

**JANUARY 12, 2023 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM**

Location: Hybrid

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

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83729948563?pwd=eFpjSGhrbVV2L2hDYnlXRnhTZitlZz09>

Passcode: 076999

Or One tap mobile:

US: +17193594580,83729948563# or +12532050468,,83729948563#

Or Telephone:

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

US: +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 669 444 9171 or +1 669 900 9128 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or 888 475 4499 (Toll-Free) or 877 853 5257 (Toll-Free)

Webinar ID: 837 2994 8563

International numbers available: <https://us02web.zoom.us/u/kbPodktETZ>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY CHAPLAIN ANNIE ERICKSON, GRANDVIEW PARK
PRESBYTERIAN CHURCH**
- IV. PLEDGE OF ALLEGIANCE**

V. REVISIONS TO THURSDAY, JANUARY 12, 2023 AGENDA

BLUE SHEET

REMOVING ITEM - X. ADMINISTRATOR'S AGENDA

Item No. 2. - RESOLUTION: FORMALIZING AMENDMENTS SECTION 202 AND 203 RULES OF PROCEDURE

Synopsis: A Resolution formalizing amendments previously adopted to Sections 202 and 203 of the Unified Government's Rules of Procedure and assigning a number to the Resolution, submitted by Misty Brown, Chief Counsel.
Tracking #: 212201

ADDING ITEM - IX. MAYOR'S AGENDA

Item No. 1. – NOTICE: EXERCISE OF VETO ACTION

Synopsis: Exercise of veto authority granted to the Mayor pursuant to Code of Ordinances, submitted by Tyrone A. Garner, Mayor/CEO.

The order of agenda will be changed to allow regular session agenda items to be heard first followed by the Planning and Zoning matters.

Tracking #: 212206

VI. CLERK'S-STATEMENT

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

VII. MAYOR'S AGENDA

VIII. REGULAR CONSENT AGENDA

IX. PUBLIC HEARING AGENDA

X. STANDING COMMITTEES' AGENDA

XI. ADMINISTRATOR'S AGENDA

XII. COMMISSIONERS' AGENDA

XIII. LAND BANK BOARD OF TRUSTEES' AGENDA

XIV. PUBLIC ANNOUNCEMENTS

XV. PLANNING AND ZONING CONSENT AGENDA

XVI. PLANNING AND ZONING NON-CONSENT AGENDA

XVII. ADJOURN

VII. MAYOR'S AGENDA

Item No. 1 - NOTICE: EXERCISE OF VETO ACTION (ADDED PER BLUE SHEET)

Synopsis: Exercise of veto authority granted to the Mayor pursuant to Code of Ordinances, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212206

VIII. REGULAR CONSENT AGENDA

Item No. 1 - PLAT: TALLADEGA HEIGHTS

Synopsis: Plat of Talladega Heights, located at 2715 South 37th Street, being developed by Kathryn Meyer, submitted by Brent E. Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 212151

Item No. 2 - MINUTES

Synopsis: Minutes from the Full Commission meeting on July 14 and August 11, 2022, and the Special Session meeting on November 17, 2022.

Tracking #: MINUTES

Item No. 3 - WEEKLY BUSINESS

Synopsis: Weekly business materials dated December 1, December 8, and December 15, 2022.

Tracking #: WEEKLY BUSINESS

IX. PUBLIC HEARING AGENDA

X. STANDING COMMITTEES' AGENDA

Item No. 1. - RESOLUTION/DISCUSSION: ROCK ISLAND BRIDGE

Synopsis: Approval for funding of the design and construction of raising the Rock Island Bridge, submitted by Jeff Fisher, Executive Director of Public Works.

*This item was scheduled to appear before the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, on January 9, 2023. It was requested, and approved by the Mayor, to fast-track this item to January 12, 2023, full commission meeting.*

Tracking #: 212198

XI. ADMINISTRATOR'S AGENDA

Item No. 1. - UPDATE: GRANTS AND GRANT PROCESS

Synopsis: Update on status of grants and grant process, submitted by Cheryl Harrison-Lee, Interim County Administrator.

For information only.

Tracking #: 211735

Item No. 2 - RESOLUTION: FORMALIZING AMENDMENTS SECTION 202 AND 203 RULES OF PROCEDURE (REMOVED PER BLUE SHEET)

Synopsis: A Resolution formalizing amendments previously adopted to Sections 202 and 203 of the Unified Government's Rules of Procedure and assigning a number to the Resolution, submitted by Misty Brown, Chief Counsel.

Tracking #: 212201

XII. COMMISSIONERS' AGENDA

Item No. 1 - TRAVEL REQUEST: COMMISSIONER RAMIREZ

Synopsis: Request to travel to Washington D.C, to attend the NACO Legislative Conference, submitted by Commissioner Ramirez.

Tracking #: 212200

XIII. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

XIV. PUBLIC ANNOUNCEMENTS

XV. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. COZ2022-038 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES

Synopsis: Change of Zone from R-1 Single Family and C-1 Limited Business Districts to CP-1 Planned Limited Business District for a liquor store at 8919 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR DENIAL)**

Tracking #: 216

2. COZ2022-042 – ROGER BARRETT WITH SK DESIGN GROUP

Synopsis: Change of Zone from CP-O Planned Non-Retail Business District to C-D Central Business District to construct a six (6) story mixed-use development at 810 North 6th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 217

3. COZ2022-043 – TRENT GADDY WITH JULES BOREL

Synopsis: Change of Zone from CP-O Planned Non-Retail Business District to B-P Planned Business Park District to operate an administrative office with inventory for Jules Borel and Company at 1223 Meadowlark Lane (to replace SP-2020-95 – expires 2/4/2023), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 219

B. SPECIAL USE PERMIT APPLICATIONS

1. SP2022-066 – ROMAN CATHOLIC ARCHDIOCESE OF KANSAS CITY, KANSAS

Synopsis: Special Use Permit to erect a 140' tall stealth monopole for the installation of lights and communications equipment at Bishop Ward athletic field with ground-based supporting equipment at 715 North 16th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 10 YEARS)**

Tracking #: 2110

2. SP2022-074 – MAHER ALTHALATHINI

Synopsis: Special Use Permit for a used-car dealership with light repair at 1000 Osage Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR DENIAL)**

Tracking #: 2111

3. SP2022-093 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES

Synopsis: Special Use Permit to operate a liquor store at 8919 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR DENIAL)**

Tracking #: 218

4. SP2022-098 – PAULA GEORGE WITH PARKWOOD DAY SCHOOL LLC

Synopsis: Special Use Permit to operate a childcare center on the campus of KCKCC at 7250 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 2112

5. SP2022-101 – ADRIENNE BORTZ

Synopsis: Renewal of a Special Use Permit (SP-2020-37 – expired 10/8/2022) to operate a short-term rental at 1101, 1103, 1107 and 1109 North 79th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 214

6. SP2022-102 – JESSE VENZOR

Synopsis: Special Use Permit to operate a short-term rental at 4342 Pearl Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 2113

7. **SP2022-104 – ANDREA TAPIA WITH KCK HOUSING AUTHORITY**

Synopsis: Renewal of a Special Use Permit (SP-2020-50 – expired 9/3/2022) to operate a truck fleet maintenance center for the Kansas City Kansas Housing Authority at 1300 Meadowlark Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 215

8. **SP2022-105 – JOHN DAVIDSON WITH DAVIDSON ARCHITECTURE**

Synopsis: Special Use Permit for the operation of a truck terminal and maintenance shop at 5010 Speaker Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 2115

C. VACATION APPLICATIONS

1. **PR2022-032 – JOSH BEUERLEIN WITH 4J ENTERPRISES**

Synopsis: Preliminary and Final Plan Review to expand a speech therapy business at 8247 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 2116

D. PLAN REVIEW APPLICATIONS

1. **MPL2022-023 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES**

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) at 8919 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR DENIAL)**

Tracking #: 2117

2. **MPL2022-027 – TRENT GADDY WITH JULES BOREL**

Synopsis: Master Plan Amendment from Mixed-Use (City-Wide Master Plan) to Business Park (City-Wide Master Plan) at 1223 Meadowlark Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 2118

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

1. **AN ORDINANCE** rezoning property at approximately 3640 North 83rd Street, from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212144
2. **AN ORDINANCE** rezoning property at approximately 13205 Parallel Parkway, from R Rural Residential and AG Agriculture (WYCO) Districts to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212145
3. **AN ORDINANCE** rezoning property at approximately 1403 North 7th Street, from CP-1 Planned Limited Business District to CP-3 Planned Commercial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212146
4. **AN ORDINANCE** rezoning property at approximately 822 and 825 North 49th Street, from A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212147
5. **AN ORDINANCE** vacating utility easements (VAC2022-007) at approximately 12821 and 12827 Hubbard Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212148
6. **AN ORDINANCE** authorizing a Special Use Permit to operate a used car dealership (SP2022-072) at 1401 Merriam Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212149
7. **AN ORDINANCE** authorizing a Special Use Permit for a Short-Term Rental (SP2022-094) at 4904 Edgehill Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212150

XVI. PLANNING AND ZONING NON-CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **COZ2022-039 - CURTIS PETERSEN WITH POLSINELLI**

Synopsis: Change of Zone from AG Agriculture and C-O Non-Retail Business Districts to CP-2 Planned General Business District for the Margaritaville Resort Hotel at 9400 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212142

B. SPECIAL USE PERMIT APPLICATIONS

1. **SP2022-061 - TOM GIEFER WITH G & G HOLDINGS LLC.**

Synopsis: Renewal of a Special Use Permit (SP-2019-111) for the Temporary Use of Land to stockpile and process concrete materials at 7241 Kaw Drive. submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS - 5/1 VOTE)**

Tracking #: 212137

2. **SP2022-097 - CURTIS PETERSEN WITH POLSINELLI**

Synopsis: Special Use Permit for an event center for the Margaritaville Resort Hotel at 9400 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212143

TAX STATUS REPORT

BOARD OF COMMISSIONERS AGENDA FOR JANUARY 12, 2023

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

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

XVII. ADJOURN

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, JANUARY 12, 2023**

REMOVING ITEM

X. ADMINISTRATOR'S AGENDA

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Tracking #: 212201

ADDING ITEM

IX. MAYOR'S AGENDA

Item No. 1. – NOTICE: EXERCISE OF VETO ACTION

Synopsis: Exercise of veto authority granted to the Mayor pursuant to Code of Ordinances, submitted by Tyrone A. Garner, Mayor/CEO.

The order of agenda will be changed to allow regular session agenda items to be heard first followed by the Planning and Zoning matters.

Tracking #: 212206



Staff Request for Commission Action

Tracking No. 212206

Full Commission Meeting Date:

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 01/12/2023	<u>Contact Name:</u> LaVert Murray	<u>Contact Phone:</u> x5010	<u>Contact Email:</u> lmurray@wycokck.org	<u>Department/Division:</u> Mayor's Office
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Item Description:

Exercise of veto authority granted to the Mayor pursuant to Code of Ordinances, submitted by Tyrone A. Garner, Mayor/CEO.

The order of agenda will be changed to allow regular session agenda items to be heard first followed by the Planning and Zoning matters.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

S_MAYR-Copi23011212310



Unified Government of
Wyandotte County/Kansas City, Kansas
Tyrone A. Garner, Mayor/CEO

Commission Action Notice

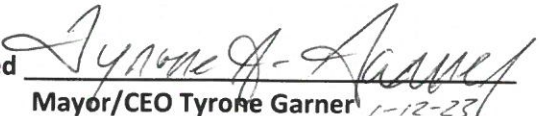
TO: UG Clerk, Interim County Administrator Harrison-Lee
From: Mayor/Chief Executive Officer Tyrone Garner 
Date: January 12, 2023
Copy: Unified Government of WYCO/KCK Board of Commissioners, Chief Counsel Misty Brown
Subject: Notice of veto action and modification of 1/12/2023 full Unified Government of WYCO-KCK Commission meeting agenda

This is my official notification that I am exercising the authority granted to the mayor under Charter Ordinance 114, Section 1, sub section 2.10, B, Veto authority, and I am vetoing those actions and ordinances approved during the December 15 meeting by either the Unified Government of Wyandotte County/Kansas City, Kansas Commission or the Land Bank Trustee Board. This veto action encompasses all pertinent actions taken to remove or modify the Mayor's powers and duties in effect prior to 12/15/2022, as noted in related ordinances and resolutions. This veto will also include any relevant Unified Government's Rules of Procedures modifications that may have occurred in conjunction with said actions.

This veto notification action is to be placed as the first item on the Mayor's agenda of the full unified Government of WYCO/KCK commission meeting slated for 1/12/23, and the mayors agenda should be the first agenda item for business action at said commission meeting.



Notarized 1/12/2023
ana m. marin
My appt. expires: 12/06/2026
LM12012709

Signed 
Mayor/CEO Tyrone Garner 1-12-23



Staff Request for Commission Action

Tracking No. 212206

Full Commission Meeting Date:

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 01/12/2023	<u>Contact Name:</u> LaVert Murray	<u>Contact Phone:</u> x5010	<u>Contact Email:</u> lmurray@wycokck.org	<u>Department/Division:</u> Mayor's Office
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Item Description:

Exercise of veto authority granted to the Mayor pursuant to Code of Ordinances, submitted by Tyrone A. Garner, Mayor/CEO.

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Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

S_MAYR-Copi23011212310



Unified Government of
Wyandotte County/Kansas City, Kansas
Tyrone A. Garner, Mayor/CEO

Commission Action Notice

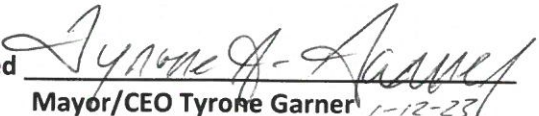
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Notarized 1/12/2023
ana m. marin
My appt. expires: 12/06/2026
LM12012709

Signed 
Mayor/CEO Tyrone Garner 1-12-23



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

January 4, 2023

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **TALLADEGA HEIGHTS**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of TALLADEGA HEIGHTS located at 2715 South 37th Street being developed by Kathryn Meyer

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.S.
County Surveyor

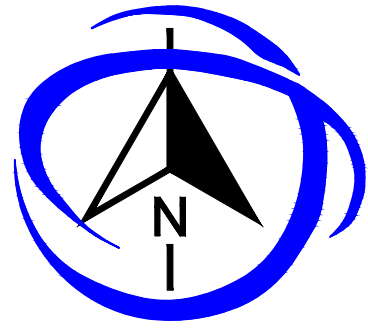
Digitally signed by Troy
Shaw
Date: 2023.01.04 14:17:37
-06'00'

Troy Shaw, P.E.
County Engineer

Attachments

FINAL PLAT
TALLADEGA HEIGHTS

A REPLAT OF LOTS 83, 84 AND 85, CRESTLINE GARDENS, A SUBDIVISION OF LAND IN THE CITY
OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS.



FINAL PLAT

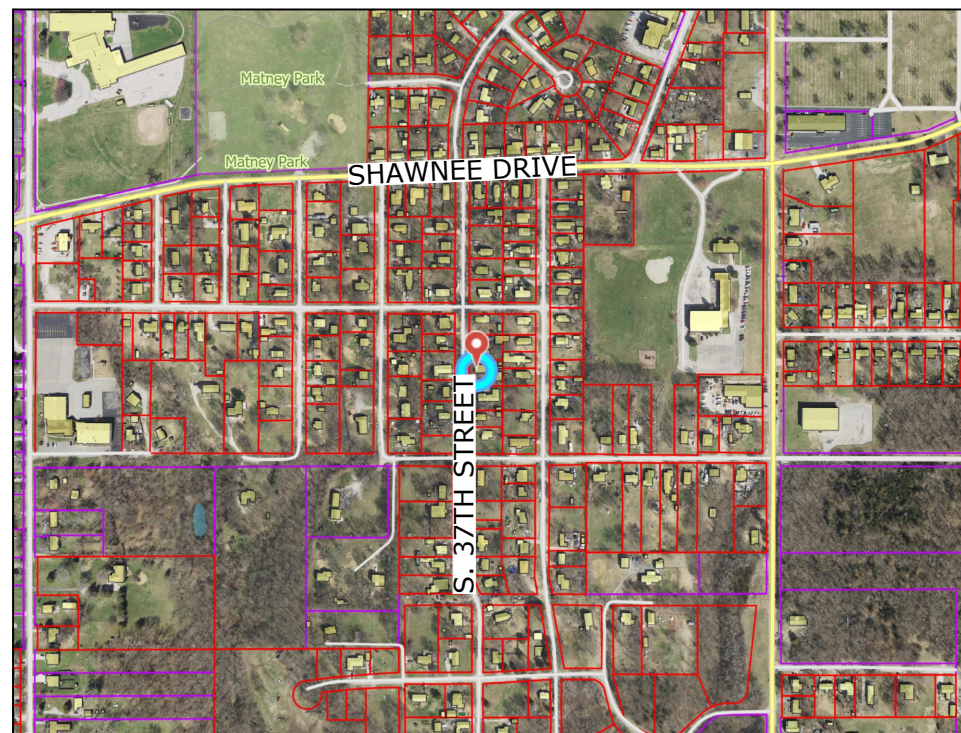
LEGEND

- △ DENOTES FOUND MONUMENT AS NOTED
○ DENOTES SET 1/2" REBAR WITH LS# 1408 CAP
● DENOTES FOUND MONUMENT AS NOTED
P.O.C POINT OF COMMENCEMENT
P.O.B POINT OF BEGINNING
U/E UTILITY EASEMENT
B/L BUILDING LINE
C CALCULATED
M MEASURED
D DEEDED

GENERAL NOTES

- 1) BASIS OF BEARING - KANSAS STATE PLANE NORTH ZONE
2) ALL DISTANCES ARE SHOWN IN US SURVEY FEET
3) NO TITLE WORK WAS DONE FOR THIS SURVEY
4) REFERENCE SURVEY - BOUNDARY SURVEY DONE BY BHC RHODES DATED OCTOBER 20, 2020
5) ERROR IN CLOSURE - 1:54,815.617
6) CURRENT ZONING - R-1
7) FLOODPLAIN NOTE: ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBER 20209C0170D EFFECTIVE SEPTEMBER 02, 2011, AREA ZONE X "AREA OF MINIMAL FLOOD HAZARD"

VICINITY MAP



VICINITY MAP
NOT TO SCALE

This is to certify on this 20th day of September, 2022 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the Kansas Minimum Standards for boundary surveys pursuant to K.S.A. 17-7027.

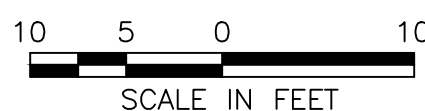
LS-1408

ROGER B. DILL, LS 1408

JOB NO. 22-1111

SCALE

PREPARED FOR



SCALE IN FEET

SEC-TWN-RNG

KATHRYN MEYER

31-11-25

2715 SOUTH 37TH, KCK

DATE

SEPTEMBER 23, 2022

POINT OF BEGINNING
NORTHWEST CORNER LOT 83
CRESTLINE GARDENS
FOUND 1/2" IRON BAR HELD
ORIGIN UNKNOWN
REFERENCE TIES:
1) 2.39' NORTHEAST TO T-POST
2) 8.05' WEST TO EDGE OF PAVEMENT
3) 6.39' SOUTH TO EDGE CONC DRIVE

N88°14'21"E 120.00' MEASURED AND PLAT

NORTHEAST CORNER LOT 83
CRESTLINE GARDENS

LOT 1
6889.01 SQ FT
0.16 AC

LOT 84

LOT 2
3704.32 SQ FT
0.09 AC

LOT 85

S88°14'04"W 120.00' MEASURED AND PLAT

SOUTHWEST CORNER LOT 85
CRESTLINE GARDENS
FOUND 1/2" IRON BAR HELD
WITH BHC CAP

LOT 86

LOT 87

LOT 88

Found 1/2" IRON BAR
HELD
WITH BHC CAP

S88°14'21"W 120.00' MEASURED AND PLAT

Found 1/2" IRON BAR
HELD
WITH BHC CAP

DESCRIPTION PER DEED (DOCUMENT NUMBER 2022R-14187)
LOTS 83, 84 AND 85, IN CRESTLINE GARDENS, A SUBDIVISION OF LAND IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF.

COMMONLY REFERRED TO AS: 2715/2717 SOUTH 37TH STREET, KANSAS CITY, STATE OF KANSAS 66106.

CONTAINS: 10,592.81 SQUARE FEET MORE OR LESS

DESCRIPTION:
A REPLAT OF LOTS 83, 84, AND 85, CRESTLINE GARDENS, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED BY ROGER B. DILL, PS 1408 ON OCTOBER 19, 2022, AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 83; THENCE N88°14'21"E, ALONG THE NORTH LINE OF SAID LOT 83, A DISTANCE OF 120.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 83; THENCE S01°43'42"E, ALONG THE EAST LINE OF LOT 83 AND THE EAST LINES OF LOTS 84 & 85, A DISTANCE OF 88.27 FEET TO THE SOUTHEAST CORNER OF SAID LOT 85; THENCE S88°14'04"W, ALONG THE SOUTH LINE OF SAID LOT 85, A DISTANCE OF 120.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 85; ALSO KNOWN TO BE A POINT ON THE EAST RIGHT OF WAY LINE OF S 37TH STREET AS IT NOW EXISTS; THENCE N01°43'59"W, ALONG THE WEST LINE OF SAID LOT 85 AND THE WEST LINES OF LOTS 84 & 83, ALSO KNOWN TO BE THE EAST RIGHT OF WAY LINE OF SAID S 37TH STREET, A DISTANCE OF 88.28 FEET TO THE POINT OF BEGINNING.
CONTAINING 10,593.33 SQUARE FEET MORE OR LESS OR 0.25 ACRES

DEDICATION:

THE UNDERSIGNED PROPRIETOR OF THE ABOVE DESCRIBED TRACT OF LAND HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER AS SHOWN ON THE ACCOMPANYING PLAT, WHICH SUBDIVISION AND PLAT SHALL HEREFTER BE KNOWN AS "TALLADEGA HEIGHTS"

The undersigned proprietor of said property shown on this plat does hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, parkways, avenues and alleys not heretofore dedicated. Where prior easement rights have been granted to any person, utility or corporation on said parts of the land so dedicated, and any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietor hereby absolves and agrees to indemnify the Unified Government of Wyandotte County/Kansas City, Kansas, from any expense incident to the relocation of any such existing utility installations within said prior easement.

An easement is hereby granted to the Unified Government of Wyandotte County/Kansas City, Kansas, to enter upon, construct, maintain, use and authorize the location, of conduits for providing water, gas, cable, electric, sewers, and other utility services, including related facilities and appurtenances thereto, and drainage facilities, upon, under, over and across those areas outlined and designated on this plat as "Utility Easement" or "U/E", "Ingress/Egress Easement", and further, subject to administration and regulation by the City, the subordinate use of such areas by other governmental entities and utilities, franchised or authorized to do business in the City of Kansas City, Kansas.

The undersigned proprietors of the above described land hereby consents and agrees the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or part thereof, for public use, from the lien and effect of any special assessments, and that the amount of the unpaid special assessments on such land dedicated shall become and remain a lien on the remainder of that land fronting or abutting on such dedicated public ways or thoroughfares.

IN TESTIMONY WHEREOF,
I, undersigned owner of TALLADEGA HEIGHTS have set our hands this _____ day of _____, 2022.

KATHRYN C. MEYER, OWNER

ACKNOWLEDGEMENT:

STATE OF KANSAS
COUNTY OF

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2022, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME KATHRYN C. MEYER, OWNER, TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FORGOING INSTRUMENT OF WRITING, AND DULY ACKNOWLEDGED THE EXECUTION OF SAME. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARY SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC _____

My Commission Expires: _____

THIS PLAT OF TALLADEGA HEIGHTS HAS BEEN SUBMITTED TO AND APPROVED BY THE UNIFIED GOVERNMENT OF WYANDOTTE/KANSAS CITY, KANSAS, PLANNING COMMISSION

DATED THIS _____ DAY OF _____, 2022
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, PLANNING COMMISSION

BY _____, CHAIRMAN
JEFF CARSON
_____, SECRETARY
GUNNAR HAND, AICP

THE DEDICATIONS SHOWN HEREON, IF ANY, ARE ACCEPTED THIS _____ DAY OF _____, 2022.

TYRONE GARNER, MAYOR/CEO

BRETT A. DEICHLER, UNIFIED CLERK

RECOMMENDED FOR APPROVAL BY THE WYANDOTTE COUNTY ENGINEER, THIS _____ DAY OF _____, 2022.

TROY SHAW, P.E., COUNTY ENGINEER

COUNTY SURVEYOR APPROVAL:
THIS SURVEY HAS BEEN REVIEWED FOR FILING, PURSUANT TO KSA 58-2003, 58-2005, AND 58-2011, FOR CONTENT ONLY AND IS IN COMPLIANCE WITH THOSE PROVISIONS. NO OTHER WARRANTIES ARE EXTENDED FOR IMPLIED.

REVIEWED BY _____ DATE: _____
BRENT E. THOMPSON, KS P.L.S. 1277

STATE OF KANSAS)
(SS
COUNTY OF)

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE ON THIS _____ DAY OF _____, 20____, AT _____ O'CLOCK AND IS DULY RECORDED.

NANCY BURNS, REGISTER OF DEEDS

SUSIE NELSON, DEPUTY

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

REGULAR SESSION
THURSDAY, AUGUST 11, 2022

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, August 11, 2022, with ten members present via Zoom or onsite: 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; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. Kane, Commissioner Fifth District, was absent. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Misty Brown, Chief Counsel; Bridgette Cobbins, Assistant County Administrator; Brett Deichler, Interim County Administrator; LaVert Murray, Chief Economic Development Advisor and Business Liaison; Kathleen VonAchen, Chief Financial Officer; Troy Shaw, County Engineer; Tayler Wash, Organization Effectiveness Coordinator in County Administrator's Office; Alley Porter, Commission Liaison; Ashley Hand, Director of Strategic Communication; and Monica Sparks, Acting UG Clerk.

Mayor Garner said before I call the meeting to order, I want to announce that some commissioners, staff, and the public are attending remotely via Zoom, by phone, or on onsite here. All participants joining by phone should mute their phones when not speaking to avoid background noise.

During this meeting, please make sure that you announce yourself by name and title every time you speak so that the public 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's Office.

Roll call: Johnson, Markley, Sites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Garner.

Mayor Garner said the invocation is being given by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ, immediately followed by the Pledge of Allegiance.

Mayor Garner said I'll ask the Clerk, are there any revisions to tonight's agenda? **Monica Sparks, Acting UG Clerk**, said yes, Mayor, a blue sheet was issued removing Item No. 4 from the Mayor's Agenda, the legislative presentation. Also, removing Item No. 1 from the Consent Agenda, which is an ordinance/resolution amending the provisions for open burn and remanding the item back to standing committee for further discussion. There's also a change in the order of the agenda. A proclamation for The Week of the Wiz in Wyandotte County will be read first.

MAYOR'S AGENDA

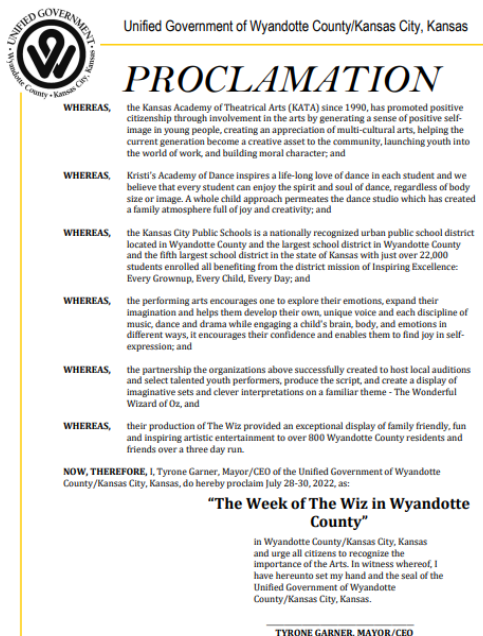
Item No. 6 – 211872...PROCLAMATION: THE WEEK OF THE WIZ IN WYANDOTTE COUNTY

Synopsis: Proclamation proclaiming July 28-30, 2022, as The Week of The Wiz in Wyandotte County, submitted by Tyrone A. Garner, Mayor/CEO.

Mayor Garner said, Clerk, I believe you have a proclamation. Before you read that, I'd ask the team from *The Wiz* to come forward. This group did an awesome presentation in Wyandotte County. I believe they were part of the school district. These young people really showed true talent and what Wyandotte County has to offer in their presentation of *The Wiz*.

Clerk, as they come, would you please read the proclamation?

Monica Sparks, Acting UG Clerk, read the proclamation as follows:



Action: Proclamation was read.

Judith Jones, Founder and Director of Kansas Academy of Theatrical Arts, said we would like to thank Mayor Garner for this recognition. We have for 30+ years, planted seeds right here in Wyandotte County. We now have the children of the children. The president of my board and his sister work for the school district. I have lots and lots of kids of kids. I want to thank my community for continuing to support me. This is the ultimate of support. Thank you so much.

I want my other young daughter here, Kristi, to say a few words about what's next.

Kristi Smith-High said I want to thank Mayor Garner as well for presenting us with this proclamation. For 23 seasons, Kristi's Academy of Dance and KAD Performing Arts has worked really hard to make sure that dance and performing arts has been part of our community for our youth and the level of technique and excellence that we come to see throughout arts as represented here in Wyandotte County.

I just want to also make sure I say thank you to Mama Jones for her inspiration and her faith in our program. And thank you to our dancers and all of our parents that have supported us through the years. We're ready to partner and make a change in Wyandotte County.

August 11, 2022

Ms. Jones said we're ready to go and we're ready to continue to roll the cameras and raise up the curtains in all of our schools, especially in our high schools. Come on, let's get behind our high schools financially so that we can have more theater. I'm here to inspire, but I'm here to say, let's get some money in our high schools so we can have theater the way it's supposed to be.

Commissioner Markley said I just wanted to say that Mrs. Jones has indeed been making a difference in lives throughout this community for many, many years. I still have a *Yellow Brick Road* suit of tails for performing the Wiz at Turner High School. She does amazing work and it's good to recognize her tonight.

Action: Proclamation was read.

Item No. 1 – 211724...UPDATE: COUNTY ADMINISTRATOR SEARCH PROCESS

Synopsis: Update regarding County Administrator's search process, submitted by Tyrone Garner, Mayor/CEO.

Mayor Garner said I'll ask that the chair and co-chair of the search task force to come forward and give the Commission, the public, and our audience an update on just where things are at and where we're going.

Jeff Harrington, Mayor of Bonner Springs, said here with me is Bill Johnson, the Chairman of the Board of the BPU. We're honored to be the co-chairs of the new county administrator special task force. We're in the process. We've had our preliminary meetings. We've met with SGR, which is a nationwide professional recruitment consultant. They're going to assist us in this process, so we have a lot of tools at our disposal.

We're in the process of gathering together all of your representatives. Each commissioner has afforded a representative to sit on this task force. I think that will be very handy to get a good feel of what this position is going to entail.

We have surveys that are going out to all the major stakeholders, the citizens, as well as the business community, and also employees. Then we'll gather together those surveys and develop a position profile that will help review and decide on those skills that are necessary for

this new applicant. This is going to be quite a challenge to find an individual that is worthy of your selection. We'll help do our very best to drill down and evaluate those applicants and bring a very qualified group to the Commission and to the Mayor.

We appreciate your confidence. I stand for any questions unless you have anything to add, Bill.

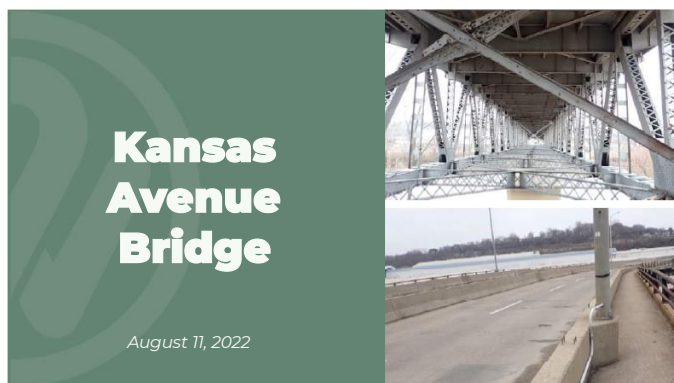
Bill Johnson, BPU Board Chairman, said the only thing that I would add to this is looking forward to really getting started. We've already had a couple of preliminary meetings. We met with the search firm. That's gone as well as could be expected. I do look for this to be an engagement unlike any other executive search. We're going to do our due diligence and roll up our sleeves and do our best to find the county administrator that we all hope to bring into KCK or move into this position, whether it's internal or external. I want to look past that, but looking forward to it. We've got our challenges in front of us, but I think we're all committed. We know the importance of this role to Wyandotte County and certainly the effort will be there.

Commissioner Ramirez said thank you, Mayor Harrington and Bill, for wanting to do this. This is a very important task force that is part of our community. It's going to have who we choose. In the end is going to be the one to sail and provide direction moving forward for our government. I thank you for all the hard work that you're going to put into it. I know I have my primary appointment. Let me know if I need to get my secondary.

Action: **For information only.**

Item No. 2 – 211869...REPORT: INFRASTRUCTURE/BRIDGE UPDATE

Synopsis: Status report of bridges in Wyandotte County, submitted by Jeff Fisher, Executive Director of Public Works.



Troy Shaw, County Engineer, said I've been asked to give an update on the Kansas Avenue Bridge. Most of you are aware that it was closed mid-July based on a report from Kansas or the Department of KDOT. Their consultant that was inspecting the bridge recommended that we close it due to structural deficiencies that they found during the inspection.

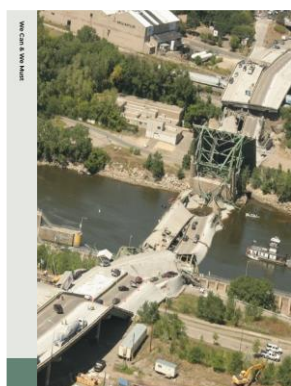


For those of you that aren't really familiar with this bridge, this bridge is shared between Kansas City, Kansas, and Kansas City, Missouri. If you look at the slide, the yellow portion of it is the Kansas side; the blue portion of it is the Missouri side. We have about 40% of the bridge; Missouri's roughly 60%; however, our portion of the bridge is more expensive because it's over the river.

Just a real quick update on the bridge. I will note that this bridge is also just over 100 years old too. It was built in the early 1920s, which is a fascinating structure from an engineering standpoint.



This shows a few of the findings that they found, some of the structural issues. The one on the left you can see the picture top left is a rocker plate that's on our side. That's what a really good looking one considering it's 100 years old. Then the one on the bottom was right next to it, that's a failed one. You can kind of see the comparison between the two. There's also a lot of rust issues and deformations that we found throughout, as well as smaller issues like that are on the right, some which become safety from the vehicular standpoint.



Temporary Repair

- \$1.6M to \$3.3M (2022 dollars)
 - Bearing Replacement
 - Superstructure Repairs/Strengthening
 - Joint Replacements
 - Frozen Pin on West (TBD)
- Repair Notes:
 - Bridge would be severely load restricted
 - This would open the two interior lanes
 - May need additional repairs with each annual inspection.
 - This is a band aid that may limp the bridge along until it can be replaced.

Replacement

- Bridge Only: \$90M-\$120M (KCK & KCMO)
 - UG Portion: \$40M-\$60M
- Complete Street Project: \$300M (KCK & KCMO)
 - 7th Street (KCK) across Bridge to SW Blvd (KCMO)

What we've done since when the bridge was closed in early July, we've started analyzing it, working with local consultants to figure out what cost would be for temporary repairs to get that bridge open until we can find a way to replace it. Looking at the cost, it's roughly \$1.6-\$3.3M, depending on what all needs to be done once we get further into it. Kind of noted some things that that would do.

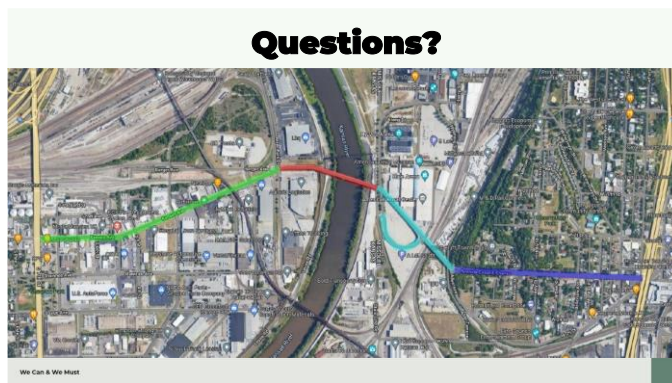
I will note with this is, if we did open it with temporary repairs, the bridge would likely still be severely load restricted. There may be limit to trucks that can go on it and it may just be passenger vehicles. We don't know yet. You'd have to do a load analysis on it. I'll also note that any repairs we do would be a band-aid. It would be what we could do until we can get it replaced. If we did these repairs, I can't guarantee that a year later when they do the inspection they won't

find additional issues that need to be repaired. So, that's just kind of some notes as we're looking into it that we have.

I also want to note about the replacement side. We had previously started talking to the city of Kansas City, Missouri, about this project I think three years ago. We even had meetings with them about this. There was no money available at that point for something like this; however, with the grants that are out there right now—we've even, I think, a week before this actually had to be closed, we talked to KCMO about the INFRA mega grant and applying for that. Their mayor was on board, so we have started down the path of getting an application together for that.

I have two notes here. The bridge replacement is somewhere between \$90M and \$120M just for the bridge structure between us and KCMO, and then the bottom one is looking at it holistically from 7th St. on our side to Southwest Blvd. on KCMO's side and making a complete project out of that. So, we're just pursuing both options because sometimes we have a better chance of getting a grant if we include some of the street and infrastructure in with that as well. So, it's just part of what we're looking at when we're looking at that replacement.

I will note that actually today we found a potential grant through KDOT that may help us pay for the repairs as well. So, we're looking into that too. I don't have a whole lot of information on that yet or if it's eligible, but there's an opportunity there as well. We'll continue looking into that.



That's all I had. I said I'd get it done quickly. I'm willing to take any questions that you have.

Commissioner Ramirez said I think this question is maybe hard to answer. How long do you think the temporary repair will either last or be in place?

Mr. Shaw said we really don't know. What we repair, if we repair like that rocker plate that was really bad, when we repair that, that's not going anywhere. That will be fine. That'll be fixed, but kind of if anybody's ever done plumbing, if you have a really old water line and you go and a water line breaks in one spot, you fix that weak spot. It finds the next spot that's the weak one and it breaks. That's part of the fear when you do stuff that's 100 years old on a metal structure. We can't necessarily answer it, but there's certainly an opportunity that if you fix it, we won't have to do anything until we can replace it, if we are successful in getting one of these major INFRA grants to do that. There's also the possibility that we'll be back in the same spot next year with another issue that we would have to close.

Commissioner Ramirez said okay. Well, thank you. I knew that would probably be hard for you to answer. I'm happy that our Public Works Department—they do a pretty good job of leveraging state and federal dollars that are out there with grants.

Commissioner Bynum said I just wanted to get some clarity for us and the public really around the bridge. If we were to get a federal grant tomorrow, let's say for upward of \$300M and do the whole thing, we're still looking at three to four years I would say. I'm asking you for your professional opinion. I'm basing my opinion on the 7th St. Bridge over the river that we did jointly with Missouri and it was a long time. Now we're looking at the 18th St. Bridge replacement, which is a KDOT project; however, they won't even start that till 2025. There's a lot of pre-work and then, of course, construction and that's all if we had the grant right now. Can you speak to that for us, please?

Mr. Shaw said yes, correct. So, if we had the money tomorrow, let's say, I think what we would look at initially is alternative delivery as how we did the Turner Diagonal, how quick we built that bridge from the time we started digging ground to it being open to traffic. I think there would be opportunities with that, with this project as well. There would probably be opportunities. Let's say we did the whole \$300M from one to the other that we could phase it so that let's get that bridge done first so we can possibly get traffic moving while we do other work on different areas. The alternative delivery would certainly help us with that.

If we went the traditional design bid build, it would certainly take longer to have a full set of plans 100% done, then you have to bid it, and then you have to get the contractor on board who has to order all the metal and whatever they're doing. I mean I think construction wise, from the

bridge standpoint, you could probably build the bridge in two years. But, if you had to do the design first, you got a year to design and then the bid and then the build, so we will be looking at the alternative delivery would be our first option.

Commissioner McKiernan said thank you, Troy. Thank you to you and your team for this inspection and for taking immediate action when it was time to do that. As important as this bridge is to all of our businesses and residents of Armourdale, I'm just going to tell my fellow members of the Commission that I am ready, if we do not find any grant funding, to move every mountain to try to get funding so that we can, as soon as possible, make stabilizing temporary repairs even if we get this open on a limited basis. I think it's really critical for the folks in Armourdale. I've got a few businesses that I've learned of that get trapped between trains that block Kansas Avenue and a closed bridge and there's nowhere to go. So, I do think that it would be in all of our best interests if we were to get this back open. I support that.

Would you say that this bridge failure kind of underscores the point that you and other folks in Public Works have made in our subcommittee meetings recently that we need to be more proactive and more intentional in funding ongoing maintenance repairs of our assets?

Mr. Shaw said yes, I think, and coincidentally, this makes a great point because we've been talking for the last year about infrastructure needs and bad or good timing. Everyone looked at it just to that point. It really demonstrates the need of the overall system.

Commissioner McKiernan said I would say to my fellow commissioners, I made this point a couple of weeks ago. You can pay me now or you can pay me later. When we put off making a stabilizing investment of let's say \$2M in one calendar year, it may end up costing us \$60M down the road. So, I would also suggest that we find a way to make proactive maintenance of our bridges and roads a routine part of our operation. Thanks to you and your team.

Commissioner Stites said I was wondering if you could go back to the map that showed the bridge, if that's possible. My question, is it pulling up or is it, I'm just seeing chambers on my screen? Well, if it's not gonna work, what I was curious about—yeh, the next one, the next slide. How is ownership established? What caught my ear is when you said the most expensive part being over the river. I thought the river actually like the high points of the river—the river is divided down the middle, so how is it the most expensive part is on—is that on our side?

Mr. Shaw said good question. In that picture, that yellow—the difference between that yellow and blue line, that's the state line. So, in this portion of where we're at, the river is all in Kansas right here.

Commissioner Stites said okay. Gotcha, okay, okay. It just happens that on that bridge there that over the water carry—well, that. I appreciate it. Thank you very much.

Mayor Garner said I'd just like to follow up in closing. Our team spoke with Congressman Davids and her team. She is in full support of getting the bridge open. I know that's a big thing, not just for Commissioner McKiernan, but this Commission and our entire community along with the Central Avenue, Kansas Avenue. There's potential issues with the 12th St. Bridge as well that we're paying close attention to as well as Mission Road. She's aware of all these issues, and she says that any support she can give as these grants go forward, reach out to her office and she'll do whatever she needs to do with letters of support that she can take to DC.

Action: **For information only.**

Item No. 3 – 211870...PRESENTATION: ECONOMIC DEVELOPMENT OPPORTUNITIES

Synopsis: Discussion of economic development in various areas of Wyandotte County, submitted by LaVert Murray, Economic Development Advisor in Mayor's Office.

Mayor Garner said LaVert Murray, who was the Economic Development Director for the Unified Government up until 2010, he is now the Economic Development Advisor to the Mayor's Office. One of the things that we recognize, a lot of people have recognized in this community, is the disinvestment the disenfranchisement in the areas east of 55th St. We're going to continue maximizing opportunities that exist throughout all of Wyandotte County, especially west in our Village West area and trying to keep that as the number one tourist destination in Kansas, but we don't want to overlook the opportunities of those individuals that also deserve goods and services and opportunities in our eastern portion of Wyandotte County.

Mr. Murray will define what that is. He stepped away, but basically that area east of 55th St., from 55th St. going east, I-70 going north to State Ave., which includes Indian Springs. Then in the northeast, the downtown, Armourdale, Rosedale, as well as Argentine. So, this was more of not so much to say these are projects that are going to happen as opposed to developers that have also shared interest and the need that this area that was just described be developed in a way that could be beneficial for the residents in Wyandotte County so we can—that whole notion that a rising tide will lift all boats.

As we know with our economic situation here in Wyandotte County, economic development is the key to bringing in the brick and mortar, residencials, as well as the businesses and the rooftops we need to broaden our tax base. That's what we really need. We also need the tourism that can attract as well as the spin-off of entrepreneurship and things of that nature. So economic development, we feel, is the way to go. I know our Administrator is working on an economic development strategy for the entire county.

These individuals that you see tonight will add value in a way because now staff and our Administrator will have a pool of individuals to at least start having those initial conversations with after the strategy is done to really have talks about how we take the vision that they're going to present today and maybe present things to this Commission that can become reality for these disinvested and disenfranchised areas. So, I'm going to turn it over to LaVert Murray and let him take the presentation here.

LaVert Murray, Chief Economic Development Advisor and Business Liaison, said what we plan to present tonight, I will attempt to explain through a contextual framework that will start with some information sharing. As you know, we had planned to make development presentations to you on June 9th in a special session; however, because that did not work out, we are here with you tonight. A number of presenters, developers, and builders who were scheduled to present on June 9th had conflicts for tonight; however, that does not diminish or dampen their interest in partnering with you to help rebuild our urban core east of I-635 or east of 55th St. This includes the Indian Springs site, Rosedale, Mission Cliffs, Armourdale, Central Ave. and its surrounding neighborhoods, Mission Rd., St. Peter's, Grandview, Waterway, Strawberry Hill, the downtown, Strugglers Hill, Turtle Hill, Mount Carmel, Douglass-Sumner, Tremont, Quindaro, Rivers Edge

East, Peregrine Falcon, 5th St., 7th St., Parallel Pkwy., 10th St., Minnesota Ave., and the downtown, Washington Blvd. Did I mention the downtown?

In my goal—in my past life before my retirement, some of you and I embarked upon a very daunting journey, one that can be looked upon as a renaissance. We started a number of developments within our urban core and eastern sector and achieved some success. We created the Land Bank to give us a strategic advantage. We crafted a strategy that would have all of these developments connect in the middle creating healthy neighborhoods and a mixture of housing, retail, multifamily, and mixed uses. For some reason, that connection did not happen and tonight, we will hopefully convince you that interest is there and now is the time to start some of the new developments and rekindle and restart a number of developments to bring about the economic health, viability of our urban core and eastern sector.

I should point out that this initiative does not diminish the importance of giving attention to and continuing to build out our growth corridor in the western sector around the Speedway and Village West. Homefield continues along a very positive economic trajectory, along with Urban Outfitters, Amazon, the Monarchs, and others. We know how to overcome the challenges of multitasking as Prescott Plaza was developed at the same time the Village West development started.



We're going to start our developer presentations with a short video on Seventy Five North, which is a very inspiring story about how Omaha was able to find economic success in their distressed urban core. The Seventy Five North Revitalization Corporation was founded in 2011 with one purpose, to facilitate the revitalization of a healthy, sustainable, mixed-income community in

North Omaha. We hope to better that experience or at least get to where they are within our eastern sector.

Mayor Tyrone Garner and I visited the Seventy Five North development and walked away most inspired. You will hear them talk about demographics and data sets that are very similar to the characteristics of our urban core; however, we will spare you from the dive into the data at this time.

After the video, we will hear from developers starting with CHWC, Rivers Edge, which will name their developments they're covering, but Brennan Crawford with CHWC.

Now, if you'll permit me to do some coordinating here. So, after CHWC—because we've been working on this all day on how the developers will come forward—there will be Douglass-Sumner Neighborhood Association, followed by Bill Johnson of the BPU; followed by Dwayne Williams, Twelfth Street Heritage; followed by Wyandotte Development or Wyandotte County Economic Development Council, Greg could not be here tonight but Monica is here for him; followed by David Block; followed by Oak Impact, Erik Murray; followed by Kansas and Missouri builders and developers; followed by CABA, Edgar Lee; followed by Rusty Roberts; followed by the Northeast Economic Development, Christal; followed by David Hayden.

So, thank you and forgive me for having to do some housekeeping. I would ask, Monica, can you start the video on Seventy Five North, please? (The video was played.)

Thank you for watching that video. On behalf of Seventy Five North, they would have liked to been here tonight, but they are committed to assisting in our efforts in any way they can so you can expect to see them in the future.

We now have CHWC.

Brennan Crawford, Executive Director, CHWC, said I am delighted to see lots of friends and partners in this room and lots of new faces in this room. I wasn't quite sure what to expect tonight, but when LaVert asked me to come and talk a little bit about CHWC's work in Kansas City, Kansas, I never turn down an opportunity to do that.

It occurred to me that while many of you know us well, we've been working together for many, many years. You may not know us well in the last couple of years. We've done a lot of new things over the past three years, and we have a lot of new things in the pipeline.

I really am grateful for this opportunity to talk a little bit about where we've been and where we're going and to specifically focus on some of our work that's kind of in that boundary, inside the 635-loop, which has historically been the bulk of our work that LaVert asked me to talk about tonight.

I am stalling, obviously, because I'm not sure if the presentation is going to come up. If it doesn't, that's okay. I'm just going to get started. So, Community Housing Wyandotte County is a 20+ year old comprehensive community development organization. We're the product of a merger between the old Catholic Housing of Wyandotte County and the even older Neighborhood Housing Services of Kansas City, Kansas.

In the past 20 years, we have built, renovated, or repaired about 500 homes throughout Wyandotte County. Just in the last 2 years, we've done about 30 renovated or newly constructed homes inside the 635-loop. Well, I say that with the exception of Meadowlark Valley, which is at like 57th & Parallel. So, a little bit west of the discussion area tonight.



We are a community housing development organization, which means that at least a third of our board is constituted of people who live here and actually it's closer to about half of my staff lives here. We're a nonprofit organization. We're a HUD certified housing counseling agency so we deliver housing counseling services, financial capacity building, down payment assistance, and

other purchase assistance grants, and other kinds of financial assistance, basically all the things that a family needs to sustainably become a homeowner.

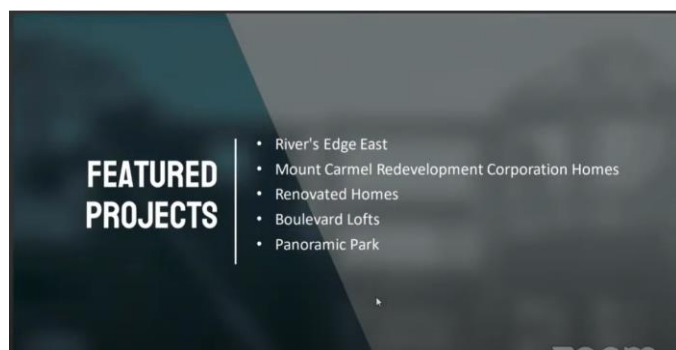
One of the things that's happened over the past couple of years that I wanted to highlight is that in addition to all that other stuff that I just said, we are also in the process of becoming what's called a community development financial institution, which means that we have already launched some loan products that are specifically targeted at existing residents in the neighborhoods that we work in to support either down payment assistance for home purchase—as we all know, the costs of home ownership have been climbing faster than incomes for many, many years. So, we've gotten creative and innovative with ways to help more people become homeowners and critically home repair and improvement. We're doing both home repair and improvement grants and loans because we've recognized a critical need in the neighborhoods where we're building and renovating for existing residents to be able to reinvest in their own homes.

Over the past three years, we've taken in-house, we have a general contracting company. We have taken realty in-house so we have a brokerage in-house now. I have an architect and a planner on staff so, we have a really broad range of capacities in-house that help us really holistically focus on neighborhood developments as opposed to merely housing. We all know that healthy neighborhoods are more than just rooftops.



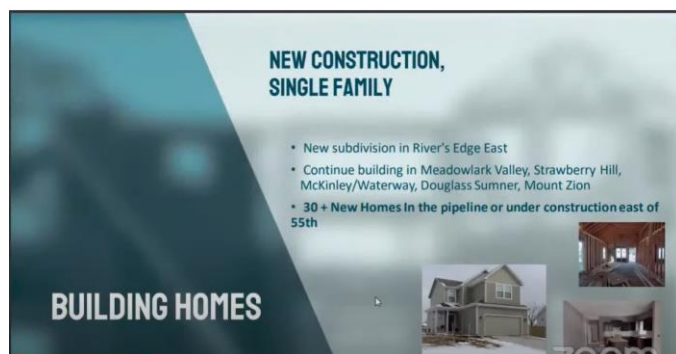
I'm not going to focus on all these bullet points. I'm just going to make a couple of points. In 2021-20, just between 2020 and 2021 during the pandemic, we built and renovated about 28 houses. We've got some apartments under construction internally, it seems, we'll get to that. We put out about \$200,000 in rent, utility, and mortgage assistance, mortgage payment assistance in the neighborhoods that we served making sure that all the families that we work with were able to

remain stably housed. We helped about a hundred people, even during the pandemic, become homeowners in our community.



I want to focus on a couple of key developments that are responsive to the target area that we're talking about right now. We were very excited to get started on a development called River's Edge East, which is right at about 18th & Highway 5. We're working alongside Mount Carmel Redevelopment Corporation to build a couple of houses in partnership with them and looking forward to more partnership to come. We've renovated a fair number of homes in the area that we're talking about. I'll talk about that a little bit.

Then, also, kind of in a new direction for us, we've been very selective and partnered with a couple of private developers to build some high-quality, mixed-income rental units that I'll talk a little bit. What we've recognized is that the costs of home ownership are increasingly out of reach for many of our families. It is absolutely critical in our housing spectrum to have on-ramps into high-quality housing all across the income spectrum. These developments will help us do that.



So, as I said, new single-family construction. The project that I want to focus on is River's Edge East. I think I've actually got a map.



This is going to be 24-30 homes right at 18th & I-5. It's gonna range all the way from single-family detached homes that are probably gonna be in the \$260s thereabouts, which is about where new construction is running now, all the way to townhomes that will be available to significantly lower income levels, probably \$140,000-\$160,000, for purchase. This is an opportunity too for us to incorporate some of our work with the community land trust that we developed last year. I'll talk a little bit more later.

We've been delighted to partner with a couple of local developers and builders to move this project along. This is River's Edge East.



We've also expanded our renovation, again, in response to the rising cost of construction. We've got, I'd say, 10 here. That's about right, 10 in the pipeline under construction or under renovation inside the 635-loop. That is a direction that we're going to move a lot more aggressively in the next couple of years. It's absolutely vital to hit the price points that are affordable to just a lot of working families in KCK, so we're going to be dramatically increasing our acquisition, rehab programs.

The other thing that we've been very intentional of building is kind of a graduated pathway to home ownership. So, no matter where you are on the income spectrum, you can come in to a

high-quality, affordable rental and we will build pathways to home ownership through lease to purchase and through the community land trust, which allows the homeowner and the nonprofit entity to share some of the cost of ownership. Each of them share in the appreciation, the increased value of the home at sale, and the nonprofit gets to keep a little bit to put toward the next buyer and the homeowner gets access to home ownership in a way that they would not have otherwise been able to afford.

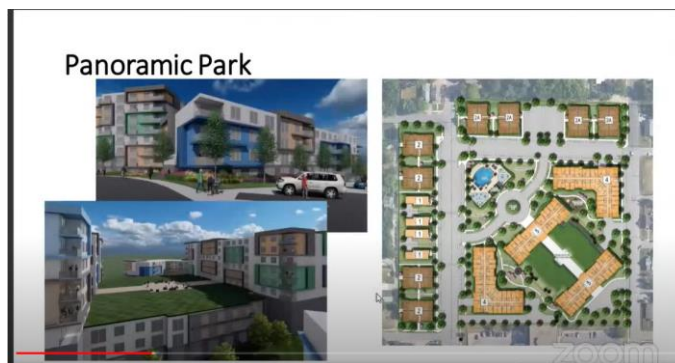
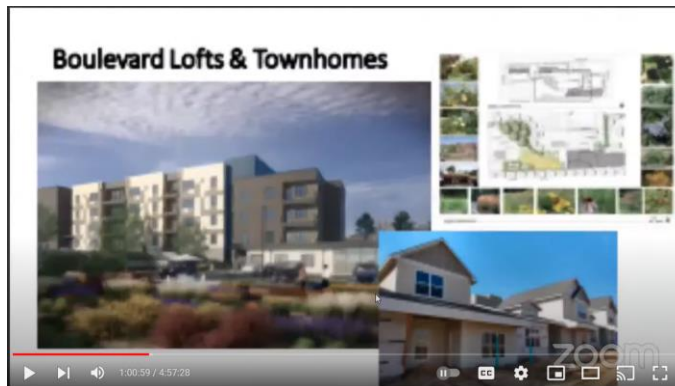


As I mentioned, we have cautiously moved in the direction of multi-family development because it's a critical need. High-quality rental all across the income spectrum here in Wyandotte County is an essential foundation for developing pathways to homeownership. If you don't have a place that you can afford and that you can stay at for a long period of time, it's very difficult for families to build the financial stability to even start thinking about home ownership. So, we're thinking about our apartment development as kind of brought into the funnel to begin to work with families, get them stably housed in really nice places, and help them along that pathway to home ownership for those that want to move in that direction.

We've got the Boulevard Lofts, as I equipped those of you that know, at 8th & Washington. It's been under construction for 6,000 years, but it will be finished. I swear to you all standing here in front of you, it will be finished. It will be beautiful. We are completely leased up already. We actually have been for quite some time.

Any of you that are in the construction industry know that it's been a very difficult time over the pandemic, and there are some infrastructure challenges that are peculiar to some of the sites here in Wyandotte County that will also not be unfamiliar to those of you who have done this work for a while.

Panoramic Park is the old hospital, Bethany Hospital site at 12th & Central. We have our first 192-unit apartment, mixed-income, high-performance building, super green. It's in the pipeline. It's a heavy lift. There's still half a hospital buried there, but I think we got that sorted out. Look for that in 2023, 2024.



These are some more renderings of what that stuff is going to look like.

One thing, sorry, that I wanted to point out about Panoramic Park is though we're looking at apartment development in the center, we're looking at a much lower development pattern density around the periphery to make sure that it steps out into the neighborhoods in a way that's responsive. We built 20 single-family homes there in Bethany, and so we've got a good working relationship with the neighborhood. We want to make sure that that's responsive to what they're looking for in the neighborhoods.



I will touch on this very briefly. The housing development is critical, but the financial capacity building for the families that are going to live in those houses are even more critical for the stability of a neighborhood. So, we kind of offer a full range of services from counseling to financial assistance to really invest in families' financial capacity.



We've also got a pretty thriving arts program that I won't belabor, but I will say that the 3rd Friday Art Walks, and some of the other things, we found that the arts are a really, really critical tool to bring neighbors together, particularly when there are language barriers. We do that through urban agriculture and the arts. Again, I mention that only to say that we've come to believe that neighborhood development is much more about building amenities, services, families, in addition to the rooftops as opposed to merely housing development, though that is a necessary ingredient to a strong neighborhood.



The only way you do that in a community like ours is through partnerships. I mentioned when I walked in here that I was delighted to see lots of partners and friends here. I won't read the list, but what I will say, and part of the reason that I'm delighted to be able to present today, is that especially as we welcome new developers and new folks that are interested in our community, I wanna say that we get a lot more done working together in Wyandotte County. These are some of the projects and partnerships that we've worked on over the past couple of years.

Pam couldn't be here tonight, but I do want to highlight Mount Carmel's work and that we are going to continue to work with them building houses in the neighborhoods they serve.



LaVert also asked me to speak to some of the challenges here in Kansas City, Kansas. I don't know how I'm doing on time so I'll be quick about this. For those of you who have been doing this work in Kansas City, Kansas, you will be familiar with some of the challenges we face. We have aging infrastructure inside the 635-loop. We have in many of the neighborhoods that we work in historically had an appraisal gap, meaning that it costs much more to produce a high-quality home than the market appraised value will support, so it's very difficult to get capital investment. That condition is changing very rapidly in some of the neighborhoods that we serve. And now, we are also, in addition to appraisal gaps in some neighborhoods, we've got severe affordability challenges in others, so we've pivoted to really work on financial capacity and some

other models of housing development/home ownership. Construction costs are going up, labor supply is difficult at the moment, and so on and so forth.

I do want to—I want to focus on this last bullet point because this is relevant to your deliberative body here. The model of development that often obtains is that developers with access to capital, and we're one of those, will kind of put together a great project. We will go to the Unified Government or to the governmental authority and we'll say, can we do this? Is this legal? You'll say yeah, yeah, yeah, go talk to the neighborhoods. Then we'll go and talk to neighborhoods and the neighborhoods will have some feedback. It's just kind of this back and forth and back and forth.

One of the challenges is that the neighborhoods often don't have the support they need, the technical capacity to really engage in that conversation in a way that puts them in the driver's seat that ensures that the people that are going to be most impacted by the development have some control and have some engagement in that. That's one of the things that we're really focusing in on as we kind of expand our scale of development is to work directly with neighborhood associations and other groups so that they can sit across the table eye to eye from us, and any other developer, and speak the same language and ensure that they have the capacity to kind of control the destiny of the land in their immediate area.

With all that, I will shut up. Thank you.

David Block, Block & Company Realtors, said I want to thank LaVert. I want to thank you all for giving me and affording me the time to speak for an evening of nothing but delight and excitement. Let me bring Brittany. That should be interesting because I don't have one. What I have is I have a couple of notes to bring up to you and you have some packages there.

We have been developing in Wyandotte County and throughout the entire area for 75 years. I think you each should have a package. Is there anyone who doesn't have one? We brought up just a sampling of some of the types of developments that we handle. We've been very excited about the developments that we've done in the area that the Unified Government is responsible for. We've sold and developed properties in every area of Wyandotte County. I heard Argentine, Strong Ave., Armourdale, Rainbow, out at the Speedway. We've done the Plaza at the Speedway with Walmart and Sam's and restaurant row. Whether you like it or you don't, it's been very

successful so far. We're in the process of trying to finish up the last few phases of that development.

There's been a lot of issues that have come up the last few years with this pandemic, and interest rates, and other kinds of issues that have been very difficult for us, as developers and real estate brokers. I don't need to get into all of that because everyone's aware of it.

I would like to thank you for the efforts that you're trying to make towards new development. We are looking at multiple projects through our clients and through our company from 7 Highway all the way down through Indian Springs through downtown on 7th St. We've been working with LaVert and other folks here in your county to try and bring these projects to fruition.

Of course, a lot of the issues that we have out here right now are real, real serious problems and those all start with timing and supply chains and all these things that we, in this room, can't do a whole lot about. But what we can do about, is when we have a project that can get done, timing is everything and speed. Because when we get the opportunity to get a project financed and it is something that the county would like to see happen, the timing is everything for us to lock down the financing, lock down the construction, lock down the cost, and get it done. We like to start things and finish them. We don't like to get partially through or try and get things approved and not develop them.

We are not land bankers, we are developers and we are brokers that sell for third-party companies. This public/private partnership that we've had at the Speedway, we've had multiple other projects, has been a paramount issue for us as a development company. We are very interested in working with you all going forward, but what we really need to see is that we can get these projects done in a timely manner. In many cases it takes that, but for private/public partnership to get many of these projects done, what we're doing and what we're looking at right now, is a number of mixed-use developments that include medical, hotel, restaurant, retail, and entertainment. Many of those are in those packages that we gave to you. We do a lot of entertainment venue arena opportunities, and we think that some of those would be excellent to bring people from outside of the county into your county.

Again, I can't stress enough how important it is that, as we have in the past, that we can work very closely with the staff, with LaVert, and whoever else has been designated to work with us, as developers, to help us get these projects done. From an infrastructure standpoint, BPU,

whoever else, that in some cases has—I'll stop there. But moving on from that, we need to speed them up.

All I would say is I really appreciate your time and your concern about future development in your county. Thank you.

Bill Johnson, General Manager, BPU, said, commissioners, Mayor, County Administrator, again, I think many of you guys know that it takes many, many partners when you talk about economic development. Over the years, I've been at BPU for some time now, but over the years I think it has taken all of our efforts to continue to build out Wyandotte County as it is today. Looking forward to continuing that. I'm looking forward to coming up with the strategy for how we continue to coordinate all of our efforts and do a better job going forward.

There are a lot of successes. If you look out west, if you look around the southern parts of our community, around the KU area, there's a lot for us to be proud of. Sometimes when we do get a little bit disjointed, those are times where we do have problems, but BPU has always been there. Our commitment has been there just like the Unified Government commissioners, our board wants to see economic development go forward. It does bring in tax dollars and it helps take the burden off our taxpayers that currently exists. It also spreads out the cost of our utility services. The more people that can absorb that cost, the better it is for all the other people that are here living and operating.

For me, I want to see more housing, but I don't want to just stop there. I like to see other commercial, job-producing, investments, and things like that because that is one way of also growing our residential and ensuring that our next generation has the earning capacity to reinvest in this community too. So, if we can build those type of strategies together, BPU will be there. I mean, there's things that we have that help support that from a policy standpoint, from an investment standpoint in what we do every year through our budgets. A lot of our budgets go to support economic development and it will always continue to be that way.

Last year we went back and passed a couple of resolutions east of 635. One was to, for any project east of 635, we're waiving connection fees. This is in addition to all the other infrastructure that we built east of 635 and other parts of the community. We also passed—our board passed a resolution to waive connection fees for any Land Bank property. So, both of those working in concert with each other provide some incentives but, again, other policies are there.

The one thing that I've recently talked to staff about and our board and to some here, there was a time where we were constantly talking about aging infrastructure and we still are because there's still ways for us to go with that, but in parts of our community, especially east of 635, we're now talking about underutilized infrastructure. We've made those investments. We want to see that investment come back. We want to see the utility and the community benefit because of those investments that we've already made that are here today begging for construction and redevelopment in certain areas that are mostly depressed and things that we still want to continue to see develop and grow out to help our community.

So, I thought I'd leave you with that. I didn't have a presentation. LaVert asked me to be brief. I tried to be brief. Any questions, I'll take it, otherwise, I'll sit back down.



Dwayne Williams, President/CEO of Twelfth Street Heritage Development Corporation, said thank you, Mayor, for allowing us to be here. To our City Administrator and to our commissioners, thank you guys very much for allowing us to be here. This is fun for me simply because I grew up in Kansas City, Kansas. I'm from the Dotte. I grew up off of Quindaro and now I get a chance to come back and do some real cool things in KCK, so this is exciting for me.

With that, I'm gonna let our people introduce themselves to you and they'll tell you who they are and we'll go straight into the presentation. Brandi Patterson, Property Manager with Twelfth Street Heritage; David Wingerson, Flaherty & Collins Properties. Mr. Wingerson said we're partnering with Dwayne on a lot of these projects. We're excited to be here. I'm not from the Dotte; I'm from the Northland, so don't hold that against me.

Mr. Williams said I'm honored to be here to tell you guys a little bit about what we've been looking at. For many of you guys know, Twelfth Street Development Corporation is a CDC. It's one of the oldest CDC's in the metropolitan area. We were started by what we call the barbecue baron Ollie Gates and Bishop James Tyndall. They started Twelfth Street Heritage Development

Corporation back in 1984. Actually, they kind of started in 1982, but 1984 is when we were chartered, so we've been around for that number of years, almost 38 years.

We've been able to do a number of projects not only in Kansas City, Missouri, but in Kansas City, Kansas. We completed a project at 35th & Garfield, 35th & Garfield to 36th & Garfield in Kansas City, Kansas. It was my first project that I worked on coming back to Kansas City, Kansas, to do a project. It's called the Bernard Villas. If you haven't seen them, I encourage you guys to go by and take a look at them. I would definitely love to give you a tour of those villas. There's 24 villas that we built over there, senior affordable housing. Out of those 24 units, we have 500+ applications that applied for those 24 units. So, obviously there's a need here in the metropolitan area for not only housing but workforce housing, affordable housing, and market-rate housing.

So, we'll go right into our presentation. We've been looking at—after talking with LaVert, we had a chance to do an assessment around the city area. Some of the areas we've been looking at go from 5th & Washington right down the corner starting on 5th & Washington and goes up to Mason. It's a Mason Temple right there. We're looking at putting a development site right there, which would be some workforce housing and affordable housing, which would go right there on that corner to go up 5th & Washington up toward where the church is right now, right in front of the old Liberty Douglass State Bank. That's a prime site that we want to do some work on.

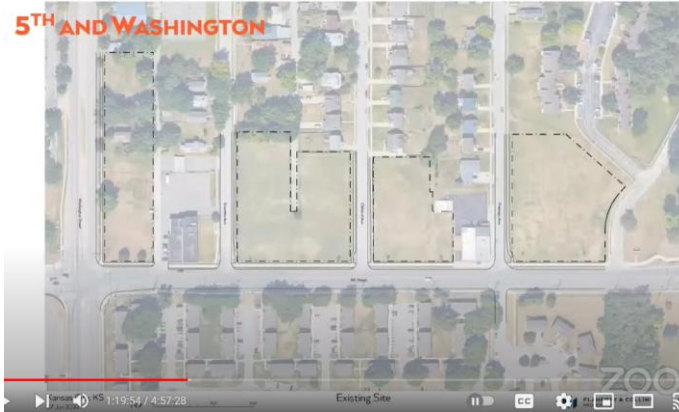
PROJECT TEAM

- Co-Developers
 - Twelfth Street Heritage Development Corp.
 - Flaherty & Collins Properties
- Partnering together to tackle the housing need in KCK from affordable and workforce to market rate
- Have the capacity and expertise to deliver large and complex projects

Twelfth Street HERITAGE
DEVELOPMENT CORPORATION SINCE 1984

FLAHERTY & COLLINS
PROPERTIES

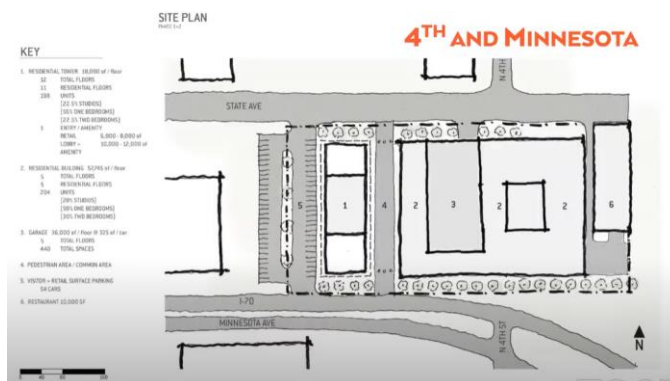
We're also looking at—just so you know, we are a company that have the expertise and the capability of doing whatever development that's out there. Our partners are Flaherty & Collins who are a \$3B company. We've done over \$3B worth of development. Those are the individuals that we're partnering with so whatever project we take, we have an opportunity and we have the availability to complete those tasks and those projects.



That's the site. Just a quick site plan. That area right there is from 5th & Washington up toward Mason Temple going down past Douglass Liberty Bank down that area down toward Freeman, looking at that area right there. We're looking at then coming from Freeman down to 5th & Parallel going over to right around, toward the Leavenworth Road area. There's a large amount of land right there that sits on that corner that we've been looking at. We're looking at a total between the market rate and affordable housing. We're looking at a total probably bringing somewhat rooftops probably somewhere between 7-800 units of not only market rate, but affordable workforce housing to this complete area over here. We visualize a downtown. This is a booming downtown.

When I look at workforce development and affordable housing, we look at housing that does not look like affordable housing, that does not look like market rate. We're in the midst of your downtown area and we want to bring something to revitalize the area.

We're going to move on and just talk a little bit about a project that we're looking at, at 4th & Washington. I'm going to let David give a little talk about that and then we'll talk about some other areas that we're looking at developing in Kansas City, Kansas.



David Wingerson, Flaherty & Collins Properties, said this is 4th & Minnesota. This is a market-rate development that we've been working on for a couple of years. It's kind of broken out into two phases. So, the section that has the number 1 on it is a 12-story tower. It's got 200 units approximately and then another 6-8,000 square feet of commercial retail space.

The second phase is another 200 units. We go down in size so it's about 4-5 story, wood frame deal. The number 3 that you're seeing there is a parking garage, so we would have about 440 parking spaces in that garage to service both residential projects as well as the overflow commercial space.

Then number 6 is another additional retail space. It's about 10,000 square feet that we would be looking to develop. The kind of key for this site is really to create something that's catalytic for downtown that draws people from maybe the Missouri side or locally to live here that maybe wouldn't be downtown. Putting people downtown is key for this site. It's a great location. We love the product. It would be designed and built on standards with Kansas City, Missouri, downtown towers, so it's a cool location. We're excited to move forward. We're excited to bring it to you guys' attention. Thank you.



Mr. Williams said one of the things that we're looking at, especially with that project right there, it's a market-rate project. I love the site because it's a beautiful site because you can look across and see Kansas City, Missouri; and Kansas City, Missouri, can look across and see you. Coming into the gateway, I believe that there needs to be a statement there coming across the viaduct. It says you're now in Kansas City, Kansas. I believe, also, we give something that's a market-rate project that rivals many of the buildings that we have in Kansas City, Missouri, such as One Light, Two Light, and possibly Three Light, with a lower price point than you have in Kansas City, Missouri.

Also, we're looking at on that site—we've been in conversation with Gates Bar-B-Q about trying to build another Gates Bar-B-Q somewhere on that site. We're looking at a site that would work with both parties, one that we could actually blow the smoke from the barbecue the other direction versus blow it into the tenant's window. That's going to be a chore, but yet and still, we've had conversation with them about looking at that.

We do know that we'd like to have some type of retail and some type of restaurant, a statement restaurant, right there on that corner. I believe coming into downtown Kansas City, we need that. We need that wow factor coming into Kansas City, Kansas. I believe we have some of that wow factor in Missouri, but we have not been able to bring it to Kansas City, Kansas. This is a prime location. It's a perfect site to be able to do something like that here on this side of the river.

As we start to branch out into KCK going from there to 5th & Washington, we have three projects that we'd like to do simultaneously, all going at the same time. That would be 5th & Washington, that would be 4th & Minnesota, and it would also be 38th & Parallel, 30th & Parallel going down Praun, which is owned by the Central State Seventh-Day Adventist Conference. Their headquarters is there. We have about 40 acres of property over there. We just did a development on five acres of property over there, which is the senior housing over there. Right on Praun, there's another group of property that we're looking at to do development over there as well.

So, these are three properties that we like to simultaneously get started on, obviously with your permission. We'd like to work on those projects. We'd like to do a total of maybe five projects over the next five to seven years on the Kansas side, bring in somewhere around the total maybe of affordable workforce housing and market-rate housing up to around a thousand units is what we'd like to be able to buy. Our area we're gonna concentrate right now is going to go anywhere from 55th St. down to 5th St. Those are the areas that's centrally located and is where we'd like to work at right now.

So, we wanted to come over and introduce ourselves to you guys and give you some ideas of what we're considering doing. Like I said, if you haven't had a chance to go by the Bernard Villas, please go by. I'd be more than happy to give you a tour of those facilities. The need is definitely here. When you do 24 units and you have 500+ applicants that apply for it, that tells you that there's a great need for this area over here.

So, we're not going to take up much of your time, but I did want to come and introduce my team to you guys. Flaherty & Collins is our partner in Kansas City. They're our partner in Missouri. They're partnering, hopefully, in Kansas. They're partnering in Denver, Colorado; Colorado Springs; and a number of other cities that we're working on to do affordable housing, market-rate housing, and workforce housing.

We're here. We want to stay here. This is where I, hopefully, one day will retire and come back to Kansas City, Kansas. I've been gone for a number of years, but it is my pleasure to be able to come back over to work on this side of the river. I really look forward to bringing you guys not only market-rate, affordable, but also mixed-use right over here in Kansas City, Kansas.

We'll wait to answer any questions that you guys have for us after the event, but I'm so thrilled to be able to come back to my home city and be able to do development. This is exciting for me. Thank you, guys, for giving us an opportunity. We appreciate it. Thank you.

Bob Hughes, Hughes Development Company, said LaVert didn't do me any favor to put me behind Dwayne's presentation. Thank you, Dwayne. Appreciate that. We have the pleasure of managing one of Dwayne's properties. Hughes Development Company is a 56-year-old development company here in Wyandotte County started by my father. I'm not quite 56. I don't believe that if you want to.

We just completed, I'm proud to say, the renovation of what started out to be the Town House Hotel. When we originally renovated the Town House Hotel, we called it Crossline Towers. Then we renovated it again and we made it Town House again. It's a senior residence, 130 units. We put the sign back on top of the building. If you haven't seen it, it says Town House. That sign will turn blue when the Royals have done something good. That sign will turn red when the Chiefs have done something good. It'll stay white to tell you nothing's going on, but we're proud to have done that downtown.

I'm certainly glad to hear others looking at coming downtown. We've been in Wyandotte County, as I said, 56 years. We've had the pleasure of developing properties across the country. Mainly we've been in affordable, multi-family housing, although we've had a number of single-family homes that we've rehabbed.

For some reason, LaVert and I got together and started talking about Peregrine Falcon some 20-some years ago. He talked me into doing something I've never done. I don't know if I ever want to do it again, but at that time, if you understand development, you know development has a long runway. I guess the best way to describe Peregrine Falcon, it had a longer runway than we anticipated.

I started in 1998 on Peregrine Falcon. If you don't know where Peregrine Falcon is, it's Boswell on the north, Quindaro Blvd. on the south, between 5th St. and 7th St. Our development plan, which we had on the board, would show you that it was planned out for 150 new single-family homes and townhomes. At that point in time, we were trying to do something to cap off where the CDCs, Community Development Corporations, were in their single-family pricing. We wanted to start above their single-family prices so as not to compete.

The northeast area, as we're talking now, is like it is now, but even worse then because there are some things that are going on. Now I think on that runway, the best way I can describe it, we stayed on that runway a long time. We finally took off in 2008 and we didn't reach 10,000 square feet and we were called back to the ground. You recall 2008; the whole financial market just fell apart. Nothing was being developed. No financing was available. Peregrine just stopped.

Well, we pivoted back to what we have done best, to what we've done the most, back into multifamily and that's where we've been. Matter of fact, we've got, in addition to what we just completed in downtown, we've probably done over 900 units that we've either owned, co-owned, or managed in Wyandotte County. We currently have another 115 units that are under construction on 65th St. just south of State. We built some similar property, as Dewayne just talked about, 24 townhomes that's called Buchanan's Crossing 1 and 2. We're going to build another 16 units of townhomes to the north of Buchanan's Crossing.

We are working in the area of workforce housing. We define workforce housing a little different than affordable housing that has income limits, residential income limits. We want to reach that workforce that don't qualify for that residential income limits, but are in need of quality, new housing, kind of what Dwayne talked about.

We also are trying to pivot out of having to use government assisted financing, the low-income housing tax credits, and others. We think we've hit up on a financing mechanism using 501(c)(3) bonds that allow us to do a more flexibility in reaching that income group that is not subsidized or assisted by any federal or local government. That doesn't mean that we don't need a

partner in Wyandotte County. It's doing something in the northeast area. We know we don't have infrastructure.

My great aunt used to live in that area that I just described. I hated to go there because all the water came out of a pump on the outside and the restroom was on the outside. That just didn't please me, so we know there's no infrastructure in that area.

When we built the first phase of Peregrine, we had to put in all new infrastructure. To finish out that project, there's either old or no infrastructure. So, right now we're not in that same turbulence that we ran into back in 2008. If you've been reading and understanding and following the economic conditions now, we're still in a headwind.

Right now, single-family homes are drying up in terms of being able to get financing through the normal typical sources. I mean with the interest rates going up, the cost of construction going up, along with, again, we still have some of the supply chain issues where we were in 2008. Our price points were probably around \$250,000, between \$200,000-\$250,000. That same quality home right now is gonna be over \$300,000, pushing \$400,000. The cost has just changed. The only thing we had to sell back in 2008 to compete with what was going on out west in Piper and other places was trying to do the same product, but the land cost is where we tried to reduce and get some incentive.

Most urban redevelopment areas, from a single-family standpoint, the incentive that the buyer is looking for is some kind of tax exemption. Well, Peregrine was developed. The infrastructure used TIF. Well, that's a contradiction because the city needs the TIF to pay for the infrastructure, but the buyer wants tax exemption. So, again, there's that part of the headwinds in terms of trying to do single-family development in an area where infrastructure is desperately needed. How do we get there? I'm not here trying to make an answer to that, but I'm really saying we got to partner. We got to lock our hands and heads and figure this out, and that probably applies to everybody who's getting ready to speak or has spoken.

Thank you for giving me this time. Sorry I didn't have a picture to show you. Oh, I grew up in Wyandotte County also. I graduated from—Rosedale was still a high school when I graduated.

Beverly Easterwood, HTC Consulting Group, said most of you know me as the president of Douglass-Sumner Neighborhood Association. Douglass-Sumner is a neighborhood association

with no staff. It's all volunteer so I do have a real job. I am a certified general real estate appraiser as well as a licensed real estate agent. I'm with HTC Consulting Group, which is right down the street in the newly renovated townhouse building.

Douglass-Sumner was fortunate to be named by LISC as a NeighborhoodsNOW neighborhood back in the mid-2000s. As part of that designation, we were fortunate enough to receive assistance with doing a neighborhood development plan, which we called our Quality of Life Plan. That plan identified areas that we would target for redevelopment, for where different types of development would go whether commercial would go, where residential will go. One of the things that it identified was that although the vast majority of the neighborhood was built with single-family houses, the zoning was for RP-5 Apartment. That was one of the things that we identified then that needed to be addressed and it still exists.

We have over—Douglass-Sumner's boundaries are from 7th St. to 10th St., Washington Blvd. to Parallel Pkwy. Within that small defined area, we have close to 200 vacant lots, most of which or well, all of those 200 lots are in the Land Bank, which several developers want to improve, but they want to—they're requesting lots for redevelopment. The problem that we had was that there was such a wide variety of proposed developments for those lots. We found ourselves responding every month, once the list came out, trying to get in touch with the developers and see what it was that they were proposing to see if it would fit within what we had envisioned for our neighborhood.

Now our original Quality of Life Plan had examples of the different types of designs, but the proposals that we were receiving ranged anywhere from one-story houses on a slab to something that looked like it belonged in the Rocky Mountain resort area. That's not to say that some of that might fit, but we wanted to—we realized that we needed to do an update to our Quality of Life Plan, so we have termed that our Land Bank strategy.

We've had two meetings so far. We're going to have two additional meetings where we're trying to bring in the stakeholders, all people that have interest in the neighborhood. Our first meeting was with developers and trying to get from them a feel for what they saw as challenges in the neighborhood, what they envisioned, how they came up with the plans that they were proposing for our neighborhood. We're going to have two more meetings between—we're going to have one on August 27th and another one in September. I can't remember what date that is, but whatever the first Tuesday is, and try to push forward with our plan.

One of the things that we found out also, in addition to the zoning being a challenge, because since almost the entire neighborhood is zoned for apartments, that was a lot of what a lot of the proposals were that we were receiving. Because it's allowed by zoning, it's natural that the developers are going to try to get the highest density that they can because that makes them the most money. We have had discussions with the developers and we're coming to some consensus in terms of them being aware of what it is that we're looking for as well as what they think that they can provide.

Bob Hughes mentioned it in his comments that one of the problems that we have also is lack of infrastructure. There are infrastructure gaps in our neighborhood. As you know, that's one of the most expensive things that developers will encounter is putting in new infrastructure, but that's something that we will be addressing in our future meetings. We want to let the commissioners know that's something that we need and hope that we can come to some consensus in terms of how to provide that infrastructure so that new development can take place.

I didn't have a presentation, but I am from Wyandotte County. I grew up right down the street from Sumner Academy. It was Sumner High School at that time, but I think Melissa came in the new Sumner institution and they built it across the street too. So, I live right down the street from Sumner. That's when people could drive up and down the street.

But, anyway, we want to work with all the institutions that are in. We were fortunate to have nine churches. We have Sumner Academy which, as you know, is one of the top high schools in the country. We have Douglass Elementary School. We have businesses. We have some historic sites. We have the birth site of Charlie Parker, and we want to build on the historic sites that are in our neighborhood.

We do have some challenges. We realize that. Everything that is—and I'm going to quote James Baldwin when he said, “Not everything that is faced can be changed, but nothing can be changed until it is faced.” Thank you.

Monica Brede, Senior Director of Workforce Solutions and Business Retention for Wyandotte Economic Development Council, (representing Greg Kindle), said thank you for taking time to discuss growing our community past 55th St.; focus on the area east of 55th St. I want to start with expressing appreciation for opening dialogue for ideas for making it clear that all ideas are on the table. Ultimately, those ideas come forward will have to be met with decisions

that answer a number of questions, questions like is there a market both from those seeking to invest and by the community of consumers for what we desire to develop? Is it sustainable once it's built? Is the infrastructure and land available to make it work, which many people have mentioned infrastructure tonight? What new policies and incentives may be needed to advance the conversation forward? We look forward to being part of the conversation.

Ultimately, we work for you to implement the policies that are approved by the Commission. We look forward to working with those here tonight, those who are watching, those who may not yet know about the opportunities. It takes all of us to make the community grow.

Here are some thoughts and ideas that we think are worth consideration. Indian Springs. We think the northern portion of the site could become a home to a full-service recreational center including a pool, a new central library, a central location for business and resident/customer service, and limited retail. Somewhere on the site there needs to be a child care facility. We believe these kinds of activities at this location make good use of the primary transit hub easy access from 635 & State Ave. We think it makes sense to have a location that is easy to access from all modes of transportation, and to make it a place where youth and families can access programming and activities year-round. We believe there's an opportunity to help generate funding from development on the south end to help offset the cost of these investments.

The Quindaro Ruins has a great opportunity. As a community, we need more investment in arts and culture. We think Quindaro Ruins could be the location where we highlight the tapestry of our community and tap into a larger pool of grant funds and make this location where many festivals are held, attract tourists to engage in our history similar to how it was done at the World War I Museum, develop a conference and meeting facility, focus on finding solutions, and using our diversity as a backdrop to decision-making. Additionally, we think mixed-use development with residential and retail is plausible. We also think there are health-related organizations focused on health equity would be a good partner at this location. One of the considerations we think is important at this location is direct access from I-635.

Conferencing and meeting spaces are important to be bringing people together within our community and helping bring external audiences into the community. I remember years ago coming here all the time for conferences, so the Reardon Convention Center does not meet today's needs. It has not met our needs for several years, whether it's the location or some other downtown location. We support having one that is useful, utilizes high technology, and it's a place that we

can bring pride to our community. We estimate it could take over every bit of \$15-\$20M to renovate and add a floor to the current facility. We think the current location could be redeveloped into other uses and perhaps a new facility could be built somewhere else like the Quindaro Ruins or Indian Springs.

We were very pleased to be part of the discussion some months back involving Juniper Gardens along with Groundworks, NRG, the UG Urban Land Institute, Housing Authority, and many others. We support a mixed-use development in that area. We lean more towards construction of new housing rather than renovating those that are there, and including a new business park.

We're super excited that the KCK Public School Board approved the moving forward with discussions of the new downtown library. We fully endorse that investment and know there is a need for a new library to help meet the needs of the residents, small businesses, and entrepreneurs into the future. The library provides so many wonderful resources, and we know the value that people looking into living in our downtown place on the kinds of amenities and programming libraries provide. Honestly, we think it's time to move forward with the new library since there was a two mil increase in the property tax rate specific to this purpose that has been collected since 2015. Now is the time, and we appreciate the school board moving forward with this discussion.

Central Ave. is one of our county's best kept secrets. There's a great opportunity to build on the organic investments that have been made and fully recognize that corridor and its potential from one to the other. We know there are others represented that have some specific ideas, and I think there is more alignment with those ideas than most might suspect. We are also advocates for seeing Central Ave. as a true connector to this side of the Kansas River.

The area beneath the Central Ave. Bridge is not utilized to its fullest potential. We know that the work done by the KC Design team shows how that area can be utilized. We see the connection to the trail system along the river and that location being an opportunity for additional investment and to supporting the existing businesses already in that corridor.

In the interest of time, we won't go into every project or neighborhood where there is opportunity, but we do want to make mention of the University of Kansas Health System and what that means to this community and their location on the state line with Missouri. We think that we have to take steps to improve Mission Road, which was also mentioned earlier, from I-35 to the county line, and identify an east-west connection back to KU. The hospital is a unique asset to the

region, and in that number of patients/tourists coming into the community for treatment is astounding. We have an opportunity to develop housing, retail, hotels, biomed facilities in support of what KU does, in addition to their own investments, as they gear up for a future cancer institute. Having the infrastructure and plans in motion to accommodate these developments are important. To be complacent on these, this means those investments most likely go to Missouri or Johnson County.

There are a multitude of specific areas that we could speak to in Armourdale, downtown, the northeast and even Fairfax, but in the interest of time, I want to focus my remaining comments on a couple of overarching thoughts.

We need a comprehensive housing strategy that leads to policies. Those policies will provide developers with certainty about what the UG wants and will allow to be built on a myriad of lot sizes, rehabilitation versus new construction, and handling old infrastructure. It must be the UG that creates these housing policies. We can build a lot of things in this community without disposable household income, much of what we would like is unsustainable. Raising the median household income is critical to attracting retail development, and it's imperative to making new home construction attainable.

This is a group effort. While WYEDC and our partners like Workforce partnership and KCKCC are actively trying to figure out the best ways to connect our residents to the jobs in our community, we need more help. There are more than 6,000 open jobs in Wyandotte County every day. Some of them do require more training, and that's why the new downtown KCKCC campus is so important. Not only do we have an immediate need, we also need to be connecting our next generation to the opportunities available here in Wyandotte County, growing our own talent pipeline with our current students.

As many of you know, Wyandotte County wages paid are the second highest in the state, but our median household income is at 82nd. The jobs we are creating in this community support the kinds of developments we seek, and the key now is connecting our residents to those jobs.

These are just some of our thoughts around specific areas and corridors. We are happy to engage with you all and the team here at the Unified Government. We appreciate all that you do. With that, we thank you for your time and consideration of these ideas.



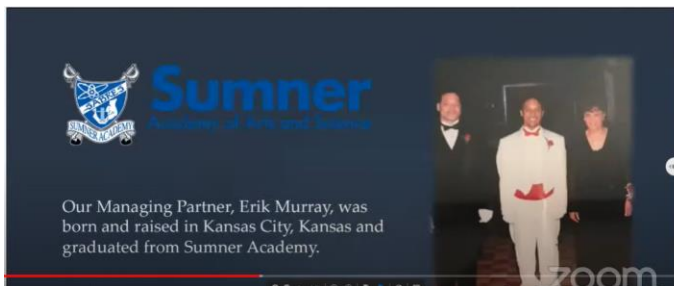
Erik Murray, Oak Impact Group, said I really appreciate this opportunity to come back to my hometown. You'll hear that common theme throughout the night, but come back to my hometown and talk about a project that I'm really passionate about. I want to thank Mayor Garner for how he set the table for this, talking about the disparity in eastside communities. I think that we have to recognize that disparity was by design, right?

Without going too far into kind of the science and nerding out on it, there's a good friend of mine in east Palo Alto by the name of Stephen DeBerry. Stephen DeBerry is a cultural anthropologist turned real estate developer. He said the reason why eastside communities exist is actually really simple. It's the wind. The fact is in the northern hemisphere, due to the Coriolis effect, the way that the earth spins, the pollution coming off of factories blows to the east. So, think about it like a campfire and effectively, eastside communities have borne the brunt of that smoke being blown in their face. That's why communities of color, unfortunately, have higher incidences of asthma and other health disparities. This is a social injustice issue as we talk about climate justice. Those areas then got less investment and that's why we're here today to talk about reinvesting in those eastside communities. So, again, thank you, Mayor Garner. Thank you, LaVert, for the opportunity to talk about that.

That's a great segue into what we do at Oak Impact Group. Oak Impact Group is focused on the intersection of three things: people, planet, and profit. Not everyone loves that I say the last one, which is profit, but I remind folks that as a fiduciary investment manager, if I don't earn a return for my investors, they won't give me any more money and we won't do any more projects. So, we're very fortunate that we have been able to generate profit, but we're more focused on and more excited about the fact that we do that by also benefiting our community and people and our planet.



I want to talk to you about a project that I'm passionate about at Indian Springs. Real quick, for those of you who may not know me.



I was born and raised here in Kansas City, Kansas. I graduated from Sumner Academy. In fact, several of the folks in this room probably knew me before I was born as my mom was working at Wyandotte High School and I was in her belly running around. I know Senator Haley. I saw JD Rios. Several folks here actually knew me before I existed probably, but it's really exciting to be back here in my hometown talking about this project.



I'm fortunate to manage a small, black-owned real estate development team. The three folks that you see here are my business partners at Oak Impact Group. We have raised and deployed about \$200M over the last five years into East Oakland, California. We are very experienced in coming up with community-driven strategies to take vacant, underutilized, blighted properties and return them to beneficial use, create jobs, create tax revenue, create returns for investors, but also create community benefits.

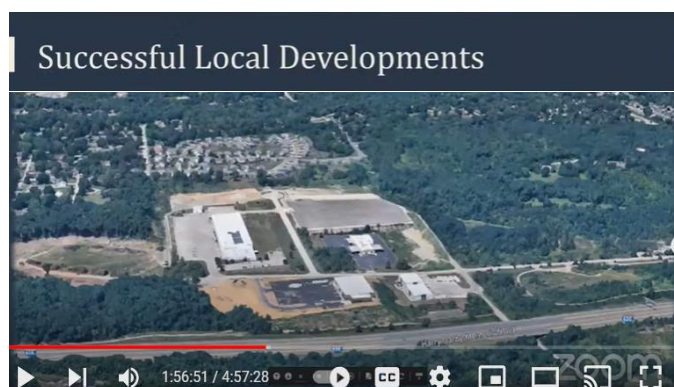
Oak Impact Group Mission

IMPROVE THE COMMUNITIES WE SERVE BY ACQUIRING VACANT OR UNDER-UTILIZED VALUE-ADD PROPERTIES IN PRIME LOCATIONS AND ADD LONG TERM VALUE WHILE CREATING EXCEPTIONAL CASH FLOW FOR INVESTORS AND POSITIVE IMPACTS FOR THE COMMUNITIES WE SERVE BY INCORPORATING SUSTAINABILITY AND SOCIAL JUSTICE INTO EVERY PROJECT WE DEVELOP!

REAL ESTATE ACQUISITION EXPERTISE	PROVEN PERFORMANCE	PROFESSIONAL MANAGEMENT
Leverage market relationships and 40+ years combined experience to source "off-market" transactions and conservatively underwrite using traditional market rates for the best value-add opportunities.	Our team has already acquired and developed over a dozen properties valued in excess of \$200M for our own account, and over \$1Bn overall. <i>We have never defaulted on a single bank loan, failed on a redevelopment project, or lost a single dollar of LP equity!</i>	We utilize Juniper Square for investment performance management and asset reporting, along with Yardi, the accounting standard for the real estate industry. Our team has 7+ years experience directly managing our own portfolio of commercial real estate assets.

Play (k)

I touched on a lot of that in terms of our mission, but the thing that is probably most relevant on this slide is my mom said to me when I was young, she said, you're gonna have to work twice as hard. You're going to have to be twice as good. You better not screw it up because you might not get a second chance. So, the most important thing on this slide is right there in the middle in our proven performance. We don't take it lightly, but we have never once in the five years that we have been entrusted with \$200M of other people's money, we've never once defaulted on a bank loan. We've never once lost a single dollar of equity. We are batting a thousand, and we'll knock on wood and we hope that it stays that way. We're very proud of that record. So, when we stand here before you and talk about the things that we want to do, we take that reputation very seriously.



So, Erik, why are you here talking about what you can do at the Indian Springs site? What gives you the courage to think that after that site has been in its current state for many years that you can do something about it? We've got local experience really right to the north and to the south of this site on projects that I'm proud to have worked on over my 20 years in commercial real estate.

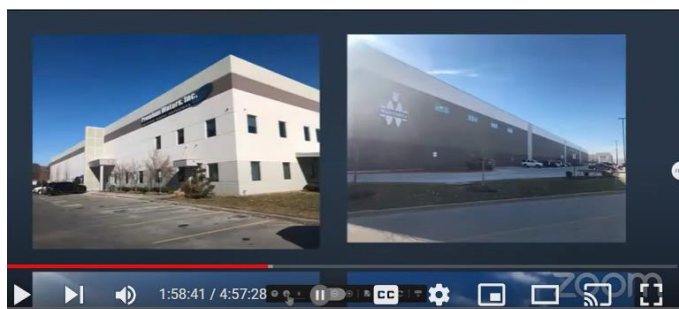
The site you're looking at there is just to the south of Indian Springs. That is the Ridge Business Park. We were not the original developers of the Ridge. That was a site that I was tired

August 11, 2022

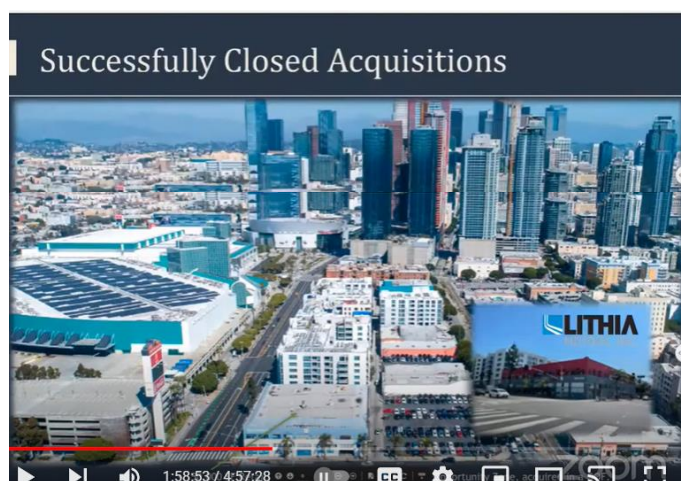
of driving by and seeing partially developed, so we were brought in about midstream through that project to come in and make sure that users finished building out that project. We're fortunate. The building you see on the left, after Frito-Lay vacated, we helped bring Stanion Wholesale into that building. The building down right on 635, KC Brick, we sold Kansas City Brick that land and brought them to the site along with Home City Ice right next door to KC Brick. We've got experience just to the south of the project site.



Just to the north of the project site, we were fortunate to be hired by the city of Riverside to do the land assemblage on the west side of Riverside Horizons. So many folks know, obviously, NorthPoint has been a prolific developer in this town. NorthPoint did all of the work to the east, and NorthPoint gets most of the credit for that site. They did a great job up there, but we're proud to say that the part that you're looking at right there in the middle, we facilitated, in conjunction with the city of Riverside, we assembled that land from three different families. We developed the building that you see in kind of the center, which is Johnson Controls; went in first. After that, Premium Waters went in. Then we're fortunate. We worked with KCADC Tim Cowden, Barb Hank at the state, and we recruited a Canadian auto manufacturer, Martinrea, and did that last development there with Joe Tuter in 2012, 2013.



That's experience that we have just to the north of the site, and there's a couple of images of those projects.



Last, but not least, this is a fun one. Not here locally, but one of the biggest deals that I had closed in my career. We had the audacity to go into downtown Los Angeles. This site is an opportunity zone, as is the Indian Springs site that we're going to talk about. I think that's a key way that we're going to bring capital to this project. The building that you see right there at the bottom of the screen, that blue Honda dealership, we acquired that site for roughly \$32M in 2019 and are in the midst of a redevelopment there that will be a million square feet, likely a \$450M redevelopment of that opportunity's own site. We're really excited about that, so wish us luck in downtown LA. The Lakers play right across the street. That's my squad.

Redevelopment Plan Overview

KANSAS CITY, KANSAS EV INNOVATION PARK & CHARGING DESTINATION

- Mixed Use Development on over 80+ Acres, located within an Opportunity Zone!
- Innovative Partnership between Unified Government, Oak Impact Group, Eastside Innovation, Nuveen, and State of Kansas.
- World Class Destination for Electric Vehicle Innovation and Charging at the Crossroads of America!
- Includes Hotel, Retail, Commercial, Industrial, and Affordable/Workforce Housing - all focused on environmental sustainability!
- Led by experienced local developers and well capitalized institutional partners!

The Site
4601 State Avenue
Kansas City, Kansas

- The project site is located at the nexus of major transcontinental highways, I-70, and I-635 to I-35 and I-29.
- The Kansas City region is leading the automotive manufacturing and innovation race with GM, Ford, and recently announced Tesla/Panasonic battery plant.

11 Oak Investment Funds

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What's our plan, right? What are we going to do with Indian Springs? Look, first off, I want to say that as I talked about, we are very community-focused. LaVert said, don't you come here tonight and not have a plan, not have a vision. I said I better bring one and so we're going to share one. But look, we want the feedback of all of you. We want the feedback of the community. I was listening intently as Monica shared the vision that they have. We would love to incorporate some of those themes that you shared into the site. We want to be collaborative as we work through this process.

As we envision that site, we really think that it has an opportunity to be an innovation park and a charging destination as the country really rapidly adopts electric vehicles, both for consumers and for trucking, for transportation, all modes of transportation.

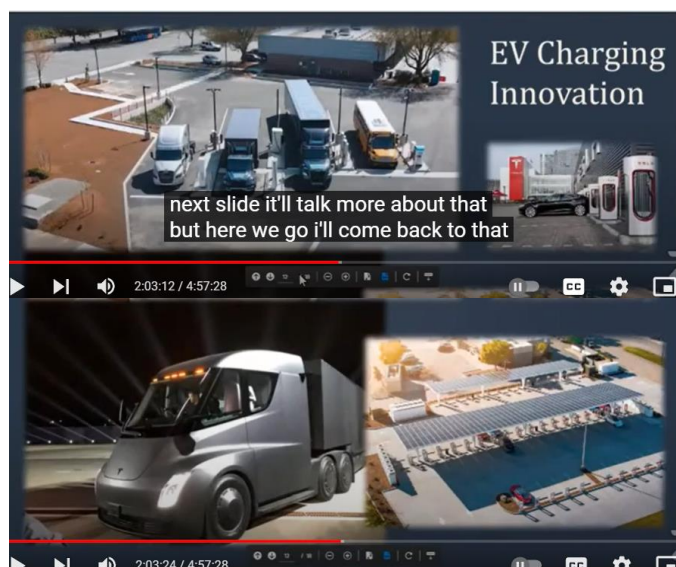
Having been in California for the last seven years, I've really gotten to, I feel, like see the future a little bit and see that firsthand. Almost 50% of the cars that you see on the road there are now electric because of the charging infrastructure that was developed. I'm sure, as most of you know and read, a lot of things are happening in this arena. Obviously, our region just won a \$4B battery plant, so that's a hint. We've always been a leader in automotive manufacturing with Ford and General Motors, etc. They're a little late to that party, but they're going to come on strong and pump out a ton of EVs, so I think that's an opportunity. Just for all of those reasons, we think that this is a really viable plan.

We're envisioning a mixed-use development on over 80 acres. Again, it's in an opportunity zone. This does need to be an innovative partnership between the Unified Government, between Oak Impact Group, East Side Innovation, which is a subsidiary of ours that focuses on charging development. We're fortunate that we have a capital partner already identified in this project, Nuveen.

Nuveen, just a quick side story. Nuveen's one of the largest investment managers in the world. I think they have \$150B of assets under management. Nuveen's parent company, TIAA, is led by one of the first, and sadly, only black women to be the president of a major bank. That is Thasunda Brown Duckett. We had the opportunity to work with her in East Oakland through their Advancing Black Pathways Program that Chase did. Thasunda, or T as I call her, now runs TIAA. We're thankful that Nuveen, a TIAA subsidiary, has said, Erik, yes, you can go in that meeting and say we'll back you from a capital perspective. So, I'm thankful for that.

Last, but not least, obviously, we've got a number of local partners. We'll work with the state of Kansas. I'm excited to work with BPU. As I was sharing with Bill, a lot of what we're talking about here requires infrastructure and that's a real benefit to this community. The close relationship that the Unified Government has with its own municipal utility and BPU, don't squander that. I work with PG&E, Pacific Gas and Electric, every day. It is the ban of my existence. It takes them two and a half years to do anything. The fact that as the world transitions into electricity, electricity is going to be for the next hundred years what oil has been for the last hundred years. That is a tremendous resource that can get Kansas City, Kansas, out at the forefront of this.

We're thoughtful about that as well. So, there's a couple of images of things that we envision on the site. The image that you see in the center is a next generation.



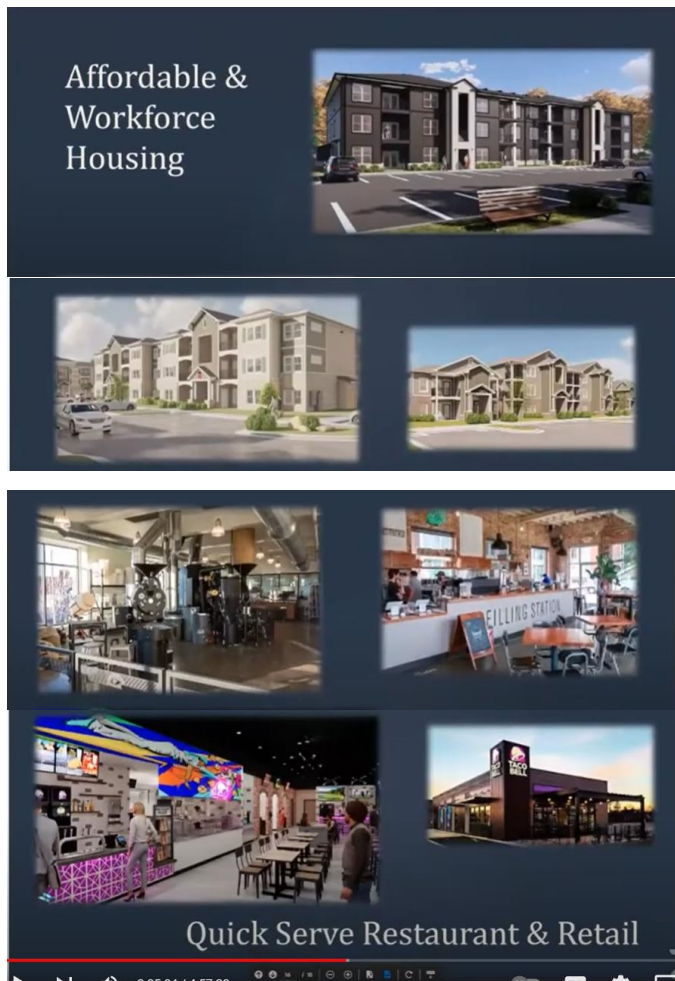
First off, again, I've talked about an EV charging innovation. I think that this site, as we know it, sits at the nexus of two transcontinental highways in I-35 and I-70, essentially, so what better site to be at the heart of ensuring that those transportation nodes have the charging and infrastructure that they need? I think EV charging innovation will be a big piece of it. As you see, it's covered with solar canopies and other things like that because, again, we remember that history of why eastside communities exist, and this is how we are intentional by design to fix that for our next generation.



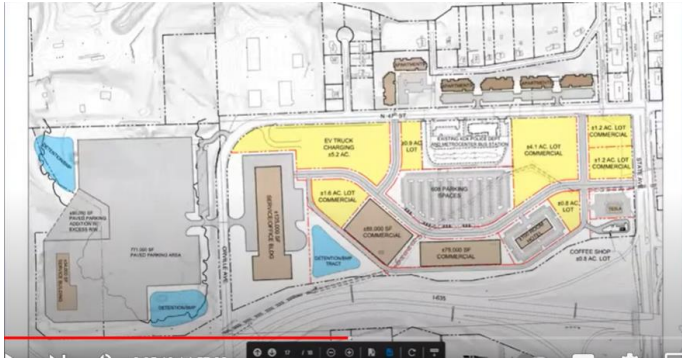
Additionally, next generation last mile distribution. You see high tech now, warehouse, and distribution facilities, again, powered as part of that EV and green infrastructure.



Hospitality. I understand that hospitality is a need in this community. I'm very fortunate. I had to twist some arms here but, again, unlike developers who will come here and say things hypothetically and, oh, I can't tell you who my partners are. It's confidential. We don't roll like that. I'm thankful to John Lancaster at Choice Hotels. Choice Hotels has said that they will commit to a hundred-key Comfort Inn and Suites at the site. Another cool thing that Choice Hotels is doing, Choice Hotels launched a program focused on getting more African Americans into hotel development, so we certainly hope that there will be an African American and, hopefully, a local franchisee who runs and operates that hotel. So, thankful to John for that commitment.



Then last, but not least, affordable and workforce housing. On the west side of 47th, you'll see that there's a spot that really works well. You'll see this in our plan here in a second for some affordable and workforce housing components. That's the key part of the plan. Then, of course, highway retail, so quick-serve, fast food, coffee. These things are symbiotic as folks come into charge. We'll be able to generate, keep them there, have dining options, have coffee options in the 15-20 minutes it takes to charge. Folks will be spending dollars in this community generating tax revenue.



This is a site plan of what that could look like.

I apologize. I'm probably over my time. I'm kind of long-winded, so thanks for bearing with me, but I'll try to wrap this up briefly.

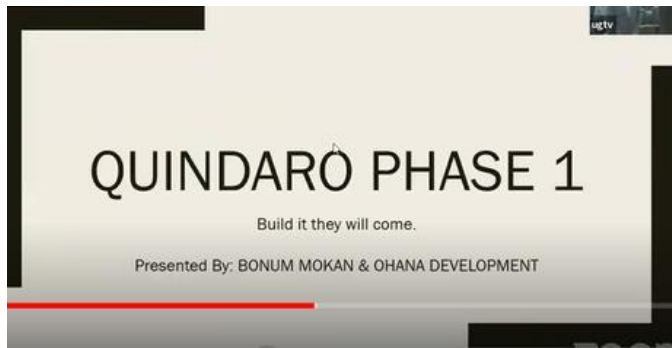
Again, though, this is a first draft and this is round one. We certainly look forward to community stakeholder input, commissioner input, partner input, Bill, Monica, and others.

Without further ado, thank you for your time. I really appreciate the opportunity.

Mayor Garner said it appears that they might be having—we're going to take about a five-minute break so the Commission can take care of some needs. We'll come back at 9:10. At 9:10 on the dot, we'll start back.

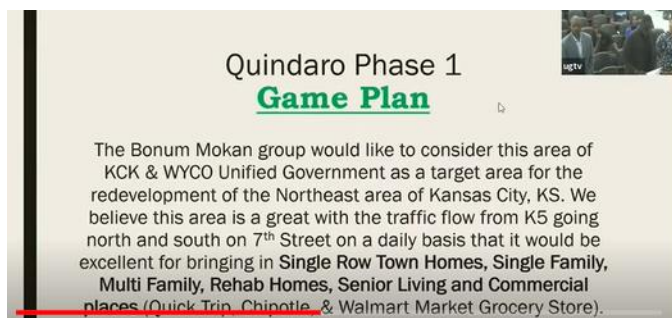
Mayor Garner reconvened the meeting at 9:18 p.m. Thank you for being with us through our break and our technical difficulties, but we are back in session.

Steve Hooks said I am from the Dotte; born, raised, everything. I'm everything about the Dotte. I just want to kind of introduce my team. Most of my team are all from Wyandotte County. We've all been here from day one giving back into our community. So, we just want to—I have Eric Stamps. He's part of the Bonum Development team. He's our Property Manager and Operations Director. I have our real estate broker from Re/Max Broker shop. She's our development partner for Broker Real Estate. I have Sean Brown, who is currently not here. He's a managing partner of Bonum Development. Troy Nash, with the Nash Group, affordable housing specialist in multifamily. He will be coming on via Zoom. Ricardo Lucas and Rodney Bland, with Alpha Development. They specialize in economic and community development; partner of ours. Also, Billy Gilroy, which is our construction development partner.



You guys should have a package on your desk. That's correct, Quindaro Phase I. You guys should have it on your desk in front of you.

Just really simple, I've been investing in Wyandotte County for 27 years. I've been in real estate for 26. I ran motors companies. I've ran property management companies, title, escrow, development/construction companies so, I've done a lot of development in Kansas City from rehab. We've rehabbed over 100+ homes in Wyandotte County in the last 26 years. We have put over \$22M of financing into Wyandotte County through loans and financing and refinancing. When we say Wyandotte County, I say the community is my community. It's our community together. It's our community that we build.



Bonum Moka group would like to consider this area of Wyandotte County, KCK Unified Government as a target area for the redevelopment of the Northeast area of Kansas City, Kansas. We believe that this area is great with the traffic flow from K-5 going north and south on 7th St. on a daily basis that would be excellent for bringing the single row townhomes, single family, multifamily, rehabbed homes, senior living, and commercial spaces.



Our target location map view starts, as you can see, starts on 7th, north of Stanford; 7th to Kimball Ave.; west to 8th St.,



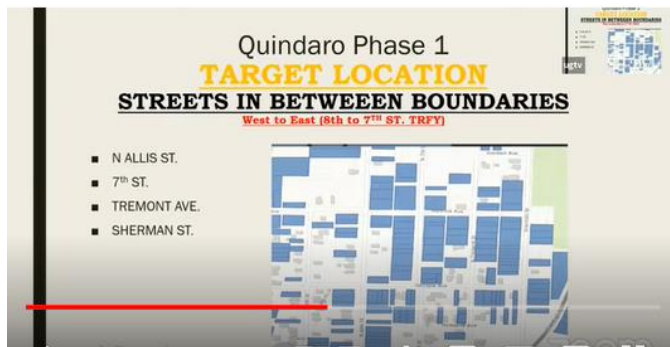
east of 7th St. Tfwy., and south of Quindaro, all within these boundaries.



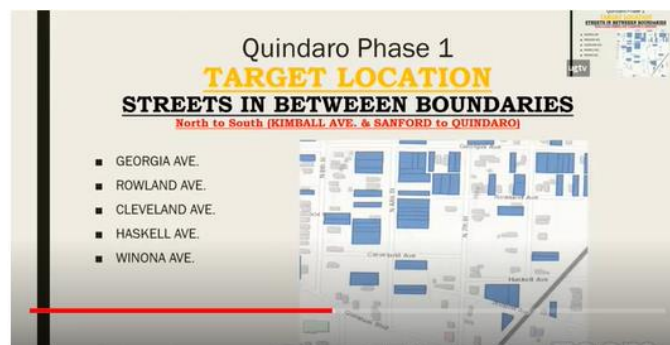
Within those boundaries, there are over 100 empty lots and 15+ homes that need rehabbed.



Streets within these boundaries are N. Allis, 7th St., Tremont Ave., and Sherman St., all in the northeast corridor. Also between these boundaries are Georgia Ave., Rowland Ave., Cleveland Ave., Haskell Ave., and Winona Ave.



We plan on the first phase of being single row homes. Single row homes will bring the community out in many ways from the outside view. It brings families and people together to have more neighborhood energy and togetherness.



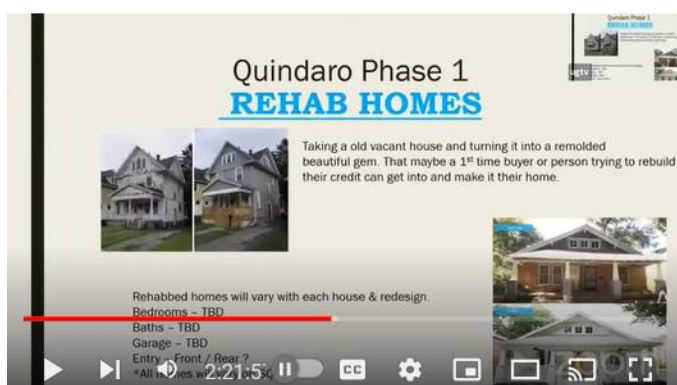
They would be anywhere from 2 to 3-bedroom units, 2.5 baths, entry front and rear entry.



All homes will vary in square footage.

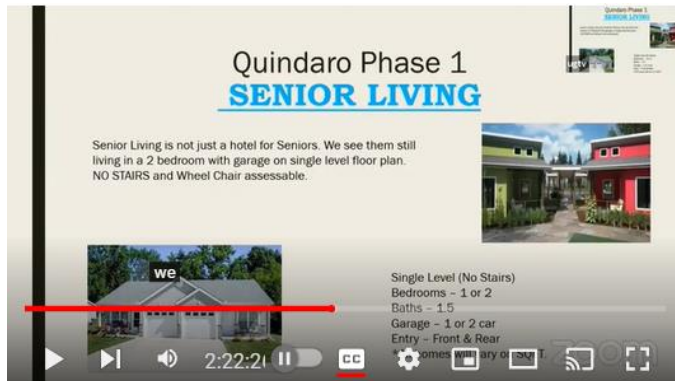


The multifamily piece are 2 to 3-bedrooms with 2.5 baths, with multi-levels for families to grow and have space. There will be 1 to 2 garages; entries from front and rear. Also, those square footages will vary.



Taking the old vacant homes and turning them to remodeled beautiful gems. That's maybe the first-time home buyers and persons trying to rebuild their credit can get into and make them their homes. We're having homes vary from each house redesign. What that means is that we don't

know what actual houses that we need to rehab there based off of what's available. So, we're doing assessments on that as we speak.



We also have a senior living partner, which is going to come on and speak later, and also a multifamily affordable housing expert. Senior living is not just a hotel for seniors. We see them still living in a 2-bedroom, garage, on a single-level floor plan. No stairs and wheelchair accessibility.



That concludes our Bonum development. Next will be Troy Nash and Nash Group speaking on affordable housing.

Troy Nash, Nash Group, said to you, Mayor, congratulations, again, on your election. Having spent time in public life, I know the sacrifices you're making on behalf of your community, and I want to say in a very public way on behalf of our team, thank you for your willingness to serve. I also want to recognize the other members of the Commission who are there and thank them for their service as well. These are not easy jobs. I appreciate you-all's willingness to do so and also to the City Administrator and to the others gathered there.

From a background standpoint, I hold a bachelor's degree in economics, a law degree, a master's degree in economics, a master's degree in political science, an MBA in finance, a doctorate in education, a master's in urban planning from the University of Southern California, completing a master's in Georgetown University in real estate. I served two terms on the Kansas City, Missouri City Council, and lorded over \$10B worth of economic and community development. I also chaired our city's TIF Commission and served for nearly 10 years on our state's housing commission, the Missouri Housing Development Commission; 6 years on the Congressional Black Caucus, 4 years as a member of the National Speakers Association Board of Directors, and the list goes on and on.

Why do I share these things with you all at this time? I do so not to impress you, but to impress upon you even having all of that and check all the squares that society says we should check, as minority developers, can you believe we still have trouble accessing capital? We do. In our case, we've been fortunate enough to make relationships such that we don't have that particular problem, but I wanted to set the stage and to frame it to say that you all looked at a bridge earlier and it was a bridge linking both KCK to Kansas City. That's really what this team represents.

When Hooks and Stamps approached myself and our good friends Rodney Bland and Ricardo Lucas with Alpha Development, and Billy and others, and my daughter, Arielle, who serves as president of our company, the real boss, we were all over it.

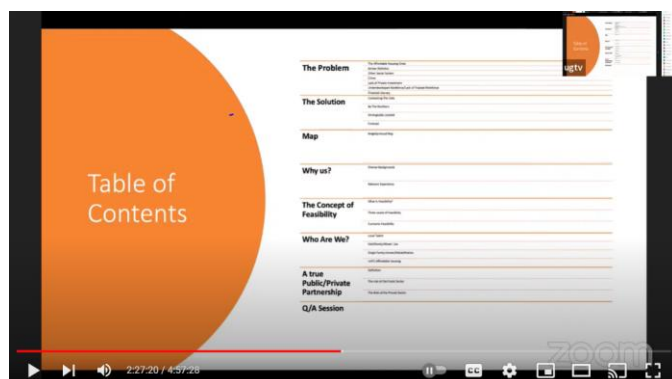
Let me just get one thing straight here. Every single person that has spoken to you all expounded all the positive virtues of being born and raised in Wyandotte County. I understand that. I know why people do that and why that's important, but I will say this, my folks came over to Wyandotte County all the time. In other words, I practically grew up over there so I just want to get some level of respect, some level of recognition that I, too, have this connection with Wyandotte County.

As for Hooks and Stamps, every single time we would meet to talk about working together, they would let Rodney Bland, Ricardo Lucas, and my daughter, Arielle, and I know that they were from Wyandotte County. They would work it in every sentence we would have, but we appreciate them very much.

It was Albert Einstein who said, "Logic will get you from A to B, but imagination will take you everywhere." That's really what this presentation is designed to achieve. It's to really partner with you all, partner with the Unified Government so that we can unleash our collective

imagination. The reality of it is having been in government, we can tell you what we think we know about Wyandotte County and what we think these communities need, but until we really solidify a partnership based on trust and mutual respect, it's really very difficult to achieve anything.

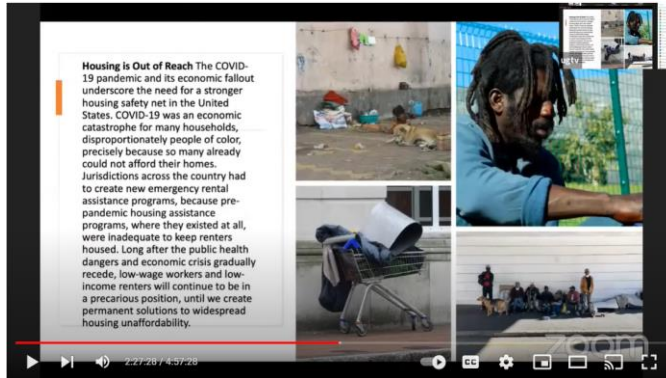
So, in our presentation, you all are going to see the approach that we feel is most applicable to what it is we're trying to do.



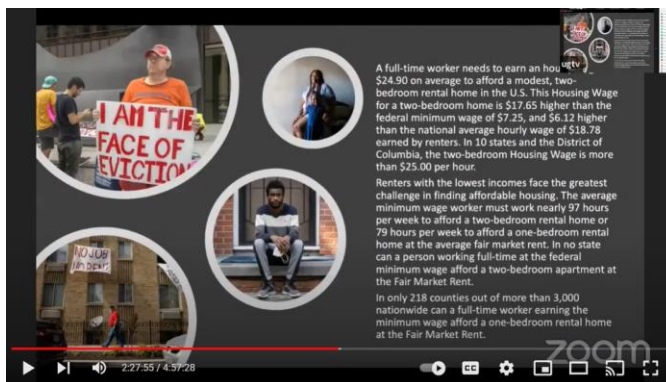
So, very briefly, we're going to talk about the problem. Don't think that we're so bold as to have a prescribed solution, but we're going to say here are a series of things that we think you ought to think about.

Brother Hooks showed you all a map. We're going to talk about a little bit about why us and the concept of feasibility and who we are, and talk about the basis of a true public/private partnership, and we're going to do that very quickly.

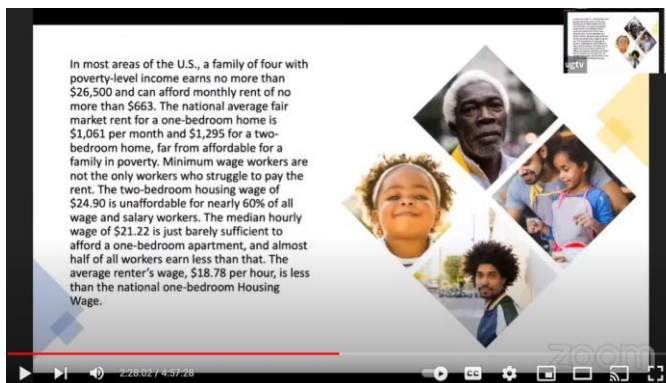




There is an affordable housing crisis. We know this to be the case. One of the things that we see around the country that there are seven million rental homes, affordable homes, to extremely low-income renters whose household incomes are at or below the poverty guideline of 30%. In other words, we live in a time today where people are having to spend over half their income on housing.



We see that as a problem and that is something that's plaguing Wyandotte County and, frankly, Kansas City and other areas across the country.



In most areas, a family earning no more than \$26,500 can afford monthly rent of \$663. The national average fair market rent for a one bedroom home is \$1,061 per month; for two, \$1,295.

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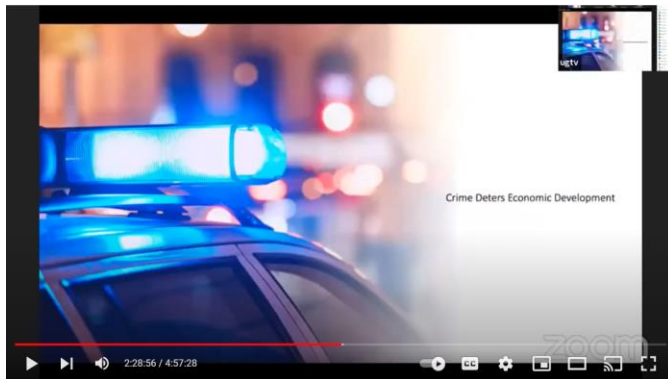
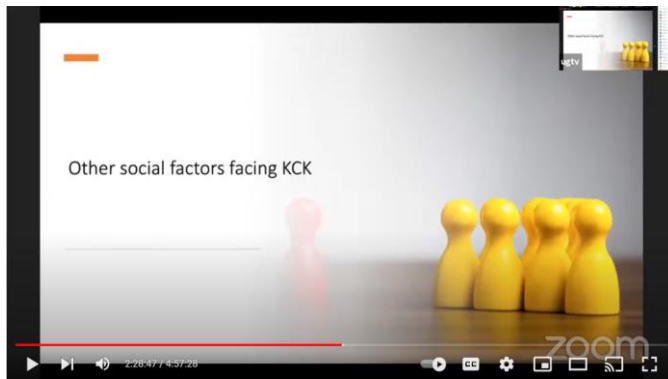
These things are putting housing out of reach for many people. So, when Brother Hooks talked about our role with respect to affordable housing, this is something that we want you all to know that we recognize and are willing to address.



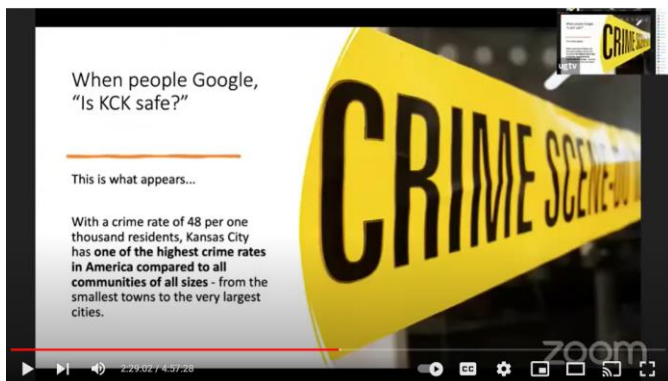
Kansas statistics are no better than the rest of the county and you can see there. We won't go through the entire presentation. I know that Murray will pass it out to you guys. But we recognize that there is a problem.



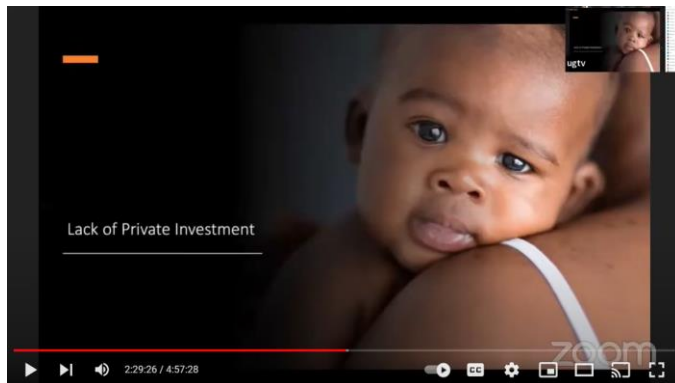
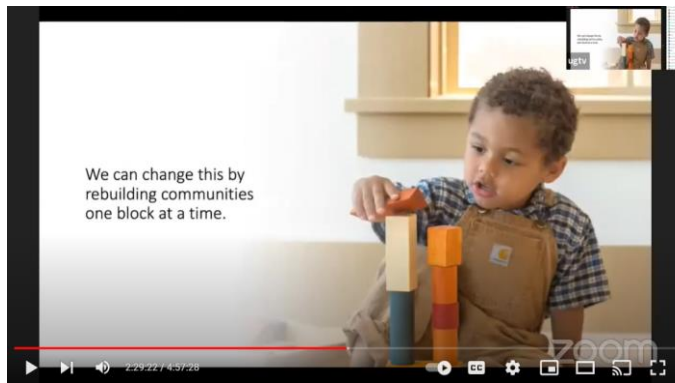
One of the things that we know from our experience is that you cannot begin to address a problem until you first admit and recognize that you have one.



Other factors that we see that are unique to Kansas City, Kansas, and the research confirms this,



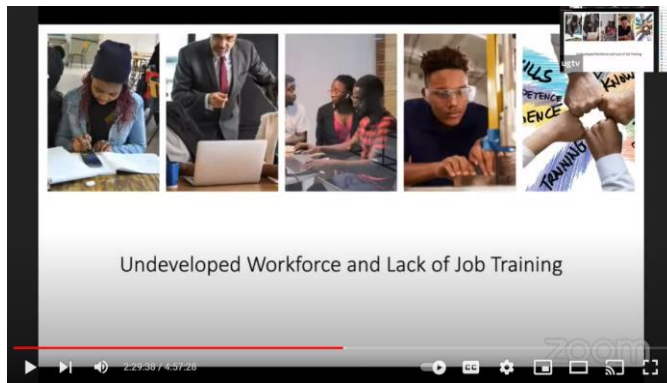
crime deters economic development. That's no big surprise. One of the things that we do is we look at what the world sees and thinks about KCK. When you Google KCK, you'll see one of the highest crime rates in America compared to all other communities. When you begin to talk about development, economic development,



these are things that have to and should be addressed along with our education system,



the lack of private investment. Again, all of these disparities are things that we feel are necessary and need to be addressed, talked about, discussed before any prescribed solutions can be made.



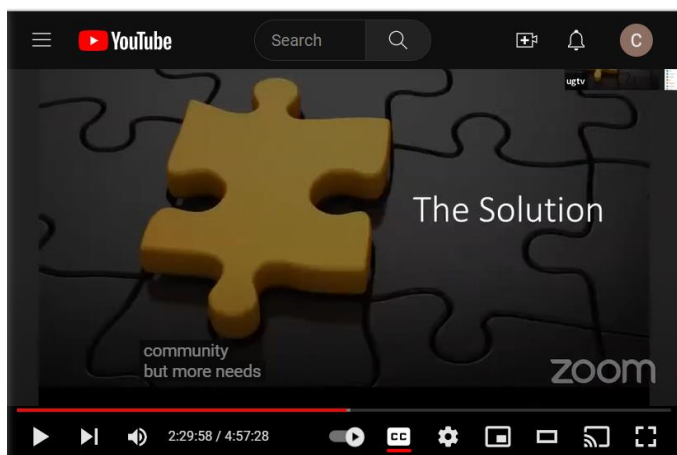
Undeveloped workforce. We think that that's another big issue.



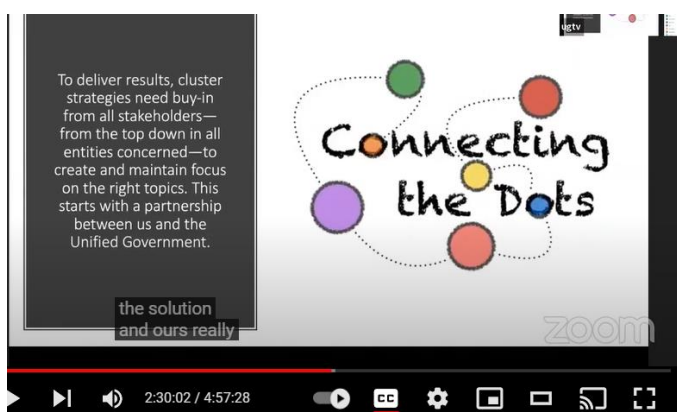
There's a gap in the skills in terms of the education needed to do many of the jobs that some of the other presenters, which I thought Paul did a fine job, talked about.



We see that there's some evidence of that taking place within the community, but more needs to be done.



The solution.

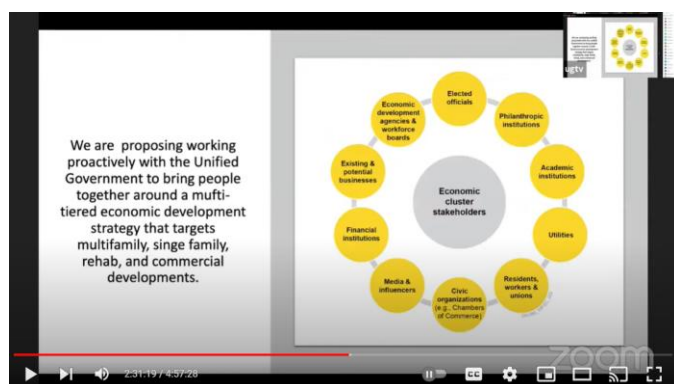


Ours really is a collaborative model bringing all the stakeholders together. Everyone has different strengths and weaknesses. We believe that by bringing people together, we can tap into those individual and subsequent collective strengths to chart a path that makes sense for Wyandotte County.

Let me just say one other point when it comes to that. We're not the kind of development team that is going to come to the city and try to extract as many benefits as we can get. We're the kind of folks that we sit down with city staff. We work with the body of politics and we say, guys, this is the gap on the project. I mean, there's no monkey business. Our books are open. You can see our development budget. You can see our performance. So, there's no sort of gotcha kind of development, shenanigans taking place.

One thing that I hated most when I was chair of the committee across the river is I would only get half a loaf. I was never one of those guys that you can just show pretty pictures to and

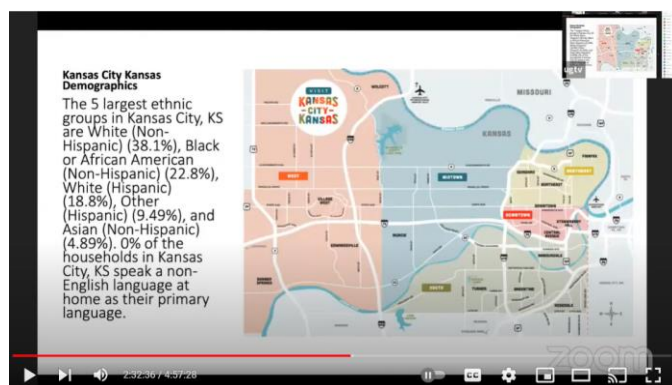
expect for me to vote for it. I needed to see the budget and see the performance so that I knew exactly what the city's commitment would be to the deal.



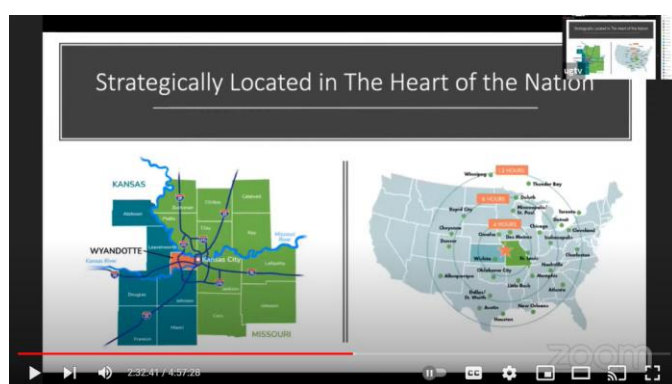
So, we follow that philosophy and believe in that philosophy. That's the approach that we're advocating is that we all sit down and begin to do the necessary heavy lifting to forge a direction that makes sense for the city. The fact of the matter is our team is very skilled at sort of filling gaps with public sector resources. At the same time, we have a few relationships that we would bring to bear on behalf of Wyandotte County. What does that mean in plain English? We know where to go for the level of private sector investment that's needed.

I think Mr. Murray, his presentation, I particularly enjoyed because he talked about bringing something to the table. Oftentimes you find developers in underserved and economically deprived communities coming to the community saying, give me the land, give me the tax abatement, put in the infrastructure, and we'll consider taking a risk on the vertical development. Even to the extent that you get the developer to do that, they would want you to participate with hard cash.

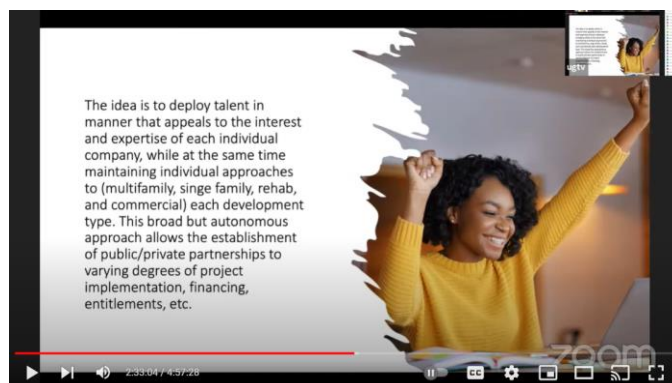
We understand the city's general fund. We understand the city's finances. We understand the constraints on those finances and are willing to work with the city to do what is necessary to provide good, quality development on behalf of these communities without breaking the bank.



We understand your demographic profile, where you fit within the broader framework.



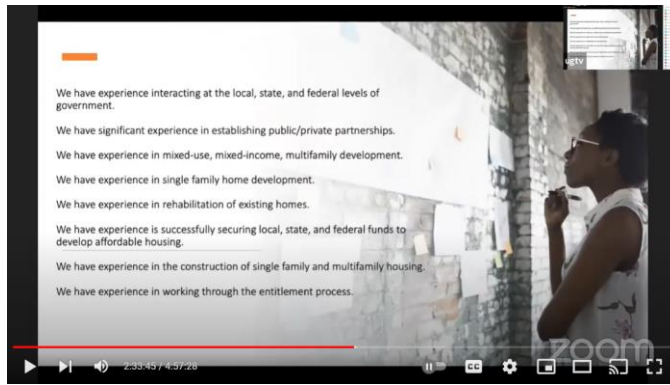
We think that is of importance, a good strategic value for the community and are able to leverage our relationships to do it.



One of the things that I like about the coming together of this ordinary group of individuals who are born and bred and raised in these underserved and economically deprived communities—I was born on Kansas City’s eastside and I told people when I was on the council. I was the only one that had the dubious distinction of living in not one but two of the city’s housing projects, their Friendship Village and Holy Temple Home. So, I grew up in Section 8 housing and understand

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what that's all about. I think that's important. It's one thing to say you can provide all these services to a community, but it's another thing to do it with the level of sensitivity and understanding that is needed to make people feel that they're part of it,



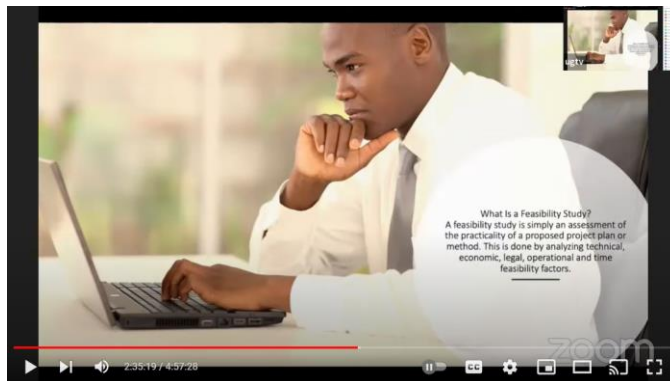
which is why we believe in a very robust stakeholder engagement and community participation process. That is really what our team members are schooled at. Mr. Glass spent time at Twelfth St. Heritage. Mr. Lucas spent time over at community builders. Mr. Stamps and Mr. Hooks are born and bred in Wyandotte County. We talked about that earlier. Billy has worked in the community. My daughter is a millennial so we have an opportunity to tap into all that has to offer, but it's through this collaboration that we really begin to forge a strategy that makes sense based on our individual and collective strengths, and that's the philosophy that we follow.



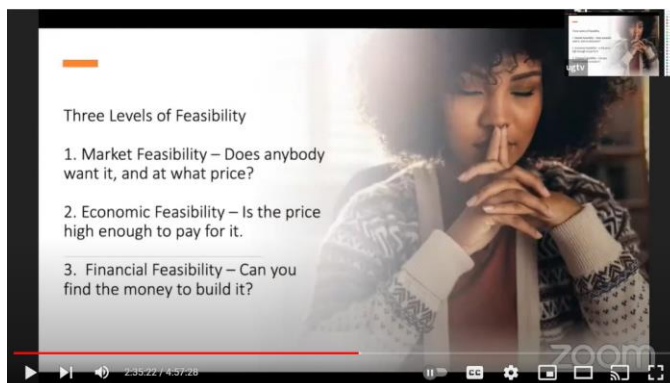
We think that we need to get with you all and do a plan, the concept of feasibility. It's one thing to talk about all these things and do so out of context. For example, what's going on in the capital markets matter. Interest rates matter. Bank's willingness to lend on certain property and project types matter. Coincidentally, I do serve on the regional board of directors of Ameris Bank, and I fully intend to utilize them and others to bring those relationships to bear on whatever we

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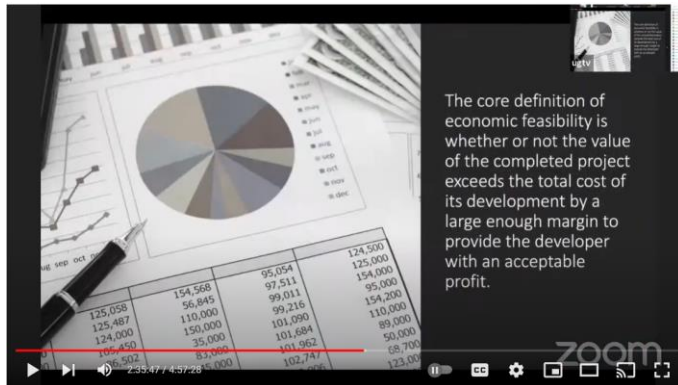
ultimately decide to do together. We know that you all need multi-family housing, but all of it need not be affordable. People need access to upward mobility, so there's some room for market-rate homes. We know you need single family homes. We understand that rehab is necessary and needed with some level of commercial development,



but how all those pieces fit together is something that we intend to do in concert with you.



So, when you talk about feasibility, this is what we mean. Market feasibility. Does anybody want it and at what price? Two, economic feasibility. Is the price high enough to pay for it? Developers have to be incented to do some of these things? Financial feasibility. Can you find the money to build it? We believe that the answer to the questions are yes and that we are in a position to do it.



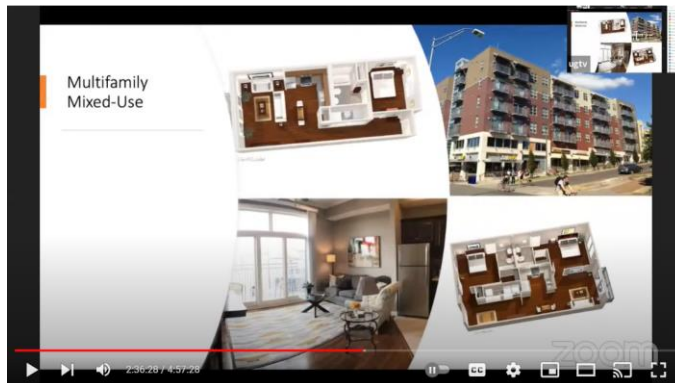
To ignore real estate fundamentals and community development fundamentals and rely disproportionately on the city to come in to do the heavy lifting, we think is the wrong approach. Let me say that again. We think that is the wrong approach. We think that the private sector needs to step up to leverage public sector investment and not rely wholly or disproportionately necessary on public sector financing. So, I think you're going to find that we're one of the few that will go into the deal saying that. We think that's fair.



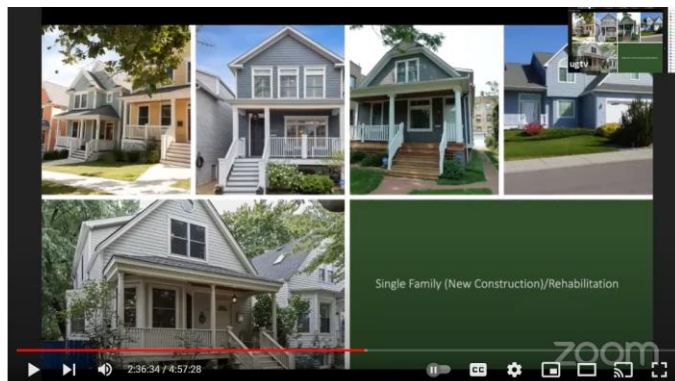
Again, a bunch of local folks who are wanting to do the right thing.



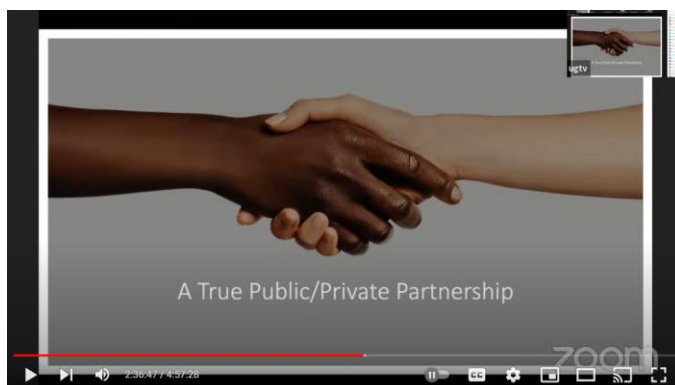
We think by working together, we can do that.



Here are some examples of some of our multifamily kinds of experiences.



Our single family new construction that some of our members are capable of doing.



And, of course, having served on the Missouri Housing Development Commission for nearly 10 years, we certainly understand how the LITEC works. So, the bottom line to take away from our

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presentation is that we want to enter into a true public/private partnership based on trust and mutual respect. With that, we'll entertain any questions.

Mr. Murray said thank you, Mr. Nash. We'll have questions at the end if the Commission wants to ask questions.

We will now have Mr. Galactica, CABA; followed by the Northeast ECDEC Core, Christal Watson and Eddie Guinn; followed by Dr. Greg Mosier, Community College; and with closing remarks by Senator David Haley. Before Haley is Rusty Roberts.

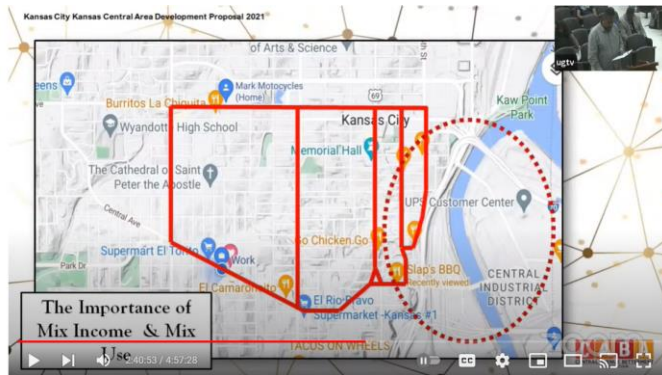


Hector Galactica, Executive Director, Central Area Betterment Association, said I want to thank you for the opportunity, but I also want to share the fact that I'm not from Wyandotte, yet, I have passion for the place. I moved here in the younger years of my life. I have learned to love the place. I never married a city until I came here. Thank you for having me.

In the past, I have shared the vision via email or YouTube channel to the Commission and the Mayor's Office. The video that you've seen is this vision all together. I'm sure you have seen it and if you haven't, shame on you.

CABA has met with several of you guys and several of the Unified Government officials to discuss possibilities. We must be clear. We're not builders. We're not developers. We're an organization dedicated to bringing betterment to the community and, as such, we have become strategic for betterment playing devil's advocate, asking questions, measuring possibilities, promoting activities that enhance the base of the community we want to help grow. Our goal is to promote the growth of a community-based inclusivity, diversity, respect, and a generation of wealth and prosperity for all.

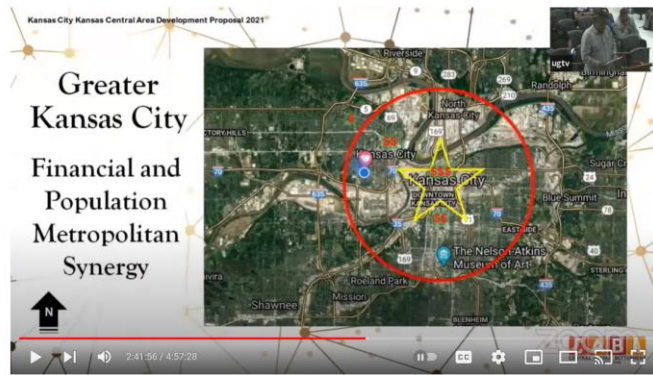
Our project includes the promotion of leadership, community pride, entrepreneurship, business excellence, and healthy living. Our vision is simple, working together as a community for the greater good. Working for betterment for all and yet,



we're not blind to the fact that market synergy and financial investment are at the center of any development moving forward. We're here to show there is opportunity and the direction this opportunity translates into projects and the direction this opportunity should go.

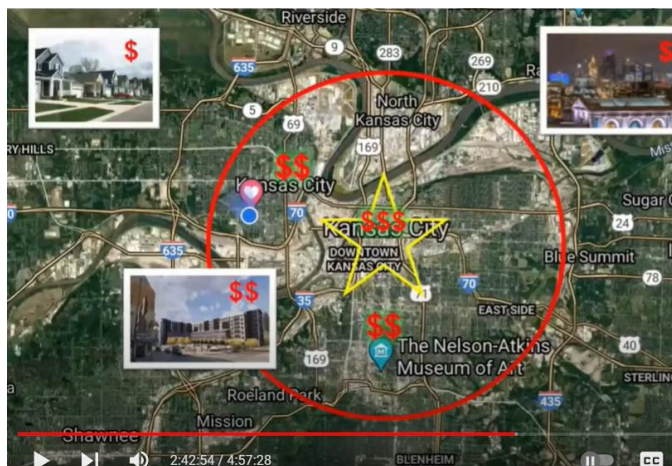
One of the challenges is that historical development has been directed to either generate profits for investors or give shelter to the underserved. By design, we have made people get comfortable and not experience the need or harvest the desire to grow in detriment of their own community and themselves, in detrimental services, in detrimental of their personal growth. We're here trying to find the middle ground.

In our presentation, we speak of market synergy, commonly known as market trends. Strategies use this information to plan ahead of the ongoing market direction. Big money uses this information to make funding available accordingly. All of these to continue profiting from opportunity, buy cheap, sell expensive. Our community, in general, does not educate itself to identify or own opportunities. Most of the people who know what to do have migrated outside of the county. They're coming back. They're trying to come back because they see opportunity.



Our leaders have historically been so into themselves that we literally operate the city as we did in the early years of last century. If you cross to the hill next to you or if you went to someone else's church, you would be told upon. The more things change, the more things stay the same.

We want to call your attention to the stage of our community. The aging old services, the lack of density, the need for enormous direct investment, but more than anything else, judging by the results of the work that has been done in the past, the fact that every other city around us on both sides of the state line, is doing much better planning than we are.



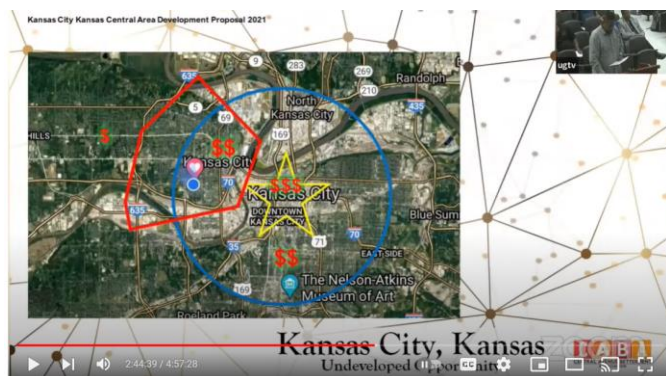
CABA loves to hear (inaudible) of the Unified Government tell stories of how much work they've done and how they have solved century old challenges. Yet, with all that work, here we are in shambles. Here we are with an old political style where everyone is trying to figure out how to save the community and bring in investment while taking most of the credit, thinking too much of ourselves and not becoming a team.

CABA is here to remind all of our community leaders that we are in the sea of challenge and opportunities together even if we want to feel better than the next. We all have family members

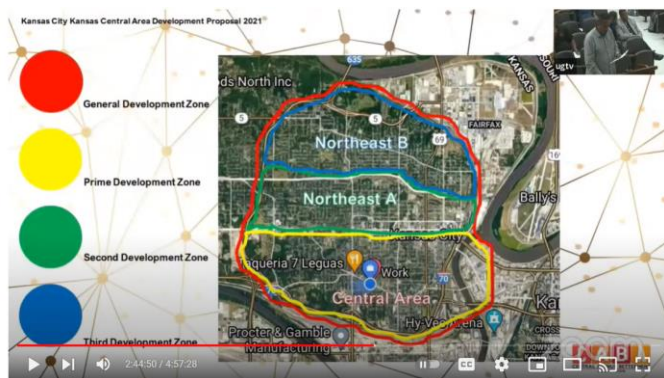
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and dear friends that are doing better or worse than we are. Altogether, we make up our community. We are formed by mostly low-income families that have stayed strong during thick and thin. My respects. We should protect our families at all costs. This does not mean we don't like richness, luxury, or wealth. This only means that in order to move forward as a community, we need to account for all the stakeholders, say property owners, community groups, and business organizations, or organizations of any kind. Individuals that have become vested in community, via self-investment and hard work.

There are two ways to promote growth: transplanting wealth from big investors who will always serve themselves, and rightly so, as they are putting their money at risk; or help ourselves grow wealth from the inside out: self-investing, buying local, saving our existing structures, and working hard to improve our conditions on a daily basis.

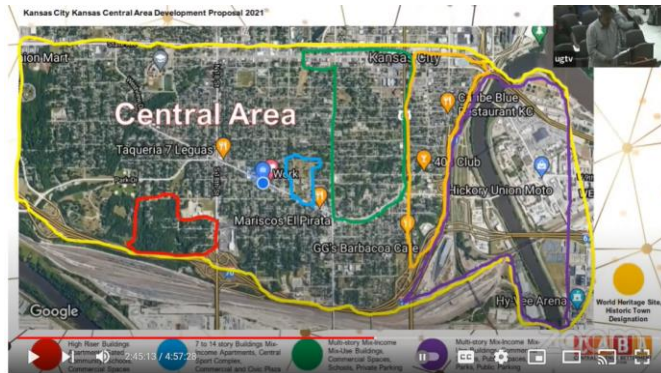


CABA sees opportunity for large investors to become part of a family by understanding our community needs and by developing projects to cover such needs.



We need to truly recognize the fact that mixed-income is not only a way to shelter our current families, but also to increment the opportunity for outward mobility by learning from families

doing better, by being able to receive opportunity from renewing services, and making honorable living amongst each other.



We need to truly recognize that mixed-used allows for low-income families to operate small businesses, creating jobs for themselves and for the community in general without having to leave the community. We need to truly recognize that in the Central area, all the small businesses operating today generates as much tax revenue as with any large corporation, if they pay taxes.



As insignificant as each small business may be, altogether generates more job stability, constant community investment as demonstrated by the parade of businesses on Central Ave., real opportunities will grow.

We know from good sources that some of our local small businesses receive requests to open stores everywhere else just about every other week. This is sustainability. If we have ever seen one, that is sustainability and growth represented and coming from our communities. For that to be real, we need our community leaders to start thinking today. We need our community leaders to start thinking yesteryear and in community, determine how we move forward planning for 10, 20, 50 years from now. Work on empowering our community to reject any project that

does not come with honest community benefit agreement. Reject any project that does not fit the mixed-use, mixed-income model that poor communities needs, and work on empowering the community to promote the growth of density as needed, empowering our community to reject and to reject any project that does not meet our master plans.

We need our community leaders to work as a team, to communicate with each other, and to bring betterment to all of us.



Working with and strategizing ahead of market trends, that is a need. Always respect who we truly are and where we come from. We need our community, in general, to become one community for real. Instead of pulling in a thousand directions, work as a team for growth, self-investment, and a brighter future.

For your time, I thank you.



Christal Watson, Community Government Liaison, said thank you for allowing all of our developers and contractors to be before you today to express our concerns and our challenges and, more importantly, the exciting development projects that we want to engage and implement within Wyandotte County. God bless you, commissioners, to listen to all of these, but I think we're in

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some exciting times because have you seen so many local developers come before you today like today and other minority contractors? I just want to applaud. I feel so honored to be in the presence of all of you, so I just want to applaud you all.

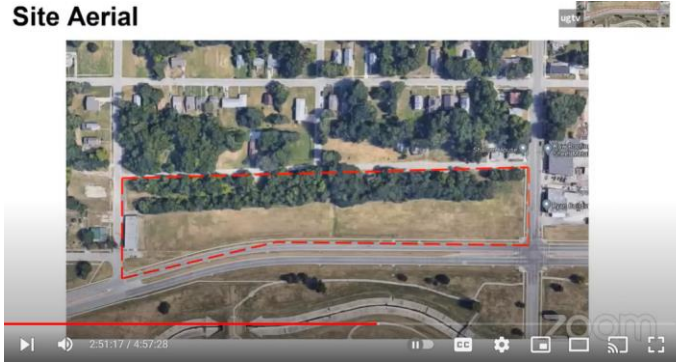
We are before you for the Northeast Development, LLC, Development Group. We are before you about a project on Parallel Pkwy. We believe this project is very catalytic to future development projects in the area. So, we're very central to the Northeast area and it's growth, and we think it has so much potential.



Eddie Guinn, Guinn Group, said the development project that we are here to kind of reintroduce, we have taken this development through and it's been approved by all of the commissioners, so this is just kind of a reiteration, again, of what we are already proposing to do.

From 13th to 17th, we will be having a banking facility. Community America Credit Union will actually anchor the corner of 13th & Parallel. They will be putting a free-standing facility there, approximately 3,500 square feet. In additional conversation with them, they have also agreed to incorporate a community room that community groups, other agencies could also utilize in the community to have better relationships just with the community at large. Also, we will be putting a 50,000 sq. ft. office and medical plaza, which Vibrant Health—I believe we have the president of Vibrant Health here, Mr. Patrick Saltee, joining us. They will be actually moving an office there and healthcare facilities. I can't speak to the full spectrum of what that will look like, but they will be occupying there about 50,000 sq. ft. of space.

Site Aerial



In addition to that, we will be looking to add 20 townhomes just adjacent to there, going from about 15th & Parallel up to about 17th & Parallel. Northeast Development has already taken this land down under option agreement with the Unified Government. We're into kind of a final design stage of what those buildings will actually look like. We did make a proposal to the Commission earlier on. We did have two particular buildings that would be occupied, the office and medical space.

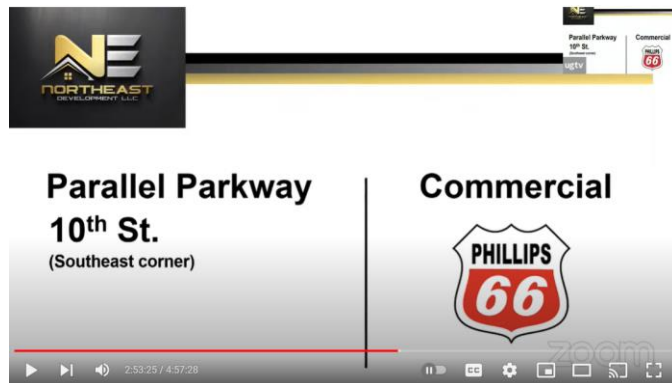


Those buildings will now be condensed down to one proposed building. So, we won't have two there, there'll just be one actual office and medical building there in the middle, as you see. Then the Community America Credit Union there to the right.

The townhomes, we've talked a lot about affordable housing. We'll use the term, market-rate affordable, because as all of the developers and builders have pointed out, affordable anymore, if you're not getting incentives, if you're not getting things to help offset that cost to make it "affordable," it will be somewhat difficult to do, but we will put 20 townhomes there. We also have acquired the land on Lafayette just behind that development from about 15th to 17th & Lafayette, and we will put free-standing homes there. We also have control of that land.

I guess just to kind of finalize what we're proposing. We took a little bit different approach with this. Our development group, we went to the neighborhood groups first. We did meet with NRG Groundworks to initially talk about what we're going to do. We spoke with Brennan Crawford to kind of give us some direction on how we need to move forward kind of through this process. We also spoke with Ms. Beverly Easterwood, Douglass-Sumner, just kind of sharing some ideas, bouncing some things off just to get that community feedback.

Our ultimate goal, obviously, is to do the development, but we took a little bit different approach by at least going to those community groups first to get their input and their feedback, and we've kind of continued to do that so we've gone forward.



At 10th & Parallel, we have proposed this. This does fit and resides in the Douglass-Sumner area. Let stand on record of saying, they did not say that they agreed necessarily with this project, but this is something that we did propose.



At the corner of 10th & Parallel, we have a Phillips 66 fuel provider that proposed on putting, I call it a little bit more than a convenience store because this particular operator also owns nine grocery stores. We could not convince him to put a grocery store there, but in return what he said he would

do if he put a convenience store there, he would do an expanded grocery selection to also offer or have a hot food offering, which we thought would be ideal for the community.

I took the privilege of reading the Northeast Master Plan, which is about 400 pages. In the Northeast Master Plan, four of the pillars that they had identified in there was one, economic development, which I think our project does address; housing, which our project does address; access to healthcare, which our project addresses; and access to food. Our project really kind of encompasses at least four of the five. The last thing was maintain a rich history. It's kind of hard for us to maintain a rich history with this particular development, but we're at least addressing four of the five pillars that the community has already said that they wanted.



Again, thank you for your time. If you have any questions, we'd be more than willing to answer any questions.

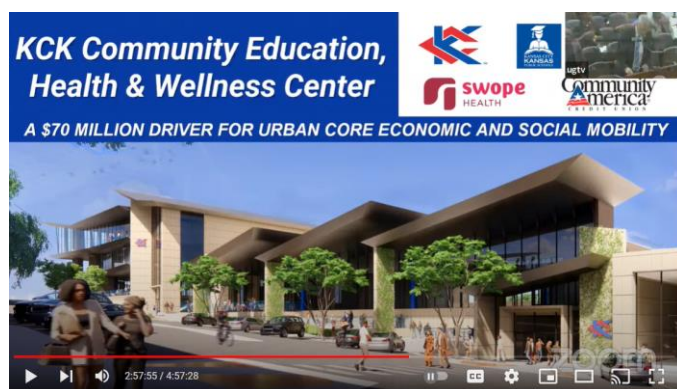
Ms. Watson said just in closing, I want to just say one thing and the challenges that we have. I consider us really to be like kind of the new kids on the block even though, and I guess I have to say this, we're Dotties and I'm going to give my dignified Wyandotte Bulldog shout.

As a small developer, the time that it takes to go through the process within the UG is debilitating. We can have everything in place, the financing and everything, but if it takes 8 to 10 and 12 months before decisions are made, then, as small developers, we can't afford to wait that long. We'll lose those investment dollars and then we're out of the game. While it's easier for larger corporations and larger business development groups to withstand the time it takes, we really do need to see some improvement in communications and what our process looks like. We need departments talking to each other, Land Bank, Planning & Land Use, and vice versa. That would help us as developers.

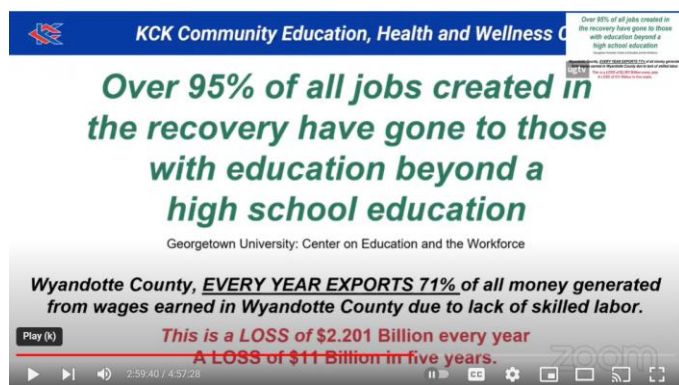
We're still small business. I love what UG has done and what you're doing with small business, but we, as developers, are small business too. We just ask that you be considerate of that. To hold our property or the lack of decision-making and planning that has gone forth—when you have us coming before you with these kinds of projects and we're excited about it because this is our heart. We love, I love Wyandotte County. I feel like I'm talented and skilled enough to go anywhere in the world and be successful, but I love Wyandotte County. I want to be able to give back and use the network and resources that I've gained over my career and bring that right here in my hometown, but I need your help.

Again, the message is all day, this evening, has been about unity and partnering with the UG and we want to do that. So, it's really not about money for us. It's really about what can we do to help our community. I just ask that you think about that because those are the challenges that we face that we need your help with.

Thank you, again, for your time. Appreciate you.



Dr. Greg Mosier, Kansas City, Kansas Community College, said I'm here to visit with you tonight and thank you for this opportunity to talk about what is one of the most significant economic investment projects in downtown KCK for many years. It's the KCK community education, health, and wellness center. It's a \$70M investment in downtown KCK. Instead of talking about the whole project, though, I really want to focus on education. The KCKCC development will really set the bar also for future building design for downtown KCK.

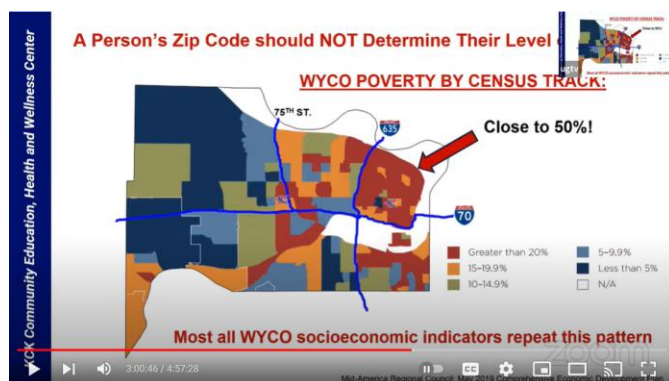


You may have heard this in different ways, but over 90% of all jobs created during the recovery have gone to those with education beyond high school education. Or you'll hear that 95% of all jobs in the future will require some form of education beyond high school education.

We do have some items to address. We have some concerns in Wyandotte County because every single year, Wyandotte County exports 71% of all the money generated from wages earned in Wyandotte County due to the lack of skilled labor. That equates to \$2.2B a year, so a loss of \$11B in five years. Now, wouldn't it be nice to keep some of that money at home with our residents who are trying to afford all of these wonderful new building projects that will be coming?

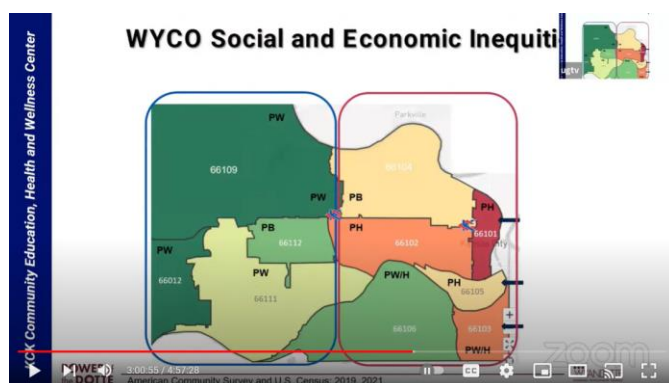


I'm a firm believer that a person's zip code should not determine their level of success,



but unfortunately, that's what's happening in Wyandotte County. For those of you that know me, I'm not a Dotte but I have been described as an exclamation mark because I'm just like go, go, go, go, go, go. Let's get this done. I love Wyandotte County. My wife and I love Wyandotte County and we chose to live here and chose to retire here.

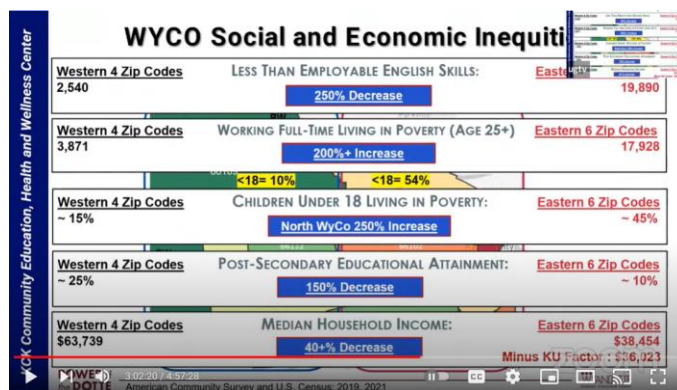
Wyandotte County does have a really significant poverty issue, and that's on the eastern side of the county. When you look from the western side to the eastern side, you'll see these huge disparities. Most of these disparities and the socioeconomic indicators repeat this pattern.



As we look across the county, and when I came and accepted the job as president at KCKCC, I looked at this data.

If we look from the west to the east, there's a 250% decrease in those who can speak English at a level to obtain and maintain a job. So, from 2,500 on the west to 20,000 on the east. Full-time employment living in poverty, age 25 and above, less than 4,000 on the west; 18,000 on the east. A 200% increase. It gets worse.

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These are the people that I'm concerned about. Children under the age of 18 living in poverty on the western side of the county, about 15%; on the eastern side of the county, 45%; so really, almost a 300% increase. In yellow you see the difference between zip code 66109 and 66104. So, 66104, 54% of the children are living in poverty.

Post-secondary education, as we described as one of the most important indicators for economic and social mobility, it's low on the west at 25%, but it's only 10% on the east. Not your typical developer's speech, right? This is why we have to do what we're looking to do.

Median-household income, it has gone up. On the west, though, it's about \$63,000. On the east, it's about a 40% decrease. We want to help be a solution.



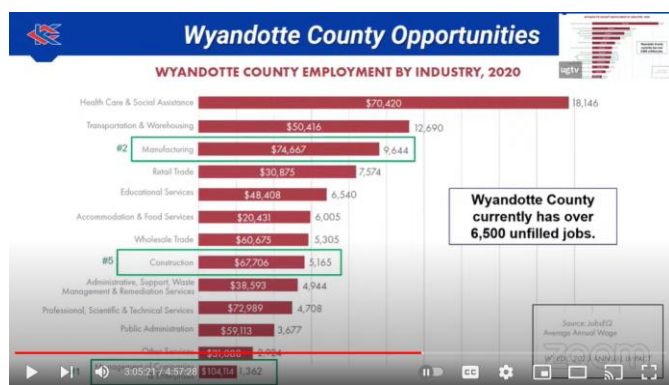
I had the pleasure to be at the Wyandotte Economic Development Council last night, and Administrator Ms. Cheryl Harrison-Lee provided some of the information about the Wyandotte County's economic strategy. This is exactly what we're looking at doing. We want to increase equity and access. So, bringing the community college and our partners downtown into the heart and the core of KCK is something that we're doing. The community benefit to that is huge, and I'll show you the overall impact here in a little bit as well.



We have an opportunity with this \$70M investment in the downtown urban core of KCK to replace the blight that exists, and this is the property that we're looking at. It's State Ave., in between 6th St. and 7th St. & Nebraska, and we're going to replace it with an engine for multi-generational economic prosperity. Then they can afford those mid-level homes. They'll skip the low-income homes. They'll go right to the mid-level homes and then they can keep moving up from there.



To put it another way by Kevin Rudd, Prime Minister of Australia, "Education is both a tool of social justice as well as a fundamental driver for economic development." That's what we're talking about here tonight. Education also defers crime and recidivisms, and it reduces the need for social services and the correctional systems.



This is some salary information by industry sector in Wyandotte County. This is December 2020. At the end of the year, manufacturing is at the average wage is \$74,667 per year. If you look at the top, healthcare is only \$70,420. So, the manufacturing industry on average is paying \$4,000 more per year than healthcare. Construction has an average of \$67,706, and has been mentioned by Monica and others, we already have 6,000-6,500 unfilled jobs in Wyandotte County so how are we going to fill those jobs? Well, right now, we're importing 71% of our workers. That's not the answer.



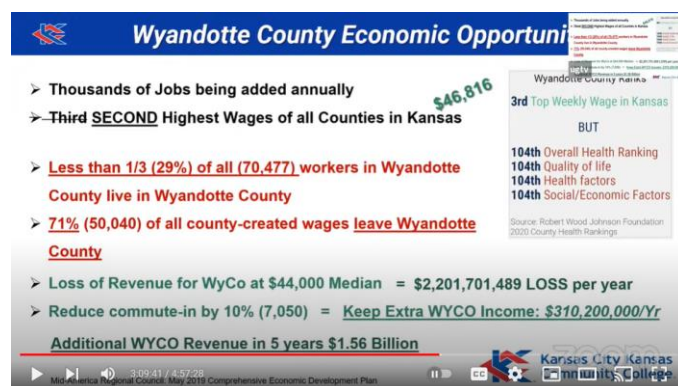
Economic opportunities abound in Wyandotte County. I cannot tell you how fortunate and blessed Wyandotte County is with the economic investment and the capital that is being invested in Wyandotte County every single year. So, I'm listing a few. Urban Outfitters, the new global headquarters, who we're already working with and training needs, 2,000 new jobs. Panasonic, which I serve on the Lieutenant Governor's Business Attraction Team, 4,000 new jobs for Panasonic. Their suppliers, another 4,000 new jobs. That's going to be a regional approach to create people with the skillsets for those jobs. Hills Pet Food, which we just got about six months ago. I worked with Leavenworth County on that. It's just to our west of Wyandotte County.

That's 300 new jobs and we're working on training programs for them. The new Amazon center is 500 new jobs.

Then are jobs that are pending. Some of these are very, very likely to come to Wyandotte County. That's probably about all I can say. So, Project Big House, three facilities, \$350M each, 300 new jobs at each facility. I think Wyandotte County is going to get two. That's just Greg Mosier talking, but I think we'll get two. So, there's 600 new jobs.

Premier 2, a high-tech, high-wage manufacturing, 300 new jobs. NOVA. NOVA is a different company to be unnamed. They make lithium-ion batteries, just like Panasonic. They're actually looking all around in the area. If they come here, that's another 8,000 new jobs. The new American Royal, a nano-tech company, \$362M and 125 new jobs. Every single one of these jobs takes a skilled workforce and that's what KCKCC offers.

We can have as many of these great paying, high paying jobs in Wyandotte County, but I'm here to express to you tonight, if our residents don't have the skills and are not prepared to obtain these jobs, they will continue to live in generational poverty. We're seeing it now. We're going to have our residents working the low-skilled jobs. We're going to import talent from Jackson, from Johnson, from Leavenworth counties, and Wyandotte County, especially the eastside, is going to continue to live in poverty. That's something that we should just not stand for.



As Monica touched on, we know we do have thousands of jobs being added annually. She did mention we're second highest wage in all counties. We were third last year, so we just surpassed Johnson County, that little county to the south, the third richest county in the country. So, we have a higher annual wage than Johnson County and we follow Leavenworth County. So, think about that, 1, 2, 3.

But we do have issues. Healthcare, we're 104th out of 105 counties in the state for healthcare. One county doesn't report. You can put those pieces together.

As I mentioned at the beginning of the presentation, only 29% of the workers in Wyandotte County live in Wyandotte County. 71% are imported. Lost revenue at the median; that's the old median. We went up \$2,000; \$2.2B a year. Let's take a reasonable goal. Let's just say we increase, we go from 29% of the workers in Wyandotte County live in Wyandotte County, to 39%. That's 7,500 people. That's manageable. So, each year, Wyandotte County would keep \$310M in Wyandotte County. They would be here. They would be buying homes. They would be buying cars. They'd be buying gas. They'd be buying groceries. They would be expanding their family. That's \$1.56B in five years.



Our downtown project, which I have been speaking about for three years now, we're still moving ahead. We're doing ESL. We're doing GED. We're meeting the needs of the lowest level learners so we can get them up so they're ready for a college degree. You can see a lot of the programs that we will offer.



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But really significantly, when we talk about manufacturing and construction, automation engineering is the clean manufacturing of tomorrow, and we're doing commercial construction technology. So, in those three big arching rooflines that you see, is about 35,000 sq. ft. of lab space. We'll serve about 400 students per year, as we're up and rolling, in customized training in commercial construction technology, credit and non-credit students, and about 400 students in automation engineering. Each one of those graduates is going to make \$50, \$60, \$70,000 a year. Now, if you want to decrease the tax burden on Wyandotte County residents, create more taxpayers. This is the answer.

One of the items that we have talked about quite a bit, and we've done some really good work with the Landmarks Commission, is how to integrate the 7th St. Church. I want to share a few images.



This is the art gallery inside. The rafters are coming out of the church in the sanctuary area. The brick underneath the seated area by the pillar is the foundation stone facia.

You can see the stained-glass windows that will come out and go into the window. There will be a 7th St. Church public conference room. You can see it represents the west side of the church, the foundation stones again. There's a tile that's at the front of the church that we'll take out as well.

The inside is very nice also. We will be saving the history of the church in a very, very meaningful way.



It's an exciting project as the UG is looking at this path in creating this strategic plan and how do we do it. As Ms. Harrison-Lee talked about identifying the economic development opportunity that creates access, equity, and shared prosperity. There you have it.

I thank you for this time and allowing to present this project to you. As you can tell, I am excited about it just as much as I was three years ago. I appreciate your support and advice from many of you along the way. If there are any questions at the end, I'd be more than happy to answer them. So, thank you very much for this time.

Rusty Roberts said I'm a third-generation developer in Wyandotte County. I had no idea this meeting was going to be this late. I was going to trim trees tonight so I don't get a code violation. Anyway, third-generation developer in Wyandotte County. My dad, he developed as well, and grandpa.

One quick story about my dad. He was developing a shopping center back behind K-Mart at 78th & State Ave. The Village West Shopping Plaza was back there. There's a liquor store and a Subway, Skate Land, and all that. Anyway, he went all the way through Planning & Zoning. He didn't have a name for the subdivision and he got frustrated with the city so he named that subdivision. They told him he had to have a name. He named the subdivision the Werks. Has any of you here—I think LaVert's heard the story. The Werks is screwed spelled backwards. So, he was a little frustrated. No big deal. Anyway, that happened and that subdivision exists today, The Werks Subdivision. Anyway, that's why I'm up here talking to you.

I was listening to Christal earlier, Christal Watson, and I passed out the deadline, timeline, for everything you need when you go through Planning & Zoning. That's not exactly true. I put a little mark on there and we met the deadline on 6:30 on a plat. I had an 85-year-old resident in Wyandotte County and all he wanted to do was sell a little bit of his land to the next-door neighbor.

They made him go through all that, go through Planning & Zoning. He wanted to enjoy his money, but now he's on dialysis. We're finally going to get it closed on Monday. It's kind of a sad deal.

But going back to Christal, everything takes a long time to get done here. That was just a simple land split. One neighbor wanted to buy land from another neighbor out in Piper. Big deal.

Just the Planning & Zoning Department, it was run by Rob Richardson, and now I think it's Gunnar Hand. Everything was supposed to be better when they got rid of Rob. It's kind of like you have two cooks in the kitchen. It just takes forever.

So, I don't know, but I will say one thing. Getting a new mayor and a new administrator is like a breath of fresh air. All the studies they're doing, all the looking into the audits and so forth, seeing where we have problems, seeing things that we can fix. I think that will make the city a lot better. I want to save money on taxes instead of spending more on taxes. I want to see the city more efficient. I want to see everything streamlined a lot better, more user-friendly.

I hate to see Administrator Harrison-Lee go, but I was listening to the nationwide search we're going on. I don't know why we can't find somebody here in the city to take her spot if she doesn't want to be here. I'd like to see that happen. You go get somebody else from New York, or wherever you're looking, I don't know, you've got a yearlong learning curve just for them to figure out what's going on in Kansas City, Kansas. Let's try to find somebody local, somebody that can do the job local and plow right through it and get it done better.

Anyway, I'm a realtor here in Wyandotte County as well. You know all these studies we do and you commissioners, you want to spend money because everybody wants this or wants that, vote here, vote there. Let's do a study on the exit interview on the people that have left the county. Let's try to keep them here, keep them happy. See why they're leaving. Is it taxes? Is it crime? What is it? Why are they leaving?

I'd sure like to see taxes kept down, kept lower in queue with everybody, all the surrounding communities. Don't give them a reason to leave because the taxes are high. Anyway, I didn't know—I'm not real organized, but I guess that's about it. Anyway, thank you for your time. Let's get out of here. We don't want to be here all night so, thank you.

Senator David Haley said what a day; what an evening. It's been a great time, hasn't it? I'm not going to be very long because no one here wants me to be. This has been a wonderful review of

some concerns that we have and I'm going to, in rapid, rapid motion bring some comments that I hope we can find some consensus with.

For those whom I haven't met, and I think I know each of you here, but for those who are here, I am David Haley. I am very pleased to continue to represent much of our community in the Senate and also on the BPU. I want to thank you, Mayor Garner. I want to thank you, County Administrator Harrison-Lee, and thank each of the members of this Commission, most of whom I know, and our staff and Mr. Murray for having this day happen. I say having this day happen because it's taken a while to get here, it really has.

This year, I have to say, just a few months ago, I had the noble distinction of losing in the General Election for Mayor to a fine and visionary woman, Carol Marinovich, during the first race for a Mayor/CEO for our new Unified Government. It was 1997. I advanced to the General, but did not make it through to this post.

I share that because we look at the visions that have been expressed by the many capable, committed, competent, and concerned people that are here today, and I hear still some of the things that we had expressed during the course of '97 as we looked at our new Unified Government and how there would be a new way or a high tide that was going to lift all boats. Certainly, from that time, came great development. From that time, we've seen a fusion of the state in partnership and this Unified Government locally, make us the number one tourist destination by what we've accomplished together with the Speedway and the surrounding development in the Village West area.

The reason why I'm grateful to this continuing vision and that which has been expressed as to how we need it here today 25 years later, the high tide that has made Wyandotte County the number one tourist destination and retail destination out of the 105 counties, that high tide has not lifted all boats. There are some of us who continue to wonder will it be another 25 years before we can look around in Wyandotte County, and especially those of us who live and who work in the Northeast area and Village East, if you will, and say where might we go and get a bite to eat? Where's a restaurant that we can take people in from out of town? Where can we go by way of entertainment district or a venue? How do we get up out of the hole sometimes even where to get decent groceries or opportunities?

This high tide has not lifted all boats. I, the least, am here, the last. Today started 14 hours ago. Got up to go to Topeka for an interim committee for the Senate. I'm here listening anxiously

to those stellar presentations for vision that will augment the time that each of you have taken, that has been made by this time to see where that high tide does exist or what we, of Village East or the other part of Wyandotte County, that many of us thought we would see happen, how that will come into being. I said I was going to be brief, and I am.

There are partnerships that have been discussed. I'm on the BPU. Our board did pass the new hookups. We would waive those costs east of 635. I don't know if that's 55th St. as well. We'll go back if we have to tweak it for these developments that will come in that will address primarily we hear what's been called—I like this term, I hadn't heard it before—workforce housing. I do appreciate that there are academic opportunities that are coming to capture some of that 70% of out-of-towners that come in and benefit and then leave, sundowners. We capture none of that revenue.

Some have talked about I have an earnings tax, maybe in Wyandotte County as they have in Kansas City, Missouri, and that 1% be applied for those who don't live here to help offset some of the expenses that we continue to suffer by increasingly higher taxes that are county-wide and other fees that are foisted on us, like the PILOT, which we, at the BPU, collect on behalf of the UG through the utility bills.

My colleague in the House, Representative Pam Curtis, has pushed and I have to find other incentives that will assist. The state of Kansas is ready to partner to not just let there be mostly rural housing investor credits, but Kansas has an affordable housing tax credit which would equal the federal tax credit. We also have the historic Kansas for 50 years and older, a 10% tax credit that's been identified. As we look at this fusion for identity for another part of town besides one quadrant of our county, it speaks to that identify and that pride. I would hope that each of you would say that we all are collectively a part of the future of what our image will be.

I've pointed to, and so has Pam Curtis—I have to give credit where it's due—to certain areas that are the low-hanging fruit, in some of our minds, for what we can develop, not just the workforce housing or the fine housing projects that have been talked about, but our identity that is found in our history.

No secret. I love the Quindaro Ruins. To me, that's obvious. I'm sorry if it hasn't been seen for 25 or 35 years. We were sitting in this very room, a little side. I remember when Joe Steineger was Mayor and Emanuel Cleaver came over. A councilman was about to be mayor. We begged the Council. I worked for Cleaver at the time of the City Council. We begged them to not

make the Quindaro Ruins a dump. Don't grant the landfill permit. I remember there was smoke-filled rooms. In fact, they still have some of the ash trays in the back of these chairs. You look at the back of these chairs, the ash trays are there. You could sit here in this room and by two votes, two votes, that landfill permission was denied.

But here, now, we are at 30 some odd years later and that ground is there. There's been a gazebo put out there. There's people coming back and forth to see the Quindaro Ruins and there's no infrastructure, no support whatsoever from this city, from the Unified Government. The state has put it on the state's Historic Registry. Your Senator David Haley did. Now the national has low-hanging fruit and we haven't built on that. We've created out of whole cloth the number one tourist destination out there with the Speedway. Farmland is basically now what has generated this revenue and we can't capitalize on what is our greatest treasure, at least in my mind, the Quindaro Ruins by having some public/private partnerships.

Kaw Point, still on the eastside. If you haven't been to where the two rivers, the confluence—it's a beautiful point and so many opportunities that sit there. Again, well, the night is long. I know that apple and cup of coffee and Reece's Peanut Butter that I had about 15 years ago has long since been my only meal of the day. I probably want to let us all leave from here, but that high tide that lifts all boats and the opportunities from the state and from the BPU to augment the vision and the insight, and certainly I hope it comes from your hearts, the opportunities to see Wyandotte County grow and to see development be unilateral, diverse, and strong. As diverse and as strong as we are in our county. The most beautiful, diverse county, that stir fry, if you will, of cultures and economics, and academics, and races that you would pull together to make that happen. To put a restaurant where somebody can come to eat in an area or to go and hear some music play on this side of town, right here.

I thank you very much, again, for allowing me the least of these. I'm not a developer. I don't know what development does. I don't know how the packages come together, but I do know that the will of the dedicated people and the leadership that each of you uniquely have. I know you've got the ability. You've got the talent. Find it in your hearts to put some of these plans together so that all of us will continue to be even prouder still in our beloved community. Thank you.

Mr. Murray said I want to personally thank the Commission for hearing our developers tonight and, of course, we know you have a full agenda left so those developers that were here for the development presentation, if you're leaving, please do so quietly because the Commission has a full meeting to conduct.

Mayor Garner said I will give an opportunity for questions. Thank you, Mr. Murray, and thank all the developers that are still here and all the citizens and residents that are here and those that may be watching as well as our Commission and staff that's here.

Commissioner McKiernan said I, too, want to thank everybody who's come in. I appreciate the passion, the vision, the goals that you've set for yourself and for the community. That's a beautiful thing. Ms. Katherine Carttar is the Unified Government's Director of Economic Development. I'm curious, Mayor, why Ms. Carttar was not involved in this evening's programming.

Mr. Murray said if I could address that. Ms. Carttar and I have been coordinating. The development proposals coming out of these presentations tonight will be presented through the Economic Development Office for Commission consideration. There are no proposals tonight that requires your action. I believe, although I can't say for certain, Ms. Carttar is with us remotely. That was my understanding when we met on this yesterday and today.

Commissioner McKiernan said okay. I appreciate that because she is a very capable and talented young lady, and she will be an integral part of all of these projects as they move forward. I want to make sure that she is fully engaged from the beginning in all of this. I'm very glad to hear that she is.

Commissioner McKiernan said the other question that I have, and maybe, LaVert, you can answer this one for me too. Was Mr. Willie Lanier invited to be a part of this tonight because here's a gentleman who's actually come to the table and I'm just curious if he was invited for this evening?

Mr. Murray said I can tell you that I have attempted to contact Mr. Lanier several times to discuss his participation tonight. Finally, I asked because I know he meets weekly with Ms. Carttar, I asked Ms. Carttar to ask him if he would like to have some time to make a presentation tonight. He declined.

Commissioner McKiernan said okay. Thank you very much. Appreciate it.

Mayor Garner said I'd like to just follow up with that. When I became Mayor—one of the things that I recognized prior to becoming Mayor, even when I became Mayor, is the total disregard and disenfranchise and disinvestment of the areas that were identified tonight. One of the first things I did was I met with the Economic team and I asked, do we court developers? Do we have a strategy? Do we have a plan? To my shock, I was told no. We don't court developers. It says a lot about what Mr. Murray did here tonight.

I do have some concerns myself, Commissioner McKiernan, that nobody from the Economic Development apparatus of the Unified Government, that I can see, is in this room. That should be a problem for this Commission, for this community, and more importantly, our administration. The disregard for certain people in this community that I've seen over the years, as an employee and as a resident here, have to stop. Everybody has value. Everybody should have a voice.

When I look at the black, the brown, and the improvised community in this town that has been left out and left behind and is indicative of what you see east of 55th St., it says to me from my experience—and people forget that I worked here and I dealt with a lot of these folks, and I can tell you from my experience is that a lot of people have been left behind.

It's unfortunate that we keep having these conversations and we keep wanting to say things. To me, that really don't adequately reflect the reality of what the residents of our community have been saying to this Unified Government for so long. That's what we've got to do better. You've got people making decisions for this community, but they are failing on making decisions with this community in a responsible and professional way. It's not just black and brown people. It's developers. Every developer that I've talked to, be entrepreneur, or be it multi-million-dollar developers, and it's been brought out here tonight, have said that there is something broken in this Unified Government. I can tell you that part of that broken is economic development. That's why we've done things.

I know that Commissioner Johnson is working hard to streamline the process. I know that our Administrator is looking into things and she's coming with economic strategies, but until we start having real conversations about these problems—someone told me the other day, find it, face it, and fix it. People need to be held accountable in this Unified Government. That is part of the

problem. This community is sick and tired of being ignored. I'm not even going to get into the problems that I face as your Mayor here because it doesn't matter. It's not about me. I'm here for this community. I don't care where you're at in Wyandotte County, everybody has value and nobody should be left behind. It hurts me when I see people in this community begging for grocery stores, swings that work, and staff and administration, and historically elected officials and leadership that have totally ignored their cries.

I know there's been a lot of stuff spun on me, but that's okay because people should have asked me if I cared before they spun it, because I don't. This isn't about me. It never was, it never will be. It's about what we have to do for this community. This community deserves better. So, when I hear things like that, were so and so involved? Yes.

LaVert Murray does a great job. People forget that he was the Economic Development Director for the Unified Government for 37 years. The disrespect that he's had to face is shameful, but that's something that Commissioner Burroughs and his task force is working on. So, the tail no longer can wag the dog of this elected body and any future mayors, so this staff can answer to the will of this Commission and this Commission can better reflect the will of the people of this community.

I've sat. I've been very humble. I bite my tongue. I've let stuff roll off me. I cannot continue to sit silent on the things that matter to the people in this community, and I won't. So, you're going to hear a lot more from this Mayor. I don't care who likes it, who doesn't like it. I don't care if you don't like it. I'm not here to be politically correct. I'm here to get things done for the people that should deserve better. When you talk about high taxes—and I brought out a budget and it was rejected and that's fine. I'm glad to see that there was movement today. I've said it before, it's not what I can do. It's not what this Commission can do. It's not what this community can do. It's not what staff can do. It's what we have to do together. That's what's important.

I'm not going to be mayor forever. I have no desire to. We've set the foundation for future generations of people that want to call Wyandotte County home. When you talk about \$1.7B worth of debt, we're on the verge of bankruptcy. This meeting tonight was to bring about opportunities and proposals and visions that I've never seen or heard before because that is the way out. We've got to bring people here that want to be a part of our community and want to contribute to it responsibly.

I'm very disappointed that I don't see anyone from our Economic Development team here. They shouldn't be on YouTube or Zoom. This is an economic development opportunity. That whole team should be here meeting these individuals and seeing how they can work to bring about the change that so many people desperately want to see in Wyandotte County. There's development north outside of Wyandotte County, south. Kansas City, Missouri, downtown is building up. They're even building out west outside of Wyandotte County. We need to start asking the hard question, why isn't anyone willing, capable to build in our urban core, which is the jewel of the metropolitan area. Land is cheap. You've seen tonight you've got willing and capable and able developers, but something's broken.

I challenge staff to step it up. We've got good employees. I work hard. This Commission works hard. We've all got to work just a little bit harder because we're at the crossroads of things here in Wyandotte County. I go back to what the auditor said at the last Commission meeting. If we don't get it right, things are going kind of downhill. He told us, or else. That just sticks in my mind every time I think about (inaudible).

I'm not going to sit silent on that. I applaud LaVert Murray. Those individuals—we've talked about a developer for the Reardon Center. We invited those individuals to the table throughout, just like Mr. Murray said along the way, in spite of all the misinformation and the rumors that may be out there. We do not want to leave anybody behind because we can't afford to.

We've got a huge crisis. The data that Dr. Mosier brought forward was really revealing. Hopefully, with the audits, what Dr. Mosier said about the statistics, and where we're at with our finances here in Wyandotte County, we've got a lot of work to do. I'm willing to stay here all night and work seven days a week because that's what I signed up to do. I'm not going to get tired working hard for the people of Wyandotte County that put me here. I didn't ask to be here of my own fruition, I was asked to be here by the people. I'm not saying I have all the answers or that I'm right or my proposals are the perfect pathway forward. I'm sure there's people a lot smarter than me. But what I am willing is to try to get it right, and I'm willing to try and work with these commissioners and with staff to find real solutions to real problems that we know impact the lives of real people every day.

A lot of the things that I've seen since I've been Mayor need to be corrected. With myself, we're working on my team. We had a strategy session with staff. I challenge this Commission to

work harder with me and staff to find these solutions because there is an opportunity, there is hope. We can turn this thing around, and Wyandotte County can be the beacon of what it means to go from a community that no one wants to invest in in certain parts to being the epidemic of what success means nationally.

Commissioner Ramirez said I already know what I'm about to say. It's going to go out to the community that I don't care about it, but if that's the narrative you want to pull, that's the narrative. Our Administrator's working on an economic development strategy. An RFP went out today to find people to help her create that strategy because we haven't had one. I agree, we haven't had one. We need one, but we need to make sure all projects follow that strategy. The Administrator advises us, not Mayor's staff. That is your staff. It is the Administrator's responsibility and authority to advise us and we advise her. Your staff is your staff.

(Sounds coming from the audience.) Point of order, Mr. Mayor.

Mayor Garner said first of all, watch your tone and please, point of order and please, maintain your professionalism throughout this meeting, okay? **Commissioner Ramirez** said I will. **Mayor Garner** said thank you, sir. And please, for the audience and anybody watching, please allow the commissioners to speak without interruption.

Commissioner Ramirez said I thank all the developers who did come out and present. I look forward to seeing these projects. It needs to be done. I do agree we need to work together, but we also need to ensure we're working with our Administrator as she puts together this strategy. We all know all east has been neglected. I know I'm fortunate for my district, we have had some good development that was due to the previous commissioner who sat in my seat. I'm doing my own work to continue that development throughout Rosedale, Argentine, but I just ask that we work with our Administrator. This is her arena. Economic development is her arena. It's her career that she worked in. I look forward to seeing these projects come before us, but I want to make sure that it follows with the strategy that she creates for our community and for our city. That's all I ask.

Commissioner Burroughs said, LaVert, I sincerely appreciate the effort you put forward to have these presentations before us this evening. I would ask that all of those that spoke this evening ensure that LaVert Murray has your information and contact numbers because there's many of us

that you have hit a tone that we are listening. I'm excited to see the interest and I'm excited to see Dottes having an interest because 25 years ago, it wasn't there, 25 months ago it wasn't there, but it's here today and we need to take advantage of it while it's here.

Presentations are quite exciting to see them come forward. It shouldn't have taken this long. My colleague that I served with in the Legislature for 26 years is quite eloquent. He's been very passionate about the Northeast end. He and I have had numerous conversations about the opportunity for development. Bring them in. Let's see them. You're here and I see you and I hear you.

LaVert, please get those numbers. I'd like to see that before the Economic Development Committee should these projects come forward. It would be my pleasure to help and listen and do what I can to help our community move forward with development by people who have interest in their community. Thank you.

Commissioner Davis said I want to thank all of you all developers especially for Black developers and developers of color because it's not easy. When I ran for office, getting equitable economic development with community benefits was super important. I'm excited that you all have interest in working with us, but I do want you all to pay attention to what is going on. There are two caps, unfortunately. You have kind of what is happening with the Mayor's Office and what they have going on, but they only have control over the agenda, right? I'm giving you the cheat code. You can write it down. You can do whatever, right? That's it. You can only just present to us, as you all have. It does not guarantee that anything goes through.

I echo Commissioner McKiernan's concern which is that we have a staff. We have an Economic Development Department and Director that we give policy direction to through our County Administrator. I encourage you all to go through that particular process because that's how we get things done. I want all of you to be successful because we need that, but I do not want you all to leave here today not necessarily knowing the secret sauce which is that balance of what the commissioners want and what the Mayor wants. That's the secret sauce. Staff determines what is feasible and they advise commissioners. You need six votes to get this through; six votes. So, that's the secret sauce. You don't have to pay me or anything for it, but I just want to go from there.

Ms. Harrison-Lee, can you just remind us of your acumen, your reputation, just some of the success that you've had in economic development? Could you just refresh our memory?

Cheryl Harrison-Lee, Interim County Administrator, said I am a trained city planner, a certified planner. I've done economic development for several jurisdictions in Florida and in Kansas. I'm a credential city manager. I was chief of development for the city of Orlando. Universal Studios was one of my projects. Lake Nona, which is an area that was over 7,500 acres, was annexed into the city when it was cow pastures and did not have any infrastructures. We developed a plan for that as well as built the infrastructure for that project.

I spent my career doing economic development, moved into city management, worked for the city of Daytona Beach, and had some experience also with Cordish, who you all know, also here from having done work on the Kansas City, Missouri, side.

My experience in Kansas has been a city manager of Gardner. When I went there, they had de-annexed the intermodal center and no one was looking to go to the city of Gardner. We developed an economic development strategic plan and an implementation policy plan. They are now on the other side of the interstate with thousands of acres that they are building on as a result of the work that I've done there. That strategic plan won a national award through the International City Manager's Association.

When I started my company, I started doing economic development work for the city of Kansas City, Missouri, and I developed the economic development strategic plan for the central city sales tax area as well, also recognized by the state as an award-winning plan.

The thought here is that we would develop an economic development strategic plan here because I know from Florida and in Kansas that that is the way to get economic development done, to develop an economic development strategic plan, to develop an implementation plan and to look at incentives. I take very seriously your comments about looking at departments. We're looking at that as well. I've been talking with staff about how we might make it more streamlined for you.

In my volunteer role as the former chair of the Kansas Board of Regents, I've pushed economic development. It's one of the four pillars of the Kansas Board of Regents, and we have worked with our higher ed institutions for Panasonic Peers through the community colleges in the area, as well as Scorpion in Manhattan with K-State, as well as with KU Innovation Parks. So, I push economic development in every capacity that I can, be it a volunteer or be my professional life.

Commissioner Davis said the reason why—and thank you for that—so, obviously, you’re very much qualified. That was one of the big drivers. Did you see these presentations before? Is this your kind of first time? You had not seen any of this stuff beforehand? Was there any conversation between staff or administration in the Mayor’s Office in kind of putting this stuff together? Was there anything there?

Ms. Harrison-Lee said we didn’t put the presentations together for them. They (inaudible) the presentations.

Commissioner Davis said the only reason I’m bringing all this stuff is because there is a disconnect. For you all to be successful, that can’t happen. It doesn’t matter. I understand there’s a lot of Mayor supporters and they want to send emails and yada, yada, yada, but for us to get six votes, we need the connection. We’re counting on you all, right, in many ways to incentivize that and bring us together.

Commissioner Davis said, Dr. Mosier, I do have a question for you. Upstairs, we had a very lively conversation on another form of economic development, which is tax relief. It is my understanding that about 16% of every dollar for property taxes goes to the community college. We have been talking about and wanting to have conversations on property tax relief because folks are coming to us, the Unified Government, saying the taxes are too high; however, we are not the only entity. You just happen to be in the room so I thought, well, why not ask. Could you a) provide some sort of, just your thoughts, on property tax relief and then, b) would you all be interested in at least having a conversation with us so that we can get real tax relief for all of Wyandotte County citizens?

Dr. Mosier said sure, thank you. I’m always happy to ask that question. We are one, except for the library, we’re the lowest taxing entity in the county. Prior to a few years back when the county was not economically prosperous, Kansas City, Kansas Community College, the facilities have degraded, the equipment has degraded, we have buildings that need R&R, we have classrooms that our community members of Wyandotte County, our residents, they deserve better than what they currently have, right? I’m brought here as a developer—I’m a college president, but yet, I am a developer.

We just finished a \$20M beautiful, state-of-the-art student housing facility. I invite all of you to come out and see it. You will not see one better in the entire state of Kansas, I will guarantee

you that. That cost money. People said, why is Dr. Mosier spending so much money on that student housing. I said because our students deserve it. They deserve better than renting from property on the other side of our border that was mold infested that we had to evacuate 130 students for two months because they were having respiratory issues. We had to pay to put them up in hotels for like six weeks at \$35,000 a week. Now we have to pursue that other entity.

Our students deserve better. We have not been able to upgrade facilities because we haven't had the money. We haven't been able to plan for the future because we haven't had the money. So, I'm a very conservated, frugal economist. I very closely looked and we have tightened our belt straps.

Eastern Wyandotte County has been forgotten for 30 years plus, right? So, what would it do to eastern Wyandotte County to have a facility, state-of-the-art, that teaches them the very best in commercial construction technology, not just residential technology; that teaches them the very best in automation engineering, not old school manufacturing? What benefit does that provide to the community? Tremendous. They get \$50, \$60, \$70,000 a year jobs. You can take an 11 credit hour certificate from KCKCC in industrial maintenance technology, walk out the door and make \$55,000 a year. Who needs that the most? Our people who live downtown. Our residents on the eastern side. Well, that cost money. That cost \$70M.

So, I am strategically investing for the future where we have not been able to do for 20+ years. That's why our tax rate is where it is. We are the lowest taxing entity in the county. We don't have tons of money. We're frugal, and we're planning for the future. I would wish that the county would plan for the future in the same way and look at, is it a benefit to decrease taxes when we have a stormwater system that does not work? How are we going to pay for it? To me, that does not make any sense to decrease the tax rate. Spread it out. I'm trying to create a better—I'm trying to distribute the tax rate to create more taxpayers.

We have not raised that mill levy in over six years. I'm not at a point—my recommendation to the Board of Trustees is to not to reduce that. We are having those conversations. If they want to have a conversation, that's up to the Board. The Board tells me what to do.

Commissioner Davis said I know that our CFOs have had some conversations. As long as there's some commitment, at the very least, have the conversations. That would be great. Thank you so much, Dr. Mosier. I really appreciate it.

Commissioner Davis said the last two things that I'll say here is I agree with my colleagues that Mr. Lanier, Jr. should have been here. For many of you who do not know, Willie Lanier, Jr., his dad played for the Kansas City Chiefs. He actually had a project that I thought was really cool that was going to kind of be very new for the Reardon Center. It would have had apartments. It would have had kind of a meeting space, and it really could have helped out our investment from the Unified Government. It wasn't me; both of my predecessors for the Merc. His project was completely axed. We did not hear about his project being axed until March or April. I hope that never happens to you all. Like, sincerely, I hope what happened to Mr. Lanier, Jr., never happens to you all. He put in a lot of his own money and could not, for the life of him, figure out why his project is not being put on the agenda.

I do not say that to scare you, but I do say that for you all to know that this is real. He's a Black man. To hear us talk about Black developers and wanting to work with Black developers who treat that particular Black developer in a particular way and then say, Commission, well, look at these other folks. I want everybody to win, right? I want all developers to win.

I would have asked Mr. Johnson about BPU bills and utility rate, but he walked out before we had the questions. But all of that to say thank you all for coming. I know for some of you we're going to have some conversations in the future. I do want to be very transparent and honest with you all about the waters that you're swimming in. Thanks.

Mayor Garner said, LaVert Murray, you want to respond to the—just bring everybody to speed on the Lanier project.

Mr. Murray said a lot of the developers that are here and some of those that left, are good friends with Mr. Lanier. Many of these developers know what took place. Mr. Lanier's development agreement expired December 31. Many of these developers are aware of that. Even though Mr. Lanier continued to seek his financing for the proposed project. So, I just wanted to say that.

I also want to, with regard to Commissioner Davis's question to the County Administrator, and that is, have you met with any of these developers? I will say that as this event was being planned, more than 20 of these same developers met with the County Administrator on the 9th floor. You retreated to a corner with Mr. Nash at the conclusion of that meeting. The same video that was shown here tonight was shown as that time. So, some of these developers were there. I

just wanted to clarify that since I thought, perhaps, you misunderstood Mr. Davis's question because some of these developers will want to know why the response was the way it was.

Commissioner Townsend said I just wanted to express my appreciation to all of the developers and all our other partners who have already put forward projects; CHWC. I look forward to personally speaking with some of the persons that appeared tonight, that I've heard their names before but never spoken to them, because they mentioned several projects tonight that would be directly in District One. I'm appreciative of them.

A lot has been made about people who are from the Dotte, and that's great. I also want to give the respect and acknowledgement to Dr. Nash and let him know from my perspective, and I believe a lot of my colleagues here, those people who want to work in Wyandotte County with us, come on. We want to see people who can bring resources to us. I personally don't care where they come from. If you come and work with us, you're an adopted Dotte. That's the thing. If you are moving toward the betterment of our community that, to me, is the important thing.

It's already been addressed that Mr. Lanier—I would ask that he'd be asked again. It could be, and all of us have had these situations where one particular date is not good for either party, so I would request that we continue to give Mr. Lanier the opportunity to come. It's been mentioned that the date of December 31 was the sunset date on his project, but what I am not sure about is what could have happened to prevent that. I mean, it's not unusual for us to give developers extensions. While that may have been the drop dead date on the contract, I'm interested in really going forward to see because there probably was an opportunity for an extension to be given before that drop dead date. So, my request and hope is that we will continue to engage with Mr. Lanier as his was one of the few projects that had been before this Commission, even though several of us—there's a different iteration.

Also, I was happy to see Mr. Guinn here tonight because, again, that is one of the only projects we've heard about tonight that there has been some traction on. In fact, it's been a year, I believe, since the option agreement was let. I'm looking to see how that project is going and look forward to its actual culmination. As Mr. Nash said, he mentioned imagination. I'm looking forward to realization of a lot of these projects.

Finally, I'm appreciative that my state senator, Senator Haley, saw it fit to extend his day tonight and be here, but I do want to correct something that he brought up and that's with regard to the Unified Government's involvement and investment thus far in the Quindaro Ruins.

On July 15 and 16, I would estimate that at least anywhere from \$250,000 to maybe \$450,000 of manpower and equipment usage was put into play at the Quindaro Ruins to clean that area up in coordination with one of the foundations that's working with the Unified Government and the AME Church. There were persons who came in to clean the foundations of some of the historical buildings that are there. That would not have been possible without the input of the Unified Government, and I want the public to know that.

So, things are happening there. There's still some foundational work that needs to be done, and I mean that from a legal perspective. We don't want anyone going down there and having an accident or run into some kind of difficult circumstance.

The Unified Government has put in a major effort of manpower and machinery and time into clearing the ruins. It would be a shame for all of the work and effort that was done on July 15 and 16 by members of our logistics team, Public Works, Fire, and Police. I have to make sure that it's recognized. Thank you all.

Commissioner Markley said I just want to say that I'm frustrated that staff in our Economic Development Department was purposely excluded from the preparation of this presentation and then derided in public for not being present at the meeting tonight. It's rude and it's disrespectful and it's defensive.

Ms. Harrison-Lee said I do want to reiterate that—Commissioner Davis asked about our coordination on this. I was not involved in developing tonight's presentation or coordinating that. So, that's what you asked me. That's what I've answered. We did not get involved in developing and coordinating this agenda. We asked, but we were not doing that. We're developing a strategic plan. The best practice for a strategic plan is to engage stakeholders so you absolutely will engage—I spoke about this yesterday—you absolutely will engage the development community, citizens, educational institutions, businesses. We will have them as part of that. That is done first before you actually respond to presentations. We'll get it cleaned up for you.

Commissioner Johnson said I really was planning on not having much to say because I knew we had a full agenda after this. I would love it if you all would hang with us. It's like the pastor says, you all hang with me now. I'm going to ask you all to hang with us as we conclude the reminder of this wonderful agenda.

On last week today, a week ago, I had the distinct honor to sit in the presence of Ms. Cheryl Harrison-Lee, Dr. Mildred Edwards, who is the Chief of Staff for the Mayor's Office, and Ms. Bridgette Cobbins. Mr. Murray was there and he can testify. When you talk about Black girl power, it was amazing to see them. I basically told them the direction I wanted to go with our business and economic development task force. When I tell you those ladies began to talk about how we can collaborate—and I'm glad we're having this conversation because I do think that there has to be a synthesis between the Administrator's Office and staff and the Mayor's Office and staff. That was the reason why I called those ladies together. It was—I told my wife how excited I was to be able to sit in their presence.

I do think that through Ms. Harrison-Lee's work, in coordination with Dr. Edwards and certainly Bridgette Cobbins to help us coordinate that, that will help us to be able to bring about some change. Some of the frustrations that we heard tonight, I'm hoping that we can speak to those very things going forward because we cannot afford to have a chink in the armor right now. We have come too far to turn around. We've got to continue to move forward. Yes, there's some other things I could say, but I think right now we need to be looking forward, moving forward.

I do appreciate my colleague for kind of putting poor Dr. Mosier on the hook tonight. That has been something that we have been talking about. It's good to hear what direction the community college is planning to do. That helps inform me as we consider as to whether or not we should reduce mills and things of that nature. I totally agree with your perspective. In fact, I've shared that same perspective earlier today. We have to make sure—let me not get into all that. Let me not open that can of worms. But I am glad to be able to hear your perspective and that helps to inform me as I begin to look at how I want to engage with regards to those conversations.

I probably could say more, but I'll leave it at that. Mayor, the hour is 11:15. Thank you.

Commissioner Stites said first off, I want to apologize that I'm not there in person this evening. I had a medical procedure yesterday so I had to do this remotely. Something that I think back on

here when I ran for commission, my district is out west. It's west of 78th St., basically, all the way out to Edwardsville and Bonner Springs. When I ran and won, I was elected as a commissioner for all of Wyandotte County. I have a district, but it's for all of Wyandotte County.

I appreciate each and every one of the developers who came forward this evening. I had the honor of meeting Mr. Hooks, I believe Steve Hooks—if he's still there in attendance, I'm not sure—at one of the Wyandotte EDC meetings. We had a great conversation about development that he's looking forward to doing.

I, as the Commissioner of District 7 and Wyandotte County, stand ready and poised to work with any developer that is wanting to bring development to any part of our city. That's all and thank you.

Mayor Garner said I'll just close it out. Commissioner Davis is right. I don't think that was misconstrued. I would hope not, but I want to reiterate because I'm sure that Mr. Murray relayed that to all of our developers tonight. We do have a process. Everything that was presented tonight is just reimagining, visioning, and really outlining opportunity that exists for Wyandotte County. Commissioner Davis is right. We will have to work with staff and our Administrator on that. I believe that is something that will occur. I'm really optimistic and confident in that.

To the question about Ms. Harrison-Lee. Ms. Harrison-Lee does bring a broad range of expertise, experience, and credentials unmatched from what I found. It's just unfortunate that she chose not to put in for the permanent administrator's process because of the information that was given to me to do a national search. We can recognize her for her credentials and who she is and what she's done.

I remember back two and a-half months into her term, I was asked to do a national search, which said to her, there was no vote of confidence so she chose not to apply.

So, make no doubt about it, I'm not here to engage in politics or play politics. I'm here to get things done for the people. I know people are starting to watch these Commission meetings, and I encourage people to watch even more because it would be really revealing when you really look at when I came on as Mayor in December and how these conversations have got us to where we're at today.

Then my history here, and I'm so proud and elated of the work that these developers put in because I've never seen anything like this in my 32 years as an employee here. I've never seen

the level of interest with purpose put into having a real conversation about investing in the disinvested areas of Wyandotte County and finally paying attention to those that have been disenfranchised. That doesn't have a color on it.

I know there was a question about Mr. Lanier. I have the utmost respect for Mr. Lanier. I spoke to him. We want him to bring forward a proposal and we've asked him to. I know Mr. Murray invited him.

I would agree with my colleague, Commissioner Davis, about Mr. Lanier, but unfortunately, if I did, we'd both be wrong. I'm going to leave that there.

Thank you all so much. I just want to thank you again for your hard work and everything. Thank you.

Action: For information only.

Item No. 4 – 211871...PRESENTATION: LEGISLATIVE REPORT

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

Action: Removed per blue sheet.

Item No. 5 – 211811...PROCLAMATION: NATIONAL NIGHT OUT

Synopsis: Proclamation proclaiming August 2, 2022, as National Night Out, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Acting UG Clerk, read the proclamation as follows:



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug, and violence prevention program on August 2nd, 2022 entitled "National Night Out"; and

WHEREAS, the "39th Annual National Night Out" provides a unique opportunity for Wyandotte County/Kansas City, Kansas to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas plays a vital role in assisting the Kansas City, Kansas Police Department and the Wyandotte County Sheriff's Office through joint crime, drug, and violence prevention efforts in Wyandotte County Kansas City, Kansas and is supporting "National Night Out 2022" locally; and

WHEREAS, it is essential that all citizens of Wyandotte County Kansas City, Kansas be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs, and violence in Wyandotte County Kansas City, Kansas; and

WHEREAS, police-community partnerships, neighborhood safety, awareness, and cooperation are important themes of the "National Night Out" program.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim August 2, 2022, as:

"National Night Out"

in Wyandotte County/Kansas City, Kansas
and call upon all residents to join the
National Association of Town Watch in
supporting the "39th National Night Out."
In witness whereof, I have hereunto set
my hand and the seal of the Unified
Government of Wyandotte
County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO

Action: Proclamation was read.

Item No. 6 – 211872...PROCLAMATION: THE WEEK OF THE WIZ IN WYANDOTTE COUNTY

Synopsis: Proclamation proclaiming July 28-30, 2022, as The Week of The Wiz in Wyandotte County, submitted by Tyrone A. Garner, Mayor/CEO.

Action: Proclamation was read at the beginning of the Mayor's Agenda.

Item No. 7 – 211878...PROCLAMATION: COMMUNITY CARE CLINICS WEEK

Synopsis: Proclamation proclaiming August 8-14, 2022, as Community Care Clinics Week in Wyandotte County, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Acting UG Clerk, read the proclamation as follows:

August 11, 2022



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

- WHEREAS,** the uninsured in Wyandotte County are less likely to have a usual source of health care and make more frequent use of emergency rooms; and
- WHEREAS,** the uninsured are less likely to have had a doctor visit within the last six months; and
- WHEREAS,** Mercy and Truth Medical Missions and other safety Community Care Clinics in Wyandotte County share the mission of providing accessible, high-quality, comprehensive primary care services for the medically underserved, regardless of their ability to pay; and
- WHEREAS,** these clinics provide comprehensive primary care to many Wyandotte County residents, regardless of their ability to pay; and
- WHEREAS,** for many of these residents, primary care Community Care clinics are the only means of accessing affordable primary health care services; and
- WHEREAS,** primary care Community Care clinics save money by reducing preventable hospitalizations and unnecessary emergency room visits, and by promoting the health and well-being of Wyandotte County's most vulnerable populations; and
- WHEREAS,** primary Community Care clinics leverage federal, state, local community and foundation resources, including the donated services of health professionals; and
- WHEREAS,** growing and strengthening the primary care Community Care Clinics net of clinics and community health centers promotes the well-being of all Wyandotte County residents.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim the week of August 8-14, 2022, as

"Community Care Clinics Week"

in Wyandotte County/Kansas City, Kansas and urge all citizens to recognize the importance of Community Care Clinics. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO

Action: Proclamation was read.

Item No. 8 – 211875...PROCLAMATION: UNIQUE, SALON & BOUTIQUE DAY

Synopsis: Proclamation proclaiming August 14, 2022, as Unique, Salon & Boutique Day, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Acting UG Clerk, read the proclamation as follows:

August 11, 2022



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, Unique, established by Entrepreneur Chonita Madison as a business in 1994 and is celebrating 35 years in business and grand opening expansion; and

WHEREAS, having obtained her cosmetology certificate from Kansas City Kansas Area Vocational Technical School in 1987. Chonita further garnered hands-on work experience in learning advanced color, cutting, and styling from JC Penny Salon and quickly propelled, becoming high in demand as a professional stylist; and

WHEREAS, as a seasoned and successful stylist with vast industry knowledge, it is a common observation within the greater metropolitan area to recognize the clients of Chonita by the healthiness and latest vogue styles: a gift that began naturally at a young age; and

WHEREAS, over three decades, Chonita has built a legacy of loyal clientele while becoming a pillar of style, fashion, and hair within the community at 8145 Parallel Parkway, Kansas City, KS; and

WHEREAS, through hard work and dedication to serving the Kansas City area, relocates the salon and expands to over 3300 sq ft. at 3043 State Avenue, Kansas City, KS; and

WHEREAS, Chonita credits her wide-ranging knowledge and education as the key to her success. It is her distinctive focus and creativity on the customer experience that helps to craft flattering cuts, coloring, and perfectly tailored styles for each of her clients, making her "unique" and a cut above other stylist; and

WHEREAS, Unique represents the importance of distinct beauty for women of all ages, regardless of status, race, or ethnicity, and on countless occasions has effortlessly extended her time, treasures, and talent to help empower and support women in need beyond the chair; and

WHEREAS, equally important is the sustainability of a small minority & woman-owned business, withstanding turbulent economic climates and triumphantly expanding business in the perils of a pandemic. Without question, Chonita Madison, who once received the Who's Who Among American High School Students, would still stand 35 years later - - bigger, better, and more vital than ever.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim August 14, 2022, as:

"Unique, Salon & Boutique Day"

in Wyandotte County/Kansas City, Kansas and urge all citizens to recognize the importance of Kansas City, Kansas Unique, Salon & Boutique Day. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO

Action: Proclamation was read.

Item No. 9 – 211876...PROCLAMATION: AMERICAN CLEAN POWER WEEK

Synopsis: Proclamation proclaiming August 15-19, 2022, as American Clean Power Week, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Acting UG Clerk, read the proclamation as follows:

August 11, 2022



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, 2.6 million homes can be powered by clean energy generated in Kansas; and

WHEREAS, clean power projects provide extra income to farmers, ranchers, and other private landowners, and in 2022, these drought-proof land lease payments total \$49 million; and

WHEREAS, the clean power industry is an important job creator in Kansas with a clean energy workforce of 3300; and

WHEREAS, our state's commitment to clean energy has already proven to be a key component of our economic growth, and

WHEREAS, clean power invests in local Kansas communities, providing property, state, and local taxes in 2022 totaling \$22.2 million.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim August 15-19, 2022, as:

"AMERICAN CLEAN POWER WEEK"

in Wyandotte County/Kansas City, Kansas and encourages its citizens to learn more about the benefits of clean energy in our community and celebrate Kansas's leadership in renewable energy production. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO

Action: **Proclamation was read.**

CONSENT AGENDA

Mayor Garner asked, do any members 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 Markley made a motion, seconded by Commissioner Davis, to approve.**

Mayor Garner said I have a motion and a second to approve. Is there any discussion? Seeing none, roll call, please.

Roll call was taken and there were nine "Ayes," Johnson, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

August 11, 2022

Item No. 1 – 211743...ORDINANCE/RESOLUTION: AMENDING CODE PROVISIONS FOR OPEN BURN

Synopsis: Ordinance/Resolution amending the code provisions 3-3 Definitions and 3-17(h)(1)(a) related to Open Burning, submitted by Jon Khalil, Assistant Counsel. On July 25, 2022, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **Previously removed per blue sheet.**

Item No. 2 – 211821...RESOLUTION/APPROVAL: ADOPTING A FAMILY REUNIFICATION PLAN

Synopsis: Adopting a Family Reunification Plan as an amendment to the existing Wyandotte County Emergency Operations Plan (EOP), submitted by Matt May, Director of Emergency Management, and Susan McMahan, Deputy Director of Emergency Management. Plan files are located at: <https://xfer.wycokck.org/file/d/Vendors/Emergency%20Management/>. On July 25, 2022, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-43-22, “A resolution amending the Wyandotte County Emergency Operations Plan, and adopting a Family Reunification Plan as an amendment thereto.” Commissioner Markley made a motion, seconded by Commissioner Davis, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Johnson, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 3 – 211816...RESOLUTION: INFRASTRUCTURE SUBCOMMITTEE OUTCOMES AND STRATEGIES DOCUMENT

Synopsis: Resolution adopting the Infrastructure Subcommittees and the Outcomes & Strategies document, submitted by Jeff Fisher, Executive Director of Public Works. On July 25, 2022, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-44-22**, “A resolution memorializing the desired short and long-term outcomes and strategies of the Infrastructure Committee.”
Commissioner Markley made a motion, seconded by Commissioner Davis, to adopt the resolution. Roll call was taken and there were nine “Ayes,” Johnson, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 4 – 211817...GRANT: FY22 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM - FEDERAL

Synopsis: The Police Department is seeking approval to apply for and accept the FY22 Edward Byrne Memorial Justice Assistance Grant in the amount of \$99,209, submitted by Laura Cromwell, Fiscal Analyst – KCKPD. No match required. On July 25, 2022, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **Commissioner Markley made a motion, seconded by Commissioner Davis, to approve.** Roll call was taken and there were nine “Ayes,” Johnson, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 5 – 211819...GRANT: FY23 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM – STATE

Synopsis: The Police Department and Sheriff’s Office are requesting approval to apply for funding through the FY23 Federal Edward Byrne Memorial Justice Assistance Grant (JAG) program overseen by the Kansas Governor’s Grants Program and the Kansas Criminal Justice Coordinating Council, submitted by Laura Cromwell, Fiscal Analyst - KCKPD. No match required. On July 25, 2022, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **Commissioner Markley made a motion, seconded by Commissioner Davis, to approve.** Roll call was taken and there were nine “Ayes,” Johnson, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 6 – 211815...APPROVAL: TRANSFER OF REAL PROPERTY TO THE CITY OF EDWARDSVILLE

Synopsis: Approval to transfer properties from UG ownership to the City of Edwardsville, submitted by Jeff Fisher, Executive Director of Public Works, and Troy Shaw, County Engineer. On July 25, 2022, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **Commissioner Markley made a motion, seconded by Commissioner Davis, to approve.** Roll call was taken and there were nine “Ayes,” Johnson, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 7 – 211810...APPROVAL: HONORARY STREET SIGNS

Synopsis: Request to approve honorary street signs: Faith City Christian Center, to commemorate Mr. Walza R. Starr II; and St. Andrew Missionary Baptist Church, to commemorate Rev. Dr. Seth Harris, submitted by Jeff Fisher, Executive Director of Public Works. On July 25, 2022, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **Commissioner Markley made a motion, seconded by Commissioner Davis, to approve.** Roll call was taken and there were nine “Ayes,” Johnson, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 8 – 211820...ACCEPTANCE: KDHE GRANT

Synopsis: Accept a grant from the Kansas Department of Health and Environment to respond to the TB outbreak for the Health Department, submitted by James Bain, Assistant Counsel. The grant will total \$340,000. No UG match required. On July 25, 2022, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: Commissioner Markley made a motion, seconded by Commissioner Davis, to approve. Roll call was taken and there were nine “Ayes,” Johnson, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 9 – 211874...PLAT: THE HELM

Synopsis: Plat of The Helm located at State Line Road and Butler Way, being developed by Flaherty and Collins, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Action: Commissioner Markley made a motion, seconded by Commissioner Davis, to approve and authorize the Mayor to sign the plat. Roll call was taken and there were nine “Ayes,” Johnson, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 10 – 211873...PLAT: TURNER LOGISTICS CENTER WEST FIRST PLAT

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

Action: Commissioner Markley made a motion, seconded by Commissioner Davis, to approve and authorize the Mayor to sign the plat. Roll call was taken and there were nine “Ayes,” Johnson, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 11 - MINUTES

Synopsis: Minutes from regular session of February 24, 2022.

Action: Commissioner Markley made a motion, seconded by Commissioner Davis, to approve. Roll call was taken and there were nine “Ayes,” Johnson, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Item No. 12 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated July 14, 2022.

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

PUBLIC HEARING AGENDA

No items.

STANDING COMMITTEES' AGENDA**Item No. 1 – 211864...ORDINANCE: CREATING SOLID WASTE ENTERPRISE FUND**

Synopsis: Ordinance creating a Solid Waste Enterprise Fund, submitted by Jeff Fisher, Executive Director of Public Works, and Debbie Jonscher, Deputy Chief Financial Officer. This item was scheduled to appear before the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, on August 8, 2022. It was requested, and approved by the Mayor, to fast-track this item to the August 11, 2022, full commission meeting.

Mayor Garner said I’ll ask Commissioner Burroughs to make some remarks.

Commissioner Burroughs said there wasn’t much discussion on this issue. It’s really an administrative move to ensure that the funds are more transparent and how they’re presented within the budget. Mayor, the only other option that we had was that in going back and reading the information, it looked like we were doing the annual increase for waste fees—were being done annually. They should have been done semi-annually. This brings us into compliance.

Mayor Garner asked, do any other commissioners have any comments, remarks, questions?

Action: **ORDINANCE NO. O-107-22, “An ordinance relating to Chapter 31 – Solid Waste, creating solid waste services enterprise fund and providing for an annual adjustment to said fund.” On motion of Commissioner Davis, seconded by**

August 11, 2022

Commissioner Stites, the ordinance was approved. Roll call was taken and there were nine “Ayes,” Johnson, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

ADMINISTRATOR’S AGENDA

Item No. 1 – 211828...REPORT: ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE PERIOD ENDED 12/31/21

Synopsis: Presentation of the Unified Government's Annual Comprehensive Financial Report for the Fiscal Year ended December 31, 2021, submitted by Kathleen VonAchen, Chief Financial Officer; Debbie Jonscher, Deputy Chief Financial Officer; and Pamela Kahao, Accounting Manager.



Unified Government of Kansas City, KS/ Wyandotte County Post-Audit Report to the Commission

2021 Audit Results

Kathleen VonAchen, Chief Financial Officer, said I want to point out that it may not be as exciting as all the economic development presentations, but we’ll try. I did also want to point out that the Finance Department is available to review any proposals that come in for their economic viability. That’s one of our roles.

I’m going to start off my introducing our independent auditor who will be making her required communications.



Unified Government

We are pleased to present this report related to our audit of the basic financial statements of the Unified Government of Wyandotte County / Kansas City, Kansas (Unified Government) as of and for the year ended December 31, 2021. This report summarizes certain matters required by professional standards to be communicated to you in your oversight responsibility for the Unified Government's financial reporting process.

This report is intended solely for the information and use of the Mayor, Commission Members and management, and is not intended to be, and should not be, used by anyone other than these specified parties.

Allen, Gibbs & Houlik, L.L.C.

August 11, 2022

Tara Laughlin, Vice President, AGH, said it's been a long evening so I'll try to make this as interesting as an audit result can be. I work in our government assurance practice. We are here tonight to present the results of the financial statement external audit for the Unified Government's fiscal year 2021.



Unified Government

Scope of Services:

- Financial Statement audits of
 - Unified Government
 - KCK 501, Inc. (component unit)
 - KCK 501 ALL, Inc. (component unit)
 - Unmodified opinions were issued for all three
- STAR Bond agreed-upon procedures required by state statute
 - No findings
- Single audit on compliance with federal grant requirements
 - In process

So, a financial statement audit, we are giving opinions that the financial statements or the Annual Comprehensive Financial Report, or ACFR for short, materially reflects what actually happened during the year for the Unified Government as far as the financial information.

We have issued an unmodified or clean opinion on those financial statements, which means they do materially reflect what happened during the year. We also do a couple of other services kind of sort of related to the financial statement external audit. One of them is a STAR bond agreed-upon procedure, which is required by state statute, to review expenditures spent using STAR bond proceeds to make sure they're in line with state statutes. Currently, there's very minimal expenditures going on there, which will probably change next year. We didn't have any findings with that activity.

We also do the single audit, which is the audit on compliance with federal grant expenditures. That is still in process. We usually finish that after we get done with the financial statement audit. So, it's currently in the works, but I will just give you a few brief information on that. The federal government tells us what grants we select to test. There's like six steps you have to go through. This year, we're likely going to be doing six grant programs because of all the additional COVID funding. The ARPA funding, the CARES funding, the Aging Cluster, the FEMA Disaster Relief money. A newer grant, because of COVID, the Epid—I'm not going to be able to say it at this late of night—the ELC grant, which is laboratory testing for COVID, and the

Women, Infant & Children grant. Right now, we're looking at doing those six as our preliminary look.



Unified Government

Financial Statement Audit Required Communications

Our Responsibilities with Regard to the Financial statement and Compliance Audit

Our responsibilities under auditing standards generally accepted in the United States of America, Government Auditing Standards issued by the Comptroller General of the United States and the Kansas Municipal Audit and Accounting Guide have been described to you in our arrangement letter dated December 16, 2021. Our audit of the basic financial statements does not relieve management or those charged with governance of their responsibilities, which are also described in that letter.

Overview of the Planned Scope and Timing of the Financial Statement Audit

We have issued a separate communication dated December 16, 2021 regarding the planned scope and timing of our audit and identified significant risks. We made no significant changes to the scope or timing of our procedures.

We do perform the financial statement audit under Generally Accepted Auditing Standards, Government Auditing Standards, and the Kansas Municipal Audit and Accounting Guide. Those are all standards that all auditors must follow doing a financial statement audit.



Unified Government

Required Communications continued

Accounting Policies and Practices

Preferability of Accounting Policies and Practices

Under generally accepted accounting principles, in certain circumstances, management may select among alternative accounting practices. In our view, in such circumstances, management has selected the preferable accounting practice.

Adoption of, or Change in, Accounting Policies

Management has the ultimate responsibility for the appropriateness of the accounting policies used by the Unified Government. The Unified Government did not adopt any significant new accounting policies during the current period.

Significant or Unusual Transactions

We did not identify any significant or unusual transactions.

I always like to point out whether there is any new accounting standards that the Unified Government had implemented in the current year that might change how things are having to be reported within the financials. This year, there were none. So, if you're comparing last year's to this year's numbers, the changes are because of changes in operation, not because items are having to be reported differently. I always like to point that out.



Required Communications continued

Management's Judgments and Accounting Estimates - Accounting estimates are an integral part of the preparation of financial statements and are based upon management's current judgment. The process used by management encompasses their knowledge and experience about past and current events, and certain assumptions about future events. You may wish to monitor throughout the year the process used to determine and record these accounting estimates. The following describes the significant accounting estimates reflected in the Unified Government's financial statements.

- ✓ *Estimated Claims Liabilities (health and workers' compensation)*
- ✓ *Allowances for Uncollectible Receivables*
- ✓ *Net Pension Liability*
- ✓ *Net Other Post-Employment Benefit (OPEB) liability*
- ✓ *Landfill obligations*
- ✓ *Compensated absences*

Not all numbers within those financial statements can be hard-fast no numbers. There is some estimation process involved that's required by financial accounting in reporting. Our responsibilities, at they relate to those estimates, is to obtain an understanding of how management determines those estimates, make sure that how they're determining it is in line with the accounting standards, then we audit the inputs, outputs, calculations involved in those estimates. We did find that all the estimates were being done reasonably and within standards. We have listed those significant accounting estimates there. They're the same as has been the last few years. There were no new ones this year. A few of those relate to net pension liability and that OPEB liability are your two biggest ones on that list. The net pension liability, of course, being the Unified Government's share of the KPERS Retirement Plan liability.



Required Communications continued

Audit Adjustments

Audit adjustments proposed by us and recorded by management are summarized below:

- To adjust debt activity between the Capital Projects and the Public Building Commission (PBC) funds related to the PBC's bond issuances. This had no net impact in fund balance for either fund.
- To adjust accrued payroll to include one more day of accrual for police and fire payrolls resulting in a decrease in fund balance/net position in the General Fund of \$195,222, the Dedicated Sales Tax Fund of \$10,432, the Grant Fund of \$4,743 and the EMS Fund of \$18,031.
- To adjust cash and claim expense in the Self-Insured Health Care Fund related to a year-end transfer recorded for \$2,500,000 resulting in an increase to the Health Fund net position.
- To adjust capital assets for assets not properly capitalized in Governmental Activities, Sewer Fund and EMS Fund resulting in an increase to net position of \$1,733,820, \$576,169 and \$109,108, respectively.
- To adjust intergovernmental revenue between the Public Levee Fund and Stormwater Fund resulting in a decrease in Public Levee net position and an increase in Stormwater net position of \$21,237.
- To adjust intergovernmental receivable to agree with actual balances resulting in a decrease in fund balance in the Special Grants Fund of \$177,272.

We are required to report audit adjustments. These are items that we adjusted as we went through our audit procedures. They are listed in detail there. I'm going to talk about really the two larger ones, which are in the middle of the list there. We did do an adjustment for \$2.5M in the Self-

Insurance Health Fund to properly reflect the year-end transfer that was done. It got duplicated. This was caught by management during their January 2022 bank rack process and fixed in 2022, but the fix needed to happen a year before so we moved the fix back a year.

The next item there, during our testing of capital assets it's pretty common during an audit that we find some expenditures that should have been capitalized and added as assets onto the financial statements, so we did have a few of those which are listed there that we added, put those numbers into context. The Unified Government had about \$1.9B of capital assets. Our total adjustment was about \$2.5M. Again, I just wanted to put some context to that.



Unified Government

Required Communications continued

Uncorrected Misstatements

Uncorrected misstatements are summarized below. Uncorrected misstatements or matters underlying these uncorrected misstatements could potentially cause future period financial statements to be materially misstated, even if we have concluded that the uncorrected misstatements are immaterial to the financial statements under audit.

- To reduce unavailable revenue and increase interest income revenue in the General Fund resulting in an increase of \$270,429 for interest receivable received within 60 days of the fiscal year-end.
- To record current year liability for probable legal claims and reverse prior year liability for probable legal claims resulting in a net increase to net position in Government Activities of \$55,000.

There are, during audits, typically some items that we do find that do not get reflected within the financial statements. These are usually due because they just won't materially impact readers or users of those financials, and they're timing issues. The activity will get reflected; it may just not be quite in the proper period. We only had two of those items. One was reporting of interest revenue at the fund level. Government Accounting rules, there are some quirks on when you can recognize that revenue. It should have been recognized in '21. It was not recognized until '22.

Then the last item is a very common one that typically doesn't get reflected because of timing of getting legal information. It's an estimate of what potential legal liabilities are out there. That impact between last year's and this year's was only \$55K.



Required Communications continued

Observations About the Audit Process

We did not discuss with management any alternative treatments within generally accepted accounting principles for accounting policies and practices related to material items during the current audit year; we encountered no disagreements with management over the application of significant accounting principles, the basis for management's judgments on any significant matters, the scope of the audit or significant disclosures to be included in the financial statements; we are not aware of any consultations management had with other accountants about accounting or auditing matters; no significant issues arising from the audit were discussed or the subject of correspondence with management; we did not encounter any difficulties in dealing with management relating to the performance of the audit; and we did not encounter any significant and difficult or contentious matters that required consultation outside the engagement team.

Generally speaking, we got all the support we needed during the audit. No issues there. What we requested, we were able to get. Given this year, the cyberattack happened in the middle of the audit so it did add some complexity and issues to that as far as being able to get support, but we were able to get everything that we needed to finalize the audit.



Areas of Audit Emphasis

The following are the items identified as part of our pre-audit communication as areas of attention:

1. Management override of control
2. Revenue recognition
3. Significant estimates
4. Economic development agreements
5. Capital assets
6. Financial reporting preparation

Very quickly, these are just areas of emphasis or risks that we identified during our planning process. I'm just going to kind of highlight on what we did in these areas. Number 3, we already talked about, so I'm not going to touch on that again with the estimates. Number 6, we talked about related to the audit adjustments. Number 4, economic development agreements. It's required to report within the footnotes, which you'll see on page 78 of your financial statements, what commitments the government has made to developers, third-party developers, so we do look at new agreements that came in. We're making sure that what's getting disclosed is what's in those agreements. It's not an audit of, are those developers in compliance of the agreement, it's just, are the commitment amounts disclosed accurately related to those agreements.



Summaries of Areas of Risk and Results

Risk Area(s)	Procedures	Results
Management override of controls	- Performed fraud inquiries with individuals at different levels of the organization - Reviewed a sample of manual journal entries for proper support - Significant year-end accruals/estimates were subject to detail testing	- No improper journal entries were identified that indicated management override of controls - Certain adjustments were made as discussed previously related to year-end only adjustments.
Revenue recognition	- Confirmed amounts with third parties - Performed various analytics - Recalculation of estimates	Certain adjustments that were both passed and recorded as a result of this testing were noted previously
Capital assets	- Vouch additions and disposals using various sampling techniques - Review rollforwards	Certain adjustments were recorded as a result of this testing to properly record capital asset activity as noted previously
Defined benefit pension plan and other postemployment benefit obligations	- Obtained actuary reports and reviewed and tested certain assumptions - Recalculated assets, deferred outflows, deferred inflows and liabilities	Audit procedures did not identify any adjustments

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The other items I'm going to touch on here. Management override of controls revenue recognition are two risks that are required by all audits no matter what entity is being audited. We do specific procedures over those. We do fraud inquiries with all levels of the organization, review manual journal entries to make sure it has support. Of course, we test those significant yearend accruals as well. Didn't have any significant issues. We did have a few of those adjustments that I've already touched on earlier.

With revenue recognition, we're able to confirm a good amount of your revenue with third parties because you get a lot of it from the state and they provide a listing of all payments paid. So, we do a lot of third-party confirmations with revenue.

Capital assets. We do a lot of detailed testing on additions and disposals, sampling those to make sure what's getting added and taken off is appropriate. Like I said, we did a few assets during that process.

The last one is just because they are too big. Significant estimates, again, we do make sure those actuaries are properly following accounting standards and assumptions that are required by the accounting standards and then recalculate the results. We didn't have any adjustments related to that.



Qualitative Components of the Audit

- ❖ Accounting treatments were reviewed for variations from generally accepted accounting principles
- ❖ Financial statement disclosures were reviewed for completeness and accuracy
- ❖ Methodologies for developing accounting estimates were thoroughly discussed with management and recorded estimates were reviewed for reasonableness and evidence of management bias

Qualitative aspects of the audit. Again, everything we issued on modified opinions in line with the generally accepted accounting principles. We do detail review of disclosures to make sure they're complete. We have access to our tools that gives us a 300-page document. We look through to make sure all those disclosures are there. Then we do those auditing procedures over those accounting estimates as well looking for reasonableness and evidence of management bias, which we did not find any. They were all done reasonably.



Summary of Results

Resolution of Matters Discussed Prior to Commencement of the Audit

- ✓ ARPA revenue loss calculation was reviewed during this year's audit, which was new from prior years.

Matters Arising During Fieldwork

- ✓ None other than noted above

Other Material Written Communications

- ✓ Management representation letters
- ✓ Internal control related matter reported regarding purchasing process for certain professional services related to insurance coverage and similar purchases. For our sample of these items, we were not able to verify the selected purchase had been subjected to the request for proposal process as outlined by the Unified Government's purchasing policy.

A new thing this year was, of course, the ARPA revenue loss calculation. That's reflected within the audit, so we did some additional work over that to make sure it was being recognized or allowed to be recognized. We did have one item. A recommendation was in that report that you'll see. There were some longer-term professional services mostly related to insurance, personnel type contracts that we just recommend reviewing. It hasn't looked like we got support that it went through the RFP process, which I'm sure it did. They've just been out there a long time. I know that's already in the works and already being looked at by staff. That's just a recommendation to kind of go back through those and make sure that you have the documentation in place.

Unified Government

Pending GASB Pronouncements

- GASB Statement No. 87, *Leases*, effective 2022
- GASB Statement No. 91, *Conduit Debt Obligations*, effective 2022
- GASB Statement No. 92, *Omnibus*, effective 2022
- GASB Statement No. 93, *Replacement of Interbank Offered Rates*, effective 2023
- GASB Statement No. 94, *Public-Private and Public-Public Partnerships and Availability Payment Arrangements*, effective 2023
- GASB Statement No. 96, *Subscription-Based Information Technology Arrangements*, effective 2023
- GASB Statement No. 97, *Certain Component Unit Criteria and Accounting and Financial Reporting for Internal Revenue Code Section 457 Deferred Compensation Plans*, effective 2022
- GASB Statement No. 99, *Omnibus*, effective 2023/2024
- GASB Statement No. 100, *Accounting Changes and Error Corrections*, effective 2024
- GASB Statement No. 101, *Compensated Absences*, effective 2024

Not going over this whole list this late at night. Just so you have an idea of what your Accounting staff deals with. These are all the standards within the next few years that they're going to have to implement. The GASB is getting more complexed, so it's just a lot of additional work. The top one, I am going to point out because it's effective next year. It will significantly impact your financial statement. It will gross up your balance sheet. They're going to have to do a lot of work during an ERP implementation. I just wanted to point that out that there is a lot of work involved.

GASB 94 is private/public partnerships. A lot of those agreements might now have to get reflected that don't currently have to under current standards. Then 96 is kind of like leases, but it's if you subscribe to software, it will now have to get reported. I wanted to highlight those three because they are going to be a lot of work and could, potentially, materially impact your financial statement.

Other Communications

- Information Security Governance
- Vulnerability Assessment
- Comprehensive Policy and Procedure Review



One of my last slides. We've been communicating this for years with all of our clients but, again, I think you guys know about this now, just really making sure, understanding that information security world. So, I did want to point that out again.

AGH Resources



16



We do have some free CPE resources for any staff that would like it.

Thank You For Your Business!



17



I will open it up for any questions on the audit results before I hand it back over to Kathleen.

Commissioner Ramirez said I'm just curious because I'm not an auditor or a CPA. How does the new standards that are going to be coming on, how do they—is it GASB? **Ms. Laughlin** said yes. **Commissioner Ramirez** asked, how do they—I'm just curious of how they...**Ms. Laughlin** asked, how they do it? **Commissioner Ramirez** said yes. How they create those? **Ms. Laughlin** said...**Commissioner Ramirez** asked, what makes them create those?

Ms. Laughlin said GASB stands for the Governmental Accounting Standards Board. There is a Trustees Board that looks at various practice issues, making sure financial statements are comparable, that users are getting the information they need. So, they're kind of up there at a national level and they come up with these and they put them out for people to be able to respond to like governments or auditors can respond if it's a cost-benefit there or if this is going to be an

issue. It goes through a whole approval process. Once it's approved, it becomes a standard and they put an effective date on it.

Commissioner Ramirez said I was just curious because that's a lot of new standards, so I was just curious. **Ms. Laughlin** said they've been busy, yes. **Commissioner Ramirez** said I was just curious as how they came up with the individual standards.

Ms. VonAchen said first off, I'd like to thank the Accounting Manager Pam Kahao and her staff for all the work that she's gone through, as well as my Deputy CFO Debbie Jonscher. One more thing, we provided to all of you in your packet perhaps maybe three weeks ago, 20 slides that showed the financial trends for performance of the Unified Government. What we did was, we collected all the information in the respective pages of the Annual Comprehensive Financial Report for the last 12 years so that you could see how we are performing. I would recommend that you look at that. We don't really want to spend a lot of time, given the hour, on each of those, but it's very important to see that over the past 10 years, the financial performance or the trends are improving.

I did want to walk you through a little bit through the actual documents that you see before you. Maybe to stay awake, you could open it up or look at your page and I can walk you through it. The first page is the letter of transmittal. I want to point out there that there is a comprehensive kind of discussion of all of the economic development projects that have taken place over the past 5 or 8 years. Lots of information in that part. That's page 5. Page xix is the Government Finance Officers Association Award. I want to point out that we have won that award 21 consecutive years, so 21 years in a row.

Then you get to the independent auditor's report, which, again, we received a clean independent audit opinion. Most importantly, my favorite section, my favorite sections are the management discussions of analysis section, which starts on page 4. It's about 22 pages long. It talks about the entire Unified Government's financial position. I recommend you spend the hour it takes to read that because then you'll have a very good idea of how that is.

My other favorite section is at the very end, and that's the statistical section or the stat section. There are 24 tables in that section. For example, it has the 10-year history of all the mill rates of all the various jurisdictions within our boundaries. Lots of information, 24 tables.

Throughout the document, there are numerous financial statements. Of course, it's complicated because GASB makes us follow these accounting rules which sometimes are a little complicated for those of you who are not accountants. They use three different accounting basis and we have to follow these rules. There's the long-term liability for the long-term, the net assets, the net position, the financial statements, which they call the government-wide statements. Those are the two statements at the very front. They treat the entire government as if it's a profit center or business.

Most of the statements you all look at are the fund financials, which are the traditional statements. Those are the modified, the cool statements. Those don't have all those long-term liabilities included because they're looking at near-term.

The ones that you often refer to during the budget process, those are called the budgetary statements. Those are also provided in the CAFR in the respective sections. Those are the ones that are often referred to as a cash basis. Those are the ones that the state of Kansas recommends using for budgetary purposes. All those statements are in there.

Another key point is the notes to the financial statements. There's about 40 pages of notes that comprehensively, more like 60 pages of notes that talks comprehensively about many of the activities, financial activities of the Unified Government and their liabilities.

The audit is based on actual data. Our independent auditor reviews that. It's based on hundreds of supporting documents, all of which are public record. I encourage you, if you have any questions about any of those, to ask for them through NextRequest and we're happy to provide them, or email, or my staff.

That's all I've got since I don't have the PowerPoint up. I'm happy to answer any questions.

Commissioner Bynum said I just want to make a general statement of thanks. It's 10 till midnight. Bless your heart and everybody else out there for sitting and waiting for this. It's refreshing to have the auditor tell us the 2021 audit results and then to walk through this annual, I won't say it in the correct order anymore because I'm used to saying it the wrong way.

One of the questions that has come up in the community about this document, this annual document, is why is it all this? This should only require a month or two for us to be producing. I'm just curious because I don't know the answer, but we have heard that comment asked by

members of the community that this document should be available to us by February. I don't know the answer to that.

Ms. VonAchen said it takes on average about three months to close the books. What we mean by that is balancing the bank statements and ensuring that all of the revenues have been collected and recorded. For example, there are delays in revenue collection that we have to report in the prior year that we don't receive until the second or third month of the subsequent year. That is part of the delay. There's quite a bit of time that is taken in developing the report. There's a lot of testing that's involved. There's a lot of outreach to various departments for information. All of that is coordination. It's not just the Accounting Department that's involved with developing the audit. It's a collaborated effort of all the UG departments. In addition, we did run into that five-week hiccup with the cyberattack.

I want to make a promise that with the more streamline approach we're going to be benefiting from with our new Workday, the ERP system, I fully anticipate we'll be able to close the books sooner.

Commissioner McKiernan said I want to be mindful of the late hour, but I just want to say to Kathleen, to Debbie, to Pam, and to Tara, thank you so much for all of the work that you put in to put this together, to take care of us throughout the fiscal year. I would encourage any of my colleagues to take Kathleen up on her offer to go talk about this document if you want to get a guided tour. She has been kind enough to spend some time with me and really—every time I think I understand this document, I realize I don't so I call Kathleen and she helps me to ground myself again in this. I can't tell you how much I appreciate your continued work. I would encourage any colleague who has questions to take her up on her offer.

Action: **For information only.**

Item No. 2 – 211735...UPDATE: GRANTS AND GRANT PROCESS

Synopsis: Update on status of grants and grant process, submitted by Cheryl Harrison-Lee, Interim County Administrator.

Cheryl Harrison-Lee, Interim County Administrator, said you have included in your packets an overview, a writing of the update on the grants. I also just want to let you know, if you haven't heard about that, we also received as part of our grant applicant with MARC, \$5.6M for the RAISE grant and you will get some additional information in your Administrator's Report tomorrow on that.

Mayor Garner asked, are there any questions? This was for information only.

Action: For information only.

COMMISSIONERS' AGENDA

Item No. 1 – 211879...TRAVEL REQUEST - COMMISSIONER DAVIS

Synopsis: Request to travel to Phoenix, Arizona, to attend the Engaging Local Government Leaders 2022 Conference, submitted by Commissioner Davis.

Commissioner Davis said going to Phoenix. It's a conference. From ELGL, I know a lot of folks. Some of these very familiar. They do a lot of work on kind of industry standards. I'm excited to bring back some exciting information.

Action: Commissioner Markley made a motion, seconded by Commissioner Johnson, to approve.

Mayor Garner said we have a motion and a second. Any other comments, questions? Seeing none, roll call, please.

Roll call was taken and there were nine "Ayes," Johnson, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

No items.

PUBLIC ANNOUNCEMENT

No items.

Mayor Garner said that concludes this meeting. I will entertain a motion to adjourn.

Action: **Commissioner Markley made a motion, seconded by Commissioner Ramirez, to adjourn the meeting.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Markley, Stites, Davis Bynum, Burroughs, Townsend, McKiernan.

MAYOR GARNER
ADJOURNED THE MEETING AT 11:58 P.M.
August 11, 2022

Monica Sparks
Acting Unified Government Clerk

cg

August 11, 2022

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

SPECIAL SESSION, THURSDAY, NOVEMBER 17, 2022

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, November 17, 2022, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District (arrived at 5:26 p.m.); Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District (arrived at 5:55 p.m.); and Garner, Mayor/CEO, presiding. Townsend, Commissioner First District; was absent. The following officials were also in attendance: Alan Howze, Acting County Administrator; Becky Berger, Interim Assistant County Administrator; Misty Brown, Chief Legal Counsel; Jeff Conway, Assistant Counsel; Brett Deichler, Unified Government Clerk; Monica Sparks, Deputy Unified Government Clerk; Jeff Fisher, Executive Director of Public Works; Gunnar Hand, Director of Planning & Urban Design; Wesley McKain, Manager in Health Department; Stephanie Bell, Economic Development Management Analyst; and LaVert Murray, Economic Development Advisor in Mayor's Office.

Legislative Delegates present: Representative Pam Curtis, Representative Lynn Melton, Senator Pat Pettey (left at 6:00 p.m.); Representative Mike Thompson, Representative Valdenia Winn, Representative Melissa Oropeza, and Senator David Haley (arrived at 5:59 p.m.).

Mayor Garner said before I call this meeting to order, I want to announce that we have individuals attending remotely as well as on-site. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is participating knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

MAYOR GARNER called the meeting to order.

ROLL CALL: Stites, Bynum, Burroughs, McKiernan, Ramirez, Kane, Markley, Garner.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Thursday, November 17, 2022, at 5:00 p.m. in the fifth floor conference room of the Municipal Office Building for a joint session with Legislative Delegates and the Commission.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Garner said tonight we have a joint session with our Legislative Delegation to include some new members and congratulations to them. This is about the upcoming session and items of utmost importance to the Unified Government and everybody in Wyandotte County.

I would like to welcome all the members of the Wyandotte County State Delegation who have joined us this evening. We know that there's more coming along that will be joining us shortly. We're very pleased to have you and that you've taken the time to meet with our Commission and we are looking forward to sustaining this relationship moving forward as we move into the legislative session in 2023. As we all know what happens in Topeka can have a big impact on Wyandotte County and in the discussion tonight we'll value your input from the Legislative Delegation, what needs to be included, what we need to modify, and perhaps what battles need to be left for another day.

We're joined today by Paul Davis, who many of you know. Paul is our lobbyist in Topeka and is a strong advocate for both the interests of the Unified Government and anybody that calls Wyandotte County home. We hope you will utilize his expertise and his experience and insight as we move forward in this coming session. Before I turn it over to our Assistant County Administrator Alan Howze, who's going to walk you through the draft agenda, I would like to ask each member of the delegation to introduce themselves and the districts they represent. We have a lot of new faces in Wyandotte County as far as the delegation is concerned and I think it would be great if we start this off by just making ourselves acquainted.

Representative Pam Curtis said I represent the 32nd District which is downtown Kansas City, Kansas and the surrounding neighborhoods. It grew a little bit. It almost mirrors Commissioner McKiernan's district. It really did before redistricting, so I lost the Armourdale portion of my district and I gained from 18th Street to 635. Now my boundaries are State Avenue, the river, I-70 and 635. It's a pleasure to be here tonight.

Representative Lynn Melton said I'm newly elected replacing Kathy Wolfe Moore for District 36. My district runs south of Hollingworth, north of Parallel, a little bitty piece of 55th to 72nd Street and then 72nd Street to 7 Highway. So at this point I'm just drinking it all in.

Representative Valdenia Winn said 34th District, runs from 5th essentially 75th, State to Georgia and I'm very interested in listening to the priorities and seeing how we can help.

Representative Mike Thompson said I'm newly elected District 33. It includes Turner, Muncie, Morris, Edwardsville, and Bonner Springs.

Senator Pat Pettey said I represent the 6th District and the district goes from 7th Street all the way out to 110th. Actually, if you get over to Parallel and then—so, it's changed just very little and a lot—all of this outside and I could go through the communities; Argentine, Rosedale, Armourdale, Turner, I live in Turner, Muncie, a portion of Edwardsville. In town, all around Ward High School. As I say, it's a lot of Wyandotte County and a small portion of Johnson County. You know we have—Senator Pittman has another portion. It's a small portion of Wyandotte County in his district and then Senator Haley has the rest of Wyandotte County. We're happy to be representing us. **Mayor Garner** said, Senator, you were commissioner as well at one point, right? **Senator Pettey** said yes, I was a Commissioner, District 6, as well.

Representative Curtis said we do still have another member of our caucus, Representative Tom Burroughs, until his replacement is sworn in.

Mayor Garner said thank you and I was just getting ready to get to that because we would all be remise if we didn't recognize Representative Tom Burroughs. He did not run again this year. He

decided, obviously, not to seek that re-election opportunity, but he continues to serve Wyandotte County as a Unified Government Commissioner in the At-Large Second District. I believe he still remains the dean of the Wyandotte County delegation for a few more weeks. I think that's—if I'm accurate.

Representative Tom Burroughs said I believe that honor belongs to Senator Haley, but a fourth most senior member in the entire legislature and that comes with opportunities for our community when that seniority is gained. So, to my senior members that are moving up in seniority, remember home. That's what got you where you are and that's where you'll come when it's over, but it's been my honor and privilege to serve not only the community, but to serve with my colleagues and I wish Mr. Thompson the very best in your endeavors and you know Wyandotte County is our home and that's inclusive of Bonner Springs and Edwardsville.

Mayor Garner said with that being said, I'm going to turn it over to the Acting County Administrator Alan Howze and he's going to take the meeting from here.

Alan Howze, Acting County Administrator, said as a reminder as we get into this conversation tonight that the legislative agenda will come back before the UG Commission on December 1st for approval, so our discussion here tonight is really to kind of flush that out in more detail, and as the Mayor said, to kind of get your feedback and we hope that this will really help you prioritize as we go in—as you all go into the session next year about what the priorities are of the UG Commission.

We do in this year's development of the agenda we tried to reflect feedback we received from the delegation about trying to tighten up the legislative agenda and make sure that it was really focused on what those priorities were. In this agenda it's composed a little bit differently than commissioners would have seen in years past in both that it has a set of potential priorities and what those—in this case 13 items, but really trying to maybe get that down to a top 10 that would be priorities from the UG Commission for their legislative agenda. There's actually 39 items in total. There's 13 that are identified as priority items and we'll walk through those, so you're looking at the word document there for the PowerPoint.

The other thing that is different about this year is that in years past portions of the League of Kansas Municipalities agenda was taken out and put into the UG legislative agenda and I think

members of the delegation found that sort of duplicative and sometimes confusing and it elongated the agenda. So with the exception of two items that are related to STAR Bonds, because those are so specific to Wyandotte County, everything else that is in the League of Kansas Municipalities agenda is sitting within their document and is not in the UG agenda. We're trying to keep it really as focused as we can on Wyandotte County this year. We'll see if we succeeded in that effort.

In the process of developing this, we did survey UG departments to make sure that we're getting input from departments about those legislative priorities and then working with Mr. Davis to identify which items we thought would be sort of most likely to be advanceable this year in the legislative session. There are items that are carried over from the '22 agenda as well as a number of new items. We also sort of tried in this document to identify items whether they were legislation or whether they're appropriations and recognizing that maybe that may make a difference in terms of how the delegation approaches trying to get traction on those issues. Then we grouped them according to four areas; Economic & Community Development, Local Government Operations, Public Health & Human Services; Public Safety and Tax and Finance.

I thought for the purposes of this conversation we could run through all the items sort of in brief and then if there are clarifying questions, we do have staff available that can answer specific questions on items. Then, if there are items that the Commission or the delegation wants to suggest be added to this or removed from it, have that discussion and then leave some time for the priorities discussion as well to really kind of see if we can hone in on what those top priorities are of the Commission for this legislative agenda with the goal being to adjourn by 6:30 this evening. So that's our target ahead of the 7:00 commission meeting, so there's an opportunity for folks to eat before the meeting as well.

With that kind of overview, I'm going to turn it over to Mr. Davis who's going to give us a brief overview as well on Topeka.

Paul Davis, Lobbyist, said it's good to see all of you and I think this is really a unique opportunity for some good dialogue about what the UG's priorities ought to be in the 2023 session. All of you except for Senator Pettey, are fresh off the campaign trail and you've been talking to lots and lots of your constituents and probably have the pulse of your districts as well as anybody. I think you've been hearing on the doorstep about what people are interested in and want to see from the

State Legislature and so I hope you'll express those opinions here because I think they're definitely very relevant.

I don't want to get too much into the election results because I think everybody knows what happened and they are glad the elections are over. You can now safely turn on your television and not have to see the mudslinging tv ads. No matter where you are on the political spectrum, I think everybody agrees that they're relieved when that happens. One thing—some comment that was made to me by somebody that I think is kind of relevant is there's always change with every election, but actually if you look at Topeka now versus what it's going to look like when you convene on the 9th of January, it's going to be pretty similar. Things have not changed a great deal. The same Governor is going to be there, a couple of different statewide officeholders, but the composition of the legislature is largely going to be pretty much the same as it has been before. When you have a gubernatorial election, I think everybody knows the Governor more than anybody else sets the agenda of what's going to happen and they prepare the budget.

I think probably the attribute of the Governor's office that has really the most power is the preparation and submission of the budget. I mean they really set the baseline for what's going to be considered budgetwise and you oftentimes don't know what exactly is coming down the pike. Governor Kelly talked about a lot of things on the campaign trail so we know what some of those things are going to be. For instance, moving up the elimination of the food sales tax is on her agenda and definitely will be proposed, but there are probably a lot of other priorities that were yet to hear about and maybe some of you have some insight on some of those from discussions that you've had with the administration.

Alan and I have worked together to try to pare down, I think he may have mentioned we had about 100 items on this list originally after all the departments were surveyed, and we tried to pare that down. If any of you get complaints from people in the departments about their specific items not getting on the list, you can defer blame to Alan and I for taking some of those items off and we tried to list some of those priority items, but I think really, hopefully, through this discussion there may be some changes to what you see as priorities. So, just look forward to discussion and here is a resource to answer any questions or any insight that I can offer. Alan, I'll send it back to you.

November 17, 2022

UG Legislative Agenda

Discussion with Wyandotte County Legislative Delegation



November 17, 2022 Legislative Agenda

Mr. Howze said there are several documents at your seat. There's this brightly colored one. The League of Kansas Municipalities document. This is the one the League puts out and I'll note that the Mayor is on the Executive Board of the League of Kansas Municipalities and this is something that the League puts out every year which is a statement of priorities across a bunch of different municipalities, so there's a lot of common ground in here with other cities. Again, with the exception of two items related to STAR Bonds, this agenda stands on its own and is not inclusive included in the UG Legislative Agenda, but I wanted you all to have it so you can see what is in the League Agenda and if the Commission so decides, they could endorse the League Agenda or just let it ride.

You also have this word document which you received ahead of time and I think Mr. Davis sent this out to the delegation on Tuesday, so hopefully, you had a chance to look through it. This is the 39 items now that are kind of the meat of the draft proposed Legislative Agenda.

Potential Priority Areas

1	Star Bonds & Food Sales Tax	7	Substance Abuse Treatment
2	Expanded Development Financing Tools	8	Clean Slate Automated Expungement
3	Childcare and Pre-K expansion	9	Mental Health and Jails
4	Medicaid Expansion	10	Funding Public Defenders Office
5	Foster Care Support After Age 18	11	Reducing Violence
6	Drug Paraphernalia Definitions	12	Extreme Risk Protection Order
		13	Alternative Revenue Sources



November 3, 2022 Update on Severe Winter Weather Shelter

Page 2

As I mentioned, staff working with Mr. Davis, kind of took a swing at what these top potential priority areas could be and this is from listening to the discussion amongst the Commission and what is other kind of bodies of work within the UG. This is the initial list that we came up with

November 17, 2022

and, again, I think we can go through these and then kind of come back around towards the back side of the discussion and see whether there are changes to these priorities that would be recommended for the legislative agenda.

Starting with the first one, Food Sales Tax, obviously we just heard about this and the elimination of that and then the challenge specific to the STAR Bond districts and making sure since our STAR Bond districts relies in part on that sales tax, that that doesn't get cut away in a way that leaves that sales tax district more vulnerable. Maybe I'll pause there and see if there's any questions on that one.

Commissioner Burroughs said I think it's significant the impact the STAR Bonds have had for Wyandotte County and is extremely important that we keep that momentum going and I think it's only been reinstated for three, quite possibly for review, no more than five, so be mindful there's a very short window and there will be request to change it. Just be mindful that every little change can have a dynamic effect on what we've accomplished here and what we can accomplish with STAR Bonds moving forward. Those of us that have been around STAR Bonds long enough to know that there's a lot of people out there that wants STAR Bonds to meet their projects, but don't want the project to meet the criteria of STAR Bonds. I think we've been very fortunate to be able to utilize STAR Bonds and were held out as an example of how they work and I would just encourage us to be mindful that is something that has been very important to this community.

Mr. Howze said I would say too that these are numbered, but they're not numbered in any attempt, you know, what is number one, what is number two. They're just numbered so that we can refer to them so in the prioritization process. We can come back and if you all have strong thoughts about the ranking of those we can incorporate that, but didn't want you to see this and be like that number one is the very most important.

Senator Pettey said I don't want to leave out saying that Food Sales Tax definitely—I'm glad to see is number one. It's going to be one of the number one things on the Governor's State Agenda and that doesn't mean that the legislature is going to embrace that movement, although I'm sure that every legislator running for office heard that at the door about, you know, food costs have

gone up. I would say definitely it should be at the top of the Wyandotte County agenda to see that because our citizens would all benefit from that.

Mr. Howze said the second one here, Expanded Development Financing Tools. This is one that is kind of an extension of the second story legislation that Representative Curtis worked through last year and would expand the set of financing tools that are now available—that rural counties would be available to Wyandotte County as well. Representative Curtis, do you want to add anything?

Representative Curtis said yes. The city of Topeka what they did last year on that same piece of legislation was they added that the whole city of Topeka would be eligible for our HID which then made them eligible for all of those role incentives for housing, so we should consider that for KCK. But then I also, just in thinking about it, we should insert every time we're talking about incentives that are specific for rural communities, we should insert rural communities and economically distressed urban areas. We should insert that in everything that comes across like every time we see that, every time we see a specific to rural and economically distressed urban areas because we all share a lot of the same challenges. Even though our approaches might be a little bit different, there's no reason to separate us geographically that way so we should help the most challenged areas in our state, so yes, definitely I support that and will continue to work on it as much as I can.

Commissioner Ramirez asked, what are a couple examples of what are those rural incentive programs that we don't have that ability to get to? I'm just curious. **Representative Curtis** said one that I would be particularly interested in was the pot of money that was set-aside for pretty much Workforce Housing. The jobs that we are creating in the state that make between \$60-\$80K, what kind of house can that person or that family afford and so that's the kind of housing that we need to be building and so we know that there's a gap in that so the rural communities now have a pot of money that they can access that will help them.

The other thing that I think would be helpful for our community is that when we did all of our demo we didn't do it anticipating that lot was going to be developed on at some time in the future. So right away when we have somebody, particularly on Land Bank property, when we have somebody who wants to develop that, right away their first costs are doing all of the remedial stuff, all of the environmental cleanup, so if there would be a way to access one of those pots of

money that has that flexibility to address that, then maybe we could be building more affordable housing or helping with that. Those would be a couple of examples.

Mr. Howze said moving to number 3, Childcare and Pre-K Expansion. This is a new item that has not previously been on the agenda and it's really kind of emerged from the economic development perspective and then a focus both of the Community Health Improvement Plan and WYEDC have spoken extensively about the need for this and the barrier that it creates for job creation and families.

Representative Pettey said I'll just say you already know we're in a desperate situation here in Wyandotte County when it comes to childcare availability and affordability. There is a group, I'm serving on it as well as Commissioner Davis, it's Raising Wyandotte and we have a grant to proceed with planning strategies for how do we address that. This is a great item to have on here because this is not just a critical need in Wyandotte County although we probably are—of the larger counties, we're probably in the worst shape of all when it comes to childcare affordability and availability, but it's statewide. It certainly is an issue that we need to work on and need to be supportive of.

Representative Curtis said just to add to that, last year we did pass the Business Tax Credit—Childcare Tax Credit which does allow businesses now to have a tax credit if they are providing childcare for their employees. That would be something I've been asking at the recent briefings that we've been on, does anybody have an example of a business that has taken advantage of that tax credit because that would be very helpful if we know that is an incentive that is working to be able to expand upon that or at least address that when we go back to session. I'm not really sure, you know, this happens a lot of times, we will pass legislation and there it sits, but it really takes somebody else then to take it the one step further. That was kind of like with the upper story, I think there was maybe some enabling stuff that you have to do to allow that to happen. It's like that with the business Childcare Tax Credit, who's responsible for going out and marketing this, so like all the business that we have in our community we should figure out some way to get that information to them. Maybe this is something that they could take advantage of.

Senator Pettey said I would agree because that's been available to large corporations, but not to small businesses and now it's available to any size business to either provide their own or to contract with and it's a 50% tax credit. It's a great incentive but you have to have the workforce as well as the Childcare Workforce in order to contract with them. That's the other important piece.

Representative Winn said I would like to add that Representative Curtis and I also serve on a working group on that same topic so—**Senator Pettey** said we're on the same one. We're actually all on the same one. **Representative Winn** said so we are likely to have to want to continue this conversation because there are things that the local government can facilitate this initiative.

Mr. Howze said number 4, Medicaid Expansion. I don't want to skip right over this, but I think people are fairly familiar with it, well-trod ground, but it is certainly a priority and a tremendous benefit of opportunities for Wyandotte County.

Senator Pettey said another economic development tool that our citizens need so much and it's going to be—the Governor has always supported Medicaid Expansion and she will be pushing and it'll be in her State of State again this year.

Mr. Howze said number 5, Foster Care Support After Age 18. This is the issue of children that age out of foster care, kind of have a steep cliff where they hit 18 and then there's not support underneath them and so there's a risk that they have in terms of showing up in the criminal justice system and other risk factors. This is really thinking about are there ways, and I think other states have started to look at this as well, to provide support for children who age out of foster care so that they have a better shot and a stronger start as they go into adulthood.

Mr. Howze said number 6, Drug Paraphernalia Definitions. This kind of has two flavors on this. This is related to sort of both marijuana and the definition of paraphernalia under state statute that can allow for charges on the possession of paraphernalia around marijuana. So that's part and then the other part is around—that is not legal to have needles and syringes in Kansas and so any sort of needle exchange programs or anything like that, that begins to try and address harm reduction with regard to the opioid epidemic are not permissible under current state law. This is really kind

of two of those that fall into that drug paraphernalia definition piece that have been recommended for this agenda and it really come through our conversations with the Health Department as well as with other public safety agencies.

Mr. Howze said number 7, Substance Abuse Treatment. This is again kind of related to the opioid epidemic and expanded state funding for inpatient and outpatient treatment facilities in Wyandotte County. You know we've seen the increase in overdose and deaths associated with that and we've also seen now that they're some of the changes that Wyandotte County is losing its only—or its major inpatient facility with the closing of Mirror, Inc. at the end of this month. There's both an increasing need and a decrease in supply within Wyandotte County of inpatient substance abuse treatment centers so that's where this item comes from.

Mr. Howze said number 8, Clean Slate Automated Expungement. This was on the agenda last year and this is related to the automated expungement of qualifying criminal records from public view as opposed to going through the process of petitioning to the court for that.

Representative Curtis said fingers crossed that we have success this year. This is something that we've now introduced for the last three years. It started with our Healthy Communities Wyandotte. It was their initiative. I kind of helped champion it, but it really became the House judiciary's committee work and so almost everybody on that committee is very passionate about trying to get this bill through. It went through the Judicial Council. It's scaled way back from what our coalition would really like to see, however, it gets the ball rolling. It puts a process in place that then would be easily expanded to other expungements. So, fingers crossed, this year we get it across the finish line. We got it out of committee, full support. I really don't think there will be much objection in the House, but then we'll have to work with the Senate and you never know what's going to happen there.

Mr. Davis said I might just add to that, one of the impediments has been the opposition of the County and District Attorney's Association and due to a lot of Representative Curtis's work, they are no longer taking that position and that's going to help significantly.

Representative Curtis said in fact they even appointed a member to be a member of our committee, so they're meeting with us on a monthly basis. So, yeah, we won them over.

Mr. Howze said number 9, Mental Health and Jails. This is really related to full state funding for mental health services including additional bed space. This also has to do with the waiting list now at the state facilities related to the criminal justice system and you know that wait time then translates directly into dollar costs for Wyandotte County in terms of people staying in the Wyandotte County jail that should be getting evaluated and/or treated at state facilities. So there's both a need for this from a treatment perspective as well as from a cost perspective.

Commissioner Bynum said, Alan, just a comment that I've been thinking about over the last few days and I think it pertains. We had a homeless camp set up near a neighborhood where they have requested the police assist with—basically it was on private property where the police assist with a trespass warrant. So, I'm assuming those one or two or three; however many people are there, are going to jail. You may know better than me, but, you know, where else will you go.

Then just yesterday I was telling Commissioner Burroughs about a gentleman who had appeared to set up his spot a couple miles from where I live and it was just a really odd spot. Right after we talked about that, on my way home I turned the corner and there's the two police officers dealing with him. Once again I thought he's headed for jail because where else will he go. Sadly, we just don't have the resources.

I'm sure that many of our folks who are homeless are also dealing with mental health or substance abuse or both and so when we talk about this item I just think the increase that we are all seeing with our own eyes of houseless individuals in the community are exacerbating this issue that was already a pretty serious issue before the pandemic.

Commissioner Stites said I think it's important to point out that just because you are sent out to a dispatched call for trespass does not mean that you're automatically going to jail. You can be issued a misdemeanor summons. You can be verbally warned to vacate the private property, so it's not an automatic you go to jail.

Mr. Howze said we are seeing the increase in the unhoused across the community.

Mr. Howze said number 10, Funding Public Defenders Office. This is really funding for the Public Defenders Office. So the establishment went through last year through the Board of Indigent Services so this is really an appropriation support request to make sure that board has

sufficient resources to be able to stand up the Public Defender's Office. That's sort of the next and final piece to that, to that standing up.

Someone said I just want to be clear, so that's an appropriation at this point, right? **Mr. Howze** said yes. On this document on the right side it says whether it's appropriation or legislation.

Mr. Howze said number 11, Reducing Violence. Also an appropriation and this is around funding for communities like KCK that wish to establish violence, interrupt, or cure violence kind of programs using evidence-based approaches. This is also a new one and looking at how we both at local government, but also can partner with the state to reduce violence within the community.

Mr. Howze said number 12, Extreme Risk Protection Order. This is one that's been enacted in 19 states and it's really a tool to allow law enforcement to take a firearm from an individual that is deemed at extreme risk either to themselves or to others and provides that kind of due process protection to make sure that's done fairly in a way that people can get their firearms back. This is, again, one that's been recommended here.

Mr. Howze said number 13, Alternative Revenue Sources. This is the last of the priority ones. I know the Commission has had a good bit of discussion on this through the budget process this year and so you know part of this is allowing cities to identify and use alternative revenue sources that best suit that individual community so that Wyandotte County and KCK and the cities within Wyandotte County can make those choices around revenue sources that best suits that community. Are there any commissioners that want to say anything on that? **Someone** was inaudible.

Representative Curtis said I think, you know, definitely we're all familiar in Kansas City about a local earnings tax and I think that has been introduced before. That has come up at our Town Hall meetings, a request from citizens to consider introducing that, but I don't really know the history of what has happened. I know it hasn't been successful in the past. I also think perhaps another thing is that statutorily we should be funding ad valorem tax, so that would help. You know as far as revenue funding sources we should be funding the revenue funding sources that are there now that we aren't funding. That would go to help our cities and counties with property tax reduction particularly.

I would say that would be an item I would think that you would want to advocate for is just funding the revenue source that's already supposed to be coming to you.

Commissioner Bynum said that's not the only thing over the years the state has removed from local government control; Machinery & Equipment and you can probably speak to this much more eloquently than I can, but you're absolutely right. What I don't know and we should probably find out, if we don't know in this room, is for example, on an earnings tax I just cannot remember if locally have we asked that question in our community survey and what was the answer because it would be helpful for us to know if we were going to try to work towards something like that what's the community input on that. But, yeah, all of that I think could have been super helpful just this past year in trying to balance the budget that we just went through.

Senator Pettey said I was here when this Commission supported an earnings tax, but I'm going to say I don't think that has any legs in the legislature. I mean everybody who was campaigning, what do you hear people complain about the most, taxes, so talking about earnings taxes, I don't know from your surveys either what the results are.

Commissioner Markley said the only thing we've asked in the survey specifically about is the parks related tax. That's the only tax.

Commissioner Stites said I just wanted to echo Senator Pettey on the taxes, property taxes. I'm sure that you all are getting the emails like I'm getting and the texts and people that are receiving their bills now and how shocked they are and how high they are. Reducing the taxes, in my opinion, is very important.

Commissioner Burroughs said I want to talk about the ad valorem. I think the Governor last session or the session before last introduced \$49M to be reimbursed to local governments. Over the last 10 years they've taken \$2B away from local governments in ad valorem taxes, but that was to start that payment back and we would continue to kick that down the road.

In reference to the sales tax, any tax issue in this community is going to be met with scrutiny, but I would just state to remember the approval of the legislature is important on that and our members to the south now have the largest voting block within the caucus. I would just share

with you that even if our community wanted it, it would be a difficult lift when those that come in to work in our community choose to go back. They don't want to have to pay that additional tax so I think we've all dealt with that, but that's how it works through the legislative process. I'm going to miss working with you all on that one.

Mr. Davis said I might mention one item that's a little bit farther down the list, but Commissioner Bynum and I had a discussion about the sports wagering bill that passed the legislature last year and the revenue from that does not function or equate like the gaming revenues do from the casinos where there's a local share. As you might recall, the vast majority of that money is going into a "professional sports fund" that is aimed to maybe lure a certain professional team to come to Kansas. But I think it's fair to say that there was a lot of consternation about that provision in the legislature and so I've certainly heard some discussion about how that may be revisited and if it is revisited, there's an opportunity for those local units of government I think to make its case to the legislature that those funds ought to equate to how regular gaming funds work with regard to the local portion.

Mr. Howze said I'll add that the ad valorem tax is an item in the LAKM Agenda which is one of the reasons it's not on ours, but recognize that it's an important one.

Mayor Garner was away from the meeting from 5:46 p.m. to 6:14 p.m. Commissioner Bynum was Mayor ProTem during his absence.

Economic Development

14	Prevailing Wage
15	Community College Funding
16	Tourism
17	STAR Bonds and Economic Development
18	Riverfront Authority



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Mr. Howze said number 14, Prevailing Wage. This was in the 2022 Agenda and it's prevailing wage on Public Works projects, Economic Development projects when tax incentives are given.

Commissioner Kane said we have guests and people watching on tv so I can't say what I really want to say, but I will say this, prevailing wage in my mind needs to be in the top 10. It stripped us of people working here that live here where they now have to go on the road to perform the function. Then they bring people in from Minnesota and Texas to perform the job at half the price or less with no benefits, no insurance, no nothing and so in my mind that needs to be in the top 10 and trust me, the Governor has heard me more than once and she will hear me again.

I do want to comment on the Food Sales Tax. The first thing when I talked to the Governor-elect when she first got elected, but not sworn in, I talked about prevailing wage, Workman's Comp, and then I switched to being a commissioner and I said the elimination of Food Sales Tax because it hurt Wyandotte County and now that the food is really going up, it's a great time to lower it down.

Commissioner Ramirez said I just second everything Commissioner Kane said. I know a lot of members of our delegation have been continuing over the years fighting for prevailing wage even to the point of just for Wyandotte County, you know, not even the state, just Wyandotte County. I would agree that should be at the top of our list because it would greatly, greatly benefit our community. I thank you to all those who have continued to fight for it and to try and bring it back to Wyandotte County.

Representative Curtis said I would say we really need help on educating legislators on some of these issues. Now we have a whole new crop of new people and for years I've tried to do prevailing wage and now I have a new crop of people and I have to go back and go through it again. If you don't lay that groundwork, if you don't educate them, then it's real easy—it comes up on the floor, I get an opportunity to offer an amendment and then the Kansas Chamber sends out an email blast, vote no. It has been killed so many times.

Commissioner Kane said let me tell you how this Chamber works. We had a pamphlet that UMKC came up with and it said all the reasons why you should do this. The Chamber got up there and Stephanie Clayton was a Republican at the time, House Rep, got up there and they say where's your book, it's in the truck. She said go get it, so they said we'll talk about it the next day and never brought it up again and you're right and Representative Curtis has worked her tail off on this. A bunch of these folks have worked their tails off on this, but somehow we need to get the message that this—they wouldn't want this to happen to their families or their family has to go on the road to work when they're building projects right here.

If you remember, the bridge just fell not too long ago and the quality of work that's done by the unions is inspected, there are skills they have to learn, the apprenticeship program, there's things that—and Commissioner Bynum's husband done it all. You know the training that you have to go through to prevent this from happening, then you bring these guys in and one of the state reps said you can take four people that have never worked construction with one guy that's worked construction and build a safe bridge and I about passed out because that's not true. This in my mind is a very large item and I appreciate the work you've done and the work you're going to do. I'm looking at our two new Representatives. Thank you in advance before me talking to you.

Senator Pettey said with prevailing wage maybe the time has come when we particularly talk about salaries and having a workforce being able to provide quality jobs in a workforce and look for local employees. I think that's another—and businesses now just like childcare are embracing some of these issues. Not so sure about prevailing wage yet, but I think we have the economy in our favor when it comes to prevailing wage as well.

Commissioner Kane said I apologize. I meant to say that the new three House Reps.

Mr. Howze said number 15, Community College Funding. It's related actually back to the property tax as well which is, you know, increased state funding for the community college system, decreases the pressure on property tax funding as the mechanism for community college funding. So that's where this item emerged from.

Mr. Howze said number 16, Tourism. This was on the 2022 Agenda and this is an enactment of a Comprehensive Tourism Plan and recognizing that it's such a critical part of the local economy in Wyandotte County.

Mr. Howze said number 17, also on our previous 2022 Agenda around STAR Bonds and ensuring that STAR Bonds continue to be a viable Economic Development tool.

Mayor ProTem Bynum said could I just stop there for a minute. Could I have you help me make sure I understand the current state of affairs with STAR Bonds because I honestly don't know. Who wants to help?

Representative Curtis said Tom can say where we're at. He can probably recall that more, but again, when we modify STAR Bonds and we offer to our rural communities a threshold of \$3M, we should have also included the economically distressed urban areas. I'm okay even if we tie to that like also has some connection to a historical site because again to me our most historic sites in Kansas—you know the Quindaro Ruins and Kaw Point and then you can even include the Central bridge which connected our two states over to the stockyards, but those are our historic sites and it seems to me like they're perfect STAR bondable projects and they're in economically distressed areas and they can be transformative. So, again, every time we see that rural thing, let's put in that economically distressed urban areas. Tom, I think it's a much higher threshold now for 75—**Commissioner Burroughs** said now \$75M. It was \$50M to begin with and there's only—that state ceiling is 50% participation and now there's also been more transparency and more scrutiny that those that do the auditing has to be—can be picked by the Lieutenant Governor's Office, Department of Commerce, so that a feasibility study in the past, that might have been ordered by a local government through a firm. Now the Secretary of Commerce and/or the Lieutenant Governor makes that selection as to who will do the feasibility study to ensure the numbers are a little more accurate and transparent.

STAR Bonds was changed to raise a threshold and 50% is the threshold they want to keep participation at, but I really believe that the lower you can keep the state's participation the local government's participation, the better the project because there are some concerns about what they call false equity. If they took down a bunch of property for \$100K and once they take it down and it's not going to be part of a STAR Bonds project, the value of that property jumps up to \$50M and that false equity then went to the developer and then the state's portion came in and the numbers didn't work out. It's not that the communities are on tab for those STAR Bonds, but the states money has to go to retire that debt and so there was concerns over the years. I will state this, that we've been very fortunate in Wyandotte County that we are held up as an example of how to work it and work it correctly versus other areas across the state. So that's why the changes have come forward with STAR Bonds, but again, it's the best economic development tool in the nation as an incentive.

Mayor ProTem Bynum said so, Commissioner, \$75M minimum value input for it to qualify and then you're saying no more than 50% participation at state or local level for public funding and is there a timeframe? When you all have updated the STAR Bond legislation, is there

a sunset on that or is it just until you make a change again? **Commissioner Burroughs** said no. Anytime you make a change to a STAR Bond project it's got to go back through the analysis, again, the feasibility study. The sunset on the bill is—I can't remember if we settled on three or five—**Someone** was inaudible. **Commissioner Burroughs** said is it five? We settled on five years from the close of the legislation. It might have been putting into the register so from that time it would be five years. But under the original STAR Bonds legislation that we utilized to develop Village West, I did put a very short window that if you didn't break ground within the first 18 months you lost all opportunities to utilize STAR Bonds because we were the first project out. As a matter of fact, the DeSoto site where the Panasonic is now going was the original site for a STAR Bond project, which would have been the Land of Oz that was brought forward by a Senator. I think it was Senator Ben Vidricksen, as a matter of fact, and we grabbed on to that to keep the NASCAR from moving to Kansas City, Missouri.

In addition to that, not only did we pass the STAR Bond legislation and put the Speedway in it, but we also—the local units of government had just changed from 10-year tax abatement to 20 years. Then when the Speedway came forward, they wanted the full 20 years and they'd only been on the books less than six months and then the Speedway came back and said they wanted 30 years and so we had to carve a special piece out to ensure that all the development around the Speedway wasn't given away to a 30-year tax abatement. That's when I carried an amendment on the floor to develop the Legends area which allowed local investors the opportunity to develop that area. STAR Bonds has a lot of different triggers, Commissioner, and I appreciate you, but it's an important tool that's been very good in Wyandotte County.

Mayor Pro Tem Bynum said I think, therefore, it has to stay in the forefront of our agenda and maybe not sitting at 17 but maybe a little higher.

Senator Pettey asked, could I jump ahead, I'm sorry I have to leave, but I wanted to mention number 32 which is the Youth Fatality Review Board. That was a priority in the UG's agenda in the past and, of course, we were successful at getting a local Youth Fatality Review Board and then the state Child—Youth Fatality Review Board raised some angst about security of local boards, so that is in the works. I would encourage the Commission to look at putting that higher up than number 31, sorry.

Mayor ProTem Bynum said welcome Senator Haley.

Mr. Howze said, Senator Pettey, just to clarify, so there are additional legislative fixes around the Youth Fatality Review Board working through the administrative process. **Senator Pettey** said I've actually been working on this for two years with you guys and I know there is—well, I'm hopeful this is still in conversation of what has to be done for that to—we're the only, other than (inaudible) we're the only one that has a Youth Fatality Review Board and there's reasons why you want to have it and I think that you should continue to work for having it back in place because the State Youth Fatality Review Board has raised some objections. Well, they say that the membership is not as secure in their information and so that's been one of the issues. Paul might have some more information there.

Mr. Davis said we did get a bill that was—we worked with Senator Pettey, and folks at the Health Department worked on a bill, that I believe Representative Burroughs got introduced near the end of the session. We just didn't have time to be able to work the bill, but I think the legislation is there and ready to go and so we can just get on the process earlier and hopefully get it through this time.

Mr. Fisher said we'll jump back here to our last one on Economic Development, number 18, which is Riverfront Authority. This is a new item for this year. This is kind of emergent from all the activity that's taking place around the river and the desire to utilize the river as an economic development and recreational asset. This would be looking at what is the structure—is there a structure that would help to facilitate and accelerate that development.

Local Government Operations

19	Alternate Construction Delivery
20	Energy Efficiency



Mr. Howze said we've got two under Local Government Operations. Number 19, Alternate Construction Delivery, so this was in last year's agenda and there was some movement on it, but as I understand it, and Mr. Fisher is here if there are specific questions, that the threshold is not sufficient to allow local governments to really access that tool for design/build construction manager at risk. That's why it's remains in the agenda for this year.

Mr. Howze said number 20, Energy Efficiency and Development of a Statewide Energy Policy. This was a carryover from last year's agenda as well to allow local governments to act individually or in cooperation with others.

Commissioner Ramirez said I support all of this and then just in general I would be remiss if I didn't state for our delegation to continue to advocate and protect local control. Since we're under the heading of Local Government Operations, you know, protect our local control and be able to take care of our own affairs without state interference. So, I just ask the delegation to keep advocating and keep fighting for our local control.

Public Health & Human Services

21	Local Health Department Funding	25	Adequate Funding for Nutrition Services
22	Expedited Partner Therapy	26	Fentanyl Testing Strip Legalization
23	Remove Active Consent for School Surveys	27	Good Samaritan Overdose Law
24	Funding for services to Senior Populations	28	Source of Income Discrimination



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Mr. Howze said Public Health & Human Services. We've got a number in this area. Number 21 is Local Health Department Funding. This is an appropriation request around increased investment in public health funding. As you can see in the description there, the State of Kansas doesn't invest a lot compared to other states and certainly we have seen the benefit of that investment when it's made in our local Health Department and its ability to respond and address local health needs.

Mayor ProTem Bynum said that's a big one for me. I mean obviously everything we've been through and you know our local Health Department has done so much. I won't say with so little because it's an expensive preposition but we've got to keep—I think we've all come to

understand the value of a local Public Health Department, sadly, more so than we probably ever understood before. Now we do understand and just anything at all that can be done to support local public health.

Commissioner Ramirez said just to add on that, you know, I would tell our Health Department, and this is not a knock against them, but it's a department that's kind of in the back burner that's just in the back working, doing their job for the community, that's never really up front. You know we hear about our Economic Development, we hear about our Planning, our Budget, our Finance, but not so much our Public Health Department. During COVID, during the pandemic, they were the forefront of operations. They were the ones taking care of everything, controlling all of this. They are our Health Department and was the best in my mind and the best in our state that was able to work with us, work with the community and do what was best for our community. They based it on the science and not the politics of the issues. I completely agree and second everything that Commissioner Bynum said. This is something—we need our Health Department. They need the resources. They need to provide—Wyandotte County is still one of the unhealthiest communities in our state. Our Health Department needs the resources. They need to help us get out of that ranking.

Mr. Howze said number 22, Expedited Partner Therapy. This was a carryover from last year and this is legislation that would allow for automatically giving prescription therapy to a partner in a sexually transmitted disease instance to reduce the spread of that.

Mr. Davis said I might just add to that, that bill has passed the House before, but I think there is one senator in particular who has been an impediment to that, but just wanted to point that out. Not you. **Senator Haley** said thank you for the clarification.

Mr. Howze said number 23, Remove Active Consent for School Surveys. This is also a carry forward. This is the removal of active consent for school surveys to allow for a better survey pool that allows for the Health Departments to make better decisions.

Mr. Howze said number 24, Funding for services to Senior Populations. This is an appropriation request that comes through our Area Agency on Aging that we have full funding for home and

community-based services and really increasing funding to support some of our most vulnerable populations.

Mr. Howze said number 25, Adequate funding for Nutrition Services. This is an appropriation request and this is around restoration of state funds for nutrition services for older Kansans and caregivers and this is another funding area that has kind of sat stagnant for a long time and the Area Agency on Aging sees the effect of that in their service delivery to the community as well.

Mayor ProTem Bynum asked, 25 is specifically to older adult population? **Mr. Howze** said it is, yes.

Mr. Howze said number 26, Fentanyl Testing Strip Legalization. This is a harm reduction strategy related to the opioid epidemic which is to allow—and it goes maybe perhaps a little bit with drug paraphernalia. One we saw earlier allowing for fentanyl testing strips so that people can test whether there's fentanyl and drugs that they are consuming and to prevent what has become a more common occurrence where people don't know that it's there. They ingest drugs and they have an overdose and so this is another one of those harm reductions strategies.

Representative Curtis said we actually had an amendment and had that one introduced on the House floor but it didn't quite garner, so it's going to need some—again, like some of these issues, they need some, you know, just hardcore education with legislators so that they understand them better when they come forward like that, otherwise it's kind of hard to get them over the finish line.

Senator Haley said to the fentanyl issue—to those who I haven't met, I'm David Haley from the Fourth Senate District. Ironically I'm coming from Topeka on the Sentencing Commission, which I—pardon me again for being delayed. One of the issues is how we balance the crime meeting the time and paraphernalia in and of itself and what constitutes drug paraphernalia and the use of certain substances. It's a major issue that really causes great disparity between Kansas and now actually Missouri when we look at other issues for substance possession and how it will be changing in Missouri among others. We're trying to get a grasp of how we bring balance to it and as Representative Curtis just stated, it made it through, the fentanyl on the strips made it through the House, got over to the Senate and in Conference Committee it was confused.

The educational curve I think will be in place easily enough to get this through probably at the beginning hopefully. It was just a glitch toward the end as to whether or not this was a greater enabling of what is an epidemic in our country and indeed our state regarding the use and possession of fentanyl. I think a little better understanding will be in place and we'll be able to get this legislation through and check it off our list rapidly.

Mr. Howze said number 27, Good Samaritan Overdose Law, in a similar vein. This is again encouraging people who find themselves in a situation where someone they're with overdoses, that they feel like they can call 9-1-1 without fear that they will be arrested when somebody shows up. We want people to call, we want people to get help, and we don't want them to not do that because of fear of prosecution.

Mr. Howze said number 28, Source of Income Discrimination. This is from our Health Department and our Human Services Department and this is a source of income non-discrimination policies and what this is related to is recognizing that there are up to 400 vouchers estimated in Wyandotte County, housing vouchers, that go unused in a given year because landlords don't accept those. So this would codify that those are required to be accepted.

Commissioner Ramirez said this is something that—I think I believe I had a conversation with Commissioner Bynum probably a year or two ago about this. This was something that I—and I believe I've talked to our Legal Department about too in the past of something for Wyandotte County to pass as ourselves as an ordinance. I believe this is something that just because of where your income comes from should not be a detriment for housing. If you can check all the boxes that you have good rental records, if you have no bad marks against you, but just because of where your income comes from, that it's not from a job, it may be from alimony, it may be from federal purposes if disability, social security, I believe a landlord shouldn't say no to you just because of where the money comes from.

I am a very firm believer and support this as something that we should continue to fight for.

Mayor ProTem Bynum said, Mr. Howze, I'd like to derail the rest of the bullet points and make sure that I say to my fellow commissioners that if there's an item 39 through whatever, 35 through

39 or whatever number we're on, excuse me, 29 through 39, and I'm going to do it quick because the Mayor's coming back, make sure we bring that up. What I want to just make sure we get on the table for this room is what this community needs desperately is your help and support with every single possible infrastructure dollar that can come to Wyandotte County period and it really sits at the top of all of this for me. There are funds from almost every federal department of government, many of which are being funneled through the state, if I'm not mistaken, correct me if I'm wrong, that a lot of those dollars are going from fed to state to local. Several of us have sat in conversations with the Secretary of Transportation and, which is a real learning experience I will add, to learn things about how many bridges there are in the state. I think we are, through the Mayor's efforts and these partnerships that we're creating in some of these large grants that we're writing, we're actually making some headway. But by golly, if there's anything, anything at all, that needs more attention than that, I really don't know what it is. So I'm just asking, please whatever support you can bring, so I'll stop there, but I sure didn't want to leave our time together without putting that on the table because I really think it's one of the largest things that confronts us as a local government. I'll stop talking for a moment. Mayor, I took advantage of you being out of the room.

Representative Curtis said, Commissioner Bynum, I would just echo that. I mean I've spoke to many of you. You know infrastructure is at the top of my list because in downtown KCK we are getting choked off. Like we are getting choked off. You can't get around the town and we desperately need some attention on infrastructure and I've been engaged in some of those conversations. A lot of those federal dollars that are flowing for infrastructure are federal dollars that we have to apply for and that is why KDOT through Secretary Lorenz, they set up that infrastructure hub and she has been very clear, do not wait for us. Like if there's a program, a bridge replacement program that will fix the Central Avenue Bridge and get it reopened, please apply for those funds. We've got to be aggressive about that.

Commissioner Bynum said I won't speak for our Public Works Director, he's in the room, you know there's no way he's not looking at that hub, but I'm speaking from a policymaking place, but I do know that for Kansas Avenue specifically, we've got the mega grant in process and it's a big one. We need it for Central and we need it for all those other locations, but infrastructure in general, it's the thing that makes your city period.

Commissioner McKiernan said yes, let's go out for every dollar we can. Let me just point out the obvious. If we don't choose to spend the proactive money for the ongoing maintenance of those assets, we will be in this exact same place somewhere down the road. So, yeah, let's go get everything we can right now. Let's fix everything we can. We, around this table, need to make the commitment to proactively funding the maintenance on an ongoing basis else it's fool's gold.

Mr. Davis said I can add one comment to that. I know we have some new legislators. A significant thing did happen this past year in that so-called bank of KDOT was closed, which means no longer is money being diverted away from transportation projects to fund General Government obligations. You know 10 years ago there was absolutely a huge amount of money that was going away from transportation. Lots of projects that never came to fruition and I think we just have to be mindful of not going back to where we were at. I mean keep the door shut to the bank of KDOT so that those projects which are—we also have a rolling program which means you can be constantly applying for new dollars that are coming on down the road, which is really a great thing for communities like ours that desperately need those.

Public Safety

29	Community Corrections
30	Restoring Executive Branch authority to manage emergencies
31	Youth Fatality Review Board
32	Medical Cannabis
33	Assault on Public Transit Employee
34	Enhanced Support for at-risk youth in care of the State



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Mr. Howze said I'm going to kind of move quickly here. I'm going to kind of jump through 29 and 30. If you have questions on those, the description is here. I think those are pretty self-explanatory. We've talked about 31, Youth Fatality Review Board.

Mr. Howze said Medical Cannabis is number 32. This was a carry forward from the agenda last year. I just wanted to make sure there was a little bit of time. That space continues to shift as we saw what happened in Missouri, so if there's discussion amongst the Commission, the delegation, on Cannabis, just wanted to make sure we had a little bit of time for that.

Senator Haley said I appreciate this issue very much as we look at the changing regional perspective especially on not only medicinal, but also legalization of Cannabis Marijuana in and of itself. I am concerned as to what the response might be here among the Commission, across the street with our District Attorney, in terms of those who find themselves in possession of small amounts of Cannabis, especially where that's been obtained legally and maybe may even be taxed right across the river just a mile or so away from here. I appreciate any insight, any support that this Commission might give as we continue to debate it.

The state has a commission, I don't know if any of our members sit on the Interim Committee. There's an Interim Committee studying and they may speak to, so we can get a policy in place that just has us not be the odd person out asking law enforcement to do their job to enforce the law that no one else has on its books. That is those that possess small amounts of marijuana and that being the only crime. As we know, the federal action has been taken already and so I just hope we would have some continuity and clarity and the policy for KCK, for Wyandotte County, and ultimately the State of Kansas in this.

Mayor Garner said to hit on that question Senator, thank you. I think some of you—our commissioners have been at the table. I know our Legal team, our Chief, our DA, we've had that discussion because we are sandwiched between two states that now have legalized marijuana. I saw that coming and so as a result of that we've had that conversation. The initial conversation was how to de-penalize similar to what Wichita has done. The recommendation from the committee that's put together from our judges and others that were involved in the meeting was to look at education, prevention and treatment. The reason for that is because even though we're looking at making the first time your possession of small amounts of marijuana not as punitive, the problem is after your third possession it's a felony. So our DA and the others were really concerned that if we de-penalize it, we're giving people maybe a bridge to ultimately getting a felony because even though we may not be as hard on small amounts here in Wyandotte County, good luck taking your chances in other counties that may not be as lenient in that regard when you talk about other people that might look and review cases of small amounts of possession.

I would ask—I believe that maybe legalization—I don't know where the—I know you all are having the discussion with recreational, but I think to go out in context with that is maybe look at not making small amounts of marijuana after a third strike a felony. I mean it has an adverse impact on communities, especially communities of color, historically, if you look at the

data. I think that something is maybe a minor compromise that maybe could be had short of full legalization of marijuana in the State of Kansas as we start to move towards that process and that debate at the state level on what reflects the values of Cannabis. So that's kind of an ask that I would like to consider. I just—a felony for being in possession of marijuana where it's legal in two neighboring states, I think that just needs a second look.

Commissioner Davis said I'm going to take a different approach here. I think at the local level yes and amen. I think at the state level I'm for full legalization. I just do not see the point especially in the Kansas City metro area where for many folks it really does not matter if they're in Kansas or Missouri. I think without advocating for full legalization, we put our residents in a very compromising position where they're going to have to look and see whether or not they cross state line. I think we're missing out on incredible business opportunities for folks to really change their lives and within the full legalization would include all the things that come with medicinal use and more commercial use and understand I may be in the minority here and that is perfectly okay with me, but I think we are going to see it happen. It's not a question of if, it is a question of when and we saw that happen on Election Day where about half the country is already there now.

Senator Haley said just to add to and I appreciate this discussion. I'll be brief. I know we're here to get direction from the Commission for which way you go. I'll pose a similar ask to the policy that you both have articulated, both you, Mayor Garner, and you, Commissioner Davis, might be shared with our law enforcement and indeed our prosecutorial arm, we don't have to or you don't have to prosecute, arrest, detain certain amounts. That's a policy that can be made at a local level. As we push to get policies changed at the state level, there are counties that opt out. I was personally a bit concerned during the discussion with Missouri when the District Attorneys of both, our county and Johnson, we're looking at what the initiative might be in Missouri and how it would affect or not affect the policies that we have here at home.

I would hope that this Commission might consider the adverse impact of over enforcement of our existing possession law regarding marijuana would have on our populations here were our law enforcement to be overly burdened by having to detain, by having to arrest and then have potentially prosecuted those small possession amounts especially when they're coming from neighboring counties. And that this Commission might share with your departments, both the police and the prosecutorial arm, how we are a little bit concerned about how our jails and our

system will be clogged if they overly enforce these marijuana possession penalties as we strive to bring changes about in Topeka.

Mr. Howze said I'm going to keep pushing through here. We're close to the end. Number 33 is a new one. It's Assault on Public Transit Employees. This is something that was seen nationwide as well in terms of increased assaults, so this would actually make that a felony versus what it is today.

Mr. Howze said number 34, Enhanced Support for at-risk youth in care of the State. This is an appropriation request to provide additional cognitive behavior, counseling for youth. This is also one of those upstream efforts to prevent youth from getting into the criminal justice system and to put them on a better path. So, that's what that one is about.

Tax and Finance

35	Motor Vehicle Taxes
36	Golden Years Property Tax
37	Impact Fees and Exactions
38	E-Commerce Delivery Fee
39	Sports Betting Revenue



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Mr. Howze said Tax and Finance. We've got number 35, Motor Vehicle Taxes. This is a carryover and equalization of that formula so that a same make and model in Wyandotte County is taxed the same rate as make and model in any other county in Kansas which is not currently how it works.

Mr. Howze said number 36, Golden Years Property Tax. This was also on last year's agenda. This is a property tax relief program for seniors.

Commissioner Burroughs said I believe there was a bill in the Senate and, Senator Haley, I think it was Senator Holland's bill if I remember correctly, that identified—it was at age 65 or 72, I don't recall the age, but it would have an impact on local governments, but I think there

was some criteria in there for the state to make up that portion. I can't recall. I know it got hung up in the Senate.

Senator Haley said I thought there was some provision that did pass, something that has cleared that will be implemented. I'm not sure and should be of all the provisions, but I think it's in the 60s. **Representative Curtis** said it's 65. **Senator Haley** said of course primary residential, but I don't know what impact, but there is some piece of that. At least it was advanced.

Commissioner Bynum said I thought that it didn't impact local. That the state was funding the rebate or what have you.

Commissioner Burroughs said I can't recall how it came out of the conference committee report. I just remember that there was an argument over if they raised it to 72, would it lower the cost to the state and that's why it didn't get through the Tax Conference Committee report which I'm not one. I will state that is a very important remedy to the rising cost of property tax particularly for seniors on their property tax, whatever it is, so 65 or the age they agreed upon moving forward.

Commissioner Bynum said, Mr. Davis, can you get something to us because there's probably a window like the way Homestead and the Utility Rebates has a window for applications so I feel like we need this information ASAP so that we can push this out.

Representative Curtis said I found it. I actually had forwarded it to, I think, Commissioner Davis, so it's the Golden Years Homestead Property Tax Freeze Program. The bill that passed this year that would establish a new Property Tax Circuit Breaker Refund Program that has a maximum refund of \$2,500 on property taxes paid. To qualify the taxpayer must be 65 years of age or older, a disabled veteran, have a household income of less than \$50K, own a qualifying residential homestead property less than \$350K in value and not be claiming the existing Homestead Property Tax Refund.

Commissioner Bynum asked, can you send that to us because that's a lot—**Representative Curtis** said the question I have is I don't know how people access this. Like I talked about it, but I don't know how do you get that. **Commissioner Bynum** said my point is, those other rebate programs open January 1 and end in March or April, so we need to know how it's operating right now. **Representative Curtis** said I will try my best to, and I don't know, does anybody have—**Becky Berger, Interim Assistant County Administrator**, said Monica has

actually been doing a lot to make sure that this program gets distributed throughout the county, so I would love for her to have an opportunity to kind of talk about what she's doing.

Monica Sparks, Deputy County Clerk, said well I wasn't quite prepared for that, but I'll just give a brief information. This year the Clerk's Office, of course, is responsible to administer these programs on behalf of the UG and the state. We are creating a scenario where we will actually be going out into the county during the time that these application periods are open and that will be from the first working day in January through March 31st. We will be working out in the community to process these applications for qualified individuals. We do have a training session with the State coming up on December 16th that will give us more information about these two new programs, which is the Golden Years and the Disabled Veterans Program, so we will know more then.

Our other two programs are Homestead Safe Senior and our Utility Sales Tax and we are prepared to go now, so as soon as we get that we will provide more information to all of you.

Mayor Garner said the Mayor's Office will be working with that to help facilitate that with the Clerk's Office and part of that is that we're going to be reaching out to the commissioners that are districts that are impacted to make sure that you all are directly involved too because we really need you all at the table as well and other opportunities as well as far as things that the Unified Government may offer as well as other benefits. We're looking at what those are so we can have kind of a resource center type event as we go around the four corners of Wyandotte County.

Commissioner Davis said I appreciate that information Representative Curtis. I talked about this at my Town Hall along with other provisions that have been passed through the State so that Wyandotte Countians can access tax relief. Those particular—I don't want to say they're restrictive, but it is very specific on who this applies to and if there's any appetite with your colleagues with these upcoming sessions to expand who that applies to, that would be phenomenal particularly the income restriction. That's a lot of the feedback that I got. I think a little bit more just enough, it's always like this any time there's an income restriction, but I know that would be a super beneficial, but thank you, it's been very helpful.

Mr. Howze said our last two items here, number 37, Impact Fees and Exactions. This is related to development and allowing for impact fees to again help to fund infrastructure and other community needs.

Mr. Howze said number 38, E-Commerce Delivery Fee. This is again related to the shift in the economy to a delivery-based economy in a lot of ways, so that's adding a lot of vehicle miles to the roads and so this is another kind of revenue source as we're talking about alternative revenue sources that could come into play to help fund infrastructure and road maintenance.

Mr. Howze said number 39, Sports Betting Revenue. We believe we've covered that earlier.

So, that's kind of that list. We can survey the Commission to kind of help identify what those priorities are. We heard a couple things that maybe we should want to add. I didn't really hear a lot of take off or de-prioritize. We've got to figure out through that process what those priorities could look like.

Commissioner Ramirez said just as always, continued support to fully funding our education and specifically special education. I work with special education with students who have dyslexia, dysgraphia and dyscalculia and it's something very special and dear to my heart, so it's asking our delegation and just on both Chambers to fight to fully fund not only education but special education because that's a part of education that doesn't get much praise for especially staff and those teachers who work and for those students who need the help, who need those resources and that support. So it's just something dear to my heart to ask, is continue to fight for that and for that full funding.

Representative Winn said if I may, you know, I just sat through an entire day on that discussion and so I'll say the unfortunate aspect is that there will be attempts to change the definitions or add definitions in the state statute that currently exists. You always—if you don't like something, you do a little voodoo math and so there's a little voodoo math going on, but it will be a full-blown discussion. So, please when we do have hearings come and participate and have real examples of the excess costs that's not being covered and that it impacts all students and, of course, gifted are

considered special ed, so there's a lot of students that potentially, whatever that decision—however that decision comes out, it's going to impact, so please stay involved.

Mayor Garner said I believe we had some Representatives show up. I don't know if you've had the opportunity to introduce yourself. **Representative Oropeza** said I am the new elect representative for District 37 and I'm excited to be here and will enjoy serving next year. **Mayor Garner** said thank you and congratulations to you.

Mayor Garner said we also have Senator Haley. **Senator Haley** said I'm honored to continue representing the fourth district which is wholly contained in Wyandotte County, the only Senate District that is, and just pleased to be a part of this continuum of discussion between this body and our new Representatives that are going on board. I'm the Judiciary ranking member for our Senate Judiciary Committee and also on Public Health & Welfare in the Senate. I'm pleased to have this ongoing dialogue. Thank you Mayor, this Commission, and Mr. Davis for helping this come together. United we stand.

Mayor Garner said not with us today was Representative Robinson who is replacing Representative Henderson. He's newly elected and so we're also looking forward to having a positive relationship with him as well.

We've gone a little over our time today so just in the interest of our staff needing to be able to set up the IT function for the full commission meeting, we're going to push this back to 7:20 where we have our full commission meeting. I apologize to the public on that, but they do need time to get transitioned from special session to full commission meeting. At this time I'll adjourn the special session. Do I have a motion to adjourn?

Commissioner Ramirez made a motion, seconded by Commissioner Markley, to adjourn the meeting. Roll call was taken and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley.

MAYOR GARNER ADJOURNED
THE MEETING AT 6:40 p.m.

Brett Deichler
Unified Government Clerk

dt

November 17, 2022

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

SPECIAL MEETING, TUESDAY, NOVEMBER 22, 2022

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Meeting, Tuesday, November 22, 2022, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. Townsend, Commissioner First District; was absent. The following officials were also in attendance: Alan Howze, Acting County Administrator; Misty Brown, Chief Legal Counsel; Brett Deichler, Unified Government Clerk; Monica Sparks, Deputy Unified Government Clerk; Debbie Jonscher, Acting Chief Financial Officer; Mark Dupree, District Attorney; Reginald Lindsey, Budget Director; John Kelly, Director of Buildings & Logistics; and Allie Porter, Commission Liaison.

Mayor Garner said before I call this meeting to order, I want to announce that we have individuals attending remotely as well as on-site. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is participating knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

MAYOR GARNER called the meeting to order.

ROLL CALL: Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley, Garner.

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Tuesday, November 22, 2022, at 4:00 p.m.

regarding funding options to address the digitization of files by the District Attorney's Office and an update on cold weather warming shelters.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Garner said tonight there are two items under the Administrator's Agenda for this meeting. The first item is the approval of a resolution authorizing funding for the digitization of files for the Wyandotte County District Attorney's Office. I'll ask Assistant County Administrator Alan Howze to make opening remarks and introduce staff.

Alan Howze, Acting County Administrator, said we return to you this evening or afternoon with information regarding the funding mechanisms for the District Attorney digitization project that the Commission voted unanimously to support last Thursday. We're joined this evening by Budget Director Reginald Lindsey. Online we've got Acting CFO Debbie Jonscher and Chief Counsel Misty Brown.

District Attorney

Digitization

Commission On 3s
November 2022



At last Thursday's meeting there was overwhelming support for this project and the Commission asked for staff to come back with options for how to fund it. Through discussions with the DA's Office and, then with the Commission, we believe we have enough funding approach that satisfies the need for the DA to get started expeditiously as well as provides funding in '22 and in '23 through the course of the project.

November 22, 2022

Cost Breakdown

- **One Time Costs:**
 - Records Storage and Digitization = \$1.4M
- **Recurring Costs:**
 - Personnel (Attorney and Victims Advocate) = \$200k annually
 - Software Maintenance = \$30k annually

There's really two kind of parts to this. There is the records storage cost, which is really a one-time cost of \$1.4M. This is really the heart of it and it's the software as well as the process of moving files out of the old jail and scanning them into the new software system, so a set of recurring costs that were requested. This includes two personnel, an attorney and victims advocate specifically focused on this body of work as well as software maintenance costs that will be incurred on an ongoing basis.

Procurement

- As a Constitutional Officer, the District Attorney has unrestricted authority to spend appropriated funds
- Constitutional Officers are not required to follow the UG procurement rules
- For a project of this magnitude, UG departments would be required to conduct a formal acquisition process using a Request for Proposals (RFP) or piggyback off a contract that was established through a full RFP
- Procurement rules are in place to protect public funds and to promote competitive bidding
- The District Attorney is not bound to follow these UG procurement rules

Just a note on procurement. As a Constitutional Officer, the DA has unrestricted authority to spend appropriated funds and the DA as well as Constitutional officers are not required to follow UG procurement rules. I know that just for a project of this magnitude UG departments would conduct a formal RFP or piggyback off a contract that was established through a full RFP process. Those procurement rules are in place to protect public funds and to promote competitive bidding. Again, just to note the District Attorney is not bound by those same sets of UG procurement rules.

Three Funding Sources

1. ARPA Funding
2. Cash Funding
3. Debt Funding

There were three funding sources contemplated as we looked at options. One is ARPA funding, much of which has been allocated by the Commission through a previous session cash funding and as the Commission is aware as we're through the budget cycle, we know that there's challenges around cash funding, and then debt funding as well as the third option.

Proposed Funding Approach

- Project Expenses
 - \$1.4M Total Project Cost
 - \$378,000 City -side ARPA funds remaining
 - \$1,022,000 Debt funding
- Recurring Expenses
 - Cash - \$300,000 annually

The proposed funding approach for this project, again, based on discussion with staff and with Commission to break that into those two pieces at \$1.4M total project costs to use \$378K in unallocated city side ARPA funds that remain and to use just over \$1M in debt funding. That funding would be part of the spring 2023 debt offering on the county side, much of which will be used to support radio replacement projects so there is already a debt offering in motion. This will be added to that and then the recurring expenses around the \$300K would be in cash costs on a going forward basis.

With that, I'm going to turn it over to Budget Director Reginald Lindsey.

Digitizing Option Hybrid

County General Fund	2022 Amended Budget	2023 Forecast	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast
TOTAL REVENUES	\$ 76,691,702	\$ 77,827,782	\$ 80,835,292	\$ 84,776,332	\$ 88,763,131	\$ 92,836,109
TOTAL EXPENSES	\$ 78,204,310	\$ 81,708,850	\$ 84,895,047	\$ 87,994,975	\$ 91,359,783	\$ 94,918,564
Digitizing & Software(ARPA Funded)	\$ 378,000					
Digitizing & Software(Debt Funded)	\$ 1,022,000					
Personnel(Cash Funded)		\$ 132,900	\$ 198,640	\$ 206,388	\$ 214,849	\$ 223,443
Software Maintenance(Cash Funded)			\$ 30,000	\$ 30,750	\$ 31,519	\$ 32,307
Storage(Cash Funded)			\$ 12,000			
Current Digitizing(Remove Funding)				\$ (152,250)	\$ (156,050)	\$ (159,959)
Net Change in Fund Balance	\$ (1,512,608)	\$ (3,881,068)	\$ (4,059,755)	\$ (3,138,643)	\$ (2,596,651)	\$ (1,882,453)
Cash Basis Ending Fund Balance	\$ 12,359,230	\$8,318,163	\$4,438,408	\$1,319,765	(\$1,276,898)	(\$3,259,342)
ACFR Ending Fund Balance	\$ 15,440,254	\$11,559,187	\$7,499,432	\$4,360,789	\$1,764,138	(\$218,318)
Reserve % of Expenditures	19.14%	14.15%	8.83%	4.96%	1.93%	-0.23%
Fund Balance 17% Target	\$13,294,733	\$13,890,304	\$14,432,198	\$14,945,548	\$15,531,103	\$16,116,156

Reginald Lindsey, Budget Director, said on the screen we have a view of the County General Fund with the costs for the District Attorney's digitizing initiative broken out. You can see everything highlighted in yellow is kind of where everything is itemized out. Alan talked about ARPA funding and debt funded options. So, what we have here in the 2022 Amended column are those options of \$378K and \$1,022,000M for 2022 Amended Budget year. One thing I added, this does include some commitments we have made for the Sheriff's Department, so that is included within these numbers.

One of the things we can see in the 2022 Amended Budget, we're anticipating on ending the year with a 20% fund balance. That is what we planned on ending the year with when we approved the budget back on September 15th. As we move over into the 2023 forecast, we plan on ending the year with a 14% fund balance at the end of 2023. We did anticipate having that 16% fund balance, so it did fall slightly and that is with the additional cost for the personnel that the District Attorney hires to help out with the project. Then, as we move to 2024 and out to 2027 we have ongoing costs that includes District Attorney's personnel and also software maintenance and also some storage that will be paid. One of the key things with personnel is we have included in cost of living expenses for the personnel going out to 2027 and then in 2025 we do have the software maintenance, but we do have price increases built in going out to 2027 also.

Also, the District Attorney has current digitizing expenses within their budget and the last line in the yellow highlighted are those and we are proposing to remove those—or we'll remove those in 2025 out to 2027. That amount is deducting the amounts out of the District Attorney's budget and so one of the key things we'll touch on is that view of the 2026 budget and we are going to be having a \$1.2M cash basis ending fund balance that is negative in 2026. That's just one important thing to point out about this option.

That is what I wanted to speak about. Any questions about the fund statement that is up on the screen?

Commissioner Bynum said, Reggie, thank you for the work you've done to bring this for us tonight. My question is for a later time, maybe when we reconvene in December for our second session of budget strategic planning. If you could, at that time, what I can't remember is all of the budget assumptions that were put into the forecasts and I think we're going to need to revisit those. So, it's just a request for when we continue our budget strategic planning things.

Mr. Howze said next I will turn it over to Chief Counsel Misty Brown who's been working on the documentation, resolutions on this.

Misty Brown, Chief Counsel, said so, Commission, as we went through the options today, you know the staff recommendation that was just presented, it was followed by a resolution before you and essentially this resolution sets out that the District Attorney is requesting approximately \$1.7M to fund a digitization project and two new positions and the District Attorney's Office to continue investigations in the pursuit of justice. This resolution goes on to specify that the Commission would authorize the use of \$378K in City ARPA Funds for a one-time record storage and digitization project cost that is estimated to cost \$1.4M. That the Commission authorizes the use of \$1,022,000 in County Debt Funds for a one-time payment of the project cost and then it goes on to specify that the Commission authorized the use of county cash reserves and/or personnel vacancy savings in the County General Fund to fund recurring costs and then, like always, it directs the Mayor, County Administrator, and other Unified Government officers and agents to undertake any such research analysis and further action as may be necessary or desirable to carry out the intent of this resolution.

If the Commission would like to go with this route and we use debt funding for this, the first step would be to pass this resolution which directs staff on how to proceed. The next item would be a home rule resolution before you that begins the process of going out to seek debt funding for this project along with their—you know this will be done in conjecture with the radio project. I would open for any questions if there are any at this time.

Commissioner Burroughs said we've been given four resolutions, I believe, for the review. What's the difference in these resolutions? Will it be the point of discussion and the agreement that we as a body determine which will line up with these resolutions?

Commissioner McKiernan said, Mayor, if I could just jump in here real quick. Commissioner Burroughs, two of the paper resolutions that we just got have the identical information on them and none of the paper resolutions we just got contain what Mr. Howze just described. We have the resolution that Mr. Howze just described is attached to an email that's in our email box with the combination of ARPA and debt and cash reserves in our personnel vacancy, but none of these four articulate that particular approach.

Commissioner Burroughs said I appreciate my colleague pointing that out. There are two of them that are identical in reviewing those. I was just curious as to these two items—these two resolutions were brought forward without much discussion prior to the discussion here, so I anticipated somehow or another that there must have been a projection as to what action we were going to take. I just wanted to ensure that the resolutions have an opportunity to be revised and/or approved by the Commission before we move forward.

Ms. Brown said if I may, Commissioner Burroughs, I apologize for the confusion on this. We were working very fast to have all the documents before you today. I think 10 minutes before this meeting we were still photocopying and trying to get the newest reiterations down here. So, the Commission can vote on the approach they like. We attempted to cover all of the options that we thought would be available on the resolutions, so one of the resolutions is purely debt funded resolution. Another one has mechanisms for paying for this project—shows options of paying it for cash out of the reserves in 2022 and 2023. There was another reiteration that was not brought forward to fund this 100% out of ARPA funds, but the one that I just discussed shows a combination of partially ARPA funded and unallocated ARPA funds along with the remainder being debt financed.

Action: **Commissioner McKiernan** made a motion, seconded by Commissioner Johnson, that we approve the resolution that calls for the use of remaining ARPA Funds and then the

balance in debt financing and that would be the one that articulates \$378K in City ARPA Funds and that articulates a little over \$1M in County Debt Funds and the one that articulates the use of County Cash Reserves and or personnel vacancy savings in the County General Fund to fund recurring costs.

Commissioner Burroughs said well thank you and it's not that I'm opposed to the motion at all. It's quite obvious that we're going to do whatever we can to fund this. I just think there's other options available. If this is the option that a large group of the commissioners will choose to do, I'm opposed to—I'm very concerned about taking on additional debt, but this is a very worthy cause. The community has cried out for this. I do know that there was discussion coming forward in reference to the opioid settlement of almost \$3M. I was hoping that we would get some kind of update as to where we are on those monies coming from the state and also I do know that we commissioners—and I brought up the other night during the discussion budget, there was an approval within the budget of \$155K set aside for commissioners to host events in their community. I volunteered mine up. I would hope that the commissioners would give consensus to doing the same. It shows that we are committed to addressing those issues that permeate across our entire community and to that—that's just less debt that we have to take on by putting—I can't remember the exact amount, let's say it was a little over a hundred and some thousand dollars into that remaining ARPA funding along with that so we can lower the amount of money that we borrow, but that's up to the Commission. I appreciate the motion and I just wanted to ensure that we had given consideration to all other options that may be available besides debt.

Commissioner Kane said this is a lot of money. It needs to be spent. We need to work at it, but I would like a quarterly update of how the money is spent so we can see how it's going and then if there's ever a situation like this again, that the DA have on-three's with the commissioners so we have a better understanding of what's going on and we don't have to rush through this like we had to do this time.

Mayor Garner said, DA Dupree, before I proceed I want to afford you the opportunity to make any remarks. Standby, Clerk, do we have one more hand up? **Brett Deichler, UG Clerk**, said Commissioner Davis has his hand up.

Commissioner Davis said I'm trying to figure out, the resolution that was currently—there was made a motion and a second is for ARPA plus debt financing for this, which I think is where the majority of us are at. What I'm concerned with, I agree with Commissioner Burroughs on debt financing this and I wonder if within that resolution there's any room for us to find other alternatives. **Mayor Garner** said I'm going to let Chief Counsel speak to that.

Ms. Brown said I think that's an excellent question Commissioner Davis. So, yes, there is room for it. This resolution that there's a motion and a second on the floor directs staff on how to proceed with the allocation. The next resolution that—because we are utilizing a debt option that the Commission would consider is a home rule resolution that has a not to exceed amount on the debt, but we are not obligated to borrow that amount. So if between now and the time it comes to issue the debt, other funds become available that can be used for that, that is definitely a discussion the Commission could have to reduce the actual debt that is issued on this project. **Commissioner Davis** said awesome. I think we need to explore all options. This probably should go to the Economic Development & Finance Standing Committee so we can kind of avoid these last minute meetings and really investigate what's there.

The other thing I'll put out is during our on-three's it was made clear that there is some unspent money within the DA's budget. I understand there are plans—I'm particularly referring to personnel to hire folks which I completely understand; however, I do think we need to consider those options as well to see what can be done in the 2022 Budget to cover those particular expenditures and lower our debt finance. I'm not saying that has to be the answer, but I do not think within the past two days that particular conversation has been given its due diligence so that we are doing right by the taxpayer. If that resolution does allow for those explorations, I'm absolutely in support of that.

The last thing I will say, there's a continued conversation about the Community Event Fund. As Commissioner Burroughs would like to donate his, I think it's \$11K, he's more than welcome to and I'd encourage him to do so. I have no interest in doing that. We do have community needs in neighborhoods that do need that money so that they can build a neighborhood cohesion and get to know their neighbors and get access to doing events and so I want to do that. I want to hold on to that funding so we can support the folks that are in need. I do not believe we have to choose between either/or and so I just wanted to put those ideas out there.

Mark Dupree, District Attorney, said let me start by saying thank you to the Commission, but more importantly, thank you to the staff who I know worked diligently in finding these funds and figuring out where they're going to come from. They are, in fact, the ones who are behind the train making it work. Many of them are not here, but I want them to know I appreciate you all working diligently; Reggie, Alan, Misty, and you guys making it work.

Commissioner Kane, thank you for that comment. I appreciate the support moving forward. What's important also is to know, as I believe your Chief Counsel or Alan indicated, there are different rules with the District Attorney's Office and those rules are statutory and in those statutory rules there is literally a line that has to be drawn to make sure that the DA's Office is never considered a part of a specific County Commission. The reason for doing that is to make sure that if and when the District Attorney who represents the state of Kansas has to prosecute potentially anyone who was a part of the Commission of that county, there is no conflict of interest.

The other part that statutory requirement declares is that once the money is given to the District Attorney's Office for its budget, that it is fully within the control and authority of the District Attorney who was elected and representative of the state. It is not something that the Commission or that anyone else can have any say over how it's spent, when it's spent, or what it is spent for. When we we're looking at what funds have been committed to the District Attorney's Office, the only way those funds are controlled are by the elected District Attorney and I say that because that is going to be true after me and that indeed was true before me. So, in concern of conversation I absolutely do not have a problem letting the county know, as I have let the community know, concerning the digitization of these forms and files. We will continue to let the community know and as a part of that we will let the Commission know as a whole where this project is and how it is going. Beyond that, it is not within the statutory requirements or ability and it is because I need to make sure that we keep that line apart.

The District Attorney's Office is not supposed to answer to any authority besides the Constitution and besides the statutory requirement and beyond that it's the elected body, those who put me in office and so it is one of those situations that you find across the country and definitely across the state that the statute went ahead and made sure that line was drawn. I'll tell you, Commissioner Kane, as you so eloquently stated at the last hearing, you are my commissioner. I will take you up on that lunch and allow you to pay and I will give you an update on whatever you want.

Commissioner Kane said well, thank you. Staff did tell me that it is your call when we give you the money, but when you—then if there is a next time that you need more monies, we would like you to come to on-three's so we don't have to go through this because we know you need the money, but we want to be able to make sure we pay for it properly.

Mr. Dupree said okay and I don't have a problem with that and I think it's important that we know that this was, in fact, a situation that none of us including the DA's Office, but specifically the Commission, expected to happen in September when Detective Golubski was indicted. The fact is we had to move expeditiously to make this thing happen and it took a while. Yes, you're correct, I didn't go through the county's procurement process. Again, those statutory rules—however, we did go through our own procurement process which allowed us to speak and had to sit down with four different companies and it took time to go through this process to actually get numbers for the Commission. What I have indicated to the finance team as we sit the day after in my office for quite a long while, that anything that we can do to be preventative in making sure that I give the staff enough information on the front end when I have that information, I absolutely will. At the end of the day, being in government is about being transparent and I appreciate the public being able to hear and to see and to be able to hold everyone accountable, but whatever we can do to make everyone's job easier, I don't at all mind that process as long as it is something that I can, in fact, have the information for. **Commissioner Kane** said okay, thank you.

Commissioner Johnson said I do want to appreciate the staff for the work that you all have done in very short order. Under normal circumstances I wouldn't have any problem in reaching into the fund balance for this, but these are not normal circumstances. Mr. DA, maybe you could talk to us about what would happen if you were not afforded the opportunity to digitize these files in a timely manner in terms of what has transpired since the time that you found out that we were going to have to deal with this issue. Could you kind of—I mean would there be any penalties or I don't know. I don't want to—**Mr. Dupree** said thank you, Commissioner, for that and I think the short answer is justice can't be served. That's the short answer.

As a part of my duty, statutory duty, it is to bring about justice and pursue justice. I will tell you that I will not be able to do my statutory duty as the elected District Attorney without these files being digitized, bottom line. Any person in any case and any victim that is found within these files or that the accused, Detective Golubski, negatively affected or impacted, my office will not

be able to properly bring about justice in their cases because I am not able to do so as it sits right now. Since 2018 when I was denied by this Commission then, I've been doing what I could and it's important to note we were literally right on the heels of LaMonte McIntyre, Detective Golubski's case, which is then why I came to this Commission to assist in trying to get that digitized and we didn't, but we've been pushing. So with the years that we have gotten, we know we have not touched a quarter of the cases that he touched.

So, in short, in order for me to do my job and to bring about justice for this community, I need these funds to digitize. **Commissioner Johnson** said thank you, I'm ready to vote.

Commissioner Burroughs said, DA Dupree, the other night I think we asked that this doesn't just involve the Golubski issue. This is an opportunity to review all files and look at any issues that may come forward from the digitization and any information that may come up in reference to injustice within the community in the past in reference to cases that may have questions. Is that a correct statement? **Mr. Dupree** said that is absolutely correct and it in fact lays the foundation for building that entire project on. We will not be able to pursue justice in any of those potential wrongful cases if we do not have this digitized. You're correct, with 60 years plus files up there, there are a lot more cases up there that Golubski did not touch, but it also gives us the ability to be prepared for any other cases that may come.

It's also important to note that throughout this time we continue to have Court of Appeals cases and those Court of Appeals cases that go to the State Supreme Court into the—or excuse me, the State Appellate Court and the State Supreme Court, many of those cases likewise are older cases as well. What we have done is continue to have to go up there into this location and try to find out where those files are. This would really build that program and that ability up to make sure we won't have to deal with this again.

Commissioner Burroughs said this will also help in a cold case review, anything along those that has been an issue that has come forward to the community and the Commission also. **Mr. Dupree** said it will and we will work in conjunction with Chief Oakman who has established a Cold Case Unit to review certain cases and it continues to allow us to bring about justice. Just the last two years we had a 1988 double homicide that we were able to go upstairs, find, investigate what the Kansas City, Kansas Police Department and then receive a verdict of guilty for families who have been waiting for over 30 years. This will assist in all of that.

Commissioner Bynum said, Mr. DA, since we're proposing here to use American Rescue Plan funding, can you be on the record with us that the pandemic did, in fact, impact your ability to digitize your files? **Mr. Dupree** said on the record and for the record, it did in fact. We were not only out of the office, but the Supreme Court of Kansas shut the entire Courthouse down. We were completely out of there and thus all of our files that are in the Courthouse in our jail upstairs, we were not able to get to for some time until the court allowed us back in there. It then did delay the process. We talked about the individuals that we hired for the temporary positions upstairs to scan in these files. During the COVID situation we were down from four individuals to one at times because during COVID nobody wanted to be in an old moldy jail and trying to avoid COVID at the same time and so it greatly affected our ability.

Mayor Garner said I would just like to say that no one wanted these allegations that are before you all today. I think no one asked for them, but that's where we're at and I just want to remind everybody that the world is watching, not just people in Wyandotte County and those files just from my experience, they're not just files sitting in cabinets waiting to be digitized. These files are reports and they're considered evidence and you all had the opportunity to look at these pictures to show how that evidence could be deteriorated if you don't act. If that evidence is allowed to deteriorate, that could compromise any potential furthering of investigations that need to proceed forward. I'm glad that this Commission is willing to take up this issue and appearing to be willing to move this issue forward.

I am somewhat alarmed that we would question our District Attorney who is entrusted by the people of Wyandotte County to make a lot of hard decisions when you talk about auditing him and wanting to know how he's going to spend the money and things of that nature when part of his task is to oversee those types of things for the county here in Wyandotte and to make sure that they're done in accordance with the law. I've never heard that before and so that takes me to my question of equity and for all of us to be mindful to respect equity when it comes to how we interact with individuals.

The Sheriff came before us, the Police Department came before us, and the Fire Department came before us and all of those entities and I'm a member—past member, retired member of Public Safety. I support all our Public Safety officials including our District Attorney. Those individuals

basically wanted pay raises which I do believe we need to support making sure that our Public Safety officials are well compensated because of the type of work that they do.

What our District Attorney is asking for is an investment in investigations that hopefully can be truth, reconciliation, and justice, and individuals asking for this matter to be brought forward for years. The DA came before this body a few years back and he was told no, so here we are and I just am alarmed that this conversation has taken so long to get the DA what he's been asking for. I know some are concerned about money, which you should be, but if you're really that concerned, I agree with Commissioner Burroughs. There's \$105K that was applied for things to go to individual commissioners in the community and one may say I need money to help support things in the community. Well, we have NBRs. They get approximately about \$27K a year from the Unified Government to do just those things. If you're true with working with people in the community, you're going to collaborate with your NBRs and your neighborhood groups to make those things happen. I'm out in the community every day. I give to the community and I don't ask the community for a dime and so that is an opportunity that I agree with Commissioner Burroughs is a good gesture to show your true intent and your willingness to support people that are crying and have been crying for years that something be done; that you are not just talking about it, that you will be about it and that's part of it. Put your money where your mouth is and let's make this happen because people have been crying for far too long for something to be done and I say that with all respect to everybody in this community.

One thing I'm really concerned about with this Unified Government is equity and how we interact with people that come from different backgrounds. One thing that we need to look at, and I know our Health Department is working on, and you can look at that report, is the matter of equity when it comes to individuals within this Unified Government. My concern is if we don't have a level of respect and equity for people within the Unified Government that may sometimes be different and what are we doing to people outside this organization, are we really working with the people as opposed to just making decisions for other people. So, I challenge this Commission to really look deep and really make sure whatever we do as a body that it's done equitably and that everybody is treated with the same level of regard when we make these types of decisions because equity does matter. Again, the community is watching. I hear it from the community every day and if you don't believe I'm out there, come with me. I'm out there almost every day. There are concerns that this community have about equity and how some are treated and some aren't

particularly those in the African American community and so I'm glad that for once we have leadership that has taken this matter of allegations seriously. I pray that we continue to support and do everything we can as a body to make sure that these investigations move forward, that any support that is needed from anybody that's doing investigations be it state, local or federal that this Unified Government do everything it can to not find reasons not to do these things, but make every reason to bring healing, justice, reconciliation and truth to those types of matters when there are allegations of wrongdoing and criminal activity that may be occurring.

With that said, there was a motion and roll call.

Mr. Deichler said, Mayor, if I may have Counsel explain the voting here. There's going to be two votes I believe.

Ms. Brown said we'll need a separate motion for the home rule ordinance, so right now it's just a motion and second for the resolution for funding that includes use of City ARPA funds and debt financing for the remainder.

Commissioner Burroughs said just for clarity, could we have the motion restated again please?

Action: **Commissioner McKiernan** said I make the motion that the Commission adopt a resolution that articulates 1) \$378K in City ARPA Funds that articulates 2) \$1,022,000 in County Debt Funds, that articulates 3) authorizing the use of County Cash Reserves and/or personnel vacancy savings as needed to fund recurring costs and that 4) directs all of us to accomplish the first three, seconded by Commissioner Johnson.

Action: RESOLUTION NO. R-79-22, "A resolution of Support for funding a digitization project and two new positions in the District Attorney's Office." **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken on the motion and there were nine "Ayes," Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley.

Action: RESOLUTION NO. R-80-22, “A Home Rule Resolution of the Unified Government of Wyandotte County/Kansas City, Kansas authorizing the acquisition and implementation of a certain software system to serve the County and authorizing the issuance of General Obligation Bonds to finance the costs of the same.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken on the motion and there were nine “Ayes,” Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley.

Mayor Garner said that takes us to our second item, the final item under the Administrator’s Agenda an update from staff on the winter weather warming shelters. I asked that staff update you all and I believe they made some good progress and I’ll let them share that information with you.

Alan Howze, Acting County Administrator, said before we jump into that, I just want to again express thanks to staff who worked on the three-day turnaround of the holiday week to bring that information on the last item forward to you and we look forward to executing the Commission's wishes on that.

As we turn our attention to the cold weather warming shelter, I want to thank and recognize the Buildings & Logistics Director, John Kelly, who’s in the audience today as well as Yvette Miller from Community Development who have been leading the efforts on this. We have made progress, so we do now have a lease on a facility that is located at 550 State Avenue. Mr. Kelly has been working with the landlord in that case on the transition and getting utilities turned on and then all those things that go into standing up a space as well as working with Crosslines Community Partners who is the contracted operator for the cold weather warming shelter.

In terms of location, 550 State Avenue around the corner of 6th & State. Utilities, those will be water and electric and will be through BPU. They’re getting a reduced rate for this winter warming shelter and then the UG will pay the heat and the gas utility as the tenant there. In terms of operations, as you may recall from when Crosslines provided an update, the shelter operations will be from 6 p.m. to 7 a.m. The maximum capacity is expected to be 35 people and it will be on a first-come, first-serve basis. The shelter will operate when the temperature is 25 degrees Fahrenheit or below and as we have noted with the weather, it’s kind of gotten cold earlier this

year, so we've already had a number of days in which that threshold has been met, so the sooner the shelter can get open the sooner people can be served. Crosslines is in the process of hiring and training staff and anticipate that shelter being opened by the middle of December, if not earlier.

Staff continues to work closely with Crosslines and there are some steps remaining to get the shelter open and operational, but we are very close to that and, again, appreciate the work that has gone into that. I'm happy to stand for any questions.

Mayor Garner said I would just like to thank staff. When that call to action went out, they jumped right on it and they made this happen so thank you all so much. Thank you all for all the work you've done tonight, getting the Commission the information they needed to make these informed decisions. I know they're not easy decisions and thank you as well for the cold warming shelter. A lot of work went into that and it was a community collaborative. It wasn't just the Commission, Mayor, or staff, the community was really upfront and center and directly involved in this as well. I think it's a good gesture going out to our unhoused in the community to let them know that they have the support of both staff and Commission in that regard, so thank you.

There's no further business, so I'll take a motion to adjourn.

Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adjourn the meeting. Roll call was taken and there were eight "Ayes," Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Markley. (Commissioner Kane did not respond to roll call.)

**MAYOR GARNER ADJOURNED
THE MEETING AT 4:54 p.m.**

Brett Deichler
Unified Government Clerk

dt

November 22, 2022



Unified Government Clerk's Office

Brett A. Deichler, PMP/CPM
Unified Government Clerk

701 N. 7th Street Trafficway, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913.573.5260
Fax: 913.573.5299
<http://www.wycokck.org>

Memorandum

To: Cheryl Harrison-Lee
Interim County Administrator

From: Monica L. Sparks
Deputy UG Clerk

Date: December 1, 2022

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

/tk

1. COMMUNICATION:

Missouri State Emergency Management Agency (SEMA) Flood Discovery process for the Blue River Plus watershed.

Action: Received and filed.

2. COMMUNICATION/WARRANT CANCELLATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

Warrant #	Reissue?	Date Issued	AMOUNT	FUND/ACD	Vendor Name/Number	Reason for Void
906769	Yes	6/17/2022	230.00	113 6400135269	Colling, Nathan W #40788	Other
911788	Yes	10/7/2022	26.67 242.36	160 2125 790 2113	Diebolt, Brock Esiquio #4525A	Stale dated
912133	Yes	10/4/2022	219.00	165 19202405291	KS Silver Haired Legislature, Inc #20614	Lost warrant
913893	No	11/10/2022	235.55	635 48200015390	CSI Software #12171	Wrong vendor
912195	Yes	10/14/2022	3018.52	791 98150015571	Mothey, Himal or Darji, Binu M #T1570	Wrong mailing address
910893	Yes	9/9/2022	70.40	790 2113	McDaniel, Bobby R #4381A	Stale dated
912226	Yes	10/14/2022	37,707.60	791 98150015571	Villa Alegre, LCL #T1422	Wrong mailing address

Action: Received and filed.

3. CLAIM FOR DAMAGES:

Elizabeth Williams, 501 NW Fox Hollow Lane, Blue Springs, MO 64015, alleges damage on September 27 to their dog was due to too much anesthesia from being neutered through Animal Control.

Delora Saunders, 2721 N. 13th St., alleging damage on August 3 due to a limb falling from Land Bank property.

The Claims Center, LLC, 1060 Minnesota, alleging on November 1 damage to One Glass equipment by a UG vehicle.

Tara Herring, 8562 Tauromee, alleging on November 4 damage to vehicle due to being impounded and not properly notified.

Action: Received and filed. Copy previously forwarded to Legal.

4. SUMMONS:

Justin Tyler Etier vs. Unified Government of Wyandotte County, et al., Civil Action No. 22-3116-JWL.

Action: Received and filed. Copy previously forwarded to Legal.

5. NOTICE OF REMOTE INITIAL SCHEDULING CONFERENCE:

Akosua Aaebo Akhan vs. Unified Government of Wyandotte County/Kansas City, Kansas, Case No. 2022-CAB-005078.

Action: Received and filed.

6. CONTINUATION CERTIFICATE:

- Kansas Gas Service, a division of ONE Gas, Inc.

Action: Referred to License.

7. CERTIFICATES OF INSURANCE:

- Jennings Tree & Lawn Care, LLC
- Landmark Event Staffing Services, Inc.
- PolyFam Tree Services, LLC
- Tidd Tree, LLC.
- Twin City Security, Inc.
- Vallartitas LLC dba Barbacoa de Pecos

Action: Referred to License.

8. BUSINESS BONDS:

- Electrical Bonds:
 - Brookside Electrical Project Services LLC
 - Davin Electric, Inc.
 - Velocity Electric and Automation, LLC

- Mechanical/HVAC Bonds:
 - Blue Heating & Cooling
 - Central Plumbing Heating & Air Conditioning, Inc.
 - Excel Lighting & Sign
- Plumber's Bonds:
 - Accurate Mechanical, LLC
 - BL Air Inc
 - Central Plumbing, Heating & Air Conditioning
 - GG LLC dba Gisselle Jomeque
 - LR Construction LLC
 - Mid America Home Repair LLC
 - Phillip Welch

Action: Referred to License.

9. REGISTERED:

- Gatza Heating & Air Conditioning Inc.

Action: Referred to License.

10. CANCELLATION NOTICE OF INSURANCE/BOND:

- General Contractor Bond:
 - HEAT Movers LLC
- Electrical License Bond:
 - The State Group Industrial (USA) Limited
- Septic Waste Hauler:
 - Healy Biodiesel, Inc.
- Sign Hanger:
 - Schurle Signs, Inc.

Action: Referred to License.

11. APPLICATIONS FOR CMB LICENSE (PKG):

- Alonso Villasenor dba Mi Pueblito Meat Market, 1311 Minnesota Ave., Kansas City, KS 66102

- Four B Corp/Deanna Farr dba Price Chopper 6, 7600 State Ave., Kansas City, KS 66112
- Four B Corp/Deanna Farr dba Sunfresh 41, 2803 S. 47th St., Kansas City, KS 66102
- Four B Corp/Deanna Farr dba Sunfresh 44, 241 S. 18th St., Kansas City, KS 66102
- Four B Corp/Deanna Farr dba Hen House 27, 8120 Parallel Pkwy., Kansas City, KS 66112
- ITI LLC/Ramakrishna Chava dba In and Out, 2100 Park Dr., Kansas City, KS 66102
- Makalu Management LLC dba Fuel Mart, 954 State Ave., Kansas City, KS 66101
- Probhrit Corp./William Hutton dba 7-Eleven, 2924 S. 47th St., Kansas City, KS 66106
- SMJ Inc/Josephine Fitzgerald dba Fast Stop #12, 945 S. 55th St., Kansas City, KS 66106
- Stop and Shop1 LLC/Yad B. Rai dba Stop and Shop 1, 400 N. 10th St., Kansas City, KS 66102
- Walgreen Co/Teri Wilson dba Walgreens #10125, 2850 State, Kansas City, KS 66102

Action: Referred to License.

12. APPLICATIONS FOR CMB LICENSE (OP):

- Alonso Villasenor dba Mi Pueblito Meat Market, 1311 Minnesota Ave., Kansas City, KS 66102
- Pizza Stop South, Inc/Ruth Anne Addie dba Pizza Stop, 7541 Leavenworth Rd., Kansas City, KS 66109

Action: Referred to License.

13. APPLICATIONS FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

- CMP17, LLC dba Jeffrey E. Hollinshed dba John's Java and Jazz 2003 ½ N. 5th St., Kansas City, KS 66101
- Manor Records Fund/Daniel Castillo dba Manor Records, 401 N. 6th St., Kansas City, KS 66101
- The Mockingbird Lounge, LLC/Daniel Castillo dba Mockingbird Lounge, 204 Orchard St., Kansas City, KS, Kansas 66101
- Wyandotte Nation Gaming Enterprises/Marilyn Young dba 7th Street Casino, 777 N. 7th St., Kansas City, KS 66101

Action: Referred to License.



Unified Government Clerk's Office

Brett A. Deichler, PMP/CPM

Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Cheryl Harrison-Lee
Interim County Administrator

From: Brett Deichler
UG Clerk

Date: December 8, 2022

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

tp

Weekly Business Material for December 8, 2022

1. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

Warrant #	Reissue?	Date Issued	AMOUNT	FUND/ACD	Vendor Name/Number	Reason for Void
912328	Yes	10/14/2022	\$ 400.00	113 2200	Moreira, Claudia #R0849	Lost warrant
913492	No	11/18/2022	\$ 288.11	750 2009	Norris, Todd A, Attorney #PA014	Garnishment Canceled
911211	Yes	9/23/2022	\$ 20,000.00	110 10300035299	Kansas City Design Center #20874	Lost warrant
911707	Yes	10/7/2022	\$ 92.06	790 2118	Parker, Daniel #9927P	Wrong mailing address

Action: Received and filed.

2. SUMMONS:

Unified Government of Wyandotte County/Kansas City, Kansas, vs. Abarca, Gloria, et. al., Case No. 2022-CV-0758. (Tax Sale No. 352)

Action: Received and filed. Copy previously forwarded to Legal.

3. TRAVEL REQUESTS:

Matt May, Emergency Management, travel to Salina, KS, January 18, 2022, OK, for the KEMA Board Meeting.

Phyllis Wallace, Human Service/CDDO travel to Minneapolis, Minnesota, April 26 – 30, 2022, to attend the NFBPA Conference, CDDO Admin Funds.

Action: Approved by Administrator's Office and received and filed.

4. APPLICATIONS FOR CMB LICENSE (PKG):

AB United, Inc./William Hutton DBA 7-Eleven Store #36101B, 4431 Shawnee Dr. (2)
AZH, LLC/Danny Richardson DBA Greenlight 838, 838 S. 7th St.
Himalayan Petro, LLC/Robin Ghimire DBA Quick Shop #3, 5568 Leavenworth Rd.
M and H Mart, Inc./Wanda Gibbs DBA Quick Mart, 2406 S. 51st St.
Mayan Commercial, LLC/Mary Russell DBA Fast Trip, 4039 Metropolitan Ave.
Mayan Commercial, LLC/Mary Russell DBA Valero, 2101 Metropolitan Ave.
Rapid Mart 748, LLC/Khalid Hussain DBA Rapid Mart 1, 748 Washington Blvd.

S7Q Enterprises, LLC/Douglas Spangler DBA Steele Road Xpress Mart, 1800 Steele Rd.
Three Star Company, Inc./William Hutton DBA 7-Eleven #13245, 2500 Central Ave.

Action: Referred to License.

5. APPLICATIONS FOR CMB LICENSE (OP):

Catalina Partners, LLC/William Hutton DBA Slap's BBQ, 553 Central Ave.
Soccer Nation KC, LLC/Raul Villegas-Rodriguez DBA Soccer Nation, 520 S. 55th St.

Action: Referred to License.

6. APPLICATION FOR CATERER/DRINKING ESTABLISHMENT/HOTEL:

Donnell's Kitchen & Lounge, LLC/Craig Donnell, Sr. DBA Donnell's Kitchen & Lounge, 3405 Strong Ave.

Action: Referred to License.



Unified Government Clerk's Office

Brett A. Deichler, PMP/CPM

Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Cheryl Harrison-Lee
Interim County Administrator

From: Brett Deichler
UG Clerk

Date: December 15, 2022

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

tk

Weekly Business Material for December 9 - 15, 2022

1. PUBLIC NOTICE:

- Alandon Tow Service, 6224 Kansas Avenue, KCK 66111, held a public auto auction on December 6, 2022, at Alandon Tow Service.

Action: Received and filed.

2. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

Warrant #	Reissue?	Date Issued	AMOUNT	FUND/ACD	Vendor Name/Number	Reason for Void
913946	No	12/2/2022	\$ 1,744.90	171 43500025269	SkyNet Corporation #28564	Issued in error
912144	No	10/14/2022	\$ 550.00	160 18000015299	WCBA #32762	Wrong Vendor
913501	No	11/23/2022	\$ 335.00	160 18000015370	Gulf States Distributors #16385	Duplicate Payment
914560	No	12/16/2022	\$ 1,609.49	110 2500105360	Datamars.Inc. #13926	Duplicate Payment

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED December 13, 2022:

Section I -Appointments

Name	Department/Division	Eff. Date	Job Title
Brenden C Hedrick	Police	12/15/22	Patrol Officer
Carly Mitchell	Health Dept	12/8/22	Program Coordinator
Jordan M Stephens	Urban Planning	12/8/22	Engineer/Project Mgr I

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Brian A Briones	PW/Street	11/24/2022	Equipment Operator I	Equipment Operator II
John R Grosko	Police	12/1/22	Police Captain	Police Captain

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Jacob F Swinney	Fire	12/7/2022	Firefighter/Paramedic
Linda L Williams	PW/BL	12/21/2022	Caretaker

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED December 15, 2022:

Section I -Appointments

Name	Department/Division	Eff. Date	Job Title
Kayla J Hower	NRC	12/22/22	Program Coordinator
Ivan A Ornelas	Parks/Rec	12/22/22	Groundskeeper I

Section II – Separations

Name	Department/Division	Eff. Date	Job Title
Danica A Baird	Sheriff	12/6/2022	Sheriff Sergeant
Henry F Hernandez	PW/WPC	12/21/2022	Plant Operator II

Section III – Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Brittnie L MacDonald	Clerk	12/8/2022	Admin Supt Specialist

Section IV – Other Requests

Name	Department/Division	Action Requested and Explanation
Aaron Ussery	PW/WPC	Certification Pay for Wastewater certification

Action: Received and filed. Copy previously forwarded to Payroll.

5. COMMUNICATION:

Brett Deichler, UG Clerk, listing bids received on December 14, 2022, for Project ID, #6301, 2022 Sanitary and Storm Sewer Repair and Replacement.

Action: Received and filed. Copies forwarded to County Administrator, Public Works and Legislative Auditor.

6. CLAIM FOR DAMAGES:

Julie Anderson, 5725 Swartz Rd, alleging damage to her tire due to construction and no lighting on the Turner Diagonal on December 3.

Action: Received and filed. Copy previously forwarded to Legal.

7. SUMMONS:

Brenda Dodd vs. The Unified Government of Wyandotte County/Kansas City, KS, Case No. 2022-CV-0786

Action: Received and filed. Copy previously forwarded to Legal.

8. TRAVEL REQUESTS:

Richard Harris and Shawn Magee, KCKPD, travel to Las Vegas, NV, January 18 – 20, 2023, to research purchase equipment for the Police Department and create connections with vendors, Training Fund.

Ian Hayes and Kirk Roland, Public Works/WPC/Sewer Maintenance, travel to Indianapolis, IN, February 19 – 23, 2023, Waster Water Equipment, Treatment Transport, Sewer System Fund.

Destiny Marquez, KCKPD, travel to Johnnston, IA, January 8 – 13, 2023, to attend Undercover Techniques and Survival, Travel/Training.

Joel Thornton, Police IT, Interface Technical-Microsoft Live Training virtual, Employee Training/Travel.

Tanner Stark, Public Works-Water Pollution Control, travel t o San Diego, CA, July 9 – 14, 2023, at attend the 2023 ESRI User Conference, Employee Training/Travel.

Action: Approved by Administrator's Office and received and filed.

9. BUSINESS BONDS:

Electrical Bonds:

Edison Electric LLC

Greenwood Energy Solutions, LLC

Mark One Electric Co., Inc.

Shamrock Electric Inc.

Southwind MVP Services, LLC dba MVP Air Conditioning, Heating, Plumbing & Electric

TDR Electrical Services LLC

Tann Electric, Inc.

Travis and Alison Brown Inc dba Xtreme Electric

True North Management Services, LLC

Mechanical Bonds:

ALTA Refrigeration, Inc.
C and D Heating and Cooling, LLC
Central Industrial Sheet Metal Works
Climate Restoration Services, LLC
Green Rocket Services, LLC
Southwind MVP Services, LLC dba MVP Air Conditioning, Heating, Plumbing & Electric
Thomas Comfort systems LLC
Western Enterprise Inc.

Plumber's Bonds:

Joe Lillis Plumbing
Plumber Time LLC
Royalites Plumbing LLC
Southwind MVP Services, LLC dba MVP Air Conditioning, Heating, Plumbing & Electric
Waterford Design-Build Inc.
Western Enterprise Inc.

Action: Referred to License.

10. RIDER:

Tucker Electric, Inc.

Action: Referred to License.

11. SIGN HANGER:

EJ Sign Company LLC dba American Lift & Sign Service
Sign Professionals, Inc. of Kansas City dba Sign Pro of Kansas City

Action: Referred to License.

12. CERTIFICATES OF INSURANCE:

Brink's Incorporated
Cartwright Tree Care
Donnell's Kitchen Playlist, LLC
Gregory Van Booven dba Van Booven Lawn, Landscape & Tree Care
Metro Public Safety & Investigations, LLC
Torta's Tony LLC

Action: Referred to License.

13. CANCELLATION NOTICE:

Electric Bond:

Aesir Electric LLC
Heartland Electric Corporation
Lightning Electric LLC
Nate's Electric LLC
Fred Roberts II, Inc. dba Suburban Electric
Pro Electric LC

HVAC Bond:

Royal Heating and Cooling, LLC

Heating & Air Conditioning Bond:

Beebe Heating and Cooling LLC

Mechanical Bond:

Joel's Heating & Cooling Inc.

Plumbing Contractor Bond:

W Vielhauer Plumbing LLC

Septic Waste Hauler:

Healy Biodiesel, Inc.

Sign Hanger:

Eye 4 Group, LLC.

Action: Referred to License.

14. CONTINUATION CERTIFICATES:

General Contractor Bond:

TSI Global Companies, LLC

Plumbing Contractor Bond:

Essential Plumbing, LLC
KDP Plumbing LLC

Action: Referred to License.

15. APPLICATIONS FOR CMB LICENSE (PKG):

Casey's Retail Company/William W. Hutton dba Casey's #2876, 13000 State Ave.
Cheema Enterprises Inc/Mudassar Hassan dba Quik Shop #5, 4201 Shawnee Dr.
Cheema Enterprises Inc/Mudassar Hassan dba Quik Shop #4, 4732 State Ave.
Cheema Enterprises Inc/Mudassar Hassan dba Quik Shop #1, 3200 State Ave.
Community Mercantile, Inc./Deon Whitten dba The Merc Co+op, 501 Minnesota Ave.
F & A LLC/Frederic Ntakirutimana dba One Stop N Shop, 901 Minnesota Ave.
Target Corporation/Diana Oropeza-Delgado dba Target Store T-2222, 10900 Stadium Pkwy.

Action: Referred to License.

16. APPLICATIONS FOR CMB LICENSE (OP):

Carlos A. Ramos dba Taqueria 7 Leguas, 1706 Central Ave.
Holy Family Social Club/Matthew Palcher dba Holy Family Social Club, 513 Ohio Ave.
El Rinconcito Salvadoreno/Rosa Cardoza-Galvez, 4741 Parallel Pkwy.
Fowl Friendship LLC/William Hutton dba Gus's World Famous Fried Chicken, 2816 W. 47th Ave.
Joselina Saenz/ W. Fredrick Zimmerman dba El Pirata, 1031 Central Ave.

Action: Referred to License.

17. APPLICATION FOR CATERER/DRINKING ESTABLISHMENT/HOTEL:

AMC ITD, LLC/Michael Turner dba AMC Legends 14, 1843 Village West Pkwy.
Santos Ornelas/Ronald Mayden dba The Brass Ring, 5648 State Ave.

Action: Referred to License.

18. APPLICATION FOR PRIVATE CLUB CLASS A:

David A. Scott dba Moose Lodge 1999, 6621 Turner Dr.

Action: Referred to License.

19. APPLCIATION FOR PRIVATE SECURITY BUSINESS:

Brinks Incorporated/The Corporation Company dba Brinks Incorporated, 1100 E. 9th St., Kansas City, MO, 64106.

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 212198

Full Commission Meeting Date: 1/12/2023

Committee: Economic Development & Finance

Date of Standing Committee Action: 1/9/2023

(If none, please explain):

Publication Required: No

<u>Date:</u> 01/09/2023	<u>Contact Name:</u> Jeff Fisher	<u>Contact Phone:</u> x5415	<u>Contact Email:</u> jfisher@wycokck.org	<u>Department/Division:</u> Public Works
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Item Description:

Approval for funding of the design and construction of raising the Rock Island Bridge, submitted by Jeff Fisher, Executive Director of Public Works.

*This item was scheduled to appear before the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, on January 9, 2023. It was requested, and approved by the Mayor, to fast-track this item to January 12, 2023, full commission meeting.*

Action Requested:

Approval

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution authorizing funding of Rock Island Bridge raise

RESOLUTION NO. R-_____

**A RESOLUTION AUTHORIZING FUNDING FOR THE DESIGN AND
CONSTRUCTION OF RAISING THE ROCK ISLAND BRIDGE**

WHEREAS, the historic Rock Island Bridge was constructed in 1905 to provide railroad service over the Kansas River in Kansas City, Kansas; and

WHEREAS, Flying Truss, LLC and the Unified Government have entered into an agreement to rehabilitate and transform the Rock Island Bridge into a public trail crossing and regional destination with restaurants, events spaces, and other uses; and

WHEREAS, it is the professional judgement of Unified Government Public Works staff that the Rock Island Bridge should be raised to move it from the 400 year flood level to a 750 year flood level.

WHEREAS, pursuant to Charter Ordinance CO-01-18, the Unified Government authorized the collection of a transient guest tax (“TGT”) in order to provide revenues to promote tourism, conventions, and economic development related to tourism; and

WHEREAS, the Unified Government desires to use a portion of the TGT revenues to help fund the design and construction costs of the Rock Island Bridge.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY
OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS
CITY, KANSAS:**

Section 1. Authorization. That the County Administrator is hereby authorized to spend up to and including Eight Hundred Fifty Three Thousand Dollars and NO/100 (\$853,000.00) of TGT revenues to help pay for the design and construction costs of raising the Rock Island Bridge and is hereby authorized to negotiate the terms and execute in the name of the Unified Government all such contracts, documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 2. Further Action. The Mayor/CEO, County Administrator, and other officers, agents, and employees of the Unified Government are hereby further authorized and directed to take such further action as may be appropriate or desirable to accomplish the purpose of this Resolution.

Section 3. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the Unified Government.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS 12TH DAY OF JANUARY 2023.**

UNIFIED GOVERNMENT CLERK

Approved as to Form:

Chief Counsel



Staff Request for Commission Action

Tracking No. 211735

Full Commission Meeting Date: 06/09/22

Committee: Full Commission

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

<u>Date:</u> 01/05/2023	<u>Contact Name:</u> Cheryl Harrison-Lee	<u>Contact Phone:</u> x5027	<u>Contact Email:</u> charrison-lee@wycokck.org	<u>Department/Division:</u> Administrator's Office
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Item Description:

Update on status of grants and grant process, submitted by Cheryl Harrison-Lee, Interim County Administrator.

For information only.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



Staff Request for Commission Action

Tracking No. 212201

Full Commission Meeting Date:

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
01/10/2023				Legal

Item Description:

A Resolution formalizing amendments previously adopted to Sections 202 and 203 of the Unified Government's Rules of Procedure and assigning a number to the Resolution, submitted by Misty Brown, Chief Counsel.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution.StandingCommitte.ROP

(Published _____)

RESOLUTION NO. _____

A Resolution **ratifying amendments previously adopted by the Unified Government Board of Commissioners that amended original Sections 202 and 203 of the Unified Government Commission Standing Committee Rules of Procedure as codified in Appendix C of the Unified Government Code and assigning a number to the Resolution.**

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That amendments to Sections 202 and 203 of the Unified Government Commission Rules of Procedure, codified in Appendix C of the Unified Government Code, that were adopted on December 15, 2022, are ratified and are hereby amended to read as follows:

ARTICLE II. STANDING COMMITTEES

Sec. 202. Standing committees created; meeting times.

There shall be four standing committees of the commission: (1) neighborhood and community development; (2) economic development and finance; (3) public works and safety; and (4) administration and human services;

- a. Standing committees shall meet at least monthly in a regular place determined by the respective standing committee chairperson;
- b. The neighborhood and community development committee shall meet on the Monday immediately preceding the first full commission meeting of each month at 5:00 p.m. and shall adjourn by 7:00 p.m. unless otherwise authorized by a majority vote of the standing committee members present;
- c. The economic development and finance committee shall meet on the Monday immediately preceding the first full commission meeting of each month at a time that is immediately upon adjournment of the neighborhood and community development committee or, if there is no such committee meeting that day, at 5:00 p.m., and shall adjourn by 9:00 p.m. unless otherwise authorized by a majority vote of the standing committee members present;
- d. The public works and safety committee shall meet on the Monday immediately preceding the second full commission meeting of each month (held on the third Thursday) at 5:00 p.m. and shall adjourn by 7:00 p.m. unless otherwise authorized by a majority vote of the standing committee members present;
- e. The administration and human services committee shall meet on the Monday immediately preceding the second full commission meeting of each month (held on the

third Thursday) at a time that is immediately upon adjournment of the public works and safety committee or, if there is no such committee meeting that day, at 5:00 p.m., and shall adjourn by 9:00 p.m. unless authorized by a majority vote of the standing committee members present;

- f. When the date of a regular standing committee falls on a legal holiday, the meeting shall be held at the discretion of the standing committee chairperson;
- g. Standing committee agenda items shall be assigned by the standing committee chairperson or the mayor, with the advice of the administrator, based upon subject matter and other factors deemed relevant by the mayor and the administrator; and
- ~~h. In cases of conflicting committee agendas, the mayor shall make the final decision on committee assignments and committee agendas.~~
- h. Items shall not be added to or removed from a standing committee agenda without approval of the standing committee chair; and
- i. In cases of an agenda item being proposed for inclusion on multiple committee agendas, the mayor shall make the final decision as to which committee hears the item.

(Res. No. R-115-98, § 3, 10-8-1998; Ord. No. O-37-18 , § 1, 9-27-2018)

Sec. 203. Agenda for meetings.

The standing committee chairperson is responsible for recommending action to the full commission concerning standing committee agenda items recommended to the full commission within 30 days of the standing committee's vote to recommend. The recommendation, along with any supporting materials, shall be forwarded by the standing committee chairperson to the mayor and administrator, with the assistance of the standing committee's staff coordinator for placement on the full commission standing committees' agenda. ~~The mayor ultimately determines the final agenda for the full commission meetings.~~ Any agenda item recommended by a standing committee to the full commission for action shall be ~~presumptively~~ scheduled for action at the next regular meeting of the full commission subsequent to any regular meeting, if any, held during the same week as the meeting of the standing committee recommending the items. Nothing shall prohibit the mayor from exercising the discretion to place emergency or time-sensitive items on any earlier full commission agenda in the interest of the unified government or the public.

(Res. No. R-58-98, § 2, 6-4-1998)

Section 2. This Resolution shall be in full force and take effect upon adoption and shall be named Resolution No. _____.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNT/KANSAS CITY, KANSAS,
THIS ____ DAY OF _____, 2023.**

Attest:

Unified Government Clerk



Christian Ramirez
Commissioner, District 3
Board of Commissioners

701 N. 7th Street, Room 979
Kansas City, Kansas 66101
Phone: (913) 573-5040
Fax: (913) 573-5050

MEMORANDUM

TO: Mayor/CEO Tyrone Garner
Board of Commissioners

FROM: Commissioner Christian Ramirez

DATE: January 9, 2023

SUBJECT: REQUEST TO TRAVEL

This is a request for permission to travel for Unified Government business to Washington, DC, [REDACTED] to attend the NACo Legislative Conference.

Further, I respectfully request permission to use the funds set aside in the training and travel budget established in the Unified Government Commission Resolution No. R-13-13, Current Rules of Procedure Article VIII, Travel Policy, Sections 801 and 802, to pay the travel expenses of this trip.

I ask that this request be placed the agenda before the Board of Commissioners on Thursday, January 12, 2023.

c: Cheryl Harrison-Lee, Interim County Administrator
Bret Deichler, UG Clerk
Thomas L. Wiss, Legislative Auditor



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 12, 2023

Re: **Change of Zone COZ2022-038, Master Plan Amendment MPL 2022-023, and Special Use Permit SP2022-093**

GENERAL INFORMATION

Applicant:

Anna Brescia DBA
Richard T. Bryant & Associates

Status of Applicant:

Attorney Representative
1111 Main Street, Suite 750
Kansas City, MO 64105

Requested Actions:

Approval of a Change of Zone.

Approval of a Master Plan Amendment.

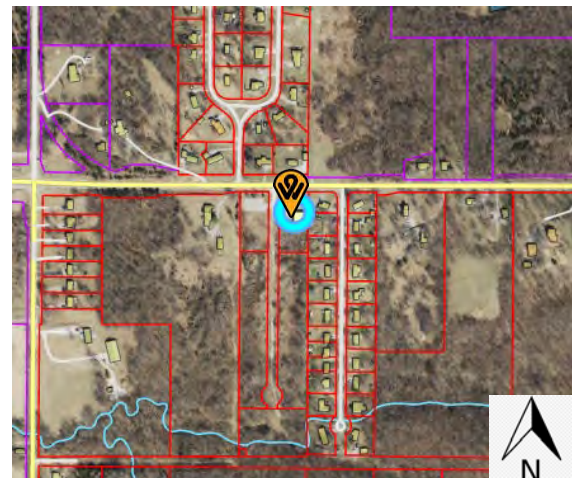
Approval of a Special Use Permit.

Date of Application:

September 22, 2022

Purpose:

The approval of a Change of Zone from C-1 Limited Business and R-1 Single Family Districts to CP-1 Planned Limited Business District, Master Plan Amendment from Low-Density Residential to Neighborhood Commercial, and Special Use Permit for the operation of a liquor store.



Property Location:	8919 Leavenworth Road Kansas City, Kansas 66109		
Commission Districts:	Commissioner At Large, District #1: Melissa Bynum District #6 Commissioner: Mike Kane		
Existing Zoning:	C-1 Limited Business and R-1 Single Family Districts		
Adjacent Zoning:	North:	R-1 Single Family Residential District	
	South:	R-2 Two-Family Residential District	
	East:	R-1 Single Family Residential District	
	West:	C-1 Limited Business and R-1 Single Family Districts	
Adjacent Uses:	North:	Single Family Residences and Large Vacant Residential Lot	
	South:	Single Family Residences and Large Vacant Residential Lot	
	East:	Single Family Residences	
	West:	Vacant Commercial Lot with Parking	
Total Tract Size:	0.94 Acre		
Master Plan Area:	The Subject Property is within the City-Wide Master Plan.		
Master Plan Designation:	(Current) The City-Wide Master Plan designates the property's land use as Low-Density Residential, in which uses include single-family homes, Institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries and parks and open space. (Proposed) The proposed Land Use Designation is Neighborhood Commercial, which uses are intended to allow for a wide range of small-scale commercial and office development. Allowed uses include convenience retail uses such as banks, drug stores, service stations, sit down restaurants, and small-scale professional and office services.		
Major Street Plan:	The City-Wide Master Plan designates this tract of Leavenworth Road as Class B Thoroughfare.		
Parking Requirement:	(Proposed Zone CP-1) Section 27-464(e) states that parking requirements for this district are required at a ratio of four (4) spaces per 1,000 square feet of floor area. The building has a floor area of 3,728 square feet, requiring a minimum of 15 parking spaces. The		

subject property has 15 parking spaces, meeting this requirement.

Advertisement:

The Wyandotte Echo – October 20, 2022
Letters to Property Owners – October 21, 2022 and
November 18, 2022

Public Hearings:

December 12, 2022 and January 12, 2023

Public Support:

None to date.

Public Opposition:

There were approximately 11 people in opposition at the December 12, 2022 City Planning Commission meeting. One email in opposition has been received since the Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Anna Brescia with Richard T. Bryant & Associates, is requesting a Change of Zone, Master Plan Amendment, and Special Use Permit for the operation of a liquor store at 8919 Leavenworth Road. The current property is split-zoned C-1 and R-1 and the Change of Zone formally recognizes the commercial designation for the property. The Master Plan Amendment has been requested to better align the proposed commercial use with the land use designation. The subject property has a total of 3,728 square feet plus parking and an additional vacant lot in the rear for future development.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The subject property had a few complaints related to vacancy:
 - a. 2021: 2021-00025990 – Business Check
 - b. 2020: 2020-00087435 – Domestic Disturbance
 - c. 2019: 2019-00083138 – Traffic Stop
 - d. 2018: 2018-00013153 – Business Check

Building, Zoning, or Code Enforcement Complaints:

1. The subject property has had some code enforcement cases in the past 10 years:
 - a. 2022: ABT22-1320 – Abatement - Closed
 - b. 2022: ABT22-2921 – Abatement – Open
 - c. 2022: CMP22-1480 – Demo without Permit – Closed
 - d. 2022: ABT22-2148 – Abatement – Closed

- e. 2022: STR22-0913 – Structural – Open
- f. 2021: ENV21-3375 – Dumping/Abatement – Closed
- g. 2021: CMP21-1616 – Abatement – Closed
- h. 2021: ABT21-1064 – Abatement – Closed
- i. 2015: 15220-00357 – Graffiti – Closed

Outstanding or Related Permits and Cases:

1. The subject property has no outstanding or related building permits.
2. The subject property had some cases at the subject property within the last 10 years.
 - a. 2021: COZ2021-023 – Change of Zone for Gas Station/Convenience Store (disapproved)

FACTORS TO BE CONSIDERED

Change of Zone

1. The Character of the Neighborhood

The neighborhood is rural and suburban in nature. Lots are residential and range in lot size from 0.5 to 1.0 acre on developed parcels with larger homestead residences that are approximately 15 acres in size. There are some commercial uses to the west, notably the Willow Creek wedding venue and the Amazon Fulfillment Order Center. Other nearby uses include the Wyandotte County Lake Park. The subject property is not immediately surrounded by uses that are of similar commercial nature although it is not necessarily out of character for neighborhood conveniences to be located adjacent to nearby residences and a split-zoned commercial property directly to the west.

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

The zoning uses of the nearby properties are set out above. Other uses in the area are primarily residential with some commercial development further west. Liquor sales is not prohibited, although it requires a Special Use Permit to operate. The proposed development should not impact the Class B Thoroughfare's ability to accommodate it as the corridor is designed for increased traffic as it serves as a connection to Interstate I-435 to the west.

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

The property is suitable for retail liquor sales if managed properly. It has historically been used as a restaurant with lounge with the most recent tenant being a home goods store.

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

The property is currently vacant with the last licensed tenant ending business in 2002. The property was built in 1991 and opened as Howard's Trackside Restaurant and then Johnny's Trackside Restaurant and Lounge. A home goods thrift store occupied the property for an unknown period of time, as it was not licensed.

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

The proposed use is not reasonably necessary for the welfare of the public, although it may be considered a neighborhood convenience to have alcoholic beverages available for purchase for nearby neighbors. It should not permanently injure the appropriate use, visual quality, or marketability of nearby property if the applicant maintains the property according to ordinance requirements and it is managed properly.

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

The proposed development will increase traffic and parking demand on-site as the existing building is currently vacant, however, ostensibly not beyond the capacity of the Class B Thoroughfare to accommodate it. North 89th Terrace is unimproved south of the existing driveway approach.

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

The proposed use does not conform to the City-Wide Master Plan. A Master Plan amendment from Low Density Residential to Community Commercial is required. The subject property is currently a vacant commercial building, and its land use is proposed to be changed to Community Commercial so that the property's proposed use better conforms to the Master Plan.

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

If the owner operates the business in the manner in which there are no neighbor complaints or Property Maintenance Compliance citations, this will not be an issue. The building will need some renovation work as it has been vacant for an extended period of time, although building permits would ensure that proper erosion control and drainage are maintained. The presence of construction debris should be considered temporary. Maintaining the existing slope along the west property line is important for the aesthetics of the abutting property owner.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary service is provided by the UG.

c. *Storm water control*

Stormwater control points are located at the intersection of Leavenworth Road and North 89th Street.

d. *Police*

Police is provided by West Patrol, Division #222.

e. *Fire*

Fire service is provided by Fire Station #4 located at 81st Street and Leavenworth Road.

f. *Transit*

Kansas City ATA provides transit service in front of this property, Route #113.

g. *Schools*

Public education is provided by Kansas City Kansas USD 500.

h. *Streets*

The City-Wide Master Plan designates this tract of Leavenworth Road as Class B Thoroughfare.

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

If the proposal is approved, the City will receive additional property and sales tax revenues because of the improvements made to the property.

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

The proposed use is capable of meeting applicable ordinance and other requirements with revisions, a Master Plan Amendment, and a Special Use Permit.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the Change of Zone would not on its own allow for the operation of a liquor store, and the property would remain split zoned.

Master Plan Amendment

1. Whether events subsequent to the comprehensive plan adoption have changed the character and/or condition of the area so as to make the application acceptable.

The current master plan designation for this property is Low-Density Residential, which is intended for residential uses such as single-family homes. The subject property is split zoned, which is not best planning practice. The Change of Zone and Master Plan Amendment will correct the split zoning issue.

2. Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan.

This portion of Leavenworth Road is primarily residential, although commercial uses are increasingly present heading West and located at various nodes to the east. A liquor store may be seen as an amenity or neighborhood convenience for adjacent residents if managed properly, as the neighborhood is seeing an increase in development.

3. The extent to which utilities and public services are available and adequate to serve the proposed amendment and the extent to which the environment would be impacted.

See Change of Zone #9 above.

4. Whether the proposed amendment would result in comprehensive plan or regulatory conflicts.

The proposed land use amendment is accompanied by a Change of Zone and Special Use Permit to address ordinances and regulations.

5. Whether the proposed amendment would allow a change in development on the subject site without creating adverse impacts on existing or planned surrounding uses, or creating inconsistencies with applicable future land use map patterns.

It is not uncommon for commercial uses to be located on a Thoroughfare, acting as

a buffer for adjacent residential communities. The surrounding land is already developed or whose development potential would not be negatively impacted by this change.

6. The impacts of the potential costs and benefits derived by the community or area by the proposed change.

The neighborhood would benefit from seeing a building with prolonged vacancy operational and would receive some tax benefits from sales tax. The neighborhood would also see a change in traffic patterns, as the building's operation will ostensibly bring more traffic than its vacancy. Should the property's building condition be upgraded to commercial design standards, the property is operated in a manner that does not interfere with neighbors, and ordinance requirements are followed, the impact should be minimal.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in person on November 22, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic and Driveway Access
Landscaping and Screening
Trash Enclosure
Abatement
Parking Lot
Commercial Design Guidelines
Building Materials
Fencing

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **DENIAL** of Change of Zone **COZ2022-038**, Master Plan Amendment **MPL2022-023** and Special Use Permit **SP2022-093** due to the proposed use's incompatibility with the neighborhood.

STAFF COMMENTS AND SUGGESTIONS

Staff **does not** concur with the recommendation of the City Planning Commission

Planning and Urban Design Comments:

General

1. What are the proposed uses for the rear of the property?

2. A site plan is needed including parking lot restriping and landscaping. The parking lot must demonstrate that the ADA parking stall is adjacent to the ramp up the sidewalk, as it currently is stripped away from the access ramp.
3. The trash enclosure shall be updated to Commercial Design Guideline Standards.
4. All notices of violation related to trash and abatement shall be cleared. Additional trash and debris shall be removed.
5. A sign permit is required for new signage.
6. This property is on Leavenworth Road, a Regional Trail, and the site plan shall include a 10-foot sidewalk with direct connectivity to the front of the site.
7. The building shall be repaired and updated to reflect commercial design guideline standards, including but not limited to:
 - (a) Lighting shall be updated to fixtures that are hooded with 90 degree downward facing lighting
 - (b) The parking lot shall be repaired, sidewalk repaired, parking lot restriped
 - (c) Brick shall be tuckpointed
 - (d) Increased landscaping
 - (e) Fence repair
 - (f) Soffit and fascia repair

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval:
 - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-038, MPL2022-023, and SP2022-093** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. **The building shall be repaired and updated to reflect Commercial Design Guideline standards, including but not limited to:**
 - a) **Lighting shall be updated to fixtures that are hooded with 90-degree downward facing lighting;**
 - b) **The parking lot shall be repaired, sidewalk repaired, parking lot restriped;**
 - c) **Brick shall be tuckpointed;**
 - d) **Increased landscaping;**

- e) Fence repair; and,
 - f) Soffit and fascia repair;
 - g) A five (5) foot wide sidewalk shall be constructed on the west side of the property to provide connectivity between the proposed development and the future residential neighborhood.
2. Sec. 27-464(c)(9) Retail businesses with parking areas or other outside customers-oriented areas within 100 feet of any residence shall restrict hours of operation to between 6:00 AM and 1:00 AM of the following day;
 3. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
 4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 5. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided;
 6. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;
 7. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
 8. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that

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

10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
11. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
12. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

ATTACHMENTS

December 12, 2022 City Planning Commission Minutes

Aerial Map

Zoning Map

Land Use Map

Plan Set

Neighborhood Meeting Information

Staff Site Visit Photos Dated October 8, 2022

Email in opposition

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Change of Zone	December 12, 2022	January 12, 2023
	Approval	
Master Plan Amendment	December 12, 2022	January 12, 2023
	Approval	
Special Use Permit	December 12, 2022	January 12, 2023
	Approval	

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

MOTIONS

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-038** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-038** as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-023** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-023** as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-093** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-093** as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 12, 2022 City Planning Commission Minutes:

Hearing starts at 1:17:35:

MASTER PLAN AMENDMENT MPL2022-023 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) at 8919 Leavenworth Road.

CHANGE OF ZONE APPLICATION COZ2022-038 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES - SYNOPSIS: Change of Zone from R-1 Single Family and C-1 Limited Business Districts to CP-1 Planned Limited Business District for a liquor store at 8919 Leavenworth Road.

SPECIAL USE PERMIT APPLICATION SP2022-093 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES - SYNOPSIS: Special Use Permit to operate a liquor store at 8919 Leavenworth Road.

Detailed Outline of Requested Action: The applicant, Anna Brescia with Richard T. Bryant & Associates, is requesting a Change of Zone, Master Plan Amendment, and Special Use Permit for the operation of a liquor store at 8919 Leavenworth Road. The current property is split-zoned C-1 and R-1 and the Change of Zone formally recognizes the commercial designation for the property. The Master Plan Amendment has been requested to better align the proposed commercial use with the land use designation. The subject property has a total of 3,728 square feet plus parking and an additional vacant lot in the rear for future development.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Chairman Carson stated that he was contacted by several neighbors with concerns about a liquor store. He was also contacted by Commissioner Kane stating that he had been contacted by several neighbors in opposition.

Present in Support:

- Bryon Ruoff, 330 Architects, representing the applicant
- Anna Brescia, applicant, Richard T. Bryant & Associates, 1111 Main Street, Suite 750, Kansas City, Missouri 64105

Present in Opposition:

- Bethany and James Vogel, 8951 Leavenworth Road, Kansas City, Kansas 66109
- Debbie Cobalt, 3024 North 89th Street, Kansas City, Kansas 66109
- Jeremy Budde, 8833 Leavenworth Road, Kansas City, Kansas 66109
- Sandy McMillian, 3217 East Townsend Court, Kansas City, Kansas 66109
- Ashley Hille, 3132 East Townsend Court, Kansas City, Kansas 66109
- Mathew Callahan, 3033 North 89th Street, Kansas City, Kansas 66109
- Arthur Verbeck, 8910 Leavenworth Road, Kansas City, Kansas 66109
- Christina, 2720 North 90th Street, Kansas City, Kansas 66109
- Rebecca Wright, Wright Liquor Store, 8014 Leavenworth Road, Kansas City, Kansas 66109
- Julie, 3131 East Townsend Court, Kansas City, 66109

Staff Recommendation starts at 1:53:26: Planning Director Hand stated that this property is in the City-Wide Master Plan area and north of the Mid-Town area. Prior to this evening Staff had received no letters in support nor opposition. After the meeting packet was sent to the Commission, calls in opposition were received by Staff. Staff recommended approval of all three (3) entitlements subject to conditions and the

Commercial Design Guidelines. He stated that a business with outside activity and/or parking adjacent to residential parcels must close by 1:00 a.m. in this zone district. A final development plan would be required. As it relates to the applicant's request to amend Condition 1, Staff would be amenable to changing it to the length of the existing road which would be North 89th Street to extend the five (5) foot sidewalk off Leavenworth Road. Regarding the Master Plan Amendment and Special Use Permit, based on feedback this evening, the Commission has options. If the Commission does not recommend approval of the liquor store, Staff would recommend that the Commission approve the Change of Zone to fix the split zoning on this parcel. Staff would also be recommending updating the Master Plan. Staff can only find information that it has been a commercial use. Applicant does not want to split the parcel with each parcel having its existing zoning. This existing commercial zoning does not match the land use designation, which is single-family residential. Those in opposition expressed that they did not want any commercial uses on this parcel. If the Commission agrees, then a recommendation of denial would be in order. Staff stands with its original recommendation of approval for all three (3) applications.

The Planning Commission directed questions to Staff.

Motion starts at 2:02:00:

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **DENIAL of MPL2022-023 due to the proposed use's incompatibility with the neighborhood:**

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

Motion to recommend **DENIAL** Passed: 9 to 0

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **DENIAL of COZ2022-038 due to the proposed use's incompatibility with the neighborhood:**

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

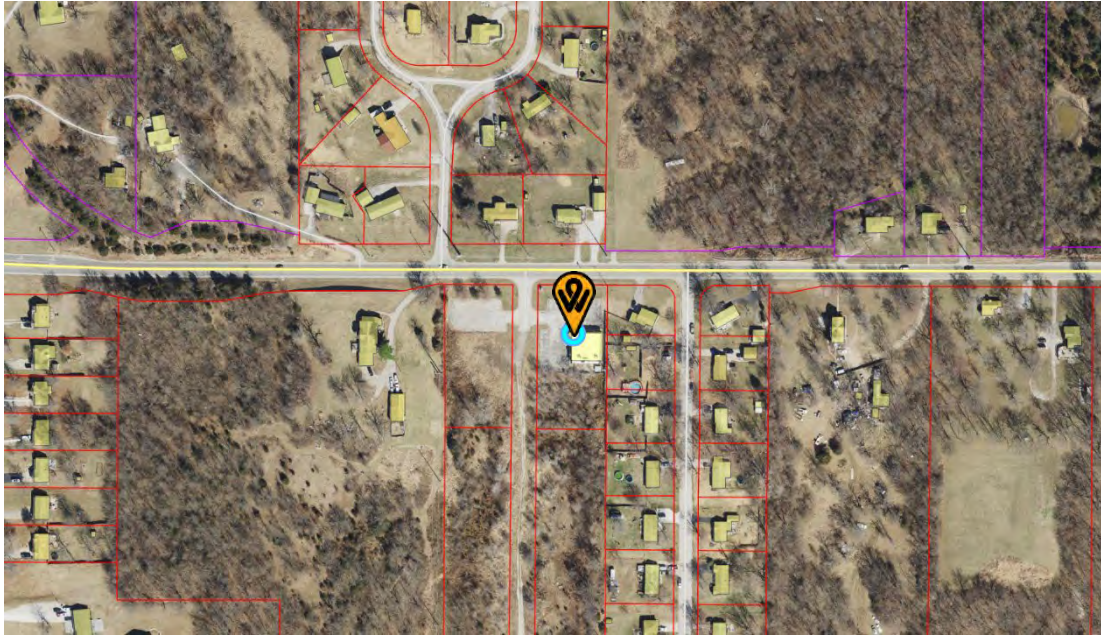
Mohler Aye
Motion to recommend **DENIAL** Passed: 9 to 0

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **DENIAL of SP2022-93 due to the proposed use's incompatibility with the neighborhood:**

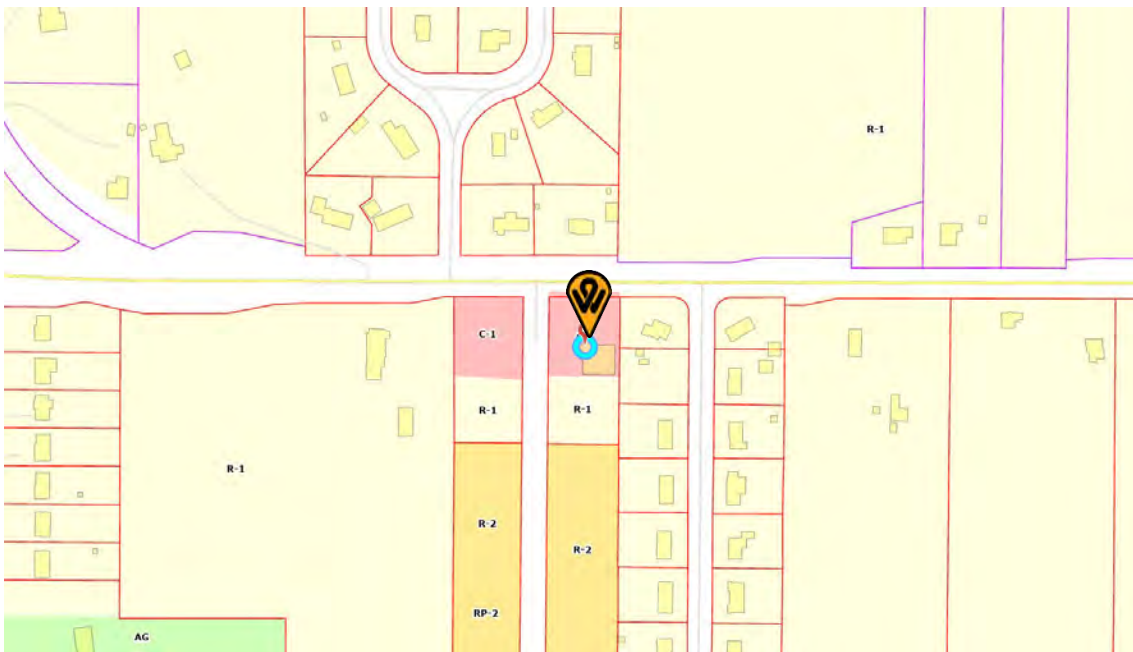
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Not Present
Beth	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye

Motion to recommend **DENIAL** Passed: 9 to 0

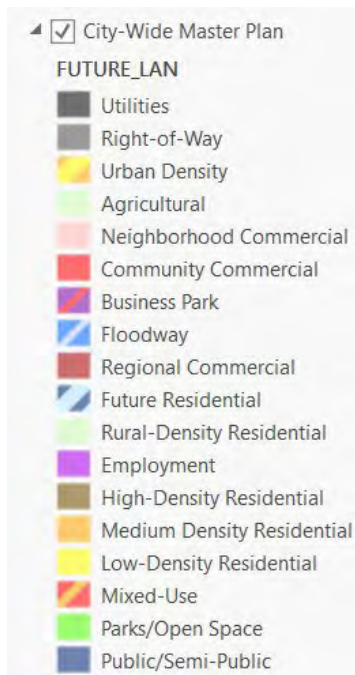
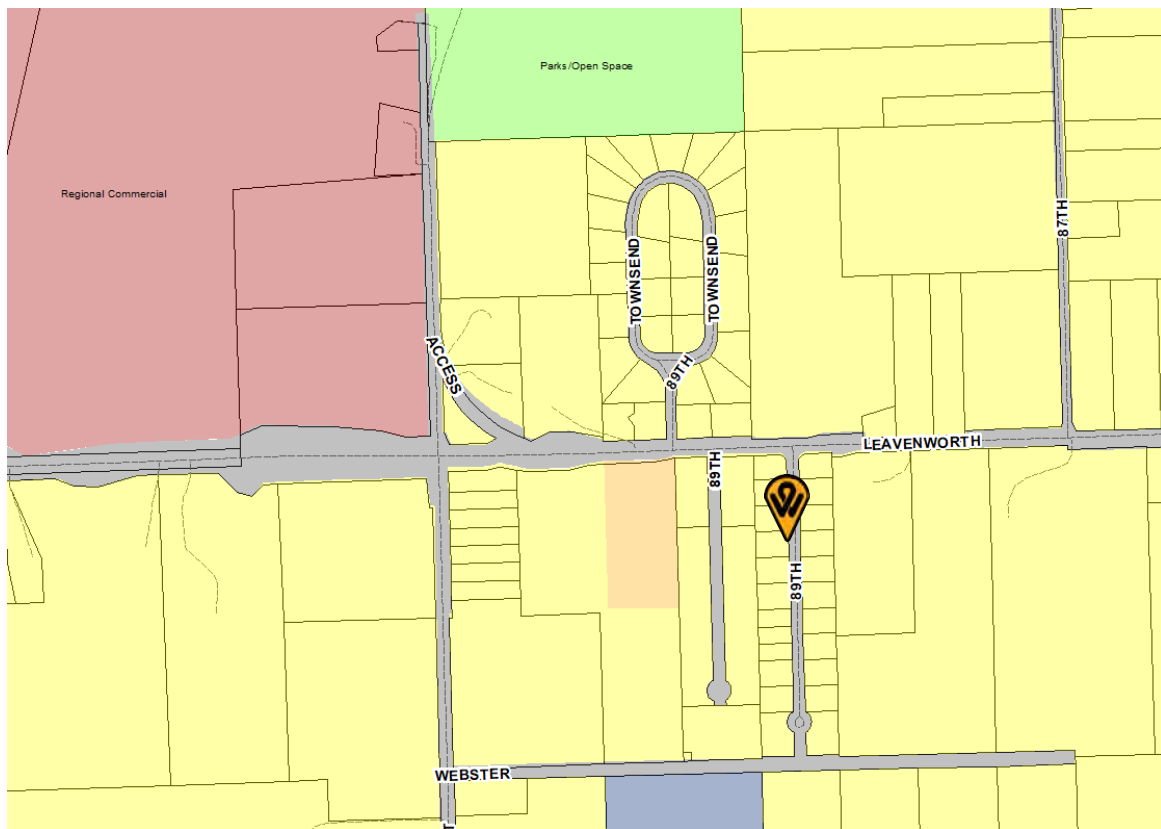
AERIAL MAP

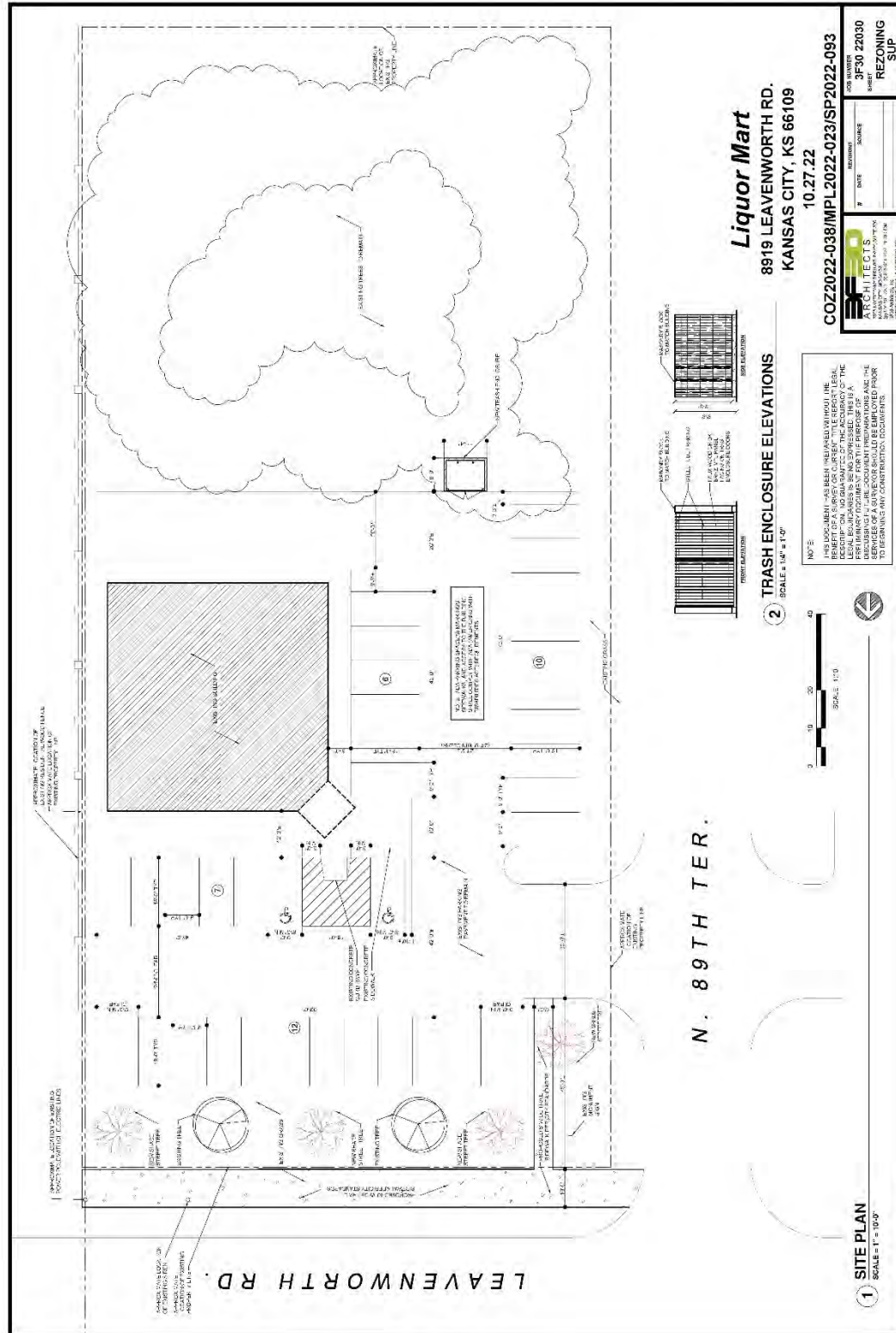


ZONING MAP



LAND USE MAP





NEIGHBORHOOD MEETING INFORMATION

RICHARD T. BRYANT & ASSOCIATES, P.C.

ATTORNEYS AT LAW

HARZFELD'S BUILDING
1111 MAIN STREET, SUITE 750
KANSAS CITY, MISSOURI 64105

PHONE (816) 221-9000
FACSIMILE (816) 221-9010
E-MAIL: DICK2479@aol.com

November 11, 2022

Commissioner Melissa Bynum
701 North 7th Street, 9th Floor
Kansas City, KS 66101

Re: Neighborhood Meeting
Change of Zone & Special Use Permit
Property Address: 8919 Leavenworth Road, Kansas City, KS 66109

Dear Commissioner Melissa Bynum:

We have filed applications with the Department of Urban Planning and Land Use for a change of zone and special use permit for the above referenced property to correct the split zoning and to operate a liquor store. The permit numbers for the applications are as follows:

1. COZ2022-038 – change of zone from split R-1 Single Family District and C-1 Limited Business District to CP-1 Planned Limited Business District for a liquor store.
2. MPL2022-023 – Master Plan Amendment from Low-Density Residential to Community Commercial.
3. SP2022-093 – Special Use Permit for a liquor store.

We are having a neighborhood meeting on November 22, 2022, at 4:00PM at the site referenced above. The purpose of this meeting is to explain the proposal and to answer any questions or concerns you may have. This will also give you an opportunity to meet the business owner, who is a local resident from the neighborhood.

We look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at (816)221-9000 or brescia.annab@gmail.com if you have any questions or would like more information.

Sincerely,



Anna B. Brescia
Paralegal

/abb

ANDREW S. TALGE
Licensed in Kansas, Missouri
andrewtalge@gmail.com

RICHARD T. BRYANT
Licensed in Iowa, Kansas,
Missouri, Washington, D.C.,
Superior Court of the U.S. Virgin Islands
DICK2479@aol.com

NEIGHBORHOOD MEETING INFORMATION

**Liquor Mart
Neighborhood Meeting
8919 Leavenworth Road
Kansas City, Kansas 66109**

Minutes of Meeting

Case Number: 61-22

Date of Meeting: November 22, 2022, 4PM

Location of meeting: 8919 Leavenworth Road, Kansas City, KS 66109

Pursuant to Notice sent by Certified Mail as identified on the attached list and certified mail return receipts, a meeting relating to a Special Use Permit application was convened at 4:00 pm on November 22, 2022.

Anna Brescia, the legal representative for Reva LLC, was present and conducted the meeting. There was a total of 6 residents present at the meeting and who signed the sign-in sheet. The sign-in sheet is attached to the meeting minutes.

Anna Brescia confirmed the purpose of the meeting was to discuss the project and answer questions.

Jeremy Budde and Marla Budde expressed their concerns for the upkeep of the property and wanted a better understanding of the project.

The main concern of the residents at the meeting was security of the property and people drinking on the premises.

Anna Brescia confirmed the date and time of the Planning Commission public hearing with all parties present.

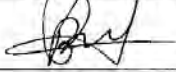
The meeting was adjourned at 4:45 pm.

Minutes were taken by Anna Brescia, legal representative for Reva LLC.

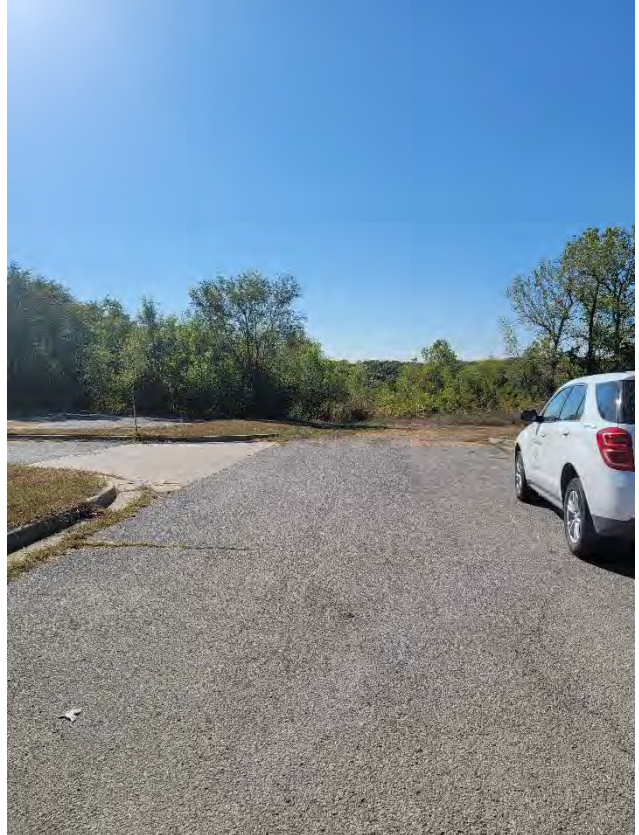
NEIGHBORHOOD MEETING INFORMATION

Liquor Mart
Neighborhood Meeting
8919 Leavenworth Road
Kansas City, Kansas 66109
November 22, 2022, 4PM

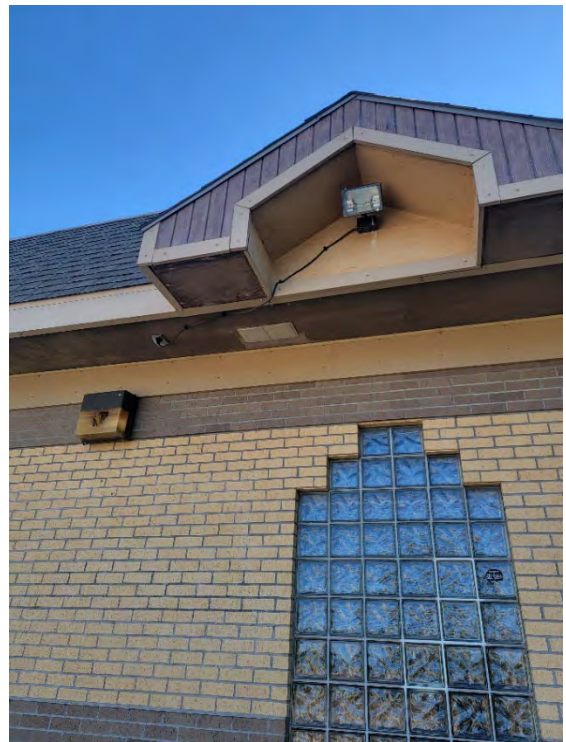
Sign In Sheet

Print Name	Signature
Jeremy Budde	
MARIA Budde	
Anthony A. Wilson	
Deborah Kobolt	
Sandy McMillian	SANDY McMILLIAN
JAMES VOGEL	
Rashna Kalikotey	
Raj Kalikotey	
Anna Brescia	AB

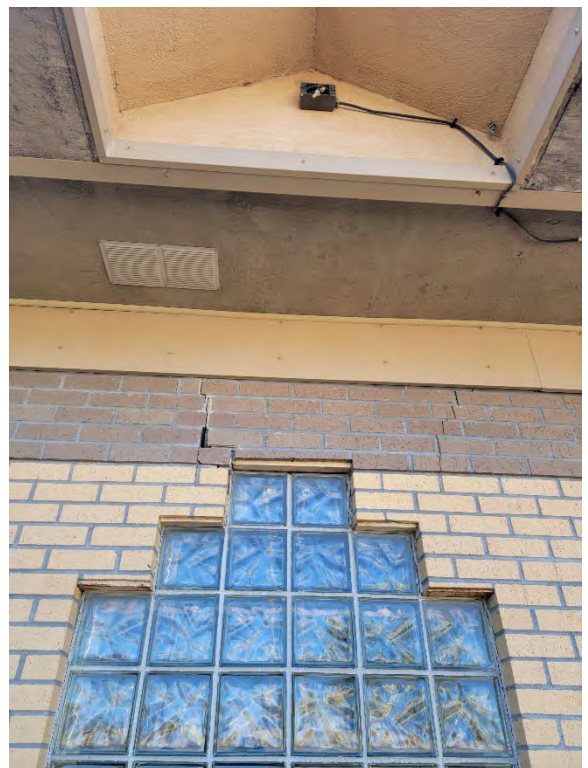
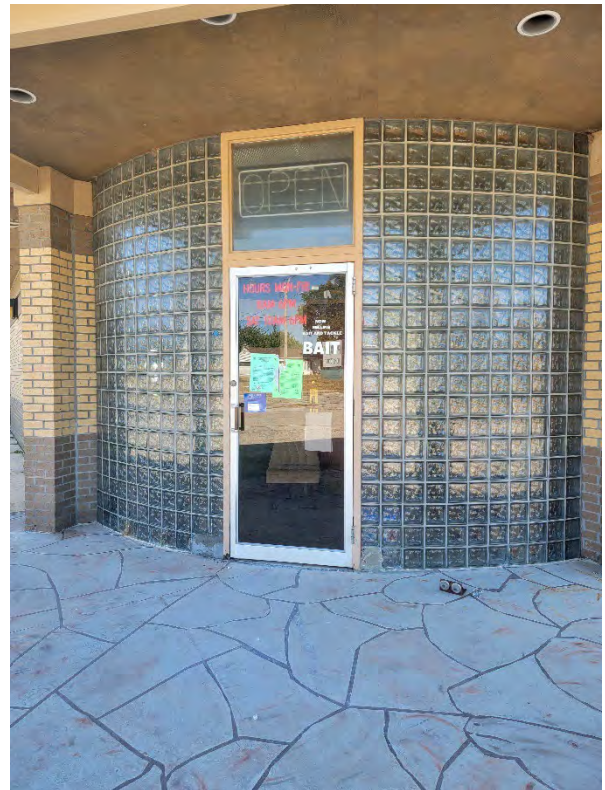
STAFF SITE VISIT PHOTOS DATED OCTOBER 8, 2022



STAFF SITE VISIT PHOTOS DATED OCTOBER 8, 2022



STAFF SITE VISIT PHOTOS DATED OCTOBER 8, 2022



STAFF SITE VISIT PHOTOS DATED OCTOBER 8, 2022



STAFF SITE VISIT PHOTOS DATED OCTOBER 8, 2022



Parker, Janet

From: Bethany Gallagher <BGGallagher@hotmail.com>
Sent: Tuesday, December 6, 2022 9:09 PM
To: PlanningInfo
Subject: 8919 Leavenworth Rd

You don't often get email from bggallagher@hotmail.com. [Learn why this is important](#)

Dear Urban planning Department,

Our names are James and Bethany Vogel and we live at 8951 Leavenworth rd. You may remember a year or so ago a proposal was made to rezone part of the property at 8919 Leavenworth Rd. They wanted to put in a gas station. Thankfully, you and your co-members denied the rezoning. I am here again asking the very same thing of you. We have received a letter informing us that there is a proposal for rezoning 8919 Leavenworth Rd. They are now wanting to build a Liquor store and claim they need to rezone. I am sure you are aware of a of this. I just wanted to make you aware of how we feel.

I understand that the 8919 was once a business so therefore it is zoned as such. We are not against the location being a restaurant, a daycare, coffee shop or another thrift store. If we could we would buy the property ourselves and have it rezoned residential we would do it in a heartbeat. We just want something that works with the hours of the neighborhood and will help promote the safety we are trying to keep for our kids. It's not lost on us that we will not be able to keep something from coming in on the already commercially zoned land but our hope is to keep the other remaining property from being rezoned. If we allow the proposed liquor store to rezone and they sell later there is nothing we can do about a gas station or something bigger coming into our neighborhood. We have several liquor stores located on Leavenworth Rd. one less than 2 miles down the road. We also have some located around the legends area. Why do we need one placed right in the middle of our neighborhood? Studies have shown that alcohol availability seems to affect "neighborhood culture" and "wetter" neighborhoods have higher levels of drinking, accidents, possible robberies and violence. By adding a liquor store, you add more traffic, more lights, and other possible problems that we are not wanting in our neighborhood around our kids. My husband went and talked with the owners and their lawyer and I am 99% sure that they would not want to raise their children next door to a liquor store.

My husband and I bought our home 7 years ago. We wanted to raise our family and continue with foster care in a quiet place with land and away from the ever-growing Wyandotte county. We wanted to give our children a safe place to enjoy childhood. We accomplished our dream when we purchased our home on 14 acres. We enjoy the quiet nights watching movies on the front porch. We searched for this home on land for a long time. James works for the Unified government and has a residency requirement. As I am sure you know, land is hard to find in Kansas City, Kansas. Well, we found it 7 years ago and have loved every minute living where we live. Putting a liquor store right next door to our home would change the things we love about where we live. It will change the hours and safety we feel living here.

I am a small business owner myself and know the struggles we face trying to open a location. But knowing all that, my most important job is being a mom and my husband and I bought our property so our kids could grow up out of the craziness of everyday life. Adding a liquor store or any possible commercial business that does not operate on the hours of the neighborhood only brings the ever-growing city into our backyard. We are asking again for you and your co-members to please help us keep our neighborhood a quiet place where we all enjoy raising our kids and deny the rezoning of 8919 Leavenworth Road.

Thank you,
James and Bethany Vogel

1



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 12, 2023

Re: Change of Zone Petition COZ2022-042

GENERAL INFORMATION

Applicant:

Roger Barrett

Status of Applicant:

SK Design Group, Inc.
4600 College Boulevard, Suite 100
Overland Park, KS 66211

Requested Actions:

Change of Zone from C-0 Nonretail
Business District to C-D Central
Business District.

Date of Application:

October 28, 2022

Purpose:

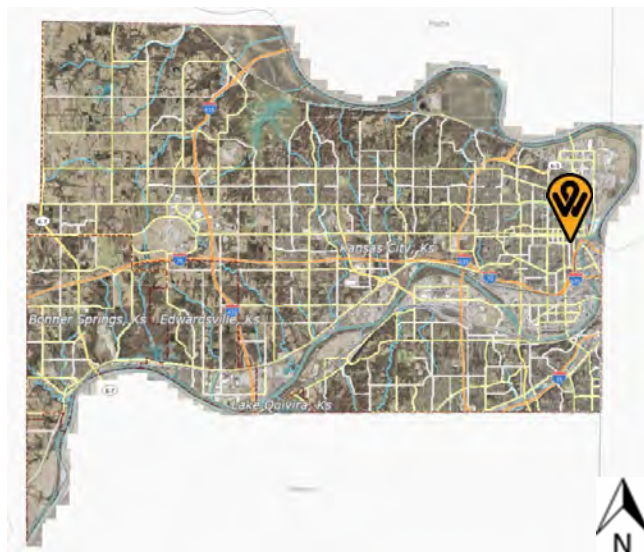
To rezone to build a six (6) story, 60-unit
mixed-use apartment building with 6,000
square feet of ground floor retail.

Property Location:

810 North 6th Street

Commission District:

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



Existing Zoning:	C-0 Nonretail Business District (proposed C-D Central Business District)
Adjacent Zoning:	North: C-0 Nonretail Business District South: CP-0 Planned Nonretail Business District East: C-D Central Business District West: C-0 Nonretail Business District
Adjacent Uses:	North: Huron Park South: City Hall and WYCO Health Department parking lot East: Apartments and KCKFD Headquarters West: Huron Park
Total Tract Size:	0.53 Acres
Master Plan Area:	Downtown Master Plan
Master Plan Designation:	The Downtown Master Plan designates this property as Catalyst Block, which seeks to allow a community/regional cultural destination, provide mixed-use development, maintain public open space on the block, provide enhanced pedestrian connection to and within the block, preservation of the Huron Cemetery and maintain historic presence on the block.
Major Street Plan:	The Major Street Plan classifies North 6 th Street and Barnett Avenue as Class C Thoroughfares.
Required Parking:	This appeal has been filed to build a 60-unit, six (6) story apartment building with ground floor retail. Sec. 27-465(f)(1) states uses in this district need not provide off-street parking, except that residential occupancies shall provide not less than one (1) off-street parking space for each dwelling unit, and hotels shall provide one (1) off-street parking space for each room. Such parking spaces shall be paved and shall be on the premises or off the premises within 200 feet on the main entrance to the building served. 60 parking spaces are required. 14 parking spaces are provided. Note: The proposed zoning code amendment parking requirement for apartments is one (1) space per dwelling unit. 60 dwelling units are proposed. 60 parking spaces are required, a violation of 46 parking spaces.

Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – November 17, 2022 Letters to Property Owners – Change of Zone – November 18, 2022
Public Hearings:	December 12, 2022 and January 12, 2023
Public Support:	One (1) person appeared at the December 12, 2022 City Planning Commission meeting.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Roger Barrett, with SK Design Group, Inc., wants to rezone 810 North 6th Street C-0 Nonretail Business District to C-D Central Business District to build a 60-unit, five (5) story over one (1) story commercial retail/office (six (6) stories total) on 0.53 acres.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is comprised of a mixture of single-family homes and neighborhood to the south and east known as Strawberry Hill due to the variety of historic churches, as the defining landmarks of the neighborhood and commercial businesses and commercially zoned parcels along 6th Street and Barnett Avenue, west of 6th Street.

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

The zoning and uses of properties nearby are set out above. The proposed use is compatible with the surrounding properties to the east and south as there is an existing converted commercial building (formerly City Hall) into apartments and City Hall, Wyandotte County Health Department, and ancillary parking lot. High density development should occur at major intersections along transit corridors.

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

The removal of the restrictions could detrimentally affect nearby property because only 14 parking spaces are being provided for residents. 60 spaces are required, a deficit of 46 off-street parking spaces, so the vehicles that should be parking off-site will now be pushed into the adjacent single-family neighborhood to the east, along Ann and Barnett Avenues.

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

The property has been vacant for an undetermined amount of time, however, this property was formerly the site of a hotel.

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

The proposed development is reasonably necessary for individuals who want to live in downtown Kansas City, Kansas and availability to public transportation but do not want to rent or purchase a single-family detached home or townhome or condo. The potential for an influx of on-street parking needed for residents due to 14 off-street parking spaces provided for the development could impact the appropriate use and marketability of nearby property if there is reduced capacity for available on-street parking for the existing single-family residences along Ann and Barnett Avenue.

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

The proposed development with 60 units will not substantially increase traffic on 6th Street and Ann Avenue. The Traffic Impact Study will be analyzed by Planning Engineering and Public Works regarding road capacity. Further comments may be forthcoming from Planning Engineering and Public Works Department.

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

The proposed use conforms to the Downtown Master Plan, which allows a community/regional cultural destination, provide mixed-use development, maintain public open space on the block, provide enhanced pedestrian connection to and within the block, preservation of the Huron Cemetery and maintain historic presence on the block.

The historic presence should be protected and the design should conform to the historic district.

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

The proposed use should not cause environmental harm through runoff because the proposed development will capture the storm water runoff instead of sheet flowing off the property onto 6th Street and/or Ann Avenue into the storm sewer.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

UG provides sanitary sewer service.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

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

e. *Fire*

Fire service is provided by Fire Station #1 located off 5th Street and Armstrong Avenue.

f. *Transit*

Kansas City ATA provides transit service at the 6th Street and Ann Avenue intersection, Routes #102, #103, #104, #106, #107, and #12.

g. Schools

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

h. Streets

North 6th Street is a Class C Thoroughfare, and the traffic study will determine if the proposed development can be supported by the existing street network.

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

The proposed use will have a beneficial economic impact on the community. The multiple housing unit types (between one and two bedrooms) within the complex will promote a diverse population to make use of the nearby employment, entertainment, and transit.

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

The proposed use will need revisions to comply with applicable ordinance requirements. While the applicant is seeking a variance for a reduction in parking, however, Staff recommends entering into a parking agreement with an adjacent property owner (within 200 feet of the parcel) to lessen the burden of on-street parking into the adjacent single-family neighborhood.

The proposed development is within Huron Place, a Local, State and Federal Historic District, which requires a Certificate of Appropriateness approval by the Landmarks Commission.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the owners will still have property that is able to be developed, however, not in the form they originally sought to redevelop the parcel.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on November 28, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Parking
Traffic
Transit Access
Historic District Review
Downtown Master Plan Multi-Family Guidelines
Affordable Housing
Lighting
Pedestrian Connectivity
Fire Access
Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-042**, subject to:

1. A Certificate of Appropriateness is required to be approved by the Landmarks Commission for zoning prior to having this case, COZ2022-042 is presented before the City Planning Commission. This case will not be heard before the City Planning Commission until after a decision is made by the Landmarks Commission. Also, if there are changes to the plan that the Landmarks Commissions make in their Certificate of Appropriateness review, this will affect the site plan/design and/or building elevations. Additionally, a Certificate of Appropriateness must be approved by the Landmarks Commission prior to the issuance of a building permit, which can be adjusted for the Final Development Plan, if needed. Contact Randy Greeves, Historic Preservationist Planner, at (913) 573-5763 or rlgreeves@wycokck.org;
2. This City Planning Commission case is being heard in conjunction with BOZA2022-060. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-060 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
3. Because this project is on a transit corridor, a transit stop needs to be incorporated into the street improvements along 6th Street or Ann Avenue. Contact Justus Welker, Director of Transportation, at (913) 573-6798 or jwelker@wycokck.org for specific details on what improvements are needed;
4. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
5. Obtain a shared parking agreement with an adjacent property owner to alleviate the potential single-family neighborhood's concerns about the lack of on-street parking;

6. Review Appendix A in the Downtown Master Plan as building design, streetscape design and open space design are discussed at length. Incorporate these elements into the Final Development Plan.
https://www.wycokck.org/WycoKCK/media/Urban-Planning-Land-Use/Documents/Downtown_Master_Plan.pdf;
7. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants;
8. Lighting cannot exceed one (1) footcandle at the property line. Revise the lighting plan;
9. Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood;
10. Due to lack of non-vehicular open space, consider incorporating the use of permeable pavers for all driveways;
11. The proposed retaining wall along the west property line shall be stone masonry, not modular block, or concrete forms;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. The proposed garage doors shall match the adjacent exterior building façade color;
14. Downspouts shall be internalized;
15. Greater emphasis needs to be put upon the ground floor uses and its proximity to Ann Avenue. Need to activate all ground floor on Ann Avenue. Staff would like to further evaluate this issue to see if doors, patio, outdoor patio/seating area can be added along Ann Avenue doors;
16. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
17. All landscaping shall be irrigated;
18. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
19. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
20. All electrical meter banks, typically on the side of the building shall be screened from public view;
21. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
22. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or

- an architectural wall constructed from the same materials as the main building;
23. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
24. Regarding the BPU transformer screening, the following applies:
- a. Gate doors are required for all types of screening that are placed in front of the transformers.
 - a. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180 degrees and have 10-foot clearance from pad when gate door is open.
 - b. Posts for gate doors must be installed a minimum distance of 10 feet apart in front.
 - c. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat.
 - d. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
 - e. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
25. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
26. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
27. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division (businesslicense@wycokck.org or 913-573-8780). Their office is located in the Neighborhood Resource Center (NRC), 4953 State Avenue, Kansas City, KS 66102;
28. All existing and future driveways must feature curb cuts that are constructed to UG standards;
29. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to

- confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
30. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
31. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2022-042** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

December 12, 2022 City Planning Commission Minutes
Aerial Map
Land Use Map
Zoning Map
Historic Landmark and Districts Map
Applicant Response Letter
Neighborhood Meeting Documents
Unified Government – Downtown Parking Lot Map
Site Plan
Grading Plan
Utility Plan
Landscape Plan
Building Elevations
Site Photographs taken by Staff on November 15, 2022.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	December 12, 2022	January 12, 2023
Rezoning	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-042** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-042** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 12, 2022 City Planning Commission Minutes:

Hearing starts at 2:05:30:

CHANGE OF ZONE APPLICATION COZ2022-042 – ROGER BARRETT WITH SK DESIGN GROUP - SYNOPSIS: Change of Zone from CP-O Planned Non-Retail Business District to C-D Central Business District to construct a six (6) story mixed-use development at 810 North 6th Street. *Detailed Outline of Requested Action:* The applicant, Roger Barrett, with SK Design Group, Inc., wants to rezone 810 North 6th Street C-0 Nonretail Business District to C-D Central Business District to build a 60-unit, five (5) story over one (1) story commercial retail/office (six (6) stories total) on 0.53 acres.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 12, 2022;

5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Planning Director Hand stated Staff would recommend holding over this application as the variance application was held over. Mr. Barrett stated that they would like to move forward with the rezoning this evening.

Present in Support:

- Roger Barrett, applicant, SK Design Group
- Neil Martelle, Eagle Point Companies, 125 John Roberts Road, South Portland, Maine
- Edgar Galicia, CABA

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:14:25: Planning Director Hand stated that the request is for a 60-unit, five (5) story over one (1) story of 6,000 square feet of retail. The parking variance was held over by the Board of Zoning Appeals earlier this evening. The property is in the Downtown Area Master Plan. Staff received no letters in support nor opposition prior to this evening's meeting. There are no Notices of Violation on this property. Staff recommends approval subject to compliance with the Mixed-Use Design Guidelines. One of the conditions of approval is for the applicant to work with UG Public Transit to determine enhancements to the existing, adjacent transit stop. He further stated that the Certificate of Appropriateness was approved by the Landmarks Commission for the rezoning. A second Certificate of Appropriateness will be required at the time of building permit.

The Planning Commission directed questions to Director Hand.

Motion starts at 2:27:35:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-042:**

Carson	Chairman
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Not Present
Beth	Aye

Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye

Motion to recommend **APPROVAL** Passed: 9 to 0

Subject to:

1. A Certificate of Appropriateness is required to be approved by the Landmarks Commission for zoning prior to having this case, COZ2022-042 is presented before the City Planning Commission. This case will not be heard before the City Planning Commission until after a decision is made by the Landmarks Commission. Also, if there are changes to the plan that the Landmarks Commissions make in their Certificate of Appropriateness review, this will affect the site plan/design and/or building elevations. Additionally, a Certificate of Appropriateness must be approved by the Landmarks Commission prior to the issuance of a building permit, which can be adjusted for the Final Development Plan, if needed. Contact Randy Greeves, Historic Preservationist Planner, at (913) 573-5763 or rlgreeves@wycokck.org;
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3. Because this project is on a transit corridor, a transit stop needs to be incorporated into the street improvements along 6th Street or Ann Avenue. Contact Justus Welker, Director of Transportation, at (913) 573-6798 or jwelker@wycokck.org for specific details on what improvements are needed;
4. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
5. Obtain a shared parking agreement with an adjacent property owner to alleviate the potential single-family neighborhood's concerns about the lack of on-street parking;
6. Review Appendix A in the Downtown Master Plan as building design, streetscape design and open space design are discussed at length. Incorporate these elements into the Final Development Plan. https://www.wycokck.org/WycoKCK/media/Urban-Planning-Land-Use/Documents/Downtown_Master_Plan.pdf;
7. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants;
8. Lighting cannot exceed one (1) footcandle at the property line. Revise the lighting plan;

9. Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood;
10. Due to lack of non-vehicular open space, consider incorporating the use of permeable pavers for all driveways;
11. The proposed retaining wall along the west property line shall be stone masonry, not modular block, or concrete forms;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. The proposed garage doors shall match the adjacent exterior building façade color;
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17. All landscaping shall be irrigated;
18. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
19. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
20. All electrical meter banks, typically on the side of the building shall be screened from public view;
21. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
22. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;
23. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
24. Regarding the BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers.

- f. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180 degrees and have 10-foot clearance from pad when gate door is open.
 - g. Posts for gate doors must be installed a minimum distance of 10 feet apart in front.
 - h. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat.
 - i. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
 - j. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
25. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
26. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
27. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division (businesslicense@wycokck.org or 913-573-8780). Their office is located in the Neighborhood Resource Center (NRC), 4953 State Avenue, Kansas City, KS 66102;
28. All existing and future driveways must feature curb cuts that are constructed to UG standards;
29. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
30. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
31. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the

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

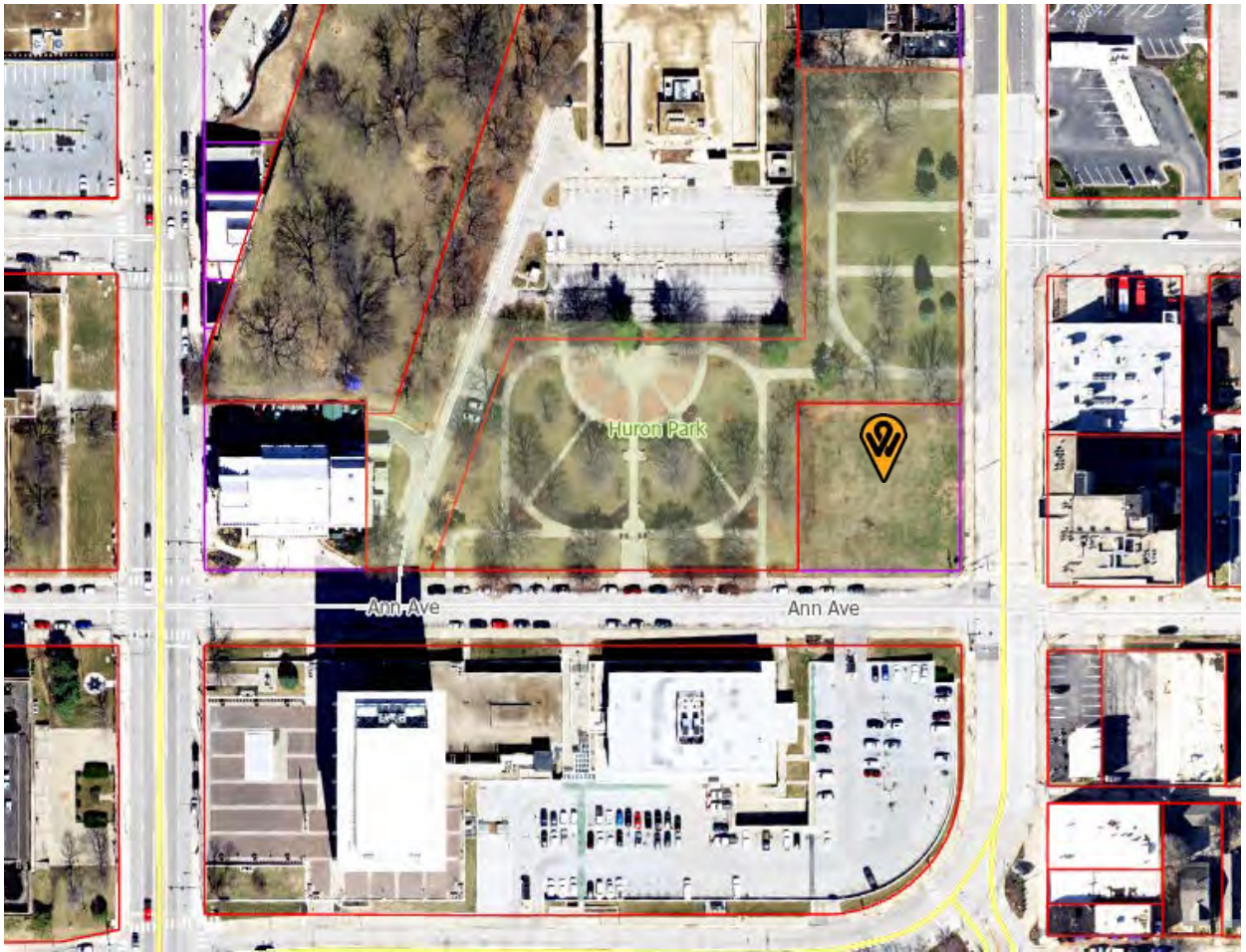


Figure 1. Aerial Photograph of 810 North 6th Street (provided by UG Maps).

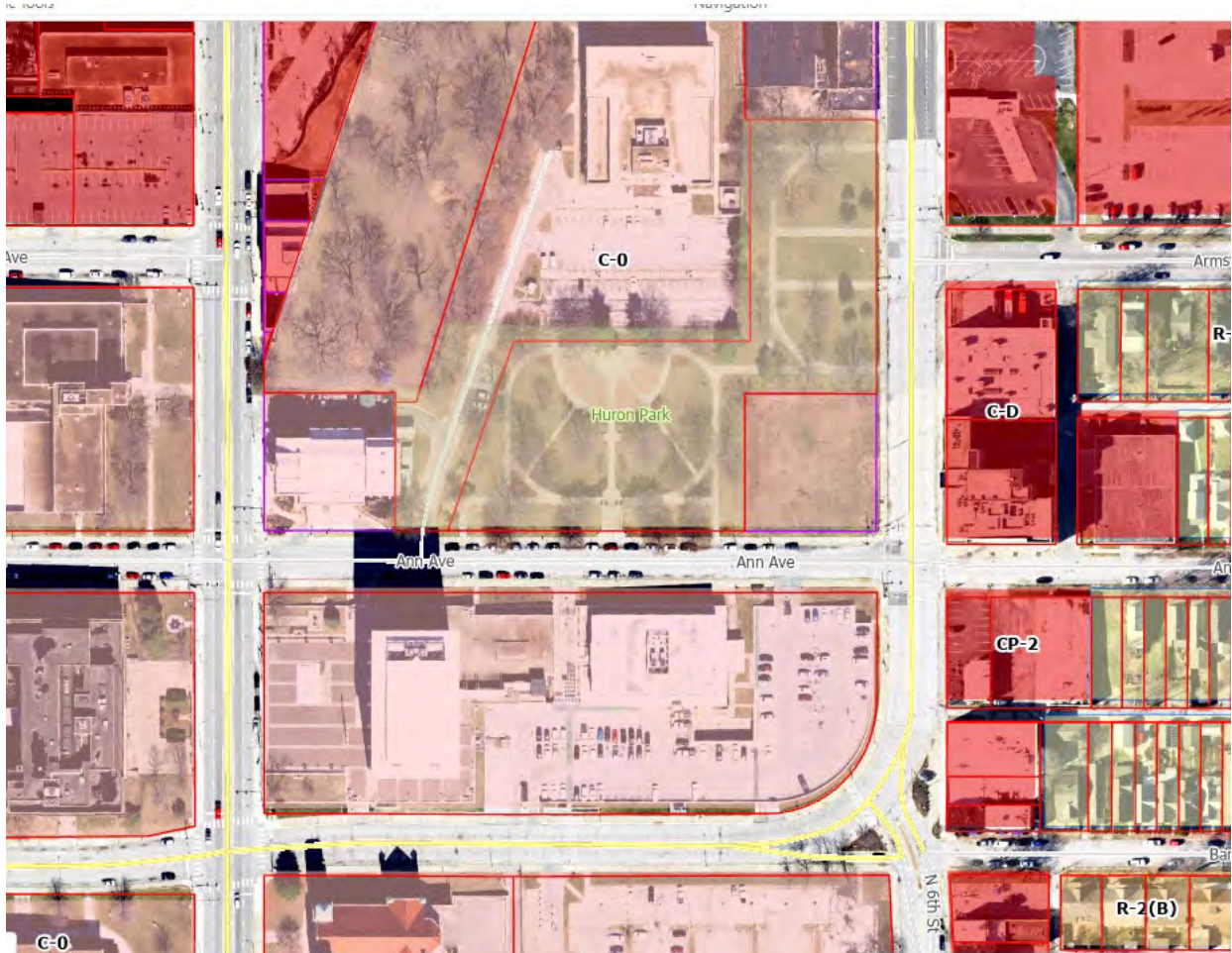


Figure 2. Zoning Map of 810 North 6th Street (provided by UG Maps).

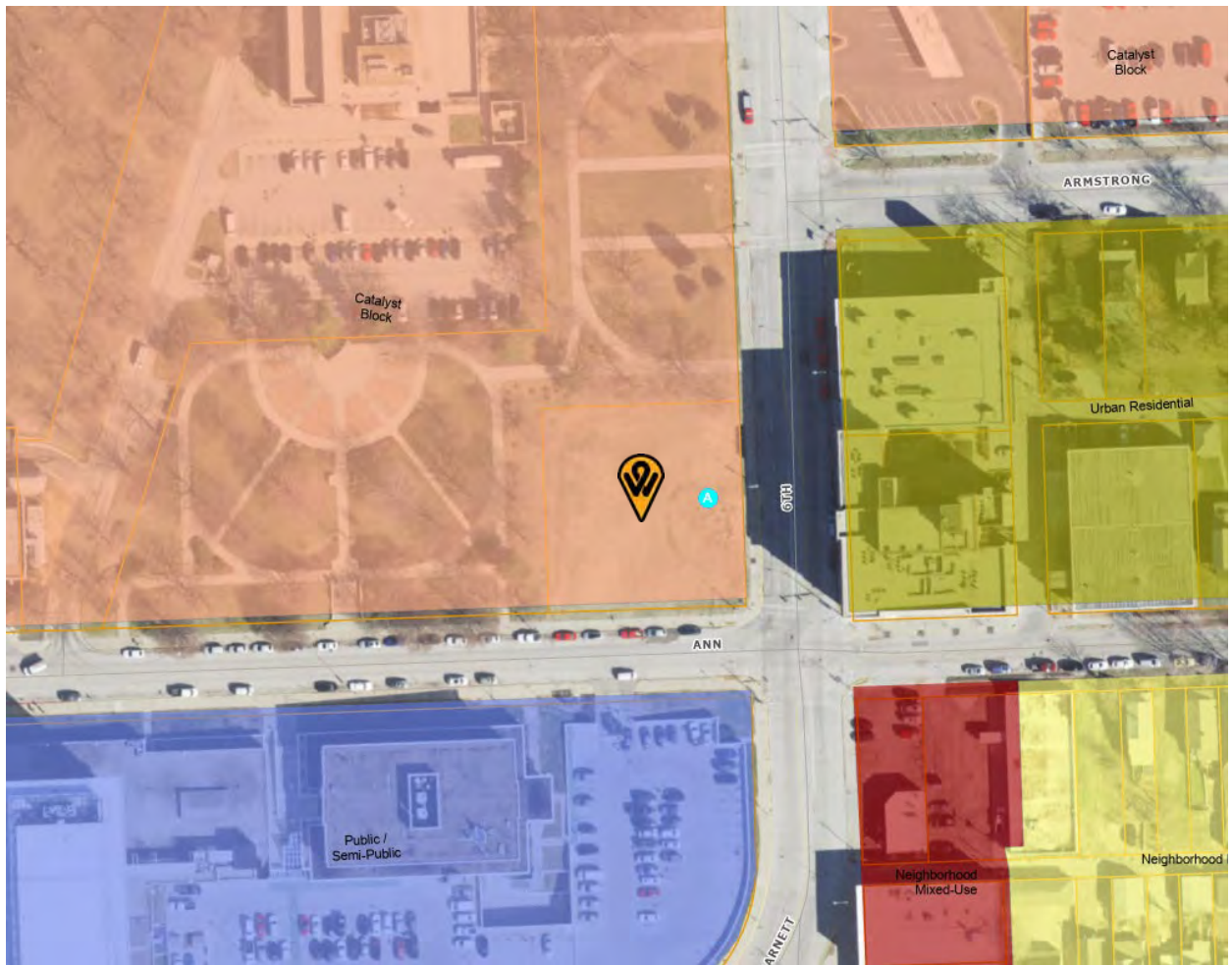


Figure 3. Downtown Master Plan Land Use Designation Map of 810 North 6th Street (provided by ArcMap).



**Urban Planning and Land Use Comments:****General Planning:**

- 1) A Certificate of Appropriateness is required to be approved by the Landmarks Commission and Unified Government Board of Commissioners for zoning prior to having this case, COZ2022-042 is presented before the City Planning Commission. This case will not be heard before the City Planning Commission until after a decision is made by the Unified Government Board of Commissioners. Additionally, a Certificate of Appropriateness must be approved by the Landmarks Commission prior to the issuance of a building permit, which can be adjusted for the Final Development Plan, if needed. Contact Randy Greeves, Historic Preservationist Planner, at (913) 573-5763 or rlgreeves@wycokck.org.

Response: Agree and concur. The Landmark commission hearing for case CA2022-101 is scheduled for December 5, 2022. The Architect, Paul Stark, discussed the entire project (exterior design, use, massing, materials, review for a Certificate of Appropriateness, etc.) with Randy Greeves on October 19, 2022

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

Response: Agree and concur

- 3) As part of Planning staff's ongoing discussion with Planning Engineering and Public Works Department regarding the traffic study, public improvements to 6th Street will be reviewed. Coordinate with Public Works Department about sidewalks along 6th Street.

Response: Agree and concur

- 4) Because this project is on a transit corridor, a transit stop needs to be incorporated into the street improvements along 6th Street or Ann Avenue. Contact Justus Welker, Director of Transportation, at (913) 573-6798 or jwelker@wycokck.org for specific details on what improvements are needed.

Response: Agree and concur

- 5) In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians.

Response: Agree and concur

- 6) Explore obtaining a shared parking agreement with an adjacent property owner to alleviate the potential single-family neighborhood's concerns about the lack of on-street parking.

Response: Agree and concur. Owner/Developer has and is working with the Unified Government to utilize the southwest corner of 6th and Ann Unified Government public parking lot which brings total spaces on site and across the street to approximately 103 parking stalls. Based on our discussion with the Unified Government, the Unified Government parking map (attached), Lots 3 and 6 are FREE parking. Approximately 100 L.F. east of the proposed development, City Hall Lofts

at 538 Ann Ave. has 43 units with 14 cars/parking stalls utilized. We anticipate similar parking utilization for this project as well.

In addition to the new proposed building which will have 60 apartments, the total development also includes the existing building, known as City Hall Lofts, which has 43 apartments. Adjacent to City Hall Lofts (and 100 LF east of the new building) is a parking garage which has 60 spaces. In our 12 years of ownership, this lot has been underutilized. Today only 14 of the spaces are being used. In addition to the total 74 spaces provided in the garage and at the proposed new building, the owner/developer has been working with the UG to secure the overnight use of up to 29 spaces located in either Lot 3 or Lot 6, as identified on the attached parking map. Lot 6 is currently free to use from 6am to 2am daily and Lot 3 currently charges for parking between the hours of 6am – 6pm and is free on nights and weekends. Owner/developer will seek to secure a long-term lease agreement to use 29 spaces in one of these lots. In the event this is not possible, owner will secure additional parking with a private lot

7) How is there ADA access from the parking lot located in the rear to the lobby of the building?

Response: Parking Lot ADA Stalls & ADA Accessible doorway at FF 850.00 Hallway. This hallway has an ADA lift to FF 845.84, Lobby, the 6th St Main front door elevation.

8) Will there be rideshare (Uber, Lyft, etc.) or other vehicle services provided either in the lot itself or a dedicated space at the curb along North 6th Street or Ann Avenue?

Response: Uber/Lift and deliveries are utilized for the project and has a dedicated zone for this activity in the parking lot near the West doors and ADA parking zone for accessibility and safety.

9) Where are on-site deliveries going to be dropped off?

Response: Non-USPS deliveries will be held in the Leasing Office, adjacent to the main apartment Lobby.

10) Why are the mailboxes not centralized, internal to the building rather than the rear of the building adjacent to the parking lot?

Response: The USPS is favoring exterior cluster boxes in many cities, as it reduces the time required to deliver the mail. Exterior cluster boxes are utilized at the existing apartment building across the street. Our preference is an interior mailbox area also, so in the future we will contact the local USPS representative to discuss their willingness to allow interior mailboxes.

11) What on-site amenities will be provided as part of this development?

Response: There is an exterior patio area designated adjacent to the Community Room for residents' use. There is also a pedestrian path (sidewalk and stairs) through the site connecting Ann Street with Huron Park.

12) Will there be access to the roof for a rooftop patio or outdoor space?

Response: No

13) All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants.

Response: On the first-floor plan, there is a storm shelter, designed per ICC 500-2014. The occupant load is as described on the first-floor plan.

14) Lighting cannot exceed one (1) footcandle at the property line. Revise the lighting plan.

Response: Agree and concur

15) Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood.

Response: Agree and concur

16) Due to lack of non-vehicular open space, consider incorporating the use of permeable pavers for all driveways.

Response: Will evaluate and discuss pervious pavement with staff that utilized conventional concrete pavement.

17) The proposed retaining wall along the west property line shall be stone masonry, not modular block or concrete forms.

Response: Agree and concur. Retaining wall to be cast in place concrete retaining wall stepped at 6' high maximum. Stone form liners will be used and tinting to appear to be natural stone appearance.

18) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.

Response: Agree and concur

19) All existing and future driveways must feature curb cuts that are constructed to UG standards.

Response: Agree and concur

20) A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.

Response: Agree and concur

Building Architecture:

1) As part of this review, the design of the building and site should be in context to the Huron Park historic district.

- a) Need to stagger front door entrance to apartments as per the Downtown Master Plan design guidelines.
- b) Where is the front door for the apartments vs. the front door for the retail shops?

Response: During the design of the project, the Architect, Paul Stark, discussed the appropriate design criteria for this unique historic site location with a local architectural historian and with Randy Greeves, the UG's Historic Preservationist Planner. The current design is based upon input from both individuals, who believe it is appropriate for this particular site even though it may not be in strict compliance with the Downtown Master Plan guidelines. On the east elevation, the apartment entrance is the northernmost entry door. The 3 other door on this elevation lead to the commercial lease space. At this time, the first-floor commercial use (office, retail, etc.) has not been determined.

2) Please review Appendix A in the Downtown Master Plan as building design, streetscape design and open space design are discussed at length. Incorporate these elements into the development plan. https://www.wycokck.org/WycoKCK/media/Urban-Planning-Land-Use/Documents/Downtown_Master_Plan.pdf

Response: Agree and concur. Public sidewalk zone will have tree plantings per the Downtown Master Plan. The open space approach links the project with steps and sidewalk to Huron Park.

- 3) Provide a sight line study from North 6th Street, north from Barnett Avenue and south from Armstrong Avenue, and west on Ann Avenue from 7th Street.

Response: Agree and concur. Developer will work with staff to create the desired sight line study.

- 4) Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly.

Response: Tables for percentage of exterior building materials have been added to the exterior elevation sheets. Now shown on revised sheets A2.1 through A2.4.

- 5) What is the purpose of the rollup door off Ann Avenue?

Response: The roll up door is not actually off of Ann Street; it leads from the 1st floor community room out to the patio. The roll up door provides a larger, more open feel to the community room.

- 6) The proposed garage doors shall match the adjacent exterior building façade color.

Response: The 1 garage door color is intended to match the clear anodized aluminum storefront.

- 7) Downspouts shall be internalized.

Response: Agree and concur. They have been removed from the exterior elevations.

- 8) Greater emphasis needs to be put upon the ground floor uses and its proximity to Ann Avenue. Need to activate all ground floor on Ann Avenue.

Response: Due to the steep sidewalk grade difference along Ann Street, entrances aren't feasible.

Landscaping and Screening:

- 1) Please review Appendix A in the Downtown Master Plan as building design, streetscape design and open space design are discussed at length. Incorporate these elements into the development plan. https://www.wycokck.org/WycoKCK/media/Urban-Planning-Land-Use/Documents/Downtown_Master_Plan.pdf

Response: Developer will work with staff and develop per the Downtown Master Plan guidelines.

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

Response: Agree and concur.

- 3) All landscaping shall be irrigated.

Response: Agree and concur.

- 4) All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times.

Response: Agree and concur.

- 5) All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building.



Response: Agree and concur.

- 6) All electrical meter banks, typically on the side of the building shall be screened from public view.

Response: Due to the significant grade difference and height of the retaining wall, the electrical meter banks are effectively screened from public view.

- 7) Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building.

Response: Agree and concur.

- 8) All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines.

Response: The parapet wall will be sufficient high to screen the rooftop mechanical equipment.

- 9) Regarding the BPU transformer screening, the following applies:

- a) Gate doors are required for all types of screening that are placed in front of the transformers.
- b) Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180 degrees and have 10-foot clearance from pad when gate door is open.
- c) Posts for gate doors must be installed a minimum distance of 10 feet apart in front.
- d) For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat.
- e) Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
- f) Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open.

Response: Agree and concur.

- 10) Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public.

Response: Agree and concur.

Signage:

- 1) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

Response: Agree and concur

CIVIL ENGINEERS SINCE 1989

November 18, 2022

GREG SEELINGER/STRAWBERRY HILL NGH
PO BOX 171117
KANSAS CITY, KS 66117

Re: Neighborhood meeting for City Hall Place, 810 North 6th Street, Kansas City, KS 66101
Petition: COZ2022-0420, BOZA: 2022-060
SK #22-135

Dear Property Owner,

You are invited to participate in the Virtual Neighborhood Meeting for this new proposed development. The Neighborhood Virtual Meeting will be held at 7:00 p.m. on Monday November 28th. Please use the following link to access the meeting:

<https://us02web.zoom.us/j/81639341611?pwd=WktjVUftUmphNDdqRlFIdmJYSDNiZz09>

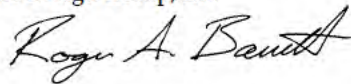
SYNOPSIS: Change of Zone from CP-0 Planned Non-Retail Business District to C-D Central Business District to construct a six (6) story mixed-use development at 810 North 6th Street (in conjunction with BOZA2022-060).

We have included several documents to illustrate and introduce the project to you.

- **Developer:** Eagle Point Companies
- **Location:** City Hall Place is located at the northwest corner of 6th St & Ann Avenue, adjacent to Huron Park.
- **Project Type:** First floor commercial lease, apartment amenities and leasing office, second through sixth floors will have sixty 1- and 2- bedroom apartments.
- **Existing Zoning:** C-O Non-Residential Business District
- **Proposed Zoning:** C-D Central Business District
- **Public Hearing:** This project, BOZA2022-060, will be heard on Monday, Dec. 12, 2022, by the Board of Zoning Appeals at 6:00 pm and application (COZ2022-042) will be heard by the City Planning Commission at 6:30 p.m. The meeting will be held via zoom and the commission chamber will be open for in-person attendance.

Prior to the meeting, please feel free to contact me by phone and/or email for any questions you may have.

Sincerely,
SK Design Group, Inc.



rbarrett@skdg.com

913-890-2706

913-451-1818

Roger Barrett, LEED AP
Sr. Project Manager

cc: Janet Parker, jparker@wycokck.org

CIVIL ENGINEERS SINCE 1989

November 30, 2022

Janet Parker, jparker@wycokck.org

Re: **Neighborhood Meeting – MINUTES AND ATTENDEES**
810 North 6th Street, Kansas City, KS 66101
Petition COZ2022-0420, and Petition BOZA2022-060
November 28, 2022 Meeting Via Zoom
SK #22-135

Minutes

Meeting called to order at: 6:50 PM, CST, Monday November 28, 2022

Meeting adjourned at: 7:36 PM, CST, Monday November 28, 2022

Attendees

Design team only:

Roger Barrett, SK Design Group, Inc.
Jason Barnes, Eagle Point Companies
Neil Martella, Eagle Point Companies
Paul Stark, Stark Wilson Duncan Architects Inc.

Introductions:

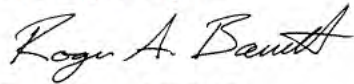
No presentation was made, no neighborhood attendees.

Questions and answers:

No questions or comments received

Minutes taken by:

SK Design Group, Inc.



Roger Barrett, LEED AP
Sr. Project Manager
rbarrett@skdg.com, 913-451-1818

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

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

1. That I am the petitioner for Petition #BOZA2022-060/COZ2022-042
2. That I conducted a neighborhood meeting on November 28, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Roger A. Barrett

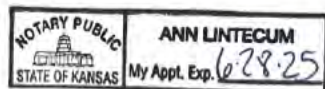
Affiant

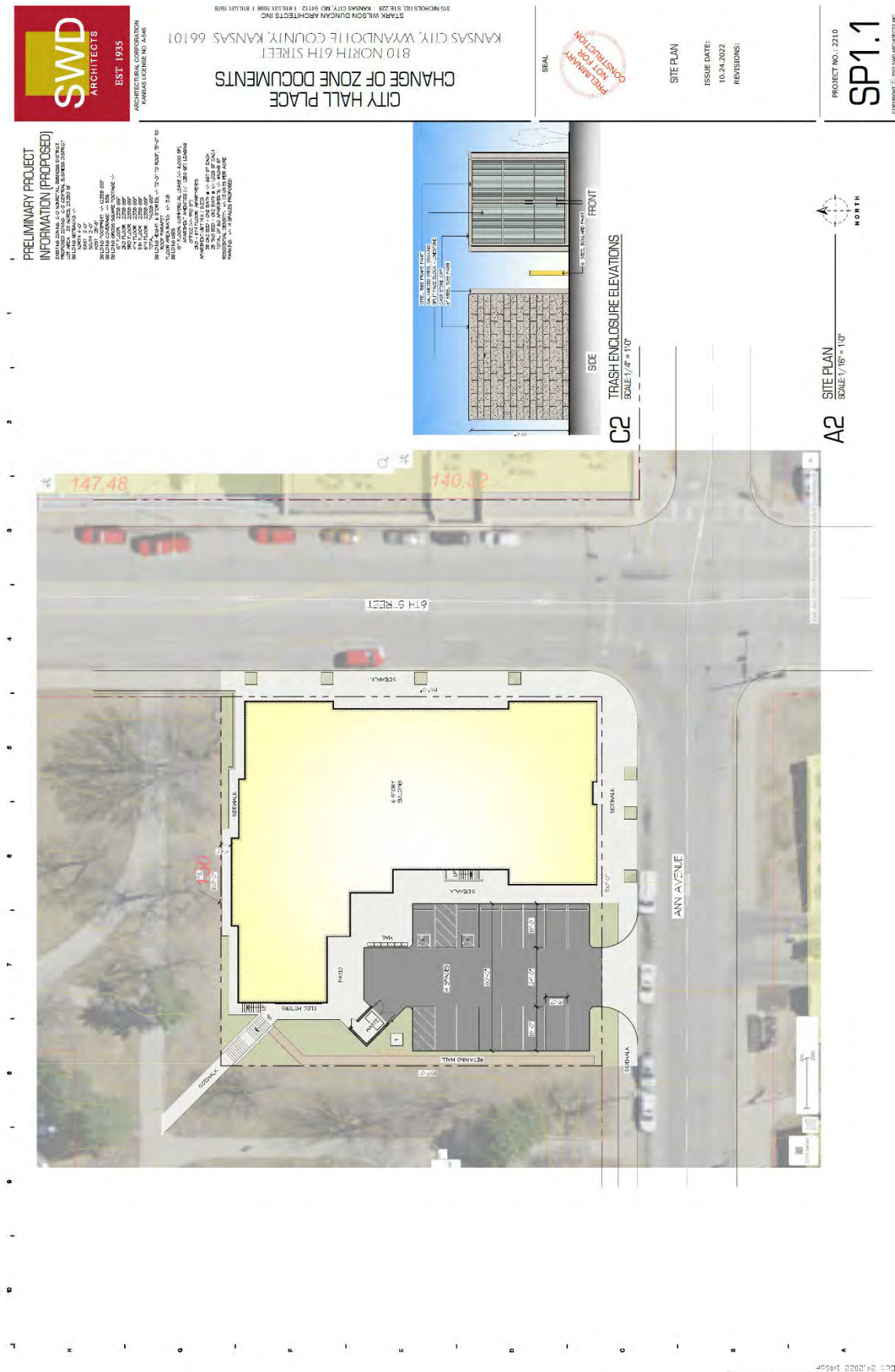
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29th day of November, 2022.

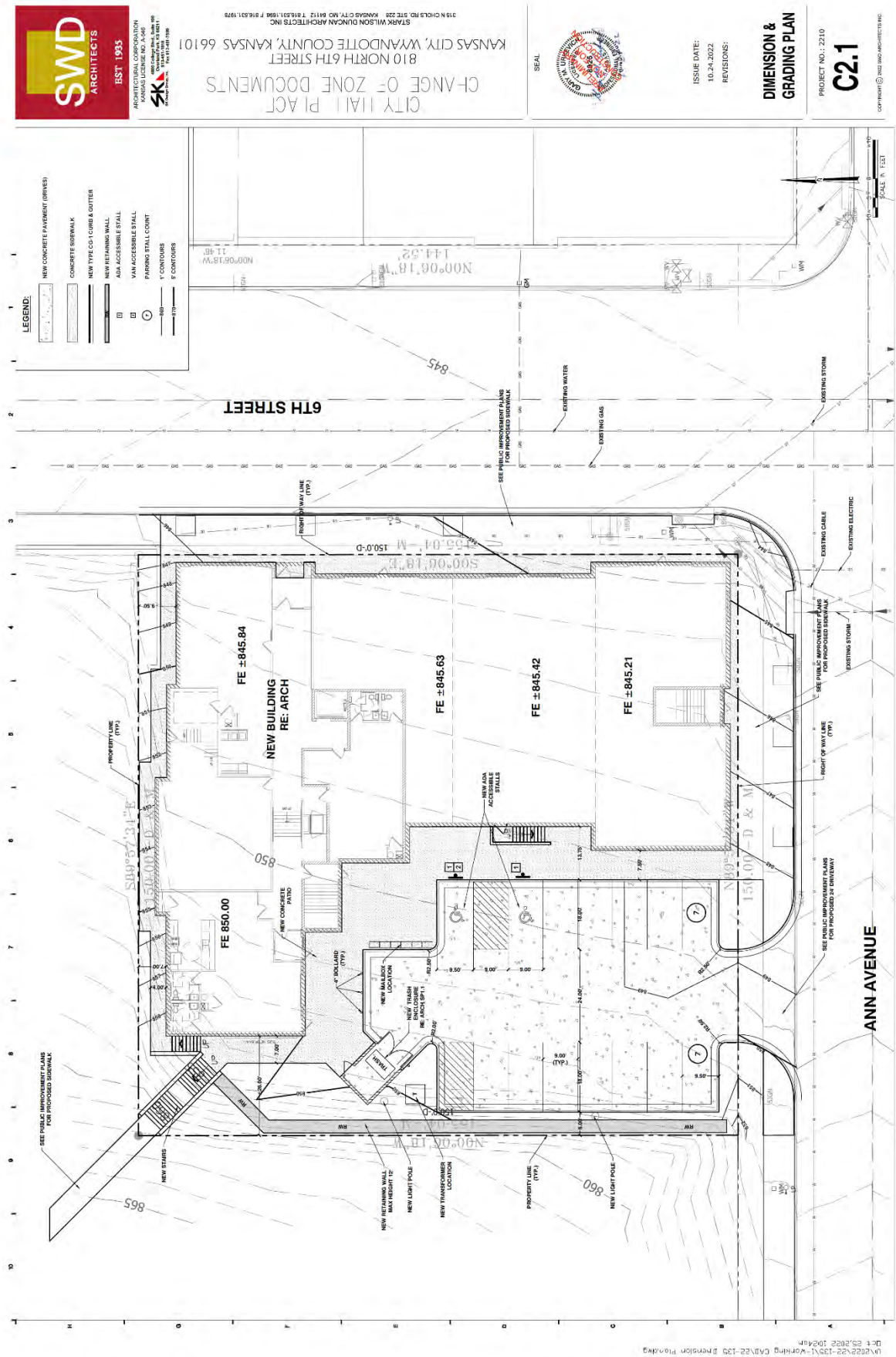
My commission expires June 28, 2025.

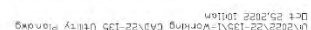


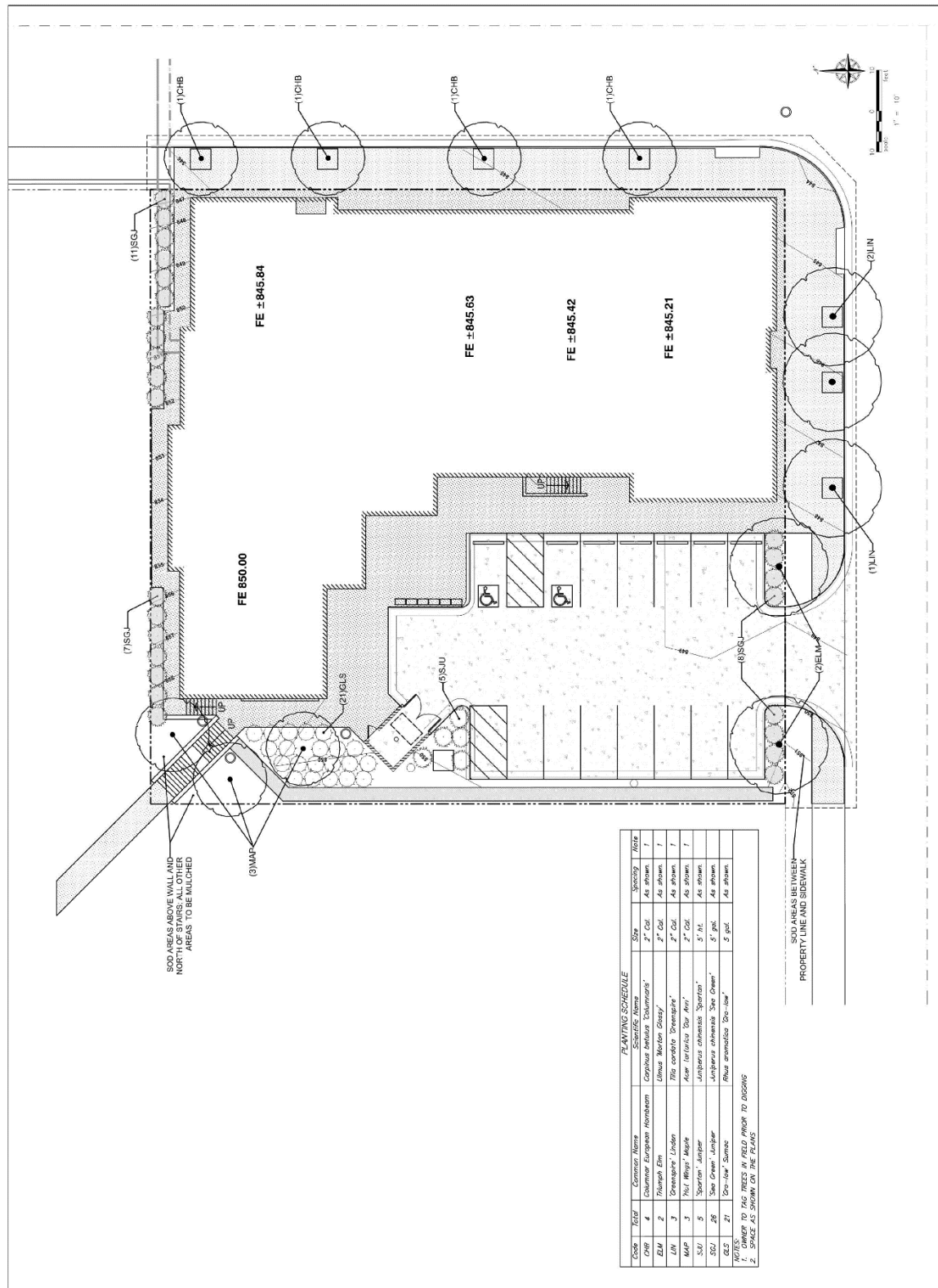
Notary Public

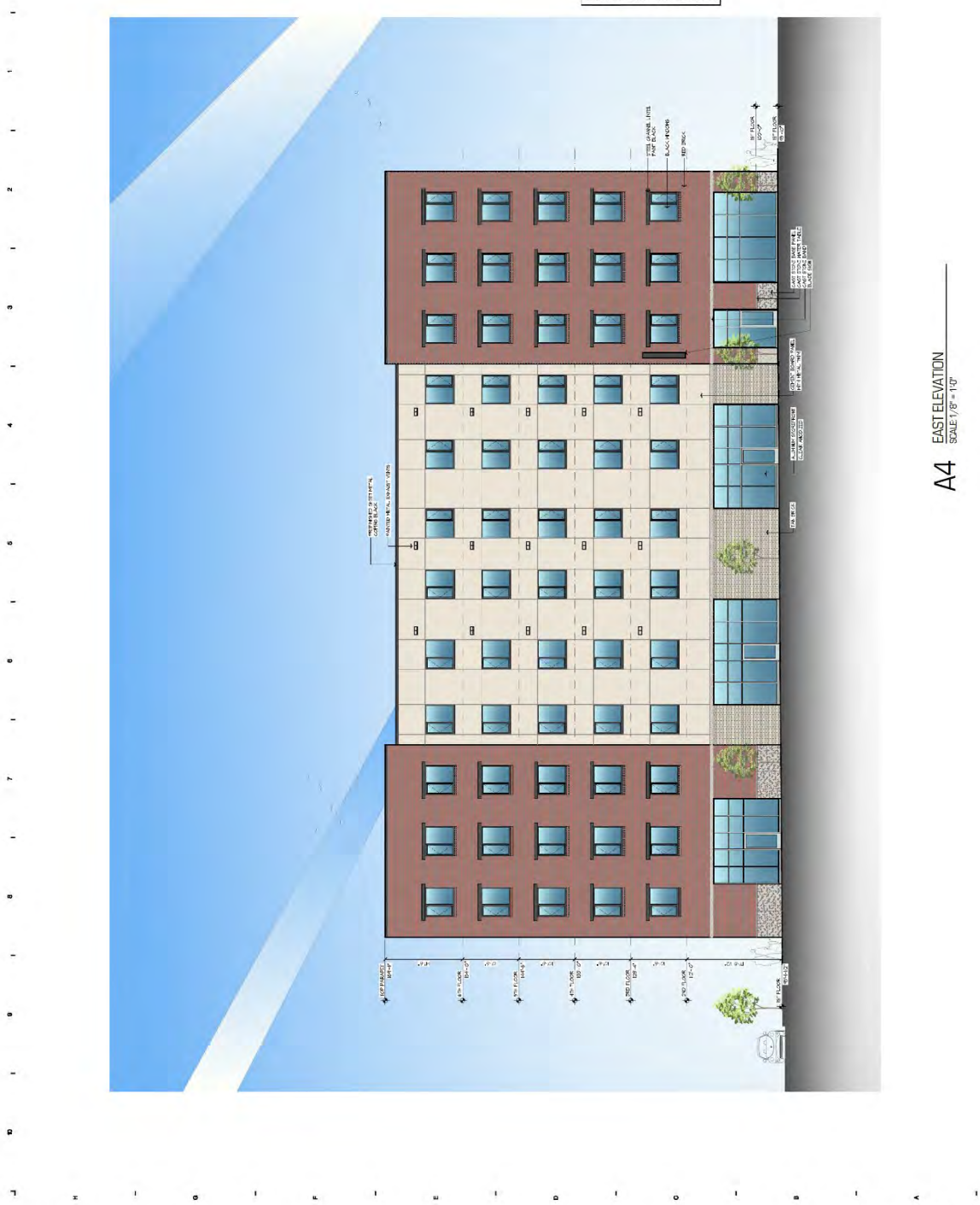














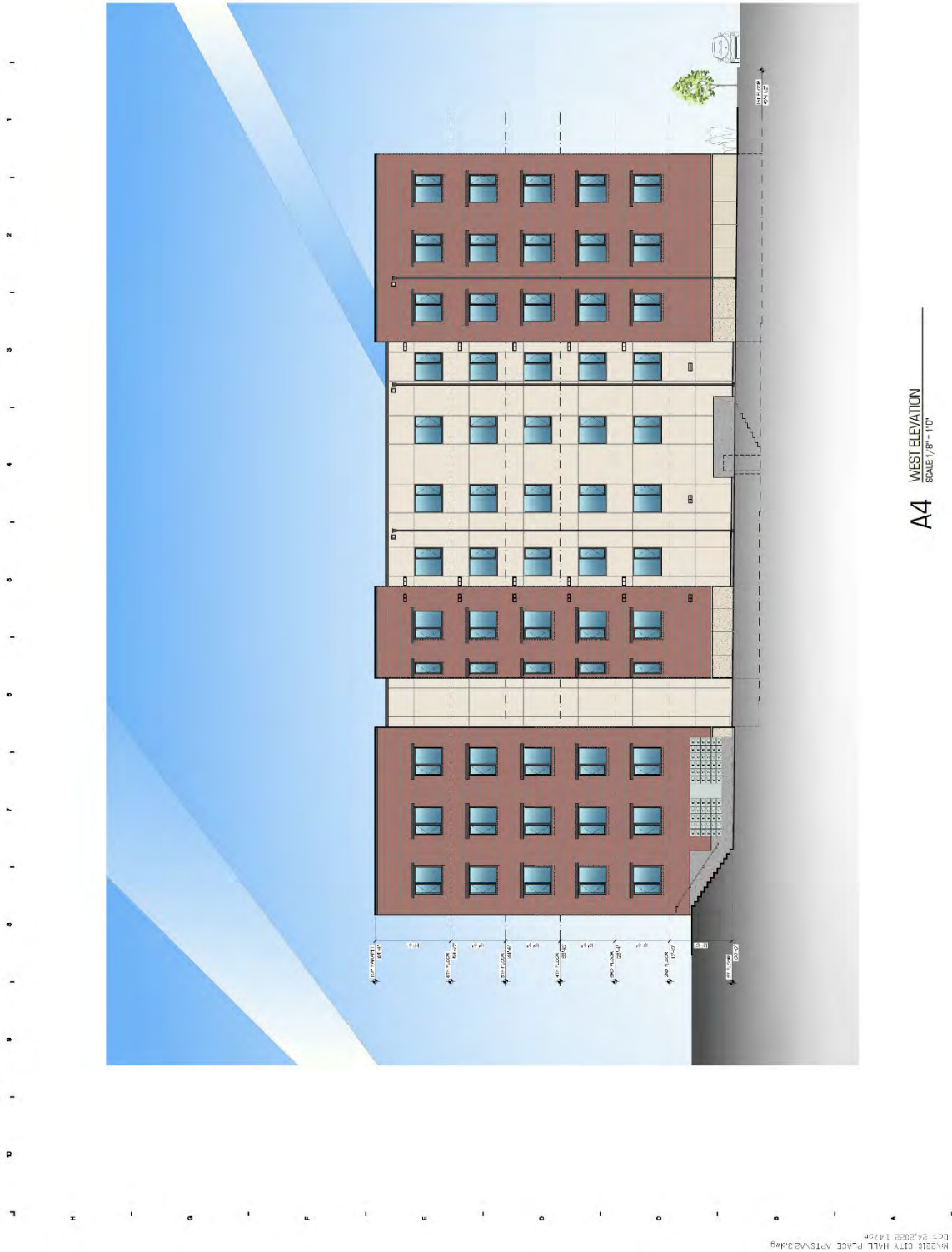
CITY HALL PLACE
CHANGE OF ZONE DOCUMENTS
810 NORTH 6TH STREET
KANSAS CITY, WYANDOTTE COUNTY, KANSAS 66101
STARK WILSON DUNGAN ARCHITECTS INC.
315 NICHOLS RD, STE 200 - KANSAS CITY, MO 64112 - T 816.531.1000 F 816.531.1070

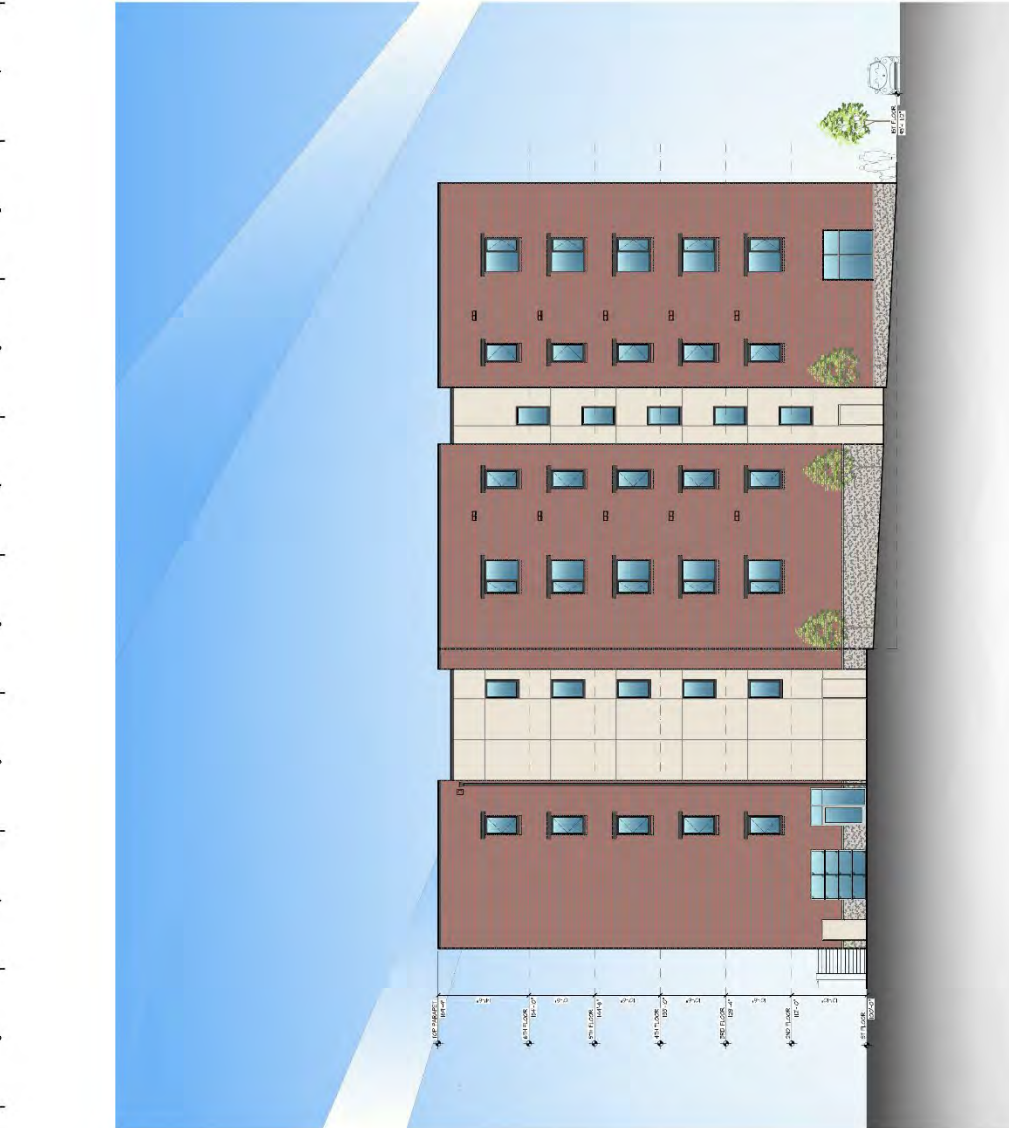


EXTERIOR
ELEVATIONS
ISSUE DATE:
10.24.2022
REVISIONS:

PROJECT NO.: 2210
A2.2
COPYRIGHT © 2022 SWD ARCHITECTS INC.







A4 SOUTH ELEVATION
SCALE 1/8" = 1'-0"

SWD
ARCHITECTS
EST. 1935
ARCHITECTURAL CORPORATION
KANSAS LICENSE NO. 35481

CITY HALL PLACE
CHANGE OF ZONE DOCUMENTS
810 NORTH 6TH STREET
KANSAS CITY, WYANDOTT COUNTY, KANSAS 66101
STARK WILSON DUNGAN ARCHITECTS INC.
315 NICHOLS RD. STE 208 - KANSAS CITY, MO 64112 - T 816 531 9880 F 816 531 1070

SEAL
PRELIMINARY
NOT FOR
CONSTRUCTION

EXTERIOR
ELEVATIONS

ISSUE DATE:
10.24.2022

REVISIONS:

PROJECT NO.: 2210
A2.4
COPYRIGHT © 2022 SWD ARCHITECTS INC.



Figure 4. Site Photograph of 810 North 6th Street looking northwest from North 6th Street (provided by Planning Staff).



Figure 5. Site Photograph of 810 North 6th Street looking west from North 6th Street (provided by Planning Staff).



Figure 6. Site Photograph of 810 North 6th Street looking southwest from North 6th Street (provided by Planning Staff).



Figure 7. Site Photograph of 810 North 6th Street looking south from North 6th Street (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 12, 2023

Re: Petitions COZ2022-043 & MPL2022-027

GENERAL INFORMATION

Applicant:
Trent Gaddy

Status of Applicant:
Representative
Jules Borel & Co., LLC
1223 Meadowlark Lane
Kansas City, Kansas 66102

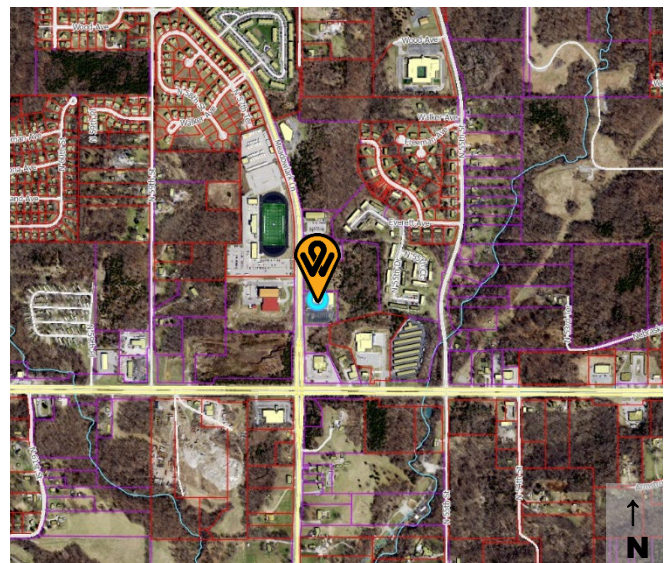
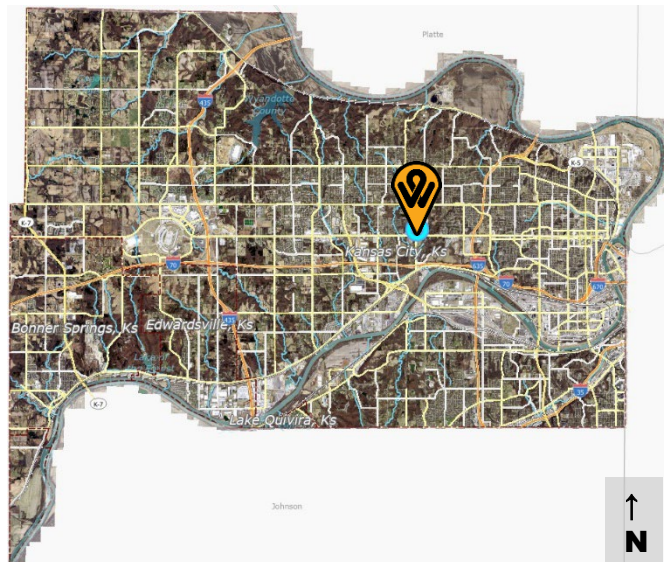
Requested Actions:
Approval of a Change of Zone.

Approval of a Master Plan Amendment.

Date of Application:
October 28, 2022

Purpose:
Approval of a Change of Zone from CP-0 Planned Non-Retail Business District to B-P Planned Business Park District.

Approval of a Master Plan Amendment from Mixed-Use Land Use District (City-Wide Master Plan) to Business Park Land Use District (City-Wide Master Plan).



Property Location:	1223 Meadowlark Lane, Kansas City, Kansas 66102
Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #1 Commissioner: Gayle Townsend
Existing Zoning:	CP-0 Commercial District (rezoning to B-P Planned Business Park District proposed by COZ2022-043)
Adjacent Zoning:	North: CP-0 Commercial District South: CP-1 Planned Limited Business and B-P Planned Business Park Districts East: CP-0 Commercial District West: CP-3 Planned Commercial District
Adjacent Uses:	North: Undeveloped parcel South: Undeveloped parcel; School district offices East: Undeveloped parcel West: Truck storage and repair facility
Neighborhood Characteristics:	The subject property is within the Coronado Statistical Neighborhood and is not within a neighborhood group. Along State Avenue and to the north of State Avenue, the neighborhood features commercial businesses, as well as offices, business parks, educational institutions, and apartments. West of Meadowlark Lane there are single-family residences in planned neighborhoods, but no residential properties—both single- and multi-family—have direct access to Meadowlark Lane; rather, these properties have access to side streets.
Total Tract Size:	2.11 Acres
Master Plan Area:	The subject property is within the City-Wide Master Plan.
Master Plan Designation:	Current designation: The City-Wide Master Plan designates this property as Mixed-Use. The Mixed-Use Land Use District is intended to be located at major arterial intersections and within traditional neighborhood design (TND) developments. Mixed-Use areas are ideal for integrating complimentary land uses such as retail, offices, small businesses and mixed-use residential, by allowing the following uses: specialty retail; sit-down restaurants; convenience retail uses such as banks, drug stores, etc.; professional and office services; institutional uses such as places of worship, schools, libraries,

etc.; parks, plazas and open space; and mixed-density residential uses. The following uses are discouraged in the Mixed-Use Land Use District: industrial uses, business parks, drive-through restaurants, and car lots.

Proposed designation, via MPL2022-027: The Business Park Land Use District allows light industrial uses such as warehouse, distribution, office and limited retail and office (compatible with light industrial uses). Light industries are small-scale and non-polluting. Other uses may include business/research parks and medical facilities. Business Park areas allow for the following uses: warehouse (nonhazardous materials); distribution (nonhazardous materials); business/research parks; related commercial and service uses such as wholesale stores, outlet stores, office supply stores, service stations, convenience stores, hotels, motels, supporting restaurants, etc.; and medical facilities. Discouraged uses include heavy industrial uses and single-family residential uses.

Major Street Plan:

The Major Street Plan classifies Meadowlark Lane as a Class B Thoroughfare.

Required Parking:

Section 27-472(e) requires no less than one (1) space for each 500 square feet of building floor area be provided for buildings of up to 20,000 square feet. The existing building on site has an area of 19,467 square feet, requiring a total of 39 parking spaces. The existing parking lot demonstrates 86 parking spaces, four (4) of which are ADA-compliant. Therefore, the subject property meets Sections 27-472(e) and 27-676(a).

Advertisement:

The Wyandotte Echo – November 17, 2022
Letters to Property Owners – November 18, 2022

Public Hearings:

December 12, 2022 and January 12, 2023

Public Support:

None to date.

Public Opposition:

None to date.

RELATED ENFORCEMENT AND ACTION ITEMS

Detailed Outline of Requested Action: The applicant, Trent Gaddy with Jules Borel & Co., LLC, is requesting a Change of Zone and Master Plan Amendment for a developed property. The Change of Zone is a request from CP-0 Planned Non-Retail Business District to B-P Planned Business Park District. The Master Plan Amendment is a request from Mixed-Use Land Use District (City-Wide Master Plan) to Business Park Land Use District (City-Wide Master Plan). Both the Change of Zone and the Master Plan Amendment are requested to allow the existing business—receiving, storing, and shipping inventory for watch repair—to be an allowed use under zoning district and master plan regulations. The existing uses are currently allowed under SP-2020-95, a Special Use Permit for temporary use of land for commercial or industrial purposes. The applicant is simultaneously requesting variances from the B-P District parcel size minimum and building setbacks, under BOZA2022-063.

City Ordinance Requirements: Article VI, Sections 27-196—209, and 27-211; Article VIII, Sections 27-472, 27-667—704

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has not received any noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. The previous property owners have received the following citations: an abandoned vehicle (04208-00000-00699) in 2004, overgrown weeds (17225-04064) in 2017,
2. The current property owner has not received any building or code enforcement complaints.

Outstanding or Related Permits and Cases:

1. The current property owner does not have any outstanding Building Permits.

FACTORS TO BE CONSIDERED

Change of Zone

1. Neighborhood character.

The subject property is within the Coronado Statistical Neighborhood and is not within a neighborhood group. Along State Avenue and to the north of State Avenue, the neighborhood features commercial businesses, as well as offices, business parks, educational institutions, and apartments. West of Meadowlark

Lane there are single-family residences in planned neighborhoods, but no residential properties—both single- and multi-family—have direct access to Meadowlark Lane; rather, these properties have access to side streets.

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

The property is within a corridor along Meadowlark Lane that has a mixture of commercial uses, but is the transition area between the commercial thoroughfare along State Avenue and single-family and apartments north towards Parallel Parkway. While the office/warehousing space is not necessarily compatible with the office zoning to the north, the Kansas City Kansas Public Schools central kitchen to the east currently has outbound delivery trucks that deliver meals to the schools that operates in a similar manner as this proposed use.

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

In the SP-2020-95 staff report, staff expressed concern over the frequency of truck traffic coming to the site and the potential for a truck to be parked at the loading dock on a daily basis, when the zoning is for a professional and office services. While a Change of Zone relieves this concern as it relates to on-site uses, the greater concern of the effects a business park/warehouse could have on the surrounding parcels, which almost all remain commercially zoned.

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

The property has been vacant since 2014. The previous use was a parking lot for an automotive related business. Additionally, after 2014, this site was used as a donation center, however, there is no record of licensure at this location.

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

The change in the intensity of uses between the CP-0 District and the B-P District is noticeable. While a warehouse and business park would typically have a detrimental effect on the surrounding commercial properties, the subject property is restrained in its potential growth due to the size of the parcel, which is approximately 20% of the minimum area allowed in the B-P District. Therefore, the negative externalities associated with large business parks will not be apparent, and the proposed uses will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.

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

The proposed use will not increase the amount of vehicular traffic to the point where it exceeds the capacity of the Class B Thoroughfare to accommodate it, and the office building was designed to receive parcels from shipping companies. In the SP-2020-95 staff report, however, staff expressed concern over the frequency of truck traffic coming to the site and the potential for a truck to be parked at the loading dock on a daily basis, when the zoning is for a professional and office services. While a Change of Zone relieves this concern as it relates to on-site uses, the greater concern of the effects a business park/warehouse could have on Meadowlark Lane, which currently only accommodates residential, recreational, and light commercial uses.

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

The City-Wide Master Plan designates this property as Mixed-Use. The Mixed-Use Land Use District is intended to be located at major arterial intersections and within traditional neighborhood design (TND) developments, and discourages industrial uses, business parks, drive-through restaurants, and car lots. While this designation accommodates the uses in the CP-0 District, the proposed Change of Zone—from CP-0 Planned Non-Retail Business District to B-P Planned Business Park District—would create a non-conformity with the Mixed Use Land Use District. Petition MPL2022-027, a Master Plan Amendment to Business Park (City-Wide Master Plan), is being heard concurrently in order to address this non-conformity.

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

The noise, vibration, dust or illumination that would normally be associated with such use is of such duration and intensity as not to create problems for nearby property because the use does not create excessive noise, vibration or illumination relative to other types of nonretail commercial uses that would be permitted in the zoning district. Furthermore, the proposed use should not pollute the air, land or water, nor damage or destroy an irreplaceable natural resource, because the storage of inventory of watch parts is conducted within the office building in a mostly built-out neighborhood.

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

a. *Water service*

The subject property receives water service via BPU.

b. Sanitary sewer service

The subject property is served by a sanitary sewer line running through the northeast corner of the parcel, and which runs further east toward North 55th Street.

c. Storm water control

There are two (2) stormwater outlets along the east side of the Meadowlark Lane right-of-way, adjacent to the subject property. These outlets connect to a longer stormwater main along the west side of Meadowlark Lane.

d. Police

Police service is provided by West Division, District #223.

e. Fire

Fire service is provided by Fire Station #2.

f. Transit

The subject property is approximately one-quarter (1/4)-mile from bus stops at the intersection of Meadowlark Lane and State Avenue, served by Route 101/State Avenue.

g. Schools

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

h. Streets

The subject property has access to Meadowlark Lane, which the Major Street Plan classifies as a Class B Thoroughfare. This is consistent with the required infrastructure associated with the Business Park Land Use District.

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

The Change of Zone will allow the ongoing warehousing and shipping uses to match the underlying zoning district. By rezoning the subject property instead of periodically reapplying for a Special Use Permit, Jules Borel & Co. will have more stability and can make greater investments to the property. This will have a positive economic impact on the community.

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

With the Change of Zone, the subject property would not comply with the minimum lot size in the B-P District and would have a few portions of the existing building that would not meet the 40-foot setback. These violations are being addressed by BOZA2022-063, a concurrent variance request.

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

The relative gain to the public health, safety and welfare compared to the hardship imposed on the landowner is minimal. If the application is denied, the applicant will need to find an alternate location that allows storage of inventory and receiving and shipping of items, or reapply for the existing Special Use Permit.

Master Plan Amendment

1. *Neighborhood character.*

See Change of Zone Review Factor #1.

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

See Change of Zone Review Factor #6.

3. *The extent to which utilities and public services are available and adequate to serve the proposed amendment and the extent to which the environment would be impacted.*

Per Change of Zone Review Factor #9, the subject property is adequately served by water, sanitary, and storm water lines. Furthermore, Meadowlark is a Class B Thoroughfare, which is adequate to accommodate business park uses, especially a business park that is just over two (2) acres.

4. *The difference between the existing and proposed Master Plan.*

See Change of Zone Review Factor #7.

5. *Analysis of the impact on surrounding properties.*

See Change of Zone Review Factors #2, 3, and 6.

6. Estimate the future costs and revenues to the Unified Government and property owner and Market Impact.

See Change of Zone Review Factor #10.

PREVIOUS ACTIONS

- SP-2020-95, a Special Use Permit for temporary use of land for commercial and industrial purposes (to expire on 12/02/2022)
- BOZA2022-063, a simultaneous variance from the minimum lot size for the B-P District and from building interior side yard setbacks.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting at 1223 Meadowlark Lane on November 28, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Landscaping and Screening
Sidewalk Connectivity
Site Improvement
Truck Turning Radius

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Change of Zone **COZ2022-043** and Master Plan Amendment **MPL2022-027**, subject to:

1. All landscaping plans must follow the preliminary landscaping plan submitted and shall comply with all applicable landscaping requirements, included Sections 27-472(g), 27-699(a)(6), and 27-702(1)(a-d);
2. The sidewalk serving the parking lot must be extended and connected to the sidewalk in the Meadowlark Lane right-of-way;
3. Per Section 27-699(b)(5), all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container;
4. Per Section 27-699(b)(6), mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view;
5. The parking lot should be repaired and paved subject to UG standards;
6. All conditions stated in the applicant responses to SP-2020-95 remain the same, as attested to by the applicant on November 28, 2022;
7. 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;

8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. This City Planning Commission case is being heard in conjunction with BOZA2022-063. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-063 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law; and,
10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered* and *Key Issues*, and recommends **APPROVAL** of Petitions **COZ2022-043** and **MPL2022-027** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 12, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Minutes
Site Plan of 1223 Meadowlark Lane Submitted by the Applicant
Landscaping Plan of 1223 Meadowlark Lane Submitted by the Applicant
Building Floor Plan
Trash Enclosure Plan
Jules Borel & Co. Business Description
Site Visit Photographs by Staff, Dated November 19, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing		
Change of Zone	December 12, 2022	January 12, 2023
	Approval	
Master Plan Amendment	December 12, 2022	January 12, 2023
	Approval	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-027** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____
2. _____; AND
3. _____

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-027** as it is not in compliance with the City Code and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-043** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____
2. _____; AND
3. _____

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-043** as it is not in compliance with the City Code and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 12, 2022 City Planning Commission Minutes:

Hearing starts at 2:30:55:

MASTER PLAN AMENDMENT APPLICATION MPL2022-027 – TRENT GADDY WITH JULES BOREL – SYNOPSIS: Master Plan Amendment from Mixed-Use (City-Wide Master Plan) to Business Park (City-Wide Master Plan) at 1223 Meadowlark Lane.

CHANGE OF ZONE APPLICATION COZ2022-043 – TRENT GADDY WITH JULES BOREL - SYNOPSIS: Change of Zone from CP-O Planned Non-Retail Business District to B-P Planned Business Park District to operate an administrative office with inventory for Jules Borel and Company at 1223 Meadowlark Lane (to replace SP-2020-95 – expires 2/4/2023).

Detailed Outline of Requested Action: The applicant, Trent Gaddy with Jules Borel & Co., LLC, is requesting a Change of Zone and Master Plan Amendment for a developed property. The Change of Zone is a request from CP-0 Planned Non-Retail Business District to B-P Planned Business Park District. The Master Plan Amendment is a request from Mixed-Use Land Use District (City-Wide Master Plan) to Business Park Land Use District (City-Wide Master Plan). Both the Change of Zone and the Master Plan Amendment are requested to allow the existing business—receiving, storing, and shipping inventory for watch repair—to be an allowed use under zoning district and master plan regulations. The existing uses are currently allowed under SP-2020-95, a Special Use Permit for temporary use of land for commercial or industrial purposes. The applicant is simultaneously requesting variances from the B-P District parcel size minimum and building setbacks, under BOZA2022-063.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Trent Gaddy, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:34:00: Planning Director Hand stated that that these applications are being heard in conjunction with BOZA2022-063, which was approved by the Board of Zoning Appeals earlier this evening. This application is to correct the land entitlement from an ongoing Special Use Permit to a permanent solution to a business park district. Staff has received no letters in support nor in opposition, There are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 2:35:08:

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application**

MPL2022-027:

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

Motion to recommend **APPROVAL** Passed: 9 to 0

Subject to:

1. All landscaping plans must follow the preliminary landscaping plan submitted and shall comply with all applicable landscaping requirements, included Sections 27-472(g), 27-699(a)(6), and 27-702(1)(a-d);
2. The sidewalk serving the parking lot must be extended and connected to the sidewalk in the Meadowlark Lane right-of-way;
3. Per Section 27-699(b)(5), all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container;
4. Per Section 27-699(b)(6), mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view;
5. The parking lot should be repaired and paved subject to UG standards;

6. All conditions stated in the applicant responses to SP-2020-95 remain the same, as attested to by the applicant on November 28, 2022;
7. 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;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. This City Planning Commission case is being heard in conjunction with BOZA2022-063. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-063 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law; and,
10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL** of Change of Zone Application COZ2022-043:

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

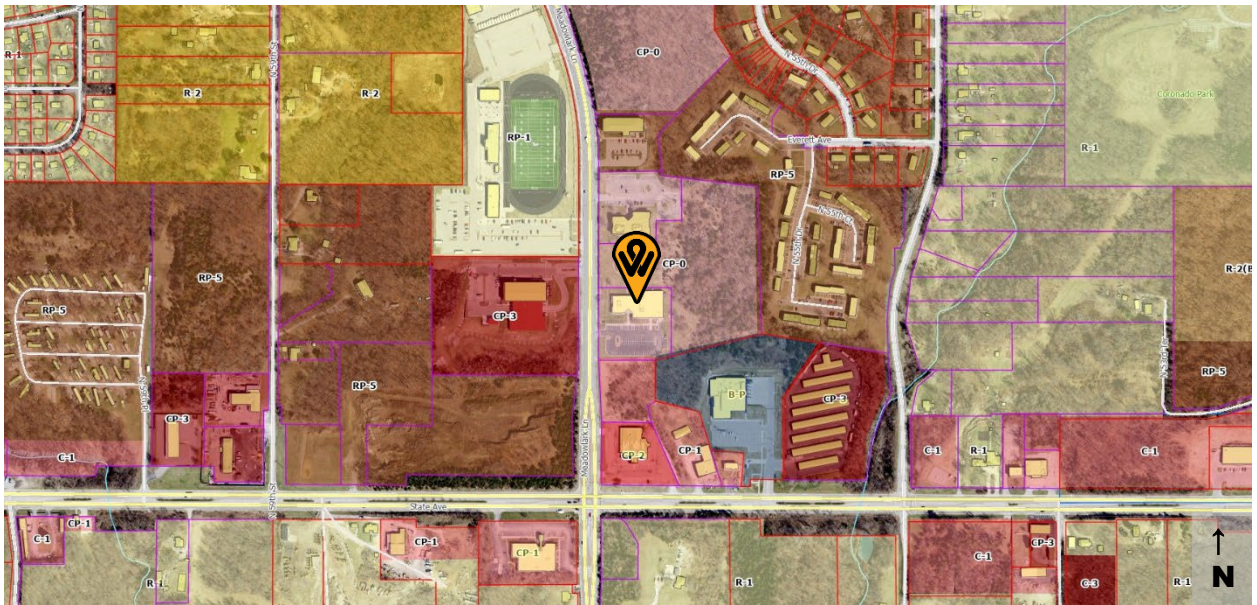
Motion to recommend **APPROVAL** Passed: 9 to 0

Subject to the above conditions

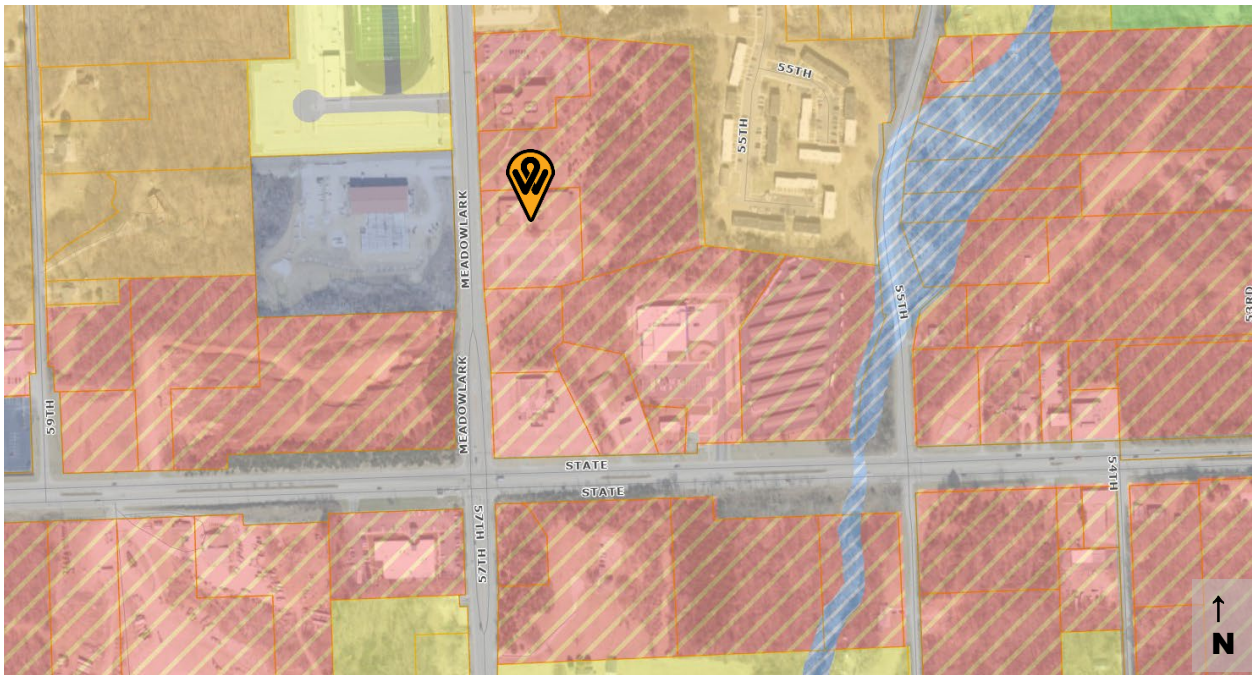
AERIAL MAP



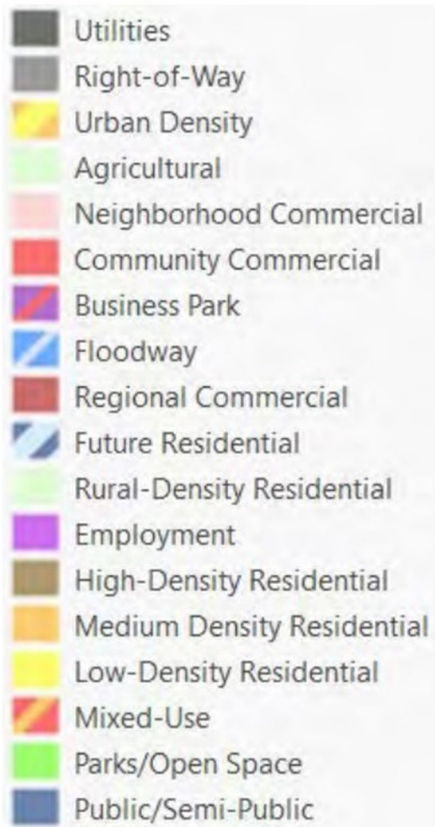
ZONING MAP



LAND USE MAP



City-Wide Master Plan Land Uses



NEIGHBORHOOD MEETING MINUTES

Date: 11/17/22

Name

Address

City/State/Zip

SUBJECT: Neighborhood Meeting

We have filed the following applications with the Department of Urban Planning and Land Use: Change of Zone # COZ2022-043; Master Plan Amendment # MPL2022-027; and Variance # BOZA2022-063. The applications are for the property address of: 1223 Meadowlark Lane, Kansas City, Kansas 66102.

We are having a neighborhood meeting on 11/28/22 at 6:00 PM at the address of: 1223 Meadowlark Lane, Kansas City, Kansas 66102.

The purpose of this neighborhood meeting is to explain the request changes on our applications and to answer any questions or concerns you may have.

We look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,

Trent Gaddy
General Manager
Jules Borel & Co.
1223 Meadowlark Lane
Kansas City, KS 66102
Phone: 800-776-6862 Ext 379
Email: accounting@julesborel.com

NEIGHBORHOOD MEETING MINUTES, CONT.

Neighborhood Meeting Minutes

Our neighborhood meeting was held in person at our location, 1223 Meadowlark Lane, KCK 66102, on 11/28/2022 at 6:00 pm. No one other than I and our President, Gary Borel participated in the meeting. We waited until 6:30 pm in case anyone who wanted to attend was late. After 6:30 pm we concluded the meeting. Note: attached is a copy of receipts of the letters we sent to our neighbors via Certified Mail. A copy of the letter was provided to Janet beforehand for approval.

List of People who Contacted me with Questions

Mr. Abu Taher (phone number: 913-485-7225), who owns the property directly adjacent to our south contacted me via phone on 11/28/2022 at 4:30 pm. He stated that he would not be able to join the neighborhood meeting that evening but would like me to go over the highlights. I introduced myself (GM of Jules Borel) and told him about who we were and what we do (102-year-old watch parts and tools distributor). I explained how we currently operate within the building (receiving, storing & shipping of watch related inventory via a special use permit). I told him the purpose of the meeting was to inform our neighbors that we had applied to rezone our property from CP-O Planned Non-Retail Business District to B-P Planned Business Park District and additionally filed for a variance request since we occupy only 2.11 acres rather than the required 10 acres. The goal of the rezoning is to give us a permanent solution to conduct our business rather than reapply for a SUP every two years. I asked him if he had any questions or concerns. He asked if his property would also be rezoned. I stated it would not and that this only applies to our property. I asked him if this concerned him. He stated that he was not concerned, just curious. He commented that he has had his property for sale for a long time without any real interest. He thought that if he prepared the land somewhat that it might help him sell it in the future as it is currently wooded. He stated that he was happy to see our building being used and maintained as it had been vacant for many years. He asked if he could visit sometime and have a tour and meet in person. I told him he is welcome any time but to call first to ensure I would be in the office. I asked if he had any other questions or concerns to which he replied, no, and that he looked forward to meeting someday. I stated I felt the same and the phone call ended after approximately 15 minutes.

Following Attachments:

- 1) List of Contact Names and Addressees
- 2) Certified Mail Receipts
- 3) Copy of Power Point we would have presented if anyone would have joined the meeting

NEIGHBORHOOD MEETING MINUTES, CONT.

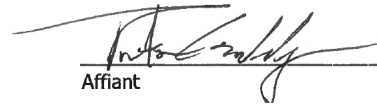
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition numbers: COZ2022-043 (Change of Zone); MPL2022-027 (Master Plan Amendment) and BOZA2022-063 (Variance).
2. That I conducted a neighborhood meeting on 11/28/22.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

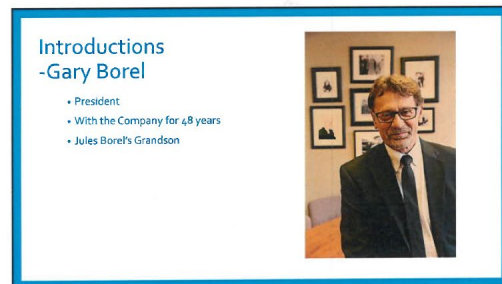

Affiant



1



2



NEIGHBORHOOD MEETING MINUTES, CONT.

Introductions -Trent Gaddy

- General Manager
- With the Company for 8 years
- Married to Jules Borel's Great Granddaughter
- Gary Borel's son-in-law



5

THE FAMILY HISTORY

6

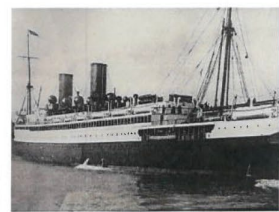
Jules Borel – Our Founder

- Jules Arnold Borel-Jaquet was born in 1884
- In 1910 he married Juliette
- He and Juliette had 6 children
- Jules worked as a Material man in Switzerland



1917 - Jules Borel Immigrates to the USA

- With the American dream in mind, the family of 7 immigrated to the USA with less than \$500 savings and a suitcase full of watch parts.



1958 The Company Relocates

- 1110 Grand Blvd. (6 Story Building)
- Jules was excited about 25% more space & modern lighting
- Opportunity to maximize efficiency in process orders



13

Present Day

- Currently there are 8 family members with the Company.
 - 5 from the 3rd Generation
 - 3 from the 4th Generation
- In 2014, there were 14 family members with the Company.
- In 2020 the company relocated to the building we are in today.



14

WHO WE ARE

A ONE STOP SHOP FOR THE WATCH INDUSTRY

Wholesale Distributor

- We source our products from Switzerland, Germany, India and Hong Kong and redistribute them in the States.
- Because of our legacy and integrity we have been blessed to obtain either exclusive or master rights to distribute some of the most respected brands in our industry.
 - Roxel
 - Witschi
 - Elma
 - Bergeon
 - Etc.

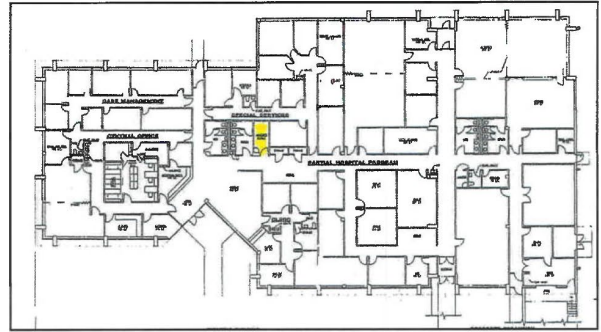


NEIGHBORHOOD MEETING MINUTES, CONT.

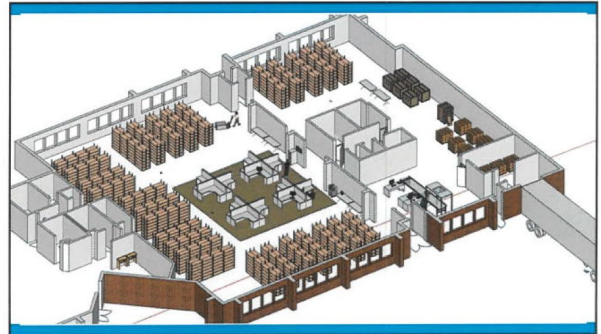
OUR CURRENT OFFICE

A MARRIAGE OF OPEN CONCEPT OFFICE AND INVENTORY STORAGE

29



30



33

Why This Meeting – Rezone Request

- Our location is currently zoned CP-O, Planned Non-Retail Business District.
- This zoning does not allow for receiving, storing and shipping of inventory.
- Jules Borel currently operates via a Special Use Permit issued in December of 2020.
- This permit is issued in 2 years increments and is about to expire.

34

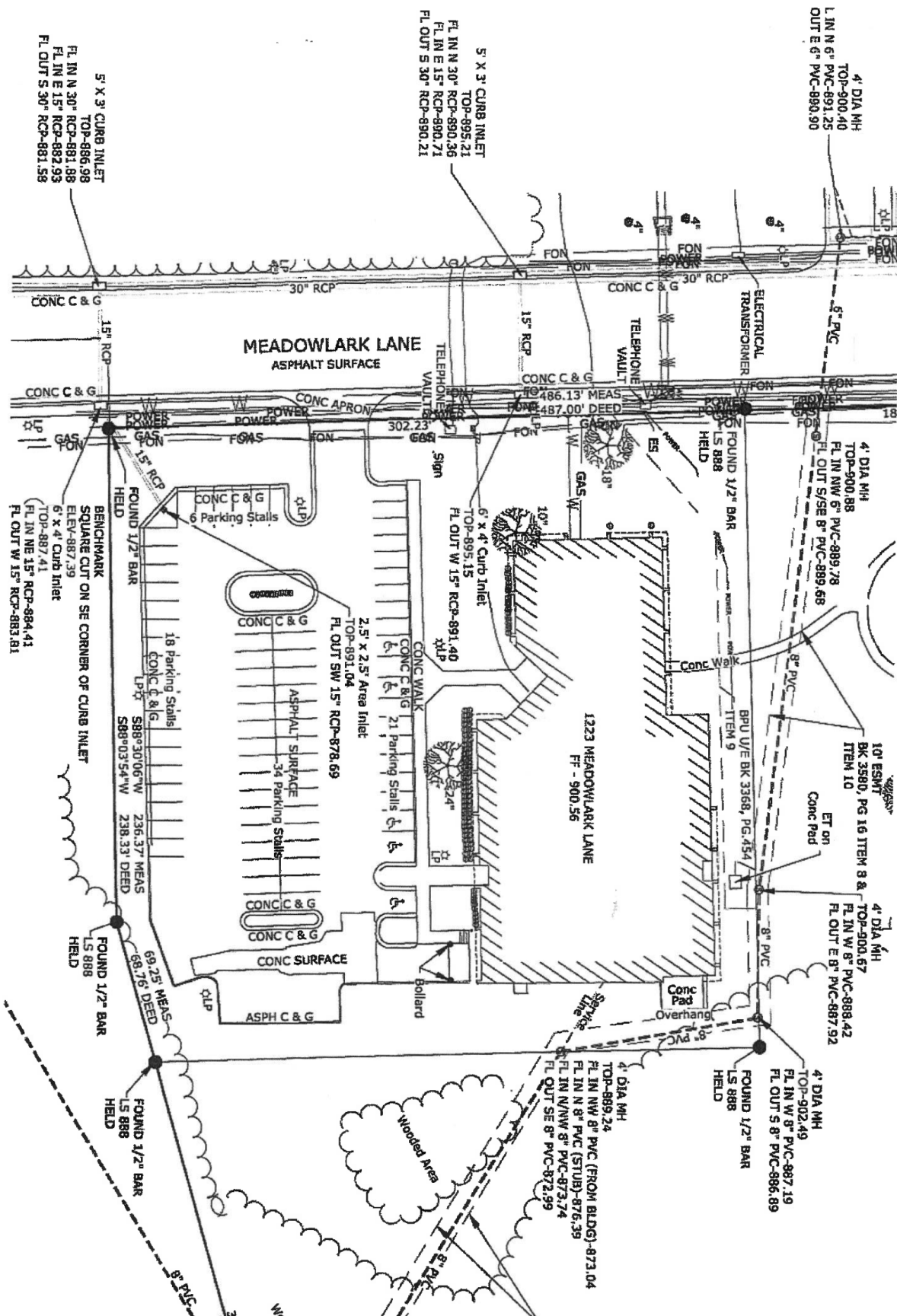
Why This Meeting, Rezone Request continued...

- Our desire is to have our property rezoned to B-P Planned Business Park District.
- This would provide us with a permanent solution to operate.
- This will not change the way we currently operate and should not impact our neighbors in any fashion as all our operations are conducted within our building.

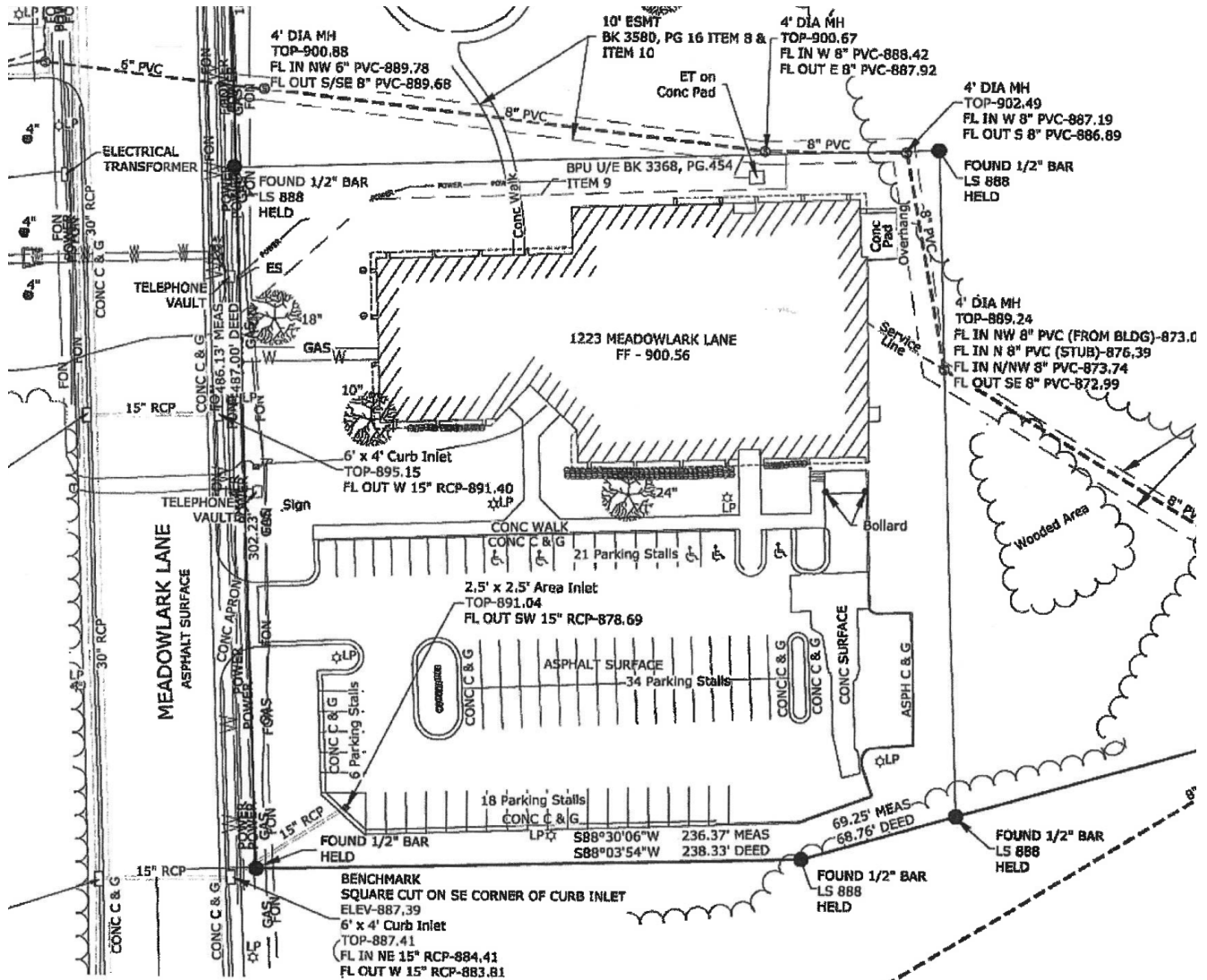
Why This Meeting, Variance Request

- Additionally, we have requested a variance.
- B-P Planned Business Park District has a minimum lot size requirement of 10 acres.
- Our lot size is only 2.11 acres.
- Request the variance ensures that our neighbors' and their current zoning of CP-O, Planned Non-Retail Business District will not be impacted.
- Both the Rezone and Variance have already been done before in our area, i.e. 5604 State Ave. – 5.56 acres

SITE PLAN OF 1223 MEADOWLARK LANE SUBMITTED BY THE APPLICANT

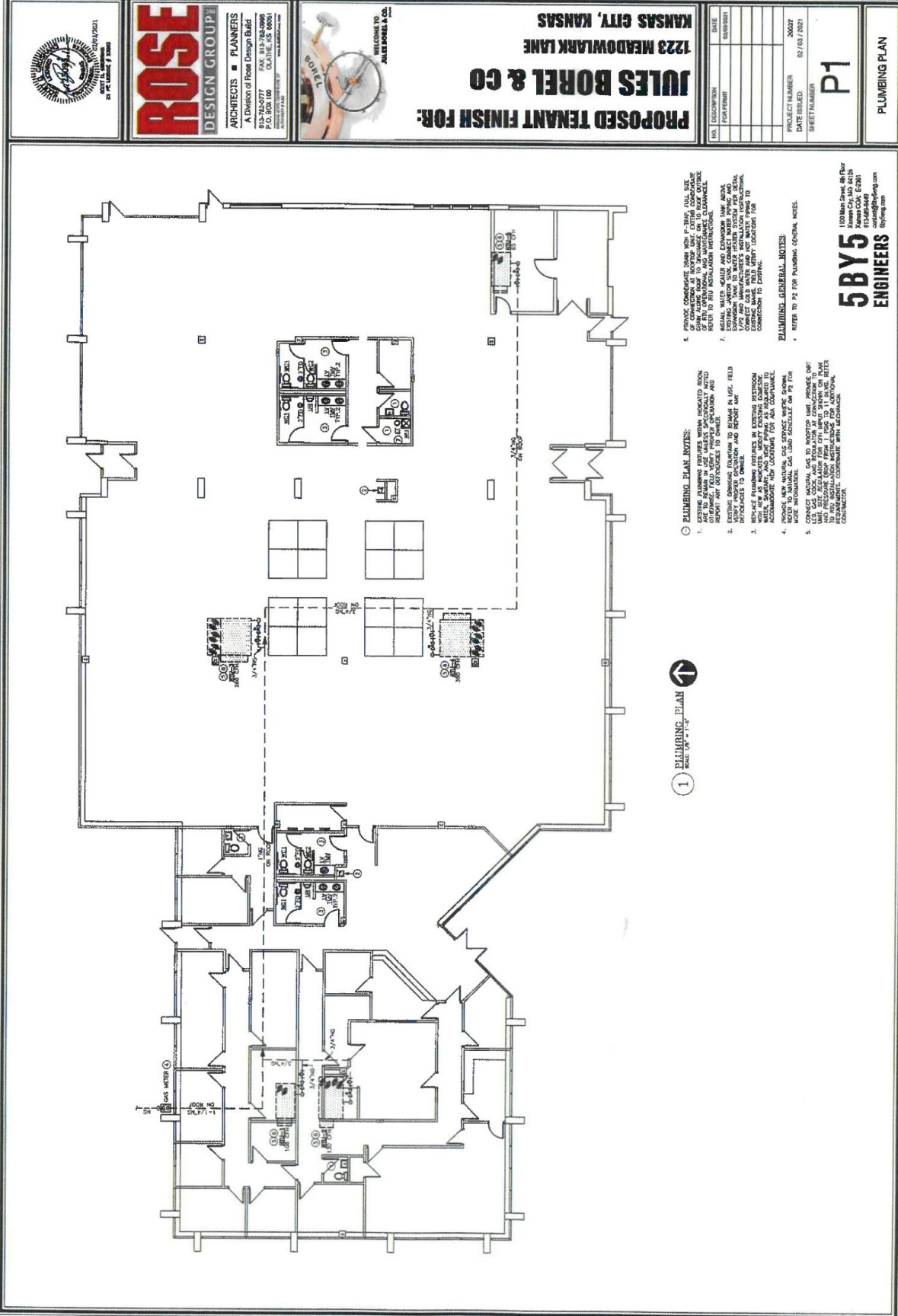


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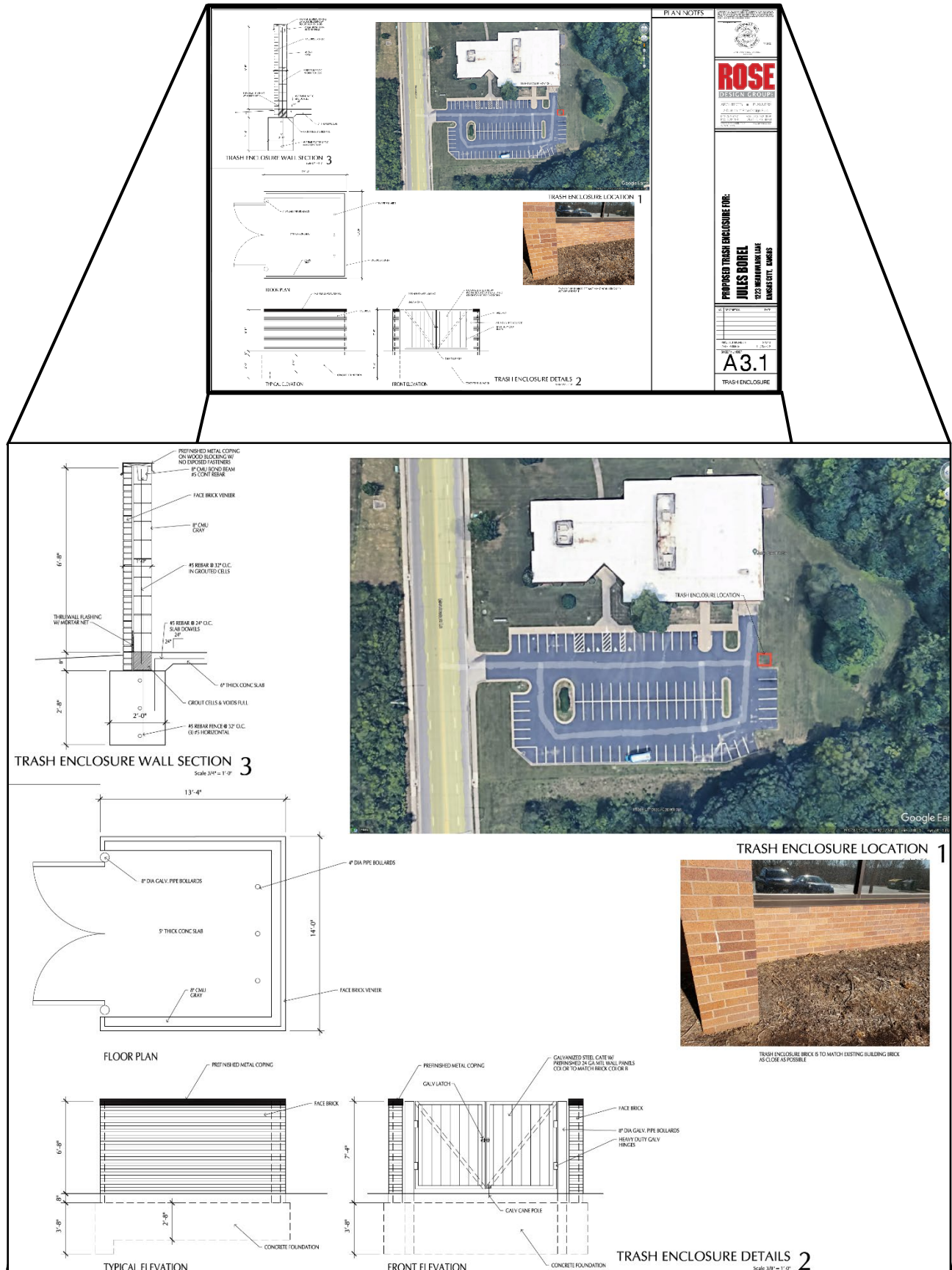


As stated by the applicant in response to "Planning and Urban Design Comments: General #2" within the *Staff Comments and Suggestions* section of this report, the parking lot sidewalk will be extended in kind to connect to the Meadowlark Lane sidewalk.

BUILDING FLOOR PLAN



TRASH ENCLOSURE PLAN



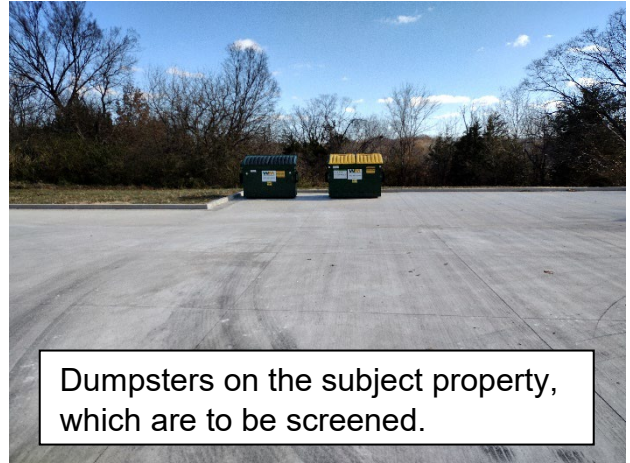
JULES BOREL & Co. BUSINESS DESCRIPTION

Business Description

Jules Borel & Co is located at 1223 Meadowlark Lane in Kansas City, Kansas. We employ approximately 25 people at our single location. We are a family owned and operated company that has been operating for over 102 years. We primarily operate as a supplier of tools, equipment, parts and supplies for Watchmakers and Jewelers within the Wholesale Trade - Durable Goods sector, under the categories of Jewelry & Precious Stones, Precision tools, and Watches & Parts.

NAICS Codes of 423940 and 423490. SIC Codes of 5094 and 5049.

SITE VISIT PHOTOGRAPHS BY STAFF, DATED NOVEMBER 19, 2022



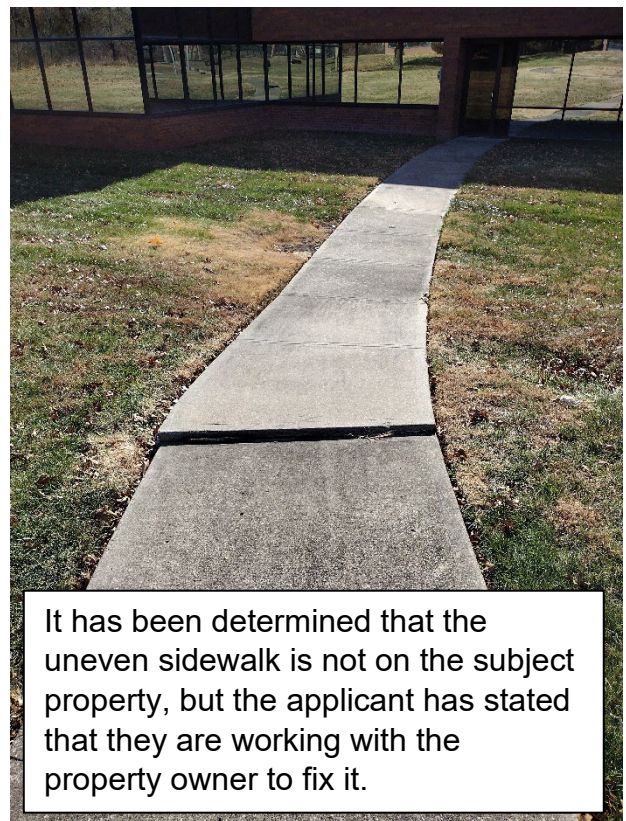
SITE VISIT PHOTOGRAPHS BY STAFF, DATED NOVEMBER 19, 2022, CONT.



An example of the current condition of the parking lot, which is to be repaired in the Spring of 2023.



Sidewalk serving the parking lot to be extended to connect with the sidewalk along Meadowlark Lane.



It has been determined that the uneven sidewalk is not on the subject property, but the applicant has stated that they are working with the property owner to fix it.



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 12, 2023

Re: **Petition SP2022-066**

GENERAL INFORMATION

Applicant:

Roman Catholic Archdiocese of Kansas City,
Kansas

Status of Applicant:

Property Owner
12615 Parallel Parkway
Kansas City, KS 66109

Requested Action:

Approval of a Special Use Permit.

Date of Application:

June 24, 2022

Purpose:

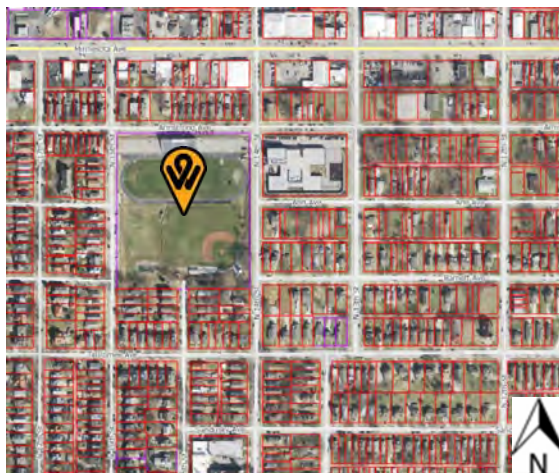
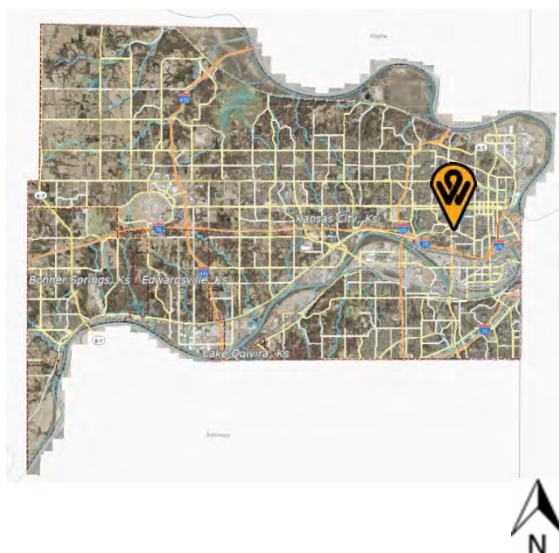
To build a 140-foot stealth
telecommunication monopole tower on a
stadium light at Bishop Ward High School
sports field complex and associated ground
based supporting equipment.

Property Location:

715 North 16th Street

Commission Districts:

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



Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family and R-2(B) Two Family Districts South: R-1(B) Single Family District East: R-1(B) Single Family, R-2(B) Two Family and RP-5 Planned Apartment Districts West: R-1(B) Single Family District
Adjacent Uses:	North: Single family homes and apartments South: Single family homes East: McKinley Elementary School and single-family homes West: Single family homes
Total Tract Size:	9.83 Acres
Master Plan Area:	Central Area Master Plan
Master Plan Designation:	The Central Area Master Plan designates this property as Parks/Open Space, which allows park buildings, open space, and trails.
Major Street Plan:	The Major Street Plan classifies North 14 th Street, North 16 th Street, Armstrong Avenue as a Local Streets.
Required Parking:	Sec. 27-455(d) Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. Sec. 27-688(b) Any use not included in the parking requirements found in this article shall be assigned a parking requirement by the Planning Commission. The applicant is providing one (1) parking space for a service technician on the paved driveway within the access easement.
Advertisement:	<u>The Wyandotte Echo</u> – July 14, 2022 Letters to Property Owner – July 11, 2022, July 31, 2022, August 31, 2022, October 4, 2022, and November 7, 2022
Public Hearings:	December 12, 2022 and January 12, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, the Roman Catholic Archdiocese of Kansas City, Kansas, has filed a Special Use Permit to construct a 140-foot stealth monopole telecommunication tower for Verizon Wireless on stadium lights and associated ground equipment adjacent to the Bishop Ward High School football field/track within a 619 square foot enclosure at 715 North 16th Street.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. 08200-03221 – complaint on August 18, 2008 for graffiti on sidewalk.
2. 19220-00404 – complaint on July 12, 2019 for graffiti on fence along North 14th Street.

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The Bishop Ward High School athletic complex is in the middle of the Cathedral neighborhood. There are single family homes to the west, south and north. McKinley Elementary School is east of the property, across North 14th Street.

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

The zoning and uses of nearby property are set out above. The proposed tower and ground equipment is not compatible with the surrounding uses.

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

The property is suitable for the uses to which it has been restricted, but with proper safeguards, modifications of those restrictions, allowing a telecommunication tower, should not detrimentally affect nearby property.

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

The property is not vacant. The site is actively used by Bishop Ward High School sports teams.

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

Special Use Permits are not addressed in the Master Plan. The Central Area Master Plan's designation for this property allows open space. This use is not in conformance with the Master Plan.

Within the Central Area Master Plan, the Utility land use designation describes provisions for public and private infrastructure and facilities related to water, sanitary sewer, electric power, natural gas, cable, telephone, and mobile phone facilities. The designation allows such uses cell phone towers, utility substations, electric power lines and other utilities.

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

The use will not increase traffic to the site as the tower compound will be infrequently visited by personnel or contractors.

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

The proposed use is reasonably necessary for the convenience and welfare of the public as improved wireless coverage in this area is desirable as more users required high speed data service.

It can be argued that the visual quality of a 140-foot stealth monopole telecommunication tower that has exposed antennas may affect the visual quality the current residences enjoy in the adjoining single-family neighborhood.

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

This is not applicable as the tower compound will be infrequently visited and stadium lights will be mounted on the tower, which is part of the normal function of hosting evening sporting events.

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

This is not expected to be an issue because the ground equipment is within an enclosure and stormwater runoff from the driveway will flow into the storm sewer

system.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it will be construct and operate within a sports athletic field in an established single-family neighborhood.

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

Provided the proposed installation is carried out in a sensitive manner, there would seem to be no gain to the public health, safety, and welfare from the denial of this application. As this is not the primary use of the underlying property, any hardship from denial seems to be the sole loss of a potential revenue source for the property owner.

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

This is not expected to be a significant issue because the larger pole and ground equipment shelter/enclosure are in a location on the site that is setback from the property lines. Infrequent service will not add to or create undue concentrations of population.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of July 25, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Compliance with the Telecommunication Ordinance
Landscaping/Screening/Buffering
Visual Impacts

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit **SP2022-066** for **ten (10) years**, subject to:

1. If the telecommunication tower should be modified to be more stealth (internalized) than previously designed, Staff requests the City Planning Commission allow the design change to be made at building permitting;
2. Sec. 27-593(a)(30)k.5.(a)2.viii.A. Wireless communication facility compounds shall be screened with a minimum of ten (10) foot walls, from grade. These walls must be composed of either (a) solid masonry (b) wooden fencing set on steel rails with a maximum one-quarter ($\frac{1}{4}$) inch gap between wood slats and masonry columns with a minimum width of two (2) feet and a maximum separation of sixteen (16) feet per column. If the applicant does not meet this standard, a deviation from the Board of Zoning Appeals is required;
3. Sec. 27-593(a)(30)k.5.(a)2.viii.B. The applicant must submit a landscaping plan in accordance with Section 27-699 of this chapter. Further, an applicant must provide the Planning Department with a watering plan/schedule for the first twelve (12) months subsequent to the issuance of a certificate of occupancy for the wireless communication facility to ensure the landscaping will survive;
4. Sec. 27-593(a)(30)k.5.(a)2.viii.C. All compound entry gates must be constructed of wood slats on steel rails;
5. Sec. 27-593(a)(30)k.5.(a)2.xix. All visible buildings or structures and equipment accessory to a communication tower shall be designed to blend in with the surrounding environment through the use of color, camouflage, and architecture;
6. Sec. 27-699(a)(5) The perimeter of all towers including tower compounds shall be landscaped with the equivalent of one (1) row of large shrubs planted on 15-foot centers and one (1) row of evergreen trees planted on 15-foot centers;
7. If approved, the applicant must file and maintain a current business occupation tax application with this Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102 or (913) 573-8780;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;

12. All future co-locations also be flush mounted stealth configuration;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
14. The Special Use Permit shall be valid for 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 to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and;
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-066** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 12, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Landscape Plan
Tower Elevation
Fencing Details

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	December 12, 2022	January 12, 2023
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-066** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2021-066** as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 12, 2022 City Planning Commission Minutes:

Hearing starts at 2:37:05:

SPECIAL USE PERMIT APPLICATION SP2022-066 – ROMAN CATHOLIC ARCHDIOCESE OF KANSAS CITY, KANSAS - SYNOPSIS: Special Use Permit to erect a 140' tall stealth monopole for the installation of lights and communications equipment at Bishop Ward athletic field with ground based supporting equipment at 715 North 16th Street. Detailed Outline of Requested Action: The applicant, the Roman Catholic Archdiocese of Kansas City, Kansas, has filed a Special Use Permit to construct a 140-foot stealth monopole telecommunication tower for Verizon Wireless on stadium lights and associated ground equipment adjacent to the Bishop Ward High School football field/track within a 619 square foot enclosure at 715 North 16th Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to property owners.

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

Present in Support:

- Curtis Holland, Polsinelli, 900 West 48th Place, Kansas City, Missouri 64112
- Jay Dunlap

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:55:45: Planning Director Hand stated that this application is for a wireless communication facility at the Bishop Ward football field. The property is in the Central Area Master Plan. Staff has received no letters in support nor opposition. There are some older Notices of Violation that have been addressed. There is a State Statute that allows this type of facility to be initially approved for 10 years. Applicant is requesting the full 10 years. Staff recommends approval subject to the conditions in the staff report including screening and landscaping enhancements. Staff would request to add a condition that all future co-locations also be flush mounted stealth configuration.

Motions starts at 2:58:05:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2022-066 for ten (10) years:**

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

Motion to recommend **APPROVAL** Passed 9 to 0

Subject to:

- 1. If the telecommunication tower should be modified to be more stealth (internalized) than previously designed, Staff requests the City Planning Commission allow the design change to be made at building permitting;**
- 2. Sec. 27-593(a)(30)k.5.(a)2.viii.A. Wireless communication facility compounds shall be screened with a minimum of ten (10) foot walls, from grade. These walls must be composed of either (a) solid masonry (b) wooden fencing set on steel rails with a maximum one-quarter ($\frac{1}{4}$) inch gap between wood slats and masonry columns with a minimum width of two (2) feet and a maximum separation of sixteen (16) feet per column. If the applicant does not meet this standard, a deviation from the Board of Zoning Appeals is required;**
- 3. Sec. 27-593(a)(30)k.5.(a)2.viii.B. The applicant must submit a landscaping plan in accordance with Section 27-699 of this chapter. Further, an applicant must provide the Planning Department with a watering plan/schedule for the first twelve (12) months subsequent to the issuance of a certificate of occupancy for the wireless communication facility to ensure the landscaping will survive;**
- 4. Sec. 27-593(a)(30)k.5.(a)2.viii.C. All compound entry gates must be constructed of wood slats on steel rails;**
- 5. Sec. 27-593(a)(30)k.5.(a)2.xix. All visible buildings or structures and equipment accessory to a communication tower shall be designed to blend in with the surrounding environment through the use of color, camouflage, and architecture;**
- 6. Sec. 27-699(a)(5) The perimeter of all towers including tower compounds shall be landscaped with the equivalent of one (1) row of large shrubs planted on 15-foot centers and one (1) row of evergreen trees planted on 15-foot centers;**
- 7. If approved, the applicant must file and maintain a current business occupation tax application with this Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102 or (913) 573-8780;**
- 8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 9. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 10. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**

- 11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 12. All future co-locations also be flush mounted stealth configuration;**
- 13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 14. The Special Use Permit shall be valid for 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 to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and;**
- 15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

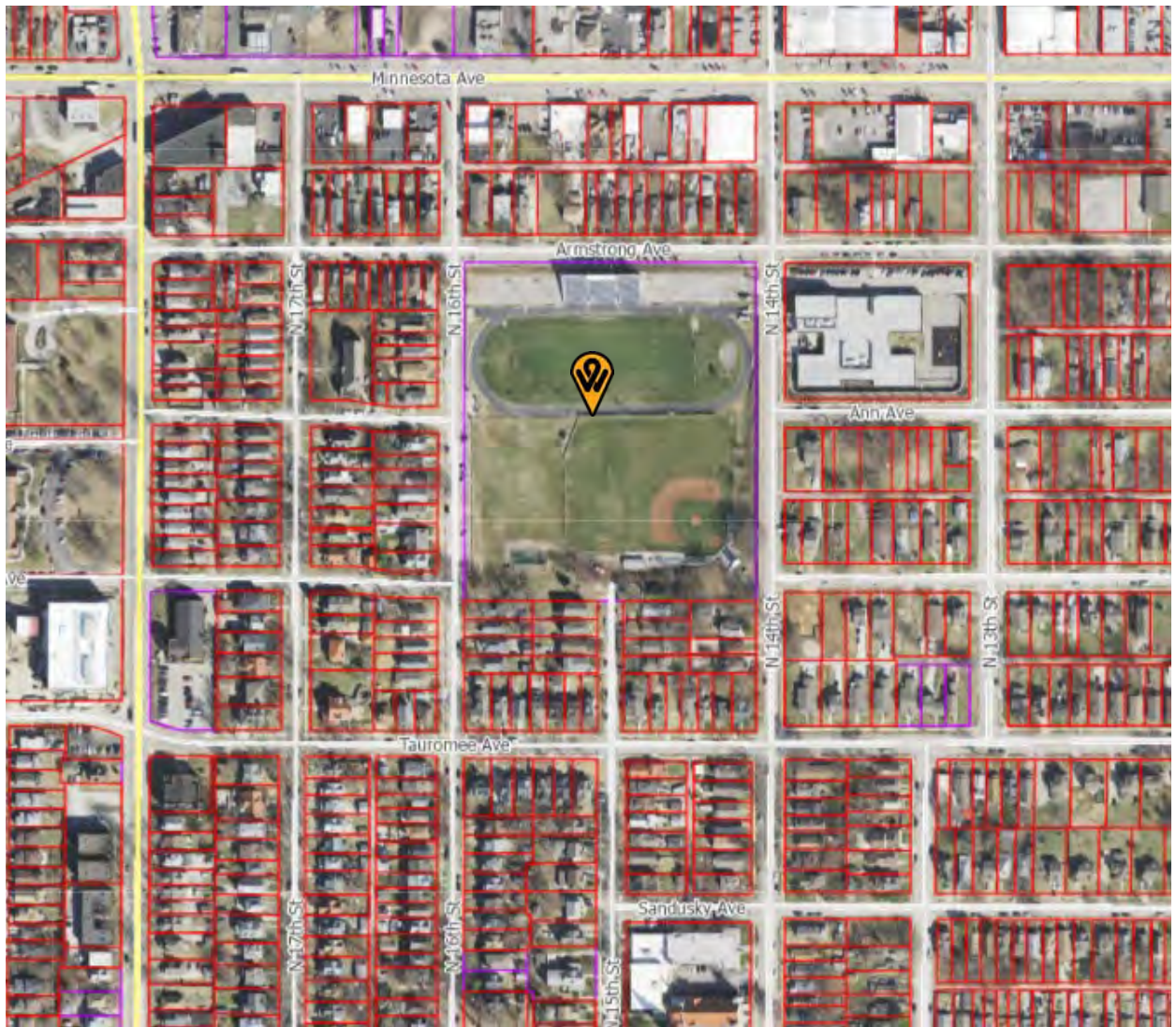
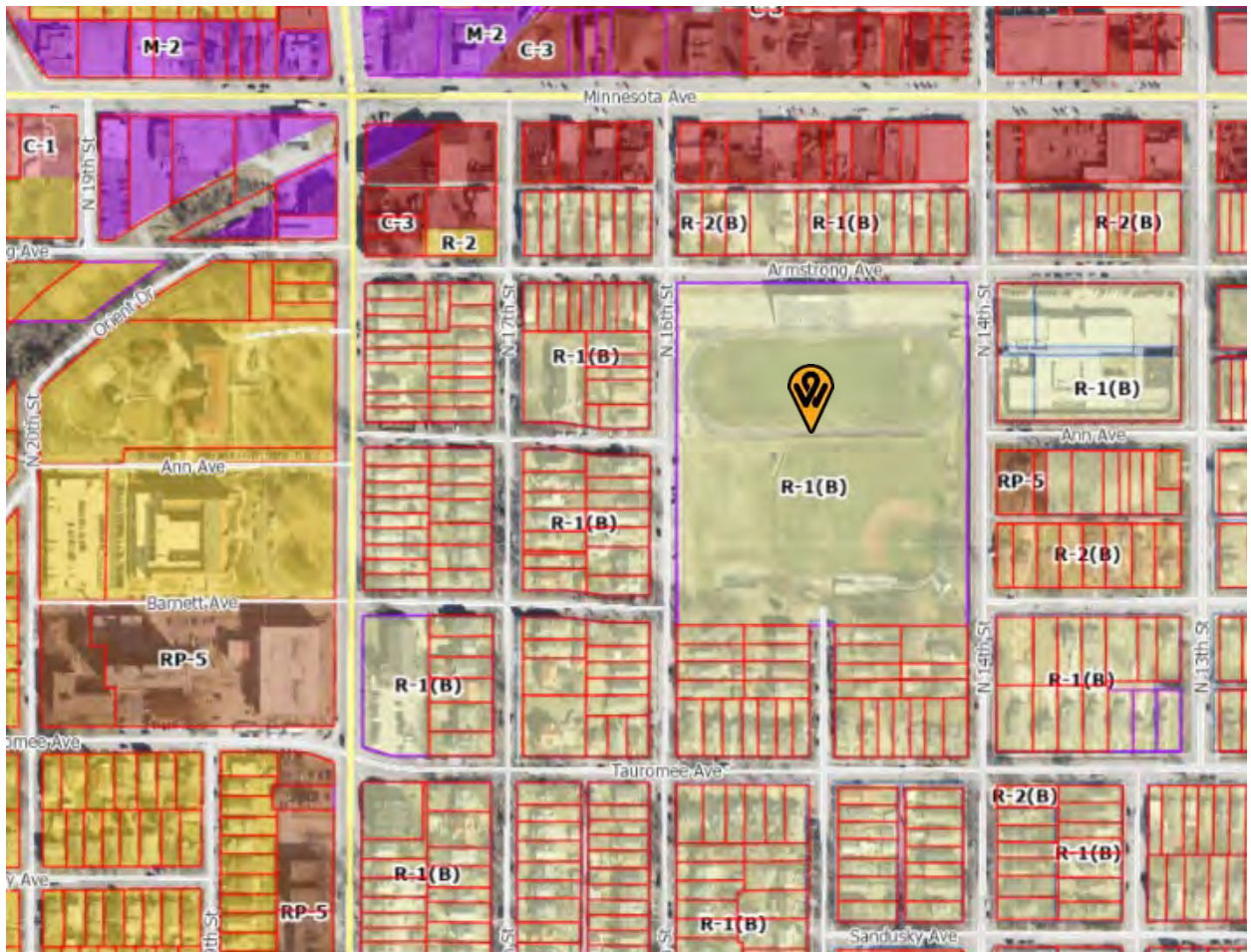


Figure 1. Aerial photograph of 715 North 16th Street (provided by UG Maps).



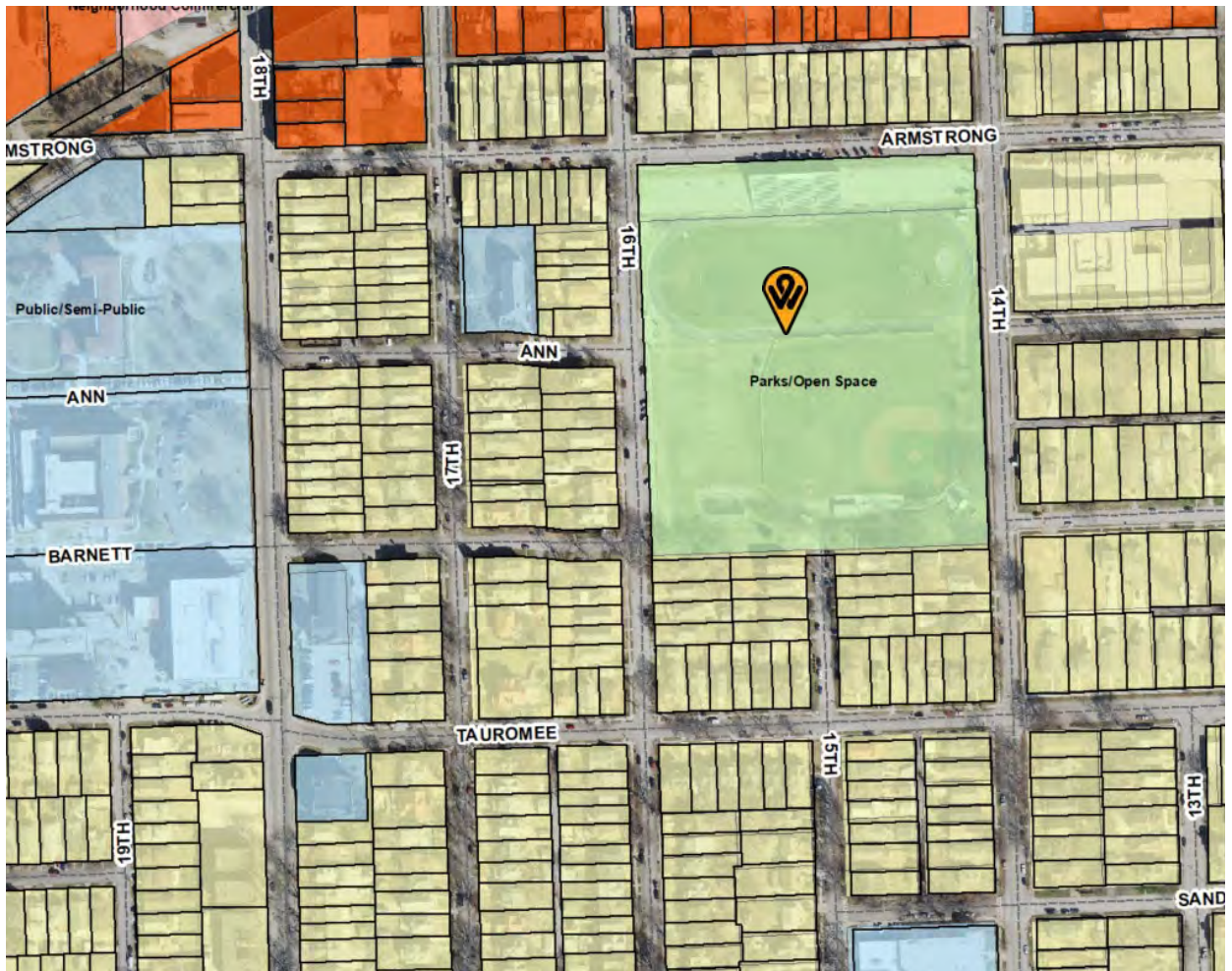


Figure 3. Central Area Master Plan Land Use Map of 715 North 16th Street as indicated by the green dot (provided by ArcMap).

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

Due to COVID-19, you were notified that the neighborhood meeting can be conducted in one (1) of three (3) ways:

1. In person (with social distancing and masks in place).
2. Virtual Meeting.
3. You can have people contact you via email and/or phone call.

The deadline for the neighborhood meeting is July 25, 2022 and on July 27, 2022 you are required to send your information to Janet L. Parker, CSC/APC, Executive Assistant, either by email (jparker@wycokck.org) or U.S. mail (Department of Urban Planning and Land Use, 701 North 7th Street, Suite 423, Kansas City, Kansas 66101):

1. List of people who participated in your in-person, Zoom or Skype meeting (if you were able to hold one.)
2. List of people who contacted you with questions and comments – please document their names and questions/comments.
3. Signed affidavit that you held the meeting (it is not required to be notarized because of COVID-19

Applicant Response: This information was separately provided. Since the formal Neighborhood Meeting, Applicant has been in regular communication with the Cathedral Neighborhood Association and is not aware of any known issues.

KEY ISSUES

Compliance with the Telecommunication Ordinance
Landscaping/Screening/Buffering
Visual Impacts

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. Sec. 27-593(a)(30)c. Stealth communication tower. A monopole communication tower designed in order of preference (i) with antenna mounting hardware and antenna mount that are concealed within a canister so that the antennas are not visible; (ii) with antennas that are flush mounted to the pole to minimize the

SP2022-066
~~86954282.1~~
[86954282.2](#)

August 8, 2022

8

horizontal profile of the structure; or (iii) to be integrated into stadium lights at public parks, schools, or as light standards in parking lots.

Staff understands that the stadium light will be integrated into the monopole, but why not build a most aesthetic pleasing structure (i.e. tree) or incorporate the canister into the monopole itself?

Additional camouflage is required to mitigate visual impacts as proposed pole may meet code height limit, but dwarfs existing field lighting is not "stealth" in this context.

Applicant Response: Applicant notes this comment was made prior to redesigning the structure from standard platform to flush-mount. Applicant respectfully disagrees with the suggestion that the pole would create visual impacts. The suggestion to make the pole look like a tree would make the pole even more noticeable and look completely out of place, as there are no tall trees in this location to help it blend into the background. It is noteworthy that the City amended its zoning regulations in May 2022 to specifically allow the proposed structure at this location. It is also noteworthy that the Planning Staff found no problem with recommending a very similar stadium pole/communication tower project at nearby Wyandotte High School back in 2003. There have been no complaints about the Wyandotte High School stadium pole, even though the residences are closer in proximity to that communication tower. Staff can point to no evidence that the proposed structure would create a visual hardship to the area. There are plenty of other examples of structures that create visual hardship in residential areas, such as high-voltage transmission lines, water tanks, etc.

2. Sec. 27-593(a)(30)k.5.(a)2.viii.A. Wireless communication facility compounds shall be screened with a minimum of ten (10) foot walls, from grade. These walls must be composed of either (a) solid masonry (b) wooden fencing set on steel rails with a maximum one-quarter ($\frac{1}{4}$) inch gap between wood slats and masonry columns with a minimum width of two (2) feet and a maximum separation of sixteen (16) feet per column.

Chain link fencing with mesh fabric is not permitted. Revise the fencing detail to comply with Telecommunication Ordinance. Additional camouflage is required to mitigate visual impacts as proposed pole may meet code height limit, but dwarfs existing field lighting is not "stealth" in this context.

Applicant Response: Applicant's request consideration of black vinyl coated chain link fencing to match the existing fencing surrounding the football stadium and adjoining baseball fields. Installation of masonry or wood fence is not compatible with the existing environment.

3. Sec. 27-593(a)(30)k.5.(a)2.viii.B. The applicant must submit a landscaping plan in accordance with Section 27-699 of this chapter. Further, an applicant must provide the Planning Department with a watering plan/schedule for the first twelve (12) months subsequent to the issuance of a certificate of occupancy for the wireless communication facility to ensure the landscaping will survive.

Applicant Response: Applicant will comply with landscape requirements. Newly planted arborvitae trees should be given approximately one inch of water per week during the first year growing season. Keep the soil evenly moist but not saturated. Decrease the frequency of watering as the roots become established. Arborvitae should be monitored for both underwatering and overwatering. The foliage will start to yellow or brown and the needles may drop if underwatered. Overwatering may also cause needle discoloration and could lead to irreversible damage caused by root rot and fungal infection.

4. Sec. 27-593(a)(30)k.5.(a)2.viii.C. All compound entry gates must be constructed of wood slats on steel rails.

Applicant Response: See Response to #2 above.

5. Sec. 27-593(a)(30)k.5.(a)2.xix. All visible buildings or structures and equipment accessory to a communication tower shall be designed to blend in with the surrounding environment through the use of color, camouflage, and architecture.

Applicant Response: Applicant believes its facilities meet this comment.

6. Is the intent to replace one (1) stadium light with a wireless monopole tower or will all lights around the football field/track be replaced?

Applicant Response: As stated above, all 8 of the existing stadium light poles are being replaced with 4 metal poles using LED lighting. Only one stadium pole is to be integrated with wireless communication facilities, at this time.

7. How often will technicians be on site to service the tower or ground compound?

Applicant Response: No more than 1-2 times per month, not counting emergency visits.

8. All existing and future driveways must feature curb cuts that are constructed to UG standards. The driveway apron on North 16th Street must be paved concrete in the right-of-way.

Applicant Response: Acknowledge.

-
9. A Right-of-Way Permit is required for the driveway extension. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.

Applicant Response: Acknowledge.

10. If approved, the applicant must file and maintain a current business occupation tax application with this Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102 or (913) 5738780.

Applicant Response: Acknowledge, to the extent required.

11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.

Applicant Response: Acknowledge.

12. Subject to approval, the Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit 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.

Applicant Response: Pursuant to K.S.A. 66-2019(f)(18) – see below – the initial term of the SUP cannot be less than 10 years.

K.S.A 66-2019.

(f) To ensure uniformity across the state with respect to consideration of every application, an authority shall not:
(18) limit, for less than 10 years, the duration of the approval of an application. Any renewals shall be negotiated in good faith. Construction of the approved structure or facilities shall commence within one year of final approval and shall be diligently pursued to completion.

SP2022-066
~~86954282.1~~
86954282.2

August 8, 2022

11

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

Applicant Response: Acknowledge.

Planning Engineering Comments:

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

STAFF RECOMMENDATION

Staff recommends that the City Planning Commission make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and Recommend _____ of Petition **SP2022-066** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

- 1. No recommendation in the draft staff report.

ATTACHMENTS

Aerial Map
Zoning Map
Land Use Map
Site Plan
Landscape Plan
Tower Elevation
Fencing Details
Site Photographs Provided by Staff on July 12, 2022

SP2022-066
~~86954282.1~~
[86954282.2](#)

August 8, 2022

12

**VZW/KCYC BISHOP WARD
NEIGHBORHOOD MEETING (VIA EMAIL/PHONE) – JULY 25, 2022**

Development Team Representative

James Cardinal, on behalf of Roman Catholic Archdiocese of Kansas City

Neighbor Respondents

Mike Muder

Eva Gregory

This meeting was held from the date of the letter, July 11, 2022, until July 25, 2022 at 5:00 PM (the “**Meeting Period**”). The development team’s representative offered to accept emails and phone calls from neighboring landowners throughout the Meeting Period.

The neighborhood meeting notice provided details regarding the Special Use Permit Application. These details included discussing the scope, location, and specifications of the project. There was also an Exhibit attached to the letter that showed an aerial photo with an exact location of the tower.

Two neighboring landowners reached out with comments. Mike Muder, landowner to the south of the project (618 N 15th St), commented that they believe the project to be acceptable and that they have no issue with the tower.

Eva Gregory, landowner to the west of the project (810 N 16th St), commented that they believe the replacement tower will be a nice improvement to the field and had no issues with the project.

No other landowners sent in any questions or comments via email or phone and the Meeting Period ended on July 25, 2022 at 5:00 PM.

85029358.1

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Oklahoma,
COUNTY OF Rogers) SS:

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

1. That I am the petitioner for Petition # SP2022-066
2. That I conducted a neighborhood meeting on July 25th, 2022
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

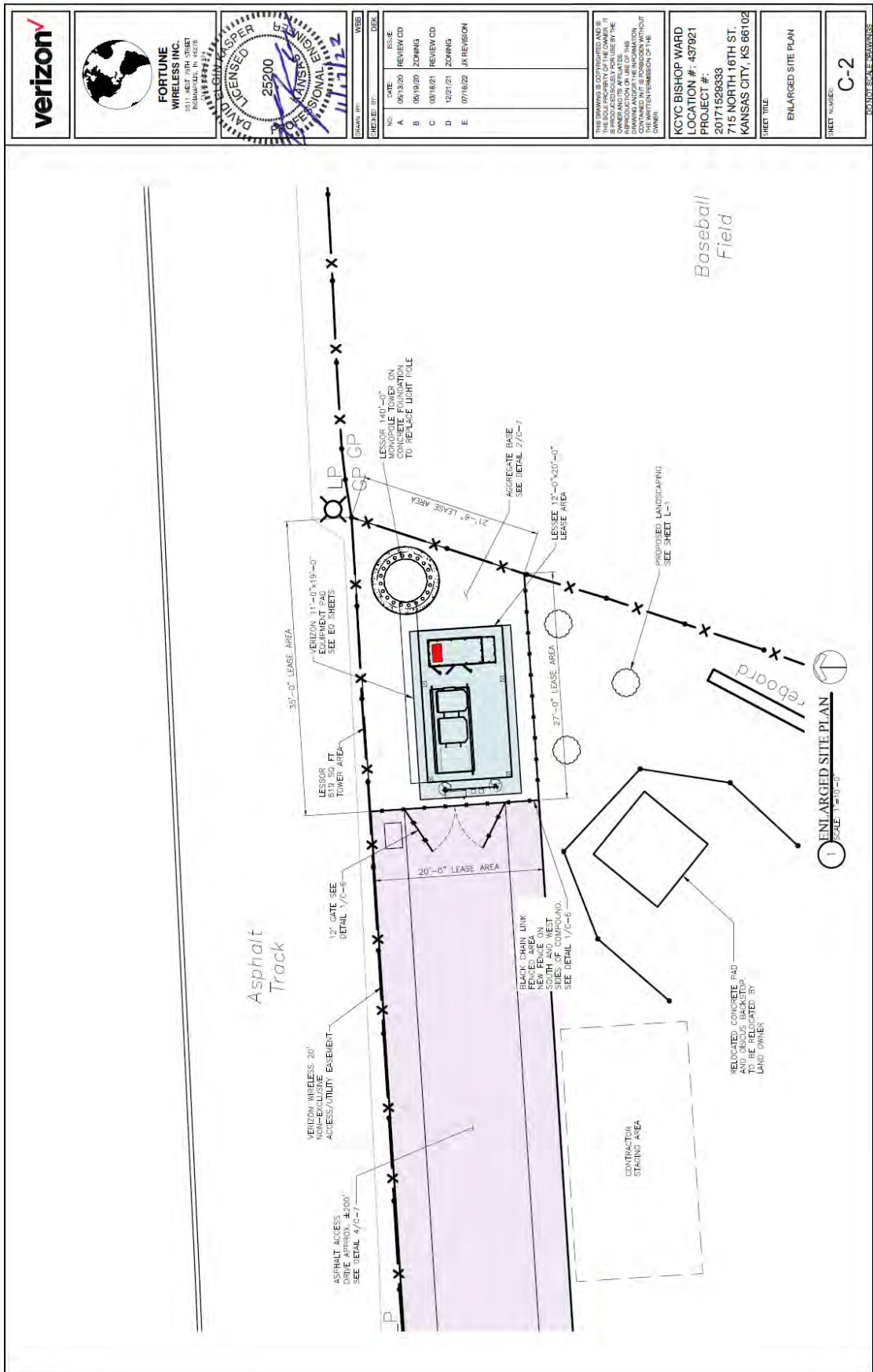

Affiant

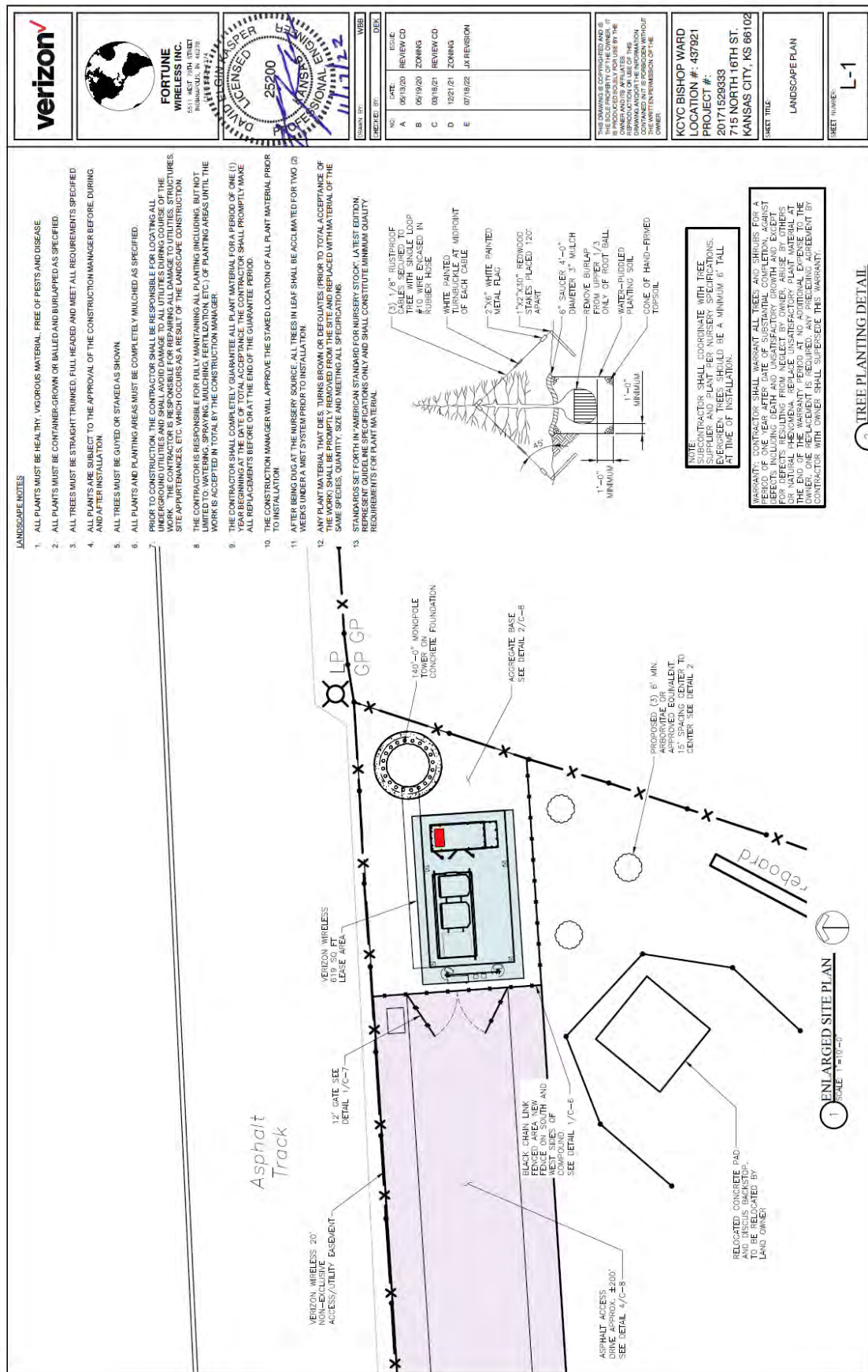
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 19 day of October, 2022

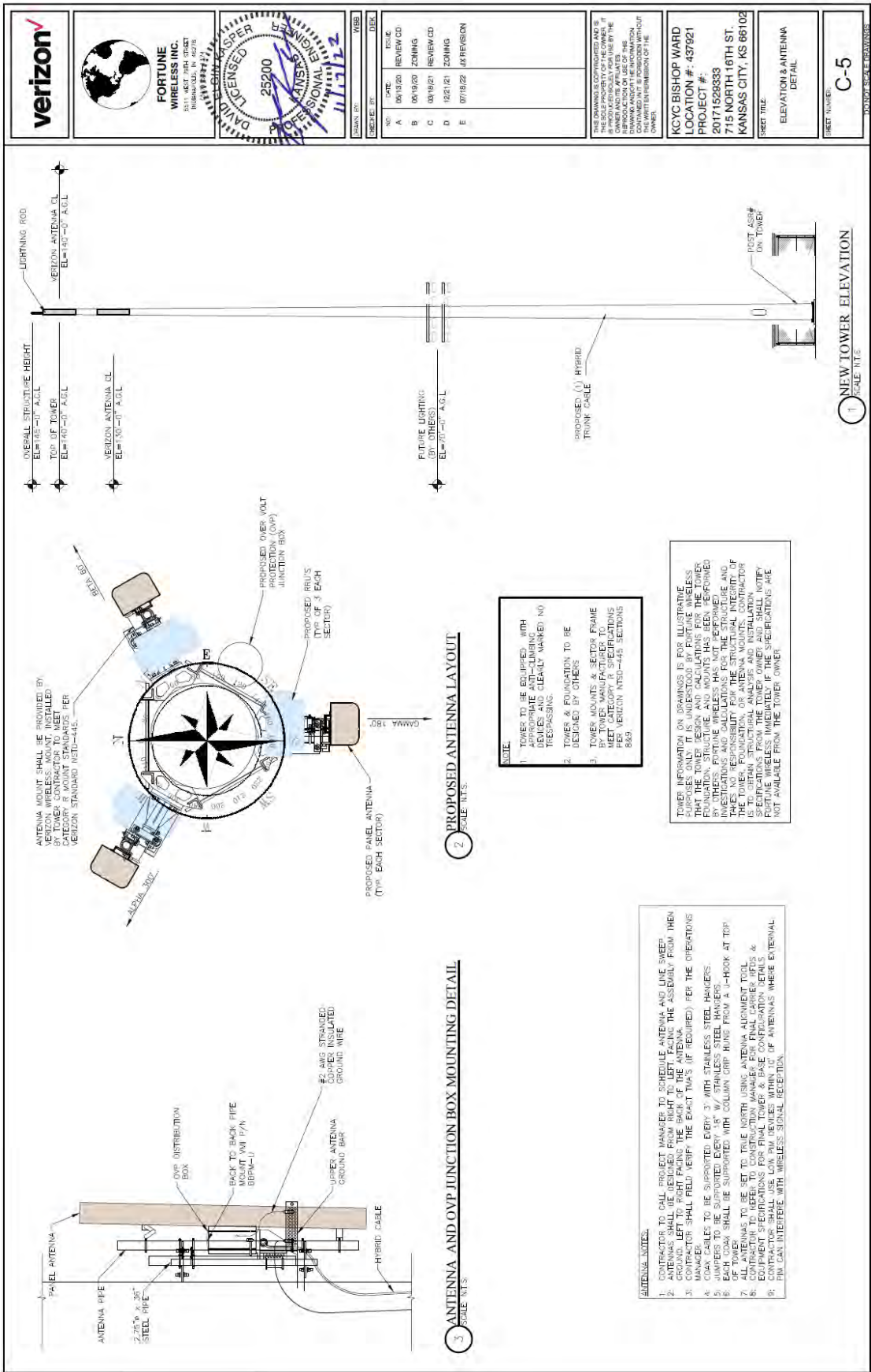
My commission expires 9th of October, 2025




Notary Public







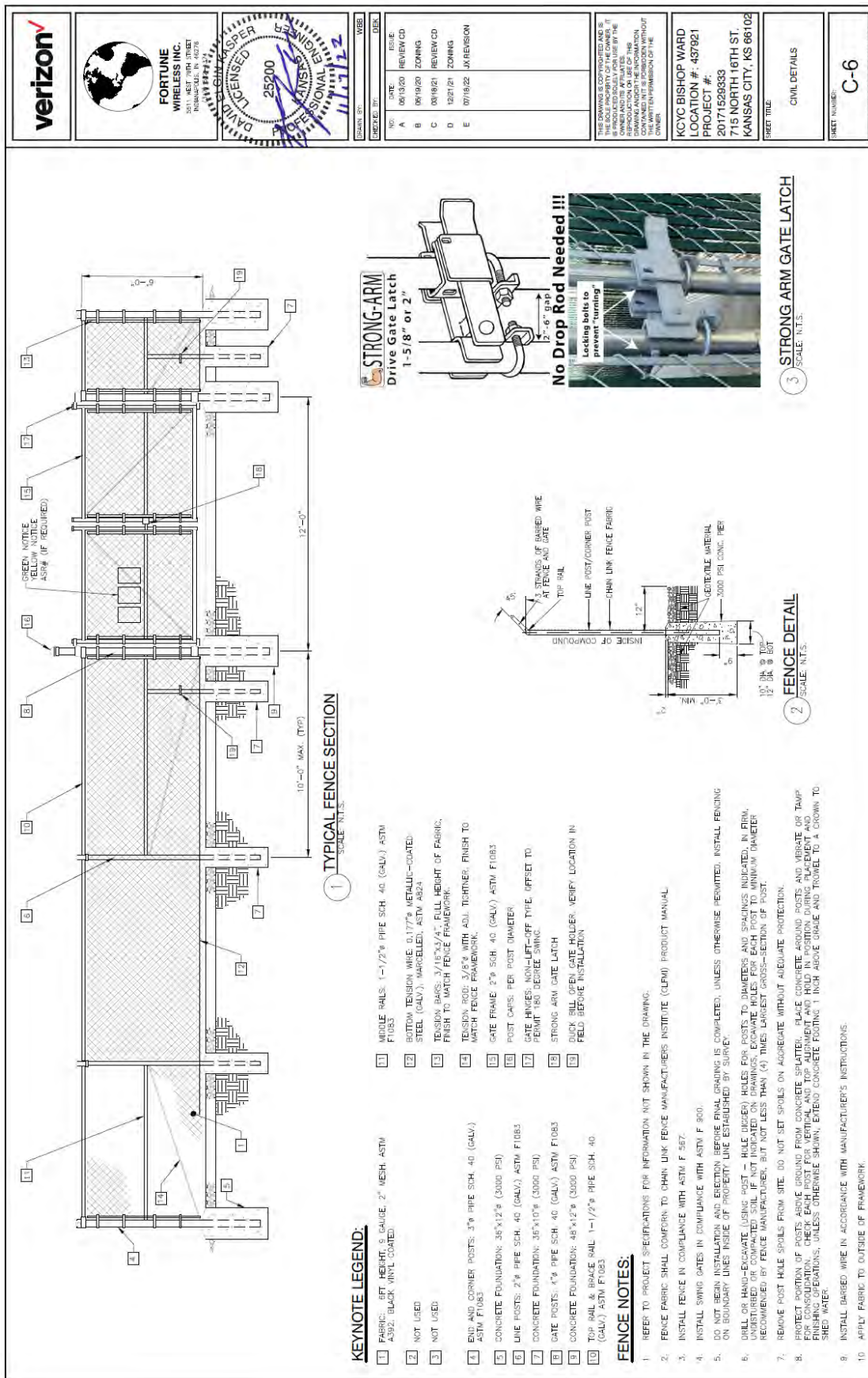








Figure 4. Site photograph looking east on North 16th Street at 715 North 16th Street (provided by Planning Staff).



Figure 5. Site photograph looking east on North 16th Street at 715 North 16th Street (provided by Planning Staff).



Figure 6. Site photograph looking east on North 16th Street at 715 North 16th Street (provided by Planning Staff).



November 23, 2022

Gunnar Hand
Director of Planning + Urban Design
Unified Government of Wyandotte County –
Kansas City, Kansas
701 North 7th Street
Kansas City, KS 66101

Re: Bishop Ward High School – Stadium Improvements

Dear Gunnar:

Thanks for your call on November 7 regarding the Archdiocese's application for special use permit (SUP) at Bishop Ward High School. As you know, the SUP application will allow replacement of an existing stadium light pole with an upgraded stadium light pole/communications tower at Bishop Ward's football facility, Dorney Field at Stump-Werner Stadium. This new stadium light pole/communications tower is part of a larger project that includes a remodeling of the entire football facilities, including the installation of a new synthetic turf field, and replacement of all the stadium light poles for the football field. The SUP application is needed to allow one taller stadium pole to facilitate the installation of wireless communications, initially for use by Verizon Wireless, and for use by the Archdiocese and other potential users in the future. We understand this has been done at other area high schools including Wyandotte High School and Bishop Miege, among others.

The existing stadium light poles to be replaced are all made of wood and use outdated standard halogen lighting fixtures. The new poles will use energy efficient LED lighting, be made of metal, and have enhanced wiring. One of the significant benefits of the new lighting system is the reduction in the number of light poles from eight (8) to four (4). The new poles will be 70' tall, except for the one (1) SUP pole on the south side of the stadium, which due to the addition of wireless communication facilities, is planned to be 140' in height.

The stadium upgrades are significant, and the Archdiocese has undertaken a funding campaign with alumni and other stakeholders to help offset the costs. The lease structure with Verizon Wireless will help bridge the financial gap. The Archdiocese is also partnering with KC United, a youth sports club founded and directed by Leaders in our local African-American community, who will use the Bishop Ward facilities for football, soccer and other activities to serve underprivileged youth.

During our call, you stated some concern that the proposed new 140-foot stadium pole/communications tower could have a negative visual impact. While admittedly, the one SUP

708 North 18th Street, Kansas City, KS 66102
P: 913-371-1201 F: 913-371-2145

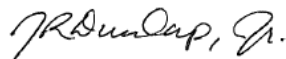
est. 1908

pole will be taller than the other stadium light poles, the Archdiocese does not believe it will create a substantial visual impact to the area. As you know, the mounting design for the communication antennas was changed from standard platform type to flush-mount type to meet the City's recent amendment to its zoning regulations. We understand that flush-mount antennas are considered *stealth* under the City's regulations and are compliant with the City's code. Also, since we are adding 3 additional stadium light poles each 70' in height the one taller pole should benefit from the blending effect provided by the other poles. The proposal is very similar to what was previously done at the Wyandotte High School football stadium which is less than half a mile to the west. The difference is that the Wyandotte High School light pole/communication tower is taller (150'), uses standard antenna platforms, and is closer to residential homes than our proposed new pole.

These kinds of dual-use structures are commonly found at other area high schools such as Bishop Miege, Blue Valley North, Blue Valley Northwest, and many others. We are not aware of any complaints about the Wyandotte High School stadium pole or the poles at other high schools. The new poles at Bishop Ward will be over 300' from any of the nearby residences, which is a significant buffer. We have not heard of any neighborhood complaints about our proposal.

Thank you for consideration of these comments. As always, we welcome any additional questions or comments.

Sincerely,



Jay Dunlap, President
Bishop Ward High School



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 12, 2023

Re: Special Use Petition SP2022-074

GENERAL INFORMATION

Applicant:

Mahar Althalathini

Status of Applicant:

Property Owner
1000 Osage Avenue
Kansas City, Kansas 66105

Requested Action:

Approval of a Special Use Permit.

Date of Application:

June 24, 2022

Purpose:

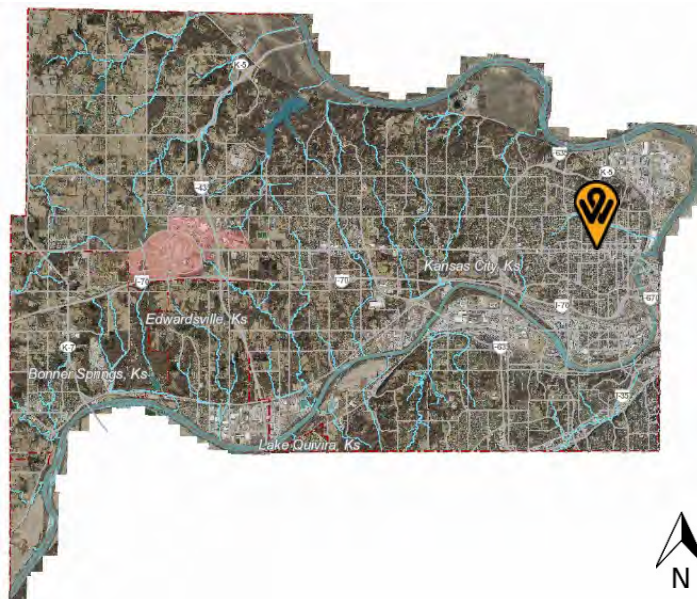
To approve a Special Use Permit
for an auto-repair business.

Property Location:

1000 Osage Avenue
Kansas City, Kansas 66105

Commission Districts:

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



Existing Zoning:	C-3 Commercial District
Adjacent Zoning:	North: C-3 Commercial District South: C-3 Commercial District East: MP-1 Planned Limited Industrial District West: C-3 Commercial District
Adjacent Uses:	North: Church South: Retail and Mixed-Use East: Light-Industrial West: Restaurant and Residential
Total Tract Size:	0.25 Acre
Master Plan Designation:	The Armourdale Area Master Plan designates this Property as Community Commercial, which is intended to enhance business opportunities along each corridor, create dense development that is walkable and scaled appropriately to the neighborhood, and increase the amount, quality, and performance of public space along each corridor.
Major Street Plan:	The Major Street Plan designates Osage Avenue, Argentine Boulevard, and 10 th Street as Class C Thoroughfares.
Parking Requirement:	There are two (2) commercial structures on the property, which total approximately 3,800 square feet, which will require 20 parking spaces. An updated site plan demonstrates 20 parking spaces, however, the applicant plans to utilize part of the subject structure for two (2) apartments, which require four (4) spaces. The applicant will need to obtain a variance to meet the parking standard if they intend to use the upstairs apartments.
Advertisement:	<u>The Wyandotte Echo</u> – July 14, 2022 Letters to Property Owner – July 15, 2022, July 31, 2022, August 31, 2022, and November 7, 2022
Public Hearings:	December 12, 2022 and January 12, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Maher Althalathini, is requesting a Special Use Permit to operate an auto-repair shop in a mixed-use at 1000 Osage Avenue.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The property has had a history of police calls for service, most of which revolve around the restaurant that is on the property, and not the structure which will house the proposed use. Most of the calls have either been for battery or theft.
 - a. 2022 – 2022-41631 – Battery
 - b. 2021 – 2021-70445 – Battery and Rape
 - c. 2020 – 2020-128469 – Theft
 - d. 2019 – 2019-71592 – Theft and Battery
 - e. 2018 – 2018-71969 – Theft and Criminal Damage

Building, Zoning, or Code Enforcement Complaints:

1. The property has received both Code Enforcement and Zoning Enforcement complaints since the property has been acquired by Mr. Althalathini. Code Enforcement cited the owner for trash and tall grass, while Zoning Enforcement has cited the owner for operating an event space with a Special Use Permit.
 - a. 2022 – ABT22-1780 – Abatement
 - b. 2022 – CAC22-0846 – Administrative Citation
 - c. 2022 – ZONE2022-005 – Illegal Business

Outstanding or Related Permits and Cases:

1. 2021 – PLM21-1138 – Plumbing
2. 2021 – PLM21-1085 – Plumbing

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood features a diversity of uses, including a commercial strip along Osage Avenue with residences north and south of Osage Avenue. The neighborhood is over 100 years old, featuring traditional street layouts and residential and commercial spaces within close proximity of each other.

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

The proposed use is not expected to be compatible with the surrounding zoning, as the property is surrounded by single-family residences or the mixed-use residential proposed by the applicant.

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

The removal of the restrictions will not detrimentally affect nearby properties if the property is managed properly, and the conditions are adhered to. Osage Avenue is a commercial corridor, and an auto-repair shop is allowed with a Special Use Permit.

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

It is unclear how long the property has been vacant for commercial uses.

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

The Armourdale Master Plan does not address Special Use Permits. The Armourdale Area Master Plan designates this property as Community Commercial, which is intended to enhance business opportunities along each corridor, create dense development that is walkable and scaled appropriately to the neighborhood. The proposed use of the property is an auto-repair business, with two (2) residential rental units on the 2nd floor, which does not conform to the Armourdale Area Master Plan.

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

The proposed use should not result in the increase of traffic to the point where it would exceed the capacity of Osage Avenue, a Class C Thoroughfare.

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

There are several automotive-related businesses in the area. This one additional automotive business is not particularly necessary for the convenience and welfare of the public. There is the potential to cause substantial injury or harm to nearby residential properties if the proposed use is not managed properly.

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

Noise, vibration, dust, and illumination are typical issues for this type of use. All work on serviced automobiles must be done inside the building. No work or storage of vehicles outside or in the public right-of-way is allowed.

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

Environmental concerns include fluid leakage from automotive parts and the repair process, as well as gases from the detailing process. If properly managed and maintained, however, the impact should be minimal.

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

The proposed use should not result in the damage or destruction of an irreplaceable natural resource as it is located in an existing, built-out urban area along an established commercial corridor.

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

The gain to the public health, safety and welfare would be minimal. This use could pose a negative impact to public health if the aforementioned environmental issues are not managed properly, and the property is not properly maintained. A denial of this application would cause the business owner to have to find a new location for their business or a different business at this location.

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

The proposed use could result in the overcrowding of land, as there are two (2) commercial structures on the same property, one of which is a mixed-use building with apartments on the 2nd floor. Issues could arise with parking and storage of inoperable vehicles if they are not managed properly and if conditions of approval are not met. Additionally, there could be undue concentrations of population if the residential units on the 2nd floor are not managed properly. The proposed use is exclusively for automobiles; An alternative use on the property that is not exclusive to automobiles may reduce the potential for overcrowding of the property.

PREVIOUS ACTIONS

None to date.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 27, 2022. There were no comments. Attached are the minutes and affidavit.

KEY ISSUES

Parking
Overcrowding of Land
Floor Plan
Noise
Dust
Vibration
Disposal of Materials

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **DENIAL** of Special Use Permit **SP2022-074**, due to lack of parking and lack of space for the use on the property.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition **SP2022-074** subject to all comments and suggestions in the staff report and the reasons of the City Planning Commission.

ATTACHMENTS

December 12, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Floor Plan
Wyandotte County Conservation District Comments, July 12, 2022
Site Photographs taken by staff dated July 6, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	December 12, 2022	January 12, 2023
Special Use	Denial	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-074** as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-074** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report and the following additional requirements:

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

December 12, 2022 City Planning Commission Minutes:

Hearing starts at 3:06:

SPECIAL USE PERMIT APPLICATION SP2022-074 – MAHER ALTHALATHINI -

SYNOPSIS: Special Use Permit for a used-car dealership with light repair at 1000 Osage Avenue. Detailed Outline of Requested Action: The applicant, Maher Althalathini, is requesting a Special Use Permit to operate an auto-repair shop in a mixed-use at 1000 Osage Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Maher Althalathini, applicant

Present in Opposition:

➤ No one appeared

Staff Recommendation starts at 3:09:34: Planning Director Hand stated that the request is for a Special Use Permit for a light auto repair business. The property is in the Armourdale Area Master Plan just off Osage Avenue. This is an existing parcel and building with a variety of uses. There is a drive-in restaurant and a mixed-use building existing. The business would be located on the first floor with housing above in the mixed-use structure. Staff has received no letters in support nor opposition. There are multiple Notices of Violations and police reports relating to an illegal event space being used on the ground floor of the building. There is a garage door that would be on the front of the building. This is an overcrowded site and Staff sees issues with parking, traffic and vehicles on the lot. Staff recommends denial. If the Commission moves forward with a recommendation of approval, Staff has included conditions accordingly.

Motion starts at 3:12:12:

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit Application SP2022-074 due to lack of parking and lack of space for the use on the property:**

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

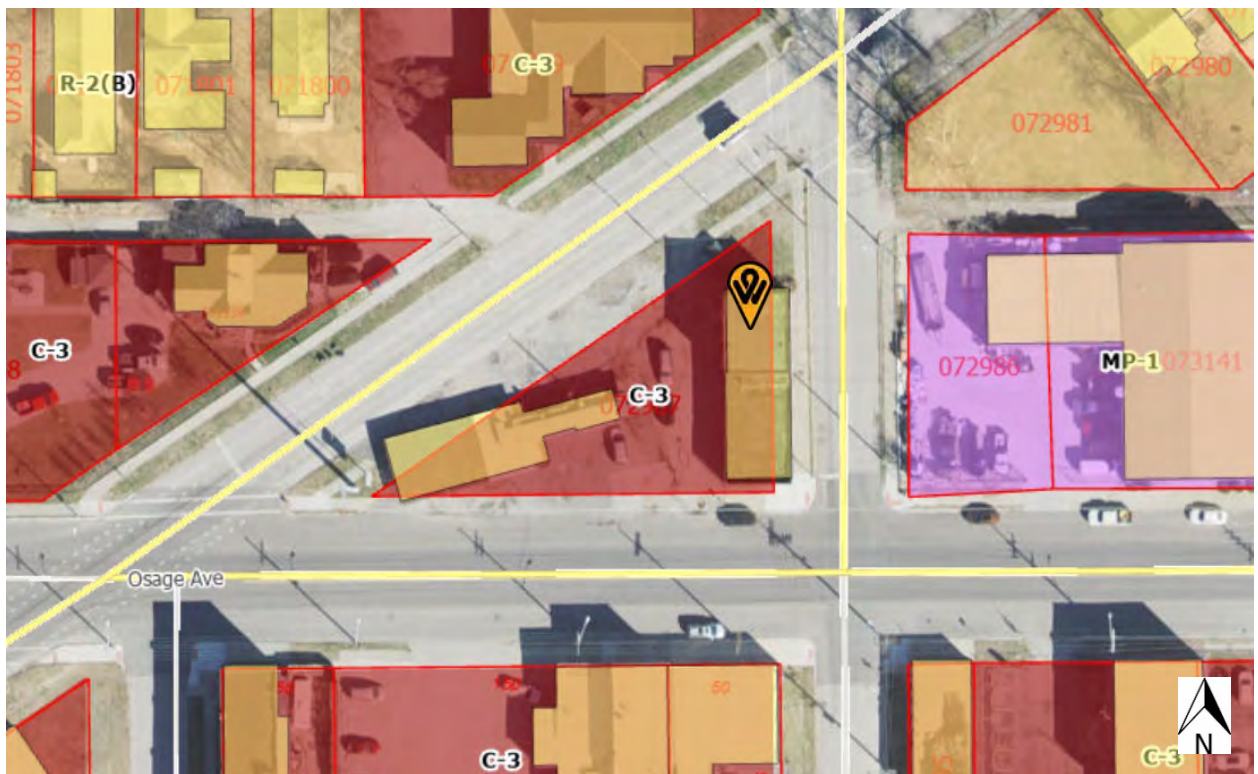
Motion to recommend **DENIAL** Passed: 9 to 0

ATTACHMENTS

AERIAL IMAGERY



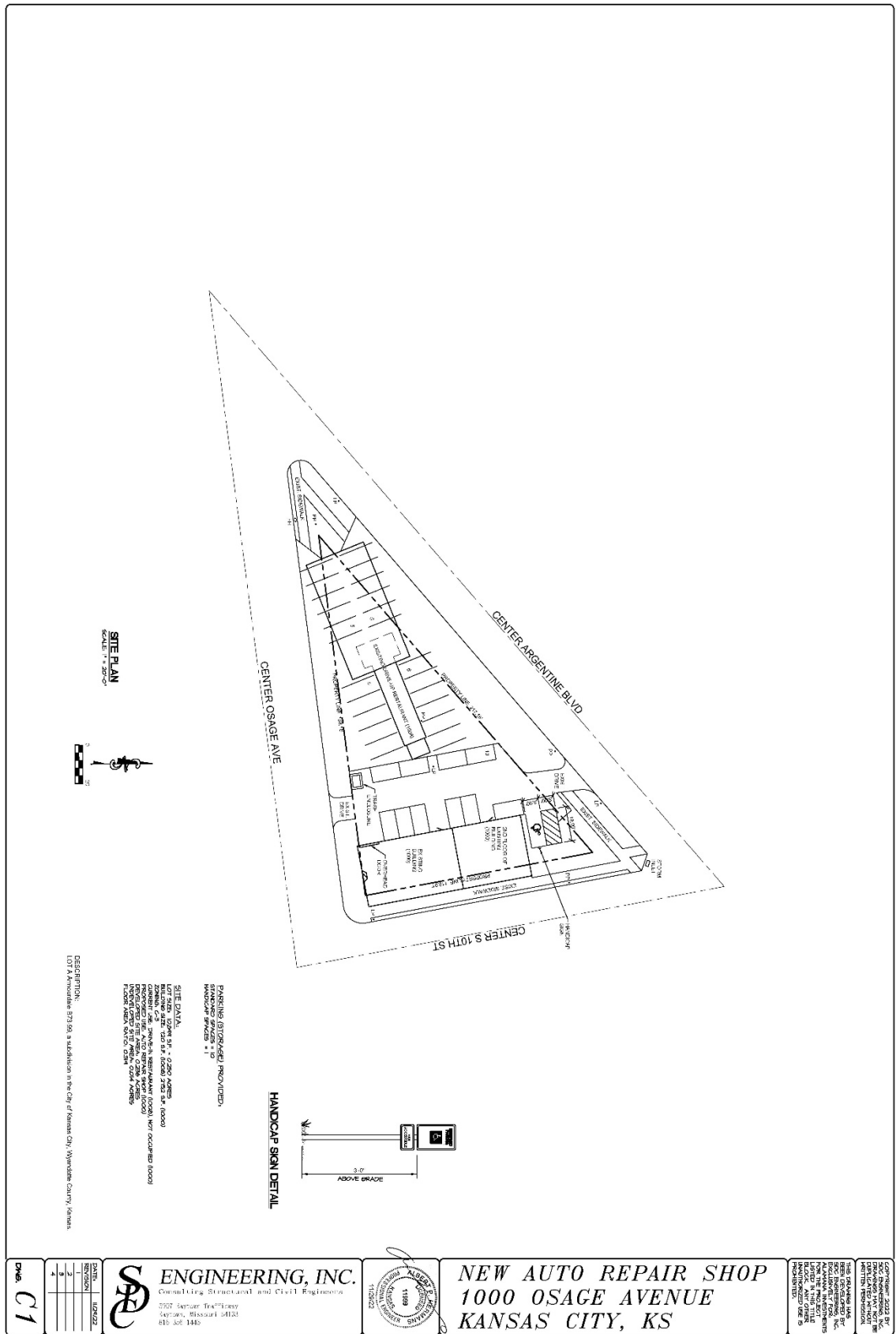
ZONING MAP



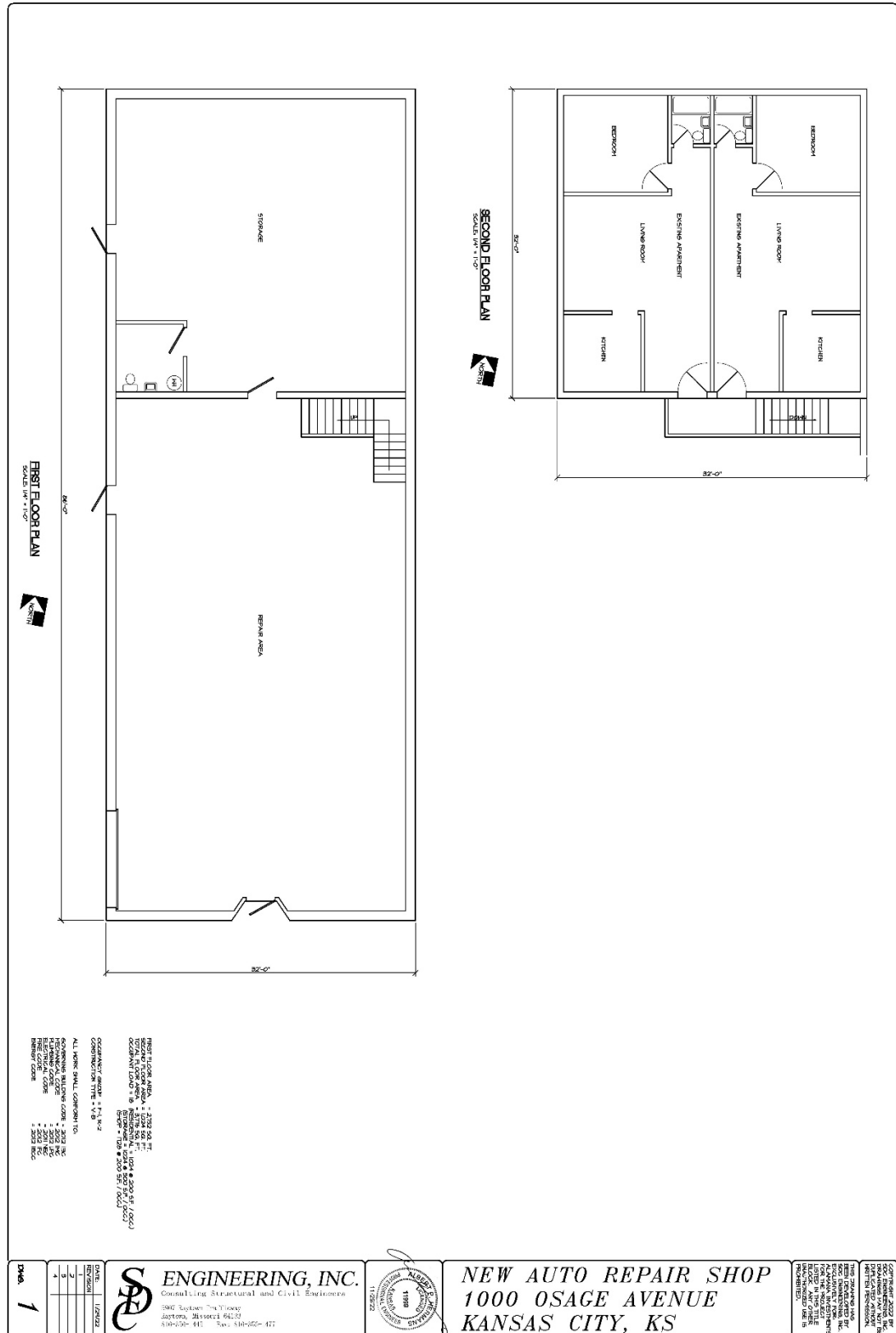
LAND USE MAP



SITE PLAN



FLOOR PLAN





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

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

July 12, 2022

RE: SP2022-074 Maher Althalathini for used-car dealership and repair at 1000 Osage Avenue

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: SP2022-074 Maher Althalathini for used-car dealership and repair at 1000 Osage Avenue.

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Eudora-Urban land complex, rarely flooded. This soil type is considered erodible when the surface is denuded of a protective cover.
- Any chemical spills from vehicles need to be cleaned up immediately so that it does not cause a pollution problem. Run off in rain events will flow into the drainage ways and cause issues for the Kansas River.

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

NEIGHBORHOOD MEETING MINUTES

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
COUNTY OF Jackson) SS:

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

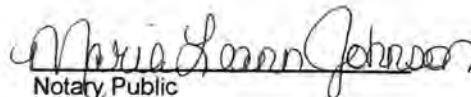
1. That I am the petitioner for Petition # SP2022-074
2. That I conducted a neighborhood meeting on 10-27-22 at 3:00 PM
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

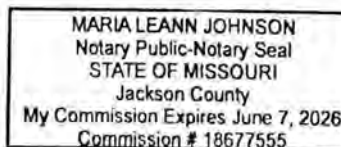
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of October, 2002

My commission expires 7th of June, 2006


Notary Public



Minutes for neighborhood meeting at 1000 Osage Avenue:

Application Number: SP2022-074

Date and Location: October 27th, 2022 on Zoom Webinar

Meeting called to order at: 3:00pm Central time

Names of people in attendance:

Nobody attended the meeting

Introductions:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said). → On the next page

Questions and answers (include the following):

Who asked question or gave comment

None

What was the question or comment

None

Who answered the question/comment

None

What was the answer given

None

Meeting adjourned at: 3:31pm Central time

Minutes taken by: Maher Althalathini

Minutes for neighborhood meeting at 1000 Osage Avenue:

Application Number: SP2022-074

Date and Location: October 27th, 2022 on Zoom Webinar

Meeting called to order at: 3:00pm Central time

Names of people in attendance:

Nobody attended the meeting

Introductions:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said). → On the next page

Questions and answers (include the following):

Who asked question or gave comment

None

What was the question or comment

None

Who answered the question/comment

None

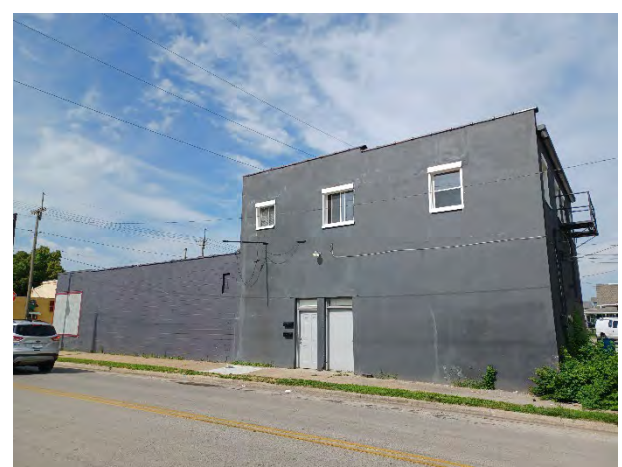
What was the answer given

None

Meeting adjourned at: 3:31pm Central time

Minutes taken by: Maher Althalathini

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







Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 12, 2023

Re: **Change of Zone COZ2022-038, Master Plan Amendment MPL 2022-023, and Special Use Permit SP2022-093**

GENERAL INFORMATION

Applicant:

Anna Brescia DBA
Richard T. Bryant & Associates

Status of Applicant:

Attorney Representative
1111 Main Street, Suite 750
Kansas City, MO 64105

Requested Actions:

Approval of a Change of Zone.

Approval of a Master Plan Amendment.

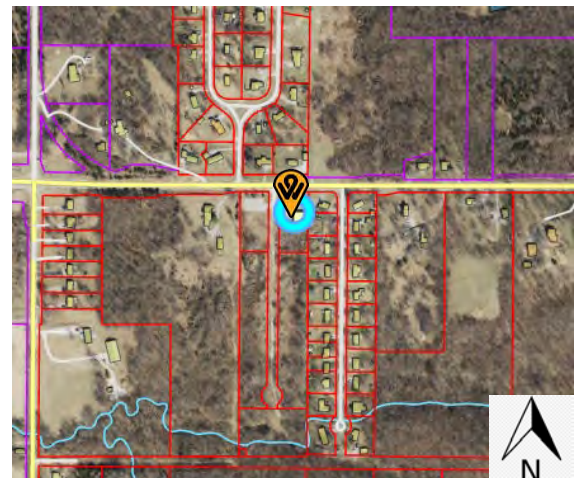
Approval of a Special Use Permit.

Date of Application:

September 22, 2022

Purpose:

The approval of a Change of Zone from C-1 Limited Business and R-1 Single Family Districts to CP-1 Planned Limited Business District, Master Plan Amendment from Low-Density Residential to Neighborhood Commercial, and Special Use Permit for the operation of a liquor store.



Property Location:	8919 Leavenworth Road Kansas City, Kansas 66109		
Commission Districts:	Commissioner At Large, District #1: Melissa Bynum District #6 Commissioner: Mike Kane		
Existing Zoning:	C-1 Limited Business and R-1 Single Family Districts		
Adjacent Zoning:	North:	R-1 Single Family Residential District	
	South:	R-2 Two-Family Residential District	
	East:	R-1 Single Family Residential District	
	West:	C-1 Limited Business and R-1 Single Family Districts	
Adjacent Uses:	North:	Single Family Residences and Large Vacant Residential Lot	
	South:	Single Family Residences and Large Vacant Residential Lot	
	East:	Single Family Residences	
	West:	Vacant Commercial Lot with Parking	
Total Tract Size:	0.94 Acre		
Master Plan Area:	The Subject Property is within the City-Wide Master Plan.		
Master Plan Designation:	(Current) The City-Wide Master Plan designates the property's land use as Low-Density Residential, in which uses include single-family homes, Institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries and parks and open space. (Proposed) The proposed Land Use Designation is Neighborhood Commercial, which uses are intended to allow for a wide range of small-scale commercial and office development. Allowed uses include convenience retail uses such as banks, drug stores, service stations, sit down restaurants, and small-scale professional and office services.		
Major Street Plan:	The City-Wide Master Plan designates this tract of Leavenworth Road as Class B Thoroughfare.		
Parking Requirement:	(Proposed Zone CP-1) Section 27-464(e) states that parking requirements for this district are required at a ratio of four (4) spaces per 1,000 square feet of floor area. The building has a floor area of 3,728 square feet, requiring a minimum of 15 parking spaces. The		

subject property has 15 parking spaces, meeting this requirement.

Advertisement:

The Wyandotte Echo – October 20, 2022
Letters to Property Owners – October 21, 2022 and
November 18, 2022

Public Hearings:

December 12, 2022 and January 12, 2023

Public Support:

None to date.

Public Opposition:

There were approximately 11 people in opposition at the December 12, 2022 City Planning Commission meeting. One email in opposition has been received since the Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Anna Brescia with Richard T. Bryant & Associates, is requesting a Change of Zone, Master Plan Amendment, and Special Use Permit for the operation of a liquor store at 8919 Leavenworth Road. The current property is split-zoned C-1 and R-1 and the Change of Zone formally recognizes the commercial designation for the property. The Master Plan Amendment has been requested to better align the proposed commercial use with the land use designation. The subject property has a total of 3,728 square feet plus parking and an additional vacant lot in the rear for future development.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The subject property had a few complaints related to vacancy:
 - a. 2021: 2021-00025990 – Business Check
 - b. 2020: 2020-00087435 – Domestic Disturbance
 - c. 2019: 2019-00083138 – Traffic Stop
 - d. 2018: 2018-00013153 – Business Check

Building, Zoning, or Code Enforcement Complaints:

1. The subject property has had some code enforcement cases in the past 10 years:
 - a. 2022: ABT22-1320 – Abatement - Closed
 - b. 2022: ABT22-2921 – Abatement – Open
 - c. 2022: CMP22-1480 – Demo without Permit – Closed
 - d. 2022: ABT22-2148 – Abatement – Closed

- e. 2022: STR22-0913 – Structural – Open
- f. 2021: ENV21-3375 – Dumping/Abatement – Closed
- g. 2021: CMP21-1616 – Abatement – Closed
- h. 2021: ABT21-1064 – Abatement – Closed
- i. 2015: 15220-00357 – Graffiti – Closed

Outstanding or Related Permits and Cases:

1. The subject property has no outstanding or related building permits.
2. The subject property had some cases at the subject property within the last 10 years.
 - a. 2021: COZ2021-023 – Change of Zone for Gas Station/Convenience Store (disapproved)

FACTORS TO BE CONSIDERED

Change of Zone

1. The Character of the Neighborhood

The neighborhood is rural and suburban in nature. Lots are residential and range in lot size from 0.5 to 1.0 acre on developed parcels with larger homestead residences that are approximately 15 acres in size. There are some commercial uses to the west, notably the Willow Creek wedding venue and the Amazon Fulfillment Order Center. Other nearby uses include the Wyandotte County Lake Park. The subject property is not immediately surrounded by uses that are of similar commercial nature although it is not necessarily out of character for neighborhood conveniences to be located adjacent to nearby residences and a split-zoned commercial property directly to the west.

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

The zoning uses of the nearby properties are set out above. Other uses in the area are primarily residential with some commercial development further west. Liquor sales is not prohibited, although it requires a Special Use Permit to operate. The proposed development should not impact the Class B Thoroughfare's ability to accommodate it as the corridor is designed for increased traffic as it serves as a connection to Interstate I-435 to the west.

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

The property is suitable for retail liquor sales if managed properly. It has historically been used as a restaurant with lounge with the most recent tenant being a home goods store.

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

The property is currently vacant with the last licensed tenant ending business in 2002. The property was built in 1991 and opened as Howard's Trackside Restaurant and then Johnny's Trackside Restaurant and Lounge. A home goods thrift store occupied the property for an unknown period of time, as it was not licensed.

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

The proposed use is not reasonably necessary for the welfare of the public, although it may be considered a neighborhood convenience to have alcoholic beverages available for purchase for nearby neighbors. It should not permanently injure the appropriate use, visual quality, or marketability of nearby property if the applicant maintains the property according to ordinance requirements and it is managed properly.

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

The proposed development will increase traffic and parking demand on-site as the existing building is currently vacant, however, ostensibly not beyond the capacity of the Class B Thoroughfare to accommodate it. North 89th Terrace is unimproved south of the existing driveway approach.

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

The proposed use does not conform to the City-Wide Master Plan. A Master Plan amendment from Low Density Residential to Community Commercial is required. The subject property is currently a vacant commercial building, and its land use is proposed to be changed to Community Commercial so that the property's proposed use better conforms to the Master Plan.

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

If the owner operates the business in the manner in which there are no neighbor complaints or Property Maintenance Compliance citations, this will not be an issue. The building will need some renovation work as it has been vacant for an extended period of time, although building permits would ensure that proper erosion control and drainage are maintained. The presence of construction debris should be considered temporary. Maintaining the existing slope along the west property line is important for the aesthetics of the abutting property owner.

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

a. Water service

Water service is provided by BPU.

b. Sanitary sewer service

Sanitary service is provided by the UG.

c. Storm water control

Stormwater control points are located at the intersection of Leavenworth Road and North 89th Street.

d. Police

Police is provided by West Patrol, Division #222.

e. Fire

Fire service is provided by Fire Station #4 located at 81st Street and Leavenworth Road.

f. Transit

Kansas City ATA provides transit service in front of this property, Route #113.

g. Schools

Public education is provided by Kansas City Kansas USD 500.

h. Streets

The City-Wide Master Plan designates this tract of Leavenworth Road as Class B Thoroughfare.

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

If the proposal is approved, the City will receive additional property and sales tax revenues because of the improvements made to the property.

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

The proposed use is capable of meeting applicable ordinance and other requirements with revisions, a Master Plan Amendment, and a Special Use Permit.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the Change of Zone would not on its own allow for the operation of a liquor store, and the property would remain split zoned.

Master Plan Amendment

1. *Whether events subsequent to the comprehensive plan adoption have changed the character and/or condition of the area so as to make the application acceptable.*

The current master plan designation for this property is Low-Density Residential, which is intended for residential uses such as single-family homes. The subject property is split zoned, which is not best planning practice. The Change of Zone and Master Plan Amendment will correct the split zoning issue.

2. *Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan.*

This portion of Leavenworth Road is primarily residential, although commercial uses are increasingly present heading West and located at various nodes to the east. A liquor store may be seen as an amenity or neighborhood convenience for adjacent residents if managed properly, as the neighborhood is seeing an increase in development.

3. *The extent to which utilities and public services are available and adequate to serve the proposed amendment and the extent to which the environment would be impacted.*

See Change of Zone #9 above.

4. *Whether the proposed amendment would result in comprehensive plan or regulatory conflicts.*

The proposed land use amendment is accompanied by a Change of Zone and Special Use Permit to address ordinances and regulations.

5. *Whether the proposed amendment would allow a change in development on the subject site without creating adverse impacts on existing or planned surrounding uses, or creating inconsistencies with applicable future land use map patterns.*

It is not uncommon for commercial uses to be located on a Thoroughfare, acting as

a buffer for adjacent residential communities. The surrounding land is already developed or whose development potential would not be negatively impacted by this change.

6. The impacts of the potential costs and benefits derived by the community or area by the proposed change.

The neighborhood would benefit from seeing a building with prolonged vacancy operational and would receive some tax benefits from sales tax. The neighborhood would also see a change in traffic patterns, as the building's operation will ostensibly bring more traffic than its vacancy. Should the property's building condition be upgraded to commercial design standards, the property is operated in a manner that does not interfere with neighbors, and ordinance requirements are followed, the impact should be minimal.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in person on November 22, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic and Driveway Access
Landscaping and Screening
Trash Enclosure
Abatement
Parking Lot
Commercial Design Guidelines
Building Materials
Fencing

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **DENIAL** of Change of Zone **COZ2022-038**, Master Plan Amendment **MPL2022-023** and Special Use Permit **SP2022-093** due to the proposed use's incompatibility with the neighborhood.

STAFF COMMENTS AND SUGGESTIONS

Staff **does not** concur with the recommendation of the City Planning Commission

Planning and Urban Design Comments:

General

1. What are the proposed uses for the rear of the property?

2. A site plan is needed including parking lot restriping and landscaping. The parking lot must demonstrate that the ADA parking stall is adjacent to the ramp up the sidewalk, as it currently is stripped away from the access ramp.
3. The trash enclosure shall be updated to Commercial Design Guideline Standards.
4. All notices of violation related to trash and abatement shall be cleared. Additional trash and debris shall be removed.
5. A sign permit is required for new signage.
6. This property is on Leavenworth Road, a Regional Trail, and the site plan shall include a 10-foot sidewalk with direct connectivity to the front of the site.
7. The building shall be repaired and updated to reflect commercial design guideline standards, including but not limited to:
 - (a) Lighting shall be updated to fixtures that are hooded with 90 degree downward facing lighting
 - (b) The parking lot shall be repaired, sidewalk repaired, parking lot restriped
 - (c) Brick shall be tuckpointed
 - (d) Increased landscaping
 - (e) Fence repair
 - (f) Soffit and fascia repair

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval:
 - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-038, MPL2022-023, and SP2022-093** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. **The building shall be repaired and updated to reflect Commercial Design Guideline standards, including but not limited to:**
 - a) **Lighting shall be updated to fixtures that are hooded with 90-degree downward facing lighting;**
 - b) **The parking lot shall be repaired, sidewalk repaired, parking lot restriped;**
 - c) **Brick shall be tuckpointed;**
 - d) **Increased landscaping;**

- e) Fence repair; and,
 - f) Soffit and fascia repair;
 - g) A five (5) foot wide sidewalk shall be constructed on the west side of the property to provide connectivity between the proposed development and the future residential neighborhood.
2. Sec. 27-464(c)(9) Retail businesses with parking areas or other outside customers-oriented areas within 100 feet of any residence shall restrict hours of operation to between 6:00 AM and 1:00 AM of the following day;
 3. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
 4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 5. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided;
 6. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;
 7. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
 8. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that

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

10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
11. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
12. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

ATTACHMENTS

December 12, 2022 City Planning Commission Minutes

Aerial Map

Zoning Map

Land Use Map

Plan Set

Neighborhood Meeting Information

Staff Site Visit Photos Dated October 8, 2022

Email in opposition

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Change of Zone	December 12, 2022	January 12, 2023
	Approval	
Master Plan Amendment	December 12, 2022	January 12, 2023
	Approval	
Special Use Permit	December 12, 2022	January 12, 2023
	Approval	

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

MOTIONS

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-038** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-038** as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-023** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-023** as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-093** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-093** as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 12, 2022 City Planning Commission Minutes:

Hearing starts at 1:17:35:

MASTER PLAN AMENDMENT MPL2022-023 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) at 8919 Leavenworth Road.

CHANGE OF ZONE APPLICATION COZ2022-038 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES - SYNOPSIS: Change of Zone from R-1 Single Family and C-1 Limited Business Districts to CP-1 Planned Limited Business District for a liquor store at 8919 Leavenworth Road.

SPECIAL USE PERMIT APPLICATION SP2022-093 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES - SYNOPSIS: Special Use Permit to operate a liquor store at 8919 Leavenworth Road.

Detailed Outline of Requested Action: The applicant, Anna Brescia with Richard T. Bryant & Associates, is requesting a Change of Zone, Master Plan Amendment, and Special Use Permit for the operation of a liquor store at 8919 Leavenworth Road. The current property is split-zoned C-1 and R-1 and the Change of Zone formally recognizes the commercial designation for the property. The Master Plan Amendment has been requested to better align the proposed commercial use with the land use designation. The subject property has a total of 3,728 square feet plus parking and an additional vacant lot in the rear for future development.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Chairman Carson stated that he was contacted by several neighbors with concerns about a liquor store. He was also contacted by Commissioner Kane stating that he had been contacted by several neighbors in opposition.

Present in Support:

- Bryon Ruoff, 330 Architects, representing the applicant
- Anna Brescia, applicant, Richard T. Bryant & Associates, 1111 Main Street, Suite 750, Kansas City, Missouri 64105

Present in Opposition:

- Bethany and James Vogel, 8951 Leavenworth Road, Kansas City, Kansas 66109
- Debbie Cobalt, 3024 North 89th Street, Kansas City, Kansas 66109
- Jeremy Budde, 8833 Leavenworth Road, Kansas City, Kansas 66109
- Sandy McMillian, 3217 East Townsend Court, Kansas City, Kansas 66109
- Ashley Hille, 3132 East Townsend Court, Kansas City, Kansas 66109
- Mathew Callahan, 3033 North 89th Street, Kansas City, Kansas 66109
- Arthur Verbeck, 8910 Leavenworth Road, Kansas City, Kansas 66109
- Christina, 2720 North 90th Street, Kansas City, Kansas 66109
- Rebecca Wright, Wright Liquor Store, 8014 Leavenworth Road, Kansas City, Kansas 66109
- Julie, 3131 East Townsend Court, Kansas City, 66109

Staff Recommendation starts at 1:53:26: Planning Director Hand stated that this property is in the City-Wide Master Plan area and north of the Mid-Town area. Prior to this evening Staff had received no letters in support nor opposition. After the meeting packet was sent to the Commission, calls in opposition were received by Staff. Staff recommended approval of all three (3) entitlements subject to conditions and the

Commercial Design Guidelines. He stated that a business with outside activity and/or parking adjacent to residential parcels must close by 1:00 a.m. in this zone district. A final development plan would be required. As it relates to the applicant's request to amend Condition 1, Staff would be amenable to changing it to the length of the existing road which would be North 89th Street to extend the five (5) foot sidewalk off Leavenworth Road. Regarding the Master Plan Amendment and Special Use Permit, based on feedback this evening, the Commission has options. If the Commission does not recommend approval of the liquor store, Staff would recommend that the Commission approve the Change of Zone to fix the split zoning on this parcel. Staff would also be recommending updating the Master Plan. Staff can only find information that it has been a commercial use. Applicant does not want to split the parcel with each parcel having its existing zoning. This existing commercial zoning does not match the land use designation, which is single-family residential. Those in opposition expressed that they did not want any commercial uses on this parcel. If the Commission agrees, then a recommendation of denial would be in order. Staff stands with its original recommendation of approval for all three (3) applications.

The Planning Commission directed questions to Staff.

Motion starts at 2:02:00:

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **DENIAL of MPL2022-023 due to the proposed use's incompatibility with the neighborhood:**

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

Motion to recommend **DENIAL** Passed: 9 to 0

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **DENIAL of COZ2022-038 due to the proposed use's incompatibility with the neighborhood:**

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

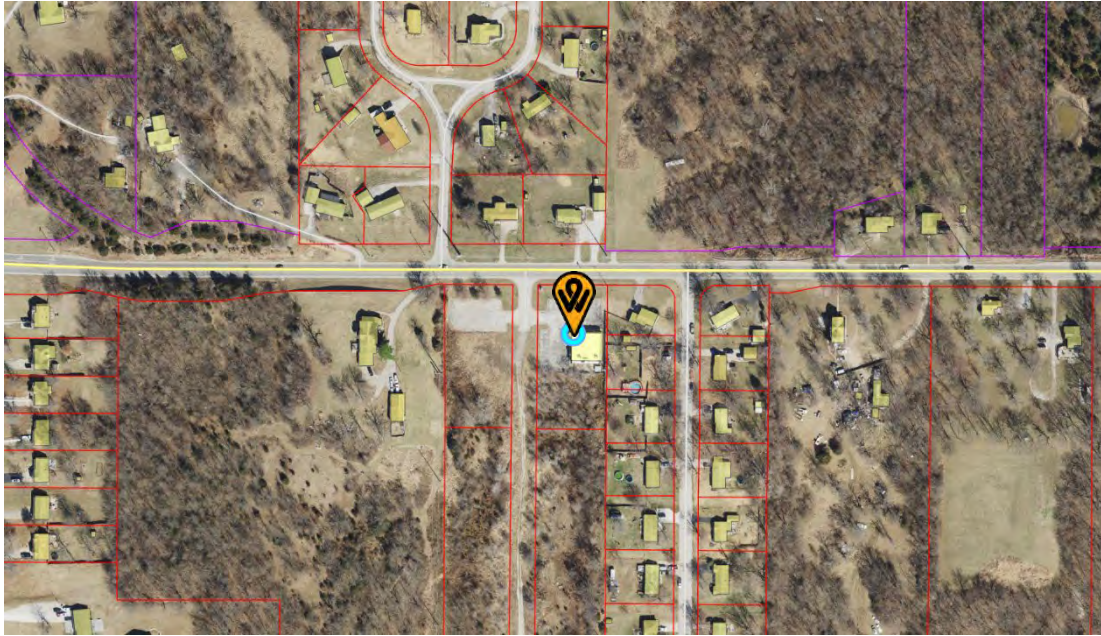
Mohler Aye
Motion to recommend **DENIAL** Passed: 9 to 0

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **DENIAL of SP2022-93 due to the proposed use's incompatibility with the neighborhood:**

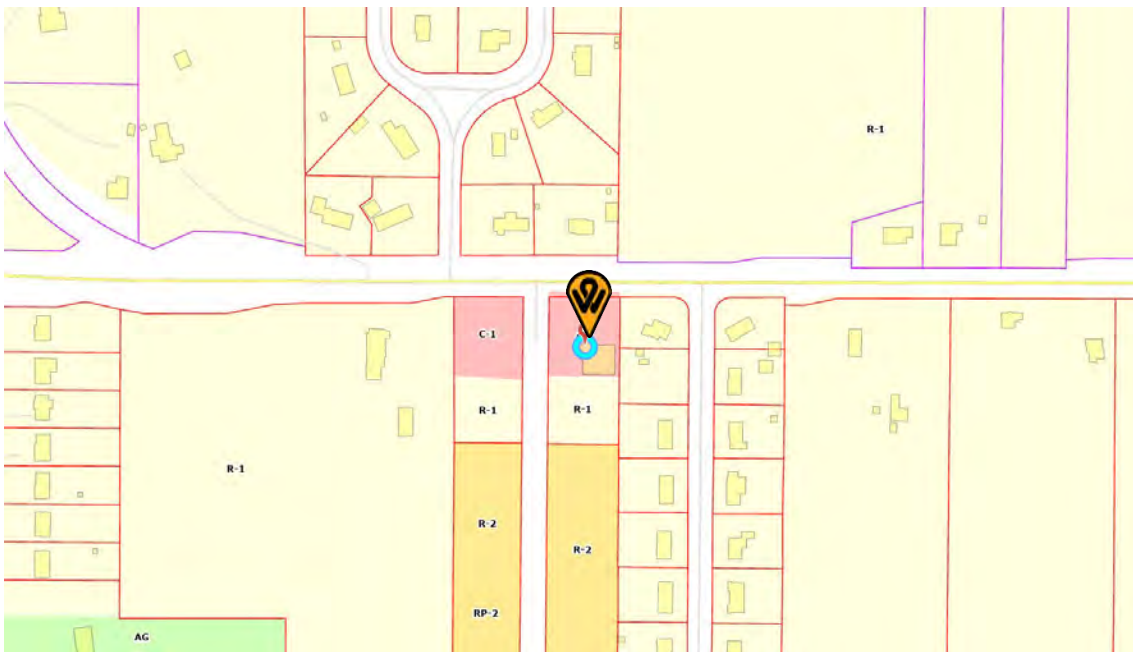
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Not Present
Beth	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye

Motion to recommend **DENIAL** Passed: 9 to 0

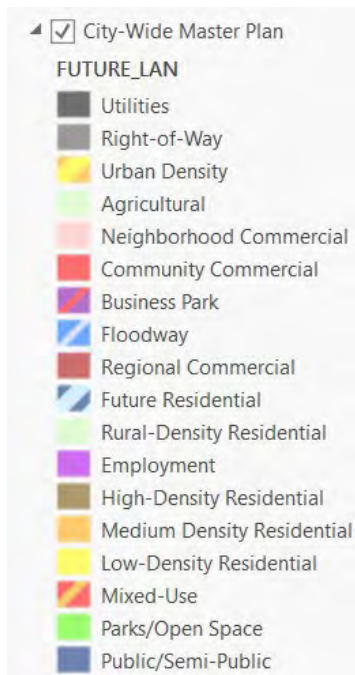
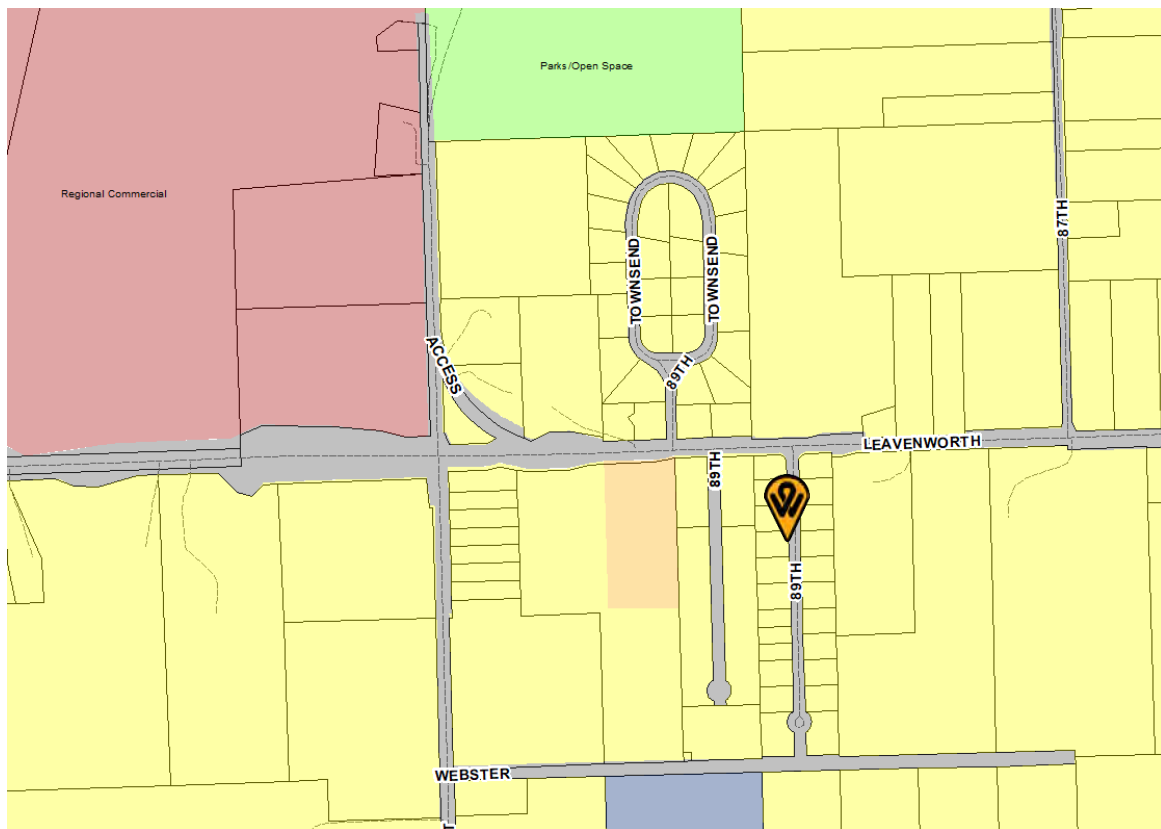
AERIAL MAP

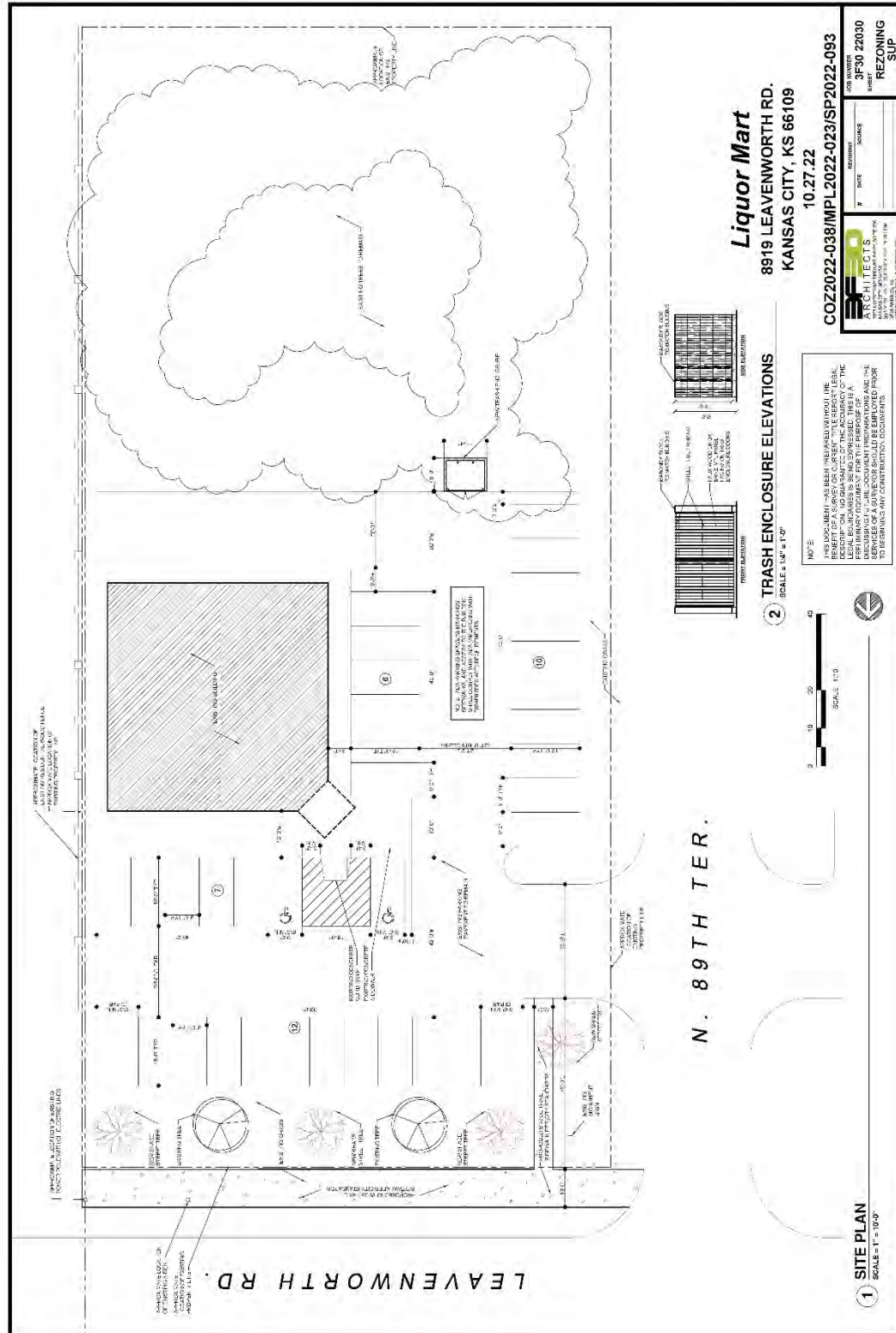


ZONING MAP



LAND USE MAP





NEIGHBORHOOD MEETING INFORMATION

RICHARD T. BRYANT & ASSOCIATES, P.C.

ATTORNEYS AT LAW

HARZFELD'S BUILDING
1111 MAIN STREET, SUITE 750
KANSAS CITY, MISSOURI 64105

PHONE (816) 221-9000
FACSIMILE (816) 221-9010
E-MAIL: DICK2479@aol.com

November 11, 2022

Commissioner Melissa Bynum
701 North 7th Street, 9th Floor
Kansas City, KS 66101

Re: Neighborhood Meeting
Change of Zone & Special Use Permit
Property Address: 8919 Leavenworth Road, Kansas City, KS 66109

Dear Commissioner Melissa Bynum:

We have filed applications with the Department of Urban Planning and Land Use for a change of zone and special use permit for the above referenced property to correct the split zoning and to operate a liquor store. The permit numbers for the applications are as follows:

1. COZ2022-038 – change of zone from split R-1 Single Family District and C-1 Limited Business District to CP-1 Planned Limited Business District for a liquor store.
2. MPL2022-023 – Master Plan Amendment from Low-Density Residential to Community Commercial.
3. SP2022-093 – Special Use Permit for a liquor store.

We are having a neighborhood meeting on November 22, 2022, at 4:00PM at the site referenced above. The purpose of this meeting is to explain the proposal and to answer any questions or concerns you may have. This will also give you an opportunity to meet the business owner, who is a local resident from the neighborhood.

We look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at (816)221-9000 or brescia.annab@gmail.com if you have any questions or would like more information.

Sincerely,



Anna B. Brescia
Paralegal

/abb

ANDREW S. TALGE
Licensed in Kansas, Missouri
andrewtalge@gmail.com

RICHARD T. BRYANT
Licensed in Iowa, Kansas,
Missouri, Washington, D.C.,
Superior Court of the U.S. Virgin Islands
DICK2479@aol.com

NEIGHBORHOOD MEETING INFORMATION

**Liquor Mart
Neighborhood Meeting
8919 Leavenworth Road
Kansas City, Kansas 66109**

Minutes of Meeting

Case Number: 61-22

Date of Meeting: November 22, 2022, 4PM

Location of meeting: 8919 Leavenworth Road, Kansas City, KS 66109

Pursuant to Notice sent by Certified Mail as identified on the attached list and certified mail return receipts, a meeting relating to a Special Use Permit application was convened at 4:00 pm on November 22, 2022.

Anna Brescia, the legal representative for Reva LLC, was present and conducted the meeting. There was a total of 6 residents present at the meeting and who signed the sign-in sheet. The sign-in sheet is attached to the meeting minutes.

Anna Brescia confirmed the purpose of the meeting was to discuss the project and answer questions.

Jeremy Budde and Marla Budde expressed their concerns for the upkeep of the property and wanted a better understanding of the project.

The main concern of the residents at the meeting was security of the property and people drinking on the premises.

Anna Brescia confirmed the date and time of the Planning Commission public hearing with all parties present.

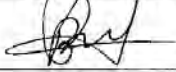
The meeting was adjourned at 4:45 pm.

Minutes were taken by Anna Brescia, legal representative for Reva LLC.

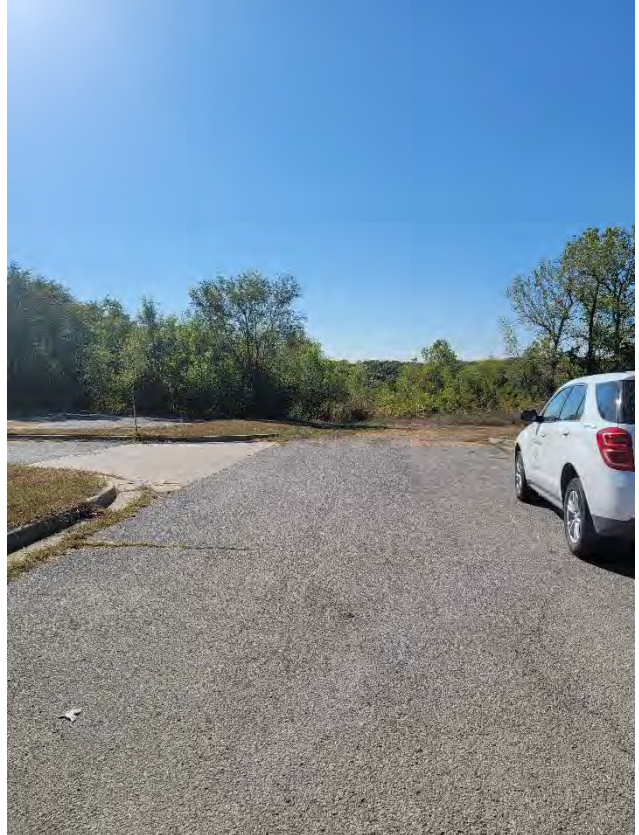
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8919 Leavenworth Road
Kansas City, Kansas 66109
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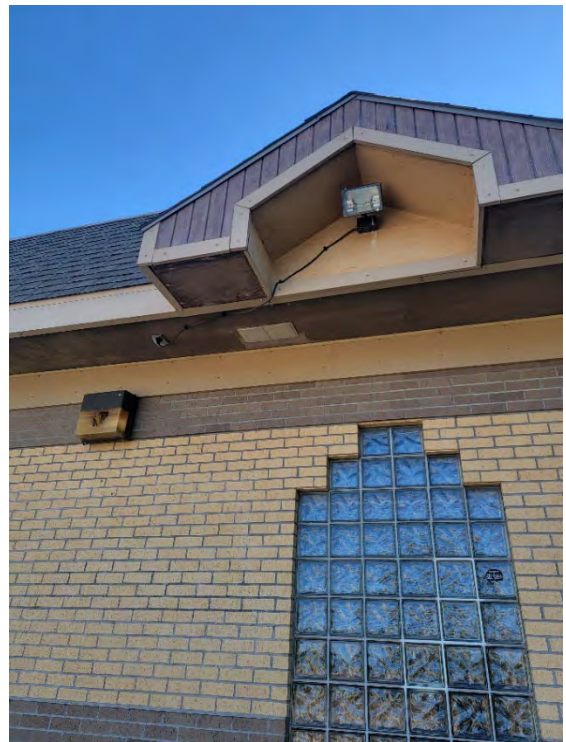
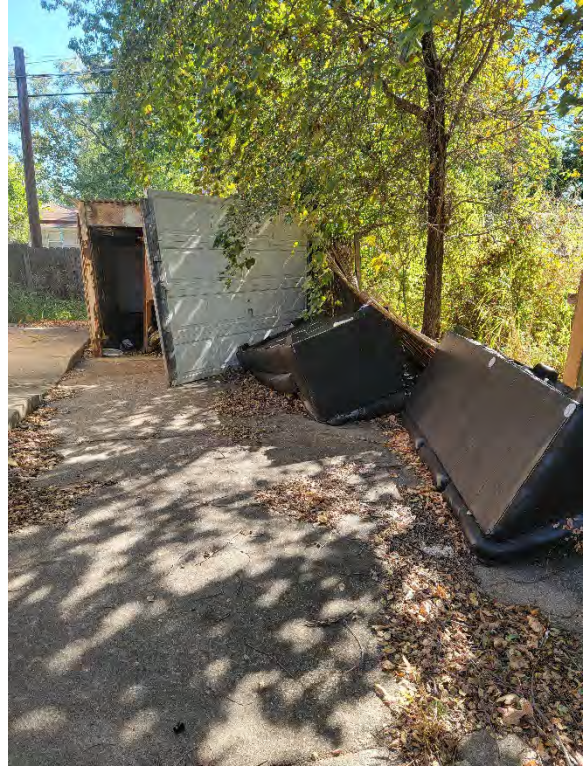
Sign In Sheet

Print Name	Signature
Jeremy Budde	
MARIA Budde	
Anthony A. Wilson	
Deborah Kobolt	
Sandy McMillian	SANDY McMILLIAN
JAMES VOGEL	
Rashna Kalikotey	
Raj Kalikotey	
Anna Brescia	AB

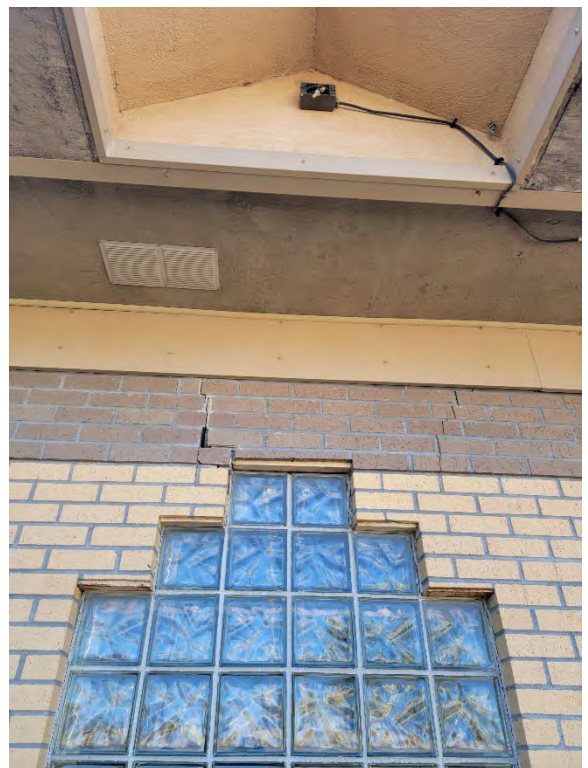
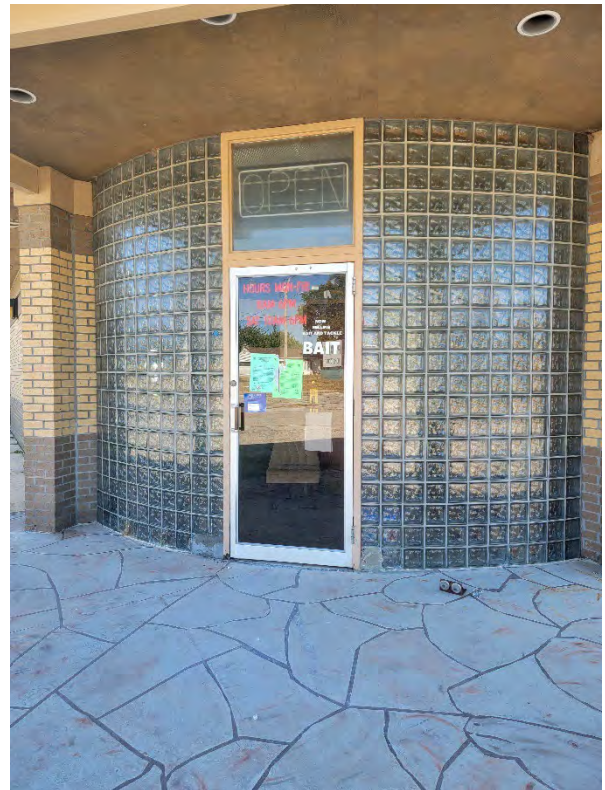
STAFF SITE VISIT PHOTOS DATED OCTOBER 8, 2022



STAFF SITE VISIT PHOTOS DATED OCTOBER 8, 2022



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STAFF SITE VISIT PHOTOS DATED OCTOBER 8, 2022



STAFF SITE VISIT PHOTOS DATED OCTOBER 8, 2022



Parker, Janet

From: Bethany Gallagher <BGGallagher@hotmail.com>
Sent: Tuesday, December 6, 2022 9:09 PM
To: PlanningInfo
Subject: 8919 Leavenworth Rd

You don't often get email from bggallagher@hotmail.com. [Learn why this is important](#)

Dear Urban planning Department,

Our names are James and Bethany Vogel and we live at 8951 Leavenworth rd. You may remember a year or so ago a proposal was made to rezone part of the property at 8919 Leavenworth Rd. They wanted to put in a gas station. Thankfully, you and your co-members denied the rezoning. I am here again asking the very same thing of you. We have received a letter informing us that there is a proposal for rezoning 8919 Leavenworth Rd. They are now wanting to build a Liquor store and claim they need to rezone. I am sure you are aware of a of this. I just wanted to make you aware of how we feel.

I understand that the 8919 was once a business so therefore it is zoned as such. We are not against the location being a restaurant, a daycare, coffee shop or another thrift store. If we could we would buy the property ourselves and have it rezoned residential we would do it in a heartbeat. We just want something that works with the hours of the neighborhood and will help promote the safety we are trying to keep for our kids. It's not lost on us that we will not be able to keep something from coming in on the already commercially zoned land but our hope is to keep the other remaining property from being rezoned. If we allow the proposed liquor store to rezone and they sell later there is nothing we can do about a gas station or something bigger coming into our neighborhood. We have several liquor stores located on Leavenworth Rd. one less than 2 miles down the road. We also have some located around the legends area. Why do we need one placed right in the middle of our neighborhood? Studies have shown that alcohol availability seems to affect "neighborhood culture" and "wetter" neighborhoods have higher levels of drinking, accidents, possible robberies and violence. By adding a liquor store, you add more traffic, more lights, and other possible problems that we are not wanting in our neighborhood around our kids. My husband went and talked with the owners and their lawyer and I am 99% sure that they would not want to raise their children next door to a liquor store.

My husband and I bought our home 7 years ago. We wanted to raise our family and continue with foster care in a quiet place with land and away from the ever-growing Wyandotte county. We wanted to give our children a safe place to enjoy childhood. We accomplished our dream when we purchased our home on 14 acres. We enjoy the quiet nights watching movies on the front porch. We searched for this home on land for a long time. James works for the Unified government and has a residency requirement. As I am sure you know, land is hard to find in Kansas City, Kansas. Well, we found it 7 years ago and have loved every minute living where we live. Putting a liquor store right next door to our home would change the things we love about where we live. It will change the hours and safety we feel living here.

I am a small business owner myself and know the struggles we face trying to open a location. But knowing all that, my most important job is being a mom and my husband and I bought our property so our kids could grow up out of the craziness of everyday life. Adding a liquor store or any possible commercial business that does not operate on the hours of the neighborhood only brings the ever-growing city into our backyard. We are asking again for you and your co-members to please help us keep our neighborhood a quiet place where we all enjoy raising our kids and deny the rezoning of 8919 Leavenworth Road.

Thank you,
James and Bethany Vogel



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 12, 2023

Re: Special Use Petition SP2022-098

GENERAL INFORMATION

Applicant:

Paula George

Status of Applicant:

Owner

Little Leaders of KCK, Inc.
26121 West Valley Parkway
Olathe, Kansas 66061

Requested Action:

Approval of a Special Use Permit.

Date of Application:

September 30, 2022

Purpose:

Special Use Permit to operate a child education center in a building on the campus of Kansas City, Kansas Community College (KCKCC).

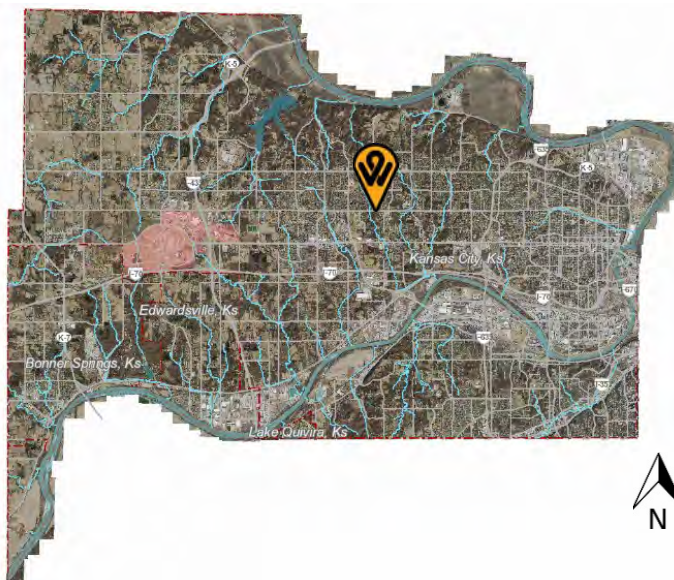
Property Location:

7250 State Avenue
Kansas City, Kansas

Commission Districts:

Commissioner At-Large, District #1:
Melissa Bynum

District #8 Commissioner: Andrew Davis



Existing Zoning:	R-1 Single-Family District
Adjacent Zoning:	North: R-1 Single Family (off-campus) and RP-5 Planned Apartment Districts South: CP-1 Planned Limited Business (off-campus), CP-2 Planned General Business (off-campus, and CP-3 Planned Commercial Districts (off-campus) East: CP-1 Planned Limited Business and R-1 Single Family Districts (off-campus) West: RP-5 Planned Apartment and R-1 Single Family Districts (off-campus)
Adjacent Uses:	North: Single family residence and an apartment complex South: Self-storage and light retail East: Vacant lots and commercial retail West: Apartment complexes, light retail, and single family residences.
Total Tract Size:	120.74 Acres
Master Plan Designation:	The City-Wide Master Plan designates this property Public/Semi-Public. Public/Semi-Public areas include publicly owned or non-profit property. When these uses are sold, the City should carefully consider alternative uses for redevelopment.
Major Street Plan:	The Major Street Plan designates State Avenue and College Parkway as Class A Thoroughfares.
Parking Requirement:	The R-1 Single-Family District requires two off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport. This use however, as it is not a residential use, requires four (4) spaces per 1,000 square feet of building space. The building is 5,150 square feet approximately and would require 21 spaces with one (1) ADA compliant space. The building uses a shared parking lot with another campus building, which provides an abundance of parking for the daycare.
Advertisement:	<u>The Wyandotte Echo</u> – October 20, 2022 Letters to Property Owner – October 21, 2022 and November 7, 2022
Public Hearings:	December 12, 2022 and January 12, 2023

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Paula George, is requesting a of Special Use Permit to operate a child educational center in a building on the campus of Kansas City, Kansas Community College (KCKCC).

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. While the property itself has had several police calls for service, it is unknown whether any of the calls for service were for the Little Leaders Daycare, or the KCKCC campus.

Building, Zoning, or Code Enforcement Complaints:

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

Outstanding or Related Permits and Cases:

1. There are no outstanding or related building permits or cases on this property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The childcare center will be located on the KCKCC campus. Surrounding the campus is a mix of single- and multi-family residential, with a mix of various commercial uses along State Avenue.

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

The zoning and uses of property are set out above. The childcare center is located within the KCKCC campus. A childcare center is compatible with an educational institution, especially a community college that provides education that fit the needs of students and their families.

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

The removal of the restrictions will not detrimentally affect nearby properties if the conditions are adhered to. The building that applicants will be using is permanently designated as the childcare center. The building had undergone renovations in 2019 to make the property more suitable for a childcare facility.

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

The property has been utilized as a childcare facility since the initial Special Use Permit was granted in 2019. Prior to that, the site was used for other KCKCC purposes.

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

The City-Wide Master Plan does not address Special Use Permits. As a for-profit business, Little Leaders of KCK does not fully conform with the intended non-profit uses of Public/Semi-Public land. Having a childcare center on campus available to students and professors at KCKCC, however, does support higher education, which is an allowed use. Moreover, the childcare center itself is a form of child nurturing and education, which is in the spirit of the allowed uses.

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

The proposed use should not result in an increase in traffic as this is an existing use. The vehicular traffic created by this existing use is not expected to result in the increase of traffic to the point where it would exceed the capacity of State Avenue or College Boulevard, both of which are Class A thoroughfares. As it has been stated, this use is on the campus of KCKCC, and is expected to be utilized primarily by students, professors, and faculty of KCKCC. Traffic within the KCKCC campus, particularly around the daycare facility could become an issue if not managed properly.

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

The proposed use would be a benefit for the convenience and welfare of the public. An active childcare center on campus would be a great asset for KCKCC, as well as others in the community. The land use of the campus is consistent with and supportive to the addition of a childcare center.

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

Noise is a typical issue with this type of use. The only noise expected is the normal outdoor noises that children make when playing outside. The childcare

center is far enough away from other buildings, especially academic buildings, that the noise from children playing would likely go unnoticed.

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

The proposed use would not pollute air, land, or water as it is located in an existing building, on a built-out college campus.

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

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

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

The gain to the public health, safety and welfare would be significant. A denial of this application would create a hardship on students, faculty, and professors at KCKCC, as they would lose an on-site childcare facility, as well as force the business owners to find a new location for this childcare facility. Staff is recommending additional landscaping be provided on site to assist with providing shade and screening for the children that will utilize the playground, as a way to combat the urban heat island effect from the abundance of paving.

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

The childcare center has previously been used as a daycare, and it is expected that most clients would be parents who are already attending classes, teaching, or working at KCKCC. There is not expected to be any undue concentration of population. The overcrowding of land should not be an issue, as the KCKCC campus provides an abundance of land.

PREVIOUS ACTIONS

Approval of a Special Use Permit (SP-2019-90) for two (2) years. Expired 08/29/2021.
Approval of a Special Use Permit (SP2022-006) for five (5) years.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 28, 2022. There were no comments. Attached are the minutes and affidavit.

KEY ISSUES

Parking
Licensed Caretakers
Landscaping
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission 9 to 0 to recommend **APPROVAL** of Special Use Permit **SP2022-098**, for **two (2) years**, subject to:

1. Landscaping shall be installed around the perimeter of the playground as well as around the mechanical equipment on the north side of the structure;
2. Applicant must be licensed by the State of Kansas and approved by the Wyandotte County Health Department;
3. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
4. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
6. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

8. 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,
9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-098** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

December 12, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Statement from Applicant, Detail Current and Feature Plans – Dated January 3, 2022
Neighborhood Meeting Materials
Site Photographs, Taken by Staff – Dated January 14, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	December 12, 2022	January 12, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-098** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-098**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 12, 2022 City Planning Commission Minutes:

Hearing starts at 3:13:20:

SPECIAL USE PERMIT APPLICATION SP2022-098 – PAULA GEORGE WITH PARKWOOD DAY SCHOOL LLC - SYNOPSIS: Special Use Permit to operate a childcare center on the campus of KCKCC at 7250 State Avenue. Detailed Outline of Requested Action: The applicant, Paula George, is requesting a of Special Use Permit to operate a child educational center in a building on the campus of Kansas City, Kansas Community College (KCKCC).

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Paula George, applicant, 9823 Rosewood Drive, Overland Park, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:15:35: Planning Director Hand stated that a Special Use Permit for a childcare center was reviewed and approved at this site a few months ago under a previous ownership group. As these Special Use Permits do not transfer to the new owner, the Applicant is before the Commission with the exact same request. Staff recommends approval subject to the exact same conditions for two (2) years.

Motion starts at 3:16:15:

On motion by Mr. Straws, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-098 for two (2) years:**

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

Motion to recommend **APPROVAL** Passed: 9 to 0

Subject to:

1. Landscaping shall be installed around the perimeter of the playground as well as around the mechanical equipment on the north side of the structure;
2. Applicant must be licensed by the State of Kansas and approved by the Wyandotte County Health Department;
3. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
4. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will

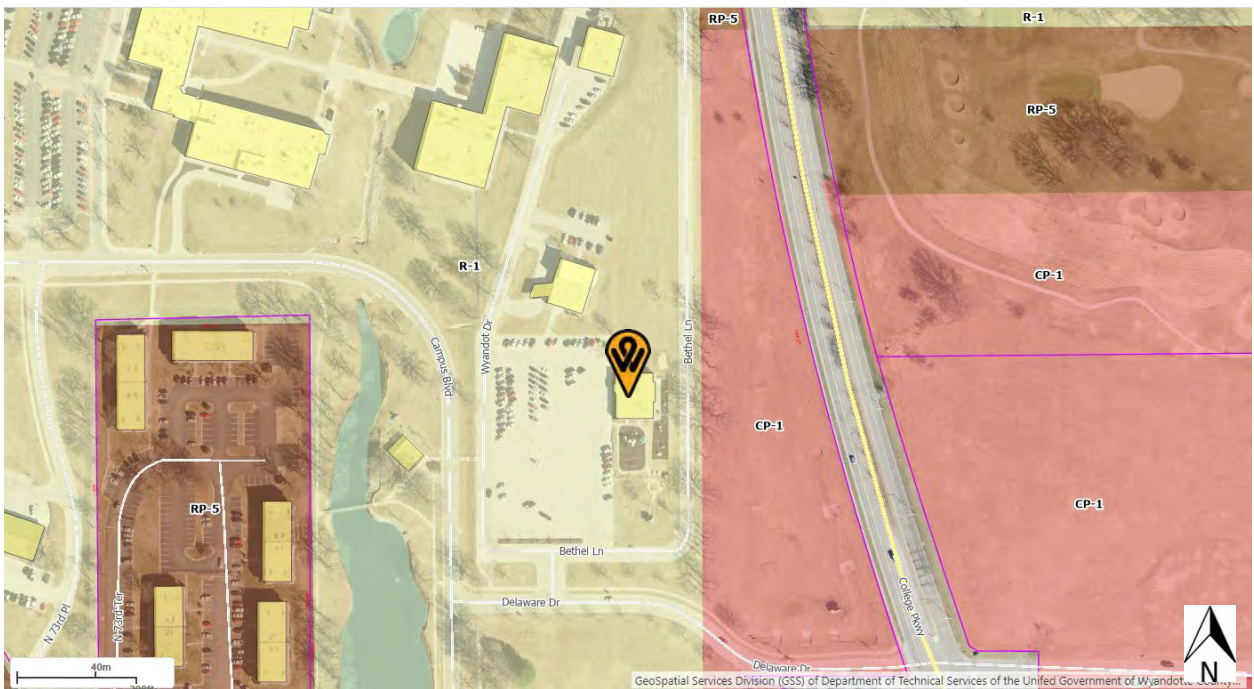
- result in municipal summons, administrative citation, or revocation of the Special Use Permit;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
 6. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
 7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 8. 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,
 9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

ATTACHMENTS

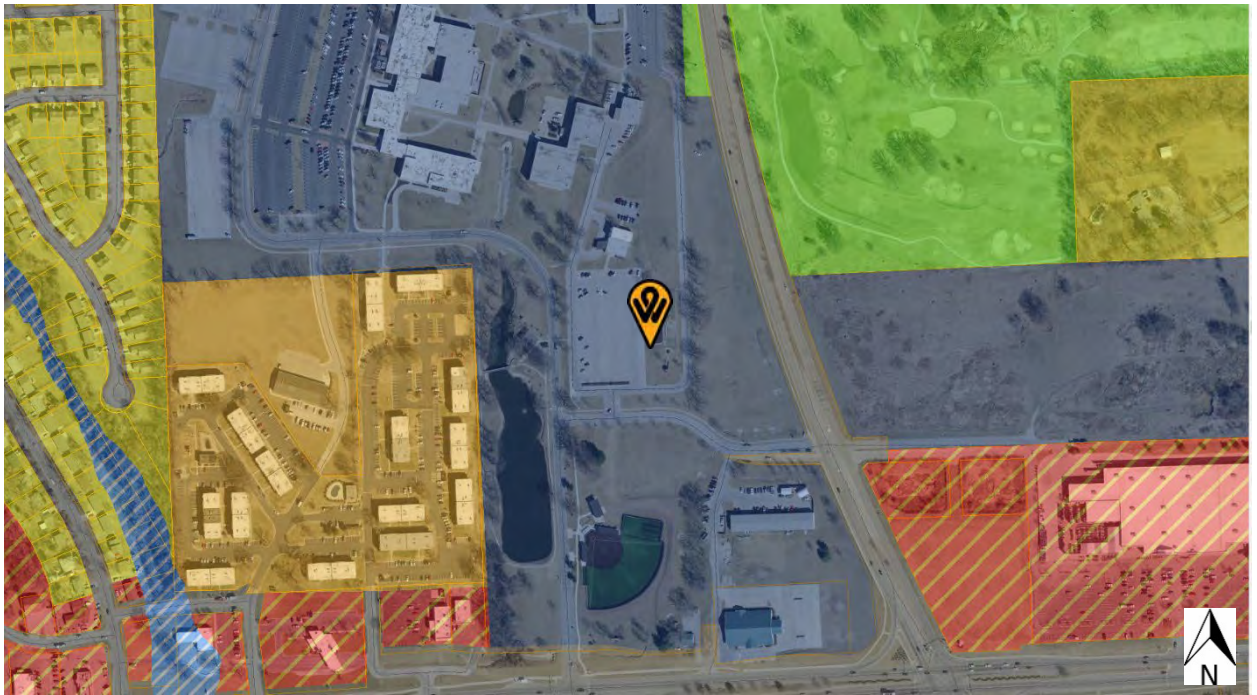
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



SITE PLAN



1a. - parking - staff/families/pick-up+drop-off

- Landscaping requirement has been met by previous SLP.
- Trash is now picked up daily from building by KCKC

NEIGHBORHOOD MEETING MATERIALS

Minutes

Application number: #SP2022-098

Date and Location: November 28, 2022, 5:30pm, zoom meeting

Meeting was called to order at 5:30pm.

The people in attendance were Paula George, PDS, LLC. Paula led the meeting and provided the information about the change of ownership of Little Leaders of Kansas City, Kansas.

One participant logged onto the zoom meeting at 5:15pm, John McKenzie with a local LLC Real Estate Partner Company.

Mr. McKenzie and Mrs. George introduced themselves and chatted briefly while waiting to see if other participants would join.

Questions: Mr. McKenzie

Answers: Mrs. George

1. Who does the program serve?
Answer: KCKCC students and employees plus community families.
2. How many students attend the program?
Answer: 88 students and 13 staff members
3. Do you have a time frame for the change?
Answer: We must wait for KDHE licensing to review and grant a temporary license. The temporary license will turn into a permanent license after 30 days.

Mr. McKenzie left the conversation at 5:40p.m.

Meeting adjourned: 6:30p.m.

No other participants joined the call.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF JACKSON)

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

1. That I am the petitioner for Petition # SP2022-098
2. That I conducted a neighborhood meeting on 11/28/2022
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

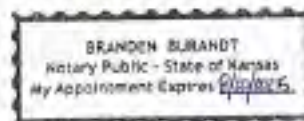
Further affiant saith not.

Paula George
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of December 2022

My commission expires 20 of August 2025

Branden Brandt
Notary Public



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





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 12, 2023

Re: **Special Use Permit Petition SP2022-101**

GENERAL INFORMATION

Applicant:

Adrienne Bortz
DBA Gabel Rentals LLC

Status of Applicant:

Property Owner
9832 Outlook Drive
Overland Park, Kansas 66207

Requested Actions:

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

Date of Application:

October 6, 2022

Purpose:

To continue the operation of a Short-Term Rental. The current permit expired on June 25, 2022. This is not the applicant's primary address.

Property Location:

1101, 1103, 1107, 1109 North 79th
Terrace
Kansas City, Kansas 66112



Commission Districts:	Commissioner At Large, District #1: Melissa Bynum District #5 Commissioner: Mike Kane
Existing Zoning:	R-3 Townhouse District
Adjacent Zoning:	North: R-3 Townhouse District South: C-1 Limited Business District East: CP-1 Planned Limited Business District West: R-1 Single Family District
Adjacent Uses:	North: Single Family Residence South: Convenience Store / Gas Station East: Restaurant West: Vacant Residential Lot
Total Tract Size:	1109 North 79 th Terrace: 0.08 Acre 1107 North 79 th Terrace: 0.07 Acre 1103 North 79 th Terrace: 0.07 Acre 1101 North 79 th Terrace: 0.12 Acre
Master Plan Area:	The Subject Property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this Property as Urban Residential. Allowed uses include detached single-family residences, duplexes, triplexes, fourplexes, institutional uses, schools, churches, libraries, parks and open space. Discouraged uses include industrial uses, business parks, car lots, and adult-oriented businesses.
Major Street Plan:	The City-Wide Master Plan designates North 79 th Terrace as a Local Street. The adjacent State Avenue is designated a Class A Thoroughfare.
Parking Requirement:	R-1(B) Single-Family District (standards for each dwelling): Section 27-455(d) requires two (2) off-street parking spaces premises for each single-family dwelling. Each property has a driveway and garage, meeting this requirement.
Advertisement:	<u>The Wyandotte Echo</u> – November 17, 2022 Letters to Property Owners – November 18, 2022
Public Hearings:	December 12, 2022 and January 12, 2023
Public Support:	One (1) letter in support was mailed to the applicant.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Adrienne Bortz with Gabel Rentals, is seeking the approval of the renewal to operate short-term rentals at 1101, 1103, 1107, and 1109 North 79th Terrace. The subject properties are two (2) duplexes for a total of four (4) units situated on a mixed commercial and residential corridor near the intersection of State Avenue and North 79th Street. The owner has previously operated the properties as short-term rentals since 2018 and has two (2) previous Special Use Permits. The applicant is seeking approval for five (5) years.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints on 1101, 1103, or 1109 North 79th Terrace.
2. The current property owner received three (3) disturbance complaints at 1107 North 79th Terrace:
 - a. 2016: 2016-00028736 – Suspicious Crowd
 - b. 2017: 2017-00031469 – Burglary
 - c. 2018: 2018-00073874 – Suspicious Crowd

Building or Code Enforcement Complaints:

1. The subject properties have received no complaints at any of the four (4) properties.

Outstanding or Related Permits and Cases:

1. The subject properties have no outstanding Code Inspection Cases.
2. The subject properties have two (2) previous Special Use Permits for Short Term rentals:
 - a. 2018: SP-2018-016 – Special Use Permit for Short-Term Rental – 2 Years (Expired March 1, 2020)
 - b. 2020: SP2020-037 – Special Use Permit for Short-Term Rental – 2 Years (Expires June 25, 2022)

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

The neighborhood is mixed urban residential and commercial in character. Lots are average for urban densities and are approximately thirty (30) to fifty (50) feet for residential lots, with narrow lots closer to the State Avenue Commercial Corridor. Commercial lots vary in size from 0.5 acre to 12 acres. Streets show significant signs of improvement including sidewalks, landscaping, bus stops, lighting, and stormwater control.

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

The zoning and uses are set out above. The subject properties are surrounded primarily by commercial uses. Continuing use as a rental, either short or long term, is consistent with other nearby properties in the nearby urban residential district. The proposed use is compatible if properly managed.

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

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

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

The properties were vacant shortly after their construction in 2014-2015 and were purchased by the applicant in 2016. They are not currently vacant.

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

Special Use Permits are not addressed in the City-Wide Master Plan. The City-Wide Master Plan designates this property as Urban Residential. A Special Use Permit is required for a short-term rental. The usage of a single-family or two-family home for the commercial purpose of short-term lodging conforms to the master plan if approved with a Special Use Permit.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of the Local Street or adjacent Class A Thoroughfare to accommodate it if managed properly while it functions as a short-term rental, as traffic patterns would follow those of typical residential uses. Guests of short-

term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

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

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

Noise is an issue that is related to short-term rentals. There were two (2) noise complaints between the four (4) units, four (4) and six (6) years ago and they were at the beginning of the short-term rental trend. Staff does not considered to be a significant number of complaints based upon density and proximation to the commercial corridor. Vibration, dust, or illumination are not issues typically related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property.

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

The proposed use will not pollute the air, land, or water as it is an existing permitted residence.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out urban neighborhood.

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

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

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

The proposed use will not create issues of overcrowding as it operates within existing structures on the site and parking is limited to two (2) vehicles per unit. The maximum number of guests at one time is seven (7) per unit. If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on November 28, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Neighborhood Character
Parking
Zoning
Land Use
Noise
Traffic
Occupancy Limits

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit **SP2022-101**, for **five (5) years**, subject to:

1. The applicant shall plant one (1) tree per parcel in the front yard per Section 27-700(a);
2. Applicant shall make repairs and provide evidence of the following repairs as a result of the home inspection:
 - a) Install smoke and carbon monoxide detectors near the HVAC system, one in the common areas, and verify placement and working condition of all smoke detectors in all units;
 - b) Repair the electrical conduit boot and mast anchoring on the roof; and,
 - c) Ensure all windows open and are operable;
3. Maximum number of guests per unit shall be seven (7);
4. All parking must be off-street, maximum number of vehicles is two (2);
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must maintain liability insurance;
7. Applicant must maintain the property's physical condition through the duration of the permit;
8. All reservations shall be a minimum stay of 24 hours;

9. No meals shall be prepared in the dwelling by the owner or owner's agent;
10. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
11. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b) A lead-based paint notification for any property built before 1978;
 - c) An asbestos notification for any property built before 1981; and,
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
12. The property must remain in proper maintenance and free of hazards, pests, or infestations;
13. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
15. The Special Use Permit 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;
16. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners **APPROVE** Case **SP2022-101** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 12, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Host Compliance Map
Floor Plans
Applicant Photos
Property Inspection Report
Liability Insurance
Neighborhood Meeting Information
Staff Site visit Photos Dated November 8, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Special Use Permit	December 12, 2022 Approval	January 12, 2023

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-101** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report and the following additional requirements:

1. _____;

2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-101** as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 12, 2022 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2022-101 – ADRIENNE BORTZ –

SYNOPSIS: Renewal of a Special Use Permit (SP-2020-37 – expired 10/8/2022) to operate a short-term rental at 1101, 1103, 1107 and 1109 North 79th Terrace. *Detailed Outline of Requested Action:* The Applicant, Adrienne Bortz with Gabel Rentals, is seeking the approval of the renewal to operate short-term rentals at 1101, 1103, 1107, and 1109 North 79th Terrace. The subject properties are two (2) duplexes for a total of four (4) units situated on a mixed commercial and residential corridor near the intersection of State Avenue and North 79th Street. The owner has previously operated the properties as short-term rentals since 2018 and has two (2) previous Special Use Permits. The applicant is seeking approval for five (5) years.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative).

Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publications in The Echo for the Special Use Permits; and,
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone requests that an item be removed from the Consent Agenda."

Chairman Carson asked if any member of the Commission, staff or public wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Mr. Connelly, seconded by Mrs. Jones, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

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

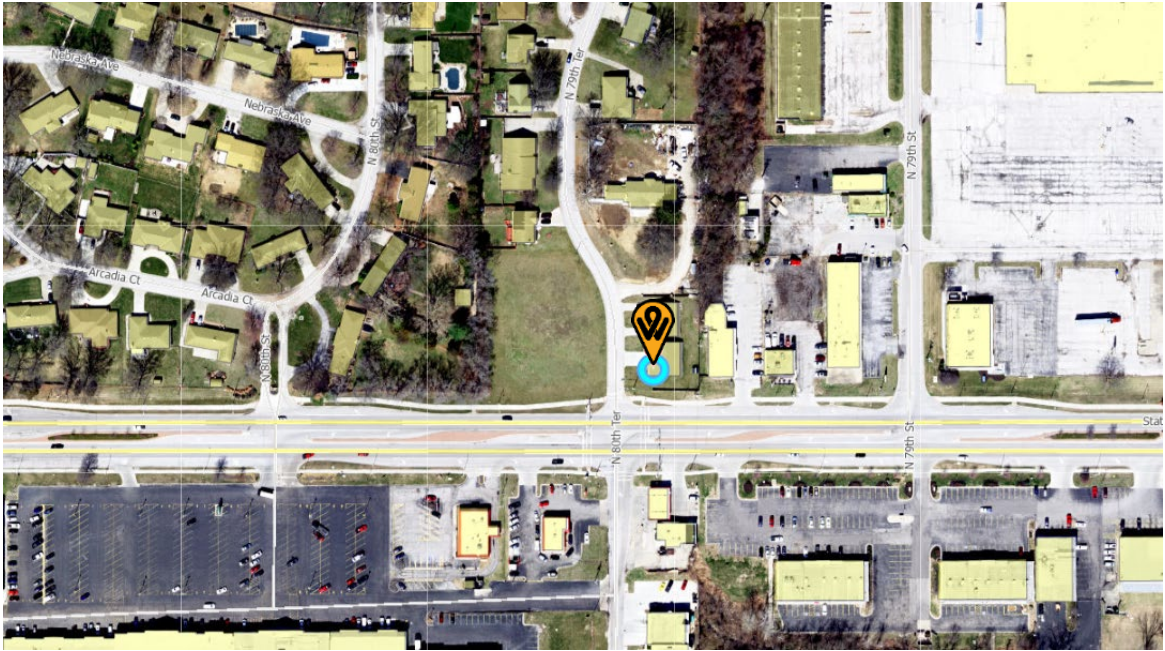
Motion to **APPROVE** Passed: 9 to 0

Subject to:

1. The applicant shall plant one (1) tree per parcel in the front yard per Section 27-700(a);
2. Applicant shall make repairs and provide evidence of the following repairs as a result of the home inspection:
 - a) Install smoke and carbon monoxide detectors near the HVAC system, one in the common areas, and verify placement and working condition of all smoke detectors in all units;
 - b) Repair the electrical conduit boot and mast anchoring on the roof; and,
 - c) Ensure all windows open and are operable;
3. Maximum number of guests per unit shall be seven (7);
4. All parking must be off-street, maximum number of vehicles is two (2);
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must maintain liability insurance;
7. Applicant must maintain the property's physical condition through the duration of the permit;
8. All reservations shall be a minimum stay of 24 hours;
9. No meals shall be prepared in the dwelling by the owner or owner's agent;
10. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
11. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b) A lead-based paint notification for any property built before 1978;
 - c) An asbestos notification for any property built before 1981; and,

- d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
12. The property must remain in proper maintenance and free of hazards, pests, or infestations;
 13. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
 14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 15. The Special Use Permit 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;
 16. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

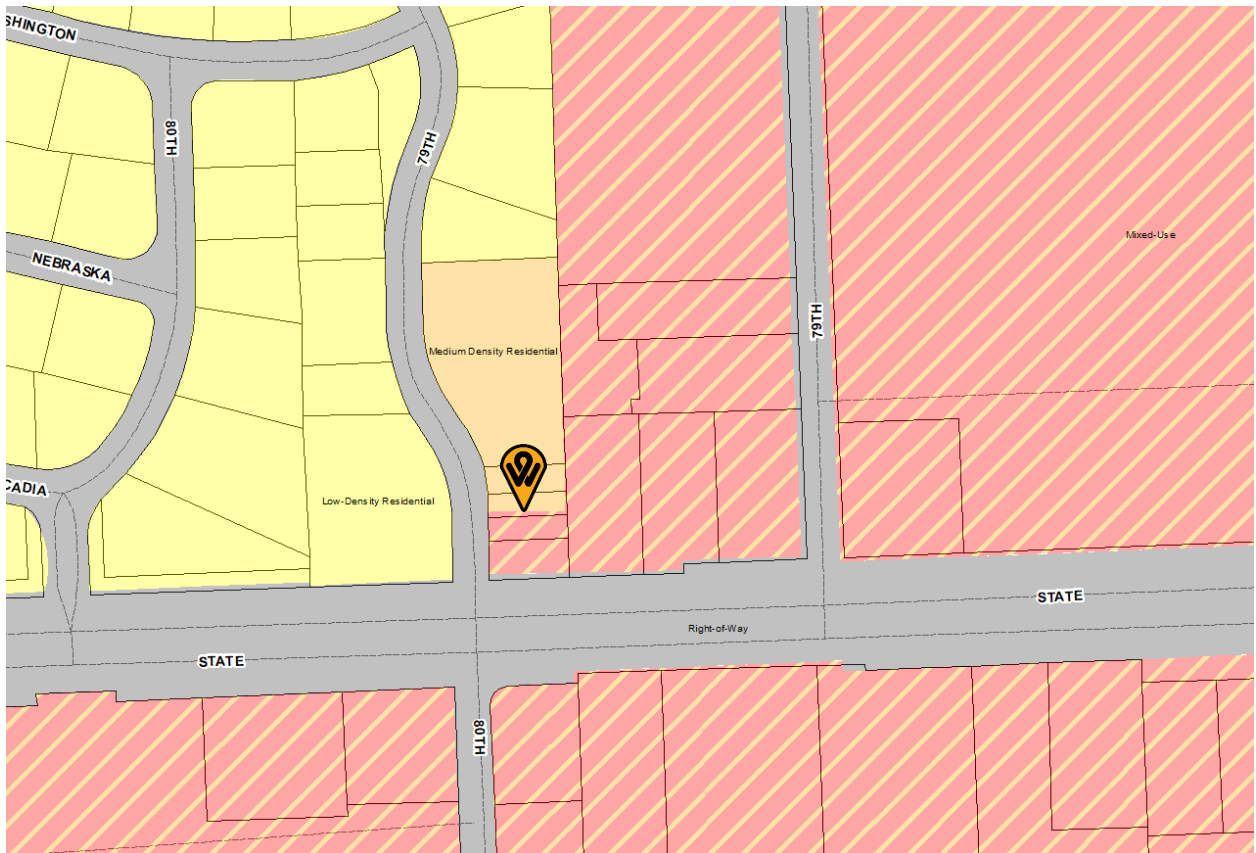
AERIAL MAP



ZONING MAP



LAND USE MAP

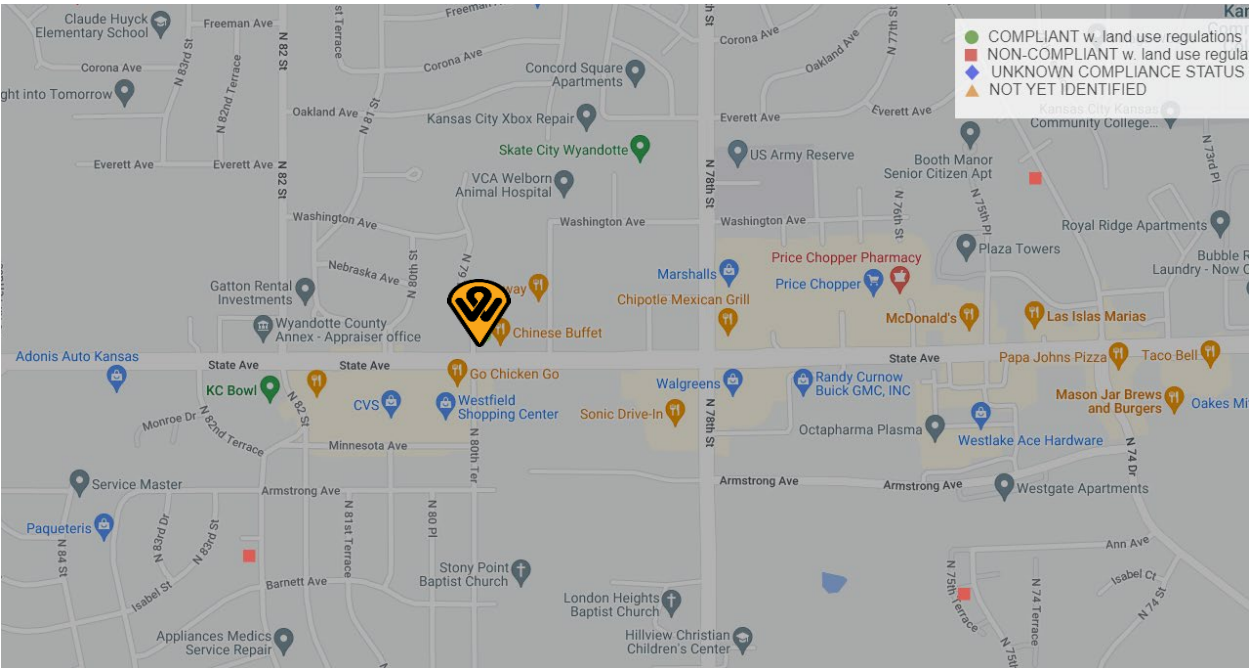


City-Wide Master Plan

FUTURE_LAN

- Utilities
- Right-of-Way
- Urban Density
- Agricultural
- Neighborhood Commercial
- Community Commercial
- Business Park
- Floodway
- Regional Commercial
- Future Residential
- Rural-Density Residential
- Employment
- High-Density Residential
- Medium Density Residential
- Low-Density Residential
- Mixed-Use
- Parks/Open Space
- Public/Semi-Public

HOST COMPLIANCE MAP



FLOOR PLANS

STATE AVE

1103	Bedroom 1	Bedroom 2	1101	Bedroom 1	Bedroom 2
	Bathroom with Bathtub/Shower	Bathroom w/ Shower & Laundry		Bathroom w/ Shower & Laundry	Bathroom with Bathtub/Shower
	Kitchen	Garage		Garage	Kitchen
	Living Room	Driveway		Living Room	Living Room

1109	Bedroom 1	Bedroom 2	1107	Bedroom 1	Bedroom 2
	Bathroom w/ Shower & Laundry	Bathroom with Bathtub/Shower		Bathroom w/ Shower & Laundry	Bathroom with Bathtub/Shower
	Garage	Kitchen		Kitchen	Garage
	Driveway	Living Room		Living Room	Driveway

LIABILITY INSURANCE

Wed Oct 05 15:04:09 CDT 2022



SHELTER INSURANCE COMPANIES

GENERAL LIABILITY
EVIDENCE OF INSURANCE
AS OF 10/05/2022

NAME AND ADDRESS OF NAMED INSURED:

GABEL, ALAN F AND DAWN

[REDACTED]
[REDACTED]

AGENT:

KELLER AGENCY LLC

2705 VINE ST

STE 9

HAYS, KS 67601-1906

(785) 621-4411

AGENT NUMBER 15-E587-22

Policy Number: [REDACTED] Effective Date: 09/25/2022, 12:01 AM Central Time
Expiration Date: 09/25/2023, 12:01 AM Central Time

This policy will continue to renew as long as we offer to renew it and you pay the required premium by the due date.

THE LOCATION OF THE DESCRIBED PREMISES IS 300 E 24TH ST HAYS KS 67601

BUSINESS OF THE NAMED INSURED IS: LANDLORD

THE NAMED INSURED IS: INDIVIDUAL

THE LIMIT OF THE COMPANY'S LIABILITY IS STATED IN THE POLICY AND APPLIES AS FOLLOWS:

Limits of Insurance

General Aggregate (Other Than Product - Completed Operations)	\$	500,000
Products - Completed Operations Aggregate Limit (See Each Classification Below)	\$	500,000
Personal and Advertising Injury Limit	\$	300,000
Each Occurrence Limit	\$	300,000
Rented To You Limit	\$	100,000
Medical Expense Limit (Any One Person)	\$	5,000
Premium	\$	306.00

Coverage Form and Description of Hazards

Code	Key	Description	Premium Basis	Premium
300 E 24TH ST HAYS KS 67601 (COUNTY 051)				
Premises and Operations				
63011	2	DWELLINGS - TWO-FAMILY (LESSOR'S RISK ONLY) - INCLUDES COMPLETED OPERATIONS	1	50.00
Products and Completed Operations				
314 E 24TH ST HAYS KS 67601 (COUNTY 051)				
Premises and Operations				
63010	2	DWELLINGS - ONE-FAMILY (LESSOR'S RISK ONLY) - INCLUDES COMPLETED OPERATIONS	1	40.00
Products and Completed Operations				
316 E 24TH ST HAYS KS 67601 (COUNTY 051)				
Premises and Operations				
63010	2	DWELLINGS - ONE-FAMILY (LESSOR'S RISK ONLY) - INCLUDES COMPLETED OPERATIONS	1	40.00
Products and Completed Operations				
516 W 20TH ST HAYS KS 67601 (COUNTY 051)				
Premises and Operations				
63010	2	DWELLINGS - ONE-FAMILY (LESSOR'S RISK ONLY) - INCLUDES COMPLETED OPERATIONS	1	40.00
Products and Completed Operations				
1107-1109 N 79TH TER KANSAS CITY KS 66112 (COUNTY 209)				
Premises and Operations				
63011	2	DWELLINGS - TWO-FAMILY (LESSOR'S RISK ONLY) - INCLUDES COMPLETED OPERATIONS	1	68.00
Products and Completed Operations				
1101-1103 N 79TH TER KANSAS CITY KS 66112 (COUNTY 209)				
Premises and Operations				
63011	2	DWELLINGS - TWO-FAMILY (LESSOR'S RISK ONLY) - INCLUDES COMPLETED OPERATIONS	1	68.00
Products and Completed Operations				

THE FOLLOWING ENDORSEMENTS ARE A PART OF THIS POLICY AND ARE ATTACHED:

Limit		
CG 00 01 04 13		Commercial General Liability Coverage Form
CG 21 44 04 17	63010,63011 Described Premises	Limitation Of Coverage To Designated Premises, Project, or Operation

TERM 12 MONTHS
ZONE CODE 502

B-750-B

APPLICANT PHOTOS



1101



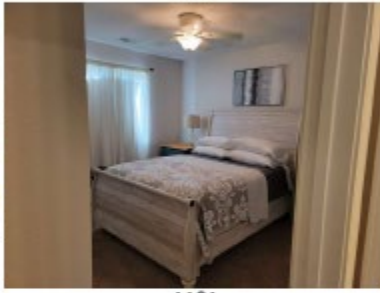
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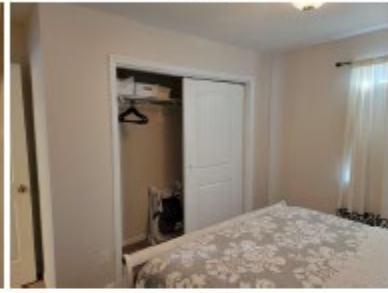
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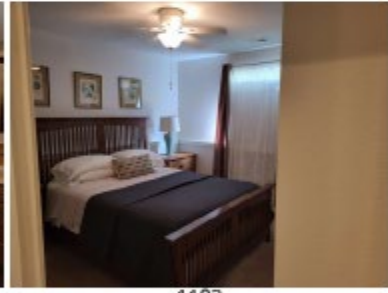
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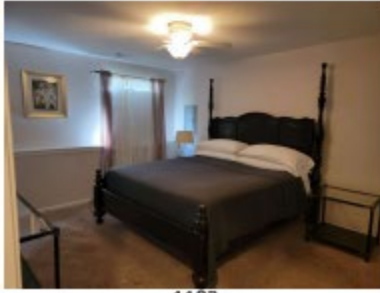
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APPLICANT PHOTOS



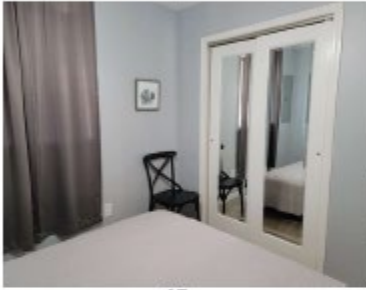
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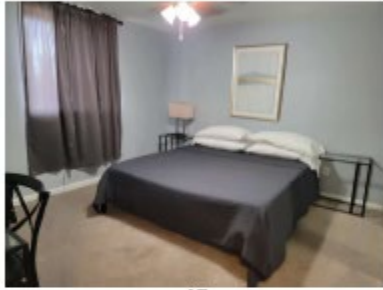
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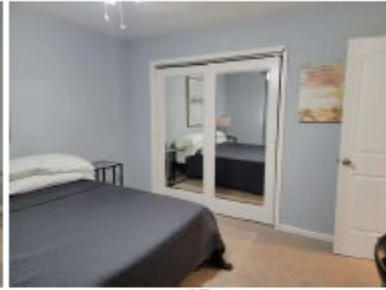
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HOME INSPECTION SUMMARY

5.5.1 Smoke Alarms/CO Detectors

DETECTORS NOT IN RECOMMENDED LOCATIONS

BEDROOMS 1101, LEFT BEDROOM 1103

There were smoke alarms and or CO detectors that were not installed in recommended areas. This is a potential safety hazard. Recommend installing detectors per manufacturers instructions and recommendations.

**CO Detectors

 Marginal Defects



3.4.1 Roof Penetrations (Plumbing, Flue, Etc.)

FLASHING PIPE BOOT DAMAGE

Damage was present at the referenced flashing boot(s). This can lead to water intrusion and damage. Repairs are recommended to be conducted by a qualified roofing professional.

Recommendation

Contact a qualified roofing professional.

 Safety/Major Defects



8.4.1 Windows Interior

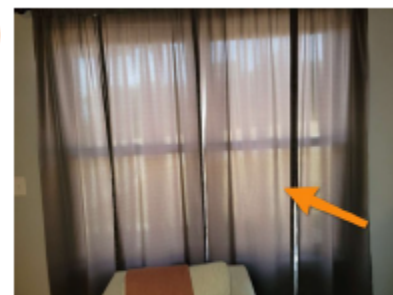
OPERATION - NOT FUNCTIONING PROPERLY

The window(s) in the referenced area(s) were not functioning properly at the time of inspection. Repairs are recommended to be conducted as needed for proper operation by a window contractor or other qualified person.

Recommendation

Contact a qualified window repair/installation contractor.

 Marginal Defects



07 Living Room

HOME INSPECTION SUMMARY

13.2.1 Service Entrance

SERVICE MAST - BRACING LOOSE/UNSECURED/DETACHED

 Marginal Defects

The bracing for the service mast was detached from the structure. This can allow for displacement of the mast and potential water intrusion. Repairs are recommended to be conducted by a qualified electrician or other qualified persons.

Homeology Inspections LLC

Page 82 of 98

1107 & 1109 N 79 Terrace

Dawn Gabel

Recommendation

Contact a qualified electrical contractor.



Anchor detached from roof



NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KS)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition #SP2022-101.
2. That I conducted a neighborhood meeting on 11/28/2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Adrienne Bortz
Affiant

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

My commission expires _____ of _____, 200_.

Notary Public

NEIGHBORHOOD MEETING INFORMATION

From: [Adrienne Bortz](#)
To: [Parker, Janet](#)
Cc: [McLaughlin, Kallie](#)
Subject: Re: SP2022-101 - 1101, 1103, 1105 & 1109 N 79TH TERR
Date: Monday, November 28, 2022 8:15:51 AM
Attachments: [image001.jpg](#)
[affadavitowner.neighborhoodmeeting \(1\).pdf](#)

Good Morning Janet,

Please see the following and attached regarding my Neighborhood Meeting. Let me know if you need anything else.

At that time, you will need to email or mail to me:

1. List of people who participated in your in-person, Zoom or Skype meeting (if you were able to hold one.) - **Asked that they email or call.**
2. List of people who contacted you with questions and comments – please document their names and questions/comments. - **Delores Lustig mailed me a letter that stated 'I Delores Lustig approve of the special use permit SP-2020-101 at these addresses'**
3. Signed affidavit that you held the meeting. - **Attached**

Thank you,

STAFF SITE VISIT PHOTOS DATED NOVEMBER 8, 2022



STAFF SITE VISIT PHOTOS DATED NOVEMBER 8, 2022





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 12, 2023

Re: Special Use Permit Petition SP2022-102

GENERAL INFORMATION

Applicant:

Jesse Venzor

Status of Applicant:

Property Owner
5505 West 124th Street
Overland Park, KS 66209

Requested Actions:

Approval of a Special Use Permit.

Date of Application:

October 6, 2022

Purpose:

To begin the operation of a Short-Term Rental. This is not the applicant's primary address.

Property Location:

4342 Pearl Street
Kansas City, Kansas 66103

Commission Districts:

Commissioner At Large, District #2: Tom Burroughs
District #3 Commissioner: Christian Ramirez

Existing Zoning:

R-1(B) Single Family District



Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Single family residence South: Single family residence East: Single family residence West: Single family residence
Total Tract Size:	0.09 Acre
Master Plan Area:	The Subject Property is within the Rosedale Master Plan.
Master Plan Designation:	The Rosedale Master Plan designates this Property as Single Family Residential. Single Family Residential is designed for single family, detached houses. Townhomes and side-by-side rowhouses are appropriate where the property has frontage on a mixed use or neighborhood corridor.
Major Street Plan:	The City-Wide Master Plan designates Pearl Street as a Local Street.
Parking Requirement:	R-1(B) Single Family District (current zoning): Section 27-455(d) requires two (2) off-street parking spaces premises for each single-family dwelling. The current property has a driveway providing two (2) off-street parking spaces, meeting this requirement.
Advertisement:	<u>The Wyandotte Echo</u> – November 17, 2022 Letters to Property Owners – November 18, 2022
Public Hearings:	December 12, 2022 and January 12, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Jesse Venzor, is seeking the approval to operate a short-term rental at 4342 Pearl Street. The subject property is in a residential block near the intersection of Mission Road and 44th Street. The owner has recently purchased the property as a distressed property and is completing renovations.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints. There were a few calls prior to the applicant purchasing the property:
 - a. 2020: 2020-00150408 – Burglary
 - b. 2017: 2017-00065322 – Disturbance Non-Domestic
 - c. 2017: 2017-00033821 – Disturbance Non-Domestic

Building or Code Enforcement Complaints:

1. The subject property has received several complaints under prior ownership. The current property owner has received no complaints. There are eight (8) complaints since 2012 for weeds and abatement.
2. There is a stop work order for a demolition of a garage in 2015, prior to the applicant's ownership.
 - a. 2015: 15395-00001 – Stop Work Order – Private Demolition Garage

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Code Inspection Cases.
2. The subject property has no related or recent Planning and Zoning Cases.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is residential and urban in character. Lots are average for urban densities and are approximately thirty (30) to fifty (50) feet in width with the average lot size being forty (40) feet wide. Streets are generally asphalt with existing sidewalks. Driveways are typically gravel with some upgrades to asphalt and concrete.

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

The zoning and uses are set out above. The subject property is surrounded primarily by R-1(B) Single Family District. The property has experienced recent vacancy as it was part of a family trust by the former owner. Continuing use as a rental, either short or long term, is consistent with other nearby properties in the nearby residential district. The proposed use is compatible if properly managed.

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

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

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

The property was vacant for an unknown period of time prior to the applicant's purchase, although it appears to have been vacant for approximately eight (8) years.

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

Special Use Permits are not addressed in the Rosedale Area Master Plan. The Rosedale Area Master Plan designates this property as Single-Family Residential. A Special Use Permit is required for a short-term rental. The usage of a single-family home for the commercial purpose of short-term lodging conforms to the master plan if approved with a Special Use Permit.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of the Local Street to accommodate it if managed properly while it functions as a short-term rental, as traffic patterns would follow those of typical residential uses. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

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

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

Noise is an issue that is related to short-term rentals. There have not been any noise complaints to date with the current applicant, as this is a new application. Vibration, dust, or illumination are not issues typically related to the

use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property.

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

The proposed use will not pollute the air, land, or water as it is an existing permitted residence.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out urban neighborhood.

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

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

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site and parking is limited to two (2) vehicles. The maximum number of guests at one time is seven (7). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Microsoft Teams on November 28, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Neighborhood Character
Parking
Zoning
Land Use
Noise
Traffic
Occupancy Limits

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 with 1 abstention to recommend **APPROVAL** of Special Use Permit **SP2022-102**, for **one (1) year**, subject to:

1. Any property owner or business owner keeping 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 (NOTE: The applicant will allow pets at the short-term rental);
2. The driveway apron must be upgraded to UG standards;
3. Applicant must repair the portion of the sidewalk that is in disrepair;
4. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
5. Maximum number of guests shall be seven (7);
6. All parking must be off-street, maximum number of vehicles is two (2);
7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
8. Applicant must maintain liability insurance;
9. Applicant must maintain the property's physical condition through the duration of the permit;
10. All reservations shall be a minimum stay of 24 hours;
11. No meals shall be prepared in the dwelling by the owner or owner's agent;
12. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
13. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b) A lead-based paint notification for any property built before 1978.
 - c) An asbestos notification for any property built before 1981.

- d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
14. The property must remain in proper maintenance and free of hazards, pests, or infestations;
 15. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
 16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners **APPROVE** Case **SP2022-102** subject to all comments and suggestions outlined in this staff report, and the conditions

of the City Planning Commission.

ATTACHMENTS

December 12, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Host Compliance Map
Property Inspection Report
Floor Plan
Site Plan
Liability Insurance
Neighborhood Meeting Information
Guest Book
Applicant Repair Photos Dated November 28, 2022
Applicant Photos dated November 28, 2022
Staff Site visit Photos Dated November 11, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Special Use Permit	December 12, 2022	January 12, 2023
	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-102** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-102** as it is not in compliance with the City Ordinances and as it will not promote the public

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

December 12, 2022 City Planning Commission Minutes:

Hearing starts at 3:17:14:

SPECIAL USE PERMIT APPLICATION SP2022-102 – JESSE VENZOR -

SYNOPSIS: Special Use Permit to operate a short-term rental at 4342 Pearl Street.

Detailed Outline of Requested Action: The Applicant, Jesse Venzor, is seeking the approval to operate a short-term rental at 4342 Pearl Street. The subject property is in a residential block near the intersection of Mission Road and 44th Street. The owner has recently purchased the property as a distressed property and is completing renovations.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Jesse Venzor, applicant, 5505 West 124th Street, Overland Park, KS 66209

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:20:01: Planning Director Hand stated that the request is for a new short-term rental in the Rosedale Area Master Plan. Staff has received no letters in support nor in opposition. There are old Notices of Violation, pre-dating the current owner, and all of those have been addressed through the rehabilitation of this property. Director Hand stated that Staff has the capability to generate a map showing the existing short-term rentals in the area when a new application is submitted. He showed the Commission a map of other short-term rentals in this area. There are two (2) in the general vicinity, but not on the same block. Since there is no on-site manager, Staff recommends approval for one (1) year subject to the conditions in the staff report.

Motion starts at 3:21:50:

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

SP2022-102 for one (1) year:

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

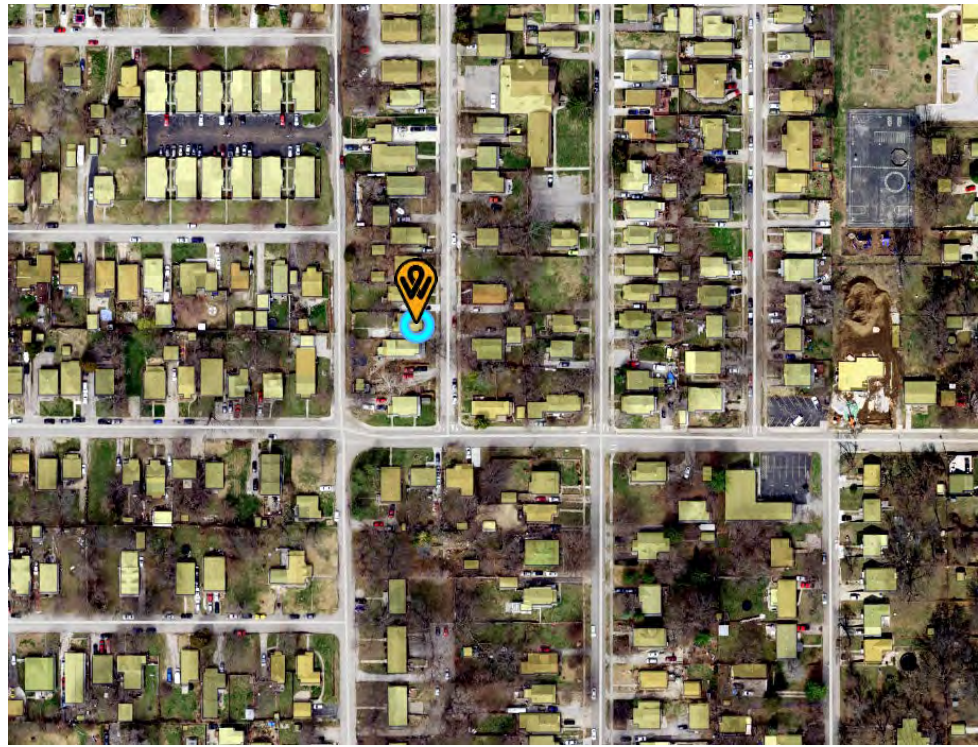
Motion to recommend **APPROVAL** Passed: 8 to 0 with 1 abstention

Subject to:

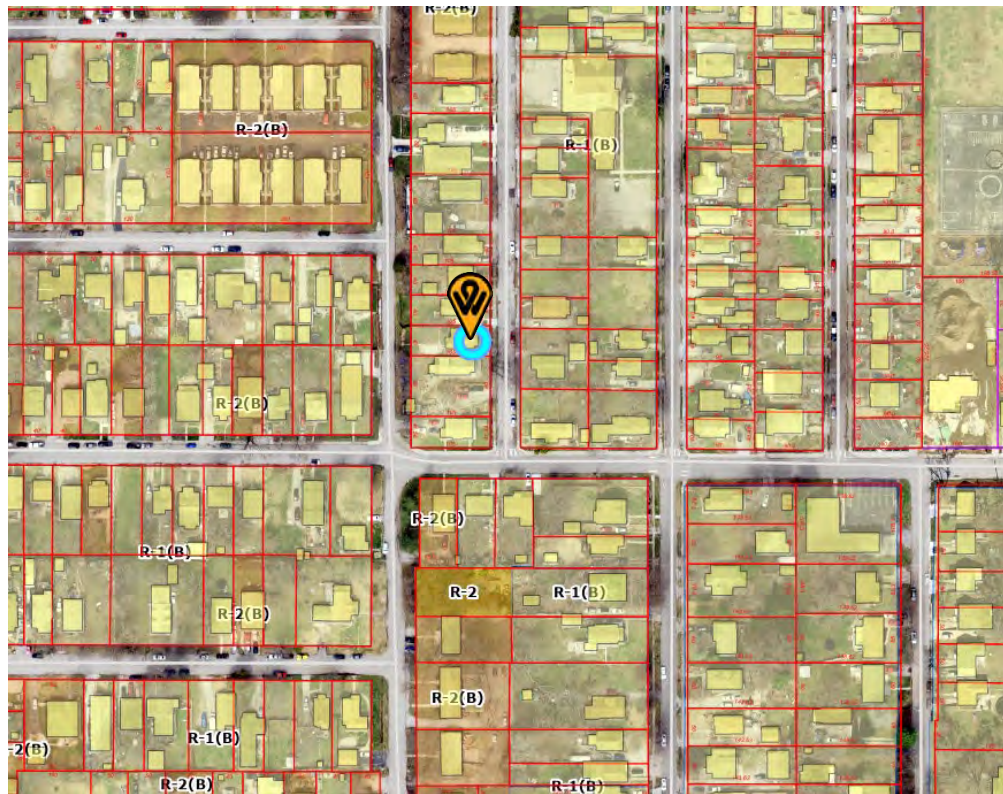
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7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
8. Applicant must maintain liability insurance;
9. Applicant must maintain the property's physical condition through the duration of the permit;
10. All reservations shall be a minimum stay of 24 hours;
11. No meals shall be prepared in the dwelling by the owner or owner's agent;
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- a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
13. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b) A lead-based paint notification for any property built before 1978.
 - c) An asbestos notification for any property built before 1981.
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
 14. The property must remain in proper maintenance and free of hazards, pests, or infestations;
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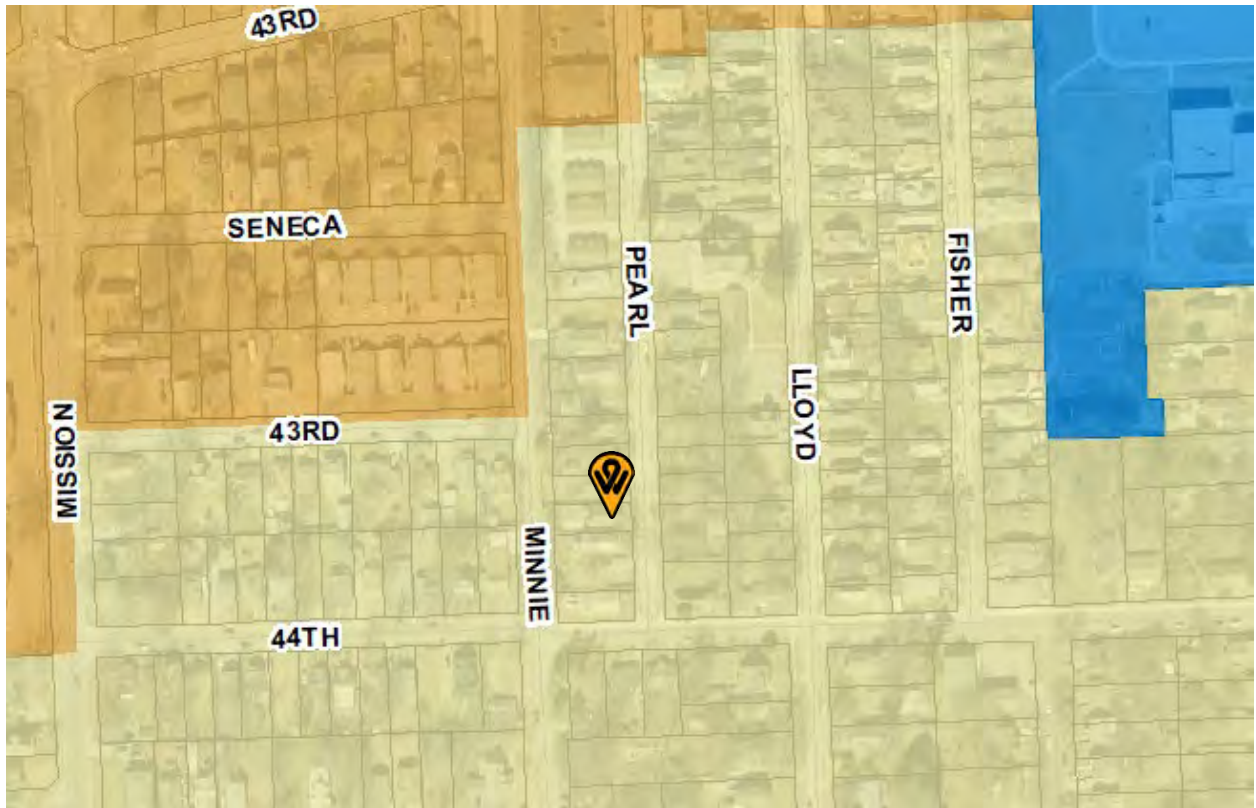
AERIAL MAP



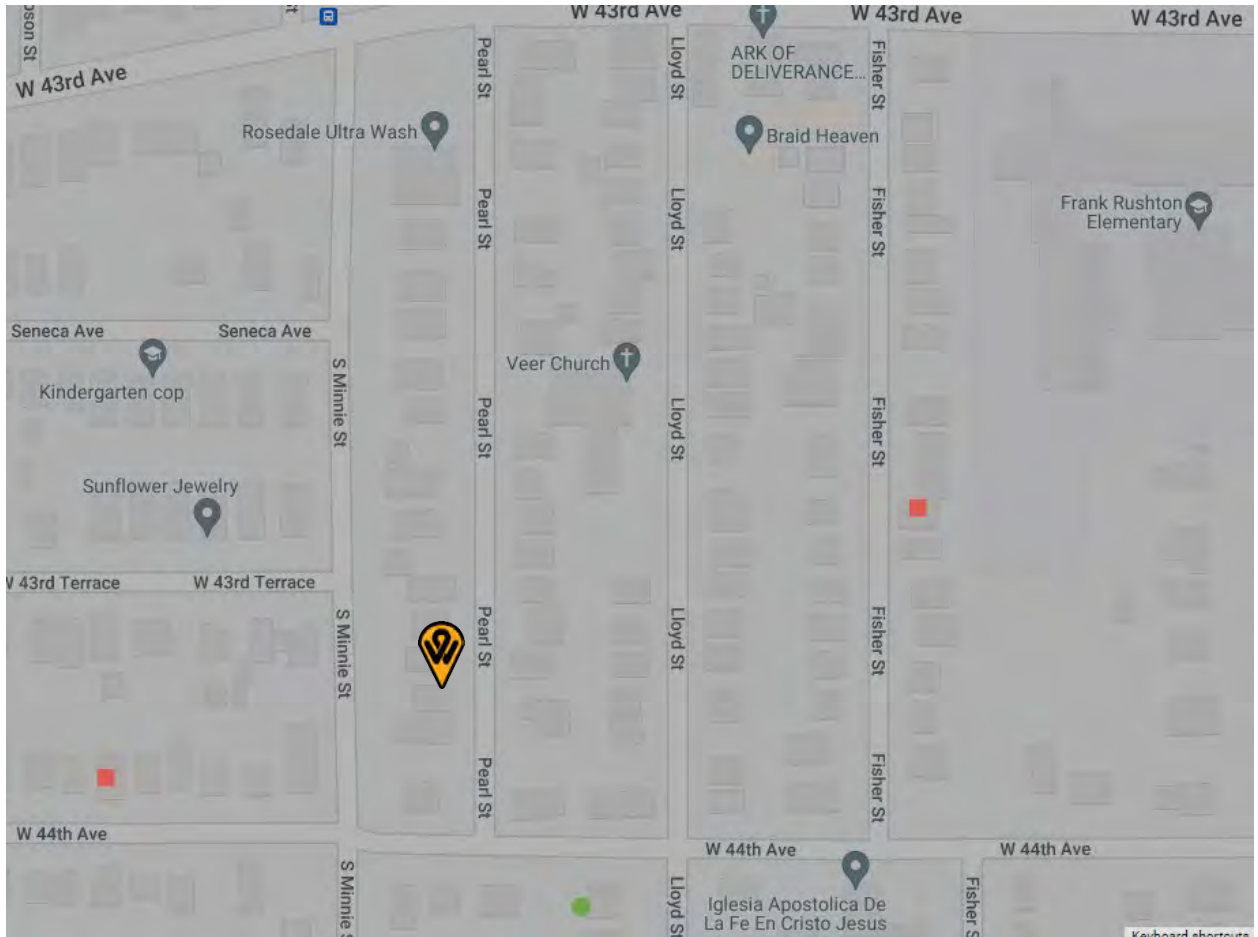
ZONING MAP



LAND USE MAP



HOST COMPLIANCE MAP



Jesse Venzor 405-401-4408

MINUTES:

Application Number: SP2022-102

Date and Location: 11/28/2022 virtual via MS Teams

Meeting called to order at:6:05pm

Names of people in attendance: Kay Johnston, KERRY LAVERY, Jesse Venzor

- Introductions:
 - Presentation by applicant and/or team (see Powerpoint titled SP2022-102 Neighborhood Meeting)
- Questions and answers (include the following):
 - Question from Kay: will vehicles be limited?
 - 2 in driveway one in street allowed
 - Question from Kay: Will pets be allowed and be required to be up to date on registrations
 - Pets will be allowed. Will assume pets are up to date on registration
 - Kerry: Familiar with Airbnbs, says it would be to do check and verify that
 - Question from Kay: How to know if it is a dangerous dog?
 - Said it would be responsibility of owner
 - Question from Kay: How will you background check and verify there arent sex offenders staying
 - No requirement for this. Airbnb does not require it, wyandotte county does not require it. Would not be any different than staying at a hotel. I only accept verified users who have been referred by other airbnb hosts.
 - Question from Kay: how many people will be staying?
 - Wyandotte would allow 7, we are capping at 4
 - Question from Kay: how many days annually will you be STR?
 - Not capping myself on days.
 - Comment from Kay: mentioned that some people feel STRs are ruining neighborhoods and concerned with investors buying
 - I mentioned that kay is familiar with rea estate investing and that she used to do it herself and should know that it is a way for financial freed
 - I also mentioned that less than 1% of housing market are STRs. mentioned that if you took all the STRs and put them on the market that it wouldnt solve housing crisis.
 - Kay mentioned she is concerned with safety
 - Mentioned that we have cameras outside property and monitor 24/7.

Meeting adjourned at:6:36 pm

Minutes taken by:Jesse Venzor

Call from

MITBY, DAVID M

4328 PEARL ST

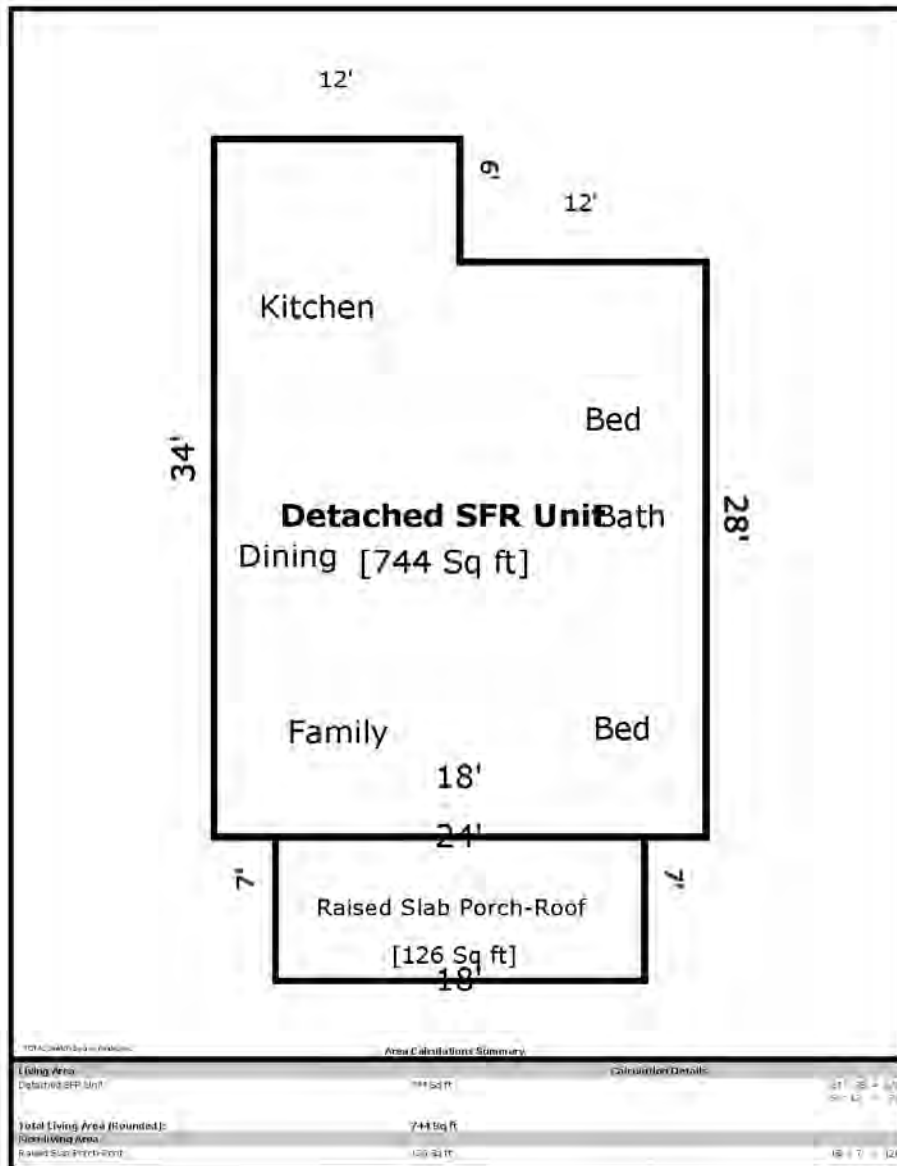
KANSAS CITY, KS 66103

Says he supports STRs

FLOOR PLAN

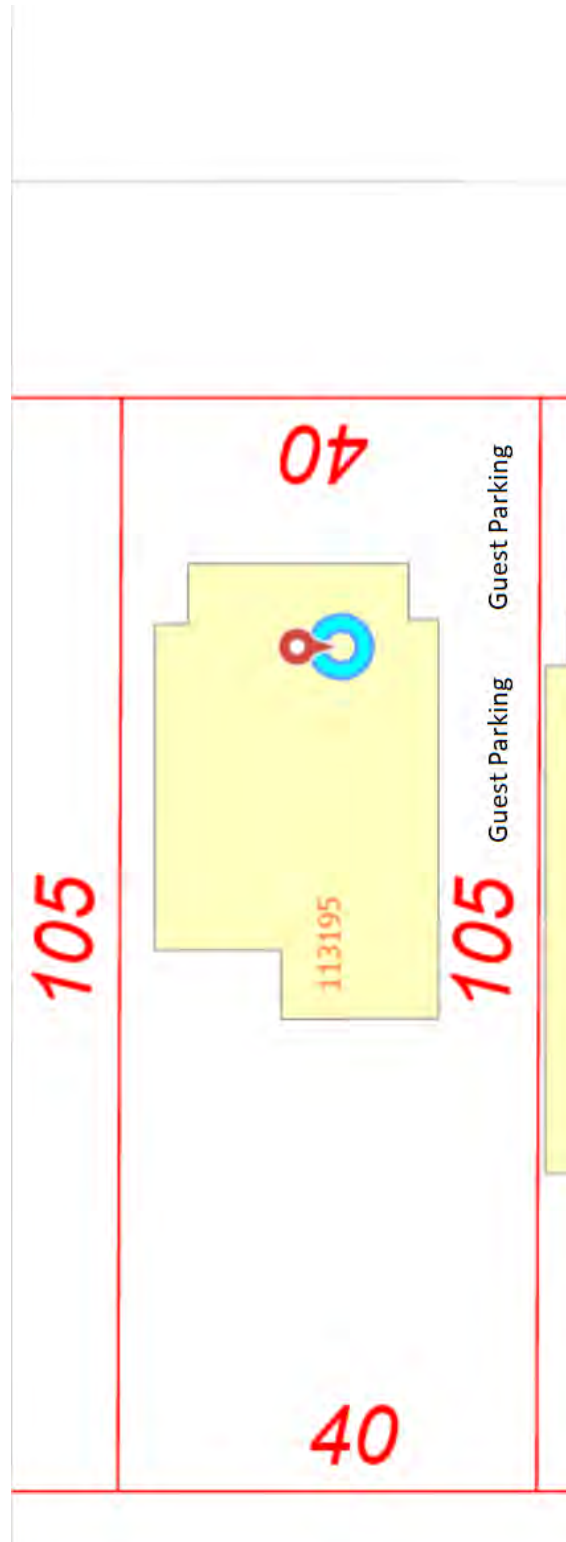
Building Sketch

Borrower	Venzor, Jesse M. & Stein, Brooke T.				
Property Address	4342 Pearl St				
City	Kansas City	County	Wyandotte	State	KS
Lender/Client	Movement Mortgage		Zip Code	66103	



Form SKT.BLDGSI - "TOTAL" appraisal software by a la mode, inc. - 1-800-ALAMODE

SITE PLAN



HOME INSPECTION SUMMARY

EXTERIOR STAIRS/STOOPS:

2.9 LOCATION AND TYPES: Wood deck stairs Rear location.

2.10 CONDITION: The deck stairs on the rear railings are twisted inward, limiting accessibility.

The railings are loose on this rear deck stair landing. Some repairs needed.

DECKS AND COVERS:

2.5 LOCATION AND TYPE OF DECK: Location(s): Front Location.

2.6 CONDITION: Deterioration noted to deck surface. Some rot and physical damage noted to the deck surface. Maintenance, water proofing and some repairs are needed for the continued use of this structure.

Access to deck underside is blocked. Could not see one or more of these components:

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Page 12

Inspection: 4537JA Address: 4342 Pearl St

the structure's connections, attachments, flashings, footings, earth to wood connections or how the grade and water drainage relate to the building.

Some sagging noted in the deck structure.



HOME INSPECTION SUMMARY

3.5 ROOF COVERING STATUS:

There is hail damage to this roof. The roof shingles have lifting edges. The glue tabs are failing. This roof is no longer operating as intended.

This roof is leaking as seen over the kitchen.

A licensed roofing contractor should be called to make further evaluation and repairs or replacement as needed.

RANGE/COOK TOP AND OVEN:

4.7 TYPE:

There is a stand alone Range in this kitchen. Gas.

4.8 CONDITION:

The gas range pilot light system is not operating. The system is unsafe to use. Repair or replacement is advised.

SMOKE / FIRE DETECTOR:

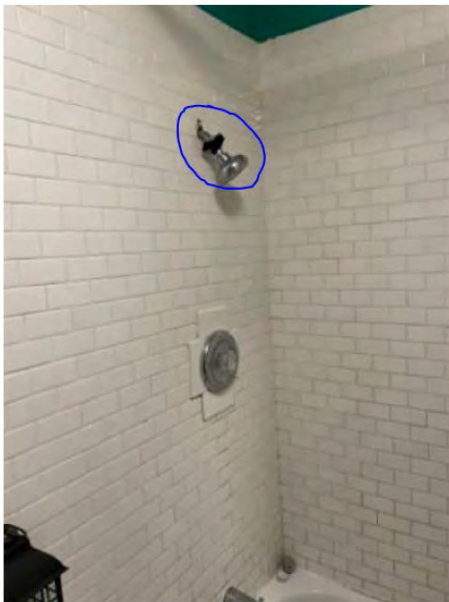
5.12 COMMENTS:

Because of the age of the house, some of the smoke alarms may need to be replaced for continued safe operation. Smoke detectors should be replaced every 10 years.

Carbon Monoxide detector(s) were not found in this house at the time of this inspection. All homes should have carbon monoxide detectors installed for safety.

TOILET:

6.2 CONDITION OF TOILET: The flush mechanism is damaged and needs to be repaired or replaced.



HOME INSPECTION SUMMARY

VENTING:

9.7 VENTING HEATING UNIT(S):

The combustion air vent pipe is broken as seen in the basement. Repair is needed. The ends of the vent pipes should have the proper termination covers installed to limit pest access.



COMBUSTION AIR:

WIRING NOTES:

7.10 HOUSE

The outlet in the kitchen next to the stove is ungrounded.

Three hole grounded outlets are installed with no grounding wire in several locations. The use of 3 hole grounded type outlets gives the impression this safety protection circuit is present, when in reality it is not. This is a hazard. This can cause electric shocks and electrocution. The NEC (National Electric Codes) association recommend 3 types of repairs for this improper wiring: 1) rewire the house with modern wiring and properly ground the system for safety. 2) Replace all the 3 pronged outlets with proper 2 pronged outlets and install GFCI (Ground Fault Circuit Interrupts) where required. 3) Protect all the outlets with GFCI outlets or GFCI breakers.

10.5 BEAMS:

There are several temporary support posts and beams installed in the basement/crawlspace.

10.6 FLOOR JOISTS:

The floor joists that are visible a this time, are operating as intended.

10.7 BASEMENT FLOOR AND DRAINAGE:

Improper sump discharge to sanitary sewer is noted. This is an improper connection. The sump system discharge is suppose to be to the exterior, to be re-absorbed by the ground water system. Connecting to the sanitary sewer system means that the ground water is being sent through the water treatment system. Also, it is possible to have waste water back flow to the ground water. Correction is recommended.

The sump pump was not operating and was up plugged.

This basement is a wet space. Correction of the exterior water flow and drainage will help limit continued water penetration.

LIABILITY INSURANCE

11/26/22, 10:50 AM

Policy Information



Policy Information

Policy number	16-CB-K975-8
Policy type	Personal Liability Umbrella
Mailing address	5505 W 124th St Leawood, KS 66209-2791
Phone number	(405) 401-4408
Email address	JESSE.VENZOR@CKSTATE.EDU

[Manage Your Policy](#)

[Expand all sections](#) | [Collapse all sections](#)

General & Billing Information

Location	5505 W 124TH ST LEAWOOD, KS 66209-2791
Policyholder	Venzor, Jesse & Stein, Brooke T
Renewal date	03/29/2023
Premium	\$160.00
Amount due	\$0.00
Bill to	Venzor, Jesse & Stein, Brooke T 5505 W 124th St Leawood, KS 66209-2791

Coverages, Deductibles & Discounts

Coverage

Personal Liability

Limit \$1,000,000

Self Insured Retention

Limit \$0

Discount

There are no discounts associated with this policy.

Required Underlying Insurance Policies

The Personal Liability Umbrella requires underlying insurance policies to be maintained at specific minimum limits that are listed on the Declarations page when the application is accepted and the policy is issued. Failure to maintain the required underlying insurance at all times in an amount at least equivalent to the minimum underlying limits could affect your coverage in the event of a loss. Please contact your Agent if you have any questions regarding these requirements.

Forms, Endorsements & Options

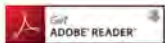
<https://online2.statefarm.com/apps/pvc/fire/execute.do?APPOS=6uonqROzsFQ3NgalGpsaP1GH9gm9YYfgm5zRaRJRKSYexcg5Q2XSKICp1P1W1Y...> 1/3

LIABILITY INSURANCE

11/28/22, 10:50 AM

Policy Information

Number	FP-7950.2
Description	Personal Liability Umbrella
Number	FE-5837
Description	Fuel Oil Exclusion



PDF Viewer is required to view the electronic policy documents listed above. To download your free copy, you may click on the Get Adobe Reader logo above. You may view, save or print the documents as per your need.

Declarations & Policy Information

The information presented in this document is not a declaration, page, policy, or endorsement. Recent changes to the policy may not be reflected. If you have any questions about this form or would like to obtain a declaration page or a copy of your policy, please contact your State Farm Agent for assistance.

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<https://online2.statefarm.com/apps/pvc/fire/execute.do?APPQS=6uonqROzsFQ3NgatGpsaP1GH9gm9YYfgm5zRaRJRKSYexcg5Q2XBKICp1PW1Y...>

2/3

NEIGHBORHOOD MEETING INFORMATION

Date: 11/11/2022

Jesse and Brooke
5505 W. 124th Street
Overland Park, KS, 66209

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use #SP2022-102. The purpose of this special use permit preliminary plan review is for a short term rental at the following address:

4342 Pearl St.
Kansas City, KS 66103

We are having a neighborhood meeting on Monday November 28th at 6 p.m. The meeting will be held over Microsoft Teams.

Meeting Link: <https://teams.live.com/join/9342547579021>

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

I look forward to seeing you at the neighborhood meeting. If you are unable to attend or you have any questions, please contact me at the Email/phone number listed below.
Sincerely,

Jesse

4054014408
jvenzor51@gmail.com

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP2022-102.
2. That I conducted a neighborhood meeting on 11/28/2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Affiant Jesse Venier

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

My commission expires _____ of _____, 200_.

Notary Public

NEIGHBORHOOD MEETING INFORMATION

Jesse Venzor 405-401-4408

MINUTES:

Application Number: SP2022-102

Date and Location: 11/28/2022 virtual via MS Teams

Meeting called to order at: 6:05pm

Names of people in attendance: Kay Johnston, KERRY LAVERY, Jesse Venzor

- Introductions:
 - Presentation by applicant and/or team (see Powerpoint titled SP2022-102 Neighborhood Meeting)
- Questions and answers (include the following):
 - Question from Kay: will vehicles be limited?
 - 2 in driveway one in street allowed
 - Question from Kay: Will pets be allowed and be required to be up to date on registrations
 - Pets will be allowed. Will assume pets are up to date on registration
 - Kerry: Familiar with Airbnbs, says it would be to do check and verify that
 - Question from Kay: How to know if it is a dangerous dog?
 - Said it would be responsibility of owner
 - Question from Kay: How will you background check and verify there arent sex offenders staying
 - No requirement for this. Airbnb does not require it, wyandotte county does not require it. Would not be any different than staying at a hotel. I only accept verified users who have been referred by other airbnb hosts.
 - Question from Kay: how many people will be staying?
 - Wyandotte would allow 7, we are capping at 4
 - Question from Kay: how many days annually will you be STR?
 - Not capping myself on days.
 - Comment from Kay: mentioned that some people feel STRs are ruining neighborhoods and concerned with investors buying
 - I mentioned that kay is familiar with rea estate investing and that she used to do it herself and should know that it is a way for financial freed
 - I also mentioned that less than 1% of housing market are STRs. mentioned that if you took all the STRs and put them on the market that it wouldnt solve housing crisis.
 - Kay mentioned she is concerned with safety
 - Mentioned that we have cameras outside property and monitor 24/7.

Meeting adjourned at: 6:36 pm

Minutes taken by: Jesse Venzor

Call from

MITBY, DAVID M

4328 PEARL ST

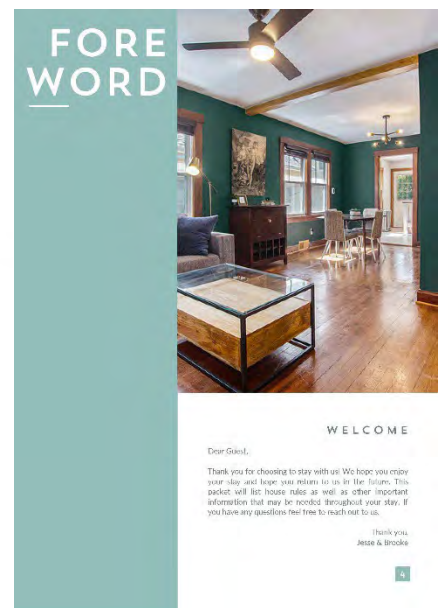
KANSAS CITY, KS 66103

Says he supports STRs

GUEST BOOK



- 4 FOREWORD
And a sub-heading
- 5 HOUSE RULES
- 6 THINGS TO DO
- 7 GUEST INFORMATION



APPLICANT REPAIRS



APPLICANT PHOTOS DATED NOVEMBER 27, 2022



APPLICANT PHOTOS DATED NOVEMBER 27, 2022



STAFF SITE VISIT PHOTOS DATED NOVEMBER 11, 2022





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 12, 2023

Re: Special Use Petition SP2022-104

GENERAL INFORMATION

Applicant:

Andrea Tapia

Status of Applicant:

Representative

Kansas City, Kansas Housing Authority

1124 North 9th Street

Kansas City, Kansas, 66101

Requested Action:

Approval of a Special Use Permit.

Date of Application:

October 28, 2022

Purpose:

Special Use Permit for light auto-repair and general maintenance of commercial vehicles in conjunction with several other allowed uses, as well as to keep a storage container.

Property Location:

1300 Meadowlark Lane

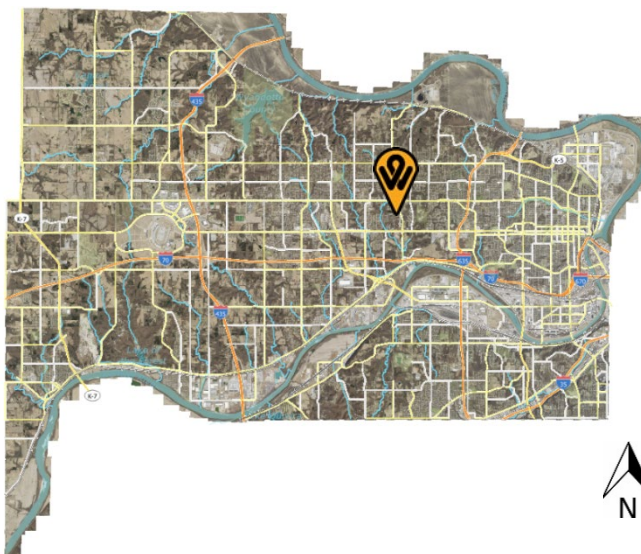
Kansas City, Kansas, 66102

Commission Districts:

Commissioner At-Large, District #1:

Melissa Bynum

District #8 Commissioner: Andrew Davis



Existing Zoning:	CP-3 Planned Commercial District		
Adjacent Zoning:	North:	RP-1 Planned Single Family District	
	South:	RP-5 Planned Apartment District	
	East:	CP-0 Planned Nonretail Business District	
	West:	RP-5 Planned Apartment District	
Adjacent Uses:	North:	F.L Schlagle High School Stadium and Athletic fields	
	South:	Vacant lot	
	East:	Business park	
	West:	Single family residences	
Total Tract Size:	7.03 Acres		
Master Plan Designation:	The City-Wide Master Plan designates this property as Public/Semi-Public, which consists of publicly-owned, or non-profit uses.		
Major Street Plan:	The Major Street Plan designates Meadowlark Lane as Class B Thoroughfare.		
Parking Requirement:	Section 27-467(e) requires four (4) parking spaces for every 1,000 square feet of floor area in the building must be provided in a CP-3 district. The buildings are 32,148 square feet, which require 128 parking spaces. The site provides 130 spaces, 10 of which are located inside of the building.		
Advertisement:	<u>The Wyandotte Echo</u> – November 17, 2022 Letters to Property Owner – November 18, 2022		
Public Hearings:	December 12, 2022 and January 12, 2023		
Public Support:	None to date.		
Public Opposition:	None to date.		

PROPOSAL

Detailed Outline of Requested Action: The applicant, Andrea Tapia, with the Kansas City, Kansas Housing Authority, is requesting a renewal of a Special Use Permit (SP-2020-50), to continue to operate a light auto-repair and general maintenance facility for the Kansas City, Kansas Housing Authority's vehicle fleet, as well as keep a storage container on site, at 1300 Meadowlark Lane.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints since the current ownership began.

Building, Zoning, or Code Enforcement Complaints:

1. There are no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. 2018 – COZ 3156 – Change of Zone
2. 2018 – PR-2018-7 – Preliminary and Final Plan Review
3. 2018 – SP-2018-10 – Special Use Permit
4. 2020 – SP-2020-50 – Special Use Permit

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Coronado Statistical Neighborhood. The property is surrounded by a variety of uses, including business park office buildings, athletic fields for F.L. Schlagle High School, a fleet maintenance facility for Kansas City, Kansas USD 500, as well as single-family and multi-family residences. The property is located along Meadowlark Lane, which connects to Turner to the South and to the Cernech Neighborhood to the north.

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

The zoning and nearby uses are set out above. While there are a variety of nearby uses, including another maintenance facility, the proposed use is arguably more intense and may present issues with noise and traffic, which would not be compatible with the nearby residences.

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

Staff acknowledges that the total of proposed uses, requested and allowed by right, will be more intense than other properties in the neighborhood. If designed and managed correctly, however, the uses as a whole will not detrimentally affect nearby properties.

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

The property began construction in 2019 and has been occupied since late 2020.

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

The City-Wide Master Plan does not address Special Use Permits. The City-Wide Master Plan designates this property as Public/Semi-Public, which consists of publicly owned, or non-profit uses. The proposed use conforms to the City-Wide Master Plan, as it is a function of a public agency, the Kansas City, Kansas Housing Authority.

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

The proposed use is a continuation of an existing use, which has a fixed number of employees and a fixed number of fleet vehicles. Staff does not believe the proposed use will result in the increase of vehicular traffic to the point of where it exceeds the capacity of Meadowlark Lane, a Class B Thoroughfare.

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

The proposed use is reasonably necessary for the convenience and welfare of the public, as the site and proposed uses are a function of the Kansas City, Kansas Housing Authority, which provides housing services for low-income families in Kansas City, Kansas. Due to the nature of requested uses and the number of requested uses, it is reasonable to assume that noise, traffic, or visuals from the subject property may have a negative impact on the use, quality, and marketability of adjoining property.

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

Noise, dust, and vibration are common issues with auto-repair facilities, and illumination is common of any fleet maintenance and storage facility, however, if properly managed, the impacts of this use would be mitigated significantly.

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

To mitigate risk of air, land, and/or water pollution, all car repair facilities must ensure that liquids do not leak into the ground and pollute the water supply. This will require the installation of an oil-water separator (if one is not already installed as part of the construction), as well as other preventative measures required or encouraged by law. Additionally, disposal of old parts must also be done in a manner that is safe, legal, and environmentally considerate.

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

The proposed use would not damage or destroy an irreplaceable natural resource, as it is located along an existing, built-out mixed-use corridor.

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

As a function of the Kansas City, Kansas Housing Authority, the relative gain to public health, safety, and welfare is substantial compared to the potential issues created as a result of the proposed use, as the proposed use will further Kansas City, Kansas Housing Authority's mission to "help families and individuals with low and moderate incomes achieve greater stability and self-reliance by providing safe, affordable, quality housing and partnering with community services and agencies and promoting economic opportunity in a suitable living environment free from discrimination".

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

The combination and diversity of uses on the site, the amount of parking provided relative to the floor area, as well as the relative size of the site may create an overcrowding of land. Staff does not believe that the proposed use will create undue concentrations of population.

PREVIOUS ACTIONS

Approval of a Change of Zone (COZ 3156) from CP-0 Non-Retail Business District to CP-3 Planned General Commercial District in 2018.

Approval of a Final Development Plan (PR-2018-7) in 2018.

Approval of a Special Use Permit (SP-2018-10) for two (2) years in 2018.

Approval of a Special Use Permit (SP-2020-50) for two (2) years in 2020.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on November 28, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Parking

Traffic

Noise

Illumination

Compliance with previous requirements

Storage Container

Storage of other materials

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit **SP2022-104**, for **two (2) years**, subject to:

1. The applicant shall dedicate the proposed landscape easement with the Register of Deeds;
2. Additional landscaping shall be installed along Meadowlark in the form of trees, bushes, hedges, or shrubs;
3. Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 302,988 square feet, requiring 44 trees be provided on the site plan. The applicant must maintain all existing trees or landscaping and replace any landscaping that dies;
4. The storage container must be moved to the southwest corner of the parking lot;
5. Any miscellaneous materials must be stored either in the storage container or inside. Miscellaneous materials shall not be stored outdoors in an unorganized manner;
6. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
7. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable

Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
12. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends

APPROVAL of Petition **SP2022-104** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

December 12, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Landscaping Plan
Neighborhood Meeting Materials
Site Photos, Taken by Staff, Dated November 14, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	December 12, 2022	January 12, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy, Planner
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-104** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-104** as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 12, 2022 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2022-104 – ANDREA TAPIA WITH KCK HOUSING AUTHORITY – SYNOPSIS: Renewal of a Special Use Permit (SP-2020-50 – expired 9/3/2022) to operate a truck fleet maintenance center for the Kansas City Kansas Housing Authority at 1300 Meadowlark Lane. Detailed Outline of Requested Action: The applicant, Andrea Tapia, with the Kansas City, Kansas Housing Authority, is requesting a renewal of a Special Use Permit (SP-2020-50), to continue to operate a light auto-repair and general maintenance facility for the Kansas City, Kansas Housing Authority's vehicle fleet, as well as keep a storage container on site, at 1300 Meadowlark Lane.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative).

Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publications in The Echo for the Special Use Permits; and,
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone requests that an item be removed from the Consent Agenda."

Chairman Carson asked if any member of the Commission, staff or public wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Mr. Connelly, seconded by Mrs. Jones, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

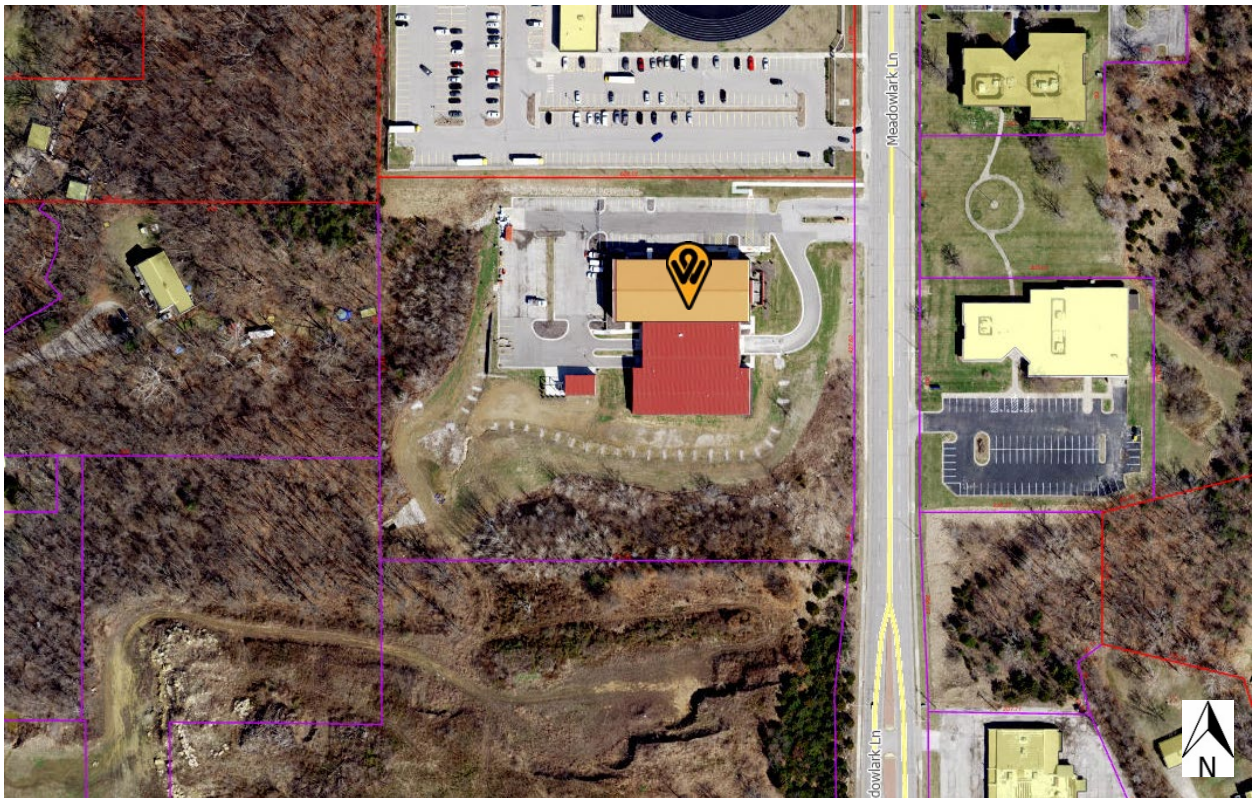
Carson	Chairman
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Not Present
Beth	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Motion to APPROVE Passed: 9 to 0	
Subject to:	

1. The applicant shall dedicate the proposed landscape easement with the Register of Deeds;
2. Additional landscaping shall be installed along Meadowlark in the form of trees, bushes, hedges, or shrubs;
3. Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 302,988 square feet, requiring 44 trees be provided on the site plan. The applicant must maintain all existing trees or landscaping and replace any landscaping that dies;
4. The storage container must be moved to the southwest corner of the parking lot;
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7. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
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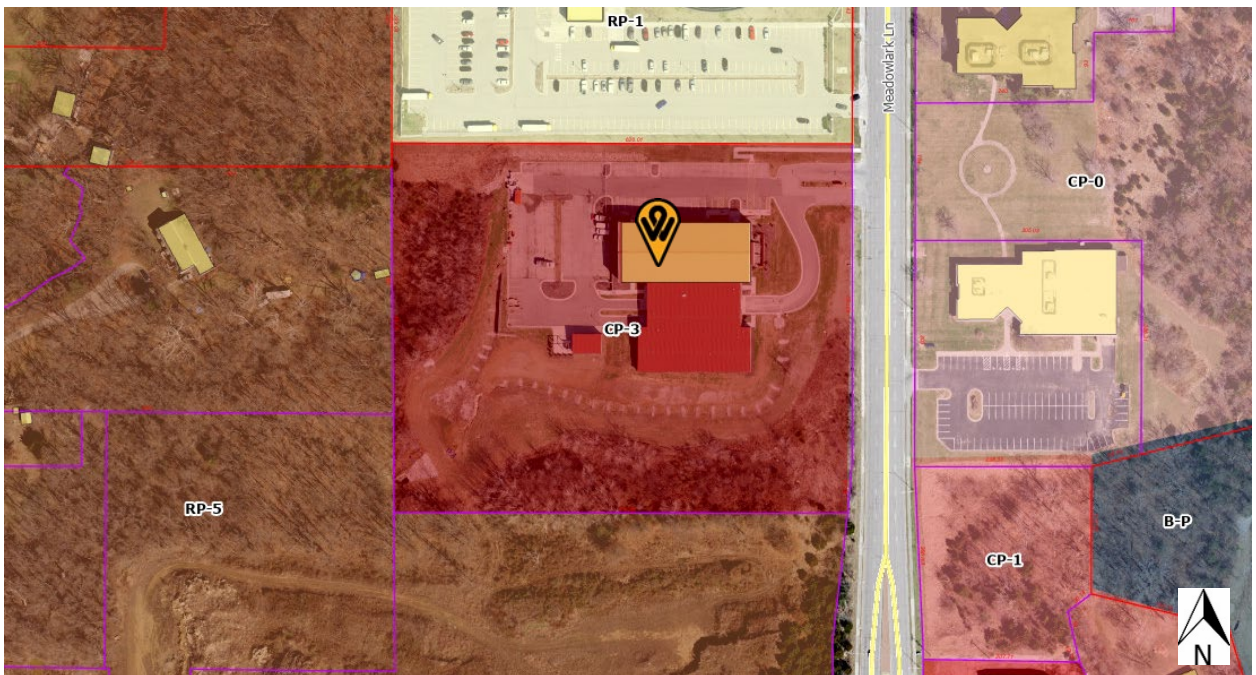
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- 11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 12. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,**
- 13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

ATTACHMENTS

AERIAL IMAGERY



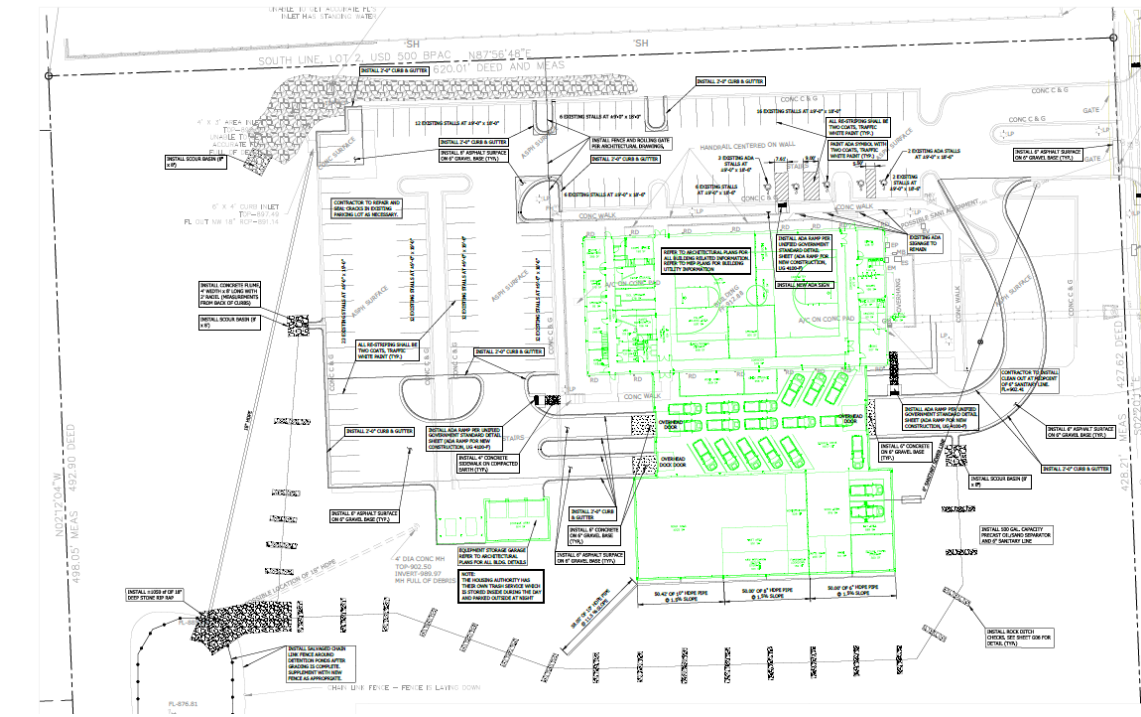
ZONING MAP



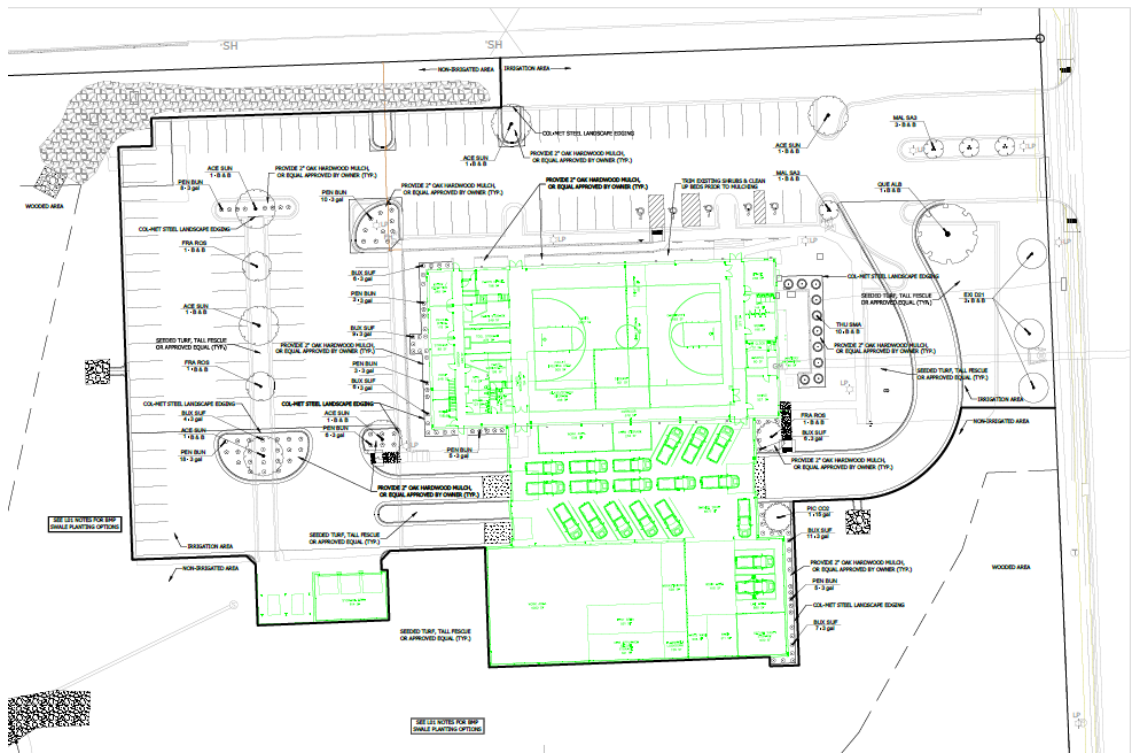
LAND USE MAP – CITY-WIDE MASTER PLAN



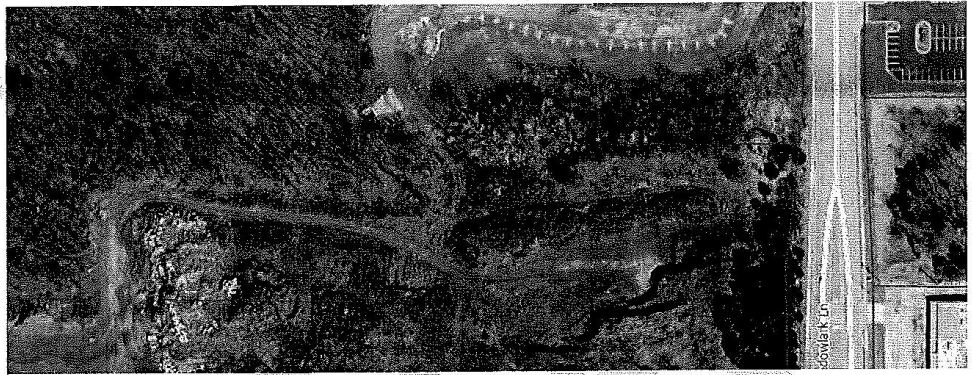
SITE PLAN



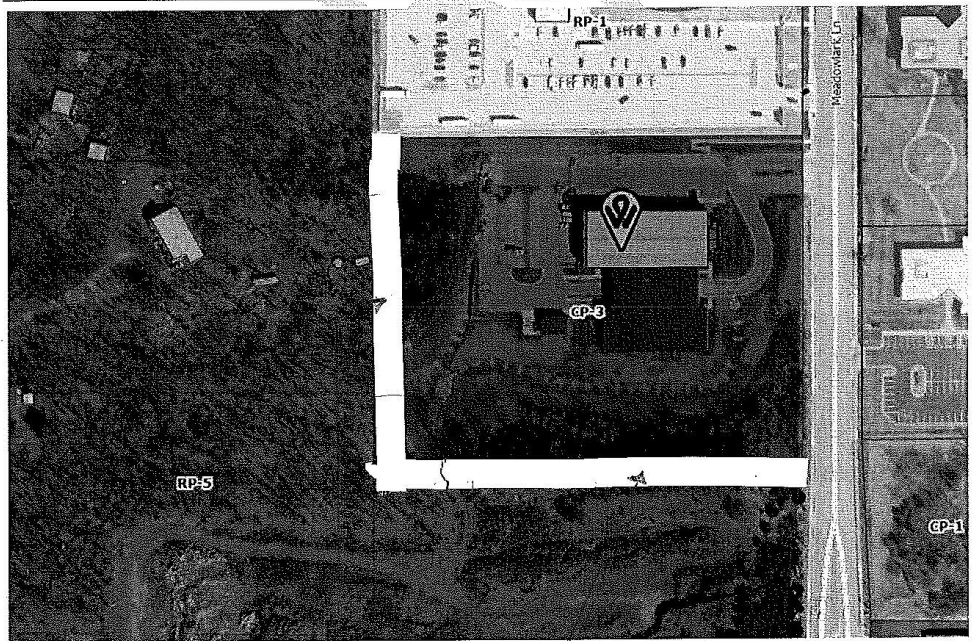
LANDSCAPE PLAN



EASEMENT EXHIBIT AND DESCRIPTION



ZONING MAP



50' Green Space Landscape EASEMENT

SP2022-104

December 12, 2022

GREEN SPACE EASEMENT

The South 50 feet of, and the West 50 feet of, the below described tract of land

LEGAL DESCRIPTION

A tract of land in the East ½ of Fractional Section 2, Township 11 South, Range 24 East, in Kansas City, Wyandotte County, Kansas, described as follows: Beginning at a point, said point being the Southwest corner of Lot 2, USD 500 BPAC, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas; thence North 87 degrees, 56 minutes, 48 seconds East, along the South line of said Lot 2, a distance of 620.01 feet to a point on the West right-of-way line of Meadowlark Lane; thence South 02 degrees, 20 minutes, 11 seconds East, along said West right-of-way line of Meadowlark Lane, a distance of 428.21 feet; thence continuing on said West right-of-way line, South 05 degrees, 27 minutes, 17 seconds West, a distance of 65.87 feet; thence South 87 degrees, 31 minutes, 17 seconds West, a distance of 612.25; thence North 02 degrees, 12 minutes, 04 seconds West, a distance of 498.05 feet to the Point of Beginning. Containing 307,367.64 square feet, or 7.06 acres.

Commonly known and addressed as 1300 Meadowlark Lane. Parcel number #920111.

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition # 2022-104
2. That I conducted a neighborhood meeting on 11/28/2022
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of November, 2022.

My commission expires 14th of December, 2023.



Notary Public

Special Permit Request
SP2022-104
Monday November 28, 2022
4:30 PM

Attendees:

Anthony Shomin
Sue Martin

KCKHA Director of Contract Administration
KCKHA Administrative Assistant

Meeting was opened via Zoom at 4:20 p.m. and continued until 5:00 p.m. There were no other participants. Meeting was adjourned.

Note: To date no one has contacted Tony Shomin by phone or email with any concerns, in favor of, or opposed to, this Special Permit.

SITE PHOTOS, TAKEN BY STAFF, DATED NOVEMBER 14, 2022



SITE PHOTOS, TAKEN BY STAFF, DATED NOVEMBER 14, 2022, CONTINUED



SITE PHOTOS, TAKEN BY STAFF, DATED NOVEMBER 14, 2022 CONTINUED





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 12, 2023

Re: Special Use Permit Petition SP2022-105

GENERAL INFORMATION

Applicant:

John Davidson DBA
Davidson Architecture and Engineering

Status of Applicant:

Engineer, Consultant
4301 Indian Creek Parkway
Overland Park, KS 66207

Requested Actions:

Approval of a Special Use Permit.

Date of Application:

October 6, 2022

Purpose:

To begin the operation of a truck terminal with heavy truck maintenance and repair.

Property Location:

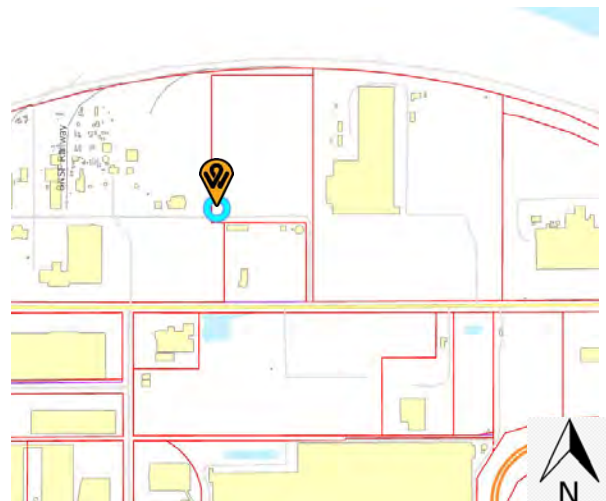
5010 Speaker Road
Kansas City, Kansas 66106

Commission Districts:

Commissioner At Large, District #2: Tom Burroughs
District #6 Commissioner: Angela Markley

Existing Zoning:

M-3 Heavy Industrial District



Adjacent Zoning:	North: None (Kansas River) South: M-3 Heavy Industrial District East: M-3 Heavy Industrial District West: M-3 Heavy Industrial District
Adjacent Uses:	North: Kansas River, Levee Trail South: KDOT Truck Maintenance Facility East: USPS Distribution and Sort Center West: Chemical Manufacturing Plant
Total Tract Size:	19.0 Acre
Master Plan Area:	The Subject Property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates the property's land use as Industrial. The Industrial land use designation features industrial processing, manufacturing, heavy truck traffic, excessive noise, noxious uses, and outdoor storage. Allowed uses include manufacturing, processing, warehousing, distribution, salvage, mining or mineral extraction, and limited commercial service usages. Discouraged uses include any residential use.
Major Street Plan:	The City-Wide Master Plan designates this tract of Speaker Road as a Class C Thoroughfare.
Parking Requirement:	M-3 District: Section 27-470(f) requires a parking ratio of one (1) parking space for every 500 feet up to 20,000 square feet of building area, and one (1) parking space for every additional 1,000 square feet of building area thereafter. The subject property has two (2) proposed buildings with 10,800 square feet and 41,400 square feet totaling 52,200 square feet thus requiring 73 parking spaces and 185 parking spaces are provided, meeting this requirement.
Advertisement:	<u>The Wyandotte Echo</u> – November 17, 2022 Letters to Property Owners – November 18, 2022
Public Hearings:	December 12, 2022 and January 12, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, John Davidson of Davidson Architecture and Engineering, is seeking the approval to operate a truck terminal and heavy truck maintenance facility at 5010 Speaker Road. The subject property is in an industrial block near the intersection of I-635 and K-32 Highways. The applicant represents North American Services, a trucking company which currently operates a property at 5510 Kansas Avenue, although the company is wishing to expand and have a permanent company-owned development as opposed to a leasing. The owner has recently purchased the property as a vacant lot and is proposing two new structures, one for truck maintenance and one for the terminal.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building or Code Enforcement Complaints:

1. There are no building enforcement complaints.
2. There are no code enforcement complaints.

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Code Inspection Cases.
2. The subject property has no related or recent Planning and Zoning Cases.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is industrial in nature and the subject property is surrounded by uses that are of similar industrial nature. Lots are generally large to accommodate warehouses, manufacturing equipment, and similar activities. Speaker road is concrete and improved to accommodate heavy traffic while interior frontage roads are often gravel or asphalt. Lots across Speaker Road are large with deep setbacks and are typically between 10 and 60 acres.

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

The zoning uses of the nearby properties are set out above. Other uses in the area include manufacturing plants of hazardous, noxious, or of an unsightly nature as well as a truck maintenance facility for KDOT. Heavy automotive or truck repair is not prohibited, although it requires a Special Use Permit to operate. The proposed development should not impact the Class C Thoroughfare's ability to accommodate it as the same type of vehicles will be used for the operation.

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

The property is suitable for an industrial purpose including heavy automotive repair or terminal activity is managed properly. Nearby properties engage in activities of a similar activity and the operation of a truck terminal with heavy truck maintenance will not affect nearby property if managed appropriately.

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

The property has never been developed but used as farmland. It was previously owned by Harcos Chemicals, but has changed ownership a number of times without development.

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

Special Use Permits are not addressed in the City-Wide Master Plan. The City-Wide Master Plan designates the property's land use as Industrial. The Industrial land use designation features industrial processing, manufacturing, heavy truck traffic, excessive noise, noxious uses, and outdoor storage. Allowed uses include manufacturing, processing, warehousing, distribution, salvage, mining or mineral extraction, and limited commercial service usages. Discouraged uses include any residential use. The subject property is currently a heavy industrial use, and its land use is not changing with this plans review, therefore the subject property maintains a high degree of conformance to the Master Plan.

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

The proposed use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the Class C Thoroughfare, as it is designed to handle heavy industrial traffic. The applicant shall maintain or create access agreements with adjacent property owners to ensure traffic flow is circular and to avoid overcrowding at entrance gates.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, as those who benefit will be those who patronize the property for sales purchases. There will be some economic benefit to the public as there is a new taxable development. The use will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjacent property given the industrial nature of surrounding uses if managed appropriately.

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

Noise, dust, vibration, and illumination are issues related to heavy truck repair, however, the subject property is surrounded by uses of a similar nature as this district is designed for such intense uses. The proposed use will not create problems for nearby properties.

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

The proposed use will not pollute the air, land, or water as long as proper erosion control measures are taken during construction and proper disposal and care of automotive chemicals and tires is maintained. There are some concerns about increased air quality issues, although if the trucks are maintaining their air quality equipment as required by EPA or other standards, this should not be an issue.

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

The proposed use will not damage or destroy an irreplaceable natural resource if managed appropriately during construction and through operation.

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

The relative gain or loss to the public health, safety, and welfare is minimal as it provides a private service rather than public benefit. If denied, the business would need to find a different location to operate their business from and sell the property.

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

Overcrowding of buildings or automobiles should not be a problem if the use is managed appropriately. There is adequate acreage to accommodate desired vehicles and buildings for the trucking and repair operation as well as staff in the front offices.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Teams on November 28, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Neighborhood Character
Parking
Noise
Traffic
Landscaping
Traffic and Driveway Access
Dust and Noxious Uses
Automotive Use
Fencing
Levee Trail

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit **SP2022-105** for **two (2) years**, subject to:

1. Trash shall be disposed of in a trash enclosure complying with the Sec. 27-699(b)(5). Tire, oil and other chemical disposal shall be disposed of in accordance local, State and Federal regulations;
2. The timber stand on the north and northeast of the property shall be preserved as much as possible. The graded area in the northeast corner shall have additional trees planted where disturbed, damaged, or dead to better control long-term erosion and maintain aesthetics along the Levy Trail;
3. No gravel shall be introduced to the property;
4. No parking or idling shall be allowed along the driveway stretch from Speaker Road to the main part of the property;
5. Access Agreements must be preserved and maintained (or created if non-existent) between all parties who utilize the gate for adequate traffic flow;
6. Additional comments by staff during the building permitting process may result in additional revisions prior to the issuance of a building or site permit. All comments by Planning Engineering shall be completed as required and detailed in the separate letters to the applicant;
7. The Board of Public Utilities (BPU) has recently revised their requirements for transformer screening. Please verify the transformer meets these requirements or revise:
 - a) Gate doors are required for all types of screening that are placed in front of the transformers;

- b) Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10' clearance from pad when gate doors open;
 - c) Posts for gate doors must be installed a minimum distance of 10' apart in the front;
 - d) For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inch of space between each slat;
 - e) Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g. blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings);
 - f) Pad must have a minimum clearance of 6' on each side, 6' on the back and five (5) feet on the front allowing for 10' on the front when gate doors open;
- 8. Staff accommodations in the maintenance shop shall include appropriate and adequate restrooms and changing facilities for all persons who are legally allowed to work regardless of gender identity or orientation;
 - 9. Fencing must comply with all UG ordinances as specified in Chapter 8 of the Unified Government Code of Ordinances;
 - 10. A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;
 - 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 - 12. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
 - 13. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
 - 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. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 16. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;
 17. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
 18. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The

property may also be subject to enforcement actions and administrative citations;

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners **APPROVE** Case **SP2022-105** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 12, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Plans
Neighborhood Meeting Information
Staff Site Visit Photos dated November 11, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing		
Special Use Permit	December 12, 2022	January 12, 2023
	Approval	

STAFF CONTACT: Kallie McLaughlin
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-105** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-105** as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 12, 2022 City Planning Commission Minutes:

Hearing starts at 4:11:00:

SPECIAL USE PERMIT APPLICATION SP2022-105 – JOHN DAVIDSON WITH DAVIDSON ARCHITECTURE - SYNOPSIS: Special Use Permit for the operation of a truck terminal and maintenance shop at 5010 Speaker Road. Detailed Outline of Requested Action: The Applicant, John Davidson of Davidson Architecture and Engineering, is seeking the approval to operate a truck terminal and heavy truck maintenance facility at 5010 Speaker Road. The subject property is in an industrial block near the intersection of I-635 and K-32 Highways. The applicant represents North American Services, a trucking company which currently operates a property at 5510 Kansas Avenue, although the company is wishing to expand and have a permanent company-owned development as opposed to a leasing. The owner has recently purchased the property as a vacant lot and is proposing two new structures, one for truck maintenance and one for the terminal.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- John Davidson, applicant, Davidson Architecture and Engineering, 4301 Indian Creek Parkway, Overland Park, Kansas 66207

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:14:15: Planning Director Hand stated that the request is for a Special Use Permit for a heavy truck operation on a recently vacated property. Staff has received no letters in support nor opposition. There are no Notices of Violation on this property. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 4:14:55:

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

SP2022-105 for two (2) years:

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

Motion to recommend **APPROVAL** Passed: 9 to 0

Subject to:

1. **Trash shall be disposed of in a trash enclosure complying with the Sec. 27-699(b)(5). Tire, oil and other chemical disposal shall be disposed of in accordance local, State and Federal regulations;**

2. The timber stand on the north and northeast of the property shall be preserved as much as possible. The graded area in the northeast corner shall have additional trees planted where disturbed, damaged, or dead to better control long-term erosion and maintain aesthetics along the Levy Trail;
3. No gravel shall be introduced to the property;
4. No parking or idling shall be allowed along the driveway stretch from Speaker Road to the main part of the property;
5. Access Agreements must be preserved and maintained (or created if non-existent) between all parties who utilize the gate for adequate traffic flow;
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7. The Board of Public Utilities (BPU) has recently revised their requirements for transformer screening. Please verify the transformer meets these requirements or revise:
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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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;

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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. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
16. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and

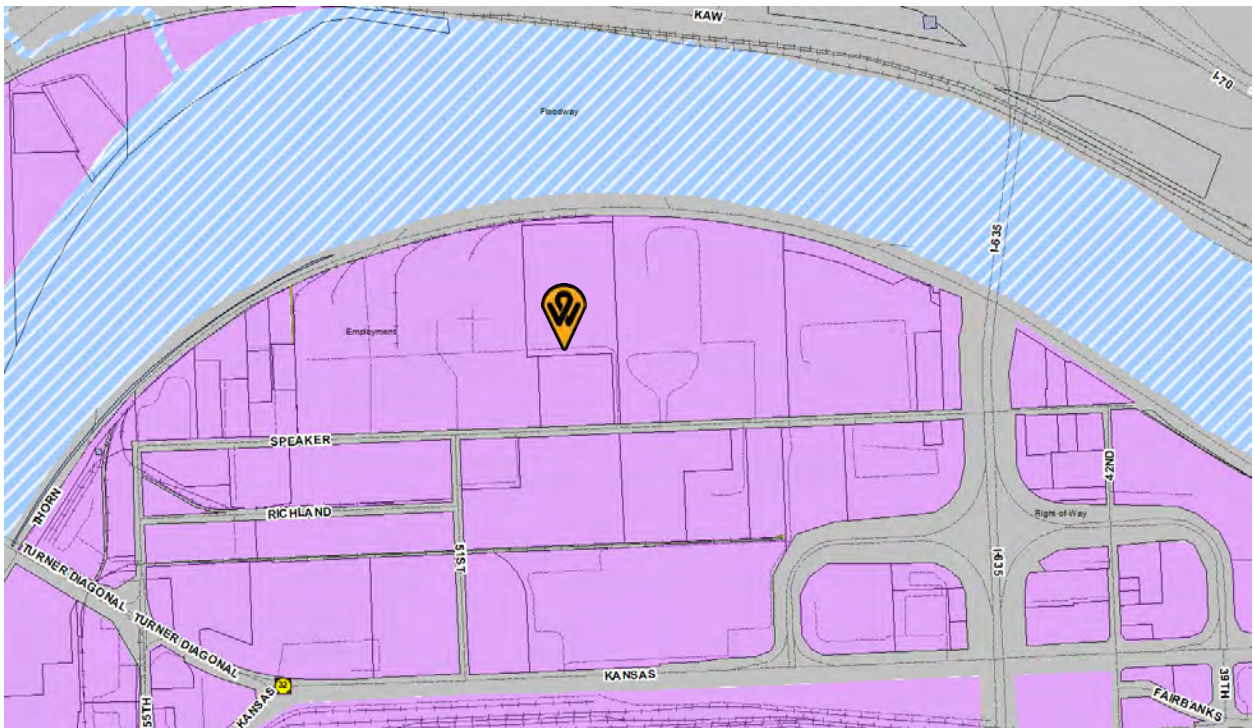
- requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;
17. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
 18. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 20. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit 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;
 21. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

AERIAL MAP

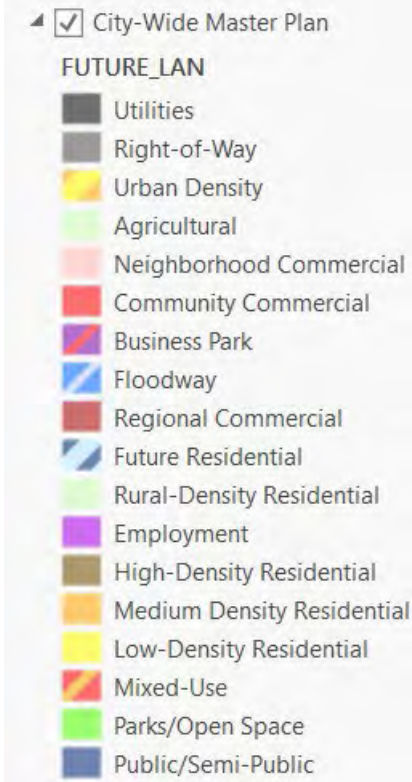


ZONING MAP



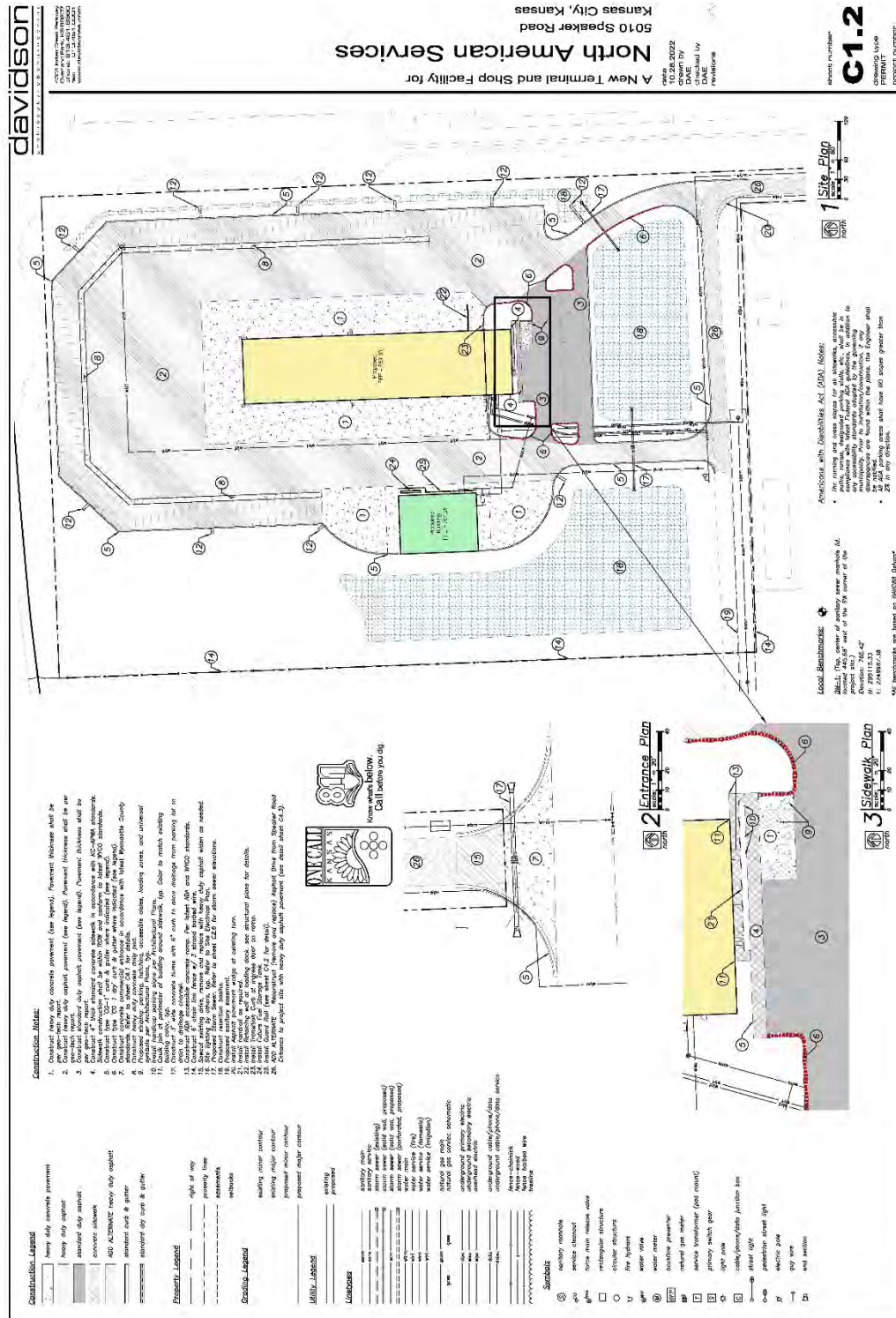


LAND USE MAP



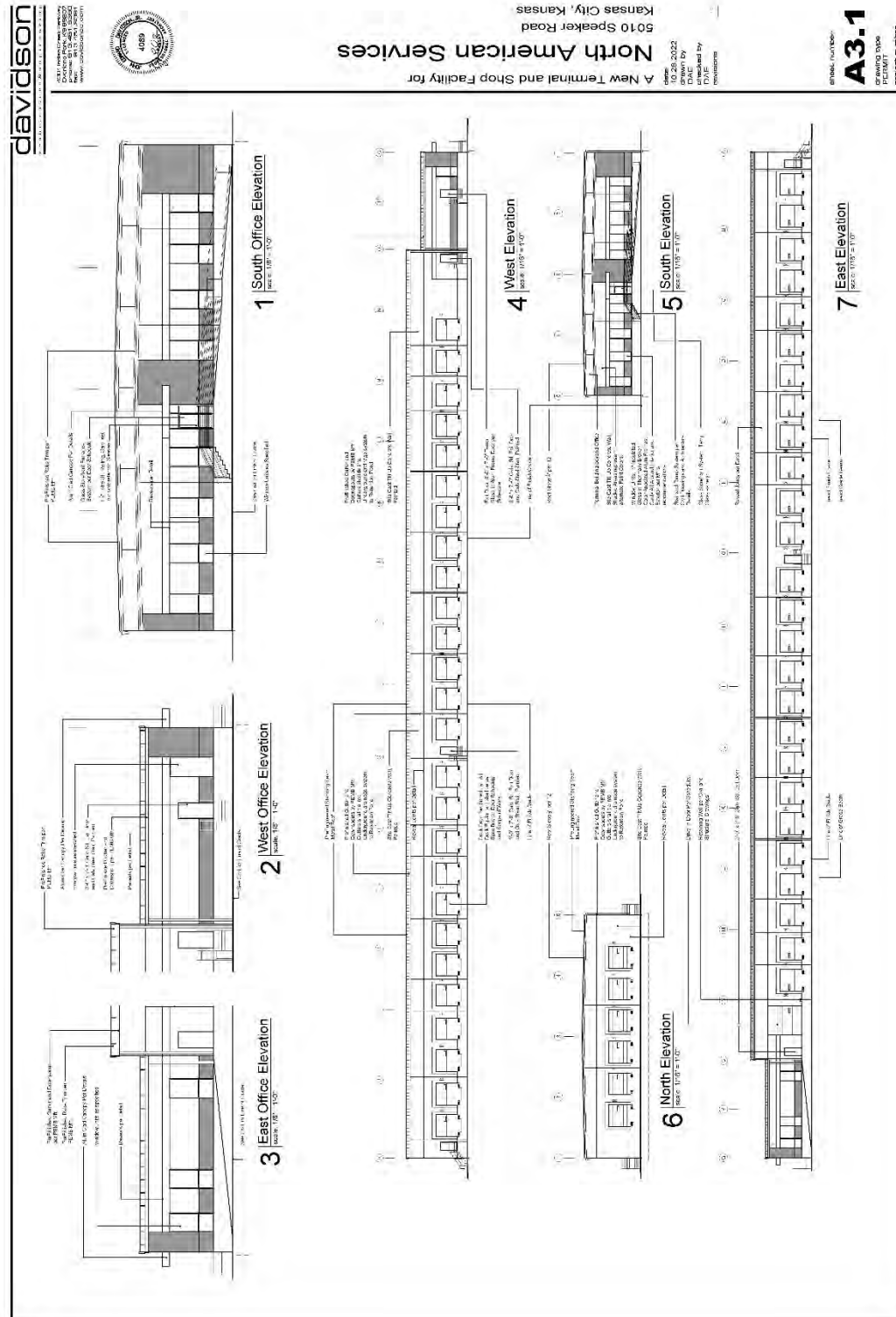
APPLICANT'S PLANS

Note: A full set of plans is available upon request



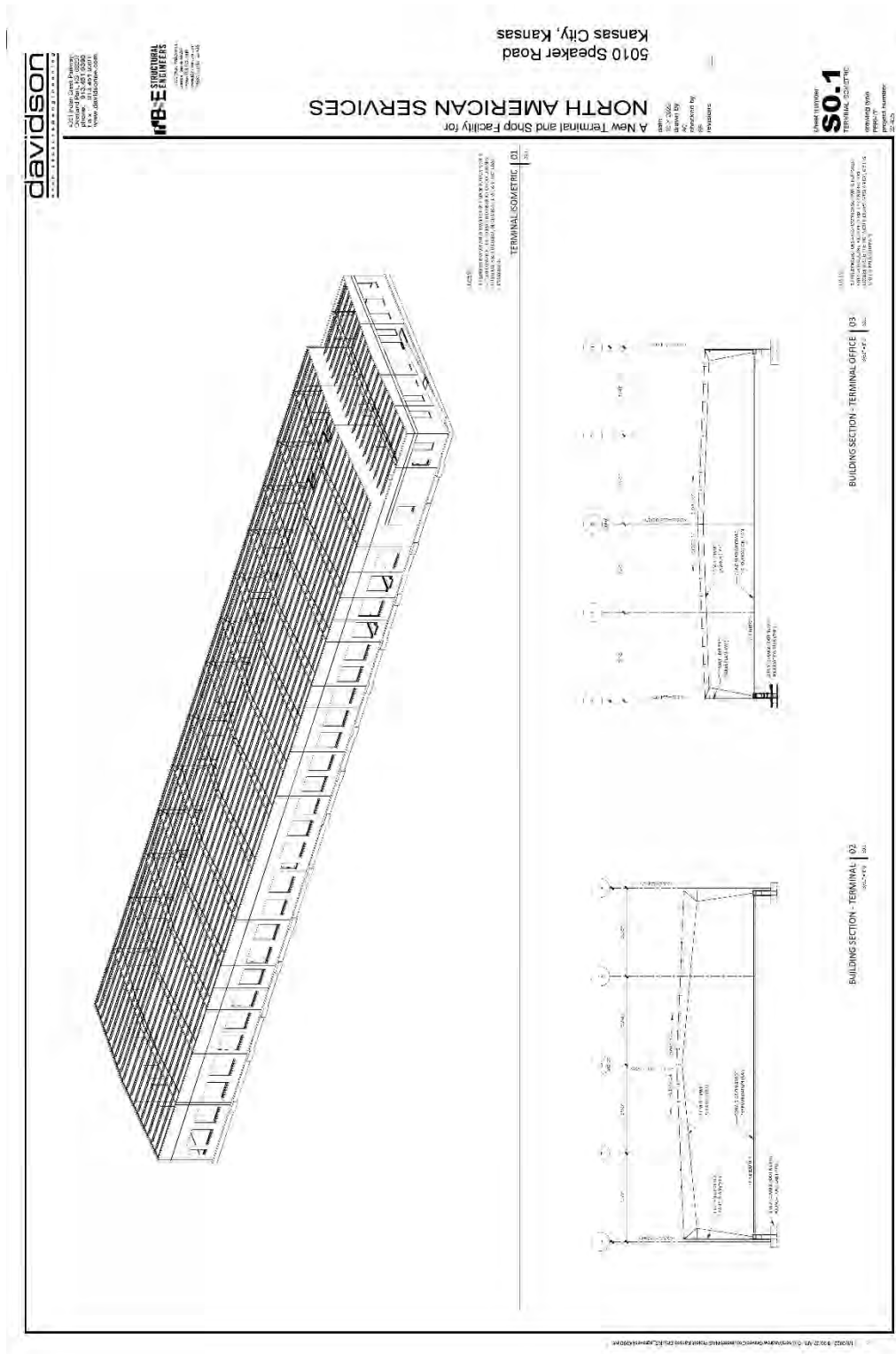
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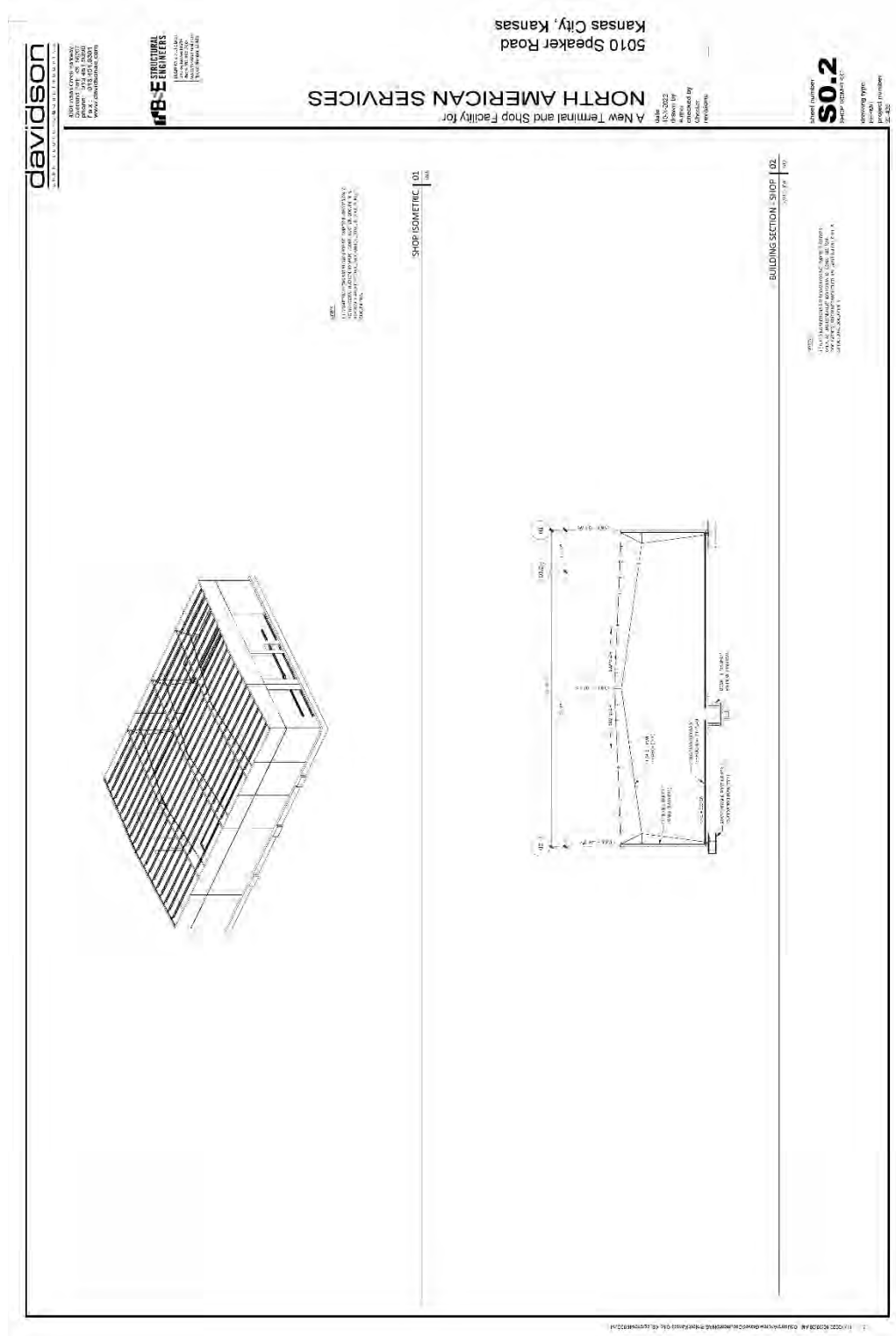
APPLICANT'S PLANS

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APPLICANT'S PLANS

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NEIGHBORHOOD MEETING INFORMATION



Date: 11.10.2022

North American Services – Maintenance Building
5010 Speaker Road
Kansas City, Kansas

SUBJECT: Neighborhood Meeting

Davidson Architecture & Engineering has filed an application with the Department of Urban Planning and Land Use #SP2022-105 – 5010 Speaker Road. The purpose of this:

➤ special use permit

is for a Truck Maintenance Facility to service North American Services new Terminal Facility, at 5010 Speaker Road, Kansas City, Kansas.

We are having a neighborhood meeting at 4:00 p.m., via Teams Meeting Monday, November 28th. If you are interested in attending this Teams meeting, please send your email address to john@davidsonae.com, prior to the meeting and we will get you and invite.

If you cannot make this meeting or would prefer to discuss this in private please feel free to email me at the above address or call my office at 913.451.9390 and reference the Special Use Permit for NAS.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "John E. Davidson".

John E. Davidson, AIA
Davidson Architecture & Engineering, LLC
4301 Indian Creek Parkway
Overland Park, Kansas 66207

 4301 INDIAN CREEK PARKWAY OVERLAND PARK, KANSAS 66207 • 913.451.9390 • DAVIDSONAE.COM 

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) ss:

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

1. That I am the petitioner for Petition # SP 2022-105
2. That I conducted a neighborhood meeting on 11-28 @ 4:00 PM
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

John Davidson
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29th day of November 2022

My commission expires 17th of May 2025



Angela Reed
Notary Public

NEIGHBORHOOD MEETING INFORMATION

From: [John Davidson](#)
To: [Parker, Janet](#)
Cc: [Paul Miller](#); ddean@millerstauch.com; [McLaughlin, Kallie](#)
Subject: SP2022-105 Neighborhood Meeting
Date: Tuesday, November 29, 2022 9:11:52 AM
Attachments: [NAS mailing.pdf](#)
[Neighborhood Meeting Request.pdf](#)
[NAS.Neighborhood.paperwork.pdf](#)

Janet,

Please accept this email as our meeting notes requirement and signed Affidavit (attached).

Attendees:

John E. Davidson, AIA – Host
Paul Miller, PE – DA+E Civil Engineer
Keegan Amos, AIA – DA+E Architect
Dwane Fuller, Eng Mgr., Harcros Chemicals

Discussions:

- Shared Proposed Site Plan and Building arrangement.
- Discussed Sanitary Sewer Extension.
- Discussed Stormwater Retention, keeping any grading out of 500' levee boundary
- Discussed New Fencing between properties
- Discussed number of truck related movements in a day
- Discussed schedule, grubbing in December, waiting for permitting comments, spring construction fall completion.

Mr. Fuller was the only response we received to our letter to the neighbors. We have had no other questions or contact at this time.

Let me know if you need any other information from our office.

Thanks,

John E. Davidson, AIA
Managing Partner

davidson a+e | "uniquely different by design"
p. 813.451.9390 | c. 816.896.2182

STAFF SITE VISIT PHOTOS DATED NOVEMBER 11, 2022



STAFF SITE VISIT PHOTOS DATED NOVEMBER 11, 2022





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 12, 2023

Re: Preliminary and Final Plan Review Petition PR2022-032

GENERAL INFORMATION

Applicant:

Josh Beuerlein

Status of Applicant:

Owner
4J Enterprises LLC
8247 Leavenworth Road
Kansas City, Kansas 66109

Requested Action:

Approval of a Preliminary and Final Development Plan.

Date of Application:

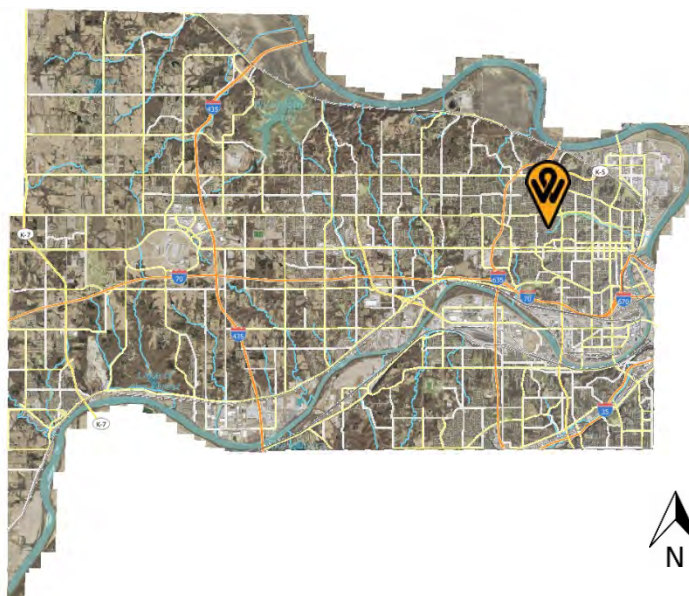
August 26, 2022

Purpose:

To approve a Preliminary and Final Development Plan to construct one (1) new building on-site and expand the existing parking lot to accommodate a speech therapy business.

Property Location:

8247 Leavenworth Road
Kansas City, Kansas 66109



Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #5 Commissioner: Mike Kane
Existing Zoning:	CP-0 Planned Nonretail Business District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Existing Uses:	North: Single family residences and undeveloped land South: Single family residences East: Single family residences West: Single family residences
Total Tract Size:	0.38 Acres
Master Plan Area:	The subject property is within the City-Wide Master Plan area.
Master Plan Designation:	The City-Wide Master Plan designates this property As Low-Density residential, which allows single-family homes. This use will require a Master Plan Amendment.
Major Street Plan:	The Major Street Plan designates Leavenworth Road as Class A Thoroughfare.
Parking Requirement:	Section 27-463(e) states “uses in this district, except those situated in the area herein described as the central business district, require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building”. Parking Provided: 15 Spaces Parking Required: Undetermined, Insufficient Review Materials
Advertisement:	Property Owner Letters – September 15, 2022, October 4, 2022, and November 7, 2022 <u>Wyandotte Echo</u> – Not Required
Public Hearings:	December 12, 2022 and January 12, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Josh Beuerlin, is requesting a Preliminary and Final Development Plan Review, to construct one (1) new structure and expand the parking lot to accommodate an expansion of a speech therapy business at 8247 Leavenworth Road.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no Noise or Disturbance Complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. 2022 – DRC22-0052 – Development Review Committee

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is a primarily residential neighborhood, consisting of single-family residences, on lots with generous setbacks, with limited multi-family residences and limited commercial. Leavenworth Road is a mixed-use corridor, with commercial nodes at major intersections and less intense commercial centers throughout the corridor.

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

The proposed development will inherently lead to an increase of traffic, as it an expansion of an existing use, however, the proposed use is not expected to increase traffic to the point where it would exceed the capacity of Leavenworth Road, a Class A Thoroughfare.

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

The proposed use does not conform to the Master Plan designation, as it is a proposed office use, rather than a single-family residence, or an institution, such as a church, school, library, or a park. A Master Plan Amendment to Community Commercial (City-Wide Master Plan) is required for this development.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

The UG provides sanitary sewer service.

c. *Storm water control*

The UG provides storm water control.

d. *Police*

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

e. *Fire*

Fire service is provided by Station #4, which is three (3) blocks away from the subject property.

f. *Transit*

Transit service is provided by KCATA along route #113 – Leavenworth Road, which stops in front of the subject property.

g. *Schools*

Public Education is provided by White Church and Bethel Elementary, Eisenhower Middle School, and Washington High School, under Kansas City, Kansas USD 500.

5. *The capability of the proposed use to meet applicable ordinance and other requirements.*

The applicant will be required to follow the Commercial Design Guidelines for CP-0 Planned Non-Retail Commercial District. With revisions the proposed use is able to meet applicable ordinance and other requirements.

PREVIOUS ACTIONS

No previous actions have been taken on the subject property.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on September 26, 2022.

KEY ISSUES

Commercial Design Guidelines
Site Plan
Elevations
Parking
Pedestrian Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Plan Review **PR2022-032**, subject to:

1. The applicant shall file for a Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Neighborhood Commercial (City-Wide Master Plan) within 60 days of approval by the City Planning Commission;
2. The applicant is requesting a Plan Review for a property zoned CP-0 Non-Retail Business District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for PR2022-032. All listed requirements that are identified as "*have not been met*" must be granted a deviation by the City Planning Commission upon specific request by the applicant during the City Planning Commission meeting;
3. The following requirements of the Commercial Development Guidelines Overlay District have been met:
 - a. Section 27-575(d)(1) states "Projects must be designed to minimize any increased traffic use of neighborhood streets".
 - b. Section 27-575(d)(8) states that "Internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users.
 - c. Section 27-575(d)(9) states that "to the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems".
 - d. Section 27-575(d)(11) states that "Internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces".
 - e. Section 27-575(d)(12) states that "Pedestrian connections must be clearly defined in a combination of two or more of the following ways:"

- i. Six-inch vertical curb;
 - ii. Trellis;
 - iii. Special railing;
 - iv. Bollards;
 - v. Special paving;
 - vi. Low seat wall or other architectural features;
 - vii. Pedestrian scale lighting; and,
 - viii. Traffic calming devices.
- f. Section 27-575(e)(1) states that “the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block”.
- g. Section 27-575(e)(2) Pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision.
- h. Section 27-575(e)(4) states that “Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements”.
- i. Section 27-575(f)(1) states that “There should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots”.
- j. Section 27-575(f)(2) states that “Buildings should be located in such a manner as to minimize conflicts between pedestrians and automobiles”.
- k. Section 27-575(f)(3) states that “Buildings should be oriented primarily to the street”.
- l. Section 27-575(g)(8) states that “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”.
- m. Section 27-575(g)(3) states that “All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times”.
- n. The elevations demonstrate a continuous facade along the South and North elevations. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three of the following techniques:
 - i. Divisions or breaks in materials;
 - ii. Building offsets (projections, recesses, niches);
 - iii. Window bays;
 - iv. Separate entrances and entry treatment; or
 - v. Variation of rooflines
- o. Section 27-576(h)(1) For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior.

- p. **Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.**
 - i. The district requirement is one tree per 7,000 square feet of site area. The 0.38 acre site is 15,998 Square Feet, which would require two (2) trees per the Code of Ordinances.
 - ii. All deciduous trees shall be at least 2½" caliper when planted. All evergreens must be at least 6' in height when planted. All shrubs must be planted at a minimum of 5 gallons.
 - iii. Landscaping shall be irrigated.
 - iv. The proposed plan needs to provide two (2) trees to provide adequate tree cover. Please refer to Sec 27-577(a)(5) to ensure that the tree requirement is met.
- q. **Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. The applicant will need to revise the plan to include the screening shrubs.**
- r. **Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:**
- s. **One tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six feet tall (when planted) provided for every 30 feet of street easement or frontage.**
- t. **Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.**
- u. **Sec. 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.**
 - i. The master plant palette for this development is as follows:
 - ii. Autumn Blaze Maple
 - iii. Armstrong Columnar Maple
 - iv. Imperial Honey Locust
 - v. Autumn Brilliance Serviceberry
 - vi. Eastern Redbud
 - vii. Summer Snow Japanese Tree Lilac
 - viii. Eastern White Pine
 - ix. The Commercial Design Guidelines require that all disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction.
- v. **The Commercial Design Guidelines require that all roof mounted units must be screened by the parapet of the building.**
- w. **All signage shall comply with the sign code;**

4. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met in which the applicant is requesting a deviation for approval:
 - a. Section 27-575(e)(1) states that “the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block”.
 - b. Section 27-575(e)(3) states that “parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback”;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
7. The applicant has filed and maintained a current business occupation tax application with the Business Licensing Division;
8. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
9. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
10. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site

Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,

13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **PR2022-032** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

December 12, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Building Elevations
Engineering Comments provided by Travis Trumble dated September 13, 2022
Site Photos taken by Staff dated September 15, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	December 12, 2022	January 12, 2023
Preliminary and Final Plan	Approval	

STAFF CONTACT: **James Molloy**
 jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-032** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to

resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2022-032**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 12, 2022 City Planning Commission Minutes:

Hearing starts at 4:22:30:

PR2022-032 – JOSH BEUERLEIN WITH 4J ENTERPRISES - SYNOPSIS: Preliminary and Final Plan Review to expand a speech therapy business at 8247 Leavenworth Road. *Detailed Outline of Requested Action:* The applicant, Josh Beuerlin, is requesting a Preliminary and Final Development Plan Review, to construct one (1) new structure and expand the parking lot to accommodate an expansion of a speech therapy business at 8247 Leavenworth Road.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.

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

Present in Support:

- Josh Beuerlein, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:26:10: Planning Director Hand stated that this property is in the City-Wide Master Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report including applying for a Master Plan Amendment to Neighborhood Commercial. Staff requests a change to condition #2 to correct a mistake.

Motion starts at 4:28:35:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2022-032:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

1. The applicant shall file for a Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Neighborhood Commercial (City-Wide Master Plan) within 60 days of approval by the City Planning Commission;
2. The applicant is requesting a Plan Review for a property zoned CP-0 Non-Retail Business District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for PR2022-032. All listed requirements that are identified as *"have not been meet"* must be granted a deviation by the City Planning Commission upon specific request by the applicant during the City Planning Commission meeting;
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 - c. Section 27-575(d)(9) states that "to the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities,

- including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems”.
- d. Section 27-575(d)(11) states that “Internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces”.
 - e. Section 27-575(d)(12) states that “Pedestrian connections must be clearly defined in a combination of two or more of the following ways:”
 - i. Six-inch vertical curb;
 - ii. Trellis;
 - iii. Special railing;
 - iv. Bollards;
 - v. Special paving;
 - vi. Low seat wall or other architectural features;
 - vii. Pedestrian scale lighting; and,
 - viii. Traffic calming devices.
 - f. Section 27-575(e)(1) states that “the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block”.
 - g. Section 27-575(e)(2) Pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision.
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 - n. The elevations demonstrate a continuous facade along the South and North elevations. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three of the following techniques:
 - i. Divisions or breaks in materials;
 - ii. Building offsets (projections, recesses, niches);

- iii. Window bays;
 - iv. Separate entrances and entry treatment; or
 - v. Variation of rooflines
- o. Section 27-576(h)(1) For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior.
- p. Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.
 - i. The district requirement is one tree per 7,000 square feet of site area. The 0.38 acre site is 15,998 Square Feet, which would require two (2) trees per the Code of Ordinances.
 - ii. All deciduous trees shall be at least 2½" caliper when planted. All evergreens must be at least 6' in height when planted. All shrubs must be planted at a minimum of 5 gallons.
 - iii. Landscaping shall be irrigated.
 - iv. The proposed plan needs to provide two (2) trees to provide adequate tree cover. Please refer to Sec 27-577(a)(5) to ensure that the tree requirement is met.
- q. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. The applicant will need to revise the plan to include the screening shrubs.
- r. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
- s. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six feet tall (when planted) provided for every 30 feet of street easement or frontage.
- t. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.
- u. Sec. 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.
 - i. The master plant palette for this development is as follows:
 - ii. Autumn Blaze Maple
 - iii. Armstrong Columnar Maple
 - iv. Imperial Honey Locust
 - v. Autumn Brilliance Serviceberry
 - vi. Eastern Redbud
 - vii. Summer Snow Japanese Tree Lilac
 - viii. Eastern White Pine
 - ix. The Commercial Design Guidelines require that all disturbed areas within the development shall be brought to finished

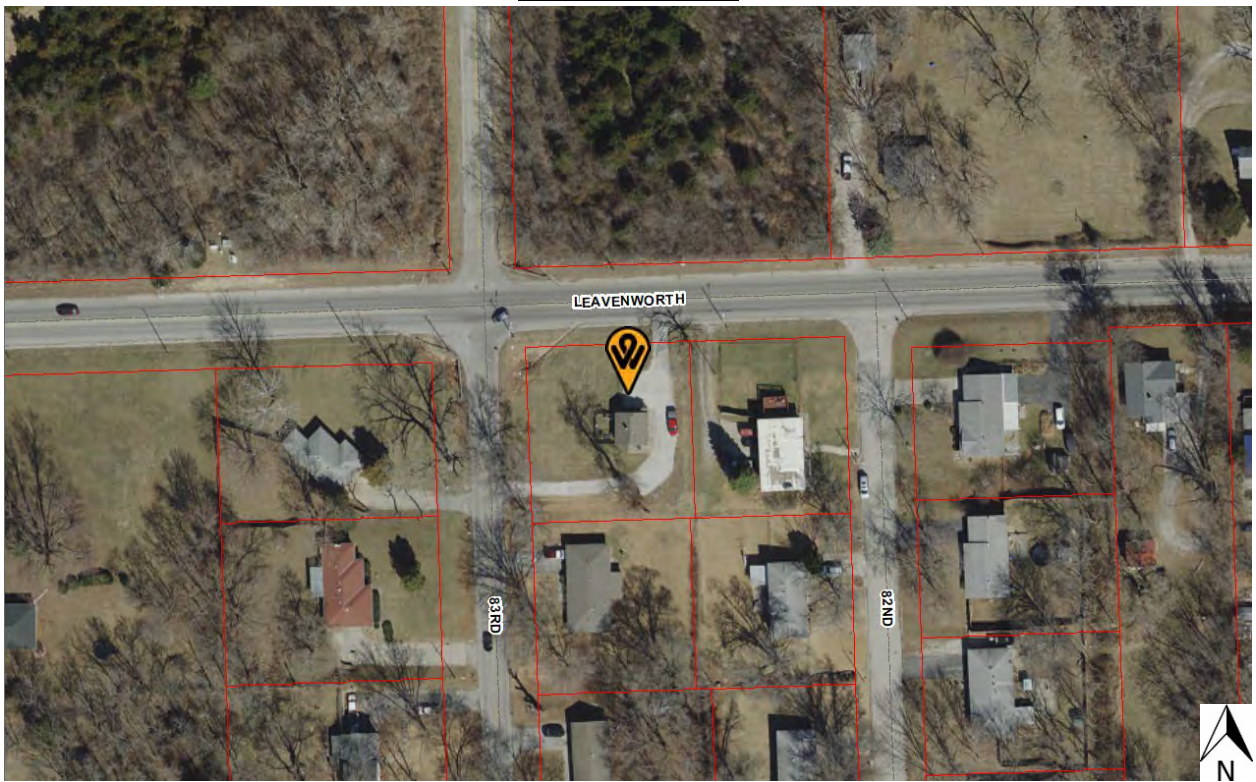
grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction.

- v. The Commercial Design Guidelines require that all roof mounted units must be screened by the parapet of the building.
 - w. All signage shall comply with the sign code;
4. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met in which the applicant is requesting a deviation for approval:
- a. Section 27-575(e)(1) states that “the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block”.
 - b. Section 27-575(e)(3) states that “parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback”;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
7. The applicant has filed and maintained a current business occupation tax application with the Business Licensing Division;
8. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
9. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
10. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
11. All existing and future driveways must feature curb cuts that are constructed to UG standards;

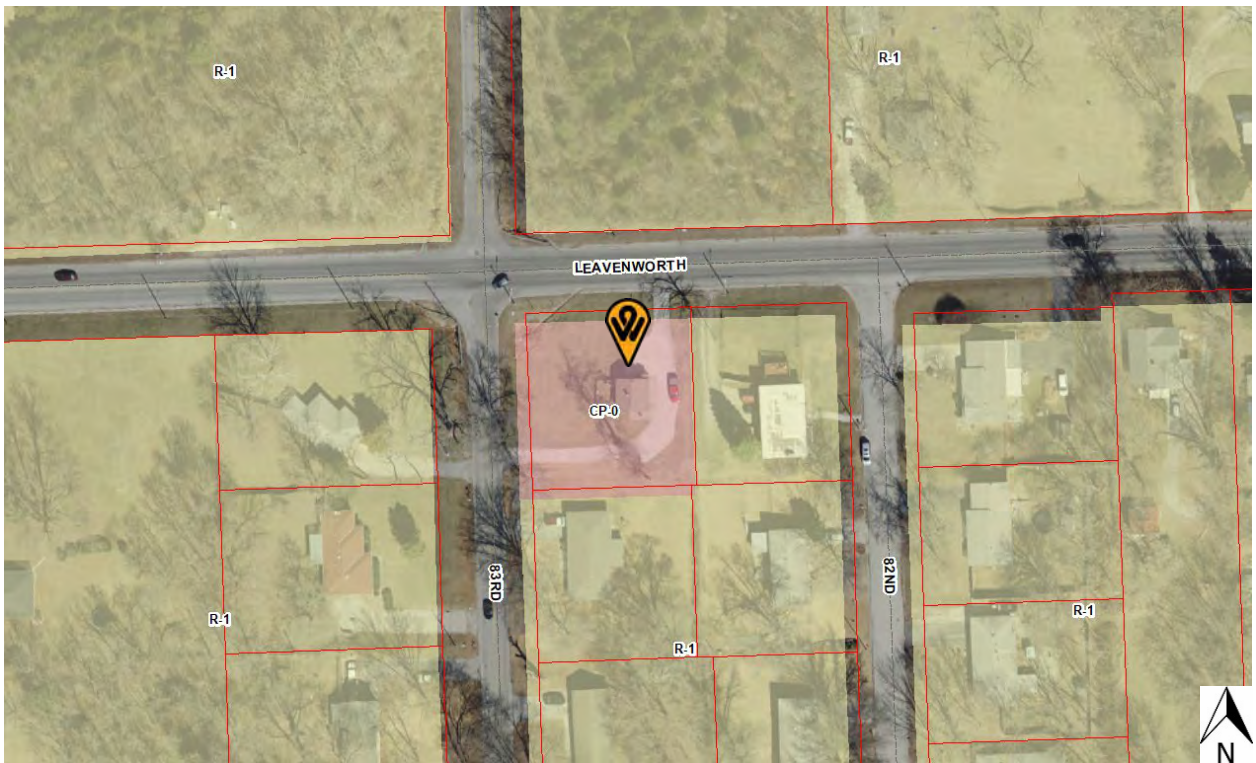
- 12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,**
- 13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.**

ATTACHMENTS

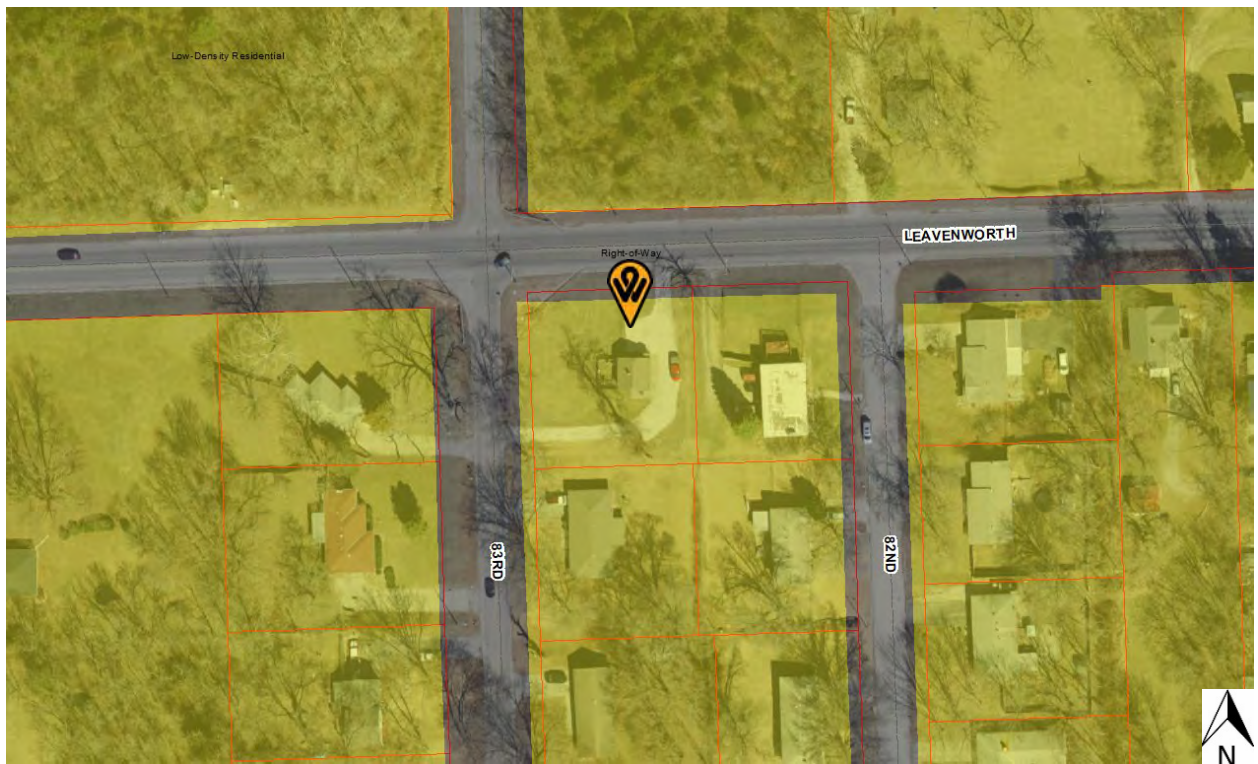
AERIAL IMAGERY



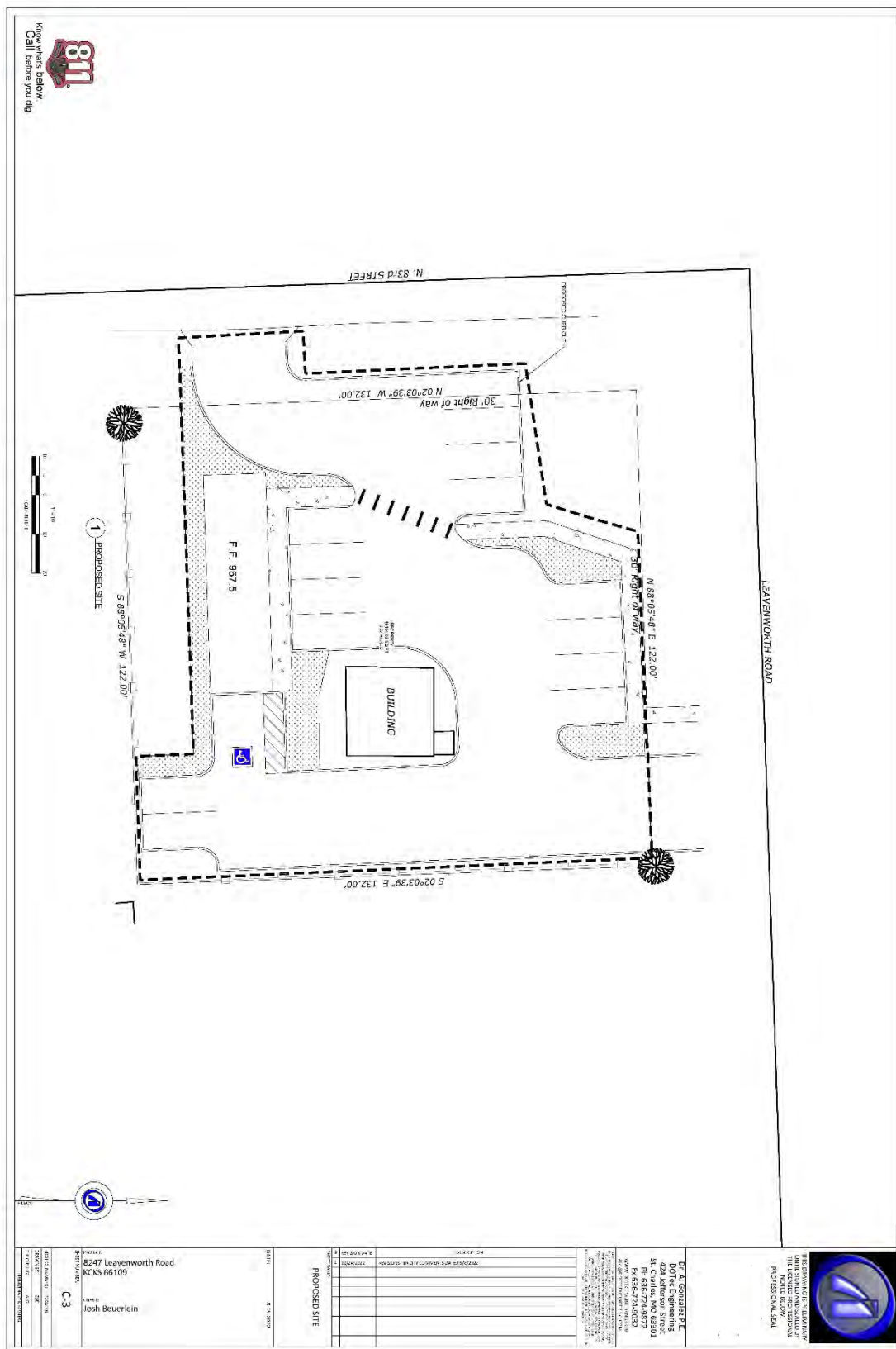
ZONING MAP

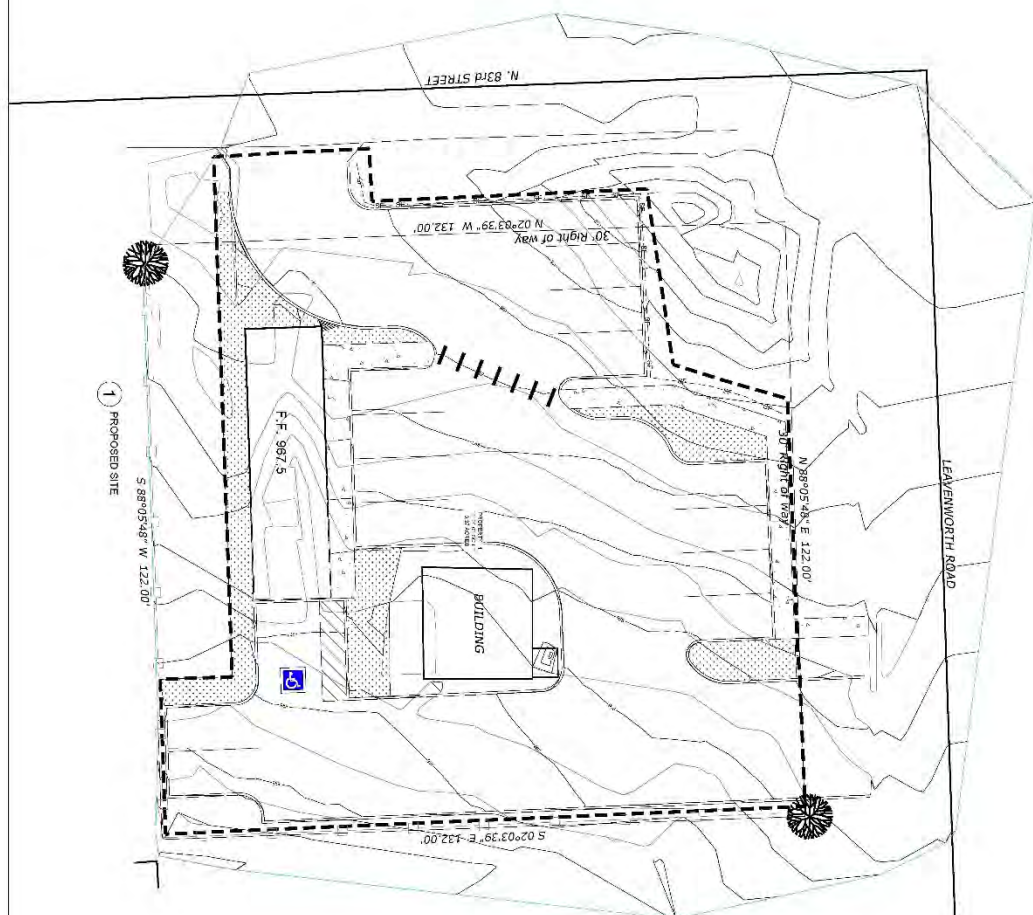


LAND USE MAP



SITE PLAN





ESTIMATED EARTHWORK QUANTITIES

1. *Chlorophyll a* and *Chlorophyll b* were determined in the acetone extract of the leaves by the method of Lichtenthaler and Whistler (1973). The total chlorophyll content was calculated from the sum of the two components. The chlorophyll content was expressed as mg/g of fresh weight of leaves.

SITE GRADING NOTES.

- [illegible]

[illegible]

GRADING PLAN

DATE: 8-15-2022

d

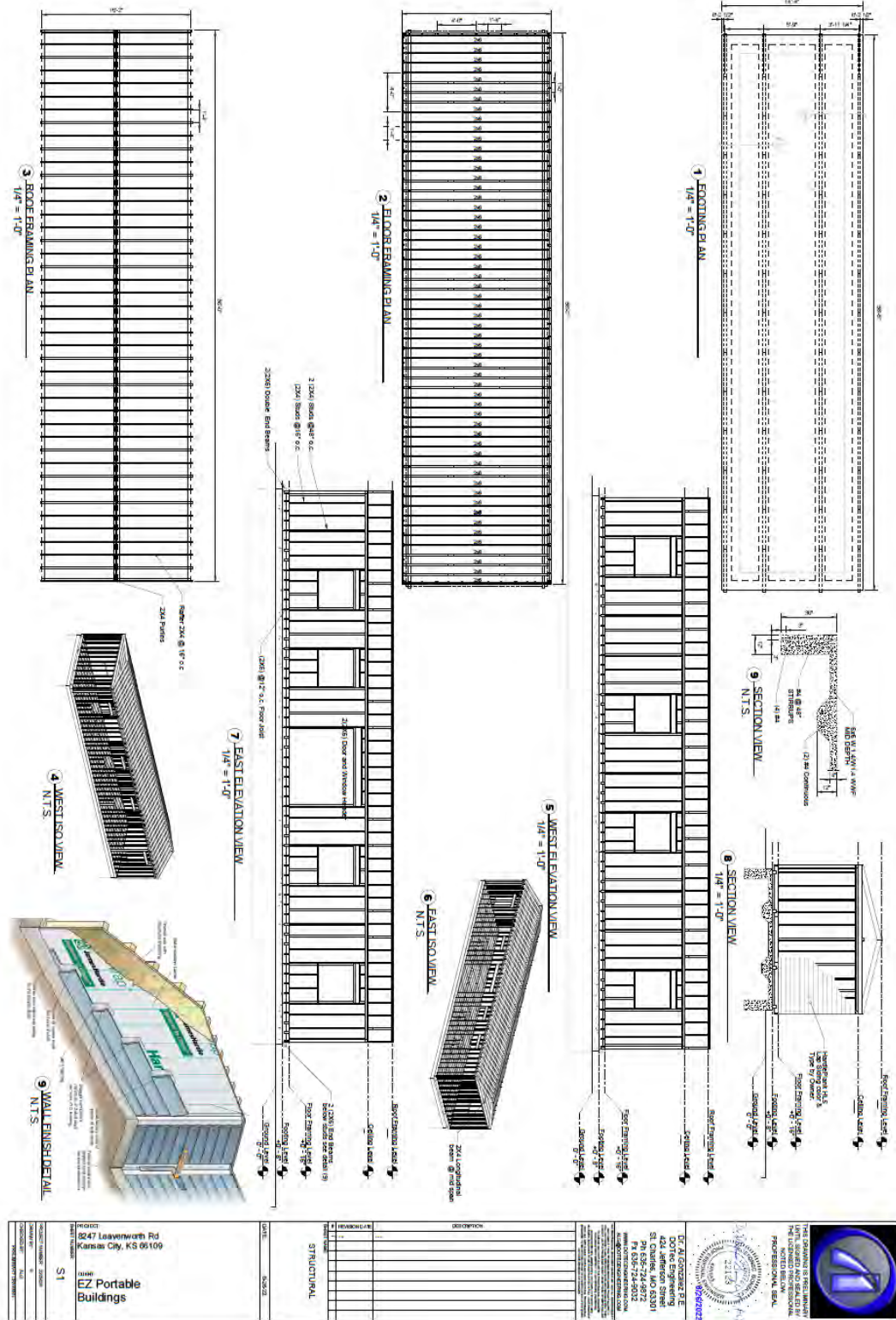
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PR2022-032

ELEVATIONS





Planning and Urban Design

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

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

MEMORANDUM

TO: Tony Sabljak / James Molloy
DRC Coordinator / Planner

FROM: Patrick Doyle, Engineering Manager

DATE: September 9, 2022

SUBJECT: Josh Beuerlein - Communication Station – New Building & Site Improvements–
(PR2022-032, Preliminary & Final Plan Review)
8247 Leavenworth Road
Erosion Control Review No. 1 (of the plans sealed 8/15/2022, received 8/30/2022)

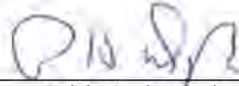
Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to Erosion Control design standards and requirements of the Unified Government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

- 1) Work shall conform to requirements of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG) Specification Section 2150 - Erosion and Sediment Control.
- 2) Add a "good housekeeping" note, i.e., "Good housekeeping, including spill response shall be performed in accordance with UG Specification Section 2150 - Erosion and Sediment Control."
- 3) On the erosion control plan, indicate limits of disturbance.
- 4) On the erosion control plan, indicate location of temporary material stockpile or onsite waste area(s) in the case that excavated material, or topsoil needs to be temporarily stored or wasted on site, and provide downstream erosion control protection.

- 5) Personnel responsible for directing installation and maintenance of erosion control measures shall have completed within the previous 24 months a minimum of 7 hours (or 14 hours lifetime) of training in construction site erosion and sediment control.
- 6) On the erosion control plan add notes:
 - a) "All work in public easements and right-of-way and all erosion control work must comply with the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas. Where notes conflict with the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG), the UG's standards shall override."
 - b) Add a note regarding clean streets, and SWPPP (if applicable), etc. For example: The contractor shall provide all materials, tools, equipment, and labor as necessary to install and maintain adequate erosion control, keep the streets clean of mud and debris, and prevent soil from leaving the project site. The contractor's erosion control measures shall conform to the Unified Government of Wyandotte County, Kansas City, KS Technical Provisions specifications, and the project's Stormwater Pollution Prevention Plan, a copy of which shall be maintained and updated on site at all times.
 - c) Add a note regarding the contractor shall install erosion control devices before starting any construction activity. The note could indicate which types of devices shall be installed, or reference the pre-construction plan, i.e., construction entrance, silt fence perimeter control, inlet protection, etc.
- 7) Provide a rock construction access on all phases prior to completion of paved surfaces on the site to reduce the tracking or flowing of sediment onto paved roadways (or other impervious surfaces).
- 8) Provide a concrete washout tank on all phases with concrete deliveries to site.
- 9) Add a note regarding additional measures, i.e., The contractor shall be responsible for providing additional erosion control measures or modifications when the plan fails to substantially control erosion or offsite sedimentation.
- 10) Add a note regarding temporary seeding, i.e., The Contractor shall temporarily seed, mulch, or otherwise stabilize any disturbed area where the land disturbance activity has ceased for a period of fourteen (14) calendar days.
- 11) Add a note regarding 70% vegetation, i.e., The contractor shall be responsible for maintaining erosion control devices and removing sediment until a minimum of 70% of permanent vegetation has become stabilized and established. Erosion control devices shall remain in place until the 70% established vegetation is met, or the duration of the project, whichever is the later date.
- 12) Add a note the contractor shall inspect erosion control devices every 7 days and within 24 hours of a ½-inch rain. The contractor shall repair damage, clean out sediment, and add additional erosion control devices as needed, or as soon as practicable after inspection.
- 13) Show vegetation type and location on final stabilization plan. Stabilization shall be installed within 14 days of final grading. Indicate a thickness for proposed topsoil replacement.

- 14) When applicable, provide erosion control measures for milestones of development: grading, utility, roads, structure erection and final development.

Reviewer:



Patrick Doyle, Engineering Manager



Planning and Urban Design

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

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

MEMORANDUM

TO: Tony Sabljak / James Molloy
DRC Coordinator / Planner

FROM: Patrick Doyle, Engineering Manager

DATE: September 9, 2022

SUBJECT: Josh Beuerlein - Communication Station – New Building & Site Improvements–
(PR2022-032, Preliminary & Final Plan Review)
8247 Leavenworth Road
General Engineering Review No. 1 (of the plans sealed 8/15/2022, received 8/30/2022)

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

- 1) Plans shall comply with the applicable Building Inspection department requirements.
- 2) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- 3) On the cover sheet include the following:
 - a) Project title
 - b) Address
 - c) Vicinity map
 - d) Date
 - e) North arrow and scale

- f) Sheet index
 - g) Zoning Classifications
 - h) 811 Dig Safe note.
 - i) Contact information (for the landowner, developer, engineer, surveyor, contractor, etc.)
 - j) Local utility contact information including UG Sanitary and Storm, Sewer Maintenance, (913) 573-1360, Kevin Swearengin or Kirk Roland
 - k) Total parcel/project area (square feet or acres), total area of land disturbed, net increase/decrease in impervious area, net cut/fill quantities (cubic yards).
 - l) "Work in public easements and right-of-way and for erosion control shall comply with the latest edition of the *Technical Provisions & Standard Drawings for Roads and Sewers*, of the Unified Government of Wyandotte County/Kansas City, Kansas."
 - m) "Contractor shall obtain applicable Public Works permits including land disturbance, right-of-way, hauling prior to Construction."
- 4) Provide UG node numbers for existing storm and sanitary sewer structures and line sizes, which may be obtained from the Sewer Maintenance Department at (913) 573-5535.
 - 5) Provide any easements as required including temporary construction, drainage, sanitary sewer, and cross-access.
 - 6) See Erosion Control review for additional comments.
 - 7) See Storm Drainage review for additional comments.
 - 8) See Sanitary Sewer review for additional comments.
 - 9) A more complete and comprehensive project review can be done when updated, complete, comprehensive plans are submitted

Reviewer: _____

Patrick Doyle, Engineering Manager



Planning and Urban Design

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MEMORANDUM

TO: Tony Sabljak / James Molloy
DRC Coordinator / Planner

FROM: Patrick Doyle, Engineering Manager

DATE: September 9, 2022

SUBJECT: Josh Beuerlein - Communication Station – New Building & Site Improvements–
(PR2022-032, Preliminary & Final Plan Review)
8247 Leavenworth Road
Sanitary Sewer Review No. 1 (of the plans sealed 8/15/2022, received 8/30/2022)

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

- 1) Provide PE sealed sanitary sewer memo describing flow, material, slope and installation of service to new building. Coordinate with Kristofer Finger Public Works Stormwater Pollution Control 913-573-5422.

Reviewer: _____

Patrick Doyle, Engineering Manager



Planning and Urban Design

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Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

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

MEMORANDUM

TO: Tony Sabljak / James Molloy
DRC Coordinator / Planner

FROM: Patrick Doyle, Engineering Manager

DATE: September 9, 2022

SUBJECT: Josh Beuerlein - Communication Station – New Building & Site Improvements–
(PR2022-032, Preliminary & Final Plan Review)
8247 Leavenworth Road
Stormwater Drainage Review No. 1 (of the plans sealed 8/15/2022, received 8/30/2022)

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

- 1) Provide PE sealed Stormwater Drainage memo describing flow, material, slope and installation of Stormwater Drainage. Coordinate with Kristofer Finger Public Works Stormwater Pollution Control 913-573-5422.
- 2) Establish detention requirement or exemption for project located in the upper part of the Marshall Creek Watershed.

Reviewer: _____

Patrick Doyle, Engineering Manager

Stormwater Drainage Review Comments:

1 of 1

SITE PHOTOS, PROVIDED BY STAFF, DATED SEPTEMBER 15, 2022





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 12, 2023

Re: **Change of Zone COZ2022-038, Master Plan Amendment MPL 2022-023, and Special Use Permit SP2022-093**

GENERAL INFORMATION

Applicant:

Anna Brescia DBA
Richard T. Bryant & Associates

Status of Applicant:

Attorney Representative
1111 Main Street, Suite 750
Kansas City, MO 64105

Requested Actions:

Approval of a Change of Zone.

Approval of a Master Plan Amendment.

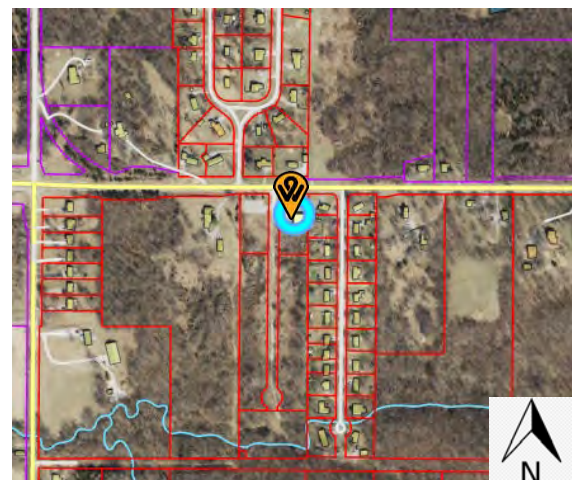
Approval of a Special Use Permit.

Date of Application:

September 22, 2022

Purpose:

The approval of a Change of Zone from C-1 Limited Business and R-1 Single Family Districts to CP-1 Planned Limited Business District, Master Plan Amendment from Low-Density Residential to Neighborhood Commercial, and Special Use Permit for the operation of a liquor store.



Property Location:	8919 Leavenworth Road Kansas City, Kansas 66109		
Commission Districts:	Commissioner At Large, District #1: Melissa Bynum District #6 Commissioner: Mike Kane		
Existing Zoning:	C-1 Limited Business and R-1 Single Family Districts		
Adjacent Zoning:	North:	R-1 Single Family Residential District	
	South:	R-2 Two-Family Residential District	
	East:	R-1 Single Family Residential District	
	West:	C-1 Limited Business and R-1 Single Family Districts	
Adjacent Uses:	North:	Single Family Residences and Large Vacant Residential Lot	
	South:	Single Family Residences and Large Vacant Residential Lot	
	East:	Single Family Residences	
	West:	Vacant Commercial Lot with Parking	
Total Tract Size:	0.94 Acre		
Master Plan Area:	The Subject Property is within the City-Wide Master Plan.		
Master Plan Designation:	(Current) The City-Wide Master Plan designates the property's land use as Low-Density Residential, in which uses include single-family homes, Institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries and parks and open space. (Proposed) The proposed Land Use Designation is Neighborhood Commercial, which uses are intended to allow for a wide range of small-scale commercial and office development. Allowed uses include convenience retail uses such as banks, drug stores, service stations, sit down restaurants, and small-scale professional and office services.		
Major Street Plan:	The City-Wide Master Plan designates this tract of Leavenworth Road as Class B Thoroughfare.		
Parking Requirement:	(Proposed Zone CP-1) Section 27-464(e) states that parking requirements for this district are required at a ratio of four (4) spaces per 1,000 square feet of floor area. The building has a floor area of 3,728 square feet, requiring a minimum of 15 parking spaces. The		

subject property has 15 parking spaces, meeting this requirement.

Advertisement:

The Wyandotte Echo – October 20, 2022
Letters to Property Owners – October 21, 2022 and
November 18, 2022

Public Hearings:

December 12, 2022 and January 12, 2023

Public Support:

None to date.

Public Opposition:

There were approximately 11 people in opposition at the December 12, 2022 City Planning Commission meeting. One email in opposition has been received since the Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Anna Brescia with Richard T. Bryant & Associates, is requesting a Change of Zone, Master Plan Amendment, and Special Use Permit for the operation of a liquor store at 8919 Leavenworth Road. The current property is split-zoned C-1 and R-1 and the Change of Zone formally recognizes the commercial designation for the property. The Master Plan Amendment has been requested to better align the proposed commercial use with the land use designation. The subject property has a total of 3,728 square feet plus parking and an additional vacant lot in the rear for future development.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The subject property had a few complaints related to vacancy:
 - a. 2021: 2021-00025990 – Business Check
 - b. 2020: 2020-00087435 – Domestic Disturbance
 - c. 2019: 2019-00083138 – Traffic Stop
 - d. 2018: 2018-00013153 – Business Check

Building, Zoning, or Code Enforcement Complaints:

1. The subject property has had some code enforcement cases in the past 10 years:
 - a. 2022: ABT22-1320 – Abatement - Closed
 - b. 2022: ABT22-2921 – Abatement – Open
 - c. 2022: CMP22-1480 – Demo without Permit – Closed
 - d. 2022: ABT22-2148 – Abatement – Closed

- e. 2022: STR22-0913 – Structural – Open
- f. 2021: ENV21-3375 – Dumping/Abatement – Closed
- g. 2021: CMP21-1616 – Abatement – Closed
- h. 2021: ABT21-1064 – Abatement – Closed
- i. 2015: 15220-00357 – Graffiti – Closed

Outstanding or Related Permits and Cases:

1. The subject property has no outstanding or related building permits.
2. The subject property had some cases at the subject property within the last 10 years.
 - a. 2021: COZ2021-023 – Change of Zone for Gas Station/Convenience Store (disapproved)

FACTORS TO BE CONSIDERED

Change of Zone

1. The Character of the Neighborhood

The neighborhood is rural and suburban in nature. Lots are residential and range in lot size from 0.5 to 1.0 acre on developed parcels with larger homestead residences that are approximately 15 acres in size. There are some commercial uses to the west, notably the Willow Creek wedding venue and the Amazon Fulfillment Order Center. Other nearby uses include the Wyandotte County Lake Park. The subject property is not immediately surrounded by uses that are of similar commercial nature although it is not necessarily out of character for neighborhood conveniences to be located adjacent to nearby residences and a split-zoned commercial property directly to the west.

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

The zoning uses of the nearby properties are set out above. Other uses in the area are primarily residential with some commercial development further west. Liquor sales is not prohibited, although it requires a Special Use Permit to operate. The proposed development should not impact the Class B Thoroughfare's ability to accommodate it as the corridor is designed for increased traffic as it serves as a connection to Interstate I-435 to the west.

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

The property is suitable for retail liquor sales if managed properly. It has historically been used as a restaurant with lounge with the most recent tenant being a home goods store.

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

The property is currently vacant with the last licensed tenant ending business in 2002. The property was built in 1991 and opened as Howard's Trackside Restaurant and then Johnny's Trackside Restaurant and Lounge. A home goods thrift store occupied the property for an unknown period of time, as it was not licensed.

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

The proposed use is not reasonably necessary for the welfare of the public, although it may be considered a neighborhood convenience to have alcoholic beverages available for purchase for nearby neighbors. It should not permanently injure the appropriate use, visual quality, or marketability of nearby property if the applicant maintains the property according to ordinance requirements and it is managed properly.

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

The proposed development will increase traffic and parking demand on-site as the existing building is currently vacant, however, ostensibly not beyond the capacity of the Class B Thoroughfare to accommodate it. North 89th Terrace is unimproved south of the existing driveway approach.

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

The proposed use does not conform to the City-Wide Master Plan. A Master Plan amendment from Low Density Residential to Community Commercial is required. The subject property is currently a vacant commercial building, and its land use is proposed to be changed to Community Commercial so that the property's proposed use better conforms to the Master Plan.

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

If the owner operates the business in the manner in which there are no neighbor complaints or Property Maintenance Compliance citations, this will not be an issue. The building will need some renovation work as it has been vacant for an extended period of time, although building permits would ensure that proper erosion control and drainage are maintained. The presence of construction debris should be considered temporary. Maintaining the existing slope along the west property line is important for the aesthetics of the abutting property owner.

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

a. Water service

Water service is provided by BPU.

b. Sanitary sewer service

Sanitary service is provided by the UG.

c. Storm water control

Stormwater control points are located at the intersection of Leavenworth Road and North 89th Street.

d. Police

Police is provided by West Patrol, Division #222.

e. Fire

Fire service is provided by Fire Station #4 located at 81st Street and Leavenworth Road.

f. Transit

Kansas City ATA provides transit service in front of this property, Route #113.

g. Schools

Public education is provided by Kansas City Kansas USD 500.

h. Streets

The City-Wide Master Plan designates this tract of Leavenworth Road as Class B Thoroughfare.

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

If the proposal is approved, the City will receive additional property and sales tax revenues because of the improvements made to the property.

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

The proposed use is capable of meeting applicable ordinance and other requirements with revisions, a Master Plan Amendment, and a Special Use Permit.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the Change of Zone would not on its own allow for the operation of a liquor store, and the property would remain split zoned.

Master Plan Amendment

1. *Whether events subsequent to the comprehensive plan adoption have changed the character and/or condition of the area so as to make the application acceptable.*

The current master plan designation for this property is Low-Density Residential, which is intended for residential uses such as single-family homes. The subject property is split zoned, which is not best planning practice. The Change of Zone and Master Plan Amendment will correct the split zoning issue.

2. *Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan.*

This portion of Leavenworth Road is primarily residential, although commercial uses are increasingly present heading West and located at various nodes to the east. A liquor store may be seen as an amenity or neighborhood convenience for adjacent residents if managed properly, as the neighborhood is seeing an increase in development.

3. *The extent to which utilities and public services are available and adequate to serve the proposed amendment and the extent to which the environment would be impacted.*

See Change of Zone #9 above.

4. *Whether the proposed amendment would result in comprehensive plan or regulatory conflicts.*

The proposed land use amendment is accompanied by a Change of Zone and Special Use Permit to address ordinances and regulations.

5. *Whether the proposed amendment would allow a change in development on the subject site without creating adverse impacts on existing or planned surrounding uses, or creating inconsistencies with applicable future land use map patterns.*

It is not uncommon for commercial uses to be located on a Thoroughfare, acting as

a buffer for adjacent residential communities. The surrounding land is already developed or whose development potential would not be negatively impacted by this change.

6. The impacts of the potential costs and benefits derived by the community or area by the proposed change.

The neighborhood would benefit from seeing a building with prolonged vacancy operational and would receive some tax benefits from sales tax. The neighborhood would also see a change in traffic patterns, as the building's operation will ostensibly bring more traffic than its vacancy. Should the property's building condition be upgraded to commercial design standards, the property is operated in a manner that does not interfere with neighbors, and ordinance requirements are followed, the impact should be minimal.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in person on November 22, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic and Driveway Access
Landscaping and Screening
Trash Enclosure
Abatement
Parking Lot
Commercial Design Guidelines
Building Materials
Fencing

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **DENIAL** of Change of Zone **COZ2022-038**, Master Plan Amendment **MPL2022-023** and Special Use Permit **SP2022-093** due to the proposed use's incompatibility with the neighborhood.

STAFF COMMENTS AND SUGGESTIONS

Staff **does not** concur with the recommendation of the City Planning Commission

Planning and Urban Design Comments:

General

1. What are the proposed uses for the rear of the property?

2. A site plan is needed including parking lot restriping and landscaping. The parking lot must demonstrate that the ADA parking stall is adjacent to the ramp up the sidewalk, as it currently is stripped away from the access ramp.
3. The trash enclosure shall be updated to Commercial Design Guideline Standards.
4. All notices of violation related to trash and abatement shall be cleared. Additional trash and debris shall be removed.
5. A sign permit is required for new signage.
6. This property is on Leavenworth Road, a Regional Trail, and the site plan shall include a 10-foot sidewalk with direct connectivity to the front of the site.
7. The building shall be repaired and updated to reflect commercial design guideline standards, including but not limited to:
 - (a) Lighting shall be updated to fixtures that are hooded with 90 degree downward facing lighting
 - (b) The parking lot shall be repaired, sidewalk repaired, parking lot restriped
 - (c) Brick shall be tuckpointed
 - (d) Increased landscaping
 - (e) Fence repair
 - (f) Soffit and fascia repair

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval:
 - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-038, MPL2022-023, and SP2022-093** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. **The building shall be repaired and updated to reflect Commercial Design Guideline standards, including but not limited to:**
 - a) **Lighting shall be updated to fixtures that are hooded with 90-degree downward facing lighting;**
 - b) **The parking lot shall be repaired, sidewalk repaired, parking lot restriped;**
 - c) **Brick shall be tuckpointed;**
 - d) **Increased landscaping;**

- e) Fence repair; and,
 - f) Soffit and fascia repair;
 - g) A five (5) foot wide sidewalk shall be constructed on the west side of the property to provide connectivity between the proposed development and the future residential neighborhood.
2. Sec. 27-464(c)(9) Retail businesses with parking areas or other outside customers-oriented areas within 100 feet of any residence shall restrict hours of operation to between 6:00 AM and 1:00 AM of the following day;
 3. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
 4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 5. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided;
 6. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;
 7. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
 8. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that

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

10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
11. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
12. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

ATTACHMENTS

December 12, 2022 City Planning Commission Minutes

Aerial Map

Zoning Map

Land Use Map

Plan Set

Neighborhood Meeting Information

Staff Site Visit Photos Dated October 8, 2022

Email in opposition

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Change of Zone	December 12, 2022	January 12, 2023
	Approval	
Master Plan Amendment	December 12, 2022	January 12, 2023
	Approval	
Special Use Permit	December 12, 2022	January 12, 2023
	Approval	

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

MOTIONS

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-038** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-038** as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-023** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-023** as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-093** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-093** as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 12, 2022 City Planning Commission Minutes:

Hearing starts at 1:17:35:

MASTER PLAN AMENDMENT MPL2022-023 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) at 8919 Leavenworth Road.

CHANGE OF ZONE APPLICATION COZ2022-038 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES - SYNOPSIS: Change of Zone from R-1 Single Family and C-1 Limited Business Districts to CP-1 Planned Limited Business District for a liquor store at 8919 Leavenworth Road.

SPECIAL USE PERMIT APPLICATION SP2022-093 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES - SYNOPSIS: Special Use Permit to operate a liquor store at 8919 Leavenworth Road.

Detailed Outline of Requested Action: The applicant, Anna Brescia with Richard T. Bryant & Associates, is requesting a Change of Zone, Master Plan Amendment, and Special Use Permit for the operation of a liquor store at 8919 Leavenworth Road. The current property is split-zoned C-1 and R-1 and the Change of Zone formally recognizes the commercial designation for the property. The Master Plan Amendment has been requested to better align the proposed commercial use with the land use designation. The subject property has a total of 3,728 square feet plus parking and an additional vacant lot in the rear for future development.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Chairman Carson stated that he was contacted by several neighbors with concerns about a liquor store. He was also contacted by Commissioner Kane stating that he had been contacted by several neighbors in opposition.

Present in Support:

- Bryon Ruoff, 330 Architects, representing the applicant
- Anna Brescia, applicant, Richard T. Bryant & Associates, 1111 Main Street, Suite 750, Kansas City, Missouri 64105

Present in Opposition:

- Bethany and James Vogel, 8951 Leavenworth Road, Kansas City, Kansas 66109
- Debbie Cobalt, 3024 North 89th Street, Kansas City, Kansas 66109
- Jeremy Budde, 8833 Leavenworth Road, Kansas City, Kansas 66109
- Sandy McMillian, 3217 East Townsend Court, Kansas City, Kansas 66109
- Ashley Hille, 3132 East Townsend Court, Kansas City, Kansas 66109
- Mathew Callahan, 3033 North 89th Street, Kansas City, Kansas 66109
- Arthur Verbeck, 8910 Leavenworth Road, Kansas City, Kansas 66109
- Christina, 2720 North 90th Street, Kansas City, Kansas 66109
- Rebecca Wright, Wright Liquor Store, 8014 Leavenworth Road, Kansas City, Kansas 66109
- Julie, 3131 East Townsend Court, Kansas City, 66109

Staff Recommendation starts at 1:53:26: Planning Director Hand stated that this property is in the City-Wide Master Plan area and north of the Mid-Town area. Prior to this evening Staff had received no letters in support nor opposition. After the meeting packet was sent to the Commission, calls in opposition were received by Staff. Staff recommended approval of all three (3) entitlements subject to conditions and the

Commercial Design Guidelines. He stated that a business with outside activity and/or parking adjacent to residential parcels must close by 1:00 a.m. in this zone district. A final development plan would be required. As it relates to the applicant's request to amend Condition 1, Staff would be amenable to changing it to the length of the existing road which would be North 89th Street to extend the five (5) foot sidewalk off Leavenworth Road. Regarding the Master Plan Amendment and Special Use Permit, based on feedback this evening, the Commission has options. If the Commission does not recommend approval of the liquor store, Staff would recommend that the Commission approve the Change of Zone to fix the split zoning on this parcel. Staff would also be recommending updating the Master Plan. Staff can only find information that it has been a commercial use. Applicant does not want to split the parcel with each parcel having its existing zoning. This existing commercial zoning does not match the land use designation, which is single-family residential. Those in opposition expressed that they did not want any commercial uses on this parcel. If the Commission agrees, then a recommendation of denial would be in order. Staff stands with its original recommendation of approval for all three (3) applications.

The Planning Commission directed questions to Staff.

Motion starts at 2:02:00:

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **DENIAL of MPL2022-023 due to the proposed use's incompatibility with the neighborhood:**

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

Motion to recommend **DENIAL** Passed: 9 to 0

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **DENIAL of COZ2022-038 due to the proposed use's incompatibility with the neighborhood:**

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

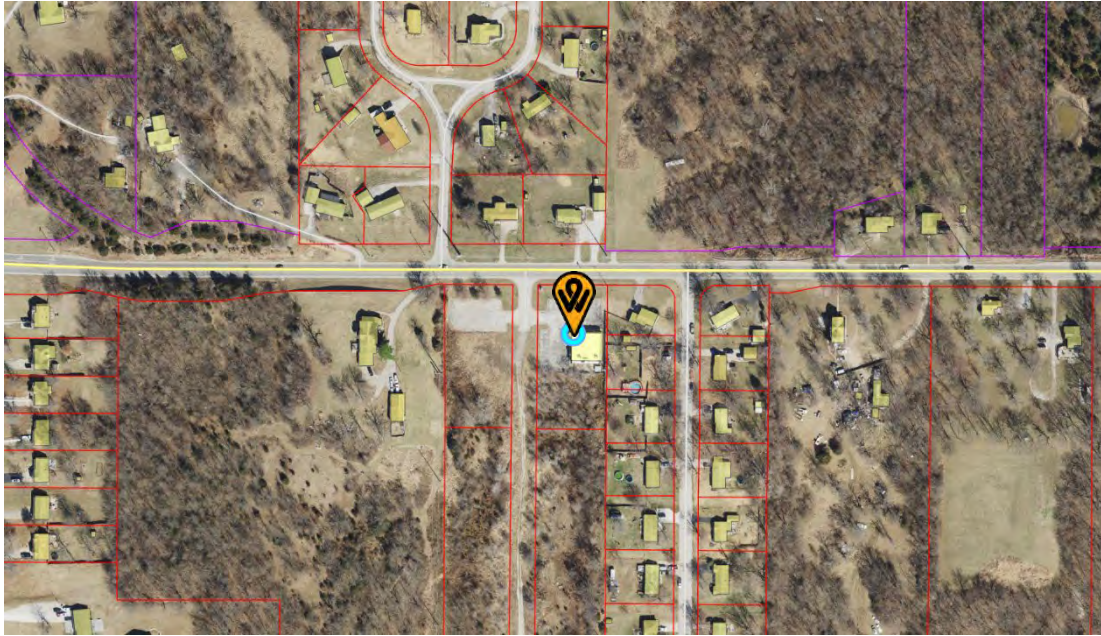
Mohler Aye
Motion to recommend **DENIAL** Passed: 9 to 0

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **DENIAL of SP2022-93 due to the proposed use's incompatibility with the neighborhood:**

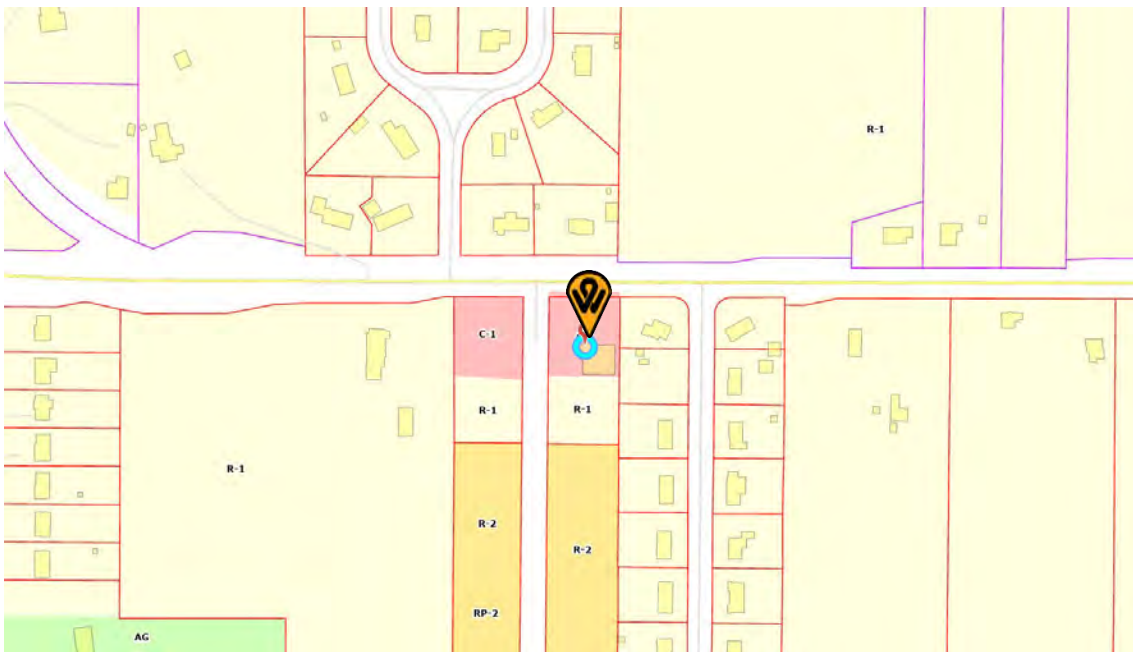
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Not Present
Beth	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye

Motion to recommend **DENIAL** Passed: 9 to 0

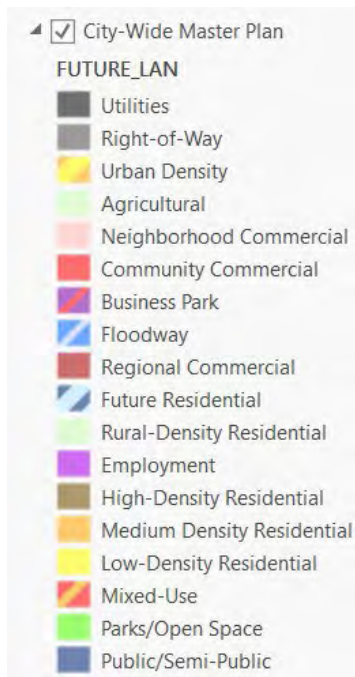
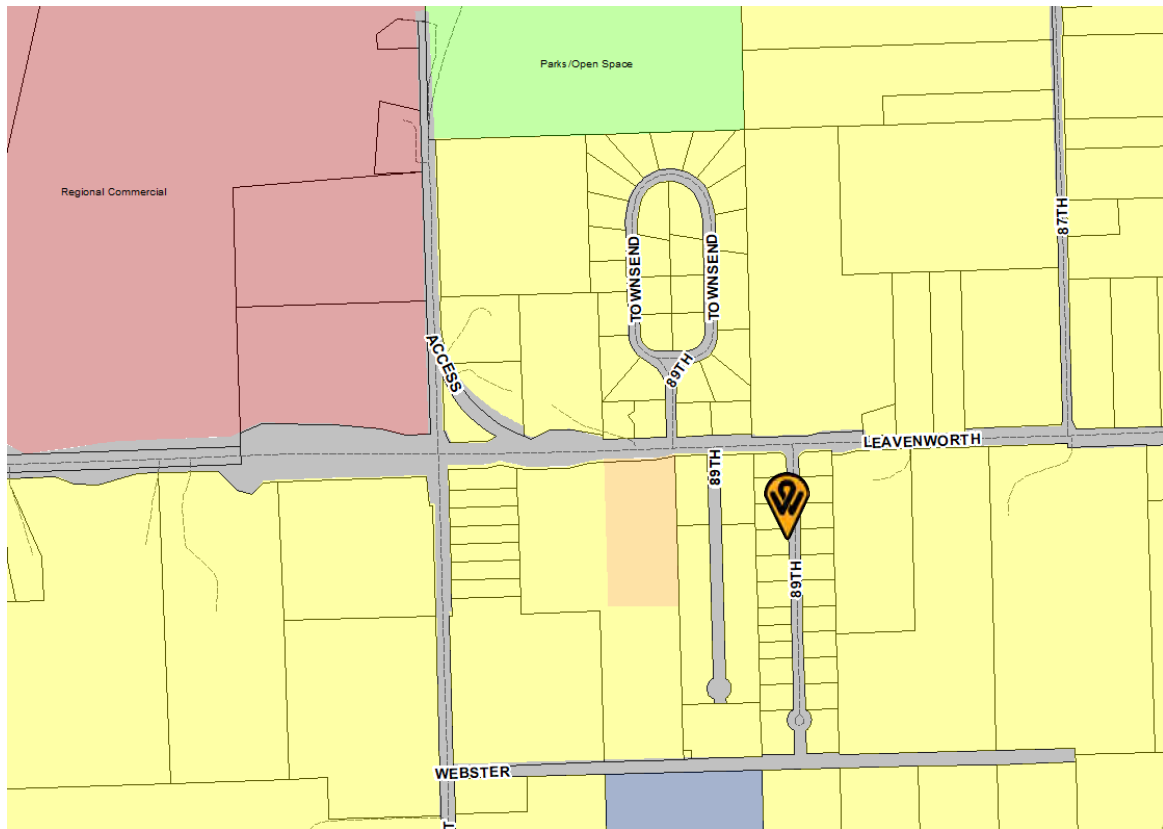
AERIAL MAP

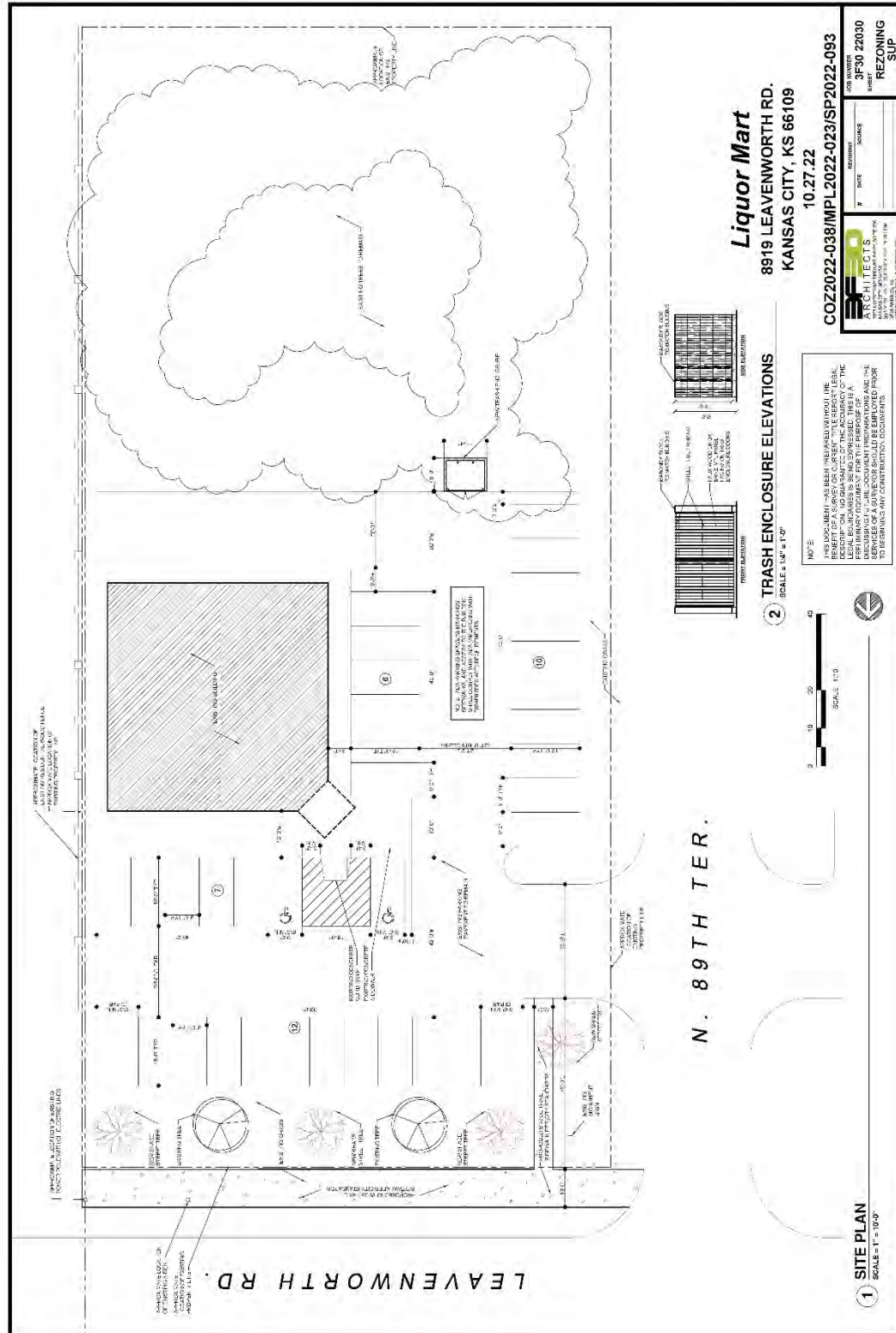


ZONING MAP



LAND USE MAP





NEIGHBORHOOD MEETING INFORMATION

RICHARD T. BRYANT & ASSOCIATES, P.C.

ATTORNEYS AT LAW

HARZFELD'S BUILDING
1111 MAIN STREET, SUITE 750
KANSAS CITY, MISSOURI 64105

PHONE (816) 221-9000
FACSIMILE (816) 221-9010
E-MAIL: DICK2479@aol.com

November 11, 2022

Commissioner Melissa Bynum
701 North 7th Street, 9th Floor
Kansas City, KS 66101

Re: Neighborhood Meeting
Change of Zone & Special Use Permit
Property Address: 8919 Leavenworth Road, Kansas City, KS 66109

Dear Commissioner Melissa Bynum:

We have filed applications with the Department of Urban Planning and Land Use for a change of zone and special use permit for the above referenced property to correct the split zoning and to operate a liquor store. The permit numbers for the applications are as follows:

1. COZ2022-038 – change of zone from split R-1 Single Family District and C-1 Limited Business District to CP-1 Planned Limited Business District for a liquor store.
2. MPL2022-023 – Master Plan Amendment from Low-Density Residential to Community Commercial.
3. SP2022-093 – Special Use Permit for a liquor store.

We are having a neighborhood meeting on November 22, 2022, at 4:00PM at the site referenced above. The purpose of this meeting is to explain the proposal and to answer any questions or concerns you may have. This will also give you an opportunity to meet the business owner, who is a local resident from the neighborhood.

We look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at (816)221-9000 or brescia.annab@gmail.com if you have any questions or would like more information.

Sincerely,



Anna B. Brescia
Paralegal

/abb

ANDREW S. TALGE
Licensed in Kansas, Missouri
andrewtalge@gmail.com

RICHARD T. BRYANT
Licensed in Iowa, Kansas,
Missouri, Washington, D.C.,
Superior Court of the U.S. Virgin Islands
DICK2479@aol.com

NEIGHBORHOOD MEETING INFORMATION

**Liquor Mart
Neighborhood Meeting
8919 Leavenworth Road
Kansas City, Kansas 66109**

Minutes of Meeting

Case Number: 61-22

Date of Meeting: November 22, 2022, 4PM

Location of meeting: 8919 Leavenworth Road, Kansas City, KS 66109

Pursuant to Notice sent by Certified Mail as identified on the attached list and certified mail return receipts, a meeting relating to a Special Use Permit application was convened at 4:00 pm on November 22, 2022.

Anna Brescia, the legal representative for Reva LLC, was present and conducted the meeting. There was a total of 6 residents present at the meeting and who signed the sign-in sheet. The sign-in sheet is attached to the meeting minutes.

Anna Brescia confirmed the purpose of the meeting was to discuss the project and answer questions.

Jeremy Budde and Marla Budde expressed their concerns for the upkeep of the property and wanted a better understanding of the project.

The main concern of the residents at the meeting was security of the property and people drinking on the premises.

Anna Brescia confirmed the date and time of the Planning Commission public hearing with all parties present.

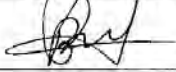
The meeting was adjourned at 4:45 pm.

Minutes were taken by Anna Brescia, legal representative for Reva LLC.

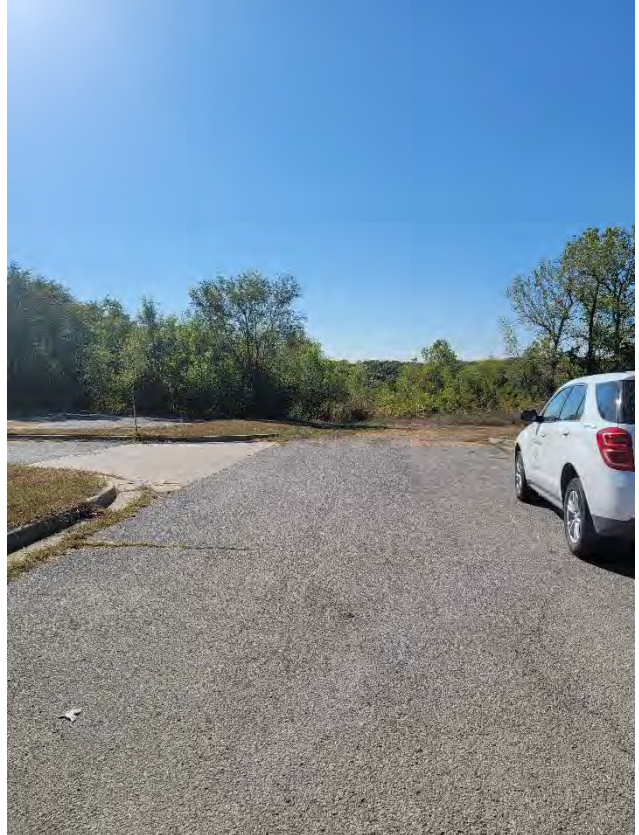
NEIGHBORHOOD MEETING INFORMATION

Liquor Mart
Neighborhood Meeting
8919 Leavenworth Road
Kansas City, Kansas 66109
November 22, 2022, 4PM

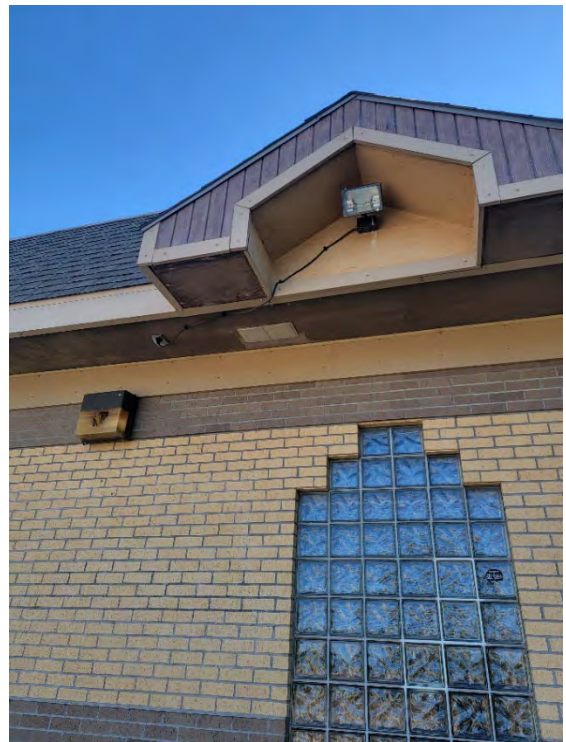
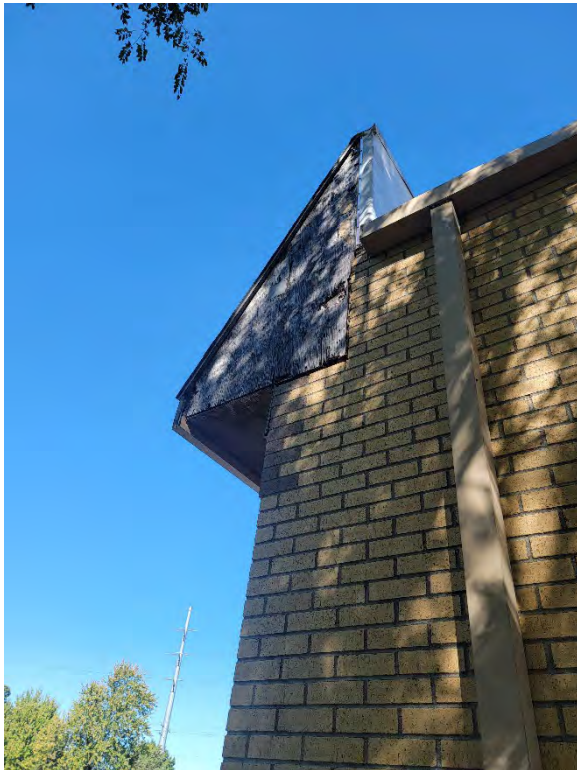
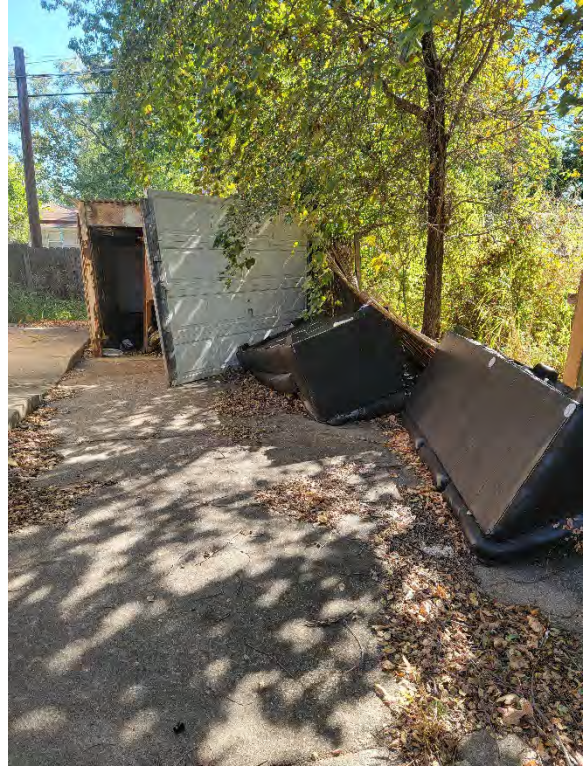
Sign In Sheet

Print Name	Signature
Jeremy Bude	
MARIA Bude	
Anthony A. Wilson	
Deborah Kobolt	
Sandy McMillian	SANDY McMILLIAN
JAMES VOGEL	
Rashna Kalikotey	
Raj Kalikotey	
Anna Brescia	AB

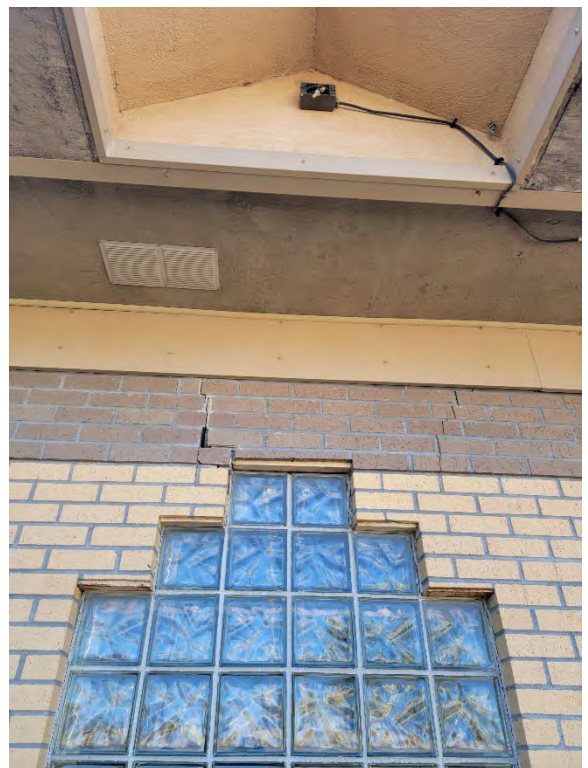
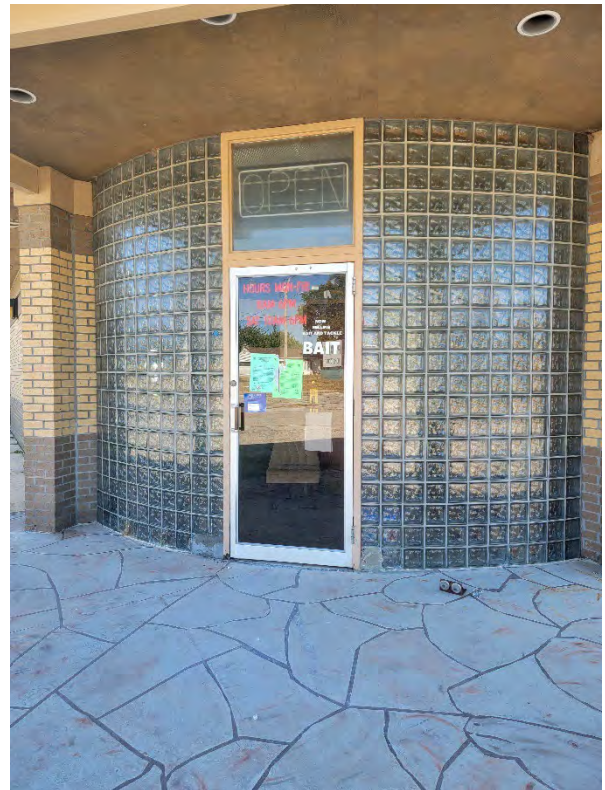
STAFF SITE VISIT PHOTOS DATED OCTOBER 8, 2022



STAFF SITE VISIT PHOTOS DATED OCTOBER 8, 2022



STAFF SITE VISIT PHOTOS DATED OCTOBER 8, 2022



STAFF SITE VISIT PHOTOS DATED OCTOBER 8, 2022



STAFF SITE VISIT PHOTOS DATED OCTOBER 8, 2022



Parker, Janet

From: Bethany Gallagher <BGGallagher@hotmail.com>
Sent: Tuesday, December 6, 2022 9:09 PM
To: PlanningInfo
Subject: 8919 Leavenworth Rd

You don't often get email from bggallagher@hotmail.com. [Learn why this is important](#)

Dear Urban planning Department,

Our names are James and Bethany Vogel and we live at 8951 Leavenworth rd. You may remember a year or so ago a proposal was made to rezone part of the property at 8919 Leavenworth Rd. They wanted to put in a gas station. Thankfully, you and your co-members denied the rezoning. I am here again asking the very same thing of you. We have received a letter informing us that there is a proposal for rezoning 8919 Leavenworth Rd. They are now wanting to build a Liquor store and claim they need to rezone. I am sure you are aware of a of this. I just wanted to make you aware of how we feel.

I understand that the 8919 was once a business so therefore it is zoned as such. We are not against the location being a restaurant, a daycare, coffee shop or another thrift store. If we could we would buy the property ourselves and have it rezoned residential we would do it in a heartbeat. We just want something that works with the hours of the neighborhood and will help promote the safety we are trying to keep for our kids. It's not lost on us that we will not be able to keep something from coming in on the already commercially zoned land but our hope is to keep the other remaining property from being rezoned. If we allow the proposed liquor store to rezone and they sell later there is nothing we can do about a gas station or something bigger coming into our neighborhood. We have several liquor stores located on Leavenworth Rd. one less than 2 miles down the road. We also have some located around the legends area. Why do we need one placed right in the middle of our neighborhood? Studies have shown that alcohol availability seems to affect "neighborhood culture" and "wetter" neighborhoods have higher levels of drinking, accidents, possible robberies and violence. By adding a liquor store, you add more traffic, more lights, and other possible problems that we are not wanting in our neighborhood around our kids. My husband went and talked with the owners and their lawyer and I am 99% sure that they would not want to raise their children next door to a liquor store.

My husband and I bought our home 7 years ago. We wanted to raise our family and continue with foster care in a quiet place with land and away from the ever-growing Wyandotte county. We wanted to give our children a safe place to enjoy childhood. We accomplished our dream when we purchased our home on 14 acres. We enjoy the quiet nights watching movies on the front porch. We searched for this home on land for a long time. James works for the Unified government and has a residency requirement. As I am sure you know, land is hard to find in Kansas City, Kansas. Well, we found it 7 years ago and have loved every minute living where we live. Putting a liquor store right next door to our home would change the things we love about where we live. It will change the hours and safety we feel living here.

I am a small business owner myself and know the struggles we face trying to open a location. But knowing all that, my most important job is being a mom and my husband and I bought our property so our kids could grow up out of the craziness of everyday life. Adding a liquor store or any possible commercial business that does not operate on the hours of the neighborhood only brings the ever-growing city into our backyard. We are asking again for you and your co-members to please help us keep our neighborhood a quiet place where we all enjoy raising our kids and deny the rezoning of 8919 Leavenworth Road.

Thank you,
James and Bethany Vogel



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 12, 2023

Re: Petitions COZ2022-043 & MPL2022-027

GENERAL INFORMATION

Applicant:
Trent Gaddy

Status of Applicant:
Representative
Jules Borel & Co., LLC
1223 Meadowlark Lane
Kansas City, Kansas 66102

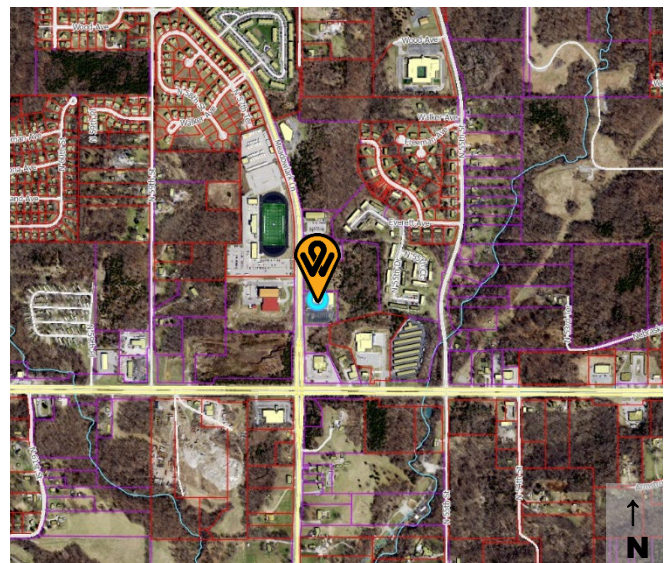
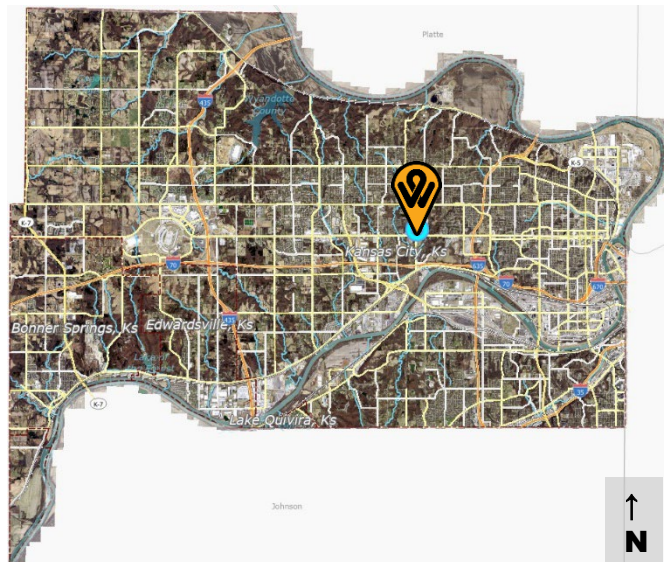
Requested Actions:
Approval of a Change of Zone.

Approval of a Master Plan Amendment.

Date of Application:
October 28, 2022

Purpose:
Approval of a Change of Zone from CP-0 Planned Non-Retail Business District to B-P Planned Business Park District.

Approval of a Master Plan Amendment from Mixed-Use Land Use District (City-Wide Master Plan) to Business Park Land Use District (City-Wide Master Plan).



Property Location:	1223 Meadowlark Lane, Kansas City, Kansas 66102
Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #1 Commissioner: Gayle Townsend
Existing Zoning:	CP-0 Commercial District (rezoning to B-P Planned Business Park District proposed by COZ2022-043)
Adjacent Zoning:	North: CP-0 Commercial District South: CP-1 Planned Limited Business and B-P Planned Business Park Districts East: CP-0 Commercial District West: CP-3 Planned Commercial District
Adjacent Uses:	North: Undeveloped parcel South: Undeveloped parcel; School district offices East: Undeveloped parcel West: Truck storage and repair facility
Neighborhood Characteristics:	The subject property is within the Coronado Statistical Neighborhood and is not within a neighborhood group. Along State Avenue and to the north of State Avenue, the neighborhood features commercial businesses, as well as offices, business parks, educational institutions, and apartments. West of Meadowlark Lane there are single-family residences in planned neighborhoods, but no residential properties—both single- and multi-family—have direct access to Meadowlark Lane; rather, these properties have access to side streets.
Total Tract Size:	2.11 Acres
Master Plan Area:	The subject property is within the City-Wide Master Plan.
Master Plan Designation:	Current designation: The City-Wide Master Plan designates this property as Mixed-Use. The Mixed-Use Land Use District is intended to be located at major arterial intersections and within traditional neighborhood design (TND) developments. Mixed-Use areas are ideal for integrating complimentary land uses such as retail, offices, small businesses and mixed-use residential, by allowing the following uses: specialty retail; sit-down restaurants; convenience retail uses such as banks, drug stores, etc.; professional and office services; institutional uses such as places of worship, schools, libraries,

etc.; parks, plazas and open space; and mixed-density residential uses. The following uses are discouraged in the Mixed-Use Land Use District: industrial uses, business parks, drive-through restaurants, and car lots.

Proposed designation, via MPL2022-027: The Business Park Land Use District allows light industrial uses such as warehouse, distribution, office and limited retail and office (compatible with light industrial uses). Light industries are small-scale and non-polluting. Other uses may include business/research parks and medical facilities. Business Park areas allow for the following uses: warehouse (nonhazardous materials); distribution (nonhazardous materials); business/research parks; related commercial and service uses such as wholesale stores, outlet stores, office supply stores, service stations, convenience stores, hotels, motels, supporting restaurants, etc.; and medical facilities. Discouraged uses include heavy industrial uses and single-family residential uses.

Major Street Plan:

The Major Street Plan classifies Meadowlark Lane as a Class B Thoroughfare.

Required Parking:

Section 27-472(e) requires no less than one (1) space for each 500 square feet of building floor area be provided for buildings of up to 20,000 square feet. The existing building on site has an area of 19,467 square feet, requiring a total of 39 parking spaces. The existing parking lot demonstrates 86 parking spaces, four (4) of which are ADA-compliant. Therefore, the subject property meets Sections 27-472(e) and 27-676(a).

Advertisement:

The Wyandotte Echo – November 17, 2022
Letters to Property Owners – November 18, 2022

Public Hearings:

December 12, 2022 and January 12, 2023

Public Support:

None to date.

Public Opposition:

None to date.

RELATED ENFORCEMENT AND ACTION ITEMS

Detailed Outline of Requested Action: The applicant, Trent Gaddy with Jules Borel & Co., LLC, is requesting a Change of Zone and Master Plan Amendment for a developed property. The Change of Zone is a request from CP-0 Planned Non-Retail Business District to B-P Planned Business Park District. The Master Plan Amendment is a request from Mixed-Use Land Use District (City-Wide Master Plan) to Business Park Land Use District (City-Wide Master Plan). Both the Change of Zone and the Master Plan Amendment are requested to allow the existing business—receiving, storing, and shipping inventory for watch repair—to be an allowed use under zoning district and master plan regulations. The existing uses are currently allowed under SP-2020-95, a Special Use Permit for temporary use of land for commercial or industrial purposes. The applicant is simultaneously requesting variances from the B-P District parcel size minimum and building setbacks, under BOZA2022-063.

City Ordinance Requirements: Article VI, Sections 27-196—209, and 27-211; Article VIII, Sections 27-472, 27-667—704

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has not received any noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. The previous property owners have received the following citations: an abandoned vehicle (04208-00000-00699) in 2004, overgrown weeds (17225-04064) in 2017,
2. The current property owner has not received any building or code enforcement complaints.

Outstanding or Related Permits and Cases:

1. The current property owner does not have any outstanding Building Permits.

FACTORS TO BE CONSIDERED

Change of Zone

1. Neighborhood character.

The subject property is within the Coronado Statistical Neighborhood and is not within a neighborhood group. Along State Avenue and to the north of State Avenue, the neighborhood features commercial businesses, as well as offices, business parks, educational institutions, and apartments. West of Meadowlark

Lane there are single-family residences in planned neighborhoods, but no residential properties—both single- and multi-family—have direct access to Meadowlark Lane; rather, these properties have access to side streets.

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

The property is within a corridor along Meadowlark Lane that has a mixture of commercial uses, but is the transition area between the commercial thoroughfare along State Avenue and single-family and apartments north towards Parallel Parkway. While the office/warehousing space is not necessarily compatible with the office zoning to the north, the Kansas City Kansas Public Schools central kitchen to the east currently has outbound delivery trucks that deliver meals to the schools that operates in a similar manner as this proposed use.

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

In the SP-2020-95 staff report, staff expressed concern over the frequency of truck traffic coming to the site and the potential for a truck to be parked at the loading dock on a daily basis, when the zoning is for a professional and office services. While a Change of Zone relieves this concern as it relates to on-site uses, the greater concern of the effects a business park/warehouse could have on the surrounding parcels, which almost all remain commercially zoned.

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

The property has been vacant since 2014. The previous use was a parking lot for an automotive related business. Additionally, after 2014, this site was used as a donation center, however, there is no record of licensure at this location.

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

The change in the intensity of uses between the CP-0 District and the B-P District is noticeable. While a warehouse and business park would typically have a detrimental effect on the surrounding commercial properties, the subject property is restrained in its potential growth due to the size of the parcel, which is approximately 20% of the minimum area allowed in the B-P District. Therefore, the negative externalities associated with large business parks will not be apparent, and the proposed uses will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.

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

The proposed use will not increase the amount of vehicular traffic to the point where it exceeds the capacity of the Class B Thoroughfare to accommodate it, and the office building was designed to receive parcels from shipping companies. In the SP-2020-95 staff report, however, staff expressed concern over the frequency of truck traffic coming to the site and the potential for a truck to be parked at the loading dock on a daily basis, when the zoning is for a professional and office services. While a Change of Zone relieves this concern as it relates to on-site uses, the greater concern of the effects a business park/warehouse could have on Meadowlark Lane, which currently only accommodates residential, recreational, and light commercial uses.

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

The City-Wide Master Plan designates this property as Mixed-Use. The Mixed-Use Land Use District is intended to be located at major arterial intersections and within traditional neighborhood design (TND) developments, and discourages industrial uses, business parks, drive-through restaurants, and car lots. While this designation accommodates the uses in the CP-0 District, the proposed Change of Zone—from CP-0 Planned Non-Retail Business District to B-P Planned Business Park District—would create a non-conformity with the Mixed Use Land Use District. Petition MPL2022-027, a Master Plan Amendment to Business Park (City-Wide Master Plan), is being heard concurrently in order to address this non-conformity.

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

The noise, vibration, dust or illumination that would normally be associated with such use is of such duration and intensity as not to create problems for nearby property because the use does not create excessive noise, vibration or illumination relative to other types of nonretail commercial uses that would be permitted in the zoning district. Furthermore, the proposed use should not pollute the air, land or water, nor damage or destroy an irreplaceable natural resource, because the storage of inventory of watch parts is conducted within the office building in a mostly built-out neighborhood.

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

a. *Water service*

The subject property receives water service via BPU.

b. Sanitary sewer service

The subject property is served by a sanitary sewer line running through the northeast corner of the parcel, and which runs further east toward North 55th Street.

c. Storm water control

There are two (2) stormwater outlets along the east side of the Meadowlark Lane right-of-way, adjacent to the subject property. These outlets connect to a longer stormwater main along the west side of Meadowlark Lane.

d. Police

Police service is provided by West Division, District #223.

e. Fire

Fire service is provided by Fire Station #2.

f. Transit

The subject property is approximately one-quarter (1/4)-mile from bus stops at the intersection of Meadowlark Lane and State Avenue, served by Route 101/State Avenue.

g. Schools

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

h. Streets

The subject property has access to Meadowlark Lane, which the Major Street Plan classifies as a Class B Thoroughfare. This is consistent with the required infrastructure associated with the Business Park Land Use District.

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

The Change of Zone will allow the ongoing warehousing and shipping uses to match the underlying zoning district. By rezoning the subject property instead of periodically reapplying for a Special Use Permit, Jules Borel & Co. will have more stability and can make greater investments to the property. This will have a positive economic impact on the community.

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

With the Change of Zone, the subject property would not comply with the minimum lot size in the B-P District and would have a few portions of the existing building that would not meet the 40-foot setback. These violations are being addressed by BOZA2022-063, a concurrent variance request.

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

The relative gain to the public health, safety and welfare compared to the hardship imposed on the landowner is minimal. If the application is denied, the applicant will need to find an alternate location that allows storage of inventory and receiving and shipping of items, or reapply for the existing Special Use Permit.

Master Plan Amendment

1. *Neighborhood character.*

See Change of Zone Review Factor #1.

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

See Change of Zone Review Factor #6.

3. *The extent to which utilities and public services are available and adequate to serve the proposed amendment and the extent to which the environment would be impacted.*

Per Change of Zone Review Factor #9, the subject property is adequately served by water, sanitary, and storm water lines. Furthermore, Meadowlark is a Class B Thoroughfare, which is adequate to accommodate business park uses, especially a business park that is just over two (2) acres.

4. *The difference between the existing and proposed Master Plan.*

See Change of Zone Review Factor #7.

5. *Analysis of the impact on surrounding properties.*

See Change of Zone Review Factors #2, 3, and 6.

6. Estimate the future costs and revenues to the Unified Government and property owner and Market Impact.

See Change of Zone Review Factor #10.

PREVIOUS ACTIONS

- SP-2020-95, a Special Use Permit for temporary use of land for commercial and industrial purposes (to expire on 12/02/2022)
- BOZA2022-063, a simultaneous variance from the minimum lot size for the B-P District and from building interior side yard setbacks.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting at 1223 Meadowlark Lane on November 28, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Landscaping and Screening
Sidewalk Connectivity
Site Improvement
Truck Turning Radius

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Change of Zone **COZ2022-043** and Master Plan Amendment **MPL2022-027**, subject to:

1. All landscaping plans must follow the preliminary landscaping plan submitted and shall comply with all applicable landscaping requirements, included Sections 27-472(g), 27-699(a)(6), and 27-702(1)(a-d);
2. The sidewalk serving the parking lot must be extended and connected to the sidewalk in the Meadowlark Lane right-of-way;
3. Per Section 27-699(b)(5), all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container;
4. Per Section 27-699(b)(6), mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view;
5. The parking lot should be repaired and paved subject to UG standards;
6. All conditions stated in the applicant responses to SP-2020-95 remain the same, as attested to by the applicant on November 28, 2022;
7. 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;

8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. This City Planning Commission case is being heard in conjunction with BOZA2022-063. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-063 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law; and,
10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered* and *Key Issues*, and recommends **APPROVAL** of Petitions **COZ2022-043** and **MPL2022-027** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 12, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Minutes
Site Plan of 1223 Meadowlark Lane Submitted by the Applicant
Landscaping Plan of 1223 Meadowlark Lane Submitted by the Applicant
Building Floor Plan
Trash Enclosure Plan
Jules Borel & Co. Business Description
Site Visit Photographs by Staff, Dated November 19, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing		
Change of Zone	December 12, 2022	January 12, 2023
	Approval	
Master Plan Amendment	December 12, 2022	January 12, 2023
	Approval	

STAFF CONTACT: Michael Farley
mfarley@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-027** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____
2. _____; AND
3. _____

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-027** as it is not in compliance with the City Code and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-043** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____
2. _____; AND
3. _____

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-043** as it is not in compliance with the City Code and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 12, 2022 City Planning Commission Minutes:

Hearing starts at 2:30:55:

MASTER PLAN AMENDMENT APPLICATION MPL2022-027 – TRENT GADDY WITH JULES BOREL – SYNOPSIS: Master Plan Amendment from Mixed-Use (City-Wide Master Plan) to Business Park (City-Wide Master Plan) at 1223 Meadowlark Lane.

CHANGE OF ZONE APPLICATION COZ2022-043 – TRENT GADDY WITH JULES BOREL - SYNOPSIS: Change of Zone from CP-O Planned Non-Retail Business District to B-P Planned Business Park District to operate an administrative office with inventory for Jules Borel and Company at 1223 Meadowlark Lane (to replace SP-2020-95 – expires 2/4/2023).

Detailed Outline of Requested Action: The applicant, Trent Gaddy with Jules Borel & Co., LLC, is requesting a Change of Zone and Master Plan Amendment for a developed property. The Change of Zone is a request from CP-0 Planned Non-Retail Business District to B-P Planned Business Park District. The Master Plan Amendment is a request from Mixed-Use Land Use District (City-Wide Master Plan) to Business Park Land Use District (City-Wide Master Plan). Both the Change of Zone and the Master Plan Amendment are requested to allow the existing business—receiving, storing, and shipping inventory for watch repair—to be an allowed use under zoning district and master plan regulations. The existing uses are currently allowed under SP-2020-95, a Special Use Permit for temporary use of land for commercial or industrial purposes. The applicant is simultaneously requesting variances from the B-P District parcel size minimum and building setbacks, under BOZA2022-063.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Trent Gaddy, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:34:00: Planning Director Hand stated that that these applications are being heard in conjunction with BOZA2022-063, which was approved by the Board of Zoning Appeals earlier this evening. This application is to correct the land entitlement from an ongoing Special Use Permit to a permanent solution to a business park district. Staff has received no letters in support nor in opposition, There are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 2:35:08:

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application**

MPL2022-027:

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

Motion to recommend **APPROVAL** Passed: 9 to 0

Subject to:

1. All landscaping plans must follow the preliminary landscaping plan submitted and shall comply with all applicable landscaping requirements, included Sections 27-472(g), 27-699(a)(6), and 27-702(1)(a-d);
2. The sidewalk serving the parking lot must be extended and connected to the sidewalk in the Meadowlark Lane right-of-way;
3. Per Section 27-699(b)(5), all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container;
4. Per Section 27-699(b)(6), mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view;
5. The parking lot should be repaired and paved subject to UG standards;

6. All conditions stated in the applicant responses to SP-2020-95 remain the same, as attested to by the applicant on November 28, 2022;
7. 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;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. This City Planning Commission case is being heard in conjunction with BOZA2022-063. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-063 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law; and,
10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL** of Change of Zone Application COZ2022-043:

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

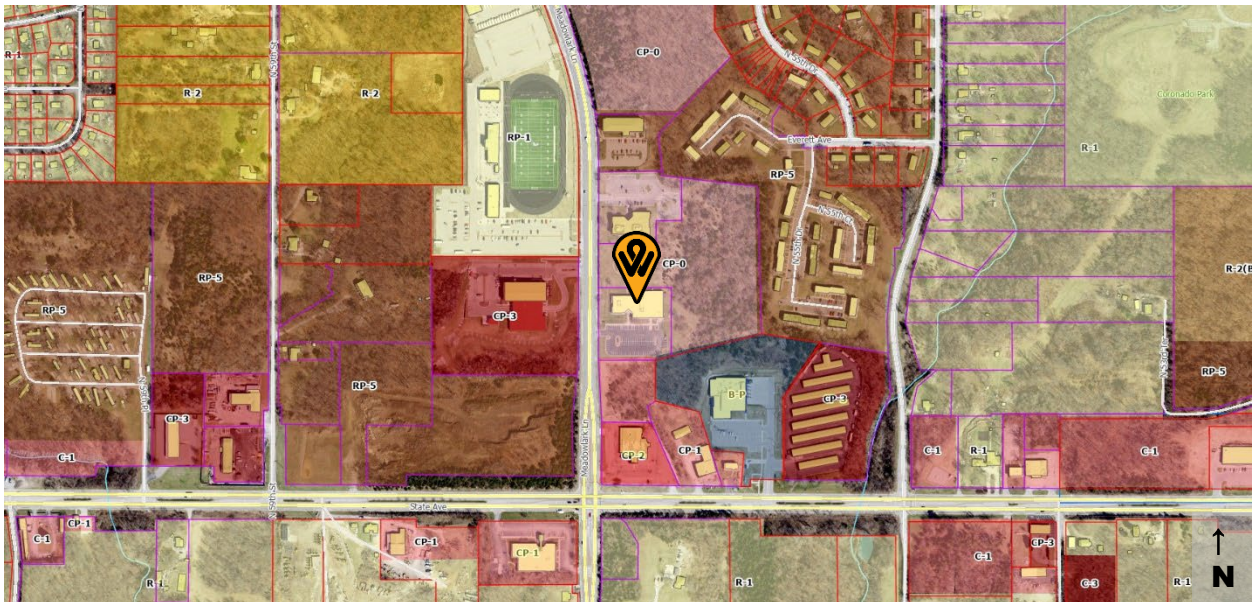
Motion to recommend **APPROVAL** Passed: 9 to 0

Subject to the above conditions

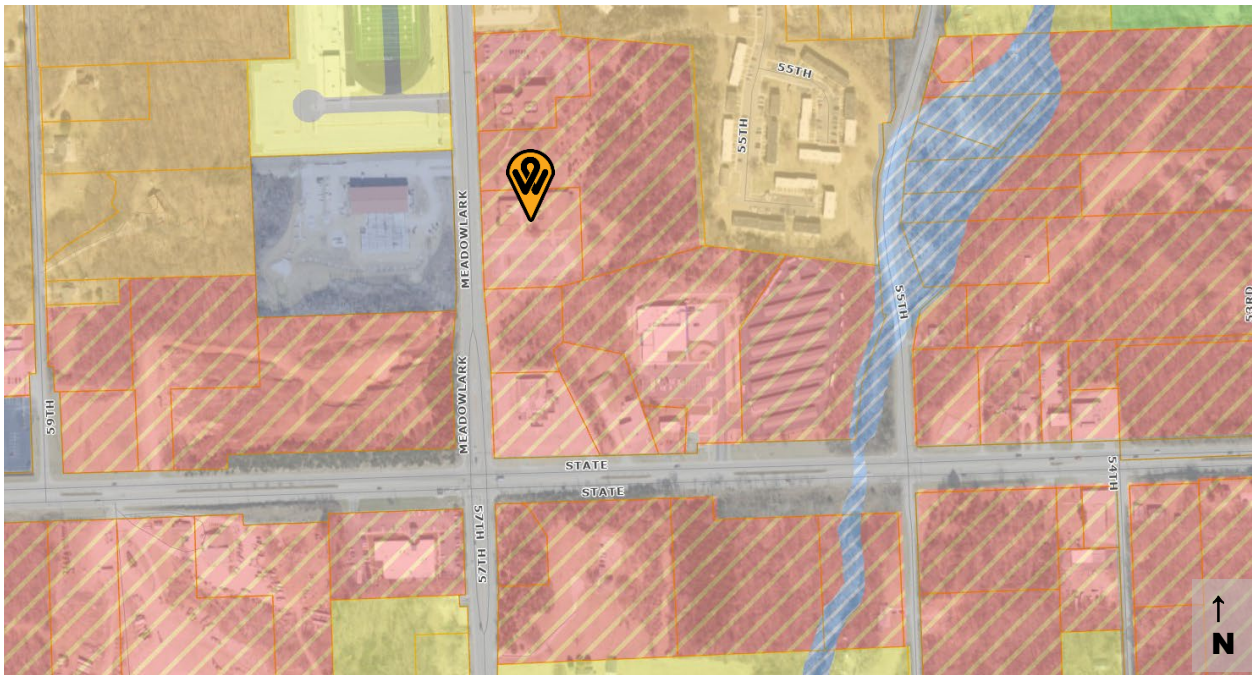
AERIAL MAP



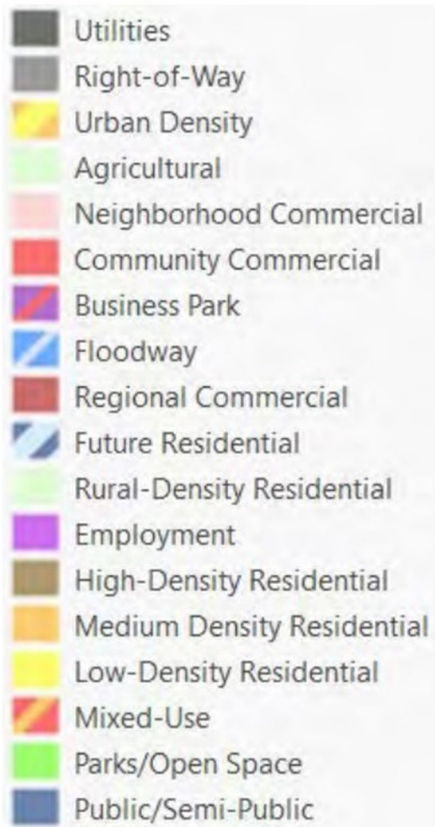
ZONING MAP



LAND USE MAP



City-Wide Master Plan Land Uses



NEIGHBORHOOD MEETING MINUTES

Date: 11/17/22

Name

Address

City/State/Zip

SUBJECT: Neighborhood Meeting

We have filed the following applications with the Department of Urban Planning and Land Use: Change of Zone # COZ2022-043; Master Plan Amendment # MPL2022-027; and Variance # BOZA2022-063. The applications are for the property address of: 1223 Meadowlark Lane, Kansas City, Kansas 66102.

We are having a neighborhood meeting on 11/28/22 at 6:00 PM at the address of: 1223 Meadowlark Lane, Kansas City, Kansas 66102.

The purpose of this neighborhood meeting is to explain the request changes on our applications and to answer any questions or concerns you may have.

We look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,

Trent Gaddy
General Manager
Jules Borel & Co.
1223 Meadowlark Lane
Kansas City, KS 66102
Phone: 800-776-6862 Ext 379
Email: accounting@julesborel.com

NEIGHBORHOOD MEETING MINUTES, CONT.

Neighborhood Meeting Minutes

Our neighborhood meeting was held in person at our location, 1223 Meadowlark Lane, KCK 66102, on 11/28/2022 at 6:00 pm. No one other than I and our President, Gary Borel participated in the meeting. We waited until 6:30 pm in case anyone who wanted to attend was late. After 6:30 pm we concluded the meeting. Note: attached is a copy of receipts of the letters we sent to our neighbors via Certified Mail. A copy of the letter was provided to Janet beforehand for approval.

List of People who Contacted me with Questions

Mr. Abu Taher (phone number: 913-485-7225), who owns the property directly adjacent to our south contacted me via phone on 11/28/2022 at 4:30 pm. He stated that he would not be able to join the neighborhood meeting that evening but would like me to go over the highlights. I introduced myself (GM of Jules Borel) and told him about who we were and what we do (102-year-old watch parts and tools distributor). I explained how we currently operate within the building (receiving, storing & shipping of watch related inventory via a special use permit). I told him the purpose of the meeting was to inform our neighbors that we had applied to rezone our property from CP-O Planned Non-Retail Business District to B-P Planned Business Park District and additionally filed for a variance request since we occupy only 2.11 acres rather than the required 10 acres. The goal of the rezoning is to give us a permanent solution to conduct our business rather than reapply for a SUP every two years. I asked him if he had any questions or concerns. He asked if his property would also be rezoned. I stated it would not and that this only applies to our property. I asked him if this concerned him. He stated that he was not concerned, just curious. He commented that he has had his property for sale for a long time without any real interest. He thought that if he prepared the land somewhat that it might help him sell it in the future as it is currently wooded. He stated that he was happy to see our building being used and maintained as it had been vacant for many years. He asked if he could visit sometime and have a tour and meet in person. I told him he is welcome any time but to call first to ensure I would be in the office. I asked if he had any other questions or concerns to which he replied, no, and that he looked forward to meeting someday. I stated I felt the same and the phone call ended after approximately 15 minutes.

Following Attachments:

- 1) List of Contact Names and Addressees
- 2) Certified Mail Receipts
- 3) Copy of Power Point we would have presented if anyone would have joined the meeting

NEIGHBORHOOD MEETING MINUTES, CONT.

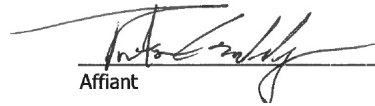
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition numbers: COZ2022-043 (Change of Zone); MPL2022-027 (Master Plan Amendment) and BOZA2022-063 (Variance).
2. That I conducted a neighborhood meeting on 11/28/22.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

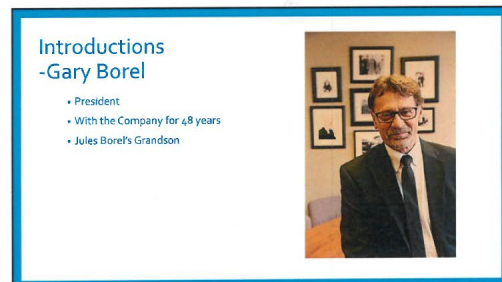

Affiant



1



2



NEIGHBORHOOD MEETING MINUTES, CONT.

Introductions -Trent Gaddy

- General Manager
- With the Company for 8 years
- Married to Jules Borel's Great Granddaughter
- Gary Borel's son-in-law



5

THE FAMILY HISTORY

6

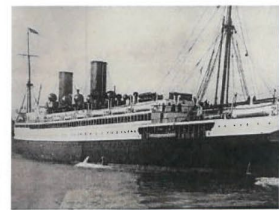
Jules Borel – Our Founder

- Jules Arnold Borel-Jaquet was born in 1884
- In 1910 he married Juliette
- He and Juliette had 6 children
- Jules worked as a Material man in Switzerland



1917 - Jules Borel Immigrates to the USA

- With the American dream in mind, the family of 7 immigrated to the USA with less than \$500 savings and a suitcase full of watch parts.



1958 The Company Relocates

- 1110 Grand Blvd. (6 Story Building)
- Jules was excited about 25% more space & modern lighting
- Opportunity to maximize efficiency in process orders



13

Present Day

- Currently there are 8 family members with the Company.
 - 5 from the 3rd Generation
 - 3 from the 4th Generation
- In 2014, there were 14 family members with the Company.
- In 2020 the company relocated to the building we are in today.



14

WHO WE ARE

A ONE STOP SHOP FOR THE WATCH INDUSTRY

Wholesale Distributor

- We source our products from Switzerland, Germany, India and Hong Kong and redistribute them in the States.
- Because of our legacy and integrity we have been blessed to obtain either exclusive or master rights to distribute some of the most respected brands in our industry.
 - Roxel
 - Witschi
 - Elma
 - Bergeon
 - Etc.

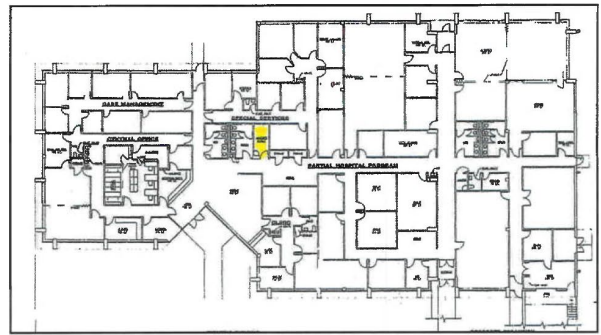


NEIGHBORHOOD MEETING MINUTES, CONT.

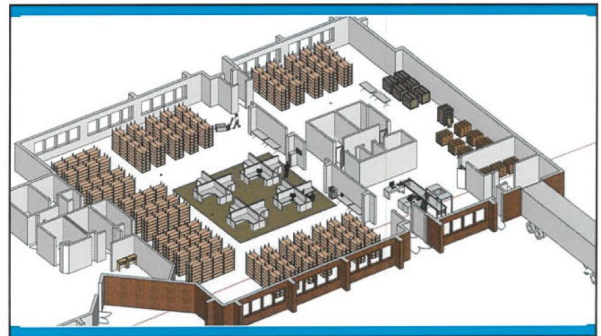
OUR CURRENT OFFICE

A MARRIAGE OF OPEN CONCEPT OFFICE AND INVENTORY STORAGE

29



30



33

Why This Meeting – Rezone Request

- Our location is currently zoned CP-O, Planned Non-Retail Business District.
- This zoning does not allow for receiving, storing and shipping of inventory.
- Jules Borel currently operates via a Special Use Permit issued in December of 2020.
- This permit is issued in 2 years increments and is about to expire.

34

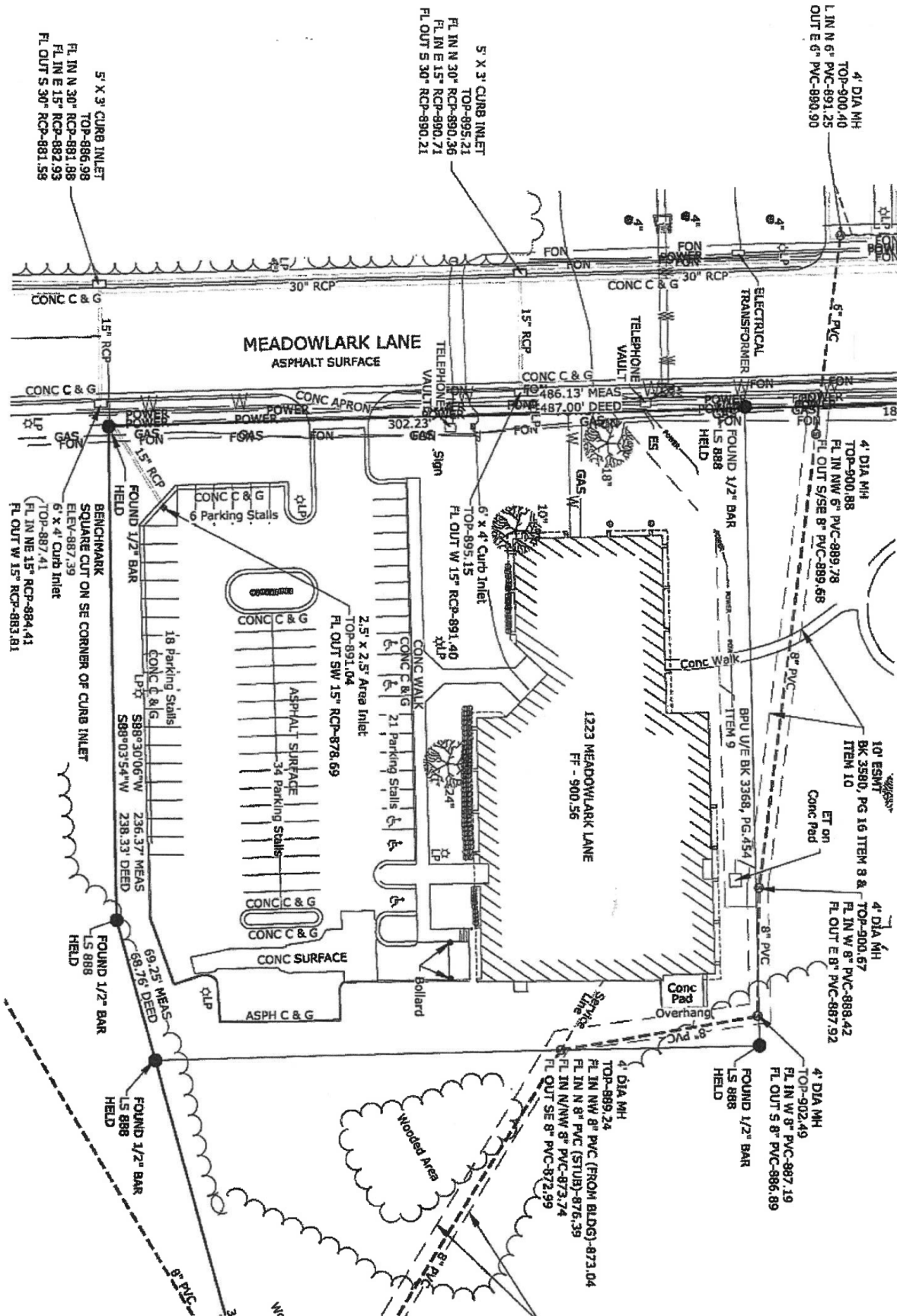
Why This Meeting, Rezone Request continued...

- Our desire is to have our property rezoned to B-P Planned Business Park District.
- This would provide us with a permanent solution to operate.
- This will not change the way we currently operate and should not impact our neighbors in any fashion as all our operations are conducted within our building.

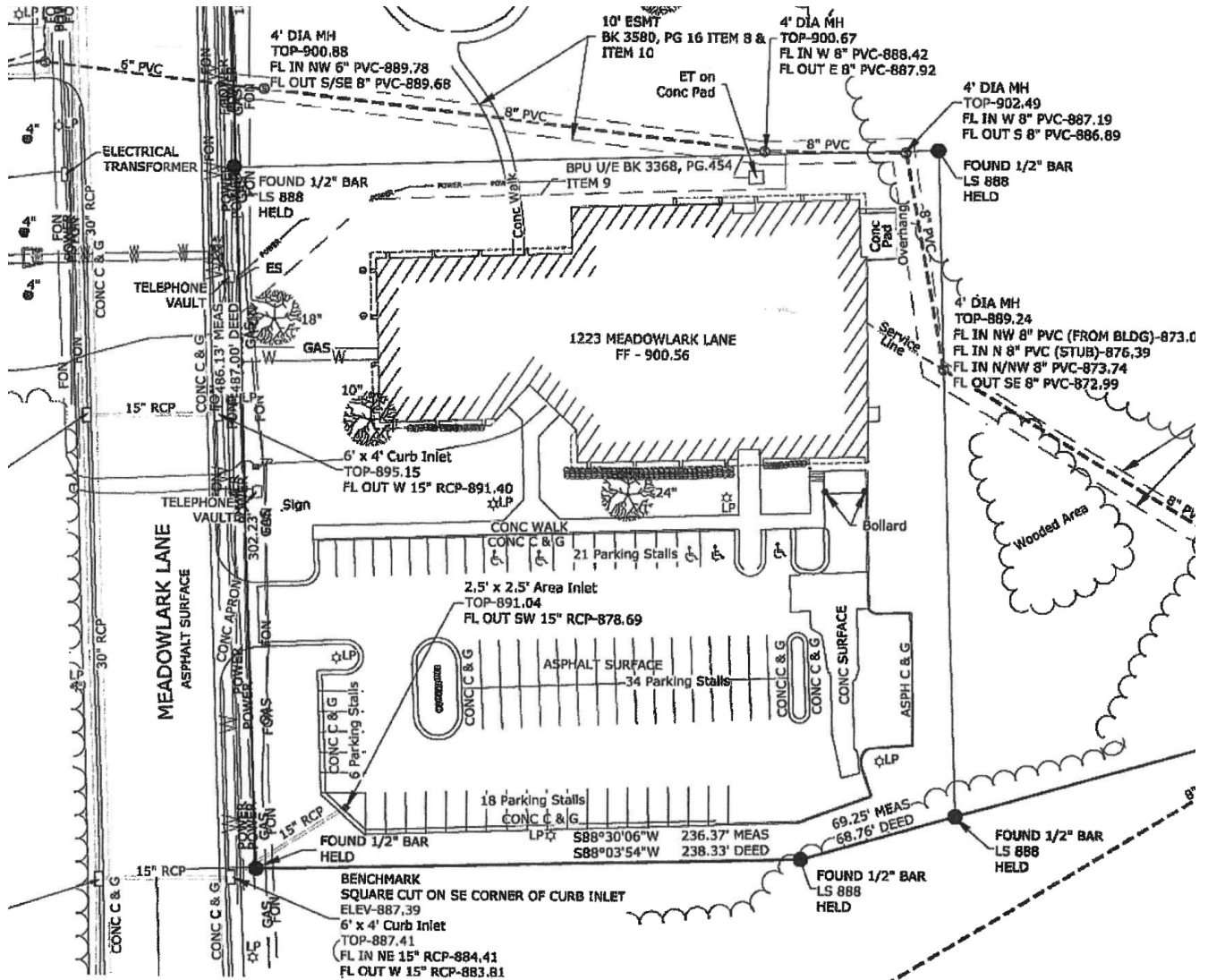
Why This Meeting, Variance Request

- Additionally, we have requested a variance.
- B-P Planned Business Park District has a minimum lot size requirement of 10 acres.
- Our lot size is only 2.11 acres.
- Request the variance ensures that our neighbors' and their current zoning of CP-O, Planned Non-Retail Business District will not be impacted.
- Both the Rezone and Variance have already been done before in our area, i.e. 5604 State Ave. – 5.56 acres

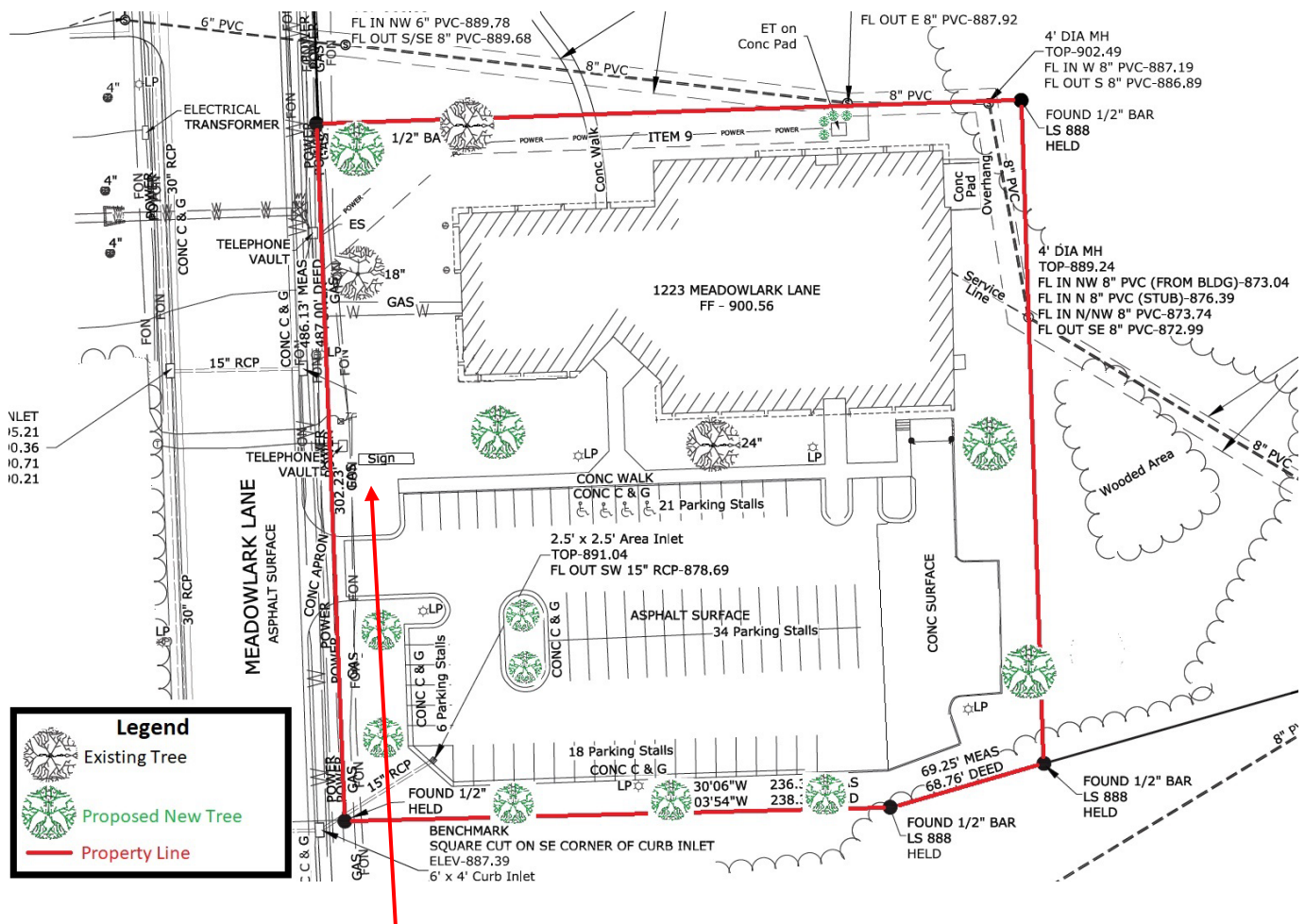
SITE PLAN OF 1223 MEADOWLARK LANE SUBMITTED BY THE APPLICANT



SITE PLAN OF 1223 MEADOWLARK LANE SUBMITTED BY THE APPLICANT, CONT.

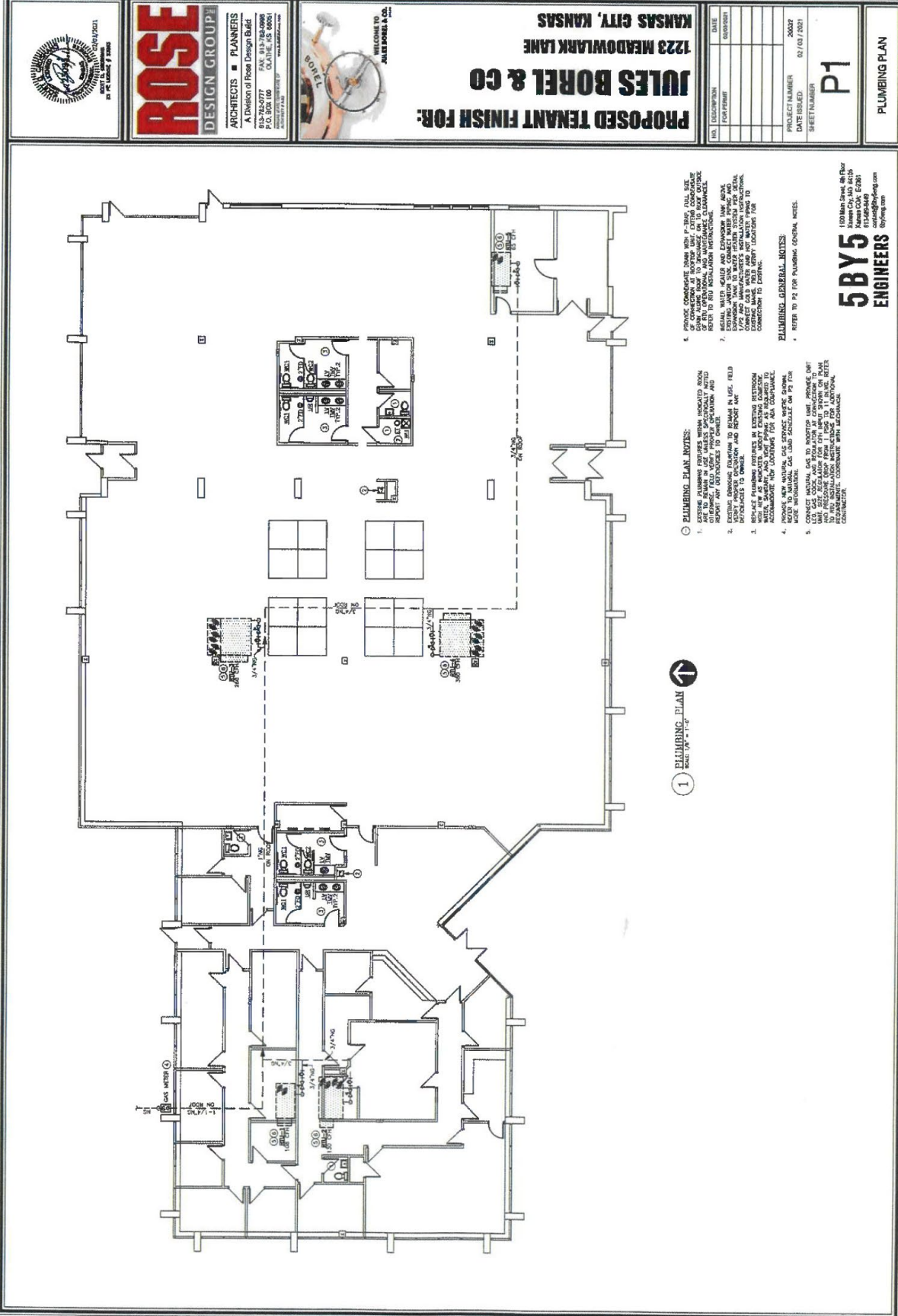


LANDSCAPING PLAN OF 1223 MEADOWLARK LANE SUBMITTED BY THE APPLICANT

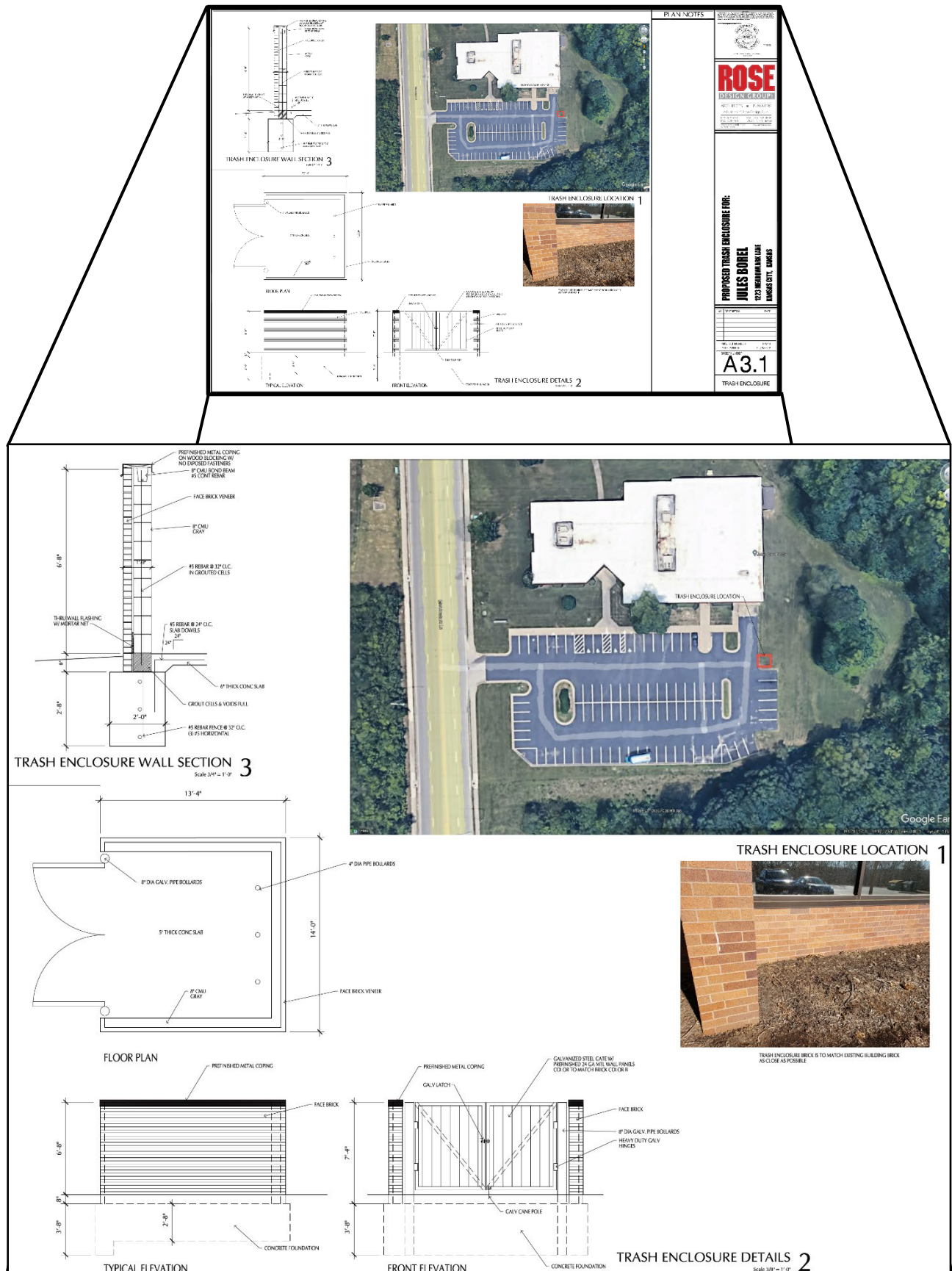


As stated by the applicant in response to "Planning and Urban Design Comments: General #2" within the *Staff Comments and Suggestions* section of this report, the parking lot sidewalk will be extended in kind to connect to the Meadowlark Lane sidewalk.

BUILDING FLOOR PLAN



TRASH ENCLOSURE PLAN



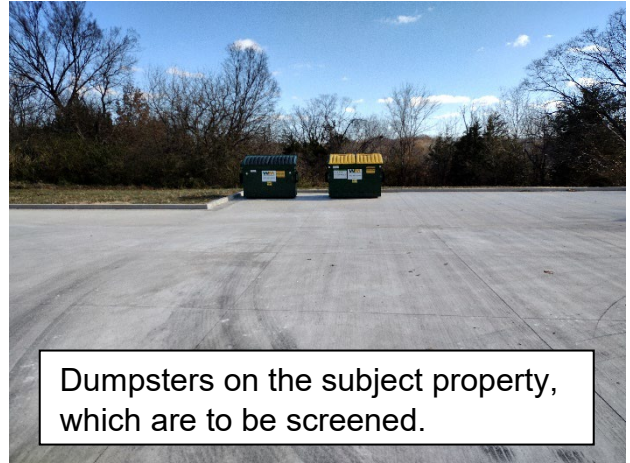
JULES BOREL & Co. BUSINESS DESCRIPTION

Business Description

Jules Borel & Co is located at 1223 Meadowlark Lane in Kansas City, Kansas. We employ approximately 25 people at our single location. We are a family owned and operated company that has been operating for over 102 years. We primarily operate as a supplier of tools, equipment, parts and supplies for Watchmakers and Jewelers within the Wholesale Trade - Durable Goods sector, under the categories of Jewelry & Precious Stones, Precision tools, and Watches & Parts.

NAICS Codes of 423940 and 423490. SIC Codes of 5094 and 5049.

SITE VISIT PHOTOGRAPHS BY STAFF, DATED NOVEMBER 19, 2022



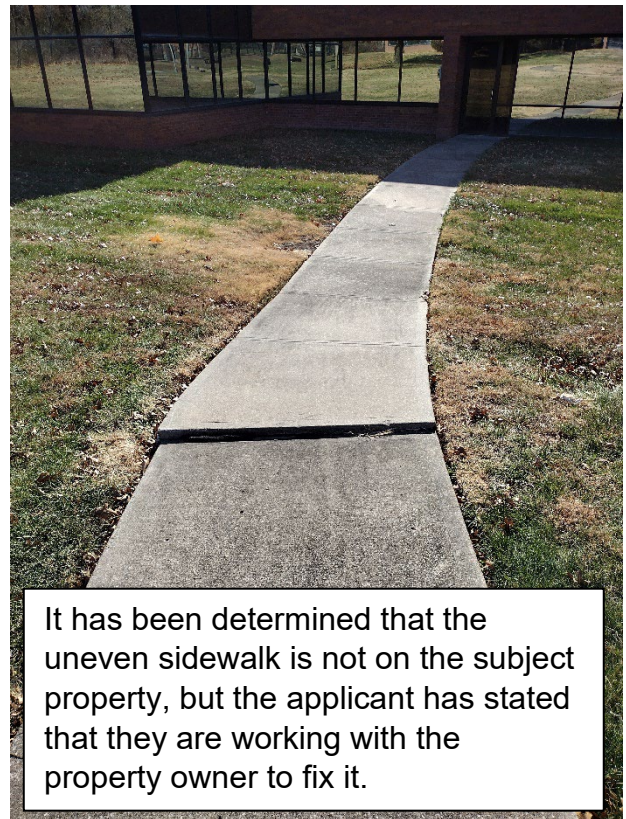
SITE VISIT PHOTOGRAPHS BY STAFF, DATED NOVEMBER 19, 2022, CONT.



An example of the current condition of the parking lot, which is to be repaired in the Spring of 2023.



Sidewalk serving the parking lot to be extended to connect with the sidewalk along Meadowlark Lane.



It has been determined that the uneven sidewalk is not on the subject property, but the applicant has stated that they are working with the property owner to fix it.

(First published _____)

#3180

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 3640 North 83rd Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on January 18, 2019, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to A-G Agriculture District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

BEG 25FT W OF SE COR NE1/4; W 175FT, N 330FT, W 460FT, N 990FT, E 635FT, S 1320FT TO POB CONTG 15.76AC M/L, BOOK PAGE: 2016R-02810, Located at approximately 3640 North 83rd Street, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to A-G Agriculture District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of

Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2023.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2022-029

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 13205 Parallel Parkway, in Kansas City, Kansas, by changing the same from its present zoning of R Rural Residential and AG Agriculture (WYCO) Districts to A-G Agriculture District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on July 29, 2022, by the owners of property to have the zoning of said property changed from its present zoning of R Rural Residential and AG Agriculture (WYCO) Districts to A-G Agriculture District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

A REPLAT OF LOT 3, SUBDIVISION OF MILLER ESTATE, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED BY ROGER B. DILL PS 1408 ON JULY 21, 2022, AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF FRACTIONAL SECTION 5, TOWNSHIP 11 SOUTH, RANGE 23 EAST OF THE 6TH P.M.; THENCE N88°06'13"E, COINCIDE WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1278.51 FEET; THENCE S01°42'02"E, A DISTANCE OF 80.10 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF PARALLEL PARKWAY AS IT NOW EXISTS, ALSO KNOWN TO BE A POINT ON THE EAST LINE OF SAID LOT 3 AND ALSO KNOWN TO BE THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT; THENCE S01°42'02"E, COINCIDE WITH THE EAST LINE OF SAID LOT 3, A DISTANCE OF 1442.12 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE

S88°06'13"W, COINCIDE WITH THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 1258.59 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF N 134TH STREET AS IT NOW EXISTS; THENCE N01°42'02"W, COINCIDE WITH SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 348.15 FEET TO A POINT ON THE CENTER LINE OF AN EXISTING CREEK; THENCE N37°59'52"E, COINCIDE WITH SAID CREEK CENTERLINE, A DISTANCE OF 114.60 FEET; THENCE N81°07'44"E, CONTINUING COINCIDE WITH SAID CREEK CENTERLINE, A DISTANCE OF 144.19 FEET; THENCE N31°57'15"E, CONTINUING COINCIDE WITH SAID CREEK CENTERLINE, A DISTANCE OF 82.98 FEET; THENCE N43°13'16"E, CONTINUING COINCIDE WITH SAID CREEK CENTERLINE, A DISTANCE OF 67.62 FEET; THENCE N01°42'02"W, A DISTANCE OF 902.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SAID PARALLEL PARKWAY; THENCE N88°47'58"E, COINCIDE WITH SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 74.00 FEET; THENCE S83°00'43"E, CONTINUING COINCIDE WITH SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 253.18 FEET; THENCE N66°18'06"E, CONTINUING COINCIDE WITH SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 107.70 FEET; THENCE N88°06'13"E, CONTINUING COINCIDE WITH SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 246.35 FEET; THENCE S83°55'36"E, CONTINUING COINCIDE WITH SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 252.44 FEET; THENCE N78°10'41"E, CONTINUING COINCIDE WITH SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 28.43 FEET TO THE POINT OF BEGINNING. CONTAINING 1,525,110.15 SQUARE FEET MORE OR LESS OR 35.01 ACRES, Located at approximately 13205 Parallel Parkway, Kansas City, Kansas,

be changed from its present zoning of R Rural Residential and AG Agriculture (WYCO) Districts to A-G Agriculture District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2023.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2022-036

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 1403 North 7th Street, in Kansas City, Kansas, by changing the same from its present zoning of CP-1 Planned Limited Business District to CP-3 Planned Commercial District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on January 20, 2021, by the owners of property to have the zoning of said property changed from its present zoning of CP-1 Planned Limited Business District to CP-3 Planned Commercial District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

Lots 29,30,31,32 and the West ½ of Lot 33, Block 74, Wyandotte City, an addition now in and a part of Kansas City, Wyandotte County, Kansas. (Approx Add. 1403 N 7th St.), Located at approximately 1403 North Street, Kansas City, Kansas,

be changed from its present zoning of CP-1 Planned Limited Business District to CP-3 Planned Commercial District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-467, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for CP-3 Planned Commercial District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2023.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2022-040

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 822 and 825 North 49th Street, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on September 30, 2022, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

All of Lot 1, Ozland, a subdivision of record in the City of Kansas City, Wyandotte County, Kansas, and all of Lots 1, 2, 4, and 5 through 17 of Douglas Highlands, a subdivision in said City, County and State, and all that part of the Northeast Quarter of Section 12, Township 11 South, Range 24 East, in said City, County and State, being more particularly described as follows: Commencing at the northwest corner of Lot 1, Ozland, thence South 02 degrees 12 minutes 47 seconds East, with the west line of said Lot 1, Ozland, a distance of 30.00 feet to a point on the South right-of-way line of Armstrong Avenue, as now established, and the TRUE POINT OF BEGINNING; thence North 87 degrees 58 minutes 15 seconds East, with said South right-of-way line of Armstrong Avenue, a distance of 659.88 feet to a point of the east line of said Lot 1; thence South 00 degrees 40 minutes 25 seconds East, with the east line of said

Lot 1, a distance of 312.55 feet; thence South 64 degrees 43 minutes 26 seconds East, continuing with the east line of said Lot 1, a distance of 14.70 feet; thence South 40 degrees 31 minutes 30 seconds East, continuing with the east line of said Lot 1, a distance of 136.10 feet; thence South 00 degrees 46 minutes 23 seconds East, continuing with the east line of said Lot 1, a distance of 218.00 feet; thence South 24 degrees 03 minutes 37 seconds West, continuing with the east line of said Lot 1, a distance of 194.00 feet; thence South 12 degrees 33 minutes 37 seconds West, continuing with the west line of said Lot 1, a distance of 300.98 feet to the southeast corner of said Lot 1, Ozland; thence South 87 degrees 50 minutes 41 seconds West, with the south line of said Lot 1, a distance of 580.70 feet to the southwest corner of said Lot 1, Ozland, said point being on the east right-of-way line of N. 49th Street (platted as Vernon Road), as now established; thence South 02 degrees 12 minutes 47 seconds East, with said east right-of-way line of N. 49th Street, a distance of 667.16 feet to a point on the south line of the Northeast Quarter of said Section 12; thence South 87 degrees 48 minutes 36 seconds West, with the south line of the Northeast Quarter of said Section 12, and with the south line of Lot 17, Douglas Highlands, a distance of 415.77 feet (417.00 feet plat) to the southwest corner of said Lot 17, Douglas Highlands; thence North 02 degrees 12 minutes 47 seconds West, with the west line of Lots 17 through 10, Douglas Highlands, a distance of 816.30 feet; thence South 88 degrees 17 minutes 17 seconds West, and no longer with the west line of said Lot 10, Douglas Highlands, a distance of 336.97 feet (340 feet deed) to a point on the east right-of-way line of Jackson Road, as now established; thence North 02 degrees 01 minute 05 seconds West, with the east right-of-way line of Jackson Road, a distance of 361.71 feet (384 feet deed); thence North 88 degrees 17 minutes 17 seconds East, and no longer with the east right-of-way line of Jackson Road, a distance of 335.74 feet (340 feet deed) to the west line of Lot 7, Douglas Highlands; thence North 02 degrees 12 minutes 47 seconds West, with the west line of Lots 7, 6, 5 and 2, Douglas Highlands, a distance of 317.76 feet (305.6 feet deed); thence South 87 degrees 58 minutes 16 seconds West, and no longer with the west line of said Lot 2, a distance of 152.63 feet to a point on the east right-of-way line of Muncie Road, as now established; thence North 25 degrees 09 minutes 02 seconds East, with the east right-of-way line of said Muncie Road, a distance of 329.39 feet to the northwest corner of Lot 1, Douglas Highlands; thence North 87 degrees 58 minutes 16 seconds East, with the north line of said Lot 1 and the south right-of-way line of said Armstrong Avenue, a distance of 177.00 feet to the northeast corner of said Lot 1; thence South 02 degrees 12 minutes 47 seconds East, with the east line of said Lot 1 and the west right-of-way line of said N. 49th Street (platted as Vernon Road), a distance of 144.76 feet; thence North 87 degrees 48 minutes 36 seconds East, and no longer with the east line of said Lot 1 and the west right-of-way line of N. 49th Street, and now with the north line of Lot 4, Douglas Highlands, and its westerly

prolongation, a distance of 240.00 feet to the northeast corner of said Lot 4 and the southeast corner of Lot 3, Douglas Highlands; thence North 02 degrees 12 minutes 47 seconds West, with the east line of said Lot 3, Douglas Highlands, a distance of 134.09 feet to the Point of Beginning. The above described tract contains 1,602,913 square feet, or 36.80 acres, located at approximately 822 and 825 North 49th Street, Kansas City, Kansas,

be changed from its present zoning of A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-470, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for MP-3 Planned Heavy Industrial District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2023.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

VAC2022-007

ORDINANCE NO. _____

AN ORDINANCE vacating all of Lots 37 and 38, Freeman Farms North Phase One, a subdivision of land in the city of Kansas City, Wyandotte County, Kansas described by Roger B. Dill PS 1408 on September 19th, 2022. Containing 25,645.35 sqft or 0.59 acres, located at approximately 12821 and 12827 Hubbard Road, Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the following described utility easement in Kansas City, Kansas be and the same is hereby vacated:

ALL OF LOTS 37 AND 38, FREEMAN FARMS NORTH PHASE ONE, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS DESCRIBED BY ROGER B. DILL PS 1408 ON SEPTEMBER 19TH, 2022. CONTAINING 25,645.35 SQFT OR 0.59 ACRES, located at approximately 12821 and 12827 Hubbard Road, Kansas City, Kansas.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF
_____, 2023.

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-072

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-072, commonly known as 1401 Merriam Lane Kansas City, Kansas, legally described as:

WILLIE JONES SUBDIVISION, L1 LESS FOLL: BEG NE COR L1; SELY 30 FT, NWLY 31.75 FT, LELY 20FT TO POB, LOCATED AT APPROXIMATELY 1401 MERRIAM LANE, KANSAS CITY, KANSAS.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to operate a used car dealership.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. Per the goDotte County-Wide Mobility Plan, the applicant will be required to dedicate an easement along Turkey Creek. This easement must start from the edge of the bank down to the existing easement, to accommodate for future trail development;**

2. The applicant will be required to submit a change of zone to correct the split zoning found on the property;
3. The business may not operate later than 6:00 pm;
4. The applicant is requesting a Special Use Permit for a property zoned C-3 Commercial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). Should there be conflicts between the CDGOD and other regulatory land use requirements, the stricter interpretation shall apply per Section 27-574(f). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for SP2022-072. All listed requirements that are identified as "*have not been met*" must be granted a deviation by the City Planning Commission upon specific request by the applicant during the City Planning Commission meeting.

a. The following requirements of the Commercial Development Guidelines Overlay District have been met:

- i. Sec 27-575(d)(2): Curb-cuts should be minimized and concentrated at mid-block
- ii. Sec 27-575(d)(7) There shall be a hierarchy of internal circulation beginning with site access from the public street.
- iii. Sec. 27-575(d)(8) states that "Internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users.
- iv. Sec. 27-575(d)(9) states that "to the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems
 - a. Access driveways shall feed into driving lanes which shall divide into parking lanes and parking areas
 - b. There shall be limited access to driveways, which shall be provided from driving lanes, not parking areas, wherever possible.
 - c. Circulation Patterns within parking areas shall be defined by curbs and landscaped islands
 - d. Where possible, groups of buildings should be serviced by dedicated service access lanes.
- v. Sec 27-575(d)(11) Internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces.
- vi. Sec 27-575(d)(12) Pedestrian connections must be clearly defined in a combination of two or more of the following ways:

1. Six-inch vertical curb;

2. Trellis;
 3. Special railing;
 4. Bollards;
 5. Special paving;
 6. Low seat wall or other architectural features;
 7. Pedestrian scale lighting; or
 8. Traffic calming devices.
- vii. **Sec 27-575(e)(2) Pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision.**
 - viii. **Sec 27-575(e)(3) Parking located between front of building and street right-of-way must provide an additionally 20 feet of landscaped area in addition to the required setback. This, however, would cause an undue hardship, therefore, the applicant will only be required to provide a six (6) foot landscaped buffer. Please demonstrate this on the site plan.**
 - ix. **Sec 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.**
 - x. **Sec 27-575(f)(1) There should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots.**
 - xi. **Sec 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.**
 - xii. **Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. The applicant will need to revise the plan to include the screening shrubs.**
 - xiii. **Sec. 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.**
 - xiv. **The Commercial Design Guidelines require that all disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction.**
 - xv. **The Commercial Design Guidelines require that all roof mounted units must be screened by the parapet of the building**

- xvi. **Sec. 27-577(b)(3)** In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six feet tall (when planted) provided for every 30 feet of street easement or frontage.
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.

- xvii. **Sec 27-577(a)(5)** – Landscaping shall exceed the typical code requirements by at least 75 percent

- a. The district requirement is one tree per 7,000 square feet of site area.
The 3.43 acre site is 84,071 Square Feet, which would require 12 trees per the Code of Ordinances.

- b. All deciduous trees shall be at least 2½” caliper when planted. All evergreens must be at least 6’ in height when planted. All shrubs must be planted at a minimum of 5 gallons.

- c. Landscaping shall be irrigated.

- b. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met in which the Applicant is wishing to exercise alternative design methods or deviances from the guidelines:

- i. **Sec 27-576(d)(1)** A single building development with multiple buildings must maintain a consistent style/architectural theme. Architectural design building materials, colors, forms, roof style and detailing should all work together to express consistent design. This includes all pads within a retail development, as well as gasoline pump canopies or other accessory structures.

- 5. Any business or land use in Kansas City, Kansas that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same

- land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 7. The Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
 8. If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office;
 9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 13. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:

- a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.
- 14. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
- 15. Per Sections 27-667-27-676, every vehicle must be in a designated and striped parking space. Provide a site plan indicating the number of parking stalls, indicating which stalls are dedicated to customers, employees and staff, vehicles for sale, or vehicles for repair. Detailed dimensions of each parking stall are required. Non-ADA parking stalls must be 9' wide from the inside of stripe to inside of stripe and 18' in length;
- 16. Any automotive-related use in Kansas City, Kansas shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
- 17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 19. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for

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

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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-094

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-094, commonly known as 4904 Edgehill Drive, Kansas City, Kansas, legally described as:

Lot 136, CRESTVIEW HOMES, an addition in Kansas City,
Wyandotte County, Kansas, according to the recorded Plat
thereof, located at 4904 Edgehill Drive, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **Maximum number of guests shall be 7;**
2. **All parking must be off-street, maximum number of vehicles is four (4);**

3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must maintain liability insurance;
5. Applicant must maintain the property's physical condition through the duration of the permit;
6. All reservations shall be a minimum stay of 24 hours;
7. No meals shall be prepared in the dwelling by the owner or owner's agent;
8. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
9. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information.
 - b) A lead-based paint notification for any property built before 1978.
 - c) An asbestos notification for any property built before 1981.
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
10. The property must remain in proper maintenance and free of hazards, pests, or infestations;
11. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
14. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the

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

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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: January 12, 2023
Re: Petitions COZ2022-039 and SP2022-097

GENERAL INFORMATION

Applicant:

Curtis Petersen

Status of Applicant:

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

Requested Actions:

Change of Zone from A-G Agriculture and C-0 Nonretail Business Districts and CP-2 Planned General Business District.

Special Use Permit for ancillary uses associated with the hotel resort such as live entertainment, convention space and drinking establishments.

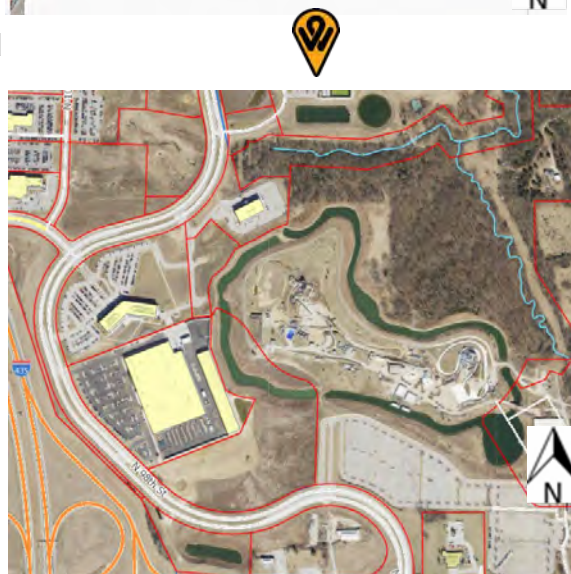
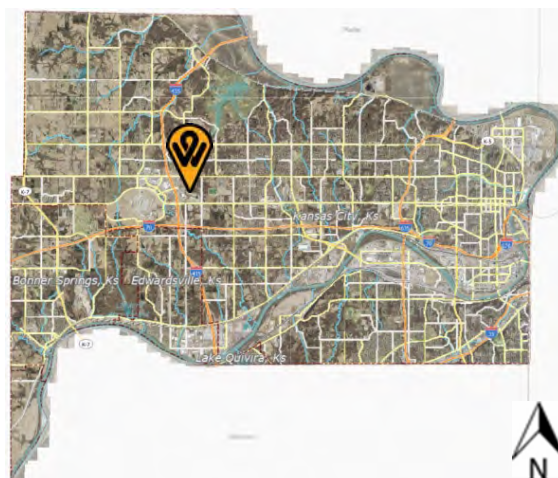
Date of Application:

September 30, 2022

Purpose:

To rezone and create one (1) commercial lot to build a 203,900 square foot hotel resort with indoor/outdoor bars, convention space and a stand-alone restaurant.

Property Location: 9400 State Avenue



Commission Districts:	Commissioner At Large, District #2: Tom Burroughs District #7 Commissioner: Chuck Stites		
Existing Zoning:	A-G Agriculture and C-0 Nonretail Business Districts		
Adjacent Zoning:	North:	A-G Agriculture District	
	South:	A-G Agriculture District	
	East:	A-G Agriculture, R-1 Single Family and RP-5 Planned Apartment Districts	
	West:	A-G Agriculture and CP-3 Planned Commercial Districts	
Adjacent Uses:	North:	A creek and USMNT Training Facility	
	South:	KCKFD Station #6	
	East:	Multi-family apartments, single family homes and undeveloped land	
	West:	Camping World	
Total Tract Size:	26.62 Acres		
Master Plan Area:	Prairie Delaware Piper Plan		
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Planned Mixed Entertainment / Commercial District, which major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations.		
Major Street Plan:	The Major Street Plan classifies North 98 th Street as a Class C Thoroughfare.		
Required Parking:	Sec. 27-466(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building, however, there are specific parking ratios for hotel, restaurants, and conference centers/convention space. Sec. 27-668(a)(5) One (1) space for each 50 square feet of seating area, plus one (1) space for each remaining 300 square feet of total floor area. 80 spaces are required. Sec. 27-668(a)(8) One (1) space for each guest room, plus one (1) space for each two (2) employees on the largest shift, plus adequate parking for banquet rooms, meeting rooms, restaurants, and lounge areas. 325 spaces are required.		

Sec. 27-668(a)(11) One (1) space for each four (4) seats.
100 spaces are required.

505 parking spaces are required. 315 parking spaces are provided. (BOZA2022-054 is a parking reduction to be heard in conjunction with these petitions).

Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – October 20, 2022; Special Use Permit – October 20, 2022 Letters to Property Owners – Change of Zone – October 21, 2022; Plat – October 21, 2022; Special Use Permit – October 21, 2022
Public Hearings:	November 14, 2022, December 1, 2022 and January 12, 2023
Public Support:	None to date.
Public Opposition:	One person appeared at the Board of Zoning Appeals hearing but could not stay for the Planning Commission meeting.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen, with Polsinelli PC, wants to rezone a portion of 9400 State Avenue from A-G Agriculture and C-0 Nonretail Business Districts to CP-2 Planned General Business and create one (1) commercial lot to build a 203,900 square foot hotel resort (Margaritaville), which includes restaurants, indoor/outdoor bars, pools, convention space and a stand-alone restaurant for 26.62 acres.

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

FACTORS TO BE CONSIDERED

1. Neighborhood character

The subject property is within the I-435 West Statistical Neighborhood and is not within any Neighborhood Group Boundary. The subject property is, however, considered within the Legends/Kansas Speedway area. This site is formerly a portion of the Schlitterbahn Vacation Village waterpark. The neighborhood is defined by large commercial buildings, business campuses, sports and entertainment facilities and multi-family apartments and close proximity to two (2) interstates (I-70 and I-435) and two (2) major roadways (State Avenue and Parallel Parkway).

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

As presently zoned, the subject property is incompatible with the uses and proposed uses of neighboring parcels. By rezoning to CP-2 Planned General Business District and by operating out of the large building on a large lot, the subject property will be compatible with the retail businesses to the west and the commercial office buildings to the northwest. Without a full master plan for adjacent parcels controlled by the owner, Staff cannot plan for future sidewalk, trails, interconnectedness between the overall site. Proper screening, accomplished through both landscaping, fencing and berming, will continue to greatly to ensure the continued compatibility between the uses on the neighboring parcels, in particular residential uses to the east.

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

The subject property is over 26 acres and will site a building that is approximately 198,400 square foot resort hotel and 5,500 square foot stand-alone restaurant. The size of the parcel compared to the building will allow the building centrally located on the parcel without encroaching on the rear and side property setbacks, where the neighboring uses and buildings are and will be located. Beyond the mere distance between buildings on neighboring parcels, screening will reduce any adverse effects from detrimentally affecting nearby property.

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

The property has been vacant as zoned since 2018. It is the former Schlitterbahn site.

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

The proposed use does not fulfill any basic necessities or services to the community, and therefore is not reasonably necessary for the convenience and welfare of the public. The extent of the development proposed on site will greatly increase the amount of impervious surfaces, traffic, and visuals, given its setback along North 98th Street. To address and mitigate these issues, signage must be in compliance with the Side Code, and best practices must be employed for stormwater runoff retention. If all site design requirements – including Commercial District zoning requirements and Commercial Design Guidelines requirements, then the proposed use may not substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property.

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

There will be additional traffic due to the on-site redevelopment. The entry-exit access point to the property from the public right-of-way may be redesigned after reviewed by Planning Engineering and Public Works in a manner that reduces potential traffic issues such as backups and crashes, as well as minimize pedestrian conflicts.

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

The proposed use conforms to the Prairie Delaware Piper Master Plan Planned Commercial / Entertainment designation, which major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations.

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

Redevelopment of the property will lead to an increase of impermeable surfaces, parking needs, traffic at peak times and stormwater runoff. Best practices must be employed for stormwater runoff retention and more trees need to be planted around the detention basins and within the parking lot islands.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by West Patrol, District #223.

e. Fire

Fire service is provided by Fire Station #6.

f. Transit

Kansas City ATA does provide transit service along State Avenue, Route #101, approximately one-half (½) mile away at the intersection of 94th Street and State Avenue. The bus stop is not currently accessible by pedestrians due to the gap in the sidewalk connection along a portion of State Avenue and 98th Street.

g. Schools

Public education service provided by Kansas City Kansas USD 500.

h. Streets

See item #6 above.

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

The economic impact of a commercial development is contingent on several factors, including sales tax increases due to the development of a commercial property. The resort hotel will include full- and part-time jobs, so there will be a positive impact.

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

With revisions to landscaping, berming and fencing, the proposed use is capable of meeting applicable ordinance requirements.

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

If properly constructed and managed, the proposed use will not pollute the land or water because trash/litter will be picked up and disposed appropriately, and the detention basin requires annual maintenance.

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

The property is currently vacant and pervious. The proposed development will reduce the natural vegetation and terrain, even though the former Schlitterbahn Vacation Village waterpark accelerated these issues. Proper mitigation measures and best practices must be employed to ensure development does not unduly disrupt the local environment and surrounding properties. These measures include, but are not limited to, stormwater runoff retention, native tree and vegetation landscaping, screening, and shading.

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

The proposed use should not result in overcrowding of land or cause undue concentrations of population because there is ample space for maneuvering through the site, numerous amenities for guests and patrons and open space in the rear of the property, however, if there is a large event overflow parking may occur on the former Schlitterbahn parking lot to the south, adjacent to North 98th Street.

Staff must have a full master plan to address potential parking issues.

Sidewalk needs to be installed around the super block. There is a previous agreement/condition in Camping World that deferred said public improvements to this project.

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

Future development will need an erosion control plan and should follow Best Management Practices for erosion control. The applicant has provided documentation regarding grading, erosion control, and stormwater runoff management.

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

There will be additional traffic due to the on-site development. The entry/exit access point(s) to the property from the public right-of-way must be designed in a manner that reduces potential traffic issues such as backups and crashes. Additionally, the entry/exit access points, parking lots, and drive aisles must be designed in a manner that takes into account pedestrian traffic. Vehicle-pedestrian conflict points should be strictly minimized.

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

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

Staff must have a full master plan to help with site design, infrastructure, sidewalk and trail connectivity per the goDotte Mobility Plan.

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

Development patterns have been designed with minimal regard to topography in the center of the development site, whereas most of grades around the perimeter of the site should be retained. Most of existing tree stands around the perimeter along the northern and eastern edge of the property should be preserved.

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

The proposed development is commercial in nature. The plat is planned to be one (1) commercial lot and this site is critical to the continued connection, extension, and implementation of the Greenway Trail and goDotte Mobility Plan trail network along Marshall Creek.

As previously stated, Staff needs a full master plan of the overall development site to address this factor.

PREVIOUS ACTIONS

- This site was previously Schlitterbahn Vacation Village, which operated from 2009 – 2018.

NEIGHBORHOOD MEETING

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

KEY ISSUES

Stormwater Management
Overall Development Master Plan
Building Materials
Internal/External Pedestrian Connectivity
Access to Trails
Parking
Commercial Design Guidelines
Site Topography
goDotte Mobility Strategies
Greenway Trail Connections

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-039** and Special Use Permit Application **SP2022-097**, subject to:

1. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met and have been given a deviation by the City Planning Commission.
 - a. Sec. 27-596(e)(2) Exterior buildings materials shall not include the following:
 - i. EIFS at the ground level or comprising more than 15 percent of any façade.
The applicant must do better than the current use of EIFS: South – 39%, West – 38%, East 32% and North 39%.
 - b. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view. An opaque metal paneling system, similar to Dairy Farmers of America (DFA), rather than the parapet of the building.
2. At the time of the 2015 Star Bond issuance, Developer contributed Star Bond proceeds for signalization of 98th Street and State Avenue and associated improvements. The Unified Government will construct the sidewalk connection between the existing sidewalk in front of the fire station on State Avenue to 98th Street as part of the signalization project;
3. The Developer of Commercial Lot 8, as identified on the Homefield Master Plan, will construct an 8-foot sidewalk adjacent to its property at the time it is developed;
4. The Developer of Commercial Lot 2, as identified on the Homefield Master Plan, will construct a 10-foot sidewalk adjacent to its property line at the time it is developed;
5. When a building permit is pulled for Lot 14-A (luxury RV Park), Developer will dedicate an easement for an 8-foot trail to the Unified Government for connectivity in the area generally shown on the Homefield Master Plan (see in Attachments) with the actual location/layout of the easement to be mutually agreed upon by the Developer and the Unified Government. The trail shall be constructed by the Developer;

6. For future live entertainment:
 - a. All entertainment must cease by at least 1:00AM;
 - b. Doors and windows must stay closed during any entertainment performance;
 - c. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - i. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - ii. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - iii. An I.D. scanner will be used at all times;
 - iv. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
 - d. No amplified speakers or entertainment is allowed in outdoor spaces; and,
 - e. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
7. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
8. Sec. 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
9. Sec. 27-577(d)(1) states that 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;
10. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
11. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
12. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design

- comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;
13. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
 14. All landscaping shall be either irrigated or subject to the watering plan noted on the landscaping plan;
 15. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by a single, consolidated architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
 16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 17. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
 18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 19. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 20. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 21. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

- 22. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 23. Issuance of a final certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;**
- 24. 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;**
- 25. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
- 26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and**

- approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
27. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2022-039** and **SP2022-097**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

November 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Preliminary Plat
Site Plan
Grading Plan
Landscape Plan
Photometric Plan
Building Elevations
Site Photographs taken by Staff on October 17, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 14, 2022	December 1, 2022
Rezoning	Approval	Held Over January 12, 2023
Public Hearing	November 14, 2022	December 1, 2022
Special Use	Approval	Held Over January 12, 2023
Public Hearing	November 14, 2022	TBD
Preliminary Plat	Approved	

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

MOTIONS

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-039** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-039** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-097** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-097** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 14, 2022 City Planning Commission Minutes:

Hearing starts at 2:34:00:

CHANGE OF ZONE APPLICATION COZ2022-039 – CURTIS PETERSEN WITH POLSINELLI - SYNOPSIS: Change of Zone from AG Agriculture and C-O Non-Retail Business Districts to CP-2 Planned General Business District for the Margaritaville Resort Hotel at 9400 State Avenue.

SPECIAL USE PERMIT APPLICATION SP2022-097 – CURTIS PETERSEN WITH POLSINELLI - SYNOPSIS: Special Use Permit for an event center for the Margaritaville Resort Hotel at 9400 State Avenue.

PLAT APPLICATION PLAT2022-035 – CURTIS PETERSEN WITH POLSINELLI - SYNOPSIS: Preliminary Plat to create three (3) lots for the Margaritaville Resort Hotel at 9400 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen, with Polsinelli PC, wants to rezone a portion of 9400 State Avenue from A-G Agriculture and C-0 Nonretail Business Districts to CP-2 Planned General Business and create one (1) commercial lot to build a 203,900 square foot hotel resort (Margaritaville), which includes restaurants, indoor/outdoor bars, pools, convention space and a stand-alone restaurant for 26.62 acres.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to property owners.

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

Present in Support:

- Curt Petersen, applicant, Polsinelli, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:44:22: Planning Director Hand stated that this case is for a Change of Zone, Special Use Permit and Preliminary Plat. He stated that the parking variance was approved by the Board of Zoning Appeals earlier this evening.

The request is for the new Margaritaville Hotel Resort located on the former Schlitterbahn site. Staff has received no letters in support and one (1) person spoke in opposition at the Board of Zoning Appeals meeting, but could not stay for this meeting. She stated that she will submit a letter in opposition. There are no Notices of Violation on this property. Staff has worked closely with the applicant on this project and will address the requested deviations/changes:

Condition 1(a) – Staff has worked with the applicant on reduction of the use of EIFS and believes that it is still too high. He does not believe they will ever obtain the design guidelines to 15% per facade. Staff seeks improvement and would request approval of the deviation with improvement.

Condition 1(b) – Staff recommends approval of the deviation as it relates to the parapet screening.

Condition 5 – Staff would always require an applicant to construct a trail. The trail is being constructed by Homefield south of this property. The policy has always been to have an applicant build the trail and not just donate the right-of-way or easement.

Condition 14 – Staff is in agreement with the amendment of this condition.

Condition 15 – Staff does not recommend the deviation, but modify the wording as submitted.

Condition 23 – Staff is in favor of the modification by adding the word **final** before Certificate of Occupancy.

Condition 26 – Staff is not in favor of the modification for an indefinite period for the Special Use Permit. This Special Use Permit is for live entertainment here and event space. Indefinite Special Use Permits are for projects with a significant investment. For this project, the significant project is for the hotel and resort. After a successful two-year permit for the live entertainment and bar, the period could be extended. The applicant's financing is not a relevant factor to be considered.

The Planning Commission directed questions to Staff and Mr. Petersen.

Chairman Carson requested that if available, the proposed deviations are provided to the Commission prior to the meeting so they have the information in front of them.

Chairman Carson allowed Mr. Petersen further to address the Commission to clarify some of his statements.

Director Hand stated that Staff has requested an overall master development plan for this property and has not received it to their satisfaction. Staff has requested the same conditions for Homefield Multi-Family (Milhaus) and Camping World and the deviations were removed.

Chairman Carson directed questions to Staff regarding the length of the trail. Director Hand stated that it would be approximately two (2) miles as this is a large site.

Motion starts at 306:40::

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-039, with the following deviations/modifications:**

Condition 1(a) – Approval with deviation with improvement.

Condition 1(b) – Approval of the deviation as it relates to the parapet screening.

Condition 5 – No change – denial of the requested deviation.

Condition 14 – Amended condition.

Condition 15 – Approval to modify the wording as submitted.

Condition 23 – Approval of the modification by adding the word **final** before Certificate of Occupancy.

Condition 26 – No change – denial of the requested deviation.

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

Motion to recommend **APPROVAL** Passed: 6 to 0

Subject to:

1. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met and have been given a deviation by the City Planning Commission.
 - a. Sec. 27-596(e)(2) Exterior buildings materials shall not include the following:
 - i. EIFS at the ground level or comprising more than 15 percent of any façade.
The applicant must do better than the current use of EIFS: South – 39%, West – 38%, East 32% and North 39%.
 - b. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view. An opaque metal paneling system, similar to Dairy Farmers of America (DFA), rather than the parapet of the building.

2. At the time of the 2015 Star Bond issuance, Developer contributed Star Bond proceeds for signalization of 98th Street and State Avenue and associated improvements. The Unified Government will construct the sidewalk connection between the existing sidewalk in front of the fire station on State Avenue to 98th Street as part of the signalization project;
3. The Developer of Commercial Lot 8, as identified on the Homefield Master Plan, will construct an 8-foot sidewalk adjacent to its property at the time it is developed;
4. The Developer of Commercial Lot 2, as identified on the Homefield Master Plan, will construct a 10-foot sidewalk adjacent to its property line at the time it is developed;
5. When a building permit is pulled for Lot 14-A (luxury RV Park), Developer will dedicate an easement for an 8-foot trail to the Unified Government for connectivity in the area generally shown on the Homefield Master Plan (see in Attachments) with the actual location/layout of the easement to be mutually agreed upon by the Developer and the Unified Government. The trail shall be constructed by the Developer;
6. For future live entertainment:
 - a. All entertainment must cease by at least 1:00AM;
 - b. Doors and windows must stay closed during any entertainment performance;
 - c. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - i. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - ii. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - iii. An I.D. scanner will be used at all times;
 - iv. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
 - d. No amplified speakers or entertainment is allowed in outdoor spaces; and,
 - e. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
7. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
8. Sec. 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
9. Sec. 27-577(d)(1) states that 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;
10. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;

11. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
12. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;
13. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
14. All landscaping shall be either irrigated or subject to the watering plan noted on the landscaping plan;
15. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by a single, consolidated architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
17. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
19. All existing and future driveways must feature curb cuts that are constructed to UG standards;

- 20. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
- 21. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;**
- 22. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 23. Issuance of a final certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;**
- 24. 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;**
- 25. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land**

parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

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

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-097 for two (2) years:**

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

Motion to recommend **APPROVAL** Passed: 6 to 0
Subject to the above conditions.

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE of Plat Application PLAT2022-035:**

Carson	Chairman
Pauley	Not Present
Straws	Not Present
Ward	Aye
Armstrong	Aye

Beth	Aye
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye

Motion to **APPROVE** Passed: 6 to 0
Subject to the above conditions.



Figure 1. Aerial Map of 9400 State Avenue (provided by UG Maps).

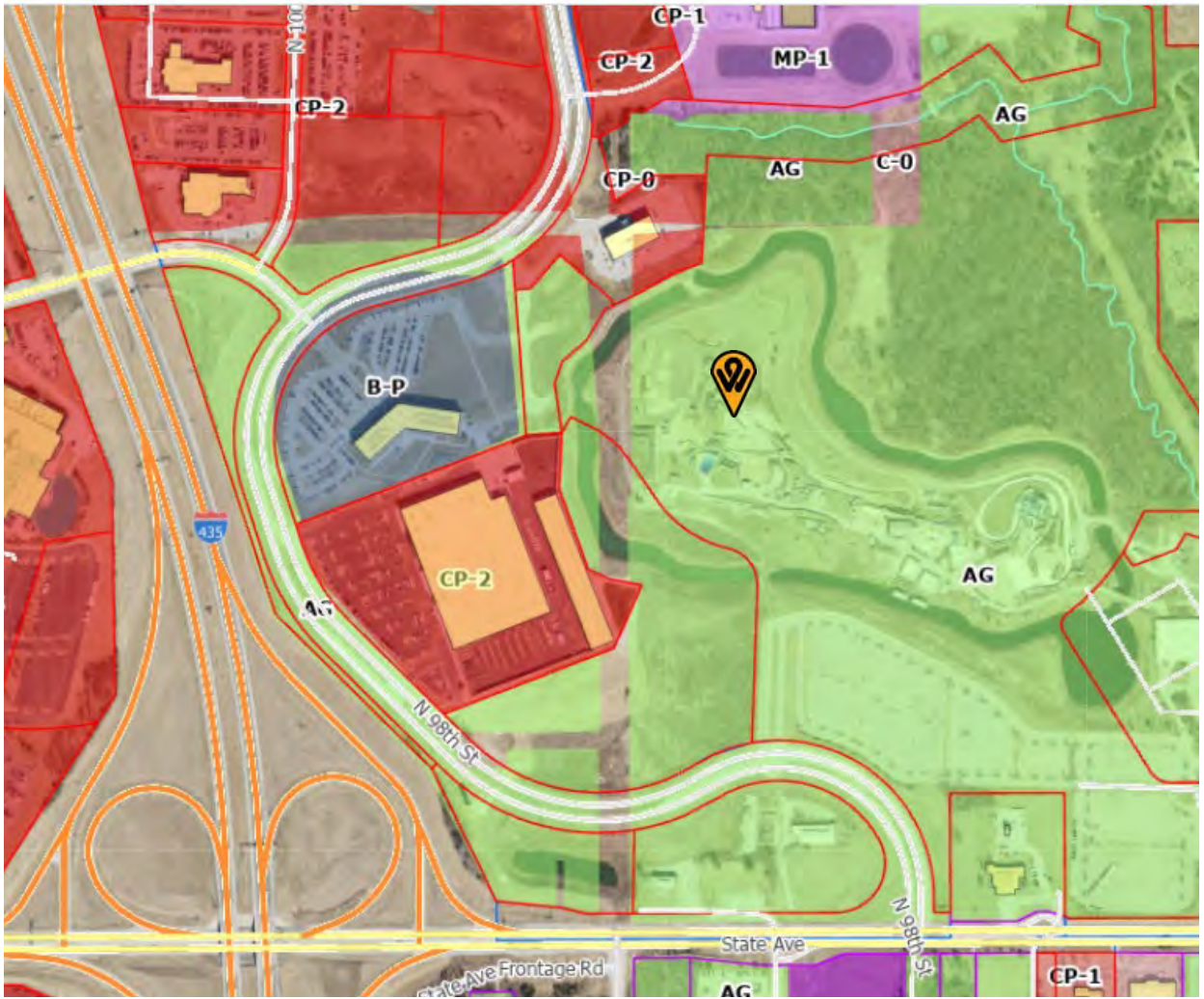


Figure 2. Zoning Map of 9400 State Avenue (provided by UG Maps).

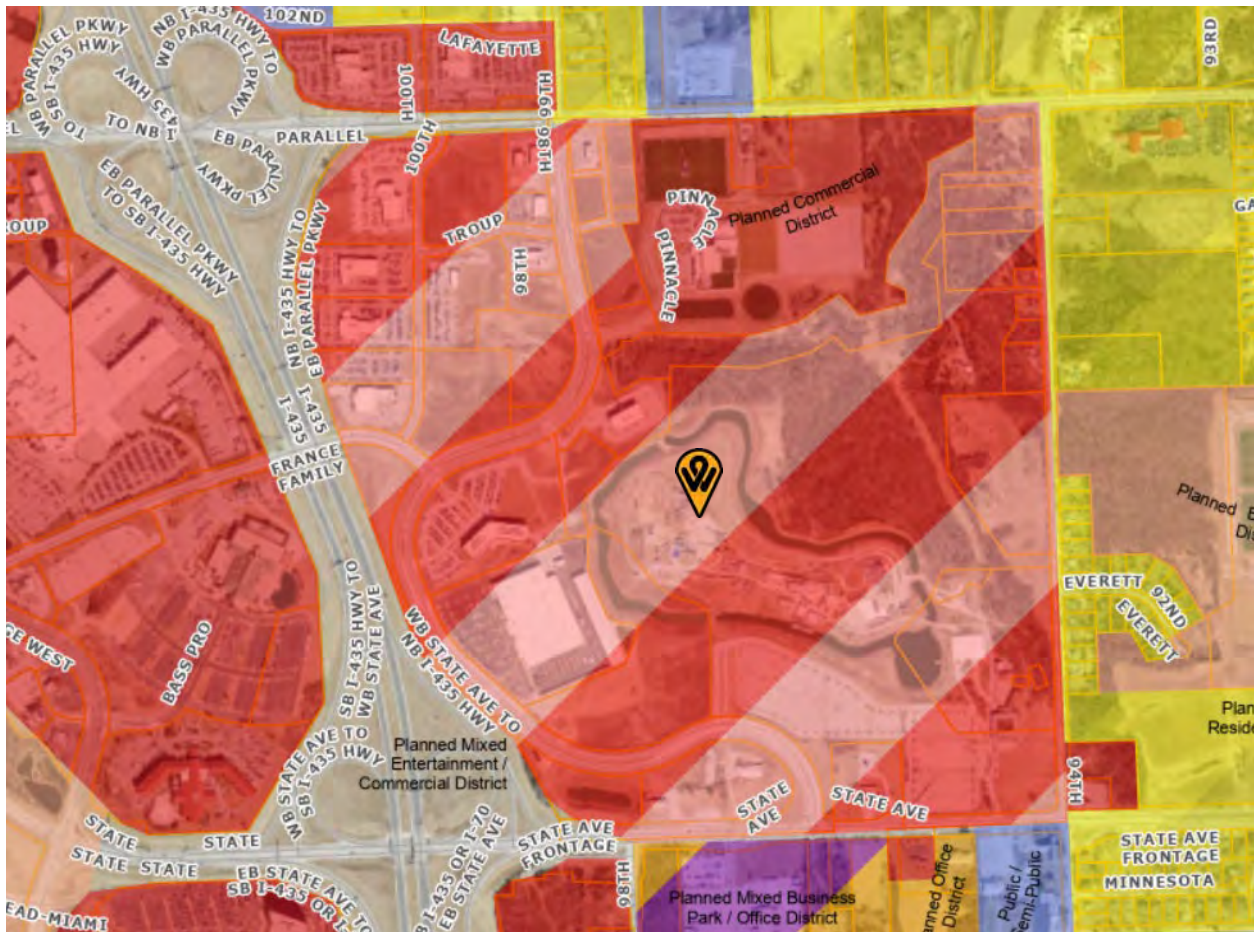


Figure 3. Prairie Delaware Plan Master Plan Land Use Designation Map of 9400 State Avenue (provided by ArcGIS Pro).

- This site was previously Schlitterbahn Vacation Village, which operated from 2009 – 2018.

NEIGHBORHOOD MEETING

Due to COVID-19, you were notified that the neighborhood meeting can be conducted in one (1) of three (3) ways:

1. In person (with social distancing and masks in place).
2. Virtual Meeting.
3. You can have people contact you via email and/or phone call.

The deadline for the neighborhood meeting is **October 31, 2022 and on November 2, 2022** you are required to send your information to Janet L. Parker, CSC/APC, Executive Assistant, either by email (jparker@wvcokck.org) or U.S. mail (Department of Planning + Urban Design, 701 North 7th Street, Suite 423, Kansas City, Kansas 66101):

1. List of people who participated in your in-person, Zoom or Skype meeting (if you were able to hold one.)
2. List of people who contacted you with questions and comments – please document their names and questions/comments.
3. Signed affidavit that you held the meeting (it is not required to be notarized because of COVID-19.)

KEY ISSUES

Stormwater Management
Overall Development Master Plan
Building Materials
Internal/External Pedestrian Connectivity
Access to Trails
Parking
Commercial Design Guidelines
Site Topography
goDotte Mobility Strategies
Greenway Trail Connections

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

General Planning:

1. These City Planning Commission cases are being heard in conjunction with BOZA2022-054, which is seeking a variance for parking reduction of 190 parking spaces for a hotel resort (Margaritaville), convention center, restaurants, drinking pools, drinking establishments and live entertainment. **RESPONSE:**

COZ2022-039, SP2022-097 and PLAT2022-035 (Margaritaville Resort Hotel Preliminary Plat)
November 14, 2022

9

Acknowledged

2. Provide a master plan for the full development. Piecemealing this larger parcel makes it difficult to link sidewalks, trails, and future street connections without knowing the full scope. Staff will not move this petition forward until we receive a master plan for review. **RESPONSE: See attached masterplan**
 - a. Is Tract A going to curve through Lot 1 and split the medical office building and Tract C, Schlitterbahn Vacation Village Second Plat and connect to North 98th Street? **RESPONSE: No, Tract A will continue clockwise around the east portion of Margaritaville and tie to the access drive west and south of the Milhaus Multifamily development and back to 94th Street. See revised Site Plan C1-2 which shows the future alignment of the Tract A road as a temporary fire access drive.**
3. What is the intent of the of the Schlitterbahn parking lot between this site and North 98th Street? **RESPONSE: At the current time it will remain a parking lot; potential commercial development in the future.**
4. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity. **RESPONSE: Acknowledged**
5. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside. **RESPONSE: Acknowledged**
4. Utility easements shall connect with easements established in adjoining properties. **RESPONSE: Acknowledged**
5. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided. **RESPONSE: Acknowledged**
6. What amenities are going to be provided within and around the detention basin? **RESPONSE: The intent is for non-motorized water sports such as kayaking and paddleboarding**
7. Interconnect the detention basin sidewalks to the internal sidewalk network throughout this development. **RESPONSE: See attached sidewalk plan, detention basin sidewalk connects to hotel sidewalk.**
8. The five (5) foot sidewalk along the west side of the entrance drive from 98th Street shall continue north and connect to the internal sidewalk network within the development. **RESPONSE: See attached sidewalk plan, route from hotel to 98th Street is along the east of the drive.**
9. Add sidewalks along the southern right-of-way of external ring road. **RESPONSE: See attached sidewalk plan, these have been added.**
10. Add sidewalks through the parking lot to the front door of the hotel and stand-along restaurant. **RESPONSE: See attached sidewalk plan, these are shown on the plan.**
11. Crosswalks shall be added to internal drive aisles, driveways, and intersections where sidewalks are connected along and across the perimeter of the building and throughout the parking lot where guests and employees walk to the building. **RESPONSE: Acknowledged, these will be shown on FDP and construction drawings.**

Install a 10-foot sidewalk along Parallel Parkway, North 98th Street and North 94th Street as these are identified as trail connections in the goDotte Mobility Plan. There are existing sidewalk gaps on State Avenue and 98th Street that were agreed upon previously to close doing this entitlement. **RESPONSE: See attached sidewalk plan. Regarding the gap at State Avenue, it was agreed to during the Preliminary Plan Process for the Camping World Project, that section of sidewalk will be completed as part of the Unified Government's signalization of 98th Street and State Avenue intersection. Remaining gaps may be closed with projects that develop lots with street frontage adjacent to these gaps.**

12. Install a sidewalk/trail through this development and connect to the Homefield Apartments via the Greenway Trail, as the Marshall creek flows into Margaritaville and the apartments. The trail should follow the trail north into Tract C, Schlitterbahn Vacation Village Second Plat and split to northeast to connect to 94th Street and Parallel Parkway. **RESPONSE: See attached sidewalk plan, that trail would be on a future project across the creek from the Margaritaville Resort (Lot 2). The trail can be addressed when that property develops.**

13. For future live entertainment:

- a. All entertainment must cease by at least 1:00AM **RESPONSE: Acknowledged**
- b. Doors and windows must stay closed during any entertainment performance; **RESPONSE: Acknowledged**
- c. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including: **RESPONSE: Acknowledged**
 - i. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity; **RESPONSE: Acknowledged**
 - ii. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave; **RESPONSE: Acknowledged**
 - iii. An I.D. scanner will be used at all times; **RESPONSE: Acknowledged**
 - iv. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles. **RESPONSE: Acknowledged**
- d. No amplified speakers or entertainment is allowed in outdoor spaces; and, **RESPONSE: Acknowledged**
- e. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses. **RESPONSE: Acknowledged**

14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result

in revocation of this permit. The property may also be subject to enforcement actions and administrative citations. **RESPONSE: Acknowledged**

15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit. **RESPONSE: Acknowledged**
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. **RESPONSE: Acknowledged**

Building Architecture:

1. Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building. **RESPONSE: acknowledged**
2. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques: **RESPONSE: Acknowledged. The building design utilizes divisions/breaks in materials, window bays, entrance expressions including varying canopy materials and heights, balconies, and varying roof heights to break monotonous appearance and create visual interest.**
 - a. Divisions or breaks in materials;
 - b. Building offsets (projections, recesses, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatment; or,
 - e. Variation in rooflines.

3. Sec. 27-596(e)(2) Exterior buildings materials shall not include the following:
 - a. EIFS at the ground level or comprising more than 15 percent of any façade.

The building elevations for both the hotel/resort and the stand-alone restaurant depict more than 15 percent of EIFS per façade. Increase the masonry materials of each façade and provide a percentage breakdown of each material type per façade. **RESPONSE: See attached building elevations for exterior material calculations**

4. Downspouts shall be internalized. **RESPONSE: Downspouts shall be painted to**

architecturally blend into the building and/or recessed into the corners of buildings as not be in plain view of the public.

5. The loading dock doors, service entries shall be painted to match the building as the adjacent façade color of the building. **RESPONSE: acknowledged**

Landscaping and Screening:

1. Sec. 27-466(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. Sec. 57-577(a)(5) states that landscaping shall exceed the typical code requirements by at least 75 percent. The subject property 26.62 acres, requiring 299 trees be provided on the site plan. This does not include the street trees along the perimeter road/drive and parking lot islands. **RESPONSE: acknowledged, see revised landscape plan.**
2. Provide a landscape plan for the detention basins. **RESPONSE: See revised landscape plan**
3. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage. **RESPONSE: acknowledged, see revised landscape plan.**
4. Sec. 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them. **RESPONSE: No public street is being constructed with these plans.**
5. Sec. 27-577(d)(1) states that 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. **RESPONSE: acknowledged, see revised landscape plan.**
6. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements. **RESPONSE: acknowledged, see revised landscape plan with shrubs between Tract A drive and parking.**
7. How will lighting be mitigated?
 - a. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures. **RESPONSE: Site lighting will meet the code, see site lighting photometric plan**
8. All parking lot islands shall be curbed and landscaped. Painted, hatched islands

are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each twenty (20) parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue.

RESPONSE: Acknowledged

9. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers). **RESPONSE:**

Acknowledged

10. All landscaping shall be irrigated. **RESPONSE: See attached irrigation plan**
11. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines. **RESPONSE: The intent is for rooftop mechanical equipment to be shielded from public view by a roof-mounted system that reads as a monolithic design element in keeping with and an accentuation of the overall building design. See attached building elevations**

Signage:

1. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

RESPONSE: Acknowledged

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
1) None
B) Items that are conditions of approval:
1) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
1) None
-

MEETING MINUTES

Application Number:
COZ2022-039/PLAT2022-035/SP2022-097/BOZA2022-054

Monday, October 31, 2022 held virtually via Zoom

Meeting called to order at: 3:02pm CST

Names of people in attendance:

Mark Moberly
Richard Napper
Amy Grant – Polsinelli
Tom Proebstle
Peter Baird
Brian Lavery
Chris Doyle
Barbara Verbenec
Michael Verbenec
Steve Smith
Bryon Carmoney
Linda Houston
Dan Himmelberg

Welcome and introductions by Mark Moberly. Turned the meeting over to Richard Napper for presentation.

Screenshare of the Overall Development Site Plan (attached as Exhibit A)

Richard provided an overview of the Margaritaville brand, where there are current locations, and how the project in Kansas City would compare to a few of the Margaritaville properties with which people in the area might already be familiar, saying this project will blow you away when compared to, for example, the Lake of the Ozarks location.

Richard provided an overview of the different elements that are included in the Margaritaville project, including guest rooms, meeting/convention space, restaurants, an indoor pool, outdoor pool(s), and a family entertainment center.

It is anticipated that construction will begin with site work in January 2023, pending weather. The project will be completed and opened in late 2024 or early 2025.

Mark Moberly then provided a walk-through of the Overall Development Site Plan that was shared on the screen, followed by a walk-through of an Enlarged Site Plan (attached as Exhibit B) showing just the Margaritaville development site.

Elevations of the Margaritaville building (attached as Exhibit C) were then shared, including the proposed materials palette.

Elevations of the Landshark restaurant (attached as Exhibit D) were then shared, including the proposed materials palette.

Richard Napper asked that the Overall Development Site Plan be put back on the screen and highlighted that the areas labeled as "POND" would be used for detention, but also for outdoor recreation like kayaking and paddle boarding.

Richard went on to say that the design of the overall project is meant to involve the entire community. The general public will have the ability to acquire day passes for the amenities inside the resort as it's important for the immediate area as well as the overall KCK and KCMO residents to benefit from this project.

The floor was then opened for questions from those in attendance.

Question from Steve Smith: Has there been a discussion with UG regarding the speed of the traffic on State Avenue? Will that be slowed down at all because of the multifamily and MV project?

Answer from Richard Napper: We have performed traffic studies as a requirement of the project. Traffic has been considered for all the parts of the overall Homefield development. There will be a signal installed in the future at 98th and State. Beyond that, we are not aware of any other changes, but can put you in touch with folks at UG who can provide additional information.

Question from Barbara Verbenec: On the comment about day passes to the amenities, what amenities are included?

Answer from Richard Napper: pools and family entertainment center, which is a new-age arcade.

Answer from Mark Moberly: the Landshark restaurant will be open to the general public as well.

Question from Barbara Verbenec: Is there any adult-oriented entertainment included, like you would see at Las Vegas resort?

Answer from Richard Napper: There will be / could be entertainment aspects by the pool. We're not to that level of detail and programming yet. The demographic is not for kids in diapers, but it is a family friendly resort that also caters to an adult population.

Question from Barbara Verbenec: How much meeting/convention space is there?

Answer from Richard Napper: There will be approximately 12,000 total square feet of meeting space that is divisible into many different sizes for different types of groups.

Answer from Mark Moberly: Confirm what Richard said, and further said that the meeting spaces could be divided up into a range of sizes that could include as many as 350 people at one event or broken up into several separate smaller spaces for multiple events at the same time.

Question from Barbara Verbenec: Plans for other uses between Margaritaville and Milhaus multifamily project?

Answer from Richard Napper: On the Overall Development Site Plan, it was shown how there is a lot of vacant area between the Margaritaville and Milhaus multifamily project, and while there are no plans to present today, there are some exciting ideas in the works for those areas, but it is too early to disclose any additional information.

Question from Michael Verbenec via chat: Will there be any type of showroom for live shows, like music?

Answer from Mark Moberly via chat: No, the Margaritaville project will not have a showroom for live shows.

Question from Linda Houston: A notification was sent that 315 parking spaces are being provided, which is 190 space short of code...please explain.

Answer from Richard Napper: The code in Wyandotte County looks at the project as if they are each aspect is standalone, which results in 505 parking spaces required. In this project, everything is integrated together, so each use will be patronized by the same users. In large resort developments, many don't drive to the hotel. Hotel guests are those that also visit the food outlets and attend events in the meeting/convention space. The 315 parking spaces being provided was done by calculating what other large hotel developments of similar size and capacity and use provide and are successful with. Based on the use of this large resort, we feel the number of spaces being provided is adequate. The ownership group is investing \$140 million, so are very incentivized to make sure the correct number of parking spaces are being provided, and we feel 315 spaces is a sufficient number.

Mark Moberly asked for any closing questions or comments. There were no further questions or comments.

Richard Napper stated we welcome comments or input from any of the area stakeholders, even in an unofficial capacity and they are welcome to email himself or Mark Moberly directly.

The Planning Commission will consider this application at their November 14, 2022 meeting.

The Board of County Commissioners will consider this application at their December 1, 2022 meeting.

A separate letter from the UG with the above dates, times and locations will be forthcoming.

Meeting adjourned at 3:30pm CST

Minutes taken by Mark Moberly

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Mo)
) SS:
COUNTY OF Jackson)

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

1. That I am the petitioner for Petition # COZ2022-039, PLAT2022-035 SP2022-097 802A2022-054
2. That I conducted a neighborhood meeting on October 31, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

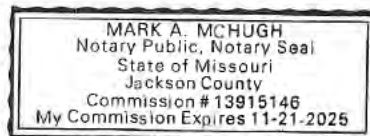
Further affiant saith not.

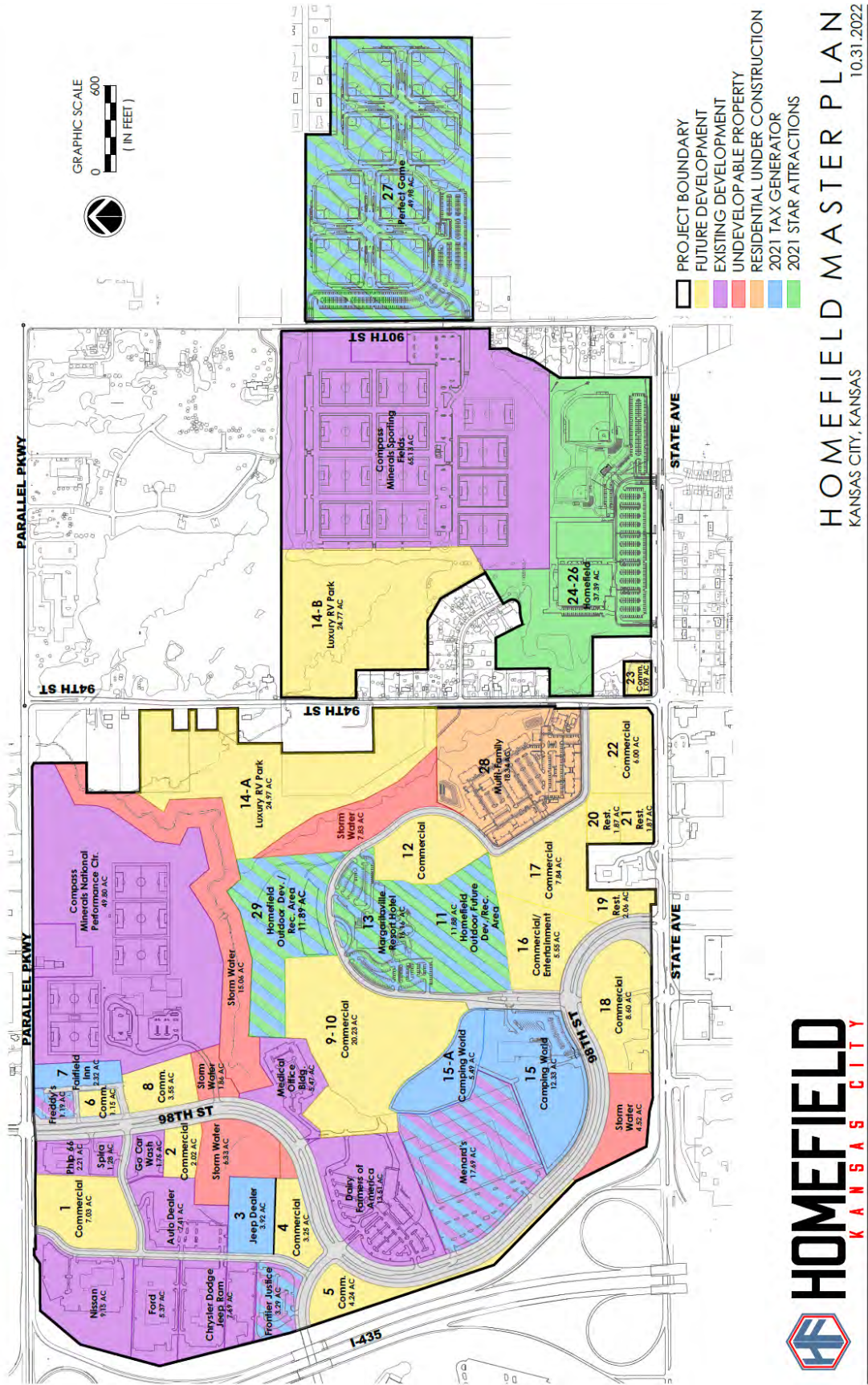
Mark Moberly
Affiant

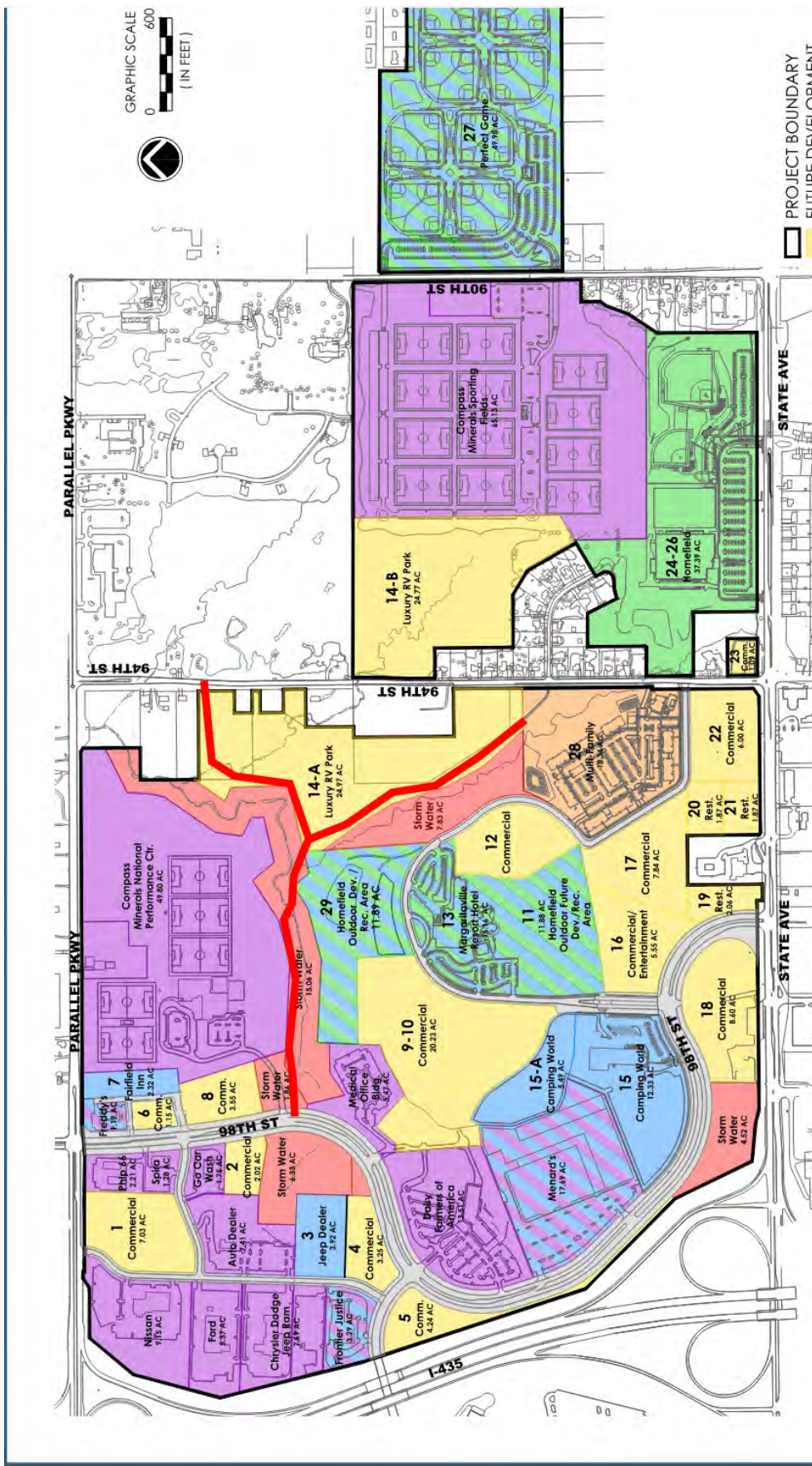
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of November, 2022

My commission expires 21 of November, 2025

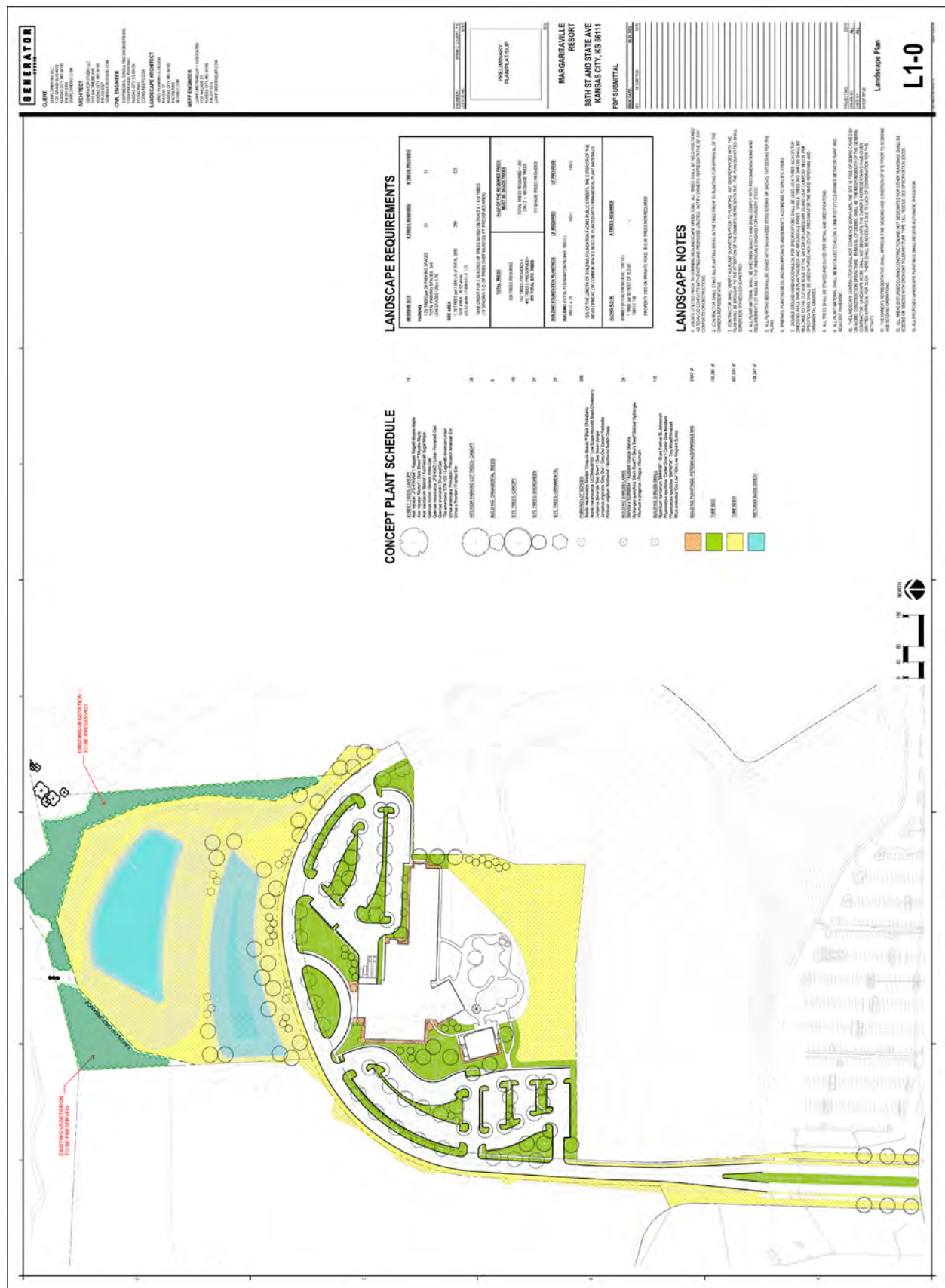
Mark A. Mchugh
Notary Public

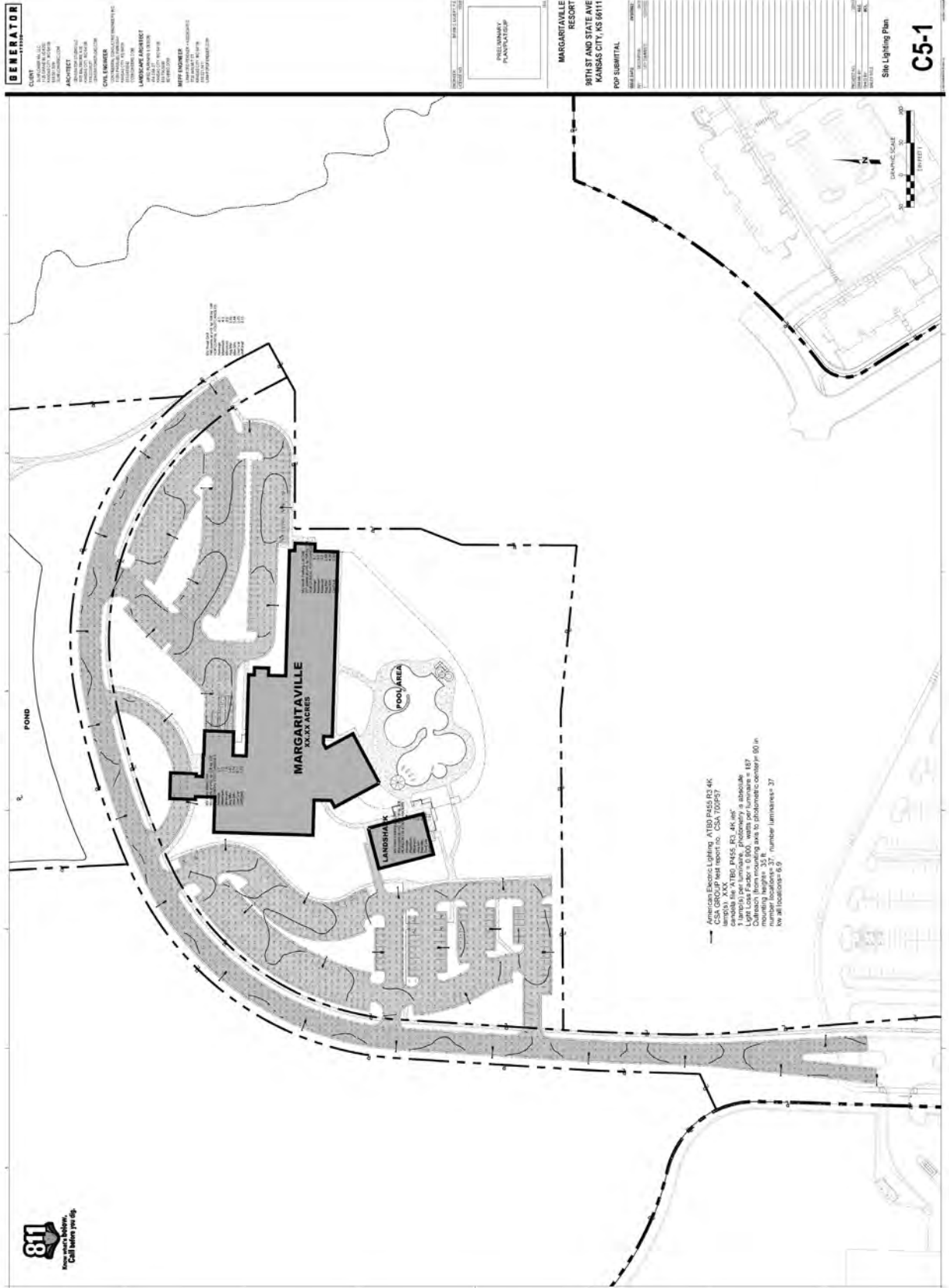


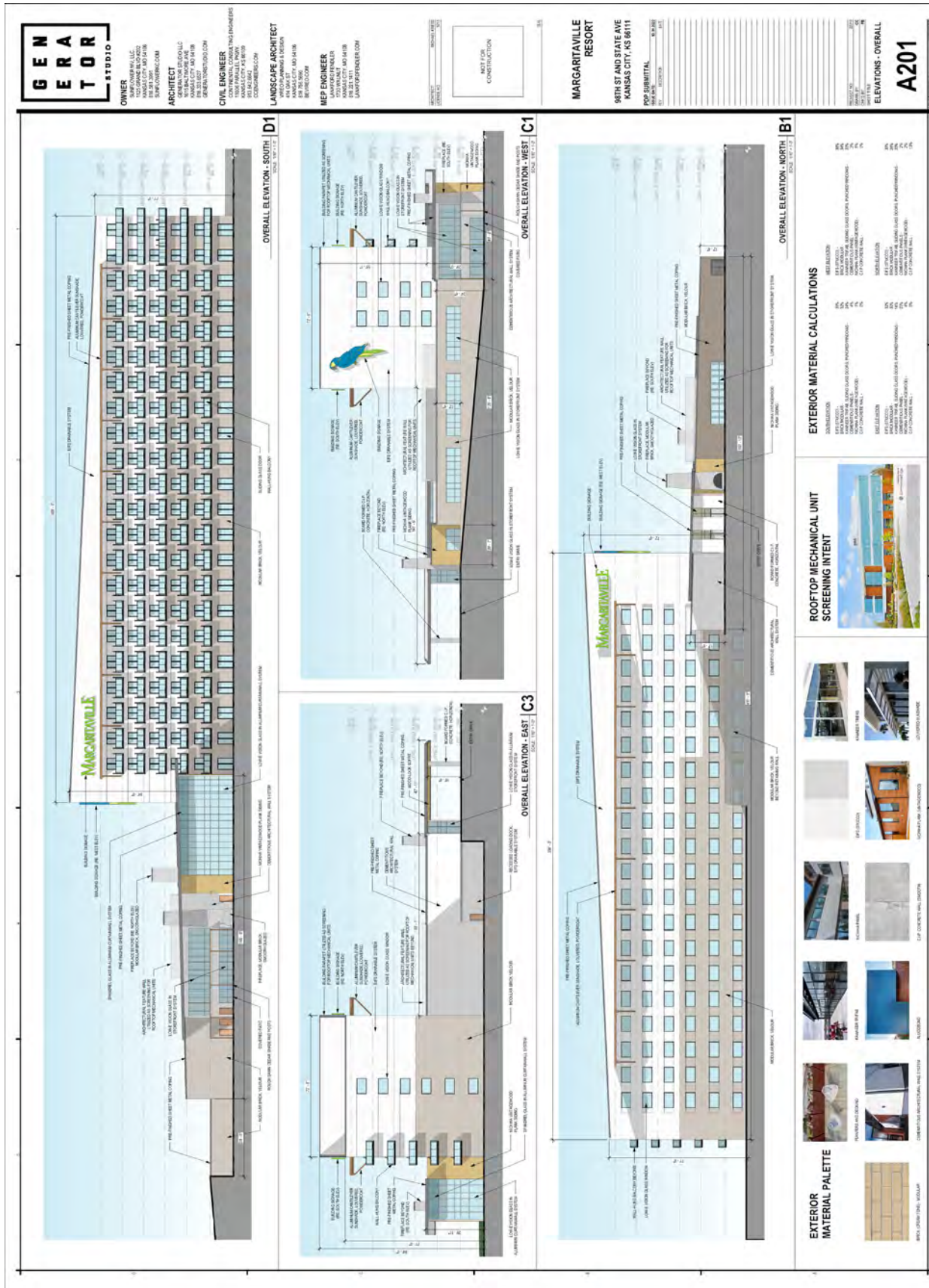












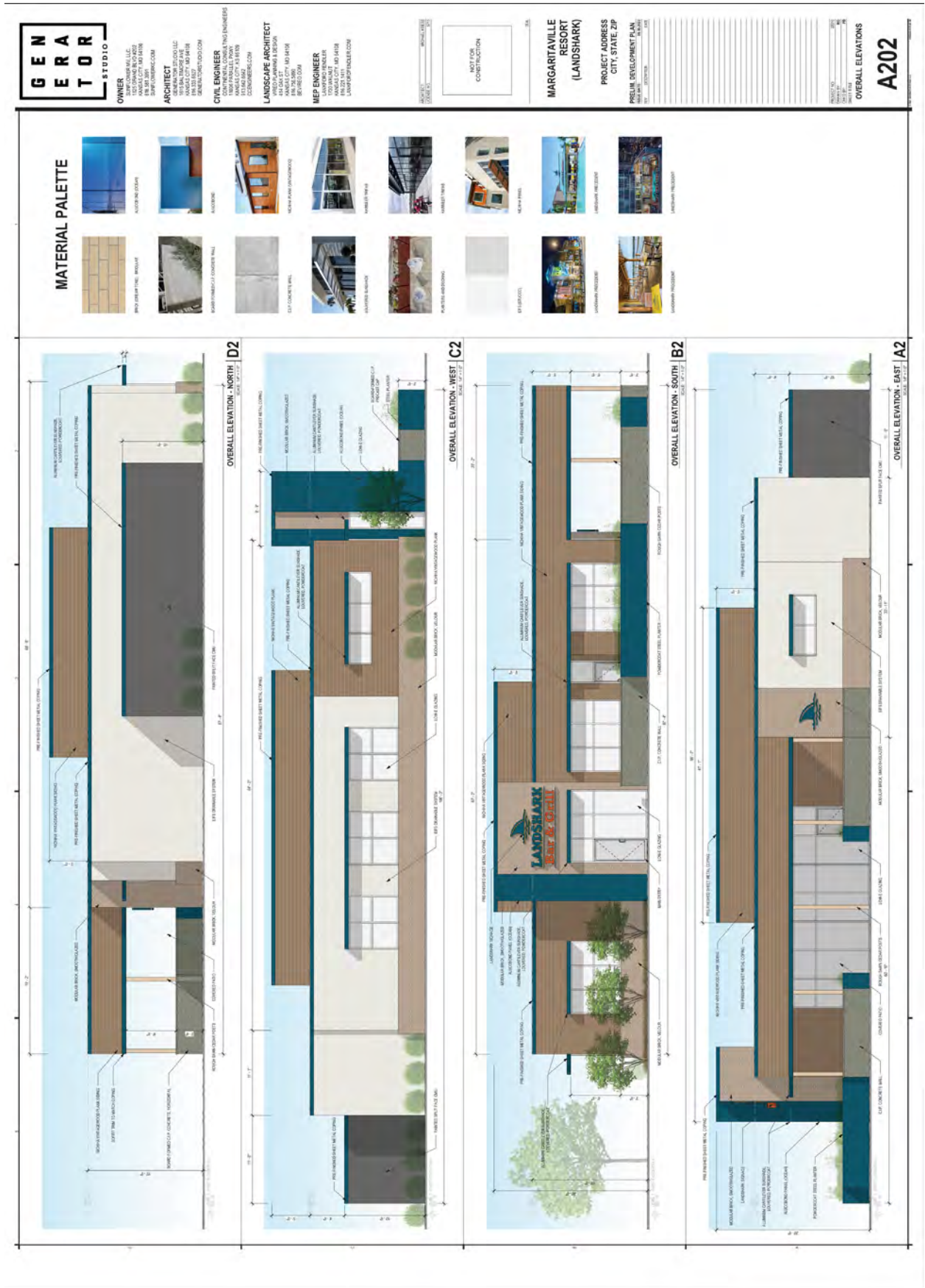




Figure 4. Site photograph of 9400 State Avenue looking northwest (provided by Planning Staff).



Figure 5. Site photograph of 9400 State Avenue looking north (provided by Planning Staff).



Figure 6. Site Photograph of 9400 State Avenue looking north (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 12, 2023

Re: Special Use Petition SP2022-061

GENERAL INFORMATION

Applicant:
Tom Griefer

Status of Applicant:
Business Representative
with G + G Holdings LLC,
19501 State Avenue
Kansas City, KS 66086

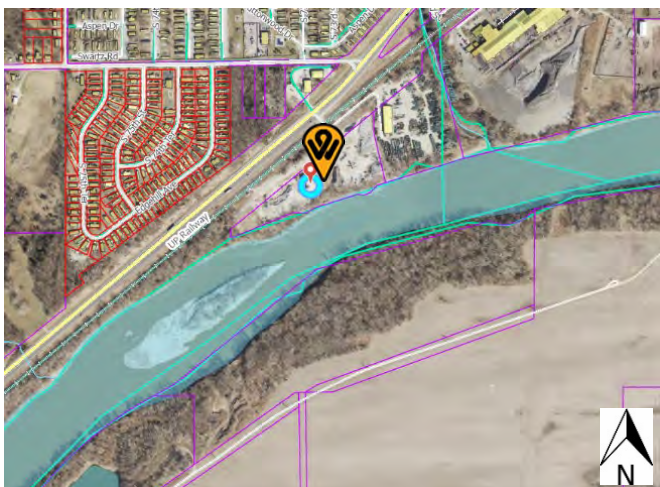
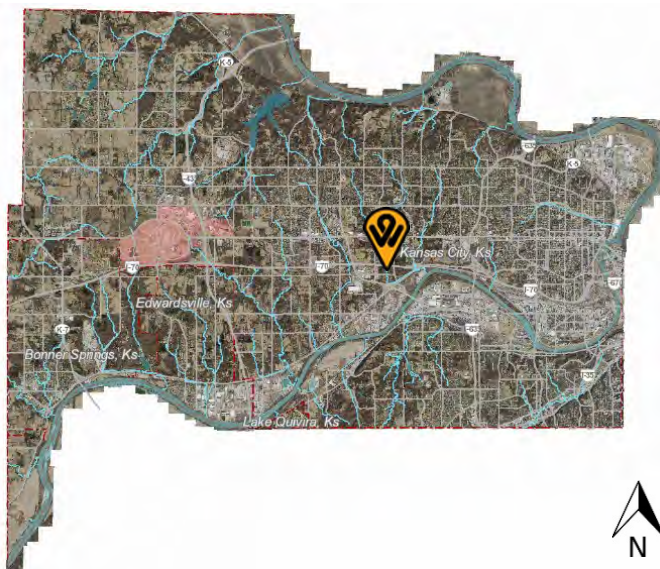
Requested Action:
Renewal of Special Use Permit for
Temporary Use of Land to stockpile
and process concrete materials
(expires August 8, 2022).

Date of Application:
July 11, 2022

Purpose:
To keep stockpiles and process
(crushing and sorting) concrete
materials.

Property Location:
7241 Kaw Drive
Kansas City, KS 66111

Commission Districts:
Commissioner At-Large, District #2:
Tom Burroughs
District #6 Commissioner: Angela Markley



Existing Zoning:	M-3 Heavy Industrial District
Adjacent Zoning:	North: M-2 General Industrial District South: R-1 Single Family District (across the river) East: M-3 Heavy Industrial District West: RP-M Planned Mobile Home Park
Adjacent Uses:	North: Industrial sandblasting company and undeveloped land South: Undeveloped Land (across the river) East: Industrial Business Parks West: Mobile Home Park
Total Tract Size:	8.20 Acres
Master Plan Designation:	The City-Wide Master Plan designates this area as Industrial and Floodway which allows industries featuring processing, manufacturing, heavy truck traffic, excessive noise, potentially, noxious uses and outdoor storage. These uses are the least compatible with residential development and should be encouraged to locate where such already occur. Allowed uses include manufacturing, processing, warehousing, distribution, outdoor storage, salvage, industrial related commercial and service uses such as truck stops, services stations, convenience stores, etc. In addition to mining, and mineral extraction.
Major Street Plan:	The Major Street Plan Designates Kaw Drive as a Class A Thoroughfare.
Parking Requirement:	Sec.27-470(f) Parking Standards ratio will vary among occupants and will be determined by the director of planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one space for each 500 square feet of building area be provided. If the site is unable to meet the parking requirement, the applicant will need to obtain a variance.
Advertisement:	<u>The Wyandotte Echo</u> – June 16, 2022 Letters to Property Owner – June 16, 2022, August 1, and October 4, 2022
Public Hearings:	July 11, 2022, July 28, 2022, August 8, 2022, November 14, 2022, December 1, 2022 and January 12, 2023

Public Support: None to date.

Public Opposition: Attached is a letter in opposition and one (1) person appeared in opposition at the November 14, 2022 meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Tom Griefer with G + G Holdings LLC, wants to continue the stockpile and process concrete materials on 8.2 acres at 7241 Kaw Drive.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. 2022 – Accident with minor injuries
2. 2020 – (110521) – Accident with Injuries
3. 2019 – Deadly Accident

Building, Zoning, or Code Enforcement Complaints:

1. 2016 - (16396-00107) - Stop Work Order - Completed.
2. 2013 – (12225-00952) - Abatement - Completed.
3. 2013 – (12200-03574) - Code Environment - Completed.

Outstanding or Related Permits and Cases:

1. 2019 – (19410-00025) - Administrative Appeal - Completed.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is comprised of industrial uses and commercial businesses. Kaw Drive is one of the major east/west commercial thoroughfares in the Muncie area. It is a mixed-use, urban neighborhood with commercial and industrial uses along Kaw Drive with residential uses to the north and the Kansas River to the south.

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

The zoning and uses of properties nearby are set out above. Concrete crushing is not necessarily compatible with the mobile home park across Kaw Drive, but it is a heavy industrial use in an industrial zoning district.

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

A portion of the property has been appropriately mapped and removed from the regulatory floodway and floodplain (Zone AE), which is more suitable for development. The removal of the restrictions will not detrimentally affect nearby property, as this Special Use Permit is temporary in nature.

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

The property is not vacant as it is a currently operating business.

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

The City-Wide Master Plan does not address Special Use Permits. The Citywide Master Plan designates this property as Industrial and Floodway, which allows industries featuring processing, manufacturing, heavy truck traffic, excessive noise, potentially, noxious uses and outdoor storage. These uses are the least compatible with residential development and should be encouraged to locate where such already occur.

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

The proposed use will increase traffic to the site, but not to the point where it exceeds the capacity of Class A Thoroughfare to accommodate it. While the number of cars is not a concern, there are concerns regarding trucks and vehicles entering and exiting the subject property, which have to cross a railroad track as well as two (2) lanes of K-32. There have been three (3) accidents involving vehicle and trucks entering and exiting the property, being struck by a train. These were determined to be driver error. Additionally, the attached traffic study shows that vehicles during peak hours have on average three (3) seconds to cross the intersection when entering and exiting, well short of the recommended six (6) seconds, creating another potential safety hazard.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public and will not permanently injure the appropriate use, visual quality or marketability of adjoining property if the property is raised out by elevation of the floodplain and dust mitigation measures are followed.

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

Dust is a significant concern with these types of operations, especially for the residences who live north of the proposed use. Noise and dust that is normally associated with this use could create problems for nearby property. Additionally, landscape screening may be necessary.

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

If mitigation measures are implemented, the proposed use will not pollute the air.

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

The parcel has been raised out of the regulatory floodway by a letter of Map Revision (LOMAR) in 2020 at an elevation of 765.5 feet. If properly operated and maintained, the proposed use will not damage or destroy an irreplaceable natural resource. If mitigation measures are not adhered to, and/or stockpiles are not removed from the floodway, earthen material in the floodway will damage an irreplaceable natural resource. Additionally buffering from the Kansas River may be necessary.

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

The relative gain to the public health, safety, and welfare is minimal compared to the hardship imposed on the landowners. There is potential that if there was a flood, that materials from this site could be washed into the Kansas River, polluting the river. There are also traffic safety issues involving the adjacent railroad track, as there have been three (3) instances of vehicles, including trucks entering/exiting the property being involved in accidents with trains, as well as concerns at the intersection, with speeding vehicles and short gaps for vehicles to clear the intersection. A denial of this application would cause the applicant to have to find another location for their operation.

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

As long as the conditions of approval are met, the proposed use should not result in the overcrowding of land or undue concentrations of population. The proposed use will not cause undue concentrations of population as it is industrial in nature. The proposed use may cause overcrowding of land if stockpiles are not managed properly.

PREVIOUS ACTIONS

SP2019-111 for Temporary Use of Land which expires August 8, 2022

NEIGHBORHOOD MEETING

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

KEY ISSUES

Dust
Landscaping/Screening/Buffering
Floodway
Traffic
Railroad Crossing
Irreplaceable Natural Resource

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 1 to recommend **APPROVAL** of Special Use Permit Application **SP2022-061**, for **two (2) years**, subject to:

1. The applicant must add a “Right Turn Must Turn” sign (R3-3R) for traffic traveling eastbound along Kaw Drive.
2. Modify the existing signage and add a larger stop sign, signage showing the number of tracks, and larger railroad crossbucks to add more visibility and to comply with MUTCD.
3. Based on the Letter of Map Revision Floodway Determination Document Staff presumes that all equipment, stockpile, and fill materials have been removed out of the annual floodplain and floodway. However, if stockpiles have not been moved, the applicant and owner will be cited for violating the conditions of this Special Use Permit and fined accordingly and may risk revocation of the Special Use Permit;
4. The natural flow of the floodway and floodplain cannot be altered;
5. Shall maintain a current application with the Business Licensing Department as long as they continue to occupy and operate;
6. Sec. 27-470 (d)(2) No use shall be permitted or so operated as to produce or emit:
 - a) Smoke, dust, fly ash, gas, or odorous emission not in compliance with chapter 3.
 - b) Vibration or concussion perceptible without instruments at the property line.
 - c) Noise greater than 85 dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes day-night noise level average to exceed 65 dB(A) for any residence for a sustained period.
 - d) Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line;

7. Sec. 27-470(d)(2) No equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height;
8. Hours of operation shall be Monday through Friday, 8:00 AM to 5:00 PM;
9. Dust is a significant problem with dirt fill and gravel operations in the vicinity, especially for the residents north of Kaw Drive. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto Kaw Drive;
10. Trucks that receive material from this location shall obtain all necessary permits (hauling, etc.) from the Public Works Department;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Unified Government of Board of Commissioners for revocation;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
14. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
15. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
16. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that

is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and

17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper. The applicant has 30 days to submit their check, or the petition becomes invalid.
18. Install dust mitigation monitoring devices and coordinate with the Public Health Department and all relevant State agencies for its ongoing monitoring.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

Planning and Urban Design Comments: Prior to the July 28, 2022 Board of Commissioners hearing, District 8 Commissioner Chuck Stites brought to attention of staff that there had been three (3) accidents involving trains and trucks that were entering the subject property, as well as one (1) accident involving two (2) passenger vehicles. It should be noted that the accidents were from trucks entering from Kaw Drive, not exiting the subject property.

The case was remanded back to the City Planning Commission to develop a plan to increase safety measures at the railroad crossing from the subject property. Additionally, staff recommends reducing the renewal from five (5) years down to two (2) years to monitor safety and ensure the stipulations of this renewal will be met.

In the “attachments” section of this report are two (2) news articles, regarding the accidents at this crossing.

This application was held over from the December 1, 2022 Board of Commissioners meeting.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-061** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

November 14, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Floodplain Map
Site Plan
Boundary Survey
Employee Parking Plan
Traffic Impact Study, Dated October 7, 2022
Letter of Map Amendment (LOMA-R) provided by FEMA
Response to Staff Comments by Applicant June 27, 2022
Neighborhood Meeting Minutes & Affidavit on Dated May 26, 2022
KSHB 41 News Report, October 2019
WIBW 13 News Report, February 2020
Site Photographs taken on June 6, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 14, 2022	December 1, 2022
Special Use	Approval	Held Over January 12, 2023

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-061** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-061**, as it is not in compliance with the City Ordinances and as it will not promote the public

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

November 14, 2022 City Planning Commission Minutes:

SPECIAL USE PERMIT SP2022-061 – TOM GIEFER WITH G & G HOLDINGS LLC – SYNOPSIS: **SYNOPSIS:** Renewal of a Special Use Permit (SP-2019-111) for the Temporary Use of Land to stockpile and process concrete materials at 7241 Kaw Drive. Detailed Outline of Requested Action: The applicant, Tom Grier with G + G Holdings LLC, wants to continue the stockpile and process concrete materials on 8.2 acres at 7241 Kaw Drive.

Present in Support:

- No one appeared

Present in Opposition:

- Mark Jones, 1038 South 74th Street, Kansas City, Kansas.

Staff Comments: Planning Director Hand stated that this application was heard by the City Planning Commission and Board of Commissioners earlier this year. The Board of Commissioners remanded the application back to the Planning Commission. The Planning Commission requested a traffic study. The trucks leaving this facility have to cross the railroad tracks south of Kaw Drive and there had been accidents in the past which caused concern. One of the accidents resulted in a fatality. Staff has received a traffic study which was reviewed by the County Engineer and he agrees with the conditions of approval for this case. One of the conditions was to replace the existing signage and add additional signage at the railroad crossing entrance. The term of approval has been changed from five (5) years to two (2) years. This is the first renewal. Staff received a letter in opposition today and the testimony this evening. Comments were received by the public today. He further stated that Staff has included dust mitigation conditions of approval. Staff has worked with the applicant on traffic and safety issues and dust mitigation. There have been some old Notices of Violation that have been addressed. He stated that Staff recommends approval subject to the conditions in the staff report. The Commission could hold over this application for the petition in opposition to be filed. Chairman Carson stated that this application has been active for months and there has been sufficient time for the petition to be submitted. Director Hand stated that one of the conditions is that the site will be watered down as needed to control dust mitigation. Chairman Carson stated that if there are violations of the conditions, the Special Use Permit can be brought before the Board of Commissioners for revocation.

The Planning Commission directed questions to Staff regarding environmental issues. Director Hand stated that a condition could be added requiring the applicant to work with the Health Department to install dust mitigation devices.

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-061:**

Carson	Chairman
Pauley	Not Present
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Ernst	No
Jones	Aye
Miller	Not Present
Mohler	Aye

Motion to recommend APPROVE Passed: 5 to 1

Subject to:

1. The applicant must add a “Right Turn Must Turn” sign (R3-3R) for traffic traveling eastbound along Kaw Drive.
2. Modify the existing signage and add a larger stop sign, signage showing the number of tracks, and larger railroad crossbucks to add more visibility and to comply with MUTCD.
3. Based on the Letter of Map Revision Floodway Determination Document Staff presumes that all equipment, stockpile, and fill materials have been removed out of the annual floodplain and floodway. However, if stockpiles have not been moved, the applicant and owner will be cited for violating the conditions of this Special Use Permit and fined accordingly and may risk revocation of the Special Use Permit;
4. The natural flow of the floodway and floodplain cannot be altered;
5. Shall maintain a current application with the Business Licensing Department as long as they continue to occupy and operate;
6. Sec. 27-470 (d)(2) No use shall be permitted or so operated as to produce or emit:
 - e) Smoke, dust, fly ash, gas, or odorous emission not in compliance with chapter 3.
 - f) Vibration or concussion perceptible without instruments at the property line.
 - g) Noise greater than 85 dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes day-night noise level average to exceed 65 dB(A) for any residence for a sustained period.
 - h) Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line;
7. Sec. 27-470(d)(2) No equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height;
8. Hours of operation shall be Monday through Friday, 8:00 AM to 5:00 PM;
9. Dust is a significant problem with dirt fill and gravel operations in the vicinity, especially for the residents north of Kaw Drive. The site (ground)

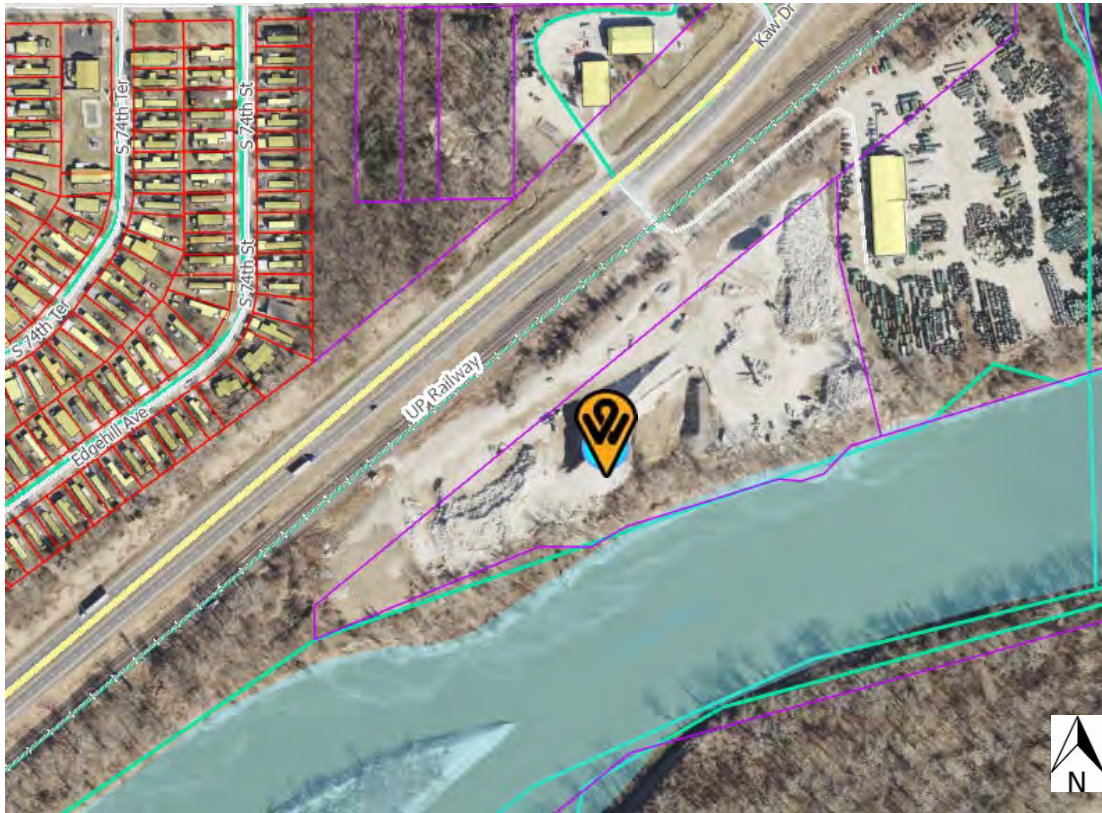
- shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto Kaw Drive;
10. Trucks that receive material from this location shall obtain all necessary permits (hauling, etc.) from the Public Works Department;
 11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 12. If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Unified Government of Board of Commissioners for revocation;
 13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 14. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 15. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 16. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
 17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the

ordinance is published in the newspaper. The applicant has 30 days to submit their check, or the petition becomes invalid.

- 18. Install dust mitigation monitoring devices and coordinate with the Public Health Department and all relevant State agencies for its ongoing monitoring.**

ATTACHMENTS

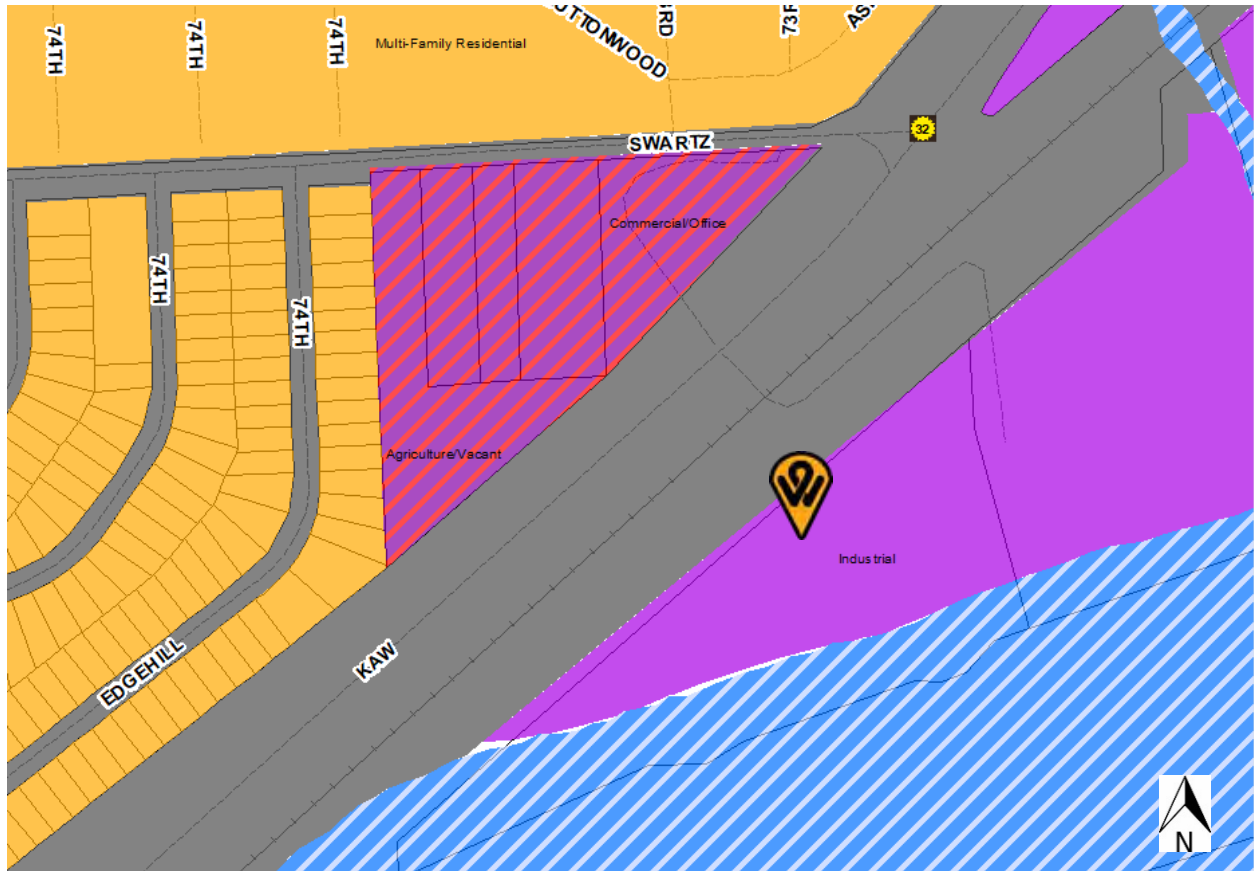
AERIAL IMAGERY



ZONING MAP



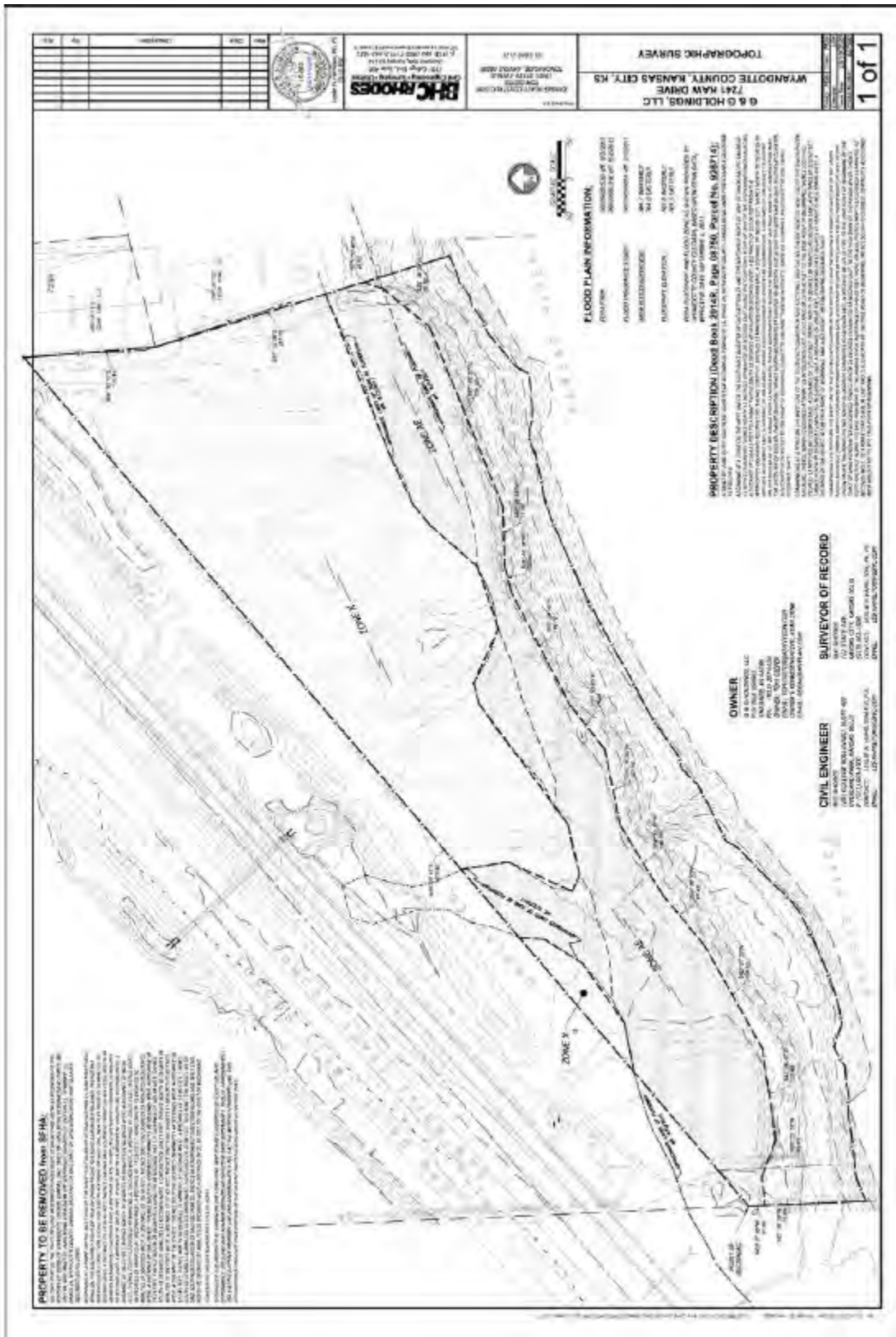
LAND USE MAP



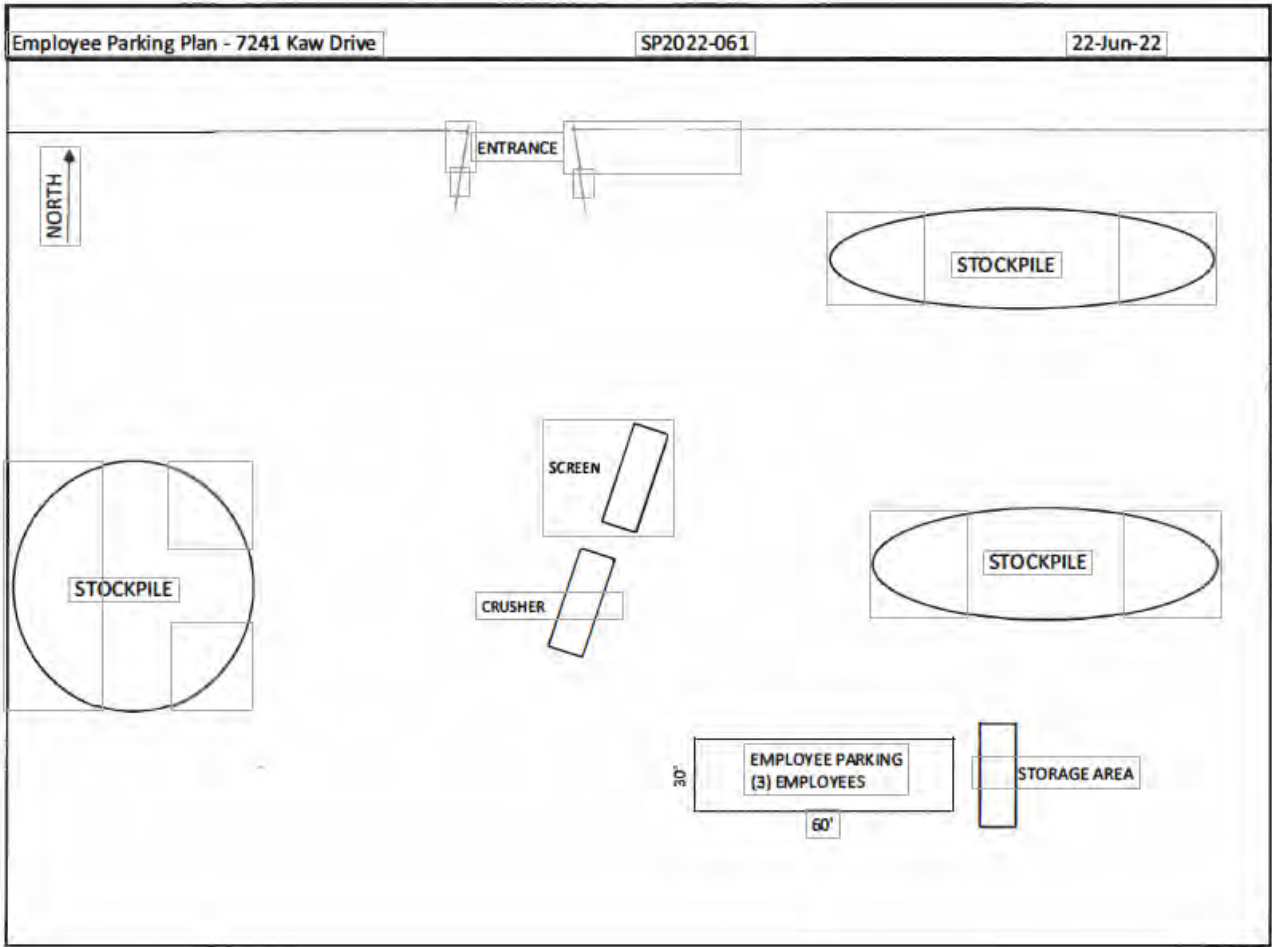
FLOODPLAIN MAP



17



EMPLOYEE PARKING PLAN



Introduction

Kansas Heavy applied for a Special Use permit with the Unified Government for their existing operations (rock and concrete crushing) at 7241 Kaw Drive in Wyandotte County, Kansas City, Kansas. These same operations have been ongoing since around 2015.

A public hearing for a Special Use Permit was held by the Unified Government Planning Commission on July 28th, 2022. During the public hearing, one of the Planning Commission members requested that a Traffic Study be completed for the subject property. The basis of the request was the fact that there had been two somewhat recent accidents at the RR track crossing leading to the subject property.

Continental Consulting Engineers, Inc. (CCEI) has been retained by Kansas Heavy to review the intersection for safety in association with the Unified Government request and to provide recommendations for any improvements that can be made. The intersection in question is a private access drive to the south of Kaw Drive (K-32) and serves two properties, Kansas Heavy (7241 Kaw Drive) and a dumpster repair operation for Deffenbaugh Disposal (7259 Kaw Drive). A second private drive to the north serves a separate business. Refer to **Appendix "A", Figure 1**.

Existing Conditions

Kaw Drive (K-32) is a four lane divided highway with turn bays provided for the east bound right (50') and the west bound left (80') turn movements at the location of the private access drive. Railroad Ahead Advance warning signage is provided along Kaw Drive in both the eastbound/westbound direction in advance of the private drive/rail crossing indicating a rail crossing to the south of Kaw Drive. Kaw Drive has a posted speed limit of 55 mph. Refer to **Appendix "A", Figure 1**.

The private access drive serving the subject property to the south is a two lane undivided road with 50' curb radii at its intersection with Kaw Drive. There is approximately 45' of throat distance between the EB thru lanes and the Stop Sign/Rail Crossing sign located to the north of the tracks. A secondary drive (serving Deffenbaugh) intersects the private access drive in a T configuration just south of the rail crossing. There is no posted speed limit for the private drive but vehicles would generally approach from the north/south at a speed of approximately 10mph to 15 mph. Refer to **Appendix "A" Figure 1/Figure 2**.

The Union Pacific Railroad (dual lines) runs parallel to Kaw Drive and is approximately 65' south of the highway west of the intersection and starts diverging from a distance of 65' just east of the intersection to approximately 140' just south of the intersection of Kaw Drive with Swartz Road. The railroad track is

generally elevated above the adjacent grade and visibility of the Rail from Kaw Drive would be considered good to excellent.

Existing Intersection Signage:

In addition to the signage identified in the existing conditions section, refer to **Appendix "A" Figure 2** for intersection signage at the intersection of Kaw Drive with the private access drive.

As it pertains to existing signage, Railroads generally maintain active warning signals and crossbuck, multiple track, whistle and emergency notification signs.

Public road authorities generally maintain all other signage including stop signs, yield signs, advance warning signs and pavement markings.

Existing Background Traffic (Passenger Vehicles):

Intersection movement data was collected over a 24 hour period on 9/20/22 thru 9/21/22 at the intersection of Kaw Drive with the private access drive serving the subject properties. Traffic Data was collected for both Trains and Passenger Vehicles during these hours.

The weekday A.M. peak hour for passenger vehicles was found to occur between the hours of 7:00 A.M. and 8:00 A.M. with approximately 943 vehicles moving through the intersection. Of these vehicles, 9 are entering and 16 are exiting from the private access drive.

The weekday P.M. peak hour for passenger vehicles was found to occur between the hours of 3:30 P.M. and 4:30 P.M. with approximately 1040 vehicles moving through the intersection. Of these vehicles, 4 are entering and 12 are exiting from the private access drive.

The hours of operation for Kansas Heavy are between 7:30 A.M. to 5:00 P.M., Monday through Friday. As we can see from the data outlined above, the private access drive has a fairly low volume of traffic.

The traffic volumes collected mirror the workday for Kansas Heavy and Deffenbaugh. Of the total daily traffic leaving the private access drive, 45 vehicles (37%) make left turns and 76 vehicles (63%) make Right Turns. Refer to **Appendix C** for a full summary of data.

Existing Background Traffic (Trains):

There are two tracks for the Unified Pacific Railroad that parallel Kaw Drive (K-32). A Total of 39 trains moved through the rail crossing at the private access drive with 14 trains (36%) westbound and 25 trains (64%) Eastbound. A cursory review of the train video indicates that trains can move approximately 200 rail

cars at one time blocking the track for approximately 4 minutes. 24 hour video is available if additional information is required.

For purposes of this Study, we are only concerned with the number of trains during the typical work day for Kansas Heavy between the hours of 7:00 A.M. and 6:00 P.M. During this time of day, a total of 22 trains moved through the rail crossing at the private access drive with 8 trains (36%) westbound and 14 trains (64%) Eastbound. Refer to **Appendix C** for a full summary of data.

Existing Speed Study:

A 24 hour speed study was conducted on 9/20/22 thru 9/21/22 at the intersection of Kaw Drive with the private access drive serving 7241 Kaw Drive. This information was collected to determine if there were available gaps for left turning vehicles and to determine if speed limits were being observed. The total recorded volume for the 24-hour period was 10,980 vehicles. Refer to **Appendix B** for a full summary of data.

The number of passenger vehicles in the study was 9246 or 85% of total vehicles classified, Vans and Pickups were 715 or 7% of total vehicles classified, and Busses and Trucks were 909 or 8% of the total vehicles classified.

The posted speed limit along this section of highway is 55 MPH. The mode speed for this traffic study was 50 MPH and the 85th percentile speed was 62.42 MPH. Forty-six (46%) of the total vehicles were traveling in excess of 55 MPH.

During the peak traffic period (3:30 PM - 3:45 PM), the average headway between vehicles was 3.061 seconds.

Generally, left turning vehicles crossing two lanes of traffic require an approximate gap of between 6 seconds and 8 seconds depending on the type of vehicle. What this means is that during peak hours, vehicles may need to wait longer to find an available gap.

A review of the speed data would indicate that there is a significant number of vehicles exceeding the speed limit reducing the available gaps. From the data, it is apparent that additional police surveillance may be required to bring vehicles more in line with the posted speed limit.

Accident Information:

Accident information was requested for the last five years through the Kansas Open Records Act (KORA) and received from both the KDOT Bureau of Transportation Safety and the Unified Government Police Department. There have been a total of four accidents at the subject intersection over the last five years. Refer to **Appendix "A" Table 1** for a summary of Accident Information.

Accident reports available upon request. A review of the accidents yields the following:

- Three (3) of the four (4) accidents have been between vehicle and train.
- One (1) accident resulted in significant damage and a fatality.
- All accidents appear to be driver error as is typically the case.
- All accidents have occurred during the daytime hours when visibility would generally be considered good.

There is nothing significant to be gained from the accident information other than it appears that all vehicles involved in vehicle/train collisions should have reasonably been able to observe the oncoming train and either failed to yield/stop or failed to correctly judge the speed of the oncoming train.

Proposed Signage:

Based on a review of existing conditions, it is proposed that additional signage be considered. Refer to **Appendix "A", Figure 2** for a summary of existing and proposed signage. There are a total of three existing sign posts (2 with multiple signs) and one proposed sign at the intersection of Kaw Drive with the Private Access Drive to the south.

At this point in time, the only recommended sign is the addition a right-turn must turn right sign (R3-3R) for the EB Right. This sign will provide a measure of safety for a vehicle making a left/right from the private access drive.

There is some concern about the storage distance between the north side of the railroad tracks and the south side of the Kaw Drive EB right. Approximately 45 vehicles make a NB Left at this intersection during a 24 hour period. Not allowing this movement will cause some adjustment to traffic flow but a NB No left turn sign (R3-2) should be considered as this will help alleviate the rear end of vehicles from encroaching into the tracks.

In addition to the above, the existing sign structures labeled Existing Sign 1 and Existing Sign 2 in **Appendix "A", Figure 2** should be further evaluated by the Unified Government and the Union Pacific Railroad to bring more in line with **Appendix A, Figure 8B-2**, Crossbuck Assembly with a Stop Sign on the Crossbuck Sign Support from the (MUTCD). As a minimum, a larger Stop Sign (R1-1) and the addition of the number of tracks (R15-2p) sign should be evaluated.

Recommendations:

Based on my review of field conditions and the Traffic Data, the following items should be taken under consideration:

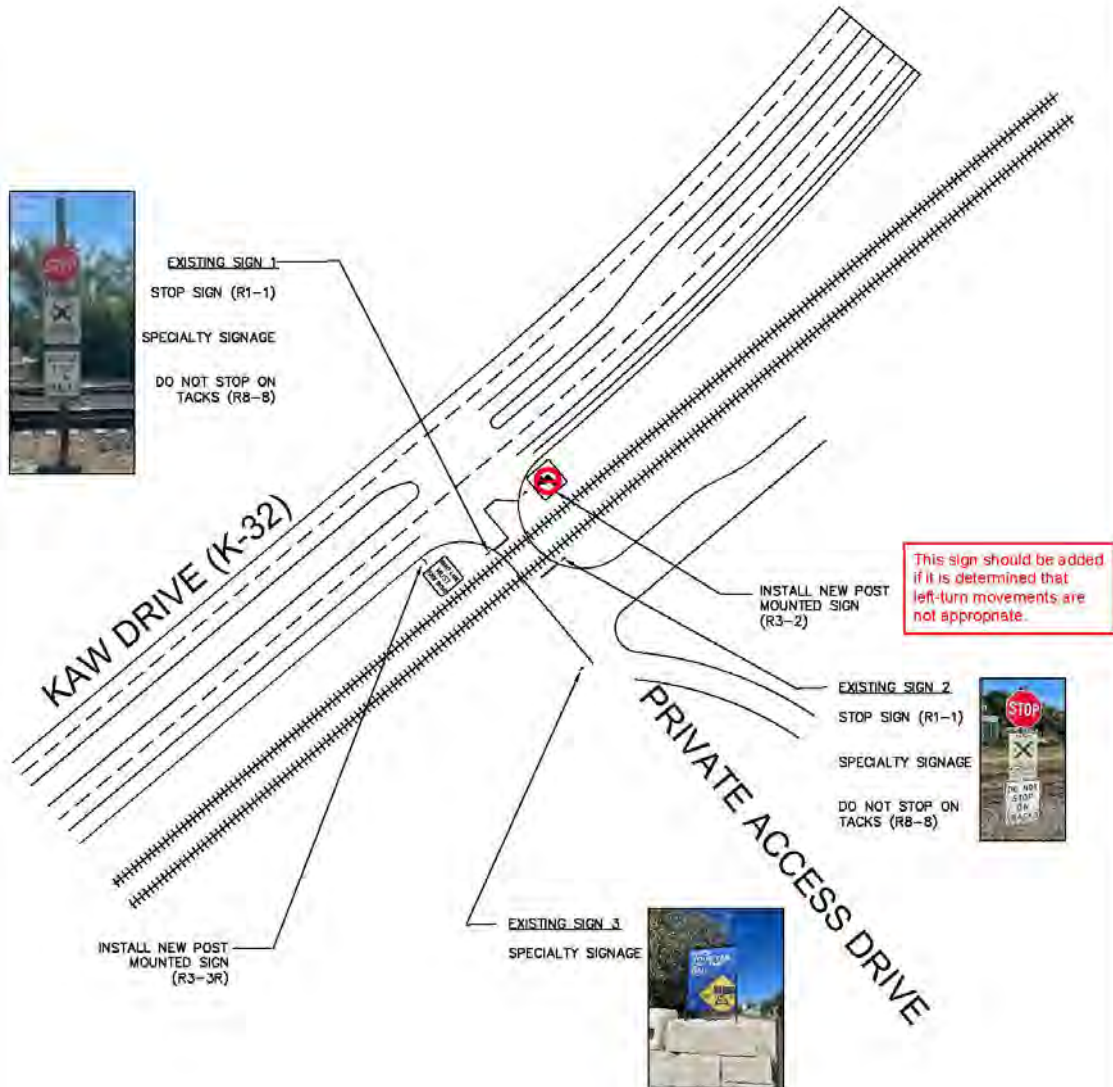
- Add a Right-turn must turn right sign (R3-3R) for the Kaw Drive EB Right.
- Consider Adding a No Left Turn Sign at the intersection of Kaw Drive (K-32) and the Private Drive to the South restricting NB Lefts.
- Consider Modifying Existing Sign #1 and Sign #2 to add a larger Stop Sign, # of tracks Sign (2), and larger Crossbucks making the rail crossing more evident.

The above recommendations/considerations should be discussed with both the Unified Government, KDOT, and the Union Pacific Railroad in an effort to make this a safer intersection.

Appendix A
Figures and Tables

Figure 1	Project Location Map
Figure 2	Existing/Proposed Traffic Signage
Figure 8B-1	Regulatory Signs and Plaques for Grade Crossings
Figure 8B-2	Crossbuck Assembly with a YIELD or STOP Sign on the Crossbuck Sign Support
Table 1	Summary of Accident Information





**FIGURE 2
EXISTING/PROPOSED
SIGNAGE**



9000 STATE LINE ROAD
LEAWOOD, KANSAS 66206
11006 PARALLEL PARKWAY
KANSAS CITY, KANSAS 66109
TEL. (913) 642-6642
FAX (913) 642-6941
www.ccengineers.com

Figure 8B-1. Regulatory Signs and Plaques for Grade Crossings

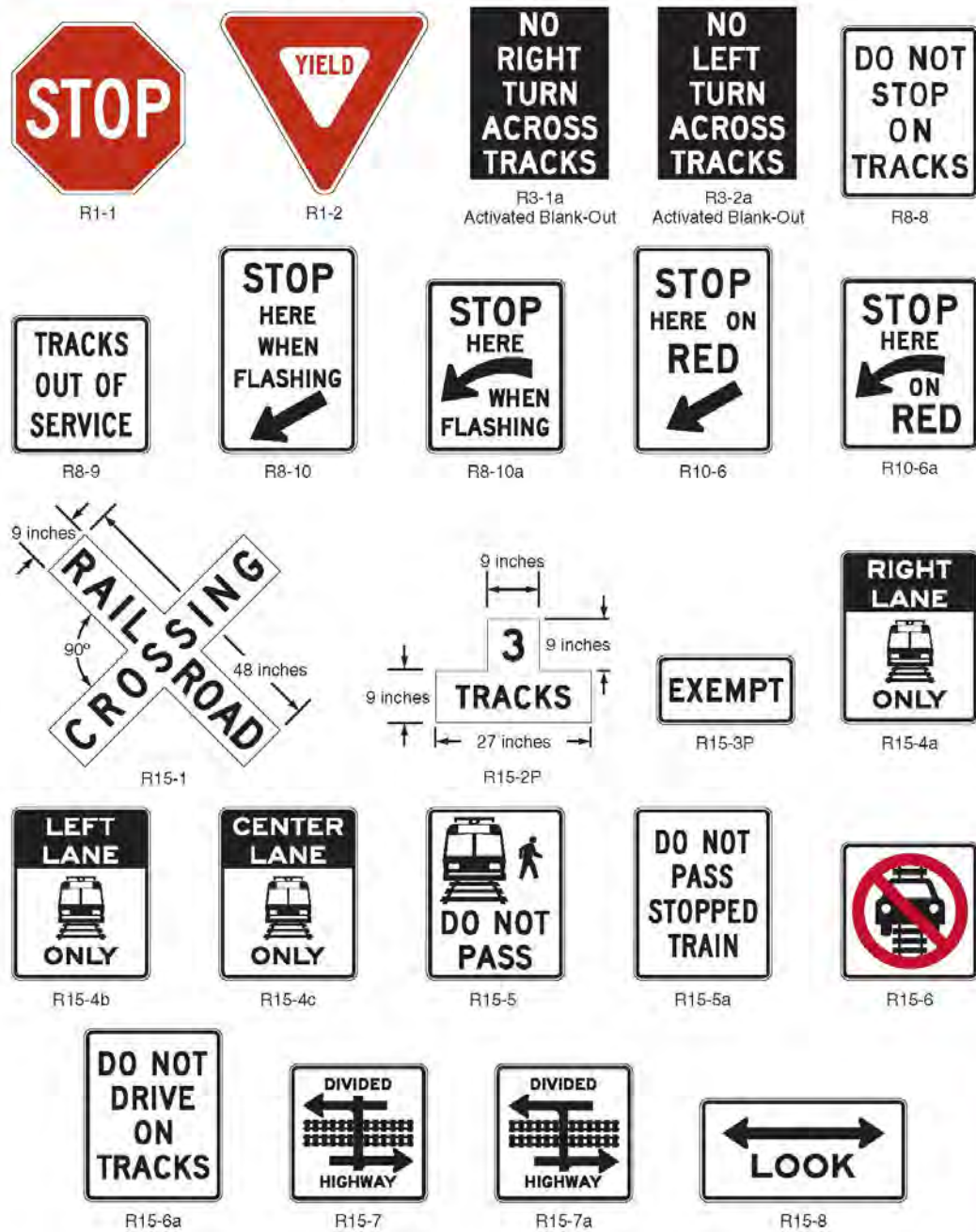
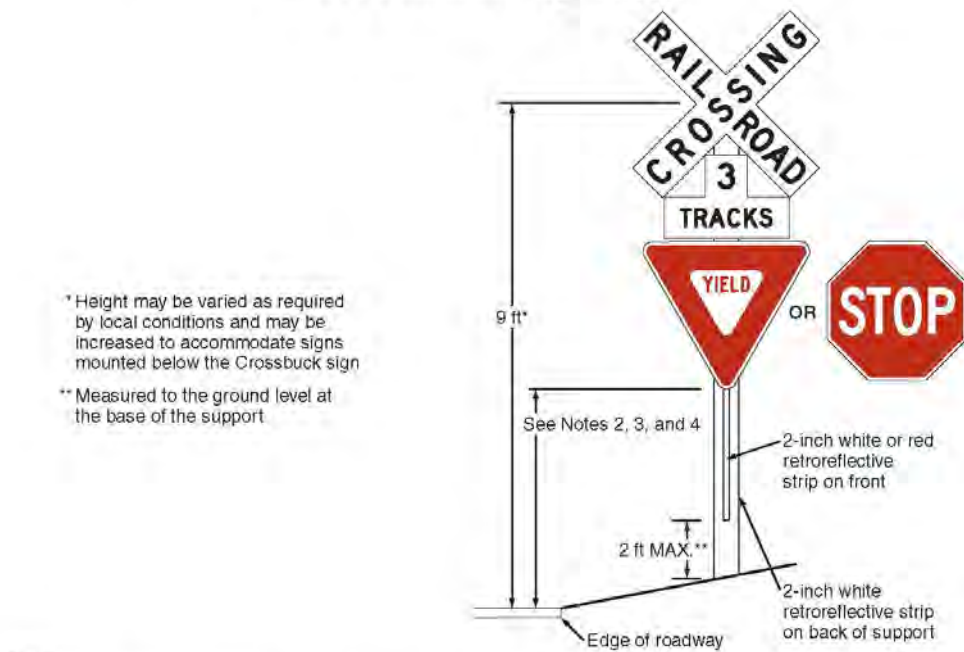


Figure 8B-2. Crossbuck Assembly with a YIELD or STOP Sign on the Crossbuck Sign Support



Notes:

1. YIELD or STOP signs are used only at passive crossings. A STOP sign is used only if an engineering study determines that it is appropriate for that particular approach.
2. Mounting height shall be at least 4 feet for installations of YIELD or STOP signs on existing Crossbuck sign supports.
3. Mounting height shall be at least 7 feet for new installations in areas with pedestrian movements or parking.

10 *Where unusual conditions make variations in location and lateral offset appropriate, engineering judgment should be used to provide the best practical combination of view and safety clearances.*

Section 8B.04 Crossbuck Assemblies with YIELD or STOP Signs at Passive Grade Crossings

Standard:

- 01 A grade crossing Crossbuck Assembly shall consist of a Crossbuck (R15-1) sign, and a Number of Tracks (R15-2P) plaque if two or more tracks are present, that complies with the provisions of Section 8B.03, and either a YIELD (R1-2) or STOP (R1-1) sign installed on the same support, except as provided in Paragraph 8. If used at a passive grade crossing, a YIELD or STOP sign shall be installed in compliance with the provisions of Part 2, Section 2B.10, and Figures 8B-2 and 8B-3.
- 02 At all public highway-rail grade crossings that are not equipped with the active traffic control systems that are described in Chapter 8C, except crossings where road users are directed by an authorized person on the ground to not enter the crossing at all times that an approaching train is about to occupy the crossing, a Crossbuck Assembly shall be installed on the right-hand side of the highway on each approach to the highway-rail grade crossing.
- 03 If a Crossbuck sign is used on a highway approach to a public highway-LRT grade crossing that is not equipped with the active traffic control systems that are described in Chapter 8C, a Crossbuck Assembly shall be installed on the right-hand side of the highway on each approach to the highway-LRT grade crossing.

Seet 8B.03 to 8B.04

December 2009

Table 1 - Summary of Accident Information

Kaw Drive (K-32) and Private Access Drive Summary of Accident Information							
Date	Local Report #	KDOT Report #	Apparent Cause	Injuries	Citation	Weather Conditions	Time of Day
10/15/2019	2019014826	20190095176	SB Vehicle crossing track was in driver side door panel by WB train.	Fatality	None Reported	No Adverse Conditions	9:59 A.M.
9/17/2020	2020-001051610	20200015713	NE Driver failing to observe vehicle backing behind them and backed into them.	None Reported	None Reported	No Adverse Conditions	12:50 P.M.
9/28/2020	2020-00110521		SB Vehicle crossing track hit in rear quarter panel by WB train. No apparent cause/reason for crash.	Minor	None Reported	No Adverse Conditions	1:31 P.M.
2/23/2023	2022002219		SB Vehicle Failure to Stop. Struck by Train.	None Apparent	Issued	No Adverse Conditions	11:11 A.M.

ORDINANCE 0-39-20, SPECIAL USE PERMIT SP-2019-111

(Published 8-6-20)

#SP-2019-111

ORDINANCE NO. 0-39-20

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in #SP-2019-111, commonly known as 7241 Kaw Drive, Kansas City, Kansas, legally described as:

A tract of land in the Southeast Quarter of Section 21, Township 11, Range 24, Wyandotte County, Kansas, being more particularly described as follows: Beginning at a point on the West line of the Southeast Quarter of said Section 21 and the Southerly Right-of-Way of Union Pacific Railroad as now established; thence North 52 Degrees 47 Minutes 00 Seconds East along the Southerly Right-of-Way of the aforementioned Railroad 1664.81 feet to a point that is South 52 Degrees 47 Minutes 00 Seconds West 315.00 feet from the Wyandotte-Delaware Reserve Line; thence South 01 Degrees 13 Minutes 00 Seconds East 260.0 feet; thence North 79 Degrees 38 Minutes 40 Seconds East 494.65 feet; thence South 13 Degrees 53 Minutes 43 Seconds East 300.93 feet to a point on the High Bank of the Kansas River as now exists; thence Southwesterly along the meandering of said High Bank to its intersection with the West line of said Southeast Quarter; thence North 00 Degrees 57 Minutes 00 Seconds East along the West line of said Southeast Quarter 26.45 feet to the Point of Beginning, subject to any part thereof in streets, roads, or highways, and EXCEPT the following described tract: Commencing at a point on the West line of the Southeast 1/4 of said Section 21 and the Southerly Right-of-Way line of the Union Pacific Railroad, thence North 52 Degrees 47 Minutes East 1479.40 feet to the TRUE POINT OF BEGINNING; thence South 01 Degrees 13 Minutes East 175.15 feet; thence North 79 Degrees 38 Minutes 40 Seconds East 151.92 feet; thence North 01 Degrees 13 Minutes West 260 feet; thence South 52 Degrees 47 Minutes West 185.41 feet to the TRUE POINT OF BEGINNING, and also EXCEPT the following described tract: Commencing at a point on the West line of the Southeast 1/4 of said Section 21 and the Southerly Right-of-Way of the Union Pacific Railroad; thence North 52 Degrees 47 Minutes East 1479.40 feet along the Southerly Right-of-Way of the Union Pacific Railroad; thence South 01 degrees 13 Minutes East 175.15 feet to the TRUE POINT OF BEGINNING of the tract of land hereinafter described; thence South 13

Degrees 53 Minutes 43 Seconds East to the High Bank of the Kansas River; thence Northeasterly along the said High Bank of the Kansas River 646 feet, more or less; thence North 13 Degrees 53 Minutes 43 Seconds West to a point that is 836.04 feet East and 118.22 feet North of the TRUE POINT OF BEGINNING; thence South 79 Degrees 38 Minutes 40 Seconds West 646.57 feet to the TRUE POINT OF BEGINNING, PARCEL #926714, located at approximately 7241 Kaw Drive, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use permit to stockpile and process concrete materials.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214

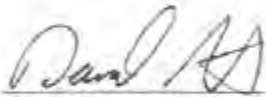
Conditions of Approval:

1. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper. The applicant has 30 days to submit their check or the petition becomes invalid;
2. The special use permit shall be valid for two (2) years;
3. Hours of operation shall be Monday through Friday, 8:00 AM to 5:00 PM.;
4. Rumble strips shall be installed at the exits to remove any debris from accumulating on the roadways;
5. Dust is a significant problem with dirt fill and gravel operations in the vicinity, especially for the residents north of Kaw Drive. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto Kaw Drive;
6. All stockpiles shall be removed from the regulatory floodway and Zone AE within 60 days from the Board of Commissioners meeting date. Planning Staff will inspect the property, and if it finds the stockpiles have not been moved, the applicant and owner will be cited for violating the conditions of this Special Use Permit and fined accordingly and may risk revocation of the Special Use Permit;
7. All materials (stockpiles, equipment or any other accessory) shall be stored in Zoned X based on the boundary survey sealed March 11, 2020.
8. Stockpiles shall be corralled by to prevent them from shifting south into Zone AE the regulatory floodway.

9. Shall maintain a current application with the Business Licensing Department as long as they continue to occupy and operate;
10. Trucks that receive material from this location shall obtain all necessary permits (hauling, etc.) from the Public Works Department;
11. Obtain any permits, as necessary with the Building Inspection Department;
12. Shall comply with Planning Engineering Comments; and,
13. If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Unified Government of Board of Commissioners for revocation.

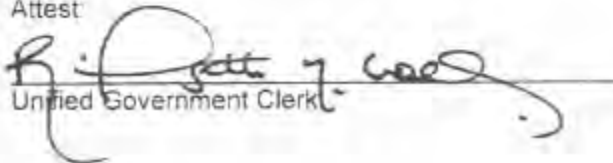
Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS 30 DAY OF July 2020.



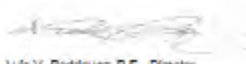
David Alvey, Mayor/CEO

Attest:



Unified Government Clerk

LETTER OF MAP AMENDMENT REVISION (LOMA-R) PROVIDED BY FEMA

Page 1 of 3		Date: April 26, 2020		Case No.: 20-07-0529A		LOMR-FW		
		Federal Emergency Management Agency Washington, D.C. 20472						
		LETTER OF MAP REVISION FLOODWAY DETERMINATION DOCUMENT (REMOVAL)						
COMMUNITY AND MAP PANEL INFORMATION				LEGAL PROPERTY DESCRIPTION				
COMMUNITY	CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS			A portion of Section 21, Township 11, Range 24, as described in the Trustee's Deed recorded as Document No. 2014R-08750, in the Office of the Register of Deeds, Wyandotte County, Kansas. The portion of property is more particularly described by the following metes and bounds:				
	COMMUNITY NO.: 200363							
AFFECTED MAP PANEL	NUMBER: 20209C0134E; 20209C0153D DATE: 9/2/2015; 9/2/2011							
FLOODING SOURCE: KANSAS RIVER				APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 39.677856, -94.748469 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83				
DETERMINATION								
LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
—	—	—	7241 Kaw Drive	Portion of Property	X (shaded)	—	—	765.5 feet
Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).								
ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)								
LEGAL PROPERTY DESCRIPTION INADVERTENT INCLUSION FLOODWAY 1 PORTIONS REMAIN IN THE SFHA								
This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Revision for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the NFIP regulatory floodway or the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document revises the effective NFIP map to remove the subject property from the NFIP regulatory floodway and the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.								
This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA-MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.								
 Luis V. Rodriguez, P.E., Director Engineering and Modeling Division Federal Insurance and Mitigation Administration								



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION FLOODWAY DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

Beginning at a Point on the West Line of the Southeast Quarter of said Section 21, said Point also being on the Southerly Right-of-Way of Union Pacific Railroad as now established; thence in a Northeasterly direction along said Southerly Right-of-Way Line, North 49 degrees 26 minutes 47 seconds East, a distance of 1479.40 feet; thence leaving said Southerly Right-of-Way Line, South 04 degrees 33 minutes 13 seconds East, a distance of 175.15 feet; thence South 17 degrees 13 minutes 56 seconds East, a distance of 297.75 feet; thence South 15 degrees 50 minutes 46 seconds West, a distance of 28.53 feet; thence South 39 degrees 39 minutes 31 seconds West, a distance of 80.68 feet; thence South 67 degrees 49 minutes 31 seconds West, a distance of 256.55 feet; thence South 88 degrees 29 minutes 34 seconds West, a distance of 77.15 feet; thence South 75 degrees 50 minutes 24 seconds West, a distance of 36.76 feet; thence South 62 degrees 29 minutes 16 seconds West, a distance of 168.78 feet; thence South 51 degrees 53 minutes 06 seconds West, a distance of 74.24 feet; thence South 78 degrees 16 minutes 58 seconds West, a distance of 103.68 feet; thence South 58 degrees 31 minutes 32 seconds West, a distance of 106.75 feet; thence South 50 degrees 26 minutes 33 seconds West, a distance of 87.49 feet; thence South 60 degrees 37 minutes 29 seconds West, a distance of 156.55 feet; thence South 81 degrees 28 minutes 47 seconds West, a distance of 122.49 feet; thence North 68 degrees 55 minutes 37 seconds West, a distance of 52.89 feet; thence South 82 degrees 58 minutes 59 seconds West, a distance of 37.89 feet to a point on the West Line of said Southeast Quarter of said Section 21; thence in a Northerly direction along said West Line, North 02 degrees 27 minutes 05 seconds West a distance of 21.88 feet to the Point of Beginning

INADVERTENT INCLUSION IN THE FLOODWAY 1 (PORTIONS OF THE PROPERTY REMAIN IN THE FLOODWAY) (This Additional Consideration applies to the preceding 1 Property.)

A portion of this property is located within the National Flood Insurance Program (NFIP) regulatory floodway for the flooding source indicated on the Determination Document, while the subject of this determination is not. The NFIP regulatory floodway is the area that must remain unobstructed in order to prevent unacceptable increases in base flood elevations. Therefore, no construction may take place in an NFIP regulatory floodway that may cause an increase in the base flood elevation, and any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management. The NFIP regulatory floodway is provided to the community as a tool to regulate floodplain development. Therefore, the NFIP regulatory floodway modification described in the Determination Document, while acceptable to the Federal Emergency Management Agency (FEMA), must also be acceptable to the community and adopted by appropriate community action, as specified in Paragraph 60.3(d) of the NFIP regulations. Any proposed revision to the NFIP regulatory floodway must be submitted to FEMA by community officials. The community should contact either the Regional Director (for those communities in Regions I-IV, and VI-X), or the Regional Engineer (for those communities in Region V) for guidance on the data which must be submitted for a revision to the NFIP regulatory floodway. Contact information for each regional office can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <http://www.fema.gov/about/regoff.htm>.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.


Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency
Washington, D.C. 20472

**LETTER OF MAP REVISION FLOODWAY
DETERMINATION DOCUMENT (REMOVAL)**

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

STATE AND LOCAL CONSIDERATIONS (This Additional Consideration applies to all properties in the LOMR-FW DETERMINATION DOCUMENT (REMOVAL))

Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.


Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration



Kansas Heavy Construction, LLC

19425 State Ave.
Tonganoxie, Kansas 66086
(913) 845-2121
Fax: (913) 845-2813

Urban Planning and Land Use
701 North 7th Street – Room 423
Kansas City, Kansas 66101

RE: Special Permit #SP2022-061
Business Operation Plan

Per your request, we have the following description of the business operations associated with the above referenced Special Permit.

Concrete rubble, demolished concrete and concrete materials will be received and stockpiled on site. These materials will then be recycled using a mobile crusher and mobile screen. The crushed and/or screened materials will then be stockpiled. These processed materials will then be used on local projects, by Kansas Heavy Construction or other companies. There will be not permanent structures, and all equipment will be self-propelled or mobile.

Tom Giefer
Managing Member
G & G Holdings, LLC
Kansas Heavy Construction, LLC



Kansas Heavy Construction, LLC

19425 State Ave.
Tonganoxie, Kansas 66086
(913) 845-2121
Fax: (913) 845-2813

Urban Planning and Land Use
701 North 7th Street – Room 423
Kansas City, Kansas 66101

RE: Special Permit #SP2022-061
Dust Mitigation Plan

Per your request, we have the following description of our dust mitigation plan with respect to the above referenced Special Permit.

Dust is usually a problem when dry conditions occur, therefore the use of water by spreading and/or spraying is commonly used as an industry standard. The crushing equipment, currently being used, is fitted with a water spray bar system that will be used if dust is leaving the discharge belt. A water truck, with a 4,000 gallon tank, remains on site at all times and will be used to spread water on drivable surfaces to mitigate dust as needed.

Tom Giefer
Managing Member
G & G Holdings, LLC
Kansas Heavy Construction, LLC

Marlene,

In response to the comments we have received from Planning and Urban Design, see attached Business Operation Plan, Dust Mitigation Plan and Employee Parking Plan.

We currently do not have rumble strips at the entrance to the property, but can have them installed at your request.

Let me know if you need additional information.

Thank you,

Tom Giefer
G & G Holdings, LLC
Kansas Heavy Construction, LLC

NEIGHBORHOOD MEETING MINUTES & AFFIDAVIT – DATED MAY 26, 2022

G & G Holdings, LLC

19501 State Ave., Tonganoxie, KS 66086

May 26, 2022

Urban Planning and Land Use
4953 State Ave
Kansas City, KS 66102

SP2022-061

RE: Special Use Permit – 7241 Kaw Drive
G & G Holdings, LLC

Please accept the attached Development Application, for G & G Holdings, LLC, at the property located at 7241 Kaw Drive. Enclosed is the completed application, check for the application fee and a zip drive containing pictures and a legal description of the property, per your request.

G & G Holdings, LLC would like to request that the Special Use Permit duration be extended to a five-year renewal instead of two years.

The requested action is justified, in our opinion, for the following reasons:

We have complied with all the requests outlined in the original Special Use Permit.
We have continued operations at the property with no complaints of adjacent property owners.

If you have questions or need additional information, please call me at 913-207-6638.

Regards,

Tom Giefer
Managing Member
G & G Holdings, LLC

NEWS REPORTS OF ACCIDENTS AT THE RAILROAD CROSSING
KSHB-TV 41 – REPORT OCTOBER 5, 2019



⚡ 2 weather alerts



Watch Now

Posted at 12:14 PM, Oct 05, 2019 and last updated 9:17 PM, Oct 05, 2019

KANSAS CITY, Mo. — A concrete truck driver was killed in a crash with a train on K-32 Saturday morning.

Emergency crews were called to the scene just before 10:30 a.m. near 73rd street and Kaw Drive (K-32).

The Kansas Highway Patrol said a male driver in a concrete truck was hit by a Union Pacific train hauling empty coal cars.

The train did not derail, but the intersection was closed for a time while the investigation was underway.

Shortly before noon, the westbound lanes of K-32 were opened to traffic.

ADVERTISEMENT

CLOSE

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Man escapes serious injury when cement mixer and train collide in Wyandotte County



A 27-year-old Leavenworth man escaped serious injury Wednesday morning when the cement mixer he was driving and a train collided in Kansas City, Kan., authorities said.

By Phil Anderson

Published: Feb. 24, 2022 at 6:16 AM CST



KANSAS CITY, Kan. (WIBW) - A man escaped serious injury Wednesday morning when the cement mixer he was driving and a train collided in Wyandotte County, authorities said.

The collision was reported at 11:11 a.m. Wednesday at 7241 Kaw Drive, which is K-32 highway at that location.

According to the Kansas Highway patrol, a 2009 Kenworth cement mixer was eastbound on Kaw Drive and attempted to make a right-hand turn to go south on a frontage road.

While turning south onto the frontage road, the cement mixer failed to stop at the stop sign for the railroad tracks and was struck by a train, the patrol said.

ADVERTISEMENT

CON



SITE PHOTOS, TAKEN BY APPLICANT – DATED JUNE 27, 2022



SITE PHOTOS, TAKEN BY STAFF – DATED JUNE 6, 2022



From: Riverview Estates Manager <manager@riverviewestatesmh.com>

Sent: Monday, November 14, 2022 1:22 PM

To: Hand, Gunnar <ghand@wycokck.org>

Subject: Kansas Heavy Contractors - Permit Renewal Petition

You don't often get email from manager@riverviewestatesmh.com. [Learn why this is important](#)

Good afternoon,

1

I have attached a letter outlining an issue that my community as well as the surrounding area is having due to the operation of a concrete recycling business along K32. I respectfully ask that you please look into this matter as there are some serious safety and health concerns in regards to how this company operates as well as the location of the operation itself.

Thank you for your time.

Sincerely,

Chris Swisher

Community Manager

River View Estates

1010 S 74th Terrace

Kansas City, KS 66111

913.299.0354 (office)

913.671.0707 (cell)

913.299.0357 (fax)

Manager@riverviewestatesmh.com



SITE PHOTOS, TAKEN BY STAFF – DATED JUNE 6, 2022 CONTINUED





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 12, 2023

Re: Petitions COZ2022-039 and SP2022-097

GENERAL INFORMATION

Applicant:
Curtis Petersen

Status of Applicant:
Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

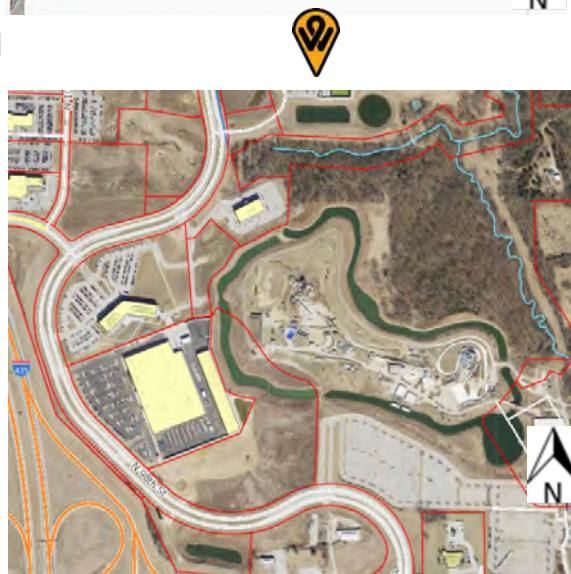
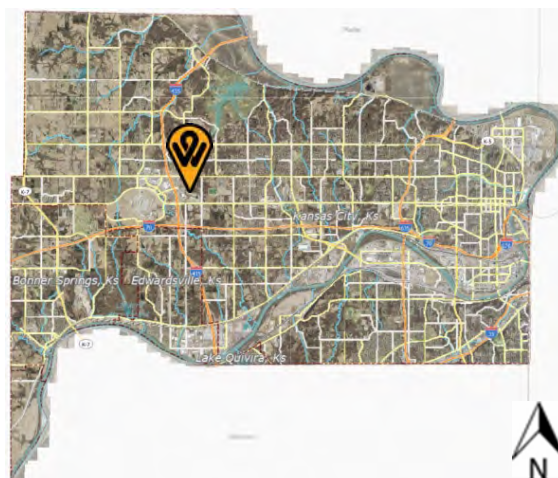
Requested Actions:
Change of Zone from A-G Agriculture and C-0 Nonretail Business Districts and CP-2 Planned General Business District.

Special Use Permit for ancillary uses associated with the hotel resort such as live entertainment, convention space and drinking establishments.

Date of Application:
September 30, 2022

Purpose:
To rezone and create one (1) commercial lot to build a 203,900 square foot hotel resort with indoor/outdoor bars, convention space and a stand-alone restaurant.

Property Location: 9400 State Avenue



Commission Districts:	Commissioner At Large, District #2: Tom Burroughs District #7 Commissioner: Chuck Stites		
Existing Zoning:	A-G Agriculture and C-0 Nonretail Business Districts		
Adjacent Zoning:	North:	A-G Agriculture District	
	South:	A-G Agriculture District	
	East:	A-G Agriculture, R-1 Single Family and RP-5 Planned Apartment Districts	
	West:	A-G Agriculture and CP-3 Planned Commercial Districts	
Adjacent Uses:	North:	A creek and USMNT Training Facility	
	South:	KCKFD Station #6	
	East:	Multi-family apartments, single family homes and undeveloped land	
	West:	Camping World	
Total Tract Size:	26.62 Acres		
Master Plan Area:	Prairie Delaware Piper Plan		
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Planned Mixed Entertainment / Commercial District, which major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations.		
Major Street Plan:	The Major Street Plan classifies North 98 th Street as a Class C Thoroughfare.		
Required Parking:	Sec. 27-466(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building, however, there are specific parking ratios for hotel, restaurants, and conference centers/convention space. Sec. 27-668(a)(5) One (1) space for each 50 square feet of seating area, plus one (1) space for each remaining 300 square feet of total floor area. 80 spaces are required. Sec. 27-668(a)(8) One (1) space for each guest room, plus one (1) space for each two (2) employees on the largest shift, plus adequate parking for banquet rooms, meeting rooms, restaurants, and lounge areas. 325 spaces are required.		

Sec. 27-668(a)(11) One (1) space for each four (4) seats.
100 spaces are required.

505 parking spaces are required. 315 parking spaces are provided. (BOZA2022-054 is a parking reduction to be heard in conjunction with these petitions).

Advertisement: The Wyandotte Echo – Change of Zone – October 20, 2022; Special Use Permit – October 20, 2022
Letters to Property Owners – Change of Zone – October 21, 2022; Plat – October 21, 2022; Special Use Permit – October 21, 2022

Public Hearings: November 14, 2022, December 1, 2022 and January 12, 2023

Public Support: None to date.

Public Opposition: One person appeared at the Board of Zoning Appeals hearing but could not stay for the Planning Commission meeting.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen, with Polsinelli PC, wants to rezone a portion of 9400 State Avenue from A-G Agriculture and C-0 Nonretail Business Districts to CP-2 Planned General Business and create one (1) commercial lot to build a 203,900 square foot hotel resort (Margaritaville), which includes restaurants, indoor/outdoor bars, pools, convention space and a stand-alone restaurant for 26.62 acres.

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

FACTORS TO BE CONSIDERED

1. Neighborhood character

The subject property is within the I-435 West Statistical Neighborhood and is not within any Neighborhood Group Boundary. The subject property is, however, considered within the Legends/Kansas Speedway area. This site is formerly a portion of the Schlitterbahn Vacation Village waterpark. The neighborhood is defined by large commercial buildings, business campuses, sports and entertainment facilities and multi-family apartments and close proximity to two (2) interstates (I-70 and I-435) and two (2) major roadways (State Avenue and Parallel Parkway).

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

As presently zoned, the subject property is incompatible with the uses and proposed uses of neighboring parcels. By rezoning to CP-2 Planned General Business District and by operating out of the large building on a large lot, the subject property will be compatible with the retail businesses to the west and the commercial office buildings to the northwest. Without a full master plan for adjacent parcels controlled by the owner, Staff cannot plan for future sidewalk, trails, interconnectedness between the overall site. Proper screening, accomplished through both landscaping, fencing and berming, will continue to greatly to ensure the continued compatibility between the uses on the neighboring parcels, in particular residential uses to the east.

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

The subject property is over 26 acres and will site a building that is approximately 198,400 square foot resort hotel and 5,500 square foot stand-alone restaurant. The size of the parcel compared to the building will allow the building centrally located on the parcel without encroaching on the rear and side property setbacks, where the neighboring uses and buildings are and will be located. Beyond the mere distance between buildings on neighboring parcels, screening will reduce any adverse effects from detrimentally affecting nearby property.

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

The property has been vacant as zoned since 2018. It is the former Schlitterbahn site.

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

The proposed use does not fulfill any basic necessities or services to the community, and therefore is not reasonably necessary for the convenience and welfare of the public. The extent of the development proposed on site will greatly increase the amount of impervious surfaces, traffic, and visuals, given its setback along North 98th Street. To address and mitigate these issues, signage must be in compliance with the Side Code, and best practices must be employed for stormwater runoff retention. If all site design requirements – including Commercial District zoning requirements and Commercial Design Guidelines requirements, then the proposed use may not substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property.

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

There will be additional traffic due to the on-site redevelopment. The entry-exit access point to the property from the public right-of-way may be redesigned after reviewed by Planning Engineering and Public Works in a manner that reduces potential traffic issues such as backups and crashes, as well as minimize pedestrian conflicts.

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

The proposed use conforms to the Prairie Delaware Piper Master Plan Planned Commercial / Entertainment designation, which major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations.

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

Redevelopment of the property will lead to an increase of impermeable surfaces, parking needs, traffic at peak times and stormwater runoff. Best practices must be employed for stormwater runoff retention and more trees need to be planted around the detention basins and within the parking lot islands.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by West Patrol, District #223.

e. Fire

Fire service is provided by Fire Station #6.

f. Transit

Kansas City ATA does provide transit service along State Avenue, Route #101, approximately one-half (½) mile away at the intersection of 94th Street and State Avenue. The bus stop is not currently accessible by pedestrians due to the gap in the sidewalk connection along a portion of State Avenue and 98th Street.

g. Schools

Public education service provided by Kansas City Kansas USD 500.

h. Streets

See item #6 above.

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

The economic impact of a commercial development is contingent on several factors, including sales tax increases due to the development of a commercial property. The resort hotel will include full- and part-time jobs, so there will be a positive impact.

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

With revisions to landscaping, berming and fencing, the proposed use is capable of meeting applicable ordinance requirements.

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

If properly constructed and managed, the proposed use will not pollute the land or water because trash/litter will be picked up and disposed appropriately, and the detention basin requires annual maintenance.

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

The property is currently vacant and pervious. The proposed development will reduce the natural vegetation and terrain, even though the former Schlitterbahn Vacation Village waterpark accelerated these issues. Proper mitigation measures and best practices must be employed to ensure development does not unduly disrupt the local environment and surrounding properties. These measures include, but are not limited to, stormwater runoff retention, native tree and vegetation landscaping, screening, and shading.

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

The proposed use should not result in overcrowding of land or cause undue concentrations of population because there is ample space for maneuvering through the site, numerous amenities for guests and patrons and open space in the rear of the property, however, if there is a large event overflow parking may occur on the former Schlitterbahn parking lot to the south, adjacent to North 98th Street.

Staff must have a full master plan to address potential parking issues.

Sidewalk needs to be installed around the super block. There is a previous agreement/condition in Camping World that deferred said public improvements to this project.

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

Future development will need an erosion control plan and should follow Best Management Practices for erosion control. The applicant has provided documentation regarding grading, erosion control, and stormwater runoff management.

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

There will be additional traffic due to the on-site development. The entry/exit access point(s) to the property from the public right-of-way must be designed in a manner that reduces potential traffic issues such as backups and crashes. Additionally, the entry/exit access points, parking lots, and drive aisles must be designed in a manner that takes into account pedestrian traffic. Vehicle-pedestrian conflict points should be strictly minimized.

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

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

Staff must have a full master plan to help with site design, infrastructure, sidewalk and trail connectivity per the goDotte Mobility Plan.

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

Development patterns have been designed with minimal regard to topography in the center of the development site, whereas most of grades around the perimeter of the site should be retained. Most of existing tree stands around the perimeter along the northern and eastern edge of the property should be preserved.

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

The proposed development is commercial in nature. The plat is planned to be one (1) commercial lot and this site is critical to the continued connection, extension, and implementation of the Greenway Trail and goDotte Mobility Plan trail network along Marshall Creek.

As previously stated, Staff needs a full master plan of the overall development site to address this factor.

PREVIOUS ACTIONS

- This site was previously Schlitterbahn Vacation Village, which operated from 2009 – 2018.

NEIGHBORHOOD MEETING

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

KEY ISSUES

Stormwater Management
Overall Development Master Plan
Building Materials
Internal/External Pedestrian Connectivity
Access to Trails
Parking
Commercial Design Guidelines
Site Topography
goDotte Mobility Strategies
Greenway Trail Connections

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-039** and Special Use Permit Application **SP2022-097**, subject to:

1. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met and have been given a deviation by the City Planning Commission.
 - a. Sec. 27-596(e)(2) Exterior buildings materials shall not include the following:
 - i. EIFS at the ground level or comprising more than 15 percent of any façade.
The applicant must do better than the current use of EIFS: South – 39%, West – 38%, East 32% and North 39%.
 - b. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view. An opaque metal paneling system, similar to Dairy Farmers of America (DFA), rather than the parapet of the building.
2. At the time of the 2015 Star Bond issuance, Developer contributed Star Bond proceeds for signalization of 98th Street and State Avenue and associated improvements. The Unified Government will construct the sidewalk connection between the existing sidewalk in front of the fire station on State Avenue to 98th Street as part of the signalization project;
3. The Developer of Commercial Lot 8, as identified on the Homefield Master Plan, will construct an 8-foot sidewalk adjacent to its property at the time it is developed;
4. The Developer of Commercial Lot 2, as identified on the Homefield Master Plan, will construct a 10-foot sidewalk adjacent to its property line at the time it is developed;
5. When a building permit is pulled for Lot 14-A (luxury RV Park), Developer will dedicate an easement for an 8-foot trail to the Unified Government for connectivity in the area generally shown on the Homefield Master Plan (see in Attachments) with the actual location/layout of the easement to be mutually agreed upon by the Developer and the Unified Government. The trail shall be constructed by the Developer;

6. For future live entertainment:
 - a. All entertainment must cease by at least 1:00AM;
 - b. Doors and windows must stay closed during any entertainment performance;
 - c. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - i. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - ii. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - iii. An I.D. scanner will be used at all times;
 - iv. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
 - d. No amplified speakers or entertainment is allowed in outdoor spaces; and,
 - e. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
7. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
8. Sec. 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
9. Sec. 27-577(d)(1) states that 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;
10. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
11. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
12. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design

- comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;
13. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
 14. All landscaping shall be either irrigated or subject to the watering plan noted on the landscaping plan;
 15. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by a single, consolidated architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
 16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 17. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
 18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 19. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 20. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 21. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

- 22. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 23. Issuance of a final certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;**
- 24. 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;**
- 25. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
- 26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and**

- approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
27. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2022-039** and **SP2022-097**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

November 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Preliminary Plat
Site Plan
Grading Plan
Landscape Plan
Photometric Plan
Building Elevations
Site Photographs taken by Staff on October 17, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 14, 2022	December 1, 2022
Rezoning	Approval	Held Over January 12, 2023
Public Hearing	November 14, 2022	December 1, 2022
Special Use	Approval	Held Over January 12, 2023
Public Hearing	November 14, 2022	TBD
Preliminary Plat	Approved	

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

MOTIONS

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-039** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-039** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-097** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-097** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 14, 2022 City Planning Commission Minutes:

Hearing starts at 2:34:00:

CHANGE OF ZONE APPLICATION COZ2022-039 – CURTIS PETERSEN WITH POLSINELLI - SYNOPSIS: Change of Zone from AG Agriculture and C-O Non-Retail Business Districts to CP-2 Planned General Business District for the Margaritaville Resort Hotel at 9400 State Avenue.

SPECIAL USE PERMIT APPLICATION SP2022-097 – CURTIS PETERSEN WITH POLSINELLI - SYNOPSIS: Special Use Permit for an event center for the Margaritaville Resort Hotel at 9400 State Avenue.

PLAT APPLICATION PLAT2022-035 – CURTIS PETERSEN WITH POLSINELLI - SYNOPSIS: Preliminary Plat to create three (3) lots for the Margaritaville Resort Hotel at 9400 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen, with Polsinelli PC, wants to rezone a portion of 9400 State Avenue from A-G Agriculture and C-O Nonretail Business Districts to CP-2 Planned General Business and create one (1) commercial lot to build a 203,900 square foot hotel resort (Margaritaville), which includes restaurants, indoor/outdoor bars, pools, convention space and a stand-alone restaurant for 26.62 acres.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to property owners.

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

Present in Support:

- Curt Petersen, applicant, Polsinelli, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:44:22: Planning Director Hand stated that this case is for a Change of Zone, Special Use Permit and Preliminary Plat. He stated that the parking variance was approved by the Board of Zoning Appeals earlier this evening.

The request is for the new Margaritaville Hotel Resort located on the former Schlitterbahn site. Staff has received no letters in support and one (1) person spoke in opposition at the Board of Zoning Appeals meeting, but could not stay for this meeting. She stated that she will submit a letter in opposition. There are no Notices of Violation on this property. Staff has worked closely with the applicant on this project and will address the requested deviations/changes:

Condition 1(a) – Staff has worked with the applicant on reduction of the use of EIFS and believes that it is still too high. He does not believe they will ever obtain the design guidelines to 15% per facade. Staff seeks improvement and would request approval of the deviation with improvement.

Condition 1(b) – Staff recommends approval of the deviation as it relates to the parapet screening.

Condition 5 – Staff would always require an applicant to construct a trail. The trail is being constructed by Homefield south of this property. The policy has always been to have an applicant build the trail and not just donate the right-of-way or easement.

Condition 14 – Staff is in agreement with the amendment of this condition.

Condition 15 – Staff does not recommend the deviation, but modify the wording as submitted.

Condition 23 – Staff is in favor of the modification by adding the word **final** before Certificate of Occupancy.

Condition 26 – Staff is not in favor of the modification for an indefinite period for the Special Use Permit. This Special Use Permit is for live entertainment here and event space. Indefinite Special Use Permits are for projects with a significant investment. For this project, the significant project is for the hotel and resort. After a successful two-year permit for the live entertainment and bar, the period could be extended. The applicant's financing is not a relevant factor to be considered.

The Planning Commission directed questions to Staff and Mr. Petersen.

Chairman Carson requested that if available, the proposed deviations are provided to the Commission prior to the meeting so they have the information in front of them.

Chairman Carson allowed Mr. Petersen further to address the Commission to clarify some of his statements.

Director Hand stated that Staff has requested an overall master development plan for this property and has not received it to their satisfaction. Staff has requested the same conditions for Homefield Multi-Family (Milhaus) and Camping World and the deviations were removed.

Chairman Carson directed questions to Staff regarding the length of the trail. Director Hand stated that it would be approximately two (2) miles as this is a large site.

Motion starts at 306:40::

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-039, with the following deviations/modifications:**

Condition 1(a) – Approval with deviation with improvement.

Condition 1(b) – Approval of the deviation as it relates to the parapet screening.

Condition 5 – No change – denial of the requested deviation.

Condition 14 – Amended condition.

Condition 15 – Approval to modify the wording as submitted.

Condition 23 – Approval of the modification by adding the word **final** before Certificate of Occupancy.

Condition 26 – No change – denial of the requested deviation.

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

Motion to recommend **APPROVAL** Passed: 6 to 0

Subject to:

1. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met and have been given a deviation by the City Planning Commission.
 - a. Sec. 27-596(e)(2) Exterior buildings materials shall not include the following:
 - i. EIFS at the ground level or comprising more than 15 percent of any façade.
The applicant must do better than the current use of EIFS: South – 39%, West – 38%, East 32% and North 39%.
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2. At the time of the 2015 Star Bond issuance, Developer contributed Star Bond proceeds for signalization of 98th Street and State Avenue and associated improvements. The Unified Government will construct the sidewalk connection between the existing sidewalk in front of the fire station on State Avenue to 98th Street as part of the signalization project;
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 - a. All entertainment must cease by at least 1:00AM;
 - b. Doors and windows must stay closed during any entertainment performance;
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 - i. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - ii. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - iii. An I.D. scanner will be used at all times;
 - iv. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
 - d. No amplified speakers or entertainment is allowed in outdoor spaces; and,
 - e. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
7. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
8. Sec. 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
9. Sec. 27-577(d)(1) states that 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;
10. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;

11. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
12. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;
13. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
14. All landscaping shall be either irrigated or subject to the watering plan noted on the landscaping plan;
15. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by a single, consolidated architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
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19. All existing and future driveways must feature curb cuts that are constructed to UG standards;

- 20. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
- 21. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;**
- 22. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 23. Issuance of a final certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;**
- 24. 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;**
- 25. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land**

parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

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

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-097 for two (2) years:**

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

Motion to recommend **APPROVAL** Passed: 6 to 0
Subject to the above conditions.

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE of Plat Application PLAT2022-035:**

Carson	Chairman
Pauley	Not Present
Straws	Not Present
Ward	Aye
Armstrong	Aye

Beth	Aye
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye

Motion to **APPROVE** Passed: 6 to 0
Subject to the above conditions.



Figure 1. Aerial Map of 9400 State Avenue (provided by UG Maps).

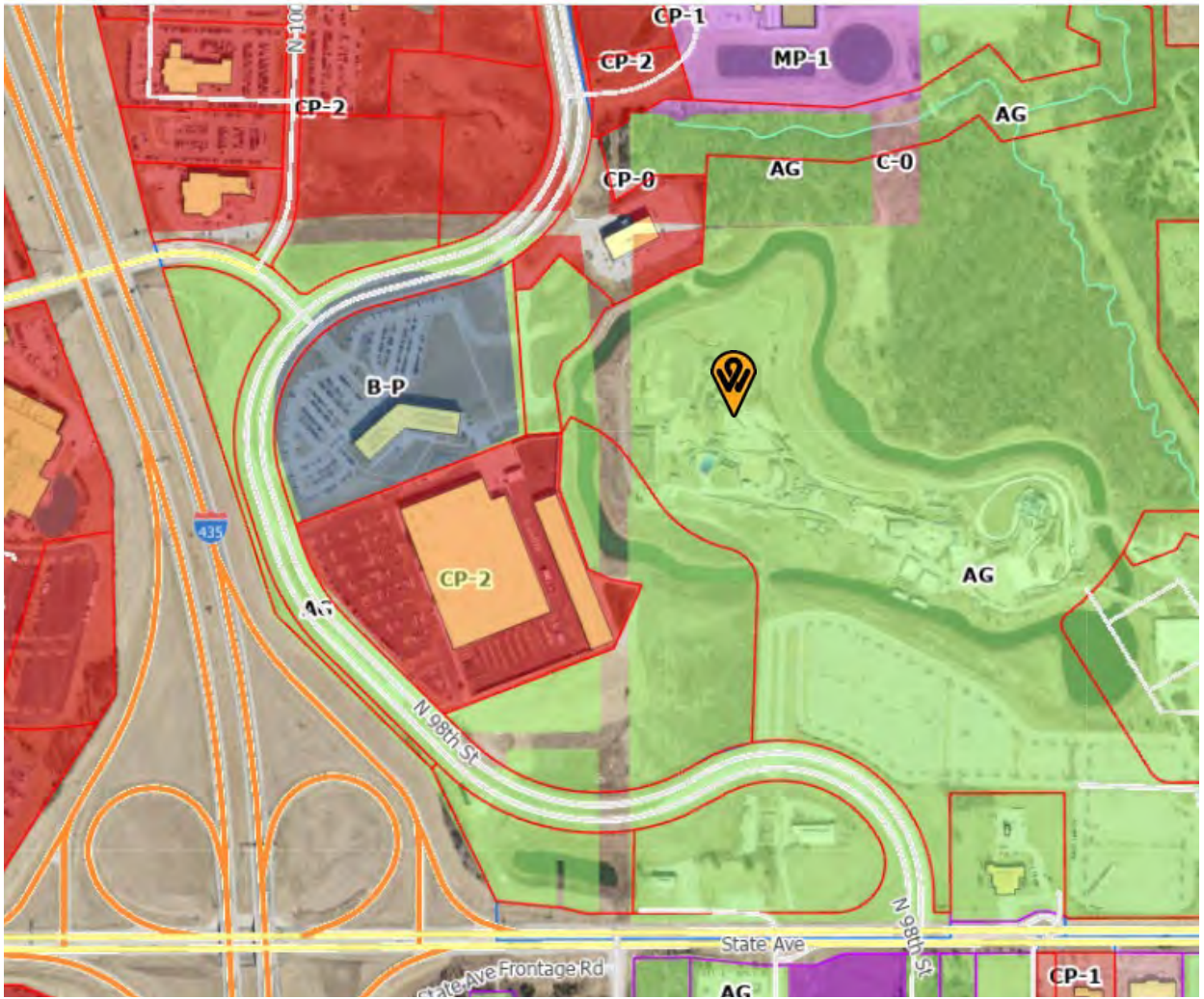


Figure 2. Zoning Map of 9400 State Avenue (provided by UG Maps).

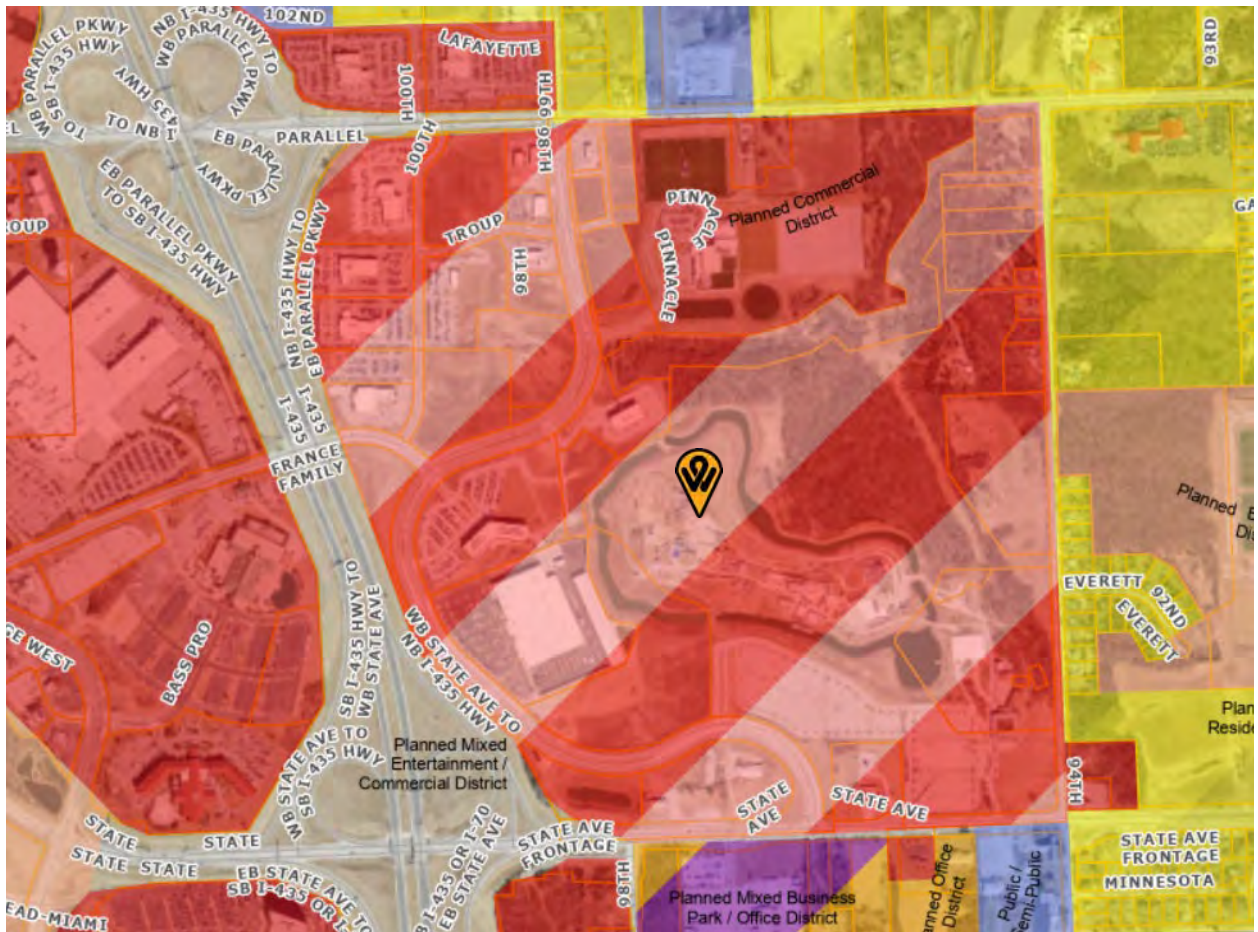


Figure 3. Prairie Delaware Plan Master Plan Land Use Designation Map of 9400 State Avenue (provided by ArcGIS Pro).

- This site was previously Schlitterbahn Vacation Village, which operated from 2009 – 2018.

NEIGHBORHOOD MEETING

Due to COVID-19, you were notified that the neighborhood meeting can be conducted in one (1) of three (3) ways:

1. In person (with social distancing and masks in place).
2. Virtual Meeting.
3. You can have people contact you via email and/or phone call.

The deadline for the neighborhood meeting is **October 31, 2022 and on November 2, 2022** you are required to send your information to Janet L. Parker, CSC/APC, Executive Assistant, either by email (jparker@wvcokck.org) or U.S. mail (Department of Planning + Urban Design, 701 North 7th Street, Suite 423, Kansas City, Kansas 66101):

1. List of people who participated in your in-person, Zoom or Skype meeting (if you were able to hold one.)
2. List of people who contacted you with questions and comments – please document their names and questions/comments.
3. Signed affidavit that you held the meeting (it is not required to be notarized because of COVID-19.)

KEY ISSUES

Stormwater Management
Overall Development Master Plan
Building Materials
Internal/External Pedestrian Connectivity
Access to Trails
Parking
Commercial Design Guidelines
Site Topography
goDotte Mobility Strategies
Greenway Trail Connections

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

General Planning:

1. These City Planning Commission cases are being heard in conjunction with BOZA2022-054, which is seeking a variance for parking reduction of 190 parking spaces for a hotel resort (Margaritaville), convention center, restaurants, drinking pools, drinking establishments and live entertainment. **RESPONSE:**

COZ2022-039, SP2022-097 and PLAT2022-035 (Margaritaville Resort Hotel Preliminary Plat)
November 14, 2022

9

Acknowledged

2. Provide a master plan for the full development. Piecemealing this larger parcel makes it difficult to link sidewalks, trails, and future street connections without knowing the full scope. Staff will not move this petition forward until we receive a master plan for review. **RESPONSE: See attached masterplan**
 - a. Is Tract A going to curve through Lot 1 and split the medical office building and Tract C, Schlitterbahn Vacation Village Second Plat and connect to North 98th Street? **RESPONSE: No, Tract A will continue clockwise around the east portion of Margaritaville and tie to the access drive west and south of the Milhaus Multifamily development and back to 94th Street. See revised Site Plan C1-2 which shows the future alignment of the Tract A road as a temporary fire access drive.**
3. What is the intent of the of the Schlitterbahn parking lot between this site and North 98th Street? **RESPONSE: At the current time it will remain a parking lot; potential commercial development in the future.**
4. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity. **RESPONSE: Acknowledged**
5. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside. **RESPONSE: Acknowledged**
4. Utility easements shall connect with easements established in adjoining properties. **RESPONSE: Acknowledged**
5. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided. **RESPONSE: Acknowledged**
6. What amenities are going to be provided within and around the detention basin? **RESPONSE: The intent is for non-motorized water sports such as kayaking and paddleboarding**
7. Interconnect the detention basin sidewalks to the internal sidewalk network throughout this development. **RESPONSE: See attached sidewalk plan, detention basin sidewalk connects to hotel sidewalk.**
8. The five (5) foot sidewalk along the west side of the entrance drive from 98th Street shall continue north and connect to the internal sidewalk network within the development. **RESPONSE: See attached sidewalk plan, route from hotel to 98th Street is along the east of the drive.**
9. Add sidewalks along the southern right-of-way of external ring road. **RESPONSE: See attached sidewalk plan, these have been added.**
10. Add sidewalks through the parking lot to the front door of the hotel and stand-along restaurant. **RESPONSE: See attached sidewalk plan, these are shown on the plan.**
11. Crosswalks shall be added to internal drive aisles, driveways, and intersections where sidewalks are connected along and across the perimeter of the building and throughout the parking lot where guests and employees walk to the building. **RESPONSE: Acknowledged, these will be shown on FDP and construction drawings.**

Install a 10-foot sidewalk along Parallel Parkway, North 98th Street and North 94th Street as these are identified as trail connections in the goDotte Mobility Plan. There are existing sidewalk gaps on State Avenue and 98th Street that were agreed upon previously to close doing this entitlement. **RESPONSE: See attached sidewalk plan. Regarding the gap at State Avenue, it was agreed to during the Preliminary Plan Process for the Camping World Project, that section of sidewalk will be completed as part of the Unified Government's signalization of 98th Street and State Avenue intersection. Remaining gaps may be closed with projects that develop lots with street frontage adjacent to these gaps.**

12. Install a sidewalk/trail through this development and connect to the Homefield Apartments via the Greenway Trail, as the Marshall creek flows into Margaritaville and the apartments. The trail should follow the trail north into Tract C, Schlitterbahn Vacation Village Second Plat and split to northeast to connect to 94th Street and Parallel Parkway. **RESPONSE: See attached sidewalk plan, that trail would be on a future project across the creek from the Margaritaville Resort (Lot 2). The trail can be addressed when that property develops.**

13. For future live entertainment:

- a. All entertainment must cease by at least 1:00AM **RESPONSE: Acknowledged**
- b. Doors and windows must stay closed during any entertainment performance; **RESPONSE: Acknowledged**
- c. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including: **RESPONSE: Acknowledged**
 - i. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity; **RESPONSE: Acknowledged**
 - ii. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave; **RESPONSE: Acknowledged**
 - iii. An I.D. scanner will be used at all times; **RESPONSE: Acknowledged**
 - iv. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles. **RESPONSE: Acknowledged**
- d. No amplified speakers or entertainment is allowed in outdoor spaces; and, **RESPONSE: Acknowledged**
- e. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses. **RESPONSE: Acknowledged**

14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result

in revocation of this permit. The property may also be subject to enforcement actions and administrative citations. **RESPONSE: Acknowledged**

15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit. **RESPONSE: Acknowledged**
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. **RESPONSE: Acknowledged**

Building Architecture:

1. Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building. **RESPONSE: acknowledged**
2. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques: **RESPONSE: Acknowledged. The building design utilizes divisions/breaks in materials, window bays, entrance expressions including varying canopy materials and heights, balconies, and varying roof heights to break monotonous appearance and create visual interest.**
 - a. Divisions or breaks in materials;
 - b. Building offsets (projections, recesses, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatment; or,
 - e. Variation in rooflines.

3. Sec. 27-596(e)(2) Exterior buildings materials shall not include the following:
 - a. EIFS at the ground level or comprising more than 15 percent of any façade.

The building elevations for both the hotel/resort and the stand-alone restaurant depict more than 15 percent of EIFS per façade. Increase the masonry materials of each façade and provide a percentage breakdown of each material type per façade. **RESPONSE: See attached building elevations for exterior material calculations**

4. Downspouts shall be internalized. **RESPONSE: Downspouts shall be painted to**

architecturally blend into the building and/or recessed into the corners of buildings as not be in plain view of the public.

5. The loading dock doors, service entries shall be painted to match the building as the adjacent façade color of the building. **RESPONSE: acknowledged**

Landscaping and Screening:

1. Sec. 27-466(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. Sec. 57-577(a)(5) states that landscaping shall exceed the typical code requirements by at least 75 percent. The subject property 26.62 acres, requiring 299 trees be provided on the site plan. This does not include the street trees along the perimeter road/drive and parking lot islands. **RESPONSE: acknowledged, see revised landscape plan.**
2. Provide a landscape plan for the detention basins. **RESPONSE: See revised landscape plan**
3. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage. **RESPONSE: acknowledged, see revised landscape plan.**
4. Sec. 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them. **RESPONSE: No public street is being constructed with these plans.**
5. Sec. 27-577(d)(1) states that 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. **RESPONSE: acknowledged, see revised landscape plan.**
6. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements. **RESPONSE: acknowledged, see revised landscape plan with shrubs between Tract A drive and parking.**
7. How will lighting be mitigated?
 - a. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures. **RESPONSE: Site lighting will meet the code, see site lighting photometric plan**
8. All parking lot islands shall be curbed and landscaped. Painted, hatched islands

are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each twenty (20) parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue.

RESPONSE: Acknowledged

9. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers). **RESPONSE:**

Acknowledged

10. All landscaping shall be irrigated. **RESPONSE: See attached irrigation plan**

11. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines. **RESPONSE: The intent is for rooftop mechanical equipment to be shielded from public view by a roof-mounted system that reads as a monolithic design element in keeping with and an accentuation of the overall building design. See attached building elevations**

Signage:

1. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

RESPONSE: Acknowledged

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) None
- B) Items that are conditions of approval:
- 1) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None
-

MEETING MINUTES

Application Number:
COZ2022-039/PLAT2022-035/SP2022-097/BOZA2022-054

Monday, October 31, 2022 held virtually via Zoom

Meeting called to order at: 3:02pm CST

Names of people in attendance:

Mark Moberly
Richard Napper
Amy Grant – Polsinelli
Tom Proebstle
Peter Baird
Brian Lavery
Chris Doyle
Barbara Verbenec
Michael Verbenec
Steve Smith
Bryon Carmoney
Linda Houston
Dan Himmelberg

Welcome and introductions by Mark Moberly. Turned the meeting over to Richard Napper for presentation.

Screenshare of the Overall Development Site Plan (attached as Exhibit A)

Richard provided an overview of the Margaritaville brand, where there are current locations, and how the project in Kansas City would compare to a few of the Margaritaville properties with which people in the area might already be familiar, saying this project will blow you away when compared to, for example, the Lake of the Ozarks location.

Richard provided an overview of the different elements that are included in the Margaritaville project, including guest rooms, meeting/convention space, restaurants, an indoor pool, outdoor pool(s), and a family entertainment center.

It is anticipated that construction will begin with site work in January 2023, pending weather. The project will be completed and opened in late 2024 or early 2025.

Mark Moberly then provided a walk-through of the Overall Development Site Plan that was shared on the screen, followed by a walk-through of an Enlarged Site Plan (attached as Exhibit B) showing just the Margaritaville development site.

Elevations of the Margaritaville building (attached as Exhibit C) were then shared, including the proposed materials palette.

Elevations of the Landshark restaurant (attached as Exhibit D) were then shared, including the proposed materials palette.

Richard Napper asked that the Overall Development Site Plan be put back on the screen and highlighted that the areas labeled as "POND" would be used for detention, but also for outdoor recreation like kayaking and paddle boarding.

Richard went on to say that the design of the overall project is meant to involve the entire community. The general public will have the ability to acquire day passes for the amenities inside the resort as it's important for the immediate area as well as the overall KCK and KCMO residents to benefit from this project.

The floor was then opened for questions from those in attendance.

Question from Steve Smith: Has there been a discussion with UG regarding the speed of the traffic on State Avenue? Will that be slowed down at all because of the multifamily and MV project?

Answer from Richard Napper: We have performed traffic studies as a requirement of the project. Traffic has been considered for all the parts of the overall Homefield development. There will be a signal installed in the future at 98th and State. Beyond that, we are not aware of any other changes, but can put you in touch with folks at UG who can provide additional information.

Question from Barbara Verbenec: On the comment about day passes to the amenities, what amenities are included?

Answer from Richard Napper: pools and family entertainment center, which is a new-age arcade.

Answer from Mark Moberly: the Landshark restaurant will be open to the general public as well.

Question from Barbara Verbenec: Is there any adult-oriented entertainment included, like you would see at Las Vegas resort?

Answer from Richard Napper: There will be / could be entertainment aspects by the pool. We're not to that level of detail and programming yet. The demographic is not for kids in diapers, but it is a family friendly resort that also caters to an adult population.

Question from Barbara Verbenec: How much meeting/convention space is there?

Answer from Richard Napper: There will be approximately 12,000 total square feet of meeting space that is divisible into many different sizes for different types of groups.

Answer from Mark Moberly: Confirm what Richard said, and further said that the meeting spaces could be divided up into a range of sizes that could include as many as 350 people at one event or broken up into several separate smaller spaces for multiple events at the same time.

Question from Barbara Verbenec: Plans for other uses between Margaritaville and Milhaus multifamily project?

Answer from Richard Napper: On the Overall Development Site Plan, it was shown how there is a lot of vacant area between the Margaritaville and Milhaus multifamily project, and while there are no plans to present today, there are some exciting ideas in the works for those areas, but it is too early to disclose any additional information.

Question from Michael Verbenec via chat: Will there be any type of showroom for live shows, like music?

Answer from Mark Moberly via chat: No, the Margaritaville project will not have a showroom for live shows.

Question from Linda Houston: A notification was sent that 315 parking spaces are being provided, which is 190 space short of code...please explain.

Answer from Richard Napper: The code in Wyandotte County looks at the project as if they are each aspect is standalone, which results in 505 parking spaces required. In this project, everything is integrated together, so each use will be patronized by the same users. In large resort developments, many don't drive to the hotel. Hotel guests are those that also visit the food outlets and attend events in the meeting/convention space. The 315 parking spaces being provided was done by calculating what other large hotel developments of similar size and capacity and use provide and are successful with. Based on the use of this large resort, we feel the number of spaces being provided is adequate. The ownership group is investing \$140 million, so are very incentivized to make sure the correct number of parking spaces are being provided, and we feel 315 spaces is a sufficient number.

Mark Moberly asked for any closing questions or comments. There were no further questions or comments.

Richard Napper stated we welcome comments or input from any of the area stakeholders, even in an unofficial capacity and they are welcome to email himself or Mark Moberly directly.

The Planning Commission will consider this application at their November 14, 2022 meeting.

The Board of County Commissioners will consider this application at their December 1, 2022 meeting.

A separate letter from the UG with the above dates, times and locations will be forthcoming.

Meeting adjourned at 3:30pm CST

Minutes taken by Mark Moberly

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Mo)
) SS:
COUNTY OF Jackson)

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

1. That I am the petitioner for Petition # COZ2022-039, PLAT2022-035 SP2022-097 802A2022-054
2. That I conducted a neighborhood meeting on October 31, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

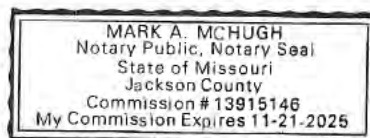
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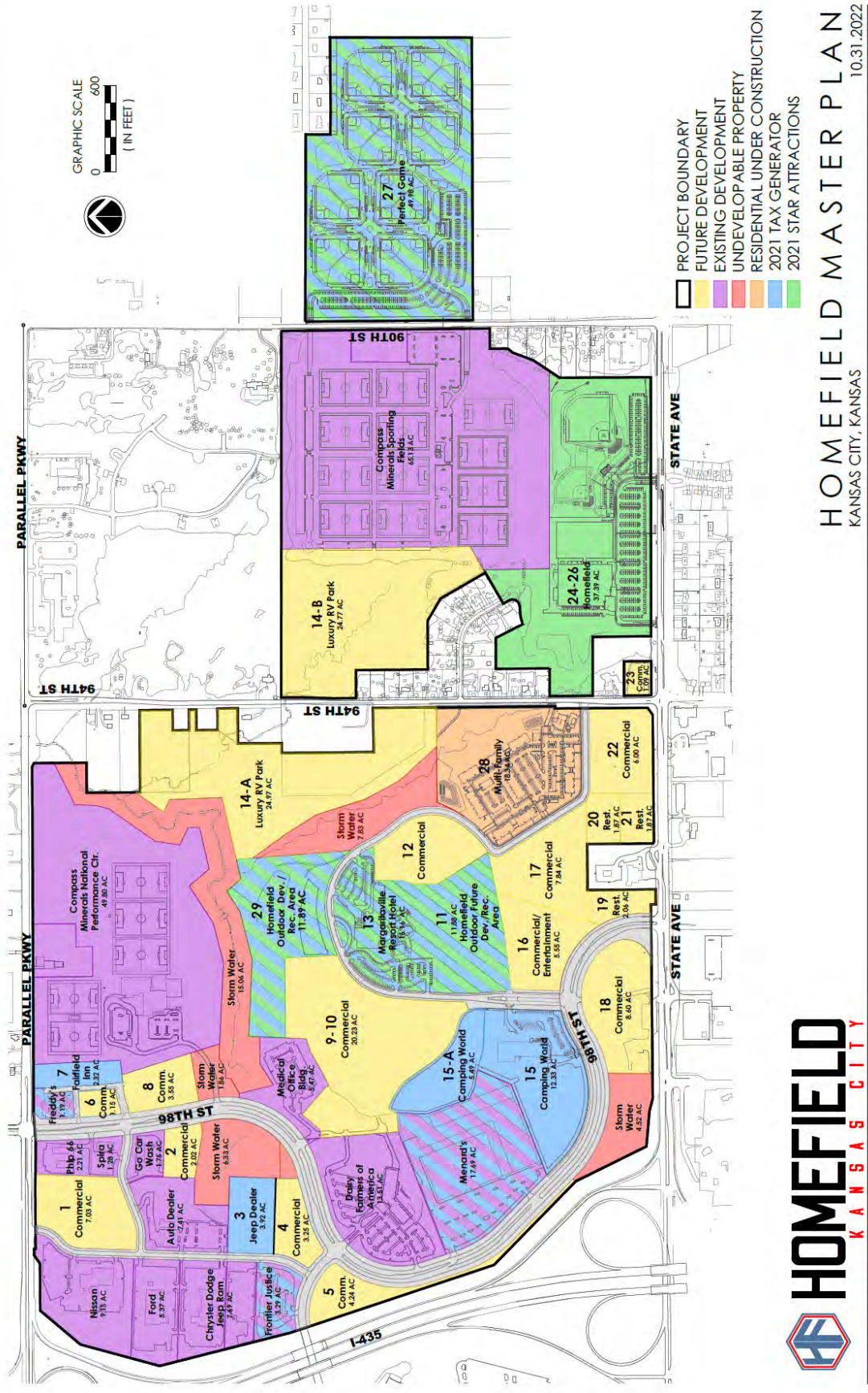
Mark Moberly
Affiant

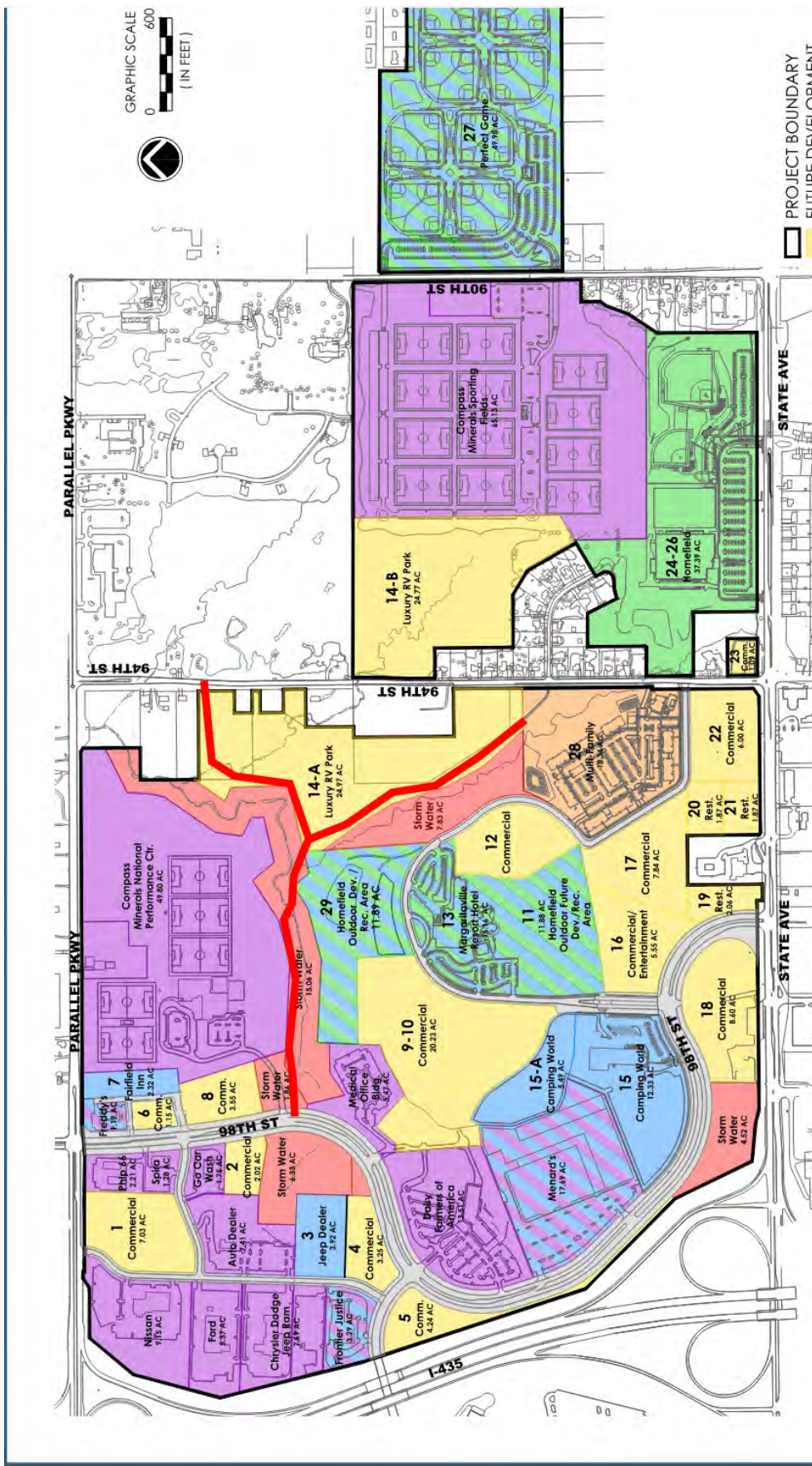
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of November, 2022

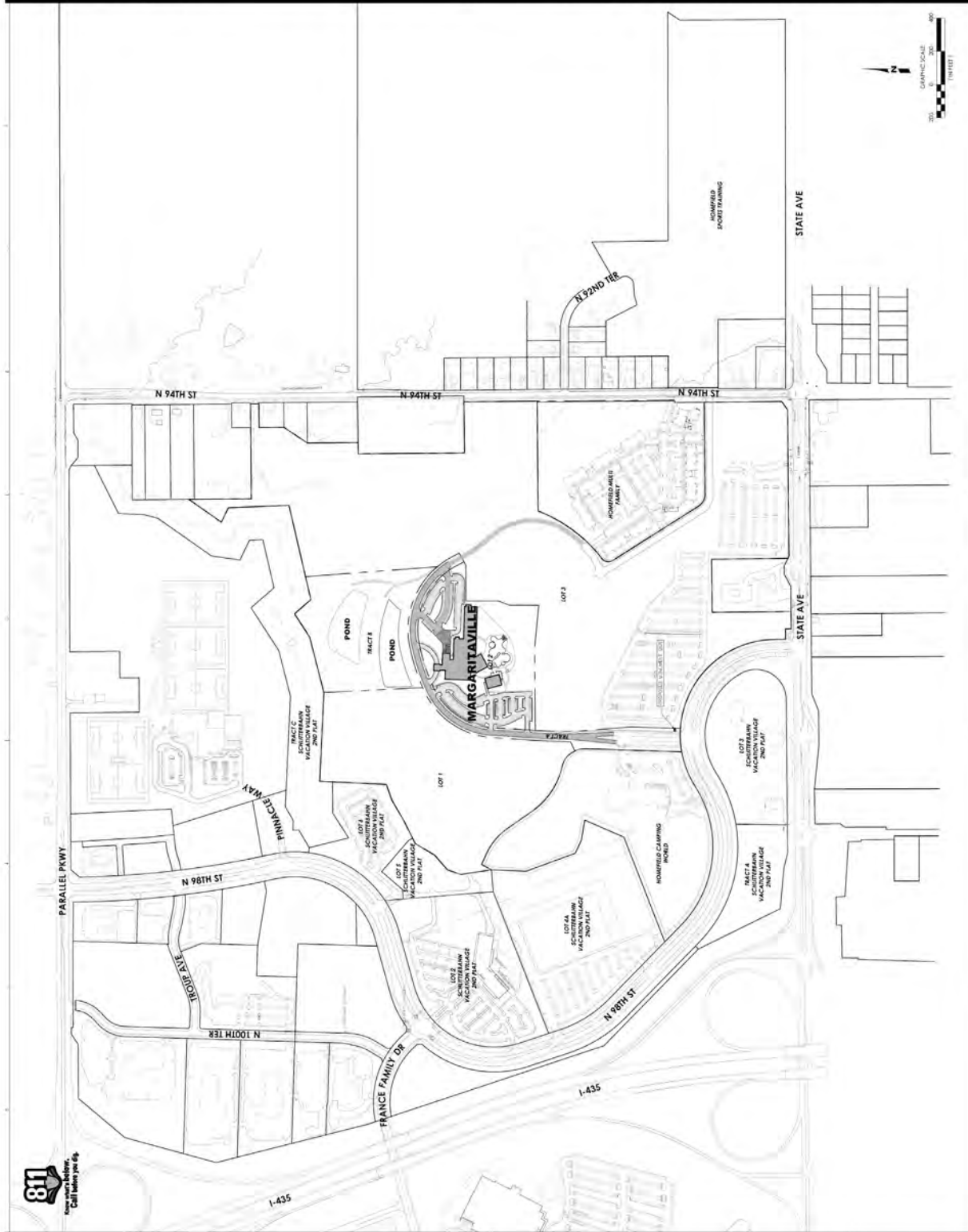
My commission expires 21 of November, 2025

Mark A. Mchugh
Notary Public

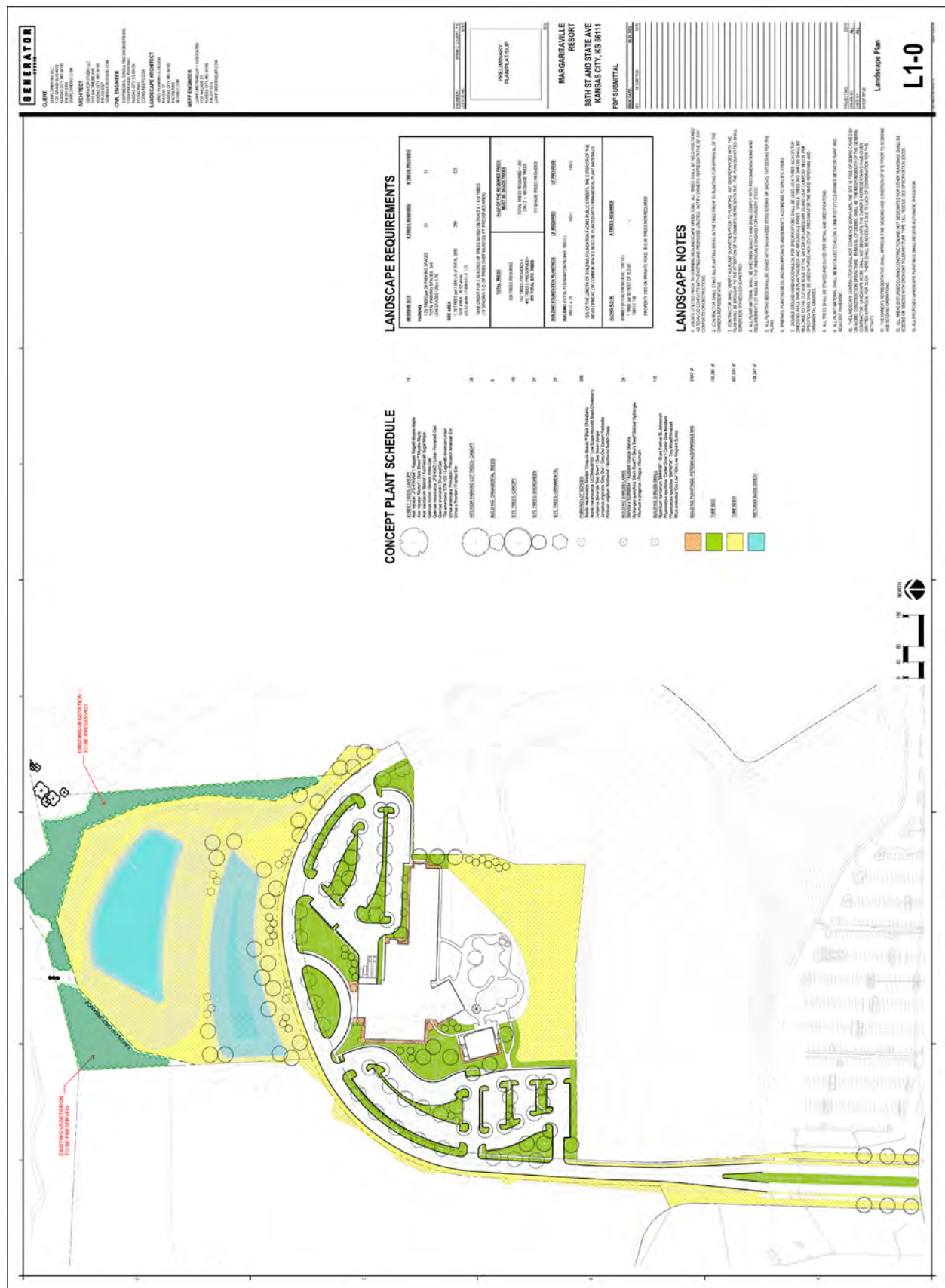


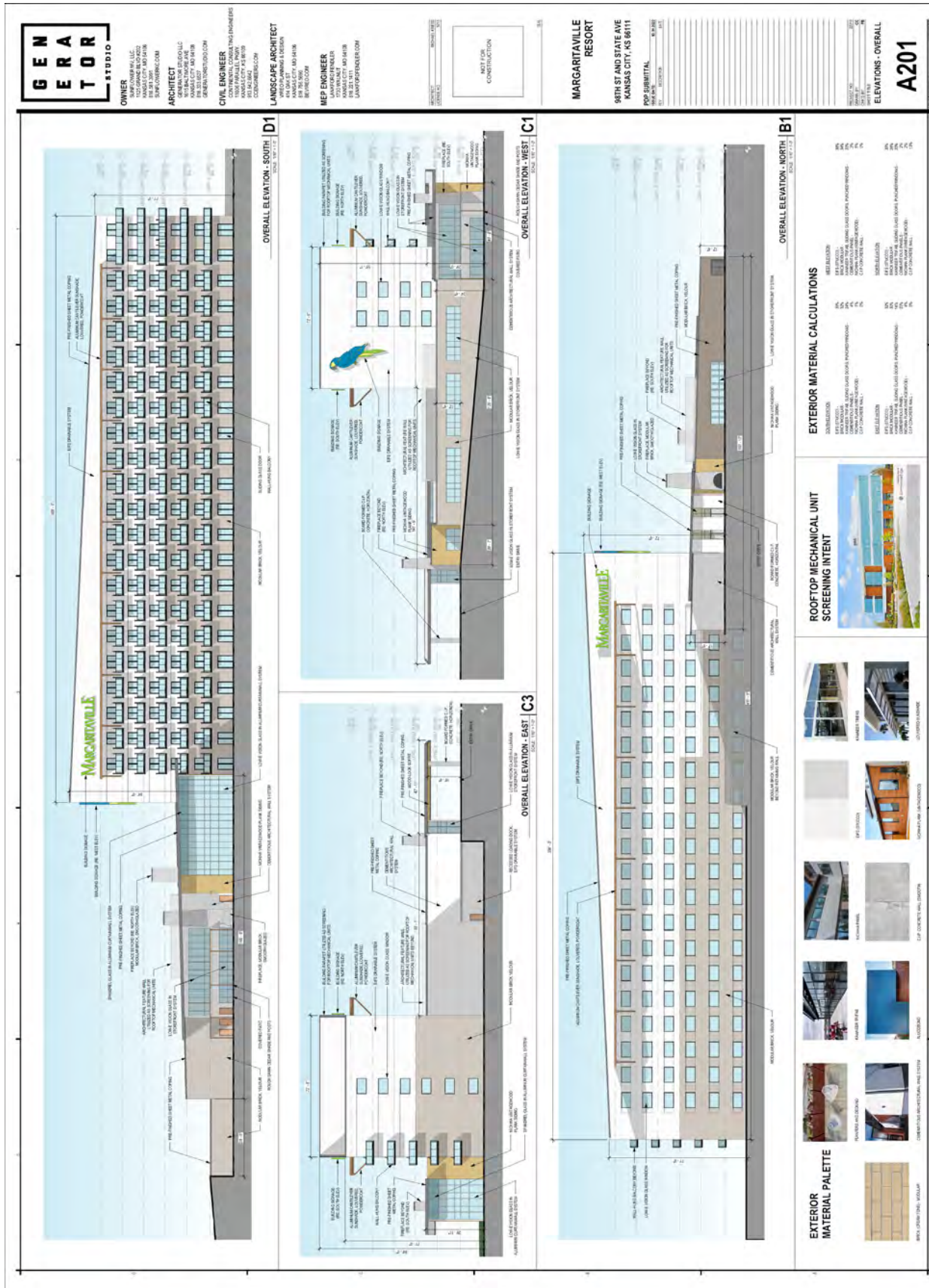












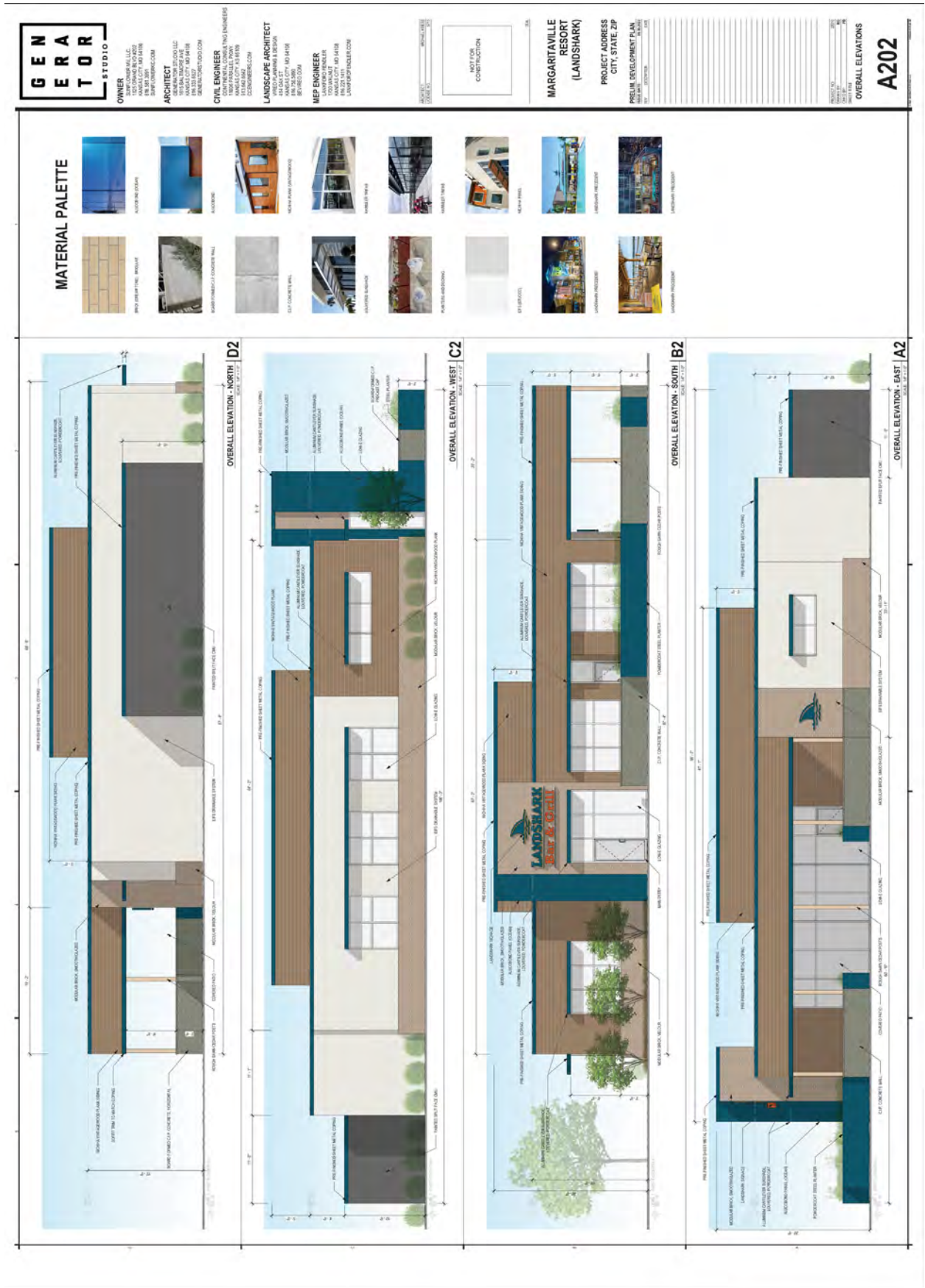




Figure 4. Site photograph of 9400 State Avenue looking northwest (provided by Planning Staff).



Figure 5. Site photograph of 9400 State Avenue looking north (provided by Planning Staff).



Figure 6. Site Photograph of 9400 State Avenue looking north (provided by Planning Staff).