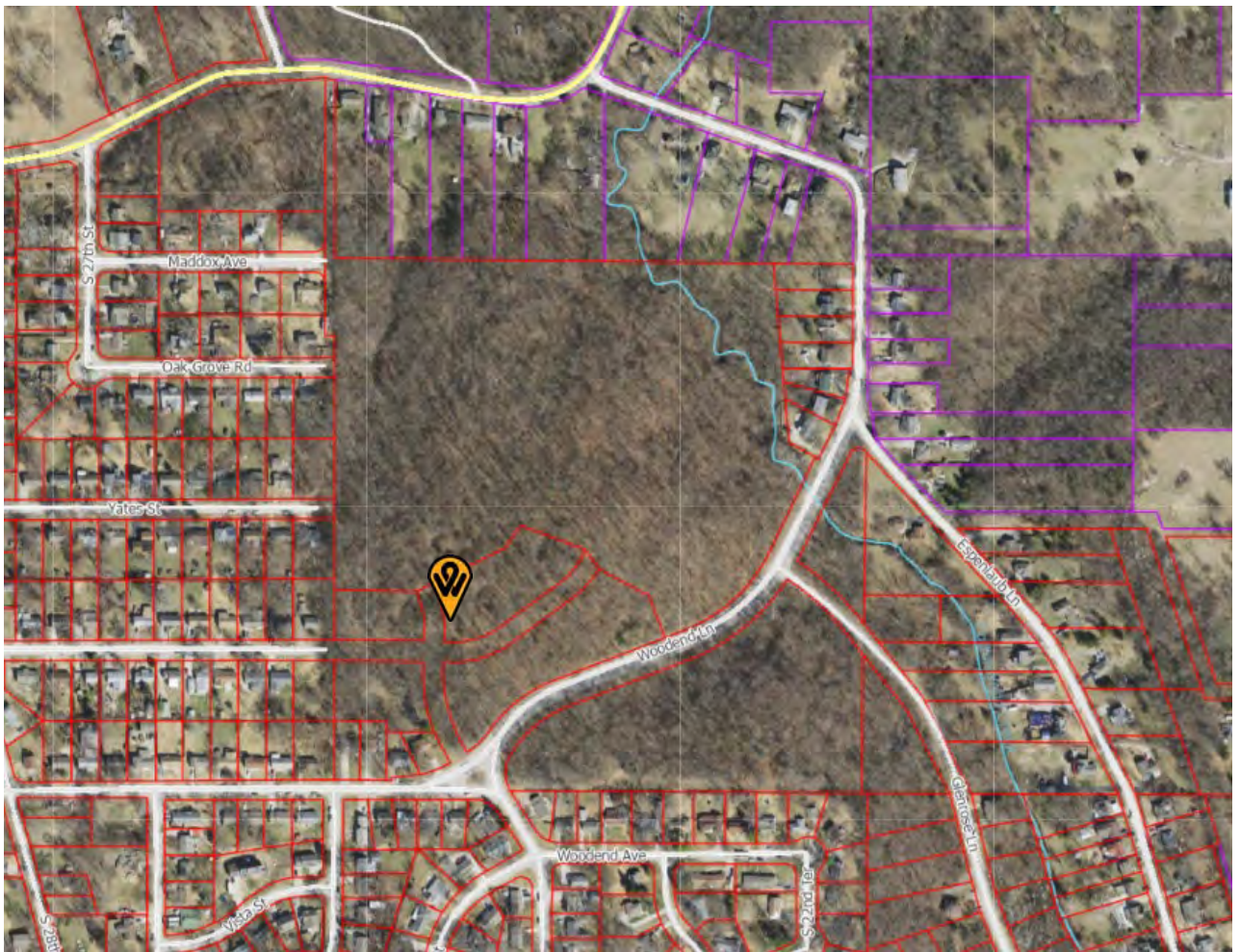


Figure 1. Aerial Photograph of 2640 Woodend Lane (provided by UG Maps).

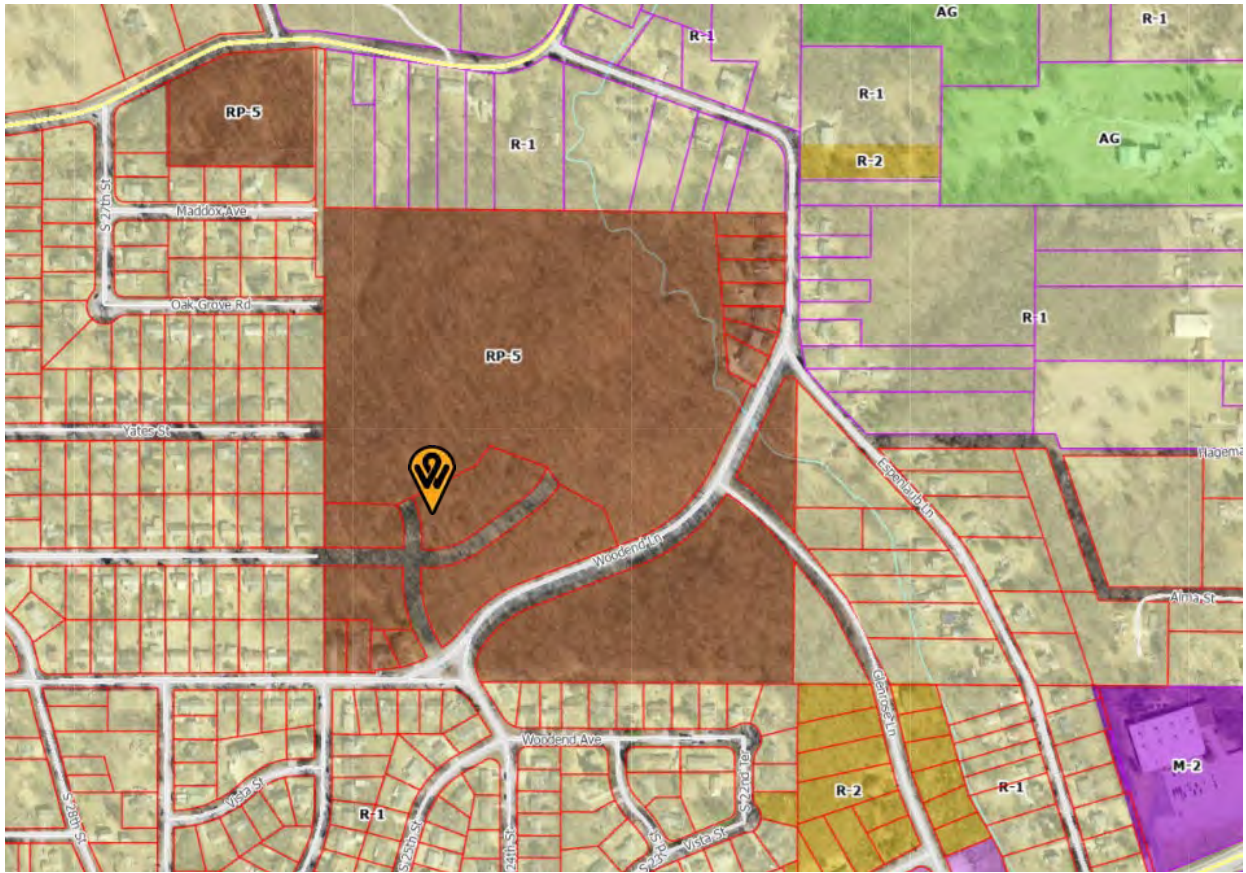


Figure 2. Zoning Map of 2640 Woodend Lane (provided by UG Maps).

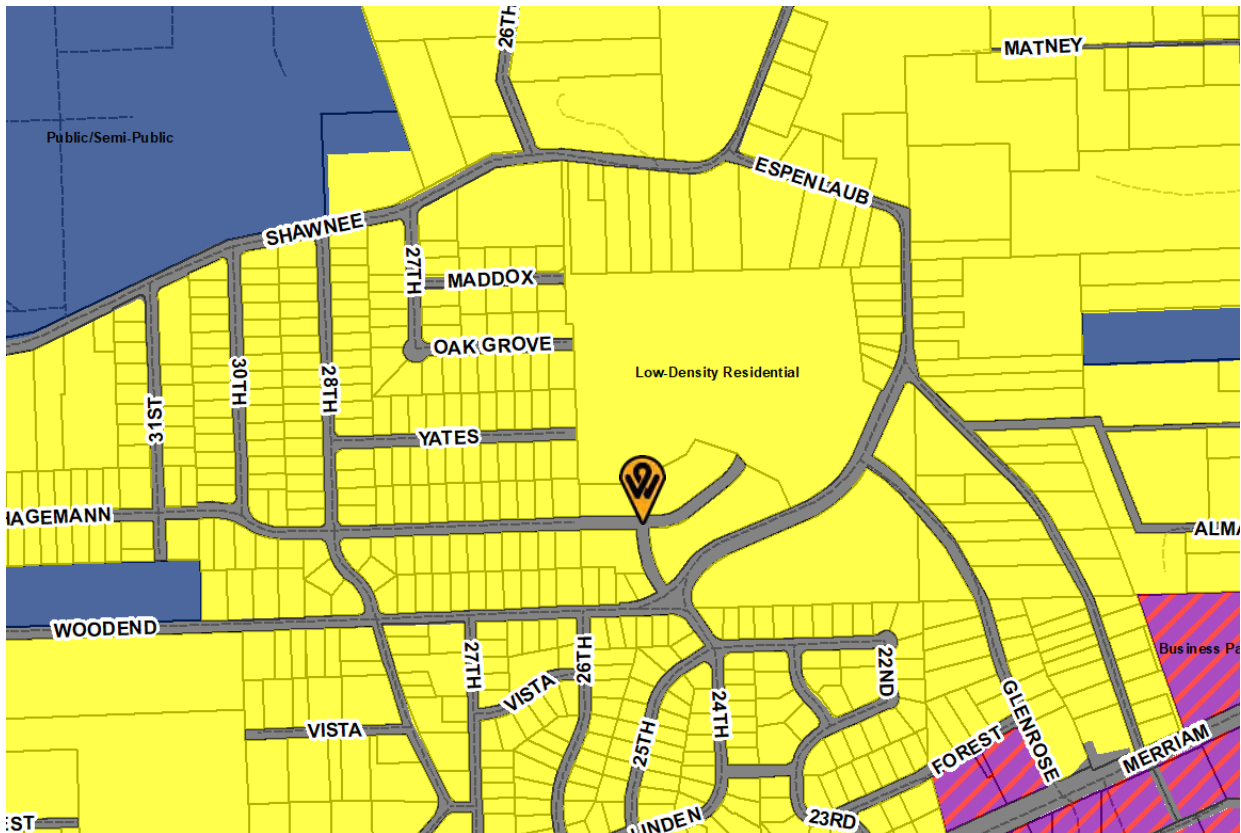


Figure 3. City-Wide Master Plan Land Use Map (provided by ArcMap).

Planning and Urban Design Comments

General Planning

1. Per the Sidewalk and Trails Master Plan, Shawnee Avenue is designated as Local Trail, but no sidewalk construction is required at this time. **Acknowledged.**
2. The remaining flagpole extension of the lot accessing Shawnee Avenue, will this portion of land be deeded as tracts to the property owners in Wyandotte Gardens Annex? **The Developer plans to have conversations with adjacent property owners regarding conveyance of this land once zoning entitlements are approved and property is purchased by Developer. Per conversations with the developer and county surveyor, the plat has been updated to reflect these additional tracts.**
3. Cottonwood Creek must be preserved and may not be altered. **Acknowledged.**
4. Restroom facilities will be required as part of the first phase. Provide plans depicting how this will be accomplished. **Permanent restrooms will be constructed with the proposed Welcome Center during Phase 2 of development (Winter 22'-23'). The developer plans to operate with limited group sizes and no regular programming during initial phases. During these initial phases, there will be a shared use of construction site temporary restroom facilities. It is anticipated that the Welcome Center and restrooms will be fully operational by May 2023. We are working to schedule a meeting with UG Planning Staff to further discuss this in detail.**
5. For the large pavilion that can accommodate gatherings up to 100 people, will the site host private events, such as an event space? Additionally, with only fifty-six (56) parking spaces in the parking lot, where will the excess vehicles park?
The max expected capacity of 100 reflects primarily youth program participants, in addition to staff and parents who choose to stay on site during programming. We believe the 56 spots provide ample parking and additional buffer for the staff and parents who stay and park. We do not plan to offer the space for private events of this scale.
6. A building permit is required following this entitlement for the property. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or EDR@wycokck.org.
Understood, a building permit will be obtained from the Building Inspections Department prior to construction.
7. How will trash be disposed of on the property if the gate is closed? The site plan does not depict trash enclosures at the east or west ends of the bridge.
The proposed development will create minimal waste and utilize the city's trash service with trash bins being set at the curb every week. There is no bridge proposed with this development.
8. If the gate will be locked, how will KCKFD gain access to the property? **A Knox Box will be installed to provide emergency access to the site. The site plan has been revised to indicate the proposed Knox Box.**

9. If approved, the applicant may need additional licenses or permits for safe and proper operation (i.e., Wyandotte County Health Department and/or KDHE). The approval of this application does not mitigate the need for additional licenses as this application is for zoning approval only.
Acknowledged.
10. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office. Their number is (913) 5738780. **Acknowledged.**
11. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.
A land disturbance permit will be obtained from both the Unified Government and KDHE prior to the commencement of any grading operations.
12. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
A right-of-way permit will be obtained from the Public Works Department for construction of the driveway connection to Woodend Lane.
13. All existing and future driveways must feature curb cuts that are constructed to UG standards.
All construction within the right-of-way will meet UG public standards.
14. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
Developer would like to discuss this comment further with planning staff.
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations. **Acknowledged.**

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

Building Architecture:

1. Provide color building elevations of the proposed small and large pavilions and the Welcome Center.
Since this is not a part of the initial phase of construction, these elevations have not been developed and cannot be provided at this time. Exterior elevations of the buildings will be developed for approval prior to any construction taking place on site during Phase 2 of the development. We are working to schedule a meeting with UG Planning to further discuss this in detail.
2. Submit a material palette of the proposed exterior building materials.
See response above.

Landscaping and Screening:

1. The residences south, west, and north of the parking loop must be screened from headlights shining onto their property from vehicles maneuvering in the parking lot.
Shrubs will be planted along the west and south edges of the proposed parking lot where existing vegetation does not provide adequate screening from headlights.
2. Plant trees on top and around the detention basins. Shall be replanted to transition back into the wooded area.
Existing vegetation will be preserved around the proposed detention basins. Clearing limits will be established and caution will be taken to preserve existing trees.
3. All landscaping must be irrigated.
Temporary irrigation will be used to establish new groundcover and proposed trees.
4. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be three (3) gallons when planted. **Acknowledged.**
5. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction. **Acknowledged.**
6. All lighting, whether installed in the parking lot or on any building within the three (3) phases shall have 90-degree cutoff fixtures. No wall pack lights or flood lights. **Acknowledged.**

7. Utility conduits and connections must be painted to match the bridge.

There is no bridge proposed with this project.

8. If applicable, all BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary.

Although a transformer pad is proposed with this plan, a transformer will not be set in the first phase of development. When a transformer is installed as part of future development, junipers will be planted for screening.

Signage:

1. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 5735750 or signpermits@wycokck.org to begin this process.

Understood, no sign will be constructed or installed prior to obtaining a sign permit from the UG.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval:
 - 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments. See engineering comment responses above.
(See General Engineering Review Comment Responses Above)
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

GEOSPATIAL SERVICES 7/11/2022 (Responses and revisions to Robert Ringel on 7/20/22)

1) Ownership

The owner of record is different than ownership shown on plat. **The property transaction between Silverlake Properties, LLC and Endless Outdoors, Inc. will happen before this plat will be recorded.**

2) Taxes

There are taxes due on all five parcels. **Not a survey item. Owner or owner representative to address.**

3) Legal Description

Remove Lots 6 & 7, Block 4, from the beginning of the legal description. **Revised per comment.**

4) Lot 1 is not shown on the plat drawing. **Revised per comment.**

5) Vacated Streets

Notate that streets are being vacated by plat, and remove that they are public r/w. **Revised per comment.**

Note that Yates Street is vacated and remove public r/w note. **Revised per comment.**

6) Dark Lines

Remove dark lines between the different areas of Lot 1. **Revised per comment.**

7) Corner Dots

The symbol being used for set rebars appears to indicate the beginning and end of bearings.

The symbols for set/found rebars, as they apply, indicate the beginning and end of courses and distances.

COUNTY SURVEYOR 7/12/2022 (Responses and revisions to Brent Thompson on 7/20/22)

- Lot 6 & 7 Block 4 are called out in the description but are not within the plat boundary. Please fix accordingly. **Revised per comment.**
- Need to label LOT 1 of the plat. **Revised per comment.**
- You call out vacated Hagemann Circle and vacated 25th street in the description, are these streets already vacated? If so, please list the ordinance. If they're not vacated but are going to be with this plat the word vacated should be removed. **Revised per comment.**
- Add Chairman after Jeff Carson's name. **Revised per comment.**
- For all streets being vacated with this plat please label as such. **Revised per comment.**
- Is Yates already vacated? It doesn't show up on the UG mapping. **Not sure. No vacation information found. Unless vacation information is provided will show as being vacated with this plat.**
- All lines representing lots, easements etc. that are to be vacated should be faded back and labeled as such. **Revised per comment.**
- All lines that are to remain as easements or being dedicated should be shown darker and labeled. **Revised per comment.**
- There are a couple areas where you show setting two bars that look as if they are going to be offsets, if this is the case, please label the distance of the offset. If not, please only show setting one bar at the corner location. **Revised per comment.**

7/21/2022 – Endless Outdoors Neighborhood Meeting

Attendance:

Nick Christianson, Founder and CEO of Endless Outdoors

Julia Hal, Donor Engagement Manager for Endless Outdoors

Andrew Talking, Continental Engineering

Dan Brown, SixTwentyOne Architecture

Amy Grant, Polsinelli PC

Attendees: approximately nine individuals attended in person and two people by zoom (see sign-in sheet)

The meeting began at 6:00 p.m. Amy Grant provided a brief explanation of the zoning entitlement process, including the types of applications submitted to the City and the upcoming Planning Commission and Board of County Commissioners meeting dates. Nick Christianson provided information about his professional background and the core values of the Endless Outdoors experience.

- Endless Outdoors is a not-for-profit company and this location will be its first “base camp” location.
- Our main goal is to inspire kid to connect with nature while making the camps easy for parent, awesome for kids and family friendly. We want to expose youth to all of the elements of the outdoors so that they are comfortable outside and encourage them to explore nature.
- Rezoning property to the Agriculture District and a Special Use Permit for the use.
- Walked through site plan: Property is approximately 26 acres of land; one access drive from Woodend Lane; location of welcome center/bathroom; location of trails.

QUESTION AND ANSWER

Comment/Question: What age group will attend the camp?

Response: We will have camps for children ages 7-12 and then 13 and older.

Question: Will you have any overnight camps?

Response: Hopefully in the future. We would look at small groups of 25 or fewer people and would hold those in the Spring or Fall when the weather is cooler. The would anticipate activities would end at dusk and “quiet time” would be enforced at 10:00 p.m.

Question: Is there any other camp like this in the area or the country?

Response: No. One of our goals is to be unique and different from other camps. Our goal is to work with families and be flexible so that all children have an opportunity to experience this camp. We will also offer subsidized costs and scholarships for families who may need them.

Question: Have you looked at security for the site?

Response: Yes, we have met with a professional security company and walked-thru the site and are starting to formulate a plan with them. We will have a gate at the access drive to keep vehicles off the property during the hours that the camp is not open. Our goal at this time is to leave the property in its natural state as much as possible so we are not proposing a boundary fence at this time. We do plan to

84430498.1

include multiple posts at the perimeter of the property that will have a sign that says "private property/no trespassing". We will also work with the City to explore safety lighting options.

Question: There are several of us that enjoy the wooded areas adjacent to our back yards. Do you plan to use those areas of land in a way where we could no longer use it?

Response: No. We are having a survey done that will show us where those encroachments exists but do not plan on using those areas for the camp activities.

Comment: What are you planning for overnight security? The property today has quite a bit of activity at night and some vandalism. We would appreciate it if the City would partner with you to help make the area a bit safe with better lighting or other options that will help keep people off of the property in the evenings.

Question: Will you allow the adjacent neighborhood to use the trails?

Response: We are very interested in making that possible but are unable to commit to that at this time. It is a matter of insurance and we will need to visit with our agent about that. We are planning on doing an Open House for the neighborhood once we are ready to open.

Question: Do you have any plans to expand in the future at this site?

Response: No, we only plan to utilize the 26 acres that we are purchasing.

Question: If your company is a non-profit company does that mean it will be tax exempt?

Response: Yes.

Question: How will you help ensure that the immediate community is included in your camp sign-ups?

Response: Our research has found that most of the people who will attend the base camp are located within 10-20 minutes of the site. We also plan to meet with the local Parent/Teacher organizations in the school to make sure families know about the camp and will pass our flyers and do mailing in the immediate neighborhood. We want the camp to be successful and strongly believe that the immediate neighborhood will help make that happen.

Parking: Please show me the location of the parking lot again and how many spaces you will have available? Will some people just drop their kids off and then pick them up when camp is over?

Response: The parking lot provides 56 parking space. We do welcome parent to stay but yes, many of them will drop off and pick up their kids.

Question: What is the next step if this gets approved?

Response: We are working with the City so that we could hold a very small, introductory camp session this fall before actual construction begins. Construction of the access drive, parking lot and welcome center would begin in December if the weather cooperates.

The meeting concluded at 7:00 p.m.

84430498.1

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Jackson)

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

1. That I am the petitioner for Petition #COZ2022-023 and SP2022-073.
2. That I conducted a neighborhood meeting on July 21, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

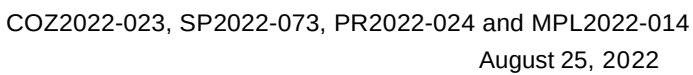

Affiant

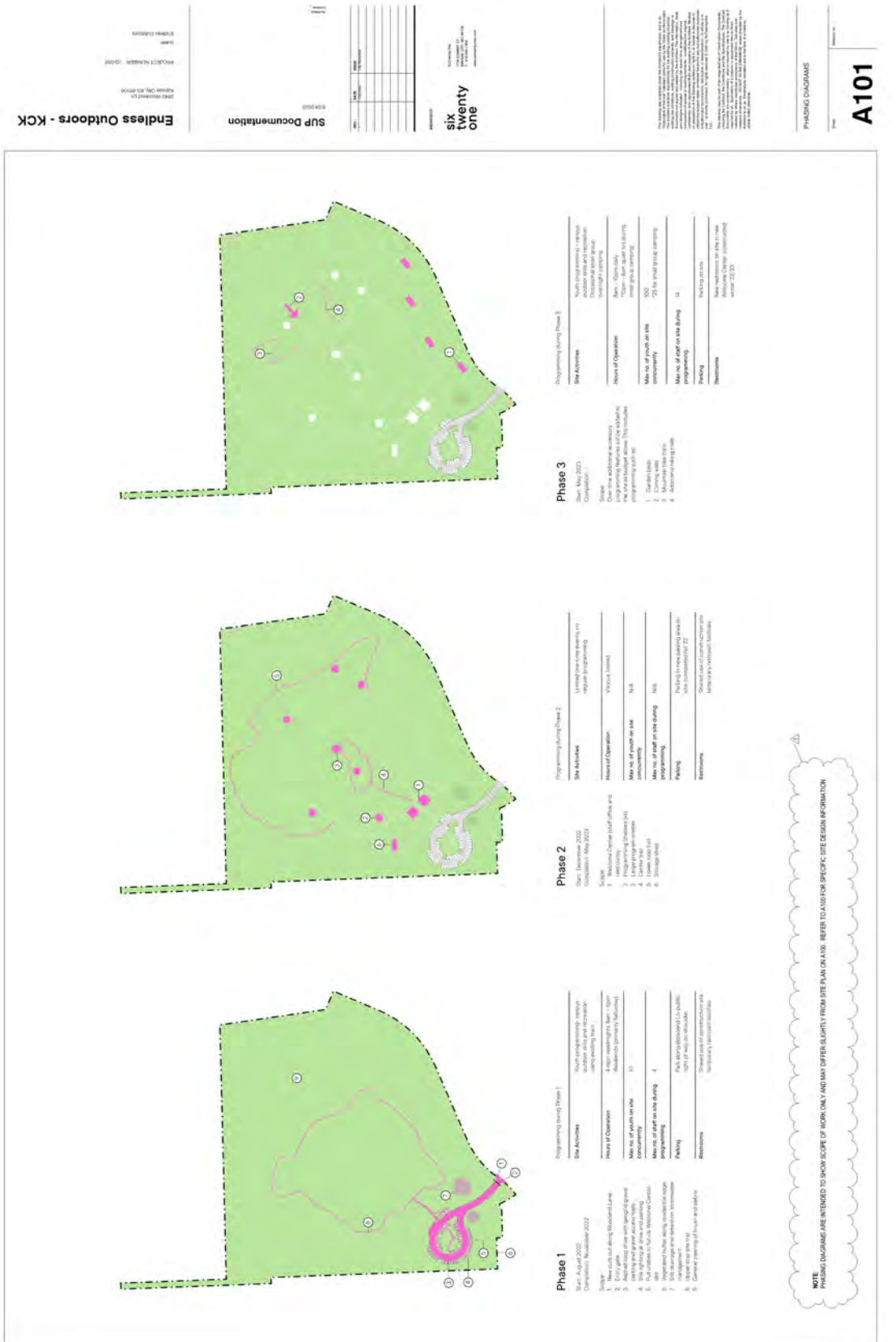
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of July 2022.

My commission expires 21 of January, 2025.

SUSAN L. BREWER
NOTARY PUBLIC-NOTARY SEAL
STATE OF MISSOURI
CLAY COUNTY
COMMISSION EXPIRES 1/21/2025
COMMISSION # 13541740


Notary Public





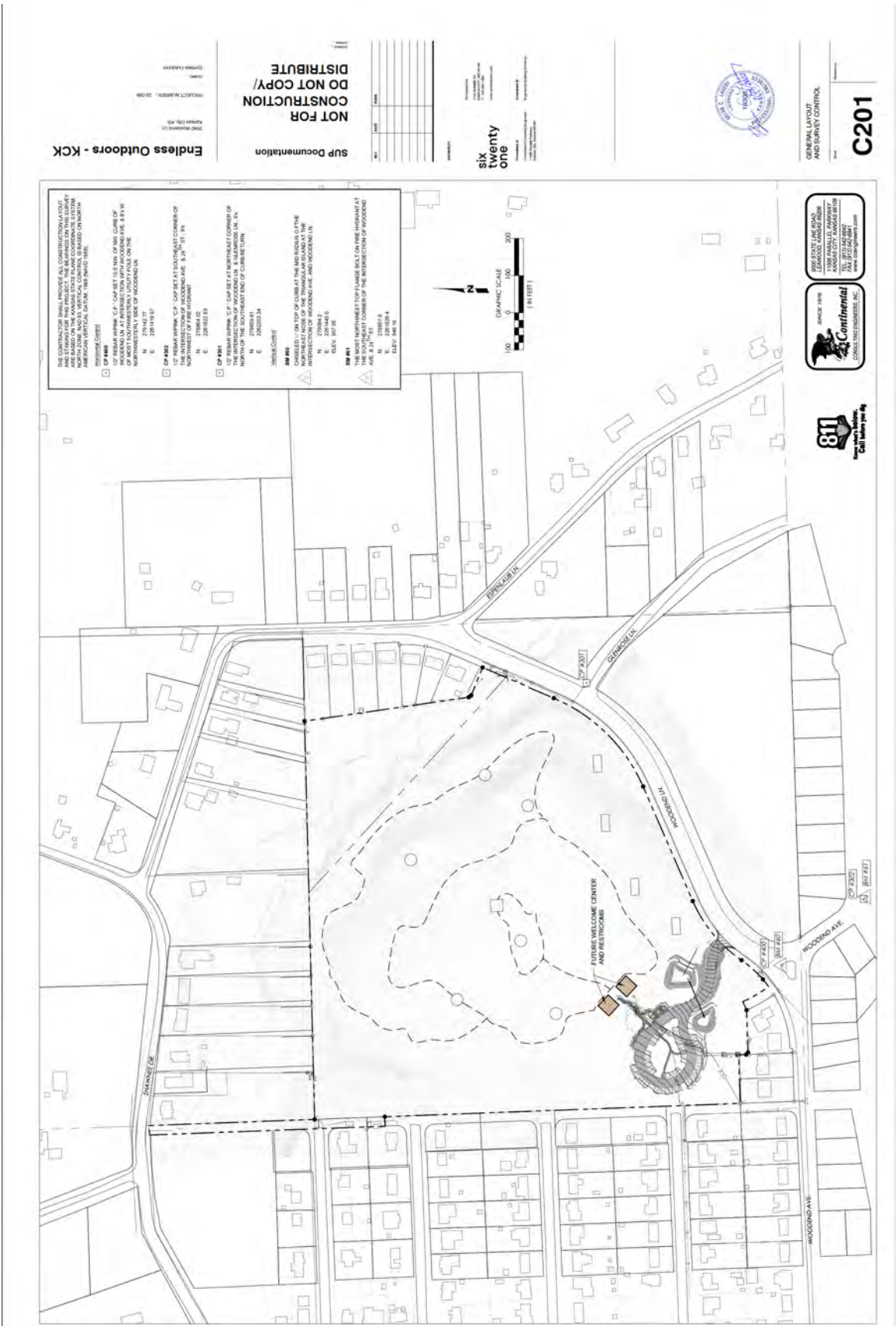
Endless Outdoors - KCK

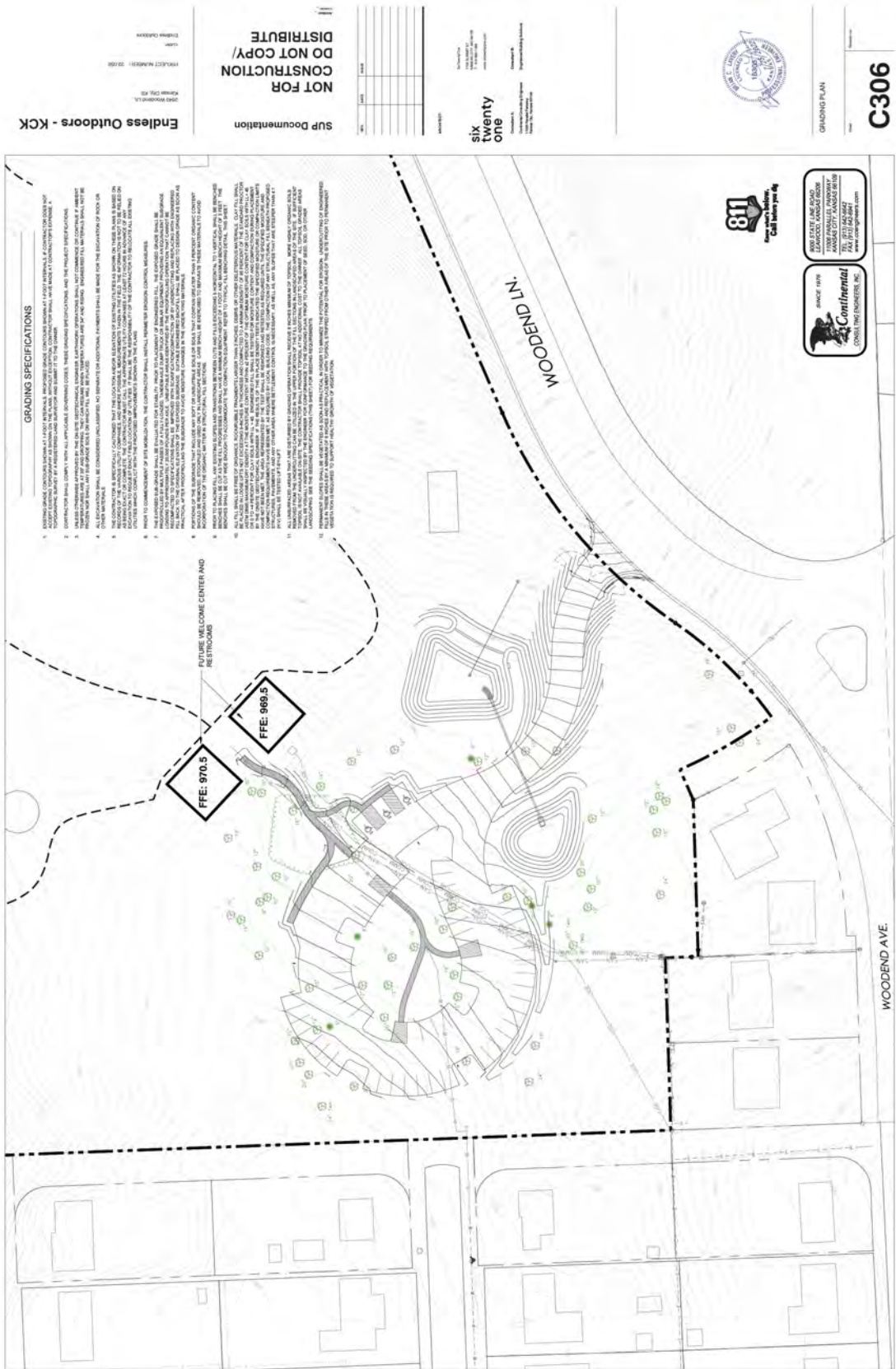
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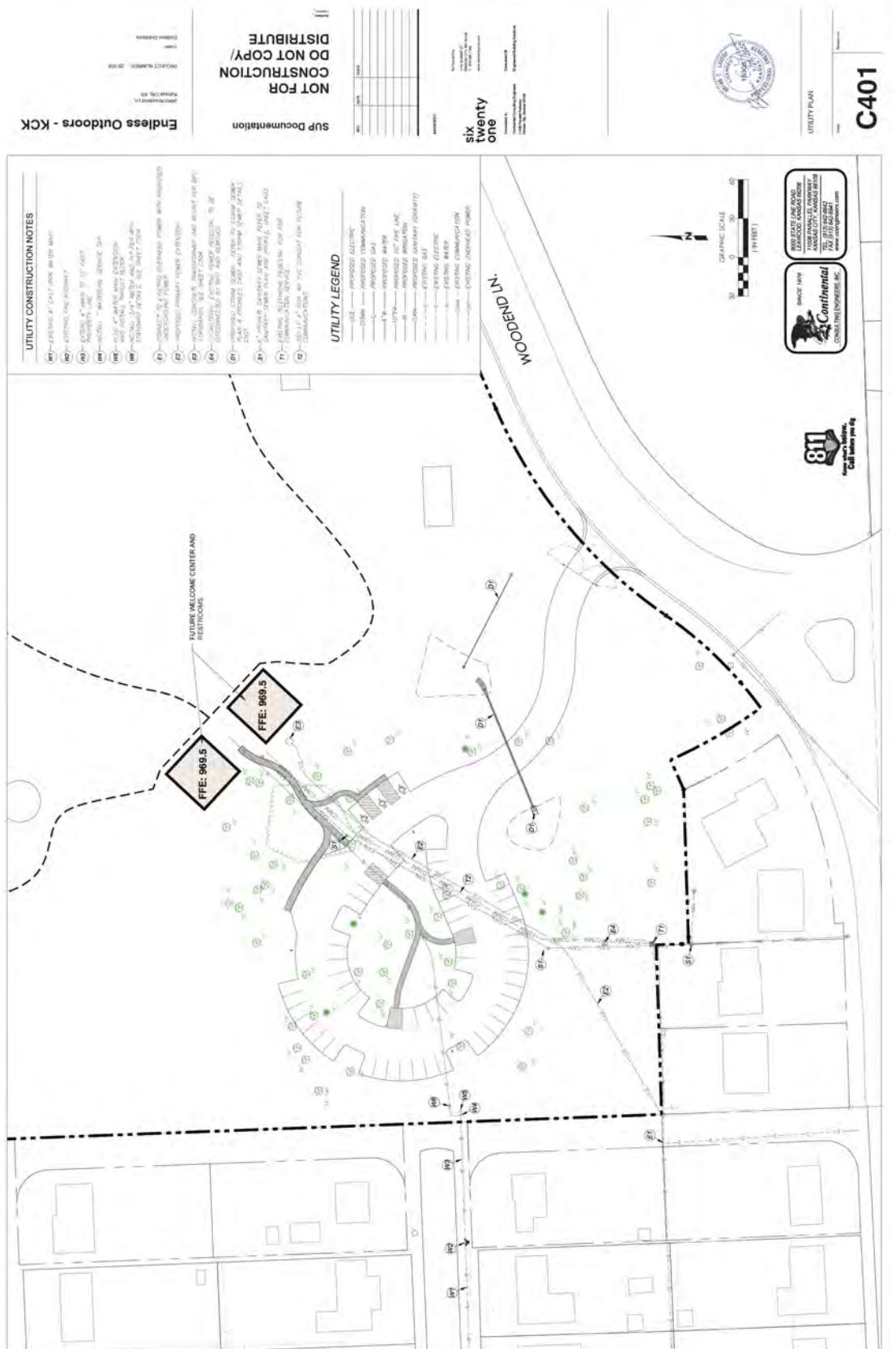
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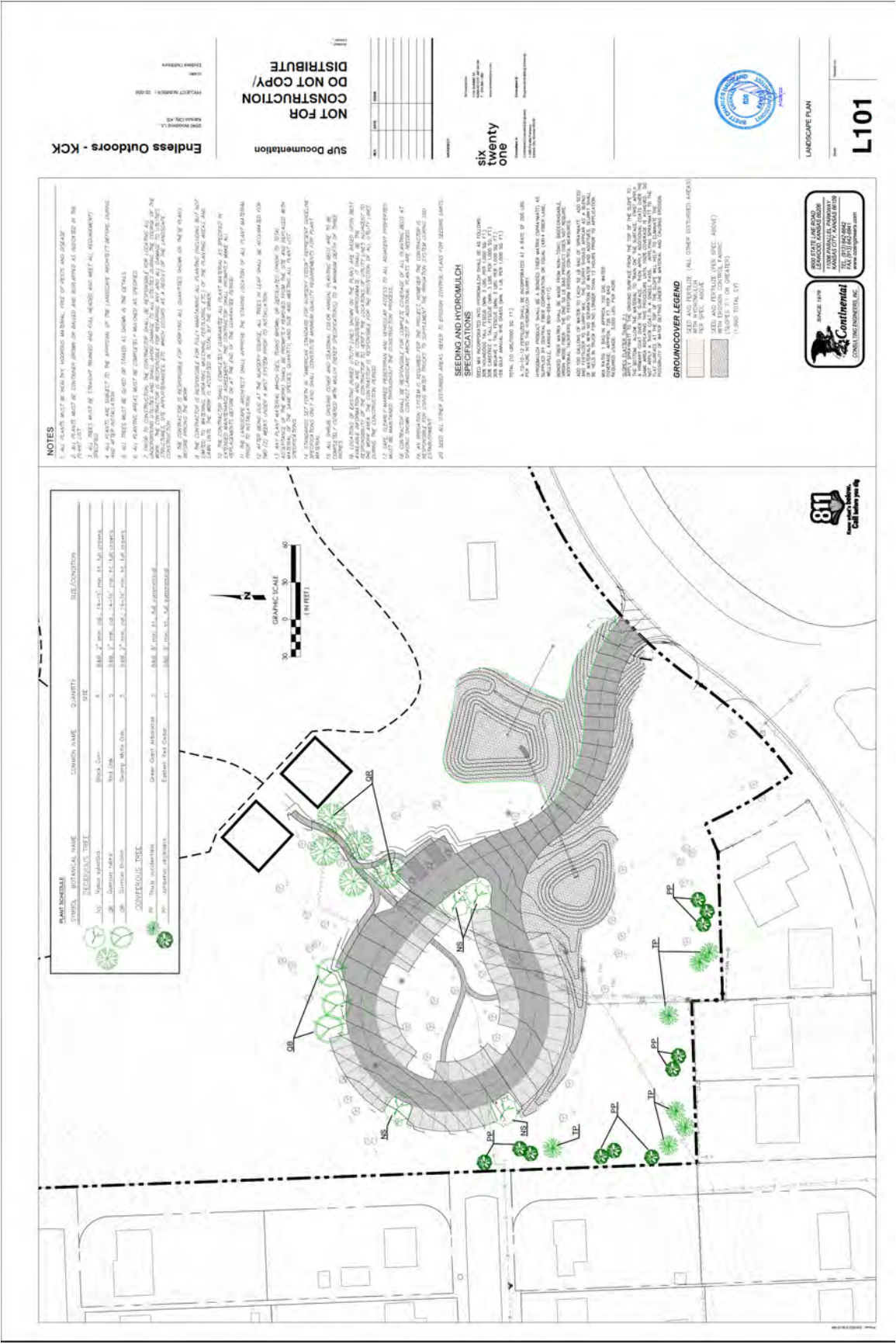




Figure 4. Site Photograph looking northeast at 2640 Woodend Lane (provided by Planning Staff).



Figure 5. Site Photograph looking northeast at 2640 Woodend Lane (provided by Planning Staff).



Figure 6. Site Photograph from Glenrose Lane looking northwest at 2640 Woodend Lane (provided by Planning Staff).



Figure 7. Site Photograph looking west at 2640 Woodend Lane (provided by Planning Staff).

(First published _____)

COZ2022-021

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 3619 Pomeroy Drive, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on March 25, 2022, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to A-G Agriculture District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

Tract 601-1 LYING W OF POMEROY DR: S440 W990 N ½ SW ¼ NE ¼ LS 135 X 322.6 BAL 9AC, Located at approximately 3616 Pomeroy Drive, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to A-G Agriculture District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of

Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2022.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ 3241

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 4732 State Avenue, in Kansas City, Kansas, by changing the same from its present zoning of CP-1 Planned Limited Business District to CP-2 Planned General Business District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on September 24, 2020, by the owners of property to have the zoning of said property changed from its present zoning of CP-1 Planned Limited Business District to CP-2 Planned General Business District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

THE WEST 50 FEET OF LOT 16, AND THE EAST 100 FEET OF LOT 17, COMBS PARK, NOW IN AND A PART OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, AND THE SOUTH 110 FEET OF THE PART OF THE EAST 60 FEET OF LOT 16, COMBS PARK, NOW IN AND A PART OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, LYING NORTH OF THE NORTH LINE OF STATE AVENUE AS NOW ESTABLISHED, Located at approximately 4732 State Avenue, Kansas City, Kansas,

be changed from its present zoning of CP-1 Planned Limited Business District to CP-2 Planned General Business District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-466, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for CP-2 Planned General Business District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2022.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2021-034

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 4136 Springfield, in Kansas City, Kansas, by changing the same from its present zoning of RP-1(B) Planned Single Family District to RP-5 Planned Apartment District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on September 24, 2021, by the owners of property to have the zoning of said property changed from its present zoning of RP-1(B) Planned Single Family District to RP-5 Planned Apartment District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

4136 Springfield St, Kansas City, KS 66103 Parcel #133226. All of Lot 39, BONAVENTURA, and addition in Rosedale now in and a part of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof. Lot 40, Bonaventura, an addition now in and a part of Kansas City, Wyandotte County, Kansas, less the West 5 feet thereof condemned for street purposes, according to the recorded plat thereof. Book Page: 201BR-04022,

be changed from its present zoning of RP-1(B) Planned Single Family District to RP-5 Planned Apartment District., as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-460, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for RP-5 Planned Apartment District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2022.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2022-014

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 4141 Joyce Drive, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on March 25, 2022, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to A-G Agriculture District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

Parcel ID: 917402 - 552C BEG 844FT N SE COR SE1/4; N 1010FT, W 804FT, S7E-519.75FT, S33E-319FT, S57E-147.5FT, S70E-455FT TO POB 10AC M/L, located at approximately 4141 Joyce Drive, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to A-G Agriculture District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2022.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

VAC2022-004

ORDINANCE NO. _____

AN ORDINANCE vacating A Tract of land North of Lot 1, Block S, BOULEVARD PARK, a subdivision of land recorded In Book 11, Page 33, in the Northwest Quarter of Section 33, Township 10 South, Range 25 East of the Sixth Principal Meridian, in the city of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Steven C. Shafer, LS-852, of BHC, CLS 175, by metes and bounds as follows: (Note: For course orientation the bearings in this description are based on the North Line of Lot 1, Block 5, BOULEVARD PARK having a bearing of South 89° 16' 48" West.) Beginning at the Northeast Corner of said Lot 1; Thence South ago 16' 48" West, 113.58 feet, on the North line of said Lot 1, to the Northwest Corner of said Lot 1; Thence North 00° 00' 26" East, 22.50 feet, on the East line of a Reserved Tract of CARLSON'S SUBDIVISION, a subdivision of land recorded in Book 10, Page 36, to the Northeast Corner of said Reserved Tract, monumented by a found 1/2-inch reinforcing rod; Thence North 89° 16' 48" East, 113.58 feet, on the Easterly prolongation of the North line of said Reserved Tract, to its intersection with the West Right-of-Way line of Bethany Street, said intersection monumented by a set cotton gin spindle in asphalt; Thence South 00° 00' 00" East, 22.50 feet, on said West Right-of-Way line, to the POINT OF BEGINNING, said Tract containing 2,555 square feet or 0.0587 acres, located at approximately 2942 North Bethany Street, Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the following described right-of-way in Kansas City, Kansas be and the same is hereby vacated:

A Tract of land North of Lot 1, Block S, BOULEVARD PARK, a subdivision of land recorded In Book 11, Page 33, in the Northwest Quarter of Section 33, Township 10 South, Range 25 East of the Sixth Principal Meridian, in the city of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Steven C. Shafer, LS-852, of BHC, CLS 175, by metes and bounds as follows: (Note: For course orientation the bearings in this description are based on the North Line of Lot

1, Block 5, BOULEVARD PARK having a bearing of South 89° 16' 48" West.) Beginning at the Northeast Corner of said Lot 1; Thence South 89° 16' 48" West, 113.58 feet, on the North line of said Lot 1, to the Northwest Corner of said Lot 1; Thence North 00° 00' 26" East, 22.50 feet, on the East line of a Reserved Tract of CARLSON'S SUBDIVISION, a subdivision of land recorded in Book 10, Page 36, to the Northeast Corner of said Reserved Tract, monumented by a found 1/2-inch reinforcing rod; Thence North 89° 16' 48" East, 113.58 feet, on the Easterly prolongation of the North line of said Reserved Tract, to its intersection with the West Right-of-Way line of Bethany Street, said intersection monumented by a set cotton gin spindle in asphalt; Thence South 00° 00' 00" East, 22.50 feet, on said West Right-of-Way line, to the POINT OF BEGINNING, said Tract containing 2,555 square feet or 0.0587 acres, located at approximately 2942 North Bethany Street, Kansas City, Kansas.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF
_____, 2022

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published_____)

VAC2022-005

ORDINANCE NO. _____

AN ORDINANCE vacating THE EAST 5 FEET OF LOT 17 AND THE WEST 5 FEET OF LOT 18 FREEMAN FARMS NORTH PHASE ONE, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, EXCEPT THE NORTH 10 FEET OF SAID LOTS 17 AND 18 AND THE SOUTH 10 FEET OF SAID LOTS 17 AND 18, located at approximately 12746 and 12750 Hubbard Road, Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the following described utility easement in Kansas City, Kansas be and the same is hereby vacated:

THE EAST 5 FEET OF LOT 17 AND THE WEST 5 FEET OF LOT 18 FREEMAN FARMS NORTH PHASE ONE, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, EXCEPT THE NORTH 10 FEET OF SAID LOTS 17 AND 18 AND THE SOUTH 10 FEET OF SAID LOTS 17 AND 18, located at approximately 12746 and 12750 Hubbard Road, Kansas City, Kansas.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF
_____, 2022

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-006

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-006, commonly known as 7250 State Avenue, Kansas City, Kansas, legally described as:

487-B1 A TR OF LAND WEST ½ SE ¼ BEG AT CENTER TH N 88 DEG 07 MIN 58 SEC E ALG E AND W CENTER LI OF SEC 363.66 FT MEASURES 365, Located at approximately 7250 State Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a child care facility on the KCKCC campus.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the**

- gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
- 2) The applicant shall plant two (2) trees, two (2) hedges, or four (4) foot tall shrubs along within five (5) feet of the fence that borders the playground along the north, east, and south sides of the fence line to provide additional screening for noise and mitigate the effects of the urban heat island affect, due to the prevalence of concrete surrounding the playground to the west;
 - 3) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 - 4) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
 - 5) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process.
 - 6) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 - 7) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 - 8) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,

- 9) The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2022.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-040

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-040, commonly known as 941 North 74th Drive, Kansas City, Kansas, legally described as:

Jenkins Statutory Requirement Plat, A tract of land located in and being a part of LOT 4 JENKINS STATUTORY REQUIREMENT PLAT, a subdivision of land located in the City of Kansas City, Wyandotte County, Kansas, more particularly described as follows: Commencing at the Northwest corner of said Lot 4, thence South 01° 48' 26" West, along the Westerly line thereof a distance of 379.58 feet to a point on the Easterly right of way line of North 74th Drive as now established and the TRUE POINT OF BEGINNING: thence along said Easterly right of way line on a curve to the Left having a radius of 439.71 an arc length off 5.39, said curve having a chord bearing of South 21° 38' 52" East for 5.39 feet; thence South 89° 38' 45" East a distance of 17.85 feet; thence North 01° 48' 26" East a distance of 25.00 feet; thence North 89° 38' 45" West along said West line a distance of 20.00 feet, to the TRUE POINT OF BEGINNING, the Area being 494.50 Square Feet, more or less, located at approximately 941 North 74th Drive, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for live entertainment in conjunction with an existing restaurant.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the

performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. All entertainment must cease by at least 1:30AM. As a C-1 zone, per code Section 27-464 (c)(9) "Retail businesses with parking areas or other outside customer-oriented areas within 100 feet of any residence shall restrict hours of operation to between 6:00 a.m. and 1:00 a.m. of the following day";**
- 2. Doors and windows must stay closed during any entertainment performance;**
- 3. All entertainment must cease by at least 1:30AM Doors and windows must stay closed during any entertainment performance; Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:**
 - 1) Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;**
 - 2) Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;**
 - 3) An I.D. scanner will be used at all times; and,**
 - 4) At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.**
 - 5) No amplified speakers or entertainment is allowed in outdoor spaces; and, any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;**
- 4. Must comply with Unified Government Security Ordinance (Chapter 4, Article III, Division 1, Sec 4-104, f) Including: Number of security officers. The number of licensed security officers that shall be required are as follows:**
 - A. For any number of persons present within the building numbering from one to 125, none.**
 - B. For any number of persons present within the building numbering from 125 to 250, two security officers.**
 - C. For gatherings or groups of persons in excess of 250, two additional security officers for each 100 persons.**

The number of security officers required may be modified by the order of the business license and occupation tax division or the chief of police when there are reasonable grounds to believe that a larger or smaller number of officers shall be needed to protect the public

health and/or safety. This subsection shall have application only to those permits issued on a per theme basis;

5. No amplified speakers or entertainment is allowed in outdoor spaces except for live entertainment events;
6. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
7. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
8. If approved, the applicant must file and maintained a current business occupation tax application and entertainment license;
9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
11. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only

allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

14. Applicant address the items required to close the original building permit.
15. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2022.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-046

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-046, commonly known as 322 North 6th Street, Kansas City, Kansas, legally described as:

SEC-10 TWP-11 RNG-25, S10, T11, R25, ACRES 0.070000, 118A2 BEG 27FT N OF NW COR 6TH & SPLITLOG: W 75FT, N 35FT, E 75FT, S 35FT TO POBCONTG 0.06AC M/L, located at approximately 322 North 6th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for live entertainment in conjunction with an existing drinking establishment.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. Any illumination that results shall not be seen or otherwise impact adjacent residential uses;
2. All entertainment must cease by 1:00 AM;
3. Doors and windows must remain closed during any entertainment performance;
4. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - a. Must have at least one (1) security personnel or staff member available at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An ID scanner will be used at all times;
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
5. No amplified speakers or entertainment is allowed in outdoor spaces;
6. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
7. Any proposed signage requires a sign permit. Please contact the Department of Planning & Urban Design to begin that process)
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. This permit approval is for zoning clearance only. Additional liquor licensing and other County or State Licenses may be required before operation,
10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
12. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the

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

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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2022.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-042

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-042, commonly known as 4141 Joyce Drive, Kansas City, Kansas, legally described as:

Parcel ID: 917402 - 552C BEG 844FT N SE COR SE1/4; N 1010FT, W 804FT, S7E-519.75FT, S33E-319FT, S57E-147.5FT, S70E-455FT TO POB 10AC M/L, located at approximately 4141 Joyce Drive, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for Temporary Use of Land for agricultural-related tourism, sales, education classes, apprentices and a farm stand.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. The drive aprons shall be upgraded to an improved surface with repaired aprons and as required and approved by the UG Building Inspection Division and Public Works;
2. A right of way permit is required. Please contact the Public Works Department at (913) 573-5311 to begin that process;
3. The applicant will need to continuously maintain the agricultural exemption and occupation taxes licenses with the business office;
4. Should any of the orchard or vined plants be used for the purposes of a farm winery, the regulations set forth in Section 4-9 and Section 34-78 shall be followed. A Special Use Permit is required to operate a farm winery per Section 27-593(9);
5. Should any produce or homemade goods be sold, the regulations in Chapter 32 and Chapter 16 shall be followed. Additional requirements by the Department of Agriculture such as a Food Handlers, Food Processors, or other licensing may be required. See Farmers' Market and Similar Food Sales (ks.gov) and MF3138 Foods Sold Direct to Consumers in Kansas (Farmers Markets): Regulations and Food Safety Best Practices (ksu.edu) for more information;
6. If approved and should livestock be introduced to the property or timber stand improvements to be made, the applicant should contact the Conservation District for technical assistance per the comments below to update their Conservation District Plan accordingly;
7. Commercial Activity on the property shall be by appointment only with no open picking by the public;
8. All class participants shall continue to park off-street in the designated parking area;
9. The FSMA Producer Certificate shall be renewed when required;
10. If there are still four (4) dogs on the property, an additional Special Use Permit is required;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department,

701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

- 13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
- 15. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,**
- 16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2022.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-059

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-059, commonly known as 10 South Hallock, Kansas City, Kansas, legally described as:

Block 21, L2 LS: BEG SE COR; NLY TO N LN, ELY-15 FT TO NE COR, SLY TO POB; L3, L4 & NLY 1/2 OF E 130FT L5, L10, L11, NLY 40FT, located at approximately 10 South Hallock Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a short-term rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant**

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

- 2) Maximum number of overnight guests shall be six (6);
- 3) All parking must be off-street, maximum number of overnight guest vehicles is three (3);
- 4) The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 5) Applicant must maintain liability insurance;
- 6) Applicant must maintain the property's physical condition through the duration of the permit;
- 7) All reservations shall be a minimum stay of 24 hours;
- 8) No meals shall be prepared in the dwelling by the owner or owner's agent;
- 9) Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
- 10) The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b) A lead-based paint notification for any property built before 1978.
 - c) An asbestos notification for any property built before 1981.
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
- 11) The property must remain in proper maintenance and free of hazards, pests, or infestations.
- 12) The granting of this Special Use Permit does not transfer with a change of ownership of the property.
- 13) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 14) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision

within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

- 15) The Special Use Permit shall be valid for six (6) months from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
- 16) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2022.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-056

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-056, commonly known as 3914 North 59th Street, Kansas City, Kansas, legally described as:

BEG 1802FT E & 115.5FT N OF SW COR SE1/4: 22-10-24; N 250FT, E 838FT, S 250FT, W 838FT TO POB, LOCATED AT APPROXIMATELY 3914 NORTH 59TH STREET, KANSAS CITY, KANSAS.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for Temporary Use of Land for Commercial Purposes to keep work equipment, related materials, and parking for employees on site.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. Temporary Use of Land for Commercial or Industrial Purposes shall not be approved for more than two (2) years, which means this Special Use Permit cannot be renewed for consecutive renewals. A zoning district, C-3/CP-3 Commercial District or higher must be sought elsewhere to park equipment, materials and facilitate parking employee parking;
2. Upon expiration of this Special Use Permit, the equipment storage area and work vehicle parking shall be restored to grass;
3. For the duration of the Special Use Permit, no more than three (3) employees may park on the driveway on the property;
4. The hours of operation shall be 7:30 AM to 5:00 PM, Monday through Friday.
5. The equipment to be stored may only be a caterpillar loader (skid steer) and a fence stretcher;
6. Fencing along North 59th Street shall be at least forty (40%) open and may not exceed four (4) feet in height (in front of the residence). Any fencing behind the front plane of house, including side and rear yards may be up to six (6) feet in height;
7. Barbed wire is prohibited unless it is to enclose open farm land or where farm animals are otherwise permitted;
8. Access to North 60th Street for this Special Use Permit shall be restricted. All ingress and egress shall occur on North 59th Street;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards. The driveway apron on North 59th Street must be paved concrete in the right-of-way;
10. A Right-of-Way Permit is required for the driveway extension. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
11. No site grading or movement of earthen material may occur on the property without a separate Special Use Permit per Sec. 27-593(b)(15).
12. Applicant must file and maintain a current business occupation tax application with this Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102 or (913) 573-8780;
13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all

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

15. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. Because this is a Temporary Use of Land, this Special Use Permit may not be renewed per Sec. 27-593(a)(27). The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2022.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-057

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-057, commonly known as 1324 North 75th Drive, Kansas City, Kansas, legally described as:

Lot 2 Block 4 Canterbury Manor No 1 at Kansas City, Wyandotte County, Kansas, located at approximately 1324 North 75th Drive, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Home Occupation Special Use Permit for a short-term rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. Add in CO2 detectors: one near the furnace, one in the hallway of the bedrooms, one in the common area/kitchen, make sure that if you lean on the yard fence that it does not fall over and that all gates open/close safely;**
- 2. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**

3. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
4. Applicant is to maintain liability insurance;
5. The property must remain in proper maintenance and free of hazards, pests, or infestations;
6. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
7. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc. "This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
8. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
9. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
10. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
11. Maximum number is (6) people and four (4) cars total; and,
12. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is

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

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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2022.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-062

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-062, commonly known as 6720 Kaw Drive, Kansas City, Kansas, legally described as:

PTS L22 TO L26: BEG NW COR L22; E 444.48FT ALG N LN L22 TO L26, S10W-86.49FT, S04E-65.06FT, S65E-61.63FT, S50W-442.41F

Located at approximately 6720 Kaw Drive, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of live entertainment in conjunction with an existing drinking establishment.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. All entertainment must cease by at least 1:00 AM;
2. An I.D card reader shall be used while live entertainment events are occurring;
3. Doors and windows must stay closed during any entertainment performance;
4. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104, f), including:
 - Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - An I.D. scanner will be used at all times;
 - At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
5. No amplified speakers or entertainment is allowed in outdoor spaces; and, any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
6. The windows and doors shall remain closed during any live entertainment events that increase that noise volume above normal bar operations;
7. Noise from normal activity and from live entertainment shall not disturb the neighboring properties. Regardless, the noise level shall not be greater than 80 decibels at repeated intervals for a sustained length of time at any point on the property line and the day-night noise level average shall not exceed 65 decibels for any residence for a sustained period, per Section 27-469(c)(1)c;
8. The applicants shall successfully obtain and/or maintain a proper liquor license through the Kansas Department of Revenue Alcoholic Beverage Control;
9. Live events shall not exceed more than three (3) per calendar week;
10. The applicant has filed and maintained a current business occupation tax application and entertainment license;
11. The applicant must obtain a sign a sign permit for all existing signs. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by

- buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 16. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2022.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: August 25, 2022

Re: Special Use Petition SP2022-068

GENERAL INFORMATION

Applicant:

Sarah Belarde and Javier Saenz

Status of Applicant:

Property Owner
4917 West 137th Place
Hawthorne, CA 90250

Requested Action:

Approval of a Special Use Permit.

Date of Application:

June 22, 2022

Purpose:

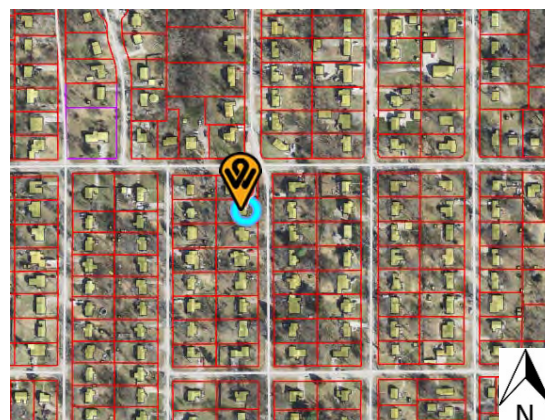
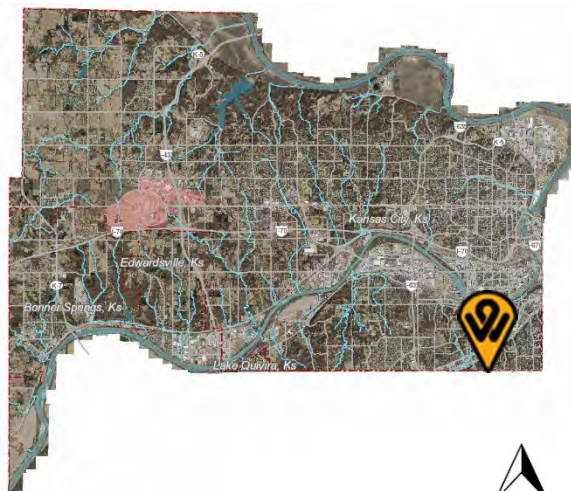
To operate a short-term rental. This is not the owner's primary residence.

Property Location:

3008 South 9th Street
Kansas City, Kansas 66103

Commission Districts:

Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner: Christian Ramirez



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single Family Residence South: Single Family Residence East: Single Family Residence West: Single Family Residence
Total Tract Size:	0.2436 Acre
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan classifies the subject property as Low-Density Residential. The Low-Density Residential land use designation allows for primarily single-family homes, institutional uses such as schools, churches, and libraries, parks, and open space.
Major Street Plan:	The Major Street Plan designates Ohio Avenue as a Local Street.
Parking Required:	Section 27-454(4)e states that two (2) off-street parking spaces shall be provided, one of which shall be in a garage or carport. The subject property has a single car garage and long driveway that can accommodate three (3) vehicles, meeting this requirement.
Advertisement:	<u>The Wyandotte Echo</u> – July 14, 2022 Letters to Property Owner – July 15, 2022
Public Hearings:	August 8, 2022 and August 25, 2022
Public Support:	None to date.
Public Opposition:	One (1) person appeared in opposition at the August 8, 2022 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Sarah Belarde and Javier Saenz, are seeking approval to operate a short-term rental at 3008 South 9th Street. The subject property is west of the Rosedale neighborhood. The applicant purchased the property within the last month and is in process of renovating the property. The

applicants are from the Kansas City area and will run the property as a family business with their parents and relatives who live locally.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There was several visits to the property in recent years:
 - a. 2020: 2020-00004994 – Follow Up (undetermined)
 - b. 2016: 2016-00046314 – Animal Complaint
 - c. 2016: 2016-00046399 – Animal Complaint
 - d. 2016: 2016-00005201 – Animal Complaint

Building, Zoning, or Code Enforcement Complaints:

1. The current property owner has received no building enforcement complaints.
2. The current property owner has no outstanding Code Inspection Cases. The prior owners had several complaints:
 - a. 2005: 05200-00000-00225 – Environment – Tree on a Truck
 - b. 2009: 09205-00254 – Environment – Trash Set Out too early
 - c. 2014: 14200-02363 – Environment – Trash on Front Porch
 - d. 2014: 14212-01080 – Environment – Overgrown Trees/Brush
 - e. 2016: 16212-00286 – Environment – Overgrown Trees/Brush
 - f. 2019: 19200-01961 – Environment – Needs Repainted, Overgrown Trees/Brush
 - g. 2020: 20208-00593 – Environment – Unregistered Vehicle
 - h. 2022: STR22-0530 – Structural – Needs Repainted, Steps Repaired

Staff Note: The STR22-0530 includes repairs already included in the scope of work by the new owners.

Outstanding or Related Permits and Cases:

1. The applicant has no current building permits. The Subject Property has two (2) prior building permits:
 - a. 2019: 19380-01279 – Electrical – Service Upgrade, Weather head, and Meter Can Update - Open
2. The subject property has no previous Planning and Zoning Cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This project is west of the Rosedale neighborhood. Lots are average and urban in character. Homes in this area are generally composed of siding and some masonry elements. This area of the neighborhood shows various signs of improvements such repaved asphalt streets but no sidewalks. Driveways are generally asphalt or concrete and lead up to attached garages. Lots average about 75 feet wide and have deep setbacks with mature trees.

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

The zoning and uses of properties nearby are set out above. The surrounding properties are primarily single-family residences. Continuing use as a rental, either short or long term, is consistent with other nearby properties in close proximity to the neighborhood corridor. The proposed use is compatible if properly managed. Operating this property as a short-term rental has the potential to create issues related to noise, parking, and other concerns related to overcrowding.

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

This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise, and overcrowding.

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

The property is currently vacant as it completes renovation. It is unclear how long the property was vacant prior to purchase, but the property history indicates that it may have been vacant from owner occupation for several years before being sold to the applicant. There is no history of rental licensing at this property.

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

The City-Wide Master Plan classifies the subject property as Low-Density Residential. The Low-Density Residential land use designation allows for primarily single-family homes, institutional uses such as schools, churches, and libraries, parks, and open space. The proposed use conforms to the master plan if a Special Use Permit is issued, and the property is properly managed.

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

The current design of the neighborhood provides for off-street parking for multiple vehicles. There is an attached single car garage in the front of the home with a long driveway, which provides ample parking to guests or tenants for a total of four (4) spaces. Accessing this parking will not exceed the capacity of the street network as it was designed for typical residential traffic.

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

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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

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

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

The proposed use would not pollute air or land as it is located in an existing, permitted structure. If the applicant properly manages the property, trash from guests should be minimal and temporary.

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

The proposed use would not damage or destroy an irreplaceable natural resource as it will operate within an existing structure in a built-out, residential neighborhood.

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal as it only provides the convenience of lodging with some economic benefit. There is some gain from the renovation of the property to make it a habitable structure and remedying the previous enforcement complaints. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

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

The proposed use would not result in overcrowding as it operates within an existing structure on the site with no proposed expansion. The maximum number of guests at one time is six (6) and the maximum number of vehicles is two (2). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting by receiving comments and emails through July 25, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Building Conformance
Noise Concerns
Home Occupation
Parking
Traffic
Mixed-Use Neighborhood
Overcrowding/Undue Concentrations of Population

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 1 to recommend **APPROVAL** of Special Use Permit Application **SP2022-068 for one (1) year**, subject to:

- 1) **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 2) **The following repairs shall be made prior to occupancy as a result of the home inspection:**
 - a) **Covering any open wire splices in the attic with a junction box.**
 - b) **Replacing missing outlet covers on the exterior GFCI outlets.**
 - c) **Repair gas line to oven.**
 - d) **Install handrails on any open side of a stairwell including stairs to basement;**
- 3) **Maximum number of guests shall be six (6);**
- 4) **All parking must be off-street, maximum number of vehicles is two (2);**

- 5) The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 6) Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
- 7) Applicant is to maintain liability insurance;
- 8) The property must remain in proper main entrance and free of hazards, pests, or infestations;
- 9) The granting of this Special Use Permit does not transfer with a change of ownership of the property;
- 10) The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information.
 - b) A lead-based paint notification for any property built before 1978.
 - c) An asbestos notification for any property built before 1981.
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
- 11) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 12) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
- 13) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and

- approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
- 14) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
- 15) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-068** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 8, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Liability Insurance
Site Plan
Floor Plan
Guest Book
Home Inspection Highlights
Neighborhood Meeting Information
Applicant Photos Dated July 29, 2022
Staff Site Visit Photos July 31, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing		
Special Use Permit	August 8, 2022	August 25, 2022
	Approval	

STAFF CONTACT:

Kallie McLaughlin
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-068** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-068**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 8, 2022 City Planning Commission Minutes:

Hearing starts at 1:43:00:

SPECIAL USE PERMIT APPLICATION SP2022-068 – SARAH BELARDE AND JAVIER SAENZ - SYNOPSIS: Special Use Permit for a Short-Term Rental at 3008 South 9th Street.

Detailed Outline of Requested Action: The applicants, Sarah Belarde and Javier Saenz, are seeking approval to operate a short-term rental at 3008 South 9th Street. The subject property is west of the Rosedale neighborhood. The applicant purchased the property within the last month and is in process of renovating the property. The applicants are from the Kansas City area and will run the property as a family business with their parents and relatives who live locally.

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

1. The City's currently adopted zoning and subdivision regulations;

2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 8, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Sarah Belarde, applicant, 4917 West 137th Place, Hawthorne, CA 90250

Present in Opposition:

- Leslie Guthrie, 2923 South 9th Street, Kansas City, Kansas 66103

Staff Recommendation starts at 1:45:53: Planner Toy stated Staff understands the reasoning of the person that spoke in opposition with the number of short-term rentals in Rosedale that have come through for approval. Staff recommends approval of this application for one (1) year as the applicant does not live on the property. After the one (1) year approval period, the application can be reviewed to see if it is a viable use at this location. Staff recommends approval subject to the conditions in the staff report.

Planning Commissioner Ward asked if there have been any issues with this property? Planner Toy stated yes, but it was prior to these owners.

Vice Chairman Jones asked for affirmation that there are not rules in place for the number of short-term rentals in a designated area. Planner Toy stated that Staff does not have an ordinance in place limiting the number of short-term rentals in an area, perimeter, or geographic boundary.

Motions starts at 1:48:15:

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-068 for one (1) year:**

Carson	Chairman
Jones	Aye
Miller	Aye
Mohler	Not Present
Pauley	Aye
Straws	Not Present
Ward	No
Armstrong	Not Present
Beth	Aye

Connelly

Aye

Ernst

Aye

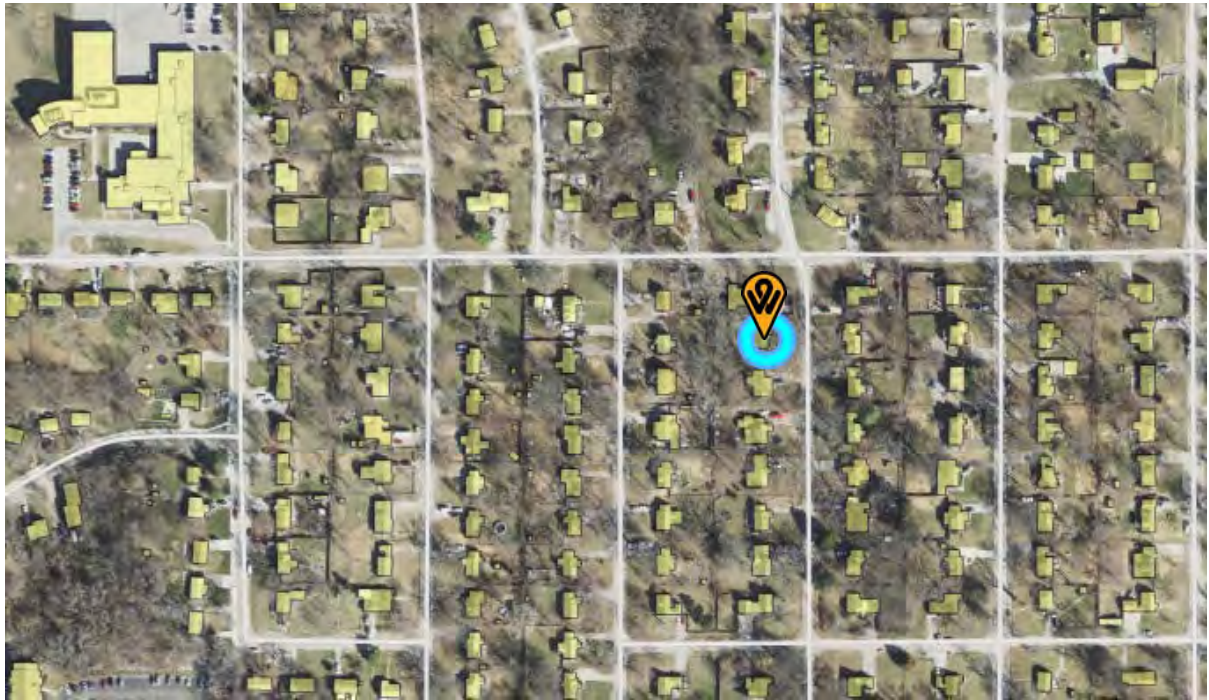
Motion to recommend **APPROVAL** Passed: 6 to 1

Subject to:

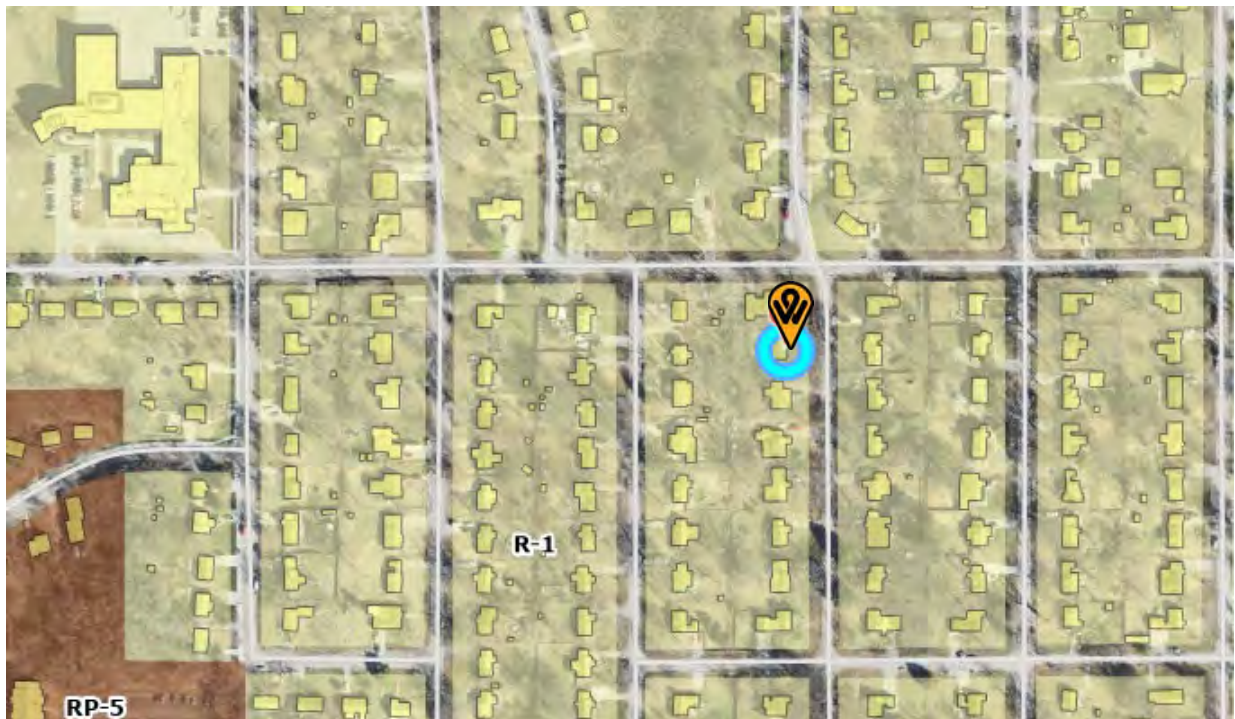
- 1) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 2) The following repairs shall be made prior to occupancy as a result of the home inspection:
 - a) Covering any open wire splices in the attic with a junction box.
 - b) Replacing missing outlet covers on the exterior GFCI outlets.
 - c) Repair gas line to oven.
 - d) Install handrails on any open side of a stairwell including stairs to basement;
- 3) Maximum number of guests shall be six (6);
- 4) All parking must be off-street, maximum number of vehicles is two (2);
- 5) The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 6) Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
- 7) Applicant is to maintain liability insurance;
- 8) The property must remain in proper main entrance and free of hazards, pests, or infestations;
- 9) The granting of this Special Use Permit does not transfer with a change of ownership of the property;
- 10) The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information.
 - b) A lead-based paint notification for any property built before 1978.
 - c) An asbestos notification for any property built before 1981.
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
- 11) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463

- through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 12) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
- 13) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
- 14) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
- 15) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

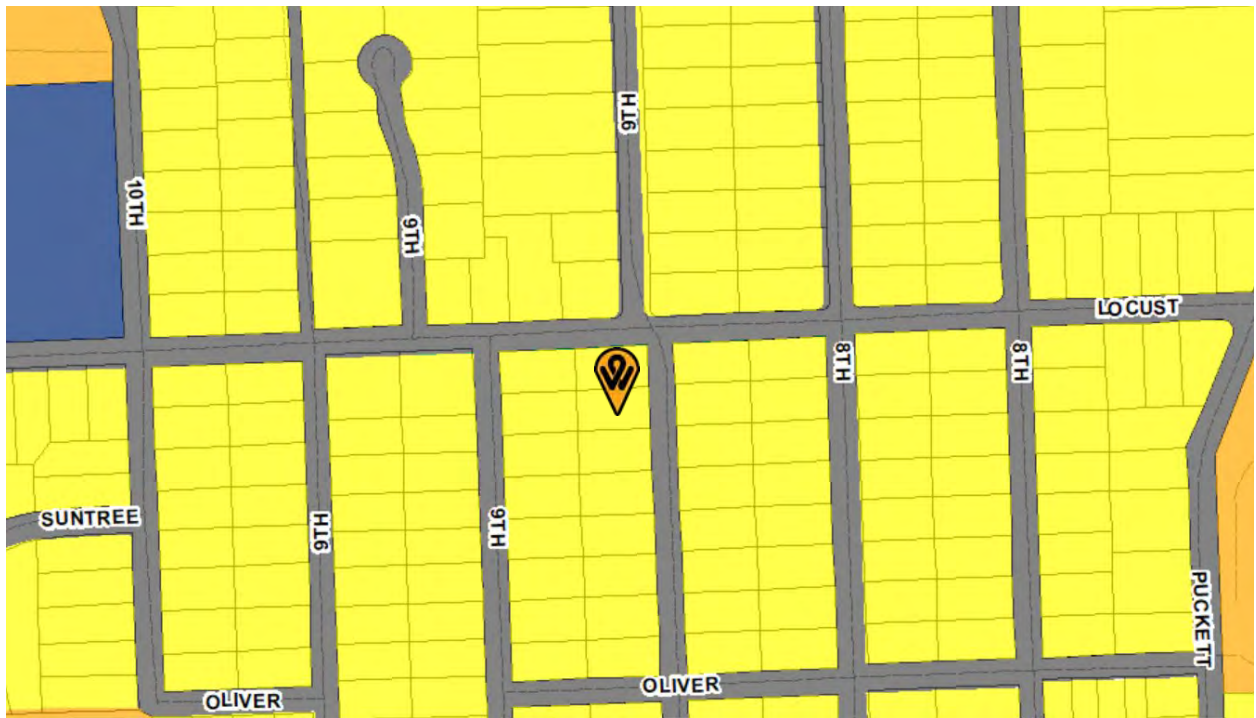
AERIAL MAP



ZONING MAP



LAND USE MAP



Legend

City-Wide Master Plan

<all other values>

FUTURE_LAN

- Utilities
- Right-of-Way
- Urban Density
- Agricultural
- Neighborhood Commercial
- Community Commercial
- Business Park
- Freeway
- Regional Commercial
- Future Residential
- Rural-Density Residential
- Employment
- High-Density Residential
- Medium Density Residential
- Low-Density Residential
- Mixed-Use
- Parks/Open Space
- Public/Semi-Public

LIABILITY INSURANCE

YOUR AGENCY
GOOSEHEAD INSURANCE
1500 SOLANA BLVD BLDG 4
WESTLAKE, TX 76262
PHONE: 1.214.838.5500 | FAX: (866) 877-6250

TRAVELERS

YOUR POLICY



611760775-653-1
3008 S 9TH ST
May 23, 2022 to May 23, 2023

Log in to MyTravelers.com to manage your policy and billing details.

You're insured!

This document is intended to help you better understand your landlord insurance. Your policy is effective from **May 23, 2022 to May 23, 2023**. For a complete description of your coverage, please refer to your policy.

COVERAGE A
Dwelling and attached structures such as garages and decks
YOUR LIMIT
\$243,000

COVERAGE B
Other structures such as detached garages and sheds
YOUR LIMIT *
\$10,000

COVERAGE C
Household furnishings such as furniture and appliances
YOUR LIMIT *
\$50,000

COVERAGE E
Premises liability for property damage and bodily injury to others
YOUR LIMIT
\$500,000

COVERAGE F
Medical payments to others
YOUR LIMIT
\$5,000

COVERAGE D
Loss of use for fair rental value losses
YOUR LIMIT *
\$24,300

Deductibles
Amount of a covered claim that is your responsibility
All Perils **\$2,500**

You're receiving two discounts for a total savings of \$352.00

- | | | |
|---|--|--|
| ☒ Loss Free | ☒ Good Payer | ☐ Multi-Policy |
| ☐ Fire Protective Device | ☐ Theft Protective Device | ☐ Water Protective Device |

12-month total premium

\$1,583.00

Go to MyTravelers.com/discounts and use product code QH2 to learn about all the discounts available to you.

* Your Coverage B, C, and D limits are maintained as a percentage of your Coverage A limit. If your Coverage A limit changes, your Coverage B, C, and D limits will be adjusted accordingly.

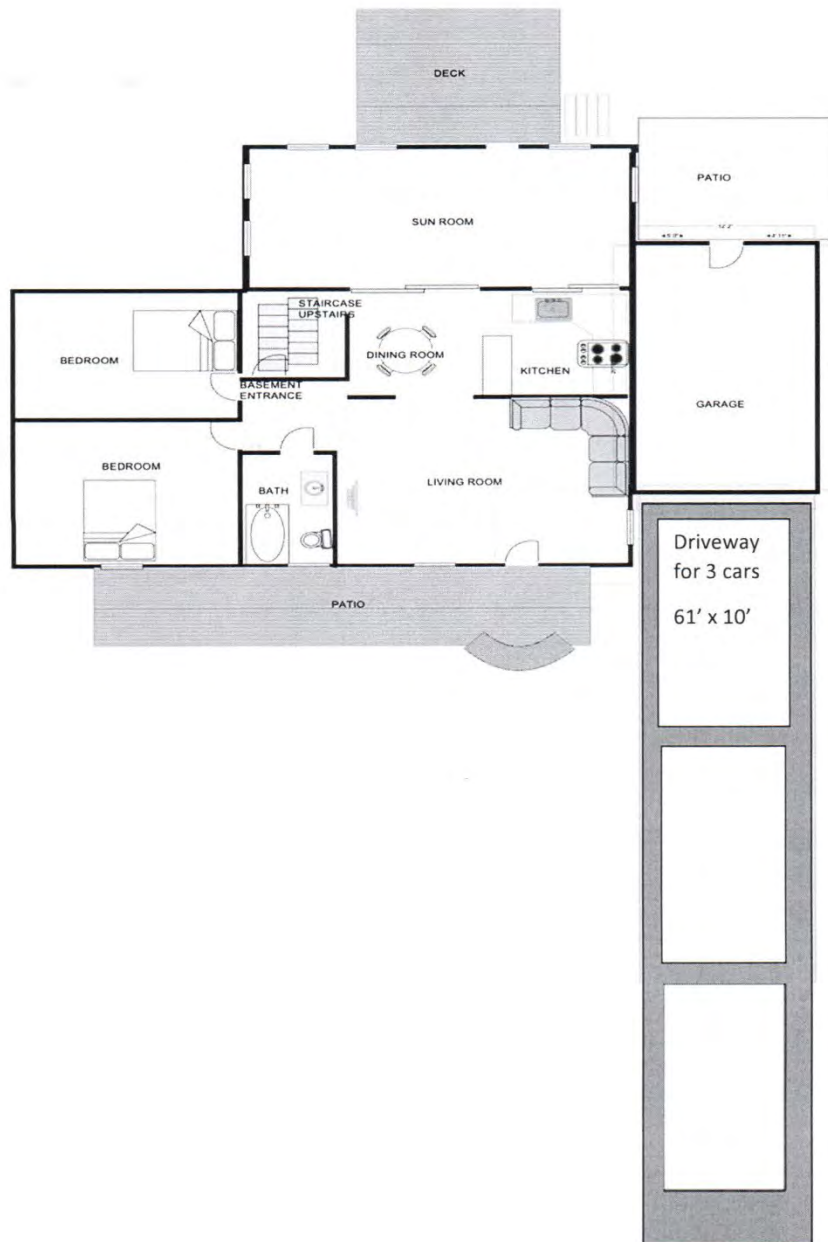
This is not a policy document and does not change any provisions of your policy. There are exclusions, limitations, and conditions that apply to each coverage. If there is any conflict between your policy and this information, the provisions of your policy will apply.

PL-50654 (11-18)

Page 1 of 2

SITE PLAN

Site plan- parking



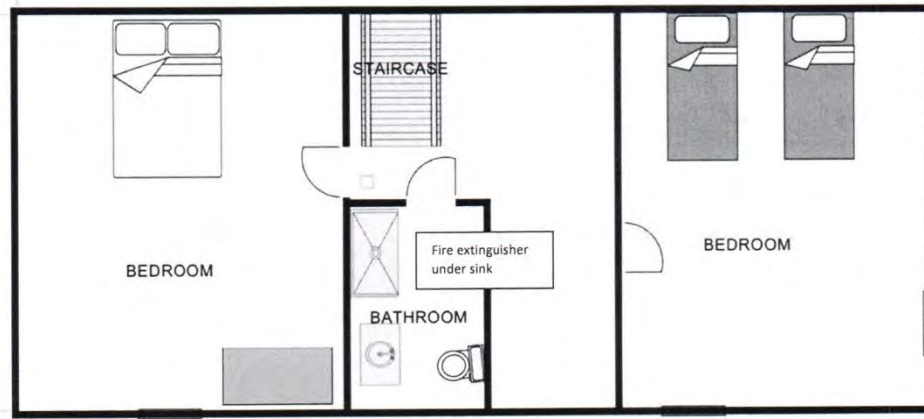
FLOOR PLAN

Downstairs- 1st Level



FLOOR PLAN

Upstairs- 2nd Level



HOME MANUAL

3008 S 9th Street, Kansas City, Kansas 66103

• the KC bungalow •

Thanks for choosing to stay at our home. We're so happy you're here!

Check out our other Airbnb listings at:
airbnb.com/h/_____

The best way to get ahold of us is through the Airbnb app. Please reach out if you need anything at all.

Sarah
562-309-3963

contact info

Please reach out if you need anything, especially in the case of an emergency.

wifi information

WiFi	AirBBGuest
Password	bedsheets123

Let us know if you have any questions

First Contact	562-309-3963
Second Contact	562-405-6056
Emergency	Dial 9-1-1
Local Fire Department:	913-573-5550
Non-emergency police:	913-677-3363



checking in & out

Checking in

You may check in anytime after 3pm using the keyless entry with the code that is sent to you the morning of your arrival.

Parking

Please park in the driveway only or directly in front of the house. Maximum 3 cars please.

Checking out

Check out is by 11am sharp. Before checking out:

- Please have the dishwasher loaded and started (detergent pods are under the kitchen sink)
- Take all trash out to the cans on the left side of the house
- Place dirty towels in tub/shower
- Check all drawers and closets that you did not leave any belonging behind, and check outlets for any forgotten chargers you may have plugged in

To lock the door behind you, simply press the lock icon in the bottom right on the smart lock keypad screen on the front door



wifi, TV, & electronics

WiFi

Network: AirBBGuest
Password: bedsheetst23

If you need to reset the wifi, follow the labeled tags numbered 1-3 in our wifi hub under the TV. Unplug and replug each cord in the numbered order, and wait for the blue light to stop blinking.

Smart TV living room

You can watch live TV through the Sling TV app. Otherwise, feel free to log in to your Netflix, Hulu, Amazon Prime Video, HBO, etc. accounts, all of which can be found on the home screen.



appliance how-to

dishwasher

Detergent pods are under the sink. Please start the dishwasher before checking out – it is very quiet so double check it is running!

washer & dryer

Washer and dryer are located in the basement. Detergent, dryer sheets, are on top of the washer.

Iron and ironing board are in the first floor bedroom closet.

Please note sometimes our cleaner leaves some items in the dryer if the last load didn't finish in time. If you need to use the dryer and it is full, please just move the items into the collapsible hamper on the side of the washer/dryer and you can hide it out of sight in the closet. Thank you!

heating/AC

The Nest thermostat is in the first floor hallway. Per our experience, the most comfortable setting is between 72-75 degrees.

Be sure to keep all windows and doors closed while AC or heat is running.



house supplies & trash

first aid kit and fire extinguisher

There is a first aid kit and fire extinguisher under the kitchen sink and in the second floor closet.

kitchen supplies

Pots and pans are in the bottom corner cabinet, to the right of the fridge.

Silverware and knives are in the two top drawers left of the sink.

Cooking utensils are in the drawer left of the stove and the middle drawer left of the sink.

Silicone pot holders are in the bottom cabinet left of the oven.

towels & bedding

Extra bath towels, extra blankets and pillows are all located in the closet in first floor bedroom.

trash

The trash cans are located on the left side of the home.

The garbage disposal is not meant for food. Please throw food in the trash can.



GUEST BOOK

House Rules and Reminders

Occupancy Limits	Please have no more than 8 people sleeping in the home.
Quiet Hours	Please respect our neighbors and honor our quiet hour policy with no outdoor music or loud noises from 10pm-8am.
No Parties	No parties or events will be allowed. Any event that triggers a noise complaint will be a \$400 fine.
No smoking	No smoking or vaping allowed indoors or outdoors. Smoking or vaping will constitute a \$400 fine.
Outside camera	We have a ring camera on the front door of the home. This is the only video camera on the property. Please do not tamper with the camera in anyway. Disabling, blocking, covering the camera in anyway will result in a \$400 fee.
No pets	No pets are allowed. A \$400 fee will be charged if there is a pet on the property without our approval.

House Rules and Reminders

Injury or Harm	We are not responsible for any bodily injury or harm that occurs in or outside of our home during your stay. We are not responsible for any damage to your belongings inside or outside of the home during your stay.
Emergencies	For emergency situations including natural disaster, tornado, severe storm, flash flood please follow emergency protocol provided by local law enforcement. Radio, flashlight and emergency kit is provided in basement. In the case of power outage please call BPU 913-575-9000.
Asbestos Notification	While the home has been inspected and cleared of asbestos we must disclose that houses built before 1981 may contain asbestos.
Lead Paint Notification	While the home has been inspected and cleared of lead paint we must disclose that houses built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust compose health hazards if not taken care of properly. Lead exposure is especially harmful to young children and pregnant women.
Concerns	We encourage you to reach out to the host regarding concerns. If you would like to further report any concerns you may reach out to Host Compliance at 913-246-5155 or www.hostcompliance.com/tips

thanks for
staying with us!

HOME INSPECTION HIGHLIGHTS

Legacy Home Inspections

3008 S 9th Street, Kansas City, KS

Report Summary

Exterior		
	Garage	• Safety Issue: Interior wall in the garage between the garage and living space is not fire rated. It is recommended to use no less than 1/2-inch gypsum board or equivalent fire rated product on walls adjacent to living space. Recommend installing firewall.
Electrical		
	Outlets	• Repair: Observed 3 prong outlets that tested for open ground. This is common in older homes. Recommend replacing with 2 prong outlets or having the outlets grounded by a licensed electrician. • Repair: GFCI outlets should be installed in any outlet within 6' of a water fixture. Recommend installing GFCI outlet at upstairs bathroom.
	Distribution Wiring	• Safety Issue: Observed an open wire splice in the attic. Wire splices should be contained within junction boxes. Recommend repair by a licensed electrician. • Safety Issue: Recommend covering open junction box in basement.
	Exterior Outlets	• Repair: All exterior outlets should be protected by GFCI. Recommend repair by a licensed electrician. • Repair: Recommend replacing missing outlet cover(s) on the exterior of the home.
Heating		
	Supply/Return Air Ductwork	• Repair: The upstairs bedrooms were not equipped with central supply air ducts. These rooms do not receive central heating and cooling. All bedrooms should have a source of heat and cold air supply. Alternative options to cool/heat the rooms would be window air conditioning units or electric baseboard heaters. Recommend consulting a licensed HVAC technician.
	Gas Lines	• Repair: Observed a gas line that enters through the foundation wall below the ground from the exterior of the home. Current standards recommend the gas line should be plumbed above grade on the exterior of the home and come through the exterior wall. Recommend consulting gas company. • Repair: Observed a soft copper gas line the runs from the basement through the rear wall to the exterior of the home. This type of pipe is no longer used for gas lines. If the gas line is not being used, it should be disconnected and capped off in the basement.
Cooling/Heat Pumps		
	Central Air Conditioning	• Repair: The breaker that was identified for the air conditioner appeared to be oversized according to the data plate on the condenser. Recommend that a licensed electrician evaluate for repairs.
Plumbing		

HOME INSPECTION HIGHLIGHTS

Legacy Home Inspections		3008 S 9th Street, Kansas City, KS
	Water Heater	• Deferred Cost: The water heater is approaching the end of its expected useful lifespan. It may require a slightly higher level of maintenance, and may be more prone to major component breakdown. Predicting the frequency or time frame for repairs on any mechanical device is virtually impossible. • Repair: Observed corrosion at the water heater shutoff valve. Recommend that a licensed plumber evaluate for repairs.
	Supply Plumbing	• Monitor: The main water line to the home is galvanized steel. This type of piping corrodes from the inside effecting water pressure and may require eventual replacement. Water pressure to the home was adequate at the time of inspection. Monitor for reduced water flow and repair as necessary.
Interior		
	Windows	• Repair: Observed windows with missing locking mechanisms. Recommend installing locking mechanisms.
	Stairs	• Safety Issue: Recommend installing a guardrail that is at least 36" high along the staircase at the second level of the home. • Safety Issue: The basement staircase stringers were not properly supported at the top of the bottom of the staircase. Recommend that a qualified contractor evaluate for repairs.
Appliances		
	Oven	• Repair: There was no gas to the oven at the time of inspection. The oven could not be tested for correct operation. Recommend that gas line is connected to oven.

NEIGHBORHOOD MEETING INFORMATION

July 14, 2022

Hello,

This notice is to inform you that we have filed an application with the Department of Urban Planning and Land Use #SP2022-068 for a special use permit for a short-term rental at 3008 S. 9th St, Kansas City, Kansas. We deeply care about this community and are dedicated to answering all questions you may have. Please feel free to reach out to us via phone at 562-309-3963 or email at sarah.belarde@gmail.com if you have any questions or comments by Sunday July 25, 2022.

Warmly,

Javier Saenz and Sarah Belarde

Neighborhood Meeting Minutes

Application Number: SP2022-068

Date and Location: 7/14/22-7/25/22 via email and phone

Names of people in attendance: No one emailed or called

Information regarding Special Use Permit and request for short term rental was provided in letter mailed out to neighbors and interested parties. No questions, comments or inquiries were made.

Meeting adjourned on 7/25/22

Minutes taken by: Sarah Belarde

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas

COUNTY OF Wyandotte

Re: 3008 S 9th St, Kansas City, KS 66103

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

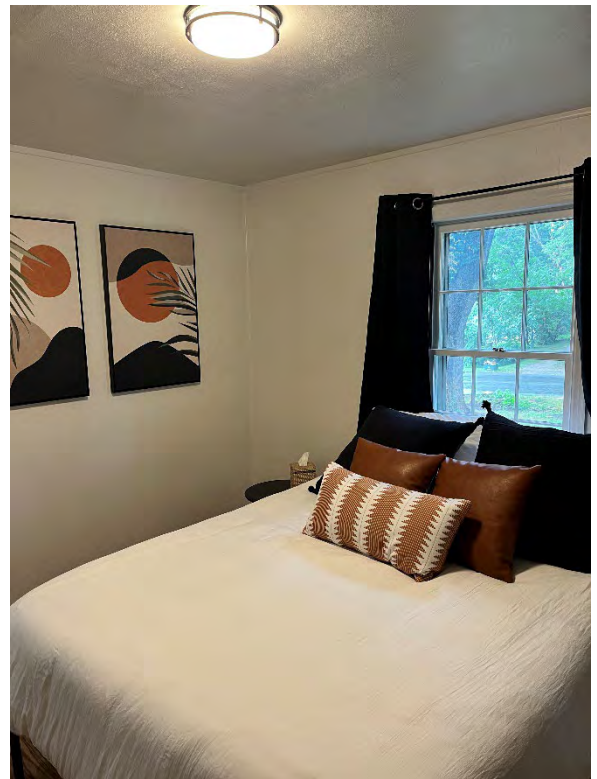
1. That I am the petitioner for Petition # SP2022-068.
2. That I conducted a neighborhood meeting on 7/25/2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



Affiant

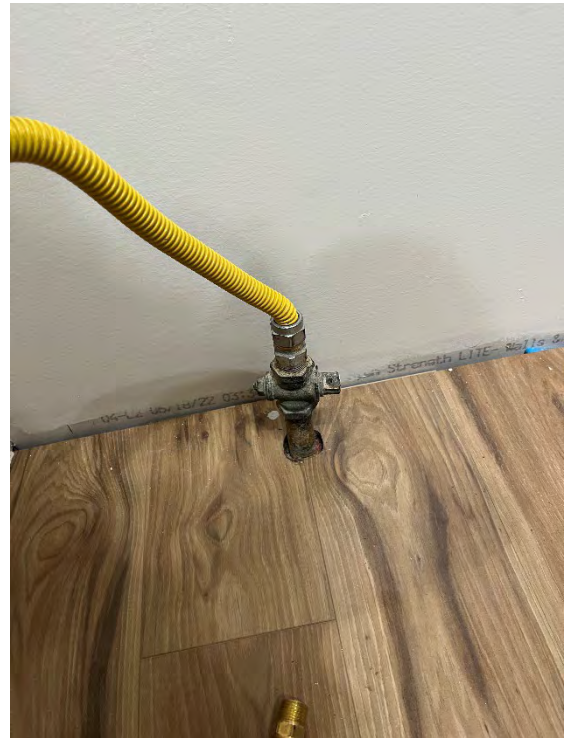
APPLICANT PHOTOS DATED JULY 29, 2022



APPLICANT PHOTOS DATED JULY 29, 2022



APPLICANT PHOTOS DATED JULY 29, 2022



STAFF SITE VISIT PHOTOS DATED JULY 31, 2022



Published _____

ORDINANCE NO. _____

AN ORDINANCE approving the Northeast Kansas City, Kansas Heritage Trail Plan.

WHEREAS, on August 8, 2022, the Planning Commission for the Unified Government of Wyandotte County/Kansas City, Kansas (“Planning Commission”) held a public hearing on the Northeast Kansas City, Kansas Heritage Trail Plan; and

WHEREAS, after the public hearing on August 8, 2022, a majority of the Planning Commission voted to adopt the Northeast Kansas City, Kansas Heritage Trail Plan; and

WHEREAS, pursuant to K.S.A. 12-747(b), the Planning Commission adopted the Northeast Kansas City, Kansas Heritage Trail Plan by resolution, and sent notice thereof to the governing body for final approval.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/
KANSAS CITY, KANSAS, AS FOLLOWS:**

Section 1. The Board of Commissioners hereby approves the recommendation of the Planning Commission and approves the Northeast Kansas City, Kansas Heritage Trail Plan, a certified copy of which is on file with the Unified Government Clerk and which is incorporated by reference herein.

Section 2. This Ordinance shall take effect and be in full force after its passage, approval, and publication.

Section 3. The Mayor/CEO, County Administrator, and any other employees or agents of the Unified Government are authorized to take such actions as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

**APPROVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS 25th DAY OF AUGUST 2022.**

Tyrone Garner, Mayor/CEO

Attest:

Clerk

Approved as to form:

Chief Counsel



Quindaro Ruins Project Foundation
stacyevans360@yahoo.com
(816) 260-5299

To: The Unified Government

From: The Quindaro Ruins Townsite Project

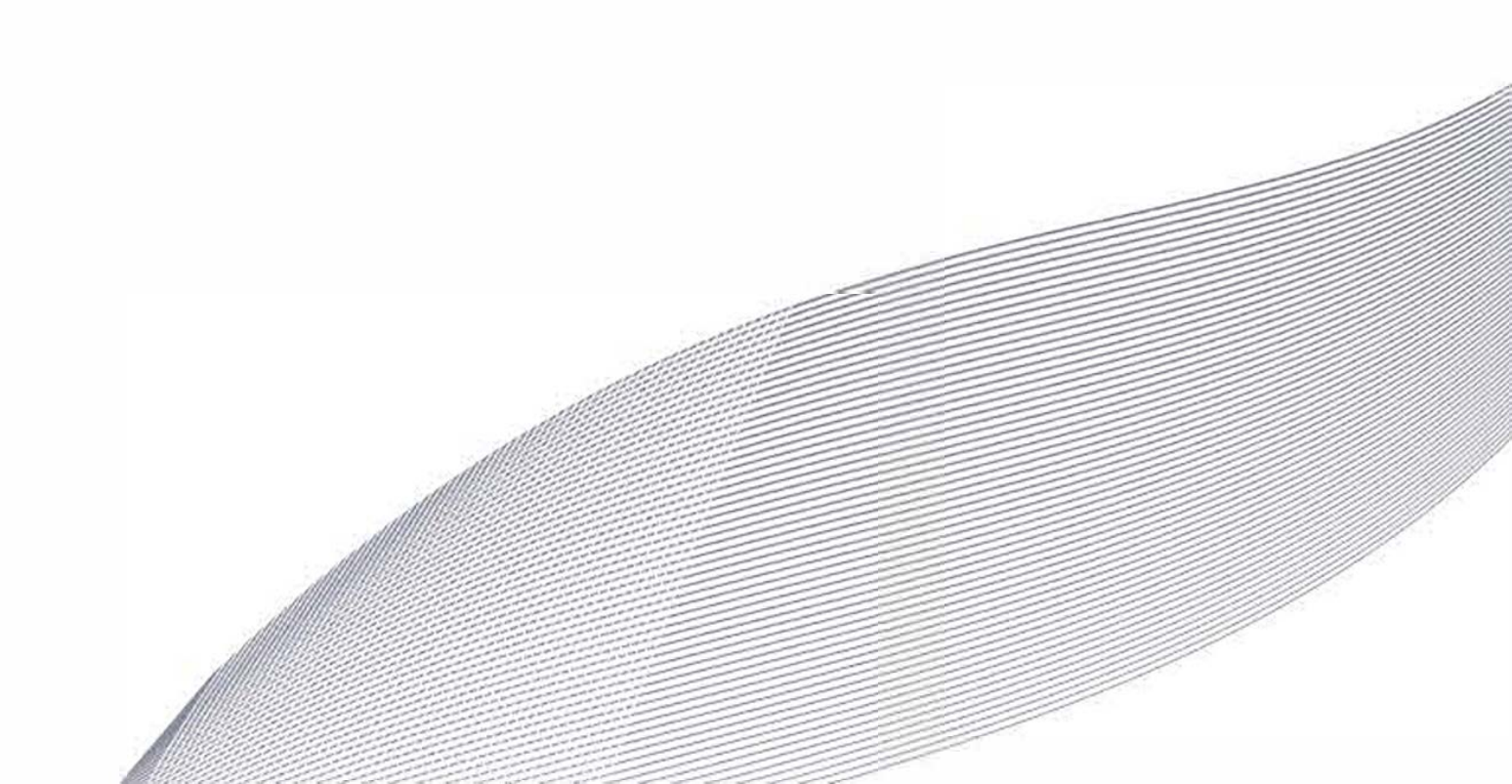
This letter comes in support of the Heritage Trail and Northeast Master Plan developments. We found it quite an honor, several years ago, to participate in the Master Plan meetings, along with hundreds of our fellow community residents in Northeast Wyandotte County. Furthermore, we are very proud of Groundwork NRG and the work they are pursuing with the UC's Department of Planning and Urban Design, Gunner Hand and Alyssa Marcy, in planning and developing the Heritage Trail that leads to Quindaro.

We are very grateful for the incredible support that we received from the Unified Government during our recent clearing and cleaning event. Thanks to the Unified Government and many members of its staff, it was a great success.

We couldn't be more pleased and offer any assistance that we may provide. We look forward to working more with you in the future.

Sincerely,

Rev. Stacy R. Evans, President
Quindaro Ruins Townsite Project



Published _____

ORDINANCE NO. _____

AN ORDINANCE approving the Merriam Connected Corridor Plan.

WHEREAS, on August 8, 2022, the Planning Commission for the Unified Government of Wyandotte County/Kansas City, Kansas (“Planning Commission”) held a public hearing on the Merriam Connected Corridor Plan; and

WHEREAS, after the public hearing on August 8, 2022, a majority of the Planning Commission voted to adopt the Merriam Connected Corridor Plan; and

WHEREAS, pursuant to K.S.A. 12-747(b), the Planning Commission adopted the Merriam Connected Corridor Plan by resolution and sent notice thereof to the governing body for final approval.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. The Board of Commissioners hereby approves the recommendation of the Planning Commission and approves the Merriam Connected Corridor Plan, a certified copy of which is on file with the Unified Government Clerk and which is incorporated by reference herein.

Section 2. This Ordinance shall take effect and be in full force after its passage, approval, and publication.

Section 3. The Mayor/CEO, County Administrator, and any other employees or agents of the Unified Government are authorized to take such actions as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

**APPROVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS 25th DAY OF AUGUST 2022.**

Tyrone Garner, Mayor/CEO

Attest:

Clerk

Approved as to form:

Chief Counsel

Published _____

ORDINANCE NO. _____

AN ORDINANCE approving the goDotte Countywide Strategic Mobility Plan.

WHEREAS, on August 8, 2022, the Planning Commission for the Unified Government of Wyandotte County/Kansas City, Kansas (“Planning Commission”) held a public hearing on the goDotte Countywide Strategic Mobility Plan;

WHEREAS, after the public hearing on August 8, 2022, a majority of the Planning Commission voted to adopt the goDotte Countywide Strategic Mobility Plan; and

WHEREAS, pursuant to K.S.A. 12-747(b), the Planning Commission adopted the goDotte Countywide Strategic Mobility Plan by resolution and sent notice thereof to the governing body for final approval.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/
KANSAS CITY, KANSAS, AS FOLLOWS:**

Section 1. The Board of Commissioners hereby approves the recommendation of the Planning Commission and approves the goDotte Countywide Strategic Mobility Plan, a certified copy of which is on file with the Unified Government Clerk and which is incorporated by reference herein.

Section 2. This Ordinance shall take effect and be in full force after its passage, approval, and publication.

Section 3. The Mayor/CEO, County Administrator, and any other employees or agents of the Unified Government are authorized to take such actions as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

**APPROVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS 25th DAY OF AUGUST 2022.**

Tyrone Garner, Mayor/CEO

Attest:

Clerk

Approved as to form:

Chief Counsel



July 29, 2022

Mr. Gunnar Hand, AICP
Director of Planning + Urban Design
Unified Government of Wyandotte County and Kansas City, Kansas
701 N 7th Street Trafficway
Kansas City, KS 66101

RE: goDotte Strategic Mobility Plan

Dear Mr. Hand:

We are excited to have participated in the planning process for the goDotte Strategic Mobility Plan, a first-of-its-kind document that assembles transportation plans and policy from all municipalities within Wyandotte County. We have reviewed the draft plan document and provided feedback and comments to the project team to incorporate into the final plan. The result will be a transportation plan that represents our shared values and documents an agreed upon strategy for transportation investments.

This interjurisdictional collaboration is exactly the type of effort that the new federal infrastructure bill prioritizes. We agree that all of Wyandotte County and beyond must come together to address our many and varied transportation issues to realize new mobility solutions that spur community investment and improve our community's access to opportunity.

We look forward to continuing to work with the UG on implementing the actions from the goDotte plan. If you have any questions or need additional information, please contact me at 913.897.8546

Sincerely,

Monica Mendez
Community Mobilizer
Latino Health For All Coalition

600 Broadway, Suite 200
Kansas City, Missouri 64105-1659

816-474-4240
816-421-7758 FAX
marcinfo@marc.org
www.marc.org



August 3, 2022

Mr. Gunnar Hand, AICP
Director of Planning + Urban Design
Unified Government of Wyandotte County and Kansas City, Kansas
701 N 7th Street Trafficway
Kansas City, KS 66101

RE: goDotte Strategic Mobility Plan

Dear Mr. Hand:

We are excited to have participated in the planning process for the goDotte Strategic Mobility Plan, a first-of-its-kind document that assembles transportation plans and policy from all municipalities within Wyandotte County. We have reviewed the draft plan document and provided feedback and comments to the project team to incorporate into the final plan. The result will be a transportation plan that represents our shared values and documents an agreed upon strategy for transportation investments.

This interjurisdictional collaboration is exactly the type of effort prioritized by the new federal infrastructure bill and metropolitan transportation plan for the Kansas City region, Connected KC 2050. We agree that all of Wyandotte County and beyond must come together to address our many and varied transportation issues to realize new mobility solutions that spur community investment and improve our community's access to opportunity.

We look forward to continuing to work with the UG on implementing the actions from the goDotte plan. If you have any questions or need additional information, please contact me at 816-701-8352 or tjacobs@marc.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Jacobs", with a stylized flourish at the end.

Tom Jacobs
Director, Environmental Programs
Mid-America Regional Council

Chair
Harold Johnson Jr.
Commissioner
Unified Government
of Wyandotte County/
Kansas City, Kansas

1st Vice Chair
Carson Ross
Mayor
Blue Springs,
Missouri

2nd Vice Chair
Janeé Hanzlick
Commissioner
Johnson County,
Kansas

Treasurer
Beto Lopez
Mayor Pro Tem
Lee's Summit,
Missouri

Secretary
Damien Boley
Mayor
Smithville,
Missouri

Executive Director
David A. Warm

August 1, 2022

Mr. Gunnar Hand, AICP
Director of Planning + Urban Design
Unified Government of Wyandotte County and Kansas City, Kansas
701 N 7th Street Trafficway
Kansas City, KS 66101
RE: goDotte Strategic Mobility Plan

Dear Mr. Hand:

I am pleased to have participated in the planning process for the goDotte Strategic Mobility Plan through the Infrastructure Action Team meetings. I see this as a first-of-its-kind document that assembles transportation plans and policy from all municipalities within Wyandotte County. I have reviewed the draft plan document and will be working with my KU architecture students to incorporate this plan into our Fall Semester project, where we will provide feedback and comments to the project team. Through university research and testing ideas through design projects, we wish to contribute to the transportation plan—one that represents our shared values and an agreed upon strategy for transportation investments.

As a co-director of [Dotte Agency](#), we have invested much effort to assist UG community groups in making transportation choices more equitable and innovative in a participatory approach. We wish to continue this effort and see the Mobility Plan as an excellent resource to 'plug into' and extend its potential through collaborative research and applied project development.

We look forward to continuing to work with the UG on implementing the actions from the goDotte plan. If you have any questions or need additional information, please contact me at scriss@ku.edu.

Best Regards,



Shannon Criss
University of Kansas School of Architecture and Design / Dotte Agency



300 E. 39th Street, Ste. 4B
Kansas City, MO 64111
www.cultivatekc.org

July 29, 2022

Mr. Gunnar Hand, AICP

Director of Planning + Urban Design
Unified Government of Wyandotte County and Kansas City, Kansas
701 N 7th Street Trafficway
Kansas City, KS 66101

RE: goDotte Strategic Mobility Plan

Dear Mr. Hand:

We are excited to have participated in the planning process for the goDotte Strategic Mobility Plan, a first-of-its-kind document that assembles transportation plans and policy from all municipalities within Wyandotte County. We have reviewed the draft plan document and provided feedback and comments to the project team to incorporate into the final plan. The result will be a transportation plan that represents our shared values and documents an agreed upon strategy for transportation investments.

This interjurisdictional collaboration is exactly the type of effort that the new federal infrastructure bill prioritizes. We agree that all of Wyandotte County and beyond must come together to address our many and varied transportation issues to realize new mobility solutions that spur community investment and improve our community's access to opportunity.

We look forward to continuing to work with the UG on implementing the actions from the goDotte plan. If you have any questions or need additional information, please contact me at brien@cultivatekc.org, 816-824-2176.

Sincerely,

A handwritten signature in dark ink that reads "B. C. Darby".

Brien Darby
Executive Director
Cultivate Kansas City



DATE: August 3, 2022

TO: Planning + Urban Design, Unified Government of Wyandotte County & Kansas City, KS

ATTN: Gunnar Hand, Director and Team

RE: goDotte Strategic Mobility Plan

Dear Mr. Hand:

We are with [Metropolitan Energy Center \(MEC\)](#). Since 1983, MEC has worked with thousands of residents, businesses, and municipalities in the Kansas City metro, including the Unified Government (UG), to transform energy use in the building and transportation sectors – all while raising awareness to improve air quality for the entire region. We are also a trusted recipient and manager of federal funds that we help distribute for local benefit. Since its inception, MEC has successfully managed millions of dollars in federally funded projects advancing clean, efficient energy use.

We are excited to see the goDotte Strategic Mobility Plan and applaud the time, thought, and consideration put into developing it. We have reviewed the draft document and provided comments to the project team to incorporate into the final plan. We would be pleased to continue to work with the UG to implement the Strategic Mobility Plan and ask that these ideas are incorporated into the final version.

- **Better mobility alternatives and sustainable municipal and commercial fleets:** Transportation is fundamental to our society and our economy. It's the way our food makes it to our plates, how our kids make it to school, and so much more. We recommend a 3-fold approach to use transportation as a means to bring about better community health and livability: more accessible public transit and personal mobility options, clean and sustainable municipal fleets, and maximum emission reduction for commercial fleets. These measures are essential for Kansas City, KS/Wyandotte County to become cleaner, more efficient, and accessible for all.
 - MEC strongly supports implementing policies and funding that encourage mobility alternatives like walking, biking, and transit, including modern versions such as electric-assist bicycles, and expanded public transportation options.
 - Both municipal and commercial fleets operate in and around residential communities, making fleet cleanup a crucial component of any mobility plan focused on community betterment. Clean and renewable fuel alternatives are readily available, some of which are already being used by county fleet operators, and some of which are still missed opportunity. Below are examples of how MEC has previously worked with the UG on innovative transportation projects.

- MEC's previous transportation projects in Kansas City, KS, and Wyandotte County include deploying propane, natural gas and hybrid buses (and related safety training) with transit and school agencies; deploying all-electric terminal tractors in the metro, including at a distribution center in Edwardsville; and scrapping and replacing 18 long haul diesel trucks with natural gas trucks, which are stationed next to Interstate 35, only half a mile from the nearest residential area.
- **MEC projects that align with the Strategic Mobility Plan:** Please don't hesitate to reach out to us for more information regarding the below and other opportunities.
 - **Electric Vehicles (EVs) in Underserved Markets:** Funded through the U.S. Department of Energy, [this \\$5.2 million project](#) includes a component where grant recipients will define for themselves projects that would be locally most beneficial. The success of the program depends upon placing EV charging stations within underserved or rural areas that feel the effects of environmental justice issues.
 - **KC Urban Heat Community Workshops:** The Kansas City metro has some of the worst areas of concentrated heat, called urban heat islands (UHIs), in the U.S. In hotspot areas, temperatures can be up to 28°F higher than surrounding areas, wreaking havoc on nearby residents' physical, mental, and economic wellbeing. As we see far too often, underserved communities shoulder the brunt of these problems. Utilizing [Phoenix's Heat Action Planning Guide](#) as a model, MEC is partnering with the J Gordon Community Development Corp, Argentine Betterment Corporation, and Armourdale Renewal Association to host workshops in the Argentine and Armourdale neighborhoods. The goal of the workshops, which is funded through the EPA's Environmental Justice Small Grants Program, is to work with residents to create a local, contextual, and culturally appropriate vision for a safer, healthier, and cooler future for all.
 - **Electrify Heartland:** MEC established [Electrify Heartland](#), with state initiatives Electrify Kansas and (with St. Louis Clean Cities) Drive Electric Missouri. Through this project, MEC is working with individuals, utilities, legislators, dealerships, and others to remove adoption barriers and transform the electrification sector in our region. DRIVE Electric USA is a 14-state initiative with the goal of significantly advancing electric vehicles (EV). Each state has its unique branding, planning, challenges, and goals for the project.

We look forward to working with the UG on implementing the actions from the goDotte Mobility Plan. If you have any questions or need additional information, please don't hesitate to contact us.

Thank you,

Kelly Gilbert | Executive Director | kelly@metroenergy.org

Metropolitan Energy Center | 816-531-7283 office | 816-812-9772 direct
metroenergy.org

July 28, 2022

Mr. Gunnar Hand, AICP
Director of Planning + Urban Design
Unified Government of Wyandotte County and Kansas City, Kansas
701 N. 7th Street Trafficway
Kansas City, KS 66101

RE: goDotte Strategic Mobility Plan

Dear Director Hand:

On behalf of BikeWalkKC, I have drafted the following letter to express our organization's **support** for this draft of the goDotte Strategic Mobility Plan.

We have appreciated the opportunity to participate in the planning process for this critical document, a first of its kind which assembles transportation plans and policies from across Wyandotte County. We have reviewed the draft plan document and provided feedback and comments to the project team to incorporate into the final plan.

We agree that all of Wyandotte County and its neighbors must come together to address our varied transportation issues to realize new mobility solutions which spur community investment and improve our community's access to opportunity. For us, that means placing an emphasis on improving safe and reliable options for people who walk, roll, bike, and use transit. We believe this is important for two key reasons:

- 1) **It aligns with key portions of the Bipartisan Infrastructure Law (BIL).** The BIL is clear that communities need to do more to protect their most vulnerable road users. This is spelled out in several sections of the legislation (including Sections 11109, 11111, 11119, and 11206). Through its identified actions, the goDotte plan can follow those directives in a way which creates new funding opportunities for the UG.
- 2) **The plan will mesh well with the update to the statewide active transportation plan.** As KDOT updates this critical document, it is clear that future transportation funding will be based on policy and planning steps which prioritize vulnerable road users. The goDotte plan, coupled with the already adopted Complete Streets ordinance, will help ensure the UG is able to remain competitive for those emerging funding options.

We look forward to continuing to work with the UG on implementing the actions from the goDotte plan. If you have questions or need additional information, please contact me at michael.kelley@bikewalkkc.org.

Respectfully,



Michael Kelley
Policy Director
BikeWalkKC



PROCLAMATION

- WHEREAS,** Victory Outreach is an international church-oriented Christian ministry called to the task of evangelizing and helping the hurting people of the world, with the message of hope and plan of Jesus Christ; and
- WHEREAS,** Pastor Dan and Mary Tynch were saved from the life of drug addiction and suicidal thoughts and called into the ministry to start Victory Outreach in the cities of Kansas City, Kansas; and Kansas City, Missouri; and
- WHEREAS,** Victory Outreach Kansas City, MO was started in 1998 and Victory Outreach Kansas City, KS was started in 2019 by Pastors Dan and Mary Tynch. The ministry continued during the Pandemic and has helped to restore the lives of hurting young adults via the G.A.N.G. ministry as well as Men & Women from all walks of life via United Women in Ministry, Mighty Men of Valor and the Inner-City Recovery Homes; and
- WHEREAS,** the Victory Outreach Kansas City Inner City Recovery Homes have served the community for over 24 years through its recovery home programs and outreach to the local inner city, reaching prostitutes, gang members and individuals affected by domestic violence helping them become productive member of society again; and
- WHEREAS,** the Victory Outreach Kansas City Inner City Recovery Homes has been the recognized leader of substance abuse rehabilitation and gang violence prevention and has provided services to over 3,500 men & woman and encouraged countless others over the past 24 years to fulfill their potential in life with a sense of dignity, belonging and destiny.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim August 21st, 2022, as:

“Victory Outreach KC Inner Recovering Homes Day”

in Wyandotte County/Kansas City, Kansas and urge all citizens to recognize this day in Wyandotte County. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



Staff Request for Commission Action

Tracking No. 211924

Full Commission Meeting Date:

Committee: Full Commission

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

<u>Date:</u> 08/25/2022	<u>Contact Name:</u> Ana Marin	<u>Contact Phone:</u> x5010	<u>Contact Email:</u> amarin@wycokck.org	<u>Department/Division:</u> Mayor's Office
<u>Item Description:</u> Presentation by Geoff Vandeusen regarding statistical analysis of commission meetings, submitted by Mayor's Office.				
<i>For information only</i>				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> 1 - Final UG Presentation				



Legislative Scorecard

Statistics

Analysis ▶

Recommendations



Culmination
of Findings

The numbers seen henceforth are from every full
commission meeting from 12/16 to 7/14

Planning and Zoning

Total number of
votes taken: 198



Votes that were
unanimous: 176



Votes failed: 1



The commission
voted unanimously:
88.89%

Mayor's Agenda

Total number of
votes taken: 14



Votes that were
unanimous: 10



Votes failed: 1



The commission
voted unanimously:
71.43%

Consent Agenda

Total number of
votes taken: 81



Votes that were
unanimous: 74



Votes failed: 0



The commission
voted unanimously:
91.36%

Public Hearing Agenda

Total number of
votes taken: 7



Votes that were
unanimous: 6



Votes failed: 0



The commission
voted unanimously:
85.71%

Land Bank

Total number of
votes taken: 8



Votes that were
unanimous: 8



Votes failed: 0



The commission
voted unanimously:
100%

Administrator's Agenda

Total number of
votes taken: 9



Votes that were
unanimous: 8



Votes failed: 0

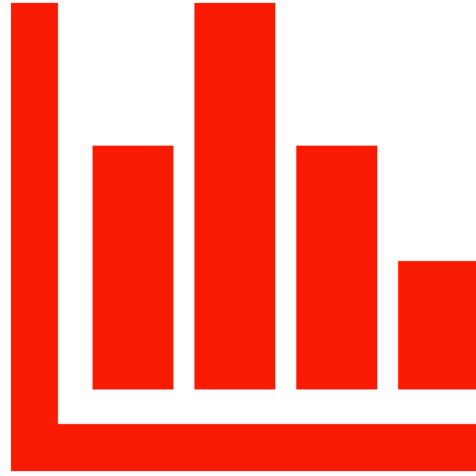


The commission
voted unanimously:
88.89%

Total Full Commission Votes



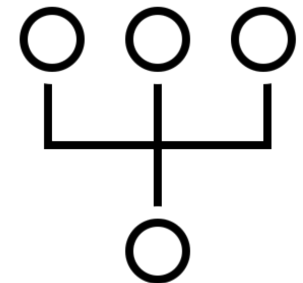
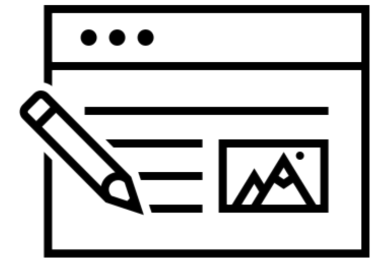
- In total the commission voted unanimously: 87.71%



Statistical Analysis

What do the numbers mean and what can we takeaway from them?

1. There has been some dysfunction and hostility during commission meetings
2. The commissioner's, mayor's, and administrator's agendas seem to be in unison more than realized
3. These issues are not ideological





Thank you



Staff Request for Commission Action

Tracking No. 211863

Full Commission Meeting Date: 8/25/22

Committee: Economic Development & Finance

Date of Standing Committee Action:
(If none, please explain):

Publication Required: Yes 9/1/2022

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
08/09/2022	Patrick Waters	x5079	patrickwaters@wycokck.org	Legal

Item Description:

Ordinance correcting an error in the legal description and map pertaining to the Village East STAR Bond District to properly reflect the original District boundaries previously approved, submitted by Patrick Waters, Deputy Chief Counsel.

*On August 8, 2022, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.*

Action Requested:

Approve

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Ordinance 2022 Expanded STAR Bond District Amendment (002)

(Published in *The Wyandotte Echo* on _____, 2022)

ORDINANCE NO. O-__-22

AN ORDINANCE AMENDING THE BOUNDARIES OF THE STAR BOND DISTRICT COMMONLY KNOWN AS VILLAGE EAST IN THE CITY OF KANSAS CITY, KANSAS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) desires to promote, stimulate and develop the general and economic welfare of Kansas City, Kansas and the state of Kansas (the “State”) and to assist in the development and redevelopment of eligible areas within Kansas City, Kansas, thereby promoting the general welfare of the citizens of the State and the Unified Government, by acquiring property and providing for the development and redevelopment thereof and the financing relating thereto; and

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 *et seq.*, as amended, as now authorized under the STAR Bonds Financing Act, K.S.A. 12-17,160, *et seq.*, as amended (the “Act”), the Board of Commissioners of the Unified Government (the “Governing Body”) on October 20, 2005, adopted Ordinance No. O-76-05, which created a redevelopment district within Kansas City, Kansas (the “City”) known as the Vacation Village STAR Bond District, now commonly known as the Village East STAR Bond District, the boundaries of which were defined in said Ordinance (the “Original Village East STAR Bond District”) and contained one redevelopment project area; and

WHEREAS, on November 14, 2005 a Vacation Village Special Bond Project Plan (“Original Village East Project Plan”) was filed with the Unified Government Clerk; and

WHEREAS, on November 14, 2005 the Planning Commission of the Unified Government made a finding that the Original Village East Project Plan was consistent with the intent of the City's comprehensive plan for the development of the City; and

WHEREAS, on December 20, 2005, after proper notice in accordance with the Act, a public hearing was held on the Original Village East Project Plan and the Governing Body then adopted Ordinance No. O-96-05 approving the Original Village East Project Plan; and

WHEREAS, on December 23, 2005 the Secretary of Commerce of the State of Kansas (the “Secretary”), determined that the Original Village East STAR Bond District was an “eligible area” under the Act, designated the redevelopment project as a “special bond project” and approved the issuance of STAR Bonds for the project; and

WHEREAS, in 2014 the Unified Government determined that it was necessary and appropriate to add certain property to the Original Village East District that was a part of the Prairie-Delaware STAR Bond District (commonly known as the “Village West STAR Bond District”) originally created in 1998, upon satisfaction of certain conditions; and

WHEREAS, in 2006, pursuant to Ordinance No. O-45-06, the Village West STAR Bond District had been amended to remove the following real property (the “**Excluded Property**”):

All of Lot 20, Block A, Tourism District, a subdivision in Wyandotte County, Kansas, according to the recorded plat thereof, and All of Lots 21, 22, 23, 24, 28, 29 and 30, Ballpark of Village

West, Third Plat, a subdivision in Wyandotte County, Kansas, according to the recorded plat thereof.

from the Village West STAR Bond District so that all the sales tax revenues generated within the Excluded Property would be paid to the Unified Government and the State of Kansas and would not be used to pay STAR bonds; and

WHEREAS, an Amended and Restated STAR Bond District Plan dated July 8, 2014 (the “Amended Village East District Plan”) was filed with the Clerk, which proposed expanding the Original Village East STAR Bond District to add additional property from the Village West STAR Bond District (as expanded, the “Expanded Village East STAR Bond District”) and dividing the Expanded Village East STAR Bond District into five (5) project areas; and

WHEREAS, in accordance with the Act, on August 28, 2014 the governing body of the Unified Government held a public hearing to consider approval of the Expanded Village East STAR Bond District, after proper notice in accordance with the Act; and

WHEREAS, on August 28, 2014 the governing body of the Unified Government passed Ordinance No. O-47-14 that approved the Expanded Village East STAR Bond District, and such ordinance was published on September 4, 2014; and

WHEREAS, the Expanded Village East STAR Bond District, and specifically Project Area 4 within such district (“Project Area 4”), was intended to include the real property within the portion of the Village West STAR Bond District designated as “Project Area B,” excluding the Excluded Property that had previously been removed from the Village West STAR Bond District pursuant to Ordinance No. O-45-06; and

WHEREAS, the Village East STAR Bond District was subsequently further amended (a) on August 13, 2015 when the Governing Body passed Ordinance No. O-54-15 that approved the First Amended STAR Bond District Plan and (b) on June 10, 2021 when the Governing Body passed Ordinance No. O-80-21 that approved a further expansion of the Expanded Village East STAR Bond District (as further expanded, the “Village East STAR Bond District”) and the Second Amended STAR Bond District Plan; and

WHEREAS, it has recently been discovered that due to a scrivener’s error, Ordinance No. O-47-14, Ordinance No. O-54-15 and Ordinance O-80-21 inadvertently included the Excluded Property within the Expanded Village East STAR Bond District, and thus contained incorrect maps and legal descriptions of the boundaries of the Village East STAR Bond District as described therein; and

WHEREAS, the documents related to bonds issued in 2015 pursuant to the project plans for Project Area 4 assumed that the Excluded Property was not included in the Village East STAR Bond District, and therefore any sales tax revenues generated from the Excluded Property would not be available to implement any such project plans; and

WHEREAS, the Excluded Property includes 30.6 acres, which constitutes a “de minimis” portion of both the Village East STAR Bond District (989.9 acres) and Project Area 4 (572.11 acres), and based on the facts set forth herein, the Governing Body hereby finds it necessary and appropriate to remove the Excluded Property from the Village East STAR Bond District, with the boundaries of the district as revised by this Ordinance as show in the map attached hereto as **Exhibit A**.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. The Unified Government hereby removes the property legally described as follows from the Redevelopment District:

All of Lot 20, Block A, Tourism District, a subdivision in Wyandotte County, Kansas, according to the recorded plat thereof, and All of Lots 21, 22, 23, 24, 28, 29 and 30, Ballpark of Village West, Third Plat, a subdivision in Wyandotte County, Kansas, according to the recorded plat thereof.

Section 2. The Unified Government shall, and the officers, employees and agents of the Unified Government are hereby authorized and directed to, take such action as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 3. This Ordinance shall take effect and be in full force after its adoption by the Unified Government and publication once in the official newspaper of the Unified Government.

PASSED by the Governing Body of the Unified Government on _____, 2022 and **APPROVED AND SIGNED** by the Mayor/CEO.

Mayor/CEO

(Seal)

ATTEST:

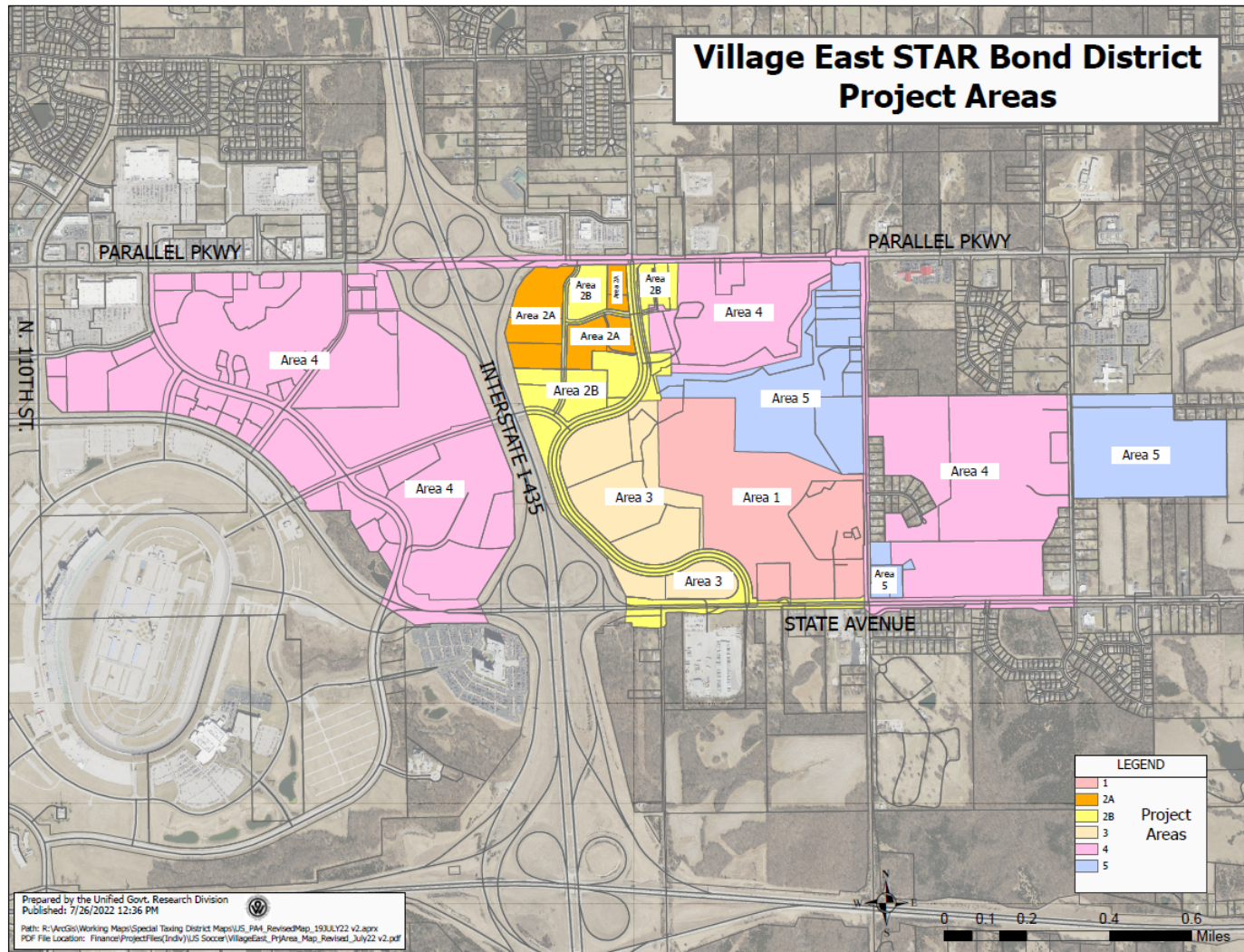
Unified Government Clerk

APPROVED AS TO FORM:

Chief Counsel

Exhibit A

Map of Village East STAR Bond District and associated Project Areas





County Administrator's Office
Cheryl Harrison-Lee, Interim County
Administrator

701 North Seventh Street, Ste. 945
Kansas City, Kansas 66101
(913) 573-5030 • FAX (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: August 25, 2022

BOARD POSITION: Housing Authority

INCUMBENT: N/A

APPOINTING MAYOR: Tyrone Garner

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Roderick McConnell

TERM OF OFFICE: 8/25/2022-12/15/2025



Kansas City, Kansas Housing Authority

1124 North Ninth Street

Kansas City, Kansas 66101-2197

(913) 281-3300 FAX (913) 279-3428 TTY (800) 766-3777

www.kckha.org

June 17, 2022

Via Email

Mayor Tyrone Garner
Unified Government
Wyandotte County, Kansas
701 N. 7th Street
Kansas City, KS 66101

SUBJECT: Resident Appointment

Dear Mayor Garner:

An election was held last year to select a resident to serve on the Kansas City, Kansas Housing Authority (KCKHA) Board of Commissioners. Sadly, that resident, Oliver Singleton, passed away in December 2021 before he could serve on the board. Another election was held in May 2022 and Roderick McConnell received the most votes and was elected by his peers to serve on the board. Mr. McConnell's contact information is 915 Washington Blvd, Apt. 408, Kansas City, KS 66101; (913) 388-6628 and poetrynmotion03221@yahoo.com.

We are submitting Mr. McConnell's name for your recommendation as Resident Commissioner of the KCKHA Board and request that you submit his name before the Unified Government Commissioners for approval.

Should you have any questions or need additional information, please contact Sharron Davis-Mays at (913) 281-3300.

Sincerely,

Andrea Tapia
Executive Director/CEO

AT/jr



County Administrator's Office
Cheryl Harrison-Lee, Interim County
Administrator

701 North Seventh Street, Ste. 945
Kansas City, Kansas 66101
(913) 573-5030 • FAX (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: August 25, 2022

BOARD POSITION: Housing Authority

INCUMBENT: Jacques Barber

APPOINTING COMMISSIONER: Mike Kane

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Re-Appointment

TERM OF OFFICE: 8/25/2022-12/15/2025



County Administrator's Office
Cheryl Harrison-Lee, Interim County
Administrator

701 North Seventh Street, Ste. 945
Kansas City, Kansas 66101
(913) 573-5030 • FAX (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: August 25, 2022

BOARD POSITION: Housing Authority

INCUMBENT: Matt Watkins

APPOINTING COMMISSIONER: Chuck Stites

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Re-Appointment

TERM OF OFFICE: 8/25/2022-12/15/2025



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

August 18, 2022

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **HYINK ADDITION NO. 1**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of HYINK ADDITION NO. 1 located at 6702 and 6716 Berger Avenue and being developed by Steven F. Hyink

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.S.
County Surveyor

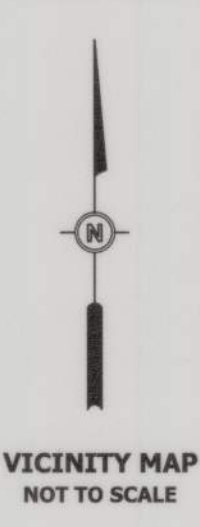
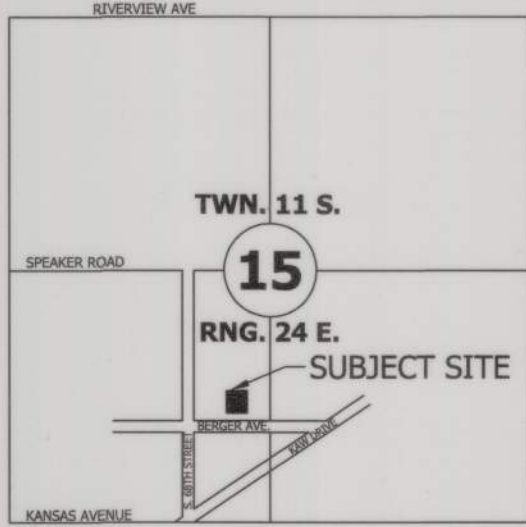
Digitally signed by Troy
Shaw
Date: 2022.08.18
11:00:44 -05'00'

Troy Shaw, P.E.
County Engineer

Attachments

FINAL PLAT OF HYINK ADDITION NO. 1

A REPLAT OF PART OF LOTS 30, 31, AND 32, VALLEY CENTER, A SUBDIVISION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS
A PORTION OF THE SOUTHWEST QUARTER OF SECTION 15,
TOWNSHIP 11 SOUTH, RANGE 24 EAST OF THE SIXTH PRINCIPAL MERIDIAN, WYANDOTTE COUNTY, KANSAS



DEDICATION:

THE UNDERSIGNED PROPRIETORS OF THE ABOVE DESCRIBED TRACT OF LAND STATE THAT ALL TAXES HAVE BEEN PAID AND THAT THEY HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER AS SHOWN ON THE ACCOMPANYING PLAT WHICH HEREFTER SHALL BE KNOWN AS "HYINK ADDITION NO. 1". ALL STREETS, DRIVES, TERRACES AND OTHER WAYS SHOWN HEREON AND NOT HERETOFORE DEDICATED TO THE PUBLIC ARE HEREBY SO DEDICATED. AN EASEMENT IS HEREBY GRANTED ALL PUBLIC UTILITY COMPANIES, THEIR SUCCESSORS OR ASSIGN OR RURAL WATER DISTRICTS DULY INCORPORATED AND AUTHORIZED TO DO BUSINESS IN WYANDOTTE COUNTY, KANSAS, TO ENTER UPON, OVER AND UNDER THESE AREAS OUTLINED AND DESIGNATED ON THIS PLAT AS "UTILITY EASEMENT" OF "U/E" FOR PURPOSES OF UTILITY INSTALLATIONS AND MAINTENANCE THEREOF. THE USE OF SAID EASEMENT BY ANY SUCH ENTITY SHALL OBLIGATE SUCH ENTITY TO RETURN SAID EASEMENT TO ITS CONDITION PRIOR TO ANY INSTALLATION, MAINTENANCE OR REPAIR ON SAID EASEMENT.

IN TESTIMONY WHEREOF,

I, ROBERT F. HYLINK, TRUSTEE, ROBERT F. HYLINK REVOCABLE FAMILY TRUST, HAVE SET MY HAND THIS _____ DAY OF _____, 2022.

ROBERT F. HYLINK, TRUSTEE (DATE)

NOTARY CERTIFICATION:

STATE OF _____)
COUNTY OF _____)SS

BE IT REMEMBERED THE ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AN STATE CAME _____ TO ME PERSONALLY KNOWN TO BE THE SAME PERSONS WHO EXECUTED THE FORGOING INSTRUMENT OF WRITING, AND DULY ACKNOWLEDGED THE THE EXECUTION OF THE SAME. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARY SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC _____ (SEAL)
MY COMMISSION EXPIRES: _____

APPROVALS

THIS PLAT OF _____ HAS BEEN SUBMITTED AND APPROVED BY THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY. KANSAS.

DATED THIS _____ DAY OF _____, 2022.

KANSAS CITY, KANSAS PLANNING COMMISSION
BY _____, CHAIRMAN
JEFF CARSON
BY _____, SECRETARY
GUNNAR HAND, AICP

COUNTY ENGINEER'S APPROVAL:
RECOMMENDED FOR APPROVAL BY THE COUNTY ENGINEER,
THIS _____ DAY OF _____, 20____.

TROY SHAW, P.E. COUNTY ENGINEER

COUNTY SURVEYOR APPROVAL:
THIS SURVEY HAS BEEN REVIEWED FOR FILING, PURSUANT TO KSA 58-2003, 58-2005, AND 58-2011, FOR CONTENT ONLY AND IS IN COMPLIANCE WITH PROVISIONS. NO OTHER WARRANTIES ARE EXTENDED OR IMPLIED.

REVIEWED BY _____ DATE: _____
BRENT E. THOMPSON, KS P.S. 1277

STATE OF KANSAS)
COUNTY OF WYANDOTTE)SS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE ON THIS _____ DAY OF _____, 2022, AT _____ O'CLOCK AND IS DULY RECORDED.

NANCY BURNS, REGISTER OF DEEDS

SUSIE NELSON, DEPUTY

THE DEDICATIONS SHOWN HEREON, IF ANY, ARE ACCEPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____ DAY OF _____, 2022.

TYRONE GARNER, U.G. MAYOR/CEO

(SEAL) _____, U.G. CLERK
BRETT A. DEICHLER

LEGEND
BOUNDARY LINE
RIGHT-OF-WAY LINE
EASEMENT LINE
BUILDING SETBACK LINE
FOUND MONUMENT (AS NOTED)
SET MONUMENT (AS NOTED)
MEASURED
DEED
CALCULATED MEASUREMENT
BUILDING SETBACK LINE
POINT OF BEGINNING
POINT OF COMMENCEMENT
EASEMENT
RIGHT-OF-WAY
CALCULATED (NO MONUMENT SET)

DESCRIPTION:

A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK:4250 PAGE:284, AND IN DEED BOOK:4250 PAGE:285, AS RECORDED IN THE OFFICE OF THE WYANDOTTE COUNTY, KANSAS REGISTER OF DEEDS, IN KANSAS CITY, KANSAS, LOCATED IN LOTS 30-32, VALLEY CENTER, A SUBDIVISION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 11 SOUTH, RANGE 24 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DESCRIBED BY STEPHEN I. MARINO, II, PS 1380, ON OCTOBER 18, 2021, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 30, VALLEY CENTER, A SUBDIVISION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, THENCE NORTH 01 DEGREES 31 MINUTES 52 SECONDS WEST, A DISTANCE OF 245.65 FEET; THENCE, DEPARTING SAID WEST LINE, NORTH 87 DEGREES 33 MINUTES 22 SECONDS EAST, A DISTANCE OF 145.00 FEET, DEED, 144.99 FEET, MEASURED; THENCE SOUTH 01 DEGREES 42 MINUTES 35 SECONDS EAST, A DISTANCE OF 10.00 FEET, DEED, 9.95 FEET, MEASURED; THENCE NORTH 87 DEGREES 36 MINUTES 00 SECONDS EAST, A DISTANCE OF 50.00 FEET, DEED, 49.98 FEET, MEASURED; THENCE NORTH 01 DEGREES 44 MINUTES 48 SECONDS WEST, A DISTANCE OF 14.00 FEET, DEED, 13.91 FEET, MEASURED; THENCE NORTH 87 DEGREES 35 MINUTES 03 SECONDS EAST, A DISTANCE 135.00 FEET, DEED, 134.99 FEET, MEASURED TO THE EAST LINE OF LOT 32, VALLEY CENTER; THENCE SOUTH 01 DEGREES 33 MINUTES 40 SECONDS EAST, A DISTANCE OF 249.87 FEET; TO THE NORTH RIGHT-OF-WAY LINE OF BERGER AVENUE, AS NOW EXISTS, THENCE SOUTH 87 DEGREES 37 MINUTES 10 SECONDS WEST, A DISTANCE OF 330.07 FEET TO THE POINT OF BEGINNING. CONTAINING 1.86 ACRES, 81,145 SQUARE FEET, MORE OR LESS.

THENCE, CONTINUING COINCIDENT WITH SAID WEST LINE, NORTH 01 DEGREES 31 MINUTES 52 SECONDS WEST, A DISTANCE OF 245.65 FEET; THENCE, DEPARTING SAID WEST LINE, NORTH 87 DEGREES 33 MINUTES 22 SECONDS EAST, A DISTANCE OF 145.00 FEET, DEED, 144.99 FEET, MEASURED; THENCE SOUTH 01 DEGREES 42 MINUTES 35 SECONDS EAST, A DISTANCE OF 10.00 FEET, DEED, 9.95 FEET, MEASURED; THENCE NORTH 87 DEGREES 36 MINUTES 00 SECONDS EAST, A DISTANCE OF 50.00 FEET, DEED, 49.98 FEET, MEASURED; THENCE NORTH 01 DEGREES 44 MINUTES 48 SECONDS WEST, A DISTANCE OF 14.00 FEET, DEED, 13.91 FEET, MEASURED; THENCE NORTH 87 DEGREES 35 MINUTES 03 SECONDS EAST, A DISTANCE 135.00 FEET, DEED, 134.99 FEET, MEASURED TO THE EAST LINE OF LOT 32, VALLEY CENTER; THENCE SOUTH 01 DEGREES 33 MINUTES 40 SECONDS EAST, A DISTANCE OF 249.87 FEET; TO THE NORTH RIGHT-OF-WAY LINE OF BERGER AVENUE, AS NOW EXISTS, THENCE SOUTH 87 DEGREES 37 MINUTES 10 SECONDS WEST, A DISTANCE OF 330.07 FEET TO THE POINT OF BEGINNING. CONTAINING 1.86 ACRES, 81,145 SQUARE FEET, MORE OR LESS.

SURVEYOR CERTIFICATION:

I, STEPHEN IRWIN MARINO, II, A PROFESSIONAL SURVEYOR IN THE STATE OF KANSAS, DO HEREBY CERTIFY THAT I HAVE MADE THE HEREON DESCRIBED SURVEY ON THE GROUND ON FEBRUARY 24, 2021 AND THAT SAID SURVEY MEETS OR EXCEEDS CURRENT KANSAS MINIMUM STANDARDS ADOPTED BY KANSAS STATE BOARD OF TECHNICAL PROFESSIONS.



STEPHEN IRWIN MARINO, II, P.S. #1380
BARTLETT & WEST, INC.

SURVEY NOTES:

- BOUNDARY CLOSURE CALCULATIONS
1:250,938
- SUBJECT PROPERTY IS NOT LOCATED WITHIN A DESIGNATED FLOOD ZONE, AS SHOWN ON FLOOD INSURANCE RATE MAP NO. 20209C0153D, WITH AN EFFECTIVE DATE OF SEPTEMBER 2, 2011.
- CURRENT ZONING: M-2 AS SET OUT IN UNIFIED DEVELOPMENT CODE; CHAPTER 27, ARTICLE VIII - ZONING, DIVISION 4 - DISTRICT REGULATIONS, SEC. 27-469 - M-2 GENERAL INDUSTRIAL DISTRICT.
- PREPARED FOR: ROBERT F. HYINK FAMILY, LLC.
4508 KINGFISHER CT.
AUGUSTA, MO 63332
- THIS SURVEY WAS DONE WITH THE BENEFIT OF LAWYERS TITLE OF KANSAS, INC. OWNERS AND ENCUMBRANCE REPORT, CASE NO. 43092, EFFECTIVE DATE JULY 13, 2021, 7:00 AM.
- 45' LANDSCAPE BUFFER EASEMENT REMOVED: CHANGE OF ZONING APPLICATION CASE: COZZ2021-011 (PENDING)

REFERENCE SURVEYS:

- (P) - VALLEY CENTER, A SUBDIVISION OF LAND IN WYANDOTTE COUNTY, KANSAS - BOOK 16, PAGE 11
(D) - DEED - BOOK 4250, PAGE 284-285
(P1) - NON-RECORDED SURVEY BY PHELPS ENGINEERING, INC., DATED SEPTEMBER 21, 2015
(P2) - SURVEY BY BHC RHODES DOCUMENT: 2012R-10844
(P3) - SURVEY BY BHC RHODES DOCUMENT: 2013R-11566

Use edit on: 8/3/2022 10:12 AM By: ZW01629 Drawing Name: W:\proj\20200324\44-000\Survey\Working\DWG\20444-000_FinalPlat.dwg Layout Name: Layout1 Printed By: ZW01629 Printed on: 8/3/2022 10:12:57 AM

#	DATE	DESCRIPTION	BY
1	2021-10-18	REVISIONS PER COUNTY COMMENTS	JCW
1	2022-08-03	REVISED MAYOR NAME	JCW

DESIGNED BY:	JCW
DRAWN BY:	JCW
CHECKED BY:	SIM
PROJECT ENGR:	

Bartlett & West
544 Columbia Drive
Lawrence, Kansas 66049
888.200.6464
www.bartlettwest.com

A REPLAT OF PART OF LOTS 30, 31, AND 32, VALLEY CENTER,
A SUBDIVISION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS
A PORTION OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 11 SOUTH,
RANGE 24 EAST OF THE SIXTH PRINCIPAL MERIDIAN, WYANDOTTE COUNTY, KANSAS

FINAL PLAT
OF
HYINK ADDITION NO. 1

PROJ NO:	20444.000	DRAWING NO:	
CONST PROJ:			
SCALE:	AS NOTED	SHEET NO:	
DATE:	AUGUST 2022		

P-1

1 of 1



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

August 18, 2022

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **PIPER CREEK ESTATES, SECOND PLAT**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of PIPER CREEK ESTATES, SECOND PLAT located at Sloan Avenue and Sewell Avenue in Piper being developed by BCB Holding, LLC – Brandon Becker.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.S.
County Surveyor

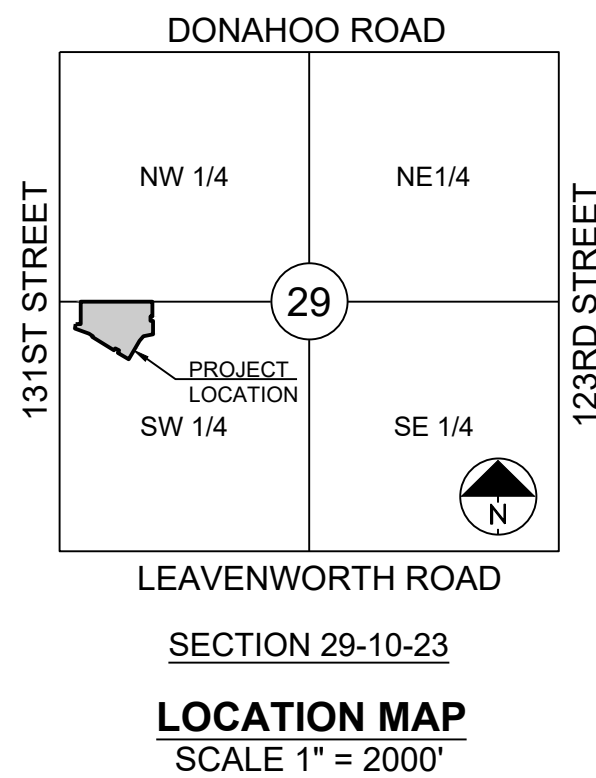
Digitally signed by Troy
Shaw
Date: 2022.08.19 07:35:30
-05'00'

Troy Shaw, P.E.
County Engineer

Attachments

FINAL PLAT OF
PIPER CREEK ESTATES
SECOND PLAT

PART OF THE SOUTHWEST 1/4 OF SECTION 29-10-23
IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS



LOT #	AREA (SF)	LOT #	AREA (SF)	LOT #	AREA (SF)
44	9,620	52	22,311	60	14,178
45	9,620	53	20,088	61	13,500
46	9,620	54	11,928	62	14,400
47	10,727	55	10,526	63	10,427
48	12,406	56	9,825	64	9,765
49	11,167	57	9,825	65	10,361
50	12,481	58	9,750	66	13,178
51	16,036	59	14,667	R/W	43,501

DESCRIPTION:

Part of the Southwest One-Quarter of Section 29, Township 10 South, Range 23 East, in the City of Kansas City, Wyandotte County, Kansas, being more particularly described as follows:
Commencing at the Northwest corner of the said Southwest One-Quarter; thence North 88 degrees 14 minutes 14 seconds East, along the North line of the said Southwest One-Quarter, a distance of 229.09 feet to the Point of Beginning; thence South 01 degree 51 minutes 59 seconds East, a distance of 229.29 feet; thence South 88 degrees 14 minutes 14 seconds West, a distance of 50.00 feet to the Northeast corner of "LOT 1, PIPER CREEK ESTATES, FIRST PLAT", a subdivision in the City of Kansas City, Wyandotte County, Kansas; thence along the North line of said "PIPER CREEK ESTATES, FIRST PLAT" for the following 17 courses: South 07 degrees 18 minutes 38 seconds West, a distance of 50.00 feet; thence South 70 degrees 33 minutes 11 seconds East, a distance of 153.75 feet; thence South 60 degrees 27 minutes 13 seconds East, a distance of 50.00 feet; thence South 29 degrees 32 minutes 47 seconds West, a distance of 9.00 feet; thence South 60 degrees 27 minutes 13 seconds East, a distance of 261.00 feet; thence North 29 degrees 32 minutes 47 seconds East, a distance of 25.00 feet; thence South 60 degrees 27 minutes 13 seconds East, a distance of 50.00 feet; thence South 29 degrees 32 minutes 47 seconds West, a distance of 25.00 feet; thence South 60 degrees 27 minutes 13 seconds East, a distance of 130.00 feet; thence North 29 degrees 32 minutes 47 seconds East, a distance of 222.00 feet; thence North 38 degrees 42 minutes 17 seconds East, a distance of 60.51 feet; thence North 73 degrees 21 minutes 55 seconds East, a distance of 101.57 feet; thence North 01 degrees 47 minutes 15 seconds West, a distance of 135.00 feet; thence South 88 degrees 12 minutes 45 seconds West, a distance of 26.34 feet; thence North 01 degrees 47 minutes 15 seconds West, a distance of 50.00 feet; thence North 88 degrees 12 minutes 45 seconds East, a distance of 25.00 feet; thence North 01 degrees 47 minutes 15 seconds West, a distance of 150.36 feet to a point on North line of the said Southwest One-Quarter, said point also being the Northwest corner of "LOT 35, PIPER CREEK ESTATES, FIRST PLAT"; thence South 88 degrees 14 minutes 14 seconds West, along the North line of said Southwest One-Quarter, a distance of 752.00 feet to the Point of Beginning, and containing 7.5736 acres, more or less.

DEDICATIONS:

The undersigned proprietor of the described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision shall hereafter be known as "PIPER CREEK ESTATES, SECOND PLAT".

The undersigned proprietors of said property shown on this plat do hereby dedicate for public use and public ways and thoroughfares, all street right of way as shown on this plat and not heretofore dedicated for public use.

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance and use of sidewalks, conduits, waterlines, gas, sewer lines, poles, wires, drainage facilities, ducts and cables, and similar facilities, upon, over, and under these areas outlined and designated on this plat as "Utility Easements" or "U/E" and Drainage Easement or "D/E" is hereby granted to the Unified Government of Kansas City, Wyandotte County, Kansas, with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes. Drainage Easements shall remain free of fences, shrubs, trees and other obstacles that would restrict the flow of drainage.

An easement or license is hereby granted to the Unified Government of Kansas City, Wyandotte County, Kansas, to locate, construct and maintain or authorize the location, construction or maintenance and use of sanitary sewer pipes and structures upon, over and under the areas outlined and designated on this plat as "Sanitary Easement" or "S/E".

Upon the Northernly extension of 130th Street, whether permanent improvement or alternate temporary turnaround, the use of the temporary turnaround and "Temporary Turnaround Easement" or "TTE" on Lot 63 shall terminate. The pavement within the turnaround shall be removed and the disturbed area reestablished with turf grass, a permanent concrete driveway installed, and the easement shall revert without release to the owner of Lot 63.

The undersigned proprietor of said property shown on this plat hereby certifies that all streets, highways and other rights-of-way or parcels for public park or other public use, signed by the owners and all other parties which have a mortgage or lien interest in the property, certification that all prior existing easement rights to any person have been absolved on the parcels to be dedicated to public use. The person shall retain such rights as if located in a public street.

RESTRICTIONS:

The use of all lots, units and properties in this subdivision shall hereafter be subject to the Declarations, which instruments are to be recorded in the Office of the Register of Deeds of Wyandotte County, Kansas, as provided above, and which shall hereby become a part of the dedication of this plat as though set forth herein.

Lot 63 is not buildable nor will a building permit be issued until 130th Street is extended, whether permanent extension or alternate temporary turnaround is installed.

OWNER CERTIFICATE:

IN TESTIMONY WHEREOF, BRANDON BECKER, Manager of BCB HOLDINGS, LLC, by the authority of its Members, has caused this instrument to be executed, this ____ day of ____, 20__.

BCB HOLDINGS, LLC

By: BRANDON BECKER, Manager

ACKNOWLEDGMENT:

STATE OF _____
COUNTY OF _____

BE IT REMEMBERED that on this ____ day of ____, 20__, before me, a Notary Public in and for said County and State, came BRANDON BECKER, Manager of BCB HOLDINGS, LLC, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.

Notary Public

My Appointment Expires ____/____/____.

APPROVALS:

This plat of "PIPER CREEK ESTATES, SECOND PLAT" has been submitted to and approved by the Wyandotte County/Kansas City, Kansas Planning Commission. Dated this ____ day of ____, 20__.

Wyandotte County/Kansas City, Kansas Planning Commission

By Chairman, Jeff Carson Secretary, Gunnar H. Hand

The dedications shown hereon, if any, are accepted this ____ day of ____, 20__.

Mayor, Tyrone Garner Unified Clerk, Monica Sparks

Recommended for approval by the Wyandotte County Engineer, this ____ day of ____, 20__.

Engineer, Troy Shaw, PE

REGISTER OF DEEDS

State of KANSAS }
County of WYANDOTTE }

This is to certify that this instrument was filed for record in the Register of Deeds office on this ____ day of ____, 20__, at ____ o'clock and is duly recorded.

Nancy W. Burns, Register of Deeds

Susan Nelson, Deputy

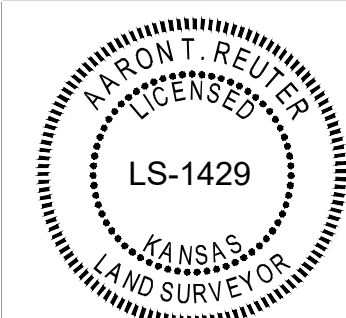
COUNTY SURVEYOR

This survey has been reviewed for filing, pursuant to KSA 58-2003, 58-2005, and 58-2011, for content only and is in compliance with those provisions. No other Warranties are extended or implied.

Reviewed by Brent E. Thompson, KS P.L.S. #1277 Date: ____/____/____.

SURVEYOR CERTIFICATION:

HEREBY CERTIFY THIS PLAT REPRESENTS A SURVEY THAT WAS PREPARED UNDER MY DIRECT SUPERVISION BASED ON A FIELD SURVEY COMPLETED JULY 2019. THE DETAILS SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



Aaron T. Reuter - Land Surveyor
KS# LS-1429

OWNER / DEVELOPER:
BCB HOLDINGS, LLC, BRANDON BECKER
616 N. ROGERS RD, OLATHE, KS 66062
p 913-764-4446

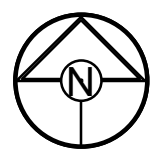


DATE 07/29/22
DRAWN BY MWM
CHECKED BY AR
PROJ. NO. 22-026

FINAL PLAT OF
PIPER CREEK ESTATES
SECOND PLAT
SHEET NO. 1

LEGEND:

- FOUND 1/2" REBAR WITH KSL S 54 CAP UNLESS OTHERWISE NOTED
- FOUND MONUMENT AS NOTED
- SET 1/2" REBAR W/LS-54 CAP UNLESS OTHERWISE NOTED
- BL - BUILDING LINE
- D/E - DRAINAGE EASEMENT
- S/E - SANITARY SEWER EASEMENT
- U/E - UTILITY EASEMENT
- EXISTING LOT AND PROPERTY LINES
- EXISTING PLAT AND R/W LINES



Precision, 1: 334532.29
Error, North: 0.005837247, East: 0.004929079

GENERAL NOTES:

- BASIS OF BEARINGS: GRID NAD 83 KANSAS NORTH ZONE, North line of the SW 1/4, Sec. 29-10-23, S88°14'14"W.
- Zoning: Existing R - 1.
- This plat lies in Zone X (Area determined to be outside of the 0.2% Annual Chance Floodplain. FIRM Map No. 20209C0020E, Dated September 2, 2015).
- Wyandotte County Benchmark WY20, Aluminum marker stamped "WY 20 1988" set in concrete on the South shoulder of parallel parkway West of the East entrance to Maywood Church. Parent Parcel: 957W3

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

SPECIAL SESSION, THURSDAY, JULY 28, 2022

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, July 28, 2022, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; and Garner, Mayor/CEO, presiding. Davis, Commissioner Eighth District; was absent. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Patrick Waters, Deputy Chief Counsel; Bridgette Cobbins, Assistant County Administrator; Brett Deichler, Interim Assistant County Administrator; Monica L. Sparks, Acting Unified Government Clerk; Gunnar Hand, Director of Planning and Urban Design; Alley Porter, Commission Liaison; LaVert Murray, Economic Development Advisor in Mayor's Office; Reginald Lindsey, Budget Manager; Jeff Fisher, Executive Director of Public Works; Daniel Soptic, Sheriff; Emmett Lockridge, Undersheriff; Nancy Burns, Director of Register of Deeds; and Susie Nelson, Chief Deputy in Register of Deeds Office.

Mayor Garner said before I call this meeting to order, I want to announce that we have individuals attending remotely as well as on-site. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is participating knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

MAYOR GARNER called the meeting to order.

ROLL CALL: Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan, Garner.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Thursday, July 28, 2022, at 5:00 p.m. in the Commission Chambers of the Municipal Office Building for presentations from Wyandotte County Elected Officials and Urban Planning & Zoning.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Garner said this evening during our Special Session we're going to hear several presentations from several of our Wyandotte County elected officials and welcome to the chambers here at the Unified Government. It will also be followed by a presentation from Mr. Hand who's our Urban Planning & Zoning Department Director. We're going to start this meeting off with Mayor Carolyn Caiharr with the City of Edwardsville here in Wyandotte County.

Carolyn Caiharr, Mayor of Edwardsville, said as Mayor of Edwardsville, thank you for allowing me to advocate for the needs of the people in our part of Wyandotte County for your consideration for the County budget planning process. I would first like to explain the perspective of the residents in the southwest part of Wyandotte County. A large portion of our annual tax bill goes to pay for services from the Unified Government of Wyandotte County. These services include the Health Department located in downtown Kansas City, Kansas, the DA's Office and District Court located in downtown Kansas City, Kansas, Appraiser's Office and Department of Motor Vehicles located in Kansas City, Kansas, the Election Office located in downtown Kansas City, Kansas, the Sheriff's Department and Jail located in downtown Kansas City, Kansas.

We've not only requested an advance voting site accessible to the people of Edwardsville, but even offered our ADA compliant and accessible community center for use after hearing concerns from some of our seniors with disabilities. About a year later we found out the Unified Government was excited to announce a new advanced voting site, and you guessed it, Kansas City, Kansas. Residents have to drive quite a distance to access nearly every county service making some of these inaccessible to those most in need in our community.

July 28, 2022

It is so discouraging to see county tax money being funneled into messy consolidated funds providing maintenance, manpower and equipment to not only our three county parks, but our county dollars and resources are being used in over 50 Kansas City, Kansas parks while not one dollar is invested in our area to improve the health and quality of life for residents in our part of Wyandotte County.

We see millions upon millions of dollars being poured into the Health Department that isn't even accessible to those most in need in our community while the Sheriff's Department isn't prioritized enough to keep jail or the district shared between Bonner Springs and Edwardsville manned on a consistent basis.

I cannot express to you how disheartening it was to hear the great disparity and allocation of CARES Act funding sent to assist all of Wyandotte County during the COVID shutdowns. With nearly identical enrollment numbers, Piper School District received nearly \$380K while the students of the Bonner/Edwardsville School District received only \$56K. The Unified Government of Wyandotte County received \$37M in CARES Act funding, \$25M was set-aside for direct aid to local municipalities. We heard of park improvements and trail expansions in other parts of the county. Over \$6M in Public Safety reimbursements, but not one of those dollars was sent to assist the Police Department or Fire Department in Edwardsville. Of the \$25M set aside for local municipalities, \$449,400 came to the city of Edwardsville, less than half of what was given to the shutdown, then online Kansas City, Kansas Community College.

Out of \$37M, only \$449K was sent to our entire city to run our City Hall, our Public Works, our Parks & Recreation Department, our Municipal Court, our Fire Department and our Police Department combined.

The people of Edwardsville have been charged a PILOT tax through BPU by the Unified Government for decades. This tax on the residents of Edwardsville is applied directly into the Kansas City, Kansas budget. The one county service that directly assisted our part of Wyandotte CIFI which was a program that was given one mill from the county as funding allocated dollars based on a formula consisting of population and lane miles. This program invested approximately \$120-\$150K each year into the care and maintenance of our roads. This program was eliminated in 2008. The people of our part of the county feel, by design, that we are underrepresented in our county. This is displayed in the lack of investment in our part of the county, reflected directly from not only CARES, but also the annual budget year after year.

July 28, 2022

I would not come before you with a list of concerns without presenting not only clear requests, but solutions. While I know each commissioner has Kansas City, Kansas in their district, only two districts even include Edwardsville. The people in our part of Wyandotte County feel that we are not a priority. I am asking that you all advocate for all of Wyandotte County as our commissioners and not only your section of Kansas City, Kansas.

Please bring back CIFI helping fund the repair and maintenance of roads in our part of the county. Please consider reimbursing the citizens of Edwardsville the money taken to fund Kansas City, Kansas directly through the PILOT, or at the very least, eliminating PILOT from our BPU bills.

We have applied for multiple ARPA Grants. As a representative of large portions of the population, I implore you to give Edwardsville and Bonner Springs priority over the other applications, just as you would with other Unified Government applications or Kansas City, Kansas projects. One of our applications is for a computer lab and small library. During COVID it became more apparent than ever that internet accessibility in our area was lacking at best. Unlike Kansas City, Kansas, Edwardsville was left out of the deal with Google fiber offering fiber speeds at affordable rates. We had people working from home and parents either working from home or forced to quit their jobs to care for their students now attempting a virtual education at home as their schools were shut down. Many families had multiple students trying to stream their classroom at the same time in one household which was not a possibility. People who had lost their jobs were trying to find employment, fill out applications and resumes from their cell phones.

While Bonner Springs and Kansas City have wonderful libraries, it would best serve the residents in our part of the county to have a library and computer lab within walking distance. This would allow the most disadvantaged in our community to access high-speed internet, improving education and workforce development in our part of Wyandotte County. We ask the county to invest in this initiative giving access to education and workforce development for those most in need by assisting in the funding to get us started in removing Edwardsville from the PET (Piper, Edwardsville, Turner) District keeping tax dollars in Edwardsville to continue funding this great assistance to those in need in our community for years to come.

Another application was for a splash park. The Unified Government of Wyandotte County has already installed three of these throughout Kansas City, Kansas and are greatly enjoyed by the youth in those areas. Edwardsville doesn't have a pool or any other place to cool down on

July 28, 2022

hot summer days. The splash park would be like the computer lab, located within walking distance of low income and subsidized housing as well as by the large mobile home park which includes many residents who rely on income-based subsidies and food assistance. Whether it be through ARPA, regular budget, or included in \$11M reimbursed revenue replacement, I would ask that you help me in finding solutions to get these initiatives funded.

I'm not advocating for an increase in county mills to pay for these investments, but for a reallocation of county funds. I'm asking for accountability and transparency by auditing and possibly eliminating messy consolidated funds. I've been advised not to ask for additional services at the same time as a tax decrease. To be clear, I'm not asking for additional service, but equity of service and to not be charged as a taxpayer for services we are not getting. There are so many county tax funded services, investments, and programs that are either not accessible to the residents in our part of Wyandotte or we would not even qualify for these based on our location census tract or demographics.

I am asking that there be an audit done of the consolidated funds, Parks and Health Department initiatives, to ensure that if a program is only eligible to the residents of Kansas City, Kansas, it be funded by Kansas City, Kansas, not the entire county.

In summary, I'm asking that you as our CEO and our County Commissioners would advocate for investment in our part of the county and lower the tax burden. With the nearly 10% bump in assessed value and several million in county reserves, there is room for relief. Take this opportunity as millions are coming into the county to fund our ARPA requests, whether it be through using discretion to enumerate the ARPA applications, funding done through the regular budget, or by reallocating county tax dollars or using a small part of the \$11M out of the county for revenue loss reimbursement. Add the removal of the KCK PILOT Tax from the Edwardsville residents to an upcoming Commission agenda and audit consolidated funds and county programs to ensure county revenue is only being used to fund programs and improvements that are available and eligible to all county residents. Show Edwardsville residents that this CEO and Board of Commissioners sees us and cares enough to invest some of the money that we have entrusted to them back into our part of Wyandotte County.

Please email me with any questions. I look forward to working with you to serve the people of Wyandotte County.

July 28, 2022

Mayor Garner asked, are there any questions for Mayor Caiharr from commissioners?

Commissioner Ramirez said thank you Madam Mayor for coming before us. This actually has been on my mind because a couple days ago—I chaired the Mayor’s Task Force on Government Efficiencies for the City and I met with Chairman Eilert in Johnson County to see how Johnson County achieves their efficiencies and the overall theme I got from everything that he told me was communication and collaboration between the County Commission, the County Administration, and all of the 21 cities within Johnson County and that’s something we here do not have very often is that communication and the collaboration.

I will say I fall victim to just focusing on KCK because yes, that’s where my district resides, but I also serve not just as a City Commissioner, but also as a County Commissioner for Edwardsville and Bonner. So, I’m willing to work with Commissioner Kane and Commissioner Stites of making Bonner and Edwardsville more part of the picture and part of the conversation and create that communication and that collaboration. You’re correct when you say that—you know, a lot of people come to us for tax decrease, but more service. You just want equal service of what Bonner and Edwardsville is not getting, but KCK residents are. I will say I do apologize that I fall victim to that, but I will work with Commissioners Kane and Stites to correct that wrong.

Commissioner Burroughs said, Commissioner Ramirez, I would hope you would work with the Commissioner At-Large that represents Bonner Springs and Edwardsville being myself. Mayor, thank you for being here. I do remember a few years back appearing before the City Council in Bonner having a respectful conversation in reference to their disappointment in the allocation of the ARPA funds and also meeting in reference to the IT backbone broadband discussion as well a few other issues that have come to light. What I really want to bring to the attention of both you and Mr. Harrington—Mayor Harrington, when the first ARPA funding was being discussed, I had requested that a commissioner from those areas be on the committee and that did not occur and I even suggested it again when the last allocation came forward because of what was considered the inequities that you clearly pointed out this evening in reference to how those ARPA dollars were distributed. So, we have commissioners that are listening and I’m pleased to hear other commissioners are willing to work with us that represent your areas to do what is fair and equitable to both Bonner and Edwardsville, so thank you for your comments.

Commissioner Stites said I echo what you say Commissioner Burroughs regarding the committees for ARPA funding. We in Edwardsville—I was on Edwardsville City Council for six years and when this committee—we asked and asked and asked why are we not being represented on this and we got nowhere. I really do appreciate the comments by Commissioner Ramirez and the willingness to listen to what Mayor Caiharr brought to us. She didn't just come to us with problems, she came to us with solutions and how we can get this Unified Government truly unified because it has not been since inception. I look forward to, hopefully, increased services, tax reduction, and equal and fair treatment to Bonner Springs and Edwardsville. Thank you for being here.

Mayor Garner said by chance as the Mayor/CEO of the Unified Government I've made it known, I'll make it known again, I support the equitable delivery of goods and service from this Unified Government to both Bonner and Edwardsville and the good folks that we know are part of this county. What you put out as far as your recommendations to the Unified Government, if you could get to each commissioner and myself and Administrator, that would really be of value as we work through our budget process and it would lend heavily on the consideration so, hopefully, our commissioners can make an informed decision. **Mayor Caiharr** said I'll follow up with an email.

Mayor Garner said next we have Bonner Springs Mayor Harrington and Mayor Harrington volunteered to actually lead the search committee for our Administrator, so thank you for that as well, appreciate that.

Jeff Harrington, Mayor of Bonner Springs, said greetings from west of 635, west of 435 and a good portion west of Kansas Highway 7 so we're all the way out to the edge of Wyandotte County. We're a full service city, Bonner Springs is home of the brave. You all may know where Bonner Springs is. We have about 8,000 people that live there, about 5% of Wyandotte County. I highlighted that as a little golden area out there in the southwest portion of Wyandotte County and you're all familiar with it. For a long time Wyandotte County, Bonner Springs has felt as though Wyandotte County has considered them the golden section of honors of Wyandotte County. What is so difficult is, I'm going to stand on Mayor Caiharr shoulders, the fair and equitable distribution of the county services.

Kansas City, Kansas, beautiful place; Wyandotte County beautiful place. You are our Wyandotte County Commissioners and our Wyandotte County CEO and we appreciate all that you have helped us with in the past and we stand ready to assist in any way.

I have been Mayor of Bonner Springs since 2013 and on the City Council for 12 years before that. Twelve years before that I was a member of the Planning & Zoning Committee in Bonner Springs, so I come with a long history of the actual—what has actually been happening in Bonner Springs. We appreciate this change. I don't know of any time before that the Mayor of Bonner Springs has been called to address prior to the budget and I appreciate that. Thank you, sir. I don't know the last County Administrator search Mayor McTaggart and I attended. I don't think we ever had such a position, but I will do my very best to assist in Wyandotte County finding the very best Administrator that we can have.

Not to toot my own horn, but we have our City Manager here this evening, Sean Pederson, and this young man we were able to find through a search that we did shortly after I was elected and Bonner Springs has benefited greatly from his professionalism. He's brought a youth perspective to Bonner Springs that we have benefited from greatly, but with that comes a maturity. He has supported us through building a new City Hall. This City Hall is in a 100 year old building. A part of our city—an icon in our city, our City Hall in an old 1918 building.

Bonner Springs stands ready. I recognize I'm not the old head here. I know that Commissioner Kane and Commissioner McKiernan have far more seniority than I do and I bow to that as well. I would like to thank our commissioners, Burroughs and Stites, for their communication. They stand at the ready to assist Bonner Springs and our constituents and I myself called them on occasions when I need to have a helpful ear or just a shoulder to cry on and I appreciate you gentlemen putting your name on the line and being elected to be our County Commissioners. I appreciate that.

There are a few things, a few bullet points that I would like to go over. My presentation—I don't have near the solutions for you as much as I have some of the concerns that Bonner Springs has. Some of the concerns that were brought up, maybe having an Extension Office for those in western Wyandotte County to handle county health services and vehicle registration, titles, early voting. We have adaptable space in this 1918 new government services building that could certainly house that and has been offered before. Within the intersection of Kansas Highway 7 and Kansas Ave., Bonner Springs may only have 8,000 people population, but there are 40,000

people that live within 10 minutes of that intersection, 20,000 of them are Wyandotte County residents, so we have a good portion that can support that and needs those type of services.

The Loring service area specifically, fire and EMS services for that area of Wyandotte County, it's outside of our city limits, but years prior we have helped provide services out there on a limited basis on contract to the Unified Government. There are not enough rooftops out there to make it feasible for a small town like us to extend—over extend our services and provide that for them out there and we did it through a contract with the Unified Government. We provided that contract to the Unified Government and look forward to being able to serve them again if that's of your desires.

The dispatch services in Wyandotte County, I know we are working through that with our Police Department, but this is a vital area that has to be dealt with IT and Personnel. The dispatch services can be a huge significant part of a response time and we need to have that supported across all of the IT formats as well as the data metrics that we can garner from that. The equipment and radios and other purchases that should be using, the e-911 fees and leveraged by all the cities in the county.

The fiber that Mayor Caiharr made mention of that, Bonner Springs is not connected to the UG's fiber network which has been a concern for economic development as well as public safety and county-wide operations. Although there was a planned installation as a part of the COVID Emergency Recovery Grant awarded to the UG by the State to specifically extend the fiber to Bonner and Edwardsville, that project ultimately was not completed as designed. We would like to see the IT and those services provided.

The recycling and hazardous waste drop-off location or transfer station for western Wyandotte County, we have a recycling center at our Public Works that can accommodate that and we would like to be a part of that Wyandotte County initiative for a hazardous waste drop-off, residential hazardous waste drop-off. Sorry, I'm not getting known to the big stuff.

We would appreciate increased cooperation between the Tiblow Transit, our public transportation authority we have in Bonner Springs and the UG transit to assist with trip dispatch, coordinate routes and stops. We could greatly increase the services that we provide to both Bonner Springs residents as well as Kansas City, Kansas residents with increased cooperation.

Domestic Violence cases; right now they are currently handled in our Municipal Court as I'm sure in Kansas City, Kansas and Wyandotte County is likely the only one where the county

doesn't handle these matters in District Court. We think with the sensitive nature of these domestic violence cases, they should be heard in District Court and that's something that should be looked into.

The Jail and the Sheriff's Department, one of the things that keeps coming up is the significant amount of time it takes for processing prisoners. The wait times can be significant for Bonner Springs officers that take a prisoner into the jail, the same for Edwardsville and on top of the drive time which is at least 20 minutes each direction. I understand parts of Kansas City, Kansas the Sheriff's Department is able to service them with a paddy wagon. If that paddy wagon could make a stop in Bonner Springs and Edwardsville and save our officers 20 minutes one-way, 40-45 minutes round trip, that could mean increased safety for our citizens with another officer on the street.

Sandstone Amphitheater, right now it's Azura Amphitheater. All us old heads may remember it as Sandstone, but we need to continue to invest in that amphitheater. That's a community asset that needs to be cared for. I know we had a joint venture that worked on some of the facility a couple years ago, but we need to do that, notably the height of the stage. The acts that are able to come into this facility are limited because of the height of the stage. It's what I'm being told and so I think there needs to be some investment in rehabbing that facility and I know it's a group effort with both, the city, county, state, and the promoter, but those are things that should be considered and budgeted for.

I will also reiterate the CIFI fund programs for the streets. Bonner Springs since I've been elected, we have had a commitment of improving the roadways in Bonner Springs. We average almost a million dollars a year over the last 10 years of investment in the biggest asset we have and that's our hard surface streets. We, like you, have a professional engineering study done to best serve the citizens of Bonner Springs and not just a windshield tour, oh, that's a bad road. We go through it in a professional manner, but having those funds from the county that should go to all of the Wyandotte County for street and highway improvements—street and road improvement, sorry.

Charter Ordinance review that was mentioned earlier, we need to be a part of that. It's been 20 years and this charter ordinance—anything needs to be reviewed every 20 years, at least every 10 years and so having a part of that, like was mentioned, I think is mandatory. There's just

no way about being able to continue and being a Unified Government without reviewing those mechanics.

With that it would include a continued audit. I applaud you for starting that process. It's a hard job. Digging into the minutia of the budgets and what that pays for and how it's done and where the efficiencies are and where the waste is, that is the hard part. Just because we put our names on the line doesn't make it easy, so I appreciate you going into that and not stopping, keeping up with the audits of all Wyandotte County's services.

I saved the best for last. We're a part of the Unified Government trash contract with Waste Management and we don't have a lot of control over that. We're a party to it, but we're kind of—we're down the feeding chain a little bit. We're kind of like a cousin, we don't have direct say in it, but it is a benefit to our citizens. The expense that it costs is very reasonable and I just want to make sure that we're charged the same as everybody else. That's one of the questions that I get from other people and I would like to think that we're being served as well as everyone else.

We have roads, 142nd Street, Riverview, Macgrantwood that get missed regularly for weeks on end. That makes a difference. That makes the Mayor want to go out in his pickup truck and pick up trash. It's hard. It's hard to stand there and see Mr. Steven's come, practically crying, about the trash that he's had to put up with and it's got to the point to where our City Council—I'm sorry, City Clerk, has had to manage those complaint calls and on the front end will ask, is there any large items in your trash, nope. Is there any construction material at all in the trash, nope. Those are the questions that Waste Management most often ask or will close the ticket because they assume that's the case. Oh, it must be new construction, nope. These are homes that have been there forever, I'm sorry, not ever, I don't want to be dramatic, but these are homes that have had trash missed for months and I do have those numbers here and they've been provided to the Unified Government time and time again.

With that, I don't like to end on a low note, but the trash is really significant and we need—I know there's legal situations going on, but if we can't maintain what we—if we can't continue the way it's going, we need to go a different direction. I appreciate all of you and stand ready to help however you need.

Mayor Garner asked, are there any questions from the Commission for the Mayor?

Commissioner Bynum said I appreciate all that you've said, but I'm honing in on the trash and my comments are more really for our staff. Several of us sat on the Solid Waste Review Committee and we spent multiple years doing that together because we're required to submit the plan to the state. We do have issues with trash and with our contract. My question for you and our staff, Mr. Deichler can probably answer this, our 3-1-1 system, is it for Bonner? Does Bonner use our 3-1-1, okay, because it is our—God bless you for taking the trash complaints. Our current understanding of the accountability mechanism for missed trash is the owner of the property, not you, not me, not Commissioner Kane, submits to 3-1-1 and the other ways don't count.

Mayor Harrington said absolutely right and we have counseled all of our citizens each time they have to call that number and make that complaint. This has been ongoing for over a year. **Commissioner Bynum** said and I'm sorry that it's that way, but that's the mechanism that's in play right now, so I was just hoping to make sure you were counseling your residents on missed trash that is the one way, the one way, that we hold Waste Management accountable. I appreciate all your comments, but you really got my attention with that one because, of course, we all deal with that all week long. **Mayor Harrington** said it's every trip to the grocery store.

Brett Deichler, Interim Assistant County Administrator, said I will say 3-1-1 a few years back, I went to Waste Management, built the filters, installed the application and gave them their own access to our system in dynamics, so there is a call that's encouraged to call 3-1-1 and the reason why is it's real-time information. So the data gets put into the system immediately. If you receive a call on a Tuesday and they say you just missed this entire block of 142nd, they'll come back out because they can turnaround and see that immediately right there and issue an order while their trucks are still in their neighborhood whereas before it would take a close of business type of report, follow the next day, now they're on Wednesday's field duty and they're not coming back and they're trying to do it as a backup behind. The benefit of getting it into 3-1-1, it is a closed loop system in that perspective, we can track it that way, but it gets into the trucks in the hands of dispatch immediately allowing your constituents to put that complaint straight from us to them. So them being Waste Management can view that immediately and take care of their service while they're still in the neighborhood.

Mayor Harrington said I appreciate that. I just wish it would work that well. **Mr. Deichler** said that makes two of us.

Commissioner Kane said thank you, Mayor, for coming and thank you for reminding the couple that are long in the tooth here. I literally had to call Alley this week to ask her if 3-1-1 was outsourced and when you're asked a question like that I'm like—I'm not a huge fan of 3-1-1, but there's a process we have to use. It's frustrating when my constituents say, hey, is this outsourced, are we really doing this here or what, so it's frustrating, so that's one part.

The other part, Sean, you just got a heck of a recommendation to take the opening we have, so you're more than welcome to apply for it. He said he was great. I thought, let him apply for the job. I don't want to steal him from you, but we'll take him. **Mayor Harrington** said yeah, over my dead body.

Commissioner McKiernan said Mayor Caiharr, Mayor Harrington, thank you for being here. You know that our door is always open to you, always has been, always will be. Mayor Harrington, you said you wanted to have trash pick up as good as we have. Well, let me tell you, you have trash pick up as bad as we have and it is bad and I make phone calls and I send emails every single week about missed pickups. We pay our fees, your citizens pay their fees, and we're not getting service. I think you and I know that correcting that so that we have constituent good service is probably going to end up costing us a little bit more than it does now and we're going to have to prepare for that because it is in the future. I look forward to working with both of you on that issue and as many others as we can tackle.

Commissioner Stites said I want to say thanks to both Mayors for coming in. It was concerning to me when I was out and decided to run for District 7 County Commission and it was brought to my attention that we have the budget process in the—how do we do our budget accurately if we don't ask the needs of the two other cities that are in our county, Bonner Springs and Edwardsville. They weren't included in the process. We don't know what their needs are, but yet we vote and push this budget through, vote on it and approve it, and have not contacted either city, so I'm not sure if it was Mayor Tyrone, if it was your doings there, but I appreciate it because they need to be involved in the process.

A couple different things that were brought up was—and I made the note of the Tiblow Transit and the paddy wagon not to be used as the same because I don't want you to use the Tiblow Transit as the paddy wagon, but we definitely need to address those. CIFI, you guys, we've heard

that program was yanked out from under Bonner Springs and Edwardsville with not yet an explanation as to why. That was just dollars that was pulled out that they counted on. I believe at the time when it was pulled out, it made up over half of Edwardsville's Road & Maintenance Program, their annual budget.

The UG Newsletter is another example where Bonner Springs and Edwardsville are not represented. I would like to see them be able to call up, add things that are happening whether it be our parades that are happening in Bonner and Edwardsville, the Tiblow Days, trash pickup, whatever it may be. They need to have access to the UG Newsletter because UG means Unified Government, not just Kansas City, Kansas.

Trash pickup is a little bit different how I was going to approach this one, but we have community trash pickup and those sites are consistently within Kansas City, Kansas. They never get put out in Bonner Springs and Edwardsville. They have trash that needs to be picked up, the large item trash pickup, so I would like to see us on occasion bring those dumpsters out that way.

I will tell you I'm very proud tonight to have—be the commissioner that represents both Bonner Springs and Edwardsville. Thank you both.

Mayor Garner said thank you and I'm going to ask you to do the same if you don't mind, just as Edwardsville Mayor Caiharr, if you could get your requests to the elected body and our Administrator, that would be great. I just want to say thank you for your service. If you didn't know—I'll let you announce it, I believe on your political future in Bonner. **Mayor Harrington** said my political future in Bonner, I have a year and a half left in my tenure, I'll serve, hopefully, if everything goes right for the next year and a half for about ten and a half years and it's been an honor. I never conducted myself as a Mayor in order to get reelected and I'm not doing that now or this isn't a swan song, but I'll continue to serve as best I can and to invite all of you out to Tiblow Days which is our family-friendly festival at the end of August. I think it starts on the 26th with the carnival and all the day before I think and then the parade, so you're all welcome to come out and join in the parade. It'll be a new type of parade this year. A little bit of change never hurts anybody and then if you haven't had the opportunity to visit our Government Service Center and our new police station, please come out and I'll give you a personal tour. I appreciate all of you that have been out there. I'm very proud of that.

Commissioner Burroughs said, Mayor Harrington, I've had the privilege of representing Bonner Springs on the Commission-At-Large, but also in the State House and I have enjoyed the opportunity working with you and Sean and other city administrators and getting to know Mayor Caiharr and the prior administration. I'm pleased that Commissioner Stites having the experience in Edwardsville and the voice from Edwardsville joining me here on this Commission, but I can't state enough how proud I am of the community out there and how welcoming they've been.

Even when I came out under the ARPA funding, and I know that was a tough meeting to attend, but I, as your voice here, wanted to be there to hear the concerns and I remember making the comment that night that you have a right to be upset because I was upset too over what had occurred. I can't thank you enough for your graciousness, your hospitality, and working with you over the last 10-12 years and as a former resident I'm pleased to see the growth in Bonner Springs that I've witnessed and I'm still looking for property out there, so if you know somebody.

Mayor Harrington said you're welcome to come back. We have some of the best schools. I think probably the best elementary school in the whole state of Kansas just because of the leadership at that school I think. I appreciate all of you and I will certainly treat you like I like to be treated and expect you to lower our taxes and increase our services.

Mayor Garner said next we will have our Register of Deeds, Nancy Burns.

Nancy Burns, Register of Deeds Director, said I know all of you and it's been a pleasure serving for you, but also serving for my community here. I'm also part of Wyandotte County. Edwardsville and Bonner does business with us in our Register of Deeds. Tonight I would like you to meet one of my staff members, my Chief Deputy Susie Nelson, she's over here, but I also have four or five other girls in my office who I value very, very much and I tell them that all the time and I really appreciate it. I'm just going to rattle off their names real quick; Sandra Ayala. She's kind of my IT girl. She's my go-to girl because Susie and I are probably of that older generation that might be lacking a little in that experience. Then there's Juanita Soto and Sonia Cabrera, Brandy Lynch, and Maggie Orendac. I could not run that office without them and I appreciate everything they do for me, so it's a great office. We have our fun times, but we get down to business and bring in revenue for the county, the whole county, Edwardsville and Bonner.

Tonight, I would like to just—I sent emails out. I think you all got a copy. I passed them out tonight. The Register of Deeds Office serves as the custodian and maintains all perpetual comprehensive set public records dating back to the 1800s. That's kind of when Commissioner Kane was born, but anyway, we'll move on. It is through these records that your tax roll is built and maintained. In addition to recording deeds, the Register of Deeds Office records documents as mortgages, Power of Attorney, subdivisions, plats. We file probably a little over 100 different types of documents in our office. We also have fraud alert and I sent out fraudulent in Spanish and English for both of you. I know Ashley is working on doing a news media for me on that. I think it's really important, but remember, fraud alert is just an alert. It does not prevent fraud, but it is free for all of our constituents in the county to sign up for and that's through our software program.

There are several options of real estate and how they're filed. We mail-in documents, walk-in documents, which is very busy sometimes, e-file is 80% of our documents that come through which is really, really good. They all have to fill out an MOU, Memorandum of Understanding, in order to file with us and Legal has already looked at that. As you can see, there are recording documents, how many we recorded and 2021 was 29,000 and it breaks it down in paper, e-file, and walk-ins. The requirement fees are, as you see here, '21 we brought in that for the General Fund, the bottom line there. It kind of changes, kind of like as the economy changes, you know. I think we're slow right now. Things aren't moving as fast as they were, but '22 is still going to look good.

If you turn the next page, it says Heritage Fund. Heritage Fund goes to the State. We collect that money for them, they only get \$30K a year from our county and the rest goes into the General Fund, whatever we collect and that is with our fees.

The Register of Deeds has a Technology Fund. It is established by the State Statute. Account revenues received from fees charged by the Register of Deeds. Revenues go towards the technology used to store and manage our data. The Register of Deeds Office collects the Technology Fund for the City Clerk—or the County Clerk and the County Treasurer, so they also have Technology Funds coming in. That was done in Legislation in 2014.

Our software is Fidar Technologies. Fidar provides our software to the Register of Deeds and the Register of Deeds Technology Fund is currenting being for a data migration project. A big project. This is probably one of my last big projects that we'll have to do in our office. It's

converting 570K documents into our Laredo system which is a search engine and that search engine is used, Laredo, by GIS, by the Clerk's, Delinquent Tax; there's numerous offices that use that. Also, we have subscribers and that brings in revenue. As you see here, Laredo fees collected, is like 77K. We have 65 users and these are people from companies, from attorneys, independent searchers. They pay us a subscription and that brings in revenue for the county.

Recently we did, probably a year ago, moved our—Fidlar Technology offered us a cyber protection and I went with it a year ago. It's probably the best thing I ever did because if I wouldn't have done that, our economy and your tax base would have stopped until that was corrected, but being on their server, which I know our IT, they're wonderful, but they were overloaded. And I thought, you know, I had in the back of my mind thinking I'm so afraid of something happening. This is way before I even got with our software and they offered this, I ran it by Legal, I ran it by Kevin Bibbs and he said it sounds like a good deal. It's the best thing I ever did and that was technology money I used for that cyber protection so I could continue, continue on working. Smartest thing I ever did besides marrying my husband I guess.

I invite all you commissioners to come over to our office. My office sits on the first floor. You go up those steps and I'm right to the right. It's not that far and you're welcome to come. Some of you have visited my office and seen all our wonderful books and I protect them with my life. It's very, very important, but number one thing I always, and I think the Mayor kind of alluded to this, customer service is the biggest thing for me in this office. I always tell my girls, I say, listen, how do you want to be treated. If you're coming in that door, how do you want to be treated and everyone—I wouldn't have anybody in my office if they were not polite, courteous. Also, in my office there's no press one or press two, you get a live person and you will continue as long as I am there to get a live person. When that phone rings, those girls are on it.

Houses are kind of—it's kind of slow right now. I don't know what's going on with the economy, but you know it's the way our office works. It can be good and bad and things are slow. I will tell you Fidlar—there's 13 other counties in the state of Kansas that uses Fidlar and we couldn't be happier. It's the best software we ever had, but it's been around even before me. Tom Groneman, he's been with Fidlar, so it's been around for about 30 years and that's all they do is just recording.

I'm welcome to take any questions. Anything you have problems, just give me a call.

Commissioner Bynum said I just have a couple of questions. The first one is, when you say e-file, are you saying computer? To me, as an individual, if I need to file something, it's available for me to do online. **Ms. Burns** said not for you, no. This is usually from banks. **Commissioner Bynum** said okay. I just wanted to—**Ms. Burns** said a lot of banks. I mean we get documents, it's not just in the county. There's documents that come from all over. **Commissioner Bynum** said it's okay. I just got kind of excited. **Ms. Burns** said e-file's kind of cool, but you need to come over and see how it works. I mean I'm sure most of you know how it works.

Commissioner Bynum said from the documents that you've shared with us, between the filing fees and then the Heritage Fund, it looks like your office is generating more than \$2M annual into the County General Fund and it ebbs and flows, but '21 is \$2M—**Ms. Burns** said correct—**Commissioner Bynum** said into the County General Fund. Then, you have a Technology Fund that—I just want to clarify, by state law it's strictly for use only—**Ms. Burns** said land use—**Commissioner Bynum** said Register of Deeds, Clerk, and Treasurer. **Ms. Burns** said the Clerk and Treasurer, we collect that for them and that goes to their technologies for whatever they use—**Commissioner Bynum** said they have their own fund, you just are the collecting agent. **Ms. Burns** said correct. **Commissioner Bynum** said but by state law those three funds are only for those three purposes. **Ms. Burns** said you know, Commissioner, to be truthful, I don't know what they use theirs for because ours was done years ago for what we have it for and what we have to use by state law, by statute that we have to use it for, land use only. But this was thrown in in 2014 for the city. I mean for the County Clerk and for the County Treasurer and I don't know that statute and what they use it for and what they are required by statute to use it for. Does that make sense? **Commissioner Bynum** said sure, so we'll leave them to the side. We know your fund and we know by state law it's only for your use. **Ms. Burns** said for my use of technology needs.

Commissioner Bynum asked, do you have any notion of why? It just seems to track upward from 2017 (inaudible)—**Ms. Burns** said well, a lot of it, as you can see, even as the General Fund through the years, it tracks upward too. **Commissioner Bynum** said well, it seems kind of more steady to me. I only say that because in 2017 it was also \$1.9M. Anyway, I'm just curious like what would be driving the—**Ms. Burns** said the Technology Fund up. Well, a lot of times—I mean we try and save it for special projects and that could be part of it and we recorded more documents. **Commissioner Bynum** said okay. It's about per document recording. **Ms. Burns** said yes. **Commissioner Bynum** said alright, I just wanted to clarify.

Commissioner Burroughs said for the public's knowledge, Nancy, I can't tell you how much I appreciate you in the position you're in because I not only have the privilege of seeing you work here, I've seen you work in Topeka advocating for this community and the ladies you advocate for in your department. But for the work that you do for our county and your voice in Topeka in reference to that, so we're very fortunate to have someone as passionate as you as our Register of Deeds, so I just want the colleagues, my colleagues here to know that it's not just at home you work—pay attention, it's also at the State House. **Ms. Burns** said thank you. I will tell you it was tough as it was for all of us through COVID, but we plugged through just like the rest of us. We kept the ball rolling, kept the General Fund fed into.

Thank you again and again. I'm on the first floor, right to right and come on in and come and see what we do in our office. You know I don't know if any of you know, some of you do, but the vault was made specifically for the recorders. We're talking many years ago and it's involved, so when we do have fire drills, we don't go out, we just go in the vault. Anyway, thank you again. It was great. This was really great to be in front of all of you.

Mayor Garner said next we'll have the Wyandotte County Sheriff, Sheriff Daniel Soptic.

Sheriff Daniel Soptic said I guess you get to finish with the new guy, so I apologize for that.



Budget Presentation

I do have a short presentation really just so you can see some of this and me not just read it all to you.

July 28, 2022

Operational Budget Highlights

- Medical Contract– Negotiated increases per contract
- Inmate Food Contract Higher than usual increase due to marketplace food costs
- Detention Center Computer Replacement
- Custodial– Increase due to inflationary costs

I will start with a couple of our more notable budget items. Just to highlight a couple of our things. You know, it's no surprise, everything costs more money now. So, everything that we've been doing we'll continue to do, things that we have to do. Medical contract, inmate food contract, some replacement of some computers, and then just custodial products. You wouldn't believe the amount of toilet paper we go through in the business we're in. So, those are all things that as you guys go through the budget and you see the numbers, it's just costing everybody more to buy that stuff. Imagine running a small town, we're not immune to that. Not that you didn't understand it, but I wanted to highlight that.

Capital Budget Highlights

- Jail Intake remodel-aging structure, exposed wiring, nonfunctional workspace, redesign to enhance safety and functionality
- Park Lake Patrol Boat Replacement boat needs to be emergency response ready. Boat often takes on water and requires frequent unscheduled maintenance. The boat is a 1992 model year.
- Continue to upgrade current body/car cameras. Current system has been in place since 2014.

On the Capital side, probably three of the most notable things. For those that have been in the facility, the jail intake area, that's an area we're working to remodel, update. That was put in when the building was built. Back then that was kind of the standard of how those things were designed. Things have changed and it's time to update that. Something as simple as the setup you guys are in with a raised platform, you know, anything that we can do to increase safety, efficiency to the Mayor's point, that's what we're looking to do. Back when it was built, desks were built into it. It was all kind of one piece. In the years those pieces have been removed, desks have been put in,

wires are exposed. It's just not a good look, not to mention functionality and safety and so that's one of our bigger capital projects because that's pretty significant financially.

Second, our patrol boat, and I'm not trying to make a joke about this, but it's a 1992 model. It's decided it would prefer to have water in it than outside of it and anybody that's ever owned a boat knows what boat stands for and so that's just where we're at. We are responsible for the emergency response along with the Fire Department in that lake, not to mention boat patrol, boat checks, fishing checks, all the things that just go along with that. That thing, it's just past its prime. We've patched it, but it's to the point it's just not safe and it's not doing its job. But, again, I highlight it because it is a significant purchase.

Finally, I know the Police Department has been down this road recently. You know we've had body cameras since 2014 and when I tell people that, that surprises a lot of folks, but I was actually over that project when we did it. Since we've had them since 2014 we've actually done a couple of upgrades, but technology has really skyrocketed here as of late, particularly into cloud storage and some other things and so it's just part of doing business. It's part of something you have to do when you have technology, you have to upgrade and sometimes those upgrades become pretty significant financially. I just wanted to bring that to your attention and 2014 is when that started, so you know we definitely got some life out of the stuff, but it's just time.

New Initiative

Sheriff's Office Cadet Program

- 2016—public safety taskforce recommendation create Cadet Program for SO, never funded
- 2022- current proposal to add 10 parttime Correctional Specialist positions to SO
- Pilot a Cadet Program with USD 500 via their Diploma Plus Program for school year 2022 with the expansion to Turner, Bonner Springs/Edwardsville and Piper in the 2023 School year
- Intended outcome would be to create full time job opportunity with the SO as a Correctional Specialist (pipeline from school to full time employment)
- Other outcomes— Workforce Job Training, exposure to hiring processes, exposure to workplace culture
- Estimated budget impact of 50,000.00 per year

One of my biggest talking points is one of our new initiatives. Most of this Commission was around in 2016 when the Public Safety Task Force was put together and then they actually came, I believe, the Chief then, HR along with Sheriff Ash came and presented to the Commission and the Mayor at the time about the findings and all of the stuff that we were already doing or that we were going to do. One of the things that was recommended was a Cadet Program for the Sheriff's Office. That was 2016 and it was never funded past that point. I'm not here to point fingers. I

July 28, 2022

don't know the who, the why. I have no idea. Sheriff Ash could probably answer the question, but it really doesn't matter. The point of it is we've picked that up and I'm going to highlight how we're proposing to do that so that it not only works for us, but potentially for the UG and definitely for the community, all of the community as a whole. We're looking to pilot our Cadet Program this year with USD 500 via their Diploma Plus Program. The reason I'm bringing it to you is because in order for this to work I've asked for 10 part-time Correctional Specialist positions and I've been to several of your meetings. I've watched several of your meetings and I understand that open positions have been a topic and I understand that as that relates to money and budget it's a topic. I get that. So, I guess maybe that's my first strike, but hear me out first of all.

Back when Sheriff Ash was here he created the Correctional Specialist position, took some Deputy pins, converted them and essentially that is 18-21 is kind of how it was set up. You could come in before you're of legal age to be in law enforcement. You can come in, we're going to train you and we're going to put you to work in the Sheriff's Office in Detention, which is something we're able to do. We're a little unique to the Police Department and so we have that ability. So this would kind of piggyback on that.

These 10 part-time positions would be dedicated to the Cadet Program and we would, working through the Diploma Plus Program identify, hopefully, 10 kids that were interested in coming in and being in our Cadet Program. The senior year of a kiddo's time in high school, his or her senior year, they would come to us. We're envisioning the second half of a couple days a week, he or she would come to us and their curriculum would actually be our training academy. Right now we go through and they go through an 8-week training academy. We would be cutting out firearms and a few other things that our 18, 19, and 20-years old don't need, but they would get the rest of that academy training. That would be their curriculum for the Diploma Plus, they would be part-time employees of the Unified Government, so while they're getting trained they're getting paid and then at the end of their senior year, they're going to graduate high school and they're going to have a decision to make. Do they go on and do something else, do they go look for other jobs in law enforcement somewhere else at 21 or are we able to capture some of those kids and give them the opportunity to change or transition from a part-time employee to a full-time Correctional Specialist.

We have found, and I can tell you the Police Department would echo this, when you go and do backgrounds on new hires 18, 19, 20 years; those are times in kids lives that sometimes

they just don't make the best decisions. We've all been there. We've probably all experienced that. Unfortunately some of those decisions those kids make prohibit them from being in law enforcement when they hit 21. Mayor, I know you're probably even familiar with that in your time at the Police Department. You know, anybody that's ever worked through the hiring process with new hires, we see it. A kid gets out of high school, he or she does something and now they have that mark, you know, they're out.

Our hope would be that these are kids that are interested in law enforcement. They've obviously picked that track, already in high school. We, I don't want to say catch them, we engage them in a process that now we have them while they're 18, while they're 19, while they're 20 and they're making full-time salaries. They're Correctional Specialists. In many of these kids cases they could walk out of high school with a full-time job, making more than what their parents make from day one and just that alone is huge. That's something that changes people's lives, it changes families lives, entire households.

Our vision would be we pilot it with 500. The following year we have a process that works, we have a process that we know is sustainable. Hopefully, I would be back in front of you asking for more part-time positions and we would then branch that out to Bonner Springs, Edwardsville, Piper, and Turner.

I can tell you I had the opportunity to talk with the Bonner Superintendent and the Turner Superintendent. I didn't make it to Piper, but both of those schools would be interested in this program should we do it and should it work.

Many times I've heard the term of pipeline from school to prison. I've heard that so many times I just can't tell you how many times. We would really be creating a pipeline from school to full-time employment with our kids that live in our community working for the community. It's no secret I'm short, short-staffed, and I'm short, right. So, some of this is somewhat selfish and I'm going to end on that note here in a minute when I talk about my last point, but it benefits the entire community. It benefits an entire county. It would in turn benefit every school district that we have and like I said, it truly has the opportunity to change lives and, you know, break some cycles with the benefits. I mean, the benefit packages that we have, it's all great stuff and for a kid coming out of high school to make that kind of money, it would be an amazing opportunity.

As you see these things come through the budget process, you see these new positions, and I get it, it's probably a bad word and I apologize ahead of time, but it's the only way for me to do it and accomplish it. We need to pay them, that's the right way to do it.

As you can see, the estimated budget impact is about 50 grand a year and the reason it's only that much is because these jobs would only be filled January through May and then they would be open until the next class comes through and it would be January through May, so they wouldn't be filled all year. At 10 positions, that's essentially the estimated impact, so for something that could have such a drastic impact, and again, I know you guys are the one talking the dollar and cents, but I really think that's small pennies for the kind of impact it could potentially have. That is really the one big initiative that I wanted to bring your attention to.

Sheriff's Office Staffing Discussion

I'm going to end with this and I'll just tell you right now this is not a fun discussion, it's not a fun topic, but it's the reality of where we're at. We talk about money, we talk about staffing. I heard from both Mayors as it relates to their expectation, their desires, their wants. I'll clear up one thing first. We don't, Mayor, we don't operate a wagon. We have in the past on very selected occasions for special operations we've run one, but an actual dedicated wagon we don't do now. I will say this, I would love to do that. Things like that takes bodies and they take personnel, so where I'm at, at the moment, I'm somewhere between 30 and 40 short. That number fluctuates because I have people leave, we've hired several here as of late and my Administrative Assistant has been out all week and so I couldn't get an actual hard number. But what I can tell you is regardless of where I'm at in that as we sit today, that's a lot of people short. There's a lot of other things that we need to be doing, that we could be doing, that I can't do until I can adequately staff all of the areas that I'm responsible for.

July 28, 2022

I'll give you this scenario and I know this isn't going to come as a surprise, but I've got to say it. We do a lot a lot of recruiting. One of my main initiatives when I came into office was recruit, recruit, recruit because that's the world we live in. They don't just come to us anymore, we have to come to them. So, we set up our recruiting booths next to the KCKPD. I love it, it's great camaraderie. It's a lot of fun. Our people know each other, they get along, but here's how it goes. Sir, you come to me and you want a job and I lay out all the benefits and I tell you that the retirement's great, the vacation's great, insurance is great, it's top-notch and here's your salary. You're going to go to the booth right next to me and they're going to say we'll give you all of that and we're going to give you this salary. That's the problem I currently have.

Back in October, November, I came to the Commission and we actually had a discussion about pay because at the time we were in contract negotiations, FOP 40, was and the commissioners that were on the Commission at that time I applaud you and I thank you. I will forever be grateful for what you did for the Sheriff's Office and that was, approve their current pay structure. That structure was designed to get the Sheriff's Office within 85% of what a KCK patrolman makes and it varies. It's not quite 85, but it's pretty close, it depends on where they're at on the scale. The point of that at the time was that's something that Sheriff Ash had been trying to do for many, many years. He thought that would really help with some recruitment and things. We were bleeding people profusely at that time and the plan was to use that as a little bit of a stop gap, but for you that were on the Commission at that time, will probably remember that I told you it's temporary, it's not going to fix it, but it would definitely help and all that's true. It slowed down our resignations, it definitely helped in the areas of recruitment and it allowed us to put in a lateral transfer program that we never had.

In cooperation with the FOP we were able to come up with an agreement where we could give somebody 11 years' worth of credit if they come to us. So, now you come to me, you worked in Jackson County for 15 years, I would give you credit for 11 years. That's where you come in on the pay scale. That's been huge. We actually just had a hire, she started just a couple days ago, she maxed that scale out. She was the first one, came from another agency, got a pay raise and so that has worked. That only goes so far.

We all know what the Sheriff's Office is doing and what the Police Department is doing is different, but it's all just as important and what we should have known, unfortunately, have learned firsthand, it's all just as dangerous and we know that personally. It's a different dangerous.

July 28, 2022

I had a small stack of just some reports that I had printed out from all over the country from Detention, Deputies, Correction Officers that have been assaulted, that have been killed, doing the job that my guys and gals do every single day.

I guess what I'm here to tell you is this isn't a budget initiative, obviously, so maybe I'm a little bit out of my lane, but I think it fits in with what the two Mayors talked about. There has to be a discussion on how we get the Sheriff's Office and the Police Department equal as far as the pay goes. The jobs aren't equal, they're different. There are things that the Police Department does that we'll never do and that we don't do and vice-versa, but they're both just as important. Mine in particular serves the entire county and there are just some things that we need to do that I can't do unless I have the people and, unfortunately, that's a roadblock that I currently face.

Like I said, back to the example, I can't fight that. I can't dispute that when they say we're going to pay you this. That's the truth, I don't blame them. We're all trying to get the people, but I have no comeback for that when they look at me, yeah, you're right. Let the decision on that person be what job they want, not the pay. They all have to live here. The residency applies, so they all have to live here and we're all pulling from the same pool of people, be it Corrections, be it somebody in my patrol unit, be it somebody at the Police Department; it is all the same pool of people. When we go to recruiting events, we are all at the same event because it's the same people we're trying to snatch. I guess I'll leave it at that.

Obviously, I'll entertain any questions you have. I know that's a lot to put on you. That's a big number and I know what the number is because we ran it. It's a huge number. I get it, but it's something that has to be done. It's something that in order to offer the stable services in the entire county and not spotty services, I have to have the bodies and we're all fighting for people. At the end of the day when gas costs what it costs and bread costs what it costs, I don't blame the applicant when they look at the dollars and cents. We all do and so I thank you all and I'll entertain any questions.

Commissioner Stites said Monday morning start off a meeting at 8:30 up in our Commission Office and it was with Sheriff Soptic and he rolled out the 10 part-time positions and he immediately said it would be District 500 and to my two Mayors there in Bonner and Edwardsville, I went here we go again, Bonner Springs and Edwardsville being left out. We had a good discussion, a long lengthy discussion about what I would expect to see with the respects to Bonner

Springs, Edwardsville, Piper and Turner and I'm glad to see that you went and reached out to those superintendents to get their feedback. I'm a huge proponent of the 10 part-time officers. I think, you didn't want to use the word capture, but getting their attention at that young age is very important and that we can get them—they're already in that direction, they're already wanting to go, they're already enrolled in that, so it's already something that they're passionate about. So, let's keep them on that path. You just mentioned you are 30, 40 officers short right now. I mean 10 doesn't get you there, but I think what does get you there is the pay and I've done both of those jobs, the Kansas City, Kansas Police Department and the Sheriff's Department and they are both dangerous jobs.

Something you said to me stuck out in my mind. That a lot of jobs that are more dangerous, they get more pay because they are more dangerous. I'm not saying they are more dangerous or less dangerous, I'm saying they are both dangerous jobs. I would like to see that we look at how we start to build in the numbers to support the request of the Sheriff. I know it's not a budget item right now, we need to start running those numbers and look and see what it looks like to get those needs met and I thank you very much for your presentation.

Commissioner Johnson said, Sheriff, thank you for your presentation tonight. I agree with my fellow Commissioner Stites in terms of the Cadet Program and seeing how we can figure out how to implement that on a consistent basis going forward. The question that I have for you, and I think as I recall in looking at the statistics, is that the Sheriff's Department, I believe, was the most diverse in terms of the Public Safety Departments. I wanted to hear about your continued recruitment of a more diversified staff.

Sheriff Soptic said yeah, so during—and I'll go off of memory, so during that presentation in '16, I believe, that was also the findings and so what we have continued to do is go anywhere and everywhere to recruit. There's nowhere off limits, there is no one particular district, no one particular school district. We want the people that do represent our community. I actually got asked here two days ago, I think it was, about female recruitment—**Commissioner Johnson** said yes, I meant to ask you about that. **Sheriff Soptic** said that is one thing we struggle with. We've sent female deputies, civilian staff to recruit. My answer to that is that I would love to have more females interested. There is no doubt in my mind that there are situations, particularly in Detention, that a female just has an approach and an ability that guys never will and we just don't

have it. The way we've attacked that is putting our people out, our staff, our deputies that represent all of our community and putting them all out. It's not just one person that does it. We routinely put out a call when we have events to say, hey, come out.

In two weeks we're going to be at Parkwood Pool. Sure, everybody knows that. The Sheriff's Office is covering the entry fee for anybody that wants to swim during that event. We put an email out, come out. That was an all staff email. It wasn't just to this group, it wasn't just to that group. We want everybody. We want representation from the entire department to go to those events. I don't care where you live, I don't care where you grew up, I don't care if you're not comfortable. That's fine, but I think that's the best way to approach it and we get everybody out in front of the community to say, hey, well you know she's a female and she's doing the job. You know, we have very strong female deputies and you are correct, we were most diverse, and I believe we are definitely staying that track.

Commissioner Kane said the Sheriff and I talked the other day for an extended period of time on a different issue, but I think you're right about the pay. The pay has to go up and I'm huge on going to the high school getting our kids, specifically our kids in Wyandotte County. I do not like reading when somebody graduates from class that they're not from here because the more kids we get here, the more diverse we're going to be and it's a future. This is you know—and kids can see whether they want to do it or not in short order and I think \$50K is really reasonable.

Sheriff Soptic said, Mayor, if I could add one thing. To your point, Commissioner, if we have some kids that go through the program, they go to graduate, first of all one of the things we want to do is recognize them during graduation as being one of our kids because we recognize, you know, if you've got scholarships, if you're going to this school, if you're going to that school, why shouldn't they be recognized for being one of our cadets. More importantly, why shouldn't they be recognized if they've been picked to transition into full-time and I think that's important. But, yes, they are our kids and if we can just—I just want to use the word capture again, shanghai them I guess, we're creating our own work base. If some of those kids decide you know what, I did it, and to Commissioner Stite's point, he did it and now they're like, man, I don't want to do that, okay, so we've spent some part-time employment money. We've put them through training though that will serve them wherever they go. They've learned to fill out an application. They've went

through an interview. They've experienced even training that may help them somewhere else. I hate to think that I'm going—we may train people up and lose them to other agencies, but we will and that's okay. We've still put a product out because we have the Kansas City, Kansas Police Department, the Edwardsville Police Department, the Bonner Springs Police Department that would benefit greatly also from one of our kids that went through the program, could put it on his or her resume and go to one of these cities and represent them as well. You know, I don't use the word win-win very often, but it's truly a win-win.

Commissioner Townsend said since I have the mic, I want to say greetings to the Mayors of Bonner Springs and Edwardsville and to say that your presentations for me was helpful to get me thinking about the other part of the county. We are unifying government, not promising anything, but I appreciate the presentation. I'm going to tell the truth now, but I appreciate that because it starts thinking that's where everything goes, but to your initiative tonight, I like it because it addresses so many things. One, you're moving forward to shorten the gap of those spots that have been authorized and what you can feel. Now, long-term, as you said, there's just a difference in pay between the Sheriff and the Police Department and that's another issue, but what I like about this initiative is that it's not on its face a lot of money for it and what you're doing with this program is you've laid out, even though you're looking long-term, you're taking high school kids and putting them in a position to be productive, to get more life and career skills, to make them more economically independent at an earlier age. Those are all immediate positive benefits whether they decide ultimately to go with the Sheriff's Department or not. I know you want them to, but the exposure that this project initiative could have I think is invaluable short-term, long-term.

You also mentioned that you would be getting them at a point in their life where they may be more prone to get into situations that will eliminate them further down the road when they get out of high school from getting into productive career paths whether it's in law enforcement or not. There's so many things that young kids don't realize that they are taking themselves out of the running for because they can't see that future, so those are really positive benefits of this program. I would look to support it at this level that you talked about, so thank you and thank you for the plug for the park with pool splash as well.

One last thing to Commissioner Johnson's point, I was thinking about this, I've been here since 2013 and watching the classes come through the Sheriff's Department. They have been the

most gender diverse, most racially diverse above the other classes in our Police and Fire. They just have been and so, again, I applaud that in this effort to train kids early. Hopefully, they'll go with you, but the training they have will last beyond wherever they go.

Commissioner Markley said I do support the Cadet Program. I think that's a great innovative way to deal with some of the staffing issues that we have. I also know County Administrator Harrison-Lee is looking at a larger salary study to deal with inequities, but I do think it's going to be important for us, there's no way we're funding—we can do that study, but there's no way we're funding all the changes in one year so we've got to be looking at what are the priorities, getting those amounts back and figuring out what departments are going to prioritize. I definitely think the inequity here is one of those departments we should be prioritizing, so those words of support.

One last thing, just speaking of high schools, I have to say I always feel a little moment of pride with this group in this room because two of our fabulous presenters tonight and one presenter spouse are all from Turner High School, class of 2000. It's always special for me to see us all here together doing awesome things for the county, so thanks guy for being here.

Mayor Garner said thank you, Sheriff. I just want to say I was a cadet, the previous Sheriff, Sheriff Don Ash was a cadet as well. He's one of the first cadets. There is a lot of value in it. Several of our Police Chiefs from cadets as well as individuals on the KCKPD rose to command ranks and others went on to be Chiefs of other large organizations and so there is value catching our young folks while they're in high school. I was actually recruited and hired while I was in high school and went to work right after high school as a Police Cadet and it does add value to our young folks. It does keep them on a good track and gives them an opportunity to at least get a career where they can be productive and really give back to our community, so I too support the Cadet Program and, hopefully, we can take a hard look at that and move that initiative forward. So, thank you Sheriff.

Mayor Garner said next we have our Urban Planning & Zoning Department Director Gunnar Hand. In the interest of time, he's going to give a condensed and really brief presentation. Hopefully enough time to answer questions. We are going to have to have a hard stop at exactly 6:55 so we can prepare for our regular commission meeting.

Presentation to Board of Commissioners

July 28, 2022



Gunnar Hand, Director of Planning & Zoning, said to abbreviate our three presentations we're going to go ahead and skip straight to goDotte, the county-wide Mobility Strategy. Today we have with us the Project Manager for Kimley-Horn, Anthony Gallo. It's important that we review the goDotte Plan. goDotte will include the other two plans that were on the agenda tonight, the NE Kansas City, Kansas Heritage Trail as well as the Merriam Connected Corridor Plan, as well as all the other corridor plans and other elements, transportation elements of our area plans. Including the transportation plans for the cities of Bonner Springs, Edwardsville, and city of Lake Quivira all encapsulated into goDotte, so we do have all three consultants with us today so if anybody does have any questions after the presentation for the Heritage Trail or Merriam Corridor, they can approach the podium and answer those as well. Without further ado, in a timely fashion, I'll pass it off to Mr. Gallo.



Introduction and Purpose

- ☒ What is a "strategic mobility plan"?
- ☒ Why are we doing this, and what do we hope to achieve?

Anthony Gallo, Project Manager for Kimley-Horn, said thank you for having us tonight. I'm going to talk about goDotte, the Strategic Mobility Plan for the county. It is a countywide plan including the cities of Bonner Springs, Edwardsville, and Lake Quivira. Really quick I'll get into what a Strategic Mobility Plan is, why we're doing this, what are we trying to get out of this.

July 28, 2022

What is goDotte? What are we trying to achieve?

- Countywide shared future vision for transportation (+ land use / economic development)
- Coordinated strategy and paradigm shift
- Single, unified location to find transportation policy and system plans



WYANDOTTE COUNTY Strategic Mobility Plan

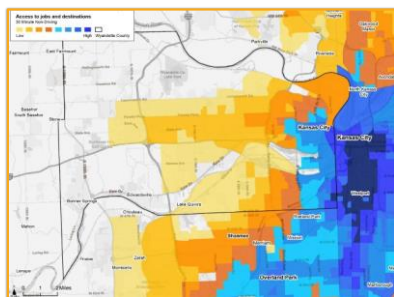
Again, it's a countywide transportation division looking forward to the Citywide Master Plan which will be underway shortly, integrating land use and economic development. As I mentioned, it's a coordinated strategy working across departments at the UG, Public Works, Economic Development, Public Health, and then working across jurisdictional lines as well working with the cities of Bonner Springs, Edwardsville, Lake Quivira. It consolidates all previous planning efforts in the county into a single unified location. That's one of the main reasons for doing this plan. I'll get into that in a minute. So, moving forward just for ease of use, and then it provides a unified strategy that has been coordinated across these groups.



Our plan, obviously, it's looking backwards. First it looks at the current state of mobility in the county, how transportation in the county facilitates access to jobs and destinations and the previous work that's been done in this area and then it looks to what challenges and opportunities exist so we can move forward to developing a strategy that we can then measure future goals against.

Foundations Summary

- Regional context
- Our people
- Our mobility
 - Access to opportunity
 - Excess capacity
- Public and stakeholder engagement



I don't need to elaborate too much on foundations. We have a report that's been on our website. I know that Director Hand had presented to several groups around the county previously, but providing some background on the county as it compares to the Kansas City region as a whole. Obviously, we're aware that the county is much more diverse, median household incomes are lower than the rest of the region. There are a lot of barriers, both natural and man-made, within the county that really impact transportation and mobility.

A few stats that I think are pretty critical that really informed our strategy in the plan, 5,500 households in the county that don't have access to an automobile, 4,000 crashes a year including over 50 here involving bicycles and pedestrians, around 15 bike and ped deaths since 2016. Most bus service in the county is running on 60 minute headways or greater meaning that a bus comes an hour or even less frequent than that.

All of this gets to a metric that we've quantified called access to opportunity what is the number of jobs and destinations like schools, healthcare, grocery stores, parks that I can get to in half an hour, in a reasonable time from where I live. We've looked at that metric without a car. So, if you don't own a car, this heat map that you're looking at on the screen, is a measure of how far—how many jobs and opportunities you can get to in half an hour from where you live and Wyandotte County, that value is pretty low except for the far easternmost parts of the county. Now this is a measure that looks at both transportation and land use. There needs to be jobs and destinations that you can get to, but it really gets at the transportation supply in the county. If you want to take the bus, oftentimes there isn't a sidewalk to get you to the bus. We have a lot of roads in the county that are unsafe to bike on, unsafe to walk on, there's no sidewalk and then, obviously, there's large areas in the county that aren't served by transit service.

Another element that came up that we thought was very unique to Wyandotte County is this notion of excess capacity. Essentially, there are a lot of overbuilt roadways in the county. There are a lot of roadways in Wyandotte County that were built to handle many more cars a day than they currently do. This is a problem when it comes to maintenance. This is a problem when it comes to safety. It facilitates high speeds making it unsafe for other modes of travel and oftentimes there isn't a sidewalk.

This is something that's pretty unique. I mean we are in a major U.S. metro area, we're right around the street from downtown KCMO and you've got all these big open roadways. That's pretty unique honestly and represents an opportunity.

Public and Stakeholder Engagement

- Public survey and in-person pop-up outreach
- Website
- Agency Interviews
- Stakeholder Advisory Committee (SAC)
- Mobility Summit
- Independent Cities
- KDOT coordination
- UG intra-departmental collaboration



WYANDOTTE COUNTY Strategic Mobility Plan

As part of this plan we did have an extensive and stakeholder engagement process which was obviously unique as we started in early 2021, online survey, in-person events, a lot of coordination both internally within the county. This was an effort to build capacity across departments; Public Works, Public Health, Economic Development and others. We had a Stakeholders Advisory Committee that was comprised of movers and shakers essentially from around the county, interviews with agencies within the county; Bonner Springs, Edwardsville, Lake Quivira. We had listening sessions with them, KDOT, bordering agencies; KCMO, cities in Johnson County. We had an in-person mobility summit event this past March. It was our first in-person event. It brought together a lot of folks from around the community. Mayor Garner spoke at it that led to a lot of identifying challenges and opportunities and, again, all this getting at capacity building and interdepartmental collaboration within the UG and then with our partner, our neighboring cities that are part of Wyandotte County.

Connection to Previous Plans



I mentioned previous plans. Again, we're not reinventing the wheel here with goDotte. We're consolidating previous plans including two plans that are represented here tonight, the Northeast KCK, Heritage Trail Plan, and the Merriam-Connected Corridor Plan. We're bringing together efforts that have been going on for the past 10 years and beyond at a regional level, regional transit planning efforts, greenway planning efforts, independent city plans. There's been a lot of work done both in Bonner Springs and Edwardsville with their comprehensive planning and their sidewalk and trail planning. Individual corridor plans, various area plans. Armourdale and Central were two of the most recent ones here and, of course, the county's Complete Streets ordinance which was adopted in 2020 that directs design of our streets moving forward to accommodate all users in all modes.

So, again, goDotte has consolidated locations for all of these plans, adopts all of them by reference and for ease of future use, bringing them all together.



Our strategy and high level vision, five big ideas that are the roots of all of our recommendations. Nothing that I'm going to say in the next few minutes is really—I don't call it not groundbreaking,

but it's really meant to just be quick big ideas to take home that all of our recommendations center around.

1) Safety First



Number one, Safety First. I mentioned the number of crashes and deaths in the county from automobile crashes. We think this is unacceptable. We're going to move toward ways to mitigate that. Vision Zero is the idea that we want to eliminate traffic fatalities and injuries and provide safe, healthy and equitable mobility for all. So, one of the first recommendations out of this is the Federal Infrastructure Bill has a ton of money lined up for creating action plans that identify specific locations in the county for implementing safety improvements. The UG is uniquely well positioned to receive some of that funding and that's sort of priority number one, is an action item coming out of this plan.

2) Street Design 101



So, that moves into Street Design 101. Let's design our streets to be safer. Let's design our streets for all modes, all users. Again, this plan is essentially the implementation of the Complete Streets ordinance that was passed here by the UG in 2020 and Bonner Springs has their own that was

passed in 2017. Designing our streets to actually be conduits for building community wealth rather than conduits for moving cars.

As part of this plan we are providing an update to the county's roadway classifications and then providing street design typologies for different—not just different roadway types, arterial versus collector, but also different areas of the county.

3) Next-Level Transit



Next-Level Transit; encouraging the county to take the next leap in terms of investments in transit. Right now I mentioned, you know, it's service is mainly coverage based whether that's the fixed routes or the Tiblow Transit Service provided by Bonner Springs in the western part of the county or the Micro Transit Service that's provided in the Kansas Avenue area. In particular, focusing on the State Avenue, 7th & Rainbow corridors. That shouldn't be too surprising. Those are the two corridors that are targeted for infill density and that are mentioned in the KCATA Regional Smart Moves Plan that calls for fast and frequent service of 15 minutes or less along these corridors. So looking to take the next level of investment of transit along those corridors. State Avenue, in particular, was identified as the bi-state sustainable reinvestment corridor, Representative Cleaver, and then Rainbow Avenue & 7th being sort of the main street between the densest areas of the county.

4) Prioritize Connections



Then, you know, if we are prioritizing investing in transit, you need to be able to get to transit. Those connections, those first and last mile connections, so the goDotte Plan is also providing an update to the now 10-year old Sidewalk & Trails Master Plan within the county much of which remains unbuilt. Obviously, we're aware in the western half of the county and sort of midtown area, you have a lot of areas with missing sidewalks based on the time when those communities were developed in the eastern part of the county. There are a lot of sidewalks and streets that are deteriorated, so moving forward and looking at a vision of how do we invest and how do we prioritize sidewalk, trail and bikeway investments in the county.

We do want to call out specific—we're (inaudible) transformational trail opportunities to spur community investment. So the Northeast KCK Heritage Trail, that plan was also scheduled to be presented tonight and you all have those materials. The Turkey Creek Trail along I-35 along Turkey Creek connecting to Rosedale and to KCMO and Johnson County. The Kansas River Levee Trails and then connections to the west along K-32 into Bonner Springs and Edwardsville. These are all coming from previous planning efforts. These are priorities from the Northeast KCK Plan, the Merriam Plan. In the case of Bonner Springs and Edwardsville, there have been several planning efforts on their parts that have wanted to see a greenway trail that either parallels the river, parallels K-32, so we see these transformational trail connections as key investments.

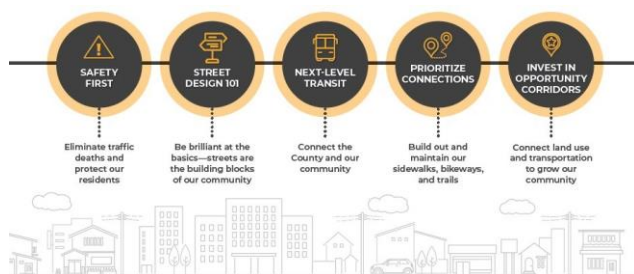
5) Invest in Opportunity Corridors



Finally, a segue into the Citywide Master Plan that's going to be coming later this year that's going to go beyond transportation into land use, economic development, so concentrating transportation investments along what we're pointing opportunity corridors, corridors that are best positioned to showcase growth in a sustainable way for the community. So, again, State Avenue, 7th Street, we're aligning with our proposed transit investments, the Northeast KCK Heritage Trail, and K-32 & Kansas Avenue going out to Bonner Springs and Edwardsville.

We also have identified other opportunity corridors reimagination and revisiting, in particular, K-7 & 18th Street. Those would require further coordination with KDOT.

But, again, one of the key messages we would take away from this plan is the idea of investing versus spending, transportation as a community asset that we want to invest in to spur further investment within the community.



WYANDOTTE COUNTY Strategic Mobility Plan

Again, five big ideas that are the centerpiece of the goDotte strategy. Safety First, Street Design 101, taking transit to the next level, prioritizing those bicycle and pedestrian connections to transit, and then investing in opportunity corridors.



So, what comes out of this I would call the meteor elements of the plan. The Implementation and Action Plan.

Implementation and Action Plan

- Sidewalks / Trails / Bikeways Master Plan update
- Streets Master Plan update / street typologies
- Policy modernization
- Action plan matrix
- Funding / future opportunities
- Segue to Citywide Master Plan
- Lasting process for Wyandotte County



WYANDOTTE COUNTY Strategic Mobility Plan

Again, I mentioned goDotte is going to provide an update to the Sidewalks/Bikeways/Trails Master Plan. That includes the sidewalks, trails, and bikeways planned in Bonner Springs and Edwardsville as well as an update to the Streets Master Plan, the classification of streets throughout the county to follow the American Public Works Association Standards and recommended cross sections for streets that vary across the county. Recommendations related to policy, policy as it relates to transportation and mobility looking for opportunities to modernize policy there. Certainly the Complete Streets ordinance is a huge step in that direction. All this culminates in a set of itemized action plan items that are targeted towards future funding opportunities, most notably the Federal Infrastructure Bill, also opportunities within the state of Kansas and from MARC. But, I mean Wyandotte County is pretty uniquely positioned towards infrastructure bill funding, especially that cross-jurisdictional partnership with neighboring jurisdictions, most notably including Bonner Springs and Edwardsville.

We want to leave goDotte as not just, you know, another plan that goes on the shelf, but as a lasting process for Wyandotte County to invest in transportation, invest in our community. Streets are the building block of public wealth and use that to spur future growth.

Next Steps

- Incorporate comments from Board, Planning Commission, and UG staff
- Adopt plan next month
- Citywide Master Plan
- Implementing mobility strategy one investment at a time!



WYANDOTTE COUNTY Strategic Mobility Plan

Next steps from you all, we provided a draft plan. Obviously, it was in the packet for tonight. Director Hand sent that out, so incorporating comments from you all from the Planning Commission, from UG staff, from stakeholders including Bonner Springs and Edwardsville, various agencies we've been coordinating with aiming to adopt the plan next month. It's essentially going to serve as the transportation element to the Citywide Master Plan and then move forward with implementing our mobility strategy in incremental ways, one investment as a time. Thank you all.

Thank you!



Mayor Garner said thank you. Any questions?

Commissioner Townsend said improvements in our infrastructure have been identified over and over by majority of the public as a priority. How would, and I saw you mention the streets and

July 28, 2022

sidewalks, how would that tie into what the Commission may do in terms of funding or prioritizing or how we take into this plan as we look to better our streets situation?

Mr. Hand said we believe that this complements and guides the maintenance efforts by Public Works and others as reflected in the CMIP. We've worked closely with the Infrastructure Committee, we presented to the Infrastructure Committee, we've been working with the staff that supports the Infrastructure Committee. So, we see that by focusing on—we see them as complementary so the maintenance budget can help implement the strategy of the long-range investments.

I would also point out that part of the reason and the analysis that we did in determining those investments corridors, which primarily will be focused on future grant funding, also took into account all the existing roadway conditions. For instance, we just did a lot of work on Leavenworth Road section, right, but we didn't go past 635 to do Quindaro, which is why it was noted as one of the priority corridors, Northeast KCK Heritage Trail as well as Quindaro Blvd.

At your last hearing during the audit, at least what I heard loud and clear, as your planner, was that we need to update and follow through with our master plans. This represents a comprehensive strategy, a vision strategy and implementation actions for you tonight that we've been working on for the last year, so this is that.

Mr. Hand said, Mayor, if I may, I would just like to recognize the consultants that are here today. We have Jeremy Stretz with Olson who is the Project Manager for the Merriam Connected Corridor Plan. Adam Rosa who flew in from Chicago this evening to present the Northeast KCK Heritage Trail, as well as our partners in the Northeast KCK Heritage Trail planning process, Rachel Jefferson with Groundworks Energy who are also here tonight.

Mayor Garner said thank you for your presentation.

Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to adjourn the meeting. Roll call was taken and there were seven "Ayes," Ramirez, Johnson, Kane, Stites, Burroughs, Townsend, McKiernan.

MAYOR GARNER ADJOURNED
THE MEETING AT 7:00 p.m.

Monica L. Sparks
Acting Unified Government Clerk

dt

July 28, 2022



Unified Government Clerk's Office

Monica L. Sparks
Acting Unified Government Clerk

701 N. 7th Street Trafficway, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913.573.5260
Fax: 913.573.5299
<http://www.wycokck.org>

Memorandum

To: Cheryl Harrison-Lee
Interim County Administrator

From: Monica L. Sparks
Acting UG Clerk

Date: August 4, 2022

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

/tk

1. COMMUNICATION:

Letter from Ethan Eckert, 1715 S. 13th St., requesting refund on BPU bill due to trash collection not being picked up.

Action: Received and filed.

2. COMMUNICATION/WARRANT CANCELLATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

Warrant #	Reissue?	Date Issued	AMOUNT	FUND/ACD	Vendor Name/Number	Reason for Void
906101	Yes	5/27/2022	\$23.13 8.00	790 2113 160 2125	Baer, Don Richard	Stale dated
907025	Yes	6/17/2022	\$300.33	160 2125	Kelley, Randy W	Stale dated

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION DATED: JULY 26, 2022**Section I – Transfers**

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Daiana P Balliett	Legal	7/25/22	Admin Supt Spec.	Admin Supt Spec.
Elizabeth Mora	Election	7/21/22	Prog Coordinator	Manager
Andrew R Nelson	PW/Street	7/21/22	General Laborer	Equipment Operator 1
Scott R Roberts	PW/WPC	7/21/22	Utility Maint Tech	Operations Gen Superintendent
Vernon H Schuler	PW/WPC	7/21/22	Plant Operator II	Plant Operator III

Section II – Separation

Name	Department/Division	Eff. Date	Job Title
Chad M Ward	PW/WPC	7/29/22	Sewer Maint Worker I

Section III – Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Sir Schad L Hampton	Parks/Rec	3/11/22	Operations Supervisor
Rosemarie Heintzelman	Finance/Tresury	7/20/22	Fiscal Supt Asst
Andrew B Mendibles	PW/WPC	8/4/22	Opers Gen Superintendent

Nick R Parks	PW/WPC	8/4/22	Opers Gen Superintendent
Rickey A Vitaloe	Parks/Rec	3/11/22	Opers Superintendent

Section IV – Other Requests

Name	Department/Division	Action Requested and Explanation
Jerritt D Barbarich	Sheriff	Occ code change eff 6/10/22

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED AUGUST 2, 2022:

Section I – Separations

Name	Department/Division	Eff. Date	Job Title
Michael E Dalsing	Police	7/27/22	Police Sergeant
Lanesha S Huggins	Comm Corr	7/20/22	ISO
Keyontay T Neal	Police	7/20/22	Patrolman III
Tamika P Ross	DA's Office	7/18/22	Intern

Section II – Leaves of Absence

Name	Department/Division	Leave Begins	Leave Ends
Cedric J Saunders	Police	8/28/2022	8/28/2023

Section III – Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Traci R Ash	Police/Comm	8/20/22	Part Time A Call Taker
Lacey M Aufdenberge	Police/Comm	8/19//22	Public Safety Dispatcher
Thomas M Garcia	Police/Comm	8/5/22	Public Safety Dispatcher
Brooke D Martin	Police/Comm	8/19/22	Public Safety Dispatcher
Colin M Matson	Fire/Comm	6/10/22	Fire Comm Dispatcher
Scarlet V McConnell	Police	8/31/22	S. Detective
Phil A Schindel	PW/Engineering	8/20/22	Construction Inspector II
Ramona S Torres	Police/Comm	8/27/22	Public Safety Dispatcher
Carlos R Ulloa	Police	8/15/22	Sr. Patrolman

Section III – Other Requests

Name	Department/Division	Action Requested and Explanation
Susan Caman	Health	ACD code change efft 7/21/22
Doritha E Meier	Municipal Court	Out of class pay efft 7/26/22

Action: Received and filed. Copy previously forwarded to Payroll.

5. PERSONNEL ACTION COMMUNICATION DATED, AUGUST 4, 2022:**Section I -Appointments**

Name	Department/Division	Eff. Date	Job Title
Sandra Castillo	DA's Office	8/4/22	Admin Supt Specialist
James L Molloy	Urban Planning	8/4/22	Planner
Erick A Perea Jr	PW/Fleet	8/4/22	Fleet Tech I
Christopher E Slater	Comm Corr	8/4/22	ISO
Makayla S Stell	Comm Corr	8/4/22	ISO

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Eduardo Godoy Castor	PW/WPC	8/4/22	General Maint Worker	Sewer Maint Worker II
Randy A Hand	PW/Fleet	8/4/22	Fleet Maint Tech II	Lead Fleet Maint Tech
Efren Bybez	PW/Streets	8/4/22	EO II	EO III

Section III – Separation

Name	Department/Division	Eff. Date	Job Title
James L Molloy	Urban Planning	8/3/22	Intern

Section IV – Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Travis W Adamson	Fire	7/1/22	Firefighter IV
Jorge G Barajas	Fire	7/1/22	Firefighter IV
Darrick M Diehl	Fire	7/1/22	Firefighter IV
Emmanuel J Harris	Fire	7/1/22	Firefighter IV
Micah J Hydeman	Fire	7/1/22	Firefighter IV
Jacob P Jones	Fire	7/1/22	Firefighter IV
Brandon D Kems	Fire	7/1/22	Firefighter IV
Nathaniel T Sanderson	Fire	7/1/22	Firefighter IV
Chad Shore	Police	8/28/22	Patrol Officer
Gabriel A Torres	Police	8/28/22	Patrol Officer

Section V – Reclassification

Name	Department/ Division	Eff. Date	Former Job Title	New Job Title
Bridgette Cobbins	County Admin	7/29/22	Executive Director	Executive Director

Section VI – Other Requests

Name	Department/Division	Action Requested and Explanation
Jennifer Allen-Caudle	Health	ACD code change efft 8/4/22
Neydy Portillo	Court Trustee	Amend PAC 7/21/222 to reflect change in range/step efft. 6/23/22

Action: Received and filed. Copy previously forwarded to Payroll.

6. CLAIMS FOR DAMAGES:

- Leticia Espino, 811 Calvin St., KCK 66101, alleging damage to property due to tree branch on May 14, 2022,
- Luernza Jackson, 6310 Hedge Lane Terrace, Apt. 104, Shawnee, KS, alleging damage due to pothole.

Action: Received and filed. Copy previously forwarded to Legal.

7. NOTICE OF CLAIM:

- Brenda Dodd, 7679 Charles St., Apt. 307, Lenexa, KS, by and through her attorney Dave Johnson, alleging damage from UG vehicle on June 30, 2021. (2)

Action: Received and filed. Copies previously forward to Legal.

8. TRAVEL REQUESTS:

- Shalanda Gardner and Tondria Nolen Community Corrections/Adult Division, travel to Shawnee Police Department, 5850 Renner Rd, Shawnee, KS, September 1 – December 16, to attend Emerging Leaders Academy, AISP Grant.
- James Schroeder, Community Corrections-Youth Services, travel to Kansas City, Kansas, September 23, 2022 – June 1, 2023, to attend Leadership 2000, JISP Fund.

Action: Approved by County Administrator's Office and received and filed.

9. CERTIFICATE OF LIABILITY INSURANCE:

- AM lawn & Tree Service LLC
- Black Iron Eatery LLC
- CACI Communication, LLC
- Gardia World Security Corporation, Gardaworld Cash Services, Inc.
- Securitas Holdings, Inc.
- Wisley Pyrotechnics, Inc.

Action: Referred to License.

10. BUSINESS BONDS:

- HVAC Bond:
 - Moore Air LLC

Action: Referred to License.

11. CONTINUATION BOND:

- Plumbers Bond:
 - Farr Mechanical, LLC

Action: Referred to License.

12. REINSTATEMENT NOTICE:

Mechanical Bond:
McGraff HVAC LLC

13. CANCELLATION NOTICES:

- General Bond:
 - Industrial Electric Company, Inc.
- Electrical Bonds:
 - Shelby Helms DBA Network Technologies, Inc.
- HVAC Bond:
 - Mo's Heating & Air Conditioning, LLC
 - Moore Air LLC(2)

- Priority One HVAC LLC
- License and Permit Bond:
 - Blue River Plumbing, Inc.
 - Skyview Utilities LLC
- Mechanical Bond:
 - Malik Heating and Cooling Inc DBA Malik Heating/Cooling

Action: Referred to License.

14. APPLICATIONS FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

- G & J Entertainment Inc/Jose Barrientos dba Las Islas VIP Sport Bar, 4929 State Avenue

Action: Referred to License.

15. APPLICATION FOR CATERER:

- Twisted Peach/Sharee Boykin dba Twisted Peach KC, 7401 State Avenue, Unit 1165

Action: Referred to License.

16. APPLICATION FOR CATERER/DRINK EST/HOTEL:

- Beaumont Enterprises Inc/William Hutton dba Chateau Avalon, 701 Village West Parkway

Action: Referred to License.

17. APPLICATION FOR PRIVATE CLUB CLASS B:

- Dartea LLC/Darty Saunders dba Bill's 32 West, 6500 Kaw Drive

Action: Referred to License.

18. APPLICATION FOR PRIVATE SECURITY BUSINESS:

- Securitas Security Services/Michael Washbourne dba Securitas Security Services, 8330 Ward Parkway, Ste. 220, Kansas City, MO, 64114.

Action: Referred to License.



Unified Government Clerk's Office

Monica L. Sparks
Acting Unified Government Clerk

701 N. 7th Street Trafficway, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913.573.5260
Fax: 913.573.5299
<http://www.wycokck.org>

Memorandum

To: Cheryl Harrison-Lee
Interim County Administrator

From: Monica L. Sparks
Acting UG Clerk

Date: August 11, 2022

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

/tk

1. BPU REPORT:

- Board of Public Utilities, 2022 Second Quarter Unaudited Financial Statement Reports for the period ended June 30, 2022.

Action: Received and filed.

2. PUBLIC NOTICES:

- Alandon Tow Service, 6224 Kansas Ave., held a public auto auction on August 2, 2022, at Alandon Tow Service.

Action: Received and filed.

3. COMMUNICATION/WARRANT CANCELLATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

Warrant #	Reissue?	Date Issued	AMOUNT	FUND/ACD	Vendor Name/Number	Reason for Void
907184	Yes	6/24/2022	\$402.16	2634622225259	Holmes, Ernestine L	Lost Warrant

Action: Received and filed.

4. COMMUNICATION:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

Warrant #	Reissue?	Date Issued	AMOUNT	FUND/ACD	Vendor Name/Number	Reason for void
908794	No	8/5/2022	\$ 463.50	7702092	KS Prosecutor Trng & Asst Inst	Issued in error
908803	No	8/5/2022	\$ 463.50	7702092	WY CO D.A. Training Fund	Issued in error

Action: Received and filed.

5. PERSONNEL ACTION COMMUNICATION DATED: AUGUST 9, 2022**Section I – Appointments**

Name	Department/Division	Eff. Date	Job Title
Nathan P Cho	Legal	8/18/22	Attorney I
Danielle N Clark	Legislative Auditor	8/18/22	Auditor
Chris Q Gleason	Parks/Rec	8/4/22	Caretaker
Yolanda Ortiz-Macias	Fire/Comm	8/4/22	Fire Comm Dispatcher

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Kelly G Kloiber	Fire	8/11/22	Master Fire Captain	Batallion Chief

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Jasli A Bonilla-Segovia	DA's Office	8/12/22	Admin Supt Specialist
Esperanza M Cervantes	DA's Office	8/12/22	Admin Supt Specialist
Meryl K Her	Municipal Court	7/29/22	Court Clerk I
Ta'Nae S Locke	Sheriff	8/6/22	Juv Detention Officer
Marquette D Smith	Sheriff	7/29/22	Juv Detention Officer

Section IV – Leaves of Absence

Name	Department/Division	Leave Begins	Leave Ends
Daniel Flores Gaytan	Fire	5/1/22	7/27/22

Section V – Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Chad T Adcox	Fire	7/6/22	Senior Captain
Dalton A Alas	Fire	7/1/22	Firefighter I
Gregory D Allen	Fire	7/1/22	Sr. Firefighter
Becky J Arwine	DA's Office	7/29/22	Admin Supt Spec
Allen F Assmann	Fire	7/1/22	Sr. Firefighter
Jeffrey T Axe	Fire	7/1/22	Sr. Firefighter
Kimberly L Barlow	Fire	8/3/22	Sr Fire Apparatus Operator
Ryan J Beasley	Fire	8/3/22	Sr Fire Apparatus Operator

Jonathan K Bergman	Fire	8/3/22	Sr Fire Apparatus Operator
Adam C Bond	Fire	7/1/22	Sr. Firefighter
Jasli A Bonilla-Segovia	DA's Office	7/29/22	Admin Supt Spec
Coleen K Bosley	Fire	8/3/22	Sr Fire Apparatus Operator
Matthew J Brown	Fire	7/1/22	Sr. Firefighter
Eric Y Brozenic	Fire	7/1/22	Sr. Firefighter/Paramedic
Patrick A Bruce	Fire	7/1/22	Sr. Firefighter/Paramedic
Dustin M Bryant	Fire	7/1/22	Sr. Firefighter/Paramedic
Christopher M Budenz	Fire	7/1/22	Sr. Firefighter
Vanessa Calderon	Fire/Comm	7/1/22	Fire Comm Dispatcher
Charmin L Calhoun	Fire/Comm	7/1/22	Fire Comm Dispatcher
Michael D Carrothers	Fire	8/3/22	Sr Fire Apparatus Operator
Ronald F Carter	Fire	7/12/22	Master Captain
Alaine V Cawthon	DA's Office	7/29/22	Prof Progs Asst
Joey D Chowning	Fire	7/6/22	Senior Captain
Tracy N Chowning	Fire	8/3/22	Sr Fire Apparatus Operator
Linda F Colbert	DA's Office	7/29/22	Admin Supt Spec
Robert C Copher	Fire	7/1/22	Sr. Firefighter
Jonathan T Crum	Fire	7/1/22	Sr. Firefighter/Paramedic
Tyler J Dinsmore	Fire	7/1/22	Firefighter III
Vita L Drew	DA's Office	7/29/22	Admin Supt Spec
Terence P Dunn	Fire	7/1/22	Sr. Firefighter
Jason L Effenheim	Fire	7/1/22	Sr. Firefighter/Paramedic
Cary W Eldridge II	Fire	8/3/22	Sr Fire Apparatus Operator

Jimmy L Ervin	DA's Office	7/29/22	Admin Supt Spec
Jeff B Farmer	Fire	8/3/22	Sr Fire Apparatus Operator
Brandon J Farrell	Fire	7/1/22	Sr. Firefighter/Paramedic
Mayra A Flores	DA's Office	7/29/22	Prof Progs Asst
Nicholas P Gerkovich	Fire	7/1/22	Sr. Firefighter
Douglas M Golubski	Fire	8/3/22	Sr Fire Apparatus Operator
Paul D Gregory	Fire	7/1/22	Sr. Firefighter/Paramedic
Shae G Grosdidier	Fire	7/1/22	Sr. Firefighter
Joshua E Gutierrez	Fire	7/1/22	Sr. Firefighter
Blake R Hachinsky	Fire	7/1/22	Firefighter I
Benjamin R Hall	Fire	7/6/22	Senior Captain
Keeley Hanson	Fire	7/1/22	Firefighter I
Eric P Heim	Fire	7/1/22	Sr. Firefighter
Adriana E Hernandez	DA's Office	7/29/22	Prof Progs Asst
Bradley R Herron	Fire	8/3/22	Sr Fire Apparatus Operator
Benjamin J Higgins	Fire	7/1/22	Sr. Firefighter/Paramedic
Stephen P Higgins	Fire	8/3/22	Sr Fire Apparatus Operator
Justin M Hylton	Fire	7/1/22	Firefighter III
Kaisone Inthavong	Fire	7/1/22	Firefighter I
Brandon E Jackson	Fire	7/1/22	Firefighter III
Byron K Jayne	Fire	8/17/22	Batt Chief Fire
Jeffrey E Jones	Fire	8/3/22	Sr Fire Apparatus Operator
Olivia M Jones	Fire/Comm	7/1/22	Fire Comm Dispatcher
Olivia M Jones	Fire/Comm	7/11/22	Fire Comm Dispatcher

Paul J Joy	Fire	7/6/22	Senior Captain
Jacob A Kavanaugh	Fire	7/1/22	Sr. Firefighter
Derek R Kempf	Fire	7/1/22	Sr. Firefighter
James W Laird Jr	Fire	8/3/22	Sr Fire Apparatus Operator
Kenneth R Lee	Fire	7/1/22	Sr. Firefighter
Brett M Little	Fire	7/1/22	Sr. Firefighter
David W Lynn	Fire	7/6/22	Senior Captain
Eduardo J Madrigal	Fire/Comm	7/1/22	Fire Comm Dispatcher
Zahary Mahoney	Fire	7/1/22	Firefighter I
Jelisa Marcial	DA's Office	7/29/22	Admin Supt Spec
Charles J Masters	Fire	8/3/22	Sr Fire Apparatus Operator
John I McGee	Fire	8/3/22	Sr Fire Apparatus Operator
Mark M Millstead	Fire	7/6/22	Senior Captain
Ahmad Moukaddem	Fire	7/1/22	Firefighter I
Linda M Murphy	DA's Office	7/29/22	Admin Supt Supervisor
Christopher C Novak	Fire	7/1/22	Sr. Firefighter/Paramedic
Cathleen M O'Connor	Fire	7/1/22	Sr. Firefighter/Paramedic
Angelo Pena	Fire	7/1/22	Firefighter III
James A Perkins	Fire	7/1/22	Sr. Firefighter
Shanelle V Phoenix-Daniels	DA's Office	7/29/22	Admin Supt Supervisor
Kyle A Ricketts	Fire	7/1/22	Sr. Firefighter
Jacob R Righter	Fire	7/1/22	Sr. Firefighter
Brian Roberts	Fire	7/1/22	Firefighter I
Claude D Robinson Iv	Fire	8/3/22	Sr Fire Apparatus Operator

Marsha D Rymer	Fire	7/1/22	Sr. Firefighter
Tripper L Sadler	Fire	7/6/22	Senior Captain
Yenny M Santacruz	DA's Office	7/29/22	Admin Supt Spec
Connor D Scherer	Fire	7/1/22	Firefighter I
Matthew F Schmidt	Fire	7/1/22	Sr. Firefighter/Paramedic
Andrew G Schneider	Fire	7/1/22	Firefighter I
Eric H Scruggs	Fire	7/6/22	Senior Captain
Joshua D Seeberger	Fire	8/3/22	Sr Fire Apparatus Operator
Monic M Smith	Fire/Comm	7/1/22	Fire Comm Dispatcher
Thomas D Stark	Fire	8/3/22	Batt Chief Fire Investigator
David G Sunderman	Fire	7/1/22	Sr. Firefighter
Jeremy Tarwater	Fire	7/1/22	Sr. Firefighter
Kurt A Theno	Fire	8/3/22	Sr Fire Apparatus Operator
Anthony J Tucker	Fire	7/1/22	Firefighter I
Semian U Vanderpool	Fire	7/1/22	Firefighter III
Joshua J Wagner	Fire	7/1/22	Sr. Firefighter/Paramedic
Matthew J Wardwell	Fire	7/1/22	Sr. Firefighter
Gary D Wayne	Fire	7/1/22	Firefighter I
David J Whaley	Fire	7/1/22	Firefighter I
Brian D Williams	Fire	7/6/22	Senior Captain
Jason D Williams	Fire	7/6/22	Senior Captain
Andrew Y Xiong	Fire	7/1/22	Firefighter III
Hue Yang	Fire	7/1/22	Sr. Firefighter
Jeffery C Zimmerman	Fire	8/3/22	Sr Fire Apparatus Operator

Section VI – Other Requests

Name	Department/Division	Action Requested and Explanation
Erik L Graff	Fire	Range/Step change per MOA efft. 7/1/22
Elijah L Ming	Sheriff	Oc code change efft. 7/29/22
Sara Ortiz	Fire	Range/Step change per MOA efft. 7/1/22
Andrew P Porter	Fire	Range/Step change per MOA efft. 7/1/22
Jacob E Stockton	Fire	Range/Step change from per MOA efft. 7/1/22
Tyler R Walters	Fire	Range/Step change per MOA efft. 7/1/22

Action: Received and filed. Copy previously forwarded to Payroll.

6. PERSONNEL ACTION COMMUNICATION, DATED AUGUST 11, 2022:**Section I – Appointments**

Name	Department/Division	Eff. Date	Job Title
Seth A Briggs	Fire	8/4/22	Firefighter Trainee
Tanner A Freeman	Fire	8/4/22	Firefighter Trainee
Dylan T JamesCupp	Fire	8/4/22	Firefighter/Paramedic Trainee
Joel J Sanchez	Fire	8/4/22	Firefighter Trainee

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Eileen G Bailey	Treasury	8/4/22	Fiscal Supt Asst	Fiscal Supt Spec

Action: Received and filed. Copy previously forwarded to Payroll.

7. CLAIMS FOR DAMAGES:

- Kimberly A. Kauth & Joseph M Kauth, 8926 W. 132nd Pl, Overland Park, KS 66213, alleging damage to property due to pothole and rock hitting car on July 17, 2022.

Action: Received and filed. Copy previously forwarded to Legal.

8. SUMMONS:

- Kimberly George vs. Unified Government of WyCo/KCK, Case No. 2-22CV02309.
- Kimberly George vs. Sheriff Daniel Soptic, Case No. 2-22CV02309. (2)
-

Action: Received and filed. Copies previously forward to Legal.

9. TRAVEL REQUESTS:

- Jakob Blackman, KCKPD/VCTF/ATF Task Force, travel to Tulsa, OK, August 9 – 10, for an interview, ATF Funded.
- Carlo Navarro, Narcotics, travel to Lewisville, TX, September 26 – October 1, for pole camera installation training, DEA Funded.
- Raymond Nunez, KCKPD/Investigations Bureau, travel to Dallas, TX, October 14 – October 19, to attend the IACP Annual Conference, Employee Training and Travel.
- Troy W. Rice, KCKPD/Investigations/Task Force Unit (FBI-HARCFL), travel to Pittsburgh, PA, September 12 – September 16, to attend the FBI FAVP (Field Audio Video Program) Fall Conference, FBI Funded.

Action: Approved by County Administrator's Office and received and filed.

10. CERTIFICATE OF LIABILITY INSURANCE:

- JDM Partners AMEN, KC, LLC (2)
- KC Grocery – Office, Warehouse and Garage

Action: Referred to License.

11. CANCELLATION NOTICES:

- General Bond:
 - Gradient Company

Action: Referred to License.

12. APPLICATION FOR CATERER/DRINK EST/HOTEL:

- Benjamin Benson – Hooters of Kansas City Speedway LCL/Kimberly Groves dba Hooters, 1712 Village West Pkwy.

Action: Referred to License.

13. APPLICATION FOR CMB TEMPORARY LICENSE:

- Strawberry Hill Museum/Adrienne Nastav dba Strawberry Hill Ethnic Museum & Cultural Center, 720 N. 4th Street. This temporary permit is for 08/20/2022 from 8:30 p.m. to 11:45 p.m.

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 211796

Full Commission Meeting Date: 8/25/2022

Committee: Economic Development & Finance

Date of Standing Committee Action: 7/11
(If none, please explain):

Publication Required: No

<u>Date:</u> 08/18/2022	<u>Contact Name:</u> Katherine Carttar	<u>Contact Phone:</u> x5176	<u>Contact Email:</u> kcarttar@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> • An Ordinance establishing a redevelopment district, • A resolution adopting the 505 Central Development Agreement, submitted by Katherine Carttar, Director of Economic Development. <i>On July 11, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.</i>				
<u>Action Requested:</u> <i>Approve and move to FC Aug 25, 2022</i>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Ordinance Establishing District - 505 Central TIF - final, Skyline Blight Analysis(17564567.5), Resolution Approving 505 Central Development Agreement, Executive Summary with Spanish Translation - 505 Central, 505 Central Development Agreement				

(Published in *The Wyandotte Echo* on September 1, 2022)

ORDINANCE NO. O-____-22

**AN ORDINANCE MAKING FINDINGS AND ESTABLISHING A
REDEVELOPMENT DISTRICT PURSUANT TO K.S.A. 12-1770 ET SEQ., AND
AMENDMENTS THERETO.**

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 *et seq.*, as amended (the “Act”), the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) is authorized to establish redevelopment districts within a defined area that is an “eligible area” as said term is defined in the Act, including areas determined to be “blighted areas;” and

WHEREAS, the Board of Commissioners of the Unified Government (the “Governing Body”) adopted Resolution No. R-37-22 on July 14, 2022, calling for a public hearing considering the establishment of a redevelopment district to be held by the Governing Body on August 25, 2022; and

WHEREAS, notice of the public hearing was given as required by the Act; and

WHEREAS, at the public hearing the Governing Body reviewed a blight analysis report (the “Report”, attached as **Exhibit C**) delineating certain factors set forth in the Act to be considered by the Governing Body in order to determine whether the area in the proposed redevelopment district would constitute a “blighted area,” as defined in the Act; and

WHEREAS, the public hearing was held on August 25, 2022 and closed on the same day.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

SECTION 1. The Governing Body hereby finds that the real property described in **Exhibits A and B** (the “Redevelopment District”) attached hereto is an eligible area for being designated as a redevelopment district pursuant to the Act because, based on the information contained in the Report, the real property is an area within the Unified Government that is found to be a “blighted area,” as defined in the Act, based on the presence of the following factors set forth in K.S.A. 12-1770a(c): (i) predominance of defective or inadequate street layout; (ii) unsanitary or unsafe conditions; (iii) deterioration of site improvements; (iv) defective or unusual conditions of title including, but not limited to, cloudy or defective titles, multiple or unknown ownership interests to the property; (v) improper subdivision or obsolete platting or land uses; (vi) existence of conditions which endanger life or property by fire or other causes; and (vii) conditions which create economic obsolescence.

SECTION 2. The Governing Body hereby finds that the real property described in **Exhibits A and B** includes only areas designated in the notice of public hearing given as required by the Act and Resolution No. R-37-22, and that all required notices under the Act were properly and timely given.

SECTION 3. The Governing Body hereby finds that the conservation, development or redevelopment of the Redevelopment District is necessary to promote the general and economic welfare of the Unified Government.

SECTION 4. The Governing Body hereby establishes the Redevelopment District, which shall consist of one (1) project area, as depicted on the map attached hereto as **Exhibit A**. The district plan is hereby approved, described in a general manner as consisting of some or all of the following uses, without

limitation: multifamily residential uses, general commercial uses, mixed use commercial retail, restaurant uses, and any other commercial structure or use (including but not limited to, office, non-profit, governmental, or community use), and including such associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities (including parking garages), courtyards, other associated and appurtenant structures and facilities, and any other items allowable under the Act.

SECTION 5. The Mayor/CEO, County Administrator, and other officers, agents and employees of the Unified Government are hereby further authorized and directed to take such further action as may be appropriate or desirable to accomplish the purpose of this Ordinance.

SECTION 6. This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

**PASSED BY THE UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS THIS 25TH DAY OF AUGUST, 2022.**

Mayor/CEO

Attest:

Unified Government Clerk

Approved as to form:

Chief Counsel

EXHIBIT A

MAP OF REDEVELOPMENT DISTRICT



- 1 Chicago's
- 2 Slap's BBQ
- 3 Spitlog Coffee

EXHIBIT B

LEGAL DESCRIPTION OF REDEVELOPMENT DISTRICT

All that part of Lots 9, 10, and 11, Block 21, RIVERVIEW ADDITION, a subdivision in the City of Kansas City, Wyandotte County Kansas, more particularly described as following: Beginning at the Southeast corner of the North 40 feet of Lot 9, thence North 06 degrees 39 minutes 38 seconds East, 91.37 feet; thence South 87 degrees 13 minutes 30 seconds East, 45.07 feet to the Northwest Corner of Lot 2, Block 21; thence South 32 degrees 07 minutes 20 seconds West, along the East line of Lots 11, 10 & 9, 104.59 feet, to the Point of Beginning, according to the recorded plat thereof.

And

Lots 2, 3, 4 and the North 1/2 of the East 130 Feet of Lot 5, Block 21, RIVERVIEW ADDITION, a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof.

And all adjacent right-of-way, all as depicted on the map on Exhibit A.

Blight Analysis Tax Increment Financing

10 South Hallock
Kansas City, Wyandotte County, Kansas

Date Prepared:
November 22, 2021

Section I

Introduction

The purpose of this analysis is to determine if the proposed Tax Increment Financing Redevelopment District, located at 10 South Hallock Street (5th and Central Avenue), Kansas City, Wyandotte County, Kansas, (the “Redevelopment District” or “Property”) is a “blighted area” pursuant to Kansas law (K.S.A. 12-1770a, et seq.)

Effective Date of Report

The effective date of this study is November 22, 2021.

Methodology

In determining whether the Redevelopment District is blighted pursuant to statute, a field study of the Redevelopment District and the surrounding area was conducted; existing conditions of site, structures, and public improvements and infrastructure were reviewed. Public documentation was also reviewed for information that would assist in a determination of blight. With this information and documentation, a conclusion was drawn as to whether the Redevelopment District meets the statutory definition of blight.

Previous Blight Determinations

The Property has not had any previous blight determination, to our knowledge.

Definitions

In determining whether the defined Redevelopment Area is “blighted,” Kansas law (K.S.A 12-1770a(c)) provides guidance.

Under the law, a blight determination requires an analysis of nine statutory factors as applied to the property at issue. Each of the nine statutory criteria address current uses and issues affecting the property and potential future uses.

- A substantial number of deteriorated or deteriorating structures;
- Predominance of defective or inadequate street layout;
- Unsanitary or unsafe conditions;
- Deterioration of site improvements;
- Tax or special assessment delinquency exceeding the fair market value of the real property;
- Defective or unusual conditions of title including but not limited to cloudy or defective titles, multiple or unknown ownership interests to the property;
- Improper subdivision or obsolete platting or land uses;

- The existence of conditions which endanger life or property by fire or other causes; conditions which create economic obsolescence.

An analysis of these factors as applied to the property includes consideration of, among other items, the Unified Government's planning and economic development policies, and future land use plan, planned road and utility construction, and public policies. These items tend to indicate whether or not a project is worthy of consideration for public incentives.

Zoning

The existing zoning classification for the subject property is R-1B, Residential. See Record Card above. A rezoning will be necessary to permit the uses described in the Redevelopment Project.

Utilities

All utilities are available to the area surrounding the Redevelopment Area including water, sewers, storm water, natural gas and electricity. All utilities are provided by the following utility providers:

UTILITIES	PROVIDER
Electric	BPU
Natural Gas	Kansas Gas Service
Sewer	BPU
Water	BPU
Stormwater	City of Kansas City

Flood Zone Information

The Redevelopment Area is currently not located within a flood zone as defined by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map.



Kansas Floodplain Viewer, 5-21-21

Easements

There are no extraordinary easements on the Property; there are typical utility service connections for the structure on the Property.

Environmental

While Phase I and Phase II Environmental Site Assessments have not yet been completed, the owner of the Property is aware of no environmental conditions existing on the Property that require remediation or unusual treatments.

Section III

Valuation and Description of Project

Assessed Valuation

Data was obtained from the Wyandotte County Assessor's Office and shows the Assessor's calculation of the assessed value for the property within the Redevelopment Area. All property is anticipated to be re-assessed in odd-numbered years, except new construction (including remodeling) which can be assessed in any year.

The current valuation of the parcel was done in 2021 by the Wyandotte County Assessor's Office, and shows an assessed value of \$210,000. The valuation has been relatively constant for the past 5 years. The largest increase in valuation took place in 2003, when the dwelling on the Property was constructed.

Proposed Improvements

The Project is expected to be designed, developed and constructed as a first-class, market-rate apartment complex which shall, at minimum, include the following Improvements: an eight (8)-story market rate apartment building, initially renting for a blended rate of approximately \$1.90 per square foot, and consisting of approximately 148 total units (comprised of approximately 23 studio apartments, approximately 90 one-bedroom apartments and approximately 17 two-bedroom apartments), including site amenities and related infrastructure. Project amenities shall also include (i) a rooftop swimming pool; (ii) in-unit washer/dryers, refrigerators, oven/ranges, and microwaves; (iii) structured and surface parking; (iv) elevator-serviced building with secure access and conditioned interior corridors; (v) a fitness center and a game room; and (vi) balconies for each unit. The estimated costs of the Project are \$40,000,000.00.

Please refer to the actual TIF Plan for further detail.

Section IV

Redevelopment Area Conditions

The following are the findings of the blight analysis undertaken; they are the culmination of a review of documents and reports, interviews, field inspections, and analyses conducted in August of 2021.

This Section discusses the characteristics of the Redevelopment Area, tested under the criteria set forth in Kansas law. In determining whether a Redevelopment Area is “blighted”, a definition of “blighted area” is first necessary. For the purposes of this study, the definition found in K.S.A. 12-1770a (c) was utilized:

“Blighted area” means an area which:

1. Because of the presence of a majority of the following factors, substantially impairs or arrests the development and growth of the municipality or constitutes an economic or social liability or is a menace to the public health, safety, morals or welfare in its present condition and use:
 - a. A substantial number of deteriorated or deteriorating structures;
 - b. Predominance of defective or inadequate street layout;
 - c. Unsanitary or unsafe conditions;
 - d. Deterioration of site improvements;
 - e. Tax or special assessment delinquency exceeding the fair market value of the real property;
 - f. Defective or unusual conditions of title including but not limited to cloudy or defective titles, multiple or unknown ownership interests to the property;
 - g. Improper subdivision or obsolete platting or land uses;
 - h. The existence of conditions which endanger life or property by fire or other causes; or
 - i. Conditions which create economic obsolescence.
2. Has been identified by any state or federal environmental agency as being environmentally contaminated to an extent that requires a remedial investigation; feasibility study and remediation or other similar state or federal action; or
3. A majority of the property is a 100-year floodplain area; or
4. Previously was found by resolution of the governing body to be a slum or a blighted area under K.S.A. 17-4742 et seq., and amendments thereto.

Under Kansas law and pursuant to K.S.A. 12-1770a, et seq., a “Blighted Area” is therefore an area that passes one or more of the following four tests.

Test #1- Predominance of Factors- Each of the factors set forth under K.S.A. 12-1770a (c)(1) has been considered in this analysis and seven of the nine factors are found to be present.

Test #2 – Environmental - Has been identified by any state or federal environmental agency as being environmentally contaminated to an extent that requires a remedial investigation; feasibility study and remediation or other similar state or federal action.

Test #3 – Floodplain - A majority of the property is a 100-year floodplain area.

Test #4 – Previous Finding - Previously was found by resolution of the governing body to be a slum or a blighted area under K.S.A. 17-4742 et seq., and amendments thereto.

It bears mention that an exception under Kansas statutes to finding blight is if the property in question is within an “Enterprise Zone” established prior to 1992. While the property in this matter is not within an Enterprise Zone, it is located adjacent to and between two such zones.

Test #1 Predominance of Factors

Factor A: A substantial number of deteriorated or deteriorating structures

The existing building on Property is approximately 18 years old; typical deterioration of improvements with limited capital improvements is observable. The building is the only habitable structure on the Property and appears in an acceptable condition.

This condition has not been met.

Factor B: Predominance of defective or inadequate street layout

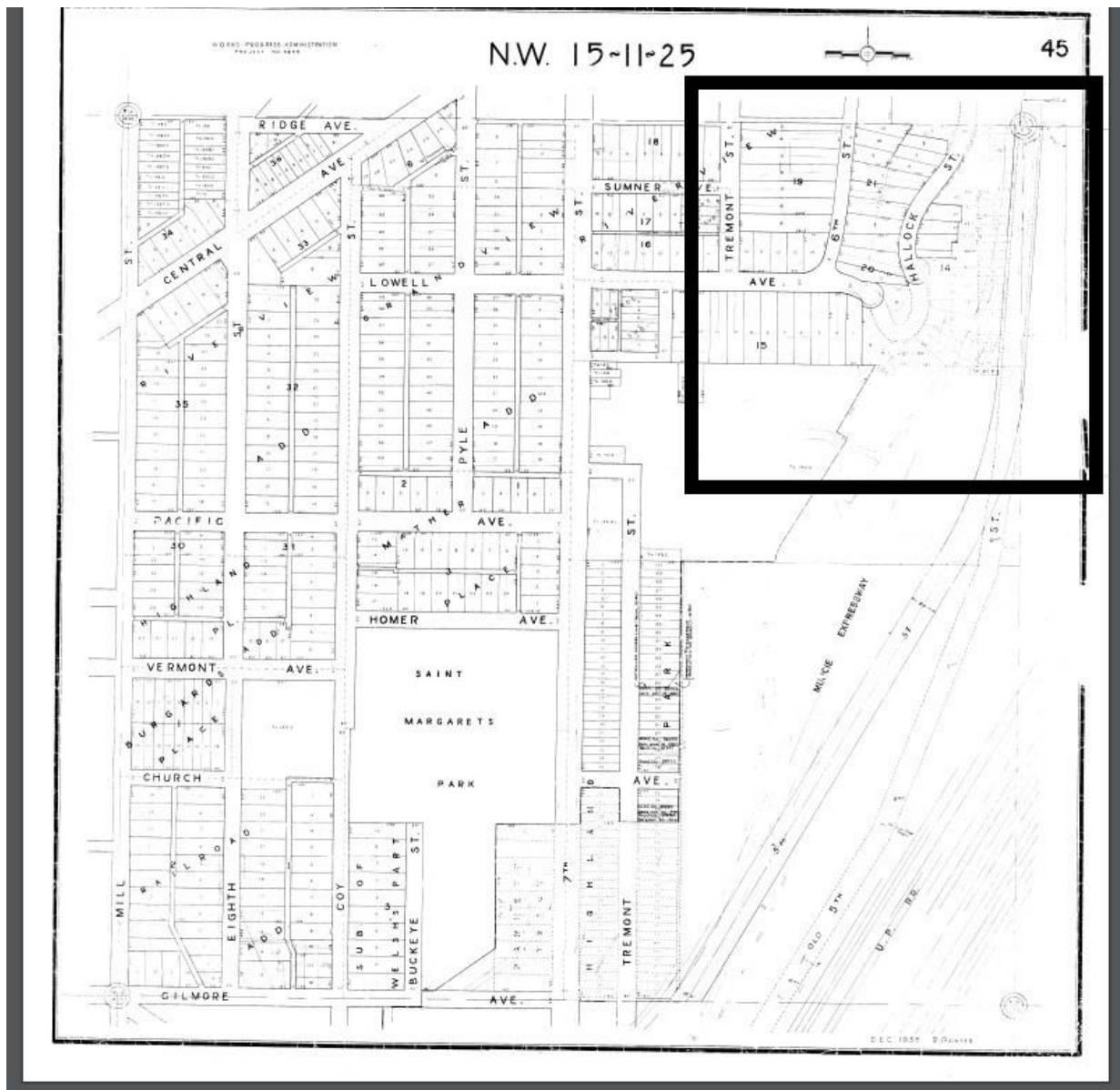
There are specific conditions that can be used to determine whether a Redevelopment Area is blighted based on Defective or Inadequate Street Layout. Generally these conditions can be described as external accessibility issues to and from the facility, internal ingress/egress issues or inadequate general access.

The Property fronts on Hallock Street, a short, narrow dead end street; while at one time Hallock Street was to be extended to “loop” the Property; that extension has never occurred. See 1938 Area Street Network below. The result is that there is no traffic circulation possible around the Property, limiting its potential for development and improvement.

The confluence of the Central Avenue off ramp, service road and Hallock Street further limit the accessibility of the Property and create a difficult turn to enter Hallock Street.

Finally, the width and dead end nature of Hallock Street may impede access and maneuvering by emergency vehicles such as fire trucks.

This condition has been met.



Area street network showing plan to extend Hallock Street, 1938

Factor C: Unsanitary or Unsafe Conditions

Conditions typically associated with a finding of blight under insanitary or unsafe conditions include the existence of trash, debris, weeds or overgrowth, or any other conditions believed to be generally unsafe to either property or person.

As the photographs attached in Attachment 1 show, trash, debris and illegal dumping are present on the Property and on areas immediately adjacent to the Property; a narrative description is unnecessary.

The dead end, isolated nature of Hallock Street also encourages loitering and trespassing, creating a potentially unsafe condition and environment.

See also Page 13; while the Property has not been identified by any state or federal environmental agency as being environmentally contaminated to an extent that requires a remedial investigation, the results of the Phase I Environmental Site Assessment indicate the likely presence of vapors due to releases from nearby properties. If true, such vapors could present an unsafe condition.

This condition has been met.

Factor D: Deterioration of Site Improvements

While the structure located on the Property is in acceptable condition, other site improvements, such as retaining walls, an abandoned stairway, curbs, chain-link and wooden fences and permanent landscaping are in a deteriorated state and require removal and replacement. See photographs in Attachment 1.

This condition has been met.

Factor E: Tax or special assessment delinquency exceeding the fair market value of the real property

There are no tax or special assessment delinquency issues which are impacting the Property.

This condition has not been met.

Factor F: Defective or unusual conditions of title including but not limited to cloudy or defective titles, multiple or unknown ownership interests to the property

The subject property remains under the plat of “River View”, recorded in 1879 (see Appendix 2, attached), and title is subject to the provisions of that plat. The plat purports to reserve unto the owners the following:

“All coal, oil and gas and the right to mine and bore for same on and under all streets and alleys hereon plated (sic).”

The streets and alleys as shown on the plat no longer exist, and the current street network does not follow the streets shown on the plat; as a result a significant title defect exists in the area that includes the Property, making it difficult if not impossible to determine whether or not adjacent owners have the right to extract minerals from the Property.

The Property also suffers from fence encroachments and a driveway encroachment which due to their ages could result in claims of ownership through adverse possession.

This condition has been met.

Factor G: Improper subdivision or obsolete platting or land uses

There are specific conditions that can be used to determine whether a Redevelopment Area is blighted based on improper subdivision or obsolete platting. Generally the conditions of improper subdivision or obsolete platting include faulty lot shape and/or layout, inadequate lot size and poor access.

The subject property was platted in 1879 as a portion of “River View” (see Appendix 2, attached), and consists of a series of outdated, thin “piano key” lots; the Property was located between Park Avenue and Prospect Avenue, neither of which exists today, and the existing roads around the Property are not shown on the 1879 plat.

The Property has never been replatted, and it is not possible to tell how much of the original lots remain due to the construction of South Hallock Street, Service Road, Central Avenue Ramp and 6th Street, all of which were constructed after 1879.

This condition has been met.

Factor H: Existence of Conditions which endanger life or property by fire or other causes

There are a number of conditions on and affecting the Property that could be described as hazardous conditions, affecting personal health or property endangerment. Those conditions are best described as overgrowth, deteriorating infrastructure, trash and debris, damaged fencing and lack of sidewalks. Those conditions are graphically shown in the photographs attached as Attachment 1.

This condition has been met.

Factor I: Conditions which create economic obsolescence

Due to the economic obsolescence caused by the blight components described in the factors above, development of the Redevelopment Area is not likely to occur without TIF assistance.

The changing nature of residential housing demands and the desire to reside in upscale, maintenance-free products creates economic obsolescence of older, underutilized residential areas.

The proposed Project Plan will eliminate the blight condition on the Property as well as increase the tax base in the neighborhood. Redevelopment of the Property will also stimulate a correction of the condition of the neighborhood, which may become blighted without that stimulus.

Additionally, current appraised value of the Property is approximately \$210,000.00. That is estimated to increase to over \$20,000,000.00 upon completion of construction and naturally increase from that amount over the next 20 years.

This analysis clearly shows that the Redevelopment District is an economic liability to the City and local taxing jurisdictions due to its inability pay taxes at a higher rate, based on the highest and best use of the property. If development occurs through the use of public incentives (tax abatement and special assessments), a substantial gain in revenue to the local taxing jurisdictions is expected to occur. The current lack of revenue from a large urban collection of lots substantially impairs development and growth of the municipality.

This condition has been met.

Test #2 - Environmental

A Phase I Environmental Site Assessment (“ESA”) was conducted on the Property by Kansas City Testing and Engineering, LLC (“KCTE”). In its report dated October 14, 2021, it noted the potential presence of petroleum and other vapors due to nearby property uses, however concluded that since the Property is proposed to be improved with an open-air parking facility under residential units, a Phase II ESA is not necessary.

“KCTE has found that various automobile service stations and repair shops previously operated at 631 Central Avenue, 900 feet away to the west-northwest of the subject property, and a drycleaners previously operated at 613 Central Avenue, 800 feet away from the subject property to the west-northwest. Based on the available information, site reconnaissance, and data review conducted in accordance with ASTM E1527-13, recognized environmental conditions were identified in connection with the subject site. KCTE’s opinions from the performance of the assessment are summarized below:

1. It is KCTE’s opinion that environmental data base findings provided by EDR are enough to document the regulated properties identified. It is KCTE’s opinion that further investigation by file review at State or Federal agencies by an open records act request was not warranted for this assessment.

2. It is KCTE’s opinion that based upon the nature of sites identified within the general vicinity, and the proximity of these sites to the subject property, a vapor intrusion risk from petroleum products is likely to impact the property; however, the vapor intrusion pathway will be closed and risk mitigated by future open construction.

3. It is KCTE's opinion that a Phase II Environmental Site Assessment is not necessary at this site, due to the closure of the existing vapor intrusion pathway by construction of an open air parking garage."

This test has not been met, however the information above should be noted as support for Blight Factor C, Unsanitary or Unsafe Conditions.

Test #3 - Floodplain

As previously mentioned, The Redevelopment Area is currently not located within a flood zone as defined by the Federal Emergency Management Agency (FEMA) Flood Insurance Program.

This test has not been met.

Test #4 – Previous Finding of Slum or Blight

No portions of the Redevelopment District have previously been found by resolution of the governing body to be a slum or a blighted area under K.S.A. 17-4742 et seq., and amendments thereto.

This test has not been met.

SECTION V

Conclusion

The preceding analysis indicates that the Redevelopment Area contains a number of unsafe, unsanitary and potentially dangerous conditions, an inadequate street network, defective platting and significant title issues. It is thus the conclusion of this study that the Redevelopment Area suffers from a predominance of blight factors. Those factors, which are seven out of the statutory nine set forth in KSA 12-1770a(c), are as follows:

- a. Predominance of defective or inadequate street layout;
- b. Unsanitary or unsafe conditions;
- c. Deterioration of site improvements;
- d. Defective or unusual conditions of title including but not limited to cloudy or defective titles, multiple or unknown ownership interests to the property;
- e. Improper subdivision or obsolete platting or land uses;
- f. The existence of conditions which endanger life or property by fire or other causes; and
- g. Conditions which create economic obsolescence.

These conditions have caused and will continue to cause the Redevelopment Area to display the following characteristics:

- Substantially impairing or arresting the development and growth of the area;
- Constituting an economic or social liability.

Benefits from Tax Increment Financing can promote new investment within the Redevelopment Area and can increase economic utilization and generate significantly increased tax revenue and jobs, and remediate many of the blighting conditions which may burden the area. This analysis clearly shows that the Redevelopment Area is an economic liability to the City and local taxing jurisdictions due to its inability pay taxes at a higher rate, based on the highest and best use of the Property. If development occurs through the use of public incentives (tax abatement and special assessments), a substantial gain in revenue to the local taxing jurisdictions is expected to occur.

As a result of the factors discussed above, and in accordance with K.S.A 12-1770a(c), the Redevelopment Area as a whole meets the definition of a “blighted area”.

Exhibit A
Legal Description

All that part of Lots 9, 10, and 11, Block 21, RIVERVIEW ADDITION, a subdivision in the City of Kansas City, Wyandotte County Kansas, more particularly described as following: Beginning at the Southeast corner of the North 40 feet of Lot 9, thence North 06 degrees 39 minutes 38 seconds East, 91.37 feet; thence South 87 degrees 13 minutes 30 seconds East, 45.07 feet to the Northwest Corner of Lot 2, Block 21; thence South 32 degrees 07 minutes 20 seconds West, along the East line of Lots 11, 10 & 9, 104.59 feet, to the Point of Beginning, according to the recorded plat thereof.

and

Lots 2 ,3 ,4, and the North 1/2 of the East 130 Feet of Lot 5, Block 21, RIVERVIEW ADDITION, a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof.

Appendix I – Photo Gallery

Photo Legend





Photo 01: Unsanitary or unsafe conditions – Flooding, debris, overgrown weeds



Photo 02: Deterioration of site improvements - No sidewalks, overgrown weeds; deteriorating curbs



Photo 03: Deterioration of site improvements - No sidewalks, overgrown weeds, erosion



Photo 04: Deterioration of site improvements – Sidewalk ends, overgrown weeds



Photo 05: Unsanitary or unsafe conditions – Overgrown trees into power lines



Photo 06: Deteriorated or deteriorating structures, unsanitary or unsafe conditions



Photo 07: Deteriorated or deteriorating structures, unsanitary or unsafe conditions



Photo 08: Deteriorated or deteriorating structures, unsanitary or unsafe conditions



Photo 09: Deteriorated or deteriorating structures, unsanitary or unsafe conditions



Photo 10: Overgrown weeds, illegal dumping, unsanitary or unsafe conditions



Photo 11: Deterioration of site improvements - No sidewalks, overgrown weeds, erosion, abandoned stairway, deteriorating retaining wall



Photo 12: Deterioration of site improvements - No sidewalks, overgrown weeds, erosion

RESOLUTION NO. R-____-22

A RESOLUTION ADOPTING THE 505 CENTRAL DEVELOPMENT AGREEMENT.

WHEREAS, Sunflower Development Group, LLC, a Missouri limited liability company ("Developer"), plans to design, develop and construct a new, first-class, market-rate luxury multi-family apartment complex and related amenities (the "Project") on certain real property generally located at 505 Central Avenue in Kansas City, Kansas;

WHEREAS, development of the Project should attract new residents to the community, stimulate the economy of Wyandotte County through additional real property taxes, sales taxes, and other indirect spending at other nearby businesses when residents visit the surrounding businesses, and provide a work force for Wyandotte County employers, all of which would promote the public good, health, and welfare within Wyandotte County; and

WHEREAS, the Governing Body of the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") has determined that it is advisable to enter into the 505 Central Development Agreement, attached hereto as **Exhibit A** (the "Agreement"), with Developer.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. The Governing Body hereby approves the Agreement in substantially the form attached hereto.

Section 2. The Mayor/CEO is hereby authorized to execute in the name of the UG, the Agreement, and the County Administrator and other officials and representatives of the UG, including special counsel, are hereby further authorized and directed to take such actions and to execute any other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3. This Resolution shall be effective upon adoption by the Governing Body.

[Remainder of page intentionally left blank; signature page and exhibit follow.]

**ADOPTED BY THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS
THIS _____TH DAY OF _____, 2022.**

Tyrone Garner, Mayor/CEO

ATTEST:

UG Clerk

(Seal)

EXHIBIT A

Agreement

[Attached.]

7/21/2022 EXECUTIVE SUMMARY
505 CENTRAL DEVELOPMENT AGREEMENT

21/07/2022 RESUMEN EJECUTIVO
ACUERDO DEL DESARROLLO 505 CENTRAL

1. **Parties.** The UG and Sunflower Development Group, LLC ("Developer"), which is a Missouri limited liability company.

2. **The Project/Timing.** The Project is to be a newly-constructed first-class, market-rate apartment complex and shall, at minimum, include the following Improvements: (a) a high-end apartment building, initially renting for a blended rate of approximately \$1.90 per square foot, and consisting of approximately 129 total units (comprised of approximately 18 studio apartments, approximately 103 one-bedroom apartments and approximately 8 two-bedroom apartments), including site amenities and related infrastructure, (b) structured parking with an approximate 120 parking spaces, and (c) a surface parking lot with approximately 16 stalls and additional street parking spaces. Developer has agreed to substantially complete the project by September 1, 2025.

3. **Budget/TIF.** The overall project budget is approximately \$39M, of which approximately \$6M of improvements are to be paid for with tax increment financing ("TIF"). This is a public private ratio of 15.4%. The TIF for this Project would be based solely on the increased (or "incremental") real property taxes created by the Project after a 2022 "base year". Subject to the limitations described below, for a period of 20 years, Developer would have access to 90% of the incremental property tax revenues that Developer could use to reimburse itself for eligible Project expenses or "TIF Improvement Costs", which are specified on the budget attached as Exhibit G.

- (i) The TIF will be pay-as-you-go only for a period of 20 years, with no opportunity to issue bonds, and it will be capped at \$6,000,000 (the "TIF Cap"), which TIF Cap is subject to adjustment as described in Paragraph 9 below.

1. **Partes.** La UG y Sunflower Development Group, LLC ("Desarrollador"), que es una sociedad de responsabilidad limitada de Missouri

2. **El Proyecto/Calendario.** El Proyecto será un complejo de apartamentos de primera clase de nueva construcción y a precio de mercado, como mínimo, incluirá las siguientes Mejoras: (a) un edificio de apartamentos de primera clase, que inicialmente se alquilará a una tarifa mixta de aproximadamente \$1.90 dólares por pie cuadrado, el cual contará con aproximadamente 129 unidades totales (compuestas, aproximadamente por 18 apartamentos tipo estudio de dos habitaciones, 103 apartamentos de una habitación, 8 apartamentos de dos habitaciones), incluidas las instalaciones de los servicios y la infraestructura conexas, (b) estacionamiento estructurado con aproximadamente 120 plazas de estacionamiento, y (c) un estacionamiento en la superficie con aproximadamente 16 plazas y espacios adicionales de estacionamiento en la calle. El Desarrollador se ha comprometido a terminar sustancialmente el proyecto antes del 1 de septiembre de 2025.

3. **Presupuesto/FII.** El presupuesto general del Proyecto es de aproximadamente \$39 millones de dólares, de los cuales, aproximadamente 6 millones de dólares se pagarán con la Financiación por Incremento de Impuestos ("FII"). Se trata de una proporción público-privada del 15.4%. El FII para este Proyecto se basaría únicamente en el aumento (o "incremento") de los impuestos sobre la propiedad inmobiliaria creados por el Proyecto después de 2022 "año base". Sujeto a las limitaciones que se describen a continuación, durante un periodo de 20 años, el Desarrollador tendría acceso al 90% de los ingresos incrementales del impuesto sobre la propiedad, que podría utilizar para reembolsarse a sí mismo los gastos elegibles del Proyecto o "Costos de mejora del FII", que se especifican en el presupuesto adjunto como Anexo G.

- (i) El FII será pagado durante un periodo de 20 años, sin posibilidad de emitir bonos, y tendrá un límite de \$6,000,000 de dólares (el "Límite del FII"), el cual está sujeto a ajustes según se describe en el punto 9. siguiente.

(ii) In an effort to ensure that the UG never has more public money invested in a project than the Developer's private investment, this document contains the so-called 50/50 Limitation that says the UG will never disburse more TIF proceeds than the amount of private funds that the Developer has spent and documented for the Project. As a practical matter, this is not likely to be an issue given the 15.4% public/private ratio. However, this provision is a standard protection in all of the UG's development agreements.

(iii) En un esfuerzo por garantizar que la UG no tenga más dinero público invertido en un proyecto que la inversión privada del Desarrollador, este documento contiene la llamada Limitación 50/50 que menciona que la UG nunca desembolsará más ingresos del FII que la cantidad de fondos privados que el Desarrollador ha gastado y documentado para el Proyecto. En la práctica, no es probable que esto suponga un problema, dada la proporción público/privado del 15.4%, de la proporción pública/privada. Sin embargo, esta disposición es una protección estándar en todos los acuerdos de desarrollo de la UG.

4. **IRBs.** The UG will provide Industrial Revenue Bond ("IRB") financing for the project for the limited purpose of obtaining an exemption on sales taxes on construction materials, equipment and furnishings. These IRBs are not to be used for abating the ad valorem property taxes on the Project Site.

4. **BII.** La UG proporcionará financiamiento mediante Bonos de Ingresos Industriales ("BII") para el Proyecto con el propósito limitado de obtener una exención de los impuestos sobre las ventas de materiales de construcción, equipos y mobiliario. Estos BII no se utilizarán para reducir los impuestos sobre el valor de transacción de la propiedad (*ad valorem*) en el Sitio del Proyecto.

5. **Construction Provisions.** Developer's construction contracts will provide for a guaranteed maximum price and payment and performance bonds for the Improvements. However, Developer otherwise has fairly wide discretion for the selection of contractors and other provisions for construction of the apartment building and other improvements.

5. **Disposiciones de Construcción.** Los contratos de construcción del Desarrollador establecerán un precio máximo garantizado y garantías de pago y cumplimiento de las Mejoras. Sin embargo, el Desarrollador tiene una amplia discreción para la selección de contratistas y otras disposiciones para la construcción del edificio de apartamentos y otras mejoras.

6. **Use and Operation.** During the 20-year Term of the Agreement, Developer agrees to operate the Project in a dignified and high quality manner and Developer also generally agrees to the UG's standard development agreement terms and conditions regarding the maintenance of the Project, complying with law and the timely payment of taxes. Developer also agrees to provide insurance and indemnify the UG.

6. **Uso y Explotación.** Durante el plazo de 20 años de vigencia del Contrato, el Desarrollador se compromete y esta de acuerdo a operar el Proyecto de forma decorosa y de alta calidad y, el Desarrollador en general, también acepta los términos y condiciones del contrato de urbanización estándar de la UG en relación con el mantenimiento del Proyecto, el cumplimiento de la ley y el pago puntual de los impuestos. El Desarrollador también se compromete a proporcionar un seguro e indemnizar a la UG.

7. **Assignment and Transfer.** Generally, Developer must have the UG's prior approval to assign, convey or transfer the Project to others, but the UG agrees to be reasonable about granting or withholding its approval based on whether or not the proposed assignee has sufficient financial net worth and experience to successfully complete and operate the Project according to the terms and conditions of this Agreement.

7. **Cesión y traspaso.** En general, el Desarrollador debe contar con la aprobación previa de la UG para ceder, transmitir o transferir el Proyecto a otros, pero la UG se compromete a ser razonable a la hora de conceder o retener su aprobación en función de si el cesionario propuesto tiene o no suficiente patrimonio financiero y experiencia para completar y operar con éxito el Proyecto de acuerdo con los términos y condiciones de este Acuerdo.

8. **Neighborhood Improvements Contribution.**

On or before the date when Developer commences construction of the Project (which will be before September 1, 2023), Developer will pay the UG \$350,000, a "Neighborhood Improvements Contribution" to be used by the UG to make improvements in, to and around the intersection of 6th and Central Avenue, including traffic calming improvements.

9. **MBE/WBE/LBE.** Developer has agreed to the following participation goals for construction of the Project: LBE – 18%; MBE – 15% and (iii) WBE – 7%, and Developer has agreed to the following goals for professional services: LBE – 18%; MBE – 13% and (iii) WBE – 8%. If Developer fails to meet the goals (or at least demonstrate that it used Best Efforts to meet the goals), then the UG shall have the right to reduce the TIF Cap by an amount equal to twenty percent (20%).

10. **Default and Remedies.** In addition to other remedies mentioned above in this Executive Summary, Section 9.2(a) of the Agreement provides that if the Developer shall default beyond applicable notice and cure periods, then the UG may (i) refuse to approve any further certificates of expenditure for Project costs or make any further reimbursements of TIF Proceeds unless and until such default is cured by the Developer, and/or (ii) terminate Developer's access to the TIF financing and/or the IRB financing described herein, and/or (iii) terminate the TIF and/or IRBs, and/or (iii) terminate the Agreement, including Developer's rights in and access to the TIF and IRB financing.

8. **Contribución a las mejoras Vecinales.**

En o antes de la fecha en que el Desarrollador comience la construcción del Proyecto (que será antes del 1 de septiembre de 2023), el Desarrollador pagará a la UG \$350,000 dólares, por concepto de "Contribución de Mejoras Vecinales" que será utilizada por la UG para realizar mejoras en, hacia y alrededor de la intersección de la 6ª y la Avenida Central, incluyendo mejoras para calmar el tráfico.

9. **MBE/WBE/LBE.** El Desarrollador ha acordado los siguientes objetivos de participación para la construcción del Proyecto: LBE - 18%; MBE - 15% y (iii) WBE - 7%, y el Desarrollador ha acordado los siguientes objetivos para los servicios profesionales: LBE - 18%; MBE - 13% y (iii) WBE - 8%. Si el Desarrollador no cumple los objetivos (o, al menos, demuestra que ha realizado los mejores esfuerzos para cumplirlos), entonces la UG tendrá derecho a reducir el límite del TIF en una cantidad equivalente al veinte

10. **Incumplimiento y Recursos.** Además de otros recursos mencionados anteriormente en este Resumen Ejecutivo, la Sección 9.2(a) del Contrato establece que si el Promotor incumple los plazos de notificación y subsanación aplicables, entonces la UG podrá (i) negarse a aprobar cualquier certificado de gastos para los costos del Proyecto o a realizar cualquier reembolsos adicionales de los Ingresos del TIF a menos que el Desarrollador subsane dicho incumplimiento y/o (ii) rescinda el acceso del Desarrollador al financiamiento del TIF y/o a la financiación del IRB descrita en el presente documento, y/o (iii) rescinda el TIF y/o al IRB, y/o (iii) Rescindir el Contrato, incluidos los derechos del Desarrollador y el acceso financiamiento del TIF y del IRB.

505 CENTRAL DEVELOPMENT AGREEMENT

THIS 505 CENTRAL DEVELOPMENT AGREEMENT (the "Agreement") is made as of the _____ day of _____, 2022 (the "Effective Date") between the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG"), and Sunflower Development Group, LLC, a Missouri limited liability company ("Developer").

RECITALS:

A. Developer wishes to design, develop, and construct a new, first-class, market-rate luxury multi-family apartment complex and related amenities (the "Project") as further defined below in Section 2.2), on certain real property generally located at 505 Central Avenue in Kansas City, Kansas (the "Project Site"), as legally described on Exhibit A and generally depicted on Exhibit B, as attached hereto.

B. Developer does not yet own the Project Site, but has the right to acquire the Project Site from Skyline Property Development, LLC, a Missouri limited liability company, the current owner of the Project Site, and Developer shall, upon closing, have all rights to occupy and develop the same as set forth herein.

C. The UG has the authority to create a tax increment financing ("TIF") district pursuant to K.S.A. 12-1770 *et seq.*, as amended from time to time (the "TIF Act"), for the purpose of financing certain economic development projects. On or about August 25, 2022, the UG found the Project Site, (to be an eligible area under the TIF Act as a blighted area under the TIF Act, and the UG approved the creation of a TIF district pursuant to the TIF Act (the "TIF District") through the adoption of Ordinance No. O-____-22 (the "TIF District Ordinance"). A copy of the TIF District Ordinance is attached hereto as Exhibit C.

D. The TIF District includes a single project area (the "Project Area"). The UG will hold a public hearing in connection with Developer's Redevelopment Project Plan for the Project Area (the "Project Plan") pursuant to the TIF Act. If and when the governing body of the UG shall approve and adopt the Project Plan pursuant to the TIF Act, a copy of the ordinance approved by the UG's Commission (the "TIF Project Plan Ordinance") shall be attached hereto as Exhibit E. The Project Plan provides, among other things, for the collection of Incremental Real Property Taxes (defined below in Section 4.2(a)(i)) within the TIF District to be disbursed to and used by Developer on a pay-as-you-go basis to reimburse certain TIF Eligible Expenses (defined below in Section 4.2).

E. The parties agree that the Project is not financially feasible without the public-private partnership as set forth in this Agreement, and therefore the parties wish to enter into this Agreement to provide the necessary financing for the Project.

AGREEMENT

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the UG and Developer hereby agree as follows:

ARTICLE 1 DEFINITIONS AND INTERPRETATION

1.1 Interpretation. In this Agreement, unless a clear contrary intention appears:

(a) the singular number includes the plural number and vice versa;

(b) reference to any Person includes such Person's successors and assigns but, if applicable, only if such successors and assigns are permitted by this Agreement, and reference to a Person in a particular capacity excludes such Person in any other capacity or individually;

(c) reference to any gender includes each other gender;

(d) reference to any agreement, document or instrument means such agreement, document or instrument as amended or modified and in effect from time to time in accordance with the terms thereof;

(e) reference in this Agreement to any article, section, appendix, annex, schedule or exhibit means such article or section thereof or appendix, annex, schedule or exhibit thereto;

(f) each of the items or agreements identified on the attached Index of Exhibits are deemed part of this Agreement to the same extent as if set forth herein;

(g) "hereunder", "hereof", "hereto" and words of similar import shall be deemed references to this Agreement as a whole and not to any particular article, section or other provision thereof;

(h) "including" (and with correlative meaning "include") means including without limiting the generality of any description preceding such term; and

(i) relative to the determination of any period of time, "from" means "from and including" and "to" means "to but excluding."

1.2 Accounting Terms. Unless expressly otherwise provided, accounting terms shall be construed and interpreted, and accounting determination and computations shall be made, in accordance with GAAP.

1.3 Legal Representation of the Parties. This Agreement was negotiated by the parties hereto with the benefit of legal representation and any rules of construction or interpretation otherwise requiring this Agreement to be construed or interpreted against any party shall not apply to any construction or interpretation hereof or thereof.

1.4 Definitions. All capitalized terms used in this Agreement shall have the meanings ascribed to them in Annex 1 attached hereto and made a part hereof, or as otherwise provided herein.

ARTICLE 2 THE PROJECT

2.1 Undertaking of Developer. Developer hereby agrees, subject to the terms and conditions hereinafter provided, to develop, construct, complete, and operate the Project. The performance of all activities by Developer hereunder shall not be as an agent of the UG, except as otherwise specifically provided herein.

2.2 Development of the Project Site. The UG and Developer hereby agree that the Project shall be as described below. Developer hereby contemplates that all buildings, parking structures and other improvements constituting the Project, as specifically described in this Section 2.2 (the "Improvements"), shall be developed, constructed, completed, and operated on the Project Site in substantial accordance and compliance with the terms and conditions of this Section 2.2, the site plan attached hereto as **Exhibit F** and

the final site plan approval from the UG's Planning Commission (the "Development Plan"). On and subject to the terms and provisions set forth in this Agreement, Developer shall have the sole right to, and shall be responsible for, design, construction, equipment and completion of the Improvements, and shall operate and use the Improvements in the manner described herein, all in accordance with the terms of this Section 2.2 and all other Applicable Laws and Requirements. The parties further agree as follows:

(a) Developer will demolish the existing building and other vertical improvements located on the Project Site.

(b) The Project shall be designed, developed and constructed as a first-class, market-rate apartment complex which shall, at minimum, include the following Improvements: an eight (8)-story market rate apartment building, initially renting for a blended rate of approximately \$1.90 per square foot, and consisting of approximately 129 total units (comprised of approximately 18 studio apartments, approximately 103 one-bedroom apartments and approximately 8 two-bedroom apartments), including site amenities and related infrastructure. Project amenities shall also include (i) a rooftop swimming pool; (ii) in-unit washer/dryers, refrigerators, oven/ranges, and microwaves; (iii) structured and surface parking; (iv) elevator-serviced building with secure access and conditioned interior corridors; (v) a fitness center and a game room; and (vi) balconies for each unit.

(c) Developer recognizes, stipulates and agrees that its signage shall be subject to all Applicable Laws and Requirements, and any special use permits granted by the UG's Commission. The UG hereby agrees that it will, to the extent possible, expedite the consideration of Developer's proposed signage and cooperate with Developer to reasonably accommodate Developer's signage requirements.

(d) The Project shall include both surface and structured parking improvements, with approximately 120 stalls of structured parking on the first and second floors of the building, a surface lot with approximately 16 stalls and additional street parking spaces (collectively, the "Parking Improvements"), which Parking Improvements shall in all events contain no less than the number of spaces required by the Applicable Laws and Requirements.

(e) Developer's plans for landscaping on the Project Site shall be considered in accordance with all Applicable Laws and Requirements and approval thereof by the UG will not be unreasonably conditioned, delayed or withheld.

(f) Developer's design, development and construction of the Improvements shall in all respects comply with the Plans and Specifications (as defined in Section 6.2).

(g) The Project described in this Section 2.2 shall not be amended or modified without (i) the prior written consent of the UG, and (ii) full compliance with all Applicable Laws and Requirements.

2.3 Neighborhood Benefit. As a part of the Project, the Developer will work with UG staff to address the issue of traffic, safety, transit enhancements, on-street parking and a revitalized neighborhood gateway for the 6th and Central/6th and Hallock intersections as a proposed neighborhood benefit per the Central Area Master Plan.

2.4 General Agreements. Developer agrees to promptly and completely perform each and all of its duties and obligations under this Agreement and the other Transaction Documents (as defined in the

attached Annex 1). The UG agrees to promptly and completely perform each and all of its duties and obligations under this Agreement and the other Transaction Documents.

ARTICLE 3 CONDITIONS

3.1 Conditions. The issuance and delivery to Developer of any public financing contemplated under the terms of this Agreement shall be subject to the following conditions precedent (the "Public Financing Conditions"):

- (a) Developer shall close on its acquisition of the Project Site;
- (b) Developer shall have obtained preliminary site plan and final plan approval for the Development Plan and any other required approvals for the Project as required by all Applicable Laws and Requirements;
- (c) Developer shall provide the UG with evidence of the Private Funds (as defined below) to construct and complete the Project, which evidence of Private Funds shall be reasonably satisfactory to the UG; and
- (d) The governing body of the UG shall have approved a Resolution of Intent for the IRB financing described in Section 4.1 below.
- (e) The governing body of the UG shall have approved the TIF Project Plan Ordinance.
- (f) Developer has paid the Neighborhood Improvements Contribution as described in Section 8.3 below.

3.2 Termination. In the event that Developer fails to meet the Public Financing Conditions set forth in Section 3.1 above on or prior to September 1, 2023, then either party hereto shall have the right to terminate this Agreement, but any failure to meet any such conditions shall not be an event of default hereunder. Upon any such termination of this Agreement, (i) this Agreement shall terminate, and (ii) except as specifically set forth herein, the parties hereto shall have no further duty, obligation, or liability each to the other hereunder, and without limiting the generality of the foregoing, Developer shall be solely liable and responsible for all of its costs and expenses incurred by it with respect to this Agreement and the transactions contemplated hereby, and except for the fees and expenses of the UG to be paid for by Developer pursuant to that certain Funding Agreement dated as of May 17, 2021, and the provisions of this Agreement, the UG shall be solely liable and responsible for all costs and expenses incurred by it with respect to this Agreement and the transactions contemplated hereby.

3.3 Satisfaction of Conditions. Upon satisfaction of the Public Financing Conditions set forth in Section 3.1 above, the UG shall, at the request of Developer, issue a certificate or a letter confirming and agreeing the Public Financing Conditions have been fully satisfied for purposes of this Agreement, and the parties agree that such Public Financing Conditions shall be deemed to be fully satisfied for all purposes of this Agreement thereafter.

ARTICLE 4 FINANCING — SOURCE OF FUNDS

4.1 Public Financing; Source of Funds. Reference is hereby made to the Total Project Budget attached hereto as Exhibit G, and by this reference made a part hereof. The costs of the Project (the "Project Costs") will be funded in part by the TIF Proceeds, as well as private equity and debt. Developer, using private equity and debt (the "Private Funds"), will initially advance all of the costs for the acquisition, design, development and construction of the Project. Developer, subject to the terms and conditions of this Agreement, shall be reimbursed for certain TIF Eligible Expenses from and to the extent of the TIF Proceeds collected during the Term (defined below in Section 7.1).

4.2 TIF District. It is contemplated by the parties that the Project Costs shall be funded in part by TIF Proceeds. Developer has identified certain Project Costs which may be reimbursed with TIF Proceeds if and to the extent that such Project Costs are related to site improvement and the design and construction costs located within the TIF District, all as specifically identified on Exhibit G attached hereto, and are eligible for payment or reimbursement pursuant to the TIF Act (the "TIF Eligible Expenses"). In connection with the TIF District, the parties hereby agree as follows:

(a) Collection of TIF Revenues. For a period of twenty (20) years from the approval of the Project Plan, the UG shall collect Incremental Real Property Taxes as set forth below, unless the TIF District shall be earlier terminated pursuant to the express terms of this Agreement.

(i) Incremental Real Property Taxes. Subject to the terms and conditions of this Agreement and the TIF District Ordinance, the UG hereby agrees that the TIF Eligible Expenses may be financed and reimbursed with TIF Financing (defined below in Section 4.2(b)) from the Incremental Real Property Taxes collected within the Project Area of the TIF District. Pursuant to the provisions of the Project Plan and the TIF Act, including, but not limited to, Section 12-1775(a) of the TIF Act, all real property located within the TIF District is subject to assessment for annual Real Property Taxes. Real Property Taxes shall be due in arrears, with half due on December 20th and half due on May 10th of each year in which said amount is required to be paid, and will be considered delinquent if not paid by such dates of each such year or as otherwise determined by Applicable Laws and Requirements. The obligation to pay Real Property Taxes shall be a covenant running with the land and shall create a lien in favor of the UG on each such tax parcel as constituted from time to time and shall be enforceable against Developer and its successors and assigns in ownership of property in the TIF District. The "Incremental Real Property Taxes" means that amount of Real Property Taxes collected from within the TIF District that exceeds the amount of Real Property Taxes collected from the Base Year Assessed Valuation of the real property within the TIF District. For purposes hereof, the term "Base Year Assessed Valuation" means the \$53,031 assessed valuation of all real property within the boundaries of the TIF District on the date of publication of the TIF District Ordinance.

(ii) TIF Fund. During the TIF Collection Period (defined below in Section 4.2(b)(i)), ninety percent (90%) of the Incremental Real Property Taxes generated within the TIF District shall be deposited into a separate fund for TIF Eligible Expenses incurred in connection with the Project (the "TIF Fund"), and the TIF Fund will be established and administered by the UG in compliance with this Agreement and all Applicable Laws and Requirements.

(iii) TIF Proceeds. An amount equal to ninety percent (90%) of the revenues received from the Incremental Real Property Taxes, less the TIF Administrative Fee

(defined below in Section 4.2(d)), constitute the "TIF Proceeds". The TIF Proceeds shall be used to reimburse Developer for the TIF Eligible Expenses for the Project, subject to the limitations in the TIF Act and provided that none of the TIF Proceeds shall be used to pay for anything other than the hard construction costs for the garage improvements described in the TIF Eligible Expenses specifically identified on Exhibit G without the prior approval of the UG, in its sole discretion. Any reimbursement of eligible soft costs shown on Exhibit G must be specifically approved by the UG's County Administrator after payment of all of the garage hard construction costs.

(b) TIF Financing. Subject to the terms and conditions of this Agreement, the parties hereby agree that the TIF Proceeds shall be disbursed by the UG to Developer from the TIF Fund on a pay-as-you-go basis ("TIF Financing") upon Developer's completion of the Project to reimburse Developer for TIF Eligible Expenses, if and to the extent that: (1) there are sufficient TIF Proceeds in the TIF Fund, (2) Developer has fully satisfied all of the conditions set forth in Section 4.4 below, (3) Developer has not already been reimbursed for TIF Eligible Expenses in an amount equal to the TIF Cap (defined below in Section 4.2(b)(ii)), and (4) the Term has not yet expired and this Agreement has not otherwise been terminated. The parties further agree as follows:

(i) TIF Collection Period. The Incremental Real Property Taxes shall be collected within the TIF District for a period that commences on the date that the Project Plan is approved by the UG's Board of Commissioners up to and concluding upon that date which is the earlier of (x) the date that Developer has been reimbursed for all TIF Eligible Expenses in an amount equal to the TIF Cap, or (y) twenty (20) years from the date that the Project Plan was approved (the "TIF Collection Period"). At the end of the TIF Collection Period, the parties understand and agree that the Developer shall have no further access to such Incremental Real Property Taxes to reimburse or pay for TIF Eligible Expenses. During the twentieth (20th) year of the TIF Collection Period, Developer may, in its sole discretion, prepay its Real Property Taxes.

(ii) TIF Cap. The TIF Proceeds available to Developer for reimbursement of TIF Eligible Expenses through TIF Financing shall in no event exceed \$6,000,000 (the "TIF Cap"). The TIF Cap shall, for all purposes set forth herein, operate as a cap on the use of TIF Proceeds for reimbursement to Developer of any of Developer's TIF Eligible Expenses incurred in connection with the Project. Once Developer has received an amount equal to the TIF Cap in reimbursements of TIF Eligible Expenses through TIF Financing, the parties understand and agree that Developer's access to the TIF Financing shall thereafter terminate.

(iii) Conditions for Reimbursement. Developer shall not receive any reimbursements from TIF Financing unless and until the conditions precedent set forth in Section 4.4 have been fully satisfied or waived by the UG, upon which satisfaction or waiver Developer shall be reimbursed as provided in this Agreement.

(c) No TIF Bonds. Developer hereby understands and agrees that all reimbursements to Developer hereunder shall be made only from TIF Financing, and nothing in this Agreement shall in any way obligate the UG to issue bonds or other obligations to reimburse Developer for the TIF Eligible Expenses or any other Project Costs.

(d) TIF Administrative Fee. A portion of the Incremental Real Property Taxes shall be used to pay an administrative fee in an amount equal to 1% of such Incremental Real Property Taxes (the "TIF Administrative Fee"). The TIF Administrative Fee shall be due and payable on

the date the Incremental Real Property Taxes are received by the UG. Developer hereby understands and agrees that such TIF Administrative Fee shall be withheld by the UG prior to depositing the TIF Proceeds into the TIF Fund. As and when there are sufficient TIF Proceeds to pay the TIF Administrative Fee, the TIF Administrative Fee shall have first priority to available Incremental Real Property Taxes.

4.3 50/50 Limitation. The TIF Proceeds available to Developer for reimbursement of TIF Eligible Expenses at any given time shall be limited to an amount which is equal to one half (1/2) of the amount of Project Costs which have been paid by Private Funds. In other words, the reimbursement of TIF Eligible Expenses from TIF Financing shall be paid on a 50/50 basis between Private Funds and TIF Proceeds available to Developer, and there shall not at any time during the Term be more Project Costs paid with TIF Proceeds than the amount of Project Costs paid by Private Funds (the "50/50 Limitation"). However, the parties understand and agree that for purposes of this provision, the portion of Private Funds which are spent on land acquisition, legal fees, developer fees, and construction contingency shall not be included in the calculation of Private Funds for purposes of calculating the 50/50 Limitation. By way of illustrative example of the 50/50 Limitation, if at a given point in time, Developer has incurred Project Costs (including any TIF Eligible Expenses) equal to \$200 (none of which has been reimbursed with TIF Proceeds), then Developer's maximum reimbursement for TIF Eligible Expenses from TIF Financing is \$100. However, the parties further understand and agree that if at a given point in time, Developer has incurred \$225 of Project Costs, of which \$125 are TIF Eligible Expenses and \$100 are not TIF Eligible Expenses (and are not land acquisition, legal fees, developer fees, and/or contingency), then: (i) at that particular time, no more than \$100 of TIF Eligible Expenses may be reimbursed with TIF Proceeds, but (ii) if Developer later incurs an additional \$25 of Project Costs which are paid with Private Funds, then the remaining \$25 of TIF Eligible Expenses may be reimbursed with TIF Proceeds. Payment of Project Costs from Private Funds shall be evidenced to the UG as set forth in Section 4.5 below.

4.4 Conditions Precedent to Reimbursements. Developer hereby understands and agrees that even when TIF Proceeds have begun to be collected by the UG, the UG will hold and not disburse to Developer any reimbursements for TIF Eligible Expenses from TIF Financing, unless and until the conditions precedent set forth below have been fully satisfied as determined by UG in its sole reasonable discretion:

- (a) The UG has approved Certificate(s) of Expenditures for such TIF Eligible Expenses;
- (b) Developer shall have completed and opened the Project; and
- (c) Developer shall be in full compliance with the terms and conditions of this Agreement and shall not be in default hereunder, nor shall there be conditions, actions or omissions of Developer which will, with the passage of time, become occurrences of default hereunder.

4.5 Certificate(s) of Expenditures for Reimbursement from TIF Proceeds. The parties hereby agree as follows:

- (a) Certificate of Expenditures. In order to receive payment or reimbursement for TIF Eligible Expenses from TIF Financing, Developer shall submit a certificate of expenditures in the form attached hereto as **Exhibit H** (each, a "Certificate of Expenditures") attesting to the expenditure of Project Costs in accordance with the procedure set forth below. Developer may submit a separate Certificate of Expenditures each month, but no more than one time per month, for the TIF Fund. Additionally, Developer shall require that no transferee, purchaser, or lessee of any portion of the Project Site otherwise provide Certificate(s) of Expenditures to the UG.

(b) Procedures for Certification of Expenditures. The UG or a representative of the UG shall review the Certificate(s) of Expenditures to be made in connection with the Project Costs for approval or denial of the same as follows:

(i) Developer shall submit to the UG a Certificate of Expenditures setting forth the amount for which certification is sought and identification of the relevant TIF Eligible Costs for payment of such TIF Eligible Expenses. Developer shall certify to the UG that it shall only use the TIF Proceeds for the designated TIF Eligible Expenses described in the Certificate of Expenditures.

(ii) Each Certificate of Expenditures shall be accompanied by an accounting of the Private Funds paid to date, along with supporting documentation therefor.

(iii) Each Certificate of Expenditures shall be accompanied by such bills, contracts, invoices, lien waivers and other evidence as the UG shall reasonably require to document appropriate payment.

(iv) The Certificate of Expenditures shall be accompanied by a report regarding any LBE/MBE/WBE participation associated with the costs requested for payment or reimbursement in the Certificate of Expenditures.

(v) The UG reserves the right to, at reasonable times and upon reasonable notice, have its engineer or other agents, consultants or employees inspect all the items set forth in Section 4.5(b)(iii) above as reasonably necessary to determine that the expenses therein are valid, eligible and properly incurred and constitute TIF Eligible Expenses.

(vi) The UG shall have forty-five (45) calendar days after receipt of any Certificate of Expenditures to review and respond by written notice to Developer. If the UG disapproves of the Certificate of Expenditures, the UG shall notify Developer in writing of the reason for such disapproval within such forty-five (45) day period, in which event Developer shall have the right to revise and re-submit the Certificate of Expenditures to address the UG's reason for disapproval, and the UG will review and approve the revised Certificate of Expenditures within thirty (30) calendar days after receipt of the re-submitted Certificate of Expenditures. Approval of any Certificate of Expenditures will not be unreasonably withheld, conditioned, or delayed.

(c) Third Party Oversight/Management. The parties hereby understand and agree that the process to approve Certificate(s) of Expenditures and properly disburse the TIF Proceeds is important to the UG and Developer for various reasons. Accordingly, the parties hereby understand and agree that the UG may retain outside third party representatives, at Developer's expense, to manage and/or provide oversight to this process and Developer hereby agrees to fully cooperate with any such third party representatives in this process; provided however that the Developer shall have a right to review and reasonably approve the cost proposal for any such outside third party representatives.

4.6 Reimbursement Priority. All payments or reimbursements of whatever kind from the UG to Developer under this Agreement shall be made in the following priority:

(a) First, to the UG, to the extent permitted by Applicable Laws and Requirements, as payments by Developer for any amounts due and owing to the UG; provided, however, that the UG shall first provide Developer with advance written notice specifying the amount(s) in question, and

afford Developer a period of ten (10) days following its receipt of such notice in which to pay such amount(s) from Private Funds, including, without limitation: (i) all amounts delinquently due or owing, including all taxes, fees, or fines and including any interest and penalty thereon, by Developer to the UG under this Agreement, under any other agreement between Developer and the UG, or under any Applicable Laws and Requirements; (ii) all actual out of pocket costs incurred (and any interest or penalty thereon) by the UG (in excess of what has been then deposited with the UG by Developer pursuant to the Funding Agreement described in Section 3.2 above) in entering into, operating under, or enforcing this Agreement, including reasonable attorneys' fees, and all costs of pursuit of Developer (or any Affiliate); (iii) indemnification of the UG for any indemnity obligation owed by Developer (or any Affiliate) to the UG, and any interest or penalty thereon; and (iv) any reimbursement due to the UG on account of any prior overpayment or over-reimbursement to Developer under this Agreement, under any other agreement between Developer and the UG, or under any Applicable Laws and Requirements; and

(b) Second, to Developer for actual amounts to which Developer is entitled by the other provisions of this Agreement.

ARTICLE 5

INDUSTRIAL REVENUE BONDS FOR SOLE PURPOSE OF ABATEMENT OF SALES TAX ON CONSTRUCTION MATERIALS

5.1 Industrial Revenue Bonds. Subject to all Applicable Laws and Requirements, and subject further to compliance by Developer with all UG requirements, including all ordinances and policies of the UG regarding deadlines, for the issuance of industrial revenue bonds ("IRBs"), it is the UG's present intention that Developer may use IRB financing to obtain an exemption on sales taxes levied by Kansas governmental entities for construction materials, equipment, labor and furnishing for the Project. The Parties hereby understand and agree that, for purposes of the IRB financing agreed to and provided for in this Section 5.1, the IRBs shall not be used for abatement of ad valorem taxes for the Project or the Project Site.

5.2 Redemption of IRBs. Developer hereby understands and agrees that the IRBs for the Project shall be redeemed and paid in full within twelve (12) months from the date of completion of the Improvements. If Developer fails (at no fault of the UG) to obtain the issuance of any IRBs within twelve (12) months after the resolution of intent approving them is made effective, then the Developer will be deemed to have waived all rights to seek or obtain any IRBs related to any Improvements.

5.3 Resolution of Intent. Upon Developer's request, and subject to all Applicable Laws and Requirements, the UG will advance a resolution of intent for IRBs, which resolution of intent will be advanced to the Governing Body for consideration and approval or disapproval, or approval upon conditions as required by the Governing Body in its sole discretion. In the event of approval, the UG will promptly apply to the State of Kansas for a Project Exemption Certificate for the Project, with an expiration no later than the estimated time for completion of construction.

ARTICLE 6

CONSTRUCTION OF IMPROVEMENTS AND INFRASTRUCTURE IMPROVEMENTS

6.1 Design Professionals. Developer shall select such architects, engineers and other design professionals and consultants as are necessary to provide construction documents and construction oversight services for the Improvements. All agreements respecting architectural and engineering services shall be between Developer and such Persons, and a copy of each such agreement shall be timely provided to the UG upon a request for the same.

6.2 Design and Plans and Specifications. Developer shall, as soon as practicable, provide the UG with plans and specifications for the Improvements (the "Plans and Specifications"), which Plans and Specifications shall include cost estimates for the Improvements, the design of which is compatible with the Development Plan, and all Applicable Laws and Requirements. Developer recognizes, stipulates and agrees that the Plans and Specifications will be presented to and subject to approval by the appropriate Government Authorities. Without the prior written approval of the appropriate Government Authorities, there shall be no Material Changes to the Plans and Specifications subsequent to the initial approval.

6.3 General Contractor and Construction Documents. Developer shall select a general contractor (the "General Contractor") for the Improvements. Developer represents that its construction documents relative to the Improvements (the "Construction Documents") will require and provide for: (a) the design, development, construction, equipping and completion of the Improvements in accordance with the Development Plan, the Plans and Specifications and all Applicable Laws and Requirements; (b) a guaranteed maximum price; (c) guaranteed Substantial Completion not later than the Completion Date set forth in Section 6.10 (with liquidated damages for failure); and (d) surety of performance and labor and material payment bonds in the full amount of the Construction Documents. Developer shall, as soon as practicable, provide the UG with a copy of the Construction Documents.

6.4 Changes or Amendments. Developer shall promptly deliver to the UG copies of all change orders or other changes or amendments to the Construction Documents. Developer agrees with the UG that (a) it will perform its duties and obligations under the Construction Documents and (b) enforce the obligations of all other parties thereunder.

6.5 Responsibility for Design and Construction. Developer shall, subject to the terms of this Agreement and the Development Plan, have the sole right, and the responsibility, to design, manage, operate and construct the Project. Developer shall receive no separate fee from the UG for acting as construction manager or developer of the Project.

6.6 Payment and Performance Bonds. The General Contractor shall be required under the Construction Documents to furnish and maintain in full force and effect performance and labor and material payment bonds in the full amount of the Total Project Costs, as set forth in the Construction Documents. Said bonds shall be in form and substance and issued by a corporate surety satisfactory to Developer and the UG.

6.7 Permits and Reviews. Developer hereby recognizes, stipulates and agrees (a) that in the design, construction, completion, use or operation of the Improvements, Developer, or its General Contractor, shall procure and pay for any and all permits, licenses or other forms of authorizations that are, from time to time, required; and (b) that nothing herein shall be construed as any release by the UG of the responsibility of Developer to comply with, and satisfy the requirements of, all Applicable Laws and Requirements.

6.8 Periodic Meetings with Developer. From the Effective Date until Substantial Completion of the Improvements, Developer hereby agrees to meet with the UG at such intervals as Developer, the UG and any such designee of the UG shall mutually agree or reasonably request, and not more frequently than monthly, to review and discuss the design, development and construction of the Improvements and the Project.

6.9 Commencement Date. Developer hereby agrees that, subject only to Force Majeure, Developer shall commence construction of the Improvements described in Section 2.2 on or before September 1, 2023. For purposes hereof, the words "commence construction" shall be deemed to mean the

issuance of a building permit for the Improvements and Developer's undertaking of a program of construction which is continuously pursued to completion.

6.10 Completion Date. Developer hereby agrees that, subject only to Force Majeure, Developer shall Substantially Complete construction of the Improvements described in Section 2.2(a) on or before September 1, 2025.

ARTICLE 7 USE AND OPERATION

7.1 Term. The Term of this Agreement shall commence on the Effective Date and shall expire on that date which is the later of: (a) the last day of the TIF Collection Period, or (b) twenty (20) years from the Effective Date of this Agreement (the "Term").

7.2 Use and Operation. Developer covenants that at all times during the Term, it will, at its expense:

(a) Use the Project only for the Permitted Uses.

(b) Conduct its business at all times in a dignified quality manner and in conformity with the first-class industry standards and in such manner as to help establish and maintain a high reputation for the Project.

7.3 Development Plan. During the Term, Developer agrees that it shall perform and comply with each and all of the terms and provisions of the Development Plan and not suffer or permit any default or breach of any such terms or provisions of the Development Plan.

7.4 Maintenance and Use. During the Term, Developer shall cause the Project, and all parts thereof, the Project Site and all other of its property used or useful in the conduct of its business and operations on the Project Site, to be maintained, preserved and kept in good repair and working order and in a safe condition, consistent at all times with other first-class apartment space in the greater metropolitan Kansas City area, and will make all repairs, renewals, replacements and improvements necessary for the safe, efficient, and advantageous conduct of its business and operations on the Project Site. Developer may make additions, alterations and changes to the Project so long as such additions, alterations and changes are made in compliance with all Applicable Laws and Requirements and the Development Plan, and as long as the same do not materially adversely affect Developer's ability to perform its obligations under this Agreement. Developer agrees to set aside on its books such reserves for future maintenance and capital expenditures.

7.5 Compliance. Developer shall conduct its affairs and carry on its business and operations in such a manner as to comply with all Applicable Laws and Requirements, and to observe and conform to all valid orders, regulations or requirements (including, but not limited to, those relating to safety and health) of any Government Authorities applicable to the conduct of its business and operations and the ownership of the Project; provided, however, that nothing contained in this Agreement shall require Developer to comply with, observe and conform to any such law, order, regulation or requirement of any Government Authorities so long as the validity thereof shall be contested by Developer in good faith by appropriate proceedings, and provided that Developer shall have set aside on its books adequate reserves in accordance with GAAP or secured adequate bonding with respect to such contest and such contest shall not materially impair the ability of Developer to meet its obligations under this Agreement. Developer agrees to promptly pay any and all fees and expenses associated with any safety, health or other inspections

required under this Agreement or imposed by Applicable Laws and Requirements, unless contested in good faith with the assurances provided in the preceding sentence.

7.6 Payment of Taxes and Other Charges. During the Term, Developer shall pay or cause to be paid as they become due and payable all taxes, assessments and other governmental charges lawfully levied or assessed or imposed upon Developer or the Project or any part thereof or upon any income therefrom, including, but not limited to, any taxes, assessments or other governmental charges levied, assessed or imposed on the Project, the Project Site, and/or the Improvements. Ad valorem property taxes shall be due in arrears, with half due on December 20th and half due on May 10th of each year in which said amount is required to be paid, and will be considered delinquent if not paid by such dates of each such year or as otherwise determined by Applicable Laws and Requirements. The obligation to make ad valorem property tax payments shall be a covenant running with the land and shall create a lien in favor of the UG on each such tax parcel as constituted from time to time and shall be enforceable against Developer and its successors and assigns in ownership of property on the Project Site. Additionally, Developer hereby understands and agrees that if Developer shall fail to timely pay its ad valorem property taxes as set forth herein, that Developer's access to the IRB financing described in Article 4 hereof shall be suspended until such taxes are paid in full.

7.7 Payment of Obligations. During the Term, Developer shall promptly pay or otherwise satisfy and discharge all of its obligations and all demands and claims against it as and when the same become due and payable, unless the validity, amount or collectability thereof is being contested in good faith or unless the failure to comply or contest would not materially impair its ability to perform its obligations under this Agreement nor subject any material part of the Project to loss or forfeiture.

7.8 Liens and Encumbrances. During the Term, except for Permitted Mortgages, Developer shall not create or incur or permit to be created or incurred or to exist any mortgage, lien, security interest, charge or encumbrance upon the Project, or any part thereof, and shall promptly cause to be discharged, challenged or terminated all mortgages, liens, security interests, charges and encumbrances that are not Permitted Encumbrances or a Permitted Mortgage. Notwithstanding the foregoing, any Permitted Mortgage shall be subject to the terms and conditions of this Agreement, including without limitation, Section 7.2 of this Agreement.

7.9 Licenses and Permits. During the Term, Developer shall procure and maintain all licenses and permits, and allow all inspections and/or investigations required by Applicable Laws and Requirements or otherwise necessary in the operation of its business and affairs in, on or about the Project.

7.10 Insurance. During the Term, Developer shall maintain or cause to be maintained insurance with respect to the Project and operations covering such risks that are of an insurable nature and of the character customarily insured against by organizations operating similar properties and engaged in similar operations (including but not limited to property and casualty, worker's compensation, general liability and employee dishonesty) and in such amounts as, in the reasonable judgment of the UG, are adequate to protect Developer, the UG and the Project, but in no event in an amount less than that required by the Insurance Specifications attached hereto as **Exhibit I**, and made a part hereof, or as otherwise required by the terms of the Transaction Documents. Each policy or other contract for such insurance shall (i) name the UG as an additional insured (with respect to liability insurance and only in an amount equal to Five Hundred Thousand Dollars (\$500,000)), and (ii) contain an agreement by the insurer that, notwithstanding any right of cancellation reserved to such insurer, such policy or contract shall continue in force for at least thirty (30) days after written notice of cancellation to Developer and each other insured, additional insured, loss payee and mortgage payee named therein. The rights of the UG to any insurance proceeds shall be subject and subordinate to the rights of any Permitted Mortgagee.

7.11 Damage, Destruction or Condemnation.

(a) In the event of damage to or destruction of any portion of the Project resulting from fire or other Casualty during the Term, or in the event any portion of the Improvements is condemned or taken for any public or quasi-public use or title thereto is found to be deficient during the Term, the net proceeds of any insurance relating to such damage or destruction, the net proceeds of such condemnation or taking or the net proceeds of any realization on title insurance shall be paid into, and used in accordance with a construction escrow agreement for restoration, repair and/or replacement of the Project which is satisfactory to the UG, Developer and any Permitted Mortgagee ("Casualty Escrow").

(b) If at any time during the Term, title to the whole or substantially all of the Project shall be taken in condemnation proceedings or by right of eminent domain, Developer, at its sole discretion, may terminate this Agreement as of the date of such taking. For purposes of this Section 7.11(b), "substantially all of the Project" shall be deemed to have been taken if the UG and Developer, each acting reasonably and in good faith, determine that the untaken portion of the Project, including the Parking Improvements, cannot be practically and economically used by Developer for the purposes and at the times contemplated by this Agreement.

(c) In the event of condemnation of less than the whole or substantially all of the Project during the Term, Developer, at its sole cost and expense, shall commence and thereafter proceed as promptly as possible to repair, restore and replace the remaining part of the Project, as nearly as possible, to their former condition, and shall be entitled to draw upon the Casualty Escrow for payment of said costs.

7.12 Indemnity. Developer shall pay and indemnify and save the UG and its governing body members, directors, officers, employees and agents harmless from and against all loss, liability, damage or expense arising out of (a) the acquisition of the Project Site; (b) the design, construction and completion of the Project by Developer; (c) the use or occupation of the Project by Developer or anyone acting by, through or under it; (d) damage or injury, actual or claimed, of whatsoever kind or character occurring to persons or property occurring or allegedly occurring in, on or about the Project; (e) any breach, default or failure to perform by Developer under this Agreement; and (f) any act by an employee of the UG at the Project Site which are within or under the control of Developer. Developer shall also pay and indemnify and save the UG and its governing body members, directors, officers, employees and agents harmless of, from and against, all costs, reasonable counsel fees, expenses and liabilities incurred by them or by Developer in any action or proceeding brought by reason of any such claim, demand, expense, penalty or fine. If any action or proceeding is brought against the UG or its governing board members, directors, officers, employees or agents by reason of any such claim or demand, Developer, upon notice from the UG, covenants to resist and defend such action or proceeding on demand of the UG or its governing body members, directors, officers, employees or agents. Notwithstanding the foregoing, no party benefited by this indemnity shall be indemnified against liability for damage arising out of bodily injury to persons or damage to property caused by the said party's own respective willful and malicious acts or omissions or gross negligence. The foregoing covenants contained in this Section 7.12 shall be deemed continuing covenants, representations and warranties for the benefit of the UG and any successors and assigns of the UG, and shall survive the termination, satisfaction or release of this Agreement, or any other instrument.

7.13 Prohibition on Sales, Etc. Except for Permitted Encumbrances and Permitted Mortgages and as otherwise provided herein, during the Term, Developer will not, without the prior written consent of the UG, (a) assign, sell, lease, mortgage or otherwise transfer the Project Site, the Improvements or equipment that comprise the Project or any part thereof or any interest therein; (b) merge with or into another corporation or sell or transfer to another corporation substantially all of its assets; or (c) assign this

Agreement. Any such assignment, sale, lease, mortgage, merger or other transfer which is consented to by the UG shall be an "Approved Assignment" and the assignee, purchaser, lessee, mortgagee or transferee shall be an "Assignee." The UG shall have the right to grant or withhold its consent to any of the aforesaid in its reasonable discretion after inquiry and delivery of adequate information to the UG as to whether the proposed Assignee has sufficient financial net worth and experience to successfully complete and operate the Project according to the terms and conditions of this Agreement. If there is an Approved Assignment, the Assignee shall assume and agree to pay and perform each and all of terms and provisions hereof. Notwithstanding the foregoing, the parties hereby agree that Developer may, subject always to the terms of this Agreement, in the ordinary course of its business, but without the prior written approval of the UG, make leases of the residential units, storage areas and parking spaces within the Project.

7.14 Access. During the Term and subject to the privacy rights of tenants, Developer hereby recognizes, acknowledges and agrees that the UG, and its duly authorized representatives and agents, shall have the right to enter the Project at reasonable times and upon reasonable notice, to substantiate compliance with this Agreement or, to the extent Developer has failed to cure any breach within applicable notice and cure periods, to cure any defaults under this Agreement. In exercising its rights hereunder, the UG shall use reasonable efforts to avoid unreasonable interference with the operation of the Project. Except as otherwise provided in this Agreement, the UG shall pay all costs it incurs under this provision. Nothing contained in this Section 7.14 shall restrict or impede the right of the UG to enter the Project pursuant to any Applicable Laws and Requirements.

7.15 Environmental Matters. Developer hereby agrees that by Closing on the transactions contemplated by this Agreement, Developer shall assume responsibility for the costs of any remediation of any environmental conditions upon the Project Site. Further, Developer shall not store, locate, generate, produce, process, treat, transport, incorporate, discharge, emit, release, deposit or dispose of any Hazardous Substance in, upon, under, over or from the Project in violation of any Environmental Regulation; shall not permit any Hazardous Substance to be stored, located, generated, produced, processed, treated, transported, incorporated, discharged, emitted, released, deposited, disposed of or to escape therein, thereupon, thereunder, thereover or therefrom in violation of any Environmental Regulations; shall cause all Hazardous Substances to be properly removed therefrom and properly disposed of in accordance with all applicable Environmental Regulations; shall not install or permit to be installed any underground storage tank therein or thereunder in violation of any Environmental Regulation; and shall comply with all other Environmental Regulations which are applicable to the Project. Developer shall indemnify the UG against, shall hold the UG harmless from, and shall reimburse the UG for, any and all claims, demands, judgments, penalties, fines, liabilities, costs, damages and expenses, including court costs and attorneys' fees incurred by the UG (prior to trial, at trial and on appeal) in any action against or involving the UG, resulting from any breach of the foregoing covenants or from the discovery of any Hazardous Substance, in, upon, under or over, or emanating from, the Project, whether or not Developer is responsible therefor, it being the intent of Developer and the UG that the UG shall have no liability or responsibility for damage or injury to human health, the environment or natural resources caused by, for abatement and/or clean-up of, or otherwise with respect to, Hazardous Substances, which arises subsequent to Closing. The foregoing covenants contained in this Section 7.15 shall be deemed continuing covenants, representations and warranties for the benefit of the UG and any successors and assigns of the UG, and shall survive the termination, satisfaction or release of this Agreement, or any other instrument. Any amounts covered by the foregoing indemnification shall bear interest from the date incurred at the Prime Rate plus 2%, or, if less, the maximum rate permitted by law, and shall be payable on demand.

7.16 Power of the UG. Notwithstanding anything set forth herein to the contrary, no provision contained herein shall in any manner diminish or usurp the inherent rights and powers of the UG to act in its capacity as a public body. Further, nothing herein shall relieve Developer from complying with all Applicable Laws and Requirements.

ARTICLE 8 SPECIAL PROVISIONS

8.1 Special Agreements of Developer.

(a) Developer recognizes, stipulates and agrees that it will actively market and advertise the Project in the Kansas City Metropolitan area and regionally.

(b) During the Term, Developer agrees to actively participate in the civic, charitable, educational, philanthropic and economic development of the Kansas City, Kansas/Wyandotte County community in activities of its choice. Without limiting the generality of the foregoing, Developer specifically agrees that during the Term, Developer shall be an active, dues-paying member in good standing with the KCK Area Chamber of Commerce and the Wyandotte Economic Development Corporation.

8.2 LBE/MBE/WBE Employment Opportunity Goals. Developer agrees to comply with the goals set forth on **Exhibit J**, attached hereto and made a part hereof, in order to identify and provide employment opportunities for local businesses and contractors, women and local minority owned businesses. In the event Developer shall fail to meet the LBE/MBE/WBE goals set forth on **Exhibit J** for the Project, then the TIF Cap described in Section 4.2(b)(ii) hereof shall be reduced by twenty percent (20%).

8.3 Contribution for Neighborhood Improvements. On or before the Commencement Date described in Section 6.9 above, Developer shall make a contribution to the UG in the amount of \$350,000, to be used by the UG, in its sole discretion, to make improvements in, to and around the intersection of 6th and Central Avenue, including traffic-calming improvements (“Neighborhood Improvements Contribution”).

ARTICLE 9 DEFAULT AND REMEDIES

9.1 Default Provisions. Developer shall be in default under this Agreement if:

(a) Developer fails to make any of the payments of money required by the terms of this Agreement or any of the Transaction Documents, and Developer fails to cure or remedy the same within twenty (20) days after the UG has given Developer written notice specifying such default; or

(b) Developer fails to keep or perform any covenant or obligation herein contained on Developer's part to be kept or performed, and Developer fails to remedy the same within sixty (60) days after the UG has given Developer written notice specifying such failure and requesting that it be remedied; provided, however, that if any event of default shall be such that it cannot be corrected within such period, it shall not constitute an event of default if corrective action is instituted by Developer within such period and diligently pursued until the default is corrected; or

(c) Developer or any Affiliates of Developer shall file a voluntary petition under any bankruptcy law or an involuntary petition under any bankruptcy law is filed against any such party in a court having jurisdiction and said petition is not dismissed within sixty (60) days; or Developer or any Affiliates of Developer generally is not paying its debts as such debts become due; or Developer or any Affiliate of Developer makes an assignment for the benefit of its creditors; or a custodian, trustee or receiver is appointed or retained to take charge of and manage any substantial

part of the assets of Developer, or any Affiliates of Developer and such appointment is not dismissed within sixty (60) days; or any execution or attachment shall issue against Developer whereupon the Project, or any part thereof, or any interest therein of Developer under this Agreement shall be taken and the same is not released prior to judicial sale thereunder (each of the events described in this subparagraph being deemed a default under the provisions of this Agreement); or

(d) Developer breaches the representations and warranties set forth in this Agreement and fails to cure or correct same within fifteen (15) days of written notice from the UG.

In the event of such default, the UG may take such actions, or pursue such remedies, as exist hereunder, or at law or in equity, and Developer covenants to pay and to indemnify the UG against all reasonable costs and charges, including attorneys' fees, lawfully and reasonably incurred by or on behalf of the UG in connection with the successful enforcement of such actions or remedies.

9.2 Rights and Remedies. Upon the occurrence and continuance of a Developer default, the UG shall have the following rights and remedies, in addition to any other rights and remedies provided under this Agreement or by law:

(a) Whenever any default by Developer shall have occurred and be continuing, subject to applicable cure periods as set forth above, the UG may (i) refuse to approve any further Certificate of Expenditures or make any further reimbursements of TIF Proceeds unless and until such default is cured by the Developer, and/or (ii) terminate Developer's access to the TIF Financing and/or the IRB financing described in Section 5.1 hereof, and/or (iii) terminate the TIF and/or IRBs, and/or (iv) terminate this Agreement, including Developer's rights in and access to the TIF and IRB financing, and/or (v) exercise any remedies provided to the UG under the Transaction Documents. The rights and remedies reserved by the UG hereunder and those provided by law shall be construed as cumulative and continuing rights, no one of which shall be exhausted by the exercise of any one or more of such rights or remedies on any one or more occasions.

(b) The UG may pursue any available remedy at law or in equity by suit, action, mandamus or other proceeding to enforce and compel the specific performance of the duties and obligations of the Developer as set forth in this Agreement, to enforce or preserve any other rights or interests of the UG under this Agreement or otherwise existing at law or in equity and to recover any damages incurred by the UG resulting from such Developer default. Without limiting the foregoing, the Developer shall not be compelled by specific performance to construct the Project, or the Improvements.

(c) In the event of such default by Developer, the UG may take such actions, or pursue such remedies, as exist hereunder or at law or in equity and Developer covenants to pay and to indemnify the UG against all reasonable costs and charges, including attorneys' fees, lawfully and reasonably incurred by or on behalf of the UG in connection with the successful enforcement of such actions or remedies.

(d) The rights and remedies reserved by the UG hereunder and those provided by law shall be construed as cumulative and continuing rights, no one of which shall be exhausted by the exercise of any one or more of such rights or remedies on any one or more occasions. If a default by Developer occurs under this Agreement and is continuing, the UG may take whatever action at law or in equity as may appear necessary or desirable to enforce performance and observance by Developer of any provision of this Agreement. Except as provided in the last sentence of subsection (b) above, the UG shall be entitled to specific performance and injunctive or other equitable relief

for any breach or threatened breach of any of the provisions of this Agreement, notwithstanding the availability of an adequate remedy at law, and each party hereby waives the right to raise such defense in any proceeding in equity. Failure by the UG to enforce any such rights shall not be deemed a waiver thereof. Under no circumstances shall Developer be liable for punitive, remote or consequential damages.

9.3 Default by the UG. The UG shall be in default under this Agreement if the UG fails to keep or perform any covenant or obligation herein contained on the UG's part to be kept or performed, and the UG fails to remedy the same within thirty (30) days after Developer has given the UG written notice specifying such failure and requesting that it be remedied; provided, however, that if any event of default shall be such that it cannot be corrected within such period, it shall not constitute an event of default if corrective action is instituted by the UG within such period and diligently pursued until the default is corrected. If a default by the UG occurs under this Agreement and is continuing, Developer may take whatever action at law or in equity as may appear necessary or desirable to enforce performance and observance by the UG of any provision of this Agreement, however, the UG's liability for monetary amounts shall be limited to the actual amount, if any, in question, and under no circumstances shall the UG be liable for any remote or consequential damages. Developer shall be entitled to specific performance and injunctive or other equitable relief for any breach or threatened breach of any of the provisions of this Agreement, notwithstanding the availability of an adequate remedy at law, and each party hereby waives the right to raise such defense in any proceedings in equity. Under no circumstances shall the UG be liable for punitive, remote or consequential damages.

ARTICLE 10 MISCELLANEOUS

10.1 Waiver of Breach. No waiver of any breach of any covenant or agreement herein contained shall operate as a waiver of any subsequent breach of the same covenant or agreement or as a waiver of any breach of any other covenant or agreement, and in case of a breach by either party of any covenant, agreement or undertaking, the non-defaulting party may nevertheless accept from the other any payment or payments or performance hereunder without in any way waiving its right to exercise any of its rights and remedies provided for herein or otherwise with respect to any such default or defaults which were in existence at the time such payment or payments or performance were accepted by it.

10.2 Force Majeure. In the event either party hereto shall be delayed or hindered in or prevented from the performance of any act required under this Agreement by reason of acts of God, strikes, lockouts, unavailability of sufficient trade laborers, materials, or financing due to global pandemic, such as COVID-19, failure of power or other insufficient utility service, riots, insurrection, environmental remediation required by the appropriate Government Authorities, discovery of cultural, archeological or paleontological resources or endangered species, any lawsuit seeking to restrain, enjoin, challenge or delay construction, failure of the UG to timely approve the Plans and Specifications, the Construction Documents, war terrorism or other reason of a like nature not the fault of the party delayed in performing work or doing acts required under the terms of this Agreement ("Force Majeure"), then performance of such act shall be excused for the period of the delay, and the period for the performance of any such act shall be extended for a period equivalent to the period of such delay. Except with respect to the unavailability of financing due to COVID-19 or a similar global pandemic, the provisions of this Section 10.2 shall not be applicable to delays resulting from the inability of a party to obtain financing or to proceed with its obligations under this Agreement because of a lack of funds.

10.3 Covenants of Parties.

(a) Representations and Warranties of Developer. Developer represents and warrants to the UG as follows:

(i) Organization. Developer is a limited liability company duly formed and validly existing under the laws of the State of Missouri. Developer is duly authorized to conduct business in each other jurisdiction in which the nature of its properties or its activities requires such authorization. Developer shall (1) preserve and keep in full force and effect its corporate or other separate legal existence and (2) remain qualified to do business and conduct its affairs in the State and each jurisdiction where ownership of its property or the conduct of its business or affairs requires such qualification.

(ii) Authority. The execution, delivery and performance by Developer of this Agreement are within Developer's powers and have been duly authorized by all necessary action of Developer.

(iii) No Conflicts. Neither the execution and delivery of this Agreement, nor the consummation of any of the transactions herein or therein contemplated, nor compliance with the terms and provisions hereof or thereof, will contravene the organizational documents of Developer or any provision of law, statute, rule or regulation to which Developer is subject, or to any judgment, decree, license, order or permit applicable to Developer, or will conflict or be inconsistent with, or will result in any breach of any of the terms of the covenants, conditions or provisions of any indenture, mortgage, deed of trust, agreement or other instrument to which Developer is a party, by which Developer is bound, or to which Developer is subject.

(iv) No Consents. No consent, authorization, approval, order or other action by, and no notice to or filing with, any court or Government Authority or regulatory body or third party is required for the due execution and delivery by Developer of this Agreement. No consent, authorization, approval, order or other action by, and no notice to or filing with, any court or Government Authority or regulatory body or third party is required for the performance by Developer of this Agreement or the consummation of the transactions contemplated hereby except for zoning, building and other customary permits to be obtained from the UG or other Government Authorities.

(v) Valid and Binding Obligation. This Agreement is the legal, valid and binding obligation of Developer, enforceable against Developer in accordance with the terms hereof.

(b) Representations and Warranties of the UG. The UG represents and warrants to the Developer as follows:

(i) Authority. The execution, delivery and performance by the UG of this Agreement are within its powers and have been duly authorized by all necessary action.

(ii) No Conflicts. Neither the execution and delivery of this Agreement, nor the consummation of any of the transactions herein or therein contemplated, nor compliance with the terms and provisions hereof or thereof, will contravene the ordinances, rules, regulations of the UG or the laws of the State nor result in a breach, conflict with or

be inconsistent with any terms, covenants, conditions or provisions of any indenture, agreement or other instrument by which the UG is bound or to which the UG is subject.

(iii) No Consents. Other than the Commission's approval of this Agreement on or before the Effective Date, no consent, authorization, approval, order or other action by, and no notice to or filing with, any court or Government Authority or regulatory body or third party is required for the due execution and delivery by the UG of this Agreement. Except as set forth in Section 3.1(c) hereof, no consent, authorization, approval, order or other action by, and no notice to or filing with, any court or Government Authority or regulatory body or third party is required for the performance by the UG of this Agreement or the consummation of the transactions contemplated hereby.

(iv) Valid and Binding Obligation. This Agreement is the legal, valid and binding obligation of the UG enforceable against the UG in accordance with its terms.

10.4 Amendments. This Agreement may be amended, changed or modified only by a written agreement duly executed by the UG and Developer.

10.5 Construction and Enforcement. This Agreement shall be construed and enforced in accordance with the laws of the State.

10.6 Invalidity of Any Provisions. If for any reason any provision hereof shall be determined to be invalid or unenforceable, the validity and effect of the other provisions hereof shall not be affected thereby.

10.7 Headings. The Article and Section headings shall not be treated as a part of this Agreement or as affecting the true meaning of the provisions hereof.

10.8 Execution of Counterparts. This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

10.9 Time. Time is of the essence in this Agreement.

10.10 Consents and Approvals. Wherever in this Agreement it is provided that the UG or Developer shall, may or must give its approval or consent, the UG or Developer shall not, unless specifically herein provided otherwise, unreasonably withhold, condition, delay or refuse to give such approvals or consents. It is agreed, however, that the sole right and remedy for Developer or the UG in any action concerning the other's reasonableness will be action for declaratory judgment and/or specific performance, and in no event shall either such party be entitled to claim damages of any type or nature in any such action.

10.11 Notices. All notices required or desired to be given hereunder shall be in writing and all such notices and other written documents required or desired to be given hereunder shall be deemed duly served and delivered for all purposes if (i) delivered by nationally recognized overnight delivery service; (ii) delivered by electronic mail (with follow up within one (1) business day by United States Mail or by nationally recognized overnight delivery service); or (iii) delivered in person, in each case if addressed to the parties set forth below:

To the UG as follows:

Unified Government Clerk
Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Suite 323
Kansas City, Kansas 66101
Telephone: 913-573-5260
Email: clerkwest@wycokck.org

with a copy to:

Chief Counsel
Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Suite 961
Kansas City, Kansas 66101
Telephone: 913-573-5060
Email: mbrown@wycokck.org

And a copy to:

County Administrator
Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, 9th Floor
Kansas City, Kansas 66101
Telephone: 913-573-5030
Email: charrison-lee@wycokck.org

And a copy to:

Todd A. LaSala, Esq.
Stinson LLP
1201 Walnut Street, Suite 2900
Kansas City, Missouri 64106
Telephone: 816-842-8600
Email: todd.lasala@stinson.com

To Developer as follows:

Mark Moberly
Sunflower Development Group, LLC
1125 Grand Boulevard, Suite 202
Kansas City, MO 64106
Telephone: (816) 581-3997
Email: mmoberly@sunflowerkc.com

with a copy to:

Pete Heaven, Esq.
Spencer Fane LLP
6201 College Boulevard, Suite 500
Overland Park, Kansas 66211
Telephone: (913) 327-5166
Email: pheaven@spencerfane.com

All notices given by: (i) nationally recognized overnight delivery service, or (ii) electronic mail, followed up by regular United States mail or nationally recognized overnight delivery service in accordance with the above procedures, shall be deemed duly given one business day after they are so delivered. All notices given in person shall be deemed duly given when delivered.

10.12 Entire Agreement. Together with the Exhibits hereto, this Agreement constitutes the entire agreement of the parties with respect to the subject matter hereof and supersedes and replaces all prior oral or written agreements concerning the subject matter hereof.

10.13 Run with the Land. This Agreement shall be binding on and inure to the benefit of the parties hereto and their respective heirs, successors and assigns and shall run with the land. However, Developer shall remain liable in the event of a violation of any of the terms or restrictions set forth in Sections 7.8 and 7.13 hereof. At Closing, the parties shall record a memorandum describing this Agreement in the land records of Wyandotte County, Kansas.

10.14 Electronic Storage. The parties agree that the transactions described herein may be conducted and related documents may be received, sent or stored by electronic means. Copies, telecopies, facsimiles, electronic files, and other reproductions of original executed documents shall be deemed to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

[Remainder of page intentionally left blank. Signature pages follow.]

IN WITNESS WHEREOF, the parties hereto have executed these presents as of the day and year first above written.

DEVELOPER:

SUNFLOWER DEVELOPMENT GROUP, LLC

By: _____

Name: _____

Title: _____

STATE OF _____)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2022 by _____, as _____ of Sunflower Development Group, LLC, a Missouri limited liability company.

Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My commission expires

ANNEX 1
DEFINITIONS

"Affiliate" means any person, entity or group of persons or entities which controls Developer, which Developer controls or which is under common control with Developer. As used herein, the term "control" shall mean the possession, directly or indirectly, of the power to direct or cause the direction of management and policies, whether through the ownership of voting securities, by contract or otherwise.

"Agreement" means this Development Agreement for 505 Central by and between the UG and Developer.

"Applicable Laws and Requirements" shall mean any applicable constitution, treaty, statute, rule, regulation, ordinance, order, directive, code, interpretation, judgment, decree, injunction, writ, determination, award, permit, license, authorization, directive, requirement or decision of or agreement with or by Government Authorities, and all requirements of any insurers. Applicable Laws and Requirements shall include, without limitation, the Development Plan, the Kansas Cash Basis Law (K.S.A. 10-1100 et seq.) and Budget Law (K.S.A. 75-2935 et seq.).

"Approved Assignment" means any assignment, sale, lease, mortgage, merger or other transfer which is consented to by the UG pursuant to Section 7.13.

"Assignee" means the assignee, purchaser, lessee, mortgagee, or transferee of an Approved Assignment pursuant to Section 7.13.

"Base Year Assessed Valuation" means the assessed valuation of all real property within the boundaries of the TIF District on the date of publication of the TIF District Ordinance, as described in Section 4.2(a)(i).

"Casualty" means any fire, storm, earthquake, tornado, flood or natural disaster or other sudden, unexpected or unusual cause of damage or destruction.

"Casualty Escrow" means the net proceeds of any insurance relating to damage or destruction of any portion of the Improvements, the net proceeds of condemnation or taking of any portion of the Improvements, or the net proceeds of any realization on title insurance paid into, and used in accordance with, a construction escrow agreement for restoration, repair and/or replacement of the Project which is satisfactory to the UG, Developer, and Permitted Mortgagee, as described in Section 7.11(a).

"Certificate of Expenditures" means those certain certificates submitted by Developer in accordance with Section 4.5(a) and on the form set forth in **Exhibit H**.

"Closing" means the date on which Developer shall close on the acquisition of the Project Site.

"Commencement Date" means the applicable date identified for commencement of construct of the Improvements, as described in Section 6.9.

"Completion Date" means the applicable date identified for completion of construction of the Improvements, as described in Section 6.10.

"Construction Documents" means the Developer's construction documents relative to the Improvements, as described in Section 6.3.

"Current Owner" means Skyline Property Development, a Missouri limited liability company.

"Developer" means Sunflower Development Group, LLC, a Missouri limited liability company.

"Development Plan" means the plan for the Improvements agreed to by Developer and the UG, as described in Section 2.2.

"Effective Date" means the date of this Agreement first above written.

"Environmental Regulation" means any and all present and future laws, statutes, ordinances, rules, regulations and orders of any Government Authorities having jurisdiction over the parties hereto or any portion of the Project Site and pertaining to the protection of human health, hazardous substances, pollution, or the environment, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, and as the same may be further amended from time to time (hereinafter collectively called "CERCLA").

"50/50 Limitation" means the limitation on the reimbursement to Developer of TIF Eligible Expenses from TIF Financing, as described in Section 4.3.

"Funding Agreement" means that certain Funding Agreement between the UG and the Developer dated as of May 17, 2021, as described in Section 3.2.

"Force Majeure" is defined in Section 10.2.

"GAAP" means generally accepted accounting principles.

"General Contractor" means the general contractor(s) selected by Developer for the Improvements, as described in Section 6.3.

"Government Authorities" shall mean any and all jurisdictions, entities, courts, boards, agencies, commissions, offices, divisions, subdivisions, departments, bodies or authorities of any nature whatsoever of any governmental unit (federal, state, county, district, municipality, city or otherwise), whether now or hereafter in existence.

"Hazardous Substance" means any substance that is defined or listed as a hazardous or toxic substance and which is regulated as such or may form the basis of liability under any present or future Environmental Regulations, or that is otherwise prohibited or subject to investigation or remediation under any present or future Environmental Regulations because of its hazardous, toxic, or dangerous properties, including, without limitation, (i) any substance that is a "hazardous substance" under CERCLA, and (ii) petroleum, natural gas, natural gas liquids, liquefied natural gas, and synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas), only to the extent that the constituents of such synthetic gas are released or threatened to be released into the environment.

"Improvements" means those certain improvements to be constructed in the Project, as described in Section 2.2.

"Incremental Real Property Taxes" means that amount of Real Property Taxes collected from within the TIF District that is in excess of the amount of Real Property Taxes collected from the Base Year Assessed Valuation of the real property within the TIF District, as described in Section 4.2(a)(i).

"Insurance Specifications" means the insurance requirements on Developer in connection with the Project as generally described in Section 7.10 and more fully set forth in **Exhibit I**.

"IRB" means industrial revenue bond financing pursuant to K.S.A. 12-1741 *et seq.*

"Material Changes" means any substantial change to any agreement, plan or other document referred to herein, which change would require changes to Developer's permits or approval of the appropriate Government Authorities or is required by Applicable Laws and Requirements.

"Neighborhood Improvements Contribution" means that certain contribution made by the Developer to the UG as described in Section 8.3, to be used by the UG to make improvements in, to and around the Central Avenue corridor adjacent to and surrounding the Project for the benefit of the local community.

"Parking Improvements" means any parking improvements provided for in Section 2.2(d).

"Permitted Encumbrances" means any liens, restrictions, claims, easements, rights-of-way, encroachments, reservations, or other matters or encumbrances affecting the Project Site, which are acceptable to Developer in its sole discretion.

"Permitted Mortgage" means any mortgage placed on the Project Site or any part thereof in connection with any construction or permanent financing of the Project.

"Permitted Mortgagee" means the holder of the Permitted Mortgage.

"Permitted Uses" means a multi-family residential apartment building, including amenities and related infrastructure, as described in Section 2.2.

"Person" shall mean any natural person, firm, partnership, association, corporation, limited liability company, trust, entity, public body or government or other entity.

"Plans and Specifications" means those plans and specifications for the Improvements, as described in Section 6.2.

"Private Funds" means the Developer's private equity and debt used to pay the costs for the design, development and construction of the Project, as described in Section 4.1.

"Prime Rate" means the rate of interest announced from time to time by Security Bank of Kansas City, or any successor to it. If such bank, or any successor to it, ceases to announce a prime rate, the UG shall designate a reasonably comparable financial institution for purposes of determining the Prime Rate.

"Project" means the design, development, and construction of certain Improvements on the Project Site for use as apartment buildings and related amenities, as described in Recital A and Section 2.2.

"Project Area" means the single project area included in the TIF District, as described in Recital D.

"Project Costs" means the costs of acquiring, designing, developing, constructing and completing the Project, as described in Section 4.1 and **Exhibit G**.

"Project Plan" means the Developer's Redevelopment Project Plan for the TIF District approved and adopted by the UG pursuant to the TIF Project Plan Ordinance, as described in Recital D.

"Project Site" means the real property described in Recital A, as legally described on **Exhibit A** and as generally depicted on **Exhibit B**.

"Public Financing Conditions" means the conditions precedent to the issuance and delivery to Developer of any public financing contemplated under the terms of the Agreement, as described in Section 3.1.

"Real Property Taxes" means all taxes levied on an ad valorem basis upon land and Improvements within the TIF District, as described in Section 4.2(a)(i).

"Resolution of Intent" means that certain resolution of intent indicating the UG's intention to grant to Developer IRBs, as described in Section 5.3.

"State" means the State of Kansas.

"Substantial Completion" or **"Substantially Complete"** means the stage in the progress of the construction of the Project, or as to any particular portion thereof, when construction is sufficiently complete so that the Project or such particular portion can be occupied or utilized for its intended use (which shall be evidenced by the receipt a temporary certificate of occupancy).

"Term" means the term of this Agreement as set forth in Section 7.1.

"TIF" means tax increment financing.

"TIF Act" means K.S.A. 12-1770 *et seq.*, as amended.

"TIF Administrative Fee" means the annual administrative fee for the TIF Fund, as described in Section 4.2(d).

"TIF Cap" means the limitation of TIF Proceeds available to Developer for reimbursement of TIF Eligible Expenses through TIF Financing, as described in Section 4.2(b)(i).

"TIF Collection Period" means the period which commences on the date that the Project Plan is approved by the UG's Board of Commissioners up to and concluding upon that date which is the earlier of (x) the date that Developer has been reimbursed for all TIF Eligible Expenses in an amount equal to the TIF Cap, or (y) twenty (20) years from the date that the Project Plan was approved, as described in Section 4.2(b)(i).

"TIF District" means the TIF District established by the UG pursuant to the TIF District Ordinance and TIF Act, as described in Recital C, legally described in **Exhibit A** and generally depicted on **Exhibit B**.

"TIF District Ordinance" means Ordinance No. O - _____ passed by the UG pursuant to the TIF Act on or about August 25, 2022 to approve the TIF District, as described in Recital C and a copy of which is attached hereto as **Exhibit C**.

"TIF Eligible Expenses" means those certain Project Costs identified by Developer which may be reimbursed with TIF Proceeds if and to the extent that such Project Costs are related to site improvement and the design and construction costs located within the TIF District, agreed upon by the parties and identified on **Exhibit G**, and eligible for payment or reimbursement pursuant to the TIF Act, as described in Section 4.2.

"TIF Financing" means the TIF Proceeds to be disbursed by the UG to Developer from the TIF Fund on a pay-as-you-go basis, as described in Section 4.2(b).

"TIF Fund" means the separate fund and account established by the UG for collection of the TIF Proceeds collected within the TIF District, as described in Section 4.2(a)(ii).

"TIF Proceeds" means the revenues received from the Incremental Real Property Taxes, less the TIF Administrative Fee, as described in Section 4.2(a)(iii).

"TIF Project Plan Ordinance" means, if applicable, the ordinance passed by the UG pursuant to the TIF Act to approve the Project Plan, as described in Recital D and a copy of which is to be attached hereto as **Exhibit E**.

"Transaction Documents" means the lease, along with any bond trust indentures, bond purchase agreements, tax compliance agreements, financing agreements, and other similar documents executed and delivered by the parties in connection with the IRB financing.

"Total Project Budget" means the budget attached hereto as **Exhibit G**.

"Total Project Costs" means the costs of acquiring, designing, developing, constructing and completing the Project, as more particularly set forth in the Total Project Budget attached hereto as **Exhibit G**.

"UG" means the Unified Government of Wyandotte County/Kansas City, Kansas.

INDEX OF EXHIBITS

EXHIBIT A-1	Project Site – Legal Description
EXHIBIT B	Project Site – Map
EXHIBIT C	TIF District Ordinance
EXHIBIT D	<i>Reserved</i>
EXHIBIT E	TIF Project Plan Ordinance
EXHIBIT F	Project Site Plan
EXHIBIT G	Total Project Budget
EXHIBIT H	Certificate of Expenditures
EXHIBIT I	Insurance Specifications
EXHIBIT J	MBE/WBE/LBE Participation Goals

EXHIBIT A

Project Site – Legal Description

All that part of Lots 9, 10, and 11, Block 21, RIVERVIEW ADDITION, a subdivision in the City of Kansas City, Wyandotte County Kansas, more particularly described as following: Beginning at the Southeast corner of the North 40 feet of Lot 9, thence North 06 degrees 39 minutes 38 seconds East, 91.37 feet; thence South 87 degrees 13 minutes 30 seconds East, 45.07 feet to the Northwest Corner of Lot 2, Block 21; thence South 32 degrees 07 minutes 20 seconds West, along the East line of Lots 11, 10 & 9, 104.59 feet, to the Point of Beginning, according to the recorded plat thereof.

and

Lots 2, 3, 4 and the North 1/2 of the East 130 Feet of Lot 5, Block 21, RIVERVIEW ADDITION, a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof.

EXHIBIT B
Project Site – Map



- 1 Chicago's
- 2 Slap's BBQ
- 3 Spitlog Coffee



EXHIBIT C

TIF District Ordinance

EXHIBIT D

Reserved

EXHIBIT E

TIF Project Plan Ordinance

EXHIBIT F
Project Site Plan

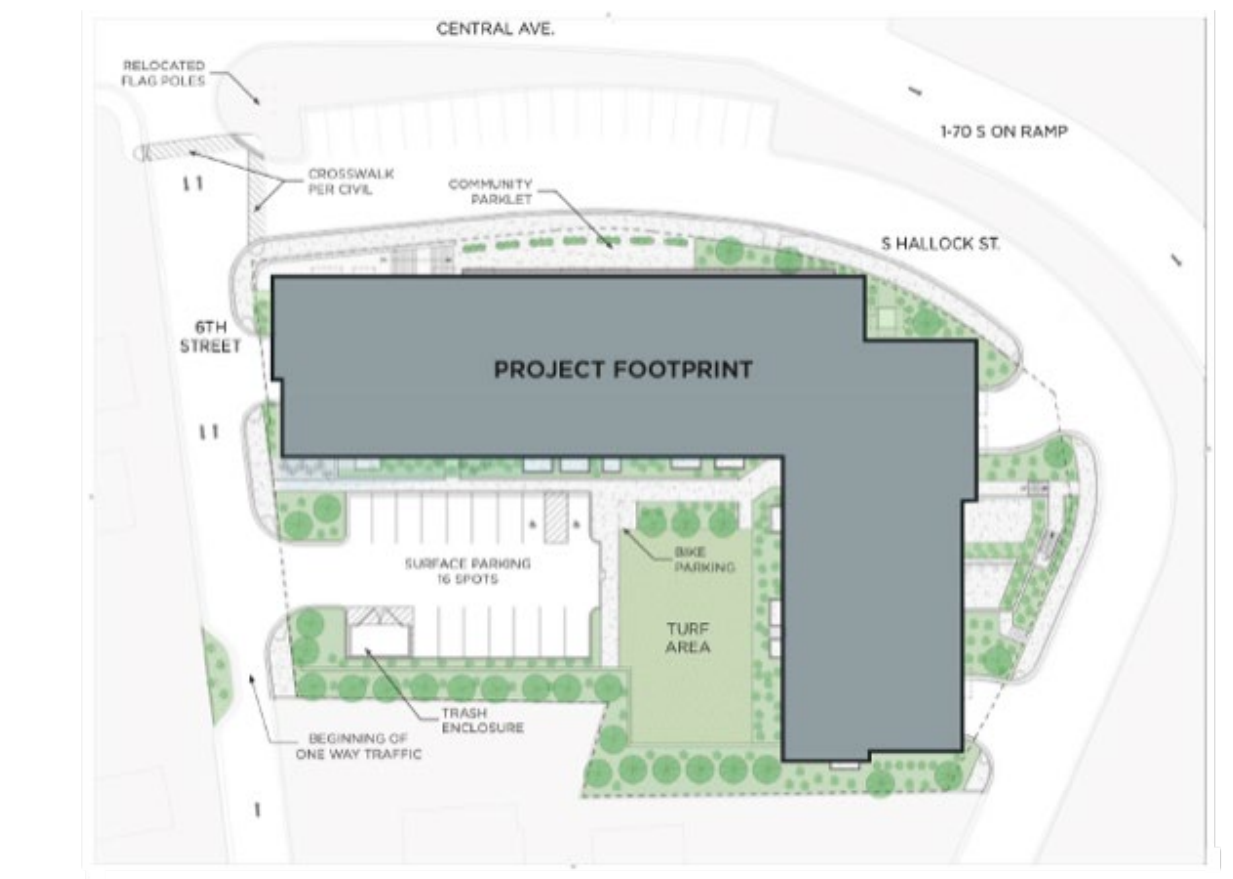


EXHIBIT G

Total Project Budget

505 Central, KCK - Preliminary Development Budget

PROJECT COSTS				
Item	Notes/Description	Total Budget	TIF Eligible	Non-TIF Eligible
Acquisition Costs				
	Property Purchase Price	\$520,000	\$520,000	\$0
	Other	\$25,000	\$0	\$25,000
Acquisition		\$545,000	\$520,000	\$25,000
Hard Construction Costs				
Garage	GC Subtotal	\$5,747,464	\$5,747,464	\$0
Garage	Permits, Insurance, OH&P	\$307,360	\$307,360	\$0
Garage	Preliminary Budget Contingency & Inflation Factor	\$443,187	\$443,187	\$0
Garage	Total Garage Cost	\$6,498,011	\$6,498,011	\$0
Building	GC Subtotal	\$20,091,724	\$0	\$20,091,724
Building	Permits, Insurance, OH&P	\$1,165,196	\$0	\$1,165,196
Building	Preliminary Budget Contingency & Inflation Factor	\$1,634,431	\$0	\$1,634,431
Building	Total Residential Tower Cost	\$22,891,351	\$0	\$22,891,351
	Total Construction Contract Amount	\$29,389,362	\$6,498,011	\$22,891,351
	Construction Contract TIF vs. Non-TIF Eligible		22.11%	77.89%
	Payment & Performance Bond	\$205,726	\$45,486	\$160,240
	Business License	\$25,000	\$5,528	\$19,472
	Public Improvement Costs / Tap Fees	\$150,000	\$150,000	\$0
	Low Voltage/Access Control/Security/Smart Upgrades	\$516,000	\$114,088	\$401,912
	Winterization	\$200,000	\$44,220	\$155,780
	Site Security	\$50,000	\$11,055	\$38,945
	Utilities During Construction	\$25,000	\$5,528	\$19,472
	Contingency	\$1,222,444	\$270,283	\$952,161
	Sales Tax Exemption on Construction Materials	(\$861,991)	(\$190,587)	(\$671,404)
Total Hard Costs		\$30,921,541	\$6,953,612	\$23,967,929
Soft Construction Costs				
	Architecture, Engineering and Special Inspections	\$1,814,015	\$673,555	\$1,140,460
	Legal	\$185,000	\$40,904	\$144,096
	Community Benefit Contribution per TIF Development Agreement	\$350,000	\$0	\$350,000
	Third Party Reports	\$61,500	\$52,153	\$9,347
	Construction Loan Fees and Interest	\$1,884,000	\$372,334	\$1,311,666
	Taxes and Insurance Costs During Construction	\$98,000	\$21,668	\$76,332
	Title and Accounting Fees	\$54,000	\$11,939	\$42,061
	Commissions, Construction and Developer Fees	\$1,750,000	\$386,926	\$1,363,074
	FF&E, Travel, Marketing, Working Capital and Contingency	\$1,336,945	\$128,260	\$1,059,337
Total Soft Costs		\$7,533,460	\$1,687,739	\$5,496,373
TOTAL PROJECT COSTS		\$39,000,000	\$9,161,351	\$29,489,302
SOURCES & USES				
Sources	Investor Equity	\$11,700,000		
	Construction-To-Perm Loan	\$27,300,000		
	TOTAL SOURCES	\$39,000,000		
Uses	Acquisition	\$545,000		
	Total Construction Hard Costs	\$30,921,541		
	Total Soft Costs	\$7,533,460		
	TOTAL USES	\$39,000,000		

EXHIBIT H

Form of Certificate of Expenditures

CERTIFICATE OF EXPENDITURES

TO: Unified Government of Wyandotte County/Kansas City, Kansas
Attention: County Administrator

Re: 505 Central Avenue

Terms not otherwise defined herein shall have the meaning ascribed to such terms in the 505 Central Development Agreement dated as of _____, 2022 (the "Agreement") between the Unified Government and Developer.

In connection with the Agreement, the undersigned hereby states and certifies that, to the best of its actual knowledge:

1. Each item listed on *Schedule 1* hereto is a Project Cost and was incurred in connection with the construction of the Project.
2. These Project Costs have been paid by Developer, successors, assigns, tenants, or transferees and are reimbursable under the Agreement.
3. Each item listed on *Schedule 1* has not previously been paid or reimbursed from money derived from the TIF Fund, and no part thereof has been included in any other certificate previously filed with the Unified Government.
4. There has not been filed with or served upon Developer any notice of any lien, right of lien or attachment upon or claim affecting the right of any person, firm or corporation to receive payment of the amounts stated in this request, except to the extent any such lien is being contested in good faith.
5. All necessary permits and approvals required for the work for which this certificate relates were issued and were in full force and effect at the time such work was being performed.
6. All work for which payment or reimbursement is requested has been performed in a good and workmanlike manner and in accordance with the Agreement.
7. Developer is not in default or breach of any term or condition of the Agreement, and no event has occurred and no condition exists which constitutes a default under the Agreement.
8. All of Developer's representations set forth in the Agreement remain true and correct as of the date hereof.

Dated this ____ day of _____, 202__.

SUNFLOWER DEVELOPMENT GROUP, LLC, a
Missouri limited liability company

By: _____

Name: _____

Title: _____

Approved for Payment this ____ day of _____, 202__:

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

By: _____

Title: _____

SCHEDULE 1
TO
CERTIFICATE OF EXPENDITURES

<u>Description of Project Costs</u>	<u>Cost</u>	<u>Payee</u>	Designate as Redevelopment Project <u>Costs</u>
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Total Costs:

EXHIBIT I

Insurance Specifications

1. Worker's Compensation. Developer may self-insure, to the extent allowed by applicable law. The self-insured retention shall be that which is standard in the industry. Developer will then purchase excess Worker's Compensation Insurance with statutory limits over the self-insured retention. If self-insurance is not available under applicable state law, coverage will be purchased in accordance with the statutory requirements.
2. Comprehensive General Liability. Developer will purchase and maintain with primary limits of \$3,000,000.
3. Automobile Liability. Developer will purchase and maintain with primary limits of \$1,000,000.
4. Excess Liability. Developer will purchase and maintain excess liability insurance in an amount not less than \$5,000,000.
5. Special Perils Form Property Insurance. Developer will purchase on a replacement cost basis. Deductibles and limits will be standard to those in the industry, and the policy shall include an "Agreed Amount" endorsement. Earthquake and flood insurance (if required and if available at a reasonable cost), along with fired vessel, boiler and machinery, and underground collapse may be required by the UG as additional perils.

EXHIBIT J

LBE/MBE/WBE Goals and Requirements

This Exhibit sets forth the guidelines for the utilization of local business, minority, and women enterprises and local resident, minority, and women participation and equal employment opportunity referenced in **Section 8.2** of the 505 Central Development Agreement (the "**Agreement**") between the Unified Government of Wyandotte County/Kansas City, Kansas (the "**UG**") and Sunflower Development Group, LLC, a Missouri limited liability company (the "**Developer**"). The parties agree as follows:

I. SCOPE.

These procedures are applicable to the Construction of, and the Professional Services for (as such terms are defined hereof) the Project, including but not limited to all aspects of the construction of the Improvements and all related facilities, including labor, materials and supplies, and construction-related services, but not including: (i) Specialized Services; or (ii) legal, architectural and pre-construction consulting services already performed or contracted for prior to the Effective Date of the Agreement (as defined in the Agreement), which shall specifically be excluded from both the numerator and the denominator in determining whether the Construction and Professional Services goals set forth herein have been met.

II. DEFINITIONS.

All capitalized terms used in this Exhibit shall have the meaning ascribed to them in the Agreement and made a part thereof, or as otherwise set forth herein.

A. "Best Efforts" has the meaning set forth in Section III.C.3.b. herein.

B. "Construction" means all aspects of the construction of the Improvements, all related facilities, and the Project, including labor, materials and supplies, and construction-related services, whether performed or contracted for by or on behalf of Developer; provided, however, "Construction" shall not include: (i) services performed or associated with tenant improvements or any services requested by tenants of the Project, provided that this exception shall only apply to tenants who are third parties unaffiliated with Developer; (ii) Specialized Services; (iii) Professional Services; (iv) legal, architectural and pre-construction consulting services already performed or contracted for prior to the Effective Date of the Agreement; or (v) labor, material and supplies obtained or utilized after the initial completion of the Project and for ongoing operations.

C. "Contractor" means the Proposer selected by Developer for the design, development, or construction of the Project.

D. "Local Business Enterprise" or "LBE" means a business headquartered or which maintains a major branch that performs the significant functions of the business in Wyandotte County or a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and whose day-to-day management is under the control of an individual residing in Wyandotte County. There is no formal certification process for LBE designation. It is determined and assigned based on the criteria referenced in this definition and payment of all applicable Wyandotte County taxes and/or licensing fees.

E. "Local Resident" means an individual that, during his or her employment with the Project, maintains his or her place of domicile in Wyandotte County.

F. "Minority Business Enterprise" or "MBE" means a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and/or whose day-to-day management is under the control of a person who is a member of an American ethnic minority group including African-American, Asian-Indian, Asian-Pacific, Hispanic and Native American.

G. "Professional Services" means advisory or consulting activities including, but not limited to, architectural, engineering, legal, accounting, financial, marketing, environmental studies, and financial services contracted for by or on behalf of Developer for the design, development, and construction of the Project but specifically excluding: (i) design and/or engineering services which may be performed by Developer or its members, parents or subsidiaries; (ii) Specialized Services; (iii) Construction; and (iv) legal, architectural and pre-construction consulting services already performed or contracted for prior to the Effective Date of the Agreement.

H. "Proposer" means a person who submits a proposal in response to a solicitation for proposals issued by Developer or one of its Contractors with respect to the design, development, or construction of the Project, or with respect to ongoing maintenance and operations of the Project.

I. "Specialized Services" means expertise, services, or products, the application of which are unique to the construction of the Project and which are only available through sole or limited source providers or national vendors. Specialized Services shall also include the services provided by the Contractors and designers who have been involved with and have previous experience on similar projects with Developer and which Developer has engaged or intends to engage to perform similar services for the Project.

K. "Women Business Enterprise" or "WBE" means a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and/or whose day-to-day management is under the control of one or more women who are U.S. citizens or legal resident aliens.

III. DESIGN, DEVELOPMENT, AND CONSTRUCTION OF THE PROJECT.

A. GOALS FOR LBE/MBE/WBE PARTICIPATION.

1. Project Design, Development, and Construction Goals.

Developer will use its Best Efforts to meet the following goals based upon the total cost of Construction of, and Professional Services for, the Project and all related facilities undertaken by Developer, but not including Specialized Services. In no event shall Developer be required to incur higher costs as a result of its commitment to attempt to meet such goals. In the event Developer obtains bids for any aspect of the Project for which a bid by a Proposer qualifying as an LBE, MBE, or WBE is not the lowest or best bid, Developer shall not be required to meet the LBE/MBE/WBE participation percentage goals for that aspect of the Project. These goals are based upon a disparity study performed for the Kansas City Metropolitan Area for LBE, MBE, and WBE participation. These goals are not to act as quotas or set asides.

	Construction	Professional Services
LBE	18%	18%
MBE	15%	13%
WBE	7%	8%

It is the intent of the UG to give preference to the utilization of LBEs so long as all other factors relating to the award of an individual contract are equal. If the factors relating to an award of an individual contract are equal, Developer shall give preference to the utilization of LBEs over the utilization of MBEs and WBEs. The Developer shall strive to meet each individual goal listed.

2. Contract Specific Goals.

The parties agree that the goals are set forth for Construction of, and Professional Services for, the Project as a whole, excluding Specialized Services, and the UG will reasonably agree to different specific goals for specific contracts or portions of contracts to be awarded by Developer, when proposed by the Developer, relating to the Construction of the Project, based upon the availability of qualified LBEs and certified MBEs and WBEs to perform the specific scopes of work delineated in Developer's Project Utilization Plan (as described herein).

3. Eligibility for Credit.

a. Only LBE businesses that are qualified and/or MBE or WBE businesses that are certified or undergoing certification at the time of submittal of the subject bid or proposal and ultimately certified as MBEs or WBEs by the Kansas Department of Commerce, State of Missouri, Missouri Department of Transportation, City of Kansas City, Missouri, MidAmerica Minority Business Development Council, Women's Business Enterprise National Council, or any other public or private entity reasonably acceptable to the UG and the Developer (each an "approved" business), may be counted towards the participation goals in Section III.A.1. above.

b. In the event that a contract has been awarded on the Project to an approved LBE/MBE/WBE business, and such LBE/MBE/WBE business later becomes unapproved prior to the completion and acceptance of all the work to be provided under such contract, then Developer shall nonetheless receive credit towards the goal for that the entire portion of work performed or services provided up to the point such business becomes unapproved.

4. Construction Workforce.

a. Recruitment and outreach. Developer will use its Best Efforts to employ and to ensure its Contractors employ Local Residents, minorities, and women in all aspects of the Construction of, and Professional Services for, the Project except for Specialized Services. These efforts shall include but not be limited to:

i. advertising in appropriate publications describing the work available, pay scales, and application procedures and maintaining a log or copies of these ads showing the date of publication and identifying the publication;

ii. working with local community organizations, minority and women's community organizations, and other appropriate organizations to seek qualified Local Residents, minorities, and women (a list of these organizations may be provided by the UG upon request); and

iii. working with the UG to promote diversity and inclusion in all aspects of the Project.

Documentation of these and any other steps taken shall be submitted to the UG prior to the beginning of the bidding process.

b. **Employment Procedures.** Developer and its Contractors shall implement equal employment opportunity hiring and job action procedures as those terms are commonly understood.

B. DEVELOPMENT AND PROJECT UTILIZATION PLANS.

1. Submissions, Content, and Fulfillment of Project Utilization Plan.

a. Fourteen (14) calendar days before the solicitation of the first proposal for the Construction of part of the Project, which is issued by Developer after the execution of the Agreement, Developer will submit a Project Utilization Plan to the UG for review and approval. The Project Utilization Plan shall be on the form attached to this Exhibit as Attachment A or on another form provided or approved by the UG. This Project Utilization Plan shall set forth, to the best of Developer's knowledge: all categories of work that will be covered within solicitations that Developer or its Contractors intend to issue for all Construction and Professional Services providers necessary for the construction of the Project; an estimate of the dollar value of all work covered by these solicitations; an estimate of the dollar value of work within each identified work category; the dollar value of the work for each identified work category that is projected to be performed by LBEs, MBEs and WBEs; any known potential joint ventures with LBEs, MBEs, and WBEs within each identified work category; an overall schedule of all work projected to be performed related to the design, development, and construction of the Project, laid out sequentially over time; and the actions Developer intends to take, with respect to each of these solicitations, to make its Best Efforts to meet the goals set forth in Section III.A.1. of this Exhibit.

b. Developer, in the Project Utilization Plan, shall designate one person as the Project Manager to serve as the point of contact with the UG on all matters related to the Project Utilization Plan. Developer shall provide the Project Manager's name, physical office address, e-mail address, and phone number to the UG. The Project Manager shall be an individual with administrative authority with regard to enforcement of the stipulations located within this Exhibit.

c. The goals of Section III.A.1 may be met by the expenditure of dollars with approved LBE/MBE/WBE prime Contractors, material suppliers (either by Developer or a prime Contractor), subcontractors (either by Developer or a prime Contractor), or through joint ventures with approved LBEs, MBEs or WBEs.

i. Certified MBE and WBE prime Contractor Proposers may count their own participation toward a goal for which they qualify, and may divide their own participation between two goals, but their participation may not be double-counted. These prime Contractor Proposers shall receive credit towards the goals for the dollar value of the contract.

ii. Approved or certified LBE/MBE/WBE material suppliers, regular dealers, and manufacturers shall be credited towards the goals for the dollar value of the contract.

iii. A joint venture involving an approved LBE/MBE/WBE as a partner may be counted towards the applicable goal only to the extent of the dollar amount that the approved LBE/MBE/WBE is responsible for and at risk, except, however, if the LBE/MBE/WBE is the majority partner in the joint venture, the entire joint venture contract amount shall be counted, less any work subcontracted to the non-LBE/MBE/WBE joint venture partner. To receive credit, the approved LBE/MBE/WBE must be responsible for a clearly defined portion of the work, profits, risks, assets, and liabilities of the joint venture.

iv. Participation by a certified MBE owned by a minority woman may be counted as MBE participation or as WBE participation; however, this participation cannot be double-counted. A certified MBE or WBE may also be counted towards the LBE goal, if qualified as LBE. The amount of participation by these businesses may be divided between the MBE or the WBE goals. A qualified LBE that is certified as MBE and WBE shall be counted toward the LBE and the MBE or WBE goals, but shall not be counted toward both the MBE and WBE goals.

v. Only the participation of LBEs, MBEs, and WBEs that provide a commercially useful function required for the work of the specific solicitation shall be counted toward achievement of the goals. The LBE/MBE/WBE must be responsible for the execution of a distinct element of the work by actually performing, managing, or supervising its function in the work identified in the solicitation. Brokering is not credited. Purchases from LBEs, MBEs, and WBEs that constitute indirect or general overhead costs to a projected Proposer's business may not be counted toward the goals. Costs directly incurred solely to perform the work with respect to a Project contract may be counted toward the goals.

2. Evaluation of Project Utilization Plans.

a. The UG will review Developer's Project Utilization Plan respecting each category of work identified by Developer. In conducting its review, the UG shall evaluate the extent to which the actions Developer proposes to take to meet the goals constitute Best Efforts, as set forth in Section III.C.3.b. below. In no event shall Developer or any of its Contractors be required to engage any LBE/MBE/WBE that is not the low bidder or is not qualified or capable of performing the work to acceptable standards in the reasonable discretion of Developer.

b. Changes to the Project Utilization Plan after its initial submission to the UG shall be reviewed and approved or rejected by the UG within thirty (30) days following submission of the same by Developer, and such changes shall be deemed to be approved by the UG if not rejected within such thirty (30) day period.

C. CONTRACT AWARD COMPLIANCE PROCEDURES.

1. Solicitation Documents.

The solicitation documents for each contract for which goals are established shall contain a description of the requirements set forth in this Exhibit; the LBE/MBE/WBE goals; and the areas of projected subcontracting. Five (5) calendar days before the issuance of each solicitation, Developer shall submit the solicitation documents and the bid list to the UG. This submittal is mandatory for each bid subject to LBE/MBE/WBE goals.

2. Developer's Report of Solicitation Results.

Within seven (7) working days after the date set for receipt of proposals by each solicitation issued for Developer for the construction of the Project, the Project Manager shall submit to the UG, on a form provided or approved by the UG, a Report of Solicitation Results (the "Report") fully describing all proposals received in response to the solicitation. The Report shall: (1) state the estimated total dollar value of the work covered by the solicitation; (2) state the names of all Proposers; (3) state the total dollar value of work covered by proposals submitted by approved LBEs, MBEs, and/or WBEs (for both Construction and Professional Services); (4) provide all relevant information concerning each joint venture Proposer; and (5) state the name of all subcontractors to Proposers (to the extent then available) that are approved LBEs, MBEs, and/or WBEs, and the dollar value of work covered by proposed subcontracts between Proposers and LBEs, MBEs and/or WBEs. The Report shall also indicate to which of the Proposers, including joint venture Proposers, the Developer or any of its Contractors is intending to award contracts resulting from the solicitation. In addition, with respect to any LBE/MBE/WBE goal established in the Project Utilization Plan that it appears from the proposals received will not be met, Developer shall include in the Report a precise description of all Best Efforts it has undertaken or caused to be undertaken to meet the established goals. These submittals are mandatory for all solicitations subject to LBE/MBE/WBE goals.

3. UG Review of Developer's Report of Solicitation Results.

a. Within seven (7) calendar days of receiving a Report for review, the UG, based on its review of the Report, shall advise Developer whether it appears that, in light of Developer's indication of the Proposers to whom it intends to award contracts, Developer will meet the goals set forth in the Project Utilization Plan or if not, whether Developer has established Best Efforts to meet these goals, and shall state the reasons for this conclusion, referring to the specific Best Efforts criteria contained in Section III.C.3.b. below. As a part of its review, the UG may ascertain whether LBE/MBE/WBE subcontractors agree with the dollar value of the work and the scope of the work, as identified in the proposal.

b. For each Project Utilization Plan goal that is not achieved, Developer shall be deemed to have used "**Best Efforts**" to meet the Project Utilization Plan goals for construction and Professional Services set forth in Section III.A.1. of this Exhibit if Developer shall have taken substantially all the following actions:

i. Developer is seeking or has sought timely assistance of the UG to identify qualified LBEs, MBEs, and WBEs;

ii. Developer is advertising or has advertised contract opportunities in local, minority, and women media;

iii. Developer is providing or has provided reasonable written notice of opportunities and informational meetings to approved LBEs, MBEs, and WBEs;

iv. Developer is following up or has followed up initial solicitations of interest by contacting LBEs, MBEs, and WBEs;

v. Developer is segmenting or has segmented portions of the work to increase the likelihood of LBE/MBE/WBE participation, where feasible;

vi. Developer is providing or has provided interested LBEs, MBEs, and WBEs with timely and accurate information about the plans, specifications, requirements, deadlines, and bidding procedures of the contracts;

vii. Developer is negotiating or has negotiated in good faith with interested LBEs, MBEs, and WBEs, not rejecting them as unqualified without sound reasons, based on a thorough review of their capabilities and prior work histories;

viii. If applicable, Developer is seeking or has sought to educate and assist LBEs, MBEs, and WBEs in obtaining bonding, lines of credit, or insurance required to perform the contract; and

ix. Developer is working or has worked with local, minority, and women contracting, professional, civic, and community organizations, government officers, or any other organization or persons, as identified by the UG, that provide assistance in the recruitment of LBEs, MBEs and WBEs.

Failure by the Developer to take all of the foregoing actions shall not be determinative that Developer has not used its Best Efforts.

4. Signed Contracts.

Within twenty-one (21) working days of provision of the UG's evaluation of the Report to Developer, the Project Manager shall submit signed contracts with successful Proposers to the UG.

D. SUBCONTRACTOR RELATIONS.

1. Documentation of Subcontracting Agreements.

All subcontracting services shall be evidenced by a written agreement stating, at a minimum, the scope of work to be performed and the amount to be paid for performance of the work. Unit price subcontracts are acceptable if appropriate to the type of work being performed.

2. Documentation of Schedules.

a. For Construction contracts, the Contractor must present a work schedule that includes when the LBE/MBE/WBE subcontractors will be utilized at the job site. This schedule is due on or before the pre-construction meeting with the UG and the Project Manager representing Developer.

b. For Professional Services contracts, Developer must present a written schedule of when the LBE/MBE/WBE consultants will be working on the Project. This written schedule shall be provided to the UG prior to the Closing (as defined in the Agreement).

3. Substitutions, Additions, or Deletions.

Where a substitution for a LBE/MBE/WBE subcontractor must occur after submission of proposals by the Project Manager to the UG, the Project Manager must submit the proposed change or substitution to the UG for review. The UG shall have no authority to approve or reject any change or substitution. The sole purpose of the review by the UG shall be to determine whether the LBE/MBE/WBE should be counted toward achievement of the goals of Section III.A.1.

IV. UG'S ASSISTANCE TO DEVELOPER.

The UG shall use its best efforts to provide assistance to Developer in fulfilling its obligations as set forth in this Exhibit. Developer assumes all responsibility for its Best Efforts in meeting the goals and complying with the procedures and processes set forth herein. The UG assumes no duty or responsibility to the Developer with respect to Developer's fulfillment of the goals set forth in this Exhibit by reason of the provision of assistance to Developer. Examples of assistance the UG may provide include but are not limited to:

- A.** providing information and technical assistance regarding the Project to Developer and its agents, including Contractors, subcontractors, LBEs, MBEs, WBEs, officials, and other interested persons;
- B.** developing and maintaining a registry of approved LBE/MBE/WBE businesses;
- C.** assisting with identifying potential LBEs, MBEs, and WBEs and reviewing their qualifications to participate in the Project;
- D.** updating Developer and its agents on current or proposed affirmative action legislation that may affect the Project;
- E.** recommending contract specific goals, as appropriate;
- F.** providing assistance in pre-award activities, such as provision of model or example Project Utilization Plans and work segmentation;
- G.** reviewing Developer, Contractor, and subcontractor performance and LBE/MBE/WBE participation on the Project;
- H.** providing advice relative to utilization and compliance matters;
- I.** conducting compliance reviews and audits of LBE/MBE/WBE participation;
- J.** evaluating requests for substitutions, additions, and deletions;
- K.** assisting Developer and its agents in addressing issues related to the goals and procedures set forth in this Exhibit;
- L.** reviewing payments to subcontractors, as documented by monthly reports submitted by Developer;
- M.** reviewing complaints from LBEs, MBEs WBEs, Contractors, subcontractors, and any other interested persons regarding these goals and procedures;
- N.** assisting in Developer's development of forms to document compliance with these procedures; and
- O.** reviewing and approving utilization plans and contract award submittals.

V. DEVELOPER COMPLIANCE RECORDS AND REPORTS.

A. RECORDS.

Developer shall maintain those records as may reasonably be required to demonstrate compliance with (and/or its Best Efforts to comply with) the goals and procedures set forth in this Exhibit. These records shall be available to the UG upon reasonable notice.

B. DEVELOPMENT AND PROJECT UTILIZATION PLAN REPORTS.

Developer shall update the Project Utilization Plan quarterly on the forms attached hereto as Attachments B and C or another form provided or approved by the UG and shall include information requested thereon. In addition, each quarterly report shall include the following for each LBE, MBE or WBE whose participation is utilized by Developer to be applied to the goals set forth herein: business name and address of each LBE, MBE and WBE and a brief description of the work to be performed by each. Developer also shall document the change orders to contracts awarded in each quarterly report.

C. REMEDIES.

If Developer should fail to provide a Report required by this Exhibit, and fail to cure such failure within thirty (30) days after receipt of written notice from the UG specifying such failure, then such failure to cure shall constitute an event of default and the UG shall have those remedies set forth in Section 9.2 of the Agreement. In addition, the UG shall have the right to stop processing draw requests until Developer complies with reporting requirements.

If, after reviewing Developer's Reports, the UG believes that the participation goals contained in this Exhibit have not been met, and that the Best Efforts described herein have not been met, then the UG shall inform Developer of this determination in writing. If, within thirty (30) days following its receipt of said written determination from the UG, Developer fails to demonstrate to the UG's reasonable satisfaction that either: (i) the goals contained in this Exhibit have been met; or (ii) the goals contained in this Exhibit may not have been met but the Best Efforts described herein have been met, then the UG shall have the right to reduce the TIF Cap by an amount equal to twenty percent (20%) as the UG's sole and exclusive remedy for such failure. The UG shall also have the right to renegotiate LBE, MBE, and WBE goals for future construction projects.

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS**

**SUNFLOWER DEVELOPMENT
GROUP, LLC**

By: _____
Cheryl Harrison-Lee
Interim County Administrator
Date: _____, 2022

By: _____
Name: _____
Title: _____
Date: _____, 2022

Attachment A

Unified Government

Date: _____

Project Utilization Plan

Project Name: _____

Bid Package	Estimated Contract Value	Estimated LBE Value	Estimated LBE %	Estimated MBE Value	Estimated MBE %	Estimated WBE Value	Estimated WBE %	Total Combined Value	Total Combined %
DIVERSITY TOTAL	0			0	#DIV/0!	0	#REF!		

Exhibit J – Attachment A

Attachment B

LBE/MBE/WBE Utilization Report

LBE/MBE/WBE - UTILIZATION REPORT													Month, Year	
<u>CONSTRUCTION</u>														
APPLICABLE TRADES					Total by Classification		Goal		Actual					
							0.00%	LBE	0.00%	MBE				
							0.00%	WBE	0.00%	WBE				
							0.00%		0.00%					
Discipline	Subcontractor/Supplier Name	Original Contract Value	Change In Contract Value	Total Contract (Excluding CCIP)	LBE		MBE		WBE		Certifying Agency or Local Zip Code			
					\$	%	\$	%	\$	%				
Bid Package #1														
Bid Package #2														
Bid Package #3														
Bid Package #4														
Bid Package #5														
Total Applicable Contract Volume Awarded To Date					\$	%	\$	%	\$	%				
					TOTAL - LBE		TOTAL - MBE		TOTAL - WBE					

Exhibit J – Attachment B

Attachment C

LBE/MBE/WBE COMPLIANCE

SUMMARY REPORT

EXPENDITURES FOR REPORTING PERIOD

GOODS SUPPLIES and OTHER SERVICES	Total	Class	Percent	Comments
Total \$ Awarded				
Total \$ Expended				
Total \$ MBE		% MBE		
Total \$ WBE		%WBE		
Total \$ M/WBE		%M/WBE		



Staff Request for Commission Action

Tracking No. 211866

Full Commission Meeting Date: 8/25/22

Committee: Administration & Human Services

Date of Standing Committee Action: 8/22/2022
(If none, please explain):

Publication Required: No

<u>Date:</u> 08/12/2022	<u>Contact Name:</u> Wilba Miller	<u>Contact Phone:</u> x5112	<u>Contact Email:</u> wmiller@wycokck.org	<u>Department/Division:</u> Community Development
<u>Item Description:</u> The UG was awarded Neighborhood Stabilization Program funds in the amount of \$5,068,475 from the State of Kansas Department of Commerce on April 1, 2011. The program was funded under Title III of the Housing & Economic Recovery Act (HERA) of 2008. The primary purpose was to arrest housing decline and to stabilize neighborhoods by focusing on specific target areas to make a visual impact and revitalize the neighborhood. The target neighborhood area was identified by HUD mandated use of its Mapping Tool. The funds were spent in census tracts with an identified foreclosure risk factor. Assistance was given to at least 20% of eligible bank owned properties in order to have a visible and lasting impact. The State of Kansas NSP3 funds were used for 16 new construction units and rehabilitation of 5 units. In addition, the UG received NSP3 Federal Entitlement funds for an additional 5 new construction units for a total of 26 units. In order to complete the program's closeout procedures set out by the state of Kansas, UG is required to hold a final public hearing to be held at the Full Commission meeting on August 25, 2022. A resolution approving the Mayor's signature on the Grant Close-Out Transmittal Form and associated documents will also be presented to the full commission on August 25th. A public hearing notice will be published in the Echo on August 11, 2022 and included in UG ENews and other publications.				
<u>Action Requested:</u> Fast forward to 8/25/22 to hold a public hearing and approval of the program closeout for the mayor's signature and submission to the State of Kansas.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> NSP3 Presentation for 08 22 22 AHS, Resolution for Close-out of NSP3 2022				

STATE OF KANSAS NSP₃ GRANT

1

NSP₃ NEIGHBORHOOD STABILIZATION PROGRAM

NSP₃ : GRANT DISTRIBUTION

3

Federal
\$1 Billion



State of KS
\$5 Million



**Kansas City,
KS**

Original
Award:

\$4,850,000

Final Award*:

\$5,068,474.26

3

The map displays the Guiding Star Missionary Baptist Church, a large blue-shaded rectangular area. The church is situated on Lathrop Ave, bounded by N 27th St to the west and N 22nd St to the east. To the south of the church is Quindaro Blvd, which runs horizontally. Other streets visible include Russell Ave to the north, Spring Ave and Roswell Ave to the south, and N 27th St, N 22nd St, and N 21st St running vertically. A yellow highlighted area on Quindaro Blvd, between N 27th St and N 22nd St, likely represents the church's parking lot or a related facility. The map includes a legend in the top right corner with 'Map' and 'Terrain' options, and a zoom control in the top left corner.

Goals and Accomplishments

4

∞ Goals:

- Acquire 29 properties
- Demolish 9 properties
- Redevelop 20 properties

∞ Accomplishments:

- 16 new construction units added
- 5 Units rehabilitated
- 5 new construction units added with assistance of other federal funding
- **26 total units of housing**
- Energy Efficiency Standards
- Local Hiring Priority

NSP₃: UNIT SUMMARY

5

Type of Unit	Expended	Percentage
Households <50%	\$1,430,401.96	28%
Households >120%	\$3,306,808.32	65%
Administration (7% cap)	\$331,263.98	7%
Total	\$5,068,474.26	100%

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CLOSE-OUT OF THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP3) AND SUBMISSION OF THE GRANT CLOSE-OUT TRANSMITTAL FORM AND OTHER ASSOCIATED DOCUMENTS.

WHEREAS, the Unified Government of Wyandotte County/ Kansas City, Kansas was awarded Neighborhood Stabilization Program (NSP3) funds in the amount of \$5,068,475 from the State of Kansas Department of Commerce on April 1, 2011;

WHEREAS, the Neighborhood Stabilization Program (NSP3) program was funded under Title III of the Housing & Economic Recovery Act (HERA) of 2008;

WHEREAS, the primary purpose for the NSP3 program was to arrest housing decline and to stabilize neighborhoods by focusing on specific target areas to make a visual impact and revitalize the neighborhood;

WHEREAS, the target neighborhood area was identified by HUD mandated use of its Mapping Tool, to be spent in census tracts with an identified foreclosure risk factor, and the area selected was Quindaro Boulevard from North 10th Street on the east to North 27th Street on the west in order to have a visible and lasting impact;

WHEREAS, the State of Kansas NSP3 funds were used for 16 new construction units and the rehabilitation of 5 units in the target area.

WHEREAS, A public hearing was held on August 25, 2022, in compliance with the close-out procedures for the Neighborhood Stabilization Program.

WHEREAS, An authorized representative of the Unified Government is required to execute the Grant Close-out Transmittal Form and associated documents so that they may be transmitted to the Kansas Department of Commerce.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. The Mayor/Chief Executive Officer of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby authorized and directed to execute in the name of the Unified Government the Grant Close-out Transmittal Form and associated documents.

Section 2. All other employees and agents of the Unified Government are hereby authorized to implement the close-out procedures for the Neighborhood Stabilization Program (NSP3).

**ADOPTED BY THE BOARD OF COMMISSIONERS OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS THIS 25th DAY OF AUGUST 2022.**

Mayor/CEO
Tyrone A. Garner

Attest:

Unified Government Clerk

Approved as to Form:

Unified Government Assistant Counsel



Staff Request for Commission Action

Tracking No. 211871

Full Commission Meeting Date:

Committee: Full Commission

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

<u>Date:</u> 08/18/2022	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u> Mayor's Office
<u>Item Description:</u> Presentation of current legislative activity with Paul Davis, submitted by Mayor's Office. <i>For information only.</i>				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				



Staff Request for Commission Action

Tracking No. 211881

Full Commission Meeting Date: 8/25/2022

Committee: Full Commission

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

<u>Date:</u> 08/09/2022	<u>Contact Name:</u> Kathleen VonAchen, Debbie Jonscher, Alyse Villarreal	<u>Contact Phone:</u> x5186, x5847, x5273	<u>Contact Email:</u> kvonachen@wycokck.org, djonscher@wycokck.org, avillarreal@wycokck.org	<u>Department/Division:</u> Finance
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Item Description:

A presentation on funding strategies of legal settlements and consideration of options including a resolution authorizing and directing the issuance, sale, and delivery of Municipal Temporary Notes, Series 2022-II, submitted by Kathleen VonAchen, Chief Financial Officer, Debbie Jonscher, Deputy Chief Financial Officer, and Alyse Villarreal, Debt Coordinator of the Finance Department.

Action Requested:

Approval

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution

BASIC DOCUMENTS – REGISTERED NOTES

- A. Excerpt of Minutes of Meeting approving Note Resolution
 - B. Note Resolution
-

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
HELD ON AUGUST 25, 2022**

The governing body met in regular session at the usual meeting place in the Unified Government, at 7:00 p.m., the following members being present and participating, to-wit:

Present: _____
_____.

Absent: _____.

The Mayor/CEO declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

There was presented a Resolution entitled:

A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF MUNICIPAL TEMPORARY NOTES, SERIES 2022-II, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX, IF NECESSARY, FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID NOTES AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

Commissioner _____ moved that the Resolution be adopted. The motion was seconded by Commissioner _____. The Resolution was duly read and considered, and upon being put, the motion for the adoption of the Resolution was carried by the vote of the governing body as follows:

Yea: _____
_____.

Nay: _____.

The Mayor/CEO declared the Resolution duly adopted and the Resolution was then duly numbered Resolution No. R-__-22 and was signed by the Mayor/CEO and attested by the Clerk.

* * * * *

(Other Proceedings)

On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

Clerk

RESOLUTION NO. R-__-22

OF

THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

ADOPTED

AUGUST 25, 2022

**MUNICIPAL TEMPORARY NOTES
SERIES 2022-II**

RESOLUTION

TABLE OF CONTENTS

ARTICLE I

DEFINITIONS

Section 101.	Definitions of Words and Terms.....	1
--------------	-------------------------------------	---

ARTICLE II

AUTHORIZATION AND DETAILS OF THE NOTES

Section 201.	Authorization of the Notes.....	7
Section 202.	Description of the Notes.	7
Section 203.	Designation of Paying Agent and Note Registrar.	8
Section 204.	Method and Place of Payment of the Notes.	8
Section 205.	Payments Due on Saturdays, Sundays and Holidays.	9
Section 206.	Registration, Transfer and Exchange of Notes.....	9
Section 207.	Execution, Registration, Authentication and Delivery of Notes.	10
Section 208.	Mutilated, Lost, Stolen or Destroyed Notes.....	11
Section 209.	Cancellation and Destruction of Notes Upon Payment.....	11
Section 210.	Book-Entry Notes; Securities Depository.	11
Section 211.	Nonpresentment of Notes.....	12
Section 212.	Sale of the Notes – Note Purchase Agreement.	12

ARTICLE III

REDEMPTION OF NOTES

Section 301.	Redemption by Issuer.....	13
Section 302.	Notice and Effect of Call for Redemption.	13

ARTICLE IV

SECURITY FOR NOTES

Section 401.	Security for the Notes.	15
Section 402.	Levy and Collection of Annual Tax.....	15

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS

DEPOSIT AND APPLICATION OF NOTE PROCEEDS

Section 501.	Creation of Funds and Accounts.....	15
Section 502.	Deposit of Note Proceeds.....	15
Section 503.	Application of Moneys in the Settlement Fund.	16
Section 504.	Application of Moneys in Debt Service Account.	16
Section 505.	Application of Moneys in the Rebate Fund.	16

Section 506. Deposits and Investment of Moneys.....	16
---	----

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies.....	17
Section 602. Limitation on Rights of Owners.....	17
Section 603. Remedies Cumulative.....	17

ARTICLE VII

DEFEASANCE

Section 701. Defeasance.....	18
------------------------------	----

ARTICLE VIII

TAX COVENANTS

Section 801. General Covenants.....	18
Section 802. Survival of Covenants.....	19

ARTICLE IX

CONTINUING DISCLOSURE

Section 901. Exempt from Disclosure.....	19
--	----

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1001. Annual Audit.....	19
Section 1002. Amendments.....	19
Section 1003. Notices, Consents and Other Instruments by Owners.....	20
Section 1004. Notices.....	21
Section 1005. Electronic Transactions.....	21
Section 1006. Further Authority.....	21
Section 1007. Severability.....	21
Section 1008. Governing Law.....	21
Section 1009. Effective Date.....	21

<i>EXHIBIT A</i> – FORM OF NOTES.....	A-1
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RESOLUTION NO. R-__-22

A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF MUNICIPAL TEMPORARY NOTES, SERIES 2022-II, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX, IF NECESSARY, FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID NOTES AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Issuer”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State as a consolidated city-county having all the powers, functions and duties of a county and a city of the first class; and

WHEREAS, pursuant to the provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the Issuer has entered into a settlement agreement in connection with *Lamonte McIntyre and Rose McIntyre v. Unified Government of Wyandotte County and Kansas City Kansas, et al.* Case No. 18-cv-2545-KHV (the “Settlement”); and

WHEREAS, there are insufficient funds currently budgeted to pay for the costs of the Settlement, and the governing body of the Issuer previously authorized the payment of the costs of the Settlement pursuant to K.S.A. 75-6113; and

WHEREAS, the governing body of the Issuer hereby finds and determines that it is necessary for the Issuer to authorize the issuance and delivery of the Notes in the principal amount of \$12,535,000 to pay the costs of the Settlement, and to pay certain costs of issuing the Notes.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms as used in this Note Resolution shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“**Act**” means the Constitution and statutes of the State including K.S.A. 10-101 *et seq.*, specifically including K.S.A. 10-123, and K.S.A. 75-6101 *et seq.*, specifically including K.S.A. 75-6113, all as amended and supplemented from time to time.

“**Authorized Denomination**” means \$100,000 or any integral multiples of \$5,000 in excess thereof.

“Beneficial Owner” of the Notes includes any Owner of the Notes and any other Person who, directly or indirectly has the investment power with respect to any of the Notes.

“Bond and Interest Fund” means the Bond and Interest Fund of the Issuer for its general obligation bonds.

“Bond Counsel” means the firm of Gilmore & Bell, P.C., or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the Issuer.

“Business Day” means a day other than a Saturday, Sunday or holiday on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

“Cede & Co.” means Cede & Co., as nominee of DTC.

“Clerk” means the duly elected/appointed and acting Clerk of the Issuer, or in the Clerk’s absence, the duly appointed Deputy, Assistant or Acting Clerk of the Issuer.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations proposed or promulgated thereunder of the United States Department of the Treasury.

“Costs of Issuance” means all costs of issuing the Notes, including but not limited to all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code, and all expenses incurred in connection with receiving ratings on the Notes.

“Dated Date” means September 8, 2022.

“Debt Service Account” means the Debt Service Account for Municipal Temporary Notes, Series 2022-II (within the Bond and Interest Fund) created pursuant to **Section 501** hereof.

“Debt Service Requirements” means the aggregate principal payments and interest payments on the Notes for the period of time for which calculated; provided, however, that for purposes of calculating such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company located in the State and having full trust powers.

“Defaulted Interest” means interest on any Note which is payable but not paid on any Interest Payment Date.

“Defeasance Obligations” means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) such obligations are rated in a rating category by Moody's or Standard & Poor's that is no lower than the rating category then assigned by that rating agency to United States Government Obligations.

"Derivative" means any investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

"DTC" means The Depository Trust Company, a limited-purpose trust company organized under the laws of the State of New York, and its successors and assigns, including any successor securities depository duly appointed.

"DTC Representation Letter" means the Blanket Letter of Representation from the Issuer and the Paying Agent to DTC which provides for a book-entry system, or any agreement between the Issuer and Paying Agent and a successor securities depository duly appointed.

"Event of Default" means each of the following occurrences or events:

(a) Payment of the principal and of the redemption premium, if any, of any of the Notes shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise;

(b) Payment of any installment of interest on any of the Notes shall not be made when the same shall become due; or

(c) The Issuer shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Notes or in this Note Resolution on the part of the Issuer to be performed, and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the Issuer by the Owner of any of the Notes then Outstanding.

"Federal Tax Certificate" means the Issuer's Federal Tax Certificate dated as of the Issue Date, as the same may be amended or supplemented in accordance with the provisions thereof.

“Fiscal Year” means the twelve month period ending on December 31.

“Funds and Accounts” means funds and accounts created by or referred to in *Section 501* hereof.

“Independent Accountant” means an independent certified public accountant or firm of independent certified public accountants at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Independent Accountant by this Note Resolution.

“Interest Payment Date(s)” means the Maturity of the Note.

“Issue Date” means the date when the Issuer delivers the Notes to the Purchaser in exchange for the Purchase Price.

“Issuer” means the Unified Government and any successors or assigns.

“Maturity” when used with respect to any Note means the date on which the principal of such Note becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for redemption or otherwise.

“Mayor/CEO” means the duly elected and acting Mayor/CEO, or in the Mayor/CEO’s absence, the duly appointed and/or elected Vice Mayor/CEO or acting Mayor/CEO of the Issuer.

“Moody’s” means Moody’s Investors Service, a corporation organized and existing under the laws of the State of Delaware, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Moody’s” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“Note Payment Date” means any date on which principal of or interest on any Note is payable.

“Note Purchase Agreement” means the Note Purchase Agreement dated as of August 25, 2022 between the Issuer and the Purchaser.

“Note Register” means the books for the registration, transfer and exchange of Notes kept at the office of the Note Registrar.

“Note Registrar” means the Treasurer and any successors and assigns.

“Note Resolution” means this resolution relating to the Notes.

“Notes” means the Municipal Temporary Notes, Series 2022-II, authorized and issued by the Issuer pursuant to this Note Resolution.

“Notice Address” means with respect to the following entities:

(a) To the Issuer at:

Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street
Kansas City, Kansas 66101
Fax: (913) 573-5003

Attn: General Counsel

(b) To the Paying Agent at:

Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street
Kansas City, Kansas 66101
Fax: (913) 573-5003
Attn: Treasurer

(c) To the Purchaser:

UMB Bank, N.A.
928 Grand Boulevard, 14th Floor
Kansas City, Missouri 64106
Attn: Corporate Trust Division
Fax: (816) 860-4829

“Notice Representative” means:

- (a) With respect to the Issuer, the Clerk.
- (b) With respect to the Note Registrar and Paying Agent, the Treasurer.
- (c) With respect to any Purchaser, the manager of its Municipal Bond Department.

“Outstanding” means, when used with reference to the Notes, as of a particular date of determination, all Notes theretofore authenticated and delivered, except the following Notes:

- (a) Notes theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;
- (b) Notes deemed to be paid in accordance with the provisions of *Article VII* hereof; and
- (c) Notes in exchange for or in lieu of which other Notes have been authenticated and delivered hereunder.

“Owner” when used with respect to any Note means the Person in whose name such Note is registered on the Note Register. Whenever consent of the Owners is required pursuant to the terms of this Note Resolution, and the Owner of the Notes, as set forth on the Note Register, is Cede & Co., the term Owner shall be deemed to be the Beneficial Owner of the Notes.

“Participants” means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

“Paying Agent” means the Treasurer, and any successors and assigns.

“Permitted Investments” shall mean the investments hereinafter described, provided, however, no moneys or funds shall be invested in a Derivative: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and

amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the Issuer's temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks or trust companies located in the Issuer; (f) obligations of the federal national mortgage association, federal home loan banks, federal home loan mortgage corporation or government national mortgage association; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements or other obligations of a financial institution the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody's or Standard & Poor's; (i) investments and shares or units of a money market fund or trust, the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any municipality of the State as defined in K.S.A. 10-1101 which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of securities described in (c) or (f), all as may be further restricted or modified by amendments to applicable State law.

"Person" means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

"Purchase Price" means the amount set forth in the Note Purchase Agreement.

"Purchaser" means UMB Bank, N.A., Kansas City, Missouri, the original purchaser of the Notes, and any successors and assigns.

"Rebate Fund" means the Rebate Fund for Municipal Temporary Notes, Series 2022-II created pursuant to *Section 501* hereof.

"Record Dates" for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

"Redemption Date" when used with respect to any Note to be redeemed means the date fixed for the redemption of such Note pursuant to the terms of this Note Resolution.

"Redemption Price" when used with respect to any Note to be redeemed means the price at which such Note is to be redeemed pursuant to the terms of this Note Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

"Replacement Notes" means Notes issued to the Beneficial Owners of the Notes in accordance with *Article II* hereof.

"SEC Rule" means Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934.

"Securities Depository" means, initially, DTC, and its successors and assigns.

"Settlement" means the Settlement referred to in the preamble to this Note Resolution.

"Settlement Fund" means the Settlement Fund for Municipal Temporary Notes, Series 2022-II created pursuant to *Section 501* hereof.

“Special Record Date” means the date fixed by the Paying Agent pursuant to *Article II* hereof for the payment of Defaulted Interest.

“Standard & Poor’s” or “S&P” means S&P Global Ratings, a division of S&P Global, Inc., a corporation organized and existing under the laws of the State of New York, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, Standard & Poor’s shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“State” means the state of Kansas.

“State Treasurer” means the duly elected Treasurer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the State.

“Stated Maturity” when used with respect to any Note or any installment of interest thereon means the date specified in such Note and this Note Resolution as the fixed date on which the principal of such Note or such installment of interest is due and payable.

“Treasurer” means the duly appointed and/or elected Treasurer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the Issuer.

“Unified Government” means the Unified Government of Wyandotte County/Kansas City, Kansas.

“United States Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the Issuer.

ARTICLE II

AUTHORIZATION AND DETAILS OF THE NOTES

Section 201. Authorization of the Notes. There shall be issued and hereby are authorized and directed to be issued the Municipal Temporary Notes, Series 2022-II, of the Issuer in the principal amount of \$12,535,000, for the purpose of providing funds to: (a) pay the costs of the Settlement; and (b) pay Costs of Issuance.

Section 202. Description of the Notes. The Notes shall consist of fully registered notes in Authorized Denominations, and shall be numbered in such manner as the Note Registrar shall determine. All of the Notes shall be dated as of the Dated Date, shall become due in the amounts on the Stated Maturity, subject to redemption and payment prior to the Stated Maturity as provided in *Article III* hereof, and shall bear interest at the rates per annum as follows:

<u>Stated Maturity</u>	<u>Principal Amount</u>	<u>Annual Rate of Interest</u>
May 1, 2023	\$12,535,000	3.290%

The Notes shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid on the Interest Payment Dates in the manner set forth in **Section 204** hereof.

Each of the Notes, as originally issued or issued upon transfer, exchange or substitution, shall be printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as **EXHIBIT A** or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq.*

Section 203. Designation of Paying Agent and Note Registrar. The Treasurer is hereby designated as the Paying Agent for the payment of principal of and interest on the Note and Note Registrar with respect to the registration, transfer and exchange of Notes.

The Issuer will at all times maintain a Paying Agent and Note Registrar meeting the qualifications herein described for the performance of the duties hereunder. The Issuer reserves the right to appoint a successor Paying Agent or Note Registrar by (a) filing with the Paying Agent or Note Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Note Registrar and appointing a successor, and (b) causing notice of appointment of the successor Paying Agent and Note Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Note Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Note Registrar.

Every Paying Agent or Note Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 *et seq.* and K.S.A. 10-620 *et seq.*, respectively.

Section 204. Method and Place of Payment of the Notes. The principal of, or Redemption Price, if any, and interest on the Notes shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of and interest on each Note shall be paid at Maturity to the Person in whose name such Note is registered on the Note Register at the Maturity thereof, upon presentation and surrender of such Note at the principal office of the Paying Agent. Such amounts shall be paid to the Owner of such Note as shown on the Note Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Note Register or at such other address as is furnished to the Paying Agent in writing by such Owner; or (b) in the case of a payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Notes, by electronic transfer to such Owner upon written notice given to the Note Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Note shall cease to be payable to the Owner of such Note on the relevant Record Date and shall be payable to the Owner in whose name such Note is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The Issuer shall notify the Paying Agent in writing of the amount of Defaulted

Interest proposed to be paid on each Note and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the Issuer of such Special Record Date and, in the name and at the expense of the Issuer, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, by first class mail, postage prepaid, to each Owner of a Note entitled to such notice at the address of such Owner as it appears on the Note Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Notes and at least annually shall forward a copy or summary of such records to the Issuer.

Section 205. Payments Due on Saturdays, Sundays and Holidays. In any case where a Note Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Note Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Note Payment Date, and no interest shall accrue for the period after such Note Payment Date.

Section 206. Registration, Transfer and Exchange of Notes. The Issuer covenants that, as long as any of the Notes remain Outstanding, it will cause the Note Register to be kept at the office of the Note Registrar as herein provided. Each Note when issued shall be registered in the name of the Owner thereof on the Note Register.

Notes may be transferred and exchanged only on the Note Register as provided in this Section. An Owner shall only have the authority to transfer and exchange Notes in an aggregate principal amount of \$100,000 or more unless such transfer and exchange is made through a primary offering (as defined in the SEC Rule). Upon surrender of any Note at the principal office of the Note Registrar, the Note Registrar shall transfer or exchange such Note for a new Note or Notes in any Authorized Denomination of the same Stated Maturity and in the same aggregate principal amount as the Note that was presented for transfer or exchange.

Notes presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Note Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Notes is exercised, the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Note Resolution. The Issuer shall pay the fees and expenses of the Note Registrar for the registration, transfer and exchange of Notes provided for by this Note Resolution and the cost of printing a reasonable supply of registered note blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Note Registrar, are the responsibility of the Owners of the Notes. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Section 3406 of the Code, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Notes.

The Issuer and the Note Registrar shall not be required (a) to register the transfer or exchange of any Note that has been called for redemption after notice of such redemption has been mailed by the Paying

Agent pursuant to **Article III** hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Note during a period beginning at the opening of business on the day after receiving written notice from the Issuer of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to this **Article II**.

The Issuer and the Paying Agent may deem and treat the Person in whose name any Note is registered on the Note Register as the absolute Owner of such Note, whether such Note is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Note and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Note Registrar, the Note Register may be inspected and copied by the Owners (or a designated representative thereof) of 10% or more in principal amount of the Notes then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Note Registrar.

Section 207. Execution, Registration, Authentication and Delivery of Notes. Each of the Notes, including any Notes issued in exchange or as substitutions for the Notes initially delivered, shall be executed for and on behalf of the Issuer by the manual or facsimile signature of the Mayor/CEO, attested by the manual or facsimile signature of the Clerk and the seal of the Issuer shall be affixed thereto or imprinted thereon. The Mayor/CEO and Clerk are hereby authorized and directed to prepare and execute the Notes in the manner herein specified, and to cause the Notes to be registered in the office of the Clerk, which registration shall be evidenced by the manual or facsimile signature of the Clerk with the seal of the Issuer affixed thereto or imprinted thereon. The Notes shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. The Notes shall be countersigned by the manual or facsimile signature of the Clerk and the seal of the Issuer shall be affixed or imprinted adjacent thereto following registration of the Notes by the Treasurer of the State of Kansas. In case any officer whose signature appears on any Notes ceases to be such officer before the delivery of such Notes, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Note may be signed by such persons who at the actual time of the execution of such Note are the proper officers to sign such Note although at the date of such Note such persons may not have been such officers.

The Mayor/CEO and Clerk are hereby authorized and directed to prepare and execute the Notes as herein specified, and when duly executed, to deliver the Notes to the Note Registrar for authentication.

The Notes shall have endorsed thereon a certificate of authentication substantially in the form attached hereto as **EXHIBIT A** hereof, which shall be manually executed by an authorized officer or employee of the Note Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Notes that may be issued hereunder at any one time. No Note shall be entitled to any security or benefit under this Note Resolution or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Note Registrar. Such executed certificate of authentication upon any Note shall be conclusive evidence that such Note has been duly authenticated and delivered under this Note Resolution. Upon authentication, the Note Registrar shall deliver the Notes to the Purchaser upon instructions of the Issuer or its representative.

Section 208. Mutilated, Lost, Stolen or Destroyed Notes. If (a) any mutilated Note is surrendered to the Note Registrar or the Note Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Note, and (b) there is delivered to the Issuer and the Note Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the Issuer or the Note Registrar that such Note has been acquired by a bona fide purchaser, the Issuer shall execute and, upon the Issuer's request, the Note Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Note, a new Note of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Note has become or is about to become due and payable, the Issuer, in its discretion, may pay such Note instead of issuing a new Note.

Upon the issuance of any new Note under this Section, the Issuer may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Note issued pursuant to this Section shall constitute a replacement of the prior obligation of the Issuer, and shall be entitled to all the benefits of this Note Resolution equally and ratably with all other Outstanding Notes.

Section 209. Cancellation and Destruction of Notes Upon Payment. All Notes that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Notes so cancelled and destroyed and shall file an executed counterpart of such certificate with the Issuer.

Section 210. Book-Entry Notes; Securities Depository. The Issuer and Paying Agent have entered into a DTC Representation Letter with DTC. The Notes shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no Beneficial Owner will receive certificates representing their respective interests in the Notes, except in the event the Note Registrar issues Replacement Notes as provided in this Section. It is anticipated that during the term of the Notes, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Notes to the Participants until and unless the Note Registrar authenticates and delivers Replacement Notes to the Beneficial Owners as described in the following paragraph.

The Issuer may decide, subject to the requirements of the Operational Arrangements of DTC (or a successor Securities Depository), and the following provisions of this section to discontinue use of the system of book-entry transfers through DTC (or a successor Securities Depository):

(a) If the Issuer determines (1) that the Securities Depository is unable to properly discharge its responsibilities, or (2) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (3) that the continuation of a book-entry system to the exclusion of any Notes being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Notes; or

(b) if the Note Registrar receives written notice from Participants having interests in not less than 50% of the Notes Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Notes being issued to any Owner other than Cede & Co. is no longer in the best interests of the

Beneficial Owners of the Notes, then the Note Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Note Registrar shall register in the name of and authenticate and deliver Replacement Notes to the Beneficial Owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (a)(1) or (a)(2) of this paragraph, the Issuer, with the consent of the Note Registrar, may select a successor securities depository in accordance with the following paragraph to effect book-entry transfers.

In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Note. Upon the issuance of Replacement Notes, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Note Registrar, to the extent applicable with respect to such Replacement Notes. If the Securities Depository resigns and the Issuer, the Note Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with the following paragraph, then the Note Registrar shall authenticate and cause delivery of Replacement Notes to Owners, as provided herein. The Note Registrar may rely on information from the Securities Depository and its Participants as to the names of the Beneficial Owners of the Notes. The cost of printing, registration, authentication, and delivery of Replacement Notes shall be paid for by the Issuer.

In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the Issuer may appoint a successor Securities Depository provided the Note Registrar receives written evidence satisfactory to the Note Registrar with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Note Registrar upon its receipt of a Note or Notes for cancellation shall cause the delivery of Notes to the successor Securities Depository in appropriate denominations and form as provided herein.

Section 211. Nonpresentment of Notes. If any Note is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Note have been made available to the Paying Agent all liability of the Issuer to the Owner thereof for the payment of such Note shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Note, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Note Resolution or on, or with respect to, said Note. If any Note is not presented for payment within four (4) years following the date when such Note becomes due at Maturity, the Paying Agent shall repay, without liability for interest thereon, to the Issuer the funds theretofore held by it for payment of such Note, and such Note shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Issuer, and the Owner thereof shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 212. Sale of the Notes – Note Purchase Agreement. The Mayor/CEO is hereby authorized to enter into the Note Purchase Agreement between the Issuer and the Purchaser in substantially the form submitted to the governing body concurrently with the adoption of this Note Resolution, with such changes therein as shall be approved by the Mayor/CEO, such officer's signature thereon being conclusive evidence of the approval thereof. Pursuant to the Note Purchase Agreement, the Issuer agrees to sell the Notes to the Purchaser for the Purchase Price, upon the terms and conditions set forth therein.

ARTICLE III

REDEMPTION OF NOTES

Section 301. Redemption by Issuer.

Optional Redemption. At the option of the Issuer, the Notes will be subject to redemption and payment prior to maturity as a whole at any time, at the redemption price of 100% (expressed as a percentage of the principal amount), plus accrued interest thereon to the Redemption Date.

Section 302. Notice and Effect of Call for Redemption. In the event the Issuer desires to call the Notes for redemption prior to maturity, written notice of such intent shall be provided to the State Treasurer and Note Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Note Registrar shall call Notes for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Note Registrar at least 45 days prior to the Redemption Date of written instructions of the Issuer specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Notes to be called for redemption. The Paying Agent may in its discretion waive such notice period so long as the notice requirements set forth in this Section are met.

Unless waived by any Owner of Notes to be redeemed, if the Issuer shall call any Notes for redemption and payment prior to the Stated Maturity thereof, the Issuer shall give written notice of its intention to call and pay said Notes to the Note Registrar, the State Treasurer and the Purchaser. In addition, the Issuer shall cause the Note Registrar to give written notice of redemption to the Owners of said Notes. Each of said written notices shall be deposited in the United States first class mail not less than 30 days prior to the Redemption Date.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Notes are to be redeemed, the identification (and, in the case of partial redemption of any Notes, the respective principal amounts) of the Notes to be redeemed;
- (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Note or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and
- (e) the place where such Notes are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the Issuer shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Notes to be redeemed on such Redemption Date.

For so long as the Securities Depository is effecting book-entry transfers of the Notes, the Note Registrar shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the Beneficial Owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a Beneficial Owner of a Note (having been mailed notice from the Note Registrar, the Securities Depository, a Participant or otherwise) to notify the Beneficial Owner of the Note so affected, shall not affect the validity of the redemption of such Note.

Official notice of redemption having been given as aforesaid, the Notes or portions of Notes to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the Issuer defaults in the payment of the Redemption Price) such Notes or portion of Notes shall cease to bear interest. Upon surrender of such Notes for redemption in accordance with such notice, the Redemption Price of such Notes shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Note, there shall be prepared for the Owner a new Note or Notes of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Notes that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

In addition to the foregoing notice, further notice may be given by the Issuer or the Note Registrar on behalf of the Issuer as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed:

(a) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (1) the CUSIP numbers of all Notes being redeemed; (2) the date of issue of the Notes as originally issued; (3) the rate of interest borne by each Note being redeemed; (4) the maturity date of each Note being redeemed; and (5) any other descriptive information needed to identify accurately the Notes being redeemed.

(b) Each further notice of redemption shall be sent at least one day before the mailing of notice to Owners by first class, registered or certified mail or overnight delivery, as determined by the Note Registrar, to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Notes and to one or more national information services that disseminate notices of redemption of obligations such as the Notes.

(c) Each check or other transfer of funds issued for the payment of the Redemption Price of Notes being redeemed shall bear or have enclosed the CUSIP number of the Notes being redeemed with the proceeds of such check or other transfer.

The Paying Agent is also directed to comply with any mandatory standards then in effect for processing redemptions of municipal securities established by the State or the Securities and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Note.

ARTICLE IV

SECURITY FOR NOTES

Section 401. Security for the Notes. The Notes shall be general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes as the same become due.

Section 402. Levy and Collection of Annual Tax. The governing body of the Issuer shall annually make provision for the payment of principal of, premium, if any, and interest on the Notes as the same become due, if necessary, by levying and collecting the necessary taxes upon all of the taxable tangible property within the Issuer in the manner provided by law.

The taxes referred to above shall be extended upon the tax rolls and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the Issuer are levied and collected. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund, shall be kept separate and apart from all other funds of the Issuer shall thereafter be deposited in the Debt Service Account and shall be used solely for the payment of the principal of and interest on the Notes as and when the same become due, and the fees and expenses of the Paying Agent.

If at any time said taxes are not collected in time to pay the principal of or interest on the Notes when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the Issuer and to reimburse said general funds for money so expended when said taxes are collected.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF NOTE PROCEEDS

Section 501. Creation of Funds and Accounts. Simultaneously with the issuance of the Notes, there shall be created within the Treasury of the Issuer the following funds and accounts:

- (a) Settlement Fund for Municipal Temporary Notes, Series 2022-II.
- (b) Debt Service Account for Municipal Temporary Notes, Series 2022-II.
- (c) Rebate Fund for Municipal Temporary Notes, Series 2022-II.

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Note Resolution so long as the Notes are Outstanding.

Section 502. Deposit of Note Proceeds. The net proceeds received from the sale of the Notes shall be deposited simultaneously with the delivery of the Notes as follows:

- (a) All accrued interest (if any) received from the sale of the Notes shall be deposited in the Debt Service Account.

(b) The remaining balance of the proceeds derived from the sale of the Notes shall be deposited in the Settlement Fund.

Section 503. Application of Moneys in the Settlement Fund. Moneys in the Settlement Fund shall be used for the sole purpose of: (a) paying the costs of the Settlement; (b) paying Costs of Issuance; (c) transferring any amounts to the Rebate Fund required by this *Article V*. Upon completion of the Settlement, any surplus remaining in the Settlement Fund shall be deposited in the Debt Service Fund.

Section 504. Application of Moneys in Debt Service Account. All amounts paid and credited to the Debt Service Account shall be expended and used by the Issuer for the sole purpose of paying the principal or Redemption Price of and interest on the Notes as and when the same become due and the usual and customary fees and expenses of the Note Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Debt Service Account sums sufficient to pay both principal or Redemption Price of and interest on the Notes and the fees and expenses of the Note Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent, if other than the Issuer, in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, interest and fees of the Note Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Notes are no longer entitled to enforce payment of the Notes or the interest thereon, the Paying Agent shall return said funds to the Issuer. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Note Resolution and shall be held by the Paying Agent for the benefit of the Owners of the Notes entitled to payment from such moneys.

Any moneys or investments remaining in the Debt Service Account after the retirement of the indebtedness for which the Notes were issued shall be transferred and paid into the Bond and Interest Fund.

Section 505. Application of Moneys in the Rebate Fund.

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Federal Tax Certificate. All money at any time deposited in the Rebate Fund shall be held in trust, to the extent required to satisfy the Rebate Amount (as defined in the Federal Tax Certificate), for payment to the United States of America, and neither the Issuer nor the Owner of any Notes shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Federal Tax Certificate.

(b) The Issuer shall periodically determine the arbitrage rebate, if any, under Code § 148(f) of the Code in accordance with the Federal Tax Certificate, and the Issuer shall make payments to the United States of America at the times and in the amounts determined under the Federal Tax Certificate. Any moneys remaining in the Rebate Fund after redemption and payment of all of the Notes and payment and satisfaction of any Rebate Amount, or provision made therefor, shall be deposited into the Bond and Interest Fund.

(c) Notwithstanding any other provision of this Note Resolution, including in particular *Article VII* hereof, the obligation to pay arbitrage rebate to the United States of America and to comply with all other requirements of this Section and the Federal Tax Certificate shall survive the defeasance or payment in full of the Notes.

Section 506. Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be deposited in accordance with laws of the State, in a bank, savings and loan association or savings bank organized under the laws of the State, any other state or the United States which has a main or branch office located in the Issuer. All such depositaries shall be members of the Federal Deposit Insurance

Corporation, or otherwise as permitted by State law. All such deposits shall be invested in Permitted Investments as set forth in this Article or shall be adequately secured as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the Issuer so that there shall be no commingling with any other funds of the Issuer.

Moneys held in any Fund or Account may be invested in accordance with this Note Resolution and the Federal Tax Certificate in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any Fund or Account shall accrue to and become a part of such Fund or Account.

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies. The provisions of the Note Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Issuer and the Owners of the Notes. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Notes at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Notes similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the Issuer and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Note Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the Issuer, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Notes.

Section 602. Limitation on Rights of Owners. The covenants and agreements of the Issuer contained herein and in the Notes shall be for the equal benefit, protection, and security of the Owners of any or all of the Notes, all of which Notes shall be of equal rank and without preference or priority of one Note over any other Note in the application of the funds herein pledged to the payment of the principal of and the interest on the Notes, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Note Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Outstanding Notes.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Note shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every

substantive right and every remedy conferred upon the Owners of the Notes by this Note Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the Issuer and the Owners of the Notes shall, subject to any determination in such action or proceeding or applicable law of the State, be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Notes, redemption premium, if any, or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Note Resolution and the pledge of the Issuer's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Notes or scheduled interest payments thereon so paid and discharged. Notes, redemption premium, if any, or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Note Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Notes or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of or Redemption Price of said Notes and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments. If the amount to be so deposited is based on the Redemption Price of any Notes, no such satisfaction shall occur until (a) the Issuer has elected to redeem such Notes, and (b) either notice of such redemption has been given, or the Issuer has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Note Registrar to give such notice of redemption in compliance with *Article III*. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the Issuer, for the purpose of paying and discharging any of the Notes, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Notes, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Note Resolution.

ARTICLE VIII

TAX COVENANTS

Section 801. General Covenants. The Issuer covenants and agrees that: it will comply with (a) all applicable provisions of the Code necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes; and (b) all provisions and requirements of the Federal Tax Certificate. The Mayor/CEO, chief financial officer and Clerk are hereby authorized and directed to execute the Federal Tax Certificate in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations,

published rulings and judicial decisions, in order to ensure that the interest on the Notes will remain excluded from federal gross income, to the extent any such actions can be taken by the Issuer.

Section 802. Survival of Covenants. The covenants contained in this Article and in the Federal Tax Certificate shall remain in full force and effect notwithstanding the defeasance of the Notes pursuant to *Article VII* hereof or any other provision of this Note Resolution until such time as is set forth in the Federal Tax Certificate.

ARTICLE IX

CONTINUING DISCLOSURE

Section 901. Exempt from Disclosure. The Issuer has not prepared an official statement or other offering document relating to the Notes and is relying on exemption to provide and disseminate such information contained in Section (d)(1) of the SEC Rule. In furtherance of such exemption, the Issuer certifies that: (a) the Purchaser has certified that the Notes are being issued in denominations of \$100,000 or more; and (b) the Notes are being sold to no more than thirty-five persons, each of whom the Purchaser reasonably believes: (1) has the knowledge and experience in financial and business matters that it is capable of evaluating the merits and risks of the prospective investment and (2) is not purchasing for more than one account or with a view to distributing the Notes.

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1001. Annual Audit. Annually, promptly after the end of the Fiscal Year, the Issuer will cause an audit to be made of the financial statements of the Issuer for the preceding Fiscal Year by an Independent Accountant. Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Clerk. Such audit shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, any Owner of any of the Notes, or by anyone acting for or on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or prospective Owner. As soon as possible after the completion of the annual audit, the governing body of the Issuer shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Note Resolution, the Issuer shall promptly cure such deficiency.

Section 1002. Amendments. The rights and duties of the Issuer and the Owners, and the terms and provisions of the Notes or of this Note Resolution, may be amended or modified at any time in any respect by resolution of the Issuer with the written consent of the Owners of not less than a majority in principal amount of the Notes then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Note;
- (b) effect a reduction in the amount which the Issuer is required to pay as principal of or interest on any Note;

- (c) permit preference or priority of any Note over any other Note; or
- (d) reduce the percentage in principal amount of Notes required for the written consent to any modification or alteration of the provisions of this Note Resolution.

Any provision of the Notes or of this Note Resolution may, however, be amended or modified by resolution duly adopted by the governing body of the Issuer at any time in any legal respect with the written consent of the Owners of all of the Notes at the time Outstanding.

Without notice to or the consent of any Owners, the Issuer may amend or supplement this Note Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity herein, to grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners, to more precisely identify the Settlement, to conform this Note Resolution to the Code or future applicable federal law concerning tax-exempt obligations, or in connection with any other change therein which is not materially adverse to the interests of the Owners.

Every amendment or modification of the provisions of the Notes or of this Note Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution adopted by the governing body of the Issuer amending or supplementing the provisions of this Note Resolution and shall be deemed to be a part of this Note Resolution. A certified copy of every such amendatory or supplemental resolution, if any, and a certified copy of this Note Resolution shall always be kept on file in the office of the Clerk, and shall be made available for inspection by the Owner of any Note or a prospective purchaser or owner of any Note authorized by this Note Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental resolution of this Note Resolution will be sent by the Clerk to any such Owner or prospective Owner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the resolution of the Issuer hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Owners of the Notes then Outstanding. It shall not be necessary to note on any of the Outstanding Notes any reference to such amendment or modification.

The Issuer shall furnish to the Paying Agent a copy of any amendment to the Notes or this Note Resolution which affects the duties or obligations of the Paying Agent under this Note Resolution.

Section 1003. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Notes, if made in the following manner, shall be sufficient for any of the purposes of this Note Resolution, and shall be conclusive in favor of the Issuer and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

- (a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.
- (b) The fact of ownership of Notes, the amount or amounts, numbers and other identification of Notes, and the date of holding the same shall be proved by the Note Register.

In determining whether the Owners of the requisite principal amount of Notes Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Note Resolution, Notes owned by the Issuer shall be disregarded and deemed not to be Outstanding under this Note Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Notes which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Notes so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's right so to act with respect to such Notes and that the pledgee is not the Issuer.

Section 1004. Notices. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Note Resolution shall be in writing, given to the Notice Representative at the Notice Address and shall be deemed duly given or filed if the same shall be: (a) duly mailed by registered or certified mail, postage prepaid; or (b) communicated via fax, with electronic or telephonic confirmation of receipt. Copies of such notices shall also be given to the Paying Agent. The Issuer, the Paying Agent and the Purchaser may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

All notices given by: (a) certified or registered mail as aforesaid shall be deemed duly given as of the date they are so mailed; (b) fax as aforesaid shall be deemed duly given as of the date of confirmation of receipt. If, because of the temporary or permanent suspension of regular mail service or for any other reason, it is impossible or impractical to mail any notice in the manner herein provided, then such other form of notice as shall be made with the approval of the Paying Agent shall constitute a sufficient notice.

Section 1005. Electronic Transactions. The transactions described in this Note Resolution may be conducted, and documents related to the Notes may be sent, received, executed, and stored, by electronic means or transmissions. Copies, telecopies, electronic files and other reproductions of original executed documents (or documents executed by electronic means or transmissions) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 1006. Further Authority. The officers and officials of the Issuer, including the Mayor/CEO and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Note Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1007. Severability. If any section or other part of this Note Resolution, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Note Resolution.

Section 1008. Governing Law. This Note Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 1009. Effective Date. This Note Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

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ADOPTED by the governing body of the Issuer on August 25, 2022.

Mayor/CEO

ATTEST:

Clerk

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EXHIBIT A
(FORM OF NOTES)

**REGISTERED
NUMBER _____**

**REGISTERED
\$ _____**

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York Corporation (“DTC”), to the Issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

**UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF WYANDOTTE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY
MUNICIPAL TEMPORARY NOTE
SERIES 2022-II**

**Interest
Rate:**

**Maturity
Date:**

**Dated
Date: September 8, 2022**

CUSIP:

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PERSONS BY THESE PRESENTS: That the Unified Government of Wyandotte County/Kansas City, in the County of Wyandotte, State of Kansas (the “Issuer”), for value received, hereby acknowledges itself to be indebted and promises to pay to the Registered Owner shown above, or registered assigns, but solely from the source and in the manner herein specified, the Principal Amount shown above on the Maturity Date shown above, unless called for redemption prior to said Maturity Date, and to pay interest thereon at the Interest Rate per annum shown above (computed on the basis of a 360-day year of twelve 30-day months), from the Dated Date shown above, or from the most recent date to which interest has been paid or duly provided for, payable at maturity or earlier redemption until the Principal Amount has been paid.

Method and Place of Payment. The principal or redemption price and interest thereon of this Note shall be paid at maturity or upon earlier redemption to the person in whose name this Note is registered at the maturity or redemption date thereof, upon presentation and surrender of this Note at the principal office of the Treasurer of the Unified Government of Wyandotte County/Kansas City, Kansas (the “Paying Agent” and “Note Registrar”). Such amounts shall be payable (a) by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Note Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner; or (b) in the case of an interest payment

to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Notes, by electronic transfer to such Owner upon written notice given to the Note Registrar by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Registered Owner wishes to have such transfer directed. The principal or redemption price of and interest on the Notes shall be payable in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts. Interest not punctually paid will be paid in the manner established in the within defined Note Resolution.

Definitions. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the hereinafter defined Note Resolution.

Authorization of Notes. This Note is one of an authorized series of Notes of the Issuer designated “Municipal Temporary Notes, Series 2022-II,” aggregating the principal amount of \$12,535,000 (the “Notes”) issued for the purposes set forth in the Resolution of the Issuer authorizing the issuance of the Notes (the “Note Resolution”). The Notes are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including K.S.A. 10-101 *et seq.*, specifically including K.S.A. 10-123, and K.S.A. 75-6101 *et seq.*, specifically including K.S.A. 75-6113, as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

General Obligations. The Notes constitute general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer. The full faith, credit and resources of the Issuer are hereby pledged for the payment of the principal of and interest on this Note and the issue of which it is a part as the same respectively become due.

Redemption Prior to Maturity. The Notes are subject to redemption prior to maturity as set forth in the Note Resolution.

Book-Entry System. The Notes are being issued by means of a book-entry system with no physical distribution of note certificates to be made except as provided in the Note Resolution. One Note certificate with respect to each date on which the Notes are stated to mature or with respect to each form of Notes, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Notes by the Securities Depository’s participants, beneficial ownership of the Notes in Authorized Denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The Issuer and the Note Registrar will recognize the Securities Depository nominee, while the Registered Owner of this Note, as the owner of this Note for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Note, (ii) notices and (iii) voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal, interest and any redemption premium payments to beneficial owners of the Notes by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer and the Note Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Note, notwithstanding the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Note shall be made in accordance with existing arrangements among the Issuer, the Note Registrar and the Securities Depository.

Transfer and Exchange. EXCEPT AS OTHERWISE PROVIDED IN THE NOTE RESOLUTION, THIS GLOBAL NOTE MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY. This Note may be transferred or exchanged, as provided in the Note Resolution, only on the Note Register kept for that purpose at the principal office of the Note Registrar, upon surrender of this Note together with a written instrument of transfer or authorization for exchange satisfactory to the Note Registrar duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Note or Notes in any Authorized Denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Note Resolution and upon payment of the charges therein prescribed. A Registered Owner shall only have the authority to transfer and exchange Notes in an aggregate principal amount of \$100,000 or more unless such transfer and exchange is made through a primary offering (as defined in the SEC Rule). The Issuer shall pay all costs incurred in connection with the issuance, payment and initial registration of the Notes and the cost of a reasonable supply of note blanks. The Issuer and the Paying Agent may deem and treat the person in whose name this Note is registered on the Note Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes. The Notes are issued in fully registered form in Authorized Denominations.

Authentication. This Note shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Note Resolution until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Note Registrar.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Note have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that the total indebtedness of the Issuer, including this series of notes, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the Issuer has caused this Note to be executed by the manual or facsimile signature of its Mayor/CEO and attested by the manual or facsimile signature of its Clerk, and its seal to be affixed hereto or imprinted hereon.

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS**

[(Facsimile Seal)]

By: _____ (manual or facsimile)
Mayor/CEO

ATTEST:

By: _____ (manual or facsimile)
Clerk

This Municipal Temporary Note shall not be negotiable unless and until countersigned below following registration by the Treasurer of the State of Kansas.

(Facsimile Seal)

(manual or facsimile)
Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Note is one of a series of Municipal Temporary Notes, Series 2022-II, of the Unified Government of Wyandotte County/Kansas City, Kansas, described in the within-mentioned Note Resolution.

Registration Date: _____

Office of the Treasurer of the Unified
Government of Wyandotte County/Kansas City,
Kansas, Kansas City, Kansas,
as Note Registrar and Paying Agent

Registration Number: _____

By: _____

CERTIFICATE OF CLERK

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

The undersigned, Clerk of the Unified Government of Wyandotte County/Kansas City, Kansas, does hereby certify that the within Note has been duly registered in my office according to law as of September 8, 2022.

WITNESS my hand and official seal.

(Facsimile Seal)

(facsimile)
Clerk

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

LYNN W. ROGERS, Treasurer of the State of Kansas, does hereby certify that a transcript of the proceedings leading up to the issuance of this Note has been filed in the office of the State Treasurer, and that this Note was registered in such office according to law on _____.

WITNESS my hand and official seal.

(Seal)

By: _____
Treasurer of the State of Kansas

NOTE ASSIGNMENT

FOR VALUE RECEIVED, the undersigned do(es) hereby sell, assign and transfer to

(Name and Address)

(Social Security or Taxpayer Identification No.)

the Note to which this assignment is affixed in the outstanding principal amount of \$_____, standing in the name of the undersigned on the books of the Note Registrar. The undersigned do(es) hereby irrevocably constitute and appoint _____ as agent to transfer said Note on the books of said Note Registrar with full power of substitution in the premises.

Dated _____

Name

Social Security or
Taxpayer Identification No.

Signature (Sign here exactly as name(s)
appear on the face of Certificate)

Signature guarantee:

By _____

LEGAL OPINION

The following is a true and correct copy of the approving legal opinion of Gilmore & Bell, P.C., Bond Counsel, which was dated and issued as of the date of original issuance and delivery of such Notes:

GILMORE & BELL, P.C.

Attorneys at Law
2405 Grand Boulevard
Suite 1100
Kansas City, Missouri 64108

(PRINTED LEGAL OPINION)
