

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

**PLANNING & ZONING AND
REGULAR SESSION
OCTOBER 28, 2021**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, October 28, 2021, with 11 members present via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner, Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. The following officials were also in attendance: Doug Bach, County Administrator; Brett Deichler, Interim Unified Government Clerk; Misty Brown, Chief Counsel; Patrick Waters, Deputy Chief Counsel; Wendy Green and Jeff Conway, Assistant Counsel; Bridgette Cobbins, Alan Howze, and Emerick Cross, Assistant County Administrators; Gunnar Hand, Director of Planning and Urban Design; Janet Parker, Planning; Kim Portillo, Principal Planner; Alley Porter, Commission Liaison; Jud Knapp, Interim Land Bank Manager; Ashley Hand, Director of Strategic Communication; Katherine Carttar, Director of Economic Development; and Kathleen VonAchen, Chief Financial Officer.

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

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

Due to COVID-19 requirements, the public is allowed to participate by Zoom or submit comments by email prior to the meeting. Those comments are included in the record of the meeting. The public also has an opportunity to provide brief comments from the lobby of the Municipal Office Building.

Mayor Alvey said I'd ask the Clerk to please call the roll and begin the meeting.

Roll call: Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Alvey.

Mayor Alvey said our invocation is being given by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ.

Mayor Alvey asked, Clerk, are there any revisions to tonight's agenda? **Brett Deichler, Interim Unified Government Clerk**, said there was. A blue sheet was issued for tonight's session to consider a resolution amending the scheduled meeting times for the Neighborhood & Community Development and the Economic Development & Finance Standing committees. That was the only changes to tonight's agenda.

Mayor Alvey said, again, two parts to our meeting, Planning and Zoning comes up first. I'd ask the Clerk to read the statement required by State law governing the Planning and Zoning portion of our meeting followed by the items on the Planning and Zoning Consent Agenda.

PLANNING AND ZONING CONSENT AGENDA

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

Mr. Deichler asked if any member of the Commission wished to disclose any contact with proponents or opponents on any item on the agenda. **Mayor Alvey** said I am seeing none.

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

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

Commissioner Philbrook said I would like to pull aside SP2021-027, Item 1 on Special Use Permit.

Gunnar Hand, Director of Planning and Urban Development, said as a point of clarification, I believe the City Clerk read an ordinance to approve the Master Plan, but we had pulled that already out into the Non-Consent Agenda. That ordinance, if we need to, I'd like to pull now but we did plan to set that aside and have it on our Non-Consent Agenda as well. It's Miscellaneous E-1. The City Clerk read out an ordinance approving the Armourdale Area Master Plan. That should be pulled from the Non-Consent Agenda, please.

Mr. Deichler said I'm looking, I thought that was already pulled, Gunnar. I believe the ordinance is what I read on the Miscellaneous Ordinance, not the Miscellaneous. Let me take a look. I thought it had already been moved to Non-Consent.

Mr. Hand said I think it's just showing up in two places, Mr. Deichler. We will take action on the ordinance after our presentation later this evening.

Mayor Alvey said to be clear, if we pull this from E1, we will have to discuss it at that point, but we're going to be discussing it anyway in the Non-Consent Agenda, correct?

Mr. Hand said I believe so. I think it was a typo.

Doug Bach, County Administrator, said it is just a repeat on here. I don't think—it just really needs to be removed from the Consent Agenda and that way you take action under Miscellaneous A1 Non-Consent.

Mayor Alvey said if we keep it on the Consent Agenda, it will be approved before we hear the presentation. **Mr. Bach** said that's correct; that's why we need to remove it.

Mayor Alvey said what we would do then is just do the presentation. We'll pull that from the Consent Agenda and then do a presentation and then vote on it, correct? **Mr. Bach** said yes, sir.

Mayor Alvey asked, Misty, are we doing this legally? **Misty Brown, Chief Counsel**, said yes, Mayor.

Mayor Alvey said we have Item 2021-027 pulled. Is there anyone from the public who wishes to pull an item?

Mr. Hand said we spoke to our applicant, Mr. Albert Walker, regarding Special Use Permit 2021-047. I see him on the call. I do know he wants to pull that from the Consent Agenda, so I'll do that for him right now. There he is, I think he just learned out to raise his hand.

Albert Walker, Applicant, said I took some more pictures down there to Mr. McFarland, and I took a deed down there to him.

Mayor Alvey said, Mr. Walker, we just need to know, do you want to pull this from the Consent Agenda for us to discuss it separately? We're going to pull this from the Consent Agenda and you'll have an opportunity to provide your remarks. **Mr. Walker** said okay.

Mayor Alvey said we'll come back to you. We have 2021-027 and 2021-047. Any other requests? I'll entertain a motion for approval of the Planning and Zoning Consent Agenda, excluding the set asides.

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

CHANGE OF ZONE APPLICATIONS

Item No. 1 – 211116...CHANGE OF ZONE APPLICATION COZ2021-009 – LARRY J. EASTON

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for horses, cattle, and hay production at 2948 South 65th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. Applicant, Mr. Larry Easton, is requesting a Change of Zone for the subject property at 2948 South 65th Street. Applicant is requesting a Change of Zone from R-1 Single Family District to AG Agricultural District. The Change of Zone has been requested so that the applicant may keep livestock (goats and chickens) and raise crops (hay) for feed and to construct associated outbuildings for the care and keeping of such animals without the future additional special permits and variances typically required in properties zoned R-1 Single

Family District or through Animal Control. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2021-009, subject to:

- 1) The existing land use designation for the subject property, Rural-Density Residential, allows for agriculture, ranches, large lot residential development, parks, and open space. The land use does not change with the change of zone. The change of zone allows for the Applicant to keep livestock, grade, and related agricultural activities without future Variances or Special Use Permits so long as other standards of the Municipal Code are adhered to;
- 2) If approved, the Applicant shall construct adequate fencing, pens, stables, and/or stalls necessary for proper keeping of said animals, equipment, and supplies in accordance with Chapter 7 of the Municipal Code;
- 3) If approved, the Applicant shall adhere to the plan discussed with the Conservation District as approved;
- 4) A detailed site plan shall be provided indicating the type and size of any structures that will be erected to maintain proper care and keeping of the animals and associated uses, including current dwelling and any accessory buildings. Detail any erosion and grading control that will be needed as a result;
- 5) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin that process; and,
- 6) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2021-009, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 2 – 211117...CHANGE OF ZONE APPLICATION COZ2021-013 – ANDREW SEEMILLER WITH REAL ESTATE GROUP

Synopsis: Change of Zone from M-1 Light Industrial and Industrial Park District to MP-2 Planned General Industrial District for storage in conjunction with existing Twin Traffic, a traffic marking and striping company at 626 North 47th Street,
and

Item No. 2 – 211129...MASTER PLAN AMENDMENT MPL2021-010 – ANDREW SEEMILLER WITH SUMMIT REAL ESTATE GROUP

Synopsis: Master Plan Amendment from Mixed Use to Industrial (City-Wide Master Plan) at 626 North 47th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Andrew Seemiller with Summit Real Estate Group, is requesting a Change of Zone and Master Plan Amendment for the subject property at 626 North 47th Street. The subject property is simultaneously undergoing a subdivision into two (2) separate parcels, identified as Lot 1 (Tract I) and Lot 2 (Tract II). Lot 1 will be approximately 5.73 acres and Lot 2 will be approximately 13.88 acres. Lot 1 is zoned MP-1 and will remain zoned MP-1. Lot 2 is being rezoned; the applicant is requesting a Change of Zone for Lot 2 from MP-1 Planned Light Industrial and Industrial Park District, CP-1 Planned Limited Business District, and R-1 Single Family District to MP-2 Planned General Industrial District. The applicant is requesting a Master Plan Amendment of the City-Wide Master Plan land use designation from Mixed-Use to Industrial. This Master Plan Amendment will apply to both Lots 1 and 2. The Change of Zone and Master Plan Amendment have both been requested in order to comply with both the allowed land use and district for storage in conjunction with the existing company on site, Twin Traffic, a traffic marking and striping company. The Planning Commission voted 5 to 0 to recommend approval of Master Plan Amendment Application MPL2021-010, subject to:

- 1) Aerial imagery shows the paved area extending to the south of the subject property, into Parcel #916302. The applicant must cease use of the neighboring property.
- 2) If any parcel of land or a portion of a parcel that is adjacent to the northern boundary line of the subject property changes uses or zoning districts that would require fencing, screening, and/or landscape buffering under any section of the Zoning Code, the applicant, property owner, or their designees, or future property owners must meet all the applicable requirements.
- 3) Future development will adhere to all relevant MP-2 and industrial district landscaping requirements.
- 4) All parking must comply with the submitted parking plans, which include 86 spaces, four (4) of which are ADA-compliant.
- 5) Per Section 27-577(e), all parking lot landscaping requirements must be met.
- 6) Due to the undermined area, the applicant must comply with any and all geo-tech reports and must renew or reapply any relevant fill and grading permits, including the necessary Special Use Permits.
- 7) After the proposed lot split, parking must continue to comply with Section 27-672, which states that required off-street parking shall be on the same zoning lot as the principal use served or within 100 feet, or in the case of employee parking within 300 feet of the same lot.

The applicant's client and/or any business operating on the property must continue to comply with Section 27-672; following the parking plan detailed in "Parking Lot Distances to Buildings on Lot 2" in the Attachments section of this report will ensure compliance.

- 8) The applicant has filed and maintained a current business occupation tax application, and,
- 9) Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations (Section 27-463 through 27-470; 27-592 through 27-616) (KSA 65-3424, KAR 28-29-29 through 28-29-33). Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request.

The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2021-013, subject to:

- 1) The Change of Zone request has been amended so that the proposed Change of Zone is now reflected as from MP-1 to MP-2.
- 2) The lot split of Parcel #404401 must be completed before a Certificate of Occupancy is issued for the proposed building in Lot 2/Tract II. The Change of Zone application states that Lot 2 is desired to be zoned M-2 (or MP-2, see above staff comment), but that Lot 1 is to remain M-1 (or MP-1).
- 3) Aerial imagery shows the paved area extending to the south of the subject property, into Parcel #916302. The applicant must cease use of the neighboring property.
- 4) If any parcel of land or a portion of a parcel that is adjacent to the northern boundary line of the subject property changes uses or zoning districts that would require fencing, screening, and/or landscape buffering under any section of the Zoning Code, the applicant, property owner, or their designees, or future property owners must meet all the applicable requirements.
- 5) Future development will adhere to all relevant MP-2 and industrial district landscaping requirements.
- 6) All parking must comply with the submitted parking plans, which include 86 spaces, four (4) of which are ADA-compliant.
- 7) Per Section 27-577(e), all parking lot landscaping requirements must be met.
- 8) Per Sec. 27-468(g) a six (6) foot architectural screening in combination with a buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The existing tree stand along the north property line, abutting the single-family homes shall remain protected. An architectural screen is a privacy wood picket or metal panel fence with masonry columns every thirty-two (32) feet running.
- 9) Due to the undermined area, the applicant must comply with any and all geo-tech reports and must renew or reapply any relevant fill and grading permits, including the necessary Special Use Permits.
- 10) The applicant has filed and maintained a current business occupation tax application.
- 11) Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations (Section

27-463 through 27-470; 27-592 through 27-616) (KSA 65-3424, KAR 28-29-29 through 28-29-33). Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request, and,

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

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2021-013, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Master Plan Amendment MPL2021-010, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 3 – 211119...CHANGE OF ZONE APPLICATION COZ2021-017 - WILLIAM ENGLAND

Synopsis: Change of Zone from R-1(B) Single Family District to CP-O Planned Non-Retail Business District for office space at 2332 South 14th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

and

Item No. 1 – 211127...MASTER PLAN AMENDMENT MPL2021-012 - WILLIAM ENGLAND

Synopsis: Master Plan Amendment from Low-Density Residential to Neighborhood Commercial at 2332 South 14th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, William England with CI1 LLC, is requesting a Change of Zone and

Master Plan Amendment for the subject property at 2332 South 14th Street. The applicant is requesting a Change of Zone from R-1(B) Single Family District to CP-0 Planned Nonretail District. The applicant is requesting a Master Plan Amendment of the City-Wide Master Plan from Low-Density to Neighborhood Commercial. The Change of Zone and Master Plan Amendment have both been requested in order for the design and use of a non-conforming building constructed in 1940 to match with the zoning district and Master Plan land use designation. The Planning Commission voted 5 to 0 to recommend approval of Master Plan Amendment MPL2021-012, subject to:

- 1) Provide a scaled site plan of the property, featuring the following:
 - a. The setbacks and dimensions of all structures on the property;
 - b. The quantity and dimensions of all parking spaces on the property, including any portion of the parking spaces in the public right-of-way;
 - c. The parking space(s) designated as ADA-compliant parking with an access aisle and the requisite “designated ADA parking” sign;
 - d. Wheel stops located at the head of the parking spaces; and,
 - e. A landscaping in compliance with the C-0/CP-0 District ordinances as well as the standard of the Commercial Development Guidelines Overlay District.
- 2) The façade of the subject property must match as proposed by the applicant, per the renderings submitted to Staff and presented in report, including an awning, storefront windows with no or low tint, and a four (4)-foot wainscoting on the front façade.
- 3) The sidewalk must be extended along the storefront for the entire length of the proposed parking spaces. Per Section 27-575(d)(10), sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses.
- 4) Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.
- 5) Parking lot curb cuts must be designed and minimized to reduce conflicts between pedestrians and automobiles.
- 6) Accessible parking must be provided according to unified government requirements.
- 7) Per Section 27-575(g)(3), all trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.
- 8) Per Section 27-577(d)(1), at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
- 9) These City Planning Commission cases are being heard in conjunction with BOZA2021-020. The following are conditions for BOZA2021-020 and are stated here for reference only, as COZ2021-017 and MPL2021-012 are solely for a Change of Zone from R-1(B) Single Family District to CP-0 Planned Nonretail Business District and a City-Wide Master Plan Amendment from Low-Density Residential to Neighborhood Commercial, respectively:

- a. Provide a scaled site plan of the property;
 - b. The façade of the subject property must match as proposed by the applicant;
 - c. The sidewalk must be extended along the storefront for the entire length of the proposed parking spaces;
 - d. The front façade of the building must undergo a four (4)-foot high wainscoting;
 - e. The subject property must obtain a Right-of-Way Use Agreement with the Public Works Department;
 - f. Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
 - g. Parking lot curb cuts must be designed and minimized to reduce conflicts between pedestrians and automobiles;
 - h. Accessible parking must be provided according to unified government requirements;
 - i. Buildings, walls, trees, topography, and other site features shall be oriented and arranged to define circulation areas and lend a human scale to the development;
 - j. All trash receptacles shall be enclosed under UG standards;
 - k. Reflective or mirrored glass for use as windows is prohibited;
 - l. Stand-alone trees are encouraged to be planted in landscape zones;
 - m. The landscape design conditions must be met;
 - n. At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
 - o. A sign permit must be issued for all signs;
 - p. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 - q. ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
 - r. The applicant must keep a current annual Business License/Occupation Tax Receipt;
 - s. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances; and,
 - t. All parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable.
- 10) If approved, any tenant will need to file and maintain a current business occupation tax application with the Business License Office.
 - 11) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process.
 - 12) The current lighting scheme on the property is not in compliance and needs to be changed. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street.

- 13) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards.
- 14) Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance; and,
- 15) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable.

The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2021-017, subject to:

- 1) Provide a scaled site plan of the property, featuring the following:
 - a. The setbacks and dimensions of all structures on the property;
 - b. The quantity and dimensions of all parking spaces on the property, including any portion of the parking spaces in the public right-of-way;
 - c. The parking space(s) designated as ADA-compliant parking with an access aisle and the requisite "designated ADA parking" sign;
 - d. Wheel stops located at the head of the parking spaces; and,
 - e. A landscaping in compliance with the C-0/CP-0 District ordinances as well as the standard of the Commercial Development Guidelines Overlay District.
- 2) The façade of the subject property must match as proposed by the applicant, per the renderings submitted to Staff and presented in this report, including an awning, storefront windows with no or low tint, and a four (4)-foot wainscoting on the front façade.
- 3) The sidewalk must be extended along the storefront for the entire length of the proposed parking spaces. Per Section 27-575(d)(10), sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses.
- 4) Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.
- 5) Parking lot curb cuts must be designed and minimized to reduce conflicts between pedestrians and automobiles.
- 6) Accessible parking must be provided according to unified government requirements.
- 7) Per Section 27-575(g)(3), all trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

- 8) Per Section 27-577(d)(1), at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
- 9) These City Planning Commission cases are being heard in conjunction with BOZA2021-020. The following are conditions for BOZA2021-020 and are stated here for reference only, as COZ2021-017 and MPL2021-012 are solely for a Change of Zone from R-1(B) Single Family District to CP-0 Planned Nonretail Business District and a City-Wide Master Plan Amendment from Low-Density Residential to Neighborhood Commercial, respectively:
 - a. Provide a scaled site plan of the property;
 - b. The façade of the subject property must match as proposed by the applicant;
 - c. The sidewalk must be extended along the storefront for the entire length of the proposed parking spaces;
 - d. The front façade of the building must undergo a four (4)-foot high wainscoting;
 - e. The subject property must obtain a Right-of-Way Use Agreement with the Public Works Department;
 - f. Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
 - g. Parking lot curb cuts must be designed and minimized to reduce conflicts between pedestrians and automobiles;
 - h. Accessible parking must be provided according to unified government requirements;
 - i. Buildings, walls, trees, topography, and other site features shall be oriented and arranged to define circulation areas and lend a human scale to the development;
 - j. All trash receptacles shall be enclosed under UG standards;
 - k. Reflective or mirrored glass for use as windows is prohibited;
 - l. Stand-alone trees are encouraged to be planted in landscape zones;
 - m. The landscape design conditions must be met;
 - n. At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
 - o. A sign permit must be issued for all signs;
 - p. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 - q. ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
 - r. The applicant must keep a current annual Business License/Occupation Tax Receipt;
 - s. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances; and,
 - t. All parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable.

- 10) If approved, any tenant will need to file and maintain a current business occupation tax application with the Business License Office.
- 11) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process.
- 12) The current lighting scheme on the property is not in compliance and needs to be changed. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street.
- 13) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards.
- 14) Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance.
- 15) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable, and,
- 16) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2021-017, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Master Plan Amendment MPL2021-012, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Johnson, Kane,

Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 4 – 211121...CHANGE OF ZONE APPLICATION COZ2021-031 – JAMES VIENS WITH INTEGRITY DIVERSIFIED HOLDINGS, LLC

Synopsis: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District to re-establish a duplex which was converted into a single-family home at 218 North 12th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Integrity Diversified Holdings, LLC, has submitted a request for Change of Zone from R-1(B) Single Family Residential to R-2(B) Two Family Residential. The applicant purchased the property with the dwelling divided into two (2) units, save for utilities. The property was zoned previously as a two-family dwelling before the area was blanket rezoned in 2006. The Applicant would like to continue with the dwelling in its present two-family unit condition as they intend to rehab the property and make the necessary repairs to split the utilities for future tenants as a rental property. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2021-031, subject to:

- 1) The applicant, contractors, subcontractors, and any related third parties shall comply with all applicable codes regarding the renovation, maintenance, and rental condition of the property;
- 2) The subject property shall ensure the conditions of the property eliminate any abatement or other code violations on the property;
- 3) Before resuming tenant occupancy, a rental license shall be obtained and all construction work on the property shall be complete and satisfactory to respective agencies;
- 4) A building permit is required. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;
- 5) If necessary, obtain a right-of-way permit from the Public Works Department to build an apron;
- 6) Applicant shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission; and,
- 7) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2021-031, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 211122...SPECIAL USE PERMIT APPLICATION SP2021-027 - 7521 NEBRASKA AVENUE LLC

Synopsis: Special Use Permit for continuation of auto sales, detailing and light repair at 7521 Nebraska Avenue (SP-2018-91 expired 11/29/2020), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. Mr. Reid Khalil, owner of Auto Mart USA and new owner of the commercial property at 7521 Nebraska Avenue, is taking over as the applicant for SP2021-027. Mr. Khalil is requesting a Special Use Permit to continue to operate an automotive business focusing only on Light Auto Maintenance and Repair. The Planning Commission voted 5 to 0 to recommend denial of Special Use Permit Application SP2021-027, due to the continued outstanding unresolved issues and overall non-compliance and the reasons outlined by staff.



Case	
SP2021-027	
Petitioner	Address
Reid Khalil	7521 Nebraska Avenue Kansas City, KS 66112
Synopsis	
This application has been filed in order to continue to operate an automotive business focusing only on light automotive repair.	
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Gunnar Hand, Director of Planning and Urban Design, said this case is a special use permit for a light auto repair shop.



It's located in the Midtown area, just north of State Avenue.



You can see it here on N. 75th and Nebraska Avenue. It was a former car wash, I believe,...



that got converted into a light auto repair shop.



There was quite a bit of history on this case.



It had a previous SUP approval, but the building never received a certificate of occupancy. We did work with the applicant to check off that list. Originally, the applicant was the renter, was not the owner and; therefore, did not submit the original SUP. He then took ownership of the LLP, that had submitted the original SUP, at which point he was able to seek a renewal.

The SUP renewal carried additional conditions of approval based on what we had seen at the site, which were admittedly different than the CO requirements to get past the original building permit. So, essentially, the work to get the project up and running happened in the two-year amount of time that the SUP had expired. There was a bit of an overlap there, and I think that caused a little bit of confusion. Regardless, we continued with the renewal of the SUP.



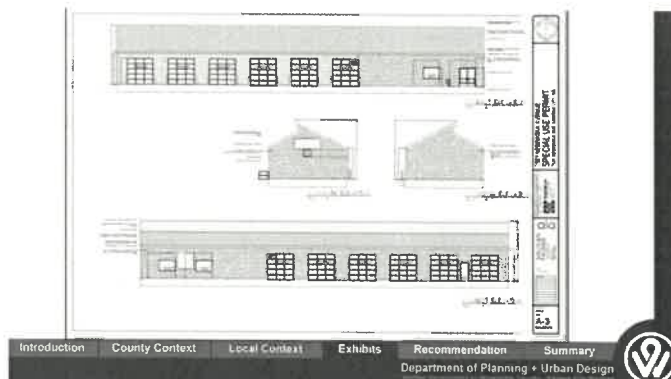
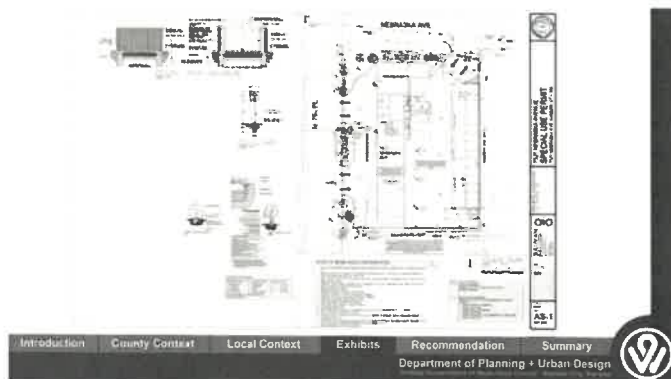
The applicant did not agree that the requirements that we were asking for, as it relates to the ordinance for special use permits, were applicable to him.

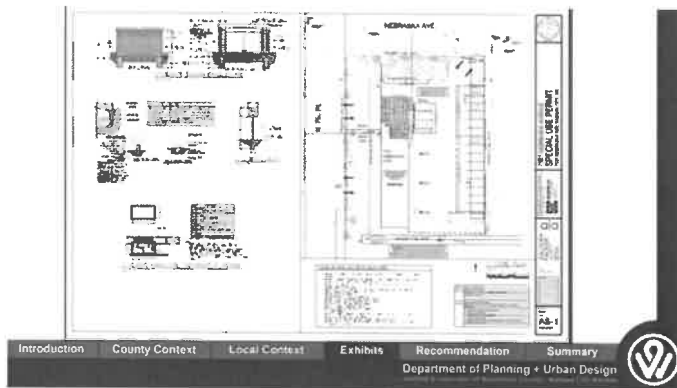


He, at that point, refused to respond to Staff's requests for additional information, questions, as well as revised site plans.

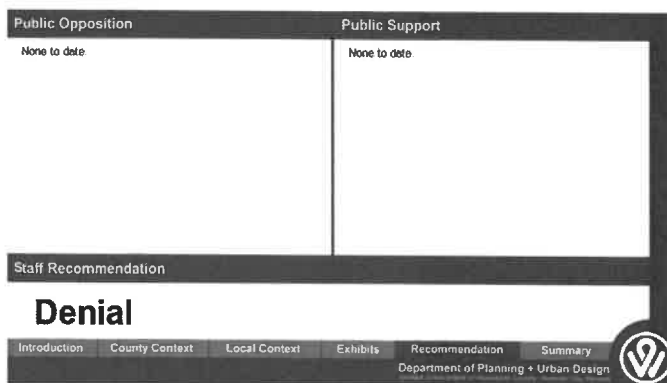


He had sent communication, which we included in the Staff Report, that he was not going to participate moving forward. The meeting was continued from the Planning Commission for 30 days to try to work through this. After multiple times of trying to reach the applicant—phone, email—we even sent an invite to show up at a meeting a couple of times. He did not show up and we were unable to complete our review of the project due to insufficient information, so we had to move forward with the recommendation of denial to the Planning Commission. They agreed unanimously and here we are.

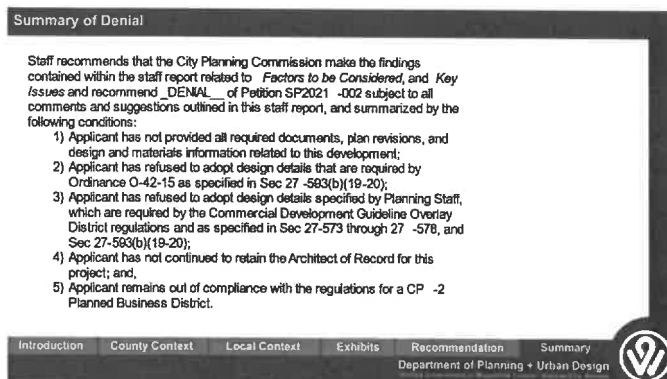




The only update I really have on the project is the last time we drove by, which was admittedly about two or three weeks ago, there was a for sale sign on the property, so that could be what's happening. But, at the end of the day, I think the applicant didn't want to complete the work that we were requesting as a part of the code on the project.



Staff recommends denial.



Commissioner Philbrook said I'm not against what happened. I just kind of want to understand what it is we were asking him to do specifically to make his property appropriate for the SUP.

Mr. Hand said I can go to the site plan. I mentioned sort of the case history, which got a little confusing when there was the swap of ownership and things of that nature. There were some building improvements that we had asked for. Again, they had done some things, not as we had originally requested in the original SUP, that we were asking him to correct. We allowed them to just let it be for the TCO, but once we told him...

Commissioner Philbrook asked, what is TCO?

Mr. Hand said I apologize, the Temporary Certificate of Occupancy related to the building permit from the original application approval and subsequent building permit. There were some building improvements; there were also some site improvements. The Special Use Permit specifically asked for a few things related to our Commercial Design Guidelines. So, there's some Commercial Design Guidelines standards. It's a little different here. Typically, if we're doing like a commercial development for Commercial Design Guidelines, that does not require specifically this type of SUP. You can seek a deviation from them from the Planning Commission and that happens on occasion. But because those standards are included in the SUP language of the ordinance, he would have had to sought a BOZA. Again, I think it got a little complicated.

The applicant didn't agree with our "interpretation" of the zoning code. He felt that he could build it as of right. While automotive uses are allowed in—I believe this is C-2. I apologize if I'm incorrect. C-2 or C-3, I think it's C-2. Although it's allowed by right use, that's one part of a very large code of ordinances, right? So, you have to do that plus the SUP. He didn't believe he needed a SUP, and at that point, I think we were unable to come to the terms and move forward together.

Commissioner Philbrook said I'm sorry all of that happened. The reason I pulled it was that was the first time that that piece of property looked decent for 10 years and he cleaned it up quite nicely. From the outside, just from a layperson, looking at it, I was quite happy with what I was seeing. I'm sorry that that happened, but thanks, Gunnar. I just needed to understand what the heck was going on.

Mayor Alvey said I'll go through the motions here. I'll open the public hearing and ask the Clerk, have you received any notifications from the public who wished to express their comments in favor of this item? **Mr. Deichler** said none were received.

Mayor Alvey asked, is there anyone that we have present who would like to speak in support of this? **Mr. Deichler** said seeing none.

Mayor Alvey asked, any comments that were in opposition? **Mr. Deichler** said seeing none as well.

Mayor Alvey said and no one in the lobby, I assume. **Mr. Deichler** said no one, sir.

Mayor Alvey said I will now close the public hearing. Any members of the Commission have any more comments or questions? No. I'll entertain a motion and a second. This is, again, a recommended motion for denial.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Bynum, to deny Special Use Permit Application SP2021-027, as presented by Mr. Hand.** Roll call was taken and there were ten "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

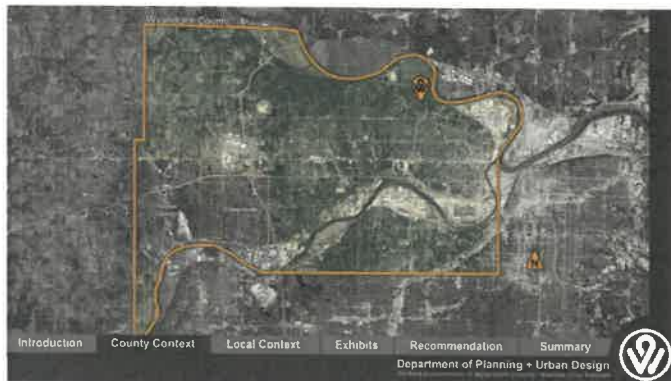
Item No. 2 – 211123...SPECIAL USE PERMIT APPLICATION SP2021-047 - ALBERT H. WALKER

Synopsis: Special Use Permit for horses on residential property at 3703, 3707 and 3633 Bell Crossing and 3701, 3702 and 3706 North 37th Street and 3655 Sortor Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Albert Walker, is requesting a Special Use Permit to keep horses on seven (7) residentially zoned parcels at 3633, 3703, & 3707 Bell Crossing, 3701, 3702, & 3706 North 37th Street, and 3655 Sortor Drive (herein after known as the "subject property"). This subject property is not the applicant's primary residence and has no primary residence on the property, but there is one (1) accessory structure (a clubhouse) and one (1) storage container. The Planning Commission voted 5 to 0 to recommend denial of Special Use Permit Application SP-2021-047, due to unresolved violations on the

property, incompatibility of the land for livestock, and the recommendation of the Conservation District.

Case	
SP2021-047	
Petitioner	Address
Albert Walker	3633, 3703, & 3707 Bell Crossing, 3701, 3702, & 3706 North 37 th Street, and 3655 Sorter Drive Kansas City, Kansas 66104
Synopsis	
To request a Special Use Permit to keep livestock on the property.	
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Gunnar Hand, Director of Planning and Urban Design, said this is an SUP to keep horses on this property.



It's located in the Sorter Drive area of the Unified Government.



You can see it here. As you can tell from the multiple addresses, Mr. Walker has several parcels that become one property. You can see because of the leftover, I'll just say, weird platting in the Sorter Drive area, this is technically public right-of-way still, and this is technically public right-of-way still. There's also some platting issues on the actual roadway. This is common in the Sorter Drive area. When you put it all together, it's about 1.5 acres. It would be about 1.5 acres if he were to vacate these two public rights-of-way.



You can see from some of these pictures, we did work with the Conservation District and Animal Control on this project. Specifically, Animal Control has a case on the property regarding a horse that was in bad condition. Mr. Walker contends that he was trying to help his neighbor with that horse and bring it back to health. Aside from that, the Conservation District visited the property and noted several issues regarding ground cover regarding the erosion into the drainage ditch.



There are some general code violations on the property. Specifically, for us, there's an unpermitted building and also because this is still zoned R-1, it is technically a secondary structure without a primary structure, which requires a zone variance.



At the end of the day, the Conservation District does not recommend that Mr. Walker keep/board any horses on this property.

Public Opposition	Public Support
None to date.	None to date.

Staff Recommendation

Denial

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We received no letters of support, no opposition. There are quite a few NOV's on the property. Staff recommends denial.

Summary of Denial

- Based on the professional assessments by Animal Services, no horses or other livestock shall be stabled overnight on the subject property. The Animal Services comments are as follows:
 - ASU strongly opposed horses being kept at any of the address listed on this special use permit application. ASU has received two complaints of horse neglect at 3707 Bell Crossing (and the surrounding area where addresses are not discernable) with Mr. Albert Walker being listed as the owner of the property. Mr. Walker has allowed people to keep their horses on his property and proper care was not ensured; on at least two occasions 7/5/2018 and 2/5/2019, horses were found to be severely neglected. The horse found on 7/5/2018 required a search warrant for removal due to severe neglect and poor shelter. The horse that was found on 2/5/2019 was removed from the property prior to ASU's returning to confiscate the horse;
- Based on the professional assessments by the Wyandotte County Conservation District, no horses or other livestock shall be stabled overnight on the subject property. The Conservation District has provided the following reasons for not recommending approval:
 - The area is denuded of most of the vegetation;
 - There is a severe erosion problem in the area. There are some trees which does not help the area;
 - The stream is not fenced so animal waste ends up in the stream. Soil is eroding into the stream as well;
 - No animals were visible at the time of the inspection. The animals' condition are unknown today. In the past years though, animals were in poor shape; and,
 - The area needs to be seeded and mulched as soon as possible. No animals should be allowed to roam the area until the seeding is well established.

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Commissioner Kane asked, could you, please, not use an acronym for everything? **Mr. Hand** said sorry. NOV stands for Notice of Violation. I apologize.

Mayor Alvey said I now would ask Mr. Walker present, please. Please state your name and address for the record.

Albert Henry Walker, 5758 Georgia Avenue, Kansas City, KS, said all of those are addresses that we have there—parcels that I purchased, some from the city and some from a neighbor that had land right beside that land.

Mayor Alvey asked, Mr. Walker, you are asking to be able to maintain or board horses on this property? It was recommended for denial. It's your opportunity to present your case on why you should be allowed to board the horses that you request.

Mr. Walker said sir, three or four reasons, I guess. I hope that you all received those pictures that I took of that property and brought to Mr. Farley. He said he would get them to you. I brought the deed to that land that the gentleman mentioned about that horse. I've asked him to take it off my record and stop mentioning that horse anywhere towards me. That deed shows when I bought that property.

The young man that owned that horse, I had nothing to do with him; I had nothing to do with that horse. Only thing that came to my attention about that horse was that horse needed some help. I fed that horse. I gave that horse two half round bales of hay. It was not my horse. I had nothing to do with that horse and they keep charging me of putting that horse up like I was neglecting the animal.

The young lady on the farm with me, she's the one that called Animal Control about that horse. We had talked to Mr. Marvin about that horse on several occasions. They tell me the land was attached to my land. Sir, I feel like that is unjust; it's unfair. If somebody's land is attached to your land and they're not doing the proper thing on their land, they shouldn't charge you for it, but that's what they're doing to me.

Then they turn around and say my land is trashy. Those pictures do not show trash on my land. I took more pictures of that same land and some more of it to show you what that land really looks like. The land is not trashy. When I purchased it, it was big-time trashy. Even the land I purchased from the City was not kept up. The weeds were not cut. Those rights-of-way there

were not maintained, especially that last one down there. That guy had that first one picked back up, but that last one down there, that thing was completely demolished. The concrete, when you go across that creek, it had broken up. It was falling all down in the creek. Water was running everywhere. Had a different little stream there. I had to get all that concrete out of that stream. The pictures that I gave him show that where I bought curving and put in that stream, and I packed it and put rocks and things around it, dirt, and asphalt. I bought some asphalt and put over it. That's the only way you can go across that creek.

I was told, sir, that in purchasing that land on the other side, that those two right-of-way that had not been used by the City—the City was doing nothing with it, they didn't have lights up in there, no gas line or nothing of that sort—that if I bought the land on both sides of that and I bought that land from the City—I purchased it and they said they will be—they used the term they would be vacated. If I owned the land on both sides, I could get those rights-of-way. They would vacate them or something to that effect. So that's what I did.

I bought that. Like I told them, there's more than 1.5 acres there. I put in for a surveyor and this guy told me it will be about three weeks. I told him I need to wait until I have this meeting with you all. The only problem we're having about surveying is, they're telling me to have these two rights-of-way surveyed and then have my land surveyed. Nobody said that I should be having those two rights-of-way surveyed. If you're not going to give them to me, it's not my land. I need to know why do you want me to pay \$2,000 to have two rights-of-way surveyed separately from the land? When one of ya'll is telling me to survey the whole thing and the other is actually telling me I'm going to have to get two different surveys done. That's the only problem we got. Everything else they told me to do, I did it.

Only reason that building is still there, is because an inspector told me that it's best for me not to mess with the building, not to try to even repair those stalls anymore because I have to wait to see what ya'll will say. I would either have to repair those stalls or take them down. Those stalls, all except for one of them, was up there when I purchased that land. I straightened them up some, but there's nothing to that land that I did other than clean it up and make that land more presentable. Everybody down in there talk about how nice that land look now. Everybody is talking about how nice that land is being kept. You can go down there now and see for yourself.

You can run on that land now. You can drive on that land. I could hardly stand up down there when I bought that land from that boy.

If nothing else, at least can we postpone this until I get it surveyed? I got one surveyor say if I still had a land, maybe he could get to it in about three weeks or something like that. But I was told last year, they said—and it's got to be in their minutes—they said that I refused to get a survey. Sir, that's not true. I called several surveyors last year and they told me they wouldn't be available probably till October and that's when I started back calling. I told Mr. Mike Furley (sp) that's when I was going to call him back.

I don't see anything for them to charge me with that horse, for them to declare my land was trashy, and it's not, for them to declare that I wouldn't get a surveyor, is not true. And if you have those other pictures, you can see them for yourself. That land probably about one of the cleanest pieces of properties down there.

Mayor Alvey said thank you, Mr. Walker. I'll now open the public hearing and ask the Clerk if we received any notification from the public who wish to express comments in favor of this item.

Mr. Deichler said none were received, Mayor.

Mayor Alvey asked, is there anyone present online or in the lobby who would like to speak in favor of this? **Ms. Godsil** said we have Melvin Williams.

Melvin Williams, 2939 N. 43rd Street, said this would be a prime example to working with somebody in the community. The man has stated his case. He cleaned up his property. At least extend the man the honor of extending his request. Stretch it out a few months then come back to the table with him. This is a prime example of working with your community.

Mayor Alvey asked, is there anyone else present? **Mr. Deichler** said seeing no others at this time, Mayor.

Mayor Alvey asked, did the Clerk receive any notification from the public who wish to express their comments in opposition? **Mr. Deichler** said we received none, Mayor.

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

Mayor Alvey said all right, I will now close the public hearing.

Mayor Alvey asked, Mr. Walker, would you like to make any closing comments?

Mr. Walker said I was trying to call a friend of mine. He was calling me on the phone a while ago, and I wouldn't answer because I was on here. I was trying to get the man's name. Sir, this situation to me, frankly, is kind of sticky. There's a driver up there—got to forgive me going this route. He is an African American. He has two dump trucks. Cleaned his property up good that had asphalt pulled up there to park his trucks on so he don't be on no grass, no dirt, nothing like that. He'd been up there for years with them trucks, and he's been told he has to move his trucks.

Now, on the other side, you got people moving in there with trucks, equipment, and everything, and they've been given an OK to have all that. The problem we're having up there is when the majority of these incidents comes up, it's always the blacks that don't get any consideration for anything we've done. That land up there been predominately owned by black. Now, sir, if you check the record, those are the only one that haven't got an OK from you all about anything. That's the blacks. You can't keep anything up there.

How is it that they can move in there with trucks? When I had my company, AJW, that's what ended up is on my lot down there. They were forcing me to take two trucks off of land up there that I bought in the company name, 2 trucks. This guy down there with probably 11 trucks, equipment, other bobcats, and everything else, machines, how are we supposed to take that? How am I supposed to perceive that? Am I supposed to look at that and keep saying that's a coincidence when it's happened in more than one case? They're talking to me about one container. I had two up there. I moved a container away from up there because they told me to move it. Paid \$3,500 for it; I got \$1,500 to get rid of it.

Right up the street from me, there's a guy that has three containers sitting on dirt and nobody acts like they see it. Another man just moved in there. He got a container on his lot. I asked him, well, excuse me, I didn't ask him, Brother Tyrone Wallace asked him, man, how can

you have a container on your lot? He said he got a special permit for it. We have never been told anything about getting a permit for those containers until this Hispanic person came up there.

I been down in there for 12 years trying to buy land. You're not talking to a rich man, but I'm not the poorest man you've ever seen. I've had money to buy that land up there. I went down there on several occasions trying to buy some land. Nobody had two pieces of land where you had maybe two acres here, two or three acres there combined so you can put five acres together; but other people came down there and they're buying five acres. I paid \$15,000 for that lousy piece of land I got down there. This man paid \$2,500 for a piece of land that he gets 5.4 acres. You telling me now, even after I done paid the \$15,000, bought the two pieces of land I bought, then turn around and I done bought two pieces of land from the City that I still don't have but 1.5 acres. Sir, it just don't look right. It don't smell right.

The City is telling us to do everything. They even told me once that I needed to put up a white picket fence. They want me to put up a white picket fence and he told me I could build a house. My wife told me, after you done put all that work in there, go on and build your little three-room house, three-bedroom house down there. I got to looking into it, sir. Ya'll don't even have sewage lines running down through there.

You got kids down there going to school. You know those kids going to school to get an education, they're crazy enough to walk in the middle of the street? But I forgot. They have to walk in the middle of the street, sir, because you don't even have sidewalks down there. They're walking around with lights on top of their heads, that's because ya'll don't have proper lighting down there.

You sit around there and tell us about all what we should do and ya'll not doing anything and a lot of that work should have been done. It's been pointed out to be done, and none of it being taught, and he tells me about putting up a white picket fence. I told him there's no way in the world I was going to put up no white picket fence down there because number one, it doesn't make no sense; number two, my horses eat wood.

I done changed them fences twice down there. Why ya'll talking about me being non-cooperative? He tells me to put up horse wire; I put up horse wire. My horses wasn't getting out. I had no problem. He comes back and tells me I have to take that wire down. Now I need you to

explain to me why I got to take horse wire down when you told me to put horse wire up. It's six feet tall and that's too tall. You got to have it four feet.

Sir, I don't have a crew to help me. I got a bobcat. It's broke down now. I got to take it to the shop Monday. I put that fence up practically by myself all the way around there. I had to take it down and put up four feet wire. I bought poles because he didn't want me to have wooden poles in the front and those T-poles running down through the side. I had to take all those T-poles back up and buy wooden poles for \$14 a pole to go all the way around that land. I've done that. I've done everything they told me to do. Every time I do one thing, they come up with three more. It's not making any sense, sir.

Commissioner Kane asked, didn't he say that he'd like to have this be held back until he could get it surveyed?

Mayor Alvey said that's not what I think we heard.

Mr. Walker said I said that you can at least do that and let me see how much land it is. I'm going to get the survey. I put in for the survey before. They even put that down that I refused to get a survey. Sir, that was not true. I put in for a surveyor to survey that whole land. If you tell me that I got to survey that land twice, I need to know why do I have to pay for land that one of you all told me you were going to vacate. If I bought that land on both sides, like I said a while ago, they would give me those two little things. Now they're telling me to have that survey. Sir, I'm going to have my land surveyed, the whole thing. But for me to have those two things surveyed separately, just tell me, are you telling me I need to do that? One guy told me that the City actually owed me money and an explanation, because your street, Bell Crossing, runs through my land according to this map.

Commissioner Kane asked, Gunnar, does he have to have it surveyed once or twice? What's going on? Is it once or is it twice? Why would it be twice?

Mr. Hand said the SUP in front of you does not require a survey. Mr. Walker had inquired about what it would take to claim or to have this public right-of-way become his private property, which is a vacation. A vacation requires a survey to be processed. Having 1.3 acres versus 1.5 acres is, as we understand it from the Conservation District, irrelevant. There's no threshold that

he's going to acquire when he takes this land. He is currently fenced, well he moved it, but he had previously fenced it off as his own, which is why we had to explain to him that there was actually these public rights-of-way that he was using. There is a bunch of platting issues in this area, and we all know it.

Commissioner Ramirez said Mr. Walker said that he provided more pictures and information. Was that provided to us tonight? **Mr. Hand** said I didn't receive anything. He may have given them to my planner and we may not have included that in the Staff Report. The Staff Report that you have in front of you includes the original pictures from when the application was originally submitted in May.

Commissioner Ramirez said even after the Staff Report is done and saying an applicant, like Mr. Walker, provides more information, more pictures, or what have you, do those not make it into the record?

Mr. Hand said no, we probably should have included the pictures. I think the point I would make here is that the Conservation District, regardless of the pictures or the status of the property is, again, I think for them it's the size of the property and how that is part of or primarily part of the reason they recommended denial.

I believe the original request was for four horses. Again, the topography, the landscape, the amount of trees on the property, all of these things are factored into the Conservation District's understanding of whether a livestock should be on these properties.

Commissioner Ramirez said I understand the Conservation District's view on it and everything, but my point and what I am having trouble with is, that there is more information that the applicant provided but was not given to us. Now, will that information change? We don't know because we haven't seen those pictures. If we're going to make a decision, we should have all that's been provided. I know that information wasn't also provided to the Planning Commission because that was after the fact, but that's just the point I'm trying to get at. It seems that there was more information, but we don't have it in front of us. I just ask that going forward if there is, please do your due diligence of making sure that if information is provided to you, that it's provided to us as well.

Commissioner Bynum said just a couple of questions. Mr. Hand, the slide with the verbiage about the acreage and Conservation District information. When you say it's irrelevant whether it's 1.3 or 1.5, I guess the explanation is that it's not enough land and it's not the correct topography for the total area of land for that many horses. Would that be a fair statement? **Mr. Hand** said I believe that is correct, yes. You can read here that it is both the size, type, and quality, if you will, of the property.

Commissioner Bynum said and I see that Item 1A, our Animal Services Unit, I think is what ASU is, is opposed to horses at any of the addresses listed. I think what we're doing is combining all of these parcels into one, is that correct? **Mr. Hand** said yes. All the parcels are currently owned by Mr. Walker. Again, you can see the dates on here, which occurred prior to Mr. Walker owning the property. We didn't know that, I guess, until we got some information that I still have not seen.

Commissioner Bynum said I really would defer to Commissioner Townsend. I would maybe preface anything she might have to say by maybe reminding the Commission and the public that multiple years ago, certainly pre-COVID, we had in this whole entire area up here along Bell Crossing and Sorter Drive, multiple complaints from residents in the area about a whole variety of things that were going on.

We did a blanket-mailing, if you will, to all of the property owners in this area. That may very well have precluded Mr. Walker's purchase of these parcels. We were trying to let everyone in this area know what the rules are, for example, a structure on a parcel where there's no house, what you would have to do to come into compliance with our zoning laws. We held a meeting at City Hall with dozens of the property owners in this area. Our staff worked pretty diligently on a case-by-case basis to help people in this area bring their properties into compliance.

Again, I'm going to defer to Commissioner Townsend because I know that she was also actively involved in all of the efforts that we were undertaking in this area not that very many years ago.

Commissioner Townsend said I'll pick up where Commissioner Bynum left off. Yes, there was a very concerted effort to clean up the area in and around the section of Bell Crossing and the other area, Sorter Drive, where Mr. Walker's application is close to.

Mr. Walker, I want to commend you if you've done improvements to that land. That's great. We want everybody to clean up their property. I commend you for what you've done.

The real issue here on this application is whether or not seven horses can be permitted to be on these properties given the limited acreage that we have, and I mean the Commission, from this report, have which is shown as 1.55 acres. The Conservation—I guess the Animal Control says that for that amount of space, it's barely enough for one horse, so that is really what's an issue here.

I'm also concerned that in the materials that the commissioners have, professional assessments by Animal Services was against having any horses there based on the topography and what's there. And, also, the Conservation District was against this because of lack of vegetation on the properties, severe erosion, and concerned that animal waste was going into the stream. I think under these circumstances and based on your request—now whether you get the survey or not, I don't think it's unreasonable to grant more time to, again, evaluate what the current circumstances are to make any determination if, indeed, there's more than 1.55 acres here that we're dealing with and what the current situation is with regards to how the property looks, how the stream looks, is there manure there. Again, this is residential property, that's the other issue.

So, my motion is to have this matter—I don't want to use the word set aside necessarily—but have this matter come back to us in two months, and hopefully that would allow whatever reevaluation of the amount of acreage may be done and what the current situation is at that time with the Conservation people and Animal Services people because these are professionals in that area. So that is my motion actually granting what Mr. Walker asked for, to take additional time.

Action: **Commissioner Townsend made a motion, seconded by Commissioner Kane, to have this matter come back to the Commission in two months.**

Mayor Alvey said I need to ask Legal; so, we are not going to bring forward the motion—if we don't bring forward the motion as was brought to us from the Planning and Zoning Commission,

we have a separate motion, is that correct? **Misty Brown, Chief Counsel**, said that's correct. The motion would be not to deny it, but to set aside this matter for a reconsideration in a two-month period.

Mayor Alvey said we have a motion and second. Any additional questions?

Commissioner Bynum said I just have one lingering question and that is for Mr. Walker. If the horses are here now, and I don't know if they are, are you able to have them be elsewhere while this is all under consideration?

Mr. Walker said I can move some of those horses. As a matter of fact, I've sold some of them since we've even been talking about this. I've got some more people supposed to be coming down looking at some more of them. I'm trying to get down, that's why we come up with the four. I've had as many as 15 horses down there. I'm down to nine horses.

Commissioner Bynum said I'm just hoping that there's a place for the horses to be while we sort through the matter. **Mr. Walker** asked, am I allowed to, at least in the meantime—I'm just asking—is it going to be feasible if I have just two horses down there? I can get rid of—I found a place for the majority of them. I can practically—all of them but two, and no horse would be close to that water.

Mayor Alvey said I think that would be a question we'd follow-up with Mr. Hand. Correct, Mr. Hand?

Mr. Hand said technically, there should be no horses on the property.

Mayor Alvey said we have a motion and a second. Roll call, please.

Mr. Deichler asked, Mayor, if I may before check with Counsel? Is this a six or an eight vote to change that denial? **Mayor Alvey** said it's not a change; it's a set aside.

Mr. Deichler said it's a set aside then it stays at six, correct? **Ms. Brown** said that's correct, Brett. It stays at six.

Roll call was taken on the motion and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 3 – 211124...SPECIAL USE PERMIT APPLICATION SP2021-067 - WESTON SPARKS WITH RIDE 4 EVER SKATE PARK

Synopsis: Special Use Permit to operate a skate park/skate school at 230 South 65th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Weston Sparks with Ride 4Ever Skate Park, is requesting a Special Use Permit for a skate park and skate school. A skate park and skate school is considered an athletic facility and therefore requires a Special Use Permit under Section 27-593(a)(1). The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2021-067, for two (2) years, subject to:

- 1) The hours of operation for the skate park will be from 12:00 PM to 7:00 PM daily;
- 2) Special Use Permit for an athletic facility (skate park) shall only apply to the 8,000-square-foot area as designated by the applicant on the floor plan provided. A partition wall must divide the entirety of the 8,000-square-foot area designated as the skate facility from the remainder of the building. Any expansion or alteration of the space will require SP2021-067 to be amended by the City Planning Commission and the Board of Commissioners;
- 3) A Final Plan Review of the landscaping, parking lot, and building façade, per all relevant zoning district, landscaping, and/or CDGOD ordinances, may be required, and if so, must be successfully granted within six (6) months of the approval of SP2021-067 by the Board of Commissioners;
- 4) A separate Special Use Permit for temporary use of land for commercial or industrial purposes must be issued, as storage of material and equipment for a separate business and use is not allowed in either the R-1 or C-3 Districts. Note that under this Special Use Permit, any stored equipment or material shall be removed upon the date of expiration of the special use permit, which permit shall not be approved for more than two (2) years. This separate Special Use Permit must be granted within six (6) months of the approval of SP2021-067 by the Board of Commissioners;
- 5) Trees are required at not less than one per 7,000 square feet of site area;
- 6) Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements. Therefore, the applicant must provide landscaping along the east side of the parking lot, to mitigate the amount of light, noise, and visuals reaching the adjacent residence at 234 South 65th Street; SP2021-067 October 28, 2021 8
- 7) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;

- 8) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 9) If approved, occupying businesses will need to maintain a current business occupation tax application with this office;
- 10) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
- 11) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved, and,
- 12) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2021-067 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 4 – 211125...SPECIAL USE PERMIT APPLICATION SP2021-068 - JILL SCHULTZ WITH K-9 CLUB

Synopsis: Special Use Permit for a dog day care (SP-2015-30 expired 6/25/2020) at 221 South 22nd Street, submitted by Gunnar H. Hand. The applicant, Jill Schultze, has applied for the renewal of a Special Use Permit for the operation of a dog daycare at the address of 221 South 22nd Street. The subject property has a single-family residence currently used as staff restroom facilities and a two-car garage used for supplies and dog washing. The property has been used for this business for the past thirteen (13) years. The Applicant and additional staff pick up the animals and transport them to the property. Daycare hours in which the dogs are on the property are

between 11 am and 3 pm, Monday through Friday. The Planning Commission voted 5 to 0 to recommend approval of SP2021-068, for ten (10) years, subject to:

- a. Applicant maintains proof of Kansas Boarding License and Business License and continuously maintains the licenses through the life of the permit (if approved);
- b. Adhere to the Standards Above regarding animal keeping;
- c. Ensure the property maintains sound maintenance, waste disposal, and fencing conditions;
- d. No more than thirty (30) dogs at any time on the property associated with the doggy daycare;
- e. Business Hours shall remain 9:00 a.m. to 5:00 p.m.
- f. If approved, the applicant will need to file and maintain a current business occupation tax application with the Business Licensing Division;
- g. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
- h. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- i. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
- j. The Special Use Permit shall be valid for ten (10) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2021-068 for ten years, subject to the stipulations. Roll call was taken and there were ten “Ayes,”

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

MASTER PLAN AMENDMENTS

Item No. 1 – 211127...MASTER PLAN AMENDMENT MPL2021-012 – WILLIAM ENGLAND

Synopsis: Master Plan Amendment from Low-Density Residential to Neighborhood Commercial at 2332 South 14th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: Item previously heard with Item No. 3 – 211119...Change of Zone Application COZ2021-017.

Item No. 2 – 211129...MASTER PLAN AMENDMENT MPL2021-010 – ANDREW SEEMILLER WITH SUMMIT REAL ESTATE GROUP

Synopsis: Master Plan Amendment from Mixed Use to Industrial (City-Wide Master Plan) at 626 North 47th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: Item previously heard with Item No. 2 – 211117...Change of Zone Application COZ2021-013.

PLAN REVIEW APPLICATION

Item No. 1 – 211126...PLAN REVIEW APPLICATION PR2021-024 - ANALY POLANCO WITH CHURCH MILAGRO DE VIDA

Synopsis: Preliminary and Final Plan Review for a church at 1270 Merriam Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Analy Polanco with Church Milagro de Vida, is requesting a Preliminary and Final Plan Review for a church at 1270 Merriam Lane. The subject property is one (1) tenant space within a multi-tenant commercial building. All tenants on the parcel share a parking lot. The Planning Commission voted 5 to 0 to recommend approval of Plan Review Application PR2021-024, subject to:

- 1) Bicycle parking must be provided on the sidewalk by the front door of the building space, as indicated in the applicant's submissions.
- 2) All parking lot lighting must continue to be downward facing and pointed away from residentially zoned properties and public rights-of-way. Any parking lot lighting not shown by the applicant's submissions and found to be in violation of this condition must be replaced with compliant lighting.
- 3) All outstanding Notices of Violation (see "Code Enforcement History" in the Proposal section of this report) must be resolved before Preliminary and Final Plan Review PR2021-024 can go into effect. Staff encourages the applicant to address the outstanding violations ahead of the October 11, 2021 City Planning Commission meeting.
- 4) If the store front windows are highly tinted, they must be removed and replaced with windows that have no or little tint.
- 5) All Commercial Development Guidelines Overlay District relating to building and façade materials must be met.
- 6) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.
- 7) A direct connection to the front door must be established by marking a pedestrian access walkway through the parking lot, which must be striped and properly marked in compliance with Section 27-575(d)(12).
- 8) An ADA-compliant curb must be installed at the front sidewalk and door.
- 9) The pedestrian walkway and access points between the parking lot and front door must have at least two (2) of the elements listed:
 - a. Six-inch vertical curb;
 - b. Trellis;
 - c. Special railing;
 - d. Bollards;
 - e. Special paving;
 - f. Low seat wall or other architectural features;
 - g. Pedestrian scale lighting; and;
 - h. Traffic calming devices.
- 10) Per Section 27-575(e)(4), parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements. Therefore, the applicant must provide landscaping along Merriam Lane.
- 11) The applicant must provide a parking agreement with the property owner that demonstrates the following:
 - a. An identified and specified number of parking spaces in the subject property parking lot that are designated for the purposed use;
 - b. Use of said identified parking spaces are allowed to the purposed use throughout the lease between the property owner and the applicant; and,
 - c. Notarized signatures of both the property owner and lease and/or applicant.
- 12) ADA-compliant parking proximate to the entrance must be installed, including the required graphics and sign placards.

- 13) A reasonable amount of landscaping is required on all projects in this district, with emphasis being placed on screening or otherwise softening the visual impact of parking or unsightly areas. Such features shall be depicted on a properly prepared plan.
- 14) Six (6)-foot high architectural or landscape screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.
- 15) Landscape berms and/or continuous rows of shrubs must be planted along Merriam Lane in order to screen parking from public streets.
- 16) At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
- 17) All parking, landscaping, lighting, and commercial design requirements has outlined in the Staff Comments and Suggestions section of this report must be complied with or a deviation must be granted by the City Planning Commission.
- 18) A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process at (913) 573-8620, and,
- 19) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Plan Review Application PR2021-024, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

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

Item No. 1 – 211131...ORDINANCE

Synopsis: An ordinance approving the Armourdale Area Master Plan, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was moved under the Planning and Zoning Non-Consent Agenda, Item No. A1 – 211130...Consideration of Armourdale Area Master Plan.

Item No. 2 – 211132...ORDINANCE

Synopsis: An ordinance rezoning property at 4600 Parkview Avenue, 4551 Sloan Avenue, 3334 North 44th Terrace, 3319 North 44th Terrace and 4249 Sortor Drive (COZ2021-026) from A-G

Agriculture and R-1(B) Single Family Districts to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-137-21**, “An ordinance rezoning property hereinafter described located at approximately 4600 Parkview Avenue, 4551 Sloan Avenue, 3334 North 44th Terrace, 3319 North 44th Terrance and 4249 Sorter Drive, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture and R-1(B) Single Family Districts to A-G Agriculture District.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 3 – 211133...ORDINANCE

Synopsis: An ordinance rezoning property at 8741 Parallel Parkway (COZ2021-005) from R-1 Single Family District to CP-O Planned Non-Retail Business District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-138-21**, “An ordinance rezoning property hereinafter described located at approximately 8741 Parallel Parkway, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to CP-O Planned Non-Retail Business District.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 4 – 211134...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-041) for auto storage and auto maintenance at 1032 South 25th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-139-21**, “An ordinance authorizing Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for auto storage and maintenance at 1032 South 25th Street.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 5 – 211135...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-029) for a drinking establishment with live entertainment at 508 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-140-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a drinking establishment with live entertainment at 508 Kansas Avenue.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 6 – 211136...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-052) to keep eight (8) mature ducks at 1921 Nebraska Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-141-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for eight mature

ducks at 1921 Nebraska Avenue.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

PLANNING AND ZONING NON-CONSENT AGENDA

MISCELLANEOUS

Item No. 1 – 211130...CONSIDERATION OF ARMOURDALE AREA MASTER PLAN

Synopsis: Adoption of Armourdale Area Master Plan (plan and letters in support attached), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Gunnar Hand, Director of Planning and Urban Design, said I’m actually going to pass it off to our Lead for our Events Planning Division in the Planning and Urban Design Department, Ms. Kim Portillo.

Kim Portillo, Long-Range Planner, said happy to be here to present to you guys today. We also have our Consultant Team, Port, who’s going to give you guys a brief presentation. I just wanted to say thank you for everyone who has been involved in the plan this far. It’s really been a great process. We’ve been working on this for just over a year now. We’ve been really involved with the community, with the Armourdale Renewal Association. We’ve had a lot of interaction with businesses down there, so we are very excited and looking forward to presenting that to you today.

I also want to mention that between the Planning Commission approval, we did have some modifications to the land use plan. Gunnar, I don’t know if you want to speak to that at all.

Mr. Hand said we pulled this because we wanted to give a presentation, but we also pulled it technically because we found a couple of parcels that we had mis-designated in terms of land use. There is one, for instance, in the middle of the Kansas River that got left out from being designated open space. We had to make that change. That alone would have required a super-majority vote since it is different from the Planning Commission’s approval.

Additionally, we have, in error, left the previous single-family land use designation which was a part of the 1994 map amendment of Armourdale. We've since changed that over to what is now the more common, a part of the City-Wide Master Plan, which is Urban Density Residential. It's the same density residential as Central Avenue is for all their single-family homes as well as the Northeast area for all their single-family homes.

Technically, this will require a super-majority for approval and with that I think, unless Kim had anything else to say, we can pass it off. Again, this is not the same presentation you guys heard last month; it's an abbreviated version. We're trying to move as fast as we can.



Andrew Moddrell, Consultant Team, Planning Team for the Armourdale Area Master Plan, said as Gunnar and Kim said, this is an abbreviated presentation. I think this is the—we had a couple of informational presentations and this is an abbreviated version of what I hope you all had a chance to review the quite extensive document that we've built over the last 10 months with our consultant team, with the community cataloging all of the inputs, stakeholder input during committee input that established the priorities and direction for a master plan that we feel really captures pretty much everything we've heard in the last 10 months, and we're really proud of how extensive and detailed it is.

[illegible]

The key takeaways to point to are that we've engaged people, our outreach team, our partner organizations, community experts and the Steering Committee. It was essentially a very intensive process of collaboration, discussion, debate, and establishing priorities from that. The

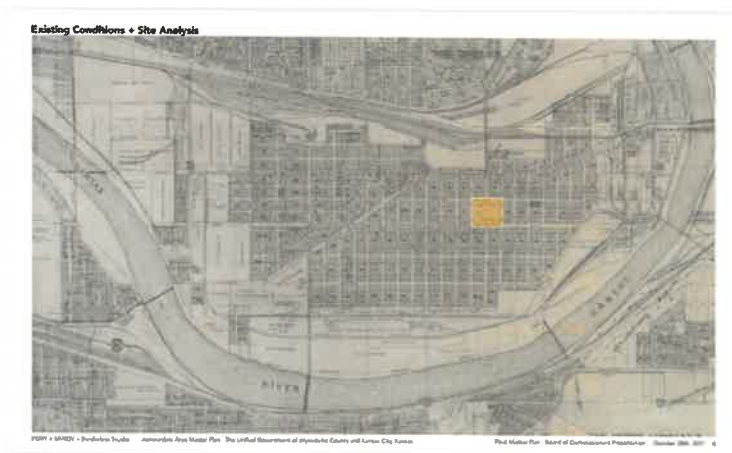
tools we used were surveys, posters, postcards, voicemail, website, and the events aren't listed here, but the numerous events, workshops, focus groups, and opportunities, again to convene around the ideas that we were discussing to make sure that they were reflecting what we were hearing from the community and stakeholders and make sure the priority ideas are rising to the top.



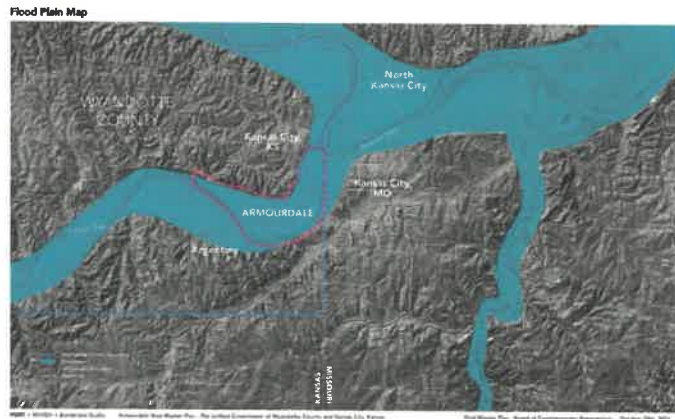
This is maybe one of the best photos, I think, that we were able to collect during this whole process. I think this is really indicative of the power of the outreach team that we were able to assemble of Armourdale residents who were paid as part of our consultant team to sit down with their friends and neighbors and go through our survey and questionnaire, spend 20 minutes with folks who might not be pulling this up on their smart phone or taking the time out of work to log on to a survey monkey or fill out a postcard and mail it in. We had community members talking to community members and collecting their input and this is just a beautiful photo, especially at peak COVID with the mask inside and talking about the Armourdale stories, priorities from the community. This was an example early on in the process as we were kicking off.



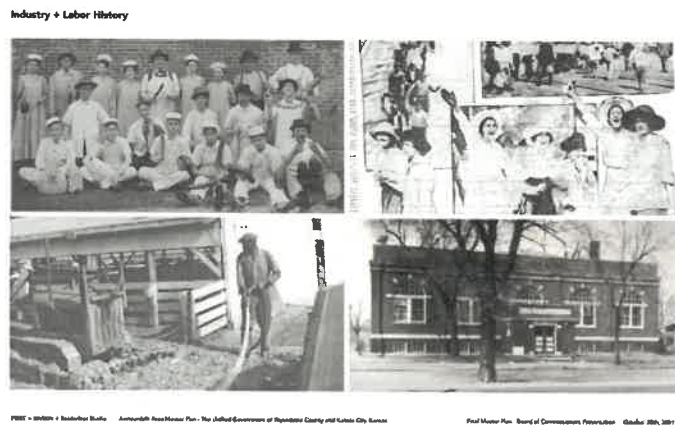
Here's a few images of a couple of online workshops where we're using miro boards to have a really interactive meeting with community members, stakeholders, collect input, as well as a focus group at John Fiske Elementary. This is an image on the bottom right of a plan that we had of oversized big prints there at John Fiske also as part of a community event in June.



Parallel to all this community outreach, we did an extremely deep dive into the history of Armourdale, which is probably one of the most fascinating and rich histories in all of Kansas City and is really directly tied to the history of Kansas City and how Kansas City grew to prominence at the confluence of the Kansas and Missouri rivers.



With that, Armourdale has—this community exists entirely in a floodplain surrounded by industry, rail, river. It makes it incredible, unique



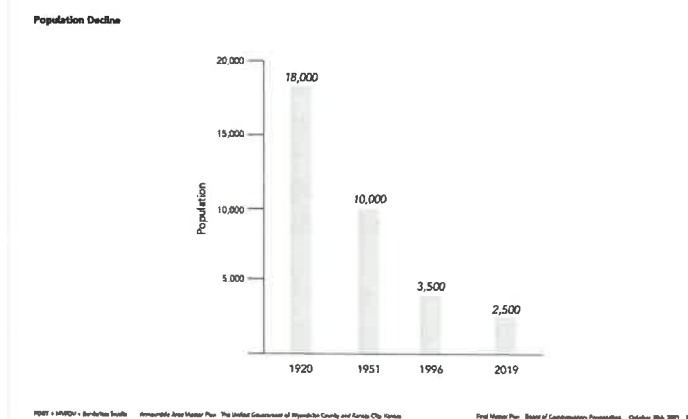
and it's completely tied to its industry and labor history that we cataloged in the report,...



also, its Hispanic heritage and the culture that emerged and thrived in the Armourdale/Argentine area.



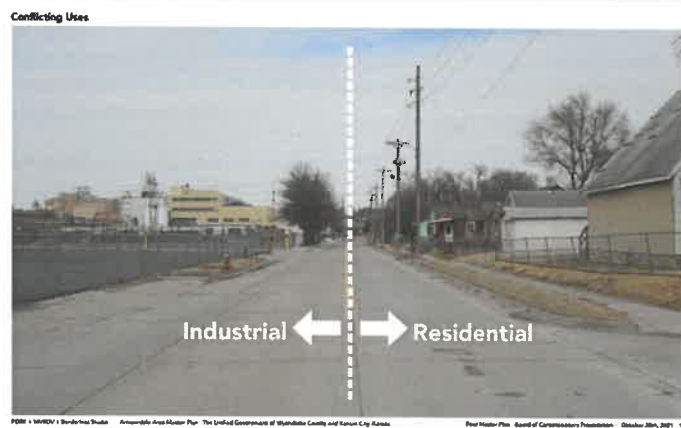
But then also in the '60s and '70s, and I guess even before the redlining, but referring to the '60s and '70s of centrally what to do with Armourdale because of extensive flood damage. What you see in the upper right and lower right are public community housing projects that were denied, that didn't move forward,...



and in some ways after those big efforts were squashed in the '60s, Armourdale was left to kind of languish. Another flood hasn't vanquished Armourdale since 1951 neighborhoods,...



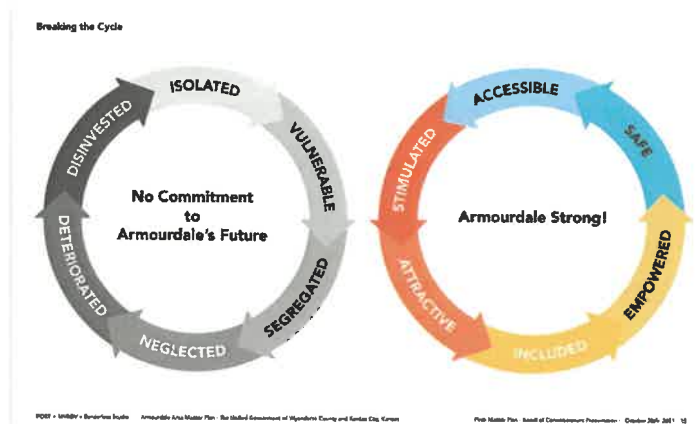
but the industry is continually encroached on the Armourdale community...



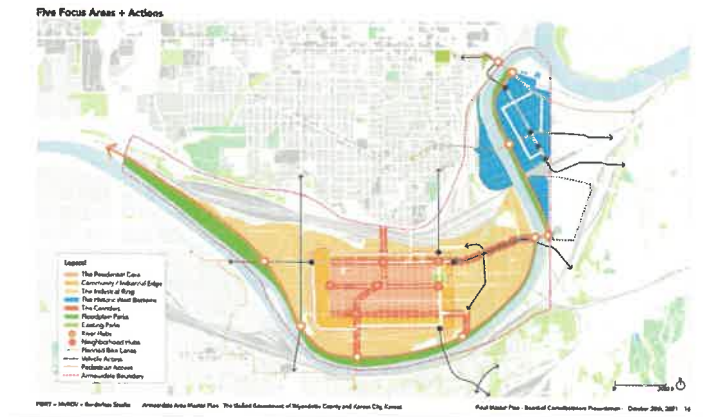
and has always, it always is this kind of binary relationship of one side of the street to the other or the trucks going down through the neighborhoods, but...



essentially a neighborhood that has endured for the last 70 years with really a pretty significant lack of investment and resources while the question always hung in the air of what is the future of Armourdale? Is there a future for Armourdale? This process kind of definitively said in 2021, here we are. Armourdale is here to stay. Armourdale is a strong place that endured over 100 years of kind of challenges and neglect, and now we have an opportunity to deliver the resources to Armourdale that they so richly deserve.



Looking at this, on the left: isolated, vulnerable, segregated, neglected, deteriorated and disinvested is what happens when there's no commitment to Armourdale's future or questions about whether Armourdale should be where it is or whether it should all be industrial or whether another flood is coming, especially with the investment in the levees, investment in the stormwater infrastructure, and investment all-around the West Bottoms, the Rock Island Bridge, the kind of future of Wyandotte County and Kansas City, Kansas, we see this moment for Armourdale to be accessible, safe, empowered, included, attractive, and stimulated.



The report lays out a roadmap for how to get there, identifying five key focus areas and actions and strategies associated with each of those areas.



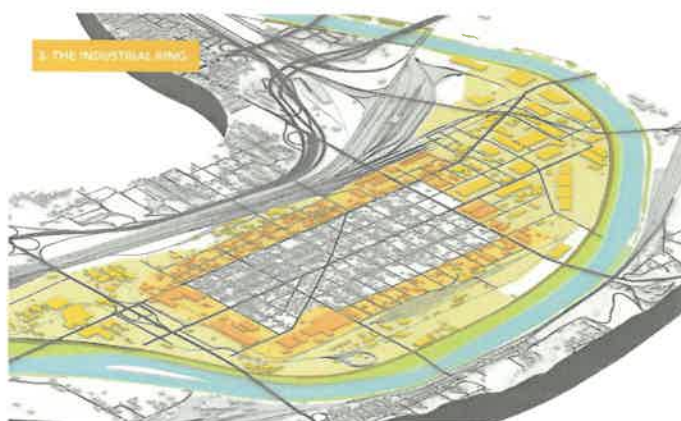
Those range from the neighborhood core of Armourdale and how to really strengthen that as this strong neighborhood in the very center of the Armourdale area,...



and there's a long list of these strategies in the report that outline not only the title of the strategy that you see here, but who are the community partners, what are the funding resources, what are the benchmarks for year one, year three; community partners, everything to try to; and also, priorities for this list and implementation strategies for this list.



The second was the commercial corridors, Osage in particular, Kansas Avenue, 10th Street, 12th Street, but looking to rebuild these corridors that were essentially, they're existing corridors that came to prominence with the streetcar era in Kansas City and still reflect that legacy with their density and street frontage but have slowly declined along with Armourdale. These are strategies for strengthening and rebuilding and infilling these corridors to create walkable community hubs in the middle of the Armourdale neighborhood.



The industrial ring. There is no, obviously, denying the history of the stockyards, the history of transportation, the history of the river, the history of industrial production, manufacturing, and all of how important this area is to all of Kansas City and to have that thrive and balance with the

Armourdale neighborhood is one of our goals. There are some very easy ways to move toward that balance that include optimizing truck routes and negating some of the impacts that some of the industries have on the Armourdale neighborhood. But also drawing new businesses to this area and growing Armourdale and strengthening the industrial ring around Armourdale, the area specifically in close proximity to the neighborhood that could support small and medium-sized businesses onto the larger businesses around the perimeter and the river,

Focus Areas - Kansas River Action Examples - River Hubs

4. THE KANSAS RIVER



KDM - KDMR - KDMR Studio Armourdale Area Master Plan - The Unified Government of Wyandotte County and Kansas City, Kansas

Final Master Plan - Board of Commissioners Presentation - October 28th, 2021

which brings us to the river. We were starting to see Kansas City start to face the river again and look at the river as a resource and as a city-wide amenity. Armourdale is right on the edge of the neighborhood,...

Five Focus Areas + Actions

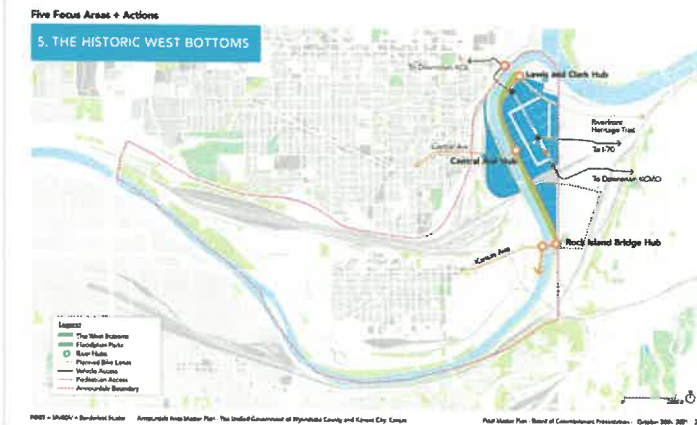
4. THE KANSAS RIVER

- Strategy 1:** Increase Access to the Kansas River Through the Industrial Ring
- Strategy 2:** Create a Master Plan for the Kansas River
- Strategy 3:** Implement a Kaw River Restoration Pilot Project Toward Enhancing the Ecological Health of the Kansas River
- Strategy 4:** Work With Community Groups to Expand Programming and Recreational Opportunities Along and on the Kansas River

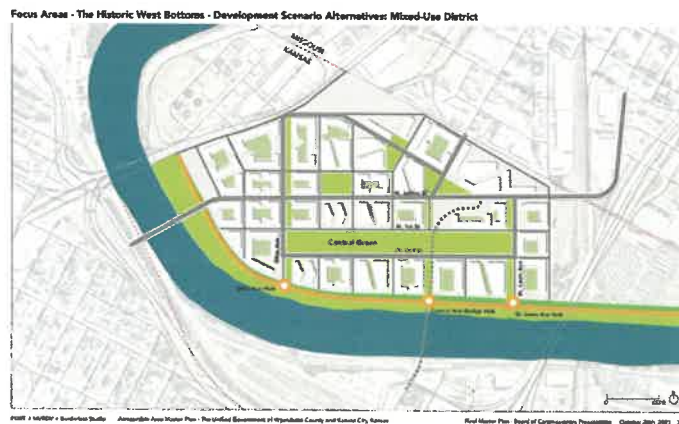
KDM - KDMR - KDMR Studio Armourdale Area Master Plan - The Unified Government of Wyandotte County and Kansas City, Kansas

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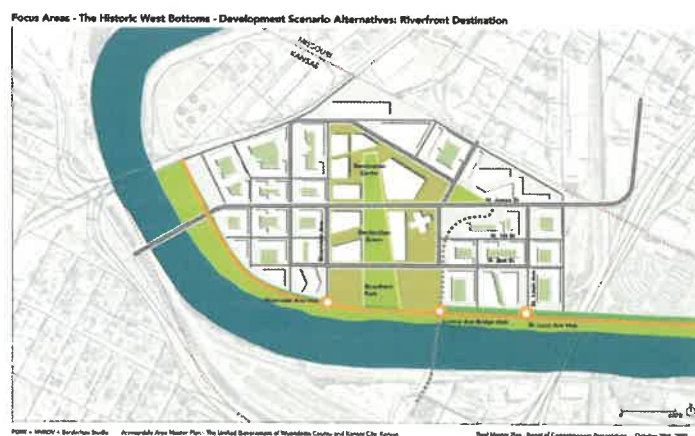
so looking at connections to levee trails, create new community hubs and access to the river and really, again, turn to the river as a pretty incredible and unique resource for Kansas City and Armourdale. All of those strategies are outlined there.



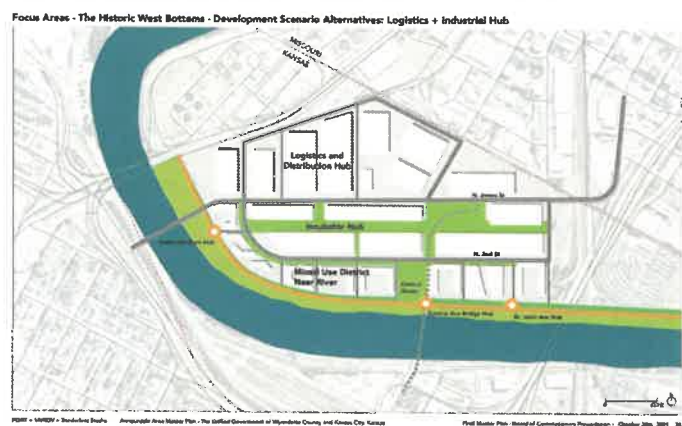
Finally, the fifth area is the historic West Bottoms.



This area, we kind of come to the conclusion that it is deserving of its own Master Plan study. That's one of the recommendations in the report is that as this area that's technically within the Armourdale Area Master Plan study area,...



we just explored a few different development scenarios and reviewed them with the community and the Steering Committee as far as potential for a mixed-use district on the river, or the scenario shows a riverfront destination or more of a civic district,...



or it could be a logistics and industrial hub. It really is a pivotal property or an area that deserves a deeper dive than we were able to target during the study.

Five Focus Areas + Actions

5. THE HISTORIC WEST BOTTOMS

- Strategy 1:** Create a Master Plan for The Historic West Bottoms
- Strategy 2:** Convert the Central Avenue Bridge to Ped/Bike Use
- Strategy 3:** Continue Development of the Aerial Lift Project

More recommendations and background are in the report.

That's all I have to share on behalf of our team, our partners on the projects. This has been—we're coming up at the end of 10 months of really amazing work. We're really proud of what we put together and couldn't have done it without the close collaboration and input of so many willing participants and what everyone has recognized as a really important process for a really significant community and part of Kansas City.

Mayor Alvey said I will now open the public hearing and ask the Clerk if we received any notification from the public wishing to express comments in favor of this item. **Mr. Deichler** said none were received, Mayor.

Mayor Alvey asked, did I not see DeeDee Sanders early on wanting to speak to this item? **Mr. Deichler** said, let me see. She's not on our list. She popped up here. Is she still on?

Mr. Hand said I believe there's a couple of people who might want to speak tonight.

Mayor Alvey said DeeDee Sanders, please state your name and address for the record.

DeeDee Sanders and Claudine Sanders, 8309 Isabel Street, Kansas City, KS, said I am the Vice President of the Armourdale Renewable Association and we wanted to take this time to provide support for the Armourdale Master Plan, and thank you for all the efforts that have been put into our neighborhood.

Mayor Alvey asked, do we have someone else, Mr. Deichler? **Mr. Deichler** said, Mayor, I'm seeing none in the attendees' roster there or in the panelist side here.

Mayor Alvey asked, is there anyone present who would like to speak in favor? **Mr. Deichler** said I'm seeing none as well.

Mayor Alvey asked, have we received any notification from the public who wish to express comments in opposition? **Mr. Deichler** said we did not.

Mayor Alvey asked, is there anyone from the public who would like to speak in opposition? **Mr. Deichler** said seeing none, Mayor.

Mayor Alvey said I'll close the public hearing. Any members of the Commission have any questions or comments?

Action: **ORDINANCE NO. O-142-21,** "An ordinance approving the Armourdale Area Master Plan." **Commissioner Burroughs made a motion, seconded by**

Commissioner McKiernan, to approve the ordinance. Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Mr. Moddrell said thank you for everyone’s support along this long process.

MAYOR’S AGENDA

No items

REGULAR CONSENT AGENDA

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

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

Item No. 1 – 211079...RESOLUTION: WAIVE CERTAIN FEES RELATED TO INFILL HOUSING EAST OF 78TH STREET

Synopsis: A resolution approving the waiving of certain fees associated with new construction of single-family homes and duplexes on vacant properties east of 78th Street for two years in order to spur new development, submitted by Katherine Carttar, Director of Economic Development. On October 11, 2021, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-76-21,** “A resolution approving the waiving of certain fees for a period of two years from the date of this resolution for any new residential (single-family and duplexes) infill housing east of 78th Street in Kansas City,

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

Item No. 2 - MINUTES

Synopsis: Minutes from regular session of August 26, 2021; and special session of October 14, 2021.

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

Item No. 3 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated October 14 and 21, 2021.

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

PUBLIC HEARING AGENDA

Item No. 1 – 211076...PUBLIC HEARING: CONSIDER AN ORDINANCE AND RESOLUTION REGARDING THE LEGEND HOTEL, LLC, CID, AND DEVELOPMENT AGREEMENT

Synopsis: Conduct a public hearing to consider an ordinance approving a Community Improvement District (CID) in the area of N. 98th St. and Parallel Parkway to assist in the construction of a new Fairfield Inn and a resolution approving a Development Agreement between the Unified Government and Legend Hotel, LLC, submitted by Katherine Carttar, Director of

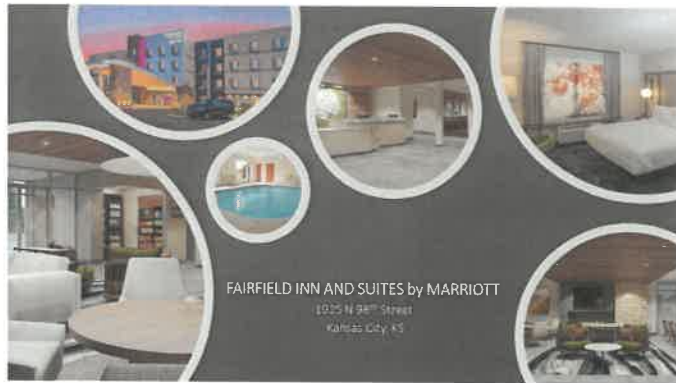
Economic Development. The CID would add an additional 1.5% sales tax for visitors to the hotel and would be used to reimburse up to \$1,528,714 in construction costs. On October 11, 2021, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted 5-1 to approve and forward to full commission.



Patrick Waters, Deputy Chief Counsel, said you may recall we were here last month. This was a developer-initiated process. The developer submitted a petition for the CID in July, and we had our first public hearing last month. The Commission requested that Staff go back and work with the developer and bring back a proposed development agreement, so that is what we are here for tonight.



Again, this is the location in between the Freddy's and the Compass Minerals Soccer Fields, off of 98th and Parallel.



These are some pictures supplied by the developer, some renderings, and pictures of what the hotel would be like. It will be a Fairfield Inn. The developer has confirmed there will be an indoor pool, a 1,000 square foot conference room, among other items.

Development Agreement and CID Ordinance	• CID Sales Tax of 1.5% • Total project budget of \$10,765,500. • CID Cap of \$1,528,714. • CID Cap reduced by 10% if Developer fails to meet L/M/W goals
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Some of the details of the development agreement, the developer is requesting a 1.5% sales tax that would go on top of the existing state and local sales tax at the hotel. His total project budget to build out the hotel is about \$10.7M. He is requesting \$1.5M in that CID incentives. The developer can speak to this, but that is basically as it comes from increased costs since he originally designed this. If the developer does not meet the local, minority, and women goals for construction, that CID cap would be reduced by 10%.

Development Agreement and CID Ordinance	• Pay-As-You-Go reimbursement • Would only reimburse hard construction costs. Land acquisition, architectural and engineering fees would not qualify.
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This would be pay a pay-as-you-go reimbursement. There's no bonds. Bonds will not be issued for this.

We structured the Development Agreement to make it clear that we will only reimburse the developer for hard construction costs. Land acquisition, attorney fees, architectural and things like that would not be included.

With that, that's all I have. If the developer wishes to speak to this, I believe he is on phone.

Rueben Ranat, Legend Hospitality Hotel Group, Overland Park, KS, said I thank the Commission for looking at this CID request. With respect to this request, we are looking to add this additional sales tax of 1.5%, which will be paid by customers visiting our property and renting rooms and not by the UG themselves. I just wanted to make that clear that it would be an additional sales tax that's paid by basically tourism.

Mayor Alvey said I'll now open the public hearing and ask the Clerk if we received any notification from the public who which to express comments in favor of this item. **Mr. Deichler** said none were received, Mayor.

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

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

Mayor Alvey asked, anyone in the building who would like to speak in opposition? **Mr. Deichler** said none at this time, sir.

Mayor Alvey said I'll now close the public hearing. Questions or comments from the Commission?

Commissioner McKiernan said, Mr. Waters, I just want to confirm something that I confirmed when we were in standing committee. This property will pay full property taxes to the Unified

Government, correct? **Mr. Waters** said correct. There are no IRBs or property tax abatements associated with this.

Commissioner McKiernan said and it will pay full sales tax before the CID to the Unified Government and will pay all transient guest tax, is that correct? **Mr. Waters** said that is correct. The one caveat is, it is within the STAR bond district, so this is layered on top. This is separate from the STAR bond, though.

Commissioner McKiernan said that's fine, but full property tax to the UG, full transient guest tax to the UG, and contributing to the health and vitality of the STAR bond district. **Mr. Waters** said correct.

Mayor Alvey said we need two motions. The first motion is an ordinance approving the community improvement district.

Action: **ORDINANCE NO. O-143-21**, "An ordinance authorizing the creation of the Legend Hotel Community Improvement District in Kansas City, Kansas; authorizing the making of certain project improvements relating thereto; approving the estimated costs of such project improvements; and providing for the method of financing the same." **Commissioner Bynum made a motion, seconded by Commissioner Philbrook, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Ramirez; and one "No," Burroughs.

Action: **RESOLUTION NO. R-77-21**, "A resolution adopting the Development Agreement between the Unified Government and Legend Hotel, LLC." **Commissioner Bynum made a motion, seconded by Commissioner Philbrook, to adopt the resolution.** Roll call was taken and there were ten "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

STANDING COMMITTEES' AGENDA

Mayor Alvey said we have an item that was added to tonight's agenda.

Item No. 1 – 211089...RESOLUTION: AMENDING THE SCHEDULES OF MEETING TIMES FOR THE STANDING COMMITTEES AND FULL COMMISSION

Synopsis: A resolution amending the schedules of meeting times for the Standing Committees and Full Commission of the Unified Government Board of Commissioners through January 2022, by switching the meeting times for the Neighborhood/Community Development and the Economic Development/Finance Standing Committees, submitted by Jeff Conway, Assistant Counsel. This item appeared before the Administration and Human Services Standing Committee, chaired by Commissioner Markley, on October 25, 2021. It was requested, and approved by the Mayor, to fast track this item to the October 28, 2021, full commission meeting.

Doug Bach, County Administrator, said this item was advanced at the request of our standing committees, Commissioner McKiernan and Commissioner Burroughs. Those committees have looked at the order in which we were going through and hearing Land Bank items that were taking us a couple of hours, often times requiring us to keep developers and many other members of the public waiting for Economic Development and Finance items to move forward. Thus, they requested to switch it so the ED&F meeting would be first and then they can handle the Neighborhood and Community Development items after that.

Mayor Alvey said Commissioner Markley chaired the meeting. Do you have any additional comments? **Commissioner Markley** said no. This is just fast tracked to the upcoming meeting.

Mayor Alvey asked, any other comments or questions?

Action: **RESOLUTION NO. R-78-21**, "A resolution amending the schedules of meeting times for the Standing Committees of the Unified Government Commission through January 2022, by switching the meeting times for the Neighborhood and Community Development Committee and the Economic Development and Finance

Committee.” **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Ramirez. (Commissioner Burroughs encountered technical difficulties; therefore, unable to vote.)

ADMINISTRATOR’S AGENDA

Mayor Alvey said we have three items under the Administrator’s Agenda. All three items consist of transferring ownership of the three automobile dealerships in the area east of I-435. Staff can make a consolidated presentation on all three items. A separate vote is required for each one.

Item No. 1 – 211143...RESOLUTION: AMENDING THE ASSIGNMENT AND ASSUMPTION AGREEMENT (FORD)

Synopsis: Amending the Assignment & Assumption Agreement among the Unified Government, Premier Automotive of Bonner Springs KS, LLC, and Premier RE 1800 LLC, to transfer ownership interest in the real estate of the Ford Project, submitted by Katherine Carttar, Director of Economic Development. The entities operating the dealership remain unchanged and continue to be responsible for operating in accordance with the agreement.

Katherine Carttar, Director of Economic Development, said I’ll be speaking to all three and then there’ll be a separate vote for each one. These are the Victory Ford, Victory Chrysler/Dodge/Jeep/Ram, and the Premier Auto Outlet KC that are over at 435 and Parallel.

What is happening here is solely an amending of the Assignment and Assumption Agreement as they are breaking apart the ownership from the dealership. The operations will be a separate owner from the actual real estate. They will actually be the same ownership group, but they are just forming a separate LLC to specifically deal with the real estate versus the dealership operations.

For us, this is a positive thing because we’re just having more people that we are ensuring that they are remaining steadfast in exactly what they are required to do per the Development

Agreement. Now we're just adding the separate group to ensure that we have them on the hook for everything that they have promised to do.

Mayor Alvey asked, any questions or comments from the Commission? (There were none.)

Action: **RESOLUTION NO. R-79-21**, "A resolution adopting the First Amendment to Acknowledgement and Assumption Agreement (Ford Project), whereby Premier Automotive of Bonner Springs KS, LLC, intends to transfer Lot 4-A, Legends Auto Plaza, to Premier RE 1800 LLC." **Commissioner Kane made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Ramirez. (Commissioner Burroughs encountered technical difficulties; therefore, unable to vote.)

Item No. 2 – 211144...RESOLUTION: AMENDING THE ASSIGNMENT AND ASSUMPTION AGREEMENT (CHRYSLER)

Synopsis: Amending the Assignment & Assumption Agreement among the Unified Government, Premier Automotive of Kansas City, LLC, and Premier RE 1720 LLC, to transfer ownership interest in the real estate of the Chrysler Project, submitted by Katherine Carttar, Director of Economic Development. The entities operating the dealership remain unchanged and continue to be responsible for operating in accordance with the agreement.

Action: **RESOLUTION NO. R-80-21**, "A resolution adopting the First Amendment to Acknowledgement and Assumption Agreement (Chrysler Project), whereby Premier Automotive of Kansas City, LLC, intends to transfer Lot 4-B, Legends Auto Plaza, and Lot 8-A, Legends Auto Plaza, Third Plat, to Premier RE 1720, LLC." **Commissioner Kane made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan,

Ramirez. (Commissioner Burroughs encountered technical difficulties; therefore, unable to vote.)

Item No. 3 – 211145...RESOLUTION: AMENDING THE ASSIGNMENT AND ASSUMPTION AGREEMENT (PRE-OWNED)

Synopsis: Amending the Assignment & Assumption Agreement among the Unified Government, Premier Automotive at the Legends, LLC, and Premier RE 1801, LLC, to transfer ownership interest in the real estate of the Auto Outlet Project, submitted by Katherine Carttar, Director of Economic Development. The entities operating the dealership remain unchanged and continue to be responsible for operating in accordance with the agreement.

Action: **RESOLUTION NO. R-81-21**, “A resolution adopting the First Amendment to Acknowledgement and Assumption Agreement (Auto Outlet Project), whereby Premier Automotive at the Legends, LLC, intends to transfer Lot 5, Legends Auto Plaza, Second Plat, to Premier RE 1801, LLC.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Ramirez. (Commissioner Burroughs encountered technical difficulties; therefore, unable to vote.)

COMMISSIONERS’ AGENDA

No items

Mayor Alvey said that concludes the Regular Meeting and we are adjourned in that capacity. Now called back as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES’ CONSENT AGENDA

Mayor Alvey asked, does any member of the Commission or County Administrator wish to set aside any item on the Land Bank Consent Agenda? If an item is not set aside, all items on the Consent Agenda will be voted on by one vote.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve all as submitted. Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Ramirez. (Commissioner Burroughs encountered technical difficulties; therefore, unable to vote.)

Item No. 1 – 211081...LAND BANK PROPERTY TRANSFERS

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

- A. Property Transfer
 - 1. The Homes, Inc.
2926 N. Allis St.
- B. Yard Extensions
 - 1. Bryant T. Crosby, Sr.
3541 R N. 60th St.- 031424
 - 2. David Jennings
3533 Ford Ave. - 065612

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve. Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Ramirez. (Commissioner Burroughs encountered technical difficulties; therefore, unable to vote.)

Item No. 2 – 211080...LAND BANK OPTION APPLICATIONS

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

- A. New Construction - Single Family Homes - 13
 - 1. Aglahe D. Montano – 1 home
2100 S. 37th St. – 118616
 - 2. Oscar Garza – 1 home
129 S. 16th St. – 066600
 - 3. Meredith Vertreese – 4 homes
720 Garfield Ave. – 095130

- 722 Garfield Ave. - 095129
- 724 Garfield Ave. - 095128
- 728 Garfield Ave. – 095127
- 4. Rebecca Davis – 1 home
5911 N. 123rd St. – 234011
- 5. Bright Solutions – 4 homes
810 N. 10th St. – 080435
1007 Armstrong Ave. – 080438
1013 Armstrong Ave. – 080437
1017 Armstrong Ave. – 080436
- 6. Bright Solutions – 2 homes
1238 Osage Ave. – 072352
1242 Osage Ave. – 072353
1244 Osage Ave. – 072354
- B. New Construction – Multi Family – 4 Units
 - 1. Bright Solutions – 1 Duplex
829 S. Mill St. – 073742
831 S. Mill St. – 073741
 - 2. Bright Solutions – 1 Duplex
1220 Pennsylvania Ave. – 068242
- C. New Construction – Garage – 1
 - 1. Maria Barrios – 1 garage
845 Reynolds Ave. – 120219
- D. New Construction - Commercial – 1
 - 1. Bessie M. Robinson
2536 N. 17th St. – 115863

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Ramirez. (Commissioner Burroughs encountered technical difficulties; therefore, unable to vote.)

LAND BANK BOARD OF TRUSTEES’ NON-CONSENT AGENDA

Item No. 1 – 211128...LAND BANK OPTION APPLICATIONS - KCK VALLEY OWNER, LLC

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

Circuit Avenue Partners LLC – 2 homes

907 Walker Ave. – 081093

909 Walker Ave. – 081094

913 Walker Ave. – 081095

915 Walker Ave. – 081096

Jud Knapp, Interim Land Bank Manager, said tonight, I present to you the applications for two new homes. At Standing Committee, it was recommended that the developer have a meeting with the neighborhood group. This meeting did take place and both the neighborhood group, and the developer agreed on a new location at 907-915 Walker for the new homes.

This concludes my presentation. The developer is available for questions.

Mayor Alvey asked, does any members of the Commission have any questions or comments? It sounds good to me.

Action: **Commissioner Walters made a motion, seconded by Commissioner Johnson, to approve.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Ramirez. (Commissioner Burroughs encountered technical difficulties; therefore, unable to vote.)

Commissioner Johnson said I wanted to thank the developer and the Neighborhood Association for giving us an example of working with Staff to find an equitable solution for all parties.

**MAYOR ALVEY
ADJOURNED THE MEETING AT 8:30 P.M.
OCTOBER 28, 2021**

Brett A. Deichler, PMP/CPM
Interim Unified Government Clerk

am

October 28, 2021